

Project No: FX49722

6 September 2023

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By email: statplanning@wyndham.vic.gov.au

Dear Tess

WYP13939/23 - 18-20 & 22 Princes Highway Werribee Further information

As requested, we write on behalf of Princes Wattle Pty Ltd and Princes Gateway Pty Ltd to provide further information about the planning permit application for this land.

1. MPL certificate

We have reviewed the cost of development requiring a planning permit, and confirm that it is \$8M, consistent with the MPL certificate. The \$10.5M stated on the planning application form was incorrect. I have amended this error in the enclosed version of the revised permit application form.

2. Liquor licence information

A packaged liquor licence will be required for the Dan Murphy's shop.

The proposed hours of operation of the bottle shop are:

- on any day other than Sunday, Good Friday, ANZAC Day or Christmas Day: Between 9.00am and 9.00pm
- Sunday: Between 10.00am and 9.00pm
- ANZAC Day: Between 12 noon and 9.00pm.

The enclosed *Social Impact Assessment* prepared by Ratio Consultants assesses the potential effects of the bottle shop.

Section 4.13 of the report sets out the methodology for assessing an application under Clause 52.27 *Licensed premises* of the Wyndham Planning Scheme, and the circumstances in which a Cumulative Impact Assessment should be prepared. This draws

on the guidance in the State Planning Practice Note 61 '*Licensed Premises: Assessing cumulative impact*' (PPN61).

The planning practice note suggests that a cumulative impact assessment (CIA) should be undertaken when new or expanded licensed premises will open after 11pm and there is a cluster of existing licensed premises.

PPN61 describes a 'cluster' as:

- three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or
- 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

With respect to hours of operation, the bottle shop will close by 9pm, two hours before the 11pm trigger for a CIA.

From a review of existing licences in the locality, Ratio identified two licences located within 500m of the subject site. These are a remote seller's licence (19 on the map below), and an on-premises licence associated with the Council offices (31).



Map of existing liquor licences (from Figure 8.2 in the Ratio report)

The location, type and number of these licences falls short of the threshold for a 'cluster', under PPN61.

The Ratio report has found that the proposal does not require a full cumulative impact assessment as neither of the threshold criteria for cumulative impact in PPN61 are met.

The Ratio report describes the site and its context, the proposal, the statutory context for assessment of the application, discusses risk factors and current research, provides a community profile, and includes a review of liquor licences within the local community. This information informs the social impact assessment, and responds to the decision guidelines in Clause 52.27.

In summary, the findings of the assessment (section 1.3 of the report) are:

- *The proposed development of the land at 18-20 & 22 Princes Highway, Werribee will result in a positive impact for the local community and that the benefits will outweigh the disbenefits.*
- *The Werribee community has a mixed socioeconomic profile with key demographic characteristics sitting both above and below the Metropolitan Melbourne average.*
- *With regard to the risk profile for alcohol related harm, Werribee does not have an over-representation of these characteristics with the exception of a higher proportion of Aboriginal and Torres Strait Islander peoples.*
- *There is no cumulative impact associated with the proposed bottle shop. In particular, the separation of the bottle shop from other licensed venues will ensure that there are no synergies with other licensed premises and that the bottle shop is a stand alone destination venue that will not result in anti-social behaviour due to the nature of the liquor licence which does not allow consumption of alcohol on the premises.*
- *The Werribee community is not a community that experiences higher rates of alcohol related harm compared to the Metropolitan and State averages.*
- *The benefits associated with the proposal include increase consumer choice, employment (both short term and long term), activation of the gateway to the activity centre and utilisation of vacant land.*
- *These benefits will neutralise the potential disbenefits including the potential risk for increased alcohol related harm.*

Section 9 of the report provides a comprehensive assessment of potential positive and negative impacts, and section 9.3 addresses amenity aspects.

3. Soil report - Protection of adjacent properties during construction

The land is not identified in the planning scheme as being subject to landslip, erosion, or any other conditions that would suggest that detailed geotechnical assessment and advice is required before a decision can be made on the planning permit application for the development.

In keeping with normal practice, the protection of adjacent properties during construction (including excavation for, and construction of the basement) will be addressed in a Construction Management Plan, and in the building approval phase of the project.

The detailed plans and supporting documentation that will be required for the building permit application will be prepared once the planning phase has been completed. Geotechnical testing and structural engineering advice will be part of the package of specialist input to the working drawings, and to the construction methodology.

On receipt of the building permit application, the Building Surveyor will assess the potential impacts of the works and will determine whether protection work is required. If it is, the specific requirements for protection of neighbouring property will need to be resolved before the construction work starts.

The Building Surveyor will oversee the consultation process with landholders and ensure that proposed protection work is adequate. A building permit cannot be issued until the requirements for protection work have been resolved.

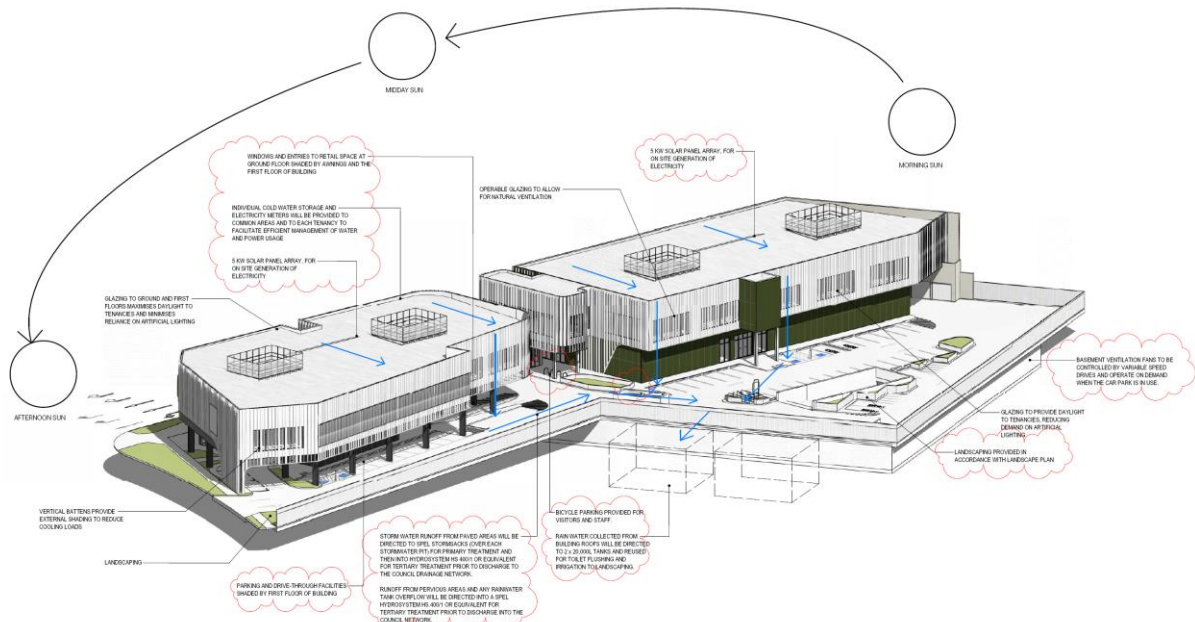
4. Sustainable Management Plan and Green Travel Plan

GIW Environmental Solutions has reviewed the plans and the proposed ESD initiatives, and has prepared the enclosed *Sustainable Management Plan*. The elements of the plan, including:

- the rainwater collection and reuse system (replacing potable water for landscape irrigation and toilet flushing), with 2 x 20,000L tanks on site for storage of water pending reuse
- stormwater quality treatment measures, and a detention tank to manage peak flows and water quality prior to discharge off site
- additional bicycle parking racks (in excess of planning scheme standards), 16 for workers and 12 for visitors; and end of trip facilities (for cyclists, runners etc)
- separate metering of water and electricity supplies to each tenancy, to facilitate their efficient management of these resources
- solar panel arrays providing a total of 10kW of clean energy generation for the buildings
- instantaneous electric hot water systems
- water efficient fixtures and fittings, to minimise demand
- façade shading (including to glazing, and building entries), and natural ventilation

achieve a BESS score of 53%, with no categories below 50%, and have been incorporated into the updated design. These are summarised in the updated drawing TP05.

GIW has also prepared the enclosed Green Travel Plan.



5. Proposed land uses, and permit triggers

At ground floor, the proposed development will accommodate a liquor shop (Dan Murphy's), a shop, and a convenience restaurant (with a drive through ordering and collection facility), and a set of stairs and lift access to the first floor of each building. The stairs and lift access to the first floor of each building are set back from the Princes Highway frontage, and are directly accessible via the internal path network. The first floor will be used either for offices or shops, depending on future tenancy requirements. The application plans have been amended to confirm that the 'retail' use at first floor is a 'shop'.

The use of the land for a shop (other than adult sex product shop, which is not proposed), for offices (at first floor), and for food and drink premises (including the convenience restaurant) is allowed in the ACZ1 without a planning permit. These uses are consistent with the zoning and the intent for a mix of uses in this part of the activity centre, identified as 'an increased intensity mixed use area' in the activity centre *Framework Plan*. The shop use is allowed without a planning permit, as the site is not in sub precinct 4C or 6B under the Activity Centre Zone Schedule 1.

A permit is required for the Dan Murphy's packaged liquor shop, under Clause 52.27 *Licensed premises*.

A permit is also required for alterations to the existing access to Princes Highway (TRZ2).

The proposed buildings and works require a permit in the ACZ1.

Vegetation

By email on 22 February 2023, Council has confirmed that the River Red Gum (Tree 7, which is towards the northern end of the Princes Highway frontage of No. 22) was likely to have been planted, and accordingly the removal of this tree does not require a planning permit. Council will require tree planting to compensate for this removal.

In view of this advice, the proposed development includes:

- street tree planting,
- tree planting along the interface with adjacent properties
- planting where feasible on the deck above the basement, and
- shrubs and lower planting in the undercroft area, adjacent to Wattle Avenue.

The number, location and species of street trees will be resolved to the satisfaction of Council and DTP having regard to road safety and operational requirements, the planting theme for this part of the activity centre, and Council's objectives for revegetation of the municipality.

Car and bicycle facilities

The car and bicycle parking provision complies with clauses 52.06 and 52.34 of the Planning Scheme, including with respect to the number of spaces provided and the design and layout of them, so no permit requirements for variations to the standards are triggered.

Signs

The business identification signs for Dan Murphy's and GYG (convenience restaurant) have been included in this application. These signs require a planning permit under Clause 52.05. The land is in Category 1 Commercial areas.

Assessment of land uses

For the purposes of assessing traffic, car parking and waste management requirements, the traffic engineering assessment and waste management plan both adopt 'shop' uses for the first floor, rather than 'office' or mix of both.

This is a conservative approach, as a 'shop' use generates a higher demand for parking, has higher traffic generation rates, and greater waste volumes than an office.

This approach assesses the development of the site under the highest traffic, car parking and waste generations, and accordingly gives the flexibility for a mix of tenancies and for the uses to change depending on the evolving needs of Werribee, consistent with the Activity Centre zoning.

6. Lighting plan

The enclosed lighting concept plan prepared by Sphera Lighting shows the layout of the external lighting for the car park, driveways, loading area, and pedestrian areas.

The lighting design comprises:

- 14 lights along the driveway and northern loading area, with the lanterns set 2.4m above ground level (so at or below the height of the boundary fence)
- 11 lights along the internal pedestrian path, including two at the pedestrian crossing of the driveway, close to the Princes Highway frontage
- 20 strip lights mounted to the ceiling of the undercroft parking and drive through area.

The lighting has been modelled to assess the light coverage, and determine the potential for spill beyond the site.

The first sheet of the lighting plan shows the lumen levels across the site, and confirms that there will be no direct spill onto adjacent neighbouring land. The second sheet includes an obtrusive light compliance assessment, which demonstrates that the proposed lighting design meets the requirements of the relevant Australian Standard AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting*.

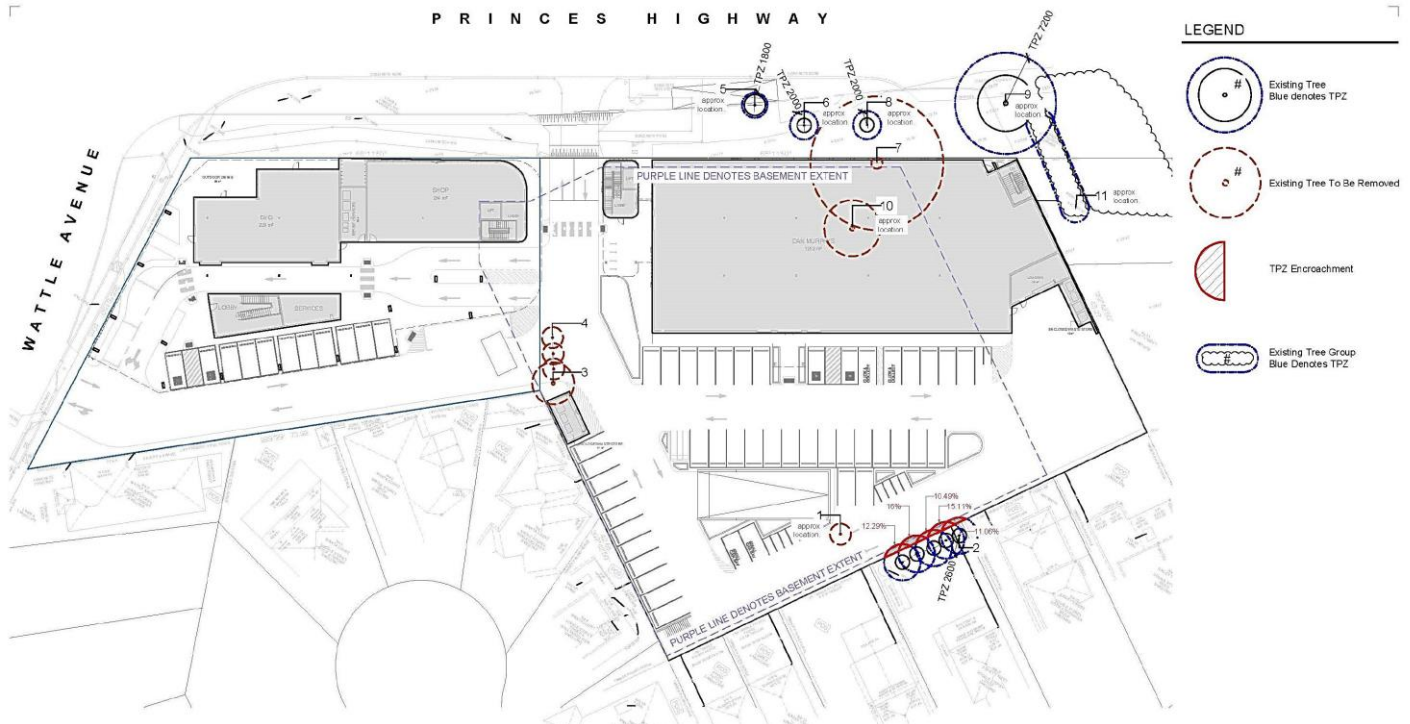
7. Arborist report

The project Arborist has reviewed the vegetation on the adjoining land to the north east, and has confirmed that Tree 9 was shown incorrectly in front of 22 Princes Highway on the original tree impact assessment plan. It is located within the road reserve in front of the adjacent land, as shown in the *Tree Impact Assessment Plan* (from page 9 of the updated report).

The Arborist has advised that the tree is an Elm of poor structure, which has mostly likely not been intentionally planted but an old sucker. It is suckering profusely due to root

disturbance associated with drainage and other works in the road reserve. The tree protection zone does not affect 22 Princes Highway.

The Elm suckers are also growing in the adjacent land (shown as 'Trees 11' on the plan). These suckers are set back further with small trunk diameters that won't be impacted by the development.



Please find attached the Arborist report, updated to show the correct location of Tree 9 and the group of Elm suckers on the neighbouring land.

8. Acoustic report

Background noise levels

The background noise monitoring measurements undertaken by Watson Moss Growcott (WMG) span a period prior to and during a lockdown.

The WMG report includes on page 14 a discussion about the implications of the lockdown for the impact assessment. WMG has confirmed that the main contributor to ambient noise in this location is traffic by passing the site. It found that the measured values of existing background levels obtained prior to the lockdown would be categorised as 'high' during the day and evening periods, and 'neutral' during the night period. During the early days of the lockdown period, the measured values fell within the 'neutral' range.

Given that the proposed buildings will provide some shielding of traffic noise and are therefore likely reduce the ambient background noise levels at the critical receptor locations, WMG adopted a 'neutral' background noise level and calculated the corresponding noise limits for the development on this basis.

By adopting the 'neutral' background noise level for their acoustic impact assessment, WMG set a marginally lower noise emission limit for the development, compared to the limit that would apply if the 'high' background levels were adopted.

On this basis, WMG has advised that the adopted background noise level is conservative, and that compliance with the lower permissible noise emission levels derived from this lower noise limit will be beneficial to receptors.

Emissions from services equipment

The WMG assessment discusses the management of noise emissions from services equipment in section 11.2.

The mechanical services design for the proposal has not been completed at this stage however it is understood that the equipment will generally be located above the base building roof on designated plant platforms.

Based on the proposed site operations, it is expected that the types of equipment which will form part of the proposal will include outdoor air conditioning condenser units, refrigeration units, and ventilation exhaust fans associated with the restaurant kitchen and toilet operations.

Based on the configuration of the site and the distance separation between the likely equipment locations and nearby residential receptors, compliance with relevant project noise limits will likely be achievable through the selection of suitable 'low noise' equipment and the inclusion of noise control treatments (acoustic attenuators louvres, barriers etc) where necessary.

The primary recommendation for the proposal will be that once a mechanical services design has been completed and equipment selections have been made, an acoustic consultant be engaged to undertake a review to ensure noise emissions associated with the proposal comply with relevant project design objectives and nearby noise sensitive receptor locations.

To ensure that the development complies with the *Environment Protection Act 2017* and associated regulations, and other documentation identified in the WMG report, an acoustic consultant will undertake a further assessment once the mechanical services design has been completed (at the detailed design stage of the project).

9. Waste Management Plan

The Waste Management Plan provides for three waste storage areas:

- a dedicated area for the convenience restaurant and adjacent ground floor shop
- a separate waste area for the first floor offices/shops, and
- a dedicated area for the Dan Murphy's bottle shop (adjacent to the loading dock).

The Waste Management Plan has been amended to clarify that the waste will be collected on site, from the designated loading areas.

Section 4 of the Waste Management Plan sets out the requirements to be met to manage potential amenity impacts, including odour prevention, noise reduction, vermin prevention, litter management, washing of bins, and containment and disposal of washdown water (to sewer) to prevent pollution.

Section 5.4 sets out how, on completion of the development, the waste management system will be subject to ongoing monitoring and improvement. These measures will address potential off site amenity effects, in accordance with normal practice.

10. Traffic engineering assessment

Traffix has reviewed the traffic engineering assessment having regard to the points in Council's request for further information and the subsequent referral advice from the Department of Transport and Planning (DTP) relating to the site access arrangements, the bus stop design, and the signage conditions. Please find enclosed their updated report.

Vehicles exiting the site onto Princes Highway

DTP has not raised any concerns about vehicles exiting the site, onto Princes Highway (including vehicles that might seek to turn right at the signalised intersection with Tarneit Road/Wattle Avenue, after leaving the site).

Traffix has advised that drivers will be able to undertake this movement if it is safe to do so. Alternatively, approximately 200m to the west of the intersection drivers can undertake a U-turn to either proceed northbound on Tarneit Road or eastbound on Princes Highway. Drivers wishing to travel in these directions can also turn right out of the site to Wattle Avenue.

Right turn from Wattle Avenue into the site

The potential impact of vehicles turning right into the site from Wattle Avenue on traffic intending to turn right at the Princes Highway signals has been reviewed.

Traffix has advised that the vehicle access location to Wattle Avenue is in an acceptable location, as it is located as far away from Princes Highway as possible, whilst remaining inside the property boundary of the site.

Vehicles would be propping approximately 40m from the stop line of Princes Highway, which is a sufficient distance for vehicles following to distinguish between a vehicle stopping for the site access or intending to turn right, at the Princes Highway signals.

Potential change to access to Wattle Avenue

Traffix has also addressed in section 4.6.4 of its report the implications of a potential future change to truck access to Wattle Avenue.

Traffix has assessed the redistribution of vehicle movements that would arise from this change and found that the alteration to the operation of the intersection is of little consequence to the operation of the development and the development's subsequent impact on the surrounding road network.

It would mean that less vehicles would access the site via Wattle Avenue, with those vehicles now accessing via Princes Highway. Furthermore, vehicles accessing the site from Wattle Avenue via a right turn would be able to do so with less opposing traffic movements.

Bus stop relocation and related changes to the bike path and site access

Traffix has included in Appendix E to its report a *Functional Layout Plan* showing the proposed relocation of the bus stop, alterations to the driveway, and to the bike path and footpath.

This plan represents a similar treatment to the existing conditions, with refinements to move the bus stop approximately 10m to the north-east (away from the Wattle Avenue intersection), and provide a 10m extension to the left turn deceleration lane on the approach to the driveway to the site. Traffic has advised that the path of cyclists will be clear of pedestrians waiting at the bus stop and sight distance is not inhibited through this area.

DTP has included in its permit conditions the requirement that the final design of the bus stop and related changes is subject to review and approval by the bus stop relocations team.

The application plans have been amended to include the layout in the Functional Layout Plan, and the requirement for DTP approval of the design has been set out in notes on the amended plans.

Car parking numbers

Consideration has also been given to reducing the number of car parking spaces provided, however given the location of the land in the ACZ, and the intent that there be a mix of uses on this site, it has been determined that car parking should be provided in accordance with standard planning scheme rates.

A reduced provision could constrain the flexibility for uses that are otherwise encouraged in the zone.

11. Eastern wall on boundary

The application plans have been revised to show a varied coloured treatment to the section of boundary wall adjacent to the General Residential Zone, at the north-eastern end of the site.

12. Management of potential for overlooking

We have reviewed the potential for overlooking of neighbouring private open space and habitable room windows from the first floor of the development, and the plans, sections and details in drawing TP14 have been amended to include further details showing:

- the 9m potential overlooking envelope (which demonstrates that the Dan Murphy's building is set back a substantial distance from the nearest dwelling, and is well outside the 9m standard);
- the screening that will be provided by fixed angled battens, which will prevent direct views into neighbouring properties within 9m; while still allowing for passive surveillance of the driveway, paths and parking areas within the site; and
- the design of the screens, including the dimensions of the battens, their spacing, and their coverage of at least 1.7m above finished floor level.

The screening will ensure that the potential for overlooking of neighbouring land in the Commercial 1 zone and General Residential zone is addressed in accordance with the planning scheme standards that are applied to residential developments.

The proposed boundary fencing, and the landscaping will prevent any overlooking of neighbouring private open space or habitable room windows from ground floor level.

13. Car park access after hours

The ground level car park and the vehicle and pedestrian access points at Princes Highway and Wattle Avenue will be open at all times.

The basement car park will be secured by a roller door after hours. The location of the door, at the base of the vehicle ramp, is shown in the amended plans.

14. Landscape plan

The enclosed *Landscape plan*, prepared by John Patrick Landscape Architects shows the proposed landscaping which comprises:

- street tree planting along the Princes Highway and Wattle Avenue frontages
- trees and lower store planting within planters in the ground floor parking area (over the basement)
- shrub and lower storey planting in the undercroft area adjacent to Wattle Avenue (beyond the basement)
- tree planting along the interface to the adjoining properties in the General Residential zone, and the Commercial 1 zone.



The landscape concept shows that it is feasible to provide screening along the interface to the Commercial 1 and General Residential 1 zoned land at the rear of the site, and some additional trees and shrubs in the tree planters incorporated in the parking deck.

The landscape concept provides for 9 trees in planters on the parking deck, and 40 trees along the boundary interface to the neighbouring properties.

In addition, 11 street trees are shown along the Princes Highway and Wattle Avenue frontages. The final number, positioning and species of street trees will be resolved in consultation with Council and DTP, as part of the detailed design stage.

The majority of the ground floor parking area is on a deck, over the basement. This design provides for a reduced car park footprint, and allows the cars to be located behind the Princes Highway frontage, in a readily accessible position (for drivers and pedestrians), which also minimises the disruption to pedestrian flows and maximises the activation of the highway frontage.

At ground floor 13 car spaces (2 accessible) and the convenience restaurant drive through are provided under cover, and 105 car spaces (1 accessible) are provided in the basement. 44 car spaces (2 accessible) are provided on the ground floor open air deck. Overall, 118 spaces, or 72% of the total on site parking is under cover and protected in all weather conditions.

With respect to the *Wyndham Tree and Urban Forest Policy 2021*, it is not feasible to accommodate one tree for every four car spaces, with tree canopies achieving 35% coverage of parking areas. Instead, the landscape strategy for this development focuses on providing tree planting along the interface to the adjoining land, and in strategic locations in planters on the parking deck. 49 trees, supplemented by lower storey planting are provided along the driveway, and adjacent to the 44 open air car spaces. The plans also provide for additional street trees, subject to further assessment and approval by Council and DTP.

On balance the design responds appropriately to the wide range of objectives for development of land in the ACZ1, and guidelines for design and development, including those in section 4.4 of the zone.

15. Bicycle end of trip facilities

The end of trip facilities are provided in the basement, and have been highlighted by a revision cloud in the amended plans.

16. Operating hours and patron numbers

Bottle shop

The proposed hours of operation of the bottle shop are:

- on any day other than Sunday, Good Friday, ANZAC Day or Christmas Day: Between 9.00am and 9.00pm
- Sunday: Between 10.00am and 9.00pm
- ANZAC Day: Between 12 noon and 9.00pm.

Shop and office

The shop and office hours are not proposed to be limited, given the ACZ1 zoning of the land.

Convenience restaurant

The convenience restaurant has a floor area of 229m², and an outdoor dining area of 69m². There will be space to seat approximately 50 patrons in the outdoor area, and 30 indoors, with the outdoor area anticipated to operate up to 11pm.

The drive through hours will be 7:00 am to 11:00 pm Monday to Sunday.

Service vehicle access

Waste collection vehicles will be on site between 7:00am and 10:00pm, Monday to Sunday;

Semi trailer loading will only be required for Dan Murphy's, and will be within the hours of 7:00am and 6:00pm Monday to Saturday.

Medium/heavy rigid trucks will be used at each of the loading areas, between 7:00am and 10:00pm Monday to Sunday.

17. Bus stop relocation and bike path

As discussed in the traffic section above, the proposed bus stop relocation and changes to the bike path have been assessed by Traffix and were referred also to DTP.

The *Functional Layout Plan* that has been prepared by Traffix (Appendix E to their report) shows the relocated bus stop, the pavement areas for bus patrons and pedestrians, and the layout of the realigned bike path. These aspects have been incorporated into the application plans. The final design will be subject to the approval of the DTP bus stop relocations team, and Council.

18. Site levels

The site is almost flat, with a gentle fall generally towards the southern end.

All existing levels, shown in the *Existing conditions* plan (TP06) and on the development plans are from a feature and level survey of the site and surrounding area undertaken by the project Surveyor, and are to Australian Height Datum.

Levels for the proposed development adopt the same datum, are expressed as 'relative levels' (RLs), and are to Australian Height Datum.

The proposed finished floor levels of the basement (19.600); the ground floor (Dan Murphy's 23.500, the southern building 23.480), the first floors of both buildings (29.300); and the internal pedestrian paths (23.480), driveway and parking areas (23.350) have been shown on the amended plans.

The levels for the ground floor and the associated works have been designed to largely match to the existing conditions, and minimise the requirement for retaining structures or batters in proximity to the site boundaries. There will be kerbing along the driveway edge and landscaping, which will further reduce the requirement for retaining structures or fill adjacent to the boundaries.

19. Glazing along Princes Highway frontage

The plans have been amended to show the glazing of the Dan Murphy's shop, facing Princes Highway at ground floor, and the first floor, consistent with the elevations.

The elevations (TP11 and TP12) have also been amended to include a note that confirms that the ground floor glazing abutting Princes Highway will be maintained as clear glazing to provide transparency and visibility (unless otherwise approved, or allowed under the Planning Scheme).

20. Signs

Business identification signs for Dan Murphy's and GYG are shown in the elevations, and in the *Signage detail plan* (TP17). These comprise:

- internally illuminated logos for Dan Murphy's and GYG facing Princes Highway
- a painted, non illuminated sign with the Dan Murphy's logo above the entry from the car park with an internally illuminated 'Dan Murphy's' script below, and
- an internally illuminated 'Dan Murphy's' script sign above the doorway (and below the cantilevered first floor).

The proposed signs respond to the decision guidelines in Clause 52.05-8 as follows:

<p><i>The character of the area including:</i></p> <ul style="list-style-type: none"> • <i>The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.</i> • <i>The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.</i> • <i>The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.</i> • <i>The consistency with any identifiable outdoor advertising theme in the area.</i> 	<p>The proposed signage is consistent with the built form and mixed use intended for this part of the Werribee Activity Centre.</p> <p>The scale and location of the signs, integrated with the architecture of the buildings, is appropriate.</p> <p>The signs will not dominate the streetscape, and will provide an orderly presentation to Princes Highway, which is the principal commercial boulevard within the Werribee City Centre.</p>
<p><i>Impacts on views and vistas:</i></p> <ul style="list-style-type: none"> • <i>The potential to obscure or compromise important views from the public realm.</i> • <i>The potential to dominate the skyline.</i> • <i>The potential to impact on the quality of significant public views.</i> • <i>The potential to impede views to existing signs.</i> 	<p>The signs are located within the facades of the buildings. They will be subservient to the buildings and not dominate the skyline or otherwise impact on views from the public realm, or the quality of public views.</p> <p>The signs will not obscure existing signage in the activity centre.</p>
<p><i>The relationship to the streetscape, setting or landscape:</i></p> <ul style="list-style-type: none"> • <i>The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.</i> • <i>The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.</i> • <i>The ability to screen unsightly built or other elements.</i> • <i>The ability to reduce the number of signs by rationalising or simplifying signs.</i> • <i>The ability to include landscaping to reduce the visual impact of parts of the sign structure.</i> 	<p>The signs relate directly to the intended use of each building.</p> <p>They are subservient in scale to the buildings, and are positioned as part of the façade design.</p> <p>The signs will not protrude above existing buildings, or visually dominate the landscape.</p> <p>The proposed buildings provide the supporting structure for the signs, so this element does not have any visual impact in the streetscape.</p>

<p><i>The relationship to the site and building:</i></p> <ul style="list-style-type: none"> <i>The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.</i> <i>The extent to which the sign displays innovation relative to the host site and host building.</i> <i>The extent to which the sign requires the removal of vegetation or includes new landscaping.</i> 	<p>The signage is integrated with the design and presentation of the development overall. The sign locations and size are proportionate to each building, and relate directly to each occupancy.</p> <p>There is no requirement to remove vegetation to enable the display of the signs.</p>
<p><i>The impact of structures associated with the sign:</i></p> <ul style="list-style-type: none"> <i>The extent to which associated structures integrate with the sign.</i> <i>The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.</i> 	<p>The signs will be supported by the building facades, so there is no requirement for separate structures or other measures.</p>
<p><i>The impact of any illumination:</i></p> <ul style="list-style-type: none"> <i>The impact of glare and illumination on the safety of pedestrians and vehicles.</i> <i>The impact of illumination on the amenity of nearby residents and the amenity of the area.</i> <i>The potential to control illumination temporally or in terms of intensity.</i> 	<p>The internally illuminated signs will be designed and operated in accordance with current standards. Illumination will be managed in accordance with the limits specified by DTP in their permit conditions.</p> <p>The signage facing the rear car park has been designed with internal illumination confined to the lower sections, above the pedestrian entry. The main Dan Murphy's logo, above the script will not be illuminated.</p>
<p><i>The impact of any logo box associated with the sign:</i></p> <ul style="list-style-type: none"> <i>The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.</i> <i>The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.</i> 	<p>The signs (including logo boxes) follow the standard design and execution adopted by Dan Murphy's and GYG for their sites.</p> <p>The size of each sign has been determined from an assessment of the façade scale and proportions, and the streetscape context.</p>
<p><i>The need for identification and the opportunities for adequate identification on the site or locality.</i></p>	<p>The signage is designed to define each tenancy.</p>
<p><i>The impact on road safety. A sign is a safety hazard if the sign:</i></p> <ul style="list-style-type: none"> <i>Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.</i> <i>Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.</i> 	<p>The plans have been referred to DTP, who are responsible for determining acceptable road safety conditions for Princes Highway.</p> <p>DTP has not objected to the signs being approved, subject to standard conditions being applied.</p>

<ul style="list-style-type: none"> • <i>Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.</i> • <i>Is at a location where particular concentration is required, such as a high pedestrian volume intersection.</i> • <i>Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.</i> • <i>Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.</i> • <i>Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.</i> • <i>Is within 100 metres of a rural railway crossing.</i> • <i>Has insufficient clearance from vehicles on the carriageway.</i> • <i>Could mislead drivers or be mistaken as an instruction to drivers.</i> 	<p>In its referral conditions, DTP has specified the allowable illumination levels for the proposed signs at various times of the day.</p> <p>These requirements have been added to the amended <i>Signage detail</i> plan (TP17).</p>
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21. Interface to 23 Bailey Street

The north-east corner of the northern building has a boundary wall and an approximately 6m x 6m section of the first floor (over the loading bay) that is within the 55.04-1 standard setback line at the boundary shared with 23 Bailey Street.

This is an acceptable design response to the ACZ1 requirements for the treatment of the interface to adjacent land in the GRZ1. The ACZ1 provisions apply the Clause 55.04-1 standard in situations where there are existing dwellings on the GRZ1 land. In this case, 23 Bailey Street is vacant, so the standard does not apply.

Notwithstanding this exclusion in the ACZ1, the boundary wall is appropriate in this situation as:

- It enables the built form on the site to be massed towards the highway frontage.
- This massing ensures that the development addresses the highway frontage, and maximises the setbacks from the rear boundary shared with dwellings in the neighbouring GRZ1 (and those in the C1Z).
- The building siting provides for the efficient use of the proposed tenancies, the car parking and the loading areas, as anticipated in the zone, whilst minimising the bulk and shadow effect on neighbouring land outside the ACZ1.
- The siting of the buildings is consistent with the zero front and side setbacks and overall massing (including a building height of 8m) that is encouraged in the activity centre and along this part of the highway (and is evident in existing developments in the activity centre).
- The proposed wall is to the south of the residentially zoned land, and the development (including the main building, and the boundary fence) will not cast shadow on any future residential development of the GRZ1 lot.

The plans have been amended to include a varied treatment to the external finish of the boundary wall, to assist with breaking the mass of the building and creating an appropriate appearance when viewed from neighbouring land.

22. Overshadowing of neighbouring private open space

The project Architects have updated the *Shadow diagrams* drawing (TP16) to show the shadow cast by the proposed new boundary fence, in addition to shadow from the proposed buildings.

TP16 also now includes a table (below) that identifies for each neighbouring property:

- the zoning
- the existing private open space area
- the area currently open to sunlight for at least 5 hours between the hours of 9am and 3pm on 22 September, and
- the area that will receive sunlight for at least 5 hours between 9am and 3pm on 22 September following the development.

PROPERTY	ZONE	PRIVATE OPEN SPACE (AREA m ²)	PRIVATE OPEN SPACE WITH 5 HOURS SUNLIGHT EXISTING DEVELOPMENT (AREA m ²)	PRIVATE OPEN SPACE WITH 5 HOURS SUNLIGHT PROPOSED DEVELOPMENT (AREA m ²)
5 Wattle Avenue Werribee VIC 3030	C1Z	34	34	29
7 Wattle Avenue Werribee VIC 3030	C1Z	89	89	89
9 Wattle Avenue Werribee VIC 3030	C1Z	100	100	100
4 Manta Court Werribee VIC 3030	C1Z	156	156	156
5 Manta Court Werribee VIC 3030	C1Z	167	130	108
6 Manta Court Werribee VIC 3030	C1Z	111	103	65
7 Manta Court Werribee VIC 3030	C1Z	103	101	98
8 Manta Court Werribee VIC 3030	C1Z	88	84	74
9 Manta Court Werribee VIC 3030	C1Z	68	68	68
11 Bailey Street Werribee VIC 3030	GRZ1	62	58	43
13 Bailey Street Werribee VIC 3030	GRZ1	87	83	67
15 Bailey Street Werribee VIC 3030	GRZ1	187	182	174
17 Bailey Street Werribee VIC 3030	GRZ1	214	208	189
19 Bailey Street Werribee VIC 3030	GRZ1	71	65	45
21 Bailey Street Werribee VIC 3030	GRZ1	183	175	147

With respect to the overshadowing standard in Clause 54.04-5/55.05-5, the table shows that:

- At 5 Wattle Avenue, the plans show 34m² of private open space receiving at least five hours of sunlight between 9am and 3pm. In this situation, where the open space area is less than 40m², the planning scheme standard is for 75% of the open space (or 25.5m²) to receive sunlight for at least five hours. Following development (including the boundary fence) 29m² of private open space will receive sunlight for at least 5 hours on 22 September. The shadowing impact is therefore within the parameters in the planning scheme standard.
- 5 - 8 Manta Court (in the C1Z) all have more than 40m² of open space in sunlight under existing conditions. Following development, there will be a reduction, however the area receiving sunlight for 5 hours between 9am and 3pm remains above the planning scheme standard.
- The boundary fence at the interface between the car park and the dwellings at 11-21 Bailey Street (in the GRZ1) will cast additional shadow on the private open space at the rear of the residential properties, however for each property, the area receiving sunlight complies with the planning scheme standard.

- The development (including the boundary fence) will not cast any shadow on 23 Bailey Street.

The development will not overshadow any other residential land on 22 September.

23. Shadowing of existing rooftop solar

The shadow assessment indicates that at 2pm and 3pm, the existing rooftop solar facilities at 5 Wattle Avenue, and 6 Manta Court are likely to be affected by shadow. Both properties are developed as dwellings, and are in the Commercial 1 Zone.

Existing rooftop solar systems on other properties in Wattle Avenue and Manta Court are not affected by shadow from the development on 22 September. 15 Bailey Street, which is in the General Residential Zone has rooftop solar. The panels are sited further to the south-east and are clear of the shadows mapped for 22 September.

According to *Planning Practice Note PPN88*, the planning scheme requires consideration of the impact of a development on an existing domestic rooftop solar energy system in cases where the proposed development is in a residential zone (specified as General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone) or in a Commercial 1 Zone; and the proposed development adjoins a dwelling that is in a residential zone and has an existing domestic rooftop solar energy system.

In this situation, the Wyndham Planning Scheme does not protect solar access to the existing rooftop solar energy systems on dwellings in the C1Z. The development is in the ACZ1, and the dwellings are in the C1Z, so the planning provisions that trigger an assessment of impacts on rooftop solar do not apply.

In the limited cases where there is a planning trigger to assess the impact of a development on an existing rooftop solar system, PPN88 sets out a number of factors for consideration when determining whether the impact is reasonable. Notwithstanding that there is no statutory trigger for assessing the impacts on rooftop solar in this case, we have responded to the points in PPN88 as follows:

Factor	Response
<i>The extent of existing overshadowing of the domestic rooftop solar energy system from existing buildings or permanent structures.</i>	Not applicable, as the ACZ1 land adjacent to these properties is currently vacant
<i>Whether the proposed development meets the side and rear setback and north-facing windows standards under clauses 54 and 55.</i>	The proposed development envelope complies with these standards
<i>Whether the protection of the existing domestic rooftop solar energy system will unreasonably constrain or compromise the proposed development.</i>	Reducing the height of the proposed development to avoid overshadowing of the existing rooftop solar would compromise the ability of the development to meet the objectives for minimum building heights, and minimum floor to ceiling heights in ACZ1.
<i>The type of existing domestic rooftop solar energy system. A multiple string system is less affected by shading than a single string, which is more vulnerable to shading. Other system</i>	The scope for the systems to be optimised would require further investigation.

<i>features such as micro inverters or bypass diodes can also operate with partial shading.</i>	
<i>Whether the siting of the existing domestic rooftop solar energy system takes into account the potential future development of adjoining lots promoted or permitted under the planning scheme.</i>	The approved development accords with the ACZ1, including the relevant building heights and boundary setbacks. The proposed development fits within the building envelope of the office building approved for 18-20 Princes Highway.
<i>The extent to which the existing domestic rooftop solar energy system has been located to protect it from overshadowing through placement higher on the roof and further from existing lot boundaries.</i>	The existing panels at 5 Wattle Avenue and 6 Manta Court have been positioned on the available roof space, with most mounted to the north-west facing sections of the dwelling roofs. These panels face to the application site, and would be partly impacted by shadow on 22 September. In the case of 6 Manta Court, some of the panels are on a north-east facing section of the roof, clear of shadow at the solstice.

24. Amended plans

In addressing the further information request, the application plans have been amended as follows:

- The sustainability features described in the SMP have been added to the design response drawing (TP05), and to the relevant plans.
- The signs for GYG (convenience restaurant) and Dan Murphy's have been integrated into the design of the buildings, and details have been included in the elevations, and in the signage drawing (TP17). This application is being amended to include approval for those signs, giving greater certainty about this aspect of the proposal.
- The Architects have also shown in the elevations the preferred locations for future signage for the other tenancies. The scale and location of those future signage areas has been determined at this stage of the project, to ensure that any future signage is integrated with the composition of the façade, is located to relate to the future tenancies, and presents appropriately in the streetscape. Those signs will be subject to a separate application, once details are known.
- Traffix has prepared a *Functional Layout Plan* for the updated the bus stop and Princes Highway site access arrangements, and the relevant details have been incorporated into the plans, consistent with the DTP referral conditions.
- Additional bicycle parking hoops will be provided on the Princes Highway frontage, in the front setback adjacent to the convenience restaurant. These supplement the covered visitor bike parking adjacent to the Dan Murphy's shop and the stair/lift lobbies for the first floor of the northern building, and the secure bike parking for workers in the basement.
- An awning has been added to the Princes Highway frontage of the southern building, to provide additional shelter to the shop entry, and to the glazed shop front. The GYG entry and outdoor area adjacent to Princes Highway are protected by the cantilevered overhang of the first floor of the southern building. The pedestrian walkway from Princes Highway and entry to Dan Murphy's is under the cantilevered first floor of that building.
- The pedestrian network within the site has been further refined to facilitate safe and convenient access for pedestrians, from the street frontages, between the tenancies,

and to and from the parking areas. Planters are positioned clear of the main pedestrian paths, and car parking access points.

- The lighting plan includes illumination of the crossing point adjacent to the Princes Highway access, and lighting of the undercroft area for the southern building and covered walkway for the northern building.
- The landscape concept has been added to the application plans.

The shadow assessment in TP16 has been updated to include analysis of the area of private open space on each adjoining property, highlighting the area of each property that has at least 5 hours of sunlight per day, under existing conditions, and following development of 18-22 Princes Highway.

25. Supporting documentation

In support of this application, please find enclosed:

- the updated urban context and design response plans, images and sketches (in the architectural set prepared by i2C, project Architects);
- the *Social Impact Assessment* prepared by Ratio Consultants Pty Ltd;
- the amended architectural drawings prepared by i2C, including plans, elevations; sections (with view line analysis), the red line plan showing the extent of the proposed liquor licence area for the bottle shop, a materials schedule, and updated signage plans and elevations;
- the updated shadow assessment by i2C (TP16), which includes a table summarising the existing private open space on neighbouring land, and sunlight access under existing conditions and following construction of the development;
- the *Sustainable Management Plan* and *Green Travel Plan*, prepared by GIW Environmental Solutions Pty Ltd;
- the Lighting plan prepared by Spera Lighting;
- the updated traffic impact assessment prepared by Traffix Group;
- the updated *Waste Management Plan* prepared by Traffix Group;
- the updated arboricultural assessment by John Patrick Pty Ltd;
- the *Landscape plan*, prepared by John Patrick Pty Ltd;
- a copy of the updated planning permit application form (with the revised cost of construction, and inclusion of signs); and
- the completed S. 50 form to amend the application to include the signage (noting also that the development cost is less than originally stated).

Should you have any questions or require any further information please let me know.

Yours sincerely



David Gold

Encl.

cc Princes Wattle Pty Ltd and Princes Gateway Pty Ltd