



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 3 FEBRUARY 2020

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 3 February 2020
The meeting commenced at 7:01pm

PRESENT: Mayor, Jeff Springfield, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen, Collin Ross, Ray Brown, Graeme Moore, Leticia Wilmot, Brett Owen

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

APOLOGIES:

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 AMENDMENT C250 - REVIEW OF THE MUNICIPAL STRATEGIC STATEMENT

FILE REFERENCE INT206008

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Anita Ransom

RECOMMENDATION

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C250.
2. In accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to an independent planning panel to be appointed by the Minister for Planning.

Attachments

- | | | |
|---|--|-----------|
| 1 | Copy of Documents - Amendment C250 | 213 Pages |
| 2 | Copy of Submissions - Circulated to Councillors only | 18 Pages |

EXECUTIVE SUMMARY

Amendment C250 seeks to make changes to update the Municipal Strategic Statement (MSS) in the Local Planning Policy Framework (LPPF).

The amendment was placed on exhibition from 14 November to 16 December 2019 and eight (8) submissions were received.

Two (2) of the submissions were supportive of the amendment and one (1) had no objection to it. Five (5) of the submissions seek changes to the amendment and therefore it is required to be referred to an independent planning panel appointed by the Minister for Planning.

BACKGROUND

Under Section 12B of the *Planning and Environment Act 1987*, every Municipal Council must review its planning scheme within one year after approving a Council Plan that is required under Section 125 of the *Local Government Act 1989*.

The review of Cardinia Planning Scheme was completed and endorsed by Council on 10 December 2018 and was then submitted to the Minister for Planning for consideration.

The review identified sixty-one (61) actions to update the MSS in the Local Planning Policy Framework (LPPF) of the Cardinia Planning Scheme. Amendment C250 seeks to implement the changes to the MSS.

Authorisation to prepare the amendment was granted by the Minister for Planning on 21 August 2019, subject to conditions.

POLICY IMPLICATIONS

Amendment C250 seeks to make a number of changes to the MSS to ensure it is consistent with the Council Plan, the Liveability Plan, Pedestrian and Bicycle Strategy, Casey Cardinia Visitation Strategy, Arts and Cultural Facility Feasibility Study, Equestrian Strategy, and Play Space Strategy.

A number of relevant State government policies have also been reviewed to identify any areas where the Cardinia Planning Scheme is inconsistent with these policies.

RELEVANCE TO COUNCIL PLAN

As part of the review of the Cardinia Planning Scheme, an analysis against the relevant sections of the Council Plan was undertaken. The current policy in the MSS is based on the previous Council Plan (2013), and so the most current Council Plan (2017) was reviewed and changes made to the MSS to ensure that it is consistent with the current Council Plan. This was outlined in detail in the review of the Cardinia Planning Scheme.

CONSULTATION/COMMUNICATION

The review of the Cardinia Planning Scheme was placed on public exhibition for six (6) weeks during July and August 2018, and Amendment C250 is consistent with the changes proposed in that review.

Amendment C250 was placed on exhibition from 14 November to 16 December 2019. A notice was placed in the Pakenham Gazette and letters sent to community groups and township committees, as well as to organisations and individuals who made submissions during the public consultation period for the 2018 review of the Cardinia Planning Scheme. Individual letters were not sent to residents as this would have required a letter to be sent to every owner and occupier within the Shire and would have been a significant cost and resource burden to Council.

A total of eight (8) submissions were received during the exhibition period. Six (6) were from authorities and two (2) were from or on behalf of landowners.

Summary of authorities' submissions:

Authority	Summary of submission	Response
South Gippsland Shire (Submission 1)	Support the inclusion of the recognition of the Great Southern Rail Trail.	Noted.
Department of Job, Precincts and Regions (Submission 1)	Request updates to the Extractive Industries Interest Area be updated to show all current work authorities.	Agree. Department of Jobs, Precincts and Regions have agreed to provide an updated map.

2)		
Department of Transport (Submission 3)	Supports the recognition of the Great Southern Rail Trail as well as overall support to increase the DDA compliant walking and cycling networks within the municipality.	Noted.
Victorian School Building Authority (Submission 4)	No objection.	Noted.
EPA (Submission 7)	<p>The MSS needs to address the protection of industrial land and associated industrial activities, including the need to maintain appropriate separation distances under Clause 21.01-2 Key influences and Key issues.</p> <p>Sites of interest to the EPA, for which specific land use planning measures are required in order to ensure that the risk of pollution to the environment and human health are adequately addressed, need to be mapped on the Strategic Framework Plan. This includes significant industrial sites and major hazard facilities.</p> <p>Managing the encroachment of residential development into industrial areas needs to be noted, and an assessment against EPA Publication 1518, Recommended Separation Distances for Industrial Residual Air Emissions should be conducted to ensure that</p>	<p>It is considered that the MSS could better address protection of industrial land from sensitive uses, the recognition of major hazard facilities (Lang Lang Gas Plant), as well as other infrastructure and uses such as gas pipelines and quarries (as raised in Submission 8).</p> <p>It is considered that the best way to do this would be to include future strategic work in the MSS as this needs further consideration and consultation with the EPA.</p> <p>This map is a high level map showing the range of environments and land uses within the Shire. It is considered that it could be updated to more clearly identify industrial land, and the one major hazard facility that are located within Cardinia Shire.</p> <p>Support. As outlined above, it is considered that the MSS could better address this issue.</p>

	<p>adequate separation distances are maintained and protected.</p> <p>Ensure that the recommendations of Ministerial Direction No. 1 (MD1) – Potentially Contaminated Land have been adhered to (e.g. where industrial land is changing to a more sensitive land use). This Direction should be considered in detail when sites for the development of sensitive land uses are identified, investigated and planning changes proposed.</p> <p>Consider undertaking a stocktake of contaminated land to inform the application of the Environmental Audit Overlay (EAO) particularly to those areas previously used for industry that are transitioning to more sensitive uses.</p>	<p>Ministerial Direction No. 1 requires consideration as part of any amendment which proposes to rezone land that might be contaminated. It is considered unnecessary to include this in the MSS as it is a requirement of the amendment process.</p> <p>As discussed above, it is considered that this could be included as future strategic work.</p>
<p>APA VTS Australia (Submission 8)</p>	<p>Request the inclusion of policy to address the strategic significance of the Morwell-Dandenong, the Longford to Dandenong, the Pakenham-Wollert and the Pakenham lateral pipelines, so that this infrastructure can be afforded due policy consideration when significant land use changes and development are being considered.</p>	<p>It is considered that it is appropriate to include additional policy to address this issue, and therefore this request is supported.</p> <p>It is also considered that as part of the future strategic work to be listed in response to the EPA submission, gas pipelines could also be given further consideration.</p>

Summary of landowners submissions:

Submission #	Summary of submission	Response
5	Does not support projection in relation to population in the growth area, and population growth in the remainder of the	<p>These statistics are based on information from Council's Community Planners.</p> <p>It is also noted that the statistics for population</p>

<p>shire, which would be considerable, is not included.</p> <p>Does not support policy that encourages the investigation of potential locations for a third airport in Melbourne's South East.</p> <p>Requests additional policy to investigate planning overlays for the purposes of a nature link along Cardinia's waterways, investigation of preparation of a planning scheme amendment for an Environmental Significance Overlay for the Bayles area, and to support the proposed Healesville to Phillip Island Naturelink Plan.</p> <p>Does not support the inclusion of providing additional industrial land to the south of the township to encourage local employment as the Officer to Pakenham Employment precincts will provide sufficient employment.</p> <p>Koo Wee Rup should be preserved as a special environmental area and should include:</p> <ul style="list-style-type: none"> • Investigate opportunity in conjunction with Melbourne Water to provide land of about 100 acres to create demonstration site of the former great Koo Wee Rup Swamp. • Investigate the preparation of a planning scheme amendment in conjunction with Melbourne Water for an Environmental Significance Overlay for the entire length of Yallock Outfall and Yallock Creek • Recognise that The Yallock 	<p>growth for the Shire outside the growth corridor is not included as this population is not expected to increase significantly.</p> <p>This policy already exists within the MSS and it is not being altered as part of this amendment.</p> <p>Council's Environment team is currently preparing a Biolinks Strategy. Community consultation is proposed for later in the year, and the submitter is encouraged to submit to this strategy as it relates to this request.</p> <p>This policy already exists within the MSS and it is not being altered as part of this amendment.</p> <p>This would be a significant undertaking, and at this time it is unlikely that Council and Melbourne Water are resourced to do this.</p> <p>The MSS (under Clause 21.01-1 Environment) recognises that the Koo Wee Rup Swamp area is an area of Environmental Significance and that this needs to be protected. As these waterways are Melbourne Water managed there would need to be further discussion with Melbourne Water as to whether it would be appropriate to include these waterways in an Environmental Significance Overlay.</p>
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	<p>has a high environmental value</p> <p>Investigate the preparation of a planning scheme amendment for a Heritage Overlay for Bayles.</p>	<p>It is proposed to include under Clause 21.02-2 Landscape the following further strategic work:</p> <p>"Undertake a cultural landscape assessment of the Cardinia Western Port Green Wedge to consider the cultural landscape significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline, including consideration of Indigenous history, the drainage of the swamp, former railway lines and the Soldier Settlement period".</p>
6	<p>Seek to include policy to allow for the possible future upgrade of Lakeside Boulevard Neighbourhood Activity Centre to a Major Activity Centre, as contemplated in the Cardinia Road Precinct Structure Plan.</p>	<p>Not supported.</p> <p>There are a number of development opportunities in Pakenham and Officer Major Activity Centres, and so at this time, this is where major development opportunities are being directed.</p>

FINANCIAL AND RESOURCE IMPLICATIONS

The review of the MSS is part of the work plan for the Planning, Strategy and Urban Design unit and officer time has been allocated to undertake this review.

CONCLUSION

Amendment C250 was placed on public exhibition from 14 November to 16 December 2019.

Eight (8) submissions were received, including five (5) that requested changes to the amendment and therefore the amendment is required to be referred to an independent panel appointed by the Minister for Planning.

1 AMENDMENT C250 - REVIEW OF THE MUNICIPAL STRATEGIC STATEMENT

Moved Cr G Moore Seconded Cr C Ryan

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C250.
2. In accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to an independent planning panel to be appointed by the Minister for Planning.

Cd.

2 BUILDINGS AND WORKS & NATIVE VEGETATION REMOVAL ASSOCIATED WITH A TELECOMMUNICATIONS FACILITY

FILE REFERENCE INT206652

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Emma Brennan

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T190287 be issued for buildings and works and native vegetation removal associated with a telecommunications facility at 145 High Street, Guys Hill VIC 3807 subject to the conditions attached to this report.

Attachments

1	Locality Map	1 Page
2	Development Plans	28 Pages
3	Copy of Objections and Petition - Circulated to Councillors only	18 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190287
APPLICANT:	Patrick Armstrong
LAND:	145 High Street, Guys Hill VIC 3807
PROPOSAL:	Buildings and works and native vegetation removal associated with a telecommunications facility
PLANNING CONTROLS:	Rural Conservation Zone Schedule 2 Bushfire Management Overlay, Environmental Significance Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land. Six (6) objections were received and a petition.
KEY PLANNING CONSIDERATIONS:	Telecommunication facilities, visual impact, rural and landscape character, site location, proximity to dwellings.
RECOMMENDATION:	Approval

BACKGROUND:

There is no relevant planning history for this site.

SUBJECT SITE

The site is located on the North West side of High Street approximately 55 metres north of Borchardt Street in Guys Hill. The site is irregular in shape with an overall area of 3.507 hectares. The site is undulating with no easements burdening the property.

The site is a rural property with extensive vegetation located throughout the land. The site contains a number of buildings in the south west (Borchardt Street Road frontage) portion of the site, including a dwelling with access provided by crossovers west side of the property's frontage.

The main characteristics of the surrounding area are:

North: The land to the north includes a rural property with a creek and established vegetation with some cleared areas with limited buildings well separated from the subject site.

South: The land abutting the south include the High Street reserve with a gravel road surface and established roadside vegetation. Properties further south include rural properties with extensive remnant vegetation with a dwelling separated by approximately 185 metres

East: The land to the east includes a rural residential property with dwelling setback approximately 140 -150 metres from the proposed works with some outbuildings and with established vegetation between the common boundary and the dwelling.

West: The land to the west includes a rural residential property with dwelling setback approximately 140 -150 metres from the proposed works with some outbuildings and with established vegetation between the common boundary and the dwelling.

The overall area is a rural landscape with agriculture being the dominant use and a number watercourses and extensive remnant vegetation. The area is undulating providing for a rural landscape with interspersed buildings and infrastructure noted in the surrounding context.

PROPOSAL

The application is for the use and development of a Telecommunications Facility to provide improved mobile and data service coverage for Guys Hill and the surrounding area. The applicant states that after investigating a number of sites, the proposed property was the preferred site in order to meet their needs in regard to coverage and availability as there are no viable co-location opportunities.

The facility will be located in the south east portion of the site with a minimum setback of 12 metres from the High Street frontage and approximately 5 metres from the east boundary. The infrastructure will be located in a compound area of 10 metres by 10 metres.

The telecommunications facility will comprise a 30 metre concrete monopole with triangular headframe and three panel antennas and radio remote units, with the structure providing an overall height of 31.5 metres with ancillary components including and outdoor equipment cabinet

The specific components of the proposed installation are described below:

- A 30m concrete monopole with internal cabling;
- A triangular headframe with mounted panel antennas with the overall height of 31.5metres;
- A 2.4m high chainlink security compound fence (compound area 10m x 10m), with 3m wide access gate; and
- A 3 metre by 2.5 metre equipment shelter at the base of the monopole.

The compound will be accessed from High Street with a gravel access driveway and new crossover. The construction of the telecommunications facility is driven by the State and Federal Funded Black Spot Program.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
 - Clause 11.01-1R Green Wedges – Metropolitan Melbourne
- Clause 12.01-1S Protection of biodiversity
- Clause 12.05-2S Landscapes
- Clause 13.02-1S Bushfire planning strategies and principles
- Clause 19.03-4S Telecommunications
 - Clause 19.03-4R Telecommunications – Metropolitan Melbourne

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-2 Landscape
- Clause 21.02-3 Biodiversity
- Clause 21.02-4 Wildfire management
- Clause 21.04-1 Employment; and
- Clause 21.05-1 Infrastructure provision.

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: core planning provisions
- Clause 52.19 Telecommunications Facility;
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 71.02-3 Integrated Decision Making

- Cardinia Shire's Liveability Plan 2017-2029.

Zone

The land is subject to the Rural Conservation Zone Schedule 2

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1 (ES01).
- Bushfire Management Overlay

PLANNING PERMIT TRIGGERS

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay, a permit is required for the removal of vegetation;
- Pursuant to Clause 52.17 a permit is required for the removal of native vegetation; and
- Pursuant to Clause 52.19, a permit is required to construct a building or carry out works for a Telecommunications Facility.

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 facing High Street

Council has received six (6) objections to date including a petition with 15 signatories.

It is noted that petitions under the *Planning and Environment Act* are unable to be considered as any objection has to clearly state the person's name, address and the reason for the objection and states how the objector would be specifically affected by the granting of a permit. In this case, the issues raised in the petition letter have been raised in specific objectors' letters as such each issue has been addressed.

The key issues that were raised in the objections are:

- Inappropriate infrastructure on a narrow road and potential bushfire emergency impacts.
- Removal of vegetation is inappropriate for the area.
- Negative visual impacts to the landscape and rural character of the area;
- The close proximity of dwellings to the proposed telecommunications facility;

Clause 52.19 has an exemption for proposals relating to the Commonwealth Black Spot program being exempt from notice and review rights, although the removal of native vegetation is not exempt.

REFERRALS

The application was not required to be referred to any external authorities or departments.

DISCUSSION

The proposal is generally consistent with the relevant Planning Policy Framework including Local Planning Policy Framework, the Rural Conservation Zone 2, Environmental Significance Overlay 1, Clause 52.17, Clause 52.19 and Clause 65.

Planning Policy Framework

A number of state and local policies are relevant to this application, including clauses 12.05-2S (Landscape) and 21.02-2 (Landscape), which aim to protect landscapes and significant open spaces that contribute to the character, identity and sustainable environments and ensure the sensitive siting of buildings and other structures having regard to the protection of prominent ridgelines, significant views and areas of remnant vegetation.

Clause 11.01-1R (Green wedges) aims to protect the green wedges of metropolitan Melbourne from inappropriate development, with specific strategies including the protection of areas of environmental, landscape and scenic value and support for development that provides for environmental, economic and social benefits.

Clause 19.03-4S (Telecommunications) aims to facilitate the orderly development, extension and maintenance of telecommunication infrastructure. The clause aims encourage the continued deployment of broadband telecommunications services and ensure that modern telecommunications facilities are widely accessible to business, industry and the community.

The provision of infrastructure to meet the needs of the existing and future community is also highlighted as a key issue in Clause 21.01, and reinforced by Clause 21.05-1 (Infrastructure provision), which encourages the provision of high capacity telecommunications infrastructure.

Although the proposal will be visible within a generally rural landscape, this infrastructure is not uncommon within the wider site context. The simple design of the facility combined with the retention of vegetation has minimised the impact on the rural landscape and provides an appropriate balance between the policy directions of the provision of appropriate telecommunications for the immediate and wider area and the impacts on the surrounding landscape.

Rural Conservation Zone (RCZ2)

A Telecommunications Facility (use specified in 62.01), is a Section 1 use (no permit required) under the Rural Conservation Zone. Buildings and works associated with a Telecommunications Facility are also exempt under 62.02, as long as the requirements of 52.19 are met. The permit trigger therefore lies in 52.19 and therefore an assessment under the provisions of the Zone are not required.

Native Vegetation Removal

The following summarised the development assessment under Clause 52.17 Native Vegetation and Environmental Significance Overlay (ES01).

The vegetation removal proposed by the application requires a planning permit under Clause 52.17 Native Vegetation. The purpose of this clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Council must consider the decision guidelines specified in the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Environment, Land, Water and Planning, 2017) (the 'DELWP Guidelines') as part of the assessment of any proposal to which this Clause applies.

The DELWP Guidelines applicable to the proposed tree removal are:

- (1) *whether the proposed development has been appropriately sited to avoid and minimise impacts on native vegetation, and*
- (2) *whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.*

The proposed development has been appropriately sited to avoid and minimise impacts on native vegetation. Although alternative locations were considered, each of these sites would also result in vegetation removal and did not provide for the most appropriate service coverage. Although this site does not completely avoid vegetation removal the site is located in an area noted as Lowland forest (EVC16) which is of least concern in the Scheme, does provides the best balance between vegetation removal and the provision of infrastructure as such meets the objectives of this clause.

A number of trees require removal including one large tree, the proposed vegetation removal of 0.065 hectares requires a general offset of 0.051 general habitat units with a strategic biodiversity score 0.440. As detailed by the vegetation assessment the development is with the following an assessment of the proposal;

- **Biodiversity Considerations:** The proposed vegetation loss is minimal with the telecommunications facility generally been located to minimise disturbance of vegetation on the site although this was difficult given the extent of vegetation on this site and in the wider site context. The applicant has provided a detailed vegetation assessment and subject to permit conditions will ensure a minimal impact on biodiversity for the site, this is consistent with the requirements of this clause.
- **Offset Requirements:** The submitted information has provided clear indication of the proposed offset requirement of 0.051 general units with a minimum biodiversity score of 0.440 and protection of one large tree. The provision of offsets can be provided through permit conditions.

It is considered that the proposal has avoided vegetation removal where possible as such is considered that the proposal has minimised the vegetation required and will not compromise the overall biodiversity of the site and surrounds, as such meets the purpose of this clause.

Clause 52.19 Telecommunications Facility

Pursuant to Clause 52.19, an application for a telecommunications facility must be assessed against the Telecommunications Code of Practice, the impacts on the adjoining properties and the decision guidelines of the Environmental Significance Overlay. The final two points have previously been discussed and an assessment against the relevant principals of the Code of Practice is provided below:

Principle 1: A telecommunications facility should be sited to minimise visual impact

The facility is generally well setback from the site frontage, common boundaries and neighbouring dwellings, with a minimum 119 from common boundary, and approximately 90 metres from the nearest dwelling. Whilst it is acknowledged that the facility will be visible from adjoining land given the overall 31.5 metre height and undulating topography, the visual impact is not unreasonable in this rural context given its slimline design and appropriate setbacks and siting. Expansive views will still be maintained from adjoining and opposite land. Established vegetation on the subject site will also help to minimise the impact of the facility.

The site is not located within the vicinity of a Heritage Place nor will it be mounted on an existing building. Equipment associated with the facility will generally be screened at ground level and associated feeder cables will be located underground.

The applicant has stated that the proposed monopole is the smallest structure capable of meeting coverage and operational objectives. Having regard to the above, it is considered that the siting of the facility is appropriate.

The rural characteristics of the site will not be compromised given the total area allocated for the facility relative to the land size. While the use and development does not directly relate to the rural land use of the area, it supports the surrounding community through the provision of improved telecommunications infrastructure.

As highlighted in the VCAT case P1101/2013, the simple visibility of the tower from surrounding land does not mean that there is an unacceptable planning or visual impact. VCAT also states that minimising an adverse impact on visual amenity does not mean that the telecommunication pole must be sited so that it cannot be seen by most or many people. Visibility cannot be equated to adverse visual impact. It is the extent to which a development is compatible with the particular location and how policies seek to guide change that is most relevant.

The site's location within a rural area means it is separated from any large concentration of residential dwellings and generally limits the level of visual impact to users of the road and scattered dwellings. The advantages of improved telecommunications services as a result of the facility is considered to outweigh any general loss of visual amenity.

Principle 2: Telecommunications facilities should be co-located wherever practical

To minimise the distribution of such facilities, this site has been selected as there is no existing infrastructure within the immediate area and co-location opportunities are limited as shown by the applicant.

Principle 3: Health standards for exposure to radio emissions will be met

In support of the proposal, the applicant has submitted an Environmental Electromagnetic Energy Report. The report concludes that the maximum EME level calculated for the proposed system is 2.25 V/m; equivalent to 13.47 mW/m² or 0.34% of the public exposure limit, which is considerably lower than the Australian Standard.

Principle 4: Disturbance and risk relating to siting and construction should be minimised

In addition to the EPA requirements, the facility must comply with necessary erosion and sediment control measures. The operation of the facility will not produce waste, which would require collection or disposal.

A condition of approval will require that all earthworks be undertaken in a manner to prevent soil erosion and that all works must be appropriately stabilised.

Noise and vibration emissions associated with the proposed facility are expected to be limited to the initial construction phase. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. The applicant has advised that on-going noise emanating from the equipment is comparable with a domestic air conditioning unit, which is not unreasonable in this rural setting.

Response to Objections

Seven objections, including one petition have been received to date. It is noted that Clause 52.19-3 states:

An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the Telecommunications facility is funded, or partly funded, by:

- *The Commonwealth through the Mobile Black Spot Program;*
- *or The State of Victoria.*

This facility is funded under the Mobile Black Spot Program as such any issue with regard to the telecommunications facility is exempt from review and rights, the application was advertised due to the native vegetation removal.

A response to the key issues and concerns is provided below:

Inappropriate infrastructure on narrow road

The objectors raised concerns with this type of infrastructure being on a narrow road and the potential maintenance or trucks protecting the asset in a bushfire causing issues and any obstructions in this location will impact on the evacuation of the area.

The proposed use does not require significant maintenance and the proposed facility has been offset from the road allowing any maintenance vehicles to be accommodated on the site and will not pose a threat to surrounding residents. The proposed infrastructure will improve communications in the area, which will provide vital infrastructure in a bushfire emergency and will not impact on surrounding properties evacuation.

Native Vegetation removal

The objectors raised concerns with the amount of vegetation removed for the erection of the facility.

This issue has been discussed above, although the proposed facility that is required in this location, as part of the Commonwealth Black Spot program, will be over an area of 10 metre by 10 metres, the vegetation removal has been minimised to accommodate the infrastructure. This can be appropriately offset to allow an appropriate balance between providing vital communications infrastructure and the removal of native vegetation.

The applicant has considered several other suitable sites in the location and whilst some of these sites were void of native vegetation, the visual impact would have been considered inappropriate. Furthermore, the applicant has determined that coverage will be better achieved at the subject site.

Visual Impact

Whilst it is acknowledged that the facility will be visible from adjoining land, it is not considered to have an unreasonable adverse impact given the setbacks from title boundaries and nature of the surrounding rural allotments. The facility will be setback approximately 90 metres from the nearest dwelling, which is surrounded by vegetation and is not unreasonable in this rural context. Expansive views are still maintained to and the proposed infrastructure is partially obscured by the established vegetation along the common boundary.

The simple form of the structure combined with partial screening by established vegetation will help to minimise impact on the immediate and wider site context.

A condition of approval will require that external materials must be non-reflective.

Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as the provision of improved telecommunications coverage supports increased safety, improved social cohesion and economic development.

Decision Guidelines

The proposal is consistent with the PPF and LPPF, the purpose of the zone and relevant provisions. The proposal does not undermine the orderly planning of the area and the siting, design and visual impact of the facility is considered appropriate when regard is given to the social and economic benefits provided by improved and enhanced telecommunications.

CONCLUSION

The proposed facility, comprising a 30 metre high monopole with attached antennas and equipment cabinets has been located in a site which meets visual amenity issues which meets the ability to ensure adequate coverage is achieved. The proposal satisfies the requirements of the Code of Practice for Telecommunications Facilities in Victoria, whilst also addressing coverage deficiencies within the local area.

The proposal is also consistent with the stated objectives of the Cardinia Planning Scheme and, in particular, Clause 52.19 relating to telecommunications facilities. It is not considered to be detrimental to the amenity of the surrounding area, although visible, has been sited and designed to provide an appropriate balance between visual impacts and the provision of improved services for the wider site context.

It is therefore recommended that a Notice of Decision for planning permit T190287 be issued for buildings and works and native vegetation removal in association with a telecommunications facility at 145 High Street, Guys Hill VIC 3807 subject to the following conditions:

CONDITIONS

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
3. The exterior colour and cladding of the telecommunication facility must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the equipment shelter, including the roof, must be of a non-reflective nature.
4. Electromagnetic energy emissions must comply with the Australia Radiation Protection and Nuclear Safer Agency (ARPANSA).
5. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
6. Trees 3, 4, 5, 6 and 7 are approved for removal as recommended in the *Arboricultural Assessment and Report, 145 High Street Guys Hill, 3/9/19 by Tree Logic Ref. 010210*. These trees must be marked onsite prior to removal to provide clear demarcation to trees that will be retained.
7. Tree protection measures described in Section 7 of the *Arboricultural Assessment and Report, 145 High Street Guys Hill, 3/9/19 by Tree Logic Ref. 010210* must be followed and form part of this permit. All references to 'should' in the arborist report are to be considered 'must'.
8. Before works start, a fence must be erected around any tree shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a. vehicular access.
 - b. trenching or soil excavation.
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.
9. Prior to the issue of a Statement of Compliance an *Integrated Land Management Plan* that provides for the protection and management of 0.065 hectares of native vegetation must be submitted to and approved by the Responsible Authority, and registered on title.
 - a. The *Integrated Land Management Plan* must include:
 - i. Location of protected area of native vegetation on a scaled site plan.
 - ii. Wildlife friendly fencing to exclude any stock if present. Wildlife friendly fencing entails:
 1. Plain post and wire fencing design with a maximum of five (5) strands.
 2. Barbed wire strands cannot be used for the top or bottom wires contained in the fence.

3. The bottom wire in the fence must be located 40-60cm above the ground to facilitate movement of small mammals.
 - iii. Control all noxious weed species and environmental weeds (listed in the schedules to the Environmental Significance Overlay). Noxious weeds are not to occupy more than 5% of ground cover within the fenced zone.
 - b. The owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for works in accordance with the endorsed *Integrated Land Management Plan* of this permit.
 - c. The works described in the *Integrated Land Management Plan* must be completed within three months of completion of development/works, and maintained in perpetuity to the satisfaction of the Responsible Authority.

10. Before any native vegetation is removed, to offset the removal of 0.065 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a. A general offset of 0.005 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.245.
 - iii. and 12 large trees
 - b. Evidence that the required offset for the development has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
 - AND/OR
 - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning

Expiry:

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

- a) the development does not start within **two (2) years** after the issue of the permit; or
- b) the development is not completed within **four (4) years** after the issue of the permit.

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

2 BUILDINGS AND WORKS & NATIVE VEGETATION REMOVAL ASSOCIATED WITH A TELECOMMUNICATIONS FACILITY

Moved Cr B Owen Seconded Cr L Wilmot

That a Notice of Decision to Grant Planning Permit T190287 be issued for buildings and works and native vegetation removal associated with a telecommunications facility at 145 High Street, Guys Hill VIC 3807 subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
3. The exterior colour and cladding of the telecommunication facility must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the equipment shelter, including the roof, must be of a non-reflective nature.
4. Electromagnetic energy emissions must comply with the Australia Radiation Protection and Nuclear Safer Agency (ARPANSA).
5. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
6. Trees 3, 4, 5, 6 and 7 are approved for removal as recommended in the *Arboricultural Assessment and Report, 145 High Street Guys Hill, 3/9/19 by Tree Logic Ref. 010210*. These trees must be marked onsite prior to removal to provide clear demarcation to trees that will be retained.
7. Tree protection measures described in Section 7 of the *Arboricultural Assessment and Report, 145 High Street Guys Hill, 3/9/19 by Tree Logic Ref. 010210* must be followed and form part of this permit. All references to 'should' in the arborist report are to be considered 'must'.
8. Before works start, a fence must be erected around any tree shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a. vehicular access.
 - b. trenching or soil excavation.
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained native

vegetation.

9. Prior to the issue of a Statement of Compliance an *Integrated Land Management Plan* that provides for the protection and management of 0.065 hectares of native vegetation must be submitted to and approved by the Responsible Authority, and registered on title.
- a. The *Integrated Land Management Plan* must include:
 - i. Location of protected area of native vegetation on a scaled site plan.
 - ii. Wildlife friendly fencing to exclude any stock if present. Wildlife friendly fencing entails:
 1. Plain post and wire fencing design with a maximum of five (5) strands.
 2. Barbed wire strands cannot be used for the top or bottom wires contained in the fence.
 3. The bottom wire in the fence must be located 40-60cm above the ground to facilitate movement of small mammals.
 - iii. Control all noxious weed species and environmental weeds (listed in the schedules to the Environmental Significance Overlay). Noxious weeds are not to occupy more than 5% of ground cover within the fenced zone.
 - b. The owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for works in accordance with the endorsed *Integrated Land Management Plan* of this permit.
 - c. The works described in the *Integrated Land Management Plan* must be completed within three months of completion of development/works, and maintained in perpetuity to the satisfaction of the Responsible Authority.
10. Before any native vegetation is removed, to offset the removal of 0.065 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
- a. A general offset of 0.005 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.245.
 - iii. and 12 large trees
 - b. Evidence that the required offset for the development has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
AND/OR
 - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning

Expiry:

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

- a) the development does not start within **two (2) years** after the issue of the permit; or
- b) the development is not completed within **four (4) years** after the issue of the permit.

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

Cd.

3 DEVELOPMENT OF THE LAND FOR 2 ADDITIONAL DWELLINGS AT 1 BRIDLE PLACE, PAKENHAM

FILE REFERENCE INT206712

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Evangeline McGauley-Kennedy

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T190486 be issued for the Development of the land for two (2) additional dwellings at 1 Bridle Place, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Development Plans | 8 Pages |
| 2 | Copy of Objections - Circulated to Councillors only | 10 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190486
APPLICANT:	Steven Rees
LAND:	1 Bridle Place, Pakenham VIC 3810
PROPOSAL:	Development of the land for two (2) additional dwellings
PLANNING CONTROLS:	General Residential Zone Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i> , the application was advertised by the placing of a sign on site and notices in the mail to adjoining property owners. Six (6) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Clause 55 – Rescode Car parking Neighbourhood character Site coverage and dwelling density Garden area Amenity Title restrictions and variations
TITLE RESTRICTIONS:	Variation to Restrictive Covenant P878974A – Complies

This variation was sought to amend the wording of the covenant to allow up to three (3) private dwellings to be

constructed on the land and to amend the wording relating to the external walls of a proposed building to being not less than 55 percent brick, brick veneer, stone or like materials.

ZOOLOGICAL/ BOTANICAL/
CULTURAL SENSITIVITY: None

RECOMMENDATION: Approval

BACKGROUND:

The subject site is located on the western side of Bridle Place, approximately 1.2 kilometres from Pakenham Town Centre to the south-west. The site is a rectangular shape with a frontage to Bridle Place of 22.5m and a depth of 35.75m. It is 765sqm in size and currently contains a single storey brick veneer dwelling constructed circa 1990, which is proposed to be retained at the front of the lot. The site is located in an established residential area of Pakenham. The lot was created by instrument AL274734D on 6 August 2014, however was originally dated in the early 1990's.

SITE HISTORY

There are a number of Planning Permit applications affecting this property, including the following:

A Notice of Decision to Grant a Permit relating to T140723 to develop the land for two (2) additional dwellings was decided at a Council Meeting and subsequently granted on 5 June 2015.

The Planning Permit associated with T140723 was issued on 30 June 2015.

Council was made aware that the permit (T140723) was issued in breach of the covenant (P878974A) at the time and legal advice was sought on how to proceed.

An attempt to vary the covenant was made at the time by Planning Permit application T160476 (variation of the covenant). This permit was refused by Council on 8 September 2016.

Subsequent cancellation of Planning Permit T140723 was sought at VCAT on 20 February 2017.

Planning Permit T160280 was applied for the subdivision of the land in accordance with T140723, however due to the cancellation of the permit (T140723), this application was withdrawn on 16 February 2017.

Following all of the above, the restrictive covenant affecting the site (P878974A) was varied by order of the Supreme Court of Victoria on 15 April 2019 and registered on title by instrument AS261109Q on 17 June 2019.

The variation was made pursuant to section 84(1)(c) of the *Property Law Act 1958* (Vic), following Council's refusal to vary the covenant (T160476) and the cancellation of a Planning Permit issued for the development of the land for two (2) additional dwellings (T140723), issued by the Victorian Civil and Administrative Tribunal.

The variation of the covenant modified the wording of the original covenant by:

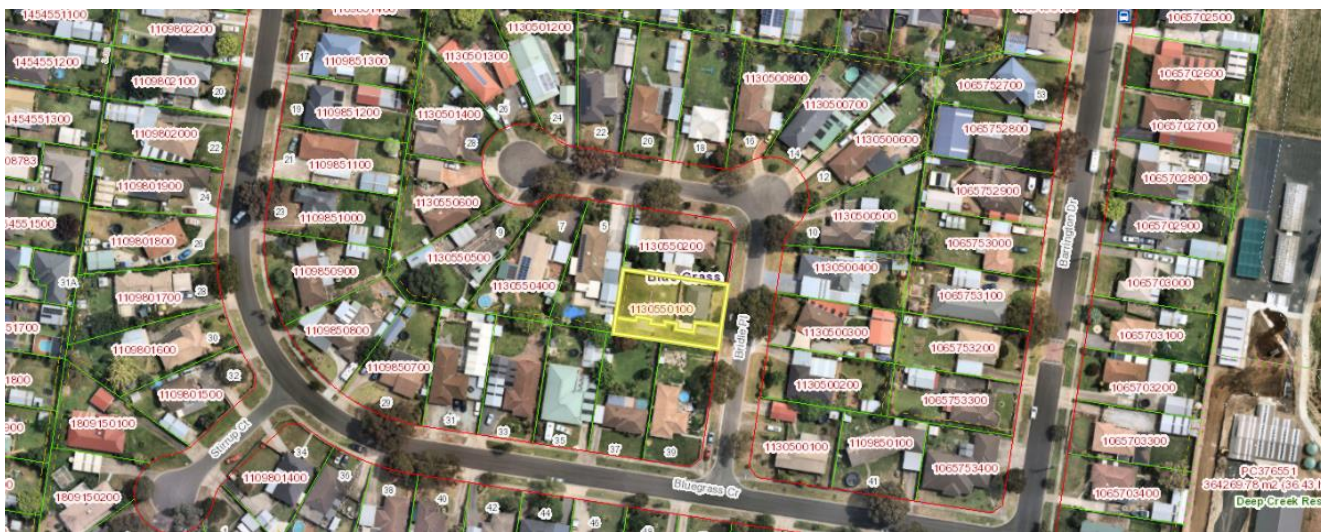
- Deletion of the words "one private dwelling house" and "70"; and

- Insertion of the words “three private dwelling houses” and “55”.

Following the decision of the Supreme Court of Victoria to allow the variation of the covenant, which allowed the development of the land for additional dwellings to proceed, the applicant applied for this current permit on 13 August 2019.

The proposal mirrors the plans originally approved by T140723, and then cancelled, apart from some minor amendments to the driveway and garden area to ensure the application complies with current Planning Regulations.

SUBJECT SITE



The site is located on the western side of Bridle Place Pakenham.

A crossover is located on the eastern alignment of the site and there are two easements along western and southern boundaries.

The site currently contains a single storey brick dwelling.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- North:

Directly north of the site is 3 Bridle Place Pakenham, which is a similarly sized residential allotment containing a single dwelling. Further north are other similarly sized residential allotments containing single dwellings located within Bridle Place. Princes Highway is located approximately 800 metres to the north-west.
- South:

Directly south of the site are 37 and 39 Bluegrass Crescent, which are both similarly sized residential allotments containing single storey brick dwellings. Further south are other similarly sized residential allotments located along Bluegrass Crescent. These allotments all contain single dwellings. In the next street down (Cameron Way) there are a number of allotments containing multiple dwellings (22, 32, 38, 44 and 54 Cameron Way) or two-lot subdivisions (23, 31, 39 and 50 Cameron Way). Pakenham Town Centre

and Train Station are located within approximately 1.4 kilometres and Princes Freeway is located approximately 1.8 kilometres to the south west.

- **East:**
Directly east of the site is the Access Road (Bridle Place). Further east are other similarly sized single dwelling allotments. Deep Creek Reserve and Pakenham Golf Course are located approximately 170 metres to the east.
- **West:**
Directly west of the site is 5 Bridle Place, which is also a similarly sized allotment containing a single dwelling, attached alfresco and shed directly adjoining the boundary with the subject site. Further west are other single dwelling allotments located in Bridle Place. It is noted that there are a number of multi dwelling developments or subdivisions located on Kingston Avenue approximately 230 metres to the west (12A, 12B, 27 and 31 Kingston Ave). Racecourse Road is also located approximately 440 metres to the west providing access to Princes Highway to the north, Princes Freeway to the south and Pakenham Town Centre via Henry Road and Bald Hill Road to the south.

There are nineteen (19) Lots on LP212290W that are affected by the covenant. The covenant has not been varied for these lots and therefore they are still bound by the single dwelling covenant at this point in time.

PROPOSAL

Approval is sought for the development of the land for two (2) additional double storey dwellings, to the rear of the existing dwelling on the lot.

Site layout

The site is rectangular in shape and access to all three (3) dwellings is proposed by a common driveway along the southern boundary and a common crossover to Bridle Place.

The development will comprise of two (2) double storey, two (2) bedroom dwellings, along with the existing single storey, three (3) bedroom dwelling being retained at the front of the site. The proposed dwellings will have a maximum height of between 4.2 metres (existing dwelling) and a maximum height of 7.2 metres (Dwellings 2 & 3) to the peak of the pitched roof(s) measured from natural ground level.

The proposed dwellings provide a contemporary design incorporating brick, rendered facades with porches, along with a mixture of Colorbond and tile roofs (existing dwelling).

The designs takes cues from the restrictive covenant which requires at least 55 percent of the façade to be brick or similar, the character of the existing brick veneer dwelling on the site, as well as the surrounding neighbourhood character, providing for an articulation of facades which adds visual interest and reduces visual bulk.

The dwellings are orientated towards the southern boundary (internal driveway) and the private open spaces are mainly located on the northern alignment of the site.

Site coverage:

The details of the proposed dwellings are as follows:

	Dwelling 1	Dwelling 2	Dwelling 3
Size	105.4 square metres	162.19 square metres	162.19 square metres
Private Open Space	58.2 square metres	54.88 square metres	65.29 square metres

The proposal provides a site coverage of 39.24 percent (excluding driveways and paths) and has 40.26% of permeable area (area of the site not covered by buildings, driveways & paths). Garden area has been provided at 35.6 percent, which satisfies the mandatory requirement for dwellings on lots over 650sqm.

Setbacks:

Both the ground floors of the proposed dwellings have setbacks of 4 metres from the northern boundary and 5.17 metres from the southern boundary. Dwelling two has a setback of 2.02 metres from the western boundary. The upper floors of the proposed dwelling is 4.075 metres from the northern boundary, 2.395 metres from the western boundary and 8.835 metres from the southern boundary.

Dwelling 1 (existing)

The existing single storey, brick dwelling will be retained and located within the front of the allotment, which measures 105.4sqm in size. This dwelling currently contains three (3) bedrooms, one (1) bathroom and an open plan kitchen, living and dining area. An existing single carport is attached to the southern side of the dwelling and a corrugated steel garage previously located to the rear of the allotment has been demolished to accommodate the proposed dwellings to the rear. A tandem space will be provided directly behind the existing carport. Dwelling one will utilise the existing crossover to Bridle Place, located near the southern boundary. This dwelling will share this access with Dwellings 2 and 3.

Dwelling 1 will have 58.2sqm of Private Open Space (P.O.S) with a minimum of 25sqm being Secluded Private Open Space (S.P.O.S), which can be accessed directly from the living areas and has a minimum dimension of 3 metres.

Landscaping is proposed to be incorporated to soften the built form and the existing trees in the front yard are proposed to be retained.

Dwelling 2

Dwelling 2 is proposed directly behind the existing dwelling and will be accessed from the common driveway proposed along the southern title boundary to Bridle Place. The crossover is proposed to be extended to ensure safe access to the rear dwellings. The proposed dwelling will measure 162.19sqm in floor area.

This proposed dwelling will be double storey and constructed with brickwork facade in a red colour, with a rendered finish to the upper level and Colorbond roof in ironstone colour, complying with the restrictive covenant that 55 percent of the external walls must be brick or similar construction.

The design of the dwelling is relatively modest and contemporary in style, incorporating a covered front porch.

This dwelling will contain an open plan kitchen, living and dining area on the ground level, along with laundry and powder room and two (2) bedrooms, a retreat or second living space and one (1) bathroom that can also be accessed from the Master bedroom. An attached single garage is proposed to the east of the proposed dwelling.

Dwelling 2 will be provided 54.88sqm of Private Open Space (P.O.S) with a minimum of 25sqm being Secluded Private Open Space (S.P.O.S), which can be accessed directly from the living areas and has a minimum dimension of 3 metres.

A landscape plan shows that there are adequate opportunities for landscaping within the front and rear of this dwelling and along the common property driveway.

Dwelling 3

Dwelling 3 is proposed directly behind proposed Dwelling 2 and will be accessed from the common driveway proposed along the southern title boundary to Bridle Place. The crossover is proposed to be extended to ensure safe access to the rear dwellings. The proposed dwelling will also measure 162.19sqm in floor area.

This proposed dwelling will be double storey and constructed with brickwork facade in a red colour, with a rendered finish to the upper level and Colorbond roof in ironstone colour, complying with the restrictive covenant that 55 percent of the external walls must be brick or similar construction.

The design of the dwelling is relatively modest and contemporary in style, incorporating a covered front porch.

This dwelling will contain an open plan kitchen, living and dining area on the ground level, along with laundry and powder room and two (2) bedrooms, a retreat or second living space and one (1) bathroom that can also be accessed from the Master bedroom. An attached single garage is proposed to the east of the proposed dwelling.

Dwelling 2 will be provided 65.29sqm of Private Open Space (P.O.S) with a minimum of 25sqm being Secluded Private Open Space (S.P.O.S), which can be accessed directly from the living areas and has a minimum dimension of 3 metres.

A landscape plan show that there are adequate opportunities for landscaping within the front and rear of this dwelling and along the common property driveway.

Visitor car parking and Access

No visitor car parking is required. Dwelling 1 is provided with two (2) car spaces in a tandem arrangement as required for a dwelling with three (3) or more bedrooms. Dwellings 2 and 3 are each provided with an attached single lock up garage.

Access from Bridle Place is proposed via the existing crossover to the property. The driveway is 3 metres in width and will provide access to all three (3) dwellings. The driveway and crossover are to be extended to 6 metres at the entrance to Bridle Place to allow safe access to the rear dwellings past the proposed tandem car space for Dwelling 1.

Landscaping

A landscaping plan has been provided and demonstrates that design and layout of the proposal can accommodate meaningful landscaping along both the driveway and within the rear yards for each unit. The retention of mature trees within the front setback will also have a positive contribution to the streetscape and the appearance of the site.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (SPPF)

The relevant clauses of the PPF are:

- Clause 15.01-2S Building Design
- Clause 15.01-5S Neighbourhood Character
- Clause 16.01-1s Integrated housing
- Clause 16.01-2 Location of Residential Development
- Clause 16.01-3 Housing Diversity
- Clause 18.01 Transport

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing
- Clause 21.03-2 Urban Growth Area

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a Lot and Residential Buildings
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions

Cardinia Shire's Liveability Plan 2017-2029

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

- Improved safety through a strong address to the street and associated passive surveillance frontages
- Reduce obesity through the use of common park areas such as nearby Deep Creek Reserve and decreased dependency on cars to encourage walkability within close proximity to public transport routes.
- Reduce financial vulnerability through providing housing diversity and smaller, more affordable housing (i.e. elderly, retirees, singles and young families), wanting to stay within the community and local area.

Zone

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

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for two additional dwellings requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-4 of General Residential Zone, a planning permit is required to construct two or more dwellings on a lot. The proposal must also comply with relevant standards of Clause 55 of the Cardinia Planning Scheme.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site

Council has received six (6) objections to date.

The key issues that were raised in the objections are:

- Proposed two storey built form is inconsistent with the existing character of the area
- Loss of privacy
- Noise issued by the increased number of tenants
- Overshadowing of the backyards
- Insecurity created by the tenants
- Increase number of vehicles in the area
- Impacts to infrastructure such as drainage
- Devaluation of properties

EXTERNAL REFERRALS

- No external referrals were required.

It is noted that GIS data and South East Water records show the site has a fire hydrant within 120 metres of the rear of the lot (approximately 49 metres away) which is located in front of 4 Bridle Place. Therefore, notice to the CFA was not required.

INTERNAL REFERRALS

Engineering

The application was referred to Council's Engineering team for their comment. Engineering had no objection to the proposal subject to conditions.

Traffic

The application was referred to Council's Traffic team for their comment. Traffic had no objection to the proposal subject to conditions.

Landscape

The application was referred to Council's Landscape team for their comment. Landscape had no objection to the proposal.

DISCUSSION

The application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed development is determined to be consistent with these requirements.

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure dwelling design achieves attractive and diverse neighbourhoods, and to encourage a diversity in housing, close to activity centres, to meet the needs of future and existing residents.

Clause 15.01-2S (Building Design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 16.01-3S (Housing diversity) has an objective to provide for a range of housing types to meet diverse needs, which is met through a mix of housing types and adaptable internal dwelling design.

Clause 16.01-2S (Location of residential development) has an objective to locate new housing in designated locations that offer good access to jobs, services and transport. Strategies include increasing the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.

Clause 21.03-2 (Urban Growth Area) seeks to ensure greater housing choice, diversity and affordability, coordinate appropriate development of land and ensure that development is well serviced by public and community facilities, as well as infrastructure and jobs.

The proposal is compatible with the residential character from the area, and due to the retention of the existing dwelling, proposed setbacks, height and appropriate location of the proposed dwellings, it is not expected to have any negative impacts on the surrounding residences. The dwellings are modest in design and an adequate amount of garden area and P.S.O.S has been provided to each dwelling. The site coverage is considered reasonable and complies with the requirements of Clause 55.

Landscaping can be provided to provide for shade of canopy trees and to soften the built form. This is consistent with clauses 13.03-1S, 15.01-2S, 15.01-5S, 16.01-2, 16.01-3, 21.03-1 and 21.03-2 that seek ensure that residential development in established residential areas results in a good and safe design outcome, adequate access to services and amenities, responsive to neighbourhood character and is compliant with the standards and objectives of Rescode.

It is considered that the proposal adequately responds to the above and compliments the existing and emerging development pattern of this street and the surrounding area.

Therefore, it is considered that the proposal is consistent with the PPF and MPS as it contemplates development of a previously developed parcel (single dwelling) that will result in infill development near public transport and services.

General Residential Zone – Schedule 1

The purpose of the General Residential Zone includes to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

Pursuant to Clause 32.08-4, a planning permit is required to construct two or more dwellings on a lot. The decision guidelines of this overlay cover a number of matters, such as the purpose of the zone, the pattern of subdivision and its effect on the spacing of buildings, and the objectives, standards and decision guidelines of clauses 55 and 56.

The proposed development provides for a diversity of housing types within close proximity to the Pakenham Township and its services, transport options and employment opportunities. It also respects the existing and emerging residential character of the area, is consistent, and complies with the relevant purposes and decision guidelines of the General Residential Zone.

The surrounding area generally consists of a residential development pattern of multi-unit developments, dual occupancies and conventional single dwelling residential allotments. It is considered that the proposal fits within this range of development patterns while also reinforcing the residential character of the area through appropriate setbacks and spacing between buildings, provision of landscaping and partial retention of existing vegetation.

It is evident that this type of development is suitable for the site given that the restrictive covenant placed on the title in the 1990's, by the original developer has been varied by the Supreme Court of Victoria to reduce the impact that a potentially planning exempt "Rooming House", and to facilitate the objectives of the Planning Scheme to provide for housing diversity within established residential areas.

Planning Scheme Amendment VC110 introduced the mandatory garden area requirement and mandatory height limit in the GRZ1. As the site is over 650sqm, it is a mandatory requirement that there be 35 percent garden area provided across the lot (Clause 32.08-4). The development provides 35.6 percent garden area across the site and therefore complies with this mandatory requirement for lots of its size.

The height of the dwellings also comply with the mandatory height requirement (Clause 32.08-9) under the GRZ1 as the proposed dwellings, although double storey does not exceed 11 metres in height, measuring a total height of 7.12 metres to the peak of the pitched roof.

Although traditionally, development or subdivision of the lots within this residential subdivision has been sparse, there are a few examples of subdivision and development within the immediate area at 22, 32, 38, 44 and 54 Cameron Way and two-lot subdivisions at 23, 31, 39 and 50 Cameron Way respectively. The site and its surrounds are in close proximity to services and transport and the large size allotments present an opportunity to provide for infill development and affordable housing.

As well as the properties listed above, there are many other multi-unit sites in the surrounding streets and across Racecourse Road. Once subdivided, the area of the three (3) proposed lots will be consistent with the subdivision pattern of the surrounding area.

Services within walking distance of the subject site include bus stops in Cameron Way (approximately 200m walk) which provide connection to Pakenham Station and Town Centre, Kindergarten's and Childcare centres in Dunbarton Drive and Public parks, cafes and open space at Deep Creek Reserve.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development accords with the existing and developing neighbourhood character of the area. As previously mentioned the site is on the edge of the Pakenham Town Centre, within an area of dwellings of varies ages (majority constructed between 1980's and present) which include unit developments, small (two-lot) subdivisions and larger single dwelling allotments.

The proposal reinforces the residential character of the area via the deliberate retention of the existing dwelling and its front garden (along with the improvements proposed by the landscape plan). The existing dwelling is in relatively good condition for its age as it has been well maintained throughout the years and the development presents an opportunity for the dwelling and rhythm of the streetscape to be maintained into the future. Retaining the existing dwelling results in the retention of the existing front setback and is able to maintain a sense of the township character of Pakenham. Mature trees within the front setback are proposed to be retained and will form part of a landscape plan required via permit condition.

The proposed dwellings are modest in design, with materials that complement the existing dwellings in the surrounding area. The double storey design is considered consistent with the residential character of the area, and given the design controls in Rescode has been designed to

have a reduced impact on the amenity of the surrounding dwellings in terms of overshadowing and overlooking.

The brick veneer facade and roof design have been chosen to compliment colours and design elements of the existing dwelling, as well as other original dwellings located on neighbouring allotments. This in turn strengthens the neighbourhood and township character.

The large allotment and existing crossover have been utilised to give appropriate and safe access to Bridle Place. It also allows for the separation of built form and will reduce the impact of the double storey rear dwellings in the streetscape. By retaining the existing dwelling in the front, it will also help to present as a single dwelling in the streetscape. Given the number of multi-dwelling developments within the immediate area, it is considered that the design responds and provides balance to the existing and emerging residential character of Pakenham.

The objective of Clause 52.02-3 (Dwelling diversity) is also considered to be met as the proposal provides for both two (2) and three (3) bedroom dwellings to suit people at all stages of life, as the development incorporates both single and double storey dwellings, with easily accessible entrances. The two-storey design also makes better use of private open space and spaciousness between built form, providing for better use of the site and a more useable living arrangement. The simple design will also make the dwellings affordable, which reinforces the some of the objectives of Council's Liveability Plan 2017-2029.

It is also noted that the development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services (electricity, water, gas and sewerage) will be available to the development.

Clause 55.03 Site layout and building massing:

The site layout and building massing generally meets all standards and objectives, including building height, site coverage, permeability, open space, landscaping and safety. All dwellings are single storey and designed and sited to ensure appropriate energy efficiency and access.

Site coverage is considered acceptable as the standard under Clause 55.03-3 mandates a maximum site coverage of 60 percent. The proposed development comfortably meets these with a site coverage of 38.7 percent, which is well under the standard.

Proposed at 40.26 percent the development also comfortably complies with Standard B9, which requires that the minimum permeable area of a site equal to at least 20 percent of the site area. Standard B9 also outlines that the stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999); and
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

A storm water drainage plan has been provided. The plan has been assessed by Council's Drainage Engineer who is satisfied that storm water detention on the site is suitable.

Standard B10 is also met as the proposed design orientates the dwellings to make better use of solar energy. Living areas and private open space have been orientated to the north side of each dwelling, maximising solar access to north facing habitable room windows, with the exceptions of the western P.O.S of Dwelling 1. However, this is considered reasonable due to Dwelling 1's orientation on the allotment. Effort has been made to ensure that the P.O.S is as wide and usable as possible, given the development of the additional dwellings.

Standard A8 is also achieved through the retention of mature trees within the front setback maintaining the landscape character of the neighbourhood.

Safety in design has also been considered with surveillance of Bridle Place offered from Dwelling 1 and entrances to dwellings being clearly visible from Bridle Place or the internal driveway.

Further, an attached garage is provided for each new dwelling providing convenient and secure parking for residents. A carport is provided for the existing dwelling. A minimum setback of 1.5m is provided between habitable room windows and common driveways consistent with Standard B15.

Clause 55.04 Amenity Impacts

The proposal does not vary Standard B6 (Street Setbacks) as the existing dwelling is proposed to be retained.

The proposed dwellings are well setback from the northern boundary due to the proposed P.O.S, with the minimum setback from this boundary at ground level is 4 metres. The second storeys are setback further at 4.075 metres.

Dwelling 3 is setback 2.02 metres from the western boundary, with the second storey being setback further at 2.35 metres. To the south, all new proposed dwellings are setback a minimum of 1.5 metres from the internal driveway and southern boundary. There are no walls proposed to be constructed on boundaries, apart from the future internal boundary between Dwellings 1 and 2. All setbacks comply with Standard B17 of Clause 55.04- 1, including the second storey setbacks, which based on the proposed height 7.2 metres are required to be set at a minimum of 2.29 metres. Within this measurement, eaves, fascia, guttering etc. may encroach into this setback by 0.5 metres. As this setback is proposed at 2.35 metres (including the guttering) and therefore, complies with the standard.

The height and setbacks of the development respect the existing and preferred neighbourhood character and overshadowing diagrams demonstrate that the height will not create significant overshadowing to adjoining properties, limiting the impact on the amenity of existing dwellings within the vicinity.

Based on compliance with Standards B19, B20 and B21 it is demonstrated that there will be no impact on the daylight to existing windows, north facing windows or private open space of the neighbouring lots.

Furthermore, as demonstrated in the plans the design provides adequate setbacks to ensure there is no impact on existing windows, overlooking of private open space or habitable windows via the use of screening and highlight windows (1.7m height) and no significant overshadowing.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access. Given the orientation of the site, north facing windows can and have been provided to each dwelling and its P.O.S.

The proposal also complies with Standard B27, as direct access from a living area to P.O.S has been provided and there is adequate solar access from north facing habitable room windows (living areas).

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area. The proposal is of a good standard of design that responds to the residential character of the area.

No new front fencing is proposed.

The proposed driveways are functional and capable of efficient management. The remainder of the internal side fencing between the two dwellings will be constructed of timber palings to a maximum height of 1.8 metres. There is an existing 2-metre high paling fence on the northern side, which is proposed to be retained with the western and southern title boundaries currently developed with

1.7-metre high paling fences. Conditions will require the remaining fences to be constructed to 2 metres or extensions on the fence to deal with objector concerns.

It is considered that all services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Clause 52.06 Car Parking

As detailed above the proposed development includes one (1) space within a single car garage for the two bedroom dwellings and two (2) spaces (tandem) for the existing three-bedroom dwelling which is consistent with this clause. The proposed design has incorporated internal dimensions for the carport and accessway width is consistent with minimum requirements. Council's Traffic Engineer, deems the development to have suitable space to perform safe vehicle movements. As such, the proposal is consistent with the car parking and access requirements of the Cardinia Planning Scheme.

Development Contributions Plan Overlay

The key purpose of this overlay is to identify areas, which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before the development can commence.

Schedule 1 to this overlay relates to the Pakenham Township Development Contributions Plan. The site is subject to this requirement and therefore a condition requiring the contribution to be made will be placed on the permit.

Variation of Restrictive Covenant

The restrictive covenant affecting the site P878974A was varied by order of the Supreme Court of Victoria on 15 April 2019 and registered on title by instrument AS261109Q on 17 June 2019.

The variation was made pursuant to section 84(1)(c) of the *Property Law Act 1958* (Vic), following Council's refusal to vary the covenant (T160476) and the cancellation of a Planning Permit issued for the development of the land for two (2) additional dwellings (T140723) at Victorian Civil and Administrative Tribunal.

The variation of the covenant modified the wording of the original covenant by:

- a) Deletion of the words "one private dwelling house" and "70"; and
- b) Insertion of the words "three private dwelling houses" and "55".

As discussed above, the application now complies with the Covenant and therefore is considered suitable.

Objector Concerns

- Proposed two storey built form is inconsistent with the existing character of the area

The objectors believe the double storey format of the dwelling is inappropriate particularly at the rear. Bridle Place is dominated by single storey dwellings. Although the double storey built form is not common in the immediate vicinity of the subject site, it is a widely accepted built form in the wider context of Pakenham. It is considered, the absence of double storey dwelling in the area currently, is not be sufficient justification to disallow future double storey development in the area.

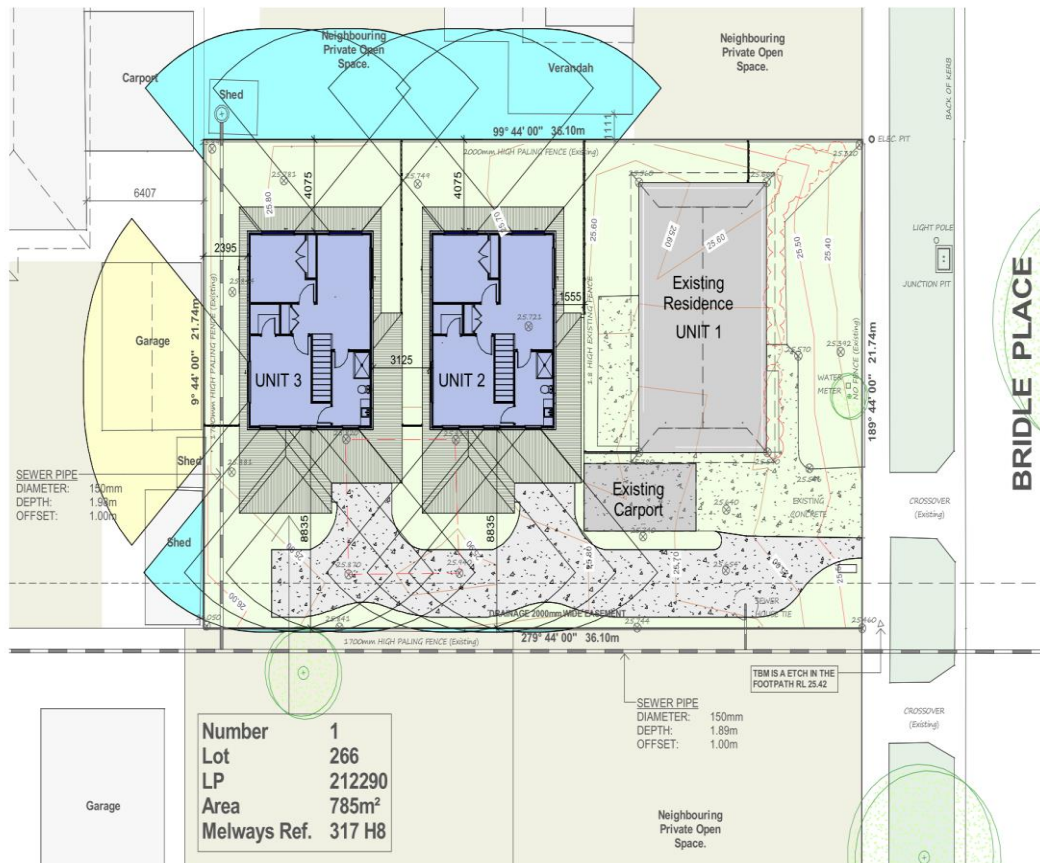
The two storey built form has been broken up with varied ground and first floor setbacks, a variation of building materials between floors (brick and render on the first floor), a ground floor roof form to obscure and reduce the scale of the first floor wall planes and windows to break up the first floor

elevations. The construction materials of brick and rendered walls are common in the area. These factors aid in mitigating and achieving any issues relating to visual bulk and sympathetically integrate the proposal in to the site and its surrounds.

In addition to that, the proposed double storey dwelling meets all setbacks required by the Clause 55. Therefore, the proposed double storey dwelling is considered appropriate for the site.

- Loss of privacy due to overlooking

As discussed above, the proposal has provided overlooking maps that demonstrate the proposal complies with overlooking standards in Rescode. The development has adequately addressed the overlooking issues. The upper storey windows of Dwelling’s 2 and 3 contain windows that have a sill height of 1.7 metres, and the windows below that height will be constructed with obscured glazing. Therefore, the proposal successfully complies with the requirements of Clause 55.04-6 overlooking objective.



Overlooking Plan

Further to the issues of overlooking, it is noted that the properties directly adjoining the double storey dwellings will have views into their P.O.S further reduced by structures or vegetation, which exists on each adjoining site. Although it is a valid planning concern to raise issues of overlooking where a double storey development is proposed, Rescode adequately addresses these issues by requiring the obscuring, screening or height of windows in order to ensure that there is no adverse impact to the amenity of neighbouring lots.

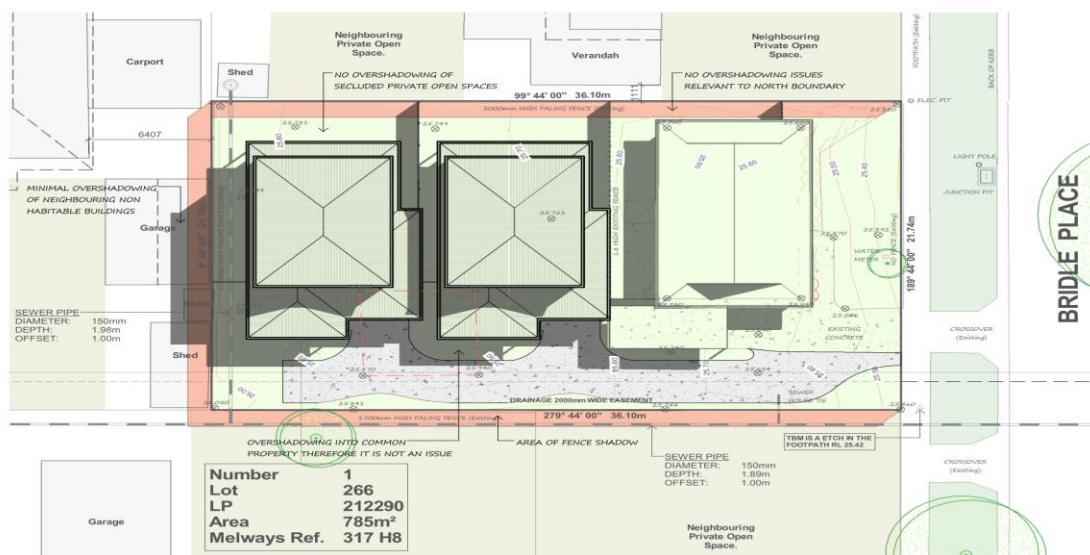
In this instance, all rooms facing the neighbouring properties concerned that their privacy may be at risk, are habitable room windows, and are required to provide these measures. Whereas non-habitable rooms or windows to spaces such as stairwells are not required to do so, which would cause greater impact to neighbouring lots privacy which would not be considered acceptable.

- Noise issued by the increased number of tenants

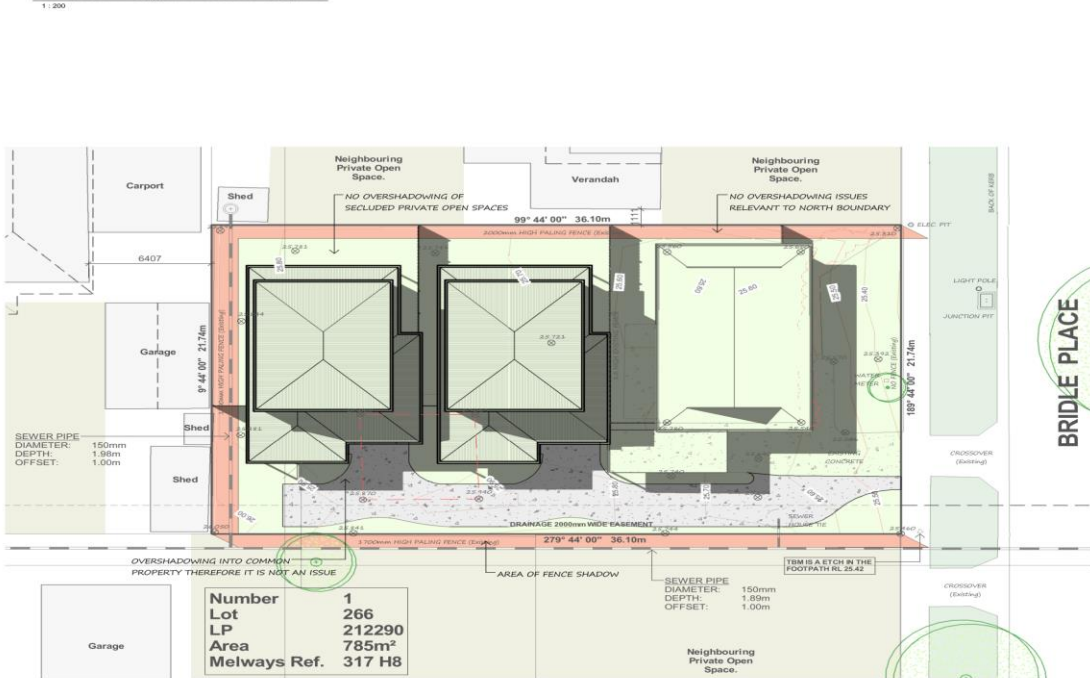
The noise generated by the proposed dwellings will be not different to normal residential noise.

- Overshadowing of the backyards

The objector’s property at No 3 Bridle Place is located on the northern side, the No: 5 Bridle Place property is located on the western side and the properties at No: 37 and 39 Bluegrass Crescent are located on the southern side of the subject site. The shadow diagram provided to Council demonstrates that the objector’s properties will not be overshadowed unreasonably by the proposed development outside the perimeter required by the Clause 55.04-5.



Shadow Diagram 10am Sept 23



Shadow Diagram 3pm Sept 23

- Insecurity created by the future residents

Behaviour of the future residents of these dwelling is not a planning consideration.

Although it is noted that the applicant for the proposal did put forward to the Supreme Court as part of their justification to have the single dwelling covenant varied, that the landowner could construct a Rooming House in accordance with Clause 52.23 (Rooming House) without the need to apply for a Planning Permit. The Supreme Court agreed that the construction of a 'Rooming House' would have far greater amenity impacts to the surrounding dwellings compared to the development of two additional, albeit double storey dwellings.

Council cannot speculate that this would be the case, however it is agreed that the design of the two additional dwellings complies with almost all standards of Clause 55, and therefore, is considered to have been appropriately designed to manage all aspects, which can be controlled by the Planning Scheme.

- Increase in number of vehicles in the area

The proposed dwellings are two bedrooms dwellings; therefore only require one (1) car parking space per dwelling in accordance with the table to Clause 56.02. The proposal provides one (1) space per proposed dwelling, which has been demonstrated to be safely accessed from the internal driveway. The design complies with the standard and Council's Traffic Department has consented to the proposal. The objectors also raise concerns about a property in Bluegrass Crescent who allegedly park a number of vehicles on the nature strip and on the street in Bridle Place and that, the new dwellings will exacerbate this parking issue, however this application cannot seek to remedy an issue with parking for another property. Furthermore, the scale of the development does not require the proposal to include internal visitor car parking, as the threshold is not met. Therefore, it would be unreasonable to ask for this to be provided.

Property owners are entitled to have their own cars or guests cars parked in the street. Although the concern is understood, it is unreasonable for this proposal to remedy this as the design meets the required requirements under the Planning scheme.

- Infrastructure and flooding

Some of the objections raised concerns about potential issues with flooding arising from the proposed development, as the stormwater infrastructure in the street sometimes has issues coping in heavy rain events. This has been taken into consideration and the proposal and the technical information (Stormwater Drainage Plan) has been assessed by Council's Drainage Engineer. Council's Engineers are satisfied that stormwater can be detained on the subject site through the measures proposed by the stormwater plans. It's further noted that the proposal complies with the site coverage and permeability standards required by Clause 55 to mitigate these effects, where additional hard surfacing is proposed.

The site is not specified as being in an area subject to flooding (under the Planning Scheme). Technical detail on stormwater management will be required by permit conditions and plans will still be required to be approved by Council's Drainage Engineers to ensure that there is no detrimental impact of stormwater runoff onto adjoining properties or into the street.

- Devaluation of properties

Devaluation of properties is not a planning consideration.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- Factors likely to contribute to land degradation;
- The quality of stormwater within and exiting the site;
- Effects on native vegetation;
- Potential hazards;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.

The application proposes two (2) second two-storey dwellings, a development which is considered to be in a suitable location that is consistent with the orderly planning of the area because it increases density in a location close to amenities and public transportation. The proposal allows for infill development contained in an established residential area clear of vegetation and therefore it will not affect native vegetation or cause degradation to the land in any meaningful way. Stormwater drainage impacts will be further addressed via permit conditions, although the stormwater plan has already been provided to Council. Therefore, it is considered that the application is consistent with the decision guidelines of all applicable planning controls.

CONCLUSION

The proposed development is consistent with the requirements of the Cardinia Planning Scheme and will not cause detriment to adjoining properties. It is therefore recommended that a Notice of Decision for planning permit T190486 be issued for the Development of the land for two (2) additional dwellings at 1 Bridle Place, Pakenham VIC 3810 subject to the following conditions:

CONDITIONS

Plans required:

1. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be in accordance with the plans prepared by 3D Design Group dated 09/10/19 but updated to 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) 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.
- g) A minimum of one (1) canopy tree within the front setback of Dwelling 1 and the existing tree to be retained.
- h) Landscaping capable of softening the expanse of the driveway provided along the length of the common driveway.
- i) Plantings within the front setback of all other dwellings.

Note: All plantings should have regard for existing easements on the site.

2. Before the development starts, amended drainage plans must be submitted to and approved by the Responsible Authority. The plans must be in accordance with the stormwater drainage plan prepared by Hawthorn Consulting Engineers, Project no. E16875 dated 27/08/15 but updated the alterations (extensions) to the common driveway and crossover, as well as show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

Development Conditions:

3. Before works start, a fence must be erected around any tree shown to be retained on the endorsed plans. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a) vehicular access.
 - b) trenching or soil excavation.
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d) entry and exit pits for underground services.
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
 - f) Mulch the TPZ areas where possible with coarse mulch (e.g. composted wood chips 100mm deep), prior to heavy machinery entering the site.

4. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. 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.
7. 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.
8. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a) Any timber paling fencing shown on the endorsed plans must be repaired or constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - b) The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - c) The areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - d) A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - e) Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - f) The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - g) Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - h) A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - i) A mail box must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
 - j) A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - k) Lighting must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
9. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

10. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
13. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
14. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
15. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
16. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Development Contribution Condition:

17. Prior to a building permit being issued under the Building Act 1993, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

Expiry of permit

In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- (a) The development is not started **two (2) years** from the date of this permit.
- (b) The development is not completed **four (4) years** from the date of this permit.

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

- Before the development starts, consent must be obtained from any relevant or affected authority for any structures or works proposed to be built over or within 1.0 metres of an easement shown on the endorsed plans.
- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

3 DEVELOPMENT OF THE LAND FOR 2 ADDITIONAL DWELLINGS AT 1 BRIDLE PLACE, PAKENHAM

Moved Cr G Moore Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T190486 be issued for the Development of the land for two (2) additional dwellings at 1 Bridle Place, Pakenham VIC 3810 subject to the following conditions:

1. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be in accordance with the plans prepared by 3D Design Group dated 09/10/19 but updated to 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) 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.
 - g) A minimum of one (1) canopy tree within the front setback of Dwelling 1 and the existing tree to be retained.
 - h) Landscaping capable of softening the expanse of the driveway provided along the length of the common driveway.
 - i) Plantings within the front setback of all other dwellings.

Note: All plantings should have regard for existing easements on the site.

2. Before the development starts, amended drainage plans must be submitted to and approved by the Responsible Authority. The plans must be in accordance with the stormwater drainage plan prepared by Hawthorn Consulting Engineers, Project no. E16875 dated 27/08/15 but updated the alterations (extensions) to the common driveway and crossover, as well as show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Development Conditions:

3. Before works start, a fence must be erected around any tree shown to be retained on the endorsed plans. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a) vehicular access.
 - b) trenching or soil excavation.
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d) entry and exit pits for underground services.
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
 - f) Mulch the TPZ areas where possible with coarse mulch (e.g. composted wood chips 100mm deep), prior to heavy machinery entering the site.
4. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. 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.
7. 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.
8. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a) Any timber paling fencing shown on the endorsed plans must be repaired or constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - b) The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - c) The areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - d) A residential standard concrete vehicle crossing/s as shown on the approved plans

- must be constructed to the approval and satisfaction of the Responsible Authority.
- e) Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - f) The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - g) Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - h) A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - i) A mail box must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
 - j) A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - k) Lighting must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
9. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
10. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
13. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
14. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
15. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
16. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Development Contribution Condition:

17. Prior to a building permit being issued under the Building Act 1993, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved

Development Contribution Plan.

Expiry of permit

In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- (a) The development is not started **two (2) years** from the date of this permit.
- (b) The development is not completed **four (4) years** from the date of this permit.

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

- Before the development starts, consent must be obtained from any relevant or affected authority for any structures or works proposed to be built over or within 1.0 metres of an easement shown on the endorsed plans.
- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Cd.

4 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT206108

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
C222	XWB Consulting	85 McNamara Road, Bunyip	Amendment C222 proposes to: <ul style="list-style-type: none"> • rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road), • apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road), • apply a Design and Development Overlay Schedule 1 (DDO1), and • delete the Environmental Significance Overlay Schedule 1 (ESO1). 	Thu 08/08/2019	Fri 06/09/2019	Panel Hearing to be held in the week of 24 February 2020.
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2 PS327845 130 Whiteside Rd Officer and	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	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

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
		Lot PP PS746064 325 Princes Hwy Officer	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 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).			Amendment VC140 on 12/12/2017, further work is required prior to the Minister considering the amendment. A draft Bushfire Development Report (June 2019) was received from Terramatrix. Council Officers have provided a response to the draft.
C228	Cardinia Shire Council	Pakenham Activity Centre	Apply the Activity Centre Zone (ACZ) to the Pakenham Activity Centre.	Thu 24/10/2019	Fri 06/12/2019	A report to consider submissions and request a Panel is being put to Council in February.
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 21/11/2019	Fri 20/12/2019	A report to consider submissions and request a Panel is being put to Council in March.
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	Adopted by VPA 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	Thu 18/01/2018	Fri 23/02/2018	Adopted by VPA on 10/10/2018. A subsequent feedback process was initiated by VPA in mid-October

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			development of the 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.			for consideration of land north of power line easement. The Minister for Planning has decided to send submissions received on the additional notice to a Planning Panel. The Department is currently in the process of writing to the submitters to inform them of the process and dates.
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'.	Thu 27/06/2019	Fri 02/08/2019	A report recommending the amendment be adopted is being put to Council in March.
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.			Preparation documents were submitted to DELWP in December 2019. Awaiting a response.
C240	Cardinia Shire Council	Koo Wee Rup Township	Implement the objectives of the Koo Wee Rup Township Strategy by applying Development Plan Overlays 23 & 24 and			Exhibition to commence in February 2020.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Design and Development Overlays 8 & 9 over various precincts within Koo Wee Rup.			
C241	Cardinia Shire Council	Officer Precinct	Apply a Public Acquisition Overlay (PAO) for signalised intersections on land as per the Officer Precinct Structure Plan (PSP).			On 09/12/2019 Council resolved to seek authorisation to prepare an amendment.
C249	Cardinia Shire Council	Multiple addresses	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct ordinance errors.			Additional work to review the 4 commercial heritage precincts and citations is required.
C250	Cardinia Shire Council	Cardinia Shire	Implementation of Cardinia Planning Scheme Review 2018.	Thu 14/11/2019	Mon 16/12/2019	A report to consider submissions and request a Panel is being put to Council in February.
C257	Cardinia Shire Council	53-65 Woods Street, Beaconsfield	Application of a Development Plan Overlay (DPO).			Drafting a DPO in consultation with the landowner. Liaising with the Country Fire Authority regarding bushfire prone areas.
C260	Minister for Planning	Pakenham Activity Centre	Section 20(4) amendment to extend the expiry date of the Pakenham Activity Centre Incorporated Provisions while Amendment C228 progresses and controls remain in place.			Approved and gazetted on 12/12/2019.
C263	Minister for Planning	Beaconsfield Activity Centre	Section 20(4) amendment to extend the expiry date of the Beaconsfield Structure Plan to ensure that controls remain in place while			19/11/2019: Awaiting approval by the Minister for Planning.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Amendment C257 progresses.			
C264	Cardinia Shire Council	Cardinia Shire municipality	Implement the Advertising Signage Guidelines into the Cardinia Planning Scheme.			A report requesting authorisation to prepare an amendment is being put to Council in February.

4 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr G Moore Seconded Cr C Ryan

That the report be noted.

Cd.

5 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT206676

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 & 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
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	On the 18th December 2019 , Magistrates' Court found the owner guilty of 11 offences, relating to unpermitted vegetation removal and earthworks over a 2 year period. The owner was convicted and fined \$5,000 with Council costs being referred for further hearing. The accused has appealed the conviction and sentence, and on the 31st January 2020 , the County Court will set a date for the future

		hearing of this appeal.
112 Murray Rd, Cora Lynn (JALF:JALF:19463)	Use of the land for the purpose of a dwelling, without a planning permit, and alteration and use of a building (approved by planning permit T020163) contrary to the conditions of the permit.	By consent, the owners: <ul style="list-style-type: none"> - Ceased to use the altered shed as a dwelling, and - Agreed to demolish the works (unless a planning permit is issued, application is pending), and - Paid the costs of the application. <p>This has been reflected in consent orders on 15th January 2020.</p>
1 Walker Street, Koo Wee Rup (OH-SM-19478)	Land that was developed without a permit, in contravention of planning scheme - Heritage Overlay (43.01)	Following a successful prosecution, VCAT enforcement order application commenced and listed for Practice Hearing on 7th February 2020 .

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.

5 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

Moved Cr G Moore Seconded Cr C Ryan

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

Cd.

6 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT206682

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
3/12/2019	T190570	23 Montalto Drive, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Lapsed	26 September 2019
4/12/2019	T180599 - 1	80 Mulcahy Road, Pakenham VIC 3810	Use of the land for a child care centre, development of the land for non-residential uses (child care centre, office & medical centre) and business identification signage	Issued	07 November 2019
4/12/2019	T190346	153 Main Street, Pakenham VIC 3810	Construction and display of pole sign (internally illuminated)	Issued	14 June 2019
17/12/2019	T190709	49 Kenneth Road, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	19 November 2019
17/12/2019	T190730	35 Elwood Avenue, PAKENHAM VIC 3810	Two (2) lot subdivision	Issued	03 December 2019
19/12/2019	T180415 - 1	77-79 Henry Street, Pakenham VIC 3810	Construction of a building and carrying out works, construction and display of advertising signs and sale of packaged liquor	Issued	02 September 2019
20/12/2019	T190306	142 Manna Gum Drive, Pakenham VIC 3810	Development of the land for two (2) dwellings	Withdrawn	28 May 2019
23/12/2019	T190103 - PC1	26 Rogers Street, Pakenham VIC 3810	Development of the land for three (3) dwellings	Issued	14 October 2019
23/12/2019	T190196 - PC1	FY 2/6 Webster Way, Pakenham VIC 3810	Submission of a Carpark Management Plan.	Issued	29 October 2019
24/12/2019	T190698	80 Mulcahy Road (proposed 39 Michael Street), Pakenham VIC 3810	Development of the land for two (2) warehouses and associated works	Issued	15 November 2019
3/01/2020	T190046 - PC1	4 Snodgrass Street, Pakenham	Development of the land for three (3) dwellings	Issued	26 November

		VIC 3810			2019
6/01/2020	T180428 - PC3	Aspen Street, Pakenham VIC 3810	Development of land for nineteen (19) dwellings and subdivision of land	Issued	22 October 2019
6/01/2020	T190010	795 Princes Highway, Pakenham VIC 3810	The use and development of a Childcare Centre and Retail Premises, the development of a Medical Centre (including healthcare retail) and Mixed Use Buildings (including medical, retail and food and drink premises uses), the display of business identification signage (internally illuminated), the creation/alteration to access to a Road Zone Category 1, a variation to the car parking requirements of Clause 52.06, and associated works.	Issued	09 January 2019
6/01/2020	T190492	Station Street, Pakenham VIC 3810	Since our original application we have received planning advice that our operation would best be described as a warehouse selling to wholesale only. We receive timber and bricks and sell timber and bricks to wholesale only.	Lapsed	16 August 2019
7/01/2020	T190740	48 Main Street, Pakenham VIC 3810	Extension to the Existing medical centre towards to the Main street.	Withdrawn	10 December 2019
10/01/2020	T190574	9-25 Swan Street, Pakenham VIC 3810	Subdivision of land	Issued	25 September 2019
13/01/2020	T190724	26 Hampstead Street, Pakenham VIC 3810	Buildings and works (pergola)	Issued	02 December 2019
14/01/2020	T190247	164 Army Road, Pakenham VIC 3810	Multi-lot subdivision	Issued	06 May 2019

Port Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
2/12/2019	T180393 - PC1	5 Mary Street, Bunyip VIC 3815	Section 173 Agreement	Withdrawn	27 June 2019
3/12/2019	T180176 - PC2	McDonalds Track, Lang Lang VIC 3984	Section 173 Agreement	Issued	02 May 2019
4/12/2019	T190507	3 Corporate Terrace, Pakenham VIC 3810	Subdivision of land into two (2) lots and creation of common property	Issued	23 August 2019
4/12/2019	T190529	60 Cameron Road, Heath Hill VIC 3981	Development of the land for a shed associated with agriculture	Issued	06 September 2019
4/12/2019	T190599	68 National Avenue, Pakenham VIC 3810	Development of the land for three (3) warehouses, a reduction in car parking and associated works	Issued	11 October 2019
5/12/2019	T190168	Cambridge Street, Lang Lang VIC 3984	Buildings and works associated with the construction of two (2) dwellings	NOD	26 March 2019
5/12/2019	T190489	130 & 160	Two (2) Lot Boundary Re-Alignment.	Issued	15 August

					2019
		Mynard Road, Bayles VIC 3981			
6/12/2019	T190673	85 Bald Hill Road, Pakenham VIC 3810	Display of business identification signage including pole and illuminated signs	Issued	01 November 2019
10/12/2019	T190258 - PC1	5 Shelton Park Drive, Koo Wee Rup VIC 3981	Subdivision of the land into 8 lots	Issued	10 December 2019
10/12/2019	T190259 - PC1	6 Shelton Park Drive, Koo Wee Rup VIC 3981	Subdivision of the land into five (5) lots	Issued	16 September 2019
11/12/2019	T190332 - PC1	185 Linehams Road, Catani VIC 3981	Condition 1	Issued	02 October 2019
11/12/2019	T190563	66 National Avenue, Pakenham VIC 3810	Development of the land for a warehouse associated with Industry, a reduction in car parking and associated works	Issued	26 September 2019
11/12/2019	T190689	58 Hope Street, Bunyip VIC 3815	Development of the land for an outbuilding (carport)	Issued	13 November 2019
17/12/2019	T190628	Hill Street, Pakenham VIC 3810	Subdivision of the land into 32 lots (in accordance with development permit T180558-1)	Issued	15 October 2019
17/12/2019	T190755	76 Wattletree Road, Bunyip VIC 3815	Development of the land for a dwelling (outside of the building envelope)	Issued	13 December 2019
19/12/2019	T180003 - PC2	44 Exchange Drive (formerly Industrial Drive), Pakenham VIC 3810	Buildings and works for a service station and associated workshop and truck wash, eighteen (18) warehouses and two (2) convenience restaurants; Use of the land for two (2) convenience restaurants; Create and alter access to a road in a Road Zone Category 1; Display of signage including internally-illuminated signs	Issued	22 October 2019
19/12/2019	T180027 - PC3	42-48 Wattletree Road, Bunyip VIC 3815	Subdivision of the land in stages, creation of an easement and the removal of native vegetation	Withdrawn	29 October 2019
19/12/2019	T190374	Hse 4/495 Hall Road, Pakenham South VIC 3810	Development of land for a dwelling (replacement dwelling)	Issued	27 June 2019
19/12/2019	T190532	16 Koolbirra Road, Maryknoll VIC 3812	Use and development of the land for a telecommunications facility (Emergency alerting system)	Issued	06 September 2019
20/12/2019	T190491	2705 Princes Highway, Tynong North VIC 3813	Use of the land for a Camping and Caravan Park	Issued	16 August 2019
20/12/2019	T190642	40 Wallaby Court, Garfield North VIC 3814	Development of the land for an outbuilding	Issued	19 October 2019
20/12/2019	T190685	24 Exchange Drive, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	12 November 2019
20/12/2019	T190720	4A Johanna Court, Pakenham VIC 3810	Development of the land for an outbuilding (shed)	Issued	28 November 2019

23/12/2019	T170440 - PC1	53 Westernport Road, Lang Lang VIC 3984	Condition 1 items of Planning Permit addressed.	Issued	16 October 2019
23/12/2019	T180452 - PC1	Jeffers Road, Cora Lynn VIC 3814	Use and development of the land for a dwelling, outbuildings, rainwater tanks	Issued	04 December 2019
23/12/2019	T190251 - PC1	24 Warren Road, Nar Nar Goon North VIC 3812	Development of the land for an outbuilding (shed)	Issued	18 November 2019
23/12/2019	T190606	23 Water Lily Road, Bunyip VIC 3815	Development of the land for a dwelling	Issued	08 October 2019
23/12/2019	T190680	265 Caldermeade Road, Caldermeade VIC 3984	Development of the land for a building associated with agriculture and associated earthworks	Issued	08 November 2019
23/12/2019	T190713	88 Gainsborough Avenue, Lang Lang VIC 3984	Development of the land for an outbuilding	Issued	19 November 2019
23/12/2019	T190733	13 Garfield Road, Garfield VIC 3814	Adding an accessible toilet to the Garfield Church.	Withdrawn	05 December 2019
23/12/2019	T190738	1825 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815	Development of the land for an agricultural building (machinery shed)	Issued	09 December 2019
23/12/2019	T190780	1850 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815	Use and development of the land for a building associated with agriculture	Issued	20 December 2019
3/01/2020	T190727	50 Mont Albert Road, Garfield VIC 3814	Proposed shed	Issued	03 December 2019
6/01/2020	T180836 - PC1	Centenary Boulevard, Officer South VIC 3809	Subdivision of the land in stages and the development of multi-dwellings in stages including ancillary clubhouse and maintenance shed and associated works in accordance with the approved plans.	Issued	18 September 2019
6/01/2020	T190629	170 Milners Road, Lang Lang East VIC 3984	Development of the land for an outbuilding	Issued	15 October 2019
7/01/2020	T190674	4-16 Tynong Road, Tynong VIC 3813	Development of the land for an outbuilding and associated earthworks	Issued	06 November 2019
10/01/2020	T190644	47 Westernport Road, Lang Lang VIC 3984	Applying for an increase in seating from 80 to 120.	Withdrawn	21 October 2019
13/01/2020	T190560	95 Bassed Road, GARFIELD NORTH VIC 3814	Development of the land for four (4) agricultural sheds (replacements)	Issued	20 September 2019
14/01/2020	T190634	495 Garfield North Road, Garfield North VIC 3814	Use and development of the land for a dwelling and associated works	Issued	17 October 2019
15/01/2020	T190546	105 McConnell Road, Bunyip North VIC 3815	Replacement outbuilding	Withdrawn	11 September 2019

17/01/2020	T190662	15 Knights Court, Tynong VIC 3813	Buildings and works associated with a horse training facility	Issued	30 October 2019
20/01/2020	T190538	9 Tarmac Way, Pakenham VIC 3810	Building and works to construct two (2) warehouse with ancillary office for each premises.	Issued	09 September 2019

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
2/12/2019	T180745	52 View Hill Road, Cockatoo VIC 3781	Development of the land for a dwelling, earthworks and vegetation removal	Issued	12 November 2018
3/12/2019	T170389 - PC2	2 Desmond Court, Beaconsfield VIC 3807	Section 173 Agreement	Issued	15 February 2019
3/12/2019	T190648	31 Church Street, Clematis VIC 3782	Amendment to Planning Permit T160431	Withdrawn	24 October 2019
3/12/2019	T190661	20 Brunt Road, Beaconsfield VIC 3807	Building and works associated with an existing residential village.	Issued	30 October 2019
4/12/2019	T170584 - 2	Bridge Road, Officer VIC 3809	Buildings and works in stages associated with the construction of thirty-four (34) residential dwellings, shops/food and drink premises, offices, medical centres, gymnasium, supermarket, restaurant, internally illuminated signs, use of land to sell liquor and a reduction in car-parking	Issued	18 June 2019
5/12/2019	T130581 - 1	415 Princes Highway, Officer VIC 3809	Multi-lot subdivision and associated works, subdivision adjacent to land within a road zone category 1 and works within the land subject to inundation overlay.	Issued	29 August 2019
5/12/2019	T190607	16 Wong Hee Road, Emerald VIC 3782	Development of the land for an outbuilding (replacement shed)	Issued	08 October 2019
6/12/2019	T130581 - PC2	415 Princes Highway, Officer Victoria 3809	PC2 - (Con. 16 PIP)	Issued	25 January 2019
6/12/2019	T130581 - PC3	415 Princes Highway, Officer Victoria 3809	PC3 - (Con. 13 BDG)	Issued	12 March 2019
6/12/2019	T130581 - PC4	415 Princes Highway, Officer Victoria 3809	PC4 - (Con. 22 LandMP)	Issued	23 July 2019
6/12/2019	T190357	436 Belgrave-Gembrook Road, Emerald VIC 3782	Development of the land for an outbuilding (shed)	Issued	19 June 2019
6/12/2019	T190517	86 Reynolds Road, PAKENHAM VIC 3810	Development of the land for an outbuilding (shed)	Issued	27 August 2019
6/12/2019	T190547	84B Main Street, Gembrook VIC 3783	Use and Development of the land for a dwelling	Issued	10 September 2019
6/12/2019	T190682	195 Mountain Road, Gembrook VIC 3783	Development of the land for an outbuilding (garage)	Issued	09 November 2019

11/12/2019	T130581 - PC5	415 Princes Highway, Officer Victoria 3809	PC5 - (Con. 11 LMP)	Issued	24 January 2019
11/12/2019	T160658 - PC4	18 Bayview Road, Officer VIC 3809	PC4 - (Con. 05 WMP)	Issued	30 October 2019
11/12/2019	T170301 - 1	Bottomley Drive, Emerald VIC 3782	Use and development of the land for a dwelling and earthworks	Refused	07 June 2019
11/12/2019	T190488	25 Eastbourne Crescent, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	15 August 2019
11/12/2019	T190584	159 Red Road, Gembrook VIC 3783	Development of the land for an outbuilding (shed)	Issued	26 September 2019
13/12/2019	T190595	18 Kentwell Road, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	04 October 2019
16/12/2019	T180621 - PC1	125 Peck Road, Officer VIC 3809	Con. 23 Offsets	Issued	11 December 2019
17/12/2019	T160759 - PC1	7 Neville Street, Cockatoo VIC 3781	Construction of a dwelling and associated earthworks, re-subdivision of the land into two (2) lots (boundary realignment) and the removal of vegetation	Withdrawn	09 February 2018
17/12/2019	T180762	30 Starling Road, Officer VIC 3809	Use and development of the land for a place of worship, advertising signage and subdivision of land	Issued	15 November 2018
17/12/2019	T190533	1 Station Street, Officer VIC 3809	Display two promotion signs	Issued	06 September 2019
17/12/2019	T190657	20 Brunt Road, Beaconsfield VIC 3807	Building and works associated with an existing residential village	Issued	29 October 2019
18/12/2019	T190633	315-317 Belgrave-Gembrook Road, Emerald VIC 3782	Business Identification Signage	Issued	17 October 2019
19/12/2019	T180842 - PC1	165 Rainy Hill Road, Cockatoo VIC 3781	Use and development of a dwelling	Issued	11 September 2019
19/12/2019	T190076 - PC1	31 Rosebank Lane, Beaconsfield Upper VIC 3808	Amend Section 173 Agreement (W791948V 19/05/2000) under the Planning and Environment Act 1987	Issued	17 October 2019
19/12/2019	T190635	80 Quamby Road, Guys Hill VIC 3807	Removal of a hazardous tree	Withdrawn	03 October 2019
19/12/2019	T190647	135 Collie Road, Gembrook VIC 3783	Development of the land for an outbuilding	Issued	22 October 2019
20/12/2019	T190392	2290 Gembrook-Launching Place Road, Gembrook VIC 3783	Development of dwelling extension and associated works (buildings and works associated with the existing dwelling and vegetation removal)	Issued	01 July 2019
20/12/2019	T190717	5 Vista Drive, Emerald VIC 3782	Development of the land for an outbuilding (shed)	Issued	26 November 2019

23/12/2019	T180289 - PC2	35 Station Road, Gembrook VIC 3783	Subdivision of land into two (2) lots and vegetation removal	Issued	29 November 2019
7/01/2020	T190360 - PC1	281 277-281 & 285-287 Belgrave- Gembrook Road, Emerald VIC 3782	Use and development of the land for the purpose of an emergency services facility, vegetation removal and alteration & creation of access to a Road Zone, Category 1	Issued	27 November 2019
7/01/2020	T190701	267-271 Belgrave- Gembrook Road, Emerald VIC 3782	Shade Sail to provide Shade for kindergarten	Withdrawn	18 November 2019
10/01/2020	T140500 - PC11	155 Peck Road, Officer Victoria 3809	Attenuation fencing Con. 15 - Subdivision of land, removal of native vegetation and associated works (including road-works) on land affected by the Land Subject to Inundation Overlay	Issued	19 December 2019
10/01/2020	T190697	5 Pinnocks Road, Emerald VIC 3782	Development of the land for an outbuilding	Issued	14 November 2019
13/01/2020	T150670 - 3	96 Brunt Road, Beaconsfield Victoria 3807	Development of the land for thirty-five (35) dwellings, subdivision of land and removal of an easement in accordance with the endorsed plans.	Issued	16 December 2019
14/01/2020	T190655	695 Gembrook Road, Pakenham Upper VIC 3810	Development of the land for an outbuilding (shed)	Issued	25 October 2019
15/01/2020	T180760 - PC1	10 Main Street, Gembrook VIC 3783	Condition 1. Amended Plan of Subdivision	Issued	08 November 2019
15/01/2020	T190254	5 William Street, Emerald VIC 3782	Alterations and additions to existing dwelling and vegetation removal	Issued	06 May 2019
15/01/2020	T190789	17 Eloise Circuit, Officer VIC 3809	Development of the land for a pergola	Withdrawn	23 December 2019
17/01/2020	T180609	16 Lisheen Road, Cockatoo VIC 3781	Development of the land for a dwelling and associated earthworks	Issued	13 September 2018
17/01/2020	T190505	35 Mann Road, Pakenham Upper VIC 3810	Development of the land for a dwelling extension	Issued	22 August 2019
20/01/2020	T190602	64 Second Avenue, Cockatoo VIC 3781	Development of the land for an outbuilding	Issued	03 October 2019

6 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr G Moore Seconded Cr C Ryan

That the report be noted.

Cd.

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

FILE REFERENCE INT206685

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
13/5/2020	T190272	Timbertop Blvd, Officer	Stage 16 Subdivision (13 Lots)	Failure to determine	Applicant	Waiting on hearing
12/6/2020	GE180835	418 Paternoster Rd, Mount Burnett	Existing Use Rights – Use of the land for a Dwelling	Refusal	Applicant	Waiting on hearing
30/3/2020	T180454	900 Princes Highway, Pakenham	Use and development of the land for in stages for a cinema, food & drink premises, medical centre, shops, signage and reduction in car parking	Refusal	Applicant	Waiting on hearing
16/4/2020	T180501	5 Birch Ave & 63 Westlands Rd, Emerald	Re-subdivision of two lots	Refusal	Applicant	Waiting on hearing
24/2/2020	T190026	33 Highland Dr Pakenham	Variation of a restrictive covenant	Refusal	Applicant	Waiting on hearing
18/12/2019	T170516	Merretts Road, Avonsleigh	Use and development of the land for a dwelling, outbuilding, removal of vegetation and associated earthworks	Approved	Applicant review of conditions	Awaiting Decision

18/11/2019	T180406	Tivendale Road, Officer	Subdivision of Land	Failure to determine	Applicant	Awaiting Decision
5/9/2019	T180303	61-63 Princes Highway, Pakenham	Use and development of a Medical Centre	Objector	Approved	Awaiting Decision

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

Moved Cr G Moore Seconded Cr C Ryan

That the report be noted.

Cd.

Meeting closed at 7:12pm

Minutes Confirmed
Chairman