



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 7 MAY 2018

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 7 May 2018

The meeting commenced at 7pm

PRESENT:

Mayor, Collin Ross, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen, Graeme Moore, Ray Brown, Jeff Springfield, Brett Owen

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

APOLOGIES:

Cr Leticia Wilmot

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 EXTENSION TO COMMERCIAL BUILDING AT 18 STATION STREET, PAKENHAM

FILE REFERENCE INT1828157

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Melanie Wright

RECOMMENDATION

That Planning Permit **T170781** be issued for Buildings and works (commercial **extension**) and car parking **reduction** at **18 Station Street, Pakenham**, subject to the conditions attached to this report.

Attachments

- 1 Locality Plan
- 2 Development Plan

EXECUTIVE SUMMARY

APPLICATION NO.:	T170781
APPLICANT:	Rohin Adams
LAND:	18 Station Street, Pakenham VIC 3810
PROPOSAL:	Buildings and works (commercial extension & illuminate advertising signs) and car parking reduction at 18 Station Street, Pakenham
PLANNING CONTROLS:	Commercial 1 Zone (C1Z) Development Contributions Plan Overlay - Schedule 1 (DCPO1) Land Subject to Inundation Overlay (LSIO) Clause 65 Decision Guidelines
NOTIFICATION & OBJECTIONS:	Exempt from Public Notification
KEY PLANNING CONSIDERATIONS:	Car parking
RECOMMENDATION:	Issue permit with conditions

BACKGROUND

Council records indicate there is no recent Planning Permit history for the site.

SUBJECT SITE

The site is located on the north side of Station Street with the northern boundary abutting Treloar Lane.

A crossover is located over the northern boundary and accessed from Treloar Lane. There is a 0.12m wide party wall easement along approximately two thirds of the western boundary.

The site currently contains a single storey commercial building, which is occupied by an office use that also occupies the tenancy to the west at No.16 Station St. The built form occupies majority of the narrow site with

no setbacks along the east, south or west boundaries. An awning protrudes over the footpath to Station Street. The main pedestrian access to the building is via Station Street with a staff only door accessible via Treloar Lane.

Open car parking spaces exist to the rear of the site that also accommodates waste storage associated with the use.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- The site is located in the Pakenham Town centre, which comprises of various commercial uses, retail, food and beverage, offices and some industrial uses. The precinct also includes large retail premises and a small sale shopping mall as well as some public and recreational uses.
- The site is located within 200 metres of the Pakenham Railway Station and some metropolitan bus routes.
- To the north of the site is Treloar Lane, the lane links John St to Cook Drive and is a rear access point for sites along Main Street and Station Street. North of Treloar Lane is Pakenham Central mall which hosts large scale retail tenancies.
- East of the site is a large single storey retail premises occupied by a large scale electrical company. The site have vehicle access via Treloar lane.
- South of the site is 1-7 Station Street a group of commercial premises occupied with several different tenancies, vehicle access to the sites is via Main Street.
- West of the site is a similar sized commercial premises which is occupied by the same tenants as the subject site. Along the west of the site is a pedestrian access link from Station Street to Treloar Lane which features as an easement on the title. The site have vehicle access via Treloar lane.

PROPOSAL:

Approval is sought to extend the existing commercial premises, advertising signage and for a reduction in the statutory car parking requirements. The proposal includes the extension to the rear of the premises at ground floor plus the addition of a first floor. The additional floor area intensifies the use of the site and a full car parking reduction is sought.

The existing floor area of the single storey premises is 149.5sqm. The current overall building height is 4.7 metres.

The proposal will increase the ground floor area to 224.3sqm, the additional floor will also comprise of a total floor area of 224.3sqm and the overall total floor area will be increased to 448.6sqm. The overall building height is 7.57 metres which includes the first floor addition. The proposed increase in floor area will be constructed to all boundaries, there will be no setback at any boundary to accommodate car parking. Awnings are proposed at both frontages, and some external building detailing will create a contemporary style building.

Signage is proposed for the building on all upper facades, the total internally illuminated signage for the site is $(4 \times 1.1225\text{sqm}) = 4.49\text{sqm}$.

The overall floor area of 448.6sqm requires 15 car space to be provided (3.5 per 100sqm x 448.6sqm). The existing car parking on site (2 spaces) will be built over by the extension and therefore a full reduction of 15 spaces is required. The applicant has sought a reduction of 13 spaces and offered a contribution payment for the reduction of 2 spaces to be achieved through a Section 173 Agreement.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- *Clause 11.03 – Activity Centres*
- *Clause 15.01 – Built Environment*
- *Clause 15.02 – Sustainable Development*
- *Clause 17 - Commercial*

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- *21.04 – Economic Development*
- *21.06 – Particular Uses and Development*

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- *Clause 52.05 Advertising Signage*
- *Clause 52.06 Car Parking*
- *Clause 65 Decision Guidelines*
- *Pakenham Structure Plan*
- *Pakenham Parking Precinct Plan*

Zone

The land is subject to the Commercial 1 (C1Z)

Overlay

The land is subject to the following overlays:

- *Land Subject to Inundation (LSIO)*
- *Development Contributions Overlay – Schedule 1 (DCPO1)*

PLANNING PERMIT TRIGGERS

The proposal for commercial extension and car parking reduction requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-4 a planning permit is required to construct or carry out buildings and works including advertising signage
- Pursuant to Clause 52.06-3 a planning permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5
- Pursuant to Clause 52.05 -7 A permit is required to construct internally illuminated signs exceeding Advertising 1.5sqm on one premises

PUBLIC NOTIFICATION

Pursuant to Clause 34.01 & 52.06 of the Cardinia Planning Scheme the proposal is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987.

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:

- *Building and works must have a finished floor level of less than 28.96 AHD*

DISCUSSION

State and Local policies

The subject site is located within a Commercial 1 Zone (C1Z). The use of the land for the purpose of an office is an as of right use under the zone on the provision that car parking is provided at the standard rate specified within the planning scheme, otherwise a permit is required for a reduction in parking.

A number of state and local policies are relevant to this application, such as Clause 15.01 (Urban environment), Clause 15.01 (Built Environment) and Clause 21.06-1 (Design and built form), which aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and town centres.

At a local level, Clause 21.04 (Economic Development) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of commercial building types in existing town centres, while being consistent with the existing and/or preferred precinct character.

Clauses 11.03-2(Activity Centre Planning) and 21.06-1 (Design and Built Form) are also relevant to this application. These clauses aim to encourage development and provide diversity of design and built form in commercial precincts. More specifically, these clauses include strategies that seek to facilitate attractive, functional and sustainable built environment in the established areas and in areas with appropriate infrastructure and access to jobs and public transport.

Clauses 11.06-6 (Sustainability and resilience), 15.02-1 (Energy and resource efficiency) and 21.02-8 (Resource conservation) are also applicable to this application. These clauses generally seek to create a more sustainable and resilient city by encouraging development to maximise efficient use of energy and minimise greenhouse gas emissions.

The Pakenham Structure Plan provides a strategic vision for the future of the Pakenham Activity Centre. The vision for the Pakenham Activity centre is for the area to be *a prosperous and sustainable activity centre accommodating high quality new development, providing local employment and a diverse range of retail, commercial and residential options*. The proposal is consistent with this vision as it seeks to revitalise the centre of the Activity centre by providing high quality urban design.

Buildings and Works

The proposed buildings and works include a ground floor extension and first floor addition to the existing commercial building. The proposal includes extending the existing ground floor to all title boundaries and the addition of a first floor. It is also proposed to construct awnings to both street frontages proposed with new advertising signage.

The proposed two storey building is in accordance with the Pakenham Structure Plan and will rejuvenate a tired streetscape. Whilst the built form is higher than the built form of nearby residential properties, it is in accordance with the future direction of the area being within a Mixed Use precinct. The development

compliments and positively contributes to the contemporary nature of other developments within Station Street. The extension of the built form to the rear laneway will increase activity on the rear laneway and improve the street frontage by replacing car parking with high quality urban design and additional glazing. The double storey built form with significant glazing on both street facades will increase surveillance to Treloar Lane.

The location of the site is within the Pakenham Activity Centre, Clause 21.04-3 (Activity Centres) encourages new buildings in activity centres and to provide for a variety of mixed uses including commercial. It is considered that the proposal will bring much desired investment to the activity centre by renewing the existing site. The proposed built form is modern contemporary and provides a design which is compatible with the preferred character of Station Street.

The Pakenham Structure Plan has the following objectives:

- *A compact, attractive and vibrant street-based retail core with a clearly identifiable 'heart' located in Main Street between John and Station Street.*
- *Encourage community uses, offices or residential development in the upper levels of mixed use development use developments, maintaining active uses at street level.*

The additions to the existing building will add high quality urban design to both facades and provide awnings to both street frontages. The Pakenham Structure Plan also encourages the development to respond to environmental sustainable design. The proposal includes significantly glazing on each street frontage and the provision skylights in the roof. The skylights will be located over the internal stair case and desks which are located internally which will have reduced natural light access. Overall, the proposal meets the objectives of the Pakenham Structure Plan.

Advertising Signage

Assessment of the proposed internally illuminated business identification signage is limited to its impact on the character of the surrounding streetscape. Clause 52.05 of the Cardinia Planning scheme aims to provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

The proposed signage under consideration in this application are the awning (4) above awning internally illuminated business identification signage. The signs details are:

1. 500mm by 2245 mm - Internally illuminated building identification located upper north façade
2. 500mm by 2245 mm - Internally illuminated building identification located upper south façade
3. 500mm by 2245 mm - Internally illuminated building identification located upper east façade
4. 500mm by 2245 mm - Internally illuminated building identification located upper west façade

Total internally illuminated signage (4 x 1.1225sqm) = 4.49sqm

Under awning business identification signage is proposed under the Station St and Treloar Lane awnings, these do not require planning approval.

The proposed illuminated signage is located on all building facades but are well distributed as not to create clutter. The scale of the signs is modest and will add to the contemporary design of the proposed addition. The subject site is located in an activity centre where advertising signage is a common feature, the proposed signage is considered to be consistent with the proportion, scale and form of the proposed sign relative to the streetscape. The signs are simple in design and are sited appropriately across the building. The signs are not considered to impact views and vista in the streetscape or skyline as the site is surrounded by building of a similar scale and there are no sensitive uses within 30 metres of the site including residential occupancies or traffic lights. The proposed illumination is not proposed to flash or have moving images, the back lighting is very subtle and will not impact pedestrians or vehicles.

For the reasons mentioned above, the advertising signage is deemed to be consistent with the character of the area and is recommended for approval.

Car Parking Reduction

The proposal seeks to increase built form to all tile boundaries reducing the ability to accommodate any car parking spaces on the subject site. It is proposed to reduce the statutory car parking requirement by 13 car spaces (the remaining two spaces the property owner will enter into an agreement with Council for a payment to contribute to future car parking infrastructure in Pakenham Town Centre enabled through a S173 agreement). Car parking accommodation shortfalls has been identified in the Pakenham Structure Plan and Strategic framework on a future car parking has commenced in the form of Pakenham Parking Precinct Plan.

The provision of car parking for the development is assessed against the provisions of the Pakenham Parking Precinct Plan and in accordance with Clause 52.06-5 Car Parking in the following table:

Land Use	Floor Area	Car Parking Rate	Total Requirement	Spaces covered by S173	Shortfall
Office	488 sqm	3.5 x 100sqm	15	2	13

Guided by the Pakenham Parking Precinct Plan, Council entered into negotiations with the applicant for a contribution payment to future car parking in the Pakenham Town Centre. Discussions were successful and Council and the applicant agreed that a contribution payment for two (2) car parking spaces could be achieved by entering into a S173. Conditions requiring a monetary contribution will be placed on the permit. Council's Traffic and Strategic Departments agreed that a contribution in line with the cost outlined in the Pakenham Parking Precinct Plan.

The traffic report prepared by Mornington Peninsula Services Pty Ltd, provides and assessment for reducing the car parking requirement to zero.

In considering a parking reduction, Council must consider the availability of alternative parking in the locality, availability of public transport, impact on adjoining uses, previous uses and impact on the local traffic management of the area. The Traffic Engineering Assessment submitted with the planning application, which undertook a survey of parking conditions within 150 metres of the subject site on Thursday 9 November 2017 between 8:30am to 5:30pm at 18 times across the day, and Saturday 11 November 2017 between 8:30am and 2:00pm at 13 times across the day. Ten locations with a total car parking capacity of 385 were surveyed at different times across each day observed the following:

- That there was a minimum of 142 vacant spaces (37% vacancy) recorded at 1:30pm on Thursday 9 November 2017. With the exception of the hours between 11am & 2pm there were vacancy levels exceeded 40% across the day.
- There was a minimum of 218 spaces vacant (57% vacancy) between the hours of 10:30am and 12:30pm on Saturday 11 November 2017. Vacancy levels exceeded 56% across the day.
- On-street parking within the surveyed area of Station Street (Area 1) is has 1 hour limit restrictions with a total of 29 on-street parking spaces located within the survey area. During the surveys, a maximum of 24 vehicles recorded parked along the site's frontage on the Thursday survey.
- A total of 120 unrestricted off-street car spaces are located within a Council operated off-street car park(Area 10) located 75 metres to the north-east of the site. The area did not exceed a capacity of 37% over the Thursday survey or over 1% capacity on the Saturday survey.

The Traffic Engineering Assessment which, using evidence of the occupancy of other car parking in the area and availability of these spaces throughout the day/week as detailed above, determines that the car parking already existing in the vicinity of the site will be adequate to provide for the shortfall of 13 car spaces that

will not be provided for onsite. It is expected that the peak times for the offices are likely to be during 9am to 5pm on weekdays and Saturday mornings.

The application was referred to Council's Traffic Engineering Department, who expressed concerns in relation to the potential overflow of car parking from the future businesses. However, the traffic engineering assessment as detailed above, provides evidence that there are sufficient car parking spaces available during business hours to cover the shortfall of 13, particularly with the monetary contribution to future car parking in the Pakenham Activity Centre.

The proposed use of the building as an office (real estate), with the nature of the business staff are likely to have frequent and long trips out of the office. Staff are unlikely to require all day car parking spaces like standard office uses and based on the parking survey the Pakenham Town Centre can accommodate short stay car parking needs of the staff.

Whilst the development has a shortfall in car parking, the proposed development will provide for economic growth in relation to business development and job opportunities within Pakenham. As such, a balanced approach to ensuring business, business growth, business retention and job opportunities are created, against the potential impact of the car parking reduction must occur. The benefits of such as this development will have beneficial benefits for the vibrancy and character of the Pakenham Activity Centre. For the above reasons, it is officer's view that this proposal achieves this balance.

Land Subject to Inundation

The land is affected by the Land Subject to Inundation Overlay, the purpose of the overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage. The proposal was referred to Melbourne Water who did not object to the proposal subject to conditions. The conditions specified minimum floor height to ADH which has been added as a permit condition.

CONCLUSION

It is considered that the application is consistent with the requirements of the Cardinia Planning Scheme and it is recommended that a Planning Permit should be issued for Buildings and works (commercial **extension and internally illuminated advertising signs**) and **car parking reduction at 18 Station Street, Pakenham subject to the following 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 with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A Waste Management Plan meeting the requirements of Condition 7
 - b. Submission of a s173 Agreement in accordance with Condition 3

To the Satisfaction of the Responsible Authority

2. The use or development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. Before the development can commence, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. The Section 173 Agreement must provide for the one off payment of \$24,000 to be paid to the Responsible Authority to be used by the Responsible Authority on actions identified within the

Pakenham Parking Precinct Plan (December 2017, or any later revisions) to improve car parking in the Pakenham Town Centre.

4. Before the development commences, an application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.
5. Within 3 months of completion of the buildings and works authorised under this permit, the owner of the land must pay to the Responsible Authority in full the \$12,000 financial contribution set out in Condition 3 of this permit.
6. The development and development works associated with the construction of the 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. Inappropriate storage of any works or construction materials;
 - d. Hours of construction activity;
 - e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - f. Presence of vermin.
7. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must include:
 - a. Dimensions of waste areas
 - b. The number of bins to be provided
 - c. Method of waste and recyclables collection
 - d. Hours of waste and recyclables collection NB. These should correspond with our Local Laws
 - e. Method of presentation of bins for waste collection
 - f. Strategies for how the generation of waste and recyclables from the development will be minimised

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

8. Finished floor levels of the extended ground floor area must be constructed no lower than 28.79 metres to Australian Height Datum (AHD).
9. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
10. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.
11. The sign/s lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
12. The sign/s must not contain any flashing light.
13. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

14. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
15. All waste material not required for further on-site processing must be regularly removed from the subject land. All vehicles removing waste must be fully secured and contained to the satisfaction of the Responsible Authority so that no wastes are spilled or dust or odour is created 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.
17. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
18. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.

Expiry

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

- a. The development is 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.
- c.
- d. This permit, as it relates to signage, expires 15 years from the permit issue date.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Notes:

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- The applicable flood level is 28.96 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water reference MWA-1051434
- Unless a permit is not required under the Cardinia Planning Scheme, signs must not be constructed or displayed without a further planning permit.

1 EXTENSION TO COMMERCIAL BUILDING AT 18 STATION STREET, PAKENHAM

Moved Cr G Moore Seconded Cr C Ryan

That Planning Permit T170781 be issued for Buildings and works (commercial extension) and car parking reduction at 18 Station Street, Pakenham, subject to the following 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 with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A Waste Management Plan meeting the requirements of Condition 7
 - b. Submission of a s173 Agreement in accordance with Condition 3
To the Satisfaction of the Responsible Authority
2. The use or development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. Before the development can commence, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. The Section 173 Agreement must provide for the one off payment of \$24,000 to be paid to the Responsible Authority to be used by the Responsible Authority on actions identified within the Pakenham Parking Precinct Plan (December 2017, or any later revisions) to improve car parking in the Pakenham Town Centre.
4. Before the development commences, an application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.
5. Within 3 months of completion of the buildings and works authorised under this permit, the owner of the land must pay to the Responsible Authority in full the \$12,000 financial contribution set out in Condition 3 of this permit.
6. The development and development works associated with the construction of the 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. Inappropriate storage of any works or construction materials;
 - d. Hours of construction activity;
 - e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - f. Presence of vermin.
7. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must include:
 - a. Dimensions of waste areas
 - b. The number of bins to be provided
 - c. Method of waste and recyclables collection

- d. Hours of waste and recyclables collection NB. These should correspond with our Local Laws
- e. Method of presentation of bins for waste collection
- f. Strategies for how the generation of waste and recyclables from the development will be minimised

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

8. Finished floor levels of the extended ground floor area must be constructed no lower than 28.79 metres to Australian Height Datum (AHD).
9. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
10. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.
11. The sign/s lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
12. The sign/s must not contain any flashing light.
13. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
15. All waste material not required for further on-site processing must be regularly removed from the subject land. All vehicles removing waste must be fully secured and contained to the satisfaction of the Responsible Authority so that no wastes are spilled or dust or odour is created 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.
17. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
18. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.

Expiry

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

- a. The development is 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.
- c.
- d. This permit, as it relates to signage, expires 15 years from the permit issue date.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Notes:

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- The applicable flood level is 28.96 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water reference MWA-1051434
- Unless a permit is not required under the Cardinia Planning Scheme, signs must not be constructed or displayed without a further planning permit.

Cd.

2 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT1828180

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Owen Hardidge

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

Where breaches of the Planning Scheme are detected that cannot be satisfactorily resolved Council undertakes enforcements 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)

Current Enforcement cases

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

Property Address	Nature of Contravention	Status
2705 Princes Hwy, Tynong North (OH:LK:17356)	Removal of native vegetation in Council road reserve, in breach of Environmental Significance Overlay (42.01) and Native Vegetation Particular Provisions (52.17). Breach of planning permit condition relating to protection of remnant vegetation	On 18 January 2018 , the company that owns this property appeared in the Magistrates Court at Dandenong. Council and the owner have agreed to the making of an Enforcement Order which requires the owner to manage the road reserve for 10 yrs. Work has commenced on the relevant applications, which will result in orders by consent. These are yet to be filed.
715 Gembrook Rd, Pakenham Upper	Construction of retaining wall without building permit.	FOR INFORMATION ONLY – no on going <i>planning enforcement</i> matters relating to property

(ref: OH:AB:14130)		<p>MAGISTRATES COURT CASE relating to unpermitted building work (retaining wall) –</p> <p>On 21 December 2017, the Magistrates Court delivered judgement in this matter, finding the charges proven. The owner was fined \$1500, without conviction, and ordered the owner to pay in excess of \$15,000 costs.</p> <p>The COUNTY COURT has listed a contested hearing of the matter in May 29-31 2018.</p> <p>In April 2018, the owner has filed an application in the High Court of Australia in respect of this hearing. We expect that this HCA application may delay the COUNTY COURT contest.</p>
765 Gembrook Rd, Pakenham Upper (OH:LK:16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	<p>Magistrates’ Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit.</p> <p>The mater is set down for a 2-day contested hearing from May 2nd 2018, which is likely to be adjourned, due to a recently-filed High Court of Australia application.</p>
60 Hillbrick Rd, Garfield OH:JALF:17371	Earthworks affecting drainage and flow of water, without a permit/in breach of issued permit, contrary to Environmental Significance Overlay – Schedule 1	VCAT enforcement order application has been filed. On 2 nd March 2018, this application was withdrawn by consent, the owner having remediated the land satisfactorily and met Council costs.
1 Thomson Road, Beaconsfield Upper OH:LK:17364	Earthworks in excess of 1 metre and affecting the rate of flow, contrary to Rural Conservation Zone and Environmental Significance Overlay	<p>Magistrates’ Court prosecution arising from large excavations and spreading of soil, in apparent response to water drainage issues.</p> <p>On 12 April 2018, the accused pleaded guilty and was fined \$1,500 and ordered to pay costs.</p> <p>The accused is currently applying for a permit which will permit the works, which is currently being considered by Statutory Planning (T170796)</p>
555 Back Creek	Native vegetation	Magistrates’ Court prosecution arising from

Rd, Gembrook EH:LK:16272	removal, and earthworks creating a dam, in breach of Section 173 agreement and the scheme. Rural Conservation Zone – Sch 1, Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and Clause 52.17	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. On 15th September 2016 the Court issued a Warrant for arrest to compel the attendance of the accused. The matter is adjourned indefinitely, pending Victoria Police execution of the warrant.
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Glossary of terms

Practice day hearing

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

Mention hearing

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

Administrative Mention

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

Adjournment

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

Land Management Plan

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

Contested hearing / Full hearing

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

Consent Orders

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

2 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

Moved Cr G Moore Seconded Cr C Ryan

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

Cd.

3 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT1828176

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Samantha Zimbler

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

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

Central Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
19/02/2018	T160761 - PC1	2-6 Worthington Boulevard, Pakenham VIC 3810	Condition 1 Use and development of the land for a child care centre, reduction in car parking, advertising signage and to alter access to a Road Zone Category 1.	Issued	15 December 2017
19/02/2018	T170652	152 Duncan Drive, Pakenham VIC 3810	Development of the land for three additional dwellings	Issued	05 October 2017
19/02/2018	T180056	14 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	02 February 2018
20/02/2018	T170515	22 Howey Road, Pakenham VIC 3810	Development of the land for an additional dwelling	Withdrawn	07 August 2017
21/02/2018	T170804	13-15 Henry Street, Pakenham VIC 3810	Subdivision of land in to nine (9) lots	Issued	08 December 2017
23/02/2018	T170759	21 Stringy Bark Circuit, Pakenham VIC 3810	To proceed under Section 24A of the Subdivision Act 1988 (removal of reserve status of Reserve 1 as shown on PS447452U)	Issued	17 November 2017
23/02/2018	T180059	44 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	05 February 2018
26/02/2018	T170368	7 Donday Court, Pakenham VIC 3810	Use and development of the land for a second dwelling including alterations to existing dwelling and subdivision of the land into two (2) lots	Issued	15 June 2017
26/02/2018	T180054	10 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	01 February 2018
6/03/2018	T170302	40 Tahoe Circuit, Pakenham VIC 3810	Use of the land for animal husbandry and associated buildings and works	NOD	22 May 2017
7/03/2018	T170230 - PC1	11 Henty Street, Pakenham VIC 3810	Amended plans to comply with Condition 1 of Planning Permit T170230	Issued	06 February 2018
7/03/2018	T170462	1-3 Savage Street, Pakenham VIC 3810	Use and development of the land for a Residential Building	Refused	18 July 2017
13/03/2018	T180110	U 11/143 Ahern Road, Pakenham VIC 3810	buildings and works associated with a fence	Issued	28 February 2018
14/03/2018	T160792 - PC2	Michael Street, Pakenham VIC 3810	Con. 01 Plans - Construction of 79 dwellings and subdivision of land (79 lots) and vegetation removal	Issued	13 December 2017
15/03/2018	T170239	17 Eagle Drive, Pakenham VIC 3810	Construction of one (1) additional dwelling and associated buildings and works	Issued	02 May 2017
19/03/2018	T160861 - PC1	49 Gardenia Street, Pakenham VIC 3810	Condition 1 - Develop two dwellings to the rear of an existing dwelling	Issued	19 December 2017
19/03/2018	T170261	Station Street, Pakenham VIC 3810	Use and development of the land for multiple dwellings, buildings and works associated with retail, associated works and waiver of loading and unloading requirements	Issued	18 May 2017
19/03/2018	T170550	25B Meeking Drive, Pakenham VIC 3810	Development of the land for an Outbuilding (shed) and vegetation removal	Issued	17 August 2017

22/03/2018	T180127	2 Galway Rise, Pakenham VIC 3810	Construction of a dwelling and associated works	Issued	07 March 2018
23/03/2018	T140656 - 1	9-13, 15 & units 1-5, 17, Main Street, Pakenham Victoria 3810	Use and development of the land for purpose of a retirement village and removal of native vegetation	Issued	10 October 2017
23/03/2018	T170765	80 Mulcahy Road, Pakenham VIC 3810	Subdivision of land into eight (8) lots and removal of an easement	Issued	29 November 2017
27/03/2018	T160792 - PC3	Michael Street, Pakenham VIC 3810	Con. 48 WMP - Construction of 79 dwellings and subdivision of land (79 lots) and vegetation removal	Issued	19 February 2018
27/03/2018	T130211 - 2	Bianca Court, Pakenham VIC 3810	Amendment to wording of Condition 1(p)	Issued	15 March 2018
27/03/2018	T180118	1 Livingstone Boulevard, Pakenham VIC 3810	Development of additions to the existing car wash and associated works in accordance with the submitted plans. Reason for Revision: N/A	Withdrawn	05 March 2018
28/03/2018	T170619 - PC1	31 Sapphire Crescent, Pakenham VIC 3810	Section 173 - Subdivision of Land into Two Lots	Issued	15 January 2018
4/04/2018	T170843	13 Galway Rise, Pakenham VIC 3810	Development of the land for a dwelling	Issued	29 December 2017
4/04/2018	T130069 - PC2	Corporate Terrace, Pakenham Victoria 3810	Amended plans to comply with Condition 1 of Planning Permit T130069-3	Issued	03 April 2018
5/04/2018	T180005	12 Adam Court, Pakenham VIC 3810	construction of a second dwelling and garage to the existing dwelling	NOD	04 January 2018
6/04/2018	T180068	15 Galway Rise, Pakenham VIC 3810	Development of the land for a dwelling and associated buildings and works	Issued	09 February 2018

Port Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
19/02/2018	T130457 - PC2	Nash Road, Bunyip Victoria 3815	Plans to Comply - S173 Agreement - The subdivision of the land, to remove vegetation and associated works in accordance with the Development Plan - Schedule 15	Withdrawn	22 December 2016
19/02/2018	T150641 - 1	895 Bunyip River Road, Vervale Victoria 3814	To continue the use of the land for a dwelling, to construct a replacement dwelling pursuant to Clause 63.10, to construct an outbuilding (shed) and four (4) rainwater tank	Issued	16 November 2017
19/02/2018	T170692	225 Chasemore Road, Cardinia VIC 3978	Development of the land for an outbuilding (stable) (retrospective)	Issued	25 October 2017
19/02/2018	T170776	91 Gainsborough Avenue, Lang Lang VIC 3984	Multi lot subdivision and associated works	Issued	27 November 2017
19/02/2018	T170809 - PC1	Corporate Terrace, Pakenham VIC 3810	Amended plans to comply with Condition 1 of Planning Permit T170809	Issued	18 January 2018
19/02/2018	T170836	850 Longwarry-Modella Road, Modella VIC 3816	Development of the land for an outbuilding (shed)	Issued	19 December 2017
21/02/2018	T170439	50 Baroona Road, Maryknoll VIC 3812	Development of Dwelling Additions and Alterations	Issued	11 July 2017
22/02/2018	T170412 - PC2	90 No 7 Drain Road, Bayles VIC 3981	Condition 1 - Use and development of the land for a dwelling and caretakers dwelling and the construction of an outbuilding	Issued	14 February 2018
23/02/2018	T160197 - PC1	32 Racecourse Road, Pakenham VIC 3810	Development of a service station, associated signage and access to a Road Zone, Category 1	Issued	31 July 2017
23/02/2018	T170783	555 Thwaites Road, Yannathan VIC 3981	Buildings and works to redevelop existing broiler farm	NOD	30 November 2017
23/02/2018	T170812	180 Rossiter Road, Koo Wee Rup VIC 3981	Development of land for an outbuilding (shed)	Issued	12 December 2017
23/02/2018	T180028	2 Sette Circuit, Pakenham VIC 3810	Subdivision of the land into four (4) lots and creation of carriageway easements	Issued	16 January 2018
26/02/2018	T170678	540 Main Drain Road, Koo Wee Rup VIC 3981	The use and development of a dwelling, outbuilding and associated works	Issued	18 October 2017
26/02/2018	T170683	1-3 Station Street, Lang Lang VIC 3984	Extension to existing childcare facility	Withdrawn	20 October 2017
26/02/2018	T170738	75 Bullen Road, Tynong North VIC 3813	Development of the land for an outbuilding	Issued	10 November

					2017
26/02/2018	T170832	(Proposed Lot 2, PS735759L Commercial Drive) Corporate Terrace, Pakenham VIC 3810	Subdivision of the land into two (2) lots and the creation of easements	Issued	19 December 2017
27/02/2018	T150729 - PC1	275 Heads Road, Yannathan Victoria 3981	Section 173 Agreement - Two (2) lot boundary re-alignment	Issued	19 April 2017
27/02/2018	T160551 - PC1	31 Home Road, Nar Nar Goon VIC 3812	Section 173 Agreement - Subdivision of the land into two (2) lots	Issued	09 February 2018
27/02/2018	T170422 - PC1	10 Gardner Street, Koo Wee Rup VIC 3981	Section 173 Agreement to comply with Condition 7a of Planning Permit T170422	Issued	10 January 2018
27/02/2018	T170811	Corporate Terrace, Pakenham VIC 3810	Construction of two (2) warehouses and associated buildings and works	Issued	11 December 2017
28/02/2018	T160108 - PC1	65 Moody Street, Koo Wee Rup VIC 3981	Subdivision of land into nineteen (19) lots and variation of an easement.	Issued	20 February 2018
28/02/2018	T170620	70 Hornbuckle Road, Catani VIC 3981	Use and development of the land for the purpose of a dwelling, farm shed and bird aviaries and alteration to a Road Zone category 1	Issued	18 September 2017
28/02/2018	T170786	680 Five Mile Road, Nar Nar Goon VIC 3812	Use and development of the land for a rural store, a rainwater tank and earthworks.	Issued	30 November 2017
2/03/2018	T160697	Corporate Terrace, Pakenham VIC 3810	Multi-lot subdivision in stages	Withdrawn	18 October 2016
2/03/2018	T160794 - PC1	62 Cameron Way, PAKENHAM VIC 3810	Amended plans to comply with conditions 1 and 9 of Planning Permit T160794	Issued	02 March 2018
2/03/2018	T170300	51 Ryan Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots and vegetation removal	NOD	23 May 2017
2/03/2018	T170797	23 Henry Road, Bunyip VIC 3815	Use and development of the land for a rural store (hay shed) and associated earthworks	Issued	05 December 2017
5/03/2018	T160349 - PC1	47-51 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	Plans to Comply - Place of assembly, liquor licence and reduction in car parking	Issued	15 November 2016
5/03/2018	T170303 - PC1	376 Rossiter Road, Koo Wee Rup VIC 3981	Permit Conditions 1 & 5	Issued	06 February 2018
5/03/2018	T180062	335 McCraws Road, Catani VIC 3981	Use and development of the land for a dwelling and associated earthworks	Issued	02 February 2018
6/03/2018	T170112 - PC2	30 Exchange Drive, Pakenham VIC 3810	Building and works associated with a transfer station	Withdrawn	20 February 2018
6/03/2018	T180079	Commercial Drive, Pakenham VIC 3810	Subdivision of the land into ten (10) lots	Issued	13 February 2018
7/03/2018	T170694	85 Martin Road, Longwarry VIC 3816	Earthworks associated with agriculture	NOD	25 October 2017
8/03/2018	T170329 - PC1	475 Kettles Road, Lang Lang VIC 3984	Condition 1 - Subdivision of the land into two (2) lots	Issued	09 January 2018
8/03/2018	T180017	285 Daly Road, Nar Nar Goon VIC 3812	Two (2) Lot Boundary Re-Alignment.	Issued	09 January 2018
13/03/2018	T170241	2 Alexandra Avenue, Koo Wee Rup VIC 3981	Construction of three (3) dwellings and associated buildings and works	NOD	05 May 2017
13/03/2018	T180098	7 Graham Court, Pakenham VIC 3810	Construction of a warehouse with ancillary office	Issued	27 February 2018
14/03/2018	T170638 - PC1	98 Nar Nar Goon-Longwarry Road, Bunyip VIC 3815	Construction of an Outbuilding, Verandah and associated earthworks	Issued	05 March 2018
15/03/2018	T170673	190 No 5 Drain Road, Bayles VIC 3981	Two Lot Boundary Re-Alignment.	Issued	12 October 2017
16/03/2018	T090192 - PC4	8 Drake Court, Bunyip Victoria 3815	Section 173 - Subdivision of the land into fourteen (14) lots and vegetation removal.	Issued	05 September 2017
16/03/2018	T170593	10 Lea Road, Dalmore VIC 3981	Buildings and works associated with a rural store	Issued	31 August 2017
16/03/2018	T170779 - PC1	254 Snell Road, Nar Nar Goon North VIC 3812	Buildings and works for the construction of additional residential accommodation and office buildings associated with the existing accommodation facility.	Issued	28 February 2018
19/03/2018	T180142	60 Burt Road, Lang Lang East VIC 3984	*duplicate*Bring veneer dwelling with garage	Withdrawn	19 March 2018

20/03/2018	T170764	10 Murrawong Road, Maryknoll VIC 3812	Development of the land for an outbuilding; native vegetation removal	Issued	20 November 2017
21/03/2018	T170715	365 Eleven Mile Road, Cora Lynn VIC 3814	Development of the land for a dwelling extension, outbuilding, and shed associated with crop raising	Issued	02 November 2017
21/03/2018	T180080	52 Ryan Road, Pakenham VIC 3810	Development of the land for a dwelling and garage	Withdrawn	13 February 2018
22/03/2018	T180018	FY 1/14-17 Hogan Court, Pakenham VIC 3810	Use of the land for an indoor recreational facility (music class) and ancillary retail sales (music instruments and books) and advertising signage	Issued	10 January 2018
22/03/2018	T180022	585 Bald Hill Road, Nar Nar Goon VIC 3812	Buildings and works associated with an existing education centre	Issued	09 January 2018
22/03/2018	T180033	100 Yarrabubba Road, Nar Nar Goon North VIC 3812	Alterations and additions to the existing dwelling	Issued	22 January 2018
22/03/2018	T180095	222 Lovers Lane, Garfield VIC 3814	Construction of an outbuilding	Issued	23 February 2018
23/03/2018	T180146	411 Bald Hill Road, Pakenham VIC 3810	Development of the land for an outbuilding (garage)	Issued	17 March 2018
23/03/2018	T180154	8 Baker Street, Lang Lang VIC 3984	Request to construct outside the building envelope	Withdrawn	21 March 2018
28/03/2018	T170362 - PC1	272 Rossiter Road, Koo Wee Rup VIC 3981	Alterations to an existing building	Issued	19 February 2018
28/03/2018	T170774	14 Knights Court, Tynong VIC 3813	Development of the land for buildings and works associated with agriculture (equine stables and associated sheds for training racehorses)	Issued	28 November 2017
29/03/2018	T180023	3 Tango Circuit, Pakenham VIC 3810	Use of the land for the purpose of restricted retail and development of the land for two (2) internally illuminated business identification signs	Issued	11 January 2018
4/04/2018	T040408 - 1	Drovers Place, Pakenham Victoria 3810	Amended Permit – Use of the land for a Transfer Station and Materials Recycling and associated buildings and works (the amendment includes an extension to operating hours to 5am-6pm seven days per week, creation of access to Ridge Place, removal of composting component)	NOD	06 December 2016
4/04/2018	T170762 - PC1	17 Station Street, Koo Wee Rup VIC 3981	To display an internally illuminated and electronic business identification sign	Issued	23 March 2018
6/04/2018	T170432	7 Corporate Terrace, Pakenham VIC 3810	Construction of four (4) warehouses and associated buildings and works	Issued	07 July 2017
6/04/2018	T180042	410 Officer South Road, Officer South VIC 3809	Development of the land for a 30 metre monopole, outdoor equipment cabinet and ancillary equipment	Withdrawn	23 January 2018
9/04/2018	T180044	50 Daleys Road, Koo Wee Rup VIC 3981	Development of the land for an outbuilding (shed)	Issued	24 January 2018

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
19/02/2018	T140410 - PC3	24 Tivendale Road, Officer Victoria 3809	Condition 41 - Land Management Plan	Issued	29 November 2017
19/02/2018	T170689	3 Beenak East Road, Gembrook VIC 3783	Alterations and additions to the existing dwelling and earthworks	NOD	24 October 2017
20/02/2018	T170046 - PC2	2 May Road & 215 Princes Highway, Beaconsfield VIC 3807	Condition 1 - Subdivision of land adjacent to a road in a Road Zone Category 1 and subdivision into two (2) lots and creation of a road reserve	Issued	19 February 2018
20/02/2018	T170316 - PC1	17 Kilvington Drive, Emerald VIC 3782	Amended plans to comply with conditions 1 and 8 of Planning Permit T170316	Issued	20 February 2018
20/02/2018	T170491	340 Princes Highway, Officer VIC 3809	Use and development of the land for the purpose of a medical centre and signage	Issued	27 July 2017
22/02/2018	T160146 - 4	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	09 February 2018
22/02/2018	T160417 - PC2	96 Mary Street, Officer VIC 3809	Section 173 Agreement - Subdivision of the land into fourteen (14) lots and the removal of an easement	Issued	03 October 2017
22/02/2018	T170248 - PC1	17 Bond Lane, Gembrook VIC 3783	The development of the land for an outbuilding extension and associated earthworks	Issued	22 February 2018
22/02/2018	T170723	10 Corringham Road,	Development of Dwelling Additions and Alterations	Issued	09

		Beaconsfield Upper VIC 3808	(Verandah) and Earthworks.		November 2017
23/02/2018	T170485 - 1	16 Old Princes Highway, Beaconsfield VIC 3807	Subdivision of land (subdividing common property to create Lot 9)	Issued	22 November 2017
26/02/2018	T150016 - 1	2 Heroes Avenue, Emerald VIC 3782	Amendment to Planning Permit T150016 by amending the permit preamble to include 'Use of the land for an Indoor Recreation Facility' in lieu of dwellings and modifying the endorsed plans	Issued	01 March 2017
27/02/2018	T140111 - PC2	Evans Road and, 58 Calder Road, Cockatoo Victoria 3781	Section 173 Agreement - Three (3) Lot Subdivision (Boundary Realignment), vegetation removal and creation of easement	Issued	11 December 2017
27/02/2018	T160692 - PC1	280 Princes Highway, Officer VIC 3809	Subdivision of the land into two (2) lots, creation of a reserve and an easement on land adjacent to a road zone category 1	Issued	26 February 2018
27/02/2018	T170373 - PC1	63-65 McMullen Road, Officer VIC 3809	Conditions 1A, 1B, 1C & 1D of the Planning Permit.	Issued	08 January 2018
27/02/2018	T170805	52 Peterson Road, Officer VIC 3809	Use and development of the land for a shed (to store machinery/hay)	Issued	07 December 2017
28/02/2018	T170604 - 1	409 Princes Highway, Officer VIC 3809	Use of the land for a Veterinary Centre, buildings and works and business identification signage	Issued	23 February 2018
28/02/2018	T180011	84 Bourkes Creek Road, Pakenham Upper VIC 3810	Alterations & Addition to existing dwelling	Issued	08 January 2018
28/02/2018	T180072	80 Huxtable Road, Pakenham Upper VIC 3810	Construction of an outbuilding and associated earthworks	Issued	09 February 2018
2/03/2018	T170621	15 Emerald-Monbulk Road, Emerald VIC 3782	Buildings and works to extend the existing residential aged care facility to provide 36 additional beds	NOD	19 September 2017
6/03/2018	T170262	3 Mikey Boulevard, Beaconsfield VIC 3807	Variation of a restrictive covenant	Refused	12 May 2017
7/03/2018	T120566 - PC2	24-26 View Hill Road, Cockatoo Victoria 3781	Section 173 Agreement to comply with Conditions 23 and 24 of Planning Permit T120566	Issued	08 January 2018
7/03/2018	T170450	68-72 Main Street, Gembrook VIC 3783	Subdivision of the land into eight (8) lots with common property	Issued	14 July 2017
7/03/2018	T180088	7 Annabel Crescent, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	20 February 2018
8/03/2018	T170650	28 Emerald-Monbulk Road, Emerald VIC 3782	Development of the land for a garage	Lapsed	02 October 2017
8/03/2018	T170717	70 Army Settlement Road, Pakenham VIC 3810	Buildings and works associated with agriculture (horse stables and machinery storage) and earthworks	Issued	03 November 2017
15/03/2018	T100643 - PC1	40 Neville Street, Cockatoo Victoria 3781	Development of the land for a dwelling with associated earthworks and vegetation removal, generally in accordance with the approved plan/s.	Issued	12 February 2016
15/03/2018	T160521 - PC1	Starling Road, Officer VIC 3809	Development and subdivision of the land for dwellings, removal and creation of easements	Issued	16 February 2018
15/03/2018	T180046	U 1/344 Belgrave-Gembrook Road, Emerald VIC 3782	Buildings and Works (Replacement of existing ATM)	Issued	25 January 2018
15/03/2018	T180081	4 Cardinia Road, Officer VIC 3809	Removal of Section 173 Agreement	Withdrawn	12 February 2018
16/03/2018	T180057	45 Taylor Road, Cockatoo VIC 3781	Construction of an outbuilding	Lapsed	02 February 2018
16/03/2018	T180138	89 Beenak East Road, Gembrook VIC 3783	Development of land for a farm shed	Withdrawn	16 March 2018
19/03/2018	T170187 - PC3	32-34 St Georges Road, Beaconsfield Upper VIC 3808	Landscape Plan to comply with Condition 3 of Planning Permit T170187	Issued	05 March 2018
20/03/2018	T140722 - 1	66-68 Beaconsfield-Emerald Road, Beaconsfield Upper Victoria 3808	S72 Amendment to the original permit - Changes to the built form of the dwelling and outbuilding including additional earthworks and changes to building material and additional Bushfire Management Overlay trigger	Issued	11 December 2017
20/03/2018	T170696	422 Belgrave-Gembrook Road, Emerald VIC 3782	Construction of a replacement dwelling, two outbuildings, associated earthworks and creation of access to a RDZ1	Issued	28 October 2017
21/03/2018	T170753	34 Army Settlement	Development of the land for alterations and additions to an	Issued	14

		Road, Pakenham VIC 3810	existing heritage dwelling, repairs and maintenance to a heritage dwelling, including external painting, remove part of a heritage dwelling and the construction of a carport.		November 2017
22/03/2018	T160852	19-21 Woods Street, Beaconsfield VIC 3807	Development of the land for retail and offices, associated vegetation removal, partial demolition of an existing building and associated reduction in on-site car parking (1 space)	Issued	14 December 2016
22/03/2018	T170301	Bottomley Drive, Emerald VIC 3782	Use and development of the land for a dwelling and earthworks	NOD	23 May 2017
23/03/2018	T170493 - PC1	1 Cremin Drive, Pakenham VIC 3810	Development of the land for a dwelling	Issued	20 March 2018
23/03/2018	T170822	27 Kilvington Drive, Emerald VIC 3782	Alterations and additions to the existing dwelling	Issued	18 December 2017
27/03/2018	T180150	435 Beaconsfield-Emerald Road, Guys Hill VIC 3807	Development of the land for a dwelling extension	Issued	20 March 2018
28/03/2018	T170671	Rix Road, Officer VIC 3809	Subdivision of the land in stages, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Refused	10 October 2017
28/03/2018	T170698	Rix Road, Officer VIC 3809	Subdivision of the land in stages, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Refused	27 October 2017
28/03/2018	T180076	46 Caroline Avenue, Cockatoo VIC 3781	Development of the land for a dwelling extension and outbuilding (carport)	Issued	12 February 2018
29/03/2018	T170679	17-19 Hazel Street, Cockatoo VIC 3781	Development of the land for an outbuilding	Issued	18 October 2017
29/03/2018	T170690	424 Belgrave-Gembrook Road, Emerald VIC 3782	Development of the land for a replacement dwelling, associated earthworks and vegetation removal	Issued	23 October 2017
29/03/2018	T180048	3 Duke Street, Emerald VIC 3782	Alterations and additions to an existing dwelling	Issued	30 January 2018
29/03/2018	T180168	92 Foott Road, Beaconsfield Upper VIC 3808	Duplicate of T180169 This application is in support of a boundary realignment (subdivision). No dwellings are proposed as part of this application.	Withdrawn	29 March 2018
3/04/2018	T180051	104-106 Stoney Creek Road, Beaconsfield Upper VIC 3808	Development of dwelling additions and alterations	Withdrawn	30 January 2018
4/04/2018	T170146 - PC1	7 Gembrook-Launching Place Road, Gembrook VIC 3783	Landscape Plan - Buildings and works for the construction of dwelling within 30 metres of a Road Zone Category 1 and 5 metres from a boundary & vegetation removal	Issued	23 October 2017
4/04/2018	T180172	Bridge Road, Officer VIC 3809	Extension of time to the planning permit. Section 72 Amendment to amend permit conditions on a Clause 17 application.	Withdrawn	04 April 2018
5/04/2018	T120092 - 1	335 Beaconsfield-Emerald Road, Guys Hill Victoria 3807	Increase in the floor are covered by an existing Liquor Licence, generally in accordance with the approved plan/s.	Withdrawn	09 January 2018
6/04/2018	T180063	480 Ure Road, Gembrook VIC 3783	Development of the land for an outbuilding	Issued	02 February 2018

3 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr G Moore Seconded Cr C Ryan

That the report be noted.

Cd.

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

FILE REFERENCE INT1828274

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
19/9/2018	T170462	3 Savage Street Pakenham	Develop the land with a residential building (boarding house)	Refusal	Applicant	Waiting on hearing
1/7/2018	T130742-2	365 Princes Hwy Officer	Multi lot subdivision of the land	Refusal	Applicant	Waiting on hearing
27/07/2018	T170666	Timbertop Blvd, Officer	Use of land for multi unit development, subdivision of the land into eight (8) lots and a reduction in car parking	Refusal	Applicant	Waiting on hearing
9/7/2018	T170570	3 Niki Place Officer	Installation of 20 Electronic Gaming Machines	Refusal	Applicant	Waiting on hearing
27/6/2018	T160693	46 Tivendale Road Officer	Multi lot subdivision	Refusal	Applicant	Waiting on hearing
30/5/2018	T170371	33 Officer Road, Officer	Place of worship, vegetation removal	Approval	Objectors	Appeal withdrawn
14/5/2018	T170024	1 Station Street Officer	Buildings and works and use of a hotel, sale and consumption of liquor, installation and use of land for eighty (80) Electronic Gaming Machines	Refusal	Applicant	Waiting on hearing
10/04/2018	T990164-2	100 School Road, Bayles	Amendment to Planning Permit for the use and development of the land as a rural store by amending conditions and the endorsed plans.	Refusal	Applicant	Waiting on Decision

23/11/2017	P160025	5-9 Salisbury Road Beaconsfield Upper	Additions and alterations to an existing aged care facility and vegetation removal	Refusal	Applicant	VCAT overturned Council decision – Planning Permit Issued
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4 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AND THEIR OUTCOMES

Moved Cr G Moore Seconded Cr C Ryan

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

Cd.

5 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1828259

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Samantha Zimblar

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

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

Status of active amendments

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

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C205	EDM Group	80 McDonalds Track Lang Lang	Rezone part of the land at 80 McDonalds Track, Lang Lang (Lot 3 on PS542732), and Lots 1 and 2 (PS542732) Westernport Road, Lang Lang, from Farming Zone to Industrial 1 Zone, apply Schedule 20 to the Development Plan Overlay to this land and concurrently consider, under Section 96A of the Planning and Environment Act 1987, a planning permit application to subdivide the land at 80 McDonalds Track, Lang Lang into two (2) lots.	02/11/2017	04/12/2017	Exhibition period completed. Two submissions received. Currently being reviewed.
C220	Cardinia Shire	Beaconsfield	Implements the key objectives of the	09/11/2017	11/12/2017	Panel Hearing held on 28

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
	Council		Beaconsfield Structure Plan December 2013 (expires March 2019) by applying the Design and Development Overlay (DDO) to the Princes Highway Gateway Precinct (Proposed DD05), Beaconsfield Point Precinct (Proposed DD06) and Woodland Grove Precinct (Proposed DD07).			March 2018.
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.			14/02/2017: Finalising amendment documentation prior to seeking authorisation from the Minister for Planning to prepare an amendment.
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2	Insert new schedule to the Rural Conservation Zone 3 (RCZ3) to Clause 35.06 to implement Officer Precinct	Thu 22/06/2017	Mon 24/07/2017	On 19/02/2018 Council adopted the amendment. Awaiting

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
		PS327845 130 Whiteside Rd Officer and Lot PP PS746064 325 Princes Hwy Officer	Structure Plan. Amend table 1 in Clause 37.07 of the Urban Growth Zone 3 subclause 2.2 from Rural Conservation Zone to Rural Conservation Zone Schedule 3.			approval from the Minister for Planning.
C230	Cardinia Shire Council	Various	The amendment corrects a number of mapping and ordinance anomalies within the Cardinia Planning Scheme.	Thu 18/01/201 8	Thu 01/02/201 8	On 19/02/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.
C232	Victorian Planning Authority	Officer Precinct	The Amendment implements the revised Officer Precinct Structure Plan (Amended February 2018) by making changes to the zone, overlay and ordinance provisions of the Cardinia Planning Scheme.	Thu 22/03/201 8	Fri 27/04/201 8	On exhibition.
C234	Victorian Planning Authority	Pakenham East Precinct Structure Plan	Incorporate the Pakenham East Precinct Structure Plan (PSP) and associated the associated Infrastructure Contributions Plan into the Cardinia Shire Council Planning Scheme along with associated Heritage Overlay.	Mon 15/01/201 8	Fri 23/02/201 8	On exhibition.

5 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr B Owen Seconded Cr G Moore

That the report be noted.

Cd.

Meeting closed at 7.10pm

Minutes Confirmed
Chairman