

**1.3 302 HUNTINGDALE ROAD, HUNTINGDALE
EXTENSION OF TIME - DEVELOPMENT OF A THREE STOREY BUILDING
COMPRISING OF SHOP AND FOUR DWELLINGS
(TPA/37923/A)**

EXECUTIVE SUMMARY:

An application has been received for an extension of time to complete Planning Permit TPA/37923 for the development of a three storey building comprising of shop and four, dwellings. The original permit was issued on the 22 July 2010. The permit has been extended on three (3) previous occasions. The first two extensions were each for 1 year and the more recent 2 years.

Construction of the development is well advanced. The ground and first floor of the development have been completed. The third floor of the development has yet to be commenced and the car stacker system has not been installed.

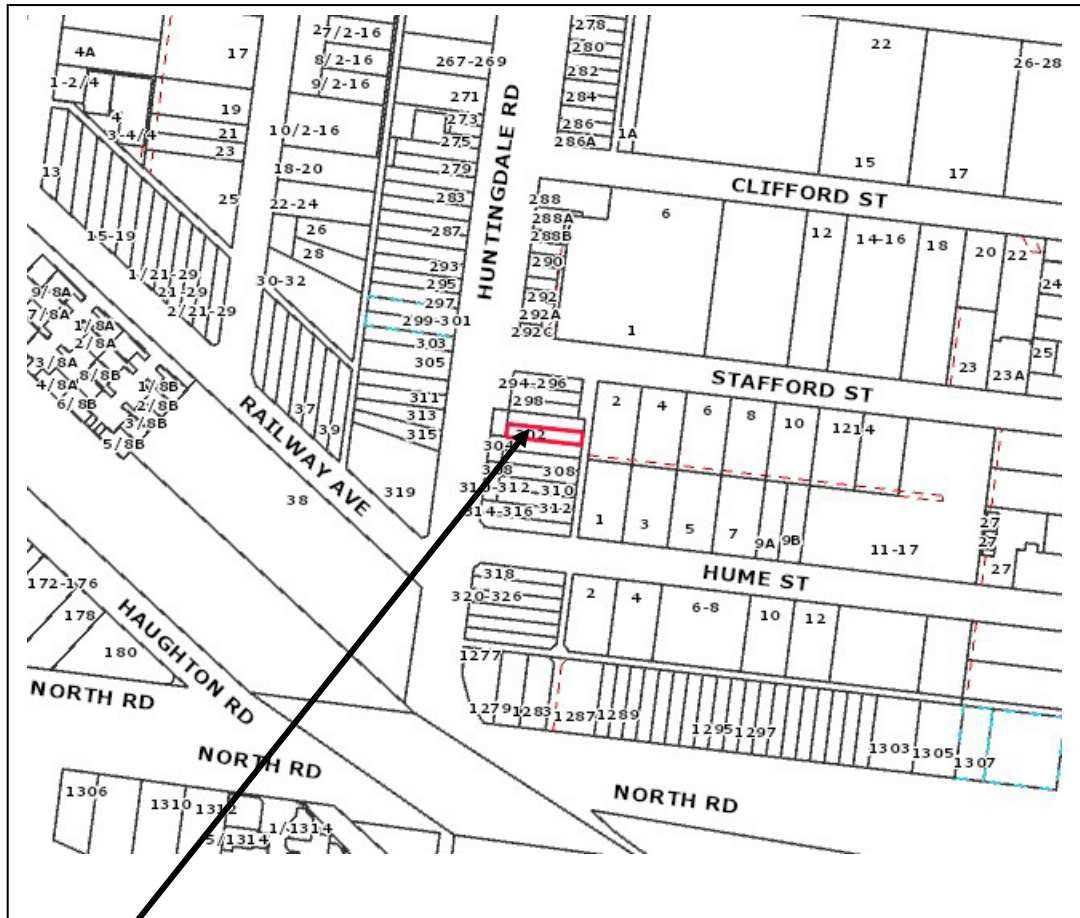
Public notification of the application for an extension of time is not considered necessary given that the approved development is nearing completion

The reason for presenting this report to Council is this is the fourth request for an extension of the permit.

The proposed extension of time is considered appropriate and it is recommended that a two (2) year extension to the permit is granted accordingly.

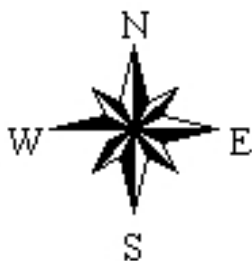
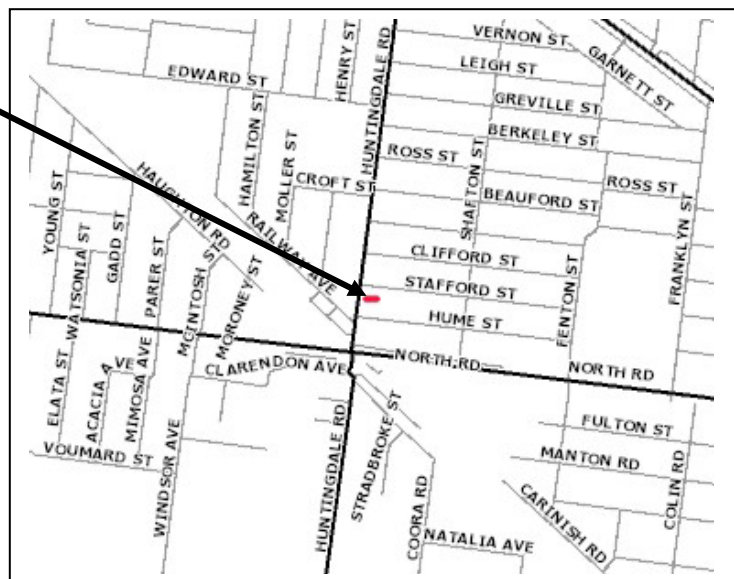
RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Lisa Groenewegen
WARD:	Oakleigh
PROPERTY ADDRESS:	302 Huntingdale Road, Huntingdale
EXISTING LAND USE:	Commercial
NUMBER OF OBJECTIONS:	N/A
ZONING:	Commercial 1 Zone
OVERLAY:	-
RELEVANT LEGISLATION:	Section 69 of the P&E Act 1987

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council:

Resolves to issue an **Extension of time** to Planning Permit No. TPA/37923 for development of a three storey building comprising of shop floor at ground level, four, 2-bedroom dwellings and on-site car parking for vehicles contained within a car stacker system at 302 Huntingdale Road, Huntingdale, pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

The permit expiry date extended as follows:

- The development is not completed before 22 July 2020

BACKGROUND:**History**

Planning Permit TPA/37923 was issued on the 22 July 2010 allowing the development of a three storey building comprising of a shop at ground floor, four dwellings and on-site car parking within a car stacker system. The original application was decided under delegation and there were two (6) objections to the proposal.

The permit has been extended on three (3) previous occasions. The revised expiry date for commencement was 22 July 2016 and completion date was 22 July 2018. The request for extension of time was made prior to the permit expiry date in accordance with the requirements of the *Planning and Environment Act 1987*.

The Site and Surrounds

The subject site is located on the eastern side of Huntingdale Road, south of the intersection of Huntingdale Road and Stafford Street, Huntingdale. The site is situated within the Huntingdale shopping strip. The subject site measures 5.52 metres by 32.3 metres, with a total site area of 178.2 square metres.

Construction of the development is well advanced. The ground and first floor of the development have been completed. The third floor of the development has yet to be commenced and the car stacker system has not been installed.

The surrounding land is used for commercial purposes and generally developed with single storey shopfronts on the eastern side of Huntingdale Road and a mix of one, two and three storey developments on the eastern side of Huntingdale Road.

PROPOSAL:

The requested extension of the permit's completion date is for a further two (2) years due to works being incomplete. The delays are due to a change in builder and minor structural alterations to facilitate the car stacker system.

PERMIT TRIGGERS:

Pursuant to the provisions of Section 69(1) of the *Planning and Environment Act 1987*:

“Before the permit expires or within six months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time”.

The request was made on 20 July 2018, before the expiry date in accordance with the requirements of the *Planning and Environment Act 1987*.

DISCUSSION:**Assessment**

The total elapsed time between the date of issue of the permit and the date of the request to extend the permit is approximately 8 years.

VCAT decision *Kantor v Murrindindi Shire Council (1997)* established the following tests to determine if a permit should be extended:

- Whether there has been a change of planning policy;
- Whether the land owner is seeking to “warehouse” the permit;
- Intervening circumstances bearing on the grant or refusal of the extension;
- The total elapse of time;
- Whether the time limit originally imposed was adequate;
- The economic burden imposed on the land owner by the permit; and
- The probability of a permit issuing should a fresh application be made.

Since the issue of the original permit, no planning policy changes have been introduced. It is considered that this type of development, in this locality is one that is encouraged by current planning policies.

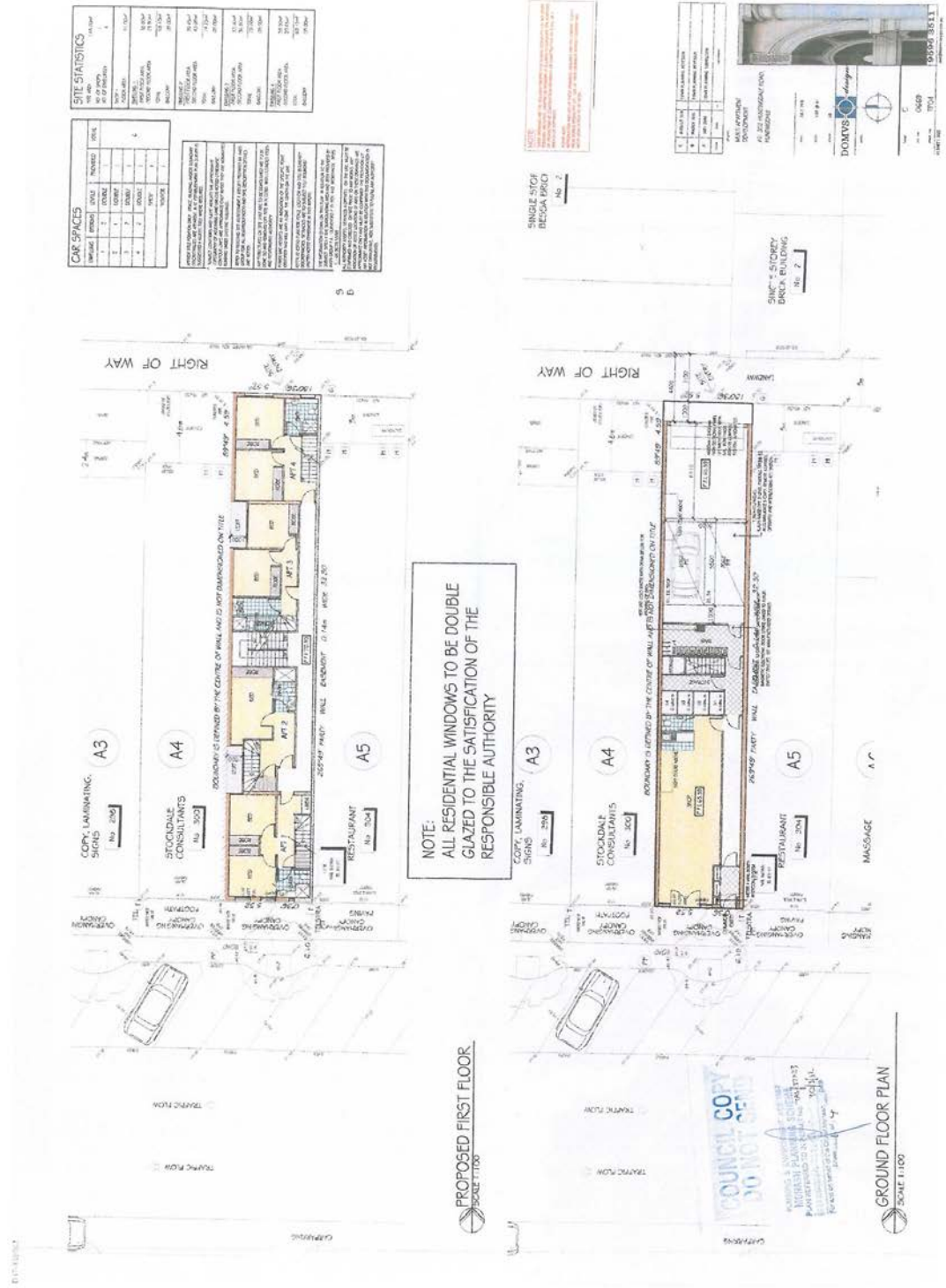
Given the advanced status of the development, it is not considered that the owner is attempting to “warehouse” the permit.

Delays in the completion of the development have been the result of issues relating to obtaining a compliant car stacker system for the development. An application to amend the car parking layout has been made and discussions with Council officers to find an acceptable solution are ongoing. It is considered that the permit should remain active as these discussions continue. An extension of the permit will allow sufficient time for these issues to be resolved and for the development to be completed.

CONCLUSION:

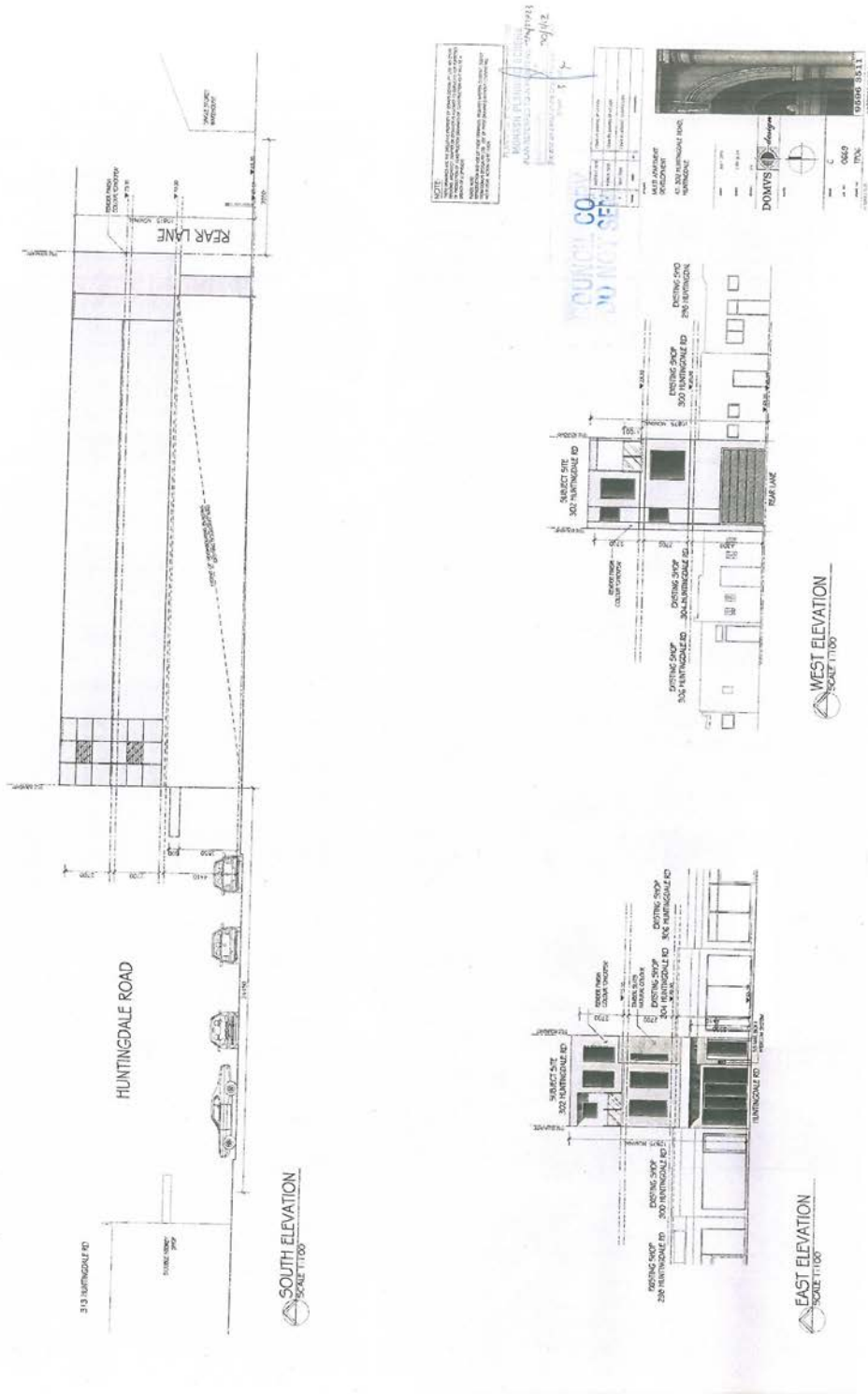
Given the extent of works already undertaken on the development, it is recommended the Council approve an extension of two years to allow for the completion of the development

ATTACHMENT 1



302 Huntingdale Road, Huntingdale - Extension Of Time - Development Of A Three Storey Building Comprising Of Shop And Four Dwellings

ATTACHMENT 1 (Continued)



302 Huntingdale Road, Huntingdale - Extension Of Time - Development Of A Three Storey Building Comprising Of Shop And Four Dwellings

ATTACHMENT 1 (Continued)



STORAGE COMPARTMENT PLAN
SCALE 1:100

STORAGE COMPARTMENT ELEVATION
SCALE 1:100

SECTION
SCALE 1:100

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