

**1.2 14 MCNAUGHTON ROAD, CLAYTON
CONSTRUCTION OF A TWO STOREY BUILDING FOR THE PURPOSES OF PAINT
MANUFACTURING (WATER BASED PAINT) AND A REDUCTION OF THE STANDARD
CAR PARKING REQUIREMENTS
(TPA/52509)**

EXECUTIVE SUMMARY:

The subject site is occupied by PPG Industries, which is involved in paint manufacturing, and has operated at the site for many years. This application proposes the construction of a two storey industrial building for the purpose of paint manufacturing (water based paint). The proposal seeks to enable current operations in NSW to be relocated to the site.

The application was not subject to public notification.

Key issues to be considered relate to car parking provision, traffic generation and potential amenity impacts.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework.

The report is being presented to Council as the proposed development cost is \$7.27 Million.

The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council issue a Planning Permit subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Alexandra Wade
WARD:	Oakleigh
PROPERTY ADDRESS:	14 McNaughton Road, Clayton
EXISTING LAND USE:	Industry – Paint Manufacturing
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	N/A
ZONING:	Industrial 1 Zone

OVERLAY:	Design and Development Overlay, Schedule 1 Heritage Overlay, Schedule 55 (part)
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1S&R- Settlement – Metropolitan Melbourne Clause 11.02-1S- Supply of Urban Land Clause 13.07-1S- Land Use Compatibility Clause 15.01-1S&R- Urban Design Clause 15.01-2S- Building Design Clause 15.02-1S- Energy and Resource Efficiency Clause 17.01-1S&R- Diversified Economy Clause 17.02-1S- Business Clause 17.03-1S – Industrial Land Supply Clause 18.01-1S- Land Use and Transport Planning Clause 18.02-2R– Principal Public Transport Network Clause 18.02-4S- Car Parking Clause 19.03-3S- Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement Introduction Clause 21.07 – Business Parks and Industry Clause 21.08- Transport and Traffic Clause 21.05 – Economic Development Clause 21.13- Sustainability and Environment Clause 22.03- Industry and business development and character policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 53.18- Stormwater Management in Urban Development Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	13 July 2021
DEVELOPMENT COST:	\$7.27 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to **Grant a Planning Permit (TPA/52509)** for the construction of a two storey building for the purposes of paint manufacturing (water based paint) and a reduction of the standard car parking requirements, at 14 McNaughton Road, Clayton subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by PPG Industries Australia, dated 20 May 2021 (Revision A), site plan dated 24 March 2021, south car parking layout dated 22 April 2021 (Revision E) and plans prepared by Aurecon, dated 20 May 2021 (Revision F) but modified to show:

- a) Car spaces 183-204 to have a minimum isle width of 6.8 metres.
- b) The 100 car spaces within the northern car park to be clearly identified with dimensions ,numbering and indicated to be line marked;

all to the satisfaction of the Responsible Authority.

Layout not to be altered

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

Construction Management Plan

3. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:

- a) Appropriate measures to control noise, dust and water and sediment laden runoff;
- b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;

- c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
- d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
- e) A program for the cleaning and maintaining surrounding road surfaces;
- f) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- g) Measures to provide for public Safety and site security;
- h) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- i) A Traffic Management Plan showing truck routes to and from the site;
- j) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP; and
- l) The provision of contact details of key construction site staff.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Waste Management Plan

4. The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by Ratio Consultants Pty Ltd dated 23 April 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainability Management Plan

5. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan prepared by LID Consultants, dated 31 March 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

Stormwater Management Strategy Report

6. The provisions, recommendations and requirements of the endorsed Stormwater Management Strategy Report prepared by Brogue Consulting Engineers, dated 30 March 2021 must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

7. The provisions, recommendations and requirements of the endorsed Acoustic Report prepared by Enfield Acoustics dated 21 December 2020 must be implemented and complied with to the satisfaction of the Responsible Authority.

Amenity of Area

8. The amenity of the area must not be detrimentally affected by the use or development, through the:
- a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - d) presence of vermin.

All to the satisfaction of the Responsible Authority.

9. Odours offensive to the senses of humans must not be discharged, emitted or released beyond the boundaries of the premises to the satisfaction of the Responsible Authority. Any discharge of waste to air must be done in accordance with the approved EPA licence.
10. Operators must use available fume extraction points during activities and ensure the fume extraction system is operational. Fume extraction points must be kept closed when not in use and any broken or faulty fume extraction points must be reported immediately.
11. Noise levels emanating from the premises must not exceed the relevant levels prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.

Car Parking and Accessways

12. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed to the satisfaction of the Responsible Authority;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

13. No less than 437 car spaces must be provided on the land to the satisfaction of the Responsible Authority.
14. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
15. All loading and unloading of vehicles must be carried out within the designated loading bays and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Drainage and Stormwater

16. The site must be drained to the satisfaction of the Responsible Authority.
17. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
18. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing, or any alternate system.
19. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.

20. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.

Time for Starting and Completion

21. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- a) The development has not started before 2 years from the date of issue.
- b) The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (i) within six (6) months afterwards if the use or the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES:

- A. Building Permit approval for the works must be obtained prior to the commencement of the approved works.
- B. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

BACKGROUND:

History

PPG have owned the site for 21 years, and during this time a number of applications have been made for buildings and works throughout the site. The most recent application was for buildings and works to relocate the Regenerative Thermal Oxidiser (TPA/50173) to the eastern side of the site issued in April 2019.

The Site and Surrounds

The site is located on the eastern side of McNaughton Road, approximately 230 metres south of Dandenong Road. The site extends to Westall Road to the east.

The subject site is an irregular shape and has a frontage of 427 metres to McNaughton Road and a lot depth ranging between 234 metres and 468 metres.

There are no covenants or other restrictions registered on title which may affect this proposal.

The subject site is occupied by PPG Industries, which is involved in paint manufacturing. Large factory / warehouses are located throughout the site and accommodate storage, administration and production areas. Car parking areas are located along the western (McNaughton Road) boundary of the site. A total of 401 car spaces are provided on the site.

The site is located within the Monash National Employment and Innovation Cluster (MNEIC).

Surrounding uses are all non-sensitive in nature and generally include large buildings comprising warehouse / factory / office components. Land on the eastern side of Westall Road is within the City of Greater Dandenong, and land to the south of Centre Road is located within the City of Kingston. The closest residential properties are located on the southern side of Centre Road, approximately 290 metres from the subject site.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

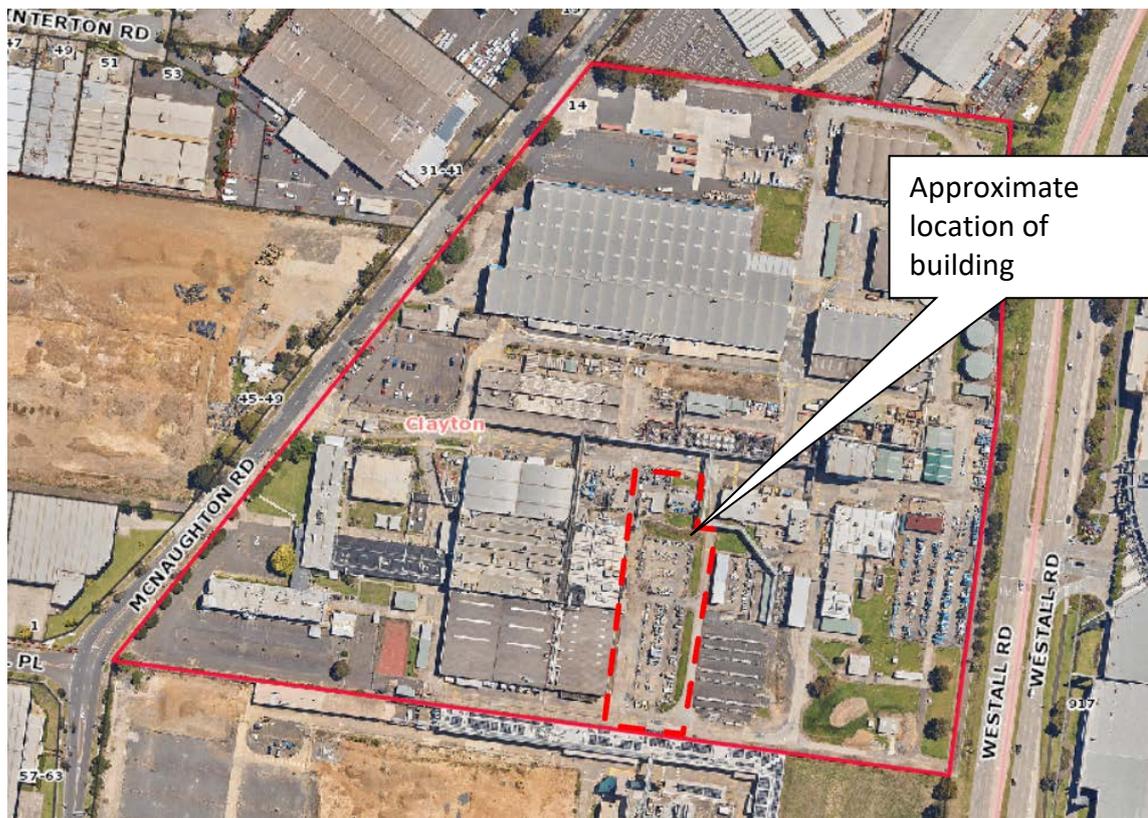
PROPOSAL:

The proposal is for a two storey industrial building for the purpose of paint manufacturing (water based paint). The building is located centrally in the site on the east/west orientation and approximately 8 metres from the southern boundary. Additional parking will be provided by modifying and expanding car parking areas principally to the west of the new building.

More specifically:

- Demolition works are proposed of the drum bund areas and accessways for the construction of the building, located adjacent to the southern boundary of the site. The existing tennis court and archive store adjacent to the southern car park are also proposed to be demolished to provide for additional car parking.
- The proposed building includes the paint factory, materials storage and finished product storage, covered loading area, tank farm and staff amenities including lockers.
- The maximum overall height of the building proposed is 14.78 metres. The building is constructed with concrete panels and colourbond corrugated iron. The maximum height of the tank farm shelter is 9.53 metres and is connected to the new building via an elevated pipe bridge.

- The total floor area for the new building is 6,988sqm.
- The building is set back a minimum of 8 metres from the southern boundary of the site.
- An additional 36 car spaces (creating a total of 437 spaces) and 9 bicycle spaces are proposed on the site within the southern car park.
- The facility will operate 8 hours a day, 5 days per week (Monday – Friday).
- An additional 20 jobs are expected to be created within this new building.



Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The site is located within the Industrial 1 Zone. Pursuant to Clause 33.01-1, a Permit is required to use the land for 'industry (paint manufacture)', given the proposed use is intensifying, and the site is located within 500 metres (threshold distance identified in Clause 53.10) of land in a residential zone.

Pursuant to Clause 33.01-4, a Permit is required to construct a building or construct or carry out works.

Overlay

The site is affected by the Design and Development Overlay, Schedule 1. Pursuant to Clause 42.02-2, a Permit is required to construct a building or construct or carry out works.

The site is also affected in part by a Heritage Overlay (HO55). There are no proposed works within this Overlay area and therefore a Permit is not required.

Particular & General Provisions

Pursuant to Clause 52.06-3, a Permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION:

Without prejudice plans were provided by the applicant on 7 June 2021, which clarified that 100 car spaces can be provided within the northern car park and that car parking within the southern car park can be corrected to provide the required isle widths.

The Applicant was verbally advised that this application was coming to the July Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

The application was not advertised, as it is considered that the proposal will not cause material detriment to the surrounding properties given that the land is currently used for paint manufacturing and located some distance from sensitive residential uses.

Referrals

External Referral

Environmental Protection Agency (EPA)

The application was referred to the EPA pursuant to Clause 53.10-1. The EPA had no objection to the proposal, and noted that it had granted an exemption for the works pursuant to Section 19A(5) of the *Environmental Protection Act 1970*. EPA's development Assessments Unit considered that the proposal posed a low risk of environmental and human health impacts.

Internal ReferralTraffic Engineer

The application was referred to Council's Traffic Engineers, who had no concerns with the proposal subject to conditions. They advised that amended plans would be required to:

- Clearly show and line mark the 100 spaces within the northern car park;
- Parking spaces 183-204 to be amended in width or accessway width to meet the requirements of Clause 52.06-9 to ensure easy manoeuvring; and
- The location of all required accessible parking spaces.

Drainage Engineer

The application was referred to Council's Drainage Engineers, who had no concerns subject to standard conditions including submission of a drainage plan for approval. No drainage contribution fee or detention system is required.

Waste Services

The application was referred to Council's Waste Services who provided feedback on the initial Waste Management Plan. The WMP has since been revised and satisfies all requests.

DISCUSSION:**Planning Policy Framework (PPF)**

The proposal is in keeping with the aspirations of the Planning Policy Framework. The proposal allows for the continuation of the existing industry use on the land, which is encouraged to be maintained in appropriate locations. The location of the site also provides for good access for employees and goods transport (Clause 17.03-1S) and is in an appropriate location to minimise unreasonable off-site amenity impacts (Clause 13.05-1S & 13.07-1S).

Local Planning Policy Framework (LPPF)

Monash is experiencing a loss of traditional industrial uses which are being replaced with commercial office-type premises. This is eroding the industrial employment base within the municipality and is likely to have socio-economic implications within the community such as diminished access to blue-collar employment and inflated overheads for existing businesses in these areas (Clause 21.07-1).

The proposal is consistent with the Local Planning Policy Framework. Importantly, the industrial use will assist in strengthening existing, significant industrial areas by extending an existing business, which will provide employment opportunities to the Municipality and continue an appropriate balance of industrial land (Clause 21.01) and will assist in facilitating employment, investment and business growth to the Municipality (Clause 21.05-3).

Whilst the site is located just outside of the Monash Technology Precinct, it is a key industrial area for the City of Monash, located within the MNEIC.

The purpose of the Industrial 1 Zone (IN1Z) is to *‘provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities’*. The proposal to construct a new industrial building for paint manufacturing is considered consistent with the purpose of the zone.

Buildings and Works

The site is located within the Design and Development Overlay, Schedule 1 which applies to industrial and commercial design. The policy specifies a building setback to McNaughton Road of 13.7 metres and 20 metres from Westall Road to allow for landscaping buffers. The proposed building is located central to the site, and is not located within these designated setback areas. Whilst additional car parking spaces are proposed within the south-western corner of the site, these spaces are located within an existing hard stand area.

Clause 22.03 identifies the site as being located within the Industry Character Type 4 area. The current character statement identifies that this area is typically flat with large sites allowing for large industrial buildings, including the ‘prominent’ Dulux Factory. The desired future character statement identifies that the *‘area should retain the industrial character that is derived from the concentration of manufacturing and service industries’*. *‘Architecture will be appropriate in form and scale to the functional requirements of the industry’* whilst also allowing for landscaped setbacks and canopy tree planting.

It is considered that the proposed buildings and works are appropriate on the site, being located centrally to the site and being consistent in height and scale with surrounding properties.

Potential Amenity Impacts

The development seeks to intensify the existing operations of PPG through the construction of a new facility to enable additional paint manufacturing to occur.

Pursuant to Clause 53.10, paint manufacture of over 2000 tonnes per year requires a 500 metre threshold from sensitive uses. The closest residential zoned land is under 300 metres to the southwest of the site. Residentially zoned land is also within 400 metres to the west of the site. Given the development does not comply with the threshold requirement, it requires referral to the EPA.

PPG already holds a licence (EPA Licence 813) which manages permitted discharges of waste to air and requirements for management and monitoring of discharges to land and water, and amenity issues such as noise, odour and nuisance dust. In particular, the form confirms that Annual Emissions Testing shows all existing air emissions are below the maximum discharge rates of the EPA Licence. Notwithstanding this, the application was referred to the EPA in

accordance with the planning scheme requirements, and no concerns were raised by the EPA.

An acoustic report was also provided with the application, prepared by Enfield Acoustics. The report confirms that the existing operations, plus the new proposal, will continue to comfortably comply with SEPP N-1 and no further mitigation measures are required. A proposed condition will also ensure continued compliance with this requirement.

Air emissions are mandated via the existing EPA Licence. The future air emissions associated with the new building have been assessed as being below the existing EPA licence.

Car Parking, traffic and access

The requisite car parking spaces required under Clause 52.06 are detailed in the following table:

Use	Size (net floor area)	Clause 52.06 Requirement	Car spaces required	Car spaces provided	Car parking reduction
Industry	6,000sqm	2.9 spaces to each 100sqm of net floor area	174	36 additional car spaces (total of 437 spaces)	138 spaces

The site is located within an industrial area and any over spill from the parking is unlikely to affect residents. On-street parking along McNaughton Road is not available due to the existing no stopping restriction on both sides of the street.

The traffic report submitted with the application detail was based on the “Nearmap” assessment of the parking availability of the central car park and southern car park within the site, prior to COVID19 in 2018 and 2019. The data indicates there is a higher demand for the southern car park, which generally has a 90% occupancy whilst the central car park generally has a 60% occupancy.

It is noted that the number of vacant spaces available within the site based on the “Nearmap” assessment is insufficient to make up for the reduction of 138 parking spaces being sought. Consideration must therefore be given to the likely demand created by the new building and uses. As the proposal is an expansion of the existing paint manufacturing facilities it is unlikely to attract any additional customers to the site and therefore demand is likely to be staff only. Given that the development will provide an additional 36 parking spaces for the likely 20 additional employees the additional car parking should be more than sufficient to accommodate the worst case scenario of every new employee driving to work.

The applicant has advised that the northern car park currently achieves 100 spaces albeit it is not line marked. The Applicant is happy to accept a condition to require

line marking of these spaces. Amended plans will be required to be submitted further detailing these spaces.

The Applicant has also provided without prejudice plans, showing that the access isle of car spaces 183 to 204 can be increased to 6.8 metres (by reducing the length of the car spaces to 4.9 metres). This therefore meets the design requirements of Clause 52.06.

The Applicant has advised that the existing two accessible car spaces on the land are rarely used, and therefore will seek a dispensation for any further spaces required for the additional floor area sought under the building regulations.

The predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

Bicycle Parking

The requisite bicycle parking spaces required pursuant to Clause 52.34-3 are detailed in the following table:

Use	Size (net floor area)	Clause 52.34 Requirement	Bicycle spaces required	Bicycle spaces provided
Industry	6,000sqm	1 space per 1,000sqm of floor area for employees. No visitor spaces required.	6 spaces	9 spaces

Therefore the development's bicycle parking provision exceeds the minimum requirements. The spaces are located within the existing car parking area and therefore do not result in a loss of landscaping on the site.

Waste Management

A waste management plan was prepared with the application which was revised following feedback from Council's waste management team.

Due to the nature of the use, PPG already has detailed waste management procedures in place for the collection, storage and disposal of waste associated with the existing uses. The existing waste management program currently deals also specifically with pigment dust and various liquid chemical waste. There are a number of waste collection points on the site for private waste collection.

CONCLUSION:

The proposed works and use is in keeping with the local policy framework and the zoning of the land by continuing the industrial land use on this site.

Satisfactory additional car parking has been provided on the site for the increased demand from the additional buildings proposed.

The applicant has demonstrated that no unreasonable amenity impacts will occur from the proposed use of the land.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2020).

Attachment 3 – Zoning and Overlays Map.