

**Priority Projects Standing Advisory Committee Report  
Warrnambool Planning Scheme  
Referral 32: Midfield Meats key worker accommodation**

*Planning and Environment Act 1987*

**3 October 2023**

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Priority Projects Standing Advisory Committee Report pursuant to section 151 of the *Planning and Environment Act 1987*

Referral 32: Midfield Meats key worker accommodation

*Members of the Priority Projects Standing Advisory Committee who considered this referral:*



**Sarah Carlisle, Chair**



**Adam Terrill, Member**

**3 October 2023**

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## Glossary and abbreviations

Amendment	draft Warrnambool Planning Scheme Amendment C212warr
CEMP	Construction Environmental Management Plan
Council	Warrnambool City Council
D#	Document number (see Appendix C)
DFP	Development Facilitation Program
DTP	Department of Transport and Planning
EPA	Environment Protection Authority (Victoria)
EPA Publication 1518	<i>Recommended separation distances for industrial residual air emissions</i> , EPA, March 2013
Incorporated Document	<i>Midfield Key Worker Accommodation Village, 6 Eccles Street, Warrnambool</i> dated March 2023
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Warrnambool Planning Scheme
Proponent	Midfield Meat Processing Pty Ltd
SCO7	Specific Controls Overlay Schedule 7
Separation Distances Report	<i>Advice on Separation Distances for Industries in West Warrnambool</i> , September 2021
Village	Midfield Key Worker Accommodation Village

# 1 Overview

## (i) Summary

Amendment summary	
Referral	Referral 32: Midfield Meats key worker accommodation
The draft Amendment	Draft Warrnambool Planning Scheme Amendment C212warr
Brief description	Apply Specific Controls Overlay Schedule 7 (SCO7) to the site to facilitate use and development for key worker accommodation (up to 221 units) in accordance with the conditions set out in the document titled <i>Midfield Key Worker Accommodation Village, 6 Eccles Street, Warrnambool</i> dated March 2023 (Incorporated Document)
Site	6 Eccles Street, Warrnambool
Proponent	Midfield Meat Processing Pty Ltd
Planning Authority	Minister for Planning
Public consultation	<p>The Department of Transport and Planning undertook consultation under section 20(5) of the <i>Planning and Environment Act 1987</i> (PE Act) with:</p> <ul style="list-style-type: none"><li>- Warrnambool City Council (Council)</li><li>- Environment Protection Authority (EPA)</li><li>- VicTrack</li><li>- Country Fire Authority (CFA)</li><li>- Pacific National</li><li>- surrounding property owners and occupiers</li></ul>
Submissions	<p>Number of submissions: 11 (including 2 late submissions)</p> <p>Opposed: 7</p> <p>See Appendix B</p>

Committee process	
The Committee	Sarah Carlisle (Chair) and Adam Terrill (Member)
Supported by	Georgia Brodrick, Project Officer, Planning Panels Victoria
Directions Hearing	Not required
Committee Hearing	Not required
Site inspection	Not required
Further consultation	<p>The matter was considered on the papers, without a Directions Hearing or Hearing</p> <p>The Committee invited Council, the Proponent and all submitters to make further written submissions before the Committee finalised its report. Further written submissions were received from Merrivale Community Association and EPA</p>

	See Appendix C for all documents and material considered
Date of this report	3 October 2023
Citation	Priority Projects Standing Advisory Committee Referral 32 [2023] PPV

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## **(ii) Findings**

The Amendment seeks to facilitate the proposed Midfield Key Worker Accommodation Village (Village), which would consist of 221 units to accommodate a maximum of 231 Midfield workers on a temporary basis (up to 2 years). The units will be small and basic, with shared bathrooms and communal kitchen, living and dining areas. Rents will be affordable.

The Village is proposed to proceed in stages. Stage 1 would commence in the southeast corner of the site, and would only include units that are located outside the recommended separation distances to nearby industries. Stage 2 would not proceed until a Buffer Risk Assessment and Odour Risk Assessment were completed that demonstrate that amenity impacts from surrounding industries could be successfully managed.

The Amendment will implement key policies in the Warrnambool Planning Scheme which support housing and economic development in the region. It will support critical local industries and a significant local employer, and will deliver social and economic benefit to the town and the region. While there will be impacts on the surrounding area, the Committee is confident these can be successfully managed through the Committee's recommended conditions in the Incorporated Document.

The Committee recommends the Minister adopt and approve the Amendment.

### **Traffic and parking**

There are no traffic or parking reasons to not support the proposed development. Adjustments are needed to the exhibited Incorporated Document to ensure:

- the Eccles Street upgrades are appropriately designed to ensure safe interactions between Village traffic and vehicles entering and exiting the driveways at 90 and 94 Merrivale Drive, and vehicles entering the Merrivale Drive service road
- impacts of construction traffic are appropriately managed.

It is unclear whether the proposed parking provision will be sufficient. Parking requirements should be further assessed after Stage 1 is complete and before Stage 2 proceeds, and the plans adjusted to provide more on-site parking if necessary.

### **Site access**

The proposed site access arrangements via Eccles Street are appropriate, subject to some adjustments to the conditions of the exhibited Incorporated Document.

### **Housing density**

On balance, the number of dwellings and density of the proposal is acceptable despite the site not being identified in the Planning Scheme as an area for residential growth. The proposal satisfies a number of other policy objectives in the Planning Scheme, and will deliver a net community benefit.

### **Public safety**

There are no public safety related reasons to not support the proposed development.

## **Amenity**

The internal amenity of the proposed Village, including the units, is acceptable. With mitigation measures, train noise from the adjacent rail line will offer a reasonable level of amenity for future residents of the Village. The Village will have impacts on the amenity of the neighbourhood (primarily due to traffic), but these can be appropriately managed subject to the Committee's recommended conditions, and will be acceptable.

## **Buffer distances**

Stage 1 of the proposed development meets the recommended separation distances in both clause 53.10 of the Planning Scheme and EPA Publication 1518 *Recommended separation distances for industrial residual air emissions*. Parts of Stage 2 do not. The proposed approach of only proceeding with Stage 2 subject to a further Buffer Risk Assessment and Odour Risk Assessment is a sensible and balanced approach to address potential amenity impacts on the Village occupants, and the need to protect existing industries from complaints about amenity from Village occupants. A standard secondary consent mechanism for Stage 2 is preferred to a permit trigger.

## **Construction impacts**

The construction impacts of the proposed development can be readily managed with standard construction techniques and existing legislation and guidelines, subject to the Committee's recommended conditions in the Incorporated Document.

## **(iii) Recommendations**

The Committee recommends the Minister:

### **General recommendation**

- 1. Adopt and approve draft Amendment C212warr to the Warrnambool Planning Scheme, subject to the specific recommendations in this Report.**

### **Changes to the exhibited Incorporated Document**

The following changes are all shown as tracked changes in Appendix D.

- 2. Amend condition 6 to require the landscaping plan to show a high, solid fence along the boundary with the dwellings fronting Merrivale Drive, and generous landscaping to shield views from and into the dwellings along Merrivale Drive.**
- 3. Replace condition 9 with conditions 9 and 10 in Appendix D, to include the following additional requirements in relation to the Eccles Street upgrades:**
  - a) details of the upgrades must be approved before construction starts**
  - b) when designing the upgrades, consideration must be given to whether:**
    - measures such as speed humps are required to control the speed of vehicles travelling along Eccles Street approaching the intersection with Merrivale Drive**
    - sight lines to and from the driveways of 90 and 94 Merrivale Drive and the entrance to the Merrivale Drive service road**
    - the entrance to the Merrivale Drive service road should be restricted to left in only.**



4. **Replace condition 18 with condition 21 in Appendix D to require a Construction Traffic Management Plan to be prepared that includes the following details:**
  - a) **access routes for construction vehicles**
  - b) **swept path analysis that demonstrates construction vehicles can turn in and out of the site and at any intersections on the access route safely and without mounting footpaths**
  - c) **proposed parking locations for construction vehicles and construction workers' vehicles**
  - d) **adequate movement and circulation of vehicles and pedestrians adjacent to the land**
  - e) **an assessment of whether temporary upgrades to Eccles Street are required to accommodate construction traffic and maintain suitable access to the existing residences on Eccles Street.**
5. **Include a new condition 24 as shown in Appendix D to require further assessment of car parking demands and requirements before Stage 2 commences.**
6. **Amend condition 26 (condition 33 in Appendix D) to specify that the lighting plan must include appropriate lighting of all shared areas at night.**
7. **Amend condition 35 (condition 43 in Appendix D) to require the units to be designed to achieve noise levels for living areas as well as bedrooms.**
8. **Delete conditions 37 and 38 to remove a permit trigger for Stage 2 of the proposed development.**
9. **Amend condition 39 as shown in condition 45 in Appendix D to:**
  - a) **replace the permit trigger for Stage 2 with a standard secondary consent requirement**
  - b) **make minor adjustments to the requirements for Odour Risk Assessment.**
10. **Make the other drafting changes shown in Appendix D to improve the clarity and readability of the Incorporated Document, and to remove repetition between conditions.**

## 2 Introduction

### 2.1 Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the former Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference:<sup>1</sup>

... provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

This is Priority Project Referral 32. The letter of referral dated 20 July 2023 asked the Committee for advice and recommendations on whether to approve draft Warrnambool Planning Scheme Amendment C212warr (the Amendment).

The Minister requested the Committee to constrain its specific advice to the following themes, based on the concerns raised in submissions:

- traffic and parking
- site access
- housing density
- public safety
- amenity
- suitability of buffer distances
- construction impacts.

### 2.2 The site and surrounds

The site at 6 Eccles Street Warrnambool is located close to the Proponent's meat processing plant and other facilities in McMeekin Road. The site is shown in Figure 1.

The site is:

- around 2.4 hectares
- bounded by:
  - to the north, the VicTrack railway reserve which provides connection for freight trains from Melbourne through to West Warrnambool
  - to the east, a rural residential property at 48 Merrivale Drive
  - to the south, several dwellings fronting Merrivale Drive
  - to the north-west, Eccles Street
- developed with an existing residential dwelling and several outbuildings
- largely cleared of vegetation with some large established canopy trees across the site
- subject to a 3 metre sewerage easement located in the south-eastern portion of the site.

The site has undulating to steep topography, and slopes generally from west (Eccles Street) to east, and from the rear of the existing dwellings in Merrivale Drive with a low point in the eastern corner.

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<sup>1</sup> Appendix A

**Figure 1**      **Aerial view of the site**



Source: Document 15

The site is located to the south-east of the West Warrnambool Industrial Precinct, which is largely in the Industrial 1 Zone and the Public Use Zone. Key land uses in the industrial precinct include:

- food production and co-product processing, including the Proponent's meat processing plant and protein recovery facility in McMeekins Road
- manufacturing, and associated offices and retail
- building and construction material and manufacturing supplies
- warehousing, storage and depots, including the Warrnambool City Council works depot
- metal fabrication and metal recycling
- service industry and waste transfer.

The Committee understands the original proposal was for a larger village of around 350 units extending across both the site and Lot 2 Eccles Street (refer to Figure 1). Lot 2, which is closer to the West Warrnambool Industrial Precinct, is no longer part of the proposal.

## 2.3 Current planning controls

The site is in the Farming Zone. In the surrounding area:

- the Railway Reserve is in the Transport Zone 1
- 48 Merrivale Drive is zoned both Farming Zone and General Residential Zone
- properties to the west and south in Merrivale Drive are in the General Residential Zone
- Lot 2 Eccles Street and 4a Scott Street are zoned Special Use Zone 3 – Warrnambool West Industrial Precinct – Transition Area.

- the Council depot is zoned Public Use Zone 6.

## 2.4 The proposal

### (i) The Amendment

The Amendment proposes to facilitate the use and development of the site for key worker accommodation, by applying a Specific Controls Overlay Schedule 7 (SCO7) to the site to allow its use and development in accordance with an Incorporated Document titled '*Midfield Key Work Accommodation Village – 6 Eccles Street, Warrnambool*' (Incorporated Document).

The Minister for Planning is considering preparing, adopting and approving the Amendment under section 20(4) of the *Planning and Environment Act 1987* (PE Act).

### (ii) The proposed development

The proposed Midfield Key Worker Accommodation Village (Village) would consist of 221 units to accommodate a maximum of 231 persons, plus an onsite manager who would provide support for residents 24 hours a day, 7 days a week.

Units will be offered to new employees relocating to Warrnambool as part of their remuneration package. There will be a mix of three different unit types:

- single occupancy with shared bathroom
- single occupancy with ensuite bathroom
- double occupancy with ensuite bathroom.

The units will be in rows, with shared bathrooms and communal kitchen, living and dining areas in most rows. At the centre of the site is the 'Village Green' which features shared facilities and open space including a half basketball court, geothermal pool, and further communal kitchen, meals and laundry facilities. The general layout of the site is shown in Figure 2.

The development will consist of demountable modules that will be constructed off-site and delivered in two stages. Stage 1 would commence in the southeast corner of the site, and would only include units that are located outside the recommended separation distances to nearby industries. Stage 2 would not proceed until a Buffer Risk Assessment and Odour Risk Assessment were completed that demonstrate that amenity impacts from surrounding industries could be successfully managed.

The rental price for the units (which will be fully furnished) has not yet been set, however it will be below market rental to provide workers with an affordable accommodation option.

Figure 2 Proposed site layout



Source: Development Plans (Document 4)



## 3 Traffic and parking

### 3.1 Context

#### (i) What is proposed?

Primary access to the Village is proposed from Eccles Street, which will be upgraded with a 7.3 metre wide sealed carriageway for the entire length of Eccles Street. There will also be an internal shared vehicle/pedestrian accessway connecting to Eccles Street to allow for appropriate turning circles and garbage truck access. The Village will provide 58 on-site and visitor parking spaces. Secure bicycle facilities will also be provided throughout the site.

#### (ii) The Traffic Impact Assessment

The request for the Amendment was accompanied by a Traffic Impact Assessment dated 23 February 2022 prepared by ESR Transport Planning (D15). This was useful in framing the Committee's advice and considering the issues raised in submissions.

Eccles Street is a dead end gravel street, and in its current form is likely to meet the description of an Access Place, which is *"a minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority"*.<sup>2</sup> It is proposed to be upgraded to an Access Street, which is *"a street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated"*.<sup>3</sup> Its current condition and proposed upgrades are discussed in more detail in Chapter 4.

Merrivale Drive is classified as a Collector Street (Transport Zone Category 3) and is subject to a 60 kilometres per hour speed limit. Its carriageway is around 11 metres wide, which provides a traffic lane and an on-road bicycle lane in each direction. A bus service runs along Merrivale Drive, and footpaths are on both sides of the road. A service road exists along the northeast side between Eccles Street and Davis Street with a carriageway of approximately 4.5 metres width. While kerbside parking is permitted along Merrivale Drive, the Traffic Impact Assessment (see below) notes that it may be *"undesirable given the narrow width clear of the through traffic lanes"*, and that kerbside parking is *"unlikely to be achieved in accordance with the Road Rules"*.

The Traffic Impact Assessment noted:

- current traffic volumes on Merrivale Drive are around 4,700 vehicle movements per day to the south-east of the site and 3,900 vehicles per day to the north-west of the site, according to traffic data provided by Council
- current traffic volumes on Eccles Street are estimated to be around 20 to 30 vehicles per day, given it currently provides access to three dwellings.

Peak hour volumes were not provided, but as a general rule, traffic assessments assume 10 per cent of daily movements will occur during each peak.

The Traffic Impact Assessment indicates that car ownership rates among future occupants of the Village are likely to be *"very low"*, much lower than typical residential accommodation. This is because the accommodation is intended to be short term when workers first arrive in

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<sup>2</sup> Clause 56.06-8 of the Planning Scheme.

<sup>3</sup> Clause 56.06-8 of the Planning Scheme.

Warrnambool, and many are expected to not have partners or dependants with them. Further, the Midfield facilities are within convenient walking or riding distance.

The Traffic Impact Assessment assumed 2 vehicle movements per day per bed, generating total traffic volumes of 444 vehicle movements per day, with 44 movements during the morning and evening peaks. Once traffic distribution assumptions were applied, the Traffic Impact Assessment estimated that the additional traffic volumes generated by the Village occupants may be:

- up to 444 vehicles per day along Eccles Street
- up to 311 vehicles per day along Merrivale Drive (south-east of Eccles Street)
- up to 133 vehicles per day along Scott Street or Merrivale Drive (north-west of Eccles Street).

The total daily traffic volumes on Merrivale Drive (existing traffic plus Village traffic) are predicted to be in the order of:

- 4,030 vehicles per day north-west of Eccles Street
- 5,010 vehicles per day south-east of Eccles Street.

### 3.2 The issues

The issues are whether:

- Village traffic will cause safety and amenity issues on the surrounding road network
- the proposed car parking provision is adequate
- construction traffic will damage local streets and footpaths.

### 3.3 Submissions

Merrivale Community Association submitted that the “*astronomical*” increase in traffic volume would impact the wider community who use Merrivale Drive, including primary and secondary school students. It submitted there is no evidence for the assumption that Village occupants are likely to have low car ownership rates. It provided an example of an existing dwelling in Merrivale Drive said to be used by Midfield workers where up to 6 cars are parked at a four bedroom house. It submitted the existing footpaths in Merrivale Drive are very close to the road, and pedestrians and other road users would be put at risk. It also requested speed humps be used in Eccles Street as a means of slowing traffic before entering Merrivale Drive.

Several submitters raised concerns that the increased traffic generated by the development would make the surrounding road network unsafe. Specific concerns included:

- the Eccles Street/Merrivale Drive intersection is already dangerous, given its topography, camber and location on a bend, creating hazards for pedestrians, cyclists and vehicles
- the Eccles Street/Merrivale Drive intersection is located less than 500 metres from a primary school
- the entry to Eccles Street from Merrivale Drive is a pinch point with existing blind spots for residents reversing out of their driveways
- existing traffic in Merrivale Drive is a major issue, with traffic volumes doubling in the last few years and drivers not observing the speed limit.

Submitter 7 submitted that Merrivale Drive is already unsafe, being narrow, with a bend and poor visibility and a 60 kilometre per hour speed limit. She submitted cars park on the footpath to avoid being hit by buses and trucks and the service road adjacent to the site is barely visible from

Merrivale Drive. A large power pole at the Merrivale Drive/Eccles Street intersection creates further safety issues and is not shown on the plans.

Some submitters were concerned that construction traffic would cause damage to footpaths and dangerous conditions at the intersections of Merrivale Drive with Eccles Street and Scott Street. Merrivale Community Association requested an alternative route to Eccles Street be used during construction.

Some submitters asserted that the proposal would provide insufficient car parking, and that car ownership rates assumed in the Traffic Impact Assessment are too low.

### 3.4 Discussion

Clause 18.01-3S of the Warrnambool Planning Scheme (Planning Scheme) seeks to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

Strategies include:

- developing safe transport infrastructure
- optimising accessibility, emergency access, service and amenity
- separating pedestrians, bicycles and motor vehicles, where practicable
- designing new suburbs to respond to the safety, health and wellbeing needs of all road users.

#### (i) Traffic volumes

According to the Austroads Guide to Traffic Management, as a general rule, roadways in urban areas with two traffic lanes (like Merrivale Drive) typically experience high delays during commuter peak periods when daily traffic volumes are in the vicinity of 15,000 to 20,000 vehicles per day. Current traffic volumes on Merrivale Drive are well below this figure, and are expected to remain well below this figure according to the Traffic Impact Assessment. The total daily traffic volumes on Merrivale Drive (including Village traffic) are predicted to be in the order of:

- 4,030 vehicles per day north-west of Eccles Street
- 5,010 vehicles per day south-east of Eccles Street.

It is possible that the traffic distribution assumptions in the Traffic Impact Assessment turn out to be wrong. However, based on the total volumes anticipated by the Traffic Impact Assessment, even if:

- all Village traffic turned right out of Eccles Street, total daily traffic volumes north-west of Eccles Street would be in the order of 4,350
- all Village traffic turned left out of Eccles Street, total daily traffic volumes south-east of Eccles Street would be in the order of 5,145.

This is well within the design capacity of Merrivale Drive (at 15,000 to 20,000 vehicles per day).

The Traffic Impact Assessment considered the capacity of the intersection of Merrivale Drive and Eccles Street using the widely accepted traffic modelling software SIDRA.<sup>4</sup> The SIDRA analysis predicted that the intersection will operate well within its design capacity with the addition of the Village traffic.

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<sup>4</sup> Signalised & unsignalised Intersection Design and Research Aid



Access Places like Eccles Street have an indicative maximum daily traffic volume of 300 to 1,000 vehicles. Eccles Street will continue to operate well within the design capacity of an Access Street once Village traffic is added. The street will, however, require upgrades, as discussed in Chapter 4.

The Committee notes Merrivale Community Association's concern that the assumed car ownership rates of Village occupants is very low, and without any apparent evidence basis. This is discussed further below in the context of car parking provision. However, even if the car ownership turns out to be double that assumed in the Traffic Impact Assessment, traffic volumes on Merrivale Drive would continue to remain well below the design capacity of the road.

The Committee therefore has no concerns in relation to the proposed development resulting in excessive congestion or unacceptable traffic volumes on the surrounding road network.

## **(ii) Safety issues**

The Traffic Impact Assessment does not consider safety matters in detail, other than a design review of the proposed upgrades to Eccles Street and the road network within the site. This included swept path analysis of an 8.8 metre length design vehicle (a typical garbage truck or fire truck) which demonstrated this size vehicle could circulate through the site and turn around in the upgraded Eccles Street court bowl.

Merrivale Drive is narrow, and there is likely insufficient width for two way traffic (particularly buses) to pass with cars parked on the street. There is a slight bend in Merrivale Drive, on which the intersection with Eccles Street is located. The intersection is located close to two existing driveways used to access properties in Merrivale Drive, and the entrance to the Merrivale Drive service road.

The topography in the area is undulating, including a crest in Eccles Street located between the proposed site entrance and the intersection with Merrivale Drive. Traffic exiting the site would travel down a rise when approaching the intersection with Merrivale Drive, and may pick up speed.

According to the Traffic Impact Assessment, in the last five years, four accidents on Merrivale Drive have been recorded on the (former) Department of Transport's database, all of which were off-carriageway object collisions. The Traffic Impact Assessment notes this is a relatively high proportion of off-carriageway collisions. It is not clear on which section(s) of Merrivale Drive these collisions took place.

The number of off-carriageway collisions suggests there may be existing safety issues on Merrivale Drive. The Committee acknowledges that there is a possibility that collisions on Merrivale Drive may increase with the additional traffic generated by the Village. However, this is not an issue that needs to be resolved by the Proponent, particularly given Merrivale Drive will continue to operate well below its design capacity with the addition of Village traffic. Safety issues along Merrivale Drive, including the safety of children accessing Merrivale Primary School (which is located a few hundred metres to the north-west of the site), will need to be managed by the road management authority and Victoria Police, through better signage and enforcement of the speed limit. These are not reasons to not support the proposed development.

The Eccles Street/Merrivale Drive intersection is located directly adjacent to the driveways of 90 and 94 Merrivale Drive, and the entrance to the Merrivale Drive service road. There are some issues that will require careful and appropriate design of the Eccles Street upgrades, particularly the intersection with Merrivale Drive, to ensure safe and appropriate interactions between Village

traffic and vehicles entering and exiting these driveways, the service road, and vehicles travelling along Merrivale Drive.

The Committee is confident appropriate design solutions can be found that will ensure safe interactions between Village traffic and traffic on the surrounding road network. For example, the speed of vehicles travelling down Eccles Street towards the intersection with Merrivale Drive may need to be controlled with a speed hump, as suggested by Merrivale Community Association. Another possible solution may be to restrict access to the service road to left in only. The Committee has recommended conditions be added to the Incorporated Document requiring consideration of these issues in the design of the Eccles Street upgrades.

### **(iii) Car parking**

The Development Plans (D4) show 58 on-site parking spaces along the internal circular road through the site. The upgrades to Eccles Street will include widening the carriageway sufficient to allow parking on both sides. The Traffic Impact Assessment estimates this will provide a further 35 spaces for overflow or visitor parking (in addition to the 58 on-site spaces). A number of bicycle parking spaces are also proposed.

The Traffic Impact Assessment notes that the nearby street network includes unrestricted kerbside parking, although it notes that Merrivale Drive is too narrow to safely accommodate kerbside parking and two traffic lanes. It states that nearby parking demands are generally very low.

The number of on-site parking spaces proposed to be provided equates to 0.26 spaces per bed – or roughly 1 space for every 4 beds. This is based on the Proponent's estimate of car ownership ratios for workers accommodated in the Village. It is not clear what these ratios are based on.

This rate of parking provision is lower than the typical provision for similar accommodation uses. According to the Traffic Impact Assessment, student accommodation is typically 0.4 spaces per bed, and backpacker accommodation is typically between 0.1 and 0.3 spaces per bed. The proposed car parking provision is also lower than the statutory rate under clause 52.06 of the Planning Scheme for dwellings and residential villages (which is 1 space per one or two bedroom dwelling). The proposed provision is equivalent to the statutory rate for rooming houses (1 space per four bedrooms).

In the absence of any empirical data about the likely car ownership rates for the Village occupants, it is difficult to conclude whether the proposed on-site parking provision is likely to be adequate. However, there are an additional 35 spaces being provided in Eccles Street, providing overflow parking if needed. Further, the development will be staged. Stage 1 will deliver 77 single bed units and 9 two bed units, totalling 95 beds which is less than half the total number proposed. The land in Stage 2 will be available for informal parking until Stage 2 commences. This will allow time to assess whether the car ownership ratios estimated by the Proponent are accurate, and whether more on-site parking is needed, before the Village is fully developed and occupied.

The exhibited Incorporated Document includes the following conditions related to parking:

- temporary parking to be made available on the land set aside for Stage 2 to accommodate the parking requirements for Stage 1 (minimum 41 spaces) (condition 1(d))
- a Car Parking Management Plan that includes details of on-site and off-site parking arrangements, and the provision of a shuttle bus for Village occupants at least 3 times a day 7 days a week (condition 19)

- parking areas (both cars and bikes) to be constructed before occupation of Stage 1 (condition 21).

The Committee considers these conditions are generally appropriate, subject to further assessment of parking needs before Stage 2 commences and the plans being adjusted to provide more spaces if necessary.

#### **(iv) Construction traffic**

The Committee is satisfied that impacts of construction traffic can be adequately dealt with by conditions in the Incorporated Document. The exhibited Incorporated Document included:

- a requirement in condition 17 that the Construction Management Plan include:
  - preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
  - parking facilities for construction workers
- a requirement in condition 18 for a Traffic Management Plan.

Exhibited condition 18 contains no details about the contents of the Traffic Management Plan – or even whether it is intended to deal with construction traffic or traffic generated by the Village occupants. The Committee assumes it is meant to manage construction traffic, as the Plan is required before development starts (not before occupation of the Village).

The Committee considers exhibited condition 18 should be replaced with a condition requiring a Construction Traffic Management Plan that sets out the detail of what is required, including a swept path analysis that demonstrates that construction vehicles can access the site without mounting footpaths at nearby intersections.

Justification for requiring an alternative route to Eccles Street to be used during construction has not been demonstrated. However, there should be an assessment of whether any temporary upgrades to Eccles Street are required to accommodate construction vehicles while maintaining safe and appropriate access to the existing residences in Eccles Street.

### **3.5 Findings and recommendations**

The Committee finds:

- There are no traffic congestion or safety reasons to not support the proposed development.
- Adjustments are needed to the exhibited Incorporated Document to ensure:
  - the Eccles Street upgrades are appropriately designed to ensure safe interactions between Village traffic and vehicles entering and exiting the driveways at 90 and 94 Merrivale Drive, and vehicles entering the Merrivale Drive service road
  - impacts of construction traffic are appropriately managed.
- It is unclear whether the proposed car parking provision will be sufficient. Car parking requirements should be further assessed after Stage 1 is complete and before Stage 2 proceeds, and the plans adjusted to provide more on-site parking if necessary.

The Committee recommends the following changes to the exhibited Incorporated Document:

**Replace condition 9 with conditions 9 and 10 in Appendix D, to include the following additional requirements in relation to the Eccles Street upgrades:**

- a) details of the upgrades must be approved before construction starts**

- b) when designing the upgrades, consideration must be given to whether:
- measures such as speed humps are required to control the speed of vehicles travelling along Eccles Street approaching the intersection with Merrivale Drive
  - sight lines to and from the driveways of 90 and 94 Merrivale Drive and the entrance to the Merrivale Drive service road
  - the entrance to the Merrivale Drive service road should be restricted to left in only.

Replace condition 18 with condition 21 in Appendix D to require a Construction Traffic Management Plan to be prepared that includes the following details:

- a) access routes for construction vehicles
- b) swept path analysis that demonstrates construction vehicles can turn in and out of the site and at any intersections on the access route safely and without mounting footpaths
- c) proposed parking locations for construction vehicles and construction workers' vehicles
- d) adequate movement and circulation of vehicles and pedestrians adjacent to the land
- e) an assessment of whether temporary upgrades to Eccles Street are required to accommodate construction traffic and maintain suitable access to the existing residences on Eccles Street.

Include a new condition 24 as shown in Appendix D to require further assessment of car parking demands and requirements before Stage 2 commences.

## 4 Site access

### 4.1 What is proposed?

Only one access point to the site is proposed, on Eccles Street.

Eccles Street is currently an unsealed (gravel) single vehicle width carriageway with grassed roadsides and no footpaths. The width of the road reserve varies, but is generally around 18 metres. The road slopes up from Merrivale Drive to a crest approximately midway along its length and then down to its northeast end.

As noted in Chapter 3.2, Eccles Street is anticipated to carry up to 485 vehicles a day once the Village is fully occupied. Upgrades to Eccles Street will be required to accommodate the Village traffic. Proposed upgrades are detailed in the Traffic Impact Assessment:

- the road will be upgraded to an Infrastructure Design Manual Access Street standard, with a 7.3 metre sealed carriageway accommodating parking along both sides
- a footpath along the Village side of the road
- drainage
- a 10 metre radius court bowl at the end of the cul-de-sac (dead end road).

### 4.2 The issues

The issues are whether:

- the proposed access off an upgraded Eccles Street is appropriate
- a second access point should be provided off Scott Street through Lot 2 Eccles Street.

### 4.3 Submissions

Submitters raised concerns that Eccles Street is too narrow, not suitable for two way traffic, and will not be able to cope with the additional traffic generated by the Village. They submitted the current unsealed road surface of Eccles Street causes dust and stones, as well as slip and trip hazards. They submitted a footpath must be provided on Eccles Street.

Merrivale Community Association requested an alternative route be used to access the site from Scott Street, which would be more convenient for the workers housed in the Village and safer for the surrounding community. It submitted one access point to the site would not be adequate to evacuate the site in the event of a fire or flood, and the Eccles Street access point should only be used for emergency vehicle access. It submitted that if the proposal is approved, vehicle, cyclist and pedestrian traffic should be monitored, reviewed and adjusted to ensure community safety.

### 4.4 Discussion

The Village would result in a substantial increase in daily traffic movements in Eccles Street (from 20 to 30 to 475 movements per day). This would be of concern if the road surface were to remain in its current condition, but the road is proposed to be upgraded to provide a sealed two way carriageway, drainage, on-street parking and a footpath along the east side of Eccles Street. This represents a significant upgrade from its current state.

The Committee is satisfied the proposed access arrangements, with the upgrades to Eccles Street, are appropriate. The upgrades are sufficient to ensure Eccles Street is functionally able to perform

the role of an Access Street road, which is “*providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated*”.<sup>5</sup> The Committee has recommended changes to the exhibited condition 9 of the Incorporated Document to require further consideration of specific safety issues in the Eccles Street upgrades, including speed humps in Eccles Street, as discussed in Chapter 3.2.

The Committee understands the Proponent may own (or have rights to) the land at Lot 2 Eccles Street, which appears to have a frontage onto Scott Street a short distance to the south of the Midfield rendering plant and milk processing plant (approved but not yet constructed).<sup>6</sup> A secondary access through Lot 2 could create a convenient route from the site to the Midfield facilities, and may encourage more workers to access the facilities on foot or by bike rather than by vehicle, potentially reducing the amount of vehicle traffic on Merrivale Drive. However, the Committee was not satisfied that the proposal will result in sufficient additional traffic on Merrivale Drive to justify requiring a second access to the site through Lot 2.

## 4.5 Finding

The Committee finds:

- The proposed site access arrangements via Eccles Street, with the Committee’s recommended conditions 9 and 10 (see Chapter 3.5), are appropriate.

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<sup>5</sup> Clause 56.06-8 of the Planning Scheme.

<sup>6</sup> Based on the cadastral boundaries shown on VicPlan as at 13 September 2023.

## 5 Housing density

### 5.1 The issue

The issue is whether the number of dwellings and proposed density are appropriate in the context of the site, surrounds, planning policy and planning controls.

### 5.2 Submissions

A small number of submissions raised the issue of housing density, arguing that higher density was inappropriate in this area and would have negative impacts on themselves and the community. In referring to the project as high density housing, submitters highlighted the positive aspects of the area currently and the potential for the project to cause significant change.

Submitter 4, who uses Eccles Street for access, was concerned about housing density generally and the implications of this for traffic on Eccles Street.

Submitter 10 shared the concern about density, arguing that 221 dwellings are “*not in keeping with our community*”, and that “*the properties would be very packed in and end up like a caravan park*”.

Merrivale Community Association (D33) claimed the proposal was an overdevelopment, and not in line with the area’s neighbourhood character or the streetscape.

The Town Planning Report (2022) submitted with the application stated that the site could provide key worker accommodation in a central location within Warrnambool and within walking and cycling distance to the Warrnambool CBD and public transport. It argued the proposal could provide a supply of affordable housing for key workers, and pointed to its broader economic benefits given Midfield is a key employer in Warrnambool. It stated:

... the Amendment effectively creates an infill site which can absorb a density which not only provides quality accommodation for employees of Midfield, but of a quantity which when delivered quickly, will provide for relief of housing pressures across Warrnambool.

### 5.3 Discussion

Planning policy strongly supports diverse housing outcomes. Clause 16.01-S (Housing) of the Planning Scheme aims to facilitate well located, integrated and diverse housing that meets community needs. Relevant strategies to achieve this include:

- encouraging higher density housing on sites that are well located in relation to jobs, services and public transport
- facilitating diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Clause 02.03-6 (Housing) states:

... the affordability of housing has significant impacts on the liveability and economic prosperity of the community. A lack of affordable housing is a barrier to attracting key workers ...

Policy also supports directing higher density housing to appropriate locations designated for more intensive urban development in the Planning Scheme. This is not such a location.

The Committee agrees with the Town Planning Report that the site, being located just 2 kilometres from the city centre and surrounded by urban development on most sides, can be regarded as an urban infill site. The land is located some distance to the agricultural land on the periphery of Warrnambool, and does not appear to have been used for agricultural production for a long time.

No evidence has been presented to the Committee that the site is incapable of accommodating the proposed density in terms of services or infrastructure. Council supports the proposal and no referral authority has objected (apart from EPA's initial objection as discussed below in Chapter 8).

The proposed development represents a considerable increase in density, on a Farming zoned site that it not specifically designated in the Planning Scheme for higher density housing. However, the Committee considers this to be acceptable, having regard to the housing diversity and affordable housing policies of the Planning Scheme, and the other benefits including economic benefits to be delivered by the proposal.

The most dominant housing type in Warrnambool is detached multi bedroom family homes on large lots. Achieving housing diversity means developing smaller and more affordable dwellings. The form of housing proposed, while unusual in the Warrnambool context, is an innovative response to the site and the need (demonstrated in the application material) for affordable key worker housing for a key local employer. The sharing of facilities offers a more affordable approach to housing, and opportunities for social interaction. The site is walking distance from the Midfield facilities, and just 2 kilometres from the city centre, meaning there is good access to services and facilities, fulfilling another key policy aim.

It is worth observing that while the site represents 'higher' density housing, as compared to the existing site and surrounding area, it is certainly not 'high' density housing, in the context of Warrnambool or elsewhere in Victoria.

The Committee is conscious of the fact that the surrounding General Residential Zone requires neighbourhood character to be respected. There is no doubt the proposed development represents a significant increase in density from both the existing site and the neighbourhood. That said, the Merrivale area is not recognised as having special neighbourhood character, and is not protected by a Neighbourhood Character Overlay.

This is not to say there is no neighbourhood character, and the Committee appreciates the views of Merrivale Drive residents that there are special elements of the area's character that should be respected. However, the existing character of the area is mixed, and the Merrivale Drive streetscape will be minimally affected. The Committee considers that impacts on neighbourhood character will be minimal, and acceptable in a planning sense.

Further, the Committee considers the economic benefits to the city of supporting a major employer with key worker housing, and the supply of much needed affordable housing, outweigh the impacts on neighbourhood character.

## 5.4 Finding

The Committee finds:

- On balance, the number of dwellings and density of the proposal is acceptable.



## 6 Public safety

### 6.1 The issue

The issue is whether the proposed development will have unacceptable impacts on public safety.

### 6.2 Submissions

A small number of submissions raised the issue of public safety, mainly in the context of traffic. These issues are addressed in previous chapters. Little was raised in submissions in relation to broader issues of public safety.

### 6.3 Discussion

It is in the Proponent's interest to run successful worker housing to retain and attract staff, as a key aim of the development. Part of this will be ensuring the proposal does not create public safety concerns.

In terms of the design of the proposal, the Committee sees nothing that would warrant concern in terms of public safety. There are places for shared recreation, private sleeping, communal kitchens and bathrooms, in a location proximate to the residents' place of employment. None of this is inherently problematic or unusual and is a common arrangement in caravan parks, nursing homes and backpacker hostels across the state.

As with all shared living arrangements, the success of the proposal will in part be based on the level and effectiveness of site management. The plans provide for a site manager in a central location near the site's entrance, and the application material refers to on-site support for residents 24 hours a day, 7 days a week.

It is well established that proper lighting has the potential to reduce both actual and the perception of crime or anti-social behaviour. Condition 26 in the exhibited Incorporated Document requires submission and approval of a lighting plan. The Committee recommends amending this condition to confirm that all shared areas of the proposal, such as streets, paths and building entrances be appropriately lit at night. The condition already requires that such lighting be baffled to avoid light spill or negative impacts on surrounding residents.

### 6.4 Finding and recommendation

The Committee finds:

- There are no public safety related reasons to not support the proposed development.

The Committee recommends the following changes to the exhibited Incorporated Document:

**Amend condition 26 (condition 34 in Appendix D) to specify that the lighting plan must include appropriate lighting of all shared areas at night.**

## 7 Amenity

### 7.1 The issues

The issues are whether:

- the internal amenity of the proposed dwellings is acceptable
- the impact of the proposed development on the amenity of the neighbourhood is acceptable
- train noise from the adjacent rail line will offer an acceptable level of amenity for future residents.

Traffic and access impacts were raised by a number of submitters in the context of amenity impacts, and these are separately addressed in Chapters 3 and 4. Amenity impacts from nearby industry are addressed in Chapter 8.

### 7.2 Submissions

Both internal and off-site amenity issues were raised by the majority of submitters.

Several submissions, particularly from dwellings along Merrivale Drive who back onto the site, raised the potential for noise impacts. Submitter 1 was concerned about ongoing noise hazards and the impact this would have on their quality of life, noting that the plans resembled a *“caravan park for workers”*.

Submitter 5 and Merrivale Community Association were concerned about the visual amenity of the Village during operation, and in particular the cleaning of common areas, garden maintenance and waste removal. Submitter 1 raised an issue with the visual impact of the Village, and whether it could *“invade our privacy”*. The negative impact of lighting from the site to nearby dwellings was also raised by Merrivale Community Association.

Merrivale Community Association’s further submission (D33) expanded on their concerns about amenity, raising issues about the proposed development impacting the neighbours’ amenity, and vice versa. It said:

... the topography of the land means that adjoining residents, on the northern side of Merrivale Drive, will overlook the proposed village, therefore impacting on the privacy of the occupants. Additionally, residents of the proposed development will impact on the privacy of existing residents on Merrivale Drive.

Noise impacts from the rail line impacting the amenity of the Village was also raised by Merrivale Community Association. It noted the potential conflict between the desire for north facing units to maximise solar orientation and the recommendations from the noise report that the rail line be faced with a solid building mass to reduce noise impacts. It also raised concerns about the lack of outdoor private open space, and inadequacy of shared bathrooms and kitchens.

EPA’s further submission (D35) requested that condition 35 of the exhibited Incorporated Document (requiring an acoustic assessment) be amended to require a noise standard to be met in living areas, not just bedrooms.

Merrivale Community Association was concerned about off-site amenity impacts, including day and night noise in the context of the shift workers who will occupy the Village, and the risks of rodents and pests.

The Town Planning Report noted that the proposed development makes use of the contours of the land to remove the need for major earthworks, and that the plans retain trees and incorporate a landscape strip to buffer the Village from the Merrivale Drive residents. In relation to internal amenity, the Town Planning Report highlighted the shared amenities, stating that *“this typology of accommodation attracts a different form of amenity and facility expectations when compared to a traditional apartment or dwelling”*.

### 7.3 Discussion

No internal amenity standards in the Planning Scheme apply to this type of development. The application package included an internal amenity response (D19) that provided a general assessment of the proposed Village against clauses 55 and 58 of the Planning Scheme, noting they do not apply. The Village achieved a mixed result on this assessment.

The key difference in the proposal compared to standard dwellings is that they are to be used temporarily (no more than 2 years for each worker/resident) and only for workers of Midfield Meats. The Committee agrees with the assessment in the Town Planning Report that this results in different expectations in terms of internal amenity.

The proposal includes very small units that mostly contain just a bed and a desk, relying heavily on shared kitchens, bathrooms and open space. Despite their small size, the Committee believes the units will provide a reasonable level of amenity for future residents when combined with the generous shared facilities that form part of the plans. Although they are basic, they are also designed to be affordable, and the Committee takes some comfort in the ongoing incentive for the Proponent to attract workers by operating a successful and pleasant worker accommodation facility.

Further, the Town Planning Report indicates that the design and construction of the units will achieve a minimum six-star rating and will incorporate light external colours, double glazing and high-performance PVC frames, insulation to ceiling, walls and floors, external shading, natural cross-ventilation and energy efficient appliances and fittings. This will ensure the internal amenity of the units achieves appropriate thermal and energy efficiency performance.

Further, the landscaping plans show a generous landscape setting is proposed that will assist in improving the amenity of the units, noting that the units have been assessed as having good access to natural light and views.

In relation to offsite amenity concerns (such as noise, maintenance, waste and lighting) affecting Merrivale Drive residents, the Committee is satisfied the plans and conditions in the Incorporated Document will prevent unreasonable impacts, subject to the Committee’s recommended changes. Particularly, the exhibited:

- condition 12 requires the submission and implementation of a Waste Management Plan
- condition 14 requires an Environmental Management Plan that addresses noise, weeds, pests, dust, and waste
- condition 26 requires lighting to be designed, baffled and located to the satisfaction of the Responsible Authority, which should ensure lighting does not unreasonably impact neighbours.

The plans show the retention of trees along the shared boundary with the Merrivale Drive houses and the incorporation of a landscaping strip ranging in width from 5 to 8 metres. This strip,

together with a shared pathway, means the proposed units are set back approximately 8 to 10 metres from the boundary, offering a sense of separation and opportunity for planting.

That said, the Committee considers more could be done to reduce the potential for overlooking and noise from the proposed development. The fencing and landscaping along the shared boundary with Merrivale Drive will be important. The combination of high solid fencing, matched with landscaping designed to grow to eye height and above, will be a benefit to both the Village occupants and the Merrivale Drive residents. The Committee acknowledges that because of the slope of the land, a fence alone will be insufficient to block views from the Village into some of the Merrivale Drive rear yards (and vice versa). However, well chosen screening landscaping will, over time, be able to provide greater privacy to private open space along Merrivale Drive. The Committee has recommended an appropriate condition be included to this effect.

In relation to train noise from the adjacent rail line, the Committee observes that VicTrack did not object to the proposal, but did request a condition requiring further assessment of rail noise (exhibited conditions 35 and 36). The Town Planning Report states the rail line is used by freight trains infrequently (around twice a day). The application package included a Noise Report prepared by Marshall Day (D14), which recommended that units close to the rail line feature noise control treatments to achieve an internal noise level in bedrooms of 60-65 dB LA<sub>max</sub>.

The Committee agrees that such treatments are necessary to protect future residents of the Village from the infrequent yet still material noise from passing freight trains. These treatments are mandated through conditions 35 and 36 in the exhibited Incorporated Document. The Committee supports these conditions, and agrees with EPA (D35) that it be amended to include a living room noise standard. The Committee has recommended appropriate adjustments to condition 43 in Appendix D.

## 7.4 Findings and recommendations

The Committee finds:

- The internal amenity of the proposed Village, including the units, is acceptable.
- The proposed Village will not result in unreasonable impacts on the amenity of the neighbourhood, particularly from noise, visual and lighting.
- With mitigation measures, future residents of the Village will not be unreasonably impacted by train noise from the adjacent rail line. The units should be required to meet internal noise limits appropriate for living rooms as well as bedrooms.

The Committee recommends the following changes to the exhibited Incorporated Document:

**Amend condition 6 to require the landscaping plan to show a high, solid fence along the boundary with the dwellings fronting Merrivale Drive, and generous landscaping to shield views from and into the dwellings along Merrivale Drive.**

**Amend condition 35 (condition 43 in Appendix D) to require the units to be designed to achieve noise levels for living areas as well as bedrooms.**

## 8 Buffer distances

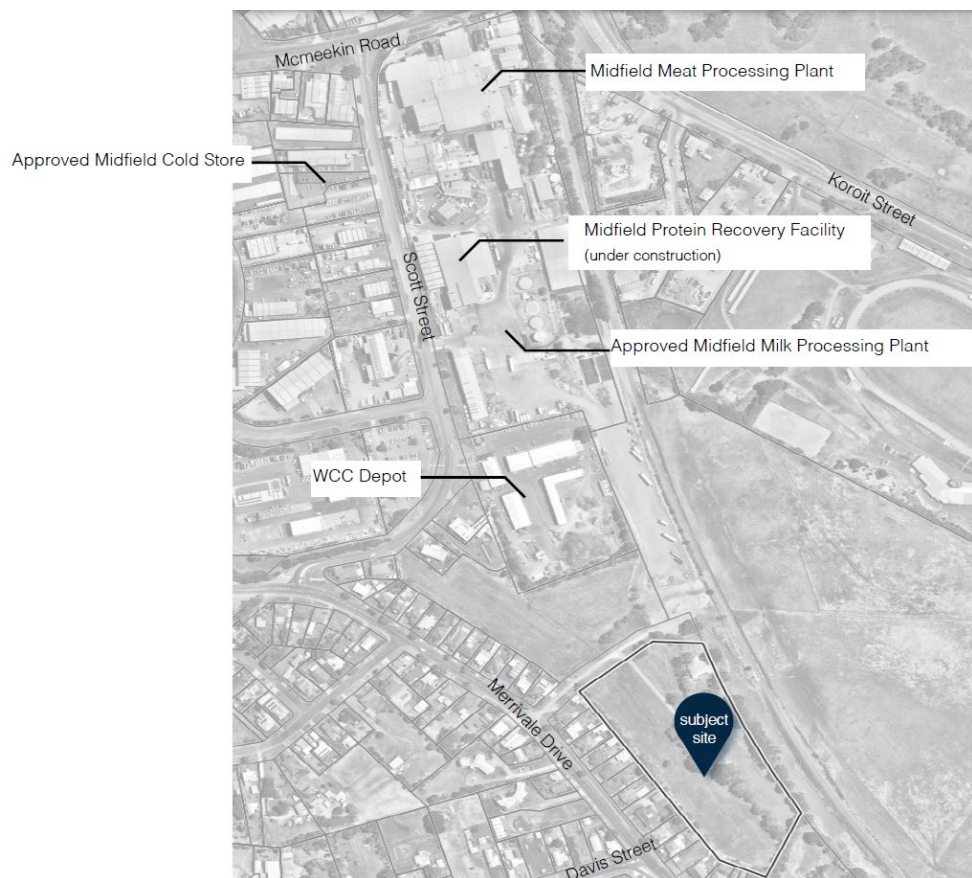
### 8.1 What is proposed?

The request for the Amendment was accompanied by a report titled *Advice on Separation Distances for Industries in West Warrnambool* dated September 2021 prepared by Consulting Environmental Engineers (D7) (Separation Distances Report). The Separation Distances Report notes the site is adjacent to several land uses that could cause amenity impacts including:

- the Midfield Meats abattoir
- the Midfield Meats rendering plant (protein recovery plant)
- the Midfield Meats milk protein facility (which has been approved but not yet constructed)
- the Midfield Meats cold store (not yet constructed)
- an asphalt plant
- a waste transfer/recycling site
- two concrete batching plants
- a Council Works Depot.

The Midfield Meats facilities and the Council depot are shown in Figure 3.

**Figure 3** Nearby land uses requiring a separation distance



Source: Town Planning Report (D5)

The Separation Distances Report references two sources of recommended separation distances between sensitive uses and industrial uses with potential amenity impacts:

- clause 53.10 of the Planning Scheme, which sets out threshold distances (if the threshold distance is not met, an application to use land for industry must be referred to the EPA)
- EPA Publication 1518 *Recommended separation distances for industrial residual air emissions* (EPA Publication 1518), which recommends minimum separation distances (if the recommended separation distance is not achieved, the use should not be approved until the land use separation issues have been resolved to EPA's satisfaction).

Stage 2 of the proposal does not meet the recommended separation distances for the industrial uses set out in Table 1. Distances are to the closest point on the site.

**Table 1** Proposed and recommended separation distances

Potentially noxious industry	Proposed separation distance (Stage 2)	Clause 53.10 threshold distance	EPA recommended distance
Abattoir	440 metres	500 metres	500 metres
Rendering plant	380 metres	1,000 metres	1,000 metres
Asphalt plant	370 metres	500 metres	500 metres

## 8.2 The issues

The issues are whether the proposed buffers (separation distances) are adequate to avoid:

- unacceptable amenity impacts for residents of the Village
- complaints from Village occupants about amenity impacts from the existing surrounding industries.

## 8.3 Submissions

Submitters were concerned that the proposal does not meet the EPA recommended buffer distances, and that this would set a precedent for future rezoning applications.<sup>7</sup>

Merrivale Community Association's further submission (D33) raised concerns about unfavourable living conditions for occupants of the Village. It submitted that Merrivale residents have been complaining about noise and air pollution from the industrial area for the last 20 years, and their complaints have not been adequately addressed. It submitted that residents of the Village will be impacted by strong odours, particularly in winter when prevailing winds are from the north and west, where the Warrnambool West Industrial Precinct is located. This would impact their health and wellbeing.

The proposal was referred to EPA for comment. EPA opposed the proposal in its original form, which included a further 209 units on Lot 2 Eccles Street, opposite the site and directly abutting the Council depot. The proposal was subsequently amended to remove the units on Lot 2, and to stage the development on 6 Eccles Street to commence with Stage 1 in the south-east part of the site. Stage 1 is outside the recommended buffers. Stage 2 would be subject to a Buffer Risk Assessment and a detailed Odour Risk Assessment (condition 39 of the exhibited Incorporated Document).

Following these changes, EPA confirmed (D34) that Stage 1 meets the recommended separation distances. It remained of the view that a detailed odour assessment should be undertaken before

<sup>7</sup> The Committee notes the proposal does not involve a rezoning.



Stage 2 commences, and supported condition 39 in the exhibited Incorporated Document subject to it being amended to reference EPA Publication 1883 *Guidance for Assessing Odour*.

## 8.4 Discussion

The Municipal Planning Strategy in clause 02.02-3 of the Planning Scheme notes that the historical development of Warrnambool has resulted in some industrial and residential areas being located adjacent to each other, such as in the Merrivale area. It notes that many of the existing industries in Warrnambool are important regional assets that need to be protected from residential encroachment. Strategic directions to manage land use conflicts include:

- prioritising separation distances to assist in the retention of existing employment generating activities
- protecting communities close to established industries from off-site impacts such as dust, odour, noise and air pollution.

Stage 1 of the proposed development is outside the recommended separation distances in both clause 53.10 of the Planning Scheme (which are designed to address air and noise emissions) and in EPA Publication 1518 (which are designed to address odour and dust). Stage 1 therefore does not present concerns in relation to buffer distances for air, noise and dust emissions from surrounding industry. Noise from the rail line is addressed in Chapter 7.

Parts of Stage 2 are within the recommended separation distances. Clause 8.0 of the exhibited Incorporated Document sets out conditions and requirements for Stage 2. Stage 2 is proposed to be subject to a permit (condition 37 in the exhibited Incorporated Document) with no third party notice or appeal rights (condition 38). Under condition 39, no development can occur in Stage 2 until:

- a Buffer Risk Assessment is prepared which demonstrates how the proposal satisfies EPA Publication 1518
- a detailed Odour Risk Assessment is prepared based on current empirical information including site assessments, odour monitoring, complaints analysis and 'community service' (it is not clear what this is referring to).

Condition 39 in the exhibited Incorporated Document states that the reports must satisfy the Responsible Authority that Stage 2 can proceed without being adversely impacted by off-site amenity impacts from nearby industry, and any recommendations of the reports must be implemented to the Responsible Authority's satisfaction.

The Committee supports the approach outlined in the exhibited condition 39 as a reasonable and balanced response to the issues identified in clause 02.02-3 of the Planning Scheme. It recommends minor rewording of the condition to provide clarity and to address EPA's recommendation that the odour assessment be conducted in accordance with EPA Publication 1883. Refer to condition 45 in Appendix D.

The Committee does not consider that a permit trigger for Stage 2 (as provided for in the exhibited conditions 37 and 38) is an appropriate mechanism to ensure buffer distances are considered before Stage 2 proceeds. Introducing a permit trigger through the Incorporated Document is unwieldy and could create confusion. The Incorporated Document effectively 'switches off' all other permit triggers and provisions in the Planning Scheme. While the exhibited condition 37 applies a new permit trigger, the Incorporated Document does not specify clear decision guidelines to guide the exercise of discretion.

The Committee considers a standard secondary consent requirement would be a more appropriate mechanism, and has adjusted the conditions of the Incorporated Document accordingly (see condition 45 in Appendix D).

Finally, while not critical to the Committee's findings, the Committee notes that many of the industrial activities creating the need for the buffers are owned by the Proponent and the employer of the Village's residents – Midfield Meats. This means that Midfield Meats has an incentive to manage its operations in a way that minimises impacts on its own worker accommodation.

## 8.5 Findings and recommendations

The Committee finds:

- Stage 1 of the proposed development meets the recommended separation distances in both clause 53.10 of the Planning Scheme and EPA Publication 1518. Parts of Stage 2 do not.
- The proposed approach of only proceeding with Stage 2 subject to a further Buffer Risk Assessment and Odour Risk Assessment is a sensible and balanced approach to address potential amenity impacts on the Village occupants, and the need to protect existing industries from reverse amenity complaints.
- A standard secondary consent mechanism for Stage 2 is a preferable mechanism to a permit trigger.

The Committee recommends the following changes to the exhibited Incorporated Document:

**Delete conditions 37 and 38 to remove a permit trigger for Stage 2 of the proposed development.**

**Amend condition 39 (condition 45 in Appendix D) to:**

- a) **replace the permit trigger for Stage 2 with a standard secondary consent requirement**
- b) **make minor adjustments to the requirements for Odour Risk Assessment.**



## 9 Construction impacts

### 9.1 The issue

The issue is whether the impacts on the neighbourhood from construction are likely to be acceptable.

### 9.2 Submissions

Merrivale Community Association briefly raised concerns with noise and lighting during construction, in addition to construction traffic impacts (discussed in Chapter 3.3).

The Town Planning Report did not directly address construction impacts, but the exhibited Incorporated Document includes conditions to address construction impacts.

### 9.3 Discussion

Owing to the proximity of the proposed development to the Merrivale Drive dwellings, there is potential for construction to adversely impact these dwellings, particularly noise and lighting, as raised by submitters.

Construction impacts are expected to be ameliorated to some extent by the proposed construction techniques, specifically constructing the units offsite as demountable units and bringing them on site fully constructed. This will minimise on-site construction works and reduce construction timeframes.

Further, the exhibited Incorporated Document requires a range of documents and plans to manage the construction process to reduce impacts. The exhibited conditions require:

- a Construction Management Plan (condition 17)
- a Construction Environmental Management Plan (condition 15)
- detailed Construction Plans for works on Public Land (conditions 22 and 23).

The Committee has also recommended a detailed Construction Traffic Management Plan be prepared (see Chapter 3.5).

These documents must be submitted before construction commences and must be approved by the Responsible Authority. This provides the Responsible Authority an opportunity to scrutinise the construction methods and processes and require changes to protect neighbours if considered necessary. These types of plans are a common feature in planning permits across Victoria and regulators are familiar with measures to protect local residents from construction impacts.

The Construction Management Plan requires an emergency contact available 24 hours a day, 7 days a week for neighbours to raise any construction problems, offering residents a path to report any concerns and have them rectified.

In addition to these documents, condition 17 of the exhibited Incorporated Document (condition 21 in the Committee's recommended version) adds a variety of construction requirements that must be met in relation to stormwater drainage, stockpiles, building operations such brick cutting, machinery cleaning, construction waste, and light spill.

Noise from construction in Victoria is also regulated by the *Environment Protection Act 2017* with a range of requirements to minimise noise impacts from construction.

The Committee does not consider there is any particular reason why construction on this site will be any more impactful than any other site. Indeed, there is vacant land to the north and rural residential land to the east of the site, meaning there is only potential for impacts on sensitive uses to the south and west. Existing trees are proposed to be retained along this boundary, which will go some way to reducing construction impacts.

In summary, the combination of construction techniques, construction plans and existing legislation and guidelines are likely to manage construction impacts in a way that maintains a reasonable level of amenity for Merrivale Drive residents.

## **9.4 Finding**

The Committee finds:

- The construction impacts of the proposed development can be readily managed with standard construction techniques, legislative and regulatory requirements and the conditions in the Incorporated Document (as amended by the Committee).

## 10 Overall assessment

### 10.1 Strategic assessment

The Planning Policy Framework encourages sustainable growth and development, and aims to attract more people to the Great South Coast region.<sup>8</sup> It seeks to strengthen and diversify the State's economy, support agriculture as a primary source of economic prosperity in the region, and increase the region's contribution to the nation's food production.<sup>9</sup>

The Planning Policy Framework seeks to protect community amenity, human health and safety while minimising land use conflicts and facilitating appropriate industrial or other uses with potential adverse off-site impacts.<sup>10</sup> It specifically encourages separation distances to new residential development so that emissions can dissipate without unreasonable adverse impacts on adjoining or nearby sensitive land uses.

The Planning Policy Framework aims to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. It aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.<sup>11</sup> It identifies the need to facilitate well located, integrated and diverse housing that meets community needs, and to deliver more affordable housing closer to jobs, transport and services.<sup>12</sup>

Warrnambool is Victoria's largest coastal regional city and is the fastest growing economy and population centre in southwest Victoria. The Warrnambool Council Plan (2017-2021) has objectives to:

- foster a healthy, welcoming city that is socially and culturally rich
- develop a smarter economy with diverse and sustainable employment.

Midfield Meats is Warrnambool's largest private employer. Providing accommodation for employees supports the economic development of the business and consequently, the economic prosperity of Warrnambool and the broader region. It should also help relieve current housing supply pressures in Warrnambool, and allow greater opportunity to attract more people to the region.

The Amendment will facilitate key worker accommodation in an appropriate location, close to the Midfield Meats facilities. The use of the site for key worker accommodation is not directly consistent with the purposes of the Farming Zone. However, the Amendment supports an industry and employer on which the surrounding agricultural production areas rely. The site is not suitable for farming because of its size and location, and the Amendment will not impact on the State's supply of land suitable for agricultural production.

The site is not in an area designated in the Planning Scheme for substantial residential growth. However, subject to the appropriate management of buffers and separation distances to nearby industries in the West Warrnambool Industrial Precinct, the site is an appropriate location for residential accommodation of the type proposed. It is located on the edge of an existing

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<sup>8</sup> Clauses 11.01-1S and 11.01-1R.

<sup>9</sup> Clauses 17.01-1S and 17.01-1R.

<sup>10</sup> Clauses 13.07-1S and 13.07-1L.

<sup>11</sup> Clauses 15.01-1S and 15.01-2S.

<sup>12</sup> Clauses 16.01-1S and 16.01-2S.

residential precinct, close to jobs and in an area that is not prone to significant bushfire risk. It is a short bus ride or 20 minute walk from Warrnambool Station and the services provided in the central business area of Warrnambool.

The design of the Village is an appropriate response to the functional needs of the workers who will be accommodated there, and provides an essential and affordable alternative for workers while they find more permanent accommodation in Warrnambool. While the units are small and basic, they are well designed, including to meet environmentally sustainable design standards, and only intended to provide short term accommodation (up to 2 years for each worker/resident). The central Village Green provides opportunities and facilities for recreation and communal living.

The density of the Village is atypical of the surrounding residential development, which consists largely of single one storey dwellings with private gardens. However the surrounding area is not identified as having a neighbourhood character that requires special protection, and the Village itself does not front Merrivale Drive. The proposed buildings are low in scale, and not oriented to directly overlook the private open space in the rear yards of the dwellings along Merrivale Drive. Landscaping is proposed along the boundary of the Village that will soften its appearance and may partially screen some of the lower units.

The Amendment will implement key policies in the Planning Scheme which support housing and economic development in the region. It will support critical local industries and a significant local employer. It will deliver social and economic benefit to the town and the region, as outlined in the Social and Economic Benefits Statement supporting the request for the Amendment (D8). It should be supported.

## 10.2 The Incorporated Document

The Committee is satisfied that the Specific Controls Overlay is an appropriate Victoria Planning Provisions tool to apply to the land in order to facilitate the proposed development. The SCO7 will only allow the land to be developed in accordance with the Incorporated Document. As the land is not being rezoned, any alternative development would need to meet the requirements of the Farming Zone.

The Incorporated Document is generally appropriate to manage the impacts of the proposed use and development, subject to the Committee's specific recommendations to amend various conditions to deal with:

- traffic and road safety impacts
- site access arrangements
- lighting (to assist with public safety)
- landscaping and fencing to reduce overlooking between the units and the residences along Merrivale Drive
- buffer distances and impacts of (and on) surrounding industries.

The Committee's recommended changes are tracked in Appendix D.

### A permit trigger for Stage 2

The Committee does not support the proposed permit trigger for Stage 2 of the development, for the reasons set out in Chapter 8. Instead, the Incorporated Document should allow Stage 2 to proceed by secondary consent, subject to meeting the requirements in condition 39 of the

exhibited Incorporated Document (condition 45 in the Committee's recommended version). The Committee has included appropriate drafting in Appendix D.

### **Responsibilities under the Incorporated Document**

The Incorporated Document lacks clarity in relation to who is responsible for approving plans and reports and granting secondary consents. Some conditions refer to the Minister for Planning, while others refer to the Responsible Authority (The Committee assumes any reference to the Responsible Authority is intended to be a reference to Warrnambool City Council, as the Amendment does not change the Responsible Authority status for the land). There are also some inconsistencies in the Incorporated Document. For instance, condition 1 states that the Minister for Planning is responsible for approving the development plans, whereas condition 2 states the Responsible Authority will approve the development plans. The matter of who is Responsible Authority needs to be resolved and the Incorporated Document updated accordingly before the Amendment is approved.

### **Unclear conditions**

Other conditions are unclear in terms of what they require. For instance, exhibited condition 11 requires an updated acoustic report, but does not specify what needs to be updated. Where the intent of the condition is clear, the Committee has tracked changes to the condition in Appendix D. Where the intent is not clear, the Committee has inserted notes identifying what needs to be addressed before the Amendment is approved.

### **Endorsed plans and reports**

Several conditions refer to plans or reports being endorsed under the Incorporated Document. This wording is generally used in permits, where endorsed documents form part of the permit.<sup>13</sup>

Unless the intent is for endorsed plans and reports to form part of the Planning Scheme (which the Committee presumes is not the case), this wording is best avoided in an Incorporated Document, to avoid confusion as to how the plans or reports can be altered (in particular, whether a planning scheme amendment would be required).

Endorsement is merely evidence of approval. Provided the approved plans and reports are clearly identified (for example by being stamped and dated), it is not necessary for them to be endorsed.

The Committee has replaced 'endorsed' with 'approved' in Appendix D.

### **Other drafting improvements**

The Committee recommends a number of other drafting improvements to the Incorporated Document to remove repetition and improve clarity. These are shown in Appendix D.

## **10.3 Findings and recommendations**

The Committee finds the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is well founded and strategically justified
- should proceed, subject to addressing the more specific issues discussed in the preceding chapters.

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<sup>13</sup> The definition of permit in section 3(1) of the *Planning and Environment Act 1987* includes any plans, drawings or other documents approved under a permit.

The Committee recommends that the Minister:

**Adopt and approve draft Amendment C212 to the Warrnambool Planning Scheme, subject to the specific recommendations in this Report.**

**Make the other drafting changes shown in Appendix D to improve the clarity and readability of the Incorporated Document, and to remove repetition between conditions.**

# Appendix A    Terms of Reference

# Terms of Reference

Priority Projects Standing Advisory Committee



Department  
of Transport  
and Planning

Version 2: Amended June 2023

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

## Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
  - a. statutory and strategic land use planning
  - b. land development and property economics
  - c. urban design and architecture
  - d. heritage
  - e. civil engineering and transport planning
  - f. social impacts
  - g. environmental planning
  - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

## Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

## Background

5. The Victorian Government is committed to streamlining the assessment and determination of projects that inject investment into the Victorian economy, keep people in jobs and create homes for people. The planning system is an important part of supporting investment and economic growth in Victoria.
6. The DFP focusses on new development projects in priority sectors and/or projects that are in the planning system that face undue delays. These can include (but are not limited to) housing, mixed use, retail, employment, tourism, industrial and other opportunities.

## Method

7. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
8. The referral letter must specify:
  - a. the specific issues the Minister for Planning seeks advice about
  - b. the mechanism of intervention being considered (for example, but not limited to, draft planning scheme amendment, call-in from the Victorian Civil and Administrative Tribunal, planning permit application)
  - c. whether submissions are to be considered by the Committee, and if so, how many are being referred, and
  - d. how the costs of the Committee will be met.
9. The letter of referral will be a public document.
10. In making a referral, the Minister for Planning or delegate must, either:
  - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on



- The Form and Content of Planning Schemes, or
- b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
11. The Committee may inform itself in anyway it sees fit, but must consider:
- a. the referral letter from the Minister for Planning
  - b. referred submissions
  - c. the comments of any referral authority
  - d. the views of the project proponent
  - e. the views of the relevant Council and
  - f. the relevant planning scheme.
12. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority, or government agency.
13. The Department of Transport and Planning (DTP) will be responsible for any further notification required. New submissions, if required, will be collected by DTP.
14. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
15. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
16. The Committee may:
- a. assess any matter 'on the papers'
  - b. conduct discussions, forums, or video conferences when there is a quorum of:
    - i. a Chair or Deputy Chair, and
    - ii. at least one other member.
17. The Committee may apply to vary these Terms of Reference in any way it sees fit.

### **Submissions are public documents**

18. The Committee must retain a library of any written submissions or other supporting documentation provided to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
19. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

### **Outcomes**

20. The Committee must produce a concise written report to the Minister for Planning providing the following:
- a. a short description of the project
  - b. a short summary and assessment of issues raised in submissions
  - c. a draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral
  - d. any other relevant matters raised during the Committee process
  - e. its recommendations and reasons for its recommendations
  - f. a list of persons or authorities/agencies who made submissions considered by the Committee and
  - g. a list of persons consulted or heard, including via video conference.

### **Timing**

21. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
- a. the date of receipt of referral, if no further submissions or information are to be sought, or
  - b. receipt of the final submission of material or final day of any public process in respect of a referral.

## Fee

22. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
23. The costs of the Committee will be met by each relevant proponent.

81C

**Sonya Kilkenny MP**  
**Minister for Planning**

**Date:**

9/9/2023

The following information does not form part the Terms of Reference.

## **Project Management**

1. Administrative and operational support to the Committee will be provided by Priority Projects, Department of Transport and Planning ([priority.projects@delwp.vic.gov.au](mailto:priority.projects@delwp.vic.gov.au)).
2. Day to day liaison for the Committee will be managed by Planning Panels Victoria ((03) 8624 5714 and [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)).

## Appendix B Submitters

No	Submitter
1	David Murphy and Carla Saldaneri
2	VicTrack
3	Warrnambool City Council
4	Helen Lucas
5	Rebecca O'Brien
6	Merrivale Community Association
7	Rebecca Simpson
8	Environment Protection Authority Victoria
9	Country Fire Authority
10	Kirsty Willaton (late submission)
11	Wayne Ware (late submission)

## Appendix C Document list

No	Date	Description	Presented by
1	9 September 2023	Revised Terms of Reference	Minister for Planning
2	20 July 2023	Letter of Referral of matter to the Standing Advisory Committee	"
3	"	Explanatory Report	"
4	"	Development Plans	"
5	"	Town Planning Report	"
6	"	Certificate of Title	"
7	"	Separation Distances Report	"
8	"	Economic and Social Benefit Statement	"
9	"	Feature and Level Survey	"
10	"	Flora and Fauna Report	"
11	"	Functional Layout Plan	"
12	"	Geotechnical Investigation	"
13	"	Infrastructure Services Report	"
14	"	Noise impact assessment	"
15	"	Traffic Impact Assessment	"
16	"	Stormwater Management Report	"
17	"	Approved Cultural Heritage Management Plan, enclosing: - Plan 1 - Plan 2	"
18	"	Preliminary Site Investigation	"
19	"	Internal amenity response	"
20	"	Plan LP135061	"
21	"	Incorporated Document	"
22	"	C212warr Special Controls Overlay - Schedule 7 Map	"
23	"	Draft Amendment Instruction Sheet	"
24	"	Instrument AC859260S - Transfer of Land	"
25	"	Instrument U220387M - Creation of Easement	"
26	"	Schedule to Clause 45.12 Specific Controls Overlay - track changes	"

27	“	Schedule to Clause 45.12 Specific Controls Overlay - proposed changes	“
28	“	Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme - proposed changes	“
29	“	Applicants response to submissions	“
30	28 July 2023	Letter from Committee to Council, Proponent and submitters advising the matter had been referred	PPV
31	8 August 2023	Standing Advisory Committee Directions Letter	PPV
32	9 August 2023	Late submission	Kirsty Willaton
33	29 August 2023	Late submission	Wayne Ware
34	4 September 2023	Further written submission	Merrivale Community Association
35	“	Further written submission	Environment Protection Authority Victoria (EPA)

## Appendix D Recommended Incorporated Document

**Tracked against the consultation version (D21)**

[Tracked Added](#)

~~Tracked Deleted~~

# Warrnambool Planning Scheme

## Incorporated Document

### Midfield Key Worker Accommodation Village

### 6 Eccles Street, Warrnambool

~~March~~September 2023

**[Note:** the conditions in clause 6.0 contain references to the Minister for Planning and the Responsible Authority (which the Committee assumes is intended to refer to Warrnambool City Council). It is not clear which functions are intended to be performed by the Minister for Planning, and which are intended to be performed by Warrnambool City Council. Before the Amendment is approved, consideration should be given to whether each condition refers to the correct entity.]



## 1.0 INTRODUCTION

This document is an Incorporated Document in the schedule to Clause 45.12 and schedule to Clause 72.04 of the Warrnambool Planning Scheme (the [Planning Scheme](#)).

~~This Incorporated Document facilitates the delivery of the use and development of land for key worker accommodation at 6 Eccles Street, Warrnambool (the project).~~

The controls in this document prevail over any contrary or inconsistent provision in the [Planning Scheme](#).

## 2.0 PURPOSE

To facilitate the use and development of the land described in Clause 4.0 ~~of this document~~ for the purpose of ~~key worker~~ accommodation [for key workers as defined in Clause 3.0, in accordance with the conditions and requirements in Clauses 6.0 and 7.0](#)~~for Midfield Group Pty Ltd generally in accordance with the plans approved consistent with Clause 6.9 of this document.~~

## 3.0 DEFINITIONS

~~A 'key worker'~~ [For the purposes of this Incorporated Document](#) ~~is defined as:~~

- [A 'key worker' is a](#) An employee who provides services to the Midfield Group Pty Ltd.
- [A reference to 'Responsible Authority' is a reference to Warrnambool City Council.](#)

## 4.0 LAND

This Incorporated Document applies to the land at 6 Eccles Street, Warrnambool (Lot 1 on Lodged Plan 135061) that is affected by the Specific Controls Overlay, Schedule 7 (SCO7) as shown on Planning Scheme Map 8SCO in the [Planning Scheme](#) and identified in Figure 1.



Figure 1: 6 Eccles Street, Warrnambool

## ~~5.0 APPLICATION OF PLANNING SCHEME PROVISIONS~~

~~Despite any provision to the contrary or any inconsistent provision in the Planning Scheme, pursuant to Clause 45.12 of the Planning Scheme the land identified in this Incorporated Document may be used and developed in accordance with the specific controls contained in this document. In the event of any inconsistency between the controls contained in this document and any provision of the Planning Scheme, the controls contained in this document will prevail.~~

### **5.06.0 THIS DOCUMENT ALLOWS**

Despite any provision to the contrary or any inconsistent provision in the Planning Scheme, pursuant to Clause 45.12 of the Planning Scheme the land identified in Clause 4.0 may be used and developed for the purposes of accommodation for key workers, in accordance with the specific controls contained in this Incorporated Document.

~~This document allows for the use and development of the land at 6 Eccles Street, Warrnambool (Lot 1 on Lodged Plan 135061) for Stage 1 of the key worker accommodation in accordance with the conditions in Clause 7.0 of this document.~~

~~The use and development must be generally in accordance with the following 'Incorporated Plans' but modified to include changes required by Clause 7.0 of this document:~~

- ~~— Architectural Drawings prepared by McGashan Everist Pty Ltd Architects, dated 22 February 2022.~~
- ~~— Traffic Impact Assessment prepared by ESR Transport Planning, dated 23 February 2022.~~
- ~~— Infrastructure Services Report prepared by Greening Structural & Civil Consulting Engineers, dated 25 February 2022.~~
- ~~— Functional Layout Plan prepared by Greening Structural & Civil Consulting Engineers, dated 25 February 2022.~~
- ~~— Stormwater Management Report prepared by Greening Structural & Civil Consulting Engineers [25 February 2022].~~
- ~~— Key Worker Accommodation, 6 and 7 Eccles Street and 4A Scott Street, Warrnambool, Victoria (CHMP No. 17556) prepared by Jem Archaeology, dated 2 April 2021.~~
- ~~— Noise Impact Assessment prepared by Marshall Day, dated 24 May 2022.~~

~~Additional Plans to be provided:~~

- ~~— Detailed drainage design plan.~~

~~For avoidance of doubt, any plans endorsed by the Responsible Authority pursuant to any clause of this document may be amended with the written consent of the responsible authority.~~

~~Any plans endorsed by the Responsible Authority pursuant to any condition of this Incorporated Document may be amended with the written consent of the Responsible Authority.~~

## **6.07.0 CONDITIONS ~~THE FOLLOWING CLAUSES APPLY TO THIS DOCUMENT~~**

The use and development permitted by this Incorporated Document must be undertaken in accordance with the following conditions:

### Amended Plans

Note: Condition 1 states the plans will be approved by the Responsible Authority (presumably Warrnambool City Council). Condition 2 states the plans will be approved by the Minister for Planning. The entity responsible for approving the plans needs to be resolved, and specified in condition 1 (not condition 2).

1. Before ~~the~~ development starts, excluding bulk excavation or site preparation works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans may be prepared in stages.

~~When approved, the plans will be endorsed under this incorporated document.~~ The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Architectural Drawings prepared by McGashan Everist Pty Ltd Architects dated 22 February 2022 and the Functional Layout Plans prepared by Greening Structural and Civil Consulting Engineers dated 25 February 2022 but modified to show:

- a. Fully dimensioned plans, including floor layout, elevations, colours and materials for the following:
  - i) shared kitchen/living/dining areas;
  - ii) details of all units with ensuites bathrooms;
  - iii) shared bathroom areas;
  - iv) shared laundry areas;
  - v) managers house;
  - vi) hall and kitchen and wellness areas;
  - vii) indoor recreation areas;
  - viii) gym areas;
  - ix) external covered recreational areas;
  - x) nomination of external storage areas;
  - xi) internal road network;
  - xii) car parking spaces;
  - xiii) details of heating and cooling in each unit;
  - xiv) details of proposed fencing where applicable.
- b. A written notation ~~to the plans~~ that Eccles Street, in its entirety, is to be upgraded to a standard to the satisfaction of the Responsible Authority at the developer's expense. The upgrade of the street includes the provision of a footpath along the entirety of the street connecting to Merrivale Drive in accordance with ~~Clause 7.9~~ condition 9.
- c. A written notation ~~to the plans~~ to provide for noise attenuation measures to units within 50 metres of the railway line in accordance with ~~Clause 7.19~~ condition 43.
- d. The provision of a temporary car parking area within the land set aside for Stage 2 to accommodate the car parking requirements of Stage 1. The temporary car parking areas must ~~be~~:
  - i) ~~-be designed and constructed~~ to the satisfaction of the Responsible Authority ~~which~~
  - ii) provides for a minimum of 41 car parking spaces

iii) ~~meet and is in accordance with~~ the requirements of ~~Clause 7.21 condition 25~~.

e. Any other changes required under other conditions of this Incorporated Document.

#### Layout not altered

2. ~~When approved, the plans and reports referred to in the conditions of this Incorporated Document will be endorsed by the Minister for Planning.~~ The development as shown on the approved plans and reports must not be altered without the prior written consent of the Minister for Planning.
3. All buildings and works must be maintained in good order and appearance to the satisfaction of the Minister for Planning.
4. Once the development has started it must be continued and completed to the satisfaction of the Minister for Planning, unless otherwise agreed in writing.

#### Legal agreement

5. Before ~~the~~ use starts, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*, unless otherwise agreed in writing by the Responsible Authority. ~~The owner of the land must pay the Responsible Authority reasonable legal costs and expenses of this agreement, including preparation, execution, and registration on title.~~ The agreement must ~~for the land at 6 Eccles Street, Warrnambool:~~
  - a. Require a reduction of the rental rate from the market price.
  - b. Require a maximum length of tenure to not exceed twenty-four months.
  - c. Require the site to only be occupied by key workers ~~of Midfield Group~~.
  - d. Provide for the owner of the land to pay the Responsible Authority's reasonable legal costs and expenses of the preparation, execution, and registration of the agreement.

The signed Section 173 agreement must be registered on the title of the land.

#### Landscaping and public realm

6. Before development starts, ~~Concurrent with the endorsement of plans,~~ a detailed landscape and public realm plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority. The ~~Landscaping and public realm must be implemented in accordance with the approved plan to the satisfaction of the Responsible Authority.~~ The plan must show:
  - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - c. Details of all surface finishes including pathways, driveways, patio or decked areas.
  - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e. Urban design elements including, but not limited to, paving, lighting, seating and public art.
  - f. Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
  - g. ~~How the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite~~

~~use and the~~ location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

- h. Areas set aside for the provision of recreational space.
  - i. A high, solid fence and generous, tall, dense landscaping to screen views into adjoining residential lots on Merrivale Drive.
7. Before ~~the development is first occupied~~ use starts, the ~~landscaping~~ works shown on the ~~endorsed~~ approved landscape and public realm plans must be carried out and completed to the satisfaction of the Responsible Authority. ~~Landscaping Works~~ may be carried out in stages with the development to the satisfaction of the Responsible Authority.
8. The landscaping shown on the ~~endorsed~~ approved landscape and public realm plans must be maintained to the satisfaction of the Responsible Authority, including replacement of that any dead, diseased or damaged plants ~~are to be replaced~~.

#### Eccles Street Road and Footpath Works

9. ~~Prior to the occupation of the site (Stage 1) Eccles Street must be upgraded from the site to Merrivale Drive, including the provision of a pedestrian footpath along the entirety of the street that connects the site to Merrivale Drive, to the satisfaction of the Responsible Authority.~~ Before development starts, details of the upgrades to Eccles Street must be submitted to and approved by the Responsible Authority. The upgrades must include the provision of a pedestrian footpath along the entirety of the east side of Eccles Street that connects to the footpath in Merrivale Drive. Consideration is to be given to whether:
- a. measures are required to control the speed of vehicles travelling along Eccles Street approaching the intersection with Merrivale Drive
  - b. sight lines are adequate to and from the driveways of 90 and 94 Merrivale Drive and the entrance to the Merrivale Drive service road
  - c. the entrance to the Merrivale Drive service road should be restricted to left in only.
10. Before use starts, the approved upgrades to Eccles Street must be constructed to the satisfaction of the Responsible Authority.

#### Aboriginal Cultural Heritage

11. All works on the land must be carried out or constructed in accordance with the requirements of the approved CHMP *Key Worker Accommodation, 6 and 7 Eccles Street and 4A Scott Street, Warrnambool, Victoria (CHMP No. 17556), 2 April 2021*.

#### Noise attenuation

Note: It is not clear whether conditions 12 and 13 are intended to be in addition to conditions 43 and 44. Consider consolidating.

12. Before ~~the endorsement of~~ development ~~plans in accordance with Clause 7.1~~ starts, an ~~updated~~ acoustic report ~~generally in accordance with the report prepared by Marshall Day Acoustics, dated 24 May 2022,~~ must be submitted to and approved by the Responsible Authority. The acoustic report must be generally in accordance with the report prepared by Marshall Day Acoustics dated 24 May 2022 but updated to address:
- a. [the condition must specify what the updated report is required to address]
13. Before use starts, the noise attenuation measures for the development must be implemented in accordance with the approved acoustic report, to the satisfaction of the Responsible Authority. The report must not be altered without prior written consent of the Responsible Authority.

#### Waste Management Plan

14. Before ~~the~~ development starts, excluding demolition, bulk excavation and site preparation works, a Waste Management Plan (WMP) must be submitted to and

approved by the Responsible Authority. The WMP must detail waste storage and collection arrangements and must comply with council's guidelines [the guidelines need to be specified]. Waste storage and collection must be undertaken in accordance with the ~~endorsed~~ approved WMP. Waste storage and collection arrangements must not be altered without the written consents of the Responsible Authority.

#### Water Sensitive Urban Design

Note: There is a lot of repetition between conditions 15, 20 and 31. They should be consolidated and repetition and/or inconsistencies removed.

15. Before development starts, details of ~~Concurrent with the endorsement of plans,~~ a stormwater drainage system incorporating integrated water management design principles must be submitted to and approved by the Responsible Authority. This system must:
  - a) meet the requirements of condition 31
  - b) be constructed prior to the occupation of the development ~~and provision made~~
  - c) be able to connect ~~this system~~ to Warrnambool City Council's stormwater drainage system.

#### Environment Management Plan

16. Before development starts, an Environmental Management Plan (EMP) must be submitted to and, approved ~~and endorsed~~ by the ~~R~~esponsible ~~A~~uthority. ~~Once endorsed, the EMP will form part of this permit.~~ The EMP must specify:
  - a. Operating hours, noise and vibration controls
  - b. Air and dust management measures
  - c. Stormwater and sediment control measures
  - d. Waste and materials reuse management measures
  - e. ~~Amenity considerations~~ Measures to manage potential amenity impacts of the development on surrounding properties
  - f. Protection zones for ~~(trees, flora, fauna, weeds, pests and cultural heritage)~~ [is this a construction requirement, or an ongoing requirement? If the former, relocate to condition 18.]
  - g. Measures to manage weeds and pests
  - h. The person(s) responsible for implementation of and compliance with the EMP requirements including details of a site contact / site manager.

Note: There is a lot of repetition between conditions 17, 18 and 20. They should be consolidated and repetition removed.

17. The EMP must include a Construction Environment Management Plan (CEMP) for construction of the dam, which must include:
  - a. Measures to avoid and minimise amenity and environmental impacts during the construction of the dam, including (but not limited to):
    - i. Impacts to natural hydrology and soil profiles across the site;
    - ii. Weed seed spread or weeds to infest cleared site within and beyond the lot;
    - iii. Soil disturbance;
    - iv. Dust;
    - v. Erosion;
    - vi. Stormwater run-off into localised drainage lines and watercourses.

- b. Measures to avoid and minimise existing modified ecological values during the construction of the dam.

~~c. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.~~

~~The person(s) responsible for implementation and compliance of each of the CEMP requirements including details of a site contact / site manager.~~

~~16. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority~~

### Construction Management Plan

- 18. Before ~~the~~ development starts, including demolition, bulk excavation and site preparation works, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. ~~When approved, the CMP will be endorsed and will form part of this Incorporated Document.~~ The ~~plan~~ CMP must provide for:

~~a. Company structure and site contacts.~~

- a. An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- b. Containment of dust, dirt and mud within land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- c. Facilities for vehicle washing, which must be located on the land;
- d. The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- e. Work site safety and public safety;
- f. Management of any environmental hazards including, but not limited to:
  - i. Contaminated soil;
  - ii. Materials and waste;
  - iii. Dust;
  - iv. Stormwater contamination from run-off and wash-waters;
  - v. Sediment from the land on roads;
  - vi. Washing of concrete trucks and other vehicles and machinery; and
  - vii. Spillage from refuelling cranes and other vehicles and machinery;
- g. The construction program;
- h. Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- i. Parking facilities for construction workers;

~~k. Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;~~

j. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete;

k. Measures to ensure that all work on the land will be carried out in accordance with the ~~Construction Management Plan~~ CMP;

- l. Any site-specific requirements.



19. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the approved CEMP and CMP. All works constructed or carried out must be in accordance with the approved CEMP and CMP, to the satisfaction of the Responsible Authority.

Requirements during the construction

20. The following requirements apply during construction:

- ~~m. Measures for stormwater management during construction phase. Any stormwater discharge into the stormwater drainage system must comply with the Environment Protection Authority guidelines.~~
- a. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system. Any stormwater discharge into the stormwater drainage system must comply with the Environment Protection Authority guidelines [the guidelines must be specified].
- b. Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site.
- c. Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the ~~building block~~ and described in Clause 4.0. The pollutants from these building operations must be contained on ~~site~~ the land.
- ~~q. builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot;~~
- d. Vehicle borne material must not accumulate on the roads abutting the land.
- e. The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
- ~~t. Provision must be made on the land for the storage and collection of garbage and other solid waste.~~ construction waste. Construction waste must not be burnt or buried on site. All construction waste must be contained in a waste storage area located on the land before being removed to a Waste Disposal Depot. The waste storage area must be located and designed, including graded, drained and screened from public view to the satisfaction of the Responsible Authority. The provision of bin storage and collection must have regard to any recommendations of the Waste Management Plan;
- f. ~~All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly;~~
- g. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve.

Construction Traffic Management Plan

21. ~~Before the development starts, including demolition, bulk excavation, and site preparation works, a Traffic Management Plan (TMP) must be submitted and approved by the Responsible Authority. The traffic management report must be in accordance with the TMP, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will form part of this Incorporated Document. The TMP must not be altered without the prior written consent of the Responsible Authority. Before development starts, including demolition, bulk excavation, and site preparation works, a Construction Traffic Management Plan must be submitted to and approved by the Responsible Authority. The Construction Traffic Management Plan must include:~~
- a. Access routes for construction vehicles.



- b. Swept path analysis for the largest anticipated construction vehicle that demonstrates construction vehicles can turn at any intersections on the access routes for construction vehicles, and enter and exit Eccles Street and the site, in a safe manner and without mounting footpaths.
- c. Proposed parking locations for construction vehicles and construction workers' vehicles.
- d. Provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase.
- e. An assessment of whether temporary upgrades to Eccles Street are required to accommodate construction traffic and maintain suitable access to the existing residences on Eccles Street.

#### Car Parking Management Plan

- 22. Before ~~the~~ development starts, including demolition, bulk excavation, and site preparation works, a Car Parking Management Plan (CPMP) must be submitted and approved by the Responsible Authority. The ~~car parking management report~~ CPMP must include ~~detail of the following:~~
  - a. On-site car parking arrangements.
  - b. Off-site car parking arrangements.
  - c. The provision of a shuttle bus for the occupants of the facility operating 7 days a week and at least 3 times per day.
  - d. The proposed hours of operation of the shuttle bus, the size of the shuttle bus, capacity of the shuttle bus, provision of services and the location of pick up and drop off and details if the shuttle bus is to be kept on site, to the satisfaction of the Responsible Authority.
- 23. The shuttle bus service must be operational prior to the occupation of the site.

#### Further assessment of car parking requirements before Stage 2

- 24. Before Stage 2 of the development starts, car parking requirements must be further assessed based on the demand for car parking generated by the occupants of Stage 1. If required, the development plans must be adjusted to accommodate adequate on-site parking to the satisfaction of the Responsible Authority. Parking for Stage 2 and any additional parking required as a result of the reassessment of parking demand must be provided before Stage 2 is occupied, to the satisfaction of the Responsible Authority.

#### Car Parking, Bicycle Parking and Common Areas

- 25. Before use starts, ~~the occupation of the development associated with Stage 1~~, the traffic and parking areas must be constructed to the satisfaction of the Responsible Authority, and must:
  - a. be in accordance with ~~endorsed~~ approved development plans
  - b. be in accordance with Clause 52.06 of the Warrnambool Planning Scheme
  - c. be finished with an all-weather sealed surface
  - d. be drained
  - e. include appropriate signage, lighting and line marking
  - f. include appropriate loading facilities for the development
  - g. include vehicle crossings and required traffic management works.
- 26. Areas designated for car parking on the ~~endorsed~~ approved development plans are to be kept free and clear for that purpose.
- 27. Bicycle parking and storage areas must be designed to be a high quality, secure and safe to the satisfaction of the responsible authority.

28. With the prior written consent of the Responsible Authority, the traffic and parking areas may be delivered in stages to the satisfaction of the Responsible Authority.

#### Detailed Construction Plans for works on public land

29. Before development starts, including demolition, bulk excavation, and site preparation works, ~~Before the commencement of any works (including any preliminary site preparation and establishment works, demolition or material removal),~~ Detailed Construction Plans for works within ~~the~~ road reserves s ~~and or~~ existing or proposed public drainage reserves or easements must be submitted to and approved by the Responsible Authority. The Detailed Construction Plans must be:
- ~~generally in accordance with the~~ endorsed approved development plans
  - ~~The plans must be~~ drawn to scale with dimensions and level contours ~~and be~~
  - in accordance with Council's current Design Guidelines [the guidelines need to be specified].

#### Construction Works

30. ~~Unless with the prior written consent of the Responsible Authority,~~ Before use starts, all works shown on the ~~endorsed approved~~ Detailed Construction Plans s must be carried out ~~before the use or occupation of the development~~ to the satisfaction of the ~~R~~esponsible ~~A~~uthority, unless with the prior written consent of the Responsible Authority.

#### Detailed Drainage and Stormwater Design Plan

31. Before ~~the~~ development starts, including demolition, bulk excavation, and site preparation works, commencement of any works, a Detailed Drainage Design Plan must be prepared in consultation with VicTrack and the Responsible Authority, and must be submitted to and approved by the Responsible Authority. The Detailed Drainage Design Plan must be generally in accordance with the Stormwater Management Report (Greening Engineering, Amended February 2022), and must:
- identify storm water catchment(s).
  - include management of storm water run-off from all buildings and hard surface areas (including car parking areas) within identified catchments.
  - include best practice treatment of stormwater (sediment and nutrient).
  - identify potential impact on ground water and identify measures to manage potential impact.
  - ensure the rail corridor is not used as a discharge point for storm water (unless approved by VicTrack in writing).
  - ensure storm water overland flow paths are not directed into the rail corridor.
  - include a backup pump system to the soakage basin to ensure post development discharge into the rail corridor does not exceed the pre-development level.

#### Construction and earthworks

32. ~~The w~~Works must be carried out in accordance with the geotechnical recommendations described in the geotechnical investigation report 'Geotechnical Investigation, Project: 6 Eccles St Warrnambool, Report No: AGTE20299-2', prepared by AGT, dated 17 December 2020.

#### Lighting

33. Within three months ~~of commencement of the~~ after development starts, or as otherwise agreed with the Responsible Authority, a lighting plan must be submitted and approved by the Responsible Authority. The lighting plan must conform with relevant Australian Standards [the Standards should be specified] and lighting must be designed, baffled and located to the

satisfaction of the Responsible Authority. All shared areas such as streets, paths and building entrances must be lit at night to the satisfaction of the Responsible Authority.

#### Country Fire Authority conditions

34. Before ~~the use commences~~starts, operable hydrants, above or below ground, must be provided to the satisfaction of CFA. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120 metres and hydrants must be no more than 200 metres apart.

Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

#### Wannon Water

35. Before ~~the use commences~~starts, the required sewerage works and water supply works necessary to serve the proposed development must be completed to Wannon Water's standards and at the developer's expense.

~~36. Before the use commences, the required water supply works necessary to serve the proposed development must be completed to Wannon Water's standards and at the developer's expense.~~

37. The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.

38. The developer must enter into an agreement with Wannon Water prior to:
- discharging any sewage to the reticulated sewer main via a private pump station,
  - the discharge of trade waste into the reticulated sewer system (includes communal kitchen facilities),
  - building over any easement or sewer.

#### VicTrack

39. ~~When approved, the plans will be endorsed under this incorporated document. The plans must be drawn to scale with dimensions and three copies must be provided.~~ The development plans must be modified to show:

- Relocation of the soakage so that it is not directly adjoining the rail land.
- Fencing of the site adjacent the rail corridor boundary with a black chainmesh fence of a minimum height of 1.8 metres.

40. The permit holder must always ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.

41. The permit holder must not, at any time:

- Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
- Store or deposit any waste, soil or other materials on the railway land.

42. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.

43. Before ~~the development starts~~, an Acoustic Assessment of the development must be prepared at no cost to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and must be submitted to and approved by Head, Transport for Victoria and the Responsible Authority. The Acoustic Assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- a. Noise emissions associated with the ~~[rail/tram-lines]~~ and associated infrastructure does not impact adversely on the amenity of the dwellings.
  - ~~b.~~ Dwellings are designed to achieve noise levels not greater than:
    - ~~i.~~ 35dB level for bedrooms ~~form-from~~ 10pm to 6am. ~~;~~
    - ii. 40 dB (LAeq,16h) when measured within a living area between 6am and 10pm.
  - e. Noise levels must be assessed in unfurnished rooms with a finished floor and the windows closed.
  - d. Ground-born noise, ~~revelation~~ and vibration associated with the ~~[rail/tram-lines]~~ and associated infrastructure does not impact adversely on the amenity of the dwellings. Vibration within dwellings must comply with the requirements of AS2670.2-1990.
44. ~~Prior to the occupation of the development~~Before use starts, a report prepared by a suitably qualified acoustic engineer must be submitted to the Head, Transport for Victoria and the Responsible Authority. The report must be at no cost to and to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and must confirm that all measuress specified in the Acoustic Assessment have been implemented in accordance with the approved Acoustic Assessment and approved development plans ~~endorsed under this permit~~ and the noise and vibration within the development complies with the requirements of the Acoustic Assessment.

#### ~~8.0~~ Stage 2 Conditions and Requirements

The following ~~conditions and requirements apply~~ condition applies to the use and development of the land for key worker accommodation in 'Stage 2' as identified in Architectural Drawings prepared by McGashan Everist Pty Ltd Architects, dated 22 February 2022, in addition to the conditions (as applicable) in Clause 76.0 of this document:

- ~~45. A permit is required to use the land identified as 'Stage 2', in Architectural Drawings prepared by McGashan Everist Pty Ltd Architects, dated 22 February 2022 for key worker accommodation, or to construct a building or construct or carry out works.~~
- ~~46. An application under this Incorporated Document to use the land identified as 'Stage 2', for key worker accommodation, or to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987.~~
- 45. ~~An application to use the land identified as Stage 2 for key worker accommodation, to construct a building or construct or carry out works, for the purpose of using or developing the site in accordance with this Incorporated Document, must be accompanied by detailed plans and accompanying report(s) to the satisfaction of the Responsible Authority. The~~ Before Stage 2 of the proposed use and development proceeds, the following reports, prepared by a suitably qualified person, must be submitted to, and approved by the Responsible Authority:
  - a. ~~A~~ Buffer Risk Assessment which demonstrates how the proposal satisfies the 'Recommended Separation Distance for Industrial Residual Air Emissions (Publication 1518, Environment Protection Authority, March 2013)'.
  - b. ~~A~~ Detailed Odour Risk Assessment, prepared in accordance with 'Guidance for Assessing Odour' (EPA Publication 1883), and based on current empirical information including but not limited to:
    - i. site assessments
    - ii. odour monitoring
    - iii. analysis of historic complaints (if any) from the surrounding residential area analysis.

~~iv. — community service~~

The reports must satisfy the Responsible Authority that Stage 2 can proceed without being adversely impacted by off-site amenity impacts from nearby industry. The recommendations of the above reports, including any design measures, must be implemented to the satisfaction of the Responsible Authority.

## **7.0 ~~9.0~~ EXPIRY**

The control in this [Incorporated De](#)document expires if any of the following circumstances apply:

- a. the development allowed by this control is not started within one (1) year of the gazettal of this document.
- b. the development allowed by this control is not completed within three (3) years of the gazettal of this document.
- c. the use allowed by this control is not commenced within one (1) year of commencing works.

The Responsible Authority may extend these periods if a request is made in writing before the expiry date or within six months afterwards.

### **Notes:**

#### **Wannon Water**

- The developer must enter into an agreement with Wannon Water for payment of the new customer contributions (NCC's) applicable to the proposed use & development.
- A backflow device may be required to be installed and regularly checked by a backflow certified plumber.
- A pump station if not proposed wholly within private property will require the prior consent of Wannon Water and be designed and constructed at the full cost of the developer.

End of Document