

Item 12.16 Planning Application PA 2016/5197/1 - Redevelopment of an existing service station by demolishing existing buildings and infrastructure and building a new service station with refueling canopy and forecourt and convenience shop with associated car parking, landscaping and business identification signage At 1486-1490 Diggers Rest-Coimadai Road, Toolern Vale

Appendix 3 Assessment against Planning Scheme - undated

**Appendix 3 – Assessment against relevant Planning Scheme controls**

<b>Planning Scheme Reference</b>	<b>Assessment</b>
<b>State Planning Policy Framework</b>	
Clause 11 – Settlement	This policy requires planning to prevent environmental problems created by siting incompatible land uses close together. The proposal fails to comply with this policy as it seeks to intensify an existing incompatible land use and has the potential to create environmental problems in terms of noise, traffic and hours of operation to residents in the Toolern Vale township.
Clause 15.01 – Urban Environment	The new sales building and refuelling canopy have been designed to respect the existing neighbourhood character of the area in terms of its built form, materials and colours.
Clause 15.03-2 Aboriginal Cultural Heritage	The subject land is located in an area of Aboriginal Cultural Heritage sensitivity. The proposed buildings and works are identified as a high impact activity under the Aboriginal Heritage Regulations 2017. However, under Section 43(3) of the regulations, the proposed buildings and works are not a high impact activity as they are associated with a use lawfully carried out on the land before the commencement of the regulations.
Clause 17.01 – Business	The application proposes the redevelopment of the existing service station which currently provides retail and commercial services to meet the needs of the local community in Toolern Vale.
Clause 17.01-2 Out of Centre Development	This policy discourages the expansion of single use retail and commercial facilities outside existing activity centres. The proposal is inconsistent with this policy as it involves the redevelopment and intensification of an existing service station located outside existing or proposed activity centres.
Clause 18.02-5 – Car Parking	The location, layout and number of car parking spaces provided on site for the proposal are adequate and satisfy the requirements under Clause 52.06 of the Melton Planning Scheme.
<b>Local Planning Policy Framework</b>	
Clause 21.03-2 – Planning Objectives	The proposal is consistent with the objective for residential land use – to create sustainable and livable communities.
Clause 22.04 – Urban Development Policy	The proposal is inconsistent with this policy as it will not assist in protecting existing infrastructure assets (e.g. Creamery Road) from inappropriate

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	development. The redevelopment of the existing service station is likely to have an adverse impact on Creamery Road in terms of increased traffic (particularly from heavy vehicles) and the amenity of adjoining properties and the surrounding area.
<b>Zone</b>	
Low Density Residential Zone	The proposal is consistent with the purpose and decision guidelines of the Low Density Residential Zone given that the use of the subject land for a service station was established prior to the introduction of the Melton Planning Scheme.
<b>Other</b>	
Car parking (Clause 52.06)	The location, layout, dimensions and number of car parking spaces provided on site for the proposal satisfy the requirements of this clause.
Loading Bay (Clause 52.07)	A loading bay has been provided on site for the proposal in accordance with the requirements of this clause.
Service Station (Clause 52.12)	The proposal generally satisfies the criteria outlined under this clause. The only exceptions relate to the width and distance between vehicle crossovers and setback of the refuelling canopy from the road.  Council has the discretion to vary any of the requirements of this clause if it is satisfied that a better design solution will be achieved. In this instance, a variation to the requirements of this clause is supported.