

# Planning Assessment Officer Report

PA2403198 – 1, 1A, 3 & 5 Lumeah Road & 4 Yaringa Road, Somerville



Planning Assessment Officer Report  
Development Assessment

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# Executive Summary



Key Information	Details		
<b>Application No:</b>	PA2403198		
<b>Received:</b>	31 March 2025		
<b>Statutory Days:</b>	79		
<b>Applicant:</b>	Caulmar Pty. Ltd c/- Urbis		
<b>Planning Scheme:</b>	Mornington Peninsula		
<b>Land Address:</b>	1, 1A, 3 & 5 Lumeah Road Somerville & 4 Yaringa Road, Somerville		
<b>Proposal:</b>	Use of the land for industry (boat manufacturing) and associated construction of buildings and works in a BMO, LSIO, ESO and EMO, including the display of business identification signs, a pole sign, removal of native vegetation and a reduction of the car parking requirement		
<b>Development Value:</b>	\$ 23,612,000		
<b>Why is the Minister responsible?</b>	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because:</p> <p>The Minister for Planning is the responsible authority where clause 53.22 applies for matters under Division 1, 1A, 2 and 3 of Part of the <i>Planning and Environment Act 1987</i>.</p>		
<b>Why is a permit required?</b>	<b>Clause</b>	<b>Control</b>	<b>Trigger</b>
<b>Zone:</b>	Clause 37.01	Special Use Zone – Schedules 1 & 9 (SUZ1 & SUZ9)	<i>Use the land for industry</i>  <i>Construct a building or construct or carry out works</i>
<b>Overlays:</b>	Clause 42.01-2	Environmental Significance Overlay – Schedule 5 (ESO5)	<i>Construct a building or construct or carry out works</i>
	Clause 44.01-2	Erosion Management Overlay – Schedule 7 (EMO7)	<i>Construct a building or construct or carry out works</i>
	Clause 44.04-2	Land Subject to Inundation Overlay (LSIO)	<i>Construct a building or construct or carry out works</i>
	44.06-2	Bushfire Management Overlay	<i>Construct a building or construct or carry out works associated with industry use</i>
<b>Particular Provisions:</b>	Clause 52.05-13	Signs	<i>Display business identification signs</i> <i>Construct and display a pole sign</i>
	Clause 52.06-3	Car Parking	<i>Reduction to the car parking requirements</i>
	52.17-1	Native vegetation	<i>To remove, destroy or lop native vegetation</i>
<b>Cultural Heritage:</b>	A CHMP has been approved on 5 May 2022 by the Bunurong Land Council Aboriginal Corporation		
<b>Total Site Area:</b>	7.08	Hectares (activity area only)	
<b>Gross Floor Area:</b>	7,076	m <sup>2</sup>	
<b>Height:</b>	13	Metres excluding solar panels	
<b>Land Uses:</b>	Industry (marine industry) including ancillary office		



Parking:	Cars	Bicycles
	93 spaces	16 spaces
<b>Referral Authorities:</b>	DEECA – s55 (recommending) Melbourne Water – s55 (determining) Fire Rescue Victoria – s55 (determining)	
<b>Public Notice:</b>	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none"><li>• Direct mail notices to adjoining and surrounding property owners</li><li>• Three public notice signs displayed across the site frontages for at least 14 days</li></ul> <b>Two objections have been received as of 8 January 2025.</b>	
<b>Delegates List:</b>	Approval to determine under delegation received on <b>19 December 2025</b> .	





- 3 Lumeah Road (Lot 1 on PS424206Q) – Located to the west of the above-mentioned properties, 3 Lumeah Road is approximately 21,178sqm and also forms part of the Yaringa Boat Harbour. This property contains internal access roads, including to adjoining lots, vehicle access from Lumeah Road and facilities for the storage, cleaning and maintenance of marine pleasure craft. There is established native vegetation across the property, predominately adjacent to the northern and western boundaries.
- 5 Lumeah Road (Lot 9 of LP53675) – Located to the west of 3 Lumeah Road, this property is approximately 20,321sqm in size with two existing unsealed crossovers to Lumeah Road at either end of its frontage. There is an existing dwelling setback 100 m from the street and various ad hoc outbuildings on the land. The site is heavily vegetated with native vegetation other than around the existing dwelling. The combined Lumeah Road frontage of these two properties is 212 metres.



Figure 2: The entrance to 3 Lumeah Road as viewed from Lumeah Road.



Figure 3: 5 Lumeah Road as viewed from Lumeah Road



- 4 Yaringa Road (Lot 12 on LP53675) – Located to the south of 5 Lumeah Road, this property has a 103.4 metre frontage to Yaringa Road and is approximately 20,254 sqm in size with two existing unsealed crossovers to Yaringa Road. The property is occupied by a double storey vacant dwelling and scattered outbuildings as well as access to 3 Lumeah Road and hardstand areas used for boat storage in the north-eastern corner of the property. The property is sparsely vegetated though there are clusters of native vegetation in the southern portion of the site and adjacent to the western boundary, in addition to a small dam in the south of the site.
2. There is a drainage easement (E1) which runs along the southern boundary of 3 Lumeah Road while the Crown Land at 1 Lumeah Road is subject to a Crown Lease to Western Port Boat Harbour Pty Ltd.



Figure 4: 4 Yaringa Road as viewed from Yaringa Road

## Site Surrounds

3. The site is located on the western side of the Western Port Bay and surrounding development consists of primarily uses and development related to the marina, rural residential housing and light agriculture. There are also a number of reserves in proximity to the site, including the Western Port Coastal Reserve which forms part of the Yaringa Marine National Park.
4. Development surrounding the site can be described as follows:
- To the **north** of the site: Lumeah Road, a rural access road is located immediately adjacent to the north of the site. The road is multi-directional, sealed and typically 6 metres wide with no formal line-markings or on-street parking. Directly opposite the site to the north are 8 and 10 Lumeah Road, both containing dwellings setback substantially from the road as well as associated outbuildings and heavy vegetation. Further east at 6 Lumeah Road is the Western Port Caravan Park which contains a variety of permanent structures, including habitable cabins as well as open space at the rear of the site primarily used for caravan parking. 4 Lumeah Road is a vacant piece of land that has been substantially cleared of vegetation other than along the western and northern boundary, while 2 Lumeah Road contains two dwellings and both areas of cleared land and dense vegetation.

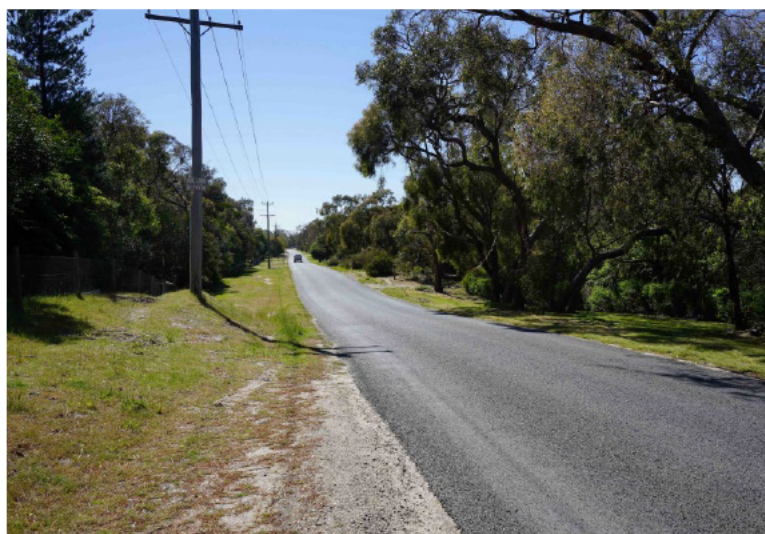


Figure 5: Lumeah Road looking east adjacent to 5 Lumeah Road, with land on the northern side of Lumeah Road to the left.



Figure 6 – The entrance to the Westernport Caravan Park at 6 Lumeah Road.

- To the **south** of the site: For the 3 Lumeah Road lot, 2 Yaringa Road abuts the southern boundary and also forms part of the wider Yaringa Boat Harbour site. It contains a dwelling and outbuilding, a large warehouse in the north-east of the site. The northern section of the site has been substantially cleared of vegetation. South of the 4 Yaringa lot is Yaringa Road a generally 4.2 metre wide unsealed rural access road with the Tyabb Foreshore Reserve located further south opposite the site, a densely vegetated reservation area.



Figure 7 – Yaringa Road looking east where adjacent to 4 Yaringa Road (left) and the restricted entrance to Yaringa Road at the intersection with Katandra Road, with the Tyabb Foreshore Reserve in the background.

- To the east of the site: the land east of the site is used and developed in associated with the Yaringa Boat Harbour which technically forms part of the planning unit for this application, due to the proposal utilising the existing access track and boat launching facilities as part of its industry use. The harbour is an artificial inlet with wet birth, constructed within the Western Port Coast Reserve and marine wetlands, with direct access to Western Port Bay.



Figure 8 – The entrance to the Yaringa Boat Harbour at 1A Lumeah Road.

- To the west of the site: Two residential properties abut the site to the west, being 7 Lumeah Road and 6 Yaringa Road. Both properties contain a dwelling setback substantially from the street and various outbuildings. 7 Lumeah Road is densely vegetated with minimal land cleared across the site, while 6 Yaringa Road has been largely cleared and is sparsely vegetated.
5. The most notable planning approval located in proximity to the site is planning permit CP09/002 which applies to 1, 1A, 2, 3 and 4 Lumeah Road, Somerville and allows:

*The use and development of the land for the for:*



1. *A pleasure boat facility comprising:*
    - *A marina with inland harbor, channel and tide control lock containing 180 wet berths and 18 holding berths.*
    - *Dry stack storage of 4 tiers for 400 boats.*
    - *Outdoor and covered boat storage.*
    - *A lift bridge.*
  2. *Marine service industry (five sheds with a gross floor area of approx 500 square metres each with associated vehicle parking and direct by travel lift to the harbour).*
  3. *Bulk earthworks.*
  4. *Accommodation.*
  5. *A conference centre for a maximum 240 patrons.*
  6. *Food and drinks premises with a total maximum of 120 seats.*
  7. *A dwelling used only for the accommodation of a site manager.*
  8. *Associated removal of vegetation.*
6. The history of this approval and how it relates to the site is discussed further below. The new buildings and works associated with CP09/002 are largely located at 1A, 2A, 2 and 4 Lumeah Road (see below excerpt of endorsed staging plan). Works have not commenced for this planning permit.

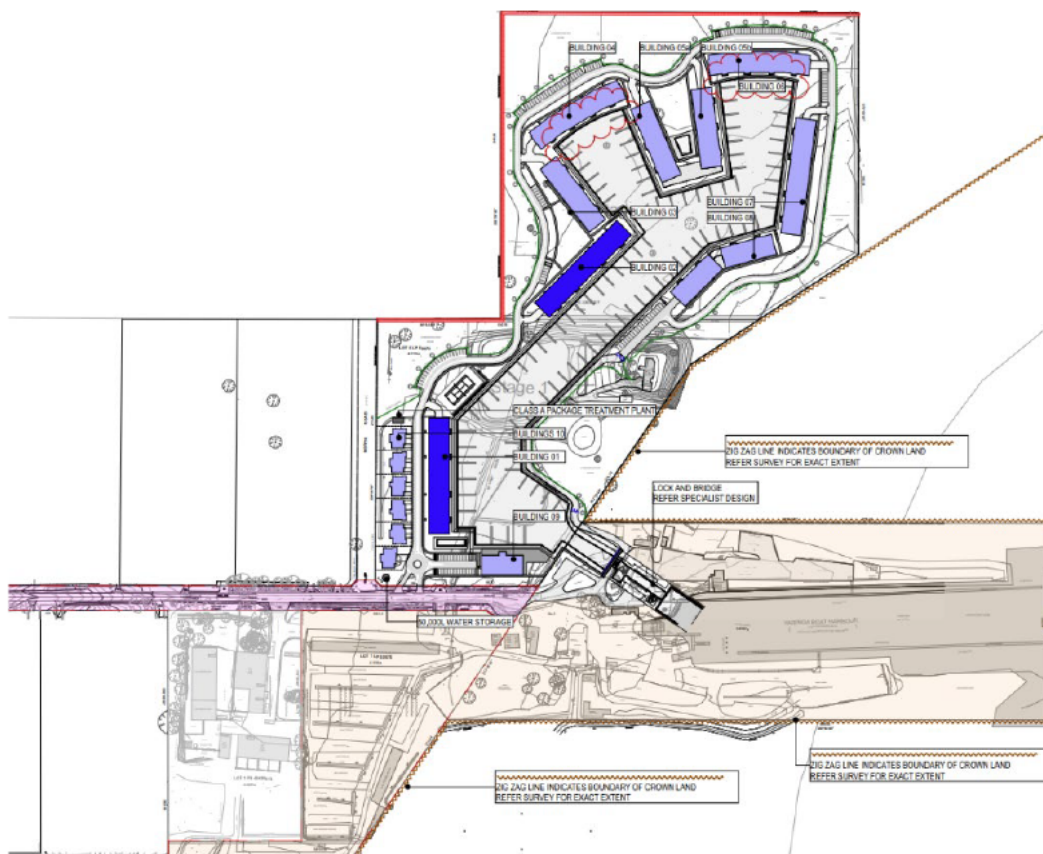


Figure 9 – The endorsed staging plan for CP09/002 showing the layout of the proposed extension of the Yaringa Boat Harbour on the northern side of Lumeah Road. Works approved at 1 and 3 Lumeah under CP09/002 are not shown in this staging plan.



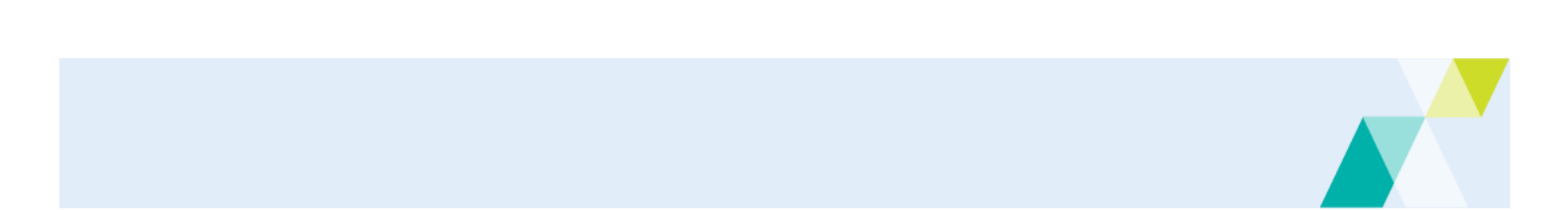
Figure 10 – The extent of buildings and works approved at 3 Lumeah Road under P13/2067 (issued 28 July 2014)

11. In addition to planning permits that have been acted upon, it is also noted that CP09/002 was issued on 4 November 2016 for 1, 1A, 2, 3 and 4 Lumeah Road, Somerville which constitutes an upgrade and expansion to the Yaringa Boat Harbour, therefore applying to the land used currently used in conjunction with the boat harbour, and the proposed expansion area at 2 and 4 Lumeah Road. It is noted that industry (manufacturing) was not one of the various use permissions that this planning permit included, therefore this proposal is not considered to be 'acting on' CP09/002 with respect to the use and development proposed within 1, 1A and 3 Lumeah Road.

## Application Process

12. The application was initially lodged as a Clause 53.22 (Significant Economic Development) application without an eligibility letter confirmation from Invest Victoria as required by Category 1 of Clause 53.22. While the application was technically initially received on 12 September 2024, no formal assessment of the application occurred until the application was found to be eligible and was amended pursuant to s50 of the Act once found eligible.
13. The key milestones in the application process were as follows:

Milestone	Date
Non-eligible application initially received	12 September 2024
DFP Pre-application review initiated	7 October 2024
DFP Eligibility Letter Issued	18 February 2025
S50 Amendment to application submitted	31 March 2025
Further information requested	28 April 2025
Further information satisfied and associated s50 Amendment to include retrospective works and all lots affected by application	14 October 2025
Further plans submitted on 12 December 2025 formally under s57a of the Act	In summary, the 57a amendment formally amended the Native Vegetation Removal Report required per CI 52.27 to re-classify retrospective vegetation removal as 'proposed' removal rather than 'past' removal.
Decision Plans	Plans prepared by <b>Alfano Studio</b> , titled ' <b>Hart Marine Boat Works Manufacturing Precinct @ Yaringa</b> ' and dated <b>2 October 2025</b> .
Other Assessment Documents	Town Planning Report prepared by Urbis and dated 13 October 2025  Landscape Report prepared by MDG Landscape Architects and dated 9 July 2025  Bushfire Assessment Report prepared by Terralogic and dated 12 September 2024  Addendum to Bushfire Assessment Report prepared by XWB Consulting and dated 7 August 2025  Arboricultural Assessment and Report prepared by Arborist Reports Australia and dated 5 April 2023  Letter of Advice Regarding Relocation of Proposed Water Tanks within the Defendable Space at 3 Lumeah Road Somerville, prepared by Ecology & Heritage Partners and



dated 12 August 2025

Letter in Support of CHMP Requirements prepared by Jem Archaeology and dated 5 August 2025

Site Servicing Report prepared by CJ Arms and dated 3 July 2025

Traffic Engineering Assessment prepared by Traffix Group and dated July 2025

Waste Management Plan prepared by Leigh Design and dated 6 August 2025

Stormwater Management Strategy Report, prepared by CJ Arms and dated 7 March 2025

Sustainability Management Plan prepared by Ark Resources and dated 6 March 2025

CHMP No: 18395 Yaringa Boat Harbour Expansion, Somerville, prepared by Dr Tim Stone and dated 29 March 2022

Documents provided subsequent to public notice:

Traffix Group Memo regarding heavy vehicle movements and dated 28 January 2026

Traffix Group Memo regarding Lumeah/Whitneys Road upgrade requirements and dated 11 December 2025

Email from Urbis in response to DTP queries dated 20 January 2026 and 19 February 2026

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14. The subject of this report is the decision plans (as described above).

## Proposal Summary

15. The application seeks to use and develop 5 Lumeah Road and 4 Yaringa Road for two large factories and associated works, to be used in conjunction with the proposed use of the land for boat manufacturing (industry).
16. 3 Lumeah Road is also owned by the proponent and will partly be used in conjunction with the proposed use and requires retrospective approval of works.
17. Other structures on 3 Lumeah Road remain associated with other harbour uses and do not form part of this planning permit.

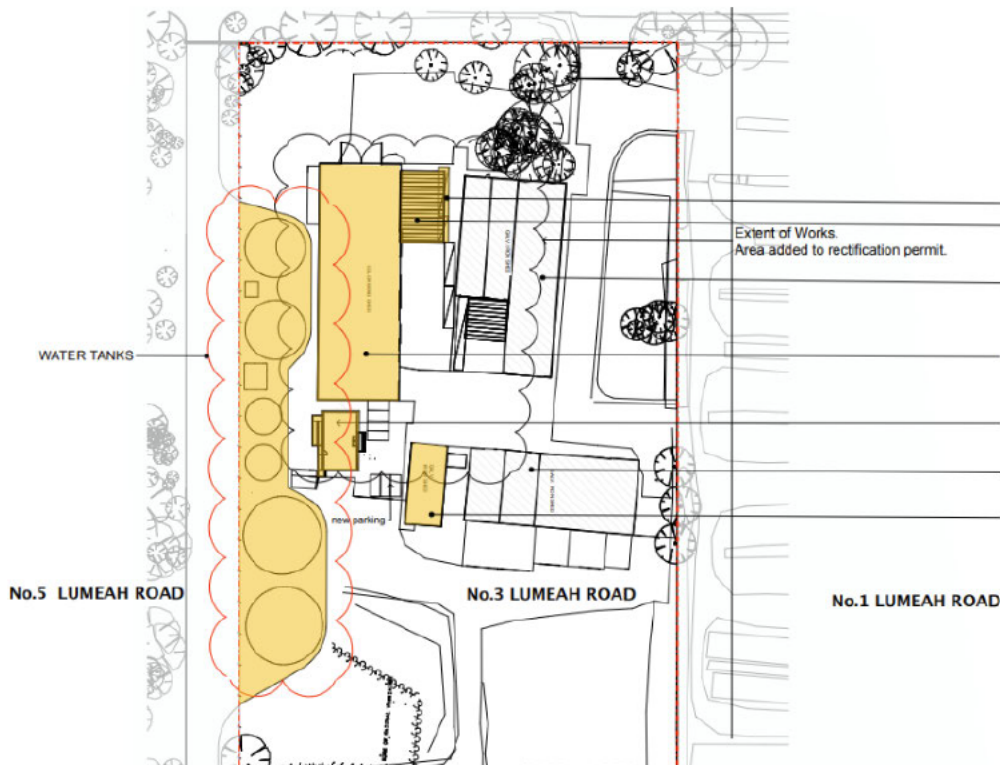


Figure 11 – Extent of structure (in yellow) at 3 Lumeah Road to be used in conjunction with the use. All other structures not shown in yellow do not form part of the use.

18. The use of the land at 1 and 1A Lumeah Road relates only to use of an existing vehicle access track to access the Yaringa Boat Harbour. A detailed description of the application is provided below.
19. Use of the land for industry (manufacturing)
  - The manufacturing, repair and servicing of marine craft (3 & 5 Lumeah Road and 4 Yaringa Road), including transportation and launching of boats at Yaringa Boat Harbour (1 and 1a Lumeah Road).
  - A maximum of 83 employees on site at any one time.
  - Operating 7 am to 5 pm, Monday – Friday. Following public notice, the applicant requested this be amended to include Saturdays.
  - Ancillary (temporary) demountable office at 3 Lumeah Road.
20. Site preparation works
  - Demolition and removal of all structures at 4 and 5 Lumeah Road and a small shed at 3 Lumeah Road (retrospective).

- Earthworks, with a total site cut volume of approximately 22,870 m<sup>3</sup> and fill volume of 5,000 m<sup>3</sup>, including cutting along the proposed access way and hardstand for water tanks at 5 Lumeah road and more extensive site cut at 4 Yaringa Road to level mound and fill southern portion of the site to be level for proposed buildings and car parking.

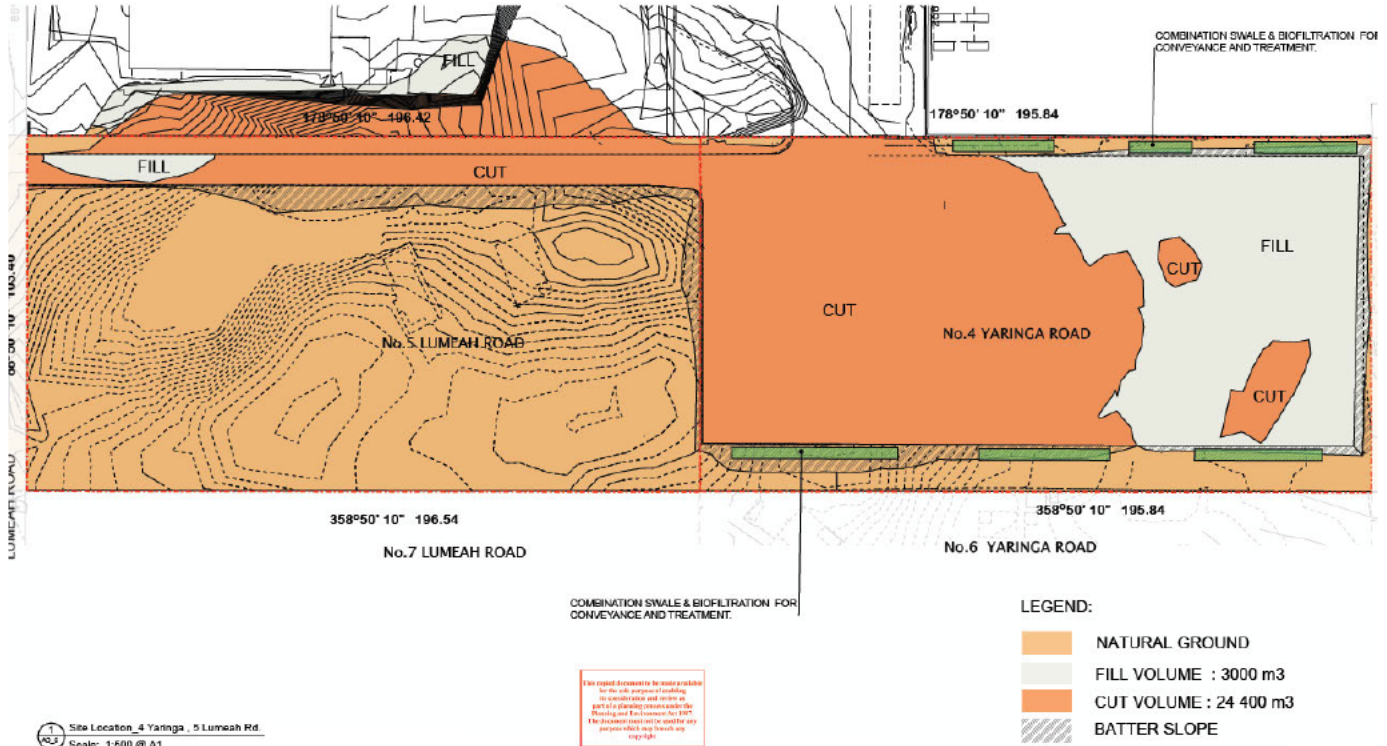


Figure 12 – Proposed extent of earthworks at 5 Lumeah Road and 4 Yaringa Road

## 21. Native Vegetation Removal

2.031 hectares of native vegetation including 29 large native trees in total are proposed to be removed across 3 & 5 Lumeah Road and 4 Yaringa Road (0.747 hectares are retrospective).

## 22. Proposed Landscaping

Proposed landscaping includes revegetation of Heath Woodland EVC on land to the north of 5 Lumeah Road and planting of canopy trees and other complementary landscaping within deep soil planting areas at 4 Yaringa Road.

## 22. Proposed buildings and works

- Construction of two factories at 4 Yaringa Road, each with a building footprint of 2,300 m<sup>2</sup> each factory contains a 1,810 m<sup>2</sup> factory floor, with ground floor office and storage areas, in addition to mezzanine areas. Each factory has a maximum building height of 14 metres and multiple 10 metre high roller doors for the movement of trucks, boats and equipment.

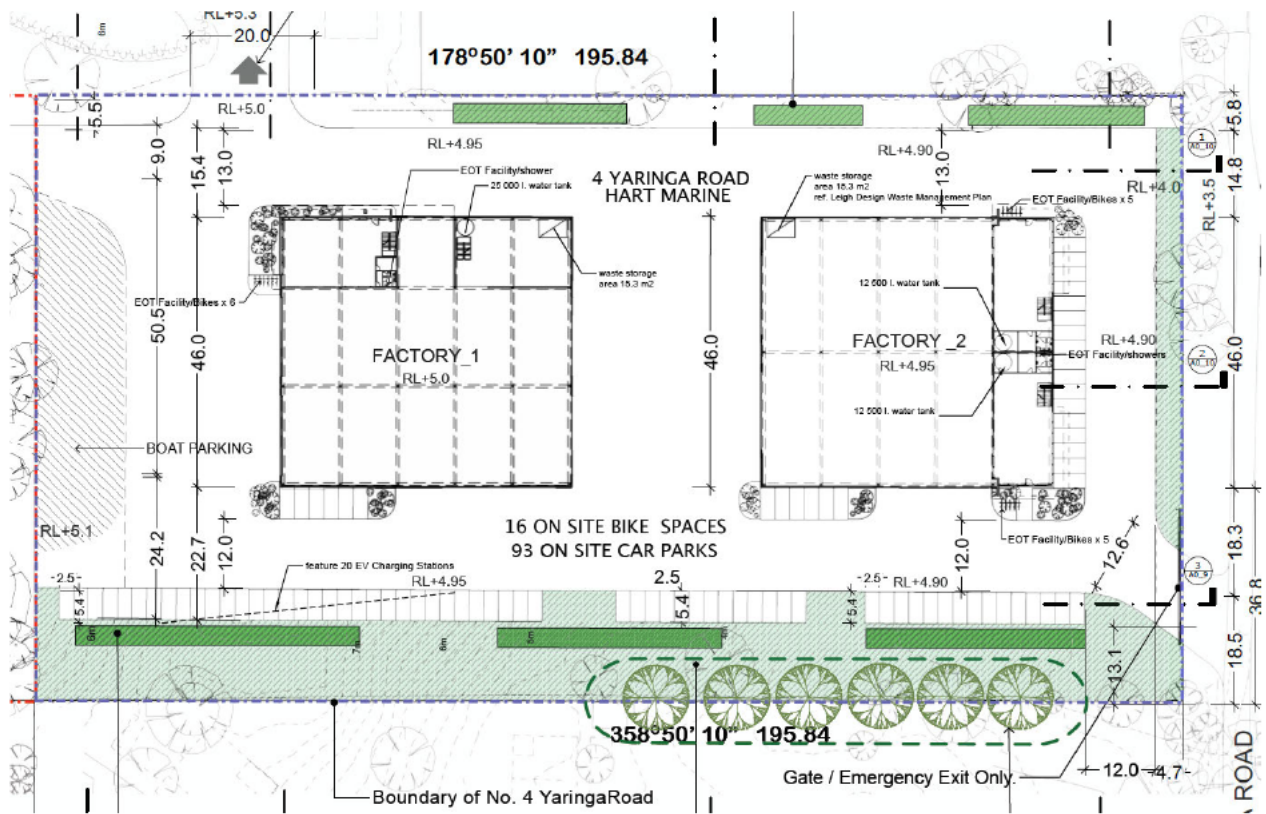


Figure 13 – Proposed factories to be constructed at 4 Yaringa Road

- An 8 metre wide internal vehicle access to the factories and associated car parking is proposed along 5 Lumeah Road's eastern boundary, accessed via an existing vehicle crossover that is to be upgraded. It is also proposed to construct a 1.8 metre high steel picket fence with associated concrete base, columns and sliding gates where adjacent to the building entry, with the remaining Lumeah Road frontage fence to be a 1.8 m high chain link fence.



Figure 14 – Proposed vehicle access and entrance gate at 5 Lumeah Road.

- Adjacent to the vehicle access within 3 Lumeah Road is the proposed location of two rainwater tanks (15 m x 6 m), two waste water plant tanks (10m x 5m) and two fire tanks (20m x 8m) and associated pumps and hardstand areas for all tanks. A 1.8 metre high chain link fence is proposed to be constructed along the western and eastern boundaries of 4 & 5 Yaringa Road, with an opening provided on 4 Yaringa Road's eastern boundary to provide access to the internal road at 3 Lumeah Road.

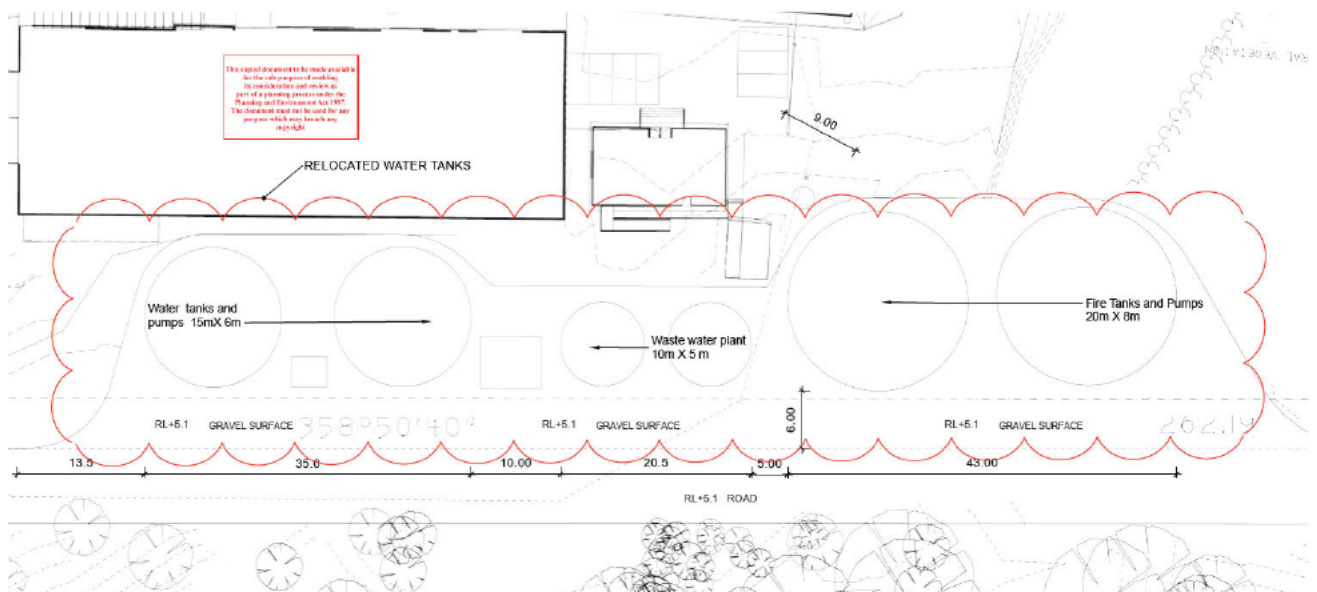




Figure 15 – Proposed water tanks at 3 Lumeah Road adjacent to proposed vehicle access.

- The existing vehicle crossover at 4 Yaringa Road is also proposed to be upgraded to accommodate an emergency vehicle access point. It is also proposed to construct a 1.8 metre high chain link fence with steel fence and sliding gate section to the vehicle access.
- A 2,300m<sup>2</sup> water dispersal field is proposed within the centre of the 5 Lumeah Road property in order to facilitate the treatment of waste water from the proposed use. It is not proposed to connect the site to reticulated sewerage.

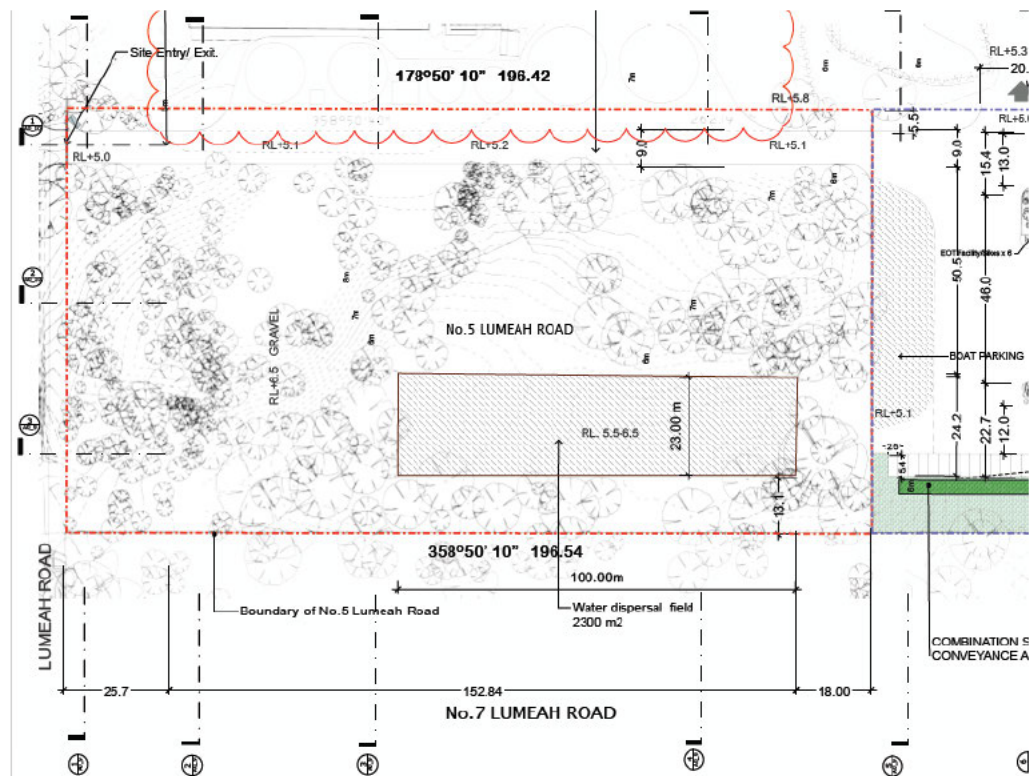


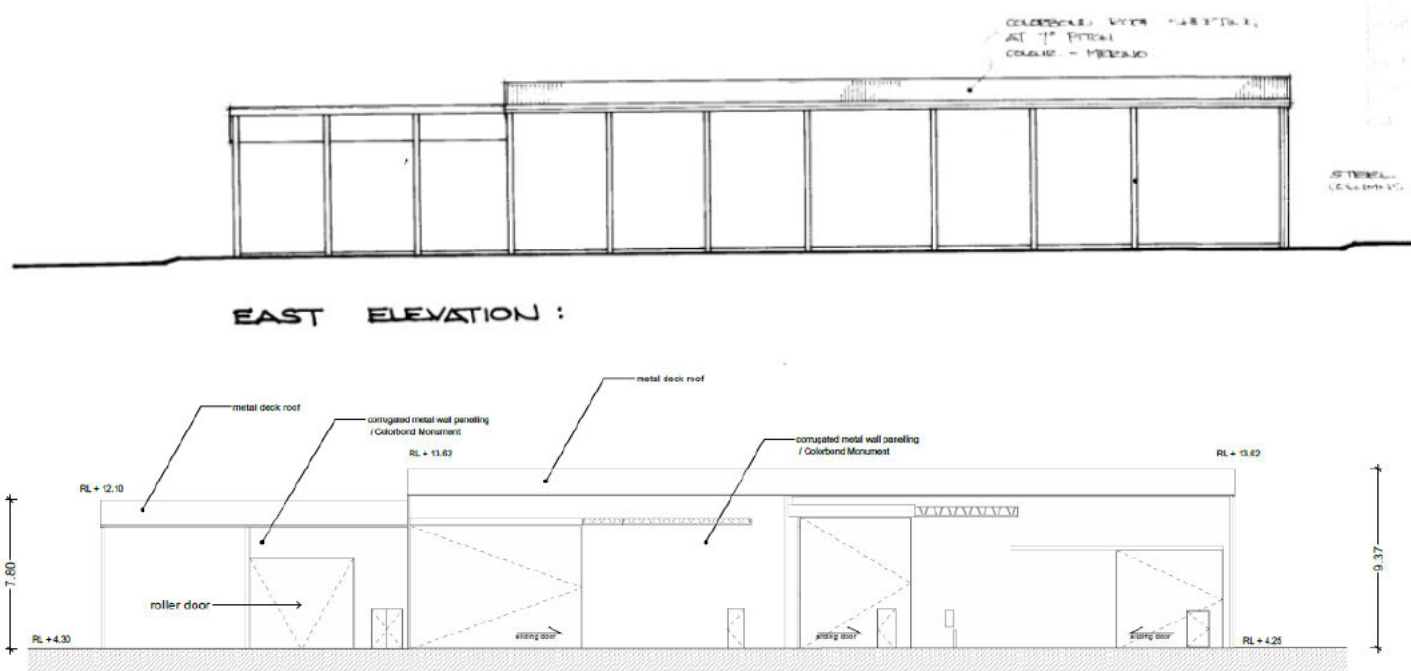
Figure 16 – Proposed waste dispersal field at 5 Lumeah Road to service the wastewater from the 4 Yaringa Road development.

### 23. Proposed retrospective works

- Western warehouse – retrospective approval for the enclosure of this structure (approx. 1,194m<sup>2</sup>) along the western and southern elevations (approved as an open boat storage shed by P02/2120) and a southern eastern extension to the structure. Retrospective works also include a 8 metre high x 10.5 metre wide double door to the northern elevation and three large slide doors and a roller door on the eastern elevation. These works were undertaken between 2002 and 2010 without a planning permit.



- Dome 1 and Shipping Container Stack 1 – Dome 1 is a 11.5 metre high white, PV-coated tensile fabric structure which spans an area of approximately 185m<sup>2</sup> for weather protection. Dome 1 is affixed the eastern side of the Western Warehouse and the western side of Stack 1, with Stack 1 being a 7.8 metre high structure comprised of six shipping containers used for storage of equipment in addition to providing structural support to Dome 1. It is noted that other shipping container stacks are present on 3 Lumeah Road however these do not form part of the proposal/are not proposed to be used in conjunction with the proposed use of the land.



Western Warehouse\_East Elevation  
Scale: 1:100 @ A1

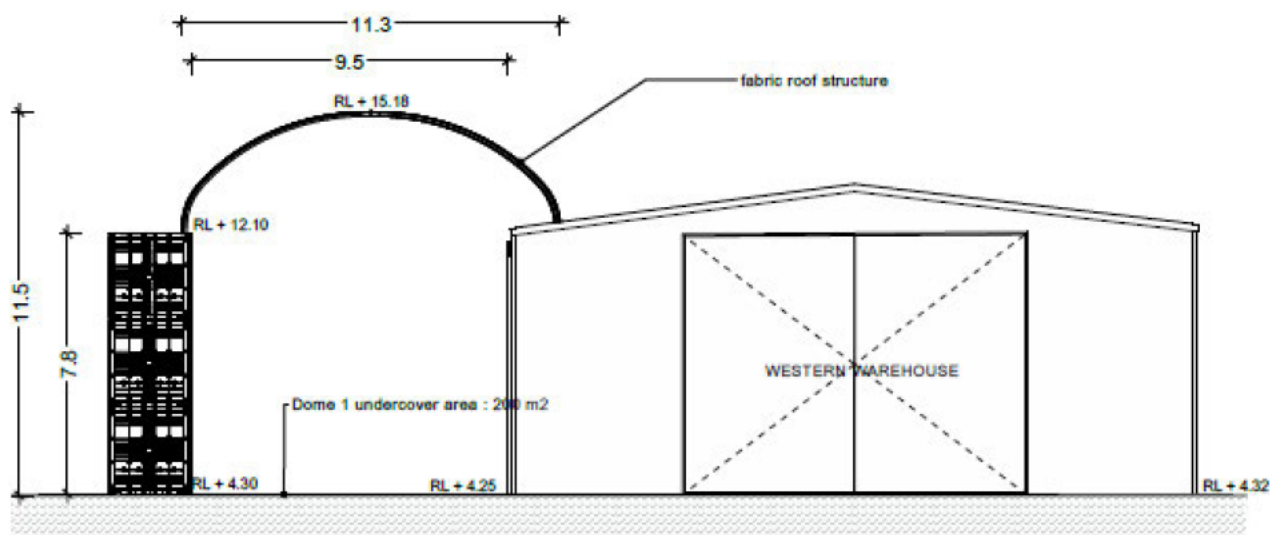


Figure 17 – Retrospective works at 3 Lumeah Road including a comparison of the approved open western boat storage structure that has been enclosed into the western warehouse (top) and the Stack 1, Dome 1 and northern door added to the western warehouse (bottom)



- Temporary office – To the south of the western warehouse, an approx. 138m<sup>2</sup>, 3.7 metre high demountable office has been placed on the land and requires retrospective approval. This temporary structure is proposed to be removed once the factories at 4 Yaringa Road are constructed.



Figure 18 – The temporary office at 3 Lumeah Road for which retrospective approval is sought.

#### 24. Signs

- It is proposed to display a series of non-illuminated business identification signs across the site including:
  1. 2 x 3.6m<sup>2</sup> signs displaying the business name, 'Hart Marine' with one to be located on the northern elevation of Factory 1 and the other on the eastern elevation of Factory 2.
  2. 1 x 7 m high non-illuminated pylon (pole) sign displaying 'Yaringa Marina' (collective business identification) to the east of the 5 Lumeah Road vehicle entry.
  3. 1 x 0.45m<sup>2</sup> non-illuminated business identification sign on the eastern elevation of the temporary office building at 3 Lumeah Road.

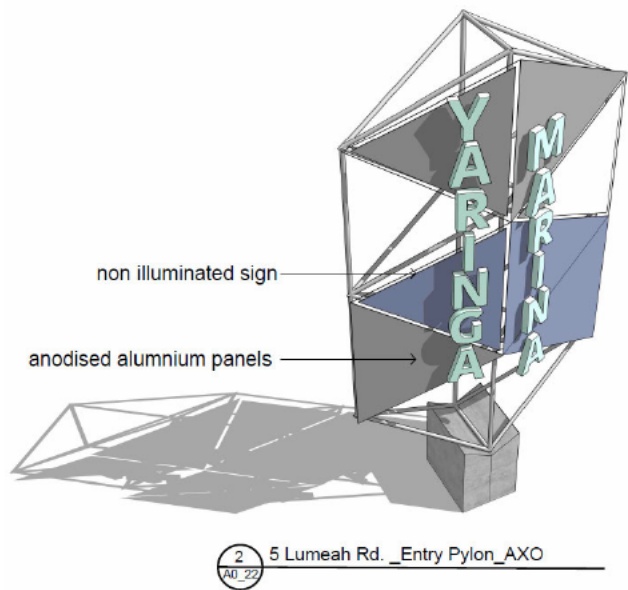


Figure 19 – Proposed pole sign at entrance of 5 Lumeah Road (left) and proposed business identification signage to factories (right)

## 25. Car and Bicycle Parking

- A total of 100 car parking spaces are proposed across the selective site including:
  1. 93 car parking spaces proposed at 4 Yaringa Road to the west and south of Factory 1 and 2.
  2. 7 car parking spaces proposed adjacent to the 3 Lumeah Road temporary office.
- A total of 16 formal bicycle parking spaces are also proposed at 4 Yaringa Road with 6 spaces proposed to the north of Factory 1, 5 to the east of Factory 2 and 4 to the west of Factory 2.



## Municipal Planning Strategy

26. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-5	Built environment and heritage
02.03-6	Economic Development
02.03-7	Transport
02.03-8	Infrastructure

## Planning Policy Framework

27. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

<b>Clause 11</b>	<b>Settlement</b>
11.03-4S	Settlement – Coastal Settlement
<b>Clause 12</b>	
12.01-1S	Protection of biodiversity
12.01-2S	Native Vegetation Management
12.0-21S	Protection of the marine and coastal environment
12.02-2S	Marine and coastal Crown land
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.01-2S	Coastal inundation and erosion
13.02-1S	Bushfire planning
13.05-1S	Noise management
13.07-2S	Land use compatibility
13.07-1L	Land use compatibility – Mornington Peninsula
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-1L	Urban design – Mornington Peninsula
15.01-2S	Building design
15.01-2L-01	Building design – Mornington Peninsula
<b>Clause 17</b>	<b>Economic Development</b>
17.01-1S	Diversified economy
17.03-2S	Sustainable industry
17.04-2S	Coastal and maritime tourism and recreation
<b>Clause 18</b>	<b>Transport</b>



18.01-1S	Land use and transport integration
18.02-4S	Roads
18.02-6S	Ports
<b>Clause 19</b>	<b>Infrastructure</b>
19.03-2S	Infrastructure design and provision
19.03-3S	Integrated water management
19.03-3L	Integrated water management – Mornington Peninsula
19.03-5S	Waste and resource recovery

## Zoning and Overlays

### Applicable Zones

#### Special Use Zone – Schedule 1 (SUZ1)

28. This zone applies to the 5 Lumeah Road and 4 Yaringa Road lots and relates to 'Port Related Uses'. A planning permit is required to use the land for industry and must meet the condition of being dependent on or significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be marine service industry. A planning permit is also required to construct a building or construct or carry out works. The purpose of the SUZ1 is:
- To provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep water channels in Westernport.
  - To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).
  - To protect the environmental values of the waters, coastline and intertidal areas of Westernport and adjoining land.
  - To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.
  - To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse effect on the amenity or safety of residents occurs in proximity to residential areas.
29. The SUZ1 also sets out a range of specific use and buildings and works requirements to be met for applications in this zone, including setbacks for buildings and works, in addition to decision guidelines regarding the industrial use of land, impacts on amenity, buildings and works and the removal of native vegetation.
30. The following sections include a discussion of how the proposal responds to these requirements.

#### Special Use Zone – Schedule 9 (SUZ9)

31. This zone applies to the 1, 1A and 3 Lumeah Road lots and relates to the 'Yaringa Boat Harbour' and as discussed earlier in this report, was inserted into the planning scheme as a result of Amendment **C255morn**, as 96a amendment in tandem with planning permit application CP/09/002, to facilitate the expansion of the Yaringa Boat Harbour.
32. A planning permit is required to use the land for industry and must meet the condition of being dependent on or significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be marine service industry. A planning permit is also required to construct a building or construct or carry out works. The purpose of the SUZ9 is:



- To provide for an integrated mix of recreational boating, tourist accommodation and related activities north of Lumeah Road, with direct boating access to Western Port.
  - To prioritise boating and boating-related activities in a safe, functional and visually attractive harbour precinct.
  - To provide major boat storage facilities and marine-related industry south of Lumeah Road.
  - To ensure that the use and development of the land is compatible with the environmentally sensitive coastal area.
  - To ensure that land is not used or developed for any purpose that would compromise the long-term protection and use of land for expansion of port related use in adjoining land designated for that purpose, including curfew-free port activities.
  - To ensure that the use of land and the siting and design of any development respect the existing environmental features, amenity and landscape character of the area.
  - To protect the environmental values of the waters, coastal and intertidal area of Western Port and adjoining land.
33. The SUZ9 also contains a range of requirements and decision guidelines for the use and development of land, many of which are similar to the those contained at SUZ1 but modified with respect to the more specific nature of the SUZ9 for supporting the Yaringa Boat Harbour. This includes a planning permit requirement for the use of land which states:

*Any planning permit granted to allow the use of land, which is considered by the Responsible Authority to require the construction of road upgrades in Lumeah Road and Whitneys Road between its intersection with Lumeah Road and its intersection with Tyabb-Tooradin Road /Bungower Road, must include a condition that has the effect of requiring the permit holder to meet all costs associated with such upgrades in accordance with plans to the satisfaction of the Responsible Authority.*

## **Applicable Overlays**

### Environmental Significance Overlay – Schedule 5 (ESO5)

34. This overlay applies to the entire planning unit and relates to the Westernport Hinterland. A planning permit is required to construct a building or construct or carry out works (including a fence) and to remove, destroy or lop native vegetation. The environmental objectives to be achieved by the ESO5 relevant to the proposal are:
- To protect and conserve the environmental systems, biodiversity, native vegetation, habitat areas, land and soil stability, drainage patterns and stream quality of this area.
  - To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
  - To promote siting and design of buildings and works that is responsive to the varied rural and coastal landscape character and vista of this area, and that maintains the scenic value of roads and recreation routes.

### Erosion Management Overlay – Schedule 7 (EMO7)

35. This schedule was inserted into the scheme in an interim capacity as a result of Amendment C312 on 6 January 2026 and relates to high landslide susceptibility areas. The schedule will expire on 6 January 2027. The EMO7 applies to discrete areas of the site at 3 Lumeah Road and 4 Yaringa Road only. There are no transitional provisions specified so this overlay applies in consideration of the current application. A planning permit is required to construct a building or construct or carry out works.



Figure 20 – The extent of the EMO7 that applies to the site at 3 Lumeah Road (left) and 4 Yaringa Road (right)(Source: Vicplan)

36. The erosion management objectives to be achieved by the EMO7 as relevant to the proposal are:

- To ensure that development achieves tolerable landslide risk to human life and property.
- To ensure that development is designed in accordance with established principles of good hillside construction practice and is responsive to the landform and site conditions.

Land Subject to Inundation Overlay – Schedule 2 & 4 (LSIO2 & LSIO4)

37. The site affected by both Schedule 2 and 4 of the Land Subject to Inundation Overlay however, the only area of the site where buildings and works are proposed within an LSIO is within 4 Yaringa Road. LSIO2 relates to the Western Port Bay Coastline – Residential, Industrial and Special Purposes Zone except the Port Zone while LSIO4 relates to the Westernport Bay Coastline – Public Use Zone and Port Zone. Per the statement of risk, the overlays apply to the land as land along the Westernport Bay has been identified as at risk of natural process impacts of climate change including potential hazards associated with coastal erosion, flooding, sea level rise and storm surge.

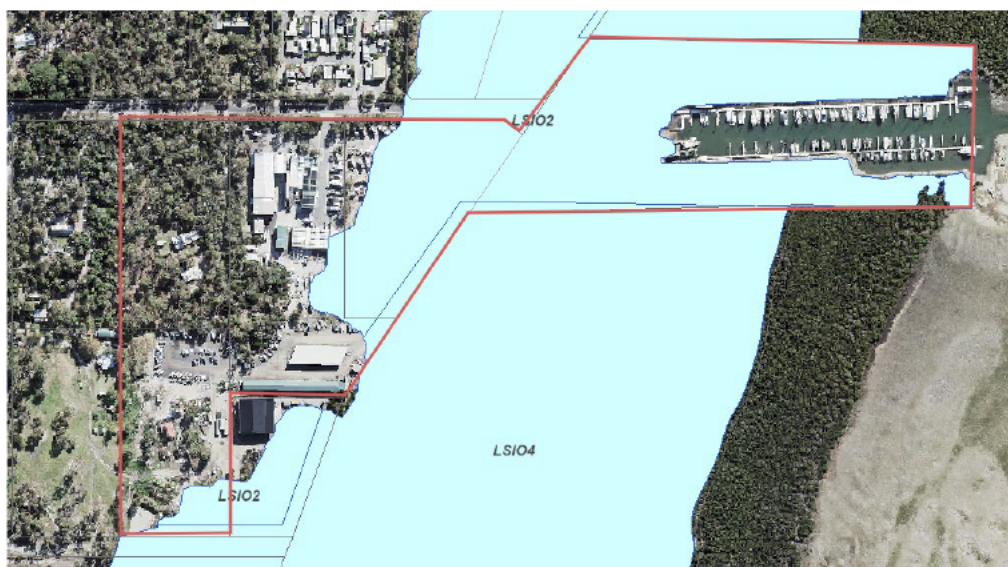


Figure 21 – The extent the LSIO applies to the overall planning unit (outlined in red)(Source: VicPlan)



38. A planning permit is required to construct a building or to construct or carry out works. All applications must also be referred to the relevant floodplain management authority (Melbourne Water) under section 55 of the Act.
39. The objectives to be achieved for both the LSIO2 and LSIO4 are:
- To protect land vulnerable to coastal inundation from inappropriate development.
  - To identify risk areas and plan for sea-level rise of not less than 0.8 metres by 2100.
  - To plan for projected sea level rises to ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change.
  - To ensure new development is designed to respond appropriately to the identified flood hazard.

**Bushfire Management Overlay**

40. The entire planning unit is affected by the Bushfire Management Overlay. A planning permit is required to construct a building or construct or carry out works associated with use of the land for industry. An application must also be referred under Section 55 of the Act to Fire Rescue Victoria.
41. The purpose of the overlay is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
  - To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
  - To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

**Particular and General Provisions**

**Provisions that Require, Enable or Exempt a Permit**

**Signs**

42. Clause 52.05 (Signs) sets out the planning permit requirements for different signage types depending on their categorisation and includes a range of decision guidelines to regulate the development of land for signs and associated structures and ensure that signs are compatible with the amenity and visual appearance of the area.
43. Per the SUZ1 and SUZ9, the entire planning unit is designated Category 3 (High Amenity Areas) for Clause 52.05 signage requirements, meaning all business identification signs and all pole signs require a planning permit, with no special conditions for these signage types.

**Car Parking & Bicycle Facilities**

44. Clause 52.06 sets out the requirements for provision of car parking for an array of different uses, as well as the design and layout of car parking and vehicle access. A planning permit is required to reduce the required number of car parking spaces prescribed in Table 1 of Clause 52.06-5. A planning permit is therefore required for a reduction of car parking with the required and proposed car parking provision outlined below:

Table 1 of Clause 52.06-5 – Industry use car parking requirements			
Measure	Rate	Car Parking Spaces Required	Car Parking Spaces Provided
To each 100sqm of leasable floor area	2.9	201	100

45. In addition to the car parking requirements at Clause 52.06, Clause 52.34 (Bicycle Facilities) similarly outlines requirements for the provision of bicycle parking and end-of-trip facilities for a range of different uses, as well as



design requirements to be achieved for these facilities, with a planning permit required to vary, reduce or waive any requirement of Clause 52.34-5 and 52.34-6.

46. Per Table 1 of Clause 52.34-5 (Require bicycle facilities), 1 employee bicycle parking space is required at a rate of 1 space per 100 square metres of net floor area for industry uses. This equates to a requirement of 7 employee spaces. Per Table 2 and 3 of Clause 52.34, as more than five employee spaces are provided, the proposal must also provide at least 1 shower with a change room or, direct access to a communal change room. The proposal exceeds these requirements, providing 16 bicycle parking spaces and at least one bathroom with a shower/combine changeroom in Factory 1 and 2.

#### Native Vegetation

47. Clause 52.17 (Native Vegetation) requires a planning permit to remove, destroy or lop native vegetation, as is sought for the proposal with respect to both new native vegetation removal and retrospective approval for vegetation removed in the past without approval.
48. The purpose of Clause 52.17 is to:
- Ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, by applying the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action 2025) (the *Guidelines*):
    1. Avoid the removal, destruction or lopping of native vegetation.
    2. Minimise the impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
    3. Provide an offset to compensate for the biodiversity impact if a permit granted to remove, destroy or lop native vegetation.
  - To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.
49. Clause 52.27 also outlines requirements for conditions on planning permit to secure native vegetation offsets, while Clause 66.02-2 outlines that an application to remove, destroy or lop native vegetation in the 'Detailed Assessment Pathway' of the *Guidelines*, must be referred to DEECA as a recommending referral authority per Section 55 of the Act.

## **General Requirements and Performance Standards**

### Clause 53.18 – Stormwater Management in Urban Development

50. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater management, treatment and reuse which are addressed in the Sustainability Management Plan submitted with the application.

### Clause 53.22 (Significant Economic Development)

51. Clause 53.22 seeks to facilitate the planning, assessment and delivery of project that will make a significant contribution to Victoria's economy and provide substantial public benefit. This includes development for group accommodation with an estimated cost of development greater than \$20 million (if located in metropolitan Melbourne) and with the written advice confirming financial feasibility from Invest Victoria. The proposal's eligibility was confirmed on 18 February 2025.
52. The clause allows the responsible authority to waive or vary any building height or setback requirements and application requirements of the planning scheme and also exempts applications from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

## Relevant Strategic Plan / Background Documents

### Incorporated Document / Structure Plan / Planning Scheme Amendment/s

#### Plan for Victoria

53. Plan for Victoria (the new strategic plan for Victoria) came into effect on 28 February 2026 to guide land use and development across Victoria until 2050, and is structured around five pillars for action. Amendment VC283 gazetted on 9 September 2025, modified the Victoria Planning Provisions of all planning schemes to implement the action points of Plan for Victoria. This resulted in references to the now superseded Plan for Melbourne 2017-2050 being removed from the scheme. Relevant to the application, VC283 has introduced the incorporated document *Industrial and Commercial Land Classifications (Department of Transport and Planning, 2025)* and amended Clause 17.03-3S (Significant industrial land) of the VPP's to include this as a relevant document for consideration. The document identifies the site and its immediate surrounds as a 'state significant industrial area', as part of the wider Port of Hastings State Significant Industrial Precinct (SSIP).



Figure 22 – Excerpt from the Industrial and Commercial Land Classifications (DTP, 2025) of the subject site and surrounds.

#### 2018 Port Development Strategy/Hastings Port Industrial Area Land Use Structure Plan 1996

54. The 2018 Port Development Strategy (Port of Hastings Development Authority, December 2018) is a background document at Clause 18.02-6S (Ports) which is to guide land use and development of the Port of Hastings over the 30 years from 2018. The site is identified as being within a 'Future Port Development Area' with the Plan also noting the Yaringa Boat Harbour is one of the closest boating facilities to the Port, supporting a range of commercial uses including boat building and associated industries. The plan does not prescribe any particular vision or requirements for the development of this area. The Hastings Port Industrial Area Land Use Structure Plan, April 1996 has informed the 2018 Port Development Strategy and remains an incorporated document within the scheme. The Plan provides an assessment for land use in the area and highlight the need to ensure that the land in proximity to the Port of Hastings remains available for port development purposes and identifies the site for port-related uses.

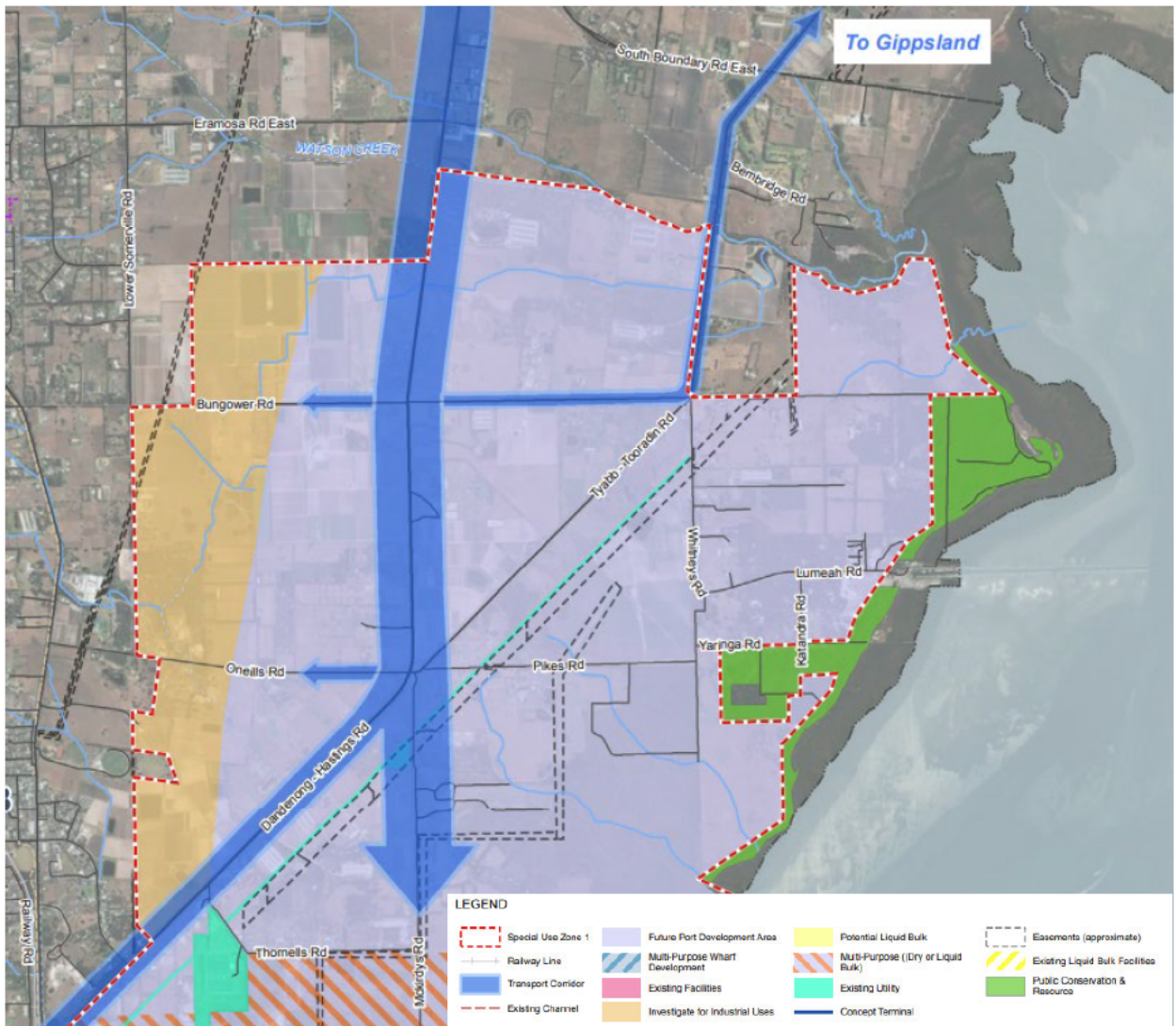


Figure 23 – Excerpt from Figure 19 of the 2018 Port Development Strategy for the subject site and surrounds.

### Amendment VC277

55. This planning scheme amendment was gazetted on 18 December 2025, made modification to the how car parking rates in Table 1 of Clause 52.06-5 are prescribed for a range of uses but introducing four categories of land with higher or lower car parking requirements (including introduction of maximum requirements) depending on how well serviced these areas are by other modes of transportation. The entire planning unit is located within 'Category 1' which continues to prescribe only a minimum requirement for industry land uses of 2.9 spaces to 100 square metres of leasable floor area. This rate is not less than the rates prescribed by Clause 52.06-5 prior to the amendment (the rate remains unchanged) and per Transitional Provision A of Clause 52.06-12, this means that Clause 52.06-5 as previously in force prior the amendment is applicable to this application.



## Referrals

56. The application was referred to the following groups:


Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Melbourne Water	19 November 2025, no objection subject to conditions
Section 55 Referral – Determining	Fire Rescue Victoria	13 November 2025, no objection subject to conditions
Section 55 Referral – Recommending	DEECA	16 December 2025, objection subject to conditions

## MACA Consent

57. Part of the planning unit at 1A Lumeah Road is located within Crown land. Pursuant to Section 61(3)(a) of the *Planning and Environment Act 1987*, the responsible authority must not decide to grant a permit to use and develop marine and coastal Crown land within the meaning of the *Marine and Coastal Act 2018* unless the Minister administering that Act has consented under that Act to the use or development.
58. The application was referred to DEECA (on behalf of the Minister of Environment) under s68(3) of the *Marine and Coastal Act 2018*, with consent per s70 of the *Marine and Coastal Act 2018* granted on 10 June 2025, subject to conditions.

## Municipal Council Comments

59. The Mornington Peninsula Shire Council (the council) was given notice of the application and issued a formal response on 3 December 2025 following a resolution of the council on 2 December 2025. The council did not object to the application, but raised a number of concerns with the application, including requested conditions. The primary issues raised are summarised. A detailed response to these matters and the recommended conditions can be found at Appendix 1.
60. Issues raised by the council:
- Land use – the proposed land use and operations are generally supported however it appears no appropriate path of access is provided for transferring boats from the western warehouse at 3 Lumeah Road to the boat launching facilities at 1A Lumeah Road. Provision of access is requested to be addressed via conditions.
  - Traffic & Car Parking – Several concerns are raised regarding the movement of heavy vehicles on the local road network as a result of the proposal which the council’s Development Engineers consider insufficient to support anticipated heavy vehicle movements, including those made by 20 metre long semi-trailer trucks. Conditions are requested to be included on the planning permit to require the upgrade of Whitneys Road and Lumeah Road (in accordance with the SUZ9 requirements) the width of the Yaringa Road crossover and impose restriction on its use for emergency access only. It is also requested that the car parking spaces be increased to 2.6m wide, in accordance with Clause 52.06-9 (Design Standards for Car Parking).
  - Landscaping & Vegetation – In addition to requesting plans be updated to address a number of inconsistencies regarding the location of existing/proposed trees and conditions to require all species planting to be from the local Heathy Woodland EVC, concern is raised with the removal of native vegetation for the waste dispersal field and the western boundary of 4 Yaringa Road (Trees 48 and 95). It is requested that conditions be included to require the relocation of the waste dispersal field to the location of the existing dwelling on site which is to be demolished and is already substantially cleared of native vegetation.
  - Retrospective approval – While no specific concerns are raised with the retrospective works sought for approval under this application, however notes some inconsistency with the depiction of the large double door on the northern elevation of the western warehouse between plans, and details of all retrospective hard paving



surrounding the western warehouse being missing from the plans. The council recommends these elements be addressed to ensure any future endorsed plans capture all retrospective works requiring approval under this application.

## Notice

61. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to Clause 37.01-2 (Special Use Zone) – Neither Schedule 1 or Schedule 9 of the Special Use Zone specify any notice exemptions. Therefore, despite several of the other planning permit triggers being exempt from notice requirements (EMO7, LSIO, BMO), the application was required to be given notice in accordance with Section 52(1)(a), (b) and (d) of the Act.
62. As a result of Clause 53.22, the application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*.
63. The applicant was directed to give notice by way of erecting three signs on the site and notifying adjoining and nearby surrounding owners and occupiers.
64. **Two** objections were received, raising the following issues:
  - Procedural issues with the application and planning unit and ensuring the application is assessed in the context of the totality of use and development, cumulative impacts and existing conditions and obligations that currently apply to the land that makes up the planning unit.
  - Any planning permit issued must clearly delineate how the proposal will interact with existing conditions/enduring approvals on the land for future administration and enforcement.
  - Not all retrospective works have been captured on the advertised plans, including pavement works across the 3 Lumeah Road lot, other shipping containers and structures on site and vegetation removal.
  - Interface with Lumeah Road and associated amenity impacts as a result of 3 Lumeah Road's retrospective northern western warehouse doors and removal of vegetation in the 3 Lumeah Road frontage.
  - Lack of statutory alignment to the decision guidelines of Schedule 9 of the Special Use Zone.
  - Insufficient consideration of drainage impacts of additional hard surfaces at 3 Lumeah Road not accounted for on the plans (ie. these areas are not included in the stormwater management assessment).
  - Relationship with planning permit CP09/002 which also applies to 1, 1A and 3 Lumeah Road and authorises similar use of the land and requires several obligations under these planning permits including upgrades to Whitneys and Lumeah Road and the provision of reticulated sewerage and water.
  - Lumeah and Whitneys Road are insufficient to support increased traffic movements due to being in poor condition, insufficient width and Lumeah Road experiencing a high amount of wildlife and pedestrian activity (including from the caravan park opposite the site with a number of permanent residents) occurring on the road.
  - Insufficient car parking on site and in the area with cars regularly parking on the nature strip adjacent to 3 Lumeah Road under current operations.
  - The existing warehouses at 3 Lumeah Road which are open facing Lumeah Road create unreasonable noise, dust and odour transmission.



## Strategic Direction and Land Use

65. The *Planning Policy Framework* encourages appropriate industrial land use and development which are compatible with the surrounding natural and built environment, supports economic growth, provides appropriate amenity interfaces and integrates transport and infrastructure planning. The relevant MPS and PPF policies have been considered in assessing the appropriateness of the proposed use of the land.

### Municipal Planning Strategy (MPS)

66. Clause 02.02 (Vision) includes to protect the important values and resources of Western Port, having regard to existing settlements and the importance of recreation, nature conservation and tourism, with growing key strategic industries like niche manufacturing a strategic objective of the Council Plan. Relevant strategic directions at Clause 02.03 include:
- 02.03-6 (Economic development) to facilitate the expansion of existing industries and support new industries that provide services to the Peninsula community, contribute to the local employment base and are compatible with the Peninsula's character and environment, and the amenity of the local area.
  - Clause 02.03-7 (Transport), to both protect the long-term value of Western Port for port and industrial purposes that benefit for proximity to natural deep-water channels and to ensure port and port-related development does not adversely affect the ecosystems and recreational value of Western Port Bay.

### *Planning Policy Framework*

67. These strategic directions which seek to support and facilitate appropriate industrial uses within the Western Port area are further expanded on within both state and local policy in the PPF. Clause 17.03-3S (Significant industrial land) and the associated Industrial and Commercial Land Classifications identify the site as forming part of the state significant Port of Hastings Industrial Precinct. Clause 11.01-1R (Settlement – Metropolitan Melbourne) lists State-Significant Industrial Precincts (SSIPs) as one of several key areas for investment and growth in Metropolitan Melbourne. The use of the land more specifically for boat manufacturing is further supported by the purpose of both Schedule 1 and 9 to the Special Use Zone which apply to the planning unit and whose purpose is to provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep water channels in Westernport and enable effective implementation of the Hastings Port Industrial Area Land use Structure Plan (which designates the site as a future port development area) and provide for major boat storage facilities and marine-related industry south of Lumeah Road and prioritising boating-related activities associated with the Yaringa Boat Harbour.
68. In addition to policy support for the use of the land and surrounding areas for industry, Clause 13.071-S (Land use compatibility) and Clause 17.03-2S (Sustainable industry) seek to facilitate the sustainability of industrial land uses and avoid conflict with other uses, including inter-industry conflict by ensuring the use and development of land is compatible with adjoining and nearby land uses and encourage similar industries to locate within the same area. Similarly, the purpose of the SUZ9 (1, 1A and 3 Lumeah Road) includes to ensure the land is used and developed to ensure long-term protection and use of land for the expansion of port related uses in adjoining SUZ1 (5 Lumeah Road and 4 Yaringa Road) is not compromised.
69. The proposed boat manufacturing (industry) use and related activities like the storage and maintenance of boats is appropriately located as it is highly aligned with both overarching state policy as well as more localised strategies which apply to Western Port and the Yaringa Boat Harbour area. The proposed use is both compatible with port related and boat harbour activities, as well as strongly benefitted by the direct access to Western Port Bay for the launching of boats provided by the proposed location and its connection to the Yaringa Boat Harbour. This has wider benefits for the surrounding area by allowing Hart Marine to directly access the marina on privately held land without transporting boats on local roads.
70. In addition, the proposal aligns with other land use compatibility policies, as the proposal is compatible with the existing and future use of the land at 1, 1A and 3 Lumeah Road which do not form part of this planning permit/are not connected to the proponent. The proposed use and development at 3 Lumeah Road is contained within existing



structures and the operations across 3 & 5 Lumeah Road and 4 Yaringa Road (owned by the proponent) rely on existing access to the marina at 1 and 1A Lumeah Road (owned by other entities), therefore not requiring modifications to the layout of these sites which may impact their future operations. Managing access to the harbour for boat launching is ultimately a civil matter to be resolved between the proponent and marina operator, however the Minister for Environment which manages the Crown lease of the marina, did not object to the proposed use of the Crown land/marina at 1a Lumeah Road in connection with this proposal.

71. Decision guidelines of the SUZ9 also require consideration of the effect the proposed use may have on future use and development for tourism and marine recreation purposes both on site and on nearby or adjoining land and availability and connection to services including the need to coordinate the provision of utility services in an orderly manner that has regard to the servicing requirements of other properties in the area. With regards to these considerations, the proposal is not expected to have a negative impact on existing tourism and marine recreation at the Westernport Caravan Park or Yaringa Boat Harbour, subject to conditions to address amenity considerations (discussed further below) and ensure the movement of heavy vehicles on Lumeah Road associated with the proposal is limited, to ensure access to the Yaringa Boat Harbour for recreational purposes is not unduly impacted.
72. Future tourism and recreational land use planned to the north of the site including accommodation, a conference centre and an expansion of the marina will also not be unreasonably impacted, particularly as acting upon that permit requires the upgrade of Lumeah Road, which will resolve existing concerns with the impact of the low heavy vehicle movements anticipated for this proposed use. The application has been supported by a servicing report which finds that the proposal can be reasonably serviced without connection to reticulated sewerage though will have capacity to connect to a reticulated system in the future. This approach is supported by the council, subject to conditions requiring the submission of an amended servicing report which reflects the current proposal and a Land Capability Assessment for approval.
73. Additionally, as discussed further below, the proposal will not unreasonably impact residential uses of land which also currently surround the site (subject to conditions), noting that the proposal is not a listed use at Clause 53.10 (Uses and Activities with Potential Adverse Impacts) and encroachment of residential and other sensitive uses is sought to be avoided in planned industrial areas to protect their viability
74. Finally regarding the site's coastal location, Clause 11.03-4S (Coastal settlement), Clause 12.02-1S (Protection of the marine and coastal environment) and Clause 12.02-2S (Marine and coastal Crown land) states that it is strategy to:
  - Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services
  - To focus development around Western Port in areas already developed or which can tolerate more intensive use; and
  - To ensure that use and development on or adjacent to marine and coastal Crown land demonstrates need and has a coastal dependency, improves public benefit and maintains safe equitable public access.

With regards to these strategies, the proposal and the economic opportunities it presents contributes to the diversity of coastal settlements on the Peninsula, is located on and adjacent to, land that is already partially or significantly developed and used for similar purposes and demonstrates a coastal dependency for business operations which will not pose any unreasonable impact on public access to coastal Crown land at the Yaringa Boat Harbour.

## **Buildings and Works**

75. The PPF, zoning and overlay provisions relevant to buildings and works have been considered in the application.

## **Height and Setbacks**



76. The SUZ1 includes setback requirements at Clause 4.0 for buildings and works from nearby residential and farming zones related to specific forms of port related use. The maximum setback distances required for the port related uses proposed are 200 metres from a Residential Zone and 100 metres from the Green Wedge Zone, Farming Zone or Low Density Residential Zone. The site is located approximately 1km from any of these zones, complying with this requirement. Clause 4.0 also requires that any land within 50 metres of an abutting road must be planted with trees and shrubs, to the satisfaction of the responsible authority. The purpose of the ESO5 also includes to promote siting and design of buildings and works that is responsive to the coastal landscape character and vista of the Westernport Hinterland and maintain the scenic value of roads and recreation routes.
77. In addition, Clause 15.01-2L-01 (Building Design – Mornington Peninsula) includes strategies for building siting on land in an Industrial Zone. While not technically an Industrial Zone per the planning scheme categorisation, the land is still zoned to encourage industry uses and is designated as a SSIP, making this policy relevant to understanding the preferred design of industrial buildings. This policy seeks to:
- Support the provision of landscaping, using native vegetation of local origin where appropriate, that contributes positively to the appearance of industrial development and provides screening of industrial activity.
  - Encourage siting of security fencing behind landscaping to reduce visual impact.

Policy guidelines of Clause 15.01-2L-01 relevant for consideration include:

- Setting back buildings from the primary road frontage in accordance with the established building line for the road or a minimum of 15 metres, with the first 9 metres set aside for landscaping.
- Setting back buildings 5 metres from a side road, with the setback area set aside for landscaping.
- Providing an overall landscaping area of 20% of the site area (excluding any areas that have a dimension of less than 3 metres).
- Providing a landscaped area with a minimum dimension of 10 metres along lot boundaries that are adjacent to either a residentially zoned lot or any lot occupied by a school or institutional use.

#### 5 Lumeah Road and 4 Yaringa Road

78. These policy considerations for siting are generally achieved for Lumeah Road frontage, with the existing dense native vegetation within 5 Lumeah Road largely retained as a result of the generous 239 metre setback to Factory 1 and relocation of the proposed rainwater tanks more centrally within the site behind a 25 metre deep existing landscaping buffer, which will be demonstrated in the amended landscape plan to be submitted as a condition of the planning permit. The Yaringa Road frontage which is the secondary frontage will provide a 20 metre building setback for Factory 2 and a landscaping buffer between the driveway/carparking area and the title boundary that is predominately 4.7 metre deep, increasing to 16.7 metres in the lot's south-western corner.
79. This is considered acceptable, as it falls just short of Clause 15.01-2L-01's policy guideline for side street (ie. not the primary frontage) building setbacks of 5 metres which is to be landscaped. It is also noted this area of the site was less densely vegetated than 5 Lumeah Road even prior to some unapproved native vegetation removal and will be further complemented by retained and proposed street tree planting in the Yaringa Road naturestrip. Siting of the proposed factories closer to Yaringa Road and associated reduced landscaping buffer allows for greater retention of the more cohesive, established native vegetation in the 5 Lumeah Road lot and also ensures the development is well obscured from Lumeah Road, which has both sensitive residential interfaces and experiences higher volumes of through-traffic compared to Yaringa Road. Comparatively, Yaringa Road is a dead-end private rural access road and while the lot interfaces the Tyabb Foreshore Reserve to the south, the main access to this reserve is located further west of the site and therefore experiences very little interaction with through-traffic or recreational use of the surrounding land.



Figure 24 – Perspective image of visibility of proposal from Yaringa Road (factoring in proposed landscaping)

80. Finally, while these lots do not abut any residentially-zoned land or lots used for a school or institutional use, it is noted that adjoining land at 2 and 6 Yaringa Road and 7 Lumeah Road contain dwellings, with the dwelling at 6 Yaringa Road closely sited to the shared boundary with an approx. 5 metre setback. The siting of the proposed factories well-exceed the recommended setbacks to residentially-zoned land from these dwellings (notwithstanding their inclusion in the SUZ) with a setback of 20.4 metres achieved from 2 Yaringa Road and 36.8 metres achieved from 6 Yaringa Road. It is noted that only a 5.8 metre landscaping buffer is achieved within the setback to 2 Yaringa Road, opposed to the 10 metres of landscaping of the guideline, with the remainder of the setback being an access way. This is considered acceptable given the adjoining lot is not in a residential zone and the potentially impacted dwelling is setback almost 50 metres from the shared title boundary, which is a predominantly vegetated area. The 10 metre landscape buffer is achieved to 6 Yaringa Road, with a 13.1 metre landscaped setback between then western title boundary and the proposed car parking area provided. The siting of the buildings and provision of landscaping buffers has therefore appropriately considered the proximity of adjoining dwellings to minimise the visual impact of the proposal.
81. The proposed 14 metre building height of the factories is also supported despite exceeding the preferred 10 metres of Clause 15.01-2L-01. It is noted that due to the nature of the industry use, higher structures are required to accommodate the lifting and movement of boats within the factories, with the proposed roller doors for the warehouses themselves being 10 metres high. This is in line with other recent approvals in support of marine service industry, with buildings proposed at 1 and 3 Lumeah Road for boat storage and marine service industry under approved planning permit CP09/002 being of similar heights at 15.5 metres and 12.56 metres. The additional height also allows for mezzanine levels to be included in the factories and reduce the building footprint of the factories, which is preferable on balance with native vegetation retention considerations. All overshadowing from the buildings will be contained within the site boundaries and due to the appropriate provision of landscaping buffers which are to contain existing and proposed tree planting generally equal to or greater than the building height, the height of the factories will not pose an unreasonable visual impact.

### 3 Lumeah Road (Retrospective works)



82. The submitted landscape plan does not address landscaping at 3 Lumeah Road, though there is an existing landscape buffer that extends approx. 6 – 20 metres into the site's frontage. It is noted that the existing warehouse structure that is seeking retrospective approval for modifications has already been approved with an approx. 30 metre setback from Lumeah Road and while the building has been extended in the south-eastern corner, this is within the existing footprint of what was previously approved an open/lean-to structure so the overall siting of the building remains largely unchanged.
83. However, the vegetation that existed within the Lumeah Road setback has been progressively cleared without permission since the most recent buildings and works approval in 2014. The most notable removal occurred in late 2024, in order to enable access to the warehouse's unapproved northern doors via the associated hardstand area constructed in the 3 Lumeah Road frontage, which also requires retrospective approval though is not currently capture accurately on the plans (which will be addressed via conditions). A condition of the planning permit will require revegetation within the 3 Lumeah Road frontage, with appropriate tree species selected which at maturity will obscure the western warehouse beyond (subject to also meeting defensible space requirements). Both the extended western warehouse and the low-scale temporary office well exceed Clause 15.02-01-2l's 10 metre setback guideline for residentially-zoned land with respect to the setback from the dwelling at 2 Yaringa Road to the south of 3 Lumeah Road, with a setback of over 150 metres provided, with a number of other buildings and structures located between these structures and the dwelling at 2 Yaringa Road. Both structures are also below the preferred 10 metre building height of Clause 15.02-01-2L.



Figure 25 - 3 Lumeah Road's frontage in August 2023 (left) and current day (right) showing additional vegetation clearing and construction of hardstand area (area in blue) (Source: Nearmap)

84. The other retrospective works, Dome 1 and Stack 1 also generally align with the relevant siting and building height considerations, with both being setback behind the northern wall of the western warehouse, therefore not further decreasing setbacks from Lumeah Road. The height of the structures are also generally acceptable with Stack 1's 7.8 metre height in line with the existing western warehouse northern wall height which varies between 8.1 metres and 9.3 metres at the roof pitch. The Dome 1 structure slightly exceeds the western warehouse and the Clause 15.02-01-2L 10 metre building height with a maximum height of 11.5 metres proposed. This is considered acceptable given the minor height exceedance and that the structure is lightweight and only visible from Lumeah Road at discrete views through existing vegetation, which will be further obscured by the revegetation in the frontage to be required by conditions as discussed above.



Figure 26 – Streetview imagery showing the marginal visibility of the Dome 1 structure from Lumeah Road

#### Design Detail & Signage

85. The decision guidelines pertaining to buildings and works of both the SUZ1 and SUZ9 require consideration of the built form and visual impact of the proposed development, including signage. Clause 15.02-01-2L includes a strategy to support building design that is oriented towards adjoining roads and public spaces by avoiding blank building facades and incorporating windows and other design elements and locating office components at the front of the building. Clause 15.02-01-2L also includes a policy guideline to construct external walls and pitched roof of buildings using concrete masonry, brick, colour-treated steel cladding or other non-reflective materials.
86. These policies are generally met by the proposal which despite its generous setback from Lumeah Road (the primary frontage) includes an office with mezzanine level above in the north-eastern frontage of Factory 1 that is incidentally visible from views down the proposed access way from Lumeah Road. This corner of the building is treated with substantial clear glazing and architectural features (shrouds around upper level windows) that provide a sense of address to the building. While not the primary frontage, a similar treatment is provided to Factory 2 where visible from Yaringa Road, including two office/mezzanine levels in the south-western and south-eastern corners of the building with the same architectural treatment and glazing elements as proposed for Factory 1. The remainder of the external walls are articulated by the use of different materials, including precast concrete to the lower portion of the wall and corrugated metal cladding to the upper portion, as well as the placement of roller doors on the remaining elevations. All materials are non-reflective and will appear unobtrusive within the surrounds.



Figure 27 – 3D Render demonstrating typical façade treatment of Factory 1 and 2, including treatment at building entry/office areas.

87. The design detail considerations are also generally met with regards to the retrospective works. While the western warehouse fronts Lumeah Road, it is acceptable that the temporary office is sited behind this building, noting the temporary nature of the arrangement and the primary office to eventually be relocated to the 4 Yaringa Road lot and that the front northern elevation of the warehouse is required to be clear for boat access movements. The lack of activation or façade detailing to the northern warehouse is acceptable as this is consistent with the existing approval for the structure as well as other existing structures which present fully blank walls to the northern elevation and per the reasons discussed above, this elevation will not be visible from the public realm. The proposed use of shipping containers to create the Stack 1 structure is also acceptable, noting that shipping containers are compatible with the nature of port related uses which the site is designated for and are aesthetically compatible with the use of corrugated metal panelling/walls for the various warehouses and sheds located at 3 Lumeah Road. All other materials proposed to the western warehouse, Dome 1 and the temporary office are also acceptable, utilising a consistent theme of monument metal cladding and avoiding any reflective finishes.
88. The proposed fencing both to the Lumeah and Yaringa Road frontages and along the side boundaries are also considered acceptable, with the former utilising unobtrusive 1.8 metre high chain link fencing which is appropriate to the industrial nature of the proposal while blending in with the surrounds and existing and proposed vegetation. The front fencing proposed to the 5 Lumeah Road and 4 Yaringa Road frontages also primarily utilise chain link fencing but also incorporate 2.2 metre high (5 Lumeah Road) and 1.8 metre high (4 Yaringa Road) steel picket industrial fencing with sliding entry gates. While Clause 15.01-2L-01 (Building Design – Mornington Peninsula) encourage security fencing to be sited behind landscaping to reduce its visual impact, it is considered acceptable for the fencing to abut the title boundary for both frontages as in the case of 5 Lumeah Road, a setback of fencing would require additional native vegetation removal. The fencing is primarily transparent, which is an improvement on other high front fencing in the surrounds like at 3 Lumeah Road and the Yaringa Boat Harbour which utilises solid masonry high fencing. Both frontages will have a vegetated backdrop of landscaping or native vegetation that will soften the appearance of fencing to the street, while conditions seeking to reduce the width of the Yaringa Road access will also require the more prominent steel picket fencing/access gate to be reduced in width accordingly.

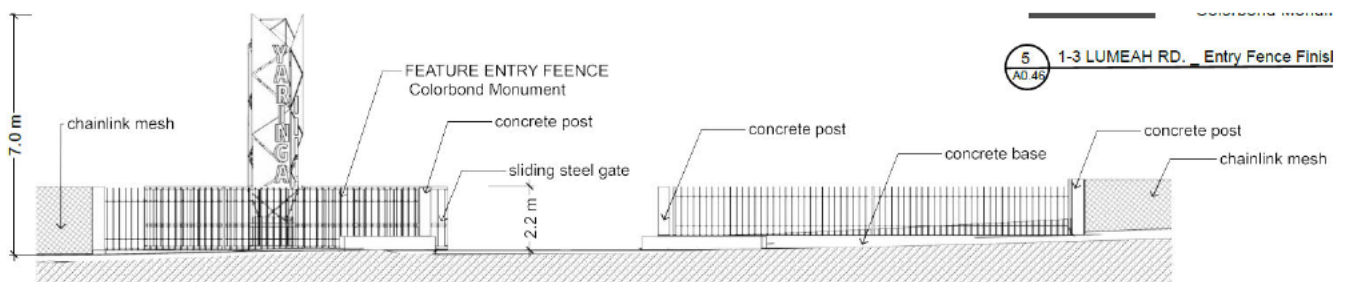


Figure 28 – Front fence elevation for 3-5 Lumeah Road



89. Finally, the signage proposed across the site is considered acceptable, having regard to the strategies of Clause 15.01-1L (Urban design- Mornington Peninsula) which include:

- Avoiding signs that protrude above the height of the building, including any parapet.
- Give preference to freestanding pole signs over signs attached to buildings.
- Encourage signs that relate to the address, business name or type of business conducted on the premises.

All proposed signs are related to the business conducted on the premises and a limited number of signs attached to buildings are proposed with one each to Factory 1 & 2 and the 3 Lumeah Road temporary office. Where signs are attached to the building, they do not protrude above the building height with a pole sign instead utilised at the entrance of 5 Lumeah Road to provide business identification that is visible from the street/public realm.

With regards to the decision guidelines of Clause 52.05-8 (Signs) as the pole sign is the only sign that will be visible from the public realm it forms the primary consideration against these decision guidelines. Relevant considerations include the pole sign's:

- Impact on the character of the area, including sensitivity of the area in terms of natural environment, compatibility with existing or desired future character and cumulative impact of signs on the character of an area to avoid clutter s of signs.
- Impact on views and vistas, including potential to obscure or compromise important views from the public realm and potential to dominate the skyline.
- Proportion, scale and form of the sign in relation to the streetscape and existing buildings, landscaping or natural elements and ability to screen unsightly built form as well as the relationship to the site and any existing or proposed built form
- The impact of structures associated with sign including the extent the structures are integrated with the sign and potential impact of structures on any significant features of the site or surrounds.

90. The pole sign is proposed immediately adjacent to the east of the proposed internal access road within 5 Lumeah Road and the northern title boundary. The overall maximum height of the sign of the inclusive of its grid structure is 7 metres, making it generally subordinate in height to the established existing vegetation which surrounds the east of the sign. Due to the combined positioning and height of the sign and structure it will therefore not obscure any significant views and be minimally visible other than directly in front of the site's vehicle access and not significantly detracting from the surrounding native vegetation setting. Further, it will not require the removal of vegetation beyond what is already necessary to facilitate the vehicle access road and gate. The proposed sign and structure is partially visually permeable and utilises a generally muted colour palette with blue hues that are appropriate to the character of the surrounds which are strongly informed by the Yaringa Boat Harbour, as well as the colour theme of other business identification signage associate with the harbour.

## Amenity Impacts

### Noise

91. As discussed throughout this report, though the proposed industrial land use is appropriately located and encouraged within a SSIP and is not a use listed at Clause 53.10, the site is in proximity to a number of dwellings and accommodation uses, requiring consideration of external amenity impacts.

92. Clause 13.05-1S (Noise management) includes to the strategy of minimising the impact on human health from noise exposure to occupants of sensitive land uses (including residential uses) from noise emission sources through suitable building siting and design. As discussed earlier in this report, the proposed factories are sited appropriately to provide generous setbacks from all surrounding dwellings, which will be suitably vegetated to further buffer noise transmission and are also sited approx. 280 metres from the nearest habitable structure at the Westernport Caravan Park. Proposed operation hours being 7am to 5.30pm, Monday to Saturday are also compatible with the surrounding residential uses by avoiding creation of noise at more sensitive hours of the day.



93. A condition of the planning permit will require the submission of an acoustic report which details all design measures that may be necessary such as screening to mechanical and plant equipment, construction of walls and roofs etc. as well as operational measures (keeping certain doors closed during certain activities etc.) to ensure compliance with the *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority) as a result of the proposal. This acoustic assessment will also be required to address the proposed operations at 3 Lumeah Road associated with the western warehouse that will form part of the use.
94. Other amenity impact considerations of the use on the surrounding area generally relate to traffic and loading requirements which are discussed further below.

## Car and Bicycle Parking, Loading, and Other Services

### Car Parking

95. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Car Parking (interim use)	2.9 spaces per 100 sqm leasable floor area	37	7 spaces
Car Parking (final use)	2.9 spaces per 100sqm leasable floor area	201 spaces	100 spaces

96. As detailed above, a reduction of the car parking requirements is required for both the interim use of the land at 3 Lumeah Road, and upon completion and occupation of Factories 1 and 2 (the final use). The reduction for the final state of the use is considered acceptable, noting that the proposed use will be restricted to have no more than 83 staff on site at any one time, presenting a rate of 1.2 parking spaces per employee. Assuming each staff member attends the site in their own vehicle, this still leaves 17 surplus spaces to be utilised by visitors attending the site, which is more than sufficient to cater to anticipated rates of visitors at any one time to the site.
97. The car parking supply associated with the interim use of the land at 3 Lumeah Road also presents a reduction but unlike the final use of the land, would not cater to the anticipated number of staff on site during the interim use (50 staff maximum). Noting the minimal capacity of the surrounding local street network to accommodate this reduction is not accepted and even meeting the statutory rate of 37 spaces is likely to cause parking impacts on the surrounding area, including the Yaringa Boat Harbour. In response, the applicant has confirmed that they have secured use of an additional area of 3 Lumeah Road currently used for boat storage that they propose to utilise as a temporary gravel parking lot that can cater to at least 50 cars. A condition of the planning permit will require this to be shown on the plans, and details of how this will be designed and managed covered in the Traffic and Parking Management Plan that will be required for the interim use as a condition of this permit. The 7 car parking spaces currently proposed may can service any additional parking needs for customers, contractors etc.



Figure 29 – Indicative location for temporary staff car park for interim use at 3 Lumeah Road proposed by applicant

### Design Standards for Car Parking

98. The proposal is generally in accordance with the design standards for car parking at Clause 52.06-9 with regards to car parking space and access way dimensions, grades etc. Several variations are proposed which are considered acceptable (subject to conditions) as follows:

- A pedestrian visibility splay is not achieved at either the Lumeah Road or Yaringa Road vehicle access ways due to both frontages including fencing greater than 900mm high within the splay area. This is considered acceptable for the Yaringa Road access as this is only an emergency vehicle access and will not be regularly utilised. While the Lumeah Road access will be frequently utilised, it is acknowledged that there is no footpath to Lumeah Road which abuts the boundary and all fencing to Lumeah Road despite its height is proposed to be visually transparent above 900mm, with exception to the small concrete columns on either side of the access way to support the vehicle access gate. The visual transparency of fencing combined with the long, straight approach to the vehicle egress and lack of established vegetation abutting the vehicle access will ensure a high degree of visibility to pedestrians walking on Lumeah Road or along a footpath if one is ever constructed adjacent to the site's frontage. A condition of the landscape plan will require any planting abutting the accessway within the splay area to not exceed 900mm at maturity, while a condition of the car parking management plan will require any additional safety measures to provide visibility of vehicle exiting the site (ie. convex mirrors) to be implemented.
- The car parking spaces across the site are only 2.5 metres wide, where Table 2 of 52.06-9 prescribes a minimum width of 2.6 metres for 90 degree angled parking spaces with an aisle of at least 6.4 metres wide. Clause 52.06-9 notes that the dimensions of Table 2 may differ from those shown in the AS in order to allocate more space to aisle widths and less to marked spaces to provide improved operation and access. While this operational improvement is true for some user classes prescribed under AS2890.1, like user classes 3 and 3A (short-term high turnover public parking) it is noted that user class 1 (only requires front door to open, all-day parking for employees, only the minimum dimensions required for single manoeuvre entry and exit necessary) is the most relevant user class for determining required car parking space dimensions under the AS2890.1 and already supports lesser individual car parking space widths with wider aisles than the other use classes. The minimum dimensions required are 2.4 metres wide, from an aisle at least 6.2 metres wide.
- The proposed 2.5 metre wide car parking spaces are all accessed via generous 12 metre wide aisles to support truck and boat movement through the site and therefore provide more than sufficient width for even larger vehicles to easily access car parking spaces, particularly as the spaces are largely to cater to employee parking.



- The exceptions to this are the car parking spaces proposed at 3 Lumeah Road adjacent to the temporary office/southern warehouse. These spaces do not have a clearly dimensioned aisle width and present other non-compliances with Clause 52.06-9 and AS2890.1. A condition of the planning permit will require for any customer car parking, the aisle widths to be dimensioned and where compliance is not achieved with Clause 52.06-9, swept paths be provided to demonstrate satisfactory access. It is not considered necessary for the temporary gravel car park for staff parking to demonstrate compliance with these standards given the informal nature of the arrangement and that as it will be utilised by staff, the effective use and management of these parking spaces can be effectively regulated via the Traffic and Parking Management Plan.

## Access, Traffic Movement and Circulation

### Whitneys & Lumeah Road Upgrade

99. It is noted that it is a requirement of the SUZ9 to require Lumeah Road and Whitneys Road (between the intersection with Lumeah Road and Tyabb-Tooradin Road/Bungower Road) to be upgraded as a result of any use application, if deemed necessary by the responsible authority. This permit requirement has a nexus to planning permit C09/002 which was issued in conjunction with the insertion of SUZ9 into the planning scheme, to regulate the future expansion of the Yaringa Boat Harbour. This planning permit presented a substantial increase to vehicle movements along these two roads and included a condition requiring the roads to be upgraded to a 6.2 metre wide sealed carriageway with 2m wide shoulders.
100. The traffic proposed to be generated as a result of the use is considered to have an acceptable impact on the surrounding road network, including on Whitneys Road and Lumeah Road. Traffic surveys conducted as part of the application's Transport Engineering Assessment note that the average two-way weekday traffic volume was 634 vehicles per day. The Austroads Guide to Road Design recommends different carriageway widths for rural roads depending on their average daily traffic, with the current traffic count falling within the 500-1000 vehicle movements category, requiring a 6.2 – 7.0 metre wide single carriageway with a 1.5 metre shoulder. Currently these roads typically have a sealed carriageway of 5-6 metres with section where this narrows, though with a gravel shoulder which continues to enable two-way movement. The anticipated increase to vehicle movements as a result of the use is anticipated to generate an additional 83 movements each day for staff and 4 delivery vans meaning that the daily road movements would stay within the existing Austroads category for road width requirements.

**Table 4.5: Single carriageway rural road widths (m)**

Element	Design AADT				
	1-150	150-500	500-1000	1000-3000	> 3000
Traffic lanes <sup>(1)</sup>	3.7 (1 x 3.7)	6.2 (2 x 3.1)	6.2-7.0 (2 x 3.1/3.5)	7.0 (2 x 3.5)	7.0 (2 x 3.5)
Total shoulder	2.5	1.5	1.5	2.0	2.5
Minimum shoulder seal (2),(3),(4),(5),(6)	0	0.5	0.5	1.0	1.5
Total carriageway	8.7	9.2	9.2-10.0	11.0	12.0

Figure 30 – Excerpt from Traffix Memo dated 11 December 2025 identifying Austroad design guidelines for Lumeah/Tyabb-Tooradin Road

101. The proposal represents a much more modest increase to existing vehicle movements than C09/002, therefore not demonstrating the same nexus to the planning permit requirement at SUZ9. C09/002 in its final form would allow 180 new wet berths, dry storage for 400 boats, 180 apartments for tourist accommodation, expansion of marine service industry (five x 500m<sup>2</sup>) sheds, a 240 person conference centre and a 120 seat food and drinks premises. These various uses would generate approximately 1600 vehicle movements per day, more than doubling the existing vehicle movements and including a considerable increase to vehicle movements on weekends and in the evenings due to the accommodation and tourism components of the use. The total vehicle movements as a result of C09/002 would result in the Austroad categorisation for road widths also increasing to the 1000-3000 category which has increased width requirement of 7 metres minimum single carriageway and 2 metre shoulders.



102. Given the road upgrade required by C09/002's planning permit would only meet the Austroad design requirements for vehicle movements in the order of 500-1000 (ie. existing vehicle movements), it is comparatively acceptable that the proposed use does not require an upgrade to the existing roads as a result of the modest increase in vehicle movements proposed by the proposal. It is acknowledged the proposal may also result in an increase in heavy vehicles along these roads in order to make deliveries to the site. However the applicant has submitted following public notice that it can carry out required operations utilising deliveries mainly from vans and small rigid vehicles, with the largest delivery vehicle now proposed for deliveries to be an 8.8 metre long medium rigid vehicle which will only be utilised approx.3 times a year. Compared to the previously proposed delivery schedule of 1 large rigid vehicle/semi truck/B double delivery being proposed each week, the heavy vehicle movements proposed present minimal further impact on the local road network as. In addition, it is noted that the proponent currently generates approximately 2 semi-trailer movements along Whitneys and Lumeah Road each week to move boats to the marina which will no longer occur when operations commence on site, as all movement of boats will occur internally and not utilise any public roads. Conditions of the planning permit will require that heavy vehicle movements are appropriately restricted and that no public roads are at any time to be used to move boats constructed as part of the use off site.
103. Access and vehicle movements into and within the site are generally acceptable with swept paths submitted with the application demonstrating access to the site can be achieved by large vehicles (20 metre semi-truck) without upgrade to Lumeah Road and access via an emergency vehicle to Yaringa Road without modifying Yaringa Road. In light of the additional information provided that confirms no semi-trailers will make deliveries to the site, amended swept paths demonstrating access by the largest proposed vehicle (medium rigid vehicles) will be required as a condition of the planning permit, which along with previously discussed conditions to reduce the width of the Yaringa Road vehicle access to the minimum necessary for emergency vehicle access, will minimise the impact of vehicle crossovers on the surrounding road network, and further ensure these access points are only used as proposed.

#### Bicycle Facilities

104. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces /EOT facilities Required	No. of Spaces/EOT facilities provided
Industry (interim use)	Employee	1 space / each 1000sqm of net floor area	1 space, no EOT facilities	No formal bicycle parking spaces provided
	Visitor	None	0	N/A
Industry (final use)	Employee	1 space / each 1000sqm of net floor area	7 spaces, 1 shower & changeroom	16 spaces, 1 shower & changeroom
	Visitor	None	0	N/A

Bicycle parking facilities in excess of the statutory requirements are provided for the final iteration of the proposed use. While the interim use of the land does require a single bicycle parking space to be provided, the lack of provision is considered acceptable noting the interim nature of the use and ample provision across the site to provide secure parking for a bicycle space in the event this is required, noting that the lack of a bicycle network in the surrounds means that this mode of transportation is less likely to be utilised. This lack of a formal bicycle parking space for the interim use and the bicycle rails provided for the overall use not being in a secure lockable compound means that a planning permit is required per Clause 52.34-2 to vary a requirement of Clause 52.43-5 and 52.34-6 regarding the design of required bicycle parking spaces. This is considered acceptable as per the above, it is unlikely that bicycle parking will be highly utilised at this site due to lack of surrounding bicycle network infrastructure. The location of the bike rails immediately adjacent to the factory office entry and location deep within the site will ensure sufficient security for any future use by employees. Loading / Unloading

105. The loading/unloading requirements of the site have been touched on above. The majority of deliveries are to occur inside the factories and therefore there is no designated loading zone within the 5 Lumeah Road/4 Yaringa



Road site, however swept path diagrams have been provided showing delivery vehicles can safely make these manoeuvres on site. There is also sufficient room for waste trucks to prop within the access ways on the eastern side of the factories while conducting waste collection and for CFA trucks to prop at the firefighting water storage tank, while enabling vehicle movements on the site to continue due to the generous width of these associated access way areas. It is noted that information regarding the loading and unloading requirements for 3 Lumeah Road have not been sufficiently addressed. A condition of the planning permit will require a Traffic and Parking Management Plan to be submitted that included for this stage of the development to provide swept paths demonstrating satisfactory access to the warehouses by associated delivery vehicles.

106. Swept paths demonstrating satisfactory access to the Yaringa Boat Harbour boat launching point at 1A Lumeah Road by trucks carrying boats have not been provided, with the submitted TEA noting that this will continue to occur generally in line with existing arrangements on the site at 1, 1A and 3 Lumeah Road. While this is generally satisfactory, it is noted that this path of access intersects with the areas of 1, 1A and 3 Lumeah Road that will continue to be used in conjunction with other existing uses and at 1 Lumeah Road's potential future use and development of the land. Generally the path of travel to the boat harbour from 3 and 5 Lumeah Road and 4 Yaringa Road will still be facilitated under existing arrangements and if 1 Lumeah Road is developed in accordance with C09/002. As adhoc boat storage at 3 and 1 Lumeah Road has potential to block access paths, a condition of the planning permit will require clear delineation and dimensions (with swept paths provided to support these where necessary) of the access paths to the harbour required for the proposal's interim and final iterations of the use, to ensure clarity about which areas of 3, 1 and 1A Lumeah must be kept clear for access, in line with the agreement.

## Waste

107. A waste management plan has been provided which outlines that sufficient capacity for waste storage internally within the buildings, including for different waste streams to support sustainable waste practices in accordance with Clause 19.03-5S (Waste and resource recovery). While the waste generation demands of the 3 Lumeah Road warehouse/office have been included in the submitted waste management plan, the area set aside for waste storage has not been demonstrated on the plans to confirm this is in a suitable location. An amended waste management plan will be included as a condition of the planning permit and will require this to be addressed, as well as the indicated location for waste trucks to carry out waste collection for both 3 Lumeah Road and 5 Lumeah Road/4 Yaringa Road.
108. Waste collection will be conducted via a private operator within times prescribed by the EPA Noise Control Guideline Publication 1254.2 May 2021 for industrial refuse collection and is not anticipated to occur more frequently than once a week and therefore is likely to cause any significant noise impacts to surrounding properties. Any further operational requirements regarding noise transmission from waste collection will be addressed by the acoustic report to be required as a condition of the planning permit.

## Environmental Risks

### Flood Mitigation

109. Due to the site being partially impacted by the Land Subject to Inundation Overlay applicated was referred to Melbourne Water, who supported the proposal subject to conditions requiring any new or modified stormwater connection to be made to the council's drainage system and for the factory FFLs to be constructed above the applicable flood level. Proposed stormwater management for the proposal is discussed in further detail below. The application is considered acceptable with regards to the relevant decision guidelines of the LSIO, noting the proposal's location in proximity to the coastline is crucial to the proposal's viability due its reliance on immediate access to the Yaringa Boat Harbour. It is therefore not considered unreasonable to develop the site for these purposes within the LSIO, rather than on other land not impacted by the LSIO, which impacts much of the land in close proximity to the boat harbour.

## Bushfire Risk

110. The entire site is located within the Bushfire Management Overlay and therefore the proposed buildings and works, including the retrospective conversion of the western warehouse from an open structure to an enclosed structure have been considered with regards to the site's bushfire risk and the performance requirements contained at Clause 53.02 (Bushfire Planning). Fire Rescue Victoria was referred that application pursuant to s55 of the Act and responded with no objection to the application, subject to the inclusion of the mandatory conditions of the scheme and a condition requiring a minor update to the Bushfire Management Plan prepared by Terralogic dated 12/06/2024, to update now redundant water supply conditions.
111. The referral response also noted that the 27 metre defendable space requirements of Table 6 of Clause 53.02-5 did not appear to be met to the temporary office but this could be considered acceptable given the temporary nature of the building. It appears that per the most recent iteration of the NVRP that the vegetation surrounding the office is proposed to be removed so a condition of the planning permit will require any amended plans to be submitted that clearly demonstrates the defendable space area for 3 Lumeah Road's western warehouse and office, to determine whether the defendable space requirement has been met however as the office is only proposed to be temporary and conditions will require its removal once the final use is completed, it is not considered necessary to require the defendable space requirement to be fully met.
112. The proposal has otherwise generally demonstrated that the development has the capacity to meet defendable space for the required BAL 12.5 construction standard, on site water storage, vehicle access including access for emergency vehicles and has considered minimising required clearing of native vegetation to facilitate these requirements, where possible. A condition of the planning permit will however require an amended landscape plan which includes all details (ie. dimensioned separation between canopy trees) to confirm that that Vegetation Management Requirements of Table 6 can be met.

## Erosion & Landslip Risk

113. Schedule 7 to the Erosion Management Plan was recently applied to discrete areas of the site with no transitional provisions. Per the decision guidelines of the EMO7 and Clause 13.04-2S, it is necessary to ensure that development achieves tolerable landslide risk to human life and property and prevent inappropriate development in unstable areas or areas prone to erosion. Advice provided from MSPC's Development Engineering department notes that the discrete areas of the site within 4 Yaringa Road identified by the EMO7 are associated with two small mounds and dam on site and are not an area of concern regarding landslip susceptibility and the underlying natural landslip susceptibility of the property more broadly is low. It is therefore not recommended that a geotechnical slope stability investigation report is necessary in this instance, noting that these mounds are to be removed and the dam filled in as result of proposed levelling of the site for the construction of Factory 2 and surrounding car parking/access way. The application in its current form is therefore considered to appropriately address the decision guidelines of the EMO7.

## Environment and Sustainability

### Environmentally & Water Sustainable Design (ESD & WSUD)

114. In accordance with Clause 15.01-2L-02 (Environmentally Sustainable Development) a non-residential building with a gross floor area of more than 1000m<sup>2</sup> is required to be accompanied by a Sustainability Management Plan including an assessment using BESS/Green Star, STORM/MUSIC or other equivalent methods and a Green Travel Plan), in order to ensure developments achieve best practice environmentally sustainable development. An SMP has been submitted with the application, inclusive of a compliant BESS report and MUSIC Model Assessment. Additionally, 19.03-3S (Integrated Water Management) and Clause 53.18 (Stormwater Management in Urban Development) require consideration of stormwater management to mitigate the impacts of stormwater on the environment and meet the *Urban Stormwater – Best Practice Environmental Management Guidelines*.
115. ESD and WSUD Initiatives proposed include:
- Water efficient fixtures.



- Rainwater harvesting and reuse for toilet flushing and stormwater treatment through swales and raingardens around hardstand areas.
- Solar photovoltaic system installed across the roofs of Factory 1 and 2.
- Thermal efficient insulation and glazing.
- Green Star compliant daylight access to office areas.
- Electric vehicle charging infrastructure.
- Light colour roofing to non-visible areas to reduce Urban Heat Island impacts.

116. The SMP submitted with the application is prepared based on an earlier iteration of the plans and therefore a condition of the planning permit will require an amended SMP to be submitted that reflects the proposal as approved. It is noted that the SMP does not address ESD measures to the 3 Lumeah Road property. This is considered acceptable as it is noted that the western warehouse building is primarily existing and the proposed retrospective modifications to this building, combined with the floor area of the temporary office do not result an increase in gross floor area greater than 300m<sup>2</sup> which in isolation, would not require an SMP or SDA to be provided.

### Stormwater and Wastewater Management

117. In addition to WSUD considerations addressed above, Clause 19.03-3S and Clause 53.18 as well as Clause 19.03-3L (Integrated water management – Mornington Peninsula) require consideration of the management of stormwater and wastewater as a result of development to reduce the impact on the drainage system, minimise flood risks, protect surrounding water bodies and limit pollution of groundwater. In addition to the significant onsite water retention proposed, stormwater runoff from the development is proposed to be addressed by a combination of underground pipes and detention storage as well as dispersal/infiltration systems, subject to final legal point of discharge advice from the council.

118. The council has recommended conditions requiring that all stormwater run-off must be discharged to the LPOD via an underground drainage system, subject to separate drainage design approval by the council. The applicant has indicated a preference to be able to utilise infiltration and dispersal of stormwater runoff rather than directing all run off to an underground system. Noting the site's susceptibility to flooding and close proximity to Westernport Bay and the Melbourne Water condition requiring stormwater discharge to be connected to the council's stormwater system as approved by the council, it is considered appropriate that a drainage design plan must be submitted to the Council for approval. Given the preliminary nature of LPOD advice provided by the council to the applicant during the preparation of the submitted stormwater management strategy, it is considered reasonable to allow flexibility within the conditions for the final outcome of the stormwater management and drainage system on site to be determined through this process (ie. not requiring by conditions that stormwater be discharge completely through and underground system).

119. Similar to the SMP, an amended Stormwater Management Strategy that reflects the development as approved will also be required to be submitted as a condition of the planning permit. Unlike the SMP requirements of Clause 15.01-2L-02, Clause 53.18 requires that an assessment to be made for an application extend a building if the extension exceeds 50m<sup>2</sup> in gross floor area. The proposed modifications to western warehouse structure and office exceed this at approximately 264.5m<sup>2</sup>. Clause 53.18 also requires assessment of carrying out works exceeding 50m<sup>2</sup>, with the hardstand area constructed to the north of the western warehouse without approval also exceeding this at approximately 1,500m<sup>2</sup>. The SMP and Stormwater Management Strategy will therefore be required to be amended to include consideration of these buildings and works in the treatment of stormwater runoff, including an amended MUSIC model assessment.

120. Subject to the above conditions, the proposal will result in appropriate stormwater outcomes.



## Native Vegetation

121. The proposal includes approval of both retrospective removal of native vegetation and proposed removal of native vegetation across 3 and 5 Lumeah Road and 4 Yaringa Road. In total 2.031 ha of native vegetation is proposed to be removed, including 29 large trees and 5 small scattered trees. Approximately 0.747 ha of the native vegetation removed sought for approval has already occurred.



Figure 31 - Map of proposed native vegetation removal (retrospective and future removal)

122. The relevant provisions of the PPF, the decision guidelines of the SUZ1 and SUZ9 and the environmental objectives of the ESO5 all seek to protect and conserve biodiversity and native vegetation and also promote sustainable development that conserves and enhances the rural coastal landscape of the Westernport Hinterland environs. In addition the purpose of Clause 52.17 is to ensure there is no net loss of biodiversity as a result of the removal of native vegetation but seeking to avoid removal in the first instance, minimise the impact of removal that cannot be avoided and provide an offset to compensate for native vegetation removed, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department the Energy, Environment and Climate Action, 2025).

123. For the native vegetation that has already been removed, ensuring that this is sufficiently offset is the main consideration for approval and conditions of the planning permit will ensure the required offset as calculated in the submitted NVRP in an appropriate location is secured. Regarding proposed new native vegetation removal, it is considered that sufficient care has been taken to avoid requiring removal of native vegetation across the site, while enabling the proposed development, with some removal considered inevitable given the existing native vegetation coverage on site, the land's underlying strategic importance for being developed for port-related uses, as well as meeting defensible space requirements to address bushfire risk. The current iteration of the proposal has sought to relocate the substantial hardstand area and water storage tanks required for the proposal from the frontage of 5 Lumeah Road, to an area adjacent to 3 Lumeah Road's western warehouse which is already required to be removed to meet defensible space requirements. This area is also immediately adjacent to the vehicle access, meaning further removal to provide compliant vehicle access to water supply for firefighting purposes is also not required.



124. The application was required to be referred to DEECA as a recommending referral authority pursuant to s55 of the Act as the extent of removal falls under the 'detailed assessment pathway'. As a result of feedback from DEECA on earlier iterations of the proposal, the final outcome has been reached and has been considered to provide the preferred outcome with regards to native vegetation removal onsite, in order to facilitate the proposal. DEECA therefore does not object to the proposed extent of native vegetation removal, provided that standard conditions are included on the planning permit regarding securing the native vegetation offset as well as protection requirements of native vegetation on site which is not proposed to be removed during construction of the proposal.

## Other Matters

### Cultural Heritage

125. The site is located in an area of Cultural Heritage Sensitivity and the proposed use is considered a high impact industry in accordance with the Aboriginal Heritage Regulations 2018, and therefore per the Aboriginal Heritage Act 2006, a Cultural Heritage Management Plan (CHMP) is required to be prepared and approved prior to the issue of a planning permit. CHMP 18395 – Yaringa Boat Harbour Expansion, Somerville dated 29 March 2022 has already been prepared and approved on 5 May 2022 by the Bunurong Land Council Aboriginal Corporation with respect to the proposal. It is noted that this CHMP only considered the land at 1, 3 and 5 Lumeah Road and 4 Yaringa Road as part of its 'activity area' however as the proposed use of the land as industry (high impact use) is also proposed to include 1A Lumeah Road (the Yaringa Boat Harbour) in the planning unit, advice was obtained from Jen Burch of Jem Archeology to confirm whether a CHMP was required to address this section of the site as well.
126. The advice dated 5 August 2025 confirmed that as the entirety of the area at 1A Lumeah Road that is proposed to be used in conjunction with the 'high impact use' has been subject to significant ground disturbance in the past. As a result, per the *Regulations* where high impact activity is proposed within an activity area that has been subject to significant ground disturbance (as defined by the *Regulations*) a CHMP is not required to be prepared and approved prior to commencement of the proposed activity. It is therefore acceptable to issue a planning permit without an amended CHMP that also includes 1A Lumeah Road as part of its activity area.

### Staging & Concurrent Approvals

127. As discussed throughout this report, the proposed use is to operate at 3 Lumeah Road until the completion of the new factories at 5 Lumeah Road and 4 Yaringa Road. The conditions of the planning permit will ensure that appropriate approvals to regulate the interim use of the land and to legitimise the retrospective works at 3 Lumeah Road that form part of the interim use are satisfied prior to the change of use at 3 Lumeah Road occurring. The conditions regulating the interim use will also ensure that matters such as staff numbers, car parking provision and loading requirements do not exceed the capacity of the site until the full development including Factory 1 and 2 is completed.
128. There are existing uses of the land at 1, 1A and 3 Lumeah Road which will continue to occur concurrent with the proposal. All existing uses of the land appear consistent with their relevant previous planning approvals and as the Minister for Planning is only the responsible authority for the purposes of this application, other buildings and works on these lots that do not form part of the proposed use are subject to the oversight of the Mornington Peninsula Shire Council as the responsible authority. It is considered that subject to conditions, it will be clear which aspects of the site at 1, 1A and 3 Lumeah Road are to be used in conjunction with the proposal and how they are to be used. It is therefore not expected that this approach will be contrary to the orderly planning of the area, or conflict with other existing planning permits. This includes planning permit C09/002 which has been approved and proposed the construction of 5 marine service industry sheds at 3 Lumeah Road and a large dry boat storage building at 1 Lumeah Road.

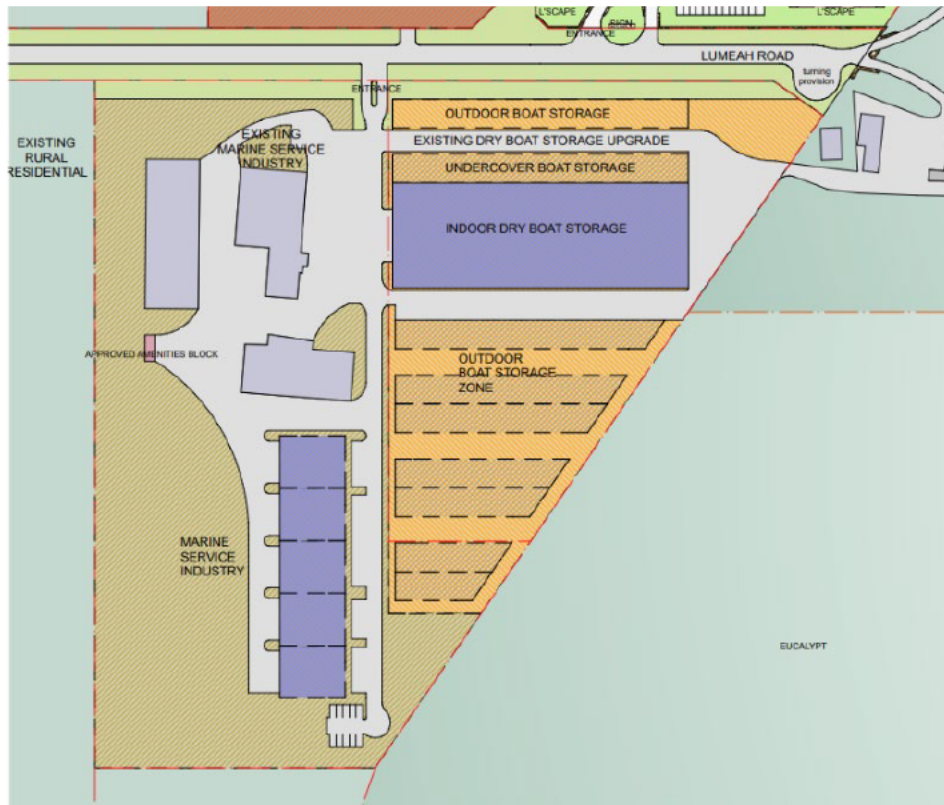


Figure 32 – Excerpt from C09/002 decision plans of proposed marine service industry shed at 3 Lumeah Road and indoor dry boat storage shed at 1 Lumeah Road, noting that no plans have been endorsed for this later stage.

129. C09/002 is a staged planning permit with the works proposed at 1 and 3 Lumeah Road in the latter stages and for which plans have not been endorsed. 3 Lumeah Road is now owned by the proponent of this application, and it is therefore unlikely the proposed works at 3 Lumeah Road will be acted upon but as the planning permit is staged, this would not prevent the permit holder of C09/002 from acting upon the other aspects of the planning permit. The works proposed under this planning permit at 1 Lumeah Road if acted upon could alter the existing access path to the Yaringa Boat Harbour and impact the future operation of the proposal which is a matter the proponent would need to negotiate with the owner of 1 Lumeah Road for the ongoing use of their land to access the boat harbour. Conditions of the planning permit requiring that no public road be used to move boat's to the marina and to clearly denote the access to the boat harbour on the plans means that the proponent will be obligated to ensure they continue to benefit from the enjoyment of using the land at 1 and 1A Lumeah Road, in order to continue operating under this permit.



130. It is **recommended** that Planning Permit No. **PA2403198** for the use of the land for industry (boat manufacturing) and associated construction of buildings and works in a BMO, LSIO, ESO and EMO, including the display of business identification signs, a pole sign, removal of native vegetation and a reduction of the car parking requirement at 1, 1A, 3 and 5 Lumeah Road and 4 Yaringa Road, Somerville be issued subject to conditions.
131. It is **recommended** that the applicant, the council, DEECA, Fire Rescue Victoria, Melbourne Water and all objectors, be notified of the above in writing.



**Prepared by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
  - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
  - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [Redacted]

Title: Senior Planner, Development Assessment

Phone: [Redacted]

Signed: [Redacted]

Dated: 25 February 2025

**Reviewed / Approved by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
  - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
  - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [Redacted]

Title: Manager, Development Assessment

Phone: [Redacted]

Signed: [Redacted]

Dated: 25/02/2026

# Appendix 1: Response to Mornington Peninsula Shire Council Submission



Issues Raised in Council Submission	Response
<p>While provision has been made for the transferring of boats from 4 Yaringa Road through 1 and 3 Lumeah Road to use the existing travel lift at 1A Lumeah Road for launching boats, it is noted that no such path of access has been provided for boats built in the western building at 3 Lumeah Road.</p>	<p>It is noted that there is provision for access from the 3 Lumeah Road warehouse and the access route to be used from 4 Yaringa Road, to utilise boat launching facilities at 1A Lumeah Road. This access is not clearly defined on the plans and surrounded by dry storage of boats under existing arrangements. A condition of the planning permit will require the access path (and any minimum widths to be kept clear of boat storage) to be clearly defined on the plans.</p>
<p>While Lumeah Road is a bitumen road, the SUZ9 acknowledges the poor state of the road surface and its limited ability to accommodate further traffic, particularly heavy traffic. Council has formed the view that the proposed use will cause significant damage to Lumeah Road if used in its current condition and accordingly require the road to be upgraded, in the same way that Permit CP09/002 for the new development and marine industry use is required to upgrade the road.</p> <p>Notwithstanding the requirement of the SUZ9 to upgrade the road if required to facilitate the use of the land, s62(5)(c)(i) also state that in deciding to grant a permit, the responsible authority may include a condition that specified works, services or facilities that the responsible authority considers necessary to be provided on or to the land or other land as a result of the grant of the permit be provided by the applicant.</p> <p>Council's Transport and Traffic Engineers note that at some sections, the road seal of Lumeah and Whitney's Road is less than 3 metres wide. They believe this will become a safety issue when heavy vehicle volume is increased due to the factories and have advised that the upgrade of the roads is critical to ensure functionality and safety for all road users.</p>	<p>As discussed throughout this report, the proposal's impact on the surrounding road network, including Lumeah and Whitney's Road have been considered.</p> <p>While the proposal will result in an increase in vehicle movements, including heavy vehicle movements each day, the increase of general vehicle movements is proportionately minor compared to the scope of the marina expansion proposal approved under CP09/002 which necessitated the provision within SUZ9. There is therefore not a similar nexus with this condition compared to the existing approval.</p> <p>It is acknowledged that the increase in heavy vehicle movements may pose a greater impact, particularly to Lumeah Road where the width of the road is more constrained in some sections. Further memos by Traffic have been submitted following public notice justifying an appropriate impact on the road network based on revised heavy vehicle deliveries. A condition of the planning permit will require through a Traffic and Parking Management Plan, restriction of the type and frequency of heavy vehicles that may access the site each week and prohibit semi-trailers, acknowledging the current condition of the road may not be appropriate for trucks of that size.</p>
<p>The statements (in the application documentation) regarding the proposed access to Yaringa Road are contradictory with the plans which show a 12.6m wide access and crossover to Yaringa Road, which would result in a practical design outcome of the primary access for the 20m semi-trucks being from Yaringa Road (which is stated as being emergency access only). To ensure that the access is only used in the way described in the reports and the large trucks do not regularly use Council's rural gravel roads, Council requires that the access to 4 Yaringa Road be reduced to 3.5 metres, consistent with the trafficable width requirements of Clause 53.02-4 (Bushfire protection objections), and that the gate be closed at all times and used on during emergency works.</p>	<p>It is noted that the proposed access arrangements to Yaringa Road are wider than what is necessary to support emergency vehicle access/egress (as demonstrated in the accompanying swept path diagrams) which increases hard surfaces within the Yaringa Road frontage.</p> <p>A condition of the planning permit which reduces the width of the vehicle crossover/access to the minimum necessary to accommodate emergency vehicle access will be included on the planning permit, along with a condition which restricts use of the access for emergency purposes only.</p>
<p>Council's Development Engineers require the car parking spaces to be 2.6 metres wide in accordance with the requirements of Clause 52.06-9, to improve ease of access to and egress from parked vehicles, regardless of aisle width. Specifically, they note that the Traffic Group Traffic Management Plan states that the nature of vehicles parked in the parking spaces is expected to be predominantly uses</p>	<p>Refer to 'Design standards for car parking' section of this report for justification for this variation.</p>



and vans which are wider than the average car on which the AS 2890.1 is based. It is further noted that is sufficient space available within the site wide car parking spaces to 2.6m wide.	
It is recommended that all species of planting be from the local EVC 49 (Heathy Woodland).	A condition of the planning permit will require species planted within open space and landscape buffer areas to predominantly be of the EVC 48 (Heathy Woodland) or other appropriate native species.
The six Silver Banksia trees (at 4 Yaringa Road) required to be planted as a result of enforcement proceedings for native vegetation removal are required to be shown on the landscape plan, which also needs to be updated to respond to the amended location of the tanks and ensure compliance with defendable space requires of the submitted Bushfire Management Plan.	As discussed in the report, an amended landscape plan which is consistent with the current proposal will be required by conditions of this planning permit, which will include ensuring all existing vegetation proposed to be retained is clearly shown, which would include the Silver Banksia trees. A condition will also require defendable space requirements to be met and information provided to determine this.
The application proposes the removal of a significant amount of native vegetation to facilitate the waste disposal field and believes that the field could be relocated to the location of the current domestic envelope, noting that the application proposes the removal of the current buildings on the site.  Council's Environmental Health department has also advised that the proposed waste disposal system has root guard provisions which enable suitable vegetation to be planted over the field which can then absorb nitrates.	As discussed in this report, the proposed waste dispersal field location and associated removal of native vegetation to accommodate this is generally supported, in order to make efficient use of the site in the event of future expansion that may be prevent if the dispersal field is located in the existing domestic envelope. DEECA is generally satisfied with the amount of native vegetation proposed to be removed, noting that other measures have been utilised to minimise native vegetation removal required by the proposal.
Council questions the appropriateness of the removal of trees along the western boundary of Yaringa Road, specifically Trees 48 (Eucalyptus ovata) and 95 (Eucalyptus pryoriana) which are both identified as having ULEs of 15-20 years in the Arboriculture Assessment dated 5 April 2023.	The removal of these trees is required due to encroachment by the proposed access way and their removal under Clause 52.17 supported by DEECA. This location is proposed to be retained for tree planting and replanted with EVC 48 Heathy Woodland..
Not all retrospective buildings and works at 3 Lumeah Road are captured. The height of the northern access door added to the western warehouse is shown as the existing/proposed height but is high than the existing door. New hard surfacing to the north of the western building that was laid to enable use of the northern elevation door and is integral to the proposed use and new hard surface to the south required to create the new car parking spaces.	It is acknowledged that there are some inconsistencies between the submitted plans and all retrospective works on site that are connected to the proposed use, including the additional hard surfaces construct to enable access to the western warehouse. Conditions of the planning permit will require these retrospective paving works to be captured (in addition to modifications to these proposed works to ensure an acceptable outcome). Whether the proposed northern access door includes both a retrospective and proposed additional works component (to increase the height of the existing non-approved door) will also be required to be capture on the plans by conditions.
<b>Council Recommended Conditions</b>	<b>Response</b>
Condition 1 – At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.	A condition to this effect will be included on the planning permit.
Condition 2 – 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 drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application	A condition to this effect will be included on the planning permit.



but modified to show:	
Condition 2a) – The area of the approved use extended to include provision of access from the western building at 3 Lumeah Road to the travel lift at 1A Lumeah Road.	In response to this condition, the applicant notes that access from the western warehouse to 1A Lumeah Road will be achieved within the existing extent of the use (as shown on plan A.04). It is acknowledged that the path of travel of boats from the western warehouse to the access path boats from 4 Yaringa Road will use is not clearly defined on the plans. A condition to ensure the access path from the western warehouse to 1A Lumeah Road is clearly defined.
Condition 2b) – The width of the vehicle access and crossover to Yaringa Road reduced to a maximum of 3.5 metres, including on the fence elevation.	As discussed above, a condition to this effect (reducing width of access to only what is necessary to facilitate emergency access) is recommended to be included on the planning permit.
Condition 2c) – Car parking spaces to be a minimum of 2.6 metres wide.	As discussed above, this is not recommended to be included on the planning permit, though conditions of the permit will seek to address car parking design requirements at 3 Lumeah Road.
Condition 2d) – Development plans to reflect all sustainability features indicated in the Sustainability Management Plan referred to in Condition 19. Where features cannot be visually shown, include a notes table providing details of the requirements (ie. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.). In addition to the above, the plans must also include: <ul style="list-style-type: none"> <li>i. Solar photovoltaic systems size (minimum 60kWp total).</li> <li>ii. Windows and glazing to have thermal performance (U-Value and SHGC) in accordance with the SMP.</li> <li>iii. Electric vehicle infrastructure noted to proposed parking spaces as per details in the SMP.</li> </ul>	A condition to this effect is recommended to be included on the planning permit.
Condition 2e) – The Landscape Plan to: <ul style="list-style-type: none"> <li>i. Delete the tanks from 5 Lumeah Road.</li> <li>ii. Show all vegetation proposed to be retained, including the six Silver Banksia trees at 4 Yaringa Road.</li> <li>iii. The provisioned appropriate vegetation of the effluent disposal field.</li> <li>iv. All new vegetation to be from the local Ecological Vegetation Class EVC 48 )Heath Woodland)</li> </ul>	A condition to this effect is recommended to be include don the planning permit.
Condition 2f) – Relocate the waste disposal field on both the development and landscape plans to the area of the cleared domestic envelope and demolished dwelling.	As discussed above, this is not recommended to be included on the planning permit.
Condition 3 – The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.	A condition to this effect will be included on the planning permit.
Condition 4 – The materials and colours of the exterior finish of the dwelling additions must be in accordance with the endorsed plans unless with further permission of the responsible authority.	No dwelling additions are proposed however the intent of this condition will be covered by the equivalent condition 3.
Condition 5 – The maximum number of employees permitted on the land must not exceed 83 people.	A condition to this effect will be included on the planning permit, accounting for the staging of the use and capability to modify this requirement via secondary consent if appropriate.
Condition 6 – The use may operate only between the	A condition to this effect will be included on the planning



<p>following hours: a) Monday to Friday, 7am – 5pm.</p>	<p>permit, though with capability to modify this requirement through secondary consent if appropriate.</p>
<p>Condition 7 – Prior to the commencement of any building or works, appropriate tree protection fencing must be erected in accordance with Australia Standard AS4970-2009 (Protection of trees on development sites). The tree protection fencing must remain in place until the completion of any works hereby approved.</p>	<p>A condition to this effect (that also reflects the current version of this standard) will be included on the planning permit.</p>
<p>Condition 8 – The gate to the emergency exit to Yaringa Road must be closed at all times except in the event of emergencies to the satisfaction of the Responsible Authority.</p>	<p>A condition to this effect, limiting the access to emergency access only is recommended to be included on the planning permit though with capability to modify this requirement via secondary consent if appropriate.</p>
<p>Condition 9 – After the endorsement of Condition 1 plans and before any works associated with the development starts, a signed and completed 'Checklist for Development Engineering Plan Approval' along with engineering plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and shall be emailed to <a href="mailto:devengadmin@monrpen.vic.gov.au">devengadmin@monrpen.vic.gov.au</a> in pdf format. The plans must show:</p> <ul style="list-style-type: none"> <li>a) All areas of the development being drained by means of an underground drainage system.</li> <li>b) All areas of the development being drained by underground drainage system to retain a post-development 10% Annual Exceedance Probability storm event for the critical storm duration. Discharge from the site must be limited to an equivalent pre-development flow based on a 0.5 exceedance per year event for the critical storm duration.</li> <li>c) Stormwater discharge from the site being to Yaringa Road an/or to other location/s to the satisfaction of the responsible authority.</li> <li>d) Upgrading of the stormwater drainage system in Yaringa Road and if necessary, within the coastal reserve, all to the satisfaction of all responsible authorities.</li> <li>e) All surface areas of open spaces being drained by a minimum 150mm diameter drainage pipe connected to the stormwater system.</li> <li>f) A drainage system on the site being designed to ensure stormwater runoff exiting the site meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victoria Stormwater Committee, 1999).</li> <li>g) A drainage surcharge route within the development to avoid inundation of any buildings.</li> <li>h) Details, including levels, of all driveways and parking areas within the site.</li> <li>i) The design of all vehicle movements entering and exiting the property being in a forward direction.</li> <li>j) Vehicular crossings to Council standards, with all redundant vehicle crossings being removed and replaced with reinstated nature strip.</li> </ul>	<p>A condition of the planning permit is recommended to be included which will require the submission of engineering plans to the Council for their ultimate approval regarding the matters covered in Conditions 9a) to 9n), being drainage and stormwater management, vehicle crossings and tree protection management.</p> <p>The level of specificity of the requested drainage measures included at Condition 9a) to 9f) are at odds with the proposed stormwater and drainage management on site and risks future conflict with conditions in the event an alternative arrangement can be agreed to between the proponent and the council. As these matters must be subject to approval by the council in any case, it is considered acceptable to allow the final outcome to be subject to further discretion through flexibility of the planning permit conditions.</p>



<ul style="list-style-type: none"> <li>k) Sight distances for vehicles and pedestrians not be unduly restricted at the exits from site by fencing or landscaping works.</li> <li>l) Tree Protection Zones (TPZs) impacted by the works, or as shown on any other development plans and documents.</li> <li>m) Drainage works designed to avoid the TPZs where possible.</li> <li>n) Proposed methodologies for complying with AS4970-2009 (Protection of trees on development sites) for any works that are required within TPZs.</li> </ul>	
<p>Condition 10 – Before the approval of engineering plans, drainage computations and documentation are required for:</p> <ul style="list-style-type: none"> <li>a) The proposed drainage system.</li> <li>b) The consideration of any drainage catchment external to the development that may drain to the proposed drainage system.</li> <li>c) A STORM, BlueFactor, or MUSIC Report, if applicable.</li> </ul>	<p>A condition to this effect is recommended to be included on the planning permit, though with the clarity that these are to be submitted to the council in accordance with Condition 9.</p>
<p>Condition 11 – Prior to the approval of engineering plans, the applicant must:</p> <ul style="list-style-type: none"> <li>a) Demonstrate to the responsible authority that water quality features will be implemented in accordance with Clause 53.18 of the planning scheme.</li> </ul>	<p>It is recommended a condition to this effect be included within Condition 9.</p>
<p>Condition 12 – After the approval of the Engineering Plans and before any works commence on site, a site-specific Construction Management Plan (CMP) must be prepared by a suitably qualified consultant and endorsed by the Morning Peninsula Shire.</p> <p>A plans submitted must be consistent with all other documents approved under this planning permit. The endorsed CMP must be implemented to the satisfaction of the responsible authority prior to, and during the works. The CMP must include the following:</p> <ul style="list-style-type: none"> <li>a) Contact details of the project manager, including emergency 24 hour mobile phone number.</li> <li>b) Hours during which construction activity will take place.</li> <li>c) Identification of all possible environmental risks associated with the works.</li> <li>d) Measures and monitoring systems to minimise and control identified environmental risks, including but not limited to runoff, erosion, noise, sediment, dust and litter escaping from the construction site.</li> <li>e) Measures to minimise any adverse impacts on surrounding property owners.</li> <li>f) Proposed arrangements to ensure roads in the locality are not prejudiced or damaged by the movement of construction vehicles to and from the site.</li> <li>g) Proposed communications for locally affected stakeholders and residents.</li> <li>h) Proposed location of all stockpiles, storage of machinery and materials on the site.</li> <li>i) The proposed methodology for management of waste and its collection from the construction site.</li> </ul>	<p>A condition to this effect is recommended to be included on the planning permit but clarifying that the CMP only needs to be submitted to and approved by the Council.</p>



<p>j) The location of any temporary cabins. Sheds, security fencing and site access details.</p>	
<p>Condition 13 – Prior to the commencement of works for this development, a project specific Construction Traffic Management Plan (CTMP) must be submitted to Council for approval. The CTMP must then be implemented to the satisfaction of the Responsible Authority prior to and during construction of the works.</p>	<p>It is recommended this condition be included on the planning permit but clarifying that the CMP only needs to be submitted to and approved by the Council.</p>
<p>Condition 14 – Before the internal drainage works commence, all external drainage works must be completed in accordance with the approved engineering plans and to the satisfaction of the responsible authority.</p>	<p>It is recommended this condition be included on the planning permit but clarifying that this is to be carried out to the satisfaction of the Council, as it relates to their assets.</p>
<p>Condition 15 – Before the initial occupation of the development, all drainage works associated with the development must be constructed in accordance with approved engineering plans, and to the satisfaction of the Responsible Authority.</p>	<p>It is recommended this condition be included on the planning permit but clarifying that this is to be carried out to the satisfaction of the Council, as this is related to drainage engineering approvals by the Council.</p>
<p>Condition 16 – The owner must operate and maintain the drainage works, including any on-site stormwater detention and any on-site stormwater treatment system, at their own cost, and must allow the system to be inspected by an authorised officer of the responsible authority from time to time. The owner must not modify any on-site stormwater detention or on-site stormwater treatment system without prior written approval from the responsible authority.</p>	<p>It is recommended this condition be included on the planning permit but clarifying that this is to be carried out to the satisfaction of the Council, as this is related to drainage engineering approvals by the Council.</p>
<p>Condition 17 – Prior to the commencement of any works, the owner of the land must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to the commencement of any works.</p> <p>This agreement must provide for the following works to be undertaken by the owner of the land entirely at their own cost, prior to the initial occupation of the development approved by this planning permit:</p> <ol style="list-style-type: none"> <li>a) The upgrade of the full extent of Lumeah Road, and the upgrade of Whitneys Road between its intersection with Lumeah Road and its intersection with Tyabb-Tooradin Road/Bungower Road, all in accordance with engineering plans approved by the responsible authority.</li> <li>b) Minimum 3.10 metre wide traffic lanes in each direction and with minimum 0.50 metre wide shoulder seal where possible, subject to © below.</li> <li>c) Minimum safe deal and shoulder widths to reduced impacts on adjacent landowners and roadside vegetation.</li> <li>d) A reduced speed limit of 60km/h or 80km/h, to the satisfaction of the Responsible Authority.</li> <li>e) Provision for repairs and maintenance during a 12 month defects liability period.</li> </ol> <p>The agreement may provide that the agreement will end in accordance with Section 177 of the Planning and</p>	<p>As discussed above and throughout this report, upgrade of Lumeah and Whitneys Road as a result of this proposal is not considered necessary to require as a condition of this planning permit.</p>



<p>Environment Act 1987 upon achieving compliance with all requirements.</p> <p>The costs in preparation and registration of such agreement are to be met by the applicant, and the agreement must be executed prior to the commencement of any works within the site or external to the site.</p>	
<p>Condition 19 – Prior to the occupation of the development, the Sustainability Management Plan by Ark Resources dated 6/5/2025 must be approved by the Responsible Authority. When approved, the Sustainability Management Plan will be endorsed and will then form part of the permit.</p>	<p>A condition to this effect is recommended to be included on the planning permit however an amended SMP will be required to address stormwater management requirements for the 3 Lumeah Road works.</p>
<p>Condition 20 – Prior to the commencement of any works the owner of the land must either:</p> <ol style="list-style-type: none"> <li>a) Consolidate the land; or</li> <li>b) Enter into an agreement with responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to the commencement of any works. The agreement must provide for: <ul style="list-style-type: none"> <li>• Ensure that the land located at 5 Lumeah Road, Somerville VIC 3912, used for the management wastewater from surrounding allotments permanently linked to the properties at 1, 1A and 3 Lumeah Road and 4 Yaringa Road, Somerville VIC 3912, and cannot be subdivided or separately disposed of.</li> </ul> <p>The landowner must bear all reasonable legal costs and expenses incurred by the responsible authority in relation to the preparation, execution and registration of this agreement on title.</p> </li> </ol>	<p>A condition to this effect is recommended to be included on the planning permit but modified to not specify the land addresses of the properties which use 5 Lumeah Road's wastewater management as this is yet to be fully resolved. The condition will still be clear that this requirement applies to any lot which relies on 5 Lumeah Road for wastewater management</p>
<p>Condition 21 – Supply the responsible authority with a Land Capability Assessment undertaken by an appropriately qualified soil testing and geotechnical consultant/engineer. The report must be undertaken in accordance with the Victorian Land Capability Assessment Framework (January 2014). The report should include calculation of wastewater envelope, site plan, soil assessment, soil permeability, management program and water/nutrient balance.</p>	<p>It is recommended this condition be included on the planning permit but modified to specify it must be submitted to the Council for approval.</p>
<p>Condition 22 – All wastewater from the proposed development must be discharged by an on-site wastewater management system (OWMS) which is approved by the responsible authority. The OWMS must address the requirements of all uses on the site (except for the existing restaurant) and must be maintained to the satisfaction of the responsible authority.</p>	<p>It is not recommended this condition be included as the requirements for wastewater management will already determined by other documents for approval.</p>
<p>Condition 23 – All wastewater must be managed in accordance with part 5.7 of the <i>Environment Protection Regulations 2021</i> to minimise the risk of harm to the environment and human health.</p>	<p>It is considered that the intent of this condition can already covered by Condition 22.</p>
<p>Condition 24 – Within one month of the occupation of the buildings at 4 Yaringa Road, the following must occur:</p> <ol style="list-style-type: none"> <li>a) The buildings at 5 Lumeah Road demolished to the</li> </ol>	<p>A condition to this effect will be included on the planning permit however the removal of the temporary office will be addressed in a separate condition that allows a greater</p>



<p>satisfaction of the responsible authority.</p> <p>b) The temporary site office at 3 Lumeah Road removed.</p> <p>c) Connect all existing plumbing fixtures at 3 Lumeah Road to the new on-site wastewater management systems (OWMS) at 5 Lumeah Road Somerville VIC.</p>	<p>timeframe to remove and rectify the structure to provide a suitable period to transition the site's office to the 4 Yaringa Road buildings, noting that the structure remaining on site is of minimal consequence to the wider use of the land. 24)c) will also not be included for the reasons discussed above regarding whole of site OWMS.</p>
<p>Condition 25 – The amenity of the area must not be detrimentally affected by the use or development, through the:</p> <p>a) Transporting materials, goods, or commodities to and from the land.</p> <p>b) The appearance of any buildings, works or materials.</p> <p>c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, stream, soot, ash, dust, waste water, waste products, grit or oil.</p>	<p>A condition to this effect will be included on the planning permit.</p>
<p>Condition 26 – Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.</p>	<p>A condition to this effect will be included on the planning permit.</p>
<p>Condition 27 – The location and details of the signs including those of the supporting structure, must be in accordance with the endorsed plans, unless otherwise agreed in writing by the responsible authority.</p>	<p>A condition to this effect will be included on the planning permit.</p>
<p>Condition 28 – The signs must be maintained to the satisfaction of the responsible authority.</p>	<p>A condition to this effect will be included on the planning permit.</p>

# Appendix 2: Response to Objections



Issue raised in objections	Response
<p>Uncertainty as to what is the planning unit and not undertaking a consolidated approach to the application.</p>	<p>A discussed throughout this report, the proposal has been considered in context with other existing and future use and development of the land to which the application applies.</p> <p>It is considered that subject to conditions to regulate the use and its links to 1 and 1A Lumeah Road (which are not under the proponent's ownership/management), the proposal is capable of operating in an orderly manner with all co-existing use and development both presently and in the future.</p>
<p>Lack of transparency of retrospective works.</p>	<p>As acknowledged through this report, while most retrospective works associated with the proposed use and development have been captured in the application, several elements such as additional hard surfaces at 3 Lumeah Road, are not. Conditions of the planning permit will ensure these works are captured and modified where necessary to create an appropriate built form outcome.</p> <p>The application has been reviewed by both the Council and DEECA (with regards to past unapproved vegetation removal) and subject to those works described in this report being reflected in the endorsed plans, there will not be any unauthorised works or vegetation removal forming part of the proposal.</p> <p>There may be other structures on site at 1, 1A and 3 Lumeah Road which are not authorised under existing planning approval however these do not form part of the application and therefore the Minister for Planning is not the responsible authority for these matters.</p>
<p>Interface with Lumeah Road and Amenity Impacts – Additional hard surfaces/vegetation removal and northern elevation door at 3 Lumeah Road will create adverse amenity impacts.</p>	<p>As discussed throughout this report, the proposed retrospective works at 3 Lumeah Road are generally considered acceptable, subject to conditions to further refine the extent of hard surfaces in the frontage and suitable vegetation buffer along the Lumeah Road frontage, and submission of an acoustic report for any acoustic attenuation design or operational measures necessary to ensure transmission of noise from the western warehouse (and the rest of the proposal) is compliant with the relevant EPA Noise Protocol.</p>
<p>Lack of statutory alignment under the SUZ9.</p>	<p>As discussed throughout this report, subject to conditions to further refine aspects of the proposal at 3 Lumeah Road (within SUZ9), the proposal will appropriately address the purpose and decision guidelines of the SUZ9.</p>
<p>Drainage – hard surfaces and structures beyond the works proposed at 4 Yaringa Road have not been factored into drainage considerations. It is unclear where drainage will end up and the obligations that creates.</p>	<p>As discussed throughout this report, all plans are required to be amended to consistently reflect the proposal, which will include an amended stormwater assessment report to include the additional retrospective structures and hard surfaces.</p> <p>The conditions recommended to be included on the planning permit will also ensure that 3 Lumeah Road's wastewater and drainage is appropriately managed. The specific requirements of appropriate drainage infrastructure will be determined via an engineering approval process with the council.</p> <p>As 1 and 1A Lumeah Road are not owned by the proponent and no buildings and works are proposed on these lots, there is no obligation for drainage of these lots to be met by the proponent or as part of this planning permit. Any future development at 1 and 1a Lumeah Road will accordingly be subject to any drainage obligations of those respective development approvals.</p>
<p>Fails to consider relationship with Planning</p>	<p>As discussed throughout this report, it is considered appropriate that this</p>



<p>Permit C09/002/does not make use of this existing planning permit.</p> <p>C02/002 imposes numerous conditional obligations on these sites, included upgrades to Lumeah Road and the provision of reticulated sewer and water. These requirements must be identified, addressed and integrated into the assessment.</p> <p>At minimum, any planning permit should include conditions that mirror these obligations, justified by the proposal's intensity and the requirements of the SUZ9 including upgrades to Lumeah Road and provision of reticulated sewer and water.</p> <p>Alternatively the applicant can proceed under the existing permissions granted by CP09/002 by submitted revised plans and relying on that permit.</p> <p>With reticulated services in place, the substantive need for on-site water storage is likely to be obviated, reducing vegetation removal, visual bulk and the requirements for effluent disposal field.</p>	<p>application is made separate to planning permit C09/002 and can operate concurrent with this approval.</p> <p>Despite some overlap in the nature of the use and development proposed at 3 Lumeah Road (noting that the proposal does not seek any modification or change of use to the 1 Lumeah Road beyond utilising existing boat access through the site to 1A Lumeah Road) the proposal represents a distinctly different proposition that is not associated with or reliant on C09/002 proceeding. Additionally, 3 Lumeah Road is no longer owned by the proponent for C09/002 and therefore the approved development of C09/002 at 3 Lumeah Road may no longer proceed without the current proponent's consent. Subject to conditions, the planning permit will suitably ensure that any future use and development of the land at 1 and 1A Lumeah Road as a result of C09/002 or any other future approval is taken into account. If the proposed development at 3 Lumeah Road under C09/002 and any obligations that apply to it as a result are no longer relevant due to this site not forming part of the development, it is the permit holder of C09/002's responsibility to amend C09/002 accordingly to reflect this.</p> <p>Regarding the disparity in servicing requirements for the two proposals, including the upgrade to Lumeah Road and connection to reticulated services, this has also been justified throughout the report. C09/002 in its full form represents a disparately larger increased intensity in the use and development of the land, including uses with distinctly larger reticulated services demands like long-term accommodation, food and drinks premises and a function centre. The proposal also resulted in a disparately larger increase in vehicle movements within the local road network which provide a stronger nexus with the SUZ9 requirement for road upgrades. The proposed infrastructure provision both on and off-site as a result of this proposal have been considered acceptable as discussed throughout this report, including the impact of additional vegetation removal as a result of on-site wastewater treatment.</p> <p>Conditions of the planning permit will also ensure measures proportionate to the impact of the development will be implemented to regulate the use and development.</p>
<p>Permit administration</p>	<p>As discussed throughout this report and subject to the recommended conditions, it will be clear what is expected to be undertaken or carried out across all five landholdings which form part of this planning permit and allow for ongoing oversight and enforcement of what is permitted as a result of this planning permit.</p>
<p>Traffic impacts to Lumeah and Whitneys Road, including impacts to traffic congestion, pedestrian and wildlife safety and existing poor condition of these roads.</p>	<p>As discussed throughout this report, subject to conditions, including those which will regulate the frequency and type of heavy vehicle movements to the site, it is considered that the traffic impacts associated with the proposal can be appropriately managed.</p>
<p>Insufficient car parking and illegal parking already occurring in conjunction with 3 Lumeah Road, car parking reduction will increase these impacts.</p>	<p>As discussed throughout this report, the proposed car parking reduction for the final stage of the development is considered appropriate as it will address the require car parking for all employees, with oversupply to address additional car parking needs.</p> <p>Conditions of the planning permit will ensure that temporary car parking provision is appropriately provided in connection with the interim 3 Lumeah Road use.</p>
<p>Noise and other amenity impacts associated with 3 Lumeah Road.</p>	<p>As discussed throughout this report, conditions of the planning permit will ensure that the transmission of noise and dust from the premises at 3 Lumeah Road is regulated to comply with the relevant EPA provisions for</p>



	the transmission of noise and air quality, associated with the proposed use of 3 Lumeah Road.
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