

**YR-2022/356 - 2420 WARBURTON HIGHWAY, YARRA JUNCTION - PLANNING REPORT**

**APPLICATION DETAILS**

<b>Site Address</b>	2420 Warburton Highway (Crown Allotment 1) & 1A Township of Yarra Junction Parish of Woori Yallock) Yarra Junction
<b>Application No.</b>	YR-2022/356
<b>Proposal</b>	Use and development of the land for an unattended service station (fuel sales), automatic car wash, associated dog wash and vacuum areas, removal of vegetation, business identification signage (including internally illuminated and electronic) and alteration to a road in a Transport Zone 2
<b>Existing Use</b>	Mechanic automotive repairs and servicing
<b>Applicant</b>	AP Planning (Annabel Paul)
<b>Zone</b>	GRZ1 - General Residential Zone - Schedule
<b>Overlays</b>	DDO8 - Design and Development Overlay - Schedule 8 SLO22 - Significant Landscape Overlay - Schedule 22 BMO - Bushfire Management Overlay
<b>Permit triggers</b>	<p>Clause 32.08 - General Residential Zone</p> <ul style="list-style-type: none"> <li>• Section 2 (Service Station) use</li> </ul> <p>Clause 32.08 - General Residential Zone</p> <ul style="list-style-type: none"> <li>• Section 2 (Car wash) use</li> </ul> <p>Clause 32.08- General Residential Zone</p> <ul style="list-style-type: none"> <li>• To construct a building or construct or carry out works</li> </ul> <p>Clause 43.02- Design &amp; Development Overlay – Schedule 8</p> <ul style="list-style-type: none"> <li>• To construct a building or construct or carry out works</li> </ul> <p>Clause 42.03- Significance Landscape Overlay - Schedule 2</p> <ul style="list-style-type: none"> <li>• To construct a building or construct or carry out works when the site coverage exceeds 30% and the impervious area is more than 50%</li> <li>• Remove vegetation</li> </ul> <p>Clause 44.06- Bushfire Management Overlay</p> <ul style="list-style-type: none"> <li>• To construct a building or construct or carry out works associated with a Service Station</li> </ul> <p>Clause 52.05- Signs</p> <ul style="list-style-type: none"> <li>• To construct or put up for display a sign in Section 2. Business Identification signage (including internally illuminated and electronic signage)</li> </ul> <p>Clause 52.29 - Land adjacent to a Principal Road Network</p>

	<ul style="list-style-type: none"> <li>To alter access to a road in a Transport Zone 2</li> </ul>
<b>Objections</b>	two (2) objections
<b>Encumbrances on Title (Covenants/Section 173 Agreements/easements)</b>	Lot 2 (1A Township of Yarra Junction Parish of Woori Yallock) Yarra Junction) is Crown Land
<b>Reason for Council Decision</b>	Councillor Call – In
<b>Ward</b>	O'Shannassy

## SUMMARY

- The proposal seeks approval for an unattended Service Station (6x fuel pumps) and Carwash (2 x bays) operating 24 hours a day, seven days a week, with ancillary vacuums and a dog wash activity with reduced operation hours;
- The proposal does to not achieve the objectives and strategies of numerous planning policies, including Municipal Planning Strategic (Clause 02) and fails to align with the purpose of the Zone;
- The application has failed to satisfactorily demonstrate that the proposal provides any net community benefit/need and that residential amenity and character won't be negatively affected;
- A review of the application, the subject site and the current relevant provisions of the Yarra Ranges Planning Scheme makes clear that this site is simply not suitable for a service station and car wash land uses and sought-after operation of 24 hours per day, 7 days per week;
- The commercial needs should not replace the limited supply for housing and accommodation opportunities afforded to the local community unless there is strong benefit to community as a whole;
- The subject site is located in a sensitive residential context that will create ongoing conflicts between residents and the proposed uses and development;
- The proposal will generate unreasonable noise (day and night) and light pollution (night). While some measures could be implemented to counter these impacts, such as baffling lighting and acoustic rated boundary fencing, these standard amenity protection measures would be insufficient to provide a suitable level of amenity protection for this residential area;

- The proposal fails to consider retention of highly valued significant trees, these will be lost through the proposed development, or include provision for new tree planting or significant landscaping;
- The subject site is located within a high amenity area and the proposed extent of signage and signage illumination within the prominent streetscape represents an unacceptable visual clutter and visual disturbance to the township character; and
- The proposal received two (2) objections. The primary issues raised were amenity, traffic, health, safety and no community land use need.

## RECOMMENDATION

***That Council resolve to refuse Planning Application YR-2022/356 for Use and development of the land for an unattended service station (fuel sales), automatic car wash, associated dog wash and vacuum areas, removal of vegetation, business identification signage (including internally illuminated and electronic) and alteration to a road in a Transport Zone 2 at 2420 Warburton Highway (Crown Allotment 1) & 1A Township of Yarra Junction Parish of Woori Yallock) Yarra Junction and issue a Notice of Refusal subject to the grounds in Attachment 1 to the report.***

## DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007 (Vic) as to the need for a Cultural Heritage Management Plan (CHMP). It has been assessed that a CHMP is not required.

## EXTRACTIVE INDUSTRY

The subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

## **HUMAN RIGHTS CONSIDERATION**

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## **SITE LOCATION AND DESCRIPTION**

The subject site is located in the township of Yarra Junction, on the south-western corner of the intersection of Warburton Highway and Station Street (refer to Figure 1).

The subject site comprises of two parcels of the land; one parcel (Crown Allotment 1) is a corner allotment with access points at Warburton Highway and Station Street with a total site area of 1,417 square metres. The second parcel of land (1A Township of Yarra Junction Parish of Woori Yallock) is directly abutting to the west, is owned by Department of Environment, Land, Water and Planning (DELWP) and has underground drainage running through which is managed by Yarra Valley Water. Both DELWP and Yarra Valley Water have been made aware of the application.

The site currently contains:

- a single storey building, sited close to and facing Warburton Highway frontage;
- two vehicle access points along Warburton Highway and one point on Station Street;
- several high significant valued trees and an open grassed area; and
- a notable 3.5 metre fall across the land running in a downward direction from southwest to northeast towards the Warburton Highway. See Figure 2, 3 and 4



Figure 1 - Subject Site Aerial



Figure 2 - Existing building on subject site viewed from Warburton Highway



Figure 3 - View of subject site from Station Street looking north-west



Figure 4 - View of subject site from Linden Avenue looking north

## SURROUNDING AREA

The subject site is located on edge of the existing commercial area, within an area zoned for residential use as can be seen in Figure 5.

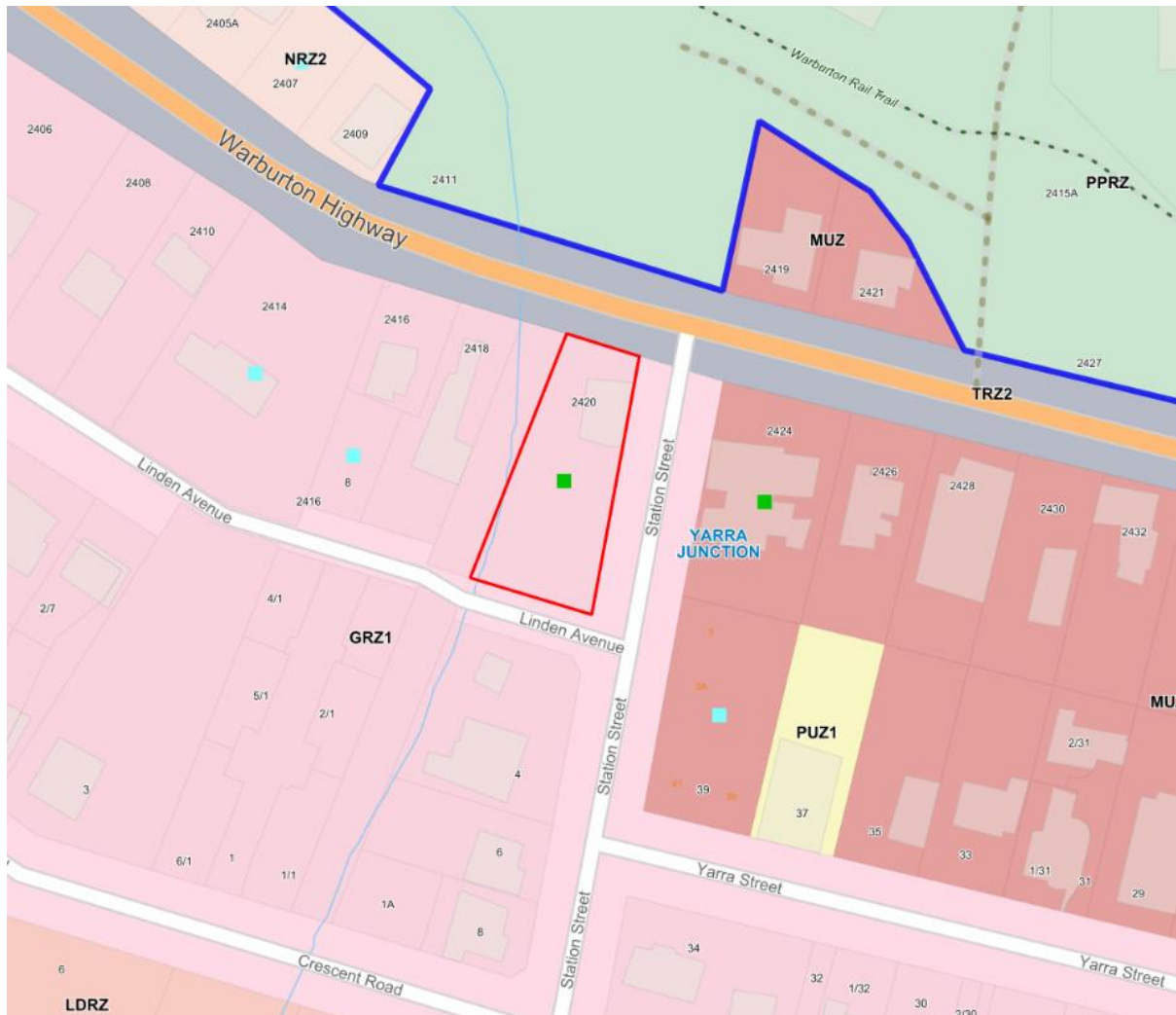


Figure 5 - Planning zones of the subject site and surrounds.

Immediately adjoining:

- To the west is a commercial building and beyond this residential properties;
- To the east is the Yarra Junction commercial strip and the heritage listed Cunningham Hotel;
- To the north is the Yarra Junction Recreation Reserve; and
- To the south a Childcare Centre and residential properties beyond this.

## PROPOSAL

The key components, as shown in Figure 6 and 7, of the proposal are:

<b>Use, Buildings and works</b>	
Service station (fuel bowzers)	<ul style="list-style-type: none"> <li>• Six fuel bowzers</li> <li>• Installation of new 90,000L underground fuel tanks</li> <li>• Canopy structure of over fuel bowzers achieving varied maximum building heights of 5.0 metres to 6.8 metres</li> <li>• The use and development of an unattended service station operating 24 hours a day, seven days a week.</li> </ul>
Car wash	<ul style="list-style-type: none"> <li>• Varied maximum building height of 5.5 metres - 6.7 metres</li> <li>• operating 24 hours a day, seven days a week</li> </ul>
Vacuums	<ul style="list-style-type: none"> <li>• 4.5 metres maximum building height</li> <li>• The vacuum bays will be available between 5am and 10pm</li> </ul>
Dog wash	<ul style="list-style-type: none"> <li>• Undisclosed building height</li> <li>• Dog wash will be available between 7am and 10pm</li> </ul>
External lighting	<ul style="list-style-type: none"> <li>• Three 6 metre high light poles sited along Station Street</li> <li>• Other lighting under car wash and fuel bowser canopies.</li> </ul>
Fencing	<ul style="list-style-type: none"> <li>• Install two metre high acoustic rated fencing on a western title boundary interfacing the residential area.</li> </ul>
Signage	<ul style="list-style-type: none"> <li>• An illuminated double-sided sign located in the Warburton Highway frontage - 4.9 metres height x 1.4 metres width.</li> <li>• Two illuminated signs on the canopy for the fuel bowzers - 7.0 metres x 0.6 metres.</li> <li>• A panel sign on the canopy of the vacuum bay – 7.3 metres by 0.9 metres</li> <li>• White lettering on the car wash building forming two signs – 6.8 metres by 0.6 metres and 4.7 metres by 1.1 metres.</li> <li>• Two direction signs near the Station Street access – 2.4 metres by 0.9 metres.</li> </ul>
Tree removal	<ul style="list-style-type: none"> <li>• The removal of four eucalyptus trees, three of which are high valued</li> </ul>



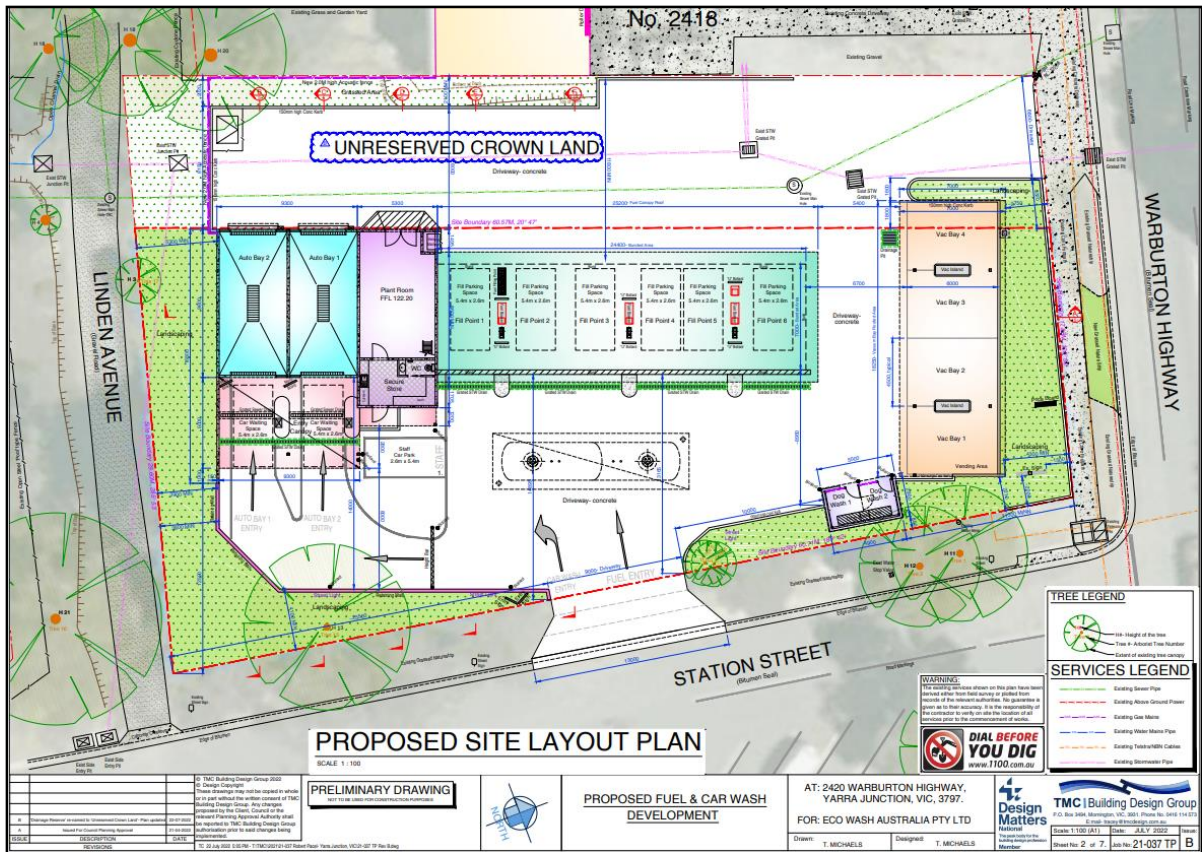


Figure 6 - Proposed Site Plan

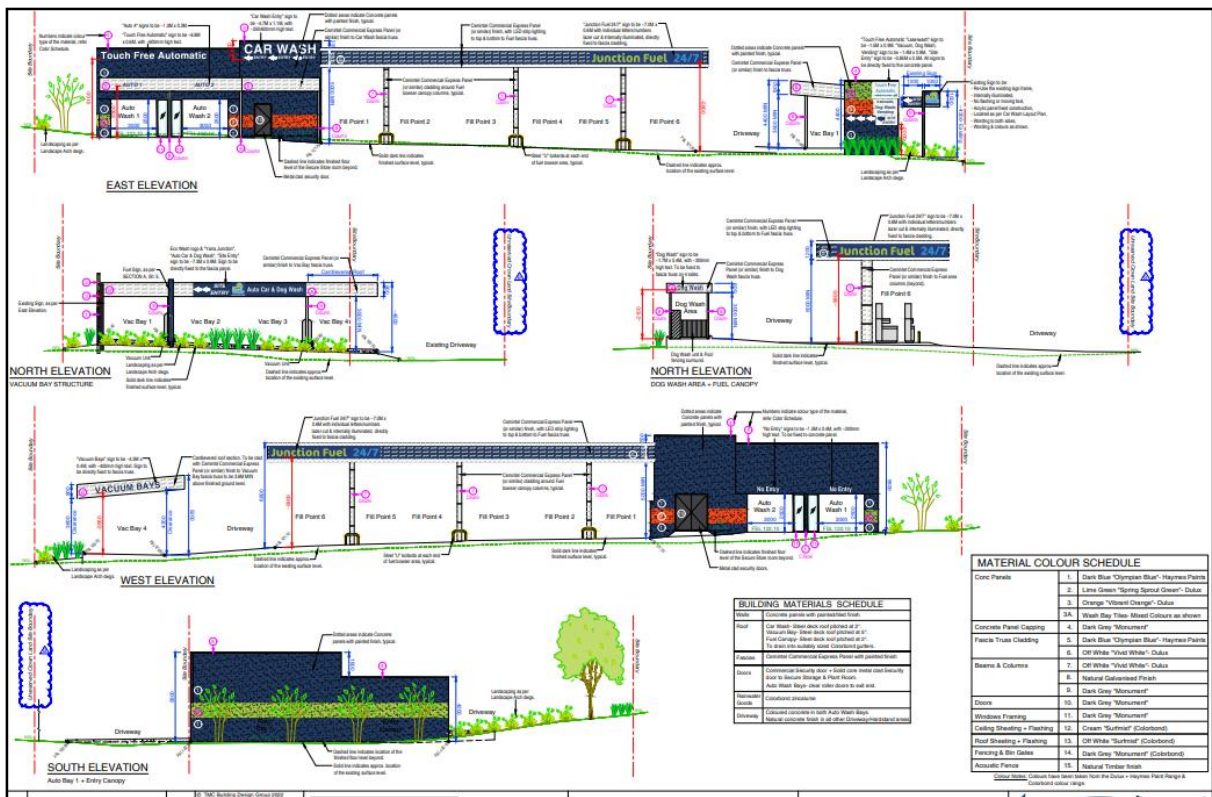


Figure 7 - Proposed Elevation

## HISTORY

A search of Council records revealed no planning history.

## PLANNING CONTROLS

<b>Zoning:</b>	Clause 32.08 General Residential Zone
<b>Overlay:</b>	Clause 42.03 Significance Landscape Overlay - Schedule 22 Clause 43.02 Design & Development Overlay – Schedule 8 Clause 44.06 Bushfire Management Overlay
<b>Planning Policy:</b>	<p>Clause 11 (Settlement) seeks for:</p> <ul style="list-style-type: none"><li>• Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.</li></ul> <p>Clause 12 (Environmental and Landscape Values) seeks to:</p> <ul style="list-style-type: none"><li>• Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environment.</li></ul> <p>Clause 13.02 (Environmental Risks and Amenity – Bushfire) seeks to:</p> <ul style="list-style-type: none"><li>• Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.</li></ul> <p>Clause 13.05 (Environmental Risks and Amenity - Noise) seeks to:</p> <ul style="list-style-type: none"><li>• Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.</li></ul> <p>Clause 13.07-1L (Non-residential uses in residential areas) seeks to:</p> <ul style="list-style-type: none"><li>• Discourage the incremental encroachment of commercial uses into residential neighbourhoods</li></ul>

- Discourage non-residential uses from forming ribbon development along land abutting a Road Zone and forming a quasi-commercial area.
- Design use and development to be compatible with the surrounding character and amenity of residential neighbourhoods.
- Set back non-residential development from common boundaries and provide effective landscaping and screening buffers to protect residential amenity of abutting and nearby residential land.

Clause 13.07-1S (Land use compatibility) seeks to:

- To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts

Clause 15 (Built Environment and Heritage) seeks to:

- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Require development to respond and protect to its context in terms of neighbourhood character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment
- Adopt housing and settlement strategy detailing need and identify locations for rural residential development

Clause 17 (Economic Development) seeks to:

- Protect and strengthen existing and planned employment areas and plan for new employment areas. Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

	<ul style="list-style-type: none"> <li>To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.</li> <li>Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.</li> </ul>
<b>Clause 51.03:</b>	Nil
<b>Schedule to Clause 51.03:</b>	Nil.
<b>Particular Provisions:</b>	Clause 52.05 - Signs Clause 52.29 - Land adjacent to a Principal Road Network
<b>Other Requirements:</b>	Clause 65 – Decision guidelines

For further information on the planning policies refer to Attachment 2.

### **External Referrals**

This application was referred to the following statutory referral authorities for advice on particular matters. The following is a summary of the relevant advice:

<b>Referral Authority</b>	<b>Consent/Objection Summary of Response</b>	<b>Officer comment</b>
<b>CFA</b> <i>Recommended referral authority</i>	No objection subject to conditions	Recommending conditions to be inserted to any permit granted
<b>Environment Protection Agency</b> <i>Recommended referral authority</i>	No objection.	No conditions
<b>Worksafe</b> <i>Recommended referral authority</i>	No objection subject to conditions	Recommending conditions to be inserted to any permit granted
<b>VicRoads</b> <i>Determining referral authority</i>	No objection subject to standing conditions	Recommending conditions related to crossover upgrades and vehicles to enter and exit in a forward direction.

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

<b>Department</b>	<b>Summary of Response</b>	<b>Officer comment</b>
<b>Traffic Engineering</b>	No concerns raised with traffic flows, subject to standard conditions seeking no entry from Warburton Highway	Recommending conditions to be inserted to any permit granted
<b>Drainage Engineering</b>	No concerns raised subject to standard conditions	Recommending conditions to be inserted to any permit granted
<b>Strategic Planning</b>	Not supported  On balance, it is considered that the application is contrary to planning policies and should not be supported	While the nature of the proposed development is not in itself unreasonable in a town environment, the proposed site is unsuitable, and it is considered that there is more strategic and policy guidance against the proposal than in favour of it.

### ***Public Notification and Consultation***

Notification of the application was undertaken by placing two signs on site and mailing notices to properties in the surrounding area.

Two (2) objections were received. Matter of concerns raised were:

- Health Affects;
- Traffic Congestion;
- Amenity issues;
- Devaluation of properties in close proximity;
- Drainage;
- No demand for Service Station; and
- The unmanned petrol station will increase the crime rate and unsavoury behaviour.

### **ASSESSMENT/ KEY ISSUES**

This subject site currently operates an existing commercial land use (motor vehicle repairs) which has been operating for a number of years however, a review of the application material, the subject site and the current relevant provisions of the Yarra Ranges Planning Scheme makes clear that this site is simply not suitable for a service

station and car wash land uses and sought-after operation of 24 hours per day, 7 days per week.

As such the assessment below discusses these concerns and the reasons for recommending Refusal for the proposed application.

## **PLANNING POLICY AND ZONE**

The proposal has been assessed as not being in accordance with the applicable Zone and Overlay provisions, the Planning Policy requirements, Particular provisions and Decision Guidelines of the planning scheme.

Relevant policies of concerns are as follows:

Clause 02 (Strategic Direction) Yarra Junction is nominated as a Large Neighbourhood Activity Centre. Some key strategic directions and strategies supporting the Vision include:

- The identity and rural town character of settlements is enhanced by their location in a rural landscape setting and distinct separation from other urban areas;
- Neighbourhood Activity Centre to serve as catchments that extends into the rural hinterland, perform a significant role in the provision of community and civic services, with some also providing a range of retail, commercial, entertainment, community service, facilities and services for tourists;
- Land adjoining these centres is generally an appropriate location for additional housing;
- Non-residential business uses in residential zones uses that meet local community needs;
- Discourage activity centre functions in out of centre locations;
- Support housing within and adjoining activity centres; and
- Support well-designed and integrated activity centres that service the needs of local residents and visitors and contribute to a sense of local identity.

*The proposal fails to demonstrate a local need and benefit to the community sought by Clause 02.03.3 (Environmental Risks and Amenity - Amenity), Clause 17.02-1S (Business) and the purpose of Clause 32.08 (General Residential Zone) of the Yarra Ranges Planning Scheme;*

The listed policies and zone emphasise the key words 'local' and 'need' in the context of community benefit. Quite specifically, the relevant purpose of General Residential Zone states "To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations".

Notably, service stations and car washes fall into the category of non-residential uses. These land uses tend not to be an essential daily service, with service stations and car washes usually found in commercial and industrial zoned areas, or located within a residential zoned area adjacent to a commercial area or main road provided there is a strong justification for a local community need and benefit.

In supporting the proposal, the applicant's notable arguments were:

- Commentary detailing an absence of the proposed land uses within Yarra Junction Township's specific township boundaries, relying heavily upon the absence being translated as an automatic unmet local community need;
- Commentary stating that the proposal also supports a broader community and in particular the farming communities to the south-east of Gladysdale, Three Bridges, Gilderoy and Powelltown, which heavily rely on Yarra Junction for daily needs and don't have a fuel offering in their local towns; and
- An accompanied Traffic Report prepared by Traffix Group, details evidence of documented VicRoads 2020 traffic volume data via Warburton Highway in the vicinity of Station Street to be 8,100 vehicles per day (two-way) with 9.8% commercial vehicles (CV). Vehicles movement appears to signify a possible customer demand. The report further includes estimated traffic volumes of 176 vehicle movements per hour (88 inbound and 88 outbound movements) for the proposed uses. There is no mention of peak or off-peak timeframes for the proposed traffic estimates.

Council Officers are not satisfied there is sufficient reasoning and justification to suggest there is current and/or future local unmet community need. The commercial needs should not replace the limited supply for housing/accommodation opportunities afforded to the local community unless there is strong benefit to the community as a whole.

Yarra Junction is characterised as a Large Neighbourhood Activity Centre under Clause 02.03, with no foreseeable population growth. Accordingly, Council's subscribed population forecasting analysis prepared by Id.Consulting Pty Ltd which details a minor population increase over the next 20 years (2041) to be 341 persons. Population forecast found on Council's website. <https://forecast.id.com.au/yarra-ranges/population-summary>. This analysis notably draws consideration to the fact that Yarra Junction's available residential area is mostly shared between Low Density Residential and Neighbourhood Residential zoning which inherently limits infill housing growth potential afforded.

Within minutes of Yarra Junction Township, the outer neighbourhood activity areas on either side of the Yarra Junction Township along Warburton Highway supply several service stations that operate 7 day a week, up to 11pm with break out areas, food and drinks purchases (see *Figure 8*). There appears no shortage of available service stations catering for the Yarra Junction local community and broader communities.

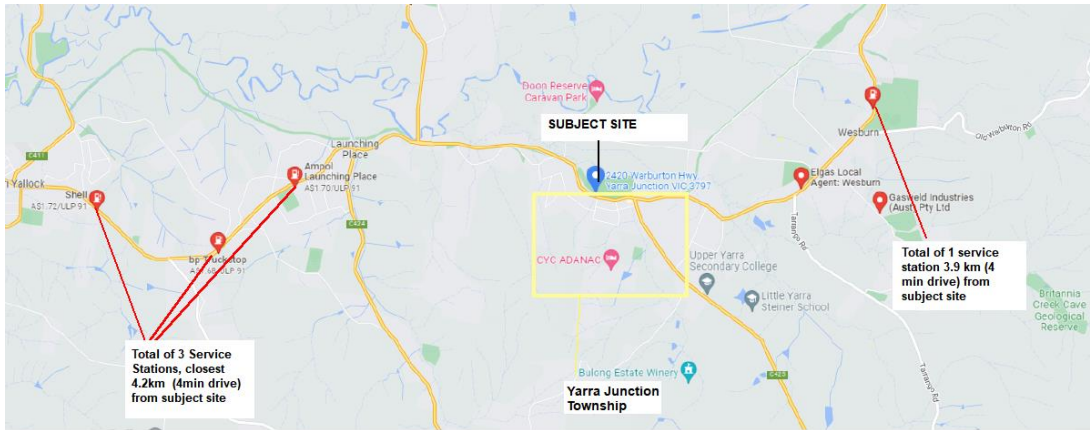


Figure 8 – Existing Service Stations nearby

Broader communities such as Gladysdale have access to the Wesburn service station operating 7 day a week, up to 11pm. Reaching this existing service station is indifferent by same physical distance and road, when compared with Gladysdale to the proposed service station.

The Yarra Junction township commercial area is generally inactive beyond the traditional daytime business hours, except for the Cunningham Hotel and Woolworths further east, closing at 10pm. The proposed 24/7 operation appears to not benefit or form a nexus with the localised economy, supporting commercial resilience.

The application material fails to demonstrate a local community need for a 24-hour service station and car wash. From observing indicators of population size, locality, proximity to wider employment areas and local commerce, all indicators conclude there is no overwhelming need for 24/7 access to fuel and car washing in Yarra Junction.

Overall, the application material fails to substantiate the proposed land uses resolve an unmet 'local' community need and the location be appropriate in lieu of the intended well-appointed housing opportunities for Yarra Junction.

*The proposal fails to align with objectives and strategies of Clause 02 (Built Environment and Heritage), Clause 12.05 (Significance Environment and Landscapes), and Clause 15.01-1S (Urban design), 15.01-2S (Building Design), of the Yarra Ranges Planning Scheme, demonstrating a development scale, appearance and layout that is incongruous and disrespectful to the rural township character and identity, streetscape character and wider residential character;*

The subject site is located in a sensitive residential context that will create ongoing conflicts between residents and the proposed uses and development.



The buildings and works required will bring about a substantial change to this location, with problematic features including:

- Large hard stand areas;
- High building site coverage, comprising a large main canopy above the fuel bowsers as well as the car wash facilities, vacuum bays and dog wash facilities;
- Necessitate the illumination of the hard stand areas, car wash and other features during the night, via a 24/7 operation;
- Placement of machinery and carparking along frontage to gateway into the township
- Introduction of bold large coloured and lit surfaces;
- limited landscaping opportunities; and
- The removal of trees with a high significance retention value

The proposed commercial use and development in this location encourages the commercial ribbon effect to an abutting Road Zone and forms a quasi-commercial area.

A 24/7 operation within a streetscape that consistently operates traditional business hours is not in character with the identity of the township. The proposal fails to respond appropriately to the following strategies from Clause 15.01-2S:

- *Ensure development responds and contributes to the strategic and cultural context of its location;*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm;*
- *Encourage development to retain existing vegetation; and*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

The proposed colours and colour tones of blue, green and orange palette and application of across the entire built form surfaces results in non-complementary visual outcome against the prominent existing colours/colour tones found in the immediate area. The proposal will have a visually discordant appearance that is at odds with the low key, informal, significant landscape character of Yarra Junction.

*The proposal fails to align with objectives and strategies of Clause 13.07-1S (Land use compatibility) and Clause 13.07-1L (Non-residential Uses in Residential) of the Yarra Ranges Planning Scheme with a use and development that is incompatible with the surrounding neighbourhood;*

The proposal will generate unreasonable noise (day and night) and light pollution (night). While some measures could be implemented to counter these impacts, such as baffling lighting and acoustic rated boundary fencing, these standard amenity

protection measures would be insufficient to provide a suitable level of amenity protection for this residential area.

The proposed 24/7 operation would result in an overnight commercial lighting within a residential area, and within a rural township core streetscape that is otherwise absent of any such lighting attributes. Council requested a site lighting spill plan to assist in properly assessing the potential lighting impacts, but the applicant did not supply this plan to address this concern.

The lighting requirements for the development has the potential to create a detrimental impact on the streetscape and residential character of the area. The development will deliver an unreasonable amount of lighting pollution at both at an eye level and at an elevated level. The light pollution is excessive and unnecessary and there will be no overwhelming community benefit to substantiate a dramatic introduction of overnight commercial lighting to the township's characteristic features.

In addition to noise and lighting considerations, there is also likely to be rubbish and odour associated with the operations of an unmanned service station and cash wash. It is considered that all these impacts will combine to create detrimental amenity impacts of a kind that are unreasonable in this residential context.

*The proposal fails to align with the objectives and Strategies of Clause 12.05 (Significant Environment and Landscape Values), Clause 42.02 (Significant Landscape Overlay – Schedule 22) and Clause 43.02 (Design and Development Overlay - Schedule 8) of the Yarra Ranges Planning Scheme by not incorporating meaningful landscaping provisions to soften built form and activities and not incorporating tree replacement provisions to assist the development integrations into its identified surrounding landscape character;*

The proposal fails to consider retention of highly valued significant trees or include provision for new tree planting. This lack of consideration is considered to be an inherent nature of these types of land uses. The landscape value of the site and the massing of the trees with neighbouring vegetation all contributes to the significant landscape character and values of the area more broadly, and these will be lost through the proposal.

The proposal fails to achieve the landscaping design outcomes of Design and Development Overlay Schedule 8 in that street frontages should provide sufficient area for the retention and planting of canopy trees. Developments should be designed to retain existing trees where possible and provide at least two canopy trees (with a maturity height of no less than 8 metres) in the front setback.

Warburton Highway is a prominent streetscape to the Township's identity and the proposal responds poorly by proposing minimal landscaping setbacks at the property boundaries. The 4.0 metre high vacuum structures proposed within the Warburton Highway frontage is an inappropriate design response and for an interface to the gateway into the Yarra Junction township core. The new landscaping opportunities afforded along Warburton Highway frontage is limited to low lying shrubs, which will fail to make a significant contribution to the streetscape character.

The vegetation removal will further open up views of the site, particularly to the south and west where the residential hinterland is located and abuts Station Street and Linden Avenue.

*The proposed signage fails to achieve an appropriate response in a Category 3 - High amenity area in that the proposal is promoting excessive visual clutter and visual disturbance to the streetscape character and Yarra Junction township rural character.*

The subject site is located within a high amenity area and the proposed extent of signage and signage illumination within the prominent streetscape Represents an unacceptable visual clutter and visual disturbance to the township character. There has been no attempt by the applicant to explore an appropriate signage design response for a local context.

Notable signage attributes that generate concern include:

- All building surfaces occupy signage;
- High volume of signage repetition;
- Majority of signage is illuminated; and
- Colour palette comprises brightly toned dark blue background and florescent bright green and orange text and images. Neither colours or colour tones are complementary to the immediate rural natural landscape character.

### **Safety**

The proposal seeks an unattended carwash and ancillary activities. This operation type is common business operation particularly within a metropolitan area context.

The proposal seeks unattended service station. This operation is generally less common, however in recent times businesses are opting for pay-first option after services 10pm – overnight – with or without an employee present on site.

The proposal seeks to operate with 1 employee for maintenance and deliveries during the daytime hours. This employee is not guaranteed every day.

For safety operations this business will have an emergency number 13 Operator printed in prominent on-site locations for customers to call for any concerns. This number is linked to a 24hour call centre to direct to maintenance or emergency services. This is a common practiced for unattended cash washand service station businesses.

### **Clause 71.03-2 Integrated decision making**

A service station is a Section 2 use in the General Residential Zone, and as such, pursuant to Clause 71.03-2 of the Planning Scheme, it does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the

Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Clause 71.02-3 (integrated decision making) of the Planning Scheme requires responsible authorities '*to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*'. In making this judgement, it should be acknowledged that the subject site is at the edge of the Yarra Junction core commercial area. The development of a service station and car wash will provide a service to passing motorists in the area and not just locals. However, it will result in a land use that will be inconsistent with the existing adjacent land uses compromising primarily of residential uses. This will cause a disruption in the land use character of the town centre which is located to the east of the site along the southern side of the Warburton Highway. The proposed use and development will not provide a community benefit that will outweigh the issues of concern with the proposal.

## **CONCLUSION**

The development and land use application has been assessed in accordance with Section 60(1) of 'The Act' and all relevant instruments and policies. The proposal is considered to be inconsistent with the objectives of the relevant planning policies, and the relevant zone and overlay provisions of the Planning Scheme. As such, refusal is recommended.

## **ATTACHMENTS**

Appendix 1 Refusal grounds

Appendix 2 Planning Policies

Appendix 3 Use and Development Plans

Appendix 4 Town Planning Report

Appendix 5 Traffic Impact Report

Appendix 6 Arborist Report

Appendix 7 Acoustic Report