



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 5 DECEMBER 2016

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 5 December 2016
The meeting commenced at pm

PRESENT: Mayor, Brett Owen, Chairman

Councillors Carol Ryan, Graeme Moore, Ray Brown, Collin Ross, Leticia Wilmot, Jodie Owen, Michael Shilling.

Messrs Garry McQuillan (CEO), Mike Ellis (GMAS), Derek Madden (GMCS), Andrew Paxton (GMPD), Jenny Scicluna (GMCWB), Doug Evans (MG)

APOLOGIES:
Cr Jeff Springfield

DECLARATION OF PECUNIARY AND OTHER INTERESTS
Nil.

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1 USE AND DEVELOPMENT OF LAND FOR EXTRACTIVE INDUSTRY (SAND QUARRY) AT 685 MCDONALDS TRACK LANG LANG

FILE REFERENCE INT1691186

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Hugh Pierce

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T160424 be issued for the use and development of land for extractive industry (sand quarry) at 685 McDonalds Track, Lang Lang subject to the conditions attached to this report.

Attachments

1	Locality Plan	1 Page
2	Development plans	3 Pages
3	Copies of objections circulated to councillors only	15 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160424
APPLICANT:	Jack Kraan
LAND:	685 McDonalds Track, LANG LANG VIC 3984
PROPOSAL:	Use and development of land for extractive industry (sand quarry)
PLANNING CONTROLS:	General Residential Zone Schedule 1, Land Subject to Inundation Overlay, Significant Landscape Overlay – Schedule 3
NOTIFICATION & OBJECTIONS:	Notification by mail to surrounding property owners and occupiers in conjunction with notice displayed on the land and a public notice in the newspaper. Six (6) objections were received.
KEY PLANNING CONSIDERATIONS:	State and local planning policies on extractive industry Green Wedge Zone (Schedule 1) Significant Landscape Overlay (Schedule 3) Amenity of neighbors
RECOMMENDATION:	Notice of Decision

BACKGROUND:

No recent previous planning applications relevant to the subject site are evident.

SUBJECT SITE:

The subject site is located on the northern side of Westernport Road, Lang Lang. The site is bound by agricultural land to both the north and east, whilst abuts Steeles Road to the west. The site is approximately 80.67 hectares and is two (2) lots Lot 1 on PS 201593P and Lot 1 on PS 082920.

Access to the site is available via McDonald Track, Steeles Road and Cams Road. The site contains three (3) existing dwellings, one near the eastern boundary, one in the south west corner and one towards the north-west. Multiple outbuildings are located within close proximity of the east dwelling.

Little Lang Lang River South runs through the southern half of the subject site.

Topographically, the land exhibits a modest and gradual downward slope of approximately 3 to 4 metres in a western direction across the site.

The main characteristics of the surrounding area are:

- The properties within the surrounding area of the subject site (north, south, east and west) are mainly used for agricultural purposes with some agricultural lots having dwellings.
- Further to the west is the Lang Lang Township, approximately 4 kilometres.
- Within a 6 kilometre radius of the subject site, there are three (3) sand extraction sites.

PROPOSAL:

Use and Development

The applicant is seeking planning approval for the use and development of site for the extraction and processing of construction and speciality sands. The resultant products will include both washed and unwashed sands.

The proposal will require a fixed processing plant and a mobile plant, with the administration and staff amenities to be located within the existing dwelling to the south-west of the subject site. Additionally, a weighbridge and office will be constructed in the vicinity of the entry point at the corner of the McDonald Track and Steeles Road. This access point is proposed to be upgraded with a rural basis left-turn treatment.

The proposed operating hours of the proposal as follows:

Extraction and Processing:

- Monday to Friday: 7 AM to 6:00 PM; and
- Saturday: 7:00 AM to 1:00 PM

Load out and Sales:

- Monday to Saturday: 4:00 AM to 10:00 PM

There will be no operation or truck movement conducted on Sundays and Public Holidays. The only activities that will be undertaken outside of these hours will be essential maintenance, unless otherwise authorised in advance by the Cardinia Shire Council and/or the Department of Economic Development, Jobs, Transport and Resources.

There is no car parking requirement associated with the use of site, the applicant has noted there will be adequate area of car parking near the site offices and weighbridge.

Once the extraction has been exhausted suitable rehabilitation measures will be applied so that the land is made suitable for future uses.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.04-7 'Green Wedges'
- Clause 11.05 'Melbourne's Hinterland Areas'
- Clause 12.01 'Biodiversity'
- Clause 14 'Natural Resource Management'
- Clause 14.03 'Resource Exploration and Extraction'

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01-4 'Strategic vision'
- Clause 21.04-6 'Extractive Industry'
- Clause 21.02-3 'Biodiversity'
- Clause 21.02-7 'Aboriginal Cultural Heritage'
- Clause 22.02 'Sand Extraction – Lang Lang to Grantville Region'

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.08 'Earth and Energy Resources Industry'
- Clause 52.09 'Stone Extraction and Extractive Industry Interest Areas'
- Clause 52.29 'Land Adjacent to a Road Zone Category 1, or a Public Acquisition Overlay for a Category 1 Road.'
- Lang Lang Township Strategy (2009)

Zone

The land is subject to the Green Wedge Zone Schedule 1

Overlays

The land is subject to the following overlays:

- Significant Landscape Overlay Schedule 3
- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for the use and development of land for extractive industry (sand quarry) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 of the Green Wedge Zone a planning permit is required for the use and development for the land for extractive industry (sand quarry).
- Pursuant to Clause 35.04-5 of the Green Wedge Zone, a planning permit is required for buildings and works associated with a Section 2 use.
- Pursuant to Clause 42.03-2 of the Significant Landscape Overlay, Sub Clause 3.0 of the Significant Landscape Overlay Schedule 3 a planning permit is required for the excavation exceeding 1 metre.
- Pursuant to Clause 44.04- of the Land Subject to Inundation Overlay, a planning permit is required to construct a building or to construct of carry out works.

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site.
- Placing a notice in the Pakenham newspaper.

Council has received six objections to date.

The key issues that were raised in the objections are:

- Protection of residential amenity.
- Noise from the subject site and vehicles.
- Health concerns.
- Impact on the re-sale value and devaluation of land.
- Environmental concerns to the flora, fauna and waterways within the surrounding area.
- Implications on sub-terrain water.
- Extent of notice.

REFERRALS

Aboriginal Affairs Victoria

The application was referred to Aboriginal Affairs Victoria under Section 52 of the Planning and Environment Act 1987. Aboriginal Affairs Victoria did not respond to the proposal.

Department of Environment and Primary Industries

The application was referred to DEPI under Section 55 of the Planning and Environment Act 1987. DEPI had no objection to the proposal.

Environmental Protection Authority

The application was referred to EPA under Section 52 of the Planning and Environment Act 1987. EPA had no objection to the proposal.

Melbourne Water

The application was referred to Melbourne Water under Section 55 of the Planning and Environment Act 1987. Melbourne Water had no objection to the proposal subject to conditions

National Trust

The application was referred to National Trust under Section 55 of the Planning and Environment Act 1987. National Trust did not respond to the proposal.

South East Water

The application was referred to South East Water under Section 55 of the Planning and Environment Act 1987. South East Water had no objection to the proposal.

Southern Rural Water

The application was referred to Southern Rural Water under Section 55 of the Planning and Environment Act 1987. Southern Rural Water did not respond to the proposal.

SP AusNet

The application was referred to SP AusNet under Section 55 of the Planning and Environment Act 1987. SP AusNet did not respond to the proposal.

DISCUSSION

The Lang Lang to Grantville region contains significant sand resources. As current sand resources in the Heatherton-Dingley area become exhausted, the Lang Lang - Grantville area is expected to become the major supply area for Melbourne concrete sand. The aim of the Regional Sand Extraction Strategy is to provide guidelines for “the extraction of the resource and rehabilitation of the site in a manner which protects significant environmental, economic and social values of the area”.

The applicant has undertaken a comprehensive assessment of the issues associated with the proposal as part of the application and the findings of these assessments have been supported by the relevant referral authorities.

The proposal has been assessed in detail in relation to the Regional Sand Extraction Strategy which forms part of a local policy under Clause 22.02 of the Cardinia Planning Scheme, in addition the Work Authority and its boundaries were required to be endorsed under Section 771 of the Minerals Resources Act (Sustainable Development) Act 1990. An endorsed Work Plan has been received as part of this application and as such has been approved by the State Authorities.

A summary of the key issues addresses in the Work Authority No. 6051 Work Plan are outlined below.

Buffers and Screening Bunds

In the northern half of the subject site, there will be a minimum buffer of 20 metre along the western part of the northern boundary and northern part of the western boundary along Steeles Road. The extraction area will be setback at least 160 square metres from the eastern site boundary. Meanwhile in the southern half, the extraction limit will be setback a minimum of 60 metres from the Little Lang Lang River South to the south and a minimum 220 metres from McDonald Track.

Two acoustic bund walls are located within the setback to the northern common boundary whilst one will be located to the south setback to McDonald Track. These acoustic bund walls will be approximately 11 metres high and mitigate against environmental noise impacts upon McDonald Track and the two dwellings on the adjoining land to the north.

Temporary bund walls will also be constructed from material collected from the excavation and will be constructed in advance of excavation in the relevant area. These bund walls will also be removed when the machinery is no longer working on this area.

Soil and Overburden

Top soil and clay overburden depths vary on the subject site. Top soil averages 0.5 metres depth whilst clay overburden averages a 4.5 metre depth.

Top soil will be removed separately from clay overburden and will be used for top dressing acoustic bunds and disturbed areas. It will be stored in temporary bunds up to 2.5 metres high when it cannot be directly deposited in its final location. To minimise erosion and dust generation these bunds will be contoured and vegetated. Additional top soil will also be development into wetlands following extraction whilst surplus soil will be dry processed and sold.

Clay overburden will be used in early site development works for flood protection bunds, acoustic bunds, internal roads, the plant hard stand area and the walls of the slimes storage dam. Following the early stages clay overburden will be used to form slimes storage cells in worked out areas.

Working Method

The operation of the site will involve sand being extracted using long reach excavators and a crawler to depths of around 9 metres below natural ground level. Once collected this material is transported to the processing plant via dump trucks or an overland conveyor system. Any sand collected below this depth will be accessed via a floating cutter suction dredge and transported to the plant via a slurry pipeline.

Noise Control

The applicant has engaged an acoustic consultant, SLR Consulting Australia, to assess the acoustic implications of the proposed quarry. With the number of acoustic bunds both fixed and temporary located around the subject site the consultant determined that the predicted operation noise levels will not exceed a maximum noise level of 46 dB(A). As a consequence the proposal complies with that of the requirements of the October 2011 EPA noise in regional Victoria guidelines at the nearest residential dwelling.

Dust

The applicant has engaged Environmental Science Associated to identify potential sources of dust arising from the development, operational and rehabilitation phases. Subsequently the applicant has prepared a detailed dust management plan in order to protect local amenity and comply with the provisions of the EPA's Protocol for Environmental management – Mining and Extractive Industries.

This plan requires a variety of measures to be undertaken to control dust including using water trucks fitted with spray bars to water unsealed roads and trafficable areas, the use of a water cannon, fixed spray and sprinkler systems to control dust from stockpiles and the processing area, the use of dust suppressants where appropriate, limit vehicles to designated routes and limit speeds to less than 25 kph, covering and wetting down loads before they leave the quarry and prompt clean-up for sediment on internal sealed roads, intersections and public roads.

Provided the dust management plan is satisfied, Environmental Science Associated has advised that the proposal should achieve compliance with the EPA requirements.

Visual Impact

Currently, views of the subject site are attainable from locations along McDonald Track, Steeles Road and Cams Road. It is considered that due to the location of established vegetation that will be retained on the subject site, the topography of the landscape and the addition of bund walls, the proposed operations will be predominately screened from view from land outside of the subject site.

Traffic

The local policy in the Cardinia Planning Scheme in relation to sand extraction provides that the extracted resource is transported to its end use in an efficient and safe manner which protects the amenity of the area and minimizes the impacts on existing service levels.

The applicant has engaged a traffic engineer, Traffix Group, to undertake an assessment of the proposal. This assessment has anticipated a production of 1.5 loads per hour which is the equivalent of 3 truck movements (in and out) per hour. Per annum this equates to 300,000 tonnes.

It is further highlighted by the applicant that the owner of the subject site operates two other sand quarries to the east along McDonalds Track. The proposal will result in less loads of sand being removed from these other two sites, which will result in local traffic maintaining a comparable volume to that at present.

The traffic assessment has also highlighted that as a consequence of the vehicle movement to and from the subject site, that the intersection of Steeles Road and McDonalds Track be upgraded with a rural basis left turn treatment.

Drainage and Groundwater

The local policy in the Cardinia Planning Scheme in relation to sand extraction provides that extraction should not adversely impact on the quality and quantity of groundwater resources in the area to the extent that the beneficial uses of groundwater are reduced.

The application has been reviewed by Melbourne Water and Southern Rural Water who are responsible for groundwater management and drainage in the area. Both authorities have provided no objection to the granting of a permit subject to conditions.

Flora and Fauna

The local policy in the Cardinia Planning Scheme in relation to sand extraction provides that the bio-diversity of flora and fauna in the area be protected and enhanced.

The clearing of native vegetation for mining is exempt from the requirements for a planning permit under Clause 52.17 'Native Vegetation' and Clause 42.03-3 'Significant Landscape Overlay' if "the vegetation is to be removed, destroyed or lopped to enable the carrying out of Stone extraction in accordance with a Work Plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act". The application submitted provides this authority from DELWP.

Cultural Heritage

The applicant has engaged a qualified Aboriginal heritage advisor, Clarkeology, to prepare an assessment as to whether the application requires a Cultural Heritage Management Plan. It is noted that whilst the proposal is classified as a high impact activity in relation to the Aboriginal Heritage Regulations 2007, the subject site is not an area of cultural heritage sensitivity. Therefore, a Cultural Heritage Management Plan is not required.

Rehabilitation

Once the site has ceased use, the site will be returned to pasture for agricultural activities with an open water body. The batters above the water level will be top soiled and revegetated with pasture grasses, the access road to the hard stand area will be retained for future use, disturbed areas will be top soiled and revegetated whilst fencing would also be provided to protect area newly planted indigenous species. The final stage of rehabilitation will result in the removal of the sand processing plant and equipment and the workshop will be retained on-site to support future use of the property.

Objections

The following is a response to all concerns raised within objections to the application that have not already been considered in the discussion.

- Impact on the re-sale value and devaluation of land.

In relation to Planning decisions loss of property values, perceived or actual, cannot form the basis for the rejection of an application.

- Implications on sub-terrain water

The applicant has advised via submitted management strategies that the maximum likely drawdown at any existing stock and domestic bore located 200 metres from the proposed extraction boundary would be about 0.44 metres. For a shallow bore with 15 metres of water above the pump this would result in a 3% loss in available draw down. Furthermore, the applicant has advised that there are only 2 known stock and domestic bores between 200 and 300 metres from the proposal.

It is therefore considered that the proposal will not have an adverse impact on sub-terrain water.

- Extent of notice

It has been highlighted that some residents for whatever reason did not receive notification of the application via the post despite the application being set down to be sent to adjoining allotments. It is however, noted that for those that did not receive notification via the post, the application was advertised via signage along the property boundary and within the local paper. It is therefore considered that Council has satisfied its statutory obligations.

CONCLUSION

The land is in an area identified by planning policy for sand extraction and a number of operations have been approved in the surrounding area. The application provides a comprehensive assessment of operational and environmental issues that justify the proposal.

The application is consistent with the State and Local Planning Policy Framework, zone, overlays and other relevant particular provisions associated with the proposal.

It is considered that the proposal can be supported therefore it recommended that a Notice of Decision for planning permit application T160424 be issued for the use and development of land for extractive industry (sand quarry) at 685 McDonalds Track, LANG LANG VIC 3984 subject to the following conditions:

CONDITIONS

1. Before the use or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a. Floor plans and elevations of all fixed plant and site buildings.
 - b. A stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.
 - c. An Environmental Management Plan covering all aspects of site establishment, extraction operations, rehabilitation and monitoring must be submitted to and approved by the Responsible Authority or referral authorities. The Environment Management Program shall be generally in accordance with the detailed environmental and operational reports submitted with the application and include any additional requirements of the Responsible Authority. The use and development of the land must be at all times in accordance with the Environment Management Plan, and as required by the Responsible Authority, an audit of

the Environment Management Plan must be undertaken by an independent auditor to the satisfaction of the responsible authority every five (5) years.

- d. 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 three copies must be provided. The plan must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surface finishes of pathways and driveways,
 - iv. 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, and
 - v. Landscaping and planting within all open areas of the subject land.

All species selected must be to the satisfaction of the Responsible Authority.

2. Before the use and development starts:
 - a. The intersection of Steeles Road and McDonalds Track must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority, at no cost to Council.
 - b. The extent of Steeles Road must be designed and constructed between McDonalds Track and the entry to the subject site in accordance with plans and specifications approved by the Responsible Authority, at no cost to Council.
 - c. The applicant will have to enter an agreement with Council which provides for the owner's obligation to maintain Steeles Road for as long as the approved use is in operation on the subject site to the satisfaction of the Responsible Authority, at no cost to Council.
 - d. A copy of the approved Work Plan, Work Authority conditions and Work Plan conditions, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990 must be submitted to the Responsible Authority.
3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Within six (6) months the date of issue of this permit, the owner must enter into an agreement with Council which provides for the owner's obligation to pay for the construction of a bypass road for the Lang Lang Township along the alignment of Range Road. The agreement must be to the satisfaction of the Responsible Authority.
5. All security alarms or similar devices installed on the subject land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
6. Before the commencement of the use or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
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. Except with the written consent of the Responsible Authority, the uses may operate only between the hours of:
- Extraction and Processing
- a. 7:00am thru 6:00pm on weekdays (Monday – Friday);
 - b. 7:00am and 1:00pm pm Saturdays.
 - c. Closed on Sundays and public holidays.
- Load out and Sales
- d. 4:00 am thru to 10:00 pm (Monday – Saturday)
9. The use or development:
- a. As shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - b. Must not commence until the “Work Authority” is given in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990.
 - c. Must at all times be in accordance with the approved Work Plan, Work Authority conditions and Work Plan conditions, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990.
 - d. Must not detrimentally affect the amenity of the area, through the:
 - i. Transport of materials, goods or commodities to or from the land.
 - ii. Appearance of any building, works or materials.
 - iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv. Presence of vermin.
10. Prior to the removal of any sand resources from the site, the buffer planting and bund walls and any proposed fencing must be established as shown on the approved plans to the satisfaction of the responsible authority.
11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties. Sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses.
12. 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.
13. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
14. Erosion must be controlled during construction in accordance with the Environment Protection Authority Guideline TG208/90 (as amended) or in accordance with such guideline, policy or role that replaces TG 208/90.

15. Roads, storage areas, external stockpiles and vacant areas must be maintained to avoid dust nuisance to any surrounding property to the satisfaction of the Responsible Authority.
16. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use;
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period; and
 - c. Reinstated to the satisfaction of the Responsible Authority.

Melbourne Water

17. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
18. The 100 Year ARI bund (flood levee) for each stage of the operation is to be designed and constructed by suitably qualified and experienced practitioners /contractors. At each stage of the operations advancement, as constructed survey of the bunds, including re-survey of past stages, is to be submitted to Melbourne Water within one month of the bund construction.
19. Prior to constructing the 'Stage 4 100 Year ARI bund' the flood weirs in the existing Stages 2 and 3 bunds are to be constructed. Detailed design plans of the weirs prepared by a suitably qualified and experienced practitioner are to be approved by Melbourne Water prior to construction of the weirs.
20. Access road crossing of the waterway corridor (from the toe of the 'Operational Area' fill pad batter to the extraction boundary) is to be designed, constructed and maintained to the satisfaction of Melbourne Water.
21. Any conveyor or pipeline crossing of the waterway corridor (from the toe of the 'Operational Area' fill pad batter to the extraction boundary) must be designed and constructed to the satisfaction of Melbourne Water.
22. Diversion of the tributary drain entering the eastern boundary of the property (adjacent to Hance Lane) around the extraction boundary is to be undertaken to the satisfaction of Melbourne Water.
23. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.
24. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for review. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - a. Silt fencing;
 - b. Access tracks;
 - c. Spoil stockpiling;
 - d. Trenching locations;
 - e. Machinery/ Plant locations; and

- f. Exclusion fencing around native vegetation/ habitat.
25. Prior to completion of detailed design of the proposed works, the proponent will need to formally apply to Melbourne Water's Asset Services Team to conduct any works on or near a Melbourne Water asset (including waterways). Prior to undertaking any works, the proposal must be accepted by Melbourne Water and the contractor must be in receipt of a Melbourne Water Permit to Work.
26. Prior to the completion of works, the drainage line running roughly north – south through the eastern side of the site and the associated retarding basin/wetland must be fenced and revegetated for future management and improved water quality of the downstream environment.
27. Melbourne Water has previously required the work authority plan to be submitted to Melbourne Water clearly demonstrating an appropriate exclusion zone to protect any waterways likely to be impacted by extraction activities. The exclusion zone must be of an adequate width so that the extraction activities (vicinity and depth of works) do not affect the local hydrology, geomorphology or ecological values of the waterway. The Hydraulic Assessment Report by Cardno in section 7.2 has conflicting minimum setback requirements for the waterway. The minimum setback distance from the waterway must be 60 metres or greater.
28. Melbourne Water requires fencing along the riparian area to be widened to the track along the toe of the bund prior to works commencing to provide additional protection from impacts of activities within the floodplain and ensure an exclusion zone.
29. Prior to the commencement of works, a copy of the vegetation offset management plan must be submitted to Melbourne Water, showing proposed revegetation, development and management of the offset area within the riparian corridor.
30. Prior to the commencement of works, detailed design of the following must be submitted to Melbourne Water for approval:
- Sediment traps and treatment of proposed connections for overflow to waterway;
 - Swale drains & sediment treatment along access road and bund tracks. Further detail of management & maintenance of sediment traps & swale drains is required to manage WQ of downstream environments;
 - Diversion of drainage line with proposed on line retarding basin or wetland feature and proposed connection to Little Lang Lang River South Branch; and
 - Access road crossing including sediment treatment during construction and post construction.

Environmental Protection Authority

31. Noise emitted from the premises must not exceed the recommended levels as setout in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

Expiry

32. This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit; or
 - If the Work Authority for the use issued under the provisions of the Extractive Industries Development Act 1995 is cancelled in accordance with Section 24 of this Act.

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.

Permit Notes

Melbourne Water

Hydraulics

The need to clarify the ownership and maintenance responsibility for the bunds and flood diversion weirs was previously minuted in discussion, and was to be stated in the hydraulic assessment and dealt with in the planning process. Melbourne Water notes that the hydraulic assessment does not refer to this, nor the mechanism that will be implemented to address this.

The hydraulic assessment contains a number of errors and incorrect statements. For example:

- Figure 7-1 contains a label stating “Minimum setback distance is 60 m” but then the report text states “setback is a minimum of 50 m”.
- There are still some fundamental flaws in the access crossing culvert assessment, however, these issues can be worked out during the detailed design prior to construction, however it makes it difficult as it has been assumed that the concept in the report is the final accepted solution.

River Health

The rehabilitation plan and Groundwater Management Plan outline the rehabilitation of the pit as a wetland, but no detail of planting is included to support the development of a wetland, as opposed to a large area of open water - 32Ha. Depth of water (if greater than 350mm) may restrict the development of wetland planting.

Long term viability of the scattered vegetation will be improved if planted in groups and fenced to provide protection from grazing animals.

Melbourne Water requests inclusion as a referral authority for approval of the crossing on the access road in the Environmental Monitoring Program.

1 USE AND DEVELOPMENT OF LAND FOR EXTRACTIVE INDUSTRY (SAND QUARRY) AT 685 MCDONALDS TRACK LANG LANG

Moved Cr G Moore Seconded Cr R Brown

That a Notice of Decision to Grant Planning Permit T160424 be issued for the use and development of land for extractive industry (sand quarry) at 685 McDonalds Track, Lang Lang subject to the conditions attached to this report.

1. Before the use or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a. Floor plans and elevations of all fixed plant and site buildings.
 - b. A stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.
 - c. An Environmental Management Plan covering all aspects of site establishment, extraction operations, rehabilitation and monitoring must be submitted to and approved by the Responsible Authority or referral authorities. The Environment Management Program shall be generally in accordance with the detailed environmental and operational reports submitted with the application and include any additional requirements of the Responsible Authority. The use and development of the land must be at all times in accordance with the Environment Management Plan, and as required by the Responsible Authority, an audit of the Environment Management Plan must be undertaken by an independent auditor to the satisfaction of the responsible authority every five (5) years.
 - d. 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 three copies must be provided. The plan must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surface finishes of pathways and driveways,
 - iv. 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, and
 - v. Landscaping and planting within all open areas of the subject land.

All species selected must be to the satisfaction of the Responsible Authority.

2. Before the use and development starts:
 - a. The intersection of Steeles Road and McDonalds Track must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority, at no cost to Council.

- b. The extent of Steeles Road must be designed and constructed between McDonalds Track and the entry to the subject site in accordance with plans and specifications approved by the Responsible Authority, at no cost to Council.
 - c. The applicant will have to enter an agreement with Council which provides for the owner's obligation to maintain Steeles Road for as long as the approved use is in operation on the subject site to the satisfaction of the Responsible Authority, at no cost to Council.
 - d. A copy of the approved Work Plan, Work Authority conditions and Work Plan conditions, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990 must be submitted to the Responsible Authority.
3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 4. All security alarms or similar devices installed on the subject land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
 5. Before the commencement of the use or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 6. 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.
 7. Except with the written consent of the Responsible Authority, the uses may operate only between the hours of:

Extraction and Processing
 - a. 7:00am thru 6:00pm on weekdays (Monday – Friday);
 - b. 7:00am and 1:00pm pm Saturdays.
 - c. Closed on Sundays and public holidays.Load out and Sales
 - d. 6:00 am thru to 10:00 pm (Monday – Saturday)
8. The use or development:
 - a. As shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - b. Must not commence until the “Work Authority” is given in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990.
 - c. Must at all times be in accordance with the approved Work Plan, Work Authority conditions and Work Plan conditions, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990.
 - d. Must not detrimentally affect the amenity of the area, through the:
 - i. Transport of materials, goods or commodities to or from the land.
 - ii. Appearance of any building, works or materials.

- iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv. Presence of vermin.
9. Prior to the removal of any sand resources from the site, the buffer planting and bund walls and any proposed fencing must be established as shown on the approved plans to the satisfaction of the responsible authority.
 10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties. Sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses.
 11. 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.
 12. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
 13. Erosion must be controlled during construction in accordance with the Environment Protection Authority Guideline TG208/90 (as amended) or in accordance with such guideline, policy or role that replaces TG 208/90.
 14. Roads, storage areas, external stockpiles and vacant areas must be maintained to avoid dust nuisance to any surrounding property to the satisfaction of the Responsible Authority.
 15. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use;
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period; and
 - c. Reinstated to the satisfaction of the Responsible Authority.

Melbourne Water

16. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
17. The 100 Year ARI bund (flood levee) for each stage of the operation is to be designed and constructed by suitably qualified and experienced practitioners /contractors. At each stage of the operations advancement, as constructed survey of the bunds, including re-survey of past stages, is to be submitted to Melbourne Water within one month of the bund construction.
18. Prior to constructing the 'Stage 4 100 Year ARI bund' the flood weirs in the existing Stages 2 and 3 bunds are to be constructed. Detailed design plans of the weirs prepared by a suitably qualified and experienced practitioner are to be approved by Melbourne Water prior to construction of the weirs.
19. Access road crossing of the waterway corridor (from the toe of the 'Operational Area' fill pad batter to the extraction boundary) is to be designed, constructed and maintained to the satisfaction of Melbourne Water.
20. Any conveyor or pipeline crossing of the waterway corridor (from the toe of the 'Operational Area' fill pad batter to the extraction boundary) must be designed and constructed to the satisfaction of Melbourne

Water.

21. Diversion of the tributary drain entering the eastern boundary of the property (adjacent to Hance Lane) around the extraction boundary is to be undertaken to the satisfaction of Melbourne Water.
22. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.
23. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for review. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - a. Silt fencing;
 - b. Access tracks;
 - c. Spoil stockpiling;
 - d. Trenching locations;
 - e. Machinery/ Plant locations; and
 - f. Exclusion fencing around native vegetation/ habitat.
24. Prior to completion of detailed design of the proposed works, the proponent will need to formally apply to Melbourne Water's Asset Services Team to conduct any works on or near a Melbourne Water asset (including waterways). Prior to undertaking any works, the proposal must be accepted by Melbourne Water and the contractor must be in receipt of a Melbourne Water Permit to Work.
25. Prior to the completion of works, the drainage line running roughly north – south through the eastern side of the site and the associated retarding basin/wetland must be fenced and revegetated for future management and improved water quality of the downstream environment.
26. Melbourne Water has previously required the work authority plan to be submitted to Melbourne Water clearly demonstrating an appropriate exclusion zone to protect any waterways likely to be impacted by extraction activities. The exclusion zone must be of an adequate width so that the extraction activities (vicinity and depth of works) do not affect the local hydrology, geomorphology or ecological values of the waterway. The Hydraulic Assessment Report by Cardno in section 7.2 has conflicting minimum setback requirements for the waterway. The minimum setback distance from the waterway must be 60 metres or greater.
27. Melbourne Water requires fencing along the riparian area to be widened to the track along the toe of the bund prior to works commencing to provide additional protection from impacts of activities within the floodplain and ensure an exclusion zone.
28. Prior to the commencement of works, a copy of the vegetation offset management plan must be submitted to Melbourne Water, showing proposed revegetation, development and management of the offset area within the riparian corridor.
29. Prior to the commencement of works, detailed design of the following must be submitted to Melbourne Water for approval:
 - a. Sediment traps and treatment of proposed connections for overflow to waterway;
 - b. Swale drains & sediment treatment along access road and bund tracks. Further detail of management & maintenance of sediment traps & swale drains is required to manage WQ of downstream environments;

- c. Diversion of drainage line with proposed on line retarding basin or wetland feature and proposed connection to Little Lang Lang River South Branch; and
- d. Access road crossing including sediment treatment during construction and post construction.

Environmental Protection Authority

30. Noise emitted from the premises must not exceed the recommended levels as setout in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

Expiry

31. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit; or
 - b. If the Work Authority for the use issued under the provisions of the Extractive Industries Development Act 1995 is cancelled in accordance with Section 24 of this Act.

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.

Permit Notes

Melbourne Water

Hydraulics

The need to clarify the ownership and maintenance responsibility for the bunds and flood diversion weirs was previously minuted in discussion, and was to be stated in the hydraulic assessment and dealt with in the planning process. Melbourne Water notes that the hydraulic assessment does not refer to this, nor the mechanism that will be implemented to address this.

The hydraulic assessment contains a number of errors and incorrect statements. For example:

- Figure 7-1 contains a label stating “Minimum setback distance is 60 m” but then the report text states “setback is a minimum of 50 m”.
- There are still some fundamental flaws in the access crossing culvert assessment, however, these issues can be worked out during the detailed design prior to construction, however it makes it difficult as it has been assumed that the concept in the report is the final accepted solution.

River Health

The rehabilitation plan and Groundwater Management Plan outline the rehabilitation of the pit as a wetland, but no detail of planting is included to support the development of a wetland, as opposed to a large area of open water - 32Ha. Depth of water (if greater than 350mm) may restrict the development of wetland planting.

Long term viability of the scattered vegetation will be improved if planted in groups and fenced to provide protection from grazing animals.

Melbourne Water requests inclusion as a referral authority for approval of the crossing on the access road in the Environmental Monitoring Program.

Cd.

2 AMEND PLANNING PERMIT T140051 ISSUED FOR EARTHWORKS AT 67 PAYNE ROAD BEACONSFIELD

FILE REFERENCE INT1691078

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Notice of Decision to Amend Planning Permit T140051 - 1 be issued for Earthworks at 67 Payne Road, Beaconsfield Victoria 3807 subject to the conditions attached to this report.

Attachments

1	Locality Plan	1 Page
2	Plan showing earthworks	1 Page
3	Copies of objections circulated to Councillors only	5 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T140051 - 1
APPLICANT:	Terry Marrinon
LAND:	67 Payne Road, Beaconsfield Victoria 3807
PROPOSAL:	Earthworks
PLANNING CONTROLS:	Green Wedge A Zone Schedule 1 Environmental Significance Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act, 1987, by sending notices to adjoining and surrounding land owners and occupiers. Council received five objections to date.
KEY PLANNING CONSIDERATIONS:	Decision Guidelines of Green Wedge A Zone
RECOMMENDATION:	Notice of Decision

BACKGROUND:

Planning Permit T140051 was issued for earthworks on 26 June 2014. This application comes into fruition due to enforcement proceedings. The owner undertook works on the property without gaining planning permission, when Council was alerted to this, the owner was required to apply for a retrospect planning permit. Concerns were raised in relation to a tree being removed at this time, however after a full investigation, Council could not confirm that the tree was removed illegally and a successful prosecution was highly unlikely, therefore no action could be taken.

Planning Permit T100645 was issued for development of the land for the purpose of a replacement outbuilding with a reduced setback, generally in accordance with the approved plans.

SUBJECT SITE

The site is located on the northern side of Payne Road Beaconsfield. A crossover is located southern alignment of the site and there are no easements on the property.

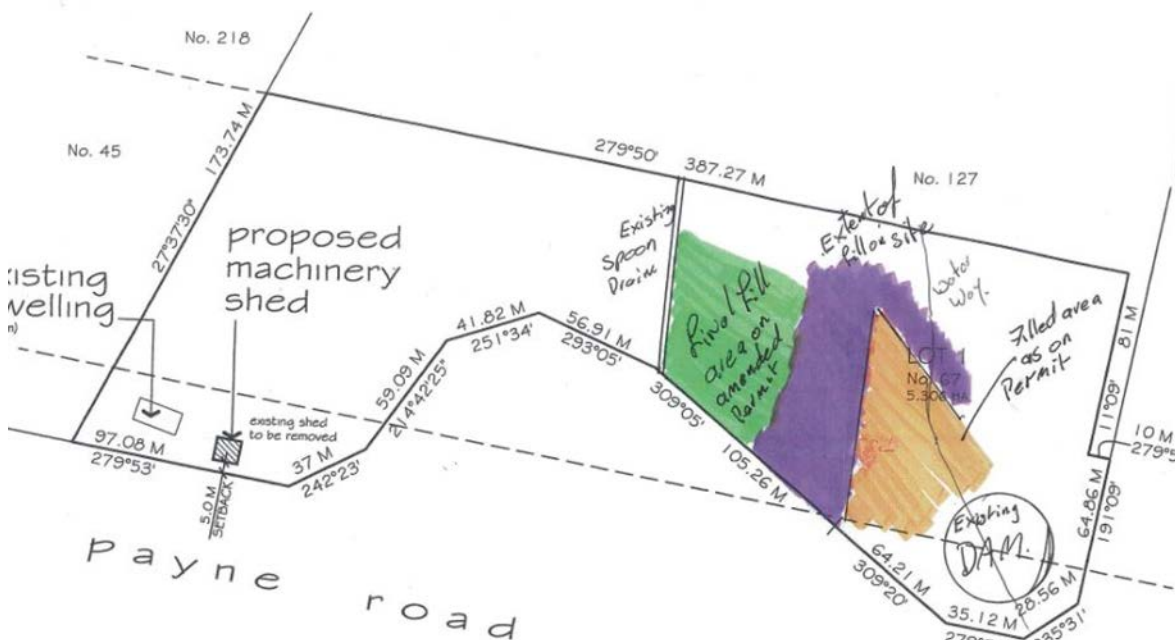
The site currently contains an existing dwelling and associated outbuildings on the western side of the property and a dam is located on the far eastern side of the land. The land around the subject site is a mixture of lot sizes, mostly with residential dwellings on the land. The topography of the land is undulating sloping away from the road towards north western side.

The main characteristics of the surrounding area are:

- North Rural Residential/Agricultural.
- South Access Road (Payne Road).
- East Warawee Avenue, and rural residential further to the east.
- West Rural residential/agricultural.

PROPOSAL

Council has issued a planning permit T140051 for earthworks on 26 June 2014. The applicant has carried out earthworks in excess of the earthworks approved under this permit. The current application proposes to amend the permit to increase the area of earthworks towards the western side of the property up to the existing spoon drain that runs across the land. The applicant mentioned that there has been an error on their side, in that the extent of earthworks was misinterpreted on the original plans submitted and approved by Council..



The above plan submitted with the application shows the area of earthworks approved under planning permit T140051 in brown, the extent of retrospective earthworks (already undertaken) in purple and proposed additional earthworks in green colour.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 14.02-1 Catchment planning and management

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-1 Catchment and coastal management

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 – The Decision Guidelines

Zone

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

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay Schedule 1

PLANNING PERMIT TRIGGERS

The application is to amend the planning permit T140051.

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.

The notification has been carried out correctly, and Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- Dust generated by the fill brought in to the site.
- The fill brought in to the site containing building materials and concerns over presence of Asbestos and other toxic rubbish.
- Potential for sediment to flow from the site to Cardinia Creek and contamination of drinking water.
- Applicant's failure to adhere to the permit conditions and endorsed plans.

DISCUSSION

The application has been assessed against all relevant clauses of Cardinia Planning Scheme and determined to be appropriate for the site.

As mentioned above, Council has issued a planning permit T140051 for earthworks and the earthworks have been carried in excess of what has been approved. Therefore, this application considers retrospective earthworks and additional earthworks that will extend to the existing spoon drain located towards the centre of the site.

The subject site is located within Green Wedge A Zone. The zone provides decision guidelines in terms of rural issues, general issues, environmental issues and design and siting issues, however it is only environmental issues that are relevant to this application. Summary of the assessment is as follows:

The main concern when assessing the application against the Green Wedge A Zone is to ensure any environmental issues are considered.

The application mentions that the proposed earthworks are required to flatten the land to make for better use of the property. The area of proposed earthworks is clear of any vegetation therefore there will be no impact on any vegetation on the site.

The earthworks undertaken and proposed are less than one metre in depth. Council's Engineering Department has assessed the application and has no objection to the proposal given the works are below one metre in depth. Council will be imposing conditions on the permit to ensure dust and odours are controlled appropriately to avoid any impact on the adjoining properties. Given the earthworks now extend close to the spoon drain Council's Engineering Department has requested that sediment control fencing must be installed on the north and south sides of the spoon drain for the entire length of the drain during filling works to avoid any sediment entering the waterways.

Provided the above, Council officers are satisfied that the proposed earthworks are appropriate for the site and is consistent with the decision guidelines of the zone.

Objector's Concerns

- Dust generated by the fill brought in to the site

The applicant has mentioned that there is a sprinkler system in place to control dust during filling works. Relevant conditions will be placed on the permit to ensure effective methods are used to control dust to avoid any impacts on adjoining neighbours.

- The fill brought in to the site containing building materials and concerns over presence of Asbestos and other toxic rubbish

An investigation was undertaken in relation to the original fill brought to the site and there was insufficient evidence that the fill was contaminated with building materials or like materials. This permit will be conditioned to only allow clean fill to be brought in to the site.

- Potential for sediment to flow from the site to Cardinia Creek and contamination of drinking water.

The proposed earthworks will be compacted to avoid sediments being transferred to nearby waterways. This will also be controlled once vegetation such as grass grows over the compacted fill. The engineering conditions to have sediment control fencing along the spoon drain will also aid in controlling sediment being transferred to waterways through spoon drain.

- Applicant's failure to adhere to the permit conditions and endorsed plans.

As mentioned in the above proposal section of this report, applicant stated that the submitted plans with the original permit was incorrectly drawn therefore, didn't reflect the extent of earthworks correctly. This has been investigated further and as a result, an amended permit application was submitted to Council that reflect the extent of earthworks correctly.

CONCLUSION

It is considered that the proposal can be supported when assessed against the Cardinia Planning Scheme. It is therefore recommended that a Notice of Decision to Amend Planning Permit T140051 - 1 be issued for Earthworks at 67 Payne Road, Beaconsfield Victoria 3807 subject to the conditions

CONDITIONS

The following conditions are recommended:

1. The layout of the site and the extent of the proposed earthworks, as shown on the approved plans, must not be altered or modified without the consent of the Responsible Authority.
2. The fill area must be limited to the hatched area shown in the plan.
3. All proposed earthworks of this permit must be completed to the satisfaction of the Responsible Authority.
4. Prior to undertaking any filling works within 50 metres of the existing north / south spoon drain, appropriate sediment control fences must be erected and maintained along the length of spoon drain, for the duration of the filling works, to the satisfaction of the Responsible Authority.
5. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised and compacted to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
6. Fill material that is contaminated must not be deposited on the subject land. For the purpose of this condition, the term "contaminated" has the same meaning as that used in Ministerial Direction No. 1.
7. Storage areas/external stockpiles must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.
8. The subject land must be filled so as to not:
 - a) Cause an unreasonable amount of dust to be carried beyond the boundaries of the subject land; and,
 - b) Adversely affect the drainage on adjacent land.

To the satisfaction of the Responsible Authority.

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

2 AMEND PLANNING PERMIT T140051 ISSUED FOR EARTHWORKS AT 67 PAYNE ROAD BEACONSFIELD

Moved Cr L Wilmot Seconded Cr C Ryan

That a Notice of Decision to Amend Planning Permit T140051 - 1 be issued for Earthworks at 67 Payne Road, Beaconsfield Victoria 3807 subject to the following conditions:.

CONDITIONS

1. The layout of the site and the extent of the proposed earthworks, as shown on the approved plans, must not be altered or modified without the consent of the Responsible Authority.
2. The fill area must be limited to the hatched area shown in the plan.
3. All proposed earthworks of this permit must be completed to the satisfaction of the Responsible Authority.
4. Prior to undertaking any filling works within 50 metres of the existing north / south spoon drain, appropriate sediment control fences must be erected and maintained along the length of spoon drain, for the duration of the filling works, to the satisfaction of the Responsible Authority.
5. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised and compacted to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
6. Fill material that is contaminated must not be deposited on the subject land. For the purpose of this condition, the term "contaminated" has the same meaning as that used in Ministerial Direction No. 1.
7. Storage areas/external stockpiles must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.
8. The subject land must be filled so as to not:
 - a) Cause an unreasonable amount of dust to be carried beyond the boundaries of the subject land; and,
 - b) Adversely affect the drainage on adjacent land.To the satisfaction of the Responsible Authority.
9. Forty Eight (48) hours' notice must be given to all abutting land owners and Councils Planning department prior to the commencement of fill being placed on the site to the satisfaction of the Responsible Authority
10. Within Thirty (30) days on the completion of the fill being brought to the land, the Responsible Authority must be notified in writing so that an inspection can be undertaken to ensure conditions on this planning permit have been met.
11. Within six (6) months of the fill to the site being completed a suitable grass species must be sown to the satisfaction of the Responsible Authority

Expiry of permit

12. 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

Cd.

3 TWO (2) LOT SUBDIVISION AT 17 MIKEY BOULEVARD, BEACONSFIELD

FILE REFERENCE INT1691135

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Cara Moody

RECOMMENDATION

That a Refusal to Grant Planning Permit T160549 be issued for Two (2) lot subdivision at 17 Mikey Boulevard, Beaconsfield VIC 3807 on the grounds detailed in this report

Attachments

- | | | |
|---|---|---------|
| 1 | Locality Plan | 1 Page |
| 2 | Proposed plan of subdivision | 4 Pages |
| 3 | Copies of objections circulated to councillors only | 6 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160549
APPLICANT:	M.J. Reddie Surveys Pty. Ltd.
LAND:	17 Mikey Boulevard, Beaconsfield VIC 3807
PROPOSAL:	Two (2) lot subdivision
PLANNING CONTROLS:	General Residential Zone
NOTIFICATION & OBJECTIONS:	The application was advertised and received five (5) objections and one (1) letter of support.
KEY PLANNING CONSIDERATIONS:	General Residential Zone Clause 56 Residential Subdivision
RECOMMENDATION:	Refusal

BACKGROUND:

There is no previous planning history for the site.

SUBJECT SITE

The site is located on the northern corner of Mikey Boulevard and Liam Court, near the peak of the ridgeline that the Berwick views estate is located on.

Three cross overs are located on the site, the first off Mikey Boulevard and the second and third off Liam Court.

The site currently contains an existing 2 storey dwelling and swimming pool.

The topography of the land slopes steeply down to the south west from the north east.

The main characteristics of the surrounding area are:

- North: Directly north of the site is 12 Liam Cct (1419sqm), which contains a two storey dwelling and swimming pool, north of this is a vacant lot (1545sqm). Further north of this are other large residential lots ranging in size from 970-2000sqm most containing dwellings, two are vacant. Beyond this is Hold Park Rd and then hobby farms on large rural/residential lots.
- East: Directly east of the site is Liam Cct with two lots existing, 19 Mikey Blvd (1652sqm) which contains a dwelling and 21 Liam Cct (1659sqm) which is vacant. Further east is another vacant lot (1993sqm) that backs onto a large agricultural property, before meeting O'Neil Road.
- South: Directly south of the site is the intersection of Liam Cct and Mikey Blvd. Opposite this are a few residential lots each with a dwelling 12 Mikey Blvd (1000sqm), 14 Mikey Blvd (1554sqm) and 16 Mikey Blvd (1580sqm). South of these is the Ridge Top Reserve and more residential developments within the Berwick views estate, each lot before reaching O'Neil Road and Janet Bowman Drive is over 1000sqm.
- West: Directly west of the site is 15 Mikey Blvd (1000sqm) which contains a dwelling. Further west of this down Mikey Blvd is Kalibrook Lane which contains 8 townhouses on 450sqm lots facing the Mikey Blvd Reserve. Next to these are 7 more planned townhouses on lots of 350sqm. These townhouses are surrounded by single dwelling lots ranging from 500-1000sqm.

PROPOSAL

The applicant has proposed to subdivide the subject site into two lots (no common property).

- Lot 1 will have an area of 672sqm and contain the existing dwelling and two access points off Liam Court. This lot will be a diamond like shape, curving with the Liam Court along the eastern boundary. The frontage onto Liam Court will measure approximately 50m.
- Lot 2 will have an area of 482sqm and at current contains a garden bed and part of the existing driveway. This lot is proposed to be irregularly shaped (similar to a lopsided diamond) to accommodate the dwelling on lot 1. The lot will have a 24m frontage onto Mikey Boulevard with the access being 8.44m frontage onto Liam Court with a corner cut at 3.75m.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.02-1 Supply of urban land
- Clause 15.01-1 Urban design
- Clause 15.01-3 Neighbourhood and subdivision design
- Clause 15.01-5 Cultural identity and neighbourhood character

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing
- Clause 21.06-1 Design and built form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines

Zone

The land is subject to the General Residential Zone Schedule 1 (GRZ1)

Overlays

The land is subject to no overlays.

PLANNING PERMIT TRIGGERS

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

- Pursuant to Clause 32.08-2 of the General Residential Zone a planning permit is required to subdivide land.

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 1 sign on the site

The notification has been carried out correctly, and Council has received 5 objections and 1 letter of support to date.

The key issues that were raised in the objections are:

- Compromises the existing character of the area.
- Capability of the land to accommodate a suitable dwelling (Overlooking, overshadowing, congestion).
- Traffic/Parking/Road capability concerns.
- Setting precedent in the area.
- Property value decreasing .

The letter of support suggested the subdivision would not be detrimental to the character of the area and that it would allow for further subdivision in the area to occur.

REFERRALS

This application was not required to be referred.

DISCUSSION

The General Residential Zone is in place 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. When assessing subdivisions the pattern of subdivision and its effect on the spacing of buildings needs to be considered.

The proposed subdivision creates lots of unfamiliar shape and sizes in the surrounding area, causing many concerns in regards to existing neighbourhood character. The subdivision would allow for the development of a dwelling on the second lot, which further affects neighbourhood character but also minimises spacing of buildings on a prominent ridgeline. As required under the zone a Clause 56 assessment has been undertaken.

Clause 56 Assessment:

The proposed subdivision does not respect the existing neighbourhood character of the area; the existing character sees large homes built on lots over 1000sqm with generous setbacks between dwellings. There are smaller lots in the vicinity however they were established as part of the original subdivision and form unity with each other as townhouses. The proposed subdivision would look out of place and allow precedence to be set in the area to develop land for smaller dwellings. Given that the existing dwellings are all constructed as to comply with the expired design guidelines of the estate, small dwellings would alter the stature and nature of the area.

Lots between 300 and 500sqm should, if no development of the lot has been approved under the planning scheme, contain a rectangle that measures 10m by 15m. This has been achieved, however given the slope of the land dropping by 5m from the eastern peak to the western side, the appropriate siting and construction of a dwelling is questionable.

Lots between 300-500sqm are also proposed to have a building envelope that reaches the boundary in order to achieve 70% solar orientation, in this case locating the envelope on a boundary would affect the character of the area and therefore solar orientation is not achieved.

Lot access objectives have been achieved as there are existing crossovers in place. All integrated water management objectives have also been achieved, as well as utilities connection objectives. No discussion has taken place as to how the site will be managed prior to and during the construction period, however this could be managed with a condition on the permit if supported.

Objectors

All objectors were concerned with how the proposed subdivision would affect the existing neighbourhood character. It was stated that the area is relatively quiet and the subdivision would affect the existing ambiance of the neighbourhood. The area consists mainly of large two storey dwellings on parcels of land measuring 1000sqm to 2000sqm, therefore creating two lots of 672sqm and 482sqm is out of character.

Allowing this subdivision with the knowledge that a dwelling on the site would soon follow, creates a sense of inconsistency in the streetscape and reduces the open space between buildings in the area, which the neighbourhood is recognised for.

Another argument raised was the capability of the land to accommodate a dwelling, given not only the slope of the site but also the need to protect neighbouring properties from over shadowing and overlooking. To accommodate a liveable dwelling on the site, extreme earthworks would need to take place which would significantly reduce solar access to the dwelling or alternatively the dwelling would need to be multi storey which causes shadowing on neighbouring properties.

If any dwelling constructed on the proposed lot 2 was similar to the existing large dwellings that dominate the street scape, then there will be a sense of over congestion on such a small lot.

An objector brought up the blind corner that would develop if a dwelling was constructed on the corner of Liam Court and Mikey Boulevard, however this concern is invalid as drivers from Liam Court should be giving way to traffic on Mikey Blvd regardless. The capability of the road on Liam Court was also raised, as a portion of Liam Court is not a complete road and instead is a cement access lane; concern was raised that with increased traffic, this will require continual maintenance. Parking was another concern in regards to the site not being able to accommodate sufficient car parking therefore encouraging further street parking.

By allowing this subdivision in the area, we are allowing a precedent to be set allowing further small lots to be created amongst these large sites. One supporter has voiced that he would also like to subdivide his property which is located opposite the subject site.

The site is a quiet area and creating smaller lots creates challenges for the existing infrastructure in regards to parking, access and capability of the existing infrastructure.

Objectors were also concerned about the potential of the subdivision to reduce their property values. This is a concern that cannot be considered under the Planning & Environment Act or the Planning Scheme.

CONCLUSION

It is considered that the application is inconsistent with the requirements of the Cardinia Planning Scheme and it is therefore recommended that the two (2) lot subdivision at 17 Mikey Boulevard, Beaconsfield VIC 3807 be refused on the following grounds:

1. The proposal is not consistent with the purpose of the General Residential Zone (Clause 32.08) in terms of respecting the neighbourhood character
2. The proposal does not meet the following objectives of Clause 55 of the Cardinia Shire Planning Scheme:
 - a) Clause 55.02-1 – Neighbourhood Character objective.
 - b) Clause 56.04-2 Lot area and building envelopes objective
3. The proposal is contrary to the Local Planning Policy Framework - 21.03-1 Housing and Clause 21.06-1 Design and built form
4. The proposal is contrary to Clause 65.02 - Approval of an application to subdivide land



3 TWO (2) LOT SUBDIVISION AT 17 MIKEY BOULEVARD, BEACONSFIELD

Moved Cr J Owen Seconded Cr G Moore

That a Refusal to Grant Planning Permit T160549 be issued for Two (2) lot subdivision at 17 Mikey Boulevard, Beaconsfield VIC 3807 on the grounds detailed in this report

Cd.

4 CONTRACTORS DEPOT AT BELLBIRD CLOSE PAKENHAM

FILE REFERENCE INT1691140

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Mary Rush

RECOMMENDATION

That a Refusal to Grant Planning Permit T150779 be issued for use and development of the land for the purpose of a contractors depot at Bellbird Close, Pakenham Victoria 3810 on the grounds detailed in this report.

Attachments

1	Locality Plan	1 Page
2	Development Plan	4 Pages
3	Copy of objection circulated to councillors only	2 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T150779
APPLICANT:	Jane Town
LAND:	Bellbird Close, Pakenham Victoria 3810
PROPOSAL:	Use and development of the land for the purpose of a contractor's depot
PLANNING CONTROLS:	Green Wedge A Zone Schedule 2 Environmental Significance Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to adjoining land owners and occupiers, and placing a notice on site. Council has received one objection to date.
KEY PLANNING CONSIDERATIONS:	Amenity, protecting the character of rural and non-urban landscapes.
RECOMMENDATION:	Refusal to grant a permit.

BACKGROUND:

- Planning permit T000658 was issued in August 2000 for earthworks (filling on the site).
- Planning permit T010234 was issued in June 2001 for a dwelling and outbuilding.
- Planning permit T040352 was refused in April 2004 for the removal of vegetation.
- Planning permit application T070004 for the construction of a dam was withdrawn on the 10 June, 2007.

There is a large outbuilding which is currently being used for the purpose of storage of plumbing supplies associated with the contractors depot, this was approved under the 2001 permit (dwelling and outbuilding). There was a condition on this permit that stated that the outbuilding could only be

used for domestic or rural activity purposes and that it cannot be used for human habitation or to operate a business. Therefore the business has been operating in breach of this planning permit.

The applicant is seeking to gain retrospect permission to use this building for the business and to build a new building associated with the business.

SUBJECT SITE

The site is located on the north side of Bellbird Close, Pakenham which is a sealed road. A crossover is located adjoining the eastern boundary of the site and there is a drainage/sewerage easement running north-south through the site.

The site currently contains a dwelling, stable complex, and a large outbuilding.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- North: Abuts the rear of a lot which fronts Army Road which contains a dwelling.
- East: Mixture of rural lots containing a single storey dwellings.
- South: Across Bellbird Close are several rural lots containing single storey dwellings.
- West: Abuts a reserve through which the Kennedy Creek runs in a north-south direction.

PROPOSAL

An application was received on the 9 December, 2015, (T150779) for an outbuilding to be used for domestic storage. The outbuilding measures 9 metres by 18 metres (162 square metres) with a skillion roof with a maximum height of 4.2 metres.

The proposed outbuilding is to be located adjoining the northern elevation of the existing building which is also 162 square metres and which is located 11 metres from the eastern boundary and approximately 100 metres from the frontage of the site to Bellbird Close.

A site inspection revealed several utility work vehicles and two trucks with excavators. There was also signage with 'Worksafe' messages located on the existing outbuilding and a site office which appeared to be used as an office.

A response to a further information request from Council identified that existing building is used for the storage of goods associated with a contractors depot, and that the vehicles are also associated with that use.

The applicant subsequently amended the application on the 7 March, 2016 to include the use and development of the land for the purpose of a contractors depot which is associated with the installation of plumbing infrastructure for dwellings.

The applicant provided the following information outlining the scale and nature of existing use of the site for a contractors depot which the current application is seeking permission:

1. Total staff on site is 10 (excluding the owner who resides on site) broken down as follows:
 - 2 Office staff who attend the site between 8am-4pm;

- 8 plumbing staff who attend the site between 6am-5pm(staff leave in the morning and often returning intermittently between these hours to collect supplies from the site);
- 2. The existing building is used to store plumbing supplies;
- 3. The proposed new building is to allow for the storage of vehicles, trailer and excavator when not in use;
- 4. Vehicles include:
 - 6 private commuter vehicles owned by employees, which are left on site during the day.
 - 5 utility vehicles driven by employees to work sites.
 - Two trucks with excavators driven by employees to work sites.
 - A minimum of two delivery vehicles per day.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 12 Environmental and landscape values
- Clause 15 Built and Environment and Heritage

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-2 Landscape.
- Clause 21.03-4 Rural residential and rural living development.

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 57 Metropolitan Green Wedge Land.
- Clause 65 Decision Guidelines.

Zone

The land is subject to the Green Wedge A Zone Schedule 2.

Overlays

The land is subject to the Environmental Significance Overlay Schedule 1.

PLANNING PERMIT TRIGGERS

The proposal for the use and development of the land for a contractors depot requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.05-1 a planning permit is required for the use of the land for a contractors depot which is an unspecified section 2 use.
- Pursuant to Clause 35.05-5, a planning permit is required for buildings and works associated with a contractors depot.

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.

The notification has been carried out correctly, and Council has received 1 objection to date.

The key issues that were raised in the objection are:

- Impact on the amenity of the area (noise, traffic, lighting, hours of operation).
- Inconsistent with the purpose of the Green Wedge A Zone.

REFERRALS

Internal Council Referral	Advice/ Response/ Conditions
▪ <i>Engineering</i>	No objection (<i>subject to conditions</i>)
▪ <i>Building</i>	<ol style="list-style-type: none"> 1. Advised that the <i>building classification is more likely to resemble a class 7 (carpark/storage) building with class 5 (office) part/s and not class 10a (outbuilding associated with a dwelling)</i> 2. The building is unlikely to comply with the 'Disability Discrimination Act' for disabled access

DISCUSSION

It is considered that the proposal is not consistent with the Cardinia Planning Scheme, including the State Planning Policy Framework, the Local Planning Policy Framework and zoning of the land.

State and Local Planning Policy Framework requires that the existing rural landscape be conserved. The subject site is within a rural residential subdivision consisting of lot sizes around 2-3 hectares generally containing large dwellings with small outbuildings. Most of the surrounding lots are used as hobby farms. The size or the design of the proposed building is not consistent with the existing pattern of the surrounding development, with the size of the building and its design being of an industrial rather than rural design.

The scale of the contractors depot in terms of the number of staff and vehicles accessing the site is not consistent with the residential character of the area and constitutes the scale of activity normally found in an industrial area.

The proposal is not therefore considered to complement the existing rural/residential character of the surrounding area.

Green Wedge A Zone-Schedule 2

The relevant purposes of the zone are to protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes and also to recognise and protect the amenity of existing rural living areas.

It is considered that the current proposal neither protects nor enhances the landscape values of the area given that the building is of commercial scale and not consistent with the residential character of the area.

The proposal has an identifiable impact on the amenity of the existing residents as, apart from the proposed building, the use is already being carried out at the scale proposed and an objection has identified the current impact on their amenity.

The following discussion will consider the decision guidelines of the zone in relation to the proposal:

General Issues:

The site is not suitable for the contractors depot as it is located within a quiet rural area and does result in material detriment and impacts on the amenity of residents. Approving the current application would not protect the amenity of the existing residents.

Rural Issues:

The surrounding sites are used as a hobby farm, with associated stables and horse ménage and rural living. The proposal will have minimal impact on these activities, however the proposed use does not compliment or attribute to the rural aspects of the area.

Environmental Issues:

There are no specific environmental issues raised by the proposal.

Design and Siting Issues:

The surrounding properties are rural/residential in character with a mixture of housing types. The gross floor area of the building proposed is considerably larger than the adjoining properties and not considered to be consistent with the existing pattern of development or the surrounding rural and scenic non-urban landscape.

Consideration of objections

- *Impact on amenity(traffic, noise, lighting, hours of operation).*
- *Inconsistent with the purpose of the Green Wedge A Zone.*

Impact on amenity

The objector has advised Council that the current use has significant impact on their amenity. The number and type of vehicles moving to and from the site on a daily basis far exceeds that normally associated with a residential property, together with the associated noise, detracts from the quiet rural character which you would expect to find.

The number of vehicle movements associated with the business far exceeds that associated with normal domestic activity and is in line with an industrial use.

There are floodlights located on the outside of the existing building which lights up the area on dark mornings. The spread of the light is not restricted and impacts on surrounding properties.

The applicant has advised that activity starts on the site from 6am which is not appropriate for a residential area. Whilst not specifically applicable to commercial activities in a residential area, Environment Protection Policy (EPA) regulations for residential areas state that no machinery other than a domestic vehicle moving to and from the site is permitted before 7am. The noise of trucks and vehicles not associated with residential activity moving to and from the site at 6am has a detrimental impact on the amenity of the quiet rural area.

Inconsistent with the purpose of the Green Wedge A Zone

The objector has identified that the use is inconsistent with one of the decision guidelines of the zone which states:

“the need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or the natural scenic beauty”

The objector has identified that contractors depot has been in operation for some time and that the associated amenity impacts are not consistent with the decision guidelines of the zone which require that Council minimise adverse impacts on the rural character of the area.

Concerns were also raised that an earlier complaint to Council by another resident did not result in enforcement action. A search of Council databases could not locate any details of earlier complaints.

Clause 65 Decision Guidelines

It is not considered that the current proposal is consistent with the orderly planning of the area in that the use constitutes a commercial activity in a rural/ residential area with associated negative impacts on the amenity of the area.

VCAT, in *KevTam Transport v Greater Geelong CC(GGCC)* [2005], upheld GGCC's refusal of a contractors depot in a rural zone and found that:

"It is a non-rural activity in a Rural Zone that has no association with rural activities. The applicants have not demonstrated any compelling reason why it should be located on rurally zoned land".

The current applicant has not provided any justification as to why an essentially commercial/industrial activity should be supported on a site with a rural zoning. The applicant was advised of the potential refusal of the application and has not modified the proposal. It can be considered that proposals to locate this type of use in rural areas are primarily to avoid the costs associated with renting/purchasing an industrial site. However this has not been suggested by the applicant to this proposal.

CONCLUSION

It is considered that the application is inconsistent with the requirements of the Cardinia Planning Scheme and it is therefore recommended that Planning Permit application T150779 for use and development of the land for the purpose of a contractors depot at Bellbird Close, Pakenham Victoria 3810 be refused on the following grounds:

1. The proposal is not consistent with the purpose and decision guidelines of the Green Wedge A Zone-Schedule 2.
2. The proposal is not consistent with Clause 65 Decision Guidelines.
3. The proposal is in contrary to State and Local Planning Framework Policies.

4 CONTRACTORS DEPOT AT BELLBIRD CLOSE PAKENHAM

Moved Cr J Owen Seconded Cr G Moore

That a Refusal to Grant Planning Permit T150779 be issued for use and development of the land for the purpose of a contractors depot at Bellbird Close, Pakenham Victoria 3810 on the grounds detailed in this report.

Cd.

5 SUBDIVISION OF LAND (6 LOTS) AT 44 AMBROSE STREET, EMERALD

FILE REFERENCE INT1691152

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Hugh Pierce

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T160026 be issued for the subdivision of land into six (6) lots in three (3) stages and creation of a road and the removal of vegetation at Lot S3 PS325761 44 Ambrose Street, Emerald subject to the conditions attached to this report.

Attachments

1	Locality plan	1 Page
2	Development plan	6 Pages
3	Copies of objections circulated to councillors only	13 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160026
APPLICANT:	Julie Kowalski C / - Nobelius Land Surveyors
LAND:	Lot S3 PS325761 44 Ambrose Street, Emerald Victoria 3782
PROPOSAL:	The subdivision of land into six (6) lots in three (3) stages and creation of a road and the removal of vegetation
PLANNING CONTROLS:	Low Density Residential Zone –Schedule 1 Bushfire Management Overlay Design and Development Overlay – Schedule 1 Vegetation Protection Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by sending notices to adjoining land owners and occupiers. Council has received 10 objections to date.
KEY PLANNING CONSIDERATIONS:	Lot size, noise, traffic, amenity issues, vegetation removal
RECOMMENDATION:	Notice of Decision

BACKGROUND:

An application has been received to subdivide land in six lots in three stages. Each lot proposed exceeds the minimum lot size as prescribed by the zone. The application also incorporates the construction of a roadway and the upgrade of the carriageway easement to a road and the removal of vegetation for crossover access.

SUBJECT SITE:

The site is located on the southern end of Ambrose Street, via a carriageway easement. The site is 4.668 hectares and the lot formed part of a previous permit that subdivided land along Ambrose Road. The current title was created in 2001.

There are no crossovers leading in to the site. A carriage way easement, which includes drainage, sewerage and telecommunication easements, forms the access to the title from the northern side of the lot. The site currently contains an existing dwelling, ancillary outbuildings and vegetation.

The topography of the land is slopes gently to the west towards Beaconsfield Emerald Road.

Vegetation is located primarily both sides of the driveway into the site over the carriageway easement and surrounds the existing dwelling on the site.

The main characteristics of the surrounding area are:

- Large rural residential allotments with scattered vegetation and grassed paddocks
- A Buddhist temple is located on the southern property boundary

PROPOSAL:

The application requests the subdivision of land into 6 lots over three stages. The subdivision will follow the carriageway easement on the east side of the allotment.

Stage 1 creates Lot 1 and Lot 2

Lot 1 is to be 4006m² in area and Lot 2 is to be 4009m². Access will be made available on the west side of the proposed allotments which will require some vegetation to be removed.

Stage 2 creates Lot 3 and Lot 4

Lot 3 is to be 4944m² in area and Lot 4 is to be 5000m² in area. Access will be made available on the west side of the proposed allotment which again will require vegetation to be removed.

Stage 3 will contains Lots 5 and Lot 6

Lot 5 is to be 1.44ha in area and Lot 6 is to be 1.16ha in area. Access will be made available on the northern side of the proposed allotment which again will require vegetation to be removed.

The applications also requires the carriageway to be constructed and altered from a carriageway easement to a road.

Vegetation removal required is considered minimal for the crossover access.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 16.01-4 Housing diversity
- Clause 16.02-1 Rural residential development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01-4 – Strategic vision

- Clause 21.01-5 – Strategic framework plan
- Clause 21.03-1 – Housing
- Clause 21.03-3 – Townships
- Clause 21.03-4 - Rural Residential and rural living development

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 Easements and Restrictions and reserves
- Emerald township Strategy

Zone

The land is subject to the Low Density Residential Zone

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay
- Design and Development Overlay – Schedule 1
- Vegetation Protection Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for the subdivision of land into six lots in stages and the removal of vegetation requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.03-3 of the Low Density Residential Zone a permit is required for the subdivision of land
- Pursuant to Clause 42.02-2 of the Vegetation Protections Overlay a planning permit is required for removal of vegetation
- Pursuant to Clause 43.02-3 of the Design and Development overly a planning permit is required for the subdivision of land
- Pursuant to Clause 44.06-1 of the Bushfire Management Overlay a planning permit is required for the subdivision of land

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(s) on site

The notification has been carried out correctly, and Council has received 10 objections to date.

The key issues that were raised in the objections are:

- Perceived inadequacy for the road to cater for the additional traffic
- Road maintenance – width of the road, wear and tear, dust
- Alternative access

- Noise levels generated
- Increased impact on the septic systems
- Property value

REFERRALS

CFA ,

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

Yarra Valley Water

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

Melbourne Water

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

Ausnet Services

No response provided

DISCUSSION

Low Density Zone

The purpose of the LDRZ is:

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The proposed lots exceed the minimum lot size of 4000m² in area.

Decision guidelines under the LDRZ include the protection and enhancement of the natural environment and character of the area, and the availability and provision of utility services.

The lots are proposed to be sewerred, with a minimum area of 0.4 hectares, consistent with the requirements of the zone.

A building envelope is identified for each lot also in accordance with the requirements of the zone.

While driveway locations are not indicated at this stage the subdivision concept plan shows that there is minimal opportunity for the disturbance of vegetation through the construction of crossovers and driveways. If vegetation is required to be removed to accommodate future dwellings, this will require planning permission.

The size of the site, its location and the proposed lot design result in the subdivision being 'self-contained', in that it does not interfere with the development of adjacent properties.

Design and Development Overlay

Design and Development Overlay Schedule 1 - *Low Density Residential* (DD01) also applies to the site. The design objectives of DD01 seek to ensure that:

The location and design of buildings creates an attractive low density residential environment;

Development has regard to the environmental features and constraints of the land; and

The subdivision of land has regard to the existing pattern of subdivision in the area.

The proposed building envelopes compliment the DDO1 principles being located well within the proposed property boundaries. This will assist in establishing and maintaining a low-density residential character by the creation of development restrictions on the site.

Vegetation Protection Overlay

The vegetation protection objective is:

To protect and conserve existing vegetation as an important element of the character of low-density residential areas.

A planning permit is required to remove, destroy or lop any vegetation.

There will be little vegetation removed for the subdivision of these lots. As stated previously, the majority of the vegetation is located along the carriageway easement. The allotments proposed branch of the carriageway into vacant pasture land. The position of the building envelopes does not impact the existing vegetation of the proposed allotments.

As part of a planning permit condition Council will require clarification over the type of trees to be removed for vehicle access and a set requirements to establish and maintain vegetation elsewhere on the land.

Bushfire Management Overlay

The application was referred to the CFA for comments and approval. By approving the building envelopes and bushfire management plan, a planning permit for any dwelling will not be required under the CFA requirements at a later date.

Emerald township strategy

The Emerald District Strategy was adopted by Cardinia Shire Council in 2009, is a strategic document guiding development within the Emerald, Avonsleigh and Clematis region.

The subject site is identified in the strategy as being located within the neighbourhood precinct 7. This precinct is characterised as having:

- Undulating land;
- Filtered open views across valley,
- Density of vegetation able to provide screening of built form
- Low density, large blocks typical
- Roads are narrow, undulating sealed/unsealed;
- Open drainage narrow verges, no footpaths.

The strategy identifies the importance of the low density zone and the design and development overlay in regards to setback and site coverage. It also confirms that the proposed subdivision meets the strategy.

Easements and Restrictions and reserves

Pursuant to Clause 52.02 a planning permit is required under Section 36 of the Subdivision Act 1988 to remove a right of way. This is not required however if under Section 362A of the Land Act 1958 and the land transfers Council, which is being carried out for this proposal. The carriage way is to be changed to a road status if planning approval is gained.

Waste envelopes

The waste envelopes will be required to be removed from the submitted plans as Yarra Valley Water has requested the lots be connected to sewer. If this becomes prohibitive in cost for the applicant, it is recognised that each lot created is able to contain its own waste to the satisfaction of Council's Environmental Health department.

Objections

As stated previously, the application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 and 10 objections have been received. Below is the list of concerns objectors concerns include:

- Perceived inadequacy for the road to cater for the additional traffic

The engineering department states the road is able to cater for the additional traffic generated in regards to safety and maintenance. The carriageway will be sealed by the developer to ensure the road is of an acceptable standard for the increase in traffic at the end of Ambrose Street.

- Road maintenance – width of the road, wear and tear, dust

The carriage way easement will be upgraded to an appropriate standard to cater for the additional traffic generated. Once the road is fully constructed, it will be vested to Council as a public road.

- Alternative access

It is considered appropriate to access the lots off Ambrose Street rather than Beaconsfield Emerald Road. The lot is currently accessed via Ambrose Street and is its legal address. After a full assessment by Councils Engineers, it has been determined that Ambrose Street can suitably accommodate the subdivision and extra traffic movements.

- Noise levels generated

The proposed lots exceed the zone requirement and are large in area. They follow the pattern of development along Ambrose Street. It is not appropriate to refuse an applicant for construction work in establishing the lots or on the belief that noise will be generated by people living on the lots created.

- Increased impact on the septic systems on a hill

The lots will either be connected to sewerage or have septic systems for the dwellings created. A land capability assessment was submitted and approved by Councils health department. Appropriate condition will be placed on any permit issued for the subdivision to ensure any dwelling constructed are in accordance with EPA regulations.

- Question of advertising process

Whilst some objectors questioned the advertising process, the requirements have been undertaken in accordance with the requirements of the Planning and Environment Act 1987.

- Property value

VCAT have determined the perceived loss in property value in not a considered planning objection.

CONCLUSION

It is considered that the proposal can be supported when assessed against the Cardinia Planning Scheme. It meets the zone provisions, overlay controls and the Emerald township strategy. The proposal will provide a

positive design response to the immediate vicinity of the site and will contribute to the existing and preferred neighbourhood character of the Emerald Township.

It is therefore recommended that a Notice of Decision be issued for Planning Permit T160026, for the subdivision of land into six (6) lots in three (3) stages, the creation of a road and the removal of vegetation at Lot S3 PS325761 44 Ambrose Street, Emerald subject to the conditions Earthworks at 67 Payne Road, Beaconsfield Victoria 3807 subject to the following conditions:

CONDITIONS

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions and one (1) copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) A landscape plan indicating all trees to be retained and removed from the subject site. The plan must include the species, height and diameter at breast height and take in to account the requirements of Condition 7d demonstrating the position of the crossovers

Clearing must be undertaken in accordance with the endorsed plan.

- b) An offset management plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan must be directed at offset planting of indigenous plants for the loss of vegetation in 1a. The amount must adequately compensate for the removal of the vegetation. The planting is to be placed on proposed Lot 6. When approved, the offset management plan will be endorsed and will form a part of this permit.

These plants must be planted with tree guards (*where appropriate*), mulched and maintained for a period of at least two (2) years after planting to ensure their survival to the satisfaction of the Responsible Authority.

- c) Amended building envelope plan demonstrating the building envelopes to be located in accordance with the lots arrangement on Version 5 of PS727455. Building envelopes must be sited to ensure vegetation to the rear of proposed Lot 1 and 2 are retained.
 - d) Delete the waste envelope from the plans
 - e) Address condition 26 of this permit (CFA)
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
 3. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
 5. The subdivision must proceed in the order of the stages shown on the endorsed plan except with the prior written consent of the Responsible Authority.

6. Before the certification of any plan within the subdivision, a layout plan of that stage detailing street names and lot sizes generally consistent with the overall layout plan must be submitted to and approved by the Responsible Authority.

7. Prior to the issue of a Statement of Compliance the following works must be designed and constructed in accordance with plans and specifications approved by and to the satisfaction of the responsible authority:
 - a) The roadway indicated as 'R1' on the plan of subdivision must be fully constructed with a sealed pavement and kerb & channel,
 - b) Underground drainage must be constructed to appropriately drain the proposed lots and road reserve.
 - c) Concrete vehicle crossings constructed to service all proposed lots.
 - d) A court head construction that accommodates the turning movements of an 8.8 metre garbage truck.
 - e) All vegetation offsets must be provided for as per requirement of Condition 1

8. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b. Topography and existing features, including contours for the subject land and any affected adjacent land,
- c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e. All trees proposed for removal from the subject land clearly designated,
- f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h. The proposed minor drainage network and any spatial features requiring access,
- i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l. A table of offsets for all utility services and street trees,
- m. Preliminary location of reserves for electrical kiosks and

- n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- o. The relationship between the subject subdivision stage and surrounding land,
 - p. Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - q. Works external to the subdivision, including both interim and ultimate access requirements,
 - r. Intersections with Category 1 roads showing interim and ultimate treatments,
 - s. Drainage and sewerage outfalls including any easements required over other property.
9. Before the statement of compliance is issued, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".
 10. Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
 11. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
 12. Before a Statement of Compliance is issued, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
 13. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.
 14. The CEMP must address all environmental risks and include:
 - a. Temporary stormwater management including sedimentation control,
 - b. Provision of pollution and contamination controls including noise and dust,
 - c. Location of stockpiles and stockpile management,
 - d. Location of site office and facilities
 - e. Equipment, materials and goods management.
 - f. Tree protection zones, trees to be retained and trees to be removed; and
 15. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
 16. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
 17. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must provide:

- a. Provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
18. Before a certificate of practical completion is issued, “as constructed” digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
19. The owner of the land must enter into an agreement with: a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
20. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
21. Before the development starts, a semi permanent structure to the satisfaction of the Responsible Authority must be placed around the vegetation identified for retention during construction works so as to create an "exclusion zone". No person or vehicle is to be allowed into the exclusion zone unless under supervision. No stock piling of materials, changing the soil grade through cut or fill, trenching, washing out of chemicals, oil spills, lighting fires or tearing of tree roots is to occur in the exclusion zone. Exclusion zones are to be accurately plotted on construction plans and contractors and sub-contractors, suppliers and service providers are to be made aware these protective measures apply to the subject land.
22. Before removal of the vegetation, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.
23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
24. All vegetation that is removed and disposed of must:
 - a) Not cause damage to vegetation stands to be retained.
 - b) Have regard to the local law when burning vegetation.

25. Except where specified on the endorsed plan, no other vegetation may be removed from the subject land, without the further written consent of the Responsible Authority.

CFA conditions

- 26 Before the certification is issued under the Subdivision Act 1988, an amended bushfire management plan which is generally in accordance with the Bushfire Management Plan (prepared by Jardine Johnstone; drawing No.: BMP01; revision date 03/09/2016) must be submitted to and endorsed by the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Cardinia Planning Scheme. The BMP must be revised to show the following additional bushfire mitigation measures and site features, unless otherwise agreed in writing by the CFA and the Responsible Authority:

a) Show for Lot 1, Lot 2, Lot 3, Lot 4 and Lot 6:

i) the dimensions of each building envelope; and

ii) the setbacks of each building envelope from adjacent property boundaries.

b) Show for Lot 6 an area of defensible space around the proposed building envelope for a distance of 11 metres in the north, south and east directions and to the property boundary in the west direction.

27. Before the statement of compliance is issued under the subdivision Act 1988 the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and environment Act 19897. The agreement must:

a) State that it has been prepared of the purpose of an exemption from a planning permit under Clause 44.06-1 of the Cardinia Planning Scheme.

b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit

c) State that is a dwelling is constructed on the land without a planning permit that the bushfire mitigation measurement set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuous basis

The land owner must pay reasonable costs of the preparation, execution and registration of the Section 173 agreement

28. In addition to the requirements of Clause 44.06-3 of the Cardinia Planning Scheme, the Section 173 Agreement prepared in accordance with that clause must also specify the following:

a) Explicitly exclude Lot 5 (i.e. lot with an existing dwelling) from the following exemption under Clause 44.06-1 of the Cardinia Planning Scheme:

- o A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-3.

- 29 Before the Statement of Compliance is issued under the *Subdivision Act 1988*, defensible space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Yarra Valley Water conditions

30. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
31. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Melbourne Water conditions

32. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
33. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
34. This permit will expire if:
 - a) The plan of subdivision for the first stage is not certified within two (2) years of the date of this permit; or
 - b) The plan of subdivision for any subsequent stage is not certified within 2 years of the date of certification of the previous stage of subdivision;
 - c) The registration of any stage of the subdivision is not completed within 5 years of the date of the certification of the plans of subdivision.(Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)

FOOTNOTES

If any new boundaries or works encroach over any part of the existing septic tank system, including buffer zones, the system must be relocated to the satisfaction of Council.

Melbourne Water footnotes

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 273210. If you have any enquiries, please contact me on telephone 9679 7517 or e-mail emma.tame@melbournewater.com.au.

CFA footnotes

To enact the bushfire mitigation measures of the endorsed Bushfire Management Plan and enable a dwelling exemption from a planning permit under Clause 44.06-1, the Subdivision Mandatory Condition of Clause 44.06-3 must be applied to any planning permit that may be issued for this planning application.

CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.

CFA also consents to the Statement of Compliance for Subdivision under the *Subdivision Act 1988*.



5 SUBDIVISION OF LAND (6 LOTS) AT 44 AMBROSE STREET, EMERALD

Moved Cr J Owen Seconded Cr G Moore

That a Notice of Decision to Grant Planning Permit T160026 be issued for the subdivision of land into six (6) lots in three (3) stages and creation of a road and the removal of vegetation at Lot S3 PS325761 44 Ambrose Street, Emerald subject to the conditions attached to this report.

Cd.

6 USE AND DEVELOPMENT OF A SERVICE STATION LOT H PRINCES HIGHWAY PAKENHAM

FILE REFERENCE INT1691157

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Hugh Pierce

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T150215 be issued for use and development of a service station and associated convenience shop, food and drink premises, 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification, promotion and internally illuminated signage at Lot H, Princes Highway, Pakenham Victoria 3810 subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 8 Pages |
| 3 | Copies of objections circulated to councillors only | 16 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T150215
APPLICANT:	Pakenham Holdings P/L c/- Ratio Consultants P/L
LAND:	Princes Highway, Pakenham Victoria 3810
PROPOSAL:	Use and development of a service station and associated convenience shop, food and drink premises, 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (crossover width and landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification, promotion and internally illuminated signage.
PLANNING CONTROLS:	Road Zone, Mixed Use Zone Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notification by mail to the surrounding property owners and occupiers in conjunction with a notice displayed on the land. Nine (9) objections were received. One (1) objection has subsequently been withdrawn.
KEY PLANNING CONSIDERATIONS:	Mixed Use Zone
RECOMMENDATION:	Notice of Decision

BACKGROUND:

There is no relevant planning permit history affecting the land.

SUBJECT SITE:

The subject site is located on the south side of Princes Highway at the eastern corner of Sir Thomas Drive in Pakenham. The land is 9,124 square metres

Topographically, the site exhibits a downward slope of approximately 2.5 metres in a general south-east direction.

The main characteristics of the surrounding area are:

- North: Princes Highway.
- East: Single storey detached residential dwellings predominantly on lots approximately 200 square metres.
- South: Single storey detached residential dwellings predominantly on lots approximately 500 square metres.
- West: Single storey detached residential dwellings on lots ranging between 500 square metres to 700 square metres.

SECTION 173 AGREEMENTS

The subject site is encumbered with two agreements pursuant to Section 173 of the Planning and Environment Act 1987. These are as follows:

- Agreement S0125335

This agreement facilitated the rezoning of the land and required the owner of the land to transfer a community facility site to the Council at no extra cost and to require the payment of a development levy contribution that applied at the time for each residential lot created by the subdivision of the land, prior to the Statement of Compliance of the subdivision.

- Agreement T148994L

This agreement includes the following restrictions:

'3. Dual Occupancy, split blocks under the Victorian Building Code or flats as defined in the Pakenham Planning Scheme will not be permitted on any lot with the exception of the lot identical with the lot number 148 on the endorsed permit P6095G dated 24th of May, 1993.

4. The owner will at its own cost carry out landscaping works in the road reserve and at the front of each lot to Council's satisfaction.'

The proposal will not contravene either of these agreements.

PROPOSAL:

The applicant is seeking planning approval for the following:

The use and development of:

- A service station comprising of eight fuel pumps and associated 234 square metre convenience shop. The proposed hours of operation are 24 hours, 7 days a week.
- A food and drink premises. The proposed hours of operation are 7am to 10 pm, 7 days a week.
- Four shops. The proposed hours of operation are 7am to 10 pm, 7 days a week.

The development of:

- Business identification and promotional signage associated with the service station comprising of signage on the service station convenience shop, petrol canopy and pylon sign. Signage on the petrol canopy and pylon sign is to be internally illuminated.

Additional, approval is also sought for:

- The creation of access to a road in a Road Zone, Category 1 (Princes Highway) pursuant to Clause 52.29 Land Adjacent to a Road Zone, Category 1
- A waiver of the loading and unloading requirement of Clause 52.07 - Loading and Unloading of Vehicles.
- A waiver of the 3 metre wide landscape buffer strip along the common boundary adjoining a residential zone requirement of Clause 52.12 'Service Station'.

A consequence of the proposal will also require that the existing ability for vehicles to gain access to Princes Highway directly from Sir Thomas Drive is prohibited. Access from these properties to Princes Highway will instead be redirected through a new L shaped road proposed to run through the centre of the site from Sir Thomas Drive and adjacent to the west boundary up to Princes Highway. When constructed this proposed road, which would be required to be constructed to Council standards, would be transferred into Council's ownership.

The southern half of the subject site measuring 3,980 square metres remains vacant.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11 - Settlement
- Clause 13 - Environmental Rise
- Clause 15 - Built Environment and Heritage
- Clause 17 - Economic Development
- Clause 18 - Transport

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 - Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-2 - Urban Growth Area
- Clause 21.04-1 - Employment
- Clause 21.04-3 - Activity Centres
- Clause 21.06-1 - Design and built form
- Clause 22.04 - Highway Development

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 – Advertising Signs
- Clause 52.06 – Car Parking
- Clause 52.07 – Loading and Unloading of Vehicles
- Clause 52.12 – Service Station
- Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 65 – Decision Guidelines

Zone

The land is subject to Clause 32.04 – Mixed Use Zone

Overlays

The land is subject to the following overlays:

- Clause 45.06 – Development Contributions Plan Overlay – Schedule 2

PLANNING PERMIT TRIGGERS

The proposal for the use and development of a service station and associated convenience shop, food and drink premises, 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of business identification, promotion and internally illuminated signage all requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.04 – Mixed Use Zone, a planning permit is required to use the land for a service station, a shop exceeding a leasable area of 150 square metres (4 shops with combined floor area of 312 square metres) and a food and drink premises exceeding a leasable floor area of 150 square metres (178 square metres). Additionally, a planning permit is required to construct or carry out work
- Pursuant to Clause 52.05 – Advertising Signage, a planning permit is required for business identification signage and promotional signage if the total advertising area of this signage exceeds 8 square metres. Furthermore, a planning permit is required for internally illuminated signage that exceeds a total advertising area of 1.5 square metres.
- Pursuant to Clause 52.07 - Loading and Unloading of Vehicles, a planning permit is required for the waiver of the loading and unloading requirement.
- Pursuant to Clause 52.12 - Service Station, a planning permit is required for a waiver of the 3 metre wide landscape buffer strip along the common boundary adjoining a residential zone requirement.
- Pursuant to Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road, a planning permit is required for creation of access to a road in a Road Zone, Category 1.

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(s) on site

Council has received nine (9) objections to date of which one (1) has been withdrawn.

The key issues that were raised in the objection are:

- Rerouting access to Princes Highway from Sir Thomas Drive.
- Hours of operation of proposed businesses.
- Increased traffic flow.
- Lack of acoustic barrier.
- Illuminated signage.
- Water run-off.
- Proximity to fuel.
- Presence of the growling grass frog.
- Property value.

REFERRALS

VicRoads

The application was referred to VicRoads as a statutory referral. Despite multiple discussions with VicRoads they have not responded to Council within their obligatory statutory timeframe as a result Council can make a decision without their input.

Environmental Protection Agency

The application was referred to Environmental Protection Authority for comment. The Environmental Protection Authority had no objection to the proposal subject to conditions.

DISCUSSION

State Planning Policy Framework

The proposal will increase the supply of commercial and retail uses within the immediate area (Clause 11.02-1) whilst the variety of uses will allow for opportunities for the sharing of resources and support for local economic activities for local economic gain (Clause 11.04-2). Enhanced employment opportunities will also inevitably result as a consequence of the proposal (Clause 11.02-2).

The layout and orientation of the built form within the development aims to create a safe and functional environment that does not adversely reduce community amenity via noise emissions and to limit the impact on the established urban environment (Clause 13.04-1 & Clause 15.01-1). Furthermore, this co-location of uses will additionally facilitate a more compact neighbourhood where access to services, notably convenience shopping facilities, to meet the day to day needs of residents is within a walkable distance (Clause 15.01-1 & Clause 17.01-1). Notwithstanding adequate and suitably located car parking facilities will also be provided to enable access via multiple transport modes (Clause 18.02-5)

Local Planning Policy Framework

Cardinia Shire is expected to accommodate population growth from 77, 000 people in 2011 to 120, 000 by 2021 (Clause 21.01). Key issues relevant to this intended growth is providing people access to services and developing an improved Local economy that can provide local employment for residents especially given the high level of current residents commuting outside of the municipality for employment (Clause 21.01 & Clause 21.04-1).

Mixed Use Zones are intended to be applied to land expected to accommodate mixed use functions and community activity clusters (Clause 21.04-3) within activity centres. These activity centres should facilitate

development of retail, commercial, residential and entertainment activities to meet the needs of the existing and future community (Clause 21.04-3).

The provisions of a service station and, to a lesser extent, the food and drink premises and shops to the site, will aid in the provision of appropriate facilities for people travelling along Princes Highway (Clause 22.04).

Zone

Clause 32.04 – Mixed Use Zone

The purpose of the zone is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The proposal is considered to satisfy the above as a consequence of the following:

The provision of a mixture of uses (service station, food and drink premise and shops) fulfils the overarching intention of the zone which it to provide a range of uses.

The location of the site along Princes Highway makes it ideal for a service station given Clause 22.04 'Highway Development' highlights the need for development to provide facilities for those travelling along the highway.

The service station and its associated convenience shop are sited in a manner that is well setback from adjoining residential land. The shops and food and drink premises sits between the service station and dwellings east of Sir Thomas Drive, predominantly screening the service station from view. To the south, remains the 3,980 square metre vacant section of the subject site whilst the dwellings to the west are setback between 19 -20 metres from the rear wall of the service station's convenience shop to the closest boundary. Furthermore, due to the location of the proposed buildings and works being located to the north half of the subject site; three of the four residential lots adjoining the subject site are directly adjacent to the section of land left vacant in the proposal.

The proposed 24 hour/7 days a week operation of the service station is considered reasonable as a consequence of buffers to adjoining residential land, and also due the existing character of the immediate area. The location of the subject site and residential allotments in the immediate vicinity being within close proximity of Princes Highway means that the existing character of the immediate area is one already exposed to regular vehicle movement and the noise it generates. The percentage of vehicles venturing off Princes Highway to the service station is likely to be small within the early and late hours of the day and in most instances only for short periods of time in order to collect fuel and is therefore not considered a use that will have detrimental implications.

The proposed four shops and food and drink premises in the single storey form are considered appropriate within the context of the subject site and proposal. These uses provide the opportunity for increased economic and employment opportunities and when combined with the service station establish the mixture of uses that will provide the potential for the local residents to access to services to meet certain day to day needs within a walkable distance from their homes.

Particular Provisions

Clause 52.05 – Advertising Signage

All proposed signage is associated with that of the service station. The extent of this signage is consistent with that of the majority of established service stations. The pylon sign is located within close proximity to the north-east corner of the subject site and is not directly adjacent to any residential land. Illumination of this signage and that on the canopy is considered reasonable given the mixed use nature of the subject site. Furthermore, the previously discussed buffer distances and predominate orientation of this signage is expected to have limited adverse implications on adjoining residential land. Furthermore, a condition will be applied to any approval restricting overspill in relation to illuminated signage.

Clause 52.06 – Car Parking

In accordance with Table 1 of Clause 52.06-5 the proposal requires 23 car parking spaces to satisfy the minimum requirements. The proposal has provided 23 car spaces and therefore satisfies this clause.

Clause 52.07 - Loading and Unloading of Vehicles

The proposed service station's associated convenience shop has been provided with a loading bay of 9.38 metre x 3.6 metres well in excess of the minimum 7.6 metre x 3.6 metre requirements. The shops and the food and drink premises, however, have not been provided with a loading bay. The applicant has advised that this is due to the size of these premises and that any vehicles undertaking loading activities in association with these premises would consequently be small and thus be accommodated within one of the standard car parking spaces located on the subject site.

Council's Traffic Engineers have reviewed the submitted information and provided no objection to the proposal.

Clause 52.12 – Service Station

Clause 52.12-1 establishes that a 3 metre wide landscape buffer strip along the common boundary with residential zoned land should be achieved. In this instance only a 1.53 metre wide landscape buffer can be achieved along the west boundary of the subject site. This is due to the proposed road running through the centre of the subject site curving around the rear of the service station. However, although the 3 metre wide landscape buffer cannot be achieved, the overall distance between the service station and the west common boundary is between 19-20 metres. As a consequence, it is considered that despite the inability of a 3 metre wide landscape buffer, the overall distance between the relevant boundary and the service station should provide an adequate buffer between the proposal and the residential land.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Pursuant to Clause 52.29, a proposal to create or alter access to a Road Zone Category 1 must be referred to VicRoads pursuant to Section 55 of the Planning and Environment Act 1987. Section 55 of the Planning and Environment Act 1987 provides 21 days for VicRoads to respond to Council with any comments, concerns or conditions that must be applied to the application. A referral was sent to VicRoads on the 24 August 2016 and no response has been received to this date. Council can progress an application after this period has elapsed.

Objections

The following is a response to all concerns raised within objections to the application that have not already been discussed in the discussion:

- Rerouting access to Princes Highway from Sir Thomas Drive.

The proposal to create a road through the centre of the subject site has come as a consequence of preliminary advice from VicRoads raising concern with the current exit from Sir Thomas Drive onto Princes Highway being within close proximity to the proposed entry to the subject site from Princes Highway. It was considered that the combination of vehicles slowing in speed to access the subject site, whilst vehicles increase speed as they enter Princes Highway from Sir Thomas Drive, would lead to potential conflict. The solution to this as offered by the proposal, is to prevent vehicles from using the current access from Sir Thomas Drive and instead divert traffic a short distance through the subject site to a new access point after that of the proposed entry to the subject site. It is noted that the ability to exit Princes Highway into Sir Thomas Drive as currently available will not be altered as a consequence of this proposed.

The proposed layout will restrict the existing ability for vehicle access from the south to dwellings north of the proposed road's access point along Sir Thomas Drive. However, a condition of approval will require the layout to be altered to allow vehicles from dwellings and 32 and 34 Sir Thomas Drive, access to their sites from both the south and north extents of Sir Thomas Drive.

This proposed road will become a Council road subject to conditions of approval.

Council's Traffic Engineers have reviewed this aspect of the proposal and advised of no objection subject to conditions requiring minor changes to closing off the existing exit from Sir Thomas Drive as shown on the submitted plans.

- Increased traffic flow

It is highly unlikely that the proposal will result in any increased traffic movement in the adjoining residential street, given that the site features direct entry and exit to Princes Highway from the subject site. Therefore, the traffic movement along Sir Thomas Drive should remain as is albeit directed though the new proposed road though the centre of the subject site.

- Lack of acoustic barrier

A condition of approval will require acoustic fencing along the west boundary to reduce any noise associated with the proposed road.

- Water run-off

The application has been referred to Council's Engineers who have reviewed the submitted plans and advised no objection to the proposal subject to conditions which include details relevant to appropriately managing drainage.

- Proximity to fuel

The proposal has been referred to the Environmental Protection Authority who have advised not objection to the proposal subject to conditions. It is considered that the inclusion of such conditions will mitigate against any potential detrimental impacts.

- Presence of the Growling Grass Frog

It is noted that the Growling Grass Frog needs still or slow moving water for their habitat. The subject site provides neither of these nor is it located within immediate proximity of such water bodies.

Notwithstanding, a sizable section of the southern half of the subject site will remain vacant and the provision of conditions relevant to the mitigation of adverse noise, odour, dust and wastewater should limit any impact associated with the proposal.

- Property value

In relation to planning decisions the loss of property values, perceived or actual, cannot form the basis for the rejection of an application.

CONCLUSION

The proposal is consistent with the State and Local Planning Policy Framework, Zone, Overlay, Particular and General Provisions.

It is considered that the proposal can be supported therefore it recommended that a Notice of Decision for planning permit application T150215 be issued for the use and development of a service station and associated convenience shop, food and drink premises, 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification, promotion and internally illuminated signage at Princes Highway, Pakenham Victoria 3810, subject to conditions.

CONDITIONS

1. Before the use or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a. An amended site plan incorporating the layout as indicated on Drawing No. 11681 FLP01-1, Issue G, dated 08/09/2016 with the following amendments:
 - i. A transition line marking north of the cross-over to 34 Sir Thomas Drive notating the width of the one way access onto Sir Thomas Drive from Princes Highway gradually reducing from 4.3 metres to 3 metres (at the cross-over to 34 Sir Thomas Drive) across a 20 metre length to the point where the road becomes two ways.
 - ii. A 5 metre by 5 metre splay at the entry to the internal road on the north east corner of the vacant southern half of the subject site.
 - iii. The connection of the footpath along the west side of the internal road connected to the existing footpath on the south side of Princes Highway adjacent to 88 Dunbarton Drive.
 - iv. The deletion of the 6 triangle shaped structures adjacent to the food and drink premises/shops.
 - v. The correct spelling of 'Petrol Canopy'.
 - b. A Signage and Line marking plan incorporating the layout as indicated on Drawing No. 11681 FLP01-1, Issue G, dated 08/09/2016 with the following amendments:
 - i. The requirements of Council 1.a.i.
 - ii. The provision of a u-turn arrow adjacent to the cross-over to 34 Sir Thomas Drive in the terminating north bound traffic lane.
 - iii. Striped centre line along section of two way road north of the access to the internal road along Sir Thomas Drive.
 - iv. The provision of a 'No entry' Sign (R2-4) facing into the subject site at the entry to the subject site from Princes Highway.
 - v. The provision of a 'One way' Sign (R2-2(L)) on the Princes Highway median opposite the exit from the subject site.
 - c. The west common boundary of the subject site notated to feature acoustic fencing.
 - d. The provision of a report by an acoustic expert with recommendations relating to any required acoustic treatment methods and fence construction along the west common boundary required to provide for an appropriate level of residential amenity within the site.
 - e. A landscaping plan including:
 - i. Details of surface finishes of pathways, driveways and roads.
 - ii. A planting schedule of all proposed trees, shrubs and ground cover, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plan.

- iii. Landscaping and planting with all open areas of the subject site notably the north-east corner, between the shops/food and drink premises and Sir Thomas Drive, land immediately adjacent to the west common boundary, land surrounding the service station's convenience shop and land along the internal road.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the written consent of the Responsible Authority, the food and drink and shops may operate only between the hours of:
 - a. Monday to Sunday: 7am to 10 pm
4. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
6. The use and development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
7. All security alarms or similar devices installed on the subject land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
8. Before the use starts, an acoustic fence must be erected along the west common boundary of the subject land. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.
9. Before the commencement of the use or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. 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.
11. The illumination of the signs must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.
12. The signs lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
13. The signs must not contain any flashing light.
14. The signs must be displayed and maintained to the satisfaction of the Responsible Authority.
15. Prior to the commencement of use, a plan of subdivision generally in accordance with this application must be submitted in accordance with Section 35 of the Subdivision Act 1988 showing:
 - a. The internal road and associated reserve with a minimum width of 16 metres vested in the Cardinia Shire Council, at no cost to Council.

16. Prior to the commencement of use, the sections of road reserve along Sir Thomas Drive and Princes Highway no shown to be no longer used as road must be re-established as nature strip at no cost to Council
17. Prior to the commencement of the development, the permit holder must make formal application to the Responsible Authority to close Sir Thomas Drive from direct access to Princes Highway.
18. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
 - b. Topography and existing features, including contours for the subject land and any affected adjacent land,
 - c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
 - d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
 - e. All trees proposed for removal from the subject land clearly designated,
 - f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
 - g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
 - h. The proposed minor drainage network and any spatial features requiring access,
 - i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
 - j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
 - k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
 - l. A table of offsets for all utility services and street trees,
 - m. Preliminary location of reserves for electrical kiosks and
 - n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.
19. Before the Statement of Compliance for the internal road is issued, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the “Water Sensitive Urban Design (WSUD) Guidelines”.
 20. Before the Statement of Compliance is issued for the internal road is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.

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

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
 - b. Provision of pollution and contamination controls including noise and dust,
 - c. Location of stockpiles and stockpile management,
 - d. Location of site office and facilities
 - e. Equipment, materials and goods management.
 - f. Tree protection zones, trees to be retained and trees to be removed; and
21. All roads used for the purpose of haulage of imported or exported materials for construction must be:
- a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
22. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
23. Before a Statement of Compliance for the internal road is issued under the *Subdivision Act 1988* the permit holder must provide:
- a. Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
24. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
25. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.
26. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
27. Before the development is occupied industrial standard concrete vehicle crossings as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
28. Before the development is occupied, all proposed 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.

29. 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.
30. 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.

Environmental Protection Authority

31. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.
32. Any underground storage tanks which are to be decommissioned, temporarily decommissioned or removed shall be managed in accordance with AS4976-2008 The Removal and Disposal of Underground Petroleum Storage Tanks (Standards Association of Australia).
33. All infrastructure for the storage and handling of Liquefied Petroleum (LP) Gas should be designed, constructed and operated in accordance with AS/NZS1596:2008 The Storage and Handling of LP Gas (Standards Association of Australia).
34. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.1, January 2009). Council may also wish to refer to AS 4897-2008 The Design, Installation and Operation of Underground Petroleum Storage Systems (Standards Association of Australia).
35. Effluent and waste solvent generated from the washing or cleaning of engines or parts shall not be discharged on or from the premises.
36. There must be no discharge of wastewater or contaminated stormwater to the stormwater system.
37. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
38. Wastewater generated at the premises must be connected to a reticulated sewer.
39. Vehicle washing must not be carried out at the premises without the approval of the Responsible Authority. Any on-site wastewater recycling or treatment system must be designed, installed and managed to the satisfaction of Cardinia Shire Council and/or South East Water.
40. EPA encourages the recycling of wastewater generated on site, provided that any residual wastewater is discharged to sewer under a Trade Waste Agreement with South East Water.
41. Offensive odours must not be discharged beyond the boundaries of the premises.
42. Nuisance dust must not be discharged beyond the boundaries of the premises.
43. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

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

- a. The development and use are not started within two years of the date of this permit.
- b. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards if the approved development has not commenced and twelve months if the approved development has commenced.

Permit Notes

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Should the future development be used for a commercial enterprise involving handling of food or drink, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.
- Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Public Health & Wellbeing, Food or Tobacco Acts.



**6 USE AND DEVELOPMENT OF A SERVICE STATION LOT H PRINCES
HIGHWAY PAKENHAM**

Moved Cr J Owen Seconded Cr G Moore

That a Notice of Decision to Grant Planning Permit T150215 be issued for use and development of a service station and associated convenience shop, food and drink premises, 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification, promotion and internally illuminated signage at Lot H, Princes Highway, Pakenham Victoria 3810 subject to the conditions attached to this report.

Cd.

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

FILE REFERENCE INT1691058

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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 appeal proceedings.

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Status/VCAT Decision
15-16 th December 2016	T130036- 1	Bridge Road Officer	Use and development of the land for a restricted place of assembly, installation and use of 60 electronic gaming machines and sale and consumption of liquor (full club licence)	Refusal	Applicant	Awaiting hearing
TBA	T140723	1 Bridle Place, Pakenham	Cancelation of Planning Permit - issued in breach of covenant	Initiated cancellati on	Applicant	Awaiting hearing
22/04/16 Hearing 5/10/16 Compulsory Conference - 10/08/16	T080447- 1	11-15 Vista Court Gembrook	The use and development of land for the purpose of twenty (20) dwellings, of which ten (10) are to be used as a retirement village (over 55's) and associated earthworks exceeding one (1) metre.	Refusal	Applicant	Awaiting Decision

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Status/VCAT Decision
TBA	T160014	Cardinia Road, Cardinia	The use and development of a Telecommunications Facility, associated equipment shelter and associated works in accordance with the endorsed plans	NOD - Approval	Objector	Awaiting hearing
22-Feb-17	T150734		Subdivision of land into two (2) lots and creation of an easement	Refusal	Applicant	Awaiting hearing
24-Apr-17	T130758-2	5 & 6 Spencer Place, Pakenham	The development of the land for the purpose of five (5) dwellings, generally in accordance with the approved plans	Refusal	Applicant	Awaiting hearing
20-Mar-17	T160196	Timbertop Blvd, Officer	Multi lot subdivision of the land and the removal of one native tree	Refusal	Applicant	Awaiting hearing
15-Mar-17	T160197	32 Racecourse Road Pakenham	Development of the land for a service station, development and use for a convenience restaurant and convenience shop, car parking variation and works to alter and create access to a Road Zone category 1	Failure to decide	Applicant	Awaiting hearing

CONCLUSION

The report detailing matters currently before VCAT is presented for the information of Councillors.

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

Moved Cr J Owen Seconded Cr G Moore

That the report be noted

Cd.

8 PLANNING PERMITS ISSUED UNDER DELEGATE AUTHORITY

FILE REFERENCE INT1691055

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted

Attachments

Nil.

EXECUTIVE SUMMARY

The following matters have been dealt with under delegated powers since the last report to Council in September 2016

Central Ward - Decisions from 15/09/16 to 17/11/16				
Date	Permit No	Location	The Proposal	The Decision
15/09/2016	T150632	6 Jacqueline Place, Pakenham Victoria 3810	Development of the land for a second dwelling	Issued
15/09/2016	T160306	30 Reynolds Road, Pakenham VIC 3810	Extension and alterations to the existing dwelling and development of the land for a dependent persons unit	Issued
15/09/2016	T150774	21 James Street, Pakenham Victoria 3810	Development of the land for a side fence and an outbuilding	Issued
15/09/2016	T160322	14 Rogers Street, Pakenham VIC 3810	Development of the land for a multi unit development	Lapsed
15/09/2016	T160463	11 Anderson Street, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued
20/09/2016	T160033 - PC2	Corporate Terrace, Pakenham Victoria 3810	Multi lot subdivision	Issued
22/09/2016	T140135 - 1	Toomuc Valley Road, Pakenham Victoria 3810	Development of the land for twelve (12) dwellings	Issued
22/09/2016	T160437	Tncy 1/50-54 John Street, Pakenham VIC 3810	Advertising Signage	Issued
23/09/2016	T130069 - 2	Corporate Terrace, Pakenham Victoria 3810	Development of the land for multi unit warehousing associated offices and car parking	Issued
23/09/2016	T140250 - 2	99 Bald Hill Road, Pakenham Victoria 3810	The staged subdivision of the land into fifteen (15) lots	Issued
23/09/2016	T160454	129 Main Street, Pakenham VIC 3810	The sale and consumption of liquor	Issued
26/09/2016	T150392 - 2	24 Bormar Drive, Pakenham Victoria 3810	Amended Permit - Subdivision of the land into	Issued

			thirty-one (31) lots and common property in two (2) stages	
26/09/2016	T150790 - PC1	71 Racecourse Road, Pakenham Victoria 3810	Subdivision of land adjacent to a road in a Road Zone Category 1 and creation of access to a road in a Road Zone Category 1	Issued
27/09/2016	T140770 - 2	24 Bormar Drive, Pakenham Victoria 3810	Amended Permit - Building and works associated with thirty-one (31) warehouses with ancillary offices in two (2) stages, use of land for a Place of Worship and a reduction in car parking requirements	Issued
27/09/2016	T160370	30-34 Toomuc Valley Road, Pakenham VIC 3810	Buildings and works associated with a vehicle accessway and car parking and creation of an access to a road in a Road Zone Category 1	Issued
28/09/2016	T070246 - 1	Henry Street, Pakenham Victoria 3810	Amended Permit - Buildings and works to an existing building in a Public Park & Recreation zone	Withdrawn
28/09/2016	T150232 - 1	Debra Avenue, Pakenham Victoria 3810	Subdivision of the land into four (4) lots,	Issued
28/09/2016	T160344	75 Caversham Drive, Pakenham VIC 3810	Multi unit development	Issued
6/10/2016	T160520	36-40 Racecourse Road, PAKENHAM VIC 3810	Business Identification Signage	Lapsed
7/10/2016	T110500 - PC1	155 Ahern Road, Pakenham Victoria 3810	Amend Permit - Subdivision of land for twenty seven (27) lots and the removal of vegetation	Issued
7/10/2016	T160457	214 Toomuc Valley Road, Pakenham VIC 3810	Use and development for a depot licence and an outbuilding	Lapsed
7/10/2016	T140222 - PC1	151 Ahern Road, Pakenham Victoria 3810	Construction of a fence	Issued
7/10/2016	T110500 - PC1	155 Ahern Road, Pakenham Victoria 3810	Planning permit to Subdivide (land into 10 or more lots)	Issued
7/10/2016	T160347	10 Caversham Drive, Pakenham VIC 3810	Subdivision of the land into ten (10) lots	Issued
11/10/2016	T150194 - PC2	Henry Road, Pakenham Victoria 3810	Development of the land for three (3) dwellings on the lot	Issued
11/10/2016	T150475 - PC2	705 Princes Hwy, Pakenham Victoria 3810	Subdivision of the land (24 lots) adjacent to a Road Zone Category 1	Issued

11/10/2016	T160206 - PC1	34 Bate Close, Pakenham VIC 3810	Subdivision of the land into two (2) lots and construction of two (2) warehouses and associated earthworks	Withdrawn
17/10/2016	T160602	U 10/6-16 Diston Court, Pakenham VIC 3810	The development of the land for a dwelling extension (verandah)	Issued
17/10/2016	T160444	44 Brown Road, Pakenham VIC 3810	Development of the land for an outbuilding	Issued
17/10/2016	T160516	25 Henty Street, PAKENHAM VIC 3810	The subdivision of the land into two (2) lots	Issued
17/10/2016	T160611	U 4/21-31 Parman Avenue, Pakenham VIC 3810	The development of the land for a dwelling extension (verandah)	Issued
21/10/2016	T150142 - 1	34 A` Beckett Road, Bunyip Victoria 3815	Subdivision of the land into two (2) lots and vegetation removal.	Issued
20/10/2016	T130216 - 2	Southeast Boulevard, Pakenham Victoria 3810	Amended Permit - Use and development of the land for motor vehicle, boat and caravan sales and associated cafe and offices, and development of the land for industry, warehousing and associated offices and reduction in car parking	Issued
24/10/2016	T050707 - 1	4242950500, 20 Drovers Place, Pakenham Victoria 3810	Four Warehouses & Factory	Withdrawn
24/10/2016	T130623 - 1	1280 Koo Wee Rup Road, Pakenham Victoria 3810	Use of the land for convenience restaurant, convenience store and takeaway food premises with associated buildings and works, and buildings and works associated with a service station, car wash and motor repairs, display of signage and alteration of access to a category 1 road zone.	Withdrawn
25/10/2016	T160428	4 Graham Court, Pakenham VIC 3810	Development of the land for a warehouse	Issued
26/10/2016	T150336 - PC1	1160 Koo Wee Rup Road, Pakenham Victoria 3810	Development of the land for three (3) warehouses	Issued
26/10/2016	T150681 - PC1	62 Bald Hill Road, Pakenham Victoria 3810	Buildings and works for a warehouse	Issued
26/10/2016	T160114	71-77 Racecourse Road, Pakenham VIC 3810	Use and development of the land for twenty-six (26) dwellings, creation of	NOD

			access to a Road Zone Category 1 and removal of native vegetation	
27/10/2016	T160397	9 Ashton Place, Pakenham VIC 3810	Extension of existing dwelling and construction of a second dwelling	Issued
27/10/2016	T160563	18 Oaktree Drive, Pakenham VIC 3810	Development of the land for an outbuilding	NOD
26/10/2016	T160247	Village Lakeside, Shop 5/9-17 Lakeside Boulevard, Pakenham VIC 3810	Use of land for the sale and consumption of liquor	Issued
27/10/2016	T160443	Pakenham Road, Pakenham VIC 3810	Use and development of the land for a Rural Store	Issued
2/11/2016	T150176 - PC2	15 Pakenham Road, Pakenham Victoria 3810	Development of land for the construction of sixteen (16) dwellings and creation and alteration to access to a Category 1 Road	Issued
2/11/2016	T160496	Commercial Drive, Pakenham VIC 3810	Subdivision of the land into seven (7) lots	Issued
3/11/2016	T160377 - PC2	Corporate Terrace, Pakenham VIC 3810	The use and development of the land for a place of assembly (play centre) and the development of a warehouse with ancillary office	Issued
7/11/2016	T160461	27 Henty Street, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued
7/11/2016	T160645	20 Davidson Street, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued
8/11/2016	T130623 - PC1	1280 Koo Wee Rup Road, Pakenham Victoria 3810	Use of the land for convenience restaurant, convenience store and takeaway food premises with associated buildings and works, and buildings and works associated with a service station, car wash and motor repairs, display of signage and alteration of access to a category 1 road zone.	Withdrawn
8/11/2016	T150633	5 Ashton Place, Pakenham Victoria 3810	Construction of a second dwelling on a lot within the General Residential Zone Schedule 1	Issued
8/11/2016	T160081	116 Toomuc Valley Road, Pakenham Victoria 3810	Development of the land for seventeen (17) dwellings and associated earthworks	Issued

			and native vegetation removal	
11/11/2016	T160036 - 1	Michael Street, Pakenham Victoria 3810	Subdivision of the land into two (2) lots	Issued
11/11/2016	T160477	885 Princes Highway, Pakenham VIC 3810	Removal of vegetation	Withdrawn
11/11/2016	T160612	25 Bronzewing Street, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued
14/11/2016	T160647	16 Watergrass Court, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued
14/11/2016	T160721	29 Cameron Way, Pakenham VIC 3810	Development of the land for a carport, verandah and garage	Withdrawn
14/11/2016	T160715	14 Watergrass Court, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued
15/11/2016	T160326	43-45 Princes Highway, Pakenham VIC 3810	Construction of eight (8) dwellings on a lot, subdivision of the land into eight (8) lots and common property, and alteration of access to a Road Zone Category 1	Issued
Port Ward – Decisions from 15/09/16 to 17/11/16				
Date	Permit No	Location	The Proposal	The Decision
15/09/2016	T150305 - PC2	50 Nar Nar Goon-Longwarry Road, Bunyip Victoria 3815	Buildings and works for the construction of three (3) warehouses and the creation of access to a road in a Road Zone Category 1 and removal of native vegetation	Issued
15/09/2016	T160367	2 Tower Road, Koo Wee Rup VIC 3981	Development of the land for a dwelling extension	Issued
16/09/2016	T160368 - PC2	376 Rossiter Road, Koo Wee Rup VIC 3981	The development of the land for a carport in a Heritage Overlay	Issued
16/09/2016	T160427	62 Peet Street, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued
19/09/2016	T150342 - 1	17 Station Street, Koo Wee Rup Victoria 3981	Display of an internally illuminated sky sign	Issued
20/09/2016	T120621 - 3	48 Sawmill Lane, Tynong North Victoria 3813	The use and development of the land for a single dwelling exceeding seven (7) metres in height.	Issued
21/09/2016	T160007	220 Monomeith Road, Monomeith Victoria 3984	Use and development of the land for Animal Keeping with a reduced setback	NOD
21/09/2016	T160349	47-51 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	Place of assembly, liquor licence and reduction in car parking	Issued

21/09/2016	T160452	15 Wirragulla Road, Maryknoll VIC 3812	Development of the land for an outbuilding with a reduced setback	Issued
22/09/2016	T160518	15 Granite Lane, TYNONG VIC 3813	Development of a veranda and alterations to existing building	Issued
23/09/2016	T160275	305 McCraws Road, Catani VIC 3981	Re-subdivision of two existing lots (boundary realignment)	Issued
23/09/2016	T160309	38-40 Tynong Road, Tynong VIC 3813	Re-subdivision of the land into two (2) lots (boundary realignment)	Issued
23/09/2016	T160377	Corporate Terrace, Pakenham VIC 3810	The use and development of the land for a place of assembly (play centre) and the development of a warehouse with ancillary office	Issued
23/09/2016	T160458	33 Commercial Drive, Pakenham VIC 3810	The display of Business Identification Signage	Issued
26/09/2016	T140720 - PC1	51 Main Street, Nar Nar Goon Victoria 3812	Subdivision of the land into two (2) lots	Issued
27/09/2016	T160391	365 Bennett Road, Cora Lynn VIC 3814	Use and development of the land for a dwelling and outbuilding (shed)	Issued
27/09/2016	T110712 - 2	555 Railway Avenue, Garfield Victoria 3814	Amended Permit - Multi lot residential subdivision and removal of native vegetation and the approval of a development plan - Part schedule 6.	Issued
27/09/2016	T160426	270 Cardinia Road, Officer South VIC 3809	Development of the land to remove a dam and associated earthworks	Issued
28/09/2016	T160416	19 Wingadee Road, Maryknoll VIC 3812	Development of the land for an outbuilding (shed)	Issued
29/09/2016	T160163	105 Daleys Road, Koo Wee Rup VIC 3981	Extension to an outbuilding (retrospective)	Issued
29/09/2016	T160353	230 Old Sale Road, Garfield North VIC 3814	Development of the land for an outbuilding	Issued
7/10/2016	T160055 - PC1	291 Rossiter Road, Koo Wee Rup Victoria 3981	Use of land for a restricted recreation facility (gym)	Issued
10/10/2016	T160502	455 Tynong North Road, Tynong North VIC 3813	Development of the land for a replacement outbuilding	Lapsed
11/10/2016	T160473	8 Gwen Meredith Drive, Bunyip VIC 3815	Development of the land for an outbuilding	Issued
13/10/2016	T160244	24 Hope Street, Bunyip VIC 3815	Development of the land for an additional dwelling	Issued
17/10/2016	T160223	23 Hope Street, Bunyip VIC 3815	Subdivision of the land into two (2) lots	Issued
17/10/2016	T160257	19 Nagle Crescent, Maryknoll VIC 3812	Construction of an outbuilding, swimming pool	Issued

			and associated earthworks	
17/10/2016	T160279	2A Latta Road, Nar Nar Goon VIC 3812	Subdivision of the land into two (2) lots and associated vegetation removal/lopping	Issued
17/10/2016	T160574	320 Officer South Road, Officer South VIC 3809	Buildings and works associated with a Section 2 Use (dwelling on a lot less than 40ha).	Issued
18/10/2016	T160316	1 Cambridge Street, Lang Lang VIC 3984	Use of the land for a Medical Centre (Myotherapy), display of a business identification sign and reduction in the number of car parking spaces	NOD
18/10/2016	T160379	54 Bladens Road, Koo Wee Rup VIC 3981	Development of the land for a dwelling extension	Issued
18/10/2016	T160545	630 Main Drain Road, Koo Wee Rup VIC 3981	Construction of a building associated with agriculture (extensive animal husbandry)	Issued
18/10/2016	T160559	37-39 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	The replacement of windows and window frame in a Heritage Overlay	Issued
18/10/2016	T160596	145 McInnes Road, Tynong North VIC 3813	Alterations and additions to existing dwelling	Issued
20/10/2016	T150286 - 1	40 Koo Wee Rup Road, Koo Wee Rup Victoria 3981	AMENDED PERMIT - Development of land for a dwelling extension in a Green Wedge Zone-Schedule 1 and a Land Subject to Inundation OverlayLand Subject to Inundation Overlay	Withdrawn
20/10/2016	T160415	265-267 Rossiter Road, Koo Wee Rup VIC 3981	Development and use of the land for a store (shipping container)	Refused
25/10/2016	T160317	3770 Ballarto Road, Bayles VIC 3981	Development of the land for a dwelling and an outbuilding	Issued
26/10/2016	T160050	24 Bunyip-Modella Road, Bunyip Victoria 3815	Use and development of the land for a motor repair facility (workshop) and earthworks	NOD
26/10/2016	T160373	110 Murphy Lane, Bunyip VIC 3815	Development of the land for an outbuilding	Issued
26/10/2016	T160571	172-180 Station Street, Koo Wee Rup VIC 3981	Extension and refurbishment to school building, conversion of meeting rooms to toilet facilities and construction of carpark/games courts	Lapsed

28/10/2016	T140225 - PC1	74-76 Wattletree Road, Bunyip Victoria 3815	Subdivision of the land into two (2) lots	Issued
28/10/2016	T160594	72 Railway Avenue, Garfield VIC 3814	Subdivision of the land into five (5) lots	Issued
31/10/2016	T160547	96 Hope Street, Bunyip VIC 3815	Alterations and additions to an existing dwelling	Issued
2/11/2016	T140662 - PC2	1-17 Tynong Road, Tynong Victoria 3813	Building and works associated with accommodation (convent) from an approved master plan	Issued
2/11/2016	T160078 - PC1	9 Knights Court, Tynong Victoria 3813	Use and development of the land for a dwelling and buildings and works associated with agriculture for horse stables used in association with a horse training facility in Special Use Zone Schedule 3 and Land Subject to Inundation Overlay	Issued
4/11/2016	T140745 - 1	14 Barker Road, Garfield Victoria 3814	Multi lot subdivision, creation of easement and the removal of native vegetation	Issued
7/11/2016	T160576	295 Temby Road, Iona VIC 3815	Use and development of the land for a shed	Lapsed
8/11/2016	T160483	145 Edens Road, Caldermeade VIC 3984	Development of the land for an agricultural building	Issued
9/11/2016	T160294	290 Hall Road, Yannathan VIC 3981	Development of the land for a dwelling, outbuildings and equestrian facility	Issued
10/11/2016	T160342	105 Ropers Lane, Bayles VIC 3981	Use of existing dwelling as a caretakers dwelling and the development of the land for a dwelling	Issued
11/11/2016	T160525	544 Garfield North Road, Garfield North VIC 3814	Development of the land for an outbuilding (shed)	Issued
14/11/2016	T160040 - PC1	105 Duncan Road, Cardinia Victoria 3978	Buildings and works for one (1) outbuilding and one (1) rural store building; Use of the land for a rural store; Buildings and works for one (1) storage & services building and an animal enclosure associated with the existing use of the land for greyhound kennels	Issued
Ranges Ward – Decisions from 15/09/16 to 17/11/16				
Date	Permit No	Location	The Proposal	The Decision

16/09/2016	T160484	5 Sugarloaf Road, Beaconsfield Upper VIC 3808	The development of the land for a dwelling extension (carport) within 100 metres of a dwelling not in the same ownership	Issued
19/09/2016	T160343	12 Edenmont Road, Emerald VIC 3782	Extension and alterations of existing dwelling and vegetation removal	Issued
20/09/2016	T160074 - 2	431 Princes Highway, Officer Victoria 3809	Use and development of the land for an office, the erection of internally illuminated business signage and a reduction in the car parking requirement of Clause 52.06	Issued
20/09/2016	T160345	23-25 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding, retaining walls, associated earthworks and vegetation removal	Issued
20/09/2016	T160393	48 Merretts Road, Avonsleigh VIC 3782	Use and development of a 40 meter high fixed wireless facility (telecommunication monopole)	NOD
21/09/2016	T140766	85 Mary Street, Officer Victoria 3809	Subdivision of land in stages	Issued
21/09/2016	T150322 - PC2	35 Yackatoon Road, Beaconsfield Upper Victoria 3808	Use and development of the land for a dwelling within the RCZ2 and within 100 metres of a dwelling not in the same ownership and the BMO	Issued
21/09/2016	T150821 - 1	105 Mary Street, Officer VIC 3809	The development of thirty-eight (38) dwellings and associated works	Issued
21/09/2016	T160273	415 O`Neil Road, Beaconsfield VIC 3807	Development of the land for a garage	Issued
21/09/2016	T160286	40 Armytage Road, Officer VIC 3809	Development of an outbuilding and additions to an existing outbuilding	Issued
21/09/2016	T160354	95 Apple Tree Lane, Pakenham Upper VIC 3810	Development of the land for a shed extension	Issued
21/09/2016	T160469	130 Huxtable Road, Pakenham Upper VIC 3810	Construction of carport, stables and removal of vegetation	Issued
21/09/2016	T160478	100 Evans Road, Cockatoo VIC 3781	Development of the land for an outbuilding	Issued
22/09/2016	T150526	740 Pakenham Road, Pakenham Upper Victoria 3810	Creation of access to RDZ1 (retrospective) and earthworks in association with the construction of a driveway	Issued

22/09/2016	T150528 - 2	18 Florence Avenue, Emerald Victoria 3782	Amended Permit - Buildings and works for a replacement dwelling within a Bushfire Management Overlay and Design and Development Overlay (dwelling within five (5) metres of a boundary, ten (10) metres of a road and exceeding seven (7) metres above natural ground level) and vegetation removal within a Vegetation Protection Overlay.	Issued
23/09/2016	T150290 - PC5	Bridge, Officer Victoria 3809	Subdivision in stages and associated works, including road-works within a Floodway Overlay and Land Subject to Inundation Overlay, construction of single dwellings on lots less than 300sqm and creation of restriction.	Issued
23/09/2016	T160105	191 Rix Road, Officer VIC 3809	Subdivision of land in accordance with the endorsed plans.	Issued
23/09/2016	T160488	9 Goff Street, Beaconsfield VIC 3807	Subdivision of the land into two (2) lots	Issued
26/09/2016	T150147 - 1	Harold Street, Officer Victoria 3809	The development of the land for five (5) dwellings on five (5) lots less than 300 square metres	Issued
26/09/2016	T150586 - PC1	408 & 418 Paternoster Road, Mount Burnett Victoria 3781	Subdivision of the land (boundary re-alignment)	Issued
26/09/2016	T150704	17 Glenvista Avenue, Emerald Victoria 3782	Removal of three (3) trees	Lapsed
26/09/2016	T160288 - PC1	105 Manestar Road, Beaconsfield Upper VIC 3808	Removal of thirty-one (31) trees	Issued
26/09/2016	T160032 - PC1	Denman Street, Officer Victoria 3809	Multi lot subdivision of land	Issued
26/09/2016	T160448	3 Mahon Avenue, Beaconsfield VIC 3807	Subdivision of the land into five (5) lots	Issued
27/09/2016	T150809 - PC1	14 Harlem Way, Officer Victoria 3809	Development of two (2) dwellings on a lot and the subdivision of the land into two (2) lots and associated works in accordance with the endorsed plans.	Issued
27/09/2016	T160421	48 Warrawee Avenue, Beaconsfield VIC 3807	Development of the land for a dwelling extension and water tank	Issued

28/09/2016	T160471	1 Old Princes Highway, Beaconsfield VIC 3807	Buildings and works for the sale and consumption of food and beverage from a food truck with separate licensed area	Lapsed
3/10/2016	T160456	45 Mavis Avenue, Beaconsfield VIC 3807	Development of the land for an outbuilding	Issued
3/10/2016	T160479	119 Stoney Creek Road, Beaconsfield Upper VIC 3808	Development of the land for a Dwelling	Issued
4/10/2016	T160417	96 Mary Street, Officer VIC 3809	Subdivision of the land into fourteen (14) lots and the removal of an easement	Issued
4/10/2016	T160447	4 Beaconsfield Avenue, BEACONSFIELD VIC 3807	Buildings and works relating to an existing education facility	Issued
7/10/2016	T130180 - 2	120 Cardinia Road, Officer Victoria 3809	Subdivision of the land into seventy seven (77) lots and creation of easements	Issued
7/10/2016	T150659	224 Kenilworth Avenue, Beaconsfield Victoria 3807	Staged subdivision of land in accordance with the endorsed plans.	Issued
7/10/2016	T160146 - PC1	Officer South Road, Officer VIC 3809	Subdivision of the land, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued
7/10/2016	T160399	105 Mary Street, Officer VIC 3809	Subdivision of the land into thirty eight (38) lots adjacent to a Road Zone Category 1 in accordance with the endorsed plans.	Issued
11/10/2016	T140766 - PC6	85 Mary Street, Officer Victoria 3809	Subdivision of land in stages	Issued
11/10/2016	T110251 - PC1	Princes Hwy, Officer Victoria 3809	Multi lot residential subdivision of land and removal of native vegetation	Issued
11/10/2016	T160506	16 Emerald-Monbulk Road, Emerald VIC 3782	Development of the land for a replacement outbuilding	Issued
13/10/2016	T160262	44 Beaconsfield-Emerald Road, Emerald VIC 3782	Use and development of the land for a dwelling and associated earthworks; Use and development of the land for animal keeping; Alteration of access to a Road Zone Category 1	Issued
17/10/2016	T150610 - PC2	175 Rix Road, Officer VIC 3809	Multi-lot residential subdivision, subdivision adjacent to a public acquisition overlay, the removal of easements and	Issued

			associated works.	
17/10/2016	T160396	100 Boyd Road, Gembrook VIC 3783	Buildings and works for a covered horse-riding arena	Issued
17/10/2016	T160411	25 Walford Road, Beaconsfield Upper VIC 3808	Construction of an outbuilding (carport)	Issued
17/10/2016	T160595	100 Emerald-Monbulk Road, Emerald VIC 3782	Removal of two (2) trees	Issued
19/10/2016	T130545	92 Cooina Road, Beaconsfield Victoria 3807	Use and development of the land for a dwelling, vegetation removal and earthworks	NOD
19/10/2016	T150760 - PC1	2973 Gembrook-Launching Place Road, Gembrook Victoria 3783	Two (2) lot subdivision	Issued
20/10/2016	T140543 - 1	27 Berrys Road, Emerald Victoria 3782	Development of the land for a dwelling extension (verandah and garage) with a reduced setback in the Design and Development Overlay- Schedule 1 and Significant Landscape Overlay- Schedule 1	Withdrawn
20/10/2016	T150541	1970 &1972 Wellington Road, Clematis Victoria 3782	Subdivision of the land into two (2) lots and removal of vegetation	Issued
20/10/2016	T150753	3 Orchard Grove, Emerald Victoria 3782	The development of dwelling additions	Issued
20/10/2016	T160617	200 Mann Road, Pakenham Upper VIC 3810	Alterations to existing dwelling	Issued
24/10/2016	T160314	4 Bailey Road, Cockatoo VIC 3781	Development of the land for two (2) dwellings	Lapsed
25/10/2016	T030281 - 1	425 Officer South Rd, Officer Victoria 3809	Tourist accommodation, conference centre and recreation facilities	Withdrawn
24/10/2016	T160637	6 Old Trafford Way, Officer VIC 3809	Building and works for a verandah	Withdrawn
25/10/2016	T160161 - PC1	14 Garden Street, Cockatoo VIC 3781	Development of the land for an outbuilding and removal of native vegetation	Issued
25/10/2016	T160392	21 Walnut Grove, Beaconsfield Upper VIC 3808	Replace of an outbuilding	Issued
25/10/2016	T160467	38 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for a radio mast (with interchangeable antennas)	Issued
25/10/2016	T160640	6 Macclesfield Road, Avonsleigh VIC 3782	Development of the land for a carport	Issued
26/10/2016	T160155	29 Seaview Road, Cockatoo VIC 3781	Development of the land for a dwelling, outbuildings and carport	Issued

26/10/2016	T160475	60 Kennedy Road, Avonsleigh VIC 3782	the Use and Development of the land for a dwelling and the construction of an outbuilding and excavation and construction of a native wetlands	Issued
27/10/2016	T160413	28 Leadbetter Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding	Issued
27/10/2016	T160486	7 Brennan Avenue, Beaconsfield Upper VIC 3808	Alterations and additions to a dwelling (carport)	NOD
27/10/2016	T160557	20 Belgrave-Gembrook Road, Cockatoo VIC 3781	Changes to trading hours for existing licensed premise	Issued
28/10/2016	T160216	13 Turquoise Walk, Officer VIC 3809	Development of the land for a dwelling	Lapsed
28/10/2016	T160217	9 Turquoise Walk, Officer VIC 3809	Development of the land for a dwelling	Lapsed
28/10/2016	T160218	3 Turquoise Walk, Officer VIC 3809	Development of the land for a dwelling	Lapsed
28/10/2016	T110094 - PC2	Hepner Road, Emerald Victoria 3782	Development of the land for a dwelling, vegetation removal & associated earthworks	Refused
28/10/2016	T160375 - 1	Brunt Road, Officer VIC 3809	Subdivision of the land into two (2) lots	Withdrawn
28/10/2016	T160215	7 Turquoise Walk, Officer VIC 3809	Development of the land for a dwelling	Lapsed
31/10/2016	T160394	114-120 Old Princes Highway, Beaconsfield VIC 3807	Use and development of the land for a service station, car wash and food and drink premises, display of business identification signage and creation of an access to a road in a Road Zone Category 1.	NOD
2/11/2016	T150821 - PC1	105 Mary Street, Officer VIC 3809	The development of thirty-eight (38) dwellings and associated works generally in accordance with the endorsed plans	Issued
2/11/2016	T160515	69 Ambrose Street, EMERALD VIC 3782	Subdivision of the land into two (2) lots	Lapsed
2/11/2016	T160286 - PC1	40 Armytage Road, Officer VIC 3809	Development of an outbuilding and additions to an existing outbuilding	Issued
3/11/2016	T160146 - 1	Officer South Road, Officer VIC 3809	Subdivision of the land, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued

3/11/2016	T160387	2895 Gembrook-Launching Place Road, Gembrook VIC 3783	Earthworks for new driveway associated with existing sawmill/timber yard	Lapsed
3/11/2016	T130742	365 Princes Highway, Officer Victoria 3809	Subdivision of the land and creation of a reserve	Issued
3/11/2016	T160508	30 Kings Road, Emerald VIC 3782	Removal of two (2) street trees and trimming of one (1) street tree	Withdrawn
7/11/2016	T140766 - 1	85 Mary Street, Officer Victoria 3809	AMENDED PERMIT - Subdivision of land in stages	Withdrawn
7/11/2016	T160380	2B Beaconsfield-Emerald Road, Emerald VIC 3782	Buildings and works associated with a car park and construction of a fence, display of business identification signage and altering access to a road in a Road Zone Category 1.	NOD
7/11/2016	T160703	Clematis Park Road, CLEMATIS VIC 3782	Replacement of the Dwelling	Withdrawn
8/11/2016	T160225	9 Church Street, Emerald VIC 3782	Construction of two (2) dwellings on a lot and associated vegetation removal	Issued
8/11/2016	T160619	35 Berglund Road, Beaconsfield Upper VIC 3808	Buildings and works for horse stables	Issued
8/11/2016	T160699	234 Woori Yallock Road, Cockatoo VIC 3781	Building and works for a dwelling extension	Withdrawn
10/11/2016	T100758 - PC4	Majestic Drive, Officer Victoria 3809	Use and development of an education facility and associated advertising signage	Issued
11/11/2016	T100526 - PC1	2B Wright Road, Avonsleigh Victoria 3782	For the removal of one (1) Eucalyptus regnans	Issued
11/11/2016	T160382	442 Paternoster Road, Mount Burnett VIC 3781	Development of the land for an observatory dome and removal of native vegetation	Issued
11/11/2016	T160491	139-141 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Use and development of the land for a dwelling and associated buildings and works	NOD
11/11/2016	T160732	3 Eastbourne Crescent, Officer VIC 3809	Development of the land for a dwelling	Withdrawn
14/11/2016	T160396 - PC1	100 Boyd Road, Gembrook VIC 3783	Buildings and works for a covered horse-riding arena	Issued
15/11/2016	T160568	40 Ure Road, Gembrook VIC 3783	Use and development of the land for a dwelling, carport and outbuilding	Issued
16/11/2016	T160144	195 Mountain Road, Gembrook VIC 3783	Use and development of land for Rural Industry, the development of the land for a two outbuildings (one to	Issued

			be used for a bed and breakfast) and the extension of an existing outbuilding.	
16/11/2016	T160738	30 Bayview Road, Officer VIC 3809	Removal of dangerous trees	Withdrawn

CONCLUSION

The report above is presented for the information of Councillors. The list is quite extension due to the lack of a Town Planning Committee Meetings in October and November due to the election period.

8 PLANNING PERMITS ISSUED UNDER DELEGATE AUTHORITY

Moved Cr J Owen Seconded Cr G Moore

That the report be noted

Cd.

9 PLANNING ENFORCEMENT ACTIVITIES

FILE REFERENCE INT1691050

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Owen Hardidge

RECOMMENDATION

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

Attachments

Nil.

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 that cannot be satisfactorily resolved Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

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

Where breaches are sufficiently serious, criminal proceedings in the Magistrates' Court will be commenced, and if so, the successful criminal proceedings will usually be followed by VCAT proceedings (criminal proceedings taking precedence over "civil" proceedings).

1). Multi-purpose 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.

2). Admin 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.

3). Adjournment

An adjournment will be asked for where there has been some discussion between Council and the Respondent, and more time is to be allowed for the Respondent (or Council as the Applicant) for a variety of reasons.

4). Offset plan

An Offset Plan goes by a few different names, including a Property Management Plan or a Property Remediation Plan. These plans are used when a Respondent has removed vegetation or otherwise damaged vegetation on the Land and Council is seeking a remedy for this removal, normally requiring replanting to occur on the Land. This plan is what Council will seek in the shape of an Enforcement Order, and the contents of the Plan will be decided by Council's Environment Team.

5). Full hearing

A full hearing is a hearing which is to be contested by the Respondent.

6). 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.

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

Property Address	Nature of Contravention	Status
205 O'Briens Rd, Bayles	Ongoing materials recycling issue on Green Wedge Land. Continuing failure to comply with VCAT enforcement order.	<p>Magistrates' Court prosecution for failure to comply with VCAT order.</p> <p>This matter has finally resolved. The owner sold the property with settlement in mid-Oct 2016. At Council's insistence, the transfer was conditional on the complete clean up of the land, which was finally confirmed on the day of settlement.</p> <p>On 10 November 2016, the accused was sentenced by the Magistrates' Court, and fined a further \$2,500 and ordered to pay Council costs.</p>
715 Gembrook Rd, Pakenham Upper	Alleged land use (burning off) and building breaches, that relates to extensive and complex planning history of the site.	<p>Magistrates' Court proceeding adjourned to 4th October 2016, as accused has filed application in VCAT for declaration as to existing use rights.</p> <p>This VCAT application will be listed for a 2-day hearing in June 2017.</p> <p>Magistrates' Court proceeding may be delayed pending determination of this issue.</p> <p>Council commenced Building and Local Law prosecution of the owner, arising from construction and commercial-scale burn offs</p>

		<p>on the site.</p> <p>The owner asserts that burning off activities are protected by the planning scheme. The owner now asserts a broader range of activities attract Existing Use Rights, and this contested proceeding will seek to clarify land use rights.</p> <p>The property has a 17 yr history of litigated planning disputes between 1997 and 2015.</p>
555 Back Creek Rd, Gembrook	<p>Native vegetation removal, and earthworks creating a dam, in breach of Section 173 agreement and the scheme.</p> <p>Rural Conservation Zone – Sch 1, Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and Clause 52.17</p>	<p>Magistrates’ Court prosecution arising from the creation of a large dam (by earthworks and vegetation removal), contrary to strict environmental controls and Section 173 agreement protecting vegetation on the land.</p> <p>On 15th September 2016 the Court issued a Warrant for arrest to compel the attendance of the accused. The accused has recently re-located, and we are investigating options to locate him.</p>
230 Telegraph Road Beaconsfield Upper	<p>Earthworks and excavation creating a structure consisting of a total of six 40ft shipping containers, in breach of 35.06-5 Rural Conservation Zone – Sch 2, clause 42.01-2</p> <p>Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and clause 44.06-1</p>	<p>VCAT Enforcement arising from the creation of a structure, earthworks and excavation, contrary to strict environmental controls.</p> <p>VCAT application for enforcement order filed and Practice Day of the matter to 20th January 2017.</p>

CONCLUSION

The list of current enforcement activities is presented for information.

9 PLANNING ENFORCEMENT ACTIVITIES

Moved Cr J Owen Seconded Cr G Moore

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

Cd.

Meeting closed at 7.14pm

Minutes Confirmed
Chairman