



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 7 AUGUST 2017

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 7 August 2017
The meeting commenced at 7.01pm

PRESENT:

Mayor, Brett Owen, Chairman

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

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

PASSING OF FORMER CR DON BLACK

The Mayor with regret acknowledged the recent passing of former Councillor Don Black who served on the former Pakenham Shire from 1997 to 1980 and advised of his extensive community activities in and around Cockatoo. The Mayor extended the Councillors . Our condolences are extended to former Cr Black's family and friends.

APOLOGIES:

Cr Jeff Springfield,

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 TRANSFER STATION AND MATERIALS RECYCLING, 305 SNELL ROAD, NAR NAR GOON NORTH

FILE REFERENCE INT1750941

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Jason Gilbert

RECOMMENDATION

That a Refusal to Grant Planning Permit T160567 be issued for Use of the land for a Transfer Station and Materials Recycling and associated buildings and works and the display of one (1) business identification sign at 305 Snell Road, Nar Nar Goon North for reasons set out in this report.

Attachments

- | | | |
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| 1 | Locality plan | 1 Page |
| 2 | Development plans | 3 Pages |
| 3 | Objections circulated to councillors only | 108 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160567
APPLICANT:	Jennifer Beasley
LAND:	Lot 2 PS55145, 305 Snell Road, Nar Nar Goon North VIC 3812
PROPOSAL:	Use of the land for a Transfer Station and Materials Recycling and associated buildings and works and the display of one (1) business identification sign
PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 (GWZ1) Bushfire Management Overlay (BMO) Environmental Significance Overlay - Schedule 1 (ES01) Land Subject to Inundation Overlay (LSIO)
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing one (1) sign on site facing Snell Road. Council has received 43 objections to date. A petition with 143 signatures has also been received in opposition to the proposal. Two letters of support have been received.
KEY PLANNING CONSIDERATIONS:	Land use conflict and compatibility, amenity impacts, orderly planning of area, interface with residential areas, environmental impact.
RECOMMENDATION:	Refusal

BACKGROUND:

- Notice issued by Council on 4 January 1996 relating to the unlawful use of the land for a sawmill operation. The letter requested the activities cease within 60 days.
- Notice issued by Council on 29 May 1996 after receiving advice that the sawmill operations had recommenced on the land. The letter requested the activities cease immediately.
- Letter issued by Council on 19 August 1996 confirming that the use of land for a sawmill is a prohibited use of the Agricultural 2 Zone under the Pakenham Planning Scheme. Advised that a Planning Scheme amendment would be required to allow such a use. An application to amend the Planning Scheme was submitted but not pursued by the applicant. The Cardinia Planning Scheme was later introduced which allowed the applicant to apply for a planning permit for the use.
- Planning Permit T980778 issued on 16 March 2000 for the use and development of the land for the purpose of a Rural Industry (Sawmill) generally in accordance with the approved plans.

SUBJECT SITE

The approximate 2.09-hectare site is generally of a rectangular shape and located on the western side of Snell Road, with a frontage of approximately 220 metres and a maximum depth of approximately 90 metres.

A dwelling and associated outbuildings are located towards the north-east corner of the land. Animal enclosures and shelters are located approximately 45 south of the dwelling, and the southern half of the land is associated with the use of land for a sawmill, with sheds and storage buildings located along the southern boundary.

The site is accessed via two crossovers from Snell Road, with one crossover towards the southern end of the eastern boundary providing access to the sawmill, with the second crossover towards the northern end providing access to the dwelling.

The site contains scattered established vegetation, with most located along Back Creek which extends diagonally through the site.

The topography of the land generally slopes from the north-east to the south-west, with levels ranging between approximately 78 metres above AHD and 72 metres respectively.

There are two easements on the site: an approximate 10-metre-wide State Rivers and Water Supply Commission easement extends along the northern boundary and an approximate 2-metre-wide State Rivers and Water Supply Commission easement extends along the western boundary.

The main characteristics of the surrounding area are:

- North - The site is bounded by Yarrabubba Reserve, which measures approximately 9.66 hectares and contains equestrian arenas and associated facilities. The majority of the remainder of the land is densely vegetated.
- East - The site is bounded by Snell Road and opposite are rural-residential allotments that vary between approximately 1 hectare and 7 hectares in area. The lots contain single dwellings and associated buildings, with the remainder of the land generally used for small-scale agricultural purposes.
- South - The site is bounded by an approximate 2.24-hectare allotment, which contains a single dwelling and outbuildings.
- West - The site is bounded by two rural-residential allotments, which measure 2.19 hectares and 4.08 hectares. Both lots contain single dwellings and outbuildings, with the remainder of the land use for small-scale agricultural purposes.

- The site is located on the border of the Maryknoll Township and adjacent to the intersection of Snell Road and Wheeler Road, which acts as a key access point for the township.
- The site forms part of a large area of land zoned Green Wedge Zone and located to the south-west of the Maryknoll township. This area generally features large allotments that support agricultural uses.
- The land to the east and north-east of the site forms part of the Maryknoll township and is zoned Low Density Residential, with relatively smaller allotments that support residential and small-scale agricultural purposes.

PROPOSAL

The proposal is for the use of the land for a Transfer Station and Materials Recycling, associated buildings and works and the display of one (1) business identification sign. The applicant provided a comprehensive application, including an Environmental Management Plan, WHS Manual and a response to relevant parts of the EPA's Guide to Best Practice at Resource Recovery Centres.

B&H Scrap Metal currently operates from a site at Seven Mile Road, Nar Nar Goon, which was approved under Planning Permit T070258, and intends to relocate to the subject site due to the sale of the existing land. The use involves the collection of scrap metal (vehicles, tyres and car parts, scrap metal, copper and brass alloy) for storage, processing and recycling.

Hours of operation: 8am to 4pm, days during week was not specified in the application, if approved conditions will control days to week days only

Number of staff: 1.

Equipment and machinery: 2 trucks, 3 forklifts, tyre changer, demolition saw and steel chainsaw.

Traffic movements: The operator's truck will go out each evening after work and return by the morning. There may be a truck delivery once or twice a week during the hours of operation.

Public access: None.

The use will generally be located towards the western boundary of the land, with a vehicle and scrap metal bin storage area setback approximately 5 metres from the western boundary and 52 metres from the southern boundary. This area will measure 30 metres by 11 metres (area of 330 square metres) and feature a sealed concrete floor and 300mm-high spill containment wall on three sides.

A 12 metre by 18 metre (area of 216 square metres) processing shed will be located 15 metres to the north-east of the storage area, with a setback of approximately 15 metres from the western boundary, 97.5 metres from the southern boundary and 59 metres from the eastern boundary (Snell Road). A portable toilet is located on the western side of the shed, a 10,000-litre water tank is located on the eastern side of the shed, and the perimeter of the shed will feature swale drains to silt pits.

The processing shed will have a wall height of approximately 4.8 metres and an overall height of 6.09 metres, roof and walls are proposed to be slate grey in colour.

Access to the use and development will be via the existing crossover to Snell Road towards the southern end of the eastern boundary. Two car parking spaces are provided between the processing shed and storage area, with all parking, access and circulation areas to consist of all-weather gravel materials.

A 1-metre-wide by 1.2-metre-high business identification sign is proposed to be attached to the existing fence near the entrance to the site.

Minimal earthworks are involved. No vegetation removal is proposed and screen planting is proposed along the western boundary.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.06-7 Green wedges;
- 13.05 Bushfire;
- 12.04-2 Landscapes;
- 14.02-1 Catchment planning and management;
- 14.02-2 Water quality;
- 15.03-2 Aboriginal cultural heritage;
- 17.02 Industry; and
- 19.03-5 Waste and resource recovery.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-1 Catchment and coastal management;
- 21.02-4 Wildfire management;
- 21.02-7 Aboriginal cultural heritage;
- 21.02-8 Resource conservation;
- 21.04-4 Industry; and
- 22.07 Maryknoll.

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 Advertising Signs;
- Clause 52.10 Uses with Adverse Amenity Potential;
- Clause 52.45 Resource Recovery;
- Clause 52.47 Planning for Bushfire;
- Clause 57 Metropolitan Green Wedge Land;
- Clause 65 Decision Guidelines; and
- Clause 66 Referral and Notice Provisions.

Zone

The land is subject to the **Green Wedge Zone – Schedule 1 (GWZ1)**.

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay (BMO);
- Environmental Significance Overlay - Schedule 1 (ESO1); and
- Land Subject to Inundation Overlay (LSIO).

PLANNING PERMIT TRIGGERS

The proposal for the use of the land for a Transfer Station and Materials Recycling, associated buildings and works and the display of one (1) business identification sign requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 of the Green Wedge Zone, a permit is required to use the land for Materials Recycling (must be used in conjunction with Transfer Station) (must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials);
- Pursuant to Clause 35.04-1 of the Green Wedge Zone, a permit is required to use the land for a Transfer Station (must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials);
- Pursuant to Clause 35.04-5 of the Green Wedge Zone, a permit is required to construct a building or carry out works associated with a use in Section 2 of Clause 35.04-1;
- Pursuant to Clause 35.04-5 of the Green Wedge Zone, a permit is required to construct a building within 100 metres from a waterway;
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay, a permit is required to construct a building or carry out works (height exceeds 4 metres);
- Pursuant to Clause 44.06-1 of the Bushfire Management Overlay, a permit is required to construct a building or carry out works associated with Industry; and
- Pursuant to Clause 52.05-9 Advertising Signs, a permit is required to display a business identification sign.

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; and
- Placing one (1) sign on site facing Snell Road.

Council has received 43 objections to date. A petition with 143 signatures has also been received in opposition to the proposal. Two letters in support of the application have been received.

In order of significance (in terms of number of times mentioned), the key issues that were raised in the objections are:

Environmental impact	24
Noise pollution	24

Traffic and road impact	22
Impact on property values	15
Inconsistency with planning controls	11
Unsuitable location / other sites more suitable	11
Bushfire risk	10
Inconsistent with the character of the area	9
Visual impact	8
Concerns regarding the experience of the operator, including business registration and licence issues	6
Safety and accident risk	6
Odour and smells	5
Health risk	3
Dust	2
Cultural heritage sensitivity	1

REFERRALS

EPA Victoria

The application was referred to EPA Victoria as a statutory referral under Section 55 of the *Planning and Environment Act 1987*. EPA Victoria had no objection subject to a number of conditions relating to the construction and management of the use and development.

Country Fire Authority

The application was referred to the Country Fire Authority as a statutory referral under Section 55 of the *Planning and Environment Act 1987*. The CFA had no objection subject to conditions relating to the endorsement of the submitted Bushfire Management Plan and any mandatory conditions specified within the Planning Scheme.

Melbourne Water

The application was referred to Melbourne Water for comment, who requested further information relating to the legal point of discharge before providing a response. As this application is recommended for refusal, this information was not requested from the applicant.

Engineering Department

The application was referred to Council's Engineering Department, who had no objection subject to conditions relating to stormwater and drainage management and vehicle crossings.

Environment Department

The application was referred to Council's Environment Department, who objected to the proposal for the following reasons:

- The proposal does not allow for a sufficient vegetated creek buffer and does not adequately protect the high value creek.
- Due the nature of the recycling facility and the hazardous waste it will process, a 30 metre buffer and strict waste containment measures are required. These are not possible given the size of the land and the location of the creek.
- The current property and creek line is not maintained in a satisfactory state. There is hard rubbish throughout the site and there is no current mechanism in place to prevent sediment or hazardous waste entering the creek.

Health Department

The application was referred to Council's Health Department, who had no objection subject to conditions relating to noise control, vermin and odour control and septic systems.

DISCUSSION

There is explicit support for the establishment of transfer stations and materials recycling facilities in the Cardinia Planning Scheme, including Clause 52.45 (Resource Recovery) and State and Local Policies (such as Clauses 19.03-5 and 21.02-8) that identify the benefits of waste and resource recovery. It is acknowledged that green wedge land can often be an appropriate location for such industries, as often the land is generally of a large title size, is located away from urban areas and sensitive areas, and can provide substantial setbacks, buffers and screening from surrounding uses.

The proposal involves the following uses:

Transfer Station – which is defined as land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere; and

Materials Recycling – which is defined as land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials.

Under the Green Wedge Zone, a Transfer Station is a Section 2 Use (Permit Required) if the following condition is met:

Must not include the collecting, storing or processing of used or scrap construction and demolition material.

The use of land for Materials Recycling is also a Section 2 Use if the following conditions are met:

Must be used in conjunction with Refuse disposal or Transfer station; and

Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.

If the respective conditions are not met, the uses would fall under Section 3 and therefore be prohibited.

Clause 57 (Metropolitan Green Wedge Land) also applies to the subject land and generally reinforces the above conditions of the zone and does not prohibit or further restrict either of the uses.

The proposed use is generally consistent with the above conditions as it involves the collection of scrap metal (such as vehicles, tyres and car parts, copper and brass alloy) for storage, processing, recycling and transfer elsewhere. The applicant has confirmed that construction and demolition materials do not form part of the operations of the business.

There are some components of the proposal that appear to involve the longer-term storage of materials. For example, the applicant states that materials such as copper will be stored for an

undefined period of time, depending on market conditions. Long-term storage appears to be at odds with the use conditions of the zone as stated above. The fact that Materials Recycling may only occur in conjunction with a Transfer Station or Refuse Station provides an expectation that goods and materials are not to be stockpiled or stored indefinitely. Rather, it provides the expectation that goods and materials will be transferred elsewhere once sorted and processed. This is reinforced by the fact that most components of 'Warehouse' are prohibited in the zone.

Notwithstanding this, it is determined that the proposal is permissible, as conditions could be implemented to manage the above issue of stockpiling or long-term storage of materials.

However, because the uses are permissible does not imply that a permit should or will be granted. Consideration must be given as to whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

There are a number of positive elements of this application, including the fact it delivers on policies that promote resource recovery and has been co-located on the site of an existing sawmill, which avoids any loss of agricultural land and ensures that these uses are consolidated within the local area rather than fragmented. The proposal has also received conditional support from the EPA, CFA, and Council's Engineering and Health departments.

The development component of this application – which involves the 18m x 11m processing shed and 30m x 11m storage area – is generally considered appropriate. The size is not considered excessive, it will be partially screened by existing vegetation and that type of shed is not uncharacteristic of other buildings that exist in the surrounding area. The shed has been located outside of the area of land affected by the Land Subject to Inundation Overlay, and is considered responsive to bushfire risk, with appropriate measures in relation to defendable space, water supply, access and construction standards. The proposed business identification sign is also considered appropriate due to its relatively small size and appropriate location.

Despite the appropriateness of the development component and some of the other positive elements of the application discussed above, it is considered the proposal in its entirety will not deliver acceptable outcomes. In particular, the proposed use presents a number of issues in terms of its compatibility with the Green Wedge Zone and State and Local policies.

Green Wedge Zone

The purpose of the Green Wedge Zone includes:

- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.
- To encourage use and development that is consistent with sustainable land management practices.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.

Some of the relevant decision guidelines include:

- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

The surrounding land is generally used for rural-residential and conservation purposes and therefore the suitability of the site for the proposed use and the compatibility of the proposal with adjoining uses is lacking. Due to the relatively small size of the site, and minimal setbacks from property boundaries, the land is not considered capable of accommodating the use without resulting in external impacts in terms of land use conflict and noise and visual impact. This is evidenced by the existing use already being undertaken on the site, which has been the subject of numerous land use complaints over an extensive period of time.

The intensification and broadening of the use of the land is expected to similarly intensify the impacts on surrounding properties. While the subject site is zoned Green Wedge, it is adjacent to land zoned Low Density Residential and Public Use (Schedule 1) and therefore it is considered appropriate that a higher standard applies when determining land use compatibility and amenity impact of the proposal. It is acknowledged that the proposed uses serve a community need and facilitate economic activity but no justification has been provided for such uses to be located immediately adjacent to residential areas and Yarrabubba Reserve.

In some cases, a lack of compatibility between land uses may be resolved through appropriate distances and buffers between the land uses. However, the subject site does not benefit from sufficient land size to be able to provide such measures. The applicant has attempted to respond to this through the provision of screen planting along the western boundary however this is not considered sufficient alone. It is also noted that in order to create and maintain defensible space around the proposed processing shed, the screening may be somewhat limited in effect.

While the existing sawmill use has demonstrable links to rural land use and natural resource management, there is no such link between the transfer station/materials recycling, and therefore the ability of the proposal to achieve the purposes of the Green Wedge Zone is restricted.

Due to the nature of the use and its proximity to the waterway, its ability 'protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources' is limited. It also presents issues in terms of its ability to 'protect and enhance the biodiversity of the area' given its location along the waterway corridor, with concerns regarding soil and water contamination.

Council's Environment Department has objected to the proposal for a number of reasons, including that the proposal does not allow for a sufficient vegetated creek buffer and does not adequately protect the high value creek. Due to the nature of the recycling facility and the hazardous waste it will process, the Environment Department concluded that a 30-metre buffer and strict waste containment measures are required, neither of which are not possible on the subject site due to the (relatively small) size of the land, the location of the creek and the need for defensible space.

The Environment Department also noted that property and creek line is currently not maintained in a satisfactory state, with hard rubbish scattered throughout and no mechanisms in place to prevent sediment or hazardous waste entering the creek.

State and Local Policies

Clause 11.06-7 (Green wedges) has an objective to protect the green wedges of Metropolitan Melbourne from inappropriate development, with strategies that seek to protect areas of environmental, landscape and scenic value and support development that provides for environmental, economic and social benefits. While it is acknowledged that the proposed uses are permissible (and in some cases supported) within Melbourne's green wedges, the proposed uses are not considered appropriate in this location due to its location on the edge of the Maryknoll township, potential environmental impacts, and proximity to residential uses.

Clause 13.02 (Floodplains) aims to assist with the protection of life, property and community infrastructure from flood hazard and to identify floodplain areas of environmental significance or of importance to river health. It is noted that the proposal is located outside of the area of land that is affected by the Land Subject to Inundation Overlay, and this can be enforced via permit conditions.

Despite this, the use will remain within proximity to the floodplain and the only available access to where the use will be undertaken involves access adjacent to the floodplain. Allowing such a use would be contrary to the strategies of Clause 13.02, which discourage developments and uses that involve the storage or disposal of environmentally hazardous industrial chemicals and substances.

Clauses 14.02-1 (Catchment planning and management), 14.02-2 (Water quality) and 21.02-1 (Catchment and coastal management) assist with the protection and restoration of waterways, with strategies that seek to retain natural drainage corridors with vegetated buffer zones and ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed appropriately. The ability to achieve vegetated buffer zones along the existing waterway is made difficult due to the existing operation of the site, with the creek corridor currently used for animal husbandry and other uses.

Clauses 17.02-2 (Design of industrial development) and 21.04-4 (Industry) have a number of objectives and strategies relating to industrial uses and development. In particular, they seek to facilitate the sustainable development and operation of industry, while encouraging adequate separation and buffer areas between sensitive uses to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards. While these clauses do not define 'adequate separation and buffer areas', a minimum setback of 5 metres from property boundaries and approximately 120 metres from neighbouring dwellings is not considered adequate. An additional strategy of Clause 21.04-4 is the promotion of rural industries in green wedges if they are directly related, or contribute, to agricultural production. In this case, the proposal is considered an industrial use that does not relate to agriculture.

Clauses 19.03-5 (Waste and resource recovery) and 21.02-8 (Resource conservation) aim to reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills. While the proposal is consistent with the overall purpose of these clauses, it is inconsistent with their strategies. For example, Clause 19.03-5 seeks to minimise impacts on surrounding communities and the environment, and as discussed prior, the separation distance of this proposal and its location at a key gateway site to Maryknoll is not considered sufficient to minimise these impacts.

Clause 22.07 (Maryknoll township) seeks to maintain the environmental characteristics of the township while allowing for its limited growth. Strategies include protection of the natural environment and character of the area, with consideration to be given to works to enhance the environment including the protection of waterways and remnant vegetation, weed control and revegetation. While the subject site falls outside of the boundary of Maryknoll, this policy provides reference and context and is considered relevant due to the location of the site at the primary entrance to the township. The industrial nature of the use and its potential environmental impacts make the proposal inconsistent with Clause 22.07

Clause 65 Decision Guidelines

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. These matters have been discussed above, but some other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, the proximity of the land to any public land and the matters set out in Section 60 of the Act.

The proposal for the use of the land for a transfer station and materials recycling is not considered consistent with the orderly planning of the area and will have a negative impact on the amenity of the area. The subject site has been the focus of many land use complaints over a protracted period of time and while it is acknowledged that this proposal has no relationship to the existing use (other than sharing the same site), it is considered inappropriate to support an additional land use that presents the risk of compounding these problems and introducing new amenity impacts. Due to the sensitivity of the surrounding land uses, the environmental significance of the site and its location

adjacent to a key entry point to Maryknoll, any conditions that would be placed on a permit would be stringent and effectively limit the operation of the business.

Other Provisions

It is noted that there are a number of other relevant overlays and provisions to this application. For example, the development also requires a planning permit under the Environmental Significance Overlay, the proposed uses trigger the car parking requirements of Clause 52.06 and the advertising sign triggers the requirements of Clause 52.05. As this assessment recommends refusal of the application, these controls and provisions have not been assessed in depth.

Objections

The 43 objections received are generally consistent with the themes discussed above, with the main concerns focussed on environmental impact, noise pollution, impact on property values and inconsistency with planning controls. While it is noted that concerns relating to property values are generally not considered to be relevant grounds for objection, it is the amenity impacts resulting in the property devaluations that are considered relevant and these have been taken into account as part of the assessment of this application. The objectors have clearly expressed how they expect to be affected by the proposal, and when considered alongside the range of other decision guidelines, they serve to reinforce the unsatisfactory nature of the proposal.

CONCLUSION

The proposed 'Use of the land for a Transfer Station and Materials Recycling is considered to be not consistent with the purposes and objectives of the Cardinia Planning Scheme.

It is recommended that a Refusal to Grant Planning Permit T160567 be issued for Use of the land for a Transfer Station and Materials Recycling and associated buildings and works and the display of one (1) business identification sign at 305 Snell Road, Nar Nar Goon North for the following reasons:

1. The proposal is contrary to the orderly planning of the area.
2. The proposal is inconsistent with the purposes of Clause 35.04 of the Green Wedge Zone, which seek to protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
3. The proposal is inconsistent with the decision guidelines of Clause 35.04-6 of the Green Wedge Zone as the site is not suitable for the use and development and the proposal is not compatible with adjoining land uses.
4. The proposal is inconsistent with Clauses 14.02-1 (Catchment planning and management), 14.02-2 (Water quality) and 21.02-1 (Catchment and coastal management) as it does not assist with the protection and restoration of waterways.
5. The proposal is inconsistent with Clauses 17.02-2 (Design of industrial development) and 21.04-4 (Industry) as it does not provide adequate separation and buffer areas between sensitive uses.
6. The proposal is inconsistent with Clauses 19.03-5 (Waste and resource recovery) and 21.02-8 (Resource conservation) as its proximity to sensitive uses and location at the gateway to Maryknoll does not minimise environmental, community amenity and public health impacts.

**1 TRANSFER STATION AND MATERIALS RECYCLING, 305 SNELL ROAD,
NAR NAR GOON NORTH**

Moved Cr G Moore Seconded Cr R Brown

That a Refusal to Grant Planning Permit T160567 be issued for Use of the land for a Transfer Station and Materials Recycling and associated buildings and works and the display of one (1) business identification sign at 305 Snell Road, Nar Nar Goon North for the following reasons:

1. The proposal is contrary to the orderly planning of the area.
2. The proposal is inconsistent with the purposes of Clause 35.04 of the Green Wedge Zone, which seek to protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
3. The proposal is inconsistent with the decision guidelines of Clause 35.04-6 of the Green Wedge Zone as the site is not suitable for the use and development and the proposal is not compatible with adjoining land uses.
4. The proposal is inconsistent with Clauses 14.02-1 (Catchment planning and management), 14.02-2 (Water quality) and 21.02-1 (Catchment and coastal management) as it does not assist with the protection and restoration of waterways.
5. The proposal is inconsistent with Clauses 17.02-2 (Design of industrial development) and 21.04-4 (Industry) as it does not provide adequate separation and buffer areas between sensitive uses.
6. The proposal is inconsistent with Clauses 19.03-5 (Waste and resource recovery) and 21.02-8 (Resource conservation) as its proximity to sensitive uses and location at the gateway to Maryknoll does not minimise environmental, community amenity and public health impacts.

Cd.

2 AMEND CONDITIONS ON EXISTING PLANNING PERMIT FOR A RURAL STORE AT 100 SCHOOL ROAD BAYLES

FILE REFERENCE INT1750965

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Frances Stipkovic

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T990164 - 2 be issued for an amendment to Planning Permit T9900164 (issued for the use and development of the land as a rural store) by amending Conditions 3, 4, 5 and 13 and modifying the endorsed documents at 100 School Road, Bayles subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 13 Pages |
| 3 | Objections circulated to councillors only | 13 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T990164 - 2
APPLICANT:	Nick Anderson
LAND:	100 School Road, Bayles Victoria 3981
PROPOSAL:	Amendment to Planning Permit T990164 (issued for the use and development of the land as a rural store) by amending Conditions 3, 4, 5 and 13 and modifying the endorsed documents.
PLANNING CONTROLS:	Green Wedge Zone Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing one (1) sign on site Council has received 6 objections to date.
KEY PLANNING CONSIDERATIONS:	Consistency with objectives and decision guidelines of the Green Wedge Zone 1 Off-site amenity Impacts
RECOMMENDATION:	Grant an amended Permit subject to conditions

BACKGROUND:

Planning Permit T990164 was issued on 12 May 2000 for the use and development of the land for a Rural Store (bulk fertiliser) subject to 16 conditions.

Since the issuing of the Planning Permit, Council's Planning Compliance Department has received a number of complaints relating to non-compliance with the Permit conditions.

SUBJECT SITE

The site is located on the south-east side of School Road, Bayles, approximately 910m south of Koo Wee Rup-Longwarry Road. The site is rectangular in shape, has a frontage to School Road of 162.9m and a total area of 7.7 hectares. The site is currently used and developed for a Rural Store (bulk fertiliser storage). The main building associated with this use is setback approximately 140m from the frontage and 91m from the south-western boundary. The external storage of materials is located directly north of the main storage building.

Vehicle access to the site is provided via a crossover and driveway located at No. 70 School Road that runs along the common boundary. Car parking is located adjacent to the existing office building.

The subject site is bound by No. 70 School Road (comprising 5 lots) to the north-east, south-east and south-west. Lot 88 adjoins the north-eastern boundary and is developed with rural shed along the School Road frontage. Lot 89 adjoins the south-eastern boundary, has a frontage to School Road and is developed with a single dwelling and outbuilding setback approximately 230m from the common boundary. All other remaining lots are currently vacant.

No. 96, 105 and 115 School Road are located directly opposite the site on the north-west side of School Road. Each parcel is between 3.8 and 4.07 hectares and are developed with a single dwelling, setback between 17m and 42m (approx.) from the School Road frontage.

School Road is unsealed and is devoid of kerb and channelling. Vegetation lines the road reservation on the south-east side.

Land in the broader vicinity is characterised by large rural allotments, either vacant or developed with a single dwelling and outbuildings.

PROPOSAL

Approval is sought for an amendment to Planning Permit T990164 issued for the use and development of the land for a Rural Store (bulk fertiliser storage). The amendment is to enable the expansion of the operation and comprises the following:

Endorsed Plans

Approval is sought to increase the area of works (hard surfacing) by 975sqm surrounding the existing office and storage area. 14 formal car spaces are proposed adjacent to the existing office and south-western boundary.

A 184 cubic metre dam is proposed east of the storage area adjacent to the north-eastern boundary. This dam is in lieu of the dam shown on the current endorsed plans.

An updated landscaping plan has also been submitted which includes additional shrubs/ground covers on the north-east and south-western boundaries. Established vegetation along the frontage is to be retained.

Conditions

Condition 3 is proposed to be amended to increase storage of materials from 5000 tonnes to a 20,000 tonnes per annum.

Condition 4 is proposed to be amended to allow organic fertiliser to be loaded and unloaded externally. Inorganic fertiliser will continue to be loaded and unloaded within the building.

Condition 5 is proposed to be amended to allow vehicles to enter and exit the site between 3:00am and 9:00pm Monday to Saturday. The hours of operation for the storage facility is to remain (Monday to Saturday 6:00am – 6:00pm).

As a consequence of the changes to the endorsed plans, Condition 13 is required to be updated to reflect the capacity of the dam.

Endorsed Environmental Management Plan

An updated Environmental Management Plan has also been provided which makes reference to the organic material to be brought to the site, the amended storage capacity and hours of operation (for vehicles entering and exiting the site).

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.06-7 Green Wedges
- Clause 13.04-1 Noise Abatement
- Clause 13.04-2 Air Quality
- Clause 14.01-1 Protection of agricultural land
- Clause 14.01-2 Sustainable agricultural land
- Clause 17 – Economic development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.04-2 Agriculture

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.10 - Uses with adverse amenity potential
- Clause 57 – Metropolitan Green Wedge Land
- Clause 65 – Decision Guidelines

Zone

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

Overlays

The land is subject to the following overlays:

- Land subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for *(detail the description of the proposal)* requires a planning permit under the following clauses of the Cardinia Planning Scheme:

<Enter text here>

- Pursuant to Clause *(detail the description of the proposal)* a planning permit is required for *(detail reasoning for permit required)*
- Pursuant to Clause *(detail clause number and name)* a planning permit is required for *(detail reasoning for permit required)*.

PUBLIC NOTIFICATION

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

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

Council has received six (6) objections to date from the following properties:

- No. 55 School Road, Bayles
- No. 60 School Road, Bayles
- No. 65 School Road, Bayles
- No. 85 School Road, Bayles
- No. 95 School Road, Bayles
- No. 105 School Road, Bayles

The key issues that were raised in the objections are:

- Noise, lighting and vibration associated with heavy vehicles
- Impact of vehicles on local road network/environment
- Dust emissions/air pollution (health and financial implications)
- Commercial land use in Green Wedge Zone
- Breaches of existing Planning Permit
- Impact on land value

REFERRALS

Melbourne Water

The application was referred to Melbourne Water as a statutory referral for comment. Melbourne Water had no objection to the proposal. There are no conditions required.

Environmental Protection Authority (EPA)

The application was referred to Environmental Protection Authority as a non-statutory referral for comment. The EPA had no objection to the proposal subject to the inclusion of permit notes.

DISCUSSION

On balance the proposed amendment is consistent with the relevant State and Local Planning Policy Framework, the objectives of the Green Wedge Zone 1, Land subject to Inundation Overlay and relevant particular provisions.

State and Local Planning Policy Framework

The amendment is consistent with the relevant State and Local Planning Policy. The site is located in an area where there is existing agriculture in the broader vicinity. General amenity conditions currently form part of the Permit. Further, the applicant is required to comply with all relevant EPA legislation which is consistent with Clause 13.04.

Clause 17 and Clause 21.01 recognise the importance of economic development. The amendment will stimulate local economic activity. The intensification of the land use will enable the operation to expand and service existing produce growers within the Shire of Cardinia and throughout Victoria. Given the locality, existing farms will benefit from this operation therefore encouraging more viable agricultural activity within the Green Wedge and Special Use Zone 1 in Cardinia Shire which is consistent with the primary purpose of these Zones.

Green Wedge Zone 1

The purpose of the Green Wedge Zone is to provide for the use of land for agriculture, to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources. However, regard must also be given to the existing locality, environmental qualities of the area and sensitive land uses (i.e. dwellings) in the immediate vicinity.

Whilst the amendment will result in an intensification of the land use, it is appropriate in this rural context having regard to the storage area on the site and setbacks from title boundaries. Whilst the capacity is proposed to be increased to 20,000 tonnes per annum, the existing storage area itself is not increasing in area. Rather, it will be at full capacity more frequently. There are no offensive odour emissions associated with the organic fertiliser.

Whilst it's acknowledged that heavy vehicle movement will increase, a maximum 23 truck movements per day is not excessive in this rural context. This equates to 1.2 truck movements per hour of operation (proposed). The proposed increase in hours beyond 6:00am and 6:00pm is strictly for the entry and exit of vehicles and will enable the products to be delivered in a timely manner throughout Victoria bypassing peak hour traffic in Melbourne. The application was referred to the EPA who have stated that the noise from the site must comply with 'Noise from Industry in Regional Victoria' night period noise levels. This will be imposed via a Permit note and is regulated under EPA legislation.

A Traffic Impact Assessment, prepared by O'Brien Traffic dated May 2017, was submitted in support of the application and concludes that the proposal will not result in unreasonable traffic generation. The use of larger vehicles will increase vehicle movements per day by only 50% (total 23 truck movements per days during peak times).

The application was referred to Council's Traffic Engineer who does not object to the proposal subject to conditions restricting vehicle numbers. A total of 30 heavy vehicles will not have a detrimental impact on the road environment and surrounding road next work. Whilst the applicant has stated there will be 23 truck movements, a maximum of 30 movements allows for vehicle break downs/unforeseen circumstances.

It is noted that School Road and the surrounding road network are public roads (managed by Council). Unsealed roads are typical in this rural setting with Council obligated to maintain such roads. All vehicles (with the exception of B-Double trucks) are able to utilise these roads with no time limitations. Given the locality and zoning, it's expected that heavy vehicles associated with agriculture would utilise the road network on a regular basis.

Approval through the National Heavy Vehicle Regulator is required for any vehicles accessing the site over general mass limits and is considered by Council's Traffic Engineers under a separate application process. Council and the applicant have acknowledged that the impact of heavy vehicles on the road environment does cause amenity impacts to near-by residential land given the setbacks from the School Road frontage.

The applicant has offered regular monetary contributions to Council to assist with the maintenance (i.e. grading) of School Road. Having regard to the above, a condition of approval will require that the land owner enter into a Section 173 Agreement to ensure this requirement is enforceable. The Agreement will become redundant in the event that the business ceases to operate from the land. The regular maintenance of School Road will alleviate amenity impacts by way of noise and vibration and improve the road environment on School Road.

The extent of additional hard surfacing is appropriate in this rural context and will allow vehicles to maneuver more easily within the site. The existing condition relating to storm water will remain on the Permit.

The updated landscaping plan will provide additional planting which will partially screen the site when viewed from adjoining land.

Clause 44.04 – Land subject to Inundation Overlay

Whilst there are no buildings proposed, the application does propose additional hard surface area and as such, referral to Melbourne Water was required. There are no objections to the proposal. There are no conditions required to be imposed.

Clause 52.10 - Uses with adverse amenity potential

Whilst the storage of organic fertiliser is not listed in Clause 52.10, the application was referred to the EPA who do not object to the proposal. The site must comply with all relevant EPA legislation.

Clause 57 – Metropolitan Green Wedge Land

As the site is located outside the Urban Growth Boundary, Clause 57 is applicable. The proposal complies with the table at Clause 57.01 as 'Rural Store' is not listed.

RESPONSE TO OBJECTIONS

A response to the objections received is provided below:

Noise, lighting and vibration associated with heavy vehicles and impact of vehicles on local road network/environment

As detailed above, a condition of approval will require that the land owner/business operator to enter into a Section 173 Agreement which will require on-going monetary contributions for the maintenance of School Road. Such maintenance must be undertaken by Council. This will alleviate amenity impacts by way of noise and vibration and improve the road environment on School Road.

The intensity of lighting when vehicles are entering/exiting the site is not expected to cause unreasonable amenity impacts as vehicles are required to enter the site from the accessway along

the northern boundary (and not directly from School Road where the dwellings are sited). Further established vegetation buffers shields lighting internally. There is no external lighting (i.e. long term lighting) proposed. Engine noise and lighting emitted from the vehicles whilst on public roads is regulated under EPA legislation.

Dust emissions/air pollution (health and financial implications)

As detailed above, the application was referred to the EPA who do not object to the proposal. The general amenity conditions currently imposed will remain on the Planning Permit. The amended Environmental Management Plan includes measures to mitigate dust from vehicles and the external storage area and is acceptable. The organic material to be stored externally are granular rather than fine particles therefore minimising the chance of dust emissions. All fertiliser products are transported to and from the site covered therefore minimising the risk of dust emissions. It's noted that the external storage area also contains physical barriers however is uncovered, this is appropriate given setbacks to title boundaries and the location of existing dwellings. In the event that dust/air emissions are in breach, this matter is to be investigated by the EPA and is subject to testing.

Commercial land use in Green Wedge Zone

Whilst the Green Wedge Zone supports agricultural activity, rural type commercial uses, can also be considered. It is also important to highlight that the use of the land for a dwelling (whilst a sensitive, less intensive land use) also requires planning approval pursuant to Green Wedge Zone as priority is given to agriculture.

Whilst the dwellings on School Road were developed many years ago, it can be expected that large rural land in the immediate vicinity will be used for rural type operations, therefore this application must consider whether the proposed amendments are unreasonable. As detailed above, the intensity of proposed use is not excessive in this rural context having regard to the site area, maximum vehicle movements per day, the storage area and the siting of dwellings on the north-west side of School Road.

Breaches of existing Planning Permit

Whilst it's acknowledged there have been previous and non-compliance matters with the existing Planning Permit, this amendment must only give regard to the proposal itself and suitably based on the planning controls and site context. Any past or future compliance matters must be dealt with by Council's Compliance Department separately.

Impact on land value

The impact of land value (perceived or actual) cannot be considered for any planning permit application and is reflected in multiple VCAT decisions.

CONCLUSION

On balance it is considered that the proposal is consistent with the State and Local Planning Policy Framework, the objectives of the Green Wedge Zone 1, the Land Subject to Inundation Overlay and relevant Particular Provisions.

It is recommended that an amended Planning Permit be issued for an amendment to Planning Permit T9900164 (issued for the use and development of the land as a rural store) by amending Conditions 3, 4, 5 and 13 and modifying the endorsed documents at 100 School Road, Bayles

CONDITIONS

1. The layout of the site, and the size of the proposed buildings and works, as shown on the approved plan, shall not be altered or modified without the consent in writing of the Responsible Authority.
2. Before the use or development start/s, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:
 - a. Regular monetary contributions to Cardinia Shire Council for the maintenance of School Road as agreed with satisfaction of the Responsible Authority.

Should the land use approved under Planning Permit T990164 (or subsequent planning permits) cease, this Section 173 Agreement is redundant.

Before the amended use commences, an application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

3. All vehicle movement associated with the fertiliser storage facility must use the northern access as shown on the approved plan.
4. No more than 20,000 tons of fertiliser (10,000 inorganic and 10,000 organic) may be stored or distributed annually from the fertiliser storage facility without the further written consent of the responsible authority
5. All loading and unloading of inorganic fertiliser must be conducted within the confines of the enclosed fertiliser storage shed. if necessary, a dust extraction system must be installed to control dust within the shed.
6. All loading, unloading and storage of organic fertiliser must be undertaken in a manner this minimises dust emissions from the site.
7. The use may only operate between the hours of 6.00 am to 6.00 pm Monday to Saturday.
8. Vehicles associated with the approved use may enter and exit the site between 3:00am and 9:00pm Monday to Saturday.
9. No more than 30 heavy vehicle movements may occur to and from the site per day.
10. Prior to the commencement of the development a landscaping plan must be submitted for approval which includes details of areas set aside for landscaping and planting, a schedule of all proposed trees, shrubs and ground cover and details of. mulching. the landscaping must be completed in accordance with the approved plan prior to the commencement of the use. once planted the trees and shrubs must be, maintained in a healthy condition to the satisfaction of the responsible authority.
11. The exterior colour of the fertiliser storage shed must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the fertiliser storage shed including the roof must be of a non-reflective nature. Cladding materials must either be 'Colorbond' or painted in muted shades of green, brown, or other colours approved by the responsible authority. All paintwork must be maintained to the satisfaction of the responsible authority.

12. The surface of the access lanes must be treated to the satisfaction of the responsible authority to prevent dust and drainage runoff causing a loss of amenity to the area.
13. 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.
14. Noise levels emitted from the site must not exceed the permissible levels specified in state Environment Protection Policy No N-1.
15. Prior to the commencement of the development, the operator of the use must submit an environment management plan for the operation of the fertiliser storage facility for approval to the satisfaction of the responsible authority. the environment management plan must include (but not necessarily be limited to):
 - a) the type of fertilisers to be stored in the facility
 - b) measures to control noise and dust
 - c) the management of stormwater and wastewater
16. The use must be conducted in accordance with the approved environment management plan.
17. Should dust become a problem for near neighbours then treatment of the road should be incorporated in Councils dust suppressant programme at the applicants cost.
18. No polluted and/or sediment laden runoff is to be discharged, directly or indirectly into Melbourne Water's drains or watercourses.
19. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
22. The layout of the subject land and the size of the proposed dam, as shown on the endorsed plan, may not be altered or modified without the written consent of the Responsible Authority.
23. The dam must be sited and constructed to prevent damage or detriment to adjoining properties from the discharge of water from the dam.
24. The spillway of the dam must be constructed of rock or similar non-erodible material.

25. The construction and maintenance of the dam must be in accordance with the specifications contained in the publication 'How to prevent dam construction failures', prepared by the Department of Environment Land Water & Planning.
26. Any topsoil on the proposed dam site must be stripped and stockpiled for spreading on all disturbed ground above the full supply level.
27. The top and outside face of the dam wall must be covered with a minimum of one hundred and fifty millimetres (150mm) of topsoil and must be sown with a suitable grass species to prevent erosion, to the satisfaction of the Responsible Authority.
28. A dam is to be constructed to contain runoff from the impervious areas. the dam is to provide approximately 184 cubic metres of freeboard storage with a controlled outlet of 1l/s.
29. The use must comply with the EPA's guidelines for wastewater reuse and guidelines for wastewater irrigation.
30. This permit will expire if:
 - a) the use and development is not commenced within two (2) years of the date of this permit; or,
 - b) the development is not completed within four (4) 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 (3) months afterwards.

Notes:

- i. The site must comply with Noise from Industry in Regional Victoria (NIRV) night period noise levels.
- ii. The site must comply with all relevant Environmental Protection Authority (EPA) legislation.

2 AMEND CONDITIONS ON EXISTING PLANNING PERMIT FOR A RURAL STORE AT 100 SCHOOL ROAD BAYLES

Moved Cr R Brown Seconded Cr G Moore

That:

- A. A Refusal to Grant Planning Permit T9900164 (issued for the use and development of the land as a rural store) to amend Conditions 3, 4, 5 and 13 and modifying the endorsed documents at 100 School Road, Bayles subject to the following:
1. The increased hours of operation (3:00am-6:00am) will result in unreasonable amenity impacts to near-by residential land.
 2. The increase in storage capacity for materials (20,000 tonnes) will result in an unreasonable amount of heavy vehicle movement to and from the site.
- B. Council Officers meet with the applicant to identify more appropriate sites for this business to operate from, as the business grows and where amenity impacts can be minimised.

Cd.

3 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1750969

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.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C205	EDM Group	80 McDonalds Track Lang Lang.	Rezone part of the land at 80 McDonalds Track, Lang Lang (Lot 3 on PS542732), and Lots 1 and 2 (PS542732) Westernport Road, Lang Lang, from Farming Zone to Industrial 1 Zone, apply Schedule 20 to the Development Plan Overlay to this land and concurrently consider, under Section 96A of the Planning and Environment Act 1987, a planning permit application to subdivide the land at 80 McDonalds Track, Lang Lang into two (2) lots.			On 20/06/2016 Council adopted that authorisation be sought from the Minister for Planning to prepare the amendment.
C208	Cardinia Shire Council	Cardinia Shire	Updates the Local Planning Policy Framework (LPPF) to make reference to relevant policy direction outlined in Plan Melbourne. Airport Policy and Healthy By Design.	Thu 21/07/2016	Mon 22/08/2016	Amendment approved and gazetted on 13/07/2017
C209 – Part 1	Cardinia Shire Council	Oaktree Drive Road Reserve and part 25 Oaktree	Rezone land in the existing Oaktree Drive Road Reserve and part of 25 Oaktree Drive, Pakenham (Lot 1 TP 161356U & Lot 1			Submitted to the Minister for Planning for approval on

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
		Drive & part 62 Cameron Way, Pakenham	TP 159742C) and part of 62 Cameron Way, Pakenham (Lot 1 TP 161189, Lot 1 TP 161190, Lot 1 TP 844663 and Lot 1 TP 161468) from Road Zone Category 2 to Public Park and Recreation Zone.			10/05/2017 .
C209 - Part 2	Cardinia Shire Council	Land within the Deep Creek Master Plan area, Pakenham	Apply the LDRZ3, a VPO1 and DDO1 to land within the Deep Creek Master Plan area, and consider a planning permit for a two lot subdivision to allow for the land to be zoned LDRZ3 and PPRZ.			08/06/2017 : Abandoned.
C211	Cardinia Shire Council	Pakenham Structure Plan area	The Amendment adds the Pakenham Activity Centre Incorporated Provisions (March 2017) as an Incorporated document in the Schedule to Clause 81.01 and the Pakenham Structure Plan (March 2017) as a Reference document in Clauses 21.03-2, 21.04-1, 21.04-3 and 21.04-4. The Amendment revises the Local Planning Policy Framework (LPPF) to make reference to 'Activity Centre Structure Plans' in various Clauses.	Thu 12/05/2016	Tue 14/06/2016	Amendment submitted to the Minister for approval on 30/03/2017 . Awaiting approval.
C214	Pakenham Racing Club Inc.	71 and 77 Racecourse Road, Pakenham (Lot 1 on PS632087K)	Rezone land from Special Use Zone 2 (SUZ2) to General Residential Zone (GRZ).	Thu 13/10/2016	Mon 14/11/2016	Amendment approved and gazetted on 13/07/2017 .
C215	Cardinia Shire Council	Green Wedge land	Implement the key recommendations of the Cardinia Western Port Green Wedge Management Plan (July 2016). Amends the Municipal Strategic Statement to remove reference to matters that are now proposed to be addressed in the Western Port Green Wedge Local	Thu 01/09/2016	Mon 03/10/2016	Amendment submitted to the Minister for approval on 18/05/2017 . Awaiting approval.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Planning Policy & include the Cardinia Western Port Green Wedge Management Plan (July 2016) as a reference document.			
C221	Villaworld Development s Pty Ltd Group	27-39 Vantage Drive Pakenham	The amendment proposes to rezone the part of residential lots 27-39 Vantage Drive, Pakenham that are covered by the Urban Floodway Zone (UFZ) to General Residential Zone Schedule 1 (GRZ1).	Thu 15/12/2016	Fri 06/01/2017	Amendment approved and gazetted on 06/07/2017 .
C223	Cardinia Shire Council	231 Dalmore Road, Dalmore	Apply Heritage Overlay (HO275) to the land at 231 Dalmore Road and respond "Yes" to the prohibited uses option in the Schedule to the Heritage Overlay (Clause 43.01). This Amendment will facilitate the restoration of the Hall and its use as a dwelling.	Thu 20/07/2017	Mon 21/08/2017	On exhibition.
C225	Cardinia Shire Council	270 Cardinia Road Officer South	To amend Clause 37.07 to the Urban Growth Zone Schedule 2 to: - Insert a new plan 1 showing the change of designation of the land from service business to commercial to facilitate a health precinct and change a portion of land designated for service business to residential to increase the amount of residential land in the Cardinia Road Precinct Structure Plan. - Include residential aged care facility and retirement villages as section 2 uses.			14/02/2017 : Process commenced to seek amendment authorization from the Minister for Planning.
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2 PS327845 130 Whiteside Rd Officer and	Insert new schedule to the Rural Conservation Zone 3 (RCZ3) to Clause 35.06 to implement Officer Precinct Structure Plan. Amend table 1 in Clause 37.07 of the Urban Growth Zone 3 subclause 2.2 from Rural Conservation Zone to Rural	Thu 22/06/2017	Mon 24/07/2017	On exhibition.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
		Lot PP PS746064 325 Princes Hwy Officer	Conservation Zone Schedule 3.			

3 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr G Moore Seconded Cr J Owen

That the report be noted.

Cd.

4 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT1750988

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

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

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

1). Multi-purpose Hearing

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

2). Admin Mention

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

3). Adjournment

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

4). Offset plan

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

5). **Full hearing**

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

6). **Consent Orders**

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

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

Property Address	Nature of Contravention	Status
<p>715 Gembrook Rd, Pakenham Upper</p> <p>(ref: OH:AB:14130, OH:SMAY:15227 OH:OH:16295)</p>	<p>Alleged land use (burning off) and building breaches, that relates to extensive and complex planning history of the site.</p>	<p>VCAT APPLICATION - On 15 June 2016, VCAT started hearing the owner's application for a declaration as to Existing Use Rights that are said to attach to the land regarding Burning Off and handling of waste timber on the land.</p> <p>The owner asserts that burning off and mulching activities are protected by the planning scheme. The accused has filed additional historical statements and documents in support of his application. On 21 July 2016, the Tribunal reserved its decision, and a written judgement is expected within 4-6 weeks. This will give greater clarity, but is unlikely to completely resolve the contentious burning off issues.</p> <p>MAGISTRATES COURT CASE - On the 13 July 2017, the Magistrates' Court delivered a ruling, comprehensively dismissing 25 constitutional arguments raise by the owner, and finding there was jurisdiction to hear the case. The matter is set down for a 3- day contested hearing from 29 November 2017. The owner has indicated that he intends to appeal the magistrates jurisdictional ruling.</p> <p>The property has a 20 yr history of litigated planning disputes between 1997 and 2015.</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 matter has been listed for Contest Mention on 10 August 2017.</p>

<p>555 Back Creek Rd, Gembrook</p> <p>EH:LK:16272</p>	<p>Native vegetation removal, and earthworks creating a dam, in breach of Section 173 agreement and the scheme.</p> <p>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 15 September 2016 the Court issued a Warrant for arrest to compel the attendance of the accused. The accused has recently re-located, and we are investigating options to locate him.</p>
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CONCLUSION

The list of current enforcement activities is presented for information.

4 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

Moved Cr G Moore Seconded Cr J Owen

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

Cd.

5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT1750993

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.

Central Ward

Date	Permit No	Location	The Proposal	The Decision
20/06/2017	T170290	28 Commercial Drive, Pakenham VIC 3810	To include the land in Lot 2 on PS720773B within the Owners Corporation of PS730737Y, to re-subdivide Lots 1,2, 3 & Common Property No.1 on PS730737Y and Lot 2 on PS720773B into Lots 4, 5, 6, 7, 8 & Common Property No.1 and finally to remove Lot 8 from the Owners Corporation.	Withdrawn
22/06/2017	T170202	Corporate Terrace, Pakenham VIC 3810	Construction of three (3) warehouses and associated buildings and works, and reduction in (1) car parking space	Issued
22/06/2017	T170131 - PC1	18 Sharnet Circuit, Pakenham VIC 3810	Condition 1 of the permit has been complied with in the attached documentation. - Finishes of pathway & driveway shown - Planting Schedule included - Open areas have been planted out. Please endorsed town planning plans.	Issued

Date	Permit No	Location	The Proposal	The Decision
22/06/2017	T100235 - PC1	625-707 Princes Highway, Pakenham Victoria 3810	PC - Condition 27 - TMP Stage 12 - The staged residential subdivision of the land, removal of easements, associated earthworks, removal of native vegetation and subdivision of land adjacent to a RDZ1	Issued
26/06/2017	T170170	47 Exchange Drive, Pakenham VIC 3810	Buildings and works associated with Industry - Concrete Batching Plant	Issued
26/06/2017	T100235 - 1	625-707 Princes Highway, Pakenham Victoria 3810	The staged residential subdivision of the land (for land defined as Precinct 2 and 3), removal of easements E-2 and E-3 on land described as Lot 6 LP213299 and Lot 10 LP213301, associated earthworks, removal of native vegetation and subdivision of the land adjacent to Category 1 Road Zone, generally in accordance with the approved plan/s.	Issued
26/06/2017	T170205	Shops 2 & 3, 141 Windermere Boulevard, Pakenham VIC 3810	The use of the land for the sale of packaged liquor (licensed bottle shop)	NOD
27/06/2017	T170236	560 McGregor Road, Pakenham VIC 3810	Removal of a Section 173 Agreement	Issued
27/06/2017	T170004	Henry Road, Pakenham VIC 3810	Development of the land for two (2) dwellings	Issued
28/06/2017	T170408	Corporate Terrace, Pakenham VIC 3810	Building and works for warehouse development with ancillary offices	Withdrawn
28/06/2017	T160591 - PC2	2 Lavit Lane, Pakenham VIC 3810	Plans to Comply with Condition 16 of Planning Permit T160591 (Subdivision Plan)	Issued

Date	Permit No	Location	The Proposal	The Decision
30/06/2017	T160526	71 Bald Hill Road, Pakenham VIC 3810	Use and development of the land for the purpose of a Convenience Restaurant, display of business identification signage, altering access to a road in a Road Zone Category 1 and waiver of the statutory bicycle requirements.	Issued
30/06/2017	T160034	Peet Street, Pakenham Victoria 3810	Subdivision of the land into thirteen (13) lots	Issued
30/06/2017	T160604	3 Park Orchard Drive, Pakenham VIC 3810	Development of the land for twenty-three (23) dwellings and reduction in car parking requirements of Clause 52.06 in accordance with the approved plans.	Issued
30/06/2017	T170164	1 Conrad Court, Pakenham VIC 3810	Subdivision of the land into seven lot	Issued
4/07/2017	T170384	36 Bate Close, Pakenham VIC 3810	Development of the land for two (2) warehouses	Issued
4/07/2017	T170207	Corporate Terrace, Pakenham VIC 3810	Building and works for four (4) warehouses and reduction in car parking	Issued
4/07/2017	T170251	U 2/17 Cameron Way, Pakenham VIC 3810	Two (2) lot subdivision	Issued
5/07/2017	T170067	43-45 Commercial Drive, Pakenham VIC 3810	Construction of one (1) warehouse and associated buildings and works	Issued
6/07/2017	T170228	13 Skyline Drive, Officer VIC 3809	Development of a single dwelling and associated works in accordance with the approved plans.	Issued
10/07/2017	T170264	960 McDonalds Drain Road, Pakenham VIC 3810	Buildings and works associated with the existing dwelling	Issued
10/07/2017	T170353	62 Cameron Way, PAKENHAM VIC 3810	Removal of vegetation (one indigenous tree)	Issued
11/07/2017	T170431	Sunset Crescent, PAKENHAM VIC 3810	Amend building envelope	Withdrawn

Date	Permit No	Location	The Proposal	The Decision
11/07/2017	T160461 - PC1	27 Henty Street, Pakenham VIC 3810	Condition 1A - Electricity easements internal and external to the subdivision in favour of AusNet Electricity Services P/L to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services P/L.	Issued
13/07/2017	T160815 - PC1	31 Kingston Avenue, Pakenham VIC 3810	Development of a second dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Issued
13/07/2017	T170284	Corporate Terrace, Pakenham VIC 3810	Construction of two (2) warehouses and associated buildings and works	Issued
13/07/2017	T150634 - PC2	115 Peck Road, Pakenham Victoria 3810	Section 173 Agreement - 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	Withdrawn
14/07/2017	T170221	15A Pinehill Drive, Pakenham VIC 3810	Development of the land for a dwelling outside the building envelope and an outbuilding	Issued
14/07/2017	T140753 - PC2	15 King Street, Pakenham Victoria 3810	Plans to Comply - Landscape Plans - Development of the land for the purpose of fourteen (14) dwellings	Issued
14/07/2017	T170280	6 Jacqueline Place, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued
17/07/2017	T170183	25 Main Street, Pakenham VIC 3810	The use and development of an office	Issued

Date	Permit No	Location	The Proposal	The Decision
18/07/2017	T170297	Shop 3/4 Pacific Promenade, Pakenham VIC 3810	Display business Identification Signage	Lapsed

Port Ward

Date	Permit No	Location	The Proposal	The Decision
20/06/2017	T160570 - 1	Pooley Road, Tynong North VIC 3813	Use and development of the land for a dwelling	Issued
20/06/2017	T160756	30 Manoora Road, Maryknoll VIC 3812	Development of the land for a dwelling extension (exceeding 7 metres in height and earthworks exceeding 1 metre)	Issued
20/06/2017	T170188	54 Garfield Road, Garfield VIC 3814	Subdivision of the land into two (2) lots and removal of native vegetation	Issued
21/06/2017	T150823 - PC2	Alexandra Avenue, Koo Wee Rup Victoria 3981	Subdivision of the land into fifteen (15) lots	Issued
21/06/2017	T160442 - PC1	23 Main Street, Bunyip VIC 3815	Section 173 Agreement - Subdivision of the land into two (2) lots	Issued
22/06/2017	T160575 - PC1	415 Bennett Road, Cora Lynn VIC 3814	Condition 10 - Use and development of the land for a store	Issued
22/06/2017	T170151	365 Seymour Road, Nar Nar Goon North VIC 3812	Use and development of the land for a dwelling and horse stable.	Issued
22/06/2017	T170324	1A William Street, Koo Wee Rup VIC 3981	Development of the land for a dwelling and outbuilding (shed)	Issued
23/06/2017	T170119	10 Gardner Street, Koo Wee Rup VIC 3981	Development of a second dwelling	Issued
23/06/2017	T170217	2620 Princes Highway, Tynong VIC 3813	Promotional Signage	Issued
27/06/2017	T170030	McKays Road, Koo Wee Rup VIC 3981	The development of the land for a dwelling, outbuilding and associated earthworks	Issued
27/06/2017	T170111	800 Caldermeade Road, Catani VIC 3981	Construction of an outbuilding	Issued

Date	Permit No	Location	The Proposal	The Decision
27/06/2017	T170127	215 Patullos Road, Yannathan VIC 3981	Demolish existing residential dwelling and replace with new residential dwelling.	Issued
27/06/2017	T170220	Chippendale Road, Nar Nar Goon VIC 3812	Vegetation removal to create access to the site	Withdrawn
27/06/2017	T170223 - PC1	2705 Princes Highway, Tynong North VIC 3813	Buildings and works associated with the existing Outdoor Recreation Facility (including an access road, carpark, entry / amenities building, waterpark and rollercoaster) and the removal of native vegetation.	Issued
27/06/2017	T170271	2B Latta Road, Nar Nar Goon VIC 3812	Development of the land for an outbuilding (garage)	Issued
28/06/2017	T170198	340 Tooradin Station Road, Dalmore VIC 3981	Construction of two (2) outbuildings (shed and carport).	Issued
28/06/2017	T170405	48 Garfield Road, Garfield VIC 3814	To include the land in Lot 3 on PS404038X within the Owners Corporation of PS627415Y to re-subdivide Lot 3 on PS40438X into lots 3 & 4, and finally to remove Lot 4 from the Owners Corporation.	Withdrawn
29/06/2017	T170049	1 Gwen Meredith Drive, Bunyip VIC 3815	Variation of a covenant	NOD
29/06/2017	T170200	25 Wattle Court, Lang Lang VIC 3984	Development of the land for an outbuilding (barn)	Issued
30/06/2017	T170068	10 Tinkham Road, Tonimbuk VIC 3815	Use of the land for a dwelling and buildings and works for a dwelling	Issued
30/06/2017	T170080	6-8 Main Street, Nar Nar Goon VIC 3812	Use and development of the land for a place of assembly	NOD
3/07/2017	T160636	285 Cardinia Road, Officer South VIC 3809	Re-subdivision of land	Issued
4/07/2017	T160223 - PC1	23 Hope Street, Bunyip VIC 3815	Subdivision of the land into two (2) lots	Issued

Date	Permit No	Location	The Proposal	The Decision
4/07/2017	T160580	145 Hall Road, Yannathan VIC 3981	Use of the land for a dwelling and Contractors Depot and development of a replacement dwelling.	NOD
4/07/2017	T160670	105 Jetty Road, Lang Lang VIC 3984	Removal of roadside vegetation and re-construction of the existing boundary fences	Refused
4/07/2017	T170063	Scanlons Drain Road, Bayles VIC 3981	Use and development of the land for a dwelling	Issued
4/07/2017	T170287	9 Ravendene Court, Maryknoll VIC 3812	Development of the land for a dwelling and construction of an outbuilding	Lapsed
6/07/2017	T160439	90 Soldiers Road, Pakenham South VIC 3810	The use and development of a place of worship	Refused
11/07/2017	T170242	500 Five Mile Road, Nar Nar Goon VIC 3812	Development of the land for an outbuilding	Issued
13/07/2017	T150823 - PC3	Alexandra Avenue, Koo Wee Rup Victoria 3981	Section 173 Agreement - Subdivision of the land into fifteen (15) lots	Issued
18/07/2017	T170001 - PC1	75 Nine Mile Road, Tynong VIC 3813	Condition 1 - Development of the land for an extension to an existing store and a canopy over the car park.	Withdrawn
18/07/2017	T170074	990 Westernport Road, Yannathan VIC 3981	Use of the land for Intensive Animal Husbandry (free range chicken farm)	NOD

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision
20/06/2017	T170360	2-4 Steane Street, Cockatoo VIC 3781	Construction of an outbuilding and water tank	Issued
22/06/2017	T170028 - PC1	16 Haylock Avenue, Cockatoo VIC 3781	Condition 1 - Development of the land for a dwelling and vegetation removal	Issued

Date	Permit No	Location	The Proposal	The Decision
26/06/2017	T150659 - 2	224 Kenilworth Avenue, Beaconsfield Victoria 3807	Staged subdivision of land in accordance with the endorsed plans.	Issued
26/06/2017	T160491 - PC1	139-141 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Condition 1 - Use and development of the land for a dwelling and associated buildings and works	Issued
26/06/2017	T170245	189 Quamby Road, Beaconsfield Upper VIC 3808	Alterations and additions to an existing dwelling	Issued
27/06/2017	T160695	2 Paternoster Road, Emerald VIC 3782	The removal of sixty-one (61) trees	Issued
27/06/2017	T170078	2 Edmunds Road, Cockatoo VIC 3781	Construction of garage with attached carport	Issued
28/06/2017	T170159	240 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	Development of the land for an outbuilding	Issued
29/06/2017	T150821 - PC5	105 Mary Street, Officer VIC 3809	Condition 16 - The development of thirty-eight (38) dwellings and associated works generally in accordance with the endorsed plans	Issued
29/06/2017	T170105 - PC1	43 Beaconsfield-Emerald Road, Emerald VIC 3782	Development of the land for an outbuilding 100 metres from a Road Zone Category 1, 5 metres from a property boundary and 100 metres from a dwelling not in same ownership and removal of one tree	Issued
29/06/2017	T170296	U 2/26 Lyle Avenue, Beaconsfield VIC 3807	The development of the land for a dwelling extension (veranda)	Issued
30/06/2017	T170166	410 Dickie Road, Officer VIC 3809	The realignment of boundaries between two allotments.	Issued
30/06/2017	T170259	368 O`Neil Road, Officer VIC 3809	Alterations and additions to an existing dwelling	Issued
30/06/2017	T170298	381 Paternoster Road, Cockatoo VIC 3781	Use of the land for home occupation (exceeding 50sqm in area)	Issued

Date	Permit No	Location	The Proposal	The Decision
3/07/2017	T160088 - PC1	255 Amphlett Avenue and L5 PS720430 240 Mountain Road, Gembrook VIC 3783	Condition 1 - Boundary realignment of two (2) lots	Issued
3/07/2017	T160146 - 3	Officer South Road, Officer VIC 3809	Amendment to Planning Permit - Subdivision of the land, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued
3/07/2017	T160187 - PC2	8 Carawa Street, Cockatoo VIC 3781	Plans to comply for condition 9	Issued
3/07/2017	T170416	9 Avondale Street, Officer VIC 3809	New Residence	Withdrawn
4/07/2017	T140748 - PC3	11 Carawa Street, Cockatoo VIC 3781	Condition 1E (This was missed off the Plan of Subdivision for Endorsement - Endorsed 19/11/2015).	Issued
4/07/2017	T160811	McBride Road, Beaconsfield Upper VIC 3808	Development of a new Dwelling on Lot 3 with removal of vegetation on Lot 2	Issued
5/07/2017	T160146 - PC7	Officer South Road, Officer VIC 3809	Stage 14 MCP - Subdivision of the land, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued
5/07/2017	T160146 - PC8	Officer South Road, Officer VIC 3809	Stage 13 MCP - Subdivision of the land, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued

Date	Permit No	Location	The Proposal	The Decision
5/07/2017	T170229	470 Army Road, Pakenham Upper VIC 3810	The development of the land for an outbuilding within 100 metres of a dwelling not in the same ownership	Issued
6/07/2017	T160664	26 McArthur Road, Beaconsfield Upper VIC 3808	Development of the land for a dwelling, earthworks and vegetation removal	NOD
6/07/2017	T160757 - PC1	5 Buckland Lane, Pakenham Upper VIC 3810	Plans to Comply with Condition 1 (updated plans) of Planning Permit T160757	Issued
6/07/2017	T170309	Morbey Road, Gembrook VIC 3783	Use and development of the land for a dwelling	Issued
7/07/2017	T050568 - 1	29 Burton Road, Beaconsfield Upper Victoria 3808	Delete condition 3 to allow the "existing building" to be used as a bed and breakfast	Issued
7/07/2017	T160671	82-86 St Georges Road, Beaconsfield Upper VIC 3808	Development of the land for a replacement dwelling and two outbuildings (pavilion and workshop), buildings and works associated with agriculture (horse stables, horse ménage, horse ring), construct, use and illuminate a private tennis court and vegetation removal	Issued
7/07/2017	T170147	44 Aura Vale Road, Menzies Creek VIC 3159	Use and development of the land for a building associated with agriculture	Issued
10/07/2017	T150083 - 1	285 Princes Highway, Officer Victoria 3809	The development of the land for twelve (12) dwellings and the subdivision of the land into seventeen (17) allotments	Issued
10/07/2017	T160277 - PC1	Timbertop Boulevard, Officer VIC 3809	Development of the land for eight (8) dwellings and subdivision of land.	Issued

Date	Permit No	Location	The Proposal	The Decision
11/07/2017	T150550 - 1	175 Bayview Road, Officer VIC 3809	Use and development of the land for a replacement dwelling within 100m of a waterway and associated earthworks in the GWZ1; Buildings and works in the ESO1 (exceeding 7m above ground level) and BMO; Use of the land for a rural store (exceeding 100sqm), buildings within 5m of a boundary and within 100m of a waterway in the GWZ1; and the removal of one (1) native tree	Issued
11/07/2017	T170430	20 Siding Avenue, Officer VIC 3809	Amend building envelope	Withdrawn
12/07/2017	T160705	16 Bellbird Crescent, Emerald VIC 3782	Development of the land for a dwelling extension and an extension to an outbuilding	Issued
13/07/2017	T160105 - PC7	191 Rix Road, Officer VIC 3809	Section 173 Agreement - Subdivision of land in accordance with the endorsed plans.	Withdrawn
13/07/2017	T170272	16 Kooyong Close, Officer VIC 3809	Six (6) lot subdivision	Lapsed
14/07/2017	T160646 - PC1	39 Portchester Boulevard, Beaconsfield VIC 3807	Plans to Comply with Condition 1 of Planning Permit T160646	Issued
14/07/2017	T170159 - PC1	240 Beaconsfield- Emerald Road, Beaconsfield VIC 3807	Development of the land for an outbuilding	Issued
14/07/2017	T170184	21 Rosebank Lane, Beaconsfield Upper VIC 3808	Development of the land for a dwelling and earthworks	Issued
16/07/2017	T170394	37 Skyline Drive, Officer VIC 3809	to construct a single storey residential dwelling & garage	Withdrawn
18/07/2017	T130180 - PC1	120 Cardinia Road, Officer Victoria 3809	Subdivision of the land into seventy seven (77) lots and creation of easements	Withdrawn

5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr G Moore Seconded Cr J Owen

That the report be noted.

Cd.

6 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT VCAT AND THEIR OUTCOMES

FILE REFERENCE INT1750996

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted.

Attachments

Nil.

EXECUTIVE SUMMARY

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

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Current Status	Outcome
20/12/17	T160760	54 Rosebery St, Lang Lang	Variation of a restrictive covenant	Refusal	Applicant	Awaiting hearing	
28/11/17	T090457	13 May Road Officer	Extension to Planning Permit	Refusal	Applicant	Awaiting hearing	
7/12/17	T160772	368 O'Neil Road Officer	Use and development of the land for a telecommunications facility and vegetation removal	Refusal	Applicant	Awaiting hearing	
4/10/17	T140410	24 Tivendale Road, Officer	Amendment to permit (amendment for additional access to RDZ1)	Refusal	Applicant	Awaiting compulsory conference	
14/09/17	T160600	360 Princes Hwy, Officer	Development of the land for twenty-one (21) dwellings and associated works	Refusal	Applicant	Awaiting compulsory conference	
5/09/17	T160026	44 Ambrose St, Emerald	The subdivision of land into six (6) lots in three (3) stages and creation of a road	NOD - Approval	Objector	Awaiting hearing	

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Current Status	Outcome
17/07/17	T140337	65 Pioneer Road, Lang Lang	Use and development of the land for extractive industry (sand quarry) removal of vegetation and alter access to a road in a Road Zone, Category 1	Failure to determine	Applicant (and appeal by objector)	Consent orders signed	Permit issued

**6 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT VCAT
AND THEIR OUTCOMES**

Moved Cr G Moore Seconded Cr J Owen

That the report be noted.

Cd.

Meeting closed at 7.33.pm

Minutes Confirmed
Chairman