



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 1 JULY 2019

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 1 July 2019

The meeting commenced at 6:59pm

PRESENT: Mayor, Graeme Moore, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen, Collin Ross, Ray Brown, Jeff Springfield, Leticia Wilmot, Brett Owen

Messrs Carol Jeffs (CEO), Peter Benazic (GMIE), Tracey Parker (GMLC), Jack Coogan (GO)

APOLOGIES:

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

TABLE OF CONTENTS

1.	USE OF THE LAND AND WORKS ASSOCIATED WITH THE DISPOSAL OF CLEAN FILL	3
2.	SUBDIVISION OF THE LAND INTO TWO (2) LOTS AT 26-28 HOLM PARK ROAD, BEACONSFIELD	65
3.	BUILDINGS AND WORKS ASSOCIATED WITH A NON-RESIDENTIAL USE (OPEN SPORTS GROUND) AT LRES1 PS746770, 125 BRIDGE ROAD, OFFICER VIC 3809 (COMELY BANKS RESERVE)	93
4.	PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)	118
5.	PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY	122
6.	PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THIER OUTCOMES	127
7.	PLANNING SCHEME AMENDMENT ACTIVITY REPORT	129

1 USE OF THE LAND AND WORKS ASSOCIATED WITH THE DISPOSAL OF CLEAN FILL

FILE REFERENCE INT1944570

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Dean Haeusler

RECOMMENDATION

That a Refusal to Grant Planning Permit **T180774** be issued for **Use of the land and works associated with the disposal of fill** at **21 Latta Road, Nar Nar Goon VIC 3812** for reasons set out in this report.

Attachments

- | | | |
|---|--|----------|
| 1 | Locality Map | 1 Page |
| 2 | Development Plans | 3 Pages |
| 3 | Copy of Objections, circulated to Councillors only | 47 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180774
APPLICANT:	ESG Services Pty Ltd Millar Merrigan
LAND:	21 Latta Road, Nar Nar Goon VIC 3812
PROPOSAL:	Use of the land and works associated with the disposal of fill
PLANNING CONTROLS:	Green Wedge Zone Schedule 1 Land Subject to Inundation Overlay (does not apply to works site)
NOTIFICATION & OBJECTIONS:	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 both road frontages (Latta Road and Oakview Lane) Council has received twenty-three (23) objections to date.
KEY PLANNING CONSIDERATIONS:	On and off-site amenity impacts Protection of agricultural land Appropriateness of land use

BACKGROUND:

Planning permit T050376 was issued 25 July 2005 for the development of the land for the purpose of a dwelling. Following this, Planning permit T060253 was issued 22 June 2006 to develop the land for the purpose of installing an inground pool, change room and shed.

SUBJECT SITE



Figure 1: Subject site

The site is a rectangular allotment of approximately 53.56 hectares, bound by Latta Road to the east and Oakview Lane along the western boundary. The property lies approximately 1400 metres from the Main Street, of the township centre of Nar Nar Goon. It is also positioned 150 metres south-east of the Pakenham East HCMT and stabling yards.

A crossover is located off Latta Road that services the existing dwelling and outbuildings that are located in the south-eastern corner of the lot. An additional rural crossover is located toward the north-west corner of the allotment from Oakview Lane.

The allotment undulates across the site, sloping from its highest point along the southern boundary of 45.5 metres (above sea level), to its lowest point of 22.5 metres toward the western boundary. The topography slopes from both northern and southern boundaries forming a general depression east-west through the centre of the lot.

Through the centre lies a 3 metre-wide water supply easement running the width of the property. A powerline easement (12 metre-wide) runs along the south-west corner of the lot, parallel to Oakview Lane before branching off across the road.

Within the immediate vicinity of the property:

- To the north of the parcel is a 21-hectare rural parcel containing a dwelling approximately 40 metres from the common boundary. Beyond this point lies the regional train line.
- East of the subject site is a division of predominantly 3-hectare rural-residential lots on the outskirts of the Nar Nar Goon township - the majority of which are used primarily for residential purpose
- To the south is a large rural property containing a dwelling and associated buildings that front Bald Hill Road. Chairo Christian School is positioned approximately 600 metres south of the site.
- The two properties to the west form the majority of the site frontage and are identified as broiler farms, with farm shedding a minimum 125 metres west of the works areas

PROPOSAL

The application has identified the land as being in poor condition for agricultural use stemming from inadequate drainage and low levels of top soil, leading to inadequate pasture conditions and a reduced productive capacity to the site for grazing. The site is currently used for horse agistment and cattle grazing.

To resolve these issues, the importation of 510,740 cubic metres of clean fill is proposed to be distributed across the majority site, with a concentration of fill within the south-west area of the lot to a maximum depth of 3–3.5 metres. Remaining fill areas will be raised to a height ranging 0.5 - 1.5 metres. A buffer along the eastern boundary of approximately 100 metres is also to be established.

The fill is to be sourced from Greenfield subdivisions, comprising of subsoil and topsoil, assessed (visual test) for contaminants before being brought to site. On-site, the proposal is to be managed by a site manager.

Approximately 30-50 heavy vehicles are estimated to enter the site daily, between Monday and Saturday over a three year period. Deliveries will be accepted from either Oakview Lane or Latta Road, depending on the source of the fill and area to be filled.

An Agronomist Report has been submitted that comments on the Agronomic conditions of the site and identifies that the site has been overstocked, leading to the compaction on soils in some areas resulting a reduced pasture growth. Further assessment is provided of the area's soil profile and drainage along with details of processes in restoring pasture growth to allow for further grazing capacity.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 13.07-1 Land Use Compatibility
- 14.01-1S Protection of agricultural land
- 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- 14.01-2 Sustainable Agricultural Land Use

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.01 Municipal strategic statement
- 21.04-2 Agriculture
- 22.05 Westernport Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- 65 Decision guidelines
- 66 Referral and notice Provisions

Zone

The land is subject to the **Green Wedge Zone Schedule 1**

Overlays

The land is subject to the Land Subject to Inundation Overlay (The overlay does not apply to the works area)

PLANNING PERMIT TRIGGERS

The proposal for the **use of the land and works associated with the disposal of fill** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 of the Green Wedge Zone a permit is required for an innominate use (disposal of fill)
- Pursuant to Clause 35.04-5 of the Green Wedge Zone a permit is required for works (associated with a Section 2 use)

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 two signs on site, facing Latta Road and Oakview Lane.

Council has received twenty-three (23) objections to date.

The key issues that were raised in the objections are:

- Loss of amenity due to heavy vehicle traffic, generation of dust and noise from heavy machinery and the length of time works are to be undertaken
- Traffic – safety risks around schools, lack of footpaths
- Increased degradation of the roads
- Incompatible with the agricultural practice
- Additional pressure on the regions drainage system and overflow impact on adjoining neighbours
- Source and quality of the fill, testing procedure
- Impact to land value
- Whether soil is to be temporarily stored

REFERRALS

AusNet

The application was referred to AusNet for comment. The referral authority has no objection to the proposal subject to the inclusion of one condition. This condition is not enforceable under the permit so further clarification is being sought from AusNet.

Melbourne Water

The application was referred to Melbourne Water as a statutory referral however it is acknowledged this was undertaken in error and no works are proposed with the flood prone area, therefore there's no mechanism for the authority to object.

Despite this authority objecting based on internal flood modelling data, this modelling differs from the data available to Council, which cannot be enforced under the Planning Scheme. The objection is therefore null.

Environmental Protection Authority

The application was referred to the EPA for comment pursuant to Section 52 of the Planning and Environment Act. The EPA has confirmed they are not a statutory referral, but recommend inclusion of eight conditions relating to dust and noise emission control, protection of ground water and operational controls.

DISCUSSION

Planning polices

Clause 13.07-1S (Land Use Compatibility)

Clause 13.07-1S has the objective to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

The objectives include ensuring the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations and
- Using a range of operational and land use separation measures.

It is conceded that the Green Wedge Zone provides for a multitude of non-agricultural uses and often provides function for uses/developments that are not suitable for urban environments. However, Regional and Local policy also outline the value of Green Wedge land in their role of primary production and the dependency Greater Melbourne has on the finite lands.

The generation of fill from Greenfield urban growth is a recognised issue where Cardinia, and the State play a role through the expansion of growth boundaries, however the disposal of this fill should not come at the detriment of agricultural land and the functioning of neighbouring farms. Further, disposal of fill of this scale and its associated impacts are not compatible with the expected standard of living for established residential areas with which this property borders.

It is considered the proposal is contrary to this Clause given imbalance of benefits against the degree of amenity impact to residents.

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne)

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne) have objectives and strategies that seek to protect and support areas of agricultural production.

The objective of Clause 14.01-1S (Protection of agricultural land) is to protect the state's agricultural base by preserving productive farmland. Key strategies in this policy are:

- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect strategically important agricultural and primary production land from incompatible uses
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Additionally, Clause 14.01-1R aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

The intention of the proposal is to improve land to increase stock rates and overall agricultural output to the property. However the proposal does not clearly outline the extent of expected improvement or projected timeframes, with a limited base of data to provide a degree of certainty.

When viewed against potential off-site impacts of unintended introduction of foreign soils to neighbouring farms in conjunction with sustained interruptions, the balance of net benefit for agricultural output is brought into question.

Further, whilst ever measure may be made to screen soil and minimise cross contamination, the sheer scale of the operation and the challenges of the enforcing will likely be consequential.

As such, the proposal does not clearly align with the strategies of the above policies.

Clause 14.01-2 (Sustainable agricultural land use)

Clause 14.01-2 aims to encourage sustainable agricultural land use with key strategies in the policy including:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Council has sought further professional advice through Agpath PTY LTD, an Agricultural Pathology and Biological Farming Service. Agpath have provided a review of the Agronomist report and details of the proposal to explore potential impacts and alternatives available for land improvement.

The analysis highlights the risk of the importation of fill on the existing soil quality (leading to anaerobic soil) and illustrates the importance of contouring of the land to address waterlogging and remediation the current soils through drilling and use of organic matters for long-term improvement. More appropriate stock management practices are also recommended.

The screening measures for fill is also highlighted is also raised as a concern, with recommendations for Pathogen testing of all fill to mitigate the spread of diseases.

With the assistance of this review, it is considered that the proposal does not sufficiently respond to the strategies of this Clause in ensuring the long-term use of the land for agricultural practice and management of the land.

Clause 21.04-2 (Agriculture)

Clause 21.04-2 (Agriculture) provides local content to support Clause 14.01 of the Planning Policy Framework. The objective of Clause 21.04-2 is to maintain agriculture as a strong and sustainable economic activity within the municipality.

The following strategies give effect to the policy objective:

- Protect agricultural land, particularly areas of high quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.
- Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.

The application demonstrates a need for soil rehabilitation but does not sufficiently justify the intended process. Where it appears more low-risk and environmental conscious approaches have not been adequately explored.

As stated in the assessment of 14.01-1 and 14.01-2, demonstration of the increase to agricultural output and fill importation as a genuine method of soil enhancement is not clearly evidenced. As such, the proposal does not align with the protection of agricultural land from inappropriate use/development and this policy as a whole.

Clause 22.05 - Western Port Green Wedge Policy and Westernport Green Wedge Management Plan

The proposal is inconsistent with Clause 22.05 (Western Port Green Wedge Policy). This policy was introduced to give guidance in relation to the protection and management of the Western Port Green Wedge. A key vision contained in Clause 22.05 provides:

The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.

The relevant objectives include:

- To give effect to Council's vision for the Cardinia Western Port Green Wedge.
- To provide guidance and clear direction for preferred land uses for each of the 3 precincts.

Further, relevant policies include that all use and development within the green wedge should:

- Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.
- Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.

The subject site is located within Precinct 3: Railway Precinct, with guidance provided to encourage and support the use of the precinct for agriculture and biodiversity to ensure that land use is compatible with the adjacent Precinct 1.

The proposal is not consistent with sound agricultural use of the land where it appears the re-location of Greenfield subdivision fill, in proximity to the urban growth areas, is prioritised over rehabilitation of the soils.

The importation of these soils further is contrary to the protection of these soils where large volumes of foreign matter pose a risk to the vitality of the subject site as well as any existing horticultural uses or the capacity for those uses.

Holistically, the introduction of large volumes of non-agricultural fill undermines the protective purpose of this Management Plan and rides contrary to its vision.

Green Wedge Zone – Schedule 1

The Green Wedge Zone (GWZ) primarily provides for agricultural uses and sustainable farming practices while encouraging the protection of environmental, historic, cultural and landscape assets and facilitating recreational and tourism opportunities.

CHARACTERISATION OF LAND USE

The proposal seeks consent for 'works' associated with the earthworks to be undertaken. It is Council's position that the proposal should also be assessed for the 'use' component of the proposal in the 'disposing of' clean fill given the scale and duration of the works that exceed what would typically be expected in the rehabilitation of farm lands. This position is supported through a number of VCAT cases including:

- Red Dot decision of Calleja v Hume CC (2016) VCAT 253 that recognised the placement of fill can require two permissions – one as an innominate use described as ‘disposal of fill’ and the other for development by way of ‘earthworks’.
- Similarly, Creative Earthworks V Hume CC (2016) VCAT 1075 identifies a large scale proposal for clean fill disposal and earthworks as a being “a form of commercial use of land and a form of industry, being disposal of waste or excess fill earth materials.”

As it is considered that the proposal requires consent for both use and development, the following is an assessment against the applicable decision guidelines:

DESIGN AND SITING

- *The need to minimise adverse impacts on the character and appearance of the area*

Based on the final form of the proposal, the impact to landscape character is potentially significant given the scale of works and extent of altered topography.

The final form of the proposal however, will not result in unreasonable visual impact to the area which is positioned on the fringe of the Nar Nar Goon township, surrounded by a mixture of residential and diverse agricultural uses that create a mixed semi-rural character.

- *The need to minimise any adverse impacts of siting, design, height, bulk and colours and materials to be used*

The ‘siting’ of the works is not considered applicable to the assessment of this type of proposal as fill is distributed with intent to improve pasture quality.

GENERAL ISSUES

- *The capability of the land to accommodate the proposed use or development*

From the perspective of property size, the land is considered capable of accommodating the works however these works are not considered compatible with the site or surrounds

- *How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism*

The proposal does not support sound agricultural land management, encourages degradation of the soils, and introduces an increased risk to the capacity of neighbouring farms to operate or commence.

- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses*

As discussed against the policy direction of Clause 13.07-1S there is no conclusive benefits to rural productivity from the proposal at a highly probably expense to broader community amenity and wellbeing. The site is situated in a constrained location with proximity to residential land and other sensitive land uses such as school grounds.

- *Whether the use or development is essential to the health, safety or well-being of the State or area, but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development*

The proposal supports the re-purpose of a by-product of the urban development industry from subdivisions that is not appropriate to be redistributed at scale in urban areas. Despite this, the subject site is located on the fringe of Nar Nar Goon Township, resulting in increased health/safety impacts to nearby residents. The distribution of fill on farmland also acts to compromise the integrity of farming within the area undermining a vital part of the regional economy.

RURAL ISSUES

- *The maintenance of agricultural production and the impact on the rural economy*
The need and ability to farm is recognised as the primary purpose of the Green Wedge Zone however, the balance of evidence that supports increased output on the subject land against potential permanent off-site impacts suggests this is not an appropriate commercial use of this land.
- *The impact on the existing and proposed rural infrastructure*
The impacts are considered extensive to the surrounding area and existing infrastructure systems.
- *The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses*
Through the support of the proposed use and development, a precedent may be set to allow further fill on the subject site and within the peri-urban areas that will further diminish the capacity and quality of output in the region.

ENVIRONMENTAL ISSUES

- *The impact of the use or development on the flora and fauna on the site and its surrounds*
There is an unknown impact to the biodiversity of the area as a result of the mixed sources of fill. Despite the proposal screening process it is recognised this use will heighten the risk to vulnerable crops and native vegetation.
- *How the use or development relates to sustainable land management and the need to prepare an integrated land management plan*
As discussed against Clause 14.01-2, the proposal does not demonstrate sustainable land management practices, and has been identified through the planning submission and Council's soil science review that sound management practices are not employed on this site at present.

Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions)

The proposal is contrary to the purposes of Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions). The relevant purposes within this particular provision are:

- To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values, and
- To protect productive agricultural land from incompatible uses and development.

As discussed in the assessment against relevant policies and zone, the proposal does not adequately protect the viability of agricultural in the immediate area nor provide confidence of improvement on the subject site.

OBJECTIONS

Amenity impacts

A large volume of objections sight the unreasonableness of off-site impacts including the generation of dust in addition to increased heavy vehicle traffic associated noise and safety concerns.

Council is generally in agreement with these concerns given the proximity of the works to nearby residences and the wider township of Nar Nar Goon.

It is noted that the applicant has suggested limiting access to Oakview Lane however the use of these roads is governed by the relevant roads management act/s that allow public use of these roads and therefore

restriction of access will be difficult to enforce. The absence of footpaths along Latta Road further exacerbate potential safety issues.

Further, dust suppression measures and Construction Environmental Management Plans are suggested in the proposal, however the shear area of exposed fill will likely create management issues through the duration of the proposal, especially during dry and wind periods.

Incompatible with agricultural land practice

Some submissions have raised existing land management issues with the site and suitable alternatives to foster improved pastures on the land.

Whilst current use of the land is not directly assessed against the proposed use/development, based on the assessment provided by AgPath Pty Ltd, inappropriate management practices appear to have formed the basis of the proposal that has created an opportunity for the disposal of fill.

Use of the land for temporary storage of fill

There is no indication there is any intention for the disposal to be temporary; should this be intended, further planning consent would be required.

Additional pressure on drainage systems

The proposal is expected to alter to rate and overflow however these issues can be managed through appropriate stormwater management conditions

Impact to property value

This is not applicable to the assessment of a planning proposal

Source of fill and contaminant procedure

A Planning Permit cannot control the source of fill but can implement testing conditions in accordance with relevant EPA requirements.

CONCLUSION

The proposed use of the land and works associated with the disposal of clean fill is considered to be inconsistent with the provisions of the Cardinia Planning Scheme. It is therefore recommended that a Refusal to Grant Planning Permit **T180774** be issued for the proposal at 21 Latta Road, Nar Nar Goon, **for the following reasons:**

1. The proposal is contrary to Clause 13.07-1S which aims to ensure land use and development is compatible with the area
2. The proposal is does not clearly align with Clause 14.01-1S of the Cardinia Planning Scheme, which aims to protect land for agriculture and the capacity of adjacent land for agriculture while also ensuring potential off-site impacts are suitably balanced
3. The proposal is contrary to Clause 14.01-1R of the Cardinia Planning Scheme, which aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.
4. The proposal is contrary to Clause 14.01-2 of the Cardinia Planning Scheme which aims to ensure the long-term sustainable use of agricultural land
5. The proposal is contrary to Clause 22.05 of the Cardinia Planning Scheme, which aims to protect agricultural land from incompatible uses and restrict opportunities for development that compromise its use.
6. The proposal is contrary to Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions), which aims to protect metropolitan green wedge land from uses and development that would diminish its agricultural values, and to protect productive agricultural land from incompatible uses and development.
7. The proposal is incompatible with regional and local planning policies that aim to protect agricultural land from inappropriate use and development and protecting residential land from unreasonable amenity impact.

1 USE OF THE LAND AND WORKS ASSOCIATED WITH THE DISPOSAL OF CLEAN FILL

Moved Cr R Brown Seconded Cr M Schilling

That a Refusal to Grant Planning Permit **T180774** be issued for **Use of the land and works associated with the disposal of fill** at **21 Latta Road, Nar Nar Goon VIC 3812** for the following reasons:

1. The proposal is contrary to Clause 13.07-1S which aims to ensure land use and development is compatible with the area
2. The proposal is does not clearly align with Clause 14.01-1S of the Cardinia Planning Scheme, which aims to protect land for agriculture and the capacity of adjacent land for agriculture while also ensuring potential off-site impacts are suitably balanced
3. The proposal is contrary to Clause 14.01-1R of the Cardinia Planning Scheme, which aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.
4. The proposal is contrary to Clause 14.01-2 of the Cardinia Planning Scheme which aims to ensure the long-term sustainable use of agricultural land
5. The proposal is contrary to Clause 22.05 of the Cardinia Planning Scheme, which aims to protect agricultural land from incompatible uses and restrict opportunities for development that compromise its use.
6. The proposal is contrary to Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions), which aims to protect metropolitan green wedge land from uses and development that would diminish its agricultural values, and to protect productive agricultural land from incompatible uses and development.
7. The proposal is incompatible with regional and local planning policies that aim to protect agricultural land from inappropriate use and development and protecting residential land from unreasonable amenity impact.

Cd.

2 SUBDIVISION OF THE LAND INTO TWO (2) LOTS AT 26-28 HOLM PARK ROAD, BEACONSFIELD

FILE REFERENCE INT1944547

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Tara Hooper

RECOMMENDATION

That a Refusal to Grant Planning Permit **T180499** be issued for **Subdivision of the land into two (2) lots at 26-28 Holm Park Road, Beaconsfield VIC 3807** for reasons set out in this report.

Attachments

1	Locality Map	1 Page
2	Development Plans	1 Page
3	Copy of Objections, circulated to Councillors only	18 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180499
APPLICANT:	Mr David Fysh
LAND:	26-28 Holm Park Road, Beaconsfield VIC 3807
PROPOSAL:	Subdivision of the land into two (2) lots
PLANNING CONTROLS:	Clause 32.08-3 (General Residential Zone)
NOTIFICATION & OBJECTIONS:	<p>The application has been advertised by way of sending notices to the owners and occupiers of the residents of Holm Park Road, as well as adjoining properties. The applicant was also instructed to display a sign on site for 14 days; however it is believed that the sign was not displayed.</p> <p>Twelve (12) objections have been received to date</p>
KEY PLANNING CONSIDERATIONS:	Orderly planning, neighbourhood character, pattern of subdivision in the area
RECOMMENDATION:	Refusal

BACKGROUND:

The Subject Site has no planning history.

SUBJECT SITE

The Subject Site is an approximately 2000 square metre rectangular allotment that is located on the southern side of Holm Park Road.



The lot is currently vacant, and is not burdened by an easement. It has a gentle upwards slope from front to rear (approximately a 3 metre rise across 35 metres).

The surrounding allotments are uniform in size and shape, each measuring approximately 2000 square metres. Each allotment contains a single, large dwelling, with manicured landscaping. To the north (across Holm Park Road) are large rural residential allotments measuring between 4000 square metres and 4 hectares. Holm Park Reserve is approximately 500 metres west of the Subject Site, and Beaconsfield – Emerald Road is further west, approximately 740 metres from the lot.

PROPOSAL

The Application proposes the subdivision of the land into two (2) lots. Each proposed lot will measure 1064 square metres and will have frontage to Holm Park Road.

The existing lot (defined as Lot 1413 on Plan of Subdivision 507848L) is burdened by a restrictive covenant that states, in relevant part:

The Transferee . . . will not:

(a) Build or allow to be built more than one dwelling house together with the usual outbuildings (unless the land is designated a dual occupancy site)

The covenant does not designate the Subject Site as a ‘dual occupancy site’.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.01-3S (Subdivision design)
- Clause 15.01-5S (Neighbourhood character)

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF is:

- Clause 21.03-1 (Housing)

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 56 (Residential subdivision)
- Clause 65.01 (Approval of an application or plan)
- Clause 65.02 (Approval of an application to subdivide land)

Zone

The land is subject to the General Residential Zone – Schedule 1.

Overlays

The land is not subject to any overlays.

PLANNING PERMIT TRIGGERS

The proposal for subdivision of the land into two (2) lots requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-3 (General Residential Zone), a planning permit is required for subdivision.

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 and land benefitted by the restrictive covenant burdening the Subject Site.

The applicant was also advised to place a sign on site for 14 days, but to the best of Council's Planning Department's knowledge this has not occurred. No statutory declaration was submitted by the applicant.

Council has received 12 objections to date.

The key issues that were raised in the objections are:

- All blocks on Holm Park Road should remain the same size.
- Potential traffic blind spots for two driveways exiting the blocks (Subject Site is located on a hill).
- Subdivision will adversely alter residential character of the area.
- Residences likely to be built on the smaller allotments will not be of same standard and character of existing houses.
- Will likely lead to devaluation of current residential properties on street.
- All properties on the street were built with homes that suited the size of the 2000sqm blocks.
- Holm Park Road deserves to be preserved as half acre blocks because it abuts the fringe of a conservation area, which flows through Inglis Road and provides connectivity to Inglis Road Park.

Intensification of development is not in keeping with preserving this area's nature flora and associated wildlife.

- Residents have bought into the street to avoid high-density living, this is protected by the covenant.
- A greater likelihood that double storey dwellings will be constructed and will be sited close to existing dwellings, which will cause privacy/amenity impacts to adjacent land.
- Half acre blocks were created to act as a buffer between the semi-rural land holding on the north site of Holm Park Road and the remainder of the Berwick Views Estate, as well as the land to the north affected by the Environmental Significance Overlay.
- Will encourage a breach of restrictive covenant.
- Will create a precedent for other blocks to be subdivided in the future. This could greatly increase traffic on Holm Park Road.

REFERRALS

The Application was not required to be referred to any external referral authorities.

DISCUSSION

The proposal is contrary to orderly planning

As a threshold matter, the proposal should not be supported because it will create a vacant lot incapable of being developed for a dwelling. As such, the subdivision would be contrary to the orderly planning of the area, which is a relevant consideration under Clause 65.01 of the Planning Scheme.

The Subject Site is burdened by a 'single dwelling' restrictive covenant; i.e. a covenant that prohibits the construction of more than one dwelling on the Land. Legally, the covenant defines the 'Land' subject to the restriction as Lot 1414 on Plan of Subdivision 507848L. The covenant's definition of 'Land' will persist if the subject lot is subdivided and new lots are created on a subsequent plan of subdivision. So, even if the Land is subdivided into two lots, the covenant prohibits more than one dwelling on the entirety of the physical Land that existed within the parent title. The practical result is that one of the newly-created child lots would be incapable of being developed for the purposes of a dwelling.

Here, it is noted that the subdivision will not create a breach of the covenant *per se*; the breach is actually created by the construction of a second dwelling on the Land. However, the matters set out in Clause 65.02 require the responsible authority to consider "The . . . possible future development of the land and nearby land". The creation of a new residential lot that would be incapable of being developed for a dwelling without breaching the covenant is therefore a relevant consideration. It would not be orderly planning to create such a lot.

The Tribunal has taken a cautious approach in situations such as this where the future development of the land may breach a restrictive covenant even when the subdivision itself is not prohibited. *Chester v Banyule City Council* [2003] VCAT 167 and *Carmrer Pty Ltd v Port Phillip City Council* [2003] VCAT 1319 are both refusing subdivision permits where covenants burdened the review site that would prohibit likely future development.

It is noted that there is an instance where the Tribunal has granted a subdivision permit despite the existence of such a covenant; however a condition was placed on that permit requiring the removal or variation of the covenant prior to the issuance of a statement of compliance. See *Wade v Yarra Ranges SC* [2005] VCAT 111. This approach was later repudiated in part by *Samson v Moorabool SC* [2012] VCAT 1435,

where Member G Rundell decided to refuse a subdivision permit rather than grant conditional approval, stating:

I think this application is premature in these circumstances. It is my view that orderly planning requires the current problems to be rectified before further approvals are granted. It is not obvious or inevitable that the existing problems can be rectified. The beneficiaries of the covenant may not support its removal. . . . Relying on conditions in a permit for subdivision that may not be completed only further complicates the current circumstances and requires the parties to invest further time and monies pursuing outcomes that may not be successful. I think this approach would further compound the existing difficulties leaving the responsible authority and [the applicant] with further delays, costs and uncertainty.

The proposal currently before Council is similarly premature. It is not obvious or inevitable that the existing problems can be rectified: as mentioned in many of the objections, the applicant has approached the beneficiaries of the covenant regarding amending the current application to include a potential variation or removal of the covenant; many have vehemently opposed this proposal. As a result, the applicant chose to not amend the permit application to include the covenant variation. Granting a conditional subdivision permit now would only create further delays, costs, and uncertainty. It would not be orderly planning to grant a planning permit for subdivision where it is highly unlikely the applicant would ever obtain a statement of compliance.

The proposed subdivision is inconsistent with the subdivision pattern of the area and will result in development that does not respond to the existing neighbourhood character

Nonetheless, even if it is assumed the covenant will be removed at some point, the subdivision is still unsuitable as it does not respond to the existing neighbourhood character.

Reliance is placed on two sections of the Cardinia Planning Scheme: Clause 56.03-5 (Neighbourhood character objective) and Clause 15.01-5S (Neighbourhood character). As there is no local policy establishing a preferred neighbourhood character for this area, the existing character must be considered.

Under Clause 56.03-5 (Neighbourhood character objective), subdivision design must respond to neighbourhood character. Standard C6 elaborates on this objective, stating that subdivision should:

- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Respond to and integrate with the surrounding urban environment.
- Protect significant vegetation and site features.

Further, Clause 15.01-5S (Neighbourhood character) has an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies within this policy aim to ensure development¹ contributes to existing or preferred neighbourhood character, and that development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising, among other things, the pattern of local urban structure and subdivision.

Additionally, Clause 65.02 (Approval of an application to subdivide land) also requires the responsible authority to consider the subdivision pattern, having regard to the physical characteristics of the land. This is a separate, but related, provision that is affected by the proposal's divergence from the existing neighbourhood character.

The Subject Site is the last vacant allotment on Holm Park Road, which exclusively consists of uniform lots measuring approximately 2000 square metres each. The configuration of these lots appear to be a

¹ Under the *Planning and Environment Act 1987* s 3, the definition of 'Development' includes the subdivision of land.

deliberate attempt to provide a transition between the smaller residential lots to the south (measuring between 600 and 700 square metres) and the semi-rural Green Wedge A-zoned land to the north. Further, each allotment is burdened by the same single-dwelling covenant as the Subject Site. The existence of the single dwelling covenants on these allotments has established a clear neighbourhood character: no lot in this street has been subdivided, which has allowed for the development of quite large dwellings.

Permitting the creation of two approximately 1000 square metre lots here would introduce a discordant element in the neighbourhood and disturb the clear rhythm of development on Holm Park Road. The built form on this street between Beaconsfield-Emerald Road and Fieldstone Boulevard consists of single dwellings with a building width equalling or exceeding 30 metres. By comparison, each new lot in the proposal would have a street frontage of approximately 28 metres. Because of this reduced frontage, it is likely that any future development on these lots would stand in stark contrast to the otherwise uniform pattern of development on the street. Even if a party wall is introduced between two dwellings to allow for an overall wider building width, such a development would still be inconsistent with the existing neighbourhood character as nothing of the type exists in the area.

It is noted that under the General Residential Zone, compliance with clauses 56.04-2, 56.04-3, 56.04-5, and 56.06-8 to 56.09-2 is also required. The proposed subdivision complies with these clauses because:

- The proposed lots will measure over 1000 square metres and therefore do not require consideration of building envelopes, and the dimensions of the lots will allow for adequate solar access (56.04-2 and 56.04-3).
- There is no common property proposed (56.04-5).
- The configuration of the proposed lots provide for safe vehicle access between roads and lots (56.06-8).
- The lots will have ready access to water and sewer, as well as adequate stormwater drainage and other services (56.07, 56.09-1, 56.09-2).
- It is possible to manage during any construction period to prevent erosion, dust, and run-off (56.08).

Despite compliance with the other provisions of Clause 56, the application should not be supported as it is inconsistent with Clause 56.03-5 (Neighbourhood character). Compliance with *all* objectives of the relevant sections of Clause 56 is required under Clause 32.08-3. Therefore, the application should not be supported.

Response to objections

The twelve objections submitted focussed on six main themes:

- Subdivision will adversely alter residential character of the area.
- Proposal will disturb the subdivision pattern as half acre blocks were created to act as a buffer between the semi-rural land holding on the north site of Holm Park Road and the remainder of the Berwick Views Estate, as well as the environmentally sensitive land to the north.
- Subdivision will create a precedent for other blocks to be subdivided in the future.
- Subdivision will cause an increase in traffic.
- Subdivision will likely lead to devaluation of current residential properties on street.
- Subdivision will cause privacy/amenity impacts to adjacent land.

It is advised that these objections are largely relevant to the planning considerations at issue in this proposal. As discussed above, the future development of the land is a consideration under Clause 65.02. Responsiveness to neighbourhood character is a relevant consideration under clauses 15.01-5S and 56.03-5.

It is also noted that the subdivision pattern having regard to the physical characteristics of the land is a consideration under Clause 65.02. The configuration of the half-acre blocks as a buffer between the Berwick Views Estate and the environmentally sensitive semi-rural land to the north is relevant under this clause.

The effect on the amenity of the area is a relevant consideration under Clause 65.01.

Finally, whilst the proposed subdivision's effect on the value of the neighbouring properties is not a relevant planning consideration with regards to subdivision, under Section 60(2)(a) of the Planning and Environment Act 1987, financial loss is a relevant consideration with regards to any permit application that allows the removal or variation of a restrictive covenant. This would be considered in a subsequent application to remove the restrictive covenant should this application be approved.

RECOMMENDATION

The Application has been assessed against all relevant clauses of the Cardinia Planning Scheme and the proposed subdivision is determined to be inconsistent with these requirements. As such, it is recommended that a Refusal to Grant Planning Permit **T180499** be issued for **Subdivision of the land into two (2) lots at 26-28 Holm Park Road, BEACONSFIELD VIC 3807** on the following grounds:

1. **The proposal is contrary to the orderly planning of the area.**
2. **The proposed subdivision is inconsistent with the subdivision pattern of the area and will result in development that does not respond to the existing neighbourhood character.**
3. **The proposal is not in accordance with the requirements of Clause 65.02 of the Cardinia Planning Scheme.**
4. **The proposed subdivision and possible future development of the land will result in a loss of amenity for residents of the neighbourhood.**



2 SUBDIVISION OF THE LAND INTO TWO (2) LOTS AT 26-28 HOLM PARK ROAD, BEACONSFIELD

Moved Cr B Owen Seconded Cr J Springfield

That a Refusal to Grant Planning Permit **T180499** be issued for **Subdivision of the land into two (2) lots at 26-28 Holm Park Road, Beaconsfield VIC 3807** for the following reasons:

1. The proposal is contrary to the orderly planning of the area.
2. The proposed subdivision is inconsistent with the subdivision pattern of the area and will result in development that does not respond to the existing neighbourhood character.
3. The proposal is not in accordance with the requirements of Clause 65.02 of the Cardinia Planning Scheme.
4. The proposed subdivision and possible future development of the land will result in a loss of amenity for residents of the neighbourhood.

Cd.

3 BUILDINGS AND WORKS ASSOCIATED WITH A NON-RESIDENTIAL USE (OPEN SPORTS GROUND) AT LRES1 PS746770, 125 BRIDGE ROAD, OFFICER VIC 3809 (COMELY BANKS RESERVE)

FILE REFERENCE INT1944940

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Emily Cook

RECOMMENDATION

That Planning Permit **T190183** be issued for **buildings and works associated with a non-residential use (open sports ground) LRES1 PS746770, 125 Bridge Road, Officer VIC 3809 (Comely Banks Reserve)** subject to the conditions attached to this report.

Attachments

- | | | |
|---|-------------------------------------|---------|
| 1 | Locality Map | 1 Page |
| 2 | Plans for Endorsement | 5 Pages |
| 3 | Pavilion Renders (For context only) | 5 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190183
APPLICANT:	Thomas Nicholls (Cardinia Shire Council)
LAND:	LRES1 PS746770, 125 Bridge Road, Officer VIC 3809 (Comely Banks Reserve)
PROPOSAL:	Buildings and works associated with a non-residential use (open sports ground)
PLANNING CONTROLS:	Urban Growth Zone – Schedule 1 Development Contribution Plan Overlay – Schedule 2 Land Subject to Inundation Overlay Cardinia Road Precinct Structure Plan (September 2008) Cardinia Road Development Contribution Plan (September 2008)
NOTIFICATION & OBJECTIONS:	Letters to adjoining owners and sign on site
KEY PLANNING CONSIDERATIONS:	Cardinia Road Precinct Structure Plan (September 2008) Clause 56.02 Car Parking
RECOMMENDATION:	Planning permit be issued subject to conditions.

BACKGROUND:

The Cardinia Road Precinct Structure Plan (September 2008) includes a district sports reserve adjacent to Gum Scrub Creek south of Bridge Road. Planning permit T150290 was issued for the subdivision of the land

forming part of the Arcadia Estate in October 2015. This permit created a title for the district sports reserve (LRES1 PS746770, 125 Bridge Road, Officer VIC 3809), now known as the Comely Banks Reserve.

Council has developed the Comely Banks Recreation Reserve Precinct Master Plan for the site. The Master Plan provides for the current and long term future recreational needs of the community.

Various Council Departments were consulted during the development of the master plan including, Recreation Services, Youth Services, Children and Family Services and Active Communities. Various peak sporting bodies also contributed to the development of the Master Plan, including Cricket Victoria and Rugby Union Victoria.

This planning permit (T190183) seeks to facilitate the development of the Comely Banks Reserve in accordance with the master plan.

SUBJECT SITE

The site is located on the southern side of Bridge Road, the northern side of Erewhon Avenue, the eastern side of Lower Gum Scrub Creek and the western side of the Bridgewood school site.

Presently, there are no crossovers to the site and there is an existing drainage easement along the eastern property boundary.

The site currently is vacant land which does not contain any native vegetation.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- | | |
|-------|---|
| NORTH | Bridge Road, Arcadia/Aspect Estate, Pakenham Railway Line, Arena Estate and the Princes Highway. |
| SOUTH | The Arcadia Estate, the Princes Freeway, Kaduna Park Estate and undeveloped/developing land forming part of the Cardinia Road Employment Precinct Structure Plan area. |
| EAST | The Arcadia/Aspect Estate, Cardinia Road and the Lakeland/Edenbrooke Estate. |
| WEST | Lower Gum Scrub Creek, Officer Secondary/Special School, Arcadia Estate, Officer South Road and developing land forming part of the Officer Precinct Structure Plan area. |

PROPOSAL

The proposal includes **buildings and works associated with a non-residential use (open sports ground)**.

The proposal is to establish the Comely Banks Recreation Reserve which is 7.64 hectares including:

- Two (2) sporting ovals
- Bowling greens
- Pavilion
 - o Approximately 1545sqm including, change rooms, function/social spaces, bathrooms, meeting rooms, kiosks and storage areas.
- Cricket nets
- Play equipment
- Additional open space areas
- The proposal also includes the provision of 251 car parking spaces. The proposed car parking and ingress/egress from Bridge Road to the site will be via two (2) access ways. The car park then provides a single exit-only access through to Erewhon Avenue. This thoroughfare through to Erewhon Avenue also provides for bus pick/up drop. It is anticipated that the car parking and bus areas will also be utilised by Bridgewood Primary School.

Staging

The proposal is to be delivered in a number of stages.

- Stage 1A
Interim construction area including site offices and gravel car parking area.
- Stage 1
Single storey pavilion (approx. 1545sqm in size).
- Stage 2
Two (2) sporting ovals, multi-use training enclosures (cricket nets), playground/picnic area, car parking and access ways.
- Stage 3
Bowling greens.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.02-2 Structure Planning
- 11.02-3 Sequencing of Development
- 11.03-2 Growth Areas
- 13.02 Bushfire
- 15.01-1 Urban Design
- 15.01-4 Healthy Neighbourhoods
- 15.03-2 Aboriginal Cultural Heritage
- 18.02-4 Car Parking
- 19.02-6 Open Space

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-5 Open Space
- 21.02-7 Aboriginal and Cultural Heritage
- 21.03-2 Urban Growth Area
- 21.05-6 Community Services and Facilities
- 21.06-1 Design and Built Form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines
- Cardinia Road Precinct Structure Plan (September 2008)
- Cardinia Road Precinct Development Contributions Plan (September 2008)

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Improved Social Cohesion
- Improved safety
- Reduce obesity

Zone

The land is subject to the Urban Growth Zone – Schedule 1

Overlays

The land is subject to the following overlays:

- Development Contribution Plan Overlay – Schedule 2
- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for **buildings and works associated with a non-residential use (open sports ground)** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 2.5 of Schedule 1 to the Urban Growth Zone, a planning permit is required to construct a building or construct or carry out works for a non-residential use (open sports ground).

It is noted that Pursuant to Clause 2.5 of Schedule 1 to the Urban Growth Zone the use of the land for an open sports ground is a Section 1 use and therefore does not require planning approval.

- Pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay, a planning permit is required to construct a building or to construct or carry out works.

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 one (1) sign on site.

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

REFERRALS

In accordance with Section 55 of the Planning and Environment Act 1987 and Clause 66 of the Cardinia Planning Scheme the following referral authorities received the permit for review:

Melbourne Water

The application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal subject to conditions.

DISCUSSION

The proposed **buildings and works associated with a non-residential use (open sports ground)** is consistent with the aims and objectives of the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement as well as zones and overlays which apply to the subject site.

Urban Growth Zone – Schedule 1

The application has been assessed against the relevant precinct structure plan, being the Cardinia Road Precinct Structure Plan (September 2008), as discussed below.

Cardinia Road Precinct Structure Plan (September 2008)

The Cardinia Road Precinct Structure Plan (PSP) identifies the Comely Banks Reserve as a district sports reserve. The site was created as part of Planning Permit T150190 which granted a subdivision permit of the Arcadia Estate and is 7.64 hectares in area. The orientation of the reserve has been varied from that shown in the PSP to include for a greater frontage to Bridge Road.

The PSP includes the following relevant Open Space objectives:

- *To provide and develop a range of open space types to meet the active and passive needs of the community and protect and restore environmental values and features.*
- *To provide for the protection and enhancement of areas of environmental significance and to integrate these areas with open space systems.*
- *To create an attractive urban environment with a strong sense of place through the provision and landscaping of open space.*
- *Should have a total area of at least 8 ha for each park.*
- *Are provided with at least a pavilion that includes change rooms, toilets and canteen. Training lights are usually provided.*
- *Should be located adjacent to a secondary college or adjoining a linear park.*
- *Should contain two playing fields or ovals with a buffer space.*

The proposal contributes to the overall open space network of the Cardinia Road PSP and provides for a range of active and passive recreation opportunities including; multi use sporting fields, cricket nets, bowling greens, playground equipment and an associated pavilion of 1545sqm.

The proposal includes pedestrian paths which link into the existing adjoining trail network along Lower Gum Scrub Creek. Detailed landscaping plans, required as a condition of the permit, will ensure high quality landscaping throughout the site.

The total site area of 7.64ha was determined as part of earlier subdivisions (and additional 0.3601 ha of land adjoins the subject site to be developed for a future regional autism centre). The car parking and access ways, including the bus pick up/drop off areas, have been designed to service the adjoining Bridgewood Primary School as well as the recreation reserve.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay applies to approximately half of the Comely Banks Reserve. The previous subdivision which created the Reserve (T150290 – Arcadia Estate) addressed potential flooding issues and, created the adjoining Lower Gum Scrub Creek Reserve. Notwithstanding, this application was referred to Melbourne Water who have consented to the proposal (subject to conditions).

Clause 13.02 Bushfire

The subject site is within a Bushfire Prone Area (BPA) but is not subject to the Bushfire Management Overlay (BMO). Areas with the highest risk are subject to the BMO and require individual and site specific development planning permits. Clause 71.02-3 Integrated Decision Making is however the key principle for decisions in bushfire affected areas and, prioritises the protection of human life over all other policy considerations. Clause 13.02-1S Bushfire requires Council to assess against bushfire risk for major sports and recreation facilities and/or places which result in large congregations of people. The applicant is not required to submit an assessment report.

The land surrounding the Comely Banks Reserve has been developed for urban residential purposes, in accordance with the Cardinia Road Precinct Structure Plan (PSP), thereby reducing bushfire risk.

A central evacuation route (east-west) exists via Bridge Road adjoining the site. The proposal provides for a community facilities which will offer a safe area and evacuation point.

It is noted that the CFA is not a referral authority for BPA land and has indicated they do not wish to comment on such planning permit applications. The proposal is considered to provide for appropriate bushfire mitigation measures in relation to the objectives of Clause 13.02 and is considered to be acceptable.

Clause 52.06 Car Parking

Clause 52.06-5 does not specify a number of car parking spaces required for an ‘open sports ground’ (or any terms under which it is nested). Therefore, in accordance with Clause 52.06-6 car parking spaces must be provided to the satisfaction of the Responsible Authority.

The proposal includes 251 car parking spaces which is considered to adequately provide for the proposed use. Council’s Traffic Department have consented to the number of car parking spaces. It is expected that the adjoining school, Bridgewood Primary School, will utilise the car park and bus pick up/drop off area on week days.

A condition included on the permit requires adequate interim car parking to be constructed within Stage 1A prior to the use of the pavilion commencing. The permit also requires ultimate car parking and circulation areas to be in accordance with Clause 52.06.

Clause 52.36 Integrated Public Transport Planning.

Clause 52.36-1 requires an application associated with a ‘major sports and recreation facility’ to be referred to the Public Transport Authority. The proposal is for buildings and works associated with an open sports ground and therefore is not required to be referred.

Cardinia Road Development Contributions Plan (September 2008) and Development Contribution Plan Overlay – Schedule 3

Development contributions, for the entire Arcadia Estate, were required in accordance with planning permit T1590290. The subject site was transferred to Council in accordance with this planning permit. There are no additional infrastructure items (or development contribution levies) required as part of this proposal.

Cultural Heritage Sensitivity

A Cultural Heritage Management Plan (CHMP) 10130 was prepared for the entire Aspect Estate in 2008 and approved by Aboriginal Affairs Victoria on 17 October 2008.

CONCLUSION

The proposed **buildings and works associated with a non-residential use (open sports ground)** are consistent with the purpose and objectives of the Urban Growth Zone – Schedule 1, the Land Subject to Inundation Overlay, the Cardinia Road Precinct Structure Plan (September 2008), Clause 13.02 Bushfire and Clause

52.06 Car Parking which apply to the subject property. The proposal is considered acceptable and as such should be approved subject to the following conditions:

CONDITIONS

1. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
2. The development must proceed in the order of the stages as shown on the endorsed plans to the satisfaction of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. The use/development must be managed so that the amenity of the area is not detrimentally affected 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, waste water, waste products, grit or oil.
 - d. Presence of vermin.

To the satisfaction of the Responsible Authority.

5. Before the use of the pavilion within Stage 1 commences, interim car parking and access ways must be provided within Stage 1A to the satisfaction of the Responsible Authority.
6. Car parking and access ways must be provided in accordance with the requirements of Clause 52.06 of the Cardinia Shire Planning Scheme.
7. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
8. Before the development commences, the site must be fully provided with services including reticulated water & sewerage, gas, drainage, underground electricity and underground telecommunications and public lighting to the satisfaction of the Responsible Authority.

Stage 1

9. Before the development of Stage 1 commences, 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.
10. Stormwater works for Stage 1 must be provided on the subject land so as to prevent overflows onto adjacent properties.
11. At least 14 days before any works for Stage 1 commences, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,

- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed; and
- g. The western most access point to the ultimate car park location within Stage 2 must be constructed as part of Stage 1 to provide access to the temporary car parking location indicated within Stage 1, in accordance with plans and specifications approved by the Responsible Authority.

Stage 2

12. Before the commencement of any buildings and works for Stage 2, 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 one electronic copy in an approved format must be provided. The plan must show:
- 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.
 - f. Indigenous species must be planted along the eastern interface adjacent to Gum Scrub Creek

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

13. Before the development of Stage 2 commences, 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.
14. Stormwater works for Stage 2 must be provided on the subject land so as to prevent overflows onto adjacent properties.
15. Before the use of Stage 2 commences, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the “Water Sensitive Urban Design (WSUD) Guidelines”.
16. At least 14 days before any works for Stage 2 commences, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.
- The CEMP must address all environmental risks and include:
- a. Temporary stormwater management including sedimentation control,
 - b. Provision of pollution and contamination controls including noise and dust,

- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed; and

General

17. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
18. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
19. Before a certificate of practical completion is issued, the permit holder must provide:
 - a. Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
20. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
21. Before the use of any stage comments, lighting of streets and pedestrian/cycle paths must be designed and provided in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
22. Before the development is occupied 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.
23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Melbourne Water

24. Stormwater runoff from the Development must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
25. All new fill pads are to be filled to a minimum of 300mm above the 1% AEP flood levels and all floor levels must be at least 600mm above the 1% AEP flood levels, associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
26. The development is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
27. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
28. Prior to construction, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

Expiry:

This permit will expire if one of the following circumstances applies:

- a. The development of the first stage does not start within **two (2) years** of the date of this permit; or
- b. The development of the final stage is not completed within **ten (10) years** of the date of this permit;
or

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with section 69 of the *Planning and Environment Act 1987*.

Notes:

- A Building Permit may be required for this development. To obtain a Building Permit you will need to contact a registered building surveyor. A Building Permit must also be obtained for any retaining wall exceeding 1.0 metres in height.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- *All activities carried out on the site must comply with the approved Cultural Heritage Management Plan for all stages on plan identifier 10130, dated 13 October 2013 and approved on 17 October 2008.*

Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must immediately be notified of any such discovery.

Development on the land subject of this permit must cease immediately upon the discovery of any suspected human remains. The Police or State Coroner must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to Aboriginal Affairs Victoria.

3 BUILDINGS AND WORKS ASSOCIATED WITH A NON-RESIDENTIAL USE (OPEN SPORTS GROUND) AT LRES1 PS746770, 125 BRIDGE ROAD, OFFICER VIC 3809 (COMELY BANKS RESERVE)

Moved Cr B Owen Seconded Cr C Ross

That Planning Permit **T190183** be issued for **buildings and works associated with a non-residential use (open sports ground) LRES1 PS746770, 125 Bridge Road, Officer VIC 3809 (Comely Banks Reserve)** subject to the following conditions:

1. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
2. The development must proceed in the order of the stages as shown on the endorsed plans to the satisfaction of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. The use/development must be managed so that the amenity of the area is not detrimentally affected 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, waste water, waste products, grit or oil.
 - d. Presence of vermin.

To the satisfaction of the Responsible Authority.

5. Before the use of the pavilion within Stage 1 commences, interim car parking and access ways must be provided within Stage 1A to the satisfaction of the Responsible Authority.
6. Car parking and access ways must be provided in accordance with the requirements of Clause 52.06 of the Cardinia Shire Planning Scheme.
7. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
8. Before the development commences, the site must be fully provided with services including reticulated water & sewerage, gas, drainage, underground electricity and underground telecommunications and public lighting to the satisfaction of the Responsible Authority.

Stage 1

9. Before the development of Stage 1 commences, 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.
10. Stormwater works for Stage 1 must be provided on the subject land so as to prevent overflows onto adjacent properties.
11. At least 14 days before any works for Stage 1 commences, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form

part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,
- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed; and
- g. The western most access point to the ultimate car park location within Stage 2 must be constructed as part of Stage 1 to provide access to the temporary car parking location indicated within Stage 1, in accordance with plans and specifications approved by the Responsible Authority.

Stage 2

12. Before the commencement of any buildings and works for Stage 2, 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 one electronic copy in an approved format must be provided. The plan must show:

- 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.
- f. Indigenous species must be planted along the eastern interface adjacent to Gum Scrub Creek

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

13. Before the development of Stage 2 commences, 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.

14. Stormwater works for Stage 2 must be provided on the subject land so as to prevent overflows onto adjacent properties.

15. Before the use of Stage 2 commences, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".

16. At least 14 days before any works for Stage 2 commences, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,
- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed; and

General

17. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
18. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
19. Before a certificate of practical completion is issued, the permit holder must provide:
 - a. Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
20. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
21. Before the use of any stage comments, lighting of streets and pedestrian/cycle paths must be designed and provided in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
22. Before the development is occupied 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.
23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Melbourne Water

24. Stormwater runoff from the Development must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
25. All new fill pads are to be filled to a minimum of 300mm above the 1% AEP flood levels and all floor levels must be at least 600mm above the 1% AEP flood levels, associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
26. The development is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
27. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land

Development Manual.

28. Prior to construction, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

Expiry:

This permit will expire if one of the following circumstances applies:

- a. The development of the first stage does not start within **two (2) years** of the date of this permit; or
- b. The development of the final stage is not completed within **ten (10) years** of the date of this permit; or

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with section 69 of the *Planning and Environment Act 1987*.

Notes:

- A Building Permit may be required for this development. To obtain a Building Permit you will need to contact a registered building surveyor. A Building Permit must also be obtained for any retaining wall exceeding 1.0 metres in height.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- *All activities carried out on the site must comply with the approved Cultural Heritage Management Plan for all stages on plan identifier 10130, dated 13 October 2013 and approved on 17 October 2008.*

Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must immediately be notified of any such discovery.

Development on the land subject of this permit must cease immediately upon the discovery of any suspected human remains. The Police or State Coroner must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to Aboriginal Affairs Victoria.

Cd.

4 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT1944573

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Owen Hardidge

RECOMMENDATION

That the list of enforcement matters currently before VCAT and the Magistrates' Court (and the County Court) be noted.

EXECUTIVE SUMMARY

The following list of enforcement matters currently before VCAT and the Magistrates' Court is submitted for Councillors information.

BACKGROUND

Where breaches of the Planning Scheme are detected, the breaches may give rise to criminal liability, which may result in infringements being issued, or charges being filed in the Magistrates Court of Victoria.

If Council cannot obtain appropriate remediation by consent, Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT enforcement actions will usually be delayed until Magistrates' Court proceedings are completed.

These matters can take several forms and the following are the usual steps in the enforcement process.

Current Enforcement cases

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

Property Address	Nature of Contravention	Status
1 Walker Street, Koo Wee Rup (OH:SM:18409)	Land that was developed without a permit, in contravention of planning scheme - Heritage Overlay (43.01)	Magistrates' Court proceeding, the accused did not attend the contested hearing date (21/2/19). The accused has now been bailed to attend the Dandenong Magistrates Court on 19 July 2019 .
765 Gembrook Rd, Pakenham Upper (OH:LK:16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	Magistrates' Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit. The case was listed for contested hearing 8 May 2019 . The accused requested, and was granted, an adjournment of the case and it will proceed as a contested hearing on 30 July 2019
Officer South Rd, Officer OH:JALF:18419	Land used for materials recycling, being a prohibited use, contrary to the Urban Growth Zone.	VCAT enforcement order application, was listed for contested hearing on 11 June 2019 . The owner of the land attended the hearing, and undertook to the Tribunal to remove waste materials from the land within two months, and that this had already commenced. The matter is listed for further hearing on the 11 th August 2019. Compliance Services will monitor the progress of the clean up, and return the matter to the Tribunal if the clean up does not proceed satisfactorily.
13-15 Carney St, Koo Wee Rup OH:JALF:19446	Use of the land as a store, without a planning permit, contrary to the Commercial 1 Zone.	VCAT enforcement order application filed, and has been allocated a Practice Day Hearing on 5th July 2019 .

Conclusion

The list of current enforcement activities is presented for information.

Glossary of terms

Practice day hearing

This is the first stage of the VCAT process, and is held shortly after the application is lodged. It is used to assess the future path of the case, and determine if the case can be settled, or will need to proceed to a full hearing.

Mention hearing

A mention hearing is a brief hearing, where the Court or VCAT lists the matter for brief hearing. If the case can be dealt with swiftly, it will be dealt with at a Mention hearing. For more lengthy matters (such as contested hearings) the case will be further adjourned. In the Magistrates' Court, the Court may hear a "guilty plea" during a mention hearing.

Administrative Mention

Administrative Mention is a hearing held without the parties in attendance and requires written correspondence from both parties to update the Member on the process of the matter.

Adjournment

A court or Tribunal will adjourn a case when the matter is deferred until another date. This can occur for a number of reasons, and is at the discretion of the Magistrate or VCAT member.

Land Management Plan

These plans are used to describe actions that will remediate the land, and commonly describe rehabilitation following unlawful vegetation removal. This plan will then become mandatory, by being incorporated into an Enforcement Order or a Section 173 agreement. The contents of the Plan will be decided by Council's Environment Team, or Vegetation Management officer.

Contested hearing / Full hearing

A contested (or "full" hearing) means the matter is disputed by the accused/respondent, and Council and the respondent will fully present and test each other's evidence and/or submissions. A contested (of "full") hearing is effectively a "trial".

Consent Orders

Consent Orders are an agreement between Council and the Respondents to, in most cases, create an Enforcement Order with conditions that are agreed to by both Parties. This is done where a Respondent has accepted there has been a breach of the Act and wants to comply with Council's proposed Enforcement Order. This saves on time and money by avoiding a hearing or lengthy VCAT processes.

4 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

Moved Cr J Owen Seconded Cr L Wilmot

That the list of enforcement matters currently before VCAT and the Magistrates' Court (and the County Court) be noted.

Cd.

5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT1944576

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

The following matters have been dealt with under delegated powers since the last report to Council.

Central Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
23/05/2019	T130505 - PC4	Pakenham Road, Pakenham Victoria 3810	Subdivision of land, removal of native vegetation, removal of an easement and removal of a restriction on title (building and waste envelope) and associated earthworks	Issued	11 April 2019
29/05/2019	T180758	7 Highview Court, Pakenham VIC 3810	Construction of five (5) dwellings on a lot	Issued	15 November 2018
31/05/2019	T180396 - PC1	10 Charles Street, Pakenham VIC 3810	Conditions 1 and 2	Issued	01 March 2019
31/05/2019	T180446 - PC2	2-18 Hawkesbury Street, Pakenham VIC 3810	Development of the land for a dwelling	Issued	21 January 2019
31/05/2019	T180673 - PC1	2 Henry Street, Pakenham VIC 3810	Two (2) lot subdivision	Issued	31 January 2019
31/05/2019	T180827	17 Cunningham Crescent, Pakenham VIC 3810	Development of the land for a second (double storey) dwelling	NOD	19 December 2018
31/05/2019	T190293	22 Thwaites Road, Pakenham VIC 3810	construction of 4 new double storey units	Withdrawn	31 May 2019
4/06/2019	T190177	47 Kenneth Road, Pakenham VIC 3810	Development of the land for a dwelling	Issued	07 March 2019
6/06/2019	T170286 - PC1	35 Elwood Avenue, Pakenham VIC 3810	Development of the land for two dwellings	Issued	05 March 2019
7/06/2019	T190141	Station Street, Pakenham VIC 3810	Subdivision of the land into 132 lots and the creation of a reserve	Issued	18 March 2019
11/06/2019	T190042	36-40 Gallery Way, Pakenham VIC 3810	Subdivision of the land into twelve (12) lots	Issued	30 January 2019

Port Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
23/05/2019	T180776 - PC1	77-79 Bald Hill Road, Pakenham VIC 3810	The development of 20 warehouses and associated works in accordance with the submitted plans.	Issued	18 March 2019
23/05/2019	T190006	3 Jakobi Court, Bunyip VIC 3815	Earthworks associated with a dwelling	Issued	08 January 2019
24/05/2019	T170632 - PC2	45 Jefferson Road, Garfield VIC 3814	Section 173 Agreement	Issued	14 February 2019
24/05/2019	T180484 - PC1	59 Sette Circuit, Pakenham VIC 3810	Condition 1 - Landscape plan to be prepared and endorsed as part of the planning permit.	Issued	18 April 2019
24/05/2019	T180813	1550 & 1560 Princes Highway, Nar Nar Goon VIC 3812	Realignment of boundaries between three (3) lots, the variation of a carriageway easement shown as A-1 on Plan of Subdivision 547978 and as E-1 on Plan of Subdivision 308950F and two existing dwellings on proposed Lot 1	Issued	13 December 2018

24/05/2019	T190019	263 Heads Road, Yannathan VIC 3981	Use and development of the land for a single dwelling, associated earthworks and outbuilding	Issued	17 January 2019
24/05/2019	T190086	LTT PS728893 (Proposed Lot 19 PS823245) Southeast Boulevard, Pakenham VIC 3810	Use of the land for an Office (Real estate agency)	Issued	13 February 2019
28/05/2019	T190265	150 Bridal Road, Tonimbuk VIC 3815	Buildings and works associated with an outbuilding	Issued	10 May 2019
29/05/2019	T190011	225 Olsen Road, Nar Nar Goon North VIC 3812	Earthworks associated with a domestic horse arena	Issued	09 January 2019
29/05/2019	T190080	26 Enterprise Road, Pakenham VIC 3810	EXTENSION OF EXISTING BARN SAME LENGHT + HEIGHT 4.5 METERS WIDER	Lapsed	15 February 2019
29/05/2019	T190311	32 Racecourse Road, Pakenham VIC 3810	To Consolidate the Titles and excise a Road for Vic Roads	Withdrawn	29 May 2019
30/05/2019	T180784 - PC1	9 Shimmers Close, Bunyip VIC 3815	Earthworks exceeding 1 metre in cut and fill	Issued	14 May 2019
30/05/2019	T180801 - PC1	15 McDonalds Road, Caldermeade VIC 3984	Development of the land for a rural store	Issued	17 April 2019
3/06/2019	T190273	260 Jolley Road, Tonimbuk VIC 3815	Development of the land for an outbuilding and associated works	Issued	13 May 2019
4/06/2019	T180849	Mortlake Drive, Officer South VIC 3809	Development of seven (7) dwellings and variation to car parking	Issued	21 December 2018
4/06/2019	T190230	39 Cameron Way, Pakenham VIC 3810	Subdivision of the land into two (2) lots (in accordance with development permit T160829)	Issued	01 May 2019
5/06/2019	T180395	3460 Ballarto Road, Koo Wee Rup VIC 3981	Use and development of the land for a replacement dwelling, an outbuilding and a farm building, alteration of access to a Road Zone Category 1, and associated earthworks	Issued	27 June 2018
6/06/2019	T180233 - PC1	25-27 Campbell Street, Garfield VIC 3814	Development of the land for two (2) dwellings	Issued	14 January 2019
6/06/2019	T180464	89 Bald Hill Road, Pakenham VIC 3810	Buildings and works associated with warehouse development ancillary offices and vegetation removal	Issued	25 July 2018
6/06/2019	T190040	585 Bald Hill Road, Nar Nar Goon VIC 3812	Buildings and works associated with an existing education centre	Issued	29 January 2019
6/06/2019	T190118	7 Shimmers Close, Bunyip VIC 3815	Development of the land for a dwelling and associated earthworks	Issued	01 March 2019
6/06/2019	T190140	24 Turrumurra Road, Maryknoll VIC 3812	Development of the land for an outbuilding (garage)	Issued	12 March 2019
6/06/2019	T190176	Southeast Business Park, 53 National Avenue, Pakenham VIC 3810	Buildings and works associated with an existing warehouse (winch test tower)	Issued	27 March 2019
7/06/2019	T180817	76 Railway Avenue, Tynong VIC 3813	Subdivision of the land into two (2) lots	Issued	12 December 2018
7/06/2019	T190207 - PC1	6 Production Way, Pakenham VIC 3810	Development of the land for one (1) warehouse, with ancillary office, a reduction in car parking and associated works	Issued	15 May 2019
11/06/2019	T180754 - PC1	77-79 Bald Hill Road, Pakenham VIC 3810	The use of the land for Restricted Retail Premises (bulky goods), the construction of five (5) warehouses with ancillary offices and three (3) showrooms and associated works	Issued	15 May 2019
11/06/2019	T190123	Southeast Boulevard, Pakenham VIC 3810	Development of the land for eight (8) warehouses, a reduction in car parking requirements and associated works	Issued	05 March 2019

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
23/05/2019	T180170 - PC1	26A Whiteside Road, Officer VIC 3809	(Con. 08 TMP)	Issued	15 January 2019
23/05/2019	T180511	31 Eastbourne Crescent, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	12 August 2018
24/05/2019	T180852	25 Mountain Road, Cockatoo VIC 3781	Earthworks associated with the construction of a dwelling extension	Issued	07 January 2019
24/05/2019	T190025	62 Rix Road, Officer VIC 3809	Display of an internally illuminated sign	Issued	22 January 2019

24/05/2019	T190119	21 Railway Avenue, Beaconsfield VIC 3807	Development of the land for a second dwelling (Convert existing bungalow)	Withdrawn	01 March 2019
24/05/2019	T190202	1 Memorial Avenue, Emerald VIC 3782	Additions to an existing shed (self-contained spray booth)	Issued	10 April 2019
28/05/2019	T180347 - PC1	3-7 Pink Hill Boulevard, Beaconsfield VIC 3807	Subdivision of land into 10 conventional lots and two superlots	Issued	20 March 2019
28/05/2019	T190074	141 Bathe Road, Pakenham VIC 3810	Use and development of the land for a dwelling, removal of vegetation and associated earthworks	Issued	11 February 2019
29/05/2019	T160686 - PC3	90 Rix Road, Officer VIC 3809	Subdivision of land in stages in accordance with the submitted plans.	Issued	21 March 2019
29/05/2019	T160686 - PC4	90 Rix Road, Officer VIC 3809	Subdivision of land in stages in accordance with the submitted plans.	Issued	25 March 2019
29/05/2019	T170671 - PC2	Rix Road, Officer VIC 3809	Condition 7 (PIP) - Subdivision of the land in stages, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued	27 November 2018
29/05/2019	T190088	Princes Highway, Officer VIC 3809	Promotion sign (sale of dwellings)	Issued	21 February 2019
29/05/2019	T190093	35 Berglund Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding	Issued	14 February 2019
30/05/2019	T190274	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated with an existing residential village	Issued	14 May 2019
31/05/2019	T160025 - PC2	3-9 Salisbury Road, Beaconsfield Upper VIC 3808	Partial demolition, construction of buildings and works for additions to an existing residential aged care facility and vegetation removal on land in the Neighbourhood Residential Zone Schedule 1, Rural Conservation Zone, Heritage Overlays 71 and 110, Design and Development Overlay Schedule 2, Bushfire Management Overlay Schedule 1, Environmental Significance Overlay Schedule 1, Vegetation Protection Overlay Schedule 2 and Clause 52.17 in accordance with the endorsed plans.	Issued	25 March 2019
31/05/2019	T160025 - PC3	3-9 Salisbury Road, Beaconsfield Upper VIC 3808	Partial demolition, construction of buildings and works for additions to an existing residential aged care facility and vegetation removal on land in the Neighbourhood Residential Zone Schedule 1, Rural Conservation Zone, Heritage Overlays 71 and 110, Design and Development Overlay Schedule 2, Bushfire Management Overlay Schedule 1, Environmental Significance Overlay Schedule 1, Vegetation Protection Overlay Schedule 2 and Clause 52.17 in accordance with the endorsed plans.	Issued	24 April 2019
31/05/2019	T190071	7-9 Haupt Place, Beaconsfield Upper VIC 3808	Development of the land for a habitable outbuilding	Issued	08 February 2019
31/05/2019	T190089	275 Amphlett Avenue, Gembrook VIC 3783	Use & development of the land for a dwelling and outbuilding	Issued	11 February 2019
31/05/2019	T190190	4 Bailey Road, Cockatoo VIC 3781	Use of the land as a veterinary clinic	Issued	05 April 2019
31/05/2019	T190315	230 Telegraph Road, Beaconsfield Upper VIC 3808	Seek to amend planning permit T160741 as issued on 16 May 2017. This application is to amend that planning permit. Proposal is to add an upper level extension to the existing dwelling and convert the lower level garage to a rumpus room.	Withdrawn	30 May 2019
3/06/2019	T180354 - PC1	49 Wallace Street, Beaconsfield VIC 3807	Use and development of the land for a medical centre and associated car parking waiver	Issued	15 March 2019
3/06/2019	T190115	14 Berrys Road, Emerald VIC 3782	Removal of a gum tree in the back garden. A qualified arborist has identified a number of locations on the tree where there is disease evident. The tree is beginning to drop a lot of debris and there is great concern for safety to our family as a result. High winds occur from the North of our property and we are very concerned that the tree may eventually topple onto children particularly if there is evidence of decay of the tree. In the event a major limb or the tree came down in its entirety this could result in significant damage to our property including structures. Our desire is to re-vegetate approx 50 metres to the rear of our property.	Withdrawn	29 March 2019
4/06/2019	T180502 - 1	275 Huxtable Road, Pakenham Upper VIC 3810	Development of the land for a habitable outbuilding and development of the land for three (3) outbuildings, generally in accordance with the approved plans	Issued	20 March 2019
4/06/2019	T190058	4 Beaconsfield Avenue, BEACONSFIELD VIC	Development of the land for a maintenance shed associated with a secondary school	Issued	04 February

		3807			2019
4/06/2019	T190114	10 Sutherland Road, Beaconsfield Upper VIC 3808	Building and works associated with an outdoor alfresco	Withdrawn	12 March 2019
5/06/2019	T160422 - PC2	392 Belgrave- Gembrook Road, Emerald VIC 3782	Use and development of the land for a Child Care Centre, vegetation removal and creation of an access to a road in a Road Zone Category 1	Issued	05 April 2019
5/06/2019	T190131	8 Fairwood Rise, Officer VIC 3809	There is a vacant block where we would like to set up a proposed medical centre. No doubt, it will be a great contribution to the community because it should assist to keep it healthy.	Lapsed	08 March 2019
5/06/2019	T190312	70 Grisham Drive, Officer VIC 3809	We require a LAIO planning permit for a Single storey dwelling and garage	Withdrawn	28 May 2019
7/06/2019	T180781	6 Charman Avenue, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Issued	23 November 2018
7/06/2019	T190078	90 Brunt Road, Beaconsfield VIC 3807	Development of two business identification signs	Issued	12 February 2019
11/06/2019	T160679 - PC3	5 Desmond Court, Beaconsfield VIC 3807	2 lot subdivision	Issued	18 October 2018
11/06/2019	T180173 - PC1	16-18 Kings Road, Emerald VIC 3782	Construction of six (6) dwellings on a lot	Issued	25 March 2019
11/06/2019	T180495 - PC1	45 Station Road, Gembrook VIC 3783	Two (2) lot subdivision and removal of vegetation	Issued	29 April 2019
11/06/2019	T190051	85 Army Settlement Road, Pakenham VIC 3810	Development of the land for an outbuilding and associated vegetation removal	Issued	01 February 2019
11/06/2019	T190076	31 Rosebank Lane, Beaconsfield Upper VIC 3808	Amend Section 173 Agreement (W791948V 19/05/2000) under the Planning and Environment Act 1987	Issued	04 February 2019
11/06/2019	T190090	10 Margaret Road, Avonsleigh VIC 3782	Development of the land for alterations and additions to the existing dwelling	Issued	15 February 2019

5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr J Owen Seconded Cr L Wilmot

That the report be noted.

Cd.

6 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

FILE REFERENCE INT1944579

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted.

Attachments

Nil.

Executive Summary:

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings.

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
18/11/19	T180406	Tivendale Road, Officer	Subdivision of Land	Failure to determine	Applicant	Waiting on hearing
23/9/19	T180793	48-50 James Street, Pakenham	Use and Development of Two Offices, Two Retail Premises, Thirty-Six Apartments and a Reduction in Car Parking	Failure to determine	Applicant	Waiting on hearing
15/7/2019	T170722	245 McDonalds Track Lang Lang	Subdivision and removal of native vegetation	Approved	Applicant review of conditions	Waiting on hearing
9/7/2019	T180200	152 & 156 Army Road, Pakenham	Construction of 26 dwellings and native vegetation removal	Approved	Objector	Waiting on hearing
20/6/2019	T180143	37, 39, 41 & 43 Rogers Street Pakenham	Construct 62 Dwellings and native vegetation removal	Refusal	Applicant	Waiting on hearing
29/4/19	T180349	740 Seven Mile Road, Nar Nar Goon	Use and development of the land for a dwelling	Refusal	Applicant	VCAT upheld Council decision – Permit refused
5/9/19	T180303	61-63 Princes Highway, Pakenham	Use and development of a Medical Centre	Objector	Approved	Waiting on hearing

6 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THIER OUTCOMES

Moved Cr J Owen Seconded Cr L Wilmot

That the report be noted.

Cd.

7 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1944077

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Luke Connell

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

Status of active amendments

The following table provides details relating to planning scheme amendments that are currently being processed.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C205	EDM Group	80 McDonalds Track Lang Lang	Rezone part of the land at 80 McDonalds Track, Lang Lang (Lot 3 on PS542732), and Lots 1 and 2 (PS542732) Westernport Road, Lang Lang, from Farming Zone to Industrial 1 Zone, apply Schedule 20 to the Development Plan Overlay to this land and concurrently consider, under Section 96A of the Planning and Environment Act 1987, a planning permit application to subdivide the land at 80 McDonalds Track, Lang Lang into two (2) lots.	Thu 02/11/2017	Mon 18/12/2017	On 22/02/2019 Council received advice from DELWP advising that prior to the Minister considering the amendment, a Bushfire Assessment must be completed and approved by the CFA. The assessment has been prepared and forwarded to the CFA for approval.
C220	Cardinia Shire Council	Beaconsfield Precinct.	Implement the key objectives of the Beaconsfield Structure Plan December 2013 (expires March 2019)	Thu 09/11/2017	Mon 11/12/2017	Council adopted the amendment on 21/05/2018. Awaiting approval from the Minister for Planning.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			by applying the Design and Development Overlay (DDO) to the Princes Highway Gateway Precinct (Proposed DD05), Beaconsfield Point Precinct (Proposed DD06) and Woodland Grove Precinct (Proposed DD07).			
C222	Nilson Noel & Holmes Surveyors P/L on behalf of landowner	85 McNamara Road, Bunyip	<ul style="list-style-type: none"> • Rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (85 McNamara Road) • Apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road) • Apply a Design and Development Overlay Schedule 1 (DDO1) • Delete the Environmental Significance Overlay Schedule 1 (ESO1). 			On 10/12/2018 Council adopted to seek authorisation from the Minister for Planning to prepare an amendment.
C226	Cardinia Shire Council	Lot 5 PS32119 5 67 Whiteside Rd Officer, Lot 2 PS32784 5 130 Whiteside Rd Officer and Lot PP PS74606 4 325 Princes Hwy Officer	Repair inconsistent policy in the Urban Growth Zone Schedule 3 (UGZ3) and the applied Schedule of the Rural Conservation Zone (RCZ) that prevents development in the 3 lots identified from occurring in line with the Officer Precinct Structure Plan (PSP) that was adopted by Council in 2011. The amendment proposes to add a Schedule to the RCZ removing the minimum subdivision requirements for the 3 sites identified, that would otherwise	Thu 22/06/2017	Mon 24/07/2017	On 11/05/2018 Council received advice from DELWP stating that, based on new environmental risk regulations approved via Amendment VC140 on 12/12/2017, further work is required prior to the Minister considering the amendment.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			exist in the provision. This ensures there is a match between the policy intention of the PSP and the provisions in the UGZ3 and the applied zone (RCZ).			
C228	Cardinia Shire Council	Pakenham Activity Centre	Apply the Activity Centre Zone (ACZ) to the Pakenham Activity Centre.			On the 20/05/2019 Council adopted to seek authorisation from the Minister for Planning to prepare an amendment and to re-adopt with minor changes the updated draft Pakenham Structure Plan 2018 and the draft Pakenham Activity Centre Urban Design Framework 2018.
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply the Environmental Significance Overlay (ESO) to Tynong, Bunyip and Garfield to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.	Thu 04/10/2018	Wed 07/11/2018	Exhibition closed. Submissions are under assessment.
C232	Victorian Planning Authority	Officer Precinct	Implement the revised Officer Precinct Structure Plan (Amended February 2018) by making changes to the zone, overlay and ordinance provisions of the Cardinia Planning Scheme.	Thu 22/03/2018	Fri 27/04/2018	VPA adopted the amendment on 15/05/2019. Awaiting approval from the Minister for Planning.
C234	Victorian Planning Authority and Cardinia Shire Council	Pakenham East Precinct	Incorporate the Pakenham East Precinct Structure Plan (PSP) and rezone the majority of land to Urban Growth Zone Schedule 5 (UGZ5) to facilitate the development of the	Thu 18/01/2018	Fri 23/02/2018	VPA adopted the amendment on 10/10/2018. Awaiting approval from the Minister for Planning.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			land generally in accordance with the PSP, and make a number of other consequential changes to the Cardinia Planning Scheme to support the implementation of the PSP.			
C235	Planning Central	145 Rossiter Road, Koo Wee Rup	Rezone land from Farming Zone to Neighbourhood Residential Zone Schedule 1 (NRZ1). Apply a Development Plan Overlay Schedule 22 (DPO22), and corrects the mapping of the Heritage Overlay for the adjacent heritage property 'Shepton Mallet'.			On 10/12/2018 Council adopted to seek authorisation from the Minister for Planning to prepare an amendment.
C237	Cardinia Shire Council	Multiple addresses	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct ordinance errors.	Thu 07/06/2018	Thu 19/07/2018	On 17/09/2018 Council resolved that the amendment be submitted to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	Rezone to General Residential Zone (Schedule 2) and introduce a Development Plan Overlay (DPO), a site specific Environmental Audit Overlay (EAO) and remove the Environment Significance Overlay 1 (ESO1). An ICP will be implemented at a later stage.			On 15/10/2018 Council adopted to seek authorisation from the Minister for Planning to prepare an amendment. On 14/03/2019 DELWP requested additional information. DELWP's request is being reviewed.
C242	Cardinia Shire Council	Pakenham Activity Centre	Introduce a permanent Heritage Overlay for the following places	Thu 09/08/2018	Fri 07/09/2018	A Panel Hearing was held on 27 and 28 March 2019. Council received the

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<p>identified in the 'Pakenham Structure Plan Heritage Review (February 2018)'. <ul style="list-style-type: none"> • H0279 18A Henry Street, Pakenham • H0281 49 James Street, Pakenham • H0283 39 Main Street, Pakenham • H0284 62 Main Street, Pakenham • H0285 84 Main Street, Pakenham • H0286 90-92 Main Street, Pakenham • H0288 1-7 Station Street, Pakenham • H0290 23 Rogers Street, Pakenham • H0287 11, 14, 17 & 5-19 Rogers Street, Pakenham • H0291 1-23 Dame Pattie Avenue, Pakenham • H0291 2-18 Dame Pattie Avenue, Pakenham • H0292 3-10 Henty Street, Pakenham • H0227 6 Henty Street, Pakenham • H0293 5-21 James Street, Pakenham • H0293 6-32 James Street, Pakenham • H0293 1 Snodgrass Street, Pakenham • H0228 21 James Street, Pakenham </p>			panel report on 30/04/2019.
C244	Cardinia Shire Council	Pakenham Activity Centre Parking Precinct	Implement the key objectives of the Pakenham Parking Precinct Plan (May 2018) by applying the Parking Overlay	Thu 04/10/2018	Tue 06/11/2018	On 18/02/2019 Council resolved to refer all submission to an independent planning panel. No requests to be heard

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			to the Pakenham Activity Centre.			were received by the Panel, therefore a formal hearing was not held. Council received the panel report on 29/04/2019.
C245	Mesh Urban Planning & Design	Cardinia Road Employment Precinct	Under Part 20(4) change Urban Growth Zone (UGZ) Schedule and make APA a recommending referral authority to allow residential village development.			On 29/05/2019 Council received notification from the Minister for Planning that he has decided to refuse the request. With the recommendation to consider this as part of a broader strategic review of the Cardinia Road Employment Precinct Structure Plan.
C250	Cardinia Shire Council	Cardinia Shire	Implementation of Cardinia Planning Scheme Review 2018.			On 10/12/2018 Council resolved to endorse the Cardinia Planning Scheme Review and seek the authorisation of the Minister for Planning to prepare Amendment C250.

7 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr J Owen Seconded Cr L Wilmot

That the report be noted.

Cd.

Meeting closed at 7:32pm

Minutes Confirmed
Chairman