

## **Amendment C295case to the Casey Planning Scheme**

### **Casey Fields South (Employment) and Devon Meadows**

*Submission on Behalf of Zani Taipi the Trustee of Zantap Pty Ltd the owner of 85 Clyde Fiveways Road Clyde*

#### **The Site and Surrounds**

Perry Town Planning acts for [REDACTED] the Trustee for Zantap Pty Ltd which owns and operates a business on the subject land at 85 Clyde Fiveways Road Clyde. This submission seeks a revision of the Public Acquisition Overlay that affects the land together with a change to the Precinct Structure Plan in order to enable the continuation of a family business which trades from the site. It is submitted that appropriate changes can be made to the documentation without affecting the future planning of the area.

The business is Bushkimi Flowers which is a wholesale flower production and processing business that has operated from the site for many years. [REDACTED]

The site has an approximate area of 3.3ha and is situated on the western side of Clyde Fiveways Road as indicated on the following plan and is currently included within the Urban Growth Zone pursuant to the Casey Planning Scheme.



Figure 1 the subject land is within the Urban Growth Zone



*Figure 2 the site is fully developed for a wholesale flower farm*

The site has been intensively developed and along the northern border of the land there is a drainage line that separates the land from the property to the north which is at a lower level and which is underdeveloped.

There is a significant difference in levels between 85 Clyde Fiveways Road and the land to the north with the subject land elevated in comparison to the adjoining property.



*Figure 3 contours indicate a differential in level compared with the site to the north*

## Amendment Documentation

### Public Acquisition Overlay

The amendment documentation includes a Public Acquisition Overlay affecting the northern section of the site. It indicates future acquisition of a section of the land for drainage purposes extending approximately 40 metres into the site from the northern boundary. This would significantly affect the operation of the flower farm as provision for a drainage line in this location requires removal of an embankment adjacent to the property boundary and substantial demolition of green houses that form a vital element of the flower farm. The contour plan clearly demonstrates that there is a slope away to the abutting land to the north suggesting that relocation of the PAO to the north onto lower lying land which is not in production, would be a rational solution to the provision for drainage in this location.

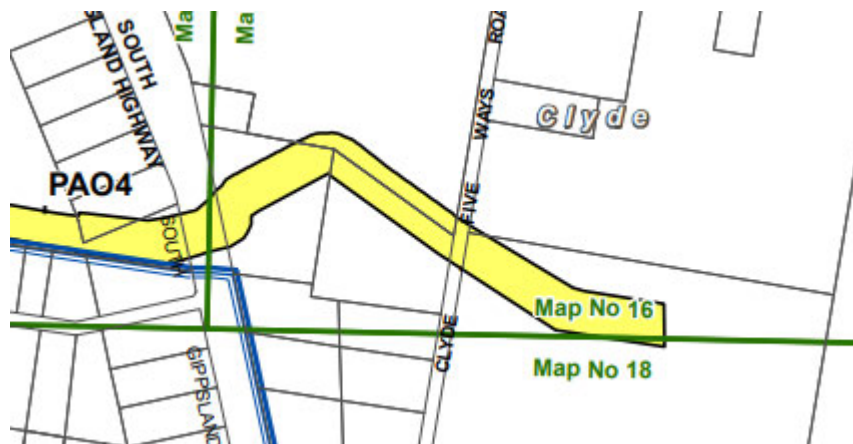


Figure 4 a public acquisition overlay extends well into the site

A dam at the north western corner of the land is an essential component in the operation of the flower farm without which, the business cannot operate. Portion of the dam site is affected by the Public Acquisition Overlay with the remainder shown as a local park and utility facility on the PSP.



Figure 5 dam situated at the north western corner of the site



### The Draft Precinct Structure Plan

The draft Precinct Plan proposes that the north western portion of the site that currently includes the dam used to supply water to the flower farm plants, is to become a local park. A further section of the land is to be allocated for a utility facility.

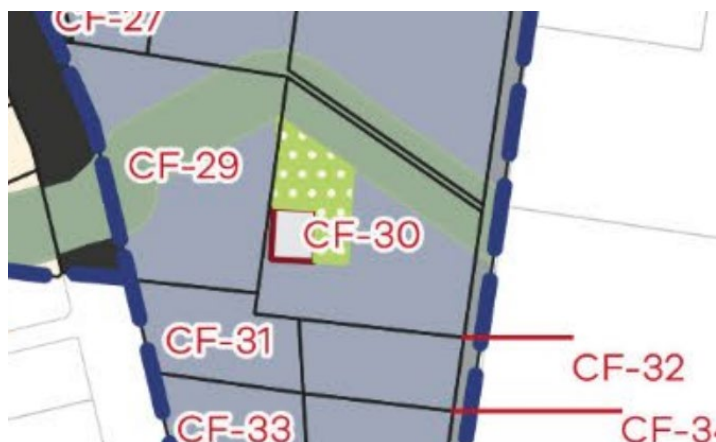


Figure 6 proposed park and utility facility

The combination of the Public Acquisition Overlay and the discretionary placement of a local park and utility facility on the land together, will have a huge impact on the current and future usage of the land. It is unclear as to the criteria used to identify the location for a local park and utility facility, but there is flexibility to place these land uses elsewhere in locations that would more readily accommodate them.



Figure 7 restrictions on the site severely impact on the operation of the flower farm

Significant changes to the documentation are required to avoid the demise of a viable ongoing business which is compatible with the objectives of the Precinct Structure Plan.

## **Comment**

It is submitted that the plans associated with the Amendment as drafted impose restrictions on the land that are excessive and unnecessary. The alignment of the PAO drainage reservation extends approximately 40 metres into the site and does not have regard to the actual levels and established structures and land use on 85 Clyde Fiveways Road. A less intrusive alignment would be to relocate to the property immediately to the north, which is substantially undeveloped. Re-alignment of the PAO would service the intended function while avoiding disruption to the existing commercial operation of the flower farm.

In summary the effect of the PAO as drafted, and the requirement for a local park and utility facility on the land would involve:

- A substantial alteration of the topography of the land involving significant soil removal;
- Filling of a dam which is an essential element in the operation of the flower farm;
- Halving of the area of the site available for production of the flower farm; and
- Introduction of a local park and utility facility onto the site, both of which could be relocated to other sections of the Precinct while achieving a desirable result which does not involve disruption to an existing business.

It is submitted that appropriate modifications should be made to the Precinct Plan and Public Acquisition Overlay in the interests of efficiency and equity. This would involve a review of the planning detail affecting 85 Clyde Fiveways Road to enable the continuation of a viable commercial enterprise and employment generator. A closer review of the circumstances applying to the site and surrounds will indicate that there are options available for achievement of the objectives of the Precinct Plan without the disruption of the existing business.

Our client seeks to provide more detailed submissions in relation to this amendment at the time when Amendment C295 is referred to a Planning Panel or Standing Advisory Committee or other review process following exhibition.

Please direct any future correspondence in relation to this submission to the Amendment and Precinct Structure Plan to [REDACTED]

**Perry Town Planning**

**March 2025**