



**MORNINGTON
PENINSULA**
Shire

ATTACHMENT BOOK 2

COUNCIL MEETING

WEDNESDAY, 14 AUGUST 2024

6:30 PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

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Planning Delegate Report - P23/0665

Mornington Peninsula Shire



APPLICATION SUMMARY	
Date	16/07/2024
Application Number	P23/0665
Proposal	DEVELOPMENT OF A SHED AND ASSOCIATED WORKS
Address	21 Balnarring Beach Road BALNARRING VIC 3926 Lot 3 LP 125344 Vol 9292 Fol 323
Applicant	C/- Peninsula Planning Consultants Pty Ltd
Planning Scheme	Mornington Peninsula Planning Scheme
Zone & Overlays	GWZ2, ESO7, ESO17, ESO19, SLO6 (Abuts ESO28, VPO2, SLO3)
Permit Triggers	GWZ2- Building setback less than 100m of a dwelling or small second dwelling not in the same ownership SLO6- Buildings/works
Restrictions on title	Yes
Advertising	Yes (fee paid)
Objections	Yes
Referrals	Internal - Health Internal – Agribusiness
CHMP required?	No

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

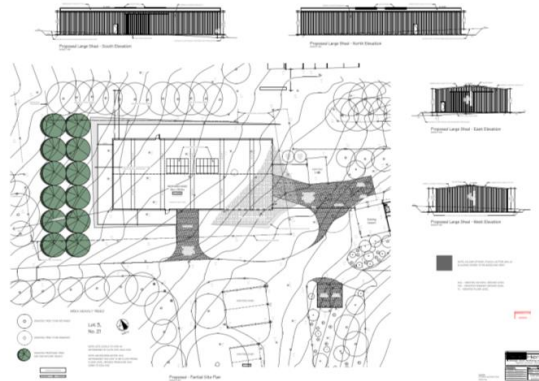
PROPOSAL

Construction of farm shed. The farm purpose of the shed is for a future cherry farm.
Extension to the existing driveway and proposed car parking spaces.
Two 10,000 litre water tanks.

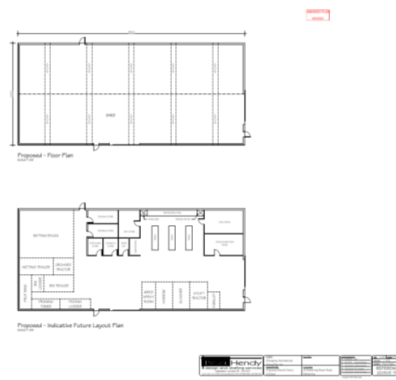
Site Plan:



Part Site/Floor/Elevations Plan:



Indicative Layout Plan:



Feature	Description	Complies/Variation to Scheme?
Roof	Trimdeck(metal), Woodland Grey, 5'pitch.	Complies ESO7
Walls	Trimdeck, Woodland Grey.	Complies ESO7
Front setback	40 metres.	No permit required GWZ2 (20m)
Other setbacks	North (side): 10 metres. South: (side): 300 metres approximately. Rear: 500 metres approximately.	No permit required GWZ2 (5m)
Setback, neighbours dwelling	28 Balnarring Beach- 65m approximately. The following other dwellings on opposite side of road are located within 100 metres of the proposed shed- 22, 22a, 24, 26, 30, 32, 34.	Permit required GWZ2 (100m)
Waterway setback	Tullum Creek- 450 metres approximately.	No permit required GWZ2 (100m)
Wall/building height	5.845 metres	Complies ESO7 (8m)
Site coverage	Less than 5%	Complies ESO7 (10%)

Earthworks	1.5m cut, 600mm fill battered.	No permit required/complies GWZ2, ESO7
Vegetation rem.	8 trees/shrubs (5 located adjacent to the existing carport, 3 non-native trees located in the footprint of the proposed southern car spaces).	Vegetation adjacent to existing carport- Exempt Clause 52.12 Southern car space vegetation- No permit required ESO7, SLO6

ZONE/OVERLAYS

Zone/Overlay	Permit Trigger?	Rationale
GWZ2	Yes	A planning permit is required to construct a building within 100 metres of a dwelling or small second dwelling that is not in the same ownership.
ESO7	No	A planning permit is not required for a building associated with a Section 1 Use (Agriculture) in the Green Wedge Zone which meets all of the exemptions under Schedule 7 of ESO.
ESO17	No	This overlay does not cover the part of the site to be developed.
ESO19	No	This overlay does not cover the part of the site to be developed.
SLO6	Yes	A planning permit is required to construct a building or construct or carry out works.

SUBJECT SITE

Permit/Site history

Flood Consent	FL1390/23	Shed. Approved.
Crossover	WP0178/22	Vehicle Crossing(replacement of an existing vehicle crossing). Permit issued.
Planning Application	P96/6228	Hay shed. Issued 14/5/1996.
Planning Application	P96/6229	Farm shed. Issued 14/5/1996.
Planning Application	P96/6365	Vegetation removal. Issued 20/8/1996.
Planning Application	P96/6470	New Dwelling. Issued 29/7/1997.
Planning Application	P99/2206	Portico. Permit issued. Plans endorsed.
Planning Application	P99/0507	Dwelling for bed and breakfast accommodation. Permit issued. Plans endorsed.

Restrictions on title

Covenant H931972 3/4/80. The proposal complies with the covenant. The covenant provides the following restrictions:

- Earthworks to be limited to construction/maintenance of buildings and dams.
- Design requirements for a dwelling.
- Prohibition of piggery, poultry farm or other noxious, offensive trade. A cherry farm is not a noxious, offensive trade.

- Prohibition of relocating a dwelling on the land.

There is an easement along the rear boundary. The development is clear of this easement.

Cultural Heritage Management Plan (CHMP)

A CHMP is not required as the proposal is not a high impact activity.

Subject Site

- Location- East side of Balnarring Beach Road.
- Land size: 21.9 hectares.
- Use/development: 2 dwellings, various sheds. A stock loading facility at the front of the site. Numerous farm paddocks. A dam.
- Vegetation: Rows of exotic trees along the north boundary lining various paddocks. Scattered trees in the front yard of the main dwelling (located closer to the centre of the site).
- Natural features: Tulum Creek runs along the rear boundary.
- Hazard: Flood.



Aerial Photo showing subject site and surrounding properties - GIS August 31 2022

SURROUNDING PROPERTIES AND LOCALITY

North (Abuts) 1 Balnarring Beach	20.4 hectares. Two sheds located adjacent to the common boundary, these sheds are 36 metres in length, 60m setback to road.
South (Abuts) 121 Balnarring Beach	21.1 hectares. Dwelling; 60 metre setback to the road. Scattered trees at the front part of the property.
East (Rear) 22 Luxton Drive	19.9 hectares. Dwelling.
West (Opposite)	Numerous residential lots, each containing one dwelling.
South (Adjacent) 163 Balnarring Beach Road	21 hectares. Dwelling; 30m street setback. 2 sheds; 30m street setback for the one closest to the road. Front wall of shed closest to road is approximately 16 metres in length.

Local area- A cluster of residential properties that forms the southern end of Balnarring township is located on the opposite side of Balnarring Beach Road. The east side of the road contains four rural properties. There is one rural property on the west side of the road.

PUBLIC NOTIFICATION

Advertising

The application was advertised by sending direct notice to adjoining properties and erecting a sign on site for 14 days. The advertising was sent out on 17 October 2023.

Amended Plans- 9 May 2024

The amended plans were sent to the objectors.

Objections

To date, 36 objections have been received. Their concerns can be summarised as follows:

- Inappropriate commercial/agricultural development:
 - In a Green Wedge Zone opposite a residential area.
 - Proximity to Coolart homestead and wetlands, Balnarring foreshore.
 - Noise, including industrial noise.
- Will encourage retail and tourist activity on site.
- Size of shed; impact on landscape, scenic route of road, nearby dwellings.
- Setback inappropriate to neighbourhood character.
- Managing birds in orchard.
- Spraying cherries with chemicals, pesticides.
- Impact of farm on flora and fauna, including koalas.
- Traffic.
- Farm is not viable.
- Setting a precedent.
- Loss of land value.
- Vegetation clearing has occurred.
- There is a caveat on the land regarding height of tree growth.
- Noise from shed; machinery, heating, refrigeration, extractor fans.

Submission of support

The submission of support was received on 3/11/2023 by the National Trust, Mornington Peninsula Branch. It states there is no objection to the application; that while it is located reasonably close to the road, the surrounding vegetation will screen the shed sufficiently to ensure the building will not interrupt the significant landscape.

Public Consultation

A Planning Application Conference (PAC) was held on 30/05/2024 at the Balnarring Community Hall.

The following comments are made with the respect to the PAC:

- The PAC was attended by approximately 35 people including the planning permit applicant and the Red Hill Ward Councillor.

Delegation

The application has been called in by the Red Hill Ward Councillor for a decision to be made at a Council Meeting. This application has been listed to be presented to Council to make a decision at the Council Meeting on 14 August 2024.

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As the decision will be made at a Council Meeting, the purpose of this report is to provide a record of what decision/assessment by the delegated officer.

REFERRALS

Referral	Internal/External?	Response
Environmental Health	Internal	No objections, no conditions. No wastewater fixtures are proposed. Plans show processing of cherries onsite, including freezing and freeze drying. If produce processed onsite is for sale, a Food Act registration is required. This would include the need for wastewater fixtures. Proposal includes use of pest sounders/scare guns. This would need to comply with EPA requirements. A list of some of these is provided.
Agribusiness	Internal	Revised size of shed is a typical farm shed. Concerns raised about viability of farm. Cherries will be able to grow on site, but cherries are more suited on land in Red Hill where the soil is deep rich clay and winter is cooler. As cherry farm use has not commenced, there is some concern in supporting the construction of the shed. Suggested condition that cherry orchard is planted prior to shed construction commencing. Any permit issued for shed should be clear in what it can and cannot be used for. Further informal advice was provided in response to a question from the delegate officer on the car parking needs for this proposed use/development. It was advised that the 4 spaces would be adequate given no sales is proposed and it is unlikely permanent staff would be required for this farm.

PLANNING POLICY & PROVISIONS

Municipal Planning Strategy (MPS)
Clause 2.03-2 Environmental and landscape values
Planning Policy Framework (PPF)
Clause 11.03-5S Distinctive areas and landscapes <i>Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)</i>
Clause 12.05-1S - Environmentally sensitive areas
Clause 12.05-2S – Landscapes
Clause 14.01-1S Protection of agricultural land
Clause 14.01-1R Protection of agricultural land – Metropolitan Melbourne
Clause 14.01-1L Protection of agricultural land – Mornington Peninsula
Clause 14.01-2S Sustainable agricultural land use
Clause 14.01-2L Sustainable agricultural land use – Mornington Peninsula

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Particular Provisions
Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
Clause 52.06 – Car Parking- A planning permit is not required to use the land for a cherry farm as Council is satisfied that the proposed 4 car spaces is adequate for the proposed use/development.
Clause 52.12 – Bushfire Protection Exemptions- The site is located in a bushfire prone area. This provision exempts the vegetation removal that is located adjacent to the 'existing carport' shown on the plans from any permit requirement under the Planning Scheme for removal of vegetation. This is because it meets an exemption under this provision for removal of vegetation within ten metres of a dwelling that was construction prior to 2009.
General Provisions
Clause 65 Decision Guidelines

ASSESSMENT

It is considered that the proposed development is consistent with the objectives of GWZ2, SLO6 and the above policies and provisions on the following basis:

Planning Policy Framework

- While there are existing farm sheds on the land, it is reasonable to allow the new building as it is appropriately sited to minimise the impact on the productive capacity of agricultural land.
- The siting of the shed amongst existing buildings and adjacent to the existing driveway is the most appropriate location on the site in terms of the preservation of land on the site for agricultural production as it avoids the fragmentation of the farm paddocks on the land.

Dwellings within 100 metres of the building

- The shed is located within 100 metres of 8 dwellings that are not in the same ownership as the subject site. These dwellings are located on the opposite side of the road. All other dwellings are located more than 100 metres from the proposed building.
- These dwellings are 22, 22a, 24, 26, 28, 30, 32 and 34 Balnarring Beach Road.
- Some of these dwellings are not located directly opposite the subject site.
- It is noted that all of the buildings of Green Wedge properties on the eastern side of the road are located within 100 metres of the residential properties on the western side of the road.



Dwelling within 100 metres of the proposed building

- The side elevation of the shed faces the road, which limits the buildings visual impact.
- The west end of the shed is partially excavated into the ground. The maximum height of the west elevation is 4.67 metres from natural ground level, which is not significant.
- There is a row of 12 Cypress trees along the north boundary of the subject site. These trees are approximately 10-15 metres in height, which shall significantly assist in screening the development from northern vantage points.



Above- The view of these trees from the subject site.

- The view of dwellings at 30, 32 and 34 Balnarring Beach Road is across existing vegetation located in the front yard of the subject site. This vegetation is evident in the photo below. This vegetation will reduce their view of the proposed shed.
- The front wall of the shed is located further from the road than the beginning of the row of Cypress trees along the north boundary.



Above: view of site from opposite side of road further north.

- The scale of the shed, such as the front elevation, is balanced by vegetation and open space when viewed from these dwellings.
- The north elevation of the shed will be screened by existing vegetation and buildings.
- The proposal to provide planting along two rows of trees along the west side of the shed will further reduce the visual impact of the shed to these dwellings.



Above: view of proposed building footprint from opposite the subject site.

- The shed is sited amongst existing buildings and vegetation. The existing view from these dwellings to the proposed building footprint is not open rural land due to the existing vegetation and buildings. The loss of view of some vegetation (to the rear of the proposed shed) is addressed by the planting of vegetation on the west side of the building.

Significant Landscape Overlay- Schedule 6

- The submission of the National Trust is supportive of the application. Since that submission was made, the application has been amended to reduce the size of the shed.
- Due to the siting amongst the row of trees on the north boundary and vegetation in the front yard on the other side of the driveway, the development will not have a detrimental impact on the landscape.
- The setback is appropriate in terms of the character of Balnarring Beach Road.
- The building is setback 40 metres from the road frontage boundary.
- There is a property on same side of Balnarring Beach Road as the subject site, no.163, which has two buildings (a dwelling, a shed) that are setback approximately 30 metres from the road frontage.
- The shed on no.163 has a front wall of approximately 16 metres. This shed is not screened by vegetation.
- The existing vegetation and proposed planting ensure the development will not have a detrimental impact on the scenic quality of Balnarring Beach Road.
- The siting of the building is the most appropriate location on the site in terms of protecting the rural landscape. The building is sited amongst existing buildings. This allows for the retention of the open rural land on the site as part of the landscape.

- The 'Woodland Grey' colour is appropriate in terms of minimising the prominence of the building amongst the surrounding area. Woodland Grey is of low reflectivity.
- The siting of the building avoids the need to provide for more driveway construction other than the limited amount proposed.
- The driveway works and water tanks are small in scale and will not impact on the landscape.

Clause 52.06

This provision states that prior to the commencement of a new use, car parking must be provided on the site in accordance with the specifications for car space provision under this particular provision. This clause does not specify how much car parking should be provided for agriculture. In this case, the car parking must be to the satisfaction of the Responsible Authority. The proposal is creating four new car parking spaces. It is considered that the number of car parking spaces for this use would be very limited and the car parking provided is suitable. Council's Agribusiness Officer advised that the four spaces would be adequate for this use/development. The Council is satisfied that the car parking provision required under Clause 52.06 has been met. The design standards under this provision have been met.

Response to Referral Comments

- The development will not allow for processing cherries on the land (raised in Health referral response). This use requires separate planning permission. A permit condition will require the future indicative layout plan is deleted from the plans.
- The Agribusiness Officer suggested a condition that construction does commence until some of the cherry orchard is planted. This is not a condition that could be easily justified on this permit where planning permission is not required for the use. As there is no concern regarding the scale this condition is not considered necessary.
- The Agribusiness Officer also suggested guidance is given what the building can and cannot be used for, in terms of the Planning Scheme. As the owners of the land are not the permit applicant, this sort of education cannot occur through the planning application process.

Other

The plans comply with the approved Flood Consent (FL1390/23). While the Flood Consent was completed for the original shed design/size, this has indicated that there is no concern regarding flood risk.

Response to Submissions

Will encourage retail and tourist activity on site.

Inappropriate commercial/agricultural development:

- *In a Green Wedge Zone opposite a residential area.*
- *Proximity to Coolart homestead and wetlands, Balnarring foreshore.*
- *Noise, including industrial noise.*

Managing birds in orchard.

Spraying cherries with chemicals, pesticides.

Impact on flora and fauna, including koalas.

Noise from shed; machinery, heating, refrigeration, extractor fans.

- These above concerns relate to the use of the land and use of the shed.
- A planning permit is not required to use this land as a cherry farm. Under the Green Wedge Zone, Agriculture is a Section 1 Use. A planning permit is not required to use land for a use in Section 1 under the zone.

- Therefore, this application cannot consider the following which relate to the use of the land as a farm:
 - The use of chemicals and pesticides on the cherry farm.
 - Concerns about how birds are managed in the orchards such as the use of scare guns.
 - The impact of the farming activities on natural systems.
- There is no retail or tourist aspect to the proposed development.
- The inclusion of the 'proposed- indicative future layout plan' has raised concerns on what the shed could be used for. The original plan of this contained a 'display' area, commercial kitchen. The new plan does not contain this. However, to ensure there is no concern about non-agricultural activities being permitted under this permit, a permit condition will require this plan is deleted from the proposal.
- The cherry farm shed would not result in significant noise, that would disrupt the amenity of residents on the opposite side of the road.

Size of shed; impact on landscape, scenic route of road, nearby dwellings.

- The size of the shed has been reduced since the original proposal to 15 metres wide by 33.5 metres long. The shed size will not impact on the landscape, scenic road or nearby dwellings due to existing vegetation and planting.

Setback inappropriate to neighbourhood character.

- The setback of 40 metres is appropriate on Balnarring Beach Road. The example of the shed and dwelling setback 30 metres from the road is discussed under the SLO6 sub-heading.
- As discussed above, as there are only five rural properties, there is not a clear development pattern.

Traffic.

- The activity in the shed will be limited to in association with the growing of cherries and traffic is not available for assessment for as of right land uses.

Loss of land value.

- Loss of land value is not a matter that can be considered in planning applications. This has been stated by the Victorian Civil and Administrative Tribunal.

Vegetation clearing has occurred.

- There has not been any vegetation clearance that has occurred since the application has been submitted. A site inspection occurred during the preliminary assessment of the application in 2023. A further site inspection occurred in June 2024. There was no change identified in the vegetation on the site.
- It is evident that some vegetation is shown on the Aerial photograph from 2022 of vegetation located between the proposed building footprint and the existing driveway that no longer exists on the site. There was a Planning Enforcement Case (PE0700/22) that investigated this matter in 2022 and determined that a planning permit is not required for the vegetation removal.

There is a caveat on the land regarding height of tree growth.

- There is no caveat or other restriction on the land that has a control on how high trees on the site can grow.

Setting a precedent

- The proposal will not create a precedent for other developments in the immediate area as each planning permit application is assessed on its merits and future applications would be subject to their own assessment against the planning scheme.

Concerns that the cherry farm is not viable

- Business viability is not a relevant planning consideration.

CONCLUSION

The proposal complies with the Municipal Planning Strategy and Planning Policy Framework; and responds to the purpose, objectives and decision guidelines of GWZ2, SLO6 and Clauses 52.06 and 65.01.

DECISION

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to grant a permit under the provisions of the Mornington Peninsula Planning Scheme in respect of the land known and described as 21 Balnarring Beach Road BALNARRING VIC 3926 in accordance with the endorsed plans, subject to the following conditions:

CONDITIONS

Amended Plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Deletion of the indicative floor plan layout.
 - b) The species of the tree planting to be shown as a locally indigenous canopy tree species (EVC- Grassy Woodland or EVC- Swamp Scrub).
 - c) All trees must to be installed at a minimum height when planted of 1.5 metres.
 - d) Vegetation along the north boundary to be marked with protection barriers.

Approved development not altered

2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (Unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Mornington Peninsula Planning Scheme).

Colours/Materials

3. The materials and colours of the exterior finish of the building must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.

Disturbed Surfaces

4. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Landscaping and Vegetation Protection

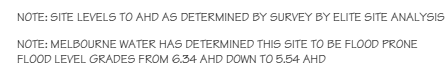
5. Within 6 months of the practical completion of the development (or other time agreed to in writing by the Responsible Authority), the landscaping works shown on the endorsed plans must be carried out and completed, to the satisfaction of the Responsible Authority.
6. The landscaping referred to in Condition 5 above must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced as soon as practicable.
7. Prior to the commencement of any building or works appropriate tree protection fencing must be erected in accordance with Australian Standard AS4970 – 2009 (Protection of trees on development sites). The tree protection fencing must remain in place until the completion of any works hereby approved.
8. Any plant equipment associated with the permitted development must comply with the noise requirements of The Environment Protection Act 2017 and the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

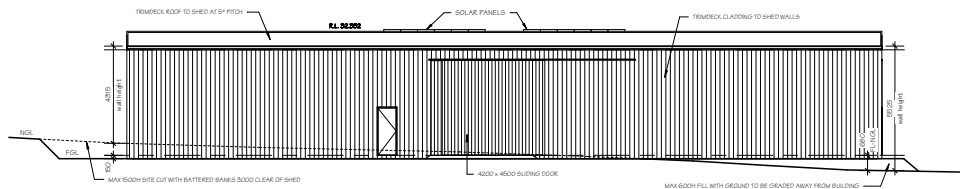
Expiry

9. This permit will expire if the development is not completed within three years of the date of this permit.
In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the period referred to in this condition.

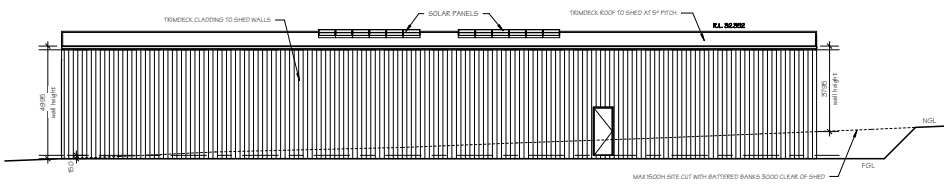
Notes:

- i) Any installation of wastewater fixtures will require an application to install an onsite wastewater management system to be submitted to and approved by the Responsible Authority.

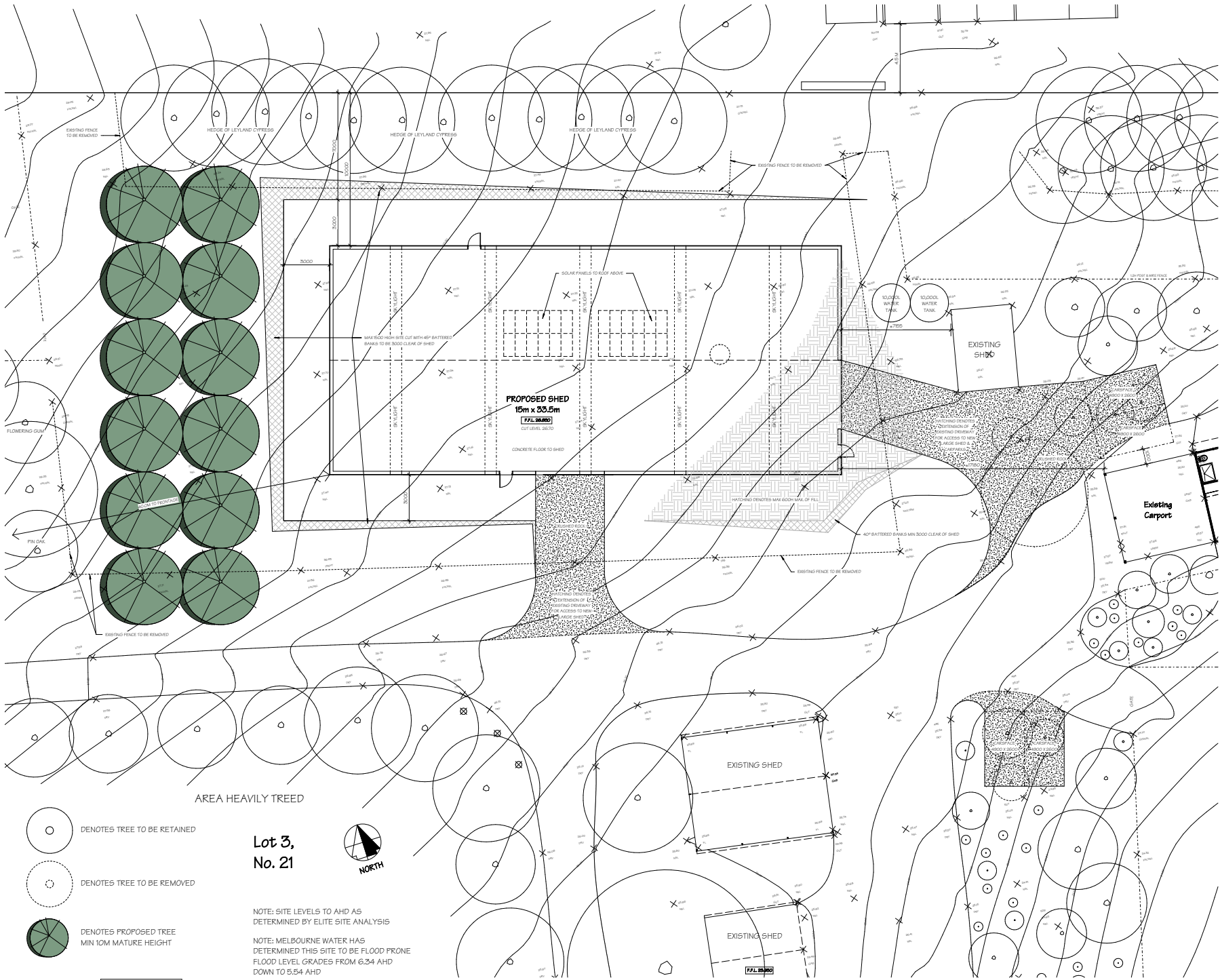




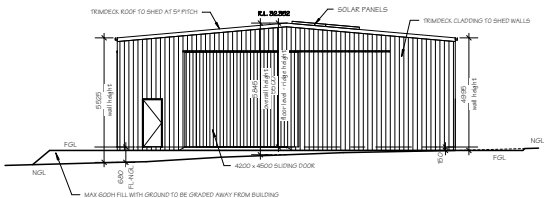
Proposed Large Shed - South Elevation
SCALE: 1:100



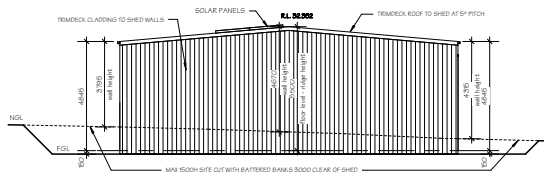
Proposed Large Shed - North Elevation
SCALE: 1:100



Proposed - Partial Site Plan
SCALE: 1:100



Proposed Large Shed - East Elevation
SCALE: 1:100



Proposed Large Shed - West Elevation
SCALE: 1:100

NOTE: COLOUR OF ROOF, FASCIA, GUTTER, WALLS
& SLIDING DOORS TO BE WOOLAND GREY

NGL - DENOTES NATURAL GROUND LEVEL
FGL - DENOTES FINISHED GROUND LEVEL
FL - DENOTES FLOOR LEVEL

AMENDED PLAN
9/5/2024

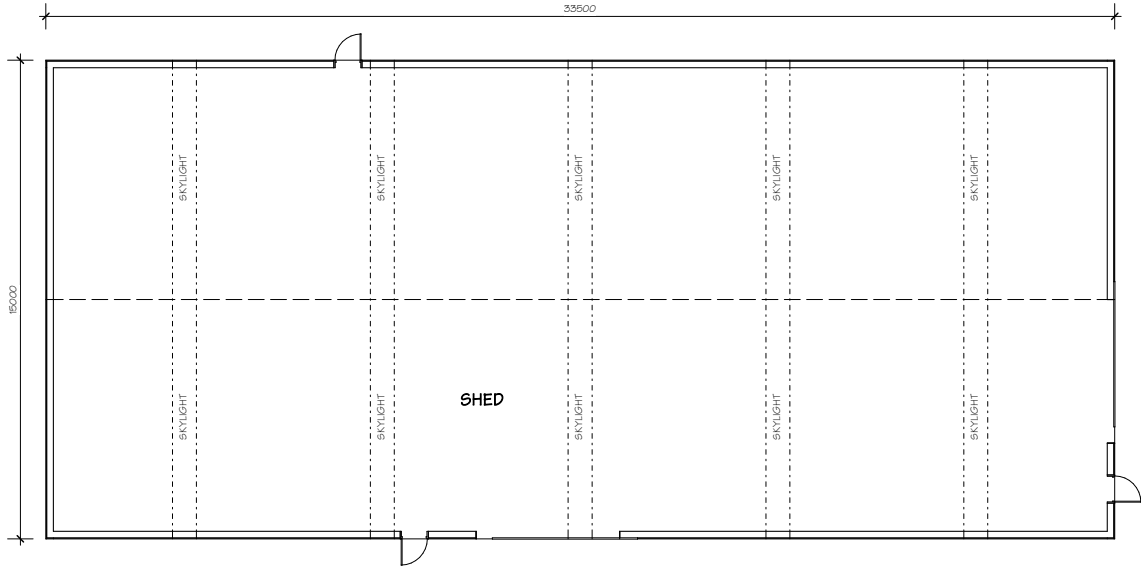
LOCATION:
22 Esplanade Beach Road
Balmoring

Peter Hendy
design and drafting services
Registration Number 19171 (2019/08/08) (2019/08/08)

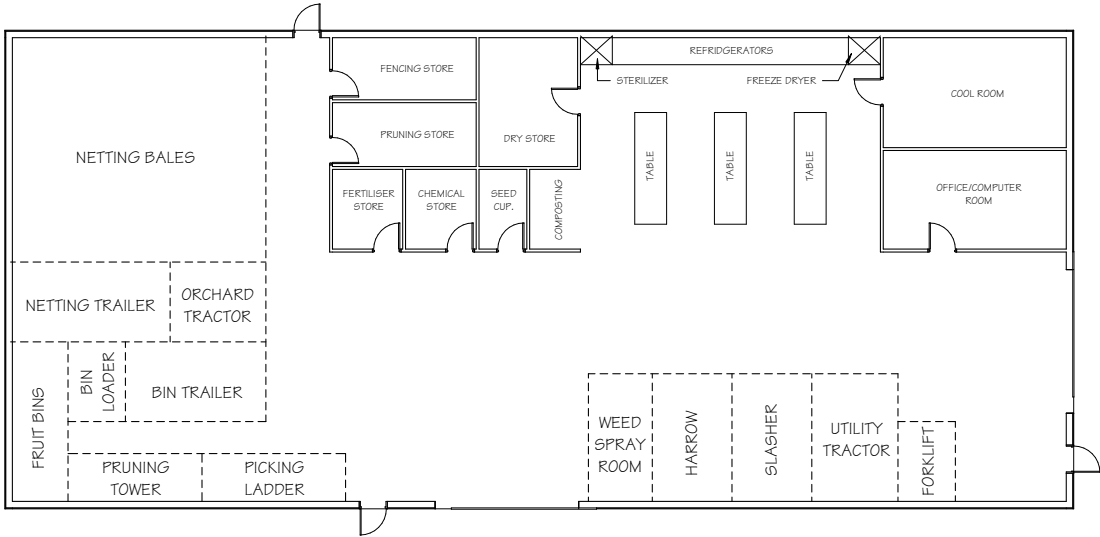
AMENDATION:
1. 10/07/24 - Client Details
2. 20/08/24 - Client Details
3. 20/08/24 - Client Details
4. 20/08/24 - Client Details

NO. 2 of 2 (DATE: 09/05/24)
SCALE: 1:100 (A3)
SUBSET: Partial Site & Elevations
REFERENCE: 220505 TP 7
copyright © 2024 Peter Hendy

AMENDED PLAN
9/5/2024



Proposed - Floor Plan
SCALE: 1:100



Proposed - Indicative Future Layout Plan
SCALE: 1:100

 Level 1 Suite 4, 19-14 North Concourse, Beaumont 3103 P. (03) 9589 4029 F. (03) 9589 4033	CLIENT: Shengxing International Group Pty Ltd	BUILDER:	AMENDMENTS: 3 02.02.24 RFI 4 05.09.24 Client Details 5 24.04.24 Client change 6 29.04.24 RFI change 7 02.02.24 Client change	No. 1 of 1 SCALE: 1:100 SHEET: Floor Plans
	DESCRIPTION: Proposed Shed & Cherry Orchard	LOCATION: 21 Balnarring Beach Road Balnarring		REFERENCE 220505 TP 7

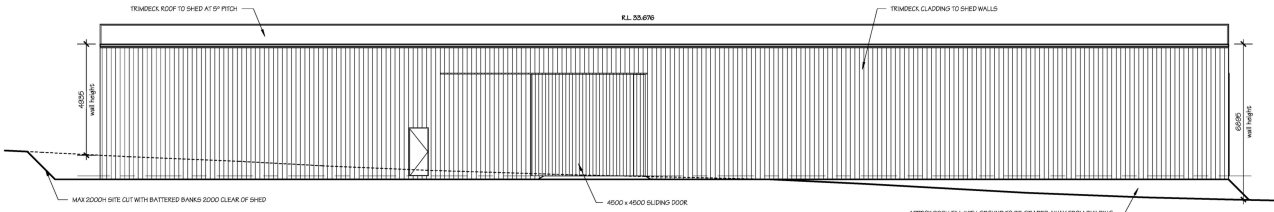




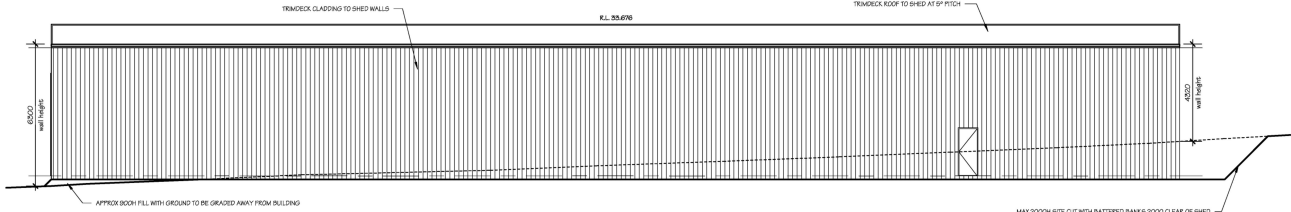
Proposed - Full Site Plan
SCALE: 1:650

NOTE: SITE LEVELS TO AHD AS DETERMINED BY SURVEY BY ELITE SITE ANALYSIS
NOTE: MELBOURNE WATER HAS DETERMINED THIS SITE TO BE FLOOD PRONE
FLOOD LEVEL GRADES FROM 6.34 AHD DOWN TO 5.54 AHD

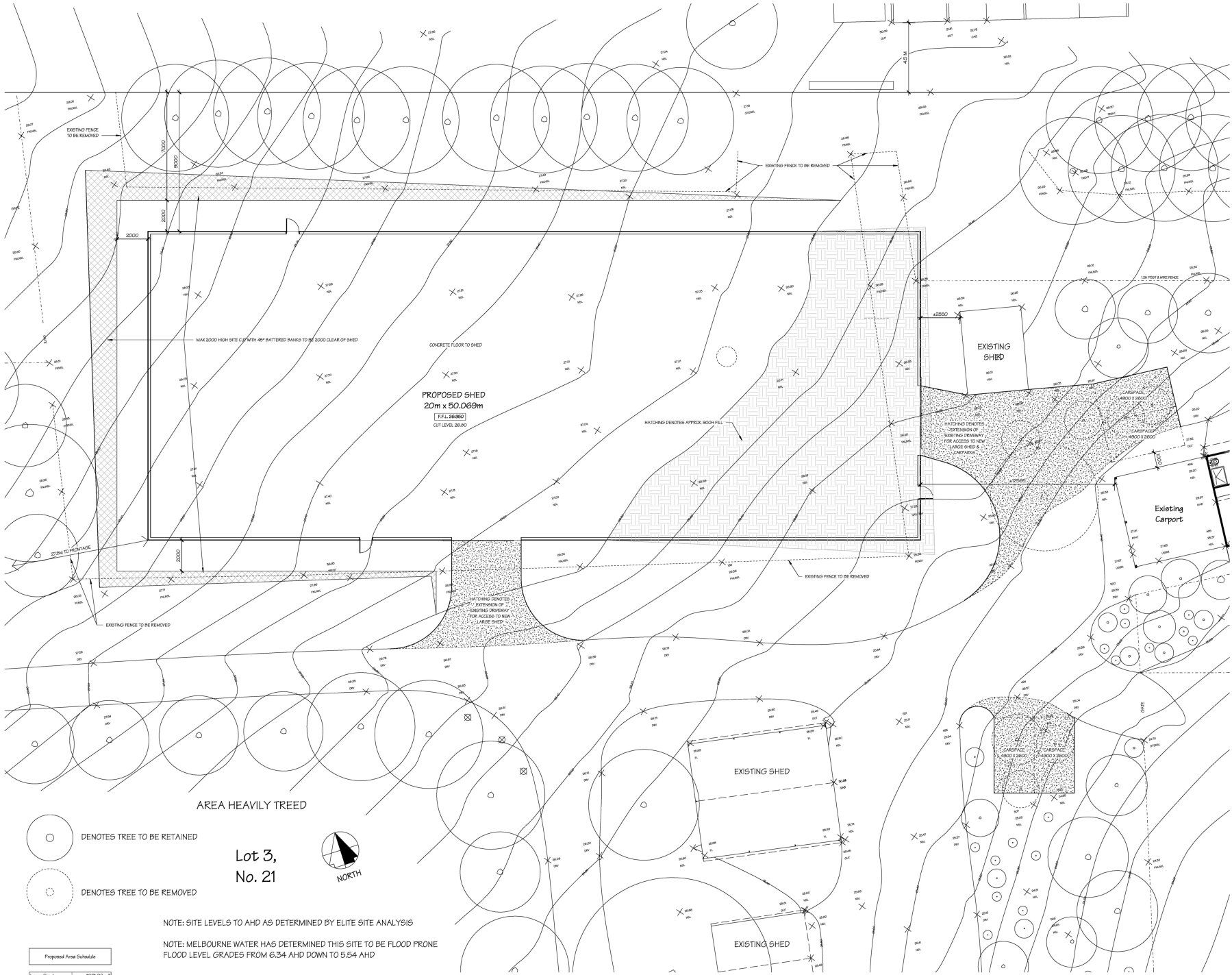
 design and drafting services registration number DP - AD1547 level 1 site & 1:10 scale drawings, Melbourne (03) 9331 0001 (03) 9331 0001 (03)	CLIENT: Orleworth B F Pty Ltd	BUILDER:	AMENDMENTS: 1-22/02/25 TP 1 issue	Rev. 1 of 2 DATE: 22/02/25
	DESCRIPTION: Proposed Shed & Cherry Orchard	LOCATION: 21 Balmoring Beach Road Balmoring	SCALE: 1:650 @ A3 SHEET: Site Plan	REFERENCE: 220505 TP 1



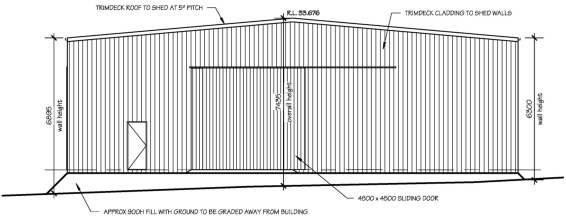
Proposed Large Shed - South Elevation
SCALE: 1:100



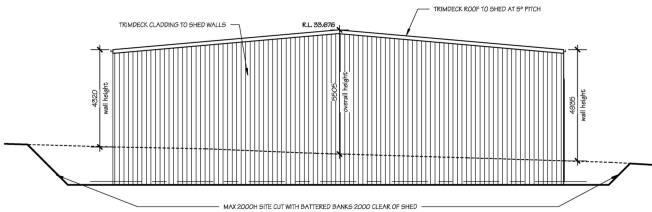
Proposed Large Shed - North Elevation
SCALE: 1:100



Proposed - Partial Site Plan
SCALE: 1:100



Proposed Large Shed - East Elevation
SCALE: 1:100



Proposed Large Shed - West Elevation
SCALE: 1:100

Peter Hendy
design and drafting services
registration number 22-AD1547
Level 1, Suite 4, 10 North Circular, Bayside 3181 T 039 959 4088 F 039 959 4033
No. 2 of 2 (DATE: 22/08/25)
SCALE: 1:100 - @ A3
SHEET: Partial Site & Elevations
REFERENCE
220505 TP 1
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No. 1



Site Context Plan
SCALE: 1:1000



Peter Hendy design and drafting services registration number DP - AD1547 Level 1 Suite 4, 19-14 North Concourse, Beaumaris 3193 P: (03) 9589 4028 F: (03) 9589 4033	CLIENT: Chateworth B F Pty Ltd	BUILDER:	AMENDMENTS: 1 22.02.23 TP Issue	No: 1 of 1 DATE: 22.02.23
	DESCRIPTION: Proposed Shed & Cherry Orchard	LOCATION: 21 Balnarring Beach Road Balnarring		SCALE: As indicated @ A1
				SHEET: Site Context
				REFERENCE 220505 TP 1

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Peninsula Planning Consultants Pty Ltd

ACN 090 897 037 ABN 53 090 897 037

Mobile: 0419 595 721
Email: umbersfam@ozemail.com.au
PO Box 1159, Mornington, Victoria 3931

6 April 2023

Mr David Simon
Manager Development Services
Mornington Peninsula Shire
Private Bag 1000
Rosebud 3939

By Email: planning@mornpen.vic.gov.au

Dear Mr Simon,

**Re: 21 Balnarring Beach Road, Balnarring
Proposed Shed
Planning Permit Application**

Peninsula Planning Consultants Pty. Ltd. act as Agent for the Permit Applicant, Chatsworth BF Pty. Ltd. ("**The Applicant**") with regard to this planning permit application for a Farm Shed at No. 21 Balnarring Beach Road, Balnarring ("**Subject Land**").

1. Subject Site

The land is referred to as Lot 3 on Lodged Plan 125344 (Volume 9292 Folio 323) but is more commonly known as 21 Balnarring Beach Road, Balnarring.

The land is located on the eastern side of Balnarring Beach Road about 350 metres south of Sandy Point Road.

The land is irregular in shape with a frontage of 333.02 metres to Balnarring Beach Road, a depth of 584.1 metres to the northern boundary, a depth of 550.6 metres to the southern boundary and 451.09 metres to the rear (eastern) boundary.

The land has an overall area of 21.97 hectares. Figure 1 below is a copy of the lodged plan attached to the title. A full copy of title is enclosed with the application.

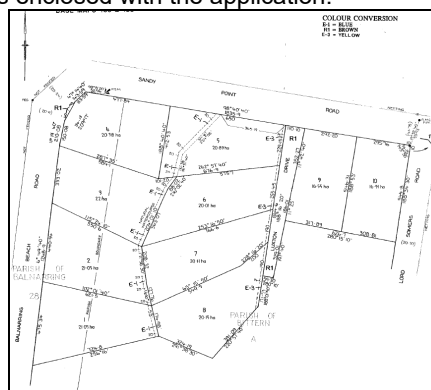


Figure 1 – LP125344

-2-

Properly constructed access to the site is provided in two (2) locations. Access to the main dwelling is provided relatively central to the frontage, whilst access is also provided setback about 40 metres from the northern boundary.

The land falls about 25 metres from the frontage to the rear of the site. Over the site for the Farm Shed the land falls about 2 metres from west to east. Figure 2 below shows 10 metre contour intervals across the site.

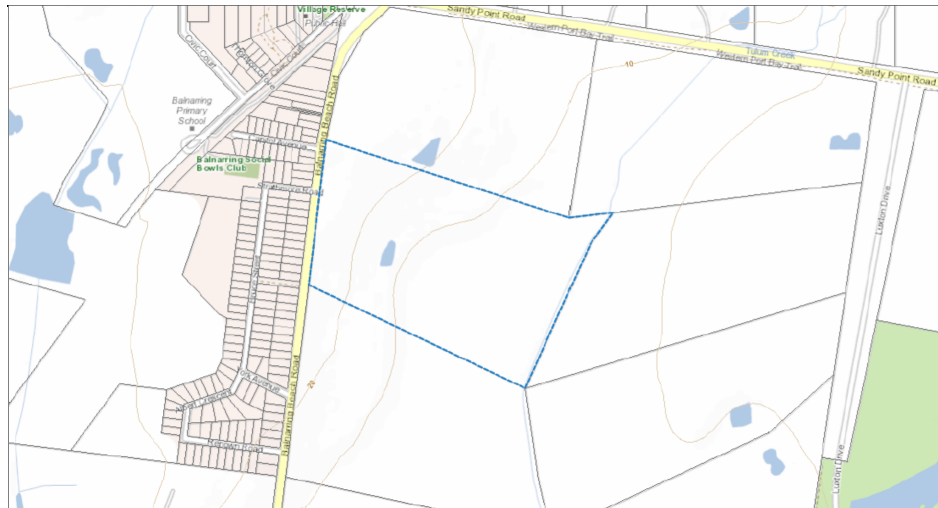


Figure 2 – Contour Intervals

Windrows of cypress pine trees define paddocks in the front half of the site, whilst the rear half is relatively open as shown in the aerial photograph at Figure 3 below.

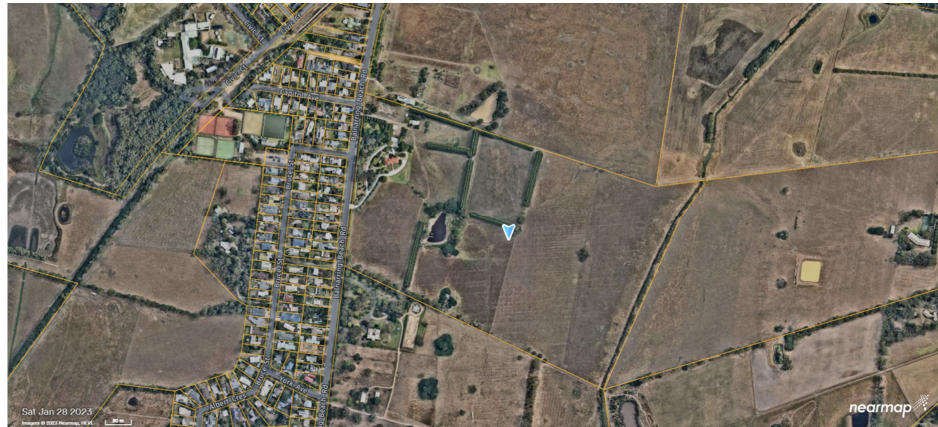


Figure 3 – Aerial Photograph – Nearmap 28 January 2023

-3-

The open paddock in the northwest corner of the site provides a suitable location for the proposed Farm Shed as it is located adjacent to access from Balnarring Beach Road and is wedged between existing rows of cypress pine trees and other trees on all sides. Moreover, access from Balnarring Beach Road past the southern side of the proposed Farm Shed provides easy access to the balance of the farm for maintenance, access to cherry trees and the cutting and storage of hay in the proposed Farm Shed.

A dam located relatively central to the site provides water supply to the paddocks.

The site is currently used to cut hay. The land was purchased in April 2021 with the purpose of progressively establishing a cherry tree farm. However, the on-set of Covid-19 delayed the application.

Figure 4 below is a Locality Plan showing the location of the land.



Figure 4 – Locality Plan

2. Surrounding Environs

Adjoining land to the north, south and east is held in broad acres of similar lot size and used for limited agriculture with the growing and cutting of hay a popular agricultural pursuit.

Across Balnarring Beach Road to the west are conventional residential lots within the urban area of Balnarring developed with single dwellings of both single and double storey construction.

-4-

The Cadastral Map at Figure 5 below shows the variable lot pattern described above.

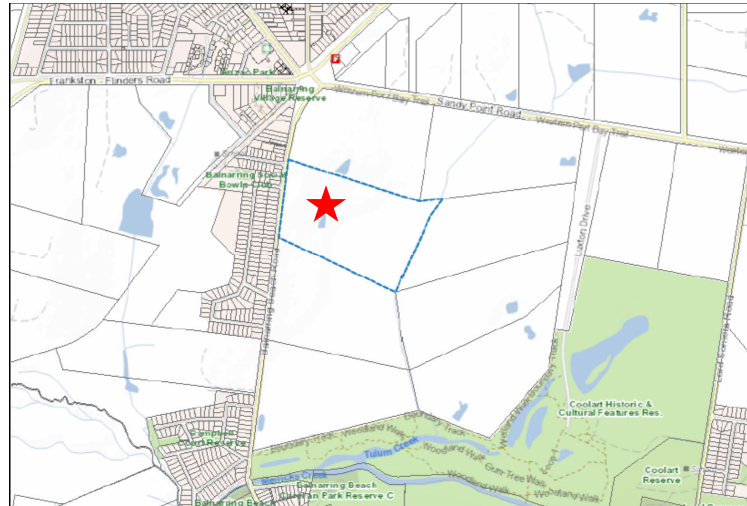
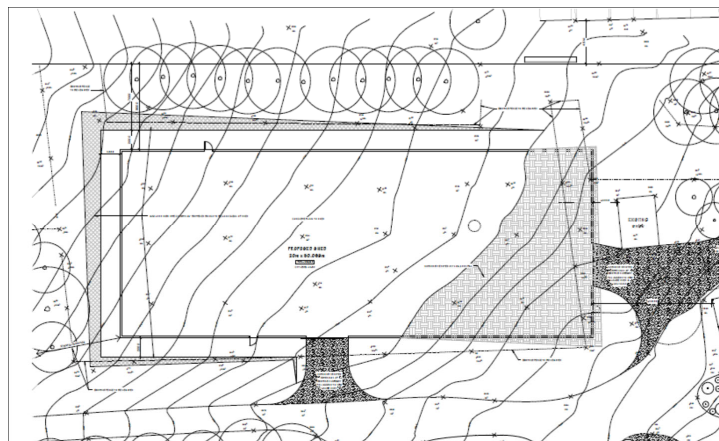


Figure 5 – Lot Plan

3. Proposal

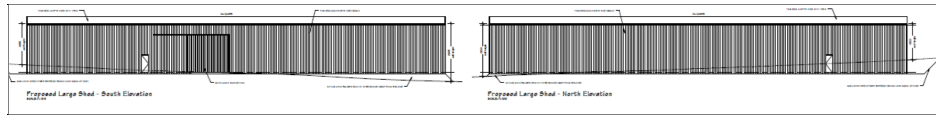
As illustrated in the plans prepared by Peter Hendy Design and Drafting Services Pty. Ltd., it is proposed to use and develop the site as follows:

- Construct a Farm Shed that measures 20 metres wide by 50 metres long (1,000 square metres).
- The Farm Shed will be setback 9.0 metres from the northern boundary and 27.5 metres from the Balnarring Beach Road frontage.

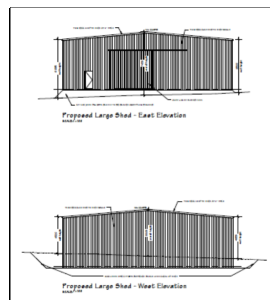


-5-

- The Farm Shed will have an overall height of 7.435 metres to the ridge with a gentle pitch reducing to 6.3 and 6.895 metre high walls.



- Sliding doors will be provided to the east and south elevations.

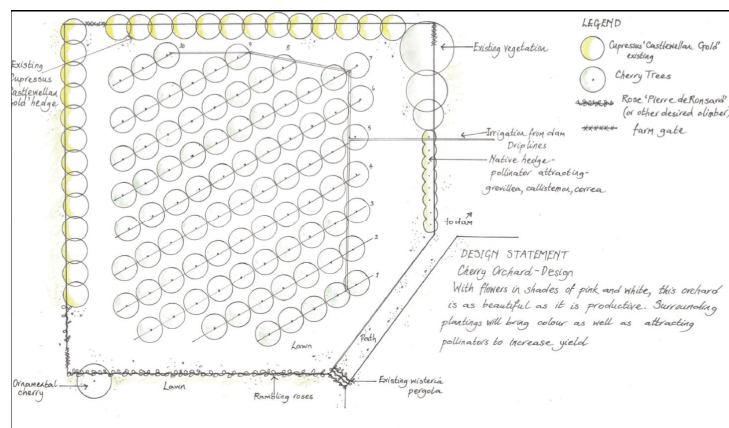


- The Farm Shed will be constructed of trimdek steel clad walls and roof.
- To manage the fall of the land a site cut of 2.0 metres is required at the western end with 0.9 metres of fill at the eastern end to balance cut and fill.
- Existing trees effectively screen the Farm Shed to the north, west and east.
- As detailed earlier, the site and Farm Shed will be accessed from Balnarring Beach Road utilising existing access that continues past the southern side of the Shed.
- As depicted in the submitted plans the subject site is divided into 6 paddocks carefully defined by access, windrows of trees, the domestic envelope for the existing dwelling and the existing dam.



-6-

- It is proposed to plant a cherry tree orchard in the paddock within close proximity to the Shed and adjacent to the dam for immediate access to a water supply as shown on the above extract from the application plans. Surrounding paddocks over time will provide opportunity to expand the orchard.
- Paddocks not required for immediate use for the cherry trees will be used to grow and cut hay.
- The Shed will provide storage of farm equipment to maintain the cherry trees and cut hay. The picked fruit will be stored in the Farm Shed to be packed and sold to various outlets and markets.
- A Design Statement for the Cherry Tree Orchard is submitted with the application. An extract from the Cherry Tree Concept Plan is reproduced below.



4. Planning Controls – Mornington Peninsula Planning Scheme

4.1 Zoning

The land is included in the Green Wedge Zone as depicted in Figure 6 below and Schedule 2 applies. Land adjoining to the north, south and east is also located in a Green Wedge Zone. However, across Balnarring Beach Road to the west land is located in a General Residential Zone.

-7-

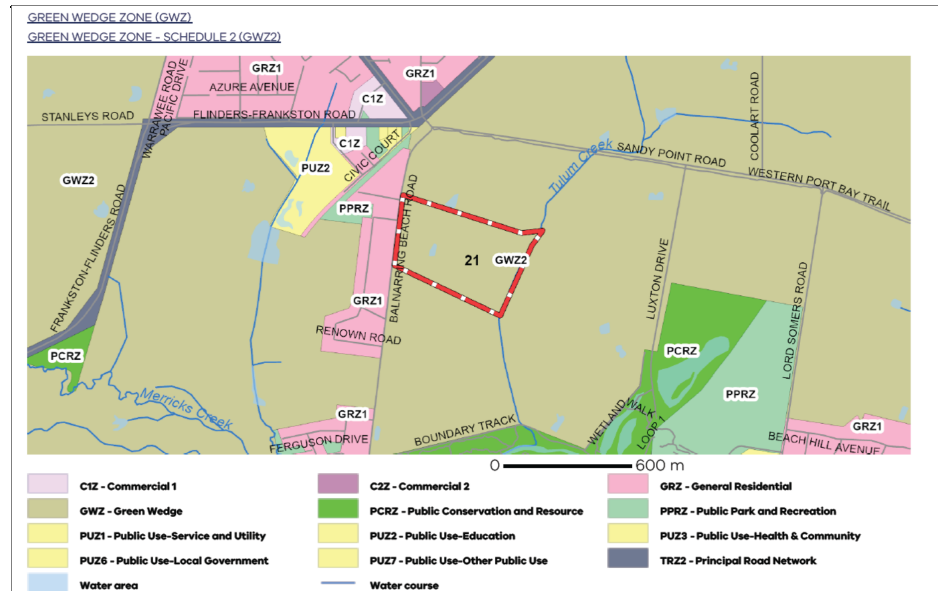


Figure 6 – Zoning Plan

The purposes of the Green Wedge Zone are as follows:

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

To provide for the use of land for agriculture.

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.

To protect and enhance the biodiversity of the area.”

Clause 35.04-5 of the Mornington Peninsula Planning Scheme specifies when a planning permit is required to construct a building or works.

-8-

As “Agriculture” is a use in Section 1 of **Clause 35.04-1** a permit is not required.

However, if the building is within any of the following setbacks a permit is triggered:

- “100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
- 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
- 20 metres from any other road.
- 5 metres from any other boundary.
- 100 metres from a dwelling not in the same ownership.
- 100 metres from a waterway, wetlands or designated flood plain.”

Assessment

Balnarring Beach Road is not within a Transport Zone. The Shed will be setback in excess of 20 metres from Balnarring Beach Road at 27.5 metres. The Shed will be setback 9 metres from the northern boundary, well in excess of 5 metres.

It would appear there are only Farm Sheds rather than a dwelling on No. 1 Balnarring Beach Road adjoining to the north. However, the Shed will be located within 100 metres of dwellings on the western side of Balnarring Beach Road at about 60 metres. It is important to note that the Shed will be well-screened from view with existing vegetation between the Shed and General Residential Zone to the west.

“Earthworks specified in a schedule to this zone, if on land specified in a schedule.”

Assessment

Schedule 2 applies but only if it is considered that earthworks would change the rate of flow or the discharge point of water across a property boundary.

It is submitted that with the fall of the land from west to east and away from the northern boundary, the flow of water across a property boundary will not be affected.

The only permit trigger in the Green Wedge Zone appears to be proximity of the proposed Farm Shed within 100 metres of a dwelling not in the same ownership. However, it is submitted that this was not intended to apply to dwellings across a road such as Balnarring Beach Road in a General Residential Zone.

This is confirmed in **Clause 35.06-6** where the decision guidelines require a number of matters to be considered, one of which reads as follows:

-9-

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

The decision guidelines make no reference to the effect on land that is not adjoining. Moreover, the provision of a Farm Shed on 21.9 hectares in a Green Wedge Zone is expected and should be encouraged. The proximity of the General Residential Zone to the west cannot sterilise the development and use of genuine agricultural land just because it is within 100 metres of the proposed shed.

If the presence of the General Residential Zone across Balnarring Beach Road to the west is of little to no relevance to this application, then the balance of the decision guidelines need not be considered, if at all.

4.2 **Overlay Controls**

The subject t site is affected to varying degrees by:

- Environmental Significance Overlay Schedule 7 (“**ESO7**”) – Affects the whole of the land.
- Environmental Significance Overlay Schedule 19 (“**ESO19**”) – Affects the rear half of the land. The proposed shed is not located within ESO19.
- Environmental Significance Overlay Schedule 17 (“**ESO17**”) – Affects a small sliver of the land at the rear (eastern) boundary. The proposed shed is not located within ESO17.
- Significant Landscape Overlay Schedule 6 (“**SLO6**”) – Affects the whole of the land.

Figure 7 below shows the area of influence of ESO7.

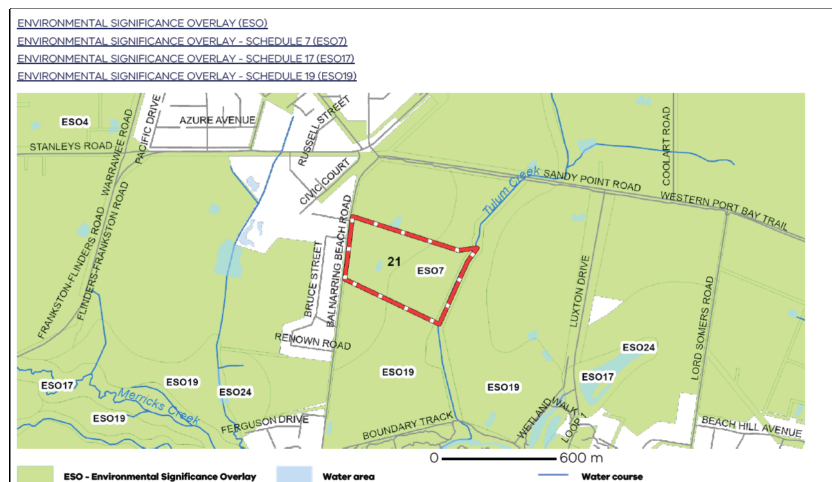


Figure 7 – ESO 7

-10-

Figure 8 below shows the area of influence of ESO 17 and 19.

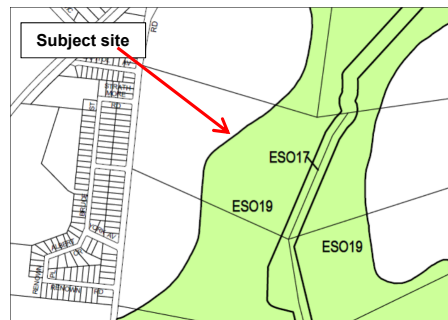


Figure 8 – ESO 17 & 19

Figure 9 below shows the area of influence of SLO6.

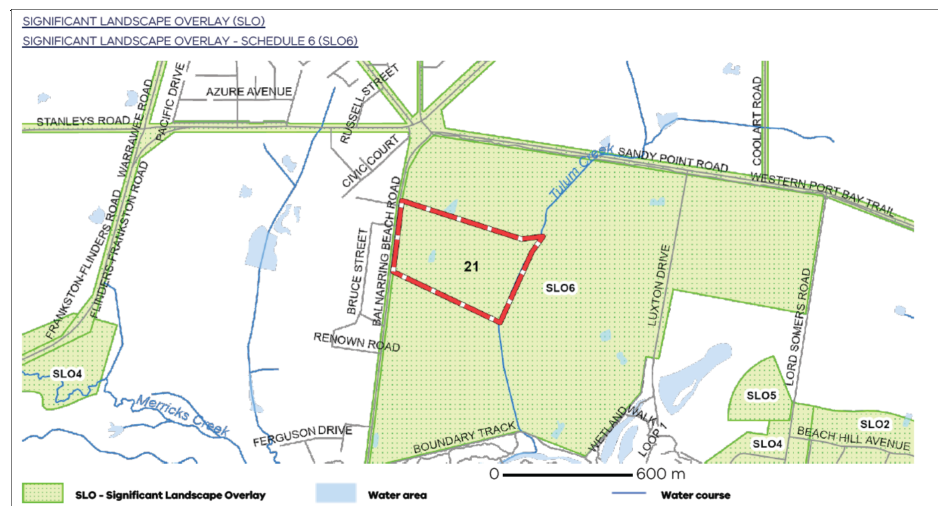


Figure 9 – SLO6

The following is an assessment of each Overlay in the context of this application.

4.2.1 Environmental Significance Overlay Schedule 7 (ESO7) – Affects the whole of the land including the site for the Shed.

A planning permit is not required to remove, destroy, or lop vegetation that is not native vegetation; and for buildings and works associated with a Section 1 use in the Green Wedge Zone provided specified requirements are met.

The Section 1 use of the land relevant to the proposal is "Agriculture". In the context of the specific requirements, the Farm Shed:

-11-

- Does not exceed 8 metres in height;
- Total site coverage of all buildings (existing and proposed) is limited to 0.8% of the whole site and well below the suggested 10%;
- The Farm Shed should not be visible beyond the subject site. Nevertheless, the Farm Shed will be finished in non-reflective colours which blend in with the surrounding landscape;
- A septic system is not required for the Farm Shed;
- No additional dams are proposed;
- Any Public Conservation and Resource Zone is remote to the site;
- Earthworks are minimal for the site of the Farm Shed;
- Stock loading facilities are not required, but there are existing facilities between the Shed and front boundary of the site;
- Vegetation removal is not required.

4.2.2 Significant Landscape Overlay Schedule 6 ("SLO6") – "National Trust Classified Landscapes" – Affects the whole of the land

A permit is not required for buildings and works associated with a Section 1 use in a Green Wedge Zone provided specified requirements are met.

Like ESO7 the Section 1 use of the land is "*agriculture*". In the context of the specific requirements:

- The Farm Shed has a floor area of 1,000 square metres and exceeds 40 square metres – **Permit Required**
- The Farm Shed has an overall height of 7.435 metres above natural ground level and exceeds 6 metres – **Permit Required**
- There is no identifiable ridge line within proximity of the proposed Farm Shed – **No Permit Required**
- It is unlikely that the building will be visible from adjoining properties due to screening effect of existing vegetation. External cladding is unlikely to be relevant – **No Permit Required**
- No stock loading facilities are proposed. However, there are existing facilities at the front of the site that are not affected by the application – **No Permit Required**
- No native vegetation is required to be removed to provide the proposed Farm Shed – **No Permit Required**

-12-

The permit triggers require decision guidelines to be considered by Council before making a decision on the application. Relevant decision guidelines are as follows:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The comments of the National Trust where proposals may significantly effect the classified landscape.
- The protection and appropriate enhancement of the landscape, having regard to:
 - Protecting landscape areas and vantage points of high quality.
 - Maintaining visual sequences along access routes.
 - The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
 - The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the classified landscape.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.

Response

The Landscape Character Objectives to be achieved include:

“To protect and enhance the visual, natural and cultural heritage values of classified landscapes.

To protect classified landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works.

To encourage siting, design and landscaping of buildings and works which is responsive to the landscape values of classified landscapes.

To maintain vegetation as an important element of classified landscapes.”

The Farm Shed is appropriately located in the northwest corner of the site. The Shed will be well-screened in all directions, predominantly by existing vegetation but also buildings on site to the east and south and on adjoining land to the north.

It is submitted that the Shed is well located to satisfy the Landscape Character Objectives.

-13-

As the Shed is unlikely to be seen from the public realm and adjoining properties:

- A landscape impact assessment report is not required;
- Comments from the National Trust are not required as the proposal has no effect on the classified landscape;
- The building is unlikely to be seen on the approaches from the north and south on Balnarring Beach Road;
- Existing natural vegetation is not affected;
- The submitted Site Context Plan confirms that the location of the Shed is most appropriate;
- Although it is unlikely that the building will be seen beyond the site, permit condition can require the finish of the building to be non-reflective and of colour to blend into the landscape;
- It is considered that additional landscaping is not required.

5. Conclusion

The purpose of the proposed building is fundamental to the agricultural use of the land.

It is submitted that the proposed use and development of the Farm Shed on the land is appropriate for the following reasons:

- The proposal is consistent with the provisions and purposes of the Green Wedge Zone.
- The location of the proposed Farm Shed is site responsive and respectful of the existing environment, land form and site conditions in which it is located.
- The Farm Shed is strategically located and will be finished in appropriate materials and colour tones to ensure that the Shed blends in and does not detract from the landscape values and agricultural attributes that the land has that can only be enhanced by the Shed.
- The Farm Shed will be sited to not require the removal of native vegetation.
- All relevant objectives of the Overlays that apply to the site of the dwelling have been satisfied.

We enclose:

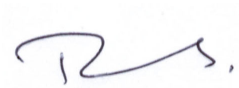
- Completed Application for Planning Permit;
- Recent copy of title;

-14-

- Application plans including Site Context, Existing Conditions Plans, Site Plan and Elevations;
- Cherry Tree planting and maintenance statement and plan; and
- Payment of the application fee of \$1,597.80.

Should Council have any queries with regard to this application, please do not hesitate to contact me on 0419 595 721.

Yours faithfully,



Richard G Umbers
Peninsula Planning Consultants Pty. Ltd.

Cherry Orchard- 21 Balnarring Beach Road

Design Statement

*With flowers in shades of pink and white, this orchard is as beautiful as it is productive.
Surrounding plantings will bring colour as well as attracting pollinators to increase yield.*



Proposed site at 21 Balnarring Beach Road, Balnarring

Soil Analysis

- Soil is dark greyish brown fine sandy clay loam.
- Structure is fine
- pH of approximately 6.
- medium organic matter component
- Nutrient content- fair-good

The soil has supported pasture production and has had the addition of fertilisers and organic matter (cow manure) making it potentially highly productive.

Preparation of Site

Treat rows with glyphosate to eliminate perennial grasses and weeds

Contractor to:

Grade rows- level soil and remove grass and weeds

Rip soil to a depth of 300 to 400mm.

Incorporate for all soil remediation

Soil remediation on Site

Soil on site rich in organic matter and is relatively fertile.

Incorporation of organic compost when planting is recommended.

Addition of lime at a rate of 100 grams/ m² to raise pH

Addition of gypsum at a rate of 1kg/ m² to break up clay

Addition of organic compost to add organic matter x 12m³

Row Orientation

As a general guide, all orchards should be planted with as close to north-south row orientation as possible except where site constraints or operator safety prevent this occurring.

Tree Spacing Cherry trees require proper spacing to thrive. Sweet cherry trees require a minimum spacing of 7 metres. Crowding trees can lead to pest problems.

Row Spacing Spacing between rows is important so that trees have room to grow, and you can easily and safely prune trees and perform other tasks. For sweet cherry trees, space rows 10 meters apart.

Bird Exclusion- required in summer when fruiting

Netting- effective in keeping birds away from cherries. Either netting rows of trees or constructing wooden frames that netting can be placed seasonally to shield berries.

Implement Noisemakers- bird calls, distress signals can help loud bangs. These should be rotated periodically so birds don't get too familiar with them.

Harvesting: As this is a private venture, harvesting by hand is recommended. Harvest time will be between December and February. Casual employees are abundant on the Mornington Peninsula are abundant at this time of year and can be contracted at reasonable prices.

Maintenance Plan

- Summer (February) and Winter August) pruning
- Fertilisation- Spring (September) and Summer (December)
- Weed Control
- Irrigation Maintenance
- Fortnightly pest and disease checks- September- February
- Bird control at fruit set- netting, noisemakers
- Harvesting- December -February

Varieties suitable for Climate

These three varieties fruit at different times, extending the harvesting season:

Lapins

Rows 5-7

Lapins are highly regarded. The fruit is large and firm and has good resistance to rain cracking. It has good sized fruit and is quick to mature. Lapins flower early and can be a useful polliniser for early flowering varieties. The variety is self-pollinating. The fruit

develops colour early, giving the appearance that maturity is earlier than stated, however, fruit should not be picked until it is mahogany in colour and the flesh becomes coloured around the stone. Large, sweet dark red cherries. Great for fresh fruit, jam and preserving. A beautiful ornamental tree. Autumn colour.

X 33

Merchant

Rows 8-10

Merchant is a United Kingdom bred variety. The fruit is dark-fleshed and softer than mid and late season maturing varieties, however its fruit is still firm and flavoursome. Best flavour is attained when the fruit is allowed to fully mature. Merchant trees have a good resistance to bacterial canker and is resistant to rain cracking.

X 17

Stella

Rows 1-4

Stella is self-fertile and are excellent general pollinisers. They generally do not require cross-pollination to set fruit. However, their commercial cropping performance is enhanced by cross pollination. They produce large attractive fruit that markets well.

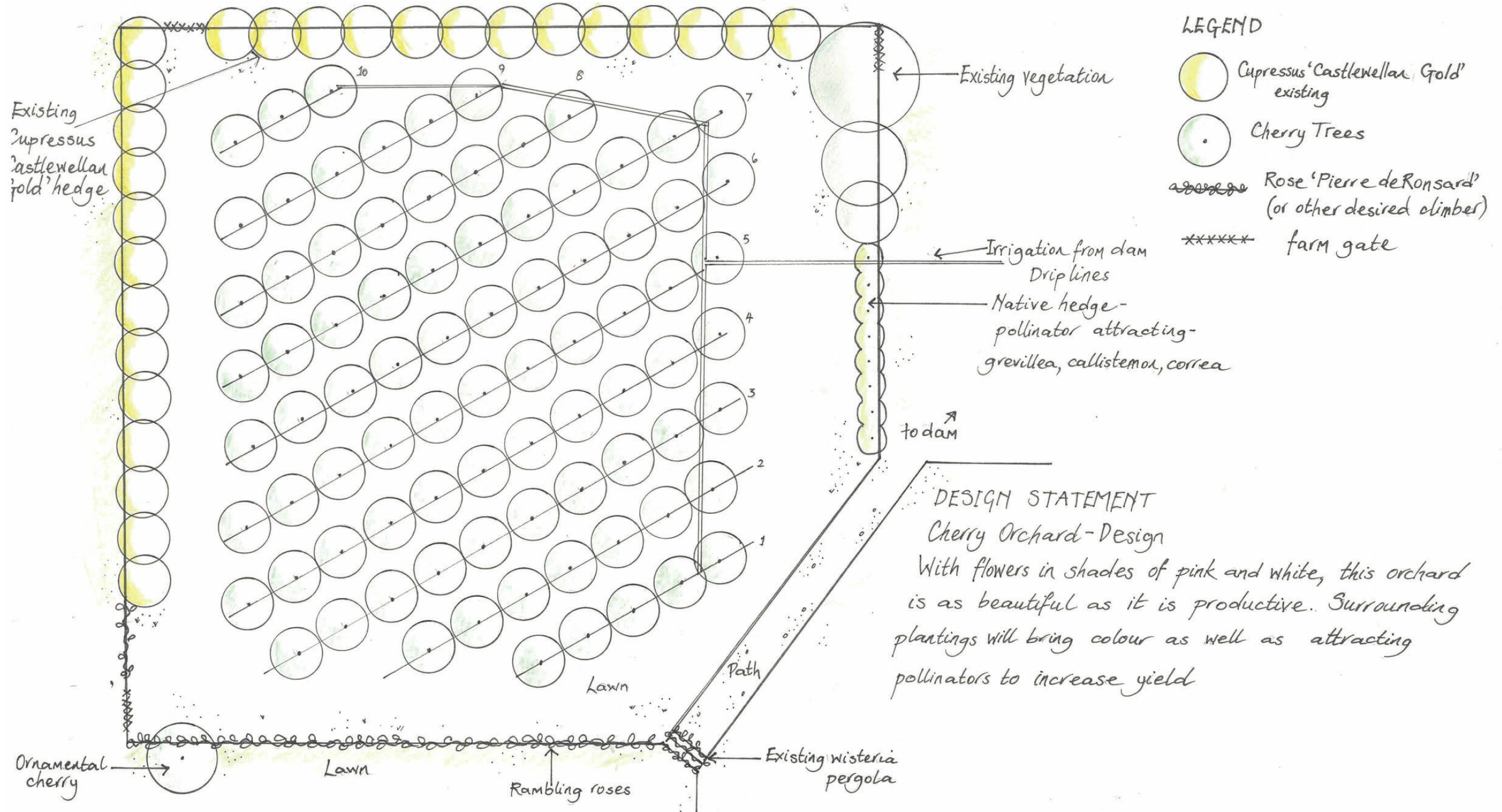
X 33

Quantity for Planting

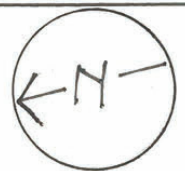
	<u>Quantity</u>
Cherry Trees	
Lapins	33
Merchant	17
Stella	33
Ornamental Cherry	1
Roses	10
'Pierre de Ronsard'	
Native hedge	30
grevilleas, callistemons, correas	
Organic Compost	12m ³
Dolomite Lime	100kg
	5m ³
Mulch	20m ³
Contractor	
Earth Works &	
Soil Remediation	5 days
Labour- planting etc	10

Items to be explored before pricing

- Bird Exclusion- which option to be chosen
 Large costing differences between options
- Irrigation- get advice from expert on best drip irrigation system
 Will new pump be required for dam?



CHERRY ORCHARD 21 Balnarring Beach Rd VICTORIA 3926
CONCEPT PLAN Scale 1:500 @ A3



MORNINGTON PENINSULA PLANNING SCHEME

35.04
31/07/2018
VC148

GREEN WEDGE ZONE

Shown on the planning scheme map as **GWZ** with a number (if shown).

Purpose

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

To provide for the use of land for agriculture.

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.

To protect and enhance the biodiversity of the area.

35.04-1
01/01/2024
VC250

Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 5 animals.
Grazing animal production	
Home based business	
Informal outdoor recreation	
Poultry farm	Must be no more than 100 poultry (not including emus or ostriches). Must be no more than 10 emus and ostriches.

MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Primary produce sales	Must not be within 100 metres of a dwelling in separate ownership. The area used for the display and sale of primary produce must not exceed 50 square metres.
Racing dog husbandry	Must be no more than 5 animals.
Railway	
Rural store	Must be used in conjunction with Agriculture. Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres. Must be the only Rural store on the lot.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)	
Broiler farm - if the Section 1 condition to Poultry farm is not met	Must meet the requirements of Clause 53.09.
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 53.08. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Domestic animal boarding	
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling. Must meet the requirements of Clause 35.04-2.
Exhibition centre	

MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Freezing and cool storage	The goods stored must be agricultural produce, or products used in agriculture.
Function centre	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.
Group accommodation	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery. The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.
Hall	
Host farm	
Indoor recreation facility	Must be for equestrian based leisure, recreation or sport.
Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Major sports and recreation facility	Must be for outdoor leisure, recreation or sport.
Manufacturing sales	Must be an incidental part of Rural industry.
Market	
Materials recycling	Must be used in conjunction with Refuse disposal or Transfer station. Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.
Milk depot	
Place of assembly (other than Carnival, Cinema based entertainment facility, Circus, Exhibition centre, Function centre, Hall, Nightclub and Place of worship)	Must not be used for more than 10 days in a calendar year.

MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Place of worship	
Plant nursery	
Primary school	
Racing dog husbandry – if the Section 1 condition is not met	Must meet the requirements of Clause 53.12.
Refuse disposal	
Research and development centre Research centre	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.
Residential building (other than Residential hotel)	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. Must be used to provide accommodation for persons away from their normal place of residence. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.
Residential hotel	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.
Restaurant	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.
Restricted place of assembly	Must not be used for more than 30 days in a calendar year.

MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Rice growing	
Rural industry	
Secondary school	
Solid fuel depot	
Small second dwelling	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. Must meet the requirements of Clause 35.04-2.
Timber production	Must meet the requirements of Clause 53.11.
Transfer station (other than Automated collection point)	Must not include the collecting, storing or processing of used or scrap construction and demolition materials.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Vehicle store	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Camping and caravan park, Group accommodation, Host farm, Residential building and Small second dwelling)
Cinema based entertainment facility
Display home centre
Education centre (other than Primary school and Secondary school)
Freeway service centre
Funeral parlour
Hospital
Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre and Rural industry)
Motor racing track
Office
Nightclub
Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)
Service station
Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)

MORNINGTON PENINSULA PLANNING SCHEME

35.04-2
14/12/2023
VC253

Use of land for a dwelling or small second dwelling

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

35.04-3
14/12/2023
VC253

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: ▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone. ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change.	Clause 59.01
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12

MORNINGTON PENINSULA PLANNING SCHEME

35.04-4
05/09/2013
VC103

Long term lease or licence for accommodation

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

35.04-5
14/12/2023
VC253

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.04-1. This does not apply to:
 - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
 - An alteration or extension to a small second dwelling.
 - An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. The building must not be used to keep, board, breed or train animals.
 - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
 - 100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
 - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
 - 20 metres from any other road.
 - 5 metres from any other boundary.
 - 100 metres from a dwelling or small second dwelling not in the same ownership.
 - 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for season or supplementary feeding for grazing animal production constructed within 100 metres of:
 - A waterway, wetland or designated flood plain.
 - A dwelling not in the same ownership.
 - A residential or urban growth zone.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

MORNINGTON PENINSULA PLANNING SCHEME

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where: ▪ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry. ▪ The land is not within 30 metres of land (not a road) which is in a residential zone. ▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>. Any works must not be earthworks specified in the schedule to the zone.	Clause 59.13

35.04-6
22/03/2022
VC219

Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Rural issues

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.

MORNINGTON PENINSULA PLANNING SCHEME

- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Primary school or secondary school issues

- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.
- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.
- Connection to reticulated sewerage if available or if not available, the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

MORNINGTON PENINSULA PLANNING SCHEME

35.04-7
31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021
C255morn

SCHEDULE 2 TO CLAUSE 35.04 GREEN WEDGE ZONE

Shown on the planning scheme map as **GWZ2**.

1.0
22/07/2021
C255morn

Subdivision and other requirements

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares)	All land	40 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential hotel (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Permit requirement for earthworks	Land	
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land	
Earthworks which increase the discharge of saline groundwater	All land	

MORNINGTON PENINSULA PLANNING SCHEME

52.06
31/07/2018
VC148

CAR PARKING

Purpose

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.

52.06-1
14/12/2023
VC253

Scope

Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use; or
- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or
- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot; or
- the construction and use of a small second dwelling.

52.06-2
18/04/2013
VC38

Provision of car parking spaces

Before:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

52.06-3
04/10/2018
VC149

Permit requirement

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

VicSmart applications

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

MORNINGTON PENINSULA PLANNING SCHEME

52.06-4
31/07/2018
VC148

Exemption from notice and review

An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- the application is only for a permit under Clause 52.06-3; or
- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

52.06-5
24/01/2020
VC166

Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.

A car parking requirement in Table 1 may be calculated as either:

- a number of car parking spaces; or
- a percentage of the total site area that must be set aside for car parking.

A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme; or
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

Table 1: Car parking requirement

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Amusement parlour	4	3.5	To each 100 sq m of net floor area
Art & craft centre	4	3.5	To each 100 sq m of net floor area
Bar	0.4		To each patron permitted
		3.5	Space to each 100 sq m of leasable floor area
Betting agency	4	3.5	To each 100 sq m of leasable floor area
Bowling green	6	6	To each rink plus 50 per cent of the relevant requirement of any ancillary use
Child care centre	0.22	0.22	To each child
Cinema based entertainment facility	0.3	0.3	To each patron permitted
Convenience restaurant	0.3		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Convenience shop if the leasable floor area exceeds 80 sq m	10		To each premises
		3.5	To each 100 sq m of leasable floor area
Display home centre	5		To each dwelling for five or fewer contiguous dwellings, plus
	2		To each additional contiguous dwelling

MORNINGTON PENINSULA PLANNING SCHEME

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
		3.5	To each 100 sq m of floor area
Dwelling	1	1	To each one or two bedroom dwelling, plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every 5 dwellings for developments of 5 or more dwellings
Education centre other than listed in this table	0.4	0.3	To each student that is part of the maximum number of students on the site at any time
Food and drink premises other than listed in this table	4	3.5	To each 100 sq m of leasable floor area
Freezing and cool storage,	1.5	1	To each 100 sq m of net floor area
Fuel depot	10	10	Per cent of site area
Funeral Parlour	0.3	0.3	To each patron permitted
Gambling premises other than listed in this table	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Golf course	4	4	To each hole plus 50 per cent of the relevant requirement of any ancillary uses.
Home based business	1	0	To each employee not a resident of the dwelling
Hotel	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Industry other than listed in this table	2.9	1	To each 100 sq m of net floor area
Landscape gardening supplies	10	10	Per cent of site area
Mail centre	3.5	3	To each 100 sq m of net floor area
Manufacturing sales	4	3.5	To each 100 sq m of leasable floor area
Market	8	3.5	To each 100 sq m of site area
Materials recycling	10	10	Per cent of site area
Medical centre	5		To the first person providing health services plus
	3		To every other person providing health services
		3.5	To each 100 sq m of leasable floor area
Milk depot	10	10	Per cent of site area
Motel	1	1	To each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use
Motor repairs	3	3	To each 100 sq m of net floor area plus
	1	1	for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners
Office other than listed in this table	3.5	3	To each 100 sq m of net floor area
Place of assembly other than listed in this table	0.3	0.3	To each patron permitted
Postal agency	4	3.5	To each 100 sq m of leasable floor area
Primary produce sales	4	3.5	To each 100 sq m of leasable floor area

MORNINGTON PENINSULA PLANNING SCHEME

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Primary school	1	1	To each employee that is part of the maximum number of employees on the site at any time
Research and development centre	3.5	3	To each 100 sq m of net floor area
Residential aged care facility	0.3	0.3	To each lodging room
Residential village	1	1	To each one or two bedroom dwelling plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every five dwellings for developments of five or more dwellings
Retirement village	1	1	To each one or two bedroom dwelling plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every five dwellings for developments of five or more dwellings
Restaurant	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area
Restricted retail premises	3	2.5	To each 100 sq m of leasable floor area
Rooming house	1	1	To each four bedrooms
Saleyard	10	10	Per cent of site area
Secondary school	1.2	1.2	To each employee that is part of the maximum number of employees on the site at any time
Shop other than listed in this table	4	3.5	To each 100 sq m of leasable floor area
Squash court – other than in conjunction with a dwelling	3	3	To each court plus 50 per cent of the relevant requirement of any ancillary use
Store other than listed in this table	10	10	Per cent of site area
Supermarket	5	5	To each 100 sq m of leasable floor area
Swimming pool – other than in conjunction with a dwelling	5.6	5.6	To each 100 sq m of the site
Tennis court – other than in conjunction with a dwelling	4	4	To each court plus 50% of the requirement of any ancillary use
Trade supplies	10	10	Per cent of site area
Veterinary centre	5		To the first person providing animal health services plus
	3		To every other person providing animal health services
		3.5	To each 100 sq m of leasable floor area
Warehouse other than listed in this table	2	2	To each premises plus
	1.5	1	To each 100 sq m of net floor area
Winery	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area

52.06-6
18/01/2018
VC142

Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

MORNINGTON PENINSULA PLANNING SCHEME

52.06-7
25/05/2017
VC133

Application requirements and decision guidelines for permit applications

For applications to reduce the car parking requirement

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- new use; or
- increase in the floor areas or site area of the existing use; or
- increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

For applications to provide more than the maximum parking provision specified in a schedule to the Parking Overlay

An application to provide more than the maximum parking provision specified in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed use or increase to the existing use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

MORNINGTON PENINSULA PLANNING SCHEME

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

52.06-8
25/05/2017
VC133

Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
- Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.

52.06-9
03/02/2022
VC199

Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

Design standard 1 – Accessways

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.
- Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car space is from a road, the width of the accessway may include the road.

Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m
45°	3.5 m	2.6 m	4.9 m

MORNINGTON PENINSULA PLANNING SCHEME

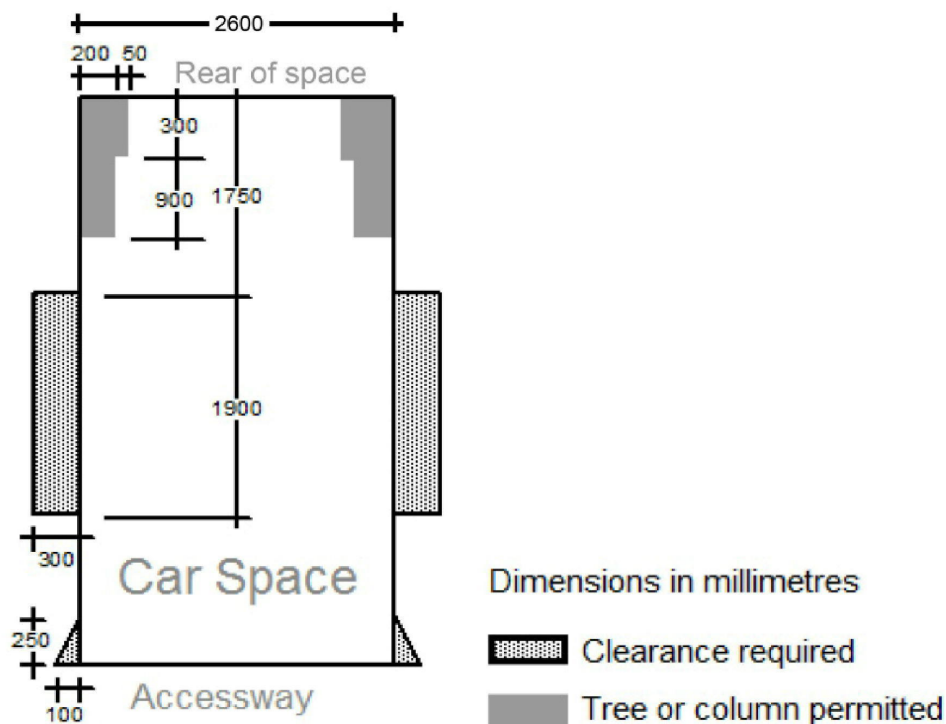
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

Note Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces



Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.

Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

MORNINGTON PENINSULA PLANNING SCHEME

Table 3: Ramp gradients

Type of car park	Length of ramp	Maximum grade
Public car parks	20 metres or less	1:5 (20%)
	longer than 20 metres	1:6 (16.7%)
Private or residential car parks	20 metres or less	1:4 (25%)
	longer than 20 metres	1:5 (20%)

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space.

Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.

52.06-10
25/05/2017
VC133

MORNINGTON PENINSULA PLANNING SCHEME

52.06-11
25/05/2017
VC135

- Any other matter specified in a schedule to the Parking Overlay.

Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces,

before any of the following occurs:

- the new use commences; or
- the floor area or site area of the existing use is increased; or
- the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Planning Delegate Report - P23/1240

Mornington Peninsula Shire



APPLICATION SUMMARY	
Planner	Alex Colquhoun
Date	23/02/2024
Application Number	P23/1240
Proposal	DEVELOPMENT OF AN ELECTRONIC AND FLOODLIT MAJOR PROMOTION SIGN
Address	CP 109021 addressed as 2083 Frankston-Flinders Road HASTINGS
Applicant	Gawk
Planning Scheme	Mornington Peninsula Planning Scheme
Zone & Overlays	IN3Z
Permit Triggers	Clause 52.05 - Signs
Restrictions on title	Yes
Advertising	Yes
Objections	Yes (2)
Referrals	External - Department of Transport (DoT)
CHMP required?	No

OFFICER DIRECT OR INDIRECT INTEREST

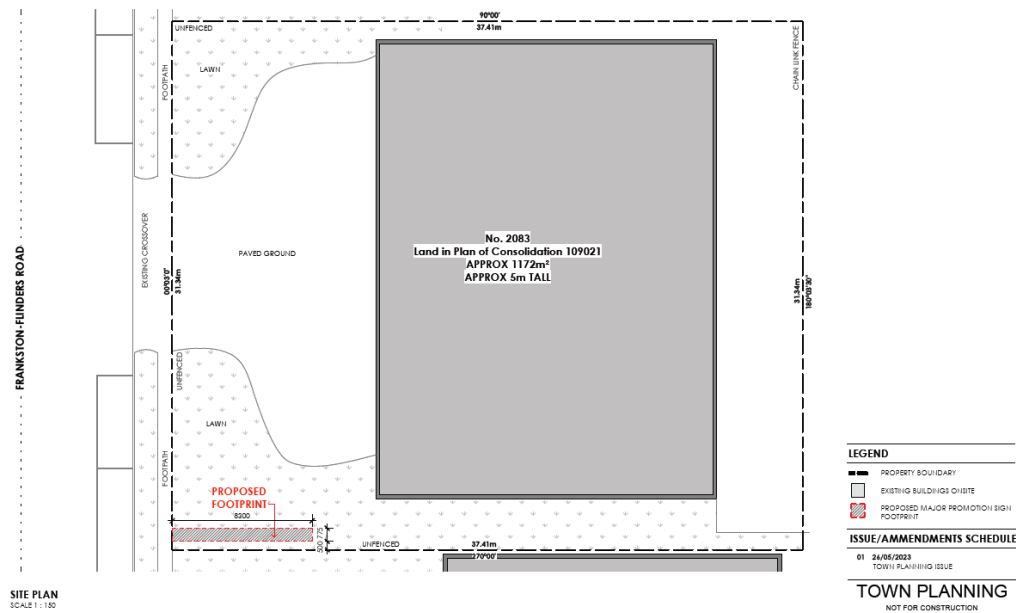
No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

PROPOSAL

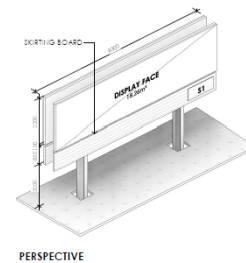
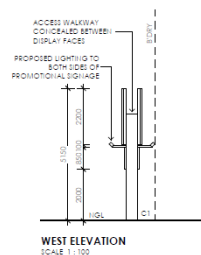
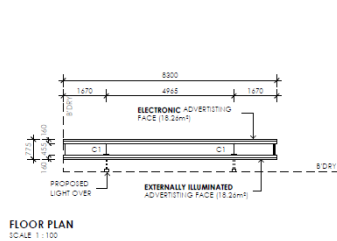
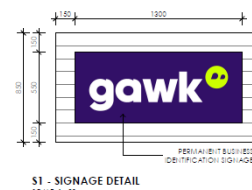
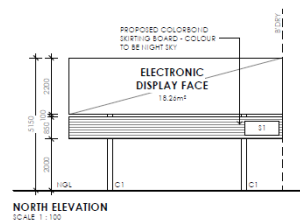
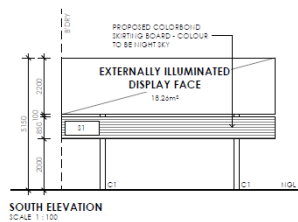
This application seeks approval for the development of an electronic, externally illuminated major promotion sign.

- The sign is to be in front of 2083 Frankston-Flinders Road.
- It has two display faces, one being electronic (north facing), the other being floodlight (south facing), both of which measure 8.3m wide by 2.2m high. The overall structure is 5.15m high.

Site Plan:



Elevation Plans:



Colours and Materials:

MATERIALS BOARD



ZONE/OVERLAYS

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2

Page

Zone/Overlay	Per mit Trig ger?	Rationale
IN3Z	N/A	Sign requirements are at Clause 52.05. This zone is in Category 2.
Clause 52.05-2 and 52.05-12 – Category 2 – Office and industrial	Yes	A planning permit is required to construct a building or construct or carry out works. Exemptions relating to a single dwelling do not apply as the general requirements of the schedule are not met.

SUBJECT SITE AND SURROUNDS

The site is formally described as CP 109021. It has a square shape with a site frontage of 31.34 metres to Frankston-Flinders Road and a maximum depth of 37.41 metres. The overall land size is approximately 1,1172 square metres. The orientation is from the west to the east.

The site is relatively flat but slopes from the western boundary (road frontage) to the eastern boundary by about 0.5 metres. The proposed siting of the sign is on land that is approximately 14m AHD, in the south-western corner.

There are business identification signs located within the front setback of the adjoining properties to the north and south. The sign is proposed on the south western corner of the Hastings Produce & Rural Supplies store site, which does not contain any other freestanding business identifications sign currently.

The site is on the east side of Frankston-Flinders Road in Hastings, between High Street and Cool Store Road. The site is amongst a strip of existing businesses which include Tyrepower, Westernport Exhausts, Mornington Peninsula Rendering and Short Fuse Auto Electrics. Each building contains business identification signage on the facades.

The subject site is located just outside the Hastings Activity Centre. Land on the eastern side of Frankston-Flinders Road is located within the Industrial 3 Zone, whereas land located to the north west and south west of Frankston-Flinders Road is located within the General Residential Zone 1 and Commercial 2 Zone, respectively.

The site is located in within the southern portion of an approximately 850 metres long industrial strip containing various industrial activities and businesses from vehicle repair and maintenance, marine boat repairs, construction supply stores, food and drink premises, equipment hires, warehouses and industry.

The closest residential receptors are located approximately 55 metres to the north west on Frankston Flinders-Road and then approximately 260 metres to the east across the Stony Point train line in Station Street.

There are easements and restrictive covenants on the title, however they do not inhibit the proposal. The sewerage and drainage easement runs through the rear of the site.



Figure 1: Aerial Photo showing subject site and surrounds – Nearmap August 2024



Figure 2: Aerial Photo showing proposed siting of sign – Nearmap February 2024

SURROUNDING PROPERTIES

The subject site is located just outside the Hastings Activity Centre, to the eastern side of Frankston-Flinders Road. Land on the eastern side of Frankston-Flinders Road is located within the Industrial 3 Zone, whereas land located to the north-west and south-west of Frankston-Flinders Road is located within the General Residential Zone 1 and Commercial 2 Zone respectively. More specifically, the interfaces to the subject site are set out below:

North	2079 and 2075 Frankston-Flinders Road Hastings Tuckett's Tyrepower (Industrial 3 Zone)
East	6 and 8 Glendale Avenue Hastings In Like Fin Pty Ltd (Industrial 3 Zone) Mako Marine (Industrial 3 Zone)
South	2085 Frankston-Flinders Road Hastings Westernport Exhausts (Industrial 3 Zone) (Objecting party)
West	2072 Frankston-Flinders Road Hastings Super Shine Car Wash (General Residential Zone 1)

North-west	2070 Frankston-Flinders Road Hastings Three-unit residential development (General Residential Zone 1)
South-west	2080 Frankston-Flinders Road Hastings Wine Lovers Warehouse (Commercial 2 Zone and General Residential Zone 1)

North

- No. 2079 and 2075 Frankston-Flinders Road are industrial premises currently occupied by Tuckett's Tyrepower (tyre replacement and repair). It comprises of a single-storey flat roofed factory building painted in the associated business colours. Business identification signage is located on the façade of the building, including free-standing business identification signage to the site's southern boundary.
- Further north is Short Fuse Auto Electrics, Active Garage Doors and Bay 2 Bay Rental (2073, 2071 and 2067-2069 Frankston Flinders Road respectively) all of which are industrial/commercial based businesses with associated buildings ranging from single to double story, flat roofed factory built forms and associated business identification signs on the facade.
- Located approximately 170 metres north of the subject site (2063 Frankston-Flinders Road) is a single-sided (south facing) externally illuminated major promotion sign which was approved January 2018 under planning permit P17/1628 (detailed further below).

East

- No. 6 and 8 Glendale Avenue Hastings are both to the immediate east and comprise both of single-storey elevated factory warehouse occupied by In Like Fin Pty Ltd and Mako Marine (marine repair and maintenance). Both sites are orientated east towards Glendale Avenue.
- Glendale Avenue is also located east. It comprises of a single traffic lane in each direction and informal, unmarked kerbside parallel parking. On the opposite side of Glendale Avenue is solely industrial and warehouse developments which adjoin a Transport 1 Zone (Stony Point train line).

South

- To the immediate south is No. 2085 Frankston-Flinders Road which is currently occupied by Westernport Exhausts (car alterations and maintenance). It comprises of a single-storey flat roofed factory warehouse with associated business identification signs to the front façade as well as a free-standing business identification sign within the north-west frontage of the site.
- Further south is No. 2089 Frankston-Flinders Road currently occupied by Mornington Peninsula Rendering Suppliers (construction materials supplier). It comprises of a single-storey flat roofed factory warehouse with associated business identification signs to the front façade. The site is located on the corner of Frankston-Flinders Road (west) and Glendale Avenue (south).

West

- Frankston-Flinders Road adjoins the subject site to the immediate west and comprises of three lanes of traffic, two of which for southbound traffic and one for northbound traffic, divided by a median strip. The road is categorised as a Transport Zone 2 (TRZ2 – Major Arterial Road).
- On the opposite side of Frankston-Flinders Road, No. 2072 Frankston-Flinders Road, is a General Residential Zone 1 allotment which is owned and occupied by Super Shine Car Wash which has been established for approximately 15 years. The site has two vehicle access points to Frankston-Flinders Road as the site is orientated

towards the east which also crosses perpendicular with the public walkway. Majority of the site is open with the car wash structure located towards the rear of site.

- Residential properties are located approximately 90 metres west of the subject site in Melaleuca Drive.

Northwest

- On the opposite side of Frankston-Flinders Road, to the north west of the subject site, is No. 2070 Frankston-Flinders Road which is common property to the three-unit development which comprises of Nos. 1/2070, 2/2070, 3/2070 Frankston-Flinders Road. These units are single-storey brick, pitched roofed, dwellings which are sited and designed towards, as well as accessed from, the shared common property. The shared common property, which is accessed from Frankston-Flinders Road, is located to the south of the units.
- The existing units adjoin each other and, with unit 3 being the farthest (west) from Frankston-Flinders Road and unit 1, being the closest (south) which directly adjoins Frankston-Flinders Road.
- The common property contains established vegetation to the south which screens views to and from the south adjoining sites, such as the Super Shine Car Wash, and northbound traffic from Frankston-Flinders Road.
- The road reserve between unit 1 and Frankston-Flinders Road itself contains a public walkway, low lying vegetation and two trees which have established a height which is above the existing 1.8 metre boundary fence line. Although there is some vegetated screening, views towards Frankston-Flinders Road to the east, and sites beyond, are still visible from the Secluded Private Open Space area of unit 1.
- Units 2 and 3 have partial views towards Frankston-Flinders Road, yet are minimal and obstructed due to the existing vegetation and common property fencing.
- Further northwest are existing residential allotments which contain single-storey dwellings which are designed and sited towards Mirabella Court, west of Frankston-Flinders Road. These dwellings have been sited and designed so as to avoid views to and from Frankston-Flinders Road. The road reserve adjoining these dwellings contain established canopy trees which obstruct views from these properties towards Frankston-Flinders Road.

Southwest

- On the opposite side of Frankston-Flinders Road, the southwest, is No. 2080 Frankston-Flinders Road currently occupied by Wine Lovers Warehouse bottle shop) which was issued 24 June 2022 under planning permit P21/2189. The site comprised of a single-storey warehouse with undercover customer parking and associated business identification sign to the façade, and a free-standing business identification sign located within the frontage (east) of the site. The site is primarily within the Commercial 2 Zone, however, has a small portion, the north which resides within the General Residential Zone 1.
- Further southwest is a Shell petrol station currently occupied by Coles Express (No. 152 High Street). Signage includes business identification signage and a free-standing internally illuminated sign to the site's north-western corner fronting Nepean Highway, displaying petrol prices.
- Residential properties are located approximately 100 metres southwest of the subject site in Lea Court.

Permit/Site history

The proposed sign being considered in this application is located within the same road corridor and locality of two other major promotion signs, being previously approved under planning permit P17/1628 at 2063 Frankston-Flinders Road and another approved by planning permit P19/0514 at 2057 (2061) Frankston- Flinders Road. Both are for the display

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of single sided externally illuminated major promotion signs, with one them facing south and the other north, respectively. This sign has been erected and are in use.

Both are substantially larger signs than the one being proposed here, measuring approximately 42m² in display area, each. They are both located behind or inline with the building line of the building on the same site or adjoining site.

The subject site is approximately 170m to the south of the sign at 2063 Frankston-Flinders Road and 186m south of the sign at 2057 (2061) Frankston-Flinders Road.

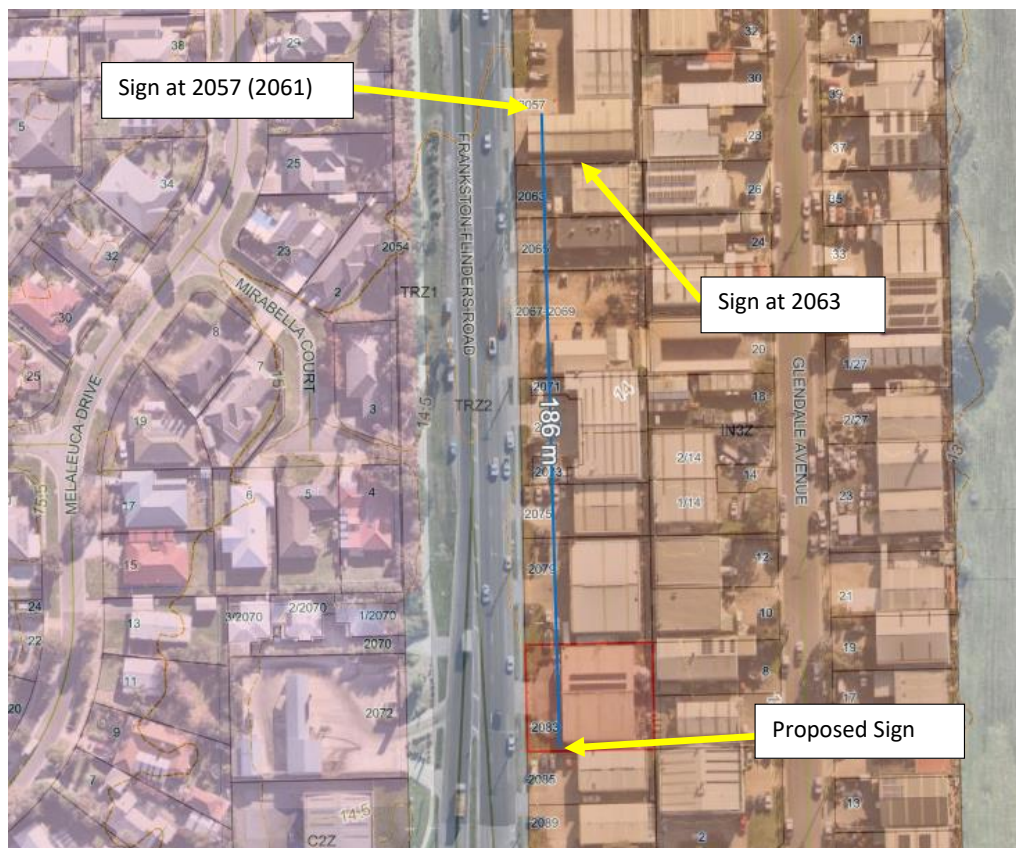


Figure 4: aerial showing existing approved signs in context of the subject site



View of completed approved sign (P17/1628) at 2063 Frankston-Flinders Road

Restrictions on title

COVENANT as to part F509669

COVENANT as to part J269750 28/11/2001

Covenant F509669

This covenant relates to the creation of the easement on the land. The grant of this permit would not affect this covenant.

Covenant J269750

This covenant relates to the creation of the easement on the land. The grant of this permit would not affect this covenant.

Cultural Heritage Management Plan (CHMP)

A CHMP is not required as the proposal is not a high impact activity.

PUBLIC NOTIFICATION

The application was advertised by sending direct notice to adjoining properties and erecting a sign on site for 14 days.

Objections

To date, 2 objections have been received. Their concerns can be summarised as follows:

- Impact existing business identification signage
- Setback from road

REFERRALS

Referral	Internal/External?	Response
DoT	External - Section 55	No objections, subject to conditions.

PLANNING POLICY & PROVISIONS

Planning Policy Framework (PPF)

Clause 11.03-5S Distinctive areas and landscapes <i>Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)</i>
Clause 11.03-6S Regional and local policies
Clause 15.01-1S Urban design
Clause 15.01-1R Urban design – Metropolitan Melbourne
Clause 15.01-1L Urban design – Mornington Peninsula
Particular Provisions
Clause 52.05 Signs
General Provisions
Clause 65 Decision Guidelines

ASSESSMENT

It is considered that the proposed sign is consistent with the objectives of Clause 52.05 and the above policies and provisions on the following basis:

Clause 11.03-5S Distinctive areas and landscapes

The objective of Clause 11.03-5S is “to protect and enhance the valued attributes of identified distinctive areas and landscapes”. The Mornington Peninsula Localised Planning Statement further reinforces the distinction of the Peninsula and the role and character of the Mornington Peninsula’s settlements, town and villages.

While this sign will be larger and taller than most nearby signage or across the Peninsula, it is considered to respond to the attributes and development expectations of the Mornington Peninsula, including those expressed by the Localised Planning Statement. This is demonstrated by the relatively constrained size and overall height of the sign comparative to similar types of signs in Metropolitan Melbourne along wide arterial roads in commercial zones. In metropolitan Melbourne context, such signs would often be much larger in size and height.

Clause 15.01 Urban Design

The relevant objective of this clause is to:

- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Clause 15.01-1L Urban Design – Mornington Peninsula

Objectives of this clause include to:

- Avoid signs that protrude above the height of the building, including any parapet.
- Give preference to freestanding pole signs over signs attached to buildings.
- Encourage signs that relate to the address, business name or type of business conducted on the premises.
- Avoid animated signs such as those with flashing or moving lights.
- Avoid bunting signs except for use in display yards or as a temporary sign.
- Avoid the use of fluorescent or reflective paints that result in visually obtrusive effect.

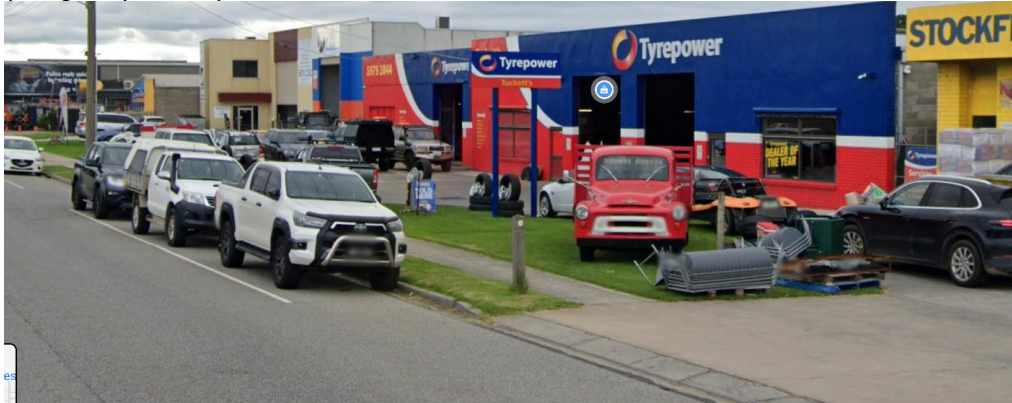
The above objectives seek to create urban environments that contribute to a sense of place and cultural identity, and achieve design outcomes that contribute positively to the local context and enhance the public realm.

The proposed sign is not considered to detract from the amenity and character of the locality, as the review site is not in a sensitive landscape area, but on a main road in a industrial area, which can successfully accommodate a range of built form and signage outcomes without causing detrimental amenity or negative character outcomes.

The sign will not detract from the review site and the buildings on that site, as it will sit as a separate structure, and be read at a much greater distance from the immediate streetscape view at which the other features of the review site will be appreciated.

There are multiple business identification signs located along both sides of Frankston-Flinders Road within the area. Examples of this are below:

Existing business identification signage on adjoining site (2079 Frankston-Flinders Road) (Google, April 2023)



Existing business identification signage on adjoining site (2085 Frankston-Flinders Road) (Google, April 2023)



Existing business identification signage directly opposite subject site (2072 and 2080 Frankston-Flinders Road Hastings) (Google, April 2023)



Clause 52.05 Signs

The purpose of this clause in the local planning scheme is:

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The site is within the Industrial 3 Zone, which is Category 2 – Office and Industrial (low limitation) in relation to signs. The purpose of this category is to:

- To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

The proposed sign falls in the section 2 sign (permit required) for this category. There are no prohibited signs in Category 2.

The decision guidelines for Major promotion signs are:

- The effect of the proposed major promotion sign on:
 - Significant streetscapes, buildings and skylines.
 - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
 - Residential areas and heritage places.
 - Open space and waterways.
- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
 - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
 - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
 - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
 - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
 - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

Will the proposal have an effect on residential amenity?

As previously discussed in the site context section, the proposal will be approximately 55 metres from the nearest residential receptor. The applicant has submitted a Lighting Impact Assessment that provides an assessment of the proposal in compliance with the Department of Transport and Planning requirements and *Guidelines for Illuminated Outdoor Advertising Signage* and *AS4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*.

From the perspective of residential amenity, the assessment against the criteria in *AS4282-2019* is considered most relevant to determine the acceptability of the sign. Where residential properties are within 100m from signage displaying dynamic content, the maximum illuminance is 2.5 lux for Zone A4 (High district brightness) and 1 lux for Zone A3 (Medium district brightness). The maximum illuminance for Zone A4 properties within 100m from the signage is 0.79 lux at 2070 Frankston-Flinders Road, and the maximum illuminance for Zone A3 properties within 100m from the signage is 0.35 lux at 5 Mirabella Court.

Under the Standard, the maximum allowable illuminance to residential properties at a distance of 100m or greater from signage displaying dynamic content is 5 Lux for Zone A4 and 2 Lux for Zone A3. The maximum illuminance for Zone A3 properties at or greater than 100m from the signage is 0.23 lux at 7 Mirabella Court, and the maximum illuminance for Zone A4 properties at or greater than 100m from the signage is 0.18 lux at 2 Mirabella Court.

The surrounding dwellings have also all been designed to 'face' away from the commercial area as there would be limited desire to address the commercial interface from a dwelling. The proposal is not considered to have a negative effect on residential amenity. The three dwelling development at 2070 Frankston-Flinders Road is well screened with vegetation and high fences such that there would be limited or no views to the proposed signs from those dwellings. It is likely they were deliberately designed this way given the main road environment and interface with commercial and industrial zones.

Will the proposed sign have an appropriate built form and visual presence in this context and is the sign appropriate for the site?

This area of Hastings is typically defined by industrial and commercial properties which face and run parallel along this section of Frankston-Flinders Road. Opposite (west) the subject site is a General Residential Zone, however, the majority of residences are not accessed from, nor face, Frankston-Flinders Road with the exception of three dwellings at 2070 Frankston-Flinders Road. The predominant character is of a commercial and industrial area that has a wide variety of front setbacks, frontage treatments, extent of landscaping, number of crossovers, and rhythm and spacing of buildings. It is considered that the proposed signage can be accommodated within this location without causing detrimental amenity or character outcomes.

The site is not within a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy. Whilst a major promotion sign must be prominent by its inherent nature, the sign is not considered to unreasonably dominate any part of the road corridor or surrounding environment, subject to being setback appropriately from the frontage. As highlighted previously, there are approvals for two other major

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promotion signs within 200m of the subject site. They are both located behind or inline with the existing or adjoining building line on the same site. They are both setback at least 4 metres from the respective frontages so as not to dominate the streetscape. In the current proposal, it is acknowledged that the site characteristics are different, however, due to a number of factors it is considered reasonable to require the sign to be moved back in to the site by four (4) metres from the frontage. As discussed below, this is also in consideration of one of the objections relating to obscuring existing signage on the adjoining lot to the south, which is not currently shown on the plans as it should be.

Frankston-Flinders Road in this location is quite wide, where the extent of panorama that is available will mean the sign will only ever take up a relatively small proportion of the overall view, particularly if setback from the road frontage is increased as per the recommended conditions. The height of the proposed signage is to be lower than that of what a typical major promotion sign and will therefore only be visible to those who are on Frankston-Flinders Road and not nearby roadways.

The proposal could be considered to be a progression toward visual clutter or a cumulative impact in terms of congestion of signage in the surrounding area. However, it is not considered to be that yet. It is the third major promotion sign in an approximately 850 metre long industrial strip. The proposed sign would be nestled among other business identification signage if setback 4m which is a prominent feature within this strip.

The sign will not tower over any important viewing point, nor dominate any streetscape or intersection. While the sign will appear partly above the skyline on certain views to north and southbound traffic, this skyline does not form an important landscape. As such, the proposed sign is not considered to unreasonably change the nature and extent of skyline views available from these locations.

Is the proposal acceptable from a Road Safety perspective?

The electronic nature of the signs means that a range of static images can be projected, and it is proposed that the images displayed will remain static and do not change on any form of predictable schedule or pattern, however, it is suggested that the minimum dwell time of the images displayed be set at a minimum of 16 seconds. There will be no flashing lights and no imitation of other traffic control or regulatory signs. The siting and angle of the signs ensures that while it will be directly visible to both inbound and outbound drivers, it will not form a background to any traffic signal or interfere in anyway with the reading of traffic signals. As a result, the sign will not distract drivers or pedestrians.

Mandatory conditions in the planning scheme and the 18 conditions from DTP (determining referral authority) ensures the proposal will not unreasonably or unsafely distract drivers or pedestrians in this locality.

Is the proposal acceptable having regard to the effect on open space and waterways?

The review site is not within an open space reserve, or a corridor around a waterway.

Response to Submissions

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Impeding views to existing signs

Given the height proposed of the major promotion sign, it does have the potential to impede views to existing signs, particularly the sign to the south. The area is predominantly industrial and commercial businesses, with business identification signage being a dominant feature of these properties, it is not unreasonable to propose signage that is associated with advertising that may obscure views to some existing signage. However, in consideration of other factors relating to the appropriateness of the sign in relation to setbacks and relationship to buildings on the land and adjoining land, it is considered reasonable to ensure that the proposed sign does not impede views of the existing adjoining sign when vehicles or pedestrians are travelling south bound along Frankston-Flinders Road. Clause 52.05-8 specifically requires consideration to be given to this issue and in combination with other considerations is considered reasonable to address via permit conditions. It is considered that the sign will still be visible and perform its intended function adequately.

The sign is otherwise considered appropriate in its size and scale in relation to existing signs or likely future signs so as to not adversely effect the or increase the visual dominance of signs comparative to the buildings in the locality. Whilst it may be possible to allow uninterrupted views to the existing sign by elevating the proposed sign higher of the ground to create clearance under it, this is not desirable, nor supported as it would make the sign protrude above the existing building heights on the property and surrounding properties and that is not considered an acceptable outcome.

Setback from road

An objection was received which relates to the setback of the existing building on the subject site from Frankston-Flinders Road. This does not form part of the proposal and is therefore not considered within the assessment.

Other matters

The west and north elevations within the submitted plans includes floodlighting on both display faces, although the north-facing display face is electronic. To ensure consistency within the plans, a permit condition will be imposed to remove all floodlights from the northern face.

CONCLUSION

- The proposal is consistent with the relevant provisions of the Planning Policy Framework, particularly State policy that encourages Major promotion signs in commercial and industrial locations in a manner that complements or enhances the character of the area.
- The sign is in accordance with the purposes, objectives, and decision guidelines of Clause 52.05.
- Subject to conditions which enforce restrictions on illumination, dwell time and other parameters, the sign is not considered to result in a significant or unreasonable loss of amenity to any person and will not affect the amenity of any sensitive uses in proximity to the subject site.

DECISION

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to grant a permit under the provisions of the Mornington Peninsula Planning Scheme in respect of the land known and described as CP 109021 addressed as 2083 Frankston-Flinders Road HASTINGS in accordance with the endorsed plans, subject to the following conditions:

CONDITIONS

Council Conditions

Amended Plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The floodlights associated with the north facing display face to be removed from the western and northern elevations.
 - b) Show the existing sign on the adjoining property to the south accurately on the site plan and elevations, including setback from Frankston-Flinders Road, height and dimensions.
 - c) The proposed sign to be setback 4 metres from the front boundary (Frankston-Flinders Road).
 - d) Any resultant reduction in width of the sign from 8.3 metres to ensure that it does not go further east into the site than the existing building line.

Approved Development not Altered

2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (Unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Mornington Peninsula Planning Scheme).

Maintenance

3. All signs hereby approved must be designed to a professional standard, constructed and maintained in good condition to the satisfaction of the Responsible Authority.

Illumination

4. Sign illumination must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

5. The intensity of the external lighting and lighting in the signage must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.
6. Any wiring, cabling or anything similar must be concealed from view to the satisfaction of the Responsible Authority.
7. The signage must be wholly located within the subject property. No part of the sign may encroach into the road reserve.

Major Promotion Signs (mandatory condition)

8. The signs must not:
 - a) Dazzle or distract drivers due to its colouring.
 - b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
 - c) Be able to be mistaken as an instruction to drivers.

Department of Transport and Planning Conditions

Luminance Standard

9. During the operation of the sign, the maximum average luminance and threshold increment values as specified in below must not be exceeded
 - a. Maximum average luminance:
 - i. Full sun on face of signage: no limit
 - ii. Daytime luminance: 6000 cd/m²
 - iii. Morning and evening twilight and overcast weather: 700 cd/m²
 - iv. Night time: 350 cd/m²
 - b. Threshold increment max %:
 - i. Night time: 20%
 - c. Adaptation luminance:
 - i. Night time: 5%

Brightness levels

10. The signs must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.
11. Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.
12. Any change in brightness levels must be applied during an image transition, not while an image is being displayed.

Image transitions

13. Where the graphical content or colours can change (such as for digital/electronic signage), any changes in image must occur in 0.1 seconds or less.

Externally illuminated signage

14. Retro-reflective material or high glossy surfaces must not be used.

Compliance with Lighting effect assessment report

15. The sign must operate in accordance with the Lighting Impact Assessment Report submitted with the application prepared by Electro Light, dated 14 December 2023, Rev A to the satisfaction of and at no cost to the road manager, Transport for Victoria and the Responsible Authority.

Lighting compliance report

16. Prior to the operation of the sign, a Lighting Compliance Report must be submitted to and approved by the Responsible Authority and the Head, Transport for Victoria. The Lighting Compliance Report must demonstrate that the sign has been commissioned according to the requirements of the Lighting Impact Assessment Report. The Compliance Report must include the following:
 - i. On site luminance measurements for Daytime, Evening/Morning Twilight and Night Time, based on a 100% white screen set to the maximum value for each lighting condition.
 - ii. Date and times of luminance measurements for the relevant lighting conditions.
 - iii. Details of the luminance meter used, including serial number. The luminance meter must have been calibrated by an appropriately certified Lab within the last 12 months. The date of calibration and Calibration Report Number shall be provided.
 - iv. A description of the luminance methodology used, including location and orientation of the luminance meter relative to sign, the image/content displayed on sign and number of measurement points taken. The signage should be measured with a 100% white image displayed, unless signage is a fixed colour/design.
 - v. Photos of the sign for each sky condition measured, taken from the meter location.
 - vi. Indicative elevation plans of the signage showing the values of luminance at each measurement point.
 - vii. A summary showing the final average luminance of the signage for each relevant sky condition.
 - viii. A certification signed by a suitably qualified lighting consultant to undertake luminance measurements.

Compliance record

17. The operator must keep a Compliance Record of the operation of the sign. This must be provided to Transport for Victoria within 5 days of a written request. The Compliance Record must include:
 - i. The sign's luminance (cd/m² or as a percentage of its maximum luminance) in minimum 10-minute intervals.
 - ii. The sign's photocell (light sensor) reading of the ambient light in minimum 10-minute intervals.
 - iii. The dwell time and transition time between successive images.

All record information must be time and date stamped to show the time of measurement.

Compliance Records must be maintained for a minimum of 12 months.

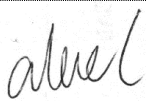
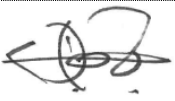
Operational Parameters for Electronic Signs

18. No advertisement or message shall be displayed for less than 30 seconds.
19. The transition from one advertisement to another must be instantaneous.
20. The sign must not display content, images or text:
 - a. Giving the illusion of continuous movement.
 - b. Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
 - c. Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
 - d. With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
 - e. Containing any animation.
 - f. Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.
 - g. Consisting of present time or other contemporary update information relating to news, weather or time.
 - h. Containing video, movie or television broadcasts.
21. The advertising area must not be split into two screens with different messages.
22. The sign and any displayed advertisement must not include any ancillary extension, embellishment or accessorisation within or outside the permitted advertising area unless the Head, Transport for Victoria has agreed to in writing prior to its installation.
23. The use of sound or motion to activate the sign is not permitted.
24. The use of sound to interact with road users is not permitted.

25. The sign must not dazzle or distract road users due to its colouring.
26. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign must shut down and cease any form of visual output until the malfunction is repaired.

Expiry

27. This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.

	
Alex Colquhoun Senior Planner	Daniel Balkin - Team Leader
Delegate Approved:	05/07/2024

HASTINGS - PROPOSED ELECTRONIC
MAJOR PROMOTION SIGN, AND
EXTERNALLY ILLUMINATED MAJOR
PROMOTION SIGN

2083 FRANKSTON-FLINDERS RD.
HASTINGS, VIC 3915

TOWN PLANNING DRAWINGS

- A01 COVER PAGE
- A02 SITE PLAN
- A03 FLOOR PLAN & ELEVATIONS
- A04 PERSPECTIVE VIEWS



PHOTO 01



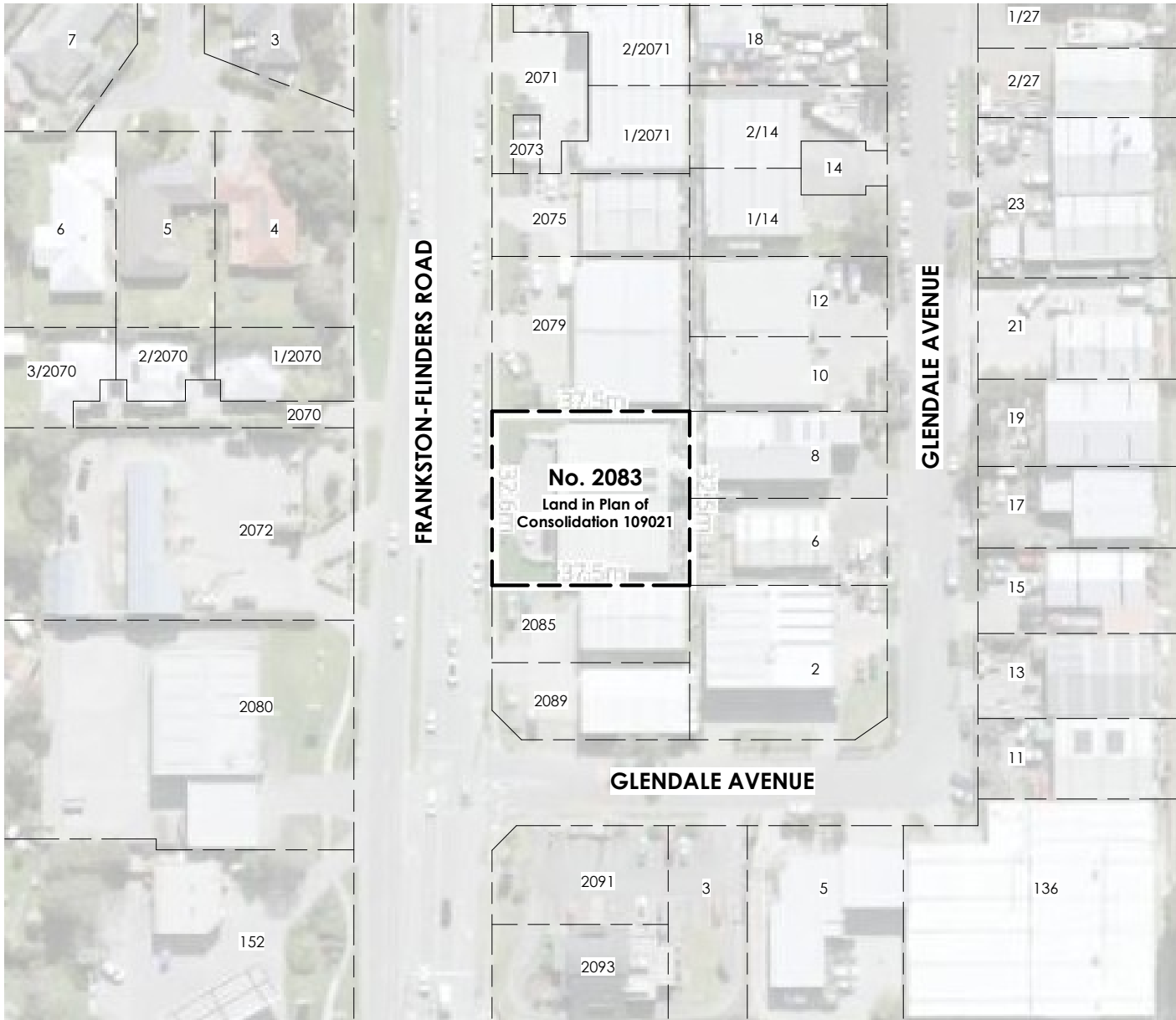
PHOTO 02



PHOTO 03



PHOTO 04



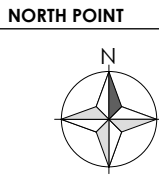
KEY PLAN
SCALE 1 : 1000

PHOTO LEGEND	
NO.	DESCRIPTION
01	PHOTOGRAPHIC VIEW OF THE PROPOSED LOCATION FOR THE SIGN.
02	PHOTOGRAPHIC VIEW NORTH FROM PROPOSED LOCATION FOR THE SIGN.
03	PHOTOGRAPHIC VIEW WEST FROM PROPOSED LOCATION FOR THE SIGN.
04	PHOTOGRAPHIC VIEW SOUTH FROM PROPOSED LOCATION FOR THE SIGN.

ISSUE/AMMENDMENTS SCHEDULE	
01	26/05/2023 TOWN PLANNING ISSUE
TOWN PLANNING NOT FOR CONSTRUCTION	

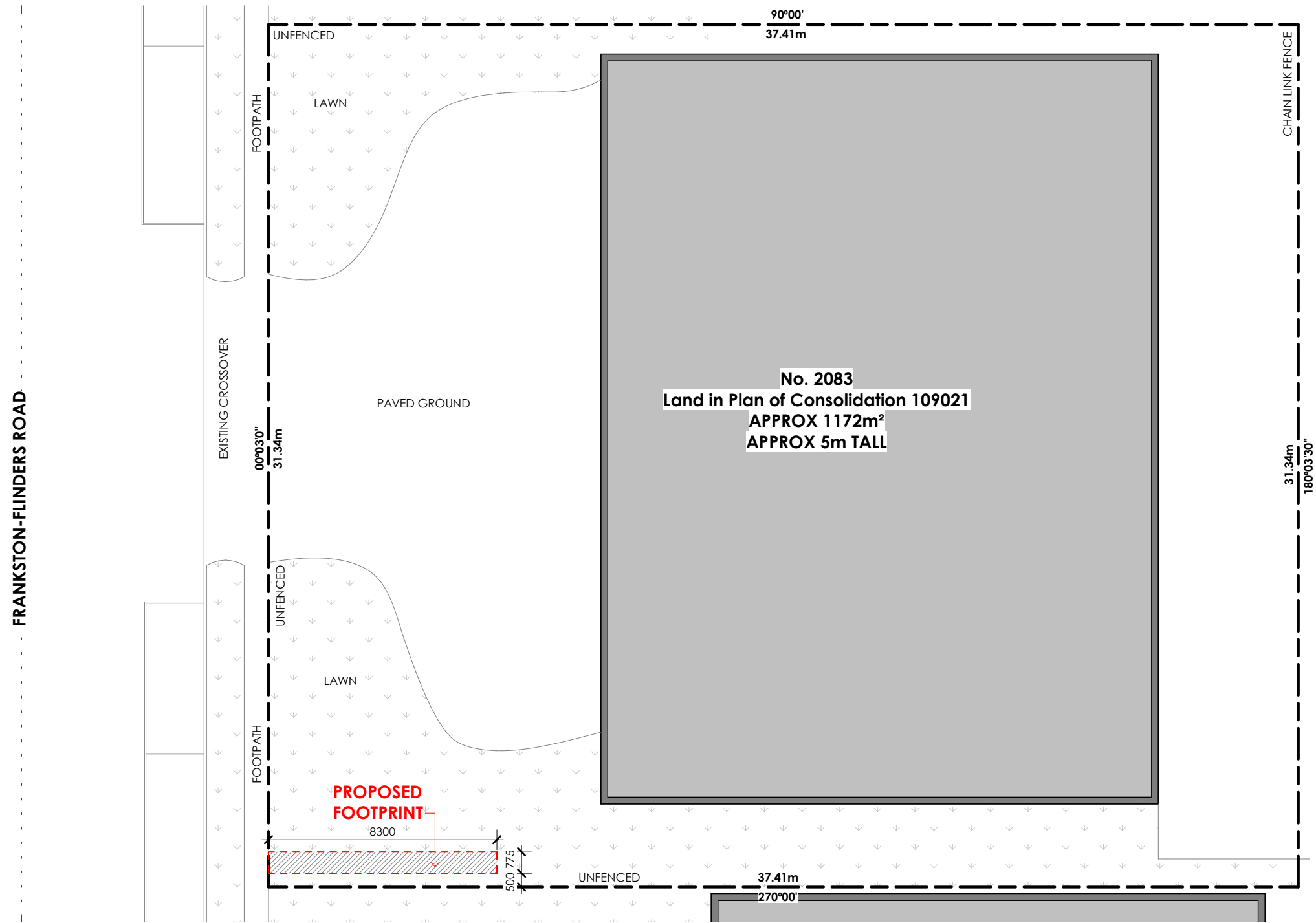


PROJECT
HASTINGS - PROPOSED ELECTRONIC MAJOR PROMOTION
SIGN, AND EXTERNALLY ILLUMINATED MAJOR
PROMOTION SIGN
ADDRESS
2083 FRANKSTON-FLINDERS RD.
HASTINGS, VIC 3915



DATE
26/05/2023
DRAWING NO.
A01
DRAWN BY
AP
PROJECT NO.
23-005
PAGE SIZE
A3
ISSUE NO.
01

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james@gawk.com.au
03 5409 2655



SITE PLAN
SCALE 1 : 150

LEGEND

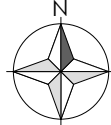
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- EXISTING BUILDINGS ONSITE
- PROPOSED MAJOR PROMOTION SIGN FOOTPRINT

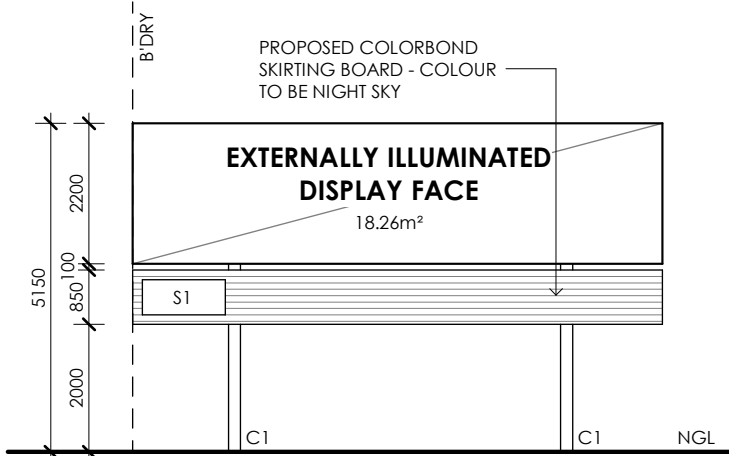
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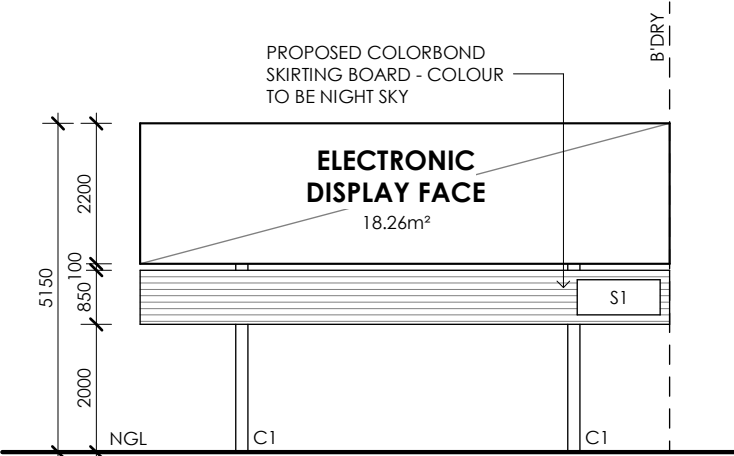
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NOT FOR CONSTRUCTION

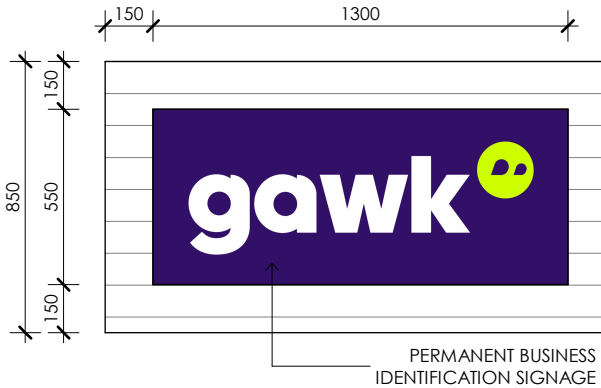
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				PROJECT NO. 23-005	PAGE SIZE A3	ISSUE NO. 01	



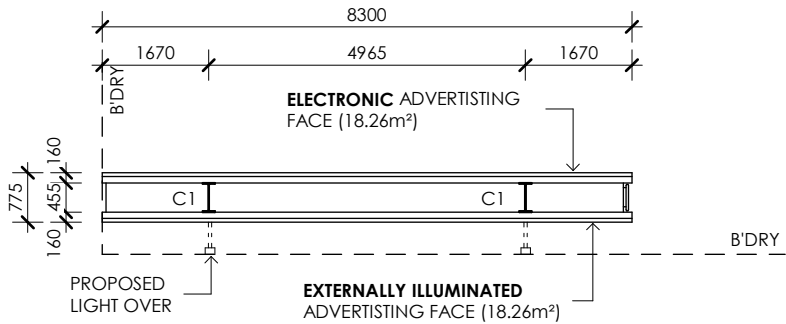
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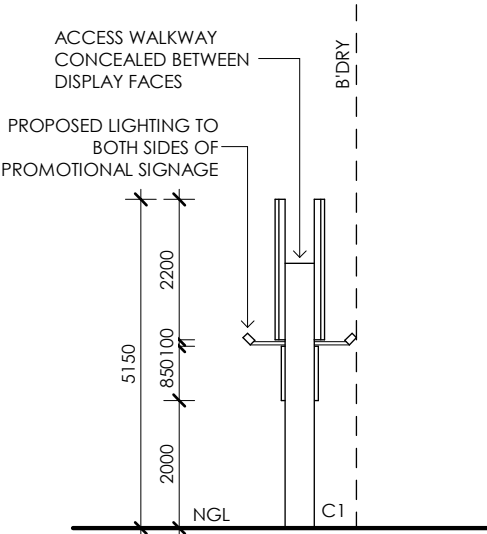
NORTH ELEVATION
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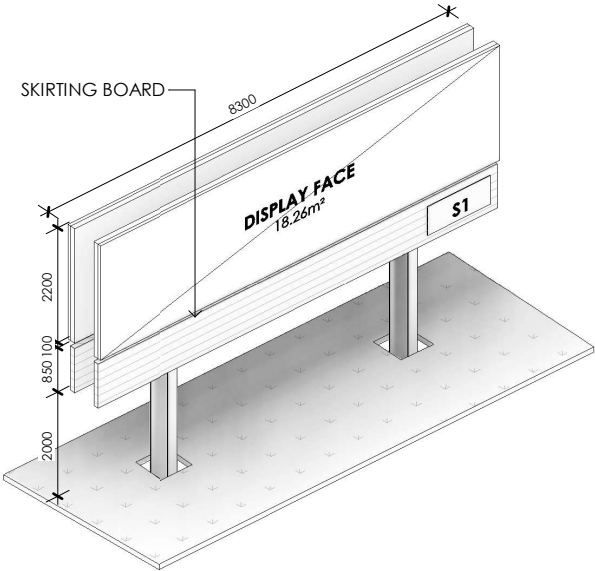
S1 - SIGNAGE DETAIL
SCALE 1 : 20



FLOOR PLAN
SCALE 1 : 100



WEST ELEVATION
SCALE 1 : 100

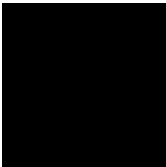


PERSPECTIVE

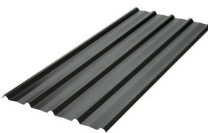
MATERIALS BOARD



C1
PROPOSED COLUMN -
POWDERCOAT BLACK
FINISH



BLACK PAINT
PROPOSED BLACK PAINT
FINISH TO ALL FEATURES,
TRIMS AND LIGHTING



SKIRTING BOARD
PROPOSED COLORBOND
SKIRTING BOARD WITH
NIGHT SKY FINISH

LEGEND

- C1 PROPOSED COLUMN - POWDERCOAT BLACK FINISH
- NGL NATURAL GROUND LINE
- S1 PERMANENT SIGN 1 - REFER TO DETAIL

ISSUE/AMMENDMENTS SCHEDULE

- 01 26/05/2023
TOWN PLANNING ISSUE

TOWN PLANNING
NOT FOR CONSTRUCTION



PROJECT
HASTINGS - PROPOSED ELECTRONIC MAJOR PROMOTION
SIGN, AND EXTERNALLY ILLUMINATED MAJOR
PROMOTION SIGN
2083 FRANKSTON-FLINDERS RD.
HASTINGS, VIC 3915

NORTH POINT



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23-005

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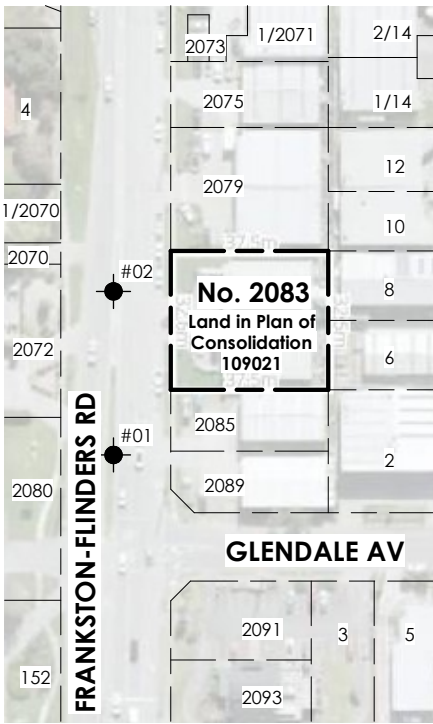
03 5409 2655



EXISTING PERSPECTIVE VIEW #01 - NORTHBOUND TRAFFIC



EXISTING PERSPECTIVE VIEW #02 - SOUTHBOUND TRAFFIC



PERSPECTIVE VIEW REFERENCE
SCALE 1 : 1500



PROPOSED PERSPECTIVE VIEW #01 - NORTHBOUND TRAFFIC



PROPOSED PERSPECTIVE VIEW #02 - SOUTHBOUND TRAFFIC

GENERAL NOTES

PROPOSED PERSPECTIVE VIEW IS AN ARTISTS IMPRESSION OF THE PROPOSAL ONLY. SIZE AND SCALE ARE REFERENCED ON THE FLOOR PLANS AND ELEVATIONS.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE SUPPLIED TOWN PLANNING REPORT

REFER TO THE TOWN PLANNING REPORT FOR THE WRITTEN STATEMENT REGARDING THE METHODOLOGY DURING THE PREPARATION OF PERSPECTIVE VIEWS

LEGEND

#00 PERSPECTIVE VIEW - LOCATION IN WHICH PHOTOGRAPHIC VIEWS WERE TAKEN

ISSUE/AMMENDMENTS SCHEDULE

01 26/05/2023
TOWN PLANNING ISSUE

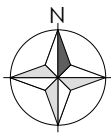
TOWN PLANNING

NOT FOR CONSTRUCTION



PROJECT
HASTINGS - PROPOSED ELECTRONIC MAJOR PROMOTION SIGN, AND EXTERNALLY ILLUMINATED MAJOR PROMOTION SIGN
ADDRESS
2083 FRANKSTON-FLINDERS RD.
HASTINGS, VIC 3915

NORTH POINT



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26/05/2023

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23-005

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01

GAWK OUTDOOR

Suite 3/281 Brunswick St, Fitzroy VIC 3065

james@gawk.com.au

03 5409 2655





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2. INTRODUCTION

2.1. Overview of Regional Billboard Co

Regional Billboard Co Pty Ltd (“RBC”) is a family run business that develops, owns and operates outdoor advertising billboards throughout Victoria—primarily in regional areas. The company was founded by James & Luke Course—who have extensive experience in Outdoor Advertising, Town Planning and Managing Projects. The business was founded to ensure that local and regional businesses have access to Outdoor Advertising to grow their businesses.

2.2. Outdoor Advertising Industry

While traditional forms of media (radio, television, print) have been in decline for the past decade, Outdoor has been flourishing and has been used by a huge number of businesses to grow. Total out of home industry revenue in Australia has grown for the past 8 consecutive years, with over 6% growth from 2016-2017 (source:OMA).

2.3. Advertising Content

At RBC we pride ourselves on helping local businesses grow using outdoor advertising. Companies within a small radius to our advertising signs will always take preference over large nationwide advertising campaigns. Typically, at least 50% of the advertising content is for businesses located within a 5km radius of the sign. Road safety messages from the TAC are also very common across regional billboards.

RBC has a handful of electronic billboards around Regional Victoria (Ballarat, Traralgon, Torquay, Warragul, Warrnambool, Mildura + more). We have a track record of prioritising local businesses as advertisers. Over 75% of the advertising content on electronic signs has historically been local businesses, and another 15% being government advertising. For example, in Traralgon our long term clients have included Virtue Homes, Keith Williams Real Estate, Latrobe City Council, Latrobe Plaza, TR FM, Traralgon Harvey Norman, Traralgon Automotive Group, Zambrero Traralgon.

Advertising content is governed by the Australian Advertising Standards Bureau—which has a code of ethics in addition to industry specific controls for sensitive industries such as alcohol. The code of ethics is strictly obeyed and does not allow for religious, racist, sexually explicit or offensive advertising content.

2.4. Community Benefits

Our billboards help grow local businesses as well as attract visitors to the town. Advertisements often prompt travellers to stop in that town which puts money in the local economy when motorists may have not otherwise stopped. In addition to the immense benefits for advertiser’s RBC provides value to our landlords from which it leases property. Our landlords receive fixed rent payments each year throughout our lease term which can provide stability and increase their property

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value. Additionally, wherever possible we use local contractors for construction and ongoing installation of billboard skins.

3. SITE SELECTION

When seeking a site in an area there are numerous factors that are considered. RBC seeks to work within the planning policies and frameworks within the council and avoids sites that have planning overlays which discourage major promotion signs. Properties in commercial and industrial areas along major highways and arterial roads are typically what RBC looks for.

Properties owned by local property owners and small businesses are prioritised over large national investors. When choosing the exact location on the property we seek an area that is currently unused and will not impact the day-to-day use of the property. It is also important to ensure the location where the sign will be located does not inhibit any development or future plans for the property. This collaboration is important to us as having a positive relationship with our property owners is something we pride ourselves on.

During the site selection process, RBC focuses on areas outside the realm of residentially utilised and zoned properties. Ensuring there is always an extended visual and spatial barrier between the proposal and any potentially effected residential properties. The major focus is to identify areas with a built form character where the size and scale of the proposed sign will be justified by the surrounding context of the proposed site.

4. SITE DESCRIPTION & EXISTING CONDITIONS

4.1. Site Description

The Subject Site is currently an industrially zoned lot, owned and operated by RA Stanborough Properties Pty Ltd. It is currently occupied by Hastings Produce and Rural Supplies, a pet supply store. The site currently houses a large-scale warehouse-style commercial business, which covers most of the site and extends to a height of 5m tall. The site at 2083 Frankston-Flinders Road, Hastings is a

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rectangular lot. The main frontage to Frankston-Flinders Rd is 32.6m long, and the overall site area is approximately 1,222.5m².

A driveway provides vehicular access to the Subject Site, accessed off Frankston-Flinders Rd. It connects to a parking area at the build form's frontage. Street parking is also provided on the road in front of the Subject Site. Two grassed areas sit on either side of the parking area.

The built form comprises much of the remainder of the property, exempting narrow passageways on either side of the building and a small area used for storage at the rear. The built form is a standard brick building with a roller door and a flat roof construction. The roller door and a glass double door provide entry to the business. The building's most prominent feature is a sheet metal parapet that elevates from the building's roof at the frontage.

Painted in a vibrant yellow, the structure is typical of the industrial-style constructions presented for maximum road visibility that are common in this locality. It features business identification signage on the parapet, as well as smaller, wall-mounted advertising signage on the built form's frontage.

The topography of the Subject Site is generally flat, with an even gradient inside the property boundaries. Outside the property boundaries this theme continues, with no substantial undulation surrounding the Subject Site. The proposed major promotion sign is targeted at traffic along the Frankston-Flinders Road. The sign will primarily be viewed by north and southbound traffic on Frankston-Flinders Rd. It will also be visible to turning traffic on Glendale Ave.

A copy of the sites certificate of title and associated title plan are attached as part of this town planning submission.

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Figure 1 – Aerial Photograph of Subject Site

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4.2 Surrounding Context



Figure 2 – Aerial Photograph of Surrounding Area

The locality characteristics are:

- The northern boundary abuts 2079 Frankston-Flinders Rd, an industrial zoned property occupied by a large commercial warehouse occupied Tucketts Tyrepower Hastings. The next main road to the north is Cool Store Rd.
- The eastern boundary abuts two industrial properties, 6 and 8 Glendale Ave, occupied by large warehouse buildings, one of which is occupied by Hastings Automotive. The next road to the east is Glenvale Ave.
- The southern boundary abuts 2083 Frankston-Flinders Rd, another industrial warehouse similar in size to the Subject Site. It currently houses Westernport Exhausts, an auto parts store. The next road to the south is Glenvale Ave.
- The western boundary abuts the principal road network of Frankston-Flinders Road. Beyond is land zoned for state transport infrastructure and then land for residential use.

The site is centrally located within an industrial area of Hastings that has been designated for industrial use. In its wider context the site sits within a robust transport corridor, where there is a strong industrial theme for 770m north and 250m south along Frankston-Flinders Road. The properties on eastern side of the road and the properties on the western side nearest to the southern end comprise large built forms and structures, typically with a strong advertising theme projecting to the frontage. These built forms directly surrounding the Subject Site are generally commercial in nature, with a focus on industrial related businesses, the interest and differentiation for which are displayed through a range of business identification and advertising signage.

To the western side of Frankston-Flinders Road as it heads north, the character changes and the industrial estate makes way for residential properties. These residential properties employ a high level of consideration to both the industrial estate and the Frankston-Frankston Road robust transport corridor. There is a large spatial barrier between the road kerb and the property boundaries, as well as the visual barrier of high opaque fences and large-scale landscaping. These

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combined spatial and visual barriers ensure any potential adverse effects from the proposal on these properties is mitigated.

Throughout the industrial context, most properties display different forms of freestanding and wall mounted business identification signage. This sets up the industrial character of the area, where the signage is directed at both north and southbound traffic along Frankston-Flinders Road. Commercial businesses such as KFC, Red Rooster, McDonalds, Wine Lovers Warehouse, Hastings Super Shine Car Wash, Shell Coles Express are among those who have prominent business identification signage in proximity to the Subject Site.

The appropriate zoning and the robust industrial context were key factors in choosing this site for this development. The absence of any heritage issues in the immediate context was also an important factor.

5. PROPOSED DEVELOPMENT

5.1. Description of Proposed Development

The proposal seeks approval for the erection and display of an electronic major promotion sign on the property at 2083 Frankston-Flinders Rd, Hastings including the display of third-party advertising within the proposed advertising area specified on the attached town planning documentation.

The proposed double-sided major promotion sign (as detailed in the attached town planning package) proposes two 18.26m² display faces. The southern elevation will be digital, while the northern elevation will be static. The sign will primarily be viewed by north and southbound traffic on Frankston-Flinders Rd. It will also be visible to turning traffic on Glendale Ave.

On each display face, there will be a permanent 0.27m² 'Gawk' business identification sign on the skirting board to the left of the display face. Therefore, the total advertising area on each display face will be 18.53m². Refer to the town planning documentation for further details.

5.2. Design Response

The proposal is carefully sited and designed, to ensure that:

- It has connection to the built form character along Frankston-Flinders Rd. This is carefully considered with the location of the proposal within the existing building envelope on the Subject Site.
- Its location allows local advertisers to target traffic driving along Frankston-Flinders Rd as they enter or exit Hastings.
- The site was carefully selected due to its location centrally within an industrial precinct. This ensures the effects on the surrounding properties is minimal.
- The proposal is sited to have visual separation from any other advertising both on the Subject Site and within the surrounding context. It has a

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distinct visual barrier between the display face and the nearest advertising sign.

- The major promotion sign is located in a manner which compliments its context, and purposely sited to ensure the visibility to the Subject Site and abutting properties remains unaffected.
- The sign brightness will be specifically tailored to the setting, ensuring that It meets all Australian standards & VicRoads requirements.

All surrounding properties have a consideration for the robust industrial precinct. Almost all properties are designed to be visible and prominent for passing traffic. This is reinforced by the frequency of signage in the area—a clear theme which can be viewed in Appendix 5.

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6. STATUTORY PLANNING CONTROLS

6.1. Zoning

The subject site is situated within the Industrial 3 Zone; therefore, the following items are relevant to the proposal outlined in this application:

- Promotional signs are encouraged in commercial and industrial locations in a manner which complements or enhances the character of the area. The character of this particular area is commercial and utilitarian in nature
- Advertising sign requirements are at Clause 52.05. This zone is in Category 2 (Low Limitations).

Refer to Appendix 4 for a detailed response to the provisions and requirements set out in Clause 52.05.

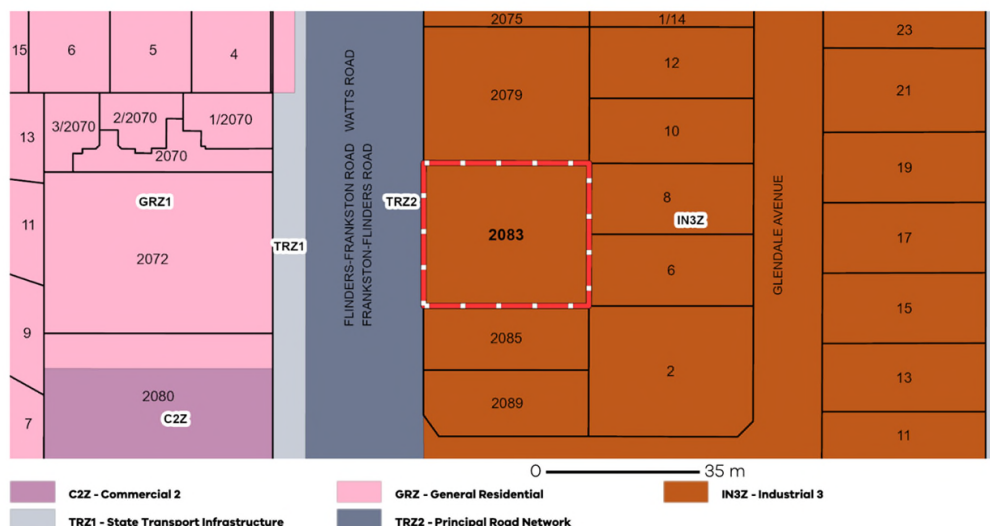


Figure 3 – Zone Controls of the Site & Surrounds



6.2. Overlays

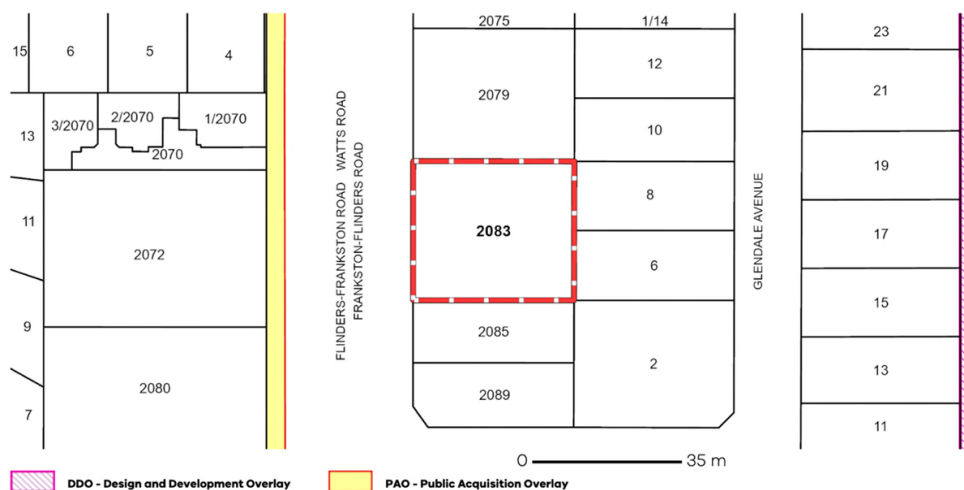


Figure 4 – Design and Development Overlay and Public Acquisition Overlay

The Subject Site has a design and development overlay “DDO” encompassing a land parcel in the vicinity. This overlay does not affect the Subject Site. The Public Acquisition Overlay refers to land in the vicinity of the Subject Site and also does not affect the proposal.

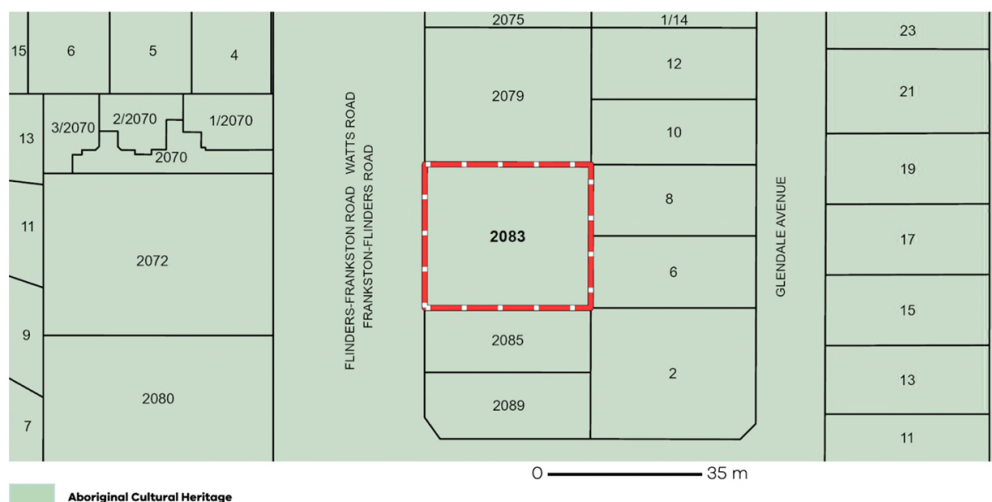


Figure 5 – Aboriginal Cultural Overlay

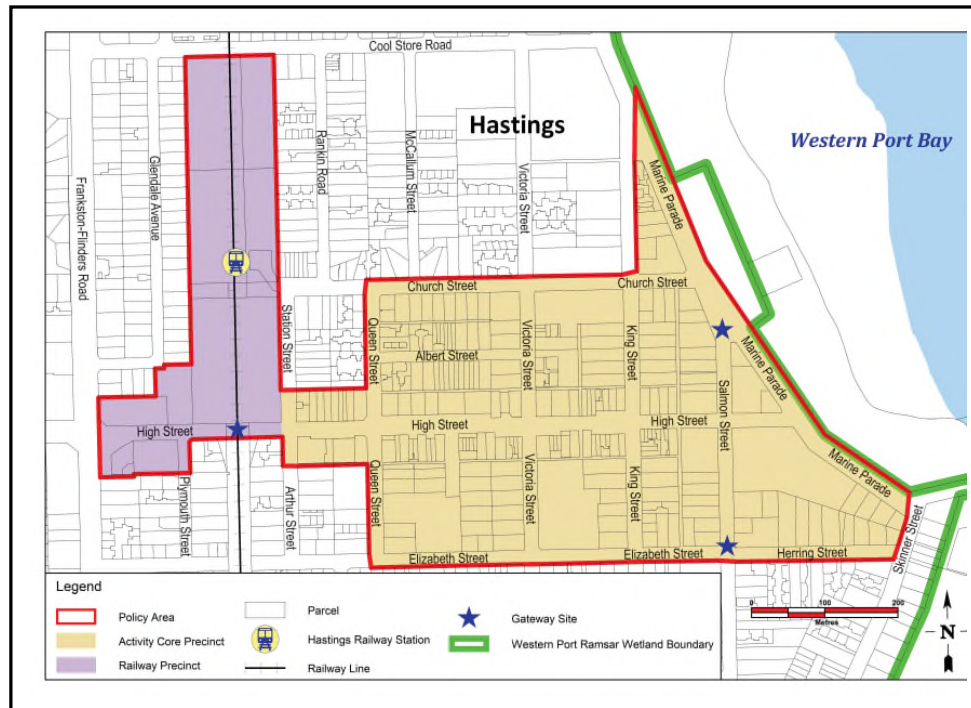
This overlay identifies restricted use for the Subject Site that is unrelated to the proposal. This overlay sets out guidelines regarding the use of the land however, it is identified that a cultural heritage management plan is unrequired for the erection of promotion sign.

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7. LOCAL PLANNING POLICIES

Clause 11.03-1L-04 Hastings Activity Centre



As Is highlighted by the above map, and "*Hastings Town Centre Structure Plan*" (Planisphere, 2017)". The subject site falls outside the activity centre, and town centre. This provides limited additional policy framework under which the application can be assessed. Therefore, the assessment reverts back to the zoning and Clause 52.05.



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 Economic Development: Industry

Strategies

Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify land for industrial development in urban growth areas where:

- Good access for employees, freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

As the above policy acknowledges, Mornington Peninsula has its role to play in facilitating the growth of their industrial development. This includes the maximisation of the commercial ability to existing industrial areas. The proposal is a prime example of utilising existing land, without impacting upon the existing use.

We have found a significant demand for advertising space from local business in Hastings with our existing sign down the road. This application introduces the latest technology and innovation in outdoor advertising to a market where we know there is a lot of demand for the space.



8. CONCLUSION

In conclusion, we submit that:

- The proposal seeks the approval for the development of an electronic major promotion sign on the property at 2083 Frankston-Flinders Rd.
- The Subject Site is the most suitable for the proposed sign in all of Hastings. It is located in the heart of an industrial precinct and is not in close proximity to any heritage overlays, or sensitive areas.
- The proposal is clearly supported by local policies in the Mornington Peninsula Planning Scheme—whether evaluating the location or design of the sign.
- The proposed sign will primarily be used to advertise local businesses. This can have very positive impacts on the local economy.
- The proposal employs a high level of consideration to the provisions and policies set out about advertising signage in Clause 52.05.
- The proposal is consistent with the built form on the Subject Site and surrounding properties. The design has carefully considered the height of nearby buildings and has ensured no important views or vistas will be impacted.

Overall, we conclude that the proposed development is consistent with the relevant state and local planning policies. The development also addresses the strategic directions and policy objectives of Mornington Peninsula Shire Council.

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9. APPENDIX 1 – COPY OF TITLE



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09353 FOLIO 840

Security no : 124105930657K
Produced 08/05/2023 07:12 PM

LAND DESCRIPTION

Land in Plan of Consolidation 109021.
PARENT TITLES :
Volume 08279 Folio 065 to Volume 08279 Folio 066
Created by instrument CP109021 03/12/1979

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
RA STANBOROUGH PROPERTIES PTY LTD of 2083 FRANKSTON-FLINDERS ROAD HASTINGS
VIC 3915
AV074181X 30/11/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AV074182V 30/11/2021
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

COVENANT as to part F509669

COVENANT as to part J269750 28/11/2001

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP711582W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 2083 FRANKSTON-FLINDERS ROAD HASTINGS VIC 3915

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
Effective from 30/11/2021

DOCUMENT END

Title 9353/840

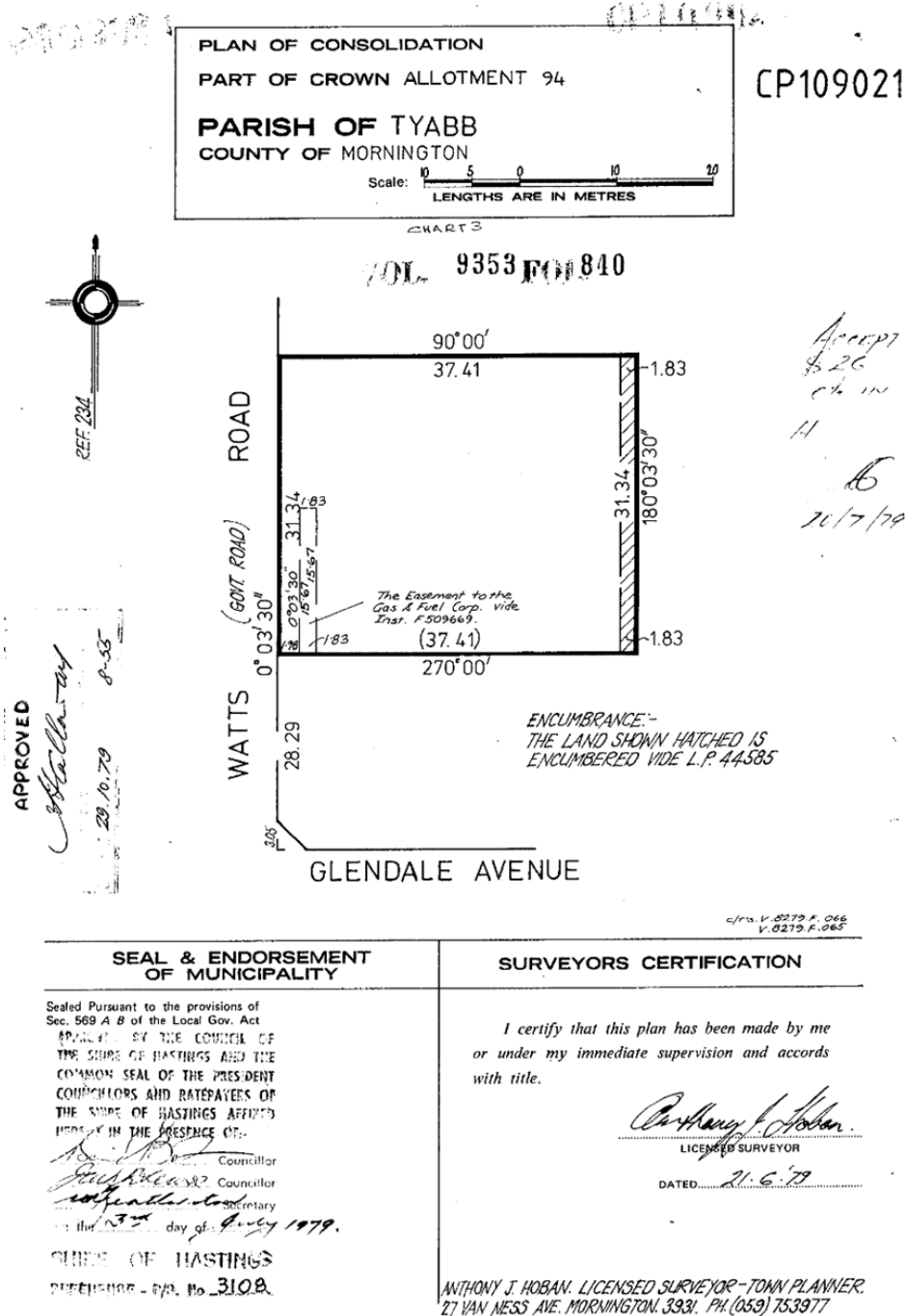
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10.APPENDIX 2 – COPY OF PLAN



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11. APPENDIX 3 – PERSPECTIVE VIEWS WRITTEN STATEMENT

Prepared By:	James Course
Qualification:	Advanced Diploma of Building Design (Architectural) <i>Including: BUIL5922 – Undertake site survey and analysis to inform design process</i>
Software:	Adobe Photoshop Creative Cloud <i>Informed by: Site features and measurements plan prepared in Autodesk Revit 2018</i>
Methodology:	Relevant data obtained from site measure up performed by James Course in conjunction with topographical maps from various online sources: services.land.vic.gov.au/maps & https://www.google.com.au/maps
Perspective View 01:	Camera: Pixel 6 Pro Type: Digital Lens Size: 27mm Angle: Landscape – Parallel to ground Date: 16/05/2023 Time: 01:37pm Height Above Ground: 1600mm Modified elements: Nil Assumptions: Height and Length are relative to the documented site features plan; however definitive accuracy cannot be guaranteed.
Perspective View 02:	Camera: Pixel 6 Pro Type: Digital Lens Size: 27mm Angle: Landscape – Parallel to ground Date: 16/05/2023 Time: 3:07pm Height Above Ground: 1600mm Modified elements: Nil Assumptions: Height and Length are relative to the documented site features plan; however definitive accuracy cannot be guaranteed.



12. APPENDIX 4 – CLAUSE 52.05

The relevant requirements for advertising signage are set out in Clause 52.05, which outlines that the following items must be addressed:

Site Context Report

Included on page A01 & A02 of the town planning documentation.

Location for Proposed Sign

Included on page A02 of the town planning documentation.

Location and Size of Existing Signage on the Site

The Subject Site features business identification signage on the parapet, as well as smaller, wall-mounted advertising signage on the built form's frontage:



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Location and Form of Existing Signage on Abutting Properties

Abutting properties to the Subject Site that face onto Frankston-Flinders Rd feature small to large business identification and advertising signage in the form of wall-mounted and free-standing pole signage in an array of vibrant colours and designs:



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The Location of Closest Traffic Control Signs

The closest traffic control sign is a sign alerting drivers to the speed limit. It is located on the median strip opposite the Subject Site and the proposal will not impact drivers' viewing of this sign. This is shown below:



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View Lines or Vistas Which May Be Affected by the Proposed Sign:

There are no important views or vistas impacted by the proposed sign which is of similar height to the surrounding build form.

Dimensions, Height Above Ground Level and Extent of Projection of the Proposed Sign

Included on page A03 of the town planning documentation.

Height, Width & Depth of the Total Sign Structure Including Method of Support and any Associated Structures Such as Safety Devices and Service Platforms

Included on page A03 of the town planning documentation.

Details of Associated On-Site Works

Installation of steel structure in line with engineer's specifications, steel erection via crane (no onsite welding, all bolted together), installation of cladding/display face fixed on to steel structure.

Details of any Form of Illumination Including Details of Baffles and the Times at Which the Sign Would be Illuminated

The northern elevation will be static: This side is to be illuminated, refer to Appendix 7 for further information on the lighting. It would be switched off from Midnight to 4am.

The southern elevation will be digital: This side is to be electronic, refer to Appendix 7 for further information on the lighting. It would be switched off from Midnight to 4am.

The Colour, Lettering Style and Materials of the Proposed Sign

Included on page A03 of the town planning documentation.

The Size of the Display (Total Advertising Area Including all Sides of a Multi-Sided Sign)

Included on page A03 of the town planning documentation. Also referenced in section 5.1 of this report.

The Location of any Corporate Logo Box and Proportion of Display Area Occupied by such a Logo Box

Included on page A03 of the town planning documentation.

Any Landscaping Details

No additional landscaping details.

A Description of the Existing Character of the Area Including Built Form and Landscapes

Refer to section 4 of this report.

The Location of any Other Signs Over 18 Square Metres, or Scrolling, Electronic or Animated Signs Within 200 Metres of the Site

There are existing Major Promotion Signs located 180m away at 2063 Frankston - Flinders Rd (TOM), Hastings and 160m away at 2061 Frankston - Flinders Rd, Hastings (Gawk). These have been discussed in Section 4 of this Report.

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Photos of these signs are below:



Any Existing Identifiable Advertising Theme in the Area

As shown above and in Appendix 5, the majority of properties along this stretch of Frankston-Flinders Rd have medium to large sized business identification signage. This signage is the key source of colour and vitality in this precinct. This signage comes in many forms and sizes—with a mixture of small-large scale business identification and promotion signage. These signs are a mixture of wall mounted, awning fascia and freestanding signs. Images of typical signage are shown in Appendix 5.

Photo Montages or a Streetscape Perspective of the Proposed Sign

Included on page A04 of the town planning documentation.

Level of Illumination

Please refer to Appendix 7 for further information on the lighting.

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The Relationship to any Significant or Prominent Views and Vistas

As identified above, the proposal is deemed as having no effect on any significant views or vistas.

In summary, the proposal is representative of the guidelines set out in clause 52.05. The proposal is characteristic to the scale of the surrounding context of built form. The impacts on any important or significant views are negligible.

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13. APPENDIX 5 – SURROUNDING SIGNAGE & BUILT FORM



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14.APPENDIX 6 – VICROADS TEN POINT CHECKLIST

No.	Item	Comment/Response
01	Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.	The proposed sign is similar in height to the surrounding built form and so has no impact on any line of sight.
02	Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.	The sign will not obstruct any views, and standard conditions for electronic signs will ensure that the electronic side has no impact on the effectiveness of nearby traffic control devices.
03	Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.	The electronic screen adjusts brightness depending on the time of day to ensure there are no brightness issues.
04	Is at a location where particular concentration is required, such as a high pedestrian volume intersection.	Our assessment is there are no features nearby which may require particular concentration.
05	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.	The advertising face is reviewed under strict guidelines to ensure no traffic control symbolism exists.
06	Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.	Not considered to be an issue.
07	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.	It is understood that the proposed sign would not have any traffic control symbolism or directional advice to drivers.
08	Is within 100 metres of a rural railway crossing.	The proposal is not within 100m of a railway crossing.
09	Has insufficient clearance from vehicles on the carriageway.	The proposal will not effect the current clearance conditions on the Subject Site.
10	Could mislead drivers or be mistaken as an instruction to drivers.	As is outlined above, strict guidelines are adhered to in order to ensure advertising faces do provide instructions to drivers.

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15. APPENDIX 7 – BRIGHTNESS

For the static side:


tigerlight
 Leaders in energy efficient lighting



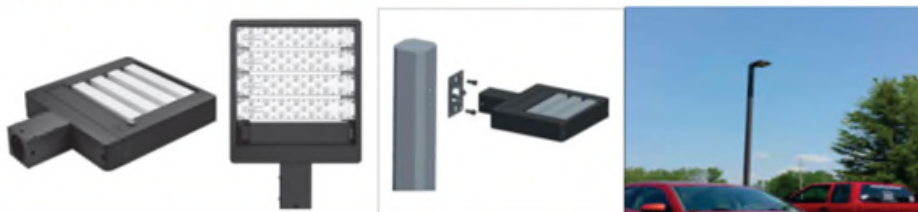
Tiger LED Shoebox Area Lights

120W ▪ Fixed or Hinged bracket ▪ Lens & colour options

NB OTHER SIZES AVAILABLE ON SPECIAL ORDER - PLEASE ALLOW 7-8 WEEKS FOR DELIVERY

CARPARK SHOEBOX LIGHT - FIXED BRACKET - 120W

Ideal energy efficient replacement for shoebox fitting for car parks, tennis courts, etc.
Fits onto 60mm spigot or onto square pole or wall with adaptor bracket..



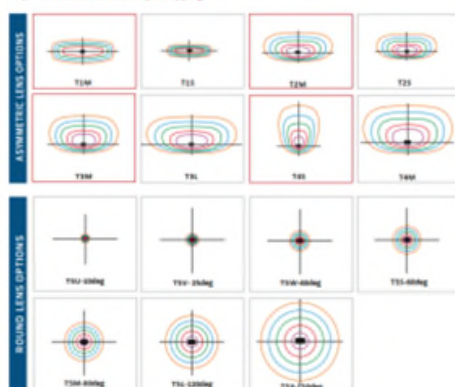
BILLBOARD LIGHT - HINGED BRACKET - 120W

Hinged mounting arm allows fitting to be turned up or down from horizontal or vertical position for precise direction of light beam. Fits onto 60mm spigot.



Photometrics - Lens options available

PLEASE NOTE: Certain size, colour and lens combinations may be special order items and may require 7-8 weeks for assembly & shipping.



Technical Parameters

Specifications	120W
Power consumption: System/LED	121W
Comparable metal halide	250 - 400W
Luminous Flux @ 120 lm/W	16,540 lm
Input current	530mA
Input voltage & frequency	120-277VAC/50-60Hz
Power factor (PF)	≥ 0.95
LED modules / LED chips	4 modules / 72 LEDs
LED driver	Philips Xitanium
Colour rendering index (CRI)	Ra > 70
Colour temperature	5,000K
Light distribution	15 lenses available, inc 8 asymmetric
Most common asymmetric lenses	Most common are T2M, T3M, T4S.
Working ambient temperature	-50 ~ +50°C
Warranty	5 years
IP rating	IP67 (modules & driver compartment)
Service life	≥ 50,000 hours
Composition - lenses	Polycarbonate
- Housing/heat sink	Aluminium/steel
- Protective coating on housing	Polyester (100um min)
- Fascia covering modules	Stainless Steel (304)
Net weight	7.5kg (Carpark) 8kg (Billboard)
Dimensions (LxWxD) fitting	330 x 330 x 110mm exc bracket.
Product order code - shoe box fixed	FA120T (120W)
- shoe box hinged	FA120L (120W)

NB: Please allow 6-8 weeks for shipping of special order items.

Regional Billboard Co Pty Ltd
A 62 John St, Eltham VIC 3095
E james@regionalbillboardco.com.au
P 0400 096 182



For the digital side:

Luminance Level

The sign will be installed with a two-way brightness sensor, which is programmed with the following settings:

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS		
Lighting Condition	Dimming Level to achieve compliance	Max Permissible Luminance (cd/m2)
Full Sun on face of Signage	100 %	No Limit
Day Time Luminance (typical sunny day)	85.7%	6000
Morning and Evening Twilight and Overcast Weather	10 %	700
Night Time	5%	350

The dimming % is based on a maximum calibrated screen brightness of 7000 cd/m2. The above adjustments have been calculated to comply with the maximum allowable veiling luminance of 0.25 cd/m2.

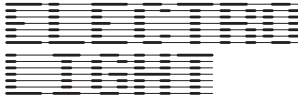
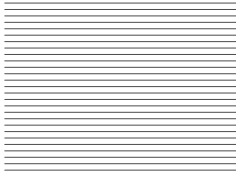
Maintenance & Display Issues

We have several systems in place to help mitigate any potential issues, as well as rectification measures in place. As follows:

- Operating System: Is set up with remote access, which can be shot off via our online portal.
- Switchboard: It set up (through a different system), where we can turn the power supply on/off to the whole billboard at any stage.
- Screen: The individual LED panels have background sensors which report any malfunctions or content issues.
- Camera: We also install a camera, which is a secondary failsafe. This is reviewed against scheduled content to ensure it aligns.

These measures ensure we catch any potential issues early and can rectify them through a few different solutions.

Regional Billboard Co Pty Ltd
A 62 John St, Eltham VIC 3095
E james@regionalbillboardco.com.au
P 0400 096 182



Gawk

LIGHTING IMPACT ASSESSMENT - OUTDOOR SIGNAGE AT
2083 FRANKSTON FLINDERS RD, HASTINGS VIC

14th December 2023
Ref: 3124.9

Lighting Impact Assessment
Outdoor Signage at 2083 Frankston Flinders Rd, Hastings VIC



Electrolight Australia
ABN: 44 600 067 392
info@electrolight.com
www.electrolight.com

4/414 Bourke St
Surry Hills, NSW 2010
T + 612 9267 4777

DATE	REV	COMMENT	PREPARED BY	CHECKED BY
14.12.23	REV A	For Information	AL	RS

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1. INTRODUCTION

Electrolight have been appointed by Gawk to undertake a Lighting Impact Assessment on the proposed north facing digital signage to be installed at 2083 Frankston Flinders Rd, Hastings VIC. The objective of the assessment is to report on compliance with the Department of Transport and Planning Requirements and Guidelines for Illuminated Outdoor Advertising Signage and AS/ NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting. The south facing sign is not illuminated and does not form part of this Lighting Impact Assessment.

2. DEFINITIONS

2.1 Illuminance

The physical measure of illumination is illuminance. It is the luminous flux arriving at a surface divided by the area of the illuminated surface. Unit: lux (lx); 1 lx = 1 lm/m².

(a) Horizontal illuminance (E_h) The value of illuminance on a designated horizontal plane

(b) Vertical illuminance (E_v) The value of illuminance on a designated vertical plane

Where the vertical illuminance is considered in the situation of potentially obtrusive light at a property boundary it is referred to as environmental vertical illuminance (E_{ve}).

2.2 Luminance

The physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire or reflecting material such as the road surface) when viewed from a specified direction. SI Unit: candela per square metre (cd/m²) – also referred to as “nits”.

2.3 Luminous Intensity

The concentration of luminous flux emitted in a specified direction. Unit: candela (cd).

2.4 Dynamic content

Where the luminous image, pattern, colour or direction of light changes over an interval of less than 60 seconds

2.5 Obtrusive Light

Spill light which, because of quantitative or directional attributes, gives rise to annoyance, discomfort, distraction, or a reduction in ability to see essential information such as transport signals

Note 1 to entry: Obtrusive light includes the impact on humans and environmental receivers.

2.6 Threshold Increment

The measure of disability glare expressed as the percentage increase in luminance contrast threshold required between an object and its background for it to be seen equally well with a source of glare present

NOTE: The required value is a maximum for compliance of the lighting scheme.

2.7 Environmentally Sensitive Area (ESA)

Area of ecological value including, bushland, waterways and marine and coastal areas

2.8 AGI32 Light Simulation Software

AGI32 (by U.S. company Lighting Analysts) is an industry standard lighting simulation software package that can accurately model and predict the amount of light reaching a designated surface or workplane. AGI32 has been independently tested against the International Commission On Illumination (CIE) benchmark, CIE 171:2006, Test Cases to Assess the Accuracy of Lighting Computer Programs.

2.9 Upward Light Ratio Luminaire (ULR_L)

The ratio of the luminous flux of a luminaire that is emitted, at and above the horizontal, divided by the total luminaire flux when the luminaire is mounted in its designed position, and excluding reflected light from surfaces or obstructions.

3. SITE DESCRIPTION AND SCOPE

The digital signage is located on the northern elevation of the free-standing double-sided signage which is proposed to be installed on the southwest corner of the property at 2083 Frankston Flinders Rd, Hastings VIC. The digital signage is oriented towards the southbound direction of traffic on Frankston Flinders Road. The total active display (illuminated) area of the digital signage is 18.26 m². Refer to Appendix A for proposed signage location plan, elevations and photomontages.

The proposed digital signage is located in a commercial area with street lighting. The night time lighting conditions are best categorised as “High District Brightness” as defined in the Department of Transport Requirements and Guidelines for Illuminated Outdoor Advertising Signage, equivalent to Environmental Zone “A4” of AS4282:2023.

The proposed digital signage is illuminated using LEDs installed within the front face. The brightness of the LEDs shall be controlled to provide upper and lower thresholds as required as well as automatically via a local light sensor to adjust to ambient lighting conditions. The dwell time of the content displayed on the signage is 30 seconds and it is to operate 24 hours per day.

For the purpose of this report the proposed specification of the digital signage is as outlined in Appendix B. The signage includes baffles which mitigate upward waste light, resulting in an Upward Light Ratio (ULR_L) of not more than 0.384. Alternative digital sign manufacturers may be used for this installation as long as they have equivalent lighting and performance characteristics and are commissioned as described in this report.

Environmental impact assessments, including the management of artificial light for the protection of specific entities protected by environmental legislation, is beyond the scope of this assessment.

4. DESIGN GUIDELINES AND STANDARDS

The Lighting Impact Assessment will review the proposed digital signage against the following Criteria, Design Guidelines and Standards.

- Department of Transport and Planning Requirements and Guidelines for Illuminated Outdoor Advertising Signage 6 May 2022 (**DTP Guidelines**)
- AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting (**AS4282**)

5. LUMINANCE ASSESSMENT

Department of Transport and Planning Assessment

The Department of Transport and Planning outlines maximum permissible luminance limits for various lighting conditions as per Table 1 below:

TABLE 1 - ILLUMINATED OUTDOOR ADVERTISING SIGNAGE

Lighting Condition	CATEGORY A MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS			CATEGORY B MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS		
	Max Average Luminance (cd/m2)	Threshold Increment Note 1		Max Average Luminance (cd/m2)	Threshold Increment Note 1	
		Max %	Adaptation Luminance		Max %	Adaptation Luminance
Full sun on face of signage	No limit	-	-	No limit	-	-
Daytime Luminance	6000	-	-	4000	-	-
Morning and evening twilight and overcast weather (see Note 2)	700	-	-	400	-	-
Night Time - High District Brightness (Note 3)	350	20%	5	200	15%	5
Night Time - Medium District Brightness (Note 3)	250	20%	1	150	15%	1
Night Time - Low District Brightness (Note 3)	150	20%	0.25	Not Permitted	N/A	N/A

Note 1: Threshold increment as defined and calculated in AS4282

Note 2: Twilight is defined as the period when the sun is below the horizon but light from the sun is still indirectly visible. When the sun is 18 degrees or more below the horizon, the amount of visible light is very low and this is defined as Night time.

Note 3: Refer to page 5 for details of equivalent High, Medium and Low district brightness areas

Based on an assessment of the surrounding environment, the signage is located within a High District Brightness Area (refer Section 3). The signage is classified as “Category A” illuminated advertising signage, therefore the maximum permissible luminance under the guidelines is: unlimited (maximum brightness) when full sun strikes the face of the sign, 6000 cd/m2 during normal daytime operation, 700 cd/m2 during twilight and overcast weather and 350 cd/m2 during night time.

AS4282 Luminance Assessment

AS4282 outlines maximum luminance limits for signage during night time operation only, its scope does not include lighting impacts associated with daytime operation. The maximum permissible night time luminance of the signage is determined by the existing lighting environment of its surroundings. AS4282 outlines maximum average luminances for different Environmental Zones as shown in Table 2 below:

TABLE 2 - MAXIMUM AVERAGE NIGHT TIME LUMINANCE FOR SIGNAGE		
	Description	Max Average Luminance (cd/m2)
A4	High district brightness e.g. Town and city centres and other commercial areas, residential areas abutting commercial areas, industrial and Port areas and Transport Interchanges	350
A3	Medium district brightness e.g. Suburban areas in towns and cities, generally roadways with streetlighting through suburban, rural or semi-rural areas	250
A2	Low district brightness e.g. Sparsely inhabited rural and semi-rural areas, generally roadways without streetlighting through suburban, rural or semi-rural areas other than intersections	150
A1	Dark e.g. Relatively uninhabited rural areas (including terrestrial, marine, aquatic and coastal areas), generally roadways without streetlighting through rural areas	50
A0	Intrinsically Dark e.g. UNESCO Starlight Reserve, IDA: Dark Sky Parks, Reserves or Sanctuaries, major optical observatories, other accreditations for dark sky places for example astrotourism, heritage value, astronomical importance, wildlife/ecosystem protection, lighting for safe access may be required	0.1

Note: Zones A0 and A1 would normally have a minimum area of 50 ha.(0.5 km2). There may be smaller environmentally sensitive areas.

Based on an assessment of the surrounding environment, the proposed signage is located within Environmental Zone A4 under AS4282, therefore, the maximum night time luminance is 350cd/m2.

Luminance Assessment Summary

Table 3 outlines the maximum luminance levels for the signage to comply with the DTP Guidelines and AS4282 for the various lighting conditions listed below:

TABLE 3 - COMPLYING LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS		
Lighting Condition	Max Permissible Luminance (cd/m2)	Compliant
Full Sun on face of Signage	No Limit	✓
Day Time Luminance (typical sunny day)	6000	✓
Morning and Evening Twilight and Overcast Weather	700	✓
Night Time	350	✓

* The signage is to be dimmed on site to ensure the maximum luminance nominated above is not exceeded.

The proposed digital signage has a maximum brightness (luminance) of 7000 cd/m2. The screen shall be commissioned on site to yield a maximum screen luminance of 7000 cd/m2 when full sun strikes the face of the sign (maximum brightness), 6000 cd/m2 during daytime operation, 700 cd/m2 during twilight and overcast weather, and 350 cd/m2 during night time operation.

6. ILLUMINANCE, THRESHOLD INCREMENT & UPWARD LIGHT ASSESSMENT

The proposed signage has been assessed against the lighting criteria and requirements outlined in AS4282.

AS4282 provides limits for different obtrusive factors associated with dark hours (night time) operation of outdoor lighting systems. Two sets of limiting values for spill light are given based on whether the lighting is operating before a curfew (known as "pre-curfew" operation) or operating after a curfew (known as post-curfew or curfewed operation). Pre-curfew spill lighting limits are higher than post-curfew values, on the understanding that spill light is more obtrusive late at night when residents are trying to sleep. Under AS4282, the post-curfew period is taken to be between 11pm and 6am daily. As the signage operates all night, the signage will be assessed against the more stringent post-curfew limits.

Illuminance Assessment

The AS4282 assessment includes a review of nearby residential dwellings and calculation of the amount of illuminance (measured in Lux) that the properties are likely to receive from the signage during night time operation.

The acceptable level of illuminance will in part be determined by the night time lighting environment around the dwellings. AS4282 categorises the night time environment into different zones with maximum lighting limits as shown in Table 4 below:

TABLE 4 - MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS			
	Max Vertical Illuminance (lx)		Description
	Pre-curfew	Post-curfew	
A4	25	5	High district brightness e.g. Town and city centres and other commercial areas, residential areas abutting commercial areas, industrial and Port areas and Transport Interchanges
A3	10	2	Medium district brightness e.g. Suburban areas in towns and cities, generally roadways with streetlighting through suburban, rural or semi-rural areas
A2	5	1	Low district brightness e.g. Sparsely inhabited rural and semi-rural areas, generally roadways without streetlighting through suburban, rural or semi-rural areas other than intersections
A1	2	0.1	Dark e.g. Relatively uninhabited rural areas (including terrestrial, marine, aquatic and coastal areas), generally roadways without streetlighting through rural areas
A0	0	0	Intrinsically Dark e.g. UNESCO Starlight Reserve, IDA: Dark Sky Parks, Reserves or Sanctuaries, major optical observatories, other accreditations for dark sky places for example astrotourism, heritage value, astronomical importance, wildlife/ ecosystem protection, lighting for safe access may be required

Where the signage displays dynamic content (a dwell time less than 60 seconds) and is located within 100m of residential dwelling/s with potential views to the signage, then the maximum allowable vertical illuminance limits to the impacted dwellings are 50% of those outlined in Table 4 above. Where the dwellings are further than 100m from the signage, the maximum vertical limits are those values shown in Table 4.

Based on an assessment of the surrounding areas, the nearest dwellings with potential views to the signage are at the following locations:

Address	Zone	Within 100m	Address	Zone	Within 100m
2 Mirabella Ct	A4	No	9 Melaleuca Dr	A4	No
3 Mirabella Ct	A4	No	11 Melaleuca Dr	A4	No
4 Mirabella Ct	A4	Yes	13 Melaleuca Dr	A3	No
5 Mirabella Ct	A3	Yes	15 Melaleuca Dr	A3	No
6 Mirabella Ct	A3	No	17 Melaleuca Dr	A3	No
7 Mirabella Ct	A3	No	19 Melaleuca Dr	A3	No
8 Mirabella Ct	A3	No	23 Melaleuca Dr	A3	No
2070 Frankston Flinders Rd	A4	Yes	25 Melaleuca Dr	A4	No

As such, the dwellings above will form the focus of the illuminance assessment.

The proposed signage (and surrounding environment) was modeled in lighting calculation program AGI32 to determine the effect (if any) of the light spill from the proposed signage. Photometric data for the signage was provided by the manufacturer* with the maximum luminance corresponding to the night time limit outlined in Section 5. Appendix D shows the lighting model and the results of the calculations.

It should be noted that some of the houses are shielded by retaining walls, fences or mature vegetation, which effectively obstructs the spill light of the signage. However calculations were undertaken assuming that there were no obstructions present.

Residential Dwellings

Under the Standard, the maximum allowable illuminance to residential properties at a distance of 100m or greater from signage displaying dynamic content is 5 Lux for Zone A4 and 2 Lux for Zone A3 (as outlined in Table 3). It can be seen from the lighting model that the maximum illuminance for Zone A3 properties at or greater than 100m from the signage is 0.23 lux at 7 Mirabella Court, and the maximum illuminance for Zone A4 properties at or greater than 100mm from the signage is 0.18 lux at 2 Mirabella Court.

Where residential properties are within 100m from signage displaying dynamic content, the maximum illuminance is 50% of the limits outlined in Table 3, namely 2.5 lux for Zone A4 and 1 lux for Zone A3. The maximum illuminance for Zone A4 properties within 100m from the signage is 0.79 lux at 2070 Frankston Flinders Road, and the maximum illuminance for Zone A3 properties within 100m from the signage is 0.35 lux at 5 Mirabella Court.

The proposed digital signage therefore complies with the relevant illuminance limits for nearby residential dwellings.

* Electrolight takes no responsibility for the accuracy of third party provided photometric data.

Threshold Increment Assessment

The Threshold Increment was also calculated for the southbound traffic approaches on Frankston Flinders Road. The calculation grids were located at 1.5m above ground level for general traffic approaches with an approach viewing distance of between 10m to 200m from the signage and a windscreen cutoff angle of 20 degrees (as outlined in AS1158). The calculation results show that the Threshold Increment does not exceed 4.65% for any traffic approach (the allowable maximum under the standard is 20%).

Upward Waste Light Assessment

In order to reduce light pollution and associated environmental impacts, AS4282 includes requirements that limit upward waste light into the night sky from signage. Clause 3.3.3.b) of AS4282 states that digital signage shall have an Upward Waste Light Ratio (ULR_L) of not more than 0.384. The ULR_L of the specified signage is not more than 0.384*. The signage therefore complies with this requirement.

Luminous Intensity

The luminous intensity limits nominated in the standard are not applicable for internally illuminated signage.

Summary

It can therefore be seen that the proposed digital signage complies with all relevant requirements of AS4282 and the DTP Guidelines.

* The signage supplier and/or operator is responsible for complying with the Upward Light Ratio. Electrolight take no responsibility for compliance with this requirement.

8. SUMMARY

- The proposed digital signage to be installed at 2083 Frankston Flinders Rd, Hastings VIC, shall be commissioned on site to yield the following maximum luminances

COMPLYING LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS		
Lighting Condition	Max Permissible Luminance (cd/m2)	Compliant
Full Sun on face of Signage	No Limit	✓
Day Time Luminance (typical sunny day)	6000	✓
Morning and Evening Twilight and Overcast Weather	700	✓
Night Time	350	✓

- The digital signage to be installed at 2083 Frankston Flinders Rd, Hastings VIC, Victoria has been assessed and complies with the requirements of the DTP Guidelines (when commissioned to the maximum luminance levels above).
- The proposed digital signage has been found to comply with all relevant requirements of AS4282.
- In complying with the above requirements, the proposed digital signage shall not result in unacceptable glare nor shall it adversely impact the safety of pedestrians, residents or vehicular traffic. Additionally, the signage shall not cause any unacceptable amenity impacts to nearby residential dwellings or accommodation.

9. DESIGN CERTIFICATION

The proposed digital signage to be installed at 2083 Frankston Flinders Rd, Hastings VIC, if commissioned according to this report, complies with the following criteria, guidelines and standards:

- Department of Transport and Planning Requirements and Guidelines for Illuminated Outdoor Advertising Signage 6 May 2022
- AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting

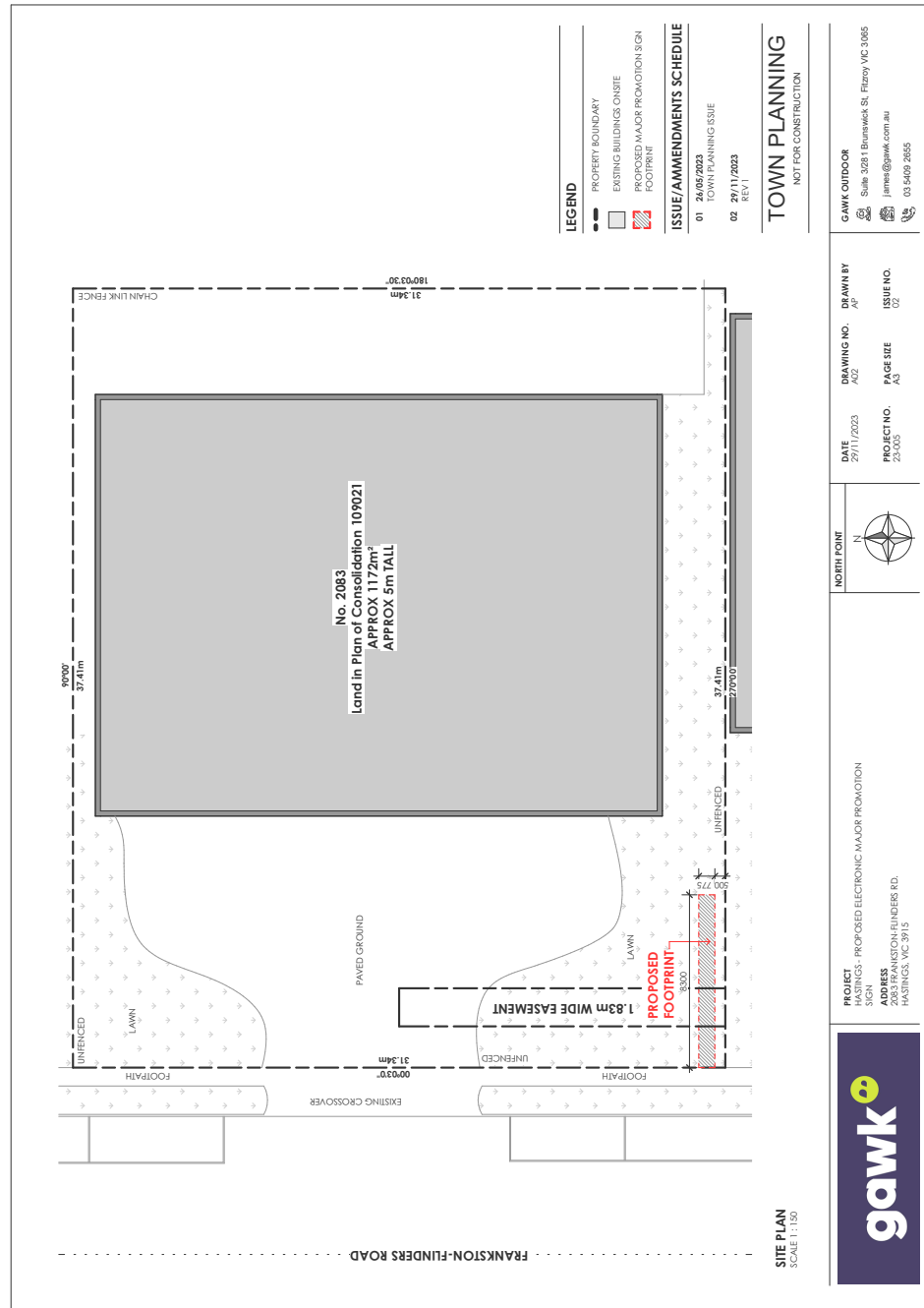


Ryan Shamier MIES

M.Des.Sc(Illumination) B.Eng (Elec)
Registered Professional Engineer - Victoria (AMR Ref PE0006091)

Senior Lighting Designer
Electrolight Sydney
14.12.23

APPENDIX A
PROPOSED SIGNAGE LOCATION, ELEVATIONS & PHOTOMONTAGES



[illegible]

No. 2083
Land in Right of
Consolidation
with
Lot 2085

FRANKSTON-FLINDERS RD

GLENDALE AV

PERSPECTIVE VIEW REFERENCE
SCALE: 1:500

GENERAL NOTES

PROPOSED PERSPECTIVE VIEW IS AN ARTIST'S
IMPRESSION OF THE PROPOSAL ONLY. SIZE AND
SCALE ARE REFERENCED ON THE FLOOR PLANS
AND ELEVATIONS.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE SUPPLIED TOWN PLANNING REPORT

LEGEND

0000
PERSPECTIVE VIEW - LOCATION IN WHICH PHOTOGRAPHIC VIEWS WERE TAKEN

ISSUE/AMMENDMENTS SCHEDULE

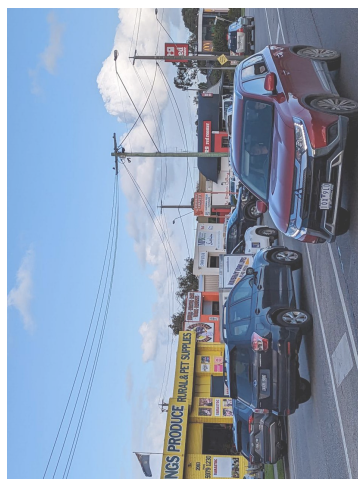
01 26/05/2023

TOWN PLANNING ISSUE

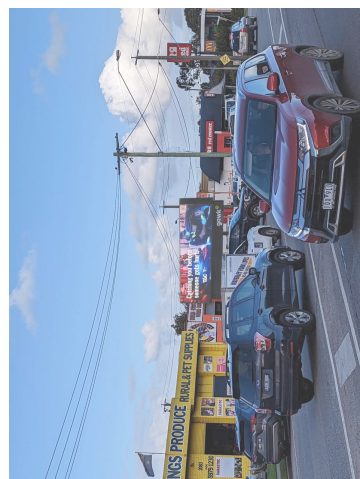
02 29/11/2023
REV 1

TOWN PLANNING

NOT FOR CONSTRUCTION



EXISTING PERSPECTIVE VIEW #02 - SOUTHBOUND TRAFFIC



PROPOSED PERSPECTIVE VIEW #02 - SOUTHBOUND TRAFFIC



EXISTING PERSPECTIVE VIEW #01 - NORTHBOUND TRAFFIC



PROPOSED PERSPECTIVE VIEW #01 - NORTHBOUND TRAFFIC



PROJECT
 HASTINGS: PROPOSED ELECTRONIC MAJOR PROMOTION
 SIGN

ADDRESS
 1000 WILSON BLVD. RD.
 HASTINGS, NC 28115

DATE
 29/11/2023

DRAWING NO.
 A/4

DRAWN BY
 AP

PROJECT NO.
 23-005

PAGE SIZE
 A3

ISSUE NO.
 01



NORTH POINT

GAWK OUTDOOR
 691 State 1281 Burnsville St, Flazny NC 2865
 703. 618. 6700

EMAIL
 james@gawk.com.au

PHONE
 703. 618. 6700

APPENDIX B
DIGITAL SIGNAGE SPECIFICATION

Big Screen Video

Display Specifications

Product Specifications	
Active Screen Size (WxH)	8mW x 2.08mH
Active Screen Size (SqM)	16.64sqm
Matrix Size (WxH)	800 x 208
Aspect Ratio	3.8:1
Display Weight	965kg
Display Weight per Sqm	58kg
Total Avg. Power Consumed	3.3kW
Total Max. Power Consumed	10KW
Max. Power Consumption per Sqm	0.6kW/m ²
Current Draw	43 amps max load*
Mains Recommendation	Three phase at 20 amps per phase

Bringing spaces to life.

Australia - NZ - North America - SE Asia

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APPENDIX B
DIGITAL SIGNAGE SPECIFICATION

Big Screen Video

Specs: Outdoor 10mm SMD

Product Specifications	
Catalogue no.	BSV-YATR-10
Physical Pitch	10mm, physical
Pixel Density	10,000 pixel/m2
Pixel Configuration	SMD LED
Module Dimensions (WxH)	320mm x 160mm
Module Resolution (WxH)	32 x 16 pixels
Cabinet Material	Steel
Viewing Angle	H 140 Deg. / V 140 Deg.
Best Viewing Distance	10+m
Maintenance	Rear access
Protection Degree	IP65 front; IP54 rear
Panel Net Weight	approx. 58kg/sqm
Gray Scale	16-bit Color Processing Depth

Product Specifications	
Refresh Rate	3840+ Hz
Display Control	Synchronous control
Power Supply	220V, 50Hz
Operation Temp.	-20° ~60°
Display Dimming	Auto/Manual, 8~256 Levels
Signal Transfer	Text, image, graphics animations, video
Power Consumption (Max./Avg.)	0.6kw/sqm; 0.2kw/sqm
MTBF	50,000hrs
Lifetime	100,000hrs
Luminance	7000 nits
Lifetime (Normal Temp)	100,000Hrs

Bringing spaces to life.

Australia - NZ - North America - SE Asia

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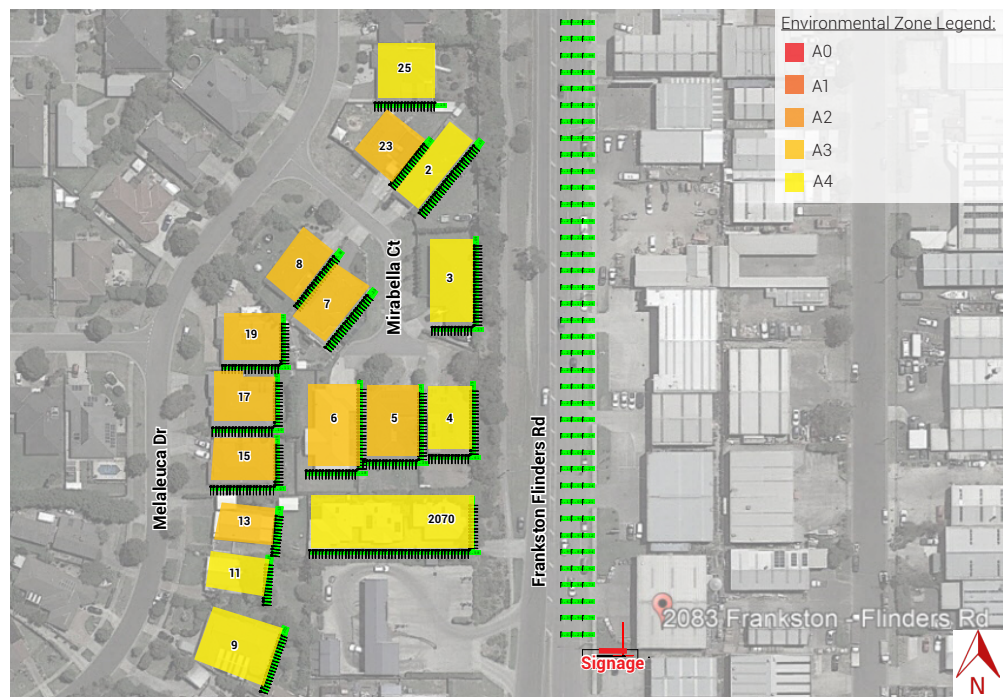
APPENDIX C

OBTRUSIVE LIGHTING CALCULATIONS

Calculation Summary			
Project: Obtrusive A3			
Label	CalcType	Units	Max
13 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.12
15 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.15
15 Melaleuca Dr_Ill_Seg2	Obtrusive - Ill	Lux	0.07
17 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.15
17 Melaleuca Dr_Ill_Seg2	Obtrusive - Ill	Lux	0.10
19 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.11
19 Melaleuca Dr_Ill_Seg2	Obtrusive - Ill	Lux	0.15
23 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.18
5 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.35
5 Mirabella Ct_Ill_Seg2	Obtrusive - Ill	Lux	0.35
6 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.25
6 Mirabella Ct_Ill_Seg2	Obtrusive - Ill	Lux	0.18
7 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.23
8 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.18

Calculation Summary			
Project: Obtrusive A4			
Label	CalcType	Units	Max
11 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.07
2 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.18
2070 Frankston Flinders Rd_Ill_Seg1	Obtrusive - Ill	Lux	0.79
2070 Frankston Flinders Rd_Ill_Seg2	Obtrusive - Ill	Lux	0.58
25 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.15
3 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.15
3 Mirabella Ct_Ill_Seg2	Obtrusive - Ill	Lux	0.37
4 Mirabella Ct_Ill_Seg1	Obtrusive - Ill	Lux	0.43
4 Mirabella Ct_Ill_Seg2	Obtrusive - Ill	Lux	0.61
9 Melaleuca Dr_Ill_Seg1	Obtrusive - Ill	Lux	0.00

Calculation Summary			
Project: TI A4			
Label	CalcType	Units	Max
Frankston Flinders Rd SB	Obtrusive - TI	%	4.65



APPENDIX C

OBTRUSIVE LIGHTING AND THRESHOLD INCREMENT CALCULATIONS

Obtrusive Light - Compliance Report

AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew
Filename: 3129 9_LIA Calculation_01
14/12/2023 2:23:20 PM

Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (14):

Calculation Label	Test Results	Max. Illum.
8 Mirabella Ct_III_Seg1	PASS	0.18
7 Mirabella Ct_III_Seg1	PASS	0.23
19 Melaleuca Dr_III_Seg1	PASS	0.11
19 Melaleuca Dr_III_Seg2	PASS	0.15
17 Melaleuca Dr_III_Seg1	PASS	0.15
17 Melaleuca Dr_III_Seg2	PASS	0.10
15 Melaleuca Dr_III_Seg1	PASS	0.15
15 Melaleuca Dr_III_Seg2	PASS	0.07
13 Melaleuca Dr_III_Seg1	PASS	0.12
5 Mirabella Ct_III_Seg1	PASS	0.35
5 Mirabella Ct_III_Seg2	PASS	0.35
6 Mirabella Ct_III_Seg1	PASS	0.25
6 Mirabella Ct_III_Seg2	PASS	0.18
23 Melaleuca Dr_III_Seg1	PASS	0.18

Obtrusive Light - Compliance Report

AS/NZS 4282:2019, A4 - High District Brightness, Curfew
Filename: 3129 9_LIA Calculation_01
14/12/2023 2:22:43 PM

Illuminance

Maximum Allowable Value: 5 Lux

Calculations Tested (10):

Calculation Label	Test Results	Max. Illum.
2070 Frankston Flinders Rd_III_Seg1	PASS	0.79
2070 Frankston Flinders Rd_III_Seg2	PASS	0.58
4 Mirabella Ct_III_Seg1	PASS	0.43
4 Mirabella Ct_III_Seg2	PASS	0.61
3 Mirabella Ct_III_Seg1	PASS	0.15
3 Mirabella Ct_III_Seg2	PASS	0.37
2 Mirabella Ct_III_Seg1	PASS	0.18
25 Melaleuca Dr_III_Seg1	PASS	0.15
11 Melaleuca Dr_III_Seg1	PASS	0.07
9 Melaleuca Dr_III_Seg1	PASS	0.00

Obtrusive Light - Compliance Report

AS/NZS 4282:2019, A4 - High District Brightness, Curfew
Filename: 3129 9_LIA Calculation_01
14/12/2023 2:21:33 PM

Threshold Increment (TI)

Maximum Allowable Value: 20 %

Calculations Tested (1):

Calculation Label	Adaptation Luminance	Test Results
Frankston Flinders Rd SB	5	PASS

Client
Gawk

Date
9 January 2024

Planning

Transport

Urban Design

Waste Management

Traffic Impact Assessment Report

Proposed Digital Promotion
Sign – 2083 Frankston –
Flinders Road, Hastings

ratio:

ratio.com.au

Project
Proposed Digital Promotion Sign – 2083
Frankston – Flinders Road, Hastings

Prepared for
Gawk
Our reference
20847T

Directory path Y:\20501-21000\20847T - 2083 Frankston-Flinders Road, Hastings\Work\Reports\20847T-REP01-F01.docx

Version	Date	Issue	Prepared by	Checked by
D01	19.12.2023	Draft	T. Higdon	B. Krastins
F01	9.1.2024	Final	T. Higdon	B. Krastins

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Acknowledgement of Country

We acknowledge the Traditional Owners of the land we work, live and travel on, and appreciate the rich cultures of the Aboriginal and Torres Strait Islander Peoples and their enduring connection to country.

ratio:

20847T-REP01-F01.docx Proposed Digital Promotion Sign – 2083 Frankston – Flinders Road, Hastings

1

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1. Introduction

Ratio Consultants has been engaged by Gawk to undertake a Traffic Impact Assessment (TIA) of a proposal to erect a digital Promotion Sign on the subject site at 2083 Frankston – Flinders Road, Hastings.

The digital Promotion Sign will consist of an electronic display of approximately 18sqm that faces facing north at this location with a static display facing south. The digital Promotion Sign will be used to display third-party commercial advertisements.

This assessment of the digital Promotion Sign is intended to address the following relevant transport and road safety requirements of the Section 55 – Further Information Required documentation issued by the Department of Transport and Planning (24th November 2023):

Please request that the permit application provide the following additional information:

- *A Traffic Impact Assessment considering the existing signage & proposed signage and the distractions on drivers.*

These and other relevant matters are discussed in the detail of this report hereunder.

2. Existing Conditions

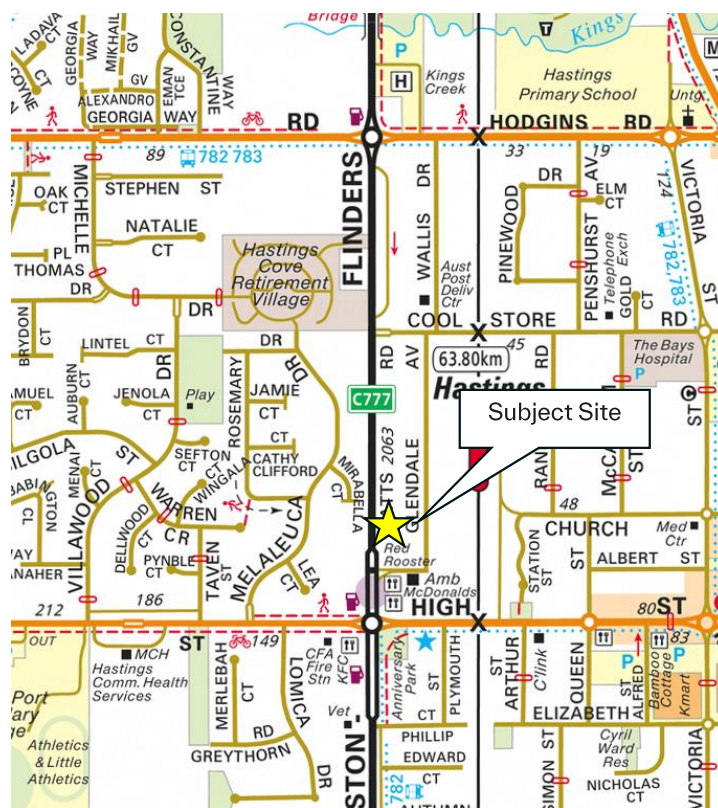
2.1. Subject Site

The proposed digital Promotion Sign will be erected at 2083 Frankston – Flinders Road, Hastings (the 'subject site').

The subject site is currently occupied by a commercial business. Surrounding land uses accessed from Frankston-Flinders Road are predominantly also commercial and industrial in nature.

The location of the subject site with respect to the surrounding road network is depicted in Figure 2.1, with an aerial view of surrounding land use shown in Figure 2.2.

Figure 2.1 Subject Site Locality



Source: Melway Online

Figure 2.2 Subject Site Aerial



Source: Google Earth

2.2. Land Zoning

The subject site is situated within an Industrial 3 Zone (IN3Z), accessed from Frankston-Flinders Road which is within a Transport 2 Zone (TRZ2) directly abutting the site, and also zoned Transport 1 Zone for a portion along the western side of the road reserve. The subject site in context of surrounding land zoning is shown in Figure 2.3.

Figure 2.3 Land Use Zoning



Source: Department of Transport and Planning

2.3. Existing Signage

As outlined in the Department of Transport & Planning Further Information Request, the assessment is to consider the existing signage in the vicinity of the area.

Existing traffic control devices along Frankston-Flinders Road in the immediate vicinity of the site (within 100 metres) include:

- 70km/h speed limit signage (facing south) mounted in the median and verge on the western side of the road;
- No u-turn signage (facing north) mounted in the median;
- No Stopping Anytime parking signage within the verge;
- A 'School Crossing Ahead' warning sign;
- A 'Keep Left Sign' at the nose of the median island (facing north); and
- Other street and directional signage.

As it relates to signage within adjacent properties, there is a mix of branding and business signage affixed to building and boundary fences at the subject site and within nearby properties.

From the perspective of other major promotional or advertising signage within the surrounding area, the closest signs of relevance include:

- Pylon signs for Red Rooster and McDonalds visible in both directions, located 50 metres and 115 metres south of the site respectively; and
- A static billboard sign, externally illuminated, facing south located 170 metres to the north of the subject site.

Photos of key existing signage referenced above are shown throughout the Town Planning Report prepared by Regional Billboard Co. Pty Ltd (*Section 12 – Appendix 4 – Clause 52.05*, and *Section 13 – Appendix 5 – Surrounding Signage & Built Form*).

2.4. Road Network

Frankston-Flinders Road, Hastings

Frankston – Flinders Road is a primary state arterial road under the management of Department of Transport & Planning. The road is orientated in north-south direction in the vicinity of the subject site.

A posted speed limit of 70km/h applies to Frankston – Flinders Road.

In the vicinity of the site, there are 2-lane of traffic separated by a median, with the 2-lanes in the north bound direction merging into one lane northbound.

Based on data sourced from Department of Transport & Planning, Frankston-Flinders Road currently carries in the order of 16,000 vehicles per day, including 9% heavy vehicles. Traffic volumes are approximately split 50/50 in either direction.

Frankston-Flinders Road in the vicinity of the site looking north and south are shown in Figure 2.4 and Figure 2.5 respectively.

Figure 2.4 Frankston-Flinders Road looking north



Figure 2.5 Frankston-Flinders Road looking south



Nearby Intersections and Other Traffic Control

Approximately 40 metres to the south of the site there is an intersection with Glendale Avenue, a minor local road managed by Council. The intersection of Glendale Avenue with Frankston-Flinders Road allows left and right in movements and left out movements.

Approximately 80 metres south of the subject site, there is a set of staggered Pedestrian Operated Signals, either side of the median.

Approximately 120 metres south of the subject site is a roundabout at the intersection of Frankston-Flinders Road and High Street. At the time of the site inspection, the intersection was operating well with limited queuing or delays on all approaches.

Sustainable Transport

A shared path is provided on the western side of Frankston-Flinders Road is a shared path, connecting Hodgins Road in the north, and High Street in the south.

A footpath is provided along the frontages to properties on the eastern side of Frankston-Flinders Road including the subject site.

As mentioned above, there is a set of Pedestrian Operated Signals on the northern side of the intersection of Frankston-Flinders Road and High Street, connecting east-west.

There are no formal on-road bicycle facilities provided along Frankston-Flinders Road and the road does not form part of the State Government's Strategic Cycling Corridors in the vicinity of the site.

2.5. Public Transport Network

There is no public transport services operating along Frankston-Flinders Road in the vicinity of the subject site.

The closest public transport to the site is bus route 782, the Frankston – Flinders Via Coolart Road & Hastings. This services operates on High Street, east of Frankston-Flinders Road, and on Frankston-Flinders Road, south of High Street.

2.6. Crash Statistics

An assessment of the crash history within the vicinity of the proposed sign location has been undertaken by reviewing available crash data for the last five (5) year period, as available on the DTP CrashStats database.

The data shows that there have been 2 casualty crashes in the last 5 year period of available data within the immediate vicinity of the site, including:

- 1 other injury crash midblock along Frankston-Flinders Road, between Glendale Avenue and Cool Store Road, approx. 200 metres north of the subject site; and
- 1 other injury crash at the roundabout of High Street and Frankston-Flinders Road, approx. 120 metres to the south of the subject site.

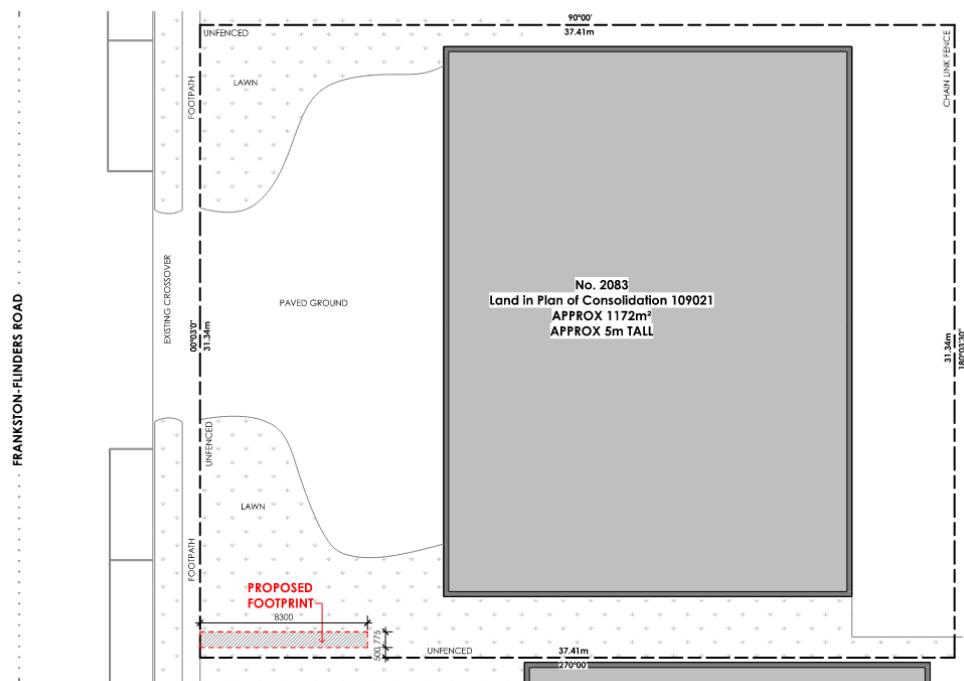
Both collisions involved vehicles only and did not involve pedestrians or cyclists.

Noting the existing high volumes of traffic and road classification, it is reasonable to consider that there is no pattern or trend of injury crashes demonstrated by the data that would indicate an existing road safety issue at this location.

3. Proposal

The proposal consists of a digital major Promotion Sign on the property located at 2083 Frankston – Flinders Road, Hastings. The signage location within the subject site is shown in Figure 3.1.

Figure 3.1 Location of Proposed Sign



Source: GAWK, Project No. 23-005, drawing A02

The display is double sided, with a digital display facing the north, and the south face will be a static sign. Both signs (digital and static) will display third-party advertising, as per the example perspective shown in Figure 3.2 (showing north facing digital sign).

Figure 3.2 Proposed Perspective View of Digital Sign (Southbound Traffic)



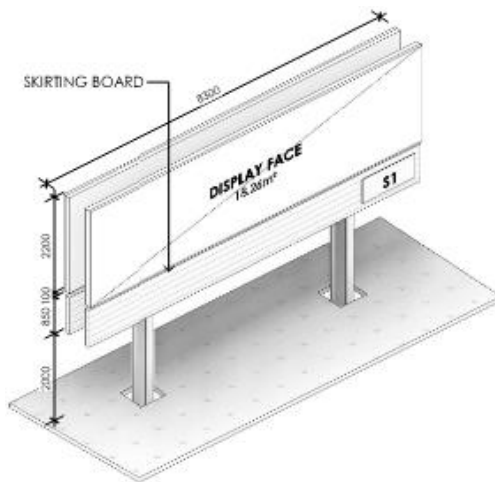
PROPOSED PERSPECTIVE VIEW #02 - SOUTHBOUND TRAFFIC

Source: GAWK, Project No. 23-005, drawing A04

The total height of the sign is 5.15 metres, with the bottom of the sign will be 2 metres above ground level.

Dimensions of the sign are further described in Figure 3.3.

Figure 3.3: Perspective View of Proposed Electronic Sign



Source: GAWK, Project no. 23-005, drawing A03

Other relevant information regarding the proposal relevant to this assessment includes:

- The sign brightness will be specifically tailored to the setting, ensuring that it meets all Australian Standards & VicRoads requirements;
- The advertising face will be reviewed under strict guidelines to ensure no traffic control symbolism exists;
- The digital sign will only display static images, that will change occasionally; and
- The proposed signage will not have any directional advice to drivers.

4. Safety Assessment Considerations

4.1. Visibility and Legibility Distances

In establishing the area in which to undertake the assessment, areas identified as the visibility and legibility distance have been estimated based on the road geometry, the size of the sign and any other sight distance constraints.

Visibility Distance

Visibility Distance represents the distance where the physical extent of the sign can be perceived by a driver, though does not necessarily mean a driver can read the sign (refer legibility distance).

Notably, visibility distance does not mean the full extent of the sign face is necessarily visibly as signs in urban environments are only partially visible at first due to roadside obstructions, and drivers are unlikely to devote attention to signs which are significantly obstructed (>50% obscured).

Based on a review of site conditions, the north facing electronic signage will be visible for up to approx. 300-350 metres to the north of the subject site.

The south facing static sign will be visible only as far as Pedestrian Operated Signals and roundabout between Frankston-Flinders Road and High Street, approx. 100 - 120 metres to the south of the subject site. It is noted that this visibility could further be constrained by vehicles queuing in the opposite direction (southbound).

Legibility Distance

Legibility Distance represents the location at which the face of the sign is readable. While guidance pertaining to legibility distances is provided within the Austroads Guidelines (Austroads Guide to Traffic Management Part 10 – Traffic Control and Communication Devices) this is typically applied to formal road signage.

Given the potential variance in message displays associated with advertising signage (variable text height etc.) legibility of the proposed digital sign face has been determined based on existing signage within the area and the distances to which associated text could be perceived.

Accordingly, a legibility distance of 130 metres has been adopted.

As the visibility distance to the south has been established as in the order of 100-120 metres to the south of the site, the legibility distance is also limited to this distance.

4.2. Digital Signs Versus Static Signs

A literature review on the impact of digital promotion signs on driver concentration has been undertaken as part of this assessment. A summary of the research and studies reviewed can be found in Appendix A.

The literature material reviewed demonstrates that digital billboards/roadside advertising is not inherently hazardous to drivers by creating driver distraction. While it is evident that a correlation exists between driver distraction and crash potential, assessment of prior crashes would suggest that this is the result of some other external stimuli to which digital billboards/roadside advertising contributes to negligibly.

The most significant finding raised in the research pertains to the fact that the presence of digital advertising displays specifically is not conducive to a higher degree of distraction amongst drivers. Many studies highlight that observed driving performance and situational awareness indicate drivers are not overly distracted by the presence of digital advertising, noting drivers are capable of self-regulating their attention to roadside advertising and reducing the attention given to them when required to focus on the immediate driving situations.

It is noted that the human's peripheral vision system features a wider field of view than the central vision cone and is more sensitive to motion than static images. To this effect, digital displays located within a driver's peripheral field of view feature significantly higher distraction 'potential' in instances where video animation/motion is present on the display, causing an individual to inadvertently shift their gaze. This is consistent with many recommendations stipulated within the reviewed research and the relevant Planning Scheme Decision Guidelines, which prohibit video animation and aim to limit the number of observable image/message transitions on digital displays.

In summary, ensuring static advertisements and appropriate dwell times are applied to digital advertisement displays means the display is, generally, no more distracting than conventional 'static' advertising signage.

5. Assessment Against Road Hazard Decision Guidelines

An assessment against the road safety decision guidelines listed within Clause 52.05-8 of the Mornington Peninsula Planning Scheme is provided in Table 5.1.

Table 5.1 Mornington Peninsula Planning Scheme 52.05-8 - Decision Guidelines

Criterion <i>The impact on road safety. A sign is a safety hazard if the sign:</i>	Comment
<i>Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.</i>	The proposed sign will be located 500 mm offset from the south boundary of 2083 Frankston – Flinders Road, with the edge of the sign on the western boundary of the site and adjacent road reserve. The lowest point of the sign will be 2 metres above the ground, 0.9 metres above the typical drivers eye height of 1.1 metres above ground. As such, the sign will not impact on sight lines from vehicle egress from the subject site, adjacent properties or nearby Glendale Avenue. The sign will also not impact the sight distance requirements set out under Design Standard 1 – Accessways of Clause 52.06.
<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>	As the sign is within private property adjacent to the road, it will not obstruct driver's view of any traffic control device. Based on our review of existing traffic control devices in the surrounding area, the elevation of the promotion sign provides suitable separation as well as any future devices should they be installed within the vicinity of the advertising display.
<i>Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.</i>	The level of illumination will be controlled via local light sensors, with design, colour and content of advertisements to be reviewed in accordance with strict guidelines as indicated in the town planning report. The sign will display only static images on both the digital and static displays. Accordingly, it is considered unlikely that the proposed digital promotion sign will dazzle or distract drivers.

Criterion	Comment
<i>The impact on road safety. A sign is a safety hazard if the sign:</i>	
<i>Is at a location where particular concentration is required, such as a high pedestrian volume intersection.</i>	On the southern approach to the static display sign, visibility and legibility distances have been determined to coincide with the departure side of the pedestrian operated signals. Following this point, there is no location where particular concentration is required e.g. a high pedestrian volume intersection. On the northern approach to the digital sign display, the distance at which the driver is anticipated to stop viewing the sign is calculated using the lateral offset from outer traffic lane, and an angle of 10 degrees, equating to approximately 62 metres (AGTM Part 10, Figure 4.3). South of the sign exists a Pedestrian Operated Signals (POS) (75 metres to the control line), and the roundabout between Frankston-Flinders Road and High Street (125 metres to the control line). Both these locations require drivers to approach with an expectation of having to stop and give way. The Approach Stopping Distance (ASD) for a 70km/h zone is calculated to be in the order of 92 metres. ASD demonstrates the distance at which with a 2.0 second reaction time, the driver will require to come to a stop comfortably. When measured from the POS, the ASD will overlap the proposed sign location by approx. 17 metres. At this point, the driver will be 43 metres past the 60-metre point at which they would be expected to stop observing the sign. As such, the sign is not located in a position where particular concentration would reasonably be required.
<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>	Mandatory signage permit conditions for Major Promotional Signs are specified in Clause 52.05-9 to the Mornington Peninsula Scheme. These include conditions that specify: – That the sign must not: • Dazzle or distract drivers due to its colouring; • Be able to be mistaken for a traffic signals because it has, for example, red circles, octagons, crosses or triangles; and • Be able to be mistaken as instruction to drivers. A review of the application material indicates that all these conditions will be complied with.

Criterion	Comment
<i>The impact on road safety. A sign is a safety hazard if the sign:</i>	
<i>Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.</i>	The proposed digital promotion sign will be used for the display of general advertisements only, for third parties. These types of signage by nature display clearly defined messaging with typically limited number of words. This in turn reduces the cognitive capacity required and time taken to process by drivers, thereby not requiring close study.
<i>Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point there is no time to signal and turn safely.</i>	The sign will be used for general advertising only by third parties. In accordance with the mandatory conditions outlined under Clause 52.05-9 of the Mornington Peninsula Planning Scheme, the sign will not include messaging that could be mistaken to drivers as instructions, including an invitation to turn into the site, nearby sites or intersecting roads close to the site.
<i>Is within 100 metres of a rural railway crossing.</i>	Not applicable. The proposed sign is not within 100 metres of a rural railway crossing.
<i>Has insufficient clearance from vehicles on the carriageway.</i>	The proposed sign will be entirely contained within the property boundary and will not overhang into the road carriageway.
<i>Could mislead drivers or be mistaken as an instruction to drivers.</i>	The sign will display messaging in accordance with the mandatory conditions outlined under Clause 52.05-9 of the Mornington Peninsula Planning Scheme. This includes a condition that the sign will not include messaging that could be mistaken to drivers as instructions. Based on our review of the application material and plans, the sign will comply with these requirements.

Based on the applicable criterion as listed above, the proposed digital and static promotion sign satisfies the applicable traffic and road safety items specified within the decision guidelines, and will not present as a safety hazard to road users.

6. Impact Assessment

6.1. Traffic and Road Impacts

Frankston-Flinders Road, Hastings within the vicinity of the site currently carries in the order of 16,000 vehicles per day (AADT). These traffic volumes are within the capacity of an urban mid-block arterial road section (per Austroads Guide to Traffic Management Part 3: Transport Studies and Traffic Analysis Methods).

As such, there is no existing concerns with the operation or capacity of the road network along the site frontage, in the vicinity of the proposed major promotion sign.

As outlined in the application material, consistent with the mandatory conditions of Clause 52.05-9 of the Mornington Peninsula Planning Scheme, the messaging on the sign will not invite drivers to turn, be mistaken as instructions, or mistaken for any other traffic control device.

Further, signage will show only general advertising from third parties.

Drivers are therefore highly unlikely to change their travel direction in the immediate vicinity of the site, such that there would be a material change to traffic volumes along Frankston-Flinders Road.

The travel time between the visibility distance on the northern approach to the digital sign (300 metres) will be in the order of 16 seconds, based on a 70km/h approach speed. In this regard, a dwell time of greater than 16 seconds should be adopted so that the likelihood of a driver being subjected to more than one transition is significantly reduced.

The latest five-year crash history extracted from the Department of Transport and Planning Open Data does not highlight any safety deficiencies in the surrounding transport network that may be exacerbated by the proposed sign.

As such, the sign will not present an unreasonable distraction to drivers on Frankston-Flinders Road and there will be no impacts to the operation or safety of the road network as a result of the implementation or operation of the proposed signage.

7. Conclusion

This proposal relates to the installation of a new digital promotion sign located at 2083 Frankston-Flinders Road, Hastings. The sign will display a digital sign to the north, facing south bound traffic, as well as a static sign to the south, facing north bound traffic.

Based on our review of the application material and plans, the sign will comply with mandatory conditions set out in Clause 52.05-9 of the Mornington Peninsula Planning Scheme. In this regard, it will not dazzle, distract drivers, or display messaging that could be mistaken for traffic control devices, instructions to drivers, or invitations to turn.

It is recommended that the digital sign include a minimum dwell time of in the order of 16 seconds, consistent with the time it takes to travel at 70km/h from within the visibility distance of 300 metres on the northern approach.

A review of available data and site conditions concluded that there is no existing safety or traffic capacity issues on Frankston-Flinders Road, Hastings in the vicinity of the proposed sign location.

The proposed signage will not create a safety hazard to road users, in accordance with the decision guidelines set out in Clause 52.05 of the Mornington Peninsula Planning Scheme.

Further, it is established through the assessment outlined within this report that the proposed sign:

- Will not present an unreasonable distraction to drivers,
- Will not create any adverse traffic impacts to the surrounding road network; and
- Will not result in adverse road safety conditions to road users.

Appendix A Literature Review of Digital Promotion Signs

A.1 Key Studies

Preamble

Much of the research that has been published examines the link between billboards and the extent to which they may distract a driver. However, it is noted that research (particularly older research) results in somewhat contradictory conclusions, likely arising from;

- Many early research papers published regarding digital billboards were done so before modern digital billboards were in common use. Accordingly, much of the data cited was based on conceptual or theoretical studies regarding the distractive *potential* of such billboards. These studies lack empirical evidence or statistical analysis to verify the results.
- Early operation of digital billboards would tend to involve overly bright displays without consideration to the ambient lighting conditions, consideration given to image transitions, and included animated or full-motion video components. These items could occur individually or concurrently on a digital display.
- Currently implemented digital billboards using LED technology and better control features (i.e., automatic dimming) are a relatively new phenomenon. Digital displays constructed in the modern day are much more technologically advanced and tend not to suffer from the key distraction items associated with older billboards (such as screen strobing/flickering, commonly cited as one of the key peripheral distractions).

Available research in the current day has the benefit of operational billboards to observe and measure, with regulations surrounding the implementation and operation of billboards generally controlled to a high standard. Key aspects of the reviewed research are provided below for consideration in this application:

Studies

A study relating to situational awareness was undertaken by Monash University and is considered relevant to this application. The research relates to static image billboards, but is pertinent to the proposal based on the conclusions listed within:

- *“Overall, the driving performance and situation awareness results indicated that drivers were not overly distracted by roadside advertising in the freeway environment, as indicated by a lack of serious driving errors being made in the vicinity of the billboards”.*
- *“The billboards examined were a key element of a drivers’ situation awareness when driving demand was low, such as when driving on the freeway under free-flowing, low traffic conditions. However, when driving demands increased, drivers focussed less attention on the billboards”.*
- *“These results suggest that drivers can self-regulate their attention to billboards, reducing the attention given to them when required to focus on the immediate driving situation”.*

Further to the Monash study above, research undertaken by Bridger Burdett (2018) who studied mind wandering (considered as a proxy for looking at billboards while driving), confirmed that drivers focus more on the driving task at hand when in 'complex' traffic environments, stating:

- *"Drivers were more likely to report [in the experiments] mind wandering in low risk than in high-risk situations, and in situations of low rather than high demand".*
- *"Situations of high demand and the highest crashes rates were places where mind wandering was least likely to be reported [in the experiment], suggesting an inverse relationship between mind wandering and crash risk".*

A research report prepared by the Australian Road Research Board (ARRB) in November 2018 assessed the impact on driving performance of new digital billboard installations at two signalised intersections in Queensland. The evaluation was undertaken by means of a video survey of vehicle control, assessing the impact of the digital billboards when lit. The video data was coded to extract the following parameters: lane drift, 'stopping over the line', and incidents.

The concluding paragraphs from the ARRB study are reproduced as follows:

"Furthermore, the 'positive' impact of digital billboards in the current evaluation did not occur exclusively with respect to lateral control. The effect was also observed (with one exception) for stopping over the line violations. This is important because it rules out the possibility of a very specific and hence less practically significant impact from digital billboards. Stopping over the line suggests a failure to appropriately register the red state of the signals.

This could result from 'back dropping' where colour contents in the billboard display and confusable with signal colours (see Austroads 2013). The decrease in stopping over the line violations in the presence of the billboard suggests that such confusion did not occur in this evaluation. Stopping over the line violations could also result from change blindness for signal changes. While there is considerable evidence that distraction can increase change blindness in driving situations (e.g. McCarley et al, 2003) this research has mostly considered distraction from mobile phone conversations rather than external visual distraction. The decrease in stopping over the line violations in the presence of the billboard suggests that change blindness did not occur in this evaluation. Interestingly, a recent study by Pammer et al. (2004), although not concerned with a driving task per se, did find that under certain conditions in the laboratory that a visual distraction could reduce the incidence of change blindness.

In conclusion, the current evaluation investigated the impact of the presence of digital billboards on vehicle control performance. The sites evaluated were relatively complex signalised intersections. Because of the cognitive demands associated with negotiating a signalised intersection, these are the kinds of sites where it might be expected that drivers would display impairment from distraction. However, there was almost no evidence that the digital billboards at these locations impaired driving performance. Clearly, in real world situations such as the installations evaluated here, there can be an apparent positive impact on driving performance from the presence of a digital billboard. If the parameters of how and when this positive impact occurs can be precisely specified, this would prove enormously valuable for all stakeholders".

The ARRB research detailed above supports other cited research in demonstrating that digital billboards are not inherently hazardous to drivers by creating driver distraction, and that despite the common perceptions to the contrary, the reality is that the presence of billboards (particularly in complex driving situations) does not in practice result in a deterioration of road safety and may in fact have an inverse relationship.

The US Department of Transportation's Federal Highway Administration (FHWA) prepared a report in 2012 titled *"Driver Visual Behaviour in the Presence of Commercial Electronic Variable Message Signs"*. The report provided research on the relative safety effects of digital

signs, consisting of both a review of the literature on the possible distraction and safety effects of off-premise advertising, (noting that no consistent evidence correlating a safety or distraction effect due to off-premise advertising was found), and experiments using an instrumented vehicle fitted with an eye-tracking system to assess where various drivers were looking.

The key outcomes of the research are listed as follows:

- Drivers are able to direct the majority of their visual attention to areas of the roadway that are relevant to the task at hand (e.g., driving). While drivers do gaze away from the road ahead, the presence of clutter or salient visual stimuli (such as billboards) did not necessarily control where a drivers gaze would be diverted. This shows that drivers tend to focus attention on the driving task, and are not inherently 'distracted' by off-premise signage such as billboards.
- Drivers will distribute their gazes away from the road ahead regardless of the presence or not of off-premise advertising. There was no evidence that billboards or electronic signs produce long glances away from the road ahead that may reflect an increase in risk.
- While drivers were generally more likely to gaze at electronic signs than at standard billboards, the extent of the gaze for both forms of signage were less than required to cause a potential increase in risk.

The research that has been undertaken by the FHWA is concluded in the summary as follows:

"When billboards were present, the drivers in this study sometimes looked at them, but not such that overall attention to the forward roadway decreased". The report hence suggests that billboards do not 'distract' drivers to the extent that it is likely to cause a road safety issue.

A report to evaluate operational standards for Electronic Static Displays (digital billboards displaying static images, as opposed to video style animation) was prepared by the UNSW injury risk management centre, commissioned by the NSW RTA. The authors adopted a best-practice risk management approach for their recommendations to the RTA, which concluded that Electronic Static Displays (ESDs) should not be permitted along roadways – however, this recommendation was based on the principle of 'removing the hazard', which seldom finds application in the real world. Accordingly, the authors therefore made a number of practical recommendations concerning dwell times, transition times, message sequencing, sign spacing, elevation and general placement, luminance, and finally image content, as reproduced below:

- *"Minimum image dwell times should be long. These should minimise the number of drivers who can glance at more than one potentially distracting image, and minimise the number of drivers who see a transition. These should be calculated on a case-by-case basis to ensure that relevant perceptual characteristics like size and visibility distance are taken into account".*
- *"Message sequencing should be explicitly prohibited across the images presented on a single ESD and across a series of ESDs. This will reduce the likelihood that drivers will be motivated to return their attention to the signs in anticipation of the next instalment of the sequence message".*
- *"Transition times should be instantaneous, with no intervening blank screen. This will ensure that drivers are only exposed to one potentially distracting change in the visual field with each transition".*
- *"Luminance levels of ESD screens should not be high relative to the ambient light conditions. This will limit the visual salience of the ESD relative to other stimuli in the driving environment and help to minimise attentional capture and gaze fixation".*
- *"Technological systems should be in place to ensure that malfunctions initiate a low luminance default screen or switch off".*

- “Sign spacing should limit drivers view to a single ESD sign at any given time. The same spacing should apply between ESDs and other signs. This will minimise the number of distracting images a driver can be exposed to at any time and the number of transitions that might be viewed”.
- “Elevation of ESDs should be high enough that they do not fall within the horizontal ‘window’ that drivers routinely scan for hazards to ensure the signs do not interfere with this activity”.
- “Image content should not resemble traffic control devices and signs or hazard working in any way (e.g., colour shape, phrasing) to ensure ESDs are not mistaken for or detract from the identification of bona fide traffic and safety management information”.
- “ESDs should only be located where the visual, attentional and cognitive demands of the driving task are low. ESDs should be prohibited at or near high demand locations, such as intersections, merge points, road entrances and exits, locations with substantial shared road use or traffic and safety management signage and driver decision points. This will ensure that ESDs do not compete for drivers’ processing resources at times when drivers need to focus their resources on the driving-relevant information”.

Similar sign design guidance is provided within a report prepared by Paul Roberts of ARRB for the 16th Road Safety of Four Continents Conference – Beijing, China 15-17 May 2013. Within the report, a number of available study reports pertaining to conventional/electronic billboards and driver distraction were collated and reviewed. The purpose of the report was to achieve a definitive understanding of the risks associated with roadside advertising in various guises so that informed guidelines for the regulation of such advertising could be formulated.

The concluding paragraph to the report states:

“There is compelling evidence that distraction is a major contributor to crashes. However, studies providing direct evidence that roadside advertising plays a significant role in these distraction based crashes are currently not available. The studies that have been conducted show convincingly that roadside advertising is distracting and that it may lead to poorer vehicle control. However, the evidence is presently only suggestive of, although clearly consistent with, the notion that this in turn results in crashes. It is also worth noting that, on the basis of Klauer et al.’s (2006) results, that while looking at an external object increased the crash risk by nearly four times, less than 1% of all crashes and near crashes were from this source of distraction. A substantial proportion of these external objects would not have been advertising signs. Thus, while it is not possible to tell from the reported results, it is reasonable to conclude that far less than 1% of all crashes and near crashes involved distraction from roadside advertising”.

Notably, the report also states:

“However, as we have seen, the human factors issues are not straight forward when attempting to be definitive about what is and is not desirable from a distraction perspective. Firstly, in some environments, some level of appropriate roadside ‘distraction’ may be desirable. Secondly, it seems very likely that if drivers are not completely engaged by the driving environment they will spontaneously engage in other ‘distracting’ activities. Finally, it appears that in many cases drivers regulate their engagement with potentially distracting stimuli so that its distraction potential is controlled to some extent. This does not mean that roadside advertising is of no concern, but it does mean that there are situations where it is unlikely to compromise the integrity of the Safe System. The key is to specify the principles that are important in determining those situations”.



Department of Transport and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Ref: PPR 44369/23

ALEX COLQUHOUN
Mornington Peninsula Shire Council
90 BESGROVE STREET
ROSEBUD VIC 3939

Dear Alex

PLANNING APPLICATION No.:	P23/1240
DEPARTMENT REFERENCE NO:	PPR 44369/23
PROPERTY ADDRESS:	2083 FRANKSTON-FLINDERS ROAD, HASTINGS VIC 3915

Section 55 – No objection subject to conditions

Thank you for your referral dated 22 January 2024 of the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987*.

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

Luminance Standard

1. During the operation of the sign, the maximum average luminance and threshold increment values as specified in below must not be exceeded:
 - a. Maximum average luminance:
 - i. Full sun on face of signage: no limit
 - ii. Daytime luminance: 6000 cd/m²
 - iii. Morning and evening twilight and overcast weather: 700 cd/m²
 - iv. Night time: 350 cd/m²
 - b. Threshold increment max %:
 - i. Night time: 20%
 - c. Adaptation luminance:
 - i. Night time: 5

Brightness levels

2. The signs must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.



3. Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.
4. Any change in brightness levels must be applied during an image transition, not while an image is being displayed.

Image transitions

5. Where the graphical content or colours can change (such as for digital/electronic signage), any changes in image must occur in 0.1 seconds or less.

Externally illuminated signage

6. Retro-reflective material or high glossy surfaces must not be used.

Compliance with Lighting impact assessment report

7. The sign must operate in accordance with the Lighting Impact Assessment Report submitted with the application prepared by Electro Light, dated 14 December 2023, Rev A to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.

Lighting compliance report

8. Prior to the operation of the sign, a Lighting Compliance Report must be submitted to and approved by the Responsible Authority and the Head, Transport for Victoria. The Lighting Compliance Report must demonstrate that the sign has been commissioned according to the requirements of the Lighting Impact Assessment Report. The Compliance Report must include the following:
 - i. On site luminance measurements for Daytime, Evening/Morning Twilight and Night Time, based on a 100% white screen set to the maximum value for each lighting condition.
 - ii. Date and times of luminance measurements for the relevant lighting conditions.
 - iii. Details of the luminance meter used, including serial number. The luminance meter must have been calibrated by an appropriately certified Lab within the last 12 months. The date of calibration and Calibration Report Number shall be provided.
 - iv. A description of the luminance methodology used, including location and orientation of the luminance meter relative to sign, the image/content displayed on sign and number of measurement points taken. The signage should be measured with a 100% white image displayed, unless signage is a fixed colour/design.

- v. Photos of the sign for each sky condition measured, taken from the meter location.
- vi. Indicative elevation plans of the signage showing the values of luminance at each measurement point.
- vii. A summary showing the final average luminance of the signage for each relevant sky condition.
- viii. A certification signed by a suitably qualified lighting consultant to undertake luminance measurements.

Compliance record

- 9. The operator must keep a Compliance Record of the operation of the sign. This must be provided to the Head, Transport for Victoria within 5 days of a written request. The Compliance Record must include:
 - i. The sign's luminance (cd/m^2 or as a percentage of its maximum luminance) in minimum 10-minute intervals.
 - ii. The sign's photocell (light sensor) reading of the ambient light in minimum 10-minute intervals.
 - iii. The dwell time and transition time between successive images.

All record information must be time and date stamped to show the time of measurement.

Compliance Records must be maintained for a minimum of 12 months.

Operational Parameters for Electronic Signs

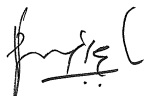
- 10. No advertisement must be displayed for less than 30 seconds.
- 11. The transition from one advertisement to another must be instantaneous.
- 12. The sign must not display content, images or text:
 - a. Giving the illusion of continuous movement.
 - b. Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
 - c. Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
 - d. With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
 - e. Containing any animation.

- f. Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.
 - g. Consisting of present time or other contemporary update information relating to news, weather or time.
 - h. Containing video, movie or television broadcasts.
13. The advertising area must not be split into two screens with different messages.
14. The sign and any displayed advertisement must not include any ancillary extension, embellishment or accessorisation within or outside the permitted advertising area unless the Head, Transport for Victoria has agreed to in writing prior to its installation.
15. The use of sound or motion to activate the sign is not permitted.
16. The use of sound to interact with road users is not permitted.
17. The sign must not dazzle or distract road users due to its colouring.
18. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign must shut down and cease any form of visual output until the malfunction is repaired.
19. This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.

Please forward a copy of any decision to this office as required under the *Planning and Environment Act 1987*.

Should you have any enquiries on this matter, please contact Padma Dissanayake on 9313 1173 or statutory.planning@roads.vic.gov.au

Yours sincerely



Padma Dissanayake
Senior Statutory Planner
Under delegation from the Head, Transport for Victoria
23/02/2024

Cc: Permit applicant

MORNINGTON PENINSULA PLANNING SCHEME

11.03-5S Distinctive areas and landscapes

30/04/2021
VC185

Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

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.

Policy documents

Consider as relevant:

- *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015)
- *Macedon Ranges Statement of Planning Policy* (Victorian Government, 2019)
- *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014)
- *Yarra Ranges Localised Planning Statement* (Victorian Government, 2017)

11.03-6S Regional and local places

31/07/2018
VC148

Objective

To facilitate integrated place-based planning.

Strategies

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

MORNINGTON PENINSULA PLANNING SCHEME

15.01-1S Urban design

31/07/2018
VC148

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.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

15.01-1R Urban design - Metropolitan Melbourne

31/07/2018
VC148

Objective

To create a distinctive and liveable city with quality design and amenity.

Strategies

Support the creation of well-designed places that are memorable, distinctive and liveable.

Integrate place making practices into road space management.

Strengthen Melbourne's network of boulevards.

Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.

Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.

MORNINGTON PENINSULA PLANNING SCHEME

15.01-1L Urban design - Mornington Peninsula

22/07/2021
C279morn

Strategies

Avoid signs that protrude above the height of the building, including any parapet.

Give preference to freestanding pole signs over signs attached to buildings.

Encourage signs that relate to the address, business name or type of business conducted on the premises.

Avoid animated signs such as those with flashing or moving lights.

Avoid bunting signs except for use in display yards or as a temporary sign.

Avoid the use of fluorescent or reflective paints that result in visually obtrusive effects.

VICTORIA PLANNING PROVISIONS

33.03
31/07/2018
VC148

INDUSTRIAL 3 ZONE

Shown on the planning scheme map as **IN3Z**.

Purpose

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

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

33.03-1
01/12/2023
VC217

Table of uses

Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Convenience shop	
Crop raising	
Grazing animal production	
Home based business	
Informal outdoor recreation	
Mail centre	
Railway	
Service industry	Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: ▪ The threshold distance, for a purpose listed in the table to Clause 53.10. ▪ 30 metres, for a purpose not listed in the table to Clause 53.10. Must not: ▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012. ▪ Require a notification under the Occupational Health and Safety Regulations 2017. ▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.

VICTORIA PLANNING PROVISIONS

Use	Condition
	Require a licence under Dangerous Goods (HCDG) Regulations 2016.
Service station	The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)	Must adjoin, or be on the same lot as, a supermarket when the use commences. The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres. The site must adjoin, or be within 30 metres of, a road in a Transport Zone 2 or a Transport Zone 3.
Supermarket	The leasable floor area must not exceed 1800 square metres. The site must adjoin, or be within 30 metres of, a road in a Transport Zone 2 or a Transport Zone 3. Must be on land within an urban growth boundary and in metropolitan Melbourne.
Take away food premises	
Tramway	
Warehouse (other than Fuel depot, Mail centre or Shipping container storage)	Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: - The threshold distance, for a purpose listed in the table to Clause 53.10. 30 metres, for a purpose not listed in the table to Clause 53.10. Must not: - Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012. - Require a notification under the Occupational Health and Safety Regulations 2017. - Require a licence under the Dangerous Goods (Explosives) Regulations 2011. - Require a licence under the Dangerous Goods (HCDG) Regulations 2016. Must not adversely affect the amenity of the neighbourhood, including through the: - Transport of materials, goods or commodities to or from the land.

VICTORIA PLANNING PROVISIONS

Use	Condition
	■ Appearance of any stored goods or materials. ■ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm) Caretaker's house	
Education centre	Must not be a primary or secondary school.
Industry (other than Automated collection point and Service industry) Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	
Office	The leasable floor area must not exceed the amount specified in the schedule to this zone.
Place of assembly (other than Carnival, Cinema based entertainment facility and Circus) Restricted retail premises Retail premises (other than Shop and Take away food premises) Sex services premises - if the Section 1 conditions for a shop are not met Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house)

VICTORIA PLANNING PROVISIONS

Use

Cinema based entertainment facility

Hospital

Intensive animal production

Major sports and recreation facility

Motor racing track

Pig farm

Poultry farm

Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises, Sex services premises and Supermarket) – if the Section 1 conditions are not met

Supermarket – if the section 1 conditions are not met

33.03-2
01/07/2021
VC203

Use of land

Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.

VICTORIA PLANNING PROVISIONS

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

33.03-3
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change.	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: ▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. ▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.	Clause 59.02
Subdivide land into 2 lots if: ▪ The construction of a building or the construction or carrying out of works on the land: — Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. — Has started lawfully. ▪ The subdivision does not create a vacant lot.	Clause 59.02

VICTORIA PLANNING PROVISIONS

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

33.03-4
01/12/2023
VC217

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
 - A waterway, wetland or designated flood plain.
 - A dwelling not in the same ownership.
 - A residential or urban growth zone.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$1,000,000 where the land is not:	Clause 59.04

VICTORIA PLANNING PROVISIONS

Class of application	Information requirements and decision guidelines
▪ Within 30 metres of land (not a road) which is in a residential zone. ▪ Used for a purpose listed in the table to Clause 53.10. ▪ Used for an Adult sex product shop.	

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - Driveways and vehicle parking and loading areas.
 - Proposed landscape areas.
 - External storage and waste treatment areas.
 - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.

VICTORIA PLANNING PROVISIONS

- The effect of nearby industries.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

33.03-5
31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 2.

VICTORIA PLANNING PROVISIONS

52.05
31/07/2018
VC148

SIGNS

Purpose

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

To ensure signs do not contribute to excessive visual clutter or visual disorder.

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

52.05-1
31/07/2018
VC148

Application

This clause applies to the development of land for signs.

52.05-2
31/07/2018
VC148

Requirements

Sign categories

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.

Each category is divided into three sections.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Section 1

A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.

Some overlays require a permit for Section 1 signs.

Section 2

A permit is required to construct or put up for display a sign in Section 2.

This does not apply to a sign specified in Clause 52.05-10.

All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

Section 3

A sign in Section 3 is prohibited and must not be constructed or put up for display.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or put up for display a sign in an industrial zone, commercial zone, Special Use Zone, Comprehensive Development Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone if: ▪ The sign is not within 30 metres of land (not a road) which is in a residential zone.	Clause 59.09

VICTORIA PLANNING PROVISIONS

Class of application	Information requirements and decision guidelines
▪ The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign. ▪ The display area of the sign does not exceed 10 square metres.	

52.05-3
31/07/2018
VC148

Referral of applications

An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the *Road Management Act 2004* must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.

52.05-4
31/07/2018
VC148

Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

52.05-5
31/07/2018
VC148

Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A sign that is reconstructed must meet the relevant sign requirements.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

52.05-6
20/01/2022
VC205

Application requirements

An application must be accompanied by the following information, as appropriate:

Site context

- A site context report, using a site plan, photographs or other methods to accurately describe:
 - The location of the proposed sign on the site or building and distance from property boundaries.
 - The location and size of existing signage on the site including details of any signs to be retained or removed.
 - The location and form of existing signage on abutting properties and in the locality.
 - The location of closest traffic control signs.
 - Identification of any view lines or vistas that could be affected by the proposed sign.

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Sign details

- The location, dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.
- Any landscaping details.

Signs with a display area of 18 square metres or more

- For a sign with a display area of 18 square metres or more:
 - A description of the existing character of the area including built form and landscapes.
 - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
 - Any existing identifiable advertising theme in the area.
 - Photo montages or a streetscape perspective of the proposed sign.
 - Level of illumination including:
 - Lux levels for any sign on or within 60 metres of a Transport Zone 2, Transport Zone 3, a residential zone or public land zone.
 - The dwell and change time for any non-static images.
 - The relationship to any significant or prominent views and vistas.

52.05-7
31/07/2018
VC148

Exemption from notice and review

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

52.05-8
31/07/2018
VC148

Decision guidelines

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

All signs

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.

VICTORIA PLANNING PROVISIONS

- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
 - The potential to obscure or compromise important views from the public realm.
 - The potential to dominate the skyline.
 - The potential to impact on the quality of significant public views.
 - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
 - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
 - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
 - The ability to screen unsightly built or other elements.
 - The ability to reduce the number of signs by rationalising or simplifying signs.
 - The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
 - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
 - The extent to which the sign displays innovation relative to the host site and host building.
 - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
 - The extent to which associated structures integrate with the sign.
 - 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.
- The impact of any illumination:
 - The impact of glare and illumination on the safety of pedestrians and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
 - 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.
 - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.

VICTORIA PLANNING PROVISIONS

- 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.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- 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.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- 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.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

Major promotion signs

- The effect of the proposed major promotion sign on:
 - Significant streetscapes, buildings and skylines.
 - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
 - Residential areas and heritage places.
 - Open space and waterways.
- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
 - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
 - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
 - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
 - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
 - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

52.05-9
31/07/2018
VC148

Mandatory conditions

All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

VICTORIA PLANNING PROVISIONS

Major promotion signs

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
 - Dazzle or distract drivers due to its colouring.
 - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
 - Be able to be mistaken as an instruction to drivers.
- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

52.05-10
26/09/2023
VC246

Signs not requiring a permit

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve that gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station or bus terminal that provides information or direction for people using the station or terminal.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the sign's display cannot be seen from nearby land.
- A sign with a display area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally illuminated sign.
- A sign inside a building that cannot generally be seen outside.

VICTORIA PLANNING PROVISIONS

- A sign with a display area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must be removed when the work is completed.
- A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.
- A sign publicising a special event on the land or in the building on which it is displayed, provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.
- A sign with a display area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed, provided the land or building is not normally used for that purpose. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must not be displayed longer than 3 months without a permit.
- A sign with an display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed, it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:
 - The display area to exceed 10 square metres if the sign concerns more than 20 lots.
 - The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
 - The sign to be displayed longer than 7 days after the sale date.
- A sign publicising or providing information about Victoria's container deposit scheme under the *Circular Economy (Waste and Recycling) Act 2021*. The sign must be attached to an automated collection point, or a building used for a Container deposit scheme centre. The display area for the sign must not exceed 8 square metres. The sign must not be an animated, floodlit or internally illuminated sign.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the *Flags Act 1953*.

52.05-11
03/02/2022
VC199

Category 1 - Commercial areas

Minimum limitation

Purpose

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.
Business identification sign	
Home based business sign	

VICTORIA PLANNING PROVISIONS

Sign	Condition
Promotion sign	
Direction sign	None specified
Internally illuminated sign	The total display area to each premises must not exceed 1.5 sqm. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

Section 2 - Permit required

Sign	Condition
Any sign not in Section 1	None specified

Section 3 - Prohibited

Sign
Nil

52.05-12
03/02/2022
VC199

Category 2 - Office and industrial

Low limitation

Purpose

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign.
Business identification sign	
Home based business sign	
Pole sign	
Direction sign	Only one to each premises.
Internally illuminated sign	The display area must not exceed 1.5 sqm. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

Section 2 - Permit required

Sign	Condition
Any sign not in Section 1	None specified

VICTORIA PLANNING PROVISIONS

Section 3 - Prohibited

Sign

Nil

52.05-13
03/02/2022
VC199

Category 3 - High amenity areas

Medium limitation

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The display area must not exceed 0.2 sqm.
Direction sign	None specified

Section 2 - Permit required

Sign	Condition
Above-verandah sign	None specified
Business identification sign	
Electronic sign	The display area must not exceed 3 sqm.
Floodlit sign	None specified
High-wall sign	Must be a business logo or street number.
Internally illuminated sign	None specified
Pole sign	
Promotion sign	The display area must not exceed 3 sqm.
Reflective sign	None specified

Section 3 - Prohibited

Sign

Any sign not in Sections 1 or 2

52.05-14
17/10/2023
VC241

Category 4 - Sensitive areas

Maximum limitation

VICTORIA PLANNING PROVISIONS

Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The display area must not exceed 0.2 sqm.
Direction sign	None specified

Section 2 - Permit required

Sign	Condition
Business identification sign	The total display area to each premises must not exceed 3 sqm. This does not apply to a Business identification sign on land used for a Freeway service centre or Service station.
Floodlit sign	Must not be a Promotion sign on land used for an Open sports ground.
Above-verandah sign High-wall sign Internally illuminated sign Pole sign	Must be on land used for a Freeway service centre or Service station.
Electronic sign	Must be on land used for a Freeway service centre or Service station. The display area must not exceed 3 sqm.
Promotion sign	Must be on land used for a Freeway service centre, Service station or Open sports ground. Must promote goods, services, events or matters provided, undertaken or sold on land used for a Freeway service centre or Service station.

Section 3 - Prohibited

Sign
Any sign not in Sections 1 or 2

Planning Delegate Report - P23/1571



Mornington Peninsula Shire

APPLICATION SUMMARY	
Planner	Charlotte McGillivray
Date	20/03/2024
Application Number	P23/1571
Proposal	THE DEVELOPMENT OF BUILDINGS AND WORKS ASSOCIATED WITH A MARINA IN ACCORDANCE WITH THE ENDORSED PLANS
Address	Crown Allotment 17 Section D Township of Hastings 21 Skinner Street HASTINGS
Applicant	C/- Tract Consultants Pty Ltd
Planning Scheme	Mornington Peninsula Planning Scheme
Zone & Overlays	PPRZ, LSIO1
Permit Triggers	LSIO1 – Buildings & works PPRZ – Buildings & works
Restrictions on title	No
Advertising	Yes
Objections	Yes – 3
Referrals	External – DEECA External – Melbourne Water Internal – Coastal Planning Internal – Development Engineering Internal – Property
CHMP required?	No

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

PROPOSAL

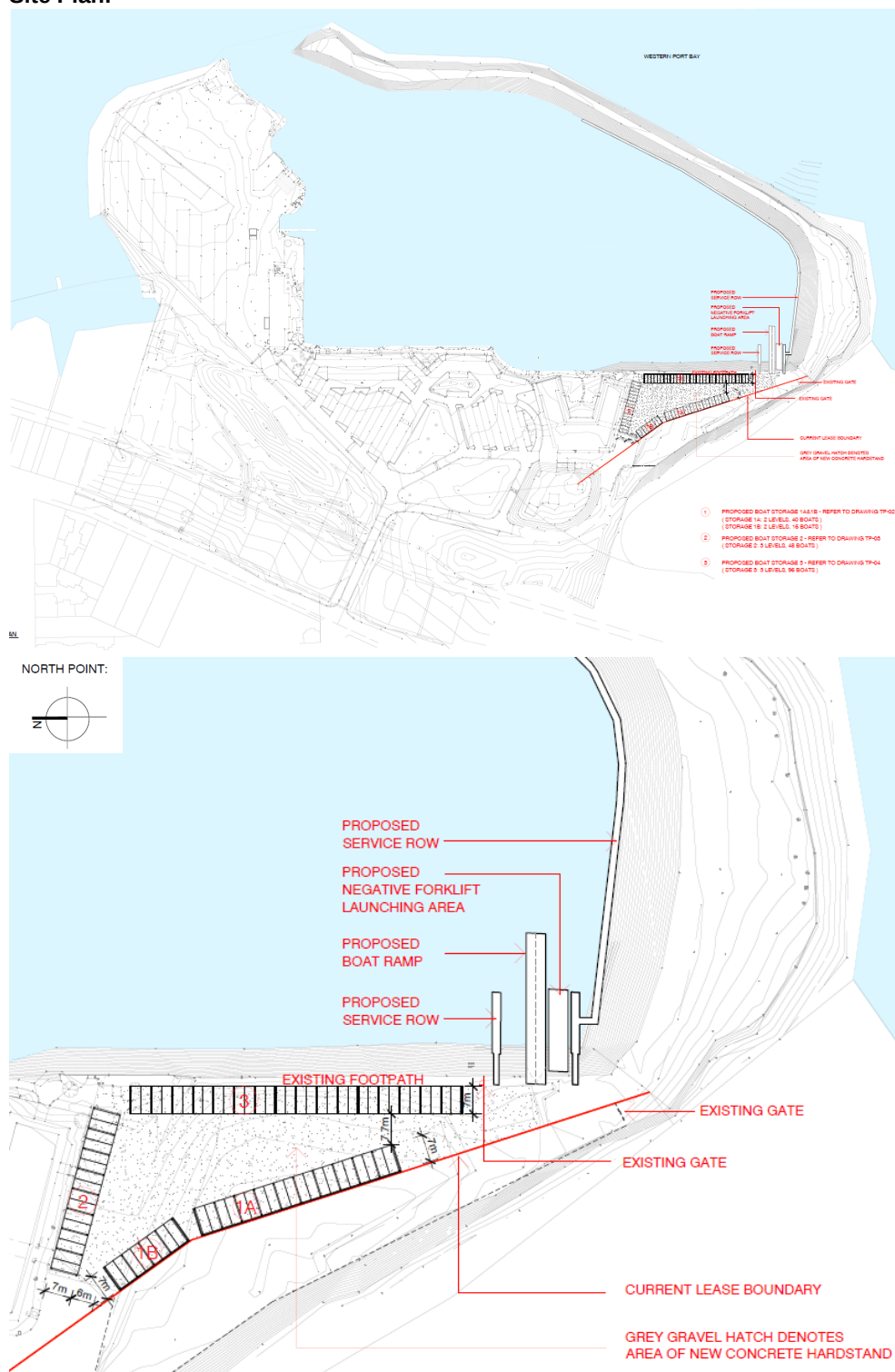
This application seeks approval for buildings and works associated with the existing marina. This includes:

- Four boat storage/stacker sheds with an associated hardstand area;

	No. of boats	No. of levels	Dimensions	Height
Shed 1A	40	2	53.7m x 7.2m	6.6m
Shed 1B	16	2	21.9m x 7.2m	6.6m
Shed 2	48	3	42.7m x 7m	9.9m
Shed 3	96	3	85.1m x 7m	9.9m

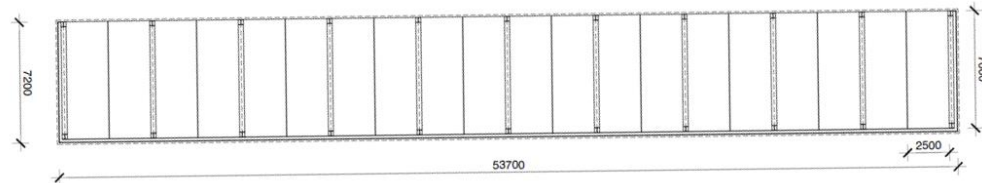
- A new 38.5m long boat ramp and forklift launching area, to allow for secondary access to the Marina's wet berthing area and Western Port Bay, and allow for 'negative lifting' below ground level to drop boats in and out of the water; and
- Installation of service rows (one to the north of the proposed boat ramp, one to the south and east of the proposed boat ramp, along the internal side of the breakwater).

Site Plan:

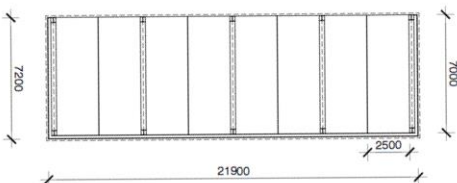


Floor Plans

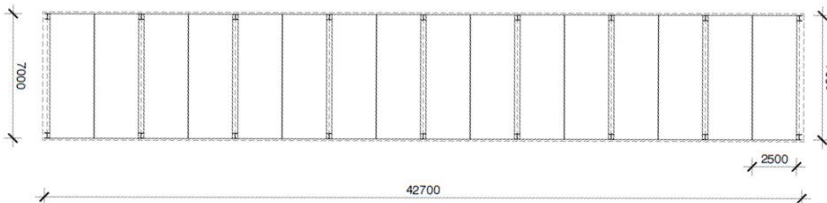
Shed 1A:



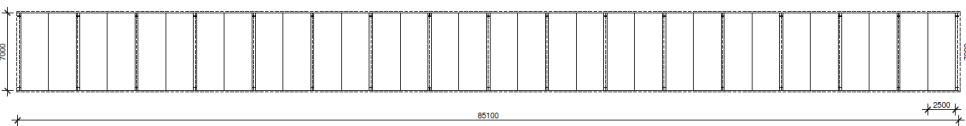
Shed 1B:



Shed 2:

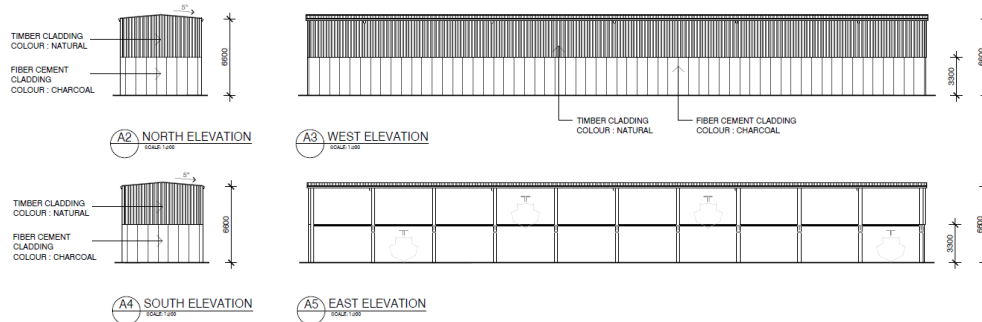


Shed 3:

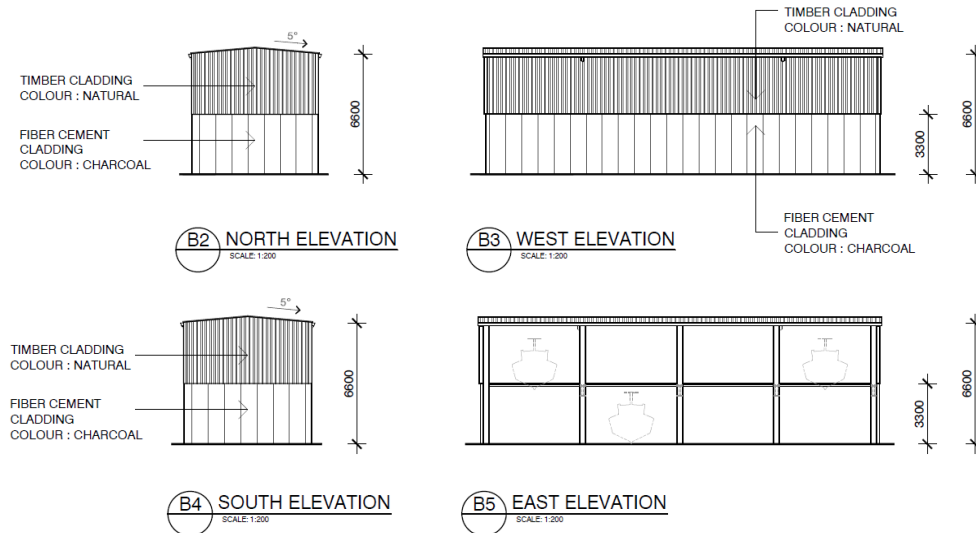


Elevations

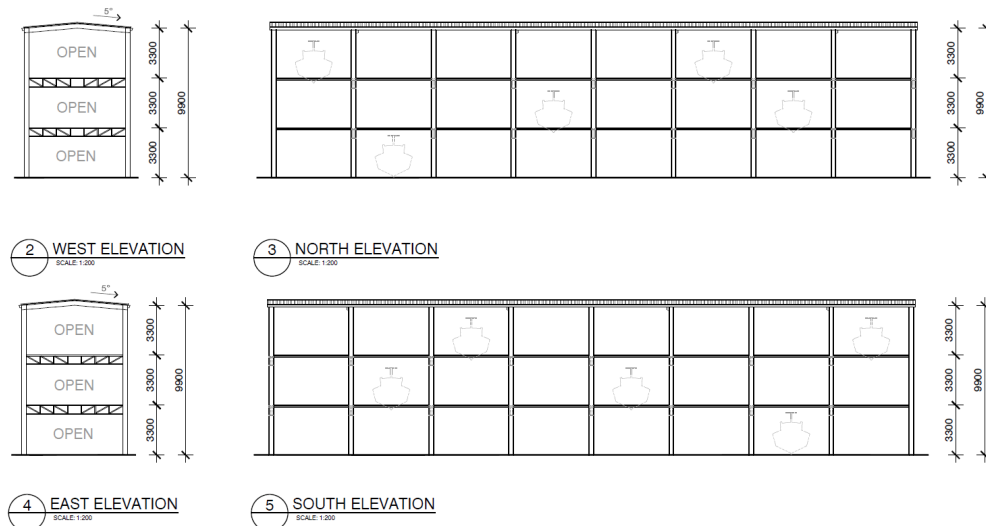
Shed 1A:



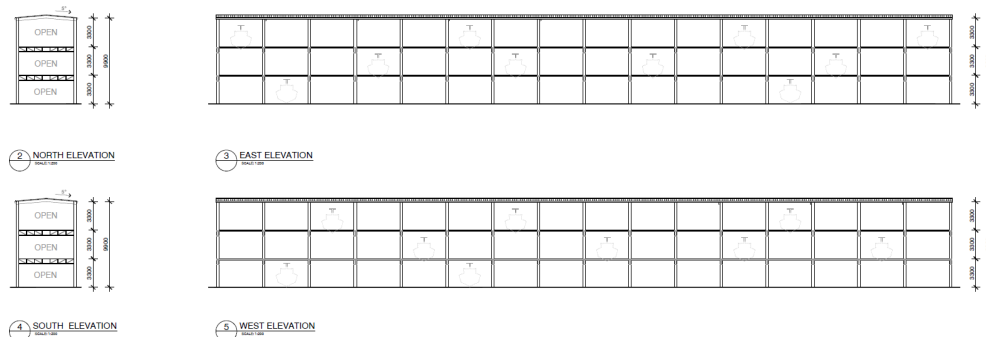
Shed 1B:



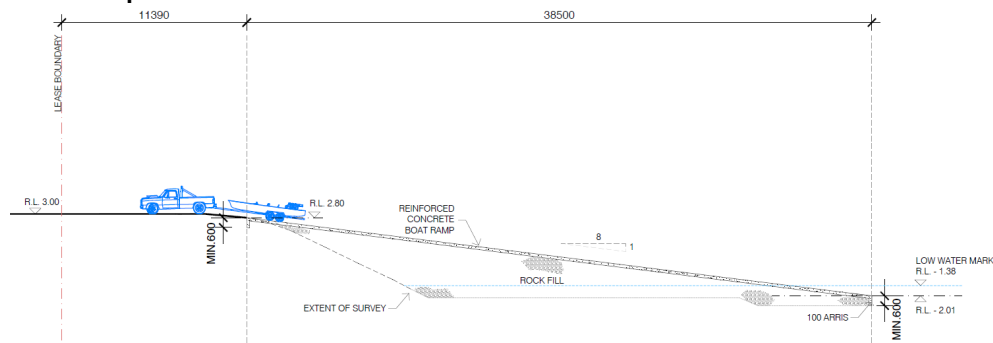
Shed 2:



Shed 3:



Boat Ramp Section:



ZONE/OVERLAYS

Zone/Overlay	Permit Trigger?	Rationale
PPRZ	Yes	A permit is required to construct a building or construct or carry out works.
LSIO1	Yes	A permit is required to construct a building or to construct or carry out works.

SUBJECT SITE

Permit/Site history

The following previous decisions are relevant to the subject site:

Permit	Date	Proposal
P09/1458	30 Oct 2009	THE DEVELOPMENT OF A BOAT STORAGE SHED AND ASSOCIATED WORKS IN ACCORDANCE WITH THE ENDORSED PLANS
P10/1844	30 Nov 2010	THE USE OF THE LAND FOR THE SALE AND CONSUMPTION OF LIQUOR (RESTAURANT AND CAFÉ LICENCE) IN ASSOCIATION WITH THE EXISTING FOOD AND DRINK PREMISES IN ACCORDANCE WITH THE ENDORSED PLANS
P19/0411	16 Sep 2019	THE DEVELOPMENT OF AN OUTBUILDING (RETROSPECTIVE) AND ASSOCIATED WORKS IN ACCORDANCE WITH THE ENDORSED PLANS

Cultural Heritage Management Plan (CHMP)

A CHMP is not required as the buildings and works are located in an area that has been subject to significant ground disturbance; and the statutory authorisation was granted before 28 May 2007 (section 19(1)).

Subject Site

From the application:

The Site address is 21 Skinner Street, Hastings (the 'Site') and is currently occupied by the Westernport Marina.

The Site is formally recognised as Crown Allotment 17 Sec. D Township of Hastings.

The Site is irregular in shape and approximately 16 hectares in area. Primary access to the Site is via Mullet Street with additional service entry points available from various site boundaries. A number of existing public streets cease at the Site's boundaries, including Mullet

Street. In addition, a number of existing public open spaces immediately adjoin the Site boundaries.

The Site is currently used for recreational boating and associated facilities. Whilst a privately leased asset, the Marina provides for strong community uses and is primarily available for public use, with the facilities and amenities available to the general public.

The Site contains several services that facilitate recreational boating. These include:

- Car parking facilities to the west of the Site comprising approximately 400 car parking spaces.
- Dry boat storage to the north of the Site, which comprises both outdoor and undercover storage. Currently the Site comprises of 160 places for dry berthing outside and 23 places for undercover storage.
- A wet berthing area which can currently accommodate 300 boats. Access to this area is currently provided by two boat ramps located to the north of the Site.
- Pedestrian paths which follow the perimeter of the Site.
- A breakwater located along the east boundary of the Site. This area is inaccessible to the public.

Existing established vegetation exists along the breakwater.

Appendix 1 shows photographs of the site and surrounds.

Aerial Photo showing subject site and surrounding properties – Feb 2024



- The application was referred to Coastal Planning, who have advised that the marina have been conducting works on Council managed land without formal consent for many years, potentially dating back to 2003. This has been more prominent since 2018, with an electric gate installation and the use of Council managed land for soil stockpiling and other purposes. There was an agreement between Council, DEECA and the marina, relating to these ongoing issues. Council have agreed to consider an extension of the lease area as part of the Hastings Foreshore Masterplan. This was publicly advertised as part of the Hastings Foreshore Masterplan and adopted by Council.
- The applicant and Council's Property Team are consulting on the extension of the lease area, but this has not yet been finalised.

- Accordingly, as a condition of this permit, all unauthorised infrastructure must be removed from Council managed coastal Crown land, including but not limited to; gates, fences, solar panels and hard stand areas (gravel and asphalt).
- A landscape plan will be required showing how Council managed Crown land will be restored. The removal of unauthorised infrastructure and landscaping works in accordance with the endorsed plans must be completed within 12 months.

Per the Hastings Foreshore Masterplan, the lease areas are as below:

RED : Existing Westernport Marina Lease Boundary

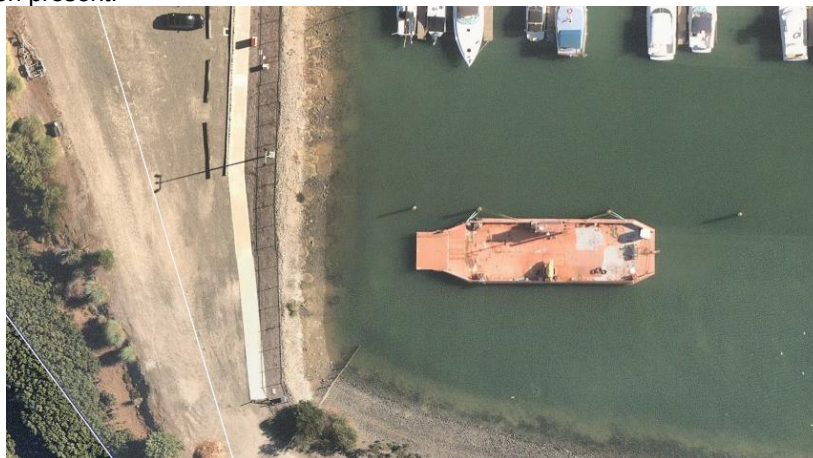
GREEN : Vegetation Buffer (8m wide) funded in partnership with Westernport Marina

BLUE : 2 Year license area to allow Marina maintenance works to occur

ORANGE and **BLUE** : Long term inclusion within the WP Marina lease boundary



Some vegetation is required to be removed to facilitate the boat ramp, however this is not remnant vegetation, as seen below in the Aerial Photograph from 2021, where there is no vegetation present:



SURROUNDING PROPERTIES

From the application: *The Site is situated approximately 400 metres east of the Hastings Major Activity Centre which includes a wide range of retail and commercial uses and a variety of food and drink premises.*

The Site is largely surrounded by land utilised for recreational purposes associated with the Hastings Foreshore Precinct.

The recreational boating facilities within the broader area include both private and public amenities such as the Hastings Yacht Club and Hastings Boat Ramp. As identified in the Hastings Foreshore Precinct Plan, key recreational facilities within the Precinct include the historic jetty, the public boat ramp, play space and skate park, off-leash dog area, picnic facilities, the Pelican Park Recreation Centre, and Western Port Bay.

The Site's immediate surrounds can be summarised as follows:

- *North: Immediately north of the Site are the recreational boating facilities associated with the Hastings Yacht Club and Hastings Boat Ramp. Further north is the Pelican Park Recreation Centre and the Fred Smith Reserve.*
- *East: To the east of the subject Site is Western Port Bay.*
- *South: South of the Site is Western Port Bay. This part of the Bay is made up of mangroves which have been identified as an important ecological feature of the area.*
- *West: Immediately west of the Site is the Western Port Bay Trail. The Trail is a shared use path for both pedestrians and cyclists and follows the coastline of Western Port Bay through several towns on the eastern side of the Mornington Peninsula. Further west is the Hastings Township.*

PUBLIC NOTIFICATION

The application was advertised by sending direct notice to adjoining properties and erecting a sign on site for 14 days.

Objections

To date, five objections have been received. Their concerns relate to:

- Loss of views/visual impact
- Conflict of interest
- Environmental impact

REFERRALS

Referral	Internal/External	Response
DEECA	External – s52	No objections, subject to conditions.
Melbourne Water	External – s55	No objections, subject to conditions.
Coastal Planning	Internal	No objections, subject to conditions.
Development Engineering	Internal	No objections, subject to conditions.
Property	Internal	No objections.

PLANNING POLICY & PROVISIONS

Planning Policy Framework (PPF)
Clause 11.01-1L-01 Settlement – Mornington Peninsula
Clause 11.03-4S Coastal Settlement
Clause 11.03-5S Distinctive areas and landscapes Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)
Clause 12.02-1L Protection of coastal areas – Mornington Peninsula
Clause 12.02-1S Protection of coastal areas
Clause 12.02-2S Coastal inundation and erosion
Clause 12.02-3S Bays
Clause 12.05-1S Environmentally sensitive areas

Clause 13.03-1S Floodplain management
General Provisions
Clause 65 Decision Guidelines

Hastings Foreshore Masterplan 2023

This Masterplan has been prepared by Council to achieve the vision of the future Hastings Foreshore as a focal point for leisure, water activities and community gatherings. The Masterplan has five key statements:

- Playful destination – a foreshore that welcomes all members of the community and supports both everyday play and activity as well as special events.
- Connected foreshore – a foreshore that is easily accessible by all transport modes and abilities. It specifically seeks to deliver 'easy access to and from the water with adequate facilities.
- Resilient coastline – a foreshore with an adaptive edge to mitigate coastal risks and which recognises and respects the naturally evolving environment.
- Enhanced natural environment – a foreshore with enhanced ecological value and a healthy natural environment for future generations.
- Collaborative and engaging processes – a foreshore managed through a process driven by community and stakeholder engagement and which embeds traditional Owner aspirations.

ASSESSMENT

The proposed development is consistent with the objectives of the PPRZ and LSIO1 and the above policies and provisions on the following basis:

- The proposal increases the recreational value of Hastings while protecting the environmental and conservational values of the coast. The proposed boat stacker sheds and boat ramp will improve the functionality and efficiency of the Western Port Marina.
- The proposal supports the development of coastal areas whilst ensuring that the environmental values are protected.
- All works are located within the existing marina boundaries and are able to be appropriately managed. Any runoff caused by the proposed buildings and works will be managed within the site. There will be no impacts on the mangroves to the south of the marina.
- The siting and design of the ramp and sheds is responsive to the coastal environment and allows the development to blend in with the surrounding environment. The use of muted tones and natural materials, particularly where facing the public realm, make a positive contribution to the built environment.
- The proposal supports economic development and tourism opportunities. The development will increase activity in the Hastings Foreshore area, strengthening the role of the Western Port Marina and the broader Hastings Foreshore as a tourist destination.

Clause 36.02 – Public Park and Recreation Zone (PPRZ)

- The proposal is in keeping with the relevant purposes of the PPRZ as it provides recreational boating facilities to the existing marina, in a manner that does not detrimentally impact the environmental values of the Western Port Bay.
- The proposal is consistent with the Municipal Planning Strategy and State Planning Policy.
- The buildings and works have been appropriately sited within the existing marina to minimise the impact on Western Port Bay. The marina provides access for visitors and boating activity without further impacting the more environmentally sensitive areas of the bay.

- The boat sheds have been designed to respect the existing marina facilities and its surrounds. Shed 1 is on the boundary between the marina and the adjoining reserve and is lower in height than the sheds that are more internal to the marina. Shed 1 has timber cladding to the upper half to blend in with the surrounding environment. The lower half of Shed 1, and all three levels of Sheds 2 and 3, are open sided.
- The service rows, launching area, and boat ramp are consistent with the established character of the marina. By their nature they are close to the water level and will be largely obscured from the public realm.
- The application has been referred to DEECA, who consent to the proposal, subject to conditions 5-14 below.

Clause 44.04 – Land Subject to Inundation Overlay Schedule 1 (LSIO1)

- The boat sheds, service rows, launching area and boat ramp are all located on or partly on land affected by the LSIO.
- With respect to Sheds 2 and 3, as they are an open building with no walls, they are exempt within the LSIO1. Sheds 1A and 1B are partially enclosed for security, and do require planning permission. Given the sheds will still be open along one side, there is a very low risk to life, health and safety.
- The ramp, service rows and launching area will be designed and constructed to withstand flood risk as inherently required in a marina.
- The buildings and works have been appropriately designed to ensure they do not redirect or obstruct floodwater or cause increasing flood levels and flow velocities.
- The application was referred to Melbourne Water, who have not objected, subject to a condition relating to the containment of sediment and runoff during construction (condition 15).

Planning Scheme Amendment C271morn

Mornington Peninsula Planning Scheme Amendment C271morn seeks to introduce planning controls along Western Port to ensure development in coastal areas protects local township character and is responsive to erosion and inundation hazards from predicted sea level rise. Amendment C271morn is informed by the Western Port Coastal Villages and Surrounding Settlements Strategy, 2019 and the Western Port Local Coastal Hazard Assessment, 2014, which mapped the extent of the LSIO and the EMO proposed to be introduced by the Amendment. Amendment C271morn is seriously entertained, and has been taken into consideration in the assessment of this application. The following new or amended overlays would apply to the subject site:

- SLO2 (new permit trigger for buildings and works)
- LSIO2
- EMO6 is proposed to be applied adjacent to the area where works are proposed, but none of the works are proposed within the EMO6.

SLO2

Amendment C271morn would amend the existing SLO2 and apply it to areas identified as 'foreshore' land in Balnarring, Crib Point, Bittern and Hastings, including the subject site. The amended overlay seeks:

- *To protect and enhance the visual, natural and cultural heritage values of coastal and foreshore landscapes.*
- *To protect coastal and foreshore landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works, including infrastructure service lines.*
- *To encourage siting, design and landscaping of buildings and works that is responsive to the coastal and foreshore landscape character, including the use of natural materials and muted colours to reflect the coastal setting.*

- *To maintain and enhance vegetation and landscape setting as an important element of coastal and foreshore landscapes, including the use of vegetation buffers adjacent coastal reserves and alongside public thoroughfares.*
- *To ensure new development positively responds to the coastal settings and to the threats of coastal hazards including erosion and inundation.*

The relevant decision guidelines of this proposed overlay are:

- *The landscape character objectives of this schedule.*
- *The protection and appropriate enhancement of the landscape, having regard to:*
 - *Protecting landscape areas and vantage points of high quality.*
 - *Maintaining visual sequences along access routes.*
 - *The conservation of significant areas of natural vegetation and significant stands of trees in coastal landscapes.*
- *The control of the density of buildings and subdivision in areas of scenic value*
- *Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the coastal landscape and scenic views.*
- *Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the coastal landscape.*
- *The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.*
- *The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.*
- *The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.*
- *The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas of the coastal hinterland.*
- *Whether the proposal incorporates natural materials and muted colours that reflect the coastal setting.*
- *As considered against the current planning controls, the buildings and works have been appropriately sited within the existing marina to minimise their impact on the foreshore and Western Port Bay.*
- *The boat sheds have been designed to respect the existing marina facilities and its surrounds. Shed 1 is on the boundary between the marina and the adjoining reserve and is lower in height than the sheds that are more internal to the marina. Shed 1 has timber cladding to the upper half to blend in with the surrounding environment. The lower half of Shed 1, and all three levels of Sheds 2 and 3, are open sided.*
- *The service rows, launching area, and boat ramp are consistent with the established character of the marina. By their nature they are close to the water level and will be largely obscured from the public realm.*
- *The boat sheds have been designed in a way that is visually sympathetic to their context. The triple level sheds are open on all sides, so as to allow both the flow of water and views through the buildings. The sheds are separated to allow views of the water and foreshore between buildings as well as through, and the lower buildings are sited away from the water and closer to the public foreshore areas, to minimise the impact of the buildings within the landscape.*
- *Conditions of permit will ensure landscaping outcomes are achieved.*
- *Overall, the development positively responds to its coastal setting and to the threats of coastal hazards including inundation.*

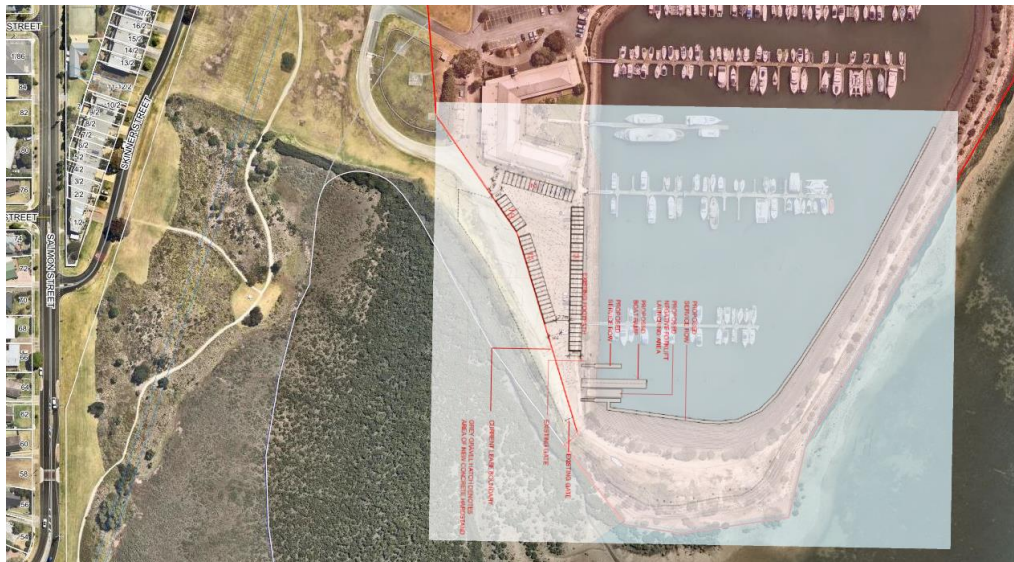
LSIO2

Amendment C271morn would introduce new Schedule 2 to the LSIO and apply it to land along Western Port Bay, including the subject site. LSIO would remain a permit trigger. The main difference in the application of Schedule 2 is that applications would be required to submit a Coastal Hazard Vulnerability Assessment (CHVA). In this case a CHVA was not considered necessary, due to the nature of the buildings and works proposed. The buildings are open, and the other works are required to be located close to sea level by their nature. The development has been designed to respond appropriately to the identified flood hazard, and the views of Melbourne Water have been sought, as would be required under proposed Schedule 2.

Response to Submissions

Loss of views/visual impact

- Council officers note that the objections about loss of views have come from the dwellings on the other side of Skinner Street, which is approx. 240m from the site of the proposed buildings and works. The image below shows the proposed buildings and works in the context of the marina, foreshore reserve, and Skinner Street:



The photographs below were taken from Skinner Street, facing the proposal, and show that the development will be mostly obscured by the topography and vegetation of the foreshore reserve/bay trail.



This photograph was taken from the subject site, looking back towards the dwellings in the distance. The ground floors of the dwellings are barely visible.



- The boat sheds have been designed in a way that is visually sympathetic to their context. The triple level sheds are open on all sides, so as to allow both the flow of water and views through the buildings. The sheds are separated to allow views of the water and foreshore between buildings as well as through, and the lower buildings are sited away from the water and closer to the public foreshore areas, to minimise the impact of the buildings within the landscape. By their nature as part of a marina, all buildings are works are required to be in or near the water.
- An image was submitted by an Objector, superimposing the sheds onto a photograph of the foreshore, however this image did not show a scale or any levels, and it is therefore not clear how accurate the image is, and how it would reflect the actual loss of views.

Environmental Impact

- All of the buildings are proposed within the boundaries of the existing marina, on reclaimed land and an area that has previously been surfaced with gravel.
- There are no works outside the marina boundary or within the foreshore or mangrove areas. Any runoff caused by the proposed buildings and works will be managed within the site. There will be no impacts on the mangroves to the south of the marina.
- The boat ramp is within the marina, contained by the existing breakwater, and an additional boat ramp and footpaths will have no impact on the environment of Western port.
- The application was referred to Coastal Planning and DEECA, neither of whom have objected. A condition of permit will require a Construction Environmental Management Plan to ensure the environment is protected during construction, which is standard for a development of this nature.

Conflict of Interest

- An objector has raised concerns that Council is both the decision maker for the planning application, and land manager for the coastal Crown land, however this is a very common arrangement for coastal and foreshore areas.
- The application is objectively assessed against the planning scheme, regardless of who owns or manages the land.
- There were also concerns about the extent of notification letters. Letters were sent to all adjoining land, as required by s52(1)(a) of the Act, however this only includes the foreshore area, so to address s52(1)(d) of the Act, a public notice sign was also

erected. The application was advertised on Council's website. Letters were not sent to the dwellings on Skinner Street due to their distance from the subject site (approx. 300m).

CONCLUSION

The proposal is acceptable in the context of the site and the area. The buildings and works are consistent with the Municipal Planning Strategy and State Planning Policy. The proposal:

- Provides recreational boating facilities to the existing marina in a manner that does not detrimentally impact the environmental values of the Western Port Bay.
- Has been appropriately sited within the existing marina to minimise the impact on Western Port Bay.
- Has been designed to respect the existing marina facilities and its surrounds.
- Has been appropriately designed to ensure it does not redirect or obstruct floodwater or cause increasing flood levels and flow velocities.

DECISION

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to grant a planning permit under the provisions of the Mornington Peninsula Planning Scheme in respect of the land described as Crown Allotment 17 Section D Township of Hastings Parish of Tyabb, also known as 21 Skinner Street HASTINGS in accordance with the endorsed plans, subject to the following conditions:

THE DEVELOPMENT OF BUILDINGS AND WORKS ASSOCIATED WITH A MARINA IN ACCORDANCE WITH THE ENDORSED PLANS

CONDITIONS

Amended Plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Vehicle access to the boat storage area to the satisfaction of the Responsible Authority.
 - b) A notation that there will no vehicle, boat, or trailer parking outside the lease and/or licence area to the satisfaction of the Responsible Authority.
 - c) Reinforced concrete surfacing to the south of the boat ramp to enable vehicle movements within the lease and/or licence area to the satisfaction of the Responsible Authority.
 - d) The extent of reinforced concrete surfacing to align on all plans.

Approved Development not Altered

2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (unless otherwise specified by a condition of this permit, consent is not required for any buildings

or works which do not require a planning permit under the Mornington Peninsula Planning Scheme).

Colours/Materials

3. The materials and colours of the exterior finish of the buildings must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.

Disturbed Surfaces

4. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Department of Energy, Environment and Climate Action

5. The works are to be carried out generally in accordance with:
 - The Marine and Coastal Act consent application titled 'WESTERN PORT MARINA' dated 2 June 2023, prepared by Tract Consultants.
 - Amended plans submitted via email by Tract Consultants on 25 October 2023, prepared by Search Studio CO Pty Ltd, dated 24 October 2023, drawing numbers TP-01, TP-02, TP-03, TP-04.
 - Plans submitted in response to the further information request titled 'PLAN – BOAT RAMP' and 'SECTION – BOAT RAMP' prepared by Search Studio CO Pty Ltd, dated 19 December 2023 and 14 December 2023 respectively.
6. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Energy, Environment and Climate Action (DEECA).
7. Prior to works commencing, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of DEECA. The CEMP must include:
 - a) A detailed construction methodology for the proposed boat ramp and negative launching area, with reference to excavation, fill deposition and pile installation requirements.
 - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
 - c) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
 - d) The location of trenching works, boring, and pits associated with the provision of services.
8. Access and egress to the boat storage area and boat ramp/launching area is only permitted via the lease and/or licence area.

9. Indigenous vegetation must not be damaged or removed as a result of the works.
10. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
11. The construction site must be managed in accordance with EPA Publication 1834: *Civil construction, building and demolition guide* (26 November 2020).
12. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the marina or enter Western Port Bay.
13. All works must be completed, the site reinstated, and the works maintained to the satisfaction of DEECA.
14. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DEECA.

Melbourne Water

15. Sediment and contaminant laden runoff during construction must be contained. Such runoff is not permitted to enter the bay. Prior to commencement of construction, a Site Environmental Management Plan (SEMP) must be produced and adopted on site.

Landscaping and Coastal Land

16. Within 12 months of the issue of the permit the following must be completed:
 - Any unauthorised infrastructure within the Council-managed coastal Crown land must be removed, including but not limited to; gates, fences, solar panels and hard stand areas (gravel and asphalt).
 - All landscaping works shown on the endorsed plans, including landscaping within the coastal Crown land, carried out and completed to the satisfaction of the Responsible Authority.

Once the fencing and landscaping is completed and within 12 months of the issue of the permit, the owner must arrange for Council's Planning Compliance Officer and Coastal Planner to attend the site and inspect the works and revegetation.

Engineering

17. After the endorsement of Condition 1 plans and before any works associated with the development starts, a signed and completed 'Checklist for Development Engineering Plan Approval' along with engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and shall be emailed to devengadmin@mornpen.vic.gov.au in pdf format.

The plans must show:

- a) All areas of the development being drained by means of an underground drainage system with discharge to the Western Port Marina.
 - b) Reinforced concrete surfacing to the boat storage area and boat ramp access and turning area.
 - c) A drainage system on the site being designed to ensure storm water runoff exiting the new development meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
18. Before the approval of engineering plans, drainage computations and documentation are required for:
- a) The proposed drainage system.
 - b) The consideration of any drainage catchment external to the development that may drain to the proposed drainage system.
 - c) A MUSIC Report.
19. Prior to the approval of engineering plans, the applicant must:
- a) Demonstrate to the Responsible Authority that water quality features will be implemented in accordance with clause 53.18 of the planning scheme.

Drainage Works

20. Before the initial occupation of the new development, all drainage works associated with the new development must be constructed in accordance with approved engineering plans, and to the satisfaction of the Responsible Authority.
21. The owner must operate and maintain the drainage works including any on-site stormwater treatment system at their own cost and must allow the system to be inspected by an authorised officer of the Responsible Authority from time to time. The owner must not modify any on-site stormwater treatment system without prior written approval from the Responsible Authority.

Vehicle Access

22. Before the initial occupation of the new development, all driveways and vehicle turning areas as shown on the endorsed plans must be constructed in accordance with approved engineering plans, surfaced with reinforced concrete, and drained to the satisfaction of the Responsible Authority.

Expiry

23. This permit will expire if the development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

	
Charlotte McGillivray Senior Planner	Daniel Balkin - Team Leader
Delegate Approved:	26/03/2024

Appendix A: Site Photos – 4 April 2024

Location of photographs:



1. Existing building and gravel area (facing east)



2. Existing gravel area (facing south)



3. Existing gravel accessway (facing south-east)



4. Existing gravel accessway looking across the mangroves (facing south)



5. Dwellings on Skinner Street from the site of proposed Shed 3 (facing west)



6. Existing gravel area (facing north)



7. Existing marina, breakwater in the distance (facing south-east)



8. Existing footpath and retaining wall (facing south)



9. Existing marina (facing north-east)



10. Existing marina, breakwater in the distance (facing south-east)



11. Existing gravel area (facing south-west)



12. Dwellings on Skinner Street from the site of proposed Shed 3 (facing west)



13. Existing gate to the south of the proposed works, facing mangroves to the south



14. Dwellings on Skinner Street from the site of proposed boat ramp (facing north-west)



15. Existing marina and site of proposed works from the reserve (facing east)

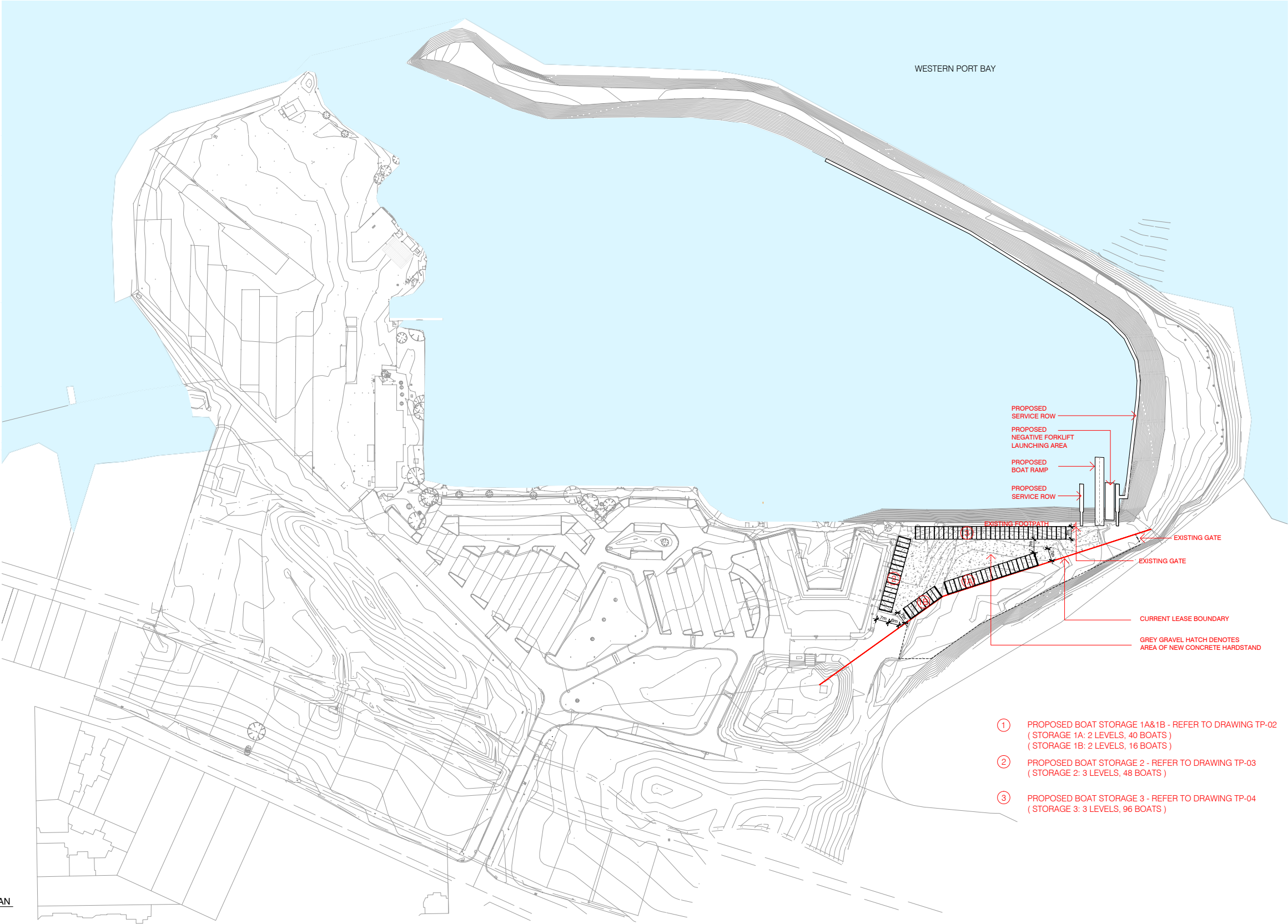


16. Site of proposed works in the distance from Skinner Street (facing east)



17. Site of proposed works in the distance from Skinner Street (facing east)





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PROJECT STATUS

TOWN PLANNING

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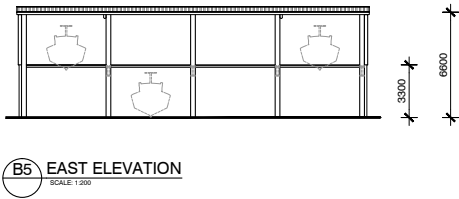
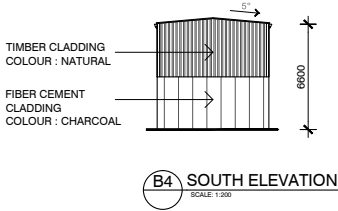
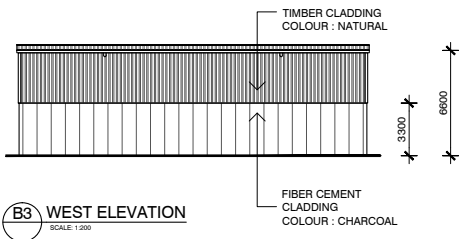
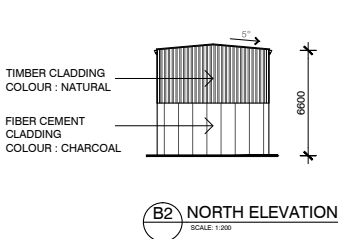
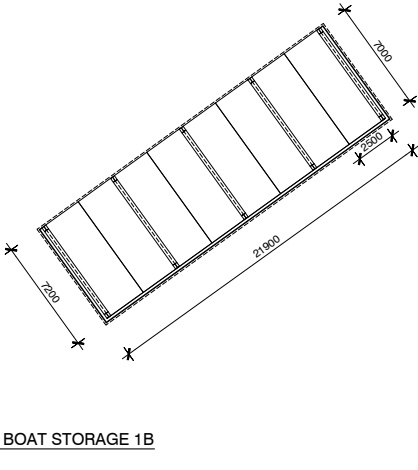
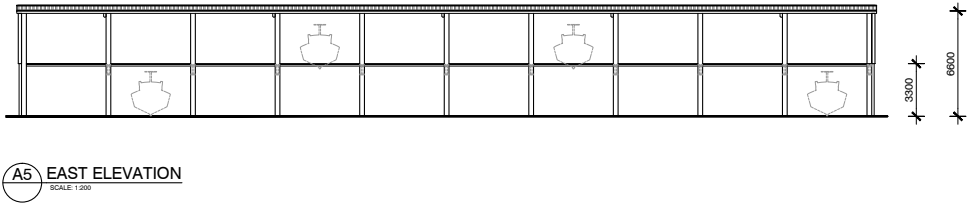
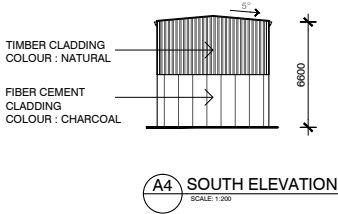
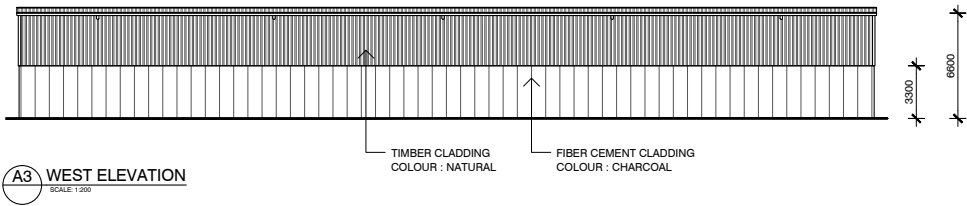
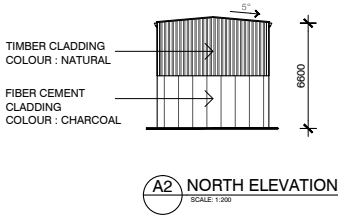
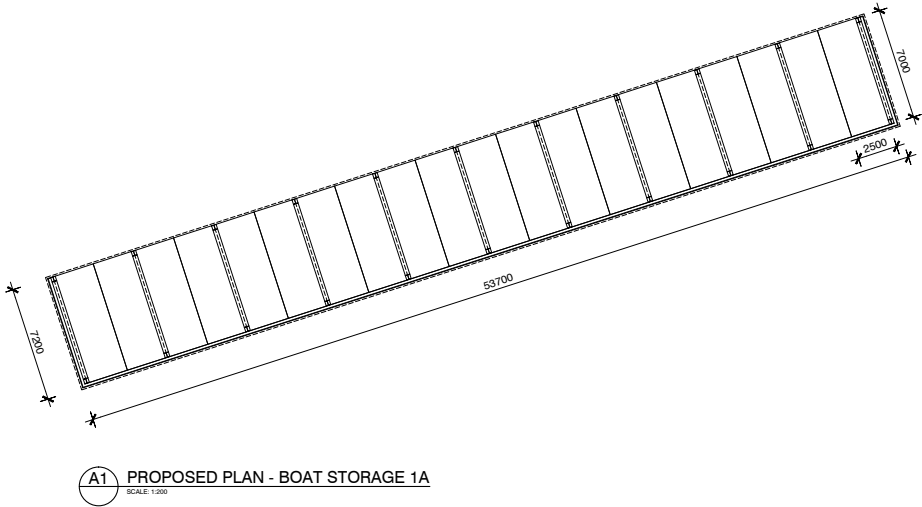
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L4.80 Market Street, South Melbourne, VIC 3205 Australia
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E: info@search-studio.com
W: search-studio.net

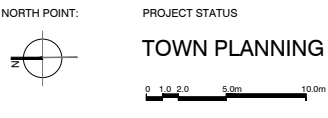
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ARSV: 18859
BOAO 5618

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DATE	DRAWN	SCALE	JOB NO.	DWG NO.	REV.
24 OCT 2023	SS	1:1000 @A1	23717	TP - 01	



DATE	REV	ISSUE	DATE	REV	ISSUE

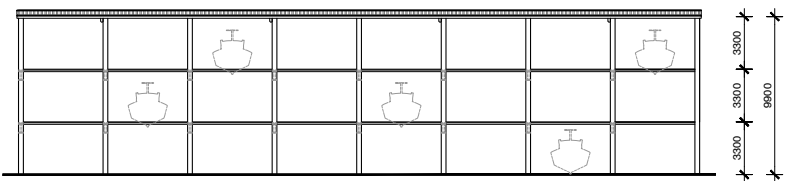
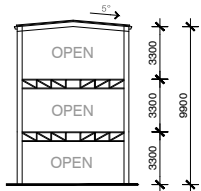
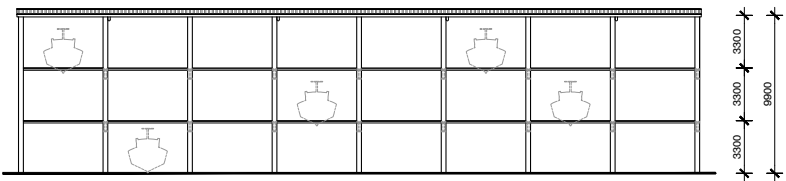
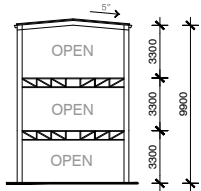
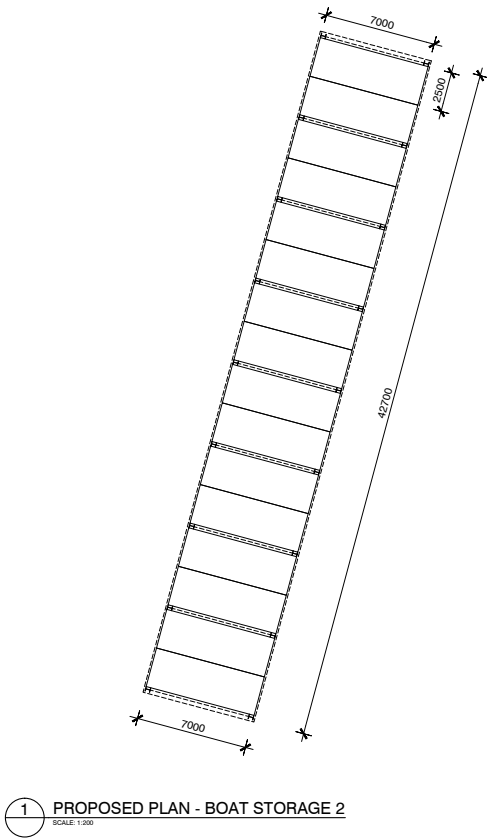
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P: 04 21 24 77 82
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PROJECT WESTERN PORT MARINA 21 Skinner Street Hastings, VIC 3915			DRAWING PROPOSED PLAN & ELEVATIONS - BOAT STORAGE 01A & 01B		
DATE 23 OCT 2023	DRAWN SS	SCALE 1:200 @A1	JOB NO. 23717	DWG NO.	TP - 02 REV.



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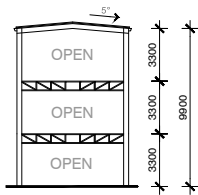
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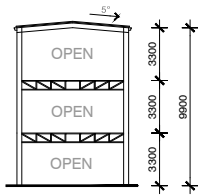
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E : info@search-studio.com
W : search-studio.net

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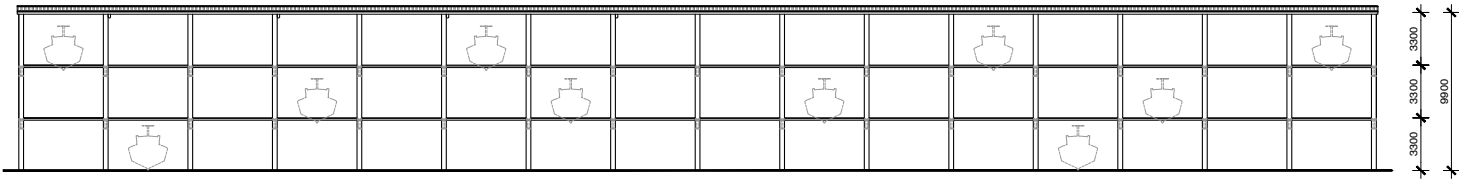
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DATE 23 OCT 2023	DRAWN SS	SCALE 1:200 @A1	JOB NO. 23717	DWG NO.	TP - 03 REV.



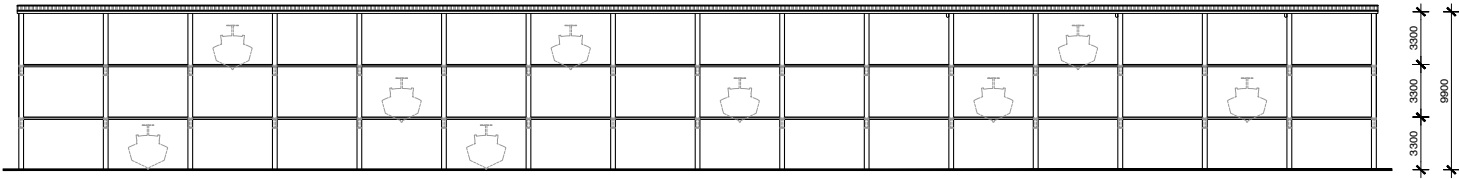
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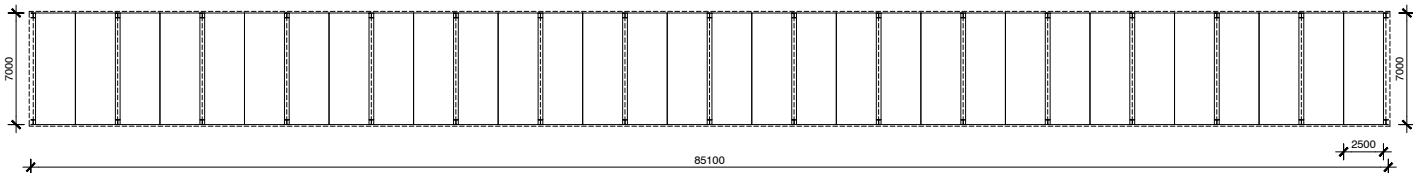
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3 EAST ELEVATION
SCALE: 1:200



5 WEST ELEVATION
SCALE: 1:200



1 PROPOSED PLAN - BOAT STORAGE 3
SCALE: 1:200

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P : 04 21 24 77 82
E : info@search-studio.com
W : search-studio.net

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ARSV : 19809
BOAO 5618

PROJECT

WESTERN PORT MARINA
21 Skinner Street
Hastings, VIC 3915

DATE

23 OCT 2023

DRAWN

SS

SCALE

1:200 @A1

DRAWING

PROPOSED PLAN & ELEVATIONS
- BOAT STORAGE 3

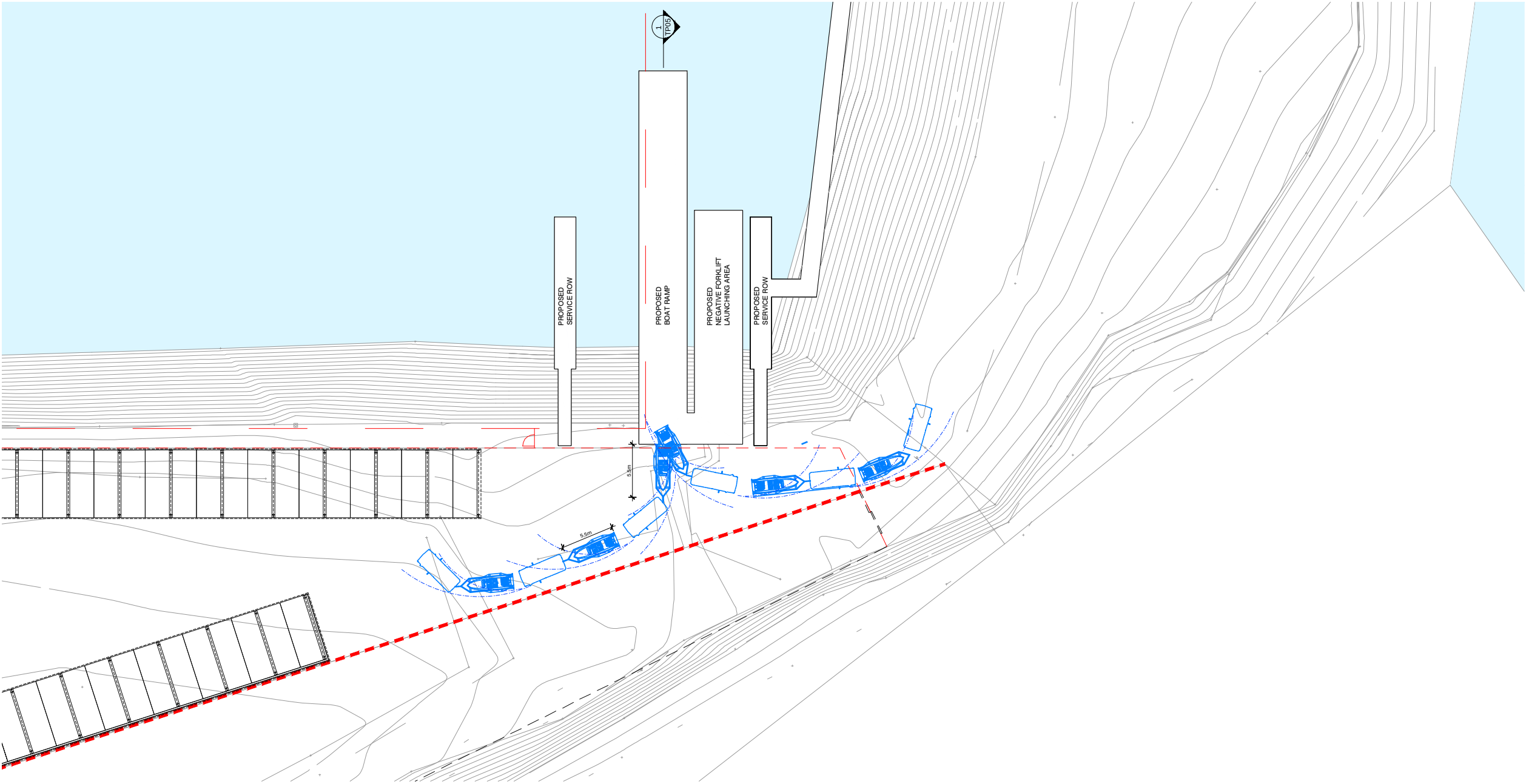
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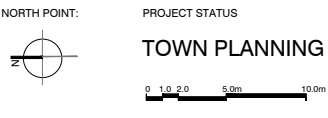
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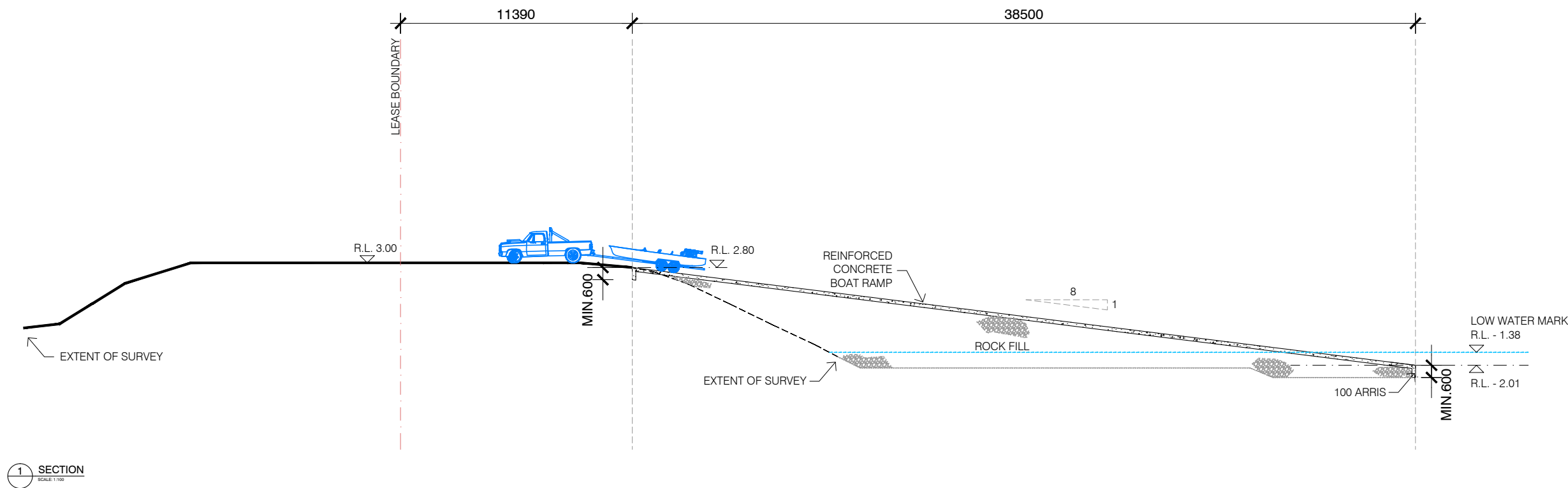
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	ABN: 47626694789 ARSV: 19609 BOAO 5618	DATE 19 DEC 2023	DRAWN SS
		SCALE 1:200 @A1	JOB NO. 23717
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Western Port Marina - 21 Skinner Street, Hastings

Planning Permit Application

Prepared for Westernport Marina Pty Ltd

Tract

Wurundjeri Country
Level 6, 6 Riverside Quay, Southbank VIC 3006

(03) 9429 6133
www.tract.com.au

7 August 2023

Quality Assurance

Planning Report

Western Port Marina - 21 Skinner Street, Hastings
Planning Permit Application

Project Number
315-0318-00-P-60

Revisions

No.	Date	Description	Prepared By	Reviewed By	Project Principal
00	07/08/2023	Planning Report	HL	BD	BD

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1 Introduction

1.1 Overview

This planning report has been prepared by Tract Consultants Pty Ltd on behalf of Westernport Marina Pty Ltd to provide a planning assessment of proposed buildings and works in association with the continued use of the land as a marina at Westernport Marina, Hastings.

Specifically, the proposal triggers the following planning permit requirements within the *Mornington Peninsula Planning Scheme*:

- **Clause 36.02-2** to construct a building or construct or carry out works in the PPRZ.
- **Clause 44.04-2** to construct a building or to construct or carry out works in the LSIO.

The proposal includes the construction of vertical boat stacking sheds in the south-western part of the Site with a corresponding hardstand area, a new boat ramp and forklift launching area in the southern portion of the marina, and installation of service rows in the southern and south-eastern parts of the marina.

The proposal will provide necessary boating facilities and infrastructure that will enable the current marina facilities to undergo maintenance as well as improving its overall operational functionality in the longer-term.

Having considered the proposal in the context of *Mornington Peninsula Planning Scheme*, this report concludes that the proposal is consistent with State and local planning policy.

It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

1.2 Background

Planning permit application P18/1326 was lodged in 2018 for a related proposal.

The application was refused in 2021 on the basis that Public Land Manager (PLM) consent had not been provided.

Mornington Peninsula Shire Council ('MPSC') as the PLM stated that it was unable to provide consent for the submission of a planning application for works outside the lease area.

While an area outside of the lease boundary is now subject to a licencing request, and is identified within Council's adopted Hastings Foreshore Masterplan for inclusion in a new longer-term lease boundary, the current application only seeks permission for building and works within the lease boundary.

Public land manager consent from DEECA has been requested.

1.3 Report Structure

This report describes the Site and its context (Section 2), details the proposal (Section 3), identifies relevant provisions of the *Mornington Peninsula Planning Scheme* and other planning strategies (Section 4), and assess the proposal against this context (Section 5) before concluding (Section 6).

2 Site & Surrounds

2.1 The Site

The Site address is 21 Skinner Street, Hastings (the 'Site') and is currently occupied by the Westernport Marina.

The Site is formally recognised as Crown Allotment 17 Sec. D Township of Hastings.

The Site is irregular in shape and approximately 16 hectares in area. Primary access to the Site is via Mullet Street with additional service entry points available from various site boundaries. A number of existing public streets cease at the Site's boundaries, including Mullet Street. In addition, a number of existing public open spaces immediately adjoin the Site boundaries.

The Site is currently used for recreational boating and associated facilities. Whilst a privately leased asset, the Marina provides for strong community uses and is primarily available for public use, with the facilities and amenities available to the general public.

The Site contains several services that facilitate recreational boating. These include:

- Car parking facilities to the west of the Site comprising approximately 400 car parking spaces.
- Dry boat storage to the north of the Site, which comprises both outdoor and undercover storage. Currently the Site comprises of 160 places for dry berthing outside and 23 places for undercover storage.
- A wet berthing area which can currently accommodate 300 boats. Access to this area is currently provided by two boat ramps located to the north of the Site.
- Pedestrian paths which follow the perimeter of the Site.
- A breakwater located along the east boundary of the Site. This area is inaccessible to the public.

Existing established vegetation exists along the breakwater.

2.2 Site Context

The Site is located within the township of Hastings within the Mornington Peninsula Shire.

The Site is situated approximately 400 metres east of the Hastings Major Activity Centre which includes a wide range of retail and commercial uses and a variety of food and drink premises.

The Site is largely surrounded by land utilised for recreational purposes associated with the Hastings Foreshore Precinct. The recreational boating facilities within the broader area include both private and public amenities such as the Hastings Yacht Club and Hastings Boat Ramp. As identified in the Hastings Foreshore Precinct Plan, key recreational facilities within the Precinct include the historic jetty, the public boat ramp, play space and skate park, off-leash dog area, picnic facilities, the Pelican Park Recreation Centre, and Western Port Bay.

The Site's immediate surrounds can be summarised as follows:

- **North:** Immediately north of the Site are the recreational boating facilities associated with the Hastings Yacht Club and Hastings Boat Ramp. Further north is the Pelican Park Recreation Centre and the Fred Smith Reserve.
- **East:** To the east of the subject Site is Western Port Bay.
- **South:** South of the Site is Western Port Bay. This part of the Bay is made up of mangroves which have been identified as an important ecological feature of the area.
- **West:** Immediately west of the Site is the Western Port Bay Trail. The Trail is a shared use path for both pedestrians and cyclists and follows the coastline of Western Port Bay through several towns on the eastern side of the Mornington Peninsula. Further west is the Hastings Township.



Figure 1 - Aerial Plan

3 Proposal

The proposal includes the following key elements:

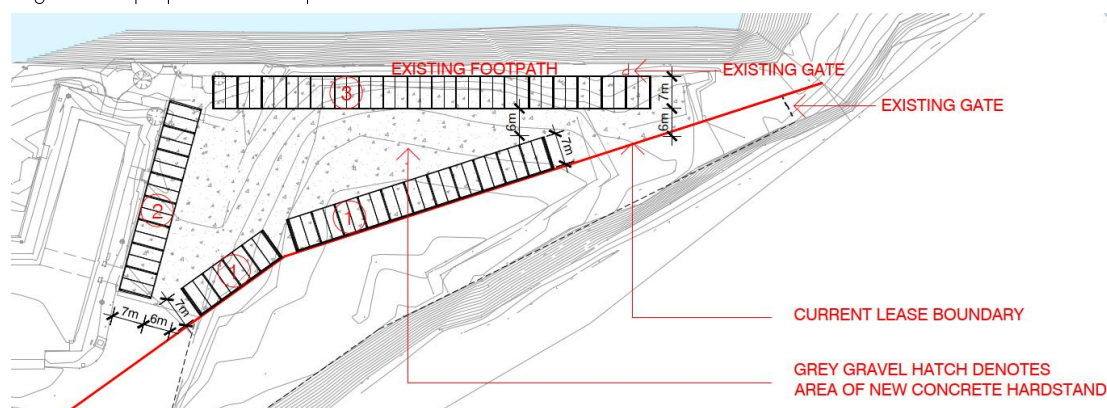
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- Diagram illustrating the proposed boat launch area, showing the layout of the launch area and the surrounding terrain. The diagram includes the following labels:
- PROPOSED SERVICE ROW
 - PROPOSED BOAT RAMP
 - PROPOSED NEGATIVE FORKLIFT LAUNCHING AREA
 - PROPOSED SERVICE ROW

Proposed boat ramp, forklift launch, and service row

Vehicular access arrangements are not proposed to change, noting that a minimum clearance of 6m has been adopted for this purpose to ensure appropriate room for vehicular circulation and through-traffic to and from the southernmost portion of the Marina.

Car parking arrangements are not proposed to change, noting that there are some 400 car parks available at the Site and ample overflow parking opportunities.

A small area of vegetation will be impacted where the boat ramp and launching area are proposed. No remnant native vegetation is proposed to be impacted.



Proposed area of hardstand and dry boat storage.

4 Planning Policies and Provisions

4.1 Planning Policy Framework

The Site is subject to the Mornington Peninsula Planning Scheme, of which the following planning policies are relevant.

Municipal Planning Strategy

- **Clause 02.03-2 (Environmental and Landscape Values)** seeks to 'protect coastal and foreshore areas as major tourism and recreational resources from overuse to avoid environmental degradation and loss of natural and cultural values.'
- **Clause 02.03-3 (Environmental Risks and Amenity)** seeks 'protect the unique environmental and landscape values of the Peninsula.'
- **Clause 02.03-6 (Economic Development)** seeks 'maintain the long-term recreational role of the Peninsula, which underpins the tourism sector, to support the local economy.' It further aims to 'support businesses that improve the ability to experience the Peninsula's natural and cultural recreational values.'
- **Clause 2.03-7 (Transport)** aims to "protect the long-term value of Western Port for port and industrial purposes that benefit from proximity to natural deep-water channels. Ensure port and port-related development does not adversely affect the ecosystems and recreational value of Western Port Bay."

Planning Policy Framework

- **Clause 11.03-4S (Coastal settlement)** aims to "*plan for sustainable coastal development.*"
- **Clause 12 (Environmental and Landscape Value)** specifies the need to ensure planning protects sites and features of nature conservation, biodiversity, geological or landscape value.
- **Clause 12.01-1S (Protection of biodiversity)** aims to "*assist the protection and conservation of Victoria's biodiversity.*"
- **Clause 12.01-2S (Native vegetation management)** aims to "*ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*"
- **Clause 12.02-1S (Protection of marine and coastal areas)** aims to "*protect and enhance the value of the marine and coastal environment to the community and ensure sustainable use of natural coastal resources.*"
- **Clause 12.02-1L (Protection of coastal areas – Mornington Peninsula)** seeks to "*reuse and upgrade existing structures, remove degraded structures and facilitate additional structures where there are substantial net benefits to the community or coastal environment.*"
- **Clause 12.02-2S (Coastal Crown Land)** seeks to "*ensure the use and development of marine and coastal Crown land is ecologically sustainable, minimises impacts on cultural and environmental values, and improves public benefit for current and future generations.*"
- **Clause 12.05-1S (Environmentally sensitive areas)** seeks to "*protect and conserve environmentally sensitive areas.*"
- **Clause 12.05-2S (Landscapes)** aims to "*protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*"
- **Clause 13.01-1S (Natural hazards and climate change)** aims to "*minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.*"
- **Clause 13.01-1L (Natural hazards and climate change – Mornington Peninsula)** seeks to "*ensure new development proposals assess the vulnerability of the proposed development to climate change effects.*"

- **Clause 13.01-2S (Coastal inundation and erosion)** aims to *"plan for and manage coastal hazard risk and climate change impacts."*
- **Clause 13.07-1S (Land use compatibility)** aims to *"protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts."*
- **Clause 14.02-1S (Catchment planning and management)** aims to *"assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment."*
- **Clause 15.01-1 (Urban Design)** aims to *"create urban environments that are safe, healthy, functional and provide good quality environments with a sense of place and cultural identity."*
- **Clause 15.01-2S (Building Design)** seeks *"to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development."*
- **Clause 15.01-5S (Neighbourhood Character)** aims to *"ensure development responds to its context and reinforces a sense of place and the value features and characteristics of the local environment and place by respecting the underlying natural landscape character and significant vegetation."*
- **Clause 15.03-2S (Aboriginal cultural heritage)** aims to *"ensure the protection and conservation of places of Aboriginal cultural heritage significance"*.
- **Clause 17 (Economic Development)** aims to *"ensure each region builds on its strengths and achieves its economic potential"*.
- **Clause 17.04-1S (Facilitating tourism)** seeks to *"encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination"*.
- **Clause 17.04-1R (Tourism in Metropolitan Melbourne)** aims to *"maintain and develop Metropolitan Melbourne as a desirable tourist destination."*
- **Clause 17.04-2S (Coastal and maritime tourism and recreation)** seeks to *"encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment"*.
- **Clause 18.02-6S (Ports)** aims to *"provide for the ongoing development of ports at Melbourne, Geelong, Hastings and Portland in accordance with approved Port Development Strategies."*

4.2 Planning Controls

Clause 36.02 – Public Park and Recreation Zone (PPRZ)

The Site is located in the PPRZ which has the following purpose:

- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

Pursuant to Clause 36.02-2, a permit is required to construct a building or to construct or carry out works in the PPRZ.

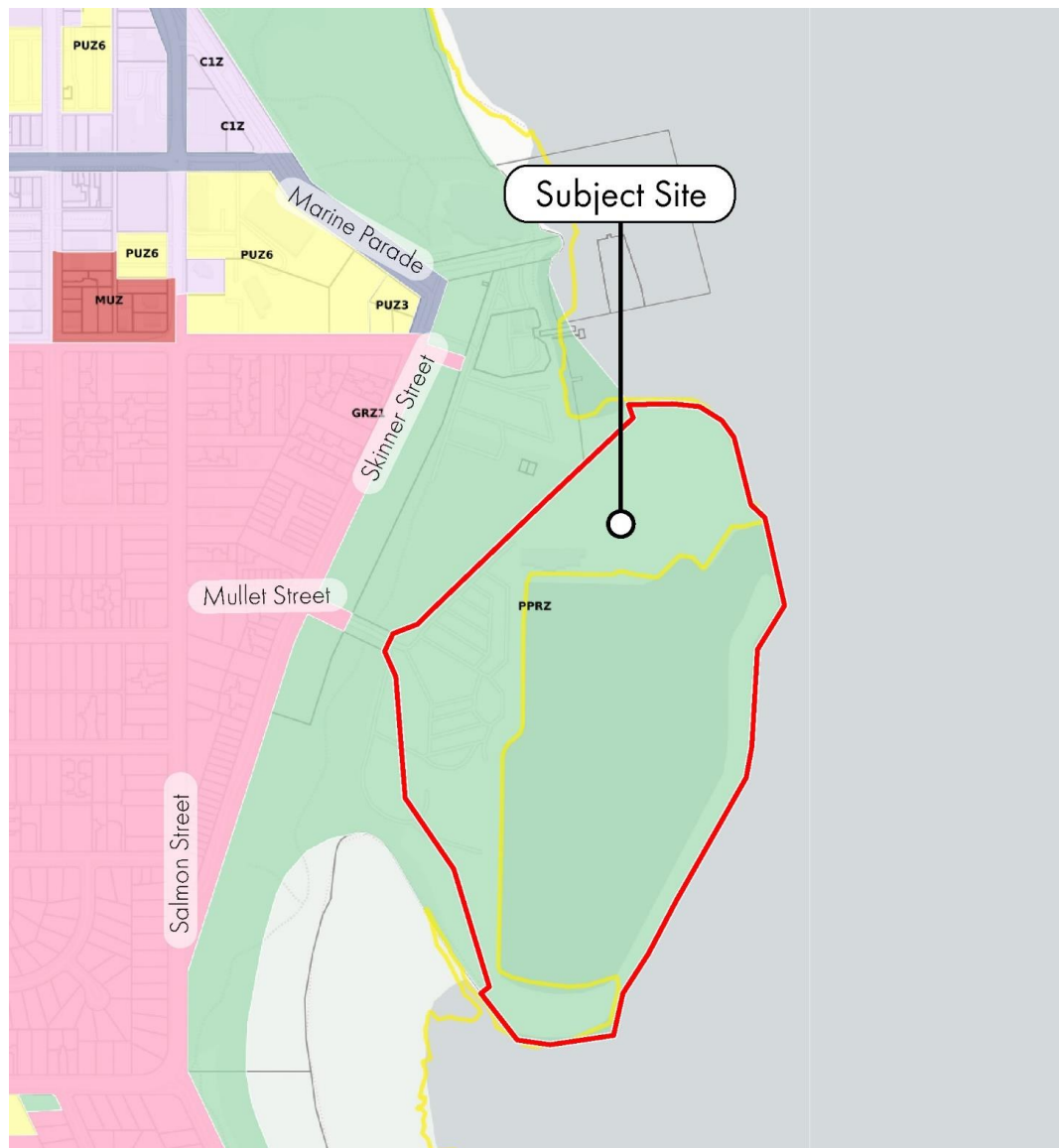


Figure 2 - Zone Plan

Clause 44.04 – Land Subject to Inundation Overlay – Schedule 1 (LSIO1)

The Site is affected by the LSIO1 which has the following purpose:

- 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.

Pursuant to Clause 4.04-2, a permit is required to construct or carry out works in the LSIO.

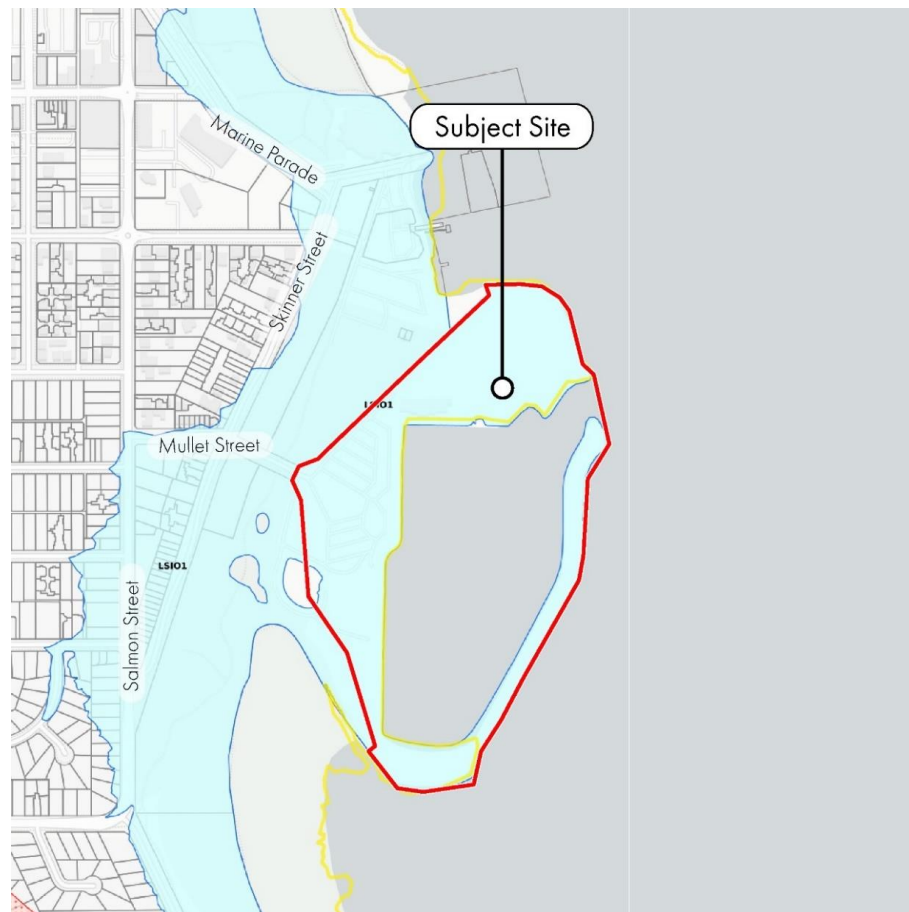


Figure 3 - LSIO Plan

4.3 Particular Provisions

Clause 52.06 – Car Parking

Clause 52.06 seeks to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and the nature of the locality.

Table 1 (Car parking requirement) does not specify a car parking rate for the use.

Where the use of land is not specified in Table 1, before a site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

Clause 52.17 – Native Vegetation

Clause 52.17 aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. A planning permit is required to remove, destroy or lop native vegetation including dead native vegetation.

No remnant native vegetation is proposed to be removed as part of this application.

4.4 Other Planning Considerations

Victorian Marine and Coastal Policy (2020)

The Victorian Marine and Coastal Policy sets out policies for planning and managing the marine and coastal environment as required under the *Marine and Coastal Act 2018 (Vic)*. The Policy provides a long-term approach for the next 10-15 years until 2035 and is accompanied by the Victorian Marine and Coastal Strategy (2022) which will be renewed every five years.

A 'Planning and Decision Pathway' has been developed to assist in the decision-making process for the marine and coastal environment, and is to be used when making decisions under the Act, including assessing a consent application for use and development on Crown land. It follows that proposals are to be assessed against policy and strategy and to ensure that public values are protected.

Chapter 11 of the Policy sets out the relevant objectives for buildings, structures and access in marine and coastal areas:

- Buildings and structures in the marine and coastal environment exhibit excellence in siting and design that is sympathetic to the landscape context and minimises impacts on the environment.
- Buildings and structures on marine and coastal Crown land have a functional need to be near or in the water and provide significant public benefit.
- Communities access marine and coastal Crown land in ways that minimise risk to public safety and protect environmental and cultural values.

Victorian Marine and Coastal Strategy (2022)

The Victorian Marine and Coastal Strategy sets out six actions that seek to collectively empower and enable Traditional Owners to fully integrate cultural values, uses and practices into the planning and management of the coastal environment, embed long-term climate change adaptation and protection, and to improve governance and consultation processes when planning and managing coastal areas.

In particular, Action 4 seeks to 'support sustainable use and development of the marine and coastal environment.'

It has specific regard to Crown land use:

'A key focus of this action is ensuring that marine and coastal Crown land is accessible and allows for a range of recreation and tourism experiences, while protecting environmental and cultural values now and in the future.'

Victorian Recreational Boating Strategy (2021-2030)

The Victorian Recreational Boating Strategy recognises that boating is one of Victoria's most popular recreational pursuits, with more than 1 in 10 Victorians noted to regularly participate in recreational boating. The Strategy further identifies boating as a key economic driver and a key component of the visitor economy.

The Strategy sets out seven objectives for improving the boating experience and access in Victoria, of which the following hold particular relevance to the proposal.

- Objective 2 seeks 'to enhance the Victorian boating experience by continuing to invest in renewing and building new boating facilities.'
- Objective 3 seeks 'to enhance the Victorian boating experience by continuing to invest in destination locations.'

4.4.1 Local Strategies

MPSC Hastings South Coastal Management Plan 2015

This Council plan recognises Hastings as a significant place for coastal infrastructure. A key objective regarding the Western Port Marina is to ensure that use and development proposals seek to rationalise and optimise the use of scarce foreshore land. This includes car and boat trailer circulation and parking and the footprint of buildings and structures.

The strategy further recognises the potential for development along the Western Port Marina. It aims to enhance the overall attractiveness and function of the area for general recreation, whilst recognising the importance of the precinct as a boating area; to improve public access and public safety in regard to the area's recreational opportunities and to reduce the conflict between boating and other users.

The strategy also recognises the need to provide better car parking outcomes for Western Port Marina to address key issues around lack of efficient car parking, and the congestion of car parks during peak times.

MPSC Hastings Foreshore Masterplan 2023

This Masterplan has been prepared by the Council to help achieve the vision of the future Hastings Foreshore as a focal point for leisure, water activities and community gatherings.

The Masterplan underpinned by five key statements, in particular:

- Playful destination – a foreshore that welcomes all members of the community and supports both everyday play and activity as well as special events.
- Connected foreshore – a foreshore that is easily accessible by all transport modes and abilities. It specifically seeks to deliver 'easy access to and from the water with adequate facilities.'
- Resilient coastline – a foreshore with an adaptive edge to mitigate coastal risks and which recognises and respects the naturally evolving environment.
- Enhanced natural environment – a foreshore with enhanced ecological value and a healthy natural environment for future generations.
- Collaborative and engaging processes – a foreshore managed through a process driven by community and stakeholder engagement and which embeds traditional Owner aspirations.

MPSC Western Port Coastal Villages & Surrounding Settlements Strategy 2019

This Council strategy aims to address potential climate change impacts on the Western Port Bay coastline while protecting and enhancing township character. The Strategy provides an overall vision and set of design objectives, and a framework plan for each township, including Hastings.

The Western Port Marina is situated within the 'Foreshore – Formal Recreation Reserve' area of the Hastings township plan, which seeks to offer the local community a wide range of formal and informal recreation while complementing the coastal surrounds.

Design objectives in the area seek to improve the public amenity, appropriately respond to threats of coastal hazards and minimise the impact of car parking and access on the landscape and environmental qualities of the foreshore.

4.4.2 Aboriginal Cultural Heritage Significance

The Site is identified as being within an area of Cultural Heritage Sensitivity in Victoria as per State Government cultural heritage mapping.

As the Site is fully reclaimed it is understood that a CHMP is not required.

5 Planning Assessment

5.1 Overview

The following points are adopted as key matters for consideration:

- Is the proposal consistent with planning policy?
- Is the proposal appropriate having regard to the Public Park and Recreation Zone?
- Is the proposal appropriate having regard to the Land Subject to Inundation Overlay?
- Is the proposal consistent with other strategic documents?

Each of these matters is addressed in turn.

5.2 Is the proposal consistent with planning policy?

The proposal is consistent with the relevant policy and provisions of the *Mornington Peninsula Planning Scheme*.

The proposed improvements to the Marina provide for a high-quality response as follows:

- The proposed buildings and works assist in supporting the regional role of Hastings as an activity node through increasing its recreational value whilst protecting the environmental and conservational value of the coast as directed under Clause 02.03.
- All works will occur within the existing Marina boundaries and will be managed to the highest standards. Any runoff caused by the proposed buildings and works will be managed within the Site. Importantly, we also note that there will be no impacts on the mangroves which exist south of the Marina in accordance with Clauses 02.03-2, 02.03-3, 12 and 13.
- The proposal supports the development of coastal areas whilst ensuring that the environmental values are protected. It is noted that a small area of vegetation will be removed to facilitate the building of the boat ramp and service row. However, these trees are not remnant native vegetation and removal of the affected trees and proposed works is consistent with Clauses 11.03-4, 12.01-1, 12.01-2, 12.02-1, 12.02-1, 12.02-2, 12.05-1, 13.01-2, 14.02-1.
- The buildings and works will increase the recreational value of the Hastings Foreshore Precinct and will be designed and constructed in a manner which respects the coastal environment and experience. Specifically, the proposed boat stacker sheds will improve the functionality and efficiency of the Western Port Marina for the community while the new boat ramp will assist in ongoing maintenance of the boating facilities in the Site in accordance with Clauses 17 and 18.
- The siting and design of the proposed ramp and boat stacker sheds is responsive to the coastal environment and allows for the development to blend into their environs. The use of muted tones and natural materials, particularly on the frontage towards the public realm, make a positive contribution to the built environment in accordance with Clauses 02.03-5, 15.01-1, 15.01-2S and 15.01-5S.
- The proposal supports economic development and coastal tourism opportunities. The development will support economic development by providing economic activity to the Hastings Foreshore Precinct through enhancing the Marina and strengthening the role of not only the Western Port Marina, but also the broader Hastings Foreshore Precinct as a tourist destination per Clauses 12.02-1, 17.04-1, 17.04-2.
- The proposal is consistent with the particular provisions regarding transport. It is noted that the existing marina comprises some 400 car parking spaces which are in excess of current requirements and are further supplemented by an abundance of overflow parking opportunities. As such we submit that the existing car parking arrangements are appropriate for the ongoing use as per Clauses 02.03-7 and 52.06.

5.3 Is the proposal appropriate having regard to the Public Park and Recreation Zone?

The Site is situated within the Public Park and Recreation Zone. The proposal is in keeping with the relevant purposes of the PPRZ in that it provides recreational boating facilities in an existing marina in a manner that does not affect the environmental assets of the Western Port Bay.

In relation to the relevant decision guidelines of Clause 36.02-5, it is submitted that:

- The proposal is consistent with the relevant elements of the Municipal Planning Strategy and State Planning Policy.
- The proposed facilities have been appropriately sited within the existing Western Port Marina and as such, will minimise the impact on the Western Port Bay. Additionally, the Site's location within the Hastings activity node and Hastings Foreshore Precinct means that the Marina provides convenient access for visitors and boating activity without impacting on the environmentally sensitive areas of the bay.
- The proposed boat stacker sheds have been designed to respect the existing marina facilities and its surrounds. The proposed peripheral boat shed has been designed to be a lower scale than the internal sheds and will be constructed with timber cladding on the exterior to present an attractive and subtle finish fronting the public realm.
- The service rows, launching area, and boat ramp are of a utilitarian design and consistent with the established character of the marina. Given their low-lying profile within the landscape, this infrastructure will be largely obscured from the public realm and will integrate seamlessly into its environ.

5.4 Is the proposal appropriate having regard to the Land Subject to Inundation Overlay?

The proposed boat stacker sheds, service row, launching area and boat ramp are all located on land affected by the LSIO.

With respect to the sheds, the majority of these structures internal to the marina are open to each side and hence do not require planning permission in the PPRZ pursuant to clause 3 of Schedule 1 to the LSIO:

A permit is not required to construct a building or construct or carry out works for any of the following:

An open building with no walls.

The peripheral sheds are to be partially enclosed for security purposes and hence trigger planning permission. Given the sheds will be open along one side (length wise) it is considered that there is a very low risk to life, health and safety noting that the boats are currently generally stored at grade in the LSIO area and will be more secure in the proposed location.

The LSIO does not affect the marina's wet / water environ and hence the service rows and part of the ramp and launching area do not trigger planning permission. With respect to the balance of the ramp and launching area, it is submitted that these will be designed and constructed to withstand flood risk as inherently required in a marina environment.

In summary, the proposal presents very low flood risk to life, health and safety as considered under the LSIO, nor are they able to be located elsewhere given the coastal nature of their use. Further to this, the improvements have been appropriately designed to ensure they do not redirect or obstruct floodwater or cause increasing flood levels and flow velocities.

5.5 Is the proposal consistent with other strategic documents?

The proposal is consistent with other relevant state and local strategic planning documents, summarised as follows.

- The proposed buildings and works are designed to a high standard which aims to minimise damage to the coastal environment. This follows the principles of Chapters 5 and 6 of the Marine and Coastal Policy 2020.
- The proposal strengthens the role of the Western Port Marina by achieving desired outcomes of Chapters 8, 9 and 10 of the Marine and Coastal Policy 2020, and Action 4 of the Marine and Coastal Strategy 2022. The improved Marina facilities will result in net benefit of the community, development of the coastal settlement economically and enable sustainable recreational use that strengthens peoples' connection to the marine and coastal environment.
- The proposal balances provision of community access to and enjoyment of Crown land whilst responding to the natural environment. The proposed buildings and works have been designed to seamlessly integrate within the landscape context, be functional, and provide public benefit consistent with Chapter 11 of the Marine and Coastal Policy 2020.
- The proposal seeks to improve the existing facilities available within the Marina through targeted economic investment as per the objectives of the Victorian Recreational Boating Strategy.
- The proposal addresses the vision set out in the local strategies such as the Hastings South Coastal Management Plan (2015) and Hastings Foreshore Masterplan (2023) which collectively reinforce the need to appropriately manage the foreshore as a focal point for leisure, water activities and community gatherings while ensuring adverse amenity impacts around traffic congestion and carparking, and conflicts between boating and other users are adequately managed.

In summary, the Westernport Marina undoubtedly plays an important role as a place for leisure, recreation, and gathering and the proposal seeks to further contribute and improve the functionality of this role as supported by the strategic documents set out above.

6 Conclusion

This report has been prepared for Westernport Marina Pty Ltd to accompany a planning permit application for buildings and works associated with the use of the Site as a Marina.

It is the conclusion of this report that this application is consistent with the purposes of the Public Park and Recreation Zone and the objectives of relevant State and Local Planning Policies of the *Mornington Peninsula Planning Scheme*.

Additionally, the proposed works are strongly supported by strategic objectives included within the Victorian Marine and Coastal Policy (2020) and Strategy (2022), and several other relevant strategic documents.

The proposed facilities are designed to respond to the surrounding foreshore and Western Port Bay and will enhance the future operation and function of the existing Western Port Marina.

For the reasons discussed within this report, it is respectfully requested that Council grant a planning permit for the proposed development.



Our Ref: 1202082 / SP486181 (amendment to SP485211)

**CONSENT FOR USE AND DEVELOPMENT OF COASTAL CROWN LAND
SECTION 70 MARINE AND COASTAL ACT 2018**

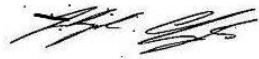
Crown Description: Crown Allotment 17, Section D, Parish of Tyabb
Local Name: Western Port Marina
Street Address: 21 Skinner St, Hastings VIC 3915
Consent for: CONSTRUCTION OF ADDITIONAL MARINA FACILITIES

Pursuant to *Section 70(1)(d)* of the *Marine and Coastal Act 2018*, and as delegated by the Minister, I consent to the proposed use and development subject to the following conditions:

1. The works are to be carried out generally in accordance with:
 - The Marine and Coastal Act consent application titled 'WESTERN PORT MARINA' dated 2 June 2023, prepared by Ben Daly of Tract Consultants.
 - Amended plans submitted via email by Ben Daly on 25 October 2023, prepared by Search Studio CO Pty Ltd, dated 24 October 2023, drawing numbers TP-01, TP-02, TP-03, TP-04.
 - Plans submitted in response to the further information request titled 'PLAN – BOAT RAMP' and 'SECTION – BOAT RAMP' prepared by Search Studio CO Pty Ltd, dated 19 December 2023 and 14 December 2023 respectively.
2. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Energy, Environment and Climate Action (DEECA).
3. Prior to works commencing, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of DEECA. The CEMP must include:
 - a. A detailed construction methodology for the proposed boat ramp and negative launching area, with reference to excavation, fill deposition and pile installation requirements.
 - b. Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - c. Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - d. The location of trenching works, boring, and pits associated with the provision of services.
4. Until a license agreement over the adjacent Crown parcel is negotiated and approved by Mornington Peninsula Shire Council, access and egress to the boat storage area and boat ramp/launching area is only permitted through the pinch point between the south-west corner of the U-shaped building and lease boundary (as described by Ben Daly within the further information response letter, dated 22 December 2023).
5. Indigenous vegetation must not be damaged or removed as a result of the works.
6. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
7. The construction site must be managed in accordance with EPA Publication 1834: *Civil construction, building and demolition guide* (26 November 2020).
8. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the marina or enter Western Port Bay.
9. All works must be completed, the site reinstated, and the works maintained to the satisfaction of DEECA.

OFFICIAL

10. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DEECA.



STEPHEN CHAPPLE
REGIONAL DIRECTOR
PORT PHILLIP REGION

DATE: 02/02/2024

OFFICIAL



04 October 2023

Benjamin Mathews
Mornington Peninsula Shire Council
Private Bag 1000
Rosebud VIC 3939

Dear Benjamin,

Proposal: Planning permit for development
Site location: 21 SKINNER STREET HASTINGS 3915

Melbourne Water reference: MWA-1303819
Council reference: P23/1571
Date referred: 04/09/2023

Our Decision

Melbourne Water, pursuant to Section 56(1) of the Planning and Environment Act 1987, does not object to the proposal.

Conditions

1. Sediment and contaminant laden runoff during construction must be contained. Such runoff is not permitted to enter the bay. Prior to commencement of construction, a Site Environmental Management Plan (SEMP) must be produced and adopted on site.

Advice

The applicable 1% AEP 2100 sea level rise flood level associated with tidal flooding from Western Port Bay is 3.1 metres to AHD. (Current sea level rise flood level for the location is 2.3 metres to AHD.

To access more information regarding other services or online applications that Melbourne Water offers please visit our [website](#).

For general development enquiries contact our Customer Service Centre on 131722.





Regards,

A handwritten signature in black ink, appearing to be "Indi Prathapasinghe", written over a horizontal line.

Indi Prathapasinghe
Statutory Referral Permit Services

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

11.03-4S Coastal settlement

20/03/2023
VC229

Objective

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Prevent the development of new residential canal estates.

Policy documents

Consider as relevant:

- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013)
- *Gippsland Regional Growth Plan* (Victorian Government, 2014)
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

11.03-5S Distinctive areas and landscapes

30/04/2021
VC185

Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

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.

Policy documents

Consider as relevant:

- *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015)
- *Macedon Ranges Statement of Planning Policy* (Victorian Government, 2019)
- *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014)
- *Yarra Ranges Localised Planning Statement* (Victorian Government, 2017)

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

12.02-1S Protection of the marine and coastal environment

20/03/2023
VC229

Objective

To protect and enhance the marine and coastal environment.

Strategies

Manage privately-owned foreshore consistently with the adjoining public land.

Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by focusing development in areas already developed or in areas that can tolerate more intensive use.

Enhance the ecological values of the ecosystems in the marine and coastal environment.

Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.

Encourage revegetation of cleared land abutting coastal reserves.

Minimise direct, cumulative and synergistic effects on ecosystems and habitats.

Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.

Maintain and enhance water and soil quality by minimising disturbance of sediments.

Avoid disturbance of coastal acid sulfate soils.

Protect and enhance natural features, landscapes, seascapes and public visual corridors.

Plan for marine development and infrastructure to be sensitive to marine national parks and environmental assets.

Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.

Policy guidelines

Consider as relevant:

- Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the *Marine and Coastal Act 2018* or *National Parks Act 1975*

Policy documents

Consider as relevant:

- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)
- *Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils* (Department of Environment, Land, Water and Planning, 2010)
- *Victorian Coastal Acid Sulfate Soils Strategy* (Department of Sustainability and Environment, 2009)

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

12.02-2S Marine and coastal Crown land

20/03/2023
VC229

Objective

To ensure the use and development of marine and coastal Crown land is ecologically sustainable, minimises impacts on cultural and environmental values, and improves public benefit for current and future generations.

Strategies

Design, locate and maintain buildings and structures to effectively manage:

- Any increase in exposure to coastal hazard risk, including rates of sea level rise, erosion, accretion or inundation.
- Exposure to public health and safety risks.
- Any detrimental impacts (in particular increased hazard risk) on neighbouring Crown or private land.
- Adverse effects on the environment and associated uses and values.
- Impact on marine and coastal functions and processes.

Ensure the siting and design of development on marine and coastal Crown land:

- Facilitates shared infrastructure and the use of land for more than one use.
- Uses materials and finishes that are sympathetic to the coastal environment.
- Is durable in the long term.
- Minimises the environmental footprint.

Ensures that use and development on or adjacent to marine and coastal Crown land:

- Maintains safe, equitable public access.
- Improves public benefit.
- Demonstrates need and has a coastal dependency.
- Minimises loss of public open space.

Policy guidelines

Consider as relevant:

- Any applicable Victorian Environmental Assessment Council recommendations
- The purpose for which land is reserved under the *Crown Land (Reserves) Act 1978*
- Any relevant environmental management plan or coastal and marine management plan approved under the *Marine and Coastal Act 2018* or *National Parks Act 1975*

Policy documents

Consider as relevant:

- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

12.05-1S Environmentally sensitive areas

31/07/2018
VC148

Objective

To protect and conserve environmentally sensitive areas.

Strategies

Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

13.03-1S Floodplain management

20/03/2023
VC229

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.

Policy guidelines

Consider as relevant:

- Regional catchment strategies and special area plans approved by the Minister for Environment or Minister for Water.
- Any floodplain management manual or guideline of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.

Policy documents

Consider as relevant:

- *Victorian Floodplain Management Strategy* (Department of Environment, Land, Water and Planning, 2016)

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

15.01-5S Neighbourhood character

09/10/2020
VC169

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

17.04-1S Facilitating tourism

31/07/2018
VC148

Objective

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies

Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Seek to ensure that tourism facilities have access to suitable transport.

Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.

Create innovative tourism experiences.

Encourage investment that meets demand and supports growth in tourism.

Policy guidelines

Consider as relevant:

- Any applicable regional tourism development strategy.

Policy documents

Consider as relevant:

- *Tourism Investment Guidelines – Your Guide to Tourism Investment in Victoria* (Tourism Victoria, 2008)

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

17.04-2S Coastal and maritime tourism and recreation

20/03/2023
VC229

Objective

To encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment.

Strategies

Support safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:

- Responds to identified demand.
- Minimises impact on environmental and cultural values.
- Minimises impact on other users.
- Minimises direct and cumulative impacts.
- Maintains public safety.
- Responds to the carrying capacity of the site.
- Minimises exposure to coastal hazard risks and risks posed by climate change.

Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.

Ensure sites and facilities are accessible to all.

Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.

Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.

Develop a network of maritime precincts around Port Phillip and Western Port that serve both local communities and visitors.

Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point/Cowes and Wyndham.

Support a sustainable network of facilities for recreational boating and water-based activities that respond to:

- Identified demand.
- Use and safety considerations.
- The carrying capacity of the location.
- Coastal processes.
- Environmental values.

Strategically plan and operate ports to complement each other in the context of the broader economy, transport networks and the maritime and coastal environments within which they are regulated.

Provide public access to recreational facilities and activities on land and water.

Policy guidelines

Consider as relevant:

VICTORIA PLANNING PROVISIONS PLANNING SCHEME

- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)
- *Gippsland Boating Coastal Action Plan 2013 - Gippsland Coastal Board*
- *Recreational Boating Facilities Framework July 2014 - Central Coastal Board*
- *Western Boating Coastal Action Plan 2010 - Western Coastal Board*

Policy documents

Consider as relevant:

- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

MORNINGTON PENINSULA PLANNING SCHEME

36.02
31/07/2018
VC148

PUBLIC PARK AND RECREATION ZONE

Shown on the planning scheme map as **PPRZ** .

Purpose

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

To recognise areas for public recreation and open space.

To protect and conserve areas of significance where appropriate.

To provide for commercial uses where appropriate.

36.02-1
15/03/2024
VC256

Table of uses

Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Informal outdoor recreation	
Open sports ground	Must be conducted by or on behalf of the public land manager. Must not be on coastal Crown land under the <i>Marine and Coastal Act 2018</i> .
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Contractor's depot	Must be either of the following:
Heliport	A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the <i>Local Government Act 1989</i> , the <i>Reference Areas Act 1978</i> , the <i>National Parks Act 1975</i> , the <i>Fisheries Act 1995</i> , the <i>Wildlife Act 1975</i> , the <i>Forest Act 1958</i> , the <i>Water Industry Act 1994</i> , the <i>Water Act 1989</i> , the <i>Marine Safety Act 2010</i> , the <i>Port Management Act 1995</i> , or the <i>Crown Land (Reserves) Act 1978</i> .
Office	
Retail premises	
Store	A use specified in an Incorporated plan in a schedule to this zone.
Any other use not in Section 3	

Section 2 - Permit required

Use	Condition
Contractor's depot - if the Section 1 condition is not met	Must be associated with the public land use.

MORNINGTON PENINSULA PLANNING SCHEME

Use	Condition
Heliport - if the Section 1 condition is not met	Must be associated with the public land use.
Office - if the Section 1 condition is not met	Must be associated with the public land use.
Retail premises - if the Section 1 condition is not met	Must be associated with the public land use.
Store - if the Section 1 condition is not met	Must be associated with the public land use.
Section 3 - Prohibited	
Use	
Cinema based entertainment facility	
Corrective institution	
Display home centre	
Funeral parlour	
Industry (other than Automated collection point)	
Saleyard	
Transport terminal (other than Heliport)	
Veterinary centre	
Warehouse (other than Store)	

36.02-2 Permit requirement

03/02/2022
VC199

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
 - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
 - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
 - Navigational beacons and aids.
 - Planting or landscaping.
 - Fencing that is 1 metre or less in height above ground level.
 - A building or works shown in an Incorporated plan which applies to the land.
 - A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the *Local Government Act 1989* , the *Reference Areas Act 1978* , the *National Parks Act 1975* , the *Fisheries Act 1995* , the *Wildlife Act 1975* , the *Forest Act 1958* , the *Water Industry Act 1994* , the *Water Act 1989* , the *Marine Safety Act 2010* , the *Port Management Act 1995* or the *Crown Land (Reserves)*

MORNINGTON PENINSULA PLANNING SCHEME

Act 1978.

- Subdivide land.

36.02-3 Application requirements

19/01/2006
VC37

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

36.02-4 Exemption from notice and review

31/07/2018
VC148

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

36.02-5 Decision guidelines

31/07/2018
VC148

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

36.02-6 Incorporated plan

19/01/2006
VC37

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

MORNINGTON PENINSULA PLANNING SCHEME

36.02-7 Use and development of land identified in a schedule

19/01/2006
VC37

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

36.02-8 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.

MORNINGTON PENINSULA PLANNING SCHEME

22/07/2021
C255morn

SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE

1.0
03/03/2022
C263morn

Permit exemptions and conditions

Public land	Use or development	Conditions
275 Main Street, Mornington –known as Alexandra Park.	Medical Centre use.	Must comply with the Alexandra Park Pavilion Redevelopment (275 Main Street, Mornington), Incorporated Plan, September 2021.
All other land.	None specified.	None specified.

2.0
03/03/2022
C263morn

Sign requirements

Land	Sign Category
275 Main Street, Mornington - known as Alexandra Park.	Category 3.
All other land.	None specified.

3.0
03/03/2022
C263morn

Use and development of land specified in an Incorporated Plan

No permit is required for the use of a Medical Centre, as specified in the Alexandra Park Pavilion Redevelopment (275 Main Street, Mornington), Incorporated Plan, September 2021.

MORNINGTON PENINSULA PLANNING SCHEME

44.04
06/09/2021
VC171

LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO** with a number (if shown).

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.

44.04-1
24/01/2020
VC160

Land subject to inundation objectives and statement of risk

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

44.04-2
14/12/2023
VC253

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling or a small second dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.

MORNINGTON PENINSULA PLANNING SCHEME

- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

44.04-3 Subdivision

31/07/2018
VC148

A permit is required to subdivide land.

44.04-4 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

44.04-5 Local floodplain development plan

31/07/2018
VC148

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.04-6 Exemption from notice and review

31/07/2018
VC148

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

44.04-7 Referral of applications

31/07/2018
VC148

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.04-8 Decision guidelines

06/09/2021
VC171

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- Alternative design or flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.

MORNINGTON PENINSULA PLANNING SCHEME

- Tidal patterns.
- Coastal inundation and erosion.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

MORNINGTON PENINSULA PLANNING SCHEME

07/12/2020
C277morn

SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO1**.

1.0
21/03/2019
C216

Land subject to inundation objectives to be achieved

None specified.

2.0
21/03/2019
C216

Statement of risk

None specified.

3.0
21/03/2019
C216

Permit requirement

Rural Zones (all areas under Clause 35 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or construct or carry out works associated with the following use or works, unless within 30m of a waterway:

- Works associated with vine or horticultural trellises or watering systems.
- Dams less than 3000 cubic metres capacity, where no fill is imported to the site and where no embankment is above natural ground level.
- Windmills and solar units.
- Outbuildings less than 10 square metres gross floor area, including a pump shed.
- A building or structure not used for Accommodation with a minimum of one wall fully and permanently open, such as hay sheds, cattleyard, covered horse stables or yards.
- Buildings or works in accordance with a whole farm plan prepared to the satisfaction of the Responsible Authority and Melbourne Water Corporation.

Urban Areas (all areas Under clause 32, 33 and 34 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or construct or carry out works for any of the following, unless within 30m of a waterway:

- An extension to an existing dwelling, provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- A non-habitable building (other than a building associated with the use of land for industry or for a public or commercial activity), provided that the floor levels are above the applicable levels set by the relevant floodplain management authority.
- An extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial activity), provided that the floor levels are above the applicable levels set by the relevant floodplain management authority.
- Outbuildings and works normal to an existing dwelling, including a deck or verandah with a floor area no greater than 20 square metres, landscaping, a pergola, driveway, carport, in-ground swimming pool and associated fencing, barbeques and water tank.
- A footpath, bicycle path or elevated boardwalk, provided that they are constructed at ground level.
- A boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- An upper storey extension to an existing building within the existing building footprint.
- An open building with no walls.

MORNINGTON PENINSULA PLANNING SCHEME

- A replacement fence of the same material as the existing fence, in the same location.
- A tennis court or other sports ground at natural ground level.
- A radio mast, telecommunications tower, antenna, power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure, provided that it does not alter flows or floodplain storage capacity.
- Earthworks associated with the construction of a dam, provided no fill is imported to the site and no embankment is above ground level.

Public Land Zones (all areas Under Clause 36 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or construct or carry out works for any of the following:

- An extension to an existing building, provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- A deck or verandah associated with an existing building with a floor area no greater than 20 square metres.
- A footpath, bicycle path or elevated boardwalk, provided that they are constructed at ground level.
- A boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- An upper storey extension to an existing building within the existing building footprint.
- An open building with no walls.
- A replacement fence of the same material as the existing fence, in the same location.
- A tennis court or other sports ground at natural ground level.
- A radio mast, telecommunications tower, antenna, power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure, provided that it does not alter flows or floodplain storage capacity.

4.0
21/03/2019
C216

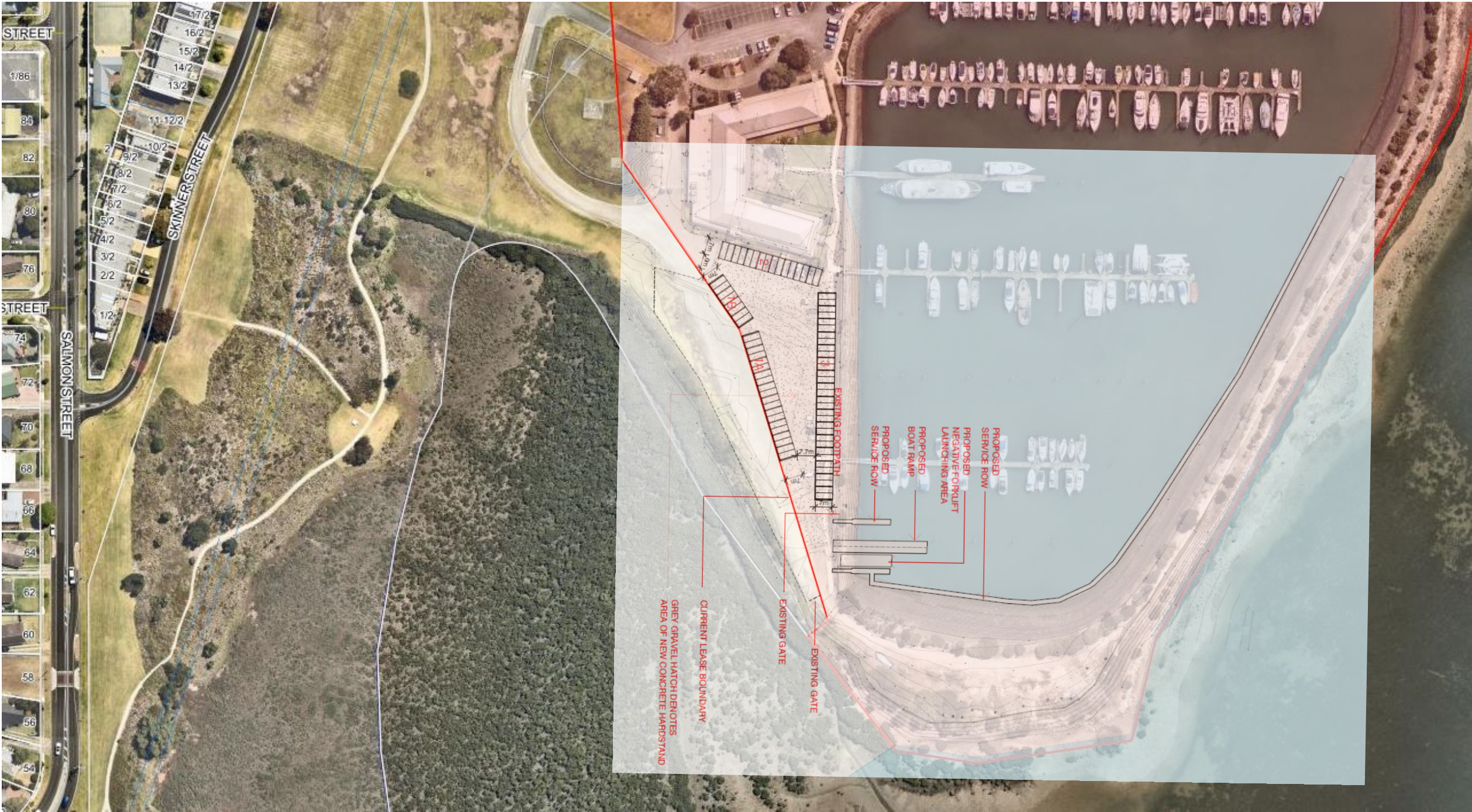
Application requirements

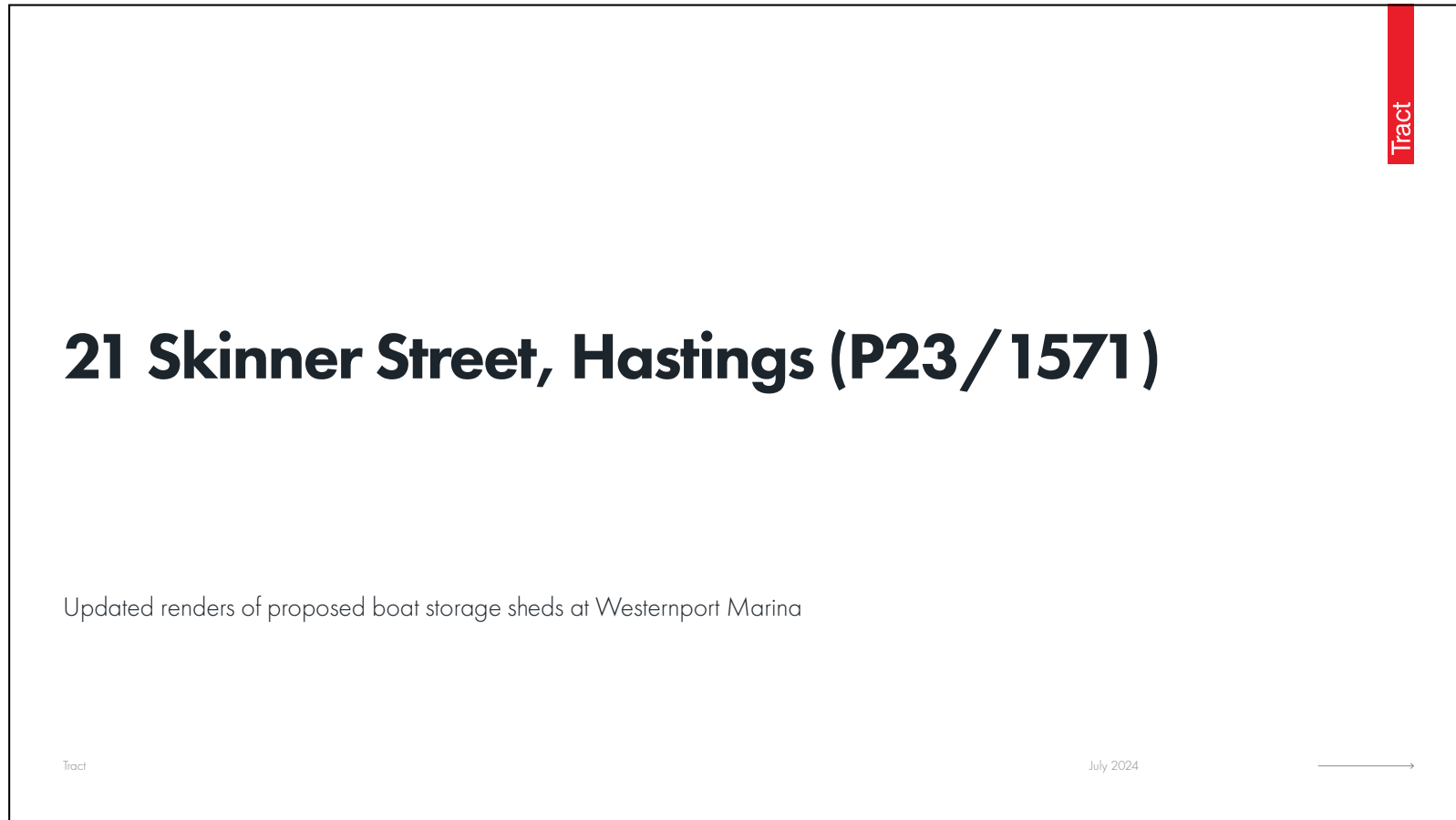
None specified.

5.0
21/03/2019
C216

Decision guidelines

None specified.





21 Skinner Street, Hastings (P23/1571)

Existing Site and Context



View A – Existing view from within the foreshore parklands.



View B – Existing view from the south side of Skinner Street.

Tract



July 2024

21 Skinner Street, Hastings (P23/1571)

Proposal

- Two and three storey boat sheds broken into four distinct buildings to provide visual breaks and maintain a sense of openness.
- The two storey forms have been located towards with the boundary to reduce visual impact and – for security purposes – will be solid at the boundary.
- Natural timber cladding to the upper storey to ensure the proposal presents well to the natural and built environment as a modern and minimal design.
- The three-storey form is recessed from the boundary and is completely open to provide visual transparency.



Extract of model of the proposed boat sheds.

Tiact



View A – Artist impression of the boat sheds from within the foreshore parklands.

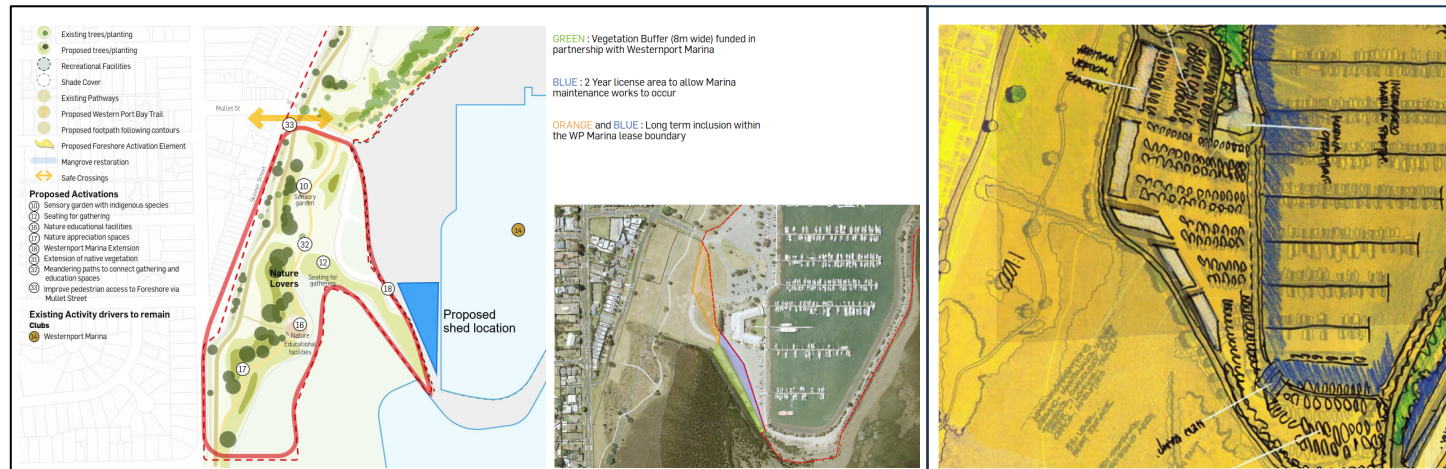


View B – Artist impression of the boat sheds from the south side of Skinner Street.

July 2024

21 Skinner Street, Hastings (P23/1571)

Policy and Strategic Context



Excerpts from Council's adopted Hastings Foreshore Masterplan showing new proposed tree and vegetation planting along the foreshore.

Extract from the Western Port Marina Masterplan brochure showing 'Additional Vertical Stacking' (i.e. vertical boat storage sheds) abutting the perimeter of the Marina and screened in part by new vegetation.

Tract

July 2024

21 Skinner Street, Hastings (P23/1571)

Conceptual landscaping

Conceptual and indicative planting layout in accordance with the planting committed to within the Hastings Foreshore Masterplan.

**boat sheds noted in rectangles, proposed trees noted in pyramids*

Indicative trees: *Acacia Melanoxylon* – Blackwood, *Acer_Generic*, *Corymbia Eximia*, *Acer opalus* - Italian Maple, *Platanus* - Plane Tree, *Platanus* - Semi Mature Plane Tree, *Ulmus* - Generic Elm

Indicative plants: *Austromyrtus tenuifolia*, *Hebe-odora*, *Dianella caerulea*



Tract

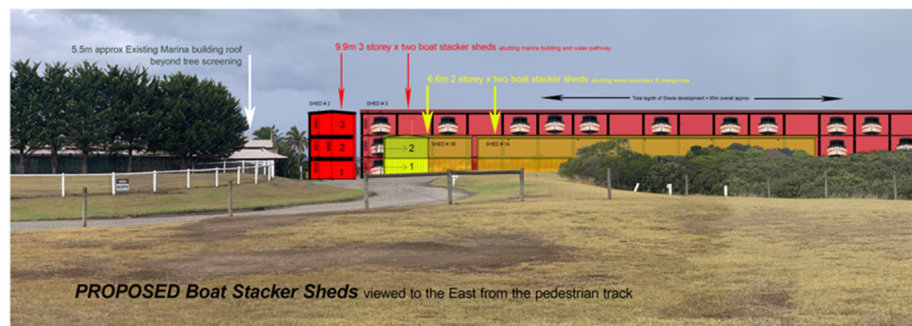
July 2024

21 Skinner Street, Hastings (P23/1571)

Response to objector submissions



Traet



Objector submission. Note: Image (above) submitted by an objector to the proposal, taken approximately from **View A**. The view is heavily cropped and is not representative of the open design of the boat sheds, nor the true visual impact of the buildings on the wider landscape.



View A – Artist impression of the boat sheds from within the foreshore parklands. Additional landscaping in accordance with the Hastings Foreshore Masterplan will provide visual screening of the boat sheds, whilst the open design will reduce the visual bulk.

July 2024

21 Skinner Street, Hastings (P23/1571)

Response to objector submissions



Tract



View B – Existing view from the south side of Skinner Street.



View B – Artist impression of the boat sheds from the south side of Skinner Street. Additional landscaping in accordance with the Hastings Foreshore Masterplan will provide visual screening of the boat sheds, whilst the open design will reduce the visual bulk.

July 2024