

Council Report – Grounds of Refusal

Application YR-2022/944

**Address of
the Land** 59 Morris Road, Upwey

Proposal Use and development of a retail plant nursery

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposed plant nursery is inappropriate in a Low Density Residential Zone as the application has failed to demonstrate how the amenity of this low density residential area will be protected and that the intensity of the proposed activity is inconsistent with the purpose of the zone.
2. The proposal is inconsistent with the objectives and strategies at Clause 13.07-1S (Land Use Compatibility) and Clause 13.07-1L (Non-residential uses in residential areas) as the proposal is of a scale which is not compatible with the existing surrounding residential uses.
3. The proposal is contrary to the objectives and strategies at Clause 17.02-1S (Business) and Clause 17.02-2S (Out-of-centre Development) as the proposal is for a single use retail purpose, is located outside an existing activity centre of Upwey and the applicant has not demonstrated a net community benefit nor demonstrated that there is a specific need for this use to be located outside of a commercial area.
4. The proposed car parking is inappropriately designed and is inconsistent with the landscape character of the area in that it is not inconspicuous and will dominate the landscape along Morris Road.
5. The proposal will have a detrimental impact on the amenity of the area. In particular through the level of activity and movement to and from the site as a result of the number of patrons, deliveries, associated traffic and car parking, and noise.
6. The proposal does not comply with the on-site car parking requirements of Clause 52.06 Car Parking of the Yarra Ranges Planning Scheme, thereby exacerbating traffic safety issues in the area. The proposal also fails to comply with sight distance requirements and relies on complex vehicle movements through the surrounding road network to support the safe egress of vehicles leaving the site.