

9.1 Planning Application PLN22/0109 at Tram Road Reserve rear of 2-18 Tram Road, 6 Whittens Lane and 32 Grange Park Avenue, Doncaster, for the use and development of the land for a utility installation (wastewater recycling facility)

File Number:	IN23/687
Responsible Director:	Acting Director City Planning
Applicant:	Yarra Valley Water
Planning Controls:	Public Park and Recreation Zone, General Residential Zone 1, Land Subject to Inundation Overlay, Significant Landscape Overlay 5, Environmental Significance Overlay 3
Ward:	Schramm
Attachments:	<ol style="list-style-type: none">1 Decision Plans2 Superseded Easement Variation and Creation Plan3 Legislative Requirements4 Objector Map (confidential)

EXECUTIVE SUMMARY

Purpose of Report

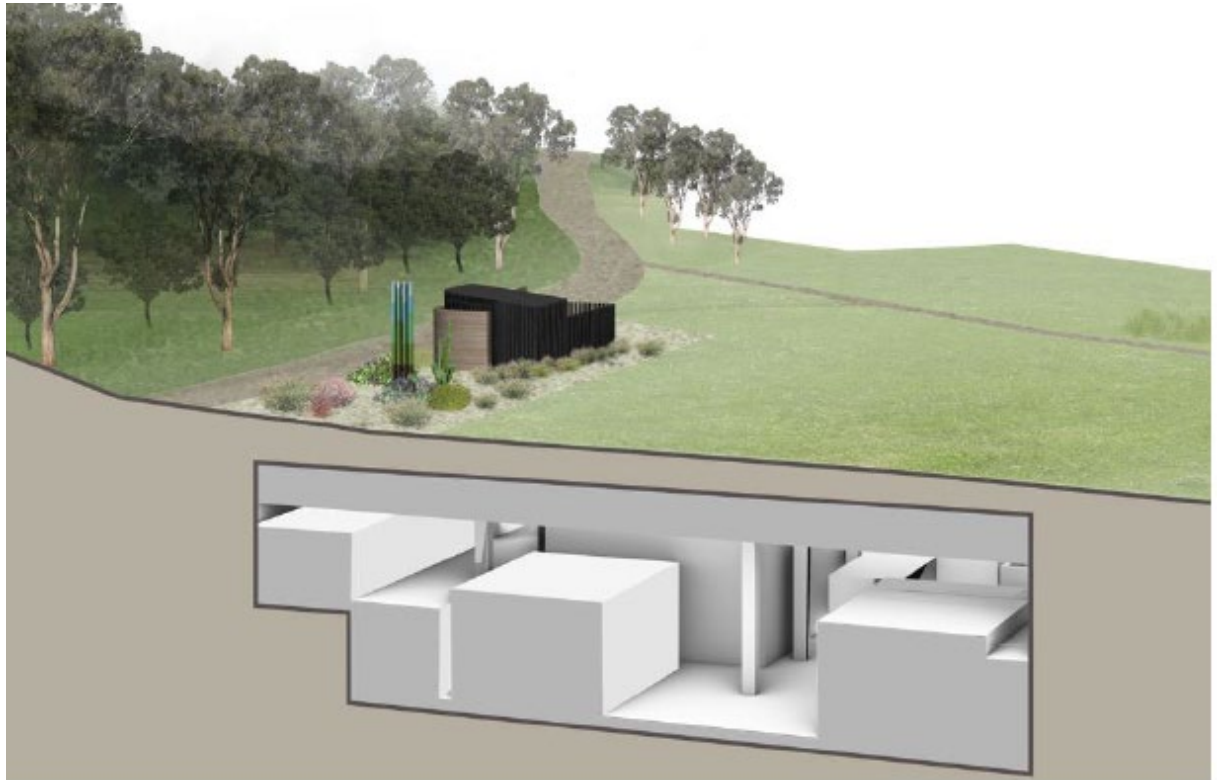
1. This report provides Council with an assessment of the above planning permit application. This report recommends approval of the submitted proposal, subject to changes by way of permit conditions.

The application is being reported to Council for consideration in accordance with the Instrument of Delegation to Members of Council Staff – *any land outside the demarcated Activity Centre Zone (ACZ) pursuant to the provisions of the Manningham Planning Scheme where more than 20 dwellings are proposed and/or the cost of works is greater than \$10 million, and the application is of significant community interest.*

Proposal

2. The permit application is made by Yarra Valley Water for the use and development of utility installation (water recycling facility) within part of the Tram Road Reserve, and with other land associated with the use including 6 Whittens Lane and 32 Grange Road Avenue.
3. The facility intends to extract wastewater (sewerage) from the nearby Koonung Creek branch and treat at least 750,000 litres of water per day to Class A recycled water. This recycled water is to be piped to properties within the Doncaster Hill Activity Centre for toilet flushing, washing clothes and irrigation of plants and gardens.
4. The majority of the water recycling facility is concealed below ground level. Underground, it occupies an area of approximately 40 metres wide by 76 metres long and extends 11 metres below ground level. It will contain supporting equipment such as storage tanks, odour scrubbing equipment, bioreactors, pumping equipment and staff facilities.

5. Above ground are the east and west entries providing access down into the facility. These entries occupy an area of approximately 180 square metres in total and reach approximately 4 metres in height, finished in back clad, timber and rammed earth finishes. The treated air vents sit between the entries and reach a height of 5.4 metres. Opportunities for artwork on the vents are indicated.



6. Once construction has concluded, the Reserve would be resurfaced and vegetated above the facility to return to its open space function. Three trees will require removal (no permit required).
7. The facility is to be accessed via a new 4-metre-wide road, running through 6 Whittens Lane and exiting through 32 Grange Park Road, generally running along the northern side of the facility. This access is to function as a shared area for pedestrians and vehicles. Five car parking spaces are proposed, including one informal bay next to the facility and 4 spaces within 6 Whittens Lane for the ongoing operations.
8. Operationally, the facility will require a combination of regular, periodic and ad-hoc attendance by Yarra Valley Water staff, with deliveries to occur at varying periods.
9. The estimated cost of works at the time of lodgement of the planning application was \$38 million.

Notification

10. Notice of the application was given in accordance with Section 52 of the Act for a minimum two-week period, concluding 18 August 2022. This included approximately 700 letters to the surrounding area, including the City of Whitehorse and five large signs on the site frontages and within the reserve. Notices were also published within The Age and Herald Sun.

11. To date, 55 objections have been received. Issues raised primarily relate to (from most common to least common): the proposal being out of character and an inappropriate use/inappropriate site, construction traffic impacts, proximity/buffer zone to residents, health and safety, odour, flooding, loss of parkland, unclear information/misleading description, visual impact, net community benefit versus risk, noise and vibration, traffic and parking during operation, wildlife/vegetation/creek environs impacts, facility failure, chemicals, operation hours and pollution.
12. A Consultation Meeting was held on 2 March 2023 with approximately 20 objectors, Councillors, the applicant and Council officers in attendance.
13. The location of submitter/objector properties is demonstrated on the map included in **Confidential Attachment 4**.

Key matters in considering the application

14. The key matters considered in the assessment of the application are provided in Section 8 of this report and respond to the following:
 - Is the proposal an appropriate response to the physical and planning context?
 - Has the previous refusal been addressed?
 - Are the amenity impacts during construction acceptable?
 - Are the amenity impacts of the use and development acceptable?
 - Will the open space outcomes be appropriate?
15. Also included in Section 9 is a further response to objector concerns.

Assessment

16. The proposal represents the culmination of a longstanding cooperative commitment between Council and Yarra Valley Water to actively seek integrated water conservation solutions for the Doncaster Hill area. The planning that arose from the original Memorandum of Understanding included a site selection process from which the current site was chosen.
17. As indicated in the background section of the report, numerous sites were considered by an independent panel and although Eram Park was the first priority (and ultimately not possible due to conflicts with NELP and flooding), Tram Road reserve was identified as the next preferred.
18. The broad weight of strategic and policy direction in the Manningham Planning Scheme is supportive of such a proposal. The proposal adequately responds to the purpose of the zones and the associated policy strategies that seek to prioritise integrated water management and sustainability, protect health and amenity, minimise the impacts of use and development upon public open space, and where a loss occurs, provide additional or replacement open space and increase the landscape values.
19. It can be demonstrated that there is a net community benefit that outweighs potential negative implications. Key benefits include environmentally sustainable water conservation in the delivery of recycled water, improved park connectivity to the street network via 6 Whittens Lane, and upgrades to the park, its

vegetation and infrastructure as required by conditions of permit. It overcomes the previous refusal by its underground siting and inconspicuous ground level buildings and works, with a more considered access strategy in place.

20. Based on the information provided, amenity concerns have been adequately considered, such as through the extensive measures to limit odour below perceptible amounts and using technology comparable to the MCG recycled wastewater facility, a facility Council Officers have observed in operation.
21. Ongoing conditions require the facility to operate under stringent requirements, with failsafe measures in place to ensure the facility and associated odour control only operate under optimum conditions and that the ongoing traffic movements through the reserve are appropriately managed to avoid impacts and conflict with cyclists and pedestrians. During construction, amenity impacts are required to be managed in a manner that reduces disturbance to the local area as much as practical, including by requiring noise and vibration management for nearby residents and restricting construction traffic movements to avoid heavy vehicles in local roads, and local roads being used for construction parking.
22. The issuing of a Development Licence by the EPA further demonstrates that the use is deemed acceptable for its location, in the context of residential amenity and separation distances. The Licence includes a number of ongoing conditions and requirements to minimise risks of harm to human health, including by noise, vibration and odour, and to minimise impacts on the environment and waterways from pollution or waste associated with the facility.

Conclusion

23. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. Having considered all objections, issue a Notice of Decision to Grant a Permit for Planning Application PLN22/0109 at Tram Road Reserve rear of 2-18 Tram Road, 6 Whittens Lane and 32 Grange Park Avenue, Doncaster, for the use and development of the land for a utility installation (wastewater recycling facility) subject to the following conditions:

Amended Plans

1. Before the development 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 generally in accordance with the amended plans (prepared by ARUP, job number 267164-29, revisions A to C, dated 25/2/22, 6/6/22, 28/9/23) but modified to show:
 - a) within 6 Whittens Lane:
 - i the access road setback at least 2 metres from the boundary of 4 Whittens Lane (to the south-west) to accommodate a landscape buffer

- ii the staff parking spaces setback at least 2 metres from the boundary of 8 Whittens Lane (to the north-east) to provide a landscape buffer and redesigned in a manner that minimises earthworks and associated retaining wall heights
 - iii reference to part of the land being 'temporarily fenced until future development confirmed' deleted
- b) deletion of any works outside the Municipal Boundary, any works not requiring a planning permit, references to indicative locations and maximum vehicle sizes
- c) full dimensions of:
 - i vent stacks
 - ii minimum setbacks of the facility from the residential property boundaries to the north and east
 - iii the above ground structures
 - iv informal parking bay
- d) the existing crossover to 6 Whittens Lane removed and the footpath and nature strip reinstated
- e) planning application project boundary (blue line) to be wholly within the subject land
- f) finished floor levels and all contours/spot levels (expressed to AHD) within all areas of works.
The responsible authority may consent in writing to vary any of these requirements.

Endorsed Plans – Layout not altered

2. The layout of the use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Compliance with documents approved under this permit

3. The use and development any ongoing measures to be implemented must always be carried out in accordance with any approved document or management plan endorsed under this permit to the satisfaction of the Responsible Authority, unless modified with the prior written consent of the Responsible Authority.

Staging of plans for endorsement

4. The details to be shown on each relevant plan referred to under conditions of this permit (other than condition 1), may, with the agreement of the Responsible Authority, be submitted and approved in stages.

Landscape Plan

5. Concurrent with the submission of development plans for endorsement under condition 1 or as agreed by the Responsible Authority, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and form part of the permit. The landscape plan must, to the satisfaction of the Responsible Authority:
 - a) be consistent with the development plans required to be submitted for approval under condition 1 of this permit
 - b) be generally in accordance with Council's Landscape Guidelines as amended from time to time

- c) identify existing trees and vegetation to be removed or protected
- d) include a schedule of all proposed planting, including location and quantity, species names, approximate height and spread at maturity and planting size
- e) ensure plant species within any visibility splays adjacent to accessways are a height of no greater than 0.9 metres at maturity
- f) require all canopy trees to be at least 1.5 metres in height at the time of planting
- g) provide details of the indigenous garden to be provided between the two proposed above-ground buildings within Tram Road Reserve and around the perimeters of the buildings
- h) provide details of the replacement grass to be provided within Tram Road Reserve
- i) provide landscaping and garden beds within 6 Whittens Lane, including but not limited to:
 - i a decorative garden bed near the front (Whittens Lane) boundary
 - ii in the setback to 4 Whittens Lane to accommodate a landscaped buffer to soften the retaining wall and accessway and with a layered planting theme agreed to with the Responsible Authority
 - iii in the areas surrounding the staff car parking to accommodate a landscaped buffer with a layered planting extending at least 2 metres north-east and 3 metres north-west
 - iv a minimum of ten (10) canopy trees capable of growing to a minimum height of 12 metres at maturity (such as Quercus sp., or Ulmus sp)
- j) retaining walls associated with the accessway and staff car parking designed in a manner that minimises earthworks where possible and optimises landscape maintenance and safety
- k) details of infill planting and remediation to be carried out within the bushland area generally north of the facility within Tram Road Reserve, including:
 - i removal of existing woody weed species
 - ii a minimum of 40 new indigenous trees or planting types as agreed with the Responsible Authority
- l) details of any irrigation systems.
The responsible authority may consent in writing to vary any of these requirements.

Detailed Works and Design Plan

6. Before the development starts, detailed works and design plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the Plan will be endorsed and form part of the permit. The detailed design plans must, to the satisfaction of the Responsible Authority:
- a) be drawn to scale with dimensions and be submitted in electronic form;
 - b) be generally consistent with the design response surface treatment options detailed in the Urban Design Strategy dated February 2022 submitted with the permit application
 - c) be consistent with any relevant changes required by other conditions, or where contained on another plan approved under this permit, include reference to that

- d) detail all final surface treatments, materials and finishes
- e) include particulars of any creek path upgrades
- f) include particulars of additional upgrades, such as an accessible pedestrian path in the land adjacent to the accessway within 6 Whittens Lane, or such other equivalent public benefit/facilities within the reserve as agreed to by the Responsible Authority
- g) specify surface grades within 6 Whittens Lane, with all associated retaining wall heights and treatments
- h) specify the location and detail of any safety barriers or fencing, if required
- i) detail all materials, colours and finishes of external structures including detail any artwork to be on the rammed earth walls of the external buildings and vent stacks
- j) specify materials and finishes of all proposed paths and accessways, including accessway levels and gradients
- k) include design details of the vehicular access gates and explain how unimpeded pedestrian access is provided, including any pedestrian bypasses required (to be generally outside of the structural root zone of retained trees)
- l) include details of any external lighting of the buildings, footpaths and accessways
- m) include details of all signage (safety and directional)
- n) include detail of anti-graffiti measures to be implemented for external structures.

Tree Protection Management Plan

7. Before the development starts, a Tree Protection and Management Plan (TPMP) prepared by a suitable qualified Arborist, setting out how the trees to be retained will be protected during construction and which generally follows the layout of Section 5 of AS4970 'Protection of trees on development sites', must be submitted to the Responsible Authority. When approved the TPMP will be endorsed and form part of the permit. The TPMP must include:

- a) a map showing the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all trees to be retained within and adjacent to the site area along with the location of protective fencing and/or areas where ground protection systems will be used
- b) details of any proposed work within a TPZ and construction controls required to reduce the impacts to retained trees
- c) a statement advising any removal or pruning of Council owned trees must be undertaken by a Council approved contractor
- d) an inspection timeframe (minimum frequency of every 3 months), with a compliance check list to be signed and dated by the developer's project arborist and project manager/foreperson

Construction Management Plan

8. Before the development starts, including works for any temporary construction access, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority, and which may be prepared in stages if required, must be submitted to and approved by the Responsible Authority. This plan must be prepared in accordance with the EPA Publication 1834.1 'Civil construction, building and demolition guide' (as amended from time to time). When approved, the CMP will be

endorsed and will then form part of the permit. In addition to the construction management elements referenced in Council's CMP Template, the CMP must also detail and include:

- a) any staging to generally accord with the Construction Access Strategy (prepared by Arup dated March 2022) such as:
Stage 1: Early works (including temporary opening of Whittens Lane to Tram Road)
Stage 2: Civil (Excavation), Civil (Structures), M&E Install
Stage 3: External works and Commissioning
Stage 4: Closure of temporary access

Temporary construction opening of the Tram Road and Whittens Lane intersection

- a) consistency with all plans and approvals required by the Department of Transport and Planning and approved construction engineering plans
- b) the temporary opening of the Whittens Lane and Tram Road intersection to be constructed as a first priority, in the early works stage
- c) demonstration of how vehicular access to Nos. 2 and 4 and 8 Whittens Lane and waste collection services will be preserved during construction
- d) any indented parking spaces to be removed or replaced or temporary parking restrictions required
- e) any modification to the electricity pole and associated stays in front of 6 Whittens Lane
- f) works necessary to protect or remediate any surrounding or road infrastructure or services and to restore the road and intersection at completion of the development

Construction access and traffic management

- g) the location of all accessways, kerb and channelling, standing areas and designated vehicular parking for workers, consistent with any approved construction engineering plans
- h) all traffic management strategies and measures to be implemented, including:
 - i) the access routes, frequency and management of the classes of construction vehicles to be utilised, generally consistent with the information submitted as part of the application and any approvals or restrictions imposed by the Department of Transport and Planning and by the below
 - ii) measures to ensure all vehicles greater than a 6.4 metre SRV length are directed to use the temporary Whittens Lane /Tram Road intersection only (once constructed in stage 1) and will not use any local roads, unless with the prior consent of the Responsible Authority
 - iii) specific traffic control measures to minimise the use of local roads for larger vehicles during stage 1 and stage 4
 - iv) how Eram Park will be accessed and managed for sewer connection including if accessed from City of Whitehorse
 - v) location of trees and sensitive vegetation where protection will be required, including at the area south of the Koonung Creek

Trail, with any protection fencing consistent with the Tree Protection Management Plan to be approved

Construction worker parking

- i) the parking demands of each stage of construction specified and with the following provided:
- i detail of how construction worker parking obligations (such as through construction contracts etc.) will be applied and enforced
 - ii the maximum number of worker construction vehicles expected during stage 1 and detail of how parking during this stage will be managed to not unreasonably impact local streets
 - iii the maximum number of worker construction vehicles required at any one time (following stage 1) to be accommodated wholly within the site. Where this cannot be achieved, any overflow parking must be:
 - accommodated within Council Land adjacent to the site, if suitably demonstrated that the park users and associated vegetation will not be unreasonably impacted and if agreed to by the Responsible Authority; or
 - accommodated through other measures that can be suitably enforced by the applicant, such as secure alternative overflow parking locations, shuttle buses
 - iv note and require that: if the approved parking strategy is not limiting impacts to nearby residential streets to the satisfaction of the Responsible Authority, temporary parking restrictions may be implemented within the affected local road network until construction is complete (such as applying resident parking permit restrictions during construction times), with the associated implementation costs paid for by the facility operator

Noise and vibration management

- j) provision for Noise and Vibration Management including:
- i detail of the applicable environmental values and required indicators and objectives for the ambient sound environment outlined in the Environment Reference Standard 1 (ERS), the requirements of EPA Publication 1834 Civil construction, building and demolition guide (November 2020)
 - ii methods for controlling noise and vibration at the source. If necessary, special management measures to address noise impacts to sensitive receivers at 4 and 8 Whittens Lane and 30 and 34 Grange Park Avenue
 - iii a timetable of designated working hours highlighting when noise and vibration sensitive tasks can be undertaken
 - iv a procedure for approval of any noise/vibration sensitive tasks that need to be completed outside of designated working hours.
 - v a process for engagement stakeholders (community and asset holders) regarding appropriate noise and vibration mitigation measures
 - vi vibration limits agreed with belowground infrastructure asset owners (power and telecommunications)
 - vii building surveys (dilapidation surveys) of residential properties near the site as necessary to determine if any buildings require

a reduced vibration limit.

Path access

- k) measures to maintain the access to and integrity of the continuous Koonung Creek Trail within the site (Tram Road Reserve) for pedestrians and cyclist. If temporary disruptions are to occur, the management of these are to be detailed and require the prior approval from the Responsible Authority

Communications strategy

- l) strategy for providing advance notice to affected residents of traffic and parking conditions and duration of impact
m) strategy for receiving, recording and responding to complaints regarding construction impacts

General requirements

- n) hours of construction (to be consistent with the EPA Publication 1834.1 'Civil construction, building and demolition guide', as amended from time to time, and Council Local Laws)
o) an emergency contact available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
p) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
q) any other relevant site-specific requirements, including all matters within Manningham's CMP template (where not addressed above) relevant to Public Safety, Amenity and Site Security, Operating Hours, Noise and Vibration Controls, Air Quality and Dust Management, Stormwater and Sediment Control and Tree Protection, Waste Minimisation, Traffic and Parking Management.

Operational Management Plan

9. Before the development starts, an Operational Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan (or plans if to be submitted and approved separately) must include:

Water supply

- a) commitment to the ongoing supply of Class A recycled water to properties in Doncaster Hill Major Activity Centre plumbed with a third/purple pipe
b) detail of any areas beyond the Doncaster Hill Major Activity Centre area that may be supplied Class A recycled water, such as public reserves or other properties
c) an indicative timing schedule for the supply of recycled water to be made available for use

Maintenance arrangements

- d) details of ongoing management and maintenance arrangements for all proposed planted, re-planted and landscaped areas and accessways, to the satisfaction of the Responsible Authority

Traffic and pedestrian management

- e) a requirement to ensure the accessways through 6 Whittens Lane and 32 Grange Park Avenue will provide unimpeded public access 24 hours, 7 day a week, and that the prior written consent of the Responsible Authority is required in any unavoidable event that it cannot
- f) a requirement to ensure both vehicular access points from Whittens Lane will be made available for council maintenance vehicles
- g) the security access arrangement to allow unimpeded access for all permitted vehicles (including for staff, deliveries, council maintenance vehicles, waste vehicles)
- h) details of the operational staffing, visitation, parking and vehicle characteristics (as generally detailed within Table 1 of the submitted Legacy Operations Transport Impact Assessment prepared by ARUP dated February 2022), including staff/vehicle frequency, vehicle size and parking locations), however with:
 - i) chemical delivery vehicles limited to no greater than 8.8 metres length (in lieu of 12.5 metres) and the frequency limited to fortnightly where possible
 - ii) a requirement that, for any event that a vehicle greater than 8.8 metres in length is required for any operational reasons, the prior written consent must be obtained from the Responsible Authority, unless the reason is safety critical, and carried out in accordance with any agreed traffic and safety measures
 - iii) the inclusion of waste vehicles and collections (as per the waste management requirements below)
- i) details of how pedestrian and cyclist access provided via the accessways through 6 Whittens Lane, 32 Grange Park Avenue and the Tram Road Reserve will be managed to avoid conflict with traffic
- j) a requirement for the approved traffic and pedestrian management to be included in any standard operating procedure for relevant staff
- k) visitors and deliveries limitations
- l) loading and unloading details

Waste management

- m) anticipated volumes of waste and recycling that will be generated and how the volumes are determined
- n) the type and number of waste bins and locations to be stored and collected
- o) the type and size of trucks required for waste collection (to not exceed any vehicle size limits required by any other condition of this permit)
- p) frequency and hours of waste collection (between the hours of 10.00am to 3.00pm Mondays to Fridays, or times where conflict with pedestrian and cyclist activity is demonstrated to be reduced)

Odour and safety management

- q) a detailed odour and safety management plan, which must include:
 - i) protocols to manage equipment failure or upset conditions
 - ii) odour detection level monitoring and stand by arrangements
 - iii) procedures and guidelines to inform staff of odour management methods

- iv means to ensure adequate maintenance is undertaken to optimise scrubber efficiency (to at least 95% efficiency), including safeguards such as backup activated carbon filters
- v commitment to temporary facility shut downs during periods, such as if scrubber efficiency was to reduce to 80% or less or events where odour or safety require remediation
- vi odour monitoring both at the boundary with the nearby receivers and within the park during the initial period of the Facility's operation to confirm that odour emissions are no greater than predicted in Scenario 3 of the odour impact assessment submitted with the planning permit application (prepared by Arup, dated 25 February 2022)

Complaint handling

- r) a detailed complaints evaluation and response plan, which must include:
 - i telephone number and email address for complaints
 - ii the erection of a small sign outside the buildings advising of the complaints number and email address
 - iii minimum recording requirements for complaints (date, time and description of complaint)
 - iv a protocol for response to each complaint
 - v provisions for the register to be available to be inspected by the Responsible Authority at any time
 - vi provisions for review of the plan every 12 months in conjunction with the Responsible Authority.

Detailed Engineering plans and plan checking

10. Before the development starts, certified engineering construction and drainage 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 include:

Construction works plans

- a) a detailed pre-conditions survey (dilapidation report) for the land adjacent to the development site and all local roads and paths that are reasonably expected to be utilised for construction vehicles
- b) all approved functional layout plans, detailed engineering and construction designs relevant to the creation and reinstatement of the intersection opening between Tram Road and Whittens Lane as approved by the Department of Transport and Planning
- c) detailed engineering and construction design for all modifications to Whittens Lane for the purpose of construction, including all reinstatement works at completion, to be consistent with the approvals from the Department of Transport and Planning
- d) detail of any modification/relocation of the electricity pole and stays in front of 6 Whittens Lane
- e) detailed designs, including associated gradients and swept path diagrams (where required) for the location of all construction accessways within the site (to be sealed), standing areas and designated vehicular parking for workers
- f) drainage details to provide (and be installed prior to construction commencing):

- i an internal kerb and channel along the southern-western side of the proposed accessway within 6 Whittens Lane
- ii the swale along the southern side of the accessway within 32 Grange Park Avenue redefined to avoid nuisance stormwater runoffs into neighbouring properties

Final works plans

- g) any detailed engineering designs for existing pathways to be upgraded (and any other new pathways if required) including the existing gravel pathway within the site (from the bitumen section adjacent to 2 Whittens Lane up to 32 Grange Park Avenue, including the 'Y intersection') to be upgraded to Council's standards with concrete, or as agreed by the Responsible Authority
 - h) detailed engineering designs, including associated widths, gradients and swept path diagrams (where required) for all final accessways within the site
 - i) swept path diagrams to demonstrate ingress and egress movements between the site and Grange Park Avenue can be achieved without impacting or encroaching into existing on-street parking availability (using the maximum 8.8 metre vehicle permitted). If on-street parking availability is impacted, detailed engineering designs for replacement on-street parking bays, to be constructed at the cost of the facility operator to the satisfaction of the Responsible Authority
 - j) any further drainage design (if drainage carried out for the purpose of construction requires further modification) and to demonstrate that any collected groundwater from the facility will not be discharged into Council's drainage network or into the local river system and will discharge directly into the sewerage network.
11. Before the development starts, a schedule of costs for the construction of all drainage and other works referred to in the above condition (which are beyond the Facility itself and in (or to be in) Council ownership) must be submitted to the Responsible Authority and the following amounts (or an amount otherwise agreed) must be paid to the Responsible Authority:
- a) a supervision fee equal to 2.5% of the cost of construction of the drainage and works
 - b) a plan checking fee equal to 0.75% of the cost of construction of the drainage and works.

Construction requirements

12. The Construction Management Plan may be approved in stages and construction of each stage must not commence until the Construction Management Plan has been approved for that stage, to the satisfaction of the Responsible Authority.
13. At all times, the construction works must be carried out in accordance with the approved Construction Management Plan and Tree Protection Management Plan to the satisfaction of the Responsible Authority, including.

14. All required temporary accessways, designated car parking areas and drainage works for the purpose of construction works must be carried out in accordance with the approved construction works engineering plans and maintained to the satisfaction of the Responsible Authority until the relevant stage of completion.
15. During construction, any required safety or acoustic fencing must be erected in accordance with the approved plans and maintained to the satisfaction of the Responsible Authority until the relevant stage of completion.
16. All tree protection fencing and protection measures must be maintained in good condition until the completion of the construction works on the site to the satisfaction of the Responsible Authority.
17. All contractors/tradespersons (including demolition workers) who install services or work near trees to be retained must be made aware of any tree protection measures required under this permit.

Completion of development

18. Within twelve (12) months of the use starting, the landscaping shown on the approved Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The Responsible Authority may agree in writing to vary the timing for carrying out and/or completing specific landscaping.
19. Before the use starts, the works as shown in the approved Detailed Design plans must be completed to the satisfaction of the Responsible Authority. The Responsible Authority may agree in writing to vary the time for the completion of specific design details.
20. Before the use starts, the following must be carried out and completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a) the temporary construction intersection at Whittens Lane and Tram Road reinstated to the satisfaction of the Department of Transport and Planning
 - b) remediation of any damage to roads and other infrastructure as a result of construction activities
 - c) drainage works installed
 - d) all new vehicular crossings constructed and any redundant existing vehicular crossings removed and the kerb, channel, footpath and nature strip (as relevant) reinstated
 - e) completion of all areas set aside for access lanes and vehicle parking
 - f) construction of any replacement on-street parking spaces, if required.

The Responsible Authority may agree in writing to vary the time for the completion of specific requirements.

Drainage

21. **Stormwater must not be discharged from the facility and associated accessways other than to the legal point of discharge or other approved means to the satisfaction of the Responsible Authority. Before any connection is made to a Council maintained asset, a Connection to Council Drain Permit must be approved by the Responsible Authority.**
22. **The land, including landscaped and paved areas must be graded and drained to prevent ponding and to minimise overland flows onto adjoining properties to the satisfaction of the Responsible Authority.**
23. **Any collected groundwater from the facility must not be discharged into Council's drainage network or into the local river/creeks and must only discharge directly into the sewerage network.**

Maintenance

24. **The landscaping shown on the approved and endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Areas shown on the endorsed plans as landscaped must not be used for any other purpose and any dead, diseased or damaged plants must be replaced to the satisfaction of the Responsible Authority.**
25. **No vegetation, apart from that shown on the approved plans as vegetation to be removed, may be removed, destroyed or lopped without the written consent of the Responsible Authority.**
26. **Parking areas and access lanes must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.**
27. **All buildings, paved areas and drainage must be maintained to the satisfaction of the Responsible Authority.**
28. **Any graffiti to be removed promptly to the satisfaction of the Responsible Authority.**
29. **Any damage to Council assets such as paths due to ongoing vehicular access to the facility must be promptly repaired or replaced to the satisfaction of the Responsible Authority.**

Amenity

30. **The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:**
 - a) **Transport of materials, goods or commodities to or from the land;**
 - b) **Storage of goods and wastes;**
 - c) **Appearance of any building, works or materials; and**
 - d) **Emission of noise, light, vibration, odour & dust.**

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to

eliminate or mitigate such nuisance be undertaken by the facility operator to the satisfaction of the Responsible Authority.

31. The use and development must be conducted in accordance with the EPA Development Licence issued 27 January 2023 as amended from time to time and any other licence issued by the EPA.
32. Before the development starts, copies of all documents required by the EPA to commence construction as amended from time to time, must be submitted to the Responsible Authority.
33. Before the use commences, copies of all documents approved within the Development Licence issued 27 January 2023 as amended from time to time, must be submitted to the Responsible Authority.
34. At all times noise emanating from the facility and associated activities must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol set out in EPA Publication 1826.4 (as amended from time to time) to the satisfaction of the Responsible Authority. At the request of the Responsible Authority, the facility operator must demonstrate compliance with the requirements to the satisfaction of the Responsible Authority, in consultation with the EPA. Where compliance is not demonstrated, the facility operator must implement additional measures to achieve compliance to the satisfaction of the Responsible Authority.
35. Odours offensive to the senses of human beings must not be discharged from the facility to the satisfaction of the Responsible Authority. Where odour is not being managed to the satisfaction of the Responsible Authority, the facility operator must implement additional mitigation measures in consultation with the EPA and to the satisfaction of the Responsible Authority.

Lighting and security

36. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining residential land to the satisfaction of the Responsible Authority.
37. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered back to base security service, to the satisfaction of the Responsible Authority.

Melbourne Water

38. Any changes to the facility design likely to impact the 1 % AEP flooding are to be approved by Melbourne Water prior to the commencement of works.
39. Any construction activities within the 1 % AEP flood extent of Koonung Creek are to be approved by Melbourne Water prior to the commencement of works.

40. **Before the development starts, a Site Environmental Management Plan (SEMP) prepared by a suitably qualified professional must be submitted to and approved by Melbourne Water. The SEMP must include:**

- a) **detailed pollution and sediment control measures which ensure that pollution and sediment laden runoff is not discharged directly or indirectly into Melbourne Water's drains or waterways;**
- b) **vegetation management techniques;**
- c) **access tracks;**
- d) **spoil stockpiling;**
- e) **machinery/ plant locations;**
- f) **exclusion fencing around native vegetation and habitat.**

When approved the SEMP will form part of the permit. The SEMP must be implemented to the satisfaction of the Responsible Authority.

Cultural Heritage

41. **The development must be undertaken in accordance with the approved Cultural Heritage Management Plan Number 17476, Tram Road Reserve Proposed Water Recycling Facility, prepared by Andrew Long and Associates, dated 15 February 2022, as amended from time to time, and all recommendations contained within including a procedure in place for the unexpected discovery of Aboriginal cultural heritage during the proposed works.**

Permit Expiry

42. **This permit will expire if one of the following circumstances applies:**

- a) **The development is not started within three (3) years of the date of this permit**
- b) **The development is not completed within five (5) years of the date of this permit**
- c) **The use is not commenced within two (2) years of the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning and Environment Act 1987.

2. BACKGROUND

Background to the third pipe requirement

2.1 As a result of a three-way Memorandum of Understanding (MoU) signed in 2009, Yarra Valley Water (YVW), Manningham Council (Council) and Melbourne Water undertook a joint study to look at the implications of development in Doncaster Hill and the Eastern Golf Course (Tullamore) on local water supply and sanitation, and stormwater management.

- 2.2 As a result of the MoU, a consultant was engaged to look at a range of water management options and projected population growth. This work identified that there may be constraints in water supply that could arise at the full build-out of Doncaster Hill. The provision of alternate water sources (i.e. recycled water) could augment the mains supply and offer improved environmental outcomes.
- 2.3 The Doncaster Hill Strategy (2004) and Manningham Council's Planning Scheme requirements for Doncaster Hill encourage the consideration of sustainable resource objectives. The prospect of an alternate water source was seen as a compatible outcome.
- 2.4 In 2010, YVW used its legislative powers to declare Doncaster Hill and the adjoining Eastern Golf Course site (Tullamore) as a mandated recycled water supply area. As such, all properties within the area are required by regulation to provide purpose built plumbing to connect to the recycled water network.
- 2.5 At its meeting on 27 July 2010, Council adopted a recommendation to include a requirement for new development in Doncaster Hill to include 'third pipe' (or purple pipe) plumbing to supply all toilet and laundry needs. This has been formalised by the issuing of planning permits for any apartment development within Doncaster Hill including a requirement for third pipe plumbing connections within each site, in addition to providing rainwater tanks and other water sensitive urban design measures.
- 2.6 Since the recycled water area was declared in 2010, over 2,000 dwellings have been constructed in the recycled water area, and there has been a network of underground mains constructed in the Tullamore estate. All residences have internal plumbing that is 'ready' to receive recycled water, once available.

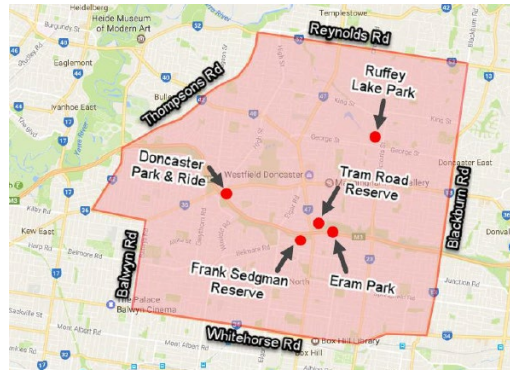
Previous permit application PL12/022631

- 2.7 Planning application PL12/022631 was made by YVW in 2012 and proposed a wastewater recycling facility within the same part of the Reserve, albeit with the facility to be constructed wholly above ground and more westward within the site, closer to residential properties. It was to be partially cut into the hill and would require the removal of a large number of established trees. The application received 207 objections.
- 2.8 At a meeting of Council held on the 28 August 2012, officers recommended approval of the proposal. However, the recommendation was overturned on grounds largely relating to the excessive visual impact of the above ground facility, its adverse impacts on the Reserve and the sole reliance on 32 Grange Park Avenue for both construction and ongoing site access.
- 2.9 In addition to refusing the permit application, a motion also sought to prohibit land being made available in the Koonung Ward (Doncaster) for the purposes of a recycled water treatment plant (this prohibition was later removed by Council prohibition).

Site selection process pre-lodgement of current permit application

- 2.10 In 2017 YVW re-affirmed its commitment to the project and developed a deliberative community engagement approach to engaging with the community to understand concerns, and to evaluate potential sites.

- 2.11 An independent panel was appointed to consult with the community. Letters were sent to 55,000 customers to announce the commencement of consultation. The consultation was led by an Independent Panel who sought community feedback about five sites identified as being feasible for the facility. The distribution of letters was determined based on contacting residents within approximately a 2.5km radius around each of the five sites (demonstrated in image below).



- 2.12 Public deliberation sessions were held in late 2017 and an Independent Panel Report was prepared in January 2018. The Independent Panel report identified that 2,300 responses were received from community members which included opportunities for one-on-one consultation and online feedback. It recommended Eram Park in Box Hill North (City of Whitehorse) as the preferred location, with Tram Road Reserve in Doncaster as the next most suitable location.
- 2.13 The other sites were found to be unsuitable due to a range of limitation such as; poor availability of source water, unable to meet the predicted demand for recycled water, future development implications, constrained available development areas, greater visual impacts to residents, and significant impacts to existing key open space.
- 2.14 In relation to Tram Road Reserve, the Independent Panel synthesised community feedback, and identified that an underground facility was the most popular choice.
- 2.15 Eram Park was later ruled out after discussions with the North East Link Authority (NELP) and Melbourne Water, due to the widening of the Eastern Freeway and associated drainage works and its role in storing floodwater.
- 2.16 In 2019, YVW announced the change in location for the facility and its intention to undertake a series of feasibility studies. This included stakeholder and community engagement and feedback sessions in 2020 and advising Council of its reconsideration of the proposal. In comparison to the original 2012 proposal, YVW advised that the revised proposal would:
- be underground in lieu of above;
 - retain open space and majority of vegetation, with minimal above ground structures and park enhancements based on community preferences; and
 - supply a water scheme to serve a broader area and community assets (including the constructed properties ready to receive and future development, irrigation of parks and ovals, opportunity to irrigate nearby resident gardens).

- 2.17 At its ordinary meeting on 24 March 2020, Council resolved to adopt the recommendation to revoke Part (B) of its resolution of 28 August 2012 (that Council undertakes not to lease or sell its land in Koonung Ward for a Recycled Water or Sewerage Treatment Plant), among other things.

Processing of the current permit application

- 2.18 The application was received on 24 March 2022. Officers requested further information on 5 April 2022.
- 2.19 Following receipt of the further information, notice of the application was given in accordance with Section 52 of the *Planning and Environment Act (Act)* for a minimum two-week period, concluding 18 August 2022. This included letters to the broader surrounds, five large signs and a notice published within The Age and Herald Sun.
- 2.20 In response to the number of objections received, a consultation meeting was held by officers on 2 March 2023, with approximately 20 objectors, Councillors, the applicant and Council officers in attendance.
- 2.21 In the period following, Council officers sought an independent review of the proposed access strategy. This resulted in the consideration of an alternative construction access, being via the Tram Road slip lane entering the Eastern freeway (as direct route through the reserve). This was ultimately not supported by the DTP and NELP and therefore the proposed construction access remains as proposed.
- 2.22 On 9 October 2023, the applicant sought to amend the application pursuant to Section 57A of the Act. This amendment simply involved the removal of the easement creation and variation aspects from the application and plans, as these were deemed to be made prematurely and without the required permissions. These aspects would need to be applied for separately later, should a permit issue.
- 2.23 The decision material for the purpose of this report is consequently based upon the amended Section 57A plans (Decision Plans) dated 25/2/22, 6/6/22, 28/9/23, as provided in **Attachment 1**. Also included in this attachment are the Design Response Plans dated May 2022. The superseded plan that was advertised prior to this amendment showing the easement creation and variations (no longer forming part of the application) is provided at **Attachment 2**.
- 2.24 The statutory clock that applies to planning applications provides an applicant with the option of appealing to VCAT due to a failure to determine ground after 60 days. For this application, that time recently passed on 8 December 2023.

3. THE SITE AND SURROUNDS

The Subject Site

- 3.1 The subject site (site) comprises three parcels of land, being the Tram Road Reserve, 6 Whittens Lane and 32 Grange Park Road, Doncaster. The site is generally to the north-east of the Tram Road and Eastern Freeway intersection, with the area subject to the permit application usefully demonstrated (by green outline) in the following image:



3.2 The Tram Road Reserve (Reserve):

- forms part of the broader Koonung Creek Linear Park (located at its far western end);
- is a Council owned public open space used for passive recreation, with walking trails and off-leash dog walking areas;
- is approximately 2.26 hectares in area and generally triangular in shape;
- features a large open grassed area that is relatively flat from past levelling (the disused cricket pitch) and with dense vegetation in the northern part;
- has steeper topography up toward the north and toward the south in the areas containing the Koonung Creek;
- includes an unsealed gravel path on the southern side, with connections to Tram Road, Grange Park Avenue and the Koonung Creek Linear Park (noting this trail is not the main “commuter” Koonung Creek Trail, which is an asphalt shared use path located on the southern side of the Eastern Freeway);
- connects the to the broader open space areas further east and Eram Park on the southern side of the creek (being land within the City of Whitehorse);
- is encumbered by an easement (E-)1 in the southwest corner junction of Whittens Lane with Tram Road which measures 1 metre in width and facilitates gas supply.

3.3 No. 32 Grange Park Avenue:

- is Council owned land used as part of the reserve (despite being residentially zoned);
- is approximately 665 square metres in area and rectangular in shape;
- contains a pedestrian path amidst grassed land and mature trees;
- contains bollards at the frontage to accommodate maintenance vehicle access to the reserve via Grange Park Road;

- is burdened by easements along its side and rear boundaries for the purpose of drainage, sewerage and gas supply.
- 3.4 No. 6 Whittens Lane:
- is residentially zoned land owned by Yarra Valley Water, located on the south-eastern side of Whittens Lane, approximately 20 metres east of the carriageways along Tram Road;
 - is rectangular in shape with a frontage of approximately 16.7 metres and depth of 51.8 metres;
 - is currently vacant (having been previously occupied by a dwelling) and has a slope of some 6 to 7 metres toward the reserve with a cross-fall toward the south-west;
 - was previously issued approval for three dwellings on the land (permit PLN19/0674) which has since expired.
- 3.5 The titles of the council owned parcels (the Reserve and 32 Grange Park Avenue) are burdened by two restrictive covenants relevant to the purpose of the creation of easement to facilitate gas supply in favour of the Gas & Fuel Corporation of Victoria over part of the land (Covenant J891388 registered 19/01/1982) and restricting any buildings on 32 Grange Park Avenue to one dwelling house with external walls of brick (Covenant C617723 created 19/11/1966).
- 3.6 The restrictions will not be breached by the proposal.

The Surrounds

- 3.7 Contextually, the site sits within an established residential area north-west of Tram Road and the Eastern Freeway, located 1 km south of Westfield Doncaster, 1.6km south-east of the Tullamore Estate and approximately 600 metres from the southern boundary of the Doncaster Hill Activity Centre. The Applewood retirement village is on the opposite (western) side of Tram Road.
- 3.8 The subdivision pattern of the surrounding residential areas is generally curvilinear, with the local road network characterised by narrower streets, some of which include traffic calming measures.
- 3.9 Whittens Lane:
- historically formed an intersection with Tram Road (pre-1990). The intersection was thereafter terminated to form a cul-de-sac, with the Y-arrangements at its terminus later created in 2016 to facilitate waste vehicle movements;
 - generally runs in a northerly direction to connect to Doncaster Road and is classified as a local road, managed by Council, with two-way traffic movements. Near the site, it has a carriageway width of ranging between some 3 to 5.5 metres with indented parking generally provided in the narrower sections of the road and traffic calming measures further north; and
 - intersects with the local road Frank Street, which provides a connection between Tram Road and Whittens Lane (both ingress and egress permitted at the Frank Street/Tram Road intersection).

3.10 Tram Road:

- is an arterial road managed by the Department of Transport, supporting two lanes in each direction in addition to a slip lane adjacent to the land to direct traffic in an easterly direction along the Eastern Freeway;
- has acoustic barriers to its east, generally commencing adjacent to the pedestrian path connecting to the Reserve (and the residential property beyond at No 2 Whittens Lane) and continues with the alignment of the on-ramp and freeway further south.

3.11 Grange Park Road:

- is a local road managed by Council which provides two-way traffic movements within carriageway width of approximately 7 metres and solid lines markings near bends.

3.12 The immediate interfaces are shown in the following aerial image:

3.13 Land immediately adjoining the Reserve to the north-west and north-east:

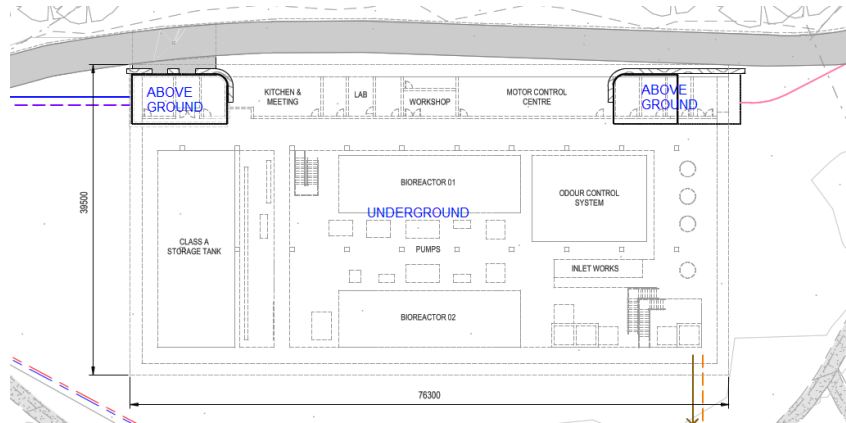
- is residential in nature, containing single and multi-dwelling houses fronting Whittens Lane and Grange Park Avenue respectively;
- contains dwellings setback varying distances from their rear boundaries that are shared with the reserve (with such setbacks being generally lesser where multi-dwelling developments have occurred) and their secluded private open spaces generally adjoining the reserve;
- are within the General Residential Zone, with exception of Nos. 2 and 4 Whittens Lane which are zoned for Residential Growth; and
- are setback from the physical location of the proposed underground facility and its associated above ground entrances by at least 40 metres and up to 100 metres.

- 3.14 Land immediately adjoining the reserve to the south:
- contains the Koonung Creek, with vegetated embankments each side;
 - is owned by the Department of Transport and generally provides a buffer between the site and Eastern Freeway further south (which is separated by sound walls);
 - may be impacted by the North East Link Project (NELP), scheduled for completion in 2027 and includes freeway upgrades.
- 3.15 Land immediately adjoining the reserve to the east:
- is the continuation of the Koonung Creek, including the broader part of the reserve which extends north of the creek through to Windella Quadrant in a north-easterly direction, and Eram Park Reserve which occupies the parkland south of the Koonung Creek (this being located within the City of Whitehorse).
- 3.16 Land immediately adjoining 6 Whittens Lane to the south-west:
- is No. 4 Whittens Lane, containing four townhouses in an attached manner down the length of the site, serviced by a common driveway. The dwellings are setback a minimum 1.8 metres from 6 Whittens Lane and include windows and terraces facing the shared boundary, with those above ground level generally screened to a height of 1.7 metres. The rear dwelling (unit 4) includes a third storey roof terrace component with outlook toward the reserve.
- 3.17 Land immediately adjoining 6 Whittens Lane to the north-east:
- is No. 8 Whittens Lane, containing a detached single dwelling which is elevated toward the rear, with a carport upon the shared boundary and windows oriented towards this site and the Reserve.
- 3.18 Land immediately adjoining 32 Grange Park Avenue:
- are Nos. 30 and 34 Grange Park Avenue Whittens which each share their side boundary with the reserve. Both are developed with single dwellings, with that at No. 30 built very close to the shared boundary for a substantial length.

4. THE PROPOSAL

- 4.1 The purpose of the utility installation (the Facility) is to treat wastewater from the existing Koonung Creek branch sewer (sewer) to produce Class A recycled water for the Doncaster Hill Activity Centre and Tullamore Estate (Doncaster Hill) with the capacity to produce at least 750,000 litres of recycled water per day.
- 4.2 The Facility and the associated recycled water pipeline network (to be delivered separately), would allow connected residents and businesses to use recycled water for toilet flushing, washing clothes, car washing and for garden irrigation. The applicant has also indicated a potential to supply reserves and open space with recycled water.
- 4.3 The Facility itself is predominantly underground and:

- occupies an area approximately 76 metres by 40 metres, to a depth of approximately 11 metres below ground level;
- contains filtration and disinfection equipment, pumping equipment, chemical storage and odour scrubbing equipment, alongside building services equipment and staff amenities; and
- has a general layout as follows:

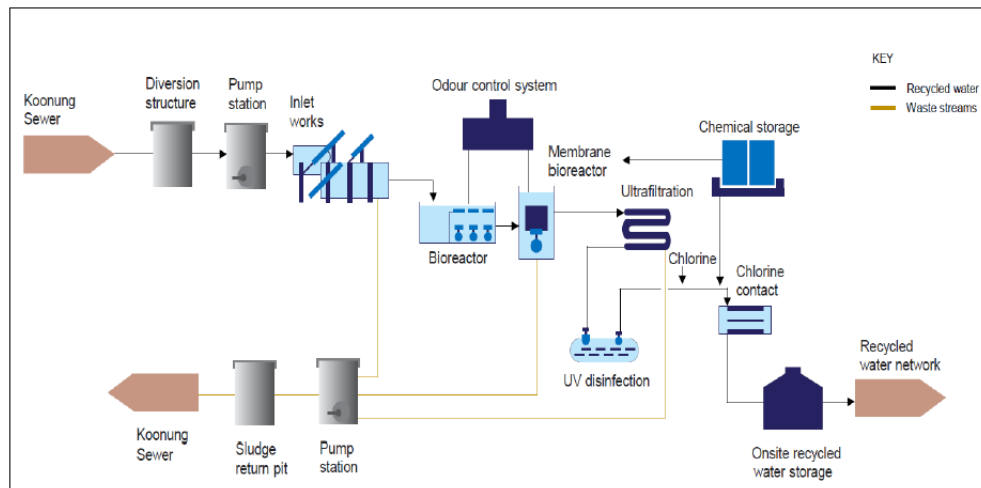


4.4 The components above the ground include two buildings at either end of the Facility, measuring approximately 180 sqm in total area (17 metres x 7 metres and 13 metres x 7 metres), to approximately 4 metres in height. They contain lifts and stairs, allow for air intake, chemical deliveries, exhausts and a substation and are externally finished in black clad, timber and rammed earth finishes. Opportunity for artwork is suggested upon their northern elevations. Other visible components include:

- a row of 4 air vents situated between the two buildings, to a height of 5.4 metres, suggested to be finished with decorative finishes/artwork;
- lightwells between the two buildings;
- maintenance hatches including a larger buried hatch, to be unearthed and accessed should the need arise to service large components from underground;
- an indigenous garden between the two buildings;
- resurfacing of areas beyond the indigenous garden to their existing grassed condition and open space function; and
- an appearance as shown indicatively below:



- 4.5 Access and parking to the completed facility includes:
- a 4-metre-wide concrete access road within 6 Whittens Lane, continuing to the north of the Facility and through to 32 Grange Park Avenue, with connections to existing pedestrian paths within reserve;
 - the access road to function as a shared path for pedestrians and service vehicles up to 12.5 metres in length;
 - new crossovers and gated vehicle entries to 6 Whittens Lane and 32 Grange Park Avenue; and
 - five car parking spaces, including one informal bay next to the Facility and 4 spaces within a small car park at 6 Whittens Lane for the ongoing staff operations.
- 4.6 It is proposed to remove three trees, with one (Willow Bottle Brush) being in the reserve and the others being street trees. No trees to be removed require planning permission.
- 4.7 The use operations generally require a combination of regular, periodic and ad-hoc attendance by Yarra Valley Water staff and involve:
- one operator expected on a daily basis in addition to one to three maintenance personal on most work days;
 - other employees that may attend at variable times, including emergency maintenance and business support staff, management and cleaners;
 - external visitors on rare occasion (such as for educational purposes);
 - deliveries and water sample collections to occur weekly and for periods between 15 to 45 minutes; and
 - chemical deliveries occurring on a fortnightly to monthly frequency for a 1 hour duration (these proposing the use of a large, 12.5 metre vehicle).
- 4.8 The water recycling treatment technology selected for this Facility incorporates technologies including the bioreactor and filtration for the solids and liquid separation, followed by ultrafiltration, ultraviolet system and chlorination for disinfection. The various steps involved in producing the Class A recycled water are demonstrated in the flow path (extracted from the submitted planning report) below:



4.9 Pipelines connected to and from the facility are exempt pursuant to Clause 62 of the Manningham Planning Scheme (as a Minor Utility Installation). For completeness, the provided details include:

- Two co-located pipelines connect the Facility with the sewer to the south. These pipelines will pass beneath Koonung Creek, partially within Manningham and the City of Whitehorse south of the creek.
- The output of the Class A recycled water and associated water pipeline network, anticipated to the north, which is to be delivered separately and with the alignment subject to future design.

4.10 The permit application is further described in the plans and reports submitted with the permit application (with the planning report providing a summary of all accompanying documents).

5. LEGISLATIVE REQUIREMENTS

5.1 The relevant policy is included within **Attachment 3** (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation and policy).

5.2 The Reserve is within the Public Parks and Recreation Zone. The other parcels forming the subject land at 6 Whittens Lane and 32 Grange Park Avenue are within the General Residential Zone 1.

5.3 A permit is required under the following Clauses of the Manningham Planning Scheme:

- Clause 36.02-1 of the Public Parks and Recreation Zone to use the land for a 'utility installation'.
- Clause 36.02-2 of the Public Parks and Recreation Zone to construct a building or construct or carry out works.
- Clause 32.08-2 of the General Residential Zone Schedule 1 to use the land for a 'utility installation'.
- Clause 32.08-9 of the General Residential Zone Schedule 1 to construct a building or construct or carry out works for a use in Section 2.

- Clause 44.04-2 of the Land Subject to Inundation Overlay to construct a building or construct or carry out works.

Use Classification

5.4 Relevant to the characterisation of the use:

- 'Utility installation' is defined by the Scheme as land used (among other things) to collect, treat, or dispose of storm or flood water, sewage, or sullage.
- Within this definition, it also includes 'minor utility installation' which is defined as land used for a utility installation comprising of any of the following (these being of relevance):
 - sewerage or water mains;
 - a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood.

5.5 Were the proposal considered as just a sewerage treatment plant as per the 'minor utility installation' land use definition, the use would not require a planning permit due to the exemptions it is afforded at Clause 62.01 of the Scheme. However, as the Facility seeks to recycle wastewater to a usable class A water, it deviates from the typical sewerage treatment plant classification and can be classified as a Utility Installation, therefore requiring a planning permit.

Zones

Clause 36.02 – Public Park and Recreation Zone (applying to reserve land)

5.6 The purpose of the zone is:

- 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.

5.7 The Facility ('utility installation' use) is a Section 2 use (planning permit required) within the Public Park & Recreation Zone (PPRZ) as the proposed use is not conducted by or on behalf of the public land manager, that being Council. The decisions guidelines within the zone are therefore relevant to the application.

Clause 32.08 – General Residential Zone

5.8 The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

- 5.9 The Facility ('utility installation' use) is a Section 2 use (planning permit required) within the General Residential Zone (GRZ1). The decisions guidelines within the zone are therefore relevant to the application.

Overlays

Clause 44.04 – Land Subject to Inundation Overlay (LSIO)

- 5.10 The purpose of this overlay is:

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.

- 5.11 The LSIO largely affects the creek area, with some minor encroachment into the broader site as demonstrated in blue below (these not impacting the location of the above ground level components).



- 5.12 The LSIO is governed by Melbourne Water as a determining referral authority. Melbourne Water supports the proposed facility subject to conditions which have been included verbatim within the Officer recommendation.

Clause 42.03 - Significant Landscape Overlay, Schedule 5

- 5.13 The site is partially affected by the Significant Landscape Overlay, Schedule 5 (affecting 'Watercourse Areas' and shown in green above). This overlay generally follow the creek line in the south-easter corner.
- 5.14 As the overlay applies to areas outside of the proposed works, a permit is not required under this provision and therefore not relevant to the processing of this application.

Clause 42.01 - Environmental Significance Overlay, Schedule 3

- 5.15 The Environmental Significance Overlay, Schedule 3 (ESO3 - *Buffer conservation areas supporting sites of biological significance*) affects the parkland further east and a small slither of land measuring less than 900mm on the site's eastern boundary near the existing rain garden (potential mapping anomaly).
- 5.16 As the overlay applies to areas outside of the proposed works, a permit is not required under this provision and therefore not relevant to the processing of this application.

Particular Provisions

Clause 52.06 – Car parking

- 5.17 Clause 52.06 regulates car parking requirements and design standards. A specific parking rate is not specified for a utility installation use. As such, the appropriateness of the proposed parking provision must be to the satisfaction of the responsible authority.

Clause 52.17 – Native vegetation

- 5.18 Clause 52.17 seeks to manage the removal, destruction or lopping of vegetation to minimise land and water degradation. This is achieved by applying a three-step approach, namely avoid, minimise and offset.
- 5.19 A planning permit is not required under Clause 52.17 of the Scheme as the vegetation to be removed is exempt from requiring a planning permit, being either non-native or planted.

Clause 53.10 – Uses with adverse amenity potential

- 5.20 Clause 53.10 seeks to identify the types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.
- 5.21 Clause 53.10-1 details specific threshold distances, which in this case is measured as the shortest distance from any part of the land to land (not a road) in the nominated zones, which relevantly includes the residential zones. The Table to Clause 53.10-1 does not specify a threshold distance for a water

recycling facility and as such, requires referral to the Environment Protection Authority under Section 55 of the Planning and Environment Act 1987 (P&E Act).

Cultural Heritage

5.22 The land is identified as having Cultural Heritage Significance. The proposed works (a utility installation) constitutes a high impact activity. As such, a mandatory Cultural Heritage Management Plan (CHMP) was required to be prepared in accordance with the Aboriginal Heritage Regulations 2018 (Vic) and approved prior to any permit issue. The applicant has submitted a CHMP which has been approved by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation on 18 February 2022.

5.23 A **condition** of permit, should one issue, will require the development to be in accordance with the recommendations within the approved CHMP.

General Provisions

Clause 65 – Decision Guidelines

5.24 Clause 65 requires that *“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”*. Clause 65.01 sets out the matters that the Responsible Authority must consider.

6. REFERRALS

External

Department of Transport and Planning

6.1 Pursuant to Clauses 66.03 and 52.29 of the Manningham Planning Scheme, Department of Transport (formally VicRoads) is a *determining* referral authority for an application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Head, Transport for Victoria for the purpose of a road.

6.2 The site is directly adjacent to Tram Road, which is declared road within the Transport 2 Zone. The application does directly alter vehicular access to Tram Road (having no vehicular access points to Tram Road at present) however does require the creation of the temporary intersection between Tram Road and Whittens Lane for the purpose of construction only.

6.3 The proposed changes to the Tram Road/Whittens Lane intersection are considered by the DTP as construction related works for the Facility. As such, any final design and/or restrictions for this intersection would be considered under a separate application to DTP pursuant to the Road Safety Act, following the issue of a planning permit.

6.4 The application does therefore not seek to create or alter access to a Transport 2 Zone under Clause 52.29-2 of the Scheme.

- 6.5 The DTP in their response dated 16 August 2022, did not object to the proposal. No conditions were offered. Council officers initially had significant concerns with the lack of feedback from DTP on whether the temporary intersection at Whittens Lane and Tram Road access was functional and if so, under what conditions. From an officer perspective, the temporary intersection to allow heavy vehicle access from Tram Road was imperative to the construction of the facility.
- 6.6 After further discussions and multiple meetings with the DTP, they have since provided their in-principle support for the proposed Whittens Lane and Tram Road temporary intersection for construction access. Their response, although not exhaustive, is considered adequate to enable Council to make an informed decision with confidence of its viability. The advice includes recommendations such as limiting construction access onto Tram Road outside of peak times, generally 8:15-9:15am and 4:45-5:45pm to reduce traffic impacts.
- 6.7 Officers also consulted with DTP to explore alternative construction access via the freeway on-ramp as an alternative to Whittens Lane, in efforts to avoid reliance on any local roads.
- 6.8 The officer proposed alternate access explored was ultimately not supported by DTP due to implications to existing soundwalls, impediments to nearby bus stop and the pedestrian networks.

Environmental Protection Authority

- 6.9 Pursuant to Clauses 66.02-1 and 66.02-7 of the Manningham Planning Scheme, the Environmental Protection Authority (EPA) is a determining referral authority as the application is:
- for a use or development requiring a Development Licence or Operating Licence in accordance with Part 4.4 of the Environment Protection Act 2017; and
 - seeking to use land for a utility installation - a purpose listed in the table to Clause 53.10 with no threshold distance specified.
- 6.10 In their referral response dated 26 April 2023, the EPA did not object to the proposal, nor impose any conditions. Their advice outlined the further environmental requirements the applicant would need to meet within the EPA Development Licence that was under consideration.
- 6.11 The EPA later advised that a Development Licence (DL000300022) was issued to YVW on 27 January 2023. The Development Licence seeks to minimise risks of harm to human health and the environment from pollution or waste associated with the facility, and has considered such matters as:
- Loss of, or encumbrance of public open space
 - Noise and vibration from construction activities impacting the surrounding community
 - Discharges to land or waterways— chemical deliveries, surface runoff, stormwater discharges, off-specification water produced by the plant, using recycled water for irrigation or spills during construction or operation

- Odorous emissions during operation of the facility
- Noise impacts to the surrounding community from operation of the facility
- Management of waste materials
- Wastewater discharge events

6.12 Following a public notification period undertaken by the EPA, one objection was received. The EPA notified the submitter of their decision when the development licence was issued. The EPA has not received any appeal by the objector regarding its decision to issue the Development Licence.

Melbourne Water

6.13 Pursuant to Clause 66.02-1 and Clause 44.04-7 the Manningham Planning Scheme, Melbourne Water is a determining referral authority as the application includes works within the mapped LSIO area.

6.14 In their referral response dated 11 October 2022, Melbourne Water did not object to the proposal subject to conditions requiring a Site Environmental Management Plan and other relevant approvals for works.

North East Link Project (NELP)

6.15 NELP were notified as a recommending referral authority as the works are within and adjacent to the package area for upgrading the Tram Road freeway slip lane. NELP have advised they have no objection (with no conditions required).

6.16 NELP were also contacted (during the same engagement process with DTP) to consider the alternate construction access route via the freeway slip lane as suggested by officers. NELP advised they were unable to support the alternative access proposition due to conflicts with the future freeway upgrade, slip lane works, traffic management, nearby sewerage infrastructure works and the impediment to pedestrian networks.

Other external referrals

- AGL (no objection subject to conditions)
- Multinet Gas (no response received)

6.17 The initial application was also referred to AGL and Multinet Gas prior to the Section 57A application being lodged at Council to remove the creation and variation of easements. These referrals and any conditions or comments are no longer relevant.

Internal

Service Unit	Comments
City Infrastructure	Final advice was received on 29 November 2023 in support of the application, subject to conditions. Key comments include:

Service Unit	Comments
	<ul style="list-style-type: none"> • The facility will support a sustainable future and make better use of our existing water resource, in a time of climate uncertainty and a less reliable rainfall. Therefore, this proposal aligns well with Council's strategies and should be supported. • The traffic and noise impact to the community during the construction phase of the project is a key consideration of the proposal. The traffic access strategy documented in the planning report (Section 9.3 of Planning Assessment Report by Arup, dated 3 June 2022) provides high level information regarding construction access methodology for various stages of construction. This information is broadly consistent with what has been agreed with Yarra Valley Water (YVW) and the Department of Transport and Planning (DTP) during pre-application stage. • Construction access via 6 Whittens Lane, which is a property strategically acquired by YVW, and via a temporary opening of Whittens Lane on Tram Road, provides the most direct route to the construction site and minimises traffic and noise impact to the greater community. • Construction vehicles have the potential to damage Council assets such as roads and paths. Detailed dilapidation reports are required to be prepared for all the roads and paths that construction vehicles are reasonably expected to utilise, prior to the commencement of construction, so that any damages to Council assets will be rectified before the building and works are completed. • In respect to the traffic impact associated with the ongoing operations of the facility, on-site parking is proposed to include two formal parking spaces and two tandem spaces on 6 Whittens Lane, plus a chemical delivery bund and gravel 'pull-over' bay in the reserve. On most occasions, the parking provided can be accommodated without the reliance of on-street parking, and on a busy day, the expected car parking demand will be seven vehicles arriving on site generating a maximum demand for three on-street parking spaces. This is considered acceptable as traffic surveys revealed this level of parking demand can be accommodated within the local street network. • Council engineers do not support the routine use of service vehicles exceeding 8.8m in length to service the facility, due to the geometric constraints of the local road network. While it is acknowledged that some parking removal (time based) may be required on Grange Park Avenue to facilitate service vehicle access, the use of smaller service vehicles will significantly minimise these losses. Additionally, subject

Service Unit	Comments
	<p>to engineering design and community support, indented parking could be constructed to help offset the parking losses.</p> <ul style="list-style-type: none"> • On balance, City Infrastructure supports the granting of a permit for the proposal, subject to appropriate conditions included in any permit issued. <p>Key conditions include:</p> <ul style="list-style-type: none"> • Any Traffic Management arrangements as required by DTP • Construction traffic and parking impact, including but not limited to access routes for various construction vehicle classes, work hours, workers parking, and noise and vibration management. • Koonung Creek Trail access maintained during construction • Asset protection for any roads and paths that are to be utilised to facilitate construction of the facility. • Potential to mitigate parking loss on Grange Park Avenue through construction of indented parking spaces commensurate to the spaces lost. • Flood and stormwater management associated with the ongoing use and operation of the facility. • Traffic management associated with the ongoing operations of the facility, including service vehicle access via the paths within Tram Road reserve.
<p>Statutory Planning Arborist and Parks Department</p>	<p>Final Arboricultural advice was received on 24 August 2023 and did not object to the application. Key comments and requirement include:</p> <ul style="list-style-type: none"> • Trees 12, 144 and 312 are proposed to be removed. Although not shown on the plan, Tree 17 (street tree) may require removal to allow for the Grange Park Ave entrance. • Clause 52.17 does not apply to tree removed on site as would be planted and therefore exempt. Street tree removal will be subject to an amenity value to be determined by Councils Parks Department. • The walking path should be upgraded to concrete. • The proposed landscaping around the above ground buildings simplified with only small indigenous trees and large shrubs planted to soften the built form. Maintenance arrangements are to be agreed with Council and planting is to be of indigenous species grown at Councils nursery. • Yarra Valley Water to undertake all tree removals required for site access and removal of any woody weed species within the bushland area north of the development. New planting will replace any removed trees and infill planting within the Bushland area north of the proposed development. Between 12 to 72 replacement trees is suggested.

Service Unit	Comments
	<ul style="list-style-type: none"> For 6 Whittens Lane, a decorative garden bed should be constructed at the front with large shade trees such as Quercus sp., Ulmus sp. or similar. A minimum of ten (10) canopy trees capable of growing to a minimum of 12m at maturity appears able to be planted, with possibility of constructing an accessible pedestrian path within this space.
City Design - Open Space	<p>Open space advice was received 29 August 2022 and did not object to the application. Key requirements include:</p> <ul style="list-style-type: none"> No construction or maintenance vehicle access allowed along the Koonung Creek Trail from Windella Quadrant, all access must be from either Whittens Lane or Grange Park Avenue. All existing park infrastructure must be reinstated at end of construction to satisfaction of Council. No vegetation removal without prior consent of Council. Final design and materials of above surface buildings and landscaping to be approved by City Design and Parks Units.
Integrated Water Management	<p>Integrated Water Management advice was received 29 August 2022 in support of the application. Key comments included:</p> <ul style="list-style-type: none"> Following the exhaustive process undertaken, there is no known alternative to the proposed Tram Road site for the development of a recycled water facility to supply Doncaster Hill and the Tullamore Estate, which are located in a mandated recycled water area. This project is in strong alignment with State Government direction in addressing adaptation to the water cycle risks posed by climate change and population growth. One of the core benefits of recycled water is its availability, even during periods of drought.
Independent acoustic advice	<p>Renzo Tonin were engaged by Council officers to peer review the acoustic and vibration submission and the potential impacts associated with the construction of the facility. Key findings and recommendations included:</p> <ul style="list-style-type: none"> The predications in the submitted applicant reports were accurate and agreed that the airborne construction noise impact would highly affect dwellings adjacent to the Grange Park and Whittens Lane construction access points for Stage 1-4 of the construction, and that vibration and noise would be significant to those properties for Stage 5-8 of the construction.

Service Unit	Comments
	<ul style="list-style-type: none"> • It was found that the submitted in-principle mitigation measures for construction noise and vibration impacts from the proposed works were typical for such projects. • To address the key impacts, it was recommended alternate heavy vehicles construction access be considered where possible, further from residential properties, or if not feasible that the Whittens Lane/Tram Road construction could be viable, provided that mitigation measures be included such as sound absorbing walls along 6 Whittens Lane access, acoustic treatments to habitable windows, and upkeep and hard surfacing of access roads, and consideration of resident respite/relocation during stages with most disturbance (such as excavation and piling works).
Independent traffic advice	<p>Impact Consulting were engaged by Council officers to undertake a peer review of the proposed construction vehicle access and traffic impacts. Key findings and recommendations included:</p> <ul style="list-style-type: none"> • Overall, to facilitate the main construction activities within the site, the Tram Road / 6 Whittens Lane temporary access is considered to be the least disruptive and most direct route to the site and should be used for construction vehicles larger than 6.4m small rigid vehicles. • It is expected that the movements in and out through this temporary access, specifically the egress movements, will require stoppages of traffic along Tram Road with appropriate traffic management in place. Hence, due to the constant disruption anticipated, it is expected that these movements will be restricted to outside peak periods. Should this access be the primary route for vehicles larger than 6.4m small rigid vehicles, it is likely that the construction programme may require extending due to the expected restricted hours. • In addition to the above, smaller vehicles (6.4 metres in length and below) should utilise the local roads as proposed, primarily the Grange Park Avenue access to enter/exit the site. It is not expected that any major/obvious disruptions will occur as these vehicle sizes can comfortably navigate the existing local road network. • Utilising a separated access through the local roads for the smaller vehicles reduces the daily volume of vehicles required to enter / exit via Tram Road, ultimately minimising disruptions to the road network. • Smaller vehicles are expected to be the majority of vehicles entering/exiting the site daily. It is also acknowledged that these smaller vehicles are expected to access and egress

Service Unit	Comments
	<p>the site during peak times, as these are the main hours construction workers arrive on-site/leave site. Hence, reducing this load off Tram Road/Whittens Lane significantly reduces disruptions/stoppages of traffic.</p> <ul style="list-style-type: none"> • Construction parking for the anticipated 95 vehicles could pose an unreasonable impact on residents but could be managed by parking within the Reserve in identified open grassed areas east of the development site, and by other mitigation measures such as worker busses/car sharing and on-site tool lockers to reduce the number/movements of trade vehicles.

7. NOTIFICATION AND CONSULTATION

7.1 Notice of the application was given over a minimum two-week period that concluded on 18 August 2022, by way of approximately 700 letters sent to adjacent and nearby properties including the City of Whitehorse, erecting 5 notices on the site frontages and within the Reserve and publishing notices within both The Age and Herald Sun and newspapers.

7.2 To date, 55 objections have been received. Issues raised primarily related to:

- out of character and an inappropriate use/inappropriate site;
- construction traffic impacts;
- proximity/buffer zone to residents;
- health and safety, odour, flooding;
- loss of parkland;
- unclear information/misleading description;
- visual impact;
- net community benefit versus risk;
- noise and vibration;
- traffic and parking during operation;
- wildlife/vegetation/creek environs impacts;
- facility failure/chemicals;
- health/safety;
- operation hours; and
- pollution.

7.3 A Consultation Meeting was held on the 2 March 2023, with approximately 20 objectors, Councillors, the applicant and Council officers in attendance. Objectors voiced concerns about the proposal, and the applicant responded or clarified as needed, however no formal agreements were reached.

7.4 The grounds of objection are largely considered within the assessment section and further responded to in Section 10 of this report.

Section 57A Amendment following notification

- 7.5 On 28 September 2023, the application was formally amended under Section 57A of the Planning and Environment Act 1987 (Act). The purpose of this amendment was to remove a part of the application that proposed the creation and/or variation of easements on the subject land. This component of the application has now been removed.
- 7.6 The application was amended in response to officer concerns that the creation of easements on land not owned by the applicant was prematurely made without the necessary permissions under the relevant sections of the Subdivisions Act 1998.
- 7.7 Notice of the amended application was not given under Section 57B of the Act as the proposal substantially remained unchanged and the removal of this aspect of the application does not cause any increased detriment to persons (being only relevant to Council and the gas authorities).
- 7.8 Should a permit issue, the required planning approval to create and vary these easements will need to be applied for separately, and prior to acting on any permissions authorised by this permit application. For completeness, the following permit notes would be included as a further warning regarding these future obligations:-

No proprietary interest in land

The grant of this permit does not give the permit applicant any proprietary interest in the land and should not be taken as an indication of consent by Manningham City Council, in its capacity as the landowner of 2-18 Tram Road, Doncaster and 32 Grange Park Road, Doncaster, to the permit applicant entering onto or occupying the land to implement the permit.

Easements on the land

The grant of this permit does not affect or derogate from the rights of any beneficiary in respect of any registered easement over the land subject of the permit or any requirement imposed by or under any legislation concerning such easements. Further, the grant of this permit should not be taken as an indication of consent by any beneficiary of a registered easement to allow any building or works to be constructed over such easement.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay, and the relevant particular and general provisions of the Manningham Planning Scheme.
- 8.2 The assessment is made in consideration to the following key questions:
- Is the proposal an appropriate response to the physical and planning contexts?
 - Has the previous refusal been addressed?
 - Are the amenity impacts during construction acceptable?
 - Are the amenity impacts of the use and development acceptable?
 - Will the open space outcomes be appropriate?

Is the proposal an appropriate response to the physical and planning context?

- 8.3 The Facility within the Reserve is located within the Public Park and Recreation Zone (PPRZ) for which Council is the public land manager. The accessways to service the Facility (within 6 Whittens Lane and 32 Grange Park Avenue) are

within the General Residential Zone (GRZ), however these aspects are somewhat ancillary to the main use.

- 8.4 Within both zones, there is provision within their purpose to allow for other uses such as commercial uses or other non-residential, with the appropriateness of such uses to be weighed against matters such as; whether they service local community needs, are in appropriate locations and suitably designed in consideration of their context, and importantly, the Municipal Planning Strategy and the Planning Policy Framework.
- 8.5 When considering the broader Planning Policy Framework, there is an equal balance placed upon the importance to promote sustainable practices and integrated water management, along with the need to protect amenity and protect and enhance open spaces.
- 8.6 Outcome 06 of Plan Melbourne 2017-2050 aims for Melbourne to be a sustainable and resilient City. This includes an integrated approach to managing the urban water cycle to best use all water sources, to protect the health of the city's waterways and bays, reduce the risk of flooding and keeping parks, gardens and street trees thriving. Direction 6.3 is to integrate urban development and water cycle management to support a resilient and liveable city. Integrated Water Management is the key approach aligned with this Direction.
- 8.7 At a higher level, Clause 11 (Settlement) includes objectives and strategies seeking to support a sustainable performance and urban environment by ways that include integrating the management of water resources and prioritising services, with the ongoing provision of land and supporting infrastructure to support these needs.
- 8.8 Clause 14 (natural resource management) identifies that planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. It further seeks to ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
- 8.9 Clause 19 (infrastructure) similarly includes objectives and strategies to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through integrated water management. It further seeks to minimise the impact of the use and development of public open space on surrounding areas, increase the landscape values of these spaces and ensure, where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.
- 8.10 Numerous strategies such Clause 13.07-1S (land use compatibility) emphasise the importance of amenity and require consideration of human health and safety through separation, siting, building design and operational measures, while facilitating appropriate infrastructure or other uses with potential adverse off-site impacts.
- 8.11 Clause 71.02-3 (integrated decision making) of the Scheme has an overarching requirement to foster appropriate land use and development planning policies and practices, to balance conflicting objectives and integrate relevant environmental, social and economic factors "in favour of net community benefit and sustainable development".

- 8.12 At a local level, the Municipal Planning Strategy reflects these sentiments in seeking to promote early consideration of environmental sustainability efficiencies and benefits through integrated water management, protecting residential amenity and to provide a range of high quality and accessible public open space areas.
- 8.13 Evidently, there has been a clear commitment to deliver recycled water as demonstrated by the prior and ongoing work relevant to integrated water management and mandated third pipe connection to allow the supply of recycled water within Doncaster Hill.
- 8.14 Council is amidst delivering an Integrated Water Management Strategy that aligns with the Goal 2.4 of the Council Plan (2021-2025) and broader policy support within the Scheme and Plan Melbourne. Council's Integrated Water Management Strategy Implementation Plan was adopted by Council on 27 June 2023. The Implementation Plan focuses on the development of this Strategy, with a key focus to shift from treating stormwater as a waste to be disposed, to stormwater being recognised as a valuable resource, including the treating and reusing of wastewater as an urban resource.
- 8.15 As a driver for integrated water management, it identifies:
- The forecast impacts of climate change, together with increased demand for water resulting from population growth will apply further pressure to our potable water supplies, reinforcing the need for an Integrated Water Management approach to ensure a sustainable future for our community.
- 8.16 Council's Open Space Strategy (2014) recognises that community benefits can be maximised by utilising public open spaces for multiple purposes (such as recreation, flood retention and stormwater treatment). It further identifies that existing open spaces such as the Koonung Creek are potential locations to support such infrastructure.
- 8.17 The Koonung Creek Linear Park Management Plan (August 2011) gives specific in-principle support of a recycled water facility, with any such proposal along the creek corridor needing to balance impact on the effective use of land for recreation purposes (and consider the potential to improve the recreational outcomes).
- 8.18 As demonstrated by the above, overarching policy along with the Council Plan and other adopted plans and strategies provide a clear prioritisation of sustainable practices and integrated water management that allow for alternative water supplies.
- 8.19 A key offering of the Facility is its contribution to Council's sustainability goals, improving water conservation to support a growing population with the ability to mitigate the effects of climate change. The facility provides the opportunity to connect up to 5000 apartments and 700 houses within the surrounding Doncaster Hill precinct with Class A recycled water, estimated to yield significant reduction to the use of drinking water currently relied upon for unsustainable purposes such as toilet flushing, washing clothes and within gardens.
- 8.20 The proposal suggests that the Facility has the further potential to facilitate irrigation to local sports fields and parks and other local areas, with the full potential supply of recycled water beyond Doncaster Hill to be further detailed as a **condition**.

- 8.21 Using public open space as means to provide such facilities (as acknowledged by the Open Space Strategy) is a logical response, particularly given the larger area offerings they provide and the need for the facilities to be located reasonably close the areas they service. As indicated in the background section of the report, numerous sites were considered by an independent panel, and although Eram Park was the first priority (and ultimately not possible due to conflicts with NELP and flooding), Tram Road Reserve was identified as the next preferred, with the other locations not deemed suitable.
- 8.22 The proposal is well sited so as to avoid conflict with any of the proposed works shown in the future works program for this particular area within Koonung Creek Linear Park Management Plan.
- 8.23 By way of siting the Facility substantially underground, the resulting loss of recreational public open space is minimised, as sought by both the abovementioned plan and directions in relevant policy. The loss is limited to the two above ground access buildings, totalling approximately 180 square metres in area. In the context of the Reserve area and broader Koonung Creek Linear Park, this is not a substantial loss and its placement ensures much of the usable levelled area, directly adjacent to the existing path further south, remains unaffected.
- 8.24 It should be recognised that the proposal will create a shared accessway formally connecting Whittens Lane through to Grange Park Avenue and the existing path network, therefore increasing the sealed areas available for the public to use for recreational purposes such as walking or cycling. The new accessway through 6 Whittens Lane is to be available for unrestricted use by the public and effectively acts as an additional land holding to the Reserve (in a similar way that 32 Grange Park Avenue does now).
- 8.25 The visibility that this entry provides is important also, in that it would provide a much improved alternative to the current pathway connection to Whittens Lane/Tram Road, which is largely concealed between the freeway sound wall and property boundary fencing and suffers from limited surveillance and sightlines. The applicant has committed to shared public access 24 hours / 7 days a week which is supported and will be preserved through an ongoing **condition**.
- 8.26 This would significantly improve the legibility of the reserve and connectivity to the local street network, and further contributes to a localised net community benefit to balance any loss to the open space. Furthermore, preliminary discussions have also been held with YVW regarding the potential transfer of 6 Whittens Lane to Council. Should this occur, the entire land holding would form part of the overall open space which would be a substantial gain.
- 8.27 The proposal offers an indigenous garden above the facility which is appropriate in context of the Koonung Creek environs and policy objectives, which seek to increase biodiversity and landscape contributions. During construction, the highly regulated management practices (to both Council's and Melbourne Water's requirements) will impose strict implementation measures to ensure sediment run off is avoided. Vegetation loss within the Reserve is limited to only one tree (to facilitate the new access), with the heavily vegetated embankment to the north remaining undisturbed.

- 8.28 While the location of the Facility is partially affected by flooding (LSIO), it has been supported by Melbourne Water and therefore satisfies the overlay requirements and objectives of Clause 13.03-1S (floodplain management) in avoiding intensifying the impact of flooding through inappropriately located use and development. The underground element of the facility will be flood-proof and is not anticipated to cause any direct risk with regard to flooding, noting it is sited at the farthest extent of the LSIO.
- 8.29 The location of the associated accessways within the residentially zoned land appropriately sites the more benign, ancillary aspect of the proposal adjacent to the more sensitive dwelling uses. Once constructed, vehicular movements will not be substantial and the impacts associated with this access can be suitably mitigated in consideration of residential amenity and landscape contribution, as further discussed below.
- 8.30 As is the case here, public open spaces within the municipality often have residential interfaces to maximise the number of users they service. The Facility will be setback between 40 metres to 100 metres from the rear boundaries of the adjoining residential land. Clause 53.10 of the Scheme seeks to regulate uses with potential adverse amenity impacts and identify the types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk.
- 8.31 Relevant to water and wastewater treatment, Clause 53.10 offers no specified minimum threshold distance from residential uses, with this distance instead to be determined by (and by way of referral to) the EPA.
- 8.32 As indicated in the referral section, the EPA do not object to the proposal and have already issued a Development Licence, this in turn giving assurance that they, as the overarching regulatory authority for such uses and their potential impacts, are satisfied with the separation distance proposed. Amenity impacts are considered within reasonable limits and can be managed by the rigorous development and operating EPA licenses required to be in place. This is further deliberated within the amenity assessment below, along with other potential impacts associated with traffic, parking and built form, which are deemed to be acceptable subject to some change and regulatory conditions.
- 8.33 A range of upgrades to the park, its vegetation, and infrastructure will be gained from this proposal, or required by way of condition as further described within the later assessment sections.
- 8.34 Overall, the proposal adequately responds the purpose of the zones and the associated policy strategies, demonstrating that a net community benefit will be achieved which will outweigh any potential negative implications. In addition to the highly beneficial sustainable water management practices and benefits to implementing the recycled water scheme, the use can be suitably controlled to protect health and amenity, and once completed, the proposal would not result in any tangible loss to functional parkland and will affectively improve access to the park area from 6 Whittens Lane.

Has the previous decision been addressed?

- 8.35 Planning Application PL12/022631 by Yarra Valley Water (YVW) proposed a similar wastewater recycling facility within the same part of the Reserve, albeit to be constructed wholly above ground and more westward closer to residents. It

was to be partially cut into the hill and required the removal of a larger number of established trees. The application received 207 objections.

- 8.36 The application was refused by Council at a meeting on 28 August 2012, on grounds largely relating to the excessive visual impact of the above ground facility, adverse impact on the Reserve and that proposal also solely relied on 32 Grange Park Avenue for both construction and ongoing site access.
- 8.37 It is considered that the current application fully addresses the previous grounds of refusal for the following reasons:
- It is a predominantly underground facility with only minimal built form above ground that does not have the same visual imposition of the previous application, which occupied an above-ground area of 2,117 square metres.
 - Visual aspects of the current proposal have been addressed with a substantial reduction in the loss to the open space.
 - The Facility is more centred within the reserve, with greater physical separation from existing residents.
 - The Facility does not excavate into the vegetated embankment as previously proposed, therefore protecting the vegetated embankment and limiting tree loss to only one tree within the Reserve (plus two street trees).
 - The construction access is no longer solely reliant on 32 Grange Park Avenue, and this access will be limited to small and medium vehicles, generally trade vehicles, less than 6.4m in length. No. 6 Whittens Lane also forms part of the application land and will facilitate heavy vehicle construction access to be directed out to Tram Road and as an additional access point once constructed.
- 8.38 A further difference in this application is that the EPA have already issued the Development Licence, giving assurance that the construction, vibration, odour and noise emissions are within acceptable limits, whereas in the previous application, no such approvals had been obtained.

Are the amenity impacts during construction acceptable?

- 8.39 Ordinarily, matters related to construction impacts fall outside the realms of what a planning permit application can consider. This being, that the Scheme considerations are limited to what the permit ultimately allows and the appropriateness of that use and development (once completed) in context of the relevant regulations.
- 8.40 However, planning permits do have the ability to require matters relevant to how a development is constructed and controlled, namely through other conditional requirements, such as a construction management plan. Such plans are extensive and an enforceable document that require all of the following matters to be addressed: traffic and parking management; public safety; amenity and site security; operating hours; noise and vibration controls; air quality and dust management; stormwater and sediment control; tree protection; and waste minimisation.
- 8.41 These plans and are reviewed and assessed by other departments of Council, including traffic engineers and local laws officers. In addition to the construction management requirements of Council, other regulatory authorities such as the

EPA apply further restrictions upon construction, as can the DTP where arterial roads are implicated.

- 8.42 Given the unusual circumstances required to facilitate construction access in this instance, a more considered approach was required to ensure that the best possible outcome would be achieved and that all potential avenues to carry out construction were explored.
- 8.43 In first instance, this was considered by the applicant within their construction access strategy. The most suitable of the suggested options for access, as agreed by Council engineers, was the access route proposed (utilising 6 Whittens Lane and creating an opening between Whittens Lane and Tram Road).
- 8.44 As detailed earlier, further officer attempts were also made to consider another alternate routes such as the Tram Road/freeway slip lane, this offering a potential means to avoid the reliance upon 6 Whittens Lane and to allow access to Tram Road directly through the Reserve (pictured below).

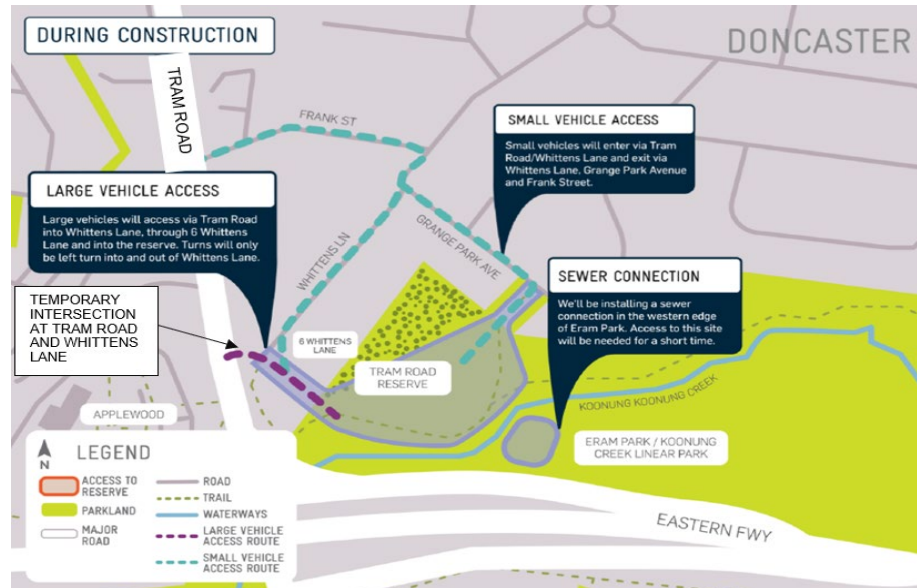


- 8.45 Ultimately this alternate access was not supported by the DTP or NELP, and therefore, the access strategy as proposed, remains the only feasible solution.

Construction traffic during construction

- 8.46 The Reserve itself does not have any direct access to an arterial road and the current access (through Grange Park Avenue) is hampered by an indirect and tight local road network that will be difficult for construction. Many of the surrounding local roads are constrained by winding narrow sections, road calming measures, tight corners and very steep gradients, which limits vehicle access and size and has the potential to cause safety conflicts.
- 8.47 Utilising the local road network for heavy/large construction vehicles was consequently deemed unsuitable by the applicant and by Council's traffic engineers. The applicant accordingly secured 6 Whittens Lane in attempt to provide a more direct route which can connect to Tram Road (through the creation of a temporary opening between Whittens Lane and Tram Road) to effectively avoid the use of the other local roads for larger vehicles.

- 8.48 The application seeks to utilise local roads for construction via 32 Grange Park Avenue for light to medium sized vehicles (worker vehicles, utes, 4WDs, delivery vans). To accommodate heavy vehicles (medium to large trucks, B-double / 18 wheeler semi-trailers, earthworks, oversized vehicles) it is proposed to utilise 6 Whittens Lane/Tram Road as shown below:



- 8.49 As noted, DTP has given their in-principle support to the temporary opening of Whittens Lane onto Tram Rd for construction purposes. Council's Traffic engineers and consultant traffic engineers support the access arrangements, subject to a **condition** requiring a highly detailed Construction Management Plan (CMP).
- 8.50 The proposal suggests that heavy vehicles movements could peak at 45 trips per weekday (equivalent to 4-5 vehicles passing by per hour) via 6 Whittens Lane. It is otherwise expected that earthworks vehicles could average around 30 movements a day (15 trucks in and out) during the main excavation period, dropping to almost no excavation trucks during most other construction phases. Trucks delivering concrete and other materials are expected to be more common after the excavation phase, averaging around 14-17 truck movements per day at this time (7-9 trucks in and out).
- 8.51 For small to medium vehicles, and light to medium vehicles, these are estimated between 37-95 vehicle movements per day (19-48 cars/vans in and out), depending on the construction phase. It is proposed these vehicles will enter the site by the same route as the trucks, however these vehicles will instead exit the site through the network of adjoining local streets, including Grange Park Avenue and Frank Street.
- 8.52 As a requirement of the CMP, all vehicles greater than 6.4 metres in length will be required to utilise the Tram Road intersection, with those that are less than 6.4m in length able to exit through onto Grange Park Avenue, this being to ensure the local road network is not unreasonably impacted.
- 8.53 It is acknowledged that some works will be required in the first stage of construction to establish the intersection opening, along with the internal travel paths and parking area. The CMP (which can be prepared as relevant to each stage of construction) will require the intersection opening works be done as a

first priority, concurrently to establishing access routes within the site to ensure the following phases of construction, where larger vehicles are expected for excavation, do not commence until the Tram Road intersection access route is created.

- 8.54 Some interim traffic and parking control measures will also require detailing within the CMP for the early stage construction of the access routes, to ensure any movements within the local road network are planned appropriately and with limitations upon the travel paths and size of vehicles utilised. It could be reasonable to expect that any larger vehicles required to construct the Tram Road opening would need to do so from Tram Road, rather than from Whittens Lane.
- 8.55 The creation and use of the construction path through to Tram Road will indeed result in some disturbances to the street, namely within the area between Tram Road and 6 Whittens Lane and the implications upon the properties in between will require careful management. In particular, the maintenance of vehicular access and bin collection arrangements for these affected properties (particularly for No. 2, 4 and 8 Whittens Lane) will need to be adequately demonstrated, along with any changes to on-street parking to ensure swept paths for trucks can be achieved through this area.
- 8.56 Thorough detail of any required road changes and how associated impacts will be suitably managed will be required through the CMP, in addition to detailed functional layout plans for the design of Whittens Lane and the access paths, to be approved by Councils engineers (and DTP as relevant to the Tram Road opening).
- 8.57 However, the DTP has advised that they will likely restrict hours for heavy vehicles access to occur outside of 8:15-9:15am and 4:45-5:45pm weekdays, to minimise delays to traffic along Tram Road. This will likely be of some benefit to residents, reducing construction traffic around times where local movements are generally higher.

Construction noise and vibration

- 8.58 It is acknowledged that the primary properties impacted during construction are those immediately adjoining the path of construction for heavy vehicles and that the anticipated length of construction is considerable.
- 8.59 In consideration of these impacts, officers engaged an independent acoustic firm, Renzo Tonin, to review the submitted application material and potential noise and vibration impacts from construction vehicles, to ensure they are within reasonable limits and to recommend any mitigation measures.
- 8.60 Renzo Tonin found that the predications in the submitted application reports were accurate, and agreed that the airborne construction noise will most affect the dwellings immediately adjacent to the heavy vehicle access route (namely at 4 and 8 Whittens Lane and 30 and 34 Grange Park Avenue). The most significant impacts being "highly noise affected" would be during Stages 1 to 4 and Stages 5 to 8 (these all involving works such excavation and piling).
- 8.61 To address the key impacts, Renzo Tonin recommended that an alternate heavy vehicle construction access, further away from residential properties, be considered if possible. As discussed above, alternative access arrangements

were explored by Council officers and ultimately not supported by DTP and NELP.

- 8.62 Noting that an alternative access route may not be feasible, Renzo Tonin otherwise supported the proposed construction path, provided mitigation measures be included. Measures included acoustic treatments such as sound absorbing walls (approx. 3 m high) either side of the access route within the site, acoustic treatments to habitable windows, the upkeep and sealing of access paths, and consideration to providing resident respite/relocation during heavy excavation work.
- 8.63 The EPA have also considered construction noise and vibration modelling and found that it appears to be appropriate. The EPA have further required by condition of the Development Licence that the applicant submit a Construction Noise and Vibration Management Plan (CNVMP) detailing steps to mitigate construction noise and vibration, a program for the implementation of these measures, and a proactive engagement program with the local residents and the wider community throughout the construction works. It is also noted that the EPA have encouraged the applicant to consider resident respite as part of their future management plan.
- 8.64 The CMP **conditions** require detailed provisions for noise and vibration management, relevant to the differing stages of construction. This will need to address matters such as:
- compliance with related EPA regulations;
 - the scheduling of noise and vibration sensitive tasks;
 - building surveys (dilapidation surveys) of residential properties near the site as necessary to determine if any buildings require a reduced vibration limit;
 - methods for controlling noise and vibration at the source; and
 - any special management measures (as agreed to between residents and applicant) to the more sensitive receivers at 4 and 8 Whittens Lane and 30 and 34 Grange Park Avenue.
- 8.65 Ultimately, the most suitable measures to manage these impacts can only be determined once a more comprehensive construction strategy is developed, with a rigorous assessment of the proposed management to be required at the time the CMP is submitted for approval.

Construction parking

- 8.66 The application suggests that construction worker parking for up to 95 vehicles could be required. Again, in the absence of a more developed construction strategy, the actual number of workers and associated vehicle demands might be significantly less.
- 8.67 Allowing a high number of construction vehicles to rely on local streets is considered to pose unreasonable impact on residents. This concern is further increased by the need to remove some existing parking bays around the two access points to allow vehicles to adequately enter and exit the site.
- 8.68 Parking within the construction site may not be substantial enough to accommodate worker vehicle parking demands due to spatial requirements for development staging, excavation and stockpiling. Further constraints also include

the need to prioritise maintaining access to the Koonung Creek Trail during construction.

- 8.69 Impact Consulting reviewed options to accommodate the vehicles on-site in their entirety, and alternate measures to reduce the number of vehicles travelling daily to the site. It was considered that providing parking within the Reserve was possible, but unlikely to be accommodated in its entirety within the associated construction zone and therefore suggested the grassed areas beyond to the east of the development site be considered.
- 8.70 The CMP will require that the maximum number of worker vehicles (once such number is established and confirmed) to be wholly accommodated on site. Where this cannot be achieved, any overflow parking could be considered in the area beyond the development boundary (further east) if agreed to and in consultation with the relevant departments of Council to demonstrate that impacts to vegetation and park users can be mitigated.
- 8.71 Alternatively, other measure, such as alternative sites, shuttle buses (that could reasonably be enforced) may need to be explored to reduce pressure on local streets. Details of how any parking strategies will be followed by workers (such as through their contracts) will be also required.
- 8.72 It is acknowledged worker parking can be difficult to enforce, particularly if there is a need to rely on parking alternatives that are not on or closely accessible to a construction site. Consequently, as a precautionary measure, the CMP will further require that if, Council is of the opinion that the approved parking strategy is not limiting impacts to nearby residential streets, it may implement temporary parking restrictions within the surrounds until construction is complete. This could involve, for example, applying resident parking permit restrictions during construction times. Any cost associated implementing such restrictions would need to be born by the applicant.
- 8.73 It is therefore considered that the proposed construction access strategy is acceptable and can be suitably managed with appropriate stringent conditions, in addition to the obligations imposed by the EPA.

Impacts to Tram Reserve and Eram Park during construction

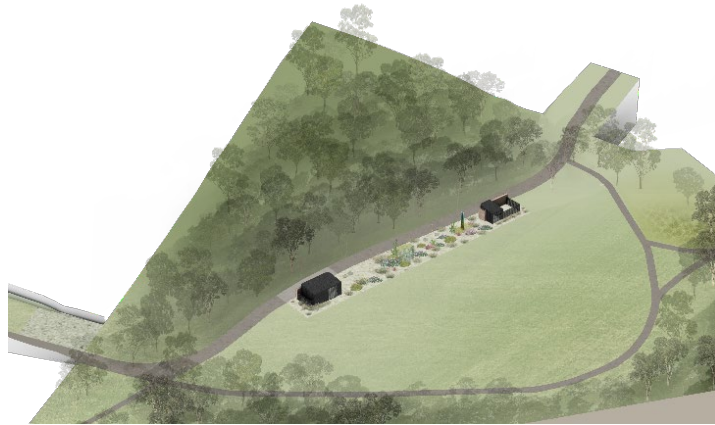
- 8.74 The usability of the overall Reserve will be largely reduced during construction and this is somewhat unavoidable, however it is intended to preserve access to the linear path during this time, with such methods to ensure this is safely and appropriately achieved to be detailed within the CMP by way of **condition**. This will ensure that the current walking and cycling network remains unaffected and that the broader open space connections east can still be accessed from Tram Road. Should a temporary, unexpected disruption to the path be required, these would require the prior approval from the Responsible Authority, however this is not anticipated to occur.
- 8.75 Construction is also proposed (although outside of the formal planning permit triggers) to create the sewer pipe connection to Eram Park within the City of Whitehorse, to feed to the proposed facility. Construction access via Church Road was an option by YVW to facilitate the pipe connection in Eram Park. To date, only limited information has been provided on this matter, other than it would be a lower impact construction by fewer vehicles over a 2 month timeframe.

- 8.76 Access to Eram Park from Manningham presents some constraints due to the potential creek and vegetation impacts, trail impacts (and potential unknowns at this stage). Such construction details will need to be detailed within the CMP, with preference to ideally engage with NELP to consider facilitating access through their works program and to ensure impacts to the creek environs and park users are minimised.

Are the visual and amenity impacts of the development acceptable?

Visual Impacts of the development

- 8.77 The visual impacts of the proposal are restricted to the two above ground access components and air vents. The facility will not have any prominence to the local streets by virtue of its siting at the base on the vegetated embankment. This dense bushland area rises up in topography and together with the tree canopies, should reasonably be expected to screen views from the rear of properties immediately adjoining. Should there be any visible elements, such views would be distant (being 40 metres or more away), filtered by this natural cover.



- 8.78 Understandably there will be direct visibility of the proposal from within the reserve and park trails. However, being visible does not mean a detriment is caused, particularly in the context of an open space area.



Indicative render of the above-ground buildings and vent stacks (above)

- 8.79 The existence of the extensive infrastructure below ground will be difficult to discern to a casual park user or anyone who is not familiar with this application,

with the two above ground buildings having no apparent design features that are suggestive of the intended use.

- 8.80 The built form has been evidently designed to high architectural standards with a materiality complementary to the natural landscape, utilising a selection of rammed earth and black timber materials and finishes. The presence of these buildings within the Reserve will not appear out of character or unusual, given it is not uncommon to have buildings within a public reserve (such as pavilions or maintenance buildings), many of which usually offer little by way of architectural interest.
- 8.81 The air vent stacks are the most telling infrastructure, however these are narrow in breadth, well below the nearby canopy line and not of significant size in the context of the large space they sit within. The proposal suggests that artwork, such as selected colouring or designs will be proposed, which is a suitable means to ensure their appearance is complementary to the green space and not utilitarian in appearance.
- 8.82 There is further opportunity identified to provide artwork on the buildings, subject to future design. The slatted building design and adjacent landscaping is stated to minimise the potential of graffiti. **Conditions** are recommended to provide the details of such materials/finishes, graffiti prevention, and artwork. No signage is proposed on the facility, however any directional or safety signage, if required, should be designed in a manner that is suitable to its purpose and context, in consultation with open space officers.
- 8.83 The Facility overall is considered to be consistent with the objectives of Clause 15.01-5S (neighbourhood character) being of a compatible design to its surrounds and presenting limited above-ground structures.
- 8.84 Other associated works include the proposed accessways and small car park at the base of 6 Whittens Lane which are generally modest and occupy the extents required for practicality. However, the overall treatment of the land requires greater consideration to ensure that it is consistent with other scheme considerations, in addition to the community benefit offered by the unimpeded public use of the accessway.
- 8.85 When considering the decision guidelines under the GRZ, the requirements of clause 15.01-5-01L (landscaping - Manningham) and strategies relating to non-residential uses in residential areas at Clause 13.07-1L, there is need to suitably treat and soften these hardstand areas (particularly given the somewhat gun barrel access arrangement) and to ensure appropriate buffers are provided to the adjoining residential interfaces.
- 8.86 The application material does not provide detail as to how the areas beyond the accessway and car park will be fully treated (other than for the immediately adjoining areas as indicatively shown in the urban design report) and any references to being subject to future development are to be deleted, given this land forms part of which the permit applies.
- 8.87 The proposed 1 metre setback of the accessway from 4 Whittens Lane (to the south-west) includes provisions for a retaining wall and therefore reduces the soil volume to less than 1 metre. Given the proximity to the adjoining residential private open space, a greater separation and landscape treatment is warranted.

- 8.88 A **condition** will require that the accessway and associated retaining walls be offset at least 2 metres or more (such as 3 metres if required) to demonstrate that the soil volume within the setback can achieve the expected landscape outcome, which should comprise of a densely layered planting selection including screening species. The adjacent sensitive windows and terraces would also benefit from this increased separation.
- 8.89 Similarly, the employee parking spaces will require an offset at least 2 metres from 8 Whitens Lane (north-west), again to secure a landscape buffer along this residential interface and in consideration of the regular use of these spaces. A densely planted garden for at least 3 metres to the north-west of the parking bays is also suggested to further soften and screen this area from both street and residential views.
- 8.90 Further landscaping within the overall parcel is required to ensure that the hard surfacing is balanced with an appropriate landscape theme to achieve an overall outcome that is consistent with its context. Council's parks department and planning arborist suggest a decorative garden be included at the frontage along with at least 10 canopy trees within the area to the north-east of the accessway, which is to be required by way of **condition**. The finishing for the accessway and car spaces are suggested to potentially include permeable treatments, which will require clarity in the detailed design plan requirements. A more considered design and layout of the car parking area that reduces earthworks is also necessary to achieve policy requirements to account and respond to topography.
- 8.91 With the said changes, the proposal is considered to be consistent with decision guidelines of the zones and will not an unreasonable appearance of buildings and works.

Ongoing car parking and traffic conditions

- 8.92 Clause 52.06 (car parking) does not nominate a specified parking rate for a utility installation use. The required car parking provisions are therefore instead to be provided to the satisfaction of the Responsible Authority. For the ongoing operations, staff will utilise the 2 formal parking spaces and 2 tandem spaces at 6 Whittens Lane, plus the delivery loading bay space and gravel 'pull over' bay adjacent to the above-ground buildings in the reserve.
- 8.93 Council traffic engineers are satisfied that the proposed parking provisions and arrangements are suitable and will adequately meet the operational demands of the Facility.
- 8.94 The four formal car spaces exceed the typical staffing demands proposed. Usual operations, with no unexpected events occurring is expected to require one (1) vehicle for the operator and one (1) vehicle for proactive maintenance. This demand may be slightly higher initially until the operating and maintenance procedures for the Facility are regularised.
- 8.95 In addition to the typical operating day scenario, the car parking demand assessment anticipates an occasional demand to be generated for up to 7 vehicles on a busy day, or very rarely a demand of up to 13 vehicles for visitors and additional staff. This results in a net increase of 3 vehicles using on-street car parking on a busy day, or up to 9 vehicles on a rare day. Street car parking in the immediate vicinity during such days for the limited overflow would be available.

- 8.96 The general delivery requirements and frequencies are summarised within the application material (Legacy Operations Transport Impact Assessment) at Table 1. As detailed, there are a variety of delivery type vehicles that will access the Reserve, however the frequencies of such vehicles are varied, are generally for short periods and will typically utilise the informal area beside the building rather than demand any long term parking. Chemical delivery vehicles are proposed at 12.5 metres at a frequency of fortnightly to monthly.
- 8.97 However, to minimise such larger vehicles entering the Reserve, traffic engineers have required such vehicles be limited to 8.8 metres in length and ideally to a monthly frequency. A **condition** will require a traffic management plan to reflect the proposed access and vehicle arrangement (shown in part below) and size limitation aforementioned to ensure the use operation adhere to the approved plan. In the event of an occasion where a vehicle any larger than 8.8 metres is required, prior approval will be required to ensure any necessary traffic or safety controls can be suitably put in place.
- 8.98 Updated swept path diagrams will be required by **condition** to demonstrate that the reduced 8.8 metre delivery vehicles can exit onto Grange Park Avenue without interruption to on-site parking availability. In the event that this cannot be achieved, Council’s traffic engineers may require the applicant to provide replacement parking (following any required consultation with affected residents) to enable street parking elsewhere.

Table 1: Doncaster Hill Water Recycling Facility operational staffing, visitation, and parking characteristics

User / Visitor Type	Frequency	Duration	Likely times	Vehicle(s)	Materials	Proposed parking location		
						In car park	In Reserve	On street
Operator	Daily	Workday (long)	7am-4pm	1	None	Yes (preferred)	No	Yes (overflow)
Chemical Delivery (12.5m truck)	Monthly - fortnightly	1 hour (short)	7am-4pm	1	Large	No	Yes	No
Water Sample Collection	Weekly	45 min (short)	7am-4pm	1	Small	Yes (preferred)	Yes (if required for safe working methods)	No
Deliveries	Weekly	15 min (short)	7am-4pm	1	Small-Large	Yes (preferred)	Yes (large goods delivery only - rare)	No
Maintenance	Most working days	1hr – whole day (short to long)	7am-4pm	1-3	Small-Large	Yes (preferred)	Yes (when heavy tools required)	No
Emergency Maintenance	Variable	1hr – whole day (short to long)	24 hours	1-3	Small-Large	Yes (preferred)	Yes (when heavy tools required)	No
Business Support Services	Variable	1hr – whole day (short to long)	24hrs	1	Small	Yes (preferred)	No	Yes (overflow)
Management	Weekly	2hrs (short)	7am-5pm	1	None	Yes (preferred)	No	Yes (overflow)
Cleaners	Twice weekly	2hrs (short)	6pm-12am	1	Small	Yes (preferred)	No	No
External Visitors	Rare	1-2 hrs (short)	9am-4pm	1-10	None	No	No	Yes

- 8.99 It is considered that the overall parking demands and traffic movements generated by the proposal will not unreasonably cause detriment to the adjoining residents (particular considering the limited times in which these will occur during the day) and without significant impact to park users.
- 8.100 As discussed earlier, the accessway within 6 Whittens Lane will require a greater setback from the boundary shared with 4 Whittens Lane and the staff parking will similarly require a greater setback from 8 Whittens Lane (both increased to at least 2 metres). Although noise and amenity impacts associated with the use of these elements is considered modest, the increased landscape buffer and greater distance from vehicles movements provides for improved amenity outcomes.
- 8.101 The overall mechanisms to be put in place to ensure that conflicts are reasonably avoided and prevented will require further detailing within the required operational traffic management plan.

Odour and noise during operation

- 8.102 The Odour Impact Assessment submitted with the application outlines the parameters in which odour detection and risk is measured and demonstrates the predicted modelling of odour measurements for the Facility. The assessment was undertaken in accordance with the Environment Protection Authority Victoria (EPA) Publication 1883: Guidance for assessing odour.
- 8.103 The report explains that an odour unit range between 1-5 OU is essentially undetectable and of low impact risk, with an odour unit range of below 1 OU of negligible impact risk. Comparatively, other normally occurring odours such as cut grass or the neighbour's car exhaust can register odour readings of over 100.
- 8.104 The stack design parameters and associated odour emission rates have been based on the comparable existing Melbourne Cricket Ground (MCG) underground water recycling facility, which is owned and managed by the MCG and uses the same odour scrubbing technology as proposed for this Facility.
- 8.105 The report models three scenarios, with Scenario 3 of relevance where the method of treatment the air from the pump station is mechanically ventilated and treated within the Facility, before being discharged through the treated air vents/stacks. The other scenarios consider the alternate use of a "naturally" ventilated pump station with its own stack (scenario 1 considering pump station stacks south of the Koonung Creek, 105m from Facility and Scenario 2 considering stacks adjacent to Facility stacks).
- 8.106 In summary, the assessment demonstrates that proposed mechanically ventilated treatment (Scenario 3) as proposed presents the lowest risk, with the "Predicted Maximum Odour GLC" being only 0.35 OU within the Reserve and at a maximum of 0.26 OU at any residential property (receptor locations shown below). Table 20 of the report provides a full summary of the levels at each residential interface.
- 8.107 In further considering the general environmental duties and the degree of harm that would result if the risk eventuated, it was identified that the biggest potential for odour levels to increase was a deficiency in the scrubber performance, for

example if it reduced to an 80% performance level (in lieu of at least 95%). Relevant to this scenario, the report states:

Low performing scrubber would increase maximum odour ground level concentrations (GLCs) up to 1.41 OU (Scenario 3), changing from a **negligible** to a **low** risk of human health impacts due to the potential for a very weak odour to be detectable at surrounding receivers. [Emphasis added]

Notwithstanding the low risk, on this basis, it is important to ensure that adequate maintenance is carried out to avoid any reduction in scrubber efficiency over time. A backup activated carbon filter could also be used as a safeguard in the event of deteriorated scrubber efficiency or performance.

- 8.108 While not clearly demonstrated in the application material (though as required to be detailed in their EPA Development Licence), YVW have confirmed that although equipment lifetime is generally expected to exceed ten years, the Facility design accounts for the possibility of unexpected failures. The type of failsafe measures to account for these include:
- having back up power sources to allow odour treatment to continue running in the event of power failure;
 - standby equipment for all parts of the process, meaning that equipment failure will not stop the odour treatment system from working effectively (like commonly in water supply, where continuous operation is critical); and
 - where odour treatment systems need to be stopped for planned maintenance, shutting down the entire Facility until the odour treatment is reinstated.
- 8.109 Despite the acceptable odour limits that would occur should the scrubber efficiency reduce to 80%, YVW have also confirmed that the Facility would be shut down rather than operate at such reduced levels. The efficiency of the equipment is maintained over time with planned servicing to operate at optimal levels. However, if for whatever reason, reduced efficiency was caused by an unexpected upset in the system, the early detection settings would provide notification of this, and the failsafe standby arrangement would be bought on line.
- 8.110 The EPA governs these matters with an extreme level of detail and control. The issuing of the Development Licence has fundamentally supported the proposal, including the expected odour levels and separation distances and considers that 'the risk of odour impact on the nearby sensitive land uses is deemed acceptable'. Their approval is subject to processes such as automatic shutdowns, automatic systems to change between odour filtering methods, and automatic discharge valves that can release all sewage back to the sewer if the odour control facility is not in operation. The EPA licence has also appropriately considered all stages of the development, including construction odour, commissioning odour, operational odour and odour monitoring and deemed all to be acceptable.
- 8.111 To consolidate the commitments to a high-performing operational level to manage odour and safety as aforementioned, a **condition** will require these measures be also detailed within an operational management plan to be approved by Council. This is to include safety and monitoring procedures, fail safes, and commitments to Facility shut downs to prioritise safety and odour, for example if the odour scrubbing performance reduced by 20% or more or odour is not being limited to the usual amounts. Odour monitoring at the initial stage will be further required to demonstrate that odour levels at the receptors within

the park and surrounds are no higher than those indicated above within the risk assessment.

- 8.112 The other potential cause of detriment to amenity is any noise generation by the Facility. The location of the facility underground is a key factor to limiting operational noise levels.
- 8.113 Like odour, noise considerations have been subject to EPA consideration. It is noted that overall, the EPA state 'the risk of impact due to noise received at the nearest noise sensitive receptors is considered low for all periods'.
- 8.114 The EPA found that, based on the proposed measures and the predicted noise levels, it is expected that compliance with EPA Publication 1826.4 will be achieved. The EPA notes that the overall predicted noise level from the facility at 38db(A) would be below the night period noise limit of 42 db(A) as measured from the nearest property 30 Grange Park Avenue. The predicted noise levels at the other noise sensitive areas were lower, ranging from 22 to 32 db(A).
- 8.115 This demonstrates that the operation of the Facility will always remain well within the current ambient noise level.
- 8.116 There is further comfort in knowing the proposed Facility will utilise technology as used within the existing MCG facility, which has had no operational failures within some ten years of action and omits no noise or odour when standing in the land above.
- 8.117 It will be expected through **conditions** that all operational aspects will be managed as per the requirements of all conditions of any permit issued (and the EPA licences) which provide means to enforce the ongoing obligations that the use must adhere to. For any unexpected event that odour or noise was detected or reported, requirements will expect remediation to be actioned in consultation with the EPA and Council.
- 8.118 To provide further means for the public to report any observed issues and to ensure YVW as the operator can themselves also be aware of and address these, a further **condition** will also require the submission of a detailed complaints evaluation and response plan.
- 8.119 Overall, the application material has suitably demonstrated that the proposed use can operate while suitably protecting community amenity, human health and safety as policy intends, subject to strict operational requirements.

Will the open space outcomes be appropriate?

- 8.120 As previously discussed, the completed proposal would not result in any tangible loss to functional parkland. Once the development is complete the current grassed surface would be reinstated and the new accessway will be sealed. The applicant intends to improve on the grassed surface quality and drainage and provide an indigenous garden above the Facility.
- 8.121 There is also opportunity to improve the functionality of the existing paths and increase the environmental values through a net gain of vegetation and biodiversity, complementary to the creek environs, noting only one tree within the Reserve and two street trees are to be removed as part of the proposal. To achieve this, **conditions** will require:

- upgrading the existing gravel linear track within the Reserve that connects to the proposed shared access road; and
 - removal of all woody weed species within the vegetated embankment, with new trees or plants (a minimum of 40) to be replaced within the same or other extended areas.
- 8.122 Opportunities for further improvements, such as fitness equipment within the Reserve, have also been suggested in the application material. As discussed earlier, a substantial planting theme is expected to be established within 6 Whitten Lane to ensure it presents a valuable landscape contribution.
- 8.123 Preliminary discussions have also been held with YVW regarding the potential transfer of 6 Whittens Lane into Council ownership. Should this occur, the entire land holding could form part of the overall public open space and further increase the net community benefit. This would also allow a greater consideration to the manner in which 6 Whittens Lane could more holistically contribute to the Reserve, which could be, for example, in the form of a new accessible path connection between Whittens Lane and the Reserve (separate to the accessway).
- 8.124 Were this land to remain in the ownership of YVW, other equivalent public benefit could be required within the existing Reserve area (such as gym equipment, more extensive path upgrades etc.).
- 8.125 A **condition** will therefore require a detailed design strategy to consider and finalise the further upgrades that may be ultimately provided; these pending the further agreed ownership and maintenance arrangements for 6 Whittens Lane, and a more substantive review of the functionality of any such improvements.
- 8.126 By design and with the above recommendations, the open space outcomes will be appropriate. A range of upgrades to the park, its vegetation, and infrastructure will be gained and all activities currently enjoyed can continue post construction without loss of parkland space or quality. The proposal has therefore effectively balanced the two competing objectives of retention of functional parkland and the minimisation of vegetation loss.

9. FURTHER RESPONSE TO THE CONCERNS OF OBJECTORS

9.1 The assessment above has largely considered the issues raised in the objections to the application, however, the following provides a summary of the concerns, including an officer response.

Ground of objection	Response
Use and character <ul style="list-style-type: none"> • Out of character • Inappropriate use 	The site selection has been thorough, and this Reserve (second to Eram Park which was later ruled out) was deemed the most appropriate to accommodate this Facility. Other potential locations were not considered suitable for reasons as such as sourcing and delivery of water, constrained areas or visual impacts or loss to key open space.

<ul style="list-style-type: none"> • Inappropriate site 	<p>The visible entrance structures are limited and generally disguise their intended use so that it will not appear out of character.</p> <p>On balance, the zone anticipates other uses, particularly where they provide a net benefit, and policy places high priority upon sustainable and integrated water practices, as further recognised in the commitment to deliver recycled water to the Doncaster Hill area.</p> <p>It has been demonstrated that the effective regulatory conditions imposed by the EPA (and enforced through conditions) can ensure the Facility can compatibility operate in this location, and in a manner that minimises the risk of any harm to the environment, human health or amenity in consideration of the reserve users and nearby residential land uses.</p>
<p>Amenity impacts</p> <ul style="list-style-type: none"> • Visual impact • Proximity and buffer zone to residents • Odour • Noise 	<p>The buildings are modestly sized and feature a natural material palette to blend with its surrounds. The air vent stacks are proposed at 5.4 metres in height, although are slim in design and to be applied with feature treatments to not be utilitarian in appearance.</p> <p>Any detriment caused by the visible aspects of the Facility is considered minimal, as from the adjoining residential properties, there will be little, if any visibility due to the large separation (minimum 40 metres), rising topography and densely vegetated buffer in between.</p> <p>In considering the use, the planning scheme does not prescribe minimum separation from sensitive residential uses, with these instead determined by the EPA. The issuing of a Development Licence by the EPA gives certainty that the separation distance is appropriate, and that any potential health and safety implications through odour, noise or chemical handling etc. are heavily do not cause harm to health.</p> <p>The location of the air stacks (this being what releases treated air) is located 60 metres or more from any residential boundary. As detailed within the risk assessment report, an odour unit range between 1-5 OU is essentially undetectable and of low impact risk. Odours below 1 OU are of negligible impact risk.</p> <p>The predicted maximum odour (using odour scrubbing technology) is predicted to reach a maximum of 0.35 OU at the measured receptors, and a maximum of 0.26 OU at any residential property, these being undetectable. Noise is also limited to the acceptable limits, particularly given machinery is concealed below ground.</p> <p>In addition to the detailed obligations applied by the EPA, conditions will require an operational management plan to be approved, and to nominate all failsafe an shut down measures in place. For any unexpected event that odour or noise was</p>

	<p>detected or reported, conditions will oblige remediation, with a detailed complaints evaluation and response plan to be in place.</p>
<p>Reserve impacts and benefits</p> <ul style="list-style-type: none"> • Loss of parkland • Visual impact • Net community benefit versus risk • Flooding • Wildlife/vegetation/ creek environs impacts 	<p>The Reserve has the capacity and space to accommodate a facility of size, and it is designed in a manner that avoids loss of parkland by way of placing the bulk of the Facility underground. The limited aspects that are visible to the Reserve is an acceptable outcome, and commensurate to other open spaces which feature buildings such as pavilions or for maintenance purposes.</p> <p>The supply of recycled water, when considering the sustainable and integrated water management principals, is a substantial benefit of the proposal. While it is to supply the mandated Doncaster Hill area as the first priority, this class A water could be used to service other areas, such as local reserves or other nearby properties.</p> <p>The proposal will effectively result in a loss of 180sqm of parkland upon completion (this being the area occupied by the two entrance buildings). The proposed shared accessway within 6 Whittens Lane affectively offsets this loss, offering park users an alternative, direct connection to Whittens Lane.</p> <p>Other local benefits include the addition of the sealed accessways proposed for shared use within the Reserve, the requirement to upgrade existing pathways and there is potential for the entirety of 6 Whittens Lane to be transferred to and managed by Council.</p> <p>Impacts to vegetation are minimised (one tree within the Reserve and two street trees) and substantial new landscaping will be required, along with the removal of woody weed species from the vegetated embankment to the north, with new indigenous replanting required to improve the environmental values and biodiversity.</p> <p>Strict conditions imposed, including by Melbourne Water, will ensure that the creek environs are protected, particularly during construction when sediment runoff must be managed carefully. Flooding impacts also fall within the jurisdiction of Melbourne Water who raise no objection and thereby consider that the proposal poses no risk of increasing flood risk, nor any risk from flood.</p>
<ul style="list-style-type: none"> • Construction traffic impacts • Traffic and parking during operation • Noise and vibration 	<p>The construction works associated with the Facility would be lengthy and does have the potential to cause significant disturbance. All potential construction alternatives were explored through the course of the application, however the strategy proposed was deemed the only viable option due to other conflicts associated with NELP and DPT.</p> <p>While falling largely outside of the scheme considerations, permit conditions have the ability to capture and ensure</p>

	<p>construction is appropriately managed through a construction management plan (CMP). A highly detailed CMP will be required to ensure that all associated impacts are regulated and managed during construction, such as (among other things):</p> <ul style="list-style-type: none"> - Construction traffic (limiting the use of local roads to vehicles of up to 6.4 metres only, with all larger vehicles and trucks greater than this length to utilise 6 Whittens Lane and Tram Road through a newly created opening) - Construction parking: to be retained on site or alternative sites which do not pose a reliance upon local street parking. The ability to impose restrictions, should this not be suitably managed, will remain an option to Council. - Noise and vibration: specifically for the properties directly abutting, with mitigation that may include large acoustic walls, or respite measured agreed between YVW and the impacted residents. <p>At completion, the use will operate with minimal staffing which can be accommodated within the nominated parking areas. Any overflow or reliance on the street parking would not be usual to normal operations and would be detailed through a required operational management plan. A condition will require that deliveries utilise vehicles not greater than 8.8 metres in length and be limited in frequency to ensure safety within the reserve is prioritised.</p>
<ul style="list-style-type: none"> • Misleading description 	<p>It is acknowledged the use of the term 'water recycling facility' throughout the permit application may not give sufficient clarity in isolation of reading the submitted resources that the proposal seeks the treatment of sewerage, i.e. waste water.</p> <p>The application has been referred to as a wastewater recycling facility throughout this assessment and in the recommended permit preamble.</p>
<ul style="list-style-type: none"> • Chemicals • Pollution • Facility failure 	<p>These matters have been thoroughly considered and found to be compliant by the EPA and Melbourne Water, noting the range of failsafe measures will be in place to manage risk, leaks, spills, storage, contamination to surface water, flood mitigation, waste etc. The Facility will be, in the first instance, designed to ensure such events do not occur and will include a range of back up procedures in place, with such operational management details to be included by way of condition for added precaution.</p>
<ul style="list-style-type: none"> • Lack of details for the future pipeline network alignment to 	<p>Aspects of the proposal which require the laying of sewer mains are considered to be 'minor utility installations'. These aspects cannot be assessed as they are exempt from requiring planning permission pursuant to Clause 62 of the Manningham Planning Scheme.</p>

Doncaster Hill.	
<ul style="list-style-type: none"> • Health 	<p>The EPA have issued a Development Licence which gives confidence that there are no potential health implications. In the issuing of this licence, the EPA have advised that the controls for minimising the risks of harm on human health posed by the quality of recycled water will be assessed and tested during the commissioning stage, subject to a Recycled Water Quality Management Plan (RWQMP) and a Health and Environment Management Plan (HEMP) for the Facility to EPA for approval prior to commencing operation.</p> <p>All stages of the process to create Class A water are fully contained underground. The emissions from the ventilation stack have been completely treated and pose no health risk. Class A water, on delivery to a dwelling, poses no health risk even if a modest amount is accidentally consumed and this is monitored by the Department of Health in the same manner as potable water.</p>
<ul style="list-style-type: none"> • Property devaluation • Structural damage to property 	<p>These matters are outside the scope of this application. They are not planning considerations under the Manningham Planning Scheme or the Planning & Environment Act 1987. It is however noted that the building regulation consider matters such as structural damage and dilapidation reports where required to ensure property integrity is protected. The CMP will also require copy of any dilapidation report, if required for the purpose of construction ad associated vibrations.</p>

10. CONCLUSION

10.1 For the reasons above, it is recommended the application be approved subject to conditions.

11. DECLARATION OF CONFLICT OF INTEREST

11.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.