

## 7. BUSINESS PAPER

### PLANNING, DESIGN AND DEVELOPMENT

#### 7.1 Amendment C186/Planning Permit YR-2019/131 - 361-365 Mt Dandenong Tourist Road, Sassafras: Consideration of submissions

##### SUMMARY

At the Ordinary Council Meeting of 14 May 2019 Council resolved to prepare and exhibit a combined Planning Scheme Amendment and Planning Permit application (YR-2019/131) for 361-365 Mt Dandenong Tourist Road, Sassafras (the site). The site is currently occupied by a bakery, bonsai nursery, a second nursery and tourist information centre, the latter two functioning out of shipping containers.

The Amendment seeks to rezone the site from a Green Wedge A Zone – Schedule 1 (GWAZ1) to a Commercial 1 Zone (C1Z) to recognise the ongoing commercial use of the land. The planning permit application is to reissue a permit for existing buildings and works and additional minor buildings and works under the proposed C1Z.

The site has an existing Design and Development Overlay (DDO14) consistent with the other commercial sites in Sassafras which is proposed to be retained. An additional Design and Development Overlay (DDO21) was proposed to ensure the key green wedge subdivision provisions are retained; however this has subsequently been replaced with a more effective Specific Controls Overlay (SCO) which will meet the subdivision objectives whilst more effectively addressing the CFA permit conditions that were raised during exhibition.

The amendment was exhibited between 1 August 2019 to 2 September 2019 and as a result a total of 85 submissions were received during the exhibition period, mostly objecting to the proposal. Key concerns related to: future development of the site resulting from the application of the Commercial 1 Zone, preserving existing green wedge land/zoning and economic impacts. The Country Fire Authority (CFA) raised concerns about how the proposal mitigates bushfire risk.

In response to submissions, this report recommends some changes to the exhibited amendment, including the change from DDO21 to SCO and some changes to permit conditions, which are detailed later in this report.

Given the broad nature of issues raised in submissions, it is recommended that Council refer the Amendment and submissions to an independent planning panel appointed by the Minister for Planning. The contents of this report will provide the basis for Council's submission to the Planning Panel.

**Moved: Cr Cliff**  
**Seconded: Cr Clarke**

*That Council*

1. *Consider the submissions made in response to the exhibition of combined Planning Scheme Amendment C186 and Permit YR-2019/131.*

2. *Having considered the submissions, request the Minister for Planning to appoint an independent Planning Panel under section 23 of the Planning and Environment Act 1987 to consider the submissions.*
3. *Write to all submitters advising them of Council's decision to refer submissions to a panel and continue to work with submitters to clarify and resolve outstanding issues where possible.*
4. *Present a submission generally in accordance with the position outlined in this report and appendices, at a Panel Hearing.*

**The motion was carried.**

A division was called by Cr McAllister:

In Favour: Cr Cliff, Cr Child, Cr Avery, Cr Clarke, Cr Stevenson and Cr Higgins

Against: Cr Cox, Cr McAllister and Cr Heenan

## 7. BUSINESS PAPER

### SOCIAL AND ECONOMIC DEVELOPMENT

No. of Pages – 10

#### **7.1 Combined Planning Scheme Amendment and Planning Permit Application - 361-365 Mt Dandenong Tourist Road, Sassafras (YR-2019/131)**

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**RESPONSIBLE OFFICER**      Acting Director Social & Economic Development

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#### **SUMMARY**

Council has received a request for a combined Planning Scheme Amendment and Planning Permit application (YR-2019/131) for 361-365 Mt Dandenong Tourist Road, Sassafras ('the site'). The site is currently occupied by a bakery, bonsai nursery, a second nursery and tourist information centre, the latter two functioning out of shipping containers.

The Amendment seeks to rezone the site from a Green Wedge A Zone – Schedule 1 (GWAZ1) to a Commercial 1 Zone (C1Z) – recognising the ongoing commercial use of the land. It is proposed to apply a Design and Development Overlay to prevent further subdivision of the site and ensure that planning controls applying to the site maintain consistency with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* and meet the subdivision requirements of the Planning and Environment Act in relation to land outside the Urban Growth Boundary.

The Planning Permit application is to reissue existing planning permission for buildings and works as required under the proposed Commercial 1 Zone. The application is also for additional minor buildings and works in a Commercial 1 Zone.

Council officers have assessed the proposal and there is broad strategic justification for the proposed amendment (rezoning) in the Yarra Ranges Planning Scheme.

It is recommended that Council seek authorisation from the Minister for Planning to authorise and exhibit the proposed amendment/permit.

#### **RECOMMENDATION**

##### ***That Council***

- 1. Seek authorisation from the Minister for Planning to prepare and exhibit the combined Planning Scheme Amendment and Planning Permit Application (YR-2019/131) relating to 361-365 Mt Dandenong Tourist Road, Sassafras as per Attachment 2 to this report.***
- 2. Pending the Minister's authorisation, exhibit the combined Planning Scheme Amendment and Planning Permit Application (YR-2019/131) relating to 361-365 Mt Dandenong Tourist Road, Sassafras in accordance with the Planning and Environment Act 1987.***

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## DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

## PROPOSAL

Council has received a request for a combined Planning Scheme Amendment and Planning Permit application (YR-2019/131) for 361-365 Mt Dandenong Tourist Road, Sassafras ('the site') pursuant to section 96a of the *Planning and Environment Act 1987*.

The proposal comprises the following components:

- Rezone the site from a Green Wedge A Zone – Schedule 1 to a Commercial 1 Zone
- Apply a Design and Development Overlay (DDO) to retain the existing subdivision controls on the site
- Reissue planning permission for buildings and works as required in the Commercial 1 Zone. This relates to six shipping containers housing a tourist information/booking office (office), artist's studio/shop (retail premises), nursery (retail premises) and storage
- Seek planning permission for new buildings and works, including an additional shipping container to be used for storage and sales, bringing the total number of shipping containers on the site to seven.

The permit triggers under the Yarra Ranges Planning Scheme are as follows:

- Clause 34.01 Commercial 1 Zone: Buildings and works
- Clause 43.02 Design and Development Overlay Schedule 14: Buildings and works
- Clause 44.06 Bushfire Management Overlay: Buildings and works carried out in association with Office and Retail premises uses.

Attachment 1 contains the planning report and plans provided by the proponent. Attachment 2 contains the amendment and permit documents including the draft Explanatory Report and draft Design and Development Overlay.

## BACKGROUND

### *Site Description*

The subject site is located on the north-western side of Mt Dandenong Tourist Road. The subject site is an irregular shaped block with a street frontage of 45.95 metre frontage to Mt Dandenong Tourist Road, depth of 54.1 metres to Prince Street and site area of 2,770m<sup>2</sup>. Attachment 3 contains a plan showing the site's location and surrounding zoning and Attachment 4 contains an aerial image of the site and surrounding area.

Topographically, the site is described as flat. There is a 0.91 metre and 1.83 metre wide drainage and sewerage easement along the northwest boundary. There is a crossover

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along both street frontages on Mt Dandenong Tourist Road and Prince Street. The site is not affected by any covenants and contains no significant vegetation.

The site adjoins the following properties:

- Northwest - Single storey dwelling at 2 Prince Street. This dwelling includes a driveway and garage abutting the common boundary
- Northwest – Single storey dwelling at 1770 Mountain Highway. This is a small abuttal of 3.5 metres
- Northeast – Public open space abutting the common boundary
- Southwest – Single storey shops
- Southeast – Single and double storey shops within the Commercial 1 Zone.

The site is centrally located in the Sassafras commercial area along Mt Dandenong Tourist Road, which contains a variety of shops and cafés. These buildings vary in scale from one to two storeys and also have variable front setbacks, with some buildings having a zero setback. Land further west along Prince Street contains low density residential properties in the Green Wedge A Zone – Schedule 1.

### ***Current Use and Development***

The site is currently developed and contains the following uses/development:

- Single storey bluestone building currently used as a café/bakery (food and drink premises)
- Shipping container used for storage for café/bakery
- Covered structure and display area used in association with a bonsai plant nursery (retail premises)
- Shipping container serving as display area for bonsai plant nursery
- Shipping container serving as storage for bonsai plant nursery
- Shipping container and general area used for plant sales and home wares (retail premises)
- Shipping container serving as an accommodation bookings office (office)
- Shipping container selling artwork, textiles and stationery (retail premises).

The subject site has contained a plant nursery for more than 50 years and in 2015 the land owners sought to add a café. Council refused the application on grounds that the café was not appropriate for a site in the Green Wedge A Zone. However, VCAT set this decision aside, determining that a café is ancillary to the daily activities of the nursery. Consequently, planning permit YR-2014/961 was issued in October 2017, with conditions.

In 2018 investigation of compliance issues on the subject site found the plant nursery was not operating at a capacity to justify it as the primary land use.

In light of these compliance issues and the GWAZ1 prohibiting the mix of retail uses currently operating on the site, the proposal seeks to 'ratify' the current uses on the site by rezoning the site from GWAZ1 to C1Z.

## **STRATEGIC LINKS**

The proposal is consistent with the strategic objective 'Vibrant Economy, Agriculture and Tourism' in the Council Plan 2017-21.

The proposal is consistent with Council's Economic Development Strategy which guides Council's role in the sustainable development of the local economy.

## **CONSULTATION**

Once the Amendment is authorised by the Minister for Planning, Council will directly notify parties who may be impacted by the Amendment, place public notices in the relevant newspapers and Government Gazette and place a notice on Council's website. These notification methods are pursuant to the statutory notification process in the *Planning and Environment Act 1987*.

## **FINANCIAL IMPLICATIONS**

The applicant will pay the fees for the amendment and permit and has signed an Acceptance of Costs form which holds them responsible for costs incurred by Council such as advertising/public notices and a Planning Panel hearing (if required).

Additional resources to progress the Amendment can be accommodated in the Strategic Planning 2018/19 operational budget.

## **KEY ISSUES**

### ***Strategic Assessment – Planning Policy to Support***

The proposal finds support in the following clauses of the Yarra Ranges Planning Scheme:

- Clause 11.02-1S – Supply of urban land:

The proposal ensures that a sufficient supply of commercial land is available in the Sassafras town centre. Land to the east and the south of the site is in the Commercial 1 Zone.

- Clause 11.03-1S Activity centres:

The site is located within the Sassafras town centre and will contribute to the concentration of retail and commercial developments within the centre.

- Clause 13.07-1S – Land use compatibility:

Surrounding residential and commercial uses restrict the site's capacity for effective agricultural use, as envisaged by the GWAZ1. However, the site is appropriately located to ensure that uses contemplated by the C1Z could operate from the site, illustrated by the historic nursery use.
- Clause 17.01-1S – Diversified economy:

The mix of uses on the site does not necessarily diversify the local economy in Sassafras. However, providing additional commercial land will provide future opportunities to improve local employment options.
- Clause 17.02-1S – Business:

The site is in an appropriate location to be in the C1Z and supports the aggregation of commercial facilities within Sassafras town centre. The mix of uses on the site contributes to providing small scale shopping opportunities within Sassafras' commercial core. Applying the C1Z to the site will ensure that adequate commercial land is available to provide for the needs of the local population within Sassafras and visitors to the region.
- Clause 21.04-2 Commercial:

The proposal supports policy that recognises the need to locate commercial uses within existing commercial centres and reinforce the established role of Sassafras centre.
- Clause 21.05 Settlement:

The proposal supports policy that aims to establish sustainable and attractive townships which can support a range of residential, commercial, retail, community and recreational facilities and services.

### ***Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan/Core Planning Provisions***

The site is located in the *Landscape Living 1 Policy Area* as specified by the Regional Strategy Plan (RSP). The RSP sets out subdivision yields, which seek to prevent further subdivision, and have been translated into the schedule of the relevant zones in the Planning Scheme. Further, section 46F of the *Planning and Environment Act 1987* requires the Yarra Ranges Planning Scheme to be consistent with the RSP. The proposed amendment would be inconsistent because the Commercial 1 Zone does not have provision to specify subdivision controls.

To overcome this issue, it is proposed to apply a Design and Development Overlay (DDO) to the site to maintain the current subdivision provisions and prevent further subdivision of the site. This is also required to be consistent with Part 3AA of the *Planning and Environment Act 1987* which requires Ratification by Parliament "for any amendment that has the effect of altering or removing any controls over the subdivision of any green wedge land."

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The proposed rezoning to a Commercial 1 zoning is considered to be consistent with the RSP as the kind of uses currently occurring and envisaged are considered appropriate within the Landscape Living 1 Policy Area.

### ***Strategic Assessment - Issues to be Addressed***

#### **Bushfire**

Clause 13.02-1S (Bushfire Planning) of the Planning Scheme applies to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is:

- Within a designated bushfire prone area
- Subject to a Bushfire Management Overlay
- Proposed to be used or developed in a way that may create a bushfire hazard.

The above points all apply to the subject site, so there must be sound strategic justification provided for the proposed amendment to address the bushfire planning provisions. Clause 13.02-1S contains policy preventing the approval of a planning scheme amendment that will intensify development (or the potential for development) in an area that has or will have on completion more than a BAL 12.5 rating.

Assessment under Clause 44.06 (Bushfire Management Overlay) is also required, as the proponent is seeking reissue of a planning permit to construct a building or carry out works associated with the use of a building as an office or retail premises.

The existing Bushfire Management Statement (BMS) prepared for the site predates the introduction of Clause 13.02-1S. The current shipping containers were approved under permit YR-2014/961/A for storage associated with the nursery and a formerly proposed community garden use. As the current proposal adds commercial floor space and increases the intensity of uses compared with the uses allowed under the existing planning permit, a BMS addressing all components of the current proposal is required.

To date Council has not received an updated bushfire assessment. It is likely the Minister for Planning will request this information prior to authorisation.

### ***Future Uses and Development in the Commercial 1 Zone***

While the proposal involves issuing a planning permit for the current uses, the proposed Commercial 1 zoning will enable additional uses on the site that are currently prohibited under the current Green Wedge A zoning. In addition, it is quite plausible that should the rezoning be approved, an application could be made in the future to redevelop or intensify the use of the site.

While the site is constrained, (there is no reticulated sewer) rezoning to a Commercial 1 Zone will enable a broader range of uses beyond that already occurring or proposed. At a strategic level this is considered to be an acceptable outcome given the central location of the site and its proximity to other commercial uses. The additional commercial zoned land and potential future use and development may benefit the town, local residents and visitors and future built form will be guided by Design and Development Overlay – Schedule 14 which currently applies to the site.



Should Council support seeking authorisation of the amendment, it is recommended that the exhibited amendment documentation include an economic analysis of the impact (both positive and negative) of the additional commercial zoning in this location.

### ***Assessment – Planning Permit Application***

#### Use

The C1Z seeks to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. Should the site be rezoned, it will be included in an area where such uses have been directed to be located.

The use as of land for a retail premises and office is an 'as of right use' in a C1Z and therefore planning approval is only required for buildings and works and car parking in accordance with Clause 34.01-4 of the Planning Scheme.

#### Siting and Design

The subject site is included in Design and Development Overlay Schedule 14 (DDO14). DDO14 provides policy guidance to ensure the town centres in the Dandenong Ranges will retain their distinctive appearance as a cluster of buildings in a forest, rather than a 'wall to wall' urban environment.

The six shipping containers currently located on the site were previously approved under permit YR-2014/961/A to be used as storage associated with a previous community garden use. However, separate tenancies now operate from four of the shipping containers and the remaining containers are used as storage. Therefore, retrospective planning permission is required under the C1Z and DDO14 for buildings and works to locate the shipping containers on the site.

The shipping containers have a length of 6 metres and a width and height of 2.4 metres. The height of the shipping containers complies with the 7.5 metre/two storey height control in DDO14.

The six existing shipping containers are generally located within the front setback of the site, with two of the shipping containers having a direct abuttal to the site's south western boundary along Prince Street. The existing bluestone building has a generous front setback. In this circumstance, a zero setback from Mt Dandenong Tourist Road is not required.

The existing and proposed shipping containers are generally inconsistent with the design and development objectives of DDO14. While narrow, the shipping containers do not provide a frontage to Mt Dandenong Tourist Road, rather being sited to provide a frontage to the site's internal path network.

Repurposing shipping containers for commercial space is a contemporary architectural trend. Nevertheless, the rectangular massing of the shipping containers is inconsistent with the intent of DDO14 for new buildings to incorporate classic Dandenong's design themes such as asymmetrical design, wide span pitched rooflines and front gables.

The proposed and existing facades are not the strongly articulated facades as envisaged by DDO14 and require further treatment to achieve compliance with this requirement.

Decorative elements on the existing shipping containers achieve mixed compliance with DDO14. The display container partially clad in bamboo panelling and the mural, which references the flora and fauna of the Dandenongs, are appropriate and soften the appearance of the shipping containers. The bonsai nursery's existing storage container while not clad in any material, is acceptable given its location on the site along the northern boundary and because it forms part of a larger storage area.

A permit condition will be included specifying that the existing and proposed shipping containers be treated/decorated in a manner that softens their appearance. Attachment 2 contains a draft planning permit proposed for exhibition.

Other proposed works include a pergola to be located on the Mt Dandenong Tourist Road frontage at the north-eastern corner of the site and roof overs located on the north-western corner of the site. The proposed pergola is likely to have a minimal impact on the streetscape as it will be obscured by the existing front boundary fence. Similarly, the roof overs are located towards the rear of the site. These buildings and works are therefore viewed to be compliant with both the C1Z and DDO14.

### ***Amenity Impacts***

The existing shipping containers are not located on an abuttal with a residential property.

Should a planning permit be granted, conditions addressing amenity considerations will be included (refer Attachment 2).

The proposal accords with Clause 52.06 (Car Parking) of the Yarra Ranges Planning Scheme by providing 21 car parking spaces on the site.

### ***Environmental Impacts***

The proposal maintains the existing subdivision provisions applying to the site. There are no vegetation impacts associated with this proposal.

The existing septic tank system permit (permit number 3962/2016/SEPTIC) was assessed for treating wastewater from a 36 seat café, not a site with multiple retail premises. The introduction of additional retail premises to the site will increase the wastewater load on the septic tank system.

Therefore, the proponent will need to provide the number of employees on the site and patrons to accurately calculate wastewater levels that are consistent with the Environmental Protection Agency publication *Code of practice – onsite wastewater management* and assess whether the existing system is sufficient in size and disposable area. The assessment may find there is insufficient area at this location for additional wastewater to be treated and retained onsite. Depending on the outcome of this assessment, conditions in the draft planning permit relating to wastewater may need to be revised (refer Attachment 2).

### ***Social Impacts***

Providing additional commercial land will provide future opportunities to improve local employment options.

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### ***Economic Impacts***

The proposal seeks to add approximately 2,700 square metres of land in the Commercial 1 Zone, which currently contains 14,320 square metres of land in the C1Z.

At the 2016 Census Sassafras recorded a population of 1,061, with this population not forecast to experience major increases.

In the activity centre hierarchy to be introduced by Amendment C148 at Clause 21.04, Sassafras is classified as a Small Neighbourhood Activity Centre. These centres have a more limited role in providing convenience retailing and community facilities for an immediate surrounding catchment. Many of the townships identified as Small Neighbourhood Activity Centres are located in the Dandenong Ranges and also have a tourism function, including Sassafras.

The Yarra Ranges Activity Centre Network Strategy 2011 identifies that within the broader Dandenong's region as defined by the Strategy, it is estimated that 11,500 square metres of new retail floor space and approximately 2,500 to 4,500 square metres of commercial office development could be supported over the period 2011-2031. While most of this growth is to occur in larger centres such as Belgrave and Monbulk, this suggests that smaller centres such as Sassafras could make a very limited contribution to any increase in retail and commercial floor space.

It is acknowledged that retail in Yarra Ranges is a valuable and strategic sector, with the sector being the municipality's highest employing sector. Following the closure of tourist centres to move towards digital modes, the tourist facility in the proposal will provide opportunity for face to face contact for those who continue to seek it.

### ***Risk Assessment***

As highlighted above, it is likely that the Minister for Planning will request further information addressing bushfire risk.

### **CONCLUSION**

Council has received a privately requested combined Planning Scheme Amendment and Planning Permit application (YR-2019/131) relating to 361-365 Mt Dandenong Tourist Road, Sassafras pursuant to section 96a of the *Planning and Environment Act 1987*. The proposal seeks to rezone the site from a Green Wedge A Zone – Schedule 1 to a Commercial 1 Zone, apply a Design and Development Overlay to control further subdivision and seek retrospective planning permission for buildings and works in the Commercial 1 Zone.

While the proposed rezoning finds strategic justification in the Yarra Ranges Planning Scheme, the buildings and works component of the proposal could better respond to the requirements of the DDO14 and BMO. Nevertheless, it is recommended that Council seek authorisation from the Minister for Planning to prepare a planning scheme amendment to exhibit the proposal and seek feedback from the community.

**ATTACHMENTS**

- 1 Plans and Planning Report
- 2 Amendment Documents and Permit
- 3 361-365 Mt Dandenong Tourist Road, Sassafras – Zoning Map
- 4 361-365 Mt Dandenong Tourist Road, Sassafras – Aerial Plan

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361-365 Mt Dandenong Tourist Road,  
Sassafras

**Planning Report**  
**Shire of Yarra Ranges**

*Application for combined Planning Scheme Amendment to re-zone the site to Commercial 1 Zone,  
& new planning permit application for on-site works and  
use of buildings for tourist related commercial activities in a Commercial 1 Zone.*

January 2019

Prepared by Millar Merrigan on behalf of:  
Carringbush Pty. Ltd.

Reference: 153821/3.1 Version 2

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## Document Status:

Version	Date	Description	Prepared By	Checked By
1	November 2018	Planning submission, amend existing Permit	PM	SM
2	January 2019	Planning scheme amendment, planning permit submission for new permit	DG/PM	SM

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**Planning Report**  
15382 – 361-365 Mount Dandenong Tourist Road, Sassafras

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## 1 Introduction & Background

This application is lodged on behalf of Carringbush Pty. Ltd., as the owners of the subject land. It is a combined application for:

- **Planning Scheme Amendment:**  
Planning scheme amendment: Rezone the site from Green Wedge A Zone to Commercial 1 Zone (C1Z) and apply a new Design and Development Overlay to maintain existing subdivision controls.
- **Planning permit:**  
New planning permit application for additional on-site works and use of existing buildings for tourist related commercial activities in a Commercial 1 Zone, as per the attached plans.

The subject site has been home to a plant nursery for 50 plus years and in 2015 the land owners sought to add a small café. The application was rejected by Yarra Ranges Council on grounds that the café was not appropriate for a Green Wedge A zoned site. However, this was argued successfully at VCAT in 2017, that a small café is ancillary to the day to day activities of the nursery and the Yarra Ranges Council decision was overturned. Planning Permit YR-2014/961 was issued in October 2017, with various conditions.

The now proposed Planning Scheme Amendment and new planning permit are simply to ratify what is in existence on site presently and was previously approved under permit YR-2014/961, however due to the proposal to introduce other tenancies with separate retail outlets, we now submit the application for a land re-zoning from Green Wedge A to Commercial 1 Zone, and a new permit is required to be sought in accordance with correspondence from Matthew Budahazy from Yarra Ranges Council, dated 12 December 2018. The additional works and to use the new buildings for tourist related commercial activities, are all in accordance with the attached plans and this report.

This application forms part of an application under section 96A of the *Planning and Environment Act 1987* for the combined rezoning of the land from Green Wedge A (GWAZ) to Commercial 1 (C1Z), a cover letter and accompanying Explanatory Report provide further details in relation to the rezoning application.

Enclosed are:

- The town planning application form;
- Copies of the existing titles:
  - Lot 1 on TP598211K (Vol. 8916, Fol. 108);
  - Lot 1 on TP438760V (Vol. 8967, Fol. 119);
  - Lot 2 on LP99548 (Vol. 9002, Fol. 670).
- Plan of Survey (Ref. No 15382F2);
- Site Plan (Ref. No 15382P3 V1);
- Site and Detail Plan (Ref. No 15382P2 V8).

This report will seek to demonstrate how this use and development is appropriate in terms of achieving State and Local planning objectives and policies and in particular the Shire of Yarra Ranges policies for Tourism and relevant provisions of the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (Regional Strategy Plan). The report further explains how the application is seeking to ratify what is already present on site and long established; there will be no detrimental economic impact on the town of Sassafras, the outcome sought provides for local employment and enhanced facilities for visitors to the township.

**Planning Report**  
15382 – 361-365 Mount Dandenong Tourist Road, Sassafras

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## 2 Existing Site Conditions

The subject site consists of three adjacent titles and is a rectilinear allotment situated to the north-west of Mount Dandenong Tourist Road and the north-east of Princes Street in the Sassafras township. The site has good access to roads and services other than reticulated sewerage which is not available. The site comprises a total site area of 2,770m<sup>2</sup> and has a frontage to Mount Dandenong Road of 58.67m and to Princes Street of 50.52m (excluding the splay corner); the north western corner of the land is cropped by a rectangle of 8.53m x 21.49m.

The photographs below show the existing nursery operations and the car parking facilities on and off site.

*Photograph 1. Café & Nursey from onsite Car Park*



*Photograph 2. Café & Nursey looking North West*



*Photograph 3. Entrance to Bonsai Nursery*





**Planning Report**  
15382 – 361-365 Mount Dandenong Tourist Road, Sassafras

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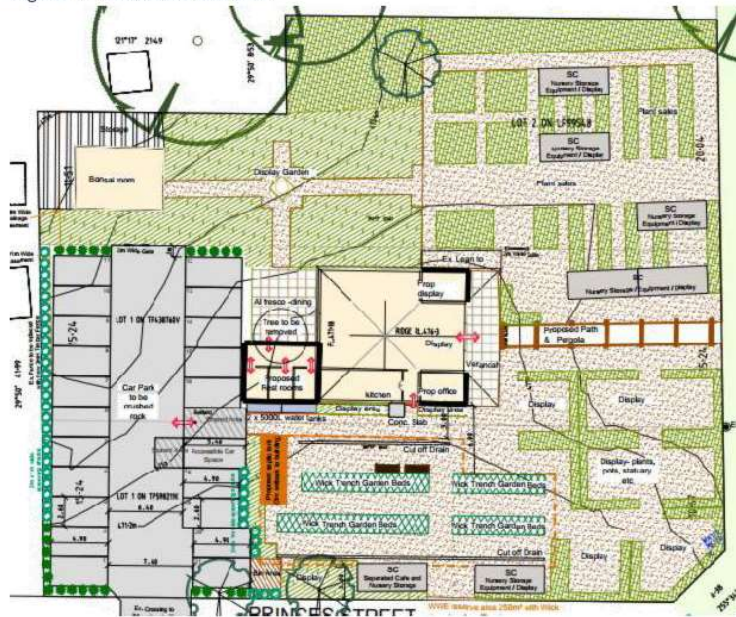
Photograph 4-5. Site Car Park & Princes Street



**2.1 Context of the Application**

The site and business activities are centrally located within the tourist oriented Sassafras town centre. Following the issuing of Permit YR-2014/961 for: *The construction of building and works for a food and drink premises ancillary to the existing plant nursery*, the former business and township have benefited from an improved operation. Tourist facilities have increased, the appearance of the site has improved and substantial on-site carparking facilities have resulted in an overall positive planning outcome. However, this permit was issued on the existing Green Wedge land zoning; since the present application is seeking to introduce additional use of retail outlets, it has been advised that an amendment to the planning scheme is required, changing the land zone from Green Wedge A Zone to Commercial 1 Zone, and a new permit is sought for the additional works and use that have already been implemented.

Figure 1. Endorsed Site Plan



Planning Report  
15382 – 361-365 Mount Dandenong Tourist Road, Sassafras

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Figure 2. Surrounding land use pattern.



**Planning Report**  
15382 – 361-365 Mount Dandenong Tourist Road, Sassafras

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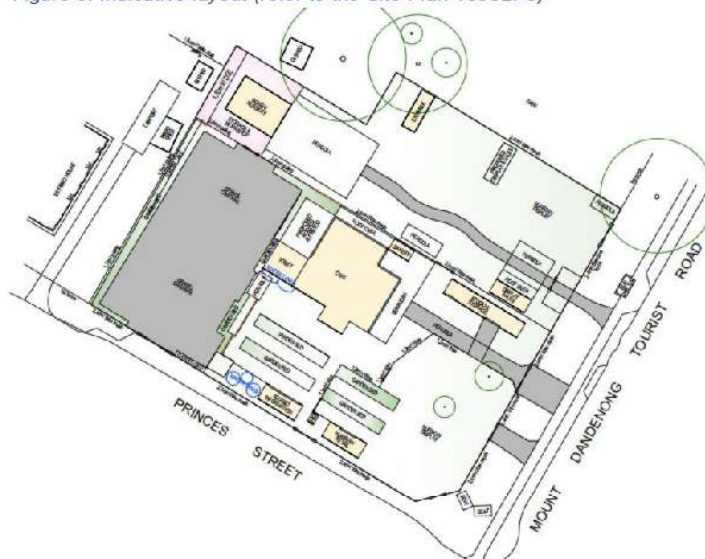
### 3 Proposal

This application seeks to amend the planning scheme to rezone the site from the current Green Wedge A Zone Schedule 1 (GWAZ1) to a Commercial 1 Zone (C1Z) as discussed in Council meetings between Council, Millar Merrigan and the proponent. The rezoning is simply to allow for the continuation of a long-established use, that has been apparent for 50+ years and will not result in any major change to the Sassafras township. The proposal also seeks to apply for a new permit for on-site works and additional use which have been provided to improve the tourist experience for visitors to the site and the Sassafras township, by offering additional tourist related facilities.

The owners have established five transportable former shipping containers to provide additional tourist facilities, which they believed were ancillary to the established nurseries. The existing nursery was expanded, prior to the planning application lodged in 2015, to provide for a separate Bonsai nursery operation. Two of the containers provide for the display and sale of goods for both nurseries. A further container has been established as a Tourist Information Centre and another is a studio for a local artist. The remaining containers continue to be used for storage purposes. It must be noted that the endorsed plan forming part of the permit YR-2014/961 (seen in figure 1 above) provided for the provision of seven containers on the site. This application refers to the proposed change of use of the approved container sites inclusive of the 2 container sites not yet established.

The attached amended plan, indicating the existing conditions, also shows the presence of some additional roof-overs and pergolas, plus an additional pedestrian gravel path and fencing associated with the Bonsai Nursery. The new sewerage system and water tanks are also indicated.

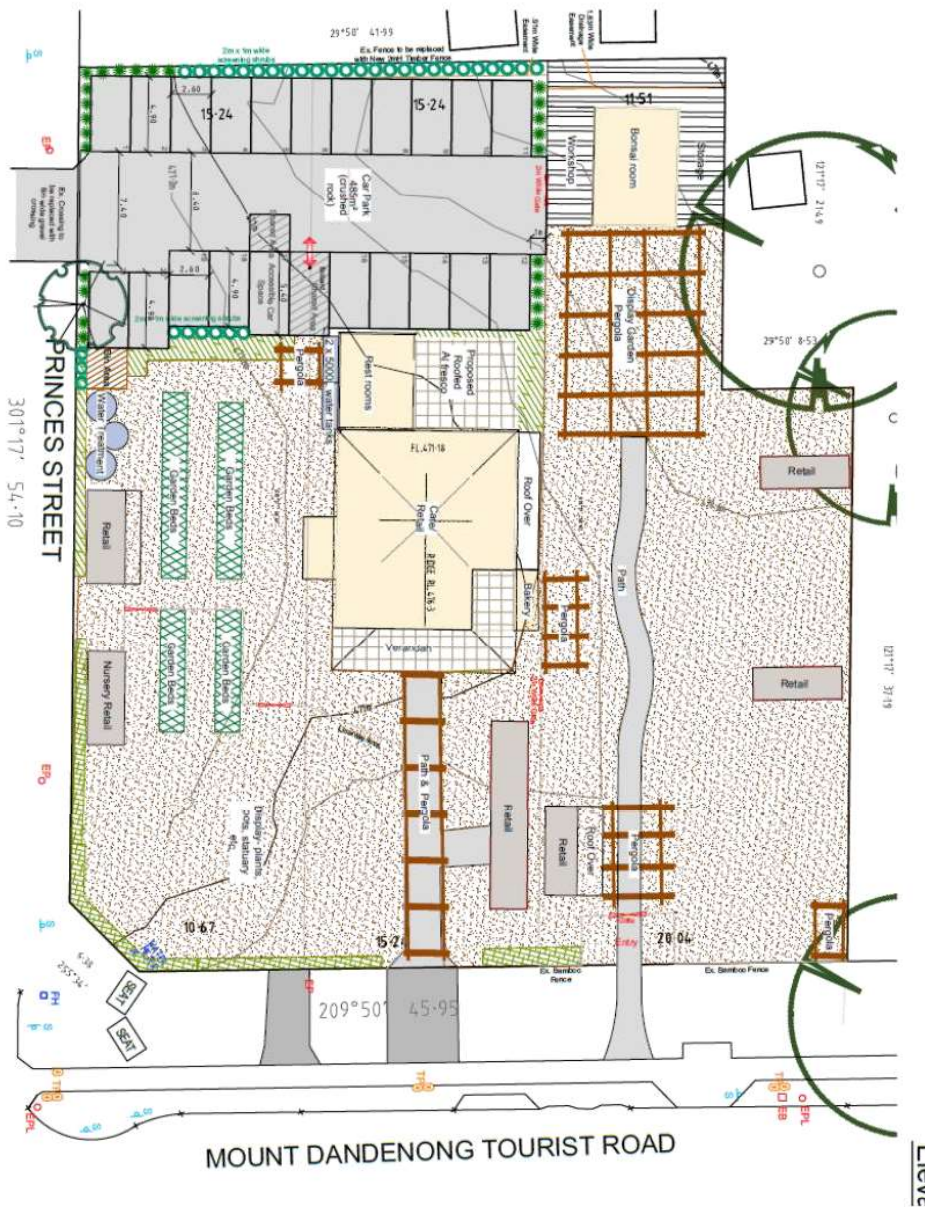
Figure 3. Indicative layout (refer to the Site Plan 15382P3)



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Figure 4. Detailed Site Layout indicating new pergolas and water tanks (refer to the Site Plan 15382P2 V8)



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### 3.1 Proposed Buildings in Detail

Repurposed shipping containers have become a fixture of urban architecture, referred to as "Container Urbanism", the use of containers in the design is contemporary and innovative. The five containers on site are utilised for a tourist information office and accommodation booking, a small studio for a local artist and a bonsai display and retail area, as well as storage and display of the nursery products. The containers will be painted in light green or grey colours and will be decorated with vertical gardens, artwork, glazing and/or sustainable cladding materials, such as recycled timber or iron. Photos below show current conditions.



Photograph 1- Accommodation Booking.



Photograph 2 – Retail area within nursery.

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*Photograph 3 – Artist studio.*



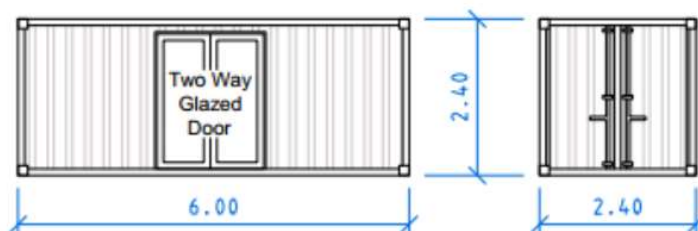
*Photograph 4 - Storage.*

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Figure 6. Shipping containers to be used for storage and display purposes (see Site Plan 15382P2 V8)



### 3.2 Proposed Access and Car parking

This application will not result in any increased usage of this site, and the access and car parking will remain unaltered. It will be noted that the subject land is one of the few commercial sites to provide a substantial number of visitor spaces, and the surrounding area includes areas for visitor parking (see Figure 4). There are 21 on site parking spaces, including 1 disabled space with additional space for manoeuvring. An assessment of parking is provided at section 4.3 of this report.

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## 4 Planning Policy Framework

### 4.1 State Planning Policy Framework (SPPF)

#### 4.1.1 Clause 11.02 Supply of Urban Land

##### Objective

To ensure a sufficient supply of land is available for residential, **commercial**, retail, industrial, recreational, institutional and other community uses.

##### Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality

#### 4.1.2 Clause 13.07 Land Use Compatibility

##### Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

##### Strategies

Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.

#### Response Clause 11.02 and 13.07:

The purpose of this application is to rezone the site from a Green Wedge Zone to a Commercial 1 Zone. The site abuts a road zone to the east, a reserve to the north, a green wedge zone to the west and a road to the south. Opposite the site, across both of the roads, the land is zoned for commercial use, as can be seen in the image below.



The size of the site and its boundaries restricts its capacity for effective farming use and commercial zoning would be compatible with the surrounding land uses. The application is seeking to consolidate the commercial areas of SassafRAS and ratify the existing use of the site.



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#### 4.1.3 Clause 17.02 Commercial

##### **17.02-1S Business**

###### **Objective**

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

###### **Strategies**

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*
- *Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.*

###### **Response:**

**The purpose of this application is to provide a commercial site aggregated amongst other commercial sites in the Sassafras town centre, offering the opportunity for an existing business to expand and boost the local economy.**

#### 4.1.4 Clause 17.04 Tourism

##### **17.04-1S Facilitating tourism**

###### **Objective**

*To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

###### **Strategies**

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

###### **Response:**

**The purpose of this application is to encourage a wider range of tourist facilities which are compatible with the existing activities and attractions of the Sassafras village, with sympathetic designs that are in keeping with the neighbouring land uses.**

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## 4.2 Municipal Strategic Statement (MSS)

### 4.2.1 Clause 21.04-2 Commercial-Objectives, Strategies, Policy and Implementation

#### **Applicable Key issues**

- *Commercial centres are important to local communities and there is a need to consolidate commercial uses in these areas.*
- *Tourism contributes significantly to the economy of the Shire.*
- *The challenge is to achieve (and maintain) a delicate balance between tourism, the environment and protecting the amenity of the existing residents.*

#### **Objective 1 Commercial development**

Seeks to: *promote the future growth and prosperity of the Shire.*

#### **Strategies (relevant items only):**

- *Encourage business development, tourism and agricultural industries, which recognise and reinforce the rural and green wedge character and outstanding natural assets of the Shire.*
- *Facilitate use and development of business opportunities in the priority industry sectors of food growing and processing; floriculture, viticulture and winemaking, and timber production and processing*
- *Provide clear advice about the preferred forms of business development, to reinforce the predominantly rural and green wedge character and image of the Shire.*
- *Initiate zoning and performance-based provisions which promote environmentally sensitive management practices and ensure a high standard of infrastructure.*
- *Minimise off-site impacts to the amenity of local communities, and satisfy other relevant planning criteria for such activities.*
- *Protect surrounding residential and rural and green wedge areas from adverse visual and amenity impacts of business encroachment.*

#### **Response – Objective 1:**

The subject land has been part of the Sassafras commercial centre for a long time and continues that role in an extended fashion through this application to rezone the subject site to a more appropriate Commercial 1 Zone, whilst offering the opportunity to extend and upgrade the site facilities. It is noted that Council policy includes reference to the reinforcement and enhancement of the established roles of the various commercial centres and the nature of the business is in keeping with the forms of business development preferred by Yarra Ranges Council. The impact on neighbouring sites has been considered whereby the design provides an ambient atmosphere, with vertical gardens and natural material used in the cladding of the buildings to ensure the development is visually compatible with the neighbourhood.

#### **Objective 4 Tourism**

*To recognise and facilitate the development of appropriate tourism opportunities, especially those that integrate with and promote the agricultural, environmental and conservation attributes of the Shire.*

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#### **Strategies**

- *Promote small low intensity tourist accommodation and tourist facilities that reinforce established heritage characteristics, relate to agricultural production on the land or provide facilities related to outdoor recreation in areas of natural beauty.*
- *Encourage tourist accommodation and other tourist facilities in town centres, where it is consistent with the established built form/character of the town or is related to rural and green wedge activities and natural features in the surrounding area.*
- *Service the needs of people visiting the natural features of the area such as the **Dandenong Ranges** and Mountain Forests, other national parks and the winter snowfields.*
- *Provide retail and display outlets, especially in the rural townships, for products derived from the primary produce of the area.*

#### **Response – Objective 4:**

This proposal will encourage tourism, which recognises and supports the character and assets of the Dandenongs and will achieve the necessary balance with the environment and amenity of existing residents. The long-established nursery provides a retail outlet for those visiting the Dandenong's with a mix of plants available, from large tree species through to miniature bonsai and a large range of plants and garden ornaments, for people to purchase to enhance their gardens and homes. The inclusion of tourist information, bonsai display and retail, café and artist's studio all contribute to the *Tourism* objective and strategy of servicing the needs of people visiting the Dandenong Ranges.

#### **4.3 Clause 52.06 – Car Parking**

The Purpose of this provision includes:

- *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 promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *The car parking provisions apply to a new use, or an increase in the floor area of an existing use.*

In this case the subject land has been, and continues to be, used as a long-established plant nursery.

Permit YR-2014/961 provides for:

*The construction of buildings and works for food and drink premises ancillary to the existing plant nursery in the Green Wedge A Zone in accordance with the endorsed plans.*

The plans submitted with the planning application made in 2015 provided for a new car parking area. The planning assessment noted that table 1 to clause 52.06 of the Yarra Ranges planning scheme seeks 10% of the site area to be set aside for car parking, based on the requirement for *Landscape gardening supplies*.

The recently constructed car park has an area of 485m<sup>2</sup>, which is 17.5% of the total site area of 2770m<sup>2</sup> and substantially in excess of the minimum requirement of 10%. It is submitted that the additional car parking area caters for the potential commercial use of the seven permitted containers. Each container has a length of 6 metres and width of 2.4 metres, resulting in a total increase of 100.8m<sup>2</sup> (the internal floor area is less than 100m<sup>2</sup>). Table 1 to Clause 52.06 requires 4

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car parking spaces for each 100sqm of leasable floor areas for a Shop (other than as listed in Table 1). It is submitted that Shop is the closest land use term to describe the intended use of the converted shipping containers and therefore there is a requirement for 4 additional car parking spaces to accommodate the change of use, as noted this is readily available on site.

The existing site appears to provide more private car parking than other existing commercial uses and it is noted that substantial public car parking areas have been provided adjacent to the Sassafras Village Centre. This rezoning will not result in any practical change to the existing use or need for additional car parking.

It must be noted that an "all weather" surface abuts the southern boundary of Prince Street. At the present time Prince Street has a width of 15.29m and provides for inefficient parking on both sides. It is submitted that provision for right angled parking abutting the southern boundary of the subject land would result in a cost effective and visually sensitive increase in car parking spaces. The proponent is open to working with Council to investigate this option.

#### 4.4 Land Use Zones and Overlays

##### 4.4.1 Commercial 1 Zone (C1Z) – Clause 34.01

*Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z*

##### **Purpose**

- 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.

##### **Response:**

This application seeks a Planning Scheme amendment which includes the subject land within the C1Z. The purpose is to extend the potential for tourist based commercial activities. It is noted that both Retail and Shop uses are Section 1 uses in this zone, and do not require a permit, but a permit is required for the *Building and Works* and existing tourist uses.

##### 4.4.2 Overlays

The subject site is covered by a *Significant Landscape Overlay (SLO9)* and a *Bushfire Management Overlay (BMO)*. This proposal is to improve tourist facilities without adversely affecting the landscape character. The change of use and minor on-site works are not considerations required by either the SLO9 or BMO. We note that a Bushfire Management Statement has been approved in relation to the site and the provisions of this can continue to apply.

The subject site is also affected by the provisions of a *Design and Development Overlay (DDO14)*. As detailed within the schedule to the overlay, objectives of the development control include:

- To reinforce the distinctive built form, streetscape and landscape character of the town centre.
- To ensure that buildings within the town centre remain visually dominated by the surrounding vegetation and landscape.

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- *To encourage simple contemporary design which draws from the traditional building forms in the town centre and harmonises with the surrounding landscape.*
- *To reinforce the main street as the focus of business and pedestrian activity in the town centre.*
- *To protect and enhance the amenity of residential and public places within and adjoining the town centre.*
- *To provide safe and convenient on site car parking that has a minimal visual impact on public places.*

**Response:**

**It is submitted that the existing development and improvements can be seen to comply with the objectives of DDO14, structures are simple. It is significant that DDO14 already recognises the subject land as part of the Sassafras commercial centre, and the necessary Design requirements exist and have been compiled with. It is acknowledged that a site specific DDO will be applied to this site to limit subdivision potential.**

#### **4.5 Regional Strategy Plan (RSP)**

Council officers have raised concerns that the C1Z provisions would result in conflict with the RSP. The Yarra Ranges Planning Scheme includes a specific provision referring to the provisions of the RSP in Clause 51.03, which include:

*Clause 51.03-2 Interpretation*

*If there is an inconsistency between any provision in this clause or a schedule to this clause and any other clause or provision of the Yarra Ranges Planning Scheme, the requirements of this clause or a schedule to this clause prevail.*

The Schedule to Clause 51.03 provisions include subdivision:

#### **5.0 Subdivision**

***Subdivision in the Green Wedge Zone, Green Wedge A Zone, Rural Living Zone and Rural Conservation Zone.***

*A permit may be granted to create lots that do not meet the land area requirements specified in a schedule to the Green Wedge Zone, Green Wedge A Zone, Rural Living Zone or Rural Conservation Zone if either of the following apply:*

- *The subdivision is the re-subdivision of two existing lots, the number of lots is not increased, the number of lots the land could potentially be subdivided into under the zone does not increase and the number of dwellings that the land could be used for does not increase.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

*All other provisions of the Planning Scheme must be met.*

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**Response:**

The owners/applicants have advised that they accept a restriction for further subdivision. It will be noted that the Subdivision provisions in clause 51.03 (above) are limited and do not apply to the C1Z. This matter is complicated as the rural zones mentioned in the Schedule to Clause 51.03 have different designations in the RSP.

Clause 4.09 Subdivision policies for Landscape Living Policy Areas. The maps forming part of the RSP appear to include the subject land and the remaining Sassafras commercial area in a Landscape Living 1 policy area. Within this policy area the average lot yield for subdivision is 1 lot per 2ha.

It must be noted that Clause 4.09 also states that:

*Despite these provisions, planning approval may be granted for a subdivision where:*

- *The subdivision is for a multi-dwelling, shop, office, factory or other similar use, which is in accordance with a planning scheme.*

It is accepted that a new DDO form part of the amendment, prohibiting the further subdivision of the property. Even without the proposed subdivision prohibition, the rezoning to the C1Z would not result in any conflict with the subdivision provisions of the RSP, or Clause 53.01 of the Yarra Ranges Planning Scheme. Nevertheless, the inclusion of a restriction will add clarity to this so that the provisions of the RSP do not need to be relied on to prohibit further subdivision.

There does not appear to be any other possible conflicts with the RSP provisions, and it must be noted that one of the aims of the RSP includes the development of a comprehensive economic and social infrastructure to adequately meet the current and future needs of visitors.

The RSP restricts a **Retail premise** in a GWA zone:

*A Retail premise (other than a Restaurant) must be associated with an agricultural activity carried out on the land.*

The undertaking of any meaningful agricultural activity, on a lot of this size, within the Sassafras town centre is obviously limited and untenable. This is the reason for the rezoning application.

#### **4.6 Clause 65 – Decision Guidelines**

Pursuant to Clause 65.01, before deciding on an application of approval of a plan, the responsible authority must consider, as appropriate:

- *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 amenity of the area.*

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The C1Z provides for the encouragement of vibrant commercial uses, which accord with both the objectives and guidelines for tourist development for the townships of the Dandenongs. This application appropriately responds to the existing planning policies and the applicable objectives and controls. It will continue to support the orderly planning of the Sassafras commercial centre without adversely affecting the existing amenity of this neighbourhood.

## 5 Economic Impact

The official visitor site for Melbourne's Dandenong Ranges promotes Sassafras as a tourist destination thus:

*Tea-drinkers will be in their element in the village of Sassafras, with its popular tea rooms serving traditional Devonshire teas, as well as specialist tea shops that stock hundreds of varieties and flavours of tea.*

*Browse the antique, art, craft and speciality shops which sell hand-picked and hand-crafted quality items, from wooden toys to potted flowers and fragrant candles.*

*Here is a place where you'll find something truly special, rather than mass-produced.*

*Fresh local produce and gourmet foods are on the menu at the restaurants, cafes and delis, so you can decide whether you want to eat in or pack a hamper for a gourmet picnic.*

*Picnic in the Village Green or visit the nearby Alfred Nicholas Gardens and the George Tindale Gardens. Travel the forest roads or, for the adventurer, hike the 13 km Sassafras Creek Forest Trail to Emerald.*

*Perfect for that weekend escape, why not stay in Sassafras and enjoy all that it has to offer. Visit our Dandenong Ranges Accommodation page to find accommodation that suits your need.*

The 2016 census recorded the population of Sassafras at 1061 and the most common form of employment being in restaurants and cafes (8.3%). The recent redevelopment of the nursery and additional facilities was intended to provide for a more economically viable operation with improved tourism potential. The redevelopment has not only resulted in a wider choice of tourist attractions but also resulted in a substantial increase in local employment opportunities and a more diverse village centre.

The **State Planning Policy Framework (SPPF)** at Clause 17.04-01S *Facilitating Tourism* supports the objective of encouraging tourist development to "maximise the economic, social and cultural benefits" which result in competitive tourist destinations. The applicable strategies include the creation of innovative tourism experiences and the encouragement of investment that meets demand and supports growth in tourism, and this is totally in accordance with the owners' actions and intentions.

The key issues of the **MSS** Clause 21.04-2 *Commercial Objectives* are as stated in part 4.2 of this planning report. In summary:

- *Commercial centres are important to local communities and there is a need to consolidate commercial uses in these areas.*
- *Tourism contributes significantly to the economy of the Shire*

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- *The challenge is to achieve (and maintain) a delicate balance between tourism, the environment and protecting the amenity of the existing residents.*

The **RSP** also recognises the recreation and tourism potential of the Dandenong Ranges:

#### **2.06 Vision for the Future**

*If the Region is to establish itself as a sustainable community in economic, social and environmental terms, a number of directions need to be clarified, programs implemented, and some initiatives undertaken.*

*For the Region to develop a sustainable economy in the short to medium term, support will be given to the establishment, maintenance and growth of new local enterprises, thereby expanding employment opportunities for the Region's workforce, and reducing travelling time and costs for residents having to find such opportunities elsewhere.*

*New and expanded tourism facilities will also be an important contribution to this objective. Opportunities for supporting and expanding (where appropriate) this agricultural base of the Region will also be supported. (p.6)*

### **16. Recreation and Tourism**

#### **16.01 Regional Overview**

*In the Dandenong Ranges, the diverse range of cultural attractions, the picturesque gardens, and the contrasting urban-rural landscapes and bushland settings provide an ideal focus for the local, interstate and international visitors.*

*If properly managed, tourism and recreation can have significant economic benefits, particularly if visitors can be encouraged to extend their stays overnight/s. The challenge is to ensure that such gains can be achieved with minimum disruption to the environment, to the amenity of the local area, and to its community. (p.67)*

#### **16.02 Regional Goals**

The regional goals for Recreation and Tourism Policy are to:

- *Facilitate further development of the Region's recreation and tourist attractions and facilities, whilst protecting the environment, the landscape and amenity of the Region and its residents.*
- *Encourage coordination of the planning, provision and promotion of recreation and tourism facilities in the Region*
- *Encourage a diverse range of tourist activities and facilities in appropriate locations, consistent with identified themes*
- *Optimise employment and economic benefits to the Region's residents from appropriate recreation and tourism developments.*
- *Improve the Region's competitive strengths in tourism, to encourage and provide for an increased number of local, interstate and international over night visitors, and to increase their average length of stay in the Region. (p.68)*



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It is submitted that this development has the potential to satisfy the economic objectives outlined in the state and local policies and the RSP. The limitations provided by the implementation of a site specific DDO control, and the physical limitations to development due to the lack of reticulated sewerage, will ensure that the rezoning and development of this site will not compromise the small-scale charm and attractiveness of Sassafras township.

---

## 6 Conclusion

This application is for the rezoning of a site with an anomalous zone in the middle of the Sassafras township that has contained a retail nursery for more than 50 years.

The ratification of the existing use with a more appropriately zoned site will not have a detrimental impact on the economic wellbeing of the township of Sassafras; quite the contrary, the actions taken have not only resulted in a wider choice of tourist attractions but also resulted in a substantial increase in local employment.

The outcome sought by this proposal accords with the relevant state and local policies and the provisions of the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*. The proponent has recently constructed a large on-site car park which provides excess car parking to that required by clause 52.06 of the Yarra Ranges planning scheme.

For these reasons, and the reasons detailed in this report, we submit that this proposal has considered the relevant planning issues and will result in a positive outcome for the community and for visitors to the Sassafras township.

Yours faithfully  
**Millar | Merrigan**



**SIMON MERRIGAN**  
Managing Director

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Enc.



- NOTES**
1. THE TITLE BOUNDARIES SHOWN ON THIS PLAN HAVE NOT BEEN DETERMINED BY THIS SURVEY. THE LOCATION OF THESE BOUNDARIES SHOULD NOT BE RELIED UPON FOR ANY PURPOSES. THE LOCATION OF THESE BOUNDARIES SHOULD NOT BE RELIED UPON FOR ANY PURPOSES. THE LOCATION OF THESE BOUNDARIES SHOULD NOT BE RELIED UPON FOR ANY PURPOSES.
  2. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OVERHEAD POWER LINES OR OTHER SERVICES THAT MAY AFFECT THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OVERHEAD POWER LINES OR OTHER SERVICES THAT MAY AFFECT THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT.
  3. PRIOR TO ANY CONSTRUCTION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ASCERTAIN THE POSSIBLE LOCATION OF ANY OVERHEAD POWER LINES OR OTHER SERVICES THAT MAY AFFECT THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT.
  4. LEVELS SHOWN THIS PLAN ARE IN METRES TO THE AUSTRALIAN HEIGHT DATUM.
  5. DISTANCE BETWEEN LEVELS BEING 0.2 METRES.
  6. DISTANCE BETWEEN LEVELS BEING 0.2 METRES.
  7. WINDOWS DELETED 'TEMP' ARE FOR HIGH-HABITABLE ROOMS.
  8. MILLAR & MERRIGAN PTY. LTD. ACCEPTS NO RESPONSIBILITY FOR ANY CONSTRUCTION OF THE DIGITAL INFORMATION ASSOCIATED WITH THIS PLAN BY OTHERS.

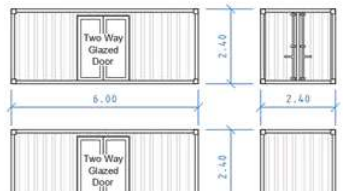
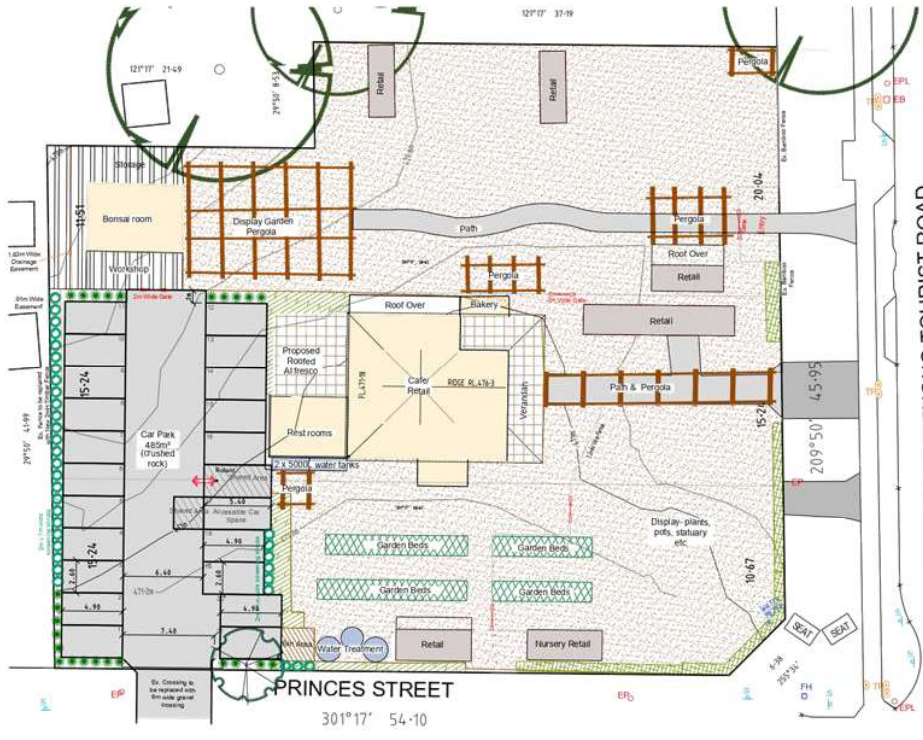
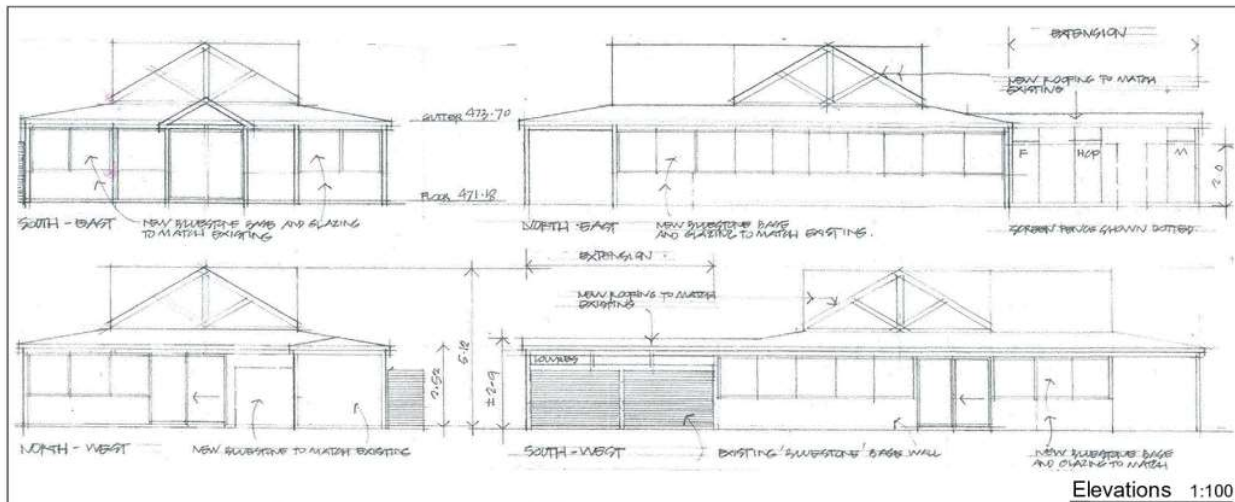
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10/10/2018	10/10/2018	AS SHOWN

**FINAL PLAN**

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15382/19  
 381-385 MT DANDENONG TOURIST ROAD, SASSAFRAS 3757  
 LOT 1 ON TIPSBROOK LOT 1 ON TIPSBROOK AND LOT 2 ON UPPISLA  
 YARRA RANGES COUNCIL





Notes - Shipping Container to be painted with light colours (green or grey).  
 - Shipping Containers will be incorporated as part of the nursery and will be creatively decorated with vertical gardens and/or sustainable cladding material (recycled timber or iron for example)

Shipping Container Elevations 1:100

Note:  
 Internal gates can be locked for security but are to remain operational for deliveries and public access.

Wick Trench Garden Beds  
 - Are not to be irrigated.  
 - Must contain non-edible plants only.  
 - Pot plants are not to be located within the vicinity of these garden beds.

- Legend**
- Existing tree to be retained
  - Existing building
  - Proposed plant sales area
  - Proposed display/sales area (pots plants etc)
  - Proposed paved areas as marked
  - Proposed driveway & car park
  - Proposed gravel
  - Proposed storage area
  - Proposed fences
  - Proposed treubushy plants
  - Boundary
  - Proposed spot level, existing spot level
  - Contours @ 0.2m intervals
  - Shipping Containers (Display and Storage)

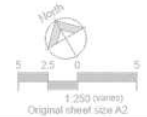
1	Amended as per client request	LB	SS	Jun 2019
2	Amended as per client request	LB	SS	Jun 2019
3	Amended as per client request	LB	SS	Aug 2017
4	Amended as per client request	LB	ME	Jun 2017
5	Amended as per client request	LB	ME	May 2017
6	Amended as per client request	LB	ME	Mar 2017
7	Amended as per client request	LB	ME	Dec 2016
8	Prepared as per permit 19/2014/061	LB	ME	Jul 2016
9	Revised Description	Drawn	Checked	Date

1	Amended as per client request	LB	SS	Jun 2019
2	Amended as per client request	LB	SS	Jun 2019
3	Amended as per client request	LB	SS	Aug 2017
4	Amended as per client request	LB	ME	Jun 2017
5	Amended as per client request	LB	ME	May 2017
6	Amended as per client request	LB	ME	Mar 2017
7	Amended as per client request	LB	ME	Dec 2016
8	Prepared as per permit 19/2014/061	LB	ME	Jul 2016
9	Revised Description	Drawn	Checked	Date

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**SITE AND DETAIL PLAN**  
 PROPOSED DEVELOPMENT  
 361-365 MT DANDENONG RD, SASSAFRAS  
 SHIRE OF YARRA RANGES

15382 P2  
 VERSION 8  
 SHEET 1 OF 1

*Planning and Environment Act 1987*

**YARRA RANGES PLANNING SCHEME**  
**AMENDMENT C1XX**  
**PLANNING PERMIT APPLICATION YR-2019/131**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Yarra Ranges Shire Council which is the planning authority for this amendment.

The Amendment has been made at the request of the site owners Carringbush Pty Ltd.

**Land affected by the Amendment**

The Amendment applies to 361-365 Mount Dandenong Road, Sassafras, formally known as Lot 1 TP438760, Lot 1 TP598211 & Lot 2 LP99548 Ca PT11F PMonbulk, Sassafras.

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to the same site.

**What the amendment does**

The Amendment proposes to rezone the site from Green Wedge A Zone – Schedule 1 to Commercial 1 Zone and apply a new Design and Development Overlay Schedule that maintains the existing subdivision provisions.

The planning permit application seeks approval for:

- Buildings and works in the Commercial 1 Zone (Clause 34.01), Design and Development Overlay Schedule 14 (Clause 43.02) and Bushfire Management Overlay (Clause 44.06).

The planning permit is attached as a separate document to this Explanatory Report.

**Strategic assessment of the Amendment**

**Why is the Amendment required?**

The Amendment is required to correct the zoning of the site which fails to recognise the long term commercial use of this property, as part of the established township of the tourist village of Sassafras. The existing zone (GVAZ1) is not appropriate for a commercial business in the Sassafras village and continues to unduly limit uses for the site which otherwise comply with relevant policies of the Yarra Ranges Planning Scheme.

The associated planning permit is required to issue a permit for the use and development of the site under the Commercial 1 Zone.

**How does the Amendment implement the objectives of planning in Victoria?**

The Amendment recognises a commercial use which has existed for circa 50 years, and supports the following objectives of planning in Victoria, set out in Section 4 (1) of the Act:

- a. to provide for the fair, orderly, economic and sustainable use, and development of land; and
- b. to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

**How does the Amendment address any environmental, social and economic effects?**

The Amendment provides for a long term commercial use which for circa 50 years has been part

of the Sassafras village centre. There will be potential social and economic benefits associated with employment from the recognition of the established commercial usage. The continuation of the existing use will not be detrimental to the environment.

**Does the Amendment address relevant bushfire risk?**

The Amendment will not result in any change to the existing long-established use and will not contribute to bushfire risk.

**Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of the Planning Schemes under Section 7(5) of the Act.

**How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

This proposed amendment is consistent with existing planning policies; both the State and Municipal Planning Policies have similar objectives. They include to: "*encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination*" (clause 17.04-1A) and to "*recognise and facilitate the development of appropriate tourism opportunities*" (clause 21.04-2). The villages within the Dandenong's are an important part of facilitating tourism, and this proposed amendment would facilitate the potential for enhanced tourist facilities at Sassafras.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment is consistent with the Local Planning Policy Framework of the Yarra Ranges Planning Scheme and supports relevant objectives and strategies, in particular:

Clause 21.04-2 Commercial – Objectives, Strategies, Policy and Implementation, Objective 1 – Commercial Development, Objective 4 – Tourism

One of the Key Issues of this clause is to recognise that commercial centres are important to local communities and there is a need to consolidate commercial uses in these areas. The subject land, for around 50 years, has been a logical part of the Sassafras commercial centre. The proposed amendment seeks to recognise a long-established use. Another Key Issue is that: *Tourism contributes significantly to the Shire*. The enhancement of tourism opportunities on this site creates enhanced employment opportunities at the site and adds to the overall attractiveness of the region overall.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions by recognising a commercial usage which has existed for 50 years as part of the Sassafras tourist village. The change of zoning will consolidate the Sassafras township and result in a zoning appropriate for a long-established use.

**Is the amendment consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan?**

Section 46F of the *Planning and Environment Act 1987* requires that any amendment to the Yarra Ranges Planning Scheme must be consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP). The change of zoning will not alter the potential for subdivision as a subdivision restriction will be imposed.

The *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* identifies the site in the Landscape Living 1 Policy Area. The primary purpose for the Landscape Living 1 Policy Areas is to maintain and where possible enhance indigenous and significant exotic vegetation and native fauna, special landscape characteristics and the existing low density residential character, roads and other infrastructure.

## ATTACHMENT 2. Amendment Documents and Permit

The RSP acknowledges that in the Landscape Living 1 Policy Area commercial uses are "usually found in the hamlets scattered along the Mt. Dandenong Ridge," such as Sassafras. For the Landscape Living 1 Policy Area the RSP also sets a minimum subdivision yield with a minimum lot size of 1 hectare with an average lot yield not exceeding 1 lot to each 2 hectares of site area and a maximum lot size of 3 hectares. Rezoning the site to the Commercial 1 Zone is therefore consistent with the RSP policy, as the amendment both acknowledges the ongoing commercial usage of the site and maintains the existing subdivision requirements.

**How does the Amendment address the views of any relevant agency?**

The views of relevant agencies will be obtained through the exhibition process. Comments from agencies may result in changes to the exhibited planning permit.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

Public transport to the township of Sassafras is limited to bus routes which provide connection to the Principal Transport Network. The amendment reinforces the consolidation of business and community activity around an established activity centre which is served by public transport.

**Resource and administrative costs**

The amendment is not expected to generate additional resource and administrative costs.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra Ranges Community Link Centres:

- Lilydale – 15 Anderson Street, Lilydale
- Monbulk – 21 Main Road, Monbulk
- Healesville – 110 River Street, Healesville
- Upwey – 40 Main Street, Upwey
- Yarra Junction – 2442-2444 Warburton Hwy, Yarra Junction

The Monbulk, Healesville, Upwey and Yarra Junction Community Links are open from 9.00am to 5.00pm Monday to Friday.

The Lilydale Community Link is open from 8.30am to 5.00pm Monday to Friday and from 9.00am to 12 midday on Saturday.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by [to be confirmed].

A submission must be sent to: Manager Development Services, Yarra Ranges Shire Council, PO Box 105, Lilydale Victoria 3140 or [mail@yarraranges.vic.gov.au](mailto:mail@yarraranges.vic.gov.au)

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [to be confirmed]
- panel hearing: [to be confirmed]

## YARRA RANGES PLANNING SCHEME

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Proposed  
C\*\*\*yan

## SCHEDULE XX TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDOXX**.

### 361-365 MT DANDENONG TOURIST ROAD, SASSAFRAS

#### 1.0 Design objectives

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Proposed  
C\*\*\*yan

To ensure subdivision requirements applying to 361-365 Mt Dandenong Tourist Road, Sassafra<sup>s</sup> are consistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*.

To prevent further subdivision of 361-365 Mt Dandenong Tourist Road, Sassafra<sup>s</sup>, which consists of Lot 1 on TP598211K (Vol. 8916, Fol. 108), Lot 1 on TP438760V (Vol. 8967, Fol. 119) and Lot 2 on LP99548 (Vol. 9002, Fol. 670).

#### 2.0 Buildings and works

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Proposed  
C\*\*\*yan

None specified.

#### 3.0 Subdivision

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Proposed  
C\*\*\*yan

A permit to subdivide land must meet the following requirements:

- A minimum lot size of 1 hectare with an average lot yield not exceeding 1 lot to each 2 hectares of site area and a maximum lot size of 3 hectares.

A permit may be granted to create lots that do not meet the land area requirements specified in a schedule to this overlay if either of the following apply:

- The subdivision is the re-subdivision of two existing lots, the number of lots is not increased, the number of lots the land could potentially be subdivided into under the zone does not increase and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

All other provisions of the Planning Scheme must be met.

A permit cannot be granted to subdivide land which is not in accordance with any requirement in a schedule to this overlay.

#### 4.0 Signs

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Proposed  
C\*\*\*yan

None specified.

#### 5.0 Application requirements

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Proposed  
C\*\*\*yan

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of how the proposed development responds to the design objectives of this schedule.

#### 6.0 Decision guidelines

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Proposed  
C\*\*\*yan

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 objectives of this schedule.

## YARRA RANGES PLANNING SCHEME

- Whether the proposal is consistent with the requirements in the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*.

AUTHORISATION





## PLANNING PERMIT

Permit No:	YR-2019/131
Planning Scheme:	Yarra Ranges Planning Scheme
Responsible Authority:	Yarra Ranges Council
Address of the land:	361-365 Mt Dandenong Tourist Road (Lot 1 TP598211K, Lot 1 TP438760V & lot 2LP99548) Sassafra
The permit allows:	Buildings and works in a Commercial 1 Zone and Design and Development Overlay – Schedule 14 in accordance with the endorsed plans

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Prior to the commencement of the use and/or development, including the removal of any trees or other vegetation, amended plans (2 copies) must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application or subsequent plans but modified to show:
  - a. Provision of appropriate screen landscaping along the north-western boundary where the carpark abuts the adjoining residential property.
  - b. Provision of landscaping on either side of the car park entrance on Prince Street.
  - c. The replacement of the existing fence along the north-western boundary with a new timber fence 2 metres high for the extent of the common boundary with 2 Prince Street.
  - d. Define a maximum of 40 square metres for the indoor food and drink serving area and 36 square metres for the alfresco dining area.
  - e. A notation indicating the proposed car parking area is to be formed and constructed with crushed rock or other suitable permeable surface.
  - f. The provision of one (1) accessible car space to AS/NZS 2890.6:2009.
  - g. All car parking bays re-numbered and dimensioned with dimensions of the car spaces and access driveway in accordance with Clause 52.06 of the planning scheme (as amended).
  - h. A notation indicating the existing crushed rock vehicle crossing in Prince Street is to be removed and replaced with a 6.0 metres wide gravel vehicle crossing.
  - i. The end of the proposed access way provided with a 1.0 metre extension in accordance with AS/NZS 2890.1:2004.
  - j. All existing easements labelled on relevant plans.

**Application: YR-2019/131**

**Date Permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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**Signature of Responsible Authority**  
*Planning & Environment Regulations 2015 Form 9*



- k. A 250m<sup>2</sup> wastewater envelope to be designated on the endorsed plan, including all applicable setback distances as described in EPA Publication 891.3 COP onsite Wastewater Management Table 5 (page 39).
  - l. Amended plans on plan indicating that shipping containers are to be clad/treated to the satisfaction of the Responsible Authority.
  - m. Provision of screening along the south-western boundary from the edge of the eastern garden bed to the front elevation of the shipping container marked 'nursery retail.'
  - n. A schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority.
2. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority.
  3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
    - a. transport of materials, goods or commodities to or from the land
    - b. appearance of any building, works or materials
    - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
    - d. presence of vermin
    - e. others as appropriate
  4. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties to the satisfaction of the Responsible Authority.
  5. No external sound amplification equipment, loud speaker, siren or other audible signalling device will be installed on the land.
  6. The buildings must not be used in any way for the preparation and/or sale of food and drinks, except in accordance with the conditions listed within this permit.
  7. Prior to the occupation of the permitted development the car parking spaces and vehicular access ways shown on the endorsed plan must be fully constructed, delineated and/or signed and drained incorporating Water Sensitive Urban Design elements to the satisfaction of the Responsible Authority.
  8. Within 12 months of the permitted development the existing crushed rock vehicle crossing in Prince Street must be removed and replaced with a new nominal 6.0 metre trafficable width sealed vehicle crossing and all Council assets, including the nature-strip, reinstated to the satisfaction of the Responsible Authority.

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**Date Permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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9. Prior to the commencement of any works as required by this permit, a Drainage Strategy must be submitted to, and approved by, the Responsible Authority. The Drainage Strategy must show all drainage runoff being controlled and treated by Gross Pollutant Trap(s), and/or other Water Sensitive Urban Design elements.
10. Prior to the occupation of the permitted development the construction of all civil works within the site, including drainage/detention and internal/external signs must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer or qualified person at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the Responsible Authority.
11. The loading and unloading of vehicles and the delivery and pick up of goods must be carried out at all times within the site boundaries.
12. All vehicles must enter and exit the site in a forward direction.
13. All sewage and sullage waste water from the proposed development must be discharged into a new EPA approved on-site wastewater treatment system which retains all wastes within the boundaries of the land and is located within any wastewater envelope indicated on the endorsed plan. Approval to install or alter an onsite wastewater treatment system must be obtained from the Yarra Ranges Council Health Department.
14. No advertising sign other than those allowed in accordance with the Planning Scheme can be erected on the site without a planning permit from the Responsible Authority.
15. **CFA**  
**Bushfire Management Plan**  
 Before the development starts, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:  
*Defendable space*
  - a. Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
    - Grass must be short cropped and maintained during the declared fire danger period.
    - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
    - In relation to any new plantings into the ground:
      - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
      - Shrubs must not be located under the canopy of trees.

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- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

*Construction standards*

- b. Nominate a minimum Bushfire Attack Level of BAL - 19 to which the building will be designed and constructed.

*Water supply*

- c. Show 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
  - The water supply must also
    - Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
    - The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
    - Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
    - Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

*Access*

- d. Show the access for firefighting purposes which meets the following requirements:
- Curves must have a minimum inner radius of 10m.
  - The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
  - Have a minimum trafficable width of 3.5metres of all-weather construction.
  - Be clear of encroachments for at least 0.5metre on each side and 4 metres above the accessway.
  - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

16. Bushfire Management Plan – Maintenance

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those related to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis.

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**Application: YR-2019/131**

**Date Permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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**Signature of Responsible Authority**  
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17. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the issued date of this permit.
  - The development is not completed within four years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

AUTHORISATION

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**Application: YR-2019/131**

**Date Permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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**Signature of Responsible Authority**  
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## IMPORTANT INFORMATION ABOUT THIS PERMIT

### What has been decided?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the Planning and Environment Act 1987 on approval of Amendment No. [insert amendment number] to the Yarra Ranges Planning Scheme.

### When does a permit begin?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

### When does a permit expire?

1. A permit for the development of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of the land expires if:
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision:
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.

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**Date Permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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**Signature of Responsible Authority**  
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5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**What about reviews?**

- In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

AUTHORISATION

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**Application: YR-2019/131**

**Date Permit comes into operation:**

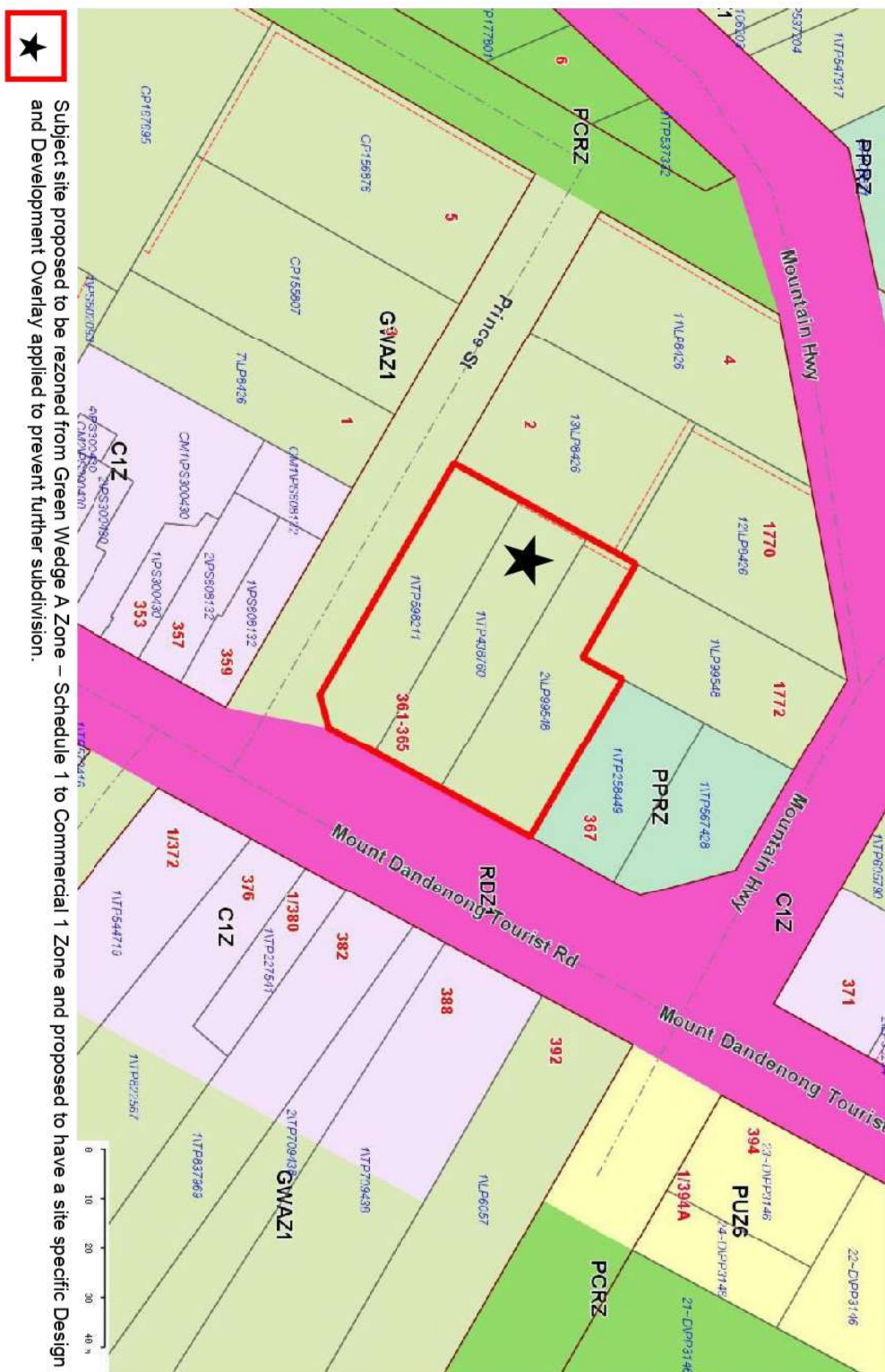
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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**Signature of Responsible Authority**  
*Planning & Environment Regulations 2015 Form 9*

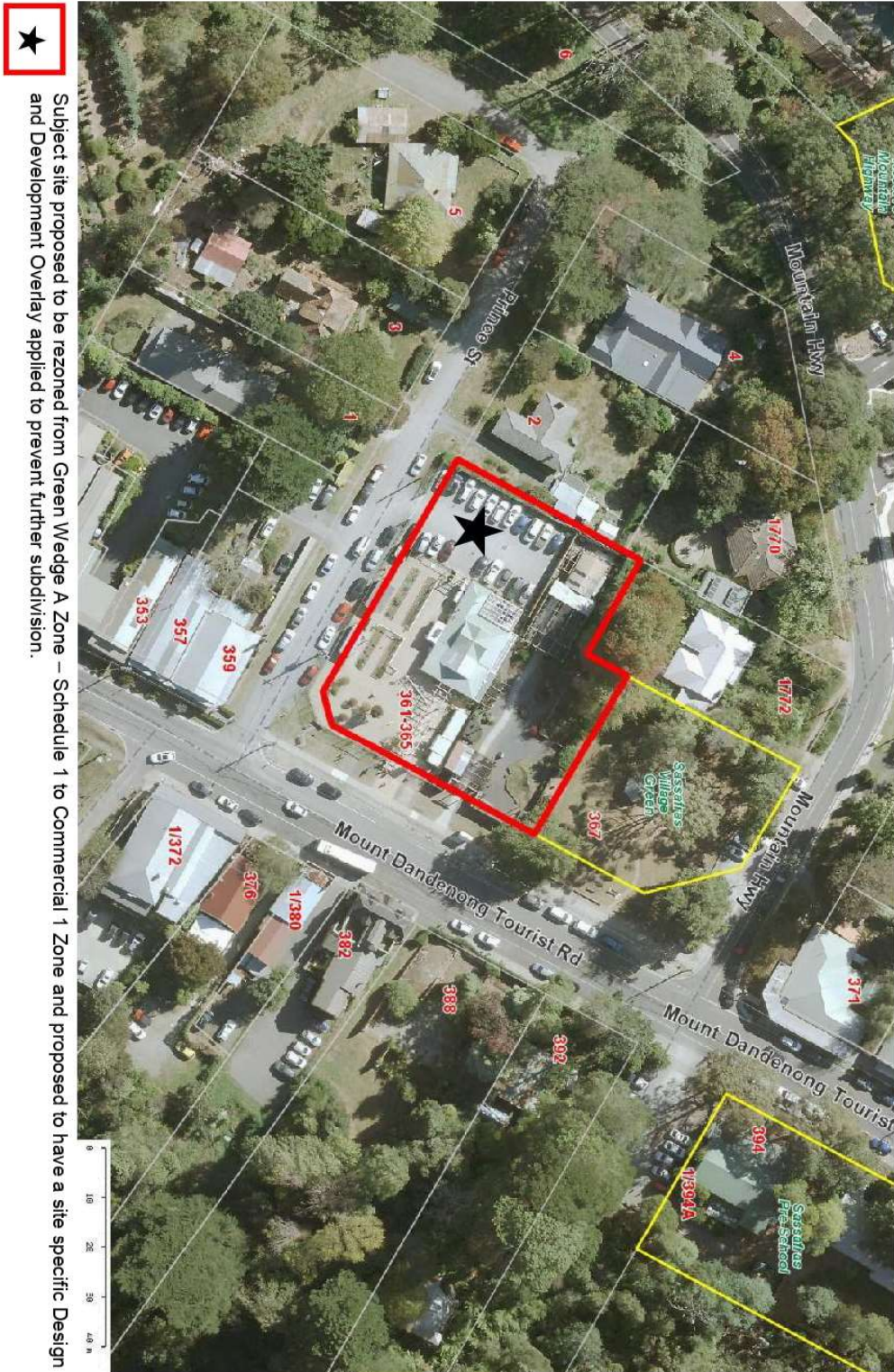
**361-365 Mt Dandenong Tourist Road, Sassafras – Zoning Map**



Subject site proposed to be rezoned from Green Wedge A Zone – Schedule 1 to Commercial 1 Zone and proposed to have a site specific Design and Development Overlay applied to prevent further subdivision.



361-365 Mt Dandenong Tourist Road, Sassafra – Aerial Plan



Subject site proposed to be rezoned from Green Wedge A Zone – Schedule 1 to Commercial 1 Zone and proposed to have a site specific Design and Development Overlay applied to prevent further subdivision.

