



CITY DEVELOPMENT DELEGATED COMMITTEE AGENDA

**Wednesday 11 December, 2024
6.30pm**

**Council Chamber
Level 1
Footscray Town Hall
61 Napier St, Footscray**

MEMBERSHIP

Councillor Bernadette Thomas (Chair)
Councillor Cuc Lam
Councillor Samantha Meredith
Councillor Elena Pereyra
Councillor Mohamed Semra
Councillor Pradeep Tiwari
Councillor Susan Yengi

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Agenda Item 5.1

CONFIRMATION OF MINUTES - 11 SEPTEMBER 2024

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services

PURPOSE

To present the minutes of the City Development Delegated Committee Meeting held on 11 September 2024 for confirmation.

ISSUES SUMMARY

- The Maribyrnong City Council Governance Rules requires Council to keep minutes of each meeting of the Council and Delegated Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

ATTACHMENTS

1. Unconfirmed Minutes City Development Delegated Committee Meeting 11 September, 2024

OFFICER RECOMMENDATION

That the City Development Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 11 September 2024.

Agenda Item 5.1

BACKGROUND

The minutes of meetings remain unconfirmed until the next appropriate meeting of Council.

DISCUSSION/KEY ISSUES

1. Key Issues

Council's Governance Rules requires Council to confirm its minutes at the next appropriate meeting.

2. Council Policy/Legislation

Council Plan 2021-2025

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Ethical leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration to support economic growth during the ongoing challenges of the pandemic and beyond.

Legislation

Local Government Act 2020

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Nil

4. Resources

Nil

5. Environment

Nil

CONCLUSION

The unconfirmed minutes of the City Development Delegated Committee Meeting held on 11 September 2024 are presented for confirmation.

Agenda Item 5.1 - Attachment 1



CITY DEVELOPMENT DELEGATED COMMITTEE MINUTES

**Wednesday 11 September, 2024
6.30pm**

**Community Hall
Braybrook Community Hub
107–139 Churchill Avenue
Braybrook**

MEMBERSHIP

Councillor Anthony Tran (Chair)
Councillor Michael Clarke
Councillor Simon Crawford
Councillor Cuc Lam
Councillor Jorge Jorquera
Councillor Bernadette Thomas

To be confirmed at the City Development Delegated Committee Meeting
11 December, 2024

Agenda Item 5.1 - Attachment 1

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1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6:32pm.

The Chair, Cr Anthony Tran made the following acknowledgement statement:

“We acknowledge that we are on the traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples, past and present”.

PRESENT

Councillor Anthony Tran (Chair)
Councillor Simon Crawford
Councillor Cuc Lam
Councillor Jorge Jorquera
Councillor Bernadette Thomas
Councillor Michael Clarke (online)

IN ATTENDANCE

Chief Executive Officer, Celia Haddock
Director Planning and Environment, Mike McIntosh
Director Infrastructure Services, Patrick Jess
Director Corporate Services, Lisa King
Manager City Development, Ashley Minniti
Manager Governance and Commercial Services, Phil McQue
Governance Officer, Michelle McCulloch

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

AMENDMENT TO COMMITTEE AGENDA

The Chair, Cr Anthony Tran, advised the meeting that there would be an amendment to the Committee agenda. Standing Orders will be suspended at the conclusion of tonight’s meeting, to allow the opportunity for Councillors to acknowledge their four year term coming to a conclusion.

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4. PUBLIC QUESTION TIME

Public Question Time commenced at 6:34pm and three questions were received.

Vincenzina (Tina) Nappa asked the following questions:

1. Why should the residents at 41 Moreland Street and 1 Saltriver Place endure the loud music from the proposed Stage which is earmarked to be closer to the North Fence, which are people's homes and not be located to the opposite side closer to the Art Centre which has ample space to accommodate for a Stage and Amenities building? By doing this it will be removing much of the disturbance and rowdiness that the proposed 2,000 attendees will make late in the evening.

Response:

The Director Planning and Environment advised the proposed amphitheatre has been located as proposed in order for the stage, and subsequently noise, to be orientated away from the abutting residential uses. The building itself would act as and provide a partial acoustic shield to the northern interface where the apartment buildings are located.

This is supported by an acoustic report which was submitted as part of the application and formed part of the public notice documents.

2. We also have a safety issue literally at our back door, why can't it be moved away from people's homes?

Response:

The Director Planning and Environment advised the site is separated from the residential areas, with the proposed amenities building and amphitheatre providing additional separation. This provides a physical buffer and an acoustic buffer between the two land uses. Patrons will be controlled via the required Operational Management Plan, ensuring no unreasonable amenity impacts to surrounding land uses.

3. Has the Development Committee considered conducting an Acoustic Report on what levels will be reached between the concrete structures of the neighbouring buildings of 41 Moreland Street and 1 Saltriver Place - namely at the back of the apartments at 41 Moreland Street facing the row of concrete Garages that accommodate all the residents at 1 Saltriver Place, should the stage go ahead in its designated location?

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Response:

The Director Planning and Environment noted that as mentioned previously acoustic testing was undertaken as part of the design of the development which notes that, subject to appropriate noise management strategies and operational requirements, the proposal would comply with the Environment Protection Regulation 2021 as they relate to noise. FCA and the adjacent apartment buildings are located in the Activity Centre Zone where a mix of land uses are permitted and encouraged. Large-scale events of over 2,000 patrons would require separate Place of Public Entertainment permits, under which additional noise mitigations measures would be required.

The Chair, Cr Anthony Tran, further noted that if residents would like to obtain a copy of the acoustic report, this can be requested via email to Council.

The Chair, Cr Anthony Tran, declared Public Question Time closed at 6:37pm.

5. CONFIRMATION OF MINUTES

5.1. Confirmation of Minutes of the City Development Delegated Committee Meeting - 27 August 2024

To present for confirmation, the minutes of the City Development Delegated Committee Meeting held on 27 August 2024.

Committee Resolution

That the City Development Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 27 August 2024.

Moved: Cr Cuc Lam
Seconded: Cr Bernadette Thomas

CARRIED

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6. OFFICER REPORTS

6.1. Planning Permit Application at 2-6 Ballarat Street Yarraville

To present for consideration a planning permit application for 2-6 Ballarat Street Yarraville which has received three objections and 35 supporting submissions.

Trevor Junge, Michael Smith (on behalf of Sun Theatre), and Claude Acquaro (on behalf of the applicant) addressed the Committee on this item.

Committee Resolution

That the City Development Delegated Committee:

1. *Issue a Notice of Decision to Grant a Permit for buildings and works (street furniture) associated with an existing use in a Heritage Overlay at 2-6 Ballarat Street Yarraville subject to conditions contained in Attachment 1, but modified with additional conditions as shown below;*
 - (f) *the structure, including all footings and supporting structures, reduced in width by approximately 800mm so that it is contained wholly on the footpath and not within the adjacent Sun Theatre Park/Ballararat Street Road Reserve; and*
 - (g) *with the addition of removing the clear plastic blinds.*
2. *Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*

Moved: Cr Michael Clarke
Seconded: Cr Cuc Lam

CARRIED

Cr Clarke left the meeting at 7:23pm.

Cr Clarke returned to the meeting at 7:24pm.

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6.2. Planning Permit Application at 201 Ballarat Road Footscray

To present for consideration a planning application for 201 Ballarat Road Footscray which has received 13 objections and three supporting submissions.

Kim Tobin, Maria Connolly, Kit Edwards, and Bruno Ambrosino (on behalf of the applicant) addressed the Committee on this item.

Committee Resolution

That the City Development Delegated Committee:

1. *Issue a Notice of Decision to Grant a Planning Permit for:*
 - a. *Use of the land for retail premise (food and drink premise and shop) and as a live music entertainment venue;*
 - b. *Building and works;*
 - c. *Sale and consumption of liquor (on premise license);*
 - d. *Display of signage*
 - e. *A reduction of the car parking requirement within a Public Acquisition Overlay; and*
 - f. *Alternation of access to a road within a Transport 2 Zone (Ballarat Road).**at 201 Ballarat Road Footscray subject to the conditions contained in Attachment 1.*

2. *Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*

Moved: Cr Simon Crawford
Seconded: Cr Jorge Jorquera

CARRIED

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6.3. Planning Permit Application at Footscray Community Arts Centre

To present for consideration a planning application for the Footscray Art Centre at 43 Moreland Street Footscray which has received eight objections and three submissions of support.

Tina Nappa, Joshua Nappa, and Daniel Santangeli (on behalf of the applicant) addressed the Committee on this item.

Committee Resolution

That the City Development Delegated Committee:

- 1. Issue a Notice of Decision to Grant a Permit for buildings and works in a Significant Landscape Overlay and changes to the existing use pursuant to Clause 63.05 of the Maribyrnong Planning Scheme at the Footscray Art Centre Reserve - 43 Moreland Street Footscray subject to conditions contained in Attachment 1.*
- 2. Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*
- 2. Note that pursuant to the Lease between Council and Footscray Community Arts Centre, separate consent will be required by Council for the buildings and works and acting as Committee of Management, the proposal would need to be referred to the responsible Minister for approval.*
- 4. Note that separate consent will be required by Council for the landscaping works acting as Committee of Management and that such consent will be exercised by the Manager Recreation & Open Space.*

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

Cr Clarke left the meeting at 7:47pm.

Cr Clarke returned to the meeting at 7:47pm.

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6.4. State Government's Proposed Changes to Maribyrnong Planning Scheme Boundary and Draft Amendment GC187

To seek a decision on the Minister for Planning's request for consent to amend the Maribyrnong Planning Scheme boundary and consideration of draft Planning Scheme Amendment GC187.

Committee Resolution

That the City Development Delegated Committee:

- 1. Note the request from the Minister for Planning (the Minister) seeking consent to amend the Maribyrnong Planning Scheme boundary under Section 6(6)(d) of the Planning and Environment Act 1987 and views on draft Planning Scheme Amendment GC187 to the Maribyrnong Planning Scheme (Attachments 2 and 4).*
- 2. Endorse the Council officer's assessment and recommendations, as outlined in Section 1 of this report and Attachment 1, as Council's formal position and submission to Ministerial Amendment GC187.*
- 3. Resolve to not consent to amend the Maribyrnong Planning Scheme boundary under Section 6(6)(d) of Planning and Environment Act 1987.*
- 4. Authorise the Chief Executive Officer, or their delegate, to write to Minister for Planning advising that Council does not consent to amend the Maribyrnong Planning Scheme boundary and provide a copy of Council's submission to GC187.*
- 5. Seek the Chief Executive Officer to write to their counterpart at the Port of Melbourne Corporation seeking the establishment of a Memorandum of Understanding between the two organisations to formalise the relationship, cooperation, information sharing and transparency.*

Moved: Cr Cuc Lam
Seconded: Cr Bernadette Thomas

CARRIED

Cr Jorquera and Cr Crawford left the meeting at 8:13pm.

Cr Jorquera and Cr Crawford returned to the meeting at 8:16pm.

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7. COUNCILLOR QUESTION TIME

Nil.

8. URGENT BUSINESS

Nil.

SUSPENSION OF STANDING ORDERS

A motion was moved by Cr Bernadette Thomas, seconded by Cr Cuc Lam, that Council suspend Standing Orders.

CARRIED

Standing Orders were suspended at 8:26pm

Councillors individually acknowledged the current four term of Council was concluding and reflected on their four year term.

RESUMPTION OF STANDING ORDERS

A motion was moved by Cr Bernadette Thomas, seconded by Cr Michael Clarke, that Council resume Standing Orders.

CARRIED

Standing Orders resumed at 8:52pm.

9. MEETING CLOSURE

The Chair, Cr Anthony Tran, declared the meeting closed at 8:52pm.

To be confirmed at the City Development Delegated Committee Meeting
11 December, 2024.

Chair, Cr Bernadette Thomas

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**PLANNING APPLICATION TP53/2023(1) AT 295 WHITEHALL STREET
 YARRAVILLE**

**Director: Mike McIntosh
 Director Planning and Environment**

**Author: Ashley Minniti
 Manager City Development**

PURPOSE

To present for consideration a planning application for 295 and 325 Whitehall Street and 2A Francis Street, Yarraville which has received 109 objections. The estimated cost of development is \$180M.

APPLICATION RECEIVED	17 February 2023
APPLICATION NUMBER	TP53/2023(1)
APPLICANT	Steel Cement Pty Ltd
SITE ADDRESS	295 & 325 Whitehall Street and 2A Francis Street, Yarraville
PROPOSAL	Expansion of an existing industrial facility to allow for the processing and grinding of cement clinker 24 hours a day
ZONE	Industrial 1 Zone (IN1Z)
OVERLAYS	<ul style="list-style-type: none"> • Heritage Overlay (HO184) • Development Contributions Plan Overlay (DCPO2)
INTERNAL REFERRALS	<ul style="list-style-type: none"> • ESD Advisor • Infrastructure Services (engineering, drainage and transport)
EXTERNAL REFERRALS	<ul style="list-style-type: none"> • Head, Transport for Victoria • Environment Protection Authority
COST OF DEVELOPMENT	\$180M
WARD	Saltwater
ADVERTISED	September 2023
NUMBER OF OBJECTIONS	109
DATE OF PLANNING FORUM	20 November 2024
REASON FOR CONSIDERATION BY COUNCIL	Development cost exceeding \$10M & Number of objections




SUMMARY

- Approval is sought for the expansion of an existing industrial facility to allow for the processing and grinding of cement clinker, which will operate 24 hours a day
- The raw materials will be imported and delivered to the site via the Yarraville berth of the Port of Melbourne located to the east of the site
- The development includes construction of two sheds, a workshop, two grinding mills and nine out-loading silos, with a maximum building height of 51 metres

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- The existing operations on the site occupy approximately 37,000sqm (3.7 hectares). The new works would occupy approximately 20,000sqm (2 hectares)
- The application was advertised and received 109 objections. The key concerns relate to truck related traffic and off-site amenity impacts, including air quality and noise
- The proposal has been granted a Development License by the Environment Protection Authority under the *Environment Protection Act 2017*(Attachment 3) which has deemed that any impacts on air quality can be appropriately mitigated and managed
- The high level of interest in the community regarding the proposal is understandable, with impacts on traffic and air quality key concerns for residents of Melbourne's inner-west
- The proposal represents a sizeable investment in manufacturing, promotes Council's efforts in facilitating a circular economy and provides and secures employment
- The proposal is generally consistent with the development and land use expectations for Core Employment Area's within the Maribyrnong Planning Scheme
- For these reasons the application is recommended for approval, subject to conditions as outlined in Attachment 1

ATTACHMENTS

1. Proposed Planning Permit Conditions
2. Permit Triggers and Policy Context [↓](#) 
3. EPA Development Licence [↓](#) 
4. Advertised Plans [↓](#) 

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OFFICER RECOMMENDATION

That the City Development Delegated Committee:

- 1. Issue a Notice of Decision to Grant a Permit for;**
 - a. the Use and development of the land for Industry (cement processing) where the threshold distance at Clause 53.10 is not met;**
 - b. to reduce the statutory car parking requirement;**
 - c. to waive the bicycle parking requirements; and**
 - d. to alter access to a road in Transport 2 Zone**

at 295 and 325 Whitehall Street and 2A Francis Street, Yarraville, subject to conditions contained in Attachment 1; and
- 2. Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this notice of decision to grant a planning permit.**

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BACKGROUND

1. Proposal

The application seeks a planning permit for use and development of the land for Industry (processing of cement clinker¹) where the threshold distance at Clause 53.10 is not met, to reduce the statutory car parking requirement, to waive the bicycle parking requirement and to alter access to a road in Transport 2 Zone.

The proposal seeks to expand the existing Steel Cement facility that includes the grinding of slag² and production of cement blended products. Steel Cement have been operating from the site since 2015. The proposal represents a significant industrial investment in the Yarraville Port Core Employment Area with an estimated cost of works of \$180M. The advertised plans for the Committee's consideration are shown at Attachment 4.

A separate but concurrent application has been lodged with the Minister for Planning that seeks approval for that part of the proposal within the Port of Melbourne Planning Scheme, where the Minister is the responsible authority. This parcel of land adjoins the site to east and abuts the Maribyrnong and Yarra Rivers.

A Development License for the proposal has been approved by the Environment Protection Authority (hereafter 'EPA') under the *Environment Protection Act 2017*.

Use

The proposed industrial use seeks to grind cement clinker (among other things) into cement products.

The cement clinker will be imported and delivered to the site via the Yarraville berth located immediately to the east of the subject site. The material will be unloaded from ships and transferred from the Port of Melbourne land via an enclosed conveyor belt to the subject site where it will be stored temporarily in sheds.

The raw material will be processed in grinding mills. The ground product will be transferred to storage silos. The product will then be loaded on trucks for off-site use.

The use will operate 24/7 and employ a further nine people.

Building and works

The proposal involves the construction of new industrial plant equipment and storage facilities, including:

- 2 grinding mills and associated equipment that will be delivered in two stages
- 9 out-loading silos that have a maximum building height of 51 metres
- Conveyors and associated equipment to allow for the transfer of material from the port to and around the site
- A 2,369 square metre additive shed with a maximum building height of 20.7 metres

¹ Cement clinker is a solid material produced in the manufacture of cement.

² Slag is as a waste product created during the production of steel.

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- A 8,280 square metre main storage shed with a maximum building height of 19.11 metres
- A 600 square metre workshop with a maximum height of 7.12 metres

The existing operations on the site occupy approximately 37,000sqm (3.7 hectares). The new works would occupy approximately 20,000sqm (2 hectares).

Car parking and access

The proposal provides a total of 38 new on-site car parking spaces associated with the new facility.

Clause 52.06-5 of the Planning Scheme requires that a total of 453 on-site car parking spaces to be provided. Therefore, the proposal seeks approval for a reduction to the statutory car parking requirements of 415 spaces.

The proposal will involve the construction of three new crossovers to Francis Street. The existing crossovers at Whitehall Street and at the eastern end of Francis Street will continue to be used.

The ground cement product will be collected by truck. This will increase the number of trucks accessing the site by approximately 185 per day. While most of the raw materials will arrive via ship and the port, some will also be delivered by truck.

Bike parking

The proposal seeks to waive the statutory bike parking requirements at Clause 52.34-5 of the Planning Scheme.

2. Site and Surrounds

Subject Site

The subject site is a large industrial property at 295-325 Whitehall Street and 2A Francis Street, Yarraville. The site is located on the east side of Whitehall Street and is bounded by Lyell Street to the north and Francis Street to the south. To the east, the site adjoins land within the Port Zone that is included within the Port of Melbourne Planning Scheme, which is administered by the Minister of Planning.

The subject site has a total area of approximately 11 hectares and slopes from west to east. The site has been heavily modified by past industrial activity.

The land is currently being used for industry with the existing Steel Cement facility used for the grinding of slag and production of cement blended products (including bagging onsite). The built form and infrastructure used as part of the existing operations is primarily confined to the northern half of the site (known as 295 Whitehall Street) and is consistent with the approved used and development of the site.

The southern half of the site is mostly cleared and vacant except for several small and low-scale buildings along Francis Street.

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At the north-west corner of the site is a red brick building known as the former Mt Lyell Engineering Workshop and is of local heritage significance to the City of Maribyrnong. The heritage building was restored by Steel Cement. The site also contains some port related infrastructure that extends to Port of Melbourne land to the east.

There are several existing crossovers that provide vehicle access from all three street frontages. Primary vehicle ingress and egress occurs via a crossover at the northern end of the sites Whitehall Street frontage and the eastern end of the sites Francis Street frontage. There is an internal road network which links the two access points.



Figure 1: The subject site and existing Steel Cement facility. Source: Council officer, 2024.

Restrictive Covenants

The subject site is large industrial site that is comprised by multiple contiguous lots, including:

- Lots 1 and 2 on Title Plan 671096A (2A Francis Street)
- Lots 2, 3 and 4 on Title Plan 856333J (325 Whitehall Street)
- Lots 1 and 2 on Title Plan 383531P (295 Whitehall Street)

There is no covenant or agreements registered on title.

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Figure 2: The subject site in blue and adjoining Port Zone land shown in Red. Source: Nearmap 2024.

Surrounding Area

The subject site forms part of 'Area B' of the Yarraville Port Core Employment Area which includes most of the large industrial sites along the Maribyrnong River between Hyde Street and the Port of Melbourne.

The land on the east side of Hyde Street is dominated by large-scale industrial activity that includes the CSR factory to the north and Mobil Fuel Terminal to the south. The land to the west of Hyde Street typically includes light industrial activity and forms a buffer between the Yarraville Port Core Employment Area and the residential land further to the west.

The nearest residentially zoned land is approximately 250 metres west of the subject site and on the western side of Hyde Street. The nearest dwelling is located 85 metres to the west at 11 Frederick Street, Yarraville, which is within the Industrial 3 Zone (IN3Z)

With respect to the surrounding road network, Whitehall Street is within a Transport Zone 2 (TRZ2) and forms part of the principal road network. Francis and Lyell Streets are both Council roads that provide access to Yarraville Port. The section of Francis Street that interfaces within the subject site is currently unsealed. The State Government has provided a grant to fund the sealing of the road as part of their investment in improving air quality in Melbourne's West.

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Planning Permit and Site History

The site has an extensive industrial land use and development history. The early records (1896 Melbourne Metropolitan Board of Works (MMBW)) show that the site contained a large quarry with a processing facility and ‘tramway’ to the Yarra River frontage.

The site has been used for the manufacturing of agricultural and industrial chemicals from early 1900s to 2002 when Orica ceased operations on the site. The land has been the subject of EPA clean up notices and 2A Francis Street is undergoing remediation works to remove contamination of soil and ground water.

The recent planning permit and site history has sought to use the site for industrial purposes, including the grinding of slag for cement related products. The current application seeks to expand this approved land use.

A summary of the recent planning permit history (associated with the use of the site by Steel Cement) is provided below.

Permit	Address	Approval date	Description
TP588/2012(1)	295 Whitehall Street, Yarraville	28 March 2013	<p>The planning permit allows the use and development of the land for the purpose of material recycling, reduction of parking requirements, waiving loading bay and bicycling requirements.</p> <p>The permit remains valid. The use includes the grinding of slag into cement productions and operates 24/7. The raw material is delivered via ship and the Port of Melbourne land. Trucks enter and exit the site via Whitehall Street.</p>
TP109/2018(1)	295 Whitehall Street, Yarraville	13 March 2019	The planning permit allows the construction of a warehouse and bagging plant in association with the existing use and minor demolition and restorations to a heritage building.
TP109/2018(2)	295 Whitehall Street, Yarraville	19 August 2019	<p>The amended planning permit allows the delivery of approved used and development in two stages.</p> <p>Both stages are complete. The amended planning permit remains valid.</p>
TP109/2018(3)	295 and 325 Whitehall Street and 2A Francis Street, Yarraville	2 August 2021	<p>The amended planning permit allowed building and works to construct internal roads and vehicle access via Francis Street.</p> <p>The amended permit wasn't acted on and has expired. The current applicant includes this previously approved vehicle access and internal road network.</p>

3. Permit Triggers & Policy Context

The proposal requires a permit under the Maribyrnong Planning Scheme. Refer to Attachment 2 for a detailed list of permit triggers.

The relevant sections of the Planning Policy Framework have been considered in forming this report, listed at Attachment 2.

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4. Human Rights Consideration

The report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

5. Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

6. Notification

Public notice of the application was given pursuant to Section 52(1)(a)(b)(d) of the *Planning and Environment Act 1987* (hereafter 'the Act'). Specifically, the application was advertised to owners and occupiers of adjoining properties in the following manner:

- Mailing of notices to adjoining and surrounding properties³
- Posting three advertising sign notices on the land

Notice of the application was also given to Work Safe under Section 52(1)(d) of the Act due to the sites inclusion within the Inner Planning Advisory Area and Outer Planning Advisory Area of the Mobil Terminal Yarraville and Coode Island Major Hazard Facility, respectively. Work Safe provides no objection to the applicant.

Notice of the application was also given to Hobson Bay City Council under Section 52(1)(b) of the Act because the application involves the intensified use of Francis Street for vehicle access (including for trucks), which is a street within both Maribyrnong and Hobsons Bay City Council area. Hobson Bay City Council provides no object to the application.

A total of 109 objections were received. In summary, the grounds of objection primarily relate to air pollution, noise and increased truck traffic.

7. Referrals

The application was referred to the following determining referral authorities pursuant to Section 55 of the *Planning and Environment Act 1987*:

Authority	Officer Response
Head, Transport for Victoria	<p>Pursuant to Clause 52.29-4 and Clause 66.03 of the Maribyrnong Planning Scheme, the application was referred to the Head, Transport for Victoria.</p> <p>The authority issued a referral response on 10 October 2024. The authority doesn't object to the proposal and doesn't recommend any conditions of permit. The authority states that the proposal will not disrupt the local network, subject to adhering to existing truck restrictions along Francis and Whitehall Street.</p>

³ All properties within the applicable Clause 53.10-1 'Threshold distance' were directly notified of the application by mail.

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Environment Protection Agency	<p>Pursuant to Clause 53.10-1, Clause 66.02-1 and Clause 66.02-7 of the Maribyrnong Planning Scheme, the application was referred to Environment Protection Agency (EPA).</p> <p>The authority issued a referral response on 23 May 2023. The EPA doesn't object to the proposal and hasn't required the inclusion of any conditions on the permit. Two EPA notes will be included on the permit and contained at note 1 and 2 of the recommendation (Attachment 1).</p> <p>Based on the information provided, the EPA states that the proposal will comply with the applicable noise limits and air pollution requirements.</p>
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In addition to this planning permit application, separate permission is also required from the EPA under the *Environment Protection Act 2017*. The EPA issued a Development License for the proposal on 19 July 2024, which includes several conditions that deal with the monitoring and management of air pollution and noise. The EPA Development License is provided at Attachment 3.

The application was referred to the following internal Council departments:

Internal department	Officer Response
Infrastructure Services (engineering and drainage)	Doesn't object to the proposal, subject to conditions of the recommendation relating to drainage and waste management. These conditions are at 14, 30 to 34.
Infrastructure Services (transport)	Doesn't object to the proposal, subject to conditions of the recommendation relating to vehicle crossover detail. This condition is at 1c.
City Development (ESD Advisor)	Subject to condition 11 of the recommendation, the proposal will achieve a best practice ESD outcome as required by Clause 21.06-2 'Environmentally Sustainable Design' of the Maribyrnong Planning Scheme.

DISCUSSION

Having regard to the relevant provision of the Maribyrnong Planning Scheme, the key questions that need to be considered include:

- Is the proposal supported by strategic planning policy?
- Does the proposal comply with the requirements of Industrial 1 Zone?
- Are the proposed off-site amenity impacts acceptable?
- Is the proposed car and bicycle parking, vehicle access and traffic acceptable?
- Does the proposal achieve best practice ESD outcomes?

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Is the proposal supported by strategic planning policy?

Pursuant to Clause 21.08-3 'Industrial Related Employment Land' of the Planning Scheme, the site forms part of a Core Employment Area (CEA) known as 'Precinct 1 Yarraville Port' and is identified as suitable for further industrial investment and employment generation.

Council's local 'Yarraville Port Core Employment Area' policy at Clause 22.04 of the Planning Scheme locates the site within 'Area B', which is described as dominated by large scale industries at the port interface.

Having regard to the relevant policy, the proposal is considered to have strategic policy support. The proposal complies with the relevant noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*. The proposal will not result in an adverse noise impacts to any sensitive use (Clause 13.05-1S Noise Management). The proposal is appropriately located and designed to minimise air pollution (13.06-1S Air quality management).

The proposal will enable further industrial development in an established industrial area that is 'regionally significant industrial land' based on the Melbourne Industrial and Commercial Land Use Plan (MICLUP) (Clause 17.03-1S Industrial land supply). The location of the proposal within a CEA is appropriate given the substantial threshold distance associated with the activity (Clause 13.07-1S, Clause 17.03-2S Sustainable industry).

The site is within the buffer area of two Major Hazard Facilities, which makes it suitable for industrial activity that doesn't attract large numbers of people. The proposal has a low employment density given the size of the site. While an additional 185 truck will access the site each day, they will only be on-site temporarily (Clause 22.04 Yarraville Port Core Employment Area).

Does the proposal comply with the requirements of the Industrial 1 Zone?

The proposed industrial use is consistent with the purpose of the IN1Z which seeks to provide for manufacturing industry and associated uses where it doesn't affect the safety and amenity of local communities.

Having regard to the relevant decision guidelines of the IN1Z, the proposal is acceptable for the following reasons:

- The proposal is consistent with Municipal Planning Strategy, as detailed above
- The proposal will not result in any adverse effects to nearby residential land, including in relation to air quality and noise
- The anticipated traffic generation can be accommodated within the existing road network as detailed below

Are the proposed off-site amenity impacts acceptable?

The site is within the centre of an established CEA and has no direct sensitive interface. That said, the scale and type of industrial activity proposed requires consideration of potential off-site amenity impacts to surrounding areas. Of relevance to this application are amenity impacts relating to air quality and noise.

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The applicant has provided technical assessments which consider the proposals effect on air pollution and noise. Both assessments have regard to the nearest sensitive receivers. This includes dwellings within the Industrial 3 Zone along Frederick Street that are 85 metres from the site's western boundary.

Air quality

An Air Quality Assessment of the proposal has been prepared by Ektimo Pty Ltd (dated 5 September 2022). The assessment has considered inhalable and respirable Particulate Matter (hereafter 'PM'), including Respirable Crystalline Silica (hereafter 'RCS'). The Air Quality Assessment has been prepared in accordance with EPA Publication 1961: Guideline for Assessing and Minimising Air Pollution.

The existing slag grinding stack is licensed by the EPA as a discharge point at the current facility and is tested annually. The testing has demonstrated that the total PM is 50 percent less than the allowed limit.

The predominant source of dust emissions from the new facility includes:

- The bag filter stack of each mill.
- The fabric filters at the storage, elevators, control system, dispatch silos and weighbridge outload.
- The ship unloading sources including engine exhaust, transfer of material to hoppers, and at conveyor switch points.

To assess the potential effects on air quality, the assessment completed air quality dispersal modelling using meteorological data from EPA monitoring stations. Peak ground level concentrations of PM were predicted⁴ and compared with air pollution assessment criteria (hereafter 'APAC')⁵, inclusive of background PM concentrations as recorded by the EPA monitoring station in Footscray.

The Air Quality Assessment has found that:

- At the most affected sensitive receiver, the existing daily background levels of PM already exceed the APAC a few times per year. When the predicated increment from Stage 1 and 2 of the proposal are added to this, there is no increase to the number of day that the APAC are exceeded for PM.
- The highest predicted annual average increment at any sensitive receiver represented 5 percent of the APCA for PM. When added to the existing average background, the total was not predicated to exceed the APAC.
- Regarding RCS, RSC is less than 3% of any of the materials ground/processed within the mills onsite. The peak predicted impact at the most affected sensitive receiver is less than 0.4% of the substance APAC.

⁴ The predictions are established based on direct testing from the existing facility and design data from the grind mill and various fabric filter exhausts (among other things).

⁵ APACs are set by the EPA as risk-based concentrations of pollutants in the air. They are established based on current science.

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The new plant and equipment are designed to minimise air pollution. This includes using modern hoppers, an enclosed conveyor systems, enclosed bulk storage, and enclosed storage silos, all of which is under induced negative air pressure to prevent dust emissions.

Steel Cement has a General Environment Duty (hereafter 'GED') under the *Environment Protection Act 2017* to prevent harm and risk of harm. In responding to its obligations under the GED, a risk treatment plan has been developed based on EPA requirements and guidance. The controls adopted under the risk treatment plan include (among other things):

- Continuous monitoring of PM ambient air concentrations at a single location on the west boundary in the direction of the nearest sensitive receiver for real-time dust management.
- Observation of ship unloading and production activities via video links to identify dust emissions and trigger further management measures.
- Periodic inspections of all dust control and filter systems.

Since the assessment was completed, the Victorian State Government have awarded a grant to seal Francis Street. This will further minimise dust impacts associated with the proposal with asphalt to be laid in lieu of the current unsealed surface.

Noise

An Acoustic Assessment of the proposal has been prepared by SLR Consulting Pty Ltd (dated September 2022). As part of the assessment, noise monitoring was completed from 2 to 7 September 2022, which was used to update existing data for the site.

The Acoustic Assessment was completed in accordance with EPA publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment (hereafter 'EPA noise protocol').

The assessment had regard to the cumulative effect of noise from surrounding industrial activity and considered the noise impact at two sensitive receivers (shown below at Figure 3). This includes:

- 11 Frederick Street: a dwelling within the Industrial 3 Zone that is 85 metres from the west boundary of the subject site
- 7 York Street: a dwelling within a residential zone that is approximately 335 metres from the west boundary of the site.

The modelling of the noise impacts considered the contours of the land, the location and acoustic power levels of significant noise sources. The Acoustic Assessment made the following findings:

- The noise emissions comply with the EPA noise protocol and don't fall under the 'aggravated noise' limits.
- The noise levels don't exceed the objective level for the different land use categories that apply to relevant sensitive receivers.

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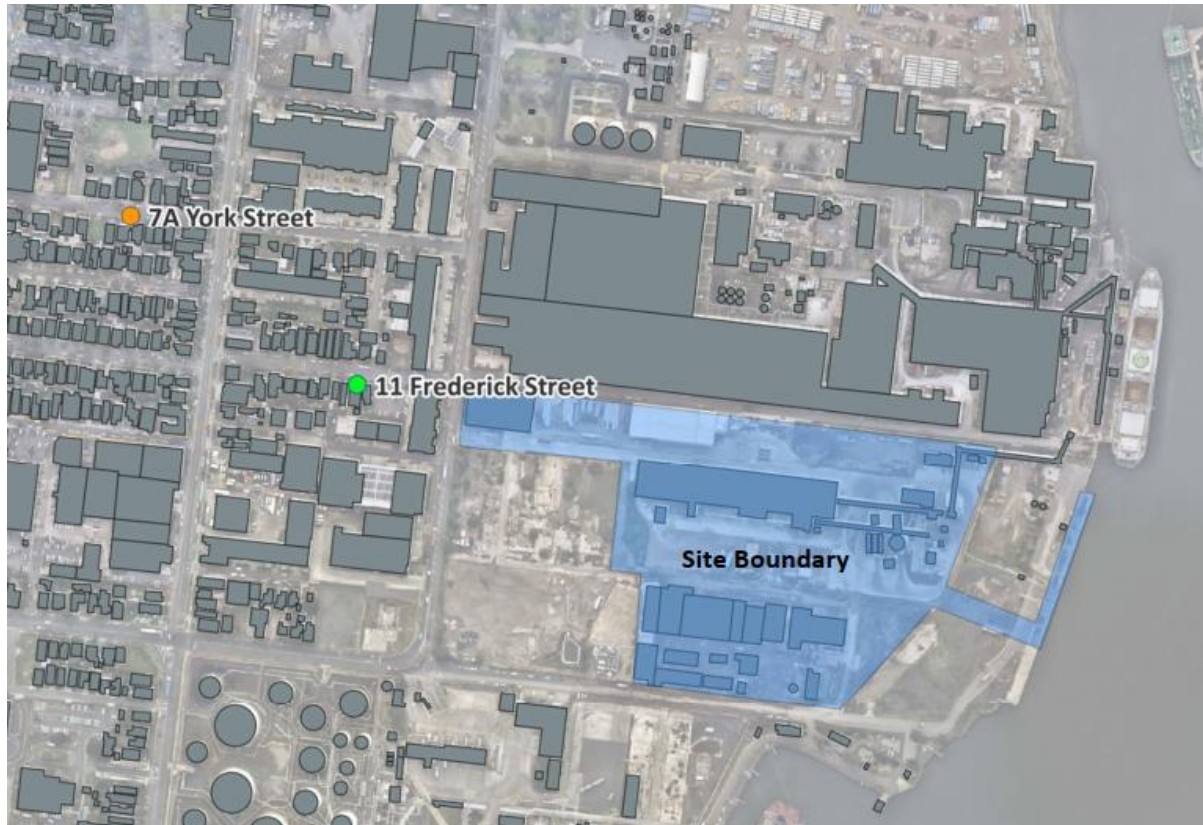


Figure 3: Location of sensitive receivers. Source: advertised acoustic assessment.

EPA referral and Development License determination

The EPA is a referral authority under the Maribyrnong Planning Scheme and has considered the planning permit application, including the technical air quality and acoustic assessments. The EPA has stated that the proposal will comply with the applicable noise limits and air pollution requirements.

Separately, the EPA has issued a Development License for the proposal under the *Environmental Protection Act 2017*. The Development License was issued on 19 July 2024 and includes conditions that require on-going measurement and monitoring of air quality and noise emissions (among other things). The EPA Development License is provided at Attachment 3.

The proposal will not result in any unreasonable air quality or noise impacts to adjacent industrial or surrounding residential land. These matters are appropriately regulated by the EPA Development License issued for the proposal.

Is the proposed car and bicycle parking, vehicle access and traffic acceptable?

Car parking

The proposal provides a total of 38 new on-site car parking spaces associated with the new facility. The car park area is consolidated along the Francis Street frontage and is designed as two rows of 19 car parking spaces, with one row accessed via Francis Street and the other 19 spaces are access from the internal road.

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Clause 52.06-5 of the Planning Scheme requires that a total of 453 on-site car parking spaces be provided. Therefore, the proposal seeks approval for a reduction to the statutory car parking requirements of 415 spaces.

Clause 52.06-5 requirement	Car spaces required	Car spaces provided
2.9 car spaces per 100 sqm of net floor area	452	38

Having regard to the relevant provisions of the Planning Scheme, the proposed car parking reduction is acceptable for the following reasons:

- There will be a maximum of only 25 employees on-site at any one time
- There is no retail use that attract customers. The dispatch of all products will occur via trucks that will queue within the internal road network

The proposed 38 on-site car parking spaces is adequate given the nature of the use and is supported by Council's traffic engineer.

Bicycle parking

The proposal seeks to reduce the statutory bicycle parking requirement to zero.

Clause 52.34-5 requirement	Bike spaces required	Bike spaces provided
1 bike spaces per 100 sqm of net floor area	16	0

Given the size of the site and the reduction in car parking requested there is no reason why bicycle parking cannot be accommodated. This will provide an added incentive for those seeking to cycle rather than use public transport, with the site in close proximity to high quality cycling routes. The requirement for bicycle parking will form a permit condition.

Vehicle access

The proposal will involve the construction of three new crossovers to Francis Street. Entry and exit from the site will occur via dedicated crossovers at Francis Street to manage traffic and vehicle circulation within the site. The existing crossovers at Whitehall Street and at the eastern end of Francis Street will continue to be used.

The largest vehicle accessing the site will be 26-metre-long b-double trucks.

Traffic

A Traffic Engineering Assessment has been prepared by Traffix Group Pty Ltd (dated 2 August 2022). An empirical assessment of existing traffic was completed on Thursday 26 May 2022 between 7am and 7pm. This includes traffic counts at the Whitehall and Francis Street intersection and the site vehicle access to Whitehall Street. Additional data was supplied by Steel Cement on truck movement over the 2021 calendar year that was input into the assessment.

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Using the data, a SIDRA (intersection capacity) analysis of the performance of the Whitehall and Francis Street intersection was completed. The analysis found that the intersection operates at excellent conditions, including during peak hours.

A reduction in traffic is expected along Francis Street based on the West Gate Tunnel Project (hereafter 'WGTP') and the future 24 hours truck ban. For this reason, Francis Street will operate under improved conditions.

A SIDRA analysis was also completed for the post development performance of the Whitehall and Francis Street intersection, which included peak hour traffic volumes. The analysis indicated that:

- There will be negligible impacts compared to existing conditions
- The intersection operates at an 'excellent' level of service for all movements during both peak hours, with exception to the right-turn movement of the northern leg (Whitehall Street) during the PM peak hour, which has a 'very good' level of service

The applicant has provided proposed truck travel routes in the context of the future truck bans associated with the WGTP (see Figure 4 below). This shows that the future truck bans will not impact vehicle movements. Truck access will be provided via:

- Hyde Street using the new interchange to the Westgate Fwy at Hyde Street; and
- Whitehall Street via Footscray Road and Citylink

Based on the analysis, the traffic impacts associated with the site expansion can be readily accommodated and will not result in any impacts on the operation of the nearby road network. This has been confirmed by Head, Transport for Victoria.

Importantly, the facility's reliance on the importing of raw product via ship will assist with minimise the vehicle traffic.

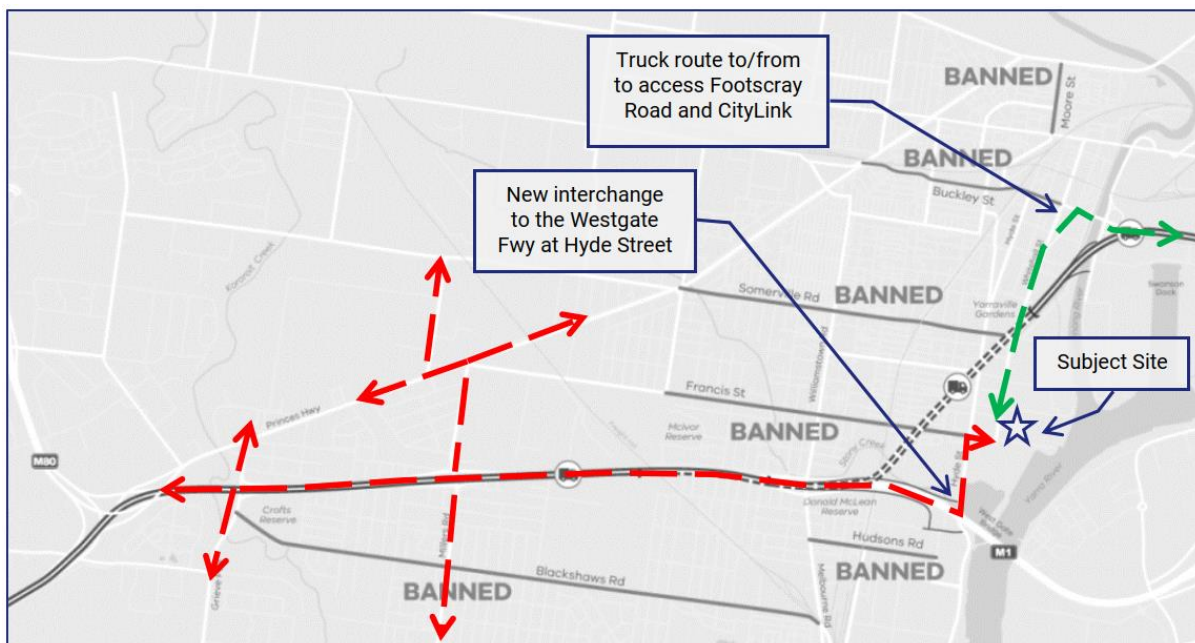


Figure 4: proposed truck travel routes. Source: amended Traffic Engineering Assessment submitted to Head, Transport for Victoria.

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Has the development demonstrated best practice environmental design (ESD)?

As demonstrated in the Civil Engineering Report (prepared by KPA Management and Consulting Pty Ltd), the proposal complies with stormwater management requirements at Clause 53.18 of the Planning Scheme. Specifically, the proposal includes:

- The construction of sedimentation ponds and silt fencing during construction to improve the quality of stormwater run-off
- The installation of a HumeCeptor proprietary system that allows for on-site treatment of stormwater prior to discharge into the drainage system
- The capture and re-use of stormwater for toilet flushing and irrigation. Further detail on the capture and reuse of stormwater is required as a condition

The proposal will achieve best practice ESD outcomes subject to condition 11 of the recommendation.

Maribyrnong Climate Emergency Action Plan 2020-2025 specifies that by 2025 the City of Maribyrnong will have prioritised zero carbon transport across all of its operations. It will have a clear and resourced plan to cease transport generated greenhouse gas emissions, reduce car use and provide infrastructure to support zero carbon transport. Increasing car parking will lead to increased traffic, increased congestion and increased carbon emissions.

The reduction in car parking will reduce reliance on private vehicle transport with a limited number of employees to be on site at any given time. The arrival of material primarily via boat will reduce truck movements when compared to a more intense use or one where all goods arrive by road.

The plan also has a focus on uses which promote the circular economy, as opposed to the more linear economy where new raw materials are extracted before ultimately ending up in landfill. This use would take otherwise redundant material (cement clinker and concrete slag) which if not recycled at this facility would ultimately end up in landfill.

Maribyrnong City Council Air Quality Improvement Plan recognises the adverse health effects of poor urban air quality and establishes a range of actions for Council to advocate and investigate the development of programs to improve air quality.

The application includes a detailed Air Quality Assessment which has informed the officer recommendation. Further, the EPA have issued a Development License for the proposal under the *Environment Protection Act 2017* that contains conditions that regulate air quality and emissions.

The use would be subject to regular monitoring by the EPA with measures such as a negative pressure conveyor belt and filtered emissions stack providing mitigation measures.

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CONCLUSION

The proposal meets the overall intent and objectives of the State and Local Planning Policy Frameworks of the Maribyrnong Planning Scheme.

Having considered all relevant matters, including those required by s60 of the *Planning and Environment Act 1987* and Clause 65 of the Maribyrnong Planning Scheme, the application should be supported.

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PROPOSED PLANNING PERMIT CONDITIONS

APPLICATION NUMBER:	TP53/2023(1)
SITE ADDRESS:	295 and 325 Whitehall Street and 2A Francis Street, YARRAVILLE
PROPOSAL:	Use and development of the land for Industry (cement processing) where the threshold distance at Clause 53.10 is not met, to reduce the statutory car parking requirement, to waive the bicycle parking requirements and to alter access to a road in Transport 2 Zone
DATE OF COUNCIL MEETING:	11 December 2024

Amended plans required

1. Concurrent with the submission of plans pursuant to condition 1, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the Advertised Plans prepared by MLEI Consultant Engineers, Drawing No. S01, S02, S03, S05, S06, S07, S08, S09, S10, Issue A date 15/09/22, Drawing No. S04, Issue B date 28/09/22, but modified to show:
 - a. A minimum of 16 secure bicycle parking spaces conveniently located and undercover.
 - b. A Feature and Levels Survey that shows the natural ground level of the site.
 - c. The installation of a 'car entry only' and 'car exit only' signs at Francis Street staff car park crossovers.
 - d. The vehicle crossover details, including:
 - i. Dimension of width.
 - ii. Corner splay dimensions.
 - e. A Landscape Plan as required by condition 3.
 - f. A Sustainability Management Plan as required by condition 11.
 - g. Waste Management Plan as required by condition 14.

Compliance with endorsed plans.

2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme (MPS). NOTE: This does not obviate the need for a permit where one is required.

Landscape Plan

3. Concurrent with the submission of plans pursuant to condition 1, a Landscape Plan must be submitted to the Responsible Authority. The landscape plan must include the following:
 - a. Strategies for the retainment of any existing street trees (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - b. A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant.

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- c. Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
- d. Details of the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with any endorsed Sustainability Management Plan.
- e. The location of street trees and a note confirming street tree retention.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

4. Before the occupation of the development starts 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.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, this includes the replacement of any dead, diseased or damaged plants.

Street tree protection

6. Before the development starts (including any demolition works), tree protection measures in accordance with AS4970-2009 (Protection of trees on Development Sites) must be erected around the existing street tree. The tree protection measures must remain in place until construction is completed.
7. Before the development commences (including any demolition works), a bond equal to the combined amenity value of the tree(s) or an amount otherwise specified by Council must be paid to Council's Parks and Open Space department. The bond will be held for a period of 6 months after the certificate of occupancy has been issued and will be released pending a final inspection. If any tree is damaged or goes into decline within the 6 month period the full bond amount will be retained to recover the loss of amenity and establishment of new trees. All works to remove the tree(s) must be undertaken by the Responsible Authority at the cost of the developer.
8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
9. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007 (Pruning of Amenity Trees). Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
10. Before the development starts a fee must be paid to the Responsible Authority for the removal of the existing street tree(s). All works to remove the tree(s) must be undertaken by the Responsible Authority

Sustainability Management Plan (SMP)

11. Concurrent with the submission of plans pursuant to condition 1, a Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority. The SMP must be completed by a suitably qualified person/s, must demonstrate best practice environmentally sustainable design,

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identify the responsibilities and schedule for implementation and ongoing management of incorporated and proposed sustainability design initiatives to the satisfaction of the Responsible Authority and address the following:

- a. Energy efficiency
- b. Water resources
- c. Indoor Environment Quality
- d. Stormwater Management that is consistent with Civil Engineering Report (prepared by KPA Management and Consulting Pty Ltd) but modified to provide a stormwater catchment management plan that details reuse.
- e. Transport
- f. Waste Management
- g. Urban Ecology

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

12. When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.
13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first or as otherwise agreed to in writing by the Responsible Authority, all works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority.

Waste Management Plans

14. Concurrent with the submission of plans pursuant to condition 1, a waste storage and collection management and recycling plan for the development must be prepared to the satisfaction of the Responsible Authority. The Waste Management Plan must have regard to the following:
 - a. The management plan must confirm that all waste will be collected by private contractors not Council.
 - b. The bin storage areas, including dimensions.
 - c. The screening and bin storage enclosure, including construction details.
 - d. Access for removal and collection.
15. Waste management must be carried out in accordance with the Waste Management Plan approved as part of condition 14.

Construction Management Plan

16. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development. The "Construction Management Plan" when approved will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address:-
 - a. the contact name and phone number(s) of the site manager,
 - b. bulk excavation,
 - c. management of the construction site,

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- d. land disturbance,
- e. hours of construction, including program/duration of works
- f. noise,
- g. control of dust,
- h. public safety,
- i. traffic management,
- j. construction vehicle road routes,
- k. largest vehicle expected to the site,
- l. soiling and cleaning of roadways,
- m. discharge of any polluted water,
- n. security fencing, disposal of site waste and any potentially contaminated materials,
- o. crane locations during construction,
- p. location of site offices, and onsite staff parking,
- q. redirection of any above or underground services,
- r. site lighting during any night works.

Environmental Audit requirements

17. Before the construction or carrying out of buildings and works, the owner(s) must provide:
- a. A Preliminary Site Investigation that confirms whether an environmental audit is required under the Environment Protection Act 2017; or,
 - b. An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or,
 - c. An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
18. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
- Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first). All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
19. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.

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20. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 17, 18 and 19 are satisfied.
21. Prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
22. Where a Preliminary Site Investigation has satisfied Condition 17 a), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the- layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the Preliminary Site Investigation to the satisfaction of the Responsible Authority.

Landfill Gas Assessment

23. Prior to the commencement of works (excluding works reasonably required to conduct the risk assessment required in this condition), the owner of the land must to the satisfaction of the responsible authority:
 - a. provide the responsible authority any existing information relating to the assessment of landfill gas risks relevant to the use and development of the land and, following an assessment of that information by the responsible authority, as necessary if determined by the responsible authority:
 - i. engage an appropriately qualified consultant with demonstrated experience in the assessment of landfill gas in the subsurface environment as either an environmental auditor or as an assessment consultant for an environmental audit process specifically considering landfill gas, to conduct an assessment of the potential presence of methane beneath the land and prepare and submit to the responsible authority a scope of the proposed risk assessment, which may comprise a desktop/literature based assessment and/or a site-specific intrusive landfill gas investigation.
 - ii. upon approval of the scope of the risk assessment by the responsible authority, have the consultant conduct the risk assessment and prepare a report to be submitted to the responsible authority which contains the consultant's opinion as to any potential hazard associated with methane beneath the land and any recommendations for the management or monitoring of methane gas. The consultant must also provide an opinion on whether an audit is required under section 53V of the Environment Protection Act 2017.
 - iii. implement any recommendations of the risk assessment report. If any recommendations require any ongoing management or monitoring, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the responsible authority requiring the implementation of any ongoing requirements.

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- iv. The owner must pay the reasonable costs of the responsible authority incurred in engaging a consultant to conduct a peer review of the risk assessment scope and the risk assessment report prepared in accordance with conditions 1 (a)(i) and 1(a)(ii). The owner must also meet all costs associated with the drafting, execution and registration of the agreement, including those reasonably incurred by the responsible authority, which may be required under condition 1(a)(iii).

Noise

24. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.

Vehicle access & car parking management

25. Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.
26. All disused or redundant vehicle crossings must be removed and the area reinstated with either/or footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
27. Before the use and/or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the Responsible Authority and be:-
 - a. Constructed.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced with an all weather seal coat.
 - d. Drained.
 - e. Line marked to indicate each car space and all access lanes.
 - f. Clearly marked to show the direction of traffic along access lanes and driveways.
 - g. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

DCP levy

28. A Development Infrastructure Levy(s) in accordance with any approved Development Contributions Plan(s) which applies to the Land must be paid to the Collecting Agency prior to the grant of a building approval or the development of any buildings and works associated with the permitted development, whichever occurs first, unless the Collecting Agency agrees to a different time for payment.

Use

29. The loading and unloading of goods from vehicles, including move-in/move-out of residents, must only be carried out within the designated loading areas and must not disrupt the circulation and parking of vehicles on the land or the adjoining road network.

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Drainage

30. Prior to the commencement of any works on the site, excluding demolition, bulk excavation and site preparation works, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.
31. The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.
32. The site must be drained to the satisfaction of the Responsible Authority and is subject to any requirements, conditions and subsequent approval from VicRoads. Stormwater run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground stormwater system. Any cut, fill or structure must not adversely affect the natural stormwater runoff from and to adjoining properties.
33. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
34. Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.

General

35. Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.
36. All pipes, fixtures, fittings and vents excluding downpipes, servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Expiry

37. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within five years of the date of this permit.
 - c. The use does not start within two years after the completion of the development.
 - d. The use is discontinued for a period of two years.

Notes

Note 1: The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development/use allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note 2: This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or

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duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.

The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

Note 3: A **Vehicle Crossing Permit** is required from the Responsible Authority for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with the Responsible Authority's Standard Drawings, Specification and Vehicle Crossing Policy

Note 4: A **Stormwater Discharge Permit** is required from MCC Operations and Maintenance.

Note 5: The owner shall be responsible for the loss of value or damage to Council's assets as a result of the development. Reinstatement or modification of the asset to Applicant.

Note 6: This is not a Building permit. A building permit may also be required. Please contact your building surveyor.

Note 7: Development Contribution Plan Levy - Planning Scheme Amendment C164 introduced a new municipal wide development contributions plan (DCP) into the Maribyrnong Planning Scheme. The DCP provides for the imposition of infrastructure contributions to fund local infrastructure. A condition has been included on this permit. For more information on the amount applicable and when it is to be paid please consult Council's website (search DCP or C164) or call 9688 0200 and ask for the DCP officer.

Note 8: Development Contribution Plan Levy - For the purposes of the Development Contributions Plan Overlay Schedule 2, this permit results 15635 sqm of industrial floor area (prior to any possible future amendment). The levy is adjusted annually on July 1 each year for inflation, by applying the Consumer Price Index, please contact Council for an Invoice prior to payment.

Agenda Item 6.1 - Attachment 2

PLANNING PERMIT TRIGGERS AND POLICY CONTEXT

APPLICATION NUMBER:	TP53/2023
SITE ADDRESS:	295-325 Whitehall Street and 2A Francis Street, Yarraville
PROPOSAL:	Use and development of the land for Industry (cement processing) where the threshold distance at Clause 53.10 is not met, to reduce the statutory car parking requirement, to waive the bicycle parking requirements and to alter access to a road in Transport 2 Zone
DATE OF COUNCIL MEETING:	11 December 2024

Permit Triggers & Policy Context

The site is located within the Industrial 1 Zone (IN1Z). The site is also affected by the Heritage Overlay (HO184) and the Development Contributions Plan Overlay (DCPO2).

A Planning Permit is required for the following:

Planning control	Clause reference
Industrial 1 Zone	<ul style="list-style-type: none"> • Clause 33.01-1: a planning permit is required for the use of land for Industry where the threshold distance specified in Clause 53.10 isn't met. • Clause 33.01-4: a planning permit is required for building and works.
Car parking	<ul style="list-style-type: none"> • Clause 52.06-3: a planning permit is required to reduce the number of car parking required under Clause 52.06-5.
Land adjacent to the Principal Road Network	<ul style="list-style-type: none"> • Clause 52.29-2: a planning permit is required to create or alter access to a road in a Transport Zone 2.
Bicycle Facilities	<ul style="list-style-type: none"> • Clause 52.34-2: a planning permit is required to waive the requirements at Clause 52.34-5 and Clause 52.34-6

The following provisions don't trigger the need for a planning permit but are relevant to the consideration of the application:

- **Clause 43.01 'Heritage Overlay'.**
 The subject site is only partly affected by HO184. A planning permit is not triggered as no building and works are proposed within the Heritage Overlay.
- **Clause 45.06 'Development Contributions Plan Overlay' Schedule 2.**
 Pursuant to Schedule 2 to the DCPO, the proposal will be required to pay the Development infrastructure Levy. This will be achieved via a standard condition of permit.

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- **Clause 53.10 'Uses and activities with potential adverse impacts'**. Pursuant to Clause 53.10-1, the threshold distance for cement production exceeding 150,000 tonnes per year is 1,000 metres. The subject site is approximately 250 metres from land within a residential zone and does not meet the threshold distance. For this reasons, the application must be referred to the Environmental Protection Authority under Section 55 of the Planning and Environment Act 1987.

Planning Policy Framework

Clause 11 (Settlement), including:

- Clause 11.01-1S (Settlement).
- Clause 11.02 (Managing Growth).

Clause 13 (Environmental Risks and Amenity), including;

- Clause 13.04-1S (Contaminated and potentially contaminated land).
- Clause 13.05 (Noise).
- Clause 13.06-1S (Air quality management).
- Clause 13.07-1S (Land use compatibility).
- Clause 13.07-2S (Major hazard facilities).

Clause 15 (Built Environment and Heritage), including;

- Clause 15.01 (Built Environment).
- Clause 15.01-1S (Urban Design).
- Clause 15.01-1R (Urban design – Metropolitan Melbourne).
- Clause 15.01-2S (Building Design).
- Clause 15.03-1S (Heritage conservation).
- Clause 15.03-2S (Aboriginal cultural heritage).

Clause 17 (Economic Development), including:

- Clause 17.01 (Employment).
- Clause 17.01-1S (Diversified economy).
- Clause 17.01-1R (Diversified economy – Metropolitan Melbourne).
- Clause 17.03-1S (Industrial land supply).
- Clause 17.03-2S (Sustainable industry).

Clause 18 (Transport), including:

- Clause 18.01 (Land use and transport integration).
- Clause 18.01-2S (Transport system).
- Clause 18.02-4S (Roads).

Clause 21 (Municipal Strategic Statement), including;

- Clause 21.01 Municipal Strategic Statement
- Clause 21.02 Municipal Profile
- Clause 21.03 Council Vision
- Clause 21.04 Settlement
- Clause 21.05 Environment and Landscape Values

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- Clause 21.06 Built Environment and Heritage
- Clause 21.08 Economic Development
- Clause 21.09 Transport
- Clause 21.10 Community and Development Infrastructure
- Clause 21.12 Reference Documents

Aboriginal Cultural Heritage

Council accepts the findings of the Aboriginal Cultural Heritage Due Diligence Assessment prepared by GML Heritage Pty Ltd (date 31 August 2022) that there is no requirement for a mandatory Cultural Heritage Management Plan (CHMP).

The site is considered to have been the subject of significant ground disturbance which is defined as 'disturbance of (a) the topsoil or surface rock layer of the ground or (b) a way - by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

In accordance with the above assessment, a cultural heritage management plan is not required under the *Aboriginal Heritage Regulations 2018*.

Contamination and proximity to landfill sites

Based on Council's records, the development area is located above a former quarry that was subsequently f. The landfill has been closed for at least 30 years. Council has no information on the nature of the waste deposited within the landfill.

Having regard to Assessing planning proposals within the buffer of a landfill (Publication 1642, October 2017), it is recommended that a Landfill Gas Risk Assessment be undertaken for the development. Accordingly, a condition will be imposed on any permit issued requiring further investigations.

Considering the guidelines outlined in Planning Practice Note 30: Potentially Contaminated Land (the Practice Note), the previous uses of the land and surrounding land indicate a significant potential for contamination. The proposal seeks approval for a non-sensitive use. To comply with the Practice Note, a condition of the recommendation will require a Preliminary Site Investigation to determine whether an audit is required.

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Development licence

Environment Protection Act 2017

Licence number	DL000300054
Issue date	19 July 2024
Last amended	-
Expiry date	31 July 2032
Licence holder	STEEL CEMENT PTY LTD
ACN	007194818
Activity site(s)	2a Francis Street, Yarraville, Victoria, 3013, Australia
Prescribed permission activities	H01 (Cement)

Issued under section 69(1)(a) of the *Environment Protection Act 2017* (the Act).

A handwritten signature in black ink, appearing to read 'Richard Hook', with a stylized flourish underneath.

Richard Anthony.Hook
Team Leader, Development Licences
Delegate of Environment Protection Authority Victoria (EPA)

epa.vic.gov.au

Environment Protection Authority Victoria
GPO BOX 4395 Melbourne VIC 3001
1300 372 842



Agenda Item 6.1 - Attachment 3

Development licence

Environment Protection Act 2017

Context

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator acting in accordance with the *Environment Protection Act 2017* (the Act). Our regulatory role is to work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

Why we issue development licences

A range of development activity types are prescribed in the Environment Protection Regulations 2021 (the Regulations) because they give rise to risks of harm to human health or the environment. We issue development licences so applicants can lawfully undertake prescribed development activities. Section 44 of the Act provides that a person must not engage in a prescribed development activity except as authorised by a development licence in respect of that activity.

When we issue development licences

EPA can issue a development licence under section 69(1) of the Act. When issuing a development licence, EPA takes into account a number of factors, including the measures an applicant has taken or proposes to take in order to comply with the Act when engaging in the prescribed permission activity.

EPA can amend, suspend or revoke a licence for a range of reasons. This can include in response to changes in activities, risks or licence holder performance. All development licence details are publicly accessible via the EPA Public Register.

Key information and obligations

Interpretation

For the purposes of this development licence "You" means the "licence holder" identified on the first page. Unless a contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, and in any regulations made pursuant to the Act.

Compliance

Your licence is subject to conditions. These conditions confer legal obligations on you as the licence holder. Some of these are general in nature, while others require you to do (or not to do) specific things. The requirements of these conditions do not detract from each other in any way, nor do they affect any other duties or obligations with which you are required to comply by law. You must fulfil all duties and perform all obligations set out in this licence or otherwise required by law.

Strict penalties apply for non-compliance with any part of your development licence.

You must comply with the Act and regulations administered by EPA. This includes, but is not limited to, compliance with the general environmental duty (GED).

Licence number: DL000300054

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Development licence

Environment Protection Act 2017

Duties under the Act

Under the Act, you have legal obligations in relation to your prescribed and non-prescribed activities. These legal obligations exist to minimise risks of harm to human health and the environment from pollution and waste.

You may be committing an offence and be liable to a penalty under the Act if your actions or omissions constitute a breach of these legal obligations.

General environmental duty

The Act places the onus on you to understand the risks associated with your operation or activity and requires you to minimise the risk of harm. This is called the general environmental duty (GED).

Sections 6 and 25 of the Act provide the legal basis for the GED. These sections state that a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste must eliminate or minimise those risks, as far as reasonably practicable.

Duty to notify EPA of notifiable incidents

A notifiable incident is a pollution incident that causes or threatens to cause material harm to human health or the environment or is a prescribed notifiable incident. Under section 32 of the Act, you have an obligation to notify EPA of a notifiable incident as soon as practicable after you become aware of the incident.

Duty to take action to respond to harm caused by pollution incident

Under section 31 of the Act, if a pollution incident has occurred as a result of an activity (whether by act or omission) and the pollution incident causes or is likely to cause harm to human health or the environment, a person who is engaging in that activity must, so far as reasonably practicable, restore the affected area to the state it was in before the pollution incident occurred.

Duty to notify of contaminated land

Under section 40(1) of the Act, a person in management or control of land must notify EPA if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of the notifiable contamination.

Notifiable contamination means contamination which is prescribed in the Regulations, or contamination for which the cost of action to remediate the land is likely to exceed \$50,000, or any other prescribed amount.

Duties relating to industrial waste, priority wastes and reportable priority wastes

Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes. These duties include:

- Duties of persons depositing industrial waste.

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Development licence

Environment Protection Act 2017

- Duties of persons receiving industrial waste.
- Duty of persons involved in transporting industrial waste.
- Duties of persons managing priority waste.
- Duty to investigate alternatives to waste disposal.
- Duty to notify of transaction in reportable priority waste.
- Duty of persons transporting reportable priority waste.

For further information on waste classifications see schedule 5 of the Regulations.

Further information and resources

To aid compliance with the Act and the Regulations, Environment Reference Standards (ERS), Compliance Codes, Position Statements and Guidelines have been developed to address a range of environmental objectives, permitted and non-permitted activities and risks.

You should understand how the Victorian environment protection framework applies to you and your activity, operation or business by making yourself familiar with the Act, Regulations, Compliance Codes and other relevant guidance material.

To assist you with understanding your obligations refer to www.epa.vic.gov.au.

Amendment

You can apply at any time to EPA for an amendment to your licence under section 57 of the Act. EPA may also decide to amend a licence under its own initiative according to section 58 of the Act.

Transfer

A person may apply to EPA for the transfer of this licence to a new licence holder pursuant to section 56 of the Act.

Duration of licence and renewal

This development licence is subject to the expiry date identified on the first page of this licence. It will remain in force until that time unless it is first surrendered by the licence holder (with consent from EPA), or it is suspended or revoked by EPA. EPA may decide to extend the term of the licence under section 72 of the Act. Note that an application for a development licence renewal must be submitted to EPA before the licence expiry date

Licence number: DL000300054

Development licence

Environment Protection Act 2017

Development licence structure

Your development licence has multiple parts:

- Conditions
- Appendix 1 – locality plan
- Appendix 2 – activity plan
- Appendix 3 – contour plan
- Appendix 4 – waste acceptance table
- Appendix 5 – air discharge table
- Appendix 6 – water discharge table
- Appendix 7 – landfill cell table

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Development licence

Environment Protection Act 2017

Conditions

General conditions

DL_G01	<p>A copy of this licence must be kept at the site and be easily accessible to persons who are engaging in an activity conducted at the site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.</p>
DL_G02	<p>The development of the facility for Activity Type H01 (Cement works) must be constructed in accordance with the listed approved plans and documents: a) Air Quality Assessment_Ektimo_R012813-1_29 Jun 2022, b) Noise Assessment Report_SLR_640.30487-R01_15 Sep 2022, c) Heritage Impact Statement Final Report_GML_31 August 2022, d) Preliminary Design Drawings_MLEI, e) Stormwater Management For Building and Works_KPA Management_23 Aug 2022, f) Traffice Engineering Assessment_Traffix Group_2023, g) Aboriginal Cultural Heritage Final Report_GML_31 August 2022, h) Grinding Mill Study Operational Requirements DRAFT_ICL_8 Sep 2022, i) HMB ICL Combined, j) EPA EAN-00003503 - STEEL CEMENT PTY LTD_19 Oct 2022, k) Air Quality Assessment_Ektimo_5 Sep 2022, l) SCL EPA License_128502, m) SCL Operational EMP, n) Process Flow Diagrams, o) Drainage Plans, p) Servicing Report_Verve_8 November 2022, q) Hot gas generator, r) InterceptorPitLocations, s) New Mill Operating Costs_, t) Example Community Meeting Minutes, u) NOA, v) OL000128502 - Statutory Document, w) APP018889 - Application Details x) Credit-Report-SCL_14 Mar 2023, y) F1017-Fit and Proper Person Questionnaire_19 Apr 2023, z) F1018_Prohibited Person Questionnaire, aa) APP018889 - Invoice, bb) 2022-066 New Grinding Plant_Dev App, cc) M023-1969_C_2023.11.03, dd) M023-1969_Stormwater Management Report_A, ee) M023-1969_RevA, ff) M023-1969_MUSIC, gg) ESG2022-061 Response to EPA RFI and Objections for Development of Clinker Plant V1, hh) ESG2022-061 Response to EPA RFI - Stormwater V1. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.</p>
DL_G03	<p>Subject to the following conditions, this development licence allows you to: construct the following works Stage 1</p> <ul style="list-style-type: none">• Milling<ul style="list-style-type: none">o 100tph Slag/Clinker Grinding Capacityo Mill Feed binso Slag Feed bins• Wharf<ul style="list-style-type: none">o Hopper and conveyor system at Berth #6• Raw Material Storage<ul style="list-style-type: none">o 90,000T Clinker Storage and Automated Reclaimo 12,000T Limestone Storageo 12,000T Gypsum storage• Despatch

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Development licence

Environment Protection Act 2017

	<ul style="list-style-type: none">o 18,000T Despatch Storage Capacityo 4 Weighbridgeso Integration with the existing G-Tick weighbridge system
	<p>Stage 2</p> <ul style="list-style-type: none">• Milling<ul style="list-style-type: none">o 100tph Slag/Clinker Grinding Capacity• Despatch<ul style="list-style-type: none">o 9000T Despatch Storage Capacityo 2 Weighbridges.
DL_G04	<p>This permission does not take effect until a copy of any planning permit or amendment to a planning scheme required under the Planning and Environment Act 1987 (Vic) and related planning schemes has been provided to the Authority by the applicant.</p>
DL_G05	<p>This permission expires:</p> <ul style="list-style-type: none">(a) on the issue or amendment of an operating licence or permit relating to all activities covered by this permission;(b) when the Authority advises in writing that all activities covered by this permission have been satisfactorily completed and the issue or amendment of an operating licence or permit is not required; or(c) on the expiry date listed on the front page of this permission.

Standard conditions

DL_C01	<p>Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.</p>
DL_C02	<p>You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of:</p> <ul style="list-style-type: none">a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment;b) A malfunction, breakdown or failure of risk control measures at the site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; orc) Any breach of the licence.
DL_C05	<p>1. You must develop a risk management and monitoring program for your activities which:</p> <ul style="list-style-type: none">(a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site;(b) clearly defines your environmental performance objectives;(c) clearly defines your risk control performance objectives;(d) describes how the environmental and risk control performance objectives are being achieved;

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Development licence

Environment Protection Act 2017

	<p>(e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable; and</p> <p>(f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity.</p> <p>2. The risk management and monitoring program must be:</p> <p>(a) documented in writing;</p> <p>(b) signed by a duly authorised officer of the licensed entity</p> <p>(c) made available to the Authority on request.</p>
DL_C06	Within 60 days of the expiry of this permission, you must provide to EPA a report detailing the results of the commissioning monitoring program.
DL_C07	Within 45 days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes: a commissioning report that summarises the results of all commissioning and proof of performance activities. This report should confirm that the performance objectives as outlined under DL_R01, DL_R04 and DL_W01 have been met.
DL_W03	You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.

Specific conditions

DL_C03	Construction and commissioning must not cause or result in any breach of any permission issued by the Authority for the permission activity, except where authorised by a condition of this licence.
DL_C12	Waste from the activity site must not be discharged or disposed of to the environment except in accordance with this permission and with any other permission issued by the Authority that may relate to the activity site.
DL_R01	<p>At least 40 business days before the commencement of any commissioning, you must provide to the Authority report/reports for approval that include(s):</p> <p>(1) a Commissioning Plan that includes (but not limited to):</p> <p>(a) a noise measurement program including an assessment of noise character, to ensure the acoustic objectives of the project are satisfied at the onset of operation, and the mitigation measures for low frequency noise are effective.</p> <p>(b) an air monitoring/verification program to confirm performance of the air control system including the mill and air filters. The commissioning must ensure air emission objectives of the project are satisfied at the onset of operation</p> <p>(2) the Risk Management and Monitoring program (RMMP) referred to condition DL_C5 that includes (but not limited to):</p> <p>(a) an operational noise and vibration management plan, that include(s)</p> <p>(i) the 'management controls' specified in the section 7 of the Rev.1 of the Noise Assessment Report</p>

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	<ul style="list-style-type: none">(ii) ongoing inspection, maintenance and testing programs to prevent the emission of unreasonable noise; and(b) an air management plan, which includes air monitoring at the major discharge points as well as a program to continually improve dust mitigation.(c) stormwater monitoring plan including<ul style="list-style-type: none">(i) quarterly monitoring within 24 hours of rainfall events, with paired inflow and outflow samples.(ii) testing for water captured in bunded areas prior to discharge.
DL_R02	<p>You must not commence commissioning of the operating components of the development activities until you have received the Authority's written approval of the report(s)/plan(s) which is required pursuant to condition(s) DL_R01.</p>
	<p>At least 40 business days before the commencement of any construction, you must provide to the Authority report/report(s) that include(s): for approval</p> <ul style="list-style-type: none">(1) final detailed designs and schematics of the final layout of the facility specified in condition DL_G03 including:<ul style="list-style-type: none">a) designs and locations of the noise control measuresb) designs and locations of the air control equipment(2) an auditor construction environmental management plan (CEMP) that includes:<ul style="list-style-type: none">(a) description of the proposed construction activities and with reference to appropriate guidance, such as - Civil construction, building and demolition guidance (EPA Publication 1834).(b) measures during construction for the management of contaminated soils and to prevent impact to stormwater from contaminated soils.(3) An updated noise assessment report based on the detail design specifications supported by verifiable evidence, that include(s),<ul style="list-style-type: none">(a) sound power levels for the selected plant and equipment to be installed, including 1/3 octave band levels in the low frequency range.(b) an assessment conducted in accordance with the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol, publication 1826) and consistent with the provisions of the Technical guide: Measuring and analysing industry noise and music noise (publication 1997), that must,<ul style="list-style-type: none">(i) demonstrate that the contribution of the project to the effective noise levels at noise sensitive areas will not exceed the noise limits calculated in accordance with Part I of the Noise Protocol minus three decibels (3 dB)(ii) consider measurement/calculation uncertainty, and(iii) demonstrate consideration of Best Available Techniques and Technology (BATT)(c) the noise mitigation measures to be implemented at source, including those specified in specified in section 7 of the Rev.1 of the Noise Assessment Report (document gg).(d) controls to mitigate low frequency noise that will be implemented.
DL_R04	

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Development licence

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At least 4 months prior to commencing construction of the following components of the development activity, you must provide to the Authority for approval:

Report/reports regarding the Stage 2 development works consisting of

- 100tph Slag/Clinker Grinding Capacity
- 9000T Despatch Storage Capacity
- 2 Weighbridges.

The following information should be included:

(1) final detailed designs and schematics of the final layout of the facility specified in condition DL_G03 including:

- a) designs and locations of the noise control measures
- b) designs and locations of the air control equipment

(2) An updated noise assessment report based on the detail design specifications supported by verifiable evidence, that includes,

(a) sound power levels for the selected plant and equipment to be installed, including 1/3 octave band levels in the low frequency range.

(b) an assessment conducted in accordance with the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol, publication 1826) and consistent with the provisions of the Technical guide: Measuring and analysing industry noise and music noise (publication 1997) as amended from time to time, that must,

(i) demonstrate that the contribution of the project to the effective noise levels at noise sensitive areas will not exceed the noise limits calculated in accordance with Part I of the Noise Protocol minus three decibels (3 dB)

(ii) consider measurement/calculation uncertainty, and

(iii) demonstrate consideration of Best Available Techniques and Technology (BATT)

(c) the noise mitigation measures to be implemented at source

(d) controls to mitigate low frequency noise that will be implemented.

DL_W01

(3) An updated air assessment report that includes,

(a) revised air modelling in accordance with the Guideline for assessing and minimising air pollution (publication 1961) as amended from time to time,

(i) demonstrating that emissions from the proposal for PM2.5, PM10, NOx and SOx will not exceed impacts indicated in the application documents DL_G02.

(b) providing air mitigation measures in line with Best Available Techniques and Technology

(4) a construction environmental management plan (CEMP) that includes:

(a) description of the proposed construction activities and with reference to appropriate guidance, such as - Civil construction, building and demolition guidance (EPA Publication 1834).

DL_W02

You must notify the Authority in writing when the development activity authorised by this permission has commenced.

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DL_W09.01	You must install all exhaust stacks so that provisions for sampling are included in accordance with "A Guide to the Sampling and Analysis of Air Emissions and Air Quality" (EPA Publication 440.1, released December 2002), or as approved by the Authority.
DL_W13	During construction, you must ensure that all activities are carried out in accordance with the approved Construction Environmental management Plan (CEMP) referred to in condition DL_R04 and DL_W01.

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Agenda Item 6.2

**PLANNING APPLICATION TP177/2024(1) AT 341-351 FRANCIS STREET
 YARRAVILLE (BRADMILL PRECINCT)**

**Director: Mike McIntosh
 Director Planning and Environment**

**Author: Ashley Minniti
 Manager City Development**

PURPOSE

To present for consideration a planning permit application for 341-351 & 355-359 Francis Street Yarraville, being the development of the Neighbourhood Activity Centre (NAC) – Apartment component of the Bradmill Development.



APPLICATION RECEIVED	23 May 2024
APPLICATION NUMBER	TP177/2024(1)
APPLICANT	Tract Consultants P/L
SITE ADDRESS	341-359 Francis Street Yarraville
PROPOSAL	<ul style="list-style-type: none"> • Use of the land for Dwellings in a Commercial 1 Zone; • Construct a building or construct or carry out works in a Commercial 1 Zone; • Construct a building or construct or carry out works in a Special Building Overlay; • Construct a building or construct or carry out works in a Heritage Overlay; and • Reduce the number of car parking spaces required under Clause 52.06.
ZONE	Commercial 1 Zone (C1Z)
OVERLAYS	<ul style="list-style-type: none"> • Development Contributions Plan Overlay • Special Building Overlay • Heritage Overlay (HO125) • Development Plan Overlay (DPO7) • Environmental Audit Overlay
INTERNAL REFERRALS	<ul style="list-style-type: none"> • Urban Design • Traffic, Transport & Engineering Services • Environmentally Sustainable Design (ESD) • Waste • Heritage • Urban Forest • Property
EXTERNAL REFERRALS	Melbourne Water
COST OF DEVELOPMENT	\$50.044M
WARD	Wattle Ward
ADVERTISED	Exempt from notice.
REASON FOR CONSIDERATION BY COUNCIL	Development cost in excess of \$10M.

Agenda Item 6.2

SUMMARY

- Approval is sought for the construction of an eight-storey apartment development located at the northeast of the wider Bradmill development site in Yarraville
- The development will contain 149 apartments (56 one-bedroom, 87 two-bedroom, and 6 three-bedroom), provide 167 car parking spaces and 150 bicycle parking spaces
- The application is generally in accordance with the approved Bradmill Precinct Development Plan (2012) and is accordingly exempt from public notification
- The application will provide for housing for future residents of the Bradmill Estate
- The proposal has adequately addressed the key planning considerations that relate to consistency with the strategic objectives of the Planning Policy Framework, Bradmill Precinct Development Plan, built form and urban design, provision of and access to parking, and environmentally sustainable design
- The application is recommended for approval, subject to the conditions as outlined in Attachment 1

ATTACHMENTS

1. Proposed permit conditions for Committee's consideration [↓](#) 
2. Permit Triggers and Policy Context [↓](#) 
3. Considered Architectural Plans [↓](#) 

Agenda Item 6.2

OFFICER RECOMMENDATION

That the City Development Delegated Committee:

1. Issue a Planning Permit for:

- **Use of the land for Dwellings in a Commercial 1 Zone**
- **Construction of a building or construct or carry out works in a Commercial 1 Zone**
- **Construction of a building or construct or carry out works in a Special Building Overlay**
- **Construction of a building or construct or carry out works in a Heritage Overlay**
- **Reduce the number of car parking spaces required under Clause 52.06**

at 341-359 Francis Street Yarraville subject to conditions contained in Attachment 1.

2. Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.

Agenda Item 6.2

BACKGROUND

1. Proposal

The proposal seeks approval to construct an eight storey 'L-shaped' apartment development, wrapping around a central landscape/communal area at the north-west corner of the wider Bradmill site.



Render of the proposal as viewed from the north-east (Decision Plans, 2024)



Extracts from material schedule (Decision Plans, 2024)

Key features of the proposal include:

- Two basement levels containing 167 car parking spaces to be accessed by a ramp to Montfort Avenue (a future east-west street proposed within the Bradmill Development)
- The ground floor will include a landscaped public area (the arbory), comprising various plantings, an 'events lawn' and seating areas
- A retail space is provided to the south-west corner of the building with the apartment entry oriented towards the arbory
- A total of 149 apartments (56 one-bedroom, 87 two-bedroom, and 6 three-bedroom) are provided
- At the 7th floor a communal area, including a landscaped terrace and BBQ, as well as internal spaces is provided for occupants of the building
- The development will reach a maximum overall height of 27.17m

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- The primary external materials of the building include textured and untextured light-coloured concrete, with the ground floor being comprised of red and manganese brickwork

2. Site and Surrounds

Subject Site

The subject site is located at 341-359 Francis Street, Yarraville, alternatively known as 'the Bradmill site'. It is situated within the suburb of Yarraville at the south-western extent of the City of Maribyrnong. It lies approximately 8km from Melbourne's CBD, 4km from the Footscray Central Activity District, and 2km from Yarraville Village.

The wider Bradmill site is approximately 25 hectares in size, and is bounded by Francis Street (north), Mclvor Reserve (east), and Sunshine-Newport Goods Rail line (south).

The 'Bradmill Precinct Development Plan' (dated September 2012, prepared by Tract Consultants) was approved by Maribyrnong City Council in 2012 under the Development Plan Overlay (DPO7). The Development Plan envisages smaller development precincts across the wider Bradmill site, which will be delivered in approximately seven stages.

Relevant to this planning application, the Development Plan allows for a Neighbourhood Activity Centre (NAC) development within the north-east corner of the wider Bradmill site. The NAC site is generally flat in profile with natural undulations throughout and there are no existing trees or remnant heritage elements (these are located further south).

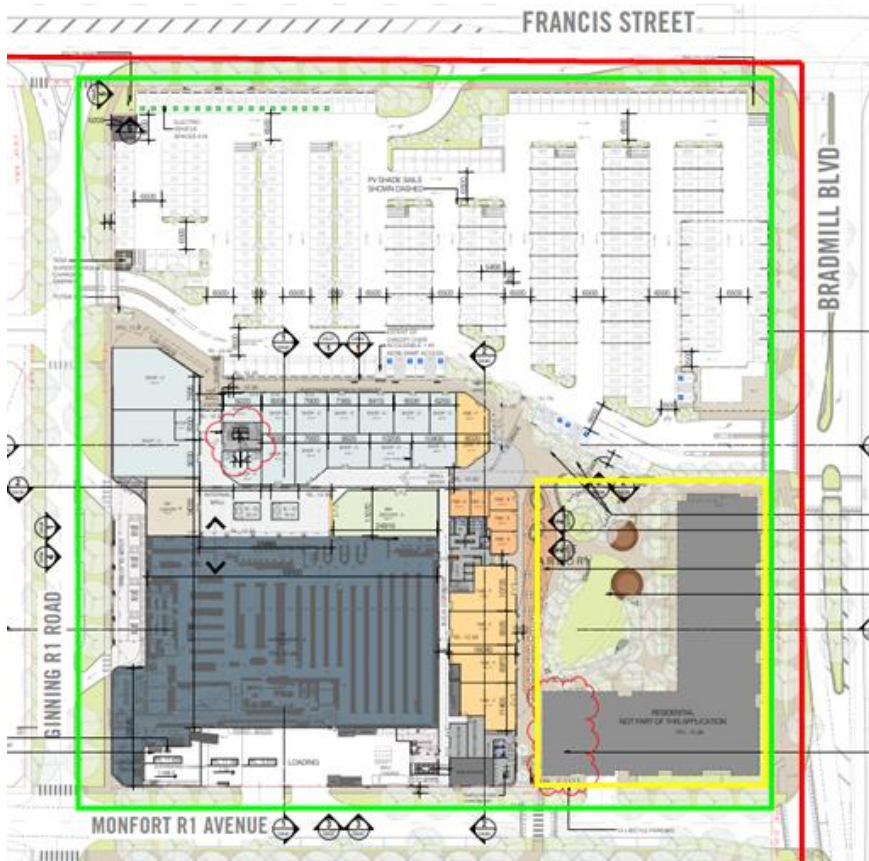
The subject site (yellow in image below) is a rectangular lot with a 70.94m frontage to Bradmill Boulevard (proposed street) and a 55m to the Montfort Avenue (proposed street), yielding an total area of 3,901.7sqm. The site is generally flat and is vacant land at the time of the writing of this report. Bradmill Boulevard and Montfort Avenue are in the process of construction.

The image below shows the broader Bradmill site in red, the NAC in green and the subject site for the proposed apartment yellow.

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Aerial View of subject site showing Bradmill development (in red), NAC (in green) and proposed development boundaries (in yellow) (Nearmap, 2024)



Plan view of NAC as shown in approved Planning Permit TP86/2024 (in green) (TP86/2024 Decision Plans, 2024)

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Surrounding Area

- To the north an open-air car park, within the NAC, as approved under Planning Permit No. TP86/2024 in August 2024
- To the east, Bradmill Boulevard is proposed, beyond which is the existing Mclvor Reserve which forms a substantial area of Council owned open space
- To the south, Montfort Avenue is proposed beyond which will be a future linear public open space reserve. Further beyond will be additional residential land that is envisaged to be developed as medium density / townhouses
- To the west, a shopping centre is proposed associated with the NAC as approved under Planning Permit No. TP86/2024 in August 2024

Title and Restrictive Covenants

The subject site is addressed as 341-359 Francis Street, Yarraville, which is formally recognised on Certificate of Title as Lot A on Plan of Subdivision 902431T Volume 12494 Folio 217.

The relevant easement and encumbrances on are:

- E-1 (Power line) which is an easement favour of Jemena Electricity Network (Vic) LTD
- Road R1 which is an easement in favour of Head, Transport for Victoria. This area of land is 2052m²)

A Section 173 Agreement is present on the title, created between the former landowners and Council. It confirms the infrastructure and contribution agreements arising from the rezoning of the land as part of Amendment C63. The requirements of the agreement apply to future development of the Bradmill Site and include:

- 5% public open space contribution to be paid
- Public open space land contribution
- Construction of Mclvor Road
- Construction of Francis Street, which involves widening along the site's frontage
- 800sqm warm shell library in the activity centre
- 5% affordable housing

The easements and Section 173 Agreement on the title will remain unaffected and do not affect the development proposed by this application.

3. Permit Triggers & Policy Context

The proposal requires a permit under the Maribyrnong Planning Scheme. Refer to Attachment 2 for a detailed list of permit triggers.

The relevant sections of the Planning Policy Framework have been considered in forming this report, listed at Attachment 2.

4. Human Rights Consideration

The report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

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5. Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

6. Notification

The application is exempt from any notice and appeal right pursuant to Clause 43.04-2 as the application is considered to be generally in accordance the approved Development Plan for the site.

7. Referrals

The application was referred to the following determining referral authorities pursuant to Section 55 of the *Planning and Environment Act 1987*:

Authority	Officer Response
Melbourne Water	<p>Pursuant to Clause 44.05-6 and Clause 66.03, the application was referred to Melbourne Water as the relevant flood plan management authority.</p> <p>The authority did not object to the proposal, subject to conditions to be included on the permit.</p>
Head, Transport for Victoria (Department of Transport and Planning)	<p>Pursuant to Clause 66.02, the application was referred to the Head, Transport for Victoria.</p> <p>The authority responded confirming they have no objection to the proposal and do not require any permit conditions.</p>

The application was referred to the following internal Council departments:

Internal department	Officer Response
Engineering and Drainage	<p>No objection to the proposal, subject to permit conditions.</p> <p><u>Officer Note:</u> The recommended conditions related to planning matters have been included in draft conditions at Attachment 1.</p>
Transport	<p>No objection to the proposal, subject to permit conditions, specifically relating to access, loading and waste collection. Council’s Transport Engineers are supportive of the proposed reduction in the car parking requirements.</p> <p><u>Officer Note:</u> The recommended conditions related to planning matters have been included in draft conditions at Attachment 1.</p>
Urban Design	<p>No objection to the proposal subject to:</p> <ul style="list-style-type: none"> • Breaking up the massing of the building along the east elevation. • Provision of additional greening along the north elevation.

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	<p><u>Officer Note:</u> As discussed in the body of this report, the concerns of Council’s Urban Design Team are addressed through modifications to the building facade.</p>
ESD Advisor	<p>Supportive of the proposal subject to confirmation that the building is in the process of achieving a 5-star Green Star Buildings Rating, as well as clarification of Water Sensitive Urban Design Measures.</p> <p><u>Officer Note:</u> The recommended conditions related to planning matters have been included in draft conditions at Attachment 1.</p>
Waste Services Team	<p>No objection to the proposal, subject to permit conditions.</p> <p><u>Officer Note:</u> Recommendations of Council’s waste team are addressed in draft permit conditions. The use of a private contractor for waste collection is consistent with Council’s waste management guidelines and is standard practice in developments of this scale.</p>
Urban Forest	<p>No objection to the proposal, subject to permit conditions, specifically to the replacement of Acer plantings with Ulmus parvifolia or Zelcove Serrata.</p> <p><u>Officer Note:</u> The recommended conditions related to planning matters have been included in draft conditions at Attachment 1.</p>

DISCUSSION

The key issues for the proposed development relate to consistency with the strategies of the Planning Policy Framework, Bradmill Precinct Development Plan, built form, apartment amenity, the provisions relating to car parking and access, bicycle facilities, stormwater management and environmentally sustainable design.

Strategic Context

In accordance with Clause 11 (Settlement) of the Maribyrnong Planning Scheme, the delivery of the proposed building and wider Neighbourhood Activity Centre (NAC) supports progress towards promoting opportunities for urban renewal and infill redevelopment. Provision of higher density, apartment dwellings proximate to the proposed NAC is expressly encouraged by policy and this co-location of dwellings and services will encourage sustainable outcomes as well as convenience for residents.

By providing housing within an established urban area, the proposal is supported by the objective and strategies of Clause 16.01-1S (Housing supply). The apartments will contribute to the overall diversity of housing within the Bradmill precinct, which also includes traditional, lower-scale houses and medium density townhouses.

Further, the proposal aligns with the broad policy intent of Municipal Strategic Statement and other local planning policies by providing an appropriately sited and well serviced apartment development within an area that is able and expected to accommodate significant change.

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Development Plan

Clause 43.04-2 (Development Plan Overlay) requires that any permit granted must be generally in accordance with the development plan. The relevant development plan is known as the Bradmill Precinct Development Plan, prepared by Tract Consultants Dated September 2012 and has been endorsed under the Development Plan Overlay.

The proposal is to take the form of an eight-storey residential building with a small ground floor retail use. This deviates slightly from the NAC as envisaged within the Development Plan, which seeks a single, large footprint building integrating ground and first floor retail spaces with four storeys of apartments over (total 6 storeys).

The proposal instead concentrates residential uses within a taller, dedicated building with a smaller footprint. This is a typical design outcome within wider Melbourne and will continue to achieve the design principles for the NAC, such as providing for active frontages, orienting dwellings to streets and public spaces, and emphasising the pedestrian environment (as discussed later).

Furthermore, this approach is consistent with prior permit approvals granted within the precinct, particularly the approved retail component of the NAC under Planning Permit TP86/2024, which rises to a maximum height of two storeys only.

Overall, the proposal is generally in accordance with the Development Plan as detailed further below.

Staging

The Development Plan indicates the NAC is to be delivered as part of Stage 1, the first component of the development. However, the later 'Staging Plan' endorsed as part of Planning Permit TP155/2022(1) indicates the proposal will be developed concurrent with the approved retail component of the NAC as well as Stage 8 - medium density residential precinct.

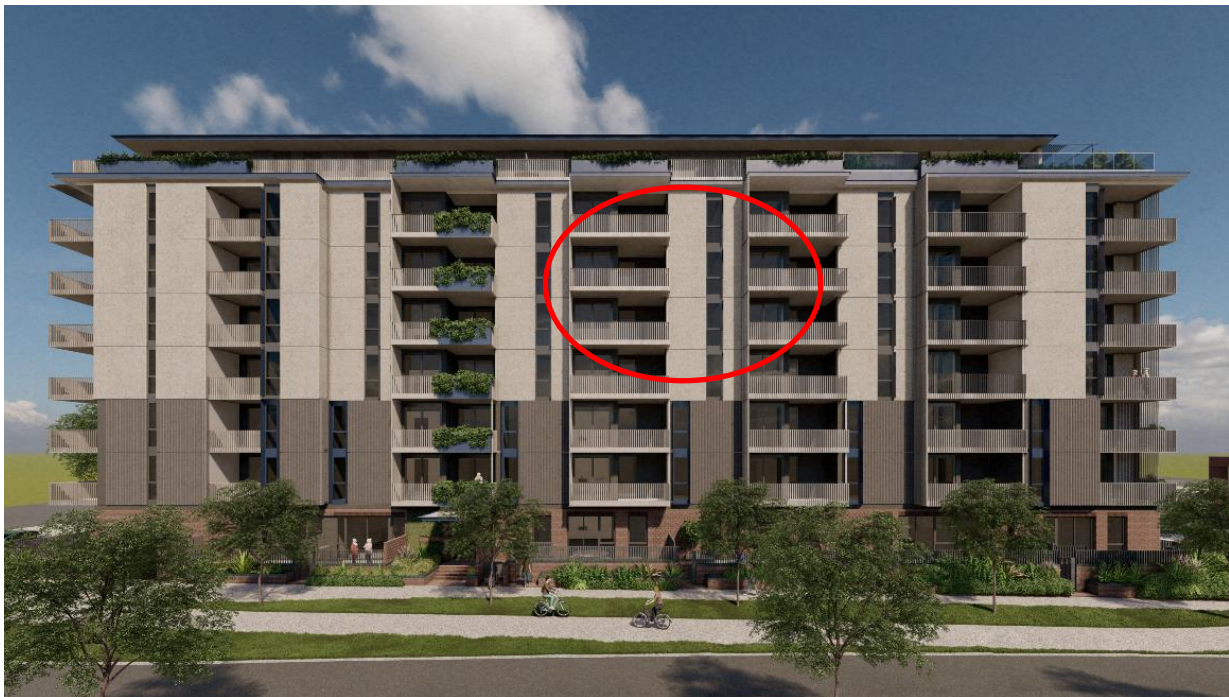
Built form

The proposed built form is generally in accordance with the requirements of the Development Plan. The built form of the proposal is an L-shaped, rectilinear building and the eight-storey form will represent the tallest building in the Bradmill Precinct. This taller form is appropriately integrated into the NAC and will be complemented by a future 3-6 storey form to the south and on the far side of the retail centre to the west, which will achieve a stepping-down to the lower-scale residential areas further south and west.

Apartments will mostly orient towards the north and west, facing the wider NAC, as well as outwards towards Mclvor Reserve and future linear parkland on the east and south facades. The resulting balconies and glazing serve to articulate the facades of the building at all levels and the upper level of the building is set-back from the lower façade which results in a recessive final storey and allows for planting at the top of the building.

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Despite the generally well-articulated facades of the building, the east elevation, which is the building's longest facade, presents a degree of bulk towards Mclvor Reserve. This has been identified by Council's Urban Designer and in response the applicant has provided vertical greening in the form of fixed planter boxes along this facade. As this facade faces towards Mclvor Reserve vertical greening is an appropriate architectural response and this is supported by the Development Plan which seeks to ensure that the NAC provides for exemplary ESD principals. However, this vertical greening is only provided for a small portion of the facade (one vertical row of apartment balconies). A recommended permit condition will expand this response to the wider building facade.



Render of the east facade of the proposal (Decision Plans, 2024)

Similarly, the northern facade of the building, which will be prominent over the carpark of the NAC from Francis Street to the north, has a high proportion of blank concrete wall. This facade has also been identified by Council's Urban Designer as requiring additional softening, particularly given this portion of the building will interface with a future Council library to be delivered as part of the NAC development. A further recommended permit condition also require vertical greening be provided on this, north facade of the building.

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Render of proposal as viewed from the north-east, future library visible to right (Decision Plans, 2024)

It is noted that the layout of windows varies between levels 1-2 and 3-6 however, a 'typical floorplan' of levels 1-6 has been provided in the architectural drawings which does not capture this detail. This discrepancy will be addressed by way of a recommended permit condition.

Materiality

Broadly, the materiality of the building provides a high-quality architectural response, with the usage of red brick at the base of the building which is an appropriate response to the former industrial character of the precinct. The façade will also include the use of blue Manganese brick as a nod to the history of the site as a manufacturer of denim. Textured concrete is utilised at the upper levels, with the first and second floor being defined with varied texture. Metal window shrouds and vertical louvres provide further visual detail and articulation for these upper levels.

Planting will further soften the façade (to be increased by permit conditions) and subject to these conditions the proposal will achieve a well-considered and architecturally designed apartment development. To ensure that the façade is well maintained and that the completed building implements the façade as envisaged by the project architect, a permit condition will require that a Façade Strategy be submitted and endorsed. Further, that the architect, Hayball (or another architect to Council's satisfaction) be retained to ensure that the development is realised as per the submitted drawings and renders.

Urban Design

At its ground level, the pedestrian interface of the building has been distinguished from the upper levels by the use of brickwork. The layout of the ground level is well considered and provides for visual interest, passive surveillance of public spaces by ground floor occupants and activation of the Arbory with the ground floor retail area.

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Services and basement access has been appropriately concentrated at the south side of the building which is the least sensitive interface.

It is noted that the lighting of access ways and entrances has not been shown on the plans. A recommended permit condition will require that these details be included on the proposed landscape plan to ensure that the ground floor interface remains functional and appropriately lit during the night.

Internal Amenity

Apartment amenity

The proposed apartments have been designed to provide a high level of internal amenity, including functional layouts for all bedrooms and living rooms, habitable room windows with appropriate daylight access, accessible bathrooms, appropriate storage facilities and areas of private open space. Internal views between apartments will be limited by the positioning of room windows / and provision of screening between adjoining balconies, this will be confirmed by way of a recommended permit condition.

However, the cross-ventilation requirements of the Maribyrnong Planning Scheme have not been achieved, with 53 apartments (35.7% of the total number) providing effective cross-ventilation. This falls short of the 40% requirement outlined in Standard D29 at Clause 58.07-4. An additional 7 apartments will need to achieve cross flow ventilation and this will be facilitated by a recommended permit condition.

The plans do not dimension door widths in compliance with the accessibility requirements of Standard D18 at Clause 58.05-1 of the planning scheme. This is addressed by way of a recommended permit condition.

Noise

In terms of the internal layout of the building, some apartments have located noise-sensitive rooms (bedrooms and living areas) adjacent the lift core which may result in noise transmission through the building. Furthermore, the building is likely to be subject to noise from the NAC which includes retail as well as food and drinks premises. The building is sufficiently distant from high capacity roads, freight train services or industrial areas and as such that these are unlikely to present a concern in terms of noise impacts to residents. The submitted Sustainability Management Plan includes a commitment to achieve the Green Star Acoustic Comfort requirements for communal areas and dwellings are achieved. Therefore, a recommended permit condition will require that an acoustic assessment be provided demonstrating any acoustic treatment measures to achieve these requirements.

Wind

The proposal represents a prominent building which will be several stories taller than surrounding buildings and immediately adjacent a large area of flat land in the form of Mclvor Reserve and as such, wind impacts must be considered. The application was accompanied by an Environmental Wind Assessment, in which wind tunnel testing of the proposal has been undertaken on a 1/300 scale model. The assessment finds that subject to the addition of wind mitigation measures at ground level and the Level 7 roof terraces (which are incorporated into the decision plans), the proposal will achieve the requirements at Clause 58.04-4 (wind impacts objective).

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Communal open space

A 199.2sqm roof terrace is provided at the 7th level of the building with an additional 126.3sqm internal communal area. This will provide an appropriately large communal open space, in excess of the 250sqm required by Clause 58.03-2 (communal open space objective). By being located at the roof and on the north side of the building, a high degree of sunlight will be provided to this open space area. However, the landscape plan does not provide for substantive canopy cover for this roof terrace and a recommended permit condition will require that suitable canopy cover be provided to ensure the space provides a high degree of amenity to building occupants.

Landscaping

The Arbory

The proposal has provided for substantive landscaping at the Arbory at the north-west corner of the subject site, which will be a publicly accessible open space area, remaining privately owned. In addition to planting, the Arbory will provide sheltered seating / picnic areas, as well as a large central lawn area. The landscaping and layout of this space form part of both the currently considered permit as well as the wider approval for the NAC under TP155/2022(1). In terms of planting, the Arbory is largely to be constructed over the apartment basement and as such has limited ability to provide for deep soil as per the requirements of Clause 58.03-5 (Landscaping Objective). However, to achieve sufficient soil volume, raised planters and embankments have been utilised as part of the proposed landscape plan.

Apartments

In addition to the Arbory, traditional planting has been provided for the apartment in the form of planterboxes, with the largest of these being provided at ground level. Fixed planterboxes will also be incorporated into apartment balconies, which will assist in the softening the building façade and larger plantings can be facilitated at the communal terrace provided at level 7. The elevation drawings show apartments are provided with planterboxes along portions of the north, west and east elevations. To ensure that these planters are viable recommended permit conditions will require details of planterboxes as well as ongoing maintenance measures be specified.

As discussed earlier, provision of additional planting along the north and east facades is required to assist in softening the mass of the building as well as integrating the building into the parkland of McIver Reserve to the east.

Also, provision of canopy cover at the 7th level terrace will be required by recommended permit conditions. Subject to the provision of this additional planting, as well as providing additional details of plantings and soil volumes to ensure viability of landscaping, the proposal will result in a high quality landscape response.

Car Parking and Traffic

Car parking reduction

Clause 52.06 (car parking) specifies that for a development outside the Principal Public Transport Network area (such as the proposal) a rate of 1 parking space to each one or two bedroom dwelling, two parking spaces to each three or more bedroom dwelling (With studies counting as a bedroom) and 1 space for visitors for every 5 dwellings. Furthermore, a shop requires 4 spaces to each 100sqm of leasable floor area.

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The proposal will therefore require 143 spaces for one and two-bedroom apartments, 12 for three-bedroom apartments, 29 spaces for visitors and 4 for the shop (188 total). The proposal provides 157 spaces for dwellings, 9 for visitors and 1 for the shop. A reduction of 23 spaces in the car parking requirements is therefore required.

Given that the site is located within the proposed Bradmill NAC, there is strong justification to reduce the on-site parking provision. Residents of the building will readily be able to access services provided by the NAC without reliance on a car.

The proposal will also greatly exceed the required number of bicycle parking spaces on site, which assists to offset the parking shortfall. Residents will readily be able to access the bicycle network with a dedicated bike lane provided along Bradmill Boulevard which connects to the Federation Bicycle Path along Fogarty Avenue and the West Gate Freeway which will allow residents to commute by bike into Melbourne's CBD.

Council's Development Engineering Unit have also confirmed that the proposed parking shortfall is acceptable in this location. For these reasons, the proposed parking provision on site is satisfactory.

Car Parking Design

The layout of the access and parking areas meet the applicable design standards of the planning scheme and Australian Standards, where relevant, and is broadly supported by Council's Development Engineering Unit, subject to several details being clarified / confirmed by recommended permit conditions. Subject to these conditions the proposed car parking and access arrangements are considered appropriate having regard to the requirements of Clause 52.06.

Bicycle Parking

The proposal has provided for bicycle parking well in excess of the planning scheme requirements, with a total requirement of 30 spaces for residents and 15 spaces for visitors to the dwellings. The proposal provides 134 spaces for dwellings and 16 for visitors, with a combination of vertical and horizontal spaces provided. Furthermore, bicycle parking hoops are provided to the south side of the ground floor retail space for use by visitors / patrons. A bicycle repair station is also provided at the Basement 2 bicycle parking spaces. The majority of bicycle parking spaces are to be "Josta 2-tier High Capacity Racks" recommended permit conditions will ensure that suitable spacing consistent with the design requirements for these racks is provided. To ensure that the basement level spaces are easy for residents to access, a recommended permit condition will require these be relocated to Basement 1.

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Waste Management

The proposal is supported by a Waste Management Plan (WMP), which demonstrates:

- The residential component of the building is provided with a communal waste room located at Basement 1. This room includes bins for general waste, food organics, recycling, glass recycling and hard /e-waste waste storage. A food organics processing unit and the end points for the waste chutes are also located in this communal room
- These bins are to be collected by a private contractor, with a private waste truck entering the basement for bin collection
- At ground floor an internal bin room is also provided for the commercial tenancy, providing bins for general waste, food organics, recycling, glass and hard/e waste
- These bins will temporarily store waste, which will be transferred to the larger waste facility within the NAC to the west and form a part of the existing approved waste stream
- Management of waste collection will be the responsibility of a designated operator to be selected by the owner / developer of the building

The WMP has been reviewed by Council's Waste Services Team, and Development Engineering Team who are supportive of the waste management measures proposed, subject to clarification of several items by recommended permit conditions. Subject to the inclusion of these conditions the proposal will achieve an acceptable outcome in terms of waste management.

Environmentally Sustainable Design

The proposal achieves an Environmentally Sustainable Design (ESD) outcome which meets the objectives of the Maribyrnong Planning Scheme as well as Council's aspirations in achieving zero carbon outcomes and considering the climate emergency. A Sustainable Management Plan (SMP) has been submitted with the proposal, which includes some of the following ESD commitments:

- A 5 Star Green Star Rating will be achieved, which will include formal certification by the Green Building Council of Australia
- All apartments will achieve a minimum of 7 Star NatHERS rating
- The proposal will be all electric and will not rely on a natural gas connection
- Water efficient fittings any energy efficient cooling systems
- The proposal will rely on 100% green power
- A Solar Photovoltaic system generating at least 75kW of power will be provided on the buildings roof
- A 25,000L rainwater tank will capture rainwater from the buildings roof to be used for toilet flushing and garden irrigation
- A number of electric vehicle charge points will be installed at completion of the dwelling and the proposal will be fully EV ready for future upgrades
- 20% reduction in embodied carbon
- The proposal will meet the Green Star Acoustic Comfort Requirements for all communal areas and dwellings
- Bicycle storage is provided for occupants
- A Zero Carbon Action Plan and Green Travel Plan will be prepared for the building

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Council's ESD Advisor noted that the proposal almost meets Council's expectations in relation to ESD for development of this scale. Modifications to the SMP report are required to clarify certain aspects of the SMP to ensure it satisfies Council's ESD standards and the floor plans and elevations should include details to confirm commitments within the SMP, including:

- Confirming that the car parking spaces are provided with EV chargers or are EV ready
- Confirming that suitable external solar shading is provided to all apartments
- Confirming that the permit applicant is in the process of achieving Green Star certification

Provision of a Water Sensitive Urban Design assessment will also ensure that stormwater is suitably treated, and that the proposed stormwater treatment measures are adequately maintained over the life of the building. These required changes are addressed via recommended permit conditions and subject to these conditions, the proposal will achieve a best practice ESD outcome as required by Clause 21.06-2 (Environmentally Sustainable Design) of the planning scheme.

Special Building Overlay

The northern end of the wider Bradmill site is within the Special Overlay (SBO). This overlay applies to urban land that is subject to overland flow resulting from stormwater flooding where the capacity of the drainage system is exceeded during heavy rainfall. Accordingly, the application has been referred to Melbourne Water for comment who have advised that they are supportive of the proposal subject to permit conditions. Subject to the inclusion of these conditions the proposal complies with the requirements of the SBO.

Environmental Audit Overlay

The subject site is affected by the Environmental Audit Overlay (EAO). The purpose of this overlay is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by contamination.

A Statement of Environmental Audit has been issued for the Site; satisfying the obligations of this overlay. The Statement of Environmental Audit is subject to several conditions which must be complied with before, during and after construction. The requirements of the Audit will be highlighted by way of the recommended permit conditions.

CONCLUSION

The proposal meets the overall intent and objectives of the State and Local Planning Policy Frameworks, including the objectives of Clause 52.06 (Car Parking), Clause 58 (Apartment Developments) of the Maribyrnong Planning Scheme.

Having considered all relevant matters, including those required by s60 of the *Planning and Environment Act 1987* and Clause 65 of the Maribyrnong Planning Scheme, the application should be supported.

