

PLANNING REPORT

**59 Morris Avenue,
Upwey**

Change of use - Retail Nursery

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TAPIR DESIGN
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Introduction // Town planning report

This report demonstrates that the development is appropriate in terms of achieving compliance with the State and Municipal planning policy. The proposal is for a small nursery on site concurrent with the existing dwelling. The nursery will be run by the dwelling owner.

The following permit triggers apply to the proposal:

1. Change of use to a small scale retail plant nursery in the LDRZ

This report should be read in conjunction with full submission documents which include:

1. Planning Drawings by Tapir Design and Planning
3. Copy of Title

Subject Site // Existing conditions

The subject site is located at 59 Morris Road, Upwey approximately 45km south-east of the CBD. The site is currently developed with a single residential dwelling and shed. Vegetation is scattered across the site.



Figure 1. Existing dwelling and shed. (Google Maps, 2022)



Figure 1. Existing shed (Tapir, 2022)



Figure 1. Rear of existing shed (Tapir, 2022)

Neighbourhood // Character and features of the local area

The site is located within a Low-Density Residential Zone (LDRZ) area. Lots are a mix of sizes and vegetation is a prominent feature of the area. There are examples of businesses operating out of dwellings in the immediate area – which can be seen on the aerial view shown below.

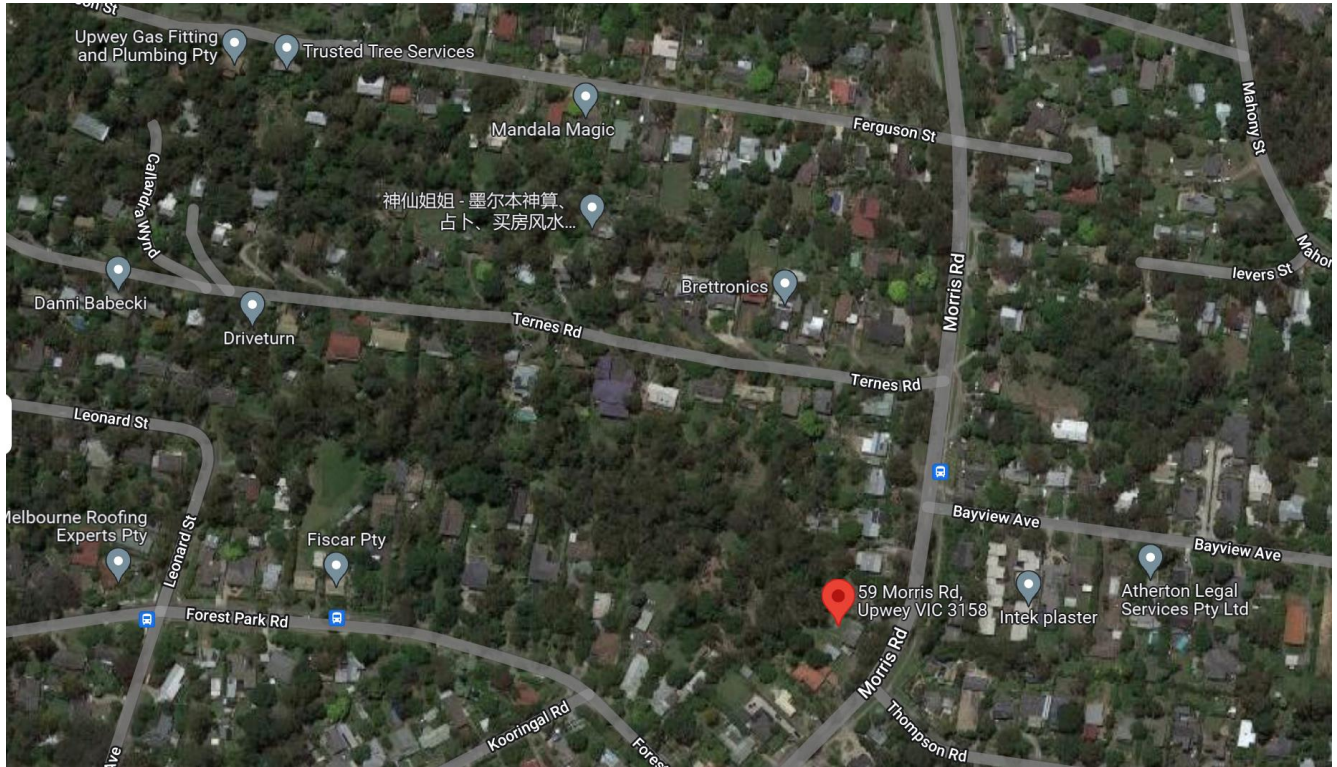


Figure 3. Aerial image of the site and surrounds (Google Maps, 2022)

Development Proposal // What is proposed?

The proposal is for a change of use, to convert the existing shed into a small-scale retail plant nursery, as shown on the below site plan. The proposed nursery is very low scale, and will not cause disruption to the neighbourhood. All equipment and tools except the garden hose will be stored inside and as such there will be very little change to the outlook of the site, given the outbuilding is existing. The shed (54sqm total) will be used partially for a store area, and partially for a small retail area (5780 x 5920mm) for the sale of plants. A small plant care area (35sqm) is proposed to the rear of the shed. The existing dwelling will remain as is, and the owners and residents of the dwelling (husband and wife team) will operate the nursery on their own. No staff will be required on site. Three car spaces are proposed to service customers. The proposed parking layout is similar to how many surrounding residents park their cars (it is not uncommon for there to be 3-4 cars on a site in this area and as such will not look out of the ordinary). The opening hours will be modest, with no late nights or early mornings. Hours will be very limited on weekends. The proposal is well supported in the community and a letter of support from the adjoining neighbour and other community members is attached to this application.



Figure 4 (Proposed Site Plan, 2022)

Planning Policy Framework//

Clause 13// Environmental Risks and Amenity

Clause 13.02-1S // Bushfire Planning

The objective of Clause 13.02-1S is as follows:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life

Response:

The site is covered located within a bushfire prone area. It is noted that the proposed small-scale nursery on site will not pose any risk to life. The outbuilding to be used is already existing and as such no buildings and works is required. The owners who live on site are aware of bushfire risks in the area being locals and would not operate if it is not safe to. The nursery will not attract large groups of people to the site and will not pose a risk to the community.

Clause 13.04-2S // Erosion and Landslip

The objective of Clause 13.04-2S is as follows:

To Protect areas prone to erosion, landslip or other land degradation processes

Response:

The site is partially covered by the Erosion Management Overlay. It is noted that no site cut or fill is proposed, as the outbuilding is already existing. It is also important to note that the area of operation for the nursery is not in the area covered by the overlay.

Clause 17// Economic Development

Clause 17.02 // Commercial

Clause 17.02-1S // Business

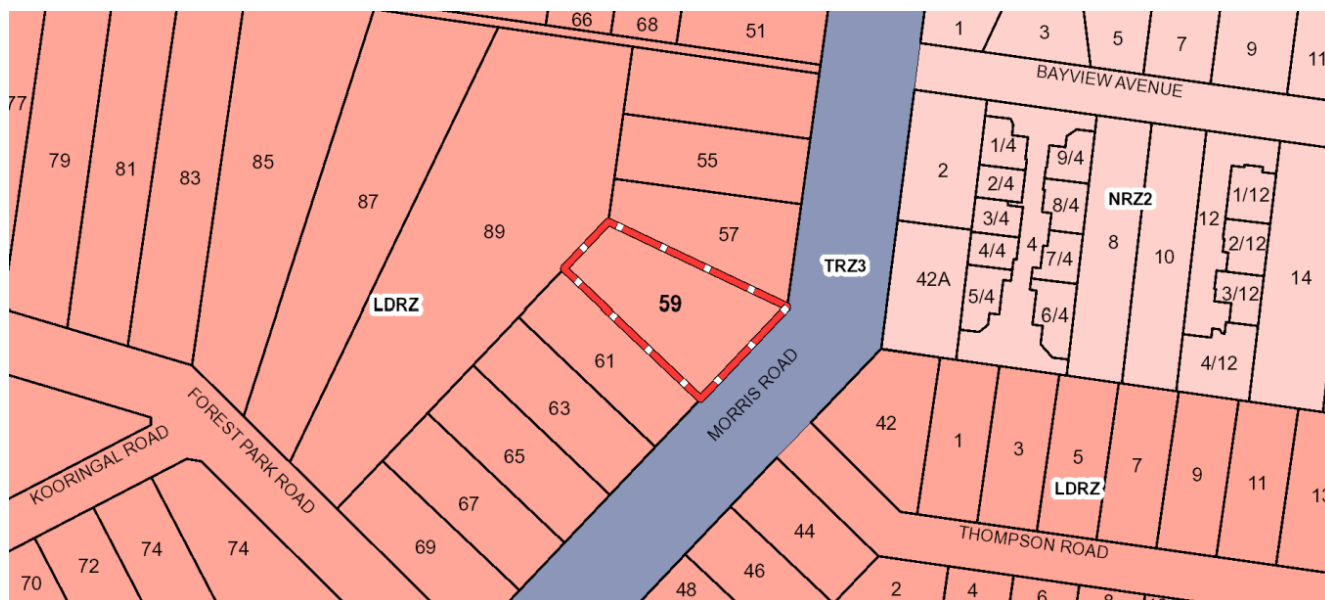
The objective of Clause 17.02-1S is as follows:

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Response:

The proposed nursery will be a positive addition to local businesses in Upwey, although will be run on a very small scale. A nursery is a completely appropriate business for the area, and will operate on limited hours, with only a small number of customers visiting the site. The owners and residents of the dwelling will operate the nursery with no other staff and as such this provides the opportunities for locals to run a small business to support the local economy.

Zone // Clause 32.03 Low Density Residential Zone (LDRZ)



The purpose of this zone is as follows:

- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

Response:

The nursery is compliant with the zone, as it does not compromise the low-density living of the site. The existing dwelling will remain, and the small-scale nursery will be operated by the husband and wife who live in the dwelling. The outbuilding out of which the nursery will be run is existing already, and the use of it as a nursery provides the opportunity for a small horticultural business which will contribute positively to the area and is completely appropriate for this part of the Yarra Ranges. The nursery has support from the community as noted before and will not impact the neighbourhood in any way. The nursery will not attract large groups of people, and car parking can be provided on site.

Overlays //

Clause 42.03// Significant Landscape Overlay 22– (SL022)



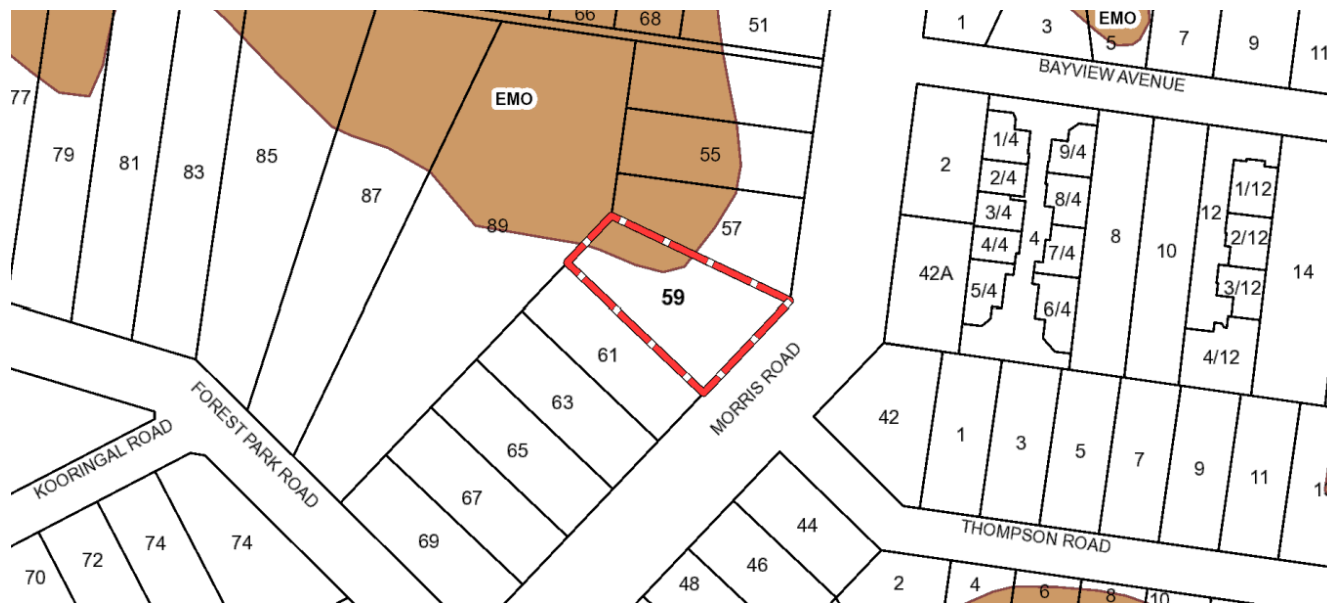
The purpose of the Significant Landscape Overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes*

Response:

No vegetation is required to be removed, as the outbuilding is existing. The proposal will increase the landscape amenity of the site, through the proposed plant care area and the provision of a small nursery on site.

Clause 44.01// Erosion Management Overlay



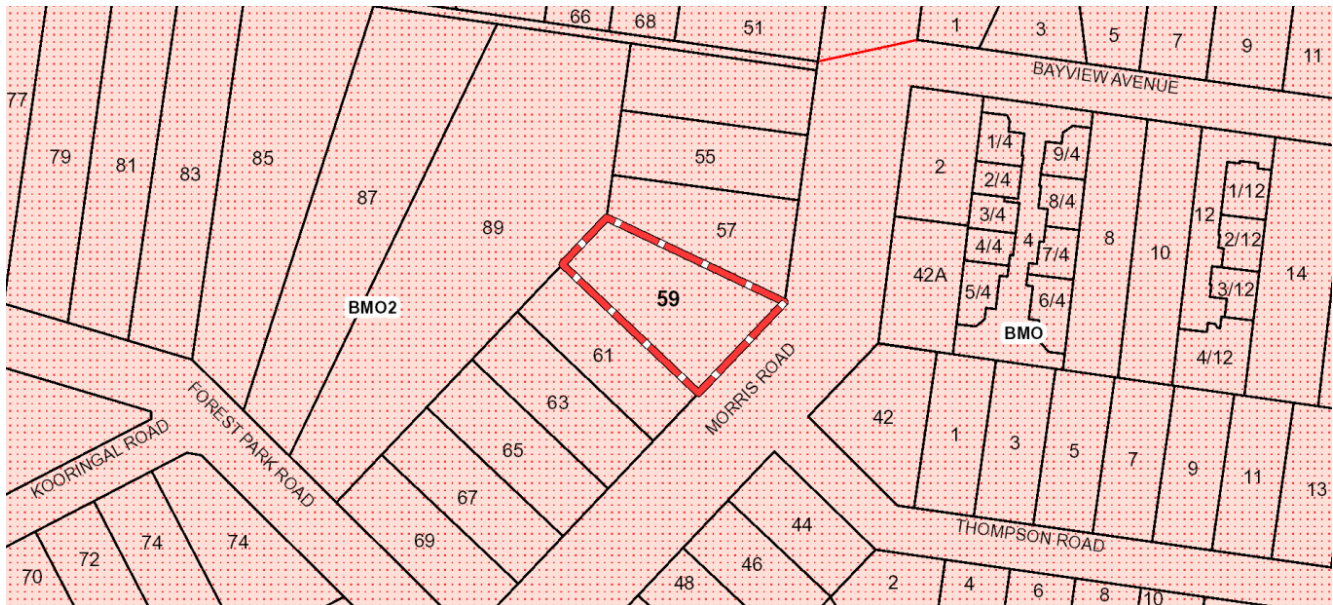
The purpose of Erosion Management Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

Response:

The site is partially covered by the Erosion Management Overlay. It is noted that no site cut or fill is proposed, as the outbuilding is already existing. It is also important to note that the area of operation for the nursery is not in the area covered by the overlay.

Clause 44.06// Bushfire Management Overlay – Schedule 2 (BMO2)



The purpose of Bushfire Management Overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Response:

The site is covered by the Bushfire Management Overlay and is also located within a bushfire prone area. It is noted that the proposed small-scale nursery on site will not pose any risk to life. The outbuilding to be used is already existing and as such no buildings and works is required. The owners who live on site are aware of bushfire risks in the area being locals and would not operate if it is not safe to. The nursery will not attract large groups of people to the site and will not pose a risk to the community.

Summary

The proposed small-scale nursery will be a positive addition to the area, and in keeping with the low density, tree-lined outlook of Upwey and the Dandenong Ranges. The change of use is completely appropriate and in line with planning policy. We look forward to progressing this application.

For any enquiries regarding this report, please contact Chelci Cox at Tapir Design and Planning (chelci@tapir.com.au).