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The Planning Professionals

Planning Report

Application for the use of a caretakers house

351-359 Portarlington Road, Moolap

August, 2025

Amended March, 2026

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Introduction

This report has been prepared in support of a planning permit application for the use of a caretaker's house in the Industrial 1 Zone.

The application has been amended (March 2026) to include the innominate use of "transport depot" to which the nexus for the caretakers house is attached.

The report provides a full assessment of the proposed design against the relevant provisions of state and local planning policy and the Greater Geelong Planning Scheme.

The subject land is known as **351-359 Portarlington Road, Moolap**.

The report is accompanied by the following documentation which is provided as part of the planning application:

- Certificate of Title
- Planning drawings - prepared by The Planning Professionals

About The Planning Professionals

The Practice celebrated a 40 year anniversary in 2025, having been established in 1985.

During that period the Practice has been rebranded a number of times, but its essential operation and service offerings have remained unchanged.

The Practice team includes Architects and Town Planners, serving the whole of Victoria. The primary focus of the Practice is to assist clients in navigating the planning process - strategic and statutory.



Overview

Address	351- 359 Portarlington Road, Moolap
Title	Lot 1 on Plan of Subdivision 071655 Volume 08607 Folio 608
Zone	Industrial 1 Zone
Overlays	Design and Development Overlay - Schedule 20
Proposal	Additional use of site as a transport depot along with a change of use of part of an existing shed to a caretaker's house.
Land use definition	<p>A 'transport depot' is an undefined use in the planning scheme but is the closest common language definition for the applicant's business activities as described in the additional supporting documentation that forms part of this amendment to the current application.</p> <p>Caretaker's house</p> <p>A 'caretakers's house' is defined as: <i>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</i></p>
Permit Triggers	<ul style="list-style-type: none"> Use of land for a caretaker's house (Section 2 use) in the Industrial 1 Zone (Clause 33.01-1)
Relevant Local Provisions	<ul style="list-style-type: none"> Clause 11.03-6L-03 Moolap-Point Henry



1. The site and surrounds

- 1.1. The subject land is located at 351-359 Portarlington Road, Moolap, substantially as described by the accompanying plans and submissions and generally below:



Figure 1. Subject land identified in white (Landchecker)

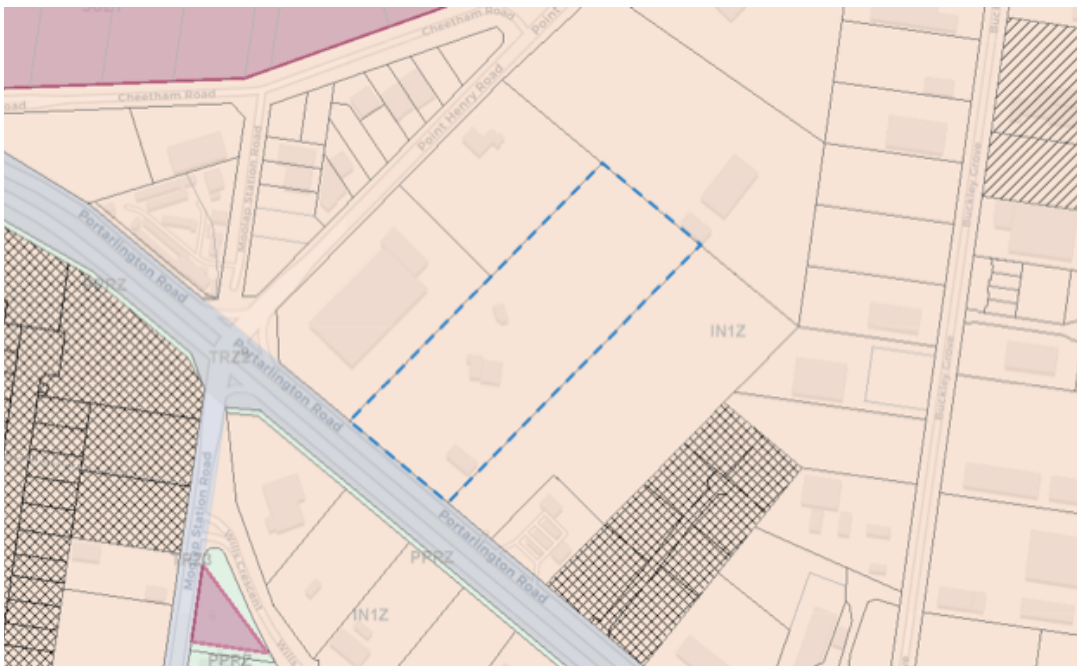


Figure 2. Subject land within surrounding zoning (VicPlan)



Subject site

- 1.2. This application seeks approval to change the use of part of an existing shed, currently used as an office ancillary to a truck depot, to a caretaker's residence.
- 1.3. The site is located in the industrial area of Moolap, approximately 5 km east of the Geelong town centre.
- 1.4. It comprises a large industrial parcel of approximately 3.2ha.
- 1.5. The site has a current approve for vehicle sales. However, in recent years the business operation has shifted to being more akin to a transport depot; being somewhere that freight can be loaded and unloaded safely and securely on a 24/7 basis. In addition there is a similarly aligned arm of the business relating to providing vehicles for the film and television industry.
- 1.6. A heavy machinery training facility is located at the front of the site with associated car parking. It is leased separately and is not part of the subject site operation.
- 1.7. A gravel driveway leads to an existing shed, which operates as an office and workshop for the business. The shed is surrounded by additional car parking and truck storage areas.
- 1.8. The site is bounded by:
 - Industrial warehouses occupied by Rendine Constructions and Lysaght Geelong to the west
 - An undeveloped lot to the north, currently used for the stockpiling of soil and other fill material.
 - A largely undeveloped site to the south-east containing a BP truck stop and Bellarine Service Centre (mechanic) fronting Portarlington Road.
- 1.9. The site fronts Portarlington Road (Transport Zone 2) in the south-west.
- 1.10. The site does not include any residential interfaces.
- 1.11. The proposal is set back 10m from the nearest boundary also used for industrial purposes.
- 1.12. There are no encumbrances, caveats or notices listed on the Certificate of Title or any easements shown on the Plan of Subdivision.
- 1.13. The subject land is formally described as :

Lot 1 on Plan of Subdivision 071655	351-359 Portarlington Road, Moolap
Volume 08607 Folio 608	

Surrounding area

- 1.14. Surrounding land uses within a 100 m radius are listed below, noting that none of these businesses operate overnight.
 - North-west:
 - **Rendine Constructions**
 - Land use: Builder
 - Opening hours: 8am - 4:30pm Monday - Friday and closed Saturday - Sunday.
 - **Saddam Spray N Polish**
 - Land use: Painter
 - Opening hours: 7am - 4pm Monday - Thursday and closed Saturday - Sunday.
 - West:
 - **Lysaght Geelong**



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- Land use: Building materials supplier
- Opening hours: 7:30am - 5pm Monday - Friday and closed Saturday - Sunday.
- South-west:
 - **Better Bricks & Paving**
 - Land use: Paving materials supplier
 - Opening hours: 8am - 4:30pm Monday- Friday and closed Saturday - Sunday.
 - **Moolap Concrete Products**
 - Land use: Concrete product supplier
- South:
 - **Cubic Mini Mix**
 - Land use: Ready-mix concrete supplier
 - Opening hours: 6am - 4pm Monday - Friday, 6am - 12pm Saturday and closed Sunday.
 - **Colour Tech Coatings**
 - Land use: Powder coating service
 - Opening hours: 6:30am - 4:30pm Monday - Thursday, 6:30am - 1:30pm Friday, 7am - 11am Saturday and closed Sunday.
- South-east:
 - **Agri Recruitment and Training**
 - Land use: Training centre
 - Opening hours: 8am - 5pm Monday - Friday and closed Saturday - Sunday.
- East:
 - **BP Truckstop**
 - Land use: Petrol station
 - Opening hours: 6am - 9pm Monday - Saturday and 7am - 9pm Sunday.
 - **Bellarine Service Centre**
 - Land use: Mechanic
 - Opening hours: 9am - 4pm Tuesday - Thursday and closed Friday - Monday.



2. What is proposed?

- 2.1. This amended application seeks to regularise the use of the site which over time has morphed from general industrial use associated with current approved use of sales of vehicles, into an additional use of 'Transport Depot' due to changes to the business structure.
- 2.2. It is this portion of the business and associated land use that also requires the approval for the change of use of part of an existing shed from office to use as a caretaker's house.
- 2.3. The transport depot use is an innominate use but one which reasonably captures the operations of the freight handling activities undertaken on the site as well as the temporary preparation and rigging of vehicles associated with the film and television industry.
- 2.4. The shed is currently used as an office ancillary to the primary use of the land for vehicle sales as well as the transport depot. The ad-hoc working hours of the transport depot (both short notice and anti-social hours) require the ability for the applicant to rest on site and to meet reasonable health and safety requirements.
- 2.5. The proposed caretaker's house would be located on the second floor of the office building and currently comprises two office rooms adjoining a storage room and bathroom.
- 2.6. The proposal would convert this space into an open-plan kitchen and living area with a separate bedroom.
- 2.7. The combined area, including the storage room and bathroom, measures approximately 94 sqm.
- 2.8. This calculation excludes the extensive outdoor area on the site, which continues to be used in association with the office use of the building.
- 2.9. The caretaker's residence is not intended to be a principal place of residence but instead is required to support the business needs which frequently require short notice and around the clock operations.
- 2.10. There are generally up to five (5x) trucks requiring access to the site per week and this can be at any hour of the day or night. Trucks may remain on site between a single day up to two weeks depending on the freight being moved and the timeframes involved.
- 2.11. No dangerous chemicals are stored on site.
- 2.12. No additional waste requirements are created by the proposed additional uses. The current arrangement with JJ Richards for a 100l bin collected monthly will continue to apply.
- 2.13. No trucks are refuelled on site.
- 2.14. No maintenance or cleaning etc is undertaken on site.
- 2.15. No buildings and works, vegetation removal or signage are proposed as part of this application.
- 2.16. Reference should also be made to the drawings prepared by The Planning Professionals which form part of this planning application.



3. Why is a permit required?

Zoning

- 3.1. The subject land is located in the Industrial 1 Zone (IN1Z)
- 3.2. A permit is required for the innominate use of a transport depot (Section 2 Use).
- 3.3. A permit is also required to use the site as a caretaker's house (Section 2 Use).

Overlays

- 3.4. The site is affected by the Design and Development overlay - Schedule 20 (DDO20).
- 3.5. No buildings or works are proposed as part of this application therefore, a permit is not triggered under this overlay.
- 3.6. A brief assessment is provided in relation to the design objectives and car parking provisions.

Car parking

- 3.7. There is no specified car parking rate for the use of 'caretaker's house' nor a 'transport depot' under the planning scheme.
- 3.8. However, sufficient car parking already exists on site and neither of the added uses do not create adverse levels of vehicle movements beyond what has been in operation for a number of years.

Land adjacent to the principal road network

- 3.9. A permit is required to create or alter access to a road in a Transport 2 Zone under Clause 52.29-2.
- 3.10. No physical changes to the existing access are proposed, and the proposed additional land uses will not generate additional traffic beyond what has been occurring on the site for many years. Accordingly, a permit is not triggered under this provision.

Summary of permit triggers

- 3.11. The permit trigger is as follows:
 - Use of the land as a transport depot (Clause 33.01-1)
 - Use of the land as a caretaker's house (Clause 33.01-1)



4. The Planning Provisions and the Proposal

- 4.1. The Responsible Authority is required to take into account relevant policies contained in the MSS, PPF and the LPPF.
- 4.2. The State planning policies of the PPF are broad in their application; local planning policy informs the proposal in greater detail.
- 4.3. The following section discusses the permit triggers in detail and offers a response to the relevant planning provisions.



ECONOMIC DEVELOPMENT - Clause 02.03-7

CLUASE 02.03-7 ECONOMIC DEVELOPMENT

Industry

There is a need to provide support for ongoing employment and economic development in the Geelong region.

While traditional manufacturing industries will continue to be economic and employment drivers in the municipality, the City's economy will need to focus on emerging industry sectors that underpin economic development.

The changing nature of industrial development means that most industrial development now requires land that offers a high amenity environment for workers and visitors.

There is a need to support industry through the maintenance and improvement of infrastructure including roads, rail, Avalon Airport, Geelong Port and associated facilities.

The extractive industry operations in the municipality make a vital contribution to the building and construction industries and are of major economic importance to the Geelong region.

Strategic directions

- *Provide an adequate supply of industrial land that meets the needs of different industries.*
 - *Focus new industrial development around major transport routes and infrastructure assets.*
 - *Encourage the growth of new and economically sustainable industry sectors.*
 - *Provide a diverse range of high quality industrial and commercial land.*
-

Commentary

1. Supports the business function which has morphed from the an existing approved use (vehicle sales) towards operations best described by the common usage transport depot and which provides a need for on-site caretaker accommodation.
2. Improves the operation and security of the business operation through a constant on-site presence which operates ad-hoc hours around the clock often on short demand.
3. Provides a minor contribution to the ongoing use and viability of industrial land for employment purposes.
4. Utilises proximity to major transport infrastructure to support a transport-based industry.



SETTLEMENT - Clause 11.03

11.03-6L-03 MOOLAP - POINT HENRY

Objectives

To facilitate the transformation of Moolap-Point Henry into a safe, sustainable, integrated, connected, accessible and attractive place to live, work and visit.

To encourage development that integrates with and provides an interface to adjoining precincts and surrounding areas, including the settlement break between eastern Geelong and the Bellarine Peninsula.

To encourage land use and development that maintains or enhances environmental values and responds to environmental risks.

Strategies

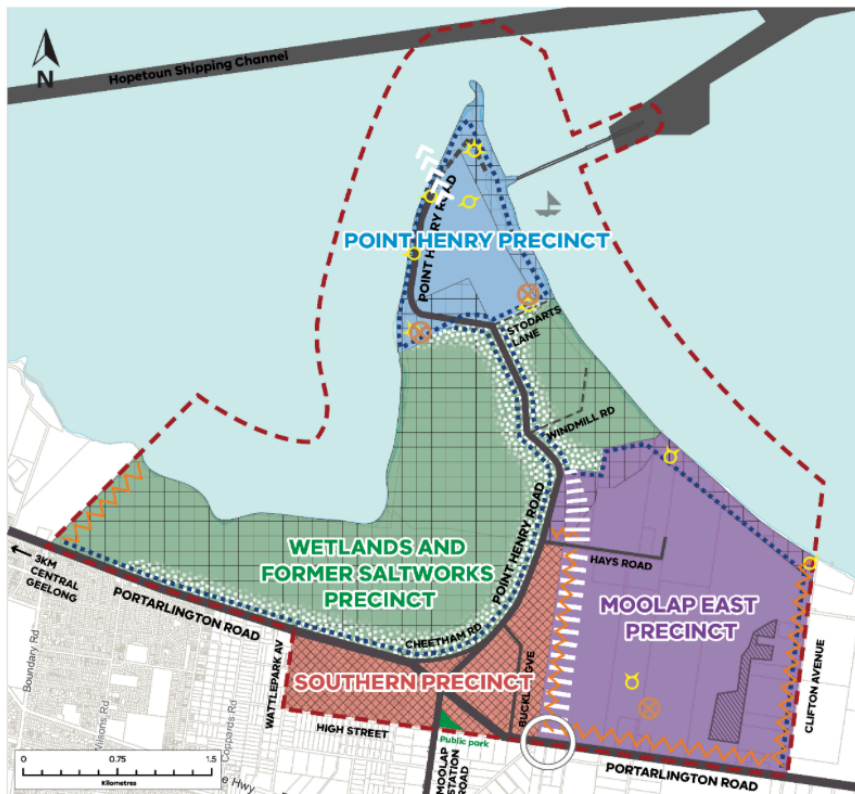
...

Support industrial activities and commercial businesses in the Southern Precinct to provide local services and employment.

...

Support interim land use and development, consistent with the zoning of the land, where the ultimate land use and development outcomes for the land are not prejudiced.

...



Commentary

1. The site is located in the southern precinct as per the Moolap Coastal Strategic Framework Plan Map.
2. Supports the function and viability of an existing industrial business in the Southern Precinct, in line with the strategy to maintain local employment and services.



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3. Represents a low-scale residential component ancillary to the existing industrial use of the subject site that does not compromise environmental values or pose additional environmental risks.
4. Enhances site safety and security through the presence of an on-site caretaker, supporting a more connected and monitored industrial environment.



NOISE MANAGEMENT - Clause 13.05-1S

CLAUSE 13.05-1S NOISE MANAGEMENT

Objective

To assist the management of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Commentary

1. The surrounding land uses have been carefully considered, and there are no businesses within a 100m radius that would pose a risk to the amenity, safety or suitability of the proposed caretaker's house.
2. The caretaker's residence will be occupied by the owner of the truck depot and is compatible with the site's ongoing industrial use.
3. It is also understood that the use of the caretakers house may itself be subject to occasional adverse noise impacts from the surrounding industrial area and which might not normally be associated or accepted with a residential use.
4. However, it is not intended that the caretakers house would become a principal place of residence but is a critical support to the business operation and therefore any such impacts would be minor and not create long-term difficulties for the applicant.
5. The proposal does not introduce a new, unrelated sensitive use that would prejudice the operation of surrounding industrial activities.
6. There is no reasonable risk of the proposed use adversely impacting, or being impacted by, nearby noise-generating uses.



AIR QUALITY MANAGEMENT - Clause 13.06-1S

CLAUSE 13.06-1S AIR QUALITY MANAGEMENT

Objective

To assist the protection and improvement of air quality.

Strategies

...

Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).

Minimise air pollutant exposure to occupants of sensitive land uses near the transport system through suitable siting, layout and design responses.

Commentary

1. The proposed caretaker's residence has been carefully sited within an existing industrial building and will be used exclusively by the owner of the truck depot, ensuring compatibility with the surrounding industrial context.
2. The surrounding land uses do not pose a significant risk to human health or amenity from air pollutants within the 100 m radius.



LAND USE COMPATIBILITY - Clause 13.07-1S

CLAUSE 13.07-1S LAND USE COMPATIBILITY

Objective

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

Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses*
 - *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
 - *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
 - *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*
-

Commentary

1. The proposed caretaker's house is ancillary to the proposed use of the site as a transport depot, being the most closely aligned definition which might be applied to the business operation.
2. The caretakers residence will be occupied by the owner of the subject site (the applicant) who acknowledges that the amenity of the proposed accommodation use of the site may from time to time be compromised by the surrounding industrial area.
3. Surrounding businesses within a 100 m radius are predominantly low-impact industrial or service-based uses and are unlikely to generate adverse off-site impacts.
4. The on-site presence of a caretaker is expected to improve the management, safety and oversight of the industrial use, supporting the ongoing function of the site and business operation.



INDUSTRIAL 1 ZONE - Clause 33.01

CLAUSE 33.01 INDUSTRIAL 1 ZONE

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Clause 32.08-2 Table of Uses

Section 2 Use

Condition

Section 2 Use	Condition
Transport depot	(Any other use not in Section 1 or 3)
Caretaker's house	None

Clause 33.01-2 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
 - *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
 - *The effect that nearby industries may have on the proposed use.*
 - *The drainage of the land.*
 - *The availability of and connection to services.*
 - *The effect of traffic to be generated on roads.*
 - *The interim use of those parts of the land not required for the proposed use.*
-

Commentary

1. A planning permit is required to use the land for the innominate Section 2 use of a transport depot as well as that of a caretaker's house in the IN1Z.
2. The proposal supports strategic policy directions by maintaining an active industrial use while accommodating a low-scale ancillary residential use.
3. There are no nearby sensitive uses, and the caretaker's residence is directly associated with the established business operation most closely defined as a transport depot.
4. Surrounding industrial uses are low-impact, and the residence is designed to operate compatibly within this context.
5. No changes to site drainage are proposed, and existing arrangements will remain in place.
6. The shed is already connected to essential services, and no upgrades are required.
7. The use will not result in additional traffic generation beyond existing operations.
8. The remainder of the site will continue to operate with the existing vehicle sales and the additional transport depot business activities.
9. The proposal will not prejudice future development opportunities either on the subject site nor on neighbouring land.



DESIGN AND DEVELOPMENT OVERLAY - Clause 43.02

CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Clause 43.02-6 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

...

- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*

...

Schedule 20 to Clause 43.02 Design and Development Overlay

Relates to 'Industrial 1, 2 and 3 Zones'.

Design objectives

To improve the visual appearance and image of industrial areas through well designed site responsive developments.

To facilitate economic development through efficient and functional industrial development.

To provide a high level of amenity for workers and visitors to industrial areas.

To minimise the potential for negative off-site effects to occur.

To promote best practise storm water quality and reuse measures.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *The design and siting of existing development in the area.*
 - *The interface with adjoining zones.*
 - *City of Greater Geelong Sign Guidelines (February 2024).*
-

Commentary

1. No buildings or works are proposed as part of this application, and the existing built form will remain unchanged.
2. While a permit is not triggered under the Design and Development Overlay, the proposal is consistent with the design objectives of Schedule 20.
3. No additional car parking is proposed, and existing access, parking and loading areas remain unchanged and in accordance with DDO20 requirements.
4. The proposal improves on-site amenity and operational efficiency by providing caretaker accommodation for the business owner.
5. The use will not result in any additional off-site impacts and remains compatible with surrounding industrial operations.
6. Existing drainage infrastructure and hardstand areas are retained, with no changes proposed that would affect stormwater quality or management.



CAR PARKING - Clause 52.06

CLAUSE 52.06 CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06-1 Scope

Clause 52.06 applies to:

a new use

...

Clause 52.06-2 Provision of car parking spaces

Before:

- a new use commences; ...

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; ...

Clause 52.06-6 Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

Clause 52.06-10 Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
 - The ease and safety with which vehicles access and circulate within the parking area.
 - The provision for pedestrian movement within and around the parking area.
 - The provision of parking facilities for cyclists and disabled people.
 - The protection and enhancement of the streetscape.
 - The provisions of landscaping for screening and shade.
 - The measures proposed to enhance the security of people using the parking area particularly at night.
 - The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
 - The workability and allocation of spaces of any mechanical parking arrangement.
 - The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
 - The type and size of vehicle likely to use the parking area.
 - Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- ...
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
-

Commentary

1. There is no specified car parking rate for the undefined use of a 'transport depot' nor that of the Section 2 use 'caretaker's house' under the planning scheme.



2. The caretaker's residence will be occupied by the owner/employee of the truck depot, meaning no additional trips are generated beyond existing operations.
3. Fourteen existing spaces (including one accessible space) already service the site, which is more than sufficient for the proposed ancillary use.
4. Landscaping, lighting, and hardstand treatments are established and will remain unchanged.
5. The existing layout provides safe and functional parking without mechanical arrangements, and no redesign or works are proposed.
6. A car parking demand assessment is provided below.

Car Parking Demand Assessment:

Car Parking Demand Factor	Assessment
The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.	The caretaker's residence will be occupied by the owner/employee of the truck depot, meaning trips are primarily work-related and are unlikely to generate additional multi-purpose trips beyond existing patterns.
The variation of car parking demand likely to be generated by the proposed use over time.	Parking demand is expected to remain constant as the caretaker's residence will not introduce new visitors or customers.
The short-stay and long-stay car parking demand likely to be generated by the proposed use.	The use will generate one long-stay parking space for the caretaker's personal vehicle, with no short-stay demand anticipated.
The availability of public transport in the locality of the land.	The site is located in an industrial area with limited public transport; the primary mode of access is by private vehicle.
The convenience of pedestrian and cyclist access to the land.	Pedestrian and cyclist access is available via existing road connections, but the industrial context and distance from residential areas make active transport less common.
The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.	There are no formal facilities for bicycle parking and locking on site however there is sufficient space for these to be accommodated within the building on an ad-hoc basis.
The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.	The caretaker will have one private vehicle, which can be accommodated within the existing 14 car parking spaces (including one accessible space).
Any empirical assessment or case study.	No empirical assessment has been performed.



LAND ADJACENT TO A PRINCIPAL ROAD NETWORK - Clause 52.29

CLAUSE 52.29 LAND ADJACENT TO A PRINCIPAL ROAD NETWORK

Purpose

To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Clause 52.29-2 Permit Requirement

A permit is required to:

Create or alter access to:

A road in a Transport Zone 2.

Clause 52.29-6 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider:

The Municipal Planning Strategy and the Planning Policy Framework.

The views of the relevant road authority.

The effect of the proposal on the operation of the road and on public safety.

Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

Commentary

1. The site is located adjacent to Portarlington Road, a Transport Zone 2 (TRZ2) road.
2. No physical changes to the existing access are proposed, and the use will not generate additional traffic beyond what has occurred on the site for a number of years with the current business operation.
3. Accordingly, the proposal does not result in an alteration or intensification to access for the purposes of the planning scheme.
4. However, it is expected the application may be referred to the Department of Transport for comment.



DECISION GUIDELINES - Clause 65

CLAUSE 65.01 APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
 - *Any significant effects the environment, including the contamination of land, may have on the use or development.*
 - *The Municipal Planning Strategy and the Planning Policy Framework.*
 - *The purpose of the zone, overlay or other provision.*
 - *Any matter required to be considered in the zone, overlay or other provision.*
 - *The orderly planning of the area.*
 - *The effect on the environment, human health and amenity of the area.*
 - *The proximity of the land to any public land.*
 - *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
 - *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
 - *The extent and character of native vegetation and the likelihood of its destruction.*
 - *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
 - *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
 - *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
 - *The impact the use or development will have on the current and future development and operation of the transport system.*
-

Commentary

1. These considerations are clearly and unambiguously directed at the Responsible Authority, after all the Responsible Authority is the decision making authority, not the permit applicant.
2. It is observed however that many of these provisions are general in nature such as the objectives of planning.
3. The State Planning Policy Framework is broad in its application. Relevant planning policy has been considered.
4. The proposal involves the introduction of the additional use of the land as a 'transport depot'. This is an undefined land use which has been applied as best fitting the change in business direction that has occurred in recent years from the existing approved use as vehicle sales.
5. As part of the regularisation of the business use to include a transport depot, there is also proposed an additional land use for part of an existing shed to a caretaker's house which will provide critical support to the operation and is an outcome that is both reasonable and justifiable.
6. All matters relating to the orderly planning of the zone, and the effect on the amenity of the locality have been considered and demonstrated to be acceptable.
7. Relevant policies contained within the SPPF, MSS and the LPPF have been discussed considered.
8. It is clear and self evident that the proposal is not in conflict with these policies.



5. Merits of the proposal

- 5.1. In the general scheme of matters, this application is an appropriate addition of the land uses of transport depot and caretaker's house which regularise the current operations on the site and allow for the additional accommodation use to support the existing business.
- 5.2. Supports the continued operation and efficiency of an existing industrial business.
- 5.3. Provides on-site caretaker accommodation, improving site security and operational oversight along with improved health and safety for the applicant operating his business which includes short demand and 24/7 activities.
- 5.4. Utilises an existing building footprint with no external works or changes to the built form.
- 5.5. Generates no additional traffic or parking demand beyond existing levels.
- 5.6. Maintains compatibility with surrounding industrial uses and will not prejudice their operation.
- 5.7. Represents an interim use that does not compromise the long-term strategic vision for the area.
- 5.8. Has no adverse impacts on local amenity, environmental values, or infrastructure capacity.
- 5.9. The proposal is generally consistent with relevant state and local planning policy.
- 5.10. The proposal would not result in off-site amenity impacts or cause material detriment to any party.
- 5.11. The siting of the proposal is logical and practical giving regard to the location and operation of the existing site.
- 5.12. Maintains existing site access to Portarlington Road (TRZ2 land) without physical changes or additional traffic generation,
- 5.13. The proposal is consistent with planning policy, and the relevant detailed provisions of the scheme.

6. Conclusions – should a permit be granted?

- 6.1. The proposal is consistent with planning policy.
- 6.2. The proposal would not result in off-site amenity impacts or cause material detriment to any party.
- 6.3. For these reasons and the reasons contained in the body of this submission it is respectfully submitted that a permit should be granted.