RECOMMENDATION

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to grant the extension of time for Planning Permit No.32708 under the provisions of the Monash Planning Scheme in respect of the land known and described as 29-31 Swindon Road, Hughesdale and issue an extended permit with extension dates as follows:

- The development is not started before 13 November 2011
- The development is not completed before 13 November 2013

BACKGROUND

The land is situated on the north corner of Warrigal Road and Swindon Road, Hughesdale. The land has a frontage to Swindon Road and Warrigal Road of 30.48 and 41.15 metres respectively.

At its Ordinary Meeting of 24 June 2003 Council resolved to refuse permission for ten dwellings to be constructed on the land. Six individual objections and one petition with twenty-one signatories were received.

The applicant lodged an appeal against Council’s decision and on 30 October 2003 the Victorian Civil and Administrative Tribunal directed Council to issue Planning Permit 36209 for construction of ten dwellings on the land. Given the former use of the land as a petrol station the permit was made conditional upon a process of environmental audit.

The permit has been extended on four previous occasions. The most recent extension was granted by Council at its Ordinary Meeting of 28 October 2008 when the expiry date for commencement was extended to 13 November 2010. The previous request for an extension to the permit was based on an inability to satisfy environmental issues which have been ongoing and are now close to resolution.

Locality and Neighbourhood Plans are at Attachment 1.

PROPOSAL

It is proposed to extend the time to commence the development for a period of 12 months.

Plans and elevations of the proposal are at Attachment 2.
**POLICY IMPLICATIONS**

The request for an extension of time is in accordance with the requirements of Section 69 of the Planning and Environment Act 1987.

**ASSESSMENT**

The total elapse of time between the date of issue of the permit and the date of the request to extend the permit is 6 years and 9 months.

Since the issue of the permit the owner has been working toward satisfying the environmental audit requirements of the planning permit. This has involved digging a substantial number of wells on the land. In doing so the applicant has found it difficult getting a consistent analysis of the underlying ground water. However, a statement of environmental audit has now been received confirming that the land is suitable for the permitted use subject to specific conditions. Therefore the owner is now in a position to commence the development. As such it is not considered that the owner of the land is seeking to “warehouse” the permit.

Since the issue of the original permit there have been no changes in town planning policy which would mitigate against the grant of the permit for the development.

Under these circumstances it would be unreasonable for the applicant to be held to the time originally fixed. As such an additional 12 months should be given to commence the development.

**CONCLUSION**

The planning controls applicable to the land have not changed since the issue of the permit. In addition, the applicant has spent a considerable amount of time attempting to satisfy the environmental audit requirements of the planning permit. On this basis it would be appropriate to allow an extension of 1 year for the commencement of the development consistent with Council policy.