

### **3 USE AND DEVELOPMENT OF THE LAND FOR A STORE (SELF-STORAGE FACILITY AT 15 CARNEY STREET, NAR NAR GOON)**

FILE REFERENCE INT1757687

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Frances Stipkovic

#### **RECOMMENDATION**

That a Notice of Decision to Grant Planning Permit T170162 be issued for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 at 13-15 Carney Street, Nar Nar Goon VIC 3812 subject to the conditions attached to this report.

#### **Attachments**

- |          |                                                     |         |
|----------|-----------------------------------------------------|---------|
| <b>1</b> | Locality map                                        | 1 Page  |
| <b>2</b> | Development plans                                   | 6 Pages |
| <b>3</b> | Letters of objection circulated to councillors only | 8 Pages |

#### **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T170162
APPLICANT:	Mr Ron Asling
LAND:	13-15 Carney Street, Nar Nar Goon VIC 3812
PROPOSAL:	Use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1
PLANNING CONTROLS:	Commercial 1 Zone
NOTIFICATION & OBJECTIONS:	<p>Notice of the application was given by way of sending notices to adjoining and near-by land owners/occupiers and by placing a sign on each frontage.</p> <p>To date, six (6) objections have been received.</p>
KEY PLANNING CONSIDERATIONS:	<p>Appropriateness of land use</p> <p>Impact on streetscape</p> <p>Impact to adjoining residential land</p>
RECOMMENDATION:	Approval

#### **BACKGROUND:**

Council records indicate there is no recent Planning Permit history for the site. In March 2013 the Victorian Civil and Administrative Tribunal determined that an Existing Use Right had been established for the use of the land for the storage of vehicles.

## SUBJECT SITE

The site is located on the south side of Carney Street, Nar Nar Goon, approximately 115m east from Main Street. The site is generally rectangular in shape, has frontage to Carney Street of 40.23m, a frontage to Spencer Street of 30.61m and a total site area of 1890sqm. Vehicle access is provided via a 12.0m wide crossover on Carney Street.

The site is currently undeveloped, however has been used for the storage of vehicles. A 1.65m to 1.8m high timber paling fencing defines the side boundaries (east and west). Chain wire fencing is located along both frontages.

No. 17 Carney Street adjoins the eastern boundary and is developed with a single dwelling setback approximately 10.4m from frontage and a 2.4m from the common boundary. Secluded private open space (SPOS) is located to the rear, there is established vegetation along the western (common boundary). This parcel of land is located within the Commercial 1 Zone.

No. 11 Carney Street adjoins the western boundary and is developed with a dwelling and swimming pool which fronts Spencer Street. The dwelling is setback approximately 9.2m from the common boundary. Outbuildings are located on the northern portion of the land with vehicle access provided from Carney Street.

The rail line and Nar Nar Goon Train Station are located directly north of the site.

Nar Nar Goon Recreation Reserve is located directly south of the site fronting Spencer Street and contains a sports oval, netballs courts, basketball courts and associated buildings.

Land in the immediate vicinity is characterised by a variety of land uses ranging from commercial, residential, public transport and community facilities.

## PROPOSAL

Approval is sought for the use and development of the land for a Store (self-storage facility) and altering an access to a road in a Road Zone Category 1.

It is proposed to construct 20 x 2.9m high grey 'Colorbond' storage units (2.4 x 3.0m) setback a minimum 3.0m from the east, west and rear boundaries and 21m from Carney Street.

Eight (8) 3.0m x 6.0m open spaces are provided within the front setback of Carney Street for the storage of caravans or boats.

A site office provided within the front setback of Carney Street, setback 7.0m from the frontage and 3.0m from the western boundary.

A maximum 2.1m high fencing with barbed wire above is proposed along each frontage.

Vehicle access is provided via the existing crossover off Carney Street leading to a 14.3m wide accessway.

Each storage unit is provided with a 4.9m x 2.6m car space. Vehicle access will not be provided off Spencer Street.

Staffed hours of operation are:

- Monday to Friday: 8:00am – 4:00pm

- Saturday: 9:00am – 12:00pm.

Beyond the hours listed above, customers are able to access the site between 7:00am – 9:00pm when the site is unstaffed.

A maximum of 1 staff will be on the site at any one time.

Business identification signage will not exceed 8sqm.

## **PLANNING SCHEME PROVISIONS**

### **State Planning Policy Framework (SPPF)**

The relevant clauses of the SPPF are:

- Clause 15 – Built form and Environment
- Clause 17 – Economic Development

### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire key issues and strategic vision
- Clause 21.06 - Particular Uses and Development

### **Relevant Particular/ General Provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

- Clause 52.06 – Car Parking
- Clause 52.10 – Uses with adverse amenity potential
- Clause 52.29 - Land adjacent to a road in a Road Zone Category 1
- Clause 65 - Decision Guidelines

## **Zone**

The land is subject to the Commercial 1 Zone.

## **Overlays**

The land is not subject to any overlays.

## **PLANNING PERMIT TRIGGERS**

The proposal for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.04 – 1, a planning permit is required for the use of the land for a Store (self-storage facility). The facility is for personal storage therefore not for a purpose listed in Clause 52.10.

- Pursuant to Clause 34.04 - 4, a planning permit is required for buildings and works associated with a Section 2 use.
- Pursuant to Clause 52.29, a planning permit is required to alter access to a road in a Road Zone Category 1.

## 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 on site*

Council has received six (6) objections to date from the following properties:

The key issues that were raised in the objections are:

- Noise
- Increase in vehicle movement/traffic hazards
- Inappropriate use/development in site context
- Inconsistent with strategic vision for the area
- Increase in anti-social behaviour
- Potential land contamination
- Invalid planning application

## REFERRALS

### *Vic Roads*

The application was referred to Vic Roads as a statutory referral for comment. Vic Roads have no objection to the proposal. There are no conditions required.

### *Environmental Protection Authority (EPA)*

The application was referred to the EPA as a non-statutory referral for comment. The EPA have no objection to the proposal subject to conditions.

## DISCUSSION

On balance, the proposal is consistent with the State and Local Planning Policy Frameworks, the Commercial 1 Zone and relevant Particular Provisions.

### State and Local Planning Policy Framework

Clause 15 places emphasis on high quality urban design outcomes that contribute to the streetscape, respect neighbourhood character and add vibrancy to activity centres. The site is located in close proximity to the train station and Main Street therefore may encourage further redevelopment in this precinct.

The proposal will contribute to the Nar Nar Goon Township and will provide local employment options which is a key focus of Clause 21.01. Whilst small in scale, the proposal will stimulate local economic activity in accordance with Clause 17

As detailed further in this assessment, via condition, the proposal is consistent with the Commercial 1 Zone and by default is consistent with Clause 21.06 which seeks to achieve high quality urban design outcomes which enhances the public realm and promotes community safety.

## Commercial 1 Zone

The primary purpose of the Commercial 1 Zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

The use is appropriate in this context having regard to land uses directly north and south which are non-sensitive (rail line and sports reserve). This land use will not disrupt existing commercial operations in the immediate vicinity. A storage facility will cater for community needs.

The design of the storage units has taken into consideration the adjoining residential land to the east and west. A minimum 3.0m setback has been provided from the eastern and western boundaries. The storage units are low profile and will be predominantly screened by boundary fencing. To ensure the buildings and works are generally screened when viewed from No. 17 Carney Street, a condition of approval will require the boundary fence be increased to a minimum 1.8m. Given the orientation of the land and height of the storage units, the development will not cast a significant shadow within adjoining secluded private open space.

The hours of operation are standard for this land use and will not cause adverse amenity impacts to adjoining residential land by way of noise or lighting. Visits to the site will be solely for the drop off or pick up of items and is expected to be short-term and staggered during the hours of operation. A general amenity condition will be imposed to ensure the use does not cause adverse off-site amenity impacts.

As detailed above, Clause 34.01 – 1 requires that the use of the land for a Store (Warehouse) must not be for a purpose listed in Clause 52.10 (otherwise the use becomes prohibited). A condition of approval will be imposed on the Permit to reflect this.

Noting there is currently no Township Strategy for Nar Nar Goon, regard under this Zone must be given to the impact of any land use or development within the public realm. It's acknowledged there are limited opportunities with this land use for activation and passive surveillance. The necessity for security measures is also acknowledged. The site office located within the front setback does provide passive surveillance along Carney Street.

It is considered that the use of wire fencing with barbed wire above, along both frontages is not a desirable planning outcome in a commercial/residential setting, that would experience higher pedestrian/vehicle movement than a standard residential street given the proximity to the train station and Main Street. To enhance the streetscape when viewed from both frontages and to provide an improved urban design outcome, a condition of approval will require that the front and rear fencing be recessed from the title boundaries to allow the provision of planting to partially screen the fencing.

Further, the site office and any storage units visible from the public realm must also be suitably clad to enhance their appearance. This will also provide an improved transition between the subject site and the two adjoining dwellings.

A condition of approval will require the submission of a formal landscaping plan. Once established, the landscaping will soften the appearance of the buildings and car parking when viewed from both street frontages.

## Clause 52.06 Car Parking

Pursuant to Clause 52.06 -5, 10% of the site area must be allocated for car parking which includes the accessway. Approximately 60% of the site (1157sqm) has been allocated for car parking and accessway exceeding this requirement.

Whilst turning templates have not been provided, there is adequate turning area for vehicles given the 14.3m wide accessway. The dimensions of each car space accord with Clause 52.06 – 9

(Design Standard 2). The application was referred to Council's Traffic Engineer who does not object to the proposal.

Have regard to the above, the objectives of this provision are satisfied.

#### Clause 52.29 Land adjacent to a road in a Road Zone Category 1

The purpose of this provision is to ensure the appropriate access of identified roads (RDZ1). Whilst the existing crossover off Carney Street will not be physically altered, the use of the land is being altered (i.e. intensification), therefore referral to Vic Roads was required. Vic Roads do not object to the proposal. Vehicles are able to enter the site satisfactorily and exit in a forward direction. Via condition, the objectives of this provision are met.

### RESPONSE TO OBJECTIONS

A response to the objections received is provided below:

#### *Noise*

Noise associated with this land use relates mainly to vehicles entering and exiting the site for the drop off and collection of goods and is expected to be staggered throughout the hours of operation. Noise generated from this land use is minimal and appropriate having regard to the adjoining residential land. As detailed above, the site is located within the Commercial 1 Zone with a variety of land uses in the immediate vicinity (i.e. rail line and sports facility) which would generate more noise emissions.

#### *Increase in vehicle movement/traffic hazards*

Any new use in a Commercial 1 Zone is expected to generate more traffic flow however vehicle movements to and from the site as a consequence of this land use will not impact the existing road network. The application was referred to Vic Roads who do not object to the proposal. The application was also referred to Council's Traffic Engineer who does not object to the proposal providing it can be demonstrated that a 12.5m heavy rigid vehicle (or alternatively an 8.8m vehicle) can exit the site in a forward direction. This will be required via condition. As Carney Street is located within a Road Zone Category 1, the flow of traffic is expected to be heavier than the surrounding road network.

#### *Inappropriate use/development in site context*

As detailed above, the use is appropriate having regard to the site context and the objectives of the Commercial 1 Zone. The site is not located directly on Main Street (where street activation is highly promoted) however is not located in and completely sensitive environment given the proximity to the rail line and the recreation reserve. It is further noted that there is no Industrial zoned land in this township therefore there is reliance on the Commercial 1 Zone to provide this service. Conditions of approval require modified fencing and clad buildings which will enhance the appearance of the site from the public realm. Required landscaping will also provide a soft visual buffer between the site and both street frontages and an improved transition between the site and adjoining dwellings.

The use is for personal storage. In accordance with the Commercial 1 Zone, a condition of approval will require that the storage of items must not be for a purpose listed in Clause 52.10 of the Cardinia Planning Scheme. The application has been referred to Council's Development Engineer who has requested the area be sealed and drained accordingly and will be required via permit conditions. These requirements do not conflict with the Condition 1 amendments imposed. Any light spill into adjoining residential land from vehicles entering and exiting the site are short term and minimal as the eastern and western boundary fencing is required to be a minimum 1.8m in height.



In response to the objection received by N. Hicks, matters surrounding toilets/amenities and fire protection are addressed under the Building Regulations and must be considered by the appointed Building Surveyor.

*Inconsistent with strategic vision for the area*

As detailed above there is currently no adopted or incorporated Township Strategy for Nar Nar Goon. Whilst Council is currently in the process of preparing a strategy, it is unreasonable to stall re-development of the site given time frames associated with the preparation and adoption of such documents. The zoning of the land and local policy on urban design remain the key determining provisions for this application.

*Increase in anti-social behaviour*

The redevelopment and introduction of any new use in a commercial setting may cause anti-social behaviour and is not exclusive to the use of the land for self-storage. Whilst it's expected that overnight security measures will be implemented, any anti-social behaviour must be managed by the business operator and Victoria Police.

*Potential land contamination*

In light of the statement that the site may be contaminated, a Section 52 Notice was forwarded to the Environmental Protection Authority (EPA) for comment. An inspection was undertaken by the EPA who are satisfied that the site does not contain hazardous materials.

*Invalid application*

The applicant has since updated the application form to list 'Oakvist Developments Pty Ltd' as the owner of the land.

## CONCLUSION

On balance, the scale and intensity of the proposal is consistent with the State and Local Planning Policy Frameworks, the Commercial 1 Zone and relevant Particular Provisions. Based on the above assessment, it is recommended that a Notice of Decision to Grant Planning Permit T170162 be issued for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 at 13-15 Carney Street, Nar Nar Goon subject to the below conditions.

## CONDITIONS

### Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority 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 drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The fencing recessed a minimum 2.0m from the northern and southern title boundaries to allow the provision of screen planting;
  - b) Deletion of the 'barbed wire' above the fencing on both frontages to be replaced with a more suitable treatment.
  - c) The site office and each storage unit visible from the public realm appropriately cladded to the satisfaction of the Responsible Authority.
  - d) The provision of a minimum 1.8m high solid eastern boundary fence;

- e) Vehicle swept paths to demonstrate a 12.5m or alternatively an 8.8m heavy rigid vehicle is able to exit the site in a forward direction.
  - f) Deletion of the reference to 'gravel' surfacing.
2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design 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 drawn to scale with dimensions and show the following:
- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - c) Details of surface finishes of pathways and driveways.
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e) Landscaping and planting within all open areas of the subject land including the provision of screen planting to partially screen the fencing along both frontages.
  - f) A tree protection zone (TPZ) placed around vegetation to be retained for the duration of construction works. Notes associated with a TPZ are to be included on the landscape plan. The TPZ is to be noted on all construction drawings.

All species selected must be to the satisfaction of the Responsible Authority and must not impede vehicle or pedestrian sightlines or reduce passive surveillance.

### **Endorsed Plans**

- 3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 5. Before the development is occupied, the landscaping works as shown on the endorsed must be carried out the satisfaction of the Responsible Authority.

### **Land Use**

- 6. Unless with the prior written consent of the Responsible Authority, the use may only operate between the following hours:
  - Monday to Saturday: 7:00am – 9:00pm
  - Sunday: 8:00am – 6:00pm
- 7. The site must not be used to store any items for a purpose listed in Clause 52.10 of the Cardinia Planning Scheme.

### **General Amenity**

- 8. The use and development must not detrimentally affect the amenity of the area, through the:
  - a. Appearance of any building, works or materials.
  - b. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - c. Presence of vermin.
  - d. All bins and receptacles used for the collection and storage of garbage, bottles and other solid



wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.

- e. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
9. The areas shown on the endorsed plan/s for access and landscaping must not be used for any other purpose and must be maintained to the satisfaction of the Responsible Authority.
10. All fencing must be constructed and maintained to the satisfaction of the Responsible Authority.

### **Engineering**

11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

13. 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.
14. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
15. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
16. The layout and dimensions of the proposed car park must accord with Clause 52.06 of the Cardinia Planning Scheme.
17. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
18. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

### Environmental Protection Authority

19. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
20. Offensive odours must not be discharged beyond the boundaries of the premises. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
21. The applicant must ensure that litter is not deposited beyond the boundary of the premises.

### Expiry

A permit for the development and use of land expires if:

- a) the development does not start within **two (2) years** after the issue of the permit; or
- b) the development is not completed within **four (4) years** after the issue of the permit; or
- c) the use does not start within **two (2) years** after the completion of the development; or
- d) the use is discontinued for a period of **two (2) years**.

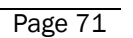
In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### Notes:

- i. A Building Permit will be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- ii. In the event a 12.5m heavy rigid vehicle cannot be accommodated, the site must be able to accommodate an 8.8m heavy rigid vehicle.
- iii. If any proposed buildings or works encroach over any part of the existing septic tank system, including buffer zones, the system must be relocated to the satisfaction of Council.
- iv. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.







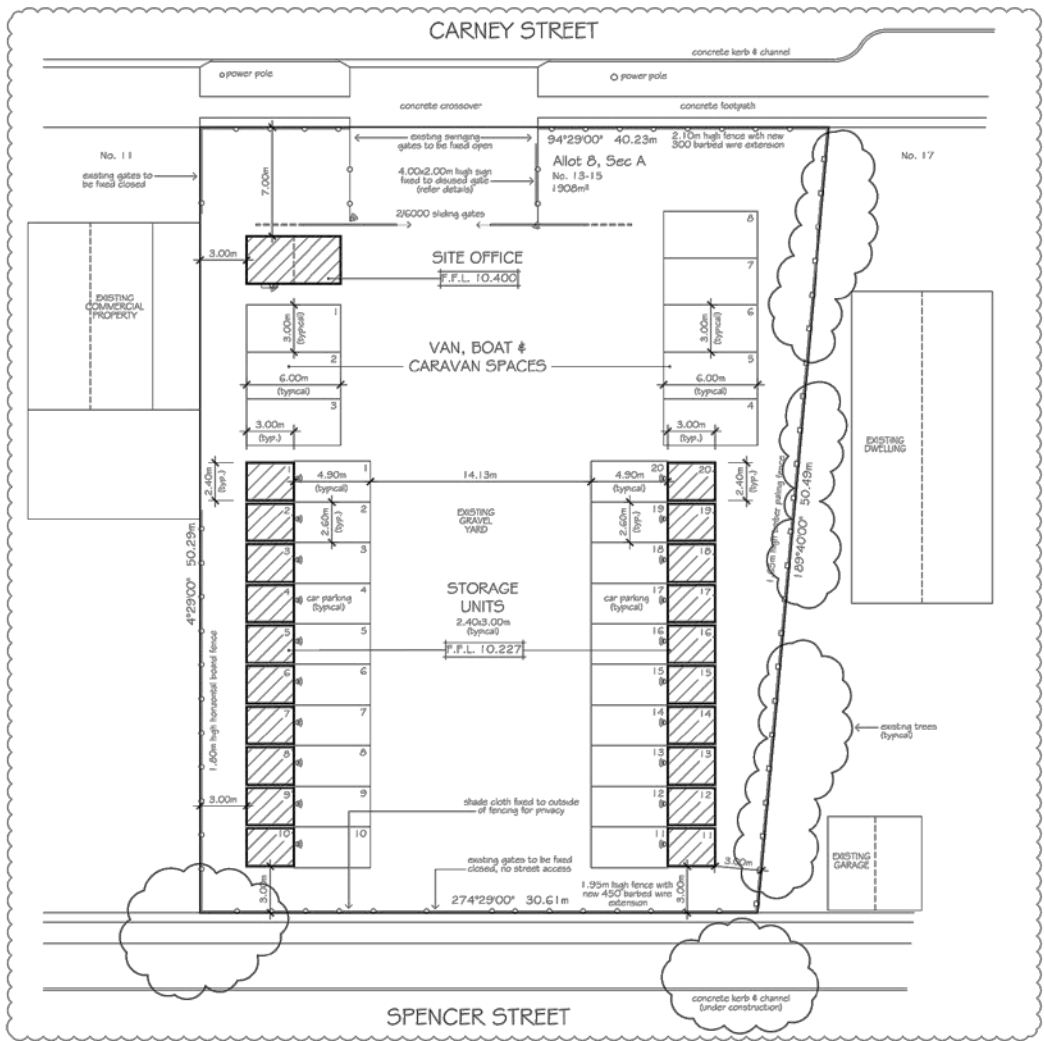


LIGHTING

1 NO. SOLAR LIGHT TO BE PROVIDED OVER DOOR OF EACH STORAGE UNIT  
20 TOTAL

1 NO. SOLAR LIGHT TO BE PROVIDED TO EACH SIDE OF ACCESS GATE  
2 TOTAL

1 NO. SOLAR LIGHT TO BE PROVIDED TO ACCESS DOOR OF SITE OFFICE  
1 TOTAL



PROPOSED SITE PLAN

AREA ANALYSIS		
SITE OFFICE	18.00	1.94
STORAGE UNITS (TOTAL)	144.00	15.30
TOTAL	162.00	17.44

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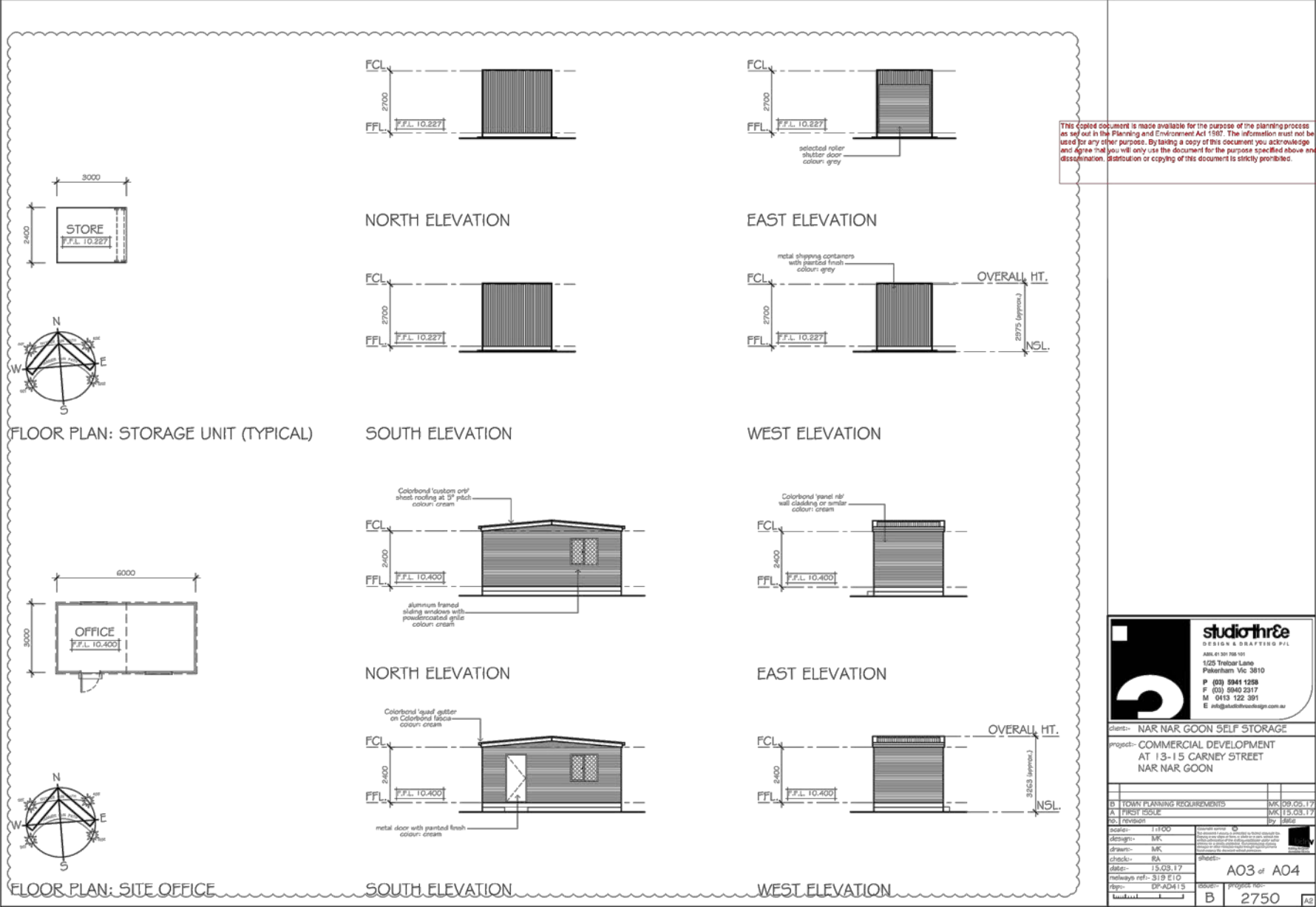


**studiothree**  
DESIGN & DRAFTING P/L

ABN 61 501 708 151  
1/25 Treloar Lane  
Pakenham VIC 3810  
P (03) 5941 0296  
F (03) 5940 2317  
M 0413 122 391  
E [info@studiothree.com.au](mailto:info@studiothree.com.au)

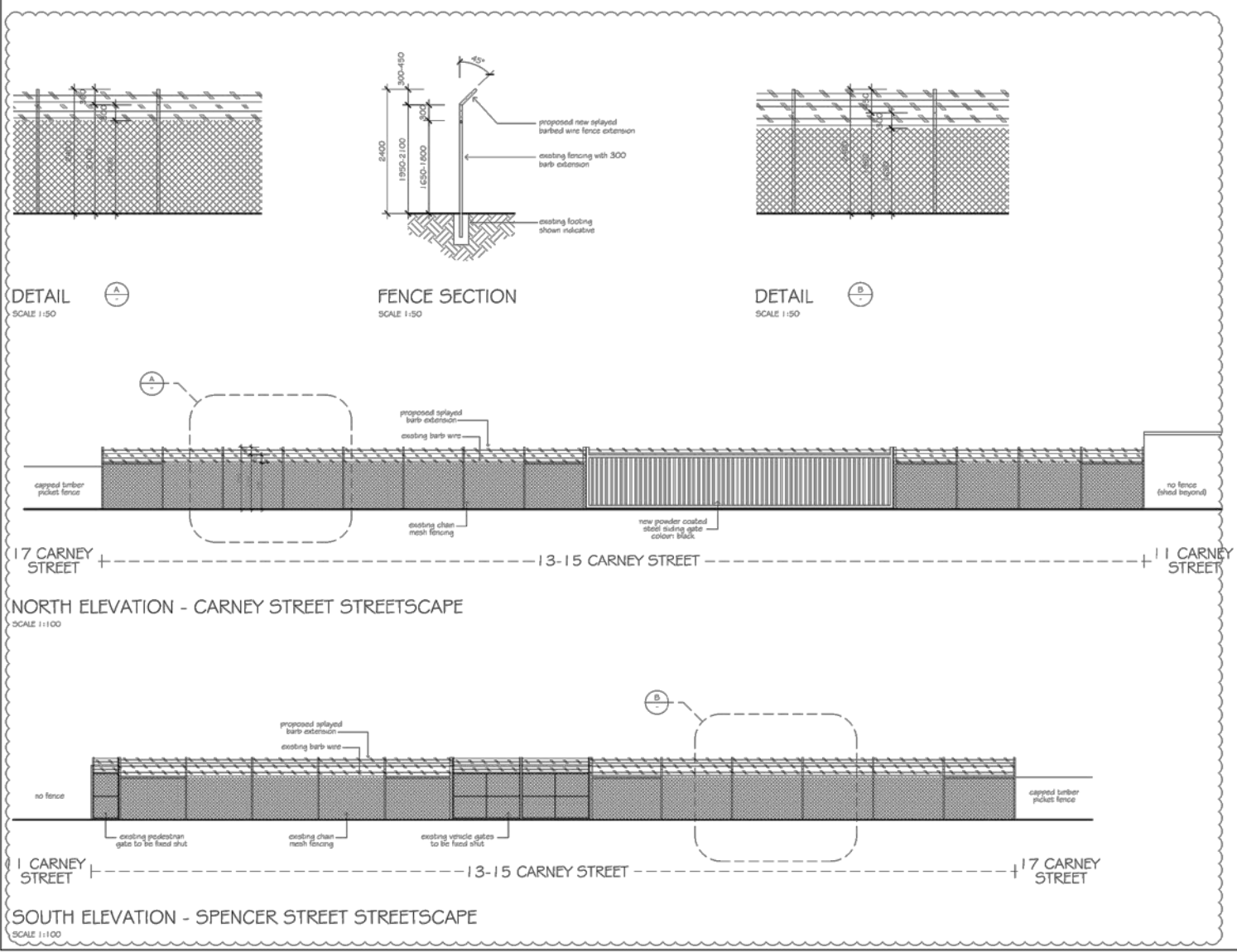
Client:- NAR NAR GOON SELF STORAGE  
Project:- COMMERCIAL DEVELOPMENT  
AT 13-15 CARNEY STREET  
NAR NAR GOON

B TOWN PLANNING REQUIREMENTS		MK 09.05.17
A FIRST ISSUE		MK 15.03.17
Scale:- 1:2000		Sheet:-
Design:- MK		Project no:-
Drawn:- MK		Issue:-
Check:- RA		Project no:-
Date:- 15.03.17		Issue:-
Reference:- 319 E10		Project no:-
Ref:- DP40413		Issue:-
B		2750





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**studiothree**  
DESIGN & DRAFTING P/L  
ABN 61 501 708 101  
1/25 Treloar Lane  
Pakenham Vic 3810  
P (03) 5941 1256  
F (03) 5940 2317  
M 0413 122 391  
E [info@studiothree.com.au](mailto:info@studiothree.com.au)

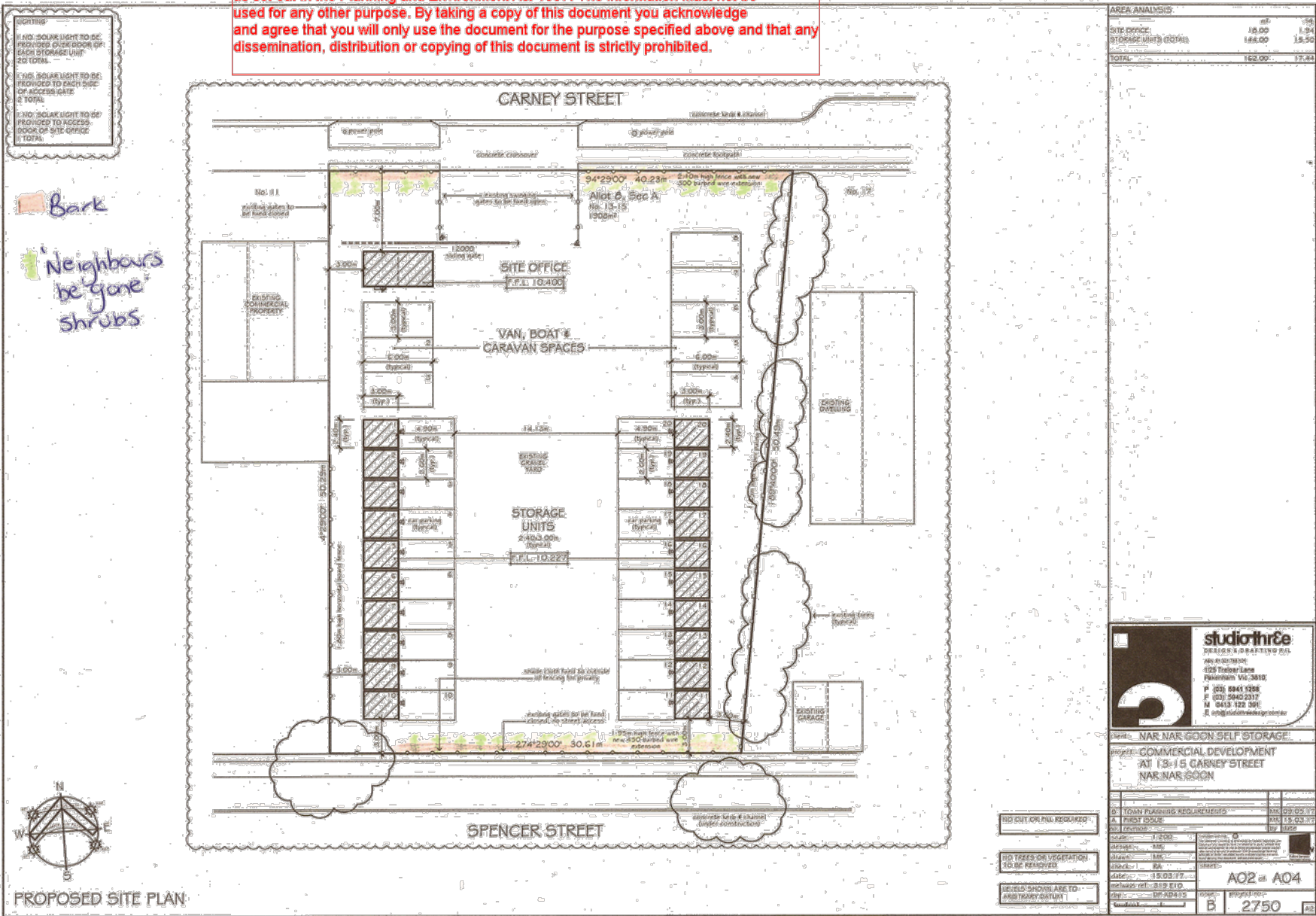
Client:- NAR NAR GOON SELF STORAGE

Project:- COMMERCIAL DEVELOPMENT  
AT 13-15 CARNEY STREET  
NAR NAR GOON

B	TOWN PLANNING REQUIREMENTS	MK 10/05/17
A	FIRST ISSUE	MK 15/03/17
20	Revised	By 16/02

Scale:- AS SHOWN	Drawn by:- MK
Design:- MK	Checked by:- MK
Drawn:- MK	Sheet:-
Date:- 15.03.17	Project no:-
Drawn by:- 319 E10	Issue:-
Rev:- DPAD415	Project no:-
Sheet:-	B
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# NAR NAR GOON SELF STORAGE



SECURE - AFFORDABLE - LOCAL

4m x 2mts

BACKGROUND IS  
GREY.