



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 6 MARCH 2017

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 6 March 2017

The meeting commenced at 7.01pm

PRESENT: Mayor, Brett Owen, Chairman

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

Messrs Andrew Paxton (GMPD), Doug Evans (MG)

APOLOGIES:

Nil

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 MEDICAL CENTRE, 352 - 354 ROSSITER ROAD, KOO WEE RUP

FILE REFERENCE INT1712194

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T160292 be issued for the use and development of the land for a two (2) storey building for the purpose of a medical centre and alteration of access to RDZ1 at 352-354 Rossiter Road, Koo Wee Rup VIC 3981 subject to the conditions attached to this report.

Attachments

1	Locality map	1 Page
2	Copies of objections circulated to councillors only	6 Pages
3	Development plans	9 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160292
APPLICANT:	ASK Planning Services P/L
LAND:	352-354 Rossiter Road, Koo Wee Rup VIC 3981
PROPOSAL:	Use and development of the land for a two (2) storey building for the purpose of a medical centre and alteration of access to RDZ1
PLANNING CONTROLS:	Neighbourhood Residential Zone Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application was given by way of notices to adjoining and nearby land owners and occupiers and by displaying two (2) signs on the site. Four (4) objections have been received.
KEY PLANNING CONSIDERATIONS:	Appropriateness of land use in the Neighbourhood Residential Zone Schedule 1 Consistency with the Koo Wee Rup Township Strategy Built form Off-site amenity impacts
RECOMMENDATION:	Approval.

BACKGROUND:

Council records indicate that there is no planning permit history for the site.

SUBJECT SITE:

The site is located on the south-west corner of Rossiter Road and John Street, Koo Wee Rup approximately 285m from Station Street. The site is generally square in shape, has a frontage to Rossiter Road of 40.23m, a frontage to John Street of 50.29m and a total site area of 2023 square metres.

The site is undeveloped and contains minimal vegetation.

Vehicle access is provided via a crossover located centrally on the Rossiter Road frontage.

The topography of the land is generally flat. Timber paling fencing defines the southern and western boundaries.

Land in the vicinity is characterised by both residential and commercial use and development.

The main characteristics of the surrounding area are:

- No. 350A Rossiter Road, a battle-axe lot, adjoins the western boundary and is developed with a single-storey dwelling setback approximately 2.0m from the common boundary. Vehicle access is provided along the common boundary.
- No. 350 Rossiter Road is located directly west of the site and is developed with a single dwelling setback 8.0m from the common boundary.
- A 3.66m wide road reserve abuts the southern boundary.
- No. 2 John Street is located directly south of the site and is developed with a single dwelling setback approximately 8.3m from the common boundary.

PROPOSAL:

Approval is sought for the use and development of the land for a medical centre.

A maximum 11 medical practitioners are proposed to be on the site at any one time.

Proposed hours of operation are:

Monday to Friday: 8:00am – 6:00pm

Saturdays: 8:00am – 1:00pm.

A two-storey building with a flat roof form is proposed for the site with a setback of 6.5m from Rossiter Road and 4.73m from John Street. The building has an overall height of 8.9m visible from Rossiter Road. The ground floor comprises a lobby, consulting rooms, bathroom facilities and the lift entrance. The first floor comprises a lobby, reception and waiting area, six (6) medical rooms, a staff room and bathroom facilities. Two separate tenancies are also provided on the first floor (200sqm and 160sqm). The layout of Tenancies 1 and 2 has not been provided.

External materials comprise face brick work, render and natural timber cladding. The built form can be described as contemporary.

It is proposed to remove the existing vehicle crossover and a new 6.4m wide crossover is proposed on John Street which leads to 38 car spaces at the rear of the building.

There is no business identification signage proposed as part of this application. A landscaping plan has been submitted in support of the application which shows planting within the front setback, along the car parking area and title boundaries.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15 Built environment and heritage

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire key issues and strategic vision
- Clause 21.04 Economic development
- Clause 21.07 Local areas

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Clause 52.29 Creation or altering an access to a road in a Road Zone Category 1
- Clause 52.34 Bicycle facilities
- Koo Wee Rup Township Strategy

Zone

The land is subject to Clause 32.09 Neighbourhood Residential Zone Schedule 1

Overlays

The land is subject to the following overlays:

- Clause 44.04 Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for the use and development of the land for a Medical Centre and alteration to a road in a Road Zone Category 1 requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09 – 1 (NRZ1), a planning permit is required for the use of the land for a Medical Centre as the total floor area of the building exceeds 250sqm and as the building is not existing.
- Pursuant to Clause 32.09 – 7 (NRZ1), a planning permit is required for buildings and works associated with a Section 2 Use.
- Pursuant to Clause 44.04 (LSIO), a planning permit is required for all buildings and 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

Council has received four (4) objections to date.

The key issues that were raised in the objection are:

- Built form inconsistent with neighbourhood character
- Traffic implications/increase in street parking
- Off-site amenity impacts (solar access, privacy, visual bulk, noise, fumes)
- Increase in anti-social behaviour
- Decrease in property value

REFERRALS

Melbourne Water

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

Vic Roads

The application was referred to Vic Roads as a statutory referral. To date, Council has not received a response and VicRoads are well over their timeframe to provide comments.

DISCUSSION**State and Local Planning Policy Framework**

Overall proposal is consistent with the relevant State and Local Planning Policy Framework, the Neighbourhood Residential Zone 1, Land Subject to Inundation Overlay, relevant particular provisions and the Koo Wee Rup Township Strategy. The proposal is consistent with Clause 15 which recognises the significance of urban design and providing a safe, functional and high quality environment. The proposal will enhance the public realm without compromising the amenity of adjoining residential land.

Neighbourhood Residential Zone 1

The purpose of this Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.09 – 1, a planning permit is required for the use of the land as a Medical Centre as the building footprint exceeds 250 sqm and as a new building is to be constructed. It is noted that the site adjoins a Road Zone Category 1 and the proposal meets the car parking requirements specified in Clause 52.06 – 5. Based on this provision it can be concluded that the use of the land as a Medical Centre is appropriate in the Neighbourhood Residential Zone however regard must be given to the site's location, the built form, impact within the streetscape and potential off-site amenity impacts.

Whilst the site is not located directly within the town centre, it does front a main road where other commercial and non-residential land uses are present. It is noted that No. 356 Rossiter Road, directly north-east of the site is used and developed for a Childcare Centre. No. 348 Rossiter Road is used for a Place of Worship. Medical Centres are also located at No.'s 303, 320 and 360 Rossiter Road. The site is located on a prominent corner 145m from land within the Commercial 1 Zone and is on main road with a diverse range of land uses therefore it is appropriate in this site context.

As the land uses vary substantially along Rossiter Road, so too does the built form therefore the proposal is not inconsistent with the rhythm of development. Whilst a two-storey built form is proposed, adequate setbacks are provided from title boundaries which creates spacing within the streetscape and allows substantive landscaping which, once established, will soften the appearance of the building. A variation of colours, material and textures are proposed which provides articulation and minimises the visual massing. It is also noted that the building height varies from 7.9m to 9.0m which also alleviates visual bulk.

The hours of operation are appropriate and are consistent with standard business hours. A maximum 11 practitioners at any one time is suitable as adequate car parking is provided on-site.

Whilst the applicant has specified that Tenancies 1 and 2 are also for medical practitioners, the floor layout does not reflect this. A condition of approval will require amended plans to detail the floor layout to reflect a Medical Centre. It is noted that the use of the land for any other Office is prohibited under the Neighbourhood Residential Zone.

Having regard to the above, it is considered that the proposal is consistent with the purpose and decision guidelines of the Neighbourhood Residential Zone 1.

Land Subject to Inundation Overlay

The application was referred to Melbourne Water who do not object to the proposal subject to conditions. The finished ground floor level of the building (5.75 AHD) complies with Melbourne Water's minimum requirement being 5.6 AHD. Via condition, the objectives of this policy are met.

Clause 52.06 Car parking

Pursuant to Clause 52.06 – 5, thirty-five (35) on-site car spaces are required to be provided as eleven (11) medical practitioners are proposed to be on the site at any one time. Thirty-eight (38) spaces of appropriate dimensions have been provided exceeding the requirements of this provision. The accessway exceeds 3.0m in width and sufficient turning areas have been provided to enable all vehicles to exit the site in a forward direction.

Having regard to the above, the objectives of this policy are met.

Clause 52.29 – Creation or altering an access to a road in a Road Zone Category 1

Pursuant to Clause 52.29 a planning permit is required to alter an access adjacent to a Road Zone Category 1. Whilst the existing access off Rossiter Road is to be removed, the application was referred to Vic Roads. To date, Council have not received a response. As more than 28 days has elapsed since the referral was sent and no new access is proposed onto the RDZ1, Council is in a position to issue a decision. Conditions relating to the redundant crossover will form part of the permit.

Clause 52.34 – Bicycle facilities

Pursuant to Clause 52.34, three (3) bicycle spaces are required. Four (4) bicycle racks have been provided on-site exceeding this requirement.

Koo Wee Rup Township Strategy

This site is located within Precinct 1 – Established Residential Area under the Koo Wee Rup Township Strategy. The strategy includes the following preferred character statement for this precinct:

“Existing characteristics of Koo Wee Rup’s established residential areas will be improved. The existing street trees, wide nature strips and overall openness of the existing streetscape will act as a reference point for future development. The connectivity and integration between the town centre and the residential areas will be enhanced. There will be some unit development near the town centre”

A response to the relevant development guidelines for this Precinct is provided below (note: many guidelines relate to unit development and are not relevant);

Maintain 70% of the lots with sizes over 700 square metres:
The site has an area of 2032 sqm and will not be subdivided.

Encourage diversity of development styles

The proposal offers a contemporary built form which adds to the diversity on Rossiter Road and makes a positive contribution to the streetscape and will activate the area.

Maintain continuity of building rhythm along streets with appropriate building frontage

The building is setback between 6.5m and 7.5m from Rossiter Road which is consistent with the building setbacks in the vicinity.

Maintain sense of spaciousness within and between allotments with:

Providing sufficient open space or garden areas;

Adequate area of open space is provided within the front setback and surrounding the car parking area.

ii. Retaining existing vegetation;

There is no significant vegetation on the site worthy of retention.

iii. Providing new trees and garden spaces;

A landscaping plan was submitted detailing proposed planting.

iv. Encouraging no or, if any, low front fences, to allow gardens and nature strips to merge

There is no front fence proposed which allows for passive surveillance and viewed into the front setback where landscaping is shown.

v. Minimum side setback of 2.5 metres;

A minimum side setback of 3.5m has been provided.

vi. Minimum front setback of 7 metres or no less than the average setback of adjacent two dwellings;

The front setback varies between 6.5m and 7.5m and is appropriate as the site is on a corner, the front wall of the building is staggered and there is adequate area for landscaping within the front setback. Buildings on the north-west side of Rossiter Road also have reduced setbacks.

vii. Maximum building site coverage of 40%;

Site coverage is 36.2% which complies with this requirement.

viii. Minimum lot width of 18 metres

The site has a width of 40.23 metres.

Ensure protection and conservation of native vegetation including street trees and roadside vegetation;

There is no roadside vegetation removal required to accommodate the proposed crossover on John Street.

Encourage the inclusion of native vegetation and garden space in new development;

A landscaping plan was submitted detailing proposed planting including appropriate species.

Maintain a high level of quality in the design and construction of new buildings as well as continuity with the character of the areas existing built form;

A contemporary built form is proposed which is well integrated. The variety of colours, materials and textures in conjunction with landscaping will enhance the streetscape character.

Ensure building height respects the existing character of the surrounding area;

The building height varies between 7.9m to 9.0m. Whilst the dwellings on adjoining land are single-storey, this height is appropriate in this context as the site is on prominent corner leading into the town centre. As detailed above, the built form (including heights) along Rossiter Road is diverse.

Encourage an interconnected street network with links between the town centre and surrounding areas, providing good accessibility and streetscape detailing to make walking and cycling pleasant, efficient and safe.

The proposal allows for strong passive surveillance with the inclusion of windows that have views to the road, no fencing and open frontages on both Rossiter Road and John Street. The streetscape will be activated as a result of the proposal.

The application was referred to Council's Urban Designer who is in support of the application noting that the streetscape of Rossiter Road in proximity to the site presents a varied built form including scale and massing consistent with that proposed by the development. It is considered that the proposed built form will create a

pronounced hard edge on this corner site, which will provide a gateway statement at this entrance to the town centre as and such is consistent with the objectives of the Koo Wee Rup Township Strategy.

Response to objections

A response to the objections is provided below:

Built form inconsistent with neighbourhood character

As detailed above, the built form along Rossiter Road varies as do the land uses. Whilst a contemporary built form is proposed, spacing is provided and proposed landscaping will soften the built form and ensure the development is well integrated. The application was referred to Council's Urban Designer who is in support of the proposal as it is consistent with the Koo Wee Rup Township Strategy.

Traffic implications /increase in street parking

38 on-site car spaces have been provided which exceeds the requirement specified in Clause 52.06 – 5. As adequate parking is available on-site, it is expected this will be utilised by patients/staff and will not result in excessive on-street parking. As Rossiter Road is a main road, higher traffic volumes are expected particularly as this road leads into Station Street which is located within the Commercial 1 Zone. As reiterated above, there is a variety of non-residential land uses on Rossiter Road which would also generate extra volume on this road. This land use will not place an unreasonable burden on the local traffic network (including John Street).

Off-site amenity impacts (solar access, privacy, visual bulk, noise, fumes)

As the building is located adjacent to the driveway at No. 350A Rossiter Road and is setback approximately 11.8m from the dwelling at No. 350 Rossiter, solar access to both adjoining lots will not be unreasonably impacted. The two adjoining residential allotments are located south-west of the site therefore any overshadowing will be limited to a portion of the day (during the morning) and will not unreasonably affect areas of secluded private open space and habitable room windows. Given the orientation of the land and proposed building setbacks, the shadow cast is primarily contained within the title boundaries affecting the car parking area.

As car parking is located to the rear, the first floor of the building is set back approximately 11.5m from the dwelling at No. 350A and is well articulated on the rear elevation. The massing is also alleviated through varying building heights, inclusion of windows and the variety of colours and materials used.

It is also noted that the rear- elevation on ground level is open in part (due to car parking) which avoids the presence of sheer walls. The south-western end of the building will face No. 350 and is appropriate as this wall is setback 11.8m from the dwelling and whilst it spans 13.0m, articulation is provided as this wall is staggered over the ground floor. The landscaping plan provided shows screen planting along this boundary which will reach a mature height of 3.0m. Once established, this will partially screen the building and provide a soft visual buffer.

Having regard to the above, it is considered that building is appropriately sited and is not intrusive when viewed from adjoining land.

As each dwelling and secluded private open space is setback in excess of 9.0m from the proposed building, windows are not required to be screened. Whilst Clause 54.04 - 6 relates to residential development, in this context it is appropriate to use Standard A15.

Whilst it is not expected that this use will result in adverse amenity impacts to adjoining residential land, a condition of approval will require that the use must not detrimentally affect the locality by way of noise, fumes, lighting etc. Conditions relating to waste management will also form part of the permit. As the waste bin directly abuts a non-sensitive interface (driveway) its location is appropriate.

Increase in anti-social behaviour

Any anti-social behaviour that could potentially occur on the site is not specific to the use of the land as a Medical Centre and is not a matter that can be considered under this planning application. Any issues relating to anti-social behaviour is a matter to be dealt with by Victoria Police.

Decrease in property value

The Victorian Civil and Administrative Tribunal (VCAT) have determined in many cases that a decrease in property value (perceived or actual) is not a planning consideration therefore this concern raised cannot be considered under this planning application.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the relevant State and Local Planning Policy Framework, the Neighbourhood Residential Zone 1, Land Subject to Inundation Overlay, relevant particular provisions and the Koo Wee Rup Township Strategy. Therefore it is recommended that a Notice of Decision to Grant Planning Permit T160292 be issued for the use and development of the land for a two (2) storey building for the purpose of a medical centre and alteration of access to RDZ1 at 352-354 Rossiter Road, Koo Wee Rup subject to the below conditions:

CONDITIONS

1. Before the development starts, amended 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 and must be generally in accordance with the plans submitted with the application but modified to show:
 - i. The floor plan of Tenancies 1 and 2 amended to reflect a medical centre layout;
 - ii. The maximum building height dimensioned;
2. The use and development as shown on the approved plans shall not be altered or modified without the consent in writing of the Responsible Authority.
3. The use may only operate between the following hours:
 - Monday to Friday: 8:00am – 6:00pm.
 - Saturday: 8:00am - 1:00pm
4. The number of practitioners employed on the site at any time must not exceed eleven (11) persons without the consent of the Responsible Authority.
5. Before the development starts, an amended landscape plan 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 landscaping plan must be generally in accordance with the landscape plan submitted with the application must modified to show:
 - i. The Acer negundo 'Sensation' replaced with an alternative species.
6. Prior to the occupation of the building, the landscaping works as shown on the endorsed landscaping plan must be carried out 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. 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.

9. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
10. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

11. Before the building 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.
12. The area set aside for car parking, as shown on the approved plan, must be used for the parking of vehicles and for no other purpose.
13. Prior to the occupation of the building, all car spaces as shown on the endorsed plans must be line marked to the satisfaction of the Responsible Authority.
14. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
15. 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.
16. 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.

Melbourne Water

17. The building, including the lobby and garage, must be constructed with finished floor levels set no lower than 5.6 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.3m to AHD.
18. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
19. The undercroft parking area must be set at existing natural surface level so as not to obstruct the passage of overland flows.
20. The areas outside the building envelope must maintain where possible the existing surface levels. No filling of the property is permitted outside of any building footprint.
21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Expiry:

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

- a) the development does not start within **two (2) years** after the issue of the permit; or

- b) the development is not completed within **four (4) years** after the issue of the permit; or
- c) the use does not start within **two (2) years** after the completion of the development; or
- d) the use is discontinued for a period of **two (2) years**.

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

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.
- Pursuant to Clause 52.05 - 9 of the Cardinia Planning Scheme, a Planning Permit is required to display Business Identification signage.

1 MEDICAL CENTRE, 352 - 354 ROSSITER ROAD, KOO WEE RUP

Moved Cr R Brown Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T160292 be issued for the use and development of the land for a two (2) storey building for the purpose of a medical centre and alteration of access to RDZ1 at 352-354 Rossiter Road, Koo Wee Rup VIC 3981 subject to the following conditions:

1. Before the development starts, amended 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 and must be generally in accordance with the plans submitted with the application but modified to show:
 - i. The floor plan of Tenancies 1 and 2 amended to reflect a medical centre layout;
 - ii. The maximum building height dimensioned;
2. The use and development as shown on the approved plans shall not be altered or modified without the consent in writing of the Responsible Authority.
3. The use may only operate between the following hours:
 - Monday to Friday: 8:00am – 6:00pm.
 - Saturday: 8:00am - 1:00pm
4. The number of practitioners employed on the site at any time must not exceed eleven (11) persons without the consent of the Responsible Authority.
5. Before the development starts, an amended landscape plan 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 landscaping plan must be generally in accordance with the landscape plan submitted with the application must modified to show:
 - i. The Acer negundo ‘Sensation’ replaced with an alternative species.
6. Prior to the occupation of the building, the landscaping works as shown on the endorsed landscaping plan must be carried out 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. 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.
9. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
10. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

11. Before the building 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.
12. The area set aside for car parking, as shown on the approved plan, must be used for the parking of vehicles and for no other purpose.
13. Prior to the occupation of the building, all car spaces as shown on the endorsed plans must be line marked to the satisfaction of the Responsible Authority.
14. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
15. 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.
16. 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.

Melbourne Water

17. The building, including the lobby and garage, must be constructed with finished floor levels set no lower than 5.6 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.3m to AHD.
18. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
19. The undercroft parking area must be set at existing natural surface level so as not to obstruct the passage of overland flows.
20. The areas outside the building envelope must maintain where possible the existing surface levels. No filling of the property is permitted outside of any building footprint.
21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Expiry:

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

- a) the development does not start within **two (2) years** after the issue of the permit; or
- b) the development is not completed within **four (4) years** after the issue of the permit; or
- c) the use does not start within **two (2) years** after the completion of the development; or
- d) the use is discontinued for a period of **two (2) years**.

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

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.
- Pursuant to Clause 52.05 - 9 of the Cardinia Planning Scheme, a Planning Permit is required to display

Business Identification signage.

Cd.

2 BUSINESS IDENTIFICATION SIGNAGE - GEMBROOK HOTEL

FILE REFERENCE INT1712163

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Refusal to Grant Planning Permit T160485 be issued for Advertising Signage at 73 Main Street, Gembrook for the reasons outline in this report

Attachments

- 1 Locality plan 1 Page
- 2 Development plans 1 Page

EXECUTIVE SUMMARY:

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160485
APPLICANT:	Andrea Nippers
LAND:	73 Main Street, Gembrook VIC 3783
PROPOSAL:	Advertising Signage
PLANNING CONTROLS:	Commercial 1 Zone Significant Landscape Overlay Schedule 1 Heritage Overlay 62 Heritage Overlay 189
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 (1A) of the Planning and Environment Act 1987, notification of the application was not given in accordance with Section 52 (1), as the proposal is recommended to be refused.
KEY PLANNING CONSIDERATIONS:	Heritage Overlay
RECOMMENDATION:	Refusal

BACKGROUND:

The Ranges Hotel in Gembrook has been an icon of the town since it was built in 1896. The hotel held existing use rights up until a few years ago when it ceased operation.

Clause 63.06 (Existing Use Rights) of the Cardinia Planning Scheme states that the existing use rights expire if the use has stopped for a continuous period of 2 years. Due to the use ceasing for this period, existing use rights were not afforded to the hotel.

A permit was issued in 2013 to reopen the hotel which commenced last year.

SUBJECT SITE:

The site is located on the south west corner of Main Street and Redwood Road, adjacent to the Puffing Billy train station.

A crossover is located on both Redwood Road and Main Street, there are no easements located on the subject site. The topography of the land has a fall from the front to the rear of the property.

The site currently contains the Hotel, Gembrook Motel, onsite car park and landscaped gardens.

The main characteristics of the surrounding area are:

- Commercial/business strip centre of Gembrook along Main Street with residential properties to the rear

PROPOSAL:

The sign proposed is to be located on the roof of the Ranges Hotel.

The font proposed is to be 1200mm in height with the words *RANGES HOTEL* written across the roof horizontally and the word *THE* written vertically adjacent to the word *RANGES*

The writing is to be spaced 14m in length and be painted in “pebble” colour with a white background on the red corrugated roof.



PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.01 Urban environment
- Clause 15.01-5 Cultural identity and neighbourhood character
- Clause 15.03-1 Heritage conservation
- Clause 17.01-1 Business
- Clause 17.03-1 Facilitating tourism
- Clause 19.02-3 Cultural facilities
- Clause 19.02-4 Distribution of social and cultural infrastructure

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-5 Tourism
- Clause 21.07-1 Gembrook

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Gembrook Township Strategy
- Clause 52.05 Advertising Signage Control

Zone

The land is subject to the Commercial 1 Zone

Overlays

The land is subject to the following overlays:

- Significant Landscape Overlay Schedule 1
- Heritage Overlay 62
- Heritage Overlay 189

PLANNING PERMIT TRIGGERS

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

- Pursuant to Clause 52.05 Advertising Signage, a permit is required if the total advertising area of all signs on the site/building exceed 8 m²
- Pursuant to Clause 43,01-1 of the Heritage Overlay a permit is required:
 - a) Construct or display a sign
 - b) Externally paint a building if the schedule to this overlay identifies the heritage place as one where external paint controls apply.
 - c) Externally paint a building if the painting constitutes an advertisement

Both schedules to the Heritage Overlay have external paint controls

PUBLIC NOTIFICATION

Pursuant to Section 52 of *The Planning and Environment Act 1987* the proposal was not advertised as it was considered that it would not result in material detriment to any person.

DISCUSSION

The subject site is identified in the Cardinia Planning Scheme to have a heritage significance. The site contains a building that was being used as the Gembrook Hotel for many years. The use was discontinued for a number of years and recently recommenced.

During the period of time when the hotel was not operational, the sign which was on the roof of the building, had been removed.

Although the new sign is similar in size and colour of the old sign that was on the building, the colours, font and the location of the sign has been deemed inappropriate and not contributing to the enhancement of the heritage value of the site. Therefore, the proposal is considered to be inconsistent with the below State and Local policies of the Cardinia Planning Scheme:

State Clause 15.03-1 Heritage Conservation states the following:

- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Local Clause 21.07-1 Gembrook

- Value, protect and restore the natural environment and sites of heritage significance.
- Preserve and enhance the significance of sites identified as being of heritage significance in Gembrook.
- Encourage developments to respond to the conservation guidelines in the Cardinia Local Heritage Study Review when considering development applications in Main Street.
- Maintain and enhance the heritage values of the area.
- Encourage tourism developments to demonstrate a link with the heritage aspects of Gembrook.

Heritage Overlay

The main purposes of the Heritage Overlay is to conserve and enhance heritage places of natural or cultural significance, to conserve and enhance those elements which contribute to the significance of heritage places and to ensure that development does not adversely affect the significance of heritage places.

Citation of the Gembrook Hotel

Council's Heritage Study states the following:

The Ranges Hotel, which in a lesser form was first owned in 1894 by Jessie Sykes, is of significance to the Cardinia Shire as an important early hotel associated with Gembrook's development as a major resort. The hotel has significance, too, for its associations with the arrival of rail services to the area is when the hotel appears to have doubled in size. It has associations with the Pitt brothers and Peter Patroni, hotel keeper, who ran the Ranges Hotel as a major tourist attraction during its heyday in the 1920s.

Despite many alterations and additions in the 1980s to accommodate a motel extension, the 1890s hotel, with the former Gembrook store and coffee palace nearby, retains something of the character of early Gembrook. The dining room and the mature trees are regionally notable.

REFERRALS

The application has been assessed by Council's Heritage Department and although in favour of a sign on the building, recommendations were requested to ensure the sign met the heritage significance of the building.

- Sign to be painted in Pebble colour (assuming this is natural light colour) on red Colorbond roof without the white background behind writing shown on the plan.
- Sign painted in the same font style and colour as the early signage. 'The' wording to be

horizontal rather than the proposed sign that aligns the word 'The' parallel.

- Move signage closer to chimney as original photos of the building show of the location, more central on roof.

The applicant was informed about the recommended changes required to satisfy heritage requirements and given an option to amend the plans to allow support of the proposal. This was in the form of a Further Information letter and no response was received.

On the fourth attempt to gain a response to the Further Information request, the applicant was advised if we did not receive a response by a certain date, Council would have no option but to refuse the application. Council has not received a response to date.

CONCLUSION

When considering signage on heritage listed buildings under the Cardinia Planning Scheme, the graphical elements of a sign must be consistent with the heritage characteristics of the building, it is considered that the current proposal does not reflect these heritage characteristics of the hotel. The applicant was given an opportunity to amend the application to one being more suitable, however no response has been offered.

It is considered that the application is inconsistent with the requirements of the Cardinia Planning Scheme and it is therefore recommended that a Refusal to Grant Planning Permit T160485 be issued for Business Identification Signage at 73 Main Street, Gembrook on the following grounds:

1. The proposal is inconsistent with State Policy Clause 15.03-1 of the Cardinia Planning Scheme.
2. The proposal is inconsistent with Local Policy Clause 21.07-1 of the Cardinia Planning Scheme.
3. The proposed advertising signage is not consistent with Clause 43.01-4 – Decision Guidelines of Heritage Overlay.

2 BUSINESS IDENTIFICATION SIGNAGE - GEMBROOK HOTEL

Moved Cr J Owen Seconded Cr G Moore

That a Refusal to Grant Planning Permit T160485 be issued for Advertising Signage at 73 Main Street, Gembrook on the following grounds:

1. The proposal is inconsistent with State Policy Clause 15.03-1 of the Cardinia Planning Scheme.
2. The proposal is inconsistent with Local Policy Clause 21.07-1 of the Cardinia Planning Scheme.
3. The proposed advertising signage is not consistent

Cd.

3 SUBDIVISION OF LAND INTO TWO (2) LOTS AND VARIATION OF A COVENANT AT 2 CUMBERLAND DRIVE, PAKENHAM

FILE REFERENCE INT1712178

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Refusal to Grant Planning Permit T160561 be issued for two (2) lot subdivision & variation of restrictive covenant at 2 Cumberland Drive, Pakenham VIC 3810 for the reasons outline in this report

Attachments

- | | | |
|---|--|---------|
| 1 | Locality plan | 1 Page |
| 2 | Plan of suddivision | 2 Pages |
| 3 | Copy of objection circulated to councillors only | 1 Page |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160561
APPLICANT:	Kristina Basic and Vincent Opiekan C/- Nobelius Land Surveyors
LAND:	Lot 1240 PS63888, 32 Cumberland Drive, Pakenham
PROPOSAL:	Variation of a restrictive covenant and subdivision of the land into two lots
PLANNING CONTROLS:	General Residential Zone (R1Z) Development Contributions Plan Overlay (DCPO1)
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 sending notices to the owners and occupiers of adjoining land. Placing a sign on site and placing a notice in the Pakenham Gazette newspaper. One (1) objection has been received to date.
KEY PLANNING CONSIDERATIONS:	Impact on beneficiaries of covenant as per Section 60 (2) of the Planning and Environment Act 1987
RECOMMENDATION:	Refusal

BACKGROUND:

A Planning permit was issued in 2015 to subdivide the land into residential lots. No other proposal is relevant to this application.

SUBJECT SITE:

The site is located on the north west corner of Mauve Street and Cumberland Drive.

A crossover is located southern side of the allotment off Cumberland Drive and a 3 metre easement transverse the along the northern boundary.

The site currently is vacant and the topography of the land is flat.

The main characteristics of the surrounding area are:

- A developing residential area of Pakenham dominated by single storey detached dwellings

PROPOSAL:

The application involves both the subdivision of land into two lots and the variation of a restrictive covenant which would allow dwellings to be built on each of the lots proposed. Whilst Council can approve a two lot subdivision without the covenant being varied, only one lot will be allowed to have a dwelling built on it, therefore the applicant also seeks to vary the covenant.

Lot 1240 is 608m² in size and shaped rectangle with Cumberland Drive located along the southern property boundary and Mauve Street located along the eastern side boundary.

Both proposed lots are to be 304m² each, with both lots able to establish separate street addresses.

The proposal includes the removal of part (f) of the existing restrictive covenant in instrument AM211818T created on 26 September, 2015, which states:

*“AND the said Transferees for themselves, their heirs, executor administrators
And Transferees the registered proprietor or proprietors for the time being of the land hereby transferred and every part thereof (hereinafter referred to as "The Transferees") DO HEREBY and as separate Covenant COVENANT with the said transferor its successors, assigns and transferees and others the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision No. PS638882D, and every part or parts thereof (other than the lot hereby transferred) that the Transferees will not, and the Transferees hereby Covenant that they will not:*

”
(e) Erect or cause to be erected more than one dwelling house or allow the lot hereby transferred to be used as a road, access way, carriageway, easement, crossover or for any other purposes whatsoever;

The application proposes to vary the covenant by removing Clause '(e)' to allow the two dwellings to be developed on the land after the subdivision is finalised.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.02-1 Supply of urban land
- Clause 15.01-3 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

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 Easements, restrictions and covenants
- Clause 65 Decision Guidelines

Zone

The land is subject to the General Residential Zone

Overlays

The land is subject to the following overlays:

- Development Contribution Plan Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for the subdivision of land into two lots and the variation of a covenant requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 General Residential Zone 1 a permit is required to subdivide land.
- Pursuant to Clause 52.02 of Easements, Restrictions and Covenants a planning permit is required for variation of restriction

In addition to above Section 60 (2) of the Planning and Environment Act 1987 provides that:

The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction...will be unlikely to suffer –

- (a) Financial loss; or*
- (b) Loss of amenity; or*
- (c) Loss arising from change in the character of the neighbourhood; or*
- (d) Any other material detriment –*

as a consequence of the removal or variation of the restriction.

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
- Sending notices to the beneficiaries of the covenant
- Placing signs on site
- Placing a notice in the Pakenham Gazette newspaper

Council has received one (1) objection to date.

The key issues that were raised in the objection is:

- Lack of privacy
- Noise increase
- Potential parking issues

These will be discussed further in the report

REFERRALS

The application was not required to be referred externally

DISCUSSION

Variation of Covenant

The decision guidelines of Clause 52.02 of the Cardinia Planning Scheme states that before deciding on an application to remove or vary a covenant that the Responsible Authority must consider the interests of the affected people. The affected people in this instance are the beneficiaries of the subject covenant and Council must assess the impact of the proposed variation to the covenant on those beneficiaries. Section 60 (2) of the Planning and Environment Act 1987 provides criteria to assess the impact of such covenant variation on the benefitted parties of the covenant. They are:

- (a) *Financial loss; or*
- (b) *Loss of amenity; or*
- (c) *Loss arising from change in the character of the neighbourhood; or*
- (d) *Any other material detriment –*

As a consequence of the removal or variation of the restriction.

Often with the variation or the removal of covenants the Responsible Authority is obliged to refuse the application where the removal or variation of a covenant is opposed by a beneficiary of the covenant. Although as established in a VCAT decision *Derring Lane Pty Ltd v Glen Eira CC (2 August 2006)* the Responsible Authority is not obliged to refuse the application solely based on objections by beneficiaries, provided it is satisfied that the requirements of Section 60(2) of the Planning and Environment (Amendment) Act 1987 have been met.

The following is an assessment against those criteria provided on Section 60(2) of the Planning and Environment Act:

- **Financial Loss:** The objector has not identified financial loss as a ground of objection and Council cannot consider the balance of probabilities that the proposed variation of the covenant is likely or unlikely to cause financial loss to any benefitting owners. It is considered that there is no impact to the beneficiaries under this criteria.
- **Loss of Amenity:** The objector has noted traffic congestion and lack of privacy as amenity impacts associated with the proposal to remove the restrictive covenant. The distance between the subject land and the objectors land (adjacent) could provide some direct impact in relation to traffic (it would be difficult to see how a second dwelling would create privacy issues). It is considered that Council cannot discount that the proposal may cause a loss of amenity to the objector through traffic therefore can consider that the objector may be inconvenience by this criteria.
- **Loss Arising from Change to the Character of the Neighbourhood:** The objector has noted that the land around the site is single dwelling, with no other units. The redevelopment of the subject land in a manner allowed by the proposed variation would change the character of the neighbourhood. Although there could be debate on if this is a loss to the area or an opportunity, the beneficiary has highlighted their concerns and therefore it is considered that the objector may be inconvenience by this criteria.
- **Any other Material Detriment:** It is acknowledged that this property and other surrounding allotments were purchased with the covenant in place, with the understanding that only single dwellings would be supported on the land. The objection from a beneficiary to the removal of the restriction to allow the subdivision on the land has identified that the covenant was put there for a reason and should not be

removed. Detriment is noted in VCAT case *McBride v Stonnington CC* 26 October 2005 as 'loss, damage or injury'. Whilst the objector has not specifically identified how the subdivision and variation will result in material detriment, Council cannot determine that there will be no loss for the objector as a result of the removal of the restriction and must therefore refuse the application.

Given the above, Council officers are not satisfied that the proposed variation of the covenant is unlikely to result in loss of amenity, loss arising from change to the character of the neighbourhood or any other material detriment.

CONCLUSION

As a result of receiving an objection to the proposal from a beneficiary, Council cannot determine that the beneficiary is unlikely to suffer under the criteria's set out in Section 60 (2) of the Planning and Environment Act 1987 as a consequence of the variation of the restriction.

It is recommended that a Refusal to Grant Planning Permit T160561 be issued for two (2) lot subdivision & variation of restrictive covenant at 2 Cumberland Drive, Pakenham VIC on the following grounds:

1. The proposal fails to meet the requirements of Section 60(2) of the Planning and Environment Act 1987, as the Responsible Authority is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer loss of amenity, loss arising from the change in neighbourhood character or any other material detriment as a consequence of variation to the restriction.

3 SUBDIVISION OF LAND INTO TWO (2) LOTS AND VARIATION OF A COVENANT AT 2 CUMBERLAND DRIVE, PAKENHAM

Moved Cr J Owen Seconded Cr G Moore

That a Refusal to Grant Planning Permit T160561 be issued for two (2) lot subdivision & variation of restrictive covenant at 2 Cumberland Drive, Pakenham VIC 3810 on the following grounds:

1. The proposal fails to meet the requirements of Section 60(2) of the Planning and Environment Act 1987, as the Responsible Authority is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer loss of amenity, loss arising from the change in neighbourhood character or any other material detriment as a consequence of variation to the restriction.

Cd.

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

FILE REFERENCE INT1712183

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 appeals proceedings.

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Current Status
29-Jul-16	T140723	1 Bridle Place, Pakenham	Cancelation of Planning Permit - issued in breach of covenant	Initiated cancellation	Applicant	Decision upheld Council – Permit Cancelled
22/04/2016 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. – amend to delete retirement village requirement	Refusal	Applicant	Awaiting Decision
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 Determine	Applicant	Awaiting hearing
17-Jul-17	T140337	65 Pioneer Road, Lang Lang	Use and development of the land for extractive industry (sand quarry) removal of vegetation and alter access to a road in a Road Zone, Category 1	Failure to Determine	Applicant	Awaiting hearing
20-Mar-17	T160150	70 Croft Road, Nar Nar Goon North	Development of the land a dwelling extension (pergola) and outbuilding (shed)	NOD - Approval	Objector	Awaiting hearing
22-Feb-2017	T150734	7 Henry Street Koo Wee Rup	Subdivision of land into two (2) lots and creation of an easement	Refusal	Applicant	Awaiting hearing

4 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.

5 PLANNING ENFORCEMENT MATTERS

FILE REFERENCE INT1712237

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
<p>715 Gembrook Rd, Pakenham Upper</p> <p>(ref: OH:AB:14130, OH:SMAY:15227 OH:OH:16295)</p>	<p>Alleged land use (burning off) and building breaches, that relates to extensive and complex planning history of the site.</p>	<p>Magistrates' Court proceedings adjourned to 30 & 31 March 2017 for contested hearing, 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 14-15 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 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>
<p>555 Back Creek Rd, Gembrook</p> <p>EH:LK:16272)</p>	<p>Native vegetation removal, and earthworks creating a dam, in breach of Section 173 agreement and the scheme.</p>	<p>Magistrates' Court prosecution arising from the creation of a large dam (by earthworks and vegetation removal), contrary to strict environmental</p>

	Rural Conservation Zone – Sch 1, Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and Clause 52.17	controls and Section 173 agreement protecting vegetation on the land. 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.
230 Telegraph Road Beaconsfield Upper EH:JALF:16300	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 Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and clause 44.06-1	VCAT Enforcement arising from the creation of a structure, earthworks and excavation, contrary to strict environmental controls. The owner has submitted a planning application to regularise the development. If this application is refused, the applicant may seek review of the decision which will be determined with the enforcement order application. If the application is successful, the enforcement order application will not be necessary. VCAT application for enforcement order filed and Practice Day of the matter 7 th April 2017.
670 Nine Mile Road, Cora Lynn EH:JALF:16328	Construction of a solid fence in LSIO, contrary to Clause 44.04 (Land Subject to Inundation overlay).	Infringement issued against the owner, was referred to Court for decision following correspondence with the owner. The matter is listed for further mention on 23rd February 2017 . The applicant has also filed an application for permit to regularise the fence, which has been referred to Melbourne Water.

CONCLUSION

The list of current enforcement activities is presented for information.

5 PLANNING ENFORCEMENT MATTERS

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.

6 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY

FILE REFERENCE INT1712240

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

<Enter recommendation(s) here>

Attachments

Nil.

EXECUTIVE SUMMARY

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

Central Ward				
Date	Permit No	Location	The Proposal	The Decision
19/01/2017	T160222 - PC1	16B Meeking Drive, Pakenham VIC 3810	PC - Landscape Plans - Development of the land for a dwelling partially outside of the building envelope, and the removal of vegetation.	Issued
19/01/2017	T160607	95 Main Street, Pakenham VIC 3810	Use of the land for two (2) promotional signs	Issued
19/01/2017	T160802	11 Jamieson Court, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued
23/01/2017	T140071 - 1	4 Fairway Court, Pakenham Victoria 3810	AMENDED PERMIT - Amendment to the Condition 5A of the planning permit - Two (2) Lot subdivision and variation of a restrictive covenant	Withdrawn
23/01/2017	T160786	146 Princes Highway, Pakenham VIC 3810	Subdivision of the land into six (6) lots	Issued
2/02/2017	T140074 - PC1	9 Ryan Road, Pakenham Victoria 3810	The subdivision of the land into two (2) lots	Issued
2/02/2017	T160631	5 Wadsley Avenue, Pakenham VIC 3810	Development of a second dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Issued
2/02/2017	T160860	Shop 5-6/137-147 Main Street, Pakenham VIC 3810	Display of business identification signage	Withdrawn
3/02/2017	T160302	28 Broadhurst Road, Pakenham VIC 3810	Construction of a second dwelling, associated buildings and works, and subdivision of the land into two (2) lots	Issued
8/02/2017	T160428 - PC1	4 Graham Court, Pakenham VIC 3810	Development of the land for a warehouse	Issued

8/02/2017	T140744	320 Watson Road, Pakenham Victoria 3810	The use and development of the land for a place of worship, business identification signage, car parking and associated earthworks in a Green Wedge Zone (Schedule 1) and a Land Subject to Inundation Overlay	Refused
8/02/2017	T160500	10 James Street, Pakenham VIC 3810	Development of the land for three (3) dwellings	Issued
9/02/2017	T160487	131 Bathe Road, Pakenham VIC 3810	Development of the land for a dwelling within 20 metres of a road and associated earthworks	Issued
10/02/2017	T160745	13 Corporate Terrace, Pakenham VIC 3810	Subdivision of the land into three (3) lots and common property	Issued
10/02/2017	T150101 - 1	FY, 3/108 Mulcahy Road, Pakenham Victoria 3810	Use of the land for restricted recreation facility (dance school)	Issued
13/02/2017	T160543	35-43 Gardenia Street, PAKENHAM VIC 3810	Re-subdivision of two (2) existing lots (boundary realignment)	Refused
14/02/2017	T140505 - PC1	50 Ryan Road, Pakenham Victoria 3810	Subdivision of the land into two (2) lots in a Low Density Residential Zone and the variation of a covenant	Issued
14/02/2017	T120082 - 1	Se 1/50-54 John Street, Pakenham Victoria 3810	The use and development of the land for a Restricted Recreation Facility (Gym) and associated signage, generally, in accordance with the approved plans	Lapsed
14/02/2017	T160624	20-22 Mill Street, Pakenham VIC 3810	Use of the land for a boarding house and associated buildings and works	Issued
16/02/2017	T160654	270 Brown Road, PAKENHAM VIC 3810	Removal of carriage way easements	Issued
17/02/2017	T170056	31 Cameron Way, Pakenham VIC 3810	Subdivision of the land	Issued
17/02/2017	T160280	1 Bridle Place, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Withdrawn

Port Ward

Date	Permit No	Location	The Proposal	The Decision
19/01/2017	T160674	87 Gainsborough Avenue, Lang Lang VIC 3984	Development of the land for an outbuilding	Issued
20/01/2017	T160642	10 Teriki Place, Garfield VIC 3814	The development of the land for an outbuilding within the setback requirement	Issued
24/01/2017	T160784	295 Temby Road, Iona VIC 3815	Construction of an outbuilding	Issued
24/01/2017	T980341 - 7	RIFLE RANGE, 75 Range Road, Lang Lang VIC 3984	The use of the rifle range for prescribed hours.	Issued
25/01/2017	T160358	106 Hope Street, Bunyip VIC 3815	Use and development of the land for a contractors depot	Issued
27/01/2017	T100699 - PC1	44 Sybella Avenue, Koo Wee Rup Victoria 3981	The residential subdivision of the land (to create 226 lots) and associated works; The creation/alterations of access to a RDZ1; Removal of easements; Removal of native vegetation.	Issued
31/01/2017	T160748	175 Eight Mile Road, Nar Nar Goon VIC 3812	Construction of a building associated with agriculture	Issued
31/01/2017	T160809	105 Gunn Road, Garfield VIC 3814	Alterations and additions to an existing dwelling	Issued
1/02/2017	T160725	40 Hobson Road, Rythdale VIC 3810	Development of the land for a dwelling extension	Lapsed

2/02/2017	T160660 - PC1	70 O'Briens Road, Yannathan VIC 3981	Alterations and additions to an existing dwelling	Issued
2/02/2017	T160734	490 Westernport Road, Lang Lang VIC 3984	Earthworks associated with a dam and sump, and vegetation removal	Lapsed
3/02/2017	T160784 - PC1	295 Temby Road, Iona VIC 3815	Construction of an outbuilding	Issued
8/02/2017	T130457 - PC3	Nash Road, Bunyip Victoria 3815	The subdivision of the land, to remove vegetation and associated works in accordance with the Development Plan - Schedule 15	Issued
8/02/2017	T160584	Westernport Road, Lang Lang VIC 3984	Use and development of the land for a land sales office with advertising signage, a reduction in car parking and alterations of access to a RDZ1	Refused
9/02/2017	T160743	16 A`Beckett Road, Bunyip VIC 3815	Buildings and works associated with a place of assembly	Issued
10/02/2017	T160599	92 Gainsborough Avenue, Lang Lang VIC 3984	Development of the land for an outbuilding exceeding 120 square metres in floor area	Issued
13/02/2017	T160069 - PC1	3500 South Gippsland Highway, Koo Wee Rup Victoria 3981	Use of the land for a dwelling and earthworks associated with a driveway.	Issued
14/02/2017	T160779	160 Seymour Road, Nar Nar Goon North VIC 3812	Dependent Person's Unit	Lapsed
15/02/2017	T160474	494 Eleven Mile Road, Cora Lynn VIC 3814	Use and development of the land for a dwelling and outbuilding for rural industry (Artisan Distillery) and associated works.	NOD
16/02/2017	T160754	230 Fourteen Mile Road, Garfield VIC 3814	Development of land for an outbuilding (shed)	Issued
16/02/2017	T160814	72 Railway Avenue, Tynong VIC 3813	Storage Area for Camper trailer, fishing boat, motorbike, Jet Ski, Vintage Car, Race Car, Mower and house maintenance equipment	Withdrawn

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision
18/01/2017	T140748 - PC2	11 Carawa Street, Cockatoo Victoria 3781	Plans to Comply - Sec 173 - The subdivision of the land into two (2) lots and the removal of vegetation	Issued
18/01/2017	T160495	3 Fairhazel Court, Beaconsfield Upper VIC 3808	Development of the land for a dwelling extension	Issued
18/01/2017	T160667	130 Beenak Road, Gembrook VIC 3783	Earthworks	Lapsed
18/01/2017	T160824 - PC1	226 Rix Road, Beaconsfield VIC 3807	Plans to Comply - Condition 23 BDG Stages 5 & 6 - Subdivision of the land in stages in accordance with the approved plans.	Issued
18/01/2017	T160824 - PC2	226 Rix Road, Beaconsfield VIC 3807	Plans to Comply - Condition 9 LMP - Subdivision of the land in stages in accordance with the approved plans.	Issued
18/01/2017	T160824 - PC3	226 Rix Road, Beaconsfield VIC 3807	Plans to Comply - Condition 10 & 11 - PIP - Subdivision of the land in stages in accordance with the approved plans.	Issued
18/01/2017	T160824 - PC4	226 Rix Road, Beaconsfield VIC 3807	Plans to Comply - Condition 15 - 18 - Site Contamination - Subdivision of the land in stages in accordance with the approved plans.	Issued

19/01/2017	T160581	270 Cardinia Road, Officer South VIC 3809	Re-subdivision of the land (in stages)	Issued
19/01/2017	T160140 - PC1	48 Devon Avenue, Cockatoo VIC 3781	Plans to Comply - Condition 6 - Buildings and works for one (1) dwelling, two (2) outbuildings, associated earthworks and vegetation removal	Issued
19/01/2017	T160556	20 Belgrave-Gembrook Road, Cockatoo VIC 3781	Buildings and works associated with the construction of a verandah	Issued
20/01/2017	T160598 - PC1	5 Montuna Grove, Guys Hill VIC 3807	Plans to Comply - Use and development of the land for a dwelling	Issued
20/01/2017	T160673	26 Kings Road, Emerald VIC 3782	Development of the land for a dwelling, construction of an outbuilding, earthworks exceeding 1m and vegetation removal.	Issued
20/01/2017	T160739	Mountain Road, Gembrook VIC 3783	Earthworks for proposed shed	Withdrawn
20/01/2017	T160817	56 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling & swimming pool) within the Significant Landscape Overlay – Schedule 6	Issued
24/01/2017	T110212 - 1	7 Upper Grieve Road, Avonsleigh Victoria 3782	AMENDED PERMIT - The development of the land for the purpose of an outbuilding with a reduced setback (to be used in association with a home occupation) and attached carport generally in accordance with the approved plans	Issued
25/01/2017	T160420	10 Craik Road, Beaconsfield Upper VIC 3808	Development of the land for a carport	Lapsed
25/01/2017	T160608	65 Parker Road, Gembrook VIC 3783	The development of dwelling additions and alterations and associated works	Issued
27/01/2017	T160783	82 Emerald-Monbulk Road, Emerald VIC 3782	The development of the land for an outbuilding within the setback requirements	Issued
31/01/2017	T160656	7 Cornish Road, Emerald VIC 3782	Development of the land for a dwelling	Issued
31/01/2017	T160836	13 Avondale Street, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued
31/01/2017	T160864	9 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued
31/01/2017	T160804	286 O'Neil Road, Officer VIC 3809	Development of the land for an outbuilding	Issued
1/02/2017	T160480	60 Hoyles Road, Pakenham Upper VIC 3810	The use and development of a Telecommunications Facility and associated works	Issued
1/02/2017	T160710	37 Macclesfield Road, Emerald VIC 3782	Development of the land for a carport	Issued
2/02/2017	T150610 - PC6	175 Rix Road, Officer VIC 3809	Section 173 Agreement - Multi-lot residential subdivision, subdivision adjacent to a public acquisition overlay, the removal of easements and associated works.	Withdrawn
2/02/2017	T160321	1 McBride Road, Beaconsfield Upper VIC 3808	Subdivision of the land into two (2) lots and demolition of buildings in a heritage overlay	Withdrawn

3/02/2017	T160105 - PC1	191 Rix Road, Officer VIC 3809	Subdivision of land in accordance with the endorsed plans.	Issued
6/02/2017	T130212 - 2	73 Main Street, Gembrook Victoria 3783	Use of the land for a motel, buildings, works and sale and consumption of liquor (liquor licence) associated with the Hotel and a reduction in car parking	Issued
6/02/2017	T160663	25 Church Street, Emerald VIC 3782	Use of the land for poultry breeding	Lapsed
6/02/2017	T160735	Linden Road, Pakenham Upper VIC 3810	Extension of dam	Lapsed
6/02/2017	T160813	215 Morrison Road, Pakenham Upper VIC 3810	Building or works ancillary to and within 10 metres of a dwelling in a Bushfire Management Overlay	Issued
8/02/2017	T160369	555 Pakenham Road, Pakenham Upper VIC 3810	Removal of vegetation	Refused
8/02/2017	T160414	1 Station Street, Officer VIC 3809	Subdivision of the land into two (2) lots	Issued
8/02/2017	T160691	196 Kenilworth Avenue, Beaconsfield VIC 3807	REMOVAL OF RESTRICTIVE COVENANT AG6618723Q AND RESTRICTIVE COVENANT PS542776L REGISTERED TO LOT 1 OF PLAN OF SUBDIVISION 542776L.	Issued
8/02/2017	T160708	7 Garden Street, Cockatoo VIC 3781	Development of the land for a carport	Issued
10/02/2017	T160542	165 Norbury Road, BEACONSFIELD UPPER VIC 3808	Earthworks in association with the driveway and the removal of vegetation	Issued
10/02/2017	T160283	120-122 Woori Yallock Road, Cockatoo VIC 3781	Subdivision of the land into two (2) lots	Withdrawn
10/02/2017	T160417 - PC1	96 Mary Street, Officer VIC 3809	Subdivision of the land into fourteen (14) lots and the removal of an easement	Issued
10/02/2017	T160621	230 Telegraph Road, Beaconsfield Upper VIC 3808	Works associated with a half basketball court comprising site cut and fill (retrospective application)	Refused
13/02/2017	T130633	20 Pinnocks Road, Emerald Victoria 3782	Removal of native vegetation	Refused
15/02/2017	T160653	1 Old Princes Highway, Beaconsfield VIC 3807	Building and works associated with a Food and Drink premises and display of advertising signage	Issued
15/02/2017	T160746	26 Avon Road, Avonsleigh VIC 3782	Alterations and additions to an existing dwelling (carport and covered walkway)	Issued
16/02/2017	T150594 - PC4	65 Bayview Road, Officer Victoria 3809	Plans to Comply - SEC 173 Agreement - Multi lot subdivision	Issued
16/02/2017	T160795	1-3 Ernest Court, Emerald VIC 3782	Development of the land for an outbuilding (pergola)	Issued
17/02/2017	T170037	Officer South Road, Officer VIC 3809	Amendment to Planning Permit No. T160146-1	Withdrawn
20/02/2017	T150290 - PC11	Bridge, Officer Victoria 3809	Plans to Comply - PCX - Arcadia - Stage 9 Streetscape (Con. 07 LPP, Stage 9A) 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

20/02/2017	T150780 - PC3	85 Bayview Road, Officer Victoria 3809	Plans to Comply - Condition 12 Landscape Masterplan for Approval - Subdivision of land and removal and/or variation of an easement	Issued
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6 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY

Moved Cr J Owen Seconded Cr G Moore

<Enter recommendation(s) here>

Cd.

7 PLANNING SCHEME AMENDMENT ACITIVTY REPORT

FILE REFERENCE INT1712152

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Tracey Parker

RECOMMENDATION

That the report be noted.

Attachments

Nil.

EXECUTIVE SUMMARY

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

Status of active amendments

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

CARDINIA PLANNING SCHEME AMENDMENTS ACTIVITY REPORT						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C205	EDM Group	80 McDonalds Track Lang Lang.	Rezone part of the land from Farming Zone to Industrial 1 Zone with a combined Planning Permit S96			On 20/06/2016 Council adopted to request Minister's authorisation.
C206	Cardinia Shire Council	16 Beaconsfield-Emerald Road Emerald	Rezone 16 Beaconsfield-Emerald Road Emerald from Rural Conservation Zone 2 to Public Park and Recreation Zone.	Thu 07/01/2016	Mon 08/02/2016	Amendment submitted to the Minister for approval on 04/10/2016. Awaiting approval.
C208	Cardinia Shire Council	Cardinia Shire	Updates the Local Planning Policy Framework (LPPF) to make reference to relevant policy direction outlined in Plan Melbourne. Airport Policy and Healthy By Design.	Thu 21/07/2016	Mon 22/08/2016	Amendment submitted to the Minister for approval on 19/01/2017. Awaiting approval.

CARDINIA PLANNING SCHEME AMENDMENTS ACTIVITY REPORT						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C209	Cardinia Shire Council	Pakenham Golf Course	<p>Rezone of part of the golf course from Public Park and Recreation Zone to Low Density Residential Zone 3 and apply a schedule to allow a minimum lot size of 2000m².</p> <p>Apply the Low Density Residential Zone 3, a Vegetation Protection Overlay 1 and Development Design Overlay 1 to land within the Deep Creek Master Plan area, and consider a planning permit for a two lot subdivision to allow for the land to be zoned Low Density Residential Zone 3 and Public Park and Recreation Zone.</p>	Fri 24/06/2016	Wed 31/08/2016	Panel Report received on 09/01/2017. Amendment process continuing.
C211	Cardinia Shire Council	Pakenham Structure Plan area	Amends the Municipal Strategic Statement to consider 'Activity Centre Structure Plans' and to incorporate the Pakenham Structure Plan into the Local Planning Policy Framework. Adds the Pakenham Structure Plan as an incorporated document in the Planning Scheme.	Thu 12/05/2016	Tue 14/06/2016	Report going to General Council Meeting on 16/03/2017 seeking adoption of the amendment.
C212	Cardinia Shire Council	Various sites	Correction of minor zoning and overlay anomalies, and errors in the description of heritage places in the Schedule to Clause 43.01.	Thu 12/05/2016	Tue 14/06/2016	Amendment submitted to the Minister for approval on 27/09/2016. Awaiting approval.
C214	Pakenham Racing Club Inc.	71 and 77 Racecourse Road, Pakenham (Lot 1 on PS632087 K)	Rezone land from Special Use Zone 2 (SUZ2) to General Residential Zone (GRZ).	Thu 13/10/2016	Mon 14/11/2016	Amendment submitted to the Minister for approval on 11/01/2017. Awaiting approval.
C215	Cardinia Shire Council	Green Wedge land	Implement the key recommendations of the Cardinia Western Port Green Wedge Management Plan (July 2016). Amends the Municipal Strategic Statement to remove reference to matters that are now proposed to be addressed in the Western Port Green Wedge Local Planning Policy & include the Cardinia Western Port Green Wedge Management Plan (July 2016) as a reference document.	Thu 01/09/2016	Mon 03/10/2016	Panel Hearing to be held on 7 March 2017.

CARDINIA PLANNING SCHEME AMENDMENTS ACTIVITY REPORT						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C219	Cardinia Shire Council	Atlantic Drive, Pakenham	The amendment proposes to rezone the subject land from General Residential Zone-Schedule 1 (GRZ1) to Mixed Use Zone (MUZ) to allow for the use and development of the site as originally intended by the approved Cardinia Lakes Neighbourhood Activity Centre Development Plan (Part 3, 2009).	Thu 03/11/2016	Mon 21/11/2016	Amendment submitted to the Minister for approval on 16/12/2016. Awaiting approval.
C221	Villaworld Developments Pty Ltd Group	27-39 Vantage Drive Pakenham	The amendment proposes to rezone the part of residential lots 27-39 Vantage Drive, Pakenham that are covered by the Urban Floodway Zone (UFZ) to General Residential Zone Schedule 1 (GRZ1).	Thu 15/12/2016	Fri 06/01/2017	Exhibition finalised. No submissions received. Amendment process continuing.
C225	Cardinia Shire Council	270 Cardinia Road Officer South	To amend Clause 37.07 to the Urban Growth Zone Schedule 2 to: - Insert a new plan 1 showing the change of designation of the land from service business to commercial to facilitate a health precinct and change a portion of land designated for service business to residential to increase the amount of residential land in the Cardinia Road Precinct Structure Plan. - Include residential aged care facility and retirement villages as section 2 uses.			Process commenced to seek amendment authorization from the Minister for Planning.

7 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr J Owen Seconded Cr G Moore

That the report be noted.

Cd.

Meeting closed at 7.12pm

Minutes Confirmed
Chairman