RECOMMENDATION

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No. 38636.

The Council having considered planning application No. 38636 and all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 24 McDonalds Lane, Mulgrave, for the purpose of the development of 18 warehouse/office buildings together with associated car parking and landscaping generally in accordance with the plans submitted with the application dated 11 October 2010 and subject to the following conditions, including the specified standard conditions set out in the Council’s “Town Planning Standard Conditions” adopted by the Council 16 September 2003:

1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

   The plans must be generally in accordance with the plans submitted with the application, but modified to show:

   a) Location and design of any electricity supply meter box/kiosk/substation, which may be required. This facility must not be located within the front landscape setback of any road;

   b) Location of gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback area; and

   c) Elevation details of the proposed sign located within the front landscape setback.

   d) All new crossings provided with a minimum distance of 1 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, drainage or service pit, or other services.

   e) Clear sight lines provided at the property line to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the frontage road. This requires the provision of a corner splay or
area extending at least 2 metres long x 2.5 metres deep (within the property) measured from the edge of the exit lane of each vehicle crossing.

f) The gradient on and near access driveways shall be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 6 metres into the car park.

g) Removal of 4 car parking spaces within the central parking core and replaced with landscaping with suitable canopy trees along the car park area to the satisfaction of the Responsible Authority.

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Visual clutter caused by overhead services should be minimised with these services being located underground if possible to the satisfaction of the Responsible Authority.

4. Bicycle facilities for the development, hereby permitted, must be provided in accordance with Clause 52.34 of the Monash Planning Scheme.

5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works are completed to enable the site to be inspected.

6. No goods must be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.

7. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

8. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

9. The amenity of the area must not be detrimentally affected by the use or development, 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;

10. No equipment, services, architectural features or structures of any kind,
including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

11. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:–

- the location of all existing trees and other vegetation to be retained on site
- provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
- planting to soften the appearance of hard surface areas such as driveways and other paved areas
- a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
- the location and details of all fencing
- the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
- details of all proposed hard surface materials including pathways, patio or decked areas

When approved the plan will be endorsed and will then form part of the permit.

12. Before occupation, landscaping works as shown of the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

13. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed to the satisfaction of the Responsible Authority;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority;
   (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
   (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.
14. The driveway and parking area (apart from parking space dimensions) should be designed in accordance with the Australian Standard for Off Street Parking, AS/NZS 2890.1-2004

15. The loading and unloading of goods from vehicles must only be carried out on the land.

16. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system must include either:
   a) a trench grate (300mm minimum internal width) located within the property; and/or
   b) shaping the driveway so that water is collected in a grated pit on the property; and/or
   c) another Council approved equivalent.

17. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.

18. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

   The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

   The nominated point of discharge is to the south-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.

   **Note:** If the nominated point of discharge cannot be located then notify Council’s Engineering Division immediately.

19. Any new drainage work within the road reserve requires the approval of the Council’s Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of $2,000 is to be paid prior to the drainage works commencing.

20. The existing redundant crossing is to be removed and reinstated with appropriate kerbing and channelling to the satisfaction of the Responsible Authority.
21. Approval of each proposed crossing, and a permit for installation or modification of any vehicular crossing is required from Council’s Engineering Department.

22. The proposed crossings are to be constructed in accordance with the City of Monash standards.

23. Any access ramp for people with disabilities should be designed in accordance with the Australian Standard for Design Access and Mobility, AS 1428.

NOTES:

1. Building approval must be obtained prior to the commencement of the above approved works.

2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

3. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).

4. Consultation should take place with Council in relation to the removal of the vehicular crossing and reinstatement works.

5. All new crossings are to provide a minimum 1.0 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, Council pit, Telstra pit or other services.

6. Parking on street should not be considered as a right and Council reserves the right to install parking restrictions in the future if required.

7. A drainage contribution will not be accepted in lieu of a detention system.

8. Stormwater detention requirements may be obtained from Council’s Engineering Department prior to the design of any stormwater detention system.

9. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier’s registration number must be included on the certificate.

Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development and use are not started within two years of the date of this permit.
The development is not completed within four years of the date of this permit. In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.

THE SUBJECT SITE AND NEIGHBOURHOOD

The subject site is located on the eastern side of McDonalds Lane, approximately 140 metres north of Dunlop Road and south of the Monash Freeway in Mulgrave. The currently vacant site is regular in shape, with a frontage to McDonalds Lane of 64.1 metres and an overall site area of 6,998 square metres.

Surrounding land in McDonalds Lane and Dunlop Road is developed with a mix of large office and warehouse buildings.

A crossing towards the southern end off McDonalds Lane provides vehicular access to the site. The site is not encumbered by any easements and it contains no significant vegetation. There are also no restrictions on Title that prohibit the proposed development.

BACKGROUND

In October 2009, application TPA/37620 was lodged seeking permission to develop the subject site in two stages.

Stage 1 was to involve the construction of a 2,232 square metres, double-storey office/warehouse building along the northern section of the site. The building was to be setback 25 metres from the McDonalds Lane frontage, with its main entrance located along the southern elevation of the building.

Stage 2 was to involve the construction of a second double-storey office/warehouse building, having an area of 1,435 square metres and setback 24.4 metres from the street frontage. Its principle entrance was to be located on the eastern elevation of the building.

A 7.6 metre front landscaped setback was to be provided for the development. Vehicular access was to be via a centrally located double crossing and 101 car parking spaces were to be located throughout the site.

A detailed landscape plan was also submitted with the application.

The application did not have to be advertised. Council, at its meeting on the 17 November 2009 resolved to approve the application TPA/37620 subject to a number of conditions which was not acted on.

PROPOSAL

It is now proposed to redevelop the subject site by erecting three buildings each containing 6 warehouse/office units. Each building will be rectangular in shape, with
Building A being located along the northern boundary and containing units 1 to 6, Building B being located along the eastern (rear) boundary and containing units 7 to 12 and Building C being located along the southern boundary of the site and containing units 13 to 18.

The buildings will have flat roofs and will be constructed of a variety of materials that include pre-finished aluminium sheet cladding (in orange and white finishes), colorbond, dark grey and orange colorback glass, light grey and dark grey glazing, white painted FC sheeting and pre-cast concrete panels painted in light, medium and dark grey colours.

Building A will measure 66.10 metres in length by 20.22 metres in width, Building B will measure 64.01 metres in length by 20.00 metres in width and Building C will measure 66.10 metres in length by 17.43 metres in width. The ground floor level of each unit will comprise of a warehouse area together with facilities for amenities, bicycle storage and loading/unloading. A zincalume roller shutter door will provide access to the loading bay for each unit. A stairway within each unit will provide access to a small mezzanine office area. The gross leasable floor areas for each unit will be as follows:

<table>
<thead>
<tr>
<th>Unit Number</th>
<th>Warehouse Area (m²)</th>
<th>Office Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>295.00</td>
<td>60.00</td>
</tr>
<tr>
<td>2</td>
<td>208.00</td>
<td>42.00</td>
</tr>
<tr>
<td>3</td>
<td>208.00</td>
<td>42.00</td>
</tr>
<tr>
<td>4</td>
<td>208.00</td>
<td>42.00</td>
</tr>
<tr>
<td>5</td>
<td>208.00</td>
<td>42.00</td>
</tr>
<tr>
<td>6</td>
<td>208.00</td>
<td>42.00</td>
</tr>
<tr>
<td>7</td>
<td>214.50</td>
<td>43.00</td>
</tr>
<tr>
<td>8</td>
<td>213.00</td>
<td>43.00</td>
</tr>
<tr>
<td>9</td>
<td>213.00</td>
<td>43.00</td>
</tr>
<tr>
<td>10</td>
<td>213.00</td>
<td>43.00</td>
</tr>
<tr>
<td>11</td>
<td>213.00</td>
<td>43.00</td>
</tr>
<tr>
<td>12</td>
<td>213.00</td>
<td>43.00</td>
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<tr>
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<tr>
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<td>36.00</td>
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<td>17</td>
<td>179.50</td>
<td>36.00</td>
</tr>
<tr>
<td>18</td>
<td>254.00</td>
<td>51.00</td>
</tr>
<tr>
<td><strong>Total Area</strong></td>
<td><strong>3,766.00</strong></td>
<td><strong>759.00</strong></td>
</tr>
</tbody>
</table>

The development will be setback 7.6 metres from the street frontage and this setback area will be landscaped with shrubs and trees. The existing crossing towards the southern end will be removed and two new crossings off McDonalds lane will be constructed. One crossing will provide vehicular access into the site and lead to a driveway located along the southern side of Building A. This driveway will lead to another driveway along the western side of Building B and then to a third driveway along the northern side of Building C. This latter driveway will allow vehicles to exit the site via the second crossing.
Provision for 54 car spaces will be made available between the entry and exit driveways (27 spaces off each driveway) and 4 of these spaces will be set aside for people with disabilities. Additional parking spaces will be made available off the driveway along the western side of Building B with 6 spaces being located along the eastern side of unit 6 and 5 spaces being located along the eastern side of unit 13. Landscaping buffer areas will be provided around these additional spaces. All of the car parking spaces on site will be located at right angles to the driveway areas.

POLICY IMPLICATIONS

The main provisions of the Monash Planning Scheme as they affect the proposal are as follows:

Zoning, Land Use and Development Controls
The subject site is within a Business 3 Zone (Clause 34.03). The use as a warehouse is permitted. The office would be regarded as being ancillary to the use as a warehouse and is also permitted. However, a permit is required for the construction and carrying out of buildings and works in accordance with Clause 34.03-4. Before deciding on such an application, in addition to the decision guidelines of Clause 65, the Council must consider the following relevant guidelines:

- The State Planning Policy Framework (SPPF);
- The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies;
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport;
- The provision of car parking;
- The streetscape;
- The availability of and connection to services;
- Outdoor storage, lighting and stormwater discharge; and
- The design of buildings to provide for solar access.

Overlay Controls
The subject site is within a Design and Development Overlay No.1 (DDO1). In accordance with Clause 43.02-2, a permit is required to construct or carry out buildings and works and such buildings and works must meet the requirements that are set out in Schedule 1. The Schedule sets out requirements relating to design, setbacks of buildings and car parks from the frontage, the height of buildings and works, fences within the front setback area, engineering design treatments and provision of services. A 7.6 metre front setback is required along McDonalds Lane and buildings and works should not exceed a height of 7 metres above the ground level.

Before deciding on an application, the Council must consider a number of decision guidelines that are listed in Clause 3.0 of Schedule 1. The decision guidelines contained in Clause 43.02-5 should also be considered.

SPPF
Clause 11 states that planning should recognise and contribute towards, inter-alia, a high standard of urban design and amenity. Clause 12 relates to metropolitan
development. Objectives include providing for a more compact city, a more prosperous city and a better quality, safer and more functional urban environment. Clause 17.02 relates to business. The objective is to encourage developments which meet the community’s needs for retail, entertainment, office and other commercial services and provide a net community benefit. Clause 17.03 relates to industry. The objective is to ensure the availability of land for industry and to facilitate the sustainable development and operation of industry and research and development activity. Clause 18.02 relates to car parking, public transport access to development and encouragement of bicycle transport. In Clause 19.03, the objective for design and built form is to achieve high quality urban design that promotes the attractiveness of cities and enhances the amenity of the public realm.

LPPF – The MSS
The MSS requires that the Garden City Character of the municipality should not only be maintained but also enhanced and it includes all land use types. Garden City Character is a core value held by Council and it is an important consideration in all land use and development proposals.

The MSS identifies ten land use and development issues that are important in Monash. The two issues that relate to the proposal concern economic development as well as business parks and industry. With respect to economic development, the relevant objectives are to:

- Create an environment which is attractive to investors and fosters business growth;
- Develop strong links with members of the business community and ensure Council is responsive to their needs;
- Increase the number and range of viable employment opportunities;
- Ensure that new development is of a high standard that adds to the attractiveness of business and industrial areas and enhances Garden City Character;
- Encourage appropriate mixed use development while ensuring that the amenity of neighbourhoods is not adversely affected; and
- Facilitate innovation and growth in the knowledge economy, particularly in science, technology and emerging industries.

With respect to business parks and industry, the relevant objectives are to:

- Continue image enhancement and landscaping of industrial areas and transport routes consistent with the Garden City Character of Monash;
- Positively influence factors affecting the industrial environment;
- Build the profile of the Monash Technology Precinct as a key strategic location for high technology, research and development industries;
- Balance the need to maintain operating conditions of traditional industrial land uses to ensure their continued viability within the growing demand for office and technology uses;
- Improve car parking provision and traffic flow and discourage on-street parking; and
- Positively encourage the renewal and quality of the built form in industrial areas.
The subject site is within the Monash Technology Precinct. The main aims of this precinct are to encourage research and development based activity, nurture technology specific industries, foster linkages between firms and research institutions and so make use of the major elements of research infrastructure in the area surrounding Monash University.

Local Planning Policy Framework (LPPF) – The Relevant Policies

The Monash Technology Precinct Policy

This policy applies to the subject site and it assists in achieving the aims and objectives of the precinct. Before deciding on an application, the Council has to consider as appropriate:

- Whether the proposal is supportive of the objectives and directions of the policy;
- The Monash Specialised Activity Centre (Final Strategy);
- Whether the proposal satisfies the design objectives and standards of the Urban Design Guidelines – Monash Technology Precinct (Monash Specialised Activity Centre);
- Whether the proposed form and appearance of the development is designed to a high standard and quality that will enhance the image of the precinct;
- Whether the proposal will have any adverse impact on the environment;
- Whether the proposal is compatible with adjacent land uses;
- Whether the proposal complies with the State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N1; and
- The human rights of any persons affected by the proposal.

The Industry and Business Development and Character Policy

This policy also applies to the subject site. The policies that are relevant to the proposal are as follows:

- Development should satisfy the desired future character of the area;
- A viable industrial and business base should be maintained;
- The quality of built form should be enhanced and improved;
- The Garden City Character should be developed and enhanced;
- Buildings should be setback from street frontages in context with the surrounding environment;
- Development should visually unify diverse types of buildings and enhance the quality of industrial areas by creating open and spacious streetscapes;
- Car parking should be located behind the front setback and screened from the street with landscape planting or located at the side or rear of properties;
- Adequate areas of landscaping (including the planting of canopy trees and other treatments) should be provided to reduce the visual impact of large paved areas;

Before deciding on an application, the Council must consider the decision guidelines outlined in Clause 22.03-4 of the Monash Planning Scheme.

The subject site is within the Industry Character Area Type 3 where the desired future character for this area is to continue its development as a modern industrial and
technology park within an attractive landscape setting containing a large number of mature, native trees. Architecture should be appropriate in form and scale to the functional requirements of the business or industry. Buildings that are energy efficient and conform to sustainable principles should be encouraged. Setbacks should be generous and provide sufficient room for extensive landscaping. Parking and service areas should be located at the side or rear of buildings with minimum visibility from the street.

**Stormwater Management Policy**
This policy assists in implementing the strategies relating to stormwater flow and drainage. In determining an application for development the Council has to have regard to a number of decision guidelines. The proposal will be able to satisfy Council’s Stormwater Management Policy.

**Tree Conservation Policy**
This policy assists in maintaining, enhancing and extending the Garden City Character of Monash. The policies devised are as follows:
- To retain existing semi-mature and mature canopy trees wherever possible;
- To retain and protect existing street trees; and
- To plant semi-mature canopy trees with spreading crowns within new developments in the open space areas, along the boundaries adjacent to neighbouring open space and in the front setback areas.

In determining an application for development the Council has to have regard to a number of decision guidelines. The proposal will not require the removal of any existing vegetation on site. New landscaping is proposed within the front setback area and around some areas of the car park. Any landscaping should consist of generous planting of large shrubs and trees, including canopy trees. Appropriate landscaping conditions should be placed on any permit issued.

**Particular Provisions**

**Car Parking Controls**
In accordance with Clause 52-06 of the Monash Planning Scheme and Council’s Guide to Car Parking the proposed office can be regarded as ancillary to the use as a warehouse. Therefore, parking rates for the development can be based on the use as a warehouse which has a requirement of 1.5 parking spaces to each 100 square metres of net floor area. The proposed development has a net floor area of 3,725.32 square metres. Using the ratio of 1.5 spaces to each 100 square metres of net floor area, 56 car spaces are required to be provided on site for the proposed development. A total of 65 car spaces will be provided on the site. The layout and dimensions of the car spaces and driveways satisfy the design requirements contained in Clause 52-06-3 of the Monash Planning Scheme.

**Loading and Unloading Controls**
Clause 52.07 of the Monash Planning Scheme relates to requirements for loading and unloading of vehicles. Each warehouse unit will have its own loading bay located within the unit. The loading and unloading facilities proposed are satisfactory.
Bicycle Facilities
Clause 52.34 of the Monash Planning Scheme relates to requirements for bicycle facilities. Each warehouse unit will have provision for bicycle hooks and there will be a shower within each bathroom. Bicycle spaces will also be provided for visitors to the site. The bicycle facilities proposed are satisfactory.

CONSULTATION
Due to the nature of the proposal, the Business zoning of the land and the surrounds, notification of the application was not required. It is considered that the proposal will not cause any material detriment to the amenity of the surrounding area.

The application was referred to Council’s drainage and traffic departments. Both departments have advised that they have no objections subject to conditions being incorporated on any permit issued.

ASSESSMENT
The main aspects of the proposal are discussed below.

Garden City Character
Any proposal for the site should be designed in a manner that will develop and enhance the Garden City Character of the area.

With regard to the subject site, it is currently devoid of vegetation. The proposal involves providing new planting within the 7.6 metre wide front setback area. Planting areas are also proposed around the car spaces located to the east of units 6 and 13. The area set aside for planting is considered to be adequate. The planting should be generous and consist of large shrubs and trees including native canopy trees. It should be possible to provide for a quality landscape treatment within the front setback area. Appropriate landscaping conditions will need to be placed on any permit issued.

Building Form, Scale and Height
New buildings should complement and not overwhelm surrounding buildings, roads and spaces. In this regard, the Design and Development Overlay specifies a height limit of 7 metres, but approval can be given to allow a greater height. The proposed development will have an overall height of 9.1 metres. Given that surrounding buildings are between 8 and 9 metres in height, it is considered that the proposed development will not have an overwhelming appearance from the street or from adjacent properties. The development is of a high quality design that will be appropriate for the Monash Technology Precinct and it is consistent with the standard of recent developments that have been approved within the general area.

Car Parking and Access
The proposed development provides for sufficient on-site car parking. The majority of the car parking spaces are located centrally on the site between Buildings A and C but
they are setback behind the 7.6 metre landscaped front setback area. The car spaces
and access lanes comply with the requirements of the Monash Planning Scheme.

Planning policies encourage the visual impact of linear driveways to be minimised.
The long driveways along the southern side of Building A and the northern side of
Building C are very linear. However, the landscaping proposed within the front setback
area should help to soften the visual impact of these driveways.

Loading and Unloading and Bicycle Facilities
The proposed development is able to comply with the loading and unloading and
bicycle requirements of the Monash Planning Scheme.

Rubbish Enclosures, Overhead Services and Advertising Sign
All rubbish enclosures should be screened and located towards the rear of the site or
within each unit. Visual clutter caused by overhead services should be minimised with
these services being located underground if possible. If the services cannot be located
underground they should be located discretely on site. Details are also required of the
proposed sign within the front setback area. These items can be addressed by placing
appropriate conditions on any permit issued.

CONCLUSION
The proposed development will not have an adverse impact on the amenity of adjoining
properties nor will it have an adverse impact on the streetscape. Having regard to all of
the relevant decision guidelines and the provisions of the SPPF, the LPPF (including
the relevant local policies), Clause 52.06, Clause 52.07, Clause 52.34 and the Design
and Development Overlay No. 1 it is considered that the proposal is acceptable and
consistent with orderly and proper planning. Approval is recommended subject to
conditions.