

Delegated Planning Committee Meeting Minutes

Tuesday 21 February 2023
Commencing at 6pm

COUNCIL CHAMBER

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

**HOBSONS
BAY CITY
COUNCIL**



HOBSONS BAY CITY COUNCIL

Delegated Planning Committee Meeting Minutes

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

Acknowledgment of Country

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.

Minutes of Delegated Planning Committee held on
Tuesday, 21 February 2023 at 6pm
Held online via Zoom

PRESENT

Chairperson:	Cr. Peter Hemphill	Strand Ward
Councillors:	Cr. Jonathon Marsden	Strand Ward
	Cr. Diana Grima	Wetlands Ward
Officers:	Sue Gauci	Major Projects and Policy Planner
	Arthur Vatzakis	Manager Planning, Building and Health
	Penelope Winslade	Director Sustainable Communities
	David De Thomas	Coordinator Planning Operations

a) **Apologies**

None

b) **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.

Nil.

c) **Business**

Item 1

Application: PA220336
Address: 1 Hudsons Road, 1 Booker Street and 30 Craig Street, Spotswood
Proposal: Use and development of the land for the purpose of industry and manufacturing sales, display of signage, a reduction in the statutory car parking requirement, and to allow the sale and consumption of liquor

Item 2

Application: PA220337
Address: 1 Hudsons Road, 1 Booker Street and 30 Craig Street, Spotswood
Proposal: Use and development of the land for the purpose of industry, office and retail premises, including a reduction in the statutory parking requirement

Meeting Commenced: 6.08pm

Introduction: Cr Peter Hemphill

Apologies: None

Conflict of Interest: Nil

Officer's Presentation: Sue Gauci gave a brief overview of both applications and the recommendations.

Objectors Concerns:

- Rosa McKenna addressed the Committee.

Applicant's Response:

- Andrew White Cadence Property Group addressed the Committee.
- Hugh McKenzie ProUrban addressed the Committee.

Cr Hemphill proposed an adjournment to consider the decision.

Meeting Adjourned: 6:48pm by Cr Hemphill

Cr Hemphill moved to resume the meeting.

Meeting Resumed: 7:18pm

Delegated Planning Committee Decision:

Item 1

Cr Marsden moved 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 following grounds –
 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.*
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.

Seconded: Cr Grima

Motion: Carried

For: Unanimous

Against: N/A

Item 2

Cr Marsden moved 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 following grounds –

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.*

11. *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.*
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.

Seconded: Cr Grima

Motion: Carried

For: Unanimous

Against: N/A

Meeting Concluded: 7.30 pm

Confirmation of the Minutes:

Cr. Peter Hemphill

Handwritten signature of Peter Hemphill in black ink.

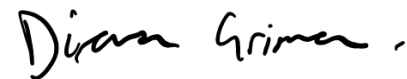
Date 27/02/2023

Cr. Jonathon Marsden

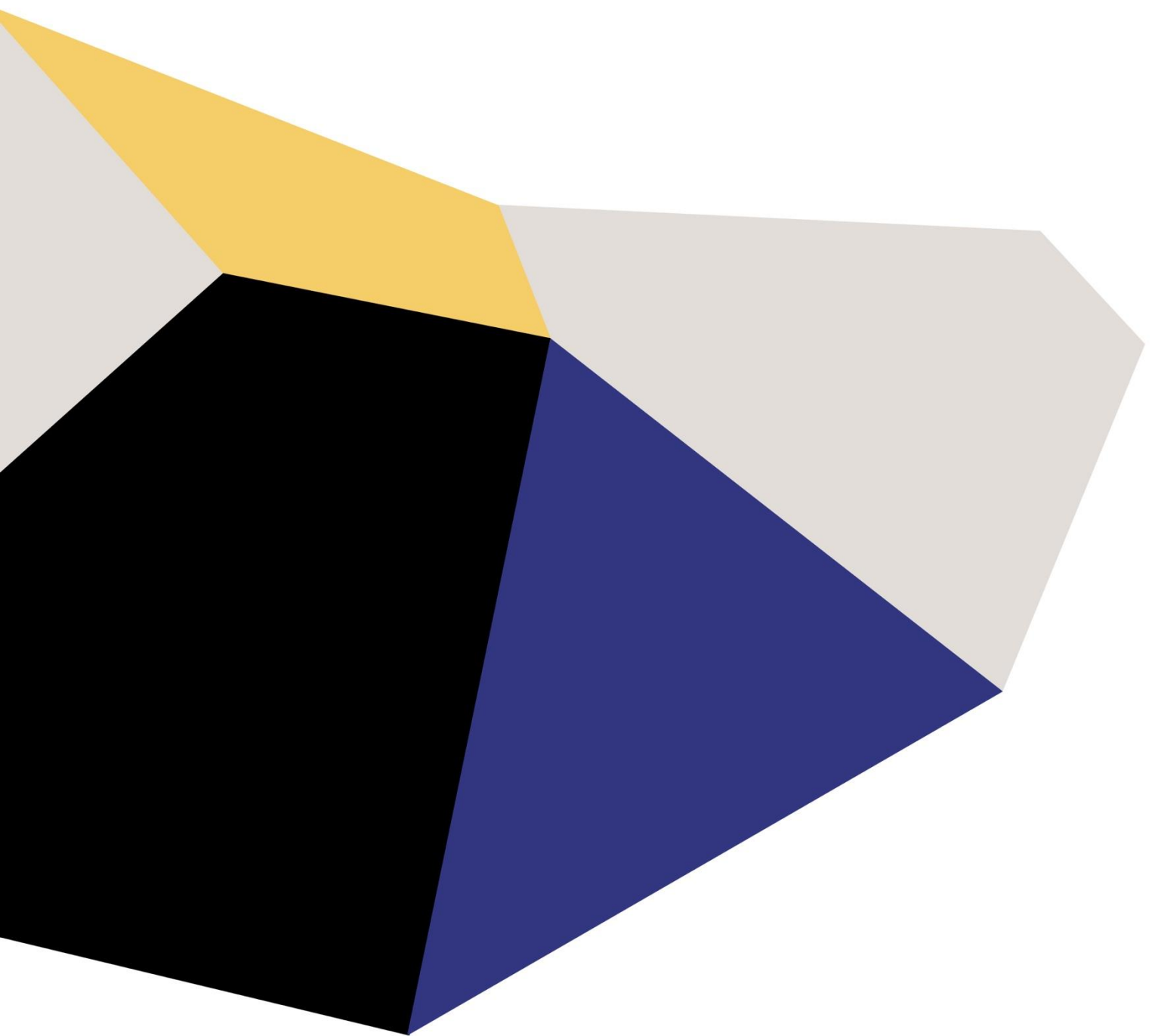
Handwritten signature of Jonathon Marsden in black ink.

Date 27/02/2023

Cr. Diana Grima

Handwritten signature of Diana Grima in black ink.

Date 27/02/2023



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