

# Planning Report – 41 Monbulk Road, Mt. Evelyn 3796

## Description of subject land and locality

The subject land comprises land known as 41 Monbulk Road, Mt. Evelyn, Victoria 3796, formally described as Lot 2 on PS 603099R, and is the land comprised in Certificate of Title Volume 10992 Folio 881.

The subject land in its local context is depicted in [Figure 1 – Locality Plan](#).

The subject land has a frontage of 43.54 metres to Monbulk Road on its western boundary and 127.92 metres in total to adjoining land at 43 Monbulk Road, Mt Evelyn and 5 Renouf Court, Mt. Evelyn to its southern boundary. The eastern and north-eastern boundary is to land designated as the Ormeau Road Reserve. The northern boundary of 73.86 is to an automotive repair workshop.

The subject land has a total area of 4,339m<sup>2</sup>.

That subject land is currently developed and has been used as a garden supplies centre, with a main warehouse/office building and associated outdoor storage bays and vehicle manoeuvring and parking areas.

In the vicinity of the subject land, the locality transitions from commercial and industrial immediately to the north, to community land use in the form of the Mt. Evelyn Primary School further north. South and east of the subject land, as well as west of the subject land across Monbulk Road, low-density detached residential dwellings, with some home business activities, predominate.

Where it passes the subject land, Monbulk Road is an undivided road with wide, unmade verges and a single traffic lane in each direction. Opposite the northern part of the subject land, Aqueduct Avenue meets Monbulk Road at a non-signalised T-junction intersection controlled by a “Give Way” sign.

## Applicable planning controls

The subject land is within the area covered by the Yarra Ranges Planning Scheme (Planning Scheme). The planning controls (planning zones and overlays) are depicted in [Figure 2 – Zone Plan](#) and [Figures 3 and 4 – Overlay Plans](#).

The following planning controls apply to the subject land:

- The Industrial 3 Zone (INZ3)
- The Environmental Significance Overlay and Schedule 2 to that overlay (ESO2)
- The Bushfire Management Overlay (BMO)

Monbulk Road, where it forms the western boundary of the subject land, is in the Road Zone, Category 1 (RDZ1).

The subject land is within an area that has been designated as a bushfire prone area under the *Building Act 1993*.

## Description of proposed development

The proposed development comprises the following elements requiring a planning permit:

- *Use of land in the Industrial 3 Zone as a service station.*

Under Clause 73.03 of the Planning Scheme, the defined land use term “service station” means land used to sell motor vehicle fuel from bowsers, and lubricants. It may include other activities, including the selling of food, drinks and other convenience goods, the servicing or washing of motor vehicles and the hiring of trailers.

Within the proposed development, limited provision is made for preparation of food on the premises. Food items to be sold will be prepared and packaged in another location and brought to the site in a final or near-final form for consumption. Any preparation of food will be limited to re-heating and/or assembling pre-prepared components, for example assembling a hot dog. No provision at all is made for food or drink to be consumed on the premises. All food and drink sold to customers will be taken away and consumed elsewhere. Such food and drink sales will remain entirely within the scope of the "other activities" listed in the defined land use term "service station" in Clause 73.03.

The drive-through which forms part of the proposed development will offer the OTR-branded food product range available in the store. This product range includes coffee, juice and other beverages, prepared foods such as sandwiches, pies, salads and wraps and other snacks, and convenience grocery items from the OTR in-store range. The proposed development does not include any element that would result in it falling within the defined land use term "convenience restaurant" or "take away food premises". "Branded" fast-food items such as KFC, McDonalds and Hungry Jacks will not be provided from the drive-through, or at all on the site.

The proposed use of land is therefore correctly and completely classified as a service station as defined in Clause 73.03.

- *Demolition, buildings and works on land in the Industrial 3 Zone.*

All existing improvements on the subject land will be demolished and a new service station will be constructed thereon, comprising:

- A new crossover onto the subject land from Monbulk Road and removal of other existing crossovers.
- A control building of 259m<sup>2</sup> floor area including a drive-through facility with order and pick-up stations.
- A fuel canopy providing 6 fuelling positions and offering 4 grades of fuel in each position.
- Car wash facilities comprising 3 manual (DIY) car wash bays, one automatic drive-through car wash and vacuum facilities to accommodate up to 3 vehicles at any one time.
- One electric vehicle charging position.
- A refuse enclosure.
- 10 car parking spaces (including 1 disabled car parking space) in close proximity to the control building, plus an additional 6 car parking spaces to the north-eastern corner of the site, including provision for trailer hire.
- Underground fuel storage tanks of approximately 210,000 litres total capacity.
- Site landscaping and vehicle manoeuvring and access ways.

- *Buildings and works on land subject to the Environmental Significance Overlay and Schedule 2 to that overlay (ESO2).* A permit is sought for buildings and works under ESO2. No application is made for a permit to remove vegetation under ESO2 because clause 3.0 of Schedule 2 to Clause 42.01 expressly states that "a permit is not required to [...] remove, destroy or lop any vegetation, including dead vegetation".

- *Buildings and works on land subject to the Bushfire Management Overlay (BMO).*

- *Display of signs in a Category 2 area*

The proposed development includes signs as shown in the elevations accompanying this application.

- *Buildings and works and removal of vegetation under Clause 51.03 Yarra Ranges Planning Scheme* (on land within area affected by the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan). Council has indicated that it is of the view that the proposed development requires a planning permit under Clause 51.03.

In addition to buildings and works described above, the proposed development involves the removal of Tree 10 and Tree Group 1 as identified in the Arboricultural Assessment submitted with this report. Further detail is provided in section 4 of this report.

- *Removal of native vegetation under Clause 52.17 of the Yarra Ranges Planning Scheme.*

The Arboricultural Assessment submitted with this report finds that the removal of Tree 10 and Tree Group 1 are not subject to the requirement for a planning permit under Clause 52.17 by reason of qualifying for exemption thereunder or under the provisions of Clause 52.12. In case Council disputes this finding, and on a without-prejudice basis, the applicant seeks a planning permit for such removal.

- *Alteration of access to road in Road Zone, Category 1*

The proposed development involves the creation of a new site access crossover to Monbulk Road for combined site ingress and egress.

The operational days and hours of elements of the proposed development are as follows:

- The manual car wash bays will operate, and waste collection will occur, only during the defined daytime period, that is between 7:00am and 6:00pm, Monday to Saturday, not including public holidays.
- Fuel deliveries and the operation of vacuum equipment will occur only during defined daytime or evening periods, that is between 7:00am and 10:00pm on any day.
- Sales of fuel and the selling of food, drinks and other convenience goods, and the operation of the automatic drive-through car wash facility, will occur on a 24 hour per day, 7 day per week basis.

The maximum number of staff on site at any one time will be three, during peak trading periods (expected to be morning and evening road network peaks). All of these staff will be stationed in the control building to meet customer needs including in relation to the fuel, car wash and trailer hire facilities; these facilities will not be separately staffed.

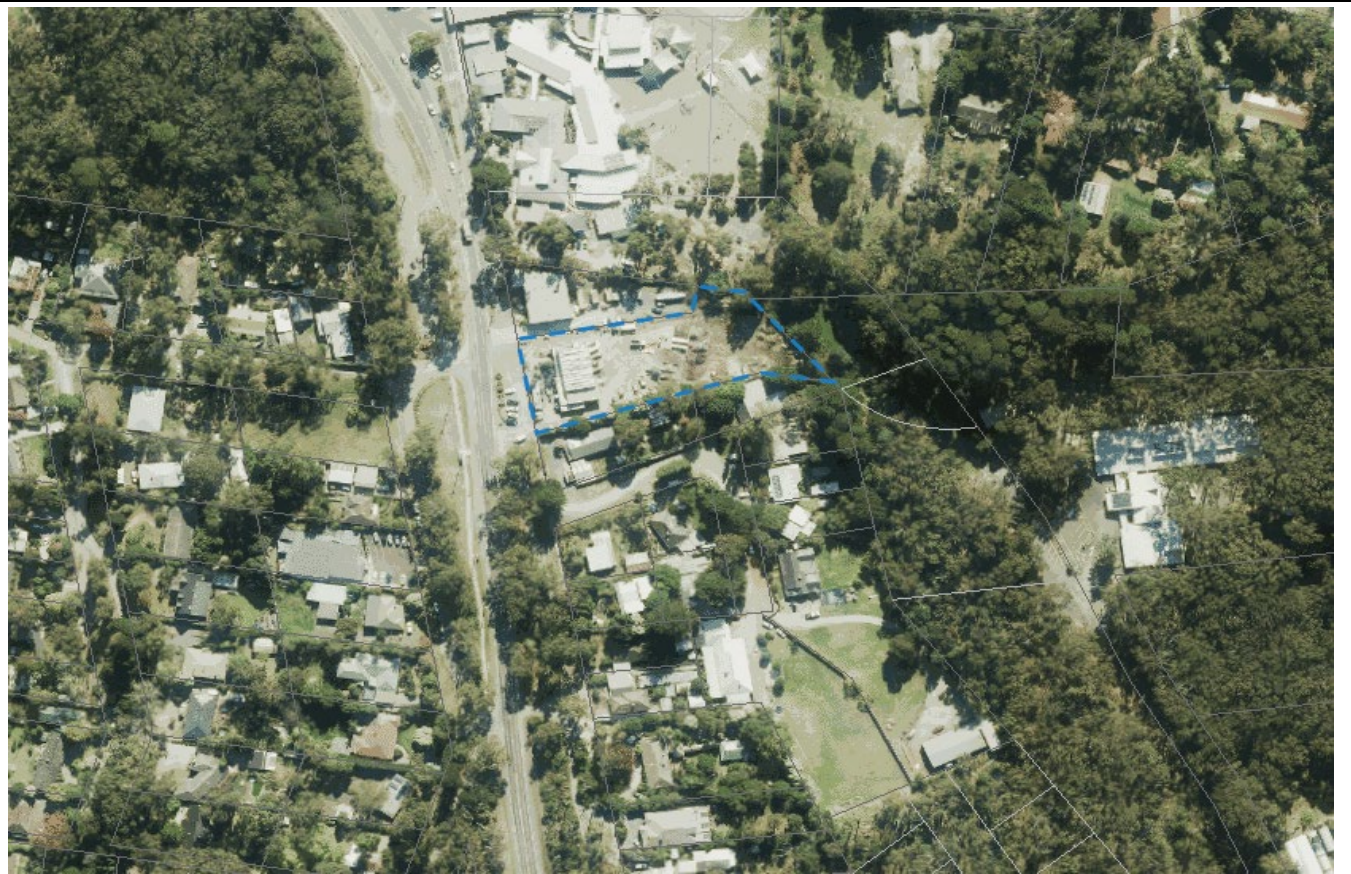


Figure 1 – Locality Plan (base: VicPlan)



Figure 2 – Zone Plan (source: VicPlan)



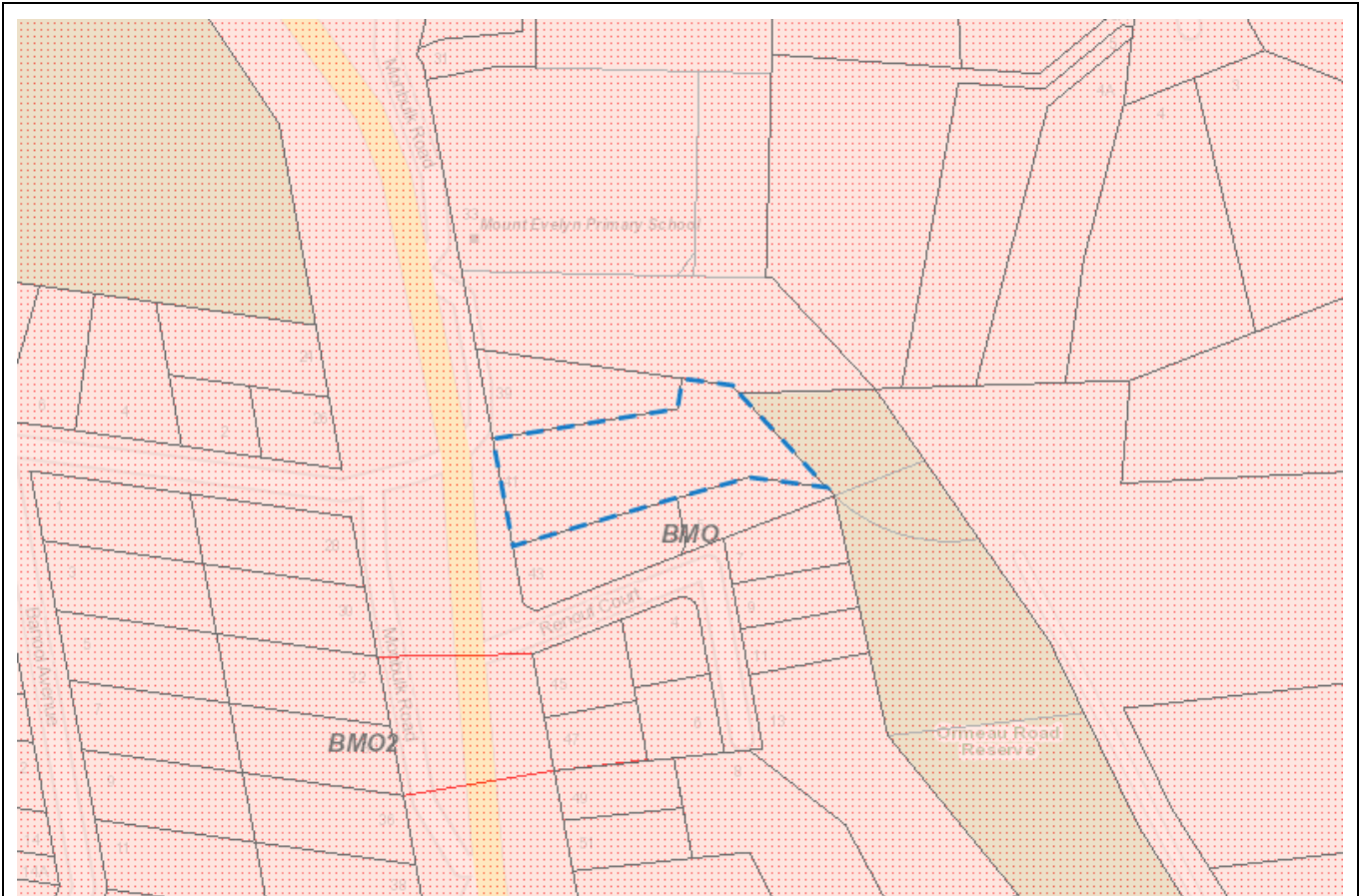


Figure 3 – Overlay Plan – Bushfire Management Overlay (BMO) (source: VicPlan)



Figure 4 – Overlay Plan – Environmental Significance Overlay and Schedule 2 to that overlay (ESO2) (source: VicPlan)

## Planning assessment of proposed development

### 1. Local Planning Policy Framework

Relevant clauses of the Local Planning Policy Framework are as follows:

- LPP 21.06 – Built Form – Objectives, Strategies and Implementation, which includes as policy in relation to applications in the Industrial 3 Zone that buildings be set back a reasonable distance from site boundaries to allow for features, including landscaping, car parking and loading bays, and that provision be made for landscaping within setback areas to enhance the appearance of the area and protect the amenity of any adjoining residential areas.
- LPP 22.01 – Discretionary Uses Residential and Industrial Zones, which has objectives in relation to residential zones including to provide limited and controlled opportunities for non-residential uses that meet the needs of the local residential community, protect the residential amenity of the area and are compatible with the visual, environmental and landscape qualities of the neighbourhood.
- LPP 22.04 – Advertising Signs, which includes as policy the reduction or avoidance of sign clutter, the discouragement of repetitive signs and the encouragement of well designed, legible and appropriately located signs. In residential areas, signs should be unobtrusive and fit with the residential character. In industrial areas signs should be compatible with the streetscape and with the distinctive character of the area and not contribute to sign clutter and should be designed and located so and not to cause a traffic hazard through obstruction of a driver's line of sight or driver distraction.

The proposed development is consistent with and will contribute to relevant outcomes set out in the Municipal Planning Strategy and the Planning Policy Framework by:

- Providing a substantial setback between the subject land frontage to Monbulk Road and the control building and fuel canopy, to accommodate landscaping, car parking and manoeuvring areas and informal vehicle loading and unloading. Substantial parts of the setback will be landscaped to enhance the subject land's interface to nearby public realm and private residential areas.
- Providing a facility that will meet the day-to-day grocery, convenience and fuel needs of the local residential community. The specialist reports provided with this application demonstrate that the proposed development will not have any unacceptable amenity impacts on the locality. The provision of extensive landscaping to the Monbulk Road frontage of the subject land means that the visual and landscape qualities of that site will not be materially diminished.
- Providing for advertising signage which is of a moderate and appropriate scale and which does not contribute to visual clutter. External advertising is predominantly on the west and north elevations of the proposed buildings and structures, so that it is primarily visible from Monbulk Road and land in the Industrial 3 Zone, with minimal visibility from land within the Low Density Residential Zone to the south of the subject land. Proposed free-standing signage is designed and located to inform drivers of the on-site offers and to draw attention to the single crossover onto the site.

Submitted with this report is a Service Station Needs Assessment (Ethos Urban, February 2022) which finds that:

- The Mt. Evelyn suburb (the study area of the purposes of the report) is currently served by a single service station. Based on the population of the area and the average provision of service stations in Victoria, Mt. Evelyn is significantly undersupplied with service stations.

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- A new service station on the subject land would result in a range of benefits including meeting the need for a new service station in the study area; putting downward pressure on local fuel prices; increasing choice; and creating job opportunities.
  - Limited impacts are expected on the existing service station within the study area.
  - The proposed development is assessed as having minimal adverse impacts and an overall net community benefit.
  - The subject land amounts to 0.1% of the industrial land supply of the municipality, and is not part of a significant industrial precinct. There will be no loss of potential agglomeration benefits as a result of the proposed development. Local service industrial land needs can be met in alternative locations which meet the broader industrial needs of local residents and businesses. The proposed development will have negligible impact on the municipal-wide industrial land supply and local community access to service industrial requirements.

Council has expressed the view that, in addition to current gazetted provisions of the LPP, proposed Clause 22.03, Environmentally Sustainable Design, applies to the proposed development as a seriously entertained planning policy. Proposed Clause 22.03 forms part of Amendment C148yrn which as of the date of this report has been adopted by Council and is undergoing departmental assessment.

As exhibited, proposed Clause 22.03 applies where a planning permit is required to use or develop land for specified purposes, including any building with a gross floor area of more than 500m<sup>2</sup>. No building with a gross floor area of more than 500m<sup>2</sup> forms part of the proposed development; none of the other criteria specified in proposed clause 22.03 apply to the proposed development.

Notwithstanding, the applicant has commissioned a Sustainable Management Plan in respect of the proposed development, which accompanies this report. The report:

- Finds that the proposed development achieves compliance with requirements under the BESS assessment undertaken by the consultant.
- Recommends a number of ESD strategies be implemented, including:
  - Separate sub-metering of major services.
  - Building fabric should exceed NCC 2019 insulation levels by at least 10% for floor and ceiling, with all walls and glazing meeting or exceeding the required façade calculations.
  - Use of efficient heating, cooling and hot water systems.
  - Use of energy-efficient LED lights
  - Car wash water recycling system
  - Efficient water fixtures and fittings
- Includes a BESS Output Report and annexes the Stormwater Calculation and MUSIC Report prepared by the applicant's civil consultant and also provided separately with this report.

The Sustainable Management Plan finds that the proposed development achieves BESS compliance without reference to provision of electric vehicle charging facilities and/or rooftop PV solar generation. Revised drawings provided with this report provide an electric vehicle charging position, and provision will be made in detailed design of the control building for installation of rooftop PV electric generation infrastructure. The Sustainable Management Plan is under preparation to reflect these elements and will be provided in revised form as soon as available.

The sustainable design and management measures recommended in the Sustainable Management Plan will be adopted in construction and operation of the proposed development, if a planning permit issues.

A Waste Management Plan also accompanies this report, outlining how waste and recycling will occur in relation to the proposed development, including that:

- Waste and recyclables will be stored in the designated refuse area shown on the Site Plan.
- Two 1,100L garbage bins; one 1,100L bin plus one 360L bin for recyclables; and one 1,100 food, organics and green waste bin will be required for operation of the proposed development. In addition, one 120L glass bin will be required to cater for the future “fourth bin” requirement. These bins can readily be accommodated in the designated refuse enclosure.
- Waste and recyclables will be collected by a private contractor on a twice-weekly basis with the operator of the site responsible for ensuring that waste collection takes place without any adverse impact on the locality.

## 2. Zones

### *Industrial 3 Zone (INZ3) (Clause 33.03)*

INZ3 applies to the whole of the subject land.

INZ3 has purposes including the implementation of the Municipal Planning Strategy and the Planning Policy Framework; to provide a buffer between other industrial zones and local communities, which allows for uses compatible with the nearby community; to allow limited retail opportunities in appropriate locations; and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Under Clause 33.03-1, the use of land as a service station is a Section 1 – Permit not required use of land, but only on the condition that the land is separated by at least 30 metres from land in specified zones. As the subject land does not meet this condition (it is adjacent to land in the Low Density Residential Zone), the proposed use of the subject land is a Section 2 – Permit required use of land.

Clause 33.03-2 provides that a use must not adversely affect the amenity of the neighbourhood, including through the transport of materials, goods or commodities; the appearance of any stored goods or materials; and the emission of noise, artificial light, vibration, odour, fumes and other potential pollutants.

Clause 33.03-2 also sets out decision guidelines in respect of an application to use land, including the effect that the use may have on existing or proposed residential or other sensitive uses; drainage of the land; availability of and connection to services; the effect of traffic to be generated on roads; and the effect on nearby industries.

Under Clause 33.03-4 a planning permit is required to construct a building or construct or carry out works, with certain exceptions that do not apply to the proposed development. The plans, elevations, civil drawings and landscape plan which accompany this application satisfy the application requirements in relation to Clause 33.03-4.

The proposed development satisfies applicable requirements of INZ3 as follows:

### *Traffic*

A Traffic Engineering Assessment (TEA) prepared by Traffix Group accompanies this application. It applies the traffic generation formula for service stations found in the RTA



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Guide to Traffic Generating Developments (2002), which is generally regarded as the standard for metropolitan development characteristics in Australia.

Applying this formula to the gross floor area of the proposed control building gives an afternoon peak hour traffic estimate of 171 vehicle movements. The car wash will generate an additional assumed 16 movements during the PM peak hour. The TEA notes that traffic using the proposed development is primarily expected to be from passing trade and that few new traffic movements will be added to the road network as a result of the proposed development.

The TEA further finds that the degree of saturation on approaches to the site along Monbulk Road, at the site access and at Aqueduct Avenue will all be substantially less than the 0.8 benchmark which is considered to indicate good operating conditions for unsignalized intersections. Any delays to vehicles exiting the site to Monbulk Road are expected to be minor and any queues will be confined internally to the site, without impact on the external road network.

Based on swept path analysis shown in the TEA, there is ample loading area associated with the proposed development to allow for suitable loading and delivery arrangements, without impacting on the safety or traffic flow of the subject site, and there are no traffic engineering reasons why a planning permit for the proposed development should not be granted.

#### *Acoustic*

The applicant has engaged Marshall Day Acoustics to measure the existing acoustic environment in the locality of the subject land, to consider any potential acoustic impact of the proposed development, and to recommend any measures that are appropriate for ameliorating such impacts.

The Acoustic Assessment accompanies this application and finds that the proposed development is expected to comply with applicable legislation and guidelines (including EPA Publication 1826.4 *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (Noise Protocol) and other guidelines and accepted industry standards), provided specified design measures and managerial controls are implemented.

In making this finding, the Acoustic Assessment is based on existing noise conditions determined from a background noise survey at the site, and noise source data from current operational sites and other measured noise sources. The report notes or assumes that the following noise mitigation features are included in the design of the proposed development:

- A 2.4 metre high fence (relative to the ground) to the south site boundary, meeting a surface density requirement of 12 kg/m<sup>2</sup> minimum and otherwise complying with standards set out in Appendix G to the report.
- Full perimeter screening of all mechanical services on the roof of the control building to standards specified in the report.
- Shutter doors to the entry and exit of the automatic car wash facility which remain closed at all times, to standards specified in the report, and in addition walls and roof of the car wash enclosure constructed from materials and to standards specified in the report.

These features are included in the application drawings. If the proposed development is approved, all of these measures will be part of the detailed design drawings submitted for building certification.

The report recommends the following managerial controls and measures in relation to the proposed development:

1. Waste collection to occur only during the defined daytime period, that is only between 7:00am and 6:00pm, Monday to Saturday (not including public holidays).
2. Fuel deliveries to occur only during the defined daytime or evening periods, that is between 7:00am and 10:00pm on any day.
3. Manual car wash bays to operate only during the defined daytime period, that is between 7:00am and 6:00pm, Monday to Saturday (not including public holidays) .
4. Vacuum equipment to operate only during the defined daytime or evening periods, that is between 7:00am and 10:00pm on any day.
5. Application of specified “best practices” for waste collection and deliveries.

The applicant will adopt these design and operational measures. To that end, if Council decides to issue a planning permit for the proposed development, the applicant would comply with any permit conditions reflecting the recommendations of the Acoustic Assessment.

#### *Odour and fumes*

Fuel storage tanks will be fitted with Stage 1 vapour recovery systems to ensure that air quality is not compromised. This system prevents vapour emissions into the atmosphere when underground storage tanks are filled from a fuel tanker by capturing displaced vapour back into the tanker to be taken away to be condensed into saleable fuel. The system will prevent any fuel odour impacts relating to the proposed development.

The proposed development will offer groceries and prepared food, but does not include any food processing activities that will give rise to potential off-site food odour impacts.

#### *Drainage and Services*

The civil drawings and stormwater calculations accompanying this application demonstrate that the proposed development makes appropriate provision for effective drainage of the subject land in a manner which mitigates the impacts of stormwater on the environment, property and public safety.

Enquiries made by the applicant have determined that the subject land is currently served by all necessary utilities including:

- A sewer with existing access point on the subject land.
- A water main within the Monbulk Road road reserve.
- A gas main within the Monbulk Road road reserve.
- Electricity mains supply.

The applicant has determined that existing services are sufficient to serve the proposed development, subject if necessary to any minor augmentation.

The proposed development will therefore have no adverse effect on the amenity of the neighbourhood nor on any existing or proposed residential or other sensitive use in the locality. It will not have any adverse impact on any nearby industries nor generate any traffic which cannot be accommodated by existing roads.

### **3. Overlays**

#### *Environmental Significance Overlay (ESO) and Schedule 2 (VPP 42.01)*

The whole of the subject land is subject to ESO2. ESO2 aims to return the ecological function and health of the Little Stringybark Creek to a level consistent with a natural stream by

encouraging stormwater run-off and water quality to the stream from new development that achieves natural frequency, volumes, infiltration rates and pollutant concentrations.

ESO2 requires a planning permit for buildings or works that create impervious surfaces of 10m<sup>2</sup> or more. No planning permit requirement arises under ESO2 for the removal of any vegetation.

The proposed development will result in a net increase in impervious area on the subject land, meaning that a planning permit is required for the proposed buildings and works.

The proposed development will further the objectives of ESO2 by:

- Incorporating gradients and drainage pits that will direct runoff from areas potentially affected by pollutant spillage to an on-site wastewater filtration system, preventing any toxicants from entering the stormwater system.
- Providing a total of 36m<sup>3</sup> of on-site stormwater detention.

#### *Bushfire Management Overlay (BMO) (VPP 44.06)*

The whole of the subject land is subject to the BMO. The BMO aims to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire; to identify areas where bushfire hazard warrants bushfire protection measures to be implemented; and to ensure that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Under the BMO, a permit is required for buildings and works associated with specified uses of land. One such specified use is a service station. Unless waived by the responsible authority, an application must be accompanied by a bushfire hazards site assessment, a bushfire hazard landscape assessment and a bushfire management statement.

Submitted with this report are:

- A Bushfire Management Statement prepared by Fireguard Australia prepared in respect to the provisions of the BMO and finding that risk to the development is mitigated to an acceptable level, including by construction to appropriate BAL levels.
- A Bushfire Management Plan that depicts recommended measures including defensible space, water supply and site access. These measures will be incorporated in detailed design drawings in respect of the proposed development, should a planning permit issue.

#### **4. Particular Provisions**

##### *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Clause 51.03)*

Clause 51.03 applies to the subject land because it is within the area affected by the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Regional Strategy Plan). Clause 51.03 requires a planning permit for buildings and works, and for the removal, destruction or logging of any vegetation, in specified circumstances. Council has indicated that it is of the view that the proposed development requires a planning permit under Clause 51.03.

Under Map Sheet 11 of the Regional Strategy Plan, the subject land is designated as being within the Township B Policy Area. The regional goals for this Policy Area include:

- Maintaining and enhancing the character and environmental quality of townships, protecting sites of significance, and controlling development where land is subject to environmental constraints or cannot be satisfactorily serviced.
- Ensuring that planning meets community needs, and to provide opportunities for a variety of lifestyles.

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- Ensure that urban development is contained within the designated Township Policy Areas.
  - Ensure that where appropriate the utilisation of existing physical and human services is efficient and that provision of new services is adequate and appropriate.

The primary purpose of the Township Policy Areas is to:

- contain development within identified areas;
- ensure that new development in townships is compatible with the special characteristics of these areas; and
- ensure that development takes into account environmental and servicing constraints and the need to maintain the quality of life of residents.

Regional objectives for Township Policy Areas include the following:

- allow a broad range of urban land uses, including (among others) retail and commercial, in larger townships in a manner which is compatible with the environment;
- facilitate the development of strong communities adequately provided with an appropriate range of services in settings conducive to the attainment of quality lifestyles; and
- ensure efficient utilisation of existing reticulated and community services.

The proposed development responds to and materially advances the goals, purposes and objectives applicable to the subject land under the Regional Strategy Plan, including by:

- Providing for development that will maintain and enhance the character and environmental quality of the site and its surrounds, on land which has no identified environmental or other significance or constraints and which is already well provided with all necessary services.
- Providing a facility to meet the day-to-day needs of members of the community and visitors, including (by trading on a 24 hour per day, 7 day per week basis) the needs of that increasing proportion of the community who work non-traditional hours and may therefore have difficulty meeting retail needs during conventional trading hours.
- Providing for urban development within a designated Township Policy area and within the environs of a large township.
- Providing for utilisation of existing physical and human services by locating development on land which is already supplied with all necessary services and which will offer new employment opportunities to members of the local community.

As outlined below, the trees proposed for removal to facilitate the proposed development (Tree 10 and Tree Group 1) are of low or moderate arboricultural value only and in fair or fair to poor structural condition.

Given the above considerations the proposed development complies in all relevant and material respects with Clause 51.03 and merits the issue of a planning permit.

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*Native Vegetation (Clause 52.17)*

Clause 52.17 aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. A planning permit is required for any such activity, subject to specified exceptions.

An Arboricultural Assessment and Tree Impact Report (Tree Report) has been prepared by Tree Logic Pty Ltd in relation to the proposed development and is submitted with this application. It includes the following findings:

- Thirteen tree features were recorded in total in surveyed tree points associated with the subject land, comprising 10 significant trees, 3 small non-significant trees and one tree group comprising approximately 20 planted hedge/screen trees.
- Twelve different species were identified, including 4 specimens of indigenous tree species and 9 introduced or exotic species.
- Nine tree features were identified outside the boundaries of the subject land, including 2 street trees and 7 trees on adjacent properties.
- The proposed development:
  - Requires the removal of one small tree/large shrub (Tree 10). The Arboricultural Assessment finds that removal of this tree is exempt from the requirement for a planning permit because the tree is undersize.
  - Requires the removal of a group of hedge trees (Group 1) which exist within the proposed building envelope. The Arboricultural Assessment finds that removal of this group of trees is exempt from the requirement for a planning permit because it is within the exemption under Clause 52.12-1 and/or Clause 52.12-2 of the Planning Scheme.
  - May have a TPZ encroachment of approximately 22% of the TPZ on Tree 4, a Messmate Stringybark growing on the southern boundary of the subject land. The report finds that the level of TPZ encroachment is not likely to impact the tree, given the current level of use within the TPZ, and can be sustained with appropriate TPZ barrier fencing installed at the edge of works and maintained throughout development of the site.
  - Will have minor TPZ encroachment (less than 6%) on four trees (Trees 3, 5, 6 and 7), which will not be impacted if appropriate TPZ barrier fencing is installed and maintained during development of the site.

In case Council takes the view that the removal of vegetation proposed as part of the application is not exempt from the requirement for a planning permit, it is submitted that based on findings within the Arboricultural Assessment a planning permit should issue for such removal, because:

- Tree 10 is attributed low arboricultural value, by reason of being of small size and with only fair health and structure, exhibiting lopped, multi-stemmed stump resprout.
- Tree Group 1 is attributed Moderate – C arboricultural value, displaying accumulated deficiencies that are tending towards becoming of low arboricultural value, including only fair health and fair to poor structure.

*Signage (VPP 52.05)*

The Industrial 3 Zone which applies to the subject land is in Category 2 for signage requirements. Under clause 52.05-11, Category 2 is an Office and Industrial area with low limitation on signage.

Signage elements which are part of the proposed development are depicted in the updated Site Plan and the Elevations which accompany this letter including separate dimensions elevations for each signage element.

The following table describes the signage elements which are part of the proposed development by reference to the defined Sign Terms set out in clause 73.02.

Sign Reference (from Signage Elevations)	Dimensions (w x h x d) (m.)	Illumination?	Type of sign (as per Clause 73.02)
S1	3.775 x 1.2 x 0.05	Digital LED	Electronic sign
S2	0.85 x 1.29 x 0.05	Non-illuminated	Business identification
S3	0.7 x 1.98 x 0.05	Digital LED	Electronic sign
S4	2.68 x 1.765 x 0.05	Back illuminated	Internally illuminated
S5	0.8 x 0.6 x 0.05	Back illuminated	Internally illuminated
S6	2.625 x 4.460 x 0.05	Non-illuminated	Business identification
S7	1.2 x 1.2 x 0.05	Back illuminated	Internally illuminated
S8	3.1 x 0.3 x 0.05	Back illuminated	Internally illuminated
Pylon 1	2.05 x 7.0 x 0.5	Back illuminated	Internally illuminated
Pylon 2	2.1 x 7.0 x 0.5	Back illuminated	Internally illuminated

As the total display area of those signs proposed within IN3Z exceeds 8m<sup>2</sup> (and for internally illuminated sign exceeds 1.5m<sup>2</sup>), the display of the proposed signage is a Section 2 – Permit required display of signs in a Category 2 area under the table in clause 52.05-12.

Proposed signage on the subject land is commensurate in scale with the signage expected in a commercial area with a frontage to a road in a road zone. As application of signage Category 2 indicates, there is an expectation of signage for identification and promotion that are consistent with an industrial and commercial area.

Signage elements of the proposed development are oriented in a manner that minimises their impact from within the adjacent LDRZ.

Those signage elements which are illuminated will not interfere with or obstruct drivers' lines of sight at any intersection, and will not be mistaken for a traffic control device. There will be no hazard to vehicles or pedestrians.

Where signage is back illuminated, it will be illuminated with side-mounted LED strips which have a 160-degree beam angle and which will provide no direct glare to the signage panel and a softer and even light to the signage box.

The pylon sign will be provided with a dimmable controller and will be dimmed to a pre-curfew hours maximum of 5 lux across the boundary line, and a maximum of 1 lux (light output to the roadway) during curfew hours.

*Car Parking (VPP 52.06)*

Clause 52.06 seeks to ensure the provision of an appropriate number of car parking spaces, having regard to likely demand, the activities on the land and the nature of the locality.



Clause 52.06 applies to a new use, an increase in the floor area or site area of an existing use, or an increase to an existing use by the measure specified in Column C of Table 1 in clause 52.06-5 for that use.

As there is no prescribed rate of car parking provision specified for the use of land as a service station in clause 52.06-5, car parking spaces must be provided to the satisfaction of the responsible authority.

The Traffic Engineering Assessment (TEA) accompanying this application observes that the fuel sales element of a service station does not generally generate car parking demand, apart from the space immediately adjacent to each fuel dispenser where a vehicle stands while taking on fuel, and except for a parking space for the employee at the register. It finds that the ancillary retail sales included within the definition of service station is likely to generate car parking demand at a rate equivalent to a convenience shop, and so it is appropriate to apply that rate to part of the proposed control building to determine car parking demand.

Based on these factors, the TEA finds that the proposed development has an estimated car parking demand for up to 10 formal spaces, plus parking adjacent to each of the fuel dispensers for a vehicle that is refuelling.

The TEA finds that the proposed development's provision of car parking spaces (including 6 adjacent to the fuel dispensers) exceeds the expected car parking demand. It further finds that the layout and design of the proposed car parking meets applicable requirements of the planning scheme and the Australian Standards, including a minimum length of 4.9 metres to each proposed 90-degree car parking space.

*Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road (VPP 52.29)*

Clause 52.29 gives rise to a permit requirement where access to a Road Zone, Category 1 is created or altered. The proposed development involves alteration of access to Monbulk Road, which is in the Road Zone, Category 1.

The Traffic Engineering Assessment (TEA) accompanying this application finds that the degree of saturation on approaches to the site along Monbulk Road, at the site access and at Aqueduct Avenue will all be substantially less than the 0.8 benchmark which is considered to indicate good operating conditions for unsignalized intersections. Any delays to vehicles exiting the site to Monbulk Road are expected to be minor and any queues will be confined internally to the site, without impact on the external road network.

*Stormwater Management in Urban Development (VPP 53.18)*

Clause 53.18 sets out Objectives and Standards intended to ensure that stormwater in urban development is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 53.18-5 sets out Stormwater management objectives for buildings and works, including to encourage stormwater management that maximises the retention and reuse of stormwater; that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site; and to ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

Standard W2 sets out requirements to meet the objective, including that the stormwater management system should be designed to meet current best practice objectives as set out in the *Urban Stormwater – Best Practice Environmental Management Guidelines*, and to

minimise the impact of chemical pollutants and other toxicants through measures such as bunding, covering or roofing of storage, loading and works areas.

The civil drawings and stormwater calculations provided with this application demonstrates how the proposed development will comply with the Objectives and Standards of clause 53.18-5, including by:

- Demonstrating pre-development and post-development stormwater discharge from the subject land.
- Showing gradients and drainage pits that will direct runoff from areas potentially affected by pollutant spillage to an on-site wastewater filtration system, preventing any toxicants from entering the stormwater system.
- Providing a total of 36m<sup>3</sup> of on-site stormwater detention.

## Conclusion

The proposed development is the use of the subject land as a service station, and buildings and works in connection with that use.

The proposed development also involves buildings and works on land subject to the Environmental Significance Overlay and Schedule 2 (ESO2); building and works on land subject to the Bushfire Management Overlay (BMO); display of signs in a Category 2 area; buildings and works and the removal of vegetation under Clause 51.03; the removal of native vegetation under Clause 52.17; and the alteration of access to a road in the Road Zone, Category 1.

The proposed development is consistent with, and will contribute to relevant outcomes, under the Municipal Planning Strategy and the Planning Policy Framework by providing a substantial landscaped setback to the main (Monbulk Road) site frontage; by providing a facility to meet the day-to-day convenience retail needs of the local residential community, without materially adverse or unacceptable amenity impacts; and by minimising the visual impact of signage on residential areas.

The proposed development is consistent with applicable requirements of IN3Z by satisfying requirements within the zone for use of land as a service station. This application demonstrates that the use will not adversely affect the amenity of the neighbourhood, including in respect of traffic, acoustic impact, odour and fumes and site drainage. Design measures and operational controls recommended in the Environmental Noise Assessment accompanying this application will be adopted and complied with if a planning permit is issued for the proposed development.

Civil drawings and stormwater calculations provided with this application demonstrate how the proposed development is consistent with the objectives of ESO2 and VPP clause 53.18.

Signage elements of the proposed development are consistent with the signage classification applicable to respective parts of the subject land, are commensurate in scale with the character of the area and applicable planning controls, will not contribute to visual distraction or clutter and will not interfere with, obstruct or distract drivers' lines of sight.

The applicant's traffic consultants have found that the proposed provision of on-site car parking is sufficient to meet demand, and that the dimensions and layout of on-site parking and vehicle manoeuvring areas are satisfactory for all kinds of vehicles that will access the site. The proposed development will not adversely compromise the performance or safety of the surrounding road network.

The proposed development complies with all relevant provisions of the Yarra Ranges Planning Scheme and merits the issue of a planning permit.