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## Application for Planning Permit

**Subject Site:** Part of 25 K Road Werribee South

**Responsible Authority:** Wyndham City Council

**Proposal:** Buildings and works in association with the use of the land for a Solid Fuel Depot

**Permit Triggers:** Clause 35.04-1 Use of the land for a Solid Fuel Depot in the Green Wedge Zone

Clause 35.04-5 Building and works in the Green Wedge Zone

Clause 45.01-1 Use of land and the construction of a building and carrying out of works for a Section 2 use in a Public Acquisition Overlay

Clause 52.29-2 Alter access to land in a Public Acquisition Overlay

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# Introduction

1. Planning approval is sought for the use of the land and buildings and works for a Solid Fuel Depot at 25 K Road Werribee South.
2. Pursuant to the Wyndham Planning Scheme ("the Scheme"), the subject site is located within the Green Wedge Zone (GWZ) and is affected by a Public Acquisition Overlay Schedule 2 (PAO2).
3. Pursuant to Clause 35.04-1 *Table of Uses* of the GWZ, a planning permit is required to use land for a Solid Fuel Depot.
4. Pursuant to Clause 35.04-5 of the GWZ a planning permit is required to construct a building or to carry out works associated with a use in Section 2 of Clause 35.06-1.
5. Pursuant to Clause 45.01-1 Public Acquisition a planning permit is required to use land for a Section 2 use in the zone and to construct a building or construct or carry out works.
6. Pursuant to Clause 52.29-2 Land Adjacent to the Principal Road Network a planning permit is required to alter access to land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.
7. This report provides an assessment of the proposed development against the relevant provisions of the Wyndham Planning Scheme.

## Background

8. Planning permit application reference WYP14938 was lodged to Council on 20 January 2025. Council requested further information by cover of letter dated 23 January 2025. Item 4 of the letter requests the following information:
- a) *Use (Solid Fuel Depot) must be assessed under the Wyndham Planning Scheme Green Wedge Zone Clause 35.04-6 Decision Guidelines.*
  - b) *Building and or works for the Solid Fuel Depot proposed must be assessed under the Wyndham Planning Scheme Green Wedge Zone Clause 35.04-6 Decision Guidelines.*
  - c) *Public Acquisition Overlay (PAO2) assessment under Wyndham Planning Scheme Public Acquisition Overlay (PAO2) Clause 45.01-4 Decision Guidelines (There is a public acquisition overlay the subject site).*
  - d) *Create or alter access to a road or Land in a Public Acquisition Overlay assessment under Wyndham Planning Scheme Clause 52.29-6 Decision Guidelines.*
  - e) *Car parking assessment under Wyndham Planning Scheme Clause 52.06 - Carparking on site must be to councils' satisfaction and must not impact on the other uses/businesses operating on the site including the following responses:*
    - i. *Where will the trucks for other uses/businesses on the land be stored now (this application cannot impact upon the operations of other businesses/use on the site).*
    - ii. *Where will the solid fuel wood delivery truck be parked?*
    - iii. *Where will staff park? And or how will they access the site?*
    - iv. *Where will the visitors park?*
    - v. *Where will the customers park when purchasing solid fuels? Or will it just be ordered online/by phone and delivered to customers address?*
9. This report provides the above information and an assessment of the proposal against the relevant provisions of the Wyndham Planning Scheme.

## The Subject Site

10. The subject site is a portion of a larger block of land known as 25 K Road Werribee South. The land is located on the southeastern corner of the intersection of K Road and Duncans Road Werribee South.
11. The site is irregular in shape with frontage to K Road of 236.69 metres and frontage to Duncans Road of 237.51 metres, with an overall site area of 4.220 hectares.
12. A title plan excerpt is copied below:

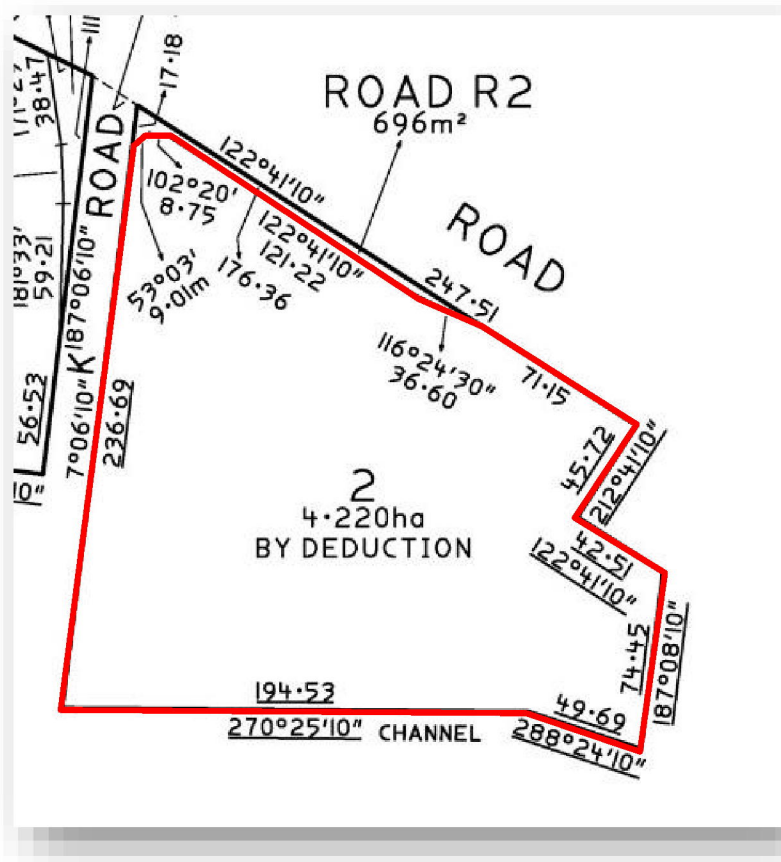


Figure 1: Title Plan Excerpt, Subject site

13. The site is legally described as Lot 2 on Plan of Subdivision 739065A Vol 08535 Fol 974. The Certificate of Title shows the site is affected by caveats which relate to leases on the land and are not relevant to this planning permit application.

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14. The planning permit application site is a smaller portion of the parent title located centrally within the title boundaries. The following aerial photograph illustrates the location of the site and the subject site within it:



Figure 2: Location of subject site

Source NearMap, Image Date 1 Feb 2025

15. The majority of the parent title contains an existing plant nursery and garden centre including potted plants in rows towards the northern portion of the site, car parking and retail buildings at the northwestern corner, a café/restaurant in a converted dwelling at the northwestern corner, two vehicle crossovers at the western boundary to K Road, one leading to the nursery and garden centre retail area and one leading to a centre accessway running east-west through the site, green houses located at the southern portion of the site accessed via the recently constructed vehicle crossover at the western boundary to K Road.
16. Within the centre of the site are vacant areas largely used for storage or vehicle parking.

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17. The portion of the site to which this application relates currently contains pallets and materials stored for the nursery/garden centre but these materials will be cleared prior to the proposed use commencing.
18. The K Road boundary includes an existing solid fence, approximately 1.2 metres high, which limits views to within the site apart from limited views through the vehicle crossovers. From Duncans Road the site has limited visibility due to the rows of potted plants for sale stored on the site.
19. The site is nominally flat, with a fall of approximately 1:100 east/west.
20. The following plan shows the subject site and zoning in relation to surrounding land.



Figure 3: Zone of subject site and surrounds

Source: Mapshare.vic.gov.au

21. The subject site (main title) is zoned Green Wedge Zone and adjoins a Transport Zone 2 to the north. The General Residential Zone is located approximately 322 metres to the west at the closest point.

## Site Context

22. The subject site is located at the northwestern edge of a broader GWZ which extends to the east and south. Approximately 280 metres to the southwest is the Werribee Open Range Zoo in a Special

Use Zone. The Princes Freeway is located 165 metres to the west including an on-ramp to the east/north bound lane and an off ramp from the west/south bound lane at Duncan Road. Approximately 770 metres to the north is the Urban Growth Zone Schedule 14, East Werribee Employment Precinct. Surrounding land is mainly flat and used for horticulture with scattered dwellings.

23. Duncan's Road is a declared highway and carries 2 lanes of traffic in each direction. The road passes over the Princes Freeway close to the subject site. K Road is a local road with between 1 and 2 lanes in each direction as it passes the subject site. The road has undergone recent upgrades and safety improvements. K Road is also known as Route 11 of the Bay West Driving Trail.
24. The following aerial photograph shows the subject site in a broader context:



Figure 4: Aerial Photograph of wider area

Source NearMap, Image date 1 Feb 2025



25. The following plan shows the subject site in relation to surrounding roads:

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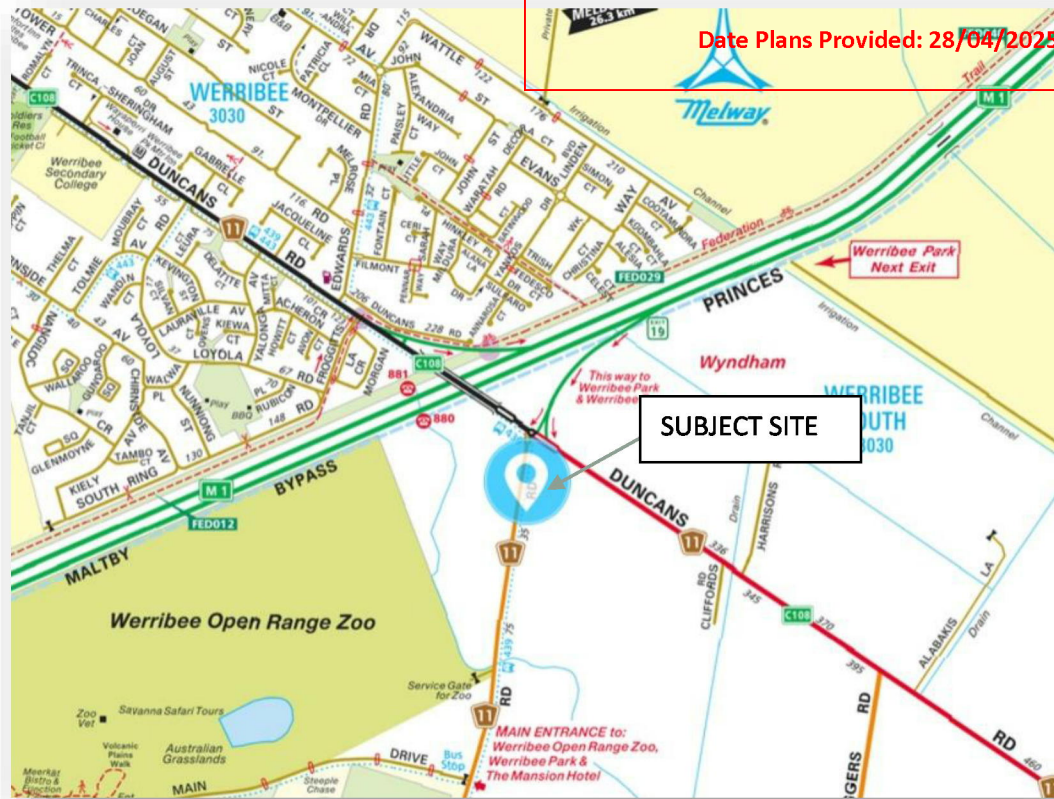


Figure 5: Location of subject site in relation to surrounding features

Source: [online.melway.com.au/melway/](https://online.melway.com.au/melway/)

## The Proposal

26. It is proposed to use a portion of the site at 25 K Road for the purposes of a Solid Fuel Depot. The proposal will consist of the following:

### Use

- The proposal comprises the storage, sorting and distribution of firewood
- Sales of firewood will be in bags or IBC cages
- Sales of kindling will be in bags.
- Storage of kindling and firewood is on pallets within 40-foot shopping containers on site.

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- Deliveries are dispatched by the work ute.
- Trading hours are 9.00am to 4.00pm Tuesday to Saturday.
- The proposal includes exclusion zones for visitors and direction signs for visitor safety.
- The total quantity of firewood stored on the premises would be up to a maximum of 200 tonnes.
- Maximum 2 employees.
- Visitor numbers are limited. Based on activity at the current premises there would be an average of 5-10 visitors to the premises on a work day between April and August and between 0-5 visits to the premises on a work day between September and March.
- Orders for firewood and subsequent deliveries are predominantly made online or over the phone which means the large majority of customers do not visit the site.
- Firewood is delivered to the site pre-split so there is no need for splitting firewood on site.

#### Buildings and Works

- The existing site has a hard paved surface of concrete and asphalt.
- It is proposed to use relocatable buildings on the site including:
  - One portable 20 foot long shipping container for storage of bob-cat and machinery relating to the proposed activity
  - One portable 20 foot long shipping container for equipment and tools relating to the proposed activity
  - One portable 40 foot long shipping container for storage of firewood bags and kindling bags on pallets
  - One portable site office, 3.6 metres long and 2.5 metres wide
  - Security fencing around the premises including an entry gate
- A 1m<sup>3</sup> rain water tank will be placed on site, with rain water collected from the roof of the office building to be used for the portable toilet and for emergency use.
- A new fence to be constructed around the active part of the site including a swinging gate for delivery vehicle access, for which no planning permit is required.

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- No advertising signage is proposed. A business identification sign will be attached to the site fence but have minimal visibility from K Road due to the set back from the road and fencing on the title boundary.

#### **Vehicle access and car parking**

- Vehicle access to the site is via Gate 3 from K Road and vehicle egress is via Gate 2 to K Road.
- Firewood is delivered to the site by a semi-truck during non-trading hours on Mondays or after 4.00pm on Tuesdays to Fridays.
- Within the site a Bobcat is used to move firewood around the site and to an electric hopper, move the cages and load the work vehicle (ute). The hopper is used for filling cages.
- Customers visiting the site will not enter the premises but will park to the side, where 3 car parking spaces are provided. These spaces are provided on land in the ownership and management of the nursery and garden centre.
- Stock delivery is made approximately twice per month over 5-6 months of the year during April to September when demand is highest.
- Signage on the site requires all visitors to first report to the site office.

#### **Waste management**

- The site will contain a 240 litre bin for general waste and a green waste bin for bark and mulch scraps from the proposed use. Material from the green waste bin will be used by the permit applicant for garden mulch off site or donated through collection by green waste providers.
- The general waste bin will be collected as part of the wider nursery and garden centre waste collection.
- Any metal waste will be collected by a scrap metals merchant on an as-needs basis.
- Surplus wooden pallets will be collected by a local firm which restores and sells reusable pallets.

# Relevant Planning Controls and Policies

## Planning Policy Framework

27. The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities.
28. The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.
29. A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.
30. Of particular relevance to this application are:

### Clause 11 Settlement

11.01-1S Settlement

11.01-1R Green Wedges – Metropolitan Melbourne

11.01-1L Settlement

31. Policy specific to Green Wedge Areas includes:

#### Green Wedge Areas

*Discourage new intensive animal husbandry and broiler farms in precincts west of the Weribee River (south of the Princes Freeway) and within the Urban Growth Boundary.*

*Encourage farming and other compatible rural activities in areas beyond the Urban Growth Boundary.*

*Contain urban development around Wyndham Harbour within the boundaries of the Special Use Zone.*

32. The Melbourne 2050 spatial framework plan at this clause includes the subject site in an area designated as a Green Wedge Land, close to a national employment and innovation cluster of the Weribee NEIC. The site is outside of an urban area and close to a state significant rail corridor.

11.03-6S Regional and local places

### Clause 13 Environmental Risks and Amenities

13.05 Noise

13.05-1S Noise management

13.07 Amenities, Human Health and Safety

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13.07-1S Land use compatibility

## **Clause 15 Built Environment and Heritage**

### **15.01 Built Environment**

15.01-1S Urban Design

15.01-1L-01 Landscaping

15.01-2S Building design

15.01-2L-01 Environmentally sustainable development

15.01-2L Industrial and commercial design

15.01-2L-03 Heat island effects

15.01-4R Healthy Neighbourhoods

15.01-6S Design for Rural areas

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## **Clause 17 Economic Development**

### **17.01 Employment**

17.01-1S Diversified economy

### **17.02 Commercial**

17.02-1S Business

17.02-2S Out-of-centre development

## **Clause 18 Transport**

### **18.02 Movement Networks**

18.01-4S Roads

# **Municipal Planning Strategy**

33. The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.
34. A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.
35. The Wyndham Planning Scheme includes the following policies which are relevant to the current application:

02.01 Context

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Werribee South is one of the most significant market garden regions in the State, while

Laverton North is a key major industrial area. 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:

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## 02.03 Strategic Direction

### 02.03-1 Settlement

#### *Green Wedges*

*There are two designated Green Wedges in Wyndham: Werribee South Green Wedge and Western Plains South Green Wedge. These two areas make up a large percentage of Wyndham's land area and accommodate a diverse range of land uses.*

*Land uses range from intensive agriculture to dry cropping, grazing and quarrying. Coastal parks and biodiversity in grasslands and wetlands are key values of Wyndham's Green Wedges. Sustainable management of Green Wedges requires an understanding and consideration of the relationships between land uses, both within and adjoining the Green Wedge areas.*

*Council's strategic directions for the Green Wedges are to:*

- Protect Wyndham's Green Wedges from inappropriate development and urban intrusion.*
- Create physical buffers or use natural barriers to ensure protection of the Green Wedge.*
- Maintain a strategic buffer between the Werribee South Green Wedge and urban development north of the RAAF base.*

### 02.03-3 Environmental risks and amenity

#### *Amenity protection*

*Care is required in siting and designing non-residential uses in residential zones to avoid loss of privacy and amenity, while still providing convenience to residents living nearby.*

*Council's strategic direction for amenity protection is to:*

- Provide protection for residential areas and guide uses that have the potential to change the function and character of residential areas.*
- Avoid development of defacto commercial strips in residential areas.*
- Ensure that planning and development of sensitive uses avoid compromising the operation of existing lawful commercial, industrial and other uses with potential adverse off-site impacts.*

### 02.03-5 Built environment and heritage

#### Urban Design

### 02.03-7 Economic development

#### Economic growth

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#### 02.04 Strategic Framework plan

36. Strategic Framework Plans are set out at Clause 02.04. The subject site is on or within the following designated areas:

#### Strategic Framework Plan

- Biodiversity values
- Arterial road

#### Coastal and Werribee South Precinct Map

- Intensive Agriculture Precinct

## Zoning Controls

#### Clause 35.04 Green Wedge Zone

37. The site is located within a Green Wedge Zone (GWZ). The purpose of the zone is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To provide for the use of land for agriculture.*
  - *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
  - *To encourage use and development that is consistent with sustainable land management practices.*
  - *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
  - *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
  - *To protect and enhance the biodiversity of the area.*
38. Pursuant to Clause 35.04-1 Table of uses the proposed use of the land for a Solid Fuel Depot is a Section 2 permit required use.

39. Clause 62.02-2 of the Scheme sets out general exemptions for buildings and works not requiring a permit unless specifically required by the planning scheme, including a fence.

40. Pursuant to Clause 35.04-5 *Buildings and works* a planning permit is required to construct a building or construct or carry out works. While there are a number of exemptions set out in this clause, the proposal does not meet the exemptions whereby:

- The proposed buildings would be within 100 metres of a dwelling in different ownership (the dwelling to the east would be located approximately 95 metres away).
- The proposed buildings would be within 100 metres of land in a public acquisition where the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.

41. The schedule to the GWZ provides some variations to standards but none relevant to the current application.

## Overlays

### Public Acquisition Overlay

42. The subject site is located within a Public Acquisition Overlay Schedule PAO2. The overlay traverses part of the subject site as illustrated on the following plan:

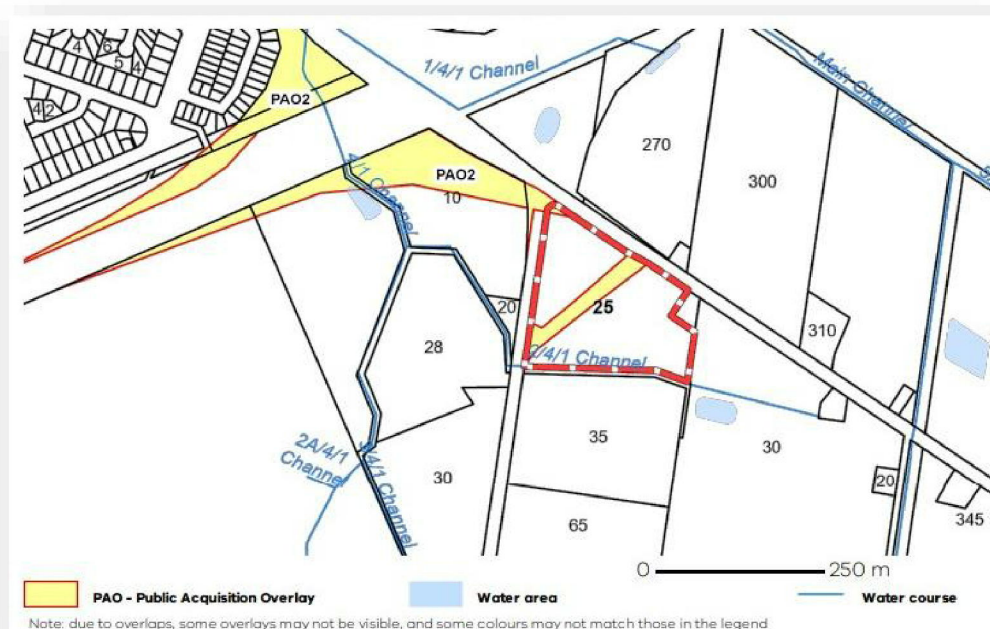


Figure 6: Public Acquisition Overlay through subject site

Source: Mapshare.vic.gov.au



43. The purpose of the overlay is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To identify land which is proposed to be acquired by a Minister, public authority or municipal council.*

*To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.*

*To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.*

44. Pursuant to Clause 45.01-1 a permit is required to:

- Use land for any Section 1 or Section 2 use in the zone
- Construct a building or construct or carry out works

45. Pursuant to Clause 45.01-2 an application is exempt from notice and review provisions.

46. Pursuant to the Schedule to the Overlay, PAO2 is for the purpose of *acquisition by VicRoads for Road Purposes.*

## Provisions that apply only to a specified area

47. Pursuant to Clause 51.02-1 the provisions of Clause 51.02 *Metropolitan Green Wedge Land: Core Planning Provisions* apply to land in the Green Wedge Zone.

48. Pursuant to Clause 51.02-2 the use of land for a Solid Fuel Depot is not prohibited.

## Provisions that Require, Enable or Exempt a Permit

### Clause 52.05 Signs

49. No signs are proposed in this application apart from safety and direction signs which will not be readily visible from K Road.

### Clause 52.06 Car Parking

50. Car parking provisions are set out in Clause 52.06 *Car Parking* of the Scheme.

51. If all structures on site are considered to be buildings the proposal has the following floor area calculation:

Building	Floor area (m2)
Site office	9
40 foot container	28.2
20 foot container 1	13.8
20 foot container 2	13.8
<b>Total</b>	<b>64.8m2</b>

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52. The table in Clause 52.06-5 sets out the required car parking rates for various uses. No parking standard is specified for the use of the land for a Solid Fuel Depot however, the standard for *Warehouse* outside of the PPTN is 2 spaces plus 1.5 spaces to each 100 square metres of net floor area. The proposed buildings would have approximately 64.8 square metres of net floor area with a corresponding car parking requirement of 2 (2.97) spaces. In this instance no planning permit is required for the quantum of car parking.

#### Clause 52.17 Native Vegetation

53. No native vegetation is proposed to be removed and no planning permit is triggered under this provision.

#### Clause 52.29 Land adjacent to the principal road network

54. Pursuant to Clause 52.29 a permit is required to create or alter access to land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.
55. The proposal includes the placement of portable buildings over the PAO and triggers a permit under this clause. The permit applicant has obtained advice via Council from the Department of Transport and Planning dated 13 February 2025 stating:

*The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the following conditions:*

1. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.
2. All buildings and works approved under this permit within the land affected by the Public Acquisition Overlay must be removed at no cost to, and to the satisfaction of, the Head of Transport for Victoria once the land is proposed to be acquired for road works.

#### Clause 52.34 Bicycle Facilities

56. Bicycle parking provisions are set out in Clause 52.34 Bicycle Facilities of the Scheme. The use of land for "Solid Fuel Depot" or "Warehouse" does not have a specified bicycle parking standard.

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## General requirements and performance standards

57. Clause 53.07 sets out provisions for Shipping Container Storage. The current proposal is not to "store" shipping containers but to use them for wood and machinery storage and working purposes and the provisions of this clause are not relevant to the proposal.
58. Clause 53.18 *Stormwater Management in Urban Development* does not apply to land in the Green Wedge Zone.

## Relevant Planning Considerations

### Planning policy

59. The Municipal Planning Strategy acknowledges the diverse range of land uses within Werribee South Green Wedge which is designated an *Intensive Agriculture Precinct* (IAP). The Strategy seeks to minimise the loss of productive agricultural land and minimise impacts of incompatible uses on farming operations. The proposal would take no productive agricultural land given the existing sealed surface of the site and its location within an existing commercial use, fenced off from productive land to the south and east. Firewood is a relatively inert material and will not create issues with contamination from stormwater runoff.
60. The proposal has a level of strategic support where the site is adjacent to an existing major road (Duncans Road) and close to an NEIC which is located to the west. State level *Settlement* policy also seeks to preserve and protect the features of rural land. The proposal is to be located within an existing commercial site, away from the title boundaries and on an existing hard paved surface. By these measures the proposal will not compromise the horticultural viability of the land nor the contribution of the site to rural landscapes.
61. *Green Wedge* policy at Clause 11.01-1R supports development in the green wedge that provides for economic and social benefits. The proposal provides employment and goods for public consumption without compromising natural values.
62. Local *Settlement* strategies at Clause 11.01-1L include *Encourage farming and other compatible rural activities in areas beyond the Urban Growth Boundary*. The proposal does not involve materials processing or emissions to air, land or water and is set back from title boundaries to the extent that

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- it will not impact on the horticultural activities which surround the greater nursery and garden centre site.
63. With respect to land use compatibility and potential impacts on sensitive uses, the proposal will potentially create noise impacts and traffic movements associated with staff vehicles and the delivery of wood by commercial vehicles. However, the location of the proposed use in a central portion of the larger site provides a buffer to other uses adjacent to the title, including the dwelling at 25 K Road to the northeast.
64. Built environment Policy at Clause 15.01 includes the objective *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
65. The proposed buildings are low scale, limited in height and due to the circumstances of the nursery and garden centre site will have limited visibility from beyond the site, if any. The wide central accessway leading from the K Road crossover provides a direct and safe vehicle accessway, although wood deliveries are infrequent at up to 2 deliveries per month and the large majority of customers will be online customers who will not visit the site.
66. With respect to *Built Environment and Heritage* policy, the proposed buildings are low scale portable buildings which will have limited and minimal visibility from the public realm or from neighbours' properties. Standard container dimensions are less than 3.0 metres in height. The proposed relocatable office building would be 3.6 metres long, 2.5 metres wide and less than 3 metres high. The functional form of the buildings will fit well with the green houses and sheds which populate the existing nursery and garden centre site. The proposal provides capture and reuse of rainwater on site from the office building.
67. Given the existing hard surfacing of the existing site and the nature of the nursery and garden centre business surrounding the application site, no further landscaping is considered necessary or appropriate in this instance.
68. No advertising signs are proposed within the application except for traffic and visitor direction signs well within the site and therefore not requiring a planning permit.
69. The proposed building will provide for 2 staff, providing direct employment opportunities on site plus economic and employment opportunities for 3<sup>rd</sup> party suppliers such as the stock delivery providers.
70. The proposal is consistent with policy at Clause 18 *Transport* as the site layout allows vehicle movements on and off the site to the main road network and close to the Princes Highway in a location which has existing truck movements associated with the nursery and garden centre land use and large scale horticultural land use in the district.



## Green Wedge Zone – Decision Guidelines

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71. The Decision Guidelines of the Green Wedge zone are considered here, where not already considered above in the assessment of the relevant planning policy.

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*Any Regional Catchment Strategy and associated plan applying to the land*

72. The proposal, using portable buildings on an existing paved surface including a portable toilet, would not have a significant adverse impact on water quality or quantity from the site. The proposal would not result in additional impermeable surface areas or activities with water quality implications.

*The capability of the land to accommodate the proposed use or development.*

73. The area of land available is suitable for the proposed use and the land contains existing vehicle access and manoeuvring space.

*How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*

74. The proposal has some connection to rural land use in the storage, sorting and distribution of firewood, as a natural product which is often sourced from rural areas.

*Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*

75. Existing uses in proximity to the site include the nursery and garden centre site within which the proposed use would operate, horticulture on adjoining land and a dwelling located approximately 95 metres away. Given the proposed operating hours of 9.00am to 4.00pm between Tuesday and Saturday, and the distance to the dwelling, potential impacts are not considered significant in the context of the existing nursery and garden centre use. Vehicle movements associated with the proposed use would be to the west whereas the neighbouring dwelling is to the east and heavy vehicle movements would be minimal, up to 2 per month in peak trading times .

*Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.*

76. Heating is essential to the health and wellbeing of the State, although wood heating is not the only type of heating available to households. The proposed use is better located away from urban areas, particularly residential areas given potential cross-boundary impacts.

*The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

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77. This has been discussed earlier in this report.

*The maintenance of agricultural production and the impact on the rural economy.*

78. The proposal would not take place on productive rural land and would not impact on agricultural production.

*The environmental capacity of the site to sustain the rural enterprise.*

*The need to prepare an integrated land management plan.*

*The impact on the existing and proposed rural infrastructure.*

79. The proposal does not comprise an agricultural land use and would not impact on rural infrastructure. The infrastructure requirements of the proposal would be very limited given the nature of the structures on the site and the existing roads, recently upgraded, and the position of the site to the Princes Highway as a state-significant transport route.

*The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.*

*The protection and retention of land for future sustainable agricultural activities.*

80. The subject site would be leased by the permit applicants as a minor part of a larger title and would be bound by the title boundaries, preventing the expansion of the use into agricultural areas. In any case, further planning permissions would be required to extend the activity.

*The impact of the use or development on the flora and fauna on the site and its surrounds.*

81. The site has no existing flora and fauna.

*The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*

*How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.*

*The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.*

82. The position of the site within the wider nursery and garden centre area and distances to the title boundaries provides a suitable distance to other land. Land adjoining the nursery and garden centre site is used for intensive horticulture and has limited, if any, significant biodiversity values. It is proposed to use a portable toilet so that there will be no onsite effluent treatment or disposal.

*The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*

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83. This has been discussed earlier in this report.

*The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*

84. No infrastructure services are proposed as part of this application.

*The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*

*The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

85. These decision guidelines are not relevant to this proposal.

## Public Acquisition Overlay

86. The Decision Guidelines of the PAO2 are considered here, where not already considered above in the assessment of the relevant planning policy:

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.*

87. The Public Acquisition Overlay affecting the subject site runs diagonally through the site from northeast to southwest. The proposed buildings on the site are relocatable and don't require excavated foundations. This means they can be moved relatively easily if the acquiring authority needs the land. The use of the land does not require works to be undertaken and wood products can be moved off site or moved around the site if required in the future.

*A permit granted under this clause may be conditional on:*

- *The extent of alterations and extensions to an existing building and works, and the materials that may be used.*

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- The location, dimensions, design and material of a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

88. The proposal has been issued a response from the Department of Transport and Planning which does not object to the proposal subject to the following conditions:

*No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.*

*All buildings and works approved under this permit within the land affected by the Public Acquisition Overlay must be removed at no cost to, and to the satisfaction of, the Head, Transport for Victoria once the land is proposed to be acquired for road works.*

## Clause 52.29

89. The Decision Guidelines of Clause 52.29-6 are considered here, where not already considered above in the assessment of the relevant planning policy:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

90. This has been discussed earlier in this report.

- *The views of the relevant road authority.*

91. Noted above in the assessment of Clause PAO2.

- *The effect of the proposal on the operation of the road and on public safety.*

92. The Public Acquisition Overlay which traverses the site is not yet made into road and the proposal will not have an impact on the function of the road network nor public safety.

- *Any policy made by the relevant road authority pursuant to schedule 3, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

93. The relevant road authority has viewed the proposal and has consented to the proposal subject to conditions.

## Car Parking

94. The proposal provides the requisite number of car parking spaces to meet the numerical requirements or Clause 52.06-5 for a "Warehouse".

95. In response to Council's specific queries:

*i. Where will the trucks for other uses/businesses on the land be stored now (this application cannot impact upon the operations of other businesses/use on the site).*

96. The balance of the garden centre site has ample room for truck parking at the southeastern corner, vacant land to the west of the proposed solid fuel depot. Please see the aerial photography on Drawing 1 which shows truck parking outside of the proposed solid fuel depot site.

*ii. Where will the solid fuel wood delivery truck be parked?*

97. As shown on the plans, trucks can park on the premises and reverse out into the central aisle to exit the nursery and garden centre site in a forwards direction.

*iii. Where will staff park? And or how will they access the site?*

*iv. Where will the visitors park?*

98. Staff and visitor parking will be at the southwest corner of the site where 3 car parking spaces have been allocated for staff (1) and visitors (2). The operators of the site use a utility vehicle for delivering full wood cages and the utility vehicle will need to enter the site at times for loading and unloading cages.

*v. Where will the customers park when purchasing solid fuels? Or will it just be ordered online/by phone and delivered to customers address?*

99. Customers may visit the site to view the wood and discuss and make purchases but the wood is delivered by the vendor to the buyers' land. Based on the applicants' current business located elsewhere, the large majority of orders are made by phone or online.

100. The design of the proposed car parking spaces meets the design standards of Clause 52.06-9 whereby:

- The accessway to the site is over 6 metres wide at approximately 8.0 metres width



- Turning for larger vehicles is provided in the open area to the east of the site which the nursery and garden centre already uses for trucking parking.
- The accessway and manoeuvring areas allow for forwards in and forwards out traffic movements
- There are no obstructions requiring head clearance.
- From the Duncan's Road boundary to the site is approximately 100 metres distance. The accessway is greater than 6.1 metres wide so provides the necessary passing area on site.
- Corner splays are as per the existing conditions of the nursery and garden centre vehicle accessway, recently constructed.

## Conclusion

101. The use of the subject site for a solid fuel depot would fit neatly within the existing nursery and garden centre site, making more efficient use of an underutilised area.
102. The proposed buildings and works are low in scale and have minimal impact outside of the site. The proposed use has limited amenity impacts, is located away from sensitive uses and would operate within reasonable daytime business hours and not at night time.
103. Car parking has been provided on site which is designed to meet the standards of Clause 52.06. Vehicle access is existing as part of the nursery and garden centre layout.
104. The Public Acquisition Overlay acquiring authority has provided conditional consent for the buildings proposed within the Overlay.
105. The proposal would take place on existing hardstand within the physical boundaries of an existing business and would not impact on rural productivity nor cause adverse impacts on the surrounding environment.
106. For these reasons the proposal is considered appropriate for the location.

If you have any questions relating to this application please do not hesitate to contact us.

Thank you for your consideration.



## List of Attachments

**Attachment**

**Certificate of Title**

**Attachment**

**Planning Property Report**

**Attachment**

**Drawings Including Site Layout Plans**

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