

Amendment C295case to the Casey Planning Scheme Casey Fields South (Employment) and Devon Meadows

Submission on Behalf of Clear View Commercial Glass Pty Ltd Re: 1925 South Gippsland Highway Devon Meadows

The Site and Surrounds

Perry Town Planning acts for Clear View Commercial Glass Pty Ltd which owns and operates a manufacturing and processing business on the subject land at 1925 South Gippsland Highway Devon Meadows which directly affected by the Casey Fields South Precinct Structure Plan. It is affected by a proposed public acquisition overlay for the revised drainage scheme for this section of the Precinct.

This submission seeks a revision of the drainage encumbrance affecting the land in order to enable the continuation of a family business which has traded from the site for many years. It is submitted that appropriate changes can be made to the drainage infrastructure without affecting the drainage objective for the Precinct. A minor adjustment would enable the continuation of an existing successful business that is fully compatible with the intended light industrial land uses that are proposed for this section of the Precinct.

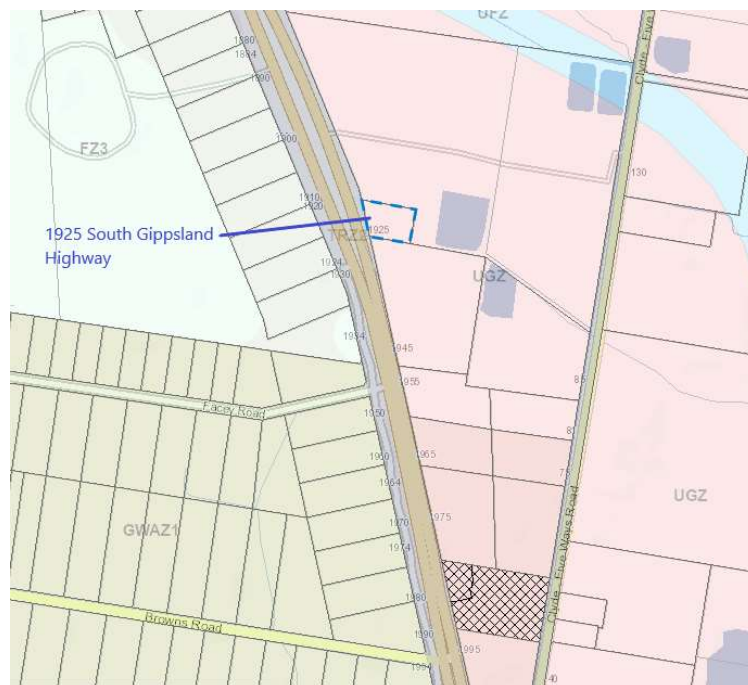


Figure 1 the land is within the Urban Growth Zone

Background

Our client, the current owner, purchased the subject property in September 1998. The land comprises approximately 5,000 m², accommodating both a four-bedroom residence and a purpose-built 360 m² glass and glazing factory. In the early 2000s, all required approvals were secured from both the Council and VicRoads for the factory construction and associated access to the South Gippsland Highway. These approvals encompassed:

- Widening and surfacing the entry/exit to VicRoads standards;
- Installing three-phase power with a dedicated meter;
- Constructing internal access roads, driveways and parking areas with a clay base and 20 mm stone; and
- Developing a safe, functional and fully compliant industrial site.

In 2004, the site became the home of Clear View Commercial Glass Pty Ltd, a reputable local employer now operating for over 20 years and employing seven full-time staff, the majority of whom live locally in the City of Casey. The business currently services both domestic and commercial clients across Melbourne and Gippsland and has become a trusted and recognised contributor to the regional economy.

The property also functions as the owner's primary residence, complete with a separate asphalt driveway, security fencing, remote gates, and landscaped surrounds. This dual land use arrangement encompassing light industrial and residential, has been carefully developed and maintained an extensive period of time to become a sustainable commercial business matching a balanced lifestyle for the owner/operator.

The Effect of the Proposed Change to the Drainage Scheme – Casey Fields South Precinct Structure Plan

The originally exhibited drainage scheme did not affect the land at 1925 South Gippsland Highway as it indicated a configuration of open swales and retarding basins that did not affect the continuing uses of a dwelling and factory on the site. The detail of the proposal as it was originally exhibited, indicated that the site would be unencumbered by drainage lines or retarding basins and would be in an area designated for the future development of light industry.

On the basis of the exhibited documentation it was apparent to our client that the site would not be affected by the amendment and therefore no submission was following the initial exhibition.

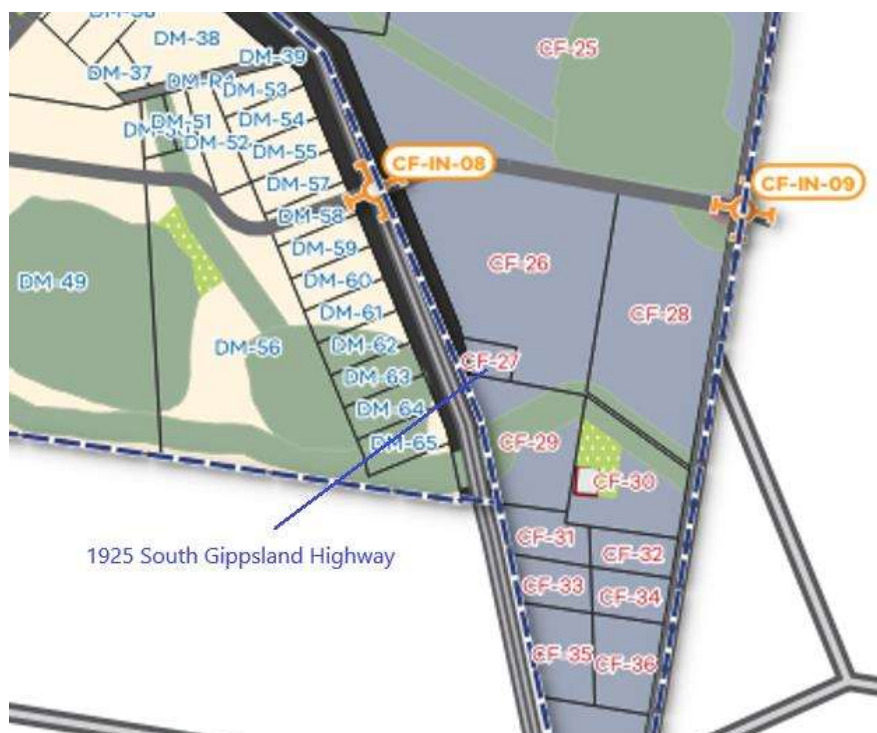


Figure 2 the exhibited amendment indicated the site as being unencumbered

The most recent iteration of the drainage scheme for the Precinct shows a very significant change to the configuration of the proposed drainage scheme. It indicates that the whole of the land is intended to be within a Public Acquisition Overlay with the implication that the current usage of the land will need to cease.



Figure 3 the latest version of the amendment shows the site as fully encumbered

The imposition of the drainage overlay threatens the continuing viability of both the industrial and residential land uses. Such a change would greatly and unfairly prejudice the owner, given the significant capital investment, compliance with all historical approval processes, and the

demonstrable long-term benefit to the local community. There is a clear equity concern as the owner acted in good faith, fully compliant with planning and infrastructure requirements in developing the land and should not be disadvantaged when alternative options are available.

It is submitted that there are reasonable alternative drainage and flood-management measures that could achieve the intended drainage outcomes without extinguishing the property's established mixed use. These include site-specific engineering solutions, targeted flood-mitigation works, and drainage easement adjustments that retain the existing built form and operational footprint. Such measures would preserve the social, economic, and employment benefits of the site while preserving the overriding flood-management objectives.

Site Suitability

The property is slightly raised and sits at approximately 25.5 metres above sea level. There is no history of flooding in the time that the current owner has occupied the land. As the land is at a higher level than surrounding properties, there would be a need to conduct earthworks on the site as part of the grading of the retarding basin. A further review of the site details and it is submitted that a minor adjustment to the overlay would enable the existing business to continue on the land.

Consultation Concerns

Our client was not made aware of any considerations related to the dramatic change to the drainage scheme prior to receiving advice by email on the 24th of June 2025. It appears that following the initial exhibition of the Amendment in March 2025 and June 2025, very substantial changes were made to the drainage strategy involving a diversion of drainage infrastructure from land to the north to the current configuration without advance notice or inclusion in the planning discussions.

It is submitted that the changes to the exhibited scheme are so substantial that further consultation with seriously affected owners during consideration of the revision to the drainage scheme would have been warranted.

While it is acknowledged that effective flood and drainage management is essential for the future planning of the Precinct, in the case of this specific property, it is both practical and reasonable to consider site-specific investigations and measures that address these objectives without unnecessary disruption to existing land uses. This is particularly relevant in the case of our client as the current use is directly compatible with the intended future zoning of the land for light industry.

Potential Alternative Actions

It is suggested that a readjustment of the shape of retarding basin encompassing CF26 and CF28 more closely relating to the actual contours of the land would be appropriate. There would also be a benefit in a reconfiguration of this section of the Precinct to provide for an internal road connection parallel to the South Gippsland Highway connecting the future industrial areas in the north eastern section of CF26 and CF27. If deemed appropriate this connection could be extended further to the south as it would avoid the need for multiple entries from the South Gippsland Highway.

Conclusion

In summary, the proposed Public Acquisition Overlay as currently configured would impose an unnecessary and disproportionate burden on the subject land, jeopardising the ongoing operation of a well-established and compliant local business, as well as the owner's residence. Clear View Commercial Glass Pty Ltd has operated successfully from this site for more than two decades, contributing to local employment, economic activity, and the broader community. The business is entirely compatible with the future light industrial zoning envisaged for this part of the Precinct.

Reasonable and practical alternative drainage and flood-management solutions exist which can achieve the same strategic objectives without extinguishing the property's established mixed use. These solutions—whether through re-alignment of drainage infrastructure, minor adjustments to the overlay boundary, or targeted engineering works—would preserve both the site's economic contribution and the intended planning outcomes for the Casey Fields South Precinct.

Accordingly, it is respectfully requested that the exhibited overlay be revised to remove the subject land from the Public Acquisition Overlay or be modified to a configuration that enables the ongoing operation of the existing lawful uses. This approach would represent a fair and balanced outcome, aligning the Precinct's drainage objectives with the equitable treatment of long-standing landowners and businesses.

On behalf of our client we seek to be heard at the forthcoming Panel Hearing. We estimate our presentation would take approximately 20 minutes. For all correspondence in relation to this submission please contact [REDACTED]

Perry Town Planning

August 2025