

Delegated Planning Committee Meeting Agenda

Thursday 21 February 2023
Commencing at 6pm

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

HOBSONS
BAY CITY
COUNCIL



COUNCIL CHAMBER

HOBSONS BAY CITY COUNCIL

Delegated Planning Committee Meeting Agenda

21 February 2023

THE COUNCIL'S MISSION

We will listen, engage and work with our community to plan, deliver and advocate for Hobsons Bay to secure a happy, healthy, fair and sustainable future for all.

OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

Chairperson:

Cr. Peter Hemphill

Strand Ward

Councillors:

Cr. Jonathon Marsden

Strand Ward

Cr. Diana Grima

Wetlands Ward

Both applicants and objectors should note that whilst recommendations are included in this agenda the Delegated Planning Committee may accept, amend or propose an alternative resolution.

AGENDA

Delegated Planning Committee Meeting Agenda

21 February 2023

1. Apologies

2. Disclosure of a Conflict of Interest

In accordance with section 130 of the Local Government Act 2020, a Councillor must disclose a conflict of interest in accordance with section 15.3 of the Hobsons Bay Governance Rules.

Disclosure must occur immediately before the matter is considered or discussed.

3. Business

ITEM 1

Application: PA220336

Address 1 Hudsons Road, 1 Booker Street and 30 Craig Street
Spotswood VIC 3015

Proposal: Use and development of the land for the purpose of industry and manufacturing sales, a reduction in the statutory car parking requirement, the display of signage and the sale and consumption of liquor

ITEM 2

Application: PA220337

Address 1 Hudsons Road, 1 Booker Street and 30 Craig Street
Spotswood VIC 3015

Proposal: Use and development of the land for the purpose of industry, office and retail premises and a reduction in the statutory car parking requirement.

ITEM 1

PA220336 – 1 HUDSONS ROAD, 1 BOOKER STREET AND 30 CRAIG STREET, SPOTSWOOD VIC 3015

Authors Name: Sue Gauci

Appendix: Yes

Purpose

This planning application relates to a proposal for:

- use and development of the land for the purpose of industry and manufacturing sales, a reduction in the statutory car parking requirement, the display of signage and the sale and consumption of liquor

An appeal has been lodged against Council's failure to determine the application within the 60 day statutory time frame, and dates for hearing have been set by the Victorian Civil and Administrative Tribunal (VCAT).

The purpose of this report is for Council to determine its position on the application.

Recommendation

That the Delegated Planning Committee resolves to:

1. Refuse to grant a planning permit under the provisions of the Hobsons Bay Planning Scheme for Planning Application PA220336 in respect of the land known and described as 1 Hudsons Road, 1 Booker Street and 30 Craig Street, Spotswood on the grounds contained in the Draft Refusal Grounds in Appendix 2.
2. Delegate the authority to settle any matter before the Victorian Civil and Administrative Tribunal (VCAT) which may arise to the Council's Manager Planning, Building and Health.

Key Issues

A failure appeal has been lodged by the Applicant because the application was not decided within the 60 day statutory timeframe.

Subject to conditions requiring changes, the adaptive reuse of the industrial building and signage would provide built form and urban design outcomes that contribute positively to the local context and enhance the public realm. The proposal would attract diverse businesses and investment to Hobsons Bay and provide local employment opportunities.

WorkSafe have advised against the granting of a planning permit for the proposal as the site is included in the extended WorkSafe safety areas (released in April 2022) and proximity to the Ampol Newport major hazard facility. The applicant provided two independent Risk Assessments which indicate the level of risk is similar to or less than the risk that existed prior to the recent extension of buffer areas by WorkSafe. WorkSafe has been provided these materials, however WorkSafe continues to advise against granting a permit. Therefore, Council officers are recommending the application is refused.

The proposal is located close to residential areas (Bernard Street and Hudsons Road), the amenity of which will be compromised by noise exposure from live music and liquor sales associated with the manufacturing sales uses, compounded by the proposed 1am closing time, noting a lack of mitigation measures. Conditions could be applied to address these impacts including a reduction in the proposed operating hours.

The proposed industry uses (e.g., brewery, cidery, distillery, coffee roaster) require a referral to the EPA because of the quantities proposed to be produced and the threshold distances set out in the Planning Scheme not being met. The EPA sought additional information from the Applicant which is currently under review by the EPA. Potential odour and air quality impacts from these uses could adversely affect the amenity of the nearby residential areas, and the EPA's guidance is required to establish under what conditions these businesses could operate.

The development provides for integrated transport supporting active transport over private vehicle usage whilst providing an adequate level of parking. The proposed traffic generation from the development can be absorbed within the existing street network.

Were a permit to be granted, other issues including integrated water management, environmentally sustainable design, waste, landscaping and contamination could be satisfactorily addressed through the imposition of permit conditions.

Policy Implications

Overall, the proposal does not align with relevant aspects of the Hobsons Bay Planning Scheme including the Municipal Planning Strategy, the Planning Policy Framework, the zoning provisions, provisions that require and enable a permit, the general requirements and performance standards, and general provisions.

Council's policy on WorkSafe MHF guidance

WorkSafe is the State's safety expert and regulator. WorkSafe recently increased the safety areas around MHF's, which have a greater impact on the site. Council has not seen detailed evidence from WorkSafe justifying the original or revised MHF safety areas. The application of the safety areas lacks transparency as it sits separate from the Planning Scheme. Since the guidance was originally issued, and outside of this planning application, Council has called on WorkSafe and the State government to increase transparency and consistency in relation to MHF safety areas. This includes better justifying the reasons for safety areas, undertaking community consultation about changes to safety areas or to MHF licences which impact third parties, and the introduction of a Buffer Area Overlay into the Planning Scheme will provide clarity on how it should be applied.

To address this gap, Council in 2013 (updated in 2014 and 2022) developed policies designed to improve transparency and clarity for planning applications within the proximity of MHFs. Council's *Interim Management of Land Use Planning Around Major Hazard Facilities* guidelines indicates that notice of all planning applications within MHF safety areas is given to WorkSafe as the State's safety expert.

Whilst the ultimate decision on the merits of the application rests with Council, by ignoring WorkSafe advice on a planning application, Council would assume the risk and responsibility for any impacts on the site arising from an incident that could occur (with limited visibility of the actual risk from the MHF site and limited ability to influence its mitigation).

Consultation and Communication

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining and nearby land were notified by mail, three signs were placed on site and a notice was published in the local newspaper.

Council has received 20 objections in total and one submission supporting the application. The main concerns relate to:

- Car parking provision and traffic congestion on local streets.
- Acoustic and amenity impacts from the live music, liquor sales and proposed 1am closing time.
- The introduction of pedestrian links to Bernard Street.
- Building height and scale, visual impact, neighbourhood character.
- Contamination of land and buildings.
- Loss of trees.
- Signage.

Notice was also given to WorkSafe, Viva Energy and Ampol (formerly Caltex) given the site's proximity to the major hazard facilities. An objection was received from WorkSafe.

The application was referred to the following Council departments for comment: Strategic Planning, Traffic and Transport, Design Services – Engineering, Sustainability, Waste Management, Trees. External Urban Design Advice was also sought. The application was also referred to the Environment Protection Authority (EPA) as a determining referral authority. These comments and the objections are discussed in further detail in the assessment section of this report.

Conclusion

On balance the proposal does not adequately meet the relevant policy and provisions of the Hobsons Bay Planning Scheme. Approval should not be granted.

Appendices

1. Officer's Report
2. Draft Grounds for Refusal
3. Locality Map
4. Advertised Plans
5. Hobsons Bay Industrial Development Design Guidelines June 2008 Assessment
6. Clause 52.06 Design Standards for Car Parking Assessment

Officer Declaration of Conflict of Interest

Section 80C of the Local Government Act 1989 requires members of Council staff and persons engaged under contract to provide advice to the Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

ITEM 2

PA220337 – 1 HUDSONS ROAD, 1 BOOKER STREET AND 30 CRAIG STREET, SPOTSWOOD VIC 3015

Authors Name: Sue Gauci

Appendix: Yes

Purpose

This planning application relates to a proposal for:

- use and development of the land for the purpose of industry, office and retail premises and a reduction in the statutory car parking requirement

An appeal has been lodged against Council's failure to determine the application within the 60 day statutory time frame, and hearing dates have been set by the Victorian Civil and Administrative Tribunal (VCAT). The purpose of this report is for Council to determine its position on the application.

Recommendation

That the Delegated Planning Committee resolves to:

1. Refuse to grant a planning permit under the provisions of the Hobsons Bay Planning Scheme for Planning Application PA220337 in respect of the land known and described as 1 Hudsons Road, 1 Booker Street and 30 Craig Street, Spotswood on the grounds contained in the Draft Refusal Grounds in Appendix 8.
2. Delegate the authority to settle any matter before the Victorian Civil and Administrative Tribunal (VCAT) which may arise to the Council's Manager Planning, Building and Health.

Key Issues

A failure appeal has been lodged by the Applicant because the application was not decided within the 60 day statutory timeframe.

Except for development proposed in the north-east corner of the site, WorkSafe have advised against the granting of a permit as the site is included in the extended WorkSafe safety areas associated with the Ampol Newport major hazard facility. The applicant provided two independent Risk Assessments which indicate the level of risk is similar to or less than the risk that existed prior to WorkSafe extending the buffer areas in April 2022. However WorkSafe has received the Risk Assessments and has not altered its position.

The redevelopment of the former industrial site for office, industry and retail uses would provide built form and urban design outcomes that contribute positively to the local context and enhance the public realm, subject to redesign of the Office B ground level interface to achieve activated edges to all facades and improvements to the façade treatment of the Hudsons Road elevation.

The proposal would attract diverse businesses and investment to Hobsons Bay and provide local employment opportunities.

The development provides for integrated transport supporting active transport over private vehicle usage whilst providing an adequate level of parking. The proposed traffic generation from the development can be absorbed within the existing street network.

Other issues including integrated water management, environmentally sustainable design, waste, landscaping and contamination could be satisfactorily addressed through the imposition of permit conditions.

Policy Implications

Overall, the proposal does not align with the applicable aspects of the Hobsons Bay Planning Scheme including the Municipal Planning Strategy, the Planning Policy Framework, the zoning provisions, the General Requirements and Performance Standards and Decision Guidelines of Clause 65.

Council's policy on WorkSafe MHF guidance

WorkSafe is the State's safety expert and regulator. WorkSafe recently increased the safety areas around MHF's, which have a greater impact on the site. Council has not seen detailed evidence from WorkSafe justifying the original or revised MHF safety areas. The application of the safety areas lacks transparency as it sits separate from the Planning Scheme. Since the guidance was originally issued, and outside of this planning application, Council has called on WorkSafe and the State government to increase transparency and consistency in relation to MHF safety areas. This includes better justifying the reasons for safety areas, undertaking community consultation about changes to safety areas or to MHF licences which impact third parties, and the introduction of a Buffer Area Overlay into the Planning Scheme will provide clarity on how it should be applied.

To address this gap, Council in 2013 (updated in 2014 and 2022) developed policies designed to improve transparency and clarity for planning applications within the proximity of MHFs. Council's *Interim Management of Land Use Planning Around Major Hazard Facilities* guidelines indicates that notice of all planning applications within MHF safety areas is given to WorkSafe as the State's safety expert.

Whilst the ultimate decision on the merits of the application rests with Council, by ignoring WorkSafe advice on a planning application, Council would assume the risk and responsibility for any impacts on the site arising from an incident that could occur (with limited visibility of the actual risk from the MHF site and limited ability to influence its mitigation).

Consultation and Communication

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining and nearby land were notified by mail, three signs were placed on site and a notice was published in the local newspaper.

Council received 12 objections. The main concerns relate to car parking provision and traffic congestion on local streets, insufficient indoor bicycle parking opportunities, the introduction of pedestrian links to Bernard Street, the need to manage potential conflicts with the existing business (Symal) which currently occupies part of the site, the need for public realm improvements and a pedestrian crossing across Booker Street, noise, overlooking (from the 6 storey office building), concerns about the types of industries that will occupy the site, a need for additional open space areas and a potential loss of property value.

Notice was also given to WorkSafe, Viva Energy and Ampol (formerly Caltex) due to the site's proximity to the major hazard facilities. An objection was received from WorkSafe. Viva and Ampol have not objected in relation to major hazard facility issues. Viva has requested permit conditions in relation to proximity to a pipeline.

The application was referred to the following Council departments for comment: Strategic Planning, Traffic and Transport, Design Services – Engineering, Sustainability, Waste Management, Trees. External Urban Design Advice was also sought. These comments and the objections are discussed in further detail in the assessment section of this report.

Conclusion

The proposal does not fulfil the relevant policy and provisions of the Hobsons Bay Planning Scheme. Approval should not be granted.

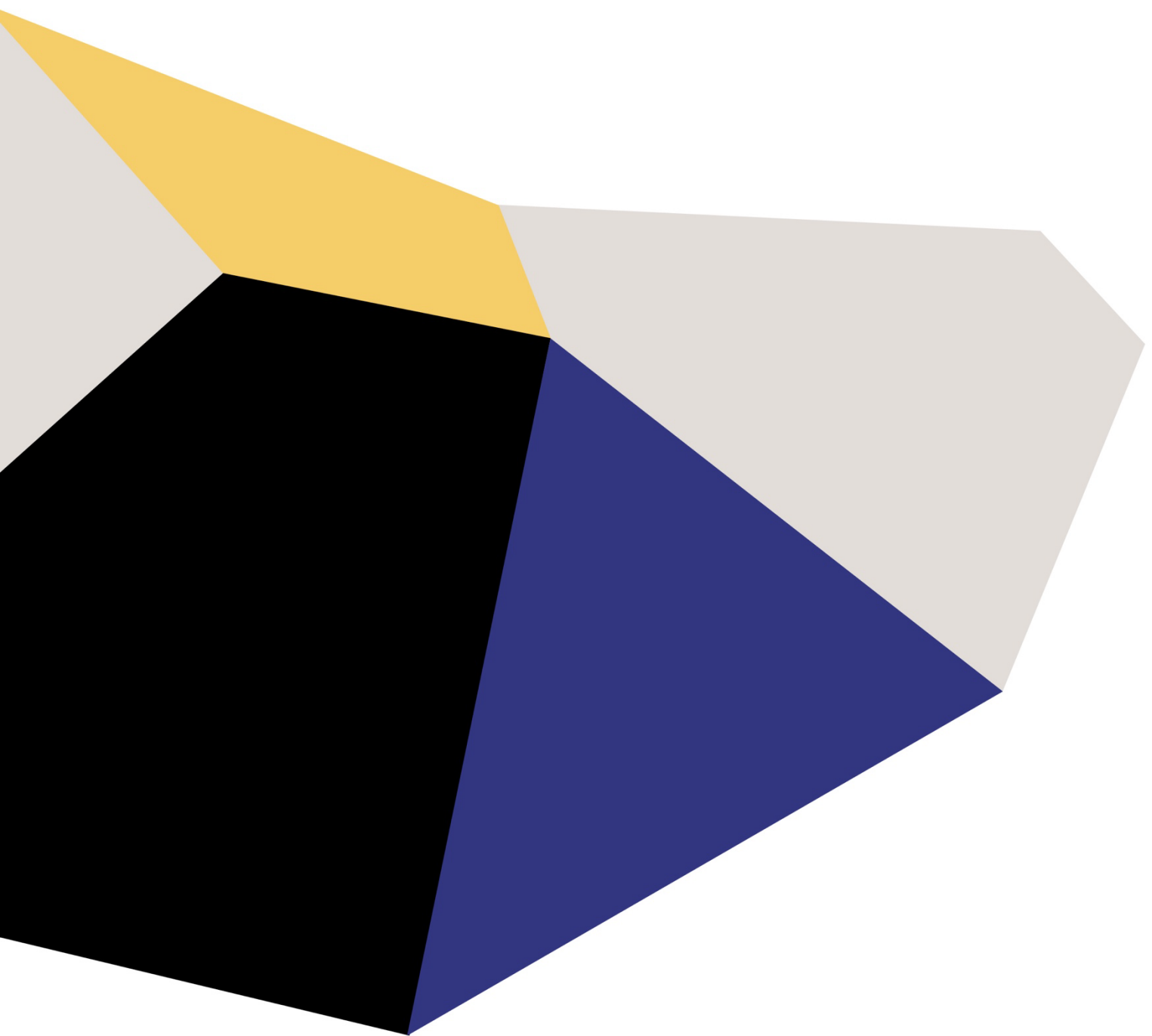
Appendices

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8. Draft Ground for Refusal
9. Locality Map
10. Advertised Plans
11. Hobsons Bay Industrial Development Guidelines June 2008 Assessment
12. Clause 52.06 Design Standards for Car Parking Assessment

Officer Declaration of Conflict of Interest


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ITEM 1**APPENDIX 1**

Officer's Report

Address	1 Hudsons Road, 1 Booker Street and 30 Craig Street Spotswood
Planning Application No.	PA220336
Proposal	Use and development of the land for the purpose of industry and manufacturing sales, a reduction in the statutory car parking requirement, the display of signage and the sale and consumption of liquor.
Applicant	Henry Trucking Pty Ltd
Date Received	15 July 2022
Zoning	Industrial 1 Zone
Overlays	There are no overlays
Permit triggers	<p>Clause 33.01-1 Industrial 1 Zone - a permit is required to use the land for the purpose of industry and manufacturing sales.</p> <p>Clause 33.01-4 Industrial 1 Zone - a permit is required to construct a building or construct or carry out works.</p> <p>Clause 52.05-2 Signs – a permit is required to display signage.</p> <p>Clause 52.06-5 Car parking – a permit is required to reduce the parking requirement.</p> <p>Clause 52.27 Licensed Premises - a permit is required to allow the sale and consumption of liquor.</p>
Encumbrances on title	Nil
Cultural Heritage Management Plan	N/A - site is not within an area of cultural heritage sensitivity.
Coastal inundation	N/A

Major hazard facility	Yes - Refer report
Site inspection	Completed
Objections	19 objections and 1 non-objection
Date received/amended	Application received 15/07/2022 Amended 21/09/2022 (prior to advertising).
Statutory days	153 as at 21/02/2023
Recommendation	Refusal

SUBJECT SITE

The whole of the land's legal description is Lots 1, 2 and 3 on Plan of Subdivision PS812993Y and has a total area of 3.96 hectares. The land does not contain any encumbrances. It has a total frontage to Booker Street of 183.73m and 214.91m to Craig Street, 184.48m to Bernard Street and 215.18 m to Hudsons Road.

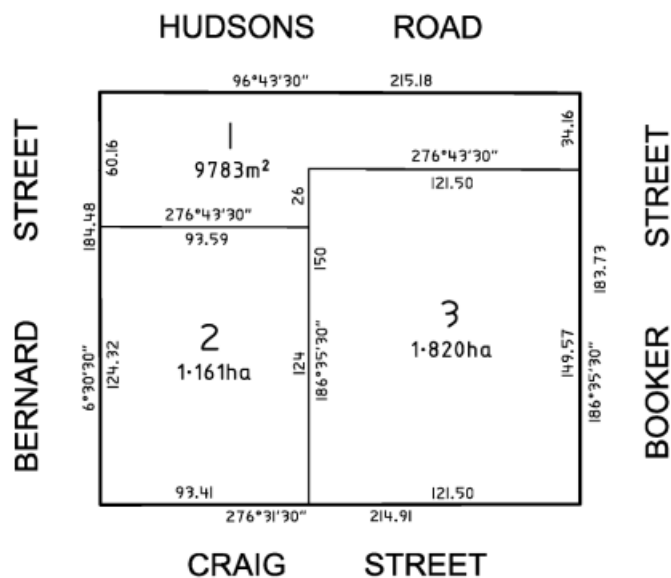


Figure 1: Plan of subdivision, Source: *Application documents (PA220336)*

Planning permit (PA1737272) approved the 3-lot subdivision which was registered on 9 November 2017.

The planning unit for this application includes land areas within lots 1, 2 and 3.

An application for a two lot subdivision (CA220161) was lodged on 8 September 2022 and seeks to align with the broader masterplan visioning for the site:

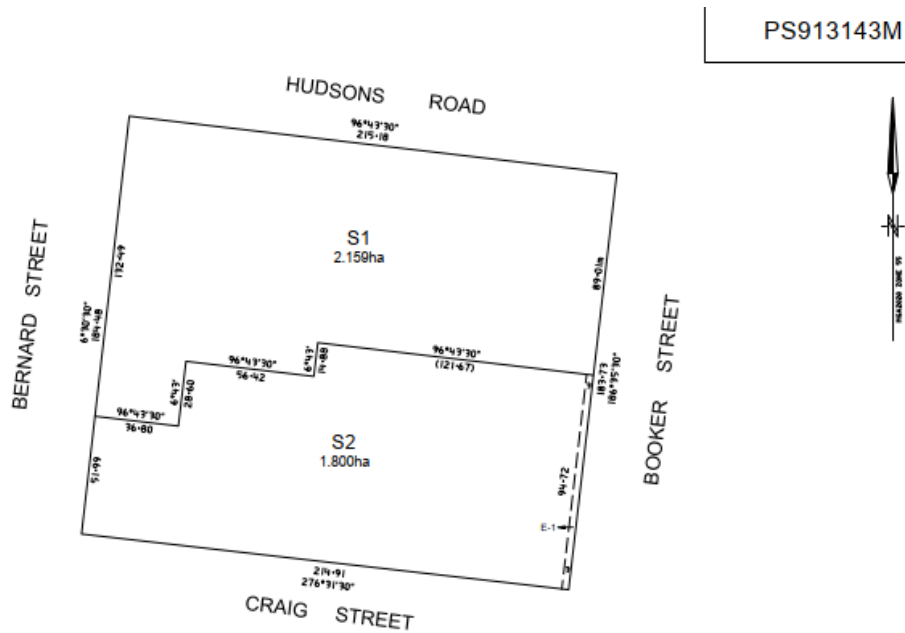


Figure 2: Proposed plan of subdivision, Source: *Application documents (CA220161)*

That application has not yet been determined.

The overall site contains industrial buildings with hardstand around the perimeter (and very limited pockets of landscaping). The perimeter of the site is extensively treed with the trees along Bernard Street forming a significant visual and physical barrier from the residential area to the west. A number of existing crossovers along Booker Street and Hudsons Road provide vehicular access to the site.

The southern half of the site is occupied by Symal and is used to store building materials, vehicles and equipment under Planning Permit Number PA1944089-1A.

SURROUNDS

The land more generally is within an established core industrial precinct but also contains pockets of residential development to the west along Bernard, Robb and Raleigh Streets within the Neighbourhood Residential Zone (Schedule 7 – Inner Suburban areas, Spotswood).

Scienceworks Museum and the historic pumping station is located opposite the land on the eastern side of Booker Street with Grazeland (a food truck and entertainment venue) further to the north along Booker Street and the Yarra River further east. Craig Street borders the subject land to the south with the former quarantine station on the south side of Craig Street having been cleared in anticipation of development of the land for warehousing (permit PA1636037 issued in 2019 and amended in January 2023). Further south and to the southwest are two major hazard facilities, Ampol (formerly Caltex) and Viva (Shell).

The Visy glass manufacturing plant is located directly opposite the land on the northern side of Hudsons Road.

PERMIT HISTORY

PA1737271

A permit was granted on 28 August 2017 for a three-lot subdivision which created the lots that fall within the planning unit.

PA1944089-1A

A permit was granted on 4 March 2020 to Symal (a civil construction company) to occupy the southern half of the site for storage of building materials, vehicles and equipment. Vehicular access is via Hudsons Road. The permit was amended on 10 December 2021 to extend the occupied area and the hours of operation (now 6am – 6pm Monday to Saturday). This permit will be discussed further in the assessment.

PA210239

A planning permit was issued on 5 January 2022 to use an existing building on the land fronting Hudsons Road for an office and café, buildings and works, a reduction in car parking and display of business identification signage. This permit will be discussed further in the assessment.

PROCESS

Application lodged	15 July 2022
Request for more information	11 August 2022
EPA request for more information	22 August 2022
Information submitted and Declaration to Amend	21 September 2022
Application advertised	3 October 2022
Appeal against failure to determine lodged (Day 84)	14 December 2022

PROPOSAL

The application seeks approval for the following uses:

- Industry
- Manufacturing sales

The application states that the businesses intended to operate under the definition of *industry* include beer brewers, alcohol distillers, coffee roasters, chocolate producers, and gelato makers. It has defined the retail component of these businesses as *manufacturing sales* because the goods to be sold are produced on the site.

The application states the predominant use is industry and that on site retailing will support the predominant industrial use.

The proposed uses do not appear to have been adequately described because the proposal includes significant areas of front of house dining areas and live music which would seem to go beyond what is envisaged to be “manufacturing sales”. These activities might be best defined as a “food and drink premises” and “bar” under the Planning Scheme definitions, and as such, would trigger additional use permission, noting all three land uses fall within the ambit of a “retail premises” which is a Section 2 use in the Industrial 1 Zone. Whilst nothing turns on these additional triggers, it is necessary that the use of the land is properly described.

Physical site changes include demolition and rebuilding an existing shed. The application states that proposed built form will utilise the existing industrial fabric and where possible, existing materials. It is also stated that many elements will be demolished because of the extent of dilapidation or because they contain asbestos. Metal cladding, recycled bricks and precast concrete are to be used with a neutral colour palette and geometric patterns for visual interest. Clear glazing will be used.

The maximum height of the building is 8.66m and 9.23m. It will be setback 21.2m from the Booker Street boundary with a loading area and landscaped setback to the frontage.

The areas shaded pink below indicate the manufacturing sales area and the light grey colour indicates the industry use. The area on the west side of the building will form an outdoor dining area with a stage for live music.

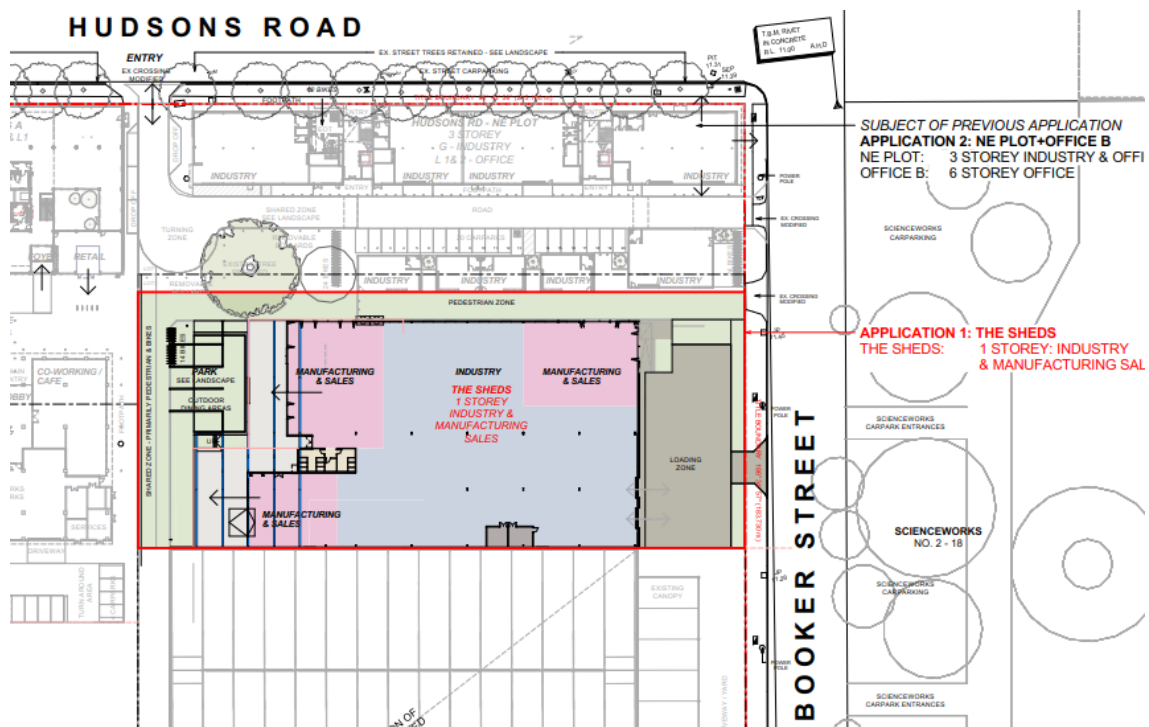


Figure 3: Proposed layout of building, Source: Architectural plans (TP400 Rev A) by Six Degrees Pty Ltd

The building floor area is divided up as follows:

- Industry – back of house production and storage areas – net floor area of 2061sqm
- Manufacturing sales – front of house dining areas – net floor area of 1159sqm

The application also includes signage zones for illuminated signage as follows:

- 13.5m long by 2m high on the northern elevation.
- 3.18m high by 0.6m wide on the western elevation

Car parking is proposed to the west of the building on Lot 2 shown with a green outline below. 30 spaces are proposed to be available for daytime use which will increase to 108 spaces during evenings and weekends.

The plan below shows the 30 dedicated parking spaces in pink with the additional parking comprising 60 spaces in gold and 18 spaces in blue accessed via an existing crossover (on Lot 1) from Hudsons Road.

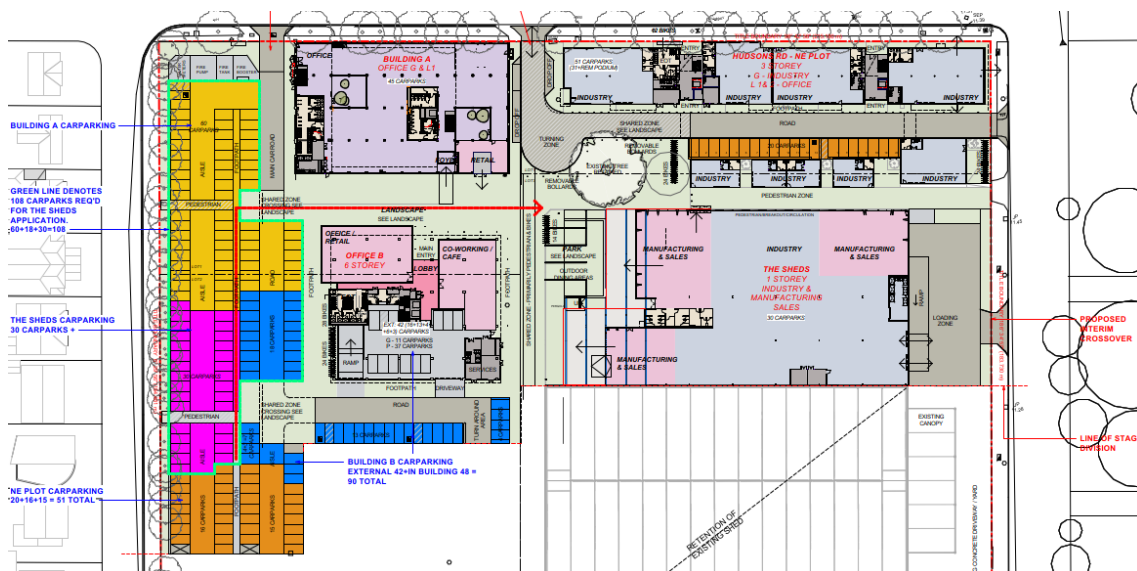


Figure 4: Proposed parking arrangement, Source: Architectural plans (TP400 Rev A) by Six Degrees Pty Ltd

Loading for the industry uses will occur at the eastern edge of the proposed building and includes weather protection, ramping and roller shutter doors. The loading facilities accommodate medium rigid vehicles and semi-trailers accessed via a new interim crossover in Booker Street. The ultimate arrangement provides for relocation of the loading area to the south side of the building via a new crossover and conversion of the existing area to a car park with a landscaped frontage.

Sale and consumption of liquor

A permit is also being sought to allow the sale and consumption of liquor on the site. A 'red line' plan has been provided. The proposed hours are 11am – 1am daily.

Live music

Live music is proposed and linked to the manufacturing sales component of the land uses.

Uses with adverse potential amenity impacts

The application says that the operations will produce:

- Alcoholic and non-alcoholic beverages exceeding 5000 litres per day.
 - Food production exceeding 200 tonnes per year
 - Frying, drying or roasting food production exceeding 200 tonnes per year.
-

PERMIT TRIGGERS

Industrial 1 Zone

Clause 33.01-1 Industrial 1 Zone - a permit is required to use the land for the purpose of industry and manufacturing sales. As explained earlier, it appears there may be additional permit triggers for 'food and drink premises' and 'bar'.

Clause 33.01-4 Industrial 1 Zone - a permit is required to construct a building or construct or carry out works.

Advertising signage

Clause 52.05-2 – a permit is required to display internally illuminated business signage.

Car parking

Clause 52.06-5 Car parking – a permit is required to reduce the parking requirement.

Licensed premises

Clause 52.27 - a permit is required to use the land for the sale and consumption of liquor as a licence is required under the Liquor Control Reform Act 1998.

OTHER APPLICATION REQUIREMENTS AND PERFORMANCE STANDARDS

Live music entertainment venue

Clause 53.06 applies and states that a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

Uses with adverse amenity potential

Clause 53.10 triggers a referral to the Environment Protection Authority (EPA) with regard to the following proposed activities/uses:

- Production of alcoholic and non-alcoholic beverages exceeding 5000 litres per day.
- Food production exceeding 200 tonnes per year.
- Food production including frying, drying or roasting exceeding 200 tonnes per year.

Stormwater Management in Urban Development

Clause 53.18 applies to an application to construct a building, or construct or carry out works. The Requirements state an application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

NOTIFICATION

The application for industry and manufacturing sales uses, signage, car parking reduction, liquor license are not exempted from notice and review rights. The proposed buildings and works under the Industrial 1 zone provisions are also not exempted from notification requirements and review rights because buildings and works associated with the car park are within 30m of land in a residential zone (Bernard Street).

The application was advertised on 3 October 2022 pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining and nearby land were notified by mail and signs were erected on the frontages to Hudsons Road, Booker Street and Bernard Street. Council also placed a copy of the notice in the local newspaper for one edition.

The following parties were also notified about the application:

Ausnet Services – the Pipeline Licensee for the SP Ausnet gas pipeline in Hudsons Road – no objections received.

APA, the Pipeline Licensee for the South Melbourne – Brooklyn pipeline in Craig Street - advised they have no objections given the proposal is not for a sensitive use and given that there are no proposed works over or near the high-pressure gas pipeline.

Viva Energy – the Pipeline Licensee for the WAG pipeline located in Craig Street. Viva has provided a conditional approval (see extract below) requiring a safety management study and for the outcomes of the study to be implemented by the landowner:

5. To protect the integrity of the Pipeline, the environment and the community, Viva Energy will require that the following be agreed by the Applicant and included as preconditions of any works being carried out the Property:

The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- a Safety Management Study (to be completed as per AS2885.6) &
- Commercial agreements (UDA & RWA) which will be determined once a full risk assessment is undertaken.
- The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- (a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
- (b) Pipelines Act 2005; and
- (c) Pipeline Regulations 2017
- (d) Safety Management Study completed

The requirement for a Safety Management Study and implementation of any recommendations could form permit conditions if the application is approved.

WorkSafe Victoria – Major hazard facility buffer areas were altered and extended by WorkSafe in early 2022. The subject land is now almost wholly included within the Inner Safety Area, a public notice was sent to WorkSafe. WorkSafe have advised against the granting of a permit.

Viva Energy – because of proximity of the site to the major hazard facility. No objections were received.

Ampol (formerly Caltex) because of proximity of the site to the major hazard facility. No response was received.

The WorkSafe objection is discussed in the “Assessment” section of the report.

Council has received 21 submissions in total as follows:

- 19 objections (from local residents and WorkSafe).
- 1 submission from APA (gas pipeline authority) – a non-objection.
- 1 submission from Viva Energy (WAG pipeline licensee) - conditional non-objection.

The objections are summarised below:

Neighbourhood character

- Development not in keeping with surrounding area.
- Development would overwhelm the neighbourhood character of the residential component of the area (building heights, building siting (including front, rear, side and rear setbacks)).

Acoustic impacts

- Proposed licensed premises will operate until 1am and includes live music, outdoor dining and operable windows/doors, and is inappropriate. Residents can currently hear amplified music from Grazeland which is acceptable given the 10pm closing time.
- Excited by the prospect of brewery/hospitality.
- Concerned about the hours until 1am and likely noise to the residential area. Should be limited to 10pm.
- Hours of live music until 1am will result in noise as people are leaving the premises.
- An acoustic assessment is required and should be peer reviewed.
- Patron dispersal should be considered and how amenity impacts will be minimised to residents with alcohol consumed until 1am, noting public transport is more than 400m from the site.
- Details of when the venue will close beyond the licensed hours is not clear.

Car parking and traffic

- The application conflicts with the approved access for PA1944089-1. Interim car parking solutions are separated by the Symal site and appear problematic. For this permit application to stand on its own, it should not conflict with other active permits in the surrounding area, particularly from an access and car parking perspective.
- Council needs to consider overflow parking of office/entertainment/planning application PA210239.
- Should be no pedestrian access to Bernard St. Will encourage foot traffic and illegal parking.

- Large number of patrons using the multi double use of office car spaces in the west car park area within the hours of operation (15hr a day six days a week) combined with Scienceworks overflow, will be a problem.
- Underestimation of evening parking demand.
- With Scienceworks and Grazeland already close by the congestion and traffic will be even greater for the local community.
- Parking restrictions need to be amended to match the operating hours of the venue to ensure no one parks in neighbouring streets.
- There is currently a lack of parking due to the combined activities of Grazeland and subject site.
- Children in large numbers attend Scienceworks and increased traffic would present a danger.
- Noise from parked cars will disrupt residents in Bernard St.

Contamination

- Concerned about potential land contamination.
- Concerned about possible asbestos in buildings and how this will be managed.

Other

- Overlooking from 6 storey office building (note: office building does not form part of this application).
- Concerns about littering and use of residential rubbish bins on nature strips along Hudsons Road which currently occurs from Grazeland patrons, eating and walking.
- Reduction of vegetation and trees in Bernard Street will add to visual and audio damage to resident amenity.
- Many native birds in the area will be impacted by the loss of trees and increased noise.
- Signage will be unsightly for residents due to size.
- Public realm improvements along Booker Street should be conditioned as part of any permit issued to enhance the relationship of this site with Scienceworks on the opposite side of Booker Street.
- Council must enforce parking regulations in residential streets as non-compliance will occur.
- Planning laws require a 500 metre buffer to residential properties and education facilities (Scienceworks) and should not be ignored.

REFERRALS

Internal

The application has been referred to the following Council Departments/Areas for comment:

- Strategic Planning
- Traffic and Transport
- Design Services – Engineering (Drainage)
- Sustainability
- Waste Management Services
- Active communities – Open Space Planner
- Trees
- Urban Design Advice (External consultant)

Comments from the above departments and external consultants have been included in this report where they are relevant to an issue in the assessment of the proposal.

External

Clause 53.10 requires referral to the Environment Protection Authority (EPA) under section 55 of the Planning and Environment Act 1987 if the threshold distance is not met for a use with adverse amenity potential.

The EPA's response is discussed further in the report.

ASSESSMENT

For this application, there are several matters that need to be determined before deciding whether the proposal will result in a satisfactory outcome. These are:

- Is there strategic support for the proposal?
- Are the proposed uses and built form appropriate and will the development contribute positively to the area?
- Will the proposal provide adequate amenity for users of the development?
- What are the off-site amenity impacts and can they be mitigated?
- Safety and risk issues due to the proximity of the land to the major hazard facility.

These questions will be discussed and answered in the following assessment. All relevant planning controls have been considered in the assessment of the proposal and relevant sections are referred to where appropriate.

Assessment against Municipal Planning Strategy

The Municipal Planning Strategy outlines the context, Council's vision and priorities for managing land use change and development within the municipality. Council must consider and give effect to the Municipal Planning Strategy in its decision making.

The following clauses and policies are of relevance to this application:

- Clause 01 Purposes of this Planning Scheme
- Clause 02 Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03 Strategic directions
- Clause 02.04 Strategic framework plans

There are some aspects of the proposal that support the aspirations of the Municipal Planning Strategy. Subject to conditions being applied to enhance activation at the eastern edge of the building, the proposed building will provide built form and urban design outcomes that contribute positively to the local context and enhance the public realm. The proposed signage is respectful and complementary to the built form and environs.

The proposal will attract diverse businesses and investment to Hobsons Bay and provide local employment opportunities while meeting the needs of the community. It will also encourage tourism activity and the contribution of arts and culture by providing for a range of experiences as sought by the Municipal Planning Strategy.

The development provides for integrated transport supporting active transport over private vehicle usage whilst providing an adequate level of parking. “Green” spaces within the development provide for a range of experiences and opportunities noting Spotswood has a significant gap in open space provision.

Matters that do not accord with the Municipal Planning Strategy can be addressed via permit conditions if a permit was to issue. This includes a requirement for a sustainability management plan and integrated water management plan. The loss of trees on the land is counter to Council’s urban forest strategy and conditions are necessary to manage this issue.

Aspects of the proposal that conflict with the Municipal Planning Strategy include the likely noise impacts for residents, which have not been satisfactorily addressed. Residential amenity can be protected through the imposition of permit conditions reducing the hours of operation of the proposed uses and the sale and consumption of liquor. Conditions regarding how the live music entertainment is managed would also be necessary to prevent unreasonable impacts on the neighbouring residential area and protect resident amenity.

The emission of odours and air quality from the industrial activity is also of concern and will require further assessment including by the EPA.

Assessment against Planning Policy Framework

The following policies of the Planning Policy Framework are relevant to this application:

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.02-1S Supply of urban land
- Clause 11.03-6S Regional and local places
- Clause 13 Environmental risks and amenity
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 13.05-1S Noise management
- Clause 13.06-1S Air quality management
- Clause 13.07-1S Land use compatibility

- Clause 13.7-2S Major hazard facilities
- Clause 13.07-3S Live music
- Clause 14.02-1S Catchment planning and management
- Clause 14.02-2S Water quality
- Clause 15 Built environment and heritage
- Clause 15.01-1S Urban design
- Clause 15.01-1R Urban design – Metropolitan Melbourne
- Clause 15.01-1L-02 Landscape design and canopy tree cover
- Clause 15.01-1L-03 Signs
- Clause 15.01-2S Building design
- Clause 15.01-2L-03 Industrial building design
- Clause 15.01-2L-04 Environmentally sustainable development
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.04-4R Healthy neighbourhoods – Metropolitan Melbourne
- Clause 17 Economic development
- Clause 17.01-1S Diversified economy
- Clause 17.01-2S Innovation and research
- Clause 17.02-1S Business
- Clause 17.03-1S Industrial land supply
- Clause 17.03-1L Industrial land supply
- Clause 17.03-2S Sustainable industry
- Clause 17.03-2L Sustainable industry
- Clause 17.03-3S State significant industrial land
- Clause 17.04-1S Facilitating tourism
- Clause 18 Transport
- Clause 18.01 Land use and transport
- Clause 18.01-1S Land use and transport integration
- Clause 18.01-2S Transport system
- Clause 18.01-2L Transport system
- Clause 18.01-3S Sustainable and safe transport
- Clause 18.01-3R Sustainable and safe transport – Metropolitan Melbourne
- Clause 18.02-1S Walking
- Clause 18.02-2S Cycling
- Clause 18.02-3R Principal Public Transport Network
- Clause 18.02-4S Roads

- Clause 19 Infrastructure
- Clause 19.01-1S Energy Supply
- Clause 19.01-3S Pipeline Infrastructure
- Clause 19.02-4L Social and cultural infrastructure
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The proposal meets the following aspects of the Planning Policy Framework:

- It supports Plan Melbourne's ambitions for investment and jobs, and integrated transport connecting people to employment, services and goods.
- The proposal will create spaces that are enjoyable, engaging and comfortable to be in, and will contribute to local character and sense of place.
- The proposal has synergies with the surrounding emerging character of the precinct and will facilitate tourism opportunities, as a destination of choice. The proposal responds and contributes to the strategic and cultural context of its location.
- The proposal integrates land use and transport and provides for healthy, active, safe and sustainable transport through less reliance on motor cars as a means of transport.
- The proposal capitalises on urban renewal opportunities, locating communities closer to jobs and services.
- The signage is in scale with the building and presents well in its surrounds.
- The form and scale of the development is acceptable.

While the proposal supports aspects of the Planning Policy Framework as described above, it does not adequately respond to the following matters (which are further detailed in the assessment):

- Odour and air quality impacts resulting from the proposed industrial uses have the potential to negatively impact local residents' health and amenity and have not been sufficiently resolved.
- The proposal shares an interface with residential areas, the amenity of which will be compromised by noise exposure from live music, compounded by the proposed 1am closing time, and a lack of mitigation measures.
- The proposed sale and consumption of liquor until 1am daily has the potential to adversely impact the nearby residential area.
- The proposal does not meet the policy that seeks to maintain adequate buffer distances from sensitive or incompatible uses. WorkSafe has advised against the proposal due to the potential for human and property exposure to risk from potential incidents at the Ampol major hazard facility.

The following matters do not meet the Planning Policy Framework but can be addressed through permit conditions, if a permit was to issue:

- The appearance and sense of address to Booker Street requires revision to ensure it will enhance the function and amenity of the public realm.
- A detailed Sustainability Management Plan to ensure a high standard of environmental sustainability from the design stage through to construction and operation.
- An integrated stormwater management plan incorporating Water Sensitive Urban Design to ensure water quality and stormwater flows are well managed.
- A detailed landscape plan resolving inconsistencies with the architectural plans and addressing matters raised in the assessment, including the loss of trees to ensure a high level of amenity and cooling/greening of urban areas to mitigate against climate change.
- A detailed waste management plan to ensure objectives for waste management and resource recovery are adequately addressed, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Ensuring the requirements as spelt out in the applicant's Preliminary Risk Screen Assessment are met with regard to site contamination.

Industrial Land Management Strategy (ILMS)

Council adopted the ILMS in 2008 which is a Policy Document referenced in the Planning Policy Framework.

The land is identified as being within a "Core Industrial Area" within Precinct 18 – Spotswood Industrial. The ILMS recommendations seek to support growth and development of industrial development in Core Industrial Areas. The Strategy also seeks to improve the amenity, appearance and environmental performance of industrial areas.

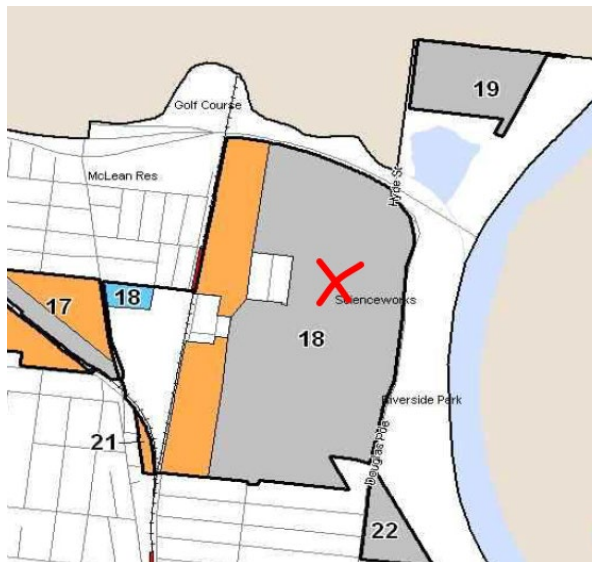


Figure 5: site (marked with a red cross) within Core Industrial Area in the *Hobsons Bay Industrial Land Management Strategy 2008*

The Strategy notes that Core Industrial Areas are *relatively unconstrained by residential or other sensitive uses* and that:

- *These areas will be protected and provide opportunities for new growth, including the expansion of existing industries.*

- *Non-industrial protrusions into these areas are not supported and rezoning of land to non-industrial zones will not be permitted.*

For Precinct 18, the Strategy notes:

- *Major influences upon potential land use include the petrochemical industries, bottle manufacturing and residential development.*
- *The built form is generally quite dated and several facilities are obsolete and disused.*
- *The area is no longer suitable for industrial uses due to poor transport accessibility.*
- *There are many viable and large industries and impacts of development should be considered.*
- *The sites may be attractive for commercial use depending on their compatibility with residential use.*
- *The Spotswood Outline Development Plan requires review to identify the future use and development of the site.*
- *Redevelopment must include environmentally sustainable design principles and water sensitive urban design.*

It goes on to say:

Spotswood offers a diverse mix of industrial land with the potential to support more light industrial and commercial uses that would capitalise on proximity to the activity centre and Spotswood train station.

The Strategy looks at *attracting new and emerging industries.*

It notes that *Spotswood has an established industrial history, home to recycling and energy sections as well as manufacturing, construction and other more niche industry.*

The precinct also supports a strong arts and recreation sector, with tourism destinations attracting significant visitors each year.

The Spotswood Industrial Precinct is well positioned to transition towards a more diversified employment offering. The precinct provides an exciting opportunity for “knowledge based industries seeking an area with high amenity and accessibility to attract skilled workers.

Listed initiatives to drive growth include the following:

- *Update Industrial Design Guidelines*
- *Create a Future Industries Working Group*
- *Improve interface between industrial and sensitive uses*
- *Undertake streetscape works and greening projects.*
- *Complete the Spotswood Activity Centre Structure Plan.*

Relevant objectives for Precinct 18 are to:

- *Protect Core Industries.*
- *Review the Spotswood Outline Development Plan.*
- *Discourage industrial traffic travelling through residential areas.*

- Improve the amenity of the area in the public and private realm.
- Encourage high tech industries and associated offices along Hudsons Road.

General Objectives applying to all industrial areas identified in the ILMS are:

- *To stimulate, facilitate and protect appropriately located new and existing industrial activity and employment opportunities.*
- *To promote and provide industrial areas of high amenity.*
- *To promote and encourage industry to be green and clean and to respect the environment.*
- *To successfully manage the transition and strategic redevelopment of redundant industrial area.*

Expected outcomes for Precinct 18 are:

- Security for existing core industry within the precinct.
- Improved interfaces to all abuttal's.
- Reduced amenity and environmental impacts.
- An Outline Development Plan providing future directions.

Broadly speaking, the proposal does not conflict with the objectives and outcomes sought under the ILMS. The ILMS was completed over 14 years ago and is currently under review through the "Reimagining our Industrial Areas" project. Council's Strategic Planning Department has commented that the review *will consider the trend towards more commercial and light industrial uses north of Craig Street due to its strategic location.*

Industrial Development Design Guidelines 2008

The *Industrial Development Design Guidelines 2008* are referenced in the Planning Policy Framework and were developed in conjunction with ILMS. The document contains guidelines for site layout and built form including setbacks, car parking provision, access, loading, landscaping, waste, ESD and the like. These have been considered for the current proposal and an assessment is provided in Appendix 5. Subject to the application of appropriate conditions, the proposal generally meets the Guidelines.

Draft Spotswood Activity Centre Structure Plan - March 2022

The draft Spotswood Activity Centre Structure Plan (draft Structure Plan) sets out a transformative vision for the future growth and development of the Spotswood Activity Centre and broader area of Spotswood. The intention is that it will inform a future amendment to the Hobsons Bay Planning Scheme. It adopts the Better Places Spotswood and South Kingsville Place Guide community vision and aims to guide land use, built form, public space, and infrastructure over the next 15 to 20 years.

Public consultation for the draft Structure Plan occurred in April-June 2022. In April 2022, WorkSafe revised the major hazard facility safety areas which generally increased in their extent and this has impacted the work carried out to date in the draft Structure Plan. The draft Structure Plan is currently on hold whilst Council seeks justification and clarification from WorkSafe on the new land use guidance around major hazard facilities.

The subject land is identified in the draft Structure Plan as being within Precinct 3 - Northern Industry and Employment Precinct, a key redevelopment site.

The overall vision and objectives for use/development and built form are:

- *attract knowledge-based industries to key redevelopment sites*
- *encourage excellence in commercial and industrial building designs, ensuring development respond to surrounding context including residential and heritage interface*
- *new development should be orientated towards the street and contribute positively to the streetscapes*
- *ensure new development does not overshadow key public spaces*
- *encourage upper floor level to be recessed and well-articulated from rear and side boundaries.*
- *encourage sustainable design outcomes.*
- *new development should address acoustic and any other off-site amenity impact within the design response.*

For the purposes of this application the draft Structure Plan has no formal status and the assessment below seeks only to capture the potential future compliance of the proposal against the strategic work underway.

Preferred height and street wall

The proposal is well within with the preferred maximum building height of 5 storeys (20m for commercial or 21m for industrial).

Development along Booker Street should have a maximum 4 storey street wall. The 'Shed' is setback approximately 21m from Booker Street with a total height of 9.7m approx. and meets this guideline.

Active and articulated interface:

The draft Structure Plan seeks an articulated interface along Booker Street to add visual interest to the streetscape. Articulation may involve indentations/extrusions, variations in materiality, colour and the use of super graphics in industrial areas. It is unclear from the application as to what materials are being retained as the materials on this façade appear to be new (including metal cladding, concrete upstand wall, new glazing and roller doors) and the proposed double gable form does not reflect the current building form comprising a gable and clerestory windows. This requires review. In addition, improved activation of the Booker Street edge is required.

The draft Structure Plan also notes there is opportunity for art infrastructure such as artwork and/or providing creative space for local artists within the site. Consideration should be given to the imposition of a permit condition requiring a public art contribution for the Precinct given the magnitude of the overall development. This should include consideration of retention or repurposing of the existing concrete water tank and its signage.

Open space

The draft Structure Plan seeks new and high-quality open space to service the significant increase of workers and visitors to the site. The western end of the site is linked to the north

south green spine that is proposed for the broader parcel. This area will achieve the objectives sought in the draft Structure Plan.

The draft Structure Plan also seeks to ensure the new open space is not overshadowed between 10am to 3pm at the winter solstice. Shadow drawings for the spring solstice have been provided and there are no significant overshadowing impacts from the building.

Access and movement

The draft Structure Plan says north-south and east-west pedestrian links should be provided within the site. The development meets this guideline by proposing a central north-south landscaped pedestrian link and an east-west foot path for internal connection and improved access to Booker Street.

The draft Structure Plan identifies opportunity to provide a new pedestrian crossing on Booker Street near Hudsons Road. It is also referred to in the adopted Local Area Movement Plan for Spotswood and South Kingsville. The provision or a contribution towards a new pedestrian crossing has not been proposed with the current application but should be given Booker Street will form the main access route for trucks entering/leaving the site and the proposed use of the site will generate a need for safe pedestrian movement.

The draft Structure Plan says carparking should be consolidated (such as in multidecks) and sustainable transport encouraged. Integrated transport with reliance on modes of transport other than the motor car are advanced with this application. This includes bicycle parking spaces and end-of-trip facilities exceeding statutory requirements, to encourage sustainable travel.

Hudsons Road improvements

Hudsons Road East (east of Hall Street) is proposed to be improved in the draft Structure Plan (This is also part of BPSSK streetscape upgrade program). The improvement opportunities include:

- improve pedestrian safety, with upgraded footpaths and lighting
- increase canopy tree cover to provide shade and amenity
- slow vehicle speeds through raised pavements at key intersections
- introduce more rain gardens and native landscaping
- improve directional signage and wayfinding
- introduce more public art at key gateway locations and bus stops



Figure 6: Proposed cross section for Hudsons Road East from *Draft Spotswood Activity Centre Structure Plan, March 2022*

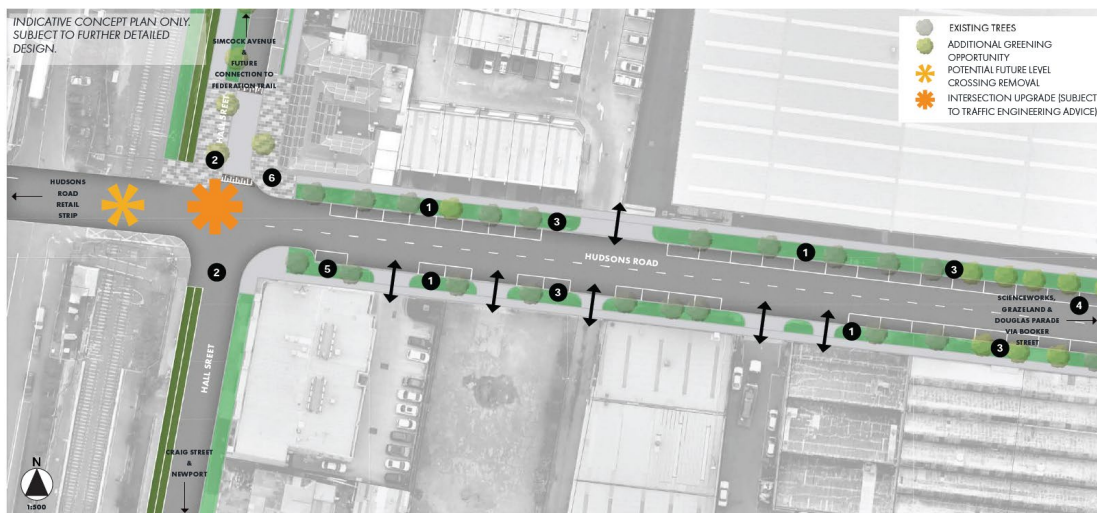


Figure 7: Hudsons Road East Indicative Concept from *Draft Spotswood Activity Centre Structure Plan, March 2022*

Matters which should be considered for this application include a footpath along the western side of Booker Street and the aforementioned pedestrian crossing on Booker Street near Hudsons Road.

Industrial 1 zone

The proposed uses (including beer brewery, alcohol distillery, coffee roaster, chocolate producer, and gelato maker), fall with the planning scheme definition of *industry*:

Land used for any of the following operations:

- a) any process of manufacture;
- b) dismantling or breaking up of any article;
- c) treating waste materials;
- d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);
- e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or

f) any process of testing or analysis.

If on the same land as any of these operations, it also includes:

a) storing goods used in the operation or resulting from it;

b) providing amenities for people engaged in the operation;

c) selling by wholesale, goods resulting from the operation; and

d) accounting or administration in connection with the operation.

If Materials recycling, goods resulting from the operation may be sold by retail.

A permit is required for use of the land for industry because the condition in Section 1 of the Table of uses (Clause 33.01-1) is not met. Although the proposed industry use will occur more than 30m from a residential zone, some activities are listed in the table to Clause 53.10 and exceed the threshold distances set under that clause. For instance, the brewery and alcohol distillery will produce more than 5000 litres per day and does not meet the threshold distance of 500m from land in a residential zone.

The application states the other uses (i.e. coffee roaster, chocolate producer, and gelato maker) will also not meet the threshold distances of 500m (includes frying, drying or roasting, exceeding 200 tonnes per year) and 250m (food production exceeding 200 tonnes per year) from land in a residential zone. This does not mean the uses are prohibited, rather that an application is required to be referred to the EPA.

The above-mentioned uses will sell products made on site which accords with the definition of *manufacturing sales*:

Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.

Manufacturing sales is nested under the term “retail premises” and a retail premises (other than Shop and Take away food premises) falls within Section 2 of the table to Clause 33.01-1, therefore requiring a permit to use land for this purpose. As previously explained, the proposed dining and live music aspect of the proposal would be separately defined as “food and drink premises” and “bar”, each also triggering a permit for “use”.

The Industrial 1 Zone purpose is to

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

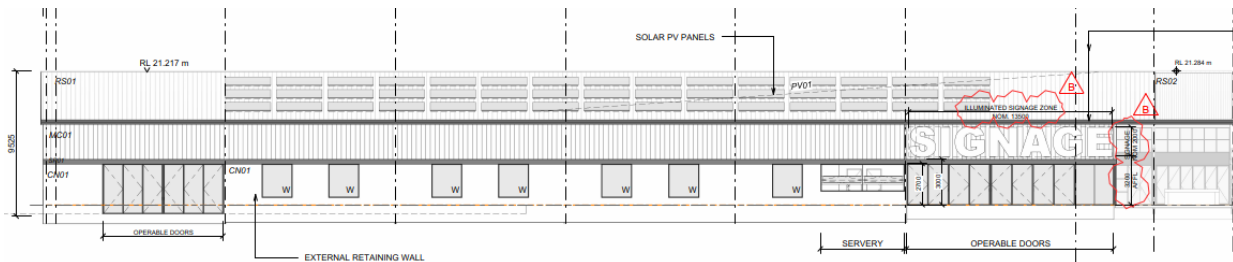
The proposal does not accord with the zone purpose due to the following:

- The potential for odour impacts on the nearby residential community from the various industry uses has not been adequately addressed.
- The potential for noise and amenity impacts from the live music associated with the manufacturing sales and proposed 1am closing time.

Advertising signs

Signs requirements are at Clause 52.05 and the Industrial 1 zone is within *Category 2 Office and industrial*, defined as “low limitation”. The application plans propose the following signage zones:

North elevation – 13.5m x 2m (27sqm)



West elevation – 3.1m x 0.59m (1.87m)

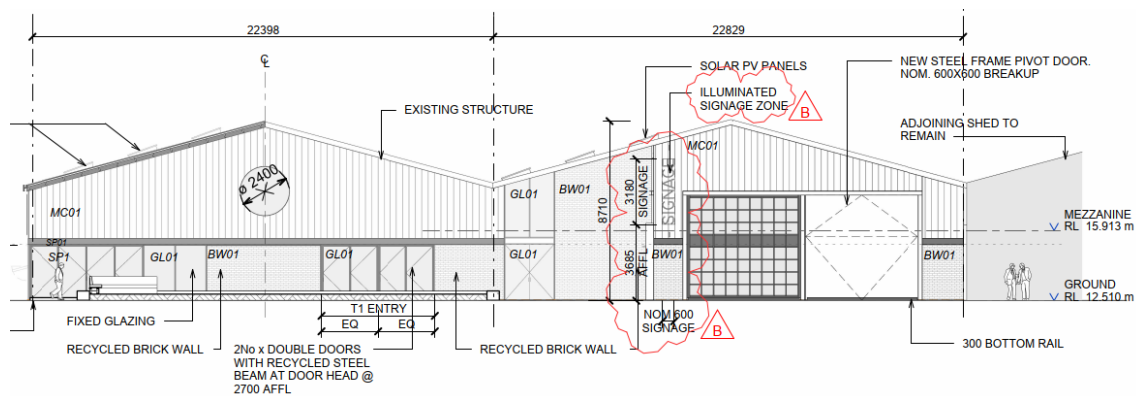


Figure 8: Elevation plans of signage, Source: Architectural plans (TP110 Rev B) by Six Degrees Pty Ltd

The applicant has confirmed the signs will *only display tenancy details and will not promote goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited*. The signs are therefore categorised as *internally illuminated business signs*.

A permit is required to erect and display business identification signage in excess of 8sqm (not including a direction sign). A permit is also required to erect and display an internally illuminated sign because the display area exceeds 1.5sqm.

The signage on the northern and western facades is internal to the site and meets the purpose of “Category 2 – Office and industrial” which seeks to provide for *adequate identification signs and signs that are appropriate to office and industrial areas*.

The signage accords with the decision guidelines in that:

- It is in scale with the building and surrounds.
- Only two signs are proposed and located on separate facades avoiding visual clutter and visual disorder.
- The signs will not impact negatively on any views or vistas.
- The signs are in scale and proportion relative to the setting.

- The position of the signs sits neatly within the building façade and are integrated into the architecture of the building.
- The illuminated signage will not impact the safety of pedestrians or vehicles.
- The signs will not impact on road safety as they are internal to the site.

Notwithstanding concerns raised by some objectors, the proposed signage accords with the objectives sought under the Municipal Planning Strategy and the Advertising Signs Guidelines 1999. The signage is therefore suitable for approval.

Car Parking (Clause 52.06 of the Hobsons Bay Planning Scheme)

Objectors have raised concerns about car parking provision, however the proposal is considered satisfactory with regard to car parking as assessed below.

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Proposed parking arrangements

Parking delivery will be staged, with an interim and ultimate arrangement.

The plan below shows the intended parking for the proposal within a green outline:

The interim arrangement comprises 30 dedicated spaces (coloured pink) during the daytime hours, increasing to 108 spaces during evenings and weekends by using the pool of 60 spaces provided for Building A (PA210239) (coloured gold) plus 18 spaces shared with Office B (coloured blue) that exists currently.

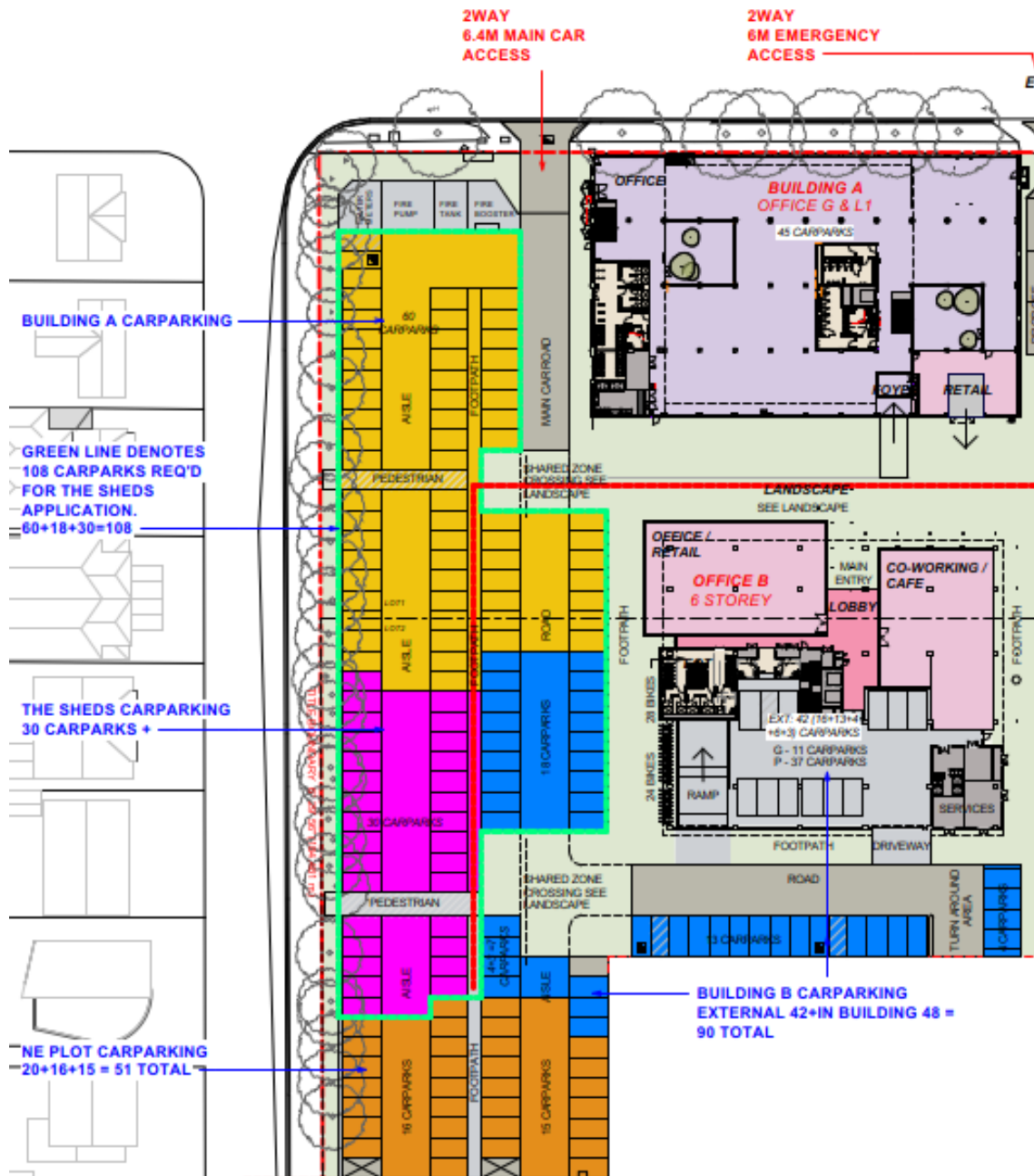


Figure 8: Proposed parking arrangements, Source: Architectural plans (TP400 Rev A) by Six Degrees Pty Ltd

The ultimate design envisages the conversion of the hardstand loading area along the eastern boundary into a car park for approximately 23 spaces (refer plan below) and additional car spaces along the western boundary of the broader site, located proximate to the development.

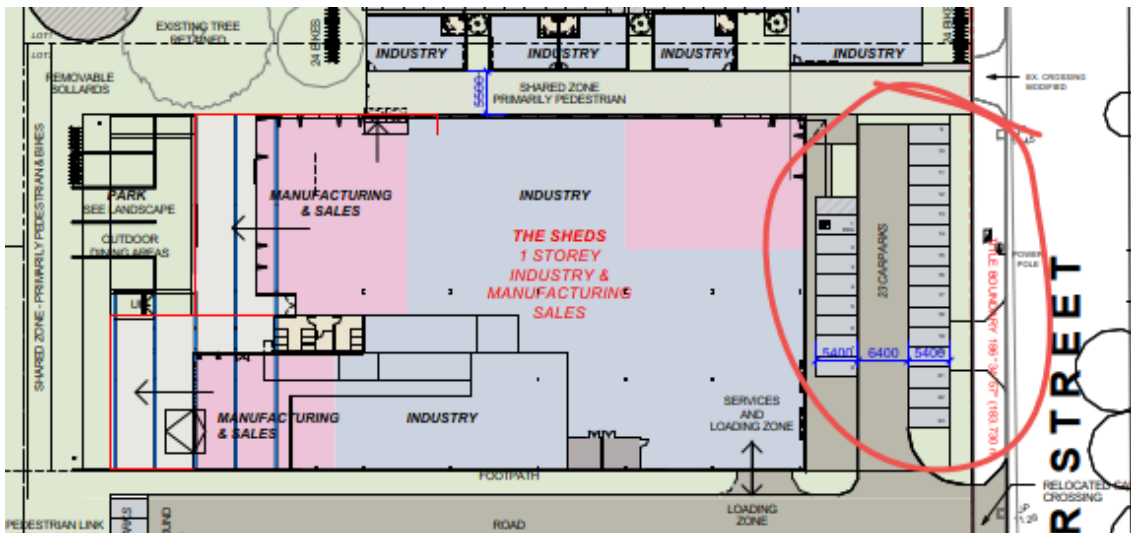


Figure 9: Proposed Ultimate Parking Arrangement, Source: Site Plan – proposed masterplan (TP004 Rev A) by Six Degrees Pty Ltd

Statutory car parking requirements

Because part of the subject land lies within the Principal Public Transport Area Network, the ‘Column B’ parking rates apply as follows:

- Industry 1 space to each 100sqm of net floor area
- Manufacturing sales 3.5 spaces to each 100sqm of leasable floor area

The total statutory car parking requirement is shown below:

USE	AREA	RATE/100SQM	REQUIREMENT
Industry	2061.1sqm	1.0	20
Manufacturing sales	1159.5sqm	3.5	40
TOTAL			60

Table 1: Statutory Car Parking Requirements

It was mentioned earlier in the assessment that the dining and serving of alcohol/live music aspects of the proposal should be separately described as “food and drink premises” and “bar”. The parking rate for these uses is the same as the manufacturing sales use rate and therefore there are no car parking implications by including these additional uses.

The statutory parking requirement is for a total of 60 spaces. The application proposes 30 spaces will be available during the daytime hours, increasing to 108 spaces during evening hours and weekends. Thus, a reduction in the parking requirement is sought because only 30 spaces are dedicated to the use and the balance is made up of spaces shared with other users. A Car Parking Demand Assessment was submitted as required under Clause 52.06-5.

For the current application, before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate. Those of relevance to this application have been underlined:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non-residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

Car Parking Demand Assessment

The Car Parking Demand Assessment says change is needed from the current “predict and provide” methodology to more efficient use of existing transport infrastructure, as an alternative to expanding roads and parking facilities, using a “travel demand management system”. This is particularly so within activity centres and locations that are well served by a range of public transport services, have options for cycling and walking and where car parking can be managed to optimise its use. The Assessment states:

TDM emphasises the movement of people and goods, rather than motor vehicles, and gives priority to more efficient travel and communication modes (such as walking, cycling, car sharing, public transport and telecommuting), particularly under congested conditions¹.

¹ Austroads Guide to Traffic Management Part 11: Parking

The applicant empirical assessment translates to a demand of **21 spaces** for the **industrial use** (they say based on an employment density reflective of a contemporary industrial use at a rate of 1 space per 100sqm floor area (2061.1sqm)). The assessment says that the above demand could be halved to 11 spaces with the successful adaptation of a site-specific Green Travel Plan.

Empirical assessment

For the **manufacturing sales use**, the assessment notes that the peak parking demand will be more in line with the statutory requirements, therefore a peak of **46 spaces**. The assessment says demand is likely to be short to medium demand attributable to patrons, expected to peak on Friday evenings and on weekends. Further, that during typical day time hours, trade is likely to be drawn from workers in the locality who are likely to walk to the site. Allowing for incidental day time parking attributable to staff and some visitors, a rate of 1 space per 100sqm floor area was adopted. For 1159.5sqm of floor area, this translates to a demand for **12 spaces (during the daytime)**.

In summary, the expected demands are:

Peak day time demand - 33 spaces

Friday evenings and weekends – 67 spaces

The empirical assessment is considered reasonable and accounts for varied parking demands over the course of a 24 hour period and throughout a typical week. 30 spaces will be dedicated to the proposal, but this will increase to 108 spaces during the evening and weekends when the approved Building A (PA210239) office uses are not operating at their peak. Whilst below the statutory rate, parking is at a rate comparable to the empirical data. Council's Transport and Traffic engineer has reviewed the assessment and considers the parking proposed is satisfactory.

The car parking demand assessment notes that the proposal is expected to draw patronage from within the precinct and from those travelling exclusively to the venue. It says the proposal will generate its peak demands when the typical office uses associated with Building A (PA210239) are generating little or no demand and that opportunity exists to derive efficiencies from the sharing or car parking between the uses.

The applicant assessment notes the site is *easily accessible via sustainable transport options such as heavy rail with planned linkages for cycling infrastructure in the near future*, and that these provide alternate and viable options to the car.

Craig Street is planned to form part of a significant cycling corridor to connect to Spotswood station, the new activity centre at McLister Street and South Kingsville via the Council's Better Places - Spotswood 'Greenline' project and the Spotswood and South Kingsville Local Area Movement Plan (LAMP).

The *Northern Local Area Movement Plan strategy (LAMPs)* recommends a number of bicycle routes including an east-west bicycle route comprising an off-road connection from Precinct 15 (Blackshaws Road) to Spotswood Station and Douglas Parade via Craig Street. The plan below extracted from the draft LAMP shows the proposed cycling route, which runs along Craig Street.

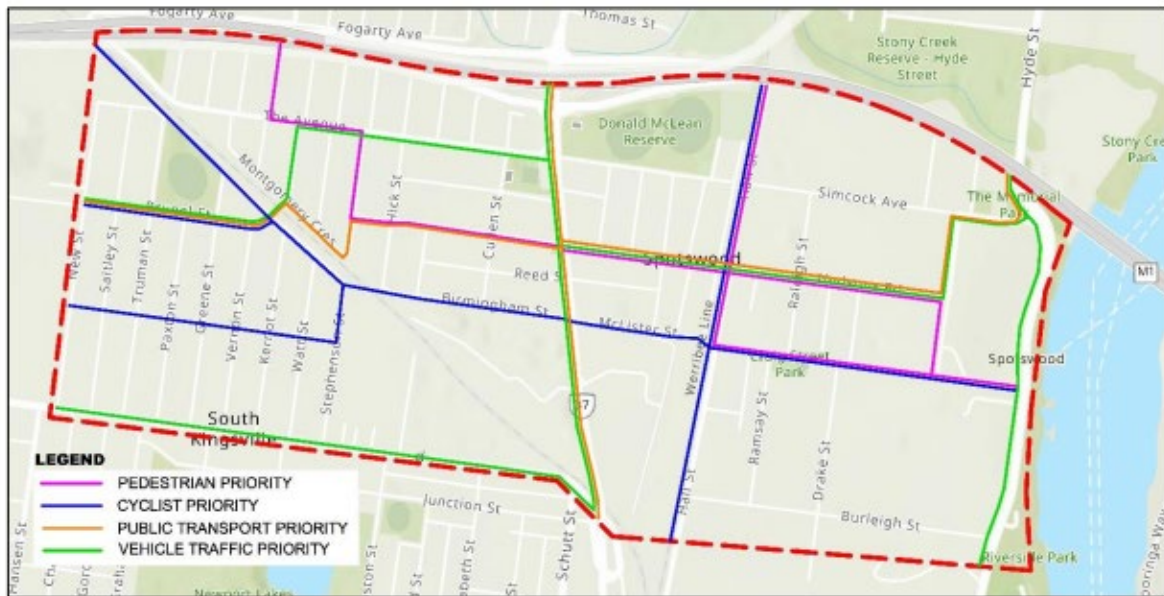


Figure 2: Road User Hierarchy

Figure 10: Road User Hierarchy, Hobsons Bay City Council Northern Local Area Movement Plan Strategy Spotswood and South Kingsville

In combination with the work being undertaken for the LAMPs, the Better Places Place Guide for Spotswood and South Kingsville reinforces the cycling link through the 'GreenLine' project. The vision for the project is to:

...provide major east / west and north / south active transport corridors that run through the heart of the Spotswood and South Kingsville and will link all key destinations including the major future development precincts, schools, Spotswood Station and village centres. The GreenLine will also connect through to the Federation Trail and proposed West Gate Tunnel Veloway, providing a direct active transport link through Melbourne CBD and the regional cycling network.

This may be aided by the State government's recent announcement of the grade separation of the Hudsons Road level crossing, where the railway line will run above the road, therefore opening opportunities for the Craig Street connection.

The Applicant assessment goes on to say that in an environment ... as proposed, employees are aware of the parking limitations and the availability of alternative transport options, which in turn influences transport mode choice.

When considered as a whole, the constrained nature of on-street parking in the surrounding area, the limited availability / access to off-street commercial car parking and the accessibility to public transport services and active transport infrastructure, we expect that parking demand will be successfully diverted to sustainable transport modes for travel to and from work.

The ideas presented by the applicant are reasonable and there is strong policy support for sustainable transport options in lieu of single occupant vehicle travel. The application of the proposed Green Travel Plan (discussed later in the assessment) will also assist with this objective.

Building A

Objectors have noted that a reduction in parking was permitted for Building A and this should be considered against the current application to ensure Building A and the subject application has an adequate supply of parking.

The shortfall for Building A (PA210239) was 57 spaces and it was determined that the conditioning of a Car Parking Management Plan would be appropriate to assist in the mitigation of any potential negative impacts. That includes a requirement to deal with any overflow parking should that arise under Condition 9 of the Planning Permit:

Car Parking Management Plan

9. Prior to the commencement of the use, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. A copy of the approved Car Parking Management plan must be provided to all staff working at the site. The Car Parking Management Plan must address, but not be limited to, the following:
 - a) The number and location of car parking spaces allocated to staff, visitors/customers/clients;
 - b) How the car parking areas within the site will be managed noting the various users (staff, visitors, customers, clients) that will be accessing the car park;
 - c) The method to be used to encourage staff and visitors/customers/clients to use public transport or cycle or walk to the premises;
 - d) The method to be used to encourage staff driving to the premises to park in the on-site staff car parking;
 - e) The method to discourage staff and visitors/customers/clients from parking in surrounding streets, in particular residential streets;
 - f) Details how (if any) spill over from the dedicated car spaces will be managed;
 - g) Details which set out how additional car parking will be provided on site in the event the capacity of the approved car parking is inadequate.
 - h) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - i) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays, bicycle parking and entry/exits.

Council can seek additional parking via the permit condition should it be required for Building A. This will rely on the ability of shared parking between the uses on the land. It is not necessary to include such a condition on the current application given the parking provision is deemed acceptable.

Symal (PA1944089-1A)

This permit has been acted upon with the site being used by Symal for storage of building materials, vehicles and equipment. Refer the endorsed plan below which shows the main central accessway and land occupied:



The current applications don't show how Symal and the proposals will coexist noting they each use the same accessway, and may require a further amendment to the Symal permit to ensure this is managed.

Car parking layout and access layout arrangements

An assessment against the standards in Clause 52.06-9 is provided at Appendix 6 and Council's Traffic and Transport engineer has also reviewed the application. The proposal generally meets the relevant requirements of Clause 52.06 and the Australian Standard for Off-Street Parking (AS2890.1:2004).

Matters identified by the Council's Traffic and Transport team can be dealt with via permit conditions including:

- A requirement for a functional layout plan and detailed landscape plan for the proposed internal roads.
- Provision for EV charging for visitors and staff.

Other conditions should be applied as follows, if a permit was to issue:

- All internal lighting, external lighting, signage and line marking aspects for the internal car park are to comply with AS1680.2.1, AS1158.3.1 and AS1742.1, respectively.
- Provision of appropriate line marking, directional arrows and signage within the car park and entrances, and priority line markings at either ends of the proposed internal road.
- Confirmation of a pedestrian sight triangle (to be shown on the drawings) measuring 2.5m (along the exit lane of the driveway edge at the Hudsons Road and Booker Street boundaries) by 2.0m (along the property line) clear of any objects or vegetation greater than 600mm in height on the departure side of the driveway.

Pedestrian crossing on Booker Street

Council's Traffic and Transport engineer commented that as part of the development, the applicant should be required to fund a pedestrian crossing on Booker Street to provide access to Scienceworks and beyond. The draft Structure Plan identifies opportunity to provide a new pedestrian crossing on Booker Street near Hudsons Road. It is also referred to in the adopted Local Area Movement Plan for Spotswood and South Kingsville. This has also been commented on in an objection.

Typically, such a contribution are imposed through an approved Development Contributions Plan or voluntarily by agreement between Council and the owner. This will require further discussion with the applicant however it should be noted that the need for a crossing does not only arise from the proposed use but also from the existence of Scienceworks and Grazeland, and therefore a contribution rather than full apportionment would be more appropriate. Conditions of any permit issued could address this issue.

Bicycle parking (Clause 52.34 of the Hobsons Bay Planning Scheme)

The purpose of Clause 52.34 is to *encourage cycling as a mode of transport, and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

The bicycle parking requirement for each use is outlined below:

Table 2: Applicable Statutory Bicycle Parking Rates

Use	Employee Rate	Visitor Rates
Industry	1 space to each 1,000 sqm of net floor area	None
Manufacturing sales	1 to each 300m ² of leasable floor area	1 space to each 500 sqm of leasable floor area

The bicycle parking required for the development is shown below:

Table 3: Statutory Bicycle Parking Requirements

Use	Requirement	
	Employee	Visitor
Industry	2	0
Manufacturing sales	4	2
Total	6	2

The bicycle parking provided exceeds the statutory requirement with 14 spaces in the form of horizontal hoops, proposed at the western edge of the building:

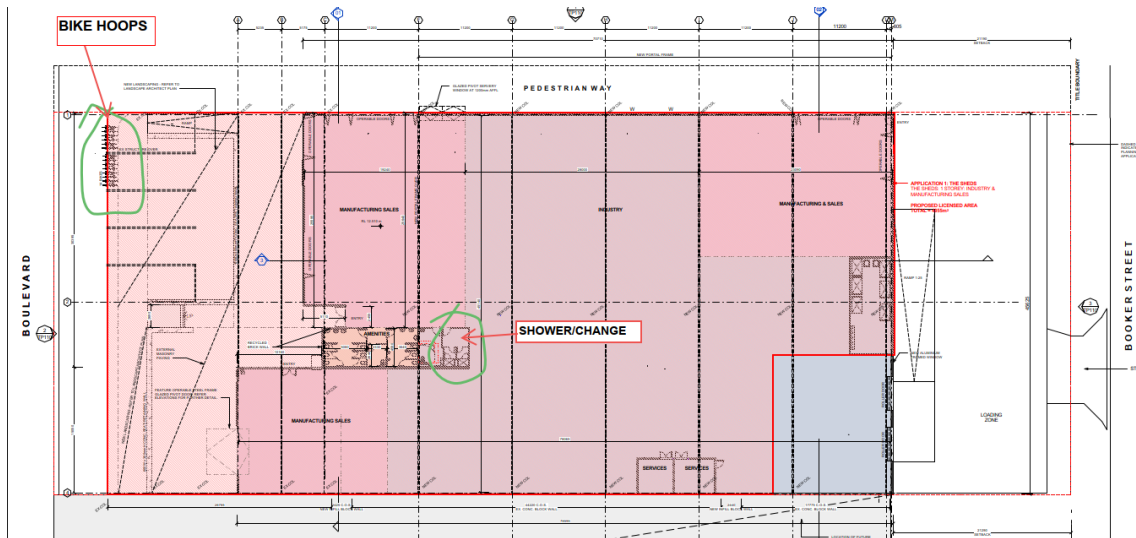


Figure 10: Location of bicycle hoops and end of trip facilities, Source: Redline diagram Application 1 - The Sheds (TP411 Rev A) by *Six Degrees Pty Ltd*

The bicycle parking provided exceeds the statutory requirement, commensurate with the objective of encouraging cycling as a legitimate mode of transport.

Clause 52.34 requires that if 5 or more employees bicycle spaces are required, 1 shower should be provided for the first 5 employees bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. The development therefore requires 2 shower/change room facilities. These are proposed within the building (shown above).

Council's Traffic and Transport engineer commented that the bike facilities for staff should be diverse and include facilities for e-bikes. This is relevant and can be applied via a permit condition if approval is contemplated.

The traffic report sets out the bicycle structure specifications required in detail. This would also need to be captured via a permit condition, if a permit was to issue.

It would also be useful to have a condition requiring signage to direct users to bicycle parking locations on the site where cycling is not in proximity to building entry points.

Green Travel Plan

A Green Travel Plan (GTP) was submitted and is one tool to assist with sustainable transport planning by encouraging mode shift and use of sustainable transport options. It supports walking, cycling, public transport and carpooling/ride share through a range of actions including promotional campaigns and incentives. The GTP has been assessed as satisfactory by Council's Traffic and Transport Team.

The GTP notes that despite convenience to various modes of public transport, there is a heavy reliance on private motor vehicle trips to and from work within Spotswood. It sets a target that seeks 50% of commuter trips by staff be undertaken through sustainable transport modes as follows:

- Mode share of at least 70% for trips by public transport;
- Mode share of at least 25% for trips by bicycle;
- Mode share of at least 5% for walking trips.

Initiatives include:

- Provision of cycling and end of trip facilities.
- 'Sustainable Transport – Information Pack' for staff of various tenants containing information about bicycle and pedestrian accessibility, public transport including use of Myki, services including shopping, recreational and education with suitable non-car based transport, links to Green Travel, public transport and local services websites.
- Discouraging single occupant motor travel through sustainable transport allowances for staff such as discounted Myki travel or salary package scheme that purchases bicycles for staff.
- Establishment of a car pooling database.
- Strategic marketing for new and existing staff.
- Promotional functions/events.

The GTP also has a monitoring program to consider the success of the initiatives and make changes as necessary.

Traffic impacts

Residents have expressed concerns about the development increasing traffic levels and safety in Booker Street and surrounding streets.

The Applicant Traffic and Transport Assessment says that the proposed uses peak traffic generation profiles will not coincide with the road network commuter peak periods.

The assessment forecasts for the industry use, a demand of 21 trips could be expected within the PM Peak period on the basis of 1 trip per staff member during the peak.

For the manufacturing sales use, a total of 46 spaces is anticipated comprising short to medium term demands attributable to patrons, expected to peak on Friday evenings and weekends, outside typical commuter peak periods. An allowance of 30% occupancy during the PM peak was made equating to 14 trips.

The assessment concludes the total generation is **35 vehicle movements split between 31 inbound and 4 outbound during the PM peak period**. This equates on average to an additional **1 vehicle movement every 2 minutes to the road network**. On this basis, the assessment concludes that the Hudsons Road/Site Access is expected to operate similar to existing conditions.

The report notes that assessments undertaken to inform the West Gate Tunnel Project reveals the critical intersections likely to be relied upon by motorists (Douglas Parade/Simcock Ave and Hyde St/Hyde St off ramp intersection) will operate comfortably with spare capacity up to the year 2031.

The assessment also notes that the expected infrastructure upgrade works within the surrounding area will see a decrease in traffic volumes in Hudsons Road (by up to 500 vehicles per day).

The additional traffic from the proposal is not expected to have adverse impacts on the performance of the road network and this was reaffirmed in discussions with Council's Traffic and Transport engineer.

Loading

Clause 65.01 of the Planning Scheme requires consideration of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. Loading is also to be considered under the Industrial 1 Zone decision guidelines (Clause 33.01-4).

The interim arrangement proposes a dedicated loading area east of the building with a new crossover constructed to Booker Street. The loading area will cater to articulated vehicles up to 19m in length (semi-trailers). It will also be used by waste collection vehicles.

The Traffic and Transport assessment notes that the majority of heavy vehicles serving the site will be rigid trucks with a modest number of semi-trailers. Refer below the applicant loading vehicle movement summary:

Table 1 Loading Vehicle Movement Summary

Vehicle Type	No. of Deliveries / Pick-Ups	Hours of Delivery / Pick-Up
Rigid Vehicles	Subject to Demand	7:00am - 6:00pm
Articulated Vehicles	1 every second day	7:00am - 6:00pm

Figure 11: Loading Vehicle Movement Summary, Source: *Traffic and Transport Assessment The Sheds, 1 Hudsons Road, Spotswood* by Impact (IMP2205050TTA01F03)

Swept paths provided in the applicant traffic assessment demonstrate a 19m semi-trailer vehicle can enter and exit the site in a forward direction to Booker Street:

Ingress movement

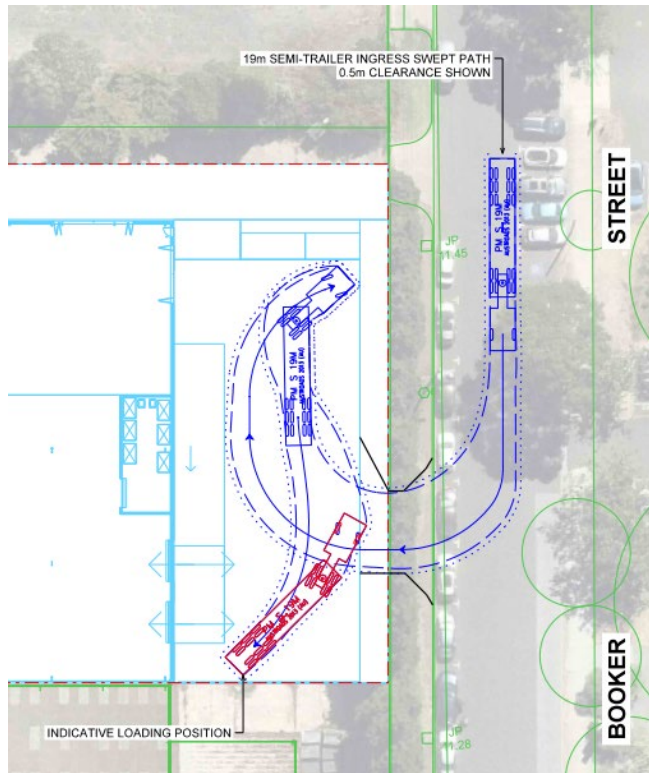


Figure 12: Ingress movement, *Traffic and Transport Assessment The Sheds, 1 Hudsons Road, Spotswood* by Impact (IMP2205050TTA01F03)

Egress movement

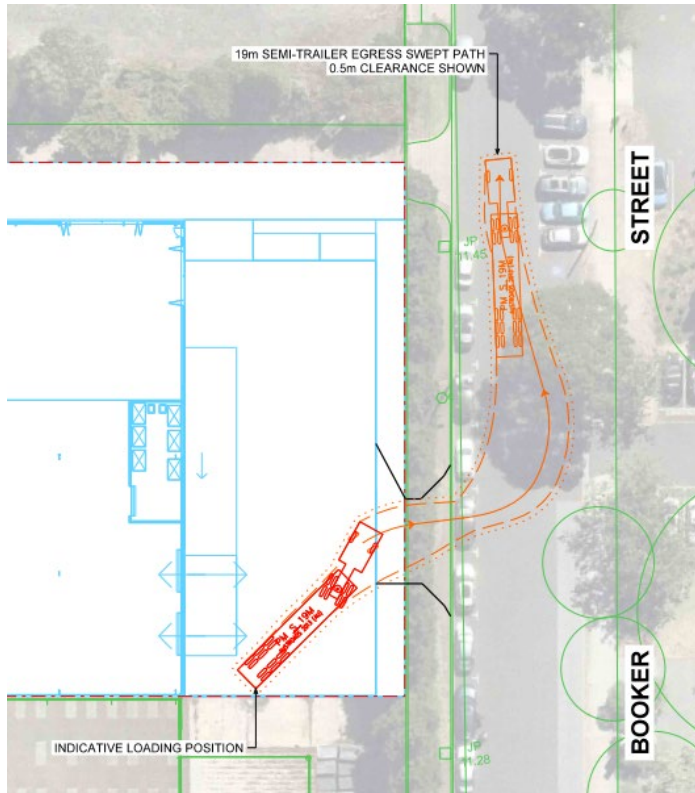


Figure 13: Egress movement, *Traffic and Transport Assessment The Sheds, 1 Hudsons Road, Spotswood* by Impact (IMP2205050TTA01F03)

The loading bay as proposed meets planning scheme requirements however there are concerns about the lack of activation to Booker Street that results from such an arrangement.

The Traffic and Transport Assessment notes the ultimate arrangement (which does not form part of this application) is for the crossover to be removed and reinstated with kerb and channel, and the loading area moved to the southern side of the building, accessed by a new crossover to Booker Street. 23 parking spaces are proposed to replace the loading area between the building and the frontage.

The loading zone in the ultimate arrangement includes 19 car spaces that would have a shared function to enable vehicles to turn into the building (refer plan below). The plan notes that parking restrictions would apply to enable after hours loading. This is not an ideal scenario where it could be reasonably envisaged that deliveries would occur during the daytime and potentially result in a loss of car parking.

Should the ultimate arrangement not be delivered and the loading area remain as currently proposed, the opportunity to activate the Booker Street edge would be lost. The use of the area for car parking would result in a similar scenario.

The proposed interim crossing requires the removal of existing trees on the Booker Street frontage which is considered undesirable. As the crossing will ultimately not be required, it would be preferable for an alternative interim arrangement to be put forward which does not require removal of the trees.

These are fundamental concerns.

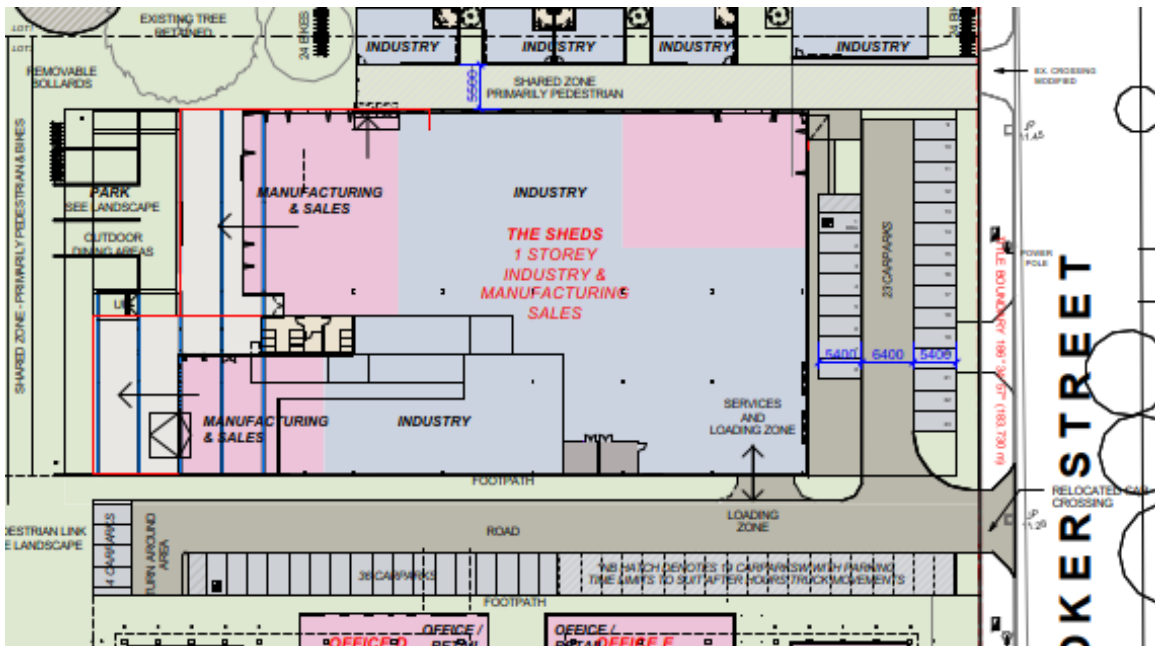


Figure 14: Ultimate arrangement for The Sheds, Source: Site Plan – proposed masterplan (TP004 Rev A) by *Six Degrees Pty Ltd*

If a permit is granted, conditions would need to address the following:

- Requirement for the crossover to be reinstated to kerb and channel upon its removal (prior to use of the relocated loading bay).
- Requirement for the new crossover to be industrial strength to cater for heavy vehicles.
- Requirement for complementary landscaping in the area formerly occupied by the crossover.
- Swept paths to demonstrate that the newly located loading zone functions satisfactorily and that vehicles can enter and exit the site in a forward direction.

Waste

The loading area will also comprise the waste collection area for the development. A private waste collection service is proposed using 8.8m rigid vehicles collecting waste up to 3 times per day (one for each waste stream, garbage, recyclables and glass) between 7am and 6pm.

A detailed Waste Management Plan (WMP) has not been provided although principles have been adopted in the Sustainability Framework and found to be acceptable. These include the following:

- Diversion of a minimum 80% construction and demolition waste from landfill.
- Provision of waste separation facilities for key waste streams.
- Site specific strategy for spent grains from brewery process (primary producer partnership).

A detailed plan showing the bin store was provided as part of the further information package:

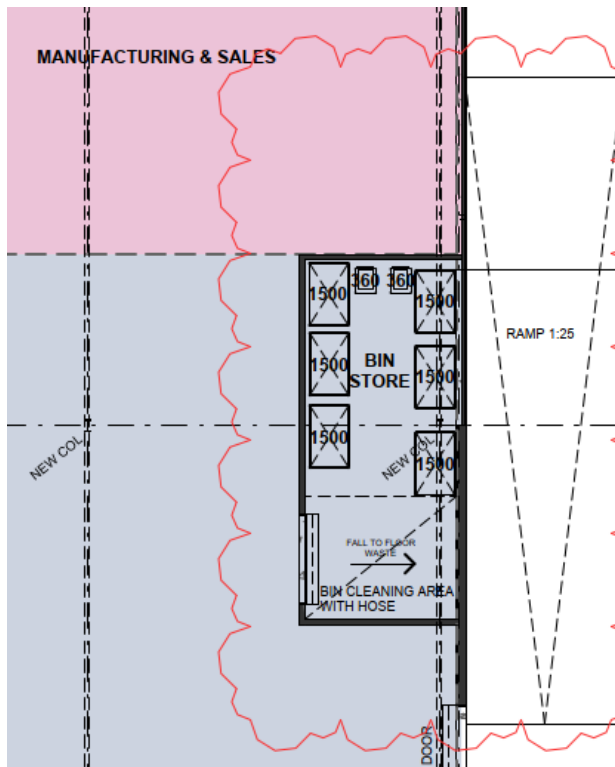


Figure 15: Waste storage, Source: Architectural plan TP400 Rev A by *Six Degrees Pty Ltd*

Whilst waste generation rates have not been provided for the proposed uses, this is not fatal as each tenant will have specific needs that are difficult to predict at this early stage. A condition can be applied requiring the submission of a detailed waste management plan for approval prior to use commencing to ensure all matters are accounted for.

Environmentally Sustainable Design

The applicant submitted a document titled *The Spotswood Sustainability Framework* which provides high-level, development wide sustainable design aspirations across the broader land parcel.

Council's Sustainability Officer has advised that while the document provides key sustainable design elements of each site, it does not have specific commitments and initiatives that can be reviewed against the design plans, and therefore Planning Scheme requirements have not been met.

If a permit was to issue, a condition of permit should be included requiring a site-specific Sustainability Management Plan (SMP) to be submitted for approval. The condition should require commitments proposed in the Spotswood Sustainability Framework to be included and address the following:

- The development must achieve a 70% overall BESS score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate excellence in sustainable design.
- Provision of a development-wide or site-specific stormwater management system designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

- The plans must reflect relevant sustainable design initiatives proposed in the SMP.

The condition will require all works to be undertaken in accordance with the endorsed SMP to Council's satisfaction and will not allow change without prior consent from Council. It also requires a report from the author of the SMP to be provided to confirm all measures have been implemented.

Should a permit be issued, such conditions would need to be applied.

Stormwater Management

A Stormwater Management Plan (SWMP) was provided as part of the request for further information. Clause 53.18 requires an application be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

The SWMP was reviewed by Council's Sustainability Officer who advised that the proprietary products proposed are not supported to count towards Total Phosphorus and Total Nitrogen reduction, and that considering the space available on the land, there is opportunity to integrate more permeable areas and raingardens.

The advice indicates that if on-going maintenance is a concern for the applicant, there are options such as Zero Additional Maintenance Water Sensitive Urban Design which is a system designed to ensure ongoing maintenance implications for the asset owner are negligible. The advice states that proprietary products will be considered as a last resort if there are site specific constraints, but that this is not the case for the subject site.

A permit condition could address this matter if the application is approved.

Air quality and odour

The application proposes a brewery, cidery, distillery and coffee roaster which do not meet the threshold distance required based on the production limits under Clause 53.10, triggering a referral to the Environment Protection Authority (EPA) as follows:

- Production of alcoholic and non-alcoholic beverage exceeding 5000 litres per day.
- Production of food exceeding 200 tonnes per year.
- Frying, drying or roasting food products exceeding 200 tonnes per year.

The application was referred to the EPA who requested more information from the applicant. That information was provided to Council on 11 November 2022. In reviewing the information, it was noted that only the brewery aspect of the proposal had been assessed. The applicant advised this was because a tenant had been secured and would occupy a significant portion of the site, resulting in the other remaining uses not triggering a Clause 53.10 referral to the EPA (because the threshold limits would *not* be exceeded).

The applicant was advised that this would necessitate an amended application under section 57A of the *Planning and Environment Act 1987*. Rather than amend the application and re-set the statutory clock to zero, the applicant requested the assessment not be referred back to the EPA.

The assessment has been provided to the EPA for review notwithstanding the Application for Review having been lodged, as this matter requires resolution. Subject to the response from the EPA, it may be possible to include permit conditions requiring control measures to manage potential odours.

Live music and noise

Clause 53.06 applies to the application for a live music entertainment venue.

It states:

A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

Live music is proposed in association with the manufacturing sales use with the operating hours stated as Monday to Sunday 11am to 1am (the following day). No information is available as to what is envisaged by way of entertainment and the applicant argues that the physical separation of the site from the nearest residential interface of approximately 100m is sufficient to mitigate any adverse impacts, and that conditions such as a requirement for a Venue Management Plan, and requiring compliance with state environment protection policy (i.e *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, May 2021*) will be ensure amenity impacts are avoided.

Environment Protection legislation

Under the *Environment Protection Act 2017* which came into effect on 1 July 2021 the *general environmental duty* applies to the operation of entertainment venues where venue managers must reduce the risk of activities potentially harming human health.

The *Environment Protection Regulations 2021* sets out what is unreasonable noise from entertainment venues. For indoor and outdoor entertainment venues and events, the Regulations apply the *Agent of Change Principle*, consistent with the Victoria Planning Provisions. This puts the onus on the developer to address noise impacts and mitigate any external effects.

The *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (publication 1826) (Noise Protocol) provides the methodology for the determination of noise limits and assessing whether noise is unreasonable under the Regulations.

Assessment

An acoustic assessment was not provided with the application and so it is difficult to determine the noise impacts and what mitigation may be required, however live music combined with the proposed hours is likely to cause a negative impact to residents in Bernard Street and Hudsons Road and possibly residents further to the west in Robb Street and Raleigh Street. It appears that a stage will be provided to the west side of the building in an open area.

If a permit is issued, conditions would need to be applied requiring an assessment against the Noise Protocol and include any mitigation measures required that would need to be translated into any endorsed plans. Measures to be considered should include:

- Reducing hours.
- A Venue Management Plan that explains how behaviour of patrons coming and going from the venue will be managed so that nuisance impacts on residents are minimised.
- Positioning of entertainment spaces (e.g., the stage) away from the residential area.

- Positioning of loudspeakers of any external entertainment spaces to direct noise away from the noise sensitive residential area.
- Building design treatments including façade construction, glazing type and the like.
- Using vestibule/sound-lock entry arrangements for any internal spaces.
- Installing a sound limiter to cap the volume of any amplified sound to an appropriate level.

An acoustic report would need to verify that the proposed mitigation measures will be satisfactory to meet the Noise Protocol.

Criteria for the assessment of patron noise should also be included. Patron noise is not covered by any policy or guideline and a peer review of an acoustic report for another development in Hobsons Bay (for a roof top bar and restaurant) recommended, as a guide, a patron noise assessment against the criteria included in the City of Yarra Planning Scheme Clause 37.01 Schedule 6. This too could be conditioned.

The issue of noise impacts has not been satisfactorily addressed. Should a permit be contemplated, conditions would need to be applied to require an acoustic assessment to ensure the venue complies with the current noise legislation.

Liquor Licence

The application seeks permission for the sale and consumption of liquor associated with the manufacturing sales use from 11am to 1am (the following day), Monday through to Sunday. No details have been provided as to maximum numbers of patrons and staff. Objectors have raised concerns about the sale of liquor and the proposed operating hours.

A red line plan has been prepared as per below identifying the proposed licensed area:

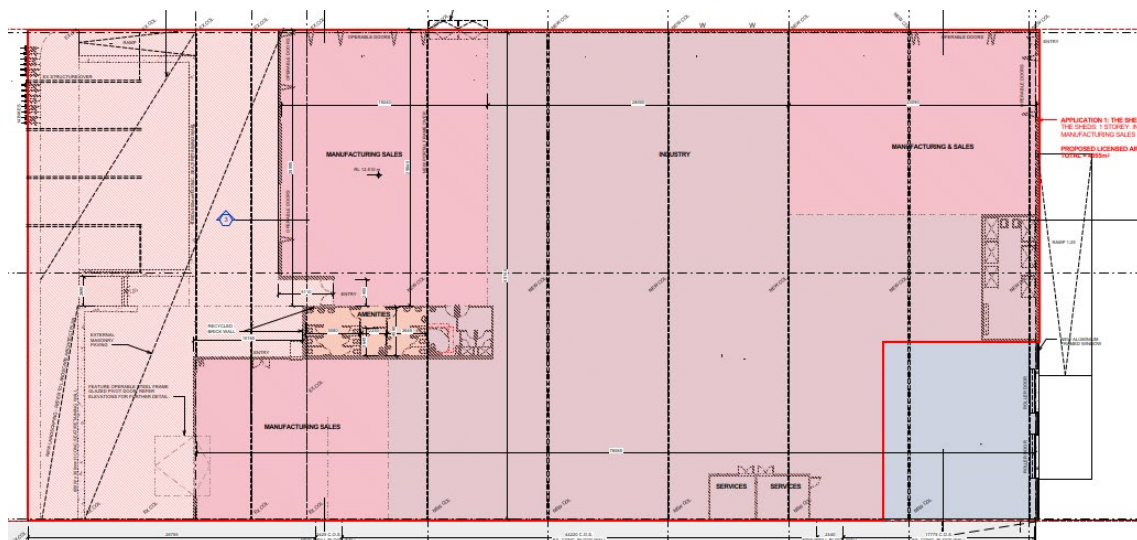


Figure 16: Red Line Plan, Source: Red Line Diagram – Application 1 – The Sheds (TP411 Rev A) by *Six Degrees Pty Ltd*

The permit trigger lies under Clause 52.27 of the Hobsons Bay Planning Scheme which states a planning permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998. A licence under the Liquor Control Reform Act 1998 is required. The clause does not apply to a licence to manufacture liquor.

The application was not required to be referred to the Victorian Commission for Gambling and Liquor Regulation under clause 66, as the proposal is not for a hotel, bar or nightclub that is to operate after 1.00 am.

Clause 52.27 states the following purposes:

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Several decision guidelines are listed and an assessment follows:

The Municipal Planning Strategy and the Planning Policy Framework

There are no specific references in the Municipal Planning Strategy and the Planning Policy Framework. The only applicable policy context is consideration of noise impacts under clause 13.05-1S and live music under clause 13.07-3S, which combined with the proposed hours will have negative amenity impacts for the neighbouring residential area.

The impacts of noise are also discussed under the heading “Live music”.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

The ‘red line plan’ shows the extent of the proposed licensed area. Liquor will be consumed within the building and in the outdoor dining area. It would be expected that liquor would be consumed with and without food.

The nearest sensitive interface are residences in Bernard Street approximately 115 metres from the western edge of the building, noting the car park to be used by patrons is much closer to the Bernard Street properties (approximately 18m at the nearest point).

In the long term these residences may become shielded from the development by other buildings, and car parking will be located elsewhere (e.g. if approved, the proposed office B building in PA220337). However in the current scheme, the open nature of the “shed” and the location of the car park, combined with serving of liquor until 1am could lead to amenity impacts for residents beyond what is reasonable. This includes noise from the venue and noise associated with patrons entering and leaving the car park and potential unruly behaviour.

The impact of the hours of operation on the amenity of the surrounding area

The proposed 1am licence is inappropriate taking into account the proximity of the site to the residential area in Bernard Street and Hudsons Road. Negative amenity impacts such as unwanted noise from patrons and their cars and potential disruptive behaviour would be unreasonable for residents with an expectation of quiet enjoyment of their properties during the night time period, notwithstanding their proximity to industrial uses which operate at night and generate noise.

The applicant says the hours proposed are consistent with the nature of venues in the area and are therefore not unreasonable.

There are two premises close to the site that have a liquor licence:

“**Grazeland**” has an On-Premises Licence (32358271) for the following hours:

Friday	between 5pm and 10pm
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Saturday between 12 noon and 10pm

Sunday between 12 noon and 9pm

During daylight saving hours the hours are extended by one hour.

Grazeland is approximately 257m from the nearest residence in Hudsons Road. It operates 3 days a week with the latest closing time being 10pm or 11pm during daylight savings hours.

Scienceworks also has an On-Premises Licence (32238667) for the following hours:

Planetarium and foyer

Friday between 5pm and 11pm

Remainder of the premises (Scienceworks Café including outdoor seating area and Elements Café)

Sunday between 10am and 11pm

Good Friday and ANZAC Day between 12 noon and 11pm

Any other day between 7am and 1am the following day

The next closest venue is **Sound City** (a recording studio) at 10/51-59 Hudsons Road which has a Limited Licence (36135104) as follows:

Monday to Sunday between 6pm and 11pm (with restrictions on the number of drinks, lines of liquor and drinks per patrons who hire the recording studio for rehearsal and recording purposes).

Despite Scienceworks having a 1am licence, the areas that alcohol is consumed is contained within the site with no direct exposure to the residential area and the car park (approximately 150m from the Craig St car park and 250m from the main car park) is shielded by existing buildings. The serving of alcohol is also in association with specific events held at the facility, not on a daily basis as proposed in the application under review.

It is therefore inappropriate to compare the proposal against Scienceworks or indeed against any of the other venues operating in the area, as each has its own specific set of circumstances.

If a permit were to issue, conditions would be necessary restricting the hours and patron numbers (which require clarification from the applicant). The Grazeland operating hours provide an appropriate reference point. A seating plan for the building would also be required.

The impact of the number of patrons on the amenity of the surrounding area.

The applicant has not provided any patron numbers and it is therefore difficult to assess the impacts. Using the “maximum patron capacity” of 0.75sqm per person from the Victorian Commission for Gambling and Liquor Reform *Liquor Licensing Factsheet Maximum Patron Capacity September 2015* as a rough guide, this equates to approximately 420 patrons based on half the floor areas shown as “manufacturing sales” being occupied by the public and could

be higher as the calculation has not included outdoor areas. The number of patrons requires further assessment.

Loading and waste management considerations have been satisfactorily addressed.

The car park is located close to the Bernard Street properties. Bearing in mind a 1am closing, this could result in disruption to residents through noise from patrons talking, car doors opening/closing and cars entering/exiting the site.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Practice Note 61 'Licensed premises: Assessing cumulative impact' prepared by the former Department of Planning and Community Development states that where three or more licensed premises exist within a 100 metre radius or 15 or more premises within a 500 metre radius, a cluster has occurred, and that the Guidelines should be used. This is not the case for the subject site where the nearest licensed premises are Grazeland and Scienceworks less than 100m from the subject site and Sound City Melbourne at 10/51-59 Hudsons Road Spotswood, approximately 350 metres from the site. There is a total of 11 licensed premises within 500m of the site.

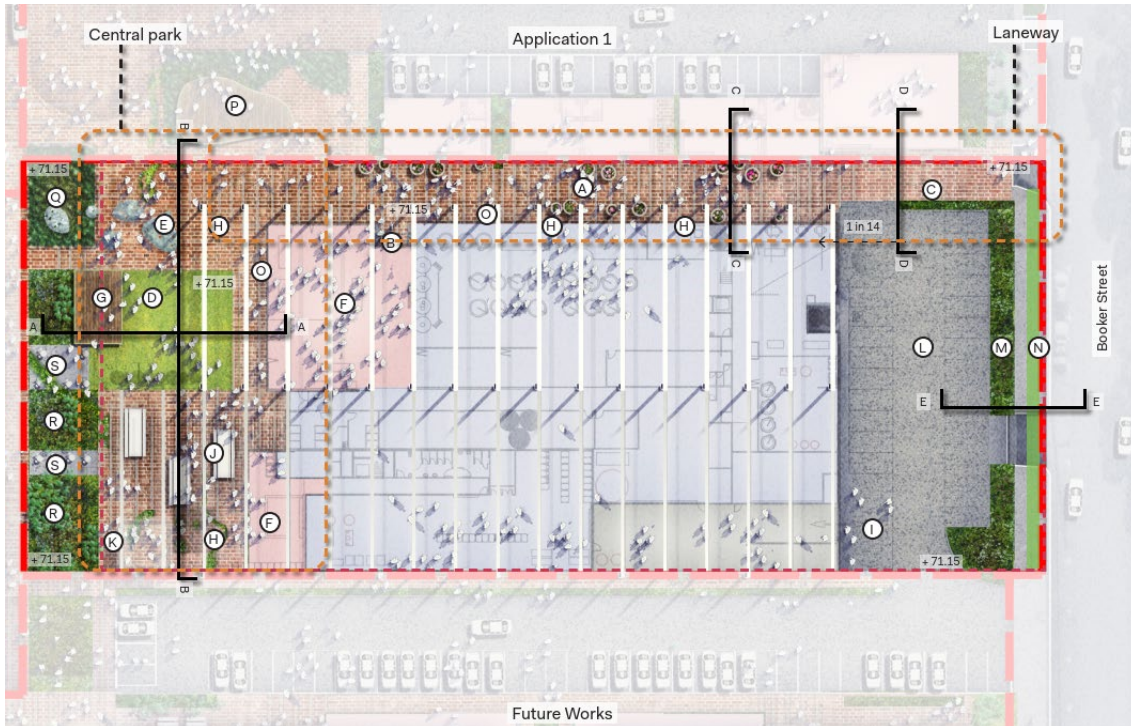
With the existence of Grazeland and Scienceworks, it is expected that the proposal would add to the vibrancy of the area. Patron dispersal is not expected to be an issue given Scienceworks, Grazeland and the subject proposal have very different offerings, subject to the hours of operation being limited and subject to qualification and limiting of patron numbers. Other conditions may also be necessary.

Site Landscaping

A "masterplan visioning" document was submitted that advocates general principles for the broader site. It says that the design proposal seeks to engage with the Bunurong Land Council to *produce meaningful design outcomes*. Further that it seeks to *create an overlapping environment of existing form, new built form and landscape that is intertwined, blurring the lines between indoor and outdoor spaces and creating those in-between spaces so common in Melbourne. The proposed tree canopy will be substantial and assist in creating microclimates and a leafy layer to the precinct. We see the landscape taking on an informal quality with the focus on creating scaled spaces that encourage and allow a wide variety of activities and events with some spaces designed for larger gatherings and markets to much more intimate green laneways, retail spaces, designer maker courtyards and commercial forecourt gardens. All these spaces will be inter-connected and pedestrian focused with emphasis on cycle paths and cycle parking. This is a place of authenticity and takes a strong hint from the local context and the need for our cities to be environmentally sensitive and culturally connected and relevant.*

The proposed landscaping for the application is shown below. It comprises hard and soft landscaping with a blurred line between indoor and outdoor spaces. It incorporates an elevated stage at the western end of the site where performances and entertainment will be provided. It also includes a biodiversity corridor to be planted with natives at the western edge. The concept is reasonable though detailed plans will be needed and can be requested via permit conditions.

Figure 18: Proposed landscaping, Source: Oculus *Application 1 The Sheds, Spotswood Precinct, July 2022*



Legend

- (A) Pedestrian Laneway
- (B) Shed Public Entry
- (C) Bio Retention Swale
- (D) Raised Multi Function Lawn
- (E) Urban Play Space with Natural Stone & Water Play
- (F) Indoor / Outdoor Area
- (G) Elevated Stage with GPO connection
- (H) Trees within Existing Steel Frame
- (I) Loading Zone
- (J) Outdoor Dining Area
- (K) Temporary Pavilion
- (L) Parking and Loading Area
- (M) Landscape Buffer with Native Trees
- (N) Make Good Lawn and Concrete Path Verge
- (O) Spillover Seating Along Edge of Built Form
- (P) Existing *Eucalyptus botryoides* to be retained and protected
- (Q) Indigenous Garden
- (R) Biodiversity Corridor
- (S) Gravel paved areas with movable furniture

Figure 19: Proposed landscaping, Source: Oculus *Application 1 The Sheds, Spotswood Precinct, July 2022*



An Arborist assessment was submitted and identified 126 trees within the site and 97 trees on nature strips surrounding the site. It nominates all trees within the site (including those on Booker Street) as having a low retention value. Whilst some tree removal is inevitable, it would be preferable for the design approach to retain as much of the vegetation as possible.

The landscape plan nominates all trees within the site for removal with the exception of Tree 227, a large Eucalyptus botryoides, as it sits within an Urban playground setting. This conflicts with the Arborist report which marks this tree for removal noting it is in decline, with a short useful life expectancy and having a low retention value.



Figure 20: Aerial view looking from the north showing tree to be retained, Source: *nearmap.com*

Council’s Coordinator Arboriculture has advised that should the intention be to retain the tree, a further arboricultural assessment will be required to determine its suitability for retention in a playground setting. This assessment could be requested via a permit condition, if a permit

is granted and this would ultimately determine whether the tree can be retained. The condition should require a suitable replacement tree (advanced grown) if it is determined the tree should be removed.

The 'masterplan' for the site which does not form part of this application shows future proposed development encroaching on the Tree Protection Zones and Structural Root Zones of Council managed nature strip trees in Craig Street. Council's Coordinator Arboriculture advised that the proposed Tree Protection Zone encroachments is not in line with Council's Urban Forest Strategy and is not supported. Further that tree sensitive design considerations and/or a setback should be provided within the site to reduce the extent of encroachment.

The Arborist assessment also says the design should ensure nature strip trees are not adversely impacted by the proposed development. This is a matter that will need to be addressed when an application for that part of the site is received, and the applicant will be advised accordingly.

Council's Coordinator Arboriculture noted that the Hudsons Road street trees (which borders the industry/office tenancies in the North East Plot PA220337) will incur only minor tree protection zone encroachments and therefore development on this boundary is acceptable.

The landscape plan appears to seek retention of street trees in Bernard Street (except for the proposed pedestrian path connections where vegetation would be removed), which is desirable as the trees currently provide a good visual screen for residents. There are gaps between the trees and it may be possible to create pedestrian paths in these locations without having to remove trees or much vegetation. This is a matter of detail that could be conditioned to ensure the opportunity is not lost.

The application shows the removal of the row of trees along Booker Street, replaced with a landscaped buffer comprising native species:

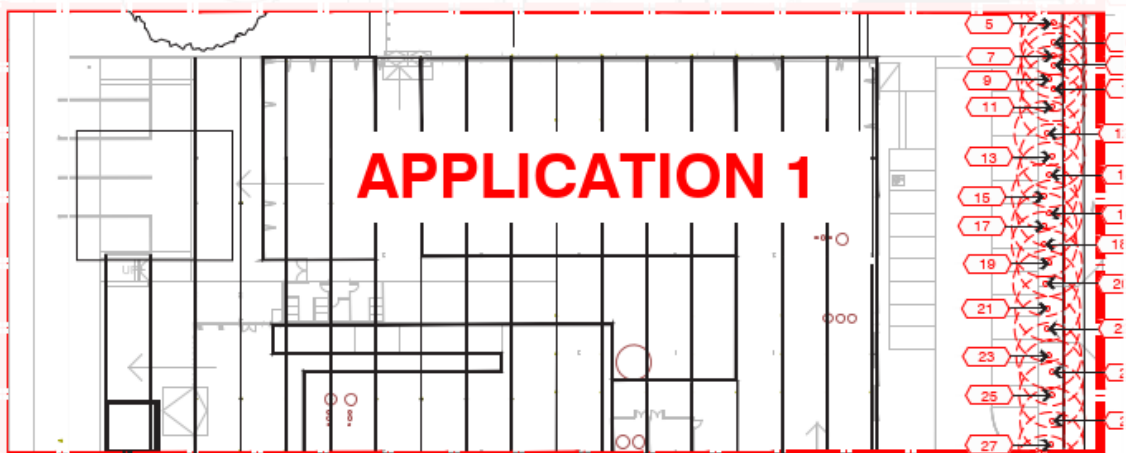


Figure 21: Trees to be removed, Source: Oculus, *Application 1, The Sheds, Spotswood Precinct, July 2022*

Council's Coordinator Arboriculture advised that the row of cypress trees (#1-62) along the eastern side of the site contribute significantly to the character of Booker Street and that retention of this row should be considered. He also notes that although hard paved surfaces are proposed near the trees' bases (including the loading zone/car park and a concrete footpath), development could likely occur in this footprint without adversely impacting the tree row.

All existing cypress trees on the land along the Booker Street frontage are proposed for removal on the basis that the site will better connect to Scienceworks and help establish a native buffer with bio retention basins to the street edge. Council's Coordinator Arboriculture advised that the scale of removal is not in line with Council's strategies, in particular the Urban Forest Strategy and should not be supported.

It is agreed that it is preferable to retain the trees and one option could be to introduce openings by removing a select number of trees at key strategic locations to create view lines to Scienceworks opposite (including but not limited to pedestrian access points and driveways). This ensures the bulk of the trees are retained whilst providing a visual connection to Scienceworks and could be implemented via a permit condition if considered an appropriate outcome.

Council's Coordinator Arboriculture has noted that the indicative tree schedules appear to propose the plantings of tube stock only which would not be appropriate when combined with the extent of proposed tree removal. Should a permit issue, a condition would be required to ensure advanced grown trees form part of the replacement planting.

He has also advised that the indicative plant schedules should include the plantings of more natives that are *not* from the myrtaceae family, and has suggested Banksia integrifolia and Allocasuarina verticillate as suitable alternatives. He advised that he is not familiar with Acacia leiocalyx but the remaining trees in the indicative schedules are acceptable.

Detailed landscaping plans will be required to be submitted for approval and can capture the matters discussed above.

Contamination

Objectors have mentioned the issue of site contamination. An Environmental Audit Overlay does not apply to the site however consideration is required to be given to the *Planning Practice Note 30 – Potentially Contaminated Land (DELWP, 2021)* because Council is aware the land has the potential for contamination.

Given the proposed commercial/industrial use, Table 3 of the Practice Note indicates the appropriate level of assessment to be a Preliminary Site Investigation (PSI).

The applicant submitted a letter from Golder Associates dated 24 August 2022 providing an assessment of the contamination status at the site (essentially a PSI). The advice confirms that no contamination issues have been identified that would preclude the proposed uses contemplated but also outlines actions required to manage contamination. The letter states:

The information obtained from the investigations undertaken indicates the presence of soil contamination risks which can be managed as part of the site development as set out below. As such, an Environmental Audit is not required.

The recommended actions are set out in the following extract:

- A HAZMAT assessment of the site infrastructure be undertaken.
- As elevated concentrations of contaminants were identified within the backfilled quarry along with asbestos containing materials (ACM) and other wastes, it is recommended that the material within the backfilled quarry, if encountered, either be excavated and disposed offsite or managed through construction of separation layers over the area such as a concrete slab or pavements with access into the future managed via implementation of a Soil Management Plan.
- The development should be designed to manage the potential impact of the fill soils in garden and landscaped areas by excavating to a depth commensurate with the root zone of the vegetation to be planted at the site and replaced with clean imported fill.
- Following demolition, a review of evidence of contamination found should be undertaken by an Environmental Consultant in conjunction with the proposed development drawings to assess the need for further assessment or management of any identified contamination.
- The potential occurrence of perched water at least in the north of the site means that this water will need to be managed as part of construction should excavation below 1 m to 1.5 m be required.

- It is recommended that a general soil management protocol to be adopted during the development of the site.

These requirements could be dealt with by placing a condition on the permit requiring compliance with the matters raised and written confirmation from Golder Associates that the matters have been satisfactorily attended to.

Because some of the matters require ongoing maintenance and monitoring, a section 173 agreement would need to be entered into, and this too would need to be incorporated into a permit condition if a permit is granted. The agreement is registered on the titles to the land and brings attention of any such obligations to future owners.

Site proximity to Major Hazard Facility (MHF) and WorkSafe objection

Clause 13.07-2S (Major hazard facilities) has an objective to *minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.*

The applicable strategies are to:

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

Clause 17.03-2S (Sustainable Industry) seeks to *facilitate the sustainable operation of industry.* The applicable strategies are to *protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses which would adversely affect industry viability and to provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*

In April 2022, the safety buffer distances around major hazard facilities were changed by WorkSafe and have resulted in an increase to the extent of the safety areas.

The plans below show the former and current major hazard facility inner and outer safety areas. As can be seen, the subject site partially sat within the Outer Advisory Area of the Newport Fuel Terminals but now a large portion of the site sits within the Inner Safety Area.

Figure 22: Previous major hazard facility safety areas:



Note: These maps have been prepared by Council and are indicative only. WorkSafe has not released any mapping to Council.

Figure 23: Revised Major hazard facility safety areas:



Note: These maps have been prepared by Council and are indicative only. WorkSafe has not released any mapping of the 2022 revised Major Hazard Facility safety areas to Council.

In line with Council's current practice, WorkSafe were sent a notice under section 52 of the *Planning and Environment Act 1987*.

WorkSafe advised **against** approval of the application in a letter dated 5 September 2022 as set out in the extract below:

Figure 24: Extract from WorkSafe's response to Application 1 'The Sheds'

The referral concerns an application to allow industry and manufacturing sales land uses, buildings and works, erect signage, vary to statutory car parking rate, the sale and consumption of liquor, live music and uses with potential adverse impacts.

In relation to the subject site which includes manufacturing and sales, industry (brewery, cidery, distillery, coffee roastery and bakery), licenced outdoor dining area and live music entertainment venue at the proposed location in this planning permit application, WorkSafe has had regard to:

1. The proposed location of the subject site is located approximately 220m away from the boundary of the nearby Ampol Newport major hazard facility (MHF), placing it within the Inner Safety Area of the Ampol facility.
2. The land currently has a population sensitivity of Normal Working Population.
3. Based on the information provided within the application, the proposal will change the population sensitivity of the proposed site within the Inner Advisory Area of a Major Hazard Facility (Normal Working Population to General Public) due to the inclusion of Industry Retail, live music entertainment venue and dining facilities.
4. The proposal would introduce members of the general public to an area which could be severely affected if any of several potential incidents eventuate at the nearest major hazard facility.
5. Additionally, if developed, it may also set a precedent for future gradual increase in population in the area.

Based on the above points, WorkSafe Victoria has reviewed the application and **advises against** the granting of the planning permit application at the proposed location.

Ampol the relevant operator (formerly known as Caltex), was also notified about the application but has not responded.

Viva was also notified and have no objections.

In response to the WorkSafe objection, the applicant provided a reply (in support of the proposal) including a letter from Best Hooper Solicitors. It presents a range of arguments to demonstrate the applicant's case that MHF risks can be appropriately mitigated (and also to challenge the application of the WorkSafe guidance and suggest inconsistency in WorkSafe's application of the guidance). WorkSafe has not changed its advice on the application after reviewing the applicant's responses and detailed risk assessments.

WorkSafe is the State's safety expert and regulator. WorkSafe recently increased the safety areas around MHF's, which have a greater impact on the site. Council has not seen detailed evidence from WorkSafe justifying the original or revised MHF safety areas. The application of the safety areas lacks transparency as it sits separate from the Planning Scheme. Since the guidance was originally issued, and outside of this planning application, Council has called on WorkSafe and the State government to increase transparency and consistency in relation to MHF safety areas. This includes better justifying the reasons for safety areas, undertaking community consultation about changes to safety areas or to MHF licences which impact third parties, and the introduction of a Buffer Area Overlay into the Planning Scheme will provide clarity on how it should be applied.

To address this gap, Council in 2013 (updated in 2014 and 2022) developed policies designed to improve transparency and clarity for planning applications within the proximity of MHFs. Council's *Interim Management of Land Use Planning Around Major Hazard Facilities*

guidelines indicates that notice of all planning applications within MHF safety areas is given to WorkSafe as the State’s safety expert.

Whilst the ultimate decision on the merits of the application rests with Council, by ignoring WorkSafe advice on a planning application, Council would assume the risk and responsibility for any impacts on the site arising from an incident that could occur (with limited visibility of the actual risk from the MHF site and limited ability to influence its mitigation).

Council also continues to advocate to the State Government to introduce a Buffer Area Overlay into the Planning Scheme, and to undertake consultation with any impacted stakeholders (MHFs, neighbouring landowners, responsible authorities, etc) as part of that process.

RESPONSE TO OBJECTIONS

The following is a response to the concerns raised by the objectors that have not been discussed in the above assessment.

<p>Concerns about littering and use of residential rubbish bins on nature strips along Hudsons Road which currently occurs from Grazeland patrons, including people eating and walking.</p>	<p>The food and beverage offering associated with the manufacturing sales is different to Grazeland which comprises ‘food trucks’ offering ‘take-away’ type food. With the increased activation and natural surveillance of the overall development, it is likely that littering will decrease.</p>
<p>Many native birds in the area will be impacted by the loss of trees and increased noise.</p>	<p>Council will be seeking to retain as many of the existing trees as is reasonably possible.</p>
<p>Council must enforce parking regulations in residential streets as non-compliance will occur.</p>	<p>This is handled by the Local Laws Department.</p>

CONCLUSION

The proposal is not consistent with all aspects of the Hobsons Bay Planning Scheme. While some matters can be addressed by the imposition of permit conditions, other issues are of such significance to warrant refusal of the application, particularly the proximity to the major hazard facility, noting WorkSafe’s advice against the proposal.

The application is therefore recommended for refusal.

RECOMMENDATION

1. That the Delegated Planning Committee, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* in respect of planning permit application PA220336 resolves to:
 - Refuse to grant a planning permit under the provisions of the Hobsons Bay Planning Scheme on the grounds contained in the Draft Refusal Grounds in Appendix 2 in respect of the land known and described as 1 Hudsons Road, 1 Booker Street and 30 Craig Street Spotswood for the use and development of the land for the purpose of industry and manufacturing sales, a reduction in the statutory car parking requirement, the display of signage and the sale and consumption of liquor.
2. Delegate the authority to settle any matter before the Victorian Civil and Administrative Tribunal which may arise to the Council's Manager Planning, Building and Health.

APPENDIX 2

Draft Grounds for Refusal

PLANNING PERMIT APPLICATION PA220336

GROUNDINGS OF REFUSAL:

1. The proposal does not meet the Municipal Planning Strategy of the Hobsons Bay Planning Scheme, particularly the following Clauses, 02-03-3 Environmental risks and amenity, 02.03-4 Natural resource management - Water, 02-03-5 Built environment and heritage - Building and urban design, Environmentally sustainable development, 02.03-7 Economic development – Industry and 02.03-9 Infrastructure – Integrated water management.
2. The proposal does not meet the policies in the Planning Policy Framework of the Hobsons Bay Planning Scheme, particularly Clauses 11 Settlement, 13 Environmental Risks and Amenity, 13.05-1S Noise abatement, 13.06-1S Air quality management, 13.07-1S Land use compatibility, 13.07-2S Major hazard facilities, 13.07-3S Live music, 14.02-1S Catchment planning and management, 14.02-2S Water quality, 15 Built environment and heritage, 15.01-1S Urban design, 15.01-1L-02 Landscape design and canopy tree cover, 15.01-2S Building design, 15.01-2L-03 Industrial building design (including the *Hobsons Bay Industrial Development Design Guidelines 2008*), 15.01-2L-04 Environmentally sustainable development, 17.03-2S Sustainable Industry, 17.03-2L Sustainable industry, 17.03-3S State significant industrial land, 19.03-3S Integrated water management, 19.03-3L Integrated water management.
3. The proposal does not meet the purpose of the Industrial 1 Zone (Clause 33.01) with regard to ensuring the safety and amenity of local communities.
4. The proposed hours with respect to the approval sought under Clause 52.27 for the sale and consumption of liquor are excessive and will result in negative amenity impacts for nearby residential areas.
5. The amenity of the nearby residential area will be negatively impacted by noise from the live music entertainment having regard to the requirements and

standards in Clause 53.06. Noise mitigation measures have not been sufficiently detailed.

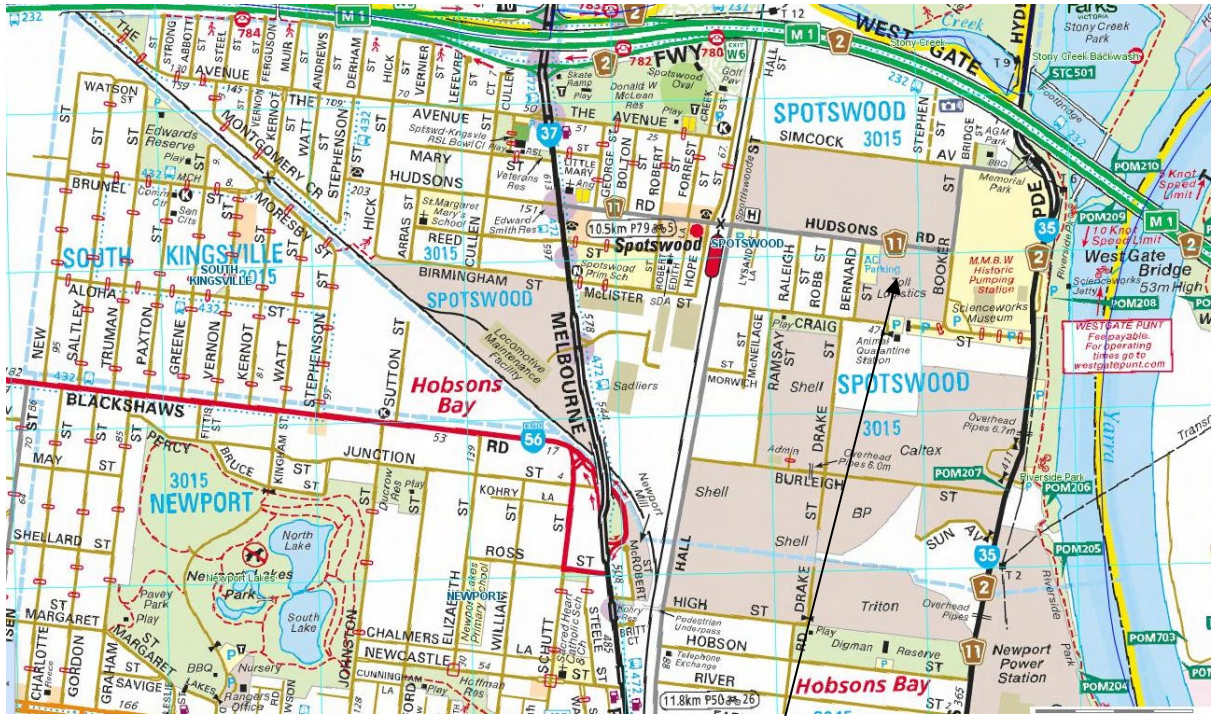
6. The proposed hours of operation until 1am daily will have an adverse impact on the amenity of the nearby residential area.
7. The impacts of noise, air quality and odours from the proposed industry uses that do not meet the threshold distances under Clause 53.10 of the Hobsons Bay Planning Scheme have not been satisfactorily addressed and will adversely impact the amenity of the nearby residential areas.
8. The proposed location of services (fire tank, water meters, fire booster cupboard, fire pump, etc.) at the northern end of the western carpark and narrow landscaped setback to Hudsons Road will have a negative impact on the appearance of the site from Hudsons Road.
9. The built form interface with Booker Street lacks activation and results in a poor streetscape response and urban design and built form outcome.
10. The application has not satisfactorily demonstrated that the proposal meets the applicable objectives under Clause 53.18 and ensuring that stormwater will be managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.
11. The loss of trees along Booker Street, the removal of all trees on site and management of trees to be retained on site is unacceptable and contrary to the Municipal Planning Strategy and the Planning Policy Framework of the Hobsons Bay Planning Scheme.
12. The location of the proposal within the Inner Safety Area of the major hazard facility (Ampol Newport Terminal Major Hazard Facility) is inappropriate and represents an unacceptable risk.
13. The proposal does not meet the objective of Clause 13.07-2S (major hazard facilities) of the Hobsons Bay Planning Scheme which seeks to minimise the potential for human and property exposure to risk from incidents that may

occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

14. The staged approach to lodging multiple interrelated planning applications for the land does not contribute to integrated decision making and is contrary to orderly and proper planning.

APPENDIX 3

Locality Map



Subject Site
1 Hudson Road, 1 Booker Street
and 30 Craig Street , Spotswood

APPENDIX 4

Advertised Plans

Link to Advertised plans

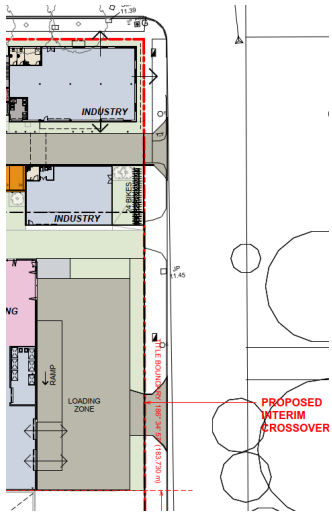
[PA220336 - Advertised Plans](#)

APPENDIX 5

Hobsons Bay Industrial Development Design Guidelines June 2008 Assessment

<p>3.1A – Site layout and built form</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure that the site layout and built form contributes to the visual amenity of the area. 2. To protect and enhance public spaces. 3. To ensure that buildings are 'in scale' with the surrounding development. 4. To encourage building forms, materials and finishes that adds visual interest to the neighbourhood. 5. To achieve preferred building and landscaping setback requirements for industrial land other than in a Schedule to the Special Use Zone. 6. To ensure that on-site car parking at industrial premises is adequate, safe and visually attractive. 	<p>Complies subject to conditions.</p> <p>The existing built form consists of a building in disrepair. The application says it is proposed to use as much of the existing structure as possible however details are lacking and it appears that the entire building will be demolished and rebuilt, but not in the same style as currently exists For instance, it appears that the existing roof form with clerestory windows at the eastern end of the site will be replaced with two hipped roofs, more reflective of buildings found in new industrial estates rather than the industrial heritage found in the area. The plans will therefore require amendment which could be addressed via a condition of permit to ensure the building adds visual interest and provides an activated edge to Booker Street.</p> <p>The design creates public spaces that are purposeful. For instance, the indoor and outdoor areas which provide casual landscape dining areas and areas for live entertainment, a play area to the north of the building, etc. However it is considered that activation of the eastern end of the building is also needed to connect the development to adjacent development including Scienceworks and Booker Street.</p> <p>A 9m building setback is recommended to Booker Street. The current setback of 21.29m is being maintained.</p> <p>The Guidelines state a preferred landscape setback of 4.5m however the plans show a 2.7m 71pprox.. landscaped zone across the frontage, allowing for a loading zone and future car park. 4.5m is preferred and should be applied via a condition if a permit is granted, particularly given the large cypress trees are being retained.</p>
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	<p>There is inconsistency between the landscape plans and the architectural plans regarding the extent of landscaping across the frontage with the landscape concept showing a deeper planting zone at the southern edge. This would need resolution via permit condition.</p> <p>Advice from Council's Coordinator Arboriculture states that the existing cypress trees should be retained as they form a significant part of the area's amenity and the loss of these trees is counter to the urban forest strategy objectives. One option may be to create breaks by removing some trees to provide a visual connection with Scienceworks opposite and to ensure pedestrian connectivity between uses. The arbitrary removal of trees is not supported. This could be addressed by permit conditions to ensure objectives for a high-quality landscape zone are achieved.</p> <p>On-site car parking is satisfactorily handled.</p>
<p>3.1B – Traffic and Car parking</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure that on-site parking at industrial premises is adequate. 2. To ensure that the siting of parking areas and access ways is safe and convenient. 3. To ensure that the layout of parking areas are visually attractive. 	<p>Complies subject to conditions.</p> <p>An existing car park will be utilised and is located within the site along the western boundary. The surface is to be upgraded and bays are to be re-line marked. Conditions should be applied accordingly including a requirement for landscaping to enhance the appearance of the car park.</p> <p>The ultimate future arrangement proposes a new car park between the building and the frontage with a landscaped edge noting it does not form part of the current application. Consideration needs to be given to ensuring activation of the space is achieved whilst giving thought to the retention of trees along the frontage. The aim should be to seek a purposeful connection with Booker Street.</p>
<p>3.1C - Site Access</p>	<p>Complies subject to conditions.</p>


<p>Objective</p> <p>1. To ensure that vehicles can access industrial sites safely and efficiently.</p>	<p>The existing northernmost crossover is to be retained and modified for access to the development proposed in the North East Plot (PA220337).</p> <p>An existing crossover immediately to the south will not be required and if a permit is issued a condition should require reinstatement of the nature strip, kerb and channel.</p> <p>A new temporary crossover is proposed to give access to loading facilities associated with the Sheds (the ultimate arrangement being a new crossover south of the Shed). Rather than introduce a new opening that is an interim solution requiring the removal of trees, it would be better to utilise existing crossovers or loading bays. That way, the cypress trees on Booker Street can be retained in a purposeful manner.</p> 
<p>3.1D - Loading and Services Areas</p> <p>Objectives</p> <p>1. To ensure the layout of loading bays is safe, convenient and visually attractive.</p>	<p>Complies subject to conditions.</p> <p>A designated loading area is provided on site, located between the frontage and the building. The loading bay area is to concurrently be utilised as a waste collection area and swept paths demonstrate satisfactory access/egress.</p> <p>The loading area will eventually be relocated to the south side of the building</p>

	<p>which is also satisfactory as swept paths have demonstrated.</p> <p>The preference would be to avoid the interim arrangement to provide an activated edge to Booker Street. Conditions should be applied to manage the transition.</p>
<p>3.1E - Road Network</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure that access arrangements to industrial sites accommodate for large vehicles. 2. To ensure that access to the site is safe and does not cause detriment to residential areas or other users. 	<p>Not applicable.</p> <p>Swept paths demonstrate satisfactory access for large vehicles including semi-trailers. Pedestrian access is separate from the loading area.</p>
<p>3.1F - Landscaping</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To encourage open, well landscaped industrial precincts. 2. To encourage landscaping that enhances the appearance and amenity of the site and public areas. 3. To encourage the use of recycled water to irrigate landscaped areas. 	<p>Complies subject to conditions.</p> <p>A condition will be required on any permit issued requiring the submission of a landscape plan prior to endorsement. Conditions will require resolution of landscaping issues such as tree removal and planting. A requirement for an integrated water management plan will also be applied.</p>
<p>3.1G - Storage</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure storage of goods does not lower the appearance and amenity of the area. 2. To ensure that sufficient area is allocated for external storage. 3. To ensure that storage of goods does not impact upon the quality of stormwater. 	<p>Complies.</p> <p>There will be no external or visible storage of goods outside of the built form. Conditions can be applied to ensure storage is not visible externally.</p>
<p>3.1H - Container storage</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure the placement of containers does not lower the appearance and amenity of the area. 2. To ensure the stacking of containers do not pose a safety hazard. 	<p>Not applicable.</p> <p>Container storage is not proposed in conjunction with this application.</p>
<p>3.1I - Waste</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure each premise has sufficient and appropriate access to waste and recycling facilities. 	<p>Complies subject to conditions.</p> <p>Waste collection will be undertaken within the loading zone adjacent to the waste storage area.</p>

<ol style="list-style-type: none"> 2. To ensure that waste is handled and stored so that it does not lower the appearance and amenity of the neighbourhood. 3. To ensure that waste does not impact upon the quality of stormwater and the surrounding environment. 	<p>A detailed Waste Management Plan will be required if the development is approved.</p>
<p>3.1J - Lighting</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure lighting does not impact the amenity of the local area. 2. To ensure sites are appropriately lit to provide security. 	<p>Complies subject to conditions.</p> <p>Minimal light spill beyond the site boundaries is expected due to the location of the building within the existing site boundary. Lighting will be required in pedestrian zones for safety. Conditions can be applied to ensure no light spill from the car park to the residential area to the west.</p>
<p>3.1K - Fencing</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure that fencing complements the amenity of the area and contributes to an 'open' streetscape. 2. To ensure fences provides adequate site security. 	<p>Not applicable.</p> <p>No new fences are proposed to be constructed in conjunction with this application. If necessary, conditions can be included on any permit issued to address fencing.</p>

APPENDIX 6

Clause 52.06 (Car parking Assessment)

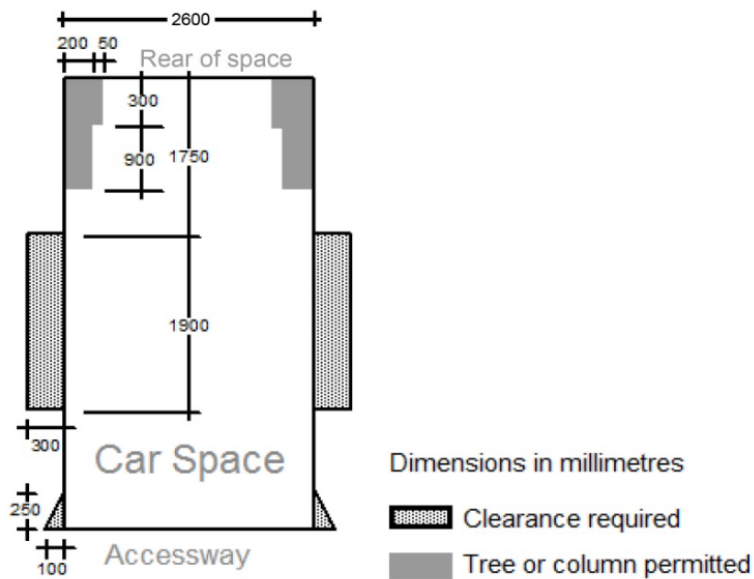
Design standard 1 – Accessways must:	Design response
<ul style="list-style-type: none"> Be at least 3 metres wide. 	Accessways exceed 3m in width.
<ul style="list-style-type: none"> Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide. 	Accessways are at least 4.2m wide at changes of direction.
<ul style="list-style-type: none"> Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre. 	There are no dead end accessways proposed for this development.
<ul style="list-style-type: none"> Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres. 	There are no overhead obstructions.
<ul style="list-style-type: none"> If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or 3, the accessway must be designed so that cars can exit the site in a forward direction. 	The accessway serves four or more spaces. It allows for vehicles to exit the site in a forward direction.
<ul style="list-style-type: none"> Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or 3. 	The accessway serves more than 10 spaces and is more than 50m long. It is 6.4m wide at the entrance for longer than 7m.
<ul style="list-style-type: none"> Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. <p>The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is</p>	<p>A concreted corner splay is provided at the Hudsons Road entry to the site:</p>  <p>The application plans indicate the crossing would be modified. It would be appropriate to require the crossover</p>

<p>provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.</p>	<p>to be reconstructed given it will be reduced in width including the appropriate splays for sightlines.</p> <p>Corner splays will be required for the temporary crossover on Booker Street via a permit condition.</p>																													
<ul style="list-style-type: none"> If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or 3, the access to the car spaces must be at least 6 metres from the road carriageway. 	<p>The accessway is not accessed from land in a Transport Zone 2 or 3.</p>																													
<ul style="list-style-type: none"> If entry to the car space is from a road, the width of the accessway may include the road. 	<p>Car spaces are not accessed from the road.</p>																													
<p>Design standard 2 – Car parking spaces</p>	<p>Design Response</p>																													
<p>Car parking spaces and accessways should have the minimum dimensions as outlined in Table 2:</p> <table border="1" data-bbox="217 1043 971 1458"> <caption>Table 2: Minimum dimensions of car parking spaces and accessways</caption> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td rowspan="4">90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table> <p>Note: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m	5.8 m	2.8 m	4.9 m	5.2 m	3.0 m	4.9 m	4.8 m	3.2 m	4.9 m	<p>The car parking spaces meet the minimum dimensions of 2.6m by 4.9m, accessible from 6.4m wide aisles.</p> <p>A condition of permit should require dimensions to be specified on the plans.</p>
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																											
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	4.8 m	3.2 m	4.9 m																											

A wall, fence, column, tree, tree guard or any other structure that abuts a car space should not encroach into the area marked 'clearance required' on Diagram 1 other than:

- A column, tree or tree guard may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces



Sufficient clearance has been provided for car parking spaces.

Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Not applicable as there are no garages or carports.

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.

There are no tandem spaces.

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Not applicable as this application is not for dwellings.

<p>Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</p>	<p>Disabled parking is designed in accordance with the Australian Standard.</p>
<p>Design standard 3: Gradients</p>	<p>Design Response</p>
<p>Accessway grades should not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p> <p>Ramps (except within 5 metres of the frontage) should have the maximum grades as outlined in Table 3.</p> <p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp should include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.</p>	<p>Access grades to the car park entries are at grade and therefore relatively level within 5 metres of the frontage, hence complying with the standard.</p>
<p>Design standard 4: Mechanical parking</p>	<p>Design Response</p>
<p>Mechanical parking may be used to meet the car parking requirement provided:</p> <ul style="list-style-type: none"> • At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. • Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation. 	<p>It is not proposed to use mechanical car stackers.</p>

<ul style="list-style-type: none"> The design and operation is to the satisfaction of the responsible authority. 	
<p>Design standard 5: Urban design</p>	<p>Design Response</p>
<p>Ground level car parking, garage doors and accessways should not visually dominate public space.</p> <p>Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p> <p>Design of car parks should take into account their use as entry points to the site.</p> <p>Design of new internal streets in developments is encouraged to maximise on street parking opportunities.</p>	<p>The landscape masterplan shows very limited landscaping in and around the car parking which should be increased and include canopy trees to provide shade and reduce the urban heat island effect.</p> <p>The plan also shows various services (including water meters, fire pump, fire tank and fire booster) set behind a 3.3m wide approx. landscaped buffer to Hudsons Road with the car park set behind the services. This landscaped zone should be increased in depth and the services located away from the frontage to ensure an attractive activated edge to Hudsons Road.</p> <p>The Office A building in PA210239 shields views of the car park from the east approach.</p> <p>A condition of permit should require detailed landscaping plans to demonstrate that the objective sought in this standard is achieved.</p>
<p>Design standard 6: Safety</p>	<p>Design Response</p>
<p>Car parking should be well lit and clearly signed.</p> <p>The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.</p>	<p>The proposed development complies with the relevant standards.</p> <p>This site will be subject to high levels of activity and therefore natural surveillance from pedestrians. The car</p>

<p>Pedestrian access to car parking areas from the street should be convenient.</p> <p>Pedestrian routes through car parking areas and building entries and other destination points should be clearly marked and separated from traffic in high activity parking areas.</p>	<p>park is approximately 100m from the proposed development which is an acceptable walking distance, noting that this is an interim arrangement and in time, parking immediately adjacent to the site will be provided. Pedestrian routes are separated from vehicular traffic using pedestrian footpaths.</p> <p>Conditions can be applied concerning signage and lighting.</p>
<p>Design standard 7: Landscaping</p>	<p>Design Response</p>
<p>The layout of car parking areas should provide for water sensitive urban design treatment and landscaping.</p> <p>Landscaping and trees should be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.</p> <p>Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.</p>	<p>Conditions will be applied to ensure compliance with WSUD and landscaping.</p>

ITEM 2

APPENDIX 7

Officer's Report

Address	1 Hudsons Road, 1 Booker Street and 30 Craig Street Spotswood
Planning Application No.	PA220337
Proposal	Use and development of the land for the purpose of industry, office and retail premises and a reduction in the statutory car parking requirement
Applicant	Henry Trucking Pty Ltd
Date Received	15 July 2022
Zoning	Industrial 1 zone
Overlays	There are no overlays
Permit triggers	<p>Clause 33.01-1 Industrial 1 Zone - a permit is required to use the land for the purpose of industry, office and retail premises.</p> <p>Clause 33.01-4 Industrial 1 Zone - a permit is required to construct a building or construct or carry out works.</p> <p>Clause 52.06-5 Car parking – a permit is required to reduce the parking requirement.</p>
Encumbrances on title	Nil
Cultural Heritage Management Plan	N/A - site is not within an area of cultural heritage sensitivity.
Coastal inundation	N/A
Major hazard facility	Yes - Refer report

Site inspection	Completed
Objections	12 objections and 1 non-objection
Date received/amended	Application received 15/07/2022 Amended 21/09/2022 (prior to advertising).
Statutory days	153 as at 21/02/2023
Recommendation	Refusal

SUBJECT SITE

The whole of the land's legal description is Lots 1, 2 and 3 on Plan of Subdivision PS812993Y and has a total area of 3.96 hectares. The land does not contain any encumbrances. It has a total frontage to Booker Street of 183.73m and 214.91m to Craig Street, 184.48m to Bernard Street and 215.18 m to Hudsons Road.

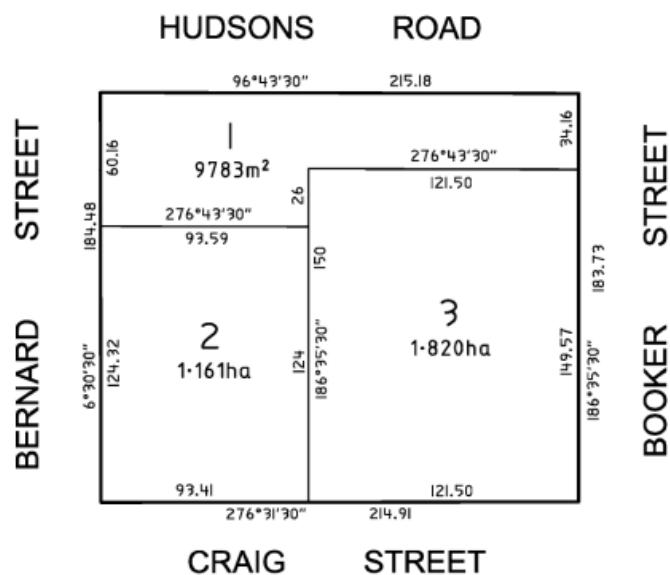


Figure 1: Plan of subdivision, Source: *Application documents (PA220337)*

Planning permit (PA1737272) approved the 3-lot subdivision which was registered on 9 November 2017.

The planning unit for this application includes land areas within lots 1, 2 and 3.

An application for a two lot subdivision (CA220161) was lodged on 8 September 2022 and seeks to align with the broader masterplan visioning for the site. That application has not yet been determined.

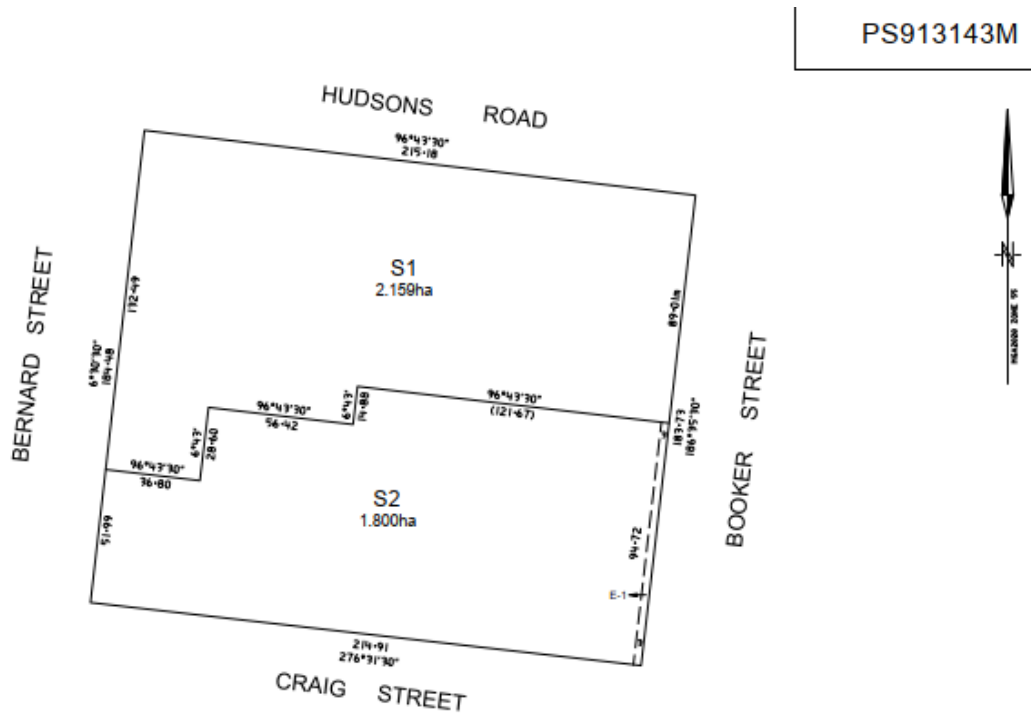


Figure 2: Proposed plan of subdivision, Source: *Application documents (CA220161)*

The overall site contains industrial buildings with hardstand areas (and very limited pockets of landscaping). The perimeter of the site is extensively treed with the trees along Bernard Street forming a significant visual and physical barrier from the residential area to the west. A number of existing crossovers along Booker Street and Hudsons Road provide vehicular access into the site.

The southern half of the site is currently occupied by Symal (a construction company) and is used to store building materials, vehicles and equipment under Planning Permit Number PA1944089-1A.

SURROUNDS

The land more generally is within an established core industrial precinct but also contains pockets of residential development to the west along Bernard, Robb and Raleigh Streets within the Neighbourhood Residential Zone (Schedule 7 – Inner Suburban areas, Spotswood).

Scienceworks Museum and the historic pumping station is located opposite the land on the eastern side of Booker Street with Grazeland (a food truck and entertainment venue) further to the north along Booker Street and the Yarra River further east. Craig Street borders the subject land to the south with the former quarantine station on the south side of Craig Street having been cleared in anticipation of development of the land for warehousing (permit PA1636037 issued in 2019 and amended in January 2023). Further south and to the southwest are two major hazard facilities, Ampol (formerly Caltex) and Viva (Shell).

The Visy glass manufacturing plant is located directly opposite the land on the northern side of Hudsons Road.

PERMIT HISTORY

PA1737271

A permit was granted on 28 August 2017 for a three-lot subdivision which created the lots that fall within the planning unit.

PA1944089-1A

A permit was granted on 4 March 2020 to Symal (a civil construction company) to occupy the southern half of the site for storage of building materials, vehicles and equipment. Vehicular access is via Hudsons Road. The permit was amended on 10 December 2021 to extend the occupied area and the hours of operation (now 6am – 6pm Monday to Saturday). This permit will be discussed further in the assessment.

PA210239

A planning permit was issued on 5 January 2022 to use an existing building on the land fronting Hudsons Road for an office and café, buildings and works, a reduction in car parking and display of business identification signage. This permit will be discussed further in the assessment.

PROCESS

PA220337

Application lodged	8 July 2022
Fee paid	15 July 2022
Request for more information	11 August 2022
Information submitted and Declaration to Amend	21 September 2022
Application advertised	3 October 2022
Appeal against failure to determine lodged (Day 84)	14 December 2022

PROPOSAL

The buildings proposed in this application are shown in [blue](#) outline below:

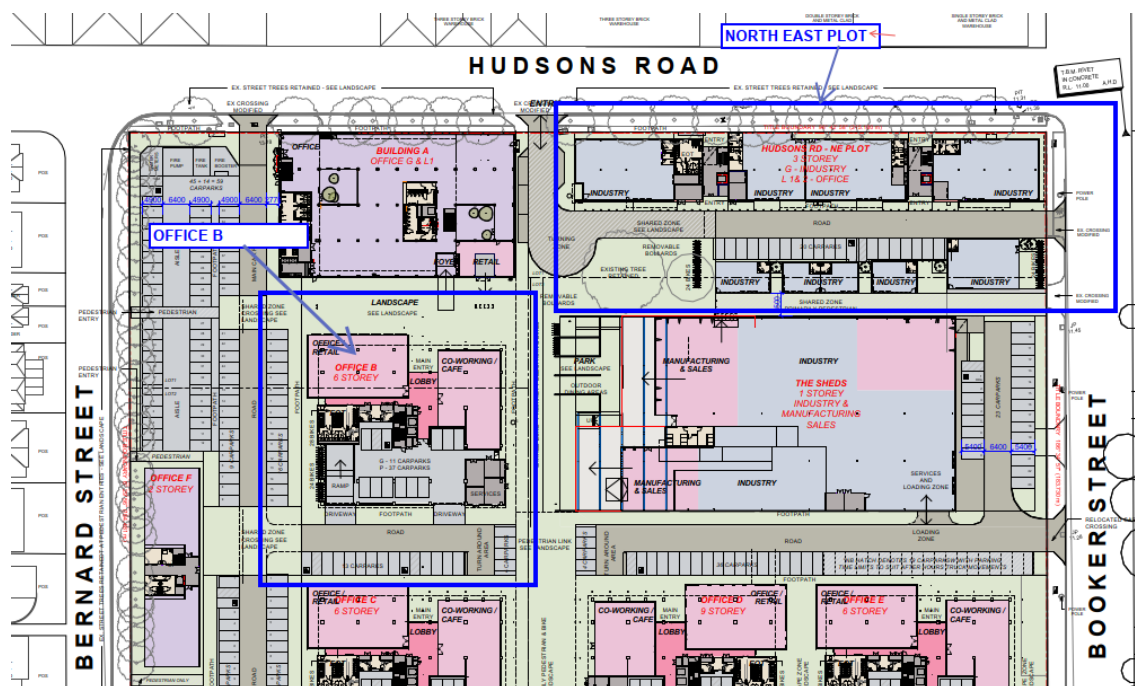


Figure 3: Plan of proposal, Source: Architectural Plan (TP004 Rev A) by *Six Degrees Pty Ltd*
North-East Plot

This proposes a 3 storey building to front Hudsons Road housing four industry tenancies at ground level ranging from 228sqm to 328sqm. The first and second floors contain offices ranging between 216sqm and 376sqm. These buildings have upper-level terraces fronting the internal accessway to the south side.

In addition, four single storey buildings are proposed on the southern side of the central accessway and will house five individual tenancies varying from 58sqm to 191sqm.

The application proposes the retention of an existing canopy tree in the south west corner of this plot.

51 car parking spaces are allocated to the north eastern plot. 20 of these spaces are located in the central internal accessway in front of the southern industrial tenancies accessed via Hudsons Road and the balance of 31 spaces are proposed in the western side of the site. 4 drop off spaces are located west of the proposed 3 storey buildings.

Two groups of 24 publicly available bicycle parking spaces are located either side of the single storey tenancies. A centralised bike store with 12 spaces and end of trip facilities is proposed in tenancy T4.

Loading for the north east plot industry tenancies will occur via dedicated roller doors to each premises accessed from the central internal accessway via either Booker Street or Hudsons Road. The loading facilities accommodate 6.4m long small rigid vehicles.

Western plot - Office B

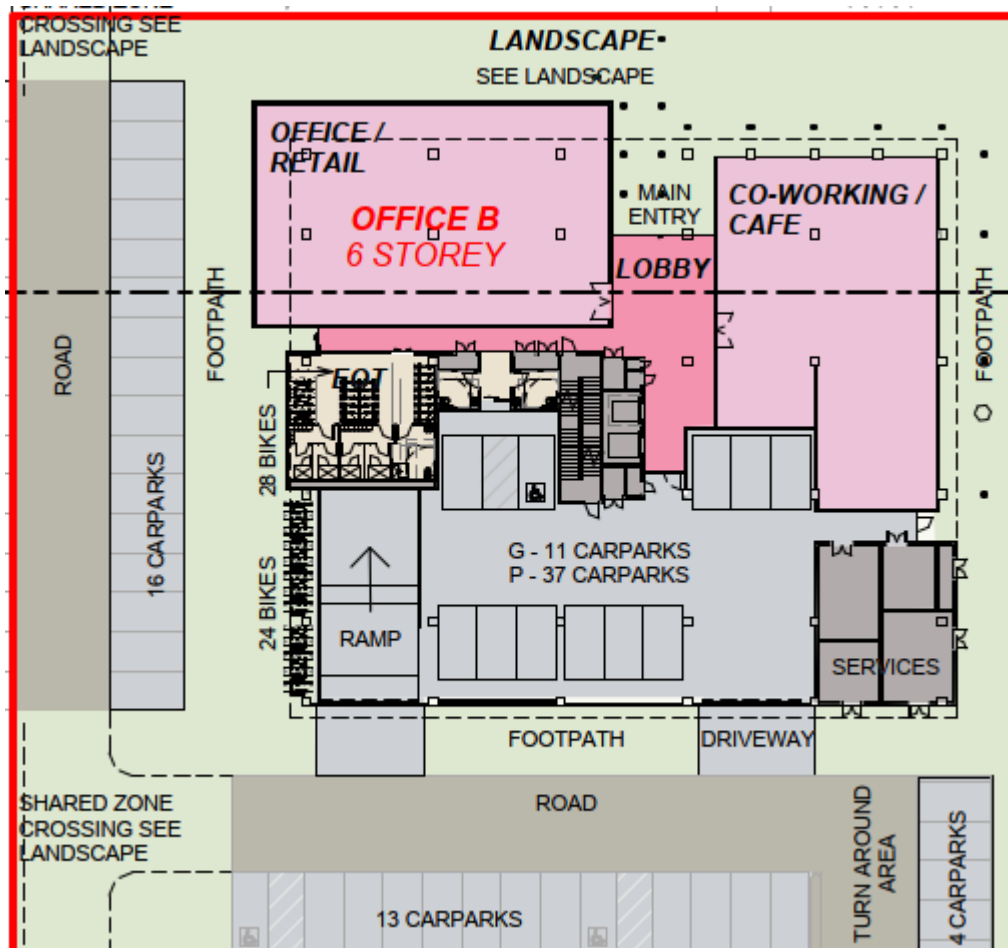
A 6 storey building is proposed with a maximum height of approximately 22.5m to the roof line and 27m to the top of the lift overrun. The ground level proposes an office/retail tenancy (339sqm) and co-working space/café (309.6sqm) in the northern half of the building, and car

parking (11 spaces) and service areas in the southern half. Driveway entrances to the ground floor car parking and a ramp are provided to the rear of the building.

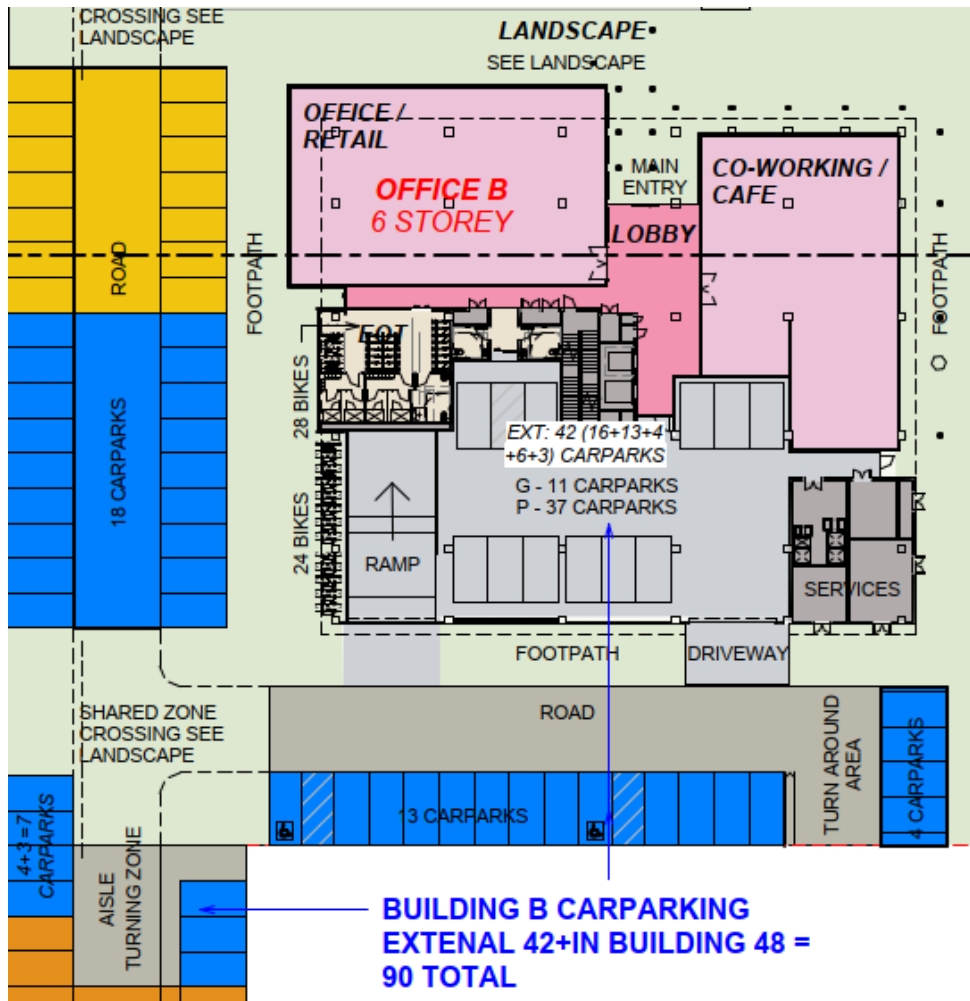
Level 1 is fully occupied by 37 car parking spaces and an access ramp. Levels 2-5 will support office accommodation. Two open terraces are provided on the northwest and northeastern sides of the building at level 2 along with indented planters on the south, east and west sides. An open terrace is provided on the north eastern side on levels 2-5 together with indented planter spaces on the south, east and west sides.

The application states that 90 car spaces are allocated to the western plot consisting of 42 car spaces outside the building on the western and southern sides with the balance located on the ground and first floor levels (11 and 37 spaces respectively). It is noted that there is a discrepancy between the site plan which shows 33 spaces outside the building whilst the car parking plan shows 42 spaces. Refer below:

Site plan



Car parking allocation plan



The applicant traffic and transport assessment has assumed 42 spaces and therefore this is what the assessment will be based on. If a permit is granted, a condition would be necessary to ensure that 42 spaces are shown on any plans.

24 bicycle spaces are proposed along the southwestern side of the office building plus an internal bike store for 27 bikes on the ground floor together with the end of trip facilities.

Car parking

The plan below shows parking spaces for the north east plot in brown accessed from Hudsons Road and Booker Street with 4 drop off spaces in grey between Building A and the three storey buildings. Parking for the Office B is coloured blue as well as the parking within the building (noting the discrepancy identified earlier), accessed via an existing crossover from Hudsons Road.

A site wide car parking response is proposed to utilise off peak demand for parking across the whole site.

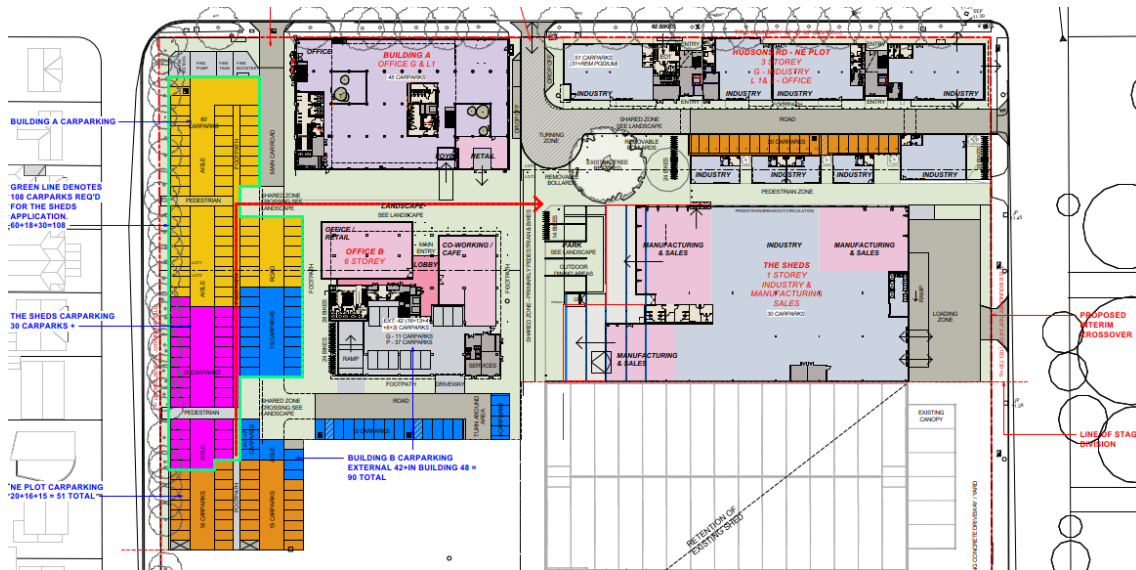


Figure 4: Plan of proposal, Source: Architectural Plan (TP400. Rev A) by Six Degrees Pty Ltd

PERMIT TRIGGERS

Industrial 1 Zone

Clause 33.01-1 Industrial 1 Zone - a permit is required to use the land for the purpose of industry, office and retail premises.

Clause 33.01-4 Industrial 1 Zone - a permit is required to construct a building or construct or carry out works.

Car parking

Clause 52.06-5 Car parking – a permit is required to reduce the parking requirement.

GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

Stormwater Management in Urban Development

Clause 53.18 applies to an application to construct a building, or construct or carry out works. The Requirements state an application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

NOTIFICATION

The proposed industry, office and retail premise uses are not exempt from notice requirements and review rights. The proposed buildings and works under the Industrial 1 zone provisions are also not exempted from notification requirements and review rights because the land is within 30m of land in a residential zone (Bernard Street). The car parking reduction sought is

not exempt from notice and review rights because the application seeks approval under other provisions where an exemption from giving notice is not provided.

The application was advertised on 3 October 2022 pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining and nearby land were notified by mail and signs were erected on the frontages to Hudsons Road, Booker Street and Bernard Street. Council also placed a copy of the notice in the local newspaper for one edition.

The following parties were also notified about the application:

Ausnet Services – the Pipeline Licensee for the SP Ausnet gas pipeline in Hudsons Road – no objections received.

APA, the Pipeline Licensee for the South Melbourne – Brooklyn pipeline in Craig Street - advised they have no objections given the proposal is not for a sensitive use and given that there are no proposed works over or near the high-pressure gas pipeline.

Viva Energy – the Pipeline Licensee for the WAG pipeline located in Craig Street. Viva has provided a conditional approval (see extract below) requiring a safety management study and for the outcomes of the study to be implemented by the landowner:

5. To protect the integrity of the Pipeline, the environment and the community, Viva Energy will require that the following be agreed by the Applicant and included as preconditions of any works being carried out the Property:

The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- a Safety Management Study (to be completed as per AS2885.6) &
- Commercial agreements (UDA & RWA) which will be determined once a full risk assessment is undertaken.
- The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- (a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
- (b) Pipelines Act 2005; and
- (c) Pipeline Regulations 2017
- (d) Safety Management Study completed

The requirement for a Safety Management Study and implementation of any recommendations could form permit conditions if the application is approved.

WorkSafe Victoria – Major hazard facility buffer areas were altered and extended by WorkSafe in early 2022. As the subject land is now almost wholly included within the Inner Safety Area, a public notice was sent to WorkSafe. WorkSafe have advised against the proposed Western Plot (Office B) but did not against the proposed North Eastern Plot subject to the following two conditions:

1. Industry/warehouses will only be for light industrial use and warehousing activities and not used for activities involving retail, gathering of general public such as school, training centre, gym, place of worship or entertainment.
2. An emergency response plan be implemented by the person(s) who have management control of the site(s).

Viva Energy (MHF Operator)– because of proximity of the site to the major hazard facility. No objections were received.

Ampol (formerly Caltex) MHF Operator because of proximity of the site to the major hazard facility. No response was received.

The WorkSafe objection is discussed in the “Assessment” section of the report.

Council has received 13 submissions in total as follows:

- 11 objections (from local residents and WorkSafe).
- 1 submission from APA (gas pipeline authority) – a non-objection.
- 1 submission from Viva Energy (WAG pipeline licensee) - conditional non-objection.

The objections are summarised below:

Car parking and traffic

- Cumulative reductions in parking have been granted for other developments including PA210239. Need to consider overflow parking of office and café planning application PA210239.
- Vehicle access changes to Hudsons Road are supported in principle but further details regarding other active permits is required prior to a decision being made
- The application conflicts with the approved access for the Symal store (PA1944089-1) from Hudsons Road. Is truck traffic for Symal being redirected through the existing western access point along Hudsons Road? Each permit application should stand on its own. This could be resolved through an amendment to PA1944089-1 or a condition tying an appropriate access outcome for the Symal permit.
- Residential area will be disadvantaged by increased car and truck traffic during construction and once operational.
- Current traffic problems with traffic backing up (banking back to Melbourne Road and Bernard Street) will be exacerbated.
- Should be no pedestrian access to Bernard St. Will encourage foot traffic, illegal parking and overflow parking.
- Lack of sufficient parking.
- Need a pedestrian crossing across Booker Street.
- Need truck bans in residential streets.
- Extent of indoor bicycle parking opportunities should be increased but not at the expense of outdoor ‘visitor’ parking.

Other

- Given the Grazeland experience, an acoustic assessment should be provided to ensure additional noise from the proposed uses do not impact negatively on amenity.
- Concerned about live music and opening hours.
- Operational details of the café are lacking. Conditions should limit the hours of operation to no later than 11pm.

- Impact quiet enjoyment of residential properties during construction and once operational.
 - Residences will be overlooked from the 6 storey office building windows and terraces.
 - Increased pollution during construction and once operational.
 - All manufacturing should be light industrial.
 - Area has sufficient retail and commercial space.
 - Will not benefit residents.
 - Loss of property value.
 - Concerned about pedestrian pathways installed along Craig Street.
 - More greenery and grassed park areas should be provided.
 - Playground areas needed as Spotswood in short supply.
 - Public realm improvements along Booker Street should be conditioned as part of any permit issued to enhance the relationship of this Site with Scienceworks on the opposite side of Booker Street.
 - Need to ensure sufficient activation along Hudsons Road and Booker Street. Consider landscaped setbacks
 - Public pedestrian connectivity through the site should not be time restricted.
 - Betterwest Inc advised that their members consider the change of use from industrial to mixed use is an improvement which will reduce heavy traffic on Hudsons Road and local streets.
 - Two objections said that the office and retail uses are positive and that industry tenancies should allow flexibility for industrial and retail use.
-

REFERRALS

Internal

The application has been referred to the following Council Departments/Areas for comment:

- Strategic Planning
- Traffic and Transport
- Design Services – Engineering (Drainage)
- Sustainability
- Waste Management Services
- Active communities – Open Space Planner
- Trees

- Urban Design Advice (External consultant)

Comments from the above departments and external consultants have been included in this report where they are relevant to an issue in the assessment of the proposal.

External

There are no external referral authorities.

ASSESSMENT

For this proposal, there are a several matters that need to be determined before deciding whether the proposal will result in a satisfactory outcome. These are:

- Is there strategic support for the proposal?
- Are the proposed uses and built form appropriate and will the development contribute positively to the area?
- Will the proposal provide adequate amenity for users of the development?
- What are the off-site amenity impacts and can they be mitigated?
- Safety and risk issues due to the proximity of the land to the major hazard facility.

These questions will be discussed and answered in the following assessment. All relevant planning controls have been considered in the assessment of the proposal and relevant sections are referred to where appropriate.

Assessment against Municipal Planning Strategy

The Municipal Planning Strategy outlines the context, Council's vision and priorities for managing land use change and development within the municipality. Council must consider and give effect to the Municipal Planning Strategy in its decision making.

The following clauses apply:

- Clause 01 Purposes of this Planning Scheme
- Clause 02 Municipal Planning Strategy
- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03 Strategic directions
- Clause 02.04 Strategic framework plans

There are some aspects of the proposal that support the ambitions of the Municipal Planning Strategy. The redevelopment of the former industrial site for office, industry and retail uses will provide built form and urban design outcomes that contribute positively to the local context and enhance the public realm, subject to redesign of the ground level facades to the Office B building and the North East Plot northern (Hudsons Road) façade (discussed further in the assessment).

The proposal will attract diverse businesses and investment to Hobsons Bay and provide local employment opportunities while meeting the needs of the community. It will also encourage tourism activity and the contribution of arts and culture by providing for a range of experiences, all of which is sought by the Municipal Planning Strategy.

The proposal provides for integrated transport supporting active transport over private vehicle usage whilst providing an adequate level of parking. "Green" spaces within the proposal provide for a range of experiences and opportunities noting Spotswood has a significant gap in public open space provision.

Many matters that do not accord with the Municipal Planning Strategy can be addressed via permit conditions. This includes a requirement for a sustainability management plan and integrated water management plan. A detailed landscaping plan is also required to ensure Council's urban forest strategy objectives are adequately addressed.

Assessment against Planning Policy Framework

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme.

The proposal meets the following aspects of the Planning Policy Framework:

- It supports Plan Melbourne's objectives for investment and jobs, and integrated transport connecting people to employment, services and goods.
- The development has synergies with surrounding emerging character of the precinct and will facilitate tourism opportunities. The development responds and contributes to the strategic and cultural context of its location.
- The proposal integrates land use and transport and provides for healthy, active, safe and sustainable transport through less reliance on motor cars as a means of transport.
- The proposal will create spaces that are enjoyable, engaging, and comfortable to be in, it will contribute to local character and sense of place.
- The form, scale, and appearance of the development will enhance the function and amenity of the public realm, except for the Office B Building and northern (Hudsons Road) façade of the industry tenancies in the North East Plot which requires review (and is discussed in the Assessment).

The proposal does not adequately respond to the following aspects of the Planning Policy Framework (further detailed in the assessment):

- The proposal does not meet the policy that seeks to maintain adequate buffer distances from sensitive or incompatible uses. WorkSafe has advised against the proposal for Office B due to the potential for human and property exposure to risk from potential incidents at the major hazard facility (Ampol Newport Terminal). The following matters do not meet the Planning Policy Framework but can be addressed through permit conditions:
- Requiring an integrated water management plan incorporating Water Sensitive Urban Design to ensure water quality and stormwater flows are managed.

- Requiring a detailed Sustainability Management Plan to ensure best practice in environmentally sustainable development from the design stage through to construction and operation.
- A detailed landscape plan resolving inconsistencies with the architectural plans and addressing matters raised in the assessment.
- A detailed waste management plan to ensure objectives for waste management and resource recovery are adequately addressed, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Ensuring the requirements as spelt out in the Applicant's Preliminary Risk Screen Assessment are met regarding site contamination.

Industrial Land Management Strategy (ILMS)

Council adopted the ILMS in 2008 which is a Policy Document referenced in the Planning Policy Framework.

The subject land is identified as being within a "Core Industrial Area" within Precinct 18 – Spotswood Industrial. The ILMS recommendations seek to support growth and development of industrial development in Core Industrial Areas. The Strategy also seeks to improve the amenity, appearance and environmental performance of industrial areas.

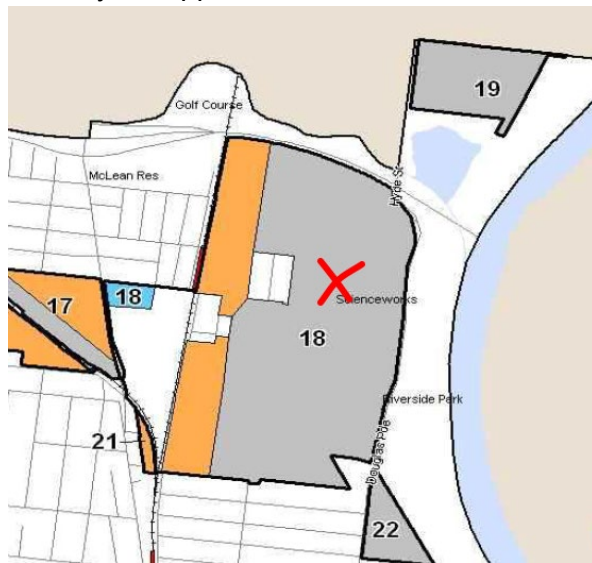


Figure 5: Subject site (marked with a cross) within Core Industrial Area in the *Hobsons Bay Industrial Land Management Strategy 2008*

The Strategy notes that Core Industrial Areas are *relatively unconstrained by residential or other sensitive uses* and that:

- *These areas will be protected and provide opportunities for new growth, including the expansion of existing industries.*
- *Non-industrial protrusions into these areas are not supported and rezoning of land to non-industrial zones will not be permitted.*

For Precinct 18, the Strategy notes:

- Major influences upon potential land use include the petrochemical industries, bottle manufacturing and residential development.
- The built form is generally quite dated and several facilities are obsolete and disused.
- The area is no longer suitable for industrial uses due to poor transport accessibility.
- There are many viable and large industries and impacts of development should be considered.
- The sites may be attractive for commercial use depending on their compatibility with residential use.
- The Spotswood Outline Development Plan requires review to identify the future use and development of the site.
- Redevelopment must include environmentally sustainable design principles and water sensitive urban design.

It goes on to say:

Spotswood offers a diverse mix of industrial land with the potential to support more light industrial and commercial uses that would capitalise on proximity to the activity centre and Spotswood train station.

The strategy looks at *attracting new and emerging industries.*

It notes that *Spotswood has an established industrial history, home to recycling and energy sections as well as manufacturing, construction and other more niche industry.*

The precinct also supports a strong arts and recreation sector, with tourism destinations attracting significant visitors each year.

The Spotswood Industrial Precinct is well positioned to transition towards a more diversified employment offering. The precinct provides an exciting opportunity for “knowledge based” industries seeking an area with high amenity and accessibility to attract skilled workers.

Listed initiatives to drive growth include the following:

- *Update Industrial Design Guidelines*
- *Create a Future Industries Working Group*
- *Improve interface between industrial and sensitive uses*
- *Undertake streetscape works and greening projects.*
- *Complete the Spotswood Activity Centre Structure Plan.*

Relevant objectives for Precinct 18 are to:

- Protect Core Industries.
- Review the Spotswood Outline Development Plan.
- Discourage industrial traffic travelling through residential areas.
- Improve the amenity of the area in the public and private realm.
- Encourage high tech industries and associated offices along Hudsons Road.

General Objectives applying to all industrial areas identified in the ILMS are:

- *To stimulate, facilitate and protect appropriately located new and existing industrial activity and employment opportunities.*
- *To promote and provide industrial areas of high amenity.*
- *To promote and encourage industry to be green and clean and to respect the environment.*
- *To successfully manage the transition and strategic redevelopment of redundant industrial area.*

Expected outcomes for Precinct 18 are:

- Security for existing core industry within the precinct.
- Improved interfaces to all abuttal's.
- Reduced amenity and environmental impacts.
- An Outline Development Plan providing future directions.

Broadly speaking, the proposal does not conflict with the objectives and outcomes sought under the ILMS. The ILMS was completed over 14 years ago and is currently under review through the "Reimagining our Industrial Areas" project. Council's Strategic Planning Department has commented that the review *will consider the trend towards more commercial and light industrial uses north of Craig Street due to its strategic location.*

Industrial Development Design Guidelines 2008

The *Industrial Development Design Guidelines 2008* are referenced in the Planning Policy Framework and were developed in conjunction with ILMS. The document contains guidelines for site layout and built form including setbacks, car parking provision, access, loading, landscaping, waste, ESD and the like. These have been considered for the current proposal and an assessment is provided in Appendix 11. Subject to the application of appropriate conditions, the proposal generally meets the Guidelines.

Draft Spotswood Activity Centre Structure Plan - March 2022

The draft Spotswood Activity Centre Structure Plan (draft Structure Plan) sets out a transformative vision for the future growth and development of the Spotswood Activity Centre and broader area of Spotswood. It adopts the Better Places Spotswood and South Kingsville Place Guide community vision and aims to guide land use, built form, public space, and infrastructure over the next 15 - 20 years.

Public consultation for the draft Structure Plan occurred in April-June 2022. In April 2022, WorkSafe revised the major hazard facility safety areas which generally increased in their extent and this has impacted the work carried out to date in the draft Structure Plan. The draft Structure Plan is currently on hold whilst Council seeks justification and clarification from WorkSafe on the new land use guidance around major hazard facilities.

The site is identified within Precinct 3 - Northern Industry and Employment Precinct, a key redevelopment site.

The overall vision and objectives for use/development and built form are:

- *attract knowledge-based industries to key redevelopment sites*
- *encourage excellence in commercial and industrial building designs, ensuring development respond to surrounding context including residential and heritage interface*
- *new development should be orientated towards the street and contribute positively to the streetscapes*
- *ensure new development does not overshadow key public spaces*
- *encourage upper floor level to be recessed and well-articulated from rear and side boundaries.*
- *encourage sustainable design outcomes*
- *new development should address acoustic and any other off-site amenity impact within the design response.*

The draft Structure Plan has no formal status and the assessment below seeks only to capture the potential future compliance of the proposal against the strategic work underway:

Preferred height and street wall

The preferred maximum building height for the area including Office B and the North East Plot is 4 storeys (16m for commercial or 17m for industrial development).

Office B does not accord with the draft Structure Plan preferred maximum with a height of 6 storeys or 22.5m to the top of the roof (4.5m taller). The height to the top of the plant screen and lift overrun is 24.5m and 27m respectively.

The draft Structure Plan allows additional height to be considered provided the development does not result in any unreasonable off-site impacts including overshadowing and overlooking. In addition, the development must result in a high-quality urban design outcome and must also be supported by information that demonstrates no significant impacts on traffic and parking.

The Office B building does not result in unreasonable overshadowing by virtue of its physical separation from the nearest residences in Bernard Street and, within the site, overshadowing impacts during the Spring equinox are confined to the car park in the mornings (south and west) and then extend partly over the roof of the 'Sheds' building by 3pm. Objections to the overlooking of residential properties in Bernard Street is not justified given the front yards of those dwellings are approximately 51 metres from the proposed building. Parking impacts are satisfactorily addressed (discussed under the heading "Car Parking").

The proposal however does not result in a positive urban design outcome, noting the urban design consultant review identified a lack of activation on the ground level south, east and west facades. Support for the proposed height is therefore unacceptable unless this issue is addressed.

A 3 storey street wall is sought along Bernard Street. The car park is proposed in this location so this guideline is not relevant.

The North East Plot buildings fronting Hudsons Road will be 3 storeys high (approximately 13.1m to roof) and the smaller industrial tenancies to the south are one storey with raked roofs achieving a maximum height of approximately 6.7m. This falls within the preferred maximum height of 4 storeys in the draft Structure Plan. The proposal has a 3 storey street wall to

Booker Street setback 1.5m from the street, within expectations for a 4 storey street wall. This is acceptable noting the taller development on the north side of Hudsons Road.

Active and articulated interface:

An articulated interface along Booker Street is sought to add visual interest to the streetscape. Articulation may involve indentations/extrusions, variations in materiality, colour and the use of super graphics in industrial areas.

The proposal adds visual interest to the streetscape through the varied physical form of the industry tenancies in the North East Plot. Tenancy 1 has a sheer façade but varied materials including a combination of precast concrete panels with varying patterns and textures and feature tiles. Tenancy 5 which sits on the southern side of internal accessway has a raked sawtooth roofline and glazing to the street which adds visual interest and activates the street edge. Refer below:

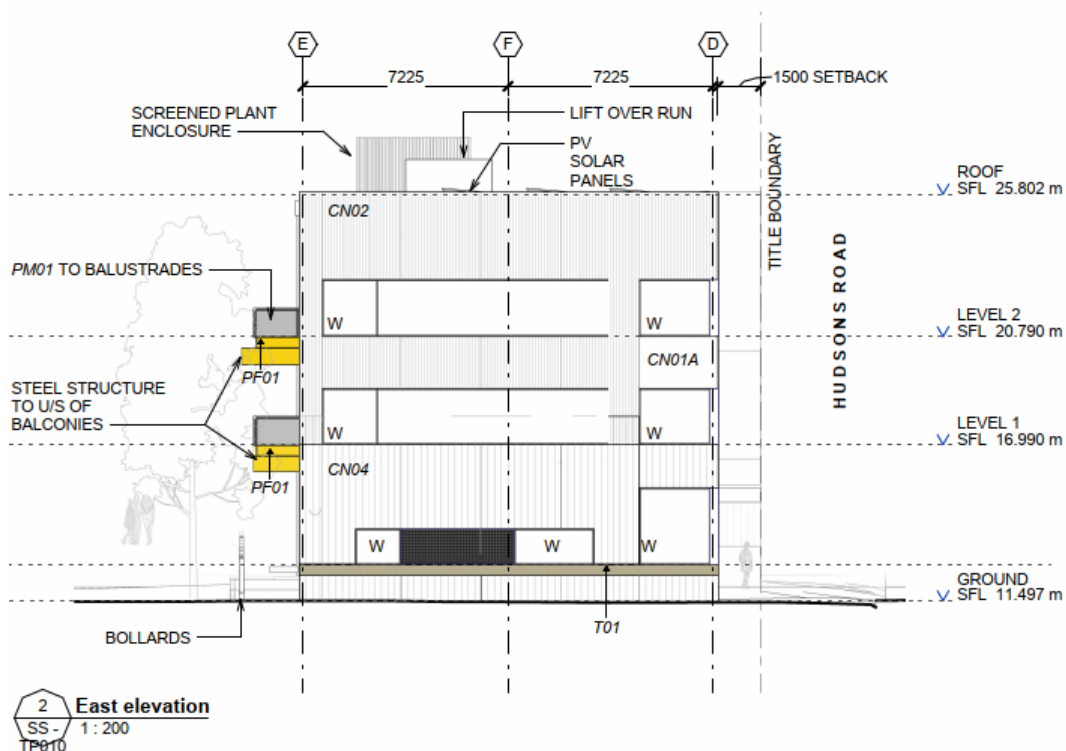


Figure 6: East elevation Industry tenancy 1 in north east corner, Source: NE Plot Proposed Plan – Level 2 TP102 Rev A by Six Degrees Pty Ltd

East elevation industry tenancy

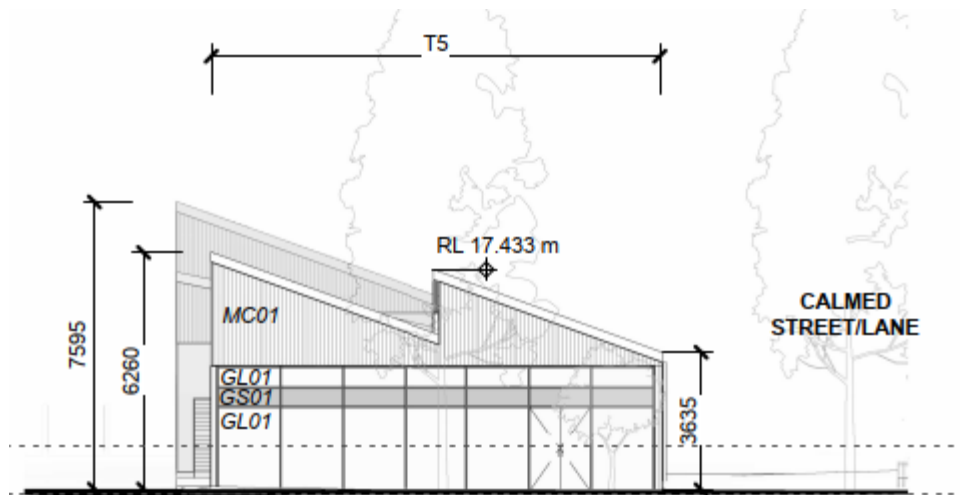


Figure 7: East elevation Industry tenancy 1 in north east corner, Source: NE Plot Proposed Elevations and Materials TP111 Rev A by *Six Degrees Pty Ltd*

The draft Structure Plan also notes there is opportunity for art infrastructure such as artwork and/or providing creative space for local artists within the site. Consideration should be given to the imposition of a permit condition requiring a public art contribution for the Precinct given the magnitude of the overall development. This should include consideration of retention or repurposing of the existing concrete water tank and its signage.

Open space

The draft Structure Plan seeks new and high-quality open space to service the significant increase of workers and visitors to the site. The western end of the site is linked to the north south green spine that is proposed for the broader parcel. East west pedestrian linkages will ensure connectivity throughout the site. Landscaping of the open space should incorporate canopy trees to provide shade and assist with reducing the urban heat island effect (which can be applied as permit conditions) to achieve the objectives sought in the draft Structure Plan.

The draft Structure Plan also seeks to ensure that new open space is not overshadowed between 10am to 3pm at the winter solstice. The key open space areas that could be impacted by the proposed development are shown below:



Figure 8: Proposed masterplan landscaping, Source: *Oculus Masterplan Vision Document, Spotswood Precinct, July 2022*

Overshadowing of the “natural play area” (refer “H” above) during the winter solstice is within tolerable limits with the space receiving a mix of sunlight and shadow throughout the course of the day. The outdoor area of the ‘Sheds’ building is largely unaffected by shadows from Office B during the winter solstice until late in the afternoon (and only a portion of the area is in shadow).

Access and movement

The draft Structure Plan says north-south and east-west pedestrian links should be provided within the site. The development meets this guideline by proposing a central north-south landscaped pedestrian link and an east-west foot path for internal connection and improved access to Booker Street.

Objectors have raised concerns about pedestrian connections being created from Bernard Street into the site citing potential traffic and parking impacts. Bernard Street currently has 2 hour daytime parking restrictions and no parking permitted on Friday evenings and on weekends. Residents are excepted with a parking permit. Notwithstanding the objections, the provision of pedestrian linkages is seen as positive in ensuring permeability both within and external to the site.

The draft Structure Plan identifies opportunity to provide a new pedestrian crossing on Booker Street near Hudsons Road. It is also referred to in the adopted Local Area Movement Plan for Spotswood and South Kingsville. The provision or a contribution towards a new pedestrian crossing not been proposed with the current application but should be particularly given Booker Street will form the main access route for trucks entering/leaving the site.

The draft Structure Plan says carparking should be consolidated, such as in multidecks and sustainable transport encouraged. The application proposes outdoor parking visible from Hudsons Road. Integrated transport with reliance on modes of transport other than the motor

car are advanced with this application. This includes bicycle parking spaces and end-of-trip facilities exceeding statutory requirements, to encourage sustainable travel.

Hudsons Road improvements

Hudsons Road East (east of Hall Street) is proposed to be improved in the draft Structure Plan (This is also part of Better Places Spotswood South Kingsville (BPSSK) streetscape upgrade program). The improvement opportunities include:

- improve pedestrian safety, with upgraded footpaths and lighting
- increase canopy tree cover to provide shade and amenity
- slow vehicle speeds through raised pavements at key intersections
- introduce more rain gardens and native landscaping
- improve directional signage and wayfinding
- introduce more public art at key gateway locations and bus stops

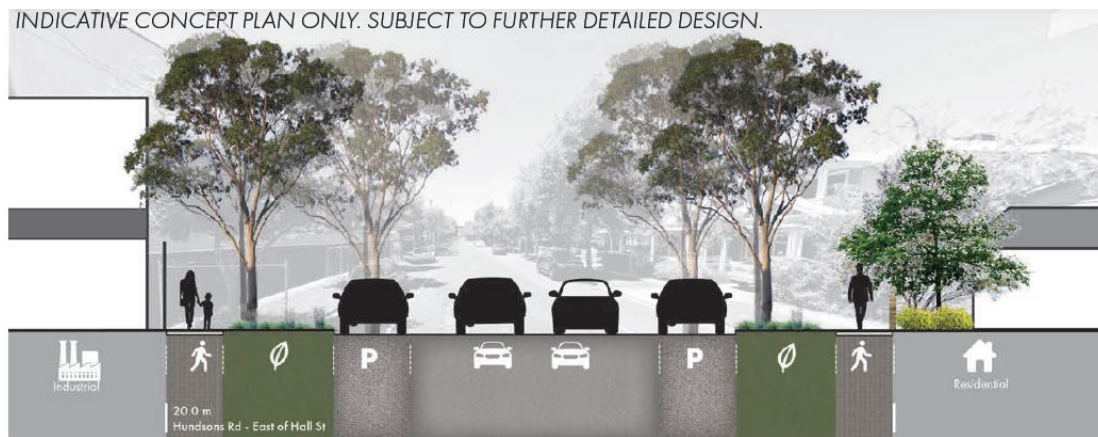


Figure 8: Proposed cross section for Hudsons Road East from *Draft Spotswood Activity Centre Structure Plan, March 2022*

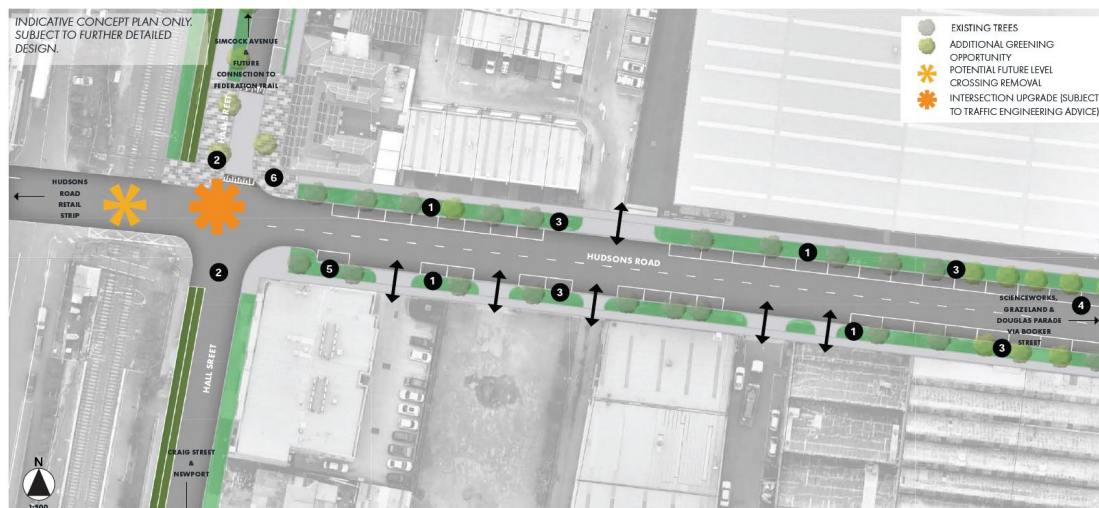


Figure 9: Hudsons Road East Indicative Concept from *Draft Spotswood Activity Centre Structure Plan, March 2022*

Matters which should be considered for this application include improvements to the car park crossing on Hudsons Road and the aforementioned pedestrian crossing on Booker Street near Hudsons Road.

Industrial 1 zone

The zone purpose is to

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The proposal generally accords with the first zone purpose with the exception of the Office B ground level layout and the façade treatment of the northern (Hudsons Road) elevation of the North East Plot tenancies, discussed further in the assessment. The proposal accords with the second zone purpose. The offices and small industrial tenancies will support a range of uses that do not affect the safety and amenity of local communities. This is because one of the conditions in the Table of uses that allows an industry use without a permit says such a use:

Must not adversely affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any stored goods or materials.*
- *Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Car Parking (Clause 52.06 of the Hobsons Bay Planning Scheme)

Objectors have raised concerns about car parking provision, however the proposal is considered satisfactory with regard to car parking as assessed below.

Statutory car parking requirements

Because part of the land lies within the Principal Public Transport Area Network, the 'Column B' parking rates apply as follows:

Industry	1 space to each 100sqm of net floor area
Office	3 spaces to each 100sqm of leasable floor area
Retail premises (shop)	3.5 spaces to each 100sqm of leasable floor area

The statutory car parking requirement is shown below, extracted from the Applicant Traffic and Transport Assessment:

Table 2 Statutory Parking Requirements

USE	AREA	RATE / 100 sq.m	REQUIREMENT
NE PLOT			
Office	2,373	3	71
Industry	1,653	1	16
TOTAL			87
USE	AREA	RATE / 100 sq.m	REQUIREMENT
OFFICE B			
Office	5,246	3	157
Retail	649	3.5	22
TOTAL			179

Figure 10: Statutory Parking Requirements, Source: *Impact Traffic and Transport Assessment 8 July 2023* (IMP2205051TTA01F02)

The requirement is 266 spaces in total, including 87 spaces for the north east plot and 179 spaces for the western plot (Office B).

Parking is proposed as follows (taken from the Applicant Traffic and Transport Assessment):

Table 1 Proposed Car Parking Allocation

Use	Allocation
Building B	90
North East Plot	51
Estate - Pick Up Drop Off	4
Total Parking	145

Figure 11: Proposed Parking Allocation, Source: *Impact Traffic and Transport Assessment 8 July 2023* (IMP2205051TTA01F02)

Note: An additional 4 motorcycle bays are proposed within Level 1 of the Office B Building

51 spaces are planned for the north east plot (shortfall of 36 spaces) and 90 spaces for the western plot - Office B (shortfall of 89 spaces). Therefore, a reduction in the parking requirement (125 spaces) is sought.

A Car Parking Demand Assessment was submitted as required under Clause 52.06-5. The Car Parking Demand Assessment is required to address the following:

- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- *The variation of car parking demand likely to be generated by the proposed use over time.*
- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*

- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- *Any empirical assessment or case study.*

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate. Those of relevance to this application have been underlined:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*

- *Any other matter specified in a schedule to the Parking Overlay.*
- *Any other relevant consideration.*

Assessment

Car Parking Demand Assessment

The Car Parking Demand Assessment says change is needed from the current “predict and provide” method to more efficient use of existing transport infrastructure, as an alternative to expanding roads and parking facilities, using a “travel demand management system”, particularly so within activity centres and locations that are well served by a range of public transport services, have options for cycling and walking and where car parking can be managed to optimise its use. The Assessment states:

TDM emphasises the movement of people and goods, rather than motor vehicles, and gives priority to more efficient travel and communication modes (such as walking, cycling, car sharing, public transport and telecommuting), particularly under congested conditions¹.

¹ Austroads Guide to Traffic Management Part 11: Parking

Two recent VCAT ‘red dot’ decisions (decisions of interest/significance) are referred to which flag a change to the business as usual approach. In addition, four examples are provided where Councils have approved commercial developments with substantial parking dispensations in a context comparable to the subject site.

Empirical assessment

Industry

A demand rate of 1 space per 100sqm of leaseable floor area is adopted which aligns with the statutory requirement and translates to 16 spaces. The assessment says that this demand could be halved to 8 spaces with the successful implementation of the Green Travel Plan (discussed further in the assessment).

Retail

Six spaces are to be allocated to staff associated within the retail tenancy (1 space per 100sqm) which it is argued is reflective of the anticipated parking demand, noting:

- Walk up trade forming a significant portion of retail patronage.
- Location of alternative transport modes available to staff/patrons in the vicinity of the site.
- Established cycling and pedestrian facilities in the surrounding area.
- Current utilisation of on-street car parking resources with on-street parking observed as being heavily utilised throughout a business day, further encouraging café staff and patrons to opt for alternative transport modes.

Office

The assessment notes that the rate of 3.5 spaces per 100sqm typically aligns with parking demand in unconstrained suburban areas that have limited access to sustainable transport options, and that in activity centres, demand rates lower than 3 spaces per 100sqm are common. The assessment adopts a rate of 1.5/1.6 spaces per 100sqm.

Two case studies in Richmond are presented as evidence of the need to adopt a lower rate as they have contextual similarities with the subject site (i.e. good access to public transport and active cycling and walking) and the efficiency benefits of a number of diverse uses within a walking and or cycling catchment.

The assessment goes on to say that *the more car parking that is provided, the more parking will be used, and ultimately, the quantum of on-site parking will be a matter that the market will consider in determining whether to occupy the building. i.e. should the demands of a prospective occupier exceed the provision, they would need to look elsewhere for tenancies that provide car parking at a level suitable for their needs or where commercially available alternatives are readily available.*

The assessment also notes the application of the Green Travel Plan will result in a shift to more sustainable transport modes.

Proposed parking provision

The rates adopted based on the empirical assessment and proposed parking provision are outlined below:

USE	AREA	RATE / 100 sq.m	PROVIDED
NE PLOT			
Office	2,373	1.5	35
Industry	1,653	1	16
TOTAL			51
USE	AREA	RATE / 100 sq.m	PROVIDED
OFFICE B			
Office	5,246	1.6	84
Retail	649	1	6
TOTAL			90

Figure 13: Empirical rates and parking provision, Source: *Impact Traffic and Transport Assessment 8 July 2023* (IMP2205051TTA01F02)

Council assessment

It is agreed that the parking rates need to be considered in the context of their setting. For this site, parking is proposed at below the statutory rate (with the exception of the industry use) but at a rate comparable to the empirical data noting that Council's Transport and Traffic Engineer has reviewed the assessment and considers the parking provision is satisfactory.

The application takes a site wide approach and seeks to utilise off peak demand from other uses within the broader precinct. It also relies on the site's accessibility to sustainable transport options including the Spotswood train station, and existing and planned walking/cycling links as alternative and viable options to car-based travel.

Craig Street is planned to form part of a significant cycling corridor to connect to Spotswood station, the new activity centre at McLister Street and South Kingsville via the Council's Better Places - Spotswood project and the Spotswood and South Kingsville Local Area Movement Plan (LAMP).

The *Northern Local Area Movement Plan strategy (LAMPs)* recommends a number of bicycle routes including an east-west bicycle route comprising an off-road connection from Precinct 15 (Blackshaws Road) to Spotswood Station and Douglas Parade via Craig Street. The plan below extracted from the draft LAMP shows the proposed cycling route, which runs along Craig Street.

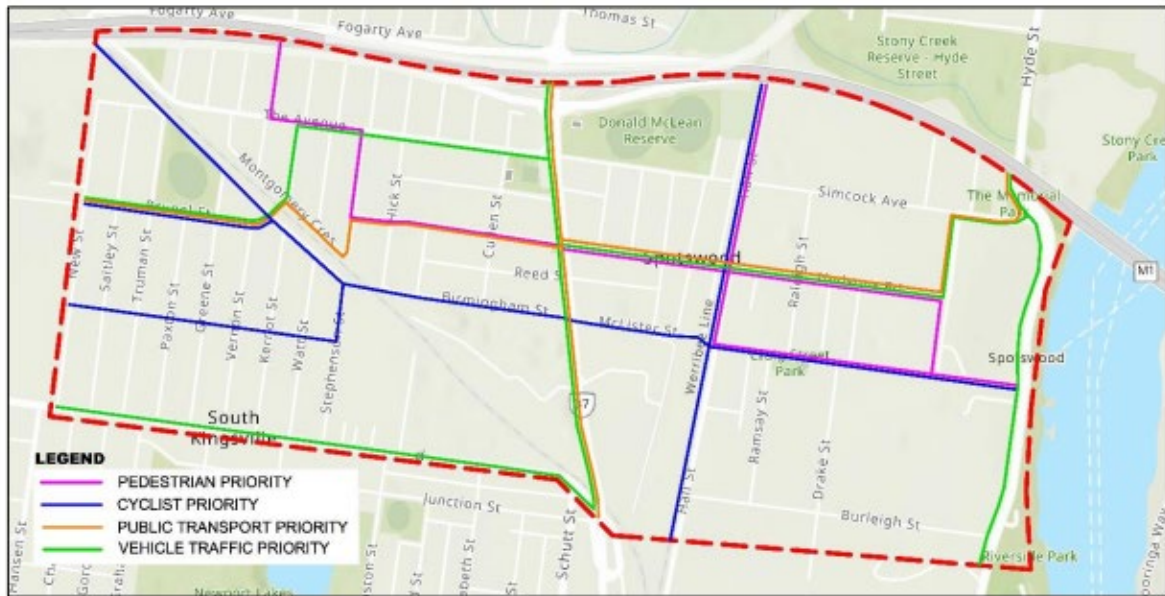


Figure 2: Road User Hierarchy

Figure 14: Road User Hierarchy, *Hobsons Bay City Council Northern Local Area Movement Plan Strategy Spotswood and South Kingsville*

In combination with the work being undertaken for the LAMPs, the Better Places Place Guide for Spotswood and South Kingsville reinforces the cycling link through the ‘GreenLine’ project. The vision for the project is to:

...provide major east / west and north / south active transport corridors that run through the heart of the Spotswood and South Kingsville and will link all key destinations including the major future development precincts, schools, Spotswood Station and village centres. The GreenLine will also connect through to the Federation Trail and proposed West Gate Tunnel Veloway, providing a direct active transport link through Melbourne CBD and the regional cycling network.

This may be aided by the state government recent announcement of the grade separation of the Hudsons Road level crossing, where the railway line will run above the road, therefore opening up opportunities for the Craig Street connection.

The Applicant assessment goes on to say that in *an environment ... as proposed, employees are aware of the parking limitations and the availability of alternative transport options, which in turn influences transport mode choice.*

When considered as a whole, the constrained nature of on-street parking in the surrounding area, the limited availability / access to off-street commercial car parking and the accessibility

to public transport services and active transport infrastructure, we expect that parking demand will be successfully diverted to sustainable transport modes for travel to and from work.

The ideas presented by the applicant are reasonable and there is strong policy support for sustainable transport options in lieu of single occupant vehicle travel. The application of the proposed Green Travel Plan (discussed later in the assessment) will also assist with this objective.

It is also accepted that that parking limitations and the availability of alternative transport options, will influence transport mode choice. That is, there will be a shift in behaviour (which will also reduce traffic congestion on the road network).

The parking reduction is therefore supported.

Building A (PA210239)

Objectors have noted that a reduction in parking was permitted for Building A and this should be considered against the current application to ensure Building A and the subject application has an adequate supply of parking.

The shortfall for Building A (PA210239) is 57 spaces and it was determined that the conditioning of a Car Parking Management Plan would be appropriate to assist in the mitigation of any potential negative impacts. That includes a requirement to deal with any overflow parking should that arise under Condition 9 of the Planning Permit:

Car Parking Management Plan

9. Prior to the commencement of the use, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. A copy of the approved Car Parking Management plan must be provided to all staff working at the site. The Car Parking Management Plan must address, but not be limited to, the following:
 - a) The number and location of car parking spaces allocated to staff, visitors/customers/clients;
 - b) How the car parking areas within the site will be managed noting the various users (staff, visitors, customers, clients) that will be accessing the car park;
 - c) The method to be used to encourage staff and visitors/customers/clients to use public transport or cycle or walk to the premises;
 - d) The method to be used to encourage staff driving to the premises to park in the on-site staff car parking;
 - e) The method to discourage staff and visitors/customers/clients from parking in surrounding streets, in particular residential streets;
 - f) Details how (if any) spill over from the dedicated car spaces will be managed;
 - g) Details which set out how additional car parking will be provided on site in the event the capacity of the approved car parking is inadequate.
 - h) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - i) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays, bicycle parking and entry/exits.

Council can seek additional parking via the permit condition should it be required for Building A. This will rely on the ability of shared parking between the uses on the land. It is not

necessary to include such a condition on the current application given the parking provision is deemed acceptable.

Symal (PA1944089-1A)

This permit has been acted upon with the site being used by Symal for storage of building materials, vehicles and equipment. Refer the endorsed plan below which shows the main central accessway and land occupied:



Figure 15: Symal endorsed plans from *Greenlight* PA1944089-1A

The current applications don't show how Symal and the proposals will coexist noting they each use the same accessway, and may require a further amendment to the Symal permit to ensure this is managed.

Car parking layout and access layout arrangements

The proposed access arrangements are shown below.



Figure 16: Proposed access arrangements, Source: *Impact Traffic and Transport Assessment 8 July 2023 (IMP2205051TTA01F02)*

The existing access at the north western corner on Hudsons Road will be retained serving the main car park along the western side of the site. The centrally located driveway on Hudsons Road will also be retained and connects to the proposed east-west access road providing back of house access to the industry tenancies of the north east plot. It also provides access to drop off/pick up bays. The access road connects to a new proposed crossover on Booker Street.

An assessment against the design standards in Clause 52.06 is provided at Appendix 12 and Council's Traffic and Transport engineer has also reviewed the application. The proposal generally meets the relevant requirements of Clause 52.06 and the Australian Standard for Off-Street Parking (AS2890.1:2004).

Other matters identified that can be dealt with if a permit was to issue:

- Ensuring structural column locations are in accord with Design Standard 2 of Clause 52.06.
- A requirement for a functional layout plan and detailed landscape plan for the proposed internal roads.
- Provision for EV charging for visitors and staff.
- All internal lighting, external lighting, signage and line marking aspects for the internal car park are to comply with AS1680.2.1, AS1158.3.1 and AS1742.1, respectively.
- Provision of appropriate line marking, directional arrows and signage within the car park and entrances, and priority line markings at either ends of the proposed internal road.
- Confirmation of pedestrian sight triangles (to be shown on the drawings) measuring 2.5m (along the exit lane of the driveways at Hudsons Road and Booker Street) by 2.0m (along the property line) clear of any objects or vegetation greater than 600mm in height on the departure side of the driveway.

Pedestrian crossing on Booker Street

Council's Traffic and Transport engineer commented that as part of the development, the applicant should be required to fund a pedestrian crossing on Booker Street to provide access to Scienceworks and beyond. The draft Structure Plan identifies opportunity to provide a new pedestrian crossing on Booker Street near Hudsons Road. It is also referred to in the adopted Local Area Movement Plan for Spotswood and South Kingsville. This has also been commented on in an objection.

Typically, such a contribution can only be imposed through an approved Development Contributions Plan or voluntarily by agreement between Council and the owner. This will require further discussion with the applicant however it should be noted that the need for a crossing does not only arise from the proposed use but also from the existence of Scienceworks and Grazeland, and therefore a contribution rather than full apportionment would be more appropriate. Conditions of any permit issued could address this issue.

Bicycle parking (Clause 52. 34 of the Hobsons Bay Planning Scheme)

The purpose of Clause 52.34 is to *encourage cycling as a mode of transport, and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

The bicycle parking requirement for each use is outlined below:

Table 1: Applicable Statutory Bicycle Parking Rates

Use	Employee Rate	Visitor Rates
Industry	1 space to each 1,000 sqm of net floor area	None
Retail	1 space to each 300m ² of leasable floor area	1 space to each 500 sqm of leasable floor area
Office	1 space to each 300m ² of leasable floor area	1 space to each 1000m ² of leasable floor area (if floor area exceeds 1000m ²)

The bicycle parking required for the development is shown below:

Table 2: Statutory Bicycle Parking Requirements

Use	Requirement	
	Employee	Visitor
NE PLOT		
Industry	2	0
Office	8	2
TOTAL	10	2

OFFICE B		
Office B	18	5
Retail	2	1
TOTAL	20	6

End of trip facilities

If 5 or more employee bicycle spaces are required, then 1 shower should be provided for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.

Therefore 2 shower/change room facilities are required for the NE plot and 3 shower/change room facilities are required for Office B.

North east plot

A total of 60 bicycle spaces are proposed comprising 12 in a secure storage area and 48 publicly accessible spaces. Two shower/change room facilities are included on the ground level between Industry Tenancy T4 and the communal lobby/entry, accessed from Hudsons Road:

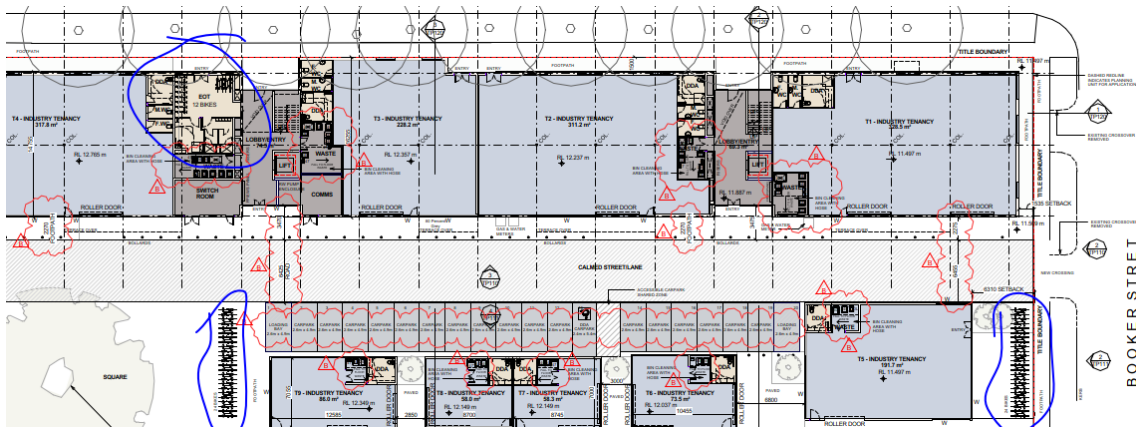


Figure 17: location of bicycle parking and EOT facilities, Source: North East Plot Proposed Ground Floor Plan TP100 Rev B by Six Degrees Pty Ltd

Office B

A total of 52 bicycle spaces are proposed comprising 27 spaces in a secure storage area and 24 publicly accessible spaces. A total of 4 shower/change room facilities are proposed:

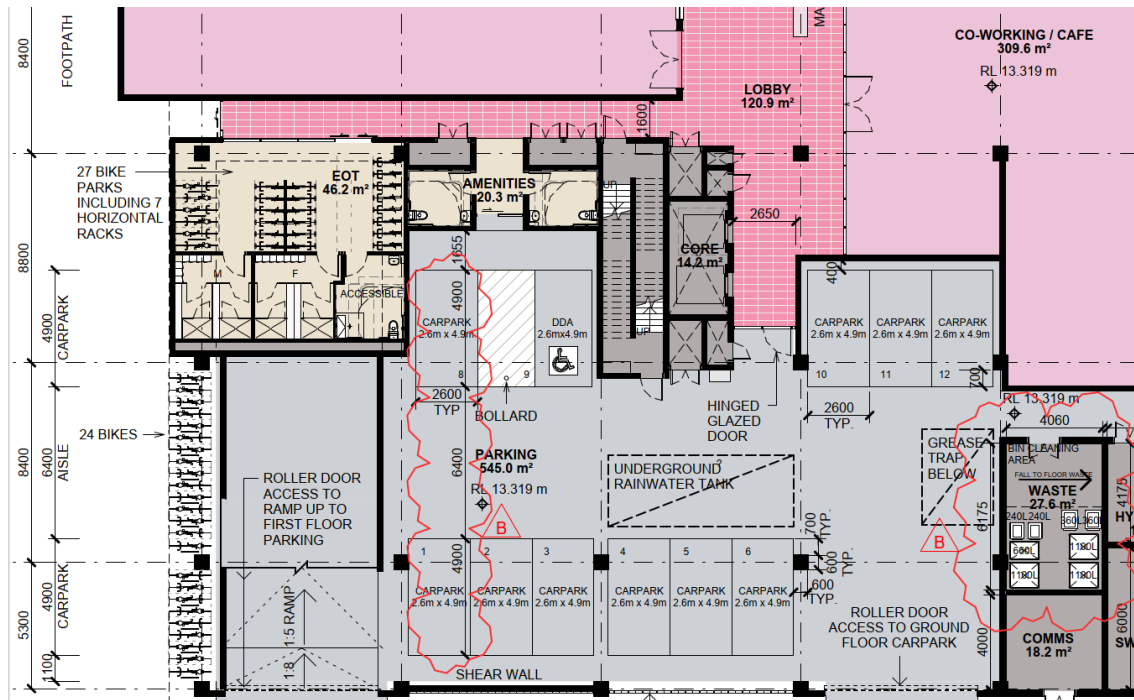


Figure 18: location of bicycle parking and EOT facilities, Source: North East Plot Building B Proposed Plan – Ground +L1(TP200 Rev B) by *Six Degrees Pty Ltd*

The bicycle parking provided exceeds the statutory requirement, commensurate with the objective of encouraging cycling as a legitimate mode of transport however Council’s Urban Design consultant commented that bicycle parking (for Office B) is provided at modest rates despite the aspirations expressed in the sustainability report. It is agreed that parking is at the lower end of planning scheme requirements and given the reliance on mode shift to justify lower parking provision, that additional bicycle parking should be provided. This could be conditioned if a permit is issued.

Council’s Traffic and Transport engineer commented that the bike facilities for staff should be diverse and include facilities for e-bikes. This is relevant and can be applied via a permit condition if approval is contemplated.

The traffic report sets out the bicycle structure specifications required in detail. This would also need to be captured via a permit condition, if a permit was to issue.

It would also be useful to have a condition requiring signage to direct users to bicycle parking locations on the site where cycling is not in proximity to building entry points.

Green Travel Plan

A Green Travel Plan (GTP) was submitted and is one tool to assist with sustainable transport planning by encouraging mode shift and use of sustainable transport options. It supports walking, cycling, public transport and carpooling/ride share through a range of actions including promotional campaigns and incentives. The GTP has been assessed as satisfactory by Council’s Traffic and Transport Team.

The GTP notes that despite convenience to various modes of public transport, there is a heavy reliance on private motor vehicle trips to and from work within Spotswood. It sets a target that

seeks 50% of commuter trips by staff be undertaken through sustainable transport modes as follows:

- Mode share of at least 70% for trips by public transport;
- Mode share of at least 25% for trips by bicycle;
- Mode share of at least 5% for walking trips.

Initiatives include:

- Provision of cycling and end of trip facilities.
- 'Sustainable Transport – Information Pack' for staff of various tenants containing information about bicycle and pedestrian accessibility, public transport including use of Myki, services including shopping, recreational and education with suitable non-car based transport, links to Green Travel, public transport and local services websites.
- Discouraging single occupant motor travel through sustainable transport allowances for staff such as discounted Myki travel or salary package scheme that purchases bicycles for staff.
- Establishment of a car pooling database.
- Strategic marketing for new and existing staff.
- Promotional functions/events.

The GTP also has a monitoring program to consider the success of the initiatives and make changes as necessary.

Traffic impacts

Residents have expressed concerns about the development increasing traffic levels and safety in Booker Street and surrounding streets.

The Applicant Traffic and Transport Assessment applies the following traffic generation rates for the different uses:

Industry

AM Peak 0.52 trips per 100sqm

PM Peak 0.56 trips per 100sqm

Office and retail

AM Peak 0.5 movements per space

PM Peak 0.35 movements per space

10% of peak traffic is generated in the counter direction

These rates are typically applied and in the case of the office and retail, have opted for the more conservative rate of 0.5 movements per space in the peak hour. Council's Transport and Traffic Engineer confirmed that these assumptions are acceptable.

The total traffic generation of the entire development proposal is forecasted as follows:

AM Peak		PM Peak	
Inbound	Outbound	Inbound	Outbound
65	7	7	65
72		72	

Figure 19: Total traffic generation, Source: *Impact Traffic and Transport Assessment 8 July 2023* (IMP2205051TTA01F02)

The assessment concludes that the anticipated **72 trips** equates to an average of an **additional 1 vehicle movement every 1 minute to the road network during the peak hour.**

The assessment notes that the peak hour traffic volumes are modest recognising also that the existing site has historically generated traffic during the peak hours, so the net increase is not expected to be material.

The report notes that assessments undertaken to inform the West Gate Tunnel Project say the critical intersections likely to be relied upon by motorists (Douglas Parade/Simcock Ave and Hyde St/Hyde St off ramp intersection) will operate comfortably with spare capacity up to the year 2031.

The assessment also notes that the expected infrastructure upgrade works within the surrounding area will see a decrease in traffic volumes in Hudsons Road (by up to 500 vehicles per day).

The additional traffic from the proposal is not expected to have adverse impacts on the performance of the road network and this was reaffirmed in discussions with Council's Traffic and Transport engineer.

Loading

Clause 65.01 of the Planning Scheme requires consideration of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. Loading is also to be considered under the Industrial 1 Zone decision guidelines (Clause 33.01-4).

Dedicated loading bays within each industry tenancy are provided (circled blue below). Deliveries to the smaller tenancies on the south side are shown via roller doors along the shared pedestrian accessway to the south. The plans show additional roller doors between the buildings, presumably to enable loading from the north, but it is unclear how this could occur with trees planted between the buildings. Loading to these tenancies should be from the north side rather than the shared pedestrian accessway on the south side to ensure pedestrian safety and could be conditioned if a permit is granted.

The loading area for the industry tenancies fronting Hudsons Road can be accessed from either Hudsons Road or Booker Street via an internal accessway.

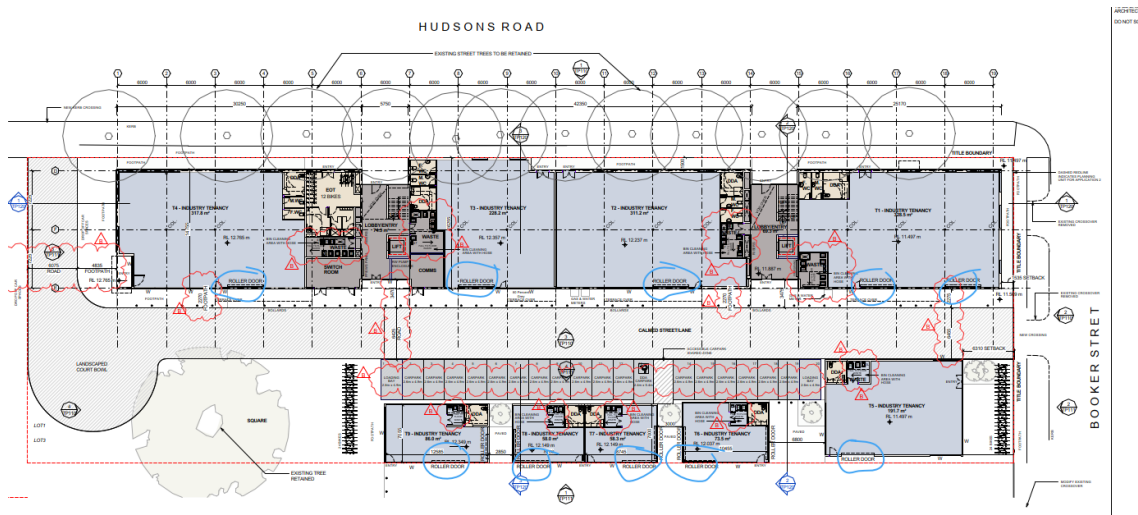


Figure 20: Location of roller doors, Source: North East Plot Proposed Ground Floor Plan TP100 Rev B by Six Degrees Pty Ltd

The loading area will cater to small rigid vehicles up to 6.4m in length and will satisfactorily accommodate the needs of these tenancies. Refer the swept paths below which demonstrate access/egress. It is not clear as to whether the turning area (refer swept path on the left hand side below) is necessary given access is possible from either Hudsons Road or Booker Street. This area could be revised through a permit condition to enlarge the landscape zone and increased the open space provided within the development.

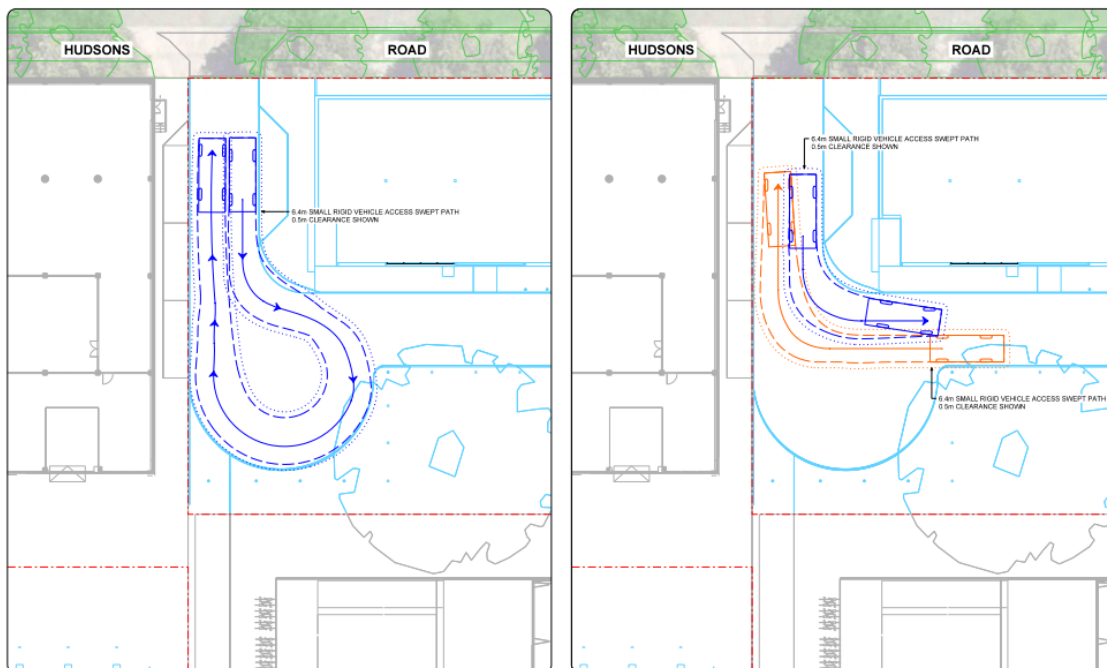


Figure 21: Swept path for waste vehicle North East Plot - Waste Management Plan 8 July 2022 by Impact (IMP2205051WMP01F02.docx)

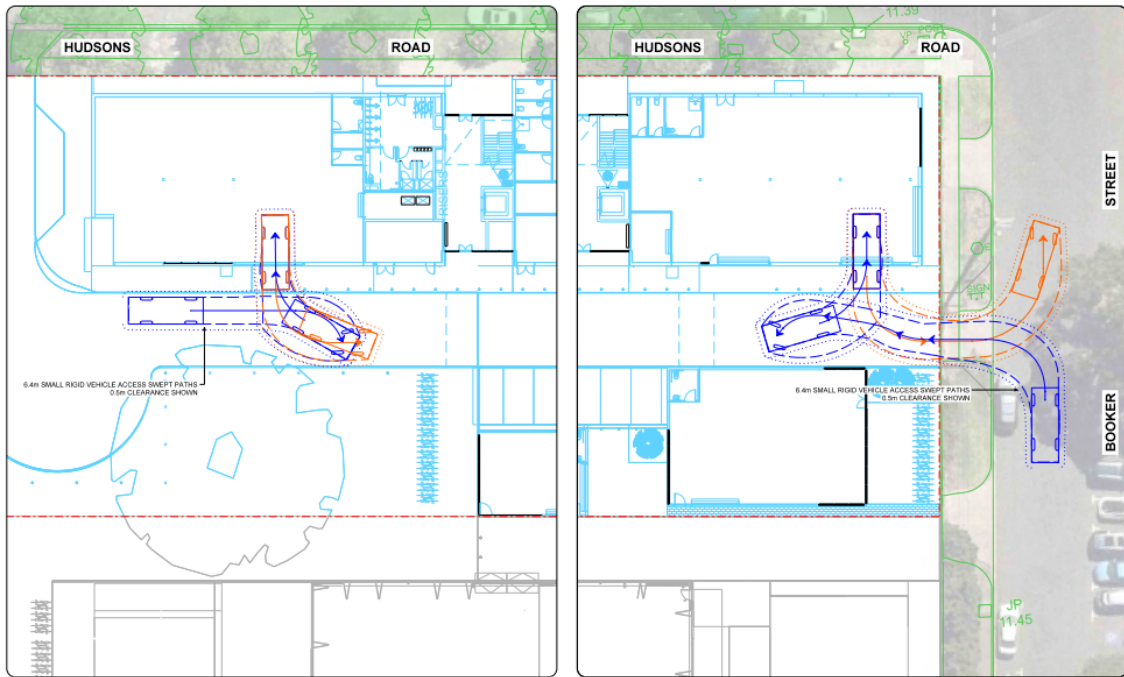


Figure 22: Swept path for waste vehicle North East Plot - Waste Management Plan 8 July 2022 by Impact (IMP2205051WMP01F02.docx)

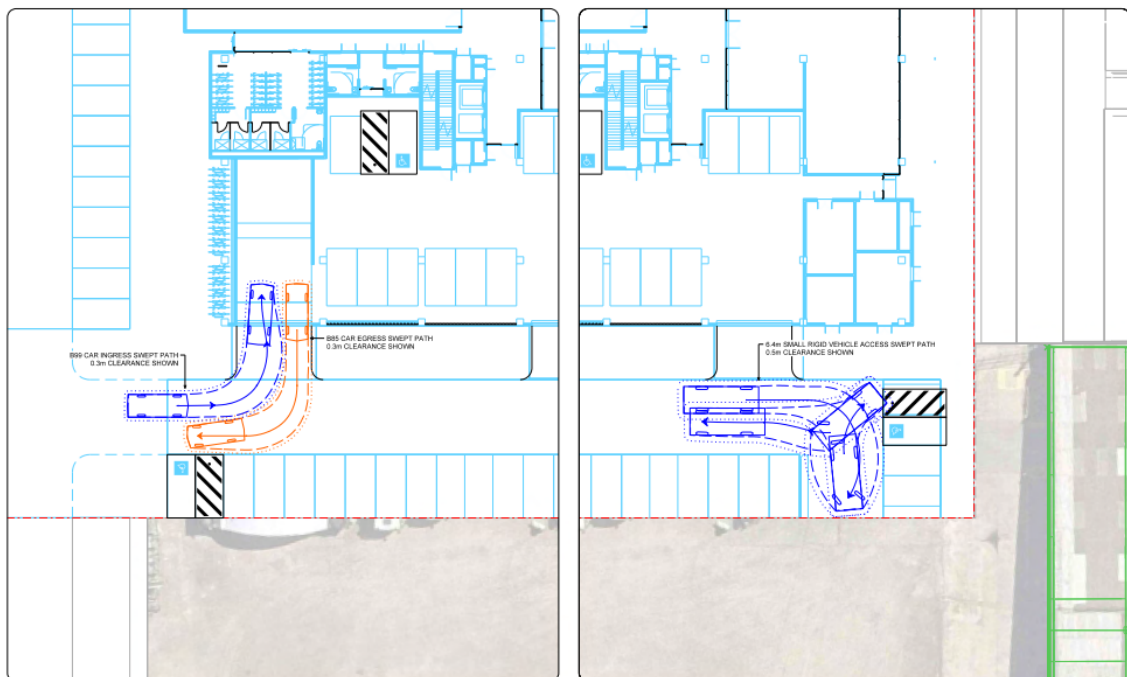


Figure 23: Swept path for waste vehicle North East Plot - Waste Management Plan 8 July 2022 by Impact (IMP2205051WMP01F02.docx)

If a permit is granted, a condition should be applied to make a requirement for the modified crossovers to be industrial strength to cater for heavy vehicles.

The proposed loading zones will satisfactorily accommodate the needs of the development.

Waste

A private waste contractor will collect and dispose of all waste streams.

Industry tenancies within the north east plot will store waste within their own tenancy. Hard waste/e-waste will be stored within a dedicated area (2sqm) in individual bin storage rooms.

The offices on levels 1 and 2 will transfer waste to dedicated waste rooms on the ground floor. Bins will be set out along the northern side of the laneway for a weekly collection which is acceptable (based on a 5 day working week for the offices and a 6 day working week for the industries).

If a permit is issued, standard conditions should be applied including restricting waste collection for the various uses as follows noting these hours are consistent with the permit issued to reuse the existing building for an office and café (PA210239):

7am to 8pm Monday to Saturday

9am to 8pm Sundays and public holidays

The swept paths provided demonstrate an 8.8m service vehicle can enter from Hudsons Road and exit the site in a forward direction to Booker Street:

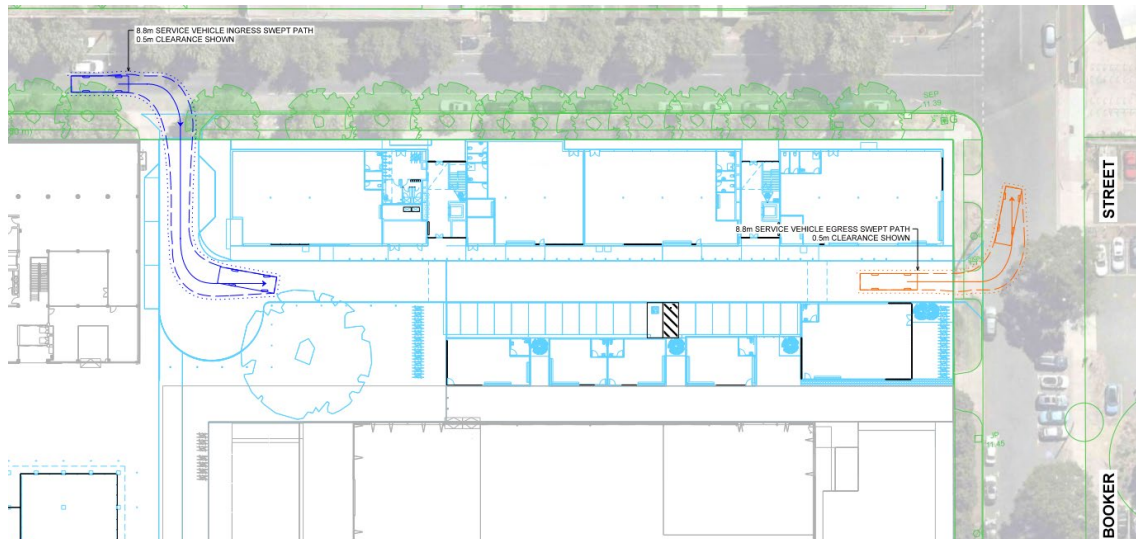


Figure 24: Swept path for waste vehicle North East Plot - *Waste Management Plan 8 July 2022* by Impact (IMP2205051WMP01F02.docx)

The Office B building does not have a dedicated loading bay which typically would not be required given the office use, however waste collection requires consideration.

A waste store is provided within the ground level of the Office building B:

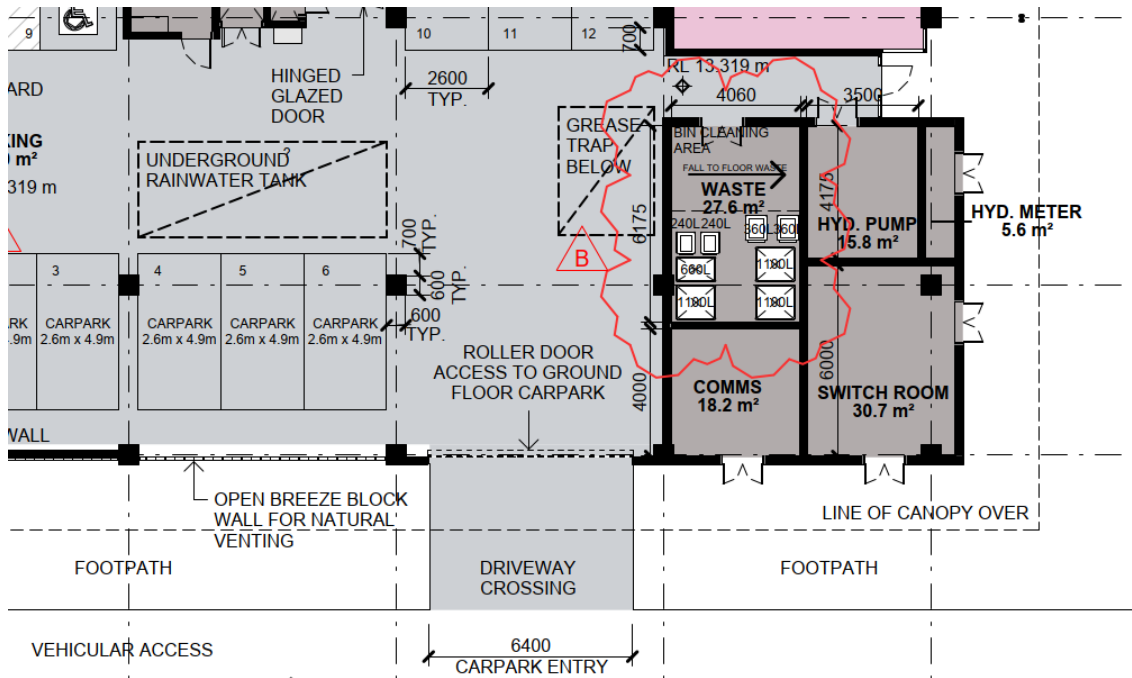


Figure 25: Waste facilities Building Office B, Source: TP200 Building B Proposed Ground +L1 by Six Degrees Pty Ltd

The Waste Management Plan states that collection for the Office B building (including the café and office uses) will be accommodated within the car park area with a bi-weekly collection for garbage, food organics and recycling.

The collection vehicle enters and exits via Hudsons Road. Swept paths provided demonstrate that a 6.4m long waste collection vehicle can enter and exit the nominated waste collection areas in a forward direction:

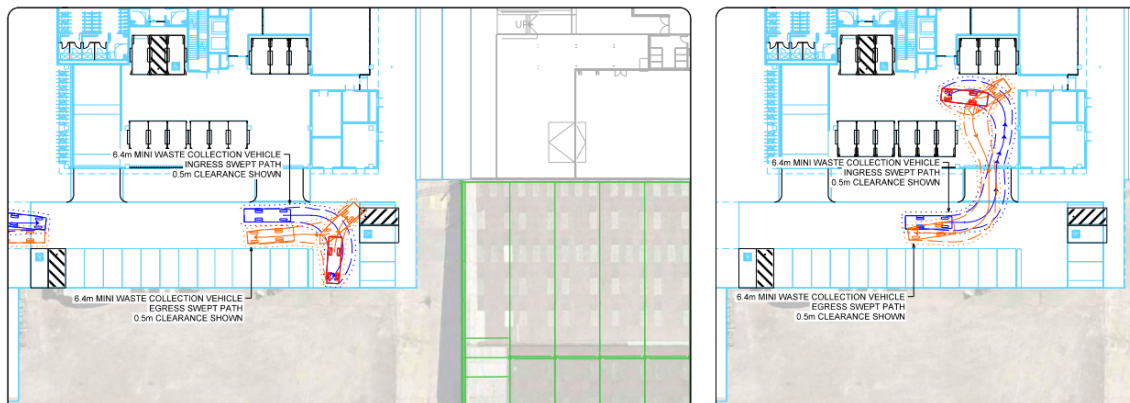


Figure 26: Swept path for waste vehicle Building B - Waste Management Plan 8 July 2022 by Impact (IMP2205051WMP01F02.docx)

The use of the car park areas needs to be considered in the context of the urban design comments (discussed in the next section) about a lack of activation of the ground floor of the building, and if approved, a condition should require determination of the collection area to Council's satisfaction.

Urban Design

The application was referred to Council’s Urban Design consultant who supports the North East building complex but has questioned the positioning of the entry to Tenancy T4 not being visible from the street (but that otherwise the entries are logical). Notwithstanding the comments of the Urban Designer, the entry is considered acceptable because it is located on a wide footpath which combined with the accessway will have clear visibility from Hudsons Road. Refer below:

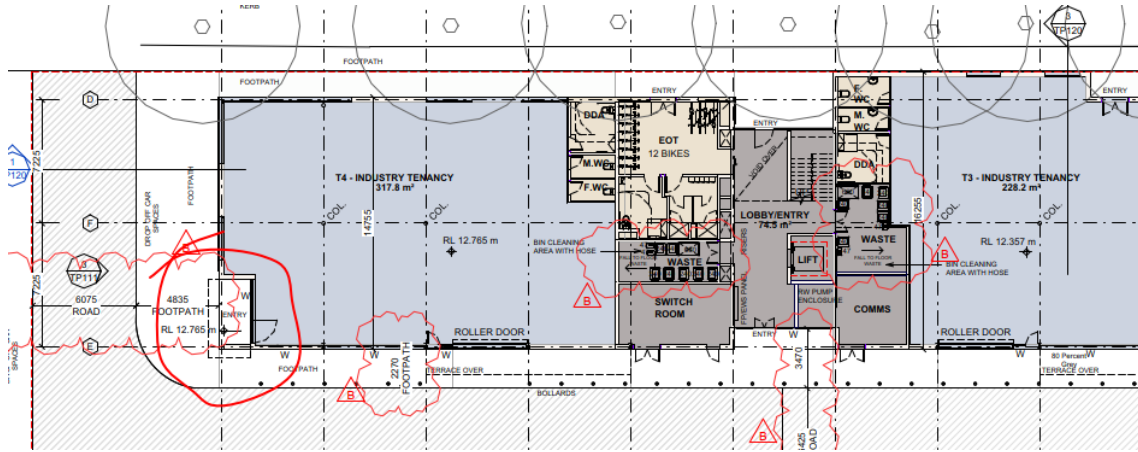


Figure 27: Location of entry to T4, Source: North East Plot Proposed Ground Floor Plan TP100 Rev B by *Six Degrees Pty Ltd*

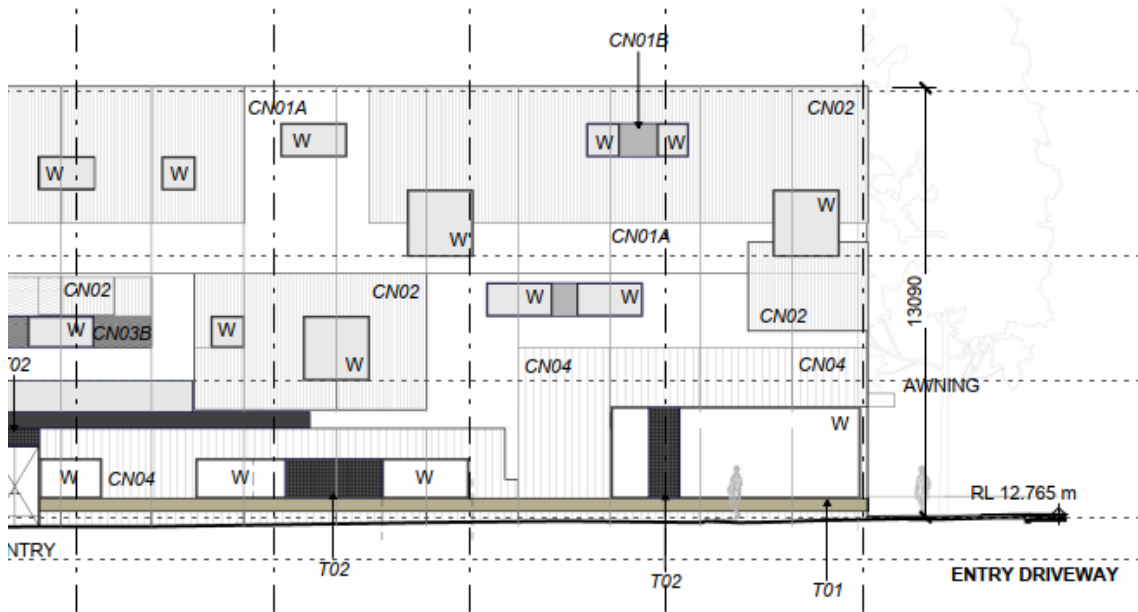


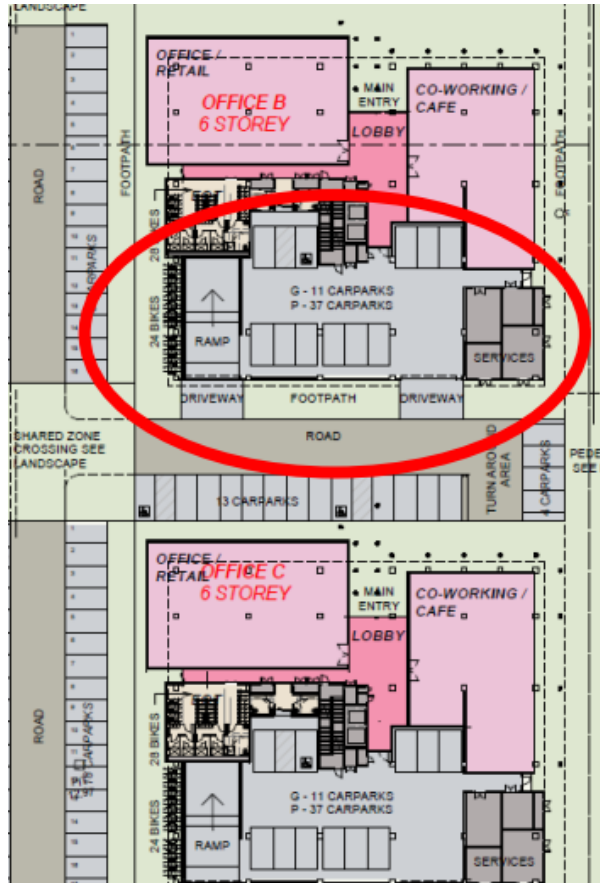
Figure 28: North elevation (Hudsons Road), Source: North East Plot Proposed Elevations + Materials TP110 Rev A by *Six Degrees Pty Ltd*

Council’s Urban Design Consultant notes (and it is agreed) that the plans are difficult to assess because key operational requirements of the development appear to be outside the scope of each application. There are many interrelated parts and it would have been better to seek approval for the whole site so that the development could have been assessed in its entirety and in an integrated fashion.

For example, the Office B building requires vehicular access and pedestrian access to the premises from Hudsons Road and Booker Streets, but these aspects do not appear to be

included on the plans. If a permit is issued, a condition would need to be applied to show all areas which the particular stage relies on.

The key issue of concern relates to the inclusion of the multi-level car park within Office B which results in an inactive service zone on the south side at ground level facing the corresponding front door of a later stage of development:



The assessment says:

For a development that is seeking to be a model of exemplary zero-carbon development the inclusion of a highly inefficient multi-level carpark within the building is both curious and a poor

outcome. Logically for this and adjoining development a central carpark/mobility hub would be a better outcome. Such an outcome would diminish car parking redundancy, would diminish hardstand areas and enhance opportunities for tree canopy and site permeability and as a result, the pedestrian amenity and environment supportive of the target industries on which the development relies.

67. The allocation of the entire level 1 to a multideck carpark at a junction of the highest amenity (to the north and east) zone in the precinct also represents a lost opportunity and poor outcome.
68. In contrast the inclusion of breakout areas for offices to these same amenity zones at upper levels and general layout and architectural expression are acceptable.
69. The traffic assessment proposes very low parking provision for office, arguing for rates more typically seen in the precincts of Collingwood, Richmond, and Fitzroy in inner Melbourne. A case can be mounted for this where the physical environment developed and attributes of placemaking demonstrably express walking and cycling as the primary modes of access. Currently the project does the opposite, flanking its west and southern frontages with parking and sleeving the rear half of the ground floor and entire first floor with parking.
70. The applicant cannot in my view have it both ways. I am supportive of an ambitious ESD, green travel and workplace strategy but this needs to be matched with appropriate building typologies and placemaking not manifest in this proposal or its later stage, similarly scaled south and southeast neighbours not in this application.
71. This outcome is unacceptable in urban design terms presenting poorly to the adjoining development and the major social areas within the development, with Coworking cafes to the southern building having an aspect to turning zones for vehicles and at grade parking in the foreground and back of house services and parking as a backdrop.
72. The applicant is capable of better and needs to review this radically to decouple the parking from these buildings so that this central zone can deliver the campus amenity and zero-carbon aspirations it targets. The current scheme adopts a standard office park arrangement typically of the last few decades with sustainability enhancements.

It is agreed that the plans require amendment. Tied in with this issue is the draft Structure Plan preferred height of 4 storeys contrasted against this proposal of 6 storeys, and noting additional height should only be permitted if the development is worthy from an urban design and public realm perspective. To date, the proposal does not achieve that objective.

If a permit is issued, a condition would need to be applied requiring revised plans to activate the southern and western elevations at ground level in line with the urban design comments.

The Urban Design consultant queried whether such a relatively small development can sustain so many co-working cafes. Discussion with the applicant indicate that the project will evolve over time and it is possible that fewer cafes will be provided (noting they form part of the masterplan visioning which is not included in the application).

A matter not cited in the urban design comments is the façade treatment of the northern elevation of the industry/office tenancies in the North East Plot. The northern façade contains many openings and will be exposed to direct sun and light, but does not contain any shading devices or measures to manage this issue.

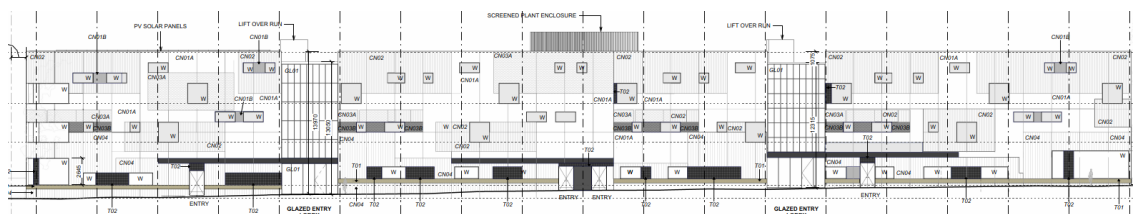


Figure 29: North façade (note extent of glazed openings), Source: North East Plot Proposed Elevations and Materials TP110 Rev A by *Six Degrees Pty Ltd*

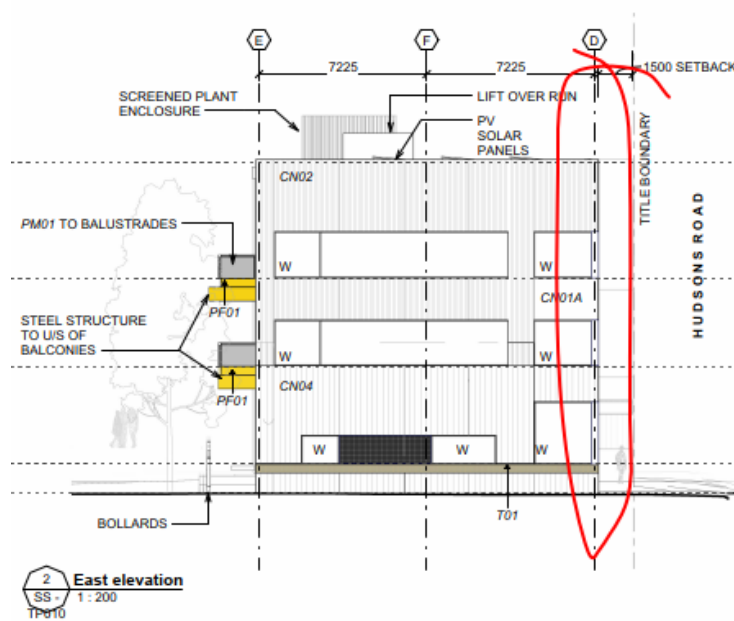


Figure 30: East elevation (shows unprotected façade exposed to northerly aspect), Source: North East Plot Proposed Elevations and Materials TP110 Rev A by *Six Degrees Pty Ltd*

In addition, the appearance of the northern elevation is not reflective of the industrial character of the area where brick facades are typical. This requires further resolution to deliver a high quality built form outcome.

If a permit is issued, a condition is necessary to require suitable treatments to manage direct sunlight and heat load penetrating openings in the building façade. An improvement to the building façade treatment and appearance would also need to be sought.

Environmentally Sustainable Design

The applicant submitted a document titled *The Spotswood Sustainability Framework* which provides high-level, development wide sustainable design aspirations across the broader parcel.

Council’s Sustainability Officer has advised that while the document provides key sustainable design elements of each site, it does not have specific commitments and initiatives that can be reviewed against the design plans, and therefore Planning Scheme requirements have not been satisfied.

A condition of permit has therefore been recommended requiring a site-specific Sustainability Management Plan (SMP) to be submitted for approval. The condition should require commitments proposed in the Spotswood Sustainability Framework to be included and address the following:

- The development must achieve a 70% overall BESS score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate excellence in sustainable design.
- Provision of a development-wide or site-specific stormwater management system designed to meet the current best practice performance objectives for stormwater quality

as contained in the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

- The plans must reflect relevant sustainable design initiatives proposed in the SMP.
- For Office Building B, provision of evidence of the project's current registration with the Green Building Council Australia (GBCA) and confirmation that the building achieves a 5-star Green Star Buildings rating certified by the GBCA (prior to occupation).

The condition will require all works to be undertaken in accordance with the endorsed SMP to Council's satisfaction and will not allow change without prior consent from Council. It also requires a report from the author of the SMP to be provided to confirm all measures have been implemented.

Should a permit be issued, such conditions would need to be applied.

Stormwater Management

A Stormwater Management Plan (SWMP) was provided as part of the request for further information. Clause 53.18 requires an application be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

The SWMP was reviewed by Council's Sustainability Officer who advised that the proprietary products proposed are not supported to count towards Total Phosphorus and Total Nitrogen reduction, and that considering the space available on the land, there is opportunity to integrate more permeable areas and raingardens.

The advice indicates that if on-going maintenance is a concern for the applicant, there are options such as Zero Additional Maintenance Water Sensitive Urban Design which is a system designed to ensure ongoing maintenance implications for the asset owner are negligible. The advice states that proprietary products will be considered as a last resort if there are site specific constraints, but that this is not the case for the subject site.

A permit condition could address this matter if the application is approved.

Site Landscaping

A "masterplan visioning" document was submitted that advocates general principles for the broader site. It says that the design proposal seeks to engage with the Bunurong Land Council to *produce meaningful design outcomes*. Further that it seeks to *create an overlapping environment of existing form, new built form and landscape that is intertwined, blurring the lines between indoor and outdoor spaces and creating those in-between spaces so common in Melbourne. The proposed tree canopy will be substantial and assist in creating microclimates and a leafy layer to the precinct. We see the landscape taking on an informal quality with the focus on creating scaled spaces that encourage and allow a wide variety of activities and events with some spaces designed for larger gatherings and markets to much more intimate green laneways, retail spaces, designer maker courtyards and commercial forecourt gardens. All these spaces will be inter-connected and pedestrian focused with emphasis on cycle paths and cycle parking. This is a place of authenticity and takes a strong hint from the local context and the need for our cities to be environmentally sensitive and culturally connected and relevant.*

The proposed landscaping for the North East Plot and Office B building is shown below. It comprises hard and soft landscaping in considered locations. More detailed plans would be required if a permit is issued.

North east plot



Figure 31: Proposed landscaping, Source: Oculus Application 2 N/E Plot and Office B, Spotswood Precinct, July 2022

Office B

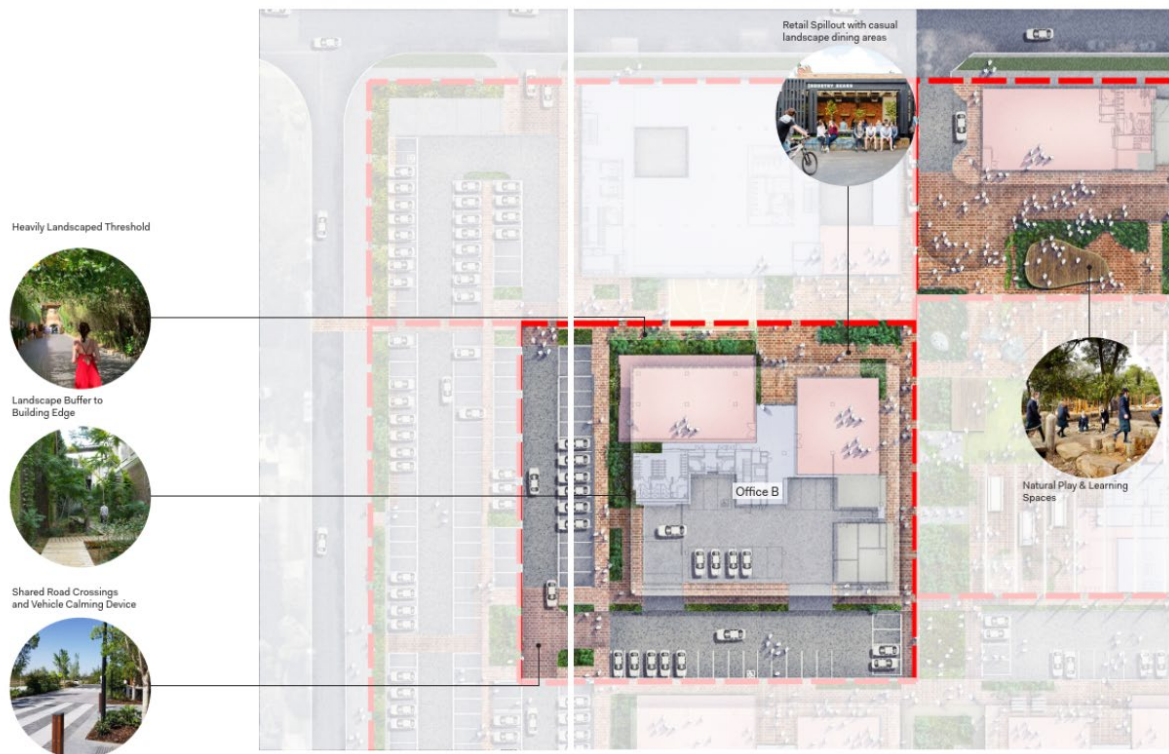


Figure 32: Proposed landscaping, Source: Oculus Application 2 N/E Plot and Office B, Spotswood Precinct, July 2022

An Arborist assessment was submitted and identified 126 trees within the site and 97 trees on nature strips surrounding the site. It nominates all trees within the site (including those on the Booker Street frontage) as having a low retention value. Whilst some tree removal is inevitable, it would be preferable for the approach to the design of the proposal to retain as much of the vegetation as possible.

The landscape plan nominates all trees within the site for removal with the exception of Tree 227, a large *Eucalyptus botryoides*, as it sits within an Urban playground setting. The Arborist report marks this tree for removal noting this tree is in decline, with a short useful life expectancy and having a low retention value.



Figure 33: Aerial view from the north showing tree to be retained, Source: *nearmap.com*

Council's Coordinator Arboriculture has advised that should the intention be to retain the tree, a further arboricultural assessment will be required to determine its suitability for retention in a playground setting. This assessment could be requested via a permit condition, if a permit is granted and this would ultimately determine whether the tree can be retained. The condition should require a suitable replacement tree (advanced grown) if it is determined the tree should be removed.

The 'masterplan' for the site which does not form part of this application shows future proposed development encroaching on the Tree Protection Zones and Structural Root Zones of Council managed nature strip trees in Craig Street. Council's Coordinator Arboriculture advised that the proposed Tree Protection Zone encroachments is not in line with Council's Urban Forest Strategy and is not supported. Further that tree sensitive design considerations and/or a setback should be provided within the site to reduce the extent of encroachment.

The Arborist assessment also says the design should ensure nature strip trees are not adversely impacted by the proposed development. This is a matter that will need to be addressed with when an application for that part of the site is received, and the applicant will be advised of the concerns.

Council's Coordinator Arboriculture noted that the Hudsons Road trees (which borders the industry/office tenancies in the North East Plot) will incur only minor tree protection zone encroachments and therefore development on this boundary is acceptable.

The landscape plan appears to seek retention of street trees in Bernard Street (except for the proposed pedestrian path connections where vegetation would be removed), which is desirable as the trees currently provide a good visual screen for residents. There are gaps between the trees and it may be possible to create pedestrian paths in these locations without having to remove trees or much vegetation. This is a matter of detail that could be conditioned to ensure the opportunity is not lost.

Council's Coordinator Arboriculture has noted that the indicative tree schedules appear to propose the plantings of tube stock only which would not be appropriate when combined with the extent of proposed tree removal. Should a permit issue, a condition would be required to ensure advanced grown trees form part of the replacement planting.

He has also advised that the indicative plant schedules should include the plantings of more natives that are *not* from the myrtaceae family, and has suggested Banksia integrifolia and Allocasuarina verticillate as suitable alternative. He advised he is not familiar with Acacia leiocalyx but that the rest of the proposed trees in the indicative schedules were acceptable.

Detailed landscaping plans will be required to be submitted for approval and can capture the matters already discussed. The landscaping plans will need to include landscaping associated with the current application for Office B and the North east Plot, but also how landscaping around the periphery will be managed in the interim, including any trees to be retained or removed.

Contamination

Objectors have mentioned the issue of site contamination. An Environmental Audit Overlay does not apply to the subject site however consideration is required to be given to the *Planning Practice Note 30 – Potentially Contaminated Land (DELWP, 2021)* because Council is aware the land has the potential for contamination.

Given the proposed commercial/industrial use, Table 3 of the Practice Note indicates the appropriate level of assessment to be a Preliminary Site Investigation (PSI).

The applicant submitted a letter from Golder Associates dated 24 August 2022 providing an assessment of the contamination status at the site (essentially a PSI). The advice confirms that no contamination issues have been identified that would preclude the proposed uses contemplated but also outlines actions required to manage contamination. The letter states:

The information obtained from the investigations undertaken indicates the presence of soil contamination risks which can be managed as part of the site development as set out below. As such, an Environmental Audit is not required.

The recommended actions are as follows:

- A HAZMAT assessment of the site infrastructure be undertaken.
- As elevated concentrations of contaminants were identified within the backfilled quarry along with asbestos containing materials (ACM) and other wastes, it is recommended that the material within the backfilled quarry, if encountered, either be excavated and disposed offsite or managed through construction of separation layers over the area such as a concrete slab or pavements with access into the future managed via implementation of a Soil Management Plan.
- The development should be designed to manage the potential impact of the fill soils in garden and landscaped areas by excavating to a depth commensurate with the root zone of the vegetation to be planted at the site and replaced with clean imported fill.
- Following demolition, a review of evidence of contamination found should be undertaken by an Environmental Consultant in conjunction with the proposed development drawings to assess the need for further assessment or management of any identified contamination.
- The potential occurrence of perched water at least in the north of the site means that this water will need to be managed as part of construction should excavation below 1 m to 1.5 m be required.

- It is recommended that a general soil management protocol to be adopted during the development of the site.

These requirements could be dealt with by placing a condition on the permit requiring compliance with the matters raised and written confirmation from Golder Associates that the matters have been satisfactorily attended to.

Because some of the matters require ongoing maintenance and monitoring, a section 173 agreement would need to be entered into, and this too would need to be incorporated into a permit condition if a permit is granted. The agreement is registered on the titles to the land and brings attention of the obligations to future owners.

Site proximity to Major Hazard Facility and WorkSafe objection

Clause 13.07-2S (Major hazard facilities) has an objective to *minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.*

The applicable strategies are to:

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

Clause 17.03-2S (Sustainable Industry) seeks to *facilitate the sustainable operation of industry.* The applicable strategies are to *protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses which would adversely affect industry viability and to provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*

In April 2022, the safety buffer distances around major hazard facilities were changed by WorkSafe and have resulted in an increase to the extent of the safety areas.

The plans below show the former and current major hazard facility inner and outer safety areas. As can be seen, the subject site partially sat within the Outer Advisory Area of the Newport Fuel Terminals but now a large portion of the site sits within the Inner Safety Area.

Figure 34: Previous major hazard facility safety areas:



Note: These maps have been prepared by Council and are indicative only. WorkSafe has not released any mapping to Council.

Figure 35: Revised Major hazard facility safety areas:



Note: These maps have been prepared by Council and are indicative only. WorkSafe has not released any mapping of the 2022 revised Major Hazard Facility safety areas to Council.

In line with Council's current practice, WorkSafe were sent a notice under section 52 of the Planning and Environment Act 1987.

WorkSafe advised against approval of the Office B development and not against approval of the North East Plot (subject to conditions) in a letter dated 1 September 2022 (refer below). The conditions imposed on the North East Plot include limiting uses to light industrial and warehousing and prohibiting *retail, gathering of general public such as school,*

training centre, gym, place of worship or entertainment. Whilst conditions could be applied, enforcement would be difficult and somewhat impractical. In most instances the uses listed require a planning permit so the suitability of any such use could be considered as part of the assessment of an application. The WorkSafe response also calls for an emergency response plan which could be required via a permit condition

Figure 36: WorkSafe's response in relation to the Western Plot (Office B):

In relation to the Western Plot (Office B) which includes office, retail and café type use at the proposed location in this planning permit application, WorkSafe has had regard to:

1. The proposed location of Office B is located approximately 200m away from the boundary of the nearby Ampol Newport major hazard facility (MHF), placing it within the Inner Safety Area of the Ampol facility.
2. The land currently has a population sensitivity of Normal Working Population.
3. Based on the information provided within the application, the proposal will not only change the population sensitivity of the proposed site within the Inner Advisory Area of a Major Hazard Facility (Normal Working Population to General Public) due to the inclusion of Retail, but the development would also significantly increase, or have the potential to significantly increase, the number of people within an existing population category present at the development location with the inclusion of Office Amenities.
4. The proposal would introduce members of the general public to an area which could be severely affected if any of several potential incidents eventuate at the nearest major hazard facility.
5. Additionally, if developed, it may also set a precedent for future gradual increase in population in the area.

Based on the above points, WorkSafe **advises against** the proposed Western Plot (Office B) site.

In relation to the North-Eastern Plot (NE Plot) which includes offices and industry/warehouse use in this planning permit application, WorkSafe has had regard to:

Figure 37: WorkSafe's response in relation to the north-eastern plot

1. The proposed location of NE Plot is located approximately 250m away from the boundary of the nearby Ampol Newport major hazard facility (MHF), placing it within the Outer Safety Area of the Ampol facility.
2. The land currently has a population sensitivity of Normal Working Population.
3. Based on the information provided within the application, the proposal would not alter the population type which would remain a "normal working population" within the Outer Advisory Area of a Major Hazard Facility.

Based on the above points, WorkSafe **does not advise against** the North-Eastern Plot (NE Plot), on condition that:

1. Industry/warehouses will only be for light industrial use and warehousing activities and not used for activities involving retail, gathering of general public such as school, training centre, gym, place of worship or entertainment.
2. An emergency response plan be implemented by the person(s) who have management control of the site(s).

Ampol, the relevant operator (formerly known as Caltex), was also notified about the application. No response was received.

Viva was also notified and has no objections.

In response to the WorkSafe objection, the applicant provided a reply (in support of the proposal) including a letter from Best Hooper Solicitors. It presents a range of arguments to demonstrate the applicant's case that MHF risks can be appropriately mitigated (and also to challenge the application of the WorkSafe guidance and suggest inconsistency in WorkSafe's application of the guidance). WorkSafe has not changed its advice on the application after reviewing the applicant's responses and detailed risk assessments.

WorkSafe is the State’s safety expert and regulator. WorkSafe recently increased the safety areas around MHF’s, which have a greater impact on the site. Council has not seen detailed evidence from WorkSafe justifying the original or revised MHF safety areas. The application of the safety areas lacks transparency as it sits separate from the Planning Scheme. Since the guidance was originally issued, and outside of this planning application, Council has called on WorkSafe and the State government to increase transparency and consistency in relation to MHF safety areas. This includes better justifying the reasons for safety areas, undertaking community consultation about changes to safety areas or to MHF licences which impact third parties, and the introduction of a Buffer Area Overlay into the Planning Scheme will provide clarity on how it should be applied.

To address this gap, Council in 2013 (updated in 2014 and 2022) developed policies designed to improve transparency and clarity for planning applications within the proximity of MHFs. Council’s *Interim Management of Land Use Planning Around Major Hazard Facilities* guidelines indicate that notice of all planning applications within MHF safety areas is given to WorkSafe as the State’s safety expert.

Whilst the ultimate decision on the merits of the application rests with Council, by ignoring WorkSafe advice on a planning application, Council would assume the risk and responsibility for any impacts on the site arising from an incident that could occur (with limited visibility of the actual risk from the MHF site and limited ability to influence its mitigation).

Council also continues to advocate to the State Government to introduce a Buffer Area Overlay into the Planning Scheme, and to undertake consultation with any impacted stakeholders (MHFs, neighbouring landowners, responsible authorities, etc) as part of that process.

RESPONSE TO OBJECTIONS

The following is a response to the concerns raised by the objectors that have not been discussed in the above assessment.

Loss of property value.	It is a long held principle that the loss of property values is not a valid ground for objection because of the uncertainty associated with property values increasing or decreasing.
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CONCLUSION

The proposed use and development is not consistent all aspects of the Hobsons Bay Planning Scheme particularly with regard to the proximity to the major hazard facility noting WorkSafe’s advice against part of the proposal. In addition, the urban design issues around the proposed

6 storey Office B building requires resolution. Remaining matters can be addressed via permit conditions.

The application is therefore recommended for refusal.

RECOMMENDATION

1. That the Delegated Planning Committee, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* in respect of planning permit application PA220337 resolves to:

Refuse to grant a planning permit under the provisions of the Hobsons Bay Planning Scheme on the grounds contained in the Draft Refusal Grounds in Appendix 8 in respect of the land known and described as 1 Hudsons Road, 1 Booker Street and 30 Craig Street Spotswood for use and development of the land for the purpose of industry, office and retail premises and a reduction in the statutory car parking requirement.

2. Delegate the authority to settle any matter before the Victorian Civil and Administrative Tribunal which may arise to the Council's Manager Planning, Building and Health.

APPENDIX 8

Draft Grounds for Refusal

PLANNING PERMIT APPLICATION PA220337

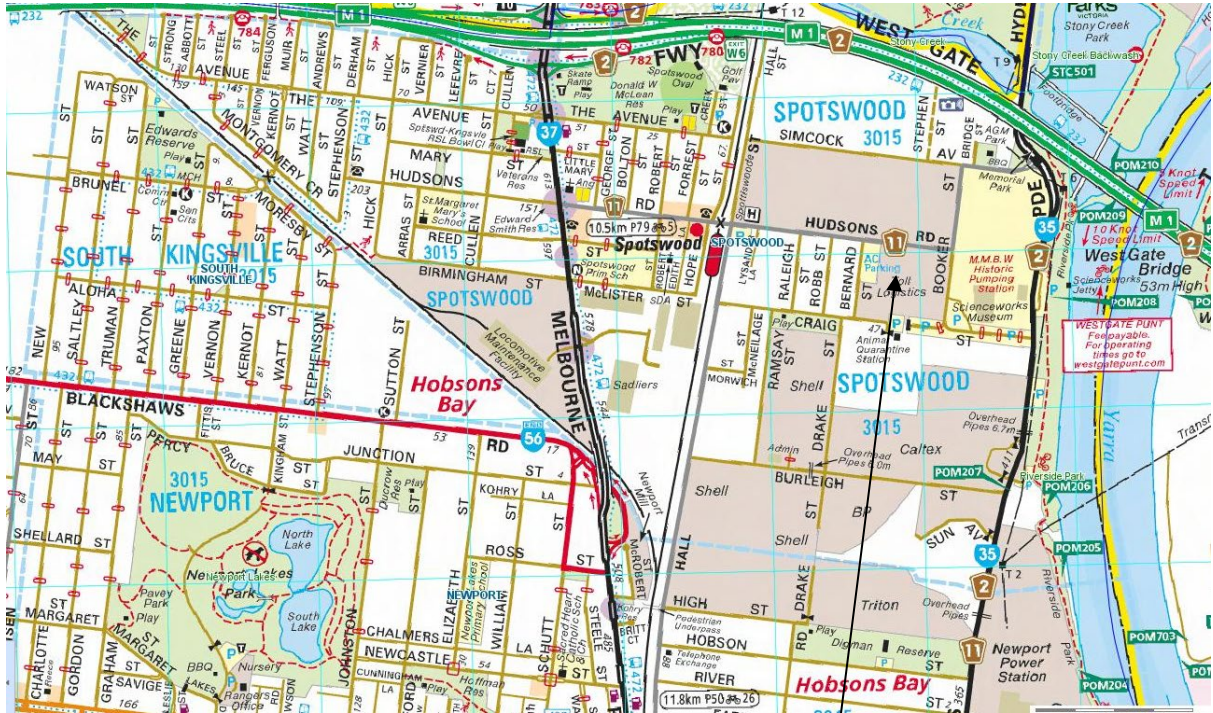
GROUNDS OF REFUSAL:

1. The proposal does not meet the Municipal Planning Strategy of the Hobsons Bay Planning Scheme, particularly the following Clauses, 02-03-3 Environmental risks and amenity, 02.03-4 Natural resource management - Water, 02-03-5 Built environment and heritage - Building and urban design, Environmentally sustainable development, 02.03-7 Economic development – Industry and 02.03-9 Infrastructure – Integrated water management.
2. The proposal does not meet the policies in the Planning Policy Framework of the Hobsons Bay Planning Scheme, particularly Clauses 11 Settlement, 13 Environmental Risks and Amenity, 13.07-1S Land use compatibility, 13.07-2S Major hazard facilities, 14.02-1S Catchment planning and management, 14.02-2S Water quality, 15 Built environment and heritage, 15.01-1S Urban design, 15.01-1L-02 Landscape design and canopy tree cover, 15.01-2S Building design, 15.01-2L-03 Industrial building design (including the *Hobsons Bay Industrial Development Design Guidelines* 2008), 15.01-2L-04 Environmentally sustainable development, 17.03-2S Sustainable Industry, 17.03-2L Sustainable industry, 17.03-3S State significant industrial land, 19.03-3S Integrated water management, 19.03-3L Integrated water management.
3. The application has not satisfactorily demonstrated that the proposal meets the applicable objectives under Clause 53.18 and ensuring that stormwater will be managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.
4. The design of the proposed Office B building lacks activation at ground level and represents a poor urban design outcome.
5. The proposed location of services (fire tank, water meters, fire booster cupboard, fire pump, etc.) at the northern end of the western car park and narrow landscaped setback to Hudsons Road will have a negative impact on the appearance of the site from Hudsons Road.

6. The proposed appearance and design treatment of the northern façade of the North East Plot buildings fronting Hudsons Road is not an acceptable design response and fails to adequately address the context of the area.
7. The loading arrangements for the smaller industry tenancies is unclear and if it includes use of the shared accessway (pedestrian zone), this is an undesirable outcome and would create conflict between pedestrians and vehicles.
8. The height of the proposed Office B building is excessive and fails to adequately address the context of the area.
9. The location of the proposal within the Inner Safety Area of the major hazard facility (Ampol Newport Terminal Major Hazard Facility) is inappropriate and represents an unacceptable risk.
10. The proposal does not meet the objective of Clause 13.07-2S (major hazard facilities) of the Hobsons Bay Planning Scheme which seeks to minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.
15. The staged approach to lodging multiple interrelated planning applications for the land does not contribute to integrated decision making and is contrary to orderly and proper planning.

APPENDIX 9

Locality Map



Subject Site

1 Hudson Road, 1 Booker Street
and 30 Craig Street , Spotswood

APPENDIX 10

Advertised Plans

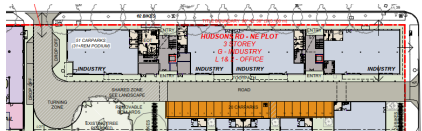
Link to Advertised plans

[PA220337 - Advertised Plans](#)

APPENDIX 11

Hobsons Bay Industrial Development Design Guidelines June 2008

<p>3.1A – Site layout and built form</p> <p>Objectives</p> <ol style="list-style-type: none"> 7. To ensure that the site layout and built form contributes to the visual amenity of the area. 8. To protect and enhance public spaces. 9. To ensure that buildings are 'in scale' with the surrounding development. 10. To encourage building forms, materials and finishes that adds visual interest to the neighbourhood. 11. To achieve preferred building and landscaping setback requirements for industrial land other than in a Schedule to the Special Use Zone. 12. To ensure that on-site car parking at industrial premises is adequate, safe and visually attractive. 	<p>Complies subject to conditions.</p> <p>The design includes buildings with a mix of flat roofs and raked saw tooth roofs using a variety of materials and textures. The proposed built form will result in a positive visual amenity internally and externally to the site subject to amending the façade treatment of the Hudsons Road elevation of the North East Plot. In addition, Office B requires improvement with regard to activating the building at ground floor level and improving the public realm/placemaking.</p> <p>The design creates a variety of public spaces that are purposeful. For instance, a play area, greening around building edges and retail spillout spaces with casual landscape dining areas.</p> <p>The three-storey built form in the north east plot sits comfortably with surrounding development and maintains a human scale to the Hudsons Road pedestrian environment.</p> <p>The six-storey office B has a total height of 22m to the roof and 27m to the lift overrun. The draft Structure Plan has a preferred 4 storey height but allows for a taller form provided design excellence is demonstrated, and ensuring overshadowing and overlooking is sufficiently managed. Whilst the building is sufficiently setback (41.2m approx. to the site boundary) from the Bernard Street residential interface, the additional height is not supported on the basis of urban design advice in relation to the activation of the ground floor facades to the south and west.</p> <p>A mix of recycled red brick, breezeblock and concrete will be used for the walls of Office B ensuring the building will be visually interesting and attractive. A mix of precast</p>
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	<p>concrete included different textured panels, feature glazing, metal cladding, perforated metal and feature tiles are proposed for buildings in the North East Plot. The treatment of the northern (Hudsons Road) façade requires improvement to provide a high-quality design response.</p> <p>A 9m building setback is recommended however the proposed setback of 0-1.5m is appropriate to the surrounding context where buildings are located on the frontage.</p> <p>The plans for the north east plot do not meet the Guidelines preferred landscape setback of 4.5m to Hudsons Road and Booker Street with the front setback to be paved however this is appropriate to the surrounding context, where existing buildings are generally built to the front and side boundaries.</p> <p>On-site car parking is satisfactorily handled.</p>
<p>3.1B - Traffic and Car parking</p> <p>Objectives</p> <ol style="list-style-type: none"> 4. To ensure that on-site parking at industrial premises is adequate. 5. To ensure that the siting of parking areas and access ways is safe and convenient. 6. To ensure that the layout of parking areas are visually attractive. 	<p>Complies in part.</p> <p>The parking provision is adequate. Refer assessment.</p> <p>The siting of the car parking areas and accessways is well laid out and convenient for users.</p> <p>There are concerns about the ground level interface of Building B identified by Council’s Urban Design Consultant with regard to activation. This requires resolution. Refer assessment under heading ‘Urban Design’ for details.</p>
<p>3.1C - Site Access</p> <p>Objective</p> <ol style="list-style-type: none"> 1. To ensure that vehicles can access industrial sites safely and efficiently. 	<p>Complies subject to conditions.</p> <p>The existing access points to Hudsons Road are to be retained and utilised by future occupants of the site with a modified crossover to Booker Street. The crossover location is acceptable. Sight triangles can be provided via permit condition.</p> 

<p>3.1D - Loading and Services Areas</p> <p>Objectives</p> <p>2. To ensure the layout of loading bays is safe, convenient and visually attractive.</p>	<p>Complies in part.</p> <p>Each industry tenancy has its own dedicated loading area within the tenancy. The use of the pedestrian zone for loading activity in the southern tenancies is unacceptable and will compromise the safety of pedestrians. Access to the loading zones for the larger tenancies fronting Hudsons Road is via the internal road and will be safe and convenient. Loading for the Office B complex requires review in light of urban design comments about activation.</p>
<p>3.1E - Road Network</p> <p>Objectives</p> <p>3. To ensure that access arrangements to industrial sites accommodate for large vehicles.</p> <p>4. To ensure that access to the site is safe and does not cause detriment to residential areas or other users.</p>	<p>Complies.</p> <p>The size of accessways and loading areas are commensurate with the size of tenancies.</p> <p>Swept paths demonstrate satisfactory access for larger vehicles including 6.4m long small rigid vehicles and larger 8.4m rigid vehicles. Pedestrian access is separate from the loading area apart from the southern tenancies in the north east plot which is of concern as already discussed.</p>
<p>3.1F - Landscaping</p> <p>Objectives</p> <p>4. To encourage open, well landscaped industrial precincts.</p> <p>5. To encourage landscaping that enhances the appearance and amenity of the site and public areas.</p> <p>6. To encourage the use of recycled water to irrigate landscaped areas.</p>	<p>Complies subject to conditions.</p> <p>A condition will be required on any permit issued requiring the submission of a landscape plan prior to endorsement. Conditions will require resolution of landscaping issues such as tree removal and planting. A requirement for an integrated water management plan will also be applied.</p>
<p>3.1G - Storage</p> <p>Objectives</p> <p>4. To ensure storage of goods does not lower the appearance and amenity of the area.</p> <p>5. To ensure that sufficient area is allocated for external storage.</p> <p>6. To ensure that storage of goods does not impact upon the quality of stormwater.</p>	<p>Complies subject to conditions.</p> <p>There will be no external or visible storage of goods outside of the buildings and conditions can be applied to ensure storage is adequately handled.</p>
<p>3.1H - Container storage</p> <p>Objectives</p>	<p>Not applicable.</p>

<p>3. To ensure the placement of containers does not lower the appearance and amenity of the area.</p> <p>4. To ensure the stacking of containers do not pose a safety hazard.</p>	<p>Container storage is not proposed for this application.</p>
<p>3.1I - Waste</p> <p>Objectives</p> <p>4. To ensure each premise has sufficient and appropriate access to waste and recycling facilities.</p> <p>5. To ensure that waste is handled and stored so that it does not lower the appearance and amenity of the neighbourhood.</p> <p>6. To ensure that waste does not impact upon the quality of stormwater and the surrounding environment.</p>	<p>Complies subject to conditions.</p> <p>Industry tenancies within the north east plot will store waste within their own premise. The offices on levels 1 and 2 will transfer waste to dedicated waste rooms on the ground floor. Bins will be set out along the northern side of the laneway for a weekly collection which is satisfactory.</p> <p>Collection for the Office B building will be accommodated within the car park area with a bi-weekly collection for garbage, food organics and recycling however this may alter depending on the review of urban design comments about activation of the ground level facades.</p> <p>If a permit is issued, standard conditions should be applied including restricting waste collection to specific hours. An amended Waste Management Plan will be likely required if the development is approved.</p>
<p>3.1J - Lighting</p> <p>Objectives</p> <p>3. To ensure lighting does not impact the amenity of the local area.</p> <p>4. To ensure sites are appropriately lit to provide security.</p>	<p>Complies subject to conditions.</p> <p>Minimal light spill beyond the site boundaries is expected due to the location of the buildings within the existing site boundaries and shielding by existing trees. Conditions can be applied to ensure minimal light spill and no glare from the car park to the residential area to the west.</p> <p>A lighting plan can be conditioned.</p>
<p>3.1K - Fencing</p> <p>Objectives</p> <p>3. To ensure that fencing complements the amenity of the area and contributes to an 'open' streetscape.</p> <p>4. To ensure fences provides adequate site security.</p>	<p>Not applicable.</p> <p>No new fences are proposed to be constructed in conjunction with this application. If necessary, conditions can be included on any permit issued to address fencing.</p>

APPENDIX 12

Clause 52.06 (Car parking Design Standards Assessment)

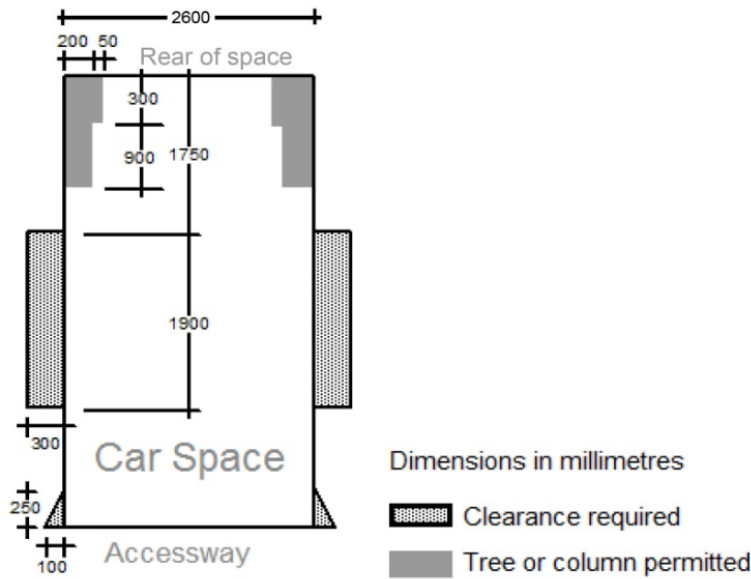
Design standard 1 – Accessways must:	Design response
<ul style="list-style-type: none"> Be at least 3 metres wide. 	Accessways exceed 3m in width.
<ul style="list-style-type: none"> Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide. 	Accessways are at least 4.2m wide at changes of direction.
<ul style="list-style-type: none"> Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre. 	Cars parked in the last space of a dead-end accessway can exit in a forward direction in one manoeuvre.
<ul style="list-style-type: none"> Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres. 	At least 2.1 metres headroom clearance is provided beneath overhead obstructions.
<ul style="list-style-type: none"> If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or 3, the accessway must be designed so that cars can exit the site in a forward direction. 	The accessways serve four or more spaces. They allow for vehicles to exit the site in a forward direction.
<ul style="list-style-type: none"> Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or 3. 	The accessway at the entrance is 6.4m wide and more than 7m long.
<ul style="list-style-type: none"> Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. <p>The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.</p>	<p>A concreted corner splay is provided at the entry to the site:</p>  <p>The application plans indicate the existing crossing would be modified. It would be appropriate to require the</p>

	<p>crossover to be reconstructed given it will be reduced in width including the appropriate splays for sightlines.</p> <p>The two new accessways appear to have corner splays/sight triangles available however a condition should be applied to ensure they are clearly shown on the plans.</p>																													
<ul style="list-style-type: none"> If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or 3, the access to the car spaces must be at least 6 metres from the road carriageway. 	<p>The accessway is not accessed from land in a Transport Zone 2 or 3.</p>																													
<ul style="list-style-type: none"> If entry to the car space is from a road, the width of the accessway may include the road. 	<p>Car spaces are not accessed from the road.</p>																													
<p>Design standard 2 – Car parking spaces</p>	<p>Design Response</p>																													
<p>Car parking spaces and accessways should have the minimum dimensions as outlined in Table 2:</p> <table border="1" data-bbox="215 1178 968 1597"> <caption>Table 2: Minimum dimensions of car parking spaces and accessways</caption> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td rowspan="4">90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table> <p>Note: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m	5.8 m	2.8 m	4.9 m	5.2 m	3.0 m	4.9 m	4.8 m	3.2 m	4.9 m	<p>The car parking spaces meet the minimum dimensions of 2.6m by 4.9m, accessible from 6.4m wide aisles.</p>
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																											
Parallel	3.6 m	2.3 m	6.7 m																											
45°	3.5 m	2.6 m	4.9 m																											
60°	4.9 m	2.6 m	4.9 m																											
90°	6.4 m	2.6 m	4.9 m																											
	5.8 m	2.8 m	4.9 m																											
	5.2 m	3.0 m	4.9 m																											
	4.8 m	3.2 m	4.9 m																											

A wall, fence, column, tree, tree guard or any other structure that abuts a car space should not encroach into the area marked 'clearance required' on Diagram 1 other than:

- A column, tree or tree guard may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

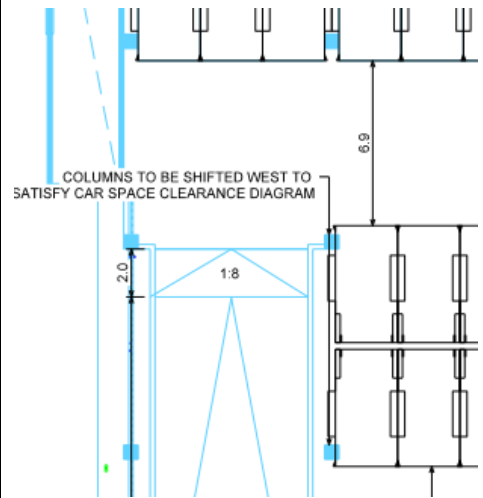
Diagram 1 Clearance to car parking spaces



The Applicant Traffic and Transport Assessment notes that insufficient clearance has been provided for 4 spaces in the Level 1 Car Park of the Office B Building but that the adjacent columns could be relocated approximately 300mm west to provide the required clearance. The Plan in the Traffic and Transport Assessment does not marry with the architectural drawings where the accessway width has reduced. A condition requiring confirmation of compliance with this standard should be applied if a permit is granted.

Refer below which outlines the differences between the plans:

Traffic and Transport Assessment:



Architectural plans:

<p>Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.</p>	<p>Not applicable as there are no garages or carports.</p>
<p>Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.</p>	<p>There are no tandem spaces.</p>
<p>Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.</p>	<p>Not applicable as this application is not for dwellings.</p>
<p>Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</p>	<p>Disability parking is designed in accordance with the Australian Standard.</p>
<p>Design standard 3: Gradients</p>	<p>Design Response</p>
<p>Accessway grades should not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design should have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p>	<p>Access grades to the car park entries are at grade and therefore relatively level within 5 metres of the frontage, hence complying with the standard.</p>

<p>Ramps (except within 5 metres of the frontage) should have the maximum grades as outlined in Table 3.</p> <p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp should include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart should be assessed for clearances.</p>	<p>Ramps have maximum grades of 1:5 as outlined in Table 3.</p> <p>A summit and sag-grade of 1:8 is provided.</p> <p>No grade changes are greater than 1:5:6 or less than 3 metres apart for clearances.</p>
<p>Design standard 4: Mechanical parking</p>	<p>Design Response</p>
<p>Mechanical parking may be used to meet the car parking requirement provided:</p> <ul style="list-style-type: none"> • At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. • Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation. • The design and operation is to the satisfaction of the responsible authority. 	<p>It is not proposed to use mechanical car stackers.</p>
<p>Design standard 5: Urban design</p>	<p>Design Response</p>
<p>Ground level car parking, garage doors and accessways should not visually dominate public space.</p> <p>Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p> <p>Design of car parks should take into account their use as entry points to the site.</p>	<p>The landscape masterplan shows very limited landscaping in and around the car parking which should be increased and include canopy trees to provide shade and reduce the urban heat island effect.</p> <p>The plan also shows various services (including water meters, fire pump, fire tank and fire booster) set behind a 3.3m wide approx. landscaped buffer to Hudsons Road with the car park set</p>

<p>Design of new internal streets in developments is encouraged to maximise on street parking opportunities.</p>	<p>behind the services. This landscaped zone should be increased in depth and the services located away from the frontage to ensure an attractive activated edge to Hudsons Road.</p> <p>The Office A building in PA210239 shields views of the car park from the east approach.</p> <p>A condition of permit should require detailed landscaping plans to demonstrate that the objective sought in this standard is achieved.</p>
<p>Design standard 6: Safety</p>	<p>Design Response</p>
<p>Car parking should be well lit and clearly signed.</p> <p>The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.</p> <p>Pedestrian access to car parking areas from the street should be convenient.</p> <p>Pedestrian routes through car parking areas and building entries and other destination points should be clearly marked and separated from traffic in high activity parking areas.</p>	<p>The proposed development complies with the relevant standards.</p> <p>This site will be subject to high levels of activity and therefore natural surveillance from pedestrians. The car parks are within an acceptable walking distance, and in most cases directly adjacent to the site. Pedestrian routes are separated from vehicular traffic using pedestrian footpaths. A condition should require the construction of the footpath on Booker Street adjacent to the North East Plot.</p> <p>Lighting will be required in pedestrian zones for safety. Conditions can be applied concerning signage and lighting.</p>
<p>Design standard 7: Landscaping</p>	<p>Design Response</p>

<p>The layout of car parking areas should provide for water sensitive urban design treatment and landscaping.</p> <p>Landscaping and trees should be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.</p> <p>Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.</p>	<p>Conditions will be applied to ensure compliance with WSUD and landscaping.</p> <p>Conditions will be applied.</p>
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