



# Cardinia

**MINUTES OF TOWN PLANNING COMMITTEE**

**MONDAY, 2 JULY 2018**

## MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer  
on Monday, 2 July 2018

The meeting commenced at 7.01pm

**PRESENT:**

Mayor, Collin Ross, Chairman

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

Andrew Paxton (GMPD), Doug Evans (MG)

**APOLOGIES:**

Cr Jodie Owen, Garry McQuillan (CEO),

**DECLARATION OF PECUNIARY AND OTHER INTERESTS**

Nil.

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# **1 VETERINARY CLINIC 2A SALISBURY ROAD, BEACONSFIELD UPPER**

FILE REFERENCE INT1842240

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

## **RECOMMENDATION**

That a Notice of Decision to Grant Planning Permit T170634 be issued for Use and development of the land for a veterinary clinic and reduction in on-site car parking at 2A Salisbury Road, Beaconsfield Upper subject to the conditions attached to this report.

## **Attachments**

<a href="#">1↓</a>	Locality plan	1 Page
<a href="#">2↓</a>	Development plans	10 Pages
<a href="#">3↓</a>	Letters of objection circulated to councillors only	16 Pages

## **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T170634
APPLICANT:	Mr Brendon Egan
LAND:	2A Salisbury Road, Beaconsfield Upper VIC 3808
PROPOSAL:	Use and development of the land for a veterinary clinic and reduction in on-site car parking
PLANNING CONTROLS:	Neighbourhood Residential Zone Schedule 1 Design and Development Overlay Schedule 2, Bushfire Management Overlay, Vegetation Protection Overlay Schedule 2, Heritage Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application was given by way of sending notices to adjoining and near-by land owners/occupiers and by placing a sign on site  To date Council has received 13 objections and 2 letters of support.
KEY PLANNING CONSIDERATIONS:	Appropriateness of the use, detailed design and car parking reduction.
RECOMMENDATION:	Approval

## **BACKGROUND:**

The subject site was created through a two lot subdivision of No. 2 Salisbury Road which was registered with the Titles Office on 17 December 2012. The subdivision created Lot 1 on the corner

of Salisbury Road and the service road, which is referred to as Gembrook Road, and Lot 2 which is to the rear of Lot 1, with a frontage to the service road.

## SUBJECT SITE

The site is located on the east side of a short service road which runs between Salisbury road to the south and Beaconsfield – Emerald Road to the North. The sites street address is known as 2A Salisbury Road, located to the rear of 2 Salisbury Road and is 431m<sup>2</sup> in size.

A crossover is located at the centre of the site fronting the service road. There is a 2 metre wide drainage and sewerage easement along the northern boundary.

The site is currently vacant. There is no significant vegetation on the site apart from a hedge along the front (western) property boundary. The hedge is made up of a variety of weed species including *Pittosporum undulatum*, *Photinia glabra* and *Cotoneaster glaucophyllus*.

The topography of the land slopes gently to the front of the site with a maximum 2 metre fall from east to west.

The subject site has three residential abutments:

- To the north is 24-26 Beaconsfield – Emerald Road, which consists of two lots with a total area of approximately 1700 m<sup>2</sup>. The site is a corner lot and contains a single storey, brick veneer dwelling located within 1.5 metres of the common boundary. The lot also contains to relatively large outbuildings and a landscaped garden with a mix of native and exotic vegetation.
- To the south of the subject site is 2 Salisbury Road. The site has an area of approximately 500 m<sup>2</sup> and contains a single storey, brick veneer dwelling. There is a small area of secluded private open space on the northern side of the site. The subject site would have previously been the rear yard of number 2 Salisbury Road. There is limited vegetation on the site, however the hedge planting from the subject site continues along the western boundary, along the service road. The site is accessed via a crossover to Salisbury Road.
- To the east of the subject site is 4 Salisbury Road. The site has an area of approximately 900 m<sup>2</sup> and contains a double storey weatherboard dwelling. The dwelling has a minimum setback from Salisbury Road of 2 metres. The abuttal with the subject site is within the rear yard of Number 4. The rear yard is basically clear of any vegetation or outbuildings.

The main characteristics of the surrounding area are:

- To the east, north and south of the subject site there is a small area of Neighbourhood Residential zoned land. This area is made up of approximately 30 residential properties
- To the east of the subject site is the Charling Cross Reserve which is a small triangular reserve bound by the service road to the east, Salisbury Road to the south and Beaconsfield – Emerald Road to the north-west.

## PROPOSAL

This application proposes the use and development of the land for a Veterinary Clinic and a reduction in the car parking requirement. The various aspects of the proposal are described as follows:

Use

- The veterinary clinic will operate with up to 3 vets and 2 nurses.

- The clinic will consist of two consulting rooms, a lab and surgery, a kennel, an x-ray room and two waiting areas and reception as well as a dog grooming area.
- The dog grooming is ancillary to the veterinary use of the site.
- The hours of operation will be 7am to 6 pm daily.
- Waste management will be undertaken by a private contractor who will collect all by products of the use including medical waste, excrement and deceased animals.
- Only critically sick animals will be housed on site overnight where their treatments requires ongoing care and medication.
- Deliveries will be made a maximum of 3 times a week. Pathology pickups will be made by a courier once a day as required as well as pickups of deceased pets as required.

#### Development

The clinic will be constructed as a 2 storey development with under croft car parking to the rear of the site.

#### Ground floor

- The front façade of the building will be setback approximately 3m from the frontage of the site with a small area set aside for landscaping.
- The front entry is accessed via a path off the front foot path on the service road. An additional entry is provided with access from the car park.
- The floor plan consists of the entry and waiting area, dog grooming area and staff and disabled toilet. The entry also contains a stair well to the upper level and a small lift.
- The ground floor is setback a minimum 1.4 m from the southern boundary, 3.5 m from the northern boundary and 12.2 m from the rear eastern boundary.

#### Car park

- The car park will provide 5 spaces (1 being a disabled space) located partially under the upper level of the building, along the eastern boundary.
- The car park is accessed via a new crossover and driveway towards the northern end of the street frontage.
- The car park will be sealed with concrete.

#### Upper Floor

- The upper storey will consist of stair well, lift, waiting area and reception, two consulting rooms, a lab and a surgery, a kennel, x-ray room and toilets.
- The upper level will have a minimum front setback of 2.07m from the street, a varied setback of between 3.87 m and 5.39 m from the northern boundary, a varied setback of between 1.1 m and 2.6 m from the southern boundary and 5.2 m from the rear boundary.

#### General

- The building will have a maximum overall height of 7.04 m above natural ground level. The highest point will be measured at the northern end of the front of the site. The maximum overall height of the rear of the building will on the northern elevation at 5.38 m above natural ground level. This will be reduced to 4.5 along the southern elevation.
- There will be a significant amount of excavation required to level the site for the car park. Concrete retaining walls of up to 2.2 m will be provided along the side and rear boundaries of the site.
- The building will be finished in a ranges of materials and finishes consisting of;
  - a) Hebel “Power Panels” cladding to the upper level side and rear elevations,
  - b) Colorbond Custom orb external cladding to the front ground floor elevation,
  - c) Timber vertical cladding to the front facade

## Car parking reduction

The application includes a reduction in the car parking requirements as set out in Clause 52.06 of the Planning Scheme. The use of the land for a Veterinary Clinic requires the provision of 5 car spaces to the first person providing animal health services plus 3 additional spaces to every other person providing health animal health services.

The original application proposed that there would be three (3) Vets, the provision of 11 car spaces would be required. The application proposed a reduction of 6 car spaces.

To assist in alleviating some of the objectors concerns, the applicants reduced the number of Vets to two (2), reducing the required car parking from 11 to 8, with five (5) spaces to be provided, a requirement of three (3) spaces to be waived is necessary.

## PLANNING SCHEME PROVISIONS

### State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11 - Settlement
- 13.05 - Bushfire
- 15.01 - Urban environment
- 15.03 – Heritage
- 17.01 – Commercial
- 18.02 – Movement Networks

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.01 – Cardinia Shire Key Issues and Strategic Vision
- 21.04 – Economic Development
- 21.07 – Local Areas

### Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 – Advertising Signs
- Clause 52.06 – Car Parking
- Clause 65 – Decision Guidelines

### Cardinia Shire's Liveability Plan 2017-2029

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

- Reduce financial vulnerability

## Zone

The land is subject to the **Neighbourhood Residential Zone Schedule 1**

## Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay – Schedule 2
- Vegetation Protection Overlay – Schedule 2
- Design and Development Overlay – Schedule 2
- Heritage Overlay (HO 71)

## PLANNING PERMIT TRIGGERS

The proposal for the use and development of the land for a veterinary clinic and reduction in on-site car parking requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09-2 – ‘General Residential Zone’, a planning permit is required for the use of the land for a Veterinary Clinic
- Pursuant to Clause 32.09-8 – ‘General Residential Zone’, a planning permit is required for Buildings and works associated with a Section 2 use.
- Pursuant to Clause 43.02-2 – ‘Design and Development Overlay’, a permit is required to construct a building or construct and carry out works.
- Pursuant to Clause 43.01-1 – ‘Heritage Overlay’, a permit is required to construct a building.
- Pursuant to Clause 52.06 - ‘Car parking’, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

## 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 signs on site

Council has received 13 objections and 2 letters of support to date.

The key issues that were raised in the objection are:

- The reduction in the car parking requirement and the impact of parking in the surrounding streets.
- The development being inconsistent with the neighbourhood character of the area.
- The bulk and scale of the development.
- The modern design and colour schedule being inconsistent with the area.
- Impacts on the amenity of the area through noise and hours of operation.

In response to the concerns raised by the objections, the applicant provided a written statement outlining that the application is amended to only propose 2 Vets to be present at any one time. This has the effect of reducing the required car parking rate from 11 down to 8. With five being provided on site, the waiver is only for 3 car spaces, down from 6 spaces.

The applicant also provided some clarification around that dog grooming service

## **REFERRALS**

### *Country Fire Authority*

The application was referred to the CFA for comment. CFA had no objection to the proposal subject to conditions. The conditions required that the submitted bushfire management plan be endorsed to form part of the permit and that any mandatory conditions be included.

Internal referrals were also undertaken including Traffic, Engineering, Waste and Landscaping. All departments offered support subject to conditions.

## **DISCUSSION**

This proposal for the use and development of the land for a Veterinary Clinic and reduction in the car parking requirements has been assessed against the relevant State and Local Planning Policy, as well as the purpose and decision guidelines of the General Residential Zone and relevant overlays. It is considered that the proposal is consistent with the planning scheme and warrants support. The reasons are outlined below.

### **State and Local Planning Policy**

The proposal is consistent with Clause 11 of the SPPF which states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities. The subject site is located within an established area with good access to all the necessary services as well as a community that will be able to take advantage of the business. It is considered that the proposed use of the site is consistent and compatible with the surrounding uses which vary, including residential, commercial and rural land uses.

It is measured that the proposed development does not represent a threat to human life or property in regards to the bushfire risk. The application included an appropriate response to the Bushfire Management Overlay and was considered acceptable by the CFA. The proposal is consistent with the objectives of Clause 13.05-1, in that the adoption of bushfire protection measures in the design, prioritises the protection of human life.

While the application did receive objections in regards to the design of the building, it is considered that the proposal is consistent with the objectives and strategies of Clause 15.01-2. The development will achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. Clause 15.01-2 requires that the strategies listed are used to guide non-residential development. The strategies include the following:

### *Context*

It is considered that the development can sit comfortably within the context of the surrounding area. There is only 1 property either side of the subject site and there is not a predominate



architectural style or character shared between these lots. The site fronts a service road and an area of public open space and therefore makes an individual statement to the streetscape. While the design is modern and double storey, it does not impact on any significant landscapes or development in the area. The design is consistent with contemporary architecture and has been design to suit the particular needs of the use. Due to the small site it is necessary to construct the double storey built form. The height of the development has been kept relatively low due to the extent of excavation across the site. The building provides appropriate setbacks from property boundaries.

#### *Public realm, safety and pedestrian spaces*

The building has been designed to provide an appropriate address to the streetscape and surrounding public realm. The front façade has incorporated a significant amount of glazing as well as a well-defined entry within a landscaped area at the front of the site. The windows along the front façade on the ground and upper levels will provide a high level of passive surveillance of the street with views from each of the waiting area. The building is also well connected to the street with a path off the footpath. View lines are sufficient to ensure that the will not be any pedestrian and vehicle conflicts along the service road or internal car park.

#### *Heritage*

While the subject site is located within the heritage overlay, it is not a site of any heritage significance. The development will also not impact on the heritage significance of any other heritage sites. It is considered that the modern building design with in use of natural materials, will be an attractive addition to the streetscape.

#### *Consolidation of sites and empty sites*

The proposed development makes good use of a vacant site and will contribute to the complexity and diversity of the built environment in the area. While the built form is different to the dwellings and out buildings on the adjoining lots, this is to be expected for a commercial development which is designed for a particular purpose. There is no strong character shared between the dwellings on the adjoining lots, nor is there a particular character in the nearby shopping centre that will mean that the development will be out of place within the context of the area.

#### *Architectural quality and landscape architecture*

It is considered that the development has achieved a high standard in architectural design. The modern design with the addition of natural materials will ensure that the building sits well within the landscape. The required services for the building, such as the waste storage and lift shaft have been incorporated into the design so as to not be obvious from the public realm. The car parking has been provided to the rear of the building so that the front of the site is not dominated by sealed surfaces and space has been provided for an appropriate landscape design which will include trees and plants capable of breaking up the built form and softening the appearance of the development from the surrounding area.

It is considered that the development of a Veterinary Clinic is a positive addition to the Upper Beaconsfield Township and is consistent with the objectives of Clause 17.01 which aims to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. With very high levels of pet ownership in Australia and in particular in rural lifestyle areas like Upper Beaconsfield,

the business will meet the needs of many of the people in the surrounding area. The clinic is well located and easily accessible from the town centre.

The development is also considered to be consistent with the objectives of Clause 18.02, 'Moveable Networks' in that the site is well connected to the local road network. The site is connected via footpath to the surrounding residential and commercial areas. Appropriate space is provided for bicycle storage.

### **Local Planning Policy Framework**

The proposal has regard to Clause 21.01 – 'Cardinia Shire Key Issues and Strategic Vision' in that the clinic will provide local employment opportunities and provide social infrastructure for the community whilst not impacting on the quality and character of the town.

The clinic will employ two vets who will each be supported by a number of vet nurses. The proposal is consistent with the objective of Clause 21.04 – 'Economic Development' which seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.

Clause 21.07 – Local Areas describes Upper Beaconsfield as a unique hill-top town nestled within a rural landscape interspersed with residential housing, native bushland and open recreational spaces. It states that its country atmosphere and unique environment should be actively protected. The Upper Beaconsfield Town Centre Framework plan nominates the subject site as having long term potential for commercial/retail use. The plan suggests preference is given to uses such as cafes, restaurants or medical centres. In that regard it is considered that the proposed Veterinary Clinic is consistent with this plan. The operation and functional design of a Veterinary Clinic is similar to that of a medical clinic and is the same from a car parking perspective. The frame work plan also encourages the establishment of health care and service providers in appropriate locations, and while the proposed use is for the care and treatment of animals rather than people, there is still a need for these services in the area.

### **Zone**

The subject site is located within the Neighbourhood Residential Zone. The use of the land for a Veterinary Clinic is classified as a Section 2 use, requiring a permit. A permit is also required for buildings and works associated with a Section 2 Use.

The purpose of the zone includes the following:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

It is considered that the proposed use and development are consistent with these objectives. As outlined earlier the proposal meets the objectives and strategies of the various relevant state and local planning policies. The design of the building, while more modern than other development in the area, makes use of natural materials and providing landscaping to enable it to make a positive contribution to the streetscape. The veterinary clinic will meet the needs of the surrounding community through the provision of a highly valued service.

An application for non-residential uses and development in the Neighborhood Residential Zone must be assessed against the decision guidelines as set out at Clause 32.08-12. It is considered that the proposal meets the expectations of these guidelines as outlined below.

- Whether the use or development is compatible with residential use.

It is expected that the use of the land for a Vet Clinic will not have an unreasonable impact on the adjoining residential lots. The use will only operate during standard business hours and will not generate a significant amount of noise beyond what would be expected in a residential area. The subject site is located on the interface with the commercial area and is also within close proximity to major roads. With the car parking located at the rear of the site and also being lower than natural ground level, sound and light spill associated with traffic will be minimised.

- Whether the use generally serves local community needs.

There is a well-established demand for vets, particularly in semi-rural environments where people are more inclined to have domestic pets as well as various types of livestock.

- The scale and intensity of the use and development.

It is considered that the scale of the use is appropriate. Two vets is not many and any less would make it difficult to have a viable business as the site. The applicant had initially applied to have three vets however has provided written advice that two will be acceptable. A condition of the permit would restrict the number of vets consulting on the site to two. The proposal also indicates that there will be dog grooming facilities, however as the applicant has confirmed this will be ancillary to the use of the land for a veterinary clinic. This does not represent a separate use in its own right.

- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.

The modern design of the building with natural timber detailing will provide an attractive addition to the streetscape. While non-residential developments are not required to be assessed under the Rescode objectives and standards, it is worth noting that the development broadly meets the standards in regards to side and rear setbacks, maximum heights, overlooking and overshadowing. A sufficient setback has been provided from the site frontage to allow for an attractive landscape design which will soften the built form. Canopy trees are proposed that will have a mature height capable of breaking up the built form when viewed from the surrounding area.

- The provision of car and bicycle parking and associated access ways.

The development provides safe and efficient access to the street and foot path network. All vehicles will be able to manoeuvre within the site and enter and exit the site in a forwards direction. A new crossover will be constructed and the existing crossover removed so that the car parking at the front of the site can be maximised.

- Any proposed loading and refuse collection facilities.

All loading and waste removal will be undertaken on site. There is sufficient space on the site to store waste out of public view. A condition on the permit will require an appropriately screened bin storage area to be shown.

- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

It is considered that the development will not contribute sufficient traffic to have an amenity impact on the area. The site is well located on a service road that connects to main roads. This will allow traffic to quickly leave the area after their consultation.

### Overlays

While the subject site is located within a heritage precinct, the site does not have any individual heritage significance. The development of the site does not impact on any significant heritage buildings or features in the area.

In regards to the Design and Development Overlay – schedule 2, it is considered that the development is consistent with the objectives. The development will not impact on the character of the township as the detailed design, materials and finishes and landscaping will all contribute to ensuring that the building represents an attractive addition to the streetscape. The building will not impact on surrounding residential lots due to the setbacks from boundaries and modest overall height above ground level. The excavation into the sloping lot has enabled the car parking to be screened from the street and surrounding lots. Not native vegetation was required to be removed to facilitate the development.

### Car parking reduction

Pursuant to Clause 52.06-5, the use of the land for a veterinary clinic requires the provision of 5 car space to the first person providing animal health services plus 3 additional spaces for every other person providing animal health services. The application originally proposed that there would be 3 vets consulting on the site at any one time. This would have required the provision of 11 car spaces on site. As the plans indicate there are only 5 spaces being provided (including 1 disabled space), a reduction of 6 spaces would have been required. The application was accompanied with a traffic report undertaken by a qualified traffic engineer. The report demonstrated that the car parking reduction was acceptable and this position was also accepted by Councils traffic engineers. The relocation of the existing crossover to the northern side of the site and the reinstatement of the nature strip allows for the provision of two car spaces at the front of the site. There is also some parking available in the surrounding area.

Despite the traffic report and the support of Councils traffic engineers, the applicant has provided written confirmation that they are happy to limit the number of Vets to 2. This means that the car parking requirement is reduced to 8 and the reduction reduced to three spaces. It is considered that this is a positive compromise and the site will be capable of managing the traffic and parking requirements of the business.

A condition on the permit will required that no more than 2 vets are able to hold consultations at the site at any one time within the prior written consent of the Responsible Authority.

### Objector concerns

- The reduction in the car parking requirement and the impact of parking in the surrounding streets.

As outlined above, the applicant has agreed to reduce the number of vets from 3 to 2. This reduces the extent of the reduction required and will relieve the car parking pressure in the area. Council's traffic engineers are satisfied with the car parking provision. As visits to the vet require an

appointment, the clinic will be able manage their clients to ensure that there is not too much overlap of appointments and thus less car parking demand.

- *The development being inconsistent with the neighbourhood character of the area.*

While the design of the building is more modern in style than the existing development in the area, and there is no real predominate built form displayed in the residential and commercial development of the area. The development adopts materials and finishes which will complement the streetscape. In addition the landscaping provided on the site will assist in breaking up the built form and softening the development. The blue feature material on the corner of the building will be required to be amended by condition on the permit, to a more subtle colour scheme. This has been agreed to by the applicant and they have suggested a soft grey colour.

- *Impacts on the amenity of the area through noise and hours of operation.*

It is considered that the use of the site will not generate an unreasonable level of noise. The only potential noise source could be the few sick animals that might require overnight care. A condition of the permit will require that the windows on the kennel will be double glazed and an acoustic report will be required to be provided and any additional noise abating treatments recommended will be required to be utilised.

## CONCLUSION

on-site car parking has been assessed against the relevant State and Local Planning policies, as well as the objective and decision guidelines of the General Residential Zone and has been found to comply.

It is recommended that a Notice of Decision to Grant Planning Permit T170634 be issued for the use and development of the land for a veterinary clinic and reduction in on-site car parking at 2A Salisbury Road, Beaconsfield Upper, 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 and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. A notation on the plans indicating that the windows of the kennel are double glazed.
  - b. Any additional noise attenuation measures as recommended by the acoustic report required by condition 9 of this permit.
  - c. The Blue feature material used on the stair and lift well to be replaced with a more appropriate materials such as the Cemintel – Territory Quarry Urban Grey, 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. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. 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.
5. The 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. Inappropriate storage of any works or construction materials.
  - c. Hours of construction activity.
  - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - e. Presence of vermin.
6. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
- a. Monday to Saturday – 8am – 6pm
  - b. Sunday 10am – 3pm
7. Not more than two (2) Veterinarians may be present on the premises at any one time without the written consent of the Responsible Authority.
8. Noise levels emanating from the subject land must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
9. Prior to the commencement of the development an acoustic report must be prepared and submitted, by a suitably qualified Acoustic Engineer, to the satisfaction of the Responsible Authority, outlining any measures required to avoid any material detriment as a result of housing sick animals in the kennel.
10. Before the development is occupied a commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
11. 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.
12. 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.
13. 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.

14. 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.
15. Before the development is started/occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
16. 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.
17. The Bushfire Management Plan dated 19 January 2018 (Map 4, Page 28 of the Bushfire Management Statement, prepared by Mark Shepherd, dated January 2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
18. 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.
19. The sign/s must not be illuminated by external or internal light except with the written consent of the Responsible Authority.

#### **Expiry of permit**

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

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

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

**T170634 - Locality Map**



106.6 0 53.31 106.6 Meters

1: 2,099

Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

18-Jun-2018

Notes





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**P1** 34-36 BEACONSFIELD-EMERALD ROAD  
EXISTING SINGLE STOREY DWELLING & ASSOCIATED SHED  
TIMBER WEATHERBOARD - NATURAL (SHED)  
SHEET ROOF - SILVER (SHED)



**P2** 34-36 BEACONSFIELD-EMERALD ROAD  
EXISTING SINGLE STOREY DWELLING & ASSOCIATED SHED  
BRICK VENEER - CREAM (DWELLING)  
TILE ROOF - RED (DWELLING)



**P3** 3A SALISBURY ROAD - SUBJECT SITE  
VACANT SITE



**P4** 3A SALISBURY ROAD - SUBJECT SITE  
VACANT SITE



**P5** 3 SALISBURY ROAD  
EXISTING SINGLE STOREY DWELLING  
BRICK VENEER - PRESSED BRICK  
SHEET ROOF - SILVER



**P6** 3 SALISBURY ROAD  
EXISTING SINGLE STOREY DWELLING  
BRICK VENEER - PRESSED BRICK  
SHEET ROOF - SILVER



**P7** 4 SALISBURY ROAD  
EXISTING SINGLE STOREY DWELLING  
TIMBER WEATHERBOARD - WHITE/CREAM  
SHEET ROOF - GRAY



**P8** PUBLIC TOILET BLOCK & GAZEBO



**P9** PUBLIC TOILET BLOCK & GAZEBO

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Building Purposes: TP 1a, 11/04/2018

Revision	
No.	Description
300 St Albans Street, Melbourne, VIC 3010 Mobile: 08 9450 4144 Fax: 08 9450 4141 Email: <a href="mailto:enquiries@3d.com.au">enquiries@3d.com.au</a>	
Site: 3A Salisbury Road	
Prepared: Wet Clinic	
Drawn: Candice Taylor	
Project: 3A Salisbury Road Beaconfield Upper	
Design: 00	Date: TP 1a
Drawn: 01	Sheet Size: A3
Checked: 02	Checked: 03
Quantity: 17.001	Sheet No: TP 01 of 10

Town Planning

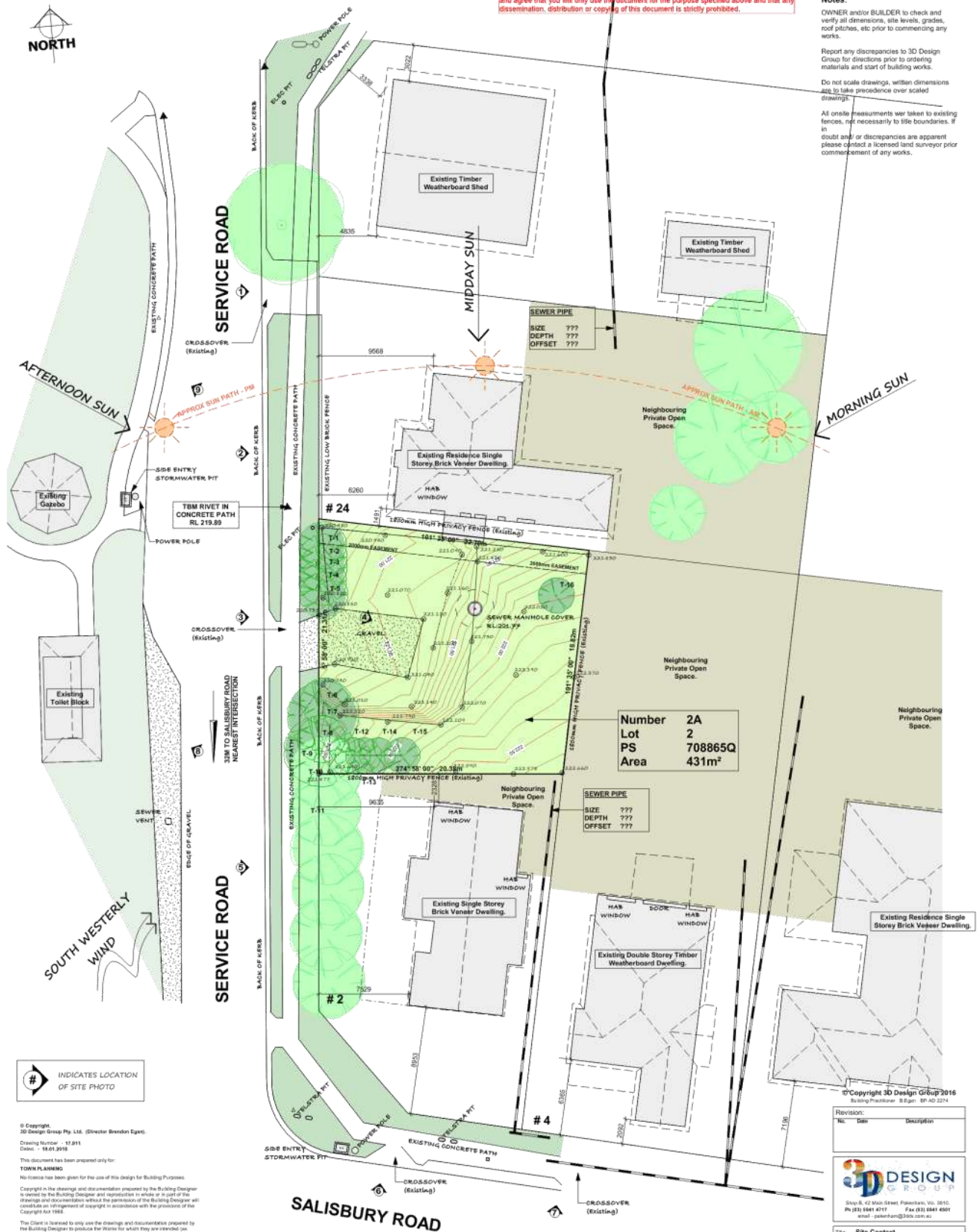
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Number 2A  
Lot 2  
PS 708865Q  
Area 431m<sup>2</sup>

# INDICATES LOCATION OF SITE PHOTO

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Date - 19.01.2018

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Site Context Plan

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Revision	No.	Date	Description

3D DESIGN GROUP  
Shop 6, 42 Main Street, Pakenham, VIC 3810  
Ph (31) 5641 4717 Fax (31) 5641 4801  
email: info@3dgroup.com.au

Title	Site Context
Job	Proposed Vet Clinic
Name	Candice Taylor
Address	2A Salisbury Road Beaconsfield Upper
Design	BE
Date	19.01.2018
Drawn	DM
Check	BE
Design	TP 1a
Sheet Size	A2
Client	BE
Sheet No	TP 02 of 10

Town Planning

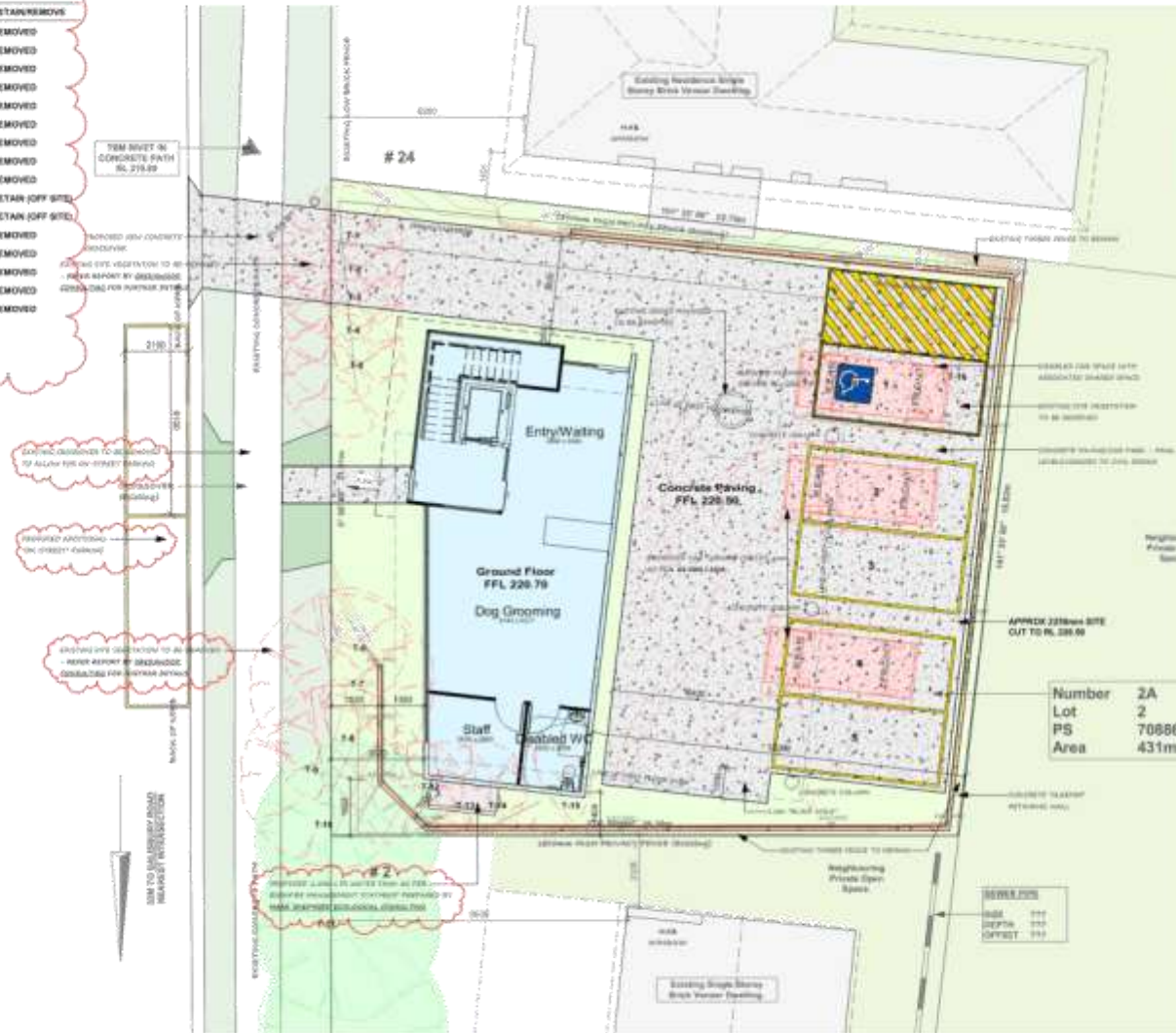
**EXISTING VEGETATION SCHEDULE**

TRUNK #	SPECIES	TRUNK DIA	HEIGHT & WIDTH	RETAIN/REMOVE
T-1	PITTOSPORIUM UNDULATUM	170mm	6m x 6m	REMOVED
T-2	PITTOSPORIUM UNDULATUM	210mm	6m x 6m	REMOVED
T-3	PITTOSPORIUM UNDULATUM	190mm	7m x 6m	REMOVED
T-4	PITTOSPORIUM UNDULATUM	220mm	6m x 6m	REMOVED
T-5	PITTOSPORIUM UNDULATUM	210mm	6m x 6m	REMOVED
T-6	PITTOSPORIUM UNDULATUM	190mm	7m x 6m	REMOVED
T-7	PITTOSPORIUM UNDULATUM	270mm	6m x 7m	REMOVED
T-8	PITTOSPORIUM UNDULATUM	190mm	7m x 6m	REMOVED
T-9	PITTOSPORIUM UNDULATUM	280mm	6m x 7m	REMOVED
T-10	PITTOSPORIUM UNDULATUM	340mm	6m x 7m	RETAIN (OFF SITE)
T-11	PITTOSPORIUM UNDULATUM	260mm	6m x 7m	RETAIN (OFF SITE)
T-12	PHOTINA GLABRA	777	777	REMOVED
T-13	PHOTINA GLABRA	777	777	REMOVED
T-14	CODONANCTER GLAUCOPHYLLUS	340mm	4m x 6m	REMOVED
T-15	PHOTINA GLABRA	777	777	REMOVED
T-16	CITRUS LIMON	777	777	REMOVED

REFER TO EXTERNAL REPORT PREPARED BY GREENWOOD CONSULTING PTY LTD - REF 4603 171226

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Number 2A  
 Lot 2  
 PS 708865Q  
 Area 431m<sup>2</sup>

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Revision 1  
 Title: Siteplan  
 Author: M.T.S. / J.S. / P.C. / L.S. / K.S.



3D Design Response - Ground Floor  
 Prepared by: Constance Taylor

Client: Constance Taylor

Address: 2A Selworthy Road  
 Beaconsfield Upper

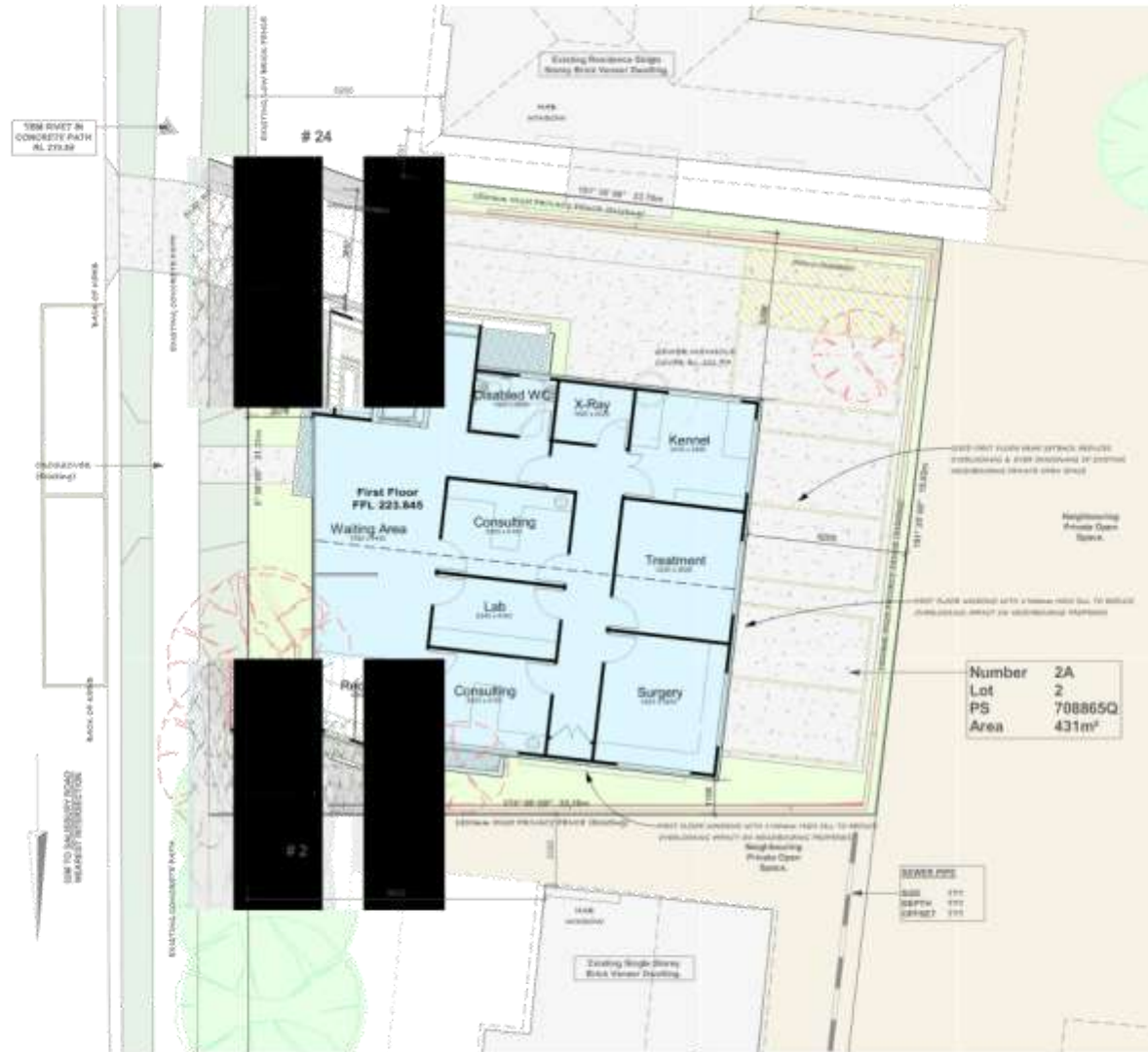
Drawn: BM	Scale: TP 1:1
Date: 19.01.2018	Sheet No: A3
Drawn: DM	Checked: BM
Day No: 17.01	Sheet No: 03 of 16

Town Planning

Design Response Plan - Ground Floor



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Number 2A  
 Lot 2  
 PS 708865Q  
 Area 431m<sup>2</sup>

**SETBACKS**  
 SIDE 1.0m  
 DEPTH 1.0m  
 (SETBACK 1.0m)

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**3D DESIGN GROUP**  
 Group 6, 10/100 Greenway, No. 100,  
 Melbourne VIC 3121 Australia  
 www.3ddesigngroup.com.au

**3D DESIGN GROUP**  
 Design Response - First  
 Proposed Vet Clinic

**3D DESIGN GROUP**  
 Condone Taylor

**3D DESIGN GROUP**  
 2A Selwyn Road  
 Beaconsfield Upper

Drawn: **BM** Date: **19.01.2018** Scale: **TP 1:1**  
 Check: **DM** Date: **17.01** Scale: **AD**  
 Design: **17.01** Date: **17.01** Scale: **SD**

Design Response Plan - First Floor

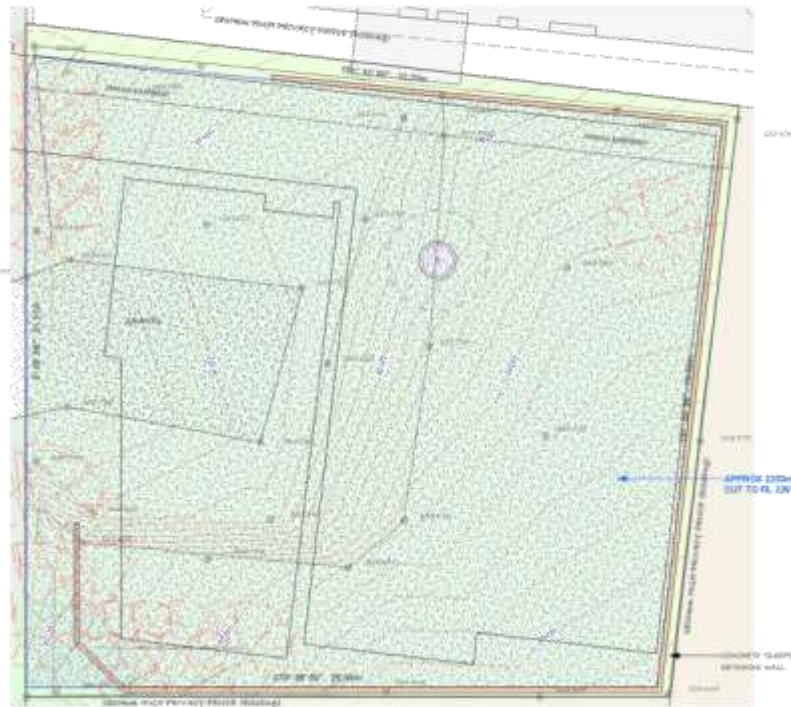
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# 24



**Site Works Plan**

**SITE WORKS**

BUILDING TO COMPLY WITH WORKS PRIOR TO COMMENCEMENT OF ANY OTHER WORKS

APPROX 233sqm SITE OUT TO RL 226.80

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Drawing Number: SWKS

Scale: 1:100

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Accessible Carpace in accordance with AS2890.4:2004

**SPACE IDENTIFICATION:**

Each allocated space shall be identified by means of a white symbol of access in accordance with 4.2.2.4.5 between 800 mm and 3000 mm high placed on a blue rectangle with no side more than 3300 mm, placed on a pavement marking in the centre of the space between 800 mm and 400 mm from its entry point as illustrated.

**SPACE DELINEATION**

Pavement markings specified in items (d) and (f) of this clause shall be yellow and shall have a slip resistant surface. Raised pavement markers shall not be used for space delineation.

Pavement markings shall be provided as follows:

1. Dedicated parking spaces shall be outlined with unbroken lines 90 to 300 mm wide on all sides, excepting any side delineated by a kerb, barrier or wall.
2. Shared areas shall be marked as follows:
3. Walkways within or partly within a shared area shall be marked with unbroken longitudinal lines on both sides of the walkway excepting any side delineated by a kerb, barrier or wall.
4. Other vacant non-travelled areas, which may be intentionally or unintentionally obstructed (e.g. by unintentional parking), shall be outlined with unbroken lines 90 to 300 mm wide on all sides excepting any side delineated by a kerb, barrier or wall, and marked with diagonal stripes 3.50 to 500 mm wide with spaces 300 mm to 300 mm between stripes. The stripes shall be at an angle of 45 degrees to the side of the space.
5. No shared area markings shall be placed in travelled areas.

**ACCESSIBLE CARSPACE DETAIL 1:50**

ACCESSIBLE CAR PARKING SPACES IN ACCORDANCE WITH AS2890.4:2004

PROPOSED GRADIENT TO BE NO STEEPER THAN 1:40 FOR CONCRETE OR LIAK FOR BOUNDOUS SURFACE

PROVIDE 150-300MM WIDE DIAGONAL LINES SET 500-300 APART IN THE SHARED SPACE

INTERNATIONAL SYMBOL OF ACCESS 600-500MM HIGH ON BLUE RECTANGLE 500x500MM MAX. PLACE CENTRALLY, 500-600MM FROM FRONT OF SPACE

BOLLARDS TO BE 500MM IN HEIGHT, 50x50MM TO ENSURE 20% LUMINANCE CONTRAST BETWEEN BOLLARD AND PAVEMENT COLOUR



Detail - Disabled Access Carpark

**Notes:**

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Building Practitioner #1248 4/12/2016

Author: [Name]

Date: [Date]

Project: [Project Name]

Client: [Client Name]

Site Works Plan

Prepared by: [Name]

Checked by: [Name]

Approved by: [Name]

Date: [Date]

Scale: [Scale]

Sheet: [Sheet Number]

Total Sheets: [Total Sheets]

Project: [Project Name]

Location: [Location]

Client: [Client Name]

Author: [Name]

Date: [Date]

Scale: [Scale]

Sheet: [Sheet Number]

Total Sheets: [Total Sheets]

Town Planning







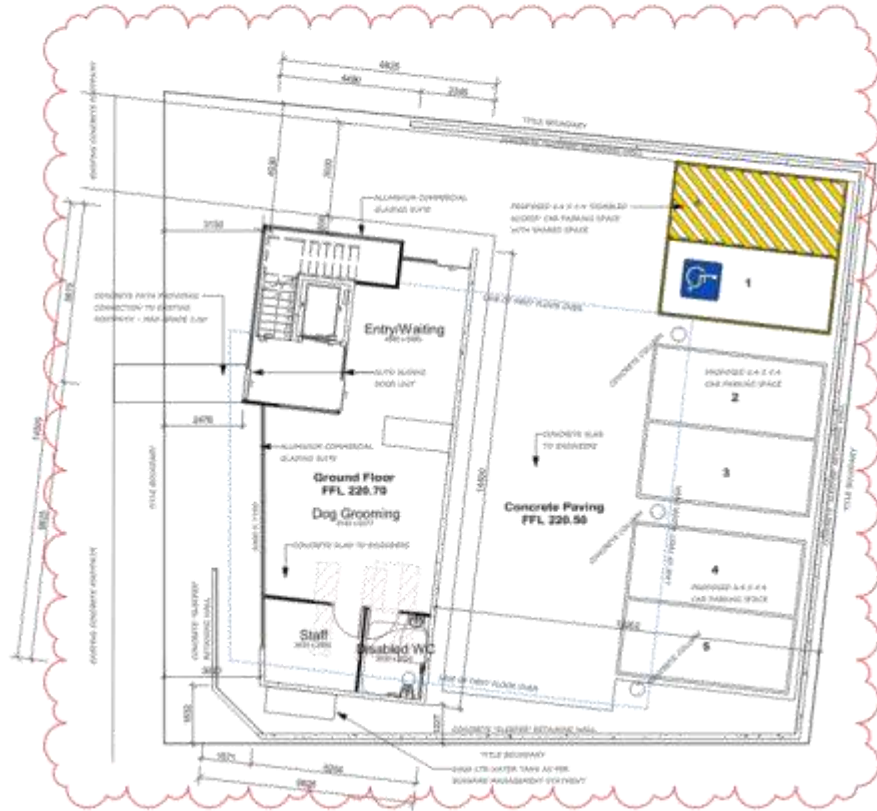
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Area Schedule - Proposed		
Name	Area	Sq
Concrete Paving	320.95	m <sup>2</sup>
Concrete Dog Grooming	320.79	m <sup>2</sup>
Concrete Paving	320.95	m <sup>2</sup>
Concrete Dog Grooming	320.79	m <sup>2</sup>

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**Ground Floor Plan**



**First Floor Plan**

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Building Purposes - 21/04/2018

**Project 1**  
Name: Woodstock  
Location: 1009/11/2018

**3D DESIGN GROUP**  
Unit 6, 12/12-12/13, Deane Rd, Geelong, VIC 3216  
Ph: 081 421 4211 Fax: 081 421 4211  
Email: info@3ddesigngroup.com.au

**Proposed Floor Plans**  
By: Proposed Vet Clinic  
Client: Constance Taylor

**2A Selwyn Road**  
Bassonfield Upper

Drawn: BM Date: 19.01.2018  
Checked: AD  
Scale: 1:100  
Sheet: TP 1a of 10  
Total: 17.011

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**Notes:**

Windows shown are approximate only and vary from manufacturer to manufacturer. Opening widths, colours, glazing systems and fly screens to be confirmed with owner prior to ordering.

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Window 1	Title	Window
	NO. 105	ADDRESS AS PER COUNCIL PLAN



1099A PLANNING  
 1099A PLANNING  
 1099A PLANNING

Proposed Elevations	
01	Proposed Vet Clinic
02	Cardinia Taylor

Address: 2A Selworthy Road  
 Beaconsfield Upper

Drawn:	BM	Scale:	TP 1:4
Date:	19-01-2018	Sheet No.:	A2
Drawn:	DM	Checked:	BM
Drawn:	17-06-18	Sheet No.:	02 of 10

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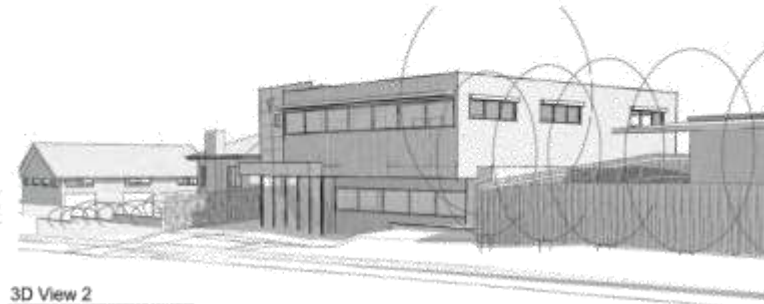
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**3D View 2**  
VEGETATION SHOWN IS INDICATIVE ONLY



**3D View 3**  
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Revision  
No. Description



3D DESIGN GROUP  
10/100, 10/100, 10/100, 10/100  
10/100, 10/100, 10/100, 10/100

File: 3D Views

To: Proposed Vet Clinic

Client: Conicia Taylor

Address: 24 Gulliver Road  
Beaconsfield Upper

Drawn: BM	Scale: TP 1:1
Date: 19-01-2018	Sheet No: A3
Drawn: DM	Checked: BM
Day No: 17-01	Sheet No: 08 of 10

Town Planning



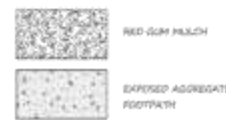
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Landscaping Plan  
1:100

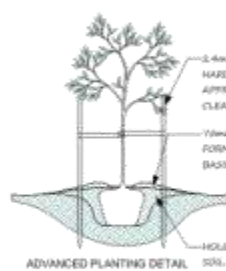


Symbol	Botanical Name	Common Name	Height & Spread	Quantity
①	PHORMIUM 'BROADSIE BABY'		1.0m x 1.0m	49
②	FESTUCA 'ELIJAH'S BLUE'	BLUE FESCUE	0.20m x 0.20m	10
③	CONREA 'SUSKY BELLS'		1.0m x 1.0m	3
④	LEUCOSPHEUM 'CORNFLOUCH'	PINK CUSHION	2.0m x 2.0m	3
⑤	CORYMBA 'SUMMER BEAUTY'	PINK FLOWERING GUM	0-10m x 0-10m	1
⑥	BANKSIA 'HARDYBANK'	SILVER BANKSIA	1-2.0m x 1-2.0m	5



General Landscaping Notes:

1. ALL GARDEN BEDS TO BE FILLED AND CONTOURED WITH SUITABLE TOP SOIL.
2. ALL GARDEN BEDS TO BE COVERED WITH 75mm OF PINE BARK OR ENVIRO MULCH.
3. ALL PLANTS THAT REQUIRE STAKING ARE TO BE STAKED WITH 3 TREATED PINE OR HARDWOOD STAKES.
4. WATERING SYSTEM IS TO BE INSTALLED BY OWNER IF REQUIRED.
5. ALL TIMBER FRAMING IS TO BE TREATED PINE WITH TOP CAPPING AND PLINTH BOARD.
6. POSTS ARE TO BE TREATED PINE OR CONCRETE.
7. 75mm TREATED PINE EDGING OR JARRAH EDGING AROUND GARDEN BEDS.
8. ALL FINING AREAS TO BE LAID ON A FLEASIBLE BASE CONSISTING OF 75mm 50mm CRUSHED ROCK, 200-250mm BEDDING SAND, SECURE CONCRETE EDGES. FINISH CHANGES TO BE MADE BY OWNER.
9. ALL STONED AREAS TO BE 500 - 100mm COMPACTED DEPTH.
10. ALL DRAINAGE - AG LINES, RIFTS TO BE INSTALLED TO APPROPRIATE SPECIFICATIONS.
11. TURFED OR SEEDED AREAS TO BE LAID ON PROPER BEDDING MATERIAL, TOP SOIL- 100 - 150mm DEPTH.
12. ALL RETAINING WALLS TO BE BUILT TO PROPER SPECIFICATIONS.



**Notes:**  
OWNER and/or BUILDER to check and verify all dimensions, site levels, grades, and utilities, etc. prior to commencing any works.  
Report any discrepancies to 3D Design Group for direction prior to entering materials and start of building works.  
Do not scale drawings, written dimensions are to take precedence over scaled drawings.  
All scale measurements are taken to existing fences, not necessarily to like boundaries. If to doubt and/or discrepancies are apparent please contact a licensed land surveyor prior to commencement of any works.

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10/10/2016

Revision 1  
Title: Landscaping  
Author: [Name]  
Date: 10/10/2016

3D DESIGN GROUP  
10/10/2016  
10/10/2016

Discipline: Landscaping  
Project: [Name]  
Client: Cardinia Taylor

Address: 24 Gullery Road  
Beaconsfield Upper

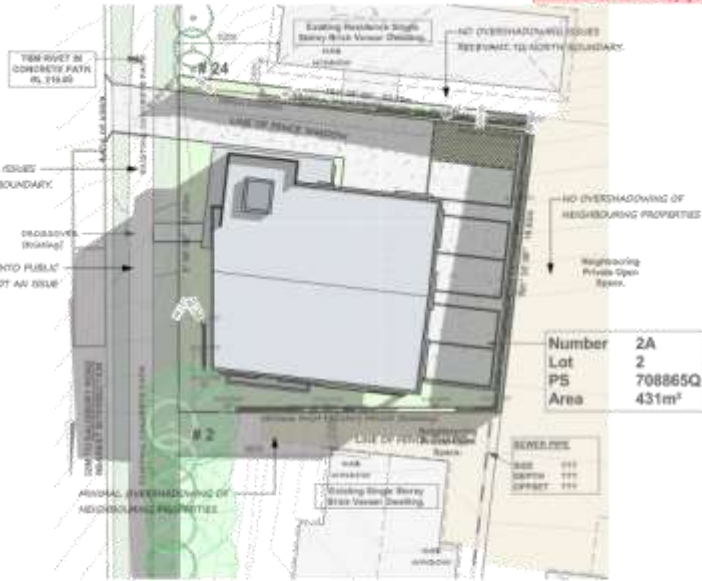
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Checked: [Name] Date: 10/10/2016  
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Town Planning

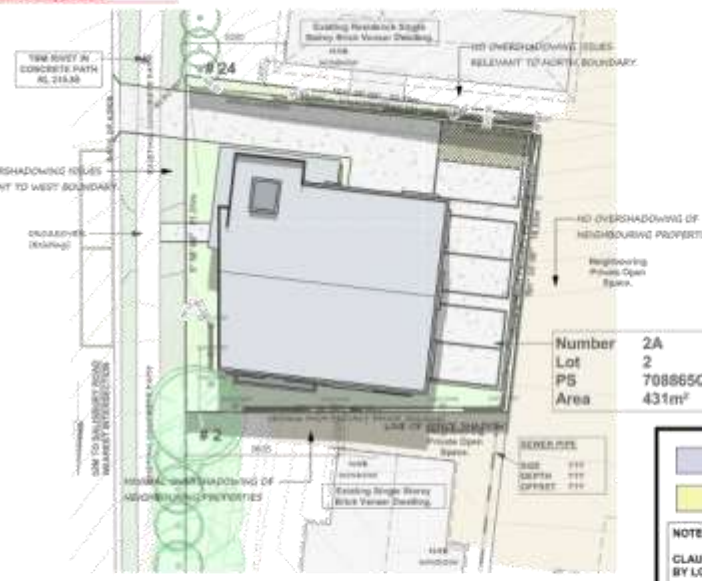




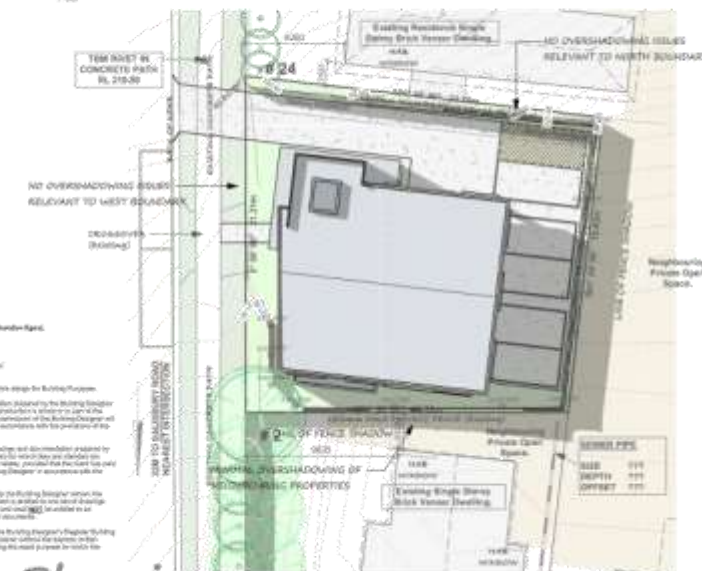
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Shadow Diagram 9am Sept 23



Shadow Diagram 12pm Sept 23



Shadow Diagram 3pm Sept 23



Overlooking Plan - First Floor

**Notes:**

OWNER and/or BUILDER to check and verify all dimensions, site levels, grades, and pitches, etc prior to commencing any works.

Report any discrepancies to 3D Design Group for drafters prior to ordering materials and start of building works.

Do not scale drawings, written dimensions are to take precedence over scaled drawings.

All scale measurements are taken to existing fences, not necessarily to site boundaries. If no fence and/or discrepancies are apparent please contact a licensed land surveyor prior to commencement of any works.

NO OVERLOOKING ISSUES (1.700 HIGH SILL)  
 NO OVERLOOKING ISSUES (RISKY OBSCURE GLAZING)

**NOTE - GROUND FLOOR OVERLOOKING**  
**CLAUSE 55.04-6 STANDARD B22 SATISFIED BY LOWER FLOOR CONSTRUCTION**

- FLOOR LEVEL LESS THAN 600MM ABOVE GROUND LINE
- SCREENED BY 1.8M HIGH FENCING

H - INDICATES HABITABLE ROOM WINDOW

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 Group Practices: 8/24, 4/22, 2/19

Revision  
 No. Description



Prepared by: Conica Taylor  
 Checked by: Conica Taylor

Project: 2A Selworthy Road Beaconsfield Upper	
Date: 19.01.2018	Sheet No: A2
Drawn: DM	Checked: BM
Day No: 17.01	Sheet No: 18 of 18

Town Planning

## **1 VETERINARY CLINIC 2A SALISBURY ROAD, BEACONSFIELD UPPER**

Moved Cr B Owen Seconded Cr L Wilmot

That a Refusal to Grant Planning Permit for T170634 be issued for Use and development of the land for a veterinary clinic and reduction in on-site car parking at 2A Salisbury Road Beaconsfield Upper on the following grounds:

1. The reduction in the car parking requirement of Clause 52.06, of the Cardinia Planning Scheme, is not supported due to the impact on the surrounding streets.
2. The development is inconsistent with policies relating to the neighbourhood character of the area, in particular Clause 21.03-3, 'Rural Townships' and Clause 21.07 'Local Areas', of the Cardinia Planning Scheme.
3. The development represents an over development with bulk and scale that is excessive for the subject site and surrounding area.
4. The modern design and colour schedule is inconsistent with the predominant neighbourhood character of the area.

Cd.

## **2 EDUCATION CENTRE (PRIMARY SCHOOL) AT 6 RAINY HILL ROAD COCKATOO**

FILE REFERENCE INT1842228

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Melanie Wright

### **RECOMMENDATION**

That a Notice of Decision to Grant Planning Permit T170633 be issued for Use of the land for an Education Centre (Primary School) at 6 Rainy Hill Road, Cockatoo VIC 3781 subject to the conditions attached to this report.

### **Attachments**

<a href="#">1</a>	Site map	1 Page
<a href="#">2</a>	Assessed plans	2 Pages
<a href="#">3</a>	Letters of objection circulated to councillors only	5 Pages

### **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T170633
APPLICANT:	Mr Ian Parsons, School of Creative Education
LAND:	6 Rainy Hill Road, Cockatoo VIC 3781
PROPOSAL:	Use of the land for an Education Centre (Primary School)
PLANNING CONTROLS:	Rural Conservation Zone Schedule 1 Bushfire Management Overlay Environmental Significance Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notice of the application was given by way of sending notices to adjoining and near-by land owners/occupiers and by placing a sign on site

To date Council has received three (3) objections

KEY PLANNING CONSIDERATIONS: Land use with in the zone

RECOMMENDATION: Approval

### **BACKGROUND:**

The application is before Council at a request of a Councillor.

The subject site is currently unoccupied, the building was used for the purpose of an education centre which occupied the site from 1983 until the closure of the campus in 2014. The original permit for the use of the site for an education facility allowed a maximum of 45 students before this

was increased via amendment to 70 students. The permit did not restrict hours of operation or staff numbers.

The site has been unoccupied since the previous education provider ceased operation in 2014 with all of the existing built form retained on site.

The built form associated with the use expanded over the years, the full site history listed below.

- Permit P4283 was issued 19 December, 1983 which allowed for the use and development of the land for the purposes of a community co-operative school
- An application was lodged to amend Permit P4283a, however this lapsed, 16 March, 2008.
- Permit T030648 was issued 30 September, 2003 which allowed for the removal of one (1) oak tree
- Permit T080235 was issued 23 September, 2008 which allowed for the use and development of the land for a car park and vegetation removal (two trees).
- Application T080399 for vegetation removal was determined to not require a planning permit on 15 September, 2008.
- Permit T080786 was issued 2 April, 2009 which allowed to carry out buildings and works for the construction of two (2) sheds and a retaining wall
- An amendment to Planning Permit P4283 was issued 1 May 2009 to allow for the increase student numbers to 70 and to amend some conditions relating to septic.
- Planning Permit T090545 was issued November 2009 for the development of the land for the purpose of buildings & works ancillary to an existing education centre (classroom) with a reduced setback.
- Planning Permit T110102 was issued June 2011 for the development of the land for the purpose of a building (storage shed) associated with an education facility
- Planning application T160058 for the development and use of land for a recreational ropes course was withdrawn prior to decision in May 2016.

## **SUBJECT SITE**

The site is located on the north-east corner of Evans Road and Rainy Hill Road, Cockatoo.

Vehicle access to the site is via two crossovers that link the sealed onsite car park, one crossover is via Rainy Hill Road on the western boundary and the other one is via Evans Road on the southern boundary. No easement affects the site.

The site has a total area of 1.93 hectares, the topography of the land slopes from the south-west to the north-east, the land is gently undulating. The site currently contains two single storey education buildings, a car parking area to the west of the site, shed, play areas and water tanks.

There is substantial vegetation on the property, which is a mix of exotic and native. A dam is located within the dense vegetation in the north-east corner of the site.



Surrounding land use and development includes:

**North:** A rural/residential lot exists to the north, which contains a dwelling and ancillary outbuildings.

**South:** Evans Road, is a gravel road, and forms the southern property boundary. To the south of Evans Road a property is located, which contains a dwelling and ancillary development.

**East:** A large property exists to the east, which contains a dwelling.

**West:** Rainy Hill Road, which is a gravel road, forms the western property boundary. To the west of Rainy Hill road, a small property exists which contains a dwelling and ancillary development.

## PROPOSAL

Planning approval is sought for the use of the land for an education centre, namely a primary school. The site currently contains buildings associated with the previous education facility that occupied the subject site.

Details of the education facility include:

- Use of the two existing buildings on site for a primary school use.
- Maximum fifty (50) students on site
- Maximum five (5) staff on site
- No buildings and works are proposed.
- No vegetation removal is proposed.
- Thirty (30) sealed car spaces on site to be utilised for the use

## PLANNING SCHEME PROVISIONS

### State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 17.01-1 Business
- Clause 17.01-2 Out-of-centre development
- Clause 19.02-2 Education Facilities

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.07 Cockatoo

### Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 - Car Parking
- Clause 65 – Decision Guidelines
- Cockatoo Township Strategy

### Zone

The land is subject to the **Rural Conservation Zone Schedule 1 – Schedule 1**

### Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1
- Bushfire Management Overlay

### PLANNING PERMIT TRIGGERS

The proposal for use of the site for an education centre (primary school) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.06-1 the Rural Conservation Zone a planning permit is required for the use of the site for an education centre (primary school).

### PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing two signs on site

Council has received 3 objections to date.

*The key issues that were raised in the objections are:*

- Traffic concerns – primarily safety at the intersection
- Road movements and maintenance costs
- Health impacts including dust & noise

## REFERRALS

### *Internal Traffic Department*

The proposal was referred to Council's Traffic Department who did not object to the proposal as the car parking rate is satisfied and the use will not add a greater impact on the road network than what was previously occurring on the site. This will be discussed further under the objection part of this report.

## DISCUSSION

### **Local and State Planning Policy**

A number of state and local policies are relevant to this application, such as Clause 17.01 (Business), Clause 17.01 (Out-of-centre development) and Clause 19.02 (Educational facilities), which aim to encourage development that meets the needs of communities, promote a high standard of design and achieve attractive, diverse, sustainable and liveable townships.

At a local level, Clause 21.04-1 (Employment) and Clause 21.07 (Cockatoo) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of employment types to residential areas, whilst being consistent with the existing and/or preferred landscape character.

The proposed development responds to these clauses and will support the increase educational options to the Cockatoo township area and contribute towards a diversity of jobs, while respecting the character of the area.

The proposed use of the land for an education centre (primary school) is consistent with the aim and objectives of the State Planning Policy Framework and Location Planning Policy Framework, including the Municipal Strategic Statement. The provision of educational services, particularly for children within this Cockatoo area is vital for a growing community and is consistent with the strategic direction of the area.

### **Rural Conservation Zone:**

The purpose of the Rural Conservation Zone is to protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values. It also encourages development and use of land which is consistent with sustainable land management and which takes into account the conservation values and environmental sensitivity of the locality. The proposed use supports the purposes of the Rural Conservation Zone, in that the proposal will re-establish the existing use of the land for a school, which embraces rural issues without any additional built form required. The subject site is located on the fringe of the Cockatoo Township, and it is considered that the proposed use will not detrimentally affect the character of the immediately surrounding area.

In summary the proposal has suitably addressed the decision guidelines of the zone with additional detail summarised as:

### *General issues*

The proposed use for an education facility will be within the existing built form that operated as a primary school for almost 20 years, in which time the site had minimal expansion of the built form.

The site is well vegetated with various species of trees and the overall developed area has a small site coverage, maintaining the significant landscape character of the area. The proposal does not seek to increase built form, as the school is anticipated to be a temporary location prior to the developing a larger school campus at an alternate site. The renewal of an existing use is considered to be appropriate in this site context as the built form exists for a very specific use, an education facility, and the proposed student and staff numbers remain low with no expansion anticipated.

### *Rural issues*

The adjoining properties are of a large rural scale with dense vegetation. The site to the east, No. 65 Evans Head Road, contains cleared land, which has the capacity to be used for agricultural purposes. While this presents a potential land conflict, namely odours, noise etc from the agricultural use, there is a heavily vegetated buffer zones within 60 metres between the common boundary and the built form on the subject site. This level of vegetation in the area between the eastern building and common boundary provides some relief for both land uses to avoid conflict. It is noted that the dwelling for the east-adjointing neighbour is in excess of 400 metres from the common boundary, and no dwelling on the adjoining properties are within 100 metres of the built form.

The proposed use has a substantial distance between dwellings of adjoining neighbours and with no additional built form proposed it is considered that the rural amenity enjoyed by adjoining properties will not be detrimentally impacted by the proposed use.

### *Environmental Issues*

The proposed use will occupy the buildings on the subject site, which is currently two educational buildings. With no additional buildings and works proposed, the use will not require earthworks, vegetation removal or require changes to the existing site conditions. The existing dense vegetation will be maintained, with established sealed surfaces play areas already established on the site to be utilised for external use. The site has an established effluent disposal system, which was established for the previous educational facility and will have the capacity to manage the proposed use with fewer students.

Overall, the proposal is considered to be consistent with the objectives of the Rural Conservation Zone.

### **Clause 52.06 - Car Parking**

Pursuant to Clause 52.06 the statutory car parking rate for a primary school is

- One (1) space to each employee that is part of the maximum number of employees on the site at any time.

It is proposed that the maximum staff number is five (5) with the school at capacity, therefore five (5) spaces are required. The car park includes 30 existing sealed car spaces, the statutory car parking rate is satisfied as the site far exceeds requirement.

### **Clause 63 - Existing uses**

Clause 63 relates to existing use rights and states that for a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided no building or works are constructed or carried out without a permit. In this situation planning permit P4283 was issued 19



December, 1983 which allowed for the use and development of the land for the purposes of a community co-operative school generally in accordance with the attached endorsed plan. The site was continuously been used, since the issue of the permit, for the purposes of an education facility up until 2014. The use of the site has ceased for greater than 2 years, as such the existing use rights for the school have expired, and hence the application has been submitted for the use of the site for an education facility within existing buildings.

### Clause 65 Decision Guidelines:

It is considered that the proposed development is in accordance with the orderly planning of the area and will have a limited impact on the amenity of the area. The subject site is used as a private education school, which was in operation from the site since December, 1983 through to 2014. It is considered that the proposed use of the land for educational purposes is consistent with the previous land use. The proposed location of the use is the most logical, given it will not require any additional built form on the site and the car parking requirement is met.

### Objector concerns

After public notification of the proposal Council received three objections. The objections concerns are summarised below:

- Traffic concerns – primarily safety at the intersection of Rainy Hill Road, Evans Road and Mountain Road.
- Road movements and maintenance costs – increased traffic on the unsealed roads will and increase coast of maintenance
- Health impacts including dust & noise

Council's Traffic Departments were satisfied that the proposed use would not result in an unreasonable increase in traffic to the road network within Cockatoo.

It was concluded that the application for this use does not extend on their previous numbers approved and operated from the site. Under Traffic assessment, there is adequate car parking for 67 students, however they are proposing 50, therefore there are no upgrading works are required. The applicant has been advised that if they seek to increase student numbers and/or include any additional buildings and works, a number of reports and documents would be required in a future planning application, including a traffic management report.

The daily road use is low and the number of students proposed is lower than the previous education centre use, which had no Council recorded traffic issues. Based on the previous use and the daily use of the roads, Council's Traffic and Engineering Departments have not requested a permit condition that would subject the applicants to seal surrounding roads. Roads in the area are likely to be sealed in the event of a Special Charge Scheme, this concept has been raised by Council with community groups in the past but has failed to gain community support.

The proposed amenity impacts are considered to be generally low with the previous use occupying the site for many years and with no known land conflicts. The distance between the school and adjoining dwellings is at least 100 metres, this is considered to provide a sufficient distance to reduce noise and other potential amenity impacts. While traffic may increase on the local roads, the level of impact is considered minor and given school hours are limited to day time, it is not anticipated there will be excess vehicle in the evening or weekends.

It is noted that two of the three objections explicitly state that they do not object to the use of the site for an education centre, their concern is traffic and the current road conditions. Given this, it is

recognised that the only decision guidelines in relation to this application is the use of the site, as no building and works are proposed and the car parking rate has been satisfied.

### CONCLUSION

The proposal for the use of the land for the purpose of an education facility is consistent with the purpose, objectives and decision guidelines of the zone and overlays which apply to the subject property. The proposal is considered acceptable and as such should be accepted. It is recommended that a Notice of Decision to Grant Planning Permit T170633 be issued for Use of the land for an Education Centre (Primary School) at 6 Rainy Hill Road, Cockatoo VIC 3781 subject to the below conditions:

### CONDITIONS

1. The layout of the use on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Except with the written consent of the Responsible Authority, the Education Centre may operate only between the hours of:
  - a. Monday to Friday: 7:30am to 5:00pm
3. No more than 50 students may be present on the premises at any one time without the written consent of the Responsible Authority.
4. A minimum of 30 car spaces must be provided on the subject land and clearly delineated to the satisfaction of Responsible Authority.
5. The use 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.
6. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
7. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes
8. Road signage on Mountain Road, Evans Road and Rainy Hill Road related to the presence of the school (including school speed zone, warning and advisory signs) is to be provided to the satisfaction of the responsible road authority, at no cost to the responsible road authority, prior to the school commencing operation..
9. Noise levels emanating from the subject land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.
10. Before the development is occupied a sign/signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area/s set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.

11. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
12. All stormwater being discharged from the site shall be conveyed by means of drains to satisfactory points of discharge approved by the Responsible Authority so they will not cause injury to or detrimental effect to the health and welfare of the community or prejudicially affect the environmental amenity of the locality.
13. No vegetation shall be destroyed, felled, lopped or uprooted on the subject land except with the written permission of the Responsible Authority
14. In the event of overflow car parking causing a nuisance, additional car parking areas are to be provided on the site or in other approved locations to the Responsible Authority's satisfaction within 3 months of the Responsible Authority, requesting the same in writing.
15. No signs other than those allowed by the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Expiry:

This permit for the use of land expires if—

- a) the use does not start within two (2) years after the issue of the permit; or
- b) 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.

# T170633 PA - 6 Rainy Hill Rd, Cockatoo



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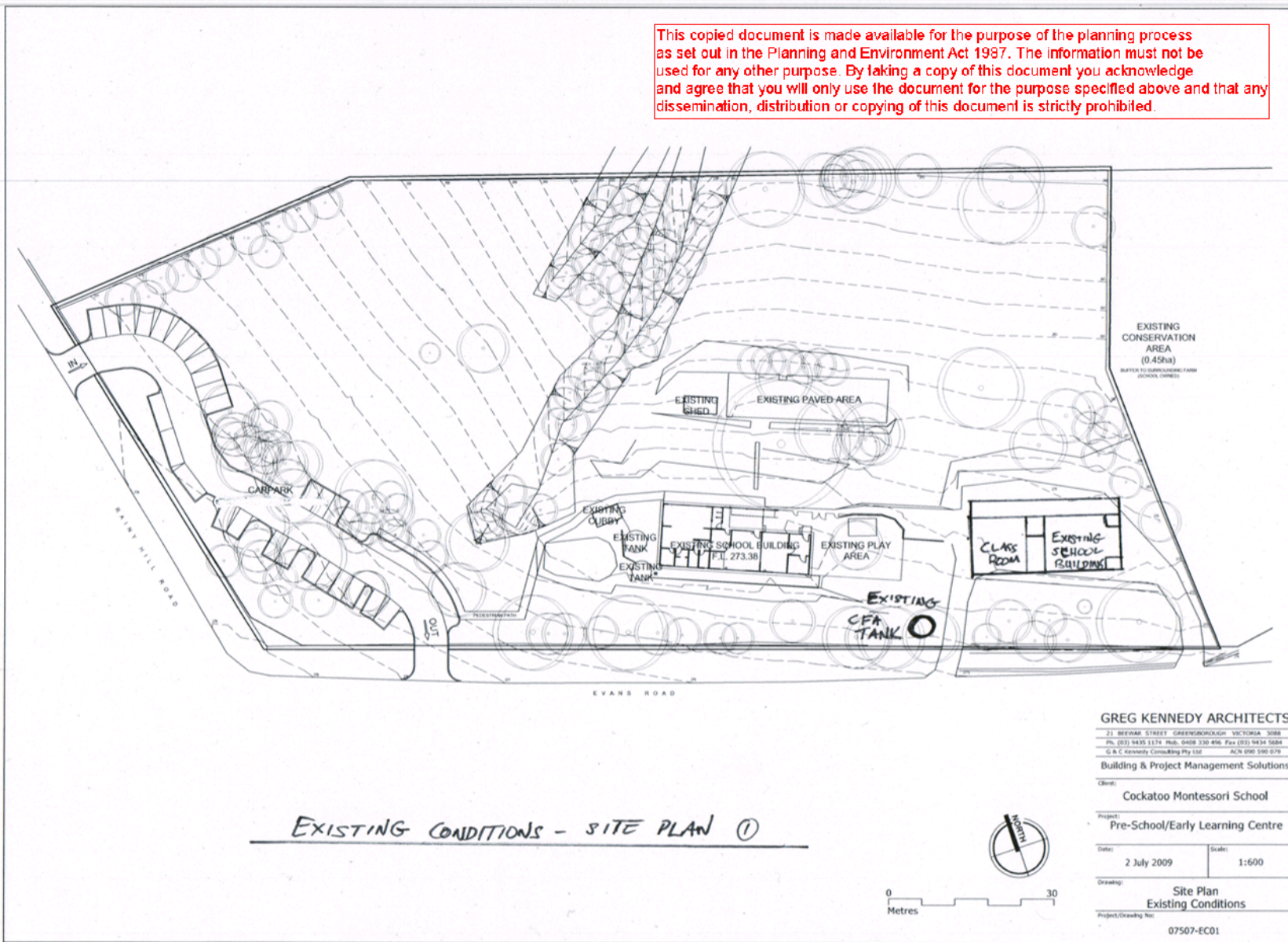
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8-Jun-2018

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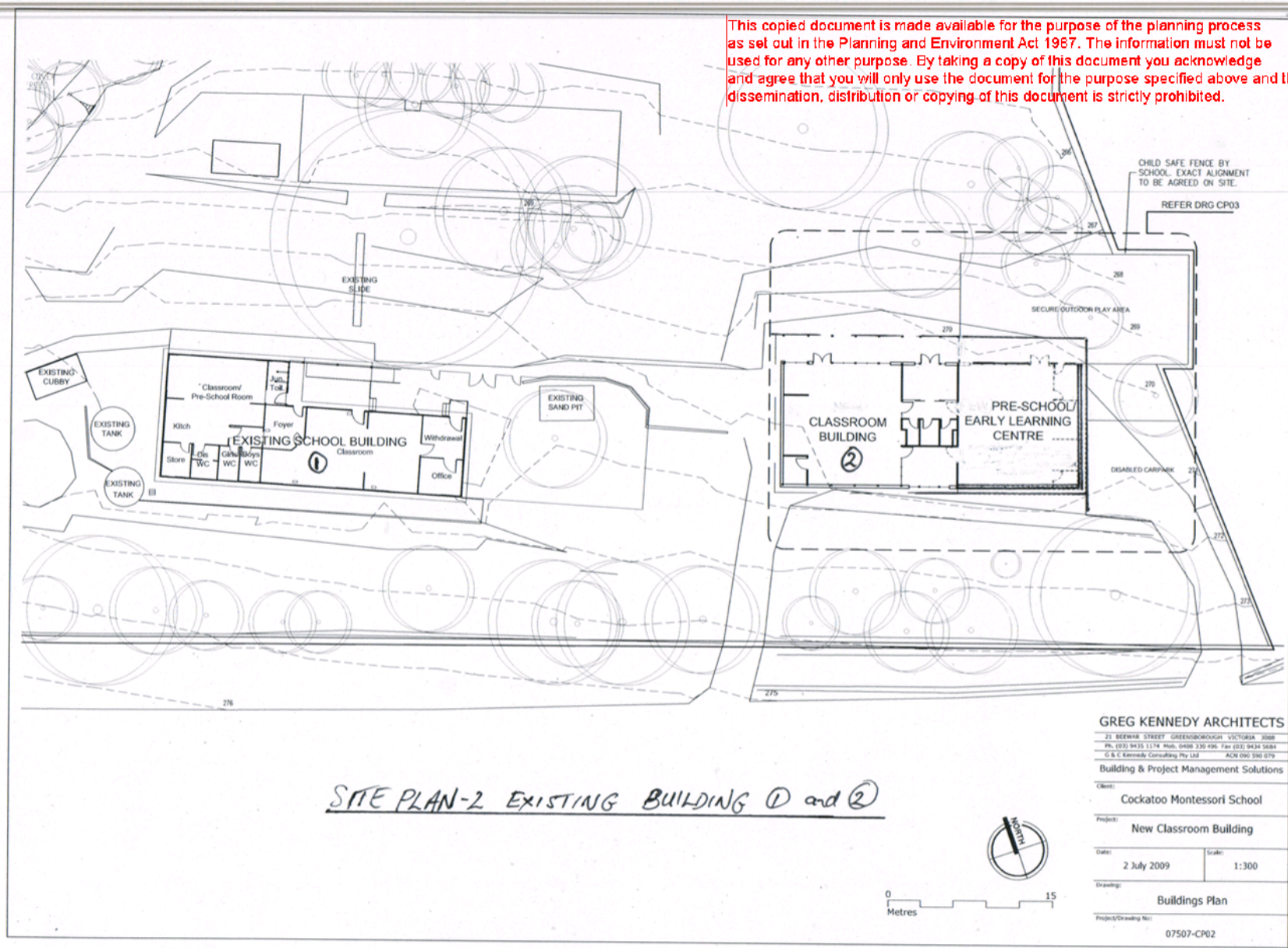


EXISTING CONDITIONS - SITE PLAN ①

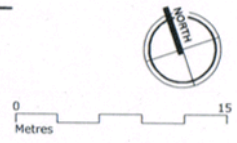
**GREG KENNEDY ARCHITECTS**  
 21 BERRIM STREET GREENBROOK VIC 3088  
 Ph: (03) 9433 1174 Fax: (03) 9433 4944  
 G & C Kennedy Consulting Pty Ltd ACN 095 590 079  
 Building & Project Management Solutions

Client: Cockatoo Montessori School  
 Project: Pre-School/Early Learning Centre  
 Date: 2 July 2009 Scale: 1:600  
 Drawing: Site Plan Existing Conditions  
 Project/Drawing No: 07507-EC01

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SITE PLAN-2 EXISTING BUILDING ① and ②



**GREG KENNEDY ARCHITECTS**  
 21 BEEBANK STREET GREENBOROUGH VICTORIA 3088  
 Ph: (03) 9433 1174 Mob: 0408 330 496 Fax: (03) 9434 5684  
 G & C Kennedy Consulting Pty Ltd ACN 090 590 079  
**Building & Project Management Solutions**  
 Client: Cockatoo Montessori School  
 Project: New Classroom Building  
 Date: 2 July 2009 Scale: 1:300  
 Drawing: Buildings Plan  
 Project/Drawing No: 07507-CP02

## 2 EDUCATION CENTRE (PRIMARY SCHOOL) AT 6 RAINY HILL ROAD COCKATOO

Moved Cr J Springfield Seconded Cr L Wilmot

That a Notice of Decision to Grant Planning Permit T170633 be issued for Use of the land for an Education Centre (Primary School) at 6 Rainy Hill Road, Cockatoo VIC 3781 subject to the following conditions:

### CONDITIONS

1. The layout of the use on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Except with the written consent of the Responsible Authority, the Education Centre may operate only between the hours of:
  - a. Monday to Friday: 7:30am to 5:00pm
3. No more than 50 students may be present on the premises at any one time without the written consent of the Responsible Authority.
4. A minimum of 30 car spaces must be provided on the subject land and clearly delineated to the satisfaction of Responsible Authority.
5. The use 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.
6. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
7. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes
8. Road signage on Mountain Road, Evans Road and Rainy Hill Road related to the presence of the school (including school speed zone, warning and advisory signs) is to be provided to the satisfaction of the responsible road authority, at no cost to the responsible road authority, prior to the school commencing operation..
9. Noise levels emanating from the subject land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.
10. Before the development is occupied a sign/signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area/s set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
11. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the

Responsible Authority.

12. All stormwater being discharged from the site shall be conveyed by means of drains to satisfactory points of discharge approved by the Responsible Authority so they will not cause injury to or detrimental effect to the health and welfare of the community or prejudicially affect the environmental amenity of the locality.
13. No vegetation shall be destroyed, felled, lopped or uprooted on the subject land except with the written permission of the Responsible Authority
14. In the event of overflow car parking causing a nuisance, additional car parking areas are to be provided on the site or in other approved locations to the Responsible Authority's satisfaction within 3 months of the Responsible Authority, requesting the same in writing.
15. No signs other than those allowed by the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Expiry:

This permit for the use of land expires if—

- a) the use does not start within two (2) years after the issue of the permit; or
- b) 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.

In addition:

- That Council review the current maintenance and safety requirements for the Rainy Hill Road, Mountain Road and Evans Road intersection. and
- That updated traffic counts be undertaken once the school is operational to accurately assess the traffic volumes generated.

Cd.



### **3 PLANNING SCHEME AMENDMENT ACTIVITY REPORT**

FILE REFERENCE INT1842206

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Tracey Parker

#### **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.

<b>Cardinia Planning Scheme Amendment Activity Report</b>						
<b>A/No.</b>	<b>Proponent</b>	<b>Address</b>	<b>Purpose</b>	<b>Exhibition Start</b>	<b>Exhibition End</b>	<b>Status</b>
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 Council	Beaconsfield	Implement the key objectives of the Beaconsfield Structure Plan December 2013 (expires March 2019) by applying the Design and Development	09/11/2017	11/12/2017	On 21/05/2018 Council adopted to submit the amendment to the Minister for

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Overlay (DDO) to the Princes Highway Gateway Precinct (Proposed DDO5), Beaconsfield Point Precinct (Proposed DDO6) and Woodland Grove Precinct (Proposed DDO7).			Planning for approval.
C225	Cardinia Shire Council	270 Cardinia Road Officer South	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.			12/06/2018: Applicant advised the amendment is withdrawn.
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2 PS327845 130 Whiteside Rd Officer and Lot PP PS746064 325 Princes Hwy Officer	Repair inconsistent policy in the Urban Growth Zone Schedule 3 (UGZ3) and the applied Schedule of the Rural Conservation Zone (RCZ) that prevents development in the 3 lots identified from occurring in line with the Officer Precinct Structure Plan (PSP) that was adopted by Council in 2011. The amendment proposes to add a Schedule to the RCZ removing the minimum subdivision requirements for the 3 sites identified, that	Thu 22/06/2017	Mon 24/07/2017	On 19/02/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			would otherwise exist in the provision. This ensures there is a match between the policy intention of the PSP and the provisions in the UGZ3 and the applied zone (RCZ).			
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply the Environmental Significance Overlay (ESO) to Tynong, Bunyip and Garfield to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.			On 16/10/2017 Council adopted to seek authorisation to prepare an amendment.
C232	Victorian Planning Authority	Officer Precinct	Implement the revised Officer Precinct Structure Plan (Amended February 2018) by making changes to the zone, overlay and ordinance provisions of the Cardinia Planning Scheme.	Thu 22/03/2018	Fri 27/04/2018	On 21/05/2018 Council adopted to send a submission to the Victorian Planning Authority (VPA). The VPA has resolved to seek the appointment of a Panel.
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 15/01/2018	Fri 23/02/2018	Panel Hearings are being held for 10 days between the dates of 30/05/2018 to 03/07/2018.
C237	Cardinia Shire Council	Multiple addresses	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct ordinance errors.	Thu 07/06/2018	Thu 19/07/2018	On exhibition.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C238	Cardinia Shire Council	Glismann Road and Old Princes Highway, Beaconsfield	Rezone to General Residential Zone (Schedule 2) and introduce a Development Plan Overlay (DPO), a site specific Environmental Audit Overlay (EAO) and remove the Environment Significance Overlay 1 (ESO1). An ICP will be implemented at a later stage.			Submitted to Minister for Planning on 29/03/2018. Seeking authorisation to prepare a planning scheme amendment.
C239	Cardinia Shire Council	Pakenham Precinct Activity Centre	Amend the boundaries of the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) in the Pakenham Activity Centre to reflect revised flood modelling by removing the LSIO and SBO from properties which are no longer considered to be at risk of flooding in the 1 in 100-year storm event.			Amendment approved and gazetted on 07/06/2018.
C242	Cardinia Shire Council	Pakenham Precinct Activity Centre	Introduce a permanent Heritage Overlay over various properties identified by the Pakenham Heritage Review and includes updating the Heritage Overlay Schedule, adds a Reference Document and an Incorporated Document.			On 21/05/2018 Council adopted to seek authorisation to prepare an amendment. A request for authorisation was sent to the Minister for Planning on 24/05/2018.
C244	Cardinia Shire Council	Pakenham Precinct Activity Centre	Implement the key objectives of the Pakenham Parking Precinct Plan (May 2018) by applying the Parking Overlay to the Pakenham Activity Centre.			On 21/05/2018 Council adopted to seek authorisation to prepare an amendment. A request for

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						authorisation was sent to the Minister for Planning on 24/05/2018.

### **3 PLANNING SCHEME AMENDMENT ACTIVITY REPORT**

Moved Cr M Schilling Seconded Cr C Ryan

That the report be noted.

Cd.

## **4 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY**

FILE REFERENCE INT1842251

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

### **RECOMMENDATION**

That the report be noted.

### **EXECUTIVE SUMMARY**

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

<b>Central Ward</b>					
<b>Date</b>	<b>Permit No</b>	<b>Location</b>	<b>The Proposal</b>	<b>The Decision</b>	<b>Lodged Date</b>
24/05/2018	T180005 - PC1	12 Adam Court, Pakenham VIC 3810	Construction of a second dwelling and garage to the existing dwelling	Issued	16 May 2018
24/05/2018	T180130	Lyle Blue Court, Pakenham VIC 3810	Buildings and works associated with an existing Service Industry (Car Wash)	Issued	13 March 2018
24/05/2018	T180136	122B Mulcahy Road, Pakenham VIC 3810	Use of the building as a Restricted Recreation Facility (Gym)	NOD	14 March 2018
25/05/2018	T170790	16 James Street, Pakenham VIC 3810	Subdivision Of Land Into Seven (7) lots	Issued	05 December 2017
28/05/2018	T170644	100 Main Street, Pakenham VIC 3810	Alterations and additions to an existing building and associated reduction of car parking requirements (2 spaces)	NOD	02 October 2017
30/05/2018	T150807 - PC1	177-183 Ahern Road, Pakenham Victoria 3810	Subdivision of the land into thirty six (36) lots , the creation of a reserve and vegetation removal	Issued	12 April 2018
30/05/2018	T170285 - PC1	Caversham Drive, Pakenham VIC 3810	Condition 1 plans - Subdivision of the land into nineteen (19) lots and the creation of easements	Issued	28 March 2018
30/05/2018	T170756	9 Palm Court, Pakenham VIC 3810	Development of the land for a dwelling	Issued	16 November 2017
30/05/2018	T170844	29 Isabel Street, Pakenham VIC 3810	Development of the land for two (2) dwellings	Issued	16 January 2018
1/06/2018	T090348 - 1	1 Livingstone Boulevard, Pakenham Victoria 3810	The use and development of the land for the purpose of a car wash in accordance with the approved plans.	Issued	27 March 2018
1/06/2018	T140742	2-4 Village Way,	Use and development of the land for	Issued	12 April

	- PC2	Pakenham Victoria 3810	sixty (60) dwellings and a reduction of the visitor rate of Clause 52.06 and use and development for a shop and offices and reduction in loading and unloading of vehicles (shop) of Clause 52.07		2018
1/06/2018	T160466 - 1	Station Street, Pakenham VIC 3810	Amendment to condition 67 of Planning Permit T160466	Issued	22 March 2018
5/06/2018	T180280	19 Cuttler Street, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	12 May 2018
6/06/2018	T170239 - PC1	17 Eagle Drive, Pakenham VIC 3810	Amended plans to comply with Condition 1 of Planning Permit T170239	Issued	16 May 2018
7/06/2018	T170830	Mullane Road, Pakenham VIC 3810	Plan of Creation of Easement	Issued	19 December 2017
13/06/2018	T180126	2 & 3, 16 John Street, Pakenham VIC 3810	Subdivision of Land into two (2) Lots	Issued	07 March 2018

**Port Ward**

<b>Date</b>	<b>Permit No</b>	<b>Location</b>	<b>The Proposal</b>	<b>The Decision</b>	<b>Lodged Date</b>
22/05/2018	T170840	730 Murray Road, IONA VIC 3815	Re-subdivision of the land into two (2) lots (boundary realignment)	Issued	22 December 2017
22/05/2018	T180102	24 & 26 Tarmac Way, Pakenham VIC 3810	Subdivision of the land into two (2) lots with common property and creation of an easement	Issued	28 February 2018
22/05/2018	T180103	28 & 30 Tarmac Way, Pakenham VIC 3810	Subdivision of the land into two (2) lots with common property and creation of an easement	Issued	28 February 2018
23/05/2018	T170003 - PC1	146 Nash Road, Bunyip VIC 3815	Section 173 Agreement - Subdivision of the land into four (4) lots	Issued	23 November 2017
24/05/2018	T160776 - PC1	11 Pinehill Drive, Pakenham VIC 3810	Three (3) lot Subdivision and the removal of vegetation (39 trees)	Issued	21 March 2018
24/05/2018	T180001	We 4/81 Bald Hill Road, Pakenham VIC 3810	Use of the land for a restricted recreation facility (Martial Arts and Personal Training Facility)	Issued	03 January 2018
24/05/2018	T180069	115 Rices Road, Dalmore VIC 3981	Dwelling additions and alterations	Issued	13 February 2018
24/05/2018	T180104	420 Westernport Road, Lang Lang VIC 3984	Extension of an existing building and the use of the building as a rural industry (storage and packing of vegetables).	Issued	27 February 2018
24/05/2018	T180116	635 Murray	Use and the development of the	Refused	05 March



		Road, VERVALE VIC 3814	land for a host farm and caretaker's house		2018
24/05/2018	T180153	70-80 Bald Hill Road, Pakenham VIC 3810	Buildings and works (Construction of a shelter)	Issued	19 March 2018
24/05/2018	T180216	9 Drovers Place, Pakenham VIC 3810	Development of the land for an extension to an existing warehouse	Issued	17 April 2018
24/05/2018	T180237	10 Richards Road, Nar Nar Goon VIC 3812	Development of the land for an outbuilding (shed)	Issued	24 April 2018
25/05/2018	T180055	170 No 4 Drain Road, Bayles VIC 3981	Development of the land for a dwelling extension and carport	Issued	02 February 2018
25/05/2018	T180067	55 Prestons Road, Koo Wee Rup VIC 3981	Use and development of the land for a dwelling	Issued	06 February 2018
25/05/2018	T180292	33 Tarmac Way, Pakenham VIC 3810	Construction of two (2) warehouses and associated buildings and works	Issued	16 May 2018
28/05/2018	T170396	12 Sybella Avenue, Koo Wee Rup VIC 3981	The subdivision of land into two lots	Issued	26 June 2017
29/05/2018	T180190	726 Dalmore Road, Cardinia VIC 3978	Construction of an outbuilding and associated works	Issued	06 April 2018
29/05/2018	T180242	1610 Nar Nar Goon-Longwarry Road, Bunyip VIC 3815	Installation of a dependent person unit	Withdrawn	29 May 2018
30/05/2018	T170458 - PC1	105 Boundary Drain Road, Koo Wee Rup VIC 3981	Development of land for a dwelling and earthworks	Issued	30 January 2018
1/06/2018	T180019	220 Lyons Road, Heath Hill VIC 3981	Use and development of the land for a dwelling, farm buildings (sheds) and associated earthworks	Issued	08 January 2018
1/06/2018	T180089	1 Greenland Court, Garfield VIC 3814	Development of land for an Outbuilding.	Issued	21 February 2018
1/06/2018	T180244	11 Henry Road, Bunyip VIC 3815	Development of the land for an outbuilding and associated works	Withdrawn	27 April 2018
4/06/2018	T180291	Cardinia Road, Officer South VIC 3809	Buildings and works for a residential village.	Withdrawn	31 May 2018
5/06/2018	T180263	1C Pinehill Drive, Pakenham VIC 3810	Construction of a dwelling and outbuilding	Withdrawn	07 May 2018
6/06/2018	T160104 - 1	3500 Ballarto Road, Bayles VIC 3981	Residence reoriented and reduced in size. Stables reduced in size. Indoor Riding arena reduced in size.	Withdrawn	23 February 2018

6/06/2018	T180078	295 Bessie Creek Road, Nar Nar Goon North VIC 3812	Works associated with the construction of a dam	Issued	09 February 2018
6/06/2018	T180131	5 Patullos Road, Yannathan VIC 3981	Development of land for an Outbuilding (Shed), Rainwater Tank and Vegetation Removal	Issued	15 March 2018
6/06/2018	T180278	55 Taplins Road, Catani VIC 3981	Removal of 2 Paperbark trees to carry out building works to existing tennis courts	Withdrawn	18 May 2018
7/06/2018	T150789 - PC1	Lot 607 Corporate Terrace, Pakenham Victoria 3810	Use and development of the land for a place of worship and business identification signage.	Issued	19 October 2016
7/06/2018	T180073	2 Pinehill Drive, Pakenham VIC 3810	2 Lot Subdivision and Vegetation Removal.	Issued	09 February 2018
13/06/2018	T020163 - 1	Murray Rd, Cora Lynn Victoria 3814	Amendments to planning permit T020163 and the endorsed plans to allow for the use and development for a dwelling and deletion of condition 4	Refused	06 April 2018
13/06/2018	T180010	350 Sanders Road, Bunyip North VIC 3815	Development of the land for a dwelling	Issued	03 January 2018
13/06/2018	T180075	3 Venture Way, Pakenham VIC 3810	Development of the land for two (2) warehouses and ancillary offices	Issued	07 February 2018
13/06/2018	T180133	735 Railway Avenue, Bunyip VIC 3815	Subdivision of twenty-nine (29) lots and removal of native vegetation	Lapsed	14 March 2018
14/06/2018	T180104 - PC1	420 Westernport Road, Lang Lang VIC 3984	Extension of an existing building and the use of the building as a rural industry (storage and packing of vegetables).	Issued	07 June 2018
14/06/2018	T180123	19A Tarmac Way, Pakenham VIC 3810	Use of the land for an education centre (beauty training college)	Issued	05 March 2018
14/06/2018	T130457 - PC4	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	29 May 2018
<b>Ranges Ward</b>					
Date	Permit No	Location	The Proposal	The Decision	Lodged Date
23/05/2018	T180099	2290 Gembrook-Launching Place Road, Gembrook	Development of the land for an outbuilding	Issued	27 February 2018

		VIC 3783			
24/05/2018	T170766	36 Toogood Court, Pakenham Upper VIC 3810	Development of the land for an outbuilding, associated earthworks and removal of vegetation	Issued	23 November 2017
24/05/2018	T170820	3 Prince Street, Emerald VIC 3782	Development of the land for an outbuilding (garage)	Issued	14 December 2017
24/05/2018	T180120	5 Third Avenue, Cockatoo VIC 3781	Development of the land for an outbuilding (shed)	Issued	02 March 2018
24/05/2018	T180175	65 Stoney Creek Road, Beaconsfield Upper VIC 3808	Development of the land for a dwelling extension	Issued	02 April 2018
25/05/2018	T170782	680 Gembrook Road, Pakenham Upper VIC 3810	Development of the land for a removable outbuilding	Issued	29 November 2017
30/05/2018	T160422 - PC1	392 Belgrave-Gembrook Road, Emerald VIC 3782	Use and development of the land for a Child Care Centre, vegetation removal and creation of an access to a road in a Road Zone Category 1	Issued	22 December 2017
30/05/2018	T170621 - PC1	15 Emerald-Monbulk Road, Emerald VIC 3782	Condition 1 a and 11	Issued	10 May 2018
30/05/2018	T180107	8 Coach House Lane, Beaconsfield VIC 3807	Alterations and additions to the existing dwelling	Issued	27 February 2018
30/05/2018	T180294	2B Wright Road, Emerald VIC 3782	Development Of The Land For An Outbuilding (carport)	Issued	17 May 2018
1/06/2018	T170141 - PC1	63 Foott Road, Beaconsfield Upper VIC 3808	Alterations and additions to an existing dwelling and associated earthworks	Issued	13 November 2017
4/06/2018	T160752 - PC1	64 Rix Road, Officer VIC 3809	Condition 1 Plans - The staged subdivision of the land in accordance with the submitted plans.	Issued	25 May 2018
5/06/2018	T150634 - PC5	115 Peck Road, Pakenham Victoria 3810	Subdivision to create super-lots and Staged residential subdivision and associated works (including road-works on land affected by the Land Subject to Inundation Overlay) and removal of native vegetation	Issued	16 March 2018
5/06/2018	T180061	14 Nobelius Street, Emerald VIC 3782	Alterations and additions to the existing dwelling	Issued	05 February 2018
6/06/2018	T170584 - PC1	Bridge Road, Officer VIC 3809	Plans to comply (Condition 1) - Buildings and works associated with the construction of thirty-four (34) residential dwellings, supermarket,	Issued	30 April 2018

			shops, medical centres and a reduction in car-parking		
7/06/2018	T180300	480 Ure Road, Gembrook VIC 3783	Development of the land for a spa, deck and shelter	Withdrawn	16 May 2018
7/06/2018	T180342	3 Pink Hill Boulevard, Beaconsfield VIC 3807	duplicate - see T1803427 Residential subdivision into 10 conventional lots and the creation of two superlots	Withdrawn	07 June 2018
13/06/2018	T170389	2 Desmond Court, Beaconsfield VIC 3807	Two lot subdivision, vegetation removal and removal of an easement	Issued	22 June 2017

**4 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY**

Moved Cr M Schilling Seconded Cr C Ryan

That the report be noted.

Cd.

## **5 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT VCAT & THEIR OUTCOMES**

FILE REFERENCE INT1842265

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

### **RECOMMENDATION**

That the report be noted.

### **Attachments**

*Nil.*

### **EXECUTIVE SUMMARY**

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
2/11/2018	T170676	36-40 Gallery Way, Pakenham	Construction of twelve (12) dwellings and associated works	Approval	Objector	Waiting on hearing
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
22/8/2018	T170698	Rix Road, Officer	Multi lot subdivision	Refusal	Applicant	Waiting on hearing
22/8/2018	T170671	Rix Road, Officer	Multi lot subdivision	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
5/7/2018	T170046	2 May Rd & 215 Princes Hwy Beaconsfield	Subdivision of the land	Approval permit issued. Disputing conditions	Applicant	Withdraw – Approval remains
27/6/2018	T160693	46 Tivendale Road Officer	Multi lot subdivision	Refusal	Applicant	Waiting on hearing

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
TBA	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	VCAT overturned Councils decision – Permit issued

**5 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT VCAT & THEIR OUTCOMES**

Moved Cr M Schilling Seconded Cr C Ryan

That the report be noted.

Cd.



## **6 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)**

FILE REFERENCE INT1842247

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.

### **BACKGROUND**

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

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

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

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

### **Current enforcement cases**

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

<b>Property Address</b>	<b>Nature of Contravention</b>	<b>Status</b>
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	On <b>18 January 2018</b> , the company that owns this property appeared in the Magistrates Court at Dandenong.  On <b>15 June 2018</b> , VCAT made an enforcement order, directing the owner to remediate and maintain the affected land for 10 yrs, and to pay Council costs.

	remnant vegetation	
<p>715 Gembrook Rd, Pakenham Upper</p> <p>(ref: OH:AB:14130)</p>	<p>Construction of retaining wall without building permit.</p>	<p>FOR INFORMATION ONLY – no on going <i>planning enforcement</i> matters relating to property</p> <p>MAGISTRATES COURT CASE relating to unpermitted building work (retaining wall) –</p> <p>On <b>21 December 2017</b>, 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>In <b>April 2018</b>, 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> <p>The COUNTY COURT has listed the matter for further mention on <b>24 July 2018</b>, to consider how the HCA application is proceeding.</p>
<p>765 Gembrook Rd, Pakenham Upper</p> <p>(OH:LK:16299)</p>	<p>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>	<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 Magistrates Court has listed the matter for further mention on <b>26 June 2018</b>, to consider how a related HCA application is proceeding.</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. Rural Conservation Zone – Sch 1, Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and Clause 52.17</p>	<p>Magistrates’ Court prosecution arising from the creation of a large dam (by earthworks and vegetation removal), contrary to strict environmental controls and Section 173 agreement protecting vegetation on the land.</p> <p>On <b>15<sup>th</sup> September 2016</b> 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.</p>

## CONCLUSION

The list of current enforcement activities is presented for information.

## GLOSSARY OF TERMS

### *Practice day of 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.

### *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.

**6 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)**

Moved Cr M Schilling Seconded Cr C Ryan

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

Cd.

Meeting closed at 7.19pm

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Minutes Confirmed  
Chairman