

5.2 T220221 Use and Development of the Land for a Contractors Depot

Responsible GM: Lili Rosic
Author: Mary Rush

Recommendation(s)

It is recommended that a Refusal to Grant Planning Permit T220221 be issued for the use and development of the land for a Contractors Depot at L1 TP391964, 205 Seven Mile Road, Nar Nar Goon VIC 3812 on the following grounds:

- The proposal is contrary to the strategic directions of Planning Policy Framework and Local Planning Policy Framework, including Clauses 14.01-1S - Protection of agricultural land, 21.04-2 - Agriculture and 22.05 - Western Port Green Wedge Policy
- The proposal is inconsistent with relevant purposes and decision guidelines of the Green Wedge Zone - Schedule 1
- The proposed use would result in unreasonably impacts on the amenity of the surrounding area.

Attachments

1. T 220221 current documents [5.2.1 - 10 pages]
2. T220221 copy of objection [5.2.2 - 3 pages]

Executive Summary

APPLICATION NO.:	T220221
APPLICANT:	Andrew Muley
LAND:	L1 TP391964, 205 Seven Mile Road, Nar Nar Goon VIC 3812
PROPOSAL:	Use and development of the land for a Contractor's Depot
PLANNING CONTROLS:	Clause 35.04 - Green Wedge Zone-Schedule 1 (adjacent to Transport Zone, Schedule 3). Clause 44.04 - Land Subject to Inundation Overlay (part)
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by the placing of two (2) signs on site and notices in the mail to 5 property owners within the vicinity potentially affected by the proposal.

	One objection has been received.
KEY PLANNING CONSIDERATIONS:	Appropriateness of land use Protection of agricultural land
RECOMMENDATION:	Refusal

Background

Planning permit T190322 was issued for the development of the land for an outbuilding on the 1 July, 2019.

A written complaint was received by Council in October 2021 regarding the use being carried out on the land. Council's Planning Compliance Officer investigated and subsequently directed the landowner to apply for a planning permit for the use of the land for a Contractors Depot.

Subject Site



Fig 1: Aerial image of subject site and surrounding locality

The subject allotment is approximately 8 hectares in area and is located on the north eastern corner of McCraws Road and Seven Mile Road.

The topography is flat and devoid of vegetation (trees) apart from some scattered specimens. There are no easements registered on the land, or in the vicinity.

The land currently contains a dwelling and several outbuildings.

The main characteristics of the surrounding area are:

- **North:** Abutting the subject allotment are No 195 Seven Mile Road, a 4,046 square metres vacant parcel, and No 155 Seven mile Road, a 78.14 hectare mixed farming and grazing allotment.
 - **East:** Abutting the eastern boundary is No 155 Seven Mile Road, a 78.14 hectare mixed farming and grazing allotment.
 - **South:** Directly south is McCraws Road. Further south is No 275 Seven Mile Road, a large mixed farming and grazing allotment.
- West:** Directly abutting the western boundary is Seven Mile Road. Further west is No 720 Bald Hill Road, which is a 66.5 hectare mixed farming and grazing allotment.

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision making

Proposal

Retrospective approval is sought for the use and development of the land for a Contractor's Depot. which appeared to commence on the land some time on or after the land was purchased by the current owner in July 2019.

The use of the land for a Contractor's Depot has been determined and supported in various VCAT cases including Johnston v Cardinia SC [2010] VCAT 1129 (19 July 2010).

In John v Cardinia SC [2010] it was established that the definition of a depot is as follows:

Depot - Land used as a place for parking or garaging commercial, earthmoving etc vehicles and machinery used for work elsewhere has been held to be a "depot" rather than a "Store" as defined in cl 74 of the VPP planning schemes. The essential difference is between parking or garaging on the one hand, or storing goods as a place to keep them until sold or relocated for use or display for sale etc. The vehicles and equipment are not used on the site but collected by employees for relocation to work sites and for later return for garaging until again required. The land may or may not have buildings on it, administrative work in relation to the business may be carried out on the land, and incidental repairs and maintenance might be carried out on the land without changing the land use. This land use is not defined in the VPP planning schemes but is rather an "innominate" use in terms of the planning scheme and the various tables of uses applying to various zones within planning schemes. There can be various types of depots such as contractor's depot, cartage contractor's depot, earthmoving contractor's depot, municipal depot, etc.

Based on the above, Council is satisfied that the proposed use matches with this land use.

The relevant company Jarrcon Pty Ltd, is a contractor providing excavation, earthmoving and concreting services. The use includes the following elements:

- Provision of earthworks for rural properties(driveways, dams, horse arenas, etc)
- Provision of earthworks and concreting for house sites in both residential and rural areas.
- Storage of trucks and equipment
- Storage of materials (sand, screenings, topsoil)

- Office
- Workshop

There are currently 25 employees who operate from the site, including the owner who does not live on the site. At the time of the application the existing dwelling was vacant. The normal hours of operation for the depot is from 6am to 4pm Monday to Friday.

Staff access the site from Seven Mile Road and the work vehicles enter and exit the site from McCraws Road. The site is used to store 15 trucks, 15 trailers and 10 excavators housed on site as part of the depot. The existing shed constructed on land is used for storage and maintenance of vehicles and machinery.

The excavators would be transported to the site on trailers towed by trucks. In addition, employees' vehicles are parked on site during the day.

The application proposes to use approximately 2 hectares of the land for a contractor's depot. An area of approximately 3000m² is used for the storage of materials including sand, screenings and topsoil. This is considered an ancillary component of the Contractors Depot.



Fig 2: Proposed Site Plan

Planning Scheme Provisions

Planning Policy Framework

The relevant clauses of the PPF are:

- 11.01-1R Green wedges - Metropolitan Melbourne
- 14.01-1S Protection of agricultural land
- 13.03-1S Floodplain management
- 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- 18.02-4S Roads

Local Planning Policy Framework (LPPF)

The relevant clauses of the MPS are:

- 21.01-3 Key issues
- 21.01-4 Strategic vision
- 21.03-5 Rural residential and rural living development
- 21.04-2 Agriculture
- 22.05 Western Port Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Cardinia Western Port Green Wedge. Management Plan

Planning Permit Triggers

- Pursuant to Clause 35.01-1 (Green Wedge Zone – Schedule 1), a planning permit is required to use the land for a contractor’s depot.
- Pursuant to Clause 35.01-5 (Green Wedge Zone – Schedule 1), a planning permit is required for buildings and works associated with a Section 2 Use.
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay), a planning permit is required to construct a building or to construct or carry out works.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining and nearby land; and
- Placing a sign on site.
- A total of five (5) nearby owners/occupants received notice of the application by mail.

The notification has been carried out correctly, and Council has received one (1) objection.

The grounds of objection include:

1. Stormwater discharge causing localised flooding in McCaws Road;
2. Traffic hazard on McCaws Road when truck traffic associated with existing agricultural uses ie trucks supplying chicken feed, dairy trucks etc bottleneck in the location of the access site access on McCaws Road.

A response to these concerns is provided below:

1. The stormwater discharge to McCaws Road has not been approved by Council. To improve the drainage conditions in this area the applicant needs to apply to Council for a legal point of discharge and direct stormwater to an appropriate location or other method such as a soakage pit to resolve water related issues.
2. In relation to the traffic issues raised by the objector, the current conflict with other road users is difficult to resolve given the volume of truck manoeuvres, with 15 trucks moving to and from the site daily. This concentration of truck movements appears to be impacting other road users linked to existing agricultural activities on the land and is a legitimate concern.

Referrals

Section 55 referrals

Melbourne Water- no objections

Note: the application was also referred to the Department of Transport however this was not mandatory.

Council referrals

No objections subject to conditions which include standard engineering conditions and the sealing of that section of McCaws Road between the site access and Seven Mile Road.

Discussion

Protection of agricultural land: state and local policies

Development pressure from Melbourne's expanding population has increasingly threatened agricultural land in the Shire. In response, the State Government and Council have adopted and strengthened policies relating to the preservation of agricultural land.

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne)

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne) have objectives and strategies that seek to protect and support areas of agricultural production.

The objective of Clause 14.01-1S (Protection of agricultural land) is to protect the state's agricultural base by preserving productive farmland. Key strategies in this policy are:

- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements,
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses, and
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Protect strategically important agricultural and primary production land from incompatible uses.

- Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Additionally, Clause 14.01-1R aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

The proposal is contrary to policies related to agriculture as it proposes a non-agricultural land use, that has no direct links to agriculture or the agricultural economy. Whilst the depot may carry out works in rural areas, the works are mainly associated with a one-off constructions that are not linked to any ongoing agricultural land use. The trucks and machinery do not need to be stored on agricultural land. The use of the trucks and machinery for excavation, earthmoving and concreting services have direct links to the construction industry which is more closely linked to industry rather than agriculture.

Clauses 21.01-3 and 21.03-4 (Key Issues and Strategic Vision)

Clause 21.01 Cardinia Shire key issues and strategic vision identifies Western Port as a major landscape feature and that a key influence within the Shire is urban growth, including urban pressures on the rural hinterland and management of green wedge areas. The following relevant key issues are identified:

- The protection of the Koo Wee Rup swamp area which contains important groundwater reserves and horticultural soils in the Western Port basin.
- The management of urban growth, including urban pressures on the rural hinterland.
- The protection and sustainable use of agricultural land.

The proposed use and development raise conflict with these key issues because it will result in the degradation and loss of agricultural land in the Koo Wee Rup Swamp area.

Clause 21.04-2 (Agriculture)

Clause 21.04-2 (Agriculture) provides local content to support Clause 14.01 of the Planning Policy Framework. The objective of Clause 21.04-2 is to maintain agriculture as a strong and sustainable economic activity within the municipality.

Several strategies give effect to the policy's objective:

- Protect agricultural land, particularly areas of high-quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.
- Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the agricultural viability of the area.
- Ensure the use or development, including subdivision, of agricultural land takes into consideration land capability.

The proposed use and development are unconnected to any agricultural activity on the site and will further fragment crucial agricultural land, which will lead to a reduction in agricultural viability on the subject site and within the surrounding vicinity. Establishing a non-agricultural land use has already removed approximately 2 hectares from the Shire's agricultural base. As identified by an objector, the truck movements associated with this business are impacting on the condition of the road network which is disadvantaging existing truck movements associated with legitimate agricultural activities such as dairying and poultry farming.

Development pressure from Melbourne's expanding population has increasingly threatened agricultural land in the Shire. In response, amendments to Clause 21.04-2 and the

introduction of Clause 22.05 recognise that protecting key agricultural land is more vital than ever to ensure Victoria's food security.

Clause 22.05 - Western Port Green Wedge Policy and Westernport Green Wedge Management Plan

The proposal is inconsistent with Clause 22.05 (Western Port Green Wedge Policy). Amendment C215 introduced this policy on 10 August 2017 to provide guidance in relation to the protection and management of the Western Port Green Wedge. A key vision contained in Clause 22.05 provides:

The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.

The relevant objectives of this Clause are:

- To give effect to Council's vision for the Cardinia Western Port Green Wedge.
- To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.

Further, relevant policies include that all use and development within the green wedge should:

- Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.
- Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.
- Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District.

To provide further guidance, Clause 22.05 introduced the Cardinia Western Port Green Wedge Management Plan (the 'Plan') as a reference document. The Plan provides a strategic planning framework that enables Council to take advantage of opportunities and proactively attend to challenges occurring in the Cardinia Western Port Green Wedge over the next 20 years. It recognises Western Port's key attributes, including its environment, established agriculture industry and, rich agricultural soils.

The Plan divides Western Port into three precincts, with the subject site being within Precinct 3 – Railway. The vision for Precinct 3 is to protect amongst other things the agricultural significance of the land. This precinct aims to discourage non-rural uses and to encourage non-soil based agricultural land uses. Approving a non-agricultural land use creates a precedent for this type of land use and places pressure on Council to support non-agricultural land uses to the detriment of agriculture.

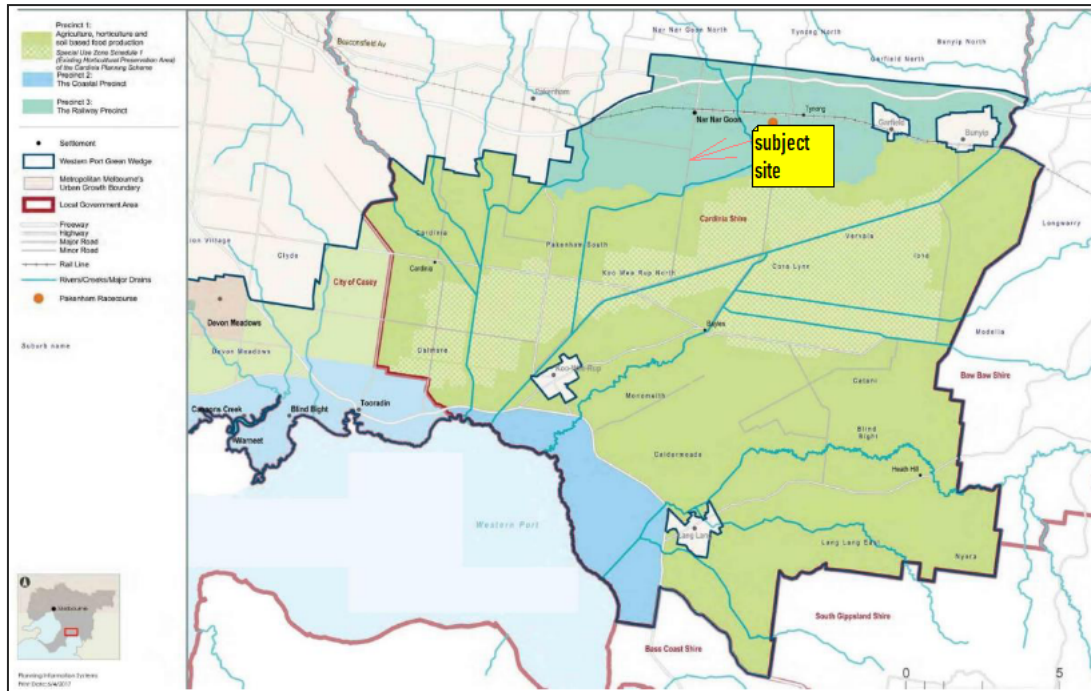


Fig 3: Precinct Mapping – source: Clause 22.05 of the Cardinia Planning Scheme

The supporting documentation identifies that suitable industrial land is prohibitively expensive. Council should not support inappropriate land uses on economic grounds when there is suitable available industrial land upon which this use could be established.

The proposed use and development are inconsistent with Clause 22.05. The aerial photography below shows that the land was used for grazing prior to being purchased by the applicant. The commencement of the contractor's depot has resulted in the loss of 2 hectares of agricultural land and disruption to legitimate agricultural activities.



Cardimap Feb 2018



Nearmap February 2022

The use is inconsistent with agricultural and food production and is therefore considered to be detrimental to the agricultural significance of the area.

Green Wedge Zone-Schedule 1

The purposes of the zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.
- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area

It is considered that the proposal is not consistent with the purposes of the zone as it is not linked to agriculture in any form and has reduced the amount of available agricultural land and does not therefore protect land for agricultural purposes. As identified by the objector, the use is having a detrimental impact on the road network and on existing legitimate agricultural activities such as dairying and poultry farming by degrading the road conditions and creating potential traffic hazards with other road users.

The use and development of the site has no links to sustainable land management practices and has resulted in uncontrolled drainage causing localised drainage issues.

The applicant has indicated that the land is being used for grazing cattle. The owner of the land does not reside on the land and is not actively farming the land. The owner is primarily using the site for a contractor's depot and any other activity is ancillary and not the primary use of the land. It would be fair to state therefore, that the land is not being used at its most productive capacity and does not encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

The contractor's depot is not consistent with the rural character of the area. The below photographs taken from McCraws Road indicate the industrial nature of the use and development currently being carried out on the land.



Image 1: Subject site – view from McCraws Road



Image 2: Subject site – view from McCraws Road



Image 3: View of the subject site in 2008 taken from a similar location in McCraws Road.

The use is more akin to an industrial use which should be more appropriately located on industrially zoned land or with closer links to existing industrial uses. Supporting non-agricultural land uses that could be appropriately located within existing industrial areas creates a dangerous precedent for other inappropriate uses to establish.

Clause 44.04 (Land Subject to Inundation Overlay)

The proposal is consistent with the provisions of the Land Subject to Inundation Overlay. This overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100-year flood or any other area determined by the floodplain management authority, and seeks to that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A permit is required for buildings and works on land affected by the Land Subject to Inundation Overlay, and the relevant decision guidelines include:

- Any comments from the relevant floodplain management authority;
- The existing use and development of the land;
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay; and
- The susceptibility of the development to flooding and flood damage.

The application was referred to Melbourne Water, which had no objection subject to the following conditions:

The proposal is therefore considered to be consistent with the overlay.

Conclusion

The proposed use and development is considered to be inconsistent with the provisions of the Cardinia Planning Scheme and should not be supported on the following grounds:

- The proposal is contrary to the strategic directions of Planning Policy Framework and Local Planning Policy Framework, including Clauses 14.01-1S - Protection of agricultural land, 21.04-2 - Agriculture and 22.05 - Western Port Green Wedge Policy
- The proposal is inconsistent with relevant purposes and decision guidelines of the Green Wedge Zone - Schedule 1
- The proposed use would result in unreasonable impacts on the amenity of the surrounding area

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Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	205 Seven Mile Road, Nar Nar Goon VIC 3812 L1 TP391964
The application is for a permit to:	Use and development of the land for a contractors depot
The applicant for the permit is:	██████████
The application reference number is:	T220221
You may look at the application and any documents that support the application at the office of the Responsible Authority:	Cardinia Shire Council 20 Siding Avenue Officer 3809 This can be done during office hours and is free of charge. Documents can also be viewed on Council's website: https://www.cardinia.vic.gov.au/advertisedplanningapplications

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

- An objection must
- * be sent to the Responsible Authority in writing, at Cardinia Shire Council, PO Box 7, Pakenham, Vic, 3810 or email at mail@cardinia.vic.gov.au.
 - * include the name and address of the objector/ submitter.
 - * include the application number and site address.
 - * include the reasons for the objection, and
 - * state how the objector would be affected.

The Responsible Authority will not decide on the application before:	12 August 2022
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If you object, the Responsible Authority will tell you its decision.

Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

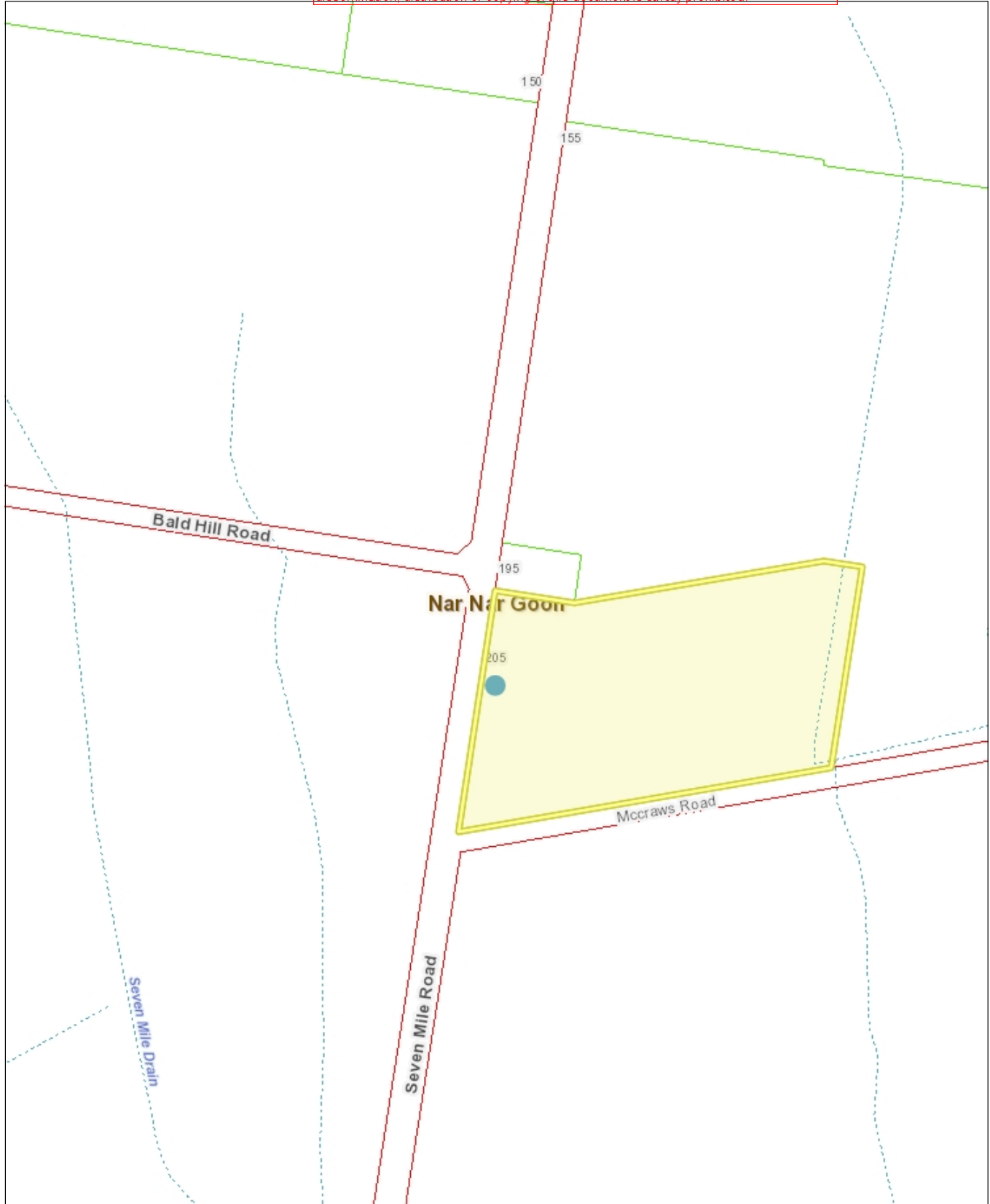
For additional information or advice contact Cardinia Shire Council, Planning Department on 1300 787 624 or mail@cardinia.vic.gov.au.

Your objection/submission and personal information is collected by Cardinia Shire Council for the purposes of the planning process as set out in the *Planning and Environment Act 1987*. If you do not provide your name and address, Council will not be able to consider your objection/submission. Your objection/submission will be available free of charge at the Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the *P&E Act*. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.

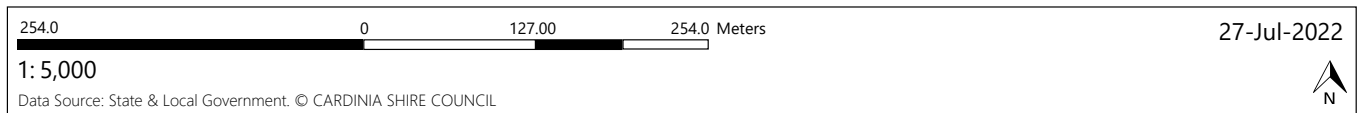
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T220221 PA



Notes



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Planning Enquiries
 Phone: 1300 787 624
 Web: www.cardinia.vic.gov.au

Office Use Only

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

▲ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

▲ Questions marked with an asterisk (*) must be completed.

▲ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

Clear Form

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 205	St. Name: Seven Mile Rd
Suburb/Locality: Mar Mar Green		Postcode:

Formal Land Description *

Complete either A or B.

▲ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: 90A C PT) Section No.:

Parish/Township Name: Mar Mar Green

The Proposal

▲ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

Use of the land as a Contractors depot and vehicle store only.

Running cattle on property as well as a residence

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$ 0

▲ You may be required to verify this estimate. Insert '0' if no development is proposed.

i Estimated cost of any development for which the permit is required *

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.

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Existing Conditions i

Describe how the land is used and developed now*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Storage for machinery and also storage for trucks for small family business as well as a hobby farm

Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

Encumbrances on title*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant*

The person who wants the permit.

Name: Title: [redacted] First Name: [redacted] Surname: [redacted]

Organisation (if applicable): [redacted]

Postal Address: Unit No.: [redacted] St. No.: [redacted] St. Name: [redacted] If it is a P.O. Box, enter the details here:

Suburb/Locality: [redacted] State: [redacted] Postcode: [redacted]

Please provide at least one contact phone number*

Contact information for applicant OR contact person below

Business phone: [redacted] Email: [redacted]

Mobile phone: [redacted] Fax: [redacted]

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details* Same as applicant

Name: Title: [redacted] First Name: [redacted] Surname: [redacted]

Organisation (if applicable): As Above

Postal Address: Unit No.: [redacted] St. No.: [redacted] St. Name: [redacted] If it is a P.O. Box, enter the details here:

Suburb/Locality: [redacted] State: [redacted] Postcode: [redacted]

Owner*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Owner* Same as applicant

Name: Title: [redacted] First Name: [redacted] Surname: [redacted]

Organisation (if applicable): As Above

Postal Address: Unit No.: [redacted] St. No.: [redacted] St. Name: [redacted] If it is a P.O. Box, enter the details here:

Suburb/Locality: [redacted] State: [redacted] Postcode: [redacted]

Owner's Signature (Optional): [Signature] Date: [redacted] day / month / year

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Declaration

This form must be signed by the applicant *

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date: 23/3/2022

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?



No



Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site.



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).



If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.



Completed the relevant council planning permit checklist?



Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

Contact information:

Telephone: 1300 787 624
Fax: (03) 5941 3784
Email: mail@cardinia.vic.gov.au
DX: 81006

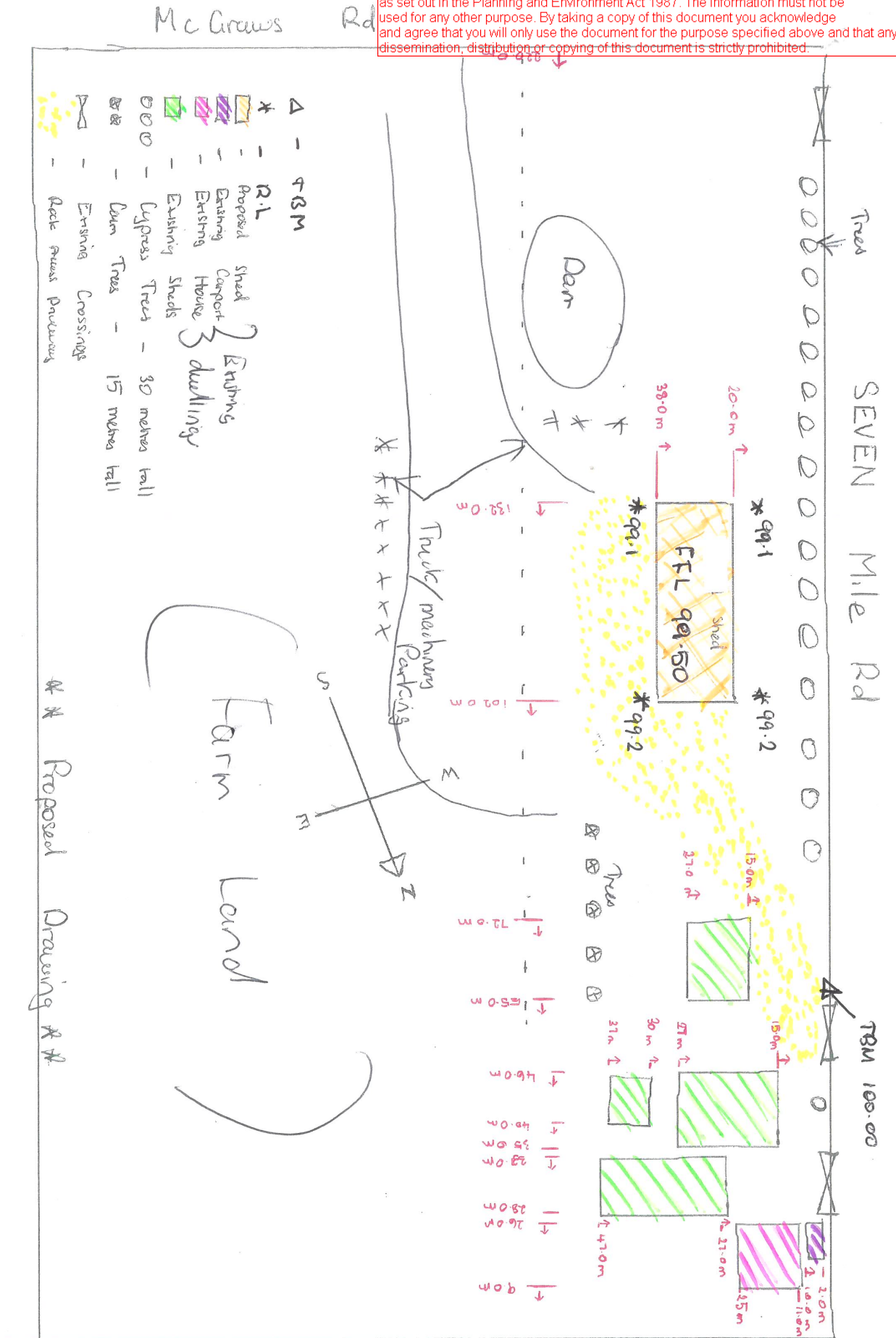
Deliver application in person, by post or by electronic lodgement.

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TITLE PLAN	EDITION 1	TP 391964K						
Location of Land Parish: NAR-NAR-GOON Township: Section: Crown Allotment: 90A(PT) Crown Portion: Last Plan Reference: Derived From: VOL 6195 FOL 843 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN						
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED 10/04/2000 VERIFIED P J						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 90A (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 90A (PT)	
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PARCEL 1 = CA 90A (PT)								
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

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8 July 2022

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Mary Rush
Statutory Planner
Cardinia Shire Council
mail@cardinia.vic.gov.au

Dear Mary

**Re: Planning Permit Application T220221
205 Seven Mile Road NarNarGoon**

I refer to Council's letter dated 11 April 2022 requesting further information in relation to the above planning permit application and to my email dated 9 June 2022 requesting an extension of the date to submit the information for which a response has not been received to date.

I wish to confirm that I act for [REDACTED] of Jarrcon Pty Ltd and have been engaged to provide a response to Council's letter. The following response is provided to Council's letter:

1 Outstanding fees

I am advised by [REDACTED] that the additional fees have been paid.

2 Copy of title

Please find attached a current copy of title.

3 Written explanation of contracting being undertaken

Jarrcon Pty Ltd is a contractor providing excavation, earthmoving and concreting services. Services provided include earthworks for rural properties (driveways, dams, horse arenas, etc) and earthworks and concreting for house sites in both residential and rural areas. 205 Seven Mile Road is used as a depot including:

- Storage of trucks and equipment
- Storage of materials (sand, screenings, topsoil)
- Office
- Workshop

4 Site plan

Please find attached a site plan.

5 Employees

There are currently 25 employees who operate from the site all of whom are non resident.

6 Vehicle / machinery storage

Jarrcon Pty Ltd currently has 15 trucks, 15 trailers and 10 excavators housed on site as part of the depot. The excavators would be transported to site on trailers towed by trucks. In addition, employees cars would be parked on site during the day.

7 Hours of operation

The normal hours of operation for the depot is from 6am to 4pm Monday to Friday.

8 Existing dwelling

The existing dwelling is currently unoccupied. It will be tenanted in the near future, most likely by a Jarrcon Pty Ltd employee who could also act as a caretaker for the depot.

9 Westernport Green Wedge Policy

The land is located in Precinct 3 under the Westernport Green Wedge Policy. Precinct 3 is located outside the area of high agricultural quality (horticulture) and provides a transition between urban townships and green wedge land. There are existing examples for depot type uses within the area. The business supports rural activities within the green wedge providing earthworks for rural properties (driveways, dams, horse arenas, etc) and earthworks and concreting for house sites in rural areas. It is not possible to secure a site for such a contractors depot within an urban area due to the land area required. Most industrial lots available are too small and industrial areas are now subject to use and building covenants which are prohibitive to the establishment of a contractors depot. The depot occupies 25% of the area of the land (approx. 2ha) with the balance of the land available for grazing/agistment purposes consistent with the purposes of the green wedge.

The contractors depot does not adversely affect the rural character of the area with appropriate screening provided along Seven Mile Road (retention of existing row of canopy trees and fence) and McCraws Road (landscaped mound). The contractors depot has been established in an area formerly used for open paddocks avoiding any biodiversity impacts.

I trust Council will progress with the consideration of the application and issue a permit in due course for a significant business within the Cardinia Shire providing local employment and services to area.

Regards



Phil Walton
XWB Consulting

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