

Planning Report – Section 72 Amendment

Application Details:

Application is for:	<p>An amendment to planning permit P2005/124 for an amended car parking layout along the northern boundary of the land for the existing use and development. Approval of the application would see an amended plan endorsed. No changes to the existing conditions forming part of amended planning permit P2005/124 are required. No formal buildings and works are proposed, just an adjustment to the line marking of existing car spaces along the northern boundary of the site.</p> <p>The planning permit allows –</p> <p>Use & Development of land on the Northern Site for Ten (10) Fully Serviced Apartments, Three (3) Shop Fronts/Premises, Day Spa, Lakes Edge Boardwalk and On-site Parking. On the Southern Site – Four (4) Fully Serviced Apartments, Three (3) Shop Fronts and On-Site Parking, Subdivision and a Reduced On-Site Parking requirement.</p>
Applicant's/Owner's Name:	Owners Corporation No.546882
Date Received:	<p>18 March 2022</p> <p>Amended plans provided on 17 November 2022.</p>
Statutory Days:	More than 60 days
Application Number:	P2005/124 -1
Planner: Name, title & department	<p>Braydon Aitken Manager</p> <p>Planning and Investment Department</p>
Land/Address:	<p>317 High Street, Nagambie Victoria 3608 comprising multiple properties:</p> <ul style="list-style-type: none"> • 1/317 – 11/317 High Street Nagambie & • 317A & 317B High Street Nagambie
Zoning:	<p>Commercial 1 Zone (C1Z)</p> <p>Abuts a Principal Road Network (TRZ2)</p>
Overlays:	Part Land Subject to Inundation (LSIO)
Is a CHMP required?	No not in an area of Aboriginal Cultural Heritage Sensitivity
Is it within an Open Potable Catchment Area?	No

Under what clause(s) is a permit required? (include description)	N/A – amended planning permit application is for amended plans only – subject to approval there would be some adjusted line marking of car parking spaces but no physical building and works that trigger any additional planning permit triggers.
Restrictive covenants on the title?	No
Current use and development:	Serviced Apartments, Motel Units and Shops with a common parking area.
Adjacent to the Principal Road Network	Yes TRZ2 No work is proposed that will impact the road network.
Status of Road on Road Register	NA
Adjacent to Public Land	Yes – Nagambie Lake – no buildings and works are proposed.

Application Checklist:

Application form <input checked="" type="checkbox"/>	Title enclosed <input type="checkbox"/>	Fee paid <input checked="" type="checkbox"/>
Site Plan <input checked="" type="checkbox"/>	Plans of Proposal <input checked="" type="checkbox"/>	Planning Report <input type="checkbox"/>
Supporting Information <input type="checkbox"/>	Effluent Disposal <input type="checkbox"/>	Other <input type="checkbox"/>

Disclosure of Conflicts of Interest in relation to advice provided in this report

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes ☐

(if YES, please complete a Conflict of Interest and Declaration Making Declaration form)

No ☒

Recommendation

That Council

- having caused notice of Planning Application No. P2005-124 -1 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme;
- and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* officers recommend that **a Notice of Decision to Grant and Amended Planning Permit** under the provisions of the Strathbogie Planning Scheme in respect of the land known as, **317 High Street, Nagambie Victoria 3608**, for the **Use & Development of land on the Northern Site for Ten (10) Fully Serviced Apartments, Three (3) Shop Fronts/Premises, Day Spa, Lakes Edge Boardwalk and On-site Parking. On the Southern Site – Four (4) Fully Serviced Apartments,**

Three (3) Shop Fronts and On-Site Parking, Subdivision and a Reduced On-Site Parking requirement, is issued, including the endorsement of the submitted amended plans, subject to the existing conditions forming part of the permit shown below:

Conditions:

1. Prior to the use commencing, a vehicle crossing must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit.
2. Prior to the use commencing, landscaping plans must be submitted to, and approved by, the Responsible Authority. Such plans must indicate all existing trees and specify those trees to remain and those to be removed. It must also indicate details of the proposed planting, including:-
 - Common and botanical names;
 - Height and spread at planting; and
 - Height and spread at maturity.

An endorsed copy of this plan will form part of this permit.

3. Prior to the use commencing, the area set aside for the parking of vehicles as shown on the endorsed plan must comply to the satisfaction of the Responsible Authority.
4. Prior to the use commencing, the existing vehicular crossing must be upgraded to the satisfaction of the Responsible Authority.
5. The development must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
6. Before development of the southern site starts, an Environmental Audit must be undertaken and a Certificate of Environmental Audit or a Statement of Environmental Audit presented to the Responsible Authority.
7. Landscaping works as shown on the endorsed plan must be completed within three (3) months of completion of the development (defined by the issue of an Occupancy Permit), to the satisfaction of the Responsible Authority and then maintained (including the replacement of any dead or diseased plantings) all to the satisfaction of the Responsible Authority.
8. The units must not be occupied until all works required by this permit are completed to the satisfaction of the Responsible Authority.
9. Side and rear boundary fencing must maintain a minimum height of 1.8 metres (where the finished floor level is less than 800mm above surrounding surface levels) and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties. Any replacement fencing required must be constructed at the developer's expense, and in consultation with the owners of adjoining properties. In this respect, the height, material, type and extent of fencing is to be mutually agreed upon by all parties and shall be erected prior to occupation of

the development. The cost of such fencing shall be borne by the developer unless otherwise agreed upon by relevant parties. Where the finished floor level is above 800mm, the applicant must provide the appropriate screening to prevent overlooking of adjoining properties.

10. Parking spaces must be line marked and signage provided to define space allocation to each motel room or apartment.
11. A vehicle crossing permit must be obtained from the Responsible Authority.
12. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
13. The plan of subdivision submitted for certification must specify easements and other rights in accordance with Section 12(2) of the Subdivision Act 1988.
14. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with the Authority's requirements and relevant legislation at the time.
15. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
16. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
17. All storm water generated from the development and sealed parking area which is not contained in tanks must be either disposed of to a legal point of discharge or dissipated within the lot, all to the satisfaction of the Responsible Authority.
18. Environmental Health Conditions:
 - The amenity of the area must not be detrimentally affected by the use or development, through the:
 - Appearance of any building, works or materials.
 - Transport of materials, goods or commodities to or from the land.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour steam, soot, ash, dust, wastewater, waste products, grit or oil.
 - Presence of vermin.
 - Others as appropriate.
 - No sound shall be emitted from any device or from any source or activity so as not to:
 - Become a nuisance to the occupiers of adjoining properties;
 - Either impair or impinge upon the use and enjoyment of adjoining properties or properties within the near vicinity, by the occupiers thereof.

- The occupier must take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood.
- Premises to comply with and be registered under the Health (Prescribed Accommodation) Regulations 2001 with the Responsible Authority if more than five (people) are accommodated exclusive of the owner/proprietor and their family thereof, on payment of consideration to the proprietor.
- The proprietor must ensure that any public spa or pool that the proprietor owns, manages or controls is maintained and tested in the manner set out in this Part 7 – Public Spa Pools and Public Swimming Pools of the Health (Infectious Disease) Regulations 2001.
- The proprietor must ensure that a log book of test results is kept in respect of each spa or pool including all corrective activities undertaken in relation to pool water and the proprietor must produce the log book and any other maintenance and testing records kept on the request of an authorised officer.

19. T Squared Conditions:

- The applicant must:
 - Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the lots on the plan of subdivision as required by SPI Electricity Pty Ltd. A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required.

20. Goulburn Murray Water Conditions:

- All buildings must be located at least 12 metres from the Full Supply Level of Lake Nagambie.
- All construction activities must follow the sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). In particular:
 - Grading, extraction and construction must not proceed during periods of heavy rainfall.
 - Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
 - Disturbed areas must be stabilised and revegetated following the completion of works.
- Prior to any construction, engineering designs and specifications for the endless pool, retaining walls, viewing decks and walking track must be submitted to Goulburn Murray Water for approval.
- The footings of the walking track must be located above Full Supply Level of Lake Nagambie, however a slight cantilever will be permitted over the water's edge. Also, there must be appropriate railings to prevent people from falling into the lake. Further consultation with Goulburn Murray Water will be required at the design stage to ascertain the exact specifications of the walking track.

- There must be an appropriate buffer of vegetation between the development and the lake. This may be incorporated into the retaining walls and aquatic / semi aquatic species encouraged along the foreshore.
- Goulburn Murray Water must be notified prior to the use of any herbicides to control weeds along the foreshore of Lake Nagambie and an accurate log book must be kept. This must include information regarding dates and times of herbicide use, chemical used and concentrations.
- Only herbicides suitable for use near waterways are to be used along the foreshore and must be in accordance with product label directions.
- Water Sensitive Urban Design Principles should be applied within the development to improve the quality of stormwater leaving the site.
- A gross pollutant trap must be installed to treat stormwater runoff from the site prior to discharging into the lake. The trap must be fitted with a control valve that can be closed to prevent contaminants from discharging into the lake in the event of a spill.
- The gross pollutant trap must be inspected and cleaned on a regular basis, at least annually.

21. Goulburn Valley Water Conditions:

- In accordance with Section 148 of the *Water Act 1989*, and the Authority's policy for 'Structures Over Authority Works' approval, all structures are to be located one metre laterally clear of any existing or proposed Authority infrastructure. On site locations for existing Goulburn Valley Regional Water Authority works can be obtained from the Authority's South West Area Operations on 57354820.
- Payment of a headworks contribution for water supply to the development, such as being determined by the Authority at the time of payment.
- Abandonment and realignment of any Authority's reticulated water infrastructure within the development affected, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Authority. The developer will be required to contribute towards the cost of required works.
- Provision of individual water supply meters to each apartment and commercial tenement within the development to the satisfaction of Goulburn Valley Water's Property Services Department. The works may also require the provision of individual water service tapping where appropriate.
- Payment of a headworks contribution for sewerage services to the development, such amount being determined by the Authority at the time of payment.
- Abandonment and realignment of any Authority's reticulated sewerage infrastructure within the development affected by the proposed works is required to be undertaken by the developer at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Authority.
- Provision of easements to the satisfaction of Goulburn Valley Region Water Authority over all existing and proposed sewer mains located within private property. The purpose of the easement shall be listed as 'Pipelines or Ancillary Purposes', and be centrally located over the sewer main and in favour of Goulburn Valley Region Water Authority.

- Should common servicing be approved by Goulburn Valley Water a notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the *Subdivision Act 1988*, there exists 'implied easements' over all common water supply or sewerage services within the development. Alternatively, the developer is to provide a two metre wide sewerage easement over any common services, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Authority.
- If the Authority considers that, for the economical and efficient servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity that is, any land not owned by the Developer through which domestic services for the development is to be located, easements shall be created to the satisfaction of the Goulburn Valley Region Water Authority.
- Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Authority. All works required are to be carried out in accordance with AS3500.2 'Sanitary plumbing and drainage', and to the satisfaction of the Authority's Property Services Section.
- If the Authority considers that, for the economical and efficient servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Authority.
- The operator under the permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Authority relating to the design and construction of any sewerage water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Region Water. A copy of the format of the Agreement will be provided on request.
- Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement. The owner and or occupier is required to submit a completed Trade Waste Application and install the required pre treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Authority's sewer is granted.
- Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of development. However as any future stages of the development will be connected to the Authority's water supply and sewerage systems independently of this stage, the Authority reserves the right to revise any conditions applicable to any subsequent stages lodged.

22. CFA Conditions:

- Vehicular access for the fire brigade is required for the southern site. Access and provision for fire fighting operations from the carriageway easement is required to the satisfaction of CFA. Minimum width required for CFA in this instance is 6m.

- Pedestrian access must be provided for fire fighting operations at the northern site. Access must be provided between the apartments and the therapy building, and between apartments 7 and 8.

23. VicRoads Conditions:

- Any seating area barriers and columns supporting the proposed verandah must be set back a minimum of 900mm from the face of the kerb on the Goulburn Valley Highway and must be constructed of frangible materials. Seating area barriers must be constructed such that no part of the barriers can separate in the event of a collision and 'spear' a vehicle or pedestrian.
- VicRoads and the Responsible Authority must be indemnified for a minimum sum of \$10,000,000 against any liability which may eventuate as a result of the construction of structures within the Arterial Road Reserve.
- The Applicant/Adjacent Property Owner must sign the VicRoads General Indemnity Form (attached) and return the Form together with a copy of the Indemnity Insurance Policy to VicRoads prior to approval being granted for the development.
- The Applicant/Adjacent Property Owner must comply with the conditions listed in the signed VicRoads General Indemnity Form.
- As part of the proposed structures will be located on the Arterial Road Reserve, the conditions in the General Indemnity Form provide for VicRoads to direct the Applicant/Adjacent Property Owner to remove the structures at his cost if it considers that the land is required for roadworks or for public safety. The area within the structures which are within the Arterial Road Reserve must remain available to members of the public.
- Construction activities within the Arterial Road Reserve must be performed in accordance with the relevant sections of the VicRoads Standard Specification for Roadworks. Traffic management shall be conducted in accordance with a traffic management plan prepared in accordance with the *Road Safety Act* and *Road Management Act 2004 Code of Practice for Worksite Safety – Traffic Management*.
- All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.

24. Goulburn Broken Catchment Management Authority Conditions:

- The floor levels of the proposed buildings are to be constructed at least 300 millimetres above the 100 year ARI flood level of 126.8 metres AHD; ie. 127.1 metres AHD, or higher floor level deemed necessary by the Responsible Authority.

25. Telstra Conditions:

- That the plan of subdivision submitted for certification be referred to Telstra or other licensed telecommunications carrier, whichever is appropriate, in accordance with Section 8 of the *Subdivision Act 1988*.

- That the applicant pay to Telstra the reasonable cost of any works necessary as a result of the subdivision, to remove or alter the position of any existing facility on the subdivision, or on any adjacent land or Government Road, pursuant to Clause 53 of Schedule 3 of the *Telecommunications Act 1997*. Refer – Dial Before you Dig process – Ph 1100.

26. This permit will expire if one of the following circumstances applies:

- The development and uses are not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Issued: 20th December 2005

Amended Permit Issued:

Signature for the Responsible Authority: _____

Council Delegate

THE PERMIT HAS BEEN AMENDED AS FOLLOWS -

Date of Amendment	Brief Description of Amendment	Name of Responsible Authority that approved the Amendment
		Strathbogie Shire
12 July 2006	Update to what the permit allowed and removal of condition 3.	
tbc	Amended Carparking Layout Plan to be endorsed.	

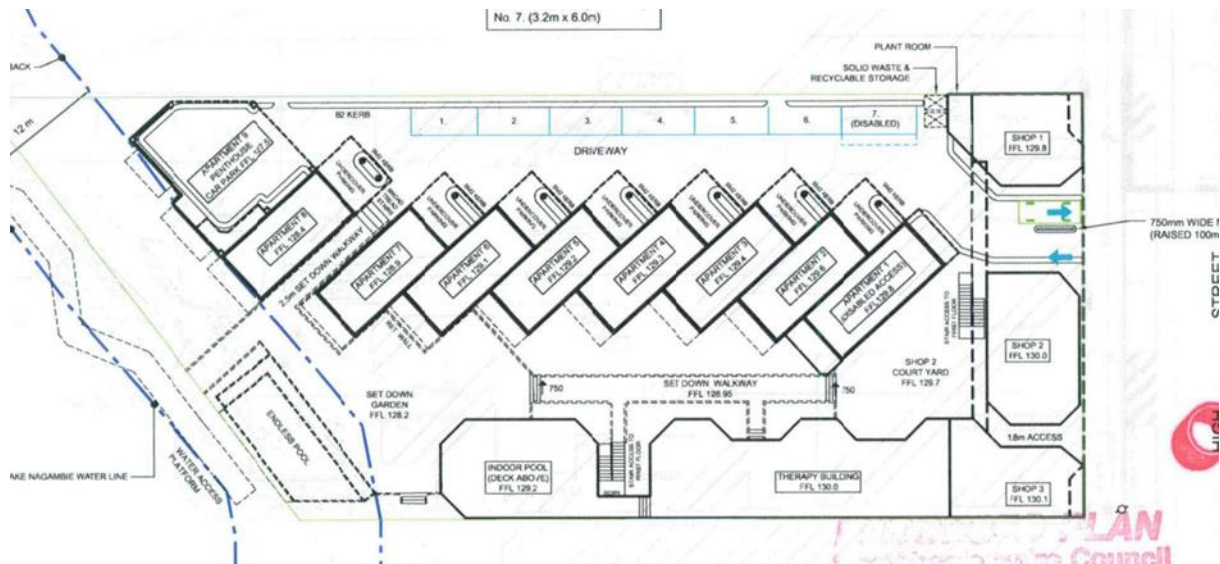
Proposal

Amended planning permit P2005/124 remains current and allows:

THE PERMIT ALLOWS

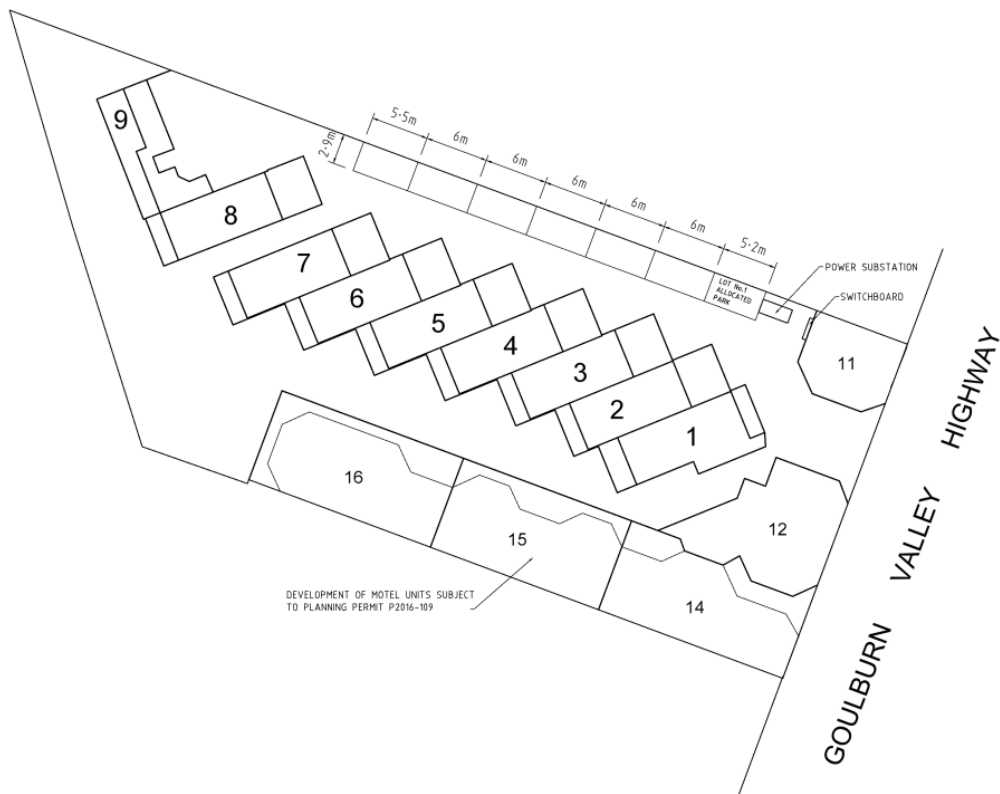
Use and & Development of Land on the Northern Site for Ten (10) Fully Serviced Apartments, Three (3) Shop Fronts/Premises, Day Spa, Lakes Edge Boardwalk and On-Site Parking. On the Southern Site – Four (4) Fully Serviced Apartments, Three (3) Shop Fronts and On-Site Parking with all Apartments on the Northern Site and Southern Site to be Subdivided and including reduced On-Site Parking requirement.

The development has been constructed on site and the use is ongoing. The current approved car parking layout under this permit is shown below and includes to provision of 7 car parking spaces along the northern boundary:



Planning permit P2005/124 must be read in conjunction with Planning permit P2016-109 which allowed a change of use on the land from a day spa to accommodation (motel units). Further detail on the planning permit is provided in the Permit/Site History section of this report.

The current amended application initially sought approval of an amended car parking layout plan along the northern boundary as shown below:



The amendment to the plan was sought by the owner's corporation of the common property on the land to:

- Reflect the encroachment of a power substation onto an existing car parking space allocated to apartment 1.
- Address ongoing disputes between owners of the apartments in relation to the provision of car parking along the northern boundary.

Both the current endorsed plan and the proposed amended plan show 7 car parking spaces along the northern boundary of the land.

The amended plan was notified to affected property owners and objections were received. In an attempt to address the concerns of the objectors an amended plan was submitted for assessment which shows 6 car parking spaces along the northern boundary of the land as shown below:



This is the most current plan to be assessed as part of this application. The scope of the assessment of the application is limited to the amended plans and is not a re-assessment of the merits of the original application. In practical terms the assessment becomes about ensuring the revised parking layout provides a satisfactory parking outcome for the land.

Should the proposed plan be approved, the applicant will formally line mark the car parking spaces in accordance with the approved plan and adjust the common property as required to accurately reflect the dedicated car space to be provided for lot 1. The requirements to undertake this line marking and common property adjustment will be enforceable via condition 10 of the planning permit.

Subject site & locality

Inspection date/s: Various	Officer: Braydon Aitken	Area of land: Approximately 1295sqms
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The site is located within Nagambie's main commercial strip, backing on to Lake Nagambie and fronting onto High Street. Vehicle and pedestrian access to the land is from High Street.

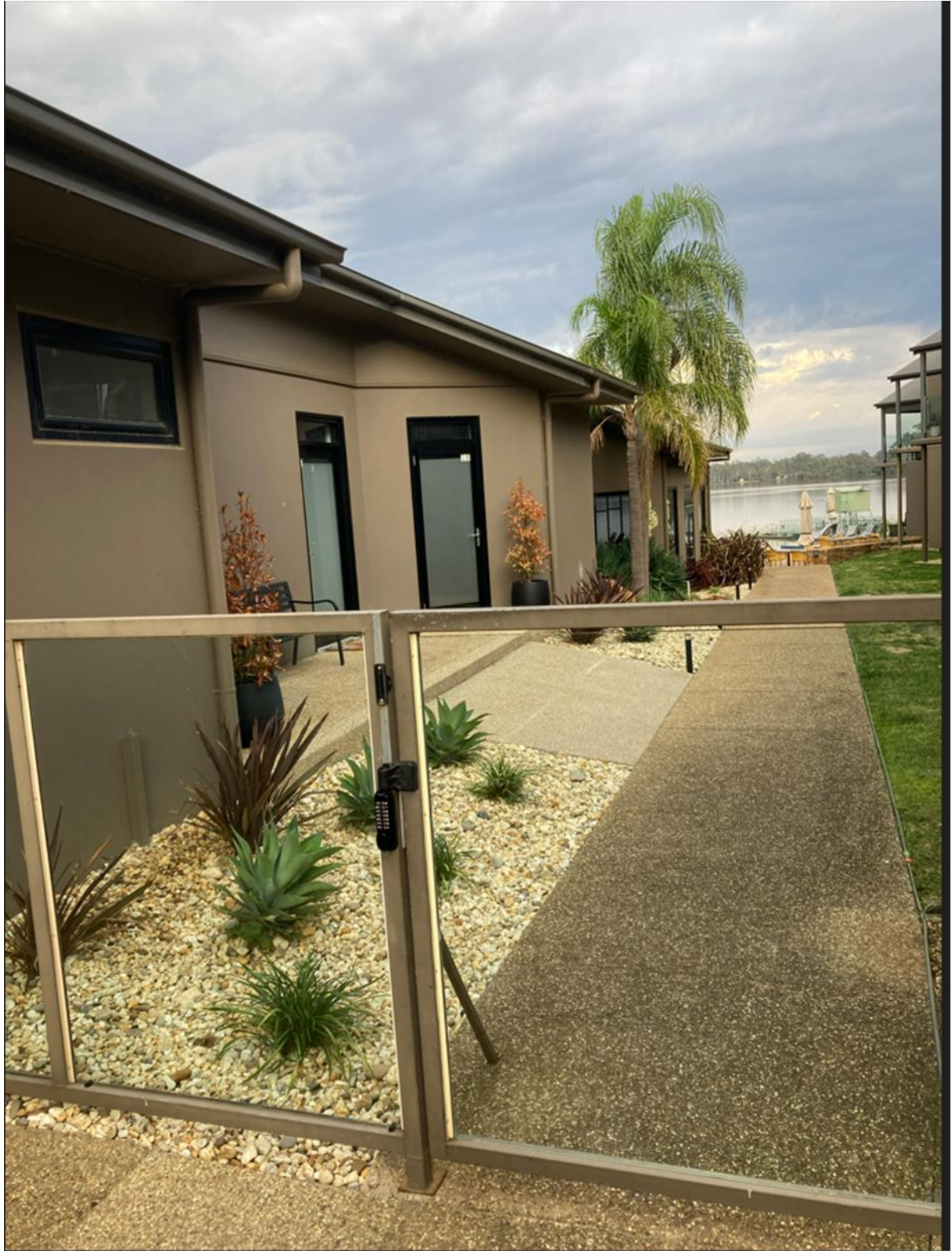
The land has been developed and is being used generally in accordance with the permissions granted in the approved planning permits for the land. A common property area exists on the land which includes accessways, carparking, walkways, a pool, outdoor areas and common service areas etc.

Photos below show the land as of 23 March 2023.





Above photos show view of common property area and car parks. Some spaces are clearly line marked others not creating the potential for confusion about on-site parking arrangements. The photo also shows the provision of parking under each apartment.



Above photo shows a view of the motel units approved under planning permit P2016-109.



Above photo shows the entrance way to two of the existing motel units.



The above photo shows the fourth motel units currently subject to an internal fit out.

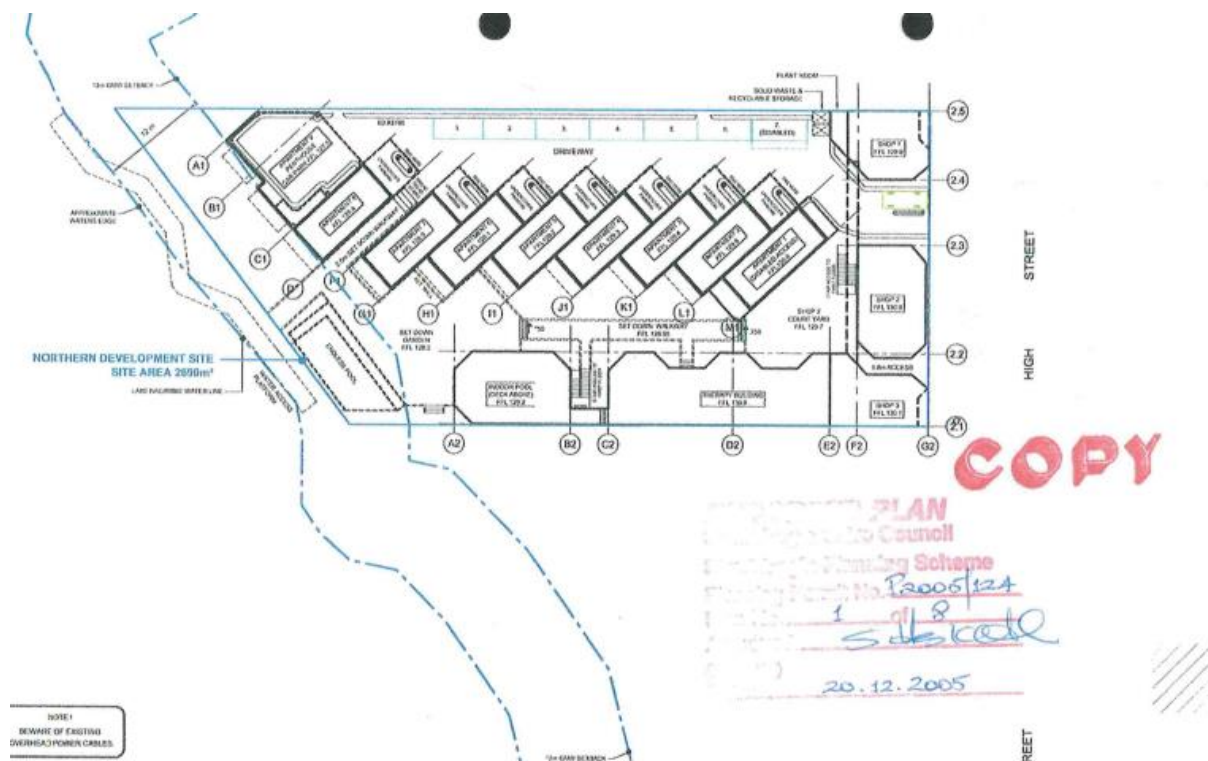
Permit/Site History

A search of Council's planning electronic records resulted in the following planning permits being issued for the site that are relevant to the assessment of this application:

Planning permit P2005/124 was issued on 20/12/2005. The permit allowed:

Use and & Development of Land on the Northern Site for Ten (10) Fully Serviced Apartments, Three (3) Shop Fronts/Premises, Seven (7) Motel Style Units, Day Spa, Lakes Edge Boardwalk and On-Site Parking. On the Southern Site – Four (4) Fully Serviced Apartments, Three (3) Shop Fronts and On-Site Parking with all Apartments on the Northern Site and Southern Site to be Subdivided and including reduced On-Site Parking requirement.

A set of endorsed plans was approved with this permit. The set of plans included a site plan showing seven car parking spaces to be provided along the northern boundary in the common property area.



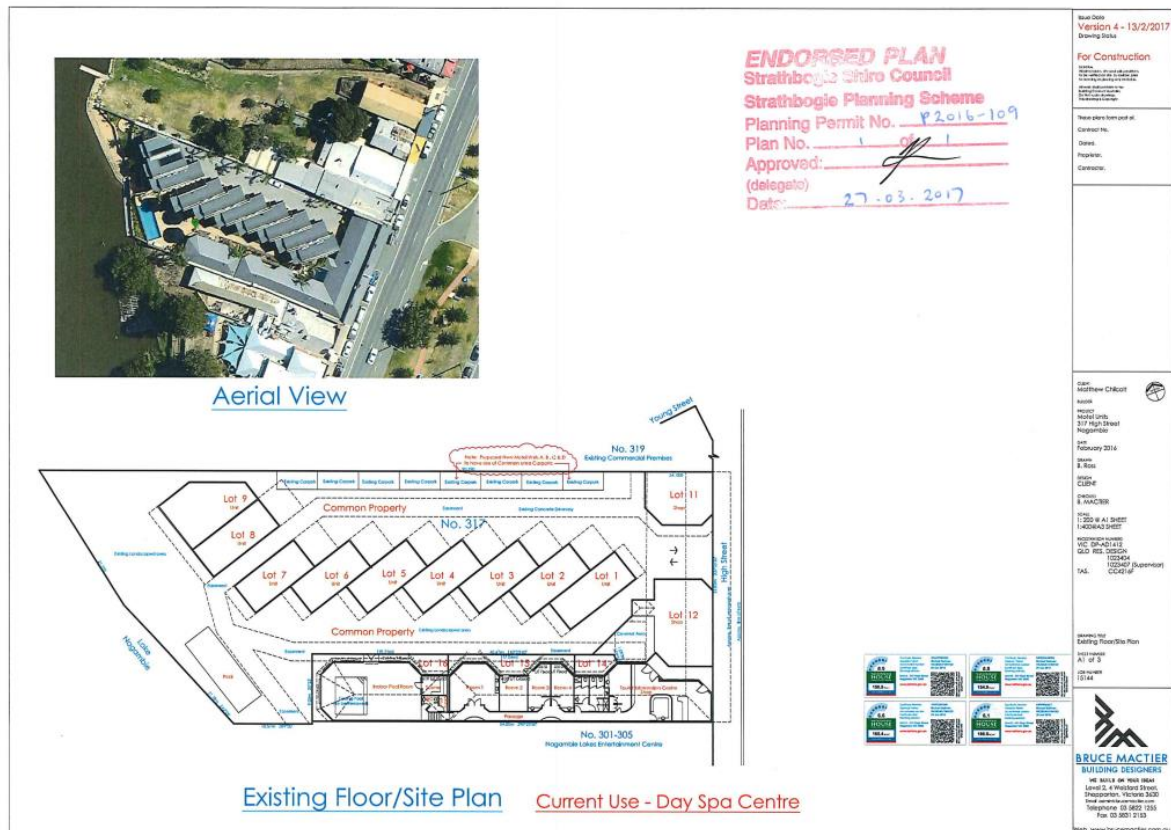
An application to amend planning permit P2005/124 was approved 12 July 2006. The amended planning permit allowed:

THE PERMIT ALLOWS

Use and Development of Land on the Northern Site for Ten (10) Fully Serviced Apartments, Three (3) Shop Fronts/Premises, Day Spa, Lakes Edge Boardwalk and On-Site Parking. On the Southern Site – Four (4) Fully Serviced Apartments, Three (3) Shop Fronts and On-Site Parking with all Apartments on the Northern Site and Southern Site to be Subdivided and including reduced On-Site Parking requirement.

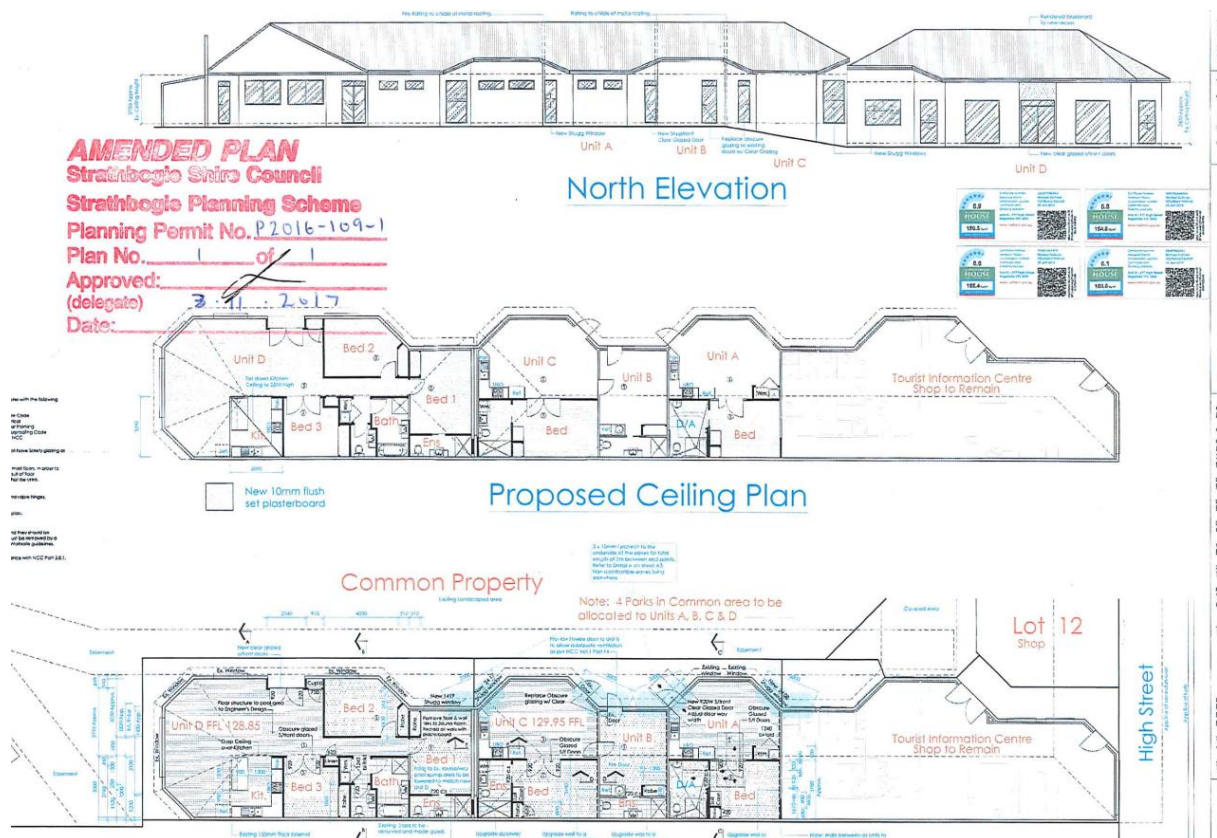
Amended plans endorsed as part of this permit shown no changes to the onsite parking arrangements shown on the above endorsed plans (7 car parking spaces along northern boundary) The main changes as a result of this amended permit was a reduction in the scale of the development, including the removal of the motel units and the removal of car parking condition (condition 3) that required a financial contribution in lieu car parking.

Planning permit P2016-109 was issued on 27/03/17 and allowed the use and development of an existing building for accommodation in accordance with the plans below.



The permit allowed for the proposed day spa, approved under amended planning permit P2005-124 to be converted to 4 motel units. Three of the units are currently being used and the fourth is currently going through an internal fit out. The site plan approved under this permit showed 8 car parking spaces along the northern boundary in the common area. This plan also included a notation that the proposed motel units had access to the common area car parks along the northern boundary.

On 3/11/2017 an amended plan was approved to form part of planning permit P2016-109. This plan superseded the plan endorsed on 27/03/2017 and now showed only the floor layout of the proposed motel units and included a notation that 4 car parks in the common area were to be allocated for use by the motel units. The plan is shown below:



The superseding of the plan endorsed on 27/03/2017 means that the most current endorsed plan showing the provision of car parking along the northern boundary of the land is the plan endorsed under P2005/124 showing 7 car spaces.

At the time of the subdivision of each of the apartments onto their own titles in 2007, the eastern most car parking space along the northern boundary of the land was allocated to the title of apartment one. This effectively removed this car parking space from the common property. Meaning 6 car parking spaces were required in the common property and 1 car parking space as part of apartment one. Regardless, a total of 7 car parking spaces was still required along the northern boundary of the land.

The following buildings and uses are now considered to be approved for the site:

- 3 shop front/premises (all fronting High Street)
- 4 Motel Units
- 10 serviced apartments in 9 buildings.
- Driveway for car parking and access between the apartments and the carparking on the northern boundary, accessed from a driveway between Shop 1 and Shop 2.
- 1.8m pedestrian access between Shop 2 and Shop 3.
- Pedestrian access either side of the driveway between Shops 1 and 2.

Further Information

Further Information Required:		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
What was requested?			
FI Requested:		FI Received:	

Advertising/Public Notification

- Both applications to be advertised together to avoid confusion (P2005/124 amended plan and P2016-109 amended plan.)
- Could the wording for the public notice please say: 'Amended Plans showing a revised car parking layout'.
- Please include the following documents attached to Doc ID 774054 with public notice

Is notification/advertisement required under section 52? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Exempt				
Please provide comment				
Advertised by:		<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Applicant	
Site plan selected:		<input checked="" type="checkbox"/> Site plan selected	Doc ID: 787714	
Add Instructions on Spear		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Letters: Yes	Signs: Not required	Paper: Not required	Sent: «Date»	Stat Dec Rec: No
Objections received?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Number: 3

Consultation

The application was advertised, and 3 objections were received. The grounds of objection are outlined below.

Objection 1 – from a landowner on site:

- The applicant has no legal authority to make the application.
- Concerns in relation to traffic safety as a result of the proposed parking layout.
- No planning or traffic report provided.
- The proposal is contrary to the purpose of the development in its current built form.
- The proposal would adversely affect the amenity and reasonable expectations of the residents of the development.
- The proposal will prejudice the orderly and proper planning of the area.
- The proposal will provide no community benefit.
- The use of common property, or the grant of a permit in respect of the common property in the terms of the application, will mean that that part of the common property will be used in such a manner as to unreasonably interfere with or prevent its use by other members or occupants of lots, or their families or visitors.
- This sole use and occupation of only one of the tenants in common of the common property would be in violation of the rules and regulations provided for in the Owners

Corporation Act in that it "would unreasonably exclude the remaining co-owners of the relevant common property from enjoyment of it.

Objection 2 – from a solicitor for landowners on site:

- The application has not provided an existing conditions plan
- The applicant has no legal authority to make the application.
- Concerns in relation to traffic safety as a result of the proposed parking layout.
- No planning or traffic report provided.
- The proposal is contrary to the purpose of the development in its current built form.
- The proposal would adversely affect the amenity and reasonable expectations of the residents of the development.
- The proposal will prejudice the orderly and proper planning of the area.
- The proposal will provide no community benefit.
- The use of common property, or the grant of a permit in respect of the common property in the terms of the application, will mean that that part of the common property will be used in such a manner as to unreasonably interfere with or prevent its use by other members or occupants of lots, or their families or visitors.
- This sole use and occupation of only one of the tenants in common of the common property would be in violation of the rules and regulations provided for in the Owners Corporation Act in that it "would unreasonably exclude the remaining co-owners of the relevant common property from enjoyment of it.

Objection 3 - from a landowner on site:

- Concerns about the size and location of the eastern most car park along the northern boundary given its proximity to a power substation.

As a result of the objections an amended plan was provided by the applicant that reduced the number of car parking spaces along the northern boundary of the land from 7 to 6 and shifted the eastern most car space away from the exiting power substation on the land. Accompanying the plan was a planning report providing a response to the grounds of objection and minutes of an owner's corporation meeting detailing the decision to make the amended planning permit applications. A copy of this information was provided to the objectors. No objections have been withdrawn and all objections remain current.

A planning officer met with one of the objectors on 21 December 2022 to discuss the history of the applications in more detail and to explain why officers are of the opinion that the current parking requirements for the site along the northern boundary is 7 car parking spaces, 6 in the common property and 1 as part of the title to apartment one. Further detail on this rationale is outlined in the Permit/Site History section of this report.

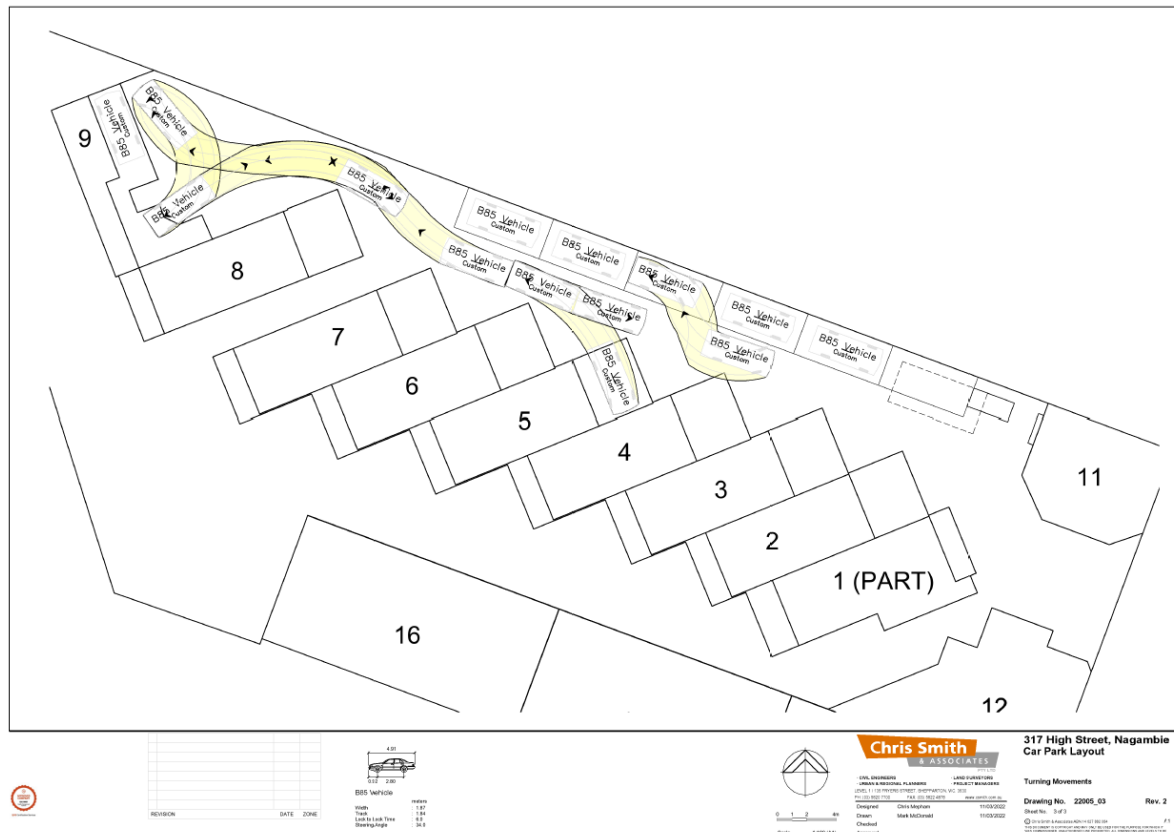
An officer response to the grounds of objections is provided in the Key Assessment Considerations Section of this report.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS – No external referrals required by the Planning Scheme

A plan showing turning movements for each car space was provided by the applicant and were sent to Council's Engineers for review.



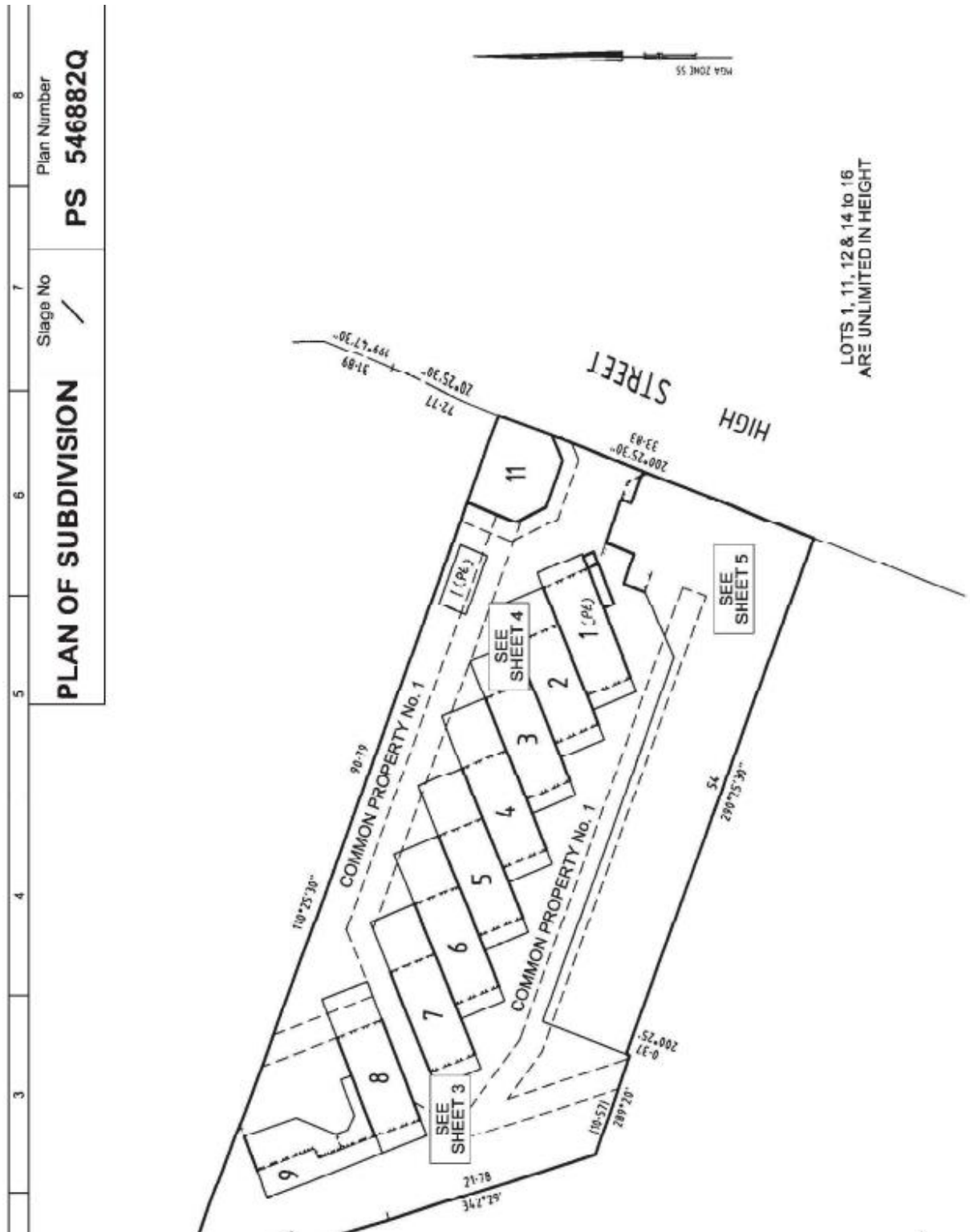
Council's Engineers are satisfied that the vehicles can enter and exit the land in a forward motion and park safely within the development. Reversing movements are required in front of apartment building 9 to facilitate this. The requirement for these reversing movements is a result of the original development design. The proposed revised parking layout does not alter these reversing movements and will provide adequate space for these reversing movements to be achieved safely.

Key Assessment Considerations

Background/History

A review of files associated with planning permits P2005/124 & P2016-109 reveals a number of complex matters. These include the provision of parking along the northern boundary of the land and details of disputes between members of the owner's corporation associated with the parking allowance for the motel units within the common parking area. Despite this, the scope of the officer's assessment is limited to the amended plans that have been submitted with the amended planning permit applications.

Officers do need to be satisfied that the amended planning permit applications have been made by a legal entity. The application was made by Owners Corporation 546882. The receipt for payment for the application fee was made out to Owners Corp PS546882Q. The owner's corporation number matches the plan of subdivision that created the common property on the site (see below):



The face sheet of the title (from a title search on 7/6/22) to the land that created this common property shows the registered proprietor as:

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

OWNERS CORPORATION 1 PLAN NO. PS546882Q of MBCM STRATA SPECIALISTS SEYMOUR,
98A WYNDHAM STREET SHEPPARTON VIC 3630
PS546882Q 25/03/2008

Correspondence from one of the objectors also references the existence of this owner's corporation. Based on the available information officers are satisfied that Owners Corporation PS546882Q is a legal entity and entitled to make the amended planning permit application.

The zoning of the land and any relevant overlay provisions

Commercial 1 Zone

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The site is part of the commercial centre of Nagambie which generally extends along High Street between Vale Street and Glencairn Lane with Lake Nagambie being at the centre of this area. The site is located towards the southern edge of this precinct. The commercial area of the town is focused on High Street with residential and other land uses facing away from the street.

The amended proposal is considered to remain consistent with the purpose and decision guidelines of the Commercial 1 Zone. No formal buildings and works are proposed.

The land also abuts the Transport Road Zone 2 (TRZ2) – Principal Road Network (High Street). There are no proposed changes to the existing vehicle access to the land from High Street. No planning permit approval is triggered under the TRZ2 by the amended application.

Land Subject to Inundation Overlay

Part of the land is located within the Land Subject to Inundation Overlay (LSIO) as shown below:



No planning permit requirements are triggered by the LSIO as no formal buildings and works are proposed by the amended planning permit application.

Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

The original assessment of the application remains valid, and the permissions granted do not require re-assessment as part of the amended planning permit application. This proposal does not introduce new planning permit triggers and does not impact on the current permit conditions. The scope of the officer assessment is limited to the approval sought as part of the amended planning permit application.

The amended planning permit application seeks approval for a revised car parking layout on site, including the reduction of car parking spaces along the northern boundary from 7 to 6 spaces. Practically approval would mean an amended parking layout plan and some line marking on site. Given this, the primary consideration in the assessment of the application is the suitability of the revised car parking layout including the loss of one car parking space.

Given the above there are no relevant MPS or PPF considerations.

Relevant Particular Provisions

Clause 52.06 – Car Parking

Car Parking Assessment

Clause 52.06 – Car Parking Purpose

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local 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.*

To understand what should be occurring on site, an analysis of both the uses being conducted on site and the associated car parking requirements and demand has been undertaken, as follows:

Planning Permit P2005-124

The plans submitted with the original development application provided the following car parking details:

- One dedicated car park provided within each of the serviced apartments.
- 7 on site car spaces, located on the northern boundary of the property in the common property area.
- One of the car spaces in this common area was ultimately titles to services apartment 1 as its dedicated car space. All other services apartments had a dedicated car space underneath each apartment.

Initial Officer assessment was for the following amount of car spaces to be provide:

- Apartments – 10 car spaces
- Motel – 7 car spaces
- Shops – 16.24 car spaces
- Day Spa – 13.2 car spaces
- TOTAL – 46.44
- Proposed was 17, leaving a shortfall of 29.4 car spaces

The officer report associated with the permit made the following statement:

“The proposed development cannot supply the required number of car spaces thus have applied for a reduction in the required number of car parking spaces as per guidelines within Clause 52.06. After discussions with Asset Services it was decided

to reduce the car spaces required by the Strathbogie Planning Scheme to 32 resulting in a deficit of 16 spaces which cannot be provided on site and a monetary contribution will need to be provided in lieu of each car park.

The 16-car space deficit was calculated in the following manner:

- The northern site currently contains 4 retail outlets of which 3 will be rebuilt. The proposed development of the 3 retail shops will not see an increase in car parking requirements as they are not adding to the townships retail floor space thus the requirement for car parking for the retail component is not considered necessary. The replacement of 4 shops with 3 leaves a deficit of 8 car parks in the applicant's favour.*
- The minimum car parking requirements for the motel/apartment complex are short 1 car park in total.*
- The development will mean an overall loss of 1 existing car park along the main street frontage.*
- The day spa, as per the planning scheme and as per the car parking balance sheet provided by the applicant's consultant, requires 27 spaces.*
- Thus, subtracting the 8 spaces belonging to shop 4 (see dot point 1) plus a 25% discount for customer from the motel/apartment complex utilising the day spa facilities results in a deficit of 14 spaces.*
- Therefore the 14 spaces plus the additional 2 (see dot point 2 & 3) mentioned above leave a total of 16 extra spaces required. We understand that these cannot be supplied on site thus a monetary contribution has to be paid for the provision of car parking at another location.*

In simple terms a reduction in car parking was required as there was a shortfall in parking provided to cater for the motel and day spa uses.

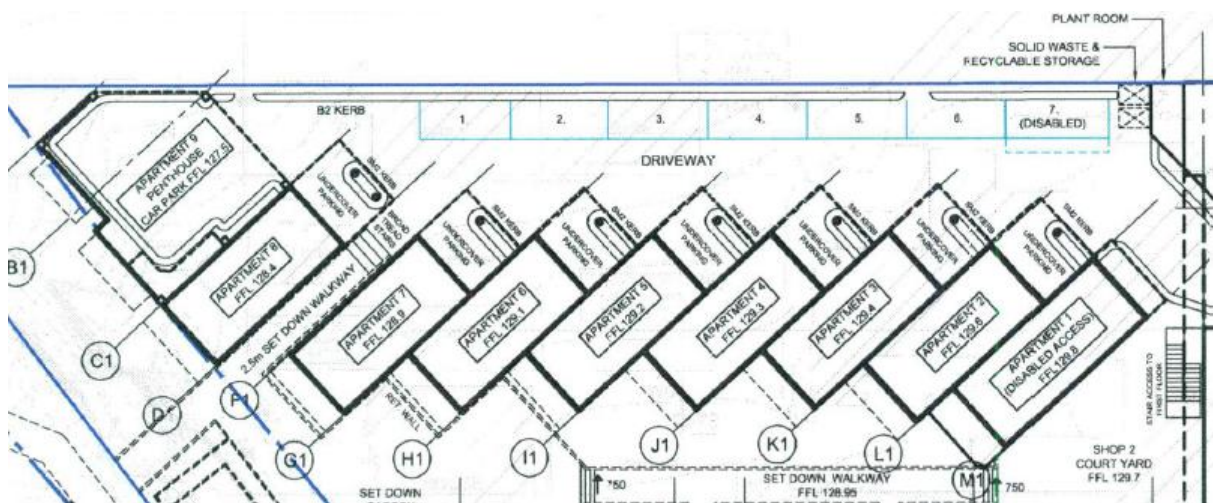
The following conditions were applied to the permit:

3. Prior to the use commencing, the owner of the land must enter into an agreement with the Strathbogie Shire Council, made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:
 - A contribution of \$72,000 for the construction of a car park (\$4,500 x 16 car spaces). The car park will be provided at a location chosen by the Responsible Authority. The payment must be provided upon the commencement of the use of the proposed development. The car spaces must e construction to the satisfaction of the Director Asset Services.

This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act 1987.

4. Prior to the use commencing, the area set aside for the parking of vehicles as shown on the endorsed plan must comply to the satisfaction of the Responsible Authority.
6. The development must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

The endorsed plans show the following car spaces (in the common area and as part of the serviced apartments):



The subdivision plans for the development show that the car space marked “7” is part of the title for apartment 1, leaving 6 car spaces that would be available for common use.

Amendment to Planning Permit P2005-124

In the amendment to the permit to reduce the size of the development (removal of second storey section of day spa and second storey motel units) and to remove the condition requirement for car parking payment, the Delegate report made the following statement:

“The proposed amendment will see a significant reduction in the development of the site but in principle retains the ‘use’ and footprint of the original development allowed under Planning Permit P2005-124. Although the loss of the motel will allow for the development behind the shops to be seen from the street, it is considered that this will not be detrimental as the apartments are set back enough so as not to encroach on the streetscape.”

The previous permit had a condition that required the applicant to pay \$72,000 for 16 car parking spaces in lieu of what could be supplied on site. The reduction of the development especially the loss of the motel and scaling down of the day spa has resulted in extra spaces no longer being required. The number of car parks as shown on the endorsed plan is not to change.”

This resulted in the permit being amended to delete the original condition 3 and renumber the remaining conditions accordingly. The amended planning permit still retained permission for a reduction in car parking requirements for the use and development.

Planning Permit P2016-109

On 11 August 2016, an application was received to change the day spa approved by amended planning permit P2005-124 to motel units. The following was stated in the documents:

“There are 6 car parks on the northern side of the development that are part of the body corporate that the property is involved in. Does that suffice as I believe there would be less need for parking as would have been previously apportioned for the day spa that the building was previously used for.”

In the delegate report supporting the permit, the following was stated:

“Table 1 of Clause 52.06-5 of the Strathbogie Planning Scheme specifies the number of car parking spaces required for specific land uses. The number of car parking spaces required for the proposed tourist accommodation is 4. Eight car parking spaces are existing within the development in addition to the car parking provided to each of the dwellings within their own titles. Car parking to be provided to the development is appropriate and has consent of the owner’s corporation.”

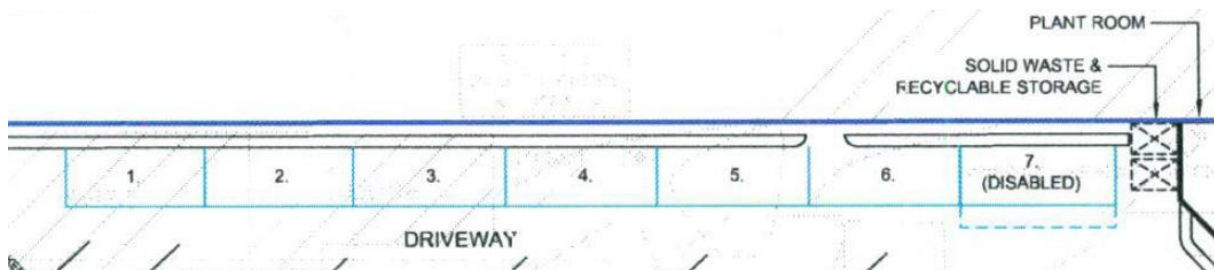
As such, no additional car parking was required to change the day spa to the motel units. For this permit, officers confirmed that the change from a day spa, with requirements for car parking higher than that for a motel unit, that it would be unreasonable to require the provision of additional car parking.

Compliance with permit requirements:




Planning permit conditions for the use and development of land are considered to be “live” and enforceable in an ongoing way. The conditions on Planning Permit P2005-124 that are still considered relevant to the site are as follows:




3. Prior to the use commencing, the area set aside for the parking of vehicles as shown on the endorsed plan must comply to the satisfaction of the Responsible Authority.
5. The development must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

These two conditions apply in perpetuity and mean that the car parking on site must continue to be in accordance with the endorsed plans. Unless a revised plan is approved by the responsible authority. These plans show the following parking spaces to be provided in the common property:



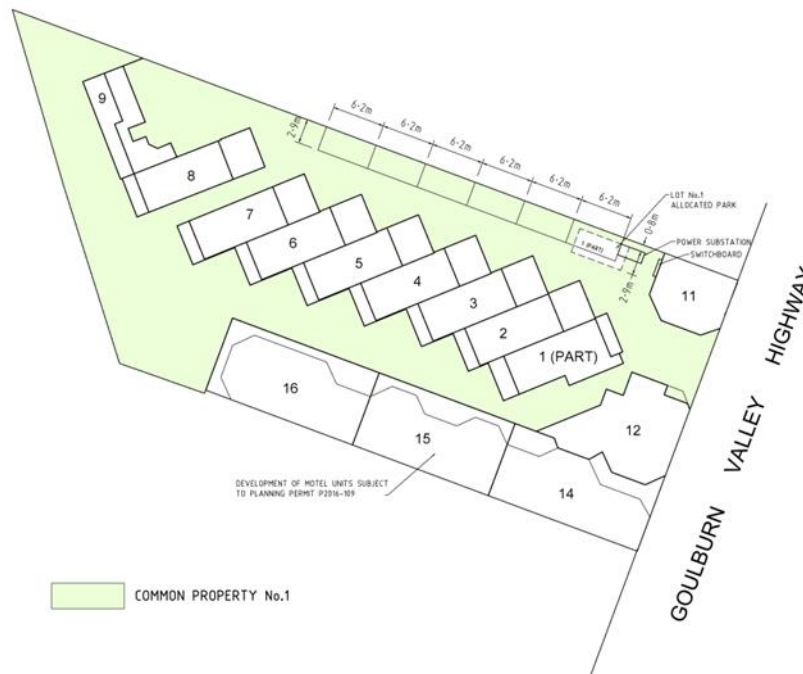
In order to determine compliance with these conditions, an assessment of the aerial photography of the site was previously undertaken. The following is noted:

Date	Imagery	Comments
Sep '09		<p>8 car spaces line marked and visible on site.</p> <p>Permit requirement for 7 per the endorsed plan is met.</p>
Oct '11		<p>Slightly harder to see, but lines appear to have been moved to reduce to 7 car spaces.</p> <p>Considered to comply with permit conditions.</p>
Nov '13		<p>Last parking bay appears to be blacked out, with only 6 car spaces provided on the site.</p> <p>Not considered to comply with the permit conditions.</p>

Nov '15		<p>No change since 2013.</p> <p>Still not considered to be compliant.</p>
Oct '17		<p>No change since 2013.</p> <p>Still not considered to be compliant.</p>
Oct '19		<p>A further 4 car spaces appear to be blacked out. Only 2 spaces remaining in situ.</p> <p>Not considered compliant with the conditions on the planning permit.</p>

To address the above the owner's corporation submitted the amended planning permit and amended car parking plan. The original amended plan submitted showed 7 car parking spaces slightly adjusted to provide clearance from an onsite power substation.

This amended plan received objections and, in an attempt, to resolve some of the objectors concerns the amended plan was revised to show 6 car spaces along the northern boundary as shown below:



This is the most current plan to be assessed as part of this application. The scope of the assessment of the application is limited to the amended plans and is not a re-assessment of the merits of the original application. In practical terms the assessment becomes about ensuring the revised parking layout provides a satisfactory parking outcome for the land.

Parking considerations and assessment.

In assessing the above amended plan the relevant purposes of Clause 52.06 provide as useful guide:

- *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 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.*

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.

As the use of the land for the shops, apartments and motel units has commenced it is possible to measure the parking demand on site by observing how the land and its associated uses currently operate.

Officers have spoken to a number of members of the owner's corporation about how car parking operates on the land, in particular the common parking area along the northern boundary. The general consensus is that the common area parking functions in a way that people staying in the apartments have first use of this area. People staying in the motel units park in this area when there are spaces available. If there are no spaces available, then people staying in the motel units will utilise public car parking in High Street as shown below:



Officers have visited the site on a number of occasions and have not witnessed a time when the common parking area along the northern boundary of the land has been fully occupied. Photos below show on-site parking over the weekend of 21 to 23 April 2023.



Above photo taken Friday evening 21 April at 5.30pm shows car parking spaces available in common parking area.



Above photo taken Friday evening 21 April at 5.30pm shows car parking spaces available in public parking area in High Street adjacent to the land.



Above photo taken Saturday morning 22 April at 11.30am shows car parking spaces available in common parking area.



Above photo taken Saturday morning 22 April at 11.30am shows car parking spaces available in public parking area in High Street adjacent to the land.



Above photo taken Sunday morning 23 April at 10.00am shows car parking spaces available in common parking area.



Above photo taken Sunday morning 23 April at 10.00am a high level of occupancy of the car spaces in the public parking area in High Street adjacent to the land.

At all the above times there was car parking spaces available in the common parking area, and the majority of times there was also parking available in the public parking area.

This is not to say that there are not times when the common parking area is not fully utilised however officers are yet to witness this. Given the above it is reasonable to conclude that there is adequate car parking available for the activities undertaken on the land. Even with the proposed reduction of one car space in the common parking area, there will still be an adequate supply of parking to cater for the current uses being conducted on the land.

Amended Planning Permit P2005/124 gives permission for a reduction in car parking so no changes to the permissions allowed under the planning permit are required.

Parking requirements for the shops, apartments, and motel units

Based on previous car parking assessments from officers no additional car parking was required from the shop tenancies on the land. This assessment was based on the fact the proposed shops did not generate any additional retail floor space from the previous use of the land. Therefore, it was determined that a car parking credit existed for this component of the use.

There are ten apartments constructed on the land as part of P2005/124. Eight are two-bedroom and two are three-bedroom apartments. Under current car parking requirements 1 car space is required for each two-bedroom apartment and 2 car spaces are required for each three-bedroom apartment. In addition to this, 2 visitor car parking spaces (1 visitor space per every 5 dwellings) are required. This means a total of 14 car spaces are required for the apartments.

The four motel units allowed under planning permit P2016-109 each require 1 car parking space, meaning a total of 4 car parking spaces are required.

Given the two approved planning permits effectively operate together a wholistic parking assessment is required. A total of 18 car spaces are required for both the apartments and the motel units. With the reduction of 1 car space as proposed by the amended car parking layout plan there will be 16 on site car spaces provided, leaving a shortfall of 2 car spaces. The reduction in parking allowed under P2005/124 can cater for this parking shortfall. Despite this shortfall, officers are satisfied that there is an adequate provision of car parking for the uses being conducted on the land based on observations of how parking associated with these uses currently operates.

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

As outlined above officers are satisfied that there is an adequate provision of car parking both on the land and within nearby public parking to cater for the use being conducted on the land.

While officers are aware of disputes between the owner's corporation regarding the use of existing car parking on the land, officers are not aware of any complaints from surrounding landowners or the general public about parking issues associated with the land.

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.

The proposed changes to the car parking layout will not alter the existing accessway to the car parks or the location of the existing car spaces along the northern boundary. This parking arrangement has operated for a number of years and officers are unaware of any major incidents. The changes will merely result in the reduction of the parking by one space and the re-line marking of the car parking spaces to provide clearance from the existing power

substation on the land. The removal of one car space will ensure that vehicles utilising car parking on the land can safely use the turnaround area at the front of unit 9, enabling all vehicles to exit the site onto High Street in a forward manner. Council's Engineers have reviewed the submitted plans and are satisfied that this can be achieved.

Approval of the amend plan will result in properly line marked car parking spaces providing certainty for all parties in a safer environment where cars can turn around at the rear of the site without being blocked by cars parking inappropriately.

In conclusion:

Based on the above assessment, it is considered that the site is currently non-compliant with the relevant parking conditions of Amended Planning Permit P2005/124. Obtaining compliance will require the reinstatement of the line marking in accordance with endorsed plans forming part of this permit.

The amended planning permit application proposes a revised car parking plan showing the provision of 6 car parking spaces along the northern boundary. Based on a car parking assessment, officers are satisfied that the provision of these 6 car parking spaces along the northern boundary is adequate for the exiting use and development of the land and that the revised car parking plan can be approved, and the planning permit amended to reflect this.

Additionally, the revised car parking layout will provide for a safer environment on site by allowing all vehicles entering and exiting the land to be able to have access to the car parks and to leave in a forward direction by safely utilising the turnaround area to the rear of the site. An updated approved car parking plan will provide certainty to all parties about the level of required parking on site and provide adequate separation from the existing power substation located on the land.

Upon approval of the updated parking plan the Owners Corporation will update the line marking for parking along the northern boundary and adjust the common property to reflect the dedicated car space for unit one. This would achieve compliance with the relevant conditions of planning permit P2005/124.

Office Response to Grounds of Objection

Grounds of Objection	Response by Assessing Officer
The applicant has no legal authority to make the application.	As outlined in this report officers are satisfied that the application has been made by a legal entity being Owners Corporation 1 Plan No. 546882Q. The legalities of any

	dispute about the operations of the Owners Corporation are outside the scope of the assessment for this application.
Potential traffic safety issues as a result of the revised parking layout/no planning or traffic report provided.	The planning scheme does not require the submission of a traffic report as part of the amended planning permit application. No evidence has been submitted to show that the revised parking layout will cause any safety issues. Council's Engineers have reviewed the revised car parking layout and are satisfied that it will achieve a safe outcome. Parking along the northern boundary of the land has operated in a similar fashion for a number of years without major incident. No physical buildings and works are proposed. Only some re-line marking for the proposed parking layout.
The applicant has not provided an existing conditions plan	The existing conditions are visible upon visiting the site as detailed in the photographs forming part of this report. Details of the current lot boundaries and common property arrangements have been provided as part of the application.
The proposal is contrary to the purpose of the development in its current built form.	No evidence has been provided by objectors to substantiate this claim. The proposal will result in the provision of parking along the northern boundary of the land to service the existing developments.
The proposal would adversely affect the amenity and reasonable expectations of the residents of the development.	No evidence has been provided by objectors to substantiate this claim. Each apartment building will still retain a dedicated car parking space and the apartments will have use of the car parking spaces in the common property along the northern boundary of the land.

The proposal will prejudice the orderly and proper planning of the area.	No evidence has been provided by objectors to substantiate this claim. Each apartment building will still retain a dedicated car parking space and the apartments will have use of the car parking spaces in the common property along the northern boundary of the land. The amended car parking layout has been designed to improve the safety and operation of the car parking spaces along the northern boundary of the land.
The proposal will provide no community benefit	The proposed revised car parking layout is on private land and is unlikely to have any measurable impact on the community.
The use of common property, or the grant of a permit in respect of the common property in the terms of the application, will mean that that part of the common property will be used in such a manner as to unreasonably interfere with or prevent its use by other members or occupants of lots, or their families or visitors.	No evidence has been provided by objectors to substantiate this claim. The proposal will not alter the use of the land for car parking purposes. Officers have undertaken a car parking assessment and are satisfied that there is an adequate provision of on-site car parking.
This sole use and occupation of only one of the tenants in common of the common property would be in violation of the rules and regulations provided for in the Owners Corporation Act in that it "would unreasonably exclude the remaining co-owners of the relevant common property from enjoyment of it.	The requirements of the Owners Corporation Act are outside of the scope of the assessment of this application.
Concerns about the size and location of the eastern most car park along the northern boundary given its proximity to a power substation.	The plan has been amended to provide a larger car parking space for the eastern most car parking space that provides for adequate clearance from the power substation located on the land.

Officers Concluding Comments

The objections raise a number of relevant considerations in regard to the provision of car parking on site, as identified in the table above a number of these can be addressed by implementation of the amended car parking layout. While the history of planning permits P2005/124 and P2016-109 are complex, the scope of the assessment of the amended planning permit applications is limited and relatively straightforward, being will the revised parking layout provide for an adequate parking outcome. A parking assessment undertaken by officers has determined that the provision of 6 parking spaces along the northern boundary will provide for an acceptable planning outcome and approval of the applications and amended parking layout is recommended.

Matters of dispute between members of the owner's corporation are beyond the scope of the relevant assessment considerations of the amended planning permit application. Officers need only be satisfied that the application have been made by a legal entity. As outlined in the Background/History section of this report officers are satisfied that the owners corporation exists and is therefore capable of making the amended planning permit applications.

The decision guidelines of Clause 65

As part of the car parking assessment undertaken in this planning report, officers have determined that the proposed updated parking layout will not impact on the amenity of the area and will provide for a more orderly and functional car parking layout on site.

As the land is already developed and no physical buildings and works are proposed, the proposal will not result in the removal of any native vegetation or impact on any abutting public land.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Summary of Key Issues

Officer Response:

Amended Planning Permit P2005/124 has a complex history that needs to be understood to assist with the assessment of the current amended planning permit application.

The scope of the assessment of the amended planning permit application is limited to assessing the suitability of the revised parking layout shown on the submitted amended plan.

While it is important to understand that onsite parking arrangements is also a matter of dispute between various members of the exiting owners corporation, the resolution of these disputes is outside the scope of the assessment required as part of this application.

Officers are satisfied that the current amended planning permit application has been made by a legal entity, being the existing owners corporation for the common property located on site.

Officers have an obligation to assess the application on its merits and ensure the officer recommendation would result in an acceptable planning outcome.

Officers have undertaken a parking assessment and are satisfied that the amended car parking layout will provide for an acceptable planning outcome and can suitably address a number of the objectors concerns.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to grant an amended planning permit approving a revised car parking layout, with no changes to conditions.

Decision:

Delegate Report <input type="checkbox"/>	Committee Report <input type="checkbox"/>
Determination: Choose an item.	Determination Date:

Endorsed Plans:

Date:	Plan Numbers:

Declaration:

In making this decision as a delegated Officer, I declare that I have had regard to the decision-making requirements of the Strathbogie Shire Council's Governance Rules 2020 outlined by Rule 6 and have:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Made a fair, balanced, ethical and impartial decision - Sub Rule 6(c)(i) | <input checked="" type="checkbox"/> |
| Made a decision based on merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations- Sub Rule 6 (c)(ii) | <input checked="" type="checkbox"/> |
| Applied the principles of natural justice to my decision, ensuring any person whose rights will be directly affected by the decision has been entitled to communicate their views and have their interests considered - Sub Rule 6(d) | N/A |
| Identified the person or persons whose rights will be directly affected Sub Rule 6(e)(i) | <input checked="" type="checkbox"/> |

Given notice of the decision Council must make under Sub Rule G(e)(i) N/A

Ensured that such person(s) have had an opportunity to communicate their views and have their interests considered before I made the decision - Sub Rule 6(e)(i) N/A

Included information about how I've met these Sub Rules in my delegate report- Sub Rule 6(e)(iv) ☒

Attachments

Plans for endorsement

Assessing Officer: Braydon Aitken Manager Reviewing Officer: G Williamson Principal Planner

Signature: Signature:

Date: Date:

Copy of permit to:

Nil

Date sent:..... Initials:.....