

PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:

Date Plans Provided: 28/05/2024

Our Ref: 10980

24 April 2024

Statutory Planning Department
Wyndham City Council
Via email: Joyce.Li@wyndham.vic.gov.au

Attention: Joyce Li

Dear Joyce

Further Information Response Section 54
Use and Development of the Land for Trade Supplies and Education Centre and Associated Buildings and Works.
1 Oban Court, Laverton North
Council Ref: WYP3177

We continue to act on behalf of our client, [REDACTED] in regard to the above Planning Application.

In response to Council's letter dated 13 May 2023 requesting further information pursuant to Section 54 of the *Planning and Environment Act 1987*, we provide the following amended plans and documents:

1. Updated Town Planning Drawings, TP01-TP06, Issue B, prepared by KLM Spatial, dated 28.09.2023.
2. Landscape Plan, P1-P5, V1 prepared by KLM Spatial, dated 22.03.2024.
3. Updated Planning Report, V3, prepared by KLM Spatial, dated 15.04.2024.
4. Car Park Demand Assessment, Ref 21105T-REP01-F01, V F01, prepared by Ratio, dated 15.04.2024.
5. A Section 50 Amendment Form as we no longer wish to remove Conditions 18,20, 21, 30 and 31 from the permit.

The updated Planning Report lists the proposed changes to conditions within Section 2.8 of the report.

A response to each of Council's items with the further information request has been provided below

1. A separate Site Plan or a Feature and Level Survey Plan prepared by a suitably qualified professional to reflect the existing condition of the whole site.

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Response:

Refer to Existing Site Plan TP01 within the updated town planning drawings.

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2. *A copy of amended Landscape Plan prepared by a qualified landscape professional to the satisfaction of the Responsible Authority (please refer to the dot point 2 in the preliminary concern discussion below).* Date Plans Provided: 28/05/2024

Response:

Refer to the submitted Landscape Plan Prepared by KLM Spatial.

3. *Amended development plans to show –*
a) *Width of the parking spaces*
b) *Finished floor levels.*

Response:

Plans have been updated to include width of car parking spaces and finished floor levels. Refer to TP04 and TP06 of the updated town planning drawings.

Council have also raised the following concerns:

Additional training/education centre

Based on the written submission done by KLM Spatial dated September 2023, it is considered that the proposed use of the additional floor level as a training centre triggers a secondary use of the site.

There is doubt if the scale, degrees of intensity and the continued existence of a close association between the principle use as a trade supplies and the proposed additional use of training centre. The training centre will also be available to external students/customers, along with potentials in expanding the training courses, this is solely considered as a secondary land use.

The proposed land use should be amended to be "Use and development of land for the purpose of a trade supplies and an education centre". Assessment against requirements in Clause 52.06 will also need to be met, or there will be an additional permit trigger to allow waiver of the car parking requirements.

Response:

Our planning report has been updated accordingly. An assessment against Clause 52.06 is included. We have also submitted a Car Parking Demand Assessment prepared by Ratio Traffic Engineers.

Tree Removals

Based on the information stated in the written submission, the existing vegetation located adjacent to the eastern boundary were planted in accordance with the endorsed Landscape Plan dated 07 July 2004. The trees listed on the Landscape Plan were Eucalyptus melliodora (Yellow Gum) and Allocasuarina torulosa (She Oak).

Removal of the Yellow Gum trees may be exempt from Clause 52.17 as they are planted trees, however, a copy of amended Landscape Plan is required. Particularly, this is relevant requirements set out in the Section 173 Agreement R340910N to emphasise the landscape character of the area.

Response:

As above, we submit an updated landscape plan that shows the existing landscaping adjacent to the eastern boundary is to be partially retained and planted with an additional seventeen (17) canopy trees. Furthermore, the southern boundary will now see a landscaping area planted with fifteen (15) canopy trees adjoining the western boundary, which is to be mulched and planted in its entirety with shrubs, to ensure compliance with the requirements of the Section 173 Agreement R34090N. In total, twenty-two (22) trees are to be removed and thirty-two (32) trees are to be planted, increasing canopy tree cover by ten (10) trees. Refer to submitted landscaping plan for details.

- Please be aware, as the application has been referred to Council's Environment team, a copy of Arboricultural Impact Assessment and Documentation prepared by qualified professional may be requested in this instance.

This is noted. We do not consider an Arboricultural Impact Assessment required in this instance, as we have retained some of the planted vegetation and re-vegetated significantly in accordance with the S173 agreement on title.

Additional hardstand area

The proposed additional concrete hardstand area adjacent to the eastern boundary is considered excessive and unacceptable. The existing landscape buffer along the eastern boundary should be remained or the proposal should be providing alternative landscape design to maintain the landscape character of the site.

The amended written submission and development plans should be reflected accordingly.

Response:

The existing landscaping buffer is shown to be retained on the updated town planning drawings with additional planting shown on the landscape plan.

Further comment

Please note Council has referred the application to Traffic, Drainage, Environment departments for comment. At the time of sending this correspondence, referral responses have not been received by the Planning Officer. This may result in the need for further clarification on matters or documentation which has not been requested in this letter. If any such matters arise, I will advise accordingly.

This is noted.

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Date: [REDACTED] 24

We trust the updated documentation and the above response is acceptable to Council and look forward to hearing from you in due course.

If you have any queries regarding the above, please contact the undersigned on [REDACTED]
[REDACTED]



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