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Date Plans Provided: 28/05/2024

Planning Report

1 Oban Court

Laverton North

September 2023

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Plan: **KLM SPATIAL** **1 of 27**

LAND DEVELOPMENT INTELLIGENCE

1 Oban Court, Laverton North

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Document Control

Date Prepared	Version Number
1 September 2023	1
15 April 2024	2

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Executive Summary

KLM Spatial acts on behalf

for an amendment to an existing planning permit WYP3177 pursuant to Section 72 of the *Planning and Environment Act 1987* at 1 Oban Court, Laverton North.

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Shore Hire, who offers most of Australia's most complete shoring, propping and traffic product ranges, have been operating on the subject site since 2004. With their high-quality equipment and components, Shore Hire's products are designed to fit any construction being undertaken within Australia.

This application will allow Shore Hire to expand their operations at 1 Oban Court, Laverton North.

The amendment seeks the use and development of the subject site for trade supplies (construction and traffic equipment) and an associated education centre.

Additions and alterations to the existing building are also proposed to enable the provision of new wash bays and a spray booth to the east as well as alterations to the building for the facilitation of the training rooms which is to be located on the first floor. Other works sought as part of this application include construction of additional car and bicycle parking spaces, a new hardstand area, display of business identification signage and updating the landscaping.

Subject Site

The subject site is commonly known as 1 Oban Court, Laverton North, and can be formally identified as Lot 110 on Plan of Subdivision 520733E.

Proposal

Broadly, the proposal is for the amendment of permit WYP3177 including the construction of additional buildings and works, change of use, and some minor reconfigurations to landscaping and carparking.

Planning Controls

Pursuant to the Wyndham Planning Scheme, the following planning controls apply to the subject land:

Zoning: Industrial 2 Zone

Overlays: None

Particular Provisions:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 52.17 – Native Vegetation

Permit Triggers

A planning permit is required under the following provisions of the Wyndham Planning Scheme:

- Pursuant to Clause 33.02-1, a planning permit is required to use the land for trade supplies & Education Centre; and
- Pursuant to Clause 33.02-4, a planning permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 52.06, a planning permit is required to vary the car parking required.

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Other

The land is not within an area of cultural heritage sensitivity. Accordingly, a Cultural Heritage Management Plan (CHMP) has not been prepared.

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Planning Summary

This application presents an opportunity for Shore Hire to continue to operate the subject site by expanding the existing main building. A summary of the key planning components associated with the proposal are outlined below:

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- The additions and alterations to the existing building on site will allow Shore Hire to continue to utilise the subject site, which will bring in the investment and secure local job opportunities envisaged by the Zone, Strategic Directions and Planning Policy Framework.
- The training centre will be in association to the trade supplies use and will provide training courses for the company's staff, as well as some external students. The training courses proposed will equip workers and operators of Shore Hire's construction equipment with the necessary skills and knowledge to perform their duties safely and effectively.
- The Traffic Report concluded that adequate car parking spaces and bicycle parking have been provided.
- In total, twenty-two (22) trees are to be removed and thirty-two (32) trees are to be planted, increasing canopy tree cover by ten (10) trees.

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1.0 Background Information

1.1. Previous Planning Permits

A review of Council's planning register confirms that there have been two relevant planning permits granted on the subject site.

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1. Planning Permit WYP3177

This is a current active permit which was granted on 26 April 2004 for the 'use and development of the land with a warehouse for the storage and hire of traffic safety equipment'. This application seeks an amendment to this permit.

The endorsed plans show a main building with ground floor area of 1,029 sqm, 24 car parking spaces located to the north of the building and associated landscaped areas. There are also two business identification signs shown on the endorsed north elevation.

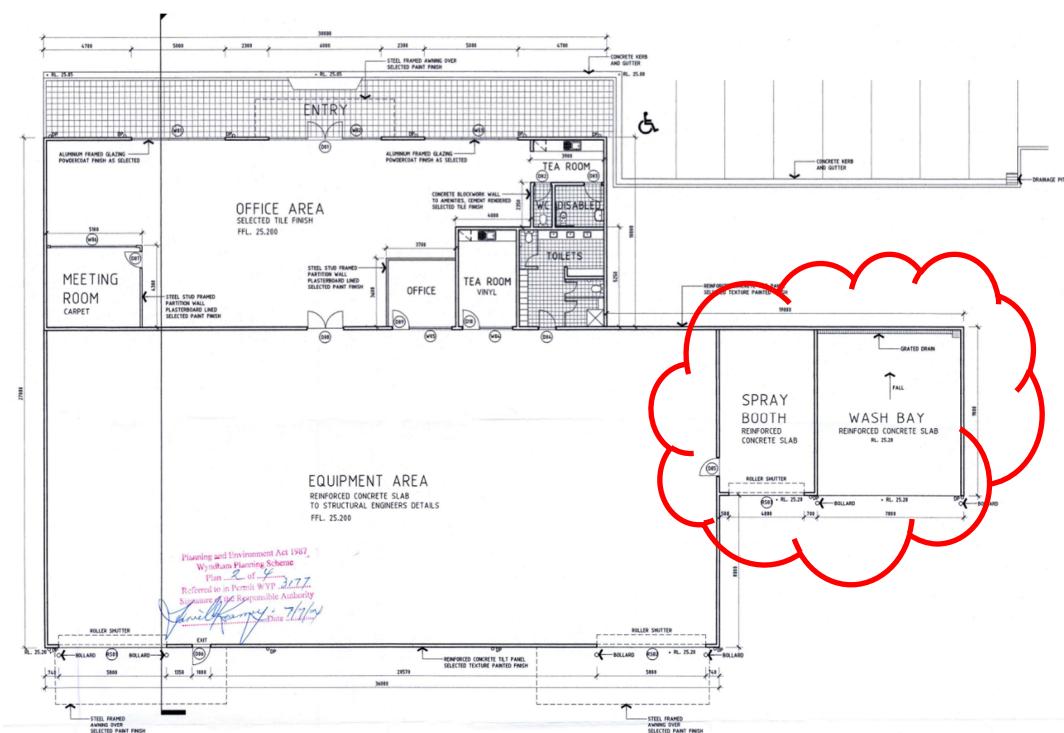
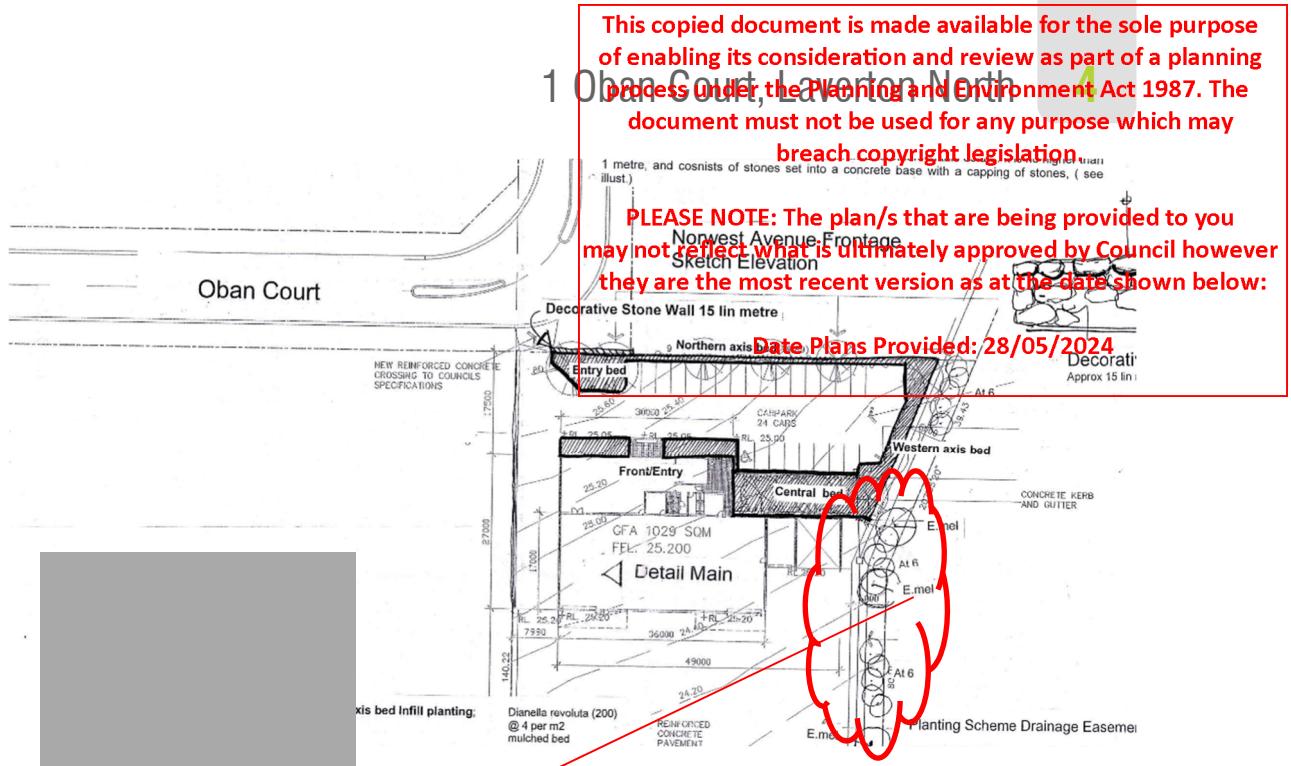


Figure 1: Extract of Planning Permit WYP3177. Endorsed floor plan shows the layout of spray booth and wash bay attached to the east of the main building.

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Norwest Avenue lot 110 Plant Schedule						
Trees						
abbrev	Botanical name	Common Name	size	desc	Qty	
E.mel	Eucalyptus melliodora	Yellow Gum	Semi est		6	
E.tri	Eucalyptus incarpa	Ironbark	Semi est		6	
E.sc	Eucalyptus scoparia	White Gum	Semi est		6	

Figure 2: Extract of Planning Permit WYP3177. Endorsed landscape planting plan shows the trees to be removed are yellow gum.

The following conditions require Council's written consent before making any changes:

- Condition 18: modifications to the buildings or works;
- Condition 21: modification to landscaped areas; and
- Condition 22: modification to signs.

2. Planning Permit WYP1217/07

This permit was granted on 23 June 2007 for the 'Installation of a Spray Booth, Shed and a Self-Bunded Fuel Tank'.

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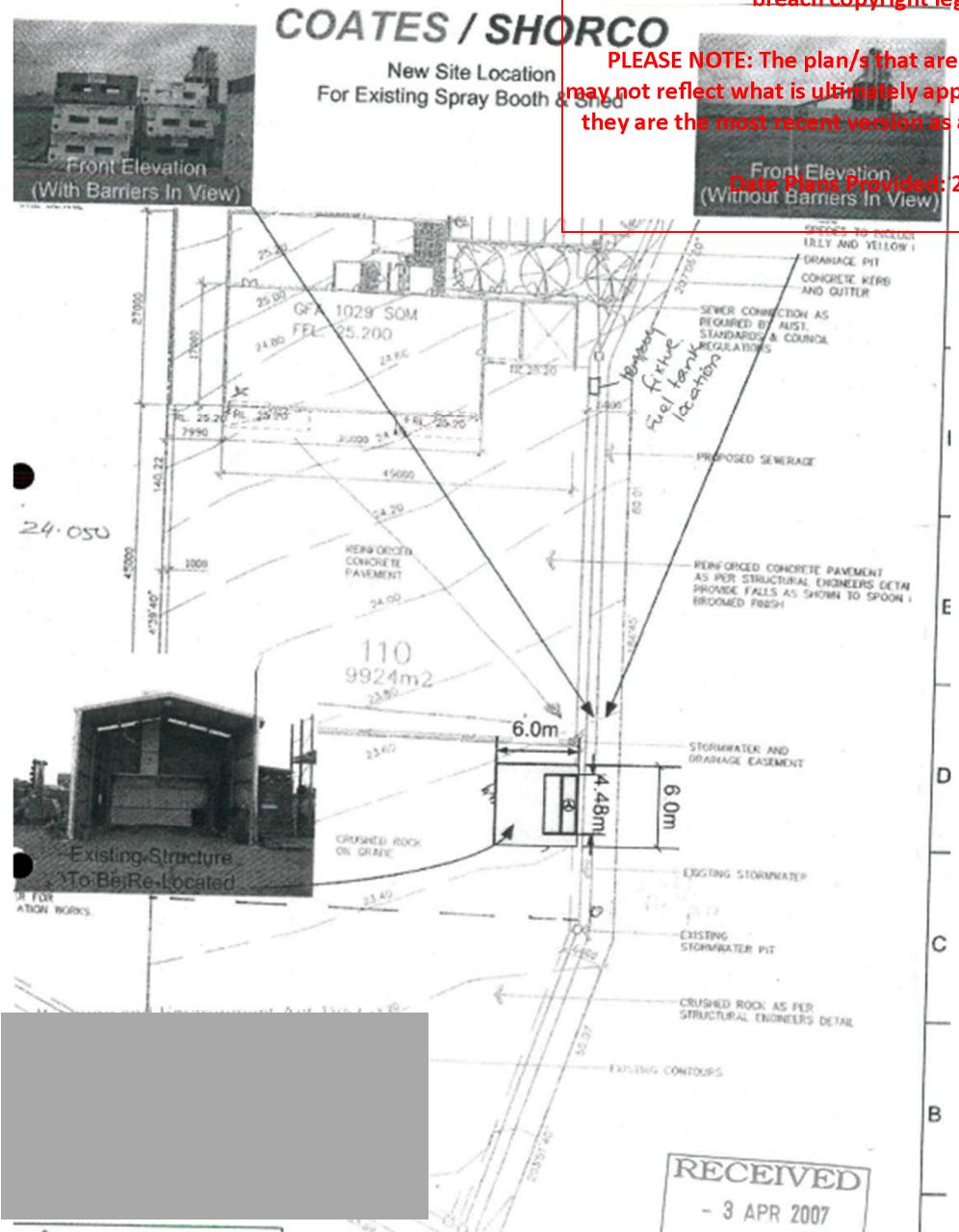


Figure 3: Extract of Endorsed Plan under Planning Permit WYP1217/07.

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2.0 Proposal

This application is seeking to update the existing permit preamble to allow for the use and development of the land for trade supplies and education centre, and associated buildings and works through an amendment to Planning Permit WYP3177. We note that the operator Shore Hire has been operating from the site for the past 20 years and are a key supplier for shoring, propping and traffic equipment.

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2.1. Use

Trade supplies:

Our client, Shore Hire, has been utilising the site (as per planning permit WYP3177) to operate a storage and hire of equipment business since 2004. However, the preamble of the current permit only reflects storing and hiring traffic safety equipment.

It is therefore proposed to amend the use of the subject site as trade supplies use, which is defined under Clause 73 of the Wyndham Planning Scheme as:

Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in – automotive repairs and servicing, building, commerce, industry, landscape gardening, the medical profession, primary production, or local government, government departments or public institutions”.

The trade supplies use will better capture use of the subject site which is for the storage and retail hire of both construction and traffic safety equipment.

The construction equipment that will be stored and hired from the site will consist of larger scale equipment such as sleepers, needle beams, scaffold tubes, tilt braces, and the like which are generally hired and utilised by developers and civil contractors.

It is important to note that there are no chemicals or hazardous goods kept on site or required for the proposed operations.

The proposed hours of operation will be 7am to 5pm Monday to Friday, and 7am to 12pm on Saturdays. A total of 25 staff members are required to operate the subject site.

Education Centre

While Shore Hire generally provides services for the storage and retail hire of construction and traffic equipment, the site will also operate a training centre component associated with the primary trade supplies use. We note that this is approximately 10% of the business.

The centre will be operated on the new first floor of the main building and will provide training courses for, and the company staff members and some external students as required.

The training courses proposed will equip workers and operators of Shore Hires construction equipment with the necessary skills and knowledge to perform their duties safely and effectively. The training courses are aiming at ensuring the safety of both workers and the public, which help further position Shore Hire as an industry leader in safety standards. These provide a safe and efficient way for workers to gain experience in a risk-free virtual environment, supporting operators to learn to use equipment, display software, equipment controller software, connected sensors, etc. At this stage, there are three courses that have been confirmed, including install trench support, working safely at heights, and confined space entry.

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The training centre is proposed to have 20 students and one trainer per class, and with a maximum of 2 classes per day. It is expected the classes will be running 2 weeks every month, which is equivalent to 10 days a month. The class hours will be during the operating hours. The students will share the same entrance to the site and car parking areas.

This training centre is an integral component of the business noting that the personnel that are loaning the equipment to suppliers is required to provide them with an explanation of how they operate and is therefore, a critical component to the staff to ensuring that the correct information is relayed to customers and anyone operating this equipment.

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2.2. Development

It is proposed to undertake buildings and works to accommodate the building extension and construction of an internal training centre, a spray booth and wash bays. The building height will remain unchanged at 7.3 metres.

To be demolished/removed (refer to TP03):

- Existing internal ground floor office plan office including meeting room, toilets, lunchroom, tearoom and all office spaces to be demolished and reconfigured. The existing warehouse amenities are to remain unchanged.
- The existing two (2) garden beds located adjacent to the front of the warehouse building to be replaced by additional nine (9) car parking spaces.
- Internal spray booth wall (east) and existing spray booth roller door to be demolished.
- Eastern wall of the wash bay and smoking area to be demolished.

To be constructed – Ground Floor (refer to TP04):

- Internal office layout to consisting of a front reception, office rooms, printing station, office kitchen, engineers' office, laser room toilets/showers, and two staircases providing access to the proposed first floor. This office layout is to have a total area of 679.15 sqm.
- Provision of one (1) lunchroom for warehouse staff and external staircase providing access to the proposed first floor, located to the eastern wall of the ground floor office plan.
- One (1) spray booth with an area of 94.7 sqm and two (2) wash bays with an area of 92.3 sqm each are proposed to the east of the main building.

To be constructed – First Floor (refer to TP05):

- First floor consisting a boardroom, two (2) store rooms, training office, two (2) training rooms, bathrooms, and tea point and seating area.
- Two (2) staircases providing access to the ground floor to be provided within the centre and east of the first-floor level.
- Overall height of the additional component is to be 7.3 metres to match in with the existing warehouse building.
- Eleven (11) new windows varied in size are proposed on the northern wall.

To be constructed – Spray Booth (refer to TP04):

- One (1) spray booth to be constructed to the eastern wall of the lunchroom warehouse with a maximum length of 10.7 metres, width of 8.8 metres, and total area of 98.32 sqm.
- Provision of one (1) roller door along the eastern wall of the proposed spray booth to a height of 5.4 metres and width of 7.0 metres.

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- Provision of one (1) door to the southern wall of the wash bay which provides access to the wash bays.
- Installation of three (3) flues along the western area of the proposed spray booth.
- Overall height of 7.3 metres (excluding the proposed flues).

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To be constructed – Wash Bays (refer to TP04):

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- Two (2) wash bays to be constructed to the southern wall of the proposed spray booth which each have a maximum length of 10.6 metres, width of 9.1 metres, and total area of 187.96 sqm.
- Provision of one (1) door along the existing western warehouse wall which provides access to the warehouse.
- Installation of one (1) silt collection trench (0.6 metres in width and 0.3 metres in depth) and one (1) access pit silt trap (0.9 metres in width and 0.9 metres in depth) along the western area of the proposed wash bays.

To be constructed – hardstand area (refer to TP04):

- The outdoor area between the wash bays and the eastern boundary will be sealed as hardstand area for forklift operation.

2.3. Site Operations and Layout

In terms of site operations, all of the equipment for hire will be stored within the existing warehouse building. Once a hire order has been placed, articulated vehicles (trucks) will manoeuvre to the rear of the site to load up the relevant construction equipment which will then be delivered to an external location. All retail orders will be made either by phone or online which will be administered within the office area of the existing building. Once the contractors have completed utilising the equipment, Shore Hire will direct their staff members to pick up the construction equipment for safe return and storage on the subject site.

There will be no manufacturing of the construction equipment on site as the site will be specifically utilised for storage and retail hire of construction equipment.

The training courses will be arranged during the proposed operating hours of the site operations as outlined above.

2.4. Signage

It is proposed to display one (1) business identification sign along the front wall in the front elevation above the entrance of the building. This sign has an area of 6 sqm. The proposed sign will not be internally illuminated and therefore, does not trigger a planning permit.

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1 Oban Court, Laverton North
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Figure 4: Extract of the proposed north elevation showing the proposed business identification sign with a display area of 6sqm.

2.5. Car Parking and Access

Access to the site is to be provided via the existing crossover located within the northwestern corner of the site off Oban Court. There will be no new crossovers proposed as part of this application.

In terms of car parking, a total number of 39 car parking spaces are to be provided within the frontage of the site which is sufficient to accommodate the anticipated car parking demand on site associated with the proposed number of staff members and students, as per the Car Parking Demand Assessment prepared by Ratio.

Refer to the submitted Car Park Demand Assessment prepared by Ratio for further details.

2.6. Removal of Trees

It is also proposed to remove a total of twenty-two (22) trees located within the 6-metre-wide drainage and sewerage easement along the eastern boundary. All the trees were planted in accordance with the 2004 Planning Permit WYP3177. The trees will be removed to facilitate the construction of hardstand area for forklift operations. Additional planting has been provided to offset the removed vegetation as demonstrated by the proposed Landscape Plan submitted.

2.7. Impacts on Existing Development/Surrounding Area

The proposal is considered to be of a low scale and will have minimal impact to the surrounding area, which is all industrial land and Public Conservation and Resource Zone directly abutting the site to the east.

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In addition, any potential noise impacts associated with the loading and unloading of construction equipment in and out of the trucks will be limited to the ~~PLEASE NOTE~~ operation (7 am until 5 pm). There will be no manufacturing operations proposed that ~~may not reflect~~ noise, odour, dust impacts to any adjoining properties.

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2.8. Permit Amendment

To carry out above mentioned changes, it is proposed to amend the conditions of Planning Permit WYP3177 accordingly:

- Preamble: amend the description of the proposal to include trade supplies use, education centre and reduction in car parking.
- Condition 1: amend (a) and (b) to reflect updated landscape design.

Endorsed Plans

It is proposed to substitute the endorsed plans of Planning Permit WYP3177 with the proposed Development plans prepared by KLM Spatial, Issue B, dated 28.09.2023 including the now proposed works.

Preamble

Address of the land:

Amending from Norwest Avenue to 1 Oban Court, Laverton North.

Description of the permit allows:

Current: *The use and development of the land with a warehouse for the storage and hire of traffic safety equipment, in accordance with the endorsed plan.*

It is proposed to amend the proposal description in the preamble of the permit to reflect the proposed use as defined under the Wyndham Planning Scheme and the additional triggers below as per below:

Proposed: *The use and development of the land for trade supplies (construction and traffic safety equipment) and associated education centre, reduction to car parking in accordance with the endorsed plans.*

Condition 1

1(a)

Current: *The landscaping strip must include a stone wall along the front title boundary.*

Proposed: Delete.

It is proposed to delete this condition as the landscaping strip has already been established on site for nearly 20 years, and stone wall cannot be retrospectively constructed without impacting the existing vegetation.

1(b)

Current: *The botanical name, height and width at maturity, and location of all vegetation to be used. The landscaping must accord with vegetation specified under the William Angliss*

Proposed: Delete

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The submitted landscape plan has been prepared to include all required information within. However, should Council require any additional notations and the like to be included in any plans to be endorsed a condition can be included within this section of the plans.

Condition 5

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Current: Noise emissions must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N- 1.

Proposed: Amend

It is proposed to amend this condition to reflect the current controls; the *Environment Protection Regulations 2021* (as amended from time to time), as State Environment Protection Policy no longer exist. Please apply an amended condition with the updated EPA guidelines.

The proposed condition will read as follows:

Noise emissions must comply with the requirements of Environment Protection Regulations 2021 (as amended from time to time).

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3.0 Subject Site and Surrounds

3.1. Subject Site

The subject site is commonly identified as 1 Oban Court, Laverton North, and can be formally described as Lot 110 on Plan of Subdivision 520733E. There are a number of drainage and sewerage easements affecting the title located along the eastern and southern boundaries. A Section 173 Agreement R340910N, dated 15 May 1991 is registered on the title. The agreement specifies subdivision and development requirements when the parent lot of the subject site was subdivided. Of relevance, the proposal complies with section 4.2 of the agreement for high quality development. Explain why this is met

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The covenant prohibits a number of land uses but the uses proposed are not listed as one of the prohibited uses under section 6. Two (2) Amendments of Agreement, V199339P dated 13 January 1998 and V511424H dated 06 July 1998, are also specified on the Title.

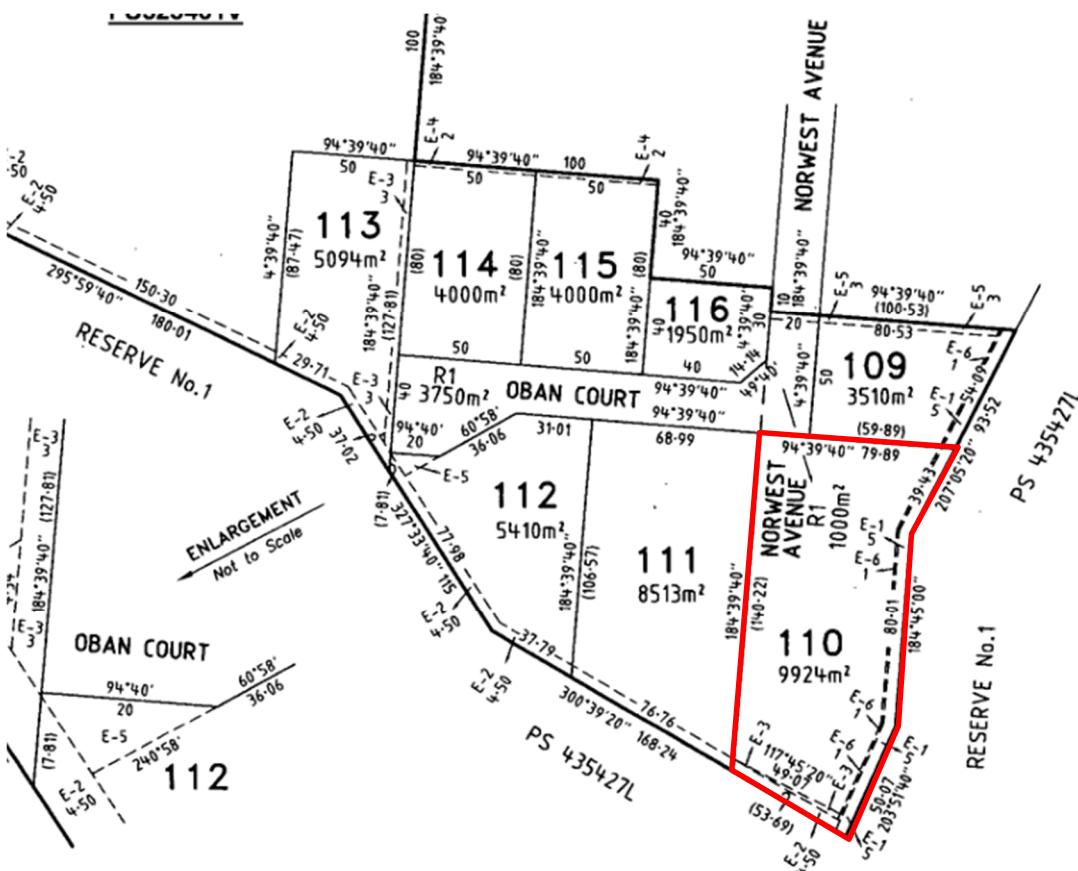


Figure 5: Extract of Plan of Subdivision 5230733E. Red lines represent the title boundaries.

The irregular-shaped site has a total site area of 9,919.89 sqm with a generally flat topography. It is with a frontage to Oban Court of 20 metres. The site is currently occupied by a warehouse and office building in the northern section of the lot. The warehouse has set back from the street frontage to reserve space for on-site car parking.

A large open-to-air storage area is located to the south of the building. Trees are planted along the lot edges abutting 2 Oban Court and Kayes Drain. There is only one (1) vehicle crossover serving the site located along the northwestern boundary adjoining Oban Court.

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Figure 6: Aerial Image of Site and Surrounds as at 24 April 2023, as sourced from NearMap, accessed on 18 May 2023.

3.2. Site Context

The following land uses and development directly abut the subject site:

North	Immediately abutting the subject allotment is 9 Norwest Avenue. The site is occupied by 2 buildings, which have been subdivided into 3 smaller premises each. Each of the buildings is a two-storey concrete structure. On-site car parking spaces are scattered throughout the property. The zoning applied to the site is Industrial 2 Zone (IN2Z).
South	Kayes Drain is located at the east of the subject site. It is with the designated zoning of the Public Conservation and Resource Zone (PCRZ). 184-186 Dohertys Road is located on the other side of the Drain. It is a property of Industrial 2 Zone that accommodates an operating concrete plant. A row of trees is situated along its abutting edge to the Drain.
East	Directly south of the subject site is another section of Kayes Drain, which is also zoned as PCRZ. Dohertys Road, a dual carriageway with two lanes serving each direction of traffic, is built on the south of Kayes Drain. Heading further south across the carriageway, there is a massive scrapyard operating on 235-243 Dohertys Road. All aforementioned lands at the south of the Drain are zoned as IN2Z.
West	Abutting the subject allotment in the west is 2 Oban Court, a trapezium-shaped property of IN2Z. It is occupied by 2 large warehouses plus single-storey office spaces on the front façade. There are 2 crossovers located on both ends of its street frontage. The building has wide setbacks on both sides to allow vehicle access to the rear of the warehouses.

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The broader area can be described as a typical industrial area. Industrial 2 Zone has been the dominant zoning throughout the region. There is a wide range of ~~different structures~~ present in the vicinity that support various types of industrial activities. Examples include general office space, storage formats warehouses as well as circular water tanks, and chimneys that are specifically for the concrete manufacturing business. Subdivision has been observed mainly on lots that are at the north of 1 Oban Court. Albeit an absence of a formal recreational facility, Kayes Drain functions as an open space in the industrial area.

Nearby amenities and services include:

- 220 metres to 190 Dohertys Rd Bus Stop (regular service 400)
- 725 metres to William Angliss Native Grassland Reserve
- There are a number of retail shops associated with the warehouses located along Oban Court and Norwest Avenue
- 2 km to Laverton Market

4.0 Planning Assessment

4.1. Permit Triggers

A planning permit is required under the following provisions of the Wyndham Planning Scheme:

- Pursuant to Clause 33.02-1, a planning permit is required to use the land for trade supplies and education centre.
- Pursuant to Clause 33.02-4, a planning permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 52.06, a planning permit is required to vary the car parking required.

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4.2. Zoning

The subject land is located within the Industrial 2 Zone of the Wyndham Planning Scheme.

The key purposes of this Zone are:

- *To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.*
- *To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.*
- *To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.*

In addition to the purposes of the Zone, a planning permit is required to use the land for trade supplies and to construct a building or construct or carry out works.

Trade Supplies is defined as:

Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in:

- a) *automotive repairs and servicing;*
- b) *building;*
- c) *commerce;*
- d) *industry;*
- e) *landscape gardening;*
- f) *the medical profession;*
- g) *primary production; or*
- h) *local government, government departments or public institutions.*

Response

The proposed use falls within the definition of trade supplies in accordance with Clause 73.03 under the Wyndham Planning Scheme. The main building and the large outdoor stage areas within the subject site will be used as storage facilities for construction and traffic safety equipment.

The associated training centre proposed falls within the definition of an education centre in accordance Clause 73.03 and is defined as *Land used for education.*

As outlined above, the training facility proposed is in association with the existing activity within the subject site. The training facility will be used to train workers and operators of the rented equipment.

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No more than 20 students will be onsite at any one time. This is considered to be in accordance with objective of the zone.

The decision requirements of the Zone further require consideration of the parking and site access and loading and service areas on roads. The site is to be accommodated with a total of 39 parking spaces. This is considered to comfortably accommodate the anticipated peak car parking demand of 33 car parking spaces as outlined within the Car Parking Demand Assessment prepared by Ratio submitted with the proposal.

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Articulated vehicles will continue entering/exiting the site via the existing crossover to unload/load material into the relevant storage area for 'storage/goods for hire'. There will therefore be no conflict with articulated vehicles and passenger vehicles during this process as passenger vehicles will park within the car parking area located along the eastern warehouse wall, with articulated vehicles to temporarily unload/load within the eastern area of the site. Trucks will then proceed to egress via the existing crossover.

The proposed building extension is also considered appropriate, as the works for the upgrade of the existing spray booth and wash bays is to ensure the operation continues in a more effective manner. The proposed works will be located to the east of the building which will not cause any visual impact when viewed from Oban Court.

4.3. Overlays

The subject site is partially affected by Vegetation Protection Overlay – Schedule 2.

The subject is abutting William Angliss Native Grassland Reserve to the east and south, and only a slither of the eastern and southern boundaries of the subject site are affected by the overlay.

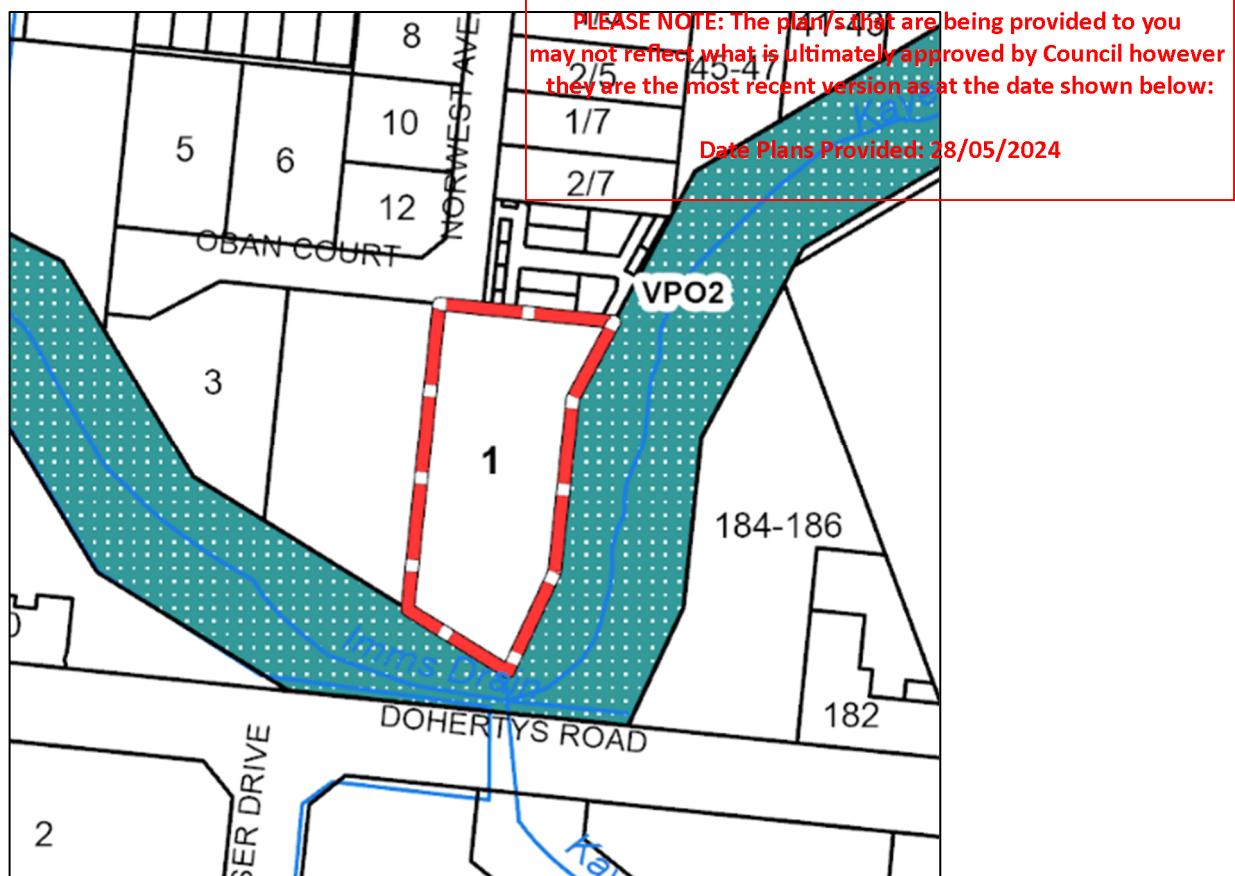


Figure 7: Extract of VicMap Plan showing VPO2 in green colour, which only affects the southern and eastern boundary of the subject site.

There is no removal of vegetation proposed within the overlay and therefore no permit is triggered in this instance.

4.4. Provisions That Require, Enable or Exempt a Permit

Clause 52.05 – Signs

Pursuant to Clause 33.02-5, sign requirements are within Category 2 (office and industrial) of Clause 52.05. Pursuant to Clause 52.05-12 (Category 2), a planning permit is not required for business identification signage with a total display area greater than 8 sqm to the premises.

Response

The proposed business identification sign has a display area of 6 sqm which is less than the required 8 sqm in size. Therefore, no planning permit is required for the display of this sign.

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-5, the trade supplies use requires a total of 10% of the site area to be set aside for car parking.

Given that the subject site has an area of 9,924.74 sqm, a total of 992 sqm is required to be set aside for car parking on site.

Pursuant to Clause 52.06-5, the education centre use requires a total of 0.4 spaces to each student set aside for parking.

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Response

The proposal will provide an area of 1,035 sqm for car parking. Please refer to the development plans for detail.

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Given that the total land area required for a single car parking space with a 2.6m width is 30.94 sqm (including the accessway required for immediate access to the space), a total of 34 car parking spaces are required for the trade supplies use ($992/30=34$) and 8 car parking spaces are required for the education centre use. For a total of 42 car parking spaces. Date Plans Provided: 28/05/2024

Date Plans Provided: 28/05/2024

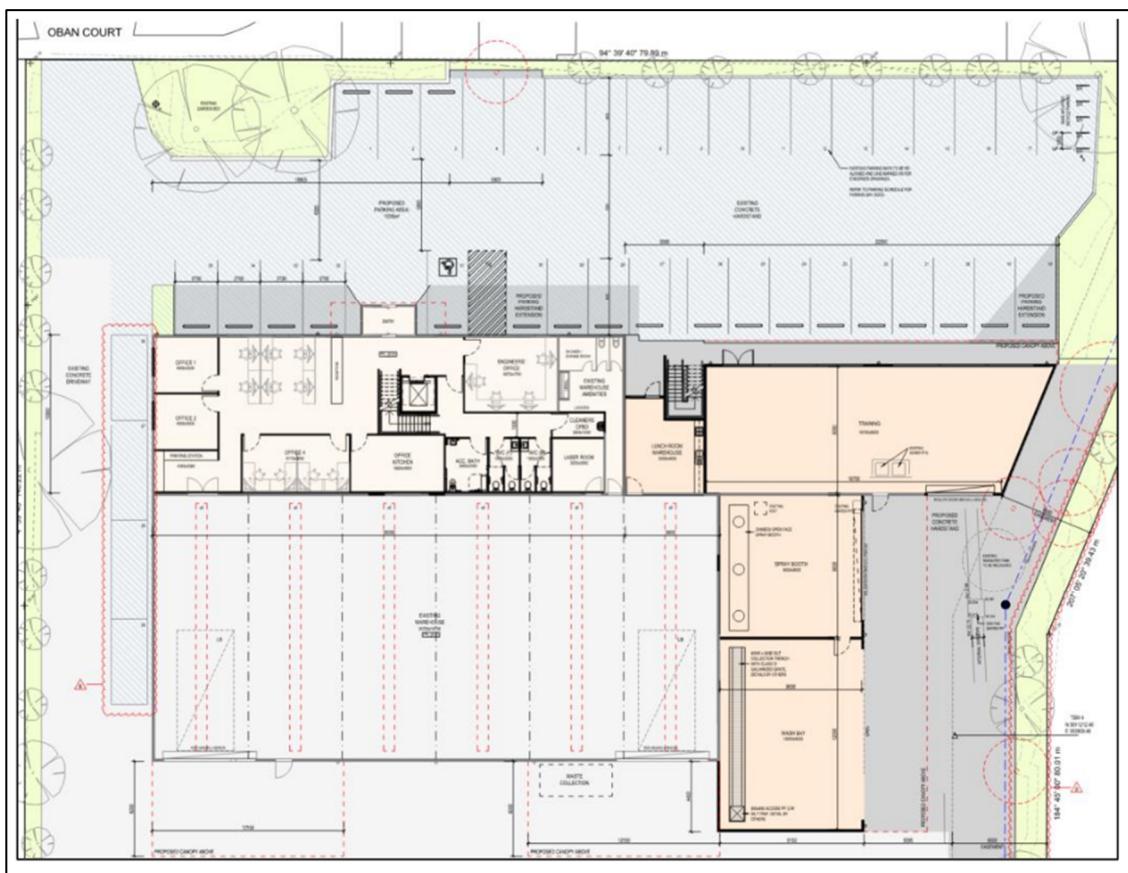


Figure 8: Onsite Parking Layout. Prepared by KLM Spatial

A total of 39 car parks are provided, including one disabled space located near the main entrance. The Car Parking Demand assessment determined that the 39 spaces provided will accommodate the anticipated peak car demand of 33 car parking spaces for the proposed development. See submitted report prepared by Ratio.

Clause 52.34 – Bicycle Facilities

The trade supplies use is not specified in Table 1 to Clause 52.34 of the Planning Scheme. Clause 73.04 identifies that trade supplies use is nested under the retail premises land use category, which requires one (1) bicycle space to be provided to each 300 sqm of leasable floor area for employees, and one (1) bicycle space to be provided to each 500 sqm of leasable floor area for shoppers and visitors.

The education centre use requires that one (1) bicycle space to be provided for each twenty (20) employees and one (1) additional bicycle space is provided for each eight (8) full-time student.

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Response

The total applicable floor area is 1,197.56 sqm. Therefore, six (6) bicycle spaces are required for the trade supplies use ($1197/300 + 1197/500 = 6$). PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:

The education centre is proposed to have twenty (20) students over two (2) class with one (1) trainer per class. Therefore, one (1) bicycle space is required for the education centre use. Date Plans Provided: 28/05/2024

The proposed bicycle parking will be located in the northeast corner of the site and consist of five (5) base mounted racks totalling ten (10) bicycle spaces. The proposal meets the bicycle parking requirements of seven (7) spaces.

Clause 52.17 – Native Vegetation

The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal destruction or lopping of native vegetation.

The table within Clause 52.17-7 specifies exemptions that apply to this Clause. In this instance, the vegetation onsite is planted vegetation and therefore exempted as per the following exemption:

Planted vegetation	<p>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</p> <p>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</p>
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Response

The trees to be removed are Yellow Gum all of which were planted in accordance with the endorsed landscape plan for Planning Permit WYP3177. Refer to Figure 2 above for detail.

The new submitted landscaping plan shows that the existing landscaping adjacent to the eastern boundary is to be partially retained and planted with an additional seventeen (17) canopy trees.

Furthermore, the southern boundary will now see a landscaping area planted with fifteen (15) canopy trees adjoining the western boundary, which is now to be mulched and planted in its entirety, keeping with the requirements of the Section 173 Agreement R34090N.

In total, twenty-two (22) trees are to be removed with a total of thirty-two (32) trees to be planted in response. Thus, increasing canopy tree cover by ten (10) trees.

These trees will be protected as per the Section 173 Agreement on title and any removal proposed will require consent from the responsible authority.

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5.0 Strategic Planning Policy Assessment

5.1. Municipal Planning Strategy (MPS)

The Municipal Planning Strategy of Wyndham comprise of the Municipal Strategic Statement (MSS) and Strategic Directions. The elements of the Municipal Planning Strategy including Municipal Strategic Statement and Strategic Directions relevant to this proposal include:

The City of Wyndham has strong industrial and technology districts, major retail precincts, key activity centres, established agricultural land and important tourist attractions, with Laverton North being a key major industrial area.

Wyndham City's planning vision includes:

- Future-focused and plans for sustainable development.
- Supports the diverse educational needs of the community.
- Empowers the community to lead.

Clause 02.03-5 (Urban Design) – the purpose of this Clause is to *improve the presentation of all urban areas and entrances, particularly from major roads, gateways and waterways.*

Clause 02.03-7 (Economic Growth) – within this Clause Wyndham is described as being a diverse local economy, inclusive of major industrial and logistics development within Laverton North, with one third of Wyndham's resident workforce employed within the municipality.

Council's strategic directions for economic growth are *to provide sufficient land to attract investment and generate additional jobs and to promote Wyndham as a place for long term business and attraction and expansion.*

Clause 02.03-7 (Industry) – this Clause identifies Laverton North as a major manufacturing and logistic hub offering a large supply of land, with the capacity for significant investment and industrial development.

The strategic directions under this Clause are *to protect industrial precincts from intrusion of inappropriate land uses that put pressure on lawful existing industrial activities, and to encourage the growth of Laverton North for industrial development.*

Response

The proposed use and development of the subject site is for trade supplies and associated education centre, which is typical of the uses in Laverton North, as it is recognised as an area for major industrial and logistic development. The proposal will directly support the City of Wyndham by securing job opportunities for the area and supports Victorian businesses by continuing utilising the subject site by Shore Hire.

The proposal aligns with the local policy of directing industrial uses to Laverton North. The subject site is situated in the western section of Laverton North, which is recognised as employment land within Laverton North and Truganina Employment Precinct under the Clause 02.04 - Strategic Framework Plan as well as existing industrial land under the Wyndham Industrial Land-Use Strategy (2022).

The proposal for the trade supplies use and associated training centre, and the building extension will bring an expansion of Shore Hire's operations within the locality. The critical role of Laverton North and Truganina Employment Precinct in accommodating industrial, retail and commercial activity clusters in the municipality can be further strengthened through the proposal.

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5.2. Planning Policy Framework

The Planning Policy Framework is in place to ensure that the objectives of Section 4 of the Planning and Environment Act 1987 are implemented through appropriate land use and development planning policies. These policies incorporate environmental, social and economic factors that contribute towards the achievement of net community benefit and sustainable development. Date of Plan Provided: 28/05/2024

The following policies are of relevance to the current proposal:

Clause 13.05-1S (Noise Abatement) – the objective of this Clause is *to assist the control of noise effects on sensitive land uses*.

Clause 13.06-1S (Air Quality Management) – the purpose of this Clause is *to assist the protection and improvement of air quality*.

Clause 15.01-2S (Building Design) – one of the key objectives of this Clause is to achieve *building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development*.

Clause 15.01-2L-01 (Environmentally Sustainable Design) – this policy applies to non-residential development in accordance with the below thresholds, with the main purpose to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

A Sustainable Design Assessment would be required to be prepared for the following:

- *A non-residential building with a gross floor area of 500 to 1999 sqm.*
- *An extension to an existing non-residential building creating between 500 to 1999 sqm of additional gross floor area (excluding outbuildings).*

Clause 17.03-1S (Industrial Land Supply) – the key purpose of this Clause is *to ensure availability of land for industry* as well as to protect industrially-zoned land for industrial purposes in order to ensure that industrial precincts are made available for uses requiring significant threshold distances from sensitive land use types.

Response

The proposal for building extension better utilises the scarce industrial land. The supply of allotments for industrial, retail and commercial uses has been under significant pressure and various forecasts have indicated that exhaustion is anticipated in the coming decades. Although the application does not create any new supply, it facilitates better utilisation of land by expanding floor area for trade supplies use without rezoning. The applicant secures an additional floor area that supports the operation and growth of its businesses within the existing property within an appropriate zoning.

The location is deemed appropriate for expanding the trade supplies operations, which has been operating for nearly 20 years since the planning permit was issued in 2004. Sitting at the heart of an employment area, the subject site is surrounded by lots designated for industrial, retail and commercial uses. The site is over 2km from the nearest residential development and therefore, is well separated which ensures that there are no adverse impacts to these areas. Meanwhile, the proposal only incorporates uses of low amenity impact, including trade supply business. The application is unlikely to create any unmanageable negative impact on other activities in the area.

The proposed design of the building extension is highly consistent with the existing structure as well as the local context. It is noted the proposal does not change the existing building height. Two-storey office buildings and single-storey warehouses with high ceilings have been common built forms in the

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area. The architectural concept of the facility acknowledges the common forms and develops upon them. Environmentally sustainable features, such as large windows, have been proposed to improve natural lighting and reduce energy consumption in the facility. The proposal does not change the building height of the existing building.

The noise generated by the proposed use is minimal in the context of the surrounding industrial land uses and close proximity to Maroondah Highway. It is also noted that all retail operations will be undertaken within the rear of the site and therefore any potential noise emissions will be contained within the boundaries of the subject site. Further, the operation of the use is limited to within general business hours (7 am until 5 pm) so as to not cause a nuisance.

It is noted that Shore Hire has been operating the business on site for nearly 20 years. Unlike an industrial use, a trade supplies use itself will have minimal noise and air emissions. It is considered that the proposal will have minimal detrimental impact to the noise and air quality of the surrounding area having regard to Clause 13.05-1S (Noise Abatement) and Clause 13.06-1S (Air Quality Management).

The proposed trade supplies use is considered to be an appropriate use permitted within the Industrial 2 Zone whilst being well integrated well with the surrounding area which are operating with similar uses (retail premises), therefore in accordance with Clause 17.03-1S (Industrial Land Supply).

We do however acknowledge that this Clause encourages industrial uses that require a threshold distance from sensitive land use types. The subject site however has been zoned as Industrial 2 in order to permit and encourage lower intensity industrial uses, having regard to the sensitive land uses adjoining the land. On this point, the proposed trade supplies use makes the most appropriate use of the land for a use that has minimal impacts to sensitive land uses, whilst still requiring planning approval under the Industrial 2 Zone.

Clause 15.01-2L-01 requires a Sustainable Design Assessment for *an extension to an existing non-residential building creating between 500 to 1999 square metres of additional gross floor area (excluding outbuildings)*.

The proposal includes a new first floor training centre with a gross floor area of 351 sqm, and associated spray booth and wash bays are outbuildings. Therefore, no Sustainable Design Assessment is required.

5.3. Clause 65 - Decision Guidelines

In determining whether a permit should be granted, the responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines set out in Clause 65.

The following outlines how the proposal appropriately responds to each of the decision guidelines:

- The proposal is consistent with the purpose and intent of the Policy Framework as outlined in this Statement.
- The proposal is consistent with the objectives of the Industrial 2 Zone as the proposal will provide for a permitted use within an industrial area that enables the expansion of the business and better reflect the business needs of Shore Hire. The use will not cause detrimental impact to the existing industrial and sensitive land uses surrounding the site.
- The proposal will have minimal adverse impact to the sensitive land uses as any potential emissions are to be maintained within the site boundaries and within the standard hours of operation and will be minimal considering the type of operation proposed.

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- 1 Oban Court, Laverton North 22
- The site is within an industrial area and the proposed use takes advantage of the location of key transport routes.

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6.0 Conclusion

This Planning Report demonstrates that the proposed amendment to the Planning Permit WYP3177 including the use and development of the subject site for trade, supplies, education centre and associated buildings and works to the existing building is consistent with the all the relevant policies and provisions of the Wyndham Planning Scheme.

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The proposal will further establish and improve Shore Hire within the Industrial area in Laverton North which is envisaged within the Industrial 2 Zone. The proposal provides economic benefits for the local economy with employment opportunities in a well-connected location.

It is therefore considered that, based on the above assessment, the proposal seeks Council's support for the following reasons:

- The proposal is consistent with the purpose and intent of the Planning Policy Framework including the Municipal Strategic Statement.
- Achieve the objectives and requirements of the Industrial 2 Zone as the proposal provides for a use that is permitted within the Zone, whilst being of minimal impact to the surrounding area.
- The proposal will have minimal impact to the surrounding amenity as all retail activities are to be undertaken within the existing warehouse building, during standard hours of operation (7 am until 5 pm), ensuring emissions remain within the site boundaries during an appropriate time of the day.
- A Provision of sufficient parking is provided onsite as outlined within the Car Parking Demand Assessment prepared by Ratio.
- The vegetation removed will be offset by the planting of additional vegetation with a net increase of 10 canopy trees onsite.

Overall, the proposal is considered an appropriate planning outcome and is consistent with the purpose and intent of the relevant planning controls and policies and assessed within this report.

END OF ASSESSMENT

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