9 February 2016

Mr Nick Wimbush, Advisory Committee Chair
Major Hazard Facilities Advisory Committee
By online submission

Dear Chair

Major Hazard Facilities Advisory Committee

We act for AVJennings Waterline Pty Ltd (‘AVJennings’), purchaser and intended developer of land generally known as the Former Port Phillip Woollen Mills site in Williamstown.

The broader context of the Former Port Phillip Woollen Mills site includes the Point Gellibrand Tank Farm Major Hazard Facility (‘GTF’), leased by Mobil.

Background

The Former Port Phillip Woollen Mills is a significant metropolitan strategic redevelopment site. It has been the subject of one of most comprehensive planning processes of any multi-dwelling/mixed-use project in the State, occurring over a number of years in a number of forums. In this respect, the Committee will be aware that the site has been the subject of two of the decisions referenced within part 4 of its Discussion Paper, inter alia, being:

- Port Phillip Woollen Mills (AC) [2001] PPV 53; and
- NP Development Pty Ltd v Hobsons Bay CC & Ors (Including Summary) (Red Dot) [2014] VCAT 861.

The Committee may also be aware that the site is subject to Design and Development Overlay – Schedule 11 – Precinct 20 – Former Port Phillip Woollen Mills and Surrounds (DDO11) pursuant to the Hobsons Bay Planning Scheme (copy enclosed). The DDO11 is effectively a site-specific control that explicitly considers the GTF and industrial effects in the locality, requiring measures that are not found elsewhere. It includes the following, inter alia:

- **Design Objectives**
  - ‘To protect state-significant operations of the Williamstown Shipyard Site, the Gellibrand Tank Farm and the Port of Melbourne.’
  - ‘To discourage development in the WorkSafe Planning Advisory Areas that attract or accommodates significant numbers of people and which cannot respond to an emergency.’

- **Noise Attenuation**
  - ‘Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.’

Notice and review provisions

‘Before deciding on an application, the Responsible Authority should seek the views of the following:
- the owner and occupier of the Williamstown Shipyard Site;
- the owner and occupier of the Gellibrand Tank Farm;
- the Port of Melbourne Corporation;
- Work Safe Victoria;
- the EPA; and
- owners and occupiers of adjoining/abutting land.’
Application Requirements

- 'Specifications for development within the WorkSafe Planning Outer Advisory Area which detail measures to ensure the buildings can withstand overpressures of up to 6kPa.'
- 'An Emergency Evacuation Plan prepared in consultation with Council, Mobil, BAE, the Port of Melbourne Corporation and relevant emergency services agencies.'

Our client's preliminary position

At the outset, it is important to note that our client echoes the Committee’s views that the system is not ‘broken’ in its current form. Indeed, the decisions that have been made in respect of the Former Port Phillip Woollen Mills site illustrate that the current system can facilitate well-considered, inclusive, and robust processes that achieve appropriate outcomes providing net community benefit in proximity of Major Hazard Facilities ('MHF’s').

Broadly, AVJennings has no opposition to an appropriate new State-based regime concerning MHF’s, however any such regime must have regard for the following:

i. All MHF’s present unique circumstances and contexts, a one-size-fits-all approach is most unlikely to balance the relevant considerations in the interests of net community benefit.

ii. Assessment of the unique considerations of MHF’s are often highly complex, requiring high level technical expertise and accurate consideration of materials, systems, and processes, inter alia. This leads to the following issues:
   a. The accurate detailed data and information required for robust assessment of MHF’s is often confidential and difficult to obtain. Our client is aware of circumstances where such information has been required to be discovered as part of Victorian Civil and Administrative Tribunal proceedings; and
   b. It is important that in any planning-related processes, all relevant stakeholders have access to relevant technical information to allow for appropriate assessment and testing of the various considerations.

iii. A black and white ‘line in the sand’ approach to land use planning that seeks to overly simplify these complex issues, may lead to inappropriate decision making that either unduly restricts development or conversely results in inadequate assessment. Such outcomes have the potential to either ‘sterilise’ land, or in some cases lead to adverse impacts.

iv. Any new regime should be cognisant of the unique circumstances of the Former Port Phillip Woollen Mills, the DDO11 and the comprehensive planning processes that have occurred to date in this respect, inter alia.

Our client seeks to be heard at the Hearing of this matter and expand upon the above themes. It will be represented at the listed Directions Hearing.

Please contact the undersigned on 8626 9020 or Nick Sutton on 8626 9015 should the Committee require anything further in respect of this matter.

Yours faithfully

[Signature]

Mark Naughton
Planning & Property Partners Pty Ltd

Encl
SCHEDULE 11 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO11.

PRECINCT 20 - FORMER PORT PHILLIP WOOLLEN MILLS AND SURROUNDS

1.0 Design and Development Plan
2.0 Design Objectives

- To encourage comprehensive urban renewal which delivers increased housing diversity, affordability and density within Williamstown.
- To create a residential area which is contemporary in design and provides a transition from surrounding 19th Century residential areas.
- To encourage development which achieves high quality urban design outcomes through provision of buildings of architectural excellence located in pleasant street environments.
- To recognise the historic, environmental, conservation and recreation significance of the area.
- To protect state-significant operations of the Williamstown Shipyard Site, the Gellibrand Tank Farm and the Port of Melbourne.
- To preserve the foreshore reserve and significant public open spaces including the Point Gellibrand Coastal Heritage Park.
- To maintain and enhance key views and vistas.
- To ensure that the height, scale, bulk and setback of new development is respectful of the context of the area.
- To ensure that any buildings that are used for residential and other noise sensitive uses are appropriately designed with noise attenuation measures.
- To encourage adaptive re-use of heritage buildings.
- To discourage development in the WorkSafe Planning Advisory Areas that attract or accommodates significant numbers of people and which cannot respond to an emergency.

3.0 Buildings and works

A permit is required to construct a building or to construct or carry out works.

Buildings and works must be in accordance with this schedule.

4.0 Building Height

No permit may be granted to allow a building that exceeds the applicable maximum building height specified in the Table to this schedule.

The height of a building or works is the height measured at its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

5.0 Noise Attenuation

Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.

6.0 Notice and review provisions

An application to construct a building or construct or carry out works that is generally in accordance with the provisions of this Schedule is exempt from the notice requirements of
Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Before deciding on an application, the Responsible Authority should seek the views of the following:

- the owner and occupier of the Williamstown Shipyard Site;
- the owner and occupier of the Gellibrand Tank Farm;
- the Port of Melbourne Corporation;
- Work Safe Victoria;
- the EPA; and
- owners and occupiers of adjoining/abutting land.

### 7.0 Application Requirements

An application must be accompanied by the following (as necessary):

- A detailed Urban Context analysis of the features of the land and its strategic planning context within metropolitan Melbourne and Williamstown.
- A Site Analysis report which demonstrates how the proposed buildings or works achieve each design objective or Built Form outcomes of the Table to this schedule.
- Plan(s) which provide:
  - Details of heights, setbacks, off-sets between buildings, pedestrian entry points and frontages of all buildings;
  - Areas of new public realm and streets;
  - Visual analysis of the proposed development;
  - Shadow diagrams between 9am and 3pm 22 September;
  - Indicative staging plan; and
  - Evidence that parking is provided within the site boundary or adjacent road of each site.
- Specifications for development within the WorkSafe Planning Outer Advisory Area which detail measures to ensure the buildings can withstand overpressures of up to 6kPa.
- A Wind Report detailing potential impacts of the development on the public realm.
- An assessment of the impact of the development on the Cultural Heritage Significance including an archaeology assessment to determine the potential for archaeological significance of the site and surrounds.
- A report identifying the Environmentally Sustainable Design (ESD) features of the development.
- A Landscape Concept Plan showing public and private realm landscaping.
- An Integrated Transport Plan including a Green Travel Plan in accordance with clause 52.36. The Plan must include a traffic impact analysis and a parking supply analysis.
- An Infrastructure Services Report (including utilities, road and community services) identifying the improvements which are required to be made to the site and surrounding area.
- An Acoustic Report.
- An Emergency Evacuation Plan prepared in consultation with Council, Mobil, BAE, the Port of Melbourne Corporation and relevant emergency services agencies.
- A Coastal Hazard Vulnerability Assessment.

### Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- Whether development is consistent with the design objectives and outcomes for each precinct as identified in the Table to this schedule.
- Whether the development displays excellence in architecture, design and built form.
- Whether the design enhances the public realm, maintains a human scale at the street edge and allows sunlight penetration to public and private spaces.
- Whether car parking areas are screened from view.
- Whether the development addresses the heritage objectives and policies of Clause 22.01.
- Whether the development incorporates appropriate noise attenuation measures.
- Whether the buildings located within the WorkSafe Outer Planning Advisory Area can withstand overpressures of up to 6kPa.
- The views of the parties listed in Clause 6 of this schedule.

### Table to Schedule

<table>
<thead>
<tr>
<th>Map area</th>
<th>Maximum building height</th>
<th>Built form outcomes</th>
</tr>
</thead>
</table>
| A – LOCAL STREETSCAPES (Orange) | 10 metres               | Development which responds to the predominant streetscape and built form character of Cecil and Ann Streets.  
|                                |                         | A two storey street edge (up to 7 metres) on Cecil Street with recessed upper levels.  
|                                |                         | A three storey street edge (10 metres) on Ann Street.  
|                                |                         | Dwellings to have a frontage to Cecil and Ann Streets.  
|                                |                         | Vehicle access from the rear of the site consistent with the existing dwellings on Cecil and Ann Streets. |
| B – AITKEN CORRIDOR (Pink)     | 13 metres               | Development which provides an appropriate scale to the street edge along Aitken Street.  
|                                |                         | A three storey street edge (up to 10 metres) with recessed upper levels setback 5 metres from the street.  
|                                |                         | Development which provides an appropriate interface and sufficient setbacks to the existing residential area to the south. |
| C – URBAN EDGES (Purple)       | 13 metres               | A hard urban edge to Nelson Place and Kanowna Street.  
|                                |                         | A predominant building height of 10 metres up to a maximum of 13 metres to allow for varying façade and roof forms.  
|                                |                         | Appropriate regard to the heritage characteristics of the former hotel on the corner of Kanowna and Aitken Streets.  
|                                |                         | Dwellings which have a direct street address with pedestrian access at street level.  
<p>|                                |                         | Lower density residential development within the Planning Outer |</p>
<table>
<thead>
<tr>
<th>Map area</th>
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<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advisory Area.</strong></td>
<td></td>
<td>Buildings in the WorkSafe Outer Planning Advisory Area that can withstand overpressures of up to 6kPa.</td>
</tr>
<tr>
<td>D – NELSON/ANN CORNER</td>
<td>19 metres</td>
<td>A prominent building which provides emphasis to the corner of Nelson Place and Ann Street.</td>
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<tr>
<td>(Blue)</td>
<td></td>
<td>A building which incorporates innovative façade articulation and limited sheer walls.</td>
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<tr>
<td>E – CENTRAL</td>
<td>25 metres</td>
<td>Higher development relative to the adjoining properties which does not dominate the scale and setting of the street and foreshore.</td>
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<tr>
<td>(Green)</td>
<td></td>
<td>Development which provides an appropriate scale to the street edge along Aitken Street.</td>
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<tr>
<td></td>
<td></td>
<td>Buildings which are located outside the WorkSafe Planning Advisory Areas.</td>
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<tr>
<td></td>
<td></td>
<td>Buildings which are oriented to the north to take advantage of the views and vistas of the Port Phillip Bay and City skyline.</td>
</tr>
<tr>
<td>STREET SYSTEM</td>
<td>N/A</td>
<td>A new east-west road between Ann and Kanowna Street located approximately 35 metres south of Nelson Place.</td>
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<td></td>
<td></td>
<td>A new north-south road located approximately 35 metres east of Ann Street.</td>
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<tr>
<td></td>
<td></td>
<td>A new north-south road which is an extension to the north of Windsor Terrace up to Nelson Place.</td>
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<td></td>
<td></td>
<td>Streets and accessways which are landscaped and provide through public access.</td>
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<td></td>
<td></td>
<td>A landscaped edge along Nelson Place to complement the established boulevard trees on the north side of Nelson Place.</td>
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<tr>
<td></td>
<td></td>
<td>Public landscaping along the east side of Ann Street to complement the existing landscaping on the west side of Ann Street.</td>
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<td></td>
<td></td>
<td>Pedestrian footpaths and street landscaping on both side of Aitken Street.</td>
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<tr>
<td></td>
<td></td>
<td>Central vehicle access points with limited individual access points directly from the street.</td>
</tr>
<tr>
<td>PEDESTRIAN ACTIVITY/ MEETING</td>
<td>N/A</td>
<td>Formalised pedestrian meeting points though the provision of street furniture, public art, weather protection and public realm improvements.</td>
</tr>
<tr>
<td>POINT</td>
<td></td>
<td>Development which provides active frontage and commercial opportunity to corners.</td>
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</tbody>
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