

5 USE AND DEVELOPMENT OF THE LAND FOR A RESTRICTED RECREATION FACILITY (SHOOTING RANGE) AT 1100 KOO WEE RUP ROAD PAKENHAM

FILE REFERENCE INT1611052

RESPONSIBLE GENERAL MANAGER Phil Walton

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RECOMMENDATION

That Planning Permit T150554 be issued for the Use and Development of the Land for a Restricted Recreation Facility (shooting range) at 1110 Koo Wee Rup Road, Pakenham (to be known as Lot 15 PS134749, Industrial Drive Pakenham) subject to the conditions attached to this report.

Attachments

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|---|-------------------|---------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 2 Pages |

EXECUTIVE SUMMARY:

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| APPLICATION NO.: | T150554 |
| APPLICANT: | Southern Cross Firearms (Aust) |
| LAND: | 1110 Koo Wee Rup Road Pakenham (to be known as Lot 15 PS134749, Industrial Drive Pakenham) |
| PROPOSAL: | Use and Development of the Land for a Restricted Recreation Facility (shooting range). |
| PLANNING CONTROLS: | Industrial 1 Zone Development Plan Overlay (DPO10) |
| NOTIFICATION & OBJECTIONS: | <p>The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to adjoining land owners and occupiers and placing a sign on site.</p> <p>No objections have been received to date, with nine (9) separate letters of support and list of persons providing 'electronic' support.</p> |
| KEY PLANNING CONSIDERATIONS: | Building form and Site Layout, Noise, amenity impacts, parking provision & security |
| RECOMMENDATION: | Grant a Planning Permit |

BACKGROUND:

The subject site has recently undergone a subdivision approval to create the proposed lot, the title for this lot has not been released.

SUBJECT SITE

The current title is located on the north east corner of Koo Wee Rup Road and Greenhills Road in Pakenham. The proposed lot, which makes up the subject site is located on the south side of Industrial Drive approximately 250 metres west of Exchange Drive.

The proposed lot is generally rectangular in shape with a frontage of 48 metres and depth of 99 metres with an overall area of 4,752 square metres.

The site is currently vacant with the title of the property yet to be released. The Industrial Drive and crossovers are under construction. The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- The surrounding lots are associated with the future industrial subdivision that has been approved on the site and include varied lot areas with lots on the south side of the roadway similar to the subject site.
- Properties further north are established industrial area.
- Land to the west is the Koo Wee Rup Road reserve with land further west earmarked for future industrial and commercial purposes.
- Land to the south on the south side of Green Hills Road is land within the Green Wedge Zone
- The proposed lot is in excess of 500 metres from any dwelling and is well separated from all residential land.

PROPOSAL

The proposal is summarised as:

Use

The proposed use includes a restricted recreation facility, which is defined as:

Land used by members of a club or group, members' guests, or by the public on payment of a fee, for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming.

The proposal is for a shooting range that will cater for members within the surrounding area and incorporates a training room, club room, indoor shooting range and ancillary retail fire arm sales and a cafeteria. The proposal use does not incorporate gaming machines or liquor licence. The applicant has noted that the site will provide for a maximum of 50 persons at one time with an average of 10 – 20 patrons and 5 employees.

The proposed hours of operation have been noted by the applicant as:

- Monday - Sunday: 8.00 am – 10.30 pm

Site layout

The proposal includes the provision of car parking within the front setback and along east boundary with access provided via the east section of the site frontage. The proposal building is to be setback 28.7 metres from the site frontage, 17.6 metres from the east boundary, with construction

to the west boundary and setback of 5.664 metres from the south (rear) boundary. The proposed loading bay is proposed on the south east corner of the building.

Building form and internal layout

The building includes a width a maximum width 35.4 metres and depth of 64.6 metres with internal floor area of approximately 2,160 square metres. The building includes two long shooting ranges with adjacent 'ready' room and first aid room, with a café/retail area of 255 square metres with associated kitchen area. The internal layout includes a number of meeting rooms and clubroom, with common amenities and staff facilities. Access to the building is located on the east side of the building.

The proposed building provides an industrial form with an overall height of 6 metres with a low profile angled roof with a general wall height of 5 metres. The development plans do not provide clearly detail of the materials proposed although the applicant has noted that it will be constructed of painted concrete walls with a number of windows located along the northern elevation with some architectural design features along the façade of the building.

Car parking and access

The proposal includes a total of fifty-four (54) parking spaces on the site including twenty-one (21) spaces within the front setback and remaining spaces along the east boundary and east wall of the building. The proposal includes driveways in an inverted 'L' shape with a crossover on the eastern side of the site frontage. The proposal includes two disabled parking spaces adjacent to the entrance of the building.

Landscaping

The proposal includes landscaping areas within the front setback surrounding the proposed parking and driveway areas.

Fencing

The proposal incorporates a 2.1 steel picket fence along the north, south and east boundaries and along the west boundary where the building is not constructed on the boundary. The proposal includes a gate with an associated card reader to allow control of access and exist to the site.

Signage

The proposal has not noted any proposed signage.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11 Settlement
- Clause 13 Environmental Risks
 - Clause 13.04-1 Noise Abatement
- Clause 15 Built Environment and Heritage
 - Clause 15.01-1 Urban Design
- Clause 17 Economic Development
 - Clause 17.02-1 Industrial Land Development
 - Clause 17.02-2 Design of industrial development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.04-4 Industry

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions are:

- Clause 52.06 Car parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 65 Decision Guidelines
- Proposed Industrial Subdivision Design Guidelines – 110 Healesville-Koo Wee Rup Road Pakenham, February 2008

Zone

The land is subject to the Industrial 1 Zone.

Overlays

The land is subject to the following overlays:

- Development Plan Overlay (DPO10)

PLANNING PERMIT TRIGGERS

The proposal for the use and development for a restricted recreation facility (shooting range) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone a planning permit is required for the use of a restricted recreation facility.
- Pursuant to Clause 33.01-4 of the Industrial 1 Zone a planning permit is required for buildings and works.
- Pursuant to Clause 52.06-2 of the Car Parking provision for a new use must be provided to the satisfaction of the Responsible Authority

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site

The notification has been carried out correctly, and Council has received no objections to date.

REFERRALS

Environment Protection Authority (EPA)

The application was referred to the EPA for comment. EPA had no objection to the proposal subject to conditions.

Victoria Police

The application was referred to Victoria Police for comment. Victoria Police had no objection to the proposal with no specified conditions.

South East Water

The application was referred to South East Water for comment. South East Water had no objection to the proposal noting that a statement of compliance has not been issued for the site and noted that any construction within 1 metre of a sewerage asset would require approval from the authority. Although easements have not been determined, a proposed asset may be located along the east boundary of the site. The proposed building is setback from the east boundary as such only car parking areas would be constructed within the easement and future approvals could be sought to allow for this construction. This will be included as a notation on the permit.

DISCUSSION

Appropriateness of the use

The proposed use is not a conventional industrial use although the location of this use within an industrial area is considered appropriate as it will ensure minimal offsite amenity impacts. The proposed use requires a larger floor area than can generally be found in more conventional business areas and separation from residential properties would lessen the impact on the surrounds hence the industrial floor spaces are considered desirable for the proposed use. Appropriate restrictions in terms of the numbers of patrons and hours of operation can ensure that the development does not detrimentally impact future industrial development surrounding site.

This type of use is not uncommon in industrial areas, notably a similar use has been established within the municipality (i.e. other restricted recreation facilities such as gymnasiums, dance studios and the like). These uses provide no significant detrimental impact to the surrounds to the surrounding industrial uses and enable the establishment of a business contributing to the local economy.

The proposal has shown appropriate noise attenuation devices to minimise impacts on the surrounding uses. Further security arrangements have been detailed by the applicant to ensure that the operations of the shooting range and ancillary firearm sales will be conducted in accordance with Victoria Police requirements, which will be reinforced through permit conditions.

Overall it is considered proposed use will have limited off site amenity impacts within the area in that the operation of the use with parking on site generally achieved (see below for more comment).

Site layout, building form, landscaping and fencing

The proposed site layout and building form is generally consistent with the surrounding industrial development including minimum setbacks provided in excess of 20 metres and landscaping strip in excess of 3 metres along the site frontage. The proposed building form includes an overall height of 6 metres consistent with general industrial development in the wider site context with the design including the presentation of the development provides a façade that provides some visual interest along the Industrial Drive frontage.

One concern with the development plans is that they do not specifically include a building materials and colour schedule, this can easily be addressed through permit conditions.

The proposed landscaping and fencing along the site frontage and common boundaries are provided with an appropriate arrangement with a landscape plan submitted as part of this application.

These design features show that the proposal is consistent with the requirements of the Industrial Subdivision Design Guidelines. These guidelines are to be incorporated into the future title, with the applicant providing information that indicates approval of the Design Panel associated with the future restriction.

Overall the proposed use and development, subject to minor additional details is appropriate for the site and surrounds and is consistent with the requirements of the Cardinia Planning Scheme.

Car parking and loading/unloading of vehicles

Pursuant to Clause 52.06-5 of the Cardinia Planning Scheme the use of restricted recreation facility does not include any specified parking rate as such the parking provision is at the discretion of the Responsible Authority. The proposed development incorporates a parking area for fifty-four (54) parking spaces. The applicant has noted that the maximum persons on the site at any one time is likely to be 50 with average of 10 – 20 patrons and 5 staff which will easily be accommodated on the site. The restriction to the number of patrons on the site to a maximum of 50 and 5 staff will virtually provide one parking space for each person on the site as such it is considered that the development achieves the objectives of Clause 52.06 relating to car parking.

The proposed development includes a loading bay consistent with the minimum requirements of Clause 52.07.

Amenity impacts and noise attenuation

As noted above the subject site is setback over 500 metres from any dwelling (located in an industrial zone to the south west). The one concern with this type of use relates to the potential noise impacts particularly for the firing range. The applicant has submitted sufficient information that indicates the building structure are purpose built for this type of use and has additionally submitted an acoustic report that indicates that the provision of 200mm solid concrete walls and roof to maximise the noise reduction will ensure that noise levels are minimised and will not increase noise for residential properties.

The proposed car parking and traffic management for the proposed use and development can be adequately accommodated on the site without detrimentally impacting on the future industrial uses or impacting on the amenity of the wider site context.

As such it is considered that the proposed development has minimised any off site amenity impacts and satisfies the requirements of the Cardinia Planning Scheme.

CONCLUSION

The proposed use and development is appropriately located with the design providing an appropriate site layout, building form and car parking with no detrimental impacts on the surrounding properties.

CONDITIONS**Plans Required**

1. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
2. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.
3. Before the use starts, a management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be consistent with the endorsed plan(s) and include:
 - a. Operations and management of the site to meet the Victoria Police requirements including Licensed Firearms Dealer Reference Guide and storage requirements for licensed firearms dealer.
 - b. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
 - c. Security measures to employed to ensure the security of staff, patrons and general public.
 - d. Signage to be used to encourage responsible off-site patron behaviour.
 - e. The training of staff in the management of patron behaviour.
 - f. Measures to control noise emissions from the premises.
4. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
5. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
6. The use of the premises must not be changed without the written consent of the Responsible Authority.
7. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
 - a. Monday - Sunday: 8.00 am – 10.30 pm
8. The subject land must not be used by more than five (5) staff and fifty (50) patrons at any one time except with the prior written consent of the Responsible Authority.

9. The development must not be occupied and use may not commence until titles have been issued for the subject site.
10. Prior to the occupation of the building the permit holder must:
 - a. Surface all proposed access, circulation and parking areas with concrete, asphalt or other approved hard surfacing material and delineate the parking areas to the satisfaction of the Responsible Authority. These areas must be maintained to the satisfaction of the Responsible Authority.
 - b. Complete the landscaping in accordance with the approved landscape plan to the satisfaction of the Responsible Authority.
 - c. Connect to the reticulated sewerage to the satisfaction of the Responsible Authority.
 - d. Undertake all works in accordance with the approved stormwater management plan to the satisfaction of the Responsible Authority.
 - e. Before the development is occupied a *commercial/industrial* standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
11. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose, including that any dead, diseased or damaged plants are to be replaced.
13. The loading and unloading of vehicles must always be carried on entirely within the site and must not interfere with other traffic.
14. Before the development is occupied, direction signs and direction pavement markings are to be installed as shown on the approved plans. Once works are completed, the area must be maintained to the satisfaction of the Responsible Authority.
15. Vehicles under the control of the operator of the building, including staff vehicles, must not be parked in any nearby road.
16. The areas shown on the approved plan for car parking, access and landscaping must not be used for any other purpose and maintained to the satisfaction of the responsible authority.
17. The dimensions and layout of the proposed access and parking areas for cars must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
18. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
19. Stormwater works must be provided on the site so as to prevent overland flows onto adjacent properties.

20. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
21. All earthworks must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the Responsible Authority.
22. Construction and post-construction activities must be in accordance with the EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.
23. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) no. N-1.
24. The development must be constructed in accordance the Environmental Noise Assessment (Engineered Acoustics, Keith H Porter, 27 August 2015) and incorporate 200m solid concrete walls.
25. 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, wastewater, waste products, grit or oil; or
 - d. Presence of vermin.
26. The exterior colour and cladding of the buildings must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.
27. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
28. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
29. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.

Permit Expiry

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

- a) use
- b) The development is not started within two years of the date of this permit.
- c) 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 before the expiry date or within three months afterwards.

Notes:

Any construction of existing or proposed easement must be approved by the relevant authority, it is noted that any construction within 1 metre of a South East Water asset will require approval from this authority.

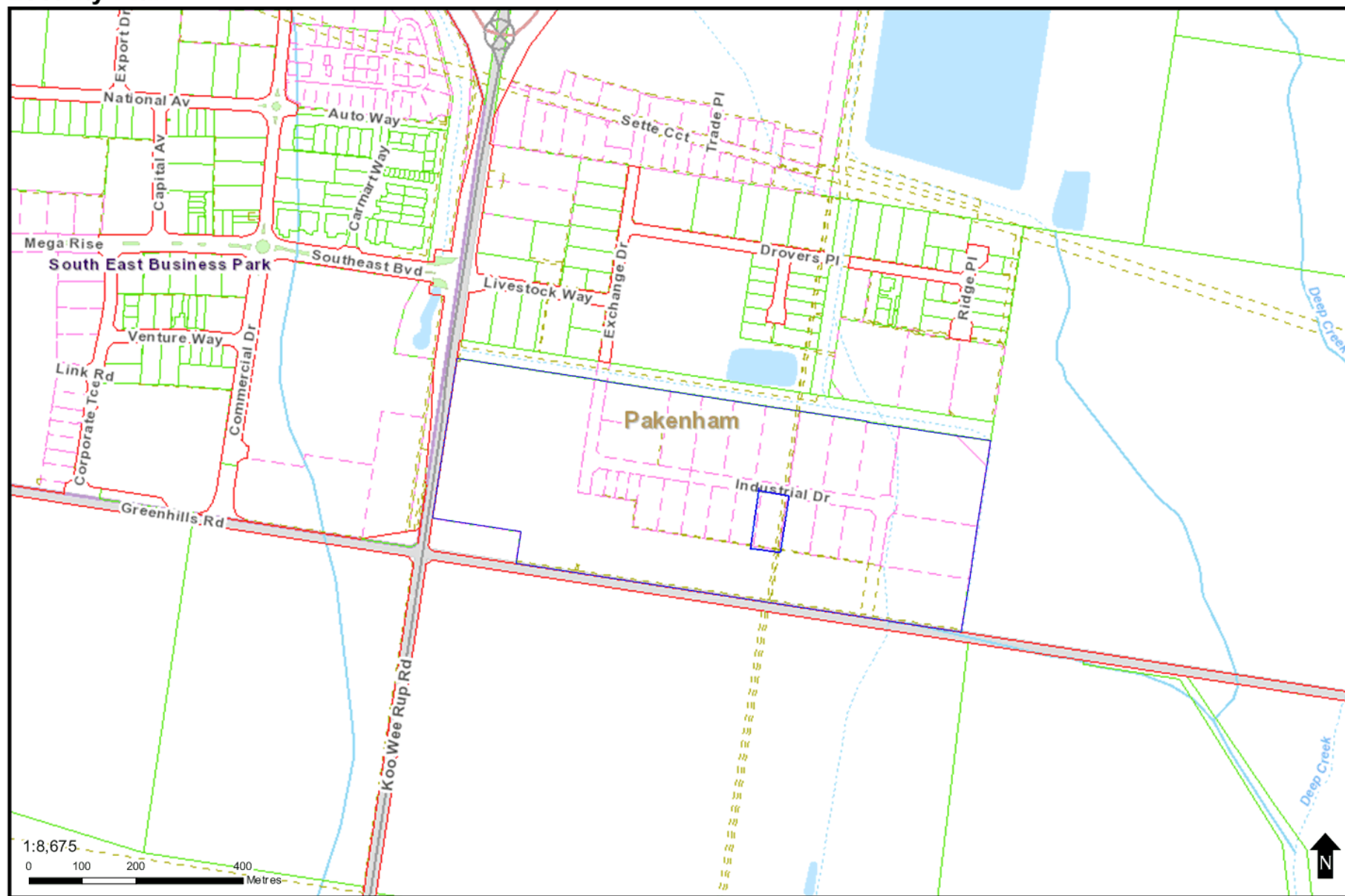
Any proposed advertising signs must comply with the provisions of the Cardinia Planning Scheme. Advertising signs which do not comply with the provisions of the Cardinia Planning Scheme will require a planning permit.

A Building Permit will be required for this development and to obtain a building permit you will need to contact a registered building surveyor.

Any commercial enterprise involving handling of food or drink must contact the Environmental Health Department for further advice concerning legislative requirements.

A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Locality Plan



16/02/2016

