12.3	**Application P392/2023 for Approval of a Development Plan Under Development Plan Overlay 16 for 179 Tilburn Road, Deer Park and surrounding land**
Directorate	City Futures
Director	Kelvin Walsh
Manager	Kristen Gilbert
Attachment(s)	1. Zoning Map [**12.3.1** - 1 page] 2. Aerial Photo [**12.3.2** - 1 page] 3. Considered Plans (Part 1) [**12.3.3** - 34 pages] 4. Considered Plans (Part 2) [**12.3.4** - 23 pages] 5. Considered Plans (Part 3) [**12.3.5** - 15 pages] 6. Detailed Assessment [**12.3.6** - 54 pages] 7. Proposed Additions Required To Development Plan Prior To Endorsement [**12.3.7** - 3 pages]

Purpose

For Council to consider an assessment of Application P392/20203 for approval of a development plan under Development Plan Overlay Schedule 16 at 179 Tilburn Road (previously known as 765 Ballarat Road), Deer Park and surrounding land.

Officer Recommendation

That Council approves the Development Plan for 179 Tilburn Road, Deer Park and surrounding land, subject to the incorporation of changes specified in Attachment 7 to this report.

Background

The site is a large, predominantly vacant, irregular shaped parcel of land in Deer Park with a total site area of approximately 65 hectares. It abuts Ballarat Road to the north, Tilburn Road to the south and the Western Ring Road to the east (refer **Attachments 1 and 2**).

Kororoit Creek runs through the northern part of the site and the land immediately abutting the creek has both an Environmental Significance Overlay and a Land Subject to Inundation Overlay. There are two separate Heritage Overlays on site, each covering two separate areas. These include ICI Entry Gates facing Ballarat Road, the Nobel Building and associated heritage protected trees to the south of the Kororoit Creek, and a former ordnance survey bunker at the south-east of the site. There are native grasses and trees scattered across the site.

The site was rezoned from Industrial 2 Zone to Commercial 2 Zone in May 2014. Whilst land to the north of the Kororoit Creek includes a series of small lots, land on the south side of the creek was formerly part of a larger lot (765 Ballarat Road) which includes the Industrial 2 zoned land to the west, commonly known as the "Orica site". The larger parcel of land was subdivided into two lots via a planning permit for subdivision issued in 2023.

As part of the Orica site, the land was previously used for the manufacture of explosives. This left the site contaminated; however the land has been subject to significant remediation works and a Statement of Environmental Audit was issued in 2020 stating the site is suitable for commercial and industrial uses.

There is an existing entrance on Ballarat Road at the north-east corner of the site providing access to a bridge over Kororoit Creek. Aside from this the two entrances to the site (one on Ballarat Road and one on Tilburn Road) are both located on the adjoining land to the west.

Matters for Consideration

The application seeks approval of a development plan under Development Plan Overlay Schedule 16 (DPO16) of the Brimbank Planning Scheme (refer to **Attachments 3, 4 and 5**). The proposed development plan would facilitate future use and development applications predominantly for large warehousing facilities, restricted retail premises, offices, food and drink premises and data centres.

Whilst the proposal seeks approval for the entire development plan area (including the lots to the north of Kororoit Creek), the detailed information provided relates only to land south of the creek. In order for the area to the north of the creek to be developed, the proposed development plan would need to be amended in the future to facilitate this.

A full assessment of the application against the provision of the Planning Scheme is provided at **Attachment 6**. The assessment indicates the submitted development plan largely complies with the Municipal Planning Strategy, Planning Policy Framework and responds to the objectives of the Commercial 2 Zone and decision guidelines of Schedule 16 to the Development Plan Overlay.

The uses proposed accord with the approved Statement of Environmental Audit and respond to the proximity of the site to the Hexion Major Hazard Facility, within the Orica land to the west. Fire Rescue Victoria (FRV), the Environmental Protection Authority (EPA) and Worksafe Victoria have raised no objections in principle to the proposed development plan.

Fill is proposed to be introduced across large parts of the site to level the land and create a cap between remnant shallow contaminated rock and future development. Despite this, the heritage and environmental assets on site are protected, with development buffers proposed from both the Kororoit Creek and the heritage listed Nobel Building. Both the Department of Energy, Environment and Climate Action (DEECA) and Melbourne Water have raised no objection in principle to the approach taken including where areas have been identified for future native vegetation and tree removal (subject to future applications where applicable).

The access arrangements to the surrounding roads are in principle supported by the Department of Transport and Planning (DTP) and Council's Traffic Engineer and will allow safe exit and egress from the site subject to further detailed design. The development plan layout also commits to all roads being designed to Council's engineering standards and providing pedestrian and bicycle linkages through the site and along Tilburn Road which is identified as a strategic transport corridor.

Design guidelines are included in the proposed development plan and with commitment to high quality urban and building design techniques, robust contemporary materials, environmentally sustainable design (ESD) measures, appropriate setbacks from the existing and proposed streets and a strong landscape setting, this will lay down the foundations for a well-designed estate that responds to the surrounding area.

It is recommended that Council approves the proposed development plan, subject to the minor additions outlined in **Attachment 7** to this report. These changes include

increasing landscape setbacks to the eastern boundary with the Western Ring Road, and additional commitments to ensure heritage and environmental assets are protected and to secure path upgrades along Tilburn Road.

Community Engagement

Clauses 43.04-2 and 43.04-3 of the Development Plan Overlay require that a development plan must be prepared to the satisfaction of the Responsible Authority. Despite there being no specific notification provisions, it was determined the application should be informally advertised to the surrounding landowners for a period of 28 days so views could be considered in the assessment of the application. Following completion of the notification period there were no submissions received.

Resource And Risk Implications

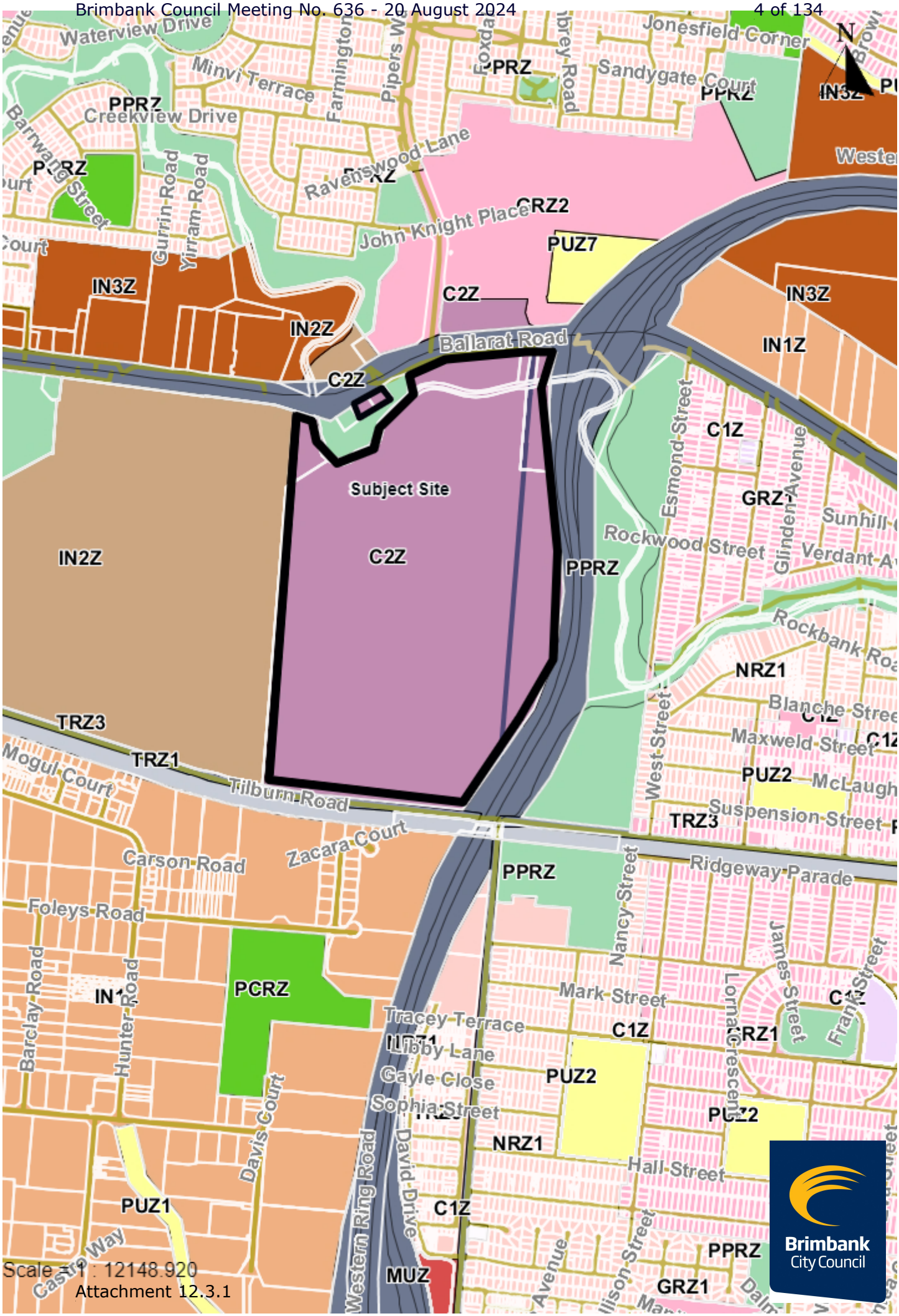
Resource requirements can be met within the Annual Budget 2024/2025.

There are no Community, Environmental, Financial, Regulatory or Safety risks.

Legislation/Council Plan/Policy Context

This report complies with the *Planning and Environment Act 1987* and the Brimbank Planning Scheme.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.



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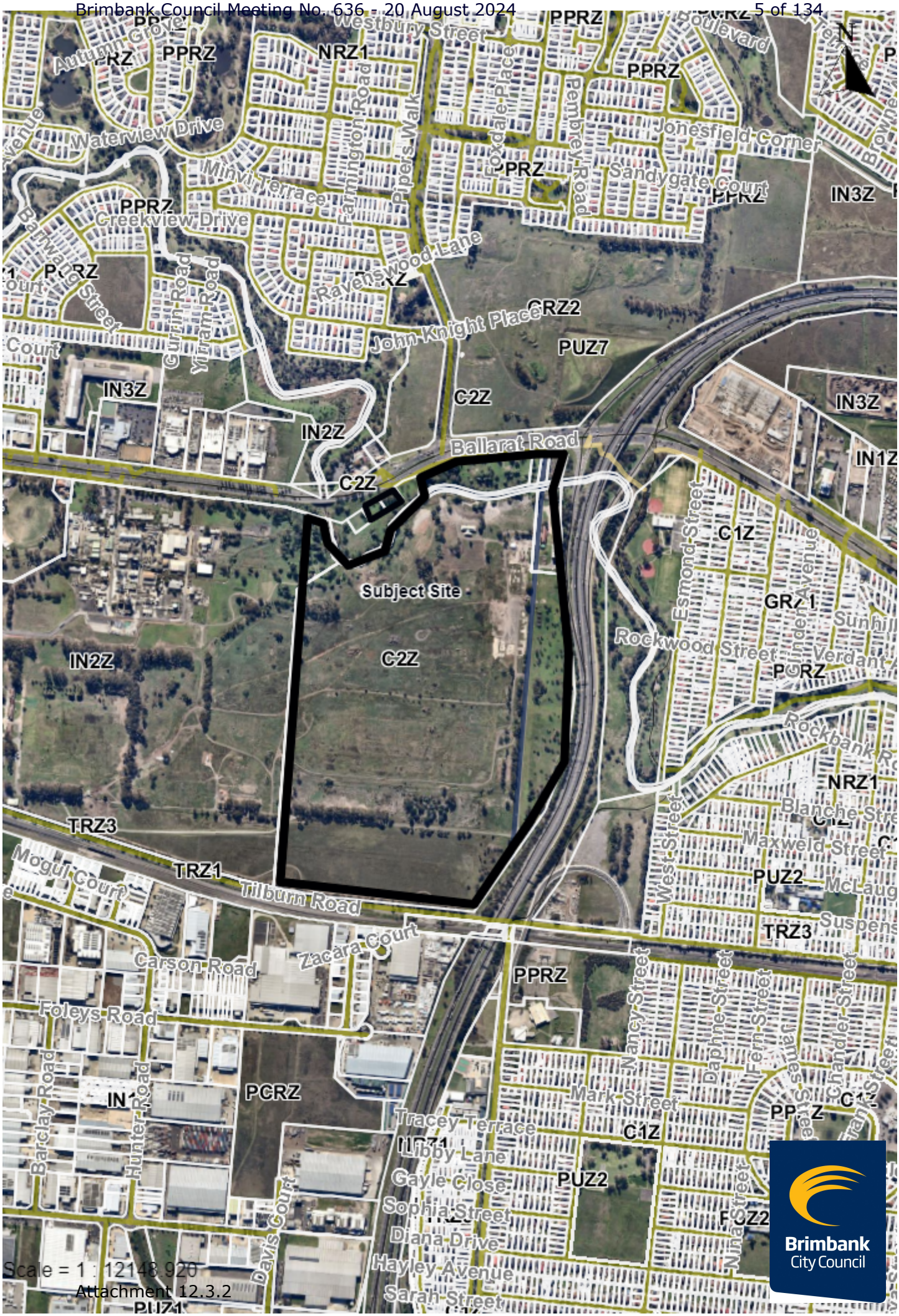
Attachment 12.3.1


Subject Site
Ballarat Road
Tilburn Road
Westbury Street
Autumn Grove
Waterview Drive
Farrington Road
Pipers Walk
Pembrey Road
Jonesfield Corner
Sandygate Court
Minvil Terrace
Greekview Drive
Ravenswood Lane
John Knight Place
Gurrin Road
Yiram Road
Esmond Street
Rockwood Street
Rockbank Ro
Blanche Stre
Maxweld Street
McLaug
Suspens
West Street
Zacara Court
Carson Road
Foleys Road
Mogul Court
Barclay Road
Hunter Road
Davis Court
Tracey Terrace
Libby Lane
Gayle Close
Sophia Street
Diana Drive
Hayley Avenue
Sarah Street
Mark Street
Nancy Street
Daphne Street
Fern Street
Chandler Street
Nina Street
Sunhill
Verdant
NRZ1
PPRZ
IN3Z
IN2Z
C2Z
C1Z
PUZ7
PUZ2
TRZ3
TRZ1
PCRZ
GRZ1
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765 Ballarat Road, Deer Park

Development Plan

August 2023

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Acknowledgement of Country

We are proud to acknowledge the Wurundjeri People as the traditional custodians of this land. We pay our respect to the land and to the Elders of the Kulin Nation, both past and present. We also extend that respect to all Aboriginal and Torres Strait Islander People.

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1.0 Introduction

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1.0 Introduction

The Deer Park Development Plan has been prepared by Urbis on behalf of HB+B Property to provide a framework for the development of the eastern portion of the Orica site located at 765 Ballarat Road, Deer Park.

Utilising the sites strategic potential, the Development Plan will guide the transformation of the area by providing a development framework for the existing commercially zoned land. HB+B Property is committed to developing a vibrant, start of the art and sustainable staged employment precinct which also acknowledges the history of the site and is responsive to its surrounds.

This Development Plan should be read in conjunction with the following supporting documentation:

> Site Context Plan prepared by Watson Young

> Precinct Plan prepared by Watson Young

> Stating Plan prepared by Watson Young

> Access Plan prepared by Watson Young

> Existing Site Management Plan prepared by Watson Young

> Survey Plan prepared by Veris

> Geotechnical report prepared by A.S James

> Design Guidelines prepared by Watson Young

> Stormwater Management Plan prepared by Arcadis

> Infrastructure & Services report prepared by Arcadis

> Landscape Master Plan prepared by Human Habitats

> Traffic Engineering Assessment prepared by TraffixGroup

> Risk Assessment prepared by Arriscar

> Environmental Summary prepared by WSP Australia

> Heritage report prepared by EMM

> Biodiversity Assessment prepared by Nature Advisory

> Biodiversity peer review prepared by Biosis

> Odour Assessment prepared by EMM

> Arboricultural report prepared by John Patrick

Attachment 12.3.3

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2.0 The Development Plan Overlay

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2.0 The Development Plan Overlay

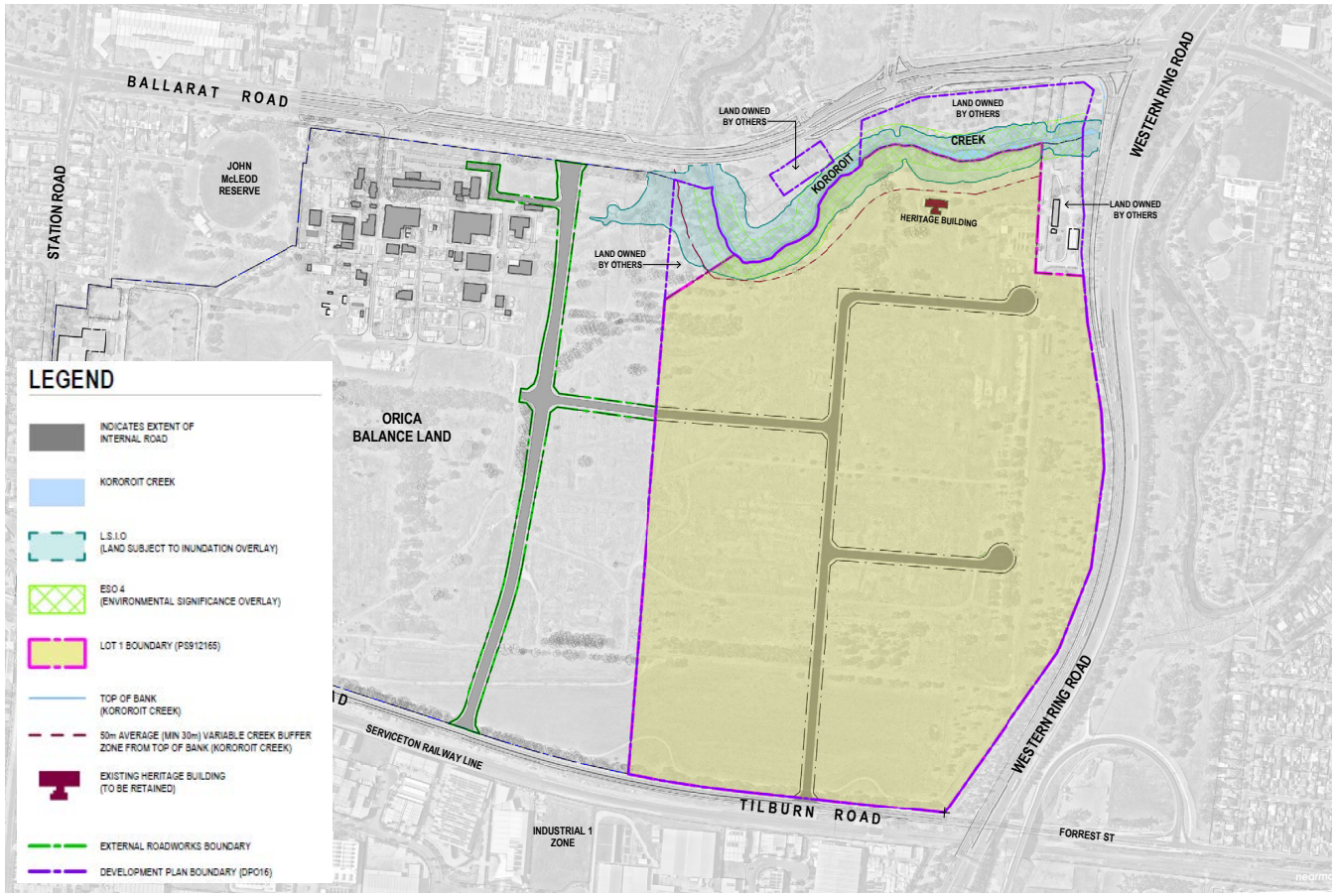
The Development Plan is being prepared in line with the requirements of the Development Plan Overlay Schedule 16 (Orica Deer Park Development Plan) (DPO16) as contained within the Brimbank Planning Scheme. The DPO16 requires that a Development Plan be prepared prior to the issue of a permit for use or development.

The purpose of the Development Plan is to establish an overarching urban structure to the site, under which the more detailed site planning and staged subdivision of the land can take place.

The DPO16 covers the following 8 parcels of land which are located on both sides of the Kororoit Creek.

- Lot 1 PS331541
- Allot. 3D Sec. 8 PARISH OF MARIBYRNONG
- Allot. 3D Sec. 8 PARISH OF MARIBYRNONG
- Allot. 1 Sec. 8 PARISH OF MARIBYRNONG
- Allot. 1B Sec. 8 PARISH OF MARIBYRNONG
- Allot. 1E Sec. 8 PARISH OF MARIBYRNONG
- Lot 1 PS912165
- Lot 2 PS912165

Whilst the proposal is for approval of the entire development plan area the detailed information provided in this submission only addresses the hatched area known as Lot 1 PS912165 (highlighted on the the adjacent plan). It would be expected that in order for the remainder of the area to be developed, this will require the Development Pan to be amended.



Attachment 12.3.3

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3.0 Site Context

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3.0 Site Context

3.1 THE SITE

The Orica Deer Park site is located in Melbourne's north-west, approximately 15 kilometres from Melbourne's Central Business District, in the municipality of Brimbank. The site is also 11 kilometres south-west from Melbourne Airport and within close proximity to a number of Activity Centres. The site is irregular in shape and is largely bound by Ballarat Road to the north, Western Ring Road to the east, Tilburn Road to the south and Station Road to the west.

The site is divided into three main zones being Industrial 1 Zone, Industrial 2 Zone and Commercial 2 Zone. Within the Industrial 2 Zone exists the Hexion Major Hazard Facility.

The subject area in which the Development Plan will guide development is the Commercial 2 Zoned land to the east of the site. This area encompasses approximately 65 hectares which includes the existing heritage building. The topography of the application area is largely flat, falling west to east at a 1 in 200 gradient, with scattered trees and other vegetation. The land generally consists of a shallow rock layer, in the order of 0.5m – 1.5m deep which holds residual contamination from historical uses of the site.

A number of existing bore locations are present on the site as part of the ongoing site monitoring as required by the EPA and will remain until their decommission date.

Attachment 12.3.3

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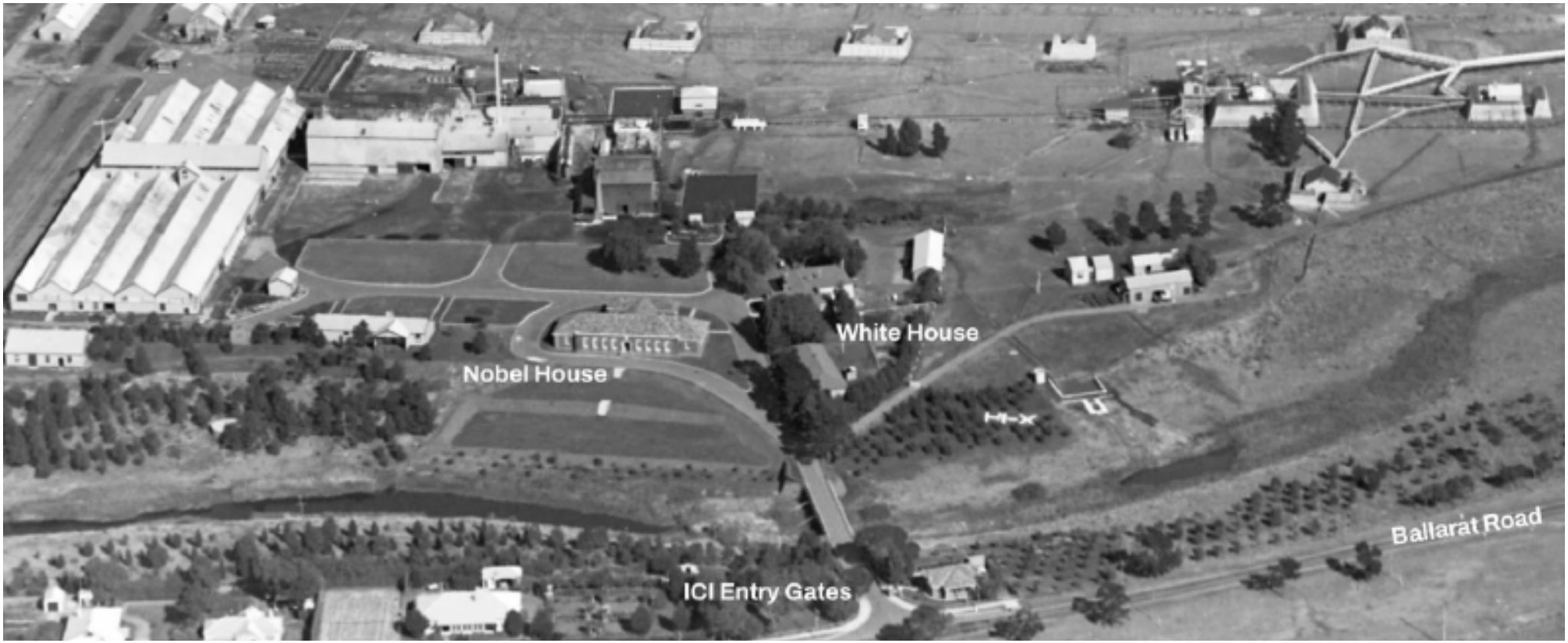
3.0 Site Context (cont.)



3.2 SITE HISTORY

The Orica site in Deer Park has been manufacturing, storing and dispatching explosive material since 1874. Many of these uses are now decommissioned and the site operations predominantly include a chemicals facility for the mining industry, quarry services and other chemical manufacturing.

The Deer Park explosives factory was the first manufacturing plant of high explosives in Australia. Beginning operation under importer Jones Scott and Co in 1874. Over the years the sites factories had association with the Australian Lithofracteur Company, Australian Explosives and Chemicals, the Nobel company and later ICIANZ. The latter growing to become one of the largest explosives, chemical and plastics manufacturers in Australia. Retaining its dominance through monopolistic practices, it took over most of its competitors in the Australasian region.

The history of the site is also one of social significance. Many who worked at the site resided in the nearby ICI 'Garden City' and commonly referred to the site as 'The Blowups', following an accidental explosion that occurred on site.

Attachment 12.3.3

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3.0 Site Context (cont.)

3.3 CONTEXT ANALYSIS

The subject area currently enjoys three road interfaces, being the Western Ring Road, Ballarat Road and Tilburn Road.

3.3.1. Northern Interface

The subject area has a direct interface with Ballarat Road which is a major arterial road managed by DOT, that generally runs in an east-west direction.

3.3.2. Eastern Interface

The Western Ring Road lines the subject areas eastern boundary in a north to south direction. This is a major arterial road with multiple lanes in each direction providing access around Melbourne's CBD connecting to other major arterial roads. A number of established trees line this road.

Beyond this road is More Park providing a linear strip of open space with residential land further east.

3.3.3. Southern Interface

The southern boundary is shared with Tilburn Road. This road generally runs in an east to west direction with multiple lanes and follows the Railway line which is on the south side of Tilburn Road. An existing industrial estate is located further south.

3.3.4. Western Interface

The subject area interfaces with the residual Orica land to its west, part of which currently houses the Hexion Major Hazard Facility. Further west is Station Road which runs in a north to south direction. Deer Park train station and the Deer Park Major Activity Centre are both located on the west side of Station Road.

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3.0 Site Context (cont.)

3.4. SITE OPPORTUNITIES & CONSTRAINTS

3.4.1. Opportunities

The subject area is strategically located for an employment precinct and is afforded a number of opportunities which includes:

> Proximity to clients: Accessibility to the existing transport network including major highways and arterial roads and the subject area's proximity to the diversity of land uses including industrial and commercial will drive the nature of future industrial demand that could be supported by the precinct.

> Proximity to suppliers and support businesses: Ballarat Road provides access to the Western Ring Road in the east and the Western Freeway to the west, providing accessibility to regional markets and also enable good connectivity to existing residential areas (clients) and surrounding employment uses (suppliers / occupiers).

> Proximity to transport networks/links & terminals: Excellent access to transport networks and terminals will drive demand to be driven by both warehousing and logistics operators to capitalise on a strategically located site.

> Adequate buffers to residential areas and other sensitive uses.

The subject area has an inherent physical barrier in the form of arterial roads and major highways that act as required buffers and would provide excellent separation from residential and other sensitive land uses.

> Large land area: Given the size and location of the subject area, it will have the capability to support medium to large sized lots which can accommodate a range of uses including super prime logistics, data centres, warehousing including high bays.

> Kororoit Creek: The large interface to Kororoit Creek to the north provides a significant opportunity to develop a high amenity area for the future employees of the estate to enjoy.

3.4.2. Constraints

The potential constraints to the future development of the subject area include:

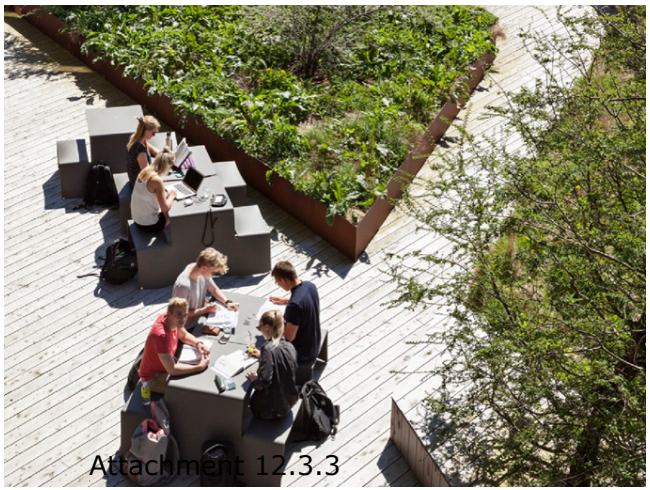
> Due to the history of the subject area, there are contamination matters which will need to be managed.

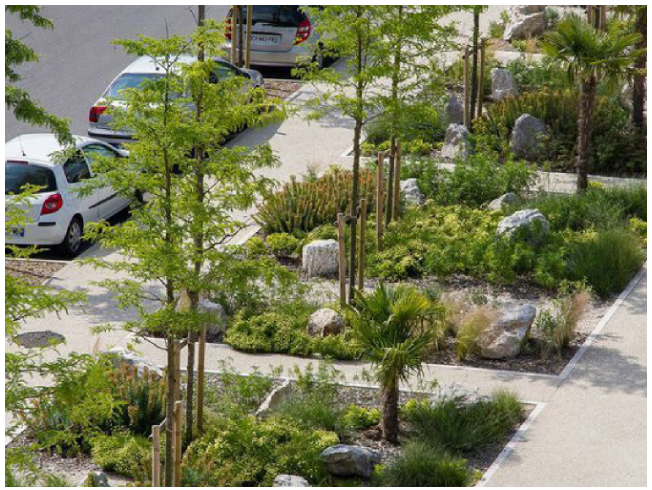
> The most sensitive interface is to the north where the subject area abuts Kororoit Creek.

> An existing heritage building is located to the north of the subject area.

> The existing Hexion Major Hazard Facility to the west will continue operation and will need to be taken into consideration.

> There are small patches of scattered, degraded native vegetation, especially towards the southern end of the subject area.





Attachment 12.3.3

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3.0 Site Context (cont.)

3.5. DESIGN RESPONSE

Utilising the above analysis of the site, the strategic opportunities and constraints, the following Design Response has been provided:

> Development is restricted to the Commercial 2 Zoned land in the east of the site. This provides a clearly defined Development Plan area and future land uses will be consistent with this zone.

> Lower development and density are proposed towards the northern portion of the Development Plan area surrounding the Heritage Building and Kororoit Creek to provide a sympathetic design response to this sensitive interface. This precinct will also have a high amenity setting for the future employees of the estate.

> Future building design will be guided to enhance streetscapes (internal and external) through the use of material colour and variation, change in heights and façade delineation.

> Development will sit in a highly vegetated setting with a cohesive built form that compliments the natural environment.

> Any proposed buildings and works to existing heritage fabric will be sympathetic to the heritage place and ensure it retains its primacy.

> Development height and setbacks have been defined to provide a built form response that is sympathetic to the surrounding area, with the taller developments positioned towards the centre of the site and landscaped setbacks to site boundaries.

> The proposed road network provides opportunities for future connections to the residual Orica land to the west should that ever be redeveloped.

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4.0 The Development Plan

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4.0 The Development Plan

4.1. ESTATE VISION

HBB Property's vision for the site is to develop a state-of-the-art, environmentally responsible employment estate which will support a number of complimentary land uses including warehousing, automated high bay buildings, data centres, distribution centres, restricted retail and food and beverage tenancies. Future buildings will be of a high quality design, each set within a well landscape setting.

The northern precinct is envisaged to offer a placemaking experience where not only the estate employees but also the wider community can come to relax within a well landscaped space, adjacent to the Kororoit Creek and refurbished heritage building.

Pedestrians and cyclists will be able to traverse throughout the site thanks to off-road shared pathways, which will providing them with safe transport routes both within the site and also connecting to existing pathways outside of the site. The public road reserves will be well landscaped boulevards with canopy tree planting.

4.1.1. Land Uses

Careful consideration has been given to the proposed future land uses within the employment estate. It is envisaged that the estate will accommodate a variety of land uses including warehousing (including high bay), data centres, restricted retail, office, all supported by food and beverage tenancies. These land uses are consistent with the underlying zoning of the land being the Commercial 2 Zone, plus they also consider adjoining existing uses.

There are no sensitive land uses such as residential, education centre, play centres, etc proposed on the land.

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4.0 The Development Plan (cont.)

4.2. PRECINCTS

The site will consist of three (3) precincts. This will consist of a range of complimentary land uses and built form requirements to appropriately guide development across the site that is respectful of the site's interfaces.

4.2.1. Precinct 1

Precinct 1 is located at the northern end of the site, interfacing with the sensitive Kororoit Creek. The existing heritage building is also located within this precinct. The vision for Precinct 1 is to be a well landscaped place where people from within the estate can come and enjoy a high amenity space which is complimented by supplementary food and beverage tenancies.

To ensure that the Kororoit Creek is appropriately protected, no built form development is envisioned within this precinct that is covered by the Environmental Significant Overlay (Schedule 4) or the Land Subject To Inundation Overlay. No built form development, apart from landscaping, will occur on land that is within the 50m average (minimum 30m) buffer zone from the top of the bank of Kororoit Creek. Passive surveillance opportunities will occur by ensuring future offices and car parks are oriented towards the creek.

In addition to food and beverage tenancies, other land uses envisioned within Precinct 1 include small scale warehousing, office and restricted retail tenancies. Building heights within this precinct will also be restricted to a maximum of 10m and setback a minimum of 50m from the existing heritage building which will ensure that any future built form in this precinct is complimentary in scale and does not overwhelm the adjacent Kororoit Creek or existing heritage building.

4.2.2. Precinct 2

Precinct 2 is more centrally located within the site, with Precinct 1 located to its north and Precinct 3 located to its west and south. It has an interface with the Western Ring Road to its east. Due to its significant separation from existing sensitive land uses, Precinct 2 envisions to accommodate buildings up to 40m in height, which will allow it to attract land uses such as warehousing (including high bay warehousing) and data centres. Lot sizes within this precinct will vary depending on the end built form, but will typically range between 20,000sqm and 178,000sqm.

All future buildings within Precinct 2 will be setback a minimum of 9m from both estate road and also the boundary to with the Wester Ring Road. Any built form that is above 25m in height (up to 40m) will be setback a minimum of 30m from the Western Ring Road.

4.2.3. Precinct 3

Precinct 3, being the largest precinct on the site, has a direct interface with Tilburn Road to its south and the residual Orica land to its west. Due to its large size, Precinct 3 will be able to accommodate the largest warehouses, up to 25m in height which will provide for an appropriate transition in height from Precinct 2 to its north and Tilburn Road to its south. By accommodating only warehouses, Precinct 3 also takes into consideration the adjacent existing land uses, ensuring that the precinct does not allow for any sensitive land uses. Lot sizes within this precinct will vary depending on the end built form, but will typically range between 20,000sqm and 166,000sqm.

Similar to Precinct 2, all future buildings within Precinct 3 will be setback a minimum of 9m from estate roads, along with being setback a minimum of 20m to Tilburn Road. A minimum 3m landscape buffer is also to be provided along the estate road frontages, while a minimum 9m landscape and drainage setback is to be provided along the Tilburn Road frontage.

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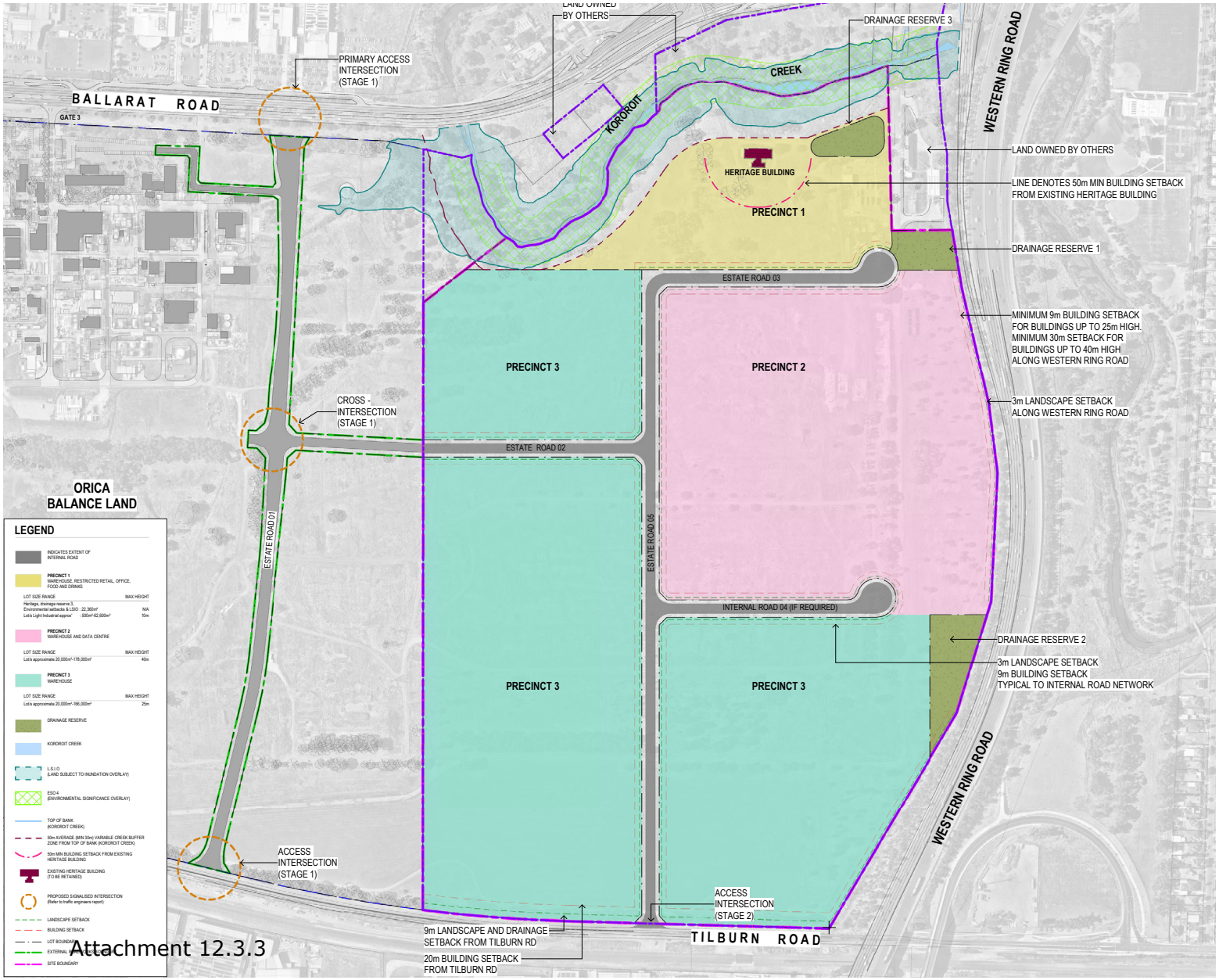
4.0 The Development Plan (cont.)



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4.0 The Development Plan (cont.)

4.3. DESIGN GUIDELINES

To ensure that the future built form on this estate is of the highest quality, Design Guidelines have been prepared which will ensure that future developers and tenants understand the expectation when it comes to the design and site layout of future lots.

The Design Guidelines will provide guidance on built form matters such as:

> Development siting & façade articulation

> Environmentally sustainable design

> Vehicle parking & pedestrian movement

> Fencing

> Lighting

> Waste & storage

> Signage

> Heritage interfaces

> Building materials

> Landscaping

Attachment 12.3.3

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4.0 The Development Plan (cont.)

4.4. ACCESS & MOVEMENT

Traffix Group has prepared a Traffic Engineering Assessment in support of the proposed Development Plan and assessed the impact of the proposed future employment precinct on the arterial and local road networks. Some key findings from this assessment are:

> Vehicle access to the external road network will be via three locations. The primary access will be from Ballarat Road, via a new road to be built within the residual Orica land, with two secondary intersections via Tilburn Road.

> Based on the existing local and arterial road network, approximately 55% of traffic will enter and exit via Ballarat Road.

> Based on a SIDRA analysis, it is not anticipated that the proposed Development Plan will have an unreasonable impact on the surrounding road network and subject to intersection improvements, can be accommodated for the anticipated future demand.

4.4.1. Road network

The proposed internal road network will consist of a 22m reservation, accommodating a carriageway width of 12.5 metres with 4.75 metre verges along both sides.

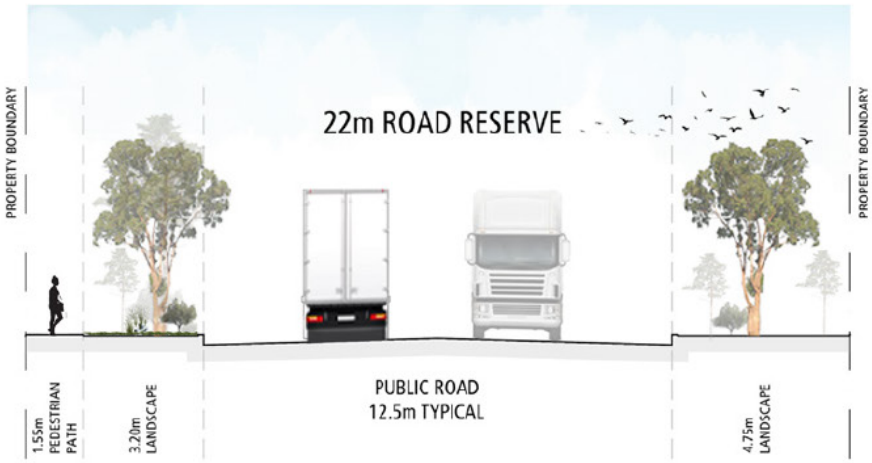
All internal access roads (apart from internal road 04) will accommodate a 2.5 wide shared path on one side and a 1.55m wide footpath on the other side. Should internal road 04 be built, it will have a 1.55m wide footpath on one side.

Where court bowls are required for the design of the internal road network, they will be designed to allow for the turnaround of a 26 metre B-double.

All proposed roads have been designed to Council standards and requirements and will be owned by Council.

The Development Plan also has allowed for potential future access to the residual Orica land that is located in the north-east corner of the site, adjacent to Precinct 1.

Typical Streetscapes treatment consistent with industrial development guidelines and Street Tree Master Plan



Typical Streetscapes treatment consistent with industrial development guidelines and Street Tree Master Plan

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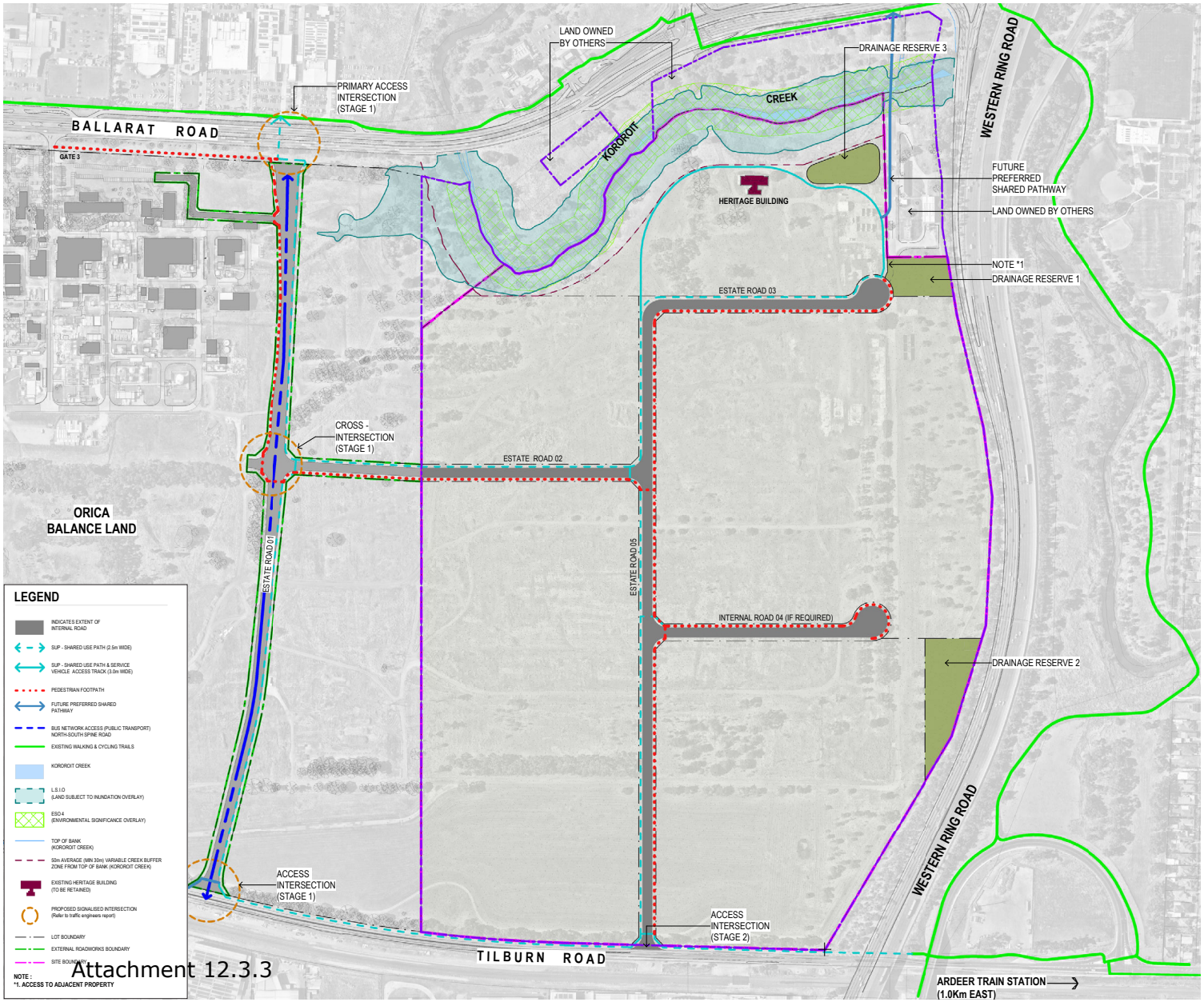
4.0 The Development Plan (cont.)



Attachment 12.3.3

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4.0 The Development Plan (cont.)

4.4.2. Signalised intersections

The following three new intersections are proposed which will provide safe vehicle access to and from the estate.:

> New signalised intersection between Ballarat Road and the north-south connector road

> New signalised intersection between Tilburn Road and the north-south connector road

> New intersection to Tilburn Road and the internal road network

The final design and construction of each intersection will be subject to planning approval when the site is developed in stages.

4.4.3. Pedestrian & bicycle movement

A strong theme of the employment estate is to encourage safe pedestrian and bicycle movement throughout the site. As such, a 2.5m wide shared path is designed along all proposed main roads (apart from internal road 04) and also within Precinct 1. The shared path will also connect with the surrounding bicycle path network which will allow for a connection with the existing pathway that is on the north side of Tilburn Road, adjacent to the Western Ring Road overpass and the footpath that is on the north side of Ballarat Road via the new signalised intersection.

4.4.4. Potential Rail Corridor

DPO16 makes reference to the need to consultant with the Department of Transport to see if the identification of a railway corridor, generally along the eastern boundary of the site to connect to a future Western Interstate Freight Terminal Facility, is required. Following consultation the Department of Transport, it has been confirmed that a railway corridor on the site is not required.

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4.0 The Development Plan (cont.)

4.5. LANDSCAPING

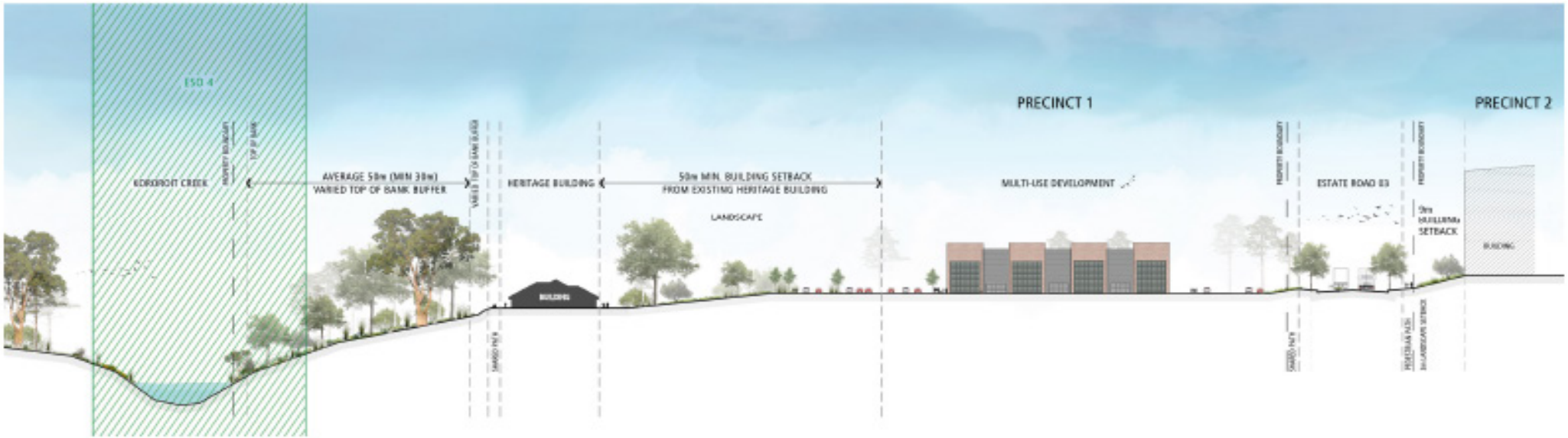
A well designed Landscape Master Plan has been prepared by Human Habitats in support of the proposed Development Plan. The Landscape Master Plan seeks to ensure the future development of the site will create a sense of place and community. The site will foster connectivity along streetscapes, promoting a vibrant and attractive public realm through the use of natural elements that are complementary to the surrounding area. Significant canopy tree planting is proposed throughout the future public realm and all proposed trees will be from Council's preferred planting list.

The Landscape Master Plan outlines how the site will retain a 30 metre buffer to Kororoit Creek and ensure the landscape character within Precinct 1 is respectful and compliments both the existing heritage building and Kororoit Creek.

4.5.1. Existing Trees

An Aboricultural report has been prepared by John Patrick which has assessed all existing trees on the site that are over 3m in height. Majority of the existing trees on the site have a health value of either fair or poor.

Until the detailed design has been prepared for each stage of the estate, it is currently unknown exactly which trees will be required to be removed. However, it can be confirmed that existing trees will be required to be removed where fill is proposed on the site as per the proposed earthworks (refer to Section 5 – Earthworks) as it is not feasible to retain trees in these locations. A priority will be to retain as many existing trees (including the heritage value trees) as possible within Precinct 1 given the amenity value will provide future employees who will visit this area.



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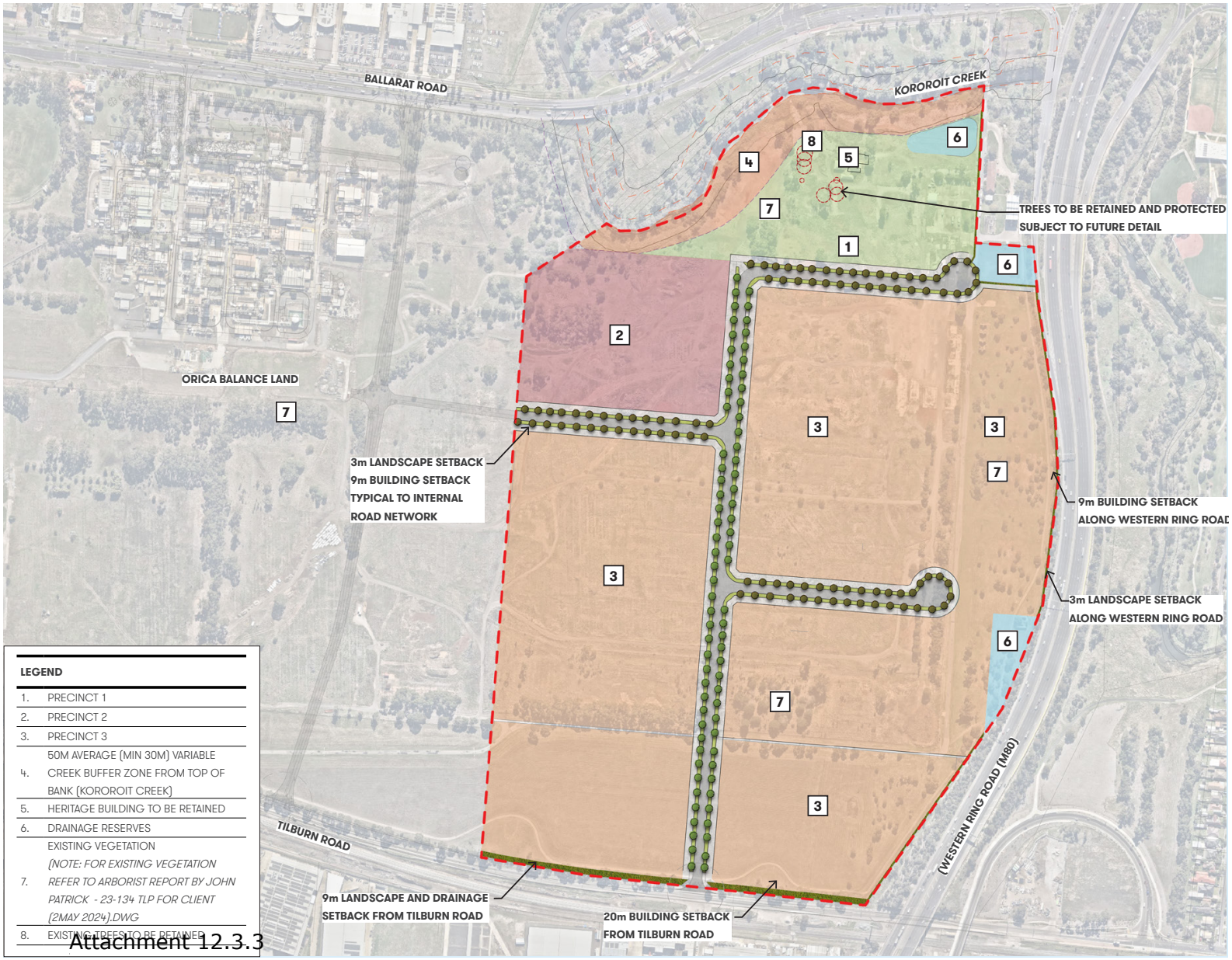
4.0 The Development Plan (cont.)



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4.0 The Development Plan (cont.)

4.6. STAGING

The Deer Park employment estate is proposed to be developed across 3 stages, over a 6-8 year period as outlined within the staging plan prepared by Watson Young. A summary of each of the stages is outlined below:

4.6.1. Stage 1

Stage 1 involves the delivery of the new north-south connector road that is outside the Development Plan area but which will also provide vehicle access to the employment estate. Two new signalised intersections where this road connects with Ballarat Road and Tilburn Road will also be constructed. Stage 1 will involve delivering Precinct 1 in the north which includes the refurbishment of the existing heritage building along with delivering the first stage of the development lots.

4.6.2. Stage 2

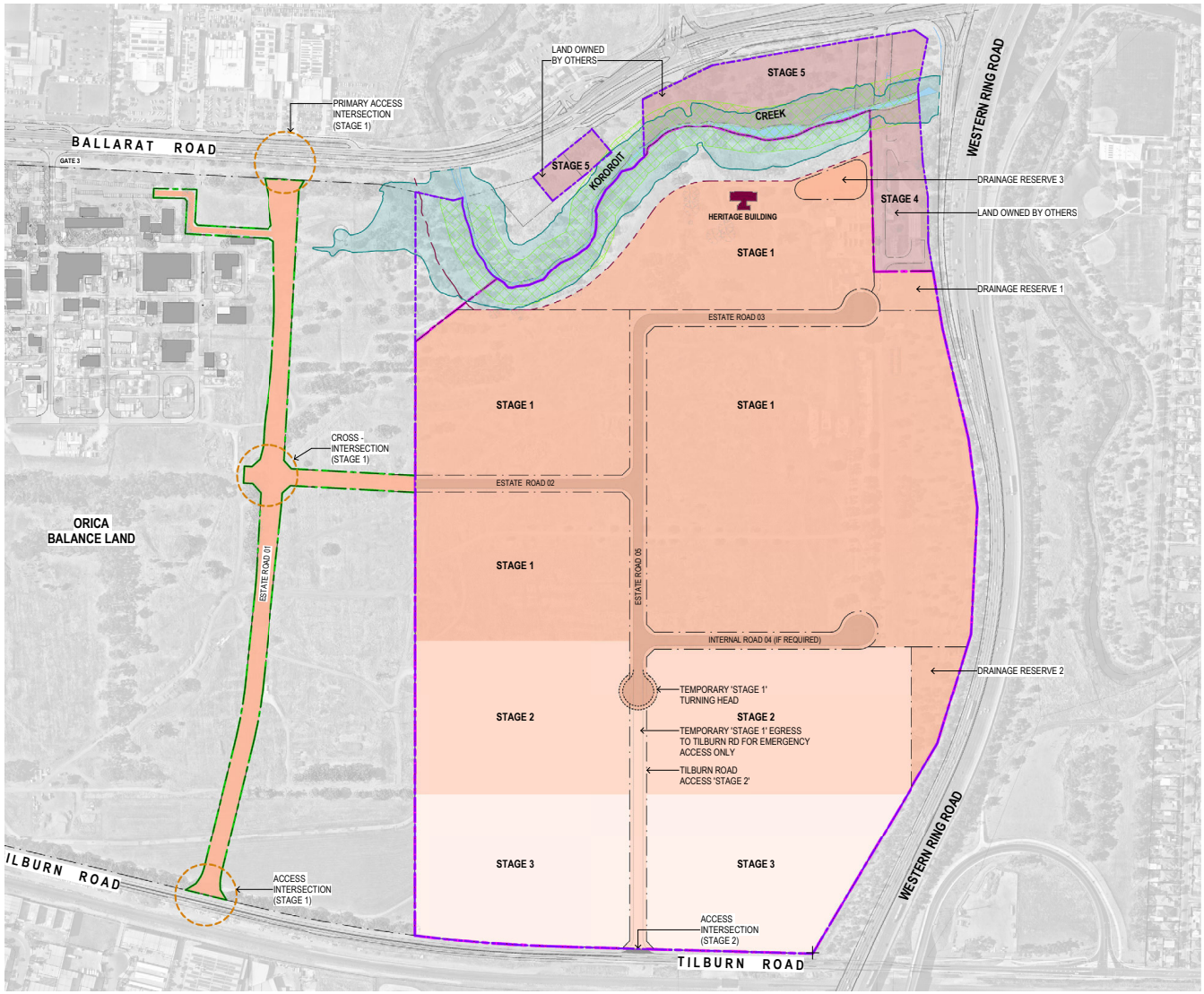
Following the completion of Stage 1, Stage 2 will involve extending the internal north-south connector road down to Tilburn Road where a new intersection will be constructed. Additional development lots will also be delivered south of Stage 1.

4.6.3. Stage 3

The final stage will complete the employment estate and involves the delivery of development lots abutting Tilburn Road.

4.6.4. Stages 4 & 5

Stages 4 & 5 are owned by other parties and are not currently proposed to be redeveloped. Should any of the land that is located within Stage 4 or 5 be proposed to be redeveloped, it would be expected that this Development Plan need to amended in order to address any proposed development.



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4.0 The Development Plan (cont.)

4.7. BIODIVERSITY

Nature Advisory has prepared a Flora and Fauna Assessment and this assessment concluded the following.

> Vegetation predominantly consisted of non-indigenous grasses and weeds.

> Planted vegetation existed on site which was non-indigenous Eucalypts.

> Native vegetation was limited to small patches of Plains Grassland and Plains Grassy Wetland in the south of the study area towards Tilburn Road and the woodland along Kororoit Creek to the north.

> 25 patches of scattered native vegetation were recorded on site.

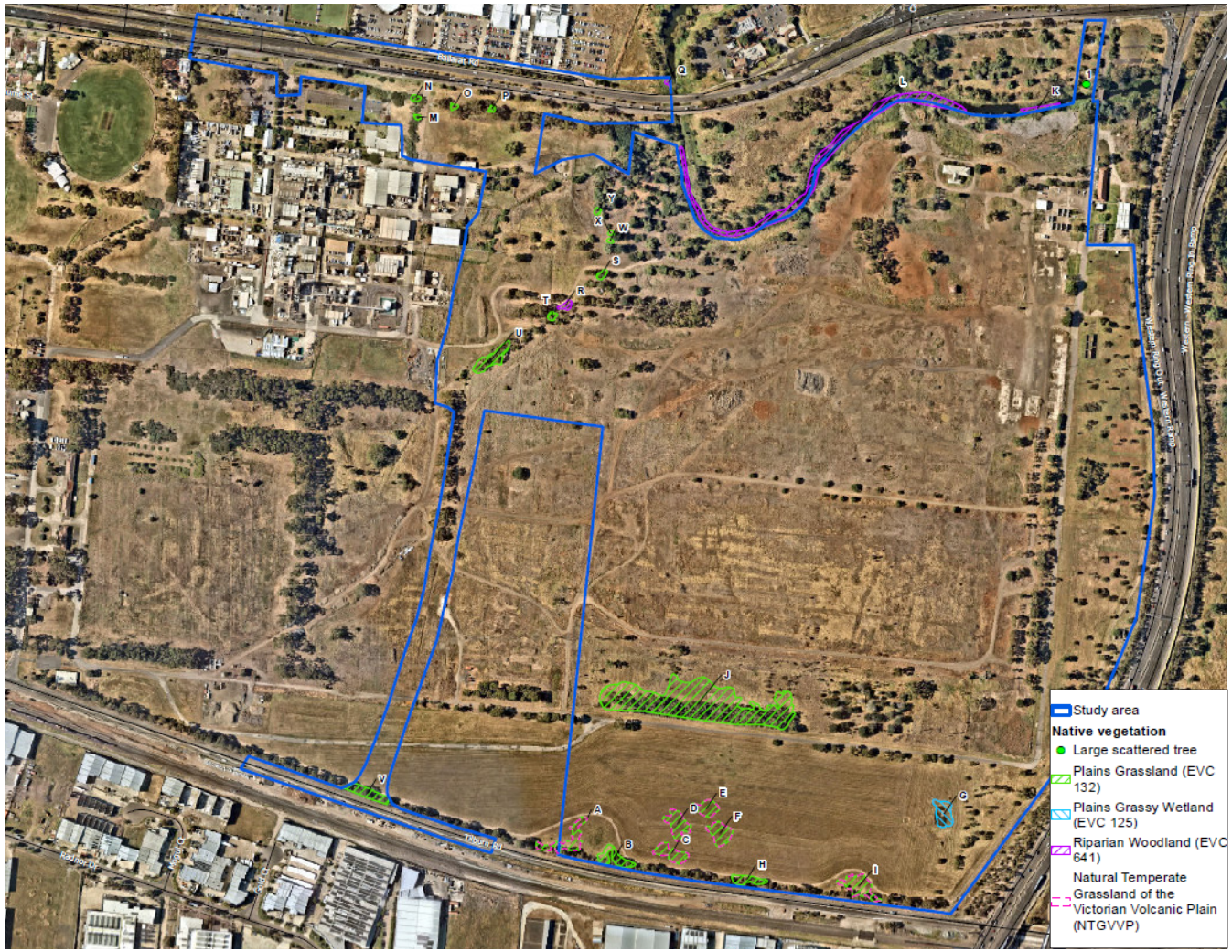
> Approval for the removal of any native vegetation would be sought under Clause 52.17 of the Brimbank Planning Scheme, where required.

> Any required offsets would be sought.

> The proposed 50 metre average vegetated buffer to Kororoit Creek will assist with the ongoing management of the Growling Grass Frog which is listed as a vulnerable species under the EPBC Act.

> Serrated Tussock and Artichoke Thistle were recorded on site and will be controlled in line with the Catchment and Land Protection Act 1994.

The Flora and Fauna Assessment was also peer reviewed by Biosis and the findings of their peer review were that the methods described in the Flora and Fauna Assessment are appropriate and on that basis the conclusions reported are considered to be a reasonable assessment of the ecological values of the site.



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4.0 The Development Plan (cont.)

4.8. HERITAGE

4.8.1. Cultural heritage

EMM prepared an Aboriginal and historical heritage compliance review in support of the proposed Development Plan. The report noted that the application area has been subject to an approved Cultural Heritage Management Plan (10825 – Golders Associates 2010) and the CHMP remains valid. The CHMP identified six (6) artefacts across the identified activity area and provided a number of conditions for the management of the site. Based on the proposed Development Plan there is an area which has not been subject to the management conditions of CHMP 10825, being 'VAHR 7822-2390 – Tilburn Road-2'. This Aboriginal place will need to be subject to salvage excavation and managed as per the conditions outlined in CHMP 10825 (Section 3.2.1) prior to works commencing for any proposed development in this location.

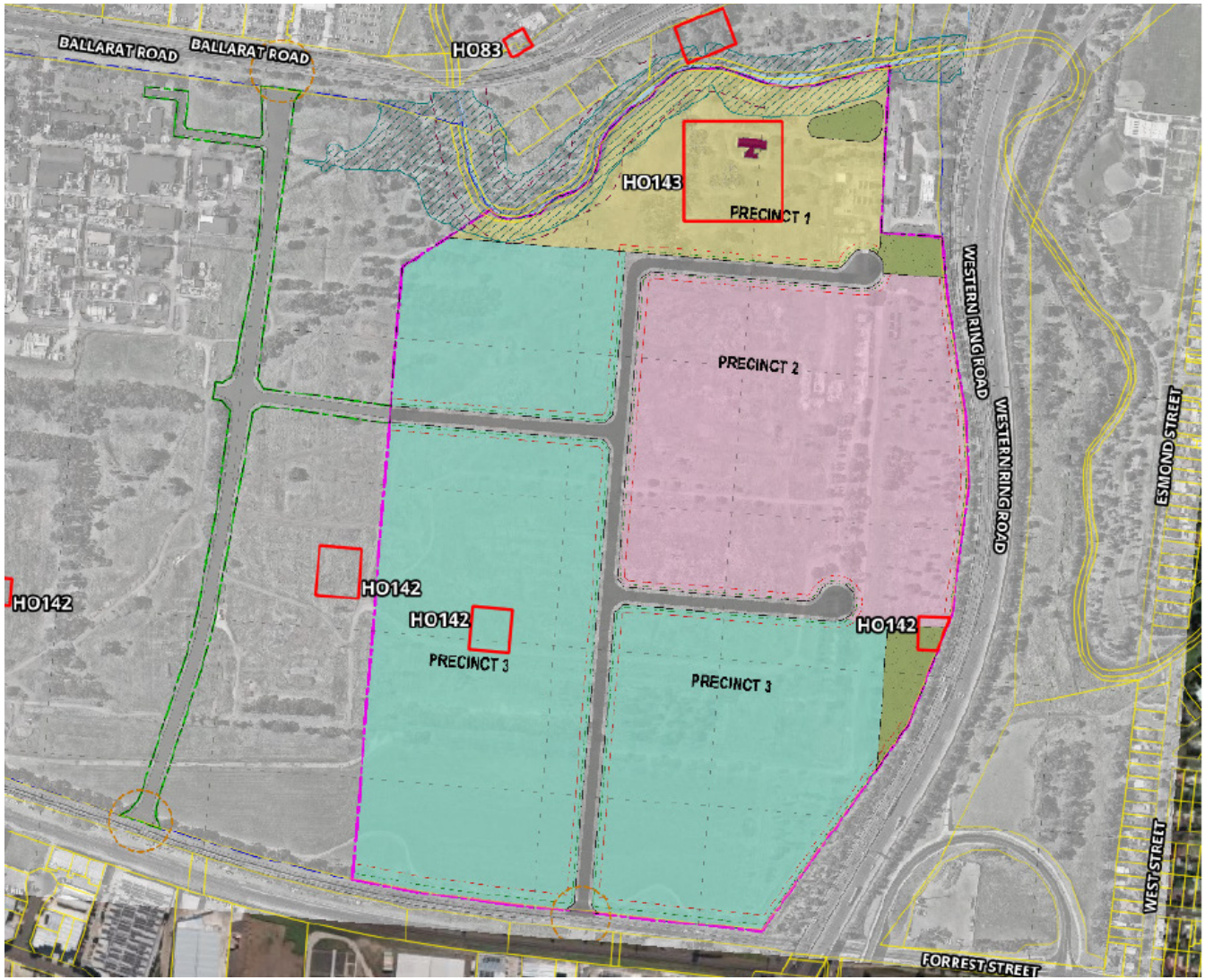
4.8.2. Historical heritage

The site has had a long history with industrial and chemical industries, generally related to explosives. Whilst many of these are no longer active, there remains the remnants of the site's history. This sites rich history runs through the fact it was the first plant for the manufacture of high explosives in Australia and maintained the leading site for explosives in Australia.

Existing on the site are the former ICI entry gate, Nobel Building and one explosive ordnance bunker. We note that there were previously a number of explosive ordnance bunkers on the site but these were removed as part of the site remediation works. The explosive ordinance bunker is located in an area proposed to be part of a drainage reserve under the proposed Development Plan and planning approval will be required for its removal.

In addition, there are a number of mature trees on site which are identified as having significance within the curtilage of the site. Where possible, the Development Plan will retain any trees of heritage significance.

The previously approved Heritage Interpretation Plan for the site is also proposed to be implemented as part of the future subdivision stages envisaged under this Development Plan and this includes interpretative gateway markers, themed street names and interpretative signage.



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4.0 The Development Plan (cont.)

4.9. STORMWATER MANAGEMENT

Arcadis have prepared a Stormwater Management Plan in support of the proposed Development Plan and it has been prepared to meet the following key requirements:

> Retardation of flows from the development back to existing/ pre-development levels for the 1%AEP event.

> Pollutant reduction targets in accordance with the Best Practice Environmental Managfement5 Guidelines (BPEMG) and Clause 53.18 of the Brimbank Planning Scheme for stormwater quality treatment:

> 70% removal of the Total Gross Pollutant Load (Litter)

> 80% removal of the Total Suspended Solids (TSS)

> 45% removal of the Total Phosphorus (TP)

> 45% removal of the Total Nitrogen (TN)

> Ensure that runoff from upstream external catchments, including the residual Orica land to the west, can be safely and efficiently diverted around the site to existing discharge points without creating any adverse effects on the proposed estate and surrounding properties.

It is proposed to meet the above requirements via a combination of stormwater quality and retardation assets, as well as a combination of pipe networks and open channels for conveyance of flows.

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4.0 The Development Plan (cont.)

4.10. SERVICES

Arcadis prepared an Engineering Infrastructure and Services Report in support of the proposed Development Plan. This report outlines the availability, location and capacity of existing servicing the site as well as proposed new services infrastructure. The bulk of the services infrastructure will be delivered as part of Stage 1 and includes the following:

> Potable water lead-in works

> Sewerage lead-in works

> Electrical services and relocations

> Stormwater drainage works including open channel and culverts

4.10.1. Sewerage

> Greater Western Water (GWW) is the responsible authority for the provision of sewer reticulation to the site.

> Sewerage infrastructure exists for the site and the report prepared by Arcadis outlines the possible options to connect to the existing infrastructure as required for the future development of the site.

> Ongoing consultation with GWW will provide an ultimate servicing solution.

4.10.2. Water Supply

> Greater Western Water (GWW) is the responsible authority for the provision of water reticulation to the site.

> There are a number of existing mains that connect to the site. Consultation with GWW has determined that there is sufficient capacity within their surrounding infrastructure to service the proposed Development Plan.

> Ongoing consultation will determine the details surrounding the ultimate servicing solution.

4.10.3. Gas Supply

> AusNet is the responsible authority for gas reticulation to the site.

> Existing gas infrastructure exists in the site and in the vicinity of the site.

> The abandoned gas pipes that run north-south will be removed.

> The existing methanol pipe running east-west will be removed unless Orica still require it, then it will be re-located.

> Infrastructure in the site is not currently in use, however, can be reinstated if required.

> At the time of preparing this Development Plan, preliminary servicing advice had been requested from AusNet, however they have yet to respond.

4.10.4. Electrical

> Powercor is the responsible authority for electrical reticulation to the site.

> The site has extensive HV network on all sides of the property. The site also has an internal HV network.

> According to the incumbent electrical consultant (Balpara) in consultation with Powercor, supply will be brought in via existing feeders.

4.10.5. Telecommunications

> NBNCo is the responsible authority for the provision of a telecommunications network to the site.

> A number of existing telecommunication networks are present in the vicinity of the site.

> NBN have advised that there is no issue with supply to the site.

> A communications pit and pipe network will be extended throughout the estate roads and in the precincts to service future lots.

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4.0 The Development Plan (cont.)

4.11. HEALTH & SAFETY

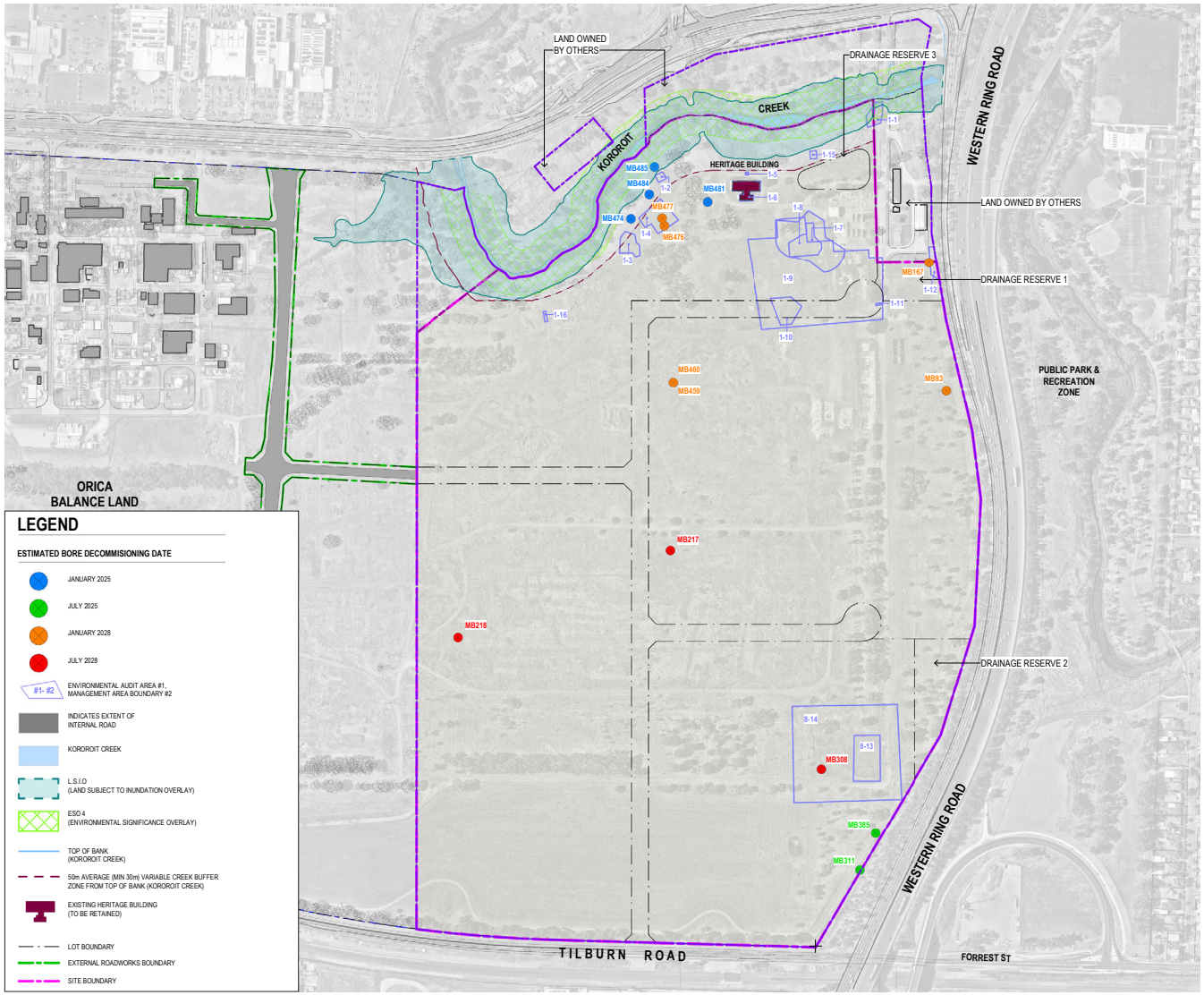
4.11.1. Advisory areas

To the west of the subject site is Hexion Pty Limited which operates a manufacturing facility and is classified as a Major Hazard Facility (MHF). A report has been prepared by Arriscar to assess the risk to the proposed Development Plan. The report concluded that most of the development area would be free from injury should an accident at the nearby MHF occur in a worst case scenario. This was measured from the boundary of the MHZ site and not the source of the hazard. Arriscar also determined that the 100m inner advisory area and 300m outer advisory, which were assessed when the land was rezoned to Commercial 2 Zone, to still be appropriate. However, they have also undertaken their assessment on WorkSafe's more conservative inner and outer buffer areas.

The Development Plan has carefully considered its location near a MHF and has ensured that there are no sensitive land uses (eg. Residential, retail) supported within the site. The proposed land uses within each of the precincts are in line with what Worksafe would support. The food and drink premises identified within Precinct 1 are primarily aimed at servicing the employees working within this estate and are not targeted to the general public. These tenancies will only operate during normal working hours. Further, the food and drink premises will not contain any convenience restaurant tenancies with drive-thru facilities.

The restricted retail and office land uses which are also identified within Precinct 1 will not be significant in floor area and are more supplementary to the primary use on the site which is warehousing.

Given part of the Development Plan area is located within the inner advisory area of the MHF, Arriscar has provided a range of recommendations to assist with reducing risk on the site. This includes ensuring that the location of the food and beverage premises within Precinct 1 are outside of the inner advisory area. In addition, the report recommends that all future businesses / development include an Emergency Management Plan in the event of an accident. Any Emergency Management Plan will include the shelter in place strategy which is the preferred strategy for this estate should an incident occur with the MHF.



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4.0 The Development Plan (cont.)

4.11.2. Odour

EMM have prepared an Odour Risk Assessment in support of the Development Plan. The report assessed the impacts of the nearby industries at the Orica factories in line with the requirements of the Development Plan Overlay affecting the site. Overall, the assessment concluded that there was a low chance of potential odour impacts to be experienced at the site.

4.11.3. Existing site monitoring

WSP Australia has prepared an environmental summary which provides an overview of the environmental assessment, remediation and Environmental Audits undertaken at the site which have been completed in accordance with Section 53X of the Environment Protection Act 1970 (EPA 1970).

A number of remediation works have either been completed, are underway or will be undertaken to manage residual risk to the relevant environmental values in a commercial / industrial setting. As part of the Development Plan, specific control measures will be undertaken which include:

> A Site Manager will be responsible for the implementation of any required control measures.

> The appointment of an Environmental Consultant to advise and review the control measures as required.

> Raising the site levels to an average of 2.00m as part of the earthworks strategy to manage surface water which will reduce residual risk by increasing the depth of excavation that would be required to encounter residual contamination below the top of rock. This would reduce the risk of occurrence as part of the Development Plan and ongoing development of the site.

> In addition, the rise in site levels will also reduce the residual risk by increasing the depth of excavation above the top of rock. This would reduce the risk of occurrence where there may be contamination risk in soil.

> Undertake a number of assessments such as vapour and explosive risks.

> Ensuring that the existing monitoring bores are always accessible for Orica until their decommissioning dates.

Overall, the site has undergone extensive remediation works and ongoing management measures have been prepared for future occupants of the site.

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5.0 Earthworks

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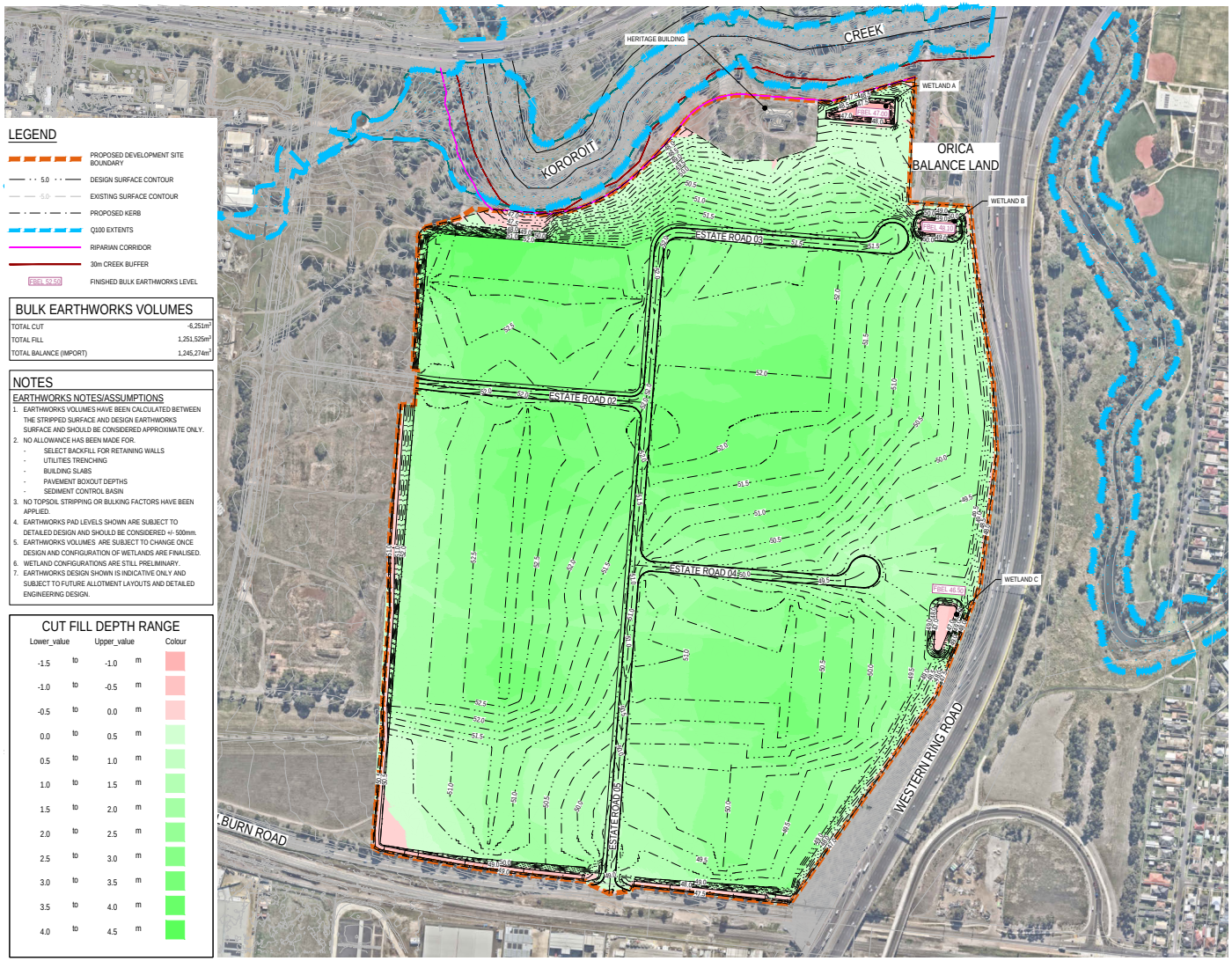
5.0 Earthworks

Earthworks will be required to be undertaken across the site in order to create a suitable finished surface levels for each of the proposed precincts, estate roads and drainage reserves. Due to the presence of a shallow rock layer (generally between 0.5-1.5m deep) which holds residual contamination from the historical uses on the site, the proposed earthworks strategy prepared by Arcadis involves importing fill from off-site sources to raise site levels. This will assist with keeping underground services, pavements and footings out of the rock layer and allow for overland flow towards the perimeter of the site.

All imported fill material will need to comply with EPA clean fill requirements and Brimbank City Council specifications. Placement and compaction on site will be undertaken under Level 1 geotechnical supervision and testing.

Further refinement of the fill quantities will occur during the detail design phase of each stage. It is also noted that earthworks pad levels have been designed to ensure suitable freeboard above the Kororoit Creek 1%AEP level, which is approximately 45.6mAHD. With all adjacent pad levels sitting above 48mAHD, there is sufficient flood immunity available, including when allowing for climate change factors.

Importantly no earthworks are proposed within the 50m (average) creek buffer zone to the top of the bank of Kororoit Creek.



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This Development Plan provides the land use and built form guidelines for the future development of the site at 765 Ballarat Road, Deer Park. It has been prepared having regard to the provision of Schedule 16 of the Development Plan Overlay in consultation with relevant stakeholders and adjoining land uses and provides a framework for the revitalisation of disused vacant land into a thriving new employment estate for Brimbank.

6.0 Conclusion

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Attachment 12.3.3

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watson young

Deer Park Estate Design Guidelines

Prepared for: HB+B Property

Prepared on: 09.05.2024 Revision: Rev J

Reference: 23026

HBB PROPERTY®

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Introduction

Estate Vision

The vision for the estate is to create a state-of-the-art logistics and warehouse precinct. Surpassing other premier business parks, The Deer Park Estate address, prominence and proximity to arterial road networks will be key to attracting premium world-class tenants. Being situated on the Western Ring Road Junction & Ballarat Road not only visibly commands your attention, but also provides confidence that efficient logistical access to supply chain destinations are conveniently achievable, from entry and exit points of the estate.

Whilst maximising the efficiency of the site, the main focus of the master plan will be to provide flexibility in the use, size and scale for the built form outcome. The site will enable employment opportunities in construction and operational jobs. Driving this vision was the acknowledgment of the underlying demand of dedicated logistics and distribution centers in western Greater Melbourne.

Whilst land supply is currently constrained, we believe the site is a great opportunity to support specific high-tech logistics such as High-Bay manufacturing, e-commerce focused spaces, cold store solutions along with bespoke market opportunities such as Data Centres given the short distance to the Sunshine Zone Substation.

Utilising a mix of natural materials accompanied with formal and informal native landscaping, along with way-finding and historical heritage displays designed with indigenous acknowledgment, this thriving precinct will offer a place-making experience for not only estate employees but also for the wider community to utilise.

A strong focus was placed on creating a flowing estate road network allowing lot size flexibility, along with combining tree lined shared cycle paths and dedicated pedestrian access connections. It is envisaged this access arrangement will allow a direct link to external transport infrastructure creating an engaging estate with the surrounding community.

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Introduction

Objective of the Guidelines

Deer Park, a central municipality within Victorian Planning Authority's West Growth Corridor Plan, is well placed to take advantage of the western corridor's growing infrastructure network. The proposed Deer Park Estate forms a key employment zone towards the south east end of this municipality, and is bounded by Kororoit Creek to the north, Tilburn Road to the south, Western Ring Road to the east, and Orica balance land to the west. There is also a heritage overlay (HO143) to the northern interface along Kororoit Creek, including a historical building together – which presents a tremendous opportunity to work with these local assets and sensitively integrate the built and natural forms of this environment.

Deer Park Estate aims to be a vibrant and sustainable employment hub with a focus on worker amenity, displaying a high and consistent standard of industrial development through quality urban design of buildings, hard surfaces, and landscaping.

This Design Guidelines document provides a framework for assessment aligning with the City of Brimbank's Industrial Design Guidelines' key objectives:

- To support renewal and appropriate industrial subdivision and development.
- To encourage high quality design that responds to local conditions.
- To improve the visual appearance and amenity of industrial land for workers, visitors and the local community.
- To encourage the protection and enhancement of local biodiversity values and ecological systems.
- To encourage industrial land use and development that contributes to the tree canopy coverage across the municipality.
- To demonstrate how applicants may meet the environmental design and storm water management objectives of the Brimbank Planning Scheme.
- To provide infrastructure that is consummate with modern industrial development.
- To ensure places or objects of local heritage significance and Aboriginal cultural heritage are appropriately considered and addressed within Industrial Areas.
- To provide a clear framework for decision making.

Application of the Guidelines

The Guidelines provide developers and designers direction on the design, site layout and future management which emphasises quality in all aspects of the design and delivery process. These Guidelines are to be used in conjunction with Brimbank City Council's Industrial Design Guidelines and Brimbank Planning Scheme for any planning permit applications within the Deer Park Estate.

Should any inconsistencies between these Deer Park Estate Guidelines and the Brimbank Industrial Design Guidelines occur, these Guidelines shall prevail to the extent of the inconsistency.

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Land Use

Objectives

- To create suitably sized allotments that are functional, accessible and contribute positively to future streetscapes and enhance the local character.
- To provide for a diversity of lot sizes and enable flexibility within allotments to cater for a range of industrial and business uses.
- To ensure lots are of an adequate size to protect environmental and landscape features and respond to the site's constraints and features.
- To maximise passive solar design through the orientation of allotments.

Lot Design

The proposed land use in Deer Park Estate is guided by the provisions of the Brimbank Planning Scheme and the Brimbank Industrial Guidelines.

Figure 01 provides a layout direction of the proposed guidelines, with respect to location, size, height and usage type. Overall site to include a variety of lot sizes.

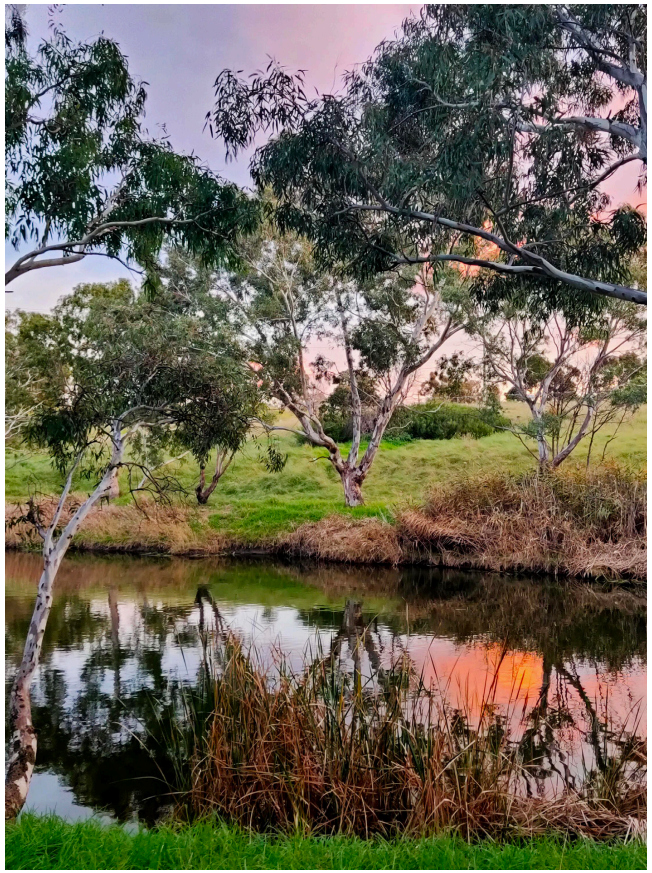
Lot sizes within Precinct 1 will be of the smaller size (starting at 500sqm), accommodating built form up to 10m in height. Precincts 2 & 3 will contain larger lot sizes (minimum 20,000sqm) containing higher built form up to 40m in height (Precinct 2).

Lot sizes are to be of an adequate size and dimension, to enable objectives contained in these Design Guidelines to be satisfied for future development.

Applicants will be required to demonstrate that a suitable building envelope can be achieved whilst satisfying the Setback, Landscaping, Access and Built Form objectives and guidelines.

Lots should be regular in shape to provide for efficient use of land and enable a range of industrial and business uses to be accommodated on the lot.

Orientate allotments so that buildings can capture views to surrounding landscape.



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Land Use

Legend

INDICATES EXTENT OF INTERNAL ROAD

PRECINCT 1

WAREHOUSE, RESTRICTED RETAIL, OFFICE, FOOD AND DRINKS

LOT SIZE RANGE	MAX HEIGHT
Heritage, drainage reserve 3, Environmental setbacks & LSIO : 22,360m2	N/A
Lot/s Light Industrial approx :500m2-62,600m2	10m

PRECINCT 2

WAREHOUSE AND DATA CENTRE

LOT SIZE RANGE	MAX HEIGHT
Lot/s approximate 20,000m2 - 178,000m2	40m

PRECINCT 3

WAREHOUSE

LOT SIZE RANGE	MAX HEIGHT
Lot/s approximate 20,000m2 - 166,000m2	25m

VARIABLE CREEK BUFFER WIDTH

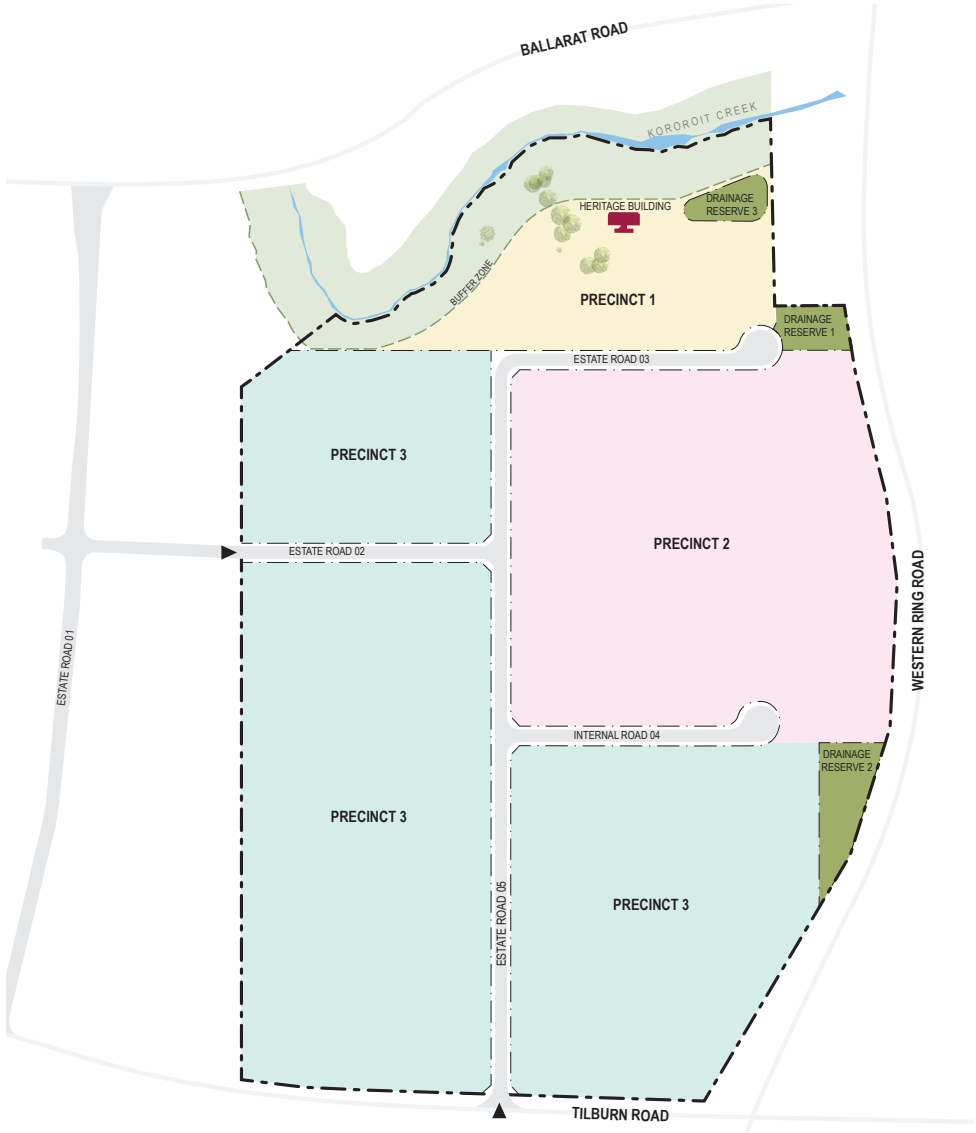

FIGURE 01: Estate Precinct Plan

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Land Use

Heritage

Significant Views

Strategy of landscaping and public infrastructure around the heritage building to be in accordance with [Figure 02] Precinct 1 Framework Plan. Significant sight lines of the heritage building's northern face, including the roundel logo and architectural motifs, must be preserved. Also refer to the EMM report for further details.

Alterations and Additions to Heritage Building

- Alterations and additions should maintain the building's architectural integrity and character and be sympathetic to the heritage place in terms of scale, bulk and setbacks.
- Alterations and additions should not obscure, alter or remove original features and details that contribute to the significance of the heritage place.
- Alterations and additions should be distinguishable from the original building and should use cladding, materials, colours and finishes that complement the existing heritage building.

New Buildings Adjacent to Heritage Building

Deer Park Estate Precinct 1 – all works adjacent to the Heritage Overlay protected area should prepare a Heritage Impact Statement, addressing the questions outlined in the Brimbank Planning Scheme's Design Guidelines.

Deer Park Estate Precinct 1 – all developments should feature the neighbouring areas of protection, including the identified Heritage Building, Kororoit Creek, and associated protected trees.

- New buildings adjacent to heritage building should have regard to the heritage building's statement of significance when considering a design response.
- New buildings adjacent to heritage buildings should respect the scale, form, siting and setting of the heritage building.
- New buildings adjacent to heritage building should not obscure views of the principle façade/s or identified significant features of surrounding heritage buildings from the public realm.
- New buildings adjacent to heritage buildings should use cladding, materials, colours and finishes that complement the existing heritage building/s.
- New buildings adjacent to heritage buildings should employ a contemporary yet contextual design approach.

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Land Use

Precinct 1 Framework Plan

Legend

- EXISTING BUILDING
- PRECINCT 1
- PRECINCT 2
- PRECINCT 3
- LOW SCALE BUILT FORM
- SITE BOUNDARY
- PRECINCT BOUNDARY
- PEDESTRIAN PATHWAY
- SHARED PATHWAY
- FUTURE PREFERRED SHARED PATHWAY
- KEY PEDESTRIAN LINK
- VEGETATION ZONE
- EXISTING SIGNIFICANT TREES RETAINED
- HERITAGE INTERFACE
- SIGNIFICANT HERITAGE VIEW LINES
- SENSITIVE HERITAGE INTERFACE: MAINTAIN CLEAR VIEW OF HERITAGE BUILDING
- 50M MIN BUILDING SETBACK FROM EXISTING HERITAGE BUILDING
- SENSITIVE CREEK INTERFACE. AVERAGE 50M (NO LESS THAN 30M) BUFFER ZONE TO TOP OF BANK

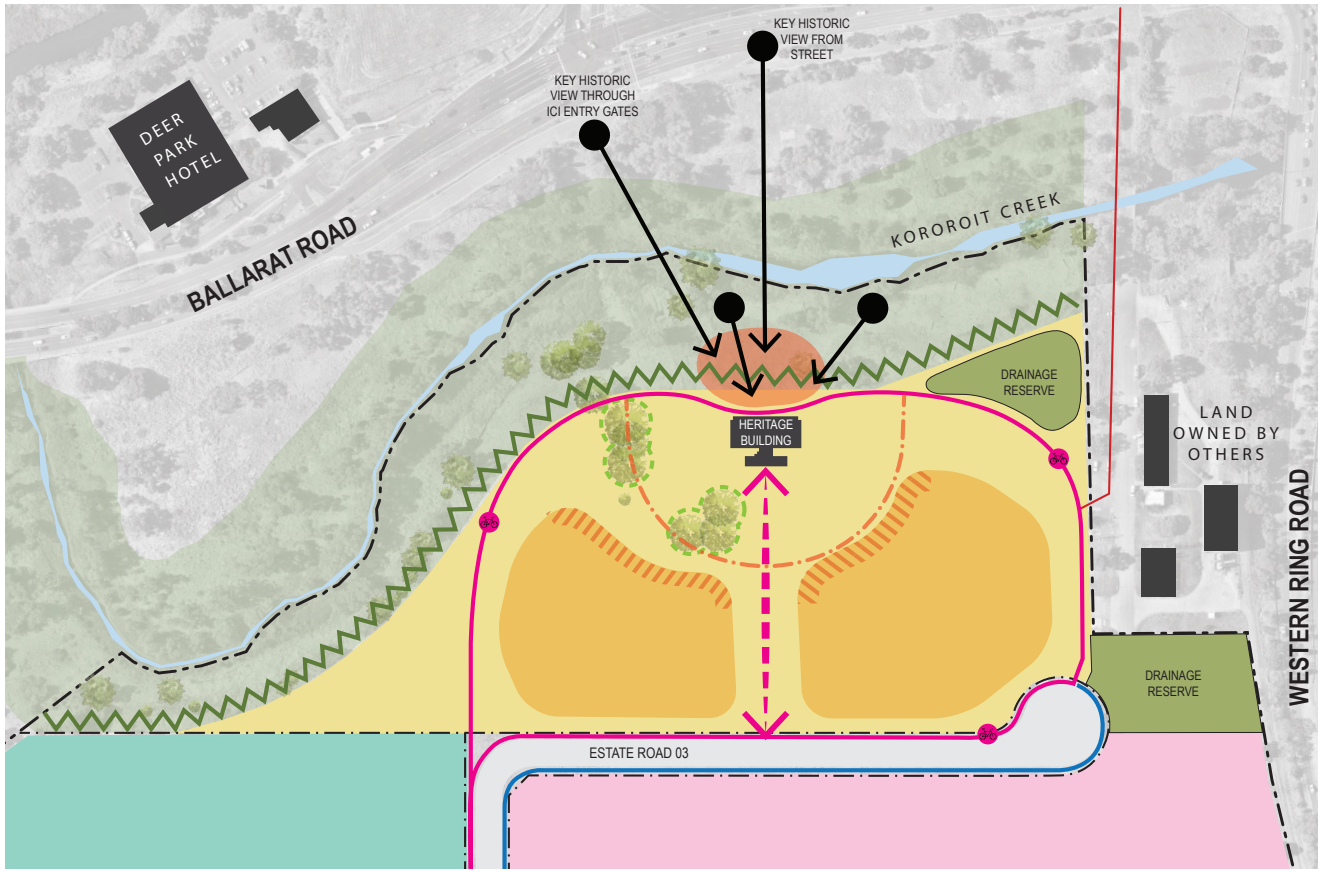

FIGURE 02: Precinct 1 Framework Plan

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Built Form and Massing

Interfaces

- To enhance interfaces with public open space, areas of environmental significance and other sensitive interfaces.
- To enhance street-scape amenity and interfaces through landscaping.
- To ensure new development responds appropriately to key/ sensitive interfaces such as; main roads, nature reserves, drainage reserves and easements, public open space, areas of environmental significance, railway lines, creeks and residential areas.
- Design the street network to facilitate buildings that address areas of the public realm (such as streets, waterways, railway lines and public open space) to improve passive surveillance and avoid unsightly blank interfaces.
- To ensure colour palettes used are appropriate to the locality and sensitive interfaces.

Setbacks

- To provide adequate distance between development and road alignments.
- To provide visual screening via landscape buffer.
- No buildings or retaining walls are permitted to be constructed within the area of Precinct 1 that is covered by the LSIO, or within the average 50m (min 30m) buffer zone of the top bank of Kororoit Creek refer to Figure 01.

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Built Form and Massing

Setbacks

Tilburn Road Interface

Landscape setbacks along Tilburn Road Interface must be a minimum of 9m.

Building setbacks along Tilburn Road must be a minimum of 20m.

Buildings fronting Tilburn Road are to be in the order of 10-25m in height.

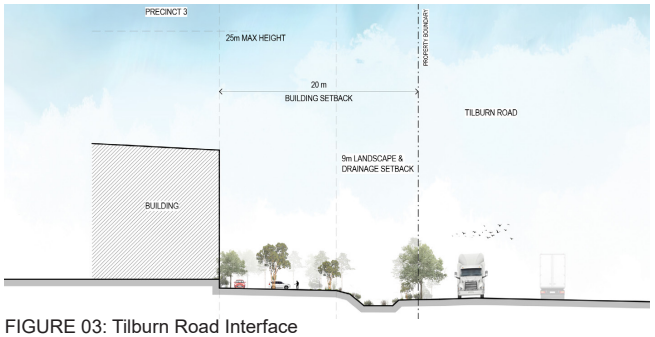


FIGURE 03: Tilburn Road Interface

Western Ring Road Interface

Landscape setbacks to the Western Ring Road interface must be a minimum of 3m.

Building setbacks along Western Rind Road must be a minimum of 9m.

Buildings should not exceed 25m in height along the Western Ring Road boundary refer to figure 04.

Buildings above 25m in height must be setback from the Western Ring Road boundary at a minimum of 30m.

Buildings within Precinct 2 must not exceed 40m in height.

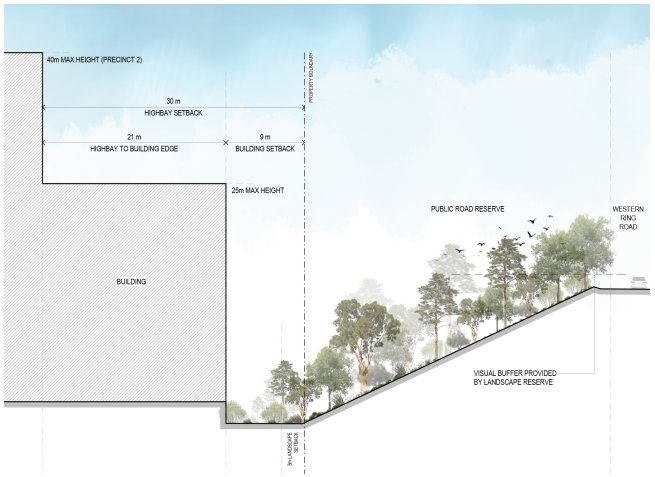
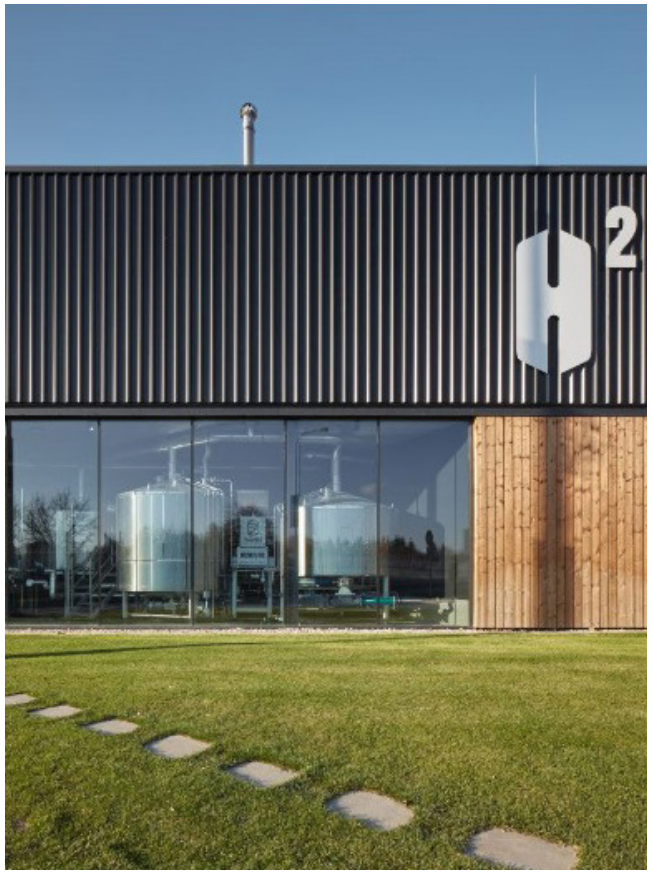


FIGURE 04: Western Ring Road Interface



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Built Form and Massing

Setbacks

Typical Road Interface

Shared & Public Path

Buildings should be setback a minimum of 9m from internal streets.

A minimum of 3m of the front setback must be provided as landscaping.

Encroachments into this setback by balconies, roof canopies, signage and other architectural elements or minor structures are allowed, subject to context and design merit.

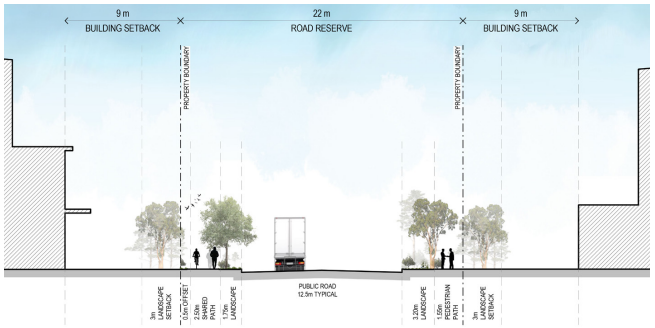


FIGURE 05: Typical Road Interface - Shared & Public Paths

Public Path Only

Buildings should be setback a minimum of 9m from internal streets.

A minimum of 3m of the front setback must be provided as landscaping.

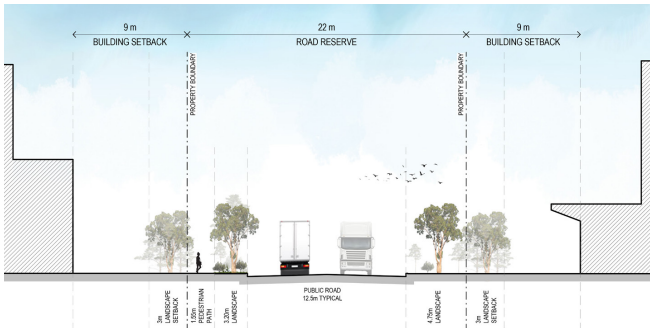
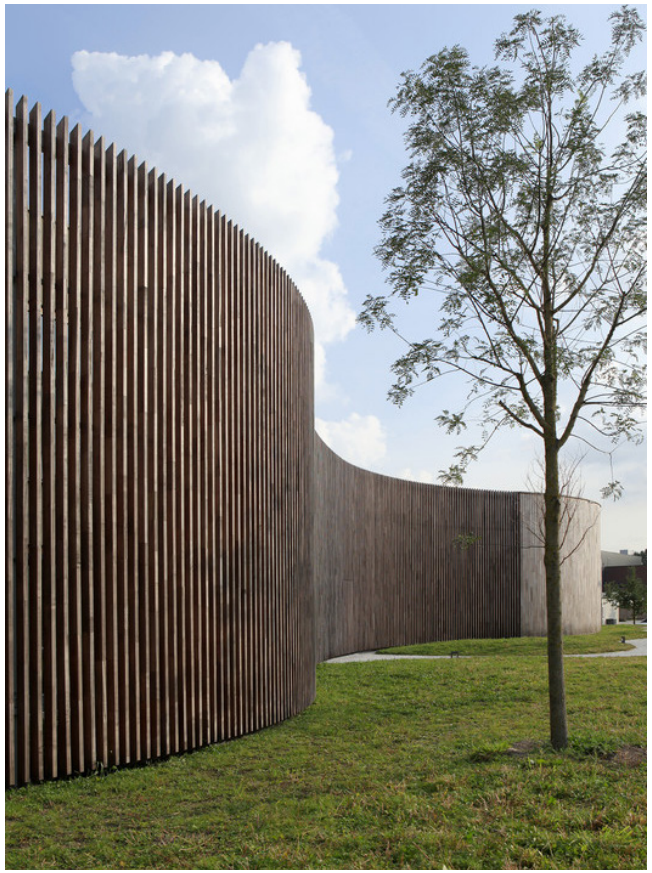


FIGURE 06: Typical Road Interface - Public Paths



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Built Form and Massing

Setbacks

Kororoit Creek to Heritage Interface

Provide average 50m (min 30m) variable buffer width.

Land Subject to Inundation Overlay in areas towards Kororoit Creek

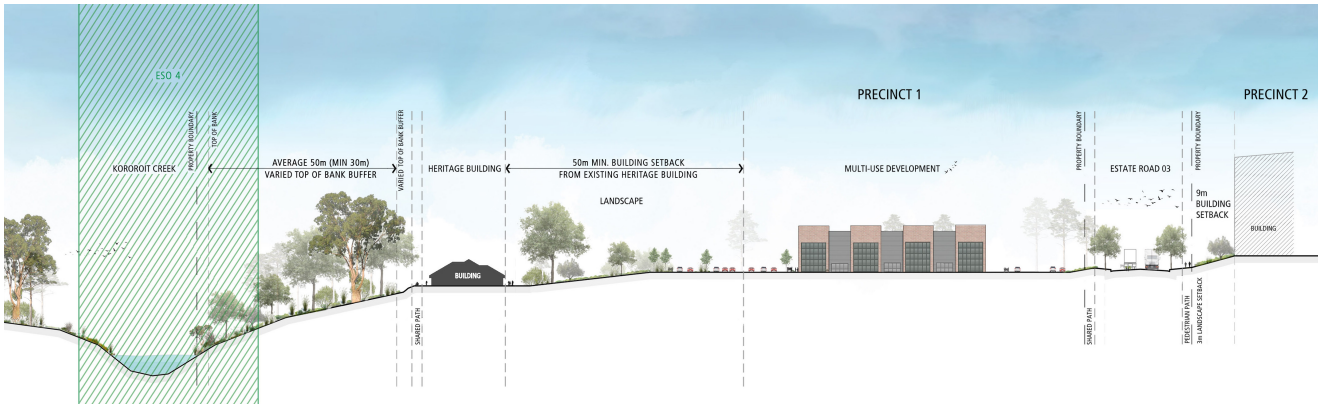
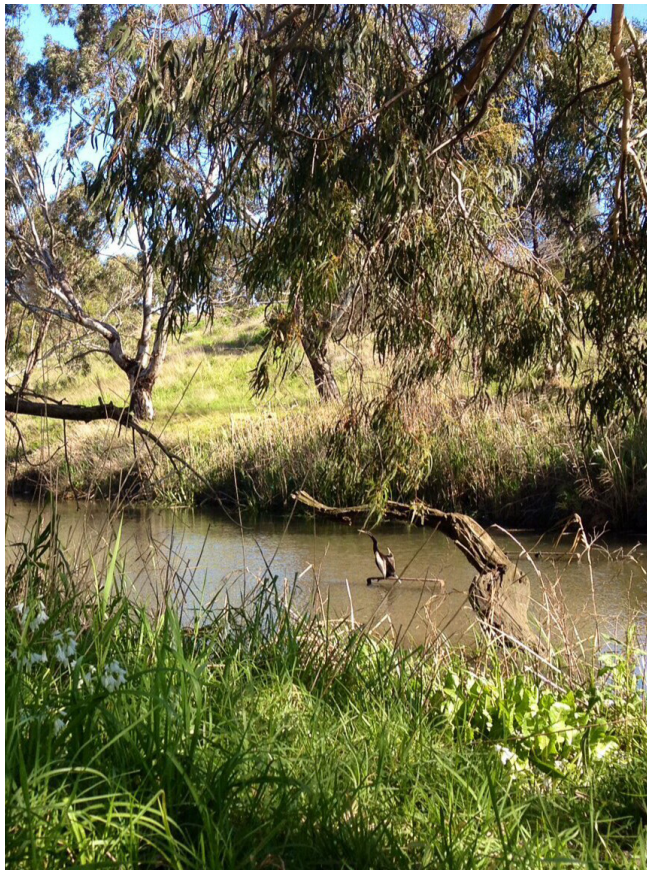


FIGURE 07: Creek & Heritage Interface Section



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Built Form and Massing

Building Heights

Buildings heights across the estate will vary depending on the precinct and site interfaces. Precinct 1 will contain smaller scale buildings up to 10m in height which take into consideration the creek and heritage building interface. Precinct 2 which has minimal sensitive interfaces is identified for buildings up to 40m in height. Any built form within this precinct that is above 25m in height will be appropriately setback back from lot boundaries. Precinct 3 is earmarked for buildings up to 25m in height.

Refer also section Building Setbacks for height limitations.

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Building Design

Environmentally Sustainable Design

The vision for Deer Park Estate is to deliver an estate development with buildings that have lower greenhouse gas emissions, consume less water and reduce waste to landfill, offering better quality indoor environments that are more resilient to the impacts of climate change. By delivering on this commitment, it will help future-proof these assets and reduce the cost of occupancy, create more engaging social spaces, and improve the functionality of the workplace.

We encourage industry leading practices that consider the comfort and well-being of both the building occupant and the surrounding environment, such as:

- Installation of solar photo-voltaic (PV) roof top systems.
- Installation of fixed shading to prevent heat load from direct sunlight and glare into workspaces.
- Good levels of daylight, thermal performance and glare control for building users.
- Lighting (internal and external) – energy efficient LED light fittings to buildings. Installation of dimmable or daylight sensor LED lights to reduce unnecessary use of electricity.
- All roof sheeting to colour to contain a Solar Absorptance rating of 0.45 or less is encouraged.
- Warehouse roof sheeting to contain a minimum of 10% clear/ translucent roof coverage, except where the product being stored does not allow natural light.
- Natural ventilation to warehouse spaces where appropriate, to reduce energy from mechanical ventilation.
- The rainwater tank(s) are to be connected to outdoor landscaping irrigation, WCs and/or other uses on site.
- The use of low embodied energy and sustainable materials.
- The provision of bicycle facilities such as secure bicycle racks, shower and change rooms is encouraged on all sites.

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Building Design

Development Siting & Facade Articulation

- Offices are to be oriented to best maximise solar access.
- Offices are to address the street frontage and provide passive surveillance of the street from within the offices.
- Usable landscaped outdoor staff areas must be provided.
- For corner allotments, buildings must provide feature treatments to ensure buildings address both street frontages.
- All buildings adjacent to public open spaces are to face or address these spaces.
- Avoid blank walls or large loading docks facing the heritage building, Kororoit Creek and the Western Ring Road interfaces. Building design and facades facing these interfaces should seek to reduce visual bulk by incorporating features such as:

  - Differing façade heights.

  - Façade delineation or material/colour variation.

- Large scale murals on side or rear building facades that are visible from public spaces are encouraged and should promote a positive image that reflects the history or identity of the place or community.
- Dynamic forms and accent materials should be incorporated at corners of prominent elevations.
- Corporate identification colours should be expressed with subtlety on the corners of warehouses and office components.
- Roof top building services must be appropriately screened.

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Building Design

Building Materials

Objectives

- To create attractive buildings and visual interest even where the intended use dictates a solid form or large expanses of blank façade.
- To reduce the environmental impact of materials used.
- To ensure colour palettes used are appropriate to the locality and sensitive interfaces.

Material & Colour Palette

- Industrial development tends to use high-volumes of certain materials, particularly concrete. The impact of materials can be reduced in the following ways:

  Concrete - Consider committing to the incorporation of Supplementary Cementitious Materials (SCM's) and/or use of recycled aggregate or water.

  Timber - Consider committing to sourcing all timber from sustainable managed sources that hold third party verification (e.g. FSC/PEFC 'Responsible Wood').

  Recycled content - Consider materials that include recycled content such as polyester insulation, recycled paving, bricks or timber.

- All concrete wall panels on side or rear facades must be painted or textured including where visible from a vacant site.
- Use of bright, bold colours in large portions or that are not compatible with the muted tones of the natural landscape are discouraged.
- Applications must provide labeled colour elevations or a colour and materials palette that clearly demonstrates the nature of the proposal.
- Deer Park Estate Precinct 1 – Loading door arrangement, type and material selection should be designed to be sensitively incorporated into the façade design. Examples such as glazed panel-lift doors that maintain the appearance of building glazing are encouraged.
- A palette of materials for all sites should be utilised that reinforce the natural landscape and enhance the character of the estate, such as timber and textured concrete. For Deer Park Estate Precinct 1 – also refer section Heritage.

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Building Design

Building Materials

Precinct 1 Materiality

New buildings adjacent to heritage buildings should have regard to the heritage building's statement of significance when considering a design response. Also refer section 'Heritage'

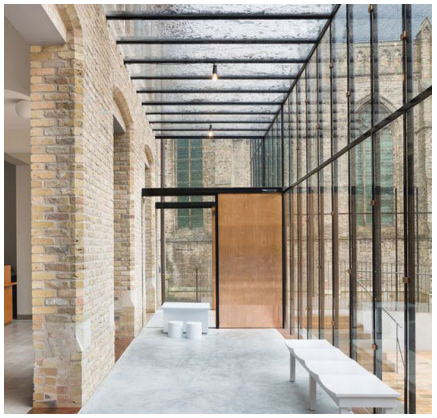
Building materials a features within Precinct 1 must employ a high degree of quality and integration into the building envelope.

Loading bays and associated doors must employ a high degree of quality and integration into the building envelope. High quality materials such as glass doors are encouraged.

Building façades to public road frontages should be articulated using architectural elements such as:

- Varying façade alignments and heights
- Variation in materials and patterns
- Regular breaks in materials and patterns

Timber and Textured Concrete



Recycled Brick for Heritage Incorporation

Recycled Brick for Heritage Incorporation

Heritage Building on Site

Glazed Panel Lift Doors

Glazed Panel Lift Doors

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Site Design

Vehicle Parking & Pedestrian Movement

- Provide a well-defined vehicle entry point for cars and trucks. Separation of car and truck movements is strongly encouraged.
- Provide paved pedestrian access from street footpath to main entrance of proposed building.
- Connect paved pedestrian access to bicycle parking zones.
- Visitor car parking should be convenient and proximate to the office entry, while also minimising visual dominance from the street through the use of landscaping.
- Car park areas should allow for the roll-out of electric vehicle (EV) charging.
- All traffic-able areas must but be sealed to the satisfaction of Council.
- Vehicle crossovers, including splay widths must be designed to suit the needs of the site, in line with Council guidance.
- Layout should be designed so that loading and servicing occurs at the side or rear.
- Avoid locating loading areas along boundaries adjoining sensitive uses.
- Estate roads to be designed and constructed to Councils standards to allow dedication of the roads to Council.
- Loading bays that are visible from the public realm should be obscured with canopy tree planting at the site frontage.
- All loading/unloading of vehicles must occur on-site.

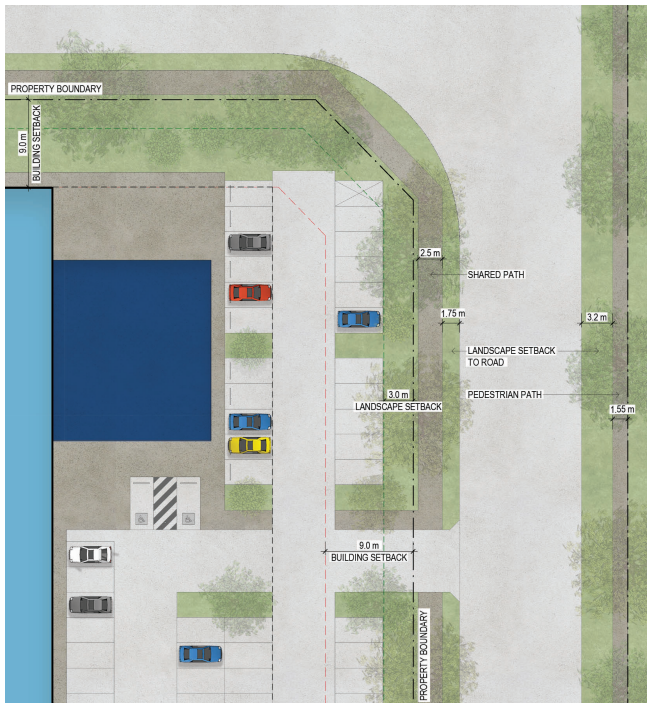

FIGURE 12: Parking and Pedestrian Movement Diagram

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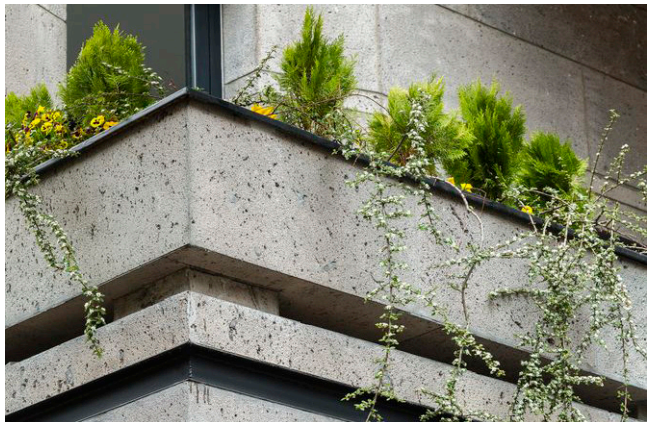
Site Design

Landscaping

The layout and quality of landscaping and WSUD (Water Sensitive Urban Design) within Deer Park Estate play an integral role in setting the estate vision and improving the overall amenity of the area.

To ensure the vision is achieved, the following landscaping objectives are identified:

- To create a sense of arrival/place through entry statements and considered planting.
- To enhance street-scape amenity and interfaces through landscaping.
- To ensure the selection of plant species is suitable for the location and context, and in line with Brimbank City Councils species schedule.
- To enhance local biodiversity values where possible.
- To reduce the urban heat island effect of development.
- Provide street tree planting and on-site planting.
- To encourage industrial land use and development that contributes to the tree canopy coverage across the municipality.
- To facilitate meeting the storm water management objectives of the Brimbank Planning Scheme



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Site Design

Landscaping

Water Sensitive Urban Design

Water Sensitive Urban Design (WSUD) must be incorporated into landscape designs and reflected on application plans. The extent of measures will depend on factors such as lot size, amount of developed versus undeveloped areas, existing natural/topographical features, average rainfall patterns, volume of predicted overland flows/flooding risk and maintenance requirements. Common WSUD assets include: Water tanks for the collection and re-use of rainwater/grey water to service landscaped areas.

- Water tanks for the collection and re-use of rainwater/grey water to service landscaped areas.
- Rain gardens (bio-retention basins, bio-retention swales or vegetated swales).
- Sand filters.
- Constructed wetlands, ponds or shallow lake systems.
- Sedimentation basins.
- Tree pits.
- Infiltrations measures and gross pollutant traps (GPTs).
- Permeable pavements and asphalt to be considered to assist with detention of storm water. High traffic areas and areas with large loads may not be appropriate.

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Site Design

Landscaping

- Any species used should be hardy and not require irrigation, or otherwise, irrigation should not utilise potable water.
- Shrub and tree planting designs should require minimal or no pruning at maturity. In particular, shrub plantings should not overgrow paths or cause heavy shading of windows.
- Trees are to be sited to minimise shading to protected or retained grassland or areas of native grassland and habitat for grassland flora and fauna.
- Usable landscaped outdoor staff areas should be provided.
- Ensure that ground level views to and from the public domain remain unobscured when the vegetation is mature, to maintain visual surveillance.
- Use appropriate approved species within the landscape plan.

Car Parking Areas

- A minimum of one canopy tree must be provided within the car parking area for every six car parking spaces.
- Trees must be planted at regular intervals throughout the car parking area, driveways and other internal spaces.
- Protect trees planted in car parking areas via raised kerbs, wheel stops or bollards.
- Car parks should be designed to include continuous islands, where appropriate, between bays for mass planting.
- The planting of shade trees within 1sqm diamonds is to be avoided unless permeable surface and engineered soil structures are used with sufficient soil volume for sustained plant growth.
- Trees within car park areas must be able to attain a minimum clear trunk height of 2m at maturity. Landscaping and trees must be planted to provide shade, shelter and to soften the car park appearance and maintain adequate sight lines for pedestrian safety and traffic visibility.

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Site Design

Lighting

- Lighting must be designed and baffled to prevent spill, care must be taken for sites adjoining sensitive areas, such as nearby residential development, areas of environmental significance or open space where wildlife may reside.
- Light poles must not be higher than buildings.
- Appropriate and consistent street lighting should be provided throughout the development in accordance with Council Guidelines and relevant standards.
- Appropriate lighting should be provided to all pedestrian areas including access paths, parking, and building entries.

Waste & Storage

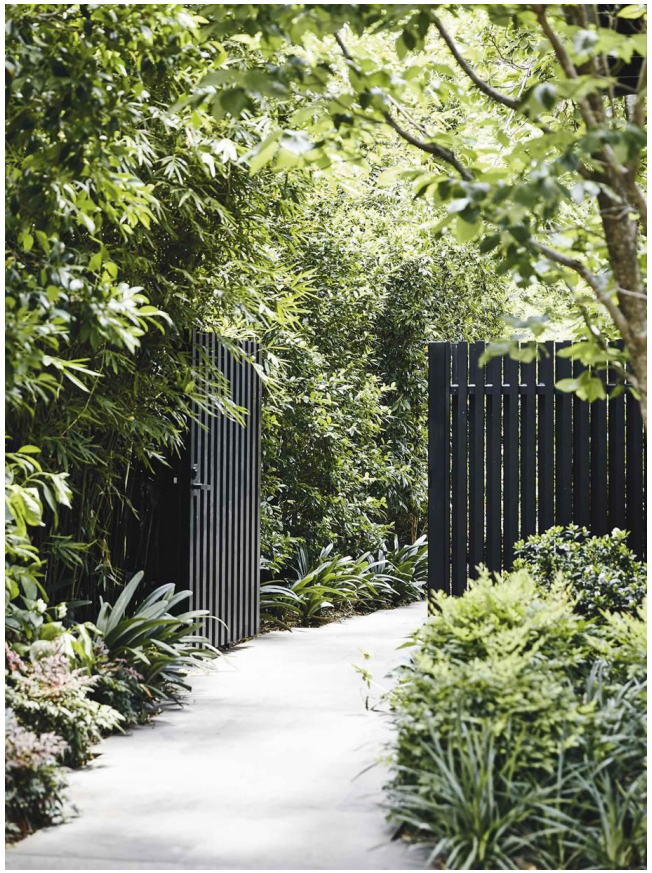
- Waste and storage should be internally located where possible.
- If outdoors, waste and storage must be screened from public view and waste bins covered.
- Waste/bin areas must be shown on plans.
- Bins must not be stored in car parking spaces or in landscaped areas.

Fencing

- Provide security for employees and visitors and to contribute the amenity of the business hub.
- Fence height should be a maximum height of 2.1m unless a development (e.g. Data Centre) has unique security requirements.
- Fencing should be sited so it does not impede sight lines for drivers

The following types of fencing should be incorporated to the development:

- Along Access Road Frontage: Palisade boundary fence in black powder coated finish.
- Elsewhere: Black PVC coated chain wire fence with barbed wire for security.



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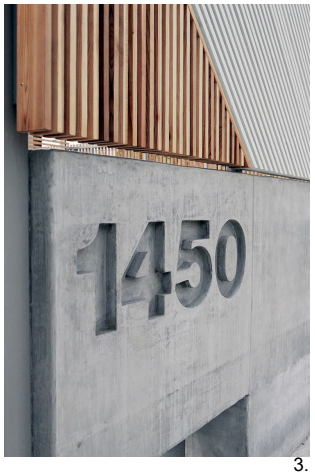
Site Design

Signage

- To provide businesses the opportunity of identifying their location and activity.
- To ensure signage does not detract from the visual appeal of the buildings.
- To ensure signage is of a high quality of design and construction and an integral element of the built environment and landscape setting.
- Advertising, other than real estate signage should be kept to a minimum and should relate only to the use occurring on the perspective property and is to identify the relevant business name.
- Signage should be of a size and location which does not obscure vehicular sight lines and/or control signs.
- Directional signage for car parking, loading docks are to be well designed and located at a convenient point close to the access road.
- Freestanding signage in the front setback should be limited to directional signage.
- Internally illuminated and animated signage is discouraged at interfaces with reserves and open space.
- Signage attached to front and side boundary fences is discouraged.
- Decal signage fixed to areas of glazing (i.e. windows and doors) is discouraged.
- Clear directional signage should be used to identify visitor parking areas.

1.

2.



3.

1. Warehouse Signage
2. Directional Signage
3. Location Signage

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Deer Park Estate Design Guidelines

Prepared by:

Watson Young Architects Pty Ltd

ABN 16 111 398 700

Melbourne | Perth | Sydney | Geelong

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The information supplied is a brief summary of a proposed development.

All figures are approximates and are subject to change without notice. For further detailed reports please contact Watson Young Architects on 9516 8555.

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765 BALLARAT ROAD DEER PARK

LANDSCAPE MASTER PLAN

REV C

Human Habitats: Design Studio

MAY 2024

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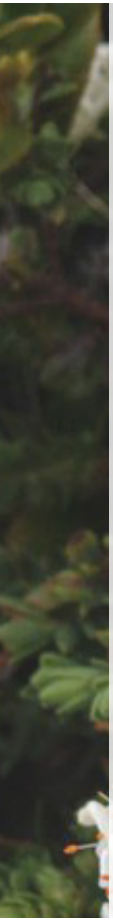

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PROJECT TEAM:

Human Habitats

PREPARED FOR:

PROPERTY

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01 INTRODUCTION

Human Habitats has been engaged to prepare this Landscape Master Plan for the proposed development at 765 Ballarat Road, Deer Park in Victoria. This Landscape Master Plan represents the landscape objectives of HB+B Property and the vision for the proposed development. The Landscape Master Plan supports the Development Plan and an essential component of the planning process and is in accordance with Council's local landscape policies.

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SITE CONTEXT

LEGEND

1.	ORICA
2.	JOHN MCLOUD RESERVE PLAYGROUND
3.	MT DERRIMUT NATURE CONSERVATION RESERVE
4.	MT DERRIMUT GOLF & COMMUNITY CLUB
5.	M8
6.	M80
7.	KOROROIT CREEK
8.	SELWYN PARK
9.	DERRIMUT GRASSLAND NATURE CONSERVATION RESERVE
10.	IRAMOO WILDFLOWER GRASSLAND RESERVE
11.	SUNSHINE HOSPITAL

Figure 01 - Context Plan - NTS

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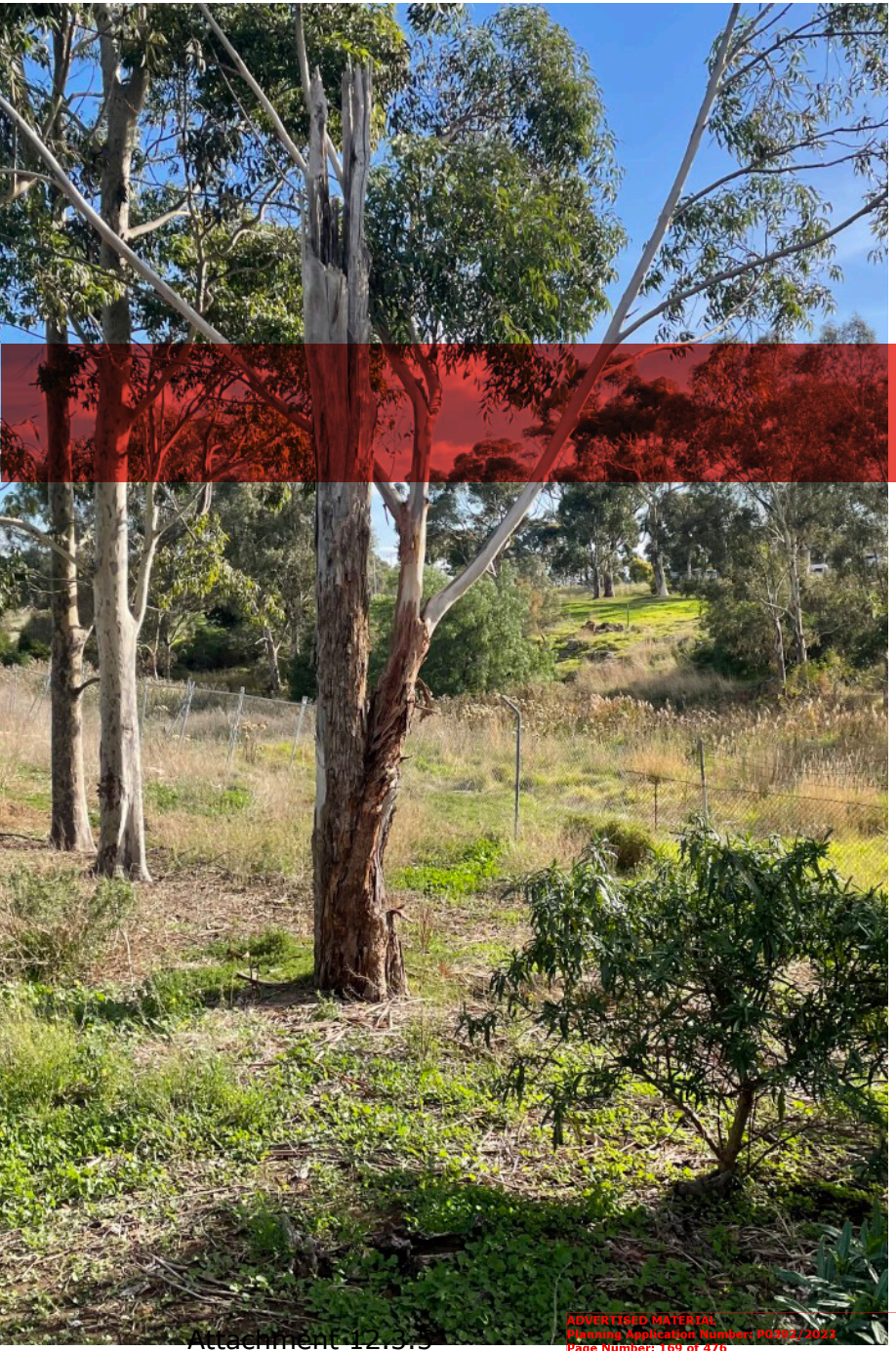

02 LANDSCAPE MASTER PLAN

OBJECTIVES OF THE MASTER PLAN

The Landscape Master Plan presents objectives that connect the natural and the built environments to the benefit of all future user.

The objectives to achieve a successful landscape outcome include:

- Create a sense of place and community;
- Promote a convivial and attractive public realm;
- Foster connectivity along streetscapes, offering a connected natural pedestrian experience;
- Ensure landscape responses are contemporary and resilient to an evolving climate;
- Enhance natural qualities of the site where possible;
- Ensure the character of the streetscapes and reserves are complementary, coordinated and considerate towards the existing local context;
- Planting of street trees to achieve urban cooling outcomes by providing canopy and transpiration. Species are to be selected from Council's species list.
- Use of passive irrigation to maximise street tree health.
- Retention of existing vegetation within **50m average (min 30m) variable creek buffer zone** from top of bank **Kororoit Creek** to help protect local biodiversity and enhance landscape character.

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MASTER PLAN - OVERALL SITE

LEGEND

1.	PRECINCT 1
2.	PRECINCT 2
3.	PRECINCT 3
4.	50M AVERAGE (MIN 30M) VARIABLE CREEK BUFFER ZONE FROM TOP OF BANK (KOROROIT CREEK)
5.	HERITAGE BUILDING TO BE RETAINED
6.	DRAINAGE RESERVES
7.	EXISTING VEGETATION *(NOTE: FOR EXISTING VEGETATION REFER TO ARBORIST REPORT BY JOHN PATRICK - 23-134 TLP FOR CLIENT (2MAY 2024).DWG*
8.	EXISTING TREES TO BE RETAINED

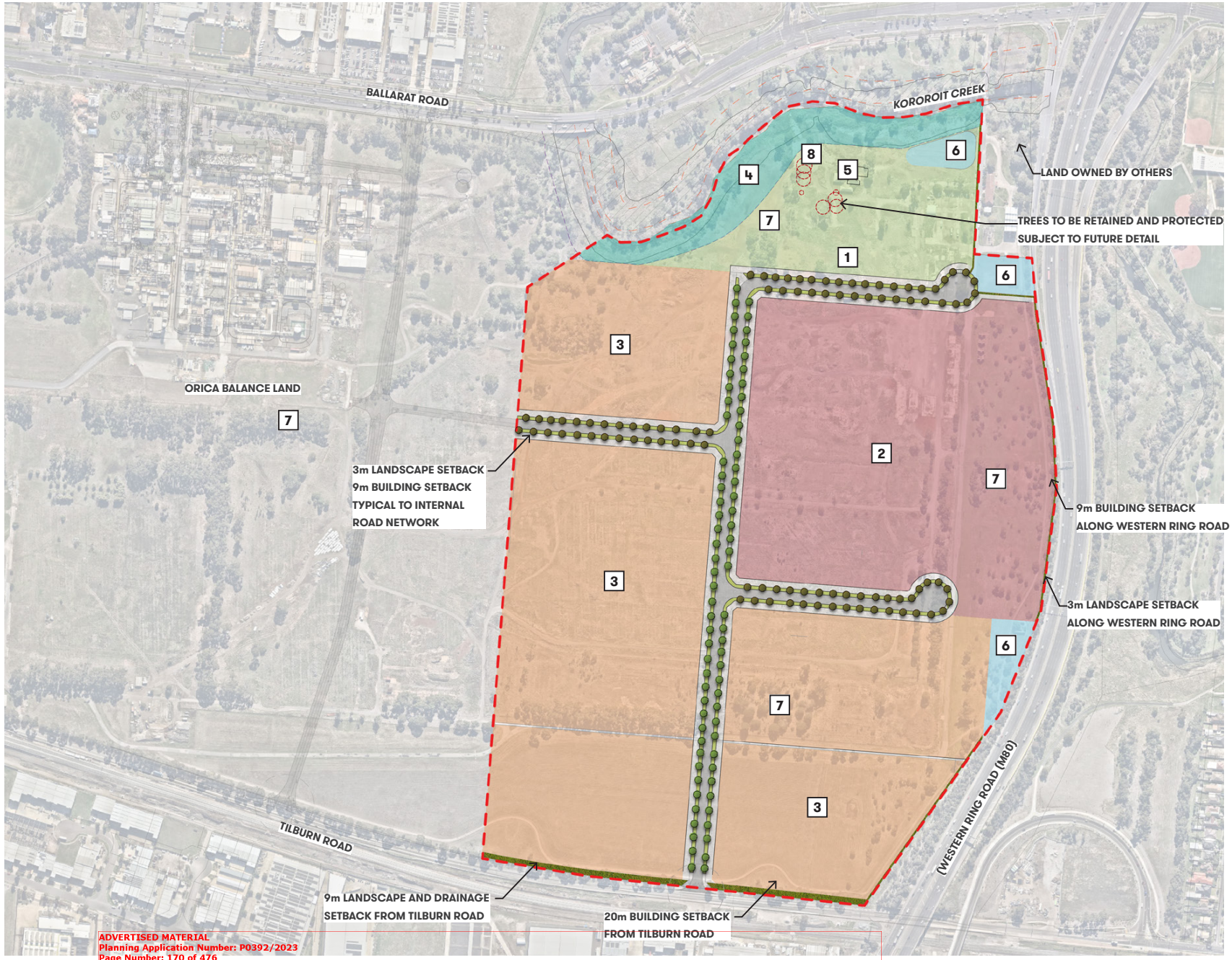

Figure 02 - Landscape Masterplan Plan

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CONCEPT DETAIL - PRECINCT 1

LEGEND

1.	PRECINCT 1
	50M AVERAGE (MIN 30M) VARIABLE
2.	CREEK BUFFER ZONE FROM TOP OF BANK (KOROROIT CREEK)
3.	HERITAGE TREES TO BE RETAINED
4.	HERITAGE BUILDING TO BE RETAINED
5.	DRAINAGE RESERVES

(NOTE: FOR EXISTING VEGETATION REFER TO ARBORIST REPORT BY JOHN PATRICK - 23-134 TLP FOR CLIENT (MAY 2024).DWG).

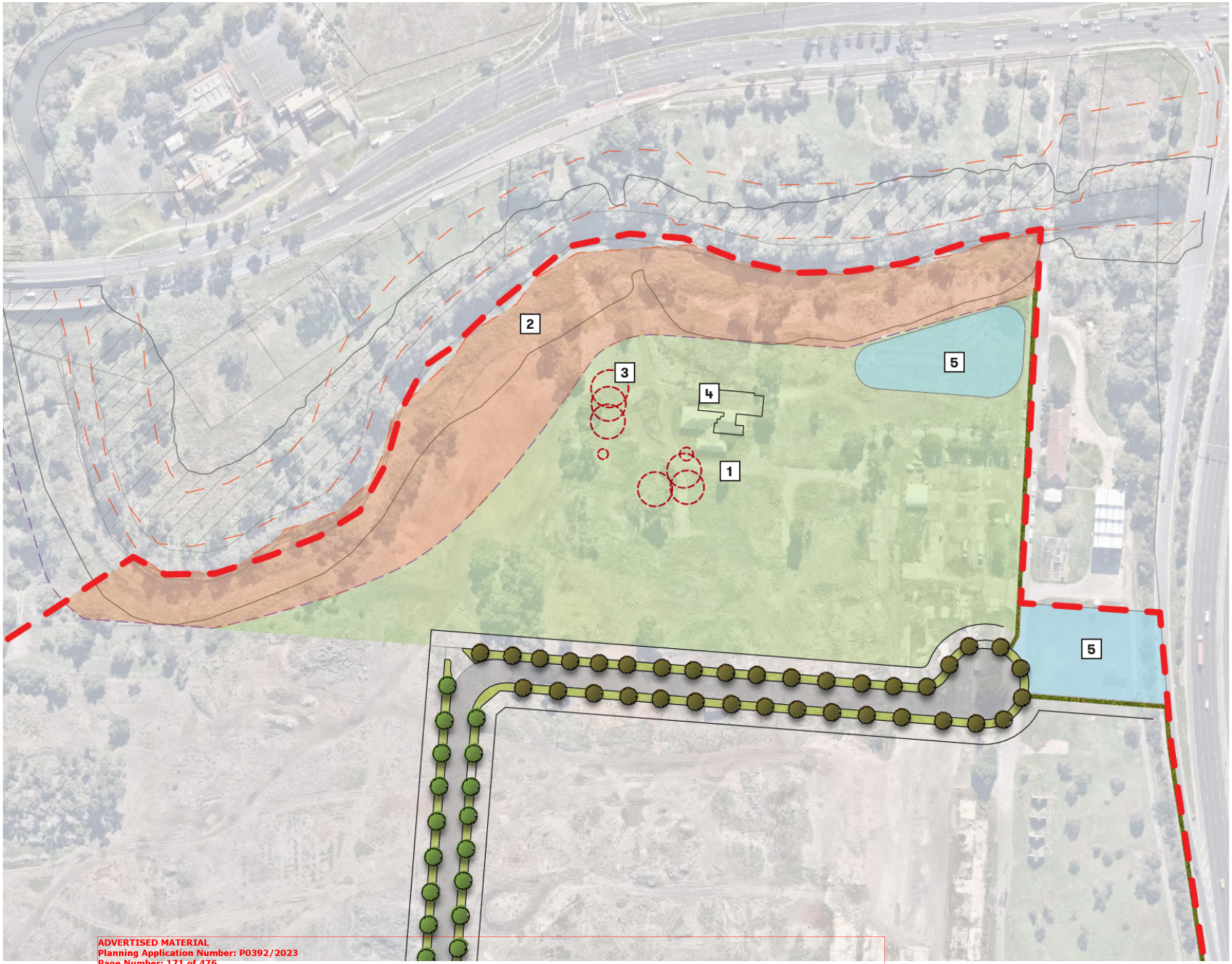

Figure 03 - Concept Detail - Precinct 1

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CONCEPT DETAIL - VEGETATION BUFFERS AND DRAINAGE RESERVES

LEGEND

1.	VEGETATED BUFFER
2.	DRAINAGE RESERVES
3.	INDUSTRIAL ESTATE STREETSCAPE
4.	SHARED PATH (TBC)
5.	50M AVERAGE (MIN 30M) VARIABLE CREEK BUFFER ZONE FROM TOP OF BANK (KOROROIT CREEK)
6.	EXISTING HERITAGE TREES TO BE RETAINED

(NOTE: FOR EXISTING VEGETATION REFER TO ARBORIST REPORT BY JOHN PATRICK - 23-134 TLP FOR CLIENT (MAY 2024).DWG).

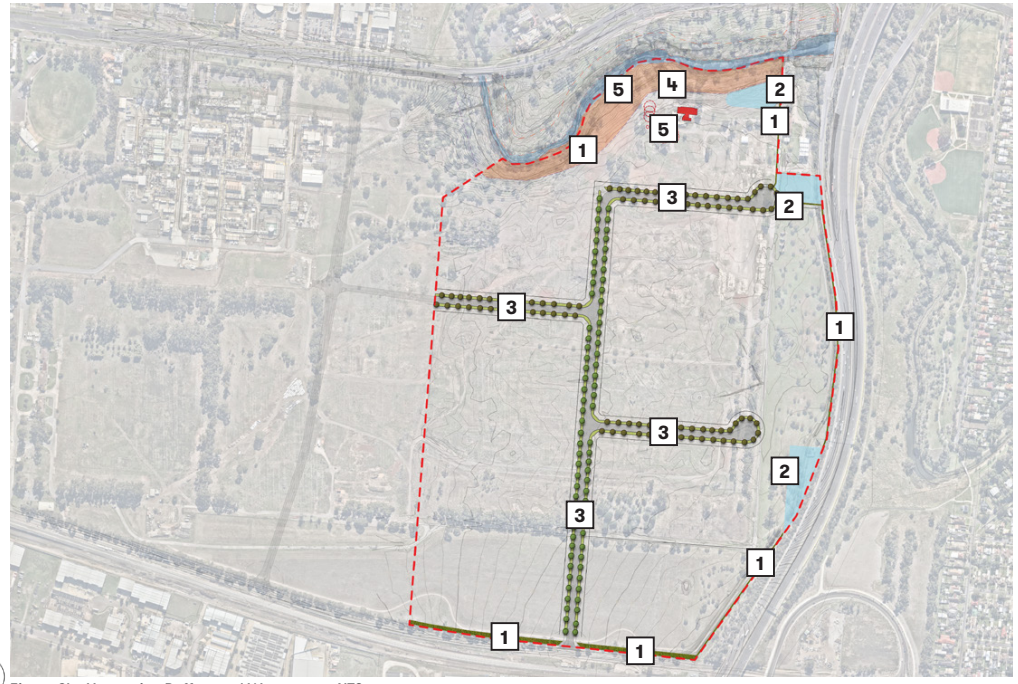

Figure 04 - Vegetation Buffers and Waterways - NTS

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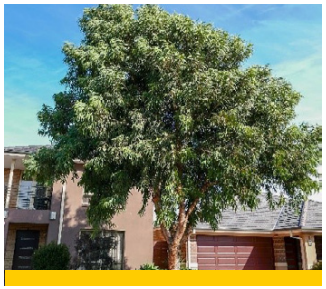
STREET TREE MASTER PLAN

Eucalyptus scoparia - White Gum

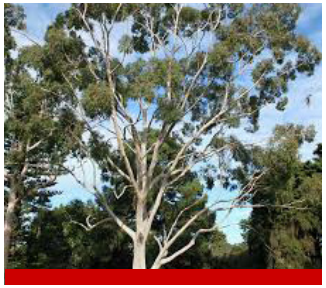
Fraxinus pennsylvanica var. 'Urbanite' - 'Urbanite" Green Ash

Lophostemon confertus - Brush Box

Quercus palustris - Pin Oak



Corymbia eximia - Yellow Blackwood



Corymbia citriodora subsp. scentari - Gum

Figure 06 Street Tree Master Plan Plan

Attachment 12.3.5

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INDICATIVE DEVELOPMENT SPECIES LIST

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
LARGE TREES <10M		
Native		
Angophora costata	Smooth-barked Apple	15m x 10m
Corymbia citriodora	Lemon-scented Gum	15m x 10m
Corymbia maculata	Spotted Gum	18m x 10m
Eucalyptus mannifera	Brittle Gum	15m x 10m
Eucalyptus melliodora	Yellow Box	15m x 10m
Eucalyptus nicholii	Narrow Leaved Peppermint	15m x 8m
Eucalyptus polyanthemos	Red Box	12m x 8m
Eucalyptus scoparia	White Gum	12m x 8m
Eucalyptus sideroxylon sp.	Iron Bark	15m x 10m
Grevillea robusta	Silky Oak	16m x 8m
Exotic		
Platanus x acerifoia	London Plane Tree	12m x 10m
Quercis palustris	Pin Oak	15m x 8m
Quercus robur	English Oak	12m x 10m

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
MEDIUM TREES 6-10M		
Native		
Allocasuarina verticilata	Drooping Sheoak	8m x 4m
Corymbia eximia	Yellow Bloodwood	9m x 7m
Lophestemon confertus	Brush Box	10m x 8m
Melia azedarach	White Cedar	10m x 8m
Exotic		
Fraxinus raywood	Claret Ash	10m x 8m
Fraxinus pennsylvanica var.	Urbanite / Cimmaron	10m x 8m
Pistacia chinensis	Chinese Pistachio	8m x 8m
Pyrus ussuriensis	Manchurian Pear	6m x 5m
Ulmus parvifolia	Chinese Elm	10m x 10m
Zelkova serrata	Japanese Elm	10m x 8m

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
SMALL TREES <6M		
Native		
Acacia pendula	Weeping Myall	6m x 6m
Agonis flexuosa	Willow Myrtle	6m x 6m
Angophera hispida	Dwarf Apple	6m x 5m
Callistemon 'Bottlebrush'	Kings Park Special	4m x 4m
Callistemon salignus	White Bottlebrush	6m x 3m
Exotic		
Lagerstroemia hybrids	Crepe Myrtle	5m x 3m
Prunus cerasifera (Nigra)	Black Cherry Plum'	5m x 4m
Pyrus calleryana cultivars	Ornamental Pear	6m x 5m

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
SMALL TREES <6M		
Native		
Acacia pendula	Weeping Myall	6m x 6m
Agonis flexuosa	Willow Myrtle	6m x 6m
Angophera hispida	Dwarf Apple	6m x 5m
Callistemon 'Bottlebrush'	Kings Park Special	4m x 4m
Callistemon salignus	White Bottlebrush	6m x 3m
Exotic		
Lagerstroemia hybrids	Crepe Myrtle	5m x 3m
Prunus cerasifera (Nigra)	Black Cherry Plum'	5m x 4m
Pyrus calleryana cultivars	Ornamental Pear	6m x 5m

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
SHRUBS		
Native		
Acacia cognata	River Wattle	1m x 1m
Calothamnus quadrifidus	Yellow (Dwarf Form)	1.5m x 1.5m
Correa pulchella/ alba	White Correa	2m x 2m
Dodonaea viscosa	Sticky Hop Bush	3m x 3m
Eremophila maculata aurea	Emu Bush	3m x 2m
Eremophila maculata compacta	Spotted Emu Bsuh	0.5m x 1.5m
Grevillea rhyolitica x juniperina	Cherry Cluster	0.5m x 0.8m
Westringia fruticosa	Jervis Gem	1.2m x 1.2m
Westringia fruticosa 'Grey Box'	Grey Box	0.5m x 0.5m
Exotic		
Euphorbia wulfenii	Mediterranean Spurge	1.2m x 1m
Gaura lindheimeri	White Gaura	1.2m x 1m
Nandina domestica	Heavenly Bamboo	2.4m x 1.2m
Rhaphiolepis indica	Snow Maiden	1m x 1m
Rosmarinus officinalis	Rosemary	2m x 1.5m

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
GRASSES / STRAP-LEAVES		
Native		
Austrostipa stipoides	Coastal Spear Grass	1m x 1m
Anigozanthus flavidus	Kangaroo Paw	1.8m x 1.2m
Dianella revoluta	Blueberry Lily	1m x 1.5m
Ficinia nodosa	Knobby Club Rush	1m x 1m
Lomandra longifolia x confertifolia	Mat Rush	0.4m x 0.4m
Lomandra longifolia	Spiny Mat Rush	1.2m x 1m
Lomandra longifolia 'Tanika'	Tanika	0.6m x 0.6m
Poa labillardieri	Common Tussock Grass	1.3m x 1.5m
Poa poiformis	Coastal Tussock Grass	1.2m x 1.5m
Themeda triandra	Kangaroo Grass	1.5m x 0.5m
Exotic		
Liriope muscari Variegata	Lily Turf	0.6m x 0.6m

BOTANICAL NAME	COMMON NAME	HEIGHT X WIDTH (AT MATURITY)
GROUIND COVER & CLIMBERS		
Native		
Ajuga reptans	Purpurea	0.6m x 1m
Brachyscome multifida	Break of Day	0.5m x 1m
Carpobrotus modestus	Inland Pig Face	0.3m x 0.6m
Dichondra repens	Kidney Plant	0.1m x 0.3m
Disphyma crassifolium	Hot Stuff - Pig Face	0.3m x 1m
Hardenbergia violacea	Purple Coral Pea	3m x 2m
Hibbertia scandens	Snake Vine	1m x 3m
Myoporum parvifolium	Boobialla	0.3m x 2m
Pandorea pandorana	Wonga Wonga Vine	20m x 9m
Scaevola humilis	Purple Fusion	0.3m x 2m
Scaevola mauve	Fan Flower	0.3m x 0.8m
Exotic		
Arctotis sp.	African Dasiy	0.6m x 0.3m
Convolvulus cneorum	Silver Bush	0.6m x 1m
Gazania hybrid	Double Gold	0.2m x 0.6m
Heterocentron elegans	Spanish Shawl	0.05m x 1.2m
Limonium perezii	Perezii Blue	0.6m x 0.6m
Nepeta racemosa	Walkers Low	0.9m x 0.9m
Stachys byzantina	Lamb's Ears	0.6m x 0.9m
Thymus praecox	Creeping Thyme	0.15m x 0.3m
Trachelospermum asiaticum	Asiatic Jasmine	0.5m x 6m
Trachelospermum jasminoides	Chinese Jasmine	0.5m x 5m

Note: Planting schedule based on Brimbank City Council, 'Industrial Landscape Guidelines July 2021'. Please note this is an indictive schedule.
Plants selected from Brimbank Reference Development Guidelines Ecoscape 2015 and #84 Grey Box #841 Grid Plains Grassland #132

Attachment 12.3.5

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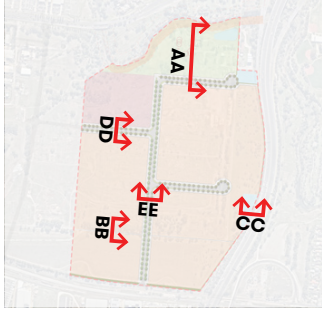
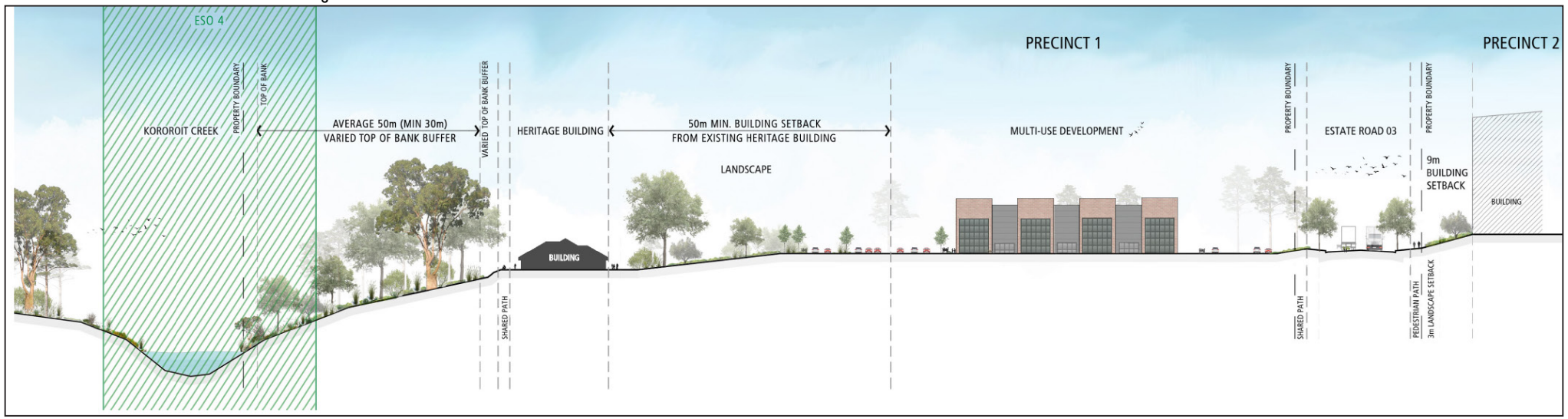


Section Key Plan - NTS



PRIMARY BUFFER ZONE	CHANNEL/ LOWER BANK ZONE	PRIMARY BUFFER ZONE	RECREATION/ PATH ZONE	SECONDARY BUFFER ZONE	MULTI-USE DEVELOPMENT	MULTI-USE DEVELOPMENT
	Channel/lower bank zone of the natural waterway - width varies depending on the condition o the waterway and habitat values	50m riparian zone revegetaion with overstorey mid-storey and understorey vegetation consistent with Ecological Vegetation Class (EVC)	Approx. 10m wide landscape area between path and road to create an open space character to the waterway corridor	Scattered vegetation focusing on overstorey trees and shrubs consistent with EVC to retain views between the path and creek		Adjoining development interface, Additional tree planting to complement the existing landscape setting

AA

Kororoit Creek - Kororoit Creek to Heritage Interface Cross Section

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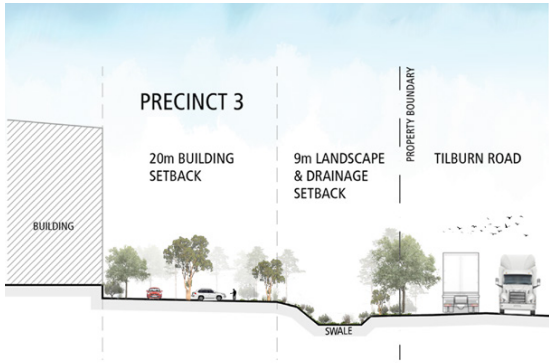
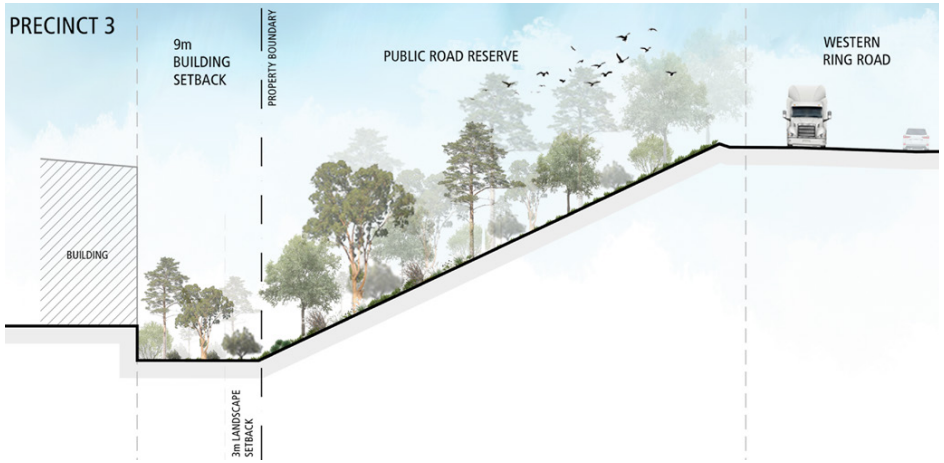


Minimise impact on landscape setback.

LANDSCAPE DRAINAGE MITIGATION

BB

Tilburn Road - Setback Interface Section

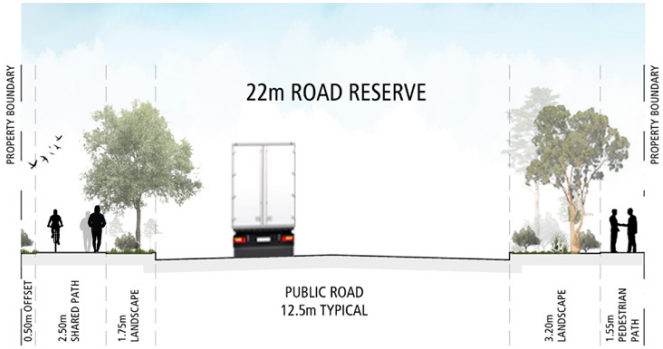


Minimise impact on landscape setback.

LANDSCAPE SETBACK AND RESERVE

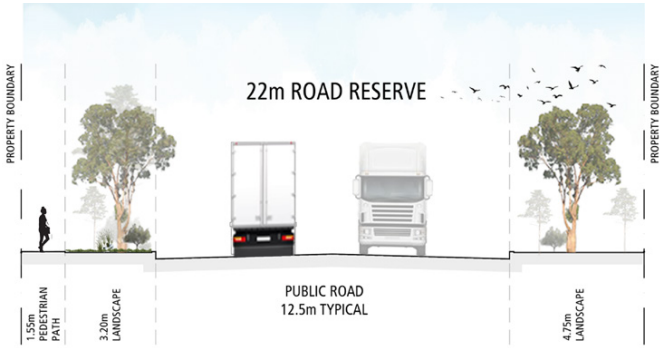
CC

Western-Wing Road - Public Road Reserve Interface



DD

Typical Road-Section (Shared Path) - Typical Industrial Road Section



EE

Typical Road-Section - Typical Industrial Road Section

ADVERTISED MATERIAL
Planning Application Number: P0392/2023
Page Number: 176 of 476
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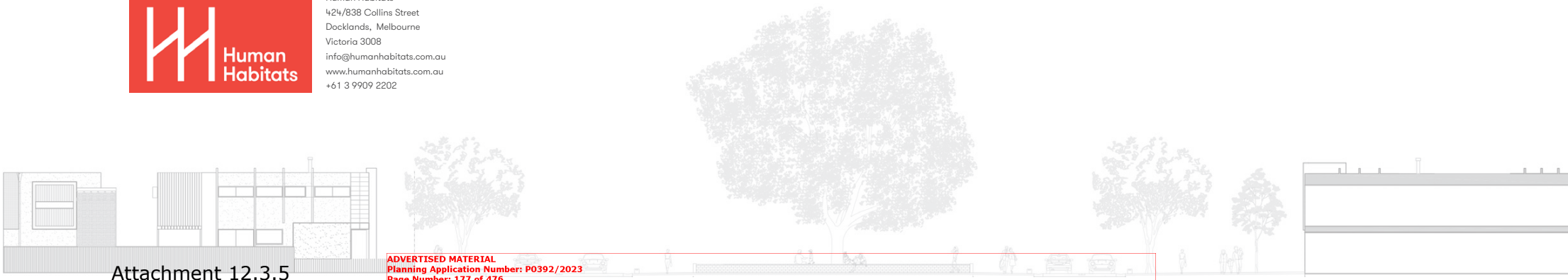

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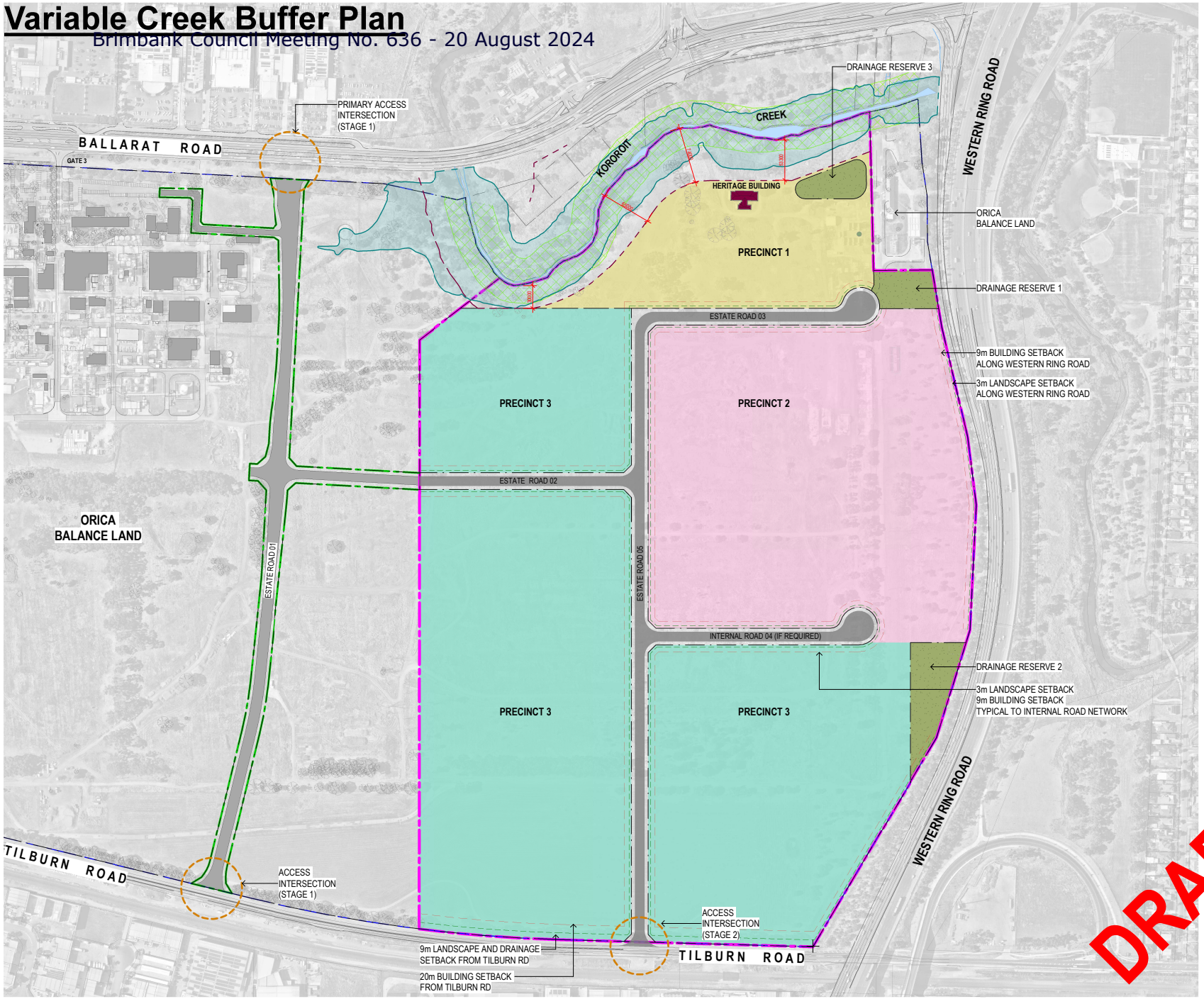
Variable Creek Buffer Plan

Brimbank Council Meeting No. 636 - 20 August 2024



LEGEND

- INDICATES EXTENT OF INTERNAL ROAD
- **PRECINCT 1** WAREHOUSE, RESTRICTED RETAIL, OFFICE, FOOD AND DRINKS

LOT SIZE RANGE	MAX HEIGHT
Heritage, drainage reserve 3, Environmental setbacks & LSIO : 22,360m²	N/A
Lot's Light Industrial approx' : 500m²-62,600m²	15m

- **PRECINCT 2** WAREHOUSE AND DATA CENTRE

LOT SIZE RANGE	MAX HEIGHT
Lot's approximate 20,000m²-178,000m²	40m

- **PRECINCT 3** WAREHOUSE

LOT SIZE RANGE	MAX HEIGHT
Lot's approximate 20,000m²-166,000m²	25m

- DRAINAGE RESERVE
- KORORO/T CREEK
- L.S.I.O (LAND SUBJECT TO INUNDATION OVERLAY)
- ESO 4 (ENVIRONMENTAL SIGNIFICANCE OVERLAY)
- TOP OF BANK (KORORO/T CREEK)
- 30m-74m VARIED BUFFER ZONE FROM TOP OF BANK (KORORO/T CREEK)
- EXISTING HERITAGE BUILDING (TO BE RETAINED)
- PROPOSED SIGNALISED INTERSECTION (Refer to traffic engineers report)
- LANDSCAPE SETBACK
- BUILDING SETBACK
- LOT BOUNDARY
- EXTERNAL ROADWORKS BOUNDARY
- SITE BOUNDARY

No.	DATE:	REVISION:	BY:	CHK:
P1	05.02.2024	VARIED CREEK BUFFER	JWK	GP

All areas indicated are indicative for design and planning purposes only and should not be used for any contractual reasons without verification by a licensed surveyor or further design development being completed.

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PROJECT:
DEER PARK
765 Ballarat Road
Deer Park, VIC

Attachment 12.3.5

TITLE:
VARIABLE CREEK BUFFER OPTION

TRUE NORTH

CLIENT:
PROPERTY®

DATE: October, 2023
DRAWN BY: JWK
SCALE: 1:2500 @ A1
SCALE: 1:5000 @ A3

JOB NO: 23026
DRAWING NO: SK15
REVISION: P1

watson young

DETAILED ASSESSMENT

Application Number	P392/2023
Location:	179 Tilburn Road and 751, 751A, 751B, 753, 755, 757 & 759 Ballarat Road, Deer Park It is noted that this site was formerly part of 765 Ballarat Road, Deer Park, however was recently subdivided and given a new street address.
Proposal:	Application for approval of a development plan under Development Plan Overlay Schedule 16
Applicant:	HB+B Property, C/- Urbis Pty Ltd
Zoning/Overlay:	<u>Zoning</u> The site is zoned Commercial 2 Zone <u>Overlays</u> • Development Plan Overlay Schedule 16 – entire site • Environmental Audit Overlay – entire site • Environment Significance Overlay Schedule 4 – part of the site • Heritage Overlay Schedules 142 and 143 – part of the site • Land Subject to Inundation Overlay – part of the site • Development Contributions Plan Overlay Schedule 2 -entire site <u>Other Information</u> • The subject site is within the Principal Public Transport Network. • Ballarat Road to the north is within the Transport Zone 2 (Principal Road Network) whilst Tilburn Road to the south is within the Transport Zone 3 (Significant Municipal Road).
Adjoining Zoning/Overlays:	The zones and overlays of surrounding land are described below: <u>Zones</u> • Land abutting the site to the west is zoned Industrial 2 Zone • Lant to the south on the opposite side of Tilburn Road is zoned Industrial 1 Zone • Land to the east is the Western Ring Road which falls within the Transport Zone 2 • There is a small area of land to the north-west of the site but to the south of Ballarat Road that is within the Public Park and Recreation Zone. Ballarat Road itself is within the Transport Zone 2. On the opposite side of Ballarat Road the land is zoned Commercial 2 Zone, General Residential Zone Schedule 2, Industrial 2 Zone and Industrial 3 Zone. <u>Overlays</u> • Part of the land to the west is affected by the Special Building Overlay and Heritage Overlay Schedules 140, 141 and 142 • Part of the land to the west, north and east is affected by Land Subject to Inundation Overlay • Land on the northern side of Ballarat Road is affected by Environment Significance Overlay Schedule 4), Environmental Audit Overlay & Development Plan Overlay (Schedule 4) • Land to the north is affected by Development Plan • All surrounding land is affected by Development Plan Contributions Overlay The majority of the surrounding land falls within the Principal Public Transport Network

Potential Contamination:	The subject site has an Environmental Audit Overlay and there have been a number of Environmental Audit reports that have been completed for the area. A Statement of Environmental Audit was issued for the site in 2020 which states that the site is suitable for commercial and industrial uses.
Proximity to former Land Fill sites:	The site is located outside the recommended buffer distance from the nearest former landfill. Accordingly a landfill gas risk assessment is not required.
Cultural Heritage Management Plan:	The site is located within an area of cultural significance. A Cultural Heritage Management Plan (CHMP 10825), as required by the Aboriginal Heritage Regulations 2018 & the Aboriginal Heritage Act 2006, has been approved previously for the majority of the development plan area. As part of the development plan submission a report *"Aboriginal and historical heritage compliance review"* was prepared confirming the CHMP is applicable for the majority of the area and includes a number of recommendations. This is further discussed in the assessment section below:
Restrictive Covenant:	There is a covenant on title which relates to access rights for the gas a fuel corporation. The proposed development plan does not breach this covenant.
Section 173 Agreement:	Yes – There are two Section 173 Agreements that are registered on title: • AJ591461L: This requires archiving of demolished heritage buildings and the preparation of an interpretation plan with displays installed on site. • AX577487A: This relates to public open space contributions in relation to subdivision and the creation of a carriageway easement. The proposed development plan does not breach the agreements above.
Planning History:	In terms of the site history, the site was formerly part of the Industrial 1 zoned "Orica" land to the west which was used for the manufacture of explosives but more recently for chemical manufacturing activities. Specifically: • Amendment C128 was gazetted on 14 May 2014. This rezoned the application site from Industrial 2 to Commercial 2 Zone and applied an Environmental Audit Overlay, Development Plan Overlay and revised Heritage Overlay over the land. The amendment was exhibited between 20 June and 22 July 2013. • There have been a number of permits mainly in relation to the existing industrial properties on the land and for demolition of heritage buildings. Most notably Planning Permit P601/2022 was issued on 26 June 2023 for a 2 lot subdivision and creation of easements (carriageway and gas supply). In effect this separated the application site from the land to the west which falls within the Industrial 2 Zone.
Considered Plans:	Advertised / Considered Documents and Plans were received on 5 June 2024 and encompassed the following documents: • Development Plan – 765 Ballarat Road, Deer Park – August 2023 • Deer Park Estate Guidelines – May 2024 • Orica Deer Park, Tilburn Road, Deer Park – Flora and Fauna Assessment – May 2024 • Environmental Summary – Deer Park Strategy – August 2023

	• 765 Ballarat Road, Deer Park, Landscape Masterplan – May 2024 • Deer Park Development Plan – Review of Risks from Hexion Brimbak – July 2023 • 765 Ballarat Road, Deer Park – Aboriginal and historical heritage compliance review – July 2023 • Geotechnical Investigation Proposed Commercial/ Industrial Subdivision Orica, 765 Ballarat Road, Deer Park – August 2023 • Geotechnical Investigations Proposed Sediment Basins/ Wetlands – 765 Ballarat Road, Deer Park – July 2023 • Aboricultural Report – 765 Ballarat Road, Deer Park – July 2023 • 765 Ballarat Road – Odour Risk Assessment - August 2023 • Engineering Infrastructure and Services Report – Deer Park – 765 Ballarat Road, Deer Park – July 2023 • Traffic Engineering Assessment – Proposed Development Plan – 765 Ballarat Road – July 2023 In addition to the advertised plans, the following additional plan was received on 5 July 2023: • Variable Creek Buffer Option – October 2023
Planning Scheme Provisions for the assessment of a development plan	**Clause 43.04 – Development Plan Overlay** The purpose of the Development Plan Overlay is: • *To implement the Municipal Planning Strategy and the Planning Policy Framework.* • *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.* • *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.* <u>Clause 43.04-2 – Requirements before a permit is granted</u> This clause states: *A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.* *A permit granted must:* • *Be generally in accordance with the development plan.* • *Include any conditions or requirements specified in a schedule to this overlay.* The application seeks approval of a Development Plan for the subject site. The Scheme contains specific requirements establishing what a Development Plan must include, and Clause 43.04-3 identifies requirements as follows: *The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages. The development plan must describe:* • *The land to which the plan applies.* • *The proposed use and development of each part of the land.* • *Any other requirements specified for the plan in a schedule to this overlay.* *The development plan may be amended to the satisfaction of the responsible authority.* The Planning and Environment Act 1987 (the Act) does not require

notification of an application for approval of a development plan. Despite this, the proposed development plan was informally advertised to the surrounding community for the sake of transparency and to seek their views so that Council could be better informed when making a decision on the development plan.

There are no third party appeal rights in relation to the development plan process, which means that anyone who lodged a submission to the proposed development plan does not have the ability to seek a review of Council's decision on the matter. However, the applicant does have the right to lodge an application for review of the decision under the provisions of Section 149 of the Act.

Schedule 16 of the Development Plan Overlay

This schedule affects the eastern section of the land known as *Orica Deer Park*. There is no specified purpose or objective for this schedule.

Clause 2.0 of the schedule establishes circumstances where a planning permit may be granted before a Development Plan has been approved. In this case there are eight scenarios:

- *Any buildings or works, including the demolition or construction of part of any building, associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970.*
- *Any buildings or works associated with an existing use being carried out on the site.*
- *Alterations or additions to existing site infrastructure such as car parking and internal access roads.*
- *Subdivision of land.*
- *Removal, variation or creation of easements, restrictions or reserves.*
- *Removal of vegetation.*
- *Site offices or display suites.*
- *Signs.*

A planning report must be submitted as part of any application for a planning permit and should demonstrate that the buildings and works and/or subdivision of land will not prejudice or conflict with:

- *The long term future use and development of the land;*
- *The preparation of a Development Plan; or*
- *The provisions and requirements of any approved Development Plan.*

Section 3.0 of Schedule 16 identifies issues that must be addressed when assessing a planning permit application where there is an approved Development Plan. If the proposed development plan is approved, then these matters will be relevant to future applications. However, they do not impact on the assessment of the proposed development plan.

Section 4.0 of Schedule 16 identifies the information that is required to constitute a development plan application. This includes the follows:

- ***Health and Safety**: The identification of any area of the land subject to the Development Plan Overlay which falls within a planning advisory area published by WorkSafe Victoria in accordance with the Advisory Note Major Hazard Facilities: Land use planning near a major hazard facility.*

  If no advisory area has been published, and unless otherwise advised by WorkSafe Victoria, the inner advisory area is 100 metres, and the

outer advisory area is 300 metres both measured from the hazard source.

- ***Odour Assessment:*** *An odour assessment for the area of the land subject to the Development Plan Overlay which falls within 300 metres of the nearest lease of the Gate 3 Precinct industries (765 Ballarat Road, Deer Park).*

  The odour assessment requirements must be developed in consultation with the Environment Protection Authority and the occupiers of nearby industries.

- ***Infrastructure:*** *An Infrastructure Analysis Report which addresses the following, as appropriate:*
  - *Location of existing infrastructure on the site.*
  - *Drainage.*
  - *Pedestrian/ shared paths, including Kororoit Creek and Ballarat Road.*
  - *Public open space.*
  - *Traffic management.*
  - *Details of how the need or otherwise for infrastructure relates to the proposed use and development of the land and, where need is identified, how the necessary infrastructure will be provided for, including works-in-kind, and payments towards new infrastructure.*

- ***Siting and Staging Plan****: A site context plan and an indicative staging plan.*

  The site plan which should identify:
  - *The indicative future use of land within each precinct.*
  - *Indicative lot sizes, building heights and setbacks.*
  - *The interface treatments within the site and the interface and address to Ballarat Road, and the Western Ring Road (M80).*
  - *Infrastructure assets.*
  - *Adjoining and nearby land uses, including open space, community facilities and existing industries.*
  - *Transport networks, including vehicular, pedestrian and bicycle, as well as emergency evacuation routes and access for emergency services.*
  - *If required by the Department of Transport Planning and Local Infrastructure (Freight Logistics and Marine Division), identification of a railway corridor generally along the eastern boundary of the site to connect to a Western Interstate Freight Terminal Facility.*

  The indicative staging plan which should identify:
  - *The proposed sequencing of development, the timing of the provision of infrastructure and services and overall integration with other development stages, and*
  - *Vehicular access points, road infrastructure works and traffic management for each stage of development.*

- ***Services****: A Stormwater Management Plan, that addresses:*
  - *The control of flows in and around the site for discharges up to and including the 1 in 100 year flows and addresses the need for retention storage to control flows and water quality treatments to a best practice standard. Details of the physical infrastructure required to accommodate the subdivision, use and/or development including the provision of water, sewerage, drainage, electricity, gas and telecommunication services and whether services will be provided above or below ground.*
  - *The location of existing and proposed easements.*

- ***Traffic:*** *A Traffic Management Plan that must include the following:*
  - *The location of existing roads into, within and around the site.*
  - *A traffic assessment which addresses the impact of the proposed subdivision, use and development on the arterial and local road networks and identifies mitigating works, including potential road widening, other road treatments/improvements on those networks to the satisfaction of the responsible authority and VicRoads.*
  - *A new centralised north – south access route with a secondary road network which creates an active and attractive public realm with amenity provided for vehicles, cyclists and pedestrians.*
  - *Potential for connections to the west, towards Station Street and the Deer Park activity area and railway station, having regard to the Heritage Overlay.*
  - *The incorporation of a grid street pattern for the internal road network, that will accommodate public transport facilities and pedestrian and cyclist infrastructure. Required future road improvements and signalisation of intersections based on the outcomes of Road Safety Audits at ingress and egress points along Ballarat Road.*
  - *Emergency evacuation routes and access for emergency services.*
  - *Indicative cross-sections of the street network, including provision for footpaths, bicycle paths and other infrastructure as appropriate.*

- ***Access:*** *An Access Plan which must include the following:*
  - *Convenient and safe access to and from the site to facilitate staged and/or final site access arrangements.*
  - *Linkages to the pedestrian and bicycle corridor along Kororoit Creek in appropriate locations having regard to flooding and safety issues.*
  - *A Cycling and Walking Plan, having regard to the Brimbank Walking and Cycling Strategy 2008 (as amended), including existing vehicle, pedestrian and bicycle routes into, within and around the site, details of how pedestrian and bicycle connectivity is to be provided (including future links to Deer Park Station and Deer Park Activity Centre) and connections provided to the surrounding Principal Bicycle Network (BPN) and including a pedestrian path along the Ballarat Road frontage of the site.*
  - *A cycle link from the existing off and on-road lanes along the northern side of Ballarat Road through the site.*

  The views of the Department of Transport Planning and Local Infrastructure (Freight Logistics and Marine Division), Public Transport Victoria and VicRoads, must be sought prior to the approval of the Access Plan.

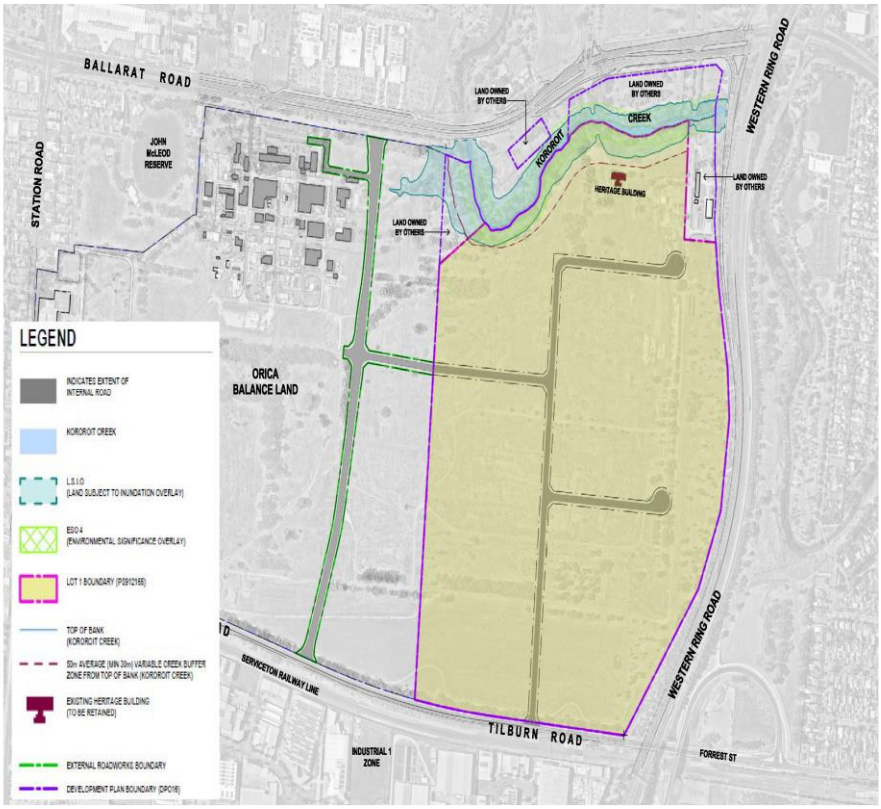
- ***Flora and Fauna***
  - *Information that responds to the recommendations of the Summary of Ecological Values, Orica Deer Park Site, Deer Park, Victoria Ecology and Heritage Partners, December 2012.*
  - *A plan showing the indicative removal and or retention of vegetation to the satisfaction of the Responsible Authority.*
  - *Information that addresses the interface between any proposed development of the site and the Kororoit Creek corridor including the protection and enhancement of riparian vegetation.*

- ***Open Space and Landscaping:*** *A landscaping and open space plan prepared by a suitably qualified person(s) to the satisfaction of the Responsible Authority that includes:*
  - *The location and species of existing trees over 3 metres in height.*
  - *A landscape concept plan for the land.*

- *The preferred species of street trees, including concepts for roadway and kerbside planting based on Council's preferred planting lists, including native vegetation where appropriate, and*
- *The location and indicative design of landscape treatments of the connecting roadways to create legible entries/exits to the site.*

- ***Heritage***
  - *Information that responds to the recommendations of the Interpretation Plan, Orica Explosives Factories Complex, Ballarat Road, Deer Park prepared by Lovell Chen, dated December 2012 including the Orica Explosives Factories Complex, Landscape Conservation Analysis, John Patrick Pty Ltd, August 2012. This represents the Heritage Interpretation Plan defined in an Agreement between Brimbank City Council and Orica Australia Pty Ltd made on 3 April 2012 further to Section 173 of the Planning and Environment Act 1987 and is registered on title to the land.*
  - *Details of how development will incorporate, interpret, retain and/or reuse identified heritage elements into the development of the site, and*
  - *Information that responds to the recommendations of the Environmental Contamination Works, Commercial/Industrial Subdivision & Development, Orica Site, Deer Park: Voluntary Cultural Heritage Management Plan – 10825 of 9 March 2010 prepared by Golder Associates for Orica Australia Pty Ltd.*

- ***Design, Layout and Built Form:*** *Information that shows how the development of the site or a stage will achieve the integrated development of the site as a whole, by the preparation of Design Guidelines. The Design Guidelines should address the following as appropriate and be implemented as part of the Development Plan:*
  - *Provision of high-quality, site-responsive design outcomes and architectural styles.*
  - *Orientation of buildings to face the primary street frontage and building entry points to have a relationship with the public realm.*
  - *Avoidance of blank walls or large loading docks facing Kororoit Creek or other areas of public open space and the primary road network.*
  - *Principles of Crime Prevention Through Environmental Design (CPTED).*
  - *Indicative building height.*
  - *Preferred front, side and rear building setbacks, including landscaping.*
  - *Indicative cross-sections of the street network, including concepts for roadway and kerbside planting.*
  - *Preferred fencing styles which are appropriate to the various land uses and locations within the site, taking into account the need for security.*
  - *Screening of plant and equipment areas and waste storage.*
  - *Ensuring new buildings and works are sited to maximise solar access.*
  - *Providing for a diversity of lot sizes to accommodate a range of building types and land uses.*
  - *A preference for below-ground services.*
  - *Providing safe, well lit and convenient pedestrian and vehicular access throughout the site.*
  - *A preferred landscaping theme and incorporation of new canopy trees and reference to Council's preferred planting lists including native vegetation where appropriate, and*
  - *An avoidance of visual clutter and signage to consider the requirements of Clause 52.05 of the Planning Scheme.*
  - *The interface with nearby existing industrial uses.*

	If a rail corridor is identified on the site, the Design Guidelines should require an appropriate response to any proposed adjacent sensitive land uses. The response should ensure development is designed to address potential amenity impacts from unrestricted freight use of the railway and include an Adverse Amenity Impacts Report by a suitably qualified person(s). The proposal submitted provides the required information specified in this schedule. The content of the documentation is reviewed later in the 'Officer's Comments' section of this report.
Proposal Details:	The application is for the approval of a development plan under Development Plan Overlay Schedule 16 (DPO16). The purpose of the development plan is to guide the future use and development of land within the plan area. Once the development plan is approved this will allow detailed use, development and subdivision planning applications to be submitted. Whilst the proposal is for approval of the entire development plan area, the detailed information provided in this submission only addresses the light green area between Tilburn Road to the south and Kororoit Creek to the north in *Image 1: Development Plan Area* below. In order for the remainder of the area to be developed (land to the north of the Kororoit Creek abutting Ballarat Road and at the north-east corner of the site) this will require the Development Plan to be amended in the future.  ***Image 1: Development Plan Area*** *(from within the Development Plan)* The overarching development plan details are shown in Image 2 below:

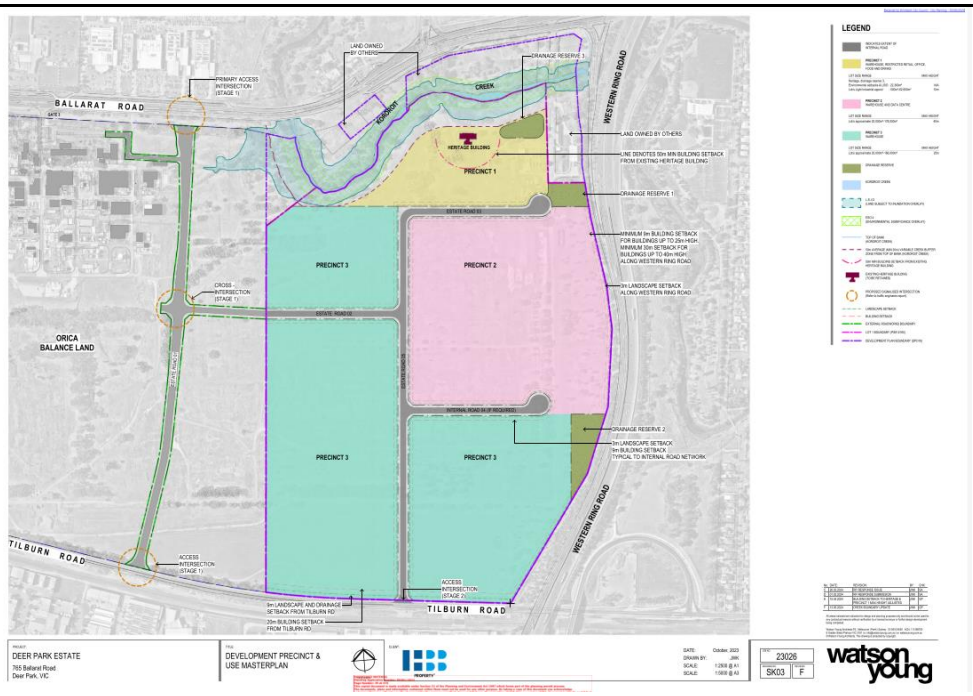


Image 2: Development Precinct and Use Masterplan
(from within the Development Plan)

<u>Precinct Layout</u>
Three precincts are proposed:

Precinct 1 (shown in yellow):
Precinct 1 is located with a direct interface to the Kororoit Creek which lies to the north and includes the heritage listed Nobel House and heritage protected trees. Key features of Precinct 1 include:

- Setbacks of buildings from the Creek are proposed to be on average 50 metres (with a minimum 30 metres).
- 50 metre minimum building setback is proposed for future developments from Nobel House. No heritage protected trees are proposed to be removed.
- The proposed uses include small scale warehousing, offices, restricted retail and food and drink tenancies.
- Lot sizes are proposed to be smaller than other Precincts starting at 500 square metres.
- Building heights will be restricted to a maximum of 10 metres.
- A Precinct 1 Framework Plan has been provided incorporating the principles aforementioned principles below:

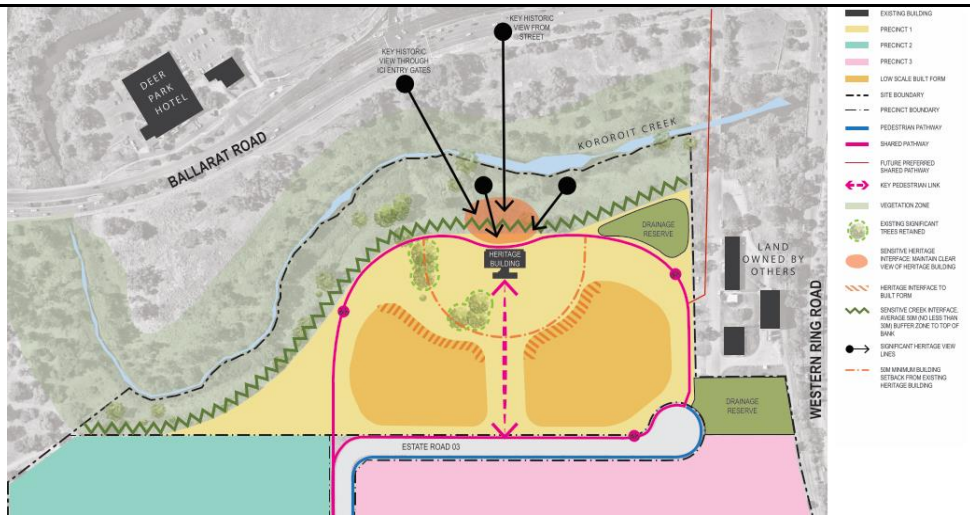


Image 3: Precinct 1: Framework Plan
(from within Design Guidelines)

Precinct 2 (shown in pink):
Precinct 2 is located to the south of Precinct 1, located on the east side of the development plan area, abutting the shared boundary with the Western Ring Road to the east. Key features include:

- The proposed uses include large warehousing / data centres.
- Lot sizes are proposed to range from 20,000 – 178,000 square metres.
- Building heights will be restricted to a maximum height of 40 metres.
- Minimum building setbacks to the Western Ring Road are proposed to be 9.0 metres for buildings up to 25 metres high and a minimum 30 metres for buildings up to 40 metres high along Western Ring Road.

Precinct 3 (shown in green):
Precinct 3 is the largest precinct extending from Tilburn Road to the south, the Western Ring Road to the east and extending north to the Kororoit Creek:

- The proposed uses will be predominantly for warehousing.
- Lot sizes are proposed to range from 20,000 – 166,000 square metres.
- Building heights will be restricted to a maximum height of 25 metres.
- 20 metre setback is proposed from Tilburn Road which includes a 9.0 metre landscape strip.
- Minimum building setbacks to the Western Ring Road are proposed to be 9.0 metres for buildings up to 25 metres high and a minimum 30 metres for buildings up to 40 metres high along Western Ring Road.

<u>Road Layout / Access Arrangements</u>
In terms of Road Layout and Access Arrangements this is detailed below:

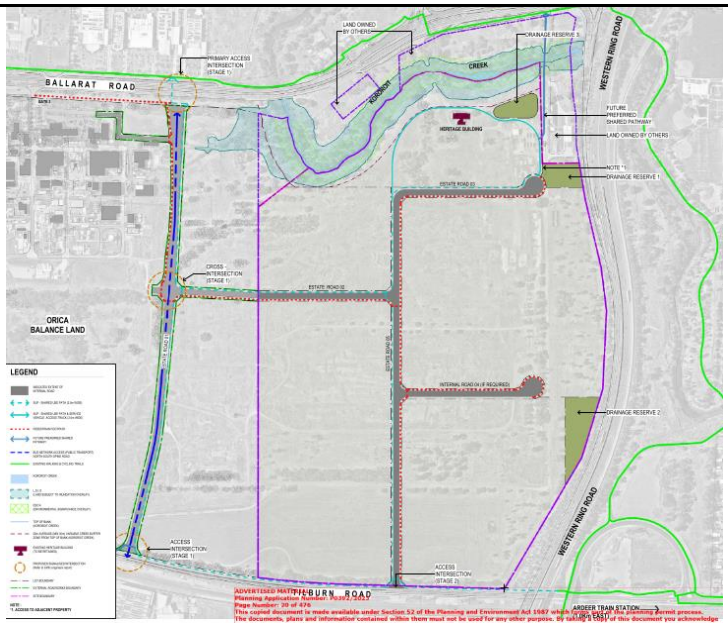


Image 4: Access Masterplan
(from within the Development Plan)

- Vehicle access to the external road network will be via three locations. The primary access will be from Ballarat Road to the north, via a new road to be built within the adjoining land. This has been formalised through a road easement on title allowing access to the site, with two secondary intersections via Tilburn Road: one to the west of the subject site accessed through neighbouring land and one centrally located within the site. The Ballarat Road intersection and the western-most Tilburn Road intersection are proposed to be signalised.
- The roads are designed to Council's standards with indicative plans provided.

<u>Site Fill</u>
The development plan proposes future earthworks which involves clean fill being brought across the majority of the site. This is to create a suitable finished surface level for future development and subdivision works as well as to create a buffer between the shallow contaminated rock layer and the future development. An indicative plan has been provided which shows no more than 5.0 metres of fill across the entire site.

<u>Design Guidelines</u>
The development plan has provided Design Guidelines for future built form. This includes:

- Varying lots sizes
- Building Setbacks a minimum of 20 metres along Tilburn Road and 9 metres from internal streets
- Commitment to ESD principles
- Offices facing streets
- Avoid blank walls and large loading docks facing Kororoit Creek, Western Ring Road and the heritage listed Nobel building
- Screening of roof top building services
- Trees within car parks.

<u>Native Vegetation/ Tree Removal/ Landscaping</u>

- Due to the future site fill proposed, the development plan acknowledges that a number of trees and other native vegetation is

likely to be removed throughout the site. Notwithstanding there is a commitment to protect trees and native vegetation within Precinct 1, along the Creek environs, the existing significant trees in proximity to the Heritage Building, and along Tilburn Road (subject to final civil design) which may require road widening.

- In relation to landscaping the development plan establishes a number of principles:
  - 30 metre – 74 metre varied buffers from the Kororoit Creek.
  - A minimum of 3.0 metre landscape strips along all internal roads.
  - A minimum 9.0 metre landscape strip from Tilburn Road.
  - All roads designed to Council standards including nature strips with tree planting.
  - A 3.0 metre setback from the eastern boundary abutting the Western Ring Road reserve.

Staging

An indicative staging plan has been provided as follows:

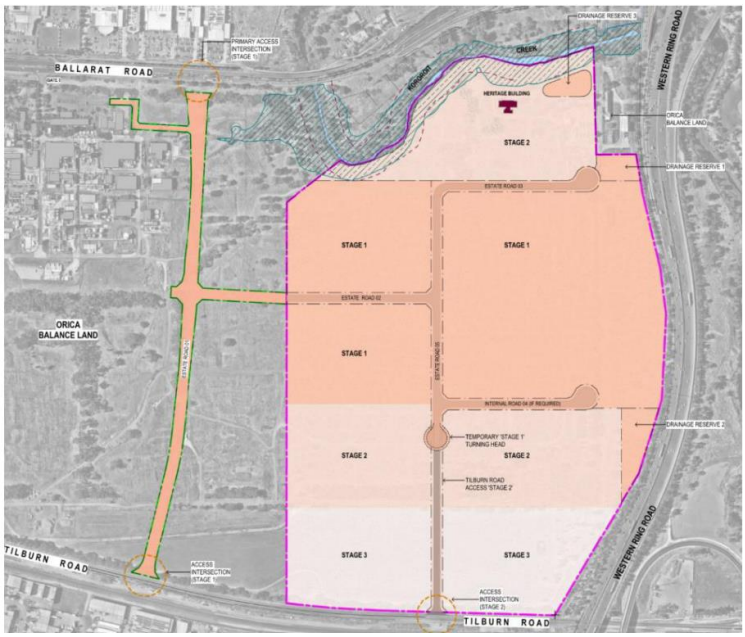


Image 5: Staging Plan

(from within the Development Plan)

- Stage 1 (darkest shade) will incorporate the developable area in the centre of the site, three drainage reserves, the majority of external lead-in works (including connection to Ballarat Rd and Tilburn Rd) and a temporary turning head at the southern stage boundary.
- Stage 2 (medium shade) will involve the addition of the northern precinct (Precinct 1) and the next portion of land to the south of Stage 1. During this stage the estate road will also be extended south to a new intersection with Tilburn Road.
- Stage 3 (lightest shade) will involve the balance area at the southern end of the site fronting Tilburn Road.

Site and Surrounds:

Subject Site

The site is located to the south of Ballarat Road, north of Tilburn Road (within the Strategic Cycling Corridor) and the Western Ring Road (including the M80 cycle path) to the east. The site is irregular in shape and has a total site area of approximately 65 hectares. It incorporates a number of small separate lots along the north side of Kororoit Creek and a

larger lot on the south side of the creek.

The site was rezoned from Industrial 2 Zone to Commercial 2 Zone in May 2014. Whilst land to the north of the Kororoit Creek includes a series of small lots, land on the south side of the creek was formerly part of a larger lot (765 Ballarat Road) which included the Industrial 2 zoned land to the west, commonly known as the Orica site. The larger parcel of land was subdivided into two lots via a planning permit for subdivision issued in 2023.

The site is physically separated into two parts with the north side separated by the Kororoit Creek and land within the Public Park and Recreation Zone in the north-west corner abutting Ballarat Road.

The site is largely vacant and was used as an explosives factory as part of the Orica site. The site includes a number of important features:

- There is an entrance on Ballarat Road at the north-east corner of the site that provides access to a bridge over Kororoit Creek which links the north and south portions. Aside from this the two entrances to the site (one on Ballarat Road and one on Tilburn Road) are both located on the adjoining land to the west.
- The Kororoit Creek runs across the north side of the site, entering from the Western Ring Road to the east and then deviating north across Ballarat Road at the north-west corner of the site.
- Due to the previous uses the site was heavily contaminated and has been subject to significant remediation works.
- Part of the site is of heritage significance including:
    - HO142 (Former ICI Explosives Manufacturing Complex). This comprised of four ordnance survey bunkers. Whilst three were removed under a previous planning permit, BX2 located at the south-east side of the site adjacent to the Western Ring Road remains.

Image 6: Image showing HO142 heritage bunkers with BX2 (east) remaining on site.

    - HO143 (Former ICI Entry Gates, Nobel Building and White House) - The ICI Entry Gates are located facing Ballarat Road opposite Cairnlea Drive. Nobel House is located south-west of the entry gates, (to the south of Kororoit Creek) with a number of the surrounding trees also included within the heritage protection. The White House that also formed part of the significance of this overlay has been demolished.

Image 7: Image showing HO143 Nobel Building/ ICI Entry Gates and Heritage protected trees

- The subject site includes native vegetation limited to small patches of Plains Grassland and Plains Grassy Wetland in the south of the study area, and Riparian Woodland along Kororoit Creek within the north section.
- There are a number of trees located across the site with the majority identified in the submitted arborist report of low arborist value with medium and high value trees predominantly located along the north part of the site in proximity to the Creek and along the southern boundary abutting Tilburn Road.

<u>Surrounding Area</u>
The surrounding area comprises:

- **North:** To the north of Ballarat Road there are a number of industrial buildings. To the north-east of the site is the vacant Cairnlea development site which includes both Commercial 2 and General Residential zoned land. The Kororoit Creek continues in a north westerly direction.
- **East:** The Western Ring Road and associated road reservation abuts the eastern boundary. Beyond this road is More Park, Ardeer, providing a linear strip of open space with residential land further east.
- **South:** To the south of Tilburn Road is the railway line with an existing industrial estate located further south.
- **West:** To the west is the remaining section of the Orica site which was predominantly used for chemical manufacture activities. Part of this site currently includes the Hexion Major Hazard Facility. Further west is Station Road with residential land, Deer Park Station and the Deer Park Major Activity Centre located on the west side of Station Road.

Notification:

Clauses 43.04-2 and 43.04-4 of the Development Plan Overlay require a development plan to be prepared and state that a development plan may be amended to the satisfaction of the Responsible Authority.

Despite there being no specific notification provisions in either the Brimbank Planning Scheme or the *Planning and Environment Act 1987* relating to a proposed development plan, it was determined that the development plan has the potential to impact surrounding landowners. Accordingly, a process of giving informal notification of the application was implemented with the application informally advertised to surrounding property owners and occupiers for a period of 21 days, so their views could be considered in the assessment of the application.

	Individual notices regarding the proposal were sent to property owners and occupiers within a 200 metre radius of the development plan area. No objections were received.

Referrals:	**<u>Comments:</u>**
	The following internal and external referrals were carried out as part of the development plan process and comments are provided below:
	
	<u>External Referrals:</u>
	
	Department of Energy, Environment and Climate Action (DEECA)
	• *DEECA notes the provision of an updated flora and fauna assessment for the site (Nature Advisory Report 22173.02 (1.5) May 2024) and broadly agrees with the results of this assessment.*
	• *A planning permit pursuant to Clause 52.17 will be required for the removal of identified native vegetation under the detailed assessment pathway. The total area of native vegetation identified to be removed in the future totals 1.843 hectares within location category 3. This is comprised of:*
	  • *24 patches of native vegetation with a total area of 1.840 hectares containing 0 large trees*
	  • *Three (3) small, scattered trees.*
	Growling Grass Frog
	• *The Development Plan proposes to avoid development within a variable width corridor along Kororoit Creek with a minimum setback of 30 metres and an average setback of at least 50 metres. As previously advised, DEECA would prefer that Council approves a Development Plan which provides for a larger buffer along Kororoit Creek. However, DEECA does not object to the proposed variable creek buffer zone width of 30m-74m (average width of 50m) along the frontage of the subject site to Kororoit Creek in an approved Development Plan. The creek is recognised as important Growling Grass Frog habitat in the Brimbank Biodiversity Strategy and the Melbourne Strategic Assessment (MSA) Sub-regional strategy for the Growling Grass Frog. Although outside the MSA area, this site is within "Potentially important habitat outside Urban Expansion Areas" in the sub-regional strategy. The MSA sub-regional species strategy suggests suitable buffer distance from existing habitat (such as Kororoit Creek at this site) as 50 - 200 metres. DEECA also suggests that any water treatment or other constructed wetlands in the Kororoit Creek vicinity take account of the Melbourne Strategic Assessment Growling Grass Frog Habitat Design Standards March 2017, to allow for habitat maintenance and possibly expansion.*
	Victorian Grassland Earless Dragon
	• *The updated Nature Advisory flora and fauna assessment retains its conclusion that the Victorian Grassland Earless Dragon (VGED) is unlikely to be present due to very degraded suitable habitat in the study area and very unlikely to have persisted in this regularly slashed grassy remnant. As previously advised, the Orica site is within a mapped area where the "species or species habitat is likely to occur" on the Commonwealth government Species Profile and Threats Database and that the site contains elements of the habitat attributes for VGED. The Department maintains its view that further evidence or consideration be provided in support of potential for impact to VGED habitat and reiterates the previous recommendation that the Development Plan take into account the potential to impact to this*

species and consider opportunities to avoid existing habitat or enhance habitat on the site.

Officer comment:

- DEECA broadly agrees with the native vegetation assessment and a formal application for native vegetation removal will be required if the development plan is approved which will require a full assessment of the provisions of Clause 52.17: Native Vegetation of the Brimbank Planning Scheme including a formal referral to DEECA.
- Regarding the proposed setbacks from the Creek this is discussed further below under Council's Environment comments.
- In relation to comments relating to Growling Grass Frog, the submitted flora and fauna assessment provides a commitment to a conservation management plan to be provided. It is recommended that the following note be added to the Deer Park Estate Design Guidelines:

  "Prior to works commencing on site, a Conservation Management Plan to protect Kororoit Creek and Growling Grass Frog habitat must be prepared to the satisfaction of the Responsible Authority in accordance with Melbourne Water and DEECA requirements. All future development and works must be in accordance with the recommendations of the Conservation Management Plan."
- Regarding commentary about the Victorian Grassland Earless Dragon, additional correspondence was provided, confirming ongoing discussions between DEECA and the applicant with further surveys to be carried out. It is recommended that the following note be added to the Deer Park Estate Design Guidelines.

  "Prior to works commencing on site, a report must be prepared to the satisfaction of DEECA providing consideration/ potential impacts on Victorian Grassland Earless Dragons and consider opportunities to avoid existing habitat or enhance habitat on site where applicable. All future development and works must be in accordance with any recommendations outlined in the report."

Melbourne Water

Melbourne Water, does not object to the proposed development plan and provides the following advice:

- *Stormwater Management Plan*

  Melbourne Water has no objection to the Stormwater Management Plan (SWMS) (Stormwater Management Plan - Deer Park, 765 Ballarat Rd Deer Park, Arcadis Ref: 30169582-GA002-07, Revision 7, dated 25/06/2024) as a support/incorporated document to the Development Plan for the proposed industrial/commercial development, subject to the following comments:

  - *Further detailed design of the development requiring Melbourne Water approval will need to be assessed against the safety criteria set out in Section 8 – Flood safety, "Guidelines for Development in Flood Affected Areas" (DELWP, Feb 2019).*
  - *Note: Stages 4 & 5 indicated in the SWMS appear to be part of the Orica balanced land, not part of this development precinct, The indicated stages 4 & 5 areas are identified land, not an extent of permitted development. Each precinct / stage of development will need to be referred to Melbourne Water for assessment and approval.*

- *Waterways*
  - *Melbourne Water has reviewed and has no objection to the latest version plan (23026 - SK3 Development Precinct & Use Masterplan (D), indicating varied setbacks from Kororoit Creek.*
- *Asset Protection*
  - *Prior to the commencement of works, formal approval and assessment is required from Melbourne Water's (Asset Protection Team) for any proposed works over or near Melbourne Water's drains/waterways. Any proposed development within the vicinity of the drains/waterways must be designed to ensure there is no detrimental impact upon its structural integrity and performance.*

Officer comment:
Noting this is for a development plan only, Melbourne Water have raised no objections to the indicative stormwater and drainage information provided and have requested information that will be required at the formal subdivision application/ planning application stages.

Fire Rescue Victoria (FRV)
There is no objection from FRV for the development plan approval process.

Worksafe
On the basis of this updated information provided, WorkSafe Victoria now provides the following advice in relation to the permit grant:

Precinct 1: Warehouse, restricted retail, office, food and drink

- *The proposed development for Precinct 1 is within the Outer Safety Area of the Hexion Major Hazard Facility (which is classified as Volatile Toxic, with an inner safety area of 400m and an outer safety area of 1000m).*
- *The proposed use for restricted retail and office premises, has now been clarified to be small-scale and supplementary to the preferred land use being warehousing. Section 4.11.1 of the proposed development plan has now been updated with relevant information.*
- *The proposed use for food and drink businesses, has now been clarified as on-site amenities to service the proposed development park and will not contain restaurants or drive-thru facilities. Section 4.11.1 of the proposed development plan has now been updated with relevant information.*
- *Evacuation away from the Major Hazard facility, should 'Estate Road 02 and 03' not be viable, the plans now allow for two primary routes of evacuation via 'Estate Road 05' and use of an identified 'fire access route track running alongside the development (closest to the MBO highway)'.*

For the proposed use of Precinct 1 (restricted retail, office, food and drink), WorkSafe Victoria does not advise against the grant of the permit:

- *In relation to the proposed use for warehousing, WorkSafe Victoria does not advise against.*
- *In relation to the proposed use for offices, restricted retail and food and drink, WorkSafe Victoria does not advise against on the condition that:*

- *Restricted retail and offices remain supplementary and are not intended to introduce the general public to the development area,*
- *Proposed food and drink businesses remain as amenities to support the development plan only and exclude restaurants and drive-thru facilities.*

<u>Precinct 2: Warehouse and data centre</u>

- *The proposed development for Precinct 2 is within the Outer Safety Area of the Hexion*

  Major Hazard Facility (which is classified as Volatile Toxic, with an inner safety area of 400m and an outer safety area of 1000m).
- *In relation to the proposed use for a data centre, WorkSafe initially posed that this land use has the potential to increase the number of workers in this area substantially, noting that in comparison warehousing generally has a much lower occupancy density than office spaces. The applicant has now supplied information in relation to car parking requirements associated with data centres, which are typically 0.14-0.18 car spaces per 100m2 in comparison to warehousing which typically requires 0.3-1.5m2 car spaces per 100m2. The applicant believes that this demonstrates a lower workface when compared to warehousing.*
- *Evacuation away from the Major Hazard facility, should 'Estate Road 02 and 03' not be viable, the plans now allow for two primary routes of evacuation via 'Estate Road 05' and use of an identified 'fire access route track running alongside the development (closest to the MBO highway)'.*

<u>Precinct 3: Warehousing</u>

- *Parts of the proposed development for Precinct 3 is within the Inner Safety Area of the Hexion Major Hazard Facility (which is classified as Volatile Toxic, with an inner safety area of 400m and an outer safety area of 1000m).*
- *Parts of the proposed development for Precinct 3 is within the Outer Safety Area of the Elgas Major Hazard Facility (which is classified as Highly Flammable, with an inner safety area of 300m and an outer safety area of 1000m).*
- *In relation to the proposed use for warehousing, WorkSafe does not typically advise against such land uses in the inner advisory area.*
- *Evacuation away from the Major Hazard facility, should 'Estate Road 02 and 03' not be viable, the plans now allow for two primary routes of evacuation via 'Estate Road 05' and use of an identified 'fire access route' track running alongside the development (closest to the M80 highway).*

For the proposed use of Precinct 2 (Warehouse and data centre), WorkSafe Victoria does not advise against of the grant of the permit:

- *In relation to the proposed use for Precinct 2 being Warehousing, WorkSafe Victoria does not advise against.*
- *In relation to his application and the proposed use for Precinct 2 being a data centre, WorkSafe Victoria does not advise against on the condition that car parking requirements are aligned with the reduced requirement in comparison to warehousing.*

In relation to the proposed use for Precinct 3 being Warehousing,

WorkSafe Victoria does not advise against on the provision that the recommendations from 'Arriscar Engineering Solutions' are implemented.

All precincts should have revised emergency egress routes are clearly identified to prospective tenants and buyers, and relevant emergency response plans are able to reflect both shelter in place and evacuation strategies. Through provision of individual permit applications for this location, WorkSafe will continue to verify access and egress via fire tracks in line with image 3 of the 'G32964L-03A - traffic report' supplied.

Officer comment:

Worksafe generally have no objection to the proposed development plan, noting that they are referring to conditions they wish to have placed on planning permits. With regards to the advice about excluding restaurants and drive-thru facilities and restricted retail offices remaining supplementary, Council officers reviewed the correspondence the applicant submitted to Worksafe to provide clarity on this requirement. This confirmed that:

- An undertaking was provided by the applicant that there would be no convenience restaurant tenancies and drive-thru facilities.
- Whilst Precinct 1 has been identified for potentially some restricted retail premises and office, a large part of Precinct 1 cannot be developed due to required setbacks to Kororoit Creek and the heritage protected Nobel House. The letter from the applicant stated if office or restricted retail premises were to go in Precinct 1, they would be on the smaller scale, supplementary to the preferred land use being warehouse for the wider development plan.

It is recommended that the following notes be required on the development plan prior to approval:

- In Precinct 1 reference to food and drink premises to include *"convenience restaurants and drive-thru facilities not permitted".*
- A further notation on the eastern boundary from the M80 for the provision of a fire access route track to be provided outside the landscape setbacks.
- A further notation that all precincts must include emergency response plans including revised emergency egress routes which must be clearly identified to prospective tenants and buyers.

A restriction on office and retail premises is not considered to be necessary on the development plan due to the fact this is only proposed in Precinct 1.

With regards to Worksafe's comments regarding data centres and car parking being restricted, there have been a number of applications submitted for data centres which have limited employees similar to that of warehousing. If a development plan is approved, future use and development applications including for data centres will be sent to Worksafe for comments.

Department of Transport and Planning (DTP)
DTP provided a response on 08/12/2023 in relation to the initial information provided as follows:

The Head, Transport for Victoria (HTfV) has considered the Development Plan and would like to make the following comments:

Principal Road Network

Ballarat Road and Station Road are both part of the Principal Road Network.

Regarding the proposed signalised intersection at Ballarat Road, the concept plan correctly assumes extending the third lane through the intersection. With the eastbound movement, it merges back into two on the departure side and for the westbound movement, it commences on the approach, with the third lane being part of the cross section to the west of the intersection. This provides the necessary capacity to accommodate the proposed trip generation.

The three right turn lanes from the access road is also a well-considered feature as it allows for the amount of green time given to the minor road to be kept to a minimum (the report outlines less than 30s of green time for a 120s cycle). The assumptions used to determine the trip generation are quite sound and require no further adjustments (the site-specific work justifies trip generation that deviates from the conservative default values). The 2pm peak models were very valuable in determining our position on the impacts to this intersection.

The impact of T-intersections on our network is substantially less than cross intersections due to the additional loss in time on the arterial road that occurs when a cross intersection is installed. For developments such as this, we always encourage signalised T-intersections.

Furthermore, while the impact to Station St / Tilburn Road are not discussed at length, the trip generation filtering through to this intersection is quite minor and easily absorbed.

Our comments are limited to the traffic impacts and mitigative treatments proposed. We have not looked at the geometric aspects of the design as this will be reviewed in more detail at Planning Permit stage and by HTFV's External Works Team at a later stage.

The new signalised intersection on Ballarat Road and the additional traffic on Station St/Tilburn Road will also require (post construction of the intersection) a review of the traffic signals linking plan for Ballarat Road & Station Street and Ballarat Road & Western Ring Road to ensure that the timing and operational characteristics of the signals are optimised (so that they are in synch with the rest of the network). This is something that HTFV's Signals Services team does, however the cost of this will be the developer's responsibility. HTFV would impose permit conditions to give effect to this requirement.
Future design should consider the area subject to inundation and the impact on flooding on Ballarat Road.

Local Road Network

Noting Tilburn Road and the north-south connector are local roads, HTfV's comments are:

- *The proposed Tilburn Road signalised intersection will require a Memorandum of Authorisation under the Road Management Act.*
- *There is some concern that the north-south connector road will be used as a rat run alternative to Station Road. It is suggested that the developer and Council consider the function and design of the north-south connector carefully.*
- *The north-north south road also connects into the car park to the west which also supplies access to Ballarat Rd, yet this intersection has not been included in the analysis.*

- *Given the industrial land use and the expectation that B-doubles will use this, are there swept paths to confirm movements can be accommodated? There is particular concern at Tilburn Rd signalised intersection.*
- *Future designs must not impact rail corridor land.*

Public Transport

Discussion around distance and connectivity to the surrounding Public Transport network does not align with what is being provided with the development as far as providing direct connection to these services. The following observations are made:

- *There is a likely need to connect into existing footpath on the northern side just west of the site which provides access to westbound buses.*
- *The footpath does not continue under the bridge on Tilburn Rd. Pedestrian connection and connection to bus stops is therefore limited.*

Cycling

Tilburn Road is part of the Strategic Cycling Corridor. Consideration should be given to providing an off-road corridor along the southern boundary of the subject land. Ideally, the development should be setback to provide a cycling or shared use path.
ENDS

Following the submission of the advertised information a further response was provided by DTP on 10/07/2024 as follows:

Thank you for referring the Development Plan to the Head, Transport for Victoria (HTfV). HTfV have considered the Development Plan and have no objection to the amendments, noting that the identified changes appear to be internal with no change or impact to the location and function of access to the site. HTfV request the comments in letter dated 8th of December 2023, be applied to this application as ongoing.

<u>Comments</u>

- DTP's comments relating to the north/ south connector road being used as a rat-run alternative to Station Road is noted. However importantly the connector road from Tilburn Road/ Ballarat Road includes signalised intersections at the north and south sides and is essential to ensure trucks associated with future uses within the development plan area do not use Station Road which adjoins residential properties and already takes significant traffic.
- Detailed engineering drawings of the road design will be required if the development plan is approved to the satisfaction of DTP and Council's Engineering and Infrastructure Services (Traffic and Transport).
- In terms of cycling and walking connectivity it is reasonable for the development plan to commit to extend the shared user path to the existing pedestrian paths along Tilburn Road. This would be required prior to any occupancy permits being issued for Stage 2 which proposes the completion of the road to the east from Tilburn Road. The development plan should include an amended notation:

  "Prior to occupancy permits being issued for any buildings within Stage 2 (unless agreed in writing by the Responsible Authority and the Department of Transport and Planning), a shared user path (dimensions to be agreed by Council) must be provided on the north side of Tilburn Road connecting Mt Derrimut Road to the west and the existing footpath east of the site."

Environment Protection Authority (EPA)

EPA provided a response on 09/11/2023 to the initial plans submitted.

EPA does not object to the proposed Development Plan application according to the information provided. EPA provides the following comments to assist Council with their assessment of the Development Plan.

Potentially Contaminated Land

EPA understands that the DP area has undergone extensive environmental site assessments and remediation, which has been reviewed by an independent Environmental Auditor. The Environmental Auditor has prepared a series of Environmental Audit reports, each with an accompanying Statement of Environmental Audit. Where necessary, a Site Contamination Management Plan (SCMP) has been prepared describing ongoing management measures to be implemented by the Developers and future occupants of the site. The Development Plan has considered the requirements of the SCMPs and provides steps for management of the residual contamination issues for the development of the site for future commercial/industrial land use. The planned raising of site levels also assists in reducing potential exposure risks to residual contamination underlying the site. EPA recommends that SCMPs which guide how the development and construction of the building should be completed, mainly to protect from residual vapour risk and soil contamination left in the ground. Rather than referring to where one can locate these documents, EPA suggests that copies of each of the SCMP with their environmental summary be included in the audits as appendices.

The four completed Audit Areas relevant to the site are as follows:

- *Cardno-LanePiper, Environmental Audit Report and Statement of Environmental Audit, Orica Deer Park, Audit Area 7, CARMS 58853-6, March 2013.*
- *Cardno, Environmental Audit Report and Statement of Environmental Audit, Orica Deer Park, Audit Area 2, CARMS 58853-9, September 2020.*
- *SLR Consulting Australia Pty Ltd, Environmental Audit Report and Statement of Environmental Audit, Orica Deer Park, Audit Area 8, CARMS 58853-10, April 2022.*
- *SLR Consulting Australia Pty Ltd, Environmental Audit Report and Statement of Environmental Audit, Orica Deer Park, Audit Area 1, November 2022.*

The Environmental Audit reports also include supporting information regarding determination of groundwater Clean Up so far as reasonably practicable (CUSFARP) and the preceding Clean Up To the Extent Practicable (CUTEP)for the older Audit Areas, which applied prior to the introduction of the new Environment Protection Act 2017 (EPA 2017). These describe the nature and extent of groundwater contamination at the site and provide details of ongoing management requirements in Groundwater Quality Management Plans (GQMP). The recommendations in the audit reports and statements should be implemented and maintain compliance with any specific conditions.

Groundwater contamination

EPA understands that Orica have committed to doing ongoing

groundwater monitoring in the development area as described in respective groundwater monitoring plans. This is due to groundwater contamination at this site. As a result, Orica is required to maintain access to this site for the next few years whilst this occurs, and the groundwater wells will need to be protected from damage. There is no comment in the documentation provided about how HB+B will facilitate this. EPA recommends that where there are recommendations for ongoing maintenance and monitoring, the proponent will need to ensure this is undertaken via a restriction on title (agreement).

Stormwater I Surface Water Management

Construction activities should follow best practice guidelines to prevent the discharge of sediments and other pollutants to the waterways. These include:

- *EPA Publication 275 Construction Techniques for Sediment Pollution Control.*
- *EPA Publication 1834 Civil construction, building and demolition guide*

Council could refer to the following website which provides information on building sites and stormwater: https://ref.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/building-sites-and-stormwater

Construction impacts

Council could refer to EPA Publication 1834 Civil construction, building and demolition guide (November 2020) as it highlights a range of temporary environmental protection measures, which may be employed during the construction of subdivisions. The measures detailed within this document are to mitigate effects on the environment in relation to the key construction issues of noise, dust, sediment and erosion, waste and chemicals.

https://www.epa.vic.gov.au/about-epa/publications/1834

EPA recommends that the proponent establish an Environmental/Site Management Plan (EMP/SMP) or similar, which includes:

- *a summary of key construction methodologies and a framework for site or works-specific measures to reduce and manage environmental, human health and amenity effects during construction to nearby residential developments and nature reserve/s including the Gisborne Racecourse Marshlands Reserve.*

EPA recommends that Council should consider the above prior to determining the development plan application.
ENDS

Following the submission of the advertised information a further response was provided on 24/07/2024 as follows:

EPA provided high level advice DP on 9 November 2023 and this response specifically relates to the remediation of the land and suitable method.

EPA have not undertaken a review of the documents provided, on the basis that Council's key question relates to the use of fill material across the site. Specifically, Council have asked EPA to confirm if it is our preference that the use of fill material is the suitable method to remediate the land.

A Statement of Environmental Audit was issued for the site in 2020 which states that the site is suitable for commercial and industrial uses, subject

to a number of conditions.

One of the conditions required that a Site Contamination Management Plan (SCMP) be prepared and verified by an Environmental Auditor.

EPA is of the understanding that the SCMP does not reference the raising of site levels and use of fill material as part of the remediation of the site.

The SCMP must be followed for the site to be developed in accordance with the statement of environmental audit. On this basis, the site does not require any further remediation other than that outlined in the SCMP. The audit has determined clean-up has been achieved to the extent practicable.

With regard to fill material, the updated development plan states that 'all imported fill material will need to comply with EPA clean fill requirements and Brimbank City Council specifications'.

If the material is not 'clean fill' then a range of duties and Permissions from EPA may apply. Council should ensure that fill material is fit for purpose, has been appropriately classified, can be legally received on site and is managed appropriately once received.

EPA Permissioning under the Environment Protection Regulations 2021 EPA Registration R000308917 was granted for the site on 24 March 2024 (Expiry: 24 March 2029) for the following prescribed permissioning activity:

- *L08 (Receiving Waste Acid Sulfate Soil for treatment)*

Council and the applicant should be aware that EPA Registrations are a self-determined and no assessment processes are undertaken prior to their issue.

Officer comment:

- Matters raised by EPA, relate to the applicant's responsibilities to comply with the Audit and associated documentation recommendations and their duties under the *Environment Protection Act 2017*. If the development is approved, it is recommended that the following notation should be added:

  "Recommendations of environmental audit reports and statements of environmental audits must be implemented, and all future development must maintain compliance with any specific conditions.'

- EPA recommends that the application provide Environmental/Site Management Plans for construction. This matter (as per standard practice) will be addressed when future development and work applications are submitted.

Internal Referrals:

A summary of the internal comments is provided below:

Environment

- *Clear labels depicting the width of the buffer zone need to be provided at least every 10 metres along the creek corridor. The width of the corridor should not vary- it should be 50m wide from the top of the bank of*
- *Update the Landscape Plans to include the conservation and management of amphibian and other fauna species habitat along the creek corridor, as per the guidelines provided in the Growling Grass*

Frog Habitat Design Standards Melbourne Strategic Assessment (DELWP, 2017). The creek corridor will also require amphibian specific habitat restoration works. The updated ecology report Orica Deer Park, Tilburn Road, Deer Park Flora and Fauna Assessment (Nature Advisory, May 2024) states a conservation management plan will be prepared to protect Kororoit Creek and Growling Grass Frog habitat in accordance with Melbourne Water requirements. This should be noted in the Landscape Plan

- *Provide evidence of any permitted native vegetation removal and the associated credit extracts. Provide the native vegetation mapping as per the 2012 and 2023 ecological reports, on the development plans.*
- *Provide the location of all indigenous trees and update the ecological assessment or provide evidence that these trees are not native vegetation as per the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017). Revise the report/mapping to include all the large old trees across the site and in the waterway corridor.*

<u>Officer comment:</u>

- Regarding the request for the setbacks for development from Kororoit Creek to be increased to a minimum of 50 metres, the applicant has provided a *Variable Creek Buffer Plan* below (received on 5 July 2024) with Melbourne Water having no objection to the approach:

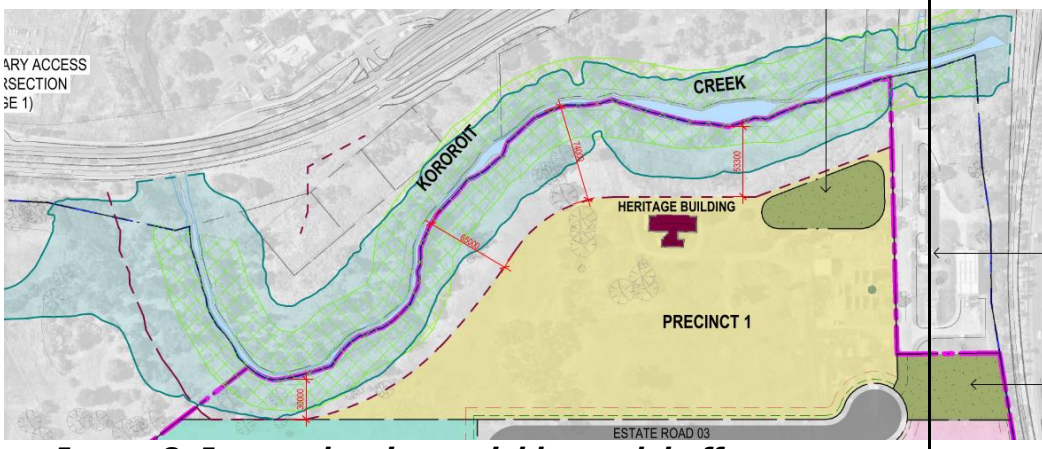


Image 8: Image showing variable creek buffers

It is unclear how the average setback will be achieved particularly if the area adjoining the Creek interface is subject to a number of future applications. The following modifications to the development plan are recommended to be required as conditions of approval:

- The Variable Creek Buffer Plan received by Council on 5 July 2024 must be included as part of the development plan.
- The design guidelines should be updated with the following requirement:

  Any future development / works applications submitted with a direct interface to the Kororoit Creek must include a Creek impact assessment which assesses the impact on the biodiversity and water quality of the Kororoit Creek to the satisfaction of the Responsible Authority and the relevant authorities. A further setback of development to the Creek outside the Variable Creek Buffer Zone may be required if the impact assessment demonstrates any proposal will adversely impact on the Creek environs.

- Regarding concerns native trees have not been property identified in

the submitted information, if the development plan is approved, a formal planning application will be required for native vegetation removal. Any anomalies that have been identified by the Environment Department can be addressed in updated reports at that stage and will be fully assessed against the provision of the Scheme.

Traffic and Transport

- *Ensure the road network complies with Council's Engineering Guidelines and Specifications for road design and construction for details for industrial roads and court bowls.*
- *Stages 4 and 5 are landlocked with no access.*
- *The Orica site has the proposed Estate Roads 1 and 2. Ensure there is agreement for this access to be undertaken.*
- *If the internal roads are intended to be Council owned, when will hand over occur?*
- *The development site to provide pedestrian connectivity with footpath connecting to the existing bus stop on Tilburn Road connecting Western Ring Rd footpath under the overpass to existing footpath.*
- *Designs should aim to meet the statutory planning requirements of parking rates of Clause 52.06.*

Officer comment:

- A note of clarification on the main legend *"All roads to be designed to Council Engineering standards"* is recommended to be required to be annotated on the development plan. This will ensure all roads are designed to Council's satisfaction.
- It is also recommended that notations on the development plan should require a commitment to extend the shared user path to the existing pedestrian paths to the east and west along Tilburn Road.
- Whilst queries have been raised regarding the lack of detail in relation to Stages 4 & 5, as this land does not fall under the ownership of the applicant, detailed information has not been provided for these stages. Prior to these areas being developed in the future the development plan would need to be amended.
- Regarding future car parking on site, if the development plan is approved, future planning applications will be required which will need to include an assessment against the car parking provisions of the Scheme (Clause 52.06).
- Regarding the Traffic Engineer's queries relating to Estate Road 01 being provided outside the development plan area, there is a carriageway easement on the title of the Orica site which formalises the access arrangements into the development plan area from Ballarat Road. It is understood continuation of the road to Tilburn Road has been agreed with the adjoining landowner and will be formalised at the detailed design stage. If this is not the case, there is still an access from Tilburn Road directly to the site and any changes would require both DTP and Council approval.

Infrastructure Development

- *Generally, Council would only be concerned with discharge to Council assets, i.e. this is labelled catchment C, to Tilburn Road drain. Discharge to the Tilburn Road drain is subject to a permissible site discharge approved by Council.*

- *Could the SWMP also include a catchment plan showing areas and discharge rates for each of the catchments?*
- *Critical section analysis for the overland flow path will require to be provided (Tilburn Road) to make sure Melbourne Water's safety criteria is satisfied.*
- *As per Melbourne Water's comments, Council would support the design proposal should the developers wish for a new or upgrade an existing outfall drain.*
- *Council can issue separate legal point of discharge advice if they are required by the respective authorities. Approvals from said authorities to be submitted to Council for our records.*
- *If everything in the DP area is privately owned, we would require a Functional Layout Plan (FLP) just for the proposed intersection at Tilburn Road. FLP shall be to Council's satisfaction and as per Council's Subdivision Guidelines.*
- *Following the FLP, they would be required to submit detailed Engineering Plans for the proposed intersection to Council's satisfaction and as per Council's subdivision guidelines. Plan, checking and supervision fees will apply.*

Officer comment:

Noting that this is a development plan only, Council's Drainage Department have raised no objections to the indicative stormwater and drainage information provided. The queries raised requesting information will be required to be addressed at the formal subdivision application / planning application stages.

Heritage Advisor

- *Good to see height of new buildings in Precinct 1 will be only 10m.*
- *Good that there will be a SUP that passes in front of the Nobel Building, showcasing it to pedestrians and cyclists.*
- *Good that no earthworks (new fill) are proposed for a buffer zone of 50 m from the Kororoit Creek.*
- *The 50m buffer with 'No buildings or retaining walls … permitted to be constructed' for the Creek should also apply to the Nobel Building. (Note that it is left out of the text, but then shown in the section diagram on page 11).*
- *Good that Building Design (p.14) states that buildings adjacent to 'public open spaces are to face or address' them, and 'Avoid blank walls or large loading docks facing the heritage building'.*
- *Still would prefer our proposed road layout with Estate Road 3 much closer to the rear of the Nobel Building. The issue of totally losing views from the bulk of the site to the rear of the Nobel Building is probably the key one. We don't need an avenue that leads directly to it (as previously suggested), but it would be a poor outcome if it was totally hidden away, without any glimpses indicating it is there.*

Officer comment:

In terms of the above

- The development plan has been annotated to clearly show a 50 metre buffer around the Nobel Building from any proposed development. For clarity, the following note is recommended to be added to the Heritage section of the Design Guidelines:

No buildings or retaining walls are permitted to be constructed within the area shown as "50m min building setback from existing heritage buildings" as shown on the Precinct 1- Framework Plan.

- Council's Heritage Officer has suggested relocation of the northern-most Estate Road further towards the Heritage Building due to concerns total views will be lost of the Heritage Building from the rest of the site. The applicant has stated that pushing the road north would be difficult for the topography of the land and proposes small buildings and lower heights (less than 10 metres) within Precinct 1 to respect the heritage value of this Precinct. Whilst any future development application would be referred to Council's Heritage Advisor for Precinct 1 to ensure the setting of the heritage building is not adversely impacted, the following note is recommended to be added to the development plan prior to approval:

  "Any future development application submitted with a direct interface to the Nobel Building must include perspectives/ viewlines that demonstrate oblique views of the heritage building will be maintained and protected when viewed from further south of the site."

Urban Design Comments (including Urban Forest Planning)

Masterplanning

- *Provide information in the landscape plans to establish Gateways.*
- *Create major and minor nodes throughout the development.*

Movement

- *Ensure the connector roads are bus capable.*
- *Provide information on the delivery of the intersection with Ballarat Road*
- *Provide clarity about internal intersections.*

Open Space

- *Provide shared path along Kororoit Creek and create linkages with wider context.*
- *Investigate feasibility of pedestrian link between the proposed development and Kororoit Creek Reserve.*
- *Investigate potential pedestrian underpass beneath Ballarat Road and links to Waterfield Park*
- *The proposed 9m setback along Western Ring Road is in-sufficient.*
- *Retain the identified native vegetation within a conservation reserve and create opportunity for diverse open spaces connected with shared paths.*
- *Provide shared path (min 2.5m wide) along northern side of Tilburn Road which will connect the development.*
- *Explore opportunities for additional open spaces along the creek interface.*

Built Form

- *In the design guidelines, clearly identify the built form outcomes at various nodes and the articulation measures to ensure quality architecture.*
- *Provide information about visual impact of the built form along Western Ring Road and the mitigation measures.*

- *Provide further information about massing elements within the proposed building heights and the rationale for these heights.*
- *The design guidelines should provide thresholds for the future subdivision and provide guidance on diverse typology of industrial/commercial buildings*
- *The design guidelines should provide guidance for small, medium, and large office/data centres/warehouse buildings, including built form, landscape treatment, and public realm response for each scale.*
- *The Arboricultural Impact Assessment requested further clarification around trees and further retention of trees should be considered.*

Strategic Planning Comments

- *Based on the information provided, we understand Precinct 2 built form (including associated service/loading areas) will back onto the M80. Need to ensure setbacks avoid a bulky/ harsh interface.*
- *This application presents an opportunity to connect surrounding neighbourhoods through the site. Need to provided pedestrian linkages within the site and to the surrounding residential and public open space areas.*
- *The applicant has indicated two active transport linkages on plans as "future preferred shared pathway". However, there are no details how and when these pathways will be delivered. A Section 173 Agreement should be considered.*

Officer comments:
In response to the comments raised by Strategic Planning and Urban Design:

- Masterplanning/ Movement: The applicant has provided an indicative masterplan showing the trees to be provided on all roads. As previously discussed, a notation will require a commitment to the roads being designed to Council standards. This will allow Council to dictate the detailed design in relation to internal intersection design, landscape outcomes on street, service location which will be assessed as part of future subdivision/ planning applications. Whilst the applicant's intent is for large warehouses within Precincts 2 – 3, thus proposing a simplistic layout, the road design will allow for connections between Precincts which again will be subject to Council approval.

- Open Space

  With regards to Urban Design's comments relating to potential impacts on the Western Ring Road on the eastern boundary the Design Guidelines establishes strong principles including articulated building design, avoiding large loading docks and blank walls facing the Road. In order to further alleviate the impact of future built form when viewed from the Ring Road the following note will be added to the development plan prior to approval to increase landscape setbacks and further soften any future development from the Western Ring Road.

  "The following landscape setbacks will be required from the eastern boundary:

  - *A minimum 3m landscape setback for up to 15m high building*
  - *A minimum 6m landscape setback for 15.1m p to 25m high building*
  - *A minimum 9m landscape setback for 25.1m up to 40m high*

	building *The setbacks will only be permitted for landscaping purpose and included the planting of canopy trees to partially screen development from the Western Ring Road."* • As addressed previously, modification to the development plan will require the Tilburn Road shared path to connect to existing paths to east and west of the site and this will be included as Stage 2 to coincide with the road proposed accessed from Tilburn site entering the development plan area. In terms of linkages north across Ballarat Road and to the Western Ring Road, the existing bridge to the north-east of the site is retained as a future preferred pathway which will be developed further once further amendments to the development plan are submitted for land to the north of the Creek and north-east outside the ownership of the applicant. In addition, given the size of the site and commitment to the connections within the development plan it is reasonable for the network to be provided along Ballarat Road. The following additional notation is recommended to be added: *"Prior to occupancy permits being issued for any buildings within Stage 1 (unless agreed in writing by the Responsible Authority and the Department of Transport and Planning) a shared user path (dimensions to be agreed by Council) must be provided on the south side of Ballarat Road connecting the existing footpath west of the site and the exit lane of the Western Ring Road to the east of the site."* • Built Form: In terms of other comments requesting further details of built form and layouts the purpose of the development plan is to set principles that will determine future applications only, not to provide detailed design layouts. The overarching principles with the design guidelines are considered a strong basis to guide future development and Council will assess all proposals in detail once planning application are submitted to ensure a high quality design. • Tree Protection: Whilst Urban Design has requested additional trees to be retained, as discussed future fill is proposed on site partly to assist in mitigating contamination. The development plan acknowledges this will require future removal of trees. Importantly the Creek buffer will protect trees along the Kororoit Creek, and all heritage protected trees are proposed to be retained. Any trees that are deemed native vegetation will require future permits for removal and will be assessed at that stage. The trees along Tilburn Road are shown on the vegetation masterplan as "existing trees (attempted to retain subject to final civil design)". It is recommended that prior to the development plan being approved, the notation on the development to the 9.0 metres landscape and drainage setback from Tilburn Road be amended to: "*Existing Trees within the 9.0 metres landscape strip abutting Tilburn Road to be retained subject to civil works/ road and pathway works."* • Whilst Urban Design have requested a shared path along the Kororoit Creek, the development plan has provided shared paths in proximity to the Creek within Precinct 1. Further cycle linkages along Ballarat Road addressed above will provide a good connection between the site and existing cycle networks.
Planning Scheme Requirements:	**Municipal Strategic Statement** Clause 02.02: Vision Clause 02.03-1: Settlement Clause 02.03-2: Environmental and landscape values

	Clause 02.03-3: Environmental risks and amenity Clause 02.03-4: Built environment and heritage Clause 02.03-6: Economic development Clause 02.03-7: Transport Clause 02.03-8: Infrastructure Clause 02.04: Strategic Framework Plans **Planning Policy Framework** Clause 11: Settlement Clause 12: Environmental and Landscape Values Clause 12.01: Biodiversity Clause 12.05: Significant Environments and Landscapes Clause 13: Environmental Risks and Amenity Clause 14.02: Water Clause 15: Built Environment and Heritage Clause 17: Economic Development Clause 17.03: Industry Clause 18: Transport **Zoning Provisions** Clause 34.02 – Commercial 2 Zone **Overlay Provisions** Clause 42.01: Environmental Significance Overlay Schedule 4 (ESO4) Clause 43.01: Heritage Overlay Schedule 142 & 143 (HO142 & 143) Clause 43.04: Development Plan Overlay Schedule 16 (DPO16) Clause 44.04: Land Subject to Inundation Overlay (LSIO) Clause 45.03: Environmental Audit Overlay (EAO) **Particular Provisions** Clause 52.06: Car Parking Clause 52.17: Native Vegetation Clause 52.29: Land Adjacent to the Principal Road Network Clause 52.34: Bicycle Facilities **General Provisions** Clause 65: Decision Guidelines

Comparison against Planning Controls:	***Municipal Planning Strategy***
	Clause 02.02: Vision
	The following land use and development goals and objectives are intended to achieve this vision:
	• *An inclusive community where:*
	  • *People are safe, healthy and well.*
	  • *People have opportunities to participate in community life.*
	• *A liveable community where:*
	  • *Public and open spaces are safe, clean and well-maintained.*
	  • *People can move around easily on foot, bike, car or public transport.*
	  • *People live sustainably by reducing their carbon footprint and becoming resilient to climate change.*
	  • *The natural environment supports thriving biodiversity that is protected.*
	  • *The urban environment supports a growing population in designated areas while respecting neighbourhood character and heritage.*
	• *A prosperous community where:*
	  • *The local economy is strong and provides opportunities for the community to thrive.*
	  • *Housing is of high quality, well located and relatively affordable.*
	  • *Brimbank is a leading destination for business, working, learning,*

recreation and living.

Clause 02.03-1: Settlement
Clause 02.03-2: Environmental and landscape values
Strategic directions:
Protect and enhance native vegetation and critical habitat within riparian environments.

- *Support the provision of a network of habitat corridors for native flora and fauna.*
- *Support an open space corridor along the Maribyrnong River to protect its natural landscape character, indigenous values and endangered species habitat, and provide access to recreation opportunities.*
- *Ensure development along creek corridors, escarpments and ridgelines is sited and sensitively designed so it blends in with its natural landscape context.*
- *Protect and enhance the water quality of Brimbank's waterways, including the Maribyrnong River, Kororoit Creek, Taylors Creek, Jones Creek, Steele Creek and Stony Creek waterways.*
- *Encourage use and development that increases the extent and enhances the condition of natural habitat across the municipality.*

Clause 02.03-3: Environmental risks and amenity
Climate Change
Strategic directions:

- *Encourage development that helps achieve Brimbank's zero net emissions by 2040 target.*
- *Support localised energy creation such as rooftop solar as part of new development and subdivision.*
- *Support development that incorporates environmentally sustainable design measures.*
- *Support the uptake of electric vehicles and associated infrastructure.*
- *Support integrated water management.*
- *Support urban greening and cooling.*
- *Reduce the urban heat island effect by increasing tree planting to assist in achieving a canopy cover of 30 per cent across the municipality.*

Contaminated and potentially contaminated land and landfills
Strategic directions:

- *Mitigate the risk to the community and environment from landfill sites and land that is contaminated or potentially contaminated.*
- *Ensure risks associated with contaminated and potentially contaminated land are identified, investigated, and where necessary, remediated or managed prior to using or developing land.*

Land use compatibility
Strategic directions:

- *Protect the ongoing operation of existing industrial uses.*
- *Minimise off-site amenity impacts from industrial uses on residential uses by encouraging separation distances between industrial use and development and residential use and development.*
- *Reduce the potential risk from industrial uses on new residential use and development by ensuring risk has been suitably addressed.*
- *Encourage design and construction techniques in new developments that will minimize off-site amenity impacts from industrial uses on residential uses.*

Major hazard facilities
Strategic directions:

- *Protect the ongoing operation of MHFs and pipelines.*
- *Discourage sensitive uses from locating within the threshold distance*

of an existing MHF.

<u>Clause 02.03-4: Built environment and heritage</u>
Built environment
Strategic directions:
- *Encourage innovative built form, configurations and design in areas where a change in character is encouraged.*
- *Support development that incorporates durable and weather resistant building materials.*
- *Facilitate the delivery of attractive, safe, high amenity neighbourhoods that have a strong sense of identity.*
- *Enhance the appearance of industrial and employment areas through building form, innovative design treatments and landscaping.*
- *Ensure signage and associated structures do not detract from the natural or built environment and contribute to the improved appearance of the site and surrounds.*

Heritage
Strategic direction:
- *Manage development within the heritage overlay to ensure the conservation and protection of heritage places.*

<u>Clause 02.03-6: Economic development</u>
Strategic directions:
- *Support the development of Employment, Industrial and Transitional Precincts as desirable locations for vibrant and diverse industries and world class businesses.*
- *Encourage development that enables Employment, Industrial and Transitional Precincts to be highly accessible and connected to public and active transport.*

Industry
Strategic directions:
- *Support the sustainable development of Industrial Precincts so they continue to be an important source of employment and economic opportunity for Brimbank and the western region.*
- *Retain and support the zoning of land that prioritises industrial land uses.*
- *Support the gradual transition of existing industrial zoned land identified in Transitional Precincts to higher order uses.*

<u>Clause 02.03-7: Transport</u>
Strategic directions:
- *Support the development of planned rail grade separations along the Melton and Sunbury line.*
- *Support improvements to the transport network that will increase connectivity, reduce congestion and encourage walking and cycling.*
- *Encourage the land footprint devoted to parking to reduce over time, as development increases and consolidation occurs.*
- *Encourage car parking in new development to be allocated and designed so that it does not incentivise car use and supports quality development and urban amenity.*

<u>Clause 02.03-8: Infrastructure</u>
Community infrastructure
- *Provide, renew or adapt social and physical infrastructure to meet the changing needs of the community.*

<u>Open space</u>
Strategic directions:
- *Ensure the use and development for Brimbank's open spaces is*

consistent with their categorisation.
- *Develop and enhance the existing open space network to ensure all residents have equal access to open space within the municipality.*
- *Encourage the delivery of new open space through infill developments where there is insufficient provision of open space.*

Clause 02.04: Strategic Framework Plans
In terms of the Strategic Framework Plans this identifies the site within the following areas:
- *The Industrial and Employment Area*
- *Employment Precinct Area*
- *The site includes habitat connectivity corridors that extend along the Kororoit Creek at the north of the site and towards the southern boundary (Tilburn Road frontage.)*
- *The Principal Public Transport Network Area*
- *Identifies the south boundary as proposed rail improvement for electrification and rail precinct and corridor built form indicative area*

Planning Policy Framework
Clause 11: Settlement
Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:
- *Health, wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of environmental sustainability, urban design and amenity.*
- *Climate change adaptation and mitigation.*
- *Prevention of land, water, air and noise pollution.*
- *Protecting, conserving and improving biodiversity, waterways and other natural resources.*
- *Accessibility.*
- *Land use and transport integration.*
- *Waste minimisation and resource recovery.*

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 11.01-1R: Settlement - Metropolitan Melbourne
Strategies
- *Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.*
- *Focus investment and growth in places of state significance, including:*
  - *Metropolitan Melbourne Central City.*
  - *National Employment and Innovation Clusters.*
  - *Metropolitan Activity Centres.*
  - *State-Significant Industrial Precincts.*
  - *Transport Gateways.*
  - *Health and Education Precincts.*
  - *Major Urban-Renewal Precincts.*

Clause 11.02: Supply of Urban Land

Objective
To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.03-5S: Distinctive areas and landscapes
Objective
- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Strategies
- *Recognise the unique features and special characteristics of these areas and landscapes.*
- *Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.*
- *Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.*
- *Protect areas that are important for food production.*

Clause 12: Environmental and Landscape Values
Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Clause 12.01: Biodiversity
Clause 12.01-1S: Protection of biodiversity
Objective
- *To protect and enhance Victoria's biodiversity.*

Clause12.01-1L: Protection of biodiversity - Brimbank
Strategies
- *Increase connectivity between fragmented areas of biodiversity through the use of habitat corridors.*
- *Support development that increases the diversity and sustainability of fauna habitat and remnant vegetation, including through adaptive management techniques.*
- *Encourage the retention of native vegetation along railway corridors.*
- *Avoid the degradation of critically endangered remnant grasslands and endangered vegetation communities.*
- *Ensure development and any associated earth works do not change natural water flows or compromise the viability of nearby patches of native vegetation.*
- *Ensure development adjoining native vegetation and habitat corridors along waterways is adequately fenced and set back to prevent weed invasion and disturbance to the site's land form and vegetation.*
- *Encourage indigenous planting as part of development on land adjacent to and within habitat corridors.*

Clause 12.01-2S: Native vegetation management
Objective

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

Strategies
Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):
- *Avoid the removal, destruction or lopping of native vegetation.*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

Clause 12.03: Water Bodies and Wetlands
Clause 12.03-1S: River and riparian corridors, waterways, lakes, wetlands and billabongs
Objective
- *To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.*

Strategies
- *Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.*
- *Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.*
- *Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*
- *Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.*
- *Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:*
  - *Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire risk of a location.*
  - *Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.*
  - *Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality.*
  - *Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.*
- *Enhance a sense of place and landscape identity by:*
  - *Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterway systems.*
  - *Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.*
  - *Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.*
- *Retain and enhance the recreation and amenity values along waterway systems by:*
  - *Planning for surrounding green spaces as recreation and tourism*

resources without adversely impacting environmental values and flood management capacity.
    - *Protecting and enhancing parklands for their economic, social and environmental values.*
    - *Protecting and enhancing public access to waterway systems and surrounding parklands.*
    - *Enhancing existing and providing new green links, pedestrian and cycle connections and open space.*
    - *Discouraging privatisation of spaces that interface with or provide access to waterway systems.*
    - *Avoiding overshadowing of waterway systems, their banks and adjacent public open space.*
    - *Promoting safety by maximising visibility and passive surveillance and providing good connections and access.*
- *Design and site development to maintain and enhance the natural environment of waterway systems by:*
    - *Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.*
    - *Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.*
    - *Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.*
    - *Avoiding impeding the natural flow of waterways and future flood events.*
    - *Directing growth to established settlements where water and wastewater can be managed.*

Policy guidelines
Consider as relevant:
- *Locating earthworks, including dams, a minimum of 30 metres from waterway systems.*
- *Locating development a minimum of 30 metres from the banks of waterway systems.*
- *The views of floodplain and waterway managers.*
- *Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994.*

<u>Clause 12.03-1R: Waterways of the West</u>
Objective
- *To maintain and enhance the natural landscape, biodiversity, cultural and social values, and the Traditional Owner living cultural heritage values of the waterways of Melbourne's west, including the Werribee River (Wirribi Yaluk), Maribyrnong River (Mirrangbamurn), Moonee Ponds Creek (Moonee Moonee), and associated tributaries and wetlands.*

Strategies
- *Strengthen the natural environment and overall health of the waterways by protecting and enhancing both terrestrial and aquatic habitats and their linkages along the waterway corridors.*
- *Ensure development protects and strengthens cultural heritage along waterways and at sensitive sites.*
- *Promote a sense of place and landscape identity by:*
    - *Enhancing a sense of remoteness that complements the waterway corridor and landscape setting, especially the sloping river valley landscape setting of the upper and middle reaches of the Maribyrnong River.*
    - *Enhancing the landscape character along Stony, Laverton and Kororoit creeks.*

- *Retaining and re-establishing tree canopy and riparian vegetation cover along the waterways corridor including Werribee Blue Box and River Red Gum along the Werribee River.*
- *Maintaining and protecting the waterways' natural geomorphology and bank stability.*
- *Reducing the risk of erosion at key sites including the K Road Cliffs along Werribee River.*
- *Ensuring green linkages and public access to rivers and green spaces are protected and prioritised along the river corridors including the:*
  - Kororoit Creek Trail.

<u>Clause 12.03-1L: River corridors and waterways - Brimbank</u>
General strategies
- *Encourage planting of local indigenous vegetation on land adjacent to river corridors and waterways.*
- *Ensure development adjoining constructed waterways, including Stony Creek and Jones Creek, helps facilitate their natural re-instatement.*
- *Ensure development does not result in fragmentation of waterway corridors.*
- *Encourage the provision of linear trails along river corridors and waterways.*
- *Encourage retention of native vegetation and habitat values along waterways and associated open space corridors.*

Maribyrnong River Valley and Kororoit Creek strategies
- *Design development to respond to the landscape qualities along and adjacent to escarpments, ridgelines and waterways through building materials of muted colours and use of local landscape materials such as natural rocks, timber and native plantings.*
- *Ensure any fencing abutting escarpments and ridgelines is visually transparent.*
- *Ensure buildings, particularly their height and materials, complement the natural environment of the Maribyrnong River valley and the Kororoit Creek waterway.*
- *Set back development along escarpment and ridgelines to accommodate landscaping that minimises the visual impacts of development.*
- *Encourage development or subdivision along escarpment and ridgelines to front onto open space along the riparian corridor and allow for habitat connectivity.*
- *Discourage the construction of impervious areas adjacent to escarpment and ridgelines.*
- *Design development to respond to the natural topography of the land and minimise cut and fill.*
- *Position building mass away from any boundary abutting an escarpment or ridgeline.*

<u>Clause 12.05: Significant Environments and Landscapes</u>
<u>Clause 12.05-2S: Landscapes</u>
Objective
- *To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

Strategies
- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces,*

including green wedges, conservation areas and non-urban areas.
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 13: Environmental Risks and Amenity
- *Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.*
- *Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:*
  - *Land use and development compatibility.*
  - *Effective controls to prevent or mitigate significant impacts.*
- *Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.*
- *Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.*
- *Planning should prepare for and respond to the impacts of climate change.*

Clause 13.01-1S: Natural hazards and climate change
Objective
- *To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.*

Strategies
- *Respond to the risks associated with climate change in planning and management decision making processes.*
- *Identify at risk areas using the best available data and climate change science.*
- *Integrate strategic land use planning with emergency management decision making.*
- *Direct population growth and development to low risk locations.*
- *Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.*
- *Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.*
- *Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.*

Clause 13.03: Floodplains
Clause 13.03-1S: Floodplain management
Objective
To assist the protection of:
- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Strategies
- *Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.*
- *Avoid intensifying the impact of flooding through inappropriately located use and development.*
- *Plan for the cumulative impacts of use and development on flood*

behaviour.

- *Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.*
- *Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.*
- *Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.*

<u>Clause 13.04: Soil Degradation</u>
<u>Clause 13.04-1S: Contaminated and potentially contaminated land</u>
Objective

- *To ensure that contaminated and potentially contaminated land is used and developed safely.*

Strategies

- *Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.*
- *Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.*
- *Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.*
-

<u>Clause 13.06: Air Quality</u>
<u>Clause 13.06-1S: Air quality management</u>
Objective

- *To assist the protection and improvement of air quality.*

<u>Clause 13.07: Amenity, Human Health and Safety</u>
<u>Clause 13.07-1S: Land use compatibility</u>
Objective

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential*

<u>Clause 13.07-2S: Major hazard facilities</u>
Objective

- *To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.*

Strategies

- *Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.*
- *Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.*
- *Apply appropriate threshold distances from sensitive land uses for new*

major hazard facilities and between major hazard facilities.

- *Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.*

Clause 14.02: Water
Clause 14.02-1S: Water Catchment planning and management
Objective

- *To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.*

Strategies

- *Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*
- *Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.*
- *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
  - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
  - *Minimise erosion of stream banks and verges, and*
  - *Reduce polluted surface runoff from adjacent land uses.*
- *Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*
- *Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*
- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.*
- *Require appropriate measures to restrict sediment discharges from construction sites.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*
- *Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.*

Clause 14.02-2S: Water quality
Objective

- *To protect water quality.*

Strategies

- *Protect reservoirs, water mains and local storage facilities from potential contamination.*
- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*
- *Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.*
- *Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.*
- *Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.*

- *Use the mapped information available from the Department of Energy, Environment and Climate Action to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources from proposed land use or development.*

Clause 15: Built Environment and Heritage

- *Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.*
- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.*
- *Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.*
- *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- *Planning should promote excellence in the built environment and create places that:*
  - *Are enjoyable, engaging, and comfortable to be in.*
  - *Support human health and community wellbeing.*
  - *Accommodate people of all abilities, ages and cultures.*
  - *Contribute positively to local character and sense of place.*
  - *Reflect the particular characteristics and cultural identity of the community.*
  - *Enhance the function, amenity and safety of the public realm.*
- *Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment.*
- *Planning should facilitate development that:*
  - *Is adapted and resilient to climate related hazards.*
  - *Supports the transition to net zero greenhouse gas emissions.*
  - *Minimises waste generation and supports resource recovery.*
  - *Conserves potable water.*
  - *Supports the use of, and access to, low emission forms of transport.*
  - *Protects and enhances natural values.*
  - *Minimises off-site detrimental impacts on people and the environment.*

Clause 15.01: Built Environment
Clause 15.01-1S: Urban design
Objective
To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private*

spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

Clause 15.01-1R: Urban design - Metropolitan Melbourne
Objective
To create a distinctive and liveable city with quality design and amenity.

Clause 15.01-1L: Urban design - Brimbank
Strategies
- *Encourage low-level planting adjacent to windows, fencing and pathways to define private and public land.*
- *Encourage landscaping design that complements the landscape treatments of adjoining public spaces.*
- *Encourage landscaping that enhances pedestrian safety, provides clear sight lines and does not create concealed spaces.*
- *Ensure outdoor spaces are designed to be safe, accessible and adaptable so that they can be used by different age groups and for different purposes.*
- *Encourage lighting along pedestrian pathways.*
- *Avoid zero street setbacks in residential areas that directly adjoin activity centres.*
- *Design residential areas that directly adjoin activity centres to ensure a gradual transition between the centre and residential areas.*
- *Discourage signs that would contribute to, or result in, a proliferation or repetition of similar signs.*
- *Ensure signage in commercial areas does not protrude over building lines or above the rooflines of buildings.*
- *Discourage promotional signage on or adjacent to major arterial roads, freeways and gateways.*

Policy guidelines
Consider as relevant:
- *Using indigenous, drought tolerant species in landscaped areas.*
- *Avoiding the use of species identified as environmental weeds.*

Clause 15.01-2S: Building design
Objective
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: Building design - Brimbank
Industrial strategies
- *Encourage transparent fencing that integrates with the building and maintains adequate security.*
- *Avoid the use of barbed wire fencing.*
- *Locate loading facilities away from public spaces, streets and residential areas, and screen them from the public realm.*
- *Articulate exposed side and rear walls of buildings to provide visual interest.*

Clause 15.01-2L-02: Environmentally sustainable development
Objective
To achieve best practice in environmentally sustainable development from

the design stage through to construction and operation.

Clause 15.03: Heritage
Clause 15.03-1S: Heritage conservation
Objective
To ensure the conservation of places of heritage significance.

Clause 15.03-1L: Heritage conservation - Brimbank
Demolition strategies

- *Avoid the demolition of individually significant or contributory heritage places unless:*
  - *The structural condition of the building is such that it cannot feasibly be repaired or adapted for reuse.*
  - *The replacement building or works positively supports the ongoing heritage significance of the heritage place.*
- *Ensure a visual record of heritage buildings that are approved for demolition is provided prior to demolition commencing.*
- *Discourage the demolition of original chimneys.*

Demolition policy guideline
Consider as relevant:

- *Any application for new development to replace a heritage building that is proposed to be demolished.*

Contributory buildings

- *Ensure that alterations and additions to contributory buildings:*
  - *Maintain the building's architectural integrity and character.*
  - *Do not obscure, alter or remove original features and details that contribute to the significance of the heritage place.*
  - *Are distinguishable from the original building.*
  - *Avoid reproduction or "mock" heritage design.*
  - *Are sympathetic to the heritage place in terms of scale, bulk and setbacks.*
  - *Do not introduce new building elements that are visible from the street, such as dormer windows, porticos and verandahs that detract from the significance of the heritage place.*
- *Do not obscure views of the principal façade(s) of surrounding heritage buildings. Discourage the installation of new window or door openings in the principal façade(s) of buildings.*
- *Encourage new window and door openings that are visible to the public to be proportionally related to those of the heritage place.*
- *Discourage the installation of external shading devices such as shutters and awnings over windows that are visible to the public.*
- *Discourage the replacement of original timber window frames with an alternative material such as aluminium or plastic.*
- *Encourage the accurate reconstruction of contributory features where there is evidence that they have previously been removed.*

Industrial Heritage Building

- *Encourage the adaptive reuse of industrial heritage buildings for non-industrial uses when it can be demonstrated they won't negatively impact on the on-going operation of existing industrial uses.*
- *Support the removal or demolition of industrial heritage fabric to facilitate the continued operation of historically significant uses.*

Landscaping

- *Discourage the removal of trees where the schedule to the Heritage Overlay identifies that tree controls apply, unless the trees:*
  - *Cannot be maintained in a reasonably safe and healthy manner.*
  - *Are causing significant structural damage to a heritage building that cannot be rectified.*

Aboriginal cultural heritage
Objective
- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Strategies
- *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*
- *Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.*
- *Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

Clause 17: Economic Development
- *Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.*
- *Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

Clause 17.03: Industry
Clause 17.03-1S: Industrial land supply
Objective
- *To ensure availability of land for industry.*

Clause 17.03-1L: Industrial land supply - Brimbank
Strategies
- *Encourage coordinated and integrated, rather than ad-hoc development of large sites or Transitional Precincts.*
- *Discourage retailing and non-industrial uses within industrial areas unless they are:*
  - *Manufacturing sales, ancillary retail or uses that provide a service to employees.*
  - *Designed and sited to reinforce the primacy of industrial uses.*
- *Discourage sensitive uses such as fitness centres, play centres and sports facilities within the Industrial 2 Zone.*
- *Support office uses where they are associated with the industry carried out on site.*

Clause 17.03-2S: Sustainable industry
Objective
To facilitate the sustainable operation of industry.

Clause 18: Transport
Planning should ensure a safe, integrated and sustainable transport system that:
- *Provides access to social and economic opportunities to support individual and community wellbeing.*
- *Facilitates economic prosperity.*
- *Actively contributes to environmental sustainability.*
- *Facilitates network-wide efficient, coordinated and reliable movements of people and goods.*
- *Supports health and wellbeing*

Clause 18.01: Land Use and Transport
Clause 18.01-1S: Land use and transport integration
Objective

- *To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.*

Clause 18.01-2S: Transport system
Objective
- *To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.*

Clause 18.01-3S: Sustainable and safe transport
Objective
- *To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.*

Clause 18.01-3R: Sustainable and safe transport - Metropolitan Melbourne
Strategies
- *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*

Officer Assessment:
In terms of the policies listed above, the development plan responds well to policies set out in the MPS and PPF:

- Land uses: The development plan clearly addresses the settlement, land use compatibility and the industrial policies. The subject site is a large undeveloped vacant site within the urban area with good access to amenities, public transport and open space, identified in Council Strategic Plans as both an industrial and employment area and an employment precinct area. The approval of the development plan will be the first step in its redevelopment and supporting the economic development polices and strategic directions envisaged. Importantly the uses propose predominantly large warehouse uses both responding to its location within a Commercial 2 Zone, requirements of the approved environmental audit which permits commercial and industrial uses on site and the location adjacent to a Major Hazard Facility which seeks to manage the intensity of use and development and restrict sensitive uses.
- Environmental risk: The development plan responds to the environmental risks and contamination policies. The application has been submitted after land remediation has already taken place and further future remediation measures are proposed including bringing fill onto the land which the EPA have confirmed will reduce potential exposure to residual contamination underlying the site. An odour risk assessment has been undertaken to assess the impact of adjoining industrial sites and it has been concluded there is low chance of potential odour impacts.
- Environment/ Biodiversity Policies: Whilst the development plan envisages native vegetation and trees are likely to be removed from the site, reports have been provided demonstrating the majority of trees are of low arborist value. Importantly the areas identified as habitat connectivity corridors are sought to be protected both along the Kororoit Creek (through a buffer zone prohibiting development) and also along Tilburn Road (subject to civil works). DEECA has providing no objections to the methodology proposed including future native vegetation removal which will be subject to a detailed planning application and further assessment at that juncture.
- Heritage Protection: The development plan has addressed the heritage policies particularly in relation to the protection of the Nobel Building and surrounding heritage trees. A 50 metre buffer has been provided around the Nobel Building prohibiting future development. Additional

notes on the development plan will be added requiring that future applications provided additional information to ensure viewlines towards the heritage building from the south are protected.

- Cultural Heritage: In terms of the aboriginal heritage policies, the development plan has provided an *"Aboriginal and historical compliance review"* which confirms a CHMP has already been prepared for the majority of the development area and includes requirements for further development. Whilst the precise requirements in relation to Aboriginal Heritage will depend on the nature of future applications a note will added to the development plan as follows:

  "Future applications will require to demonstrate compliance with the requirements of the Aboriginal Heritage Act 2006 (and Aboriginal Heritage Regulations 2018) and the requirements for further development set out in the Aboriginal and historical compliance review – 765 Ballarat Road, Deer Park (July 2023.)"

- In terms of the bult environment urban design policies, the development plan provides important principles to guide future development through Estate Guidelines. These include the following principles.
  - 20 metre building setbacks from Tilburn Road and 9.0 metre setbacks from internal streets.
  - A commitment that buildings address public realm with offices to address the street frontage providing passive surveillance.
  - Avoidance of blank walls facing the Creek and Western Ring Road interfaces.
  - Lot size ranges and building heights to vary particularly in relation to protecting the heritage setting in Precinct 1.
  - Materials to be environmentally sustainable with variation and articulation in the design encouraged.
  - Future fencing to be palisade or black chain wire fence.
  - A commitment to ESD principles including PV roof top systems, shading devices, LED lighting, rain water tanks, sustainable materials, EV charging, etc, noting detailed ESD documentation will be required for development applications.
  - Landscaping principles are a strong feature of the development plan:
    - Generous landscape setbacks have been provided from the Creek and heritage building and heritage protected trees as well as a 9.0 metre landscape setback from the Tilburn Road frontage.)
    - For future development there is a commitment for 3.0 metre front landscape buffers and tree planting within car parking areas.
    - A commitment to street trees.
    - Further changes to the development plan will be required to increase setbacks from the eastern boundary (Western Ring Road) to increase landscape opportunities.

- Transport Policies: The development plan provides a commitment to designing all roads to Council's standards (including treed boulevards) which will be developed further within future subdivision applications. All intersection arrangements to Ballarat Road and Tilburn Road have in principle support from DTP and will be subject to future detailed design in terms of the traffic safety policies. All principal roads within

the development plan propose cycle lanes supporting the sustainable transport policies. The development plan seeks to create a path over the existing bridge connecting the north and south of the development plan area over the Kororoit Creek which will provide access to the M80 cycle path to the east and additional changes to the plan will be made prior to endorsement connecting the existing pathways to the east and west of the site along Tilburn Road identified as a Strategic Transport Corridor.

- Infrastructure Policies: The information provided has raised no objections from either Council's Engineering (Infrastructure) Department nor Melbourne Water. The detail provided has acknowledged the flood risk associated at the north of the subject site and future planning applications will provide detailed information regarding stormwater, flood mitigation and drainage design.

Zoning Provisions

Clause 34.02: Commercial 2 Zone

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Comment

Whilst there are no planning triggers for the development plan in relation to the Commercial 2 Zone, the proposal supports the objectives above by providing for predominantly large warehouse uses whilst respecting the site's location adjacent to a Major Hazard Facility and proposing beneficial uses permitted under the approved Environmental Audit for the site.

No heavy industrial is proposed within the masterplan and whilst detailed planning applications will consider future uses on site to ensure they do not impact the amenity of the area, there are appropriate buffers from existing dwellings with industrial land directly to the west, the Western Ring Road to the east and Ballarat Road / Tilburn Road and industrial land to the north and south.

Overlay Provisions

Clause 42.01: Environmental Significance Overlay – Schedule 4 – Kororoit Creek Corridor Protection

Environmental objectives to be achieved

- *To protect and improve waterway health and biodiversity values of Kororoit Creek and its environs, including native vegetation, fauna habitat, flora and fauna species.*
- *To protect and enhance the natural geological form of the creek, particularly rock escarpments and associated pools of the Kororoit Creek*
- *To improve the landscape character of the creek corridor*
- *To create and maintain a continuous open space corridor and access trail with links to an open space network of local parks, linear green spaces, regional parks and trail connections.*
- *To protect and enhance the natural and visually attractive creek*

corridor and landscape views along the creek corridor.

- *To avoid or minimise impacts of buildings and works on the creek corridor.*

Clause 42.01: Heritage Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

There are two Heritage Overlays on the site as follows:

PS map ref	Heritage place	External paint controls Apply?	Internal alteration controls Apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included in Victorian Heritage Register
HO142	*Former ICI Explosives Manufacturing Complex* *Orica, Deer Park*	No	No	No	Yes	No	No
HO143	*Former ICI Entry Gates, Nobel Building and White House* *Orica, Deer Park*	No	No	Yes	Yes	No	No

Clause 44.04: Land Subject to Inundation Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

Clause 45.03: Environmental Audit Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

Officer comments:

- *Heritage Overlay:* The development plan does not propose to either demolish the heritage Nobel Building nor remove heritage protected trees that lie in Precinct 1 and measures including buffers from development have been put in place to protect these assets. Any development in the overlay area will be subject to future planning applications. The heritage bunker along the eastern boundary was previously approved to be demolished although the permit has now expired and any further proposal to demolish this will require a further planning application.
- *Land subject to Inundation Overlay & Environmental Significance Overlay:* The Kororoit Creek and associated environs are affected by these overlays. No development is proposed within the overlays due to the buffers proposed. Both DEECA and Melbourne Water have not raised any principal objections in relation to the development plan and creek protection measures.
- *Environmental Audit Overlay:* A Statement of Environmental Audit was issued for the site which states that the site is suitable for commercial and industrial uses and the application has a duty to meet all conditions in relation to the Audit requirements.

Clause 43.04: Development Plan Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

Schedule 16 to Clause 43.04: Development Plan Overlay

Decision guidelines

Before approving a Development Plan (or amendment to the plan) the responsible authority must consider the following, as appropriate:

- *The Municipal Planning Strategy and Planning Policy Framework.*
- *The purpose of the applicable Zone.*
- *The need for safe and attractive pedestrian linkages within the site and to the surrounding residential and public open space areas.*
- *Whether the proposed development responds appropriately to the context of the site in terms of the use of land and the form of development.*
- *Whether the location of proposed uses within the 'Health and Safety' area are appropriate having regard to the intensity of the use (i.e. number of people), the vulnerability of the proposed population and the ability of the proposed population to respond to an emergency if*

required.

- *The findings and recommendations of the Odour Assessment.*

Before approving a Development Plan (or amendment to the plan) the responsible authority must seek the views of:

- *Melbourne Water.*
- *VicRoads.*
- *Department of Transport, Planning and Local Infrastructure, Freight Logistics and Marine Division.*
- *The Metropolitan Fire Brigade and State Emergency Services.*
- *WorkSafe Victoria, and*
- *Environment Protection Authority.*

Officer comments:

The acceptability of the development plan has been discussed in significant detail above and it has been demonstrated to comply with the policies in both the Municipal Planning Strategy and Planning Policy Framework, as well as respond to the objectives of the Commercial 2 Zone. In particular through the development of design guidelines, including a commitment to high quality urban and building design techniques, robust contemporary materials, ESD measures, appropriate setbacks from the existing and proposed streets and a strong landscape setting, the development plan will lay down the foundations for a well-designed estate that responds to the surrounding area.

Importantly, the development plan puts in place measures to protect aboriginal and post-European settlement heritage features and the biodiversity and landscape value of the Creek through appropriate setbacks for future development, with DEECA and Melbourne Water raising no fundamental issues.

The development plan commits to fill being used to assist in further remediating the historic contamination that is prevalent within the site. The uses proposed are also in strict accordance with the environmental audit affecting the land and respond to the Major Hazard Facility on the adjacent land to the west. This again is supported by both EPA and Worksafe Victoria.

The proposed access arrangements to the surrounding roads are principally supported by DTP and will allow the safe entry to and egress from the site subject to further detailed design. The development plan layout also commits to both pedestrian and bicycle linkages through the site and will help connect the existing network on Tilburn Road to the east and west.

As required, an odour assessment has been provided with the application which concludes that there is a low chance for potential odour impacts to be experienced.

Particular Provisions

Clause 52.06: Car Parking

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the*

activities on the land and the nature of the locality.

- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The development plan includes large Precincts that can accommodate high quality developments with opportunities for car parking. Detailed planning applications for use and development will be required to provide car parking in accordance with the car parking rate set within the Planning Scheme or demonstrate to Council why a lesser rate is justified.

Clause 52.17: Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Officer comments:

Whilst the development plan has provided detailed information regarding potential native vegetation removal, there is also a commitment to protect native vegetation along the Kororoit Creek. If the development plan is approved, a formal planning application will be required for native vegetation removal which will be required to follow the three step approach outlined above.

Clause 52.29: Land Adjacent to the Principal Road Network

Purpose

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Whilst the DTP have raised no objections to the proposed intersection locations, they will be required to approve the detailed design.

Clause 52.34: Bicycle Facilities

Purpose

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Officer comments:

The development plans include commitments for bike linkages both within the site and to Ballarat Road and Tilburn Road linking to the wider network. Detailed planning applications for use and development will be required to provide bicycle parking in accordance with the rates set within the Planning Scheme or demonstrate to Council why a lesser rate is justified.

The development plan is considered acceptable and will provide strong guiding principles for future applications that will be assessed against the zoning and overlay controls contained within the Brimbank Planning Scheme.

Clause 53.18: Stormwater Management in Urban Development

Purpose

- *To ensure that storm water in urban development, including retention and reuse, is managed to mitigate the impacts of storm water on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Officer comments:

Council's Engineering Department and Melbourne Water whilst not objecting to the principles of the drainage information provided confirm that any future planning. application received for the area will require further detailed drainage engineering,

General Provisions

Clause 65.01 requires that before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

	The relevant matters set out in S60 of the Act are: *(1) Before deciding on an application, the responsible authority must consider-* (a) *the relevant planning scheme; and* (b) *the objectives of planning in Victoria; and* (c) *all objections and other submissions which it has received and which have not been withdrawn; and* (d) *any decision and comments of a referral authority which it has received; and* (e) *any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and* (f) *any significant social effects and economic effects which the responsible authority considers the use or development may have.* *(1B) For the purposes of subsection (1)(f), the responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect.* The application has been assessed against the Decision Guidelines, in particular Clause 65.01 (Approval of an Application or Plan) and section 60(1) and (lB) of the Act, and it is considered that the proposal is in accordance with the abovementioned requirements as discussed throughout this report.
Officer Comments:	**Summary** Subject to minor changes, the proposed development plan is considered to be appropriate in achieving the outcomes required and sought by Development Plan Overlay Schedule 16. The development plan is consistent and enables compliance with the Municipal Planning Strategy Planning Policy Framework, Zone, Overlays, General and Particular Provisions of the Brimbank Planning Scheme. Further detailed design will be considered and assessed once future planning permit applications are received. Overall, the amended development plan is considered to be a good planning outcome, subject to the minor changes outlined at **Attachment 7**.
Recommendation:	It is recommended that subject to the minor changes outlined at **Attachment 7**, that Council approve the development plan under Development Plan Overlay Schedule 16.

PROPOSED ADDITIONS REQUIRED TO DEVELOPMENT PLAN PRIOR TO ENDORSEMENT

1. Replace the address of 765 Ballarat Road, Deer Park throughout the Development plan with 179 Tilburn Road, Deer Park due to the change in address of the site following the subdivision.

2. The following notation added to the *Development Precinct and Use Masterplan* (page 14):

   - *Recommendations of environmental audit reports and statements of environmental audits must be implemented, and all future development must maintain compliance with any specific conditions.*

3. The following notation removed from the plans on page 14 and page 20:

   - *3m landscape setback along Western Ring Road.*

   And replaced with:

   - *The following landscape setbacks will be required from the eastern boundary:*
     - *A minimum 3m landscape setback for up to 15m high building*
     - *A minimum 6m landscape setback for 15.1m p to 25m high building*
     - *A minimum 9m landscape setback for 25.1m up to 40m high building*

     The setbacks will only be permitted for landscaping purposes and must include the planting of canopy trees to partially screen development from the Western Ring Road. Existing trees within landscape setbacks are to be retained, subject to assessment of health and arborist value.
   - *The provision of a fire access route track to be provided outside the landscape setbacks*.

4. The following notation on the plan on pages 14 and 20 to be amended from:

   - *9m Landscape and drainage setbacks from Tilburn Rd*

   to:

   - *9m Landscape and drainage setbacks from Tilburn Rd. Existing Trees within the 9.0 metres landscape strip abutting Tilburn Road to be retained subject to civil works/ road/ pathway works.*

5. The following notation on the plan on page 14 under "Precinct 1" to be amended from:

   - *Warehouse, restricted retail, office, food and drinks*

   to:

   - *Warehouse, restricted retail, office, food and drinks (convenience restaurants and drive-thru facilities not permitted).*

6. The following note to be added to the legend in the Development Precinct and Use Masterplan (page 14) and the Access Masterplan (page 17):

   - *All roads to be designed to Council's Engineering Standards.*

7. The following notation to be removed from the Access Masterplan (page 17):

   - *SUP – Shared Use Path (2.5m Wide)*

   and replaced with:

   - *SUP – Shared Use Path to be designed to the satisfaction of Council and the Department of Transport and Planning.*

8. The following note to be added to the legend in the Development Precinct and Use Masterplan (page 14), Access Masterplan (page 17) and the Staging Plan (page 21):

   - *Prior to occupancy permits being issued for any buildings within Stage 2 (unless agreed in writing by the Responsible Authority and the Department of Transport and Planning), a shared user path (dimensions to be agreed by Council) must be provided on the north side of Tilburn Road connecting Mt Derrimut to the west and the existing footpath east of the site.*
   - *Prior to occupancy permits being issued for any buildings within Stage 1 (unless agreed in writing by the Responsible Authority and the Department of Transport and Planning) a shared user path (dimensions to be agreed by Council) must be provided on the south side of Ballarat Road connecting the existing footpath west of the site and the exit lane of the Western Ring Road to the east of the site.*

9. The following note to be added to the section *"New Buildings Adjacent to Heritage Building"* of the *Deer Park Estate Design Guidelines:*

   - *Any future development application submitted with a direct interface to the Nobel Building must include perspectives/ viewlines that demonstrate oblique views of the heritage building will be maintained and protected when viewed from further south of the site.*
   - *No buildings or retaining walls are permitted to be constructed within the area shown as "50m min building setback from existing heritage buildings" as shown on the Precinct 1- Framework Plan.*

10. The following section to be added to the *Deer Park Estate Design Guidelines:*

    Biodiversity Protection

    - *Prior to works commencing on site, a conservation management plan to protect Kororoit Creek and Growling Grass Frog habitat must be prepared to the satisfaction of the Responsible Authority in accordance with Melbourne Water and DEECA requirements. This must include details of management responsibilities and access arrangements for maintenance. All future development and works must be in accordance with the recommendations of the Conservation Management Plan.*
    - *Prior to works commencing on site a report must be prepared to the satisfaction of DEECA providing consideration/ potential impacts on Victorian Grassland Earless Dragons and consider opportunities to avoid existing habitat or enhance*

habitat on site where applicable. All future development and works must be in accordance with any recommendations outlined in the report.

- *Any future development/ works applications submitted with a direct interface to the Kororoit Creek must include a Creek impact assessment which assesses the impact on the biodiversity and water quality of the Kororoit Creek to the satisfaction of the Responsible Authority and the relevant authorities. A further setback of development to the Creek outside the Variable Creek Buffer Zone may be required if the impact assessment demonstrates any proposal will adversely impact on the Creek environs.*

11. The following note to be added to the Development Precinct and Use Masterplan (page 14) and Access Masterplan (page 17):

    - *Prior to any occupancy permits being issued for any new buildings on site, an Emergency Response Plan must be completed to the satisfaction of Worksafe including shelter in place and evacuation strategies which must be provided to future tenants and owners.*

12. The Variable Creek Buffer Plan (P105.02.24) received by Council on 5 July 2024 must be included as part of the Development Plan.

13. The following section to be added to the heritage section of the *Deer Park Estate Design Guidelines*:

    Cultural heritage
    "Future applications will require to demonstrate compliance with the requirements of the Aboriginal Hertiage Act 2006 (and Aboriginal Hertiage Regulations 2018) and the requirements for further development set out in the Aboriginal and historical compliance review – 765 Ballarat Road, Deer Park (July 2023.)"

14. Page 14 of the *Deer Park Estate Design Guidelines* to be altered as follows:

    Remove reference to "Kororoit Creek" from the following sentence:

    - *Avoid blank walls or large loading docks facing the heritage building, Kororoit Creek and the Western Ring Road interfaces.*

    And add the following dot points:

    - *Ensure all development with an interface to Kororoit Creek has building elevations, materials, colours and finishes that demonstrates a positive interface with the Creek, its landscape and environmental character. Avoid blank walls, open storage and loading areas facing the Creek.*

    - *Ensure all sites that abut Kororoit Creek are fenced to prevent uses extending off the site and into the creek reserve. Fencing is to be designed to provide protection from unauthorised vehicular access and illegal dumping and support land management activities, without compromising the movement of wildlife.*