

2 REMOVAL OF VEGETATION AT 105 JETTY ROAD, LANG LANG

FILE REFERENCE INT1741756

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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RECOMMENDATION

That a Refusal to Grant Planning Permit T160670 be issued for 'Removal of Roadside Vegetation' at 105 Jetty Road, Lang Lang for reasons set out in this report.

Attachments

- | | | |
|---|-------------------|---------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 2 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160670
APPLICANT:	David Shandley
LAND:	105 Jetty Road, Lang Lang VIC 3984
PROPOSAL:	Removal of roadside vegetation and re-construction of the existing boundary fences
PLANNING CONTROLS:	Rural Conservation Zone Schedule 1 Land Subject to Inundation Overlay Environmental Significance Overlay Schedule 2 (Land along coastal line) Clause 52.17 Native Vegetation
NOTIFICATION & OBJECTIONS:	Notification has not been required to be undertaken under Section 52 of the Planning and Environment Act 1987
KEY PLANNING CONSIDERATIONS:	Clause 52.17 Native Vegetation
RECOMMENDATION:	Refusal

BACKGROUND:

Planning Permit T120045 was issued for Use and development of the land for the purpose of a dwelling, two outbuildings (machinery shed and stables and staff amenities) and use of the land for animal husbandry, excavation in excess of 1m (dam) and fill in excess of 1m – fill pad on 12 November 2012.

SUBJECT SITE

The site is located on the on the northern side of Jetty Road Lang Lang. A crossover is located on the southern alignment of the site and the property is not affected by any easements.

The land currently contains an existing dwelling and associated outbuildings. The property has also been used for agricultural purposes.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- North - The property to the north side of the subject site is a vacant rural allotment used for agricultural purposes.
- South - Access Road (Jetty Road) is located on the southern side of the site.
- East - The property on the eastern side is developed for residential and agricultural purposes and contains a dwelling and outbuildings.
- West - The property towards the western side is being used as a caravan park along the coastal line.

PROPOSAL

Approval is sought for the removal of road side vegetation along the southern and western property boundaries to construct a boundary fence to make that land suitable for cattle grazing.

The application provides limited information with regards to the vegetation proposed to be removed, however it states that the species of the trees is Tea Tree and the extent of vegetation removal has been provided as a patch of approximately 0.054 ha.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 12.01-1 Protection of Biodiversity
- Clause 12.02-1 Protection of coastal areas

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-1 Catchment and coastal management
- Clause 21.02-3 Biodiversity

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.17 Native Vegetation
- Clause 65 The Decision Guidelines

Zone

The land is subject to the **Rural Conservation Zone Schedule 1**

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay (Part)

PLANNING PERMIT TRIGGERS

The proposal for removal of vegetation requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 52.1-2 of Native Vegetation provisions, a planning permit is required for vegetation removal.
- Pursuant to Clause 42.01-2 of Environmental Significance Overlay Schedule 2, a planning permit is required for vegetation removal.

PUBLIC NOTIFICATION

Public notification has not been carried out as the information provided with the application is not sufficient.

DISCUSSION

The subject site is located close to the coast line. The property is approximately 39.06ha in size and is currently being developed for residential purposes contain a dwelling and associated outbuildings. The property has also been used for grazing and contains livestock.

The application proposes to remove roadside vegetation along the southern and western boundaries of the site. The southern boundary abuts Jetty Road and the western boundary abuts the coast line and the caravan park located along the coast line.

The application states that the species of the trees is Tea Tree and the biodiversity assessment completed by the applicant states that the extent of the removal is approximately 0.054ha.

The roadside vegetation shown on the site plan is part of Council's roadsides of conservation significance. The first 100m metres of the property, along the Lang Lang coast, supports native coastal vegetation, waterbodies with Council records recognising threatened flora species.

In Council's assessment of the application, Council officers determined that the information provided is insufficient to assess the application.

- In Council's letter dated *10 November 2016*, information in relation to the vegetation in accordance with Clause 52.17 was requested. A response to this request has been submitted on 30 November 2016, however the information was still inadequate.
- In order to obtain more details, Council sent a request for further information on *23 December 2016* and Council had not received a response since this date.

- A final notice was sent on 3 April 2017 requesting the outstanding information to allow a full assessment, however Council has not received a response to date.

The application, with limited information, was assessed by Council's Environment Department and the department was not supportive of the proposed vegetation removal.

It is Council Officers' view that the applicant has been provided with sufficient time and the applicant has failed to provide the information within the prescribed time. As such, Council Officers determined that the application provides insufficient information to make an assessment and therefore must be refused.

CONCLUSION

It is recommended that a Refusal to Grant Planning Permit T160670 be issued for 'Removal of Roadside Vegetation' at 105 Jetty Road, Lang Lang for on the following grounds:

1. Council Officers determined that the application does not provide adequate information in accordance with Clause 52.17 and Environmental Significance Overlay Schedule 2 in order to assess the application.
2. The application should be refused based on applicant's failure to provide sufficient information.



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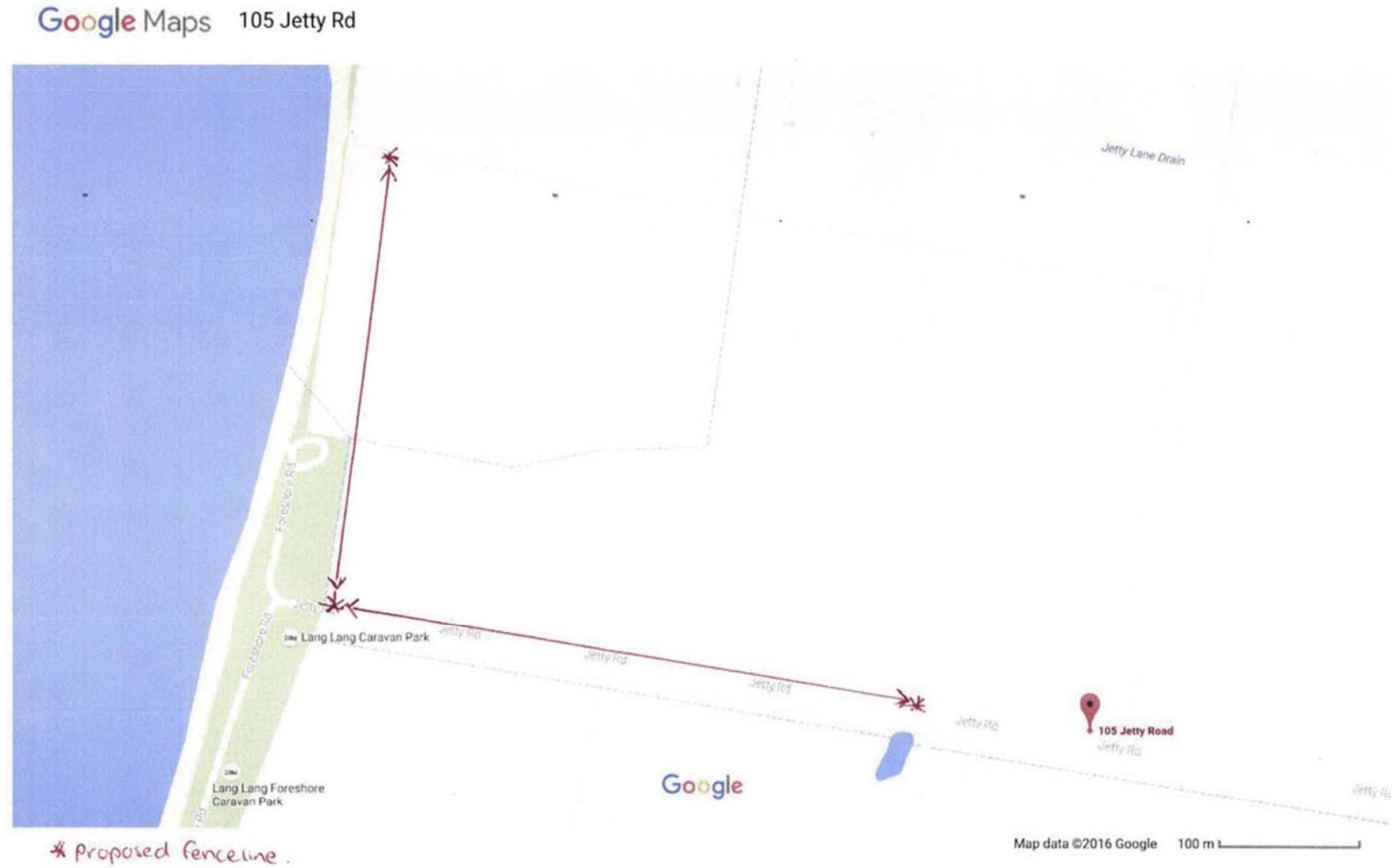
18-Jun-2017

Notes



11/28/2016

105 Jetty Rd - Google Maps



<https://www.google.com.au/maps/place/105+Jetty+Rd,+Lang+Lang+VIC+3984/@-38.3051807,145.5262891,17z/data=!4m5!3m4!1s0x6b29ff9c0e4a59b3:0x2357785c934de3b8!8m2!3d-38.3077828!4d145.5308703>

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11/28/2016

105 Jetty Rd - Google Maps

Google Maps 105 Jetty Rd



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<https://www.google.com.au/maps/place/105+Jetty+Rd,+Lang+Lang+VIC+3984/@-38.3074073,145.5257736,2071a,20y,6.07t/data=!3m1!1e3!4m5!3m4!1s0x6b29ff9c0e4a59b3:0x2357785c934de3b8!8m2!3d-38.3077828!4d145.5308703> 1/1