

## 5.2 T230127 PA - 30 Bunyip-Modella Road, Bunyip - Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required

**Responsible GM:** Lili Rosic  
**Author:** Ana Neiva

### Recommendation

That Council resolve to Grant a Permit for Planning Permit Application T230127 PA for *Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required* subject to the following conditions:

#### Amended Plans Required

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority 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 must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. The distance between finished floor level and natural ground level clearly dimensioned, on each building elevation.
  - b. A landscape plan in accordance with Condition 2.
  - c. The requirements of Condition 3 (Melbourne Water).

#### Landscape Plan

2. Before the development commences an amended landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority 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 plan must be drawn to scale with dimensions and must be submitted electronically. The plan must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Each individual proposed planting notated to state the species.
  - b. An updated planting schedule to include the total quantity of proposed plantings for each species.

#### Melbourne Water

3. Prior to the endorsement of plans under this Permit, amended plans to the satisfaction of Melbourne Water and the Responsible Authority must be submitted to and approved by Melbourne Water and the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Finished floor levels for the warehouses set no lower than 600mm above the natural surface level, which is 300mm above the applicable flood level.

#### Stormwater Management Plan

4. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

**Layout not Altered**

5. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Bushfire Management**

6. Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance, Ref #B23253/1.0, Dated Mar-2023 must be endorsed by the Responsible Authority. Once endorsed, the plan must not be altered unless agreed to in writing by the CFA and the Responsible Authority.
7. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**Parking and Access**

8. Before the development is occupied all proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
9. Commercial/industrial standard concrete vehicle crossings as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority, including:
  - a. Modifications required to extend the existing crossover to a minimum width of 6.5 metres.
  - b. Driveable end walls incorporated to the satisfaction of the Responsible Authority.
10. Vehicular access is restricted to a maximum vehicle length of 8.8 metres (Medium Rigid Vehicle).
11. The areas set aside for car parking shown on the endorsed plans must be made available for use free to employees and visitors at all times, and must not be used for any other purposes.
12. 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 must not interfere with other traffic.

**Landscaping**

13. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

**Amenity**

15. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
16. The development must not detrimentally affect the amenity of the area, through the:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Appearance of any building, works or materials.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.Or in any other way, to the satisfaction of the Responsible Authority.
17. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
18. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. Equipment, materials, goods or machinery, whether used in the process of industry carried out on the land or not, must not be stored or allowed to remain on any part of the land that is visible to the public from off the subject land.

**Stormwater**

20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

**Earthworks**

22. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
23. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
24. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses.

### Expiry

25. A permit for the development of land expires if-
- the development does not start within two (2) years after the issue of the permit; or
  - the development is not completed within four (4) years after the issue of the permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### Notes:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossings.

### Attachments

- T 230127 PA - Plans [5.2.1 - 7 pages]
- T 230127 PA - Locality Aerial - 30 Bunyip- Modella Road, Bunyip [5.2.2 - 1 page]
- T230127 PA Council Report Permit [5.2.3 - 27 pages]

### Application Details

<b>APPLICATION NO.:</b>	T230127
<b>APPLICANT:</b>	Mr Daniel Spina C/- Southern Planning Consultants
<b>LAND:</b>	V9760 F330 CA 14 SEC 12, 30 Bunyip-Modella Road, Bunyip VIC 3815
<b>PROPOSAL:</b>	Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required
<b>PLANNING CONTROLS:</b>	Clause 33.01 - Industrial 1 Zone Clause 44.04 - Land Subject to Inundation Overlay Clause 44.06 - Bushfire Management Overlay
<b>NOTIFICATION &amp; OBJECTIONS:</b>	<p>The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, by way of sending notices to the owners and occupiers of adjoining land and placing a (1) sign on site.</p> <p>Council has received five (5) objections to date.</p> <p><b>It is noted that this application was incorrectly advertised as the application is exempt from the notice requirements of Section 52(1) (a), (b) and (d) of the Act (See discussion below).</b></p>



<b>KEY PLANNING CONSIDERATIONS:</b>	<ul style="list-style-type: none"> <li>• Response to Industrial 1 Zone</li> <li>• Bunyip Township Strategy</li> <li>• Flood Risk</li> <li>• Bushfire Risk</li> <li>• Appropriateness of car park reduction</li> <li>• Amenity impacts onto neighbouring residential properties.</li> </ul>
<b>REASON FOR MEETING:</b>	Four objections were received.
<b>RECOMMENDATION:</b>	Grant a Permit

### Executive Summary

The purpose of this report is to consider an application to Develop the Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces required. In detail the application involves:

- The land is within the Industrial 1 Zone and is subject to the Land Subject to Inundation Overlay and Bushfire Management Overlay.
- Two Warehouses proposed (located towards the frontage and the rear of the site). Both warehouses are generally similar with regards to design; each is predominantly of a prefabricated concrete 'tilt' panel, design finished in a variety of colours. The dominant wall colour is 'Teahouse' (light grey), with 'Wing Commander' (blue), 'Domino' (dark grey) and 'Black' used to provide feature finishes.
- A total of fifteen (15) car parking spaces are provided on the subject site (inclusive of two accessible spaces), with seven (7) indicatively allocated to Warehouse 1 and eight (8) to Warehouse 2.
- The two warehouses are proposed, the development generates a statutory car parking requirement of 16.03 (16) spaces ( $802.5/100 \times 1.5 + 4 = 16.03$ ). As fifteen spaces are proposed, this application seeks a reduction of one (1) space.
- The application is before Council due to the number of objections received (Five objections received). The key issues that were raised in the objections were:
  - Drainage
  - Increase in Noise & Amenity Impacts
  - Traffic Impacts & Congestion
  - Impacts on Flora & Fauna
  - Overshadowing
  - Loss of Privacy
  - Impacts during Construction
- Despite the above, it is acknowledged the application was advertised pursuant to Section 52 of the *Act* in error. Council was not required or able to give notice of the application under Section 52 of the *Act*, however this erroneously occurred, and five objections were received.

- With the above in mind, where no notice is required to be given, Council is not required to consider an objection or submission it receives as otherwise stated in Section 60(1) (c) of the *Act*, which reads as follows:

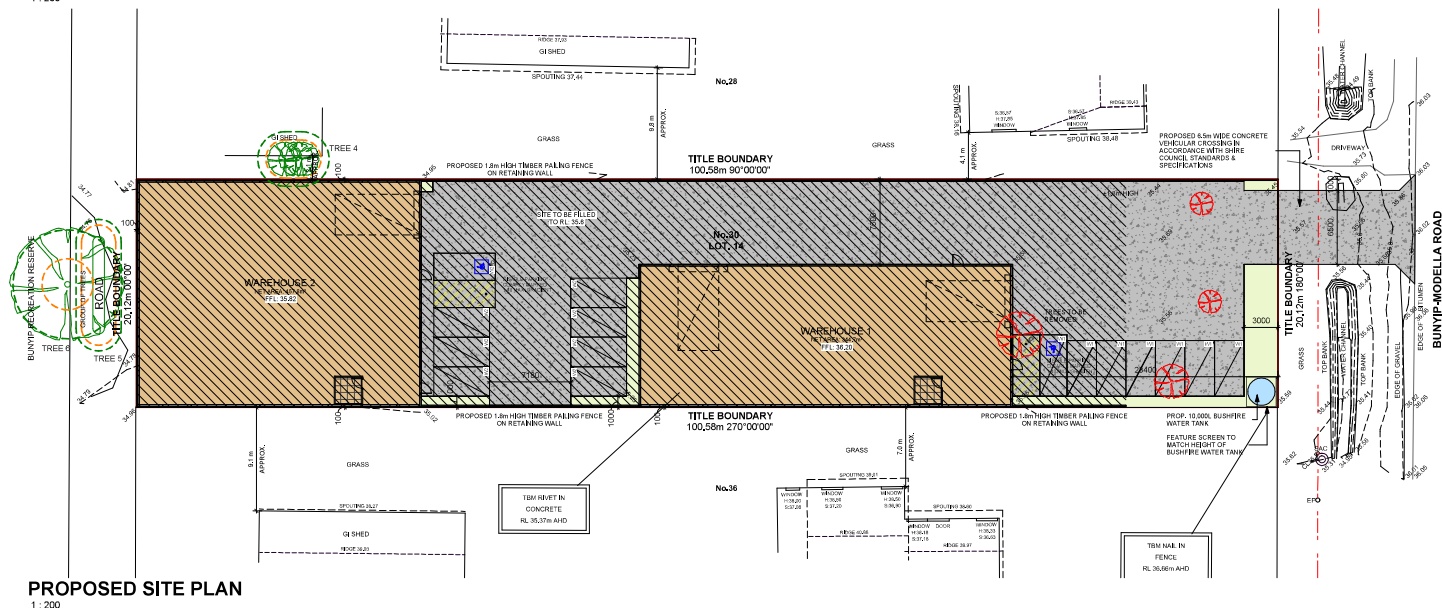
*(1) Before deciding on an application, the responsible authority must consider—...*

*(c) all objections and other submissions which it has received and which have not been withdrawn...'*

Equally, Council cannot issue a Notice of Decision in accordance with Section 64(1), (2) and (3) of the *Act* and consequently, objectors do not have rights of appeal of Council's decision pursuant to Section 82(1) of the *Act*.

- The application was externally referred to Melbourne Water and Country Fire Authority who did not object to the proposal subject to conditions.
- Additionally, the application was referred internally to Engineering, Traffic and Landscape who did not object to the proposal subject to conditions.
- The proposal has been assessed against all relevant provisions of the Cardinia Planning Scheme, the proposed development of two warehouses and associated car parking reduction is considered to represent an acceptable planning outcome with regard to the constraints and nature of the subject site, and characteristics of the surrounding area.

EXISTING SITE PLAN  
1:200



PROPOSED SITE PLAN  
1:200

GENERAL NOTES:

- DO NOT SCALE DIMENSIONS, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED.
- CONSTRUCTION TO BE IN ACCORDANCE WITH THE AUST. STANDARD, STATUTORY AND LOCAL AUTHORITY REGULATIONS.
- ALL WORKS TO BE IN ACCORDANCE WITH THE AUST. STANDARD, STATUTORY AND LOCAL AUTHORITY REGULATIONS.
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND CONTRACT DOCUMENTS INCLUDING SPECIFICATIONS.
- THIS DRAWING IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF THOMAS ANDERSON DESIGN

REV	DATE	TOWN PLANNING	DESCRIPTION
TP1	17/11/23	TOWN PLANNING	INITIAL DESIGN
TP2	20/06/23	TOWN PLANNING	SWITCH PATH (A) ADDED
TP3	20/06/23	TOWN PLANNING	FTY RELOCATED AS PER MELBOURNE WATER
TP4	20/06/23	TOWN PLANNING	ADDITIONAL INFORMATION
TP5	21/07/23	TOWN PLANNING	TOWN PLANNING

DRAWN	CHECKED
MC	MC
MC	MC
MC	MC



Suite 1, 415 McCLELLAND DRIVE  
LANGWARRIN VICTORIA 3910  
T. 03 9788 9700  
e. admin@tadesign.com.au  
www.tadesign.com.au



PROP. WAREHOUSES  
AT: No. 30 (LOT, 14) BUNYIP-MODELLA ROAD, BUNYIP  
FOR: DANIEL SPINA

SCALE @ A1 As indicated	ISSUE DATE 17/11/23	ISSUE TPE	DRAWING NO TP.02
PROJECT NO 22-0194			

PROPOSED GROSS AREA	
WAREHOUSE 1	AREA
WAREHOUSE 2	411.34m²
TOTAL	309.9m²

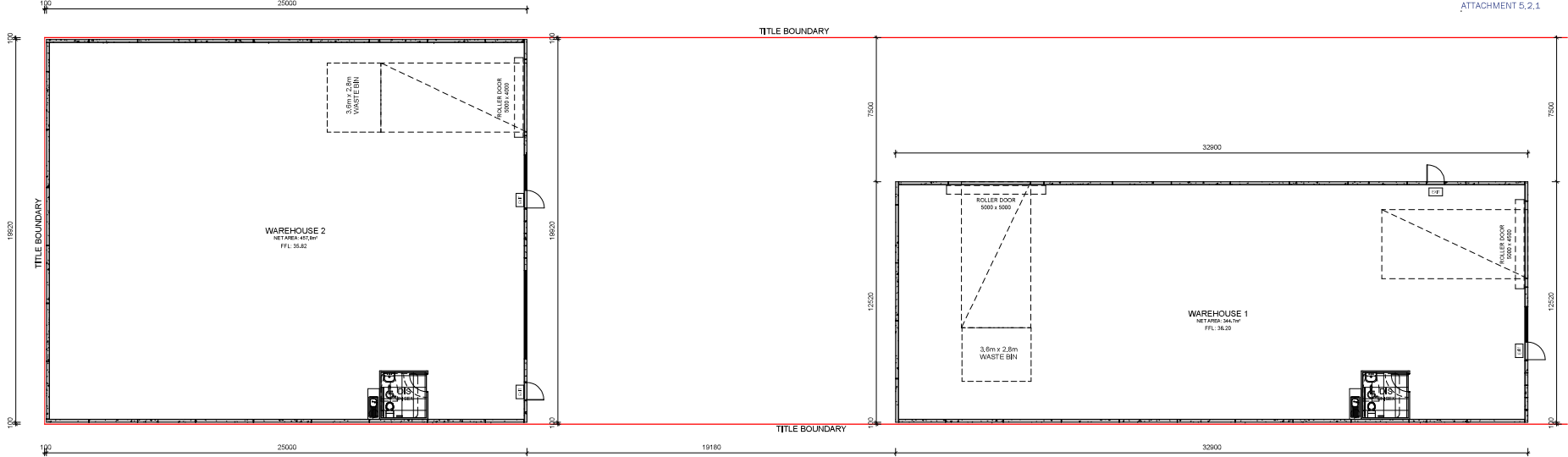
SITE AREA	202.7m²
SITE COVERED BUILDINGS	309.9m²
CANOPYING COVER	309.9m²
SITE COVERAGE RATIO	95.3%
SITE PERMEABILITY RATIO	4.6%

TREE PROTECTION LEGEND

- TP1 REFER ARBORIST REPORT
- TP2 REFER ARBORIST REPORT
- TP3 REFER ARBORIST REPORT

TREE STATISTICS

NO.	TP	STATUS	ENCROACHMENT
TREE 1	TP1	TO BE REMOVED	
	TP2	2.00m (12.57m)	NA
	TP3	1.50m (7.62m)	NA
TREE 2	TP1	TO BE REMOVED	
	TP2	2.00m (12.57m)	NA
	TP3	1.50m (7.62m)	NA
TREE 3	TP1	TO BE REMOVED	
	TP2	1.50m (7.62m)	NA
	TP3	2.00m (12.57m)	NA
TREE 4	TP1	2.40m (25.30m)	2.33m (8.21%)
	TP2	1.80m (13.91m)	0.00m (0.00%)
TREE 5	TP1	2.00m (42.57m)	0.00m (0.00%)
	TP2	1.50m (25.81m)	0.00m (0.00%)
TREE 6	TP1	4.80m (72.39m)	0.00m (0.00%)
	TP2	2.50m (15.91m)	0.00m (0.00%)



PROPOSED WAREHOUSE FLOOR PLANS  
1 : 100

PROPOSED GROSS AREA	
	AREA
WAREHOUSE 1	411.9 m <sup>2</sup>
WAREHOUSE 2	488.5 m <sup>2</sup>
TOTAL	899.9 m <sup>2</sup>

SITE AREA	207.9m <sup>2</sup>
SITE COVER BUILDINGS	899.9m <sup>2</sup> 45.0%
CHAMPIONING COVER	1018.2m <sup>2</sup> 50.0%
SITE COVERAGE RATIO	85.5%
SITE PERMEABILITY RATIO	4.8%



NOTE: SITE FENCE NOT SHOWN FOR CLARITY

GENERAL NOTES:

- DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALES.
- CONSULTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS, THOMAS ANDERSON DESIGN IS NOT RESPONSIBLE FOR ANY DISCREPANCIES.
- ALL WORKS TO BE IN ACCORDANCE WITH THE LOCAL, AUSTRALIAN STANDARDS, STATUTORY AND LOCAL AUTHORITY REGULATIONS.
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND CONTRACT DRAWINGS INCLUDING SPECIFICATIONS.
- THIS DRAWING IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF THOMAS ANDERSON DESIGN

REV	DATE	DESCRIPTION
TPE	17/11/23	TOWN PLANNING PER
TPE	06/09/23	SWITCH PATH (4) ADAMANT ADDED
TPE	20/09/23	FFL ADJUSTED AS PER MELBOURNE WATER
TPE	20/09/23	ADDED INFORMATION
TPE	21/09/23	TOWN PLANNING

DRAWN	CHECKED
MC	MC
MC	MC
MC	MC



Suite 1.415 MCCLELLAND DRIVE  
LANGWARRIN, VICTORIA 3910  
T. 03 9788 8700  
e. admin@tadesign.com.au  
www.tadesign.com.au



PROP. WAREHOUSES  
AT: No. 30 (LOT, 14) BUNYIP-MODELLA ROAD, BUNYIP  
FOR: DANIEL SPINA



SCALE @ A1  
As indicated  
PROJECT NO  
22-0194

ISSUE DATE  
17/11/23  
ISSUE  
TPE

DRAWING NO  
TP.03



30 BUNYIP - MODELLA ROAD,  
BUNYIP

NO.	SHEET NAME
TP.01	COVER SHEET
TP.02	SITE PLANS
TP.03	PROPOSED FLOOR PLAN
TP.04	PROPOSED ELEVATIONS
TP.05	SWEEP PATH DIAGRAMS
TP.06	SWEEP PATH DIAGRAMS



GENERAL NOTES:

- DO NOT SCALE DRAWINGS, MEASURE DIMENSIONS AND PROCEEDENCE OVER SCALES.
- CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS, THOMAS ANDERSON DESIGN IS NOT RESPONSIBLE FOR ANY DISCREPANCIES.
- ALL WORKS TO BE IN ACCORDANCE WITH THE BCA, AUSTRALIAN STANDARDS, STATUTORY AND LOCAL AUTHORITY REGULATIONS.
- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND CONTRACT DOCUMENTS INCLUDING SPECIFICATIONS.
- THESE DRAWINGS BY COPYRIGHT AND SHALL REMAIN THE PROPERTY OF THOMAS ANDERSON DESIGN

REV.	DATE	DESCRIPTION
TP.01	17/11/23	TOWN PLANNING PER
TP.02	20/09/23	SWEEP PATH DIAGRAMS ADDED
TP.03	20/09/23	FTS REJECTED AS PER MELBOURNE WATER
TP.04	20/09/23	ADDED INFORMATION
TP.05	21/09/23	TOWN PLANNING

DRAWN	CHECKED
MC	MC
MC	MC
MC	MC

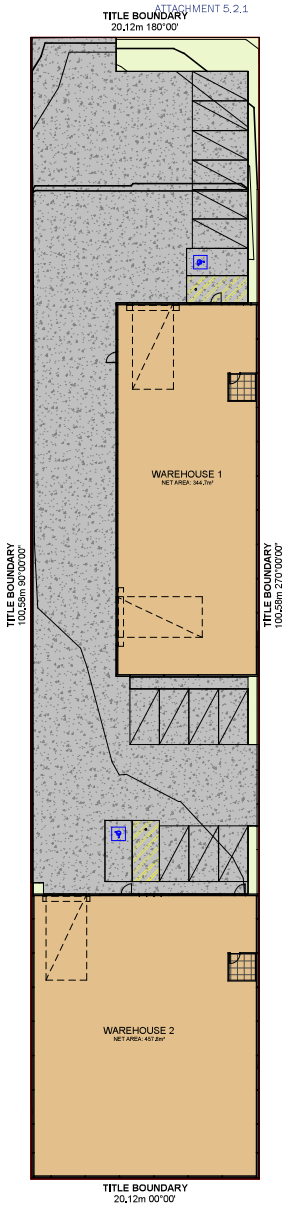
Suite 1, 415 McCLELLAND DRIVE  
LANGWARRIN, VICTORIA 3910  
T. 03 9788 8700  
e. admin@tadesign.com.au  
www.tadesign.com.au

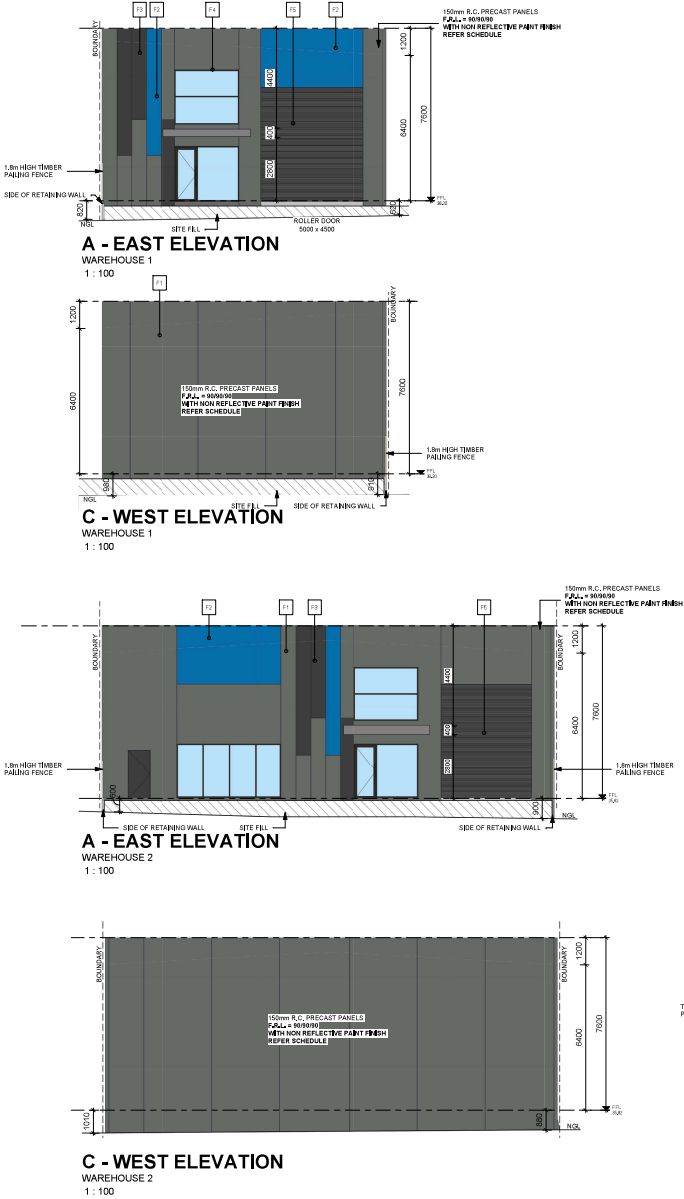


PROP. WAREHOUSES

AT: No. 30 (LOT, 14) BUNYIP-MODELLA ROAD, BUNYIP  
FOR: DANIEL SPINA

SCALE @ A1 1 : 200	ISSUE DATE 17/11/23	DRAWING NO TP.01
PROJECT NO 22-0194	ISSUE TPE	





GENERAL NOTES:  
- DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED.  
- CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS, THOMAS ANDERSON DESIGN IS NOT RESPONSIBLE FOR ANY DISCREPANCIES.  
- ALL WORKS TO BE IN ACCORDANCE WITH THE NCA, AUSTRALIAN STANDARD, STATUTORY AND LOCAL AUTHORITY REGULATIONS.  
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND CONTRACT DOCUMENTS INCLUDING SPECIFICATIONS.  
- THIS DRAWING IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF THOMAS ANDERSON DESIGN

REV	DATE	DESCRIPTION	DRAWN	CHECKED
TPE	17/11/23	TOWN PLANNING P1	ME	ME
TPE	20/09/23	SWATHY PATH (ADAM) ADDED	ME	ME
TPE	20/09/23	FTLY ADJUSTED AS PER MELBOURNE WATER	ME	ME
TPE	20/09/23	ADDED INFORMATION	ME	ME
TPE	21/02/23	TOWN PLANNING	ME	ME

Suite 1, 415 MCCLELLAND DRIVE  
LANGWARRIN, VICTORIA 3910  
T. 03 9788 8700  
e. admin@tadesign.com.au  
www.tadesign.com.au



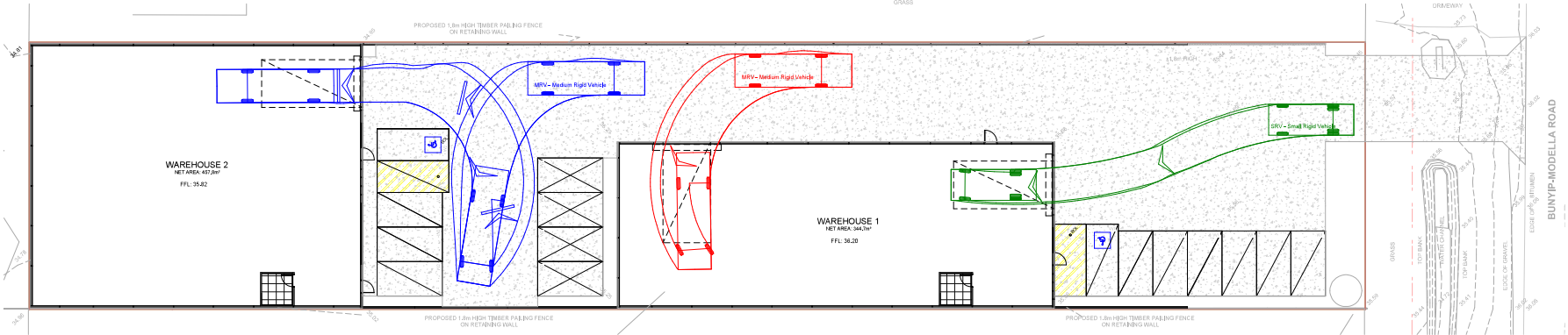
PROP. WAREHOUSES  
AT: No. 30 (LOT, 14) BUNYIP-MODELLA ROAD, BUNYIP  
FOR: DANIEL SPINA

SCALE @ A1 1 : 100	ISSUE DATE 17/11/23	DRAWING NO TP.04
PROJECT NO 22-0194	ISSUE TPE	

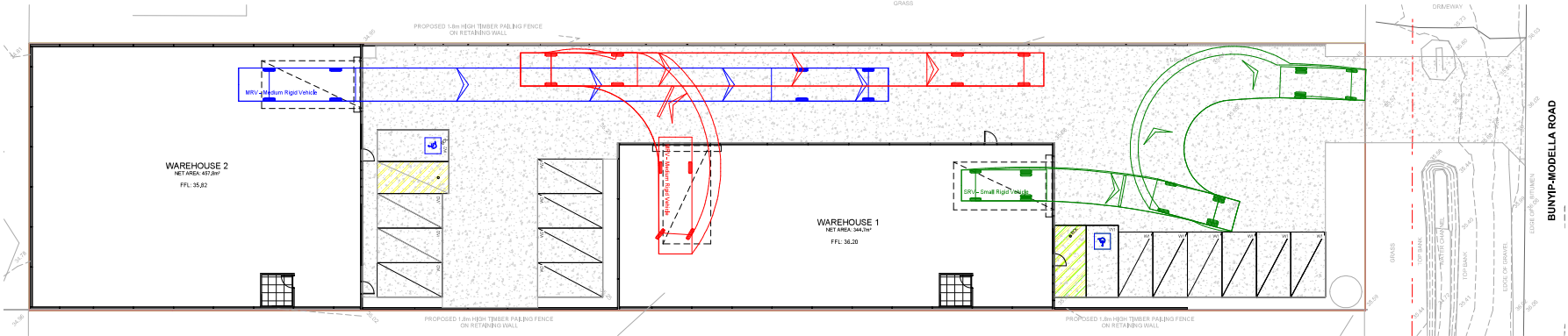
FINISHES SCHEDULE

MARK	FINISH	
F1	PRECAST PANEL FINISHED IN DULUX COLOUR 'TEAHOUSE' OR SIMILAR	
F2	PRECAST PANEL FINISHED IN DULUX COLOUR 'WING COMMANDER' OR SIMILAR	
F3	PRECAST PANEL FINISHED IN DULUX COLOUR 'DOMINO' OR SIMILAR	
F4	ALUMINUM FRAMED DOORS & WINDOWS FINISHED IN DULUX COLOUR 'BLACK' OR SIMILAR	
F5	ROLLER DOORS FINISHED IN DULUX COLOUR 'DOMINO' OR SIMILAR	





SWEPT PATH DIAGRAMS ENTRY  
SRV & MRV SWEEP PATHS  
1 : 150



SWEPT PATH DIAGRAMS EXIT  
SRV & MRV SWEEP PATHS  
1 : 150

GENERAL NOTES:  
- DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALES.  
- CONSULTATION TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS, THOMAS ANDERSON DESIGNER TO BE INFORMED OF ANY DISCREPANCIES.  
- ALL WORKS TO BE IN ACCORDANCE WITH THE RICA, AUSTRALIAN STANDARD, STATUTORY AND LOCAL AUTHORITY REGULATIONS.  
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND CONTRACT DRAWINGS INCLUDING PRELIMINARY.  
- THIS DRAWING IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF THOMAS ANDERSON DESIGN

REV	DATE	TOWN PLANNING	DESCRIPTION
TPE	17/11/23	TP	SWEEP PATH (4 DRAWING) ADDED

DRAWN	CHECKED
ME	ME

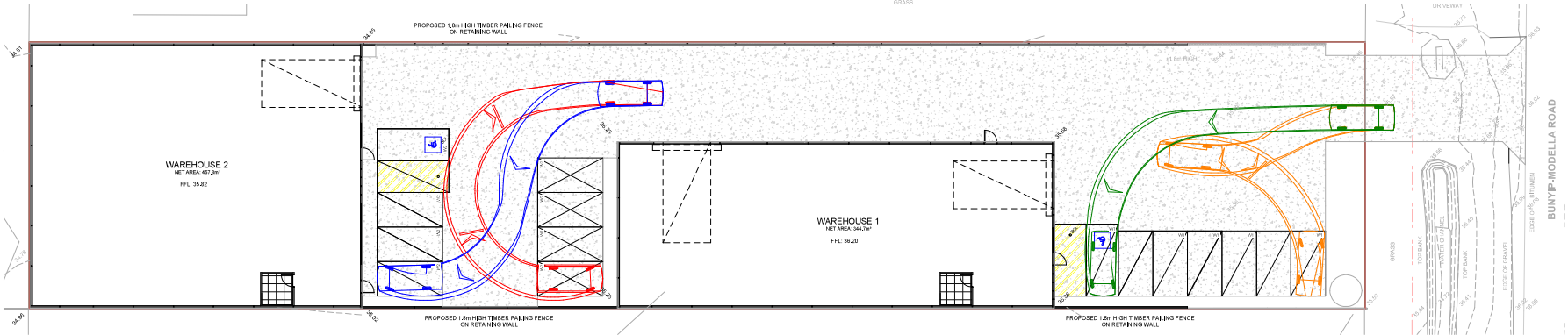


Suite 1, 415 McClelland Drive  
Langwarrin, Victoria 3910  
T. 03 9788 8700  
e. admin@tadesign.com.au  
www.tadesign.com.au

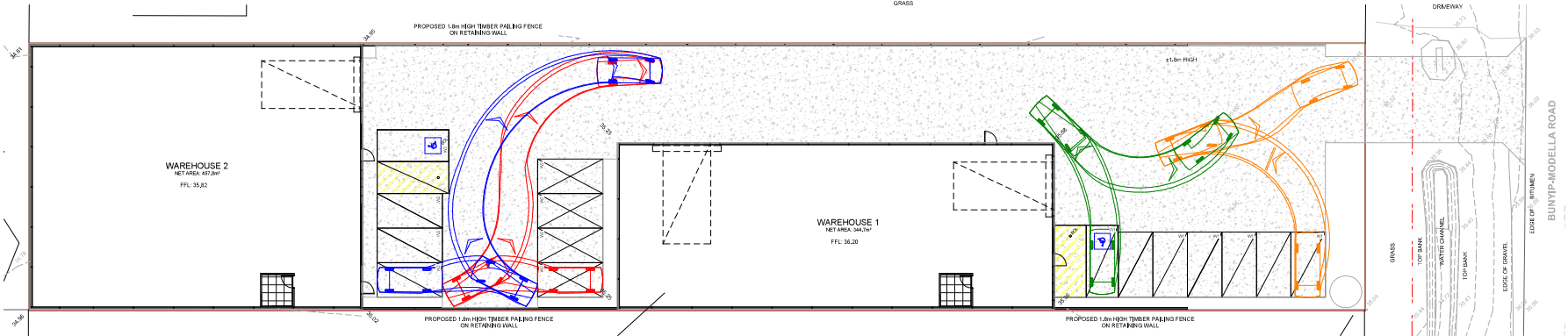


PROP. WAREHOUSES  
AT: No. 30 (LOT, 14) BUNYIP-MODELLA ROAD, BUNYIP  
FOR: DANIEL SPINA

SCALE @ A1 1 : 150	ISSUE DATE 17/11/23	DRAWING NO TP.05
PROJECT NO 22-0194	ISSUE TPE	



SWEPT PATH DIAGRAMS ENTRY  
B85 SWEEP PATHS  
1 : 150



SWEPT PATH DIAGRAMS EXIT  
B85 SWEEP PATHS  
1 : 150

GENERAL NOTES:  
- DO NOT SCALE DRAWINGS, WITNESS DIMENSIONS TAKE PRECEDENCE OVER SCALES.  
- CONSULTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS. THOMAS ANDERSON DESIGN IS NOT RESPONSIBLE FOR ANY DISCREPANCIES.  
- ALL WORKS TO BE IN ACCORDANCE WITH THE REA, AUSTRALIAN STANDARDS, STATUTORY AND LOCAL AUTHORITY REGULATIONS.  
- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND CONTRACT DRAWINGS INCLUDING SPECIFICATIONS.  
- THIS DRAWING IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF THOMAS ANDERSON DESIGN

REV	DATE	DESCRIPTION
TPE	17/11/23	TOWN PLANNING PER
TPS	06/05/23	SWEEP PATH DIAGRAMS ADDED

DRAWN	CHECKED
ME	ME



Suite 1, 415 McCLELLAND DRIVE  
LANGWARRIN, VICTORIA 3910  
T. 03 9788 8700  
e. admin@tadesign.com.au  
www.tadesign.com.au



PROP. WAREHOUSES  
AT: No. 30 (LOT, 14) BUNYIP-MODELLA ROAD, BUNYIP  
FOR: DANIEL SPINA

SCALE @ A1 1 : 150	ISSUE DATE 17/11/23	DRAWING NO TP.06
PROJECT NO 22-0194	ISSUE TPE	

30 BUNYIP-MODELLA ROAD, BUNYIP

PLANTING PALETTE



*Allocasuarina littoralis*  
BLACK SHE-OAK



*Chrysoscephalum apiculatum*  
COMMON EVERLASTING



*Correa alba*  
WHITE CORREA



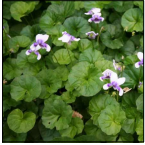
*Correa reflexa*  
COMMON CORREA



*Fuchsia nodosa*  
KNOBBY CLUB-SEDGE



*Poa maritima*  
SOFT TUSSOCK GRASS



*Viola hederacea*  
NATIVE VIOLET




*Syzygium australe*  
'BUSH CHRISTMAS'


PLANTING SCHEME

TREES			
CODE	BOTANIC NAME	COMMON NAME	H W
AL	<i>Allocasuarina littoralis</i>	BLACK SHE-OAK	8.00 4.00
EL	<i>Eucalyptus leucocylon 'Rosea'</i>	YELLOW GUM	7.00 3.00
GROUND COVERS, SHRUBS & GRASSES			
CODE	BOTANIC NAME	COMMON NAME	H W
CH	<i>Chrysoscephalum apiculatum</i>	COMMON EVERLASTING	0.30 1.00
DR	<i>Dichondra repens</i>	KIDNEY WEED	0.30 1.50
FN	<i>Fuchsia nodosa</i>	KNOBBY CLUB-SEDGE	1.00 0.80
KP	<i>Kennedia prostrata</i>	RUNNING POSTMAN	0.20 1.50
PM	<i>Poa maritima</i>	SOFT TUSSOCK GRASS	0.30 0.50
VH	<i>Viola hederacea</i>	NATIVE VIOLET	0.15 0.50
SHRUBS			
CODE	BOTANIC NAME	COMMON NAME	H W
CA	<i>Correa alba</i>	WHITE CORREA	1.50 1.50
CR	<i>Correa reflexa</i>	COMMON CORREA	1.50 1.50
GO	<i>Gardenia ovata</i>	HOP GARDENIA	1.50 2.00
SY	<i>Syzygium australe</i>	'BUSH CHRISTMAS'	2.00 1.50


LEGEND




EXISTING TREE TO BE RETAINED




EXISTING TREE TO BE REMOVED




PROPOSED TREE




PROPOSED SHRUB



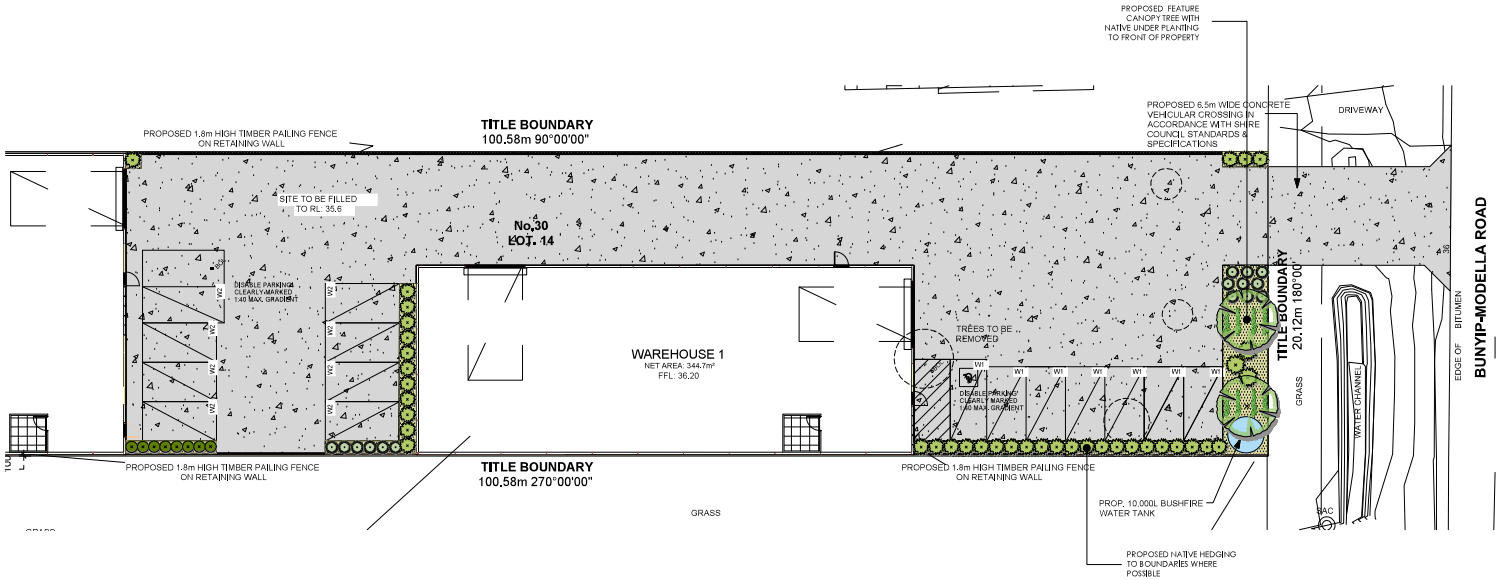
PROPOSED TUFTING SHRUB,  
CLIMBER OR GROUND COVER



MULCHED GARDEN BED



CONCRETE DRIVEWAY



30 BUNYIP-MODELLA ROAD, BUNYIP  
JUNE 2023  
22-0194 A1 SHEET 1 OF 1

© THE DRAWING IS PROTECTED BY COPYRIGHT  
& REMAINS THE PROPERTY OF GENUS  
LANDSCAPE ARCHITECTS. THESE DRAWINGS  
ARE TO BE USED SOLELY FOR THE PURPOSE  
NOMINATED IN THE DRAWING TITLE & ARE NOT  
TO BE USED FOR ANY OTHER APPLICATION TO  
THE CONTRARY OR FOR ANY PURPOSE UNLESS  
SPECIFICALLY APPROVED IN WRITING BY THE  
LANDSCAPE ARCHITECT.



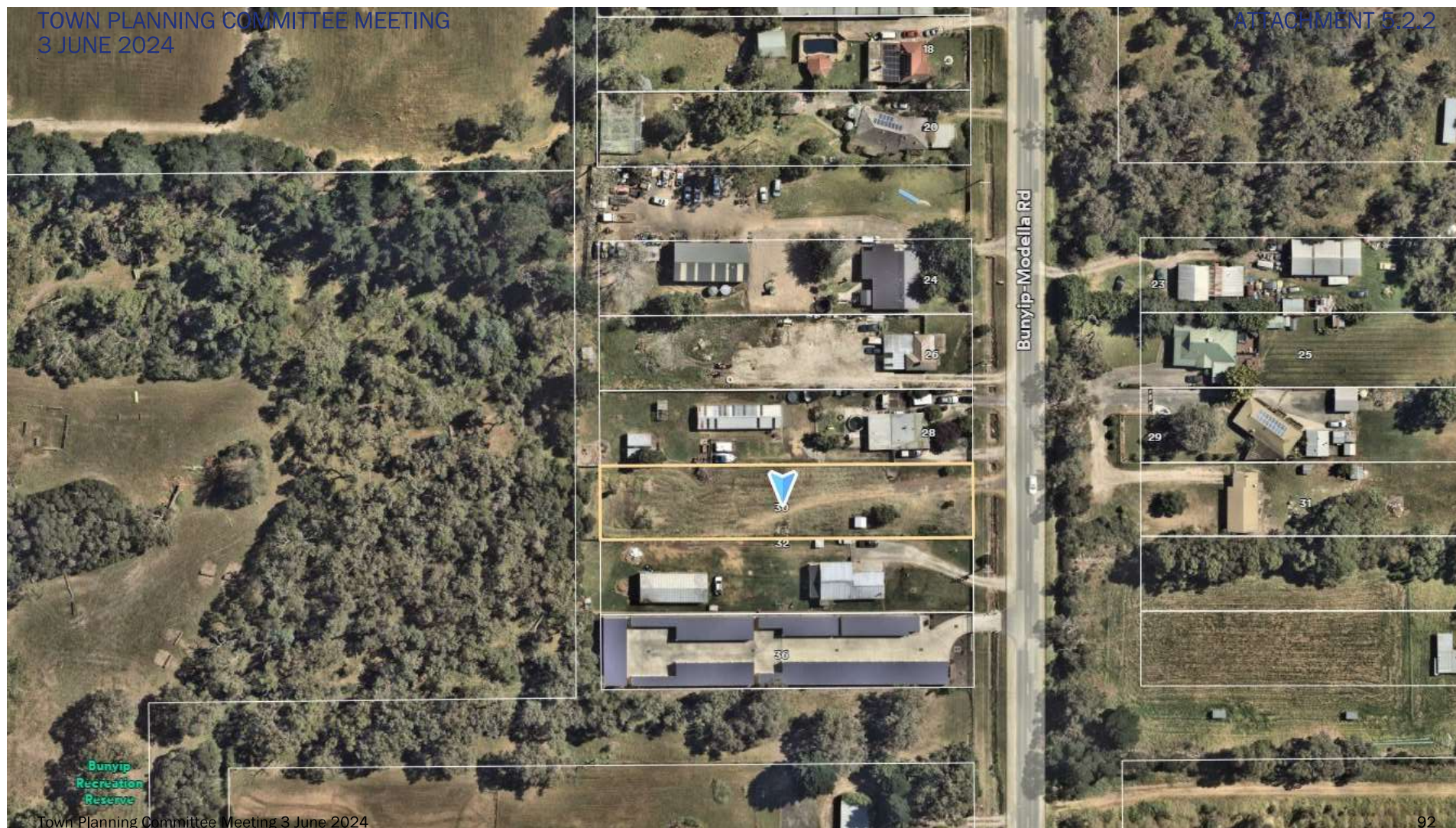
CONCEPT PLAN ONLY  
NOT TO BE USED AS WORKING DRAWING

LANDSCAPE CONCEPT 1:150



415 McCLELLAND DRIVE  
LANGWARRIN, VIC 3910  
t:03 9788 8724 f:03 9788 8799  
e:info@genusla.com.au  
w:www.genusla.com.au





APPLICATION FOR CONSIDERATION  
PLANNING PERMIT  
OFFICER REPORT



**Application Details:**

<b>Proposal</b>	Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required		
<b>Applicant</b>	Mr Daniel Spina C/- Southern Planning Consultants		
<b>Date Received:</b>	23 March 2023		
<b>Statutory Days:</b>	254 (as of 8 April 2024)		
<b>Section 50/50A/57A Amendment</b>	<input checked="" type="checkbox"/> <b>None</b>	<input type="checkbox"/> Yes	
<b>Application Number</b>	T230127		
<b>Planner</b>	Ana Neiva		
<b>Land/Address</b>	V9760 F330 CA 14 SEC 12, 30 Bunyip-Modella Road, Bunyip VIC 3815		
<b>Property No.</b>	5000024016		
<b>Zoning</b>	<ul style="list-style-type: none"> <li>Industrial 1 Zone - Schedule</li> </ul>		
<b>Overlay/s</b>	<ul style="list-style-type: none"> <li>Bushfire Management Overlay</li> <li>Land Subject to Inundation Overlay - Schedule</li> </ul>		
<b>Permit Trigger(s)</b>	<ul style="list-style-type: none"> <li>Pursuant to Clause 33.01-4 (Industrial 1 Zone) a Permit is required to construct a building or construct or carry out works.</li> <li>Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) a Permit is required to construct a building or construct or carry out works.</li> <li>Pursuant to Clause 44.06-2 (Bushfire Management Overlay) a Permit is required to construct a building or construct or carry out works associated with use of land for a 'Warehouse'.</li> <li>Pursuant to Clause 52.06-3 (Car Parking) a Permit is required to reduce the number of car parking spaces required under Clause 52.06-5.</li> </ul>		
<b>Aboriginal Cultural Sensitivity</b>	<input checked="" type="checkbox"/> <b>No</b>	<input type="checkbox"/> Yes; a CHMP is: <input type="checkbox"/> Not required <input type="checkbox"/> Required	
<b>Section 55 Referrals</b>	<input type="checkbox"/> None	<input checked="" type="checkbox"/> <b>Yes, list below:</b> <ul style="list-style-type: none"> <li>Country Fire Authority</li> <li>Melbourne Water</li> </ul>	
<b>Registered restrictions on Title</b>	<input checked="" type="checkbox"/> <b>None</b>	<input type="checkbox"/> Yes, list below:	



<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Issue a Planning Permit</b>	
<b>Ward Councillor communications</b>	<input checked="" type="checkbox"/> <b>None</b>	<input type="checkbox"/> Yes
<b>Documents relied on</b>	<ul style="list-style-type: none"> <li>▪ Development Plans prepared by Thomas Anderson Design</li> <li>▪ Town Planning Submission prepared by Southern Planning Consultants</li> <li>▪ Arborist Report prepared by David Bushell Arboricultural Consultancy</li> <li>▪ Bushfire Management Statement prepared by Keystone Alliance</li> <li>▪ Title Documents</li> </ul>	
<b>Full plans and documents</b>	<a href="#">T230127 PA - Decision Documents.pdf</a>	
<b>Plans to be endorsed?</b>	<input type="checkbox"/> Yes	
	<input checked="" type="checkbox"/> <b>No, amended plans required</b>	

## Proposal

The applicant has proposed the Development of two (2) warehouses on the subject site, as well as an associated reduction in the number of car parking spaces required.

### Building and Works

Warehouse 1 is located towards the frontage (east) of the site, and measures 344.7 square metres in area. Warehouse 1 is to be setback 23.4 metres from the front (eastern) title boundary, 7.5 metres from the northern (side) boundary, approximately 44.4 metres from the rear (western) boundary and is to be built to the side (southern) boundary. Seven (7) car parking spaces are designated to be associated with Warehouse 1 and are located within the front setback.

The maximum height of Warehouse 1 is to be 8.51 metres above natural ground level (NGL) on the south elevation. The site is to be filled approximately 600-900mm (across the site) to comply with flood level requirements. Vehicular access to Warehouse 1 is provided via two roller doors, one on the front (east elevation) and one on the side (north elevation), each measuring five metres in height and five metres in width. Internally, Warehouse 1 features a unisex toilet/bathroom, as well as a small 'kitchenette', two loading bays (each measuring 7.5 metres in length and 3.6 metres in width), as well as a waste storage area approximately 10 square metres in area.

Warehouse 2 is located to the rear (west) of the site, and is comparatively larger, measuring 457.8 square metres in area. Warehouse 2 is built to boundary (on the north, west and south boundaries), and is set back approximately 75.8 metres from the front (eastern) title boundary. Eight (8) car parking spaces are designated to be associated with Warehouse 2 and are located to the west of Warehouse 2 (between the two warehouses). Vehicular access to Warehouse two is provided via a single roller door on the front (east) elevation, measure five metres by five metres. Pedestrian access is provided by two doors, also on the east elevation. Internally, Warehouse 2 also features a unisex toilet/bathroom, as well as a small 'kitchenette', one loading bay (measuring 7.5 metres in length and 3.6 metres in width), as well as a waste storage area approximately 10 square metres in area.

Both warehouses are generally similar with regards to design; each is predominantly of a pre-fabricated concrete 'tilt' panel, design finished in a variety of colours. The dominant wall colour is 'Teahouse' (light grey), with 'Wing Commander' (blue), 'Domino' (dark grey) and 'Black' used to provide feature finishes. Both warehouses feature large windows on the front (east) elevations, as well as projecting 'awnings' covering the main pedestrian entrance.



Across the broader site, the majority is to be hardstand concrete areas, dominated by a 7.5 metre wide accessway running the length of the northern (side) title boundary. A three metre wide landscaping area is provided along the site frontage, as well as along portions of the southern boundary and to the west of Warehouse 1. A landscape plan has been submitted with the application, which includes planting across all areas of the subject site. Two canopy trees are proposed to be planted along the front (eastern) title boundary, as well as native hedging along the southern boundary and to the west of Warehouse 1. Two small landscaping areas are proposed along the northern boundary. Specific quantities of plantings are not known, with this to be required by Permit Condition.

Access to the site is provided via a single 6.5 metre wide crossover, in the north-eastern corner of the lot. A 10,000 litre firefighting water tank is located in the south-eastern corner.

As mentioned above, the net floor area of both warehouses totals 802.5 square metres.

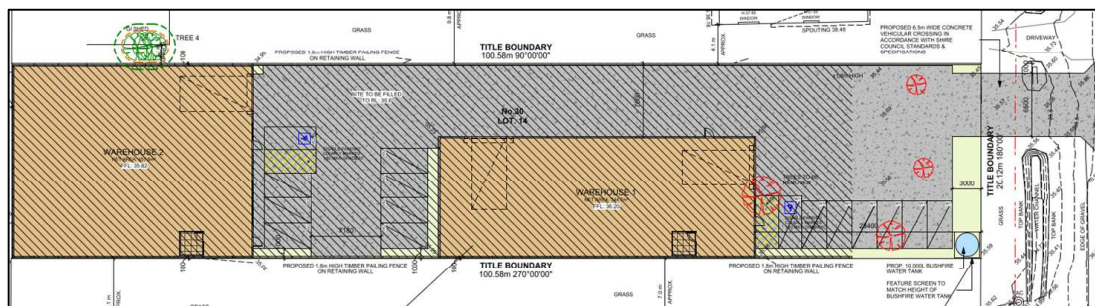


Figure 1: Site Plan

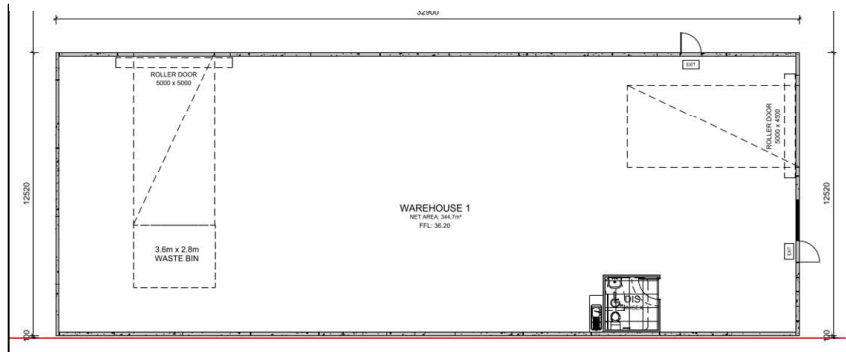


Figure 2: Warehouse 1 Floor Plan

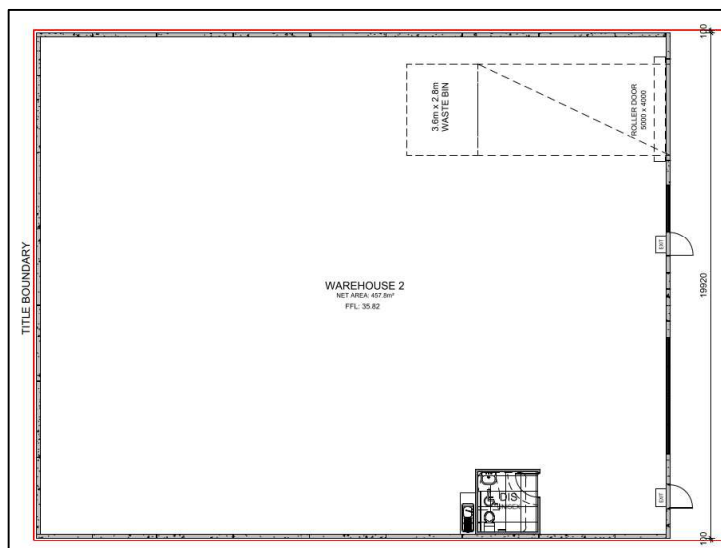


Figure 3: Warehouse 2 Floor Plan

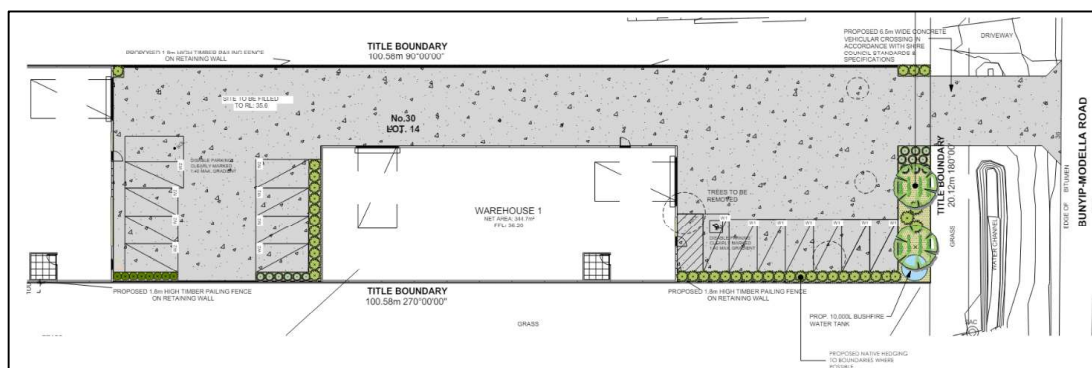


Figure 4: Submitted Landscape Plan

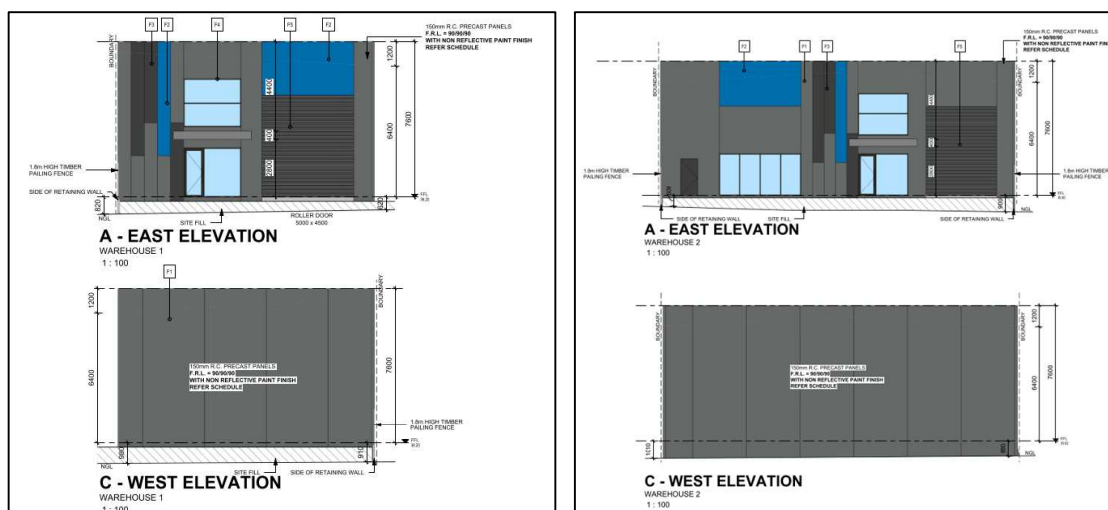
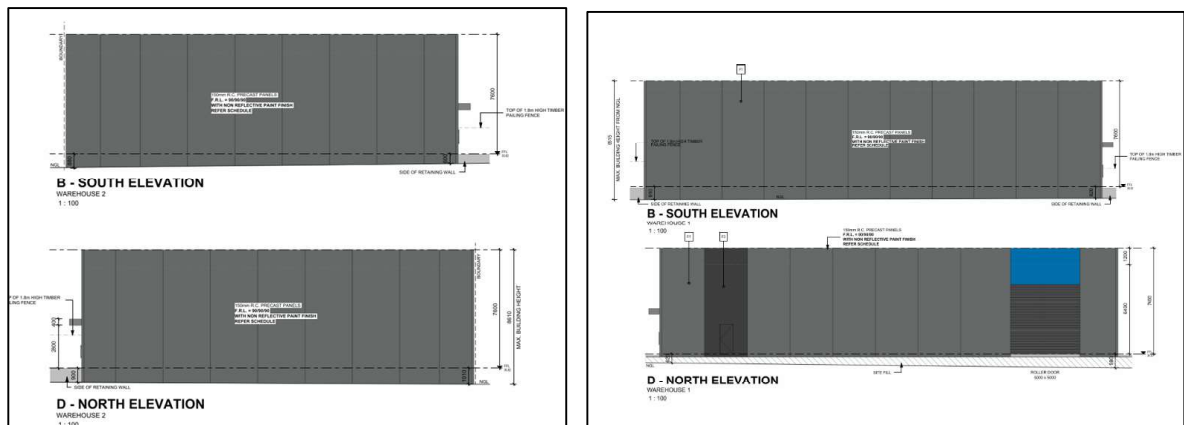


Figure 5: East & West Elevations (Warehouse 1 Left, Warehouse 2 Right)



*Figure 6: Warehouse 1 and 2 Elevations*

### Car Parking

The remaining portions of the site are devoted to car parking spaces, as well as internal accessways. A total of fifteen (15) car parking spaces are provided on the subject site (inclusive of two accessible spaces), with seven (7) indicatively allocated to Warehouse 1 and eight (8) to Warehouse 2. The development generates a statutory car parking requirement of 16.03 (16) spaces ( $802.5/100 \times 1.5 + 4 = 16.03$ ).

As fifteen spaces are proposed, this application seeks a reduction of one (1) space.

### Subject site & locality

An inspection of the site and the surrounding area has been undertaken. The subject site is located on the western side of Bunyip-Modella Road, Bunyip and measures approximately 2,036 square metres in area. It is generally rectangular in shape. It is currently vacant, excluding a small (10 square metre) storage shed adjacent to the southern boundary.

The site is approximately 550 metres south-west of the commercial core of the Bunyip township.

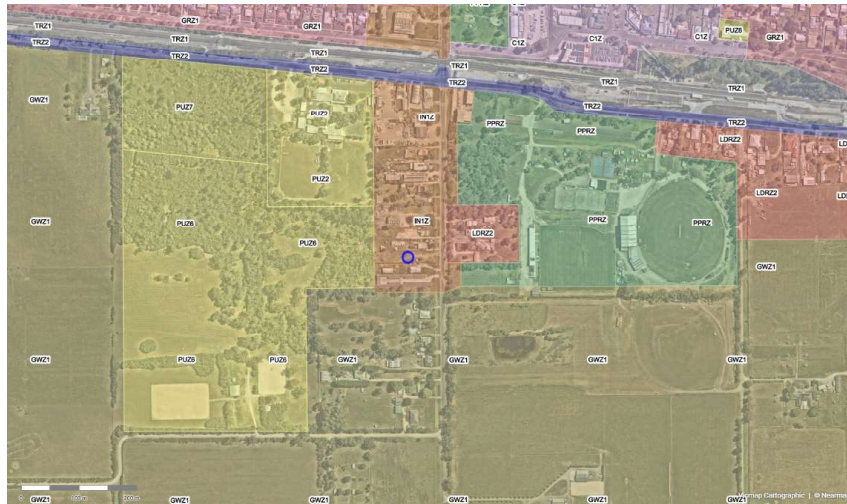
The site is currently accessed via an unmade rural crossover in the north-east corner and is not burdened by any easements. It is generally flat and clear of vegetation, excluding approximately four trees (which are to be removed). The site is located within the Bunyip Local Industrial Precinct (LIP), as designated in the Melbourne Industrial and Commercial Land Use Plan (MICALUP, DELWP 2020).

Notwithstanding this, a number of 'legacy' dwellings remain on the western side Bunyip-Modella Road, despite the land being zoned Industrial 1. There is however a mixture of established and newly constructed industrial premises within the precinct. To the west of the site is a large Public Use Zone (PUZ6 – Local Government), and further east is a large parcel of land zoned Public Park Recreation Zone, containing a number of sporting facilities.

Further south of the subject site is land zoned Green Wedge, used for a variety of purposes including grazing and rural-residential development.

Lots directly adjoining the subject site are developed as follows:

- **North:** 28 Bunyip-Modella Road, Bunyip. Developed with a dwelling and a number of large outbuildings.
- **South:** 32 Bunyip-Modella Road, Bunyip. Developed with a dwelling and large outbuilding.
- **East:** Bunyip-Modella Road. Further east are a number of comparatively sized properties, albeit within the Low Density Residential Zone and used for residential purposes.
- **West:** Unmade Government Road reserve. Further west is a large parcel of land zoned PUZ6.



*Figure 8: Surrounding Zoning (Subject Site Blue Circle)*

---

## Permit/Site History

There is no recent Planning Permit history for the subject site.

---

## Planning Scheme Provisions

### Zones & Overlays

The land is within the Industrial 1 Zone – Schedule and is subject to the Land Subject to Inundation Overlay – Schedule and Bushfire Management Overlay.

### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 13.02 – Bushfire
- Clause 13.03 – Floodplains
- Clause 13.05-1S– Noise Management
- Clause 13.06-1S –Air Quality Management
- Clause 13.07 – Amenity, Human Health and Safety
- Clause 15.01 – Built Environment
  - Clause 15.01-1S & 1R – Urban Design
  - Clause 15.01-2S – Building Design
  - Clause 15.01-6S – Design for Rural Areas
- Clause 17.03 – Industry
  - Clause 17.03-1S – Industrial Land Supply
  - Clause 17.03-3S – State Significant Industrial Land
- Clause 18.02-4S – Roads

### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-1 – Catchment and Coastal Management
- Clause 21.02-4 – Bushfire Management
- Clause 21.03-4 – Rural Townships
- Clause 21.08-3 – Bunyip
- Clause 21.04-4 – Industry
- Clause 21.05-3 – Local Roads
- Clause 21.06-1 – Urban Design

### **Relevant Particular/General Provisions and relevant incorporated or reference documents**

The relevant provisions/documents are:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 53.02 – Bushfire Planning
- Clause 53.10 – Uses and Activities with Potential Adverse Amenity Impacts
- Clause 65 – Decision Guidelines
- Clause 66 – Referral and Notice Provisions
- *Background Document - Design Guidelines for Industrial Development (Cardinia Shire Council, December 2000)*
- *Background Document - Melbourne Industrial and Commercial Land Use Plan (Department of Environment, Land, Water and Planning, 2020).*
- *Incorporated Document – Bunyip Township Strategy (September 2009)*

---

### **Planning Permit Triggers**

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-4 (Industrial 1 Zone) a Permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) a Permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.06-2 (Bushfire Management Overlay) a Permit is required to construct a building or construct or carry out works associated with use of land for a 'Warehouse'.
- Pursuant to Clause 52.06-3 (Car Parking) a Permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

---

## Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing 1 sign on site.

The notification has been carried out and the statutory declaration has been submitted to Council on 5 March 2024.

Council has received five (5) objections to date. It is acknowledged two (2) objectors submitted two objections for a total of seven (7), however from five (5) persons.

The key issues that were raised in the objections were:

- Drainage
- Increase in Noise & Amenity Impacts
- Traffic Impacts & Congestion
- Impacts on Flora & Fauna
- Overshadowing
- Loss of Privacy
- Impacts during Construction

Despite the above, it is acknowledged the application was advertised pursuant to Section 52 of the *Act* in error. Clause 33.01-4 (Industrial 1 Zone – Buildings and Works) states that:

*‘An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre’.*

As discussed above, a Permit is required for the proposal under the following provisions of the Scheme:

- Pursuant to Clause 33.01-4 (Industrial 1 Zone) a Permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay) a Permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.06-2 (Bushfire Management Overlay) a Permit is required to construct a building or construct or carry out works associated with use of land for a ‘Warehouse’.
- Pursuant to Clause 52.06-3 (Car Parking) a Permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Council gave notice under the understanding the subject site did not meet the notice exemption within Clause 33.01-4 (Industrial 1 Zone), as the land appeared to be within 30 metres (approx. 19.6 metres) of land in a residential zone (to the east) as shown in Figure 11 below.



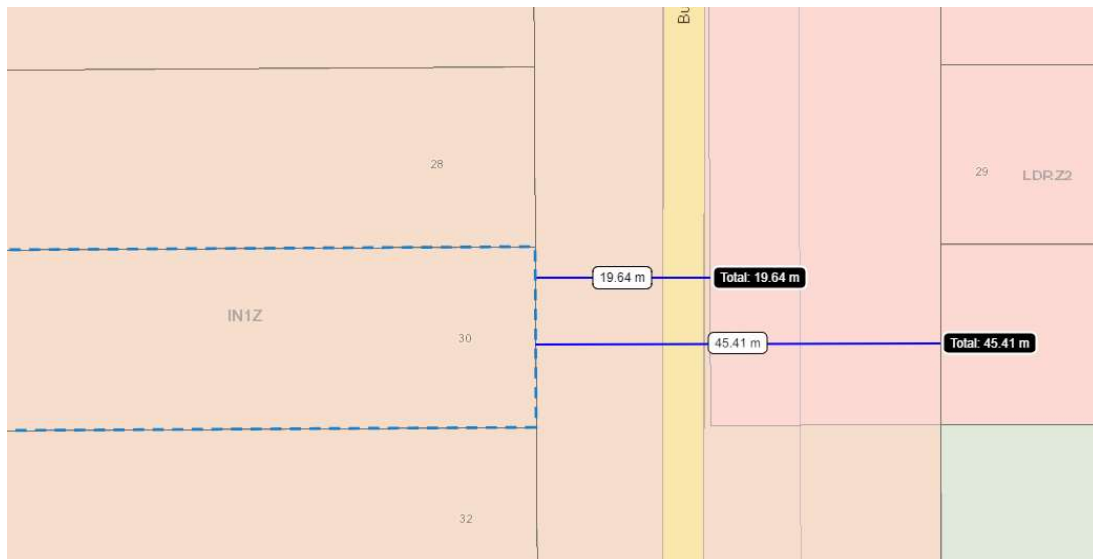


Figure 11: Distances to Residentially Zoned Land

However, as stated in Clause 33.01-4 (Industrial 1 Zone), land in a residential zone cannot comprise a road. Therefore, the shortest distance from the subject site to land (that is not a road) in a residential zone is approximately 45.4 metres to the east (31 Bunyip-Modella Road, Bunyip). As such, it is considered the exemption within Clause 33.01-4 (Industrial 1 Zone) is met, and Council was not required (or able to give notice) of the application as made under Clause 33.01 (Industrial 1 Zone). Notably, Clause 44.04-6 (Land Subject to Inundation Overlay) and Clause 44.06-7 (Bushfire Management Overlay) also exempt an application made under these overlays from the notice requirements of Section 52(1) (a), (b) and (d) of the *Act*. Finally, an application made under Clause 52.06-4 (Car Parking) is similarly exempt from the notice requirements of Section 52(1) (a), (b) and (d) of the *Act*, provided:

*'the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act'.*

As this is the case in this application, Council was not required or able to give notice of the application under Section 52 of the *Act*, however this erroneously occurred, and five objections were received. With this in mind, where no notice is required to be given, Council is not required to consider an objection or submission it receives as otherwise stated in Section 60(1) (c) of the *Act*, which reads as follows:

*'(1) Before deciding on an application, the responsible authority must consider—...*

*(c) all objections and other submissions which it has received and which have not been withdrawn...'*

Equally, Council cannot issue a Notice of Decision in accordance with Section 64(1), (2) and (3) of the *Act* and consequently, objectors do not have rights of appeal of Council's decision pursuant to Section 82(1) of the *Act*.

## Referrals

### External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	<a href="#">Melbourne Water</a>	No Objection (Subject to Conditions)
	<a href="#">Department of Energy, Environment and Climate Action (DEECA)</a>	No Objection
	<a href="#">Country Fire Authority</a>	No Objection (Subject to Conditions)
Section 52 Notices	N/A	N/A

### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
<a href="#">Engineering</a>	No Objection (Subject to Conditions)
<a href="#">Traffic</a>	No Objection (Subject to Conditions)
<a href="#">Landscape</a>	No Objection (Subject to Conditions)

## Assessment

### Planning Policy Framework & Local Planning Policy Framework

The proposal is consistent with the objectives of the PPF and LPPF. While the site is subject to the Bushfire Management Overlay, the proposal is not expected to increase the risk to human life from bushfire due to the nature of the proposal (Cl. 13.02 & Cl. 21.02-4). Further to this, and as discussed below, the proposal represents a positive response to Clause 44.06 (Bushfire Management Overlay) and satisfies the relevant objectives of Clause 53.02 (Bushfire Planning).

Similarly, the entirety of the site is affected by the Land Subject to Inundation Overlay. The proposed development is not considered likely to intensify impacts of flooding in the area due to the characteristics of the development, primarily that the land is to be filled to a height above the applicable 1% AEP flood level (Cl. 13.03 & Cl. 21.03-1). Further discussion regarding floodplain management is provided in the LSIO assessment section (below).

This use does not require a Planning Permit in the Industrial 1 Zone (as discussed below), however, standard conditions will be included on the permit relating to noise generation, and all activities associated with the use will be required to occur within the buildings (inline with Cl. 13.05-1S). Additionally, standard conditions will be included on permit prohibiting the development from detrimentally affecting the amenity of the area through emission of odours (or similar).

Should the use of the buildings change in future (including to a purpose listed within Clause 53.10 – Uses and activities with potential adverse amenity impacts), it will be assessed via further, separate approvals. If this occurs once the development is completed (without the required permission), this is a matter for future compliance action.

The site (and surrounding area) is part of a Local Industrial Precinct (LIP), which Clause 17.03-1S (Industrial Land Supply) seeks to protect for industrial or employment generating uses. The proposed development provides a new style of industrial offering (namely two warehouses) within the Bunyip LIP. Discussion of local policy specific to Bunyip is provided in the assessment of the *Bunyip Township Strategy* (below) (Cl. 21.08-2). The Bunyip LIP measures approximately 6.3 hectares in area and is an 'evolving' industrial precinct as discussed throughout this report, featuring a mixture of industrial, 'industrial adjacent' and sensitive land uses. The proposed development represents a new offering in this small industrial area, through provision of two warehouses, a type of development not commonplace (aside from 50 Nar Nar Goon-Longwarry Road) in the LIP. For this reason, it is considered the development is likely to facilitate expansion and further establishment of the LIP, in line with the strategies of Clauses 17.03-1S (Industrial Land Supply) and 21.04-4 (Industry), as well as assisting in providing commercial and industrial activities within the rural township of Bunyip (Cl. 21.03-4).

The subject site is well located with regard to the surrounding transport network, approximately 3 kilometres south of the Princes Freeway (along Hope Street and Bunyip-Modella Road), as well as being well connected to agricultural areas south and south-east of Bunyip, along Bunyip-Modella Road (Cl. 17.03 & Cl. 21.04-4). Although none of these roads are part of the declared Principal Road Network (Transport Zone 2), they are main thoroughfares in the Bunyip area providing connection to the Princess Freeway and surrounding area (Cl. 18.02-4S & Cl. 21.05-3).

The proposal represents a positive urban design response to the strategies of Clauses 15.01-1S and 21.06-1 (Urban Design). The proposal responds appropriately to the emerging industrial character of the surrounding area, namely by providing landscaping along site boundaries (including an intensely planted area along the front boundary), a variety of exterior finishes and feature cladding, including the use of the colour 'Wing Commander' (blue) as a key visual feature. Although components of the development are built to boundary on the south, west and north elevations, there are no unfinished surfaces present, with all to be painted in a dark grey colour (Cl. 21.06-1).

The proposal balances key urban design considerations to the site frontage, by providing a generous front setback (23.4 metres) for Warehouse 1, whilst providing a strong interface to the street frontage through locating landscaping along the front boundary and the pedestrian entrance to Warehouse 1 on the east elevation (Cl. 15.01-1S & 1R, & Cl. 21.06-1).

Internally, the proposed warehouses each provide areas designated for waste containers, allowing for separation of waste and appropriate resource recovery, as well as key internal amenities such as bathrooms and kitchenettes (15.01-2S – Building design). The landscaped areas of the site also provide for permeability and stormwater discharge across the site (15.01-2S Building design), as well as minimising the visual impact of the development from the street frontage through the provision of canopy trees along this boundary (Cl. 15.01-1S). Through its location in an industrial precinct, the proposed development is not expected to impact valued rural character of the Bunyip Township, and there are no significant landscape features such as ridgelines or wetlands in the surrounding area (Cl. 15.01-6S).

As such, in light of the above it is considered the proposal represents an acceptable response with regard to the relevant provisions of the PPF and LPPF.

#### **Clause 33.01 – Industrial 1 Zone – Schedule**

The purpose of the Industrial 1 Zone (aside from implementing the Municipal Planning Strategy and Planning Policy Framework) is to:

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

As discussed, the proposal is for the development of two warehouses to be used for storage of goods. The proposed use of the land (warehouse) does not require a planning permit under Clause 31.01-1, as the applicant has stated the proposed use is not for a purpose listed in Clause 53.10; the land is not within the relevant distances of zones likely to contain sensitive uses and meets all other relevant amenity conditions. As such, the proposed use of the land (Warehouse) is a Section 1 use, and no permit is required.

For the reasons discussed above (assessment of the proposal against the PPF and LPPF), the development and associated as of right use is not expected to impact the safety and amenity of the local community, including surrounding residential development. The nearest residentially zoned land (not a road) is located approximately 40 metres east of the subject site, with Warehouse 1 located approximately 63 metres west of this land due to the generous front setback (23.4 metres). Due to this generous distance and nature of the proposed use (storage and distribution of goods), it is not expected amenity of these properties will be materially impacted. While acknowledged the adjoining lots to the north and south are developed with dwellings, these properties are also zoned Industrial 1, and have been for some time (since at least the early 2000s). While these dwellings appear to have existed for a comparable, if not longer period of time, they do not align with the current purposes of the Zone. Rather, they are prohibited under the current controls however benefit from Existing Use Rights pursuant to Clause 63.01. Development of land that aligns with the zone (the subject proposal) cannot be unfairly prejudiced by legacy land uses subject to the same controls, that are incompatible with what the Zone seeks to provide.

Therefore, it is considered the proposal is appropriately in keeping with the purpose of the Industrial 1 Zone above.

The relevant decision guidelines of the Industrial 1 Zone relating to buildings and works are listed and assessed in the table below.

Decision Guideline	Assessment
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	Refer discussion above.
<i>Any natural or cultural values on or near the land</i>	It is not considered there are any significant natural or cultural values on or near the land that are to be impacted by the proposal, as the site and surrounding land is not within an area of Aboriginal Cultural Heritage Sensitivity.  While the adjoining lot to the west of the subject site is densely vegetated, the proposed development does not result in incursion of any tree protection zones of established remnant vegetation to the west of the site. While a small amount of vegetation is proposed to be removed on the subject site (three trees), these are of low retention value is discussed in the submitted arborist report, and their removal is considered to be appropriately offset through the provision of two canopy trees and other landscaping on the submitted landscape plan.
<i>Streetscape character</i>	It is considered although the proposed development represents a significant departure from the existing streetscape character, it is in keeping with the emerging industrial character of the area, and purposes of the Zone. The most comparable developments are those at 36 Bunyip-Modella Road (Figure 12 below), and 50 Nar Nar Goon-Longwarry Road (Figure 13 below). These sites represent comparable, recent industrial development to meet emerging demand in the Bunyip area. The proposed development presents a comparable response to the streetscape as with these sites, through the provision of a generous front setback (23.4 metres), and provision of landscaping along the front (eastern) title boundary. It is acknowledged parts of the development are proposed to be constructed to boundary on the north, south and west elevations, however these is in keeping with the streetscape character of comparable industrial development within the precinct. There is not boundary setback requirement within the Industrial 1 Zone, and through ensuring 'breaks' in walls on boundary along both the north and south elevations, as well as the generous front setback, the proposed development is considered to give appropriate regard to the streetscape character of legacy development (dwellings) along Bunyip-Modella Road.

	 <p><i>Figure 12: Self Storage Facility (36 Bunyip-Modella Road)</i></p>  <p><i>Figure 13: Recent Industrial Development (50 Nar Nar Goon - Longwarry Road).</i></p>
<p><i>Landscape treatment</i></p>	<p>As discussed above, the proposal includes landscaping across open areas of the subject site, including an intensely planted area featuring canopy trees along the front title boundary. Landscaping is also proposed along the southern title boundary, and includes native hedges and shrubs planted along all open areas of this boundary. Specific details of plantings (including quantities) are not included on the submitted landscape plan, with this to be required by way of Permit Condition.</p>
<p><i>Interface with non-industrial areas</i></p>	<p>It is considered the proposal represents an appropriate interface with surrounding non-industrial areas, namely residential land to the east of the subject site. Warehouse 1 is provided with a generous setback of 23.4 metres from the front title boundary, and by way of this setback is located approximately 69 metres from the nearest dwelling in this direction. Land to the west of the subject site is zoned Public Use and is heavily vegetated. While the proposed Warehouse 2 is built to boundary in this location, there is a 5.8 metre wide unused government road reserve separating the two properties. As such, it is considered the development presents an appropriate response to the west.</p> <p>As discussed throughout this report, it is acknowledged the lots adjoining the subject site to the north and south are developed with dwellings. However, both of these properties are also zoned Industrial 1. This decision guideline does not require consideration of interface with other industrial land, as there is a reasonable expectation Industrial 1 land will be developed 'to boundary'.</p>



	Notwithstanding this, approximately 57% of the development is proposed to be built to the southern boundary, and approximately 25% to the northern boundary. It is considered this achieves an acceptable balance between development permitted in the Industrial 1 Zone, and legacy land uses (and development) on these adjoining lots.
<i>Parking and Site Access</i>	Refer detailed discussion (Clause 52.06 assessment) below.
<i>Loading and service areas</i>	Refer detailed discussion (Clause 52.06 assessment) below.
<i>Outdoor storage</i>	No outdoor storage is proposed in association with the development. Standard conditions will be included on permit prohibiting this.
<i>Lighting</i>	No external lighting is shown on the submitted elevation plans. Notwithstanding this, a Condition will be included on Permit to ensure light spill of any lighting that may be installed in future will be appropriately managed.
<i>Stormwater discharge</i>	The proposed development involves a significant increase in site coverage from the previous (vacant) development of the land. The application was referred to Council's Development Engineering Department, who did not object to the proposal subject to Conditions. One of the recommended conditions relates to the installation of a stormwater detention system, which is considered to appropriately manage the increased stormwater resulting from the increased site coverage associate with the proposal. All other standard stormwater conditions recommended by Engineering will also be included on Permit.

Other decision guidelines for the Industrial 1 Zone have been considered throughout this report. It is considered the proposal represents a positive response to the purposes, objectives of decision guidelines of the Zone.

#### **Clause 44.04 – Land Subject to Inundation Overlay – Schedule**

Key purposes of the Land Subject to Inundation Overlay (aside from implementing the Municipal Planning Strategy and Planning Policy Framework) include:

- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

The subject site is located within the Koo Wee Rup-Longwarry Flood Protection district; an area of the Shire highly susceptible to flooding. As mentioned above, this is proposed to be mitigated by way of filling the subject site (a depth ranging between 600 and 900mm), to an overall height of 35.6 metres to AHD. There are no decision guidelines in the Schedule to the Land Subject to Inundation Overlay. The following decision guidelines of the Land Subject to Inundation Overlay are considered relevant to the proposal, with assessment provided in the table below.



Decision Guideline	Assessment
<i>Any local floodplain development plan.</i>	There is no relevant floodplain development plan. The <i>Guidelines for Development within the Koo Wee Rup and Longwarry Flood Protection District (Melbourne Water – July 2019)</i> document outlines flooding characteristics in the area, and while it specifies general requirements for dwellings, the document does not provide requirements of guidelines for industrial development.
<i>Any comments from the relevant floodplain management authority.</i>	The application was referred to the floodplain management authority (Melbourne Water) for comment, who did not object to the granting of a Permit, subject to Conditions which will be included on the Permit.
<i>The existing use and development of the land.</i>	The land is currently vacant. While this inherently carries a lower flood risk, the flood risk applicable to the subject site is not so substantial that it warrants development not proceeding.
<i>Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.</i>	The entire site is subject to the Land Subject to Inundation Overlay. Therefore, it is not considered the development could be sited on flood-free land or land outside the overlay.
<i>Alternative design or flood proofing responses.</i>	The filling of the land to be above the applicable flood level (35.6 metres AHD) is considered to represent an acceptable design response.
<i>The susceptibility of the development to flooding and flood damage.</i>	While the development and subject site is susceptible to flooding, it is not expected to be damaged by flood waters. As the site is to be filled, and FFL of the buildings are required to be 300mm above the flood level, it is considered the proposal acceptably reduces susceptibility of flooding. Further to this, the selected materiality (concrete tilt panels) is impervious, and therefore is unlikely to be damaged by flood waters.
<p><i>The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:</i></p> <ul style="list-style-type: none"> <li><i>• The frequency, duration, extent, depth and velocity of flooding of the site and accessway.</i></li> <li><i>• The flood warning time available.</i></li> <li><i>• Tidal patterns.</i></li> <li><i>• Coastal inundation and erosion.</i></li> <li><i>• The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.</i></li> </ul>	<p>The accessway associated with the development is also proposed to be filled to 35.6 metres to AHD (above the flood level). As such, it is not expected to be blocked or impacted by flood waters.</p> <p>The subject site is a short distance from the commercial core of the Bunyip Township, which is at a significantly higher level and therefore no expected to be impacted by localised flooding.</p> <p>Further to this, the nature of the development (warehouses) does not necessitate persons being on the site at all times. It is considered there is ample opportunity for the premises to be 'closed' or evacuated in a major flooding event.</p> <p>It is considered there is likely to be adequate flood warning time, as flood is likely to approach from the south-east of the subject site (from the Bunyip River). Evacuation options are readily available (including on foot) to the north, towards the core of the Bunyip Township.</p>

<i>The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.</i>	The development is not expected to have a substantial impact on redirecting or obstructing floodwater, stormwater or drainage water. While the entirety of the site is proposed to be filled above the 1% AEP flood level, there are extensive areas of low-lying land remaining around the subject site, where floodwaters can be temporarily stored.
<i>The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.</i>	The development is not expected to impact river or waterway health, due to the substantial distance of the development from the nearest major waterway (Bunyip River, approximately 1.3 kilometres south east). Standard conditions regarding sediment control will be included on the Permit.
<i>Any other matters specified in a schedule to this overlay.</i>	The Schedule to the Land Subject to Inundation Overlay does not specify localised objectives, statement of risk(s) or decision guidelines.

As discussed above, and combined with Melbourne Water support for the development, it is considered the proposal represents an acceptable response to the provisions of the Land Subject to Inundation Overlay.

#### **Clause 44.06 – Bushfire Management Overlay & Clause 53.02 (Bushfire Planning)**

Key purposes of the Bushfire Management Overlay (aside from implementing the Municipal Planning Strategy and Planning Policy Framework) include:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

As shown below (Figure 15), the subject site and surrounding area is affected by the Bushfire Management Overlay. Aerial imaging suggests application of this overlay relates to the densely vegetated Bunyip Recreation Reserve, to the west of the subject site. Given this, it is considered the bushfire risk applicable to the site is likely one of neighbourhood scale, rather than a landscape scale. The applicant has submitted a detailed Bushfire Management Statement (inclusive of a Bushfire Hazard Site Assessment and Bushfire Hazard Landscape Assessment), which was referred to the Country Fire Authority (CFA) for comment. The CFA did not object to the granting of a Permit, subject to standard conditions relating to the Bushfire Management Plan.

While acknowledged the Bushfire Hazard Landscape Assessment provided by the applicant is somewhat deficient as it does not categorise the landscape as a 'type', it is agreed the landscape risk applicable to the subject site is relatively low, and evacuation options are readily available. It is contented the landscape is most representative of a 'Landscape Type 2', as detailed in *Technical Guide – Planning Permit Applications – Bushfire Management Overlay (DELWP 2017)*, as fire can likely only approach from one aspect (west), and the length of fire run in this direction does not exceed 500 metres. Beyond this distance, land is predominantly of Grassland vegetation type, managed (to some degree) for agriculture.

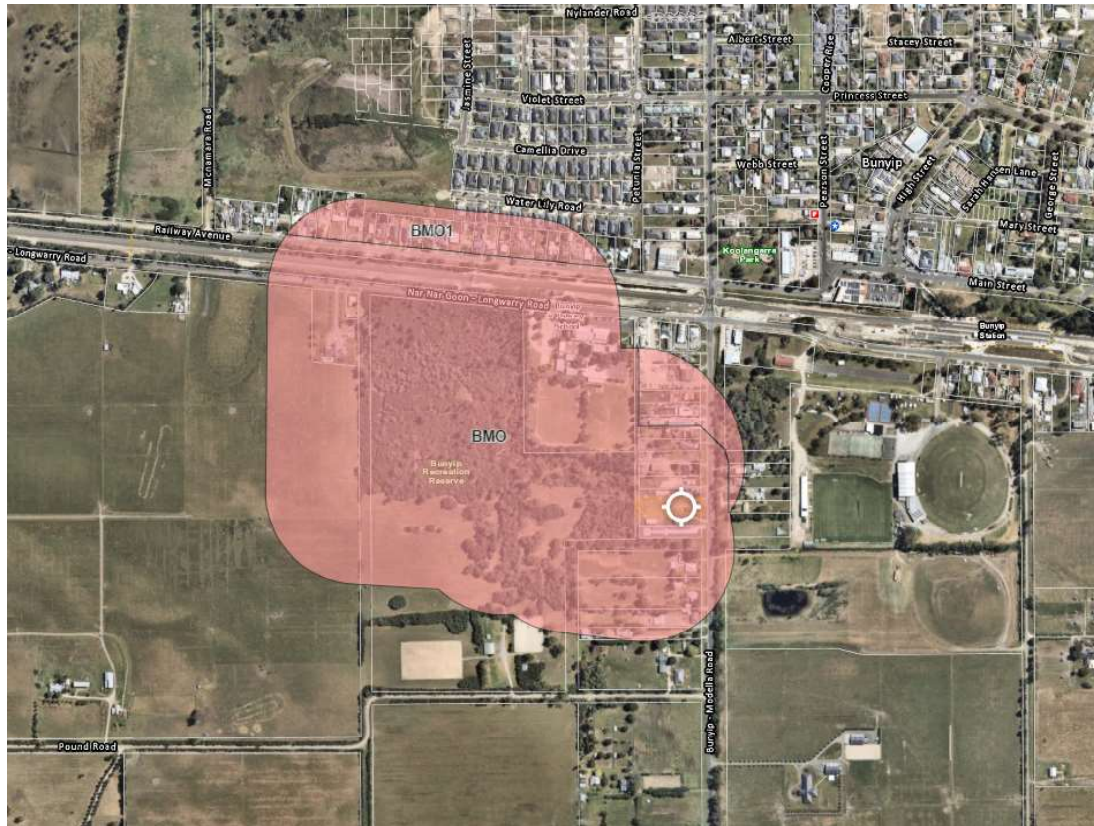


Figure 15: Bushfire Management Overlay Application

As the access from the site to a low-fuel area where human life can be better protected is relatively certain in the event of a bushfire (north-east, towards the Bunyip Township), and this is away from the bushfire hazard, it is considered the landscape bushfire risk applicable to the subject site is acceptable and does not warrant the development not proceeding.

Aside from considering the PPF and MPS, the Bushfire Management Overlay does not provide decision guidelines. Rather, it requires assessment of Clause 53.02 (Bushfire Planning); provided below.

Key purposes of the Clause 53.02 – Bushfire Planning (aside from implementing the Municipal Planning Strategy and Planning Policy Framework) are:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*

The proposed development is considered to represent an acceptable response to the applicable bushfire risk. The development of land for two warehouses is not expected to materially increase the risk to human life due to the nature of the proposal; industrial development. While the entirety of the site is developed, including to title boundary on the western, southern and north (partially) boundaries, the selected construction method (concrete tile panels carries an inherently low bushfire risk. It is through this construction method (BAL-40), as well as the provision of on-site water supply and suitable access, that the risk to life, property and community infrastructure is reduced to an acceptable level.

As the proposal is for buildings and works associated with the use of the land for a 'Warehouse', the proposal must meet the requirements of Clause 53.02-4. Assessment of these bushfire protection objectives is provided in the table below.

Clause	Objective(s)	Approved Measure(s)	Assessment
Cl. 53.02-4.1 Landscape, siting and design objectives	<i>Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</i>	AM 2.1 - Landscape	As discussed above, it is considered the bushfire risk to the development from beyond the subject site is relatively low and can be mitigated to an acceptable level. Namely, by way of BAL-40 construction, provision of water supply, and good access and egress.
	<i>Development is sited to minimise the risk from bushfire.</i>	AM 2.2 – Siting	The development is sufficiently sited to achieve a separation distance from hazardous vegetation to the west. Defendable space (discussed further below) is provided to property boundaries; deemed acceptable given the construction method and standard (BAL-40), as well as nature of the use.
	<i>Development is sited to provide safe access for vehicles, including emergency vehicles.</i> <i>Building design minimises vulnerability to bushfire attack.</i>	AM 2.3 – Design	The building design (concrete tilt-panels) inherently minimises the bushfire risk, and combined with the BAL-40 construction method, it is considered the building design is response to the bushfire risk applicable to the subject site.
Cl. 53.02-4.2 Defendable space and construction objective	<i>Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.</i>	AM 3.1	The BMS correctly uses Column D of Table 2 to Clause 53.02-5, which give the surrounding vegetation is considered modified, and the land is flat requires defendable space to be provided 50 metres in all directions, or to property boundaries (whichever is the lesser), and the minimum construction standard is BAL-29. As defendable space is proposed to property boundaries, and the building is to be constructed to a BAL-40 standard, AM 3.1 is met.
Cl. 53.02-4.3 Water supply and access objectives	<i>A static water supply is provided to assist in protecting property.</i> <i>Vehicle access is designed and constructed to enhance safety in the event of a bushfire.</i>	AM 4.1	A 10,000 litre firefighting water supply tank is proposed to be included in the south-east corner of the subject site, and is to be provided with fire authority fittings, required as the subject site is greater in area than 500 square metres. As the length of the accessway is longer than 30 metres, it must meet the design and construction requirements of Table 5 to Clause 53.02-5. As the accessways are designed to meet requirements for a small and medium rigid vehicle, it is considered these requirements are met.



As detailed above, the proposed development meets all objectives (by way of approved measures) of Clause 53.02-4. Assessment of the general decision guidelines within Clause 53.02-4.5 is provided in the table below.

Decision Guideline	Assessment
<i>The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.</i>	As discussed above, it is considered the Bushfire Hazard Landscape Assessment, Bushfire Hazard Site Assessment and Bushfire Management Statement appropriately categorises the bushfire risk present within 150 metres of the subject site (site assessment) and beyond the subject site (landscape assessment). The Bushfire Management Statement provides a detailed outline of how the proposal meets the objectives of Clause 53.02-4 and meets the high level objectives of Clauses 13.02 and 44.06.
<i>The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.</i>	There are no known State, regional or local bushfire management actions occurring around the site or in the greater Bunyip area.
<i>Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.</i>	The proposed development meets all objectives of Clause 53.02-4, without the use of the other measures specified in this guideline.
<i>Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.</i>	As defensible space is proposed to be contained within the title boundaries of the land (to property boundaries) and the entire site is developed, it is considered bushfire protection measures can be appropriately implemented and maintained on an ongoing basis.
<i>Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.</i>	No alternative measures are proposed.
<i>If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.</i>	All objectives in Clause 53.02-4 are met.
<i>Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.</i>	As discussed above, the bushfire risk arising from the broader landscape is minimal, due to the nature and extent of surrounding vegetation. As such, it is considered the selected design, siting and construction methods appropriately mitigate this risk to an acceptable level.

### Clause 52.06 – Car Parking

The land is not within the Principal Public Transport Network. As discussed above, the proposed land use generates a requirement for 16 (16) car parking spaces, pursuant to Column A of Table 1 to Clause 52.06-5 ( $802.5/100 \times 1.5 + 4 = 16.03$ ). As fifteen (15) spaces are shown to be provided on the submitted plans, a reduction of one (1) space is required. Assessment of the relevant decision guidelines relating to the proposed car parking reduction is provided below:

Decision Guideline	Assessment
<i>The Car Parking Demand Assessment.</i>	While a formal Car Parking Demand Assessment was not provided by the applicant, a detailed assessment of Clause 52.06 is provided in the submitted planning report. Due to the minor nature of the reduction (1 space), as well as the support of Council's Traffic Engineering Department, a Car Parking Demand Assessment was not deemed necessary.
<i>Any relevant local planning policy or incorporated plan.</i>	There is no relevant local planning policy or incorporated plan.
<i>The availability of alternative car parking in the locality of the land, including:</i> <ul style="list-style-type: none"> <li><i>Efficiencies gained from the consolidation of shared car parking spaces.</i></li> <li><i>Public car parks intended to serve the land.</i></li> <li><i>On street parking in non-residential zones.</i></li> <li><i>Streets in residential zones specifically managed for non-residential parking.</i></li> </ul>	There is no public on street parking available along Bunyip-Modella Road, and there are no shared car parking spaces in the vicinity of the subject land able to be consolidated. As there is no on-street parking available, there is no management of car parking present in the surrounding area.
<i>On street parking in residential zones in the locality of the land that is intended to be for residential use.</i>	As mentioned above, there is no on-street parking provided along Bunyip-Modella Road, including for residentially zoned land to the east of the subject site.
<i>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</i>	The subject site is approximately 2023m <sup>2</sup> square metres in area, with a sizeable portion (approx. 802 square metres) developed with the two proposed warehouses, and the remainder devoted to car parking and accessways. As such, there is no meaningful way the applicant could provide additional car parking, without compromising functionality of accessways, reducing the size of the warehouses, or removing landscaping. Also constraining provision of car parking on the subject land is the shape of the lot, and relatively narrow (20.12 metres) width. Given the need to provide compliant (6.4 metre wide) accessways, it is not considered additional car parking could be provided on site whilst maintaining the warehouses in their current layout.
<i>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</i>	While not formally classified as an activity centre, the commercial core of the Bunyip township is located approximately 730 metres walk to the north-east of the subject site. Given this distance and lack of footpaths along Bunyip-Modella Road, it is considered unlikely the car parking shortfall associated with the development will be absorbed in the township.



<i>The future growth and development of any nearby activity centre.</i>	Due to the minor nature (1 space) of the reduction sought, it is not considered likely to impact future growth and development within the commercial core of the Bunyip township.
<i>Any car parking deficiency associated with the existing use of the land.</i>	There is no car parking deficiency associated with the existing (or previous) use of the land, as it has been vacant since at least January 2018.
<i>Local traffic management in the locality of the land.</i>	As no on-street car parking is available along Bunyip-Modella Road, the proposed reduction is not expected to impact local traffic management. There is adequate space for vehicles to queue, enter and exit the subject site wholly within the boundaries of the land.
<i>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</i>	As discussed above, the minor nature of the reduction sought, characteristics of the surrounding area (lack of on-street parking or footpaths) and nature of the proposed reduction, mean the 1 space reduction is unlikely to impact amenity of the area, including residential land to the east.
<i>The need to create safe, functional and attractive parking areas.</i>	It is considered the proposed car parking areas on site are safe, functional and attractive. Landscaping is provided in key locations, including along title boundaries, providing visual screening of car parking areas. All spaces meet the minimum size (4.9m length and 2.6m width) requirements of Design Standard 2 of Clause 52.06-9, excluding accessible spaces which are compliant with the relevant Australian Standard. Swept path diagrams submitted by the applicant indicate there is appropriate manoeuvrability provided, with all vehicles able to enter and exit the site in a forwards facing direction.
<i>Access to or provision of alternative transport modes to and from the land.</i>	The subject site is located approximately 800 metres walk from Bunyip Railway Station, providing accessibility to Pakenham, Melbourne and Gippsland. There are no local bus routes in the vicinity of the subject site.

As such, when combined with the support provided by Council's Traffic Engineering Department (subject to Conditions which will be included on the Permit), it is considered the proposed reduction (1 space) to the number of car parking spaces required (16) is appropriate, subject to the aforementioned Conditions.

Clause 52.06-9 outlines design standards for car parking. As shown below (Figure 16), all car parking spaces (excluding accessible spaces) are to be 4.9 metres in length and 2.6 metres in width, while the minimum width of proposed internal accessways is 6.4 metres. These spaces are the minimum sizes required by Design standard 2 of Clause 52.06-9, complying with the standard.



*Figure 16: Submitted B85 Vehicle Swept Path Diagrams*

#### **Clause 52.34 – Bicycle Facilities**

As detailed in Clause 52.34-1, this clause is required to be considered before a new use commences. 'Warehouse' is not listed in Table 1 to Clause 52.34-5, and therefore the rate for the parent term (Industry) is used. Table 1 requires 1 space for employees to each 1000 square metres of net floor area, and no spaces for visitors. As the net floor area of the development is approximately 802.5 square metres, no bicycle spaces are required to be provided.

#### **Clause 53.10 – Uses and Activities with Potential Adverse Amenity Impacts**

As detailed in the planning report submitted by the applicant, the warehouses are not proposed to be used for a purpose listed in Clause 53.10; they are proposed to be used by a local plumbing and construction business for storage purposes, this is considered to be correct. A note will be included on Permit stating:

*'Without further written consent of the Responsible Authority, any use established within the buildings must not be for a purpose shown in the table to Clause 53.10 of the Cardinia Planning Scheme'.*

#### ***Background Document - Design Guidelines for Industrial Development (Cardinia Shire Council, December 2000)***

It is noted 'Design Guidelines for Industrial Development, Cardinia Shire 2000' is listed as a reference document within Clause 21.04-4 (Industry). The relevant objectives and guidelines within this document are considered throughout this report, and are echoed by key policies within the PPF, LPPF and Industrial 1 Zone. The proposal responds strongly to all relevant guidelines within this document, excluding those that are no longer relevant or where contradictory requirements are contained within the Planning Scheme.

#### ***Background Document - Melbourne Industrial and Commercial Land Use Plan (Department of Environment, Land, Water and Planning, 2020).***

The above document (referred to herein as MICLUP) is referenced within Clause 17.03 (Industry) of the Scheme. While Local Industrial Precincts (LIPs – of which the subject industrial precinct is) are by name subservient to State and Regionally Significant Industrial Land, they are of critical importance to meeting ongoing demand for Industrial land across Greater Melbourne. This is of particular importance in the Bunyip area due to the low availability (approx. 6.3 hectares) of Industrial land within the township. MICLUP gives responsibility for managing LIPs to Councils, and given the low availability of industrial land in Bunyip, as well as 'even lower' availability of vacant industrial land, the proposed development is acceptable with regard to this reference document. The proposal will introduce a new

'style' of industrial development to Bunyip and assist in the economic development of this rural township.

***Incorporated Document – Bunyip Township Strategy (September 2009)***

Referenced within Clause 21.08-2 (Bunyip), the *Bunyip Township Strategy* (the Strategy) provides strategic guidance for the future use and development of Bunyip. Although approaching 15 years of age, this document remains current and applicable to the subject site. This document echoes key considerations throughout this report, however, specifies them to the Bunyip area. The strategy is primarily focussed on residential and commercial development, and although it acknowledges the industrial area (within which the subject site is contained) it does not formally define this as a 'precinct' or provide specific design guidelines. Rather, the Strategy seeks to protect this industrial precinct and allow for its growth and development that meets the needs of residents and provides local employment.

As discussed throughout this report, the proposal seeks to introduce a 'new style' of industrial premise to Bunyip, with existing development in the precinct comprising older, service/manufacture-based industry, as well as legacy land uses such as dwellings. The proposal will introduce two comparatively large warehouses to the Bunyip local industrial precinct and is likely to facilitate further industrial development within the precinct. The proposal is respectful of the rural nature of the Bunyip township, primarily through way of the generous front setback and provision of landscaping along title boundaries.

The proposed development represents a positive response to key considerations within the Bunyip Township Strategy, primarily through the development of existing industrial land with a development that introduces a new industrial offering, likely to generate employment and meet the needs of local residents.

**Response to Objections**

As mentioned above, the proposal was advertised pursuant to Section 52 of the *Act*, and five (5) objections were received. As detailed in the notice section of this report, whilst Council is not required to consider these objections, a response provided below for completeness:

Concern Raised	Response
Drainage	The land is affected by the Land Subject to Inundation Overlay, indicating flood risk is present on the site. The application was referred to the floodplain management authority (Melbourne Water), who consented to the grant of a Permit, subject to Conditions. Further to this, the application was referred to Council's Development Engineering Department, who similarly consented, subject to conditions. A Condition requested by Engineering was the installation of a stormwater detention system, to ensure the additional site coverage does not overwhelm the existing stormwater system. In addition to this, standard conditions will be included on permit requiring provision of stormwater works that prevent overflows onto adjoining properties.
Noise & Amenity Impacts	As discussed throughout this report, the proposal is inherently likely to generate additional noise than the land in its current condition, as it is vacant. The proposed development (and associated use) represents a positive response to the purposes of the Industrial 1 Zone; the overarching policy guiding use and development of the subject site and surrounding land. The use (as proposed) does not require a planning permit, and by nature is appropriately set-back from residentially zoned land and cannot impact the amenity of the neighbourhood. Should this occur in future, it is a matter for compliance, and requirements of the Scheme that further approval is sought. The application must be considered 'as submitted', in that it does not propose activities that impact amenity of the neighbourhood, including through emission of noise.
Impacts on Flora & Fauna	Minor vegetation removal is proposed, none of which requires planning permission. There is no remnant vegetation on the site, and no vegetation on adjoining land (including within the densely vegetated Bunyip Recreation Reserve to the west) is to be impacted by the development. As such, and combined with the provision of landscaping, flora and fauna in the area is not expected to be impacted.

Overshadowing	The proposed development is likely to significantly overshadow the adjoining lots to the north and south, however the Industrial 1 Zone does specify setback requirements or require consideration of overshadowing (such as within Clause 54 and 55 of the Scheme). As discussed above, while the development is proposed to be partially built to these boundaries; 57% of the southern boundary and 25% of the northern boundary, this is considered to achieve an acceptable balance between the outcomes sought by the Industrial 1 Zone and other relevant policy, and the nature of legacy uses and developments (dwellings) on adjoining lots to the north and south of the site.
Loss of Privacy	No windows are proposed to be constructed on either the north or south elevation walls. As the lot is proposed to be filled approximately 600mm (across the site) and 1.8-metre-high boundary fencing installed along the northern and southern boundaries (resulting in an overall fencing height of approximately 2.4 metres above natural ground level), overlooking of adjoining properties to the north and south is considered highly unlikely.  Due to the generous front setback (in excess of 23 square metres), the development is not considered likely to impact to reduce privacy of residentially zoned land to the east.
Impacts During Construction	Impacts during construction will be managed by way of standard Conditions on Permit, and are not open to consideration as part of the planning permit process.

#### **Clause 65 – Decision Guidelines & Section 60 of the *Planning and Environment Act (1987)***

The matters listed within Clause 65.01 (Approval of an Application or Plan) and contained within Section 60 of the Act have been considered throughout this report. On balance, the proposed development of two warehouses and reduction in car parking is considered to represent an acceptable response to these considerations, an represents an orderly planning outcome with regard to the purposes of the Industrial 1 Zone, Bunyip Township Strategy and other relevant policy within the Scheme.

## **Conclusion**

The proposal has been assessed against all relevant provisions of the Cardinia Planning Scheme, the proposed development of two warehouses and associated car parking reduction is considered to represent an acceptable planning outcome with regard to the constraints and nature of the subject site, and characteristics of the surrounding area. The proposal is consistent with principles of orderly planning and has appropriate regard to the decision guidelines and purposes of the relevant policy within the Scheme. Lastly, the proposal represents a type of development the Industrial 1 Zone seeks to facilitate. This cannot be unfairly prejudiced by legacy uses on surrounding land, that does not align with the purposes and objectives of current policy. As such, it is considered the proposal should be supported, subject to conditions.

## **Recommendation**

### **Planning Permit**

That Council having caused notice of Planning Permit Application No. T230127 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit in respect of the land known and described as V9760 F330 CA 14 SEC 12, 30 Bunyip-Modella Road Bunyip, for the *Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required generally in accordance with the endorsed plans*, subject to the following conditions:

## **Conditions:**

### **Amended Plans Required**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority 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 must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. The distance between finished floor level and natural ground level clearly dimensioned, on each building elevation.
  - b. A landscape plan in accordance with Condition 2.
  - c. The requirements of Condition 3 (Melbourne Water).

### **Landscape Plan**

2. Before the development commences an amended landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority 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 plan must be drawn to scale with dimensions and must be submitted electronically. The plan must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Each individual proposed planting notated to state the species.
  - b. An updated planting schedule to include the total quantity of proposed plantings for each species.

### **Melbourne Water**

3. Prior to the endorsement of plans under this Permit, amended plans to the satisfaction of Melbourne Water and the Responsible Authority must be submitted to and approved by Melbourne Water and the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Finished floor levels for the warehouses set no lower than 600mm above the natural surface level, which is 300mm above the applicable flood level.

### **Stormwater Management Plan**

4. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

### **Layout not Altered**

5. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

### **Bushfire Management**

6. Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance, Ref #B23253/1.0, Dated Mar-2023 must be endorsed by the Responsible Authority. Once endorsed, the plan must not be altered unless agreed to in writing by the CFA and the Responsible Authority.
7. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This

condition continues to have force and effect after the development authorised by this permit has been completed.

**Parking and Access**

8. Before the development is occupied all proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
9. Commercial/industrial standard concrete vehicle crossings as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority, including:
  - a. Modifications required to extend the existing crossover to a minimum width of 6.5 metres.
  - b. Driveable end walls incorporated to the satisfaction of the Responsible Authority.
10. Vehicular access is restricted to a maximum vehicle length of 8.8 metres (Medium Rigid Vehicle).
11. The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purposes.
12. 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 must not interfere with other traffic.

**Landscaping**

13. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

**Amenity**

15. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
16. The development must not detrimentally affect the amenity of the area, through the:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Appearance of any building, works or materials.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.Or in any other way, to the satisfaction of the Responsible Authority.
17. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
18. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. Equipment, materials, goods or machinery, whether used in the process of industry carried out on the land or not, must not be stored or allowed to remain on any part of the land that is visible to the public from off the subject land.



### Stormwater

20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

### Earthworks

22. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
23. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
24. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses.

### Expiry

25. A permit for the development of land expires if-
  - a. the development does not start within two (2) years after the issue of the permit; or
  - b. the development is not completed within four (4) years after the issue of the permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### Notes:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
  - A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossings.
-