

Delegated Planning Committee Meeting Agenda

Tuesday 28 November 2023
Commencing at 5pm

COUNCIL CHAMBER

Held online via Zoom

HOBSONS
BAY CITY
COUNCIL



HOBSONS BAY CITY COUNCIL

Delegated Planning Committee Meeting Agenda

28 November 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

ACKNOWLEDGEMENT

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.

QUORUM

Chairperson:

Cr. Peter Hemphill Ward

Councillors:

Cr. Pamela Sutton - Legaud Ward

Cr. Jonathon Marsden 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

28 November 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: PA230894

Address 183 & 185 Melbourne Road, Williamstown

Proposal: Use and development of a childcare centre, alteration of access to a road in a Transport Zone 2 and demolition of all buildings on site in accordance with the endorsed plans.

Item 2

Application: PA230666

Address 870 Kororoit Creek Road, Altona North

Proposal: Buildings and Works for the Development of Warehouses, Reduction of the Associated Car Parking Requirement, Removal of Native Vegetation, Display of Signage and Creation of Access to a Road in a Transport Zone 2.

ITEM 1: PA230894 – 183 & 185 MELBOURNE ROAD, WILLIAMSTOWN

Authors Name: Jason Mayall

Appendix: Yes

Purpose

This planning application relates to a proposal to use and develop land for a childcare centre, alteration of access to a road in a Transport Zone 2 and demolition of all buildings on site.

Recommendation

That the Delegated Planning Committee resolve to:

1. Issue a Notice of Decision to Grant a Planning Permit in respect to Planning Application PA230894 at 183 & 185 Melbourne Road, Williamstown for Use and development of a childcare centre, alteration of access to a road in a Transport Zone 2 and demolition of all buildings on site, subject the conditions contained in the Draft Notice of Decision 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

- The proposed use and development is supported by state and local planning policies and the purpose of the Neighbourhood Residential Zone and meets the requirements of the relevant Particular Provisions.
- A childcare centre is an appropriate land use in a residential zone.
- Off-site amenity impacts relating to noise have been managed through the design with the advice of an Acoustic Engineer.
- Off-site amenity impacts relating to overlooking have been managed through the design incorporating overlooking measures in accordance with Clause 54.04-6 and Clause 55.04-6.
- The potential impact from parking and dropping off and collecting activities, waste collection and deliveries can be mitigated through appropriate management.
- The materials and finishes and overall design and development are of a high quality and compliment the neighbourhood.
- The built form is only minimally greater in overall scale compared to nearby residential dwellings however, given the larger size of the property, is acceptable within the context.
- The proposal provides the required number of car spaces within a basement ensuring the facilities do not dominate the streetscape or unreasonably impact on adjoining properties.

Policy Implications

The proposal demonstrates compliance against the relevant State Planning Policy Framework and Local Planning Policy Framework of the Hobsons Bay Planning Scheme as well as the relevant policy of the Hobsons Bay Neighbourhood Character Study 2002.

Consultation and Communication

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining land were notified by mail and a sign was placed on site.

Council has received 15 objections with the main concerns relating to Neighbourhood Character, Traffic and Car Park, Safety, Amenity and Construction issues.

The application was referred to Council's Sustainability, Traffic Engineering, Waste Management, Social Planning, Design Services – Engineering, Early Years Services and Trees departments for comment. These comments are generally favourable and are discussed in further detail in the assessment section of this report.

Conclusion

The proposal for the Use and development of a childcare centre, alteration of access to a road in a Transport Zone 2 and demolition of all buildings on site is considered appropriate and complies with the requirements of the relevant policy of the Hobsons Bay Planning Scheme.

Appendices

1. Officers Report
2. Draft Notice of Decision
3. Advertised Plans

Officer Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* 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: PA230666 – 870 KOROROIT CREEK RD, ALTONA NORTH

Authors Name: Matthew Campbell

Appendix: Yes

Purpose

This planning application relates to a proposal to an application for development of warehouses, reduction of the associated car parking requirement, removal of native vegetation, display of signage and creation of access to a road in a Transport Zone 2.

Recommendation

That the Delegated Planning Committee resolve to:

1. Issue a Notice of Decision to Grant a Planning Permit in respect to Planning Application PA230666 at 870 Kororoit Creek Rd Altona North VIC 3025 for Buildings and Works for the Development of Warehouses, Reduction of the Associated Car Parking Requirement, Removal of Native Vegetation, Display of Signage and Creation of Access to a Road in a Transport Zone 2, subject the conditions contained in the Draft Notice of Decision 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

- The application attracted community attention as it originally included Fertiliser Production that has since formally been removed from the proposal. The Fertiliser Production that was previously included involved the blending of ingredients within part of one of the warehouses to be packaged and sold, no dedicated manufacturing or plant equipment was proposed.
- The application now only proposes the construction of warehouse buildings, reduction of the associated car parking requirement, removal of native vegetation, signs and new access via upgrades to the Burns Road intersection.
- The proposed removal of native vegetation has also attracted objections. The site was excised from the adjoining Laverton Grasslands Flora Reserve and transferred to private ownership under a land exchange agreement with the Department of Environment. The exchange agreement resulted in the creation of the Altona Nature Conservation Reserve in Harcourt Road and included provision that the Department would not object to any proposed development on the site, and that offset requirements were satisfied via the creation of the reserve in Harcourt Road.

Policy Implications

The proposal demonstrates compliance against the relevant State Planning Policy Framework and Local Planning Policy Framework of the Hobsons Bay Planning Scheme as well as the relevant policy of the Hobsons Bay Industrial Land Management Strategy.

Consultation and Communication

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining land were notified by mail and a sign was placed on site.

Council has received 47 objections with the main concerns relating to the production of Fertiliser at the site, however the application has been amended and Fertiliser Production is no longer proposed.

Conclusion

The proposal for Buildings and Works for the Development of Warehouses, Reduction of the Associated Car Parking Requirement, Removal of Native Vegetation, Display of Signage and Creation of Access to a Road in a Transport Zone 2 is considered appropriate and complies with the requirements of the *Planning and Environment Act 1987* and the Hobsons Bay Planning Scheme.

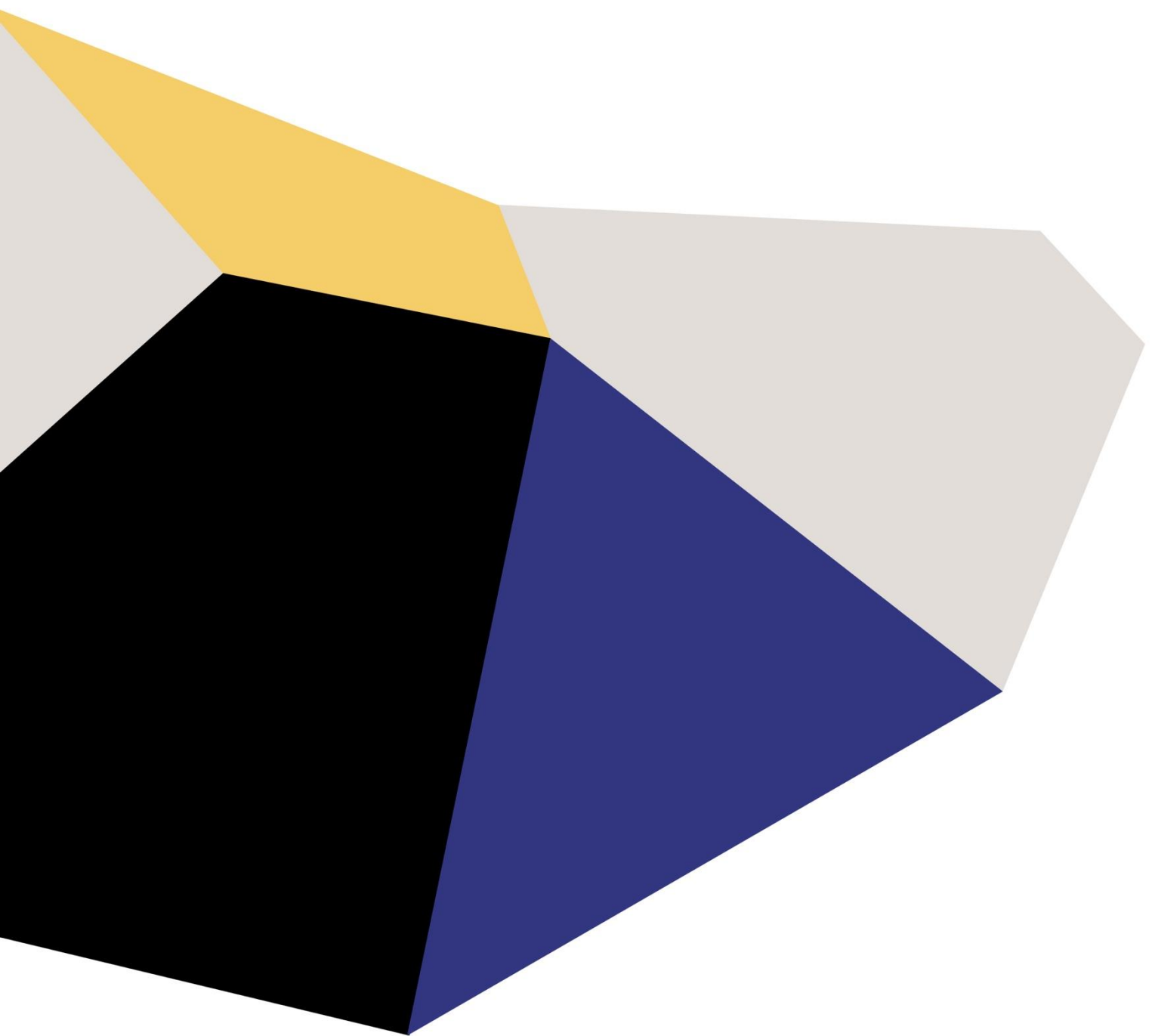
Appendices

1. Officers Report
2. Draft Notice of Decision
3. Advertised Plans
4. Industrial Development Design Guidelines

Officer Declaration of Conflict of Interest

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



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APPENDIX 1

Officer's Report

Planning Application No:	PA230894
Address:	185-185 Melbourne Road, Williamstown
Proposal:	<ul style="list-style-type: none">• Use of the land for a childcare centre.• Construction of buildings and carrying out of works for the purpose of a childcare centre.• Demolition of all buildings on site.• Alteration of access to a road in a Transport Zone 2.
Applicant:	Planning & Property Partners Pty Ltd
Date Received:	29 June 2023
Amended Application:	12 September 2023
Counter Days (as at date of DPC meeting):	77 as at 28 November 2023
Zoning:	Neighbourhood Residential Zone Schedule 4
Overlays:	Heritage Overlay Schedule 27 (Private Survey Heritage Precinct). The buildings are not contributory to the heritage overlay.
Under what clause(s) is a permit required:	<ul style="list-style-type: none">• Clause 32.09-2 (Neighbourhood Residential Zone Schedule 4), a permit is required to use land for the purpose of a childcare centre (unlisted Section 2 use).• Clause 32.09-9 (Neighbourhood Residential Zone Schedule 4), a permit to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.• Clause 43.01-1 (Heritage Overlay), a permit is required for demolition of a building and to construct a building or construct or carry out works.

	<ul style="list-style-type: none"> • Clause 52.29-2 (Land Adjacent to the Principal Road Network), a permit is required to create or alter access to a road in a Transport 2 Zone.
Restrictive covenants or easements on the title:	There are no restrictive covenants on the title. There are no easements on the title.
Cultural Heritage Management Plan:	The land is not located in an area of identified cultural sensitivity.
Coastal Inundation:	No
Major Hazard Facility buffer:	No
Site inspection:	11 September 2023
Number of Objections:	Fifteen (15)
Recommendation:	Notice of Decision to Approve

SUBJECT SITE & LOCALITY TABLE

Site area:	<p>The site is split across two allotments:</p> <p>Lot 1 on Title Plan 687150H = 817 square metres</p> <p>Lot 1 on Title Plan 687989T = 823 square metres</p> <p>Total = 1640 square metres</p>
Existing conditions:	<p>The development site comprises two allotments and is occupied by four single storey dwellings constructed in the 1970's. A large shed is located centrally on the site.</p> <p>The site is serviced by two vehicle crossovers on Melbourne Road.</p> <p>A right-of-way abuts the site to the west, although the site does not utilise vehicular access from the laneway.</p> <p>There is a variety of vegetation on the site, however there are no existing native species.</p> <p>Low brick fencing exists across part of the Melbourne Road frontage.</p>



1/181 & 183 Melbourne Road from across the road facing south-west



183 Melbourne Road from the footpath facing north-west



183 and shared driveway for 1-3 / 185 Melbourne Road from the footpath facing south-west



183 and shared driveway for 1-3 / 185 Melbourne Road from the footpath facing south-east



183, shared driveway for 1-3 / 185 and 187 Melbourne Road from across the road facing south-west

Surrounds:

The surrounding built form on Melbourne Road is a mix of single and double storey dwellings. Dwellings are a mix of weatherboard and brick veneer with more recent developments adopting rendered finishes. Tiled and corrugated iron/galvanised steel roofing is predominant. Low front fencing in the form of picket style is common.

The adjoining site to the north contains four double storey weatherboard and rendered townhouses.

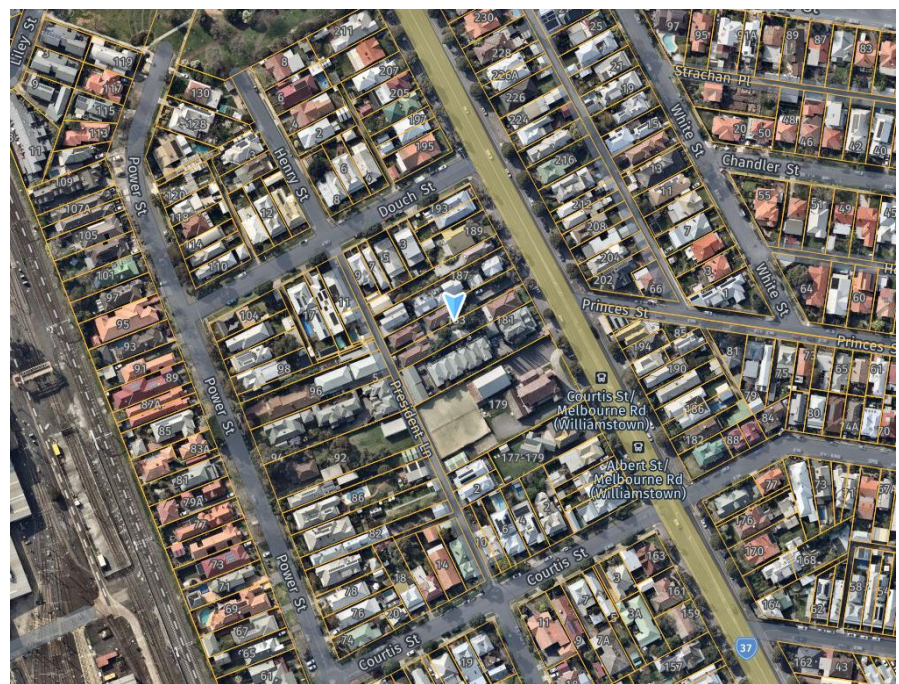
The adjoining site to the south consists of eight two storey weatherboard and rendered townhouses laid out in a row down the length of the site.

To the west of the site is a mix of multi-dwelling developments.

Two allotments to the north of the subject site is St. Stephens Uniting Church.



Arial photo of 183 & 185 Melbourne Road and the surrounding area.



Arial photo of 183 & 185 Melbourne Road and a broader overview of the neighbourhood.

Street trees:

An established melaleuca is located to the front of the site, on the southern side of the existing vehicle crossings. The proposal includes retention of this street tree and removal of the closest existing crossover. As the existing crossover is so close root sensitive excavation is needed and will be conditioned.



From across the road facing south-west



From the footpath facing south-east

Infrastructure and services:

A power pole is located within the road reserve, to the south of the street tree. Three Telstra pits are located within the road reserve.

Significant on-site vegetation:

A range of exotic trees and large shrubs are located on the site. None of this vegetation is significant. This proposal requires the removal of all vegetation on site.

SITE HISTORY

Permit Number	Details
PA2047360	A planning permit for 6 dwellings was approved 30 April 2021. This Planning Permit was recently extended and the new expiry dates are 01 June 2024 for commencement and 01 June 2026 for completion.
GE220048	Subdivision enquiry related to PA2047360 Completed on 10 March 2022.
GE220618	Application advice for proposed childcare centre completed on 08 March 2023

PROPOSAL

The application seeks approval for the use and development of a childcare centre on the land.

The proposed childcare centre will cater for 137 children, with operating hours of Monday to Friday 6:30am – 6:30pm.

The childcare centre is to be accommodated within a 2 storey building fronting Melbourne Road. Play areas are proposed on the north west and south west areas on the ground floor and to the south west of the first floor built form on a terrace like area.

A car parking area comprising 30 car spaces is proposed in the basement of the building.

Vehicular access to the site is via a proposed double crossover in place of 2 existing single crossovers to Melbourne Road. Any existing crossovers are to be removed and reinstated with footpath, kerb and channel.

PERMIT REQUIREMENTS

- Pursuant to **Clause 32.09-2 (Neighbourhood Residential Zone Schedule 4)**, a permit is required to use land for the purpose of a childcare centre (unlisted Section 2 use).
- Pursuant to **Clause 32.09-9 (Neighbourhood Residential Zone Schedule 4)**, a permit to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.
- Pursuant to **Clause 43.01-1 (Heritage Overlay)**, a permit is required for demolition of a building and to construct a building or construct or carry out works.
- Pursuant to **Clause 52.29-2 (Land Adjacent to the Principal Road Network)**, a permit is required to create or alter access to a road in a Transport 2 Zone.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining land were notified by mail together with signage on site.

Council has received fifteen (15) written objections with the main concerns relating to Neighbourhood Character, Traffic and Car Park, Safety, Amenity and Construction issues.

AMENDED APPLICATION

The application was amended pursuant to Section 50 of the *Planning and Environment Act 1987* on 12 September 2023 to address matters raised by Council. The main changes to the proposal were:

- Increased front setback to Melbourne Road.
- Reduction of building height and lowered roof pitches.
- Change in materials.
- Reduction of glazing to front façade.
- Pedestrian Zone nominated in basement.
- Additional details and dimensions for ramp accessway per Department Transport and Planning conditions.

INTERNAL REFERRALS

Referral:	Heritage Advisor	Plan Version:	23/06/2023
Advice/Conditions			
Discussed application with Heritage Advisor who advised that the changes made to the plans submitted with GE220618 (pre-application advice) were positive. Further changes suggested were for a further setback from the street, an overall height reduction and to reduce the extent of glazing.			
Response			
No action required as all the changes requested were undertaken.			

Referral:	Sustainability	Plan Version:	23/06/2023
Advice/Conditions			
Sustainability advised that the application almost meets the ESD standards in its current form. As there are no major issues these alterations can be required under Condition 1. The alterations include requirements for amended plans and reports.			
Response			
To ensure that the application meets councils ESD standards, amendments / requirements will be conditioned.			

Referral:	Traffic Engineering	Plan Version:	23/06/2023
Advice/Conditions			
Traffic engineers have no objections to the proposed arrangements on the condition that no stopping signs are to be installed along the frontage of childcare at peak times.			
Response			
Proposed condition will be included on any permit issued.			

Referral:	Waste Management Services	Plan Version:	23/06/2023
Advice/Conditions			
The Waste Management Plan (WMP) is satisfactory.			
Response			
Any permit issued will required the WMP to be endorsed.			

Referral:	Social Planning	Plan Version:	23/06/2023
Advice/Conditions			
Social Planning does not oppose the approval of this planning permit application. Please note that Council's Community Services and Infrastructure Plan, as well as 2021 Census data, indicates current and forecast need for childcare services in this location.			
Response			
No action is required.			

Referral:	Design Services - Engineering	Plan Version:	23/06/2023
Advice/Conditions			
The Drainage and Development team have no objections for these works, subject to conditions.			
Response			
Proposed conditions will be included on any permit issued.			

Referral:	Early Years Services	Plan Version:	23/06/2023
Advice/Conditions			
According to the architectural drawings it appears the internal and external space as per the number of children per room meets the Victorian requirements for early childhood services.			
The Best Start, Best Life kindergarten reforms provide free to low-cost kindergarten. In addition, from 2026, 4-year-old kindergarten will start to increase from 15hours per week to 30hours per week by 2032. Extra kindergarten places will be required to meet the growing demand.			
Response			

No action is required.

Referral:	Trees	Plan Version:	12/09/2023
Advice/Conditions			
The removal of the crossover closest to the street tree is acceptable, but root sensitive excavation needs to be implemented. If any roots larger than 40 mm diameter are exposed during excavation the council Arborist needs to be contacted to inspect and possibly prune those roots.			
Response			
Proposed conditions will be included on any permit issued.			

EXTERNAL REFERRALS

Referral:	Department of Transport and Planning	Plan Version:	23/06/2023
Advice/Conditions			
The Head, Transport for Victoria has considered this application and does not object if the permit is subject to conditions.			
Response			
Required conditions will be added to any permit issued.			

RELEVANT POLICIES

The following policies are relevant to this application:

Municipal Planning Strategy

- Clause 02.03-5 (Built environment and heritage).

Planning Policy Framework

- Clause 15.01-1R (Urban design – Metropolitan Melbourne).
- Clause 15.01-1S (Urban Design).
- Clause 15.01-1L-02 (Landscape design and canopy tree cover).
- Clause 15.01-2S (Building design).
- Clause 15.01-2L-01 (Building design).
- Clause 15.01-2L-02 (Residential development design).
- Clause 15.01-5S (Neighbourhood character).
- Clause 15.03-1S (Heritage conservation).
- Clause 15.03-1L-01 (Heritage conservation).

Zoning

- Clause 32.09 (Neighbourhood Residential Zone). Schedule 4 to Clause 32.09 applies.

Overlays

- Clause 43.01 (Heritage Overlay). Under the Schedule to Clause 43.01, the site falls within HO13 (Hannan's Farm Heritage Precinct).

Relevant Particular Provisions

- Clause 52.29 (Land Adjacent to the Principal Road Network).

General Provisions

- Clause 65 (Decision Guidelines).

Operational Provisions

- Clause 72.04 (Incorporated Documents) and the Schedule to Clause 72.04.
- Clause 72.08 (Background Documents) and the Schedule to Clause 72.08.

ASSESSMENT

Planning Policy Framework Assessment

The proposal is generally compliant with the planning policy framework assessment as it achieves the following objectives:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Promote good urban design along and abutting transport corridors.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Encourage development which meet the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*
- *Assist the integration of education and early childhood facilities with local and regional communities.*

Land Use Assessment

The proposed childcare centre positively responds to the above-listed Planning Policy Framework by way of providing a community service within an established residential area which will help meet the demand of the local community.

It is well established that there is a need for providing access to convenience and affordable childcare. The proposed childcare centre will serve the local community needs, noting that 'The Best Start, Best Life' kindergarten reforms suggests that demand for childcare facilities is likely to continue to increase into the future. There is strategic support for appropriate non-residential land uses within residential areas, where the use can successfully integrate with the surrounds and manage offsite amenity impacts.

The proposed building will not dominate the streetscape due to the increased front setback and the sympathetic design to the heritage streetscape. Melbourne Road has many examples of non-residential uses being incorporated into the neighbourhood fabric.

The proposed hours of operation are consistent with that which can be reasonably expected for a childcare centre respectful of the adjoining residential context, with the proposed childcare centre to operate in the daytime Monday to Friday. The proposed childcare centre is provided with sufficient on-site car parking to not substantially impact on the availability of off-site car parking within the area.

The proposal will adequately mitigate any noise impacts (from the children) through the incorporation of acoustic fencing and the noise of the air conditioning units has been reduced by locating the units inside the roof cavity. Day to day noise is reduced by constructing a ground floor boundary acoustic fence as well as acoustic screening on the first floor.

The collection of waste is to be done inside the car park outside of regular business hours and an increase in odour to neighbouring properties is not expected. Also Council bin collection for neighbouring properties on arterial roads can occur from 5am to prevent traffic congestion from garbage trucks. The bins should have been collected prior to the childcare opening hours however, there are minimal 6:30am drop-offs.

The proposed childcare centre development will comfortably integrate within the residential neighbourhood and provide an acceptable design outcome. As such, the proposal provides an acceptable response to the decision guidelines listed at Clause 32.09-13 of the Neighbourhood Residential Zone, relating to non-residential uses.

Heritage Assessment

Hannan's Farm Heritage Precinct Heritage Design Guidelines

The site is covered by Heritage Overlay 13 (Hannan's Farm Heritage Precinct) as listed in the Schedule to Clause 43.01 and described in the citation in the *Hobsons Bay Heritage Study 2017*. None of the buildings located on the site are contributory.

The *Hannan's Farm Heritage Precinct Heritage Design Guidelines*, *Hobsons Bay Heritage Study (Amended 2017)*, and the *Guidelines for Infill Development in Heritage Areas in Hobsons Bay (2006)*, are policy documents in Clause 15.03-1L-01. The guidelines documents are incorporated documents listed in the Schedule to Clause 72.04 and the Heritage Study is a background document listed in the Schedule to Clause 72.08.

Included in the Heritage Precincts Heritage Design Guidelines are the following provisions relating to "Built form and appearance" which are relevant to this application:

Encourage infill development that has:

- *Respect for the single storey scale of the precinct with detached siting parallel to the frontage.*
- *Simple single or double fronted building forms, except in Victoria Street where more complex asymmetrically designed forms may be appropriate.*

- *Horizontal timber weatherboard cladding for walls visible from the street. Alternatively, smooth render brick or masonry or a combination of these may be provided.*
- *Hipped corrugated iron or slate roof forms, except in Victoria Street where more complex hipped and gable roof forms in terracotta tiles may be provided.*
- *Windows that are rectangular, timber-framed and vertically orientated if single, or in a horizontal bank if grouped, when visible from the street.*
- *Eaves and verandahs or porches in street elevations.*

These guidelines are relevant to residential buildings within a heritage streetscape and therefore complete compliance is not possible.

However, the proposal respects the scale of the neighbouring properties which are double stories and the pedestrian entrance from the footpath is generally centred within the building façade which is sympathetic to a single fronted dwelling.

Also, the façade incorporates face brick and the gable roof form using corrugated Colourbond material can be found within the existing streetscape.

Guidelines for Infill Development in Heritage Areas in Hobsons Bay 2006

An assessment against the provisions of Guidelines for Infill Development in Heritage Areas in Hobsons Bay 2006 is provided below:

Items	Comments
<p>Setbacks</p> <p>The setbacks and orientation of existing streetscapes should be retained.</p> <p>Where the existing setbacks are staggered or vary, it should generally be placed within the range of existing setbacks.</p> <p>The setback of the infill building from the side boundaries should respected the consistent patterning of the street with regard to side setbacks.</p>	<p>Complies</p> <p>The average ground floor front setback of neighbouring dwellings is 4.73m and the proposed ground floor setback is 7m.</p> <p>The average of the first-floor setback of the neighbouring dwellings is 8.11m and the proposed first floor setback is also 7m. However as one neighbour is setback approx. 10m and the other is setback approx. 6m the proposed setback is in line with the existing streetscape.</p> <p>There is only one wall proposed on the northern boundary to a height of 3.3m and 10.995m long. The wall is adjacent to 2 garages and the Secluded Public Open Space (SPOS) of unit 1/187 Melbourne Road. The wall should have minimal impact as it is on the southern side of the SPOS and has the added benefit of minimising any additional car noise produced from the car park. The first floor of the building is setback 4.4m from the southern boundary and 3m from the northern boundary.</p> <p>The proposal has sufficient side setbacks with only one part of the building being on the boundary. The patterning of the street is little or no side setbacks which this proposal respects.</p>
<p>Orientation</p> <p>The orientation of the new building should match that of the existing streetscape. New buildings should not be oriented across sites contrary to the established pattern.</p>	<p>Complies</p> <p>All of the surrounding buildings are orientated to be aligned with the street and the proposed building is likewise orientated.</p>
<p>Subdivision</p>	<p>Complies subject to conditions</p>

<p>The subdivision of a site should conserve the setting of the place providing sufficient space to retain garden areas, buildings and other features essential to the character, importance and integrity of the significant property.</p>	<p>As the proposed building and works cross over lots that are fragmented the spacing and character within the streetscape will be better served if the lots are consolidated. This will be conditioned prior to construction commencing.</p>
<p>Form, massing, height and bulk.</p> <p>The form, massing, height and bulk of the infill building should reflect the neighbouring heritage buildings.</p> <p>The infill building should not be substantially smaller or substantially larger than the general height and proportion of buildings in the street.</p>	<p>Complies</p> <p>The 2-storey height above ground respects the heights of the neighbouring properties which are also 2 stories.</p> <p>The built form is gable ended and this reflects the gable form found elsewhere in the street.</p> <p>The mass of the building frontage is not substantially smaller or larger than other buildings in the street.</p> <p>While the proposed building is slightly higher than the neighbouring dwellings the proposed building is of an appropriate scale and massing within the streetscape given the side by side development and the buildings on the church site to the south-east of the site.</p>
<p>Openings and windows.</p> <p>For infill, the rhythm and placement of windows, along with their general shape should relate to characteristics of surrounding heritage buildings.</p> <p>Large areas of glass such as sliding glass doors or floor to ceiling windows are generally not appropriate for street frontages.</p>	<p>Complies</p> <p>Although there are no large areas of glass the openings and windows are quite modern and does not match the rhythm and placement of the surrounding heritage buildings.</p> <p>This is acceptable as the overall design is intended to be sympathetic and respectful of the heritage buildings without imitating them. As the building is not a dwelling this type of consideration, if implemented, will result in a poorer design which is not the intent of this guideline.</p>
<p>Reinstatement of original details/elements</p> <p>Original elements or details such as a verandah or valence should only be reinstated if there is enough evidence to do so accurately.</p> <p>The same proportions of elements and quality of materials should be used.</p>	<p>N/A</p>
<p>Materials and finishes</p> <p>New building design should relate to and use as reference points, the materials, colour and details of adjacent buildings and the surrounding heritage places.</p>	<p>Complies</p> <p>The use of materials such as bricks, timber, glass, as well as light grey cladding reflect elements found within the streetscape.</p> <p>The use of these materials in horizontal sections draws inspiration from the contributory church located only 2 properties more than the other contributory dwellings in the area.</p>
<p>Walls</p> <p>In areas where painted weatherboard walls are dominant infill development should also have painted weatherboard walls.</p> <p>Brick should generally have a render finish to make it fit more closely with the adjacent timber buildings.</p>	<p>Complies</p> <p>This area of Melbourne Road has a varied mix of wall materials. Three buildings either side of the proposal contains weatherboard, face brick and rendered bricks and over the road is weatherboard and face brick.</p>

<p>If neighbouring buildings have face brickwork, then the use of face bricks for the infill is appropriate. These bricks should not be tumbled or textured. Coloured pressed bricks will blend better with heritage brick buildings.</p> <p>Other contemporary materials may be acceptable where they do not dominate the streetscape.</p>	<p>The proposed face brick ties in with other properties within the streetscape and in particular the church, two properties down.</p>
<p>Roofs</p> <p>Traditional roofs are predominantly corrugated galvanized iron. The closest modern equivalent to this is corrugated galvanized steel. A zincalume finish is not suitable for heritage precincts because of its high degree of reflectivity.</p> <p>Some heritage areas have predominantly tiled roofs and infill in these precincts should also have tiled roofs. The colour of the tiles on the historic buildings should be adhered to as close as possible.</p>	<p>Complies</p> <p>The majority of the houses in the area (both contributory and non-contributory) have a corrugated profile and appear to be galvanized iron.</p> <p>The use of a light grey Colourbond roof material reflects the heritage dwellings in the area and more directly matches the newer developments that are either side of the proposed lots.</p>
<p>Fences</p> <p>The fence design for infill sites should not attempt to replicate traditional styles.</p> <p>New fences should reflect the height, choice of materials and percentage of open area of existing fences in the streetscape.</p>	<p>Complies subject to conditions</p> <p>The front fence proposed is a 1.4m-1.5m high open black metal vertical blade fence that is setback 1.4m from the front boundary and encompasses the area outside the front door preventing any children exiting the property on their own.</p> <p>The fences in the street are an eclectic mix of materials and heights, but the only other metal fences in the area are not associated with contributory dwellings and are partially constructed with brick.</p> <p>However, there is a common location of all fences within the streetscape, and it is on the front boundary. It is appropriate to require the fence to be moved to be on the front boundary and to also be compliant with sightline requirements.</p>
<p>Garages, carports and crossovers.</p> <p>The provision for cars should reflect the nature of adjoining historic buildings and the area.</p> <p>Existing access points should be utilized where possible including from lane ways.</p> <p>New crossovers are not acceptable.</p> <p>Carports or garages should not be dominant elements in infill development. They should be placed at least one metre behind the main front wall and have a separate roof form. Where possible they should be placed further back.</p> <p>Location of garages in front of the dwelling or incorporated into the dwelling should be avoided.</p>	<p>Complies</p> <p>There are two single crossovers existing and the proposal is to replace this with one double crossover.</p> <p>This crossover will lead to a basement car park. The ramp clearly identifies a place to drive but will not be a dominate element of the development.</p>

Details	Complies
<p>A new building should be recognizable as a product of its time and not create a false impression of age or a style.</p> <p>Reproduction of period detailing on new infill buildings such as cast iron lacework and timber decoration to gables is inappropriate.</p> <p>Contemporary detailing that is sympathetic to other buildings in the street is encouraged.</p> <p>Good contemporary design is strongly encouraged.</p>	<p>The proposal is recognizable as a current building and does not attempt to reproduce any period detailing.</p> <p>The proposal relies on sympathetic contemporary design to comply with the heritage guidelines.</p>

The Guidelines are aimed at more typical residential heritage streetscapes and so there are some aspects that do not readily translate to the site. However, the assessment reveals that the development exhibits a high degree of compliance with the aspects which are of relevance.

Landscaping Assessment

The most prominent landscaping feature of the site is the existing street tree which will be retained. To a lesser extent is the non-significant tree along the north side of the existing common driveway which will be removed.

To replace the loss of amenity, this one tree is proposed to be replaced with 4 new canopy trees within the front setback. This is an acceptable outcome.

Car Parking and Traffic Assessment

Whilst it is noted that vehicular movements will be increased as a result of the proposal, the proposal adequately addresses vehicular access and safety considerations, by way of providing adequate vehicular turning circles allowing vehicles to exit the site in a forward direction.

The level of traffic anticipated to be generated by the proposal is acceptable and is not anticipated to unreasonably impact on the operation or safety of Melbourne Road. The proposal has been assessed by Department of Transport and Planning (VicRoads) and Councils Traffic Engineering department.

Whilst the lack of on street parking on Melbourne Road is noted, an appropriate car park has been provided to manage the drop off and pick up times. It is anticipated that any overflow will be minimal and that it will not congest Melbourne Road and the surrounding streets.

Hobsons Bay Planning Scheme has clear requirements for the number of car spaces required for the use of a site as a childcare centre. This requirement has been met.

Appropriate sightline splays will be required around the accessways to increase visibility to the footpath and road network when existing the site. It is also noted that Traffic Engineering have requested 'No Stopping' signs are to be installed along the frontage at peak times. This request is acceptable and supported by planning. It is anticipated that 6:30am to

9:30am and 3:30pm to 6:30pm should cover the peak drop off and pick up times and will ensure visibility to the street will be clear.

Entering vehicles will have visibility of the bike path and footpath due to the no stopping areas. Exiting vehicles will have appropriate sightline splays to provide visibility to the footpath when exiting the site and the no stopping area will provide additional visibility to the bike path.

An assessment of the proposal against the provisions of Clause 52.06 (Car parking) of the Hobsons Bay Planning Scheme is provided below:

Table 1 sets out the number of car parking spaces required for a use. For a Child care centre, the following applies: <ul style="list-style-type: none"> 0.22 car spaces to each child. 	Complies As there are 137 children proposed, 30 car spaces are required. A 30 space car park has been provided.
Design standard 1 – Accessways	Complies with conditions The accessway has a minimum width of 6.1m and meets the required standards. However, only one side of the accessway shows a corner splay. A condition will required corner splays to be shown.
Design standard 2 – Car parking spaces	Complies The minimum dimensions of the car spaces have been met, except for the lengths as the spaces are longer than they need to be. They are 5.4m long instead of the required 4.9m.
Design standard 3: Gradients	Complies The gradients have been assessed as appropriate
Design standard 4: Mechanical parking	N/A No mechanical parking is proposed.
Design standard 5: Urban design	Complies Design of car park has considered its use as an entry point with a basement lobby linked to stairs, lifts and bicycle / stroller parking area.
Design standard 6: Safety	Complies A pedestrian route through the car park is clearly marked.
Design standard 7: Landscaping	N/A As car parking is within a basement, no landscaping is proposed.

RESPONSE TO OBJECTIONS

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

Neighbourhood character issues

Visual impact of 3 levels on the streetscape

While the development is 3 levels, only 2 stories are visible to the streetscape as one of them is a basement. The 2 neighbouring properties are also two stories.

Safety issues

Safety for parents and children crossing the road

There is a pedestrian crossing in between the shops and church less than 30m from the site with a pedestrian island built within the road to allow for a partial crossing of the road safely.

Construction issues

Pedestrian / Bike safety during construction

Appropriate traffic management for pedestrian, bikes and vehicles are managed during the building permit process.

Noise pollution during construction

Appropriate noise mitigation measures are managed during the building permit process by the Licensed Building Surveyor and EPA construction standards.

Miscellaneous issues

Pollution from increased trucks after West Gate Tunnel project

Any increased truck routes created by the construction of the west gate tunnel cannot be controlled by Council and is not a reason for refusal.

Lack of community input, vision impaired person was unable to see the public notification

Public notification of this planning permit application was conducted in accordance with the *Planning and Environment Act 1987*.

Decreased property values

Property values cannot be assessed through the planning permit process.

Sprinkler systems not provided

Planning consideration of sprinkler systems refers to garden sprinklers. Any required suppression systems for buildings are managed during the building permit process.

Damage to third party property handled by building

Potential damage to third party property during construction is managed through the building permit process.

Overlooking

The first-floor acoustic screening is proposed to use obscured glazing to a height of 1.8m. This will limit views to adjacent properties. The most relevant guide in determining appropriate screening is Clause 55. The proposed acoustic screens includes obscure glazing which would satisfy these provisions.

CONCLUSION

The proposed use and development of a childcare centre at the site is considered appropriate and presents an acceptable response to the provisions of the Hobsons Bay Planning Scheme.

The development will provide for an appropriately located community service which will service the needs of the local community.

The proposed childcare centre has been designed to positively respond to the surrounding residential and heritage context and will not unreasonably impact on the residential amenity of the area. Subject to conditions, the development will include appropriate acoustic attenuation measures to minimise any noise impacts on sensitive residential interfaces.

The proposal also provides for sufficient on-site car parking spaces and appropriately designed vehicular access.

RECOMMENDATION

That a Council delegate having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Planning Permit under the provisions of the Planning Scheme in respect of the land known and described as 183 & 185 Melbourne Road Williamstown for:

- Use of the land for the purpose of a childcare centre under Clause 32.09-2 (Neighbourhood Residential Zone Schedule 4)
- Construction of a building or construction or carrying out of works for a use in Section 2 of Clause 32.09-2 (Neighbourhood Residential Zone Schedule 4).
- Demolition of a building and construction of a building or construction or carrying out of works under Clause 43.01-1 (Heritage Overlay).
- Create or alter access to a road in a Transport 2 Zone under Clause 52.29-2 (Land Adjacent to the Principal Road Network).

in accordance with the endorsed plans.

APPENDIX 2

Notice of Decision to Grant a Planning Permit

NOTICE OF DECISION TO GRANT A PERMIT



Application No: PA230894

Planning Scheme: Hobsons Bay Planning Scheme
Responsible Authority: Hobsons Bay City Council

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.
THE PERMIT HAS NOT BEEN ISSUED.**

ADDRESS OF THE LAND: 183 & 185 Melbourne Road, Williamstown VIC 3016

WHAT WILL THE PERMIT ALLOW:

- Use of the land for the purpose of a childcare centre under Clause 32.09-2 (Neighbourhood Residential Zone Schedule 4)
- Construction of a building or construction or carrying out of works for a use in Section 2 of Clause 32.09-2 (Neighbourhood Residential Zone Schedule 4).
- Demolition of a building and construction of a building or construction or carrying out of works under Clause 43.01-1 (Heritage Overlay).
- Create or alter access to a road in a Transport 2 Zone under Clause 52.29-2 (Land Adjacent to the Principal Road Network).

in accordance with the endorsed plans.

WHAT WILL THE CONDITIONS OF THE PERMIT BE:

1. Before the development starts revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

The plans must be substantially in accordance with the advertised plans, but modified to show to the satisfaction of the Responsible Authority:

- a) The front fence to be relocated onto the front boundary and to be in accordance with Condition 1.f);
- b) That “No Stopping” signs are to be installed along the frontage for the following times:
 - i. Monday to Friday between 6.30am – 9.30am and 3.30pm – 6.30pm;
- c) The site plan to nominate a Tree Protection Zone in accordance with Condition 7 of this permit;
- d) A notation on the site plan stating that all stormwater infrastructure as required by Condition 12 of this permit is to be located within the driveways and not in the areas set aside for landscaping unless with the written consent of the Responsible Authority;
- e) A notation on the site plan that the electricity company connection to the proposed building is to be provided underground;
- f) The site plan to show compliance with the sight line requirements of clause 52.06-9 of the Hobsons Bay Planning Scheme;
- g) A landscape plan including the location of all existing and proposed species. The landscape plan should be designed in accordance with the Hobsons Bay Landscape Design Guidelines, December 2021. An emphasis must be placed on maximising the use of native drought tolerant species and must include:
 - i. A notation indicating a canopy tree must be a minimum 1.5 metres high at the time of planting;
 - ii. A notation stating that all stormwater infrastructure as required by Condition 12 of this permit is not to be located within areas set aside for landscaping;
 - iii. To nominate a Tree Protection Zone in accordance with the Tree Protection Plan as required under Condition 7 of this permit; and
 - iv. Provide details of any non-vegetated permeable areas (including permeable paving/driveway, steppingstones, toppings etc.) via a schematic cross section diagram/s showing the surface layer and substrate layers demonstrating effective permeability of water into the ground;
- h) In conjunction with the revised Sustainable Design Assessment required by Condition 8, the plans must be revised to show:
 - i. Any re-submission of the plans must clearly highlight the changes (e.g. clouds around changes) and must reflect all updates to the SDA and all associated reports where applicable;
 - ii. A note must be included on the plans saying “Refer to the SDA/BESS/STORM reports for a comprehensive list of SDA commitments. The development must meet all commitments in the SDA even when not noted on plans”;
 - iii. Rainwater tank size and connection to all toilets and washing machine cold water tap and outdoor garden taps needs to be indicated on plans to reflect what is in the BESS and STORM assessments. Rainwater tanks cannot be located under driveway or garage slabs as they will not be easily accessible for cleaning, maintenance, leak detection and repair. Please relocate tanks or provide design details that show how the tanks will be accessible for cleaning, maintenance, leak detection and repair;

- iv. Plans to include commitment to providing fixtures, fittings and appliances as part of the building fit-out with the minimum WELS-rating to reflect what is in the BESS assessment;
 - v. 4 locker spaces to be annotated on the plans;
 - vi. Commitment to minimum 80% reuse/recycling of construction and demolition waste must be made on plans; and
 - vii. Unless there are conflicting urban design requirements, all roofs, walls and exposed concrete driveways, specify light-coloured finishes or materials (Solar Reflective Index >50 or Solar Absorptance <0.6) to all roofs, walls and exposed concrete driveways to help mitigate the urban heat island effect.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
 4. Unless another timeframe is agreed to in writing by the Responsible Authority, prior to the construction of the development, Lot 1 on Title Plan 687989T and Lot 1 on Title Plan 687150H must be consolidated under the Subdivision Act 1988.

Landscaping

5. Prior to the submission of a request for endorsed plans under this permit, the owner must lodge a bank guarantee or bond of \$3,000.00 with the Responsible Authority to ensure the satisfactory establishment of landscaping works. Once landscaping has been completed in accordance with the endorsed landscaping plan, Council must be notified so a six week establishment period will commence. The bank guarantee or bond will be returned after an inspection has confirmed the landscaping has been maintained for that period to the satisfaction of the Responsible Authority. After the establishment period, the landscaping must be maintained in accordance with the endorsed landscaping plan to the satisfaction of the Responsible Authority.
6. Prior to the occupation of the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed and thereafter must be maintained to the satisfaction of the Responsible Authority.
7. Prior to commencement of any works including demolition, the following provisions relating to the protection of the existing street tree must be undertaken to the satisfaction of the Responsible Authority:
 - a) During the removal of the crossover closest to the street tree requires root sensitive excavation. If any roots larger than 40mm diameter are exposed during excavation the council Arborist needs to be contacted to inspect and potentially prune;
 - b) A suitable Tree Protection Zone with barrier fence must be established around the existing street tree in accordance with the Tree Protection Plan;
 - c) The Tree Protection Zone must be enclosed using a 2 metre high temporary cyclone fence or similar, which must remain in place through all stages of the development. This fence must not enclose the footpath which must be kept clear for pedestrian access and a sign must be erected on the fence informing that the fence is a 'Tree Protection Zone';
 - d) The area within the Tree Protection Zone must not be disturbed by any means (including parking of vehicles or storage of plant & equipment, materials, soil or waste); and

- e) No excavation is allowed within the Tree Protection Zone except with the consent of Council's Town Planning Department and under the supervision of a qualified Arborist.

Environmentally Sustainable Design

- 8. Concurrently with a request for endorsed plans under this permit a revised Sustainable Design Assessment (SDA) and BESS report must be submitted to and approved by the Responsible Authority. When approved the SDA will be endorsed and will then form part of the permit. The assessment and report must be substantially in accordance with those provided with the application, but modified to show to the satisfaction of the Responsible Authority:
 - a) Page 8 section 4.1 (management) of the SMP is referring to the Star rating. Please amend accordingly;
 - b) Water - Dishwashers to have minimum of 4 Star efficiency;
 - c) Stormwater: Raingarden maintenance to be mentioned in the plans;
 - d) Stormwater: Please attach 'builders guide to keep the storm water clean' in the SMP;
 - e) Stormwater: Concrete pavement is considered as permeable surface in the STORM. Please refer to the landscape plan and amend the STORM/SDA accordingly. Image is attached below for your reference;
 - f) Building Materials - Concrete: Use supplementary cementitious material (SCM) and recycled aggregate where appropriate and recycled water in its manufacture. Provide a commitment for the same; and
 - g) Building Materials - Steel: All steel to be sourced from a Responsible Steel Maker i.e. must have facilities with a currently valid and certified ISO 14001 Environmental Management System (EMS) in place and be a member of the World Steel Association's (WSA) Climate Action Program (CAP).
- 9. The sustainable design initiatives listed in the endorsed Sustainable Design Assessment must be incorporated into the development to the satisfaction of the Responsible Authority.

Design Services – Engineering conditions

- 10. The site must be connected to a legal point of drainage discharge to the satisfaction of the Responsible Authority.
- 11. The quality of water discharged is to be in accordance with the Hobsons Bay Planning Scheme Clause 53.18-5, Standard W2.
- 12. Prior to commencement of the development, detailed engineering plans are to be submitted to Hobsons Bay City Council incorporating the following:
 - a) The volume of water discharging from the development in a 10% AEP storm shall not exceed the peak flow experienced in a 10% AEP storm prior to development. The peak flow shall be controlled using retardation basins or approved retardation systems located on the subject site to the requirements and satisfaction of the Responsible Authority. The storage system shall have a storage capacity of a 5% AEP;
 - b) The flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans; and
 - c) Incorporation of the council endorsed Water Sensitive Urban Design Sustainability requirements on these plans.

13. All existing conditions affected by the development works must be reinstated at no cost and to the satisfaction of the Responsible Authority.
14. All new proposed cross overs to be constructed to industrial standard as per EDCM and location to the satisfaction of councils Traffic Engineer.

Parking

15. Prior to the occupation of the buildings hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must to the satisfaction of the Responsible Authority be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with asphalt or concrete unless another surface treatment is approved by Responsible Authority;
 - d) Drained and maintained; and
 - e) Line-marked to indicate each car space and all access lanes.

Parking areas and access lanes must be kept available for these purposes at all times.

16. Any vehicle crossings must be constructed in the location shown on the endorsed plan to a standard satisfactory to the Responsible Authority. The relocation of any services including electricity poles, drainage pits, Telstra pits, fire hydrants and the like must be at the expense of the owner and approved by the appropriate authority prior to undertaking such works. Consent for such crossings must be obtained through Council's Contracts, Procurement and Asset Protection Department prior to construction.
17. Prior to the occupation of the development the existing vehicle crossing facing Melbourne Road must be removed and the footpath, kerb and channel reinstated and made good to the satisfaction of the Responsible Authority. Works should be in accordance with Condition 7.

General

18. Prior to the occupation of the buildings, all boundary walls on or facing the boundaries of the site must be either raked and cleaned (face brickwork) or rendered and painted or bagged and painted to the satisfaction of the Responsible Authority. Any protruding floor slab must be cleaned and trimmed flush with the wall to the satisfaction of the Responsible Authority.
19. All service pipes, (excluding downpipes), fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.

Department of Transport and Planning conditions

20. Prior to commencement of buildings and/or works amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and digital copies must be provided. The plans must be generally in accordance with plans submitted, job number 221 27 99, Revision A and modified to show:
 - a) Driveway width dimensioned, a minimum of 6.1m wide and comply with swept path diagrams shown in the Traffic report, of two passing B99 vehicles;
 - b) The first 5 meters at the top of the ramp to be dimensioned with a grade of 1 in 10, with finished levels shown; and
 - c) The outer edge of the crossover, to be setback a minimum 1m from the outer circumference of the tree. The crossover is to be drawn to council specifications.

21. Prior to occupation of buildings and/or works the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - b) Treated with an all-weather seal or some other durable surface.Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety. (e.g. by spilling gravel onto the roadway).
22. Prior to occupation of buildings and works, the redundant crossovers must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority, at no cost to the Head, Transport for Victoria.
23. All vehicles must always enter and exit the site in a forward direction.

Time Expiry condition

24. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit; or
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the period in which to start the development if a request is made in writing before the permit expires or within six months afterwards.
The Responsible Authority may extend the period in which to complete the development if a request is made in writing before the permit expires or within 12 months afterwards and the development was lawfully started before the permit expired.

Permit notes:

- EV charging points should be provided in the development.
- The proposed development requires works within the road reserve, separate approval under the Road Management Act 2004 for this activity will be required from the Head, Transport. Please contact the Department of Transport prior to commencing any works.
- The Road Access Permit Portal (RAPP) was launched on Monday 17 October 2022, and all Working Within the Road Reserve (WWRR) Consent applications are now required to be submitted through RAPP. Please get in touch via rapp.support@roads.vic.gov.au if you have any questions. You can access RAPP through the website <https://rapp.transport.vic.gov.au/>.
- Plans submitted for endorsement under a condition of this permit must be submitted electronically at the Hobsons Bay Council website, www.hobsonsbay.vic.gov.au. Where the requirements are not met, a fee will apply to any subsequent requests for endorsed plans where the plans submitted with the initial request do not comply with conditions on this permit. If you require assistance with any condition, you should contact Town Planning on 1300 179 944.
- The building is to comply with the requirements of the Building Regulations 2018, and a Building Permit is required before any works are commenced.
- The existing building (s) may contain asbestos. Any demolition works must comply with the Occupational Health and Safety Regulations 2017. Worksafe should be contacted regarding the safe handling of asbestos.

- Disposal of any building materials, including asbestos, must comply with the Environment Protection (Industrial Waste Resource) Regulations 2009. The Environment Protection Authority should be contacted regarding safe removal of building materials, including asbestos.
- A vehicle crossing permit is required from Council's Contracts, Procurement and Asset Protection Department prior to commencing buildings and works for the construction of a new vehicle crossing or, for the removal of, or alteration to, an existing vehicle crossing.
- Existing street trees must not be removed or damaged.
- Please complete the Landscaping Bond Return Request Form available on the Hobsons Bay City Council website www.hobsonsbay.vic.gov.au when the landscaping, as shown on the endorsed plans, has been completed. The form is to be accompanied by photographs of the completed landscaping. Council will undertake a follow up inspection after the six week establishment period to ensure that the landscaping has been properly maintained. This inspection is free of charge, any subsequent inspections required as a result of the landscaping being non-compliant with the planning permit will incur an inspection fee of \$100 per inspection payable prior to the follow up inspection.

APPENDIX 3

Advertised Plans

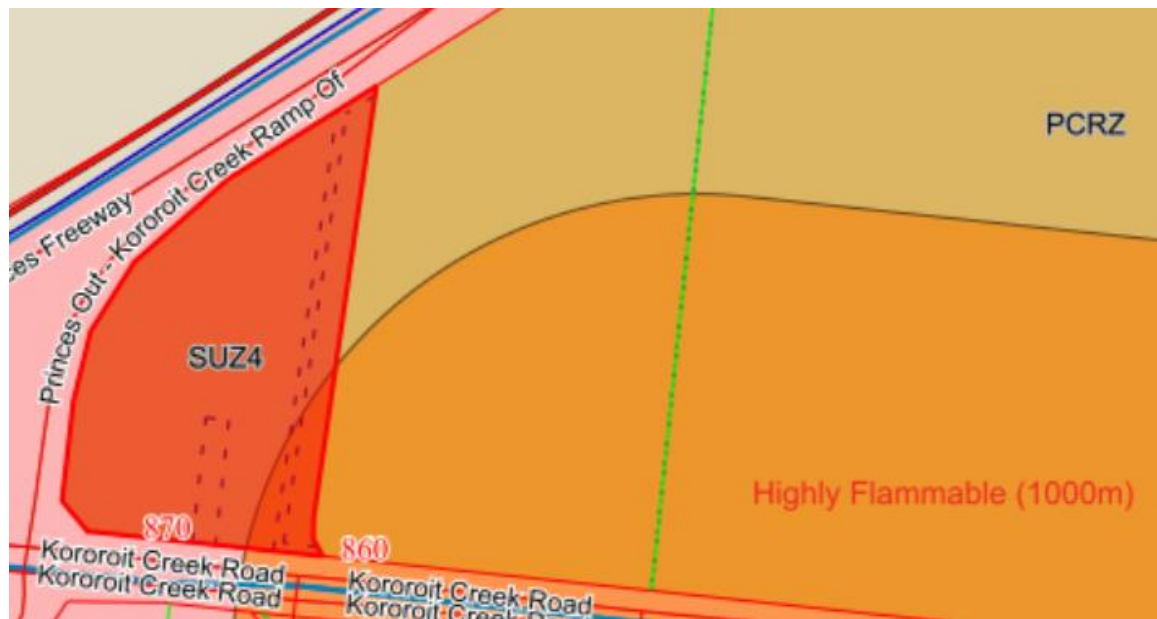
[PA230894 Advertised Plans](#)

APPENDIX 1

Officer's Report

Address:	870 Kororoit Creek Road Altona North
Proposal:	Buildings and Works for the Development of Warehouses, Reduction of the Associated Car Parking Requirement, Removal of Native Vegetation, Display of Signage and Creation of Access to a Road in a Transport Zone 2
Applicant:	Dome Group C/o Tract Consultants
Date Received:	15 February 2023
Amended Application:	31 October 2023
Statutory Days:	28 as of 28 November 2023
Zone:	<p>Special Use Zone (Schedule 4) Population Density (PD60)</p> <p>Adjoins:</p> <ul style="list-style-type: none"> • 36.03 – Public Conservation and Resource Zone (PCRZ) • 36.04 - Transport Zone 1 (State transport infrastructure)
Overlay/s:	Nil
Permit Requirement/s:	<ul style="list-style-type: none"> • Clause 33.03-4 – Construct a Building and Carry out Works. • Clause 52.05-2 – Display Internally Illuminated Business Identification Signs.

	<ul style="list-style-type: none"> • Clause 52.06-3 – Reduce the number of spaces required under Clause 52.06-5 • Clause 52.17-1 – Removal of Native Vegetation. • Clause 52.29-2 – Creation of Access to a Road in a Transport Zone 2.
Clause 53.10	N/A
Covenants, Restrictions or Easements:	<p>There are no restrictions on the title.</p> <p>There are two easements on the site - refer to TP812362U.</p> <p>E1 – Electricity Easement. - PA220515 has been issued for its removal and the plan was granted a Statement of Compliance on 11/01/2023. A permit condition would require that the plan for removal of easement is registered prior to commencement of works.</p> <p>E2 – Air Liquide Easement.</p>
Coastal Inundation (2100):	Not affected.
Major Hazard Facility Buffer:	Yes – Qenos and Air Liquide



Aboriginal Cultural Heritage:	No part of the site is affected by an area of Aboriginal Cultural Heritage sensitivity.
Number of Objections	47
Recommendation	Notice of Decision to Grant a Planning Permit

SUBJECT SITE & LOCALITY

Site area	3.77ha – irregularly shaped
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SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



Area: 37691 sq. m (3.77 ha)
Perimeter: 845 m

For this property:

- Site boundaries
- Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

Calculating the area from the dimensions shown may give a different value to the area shown above

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

Existing conditions

Vacant. No vehicle access.



Locality and surrounds:

The site adjoins the Princes Freeway to the north and west and Kororoit Creek road to the south. To the east the site is bounded by the Laverton Grassland which is managed by Parks Victoria.

Local parking restrictions

No on-street parking is permitted adjacent to any part of the site. The closest available on-street parking is along Burns Road opposite to the south of the site.

Street trees:

None adjacent to site.

Vegetation:	The site contains significant native vegetation.
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SITE HISTORY

The site was created when it was excised from the Laverton Grassland as part of a land exchange agreement with the State Government. The site was created and transferred in exchange for the reserve located at 40-58 Harcourt Road Altona.

The land exchange agreement included provisions that the then Department of Natural Resources and Environment would not object to any future development on the land and that the transferred land in Harcourt Road would be deemed to satisfy any offset requirements that may result as a consequence of the development of the land

Planning Permit PA220515 was issued on 11 January 2023 for Removal of Easement E-1 (Electricity Transmission). The plan for removal of easement has not yet been registered with Land Use Victoria.

PROPOSAL

Buildings and Works

The application seeks permission for the construction of two new buildings containing a total of 6 warehouses.

The larger building (building 1) is located on the northern portion of the site and has a footprint of 9,433 square metres. It is proposed to contain two warehouses with associated offices and facilities with an overall maximum height of 12.96 metres.

The smaller building (building 2) is located on the southern portion of the site and has a footprint of 6,860 square metres. It contains four medium scale warehouses facing Kororoit Creek Road.

Car Parking

The proposal includes 197 on-site car parking spaces and seeks a reduction of 73 spaces under Clause 52.06. A total of 140 employees are proposed at the site.

Signs

Four signs are proposed as part of the application. Two identical signs measuring 45 square metres each (15 metres long by 3 metres high) are proposed to be located on the northern and western elevation of building 1 facing toward the freeway.

Two additional identical signs measuring 5.6 square metres each (5.6 metres long by 1 metre high) are also proposed to be located on the northern and western elevation of building 1 facing toward the freeway.

Native Vegetation

A total of 1.254 hectares of Native Vegetation (comprising Plains Grassland only). There are no native scattered trees located at the site.

Creation of Access

The site will be accessed via Kororoit Creek Road by upgrading the existing intersection with Burns Road adjacent to the southern boundary of the site. Kororoit Creek Road is a road in a Transport Zone 2 (Principal Road Network).

PERMIT TRIGGERS

Use

Pursuant to Schedule 4 of the Special Use Zone, a permit is not required to use land for a Warehouse as the following requirements are met:

- The warehouses are not proposed to be used for a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. It is also noted that as of the gazettal of VC175 in May 2020, Clause 53.10 no longer includes 'Note' provisions and the control in Schedule 4 is therefore redundant.
- The land is not proposed to be used for a purpose listed in Clause 53.10.
- The land is more than 30 metres from a residential zone, hospital or school.

Additionally, the application has not sought permission for any use which where one of the following would apply:

- *A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.*
- *A notification is required under the Occupational Health and Safety Regulations 2017.*
- *A licence is required under the Dangerous Goods (Explosives) Regulations 2011.*
- *A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.*

If any of the above did apply, a mandatory referral to WorkSafe would be required. As this has not been undertaken as part of the application, a condition of permit is recommended to enforce this limitation.

Buildings and Works

Pursuant to Clause 4.0 of Schedule 4 to the Special Use Zone, of the Hobsons Bay Planning Scheme, a permit is required to construct a building or construct or carry out works.

Employee Population Density

A permit is required for the use of the land unless the number of persons employed on the land (calculated on a lot by lot basis) does not exceed the ratios in the tables at clause 5.0 of Schedule 4 of the Special Use Zone.

The land is located within PD60 which requires a minimum of 315 square metres floor area per employee, no limitation applies to the site area per hectare. The building proposed has a floor area of 19,956 square metres.

Area	Measure	Total
Building: 19,956 square metres	1 per 52 square metres	383.77 (round down to 383)
Site: 3.77ha	N/A	N/A

The maximum number of employees is proposed at 140, accordingly a permit is not required to exceed the employee density controls.

Signs

Pursuant to Clause 6.0 of Schedule 4 to the Special Use Zone, the zone falls within Category 2 under Clause 52.05 (signs) of the Hobsons Bay Planning Scheme. Pursuant to Clause 52.05-12, a permit is not required to display business identification signage if the total area of all signs to each premises does not exceed eight square metres (not including direction signage).

A permit is required to display signs as the total business identification signage area exceeds 8sqm. Further, the proposal seeks approval for a single internally illuminated sign that exceeds 1.5sqm in area.

Car Parking

A permit is required to reduce the number of parking spaces required under Clause 52.06-5. The site is not located within a PPTN area, accordingly the rate in Column A applies.

The application proposes to provide 197 car parking spaces on the site, and for a reduction of 79 spaces under Clause 52.06-3.

Native Vegetation

Pursuant to Clause 52.17-1 a permit is required to remove native vegetation. The proposal triggers the detailed assessment pathway as 1.254ha of Plains Grassland is proposed to be removed.

AMENDED APPLICATION

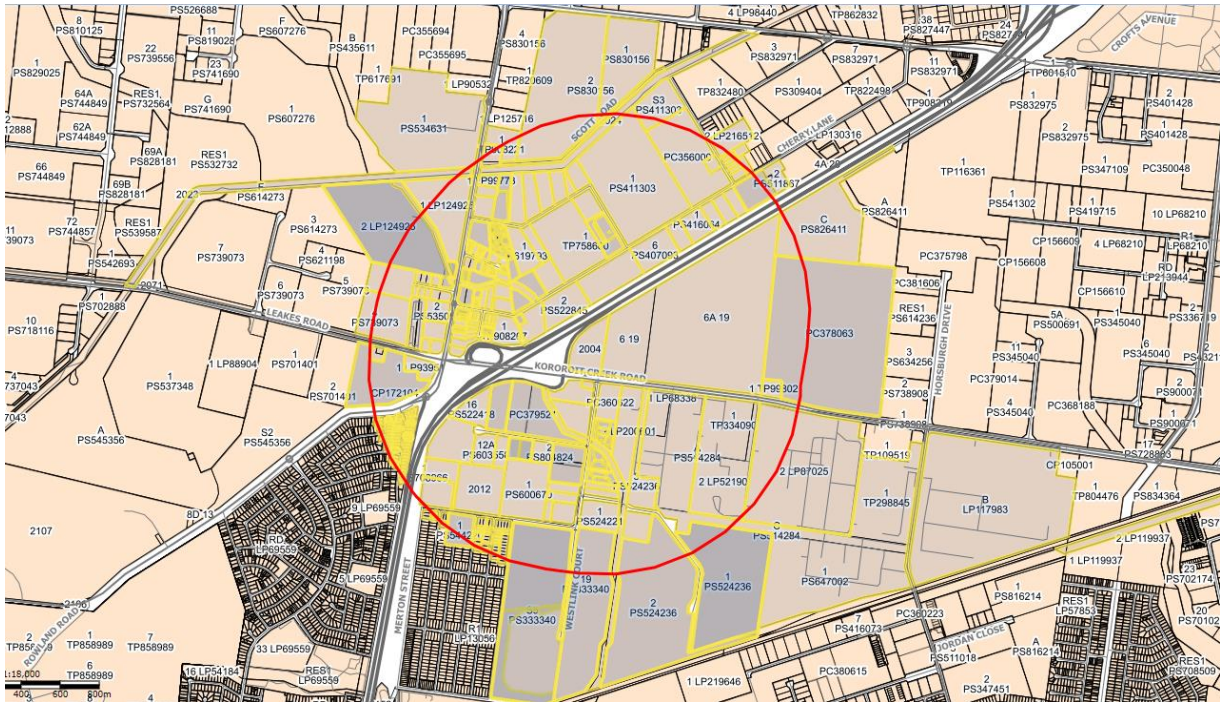
The application was amended pursuant under Section 57A of the *Planning and Environment Act 1987* on 31 October 2023 to remove the Fertiliser Production from the proposal. The amendment request was accepted as it did not result in transformation of the proposal and the application was amended accordingly.

PUBLIC NOTIFICATION

The application as it relates to the formerly proposed Fertiliser Production, reduction of parking, removal of vegetation and the display of signs is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act.

The proposed buildings and works and creation of access to the Road in the Transport Zone 2 are exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act under Clause 4.0 Schedule 4 to the zone, as the site is greater than 30 metres of land (not a road) which is in a residential zone or (*former*) Business 5 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

Notice of the original application (including Fertiliser Production) was given on 17 August 2023 by letter to all owners and occupiers of land within 1000m of the boundaries of the site (a total of 642 properties). Notices were also displayed on the site.



Notice of the amended application was given on 1 November 2023 to every person who had lodged an objection to the original application as of that date.

A total of 47 objections have been received. The content of these objections is addressed later in this report.

REFERRALS

Authority:	Department of Transport and Planning (Roads)	Type:	Section 55 Determining
Referral Response			
The Head, Transport for Victoria, pursuant to Section 56(1) of the <i>Planning and Environment Act 1987</i> does not object to the grant of a planning permit subject to conditions.			
Officer Comment			
The required conditions are included in the recommendation.			

Authority:	Department of Energy, Environment and Climate Action for the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation,</i>	Type:	Section 55 Recommending
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	<i>Forests and Lands Act 1987)</i>		
Referral Response			
No Objection subject to Conditions (s56(1)(b)) and s56(2)			
The Department of Energy, Environment and Climate Action (DEECA) does not object to the granting of a permit for the above application on biodiversity grounds and recommends the following conditions be included on any permit granted.			
Officer Comment			
The conditions recommended by the Department are included in the recommendation. It is also noted that in accordance with the land exchange agreement the Department has acknowledged that the offset requirements have been satisfied via the creation of the Harcourt Road Reserve.			

Authority:	EPA Victoria	Type:	For Comment following amendment to application. Formerly Section 55 Determining
Reason:	Determining Authority where a threshold distance in Clause 53.10 is not met.		
Referral Response			
The primary concerns associated with the proposal are dust, odour and noise. EPA provides the following advice and comments regarding the proposal.			
<u>Threshold Distance</u>			
Pursuant to Clause 53.10 of the Hobsons Bay Planning Scheme, it states that the threshold distance for the use 'fertiliser production' is 1,000m. The proposal does not meet the applicable threshold distance given that sensitive (residential) area is located approximately 797 metres southwest of the subject site.			
<u>Odour</u>			
Odour is identified as the main risk for the proposal given the proposed use of the site for fertiliser production. If the odour is not managed properly on site, it has the potential to travel onto nearby sensitive receptors and cause detrimental impact on human amenities. From the submitted plans, it is assumed that all manufacturing work is done within the proposed building and no production/manufacturing of any kind is proposed outdoors.			
<u>Construction</u>			
Dust and noise emissions during the construction of the proposed development must be controlled and managed properly. No mitigation measures have been proposed to mitigate dust and noise generated during the construction other than it is assumed that the proposed works will be managed via a Construction Management Plan. If the proposed industry is not managed properly, it could have detrimental effects on human amenities and the environment. Thus, if a permit is issued for the proposed buildings and works,			

EPA encourages the permit holder to continue to take a preventative approach in the minimisation of all potential emissions and pollutions from all operations within the site

Officer Comment

The comments of the EPA are noted however following amendment of the application the EPA are no longer a determining authority for the application. The recommendation regarding construction impacts will be addressed via a Construction Management Plan/Site Environment Management Plan.

Authority:	Victorian Workcover Authority (trading as WorkSafe)	Type:	For Comment
Reason:	For confirmation under the referral requirements at Clause 66.02-7 and as the regulator of Major Hazard Facilities.		

Referral Response

Based on the information provided within the referral provided to WorkSafe, I can confirm that WorkSafe Victoria **does not advise against** the granting of a planning permit, on provision of the following conditions.

- Emergency preparedness response requirements for the proposed development are implemented. Including:
 - Consideration of potential hazards and magnitude of consequences from incidents associated with the dangerous goods, including potential for off-site impacts
 - Description of measures to eliminate/reduce the risk of these incidents occurring, and mitigation of the consequences should an incident occur
- Warehouses 2-6 are used for non-retail warehousing purposes with low visitor numbers.
- Provisions are included in the permit to ensure that the population density of the site across all warehouses does not exceed PD60 specifications further in the future.

Officer Comment

The advice of Worksafe is noted. A requirement for an Emergency Management Plan is included in the recommended conditions. A condition to restrict the use of warehouses 2-6 is not necessary as those uses require a Planning Permit and would be subject to further assessment and referral to WorkSafe.

Authority:	Melbourne Water	Type:	For Comment
Reason:	For advice regarding the Cherry Creek Drainage Scheme.		

Referral Response

Assessment of Proposal

Our assessment of the submitted application has highlighted significant concerns which indicate that Melbourne Water would object to the application in its current form. The areas of concern are as follows: The application is not consistent Melbourne Water's Cherry Creek Drainage Service Scheme – This property is considered a non-contributing area. Any proposals must include appropriate onsite retardation (if required) and treatment outside of the scheme.

Request for Further Information

Melbourne Water requires the submission of the following additional information to be able to respond to the referred application:

1. An updated Stormwater Management Strategy which details how the development is intended to convey and treat flows outside of Melbourne Water's Cherry Creek Drainage Scheme. The Stormwater Management Strategy should be updated to address the following items:
 - a. The proposed development is to be designed to ensure that flows do not increase above the pre-developed levels and not cause any downstream negative impacts.
 - b. Treatment assets are to be included to meet best Practice targets.

This strategy is to be endorsed by Melbourne Water and all relevant authorities prior to conditional consent. When an updated Stormwater Management Strategy with corresponding models are available for review and endorsement, an application can be made online: <https://www.melbournewater.com.au/building-and-works/apply-to-build-or-develop/stormwater-management-strategy-review>

Officer Comment

An updated Stormwater Management Strategy (SWMS) was submitted by the permit applicant in response to the comments received from Melbourne Water. The updated SWMS was sent to Melbourne Water on 26 June 2023 and despite repeated attempts to contact and follow up no response has been received.

The SWMS has been reviewed by Councils Drainage Engineers who have not objected to the proposal. As Melbourne Water are not a statutory referral authority and have been given ample time to respond to Councils referral it is appropriate to proceed. To address the requirements specified, conditions will reflect the items at a and b.

Authority:	Qenos Altona	Type:	For Comment
Reason:	As the Operator of a nearby MHF.		
Referral Response			
We confirm Qenos does not object to the Application. We note, however, that the land that is the subject of the Application (Land) is within the vicinity of the Major Hazard Facility operated by Qenos under Licence No MHL 016/07 (MHF).			
Council should have regard to this proximity in assessing the Application. In addition, Council should also consider any potential impacts to offsite amenity that may arise from			

the Application due to odour or dust. Of particular concern to us are possible adverse effects on the Qenos workforce.

Recommended notation on the planning permit

Qenos considers that it is essential for developers and future owners and occupiers of the Land to be aware of the Land's proximity to the MHF. For this reason, if Council decides to grant the permit sought in the Application we submit that it would be appropriate for a notation to be included at the end of the planning permit which highlights the Land's proximity to the MHF.

Qenos recommends a notation with words to the effect of:

The land subject of this planning permit is located in the vicinity of the Major Hazard Facility operated under licence MHL 016/07 under the Occupational Health and Safety Regulations 2017 (Vic). The Major Hazard Facility is managed in accordance with the safety case approved under the Occupational Health and Safety Regulations 2017 (Vic) to mitigate potential safety risks to land located in the vicinity. A copy of the safety case summary is available on the Major Hazard Facility operator's website. A copy of the Major Hazard Facility's emergency plan is held by Hobsons Bay City Council.

Officer Comment

A note has been included in the recommendation.

Authority:	Sustainability	Type:	Internal
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Referral Response

The application **almost meets** Council's current expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. As there are no major issues, these can be addressed as part of their condition 1 submission. Items to be addressed are outlined below.

Plans/drawings Requirements:

1. Site plan & architectural plans
 - 1.1. Rainwater tank size and connection to all toilets needs to be indicated on plans to reflect what is in the BESS and stormwater assessments.
 - 1.2. To claim IEQ 2.3 Ventilation - Non-Residential BESS credit, provide natural ventilation means (like openable windows and passive roof ventilators with perforated sections in the roller doors) that allow the warehouse areas will be 100% naturally ventilated. These must be clearly marked on plans and elevations. (Note: Solid roller doors do not provide natural ventilation when they need to be shut for security)
 - 1.3. Plans to reflect stormwater strategy described in the document '22-0160_SWMS_vD_reduced.pdf_stamped.'

SDA/SMP Requirements:

1. General/Stormwater
 - 1.1. Following this referral, any subsequent resubmission all associated reports must clearly highlight the changes (e.g. highlighted text/images)

- 1.2. SDA to be amended to incorporate the stormwater strategies mentioned in the SWMS document.
- 1.3. Music file (sqz or mrt) to be provided for review.
- 1.4. Provide maintenance agreements for SPEL WSUD devices.

Officer Comment

The requirements above have been included in the recommendation.

Authority:	City Design	Type:	Internal
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Referral Response

We have reviewed the 'Landscape Architectural Concept' and provide the following comments:

- Tree species are generally acceptable.
- We appreciate the retention of the two semi-mature Sugar Gums on the northern corner of the development.
- Please review opportunities for tree planting between car spaces. There are areas of the development that could accommodate more trees between car spaces, for instance, along northern and eastern boundaries on warehouse side of the access lanes.
- We request a more considered landscaping approach along the eastern side of the development adjoining the Laverton Grasslands, which is a significant ecological site. We note the selection of native trees along this interface (e.g. WfS - *Waterhousea floribunda* 'Sweeper'), and believe it is more appropriate for a tree avenue of *Acacia Melanoxyton* (Already a species listed in the Plant Schedule), which is a species found locally and has a stronger connection to the grassland surrounds.
- Shrubs and groundcovers are generally acceptable; however, can we consider other local species along the eastern grassland interface to complement surrounds. Please see list attachment below for some suggested species shrubs and groundcovers.
- Not enough detail to determine understorey planting locations and compositions, please update plans clearly showing plantings areas with species and quantities.
- Landscape specification satisfactory.

Attachment:

Shrubs

Botanical name	Common name	Height (m)	Width (m)	Evergreen/Deciduous	Comments
Bursaria spinosa	Sweet Bursaria	5	4	E	Screening shrub

Eutaxia microphylla var. diffusa	Spreading Eutaxia	1.5	1.5	E	Flowering shrub
Acacia acinacea	Gold Dust Wattle, Round -leaf Wattle	1.5	2	E	Flowering shrub
Dodonaea viscosa	Sticky Hop Bush	3	3	E	Screening shrub

Sub-Shrubs

Botanical name	Common name	Height (m)	Width (m)	Evergreen/ Deciduous	Comments
Rhagodia candolleana ssp. candolleana	Seaberry Saltbush	1.5	2	E	Coastal shrub
Correa glabra	Rock Correa	1.5	2	E	Flowering shrub
Duma florulenta	Tangled Lignum	2	2	E	Flowering shrub

Ground Covers

Botanical name	Common name	Height (m)	Width (m)	Evergreen/ Deciduous	Comments
Dianella revoluta	Blue Flax-lily	0.5	0.5	E	Small clumping ground cover plant
Austrostipa scabra	Rough Spear Grass	0.5	0.5	E	Tufting perennial grass
Chloris truncata	Windmill-grass	0.5	0.3	E	Tufting perennial grass
Chrysocephalum apiculatum	Yellow Buttons	0.6	0.6	E	Clumping perennial ground cover plant
Pelargonium australe	Austral Stork's Bill	0.6	0.6	E	Flowering herbaceous ground cover plant
Enchylaena tomentosa	Barrier Saltbush	1	1	E	Hardy, woody shrub that bears small berries

Lomandra longifolia	Mat-rush	0.8	0.7	E	Upright tufting perennial
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Officer Comment

The advice was reviewed by DEECA in conjunction with their assessment and have recommended conditions addressing the above. Additional conditions are recommended to require an amended landscaping plan including the species listed.

Authority:	Strategic Planning	Type:	Internal
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Referral Response

Part A – Summary of Strategic Planning recommendations

- Reimagining our Industrial Areas – A Statement of opportunity provides a vision for the future of industrial areas in Hobsons Bay. The development of land for industry is generally aligned with this subject to addressing amenity impacts.
- The impact on the Laverton North Grasslands is minimised by incorporating building setbacks however should ensure species within the landscaping setback are appropriate to avoid weeds spreading.
- It is encouraged for the plans to incorporate streetscape improvements such as a footpath along Kororoit Creek Road and street trees.
- An overview and high-level assessment against the Reimagining our Industrial Areas, MICLUP and Industrial Land Management Strategy review is included below.

Part B - Application overview

Use and Development of the Land for Industry (Fertiliser Production), associated buildings and works, development of warehouse, reduction of the associated car parking requirement, removal of native vegetation, display of signage and creation of access to a road in a Transport Zone 2.

Part C - Basis for comments

2008 Industrial Land Management Strategy (ILMS)

The site is identified as part of the Native Grass Reserve in the 2008 Strategy. However, it appears that a land exchange agreement applies to this land. The land is zoned Special Use Zone 4 and can be developed for industrial purposes.

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

The site is identified as state significant industrial land. The purpose of state-significant precincts is:

To provide strategically located land for major industrial development linked to the Principal Freight Network and transport gateways.

They will be protected from incompatible land uses to allow continual growth in freight, logistics and manufacturing investment.

The proposed industrial land use and warehouses are generally aligned with MICLUP.

Reimagining our Industrial Areas (RIA)

Reimagining our Industrial Areas – A Statement of opportunity provides a vision for the future of industrial areas in Hobsons Bay. The statement of opportunity identifies Altona and Altona North Industrial precincts as having extensive heavy industry, construction, logistics and manufacturing. The development of land for industry and warehouses is generally aligned with this.

- The document also includes several objectives which are to be carried forward into the Industrial Land Management Strategy review. The relevant objectives are to:
 - Become an environmental leader
 - *support industries that promote advanced practices leading to better environmental outcomes.* It is unclear how this may be addressed by the proposal.
 - *promote environmentally sustainable development that limits impact on our valued natural environment.* The proposal includes solar panels, at least one car park for electric vehicle charging, a Green Travel Plan and other ESD measures which aligns with Council's broader sustainability objectives. The proposal is adjoining the Laverton North Grasslands, the building setback would limit the impacts on the grasslands however planting within the adjoining landscaping setback should ensure that species are appropriate to prevent weeds spreading. Further consideration may be required of overshadowing impacts on the grasslands once overshadowing diagrams are provided. Light pollution to the native grasslands should also be minimised.
 - *enhance the public and private realm through greening and streetscape improvements.* The proposal provides greening within the lot however it is encouraged to also provide street trees and a footpath to improve the streetscape and public realm.
 - Balance job growth with community impacts
 - *ensure new industries with potential amenity impacts are located away from existing residential areas.* The site is located within an existing industrial area.
 - *encourage industries to adopt practices that reduce amenity impacts.* The proposal outlines how various amenity impacts will be managed in the waste management plan. It's noted that the application has been referred to EPA.
 - *ensure new development in our industrial areas enhances the public realm.* This further supports the streetscape improvements mentioned above.

Industrial Land Management Strategy review

- A draft strategy has been developed which is informed by the RIA - Statement of opportunity. Draft Industrial Design Guidelines have been developed alongside the ILMS review.
- The Special Use Zone, Schedule 4 will likely be reviewed as part of a future planning scheme amendment process.

WorkSafe

- It's noted that the proposal has been referred to WorkSafe for comment as it is within proximity to a Major Hazard Facility.
- If advised by WorkSafe that the proposal does require a licence for dangerous goods, will the facility be classified as a Major Hazard Facility and require an associated inner and outer safety area?

Officer Comment

It has been confirmed that the facility will not be storing dangerous goods (and a condition is recommended to reflect this), accordingly the facility will not be classified as a major hazard facility.

Authority:	Traffic Engineering	Type:	Internal
Referral Response			
<p>Regarding the car parking reduction to 190 spaces, this may be acceptable if the proposed maximum number of 140 employees is maintained. This site is difficult to access by active or public transport and I wouldn't expect many people to arrive that way.</p> <p>The plan should be amended to include a new 1.8-metre-wide footpath (EDCM 401) in the Kororoit Creek Road reserve on the northern side extending from the Princes Freeway exit ramp along the property frontage and connecting to the proposed intersection. This footpath would connect to the existing footpath over the Princes Freeway and would provide the only realistic walking access to the site from bus routes 400, 414, and 417. Alongside provision of this footpath, an additional footpath connection within the site should be provided at the south-west corner.</p> <p>More thought needs to be given to pedestrian access within the site on the eastern side from the signalised intersection to Warehouse 1. No footpath connection is shown here. A designated path will be needed to avoid mixing with trucks in the hardstand area.</p> <p>Additionally, a footpath connection is missing at the western side within the site from Warehouse 6 to area denoted "Nutrifield". This should be added.</p> <p>Wheel stops must be provided in angle bays that are hard against the internal footpaths to prevent vehicles from overhanging and obstructing the footpaths.</p> <p>Line marking and signage will be needed to formalise priority at the intersection of the hardstand area and the eastern car park accessway. This should be included on the plan.</p>			
Officer Comment			
<p>The requirements above have generally been addressed in the revised plans submitted for assessment, other than an additional connection in the south west corner which is included in the recommendation.</p>			

ASSESSMENT

Municipal Planning Strategy (MPS)

Clause 02.03-3 – Environmental Risks and Amenity

Environmental risks

The proposal is consistent with the strategy as although native vegetation is proposed to be removed, an offset reserve has already been established via the land exchange agreement and the development can be managed to prevent adverse ecological impacts on the local environment.

Amenity

The proposal is consistent with the strategy and is located to avoid adverse impacts on residential areas.

Clause 02.03-4 – Natural Resource Management

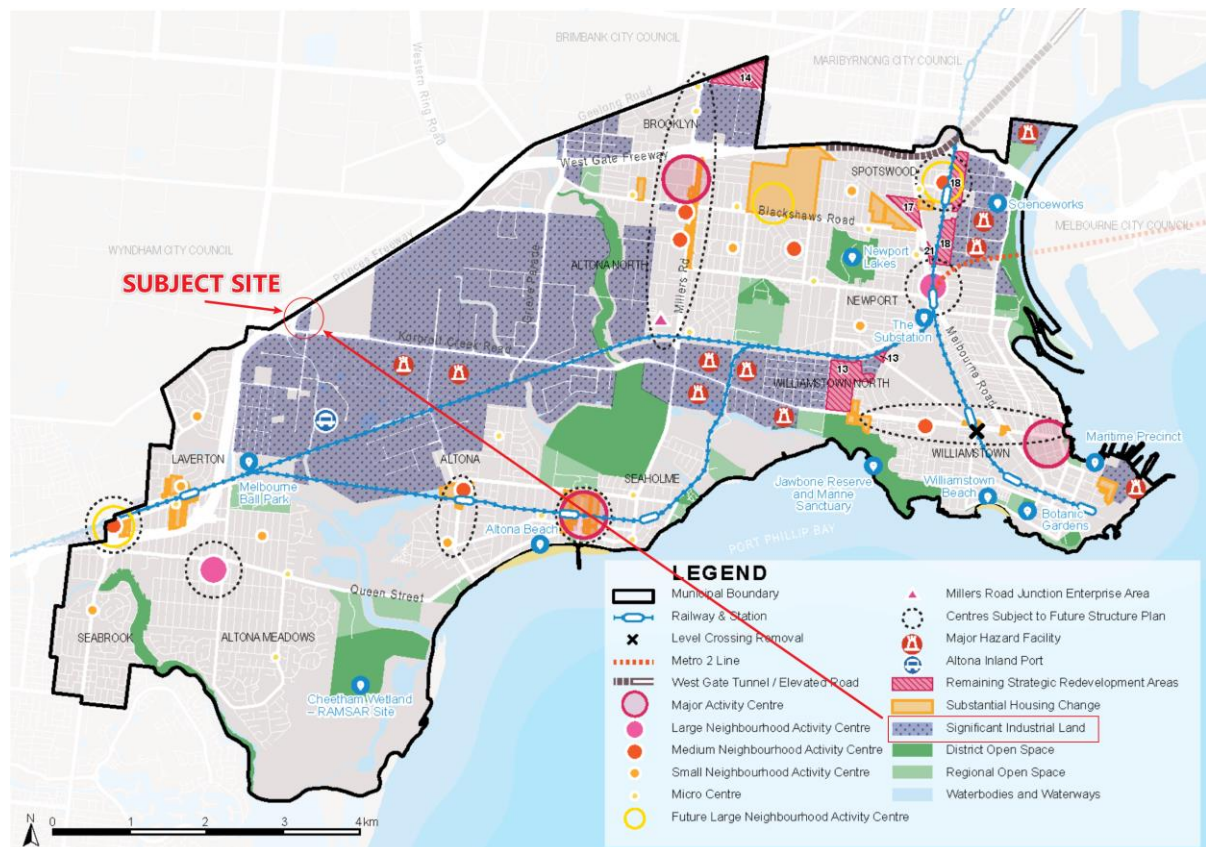
The proposal has satisfactorily demonstrated that the increase in stormwater runoff from the site can be appropriately treated to protect the health of waterways.

Clause 02-03-7 – Economic Development

Industry

The proposal is consistent with the intent of the Clause and will increase economic activity and protect industrial land from encroachment from sensitive uses. It also achieves a positive impact on the visual and environmental amenity of the municipality and appropriately mitigates adverse impacts associated with industrial land uses.

Clause 02-04 – Strategic Framework Plan



Planning Policy Framework (PPF)

Clause – 12.01-1S/L – Protection of Biodiversity

The proposal is generally acceptable with regard to the Objective and Strategies of the Clause. The loss of biodiversity because of the proposed development has been offset in accordance with the Land Exchange Agreement and the creation of the Harcourt Road Reserve. Additionally, impacts to nearby areas of important biodiversity can be appropriately managed.

Clause – 12.01-2S – Native Vegetation Management

As above, the native vegetation proposed to be removed from the site has been assessed in accordance with the relevant guidelines and ensures there is no net loss of biodiversity as a result of the removal.

Clause – 13.04-1S – Contaminated and Potentially Contaminated Land

The land and immediate surrounds on the northern side of Kororoit Creek Road is not known to have been used for a purpose that would have resulted in contamination requiring consideration under the Clause.

Clause – 13.05-1S – Noise Management

The proposal is consistent with the provisions of the Clause as there are no nearby sensitive land uses and the proposed warehousing activities are not expected to result in significant noise impacts.

Clause – 13.07-1S – Land Use Compatibility

The proposed warehousing is compatible with nearby existing land uses.

Clause – 15.01-1S - Urban Design

The proposal is consistent with the provision of the Clause, the design responds appropriately to the context of the site, particularly along the Princes Freeway. The proposal will also improve safe access to walking and cycling environments via the upgrading of the Burns Road intersection.

The landscaping proposed supports the amenity, attractiveness, and safety of the public realm. The development also minimises detrimental impact on amenity and on the safety and efficiency of roads.

The proposal is also generally consistent with the relevant provisions of the *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017).

Clause – 15.01-1L-02 – Landscape Design and Canopy Tree Cover

The proposal is consistent with the strategies of the Clause and provides an appropriate landscaping outcome.

Clause – 15.01-2S – Building Design

The proposal is consistent with the Objective of the Clause to *'achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development'*.

The proposal provides an appropriate outcome regarding the Strategies of the Clause, particularly:

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

Clause – 15.01-2L-03 – Industrial Building Design

The proposal is consistent with the Objective to *'improve the amenity, design, safety and environmental performance of industrial areas'* and the Strategies of the Clause.

The layout of the development includes generous landscaping setbacks along both the Princes Freeway and Kororoit Creek Road, the buildings are also further setback behind accessways and carparking areas. Loading bays are concealed within the centre of the development and are generally obscured from view from public roads.

Hobsons Bay Industrial Development Design Guidelines June 2008

An assessment of the proposal against the provisions of the Hobsons Bay Industrial Development Design Guidelines June 2008 is provided in Appendix 5 of the report. The proposal is generally consistent with the guidelines.

Clause – 15.01-2L-04 – Environmentally Sustainable Design

The proposal is generally consistent with the requirements of the Clause. The application was accompanied by a Sustainable Management Plan (SMP) and Green Travel Plan (GTP) which, subject to amendments set out earlier in this report is acceptable.

Clause – 17.03-3S – State Significant Industrial Land

The site is identified as State Significant Industrial Land ([Map 6](#): Western Region Industrial Land), . The proposed development is appropriate for the site in this context.

Clause – 18.02-4S – Roads

The proposal is consistent with the Objective and relevant Strategies of the Clause and maintains an efficient and safe road network that makes best use of existing infrastructure.

Zone

Clause 37.01 – Special Use Zone (Schedule 4 – Altona Special Industry Area)

The proposal accords with the purpose of the Schedule and provides for a development that will not prejudice the operation and expansion of nearby petrochemical industry.

The proposal is of a high standard of building design and includes significant areas of landscaping reflective of the prominent location of the site.

The eastern and western walls of building 2 however do not include appropriate elements of visual interest to break up the façade and a condition is recommended that these walls be treated to improve their appearance from the adjoining roads.

Schedule 4 to the Special Use Zone - Clause 4.0 – Buildings and Works

Maximum site cover and plot ratio requirement

- *The coverage of buildings on each site must not exceed 60 percent of the site area.*
- *The ratio of floor area to site area must not exceed 0.6:1.*

Site coverage is 47.4% and Plot Ratio is 0.529:1, compliant with the mandatory requirements of the Schedule.

Layout Guidelines

The proposal complies with the requirement to set back any building 20 metres from Kororoit Creek Road (TRZ2).

In accordance with the guidelines, a nine metre wide landscaping area is provided along road boundaries. As the site abuts a Public Conservation and Resource Zone (PCRZ) the development is required to be set back 20 metres from the boundary with the reserve. The building is set back 23 metres from this boundary.

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

Guideline	Assessment
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal	As set out above, the application is consistent with relevant planning policy.

Strategic Statement and local planning policies.	
Any natural or cultural values on or near the land.	There are no known cultural values on or near the land requiring consideration.
Streetscape character.	The development complies with the layout guidelines of the Clause and is appropriate and consistent with the built form and streetscape character.
Built form.	
Landscape treatment.	The development complies with the landscape guidelines of the Clause.
Interface with non-industrial areas.	N/A
Parking and site access.	Assessed at Clause 52.06 and 52.29.
Loading and service areas.	Refer to Hobsons Bay Industrial Design Guidelines Assessment.
Outdoor storage.	
Lighting.	A detailed lighting plan will be required as a condition of permit to ensure no adverse light spill to the adjoining roads or the grassland reserve.
Stormwater discharge.	An appropriate Stormwater Management Strategy has been submitted for assessment. All stormwater will be treated on site and discharged to the legal point of discharge.
The impact of surface water run-off on to adjoining land containing native grass land.	Stormwater will be treated and managed on site to prevent runoff to the adjoining grassland reserve.
The views of the Ministers administering the Dangerous Goods Act 1985 and the Occupational Health and Safety Act 1985 about the risk to persons in nearby residential and industrial areas.	WorkSafe has been consulted as part of the application process and has not objected to the grant of a permit. A requirement for an emergency management plan is included in the recommendation.
Any measures to protect the health and safety of persons on the land or on land nearby.	
Whether the development would prejudice the continued operation and expansion of the Altona petrochemical industry.	It is not anticipated that the proposed warehousing activity will adversely affect the continued operation of the Altona petrochemical industry.
Whether the development presents an attractive landscaped setting	The development complies with the landscape guidelines of the Clause.

particularly in relation to the treatment of street frontages.	
The effect on the amenity of any nearby Public Park and Recreation Zones, Public Conservation and Resource Zones, Public Use Zones or Urban Floodway Zones.	The proposal complies with the setback and landscaping requirements of the Schedule. It is not expected that the development will result in adverse amenity impacts to the grassland reserve.
The views of Melbourne Water Corporation about any proposal for buildings or works within 20 metres of Cherry Creek or Kayes Drain.	N/A
The views of the Department of Natural Resources and Environment about any proposal for buildings or works on land immediately adjoining a Public Conservation and Resource Zone containing native grass land.	The Department has been consulted and has not objected to the grant of a permit, subject to the conditions set out in the recommendation.

The maintenance requirement of the Clause will be included as a condition of permit.

Particular Provisions

Clause 52.05 – Signs

An assessment against the relevant sections of the Outdoor Advertising Signage Policy (Clause 22.11) and the decision guidelines of Clause 52.05 of the Hobsons Bay Planning Scheme is provided below:

Character and Clutter

The signs will provide a legible point of identification for the business on the site. The proposed sizes of each sign are proportionate to the overall warehouse.

Safety

The proposed business identification signs are fixed to each elevation of the proposed warehouse building and will not obscure views to traffic or pedestrians. The signs will not interfere with traffic movements or impede or obstruct driver's views or other traffic and/or pedestrians.

Siting

The overall size of the proposed signage is proportional to the size of the building and overall built form. The proposed location and size of the signs will not dominate the building or obscure building architectural features. The signage will not project above the roof line.

Illumination

The proposed internally illuminated sign is acceptable having regard to the industrial context of the site, in which internally illuminated signs of this nature are common.

Clause 52.06 - Car Parking

The proposal seeks to reduce the number of spaces required under Clause 52.06-5 by 73 spaces. The reduction proposed is not associated any particular warehouse, but instead as a reduction of the overall total calculated demand.

The application proposes 197 on site car parking spaces. Schedule 4 of the Special Use Zone applies a limit on the number of persons that can be present on the site at any one

time, in this case 383 employees however the applicant has stated the maximum anticipated employees is 140.

On the basis that employees on the site do not exceed 140, the amount of parking provided is consistent with the purpose of Clause 52.06 to ensure the provision of an appropriate amount of parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. The provision would accommodate visitors of the site at an average of 9 per tenancy.

The plans submitted with the application satisfy the requirements of Clause 52.06-8 to provide a car parking plan. The plan is consistent with the relevant Design Standards of Clause 52.06-9 and the Decision Guidelines of Clause 52.06-10.

The proposal demonstrates compliance with Design Standards of Clause 52.06-9.

Clause 52.17 – Native Vegetation

The application was accompanied by a Native Vegetation assessment and has been assessed in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines).

The assessment has concluded that the proposed development would result in the destruction of 1.254ha of native vegetation comprising patches of Endangered Plains Grassland (see image below). No scattered trees are located within the site.

In accordance with the Guidelines, the proposal triggers the Complex Pathway of assessment and consequently requires referral to the Department of Environment, Energy and Climate Action (DEECA).

The department has considered the application and have not objected to the proposal. As previously discussed, the subject site was excised from the larger grassland site in exchange for the creation of a native vegetation reserve in Harcourt Road. This exchange allowed for the development of the subject site on the basis that obligations for offsets of loss of native vegetation had already been satisfied.

The Department also consulted with Parks Victoria regarding the potential impacts on the adjoining Laverton Grasslands Flora Reserve. The suggested conditions will be included in the recommendation to address potential impacts on the reserve.



Clause 52.34 - Bicycle Facilities

No statutory requirement applies to Warehouses.

Clause 53.10 – Uses with Adverse Amenity Potential

As the application was formally amended to remove Fertiliser Production from the application, no further requirements apply under Clause 53.10.

Clause 53.18 - Stormwater Management in Urban Development

The requirements of Standard W2 and W3 apply to the proposal.

A Stormwater Management Strategy has been submitted with the application, the strategy confirms that the proposed drainage plan would meet the drainage needs of the proposal.

The site is not located within a Melbourne Water Drainage Scheme and is not eligible for contributions to be made to any off-site management, accordingly on-site stormwater treatment is included as part of the proposal.

OBJECTIONS

In accordance with Section 60(1) of the *Planning and Environment Act 1987*, before deciding on an application, Council must consider all objections and other submissions which have

been received and which have not been withdrawn. A total of 48 objections have been received.

Summary of Objections

Fertiliser Production and Storage

The application no longer proposes Fertiliser Production at the site.

A permit is not required to use the land for storage as a warehouse. A condition is also recommended to ensure that dangerous and hazardous materials cannot be stored on the site that require approvals triggering a referral to WorkSafe.

Removal of Native Vegetation

The proposal to remove Native Vegetation from the site has been assessed and as previously discussed in this report has been determined to be acceptable as the offset requirements have been satisfied under the land exchange agreement.

Effects on Local Environment

The warehousing activities resulting from the construction of the approved buildings are not anticipated to have an adverse impact on the local environment. An Operational Environmental Management Plan is recommended to deal with ongoing management of the site and adherence to requirements of the approval such as stormwater, litter, lighting and management of the interface with the grassland reserve.

Impacts during construction can be mitigated with an appropriate Construction Environment Management Plan to be submitted and approved as a condition of permit. It is a responsibility of the relevant Building Surveyor and appointed contractors to ensure that the requirements of the plan are met during construction work.

Increased Traffic

The site immediately adjoins the Princes Freeway and will be accessed via upgrades to the Burns Road intersection as consented to by the Department of Transport who have reviewed the application. Kororoit Creek Road is a major arterial road under the management of the Department of Transport that carries in excess of 30,000 vehicles per day passing the site. It is not anticipated that the proposed development will have any perceptible impact on the volume of traffic in this location.

CONCLUSION

The proposal has been considered against the Decision Guidelines of applicable policy and Clause 65.01 and has consequently been found to be appropriate and suitable for approval. The proposed land use will contribute to continued economic growth and development without prejudicing existing industry or petrochemical activities in the vicinity. The site is also appropriately located to accommodate a use requiring access to arterial roads and freeways.

The proposed development on the land is appropriately designed and will contribute positively to the appearance of the Municipality from the adjoining freeway. The building will not dominate or detract from the streetscape and has minimised its visual impact on a highly exposed corner site location. Extensive landscaping will also improve the appearance of the site and contribute to increasing canopy coverage and biodiversity in the area.

APPENDIX 2

Notice of Decision to Grant a Planning Permit

NOTICE OF DECISION TO GRANT A PERMIT



Application No: PA230666

Planning Scheme:	Hobsons Bay Planning Scheme
Responsible Authority:	Hobsons Bay City Council
Address of the Land:	870 Kororoit Creek Rd Altona North VIC 3025

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED

WHAT WILL THE PERMIT ALLOW:

- Building and Works under Clause 37.01-2 of the Special Use Zone (Schedule 4).
- Reduction of the Number of Car Parking Spaces Required under Clause 52.06-5 associated with a Warehouse.
- Construction and Display of Signage including Internally Illuminated Business Identification Signs and under Clause 52.05-2.
- Removal of Native Vegetation under Clause 52.17-1.
- Creation of Access to a Road in a Transport Zone 2 under Clause 52.29-2

in accordance with the endorsed plans.

WHAT WILL THE CONDITIONS OF THE PERMIT BE:

Amended Plans Required

1. Before the development starts, revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be substantially in accordance with the plans submitted with on 31 October 2023 but modified to show:
 - a) A 1.8m wide footpath (EDCM 401) along the northern side of Kororoit Creek Road connecting the western side of the vehicle crossing to the pedestrian crossing at the intersection of the Princes Freeway exit ramp and Kororoit Creek Road, including an additional pedestrian connection within the site from the south-west corner (in the vicinity of warehouse 6). This requirement may be varied where in conflict with any requirement of the Department of Transport.

- b) Rainwater tank size and connections to toilets in accordance with the Sustainability Management Plan.
- c) Type A Steel Picket fence along the Kororoit Creek Road boundary.
- d) The west elevation of warehouse 6 to be visually treated to match the appearance of the western elevation of warehouse 1.
- e) Alterations in accordance with DEECA conditions specified elsewhere in this permit.
- f) Alterations in accordance with DTP conditions specified elsewhere in this permit.
- g) Alterations to accord with the Stormwater Management Strategy and drainage and stormwater requirements specified elsewhere in this permit.
- h) Landscaping to accord with requirements specified elsewhere in this permit.
- i) The location of all external lighting in accordance with requirements specified elsewhere in this permit.

to the satisfaction of the Responsible Authority

Endorsed Plans

2. The use and/or development (including signs) allowed by this permit and as shown on the endorsed plans and/or described in the endorsed documents must not be altered or modified without the prior written consent of the Responsible Authority. Unless specified in a permit condition, this requirement does not apply if an exemption is available under the Hobsons Bay Planning Scheme.

Prior to Commencement of Development

3. Prior to the commencement of the development hereby approved, the permit holder must:
 - a) Complete the removal of Easement E-1 on TP812364U (as approved by PA220515)
 - b) Lodge a bank guarantee or bond of \$25,000.00 with the Responsible Authority to ensure the satisfactory establishment of landscaping works. Once landscaping has been completed in accordance with the endorsed landscaping plan, Council must be notified so a six week establishment period will commence. The bank guarantee or bond will be returned after an inspection has confirmed the landscaping has been maintained for that period to the satisfaction of the Responsible Authority.

all to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

4. Prior to the commencement of development, including any demolition or site works, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority. When approved, the CEMP will be endorsed and will then form part of the permit. The CEMP must address the following matters, to the satisfaction of the Responsible Authority:
 - a) Stormwater management measures during construction to be carried out in accordance with the Melbourne Water and EPA publication 'Keeping Our Stormwater Clean: A Builders Guide'.
 - b) Methods for dust and soil management and mitigation measures to ensure that dust and soil does not impact on the Laverton Grasslands Flora Reserve.
 - c) Ensuring soil stockpiles are located away from the Laverton Grasslands Flora Reserve, to reduce weed spread. Details of where the stockpiles will be located must be provided and must be generally in the north-west corner of the site. Where stock piles or graded soil is left in situ for up to 21 days, weed management techniques past this period of time are required. This should take the form of geotech, weed suppressing materials or appropriate herbicide treatments.
 - d) Concrete wash out areas must be located away from the conservation reserve, with no leaching of "contaminated concrete" water to enter the site. All waste and wash out of materials (plaster/paint/concrete) must be undertaken away from the eastern boundary (20 metres minimum). No waste material or wash out is allowed to enter the conservation reserve.
 - e) The measures that will be implemented to ensure that no machinery enters the Laverton Grasslands Flora Reserve.
 - f) The measures that will be implemented to ensure that spillage/excess soil is not left along the boundary adjacent to the Laverton Grasslands Flora Reserve. In the event that any spillage of soil into the conservation reserve it shall be removed by hand with rakes and shovels.
 - g) The measures that will be implemented to ensure that no digging will occur into the original soil profile within the conservation reserve.
 - h) Prior to commencement of development or site works, a temporary fence of at least 2 metres in height must be constructed along the eastern boundary of the site. A heavy-duty shade cloth/mesh (or similar) material is to be affixed to the entire length of the temporary, to the full height of the fence. This barrier must be maintained throughout construction to limit dust and other debris entering the Laverton Grasslands Flora Reserve. The material used must not contain any advertisements, logos or other printed messages.

- i) The measures that will be implemented to ensure that no litter or construction items are discarded within the Laverton Grasslands Flora Reserve.
- j) The installation of signs affixed at 20 metre intervals to the temporary fence, facing into the site which state 'conservation reserve no entry' or similar. The signs must be maintained to the satisfaction of the Responsible Authority.
- k) Machine hygiene - best practice requires the cleaning of machinery to remove as much as practicable the soil and weed propagules, prior to plant entering the site.
- l) Inclusion of induction provisions to ensure contractors working on the site are made aware of and are familiar with the specific requirements for working adjacent to the Laverton Grasslands Flora Reserve.
- m) Confirmation that best practice erosion and sediment control techniques will be used to protect the Laverton Grasslands Flora Reserve.
- n) Measures to control indirect impacts of the Laverton Grasslands Flora Reserve.

A complete copy of the endorsed CEMP must be available on site at all times during construction. The endorsed CEMP must be implemented at all times to the satisfaction of the Responsible Authority. Any non-compliance may be enforced under the Planning and Environment Act and other related legislation.

The CEMP may be amended in accordance with the requirements of this condition and with the prior written consent of the Responsible Authority.

Access to the site must be available at all times for Council representatives to monitor implementation of the CEMP.

Operational Environment Management Plan

- 5. Prior to the commencement of the approved use, an Operational Environment Management Plan (OEMP) must be submitted to and approved by the Responsible Authority. When approved, the OEMP will be endorsed and will then form part of the permit. The OEMP must address the following matters to the satisfaction of the Responsible Authority:
 - a) Maintenance of the site stormwater and drainage system to ensure performance is maintained in accordance with the endorsed Stormwater Management Strategy.
 - b) No shipping containers, goods, packages, waste refuse, garbage, vehicles, or other material, items or equipment are allowed to be stored along the eastern boundary of the site, adjacent to the Laverton North Grassland.

- c) Litter management practices which include at least weekly patrolling of the perimeter of the site to ensure that any loose material or waste product is appropriately disposed of.
- d) Water runoff and any chemicals from the site, rainwater tanks and sprinkler tanks must not flow or leach into the Horsburgh Drive Grassland.
- e) The nomination of a designated person Council can contact in the event of any concerns with the implementation of the OEMP. The OEMP must also set out a process to provide Council with updated details should the contact person change.

The approved OEMP must be implemented at all times to the satisfaction of the Responsible Authority. Any non-compliance may be enforced under the Planning and Environment Act and other related legislation.

The OEMP may be amended in accordance with the requirements of this condition and with the prior written consent of the Responsible Authority.

On request, access to the site must be available for Council representatives to monitor implementation of the OEMP.

External Lighting

- 6. Concurrently with a request for endorsed plans under this permit, an external lighting plan must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include all external lights and show the following:
 - a) Location and height above ground level;
 - b) Type (security/sensor/automatic etc) including hours of operation;
 - c) Direction, coverage, and baffling;
 - d) Maximum lux;
 - e) Any additional information to ensure compliance with the report outlined below.

The plan must be accompanied by a report that demonstrate that the lighting proposed is generally consistent with the National Draft Light Pollution Guidelines for Wildlife and Best Practice Lighting Design. The lighting plan must demonstrate appropriate illumination of the site outside of daylight hours and ensure that there will be no light spill from the subject land into the Laverton Grasslands Flora Reserve.

The plan must also demonstrate no adverse light spill from the site to adjoining roads.

7. All external lighting must accord with the endorsed external lighting plan to the satisfaction of the Responsible Authority. No additional lights are to be installed without the prior written consent of the Responsible Authority.

Landscaping Plan

8. Concurrently with a request for endorsed plans under this permit, a revised landscaping plan drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be substantially in accordance with the plan submitted with on 15 February 2023 and use species generally selected from the Hobsons Bay Landscape Design Guidelines 2021, but modified to show:
- Alterations in accordance with DEECA requirements specified elsewhere in this permit.
 - Additional canopy trees along the Princes Freeway (inc. exit ramp) and Kororoit Creek Road with staggered planting of not greater than 6 metres separation.
 - Additional tree planting in landscaped areas between car spaces.
 - All stormwater treatment infrastructure in accordance with the endorsed Stormwater Management Strategy.
 - Understorey planting generally in accordance with the species listed below, (other than where specified by DEECA):

Shrubs

Botanical name	Common name
<i>Bursaria spinosa</i>	Sweet Bursaria
<i>Eutaxia microphylla</i> var. <i>diffusa</i>	Spreading Eutaxia
<i>Acacia acinacea</i>	Gold Dust Wattle, Round -leaf Wattle
<i>Dodonaea viscosa</i>	Sticky Hop Bush

Sub-Shrubs

Botanical name	Common name
<i>Rhagodia candolleana</i> ssp. <i>candolleana</i>	Seaberry Saltbush
<i>Correa glabra</i>	Rock Correa
<i>Duma florulenta</i>	Tangled Lignum

Ground Covers

Botanical name	Common name
<i>Dianella revoluta</i>	Blue Flax-lily
<i>Austrostipa scabra</i>	Rough Spear Grass
<i>Chloris truncata</i>	Windmill-Grass

<i>Chrysocephalum apiculatum</i>	<i>Yellow Buttons</i>
<i>Pelargonium australe</i>	<i>Austral Stork's Bill</i>
<i>Enchylaena tomentosa</i>	<i>Barrier Saltbush</i>
<i>Lomandra longifolia</i>	<i>Mat-rush</i>

to the satisfaction of the Responsible Authority.

Prior to Occupation

9. Prior to the occupation of any building hereby approved, the permit holder must:

- a) Complete the landscaping shown on the endorsed plan(s). Landscaped areas must be planted and maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority and once landscaped, must not be used for any other purpose.
- b) Prepare an Emergency Management Plan (EMP) to address the following:
 - i. Ongoing consultation with the Operator of the Altona petrochemical complex in the development and adoption of site-specific emergency arrangements to mitigate effects from potential major incidents from the petrochemical complex.
 - ii. Ongoing consultation and training of employees at the proposed development of the actions to take in the event of an incident at the petrochemical complex.
 - iii. Suitable location of emergency exits and evacuation assembly points.

A copy of the EMP must be provided to the Responsible Authority.

- c) Construct the site stormwater system in accordance with the endorsed Stormwater Management Strategy.
- d) Construct the car parking spaces, bicycle facilities, access lanes and driveways (including associated works and landscaping) as shown on the endorsed plans such that they are:
 - i. constructed and available for use in accordance with the plan approved by the responsible authority; and
 - ii. formed to such levels and drained so that they can be used in accordance with the plan; and
 - iii. other than where specified on the endorsed plans, treated with an all-weather seal or some other durable surface; and
 - iv. line-marked or provided with some other adequate means of showing the car parking spaces, accessways and pedestrian routes.

Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be maintained in a usable and safe condition to the

satisfaction of the Responsible Authority, made available for such use and not be used for any other purpose.

- e) Submit to the Responsible Authority a report from the author of the endorsed Sustainability Management Plan (SMP), or similarly qualified person or company confirming that the development has been completed in accordance with the endorsed plan.
- f) Complete all buildings and works in accordance with the endorsed plans.

all to the satisfaction of the Responsible Authority.

Car Parking and Access

- 10. Vehicles delivering or picking-up containers must not queue or park in adjoining streets or any public roads adjacent or nearby the site.
- 11. The loading and unloading of vehicles, and the delivery of goods to and from the premises, must at all times be carried out entirely within the site and be conducted so as to cause minimum interference with other vehicular traffic.
- 12. Any vehicle crossings must be constructed in the location shown on the endorsed plan to a standard satisfactory to the Responsible Authority. The relocation of any services including electricity poles, drainage pits, Telstra pits, fire hydrants and the like must be at the expense of the owner and approved by the appropriate authority prior to undertaking such works. Consent for such crossings must be obtained through Council's Contracts, Procurement and Asset Protection Department prior to construction.

Sustainable Design

- 13. Concurrently with a request for endorsed plans under this permit, a revised Sustainable Design assessment must be submitted and approved by the Responsible Authority. When approved the documents will be endorsed and form part of the permit. The submission must be generally in accordance with the documents submitted with the application but modified in the following ways:
 - a) The Sustainability Management Plan modified to accord with the Stormwater Management Strategy.
 - b) To claim IEQ 2.3 Ventilation - Non-Residential BESS credit, provide natural ventilation means (like openable windows and passive roof ventilators with perforated sections in the roller doors) that allow the warehouse areas will be 100% naturally ventilated. These must be clearly marked on plans and elevations. (Note: Solid roller doors do not provide natural ventilation when they need to be shut for security)
 - c) Music file (sqz or mrt) to be provided for review.

- d) Provision of maintenance agreements for SPEL WSUD devices.
- 14. The development must be undertaken in accordance with the endorsed Sustainable Management Plan (SMP), to the satisfaction of the Responsible Authority.
- 15. The use as approved by this permit must be undertaken in accordance with the endorsed Green Travel Plan (GTP), to the satisfaction of the Responsible Authority.
- 16. On-site waste management and collection must be undertaken in accordance with the endorsed Waste Management Plan. The plan may be amended from time to time with the prior written consent of the Responsible Authority.

General

- 17. Other than with the prior written consent of the Responsible Authority, the buildings shown on the endorsed plans may only be used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail or allowing persons to collect goods that have been purchased online.
- 18. Other than with the prior written consent of the Responsible Authority, no part of the land is to be used be for a purpose listed in Clause 53.10 of the Hobsons Bay Planning Scheme.
- 19. In accordance with Clause 2.0 of Schedule 4 to the Special Use Zone, the use must not adversely affect the amenity of the neighbourhood, including through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any stored goods or materials.
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- 20. Other than with the prior written consent of the Responsible Authority, the maximum number of persons employed on the land must not exceed 140, working 44 hours per week (or pro rata equivalent), to the satisfaction of the Responsible Authority.
- 21. Unless with the prior written approval of the Responsible Authority and the Victorian WorkCover Authority, any goods stored on the land must not.
 - a) Exceed a fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.
 - b) Require a notification under the Occupational Health and Safety Regulations 2017.
 - c) Require a licence under the Dangerous Goods (Explosives) Regulations 2011.

- d) Require a licence under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.
- 22. No external storage of goods, materials, machinery or vehicles is permitted.
- 23. The loading and unloading of vehicles and the delivery of goods must be undertaken within the boundaries of the subject land. No queueing of vehicles is permitted on public roads.
- 24. Outdoor lighting is only permitted in accordance with the Outdoor Lighting Plan endorsed as part of this permit. No additional lighting, or modification to approved lighting, is permitted without the prior written consent of the Responsible Authority.
- 25. Emergency Procedure signs must be displayed in prominent locations within the buildings on the site advising staff and visitors of the Emergency Procedures to be carried out in the event of an incident occurring at the Qenos Altona manufacturing facilities. The signs must detail current procedures for what to do in an emergency as set out by Qenos (currently published online as '*What to do in an Emergency*'). The signs must be clearly displayed and maintained to the satisfaction of the Responsible Authority.

Note: The land subject of this planning permit is located in the vicinity of the Major Hazard Facility operated under licence MHL 016/07 under the Occupational Health and Safety Regulations 2017 (Vic). The Major Hazard Facility is managed in accordance with the safety case approved under the Occupational Health and Safety Regulations 2017 (Vic) to mitigate potential safety risks to land located in the vicinity. A copy of the safety case summary is available on the Major Hazard Facility operator's website. A copy of the Major Hazard Facility's emergency plan is held by Hobsons Bay City Council.

Signs

- 26. Business identification signs approved by this permit must only include information about a business on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.
- 27. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 28. Illumination of signs must accord with the endorsed plans forming part of this permit.
- 29. Signs must not contain any flashing light or be animated, flashing, dynamic or reflective in any way.

Drainage

30. The site must be drained in accordance with the endorsed Stormwater Management Strategy (SWMS) and to the satisfaction of the Responsible Authority. The SWMS may be amended from time to time with the prior written consent of the Responsible Authority.
31. The site must be connected to a legal point of drainage discharge to the satisfaction of the Responsible Authority.
32. The quality of the water discharged is to be in accordance with the Hobsons Bay Planning Scheme Clause 53.18-5, Standard W2.
33. Prior to commencement of the development the owner must prepare stormwater drainage design plans to the satisfaction of Hobsons Bay City Council Development Engineer and Engineering Plans detailing the civil works and drainage are to be submitted to Hobsons Bay City Council for approval.
34. Prior to commencement of the development, detailed engineering plans are to be submitted to Hobsons Bay City Council incorporating the following:
 - a) Treatment assets are to be included to meet best practice targets.
 - b) The proposed development is to be designed to ensure that flows do not increase above the pre-developed levels and not cause any downstream negative impacts.
 - c) The volume of water discharging from the development in a 10% AEP storm shall not exceed the peak flow experienced in a 10% AEP storm prior to development. The peak flow shall be controlled using retardation basins or approved retardation systems located on the subject site to the requirements and satisfaction of the Responsible Authority. The storage system shall have a storage capacity of a 5% AEP.
 - d) The flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans.
 - e) Incorporation of the council endorsed Water Sensitive Urban Design Sustainability requirements on these plans.
35. The flow paths of a 1% AEP storm must be determined, and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans.
36. Stormwater runoff must not extend beyond the boundaries of the site.

General

37. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

38. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.

Department of Transport (DTP) Conditions

39. Unless otherwise agreed in writing with the Head, Transport for Victoria prior to the commencement of works on site an updated Transport Impact Assessment must be submitted to and approved by the Head, Transport for Victoria. The Transport Impact Assessment must include the following (but is not limited to):

- a) A Signal Coordination Plan for the fourth leg at the intersection of Burns Road and Kororoit Creek Roads (the intersection) with the signalised freeway interchange to the west of the development site. (Optimisation of signal coordination is required for both AM & PM peak periods)
 - i. Signal Phasing Plan and phase time-settings for both sites identified in (a) above to address:
 - ii. no filter right turns from Kororoit Creek Road into the site access – this will need its own phasing
 - iii. the frequency of introduction of phases (e.g. every second cycle) associated with the entry and exit from the site access during the various times of the day.
 - iv. phase time settings are to be optimised to minimise westbound through queuing on Kororoit Creek Road in the PM peak and minimising queuing on the southbound off ramp off the Princes Freeway in the AM peak.
- b) Burns Road approach must be retained as a single lane left out movement as currently exists.
- c) A comprehensive swept paths analysis for all design vehicles at the intersection
- d) A detailed list of mitigation works to be delivered (note at the freeway interchange intersection any mitigation works are restricted to operational SCATS changes (linking and time setting changes). At the intersection mitigation works must include controller reprogramming associated with the revised phasing, frequency of phase introductions as well as SCATS changes.

40. Unless otherwise agreed in writing with the Head, Transport for Victoria prior to commencement of the development a Functional and Signal Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the Traffix Group concept plan no. G31544-01-01 dated 14 February 2023 but modified to show:

- a) a left turn deceleration lane on the western approach to the Burns Road intersection
- b) any requirements from the updated Transport Impact Assessment

- c) all features such as pavement, kerb/shoulders, line marking (cycle paths), power poles, trees, and other road furniture within 100 metres of the proposed access point
 - d) design of traffic signals at the intersection including footpaths and pram crossing to be DDA compliant as outlined
 - e) provision of pedestrian footpath from intersection to the freeway off ramp (north side of Kororoit Creek Road) and connection to existing footpath
41. Prior to the occupation of the development, the intersection works shown on the endorsed Functional and Signal Layout Plan and mitigation measures identified in the approved Transport Impact Assessment must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria including all signal phasing and infrastructure required.
42. Within one month of the occupation of the development, the signal operation of the intersection and signalised freeway interchange must be reviewed and finetuned by the Signal Services Team of Department of Transport & Planning to the satisfaction of and at no cost to the Head Transport for Victoria for the review any changes required in signal linking, signal phasing and time settings.

DTP Notes

- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of a fourth leg to the existing intersection shown on the endorsed plans and all associated works. Please contact the Department of Transport & Planning prior to commencing any works on email MetroExternalProjectsDevelopment@roads.vic.gov.au
- Please contact the Department of Transport & Planning Signal Services Team to implement relevant signal linking and phase time setting changes associated with the Transport Impact Assessment the Functional and Signal Layout Plan to coincide with the signal switch-on to incorporate the fourth leg at the intersection and the one-month signal review.

Department of Energy, Environment, and Climate Action (DEECA) Conditions

43. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
44. The total area of native vegetation proposed to be removed totals 1.254 hectares, comprised of:
- a) 5 patches of native vegetation with a total area of 1.254 hectares (containing 0 large trees).

45. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) the permit holder must secure 1.061 species habitat units for Prickly Arrowgrass *Triglochin mucronata*.
46. Before any native vegetation is removed, evidence that the native vegetation offset required by this permit has been secured must be provided to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Change. This evidence must be one or both of the following:
 - b) a) an established first party offset site, being 40-58 Harcourt Road Altona 3018 (SPI 2012\PP3651), known as Altona Nature Conservation Reserve, in accordance with all conditions contained within the Land Exchange Agreement made under section 12A of the Land Act 1958 between the Minister for Environment & Conservation and Coral Six Pty Ltd dated 17 April 2002, and/or
 - c) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
47. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
48. Prior to the commencement of works, the plans must be modified to show:
 - a) The fence along the eastern boundary amended to be post and rail and aligned with the DELWP Construction Documentation – Fencing Details (dated 11/05/2022).
 - b) The landscaping plan with the following changes made to the landscaping buffer along the eastern boundary of the site:
 - i. The garden beds to contain only tree plantings (no shrubs, groundcovers or mulch).
 - ii. All species selection to be indigenous to the local ecological value class.
49. Prior to commencement of works, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of the Responsible Authority.
50. Prior to the installation of any permanent fixed lighting on the site, an external lighting plan must be submitted and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit.

The plan must be accompanied by a report that demonstrate that the lighting proposed is generally consistent with the National Draft Light Pollution Guidelines for Wildlife and Best Practice Lighting Design. The lighting plan must demonstrate appropriate illumination of the site outside of daylight hours and ensure that there will be no light spill from the subject land into the Laverton Grasslands Flora Reserve.

Permit Expiry

51. The permit as it relates to use and development will expire if one of the following circumstances applies:
- a) the development does not start within two years after the issue of the permit; or
 - b) the development or any stage of it is not completed within four years after the issue of the permit; or

The Responsible Authority may extend the period in which to commence the use or development if a request is made in writing before the permit expires, or within 12 months afterwards where the development was lawfully started before the permit expired.

52. This permit as it relates to the display of signs will expire if one of the following circumstances applies:
- a) the signs hereby permitted are not displayed within two years after the completion of the development; or
 - b) 15 years from the date of this permit.

Planning Permit notes:

- Please complete the Landscaping Bond Return Request Form available on the Hobsons Bay City Council website: www.hobsonsbay.vic.gov.au when the landscaping, as shown on the endorsed plans, has been completed. The form is to be accompanied by photographs of the completed landscaping. Council will undertake a follow up inspection after the six week establishment period to ensure that the landscaping has been properly maintained. This inspection is free of charge, any subsequent inspections required as a result of the landscaping being non-compliant with the planning permit will incur an inspection fee of \$100 per inspection payable prior to the follow up inspection.

APPENDIX 3

Advertised Plans

[PA230666 - Advertised Plans](#)

APPENDIX 4

Industrial Development Design Guidelines

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"> 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</p> <p>The building is appropriately designed to mitigate perception of visual bulk. The eastern and western walls of building 2 however do not include appropriate elements of visual interest to break up the façade and a condition is recommended that these walls be treated to improve their appearance from the adjoining roads. Parking is appropriately located and designed. Setbacks are consistent with the guidelines/SUZ4.</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</p> <p>On-site parking is provided in accordance with Scheme provisions behind landscape buffers.</p>
<p>3.1C - Site Access</p> <p>Objective</p>	<p>Complies</p> <p>All vehicles are able to enter and exit the site in a forwards directions. Site access is</p>

<p>1. To ensure that vehicles can access industrial sites safely and efficiently.</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</p> <p>Loading areas are concealed within the centre of the development.</p>
<p>3.1E - Road Network</p> <p>Objectives</p> <p>1. To ensure that access arrangements to industrial sites accommodate for large vehicles.</p> <p>2. 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>Road design has been addressed by the Department of Transport. The traffic report submitted with the application demonstrates the site is accessible to B-double trucks without impacts on infrastructure or landscaping.</p>
<p>3.1F - Landscaping</p> <p>Objectives</p> <p>1. To encourage open, well landscaped industrial precincts.</p> <p>2. To encourage landscaping that enhances the appearance and amenity of the site and public areas.</p> <p>3. To encourage the use of recycled water to irrigate landscaped areas.</p>	<p>Complies</p> <p>Extensive landscaping is proposed along the road boundaries of the site. The proposed landscaping includes canopy trees and will provide appropriate screening without completely obscuring views to the site.</p>
<p>3.1G - Storage</p> <p>Objectives</p> <p>1. To ensure storage of goods does not lower the appearance and amenity of the area.</p> <p>2. To ensure that sufficient area is allocated for external storage.</p> <p>3. To ensure that storage of goods does not impact upon the quality of stormwater.</p>	<p>Complies</p> <p>No external storage areas are proposed.</p>
<p>3.1H - Container storage</p> <p>Objectives</p>	<p>N/A</p> <p>No container storage is proposed.</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>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. 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>Complies</p> <p>The application was accompanied by an appropriate Waste Management Plan which is recommended to be endorsed as part of the permit.</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</p> <p>An external lighting plan will be required by condition to confirm illumination of the site and avoiding adverse light spill on adjoining roads and property.</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>Complies</p> <p>Boundary fencing is proposed to enclose the entire site for security. The fencing along the internal and eastern boundary is black plastic coated in accordance with the guideline. The street boundary fencing is metal pickets.</p>