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**MINUTES OF Town Planning Committee**

**Monday, 4 September 2017**

**MINUTES OF Town Planning Committee**

**held in the Council Chambers, 20 Siding Avenue, Officer**

**on Monday, 4 September 2017**

**The meeting commenced at 7pm**

**PRESENT**: Mayor, Brett Owen, Chairman

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

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

**APOLOGIES:**

**DECLARATION OF PECUNIARY AND OTHER INTERESTS**

Nil.

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**1 Subdivision of the land and associated works at 46 Tivendale Road, Officer**

**FILE REFERENCE** INT1757656

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Angela Gleeson

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| **Recommendation**  That a Refusal to Grant Planning Permit T160693 be issued for a subdivision and associated works at 46 Tivendale Road, Officer on the following grounds:  • The proposal is not generally in accordance with the incorporated Officer Precinct Structure Plan (September 2011).  • The proposal is not generally in accordance with the future urban structure shown in Map 1 to Schedule 3 of Clause 37.07 of the Urban Growth Zone.  • The proposal is not generally in accordance with Plan 5 Future Urban Structure, Plan 6 Land Use Budget, Plan 11 Open Space Network and Plan 12 Integrated Water Management of the Officer Precinct Structure Plan (September 2011).  • The grant of the permit will diminish the ability ensure that the required drainage reserve and passive open space will be delivered in a manner that benefits the broader community which will prejudice the orderly and proper planning of the area.  Melbourne Water grounds of refusal:  • The project proponent has not provided sufficient information for how Melbourne Water’s proposed assets will integrate with Council’s assets within the reserve.  • An ANCOLD assessment of the upstream dam and future retarding basin, behind Minarets College, by an expert dams engineer has not been undertaken.  • The permit application has not taken into account Melbourne Water’s waterway corridors development guidelines. |

**Attachments**

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| **1** | Locality map | 1 Page |
| **2** | Subdivision plans | 3 Pages |
| **3** | Officer PSP plans | 5 Pages |

**EXECUTIVE SUMMARY**

APPLICATION NO: T160693

APPLICANT: Calibre Consulting for Sweeet 46 Property Developments Pty Ltd

LAND: Lot 6 PS66670, 46 Tivendale Road, Officer

PROPOSAL: Staged subdivision and associated works

PLANNING CONTROLS: Urban Growth Zone Schedule 3

Development Contributions Overlay Schedule 4

Clause 52.01 Public Open Space

Clause 52.16 Native Vegetation Precinct Plan

Clause 52.36 Integrated Public Transport Planning

Clause 56 Residential Subdivision

Clause 65 Decision Guidelines

Officer Precinct Structure Plan September 2011

Cardinia Creek Conservation Management Plan

Officer Native Vegetation Precinct Plan September 2011, Officer Development Contributions Plan and Conservation Management Plan 15 September 2011.

NOTIFICATION & OBJECTIONS: The application was not required to be advertised under Clause 37.07-13 of the Urban Growth Zone.

KEY PLANNING CONSIDERATIONS: Urban Growth Zone Schedule 3

Land Subject to Inundation Overlay

Officer Precinct Structure Plan September 2011

RECOMMENDATION: Refusal

**Background**

The planning permit application is to develop a 4.0 ha parcel of land for a residential subdivision into 56 lots. A summary of the proposal is as follows:

 The lot size range is from 355sqm to 475sqm,

 A 33 metre wide east-west connector road runs through the north of the site,

 The lots predominately run in an east west direction,

 A drainage reserve is proposed along the entire length of the southern boundary and is shared between the subject site and southern property. The plan shows a total reserve width of 30 metres between the subject site and the southern site (60 Tivendale Road).

 Plan revision C, and notes that the developable area of 3.61 hectares and a lot density of 15.5 dwellings per hectare,

 The encumbered drainage reserve between the two properties is approximately 15.45 metres wide with an additional 14.55 metre wide unencumbered reserve and two adjacent 15 metre wide road reserves.

 The drainage reserve connects to a proposed sediment pond on the adjoining site to the east.

 The proposed reserve has a total area of 0.437ha.

The proposed subdivision layout differs from the Officer PSP in the south of the site. The PSP identifies a drainage corridor along an open drain running in an east-west direction along the boundary. The drainage corridor / linear reserve has been significantly reduced in width, along with no consideration being given to the drainage corridors and sediment pond immediately abutting the subject site to the east.

There is currently a planning application for a medium density development at Lot 5 Starling Road, Officer that is immediately abutting the site to the east with Council. The applicant for the proposed development at Lot 5 Starling Road is currently working on providing a drainage strategy for the site to Council and Melbourne Water, however it is difficult for the applicant of Lot 5 Starling Road to obtain appropriate information in order to align their drainage corridor and sediment pond with the subject site as it is inconsistent with the PSP.

The proposed development at Lot 5 Starling Road, provided a plan that complies with the Officer PSP and shows the sediment pond and drainage corridor in the correct locations and correct widths. The proposed subdivision plan for the subject site at **46 Tivendale Road** shows a row of lots immediately located along the east boundary of the site, which subsequently turns its back to the proposed drainage corridor that is located between the two boundaries on Lot 5 Starling Road. Furthermore, the plan shows lots that will have back fences facing the future sediment pond, which has been incorporated within drainage corridor as a feature to the area.

As stated above, the drainage corridor and sediment pond areas do not align with each other, which results in an inconsistency with the PSP and does not allow for the appropriate integration between the two sites.

The applicant is proposing that the drainage corridor should be piped to allow for an adequately sized pipe to accommodate flows, rather than creating an open drainage corridor in this location in accordance with the PSP. It is further proposed by the applicant that the 15 metre wide road reserve, 10 metre wide Council reserve and 15.45 metre wide encumbered drainage reserve will adequately provide for a suitable drainage / linear reserve solution.

The PSP shows a total drainage and open space corridor of 100 metres which includes 20 metres of Council reserve on either side of an 80 metre encumbered drainage corridor. The subject site has a 10 metre wide un-encumbered open space Council reserve and an approximately 57.62 metre wide encumbered drainage reserve which equates to 1.19ha which is consistent with the land budget totals of the PSP. The remaining approximately 32.38 metre wide drainage and open space reserve is located within the adjoining site at 60 Tivendale Road.

Whilst the applicant provided a drainage report to Council that specifies how the reserve can be reduced and still function as a drainage reserve, however the reserve serves a greater purpose to the community as an aesthetic linear walking / cycling trail and biodiversity habitat and that this should not be reduced. It is concluded that whilst drainage solutions could be achieved, this is essentially not the argument in this instance. The issue is that the reserve has been reduced to the point it has no regard for its broader purpose for passive open space use and for adjoining sites connecting to this network.

Whilst the drainage report takes into consideration upstream matters, there is no guarantee that all developers upstream will provide similar solutions. As demonstrated above, engineering solutions are not the only consideration in this instance and there must be regard for planning which takes into consideration environmental and community benefit which aligns with planning policy and Council’s Plans and strategies for healthy living.

Melbourne Water have objected to the proposal based on not having enough information to make an informed assessment of the proposal, with consideration to the broader impacts on other areas and Melbourne Water’s waterway corridors.

It is worthy to note that Council Officers have tried to work with the applicant over an extended period of time to achieve an appropriate outcome that complies with the Officer PSP, however the applicant wishes to proceed with the proposal in its current form.

**SUBJECT SITE:**

The site is located on the eastside of Tivendale Road in Officer.

The land is 4.047ha in size and is rectangular in shape.

An existing driveway is located toward the southern end of the land.

The site currently an existing brick veneer dwelling with a number of ancillary outbuildings. A watercourse traverses the property along the southern edge of the land, which is identified as Officer Creek.

The topography of the land has a combined fall of approximately 4 metres from the north west corner of the site and slopes to the south east corner of the site adjacent to the Officer Creek channel.

The subject site and surrounding area are included within the Officer Precinct Structure Plan area. The immediate surrounds have been nominated for residential development with the exception of land to the north which contain two existing private schools being Berwick Grammar School which is abutting the land to the north and Minaret School which is located north west of the site.

To the south west of the site are similar sized allotments containing single dwellings along Tivendale Road. St Brigids Primary School and D’Angelo Estate Winery with cellar door are located further west of the site.

Two residential estates known as Timbertop and Potters Northside are located further west.

**PROPOSAL:**

The application is summarised as follows:

 Subdivision for 56 residential lots,

 Provides for a range of lots sizes from 340sqm to 455sqm and are designed to accommodate a single dwelling,

 A 33 metre wide east-west connector street boulevard is proposed within the north of the site,

 The road reservation is to accommodate a divided carriageway with a centre median, indented parking, 3 metre wide bikeway and 1.5 metre wide footpaths.

 There are two additional access roads proposed from Tivendale Road. The central road is proposed to have a width of 16 metres and the southern road is proposed to be 15 metres wide as it is abutting the reserve.

 All existing vegetation is proposed to be removed from the site and some within the road reserve and is exempt from planning approval as the vegetation is not identified for retention within the Officer NVPP.

 A 30 metre wide reserve is proposed to be located within the southern portion of the land and runs east west along the southern boundary. The reserve is also located partially over the southern property 60 Tivendale Road, however the extent of the reserve is less than at the subject site.

*Figure 1 – Proposed plan*



**PLANNING SCHEME PROVISIONS:**

**State Planning Policy Framework (SPPF)**

The relevant clauses of the SPPF are:

 10 Operation of the State Planning Policy Framework

 11 Settlement

 11.02 Urban Growth

 11.02-2 Planning of growth areas

 11.04-2 Housing choice and affordability

 12.04-2 Landscapes

 13 Environmental Risks

 15.01-1 Urban design

 15.01-3 Neighborhood and Subdivision Design

 15.01-4 Design for Safety

 15.01-5 Cultural Identity and Neighborhood Character

 15.03-1 Heritage conservation

 16 Housing

 16.01-2 Location of residential development

 16.01-4 Housing diversity

 16.01-5 Housing affordability

 18.01-1 Land use and transport planning

 18.02-3 Principal Public Transport Network

 19 Infrastructure

**Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

 21.02 Environment

 21.02-7 Aboriginal cultural heritage

 21.03-1 Housing

 21.03-2 Urban growth area

 21.05 Infrastructure provision

 21.06-1 Design and built form

 22.02 Interim Telecommunications Conduit Policy

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

The relevant provisions/ documents are:

 Clause 52.01 Public Open Space

 Clause 52.16 Native Vegetation Precinct Plan

 Clause 52.36 Integrated Public Transport Planning

 Clause 56 Residential Subdivision

 Clause 65 Decision Guidelines

 Officer Precinct Structure Plan September 2011

 Officer Native Vegetation Precinct Plan September 2011, Officer Development Contributions Plan and Conservation Management Plan 15 September 2011.

**Zone**

The land is subject to the Urban Growth Zone Schedule 3. The applied zone is General Residential (Clause 32.08).

**Overlays**

The land is subject to the Land Subject to Inundation Overlay (LSIO) which applies to the south-west corner of the site and the Development Contributions Plan Overlay Schedule 4

(DCPO4).

**PLANNING PERMIT TRIGGERS**

The proposal for the subdivision of the landrequires a planning permit under the following clauses of the Cardinia Planning Scheme:

 Clause 37.07 Urban Growth Zone - Part B where a structure plan applies (Officer Precinct Structure Plan approved September 2011 and incorporated into the scheme), the provisions clauses 37.07-9 to 37.07-16 apply.

 Clause 37.07-10 Urban Growth Zone, a permit is required to subdivide the land. Any requirement in the schedule to this zone or the precinct structure plan must be met. A permit granted must be generally in accordance with the precinct structure plan applying to the land and include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

 Under the Schedule 3 of the Urban Growth Zone, sub-clause 2.1 refers to applied zones that apply within the Officer Precinct Structure Plan. The subject site is located and zoned within the General Residential Zone, therefore pursuant to Clause 32.08-2 of the General Residential Zone a planning permit is required to subdivide land. The proposed development must meet the requirements of Clause 56.

A permit must include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

 Clause 44.04-2 Land Subject to Inundation Overlay, a planning permit is required to subdivide land. Part of the land is located within the overlay.

 Clause 45.06 Development Contributions Overlay, Schedule 4 applies to the land. Clause 45.06-1 states that a permit must not be granted to subdivide the land until a development contributions overlay has been incorporated into the scheme. The Officer Development Contributions Plan has been incorporated into the scheme and in this instance, it does not apply as this report is for refusal of the subdivision application.

**PUBLIC NOTIFICATION**

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the Option 2.notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64 (1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* unless the schedule to this zone specifies otherwise. In this instance the schedule to the zone does not list anything otherwise that above.

**REFERRALS**

The application was referred to Melbourne Water as a statutory referral, who have objected to the proposed subdivision. The grounds of refusal are referred to below:

 The project proponent has not provided sufficient information for how Melbourne Water’s proposed assets will integrate with Council’s assets within the reserve.

 An ANCOLD assessment of the upstream dam and future retarding basin, behind Minarets College, by an expert dams engineer has not been undertaken.

 The permit application has not taken into account Melbourne Water’s waterway corridors development guidelines.

**DISCUSSION**

The proposed subdivision is not consistent with the provisions of the Cardinia Planning Scheme and the Officer Precinct Structure Plan (PSP). This section highlights the relevant sections of the Cardinia Planning Scheme, Officer PSP and other relevant strategies that the proposal is not in accordance with.

The key issues are as follows:

 The PSP identifies a drainage corridor along an open drain running in an east-west direction along the boundary. The drainage corridor has been significantly reduced in width with no consideration of the drainage corridors and sediment pond immediately abutting the subject site to the east.

 Lack of integration with the adjoining sites by changing the width of the drainage corridor,

 Proposing that the drainage corridor should be piped within the road reserve,

 The proposed plan creates a 40.45 metre wide drainage corridor which includes a 15 metre wide road reserve and a significantly reduced drainage and open space corridor to act as the drainage corridor and open space. Furthermore, the plan shows a significant reduced drainage and open space corridor between the subject site and 60 Tivendale Road to the south of the subject site.

 Diminish the capacity for the reserve that serves a greater purpose to the community as an aesthetic linear walking/cycling trail and biodiversity habitat and that this should not be reduced. It is concluded that whilst drainage solutions could be achieved, this is essentially not the argument in this instance. The issue is that the reserve has been reduced to the point it has no regard for its broader purpose for passive open space use and for adjoining sites connecting to this network.

 Whilst the drainage report takes into consideration upstream matters, there is no guarantee that all developers upstream will provide similar solutions. Engineering solutions are not the only consideration in this instance and there must be regard for planning which takes into consideration environmental and community benefit which aligns with planning policy and Council’s Plans and strategies for healthy living.

 Inadequate assessment and consideration of the upstream dam and future retarding basin, behind Minarets College.

 Lack of consideration of Melbourne Water’s waterway corridors development guidelines.

**Cardinia Planning Scheme:**

*State Planning Policy Framework*

*Clause 15.01-2 Urban Environment*, the objective is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

The policy guidelines for planning to consider are the Safer Design Guidelines for Victoria in assessing the design and built for of new development.

Relevant strategies include:

*The public realm*, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

*Safety,* new development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

*Landmarks, views and vistas,* landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

*Pedestrian spaces,* design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.

*Clause 15.01-3 Neighbourhood and subdivision design,* the objective is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Strategy is that the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

 Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.

 Creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible.

 Contributing to reducing car dependence by allowing for:

- Convenient and safe public transport.

- Safe and attractive spaces and networks for walking and cycling.

- Subdivision layouts that allow easy movement within and between neighbourhoods.

- A convenient and safe road network.

In response to the above, the Cardinia Planning Scheme and Officer PSP takes into consideration the way in which the drainage reserve and passive open space can function and ultimately be co-located within an urban context to benefit the community. The benefit to the community being that an appropriately sized drainage and open space corridor will provide the walking and cycling network in a linear park setting that people desire in their neighbourhoods.

*Clause 18.02* *Movement networks* to promote the use of sustainable personal transport.

Relevant strategies include:

 Encourage the use of walking and cycling by creating environments that are safe and attractive.

 Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.

 Ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.

 Ensure cycling routes and infrastructure are constructed early in new developments.

*Local Planning Policy Framework*

*Clause 21.05-5 Pedestrian Bicycle Networks* objective, is to develop well-located, safe and interconnected pedestrian and bicycle networks within the municipality.

Relevant strategies include:

 A high level of connectivity to provide for safe and efficient pedestrian and bicycle movements to connect railway stations, bus stops, activity centres and major community facilities within the urban growth area and in rural townships.

 Ensure connectivity between new and existing development including pedestrian and bicycle paths.

Design and safety aims to:

 Ensure that new development does not compromise existing and future pedestrian and bicycle networks.

 Encourage passive surveillance over pedestrian and bicycle paths through appropriate siting and design.

In response to the above, the reduction of the drainage and open space corridor compromises the future pedestrian and bicycle networks by providing a reduced linear reserve that does not appropriately flow from property to property. Should the width be reduced in this section of land, this will make the reserve size inconsistent with adjoining land that contain the same reserve, at the same width and not provide for adequate connectivity between new and existing development including pedestrian and bicycle paths of the broader area.

*Clause 21.06-1 Design and built form, relevant objectives:*

Objective 1 is to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

*Strategies that are relevant include taking into account the character and constraints of the site and wider area whilst encouraging new development to achieve best practice in design that promotes social wellbeing, economic development and environmental sustainability.*

Objective 2 is to provide equity of access for people with disabilities to publicly accessible premises.

*Strategies that are relevant is to ensure development is designed to support access for people with disabilities in accordance with Australian Standards, including AS 1428 (Parts 1-4).*

In response to the above, the Officer PSP has taken into account the character and constraints of the area, outlining the way in which the area is to be developed, by providing a drainage reserve to provide for the stormwater function, as well as incorporating a linear open space network for this area. As a result, this provides for a multi functional built environment, that promotes community health and safety.

By reducing the width of the corridor, it fails to achieve best practice design and social wellbeing for all within the community.

*Clause 21.06-2 Community safety, relevant objectives:*

Objective 1 to improve community safety and the perception of safety in the municipality.

*Relevant strategies encouraging development that is consistent with safer design principles, by maximising activity, visibility and surveillance of the public environment by providing safe movement through good connections and access. Private and public spaces should be clearly defined and appropriate management of public spaces to ensure that it is attractive and well used.*

In response to the above objective, the reduction of the width of the drainage and open space corridor, does not achieve the objective in that the activity in public spaces and provision of safe movement through good connections is not maximised. The reduced corridor does not provide for an aesthetic and functional corridor that seamlessly transitions from adjoining properties, rather it provides for a narrow and fragmented corridor that leads to reduced pathways and reduced landscape and biodiversity opportunities.

*Relevant Policies and Strategies:*

The following planning policies are relevant to the assessment of this application. The policies and strategies further support and build on the importance of creating neighbourhoods that support safe communities and healthy lifestyles, by taking a whole of population approach to health planning, particularly through municipal public health and wellbeing plans. A summary of each relevant strategy is provided below.

 *Plan Melbourne 2017-2050 (Metropolitan Planning Strategy).*

*-* Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles (includes applying CEPTED principles in design of public spaces)

*-* Policy 5.2.1 Improve neighbourhoods to enable walking and cycling as a part of daily life, *t*he National Heart Foundation has also developed tools to help local governments plan for better health and community wellbeing across a range of local government policy areas, including the Healthy by Design guidelines, discussed within this report.

 *Council’s Pedestrian and Bicycle Strategy August 2017* which is yet to be adopted by Council this year, further builds on the importance and emphasis that is placed on providing suitable areas to be used by the community for fitness and recreational activity.

 *Councils Healthy By Design, January 2017,* seeks to plan and build environments to support healthy living and integrate health into planning to allow people to be able to choose to be active in an environment that is convenient, safe and pleasant.

Council provides significance emphasis on health and recreation and the above strategies are reflective in this, as they share similar principles and guidelines. The strategies seek to promote healthy living through appropriate planning, by ensuring that walking, cycling through providing good footpaths and connectivity, opportunities for physical activity, neighbourhood amenity, accessibility and community safety.

Barriers to walking and cycling often include an incomplete or inadequate footpath network and limited dedicated shared paths which reduces opportunities for recreational walking and cycling. As a result of new residential areas not being developed in sequence, significant gaps can occur in the shared path network. The delivery and the quality of infrastructure should not be compromised and these elements are critical in the successful provision of walking and cycling paths within the Shire.

The drainage corridor has an important role and function and must be used and developed in this manner to its full potential. The overarching purpose of the drainage corridor is to transform an existing drainage line to serve as an important drainage function and key landmark for pedestrians. Pedestrians can choose to use this linear trail that subsequently connects into a series of shared paths within the area, that also connect seamlessly to key places such as schools, parks, Officer Town Centre, public transport and the Officer Railway Station.

The PSP identified what is called the existing Officer Drain that runs from the north to the south extents of the PSP boundary. The drain enters into some existing dams as it meanders through a number of properties that have been subsequently identified within the PSP of containing this important lineal drainage corridor and pedestrian trail. The drainage corridor is approximately 1.98km from the north of the PSP to Princes Highway.

To reduce the width of the drainage corridor will undermine the intention and purpose of the above.

**Officer Precinct Structure Plan/Urban Growth Zone**

The application has been assessed against the provisions and requirements of the Officer Precinct Structure Plan (PSP) and Urban Growth Zone. Please refer to the overview summarised below.

The proposed layout differs from what is shown within the Officer PSP within the southern part of the land. The PSP identifies a drainage corridor, which runs along an open drain in an east west direction. The outcome once developed is to provide for the existing open drain, which is to be further embellished to provide for the drainage function, in addition to appropriate landscaping, linear park and pedestrian pathways.

The subject site is located within the centre of this broader multifunctional drainage corridor, which begins at the northern side of the Officer PSP boundary and proceeds to the south whilst taking some slight east west deviations along the way to the southern side of the Officer PSP boundary. In addition, a series of wetlands/retarding basins are proposed to be constructed within key locations which are a culmination of existing dams and drainage lines.

The applicant proposes a piped drainage solution within the road reserve, rather than creating a piped drainage corridor. The result of this is a significantly reduced drainage corridor that will subsequently provide for an undesirable narrow corridor that reduces the capacity of a multifunctional corridor as described above in this report. This is inconsistent with the intended open drainage solution within a linear park setting.

Rather, it provides the developer with the opportunity to create more small lot product rather than a larger diverse lot mix for the area that provides a range of housing type opportunities for people. However, in saying this, the density of the proposal is 15.5 dwellings per hectare, which is the dwellings per hectare that is to be achieved within the Officer PSP.

Council considers that the reduction of the drainage corridor from what the PSP shows, would create an undesirable outcome and that the wider corridor as proposed in the PSP allows for multiple functions such as overland flows, stormwater retention, wildlife corridors, visual buffers and movement corridors for pedestrians and cyclists.

The proposed drainage and open space corridor is one of many open space areas ranging from local open space, passive open space (conservation/restoration areas and linear open space to cater for a variety of interest and ages within the community.

In addition, the Officer and Gum Scrub Creek Development Services Scheme (DSS), which has been approved by Melbourne Water, have been prepared for the precinct. The DSS includes culverts and a network of channels ranging from 16 metres to over 80 metres in width and retarding basins. Under the DSS, the precinct will principally be drained to the east to Officer South Road Drain and Gum Scrub Creeks providing the main connections for drainage to areas south of the Princes Freeway.

As part of the preparation of the Officer PSP, the DSS has been partially reviewed, enabling the remodelling of the Officer South Road Drain upstream of the railway into a series of retarding basins, incorporating some wetland systems.

**Officer Precinct Structure Plan (PSP):**

*Plan 5 Future Urban Structure*, describes how the PSP delivers the vision. It is considered that the proposed subdivision is not generally in accordance with plan 5 as the drainage corridor has been substantially reduced in size.

The reduction of the drainage corridor further inhibits the ability for the corridor to become a highly permeable and walkable open space trail network that the PSP envisages it to be.

*Plan 6* *Officer Land Use Budget,* the site is shown as property number 349.

 Local Roads Including Boulevard Connector - 0.69ha (not included in the net developable area - NDA)

 Drainage easement/WSUD/Wetland/Retarding Basin – 1.19ha (not included in the NDA or OS%)

 Local Open Space – 0.21ha (not included in the NDA or OS%)

 Total property area 4.02h and total NDA – 1.93ha

In response to the above, the proposal does not comply with the land use budget as the areas as described above have not been achieved within the proposed plan. The most concerning figure is the applicant is proposing to only deliver 4,370sqm of drainage easement/WSUD/wetland/Retarding Basin land instead of the approximately required 11,190sqm required by the PSP

*4.1 Image and Character:*

The relevant objectives of this section are to:

 Create a strong sense of place that is functional safe and aesthetically pleasing.

 Create a distinctive character for different neighbourhoods, through the treatments of streets and public spaces.

 Preserve and capitalise on view corridors to and from significant landscape features and to ensure development does not detract from the visual amenity of the area.

*4.1.3 Planning and design guidelines, r*elevant guidelines to be met.

 Create compact neighbourhoods that:

- Are pedestrian friendly;

- Have a permeable street network;

- Emphasise the landscape character, creek network and topographical features of the precinct.

In response to the above, by reducing the size of the drainage corridor the proposal fails to meet the above design guidelines to be met. Specifically, the proposal fails to achieve a pedestrian friendly trail network that also provides for landscape character, well connected creek network and takes advantage of the topographical features of the precinct. The plans provided with the application make no provision for the above.

*4.2 Housing:*

The relevant objectives of this section are to provide residential neighbourhoods with attractive streetscapes and a high quality urban design and distinct urban character with a variety of housing types and density at key amenity areas such as creek corridors, the pedestrian network and public open space.

Plan 8: Housing, shows the extent of open space with a major drainage line within the subject site.

*4.2.3 Planning and design guidelines,* relevant guidelines to be met:

 The following relevant planning and design guidelines for subdivision design must be met:

- Provide a high quality urban environment with a sense of identity;

 Seek to ensure subdivision and lot layout provides creative and innovative design solutions for fragmented lot ownership in order to facilitate integration of development with adjoining properties.

Public Open Space, planning and design guidelines that must be met:

 Provide active frontages that address all public open space areas;

 Ensure lots with an interface with public open space:

- Take advantage of views/aspect over open space by orienting lots to face towards the open space area;

- Overlook open space to increase the sense of safety/surveillance.

In response to the above, by reducing the width of the drainage corridor it subsequently creates a space that is less aesthetically appealing to the residents who have viewlines to the drainage corridor as it is proposed to be a grassed area with a shared path rather than an open drain with landscaping elements through it along with the shared path which is considered to be far more appealing than grass and a path.

Furthermore, lots with back fences are proposed along the extent of the south east corner boundary which affects the ability to provide for overlooking of the open space to increase the sense of safety/surveillance. This is inconsistent with the principles of Crime Prevention through Environmental design by having rear fences onto reserves rather than active frontages. It is considered that the proposal does not meet this provision of the PSP.

*4.5 Open Space and Natural Systems,* the relevant objectives of this section are to:

 Provide and develop a network of quality, well distributed, multi-functional and appropriate sized open space areas that are well connected to meet the active and passive needs of the community.

 Protect and enhance areas of environmental significance and integrate these areas with open space systems where practicable.

 Create an attractive urban environment with a strong sense of place through the provision of well designed landscaping of open space and roads.

 Maximise the integration and sharing of space with publicly accessible encumbered land. This parkland is to be suitable for the intended open space function/s including maintenance.

 Implement open space development standards which provide for a sustainable future maintenance regime.

 Incorporate pedestrian and bicycle paths through the open space network.

Plan 11 Open Space Network identifies the site as being partly encumbered and encumbered public open space with a major drainage line.

Plan 12 Integrated Water Management identifies the site as being part of a wider drainage corridor and having a retarding basin within it. The south west corner of the land is identified within the land subject to inundation overlay over it.

The area subject to inundation and drainage corridor extends from the north to the south of the Officer PSP boundary. The drainage corridor follows a specific drainage line that meets with retarding basins and open space. The role of encumbered land is to provide for overland flows and stormwater retention and to maintain access to services.

The role of linear open space is to serve a variety of purposes including:

 Drainage and water management.

 Wildlife corridors,

 Visual buffers and

 Movement corridors (for pedestrians, cyclists)

 Includes both encumbered and unencumbered land.

*4.5.3 Planning and design guidelines,* relevant guidelines to be met:

Water Sensitive Urban Design:

 Design and layout of open space areas is to maximise efficient water use, stormwater quality and the viability of vegetation through use of Water Sensitive Urban Design (WSUD) initiatives.

 Incorporate stormwater management and techniques to improve stormwater quality, particularly along drainage lines.

Integrated Open Space Network:

 Consider significant view lines to and within the precinct to enhance open space opportunities within the urban area.

 Ensure pedestrian and bicycle routes are provided with good surveillance.

 Design streetscape planning, pedestrian/bicycle paths and landscaping of adjoining development to compliment and integrate with the adjoining parkland design.

 Ensure the design of drainage reserves, retarding basins and wetlands are integrated with the open space network.

In response to the above, it is considered that the proposal fails to meet the relevant planning and design guidelines to be met as the reduction of the drainage corridor does not allow for the adjoining retarding basins to be well aligned and integrated into the broader open space network. The network is intended to be consistent through each site as shown within the PSP.

*4.6 Transport and Movement,* the relevant objectives of this section are to:

 Create an attractive and safe interface with arterial roads.

 Provide for landscaping of roads and streets to create key public spaces, landscape corridors and contribute to an attractive urban environment.

Plan 17 Walking and Trails shows a shared path within Tivendale Road and within the drainage corridor.

Walking trails relevant planning and design guidelines that must be met:

 Provide a 2.5 metre wide shared path along and within the open space network, in particular along the creek/drainage network.

In response to the above, a 2.5 metre wide shared path along and within the open space network, in particular along the drainage network and provision of landscaping must be provided to achieve the objectives of the PSP, at present the reduction of the drainage corridor fails to achieve these outcomes.

*4.7 Utilities, Energy & Sustainability,* the relevant objectives of this section are to:

 Provide all developed lots in the Officer Precinct with drainage.

 Implement the Development Services Scheme for Officer Precinct and Gum Scrub Creek.

 Manage the quantity and quality of stormwater runoff and improve downstream water quality flows into Western Port.

 Ensure that Water Sensitive Urban Design treatment measures are provided in both the main and local drainage systems.

 Ensure development is not unduly susceptible to flooding by providing peak overland flow paths connected to creeks and rivers.

4.7.3 Table 18: Utilities and Energy Planning and Design Guidelines that must be met.

General:

 Requirements of the relevant authority or provider are to be met.

 The location of services are:

- Not to impede future road alignments;

- To be located along the edges of open space/waterway corridors, ideally within abutting road reserves;

- Have regard to the requirements for the location of stormwater wetlands, frog ponds and native vegetation to be retained, so as not to compromise biodiversity outcomes;

- To be located on private land adjacent to the Princes Freeway, not within the freeway reservation.

Drainage:

 Underground drainage is to be designed to convey storm events to discharge into open drainage channel or waterways in the Precinct, accommodating:

- 1 in 10 year flows for commercial uses; and

- 1 in 5 year flows for residential uses.

 Provide a drainage network that is designed and constructed in accordance with the requirements of relevant Development Services Scheme, Melbourne Water and Cardinia Shire.

In response to the above the Officer PSP is consistent with the Melbourne Water Officer Drainage Scheme.

However, the broader issue is with the north west properties which are within the same drainage catchment. Until each landowner makes an application to subdivide their land is it difficult to ascertain whether a piped drainage solution is practical for the area. It is premature to approve of this type of outcome for a development that is located approximately within the centre of this drainage corridor without understanding the broader impacts.

**Conclusion**

The Officer Precinct Structure Plan sets out clear objectives that require drainage reserves to also serve as linear parks connecting the community to places of interest. The Precinct Structure Plan identifies the need for a consistent approach to be applied across the fragmented land ownership in this area as it develops.

Significant opportunities exist across the Cardinia Shire to improve walking and cycling networks and create a well connected municipality. As demonstrated through the assessment of this report, it is clear that the proposal has fundamental issues with the subdivision layout in relation to the width of the drainage corridor and is not generally in accordance with the Officer PSP.

The proposed subdivision also will introduce rear fences onto adjoining retarding basins and linear reserves inconsistent with Crime Prevention through Environmental Design Principles.

As such, the proposed application is recommended for refusal on the grounds detailed in the Officers report above.

**1 Subdivision of the land and associated works at 46 Tivendale Road, Officer**

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| --- |
| Moved Cr B Owen Seconded Cr L Wilmot  That consideration of this application be deferred to allow further discussions between the applicant, Council and Melbourne Water in relation to the concerns and objections raised in regard to the development and the application be reconsidered at the October Town Planning Committee Meeting.  Cd. |

**2 SUBDIVISION OF THE LAND INTO TWO (2) LOTS, 13 NAR NAR GOON-LONGWARRY ROAD, TYNONG**

**FILE REFERENCE** INT1757680

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Jason Gilbert

|  |
| --- |
| **Recommendation**  That a Notice of Decision to Grant Planning Permit T170069 be issued for the subdivision of the land into two (2) lots at 13 Nar Nar Goon-Longwarry Road, Tynong subject to the conditions attached to this report. |

**Attachments**

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| **1** | Locality plan | 1 Page |
| **2** | Development plans | 4 Pages |
| **3** | Letters of objection circulated to councillors only | 18 Pages |

**EXECUTIVE SUMMARY:**

APPLICATION NO.: T170069

APPLICANT: Mr Roger Blakeman

LAND: 13 Nar Nar Goon-Longwarry Road, Tynong VIC 3813

PROPOSAL: Subdivision of the land into two (2) lots

PLANNING CONTROLS: Neighbourhood Residential Zone - Schedule 1 (NRZ1), adjacent to a Road Zone Category 1 (RDZ1) and subject to the 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 Nar Nar Goon-Longwarry Road.

Six (6) objections have been received to date.

KEY PLANNING CONSIDERATIONS: Neighbourhood character, land subject to inundation, pattern and layout of subdivision, amenity impacts

RECOMMENDATION: Approval

**Background:**

There is no Planning Permit history for the subject site. The land was zoned Residential 1 Zone (R1Z) prior to the introduction of the Victorian Government’s new residential zones via Amendment C187 to the Cardinia Planning Scheme in 2014.

As a result of this amendment, much of the Residential 1 zoned land in the Shire’s townships was rezoned to Neighbourhood Residential zone on the basis that the new zone would provide the ‘best fit’ translation of the character provisions in the planning scheme, seeking to maintain the character of the rural townships.

**SUBJECT SITE**

The 2072 square metre site is of a rectangular shape and located on the southern side of Nar Nar Goon-Longwarry Road (Main Street), with a frontage of 25.75 metres and a depth of 80.47 metres.

The site contains a single-storey dwelling, which is setback approximately 13 metres from the street. A single vehicle crossing from Nar Nar Goon-Longwarry Road is located towards the eastern side of the northern boundary and a gravel driveway extends along the eastern boundary of the site for a distance of approximately 55 metres.

A garage is located along the western boundary approximately 18 metres to the south of the existing dwelling. Two small sheds are located along eastern boundary approximately 25 metres to the south of the existing dwelling.

The remainder of the site is generally cleared, with established mature and exotic vegetation scattered throughout. Fencing consists of post-and-wire along the boundaries towards the rear of the site, with timber paling fencing along the side boundaries towards the front of the site and no fencing along the front boundary.

The topography of the land is generally flat, with levels ranging between approximately 29.0 metres and 29.5 metres above AHD.

The main characteristics of the surrounding area are:

 East - The site is bounded by an approximate 1,622 square metre residential allotment to the east, which contains a single dwelling and associated outbuildings. The front setback contains established vegetation while the rear setback is generally cleared.

 South - The site is bounded by an approximate 9.91 hectare allotment to the south, which is used for agricultural purposes.

 West - The site is bounded by an approximate 1,622 square metre allotment to the west, which contains a single dwelling, associated outbuildings and scattered vegetation throughout. A two-lot subdivision of this land was approved by Planning Permit T140769 on 17 November 2015.

 North - The site is bounded by Nar Nar Goon-Longwarry Road (Main Street) to the north and opposite is the Gippsland railway line.

 The site forms part of a strip of land on the south side of Nar Nar Goon-Longwarry Road zoned Neighbourhood Residential Zone. It contains 18 residential allotments that each contain single dwellings.

 The site of the Pakenham Racing Club is located approximately 500 metres to the west, Tynong Station is located approximately 480 metres to the east, St Thomas Aquinas College is located approximately 100 metres to the north and Tynong Recreation Reserve is located approximately 325 metres to the south.

**Proposal**

The proposal is for the subdivision of the land into two (2) lots and common property. Lot 1 will contain the existing dwelling and have an area of 1,012 square metres, with a frontage of approximately 18.55 metres along Nar Nar Goon-Longwarry Road and a maximum depth of approximately 46.72 metres.

Lot 2 will be located at the rear of the site and have an area of 886 square metres, with a width of 25.75 metres and a maximum depth of 34.95 metres.

Common Property will extend along the eastern boundary for a distance of 49.02 metres to provide access for both lots 1 and 2. The common property will have an area of approximately 175 square metres.

The two sheds along the eastern boundary will be removed subject to approval, no other development or vegetation removal is proposed.

It is noted that the above proposal is the amended application. The original proposal consisted of the subdivision of the land into two (2) lots with no common property and each lot to have independent access to Nar Nar Goon-Longwarry Road. It was amended in response to VicRoads’ concerns.

**Planning SCHEME PROVISIONs**

**State Planning Policy Framework (SPPF)**

The relevant clauses of the SPPF are:

 11.06-2 Green wedges;

 13.02-1 Floodplain management;

 15.01-3 Neighbourhood and subdivision design; and

 15.01-5 Cultural identity and neighbourhood character.

**Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

 21.03-3 Rural townships; and

 21.06-1 Design and built form.

**Relevant particular/general provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

 Clause 52.01 Public Open Space Contribution and Subdivision;

 Clause 56 Residential Subdivision;

 Clause 57 Metropolitan Green Wedge Land;

 Clause 65 Decision Guidelines; and

 Clause 66 Referral and Notice Provisions.

**Zone**

The land is subject to the Neighbourhood Residential Zone - Schedule 1 (NRZ1) and is adjacent to a Road Zone Category 1 (RDZ1).

**Overlays**

The land is subject to Inundation Overlay (LSIO)

**Planning PERMIT TRIGGERS**

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

 Pursuant to Clause 32.09-2 of the Neighbourhood Residential Zone, a permit is required to subdivide land;

 Pursuant to Clause 52.29, a permit is required to subdivide land adjacent to a Road Zone Category 1; and

 Pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay, a permit is required to subdivide land.

**Public Notification**

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

 Sending notices to the owners and occupiers of adjoining land

 Placing one (1) sign on site facing Nar Nar Goon-Longwarry Road

Notice of the amended application was given via email to the owners of 11 and 15 Nar Nar Goon-Longwarry Road.

Council has received six (6) objections to date.

The key issues that were raised in the objections are:

 The proposed subdivision is not consistent with the character of the township;

 Loss of privacy as a result of the development of the proposed lots;

 The proposed subdivision does not have adequate fencing and new fencing will be required;

 Increase in noise, traffic and safety impacts;

 Increase in drainage and stormwater issues;

 Concerns regarding the outcome of any development on the lots; and

 Lack of demand for the proposed lots.

**REFERRALS**

*VicRoads*

The application was referred to VicRoads as a statutory referral. VicRoads indicated they would object to the original plans as it involved the creation of a second access point to Nar Nar Goon-Longwarry Road.

The applicant subsequently amended their application to delete the second access point and provide common property access to both lots. The amended plans were re-referred to VicRoads, who had no objection subject to conditions.

*Melbourne Water*

The application was referred to Melbourne Water as a statutory referral, Melbourne Water did not object to the proposal or impose any conditions. As per 57C(1) of the Act, the amended application was not referred to Melbourne Water as it was not considered to adversely affect the interests of Melbourne Water.

*Engineering*

The application was referred to Council’s Engineering Department, who had no objection subject to standard subdivision conditions.

*Health*

The application was referred to Council’s Health Department, who had no objection and did not impose any conditions.

**DISCUSSION**

**Neighbourhood Residential Zone**

The subject site is zoned Neighbourhood Residential Zone, which aims to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

As mentioned in the background section of this report, the land was rezoned from Residential 1 to Neighbourhood Residential in 2014 as part of the implementation of the Victorian Government’s new residential zones. It was determined that the NRZ would provide the ‘best fit’ translation of the character provisions in the planning scheme to maintain the character of the rural townships.

Under the zone, a planning permit is required to subdivide land, and the relevant decision guidelines include:

• The purpose of this zone;

• The objectives set out in the schedule to this zone;

• Any other decision guidelines specified in a schedule to this zone;

• The pattern of subdivision and its effect on the spacing of buildings; and

• The objectives and standards of Clause 56.

For applications that create a vacant lot capable of development for a dwelling, the zone also requires each lot to contain a minimum amount of ‘garden area’. However, the garden area requirements of the zone are not applicable for this application, as it was lodged prior to the introduction of these requirements into the planning scheme by the State Government.

*The purpose of this zone*

The zone has a number of purposes, including to implement the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) and local planning policies. It also seeks to recognise areas of predominantly single and double storey residential development and to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

The proposal is considered consistent with these purposes as the subdivision will deliver an additional residential allotment within the existing settlement of Tynong and within proximity to services and facilities including education, recreation and transport. The subdivision is expected to reinforce the residential nature of the area, and if approved, the zone will not allow more than a single additional dwelling of no more than 2 storeys in height to be constructed without a planning permit.

*The objectives set out in the schedule to this zone and any other decision guidelines specified in a schedule to this zone*

The schedule to the zone does not contain any specific objectives or decision guidelines.

*The pattern of subdivision and its effect on the spacing of buildings*

The proposed lots sizes of 1,012 square metres (Lot 1) and 886 square metres (Lot 2) is not inconsistent with the area, with surrounding lots ranging between approximately 621 square metres and 3,491 square metres. The proposed lots are within this range and therefore considered responsive to the existing neighbourhood character.

In terms of spacing of buildings, the area is characterised by dwellings that are setback from the street between approximately 0 metres (19 Nar Nar Goon-Longwarry Road) and 45 metres (21 Nar Nar Goon Longwarry Road). The dwellings generally feature side setbacks of between 2 and 5 metres, with outbuildings located to the rear.

The proposal is not expected to undermine this character, as the frontage will generally remain unaffected, the width of each lot will visually appear to remain within the established range of the area and the proposed boundaries will ensure separation between any future development on proposed Lot 2.

*The objectives and standards of Clause 56*

A detailed assessment against all relevant provisions of Clause 56 has been completed and the proposal is acceptable. The proposed subdivision is consistent with the requirements of this clause and subject to appropriate conditions will achieve the relevant objectives and standards of this clause.

**Land Subject to Inundation Overlay**

This overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority, and seeks to that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A permit is required to subdivide land affected by the LSIO, and the relevant decision guidelines include:

• Any comments from the relevant floodplain management authority;

• The existing use and development of the land;

• Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay; and

• The susceptibility of the development to flooding and flood damage.

The application was referred to Melbourne Water, who did not have any objection nor impose any conditions. The area is an established residential area within the Tynong township and it is considered that appropriate measures to manage and mitigate flood risk can be implemented during the construction stage of any development.

**State and Local Policies**

Several state and local policies are relevant to this application, including:

• Clause 11.06-2 (Green wedges) seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development. It includes strategies to consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.

• Clause 13.02-1 (Floodplain management) aims to assist the protection of life, property and community infrastructure from flood hazard, with strategies that seek to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

• Clause 15.01-3 (Neighbourhood and subdivision design) has an objective to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. It includes strategies for subdivision to emphasise existing cultural heritage values, well designed and attractive built form, and landscape character.

• Clause 15.01-5 (Cultural identity and neighbourhood character) aims to recognise and protect cultural identity, neighbourhood character and sense of place, with strategies that aim to ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising the underlying natural landscape character and the values, needs, and aspirations of the community.

• 21.03-3 (Rural townships) has an objective to maintain and enhance the distinct character and environmental qualities of each of the Shire’s townships, with strategies that seek to protect the natural environment and character of each area.

• 21.06-1 (Design and built form) encourages development to into account the character and constraints of the site and wider area and to contribute to the character, identity and sense of place of the area, particularly in newly developing areas.

Due to the reasons discussed above, the application is considered consistent with these policies. The subject land is located within the existing settlement of Tynong and within proximity to services and facilities. The dimensions and areas of the proposed lots are consistent with the established standards for the area and the retention of the existing dwelling within the front lot will ensure the streetscape character remains unchanged.

**Clause 52.29 Land Adjacent to a Road Zone Category 1**

This Clause applies to land adjacent to a Road Zone Category 1 and aims to ensure appropriate access to identified roads and appropriate subdivision of land adjacent to identified roads. A permit is required to subdivide land adjacent to a road in a Road Zone Category 1.

The relevant decision guidelines include the SPPF and LPPF, the views of the relevant road authority and the effect of the proposal on the operation of the road and on public safety.

The application has been referred to VicRoads, who had no objection subject to conditions. Based on this, the proposal is considered consistent with this Clause.

**Clause 52.01 Public Open Space Contribution and Subdivision**

Under Clause 52.01, a person who proposes to subdivide land for urban residential purposes must make a contribution to council for public open space of an amount specified in the schedule to this clause. The Schedule specifies an amount of eight per cent and this will be placed as a condition of any planning permit.

**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 Nar Nar Goon-Longwarry Road. A response to the key points of the objections is shown below.

*The proposed subdivision is not consistent with the character of the township*

The proposed lots sizes of 1,012 square metres (Lot 1) and 886 square metres (Lot 2) is not inconsistent with the area, with surrounding lots ranging between approximately 621 square metres and 3,491 square metres, with frontages of approximately 20-45 metres.

Similar applications for two lot subdivisions have been approved at 7 Nar Nar Goon-Longwarry Road (Planning Permit T090326 approved 30 November 2009) and 9 Nar Nar Goon-Longwarry Road (Planning Permit T140769 approved 17 November 2016).

*Loss of privacy as a result of the development of the proposed lots*

Proposed Lot 1 contains the existing dwelling and therefore any further development is considered unlikely.

Proposed Lot 2 is not located adjacent to any existing dwellings and fencing and vegetation will provide screening from adjoining allotments. Any development of this lot for a single dwelling will be subject to planning and building regulations.

*The proposed subdivision does not have adequate fencing and new fencing will be required*

Proposed Lot 1 will generally benefit from existing paling fencing along the side boundaries however the existing fencing along the boundaries of proposed Lot 2 consists of post and wire. A condition placed on any planning permit will require the paling fencing to be extend along the entire width of the side boundaries.

*Increase in noise, traffic and safety impacts*

The proposed second lot is located at the rear of the site and sufficiently setback from surrounding dwellings. The expected use of this additional lot for residential purposes is consistent with the residential nature of the area and not expected to introduce significant noise or traffic impacts.

The application has also been referred to VicRoads, who had no objection subject to conditions.

*Increase in drainage and stormwater issues*

A condition requiring the preparation of a stormwater management plan is recommended to be placed on any planning permit.

*Concerns regarding the outcome of any development on the lots*

Any development will be subject to building and planning regulations. The proposed Lot 2 is not located adjacent to any existing dwellings and fencing and vegetation will provide screening from adjoining allotments.

*Lack of demand for the proposed lots*

This is considered a market issue and not relevant to the assessment of the application.

**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. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome with minimal impact on the amenity of the area.

**Conclusion**

The proposal for the subdivision of the land into two (2) lots is consistent with the purposes and objectives of the Cardinia Planning Scheme. It is recommended that a Notice of Decision to Grant Planning Permit T170069 be issued for the subdivision of the land into two (2) lots at 13 Nar Nar Goon-Longwarry Road, Tynong subject to the following conditions:

**CONDITIONS**

1. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.

2. Prior to the certification of the plan of subdivision, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

3. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

4. Prior to the issue of a Statement of Compliance:

a) The owner of the land must provide written confirmation from:

i A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and

ii A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

b) The following works must be completed in accordance with plans and specification approved by and to the satisfaction of the Responsible Authority:

I. Provision of property drainage connection points to service both lots in accordance with the approved stormwater management plan.

II. Appropriate driveway access must be provided to all lots.

III. Construction of a concrete vehicle crossing to service the proposed common property.

IV. Remove any structure crossing the boundary between the proposed lots.

V. Unless already existing, fencing with a minimum height of 1.7 metres must be constructed along the entire length of the eastern and western (side) boundaries of proposed Lot 2 and any unfenced or open-fenced section of the side boundaries along proposed Lot 1. The fencing must consist of timber palings or another material as approved in writing by the Responsible Authority and be constructed at the cost of the permit holder.

VI. The existing sheds marked as ‘to be removed’ along the eastern boundary must be removed.

c) Under the Subdivision Act 1988, a sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

7. The owner of the land must enter into an agreement with:

a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**VicRoads Conditions:**

8. Prior to the issue of a Statement of Compliance:

a) All disused or redundant vehicle crossings must be removed and the area (e.g. fence and naturestrip) reinstated to the satisfaction of and at no cost to the Roads Corporation;

b) The crossover and driveway are to be sealed and constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation; and

c) The access lanes, driveways, crossovers and associated works must be provided and available for use and be:

d) Formed to such levels and drained so that they can be used in accordance with the plan; and

e) Treated with an all-weather seal or some other durable surface (e.g. concrete).

9. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

10. Prior to Certification, the Plan of Subdivision must be referred to VicRoads, in accordance with Section 8 of the *Subdivision Act 1988*.

**Expiry:**

This permit for subdivision will expire if:

a) The subdivision is not commenced within two (2) years of the date of this permit; or

b) The subdivision is not completed within five (5) years of the date of commencement.

In accordance with [Section 69](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/s69.html) of the [*Planning and Environment Act 1987*](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)

**2 SUBDIVISION OF THE LAND INTO TWO (2) LOTS, 13 NAR NAR GOON-LONGWARRY ROAD, TYNONG**

|  |
| --- |
| Moved Cr R Brown Seconded Cr G Moore  That a Notice of Decision to Grant Planning Permit T170069 be issued for the subdivision of the land into two (2) lots at 13 Nar Nar Goon-Longwarry Road, Tynong subject to the following conditions:  **CONDITIONS**  1. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.  2. Prior to the certification of the plan of subdivision, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.  3. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.  4. Prior to the issue of a Statement of Compliance:  a) The owner of the land must provide written confirmation from:  i A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and  ii A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.  b) The following works must be completed in accordance with plans and specification approved by and to the satisfaction of the Responsible Authority:  I. Provision of property drainage connection points to service both lots in accordance with the approved stormwater management plan.  II. Appropriate driveway access must be provided to all lots.  III. Construction of a concrete vehicle crossing to service the proposed common property.  IV. Remove any structure crossing the boundary between the proposed lots.  V. Unless already existing, fencing with a minimum height of 1.7 metres must be constructed along the entire length of the eastern and western (side) boundaries of proposed Lot 2 and any unfenced or open-fenced section of the side boundaries along proposed Lot 1. The fencing must consist of timber palings or another material as approved in writing by the Responsible Authority and be constructed at the cost of the permit holder.  VI. The existing sheds marked as ‘to be removed’ along the eastern boundary must be removed.  c) Under the Subdivision Act 1988, a sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.  5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.  6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.  7. The owner of the land must enter into an agreement with:  a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and  b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.  **VicRoads Conditions:**  8. Prior to the issue of a Statement of Compliance:  a) All disused or redundant vehicle crossings must be removed and the area (e.g. fence and naturestrip) reinstated to the satisfaction of and at no cost to the Roads Corporation;  b) The crossover and driveway are to be sealed and constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation; and  c) The access lanes, driveways, crossovers and associated works must be provided and available for use and be:  d) Formed to such levels and drained so that they can be used in accordance with the plan; and  e) Treated with an all-weather seal or some other durable surface (e.g. concrete).  9. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).  10. Prior to Certification, the Plan of Subdivision must be referred to VicRoads, in accordance with Section 8 of the *Subdivision Act 1988*.  **Expiry:**  This permit for subdivision will expire if:  a) The subdivision is not commenced within two (2) years of the date of this permit; or  b) The subdivision is not completed within five (5) years of the date of commencement.  In accordance with [Section 69](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/s69.html) of the [*Planning and Environment Act 1987*](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.  (Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)  Cd.  Crs Schilling and Jodie Owen voted against the motion |

**3 USE AND DEVELOPMENT OF THE LAND FOR A STORE (SELF-STORAGE FACILITY AT 15 CARNEY STREET, NAR NAR GOON**

**FILE REFERENCE** INT1757687

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Frances Stipkovic

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| **Recommendation**  That a Notice of Decision to Grant Planning Permit T170162 be issued for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 at 13-15 Carney Street, Nar Nar Goon VIC 3812 subject to the conditions attached to this report. |

**Attachments**

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| **1** | Locality map | 1 Page |
| **2** | Development plans | 6 Pages |
| **3** | Letters of objection circulated to councillors only | 8 Pages |

**EXECUTIVE SUMMARY:**

APPLICATION NO.: T170162

APPLICANT: Mr Ron Asling

LAND: 13-15 Carney Street, Nar Nar Goon VIC 3812

PROPOSAL: Use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1

PLANNING CONTROLS: Commercial 1 Zone

NOTIFICATION & OBJECTIONS: Notice of the application was given by way of sending notices to adjoining and near-by land owners/occupiers and by placing a sign on each frontage.

To date, six (6) objections have been received.

KEY PLANNING CONSIDERATIONS: Appropriateness of land use

Impact on streetscape

Impact to adjoining residential land

RECOMMENDATION: Approval

**Background:**

Council records indicate there is no recent Planning Permit history for the site. In March 2013 the Victorian Civil and Administrative Tribunal determined that an Existing Use Right had been established for the use of the land for the storage of vehicles.

**SUBJECT SITE**

The site is located on the south side of Carney Street, Nar Nar Goon, approximately 115m east from Main Street. The site is generally rectangular in shape, has frontage to Carney Street of 40.23m, a frontage to Spencer Street of 30.61m and a total site area of 1890sqm. Vehicle access is provided via a 12.0m wide crossover on Carney Street.

The site is currently undeveloped, however has been used for the storage of vehicles. A 1.65m to 1.8m high timber paling fencing defines the side boundaries (east and west). Chain wire fencing is located along both frontages.

No. 17 Carney Street adjoins the eastern boundary and is developed with a single dwelling setback approximately 10.4m from frontage and a 2.4m from the common boundary. Secluded private open space (SPOS) is located to the rear, there is established vegetation along the western (common boundary). This parcel of land is located within the Commercial 1 Zone.

No. 11 Carney Street adjoins the western boundary and is developed with a dwelling and swimming pool which fronts Spencer Street. The dwelling is setback approximately 9.2m from the common boundary. Outbuildings are located on the northern portion of the land with vehicle access provided from Carney Street.

The rail line and Nar Nar Goon Train Station are located directly north of the site.

Nar Nar Goon Recreation Reserve is located directly south of the site fronting Spencer Street and contains a sports oval, netballs courts, basketball courts and associated buildings.

Land in the immediate vicinity is characterised by a variety of land uses ranging from commercial, residential, public transport and community facilities.

**Proposal**

Approval is sought for the use and development of the land for a Store (self-storage facility) and altering an access to a road in a Road Zone Category 1.

It is proposed to construct 20 x 2.9m high grey ‘Colorbond’ storage units (2.4 x 3.0m) setback a minimum 3.0m from the east, west and rear boundaries and 21m from Carney Street.

Eight (8) 3.0m x 6.0m open spaces are provided within the front setback of Carney Street for the storage of caravans or boats.

A site office provided within the front setback of Carney Street, setback 7.0m from the frontage and 3.0m from the western boundary.

A maximum 2.1m high fencing with barbed wire above is proposed along each frontage.

Vehicle access is provided via the existing crossover off Carney Street leading to a 14.3m wide accessway.

Each storage unit is provided with a 4.9m x 2.6m car space. Vehicle access will not be provided off Spencer Street.

Staffed hours of operation are:

 Monday to Friday: 8:00am – 4:00pm

 Saturday: 9:00am – 12:00pm.

Beyond the hours listed above, customers are able to access the site between 7:00am – 9:00pm when the site is unstaffed.

A maximum of 1 staff will be on the site at any one time.

Business identification signage will not exceed 8sqm.

**Planning SCHEME PROVISIONs**

**State Planning Policy Framework (SPPF)**

The relevant clauses of the SPPF are:

 Clause 15 – Built form and Environment

 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 21.06 - Particular Uses and Development

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

The relevant provisions/ documents are:

 Clause 52.06 – Car Parking

 Clause 52.10 – Uses with adverse amenity potential

 Clause 52.29 - Land adjacent to a road in a Road Zone Category 1

 Clause 65 - Decision Guidelines

**Zone**

The land is subject to the Commercial 1 Zone.

**Overlays**

The land is not subject to any overlays.

**Planning PERMIT TRIGGERS**

The proposal for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 requires a planning permit under the following clauses of the Cardinia Planning Scheme:

 Pursuant to Clause 34.04 – 1, a planning permit is required for the use of the land for a Store (self-storage facility). The facility is for personal storage therefore not for a purpose listed in Clause 52.10.

 Pursuant to Clause 34.04 - 4, a planning permit is required for buildings and works associated with a Section 2 use.

 Pursuant to Clause 52.29,a planning permit is required to alter access to a road in a Road Zone Category 1.

**Public Notification**

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

 *Sending notices to the owners and occupiers of adjoining land*

 *Placing a sign on site*

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

The key issues that were raised in the objections are:

 Noise

 Increase in vehicle movement/traffic hazards

 Inappropriate use/development in site context

 Inconsistent with strategic vision for the area

 Increase in anti-social behaviour

 Potential land contamination

 Invalid planning application

**REFERRALS**

*Vic Roads*

The application was referred to Vic Roads as a statutory referral for comment. Vic Roads have no objection to the proposal. There are no conditions required.

*Environmental Protection Authority (EPA)*

The application was referred to the EPA as a non-statutory referral for comment. The EPA have no objection to the proposal subject to conditions.

**DISCUSSION**

On balance, the proposal is consistent with the State and Local Planning Policy Frameworks, the Commercial 1 Zone and relevant Particular Provisions.

State and Local Planning Policy Framework

Clause 15 places emphasis on high quality urban design outcomes that contribute to the streetscape, respect neighbourhood character and add vibrancy to activity centres. The site is located in close proximity to the train station and Main Street therefore may encourage further redevelopment in this precinct.

The proposal will contribute to the Nar Nar Goon Township and will provide local employment options which is a key focus of Clause 21.01. Whilst small in scale, the proposal will stimulate local economic activity in accordance with Clause 17

As detailed further in this assessment, via condition, the proposal is consistent with the Commercial 1 Zone and by default is consistent with Clause 21.06 which seeks to achieve high quality urban design outcomes which enhances the public realm and promotes community safety.

Commercial 1 Zone

The primary purpose of the Commercial 1 Zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

The use is appropriate in this context having regard to land uses directly north and south which are non-sensitive (rail line and sports reserve). This land use will not disrupt existing commercial operations in the immediate vicinity. A storage facility will cater for community needs.

The design of the storage units has taken into consideration the adjoining residential land to the east and west. A minimum 3.0m setback has been provided from the eastern and western boundaries. The storage units are low profile and will be predominantly screened by boundary fencing. To ensure the buildings and works are generally screened when viewed from No. 17 Carney Street, a condition of approval will require the boundary fence be increased to a minimum 1.8m.

Given the orientation of the land and height of the storage units, the development will not cast a significant shadow within adjoining secluded private open space.

The hours of operation are standard for this land use and will not cause adverse amenity impacts to adjoining residential land by way of noise or lighting. Visits to the site will be solely for the drop off or pick up of items and is expected to be short-term and staggered during the hours of operation. A general amenity condition will be imposed to ensure the use does not cause adverse off-site amenity impacts.

As detailed above, Clause 34.01 – 1 requires that the use of the land for a Store (Warehouse) must not be for a purpose listed in Clause 52.10 (otherwise the use becomes prohibited). A condition of approval will be imposed on the Permit to reflect this.

Noting there is currently no Township Strategy for Nar Nar Goon, regard under this Zone must be given to the impact of any land use or development within the public realm. It’s acknowledged there are limited opportunities with this land use for activation and passive surveillance. The necessity for security measures is also acknowledged. The site office located within the front setback does provide passive surveillance along Carney Street.

It is considered that the use of wire fencing with barbed wire above, along both frontages is not a desirable planning outcome in a commercial/residential setting, that would experience higher pedestrian/vehicle movement than a standard residential street given the proximity to the train station and Main Street. To enhance the streetscape when viewed from both frontages and to provide an improved urban design outcome, a condition of approval will require that the front and rear fencing be recessed from the title boundaries to allow the provision of planting to partially screen the fencing.

Further, the site office and any storage units visible from the public realm must also be suitably cladded to enhance their appearance. This will also provide an improved transition between the subject site and the two adjoining dwellings.

A condition of approval will require the submission of a formal landscaping plan. Once established, the landscaping will soften the appearance of the buildings and car parking when viewed from both street frontages.

Clause 52.06 Car Parking

Pursuant to Clause 52.06 -5, 10% of the site area must be allocated for car parking which includes the accessway. Approximately 60% of the site (1157sqm) has been allocated for car parking and accessway exceeding this requirement.

Whilst turning templates have not been provided, there is adequate turning area for vehicles given the 14.3m wide accessway. The dimensions of each car space accord with Clause 52.06 – 9 (Design Standard 2). The application was referred to Council’s Traffic Engineer who does not object to the proposal.

Have regard to the above, the objectives of this provision are satisfied.

Clause 52.29 Land adjacent to a road in a Road Zone Category 1

The purpose of this provision is to ensure the appropriate access of identified roads (RDZ1). Whilst the existing crossover off Carney Street will not be physically altered, the use of the land is being altered (i.e. intensification), therefore referral to Vic Roads was required. Vic Roads do not object to the proposal. Vehicles are able to enter the site satisfactorily and exit in a forward direction. Via condition, the objectives of this provision are met.

**RESPONSE TO OBJECTIONS**

A response to the objections received is provided below:

*Noise*

Noise associated with this land use relates mainly to vehicles entering and exiting the site for the drop off and collection of goods and is expected to be staggered throughout the hours of operation. Noise generated from this land use is minimal and appropriate having regard to the adjoining residential land. As detailed above, the site is located within the Commercial 1 Zone with a variety of land uses in the immediate vicinity (i.e. rail line and sports facility) which would generate more noise emissions.

*Increase in vehicle movement/traffic hazards*

Any new use in a Commercial 1 Zone is expected to generate more traffic flow however vehicle movements to and from the site as a consequence of this land use will not impact the existing road network. The application was referred to Vic Roads who do not object to the proposal. The application was also referred to Council’s Traffic Engineer who does not object to the proposal providing it can be demonstrated that a 12.5m heavy rigid vehicle (or alternatively an 8.8m vehicle) can exit the site in a forward direction. This will be required via condition. As Carney Street is located within a Road Zone Category 1, the flow of traffic is expected to be heavier than the surrounding road network.

*Inappropriate use/development in site context*

As detailed above, the use is appropriate having regard to the site context and the objectives of the Commercial 1 Zone. The site is not located directly on Main Street (where street activation is highly promoted) however is not located in and completely sensitive environment given the proximity to the rail line and the recreation reserve. It is further noted that there is no Industrial zoned land in this township therefore there is reliance on the Commercial 1 Zone to provide this service. Conditions of approval require modified fencing and cladded buildings which will enhance the appearance of the site from the public realm. Required landscaping will also provide a soft visual buffer between the site and both street frontages and an improved transition between the site and adjoining dwellings.

The use is for personal storage. In accordance with the Commercial 1 Zone, a condition of approval will require that the storage of items must not be for a purpose listed in Clause 52.10 of the Cardinia Planning Scheme. The application has been referred to Council’s Development Engineer who has requested the area be sealed and drained accordingly and will be required via permit conditions. These requirements do not conflict with the Condition 1 amendments imposed. Any light spill into adjoining residential land from vehicles entering and exiting the site are short term and minimal as the eastern and western boundary fencing is required to be a minimum 1.8m in height.

In response to the objection received by N. Hicks, matters surrounding toilets/amenities and fire protection are addressed under the Building Regulations and must be considered by the appointed Building Surveyor.

*Inconsistent with strategic vision for the area*

As detailed above there is currently no adopted or incorporated Township Strategy for Nar Nar Goon. Whilst Council is currently in the process of preparing a strategy, it is unreasonable to stall re-development of the site given time frames associated with the preparation and adoption of such documents. The zoning of the land and local policy on urban design remain the key determining provisions for this application.

*Increase in anti-social behaviour*

The redevelopment and introduction of any new use in a commercial setting may cause anti-social behaviour and is not exclusive to the use of the land for self-storage. Whilst it’s expected that overnight security measures will be implemented, any anti-social behaviour must be managed by the business operator and Victoria Police.

Potential land contamination

In light of the statement that the site may be contaminated, a Section 52 Notice was forwarded to the Environmental Protection Authority (EPA) for comment. An inspection was undertaken by the EPA who are satisfied that the site does not contain hazardous materials.

*Invalid application*

The applicant has since updated the application form to list ‘Oakvist Developments Pty Ltd’ as the owner of the land.

**Conclusion**

On balance, the scale and intensity of the proposal is consistent with the State and Local Planning Policy Frameworks, the Commercial 1 Zone and relevant Particular Provisions. Based on the above assessment, it is recommended that a Notice of Decision to Grant Planning Permit T170162 be issued for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 at 13-15 Carney Street, Nar Nar Goon subject to the below conditions.

**CONDITIONS**

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:

a) The fencing recessed a minimum 2.0m from the northern and southern title boundaries to allow the provision of screen planting;

b) Deletion of the ‘barbed wire’ above the fencing on both frontages to be replaced with a more suitable treatment.

c) The site office and each storage unit visible from the public realm appropriately cladded to the satisfaction of the Responsible Authority.

d) The provision of a minimum 1.8m high solid eastern boundary fence;

e) Vehicle swept paths to demonstrate a 12.5m or alternatively an 8.8m heavy rigid vehicle is able to exit the site in a forward direction.

f) Deletion of the reference to ‘gravel’ surfacing.

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and show the following:

a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.

b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.

c) Details of surface finishes of pathways and driveways.

d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

e) Landscaping and planting within all open areas of the subject land including the provision of screen planting to partially screen the fencing along both frontages.

f) A tree protection zone (TPZ) placed around vegetation to be retained for the duration of construction works. Notes associated with a TPZ are to be included on the landscape plan. The TPZ is to be noted on all construction drawings.

All species selected must be to the satisfaction of the Responsible Authority and must not impede vehicle or pedestrian sightlines or reduce passive surveillance.

**Endorsed Plans**

3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

5. Before the development is occupied, the landscaping works as shown on the endorsed must be carried out the satisfaction of the Responsible Authority.

**Land Use**

6. Unless with the prior written consent of the Responsible Authority, the use may only operate between the following hours:

 Monday to Saturday: 7:00am – 9:00pm

 Sunday: 8:00am – 6:00pm

7. The site must not be used to store any items for a purpose listed in Clause 52.10 of the Cardinia Planning Scheme.

**General Amenity**

8. The use and development must not detrimentally affect the amenity of the area, through the:

a. Appearance of any building, works or materials.

b. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

c. Presence of vermin.

d. All bins and receptacles used for the collection and storage of garbage, bottles and other solid

wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible

Authority.

e. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

9. The areas shown on the endorsed plan/s for access and landscaping must not be used for any other purpose and must be maintained to the satisfaction of the Responsible Authority.

10. All fencing must be constructed and maintained to the satisfaction of the Responsible Authority.

**Engineering**

11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

12. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

13. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.

14. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

15. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

16. The layout and dimensions of the proposed car park must accord with Clause 52.06 of the Cardinia Planning Scheme.

17. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

18. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

**Environmental Protection Authority**

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

20. Offensive odours must not be discharged beyond the boundaries of the premises. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.

21. The applicant must ensure that litter is not deposited beyond the boundary of the premises.

**Expiry**

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

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

b) the development is not completed within **four (4) years** after the issue of the permit; or

c) the use does not start within **two (2) years** after the completion of the development; or

d) the use is discontinued for a period of **two (2) years**.

In accordance with [Section 69](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/s69.html) of the [*Planning and Environment Act* 1987](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes:**

i. A Building Permit will be required for this development.  To obtain a building permit you will need to contact a registered building surveyor.

ii. In the event a 12.5m heavy rigid vehicle cannot be accommodated, the site must be able to accommodate an 8.8m heavy rigid vehicle.

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

iv. A ‘Vehicle Crossing Permit’ must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

**3 USE AND DEVELOPMENT OF THE LAND FOR A STORE (SELF-STORAGE FACILITY AT 15 CARNEY STREET, NAR NAR GOON**

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| --- |
| Moved Cr G Moore Seconded Cr R Brown  That a Notice of Decision to Grant Planning Permit T170162 be issued for the use and development of the land for a Store (self-storage facility) and altering access to a road in a Road Zone Category 1 at 13-15 Carney Street, Nar Nar Goon subject to the below conditions.  **CONDITIONS**  **Amended Plans**  1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:  a) The fencing recessed a minimum 2.0m from the northern and southern title boundaries to allow the provision of screen planting;  b) Deletion of the ‘barbed wire’ above the fencing on both frontages to be replaced with a more suitable treatment.  c) The site office and each storage unit visible from the public realm appropriately cladded to the satisfaction of the Responsible Authority.  d) The provision of a minimum 1.8m high solid eastern boundary fence;  e) Vehicle swept paths to demonstrate a 12.5m or alternatively an 8.8m heavy rigid vehicle is able to exit the site in a forward direction.  f) Deletion of the reference to ‘gravel’ surfacing.  2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and show the following:  a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.  b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.  c) Details of surface finishes of pathways and driveways.  d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.  e) Landscaping and planting within all open areas of the subject land including the provision of screen planting to partially screen the fencing along both frontages.  f) A tree protection zone (TPZ) placed around vegetation to be retained for the duration of construction works. Notes associated with a TPZ are to be included on the landscape plan. The TPZ is to be noted on all construction drawings.  All species selected must be to the satisfaction of the Responsible Authority and must not impede vehicle or pedestrian sightlines or reduce passive surveillance.  **Endorsed Plans**  3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.  4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.  5. Before the development is occupied, the landscaping works as shown on the endorsed must be carried out the satisfaction of the Responsible Authority.  **Land Use**  6. Unless with the prior written consent of the Responsible Authority, the use may only operate between the following hours:   Monday to Saturday: 7:00am – 9:00pm   Sunday: 8:00am – 6:00pm  7. The site must not be used to store any items for a purpose listed in Clause 52.10 of the Cardinia Planning Scheme.  **General Amenity**  8. The use and development must not detrimentally affect the amenity of the area, through the:  a. Appearance of any building, works or materials.  b. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.  c. Presence of vermin.  d. All bins and receptacles used for the collection and storage of garbage, bottles and other solid  wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible  Authority.  e. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.  9. The areas shown on the endorsed plan/s for access and landscaping must not be used for any other purpose and must be maintained to the satisfaction of the Responsible Authority.  10. All fencing must be constructed and maintained to the satisfaction of the Responsible Authority.  **Engineering**  11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.  12. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.  Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council’s drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.  13. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.  14. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.  15. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.  16. The layout and dimensions of the proposed car park must accord with Clause 52.06 of the Cardinia Planning Scheme.  17. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.  18. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.  **Environmental Protection Authority**  19. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.  20. Offensive odours must not be discharged beyond the boundaries of the premises. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.  21. The applicant must ensure that litter is not deposited beyond the boundary of the premises.  **Expiry**  A permit for the development and use of land expires if:  a) the development does not start within **two (2) years** after the issue of the permit; or  b) the development is not completed within **four (4) years** after the issue of the permit; or  c) the use does not start within **two (2) years** after the completion of the development; or  d) the use is discontinued for a period of **two (2) years**.  In accordance with [Section 69](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/s69.html) of the [*Planning and Environment Act* 1987](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.  **Notes:**  i. A Building Permit will be required for this development.  To obtain a building permit you will need to contact a registered building surveyor.  ii. In the event a 12.5m heavy rigid vehicle cannot be accommodated, the site must be able to accommodate an 8.8m heavy rigid vehicle.  iii. If any proposed buildings or works encroach over any part of the existing septic tank system, including buffer zones, the system must be relocated to the satisfaction of Council.  iv. A ‘Vehicle Crossing Permit’ must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.  Cd. |

**4 THE USE AND DEVELOPMENT OF THE LAND FOR SHOPS, SERVICE STATION, CONVENIENCE RESTAURANT AND RESIDENTAL DEVELOPMENT, ASCOT PARK DRIVE PAKENHAM**

**FILE REFERENCE** INT1759000

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Samantha Zimbler

|  |
| --- |
| **Recommendation**  That Notice of Decision T160577 be issued for ‘The use and development of the land for service station, convenience restaurant, convenience shops, shops, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage at Ascot Park Drive, Pakenham for reasons outlined in this report: |

**Attachments**

|  |  |  |
| --- | --- | --- |
| **1** | Locality plan | 4 Pages |
| **2** | Development plans | 21 Pages |

**EXECUTIVE SUMMARY:**

APPLICATION NO.: T160577

APPLICANT: Montague Construction (Aust) Pty Ltd c/- Contour Consultants Aust Pty Ltd

LAND: Ascot Park Drive, Pakenham VIC 3810

PROPOSAL: Service Station, convenience restaurant, convenience shops, shops, dwellings, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage

PLANNING CONTROLS: Clause 37.02, Comprehensive Development Zone, Schedule 2

Clause 44.04, Land Subject to Inundation Overlay

Clause 45.06, Development Contributions Plan Overlay, Schedule 1

Clause 52.05 Advertising Signs

Clause 52.06 Car parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.12 Service Station

Clause 52.20 Convenience Restaurant and take away food premises

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

NOTIFICATION AND OBJECTIONS: Advertising notices for the original application sent to nearby residents – one objection was received.

*Advertising was required to be completed by the applicant as part of the VCAT process. Copies of the application were required to be served on owners and occupiers of the adjoining allotments. No written submissions were received as a part of this process.*

KEY PLANNING CONSIDERATIONS: Compliance with Planning Controls.

RECOMMENDATION: Approval.

**Background:**

The application before Council has been previously refused at the May Town Planning Meeting and has been subject to numerous Compulsory Conferences through VCAT. The permit was refused based on inconsistences with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010) and a range of local polices. The previously submitted plans also demonstrated an overdevelopment of the site and Melbourne Water and VicRoads were not supportive of the proposal.

The applicant has since submitted a proposal which represents a more suitable outcome for the site. The development on the whole has been scaled back and generally representative of the outcome envisaged by the application of the Comprehensive Development Zone- Schedule 2. The original concerns of Melbourne Water and VicRoads have been addressed by the amended plans and both authorities have consented to the issue of a permit.

It should be noted that conditions have been formed in relation to the original plans submitted and still the current plans with Council (Proposed Site and Locality Plan- TP03, Version F, 8/03/17). The applicant has submitted revised plans ‘Version I’ to enable a layout as a result of Condition 1 changes to be reviewed.

It is the Officers recommendation that the refusal of this application be reviewed, based on amendments made to the plans by the applicant at VCAT. Should Council agree to the issue of a permit, VCAT will direct Council to issue the permit and no further VCAT hearing will be required.

**SUBJECT SITE**

The subject site comprises two future lots adjacent to Racecourse Road and separated by Henry Street. The lot to the north is 11, 421 square metres whilst the lot to the south is 3, 507 square metres.

The site currently is vacant.

The main characteristics of the surrounding area are:

North: 65 Racecourse Road: Land subject to Heritage Overlay and comprises the Bourke House and Stables buildings along with multiple mature trees and Pakenham Creek

East: Vacant land

South: Stages 6, 12 and 13 of the Former Pakenham Racecourse Site. Stage 6 will comprise of a wetland whilst 12 and 13 will be reserved for residential development.

West: Stage 8A and a significant extent of Stage 7 of the Former Pakenham Racecourse Site. Both stages still under construction but will comprise of residential development.

**Proposal**

The proposal is divided across the two lots as follows:

*North lot*

A Service Station is proposed to be located in the most northern portion of the site. Under a canopy, 4 fuel bowsers will be located. A tenancy to be confirmed is to be located to the west of the service station (and will be subject to planning permission). Two advertising signs are proposed to identify the Service Station, one fronting Henry Street and the other to be fronting Racecourse Road. Both will display pricing information and company logos.

A convenience restaurant is proposed in the mid-section of the side, including a wraparound take away drive thru. A loading bay and enclosed waste area will be located on the sites frontage. The restaurant will be limited to 30 restaurant patrons.

Shops define the Racecourse Road/Henry Street corner of the site. Shops will be orientated towards the respective Road frontages and are also able to be accessed from the rear car parking area. Both elevations will be predominately glazed. A seating area will be located on Racecourse Road from Shops 1 and 2. A loading bay will be located on the west elevation as well as an enclosed bin storage unit. A panel sign displaying tenant signage will front Racecourse Road.

For the commercial component of the northern site 43 car spaces are proposed. Access will be obtained from Henry Street and also Racecourse Road.

A total of 31 dwellings are proposed to be located in the western portion of the site. The development is medium density in form and a variation of dwelling arrangements are proposed. Dwellings will be 2-3 bedrooms with differing elevations presenting to the streetscape. Dwellings will be rear loaded and accessed via a road network internal to the site. Access will be provided from Tremont Street. The applicant has positioned an additional 7 car spaces within the residential portion of the site for visitor use.

*South lot*

A spine of Convenience Shops will wrap around the southern corner of Racecourse Road and Henry Street. Shops will have dual frontages to address the street and rear car parking area. Shops vary in size from 60-164sqm. A loading bay and shared waste collection point will be located along the southern elevation. A Restricted Recreational Facility (Gym) is proposed on the first level of the development. The gym will occupy the space above the corner shop tenancies and will be accessed via a rear stairwell from the car parking area. In the rear car parking area 37 car spaces are located.

**CULTURAL HERITAGE:**

In previous planning permit applications for the Ascot Estate, a due diligence report on the Aboriginal and Historic Cultural Heritage values of the site was provided. In summary the report states that the activity area is likely to have been subject to significant previous ground disturbance and hence under the conditions of the Aboriginal Heritage Act 2006, a mandatory CHMP is not required. As a consequence of this and the subsequent fill applied to that land as a result of the previous subdivision, a CHMP is not required to be submitted.

**Planning SCHEME PROVISIONs**

**State Planning Policy Framework (SPPF)**

 Clause 11, Settlement

 Clause 11.06–2, Housing choice

 Clause 11.06-3, Integrated transport

 Clause 11.06-4, Place and identity

 Clause 13.02, Floodplains

 Clause 15.01-1 Urban design

 Clause 15.01-2, Urban design principles

 Clause 15.01-5, Cultural identity and neighbourhood character

 Clause 15.02, Sustainable development

 Clause 15.03-1, Heritage conservation

 Clause 15.03-2, Aboriginal cultural heritage

 Clause 16.01-1, Integrated housing

 Clause 16.01-2, Location of residential development

 Clause 16.01-3, Housing opportunity areas

 Clause 16.01-4, Housing diversity

 Clause 16.01-5, Housing affordability

 Clause 17.01, Commercial

 Clause 17.01-1 Business

**Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

 Clause 21.01, Cardinia Shire Key Issues and Strategic Vision

 Clause 21.01-3, Key Issues

 Clause 21.02, Catchment and coastal management

 Clause 21.02-6, Post-contact heritage

 Clause 21.03-1, Housing

 Clause 21.04-1, Employment

 Clause 21.04-3. Activity centres

 Clause 21.06, Particular uses and development

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

 Clause 52.05, Advertising Signs

 Clause 52.06, Car Parking

 Clause 52.07, Loading and Unloading of Vehicles

 Clause 52.12, Service Station

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

 Clause 52.34, Bicycle Facilities

 Pakenham Structure Plan

**Zone**

The land is subject to Clause 37.02 – Comprehensive Development Zone, Schedule 2

**Overlays**

The land is subject to the following overlays:

Clause 44.04, Land Subject to Inundation Overlay

Clause 45.06, Development Contributions Plan Overlay, Schedule 1

**PLANNING PERMIT TRIGGERS**

The proposal for use and development of a supermarket, service station, 7 food and drink premises, 3 convenience restaurants, 6 offices, development of buildings and works including 37 dwellings and 3 convenience shops, variation to car parking, access to a Road Zone, Category 1 and Advertising Signage requires a planning permit under the following clauses of the Cardinia Planning Scheme:

 Pursuant to Clause 37.02 – Comprehensive Development Zone, Schedule 2 (CDZ2) a planning permit is required to use the land for a service station, restricted recreational facility and shop

 A planning permit is required to construct a building or to construct or carry out works.

 Pursuant to Clause 44.04, Land Subject to Inundation Overlay (LSIO) a planning permit is required to construct a building or to construct or carry out works.

 Pursuant to Clause 52.05 Advertising Signs, a planning permit is required to erect business identification signage exceeding a combined area of 8 square meters.

 Pursuant to Clause 52.06, Car Parking, a planning permit required to vary the specified number of car spaces associated with the proposal.

 Pursuant to Clause 52.29, Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road, a planning permit is required to create or alter access to a road in a Road Zone, Category 1.

**Public Notification**

Council advertised that application by sending notices sent to nearby residents - one objection was received. The objection raised issued with the applications address to the Heritage House to the north of the development site as well as flooding issues. Other issues raised in the objection include arrangements for waste, details of signage and noise restrictions.

Advertising was required to be completed by the applicant as part of the VCAT process for the amended plans. Copies of the application were required to be served on owners and occupiers of the adjoining allotments. No written submissions were received as a part of this process.

**REFERRALS**

Melbourne Water and VicRoads were referred the amended plans to the application and have consented to the permits issue.

**DISCUSSION**

The *Former Pakenham Racecourse Comprehensive Development Plan (February 2010)* incorporated within the CDZ2 establishes the intended uses for the wider Former Pakenham Racecourse and their respective locations. The land is divided into two precincts (Precinct 1 and Precinct 2) divided by Henry Street.

Precinct 1 (south of Henry Street) should accommodate a mixture of uses such as high density residential, retail, commercial and community and institutional uses. This to be along on the land abutting the train line and abutting Racecourse Road. The remaining land is a combination of residential and commercial use. The residential area is located centrally within the precinct, whilst commercial area skirts around the edges of the precinct along the south and east boundaries.

Precinct 2 should comprise predominantly of residential development with a high density residential focused around parks and key junctions. A section of commercial development is to be located on the corner of Henry Road and Racecourse Road. It is noted that the corners are to feature a gateway entry. The remainder of this precinct is reserved for residential use.

The subject site is located across both precincts with the north lot located in Precinct 2 and the south lot located in Precinct 1. Majority of the development will be situated within the noted commercial area with the service station encroaching on the residential area in the southern portion of the site. It should be noted that the Comprehensive Development Plan does not define any boarders for the use, but is rather a mud map to direct uses within desired locations.

Pursuant to the CDZ2, the proposed land uses (excluding restricted recreational facility) must be generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010). Council are satisfied that the objectives of the Comprehensive Development Plan are met by the proposal as majority of the commercial uses will be located within the designated areas. The uses proposed are compatible and will create a mini hub, leading into the Pakenham Town Centre.

Council has also previously approved residential development within the designated commercial area and therefore, the utilisation of the designated residential area as shown in the Compressive Development Zone can be further justified.

*Service Station*

Council Officers are satisfied that the service station proposed is sited in a preferable location, well buffered from residential uses as well as the heritage home abutting the northern property boundary. A 5-metre-wide buffer has been provided to enable substantial landscaping to ensure the protection of ‘Bourke House and Stables’ (identified by Heritage Overlay – Schedule 108). The northern elevation of the service station has been well articulated to present a suitable and attractive interface.

The development proposed is representative of the typical service station form, with car parking along the shop frontage and bowsers accessed via a ‘U’ shaped access way. Ample glazing has been located along the sites frontage to provide surveillance to the bowsers. The application meets the requirements of Clause 52.12.

*Convenience Restaurant*

The convenience restaurant will be located in the mid-section of the site to enable easy vehicle access and exposure to the traffic travelling on Racecourse Road. The convenience restaurant will be small in scale, with a limit of 30 patrons allowed to be on site at any one time. Traffic movements to enable access to the site as well as to the takeaway drive thru have been accessed as part of the application and Council Officers are satisfied that an efficient and easily navigable. Ample car parking has been provided at the front of the site for dine in customers. A car parking requirement of 9 spaces is required for the 30 patrons and 13 spaces have been provided.

The restaurant will abut residential development to the west. In order to mitigate any adverse impacts to the level of amenity, acoustic fencing and dwelling treatments are required to be implemented by a condition on this permit. This will ensure the amenity of future residents will be protected.

*Shops and Convenience Shops*

A similar arrangement is proposed for the north and southern corners of Racecourse and Henry Street. The shops will be dual access, with a glazed sliding doors on the Henry Street/ Racecourse Road elevation and traditional glazed doors proposed on the elevation fronting the car parking area. The convenience shops and shops are an ideal use for these high exposure site. The predominately glazed form of the development will enable optimal pedestrian activation.

*Dwellings*

The residential portion of the development will front Tremont and Henry Street. Being rear loaded will ensure a suitable presentation to the streetscape, in keeping with other residential development occurring along Henry Street.

**Urban Design**

Both the CDZ2 and Former Pakenham Racecourse Comprehensive Development Plan (February 2010), establish a key objective for design within the former Pakenham Racecourse to achieve excellence in architecture and urban design. Likewise, both State and Local Planning Policies highlight objectives and strategies promoting urban environments that are safe, functional with a sense of place and cultural identity. Council Officers are satisfied that these preferred outcomes have been achieved by the development proposed. The corners of Henry Street and Racecourse Road have been articulated by attractive timber panelling and a high percentage of glazing. The southern development site has been further landmarked by its two storey form. The service station and convenience restaurant take a more traditional and modern form and present an attractive and functional appearance to Racecourse Road.

**Car parking/loading and unloading/bicycle parking**

|  |  |  |  |
| --- | --- | --- | --- |
| Land Use | Clause 52.06 Requirement | Area/ Patrons | Car parking required |
| Service Station | To Councils satisfaction | - | - |
| Convenience Shops |  | 10 to each premises | 110 spaces |
| Convenience Restaurant | 0.3 per patron | 30 | 9 spaces |
| Shops | 4 spaces per 100 sqm |  | 26 spaces |
| Restricted Recreation Facility | To Councils satisfaction | - | - |
| Dwellings | 1 spaces to each two bedroom dwelling  2 spaces per three bedroom dwelling | - | Meets requirement |
|  | | Total | 145 spaces |
| Provided | 80 spaces |
| Reduction | 65 spaces |

Due to the proposed uses, many being ‘convenience’ in nature, the site will be highly transitional and therefore a reduction of 65 spaces can be justified.

In accordance with Clause 52.06 a service station does not have a specified car parking rate and is required to be to Councils satisfaction. Given the size of the store associated with the service station, the 14 car spaces provided is considered adequate. It is predicted that the store will be utilised to quickly purchase food and car related products and therefore turnover of car spaces will be high as it is unlike that patrons will be on site for a long period. Cars visiting the service station will be able to use the area under the canopy for parking while they pay. Therefore, the car parking provided for the service station is considered appropriate.

The convenience restaurant required 9 spaces to be provided for the maximum 30 patrons. In front of the restaurant 13 spaces have been provided and therefore the car parking requirement has been met by this use.

The shops that are located on the northern corner of Racecourse Road and Henry Street, generates a car parking requirement of 26 spaces. Within that area abutting the shops, 16 have been provided. Any overflow car parking will be able to be accommodated within the car park for the convenience restaurant which is a short walking distance from the shops.

A large portion of the required car parking shortfall is due to the convenience shops proposed. Council are satisfied that the 37 car spaces provided for the southern portion of the development will be appropriate as:

 The site sits within a residential development and close proximity to an aged care facility and therefore some trips to the centre will be via foot;

 The site is well accessed via public transport, with two bus stops located on Henry Street and Pakenham Train station located within a walkable distance to the site;

 Restricted recreation facility (gym) is small in size (534smq) and therefore will only be able to accommodate a small amount of patrons at one time. It is generally accepted that gyms are most frequented in the early morning and after work areas (5-7pm). This sits outside of the usual meal times, when a convenience shop is most likely to be visited.

 It is likely that patrons will visit multiple destinations within the complex; and

 Ample bicycle parking has been provided to encourage bike travel.

Loading bays and bicycle parking have been provided in accordance with the requirement of the Planning Scheme.

**Advertising signs**

The proposed signage is applicable to business identification signage associated with the service station and shop tenancies. It is consistent with signage associated with service stations and would therefore have limited implications on the amenity of the area.

**Land Subject to Inundation**

As previously discussed, Melbourne Water, as the relevant floodplain management authority, have consented to the application and therefore, Council are satisfied that the requirements of this overlay have been met.

**Access to a Road Zone, Category 1**

Access arrangements have been accessed by VicRoads and Councils Traffic Engineers. Both authorities are satisfied that a safe and efficient access arrangement will be achieved.

**Pakenham Structure Plan**

The Pakenham Structure Plan was adopted by Council in March 2017. The Structure Plan guides development for numerous precincts within the Structure Plan boundaries. The site is located in the ‘Former Pakenham Racecourse Precinct’ to be characterised by ‘higher density precinct, predominately residential with a mixed use component’. The subject site is also nominated as a ‘gateway’.

Council are satisfied that the proposal meets the overarching objectives in relation to land use and urban design. The gateway location will be achieved by the high building height accentuating the corners. The high percentage of glazing will ensure the streetscape is activated as well as presenting an attractive and inviting environment. The service station sits behind this gateway location and will fully utilise this high expose location. By incorporating a residential portion to the site, the development ensures that the medium density residential spine that has been established along Henry continues. Council are satisfied that the approval of this development will assist in the implementation of the Structure Plan objectives.

**Objection**

Pursuant to the Comprehensive Development Zone- Schedule 2, the use and development for the site is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, if it is generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010). Council are satisfied that the use and development proposed is consistent with the Development plan and therefore is exempt from the notice and decision requirements.

The application has triggered the need for a permit under Clause 52.05 Advertising Signs, Clause 52.06, Car Parking and Clause 52.29, Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. These clauses do not exempt the application from the notice and decision requirements and hence, this is why the application has been advertised first by Council and secondly by VCAT.

It is for this reason that Council can only consider the issues raised in the objection that relate to advertising signage, road access and car parking. The only relevant grounds the objector raised issue with the signs location being too close to the heritage house to the north. Signage for the service station will not front the heritage house and any pylon sign will be in excess of 50 metres from the heritage site and is therefore considered appropriate.

**Conclusion**

It is considered that the amended plans submitted before VCAT satisfies Councils original concerns in relation to Comprehensive Development Zone - Schedule 2, the proposal provides a high quality development suited to the site and is in accordance with the requirements of the planning scheme.

It is recommended that the application T160577 be issued for ‘The use and development of the land for service station, convenience restaurant, convenience shops, shops, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage at Ascot Park Drive, Pakenham subject to the following conditions:

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and consistent with plans TP03- revision F (08/03/17) The plans must show:

a. Requirements of Melbourne Water Condition 44

b. Alterations to the site locality plan dated TP03 Revision I, TP05.1 revision A, TP07 Revision H TP08.1 revision a- dated 17/08 and 18/08 but modified to show:

i. Removal of supermarket from the southern development site and addition of speciality shops only (as shown on TP03 17/08/17 version I)

ii. Removal of offices on the northern development site

iii. Implementation of the configuration of northern site as shown on (as shown on TP03 17/08/17 version I)

iv. The common boundary to the north and the west side of the convenience restaurant drive thru adjacent to the dwellings notated to feature acoustic fencing or any other require treatments as detailed in the acoustic report detailed in condition 1c).

v. Removal of the vehicle access way from Henry Street to the southern development site and creation of a vehicle access way from Hunt Link.

vi. Addition of a 5-metre-wide pedestrian access from the car park of the southern development site to Henry Street. Shops abutting the pedestrian access are required to provide substantial glazing on the elevation fronting the pedestrian access.

vii. Details of wing wall located on the loading bay of the northern development site, servicing the speciality shops.

viii. Treatment of east elevation of residential units abutting convenience restaurant implementing any recommendations from the acoustic report (as required by Condition 1c)

ix. Compliance with Condition 15.

x. Compliance with Condition 20.

xi. Compliance with condition 2

c. The provision of a report by an acoustic expert with recommendations relating to any required acoustic treatment methods and fence construction along the drive through boundary required to provide for an appropriate level of residential amenity within the site.

d. A Signage and Line marking plan

2. Before the development can commence plans must be submitted to the Responsible Authority that demonstrate that the access points onto Henry St will not affect the functional operation of Henry St and Racecourse Road intersection to the satisfaction of the RA and VicRoads

3. The use or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

5. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.

6. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the subject land.

7. Noise levels emanating from the premises must not exceed those required to be met under the relevant Environment Protection Agency policy.

8. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.

9. Unless with the prior written consent of the Responsible Authority, the convenience restaurant may not have more than 30 patrons on site at any one time.

10. Unless with the prior written consent of the Responsible Authority, the occupation of the development must not commence until a site management plan has been submitted to and approved by the Responsible Authority. The site management plan must include the following but is not limited to, to the satisfaction of the Responsible Authority:

a. Hours of operation of each use;

b. Loading bays, delivery truck routes, delivery times;

c. Site security;

d. Outdoor dining standards;

e. Details of managing graffiti and its removal;

f. Maintenance of all parking areas, loading bay area and any other paved areas;

g. Requirement for the doors of bin storage areas to be closed when not in use;

h. All doors to shops and convenience restaurants to remain unobstructed and provide dual access;

i. Maintenance of the public realm (including paving and landscaping);

j. Maintenance of advertising signs;

k. Arrangements for managing the car park, landscape areas, bins, bicycle racks, deliveries and waste collection; and

l. Arrangements for maintaining surveillance and views into and out of the development, the provision of clear glazing (no tinting or reflective film) and the provision of glazing to be unobstructed (except for advertising approved by the responsible authority)

m. Management of rubbish bins and skips.

11. Unless with the prior written consent of the Responsible Authority, the development must operate in accordance with the approved site management plan.

12. Provision must be made on the land for the storage and collection of garbage and other solid waste, to the satisfaction of the Responsible Authority.  This area must be drained and screened from the public view to the satisfaction of the Responsible Authority.

13. The development must provide an adequate waste management service with sufficient waste receptacle facilities and adequate collection services as to not create a nuisance.

14. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.

15. Before the development starts, a revised Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority to include or demonstrate:

a. How bins from each dwelling can be serviced including each collection point to be shown on a plan.

b. Waste generation calculations to determine the capacity and number of bins required.

c. Bin numbers and capacities (size).

d. Details of common area bin storage and the location (if applicable).

e. Details of hard waste collection provision.

f. Details of access arrangements from 6am – 6pm on collection days.

g. The proposed collection arrangements.

16. Prior to the issue of Certificate of Occupancy for the dwellings, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to confirm waste collection arrangements for the Land as informed by the waste management plan. The agreement will be informed by the findings of the waste management plan and may provide that:

a. all waste generated by the use of the land will be managed in accordance with the waste management plan for the land submitted to the Responsible Authority under condition 13;

b. the Owner acknowledges and agrees that the Responsible Authority is under no obligation to enter the land for the purpose of collecting waste;

c. the Owner agrees to indemnify Cardinia Shire Council and its officers with respect to any injury or damage caused to any person (including the Council’s officers) or property as a result of Council or its officers entering the land for the purpose of collecting waste; and

d. the Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant waste collection levy.

17. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:

a. Transport of materials, goods or commodities to or from the land.

b. Inappropriate storage of any works or construction materials.

c. Hours of construction activity.

d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.

e. Presence of vermin.

18. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

19. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

20. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

1. Substantial plantings, inclusive of native canopy trees in the 5 meter buffer on the
2. northern property boundary
3. Screen planting located along the wing wall of the loading bay on the north development site
4. Substantial planting between the drive thru of the convenience restaurant and the residential dwellings
5. A survey (including botanical names) of all existing vegetation to be retained and/or
6. removed.
7. Buildings and trees (including botanical names) on neighbouring properties within three
8. metres of the boundary.
9. Details of surface finishes of pathways and driveways.
10. A planting schedule of all proposed trees, shrubs and ground covers, including botanical
11. names, common names, pot sizes, sizes at maturity, and quantities of each plant.
12. Landscaping and planting within all open areas of the subject land, specifically the areas
13. between residential and non-residential buildings.

21. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

22. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.

23. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

24. Before the development is occupied:

a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority

b. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

25. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s for the commercial aspect of the site and a residential standard concrete vehicle crossing/s for the residential aspect of the site as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.

26. A ‘Vehicle Crossing Permit’ must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

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

The CEMP must address all environmental risks and include:

a. Temporary stormwater management including sedimentation control,

b. Provision of pollution and contamination controls including noise and dust,

c. Location of stockpiles and stockpile management,

d. Location of site office and facilities,

e. Equipment, materials and goods management,

f. Tree protection zones, trees to be retained and trees to be removed;

28. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.

29. The signs lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

30. The signs must not contain any flashing light.

31. The signs must be displayed and maintained to the satisfaction of the Responsible Authority.

32. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

*Environmental Protection Authority*

33. Offensive odours must not be discharged beyond the boundaries of the premises.

34. Nuisance dust must not be discharged beyond the boundaries of the premises.

35. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

36. All infrastructure for the storage and handling of Liquified Petroleum (LP) Gas should be designed, constructed and operated in accordance with AS/NZS1596:2008 The Storage and Handling of LP Gas (Standards Association of Australia).

37. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.1, January 2009). Council may also wish to refer to AS 4897-2008 The Design, Installation and Operation of Underground Petroleum Storage Systems (Standards Association of Australia).

38. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed off off-site by an EPA approved contractor or sent to sewer under Trade Waste Agreement.

39. There must be no discharge of wastewater or contaminated stormwater to the stormwater system.

40. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

*Country Fire Authority*

41. Hydrants

a. Operable hydrants, above or below ground must be provided to the satisfaction of

CFA.

c. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 90m and hydrants must be no more than 120m apart.

e. Hydrants must be identified as specified in ‘Identification of Street Hydrants for Firefighting purposes’ available under publications on the Country Fire Authority web

site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

42. Access ways

a. Access ways must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for trafficable road width.

b. Must have a minimum trafficable width of:

i. 5.5 metres if parking is prohibited on one or both sides of the road.

*VicRoads*

43. Before development commences a functional layout plan needs to be submitted to and approved by VicRoads showing a deceleration lane with a 25m tapper and 20m storage from Racecourse Road into the development prepared to the satisfaction of VicRoads

*Melbourne Water*

44. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water to address freeboard requirements. Finished floor levels of buildings including the petrol stations must be set no lower than 600mm above the applicable 1% AEP flood level or 300mm above the applicable internal 1% AEP flood level, whichever is greater.

45. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

46. The development must maintain a minimum setback of 6.0 metres from the northern boundary, within 50.0m from the eastern boundary.

47. The development must maintain a minimum setback of 8.0 metres from the eastern boundary, within 50.0m from the northern boundary.

48. Areas within the required northern and eastern setbacks set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, apart from open style or timber paling fencing, the ‘Main ID Price Sign,’ canopy overhang, kerbing to car parks and access ways as shown on the plans and car parking spaces. Any landscaping must not cause obstruction to flows and storage of contaminants within these setbacks is prohibited.

49. Any fencing including boundary fencing along the northern and eastern boundaries must be of an open style of construction (minimum 50% open or timber paling/paling style) to allow for the passage of floodwaters/ overland flows.

*Permit Expiry*

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

a. The development is started within two years of the date of this permit.

b. The development is not completed within four years of the date of this permit.

c. The use is not started within two years of the completion of the development.

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

*Permit Notes:*

- A ‘Vehicle Crossing Permit’ must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

- A Building Permit may be required for this development.  To obtain a building permit you will need to contact a registered building surveyor.

**4 THE USE AND DEVELOPMENT OF THE LAND FOR SHOPS, SERVICE STATION, CONVENIENCE RESTAURANT AND RESIDENTAL DEVELOPMENT, ASCOT PARK DRIVE PAKENHAM**

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| Moved Cr J Owen Seconded Cr C Ross  That Notice of Decision T160577 be issued for ‘The use and development of the land for service station, convenience restaurant, convenience shops, shops, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage at Ascot Park Drive, Pakenham subject to the following conditions:  1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and consistent with plans TP03- revision F (08/03/17) The plans must show:  a. Requirements of Melbourne Water Condition 44  b. Alterations to the site locality plan dated TP03 Revision I, TP05.1 revision A, TP07 Revision H TP08.1 revision a- dated 17/08 and 18/08 but modified to show:  i. Removal of supermarket from the southern development site and addition of speciality shops only (as shown on TP03 17/08/17 version I)  ii. Removal of offices on the northern development site  iii. Implementation of the configuration of northern site as shown on (as shown on TP03 17/08/17 version I)  iv. The common boundary to the north and the west side of the convenience restaurant drive thru adjacent to the dwellings notated to feature acoustic fencing or any other require treatments as detailed in the acoustic report detailed in condition 1c).  v. Removal of the vehicle access way from Henry Street to the southern development site and creation of a vehicle access way from Hunt Link.  vi. Addition of a 5-metre-wide pedestrian access from the car park of the southern development site to Henry Street. Shops abutting the pedestrian access are required to provide substantial glazing on the elevation fronting the pedestrian access.  vii. Details of wing wall located on the loading bay of the northern development site, servicing the speciality shops.  viii. Treatment of east elevation of residential units abutting convenience restaurant implementing any recommendations from the acoustic report (as required by Condition 1c)  ix. Compliance with Condition 15.  x. Compliance with Condition 20.  xi. Compliance with condition 2  c. The provision of a report by an acoustic expert with recommendations relating to any required acoustic treatment methods and fence construction along the drive through boundary required to provide for an appropriate level of residential amenity within the site.  d. A Signage and Line marking plan  2. Before the development can commence plans must be submitted to the Responsible Authority that demonstrate that the access points onto Henry St will not affect the functional operation of Henry St and Racecourse Road intersection to the satisfaction of the RA and VicRoads  3. The use or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.  4. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.  5. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.  6. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the subject land.  7. Noise levels emanating from the premises must not exceed those required to be met under the relevant Environment Protection Agency policy.  8. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.  9. Unless with the prior written consent of the Responsible Authority, the convenience restaurant may not have more than 30 patrons on site at any one time.  10. Unless with the prior written consent of the Responsible Authority, the occupation of the development must not commence until a site management plan has been submitted to and approved by the Responsible Authority. The site management plan must include the following but is not limited to, to the satisfaction of the Responsible Authority:  a. Hours of operation of each use;  b. Loading bays, delivery truck routes, delivery times;  c. Site security;  d. Outdoor dining standards;  e. Details of managing graffiti and its removal;  f. Maintenance of all parking areas, loading bay area and any other paved areas;  g. Requirement for the doors of bin storage areas to be closed when not in use;  h. All doors to shops and convenience restaurants to remain unobstructed and provide dual access;  i. Maintenance of the public realm (including paving and landscaping);  j. Maintenance of advertising signs;  k. Arrangements for managing the car park, landscape areas, bins, bicycle racks, deliveries and waste collection; and  l. Arrangements for maintaining surveillance and views into and out of the development, the provision of clear glazing (no tinting or reflective film) and the provision of glazing to be unobstructed (except for advertising approved by the responsible authority)  m. Management of rubbish bins and skips.  11. Unless with the prior written consent of the Responsible Authority, the development must operate in accordance with the approved site management plan.  12. Provision must be made on the land for the storage and collection of garbage and other solid waste, to the satisfaction of the Responsible Authority.  This area must be drained and screened from the public view to the satisfaction of the Responsible Authority.  13. The development must provide an adequate waste management service with sufficient waste receptacle facilities and adequate collection services as to not create a nuisance.  14. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.  15. Before the development starts, a revised Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority to include or demonstrate:  a. How bins from each dwelling can be serviced including each collection point to be shown on a plan.  b. Waste generation calculations to determine the capacity and number of bins required.  c. Bin numbers and capacities (size).  d. Details of common area bin storage and the location (if applicable).  e. Details of hard waste collection provision.  f. Details of access arrangements from 6am – 6pm on collection days.  g. The proposed collection arrangements.  16. Prior to the issue of Certificate of Occupancy for the dwellings, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to confirm waste collection arrangements for the Land as informed by the waste management plan. The agreement will be informed by the findings of the waste management plan and may provide that:  a. all waste generated by the use of the land will be managed in accordance with the waste management plan for the land submitted to the Responsible Authority under condition 13;  b. the Owner acknowledges and agrees that the Responsible Authority is under no obligation to enter the land for the purpose of collecting waste;  c. the Owner agrees to indemnify Cardinia Shire Council and its officers with respect to any injury or damage caused to any person (including the Council’s officers) or property as a result of Council or its officers entering the land for the purpose of collecting waste; and  d. the Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant waste collection levy.  17. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:  a. Transport of materials, goods or commodities to or from the land.  b. Inappropriate storage of any works or construction materials.  c. Hours of construction activity.  d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.  e. Presence of vermin.  18. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.  19. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.  20. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:   1. Substantial plantings, inclusive of native canopy trees in the 5 meter buffer on the 2. northern property boundary 3. Screen planting located along the wing wall of the loading bay on the north development site 4. Substantial planting between the drive thru of the convenience restaurant and the residential dwellings 5. A survey (including botanical names) of all existing vegetation to be retained and/or 6. removed. 7. Buildings and trees (including botanical names) on neighbouring properties within three 8. metres of the boundary. 9. Details of surface finishes of pathways and driveways. 10. A planting schedule of all proposed trees, shrubs and ground covers, including botanical 11. names, common names, pot sizes, sizes at maturity, and quantities of each plant. 12. Landscaping and planting within all open areas of the subject land, specifically the areas 13. between residential and non-residential buildings.   21. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.  As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council’s drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.  22. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.  23. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.  24. Before the development is occupied:  a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority  b. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.  25. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s for the commercial aspect of the site and a residential standard concrete vehicle crossing/s for the residential aspect of the site as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.  26. A ‘Vehicle Crossing Permit’ must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.  27. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.  The CEMP must address all environmental risks and include:  a. Temporary stormwater management including sedimentation control,  b. Provision of pollution and contamination controls including noise and dust,  c. Location of stockpiles and stockpile management,  d. Location of site office and facilities,  e. Equipment, materials and goods management,  f. Tree protection zones, trees to be retained and trees to be removed;  28. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.  29. The signs lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.  30. The signs must not contain any flashing light.  31. The signs must be displayed and maintained to the satisfaction of the Responsible Authority.  32. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.  *Environmental Protection Authority*  33. Offensive odours must not be discharged beyond the boundaries of the premises.  34. Nuisance dust must not be discharged beyond the boundaries of the premises.  35. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.  36. All infrastructure for the storage and handling of Liquified Petroleum (LP) Gas should be designed, constructed and operated in accordance with AS/NZS1596:2008 The Storage and Handling of LP Gas (Standards Association of Australia).  37. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.1, January 2009). Council may also wish to refer to AS 4897-2008 The Design, Installation and Operation of Underground Petroleum Storage Systems (Standards Association of Australia).  38. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed off off-site by an EPA approved contractor or sent to sewer under Trade Waste Agreement.  39. There must be no discharge of wastewater or contaminated stormwater to the stormwater system.  40. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.  *Country Fire Authority*  41. Hydrants  a. Operable hydrants, above or below ground must be provided to the satisfaction of  b. CFA.  c. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be  d. 90m and hydrants must be no more than 120m apart.  e. Hydrants must be identified as specified in ‘Identification of Street Hydrants for Firefighting purposes’ available under publications on the Country Fire Authority web  f. site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))  42. Access ways  a. Access ways must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for trafficable road width.  b. Must have a minimum trafficable width of:  i. 5.5 metres if parking is prohibited on one or both sides of the road.  *VicRoads*  43. Before development commences a functional layout plan needs to be submitted to and approved by VicRoads showing a deceleration lane with a 25m tapper and 20m storage from Racecourse Road into the development prepared to the satisfaction of VicRoads  *Melbourne Water*  44. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water to address freeboard requirements. Finished floor levels of buildings including the petrol stations must be set no lower than 600mm above the applicable 1% AEP flood level or 300mm above the applicable internal 1% AEP flood level, whichever is greater.  45. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.  46. The development must maintain a minimum setback of 6.0 metres from the northern boundary, within 50.0m from the eastern boundary.  47. The development must maintain a minimum setback of 8.0 metres from the eastern boundary, within 50.0m from the northern boundary.  48. Areas within the required northern and eastern setbacks set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, apart from open style or timber paling fencing, the ‘Main ID Price Sign,’ canopy overhang, kerbing to car parks and access ways as shown on the plans and car parking spaces. Any landscaping must not cause obstruction to flows and storage of contaminants within these setbacks is prohibited.  49. Any fencing including boundary fencing along the northern and eastern boundaries must be of an open style of construction (minimum 50% open or timber paling/paling style) to allow for the passage of floodwaters/ overland flows.  *Permit Expiry*  This permit will expire if one of the following circumstances applies:  a. The development is started within two years of the date of this permit.  b. The development is not completed within four years of the date of this permit.  c. The use is not started within two years of the completion of the development.  The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards if the approved development has not commenced and twelve months if the approved development has commenced.  *Permit Notes:*  - A ‘Vehicle Crossing Permit’ must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.  - A Building Permit may be required for this development.  To obtain a building permit you will need to contact a registered building surveyor.  Cd. |
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**5 Planning Scheme amendment Activity Report**

**FILE REFERENCE** INT1757641

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Tracey Parker

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| **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** |
| 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 Drive & part 62 Cameron Way, Pakenham | Rezone land in the existing Oaktree Drive Road Reserve and part of 25 Oaktree Drive, Pakenham (Lot 1 TP 161356U & Lot 1 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. |  |  | Submitted to the Minister for Planning for approval on 10/05/2017. |
| 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. |

**5 Planning Scheme amendment Activity Report**

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| Moved Cr J Owen Seconded Cr C Ross  That the report be noted.  Cd. |

**6 Planning Enforcement Matters (Including Magistrates' Court Prosecutions)**

**FILE REFERENCE** INT1757637

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Owen Hardidge

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| **Recommendation**  That the list of enforcement matters currently before VCAT and the Magistrates’ Court (and the County Court) be noted. |

**EXECUTIVE SUMMARY**

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

Where breaches of the Planning Scheme are detected that cannot be satisfactorily resolved Council undertakes enforcements action at the Victorian Civil and Administrative Tribunal (VCAT).

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

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

**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** |
| **715 Gembrook Rd, Pakenham Upper**  (ref: OH:AB:14130, OH:SMAY:15227  OH:OH:16295) | Alleged land use (burning off) and building breaches, that relates to extensive and complex planning history of the site. | VCAT APPLICATION - On **15th 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.  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 **21st July 2016**, the Tribunal reserved its decision, and a written judgement is expected imminently. This will give greater clarity, but is unlikely to completely resolve the contentious burning off issues.    MAGISTRATES COURT CASE – On the **13th 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 **29th November 2017**.  The property has a 20 yr history of litigated planning disputes between 1997 and 2015. |
| **765 Gembrook Rd, Pakenham Upper**  **(OH:LK:16299)** | Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17 | Magistrates’ Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit.  On **10 August 2017**, the accused appeared in Court with a number of supporters. The accused withdrew from the hearing, after his supporters were ejected for disruptive behaviour. It is unclear how he intends to respond to this case going forward.  It is listed for further hearing on the **30 October 2017**. |
| **230 Telegraph Rd, Beaconsfield Upper**  **OH:LK:17351** | Native vegetation removal, in breach of Clause 52.17 (Native Vegetation) and Clause 42.04-2 (Environmental Significance Overlay – Schedule 1) | Magistrates’ Court proceeding is listed for First Mention **7th September 2017**. |
| **555 Back Creek Rd, Gembrook**  **EH:LK:16272** | Native vegetation removal, and earthworks creating a dam, in breach of Section 173 agreement and the scheme.  Rural Conservation Zone – Sch 1, Environmental Significance Overlay – Sch 1, Bushfire Management Overlay, and Clause 52.17 | 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.  On **15th September 2016** the Court issued a Warrant for arrest to compel the attendance of the accused. The accused has recently re-located, and we are investigating options to locate him. |

**Conclusion**

The list of current enforcement activities is presented for information.

**6 Planning Enforcement Matters (Including Magistrates' Court Prosecutions)**

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| Moved Cr J Owen Seconded Cr C Ross  That the list of enforcement matters currently before VCAT and the Magistrates’ Court (and the County Court) be noted.  Cd. |

**7 Planning Matters Dealt with by Officers Under Delegation Authority**

**FILE REFERENCE** INT1757634

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Debbie Tyson

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| **Recommendation**  That the report be noted. |

**EXECUTIVE SUMMARY**

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

| **Date** | **Permit No** | **Location** | **The Proposal** | **The Decision** | **Lodged Date** |
| --- | --- | --- | --- | --- | --- |
| **Central Ward** | | | | | |
| 24/07/2017 | T170372 | 21 Skyline Drive, Officer VIC 3809 | Development of the land for a dwelling | Issued | 13 June 2017 |
| 26/07/2017 | T170157 | 130 Duncan Drive, Pakenham VIC 3810 | Development of an additional dwelling | Issued | 14 March 2017 |
| 27/07/2017 | T170047 | 116 Toomuc Valley Road, Pakenham VIC 3810 | Nine (9) Lot Staged Subdivision in accordance with the approved development plans. | Issued | 02 February 2017 |
| 28/07/2017 | T160075 - PC1 | 13-15 Henry Street, Pakenham Victoria 3810 | Condition 1 - Development of the land for nine (9) dwellings and associated works | Issued | 24 March 2017 |
| 28/07/2017 | T160438 - PC1 | 33-35 James Street, Pakenham VIC 3810 | Use and development of the land for a Childcare Centre, associated works and a reduction in on-site car parking spaces (7) | Issued | 02 June 2017 |
| 31/07/2017 | T170307 | 67 Caversham Drive, Pakenham VIC 3810 | Staged buildings and works associated with a non-residential use (open sports ground). | Issued | 26 May 2017 |
| 31/07/2017 | T170374 | 33 Waterford Rise, Pakenham VIC 3810 | Subdivision of the land into two (2) lots | Issued | 02 June 2017 |
| 31/07/2017 | T170409 | 28 Grattan Way, Pakenham VIC 3810 | Development of a dwelling | Issued | 27 June 2017 |
| 2/08/2017 | T170243 | Shop 3/89 Main Street, Pakenham VIC 3810 | Use of the land for a restricted recreation facility (gym) and business identification signage | Issued | 08 May 2017 |
| 4/08/2017 | T170308 | 24 & 26, Honeyeater Way, Pakenham VIC 3810 | Subdivision of the land into three (3) lots | Lapsed | 25 May 2017 |
| 8/08/2017 | T160684 - PC1 | 75 Caversham Drive, Pakenham VIC 3810 | Condition 1- The subdivision of land into three (3) lots in accordance with the endorsed plans | Issued | 25 July 2017 |
| 9/08/2017 | T170468 | 2 St Cloud Place, Pakenham VIC 3810 | Development of the land for a single dwelling | Withdrawn | 24 July 2017 |
| 10/08/2017 | T170228 - PC1 | 13 Skyline Drive, Officer VIC 3809 | Development of a single dwelling and associated works in accordance with the approved plans. | Issued | 11 July 2017 |
| 14/08/2017 | T170002 - PC1 | 40 Renam Street, Pakenham VIC 3810 | Condition 1 - The development of sixteen (16) double storey dwellings on lots less than 300 sqm in accordance with the endorsed plans. | Issued | 27 June 2017 |
| 14/08/2017 | T170276 | 5 Gardiner Street, Pakenham VIC 3810 | Development of a second dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling. | Issued | 18 May 2017 |
| 14/08/2017 | T170371 | 26 Skyline Drive, Officer VIC 3809 | Development of the land for a dwelling | Issued | 15 June 2017 |
| 15/08/2017 | T140591 - 2 | 106 Manna Gum Drive, Pakenham VIC 3810 | Extension to Planning Permit | Withdrawn | 22 June 2017 |
| 15/08/2017 | T160818 | 92-96 Princes Highway, PAKENHAM VIC 3810 | Buildings and works associated with the existing Service Station and display of internally illuminated business identification signage | NOD | 09 December 2016 |
| 15/08/2017 | T170375 | 24 Skyline Drive, Officer VIC 3809 | Development of the land for a dwelling | Issued | 16 June 2017 |
| 15/08/2017 | T170385 | 5 Henry Street, Pakenham VIC 3810 | Subdivision of the land into three (3) lots | Issued | 20 June 2017 |
| 16/08/2017 | T100677 - 2 | O`Brien Parade, Pakenham VIC 3810 | Buildings and works and use of the land for a gymnasium, shops, trade supplies and landscape gardening supplies, reduction in car parking, native vegetation removal and creation and alteration of access to a Road Zone Category 1 | Issued | 02 June 2017 |
| 16/08/2017 | T160696 - PC1 | 1 Plover Street, Pakenham VIC 3810 | Subdivision of land into three (3) lots | Issued | 03 August 2017 |
| 16/08/2017 | T170357 | 84 Skyline Drive, Officer VIC 3809 | Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6 | Issued | 09 June 2017 |
| 17/08/2017 | T150435 - PC1 | 71 & 77 Racecourse Road, Pakenham Victoria 3810 | Subdivison of the land (Boundary Realignment) | Withdrawn | 06 September 2016 |
| 18/08/2017 | T160672 | 71 Racecourse Road & 77 Racecourse Road, Pakenham VIC 3810 | Use and development of the land as a Motel, erection of advertising signage and creation of a carriageway easement | NOD | 12 October 2016 |
| 18/08/2017 | T170343 | 48 John Street, Pakenham VIC 3810 | Subdivision of Land into Eight Lots, in accordance with the approved Development Permit / Plans. | Issued | 19 June 2017 |
| 18/08/2017 | T170523 | 85 Grandvue Boulevard, Officer VIC 3809 | Buildings and works (dwelling) within the Significant Landscape | Issued | 10 August 2017 |
| **Port Ward** | | | | | |
| **Date** | **Permit No** | **Location** | **The Proposal** | **The Decision** | **Lodged Date** |
| 20/07/2017 | T130069 - 4 | Corporate Terrace, Pakenham VIC 3810 | Amendment to warehouse development | Withdrawn | 20 July 2017 |
| 20/07/2017 | T170189 | 510 Bessie Creek Road, Nar Nar Goon North VIC 3812 | Use and Development of the land for a dwelling | Issued | 31 March 2017 |
| 20/07/2017 | T170451 | 352-354 Rossiter Road, Koo Wee Rup VIC 3981 | Two storey building for the purpose of a medical centre and alteration of access to RDZ1. | Withdrawn | 20 July 2017 |
| 21/07/2017 | T170250 | 55 Mont Albert Road, Garfield VIC 3814 | The development of the land for a dwelling extension (verandah/pergola) | Issued | 08 May 2017 |
| 21/07/2017 | T170269 | 2934 Princes Highway, Garfield VIC 3814 | Display promotional signage | Issued | 16 May 2017 |
| 25/07/2017 | T170150 - PC1 | 38 Tynong Road, Tynong VIC 3813 | Condition 1 - Approval of condition one plans | Issued | 03 July 2017 |
| 26/07/2017 | T170211 | 45 Patullos Road, Yannathan VIC 3981 | The development of the land for a rural store | Issued | 18 April 2017 |
| 27/07/2017 | T160829 - PC1 | 39 Cameron Way, Pakenham VIC 3810 | Condition 1 - Construction of a second dwelling at the rear of the existing dwelling and alterations and additions to the existing dwelling | Issued | 22 June 2017 |
| 27/07/2017 | T170222 | 3760 South Gippsland Highway, Koo Wee Rup VIC 3981 | The realignment of boundaries | Issued | 26 April 2017 |
| 27/07/2017 | T170366 | 105 Gunn Road, Garfield VIC 3814 | Alterations and additions to an existing dwelling | Withdrawn | 15 June 2017 |
| 28/07/2017 | T170235 | 20 Barongarook Road, Maryknoll VIC 3812 | Development of the land for an outbuilding | Issued | 28 April 2017 |
| 28/07/2017 | T170295 | FY 1/66 Bald Hill Road, Pakenham VIC 3810 | Use of the land for a restricted recreation facility (martial arts gymnasium) | Issued | 22 May 2017 |
| 31/07/2017 | T170224 | 16 Industrial Drive, Pakenham VIC 3810 | Construction of one (1) warehouse and associated buildings and works | Issued | 27 April 2017 |
| 31/07/2017 | T170317 | 8 Gardner Street, Koo Wee Rup VIC 3981 | The development of the land for a dwelling | Issued | 01 June 2017 |
| 31/07/2017 | T170397 | 375 McDonalds Track, Lang Lang VIC 3984 | Display Business identification signage | Issued | 26 June 2017 |
| 1/08/2017 | T170337 | 1100 Westernport Road, Lang Lang East VIC 3984 | Development of the land for an outbuilding (shed) | Issued | 02 June 2017 |
| 4/08/2017 | T170206 | Corporate Terrace, Pakenham VIC 3810 | Building and works for warehouse development with ancillary office | Issued | 11 April 2017 |
| 7/08/2017 | T160039 | Peet Street, Pakenham Victoria 3810 | Subdivision of the land four (4) lots | Issued | 20 January 2016 |
| 8/08/2017 | T160567 | 305 Snell Road, Nar Nar Goon North VIC 3812 | 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 | Refused | 30 August 2016 |
| 8/08/2017 | T170252 | 265 Thwaites Road, YANNATHAN VIC 3981 | The development of the land for a rural store | Issued | 08 May 2017 |
| 8/08/2017 | T170266 | 625 Bunyip-Modella Road, Iona VIC 3815 | Development of the land for an outbuilding (shed) for agricultural use | Issued | 15 May 2017 |
| 8/08/2017 | T170406 | Corporate Terrace, Pakenham VIC 3810 | Construction of three (3) warehouses and associated buildings and works | Issued | 29 June 2017 |
| 8/08/2017 | T170407 | Corporate Terrace, Pakenham VIC 3810 | Construction of three (3) warehouses and associated buildings and works | Issued | 27 June 2017 |
| 9/08/2017 | T160505 - PC1 | 15 Knights Court, Tynong VIC 3813 | Condition 1 - Development of the land for buildings and works associated with agriculture | Issued | 09 May 2017 |
| 9/08/2017 | T160592 | Hillbrick Road, Garfield VIC 3814 | Use of the land for a temporary dwelling | Withdrawn | 13 September 2016 |
| 9/08/2017 | T170215 | 4 Livestock Way, Pakenham VIC 3810 | To build an extension to the existing retail outlet building and the associated carparks | Issued | 20 April 2017 |
| 9/08/2017 | T990164 - 2 | 100 School Road, Bayles Victoria 3981 | Amendment to Planning Permit T9900164 (issued for the use and development of the land as a rural store). | Refused | 21 June 2016 |
| 10/08/2017 | T160150 - PC1 | 70 Croft Road, Nar Nar Goon North VIC 3812 | Development of the land a dwelling extension (pergola) and outbuilding (shed) | Issued | 26 June 2017 |
| 10/08/2017 | T160728 - PC1 | 2485 Ballarto Road, Cardinia VIC 3978 | Condition 1- Restricted Place of Assembly with Dwelling and B&B | Issued | 10 August 2017 |
| 10/08/2017 | T160750 | Industrial Drive, Pakenham VIC 3810 | 4 lot Subdivision | Issued | 15 November 2016 |
| 10/08/2017 | T170506 | Corporate Terrace, Pakenham VIC 3810 | Subdivision of the land into two (2) lots | Issued | 02 August 2017 |
| 11/08/2017 | T170018 | 180 North Yannathan Road, Catani VIC 3981 | Re-subdivision of the land in to three (3) lots (boundary re-alignment) | Issued | 18 January 2017 |
| 11/08/2017 | T170232 | Campbell Street, Pakenham VIC 3810 | Fill land | Issued | 01 May 2017 |
| 14/08/2017 | T160033 - 1 | Corporate Terrace, Pakenham Victoria 3810 | Multi lot subdivision in stages | Issued | 24 May 2017 |
| 14/08/2017 | T170226 | 56a Hope Street, Bunyip VIC 3815 | Development of the land for an outbuilding outside the building envelope (within the waste envelope) | Withdrawn | 28 April 2017 |
| 15/08/2017 | T170163 | 15 Beswick Street, Garfield VIC 3814 | Development of the land for two (2) dwellings | Issued | 22 March 2017 |
| 15/08/2017 | T170460 | 215 McCraws Road, Nar Nar Goon VIC 3812 | Proposed colorbond shed for residential storage | Issued | 19 July 2017 |
| 16/08/2017 | T160284 | 94-98 Bald Hill Road, Pakenham VIC 3810 | Use of the land for a food and drink premises and associated buildings and works | Issued | 11 May 2016 |
| 16/08/2017 | T170195 | 73-75 Nar Nar Goon-Longwarry Road, Garfield VIC 3814 | The display of advertising signage and reduction in car parking (associated with a medical centre) | Issued | 03 April 2017 |
| 16/08/2017 | T170421 | 28 Lorraine Court, Pakenham VIC 3810 | To subdivide the land into 2 lots | Issued | 05 July 2017 |
| 17/08/2017 | T090192 - PC3 | 8 Drake Court, Bunyip VIC 3815 | Offset management plan - Subdivision of the land into fourteen (14) lots and vegetation removal. | Issued | 29 March 2017 |
| 18/08/2017 | T170168 | 320 Seymour Road and 280 Dore Road, Nar Nar Goon North VIC 3812 | Realignment of boundaries between two (2) lots and consolidation of two (2) lots | Issued | 23 March 2017 |
| 18/08/2017 | T170225 | 72 Gainsborough Avenue, Lang Lang VIC 3984 | Development of the land for an outbuilding | Issued | 28 April 2017 |
| 18/08/2017 | T170378 | 45 Wildes Road, Yannathan VIC 3981 | Alteration and Addition to Existing Dwelling | Issued | 19 June 2017 |
| **Ranges Ward** | | | | | |
| 20/07/2017 | T170456 | 381 Paternoster Road, Cockatoo VIC 3781 | Home occupation of outbuilding | Withdrawn | 17 July 2017 |
| 21/07/2017 | T170146 | 7 Gembrook-Launching Place Road, Gembrook VIC 3783 | Buildings and works for the construction of dwelling | Issued | 10 March 2017 |
| 21/07/2017 | T170160 | 1 Nioka Close, Cockatoo VIC 3781 | Development of the land for a dwelling, vegetation removal and associated earthworks. | Issued | 17 March 2017 |
| 21/07/2017 | T170267 | 22 Charman Avenue, Emerald VIC 3782 | Alterations and additions to an existing dwelling | Issued | 17 May 2017 |
| 21/07/2017 | T170344 | 32 McMullen Road, Officer VIC 3809 | Subdivision of land into 2 lots and creation of carriageway easement. | Issued | 06 June 2017 |
| 21/07/2017 | T170349 | 8 Beaconsfield Avenue, Beaconsfield VIC 3807 | Alterations and additions to an Office Building | Issued | 07 June 2017 |
| 24/07/2017 | T170410 | 45 Eastbourne Crescent, Officer VIC 3809 | Development of the land for an outbuilding (shed) | Issued | 26 June 2017 |
| 26/07/2017 | T170167 | 5 Knapton Avenue, Beaconsfield Upper VIC 3808 | Development of the land for an outbuilding | Issued | 23 March 2017 |
| 26/07/2017 | T170426 | Timbertop Boulevard, Officer VIC 3809 | The subdivision of land into 2 lots | Withdrawn | 06 July 2017 |
| 27/07/2017 | T150656 - PC1 | Pakenham Road, Pakenham Victoria 3810 | Plans to comply with Condition 1 of Planning Permit T150656 | Issued | 21 March 2017 |
| 27/07/2017 | T170186 | 2 Ann Street, Beaconsfield VIC 3807 | Use and development of land for a medical centre. | Issued | 30 March 2017 |
| 28/07/2017 | T170178 | 15 Phillip Road, Avonsleigh VIC 3782 | Development of the land for a dwelling and subdivision of the land (boundary realignment) | Issued | 28 March 2017 |
| 31/07/2017 | T150390 - 1 | 39 Station Road, Gembrook VIC 3783 | Subdivision of the land into two (2) lots | Issued | 22 May 2017 |
| 31/07/2017 | T160573 | Timbertop Boulevard, Officer VIC 3809 | Subdivision of the land | Issued | 01 September 2016 |
| 31/07/2017 | T170279 | 29 Eastbourne Crescent, Officer VIC 3809 | Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6 | Issued | 15 May 2017 |
| 1/08/2017 | T170022 | 125 Quamby Road, Guys Hill VIC 3807 | Buildings and works in the form of extensions and alterations to a dwelling, construction of an outbuilding, and removal of native vegetation | Issued | 30 January 2017 |
| 1/08/2017 | T170258 | U 3/210 Toomuc Valley Road, Pakenham VIC 3810 | Development of the land for a single dwelling and outbuilding | Issued | 11 May 2017 |
| 2/08/2017 | T170338 | Shop 1/54 McBride Street, Cockatoo VIC 3781 | Reduction in car parking | Issued | 02 June 2017 |
| 3/08/2017 | T160376 | 67-69 Tivendale Road, Officer VIC 3809 | Buildings and works (earthworks) within the Land Subject to Inundation Overlay | Issued | 23 June 2016 |
| 3/08/2017 | T170234 | 14 Lyle Avenue, Beaconsfield VIC 3807 | Development of the land for two (2) dwellings | Issued | 27 April 2017 |
| 4/08/2017 | T150541 - PC1 | 1972 Wellington Road, Clematis VIC 3782 | Condition 16A, B, C & D of Planning Permit T150541. | Issued | 27 March 2017 |
| 4/08/2017 | T150541 - PC2 | 1972 Wellington Road, Clematis VIC 3782 | Condition 1 – Endorse Condition 1 Plans. | Issued | 26 April 2017 |
| 4/08/2017 | T160393 - PC1 | 48 Merretts Road, Avonsleigh VIC 3782 | Use and development of a 40 meter high fixed wireless facility (telecommunication monopole) | Issued | 26 July 2017 |
| 4/08/2017 | T170020 | 1 Carawa Street, Cockatoo VIC 3781 | Subdivision of the land | Issued | 27 January 2017 |
| 7/08/2017 | T160658 | 18 Bayview Road, Officer VIC 3809 | Development of the land for eight (8) dwellings | Issued | 11 October 2016 |
| 7/08/2017 | T170008 - PC1 | 6 Cornish Road, Emerald VIC 3782 | Development of the land for a dwelling and earthworks exceeding 1 metre | Issued | 01 August 2017 |
| 7/08/2017 | T170415 | 9 Avondale Street, Officer VIC 3809 | Development of the land for a dwelling | Issued | 30 June 2017 |
| 8/08/2017 | T170429 | 72 First Avenue, Cockatoo VIC 3781 | Extension to existing dwelling. New kitchen, dining & laundry | Withdrawn | 08 August 2017 |
| 9/08/2017 | T160422 | 392 Belgrave-Gembrook Road, Emerald VIC 3782 | Use and development of the land for a Child Care Centre, vegetation removal and creation of an access to a road in a Road Zone Category 1 | NOD | 15 September 2016 |
| 10/08/2017 | T150541 - PC3 | 1970 &1972 Wellington Road, Clematis Victoria 3782 | Section 173 - Subdivision of the land into two (2) lots and removal of vegetation | Issued | 08 August 2017 |
| 10/08/2017 | T160146 - PC11 | Officer South Road, Officer VIC 3809 | Con. 11 - Plans to Comply (Restriction on PS) for Stage 17B | Issued | 21 July 2017 |
| 10/08/2017 | T160720 - PC2 | 15 Belgrave Avenue, Cockatoo VIC 3781 | Development of the land for a dwelling and associated earthworks, and vegetation removal | Issued | 06 July 2017 |
| 10/08/2017 | T170092 | Linden Road, Pakenham Upper VIC 3810 | Earthworks associated with a dam extension and construction of an outbuilding | NOD | 15 February 2017 |
| 10/08/2017 | T170184 - PC1 | 21 Rosebank Lane, Beaconsfield Upper VIC 3808 | BMP - Development of the land for a dwelling and earthworks | Issued | 17 July 2017 |
| 11/08/2017 | T160447 - PC1 | 4 Beaconsfield Avenue, BEACONSFIELD VIC 3807 | Buildings and works relating to an existing education facility | Issued | 14 June 2017 |
| 14/08/2017 | T170126 | 51 Gembrook Road, Gembrook VIC 3783 | Development of the land for a dwelling | Lapsed | 06 March 2017 |
| 15/08/2017 | T150612 - PC1 | 65 Ure Road, Gembrook Victoria 3783 | Use of the land for Materials Recycling and Transfer Station and display of business identification signage | Issued | 11 July 2017 |
| 15/08/2017 | T160381 - PC1 | U 3/3 Banks-Smith Drive, Gembrook VIC 3783 | Use and development of the land for two (2) dwellings | Issued | 04 August 2017 |
| 15/08/2017 | T160394 - PC1 | 114-120 Old Princes Highway, Beaconsfield VIC 3807 | Condition 1 – Endorse Condition 1 plans - Use and development of the land for a service station | Issued | 31 May 2017 |
| 15/08/2017 | T170075 | 120 Old Gembrook Road, Pakenham Upper VIC 3810 | Extension and Addition to the existing dwelling | Issued | 17 February 2017 |
| 15/08/2017 | T170181 | Belgrave-Gembrook Road, Gembrook VIC 3783 | Vegetation removal | Issued | 28 March 2017 |
| 15/08/2017 | T170305 | 22 Fairway Road, Emerald VIC 3782 | The development of the land for dwelling alterations and additions | Issued | 25 May 2017 |
| 15/08/2017 | T170494 | 11 Dakota Street, Officer VIC 3809 | Proposed veranda to the side of the existing dwelling on a lot under 300m2. Exceeds 60% site coverage | Withdrawn | 28 July 2017 |
| 16/08/2017 | T140410 - 4 | 24 Tivendale Road, Officer Victoria 3809 | Amendment - Commercial premises incorporating a service station etc | Issued | 12 July 2017 |
| 16/08/2017 | T160609 | 284 Rix Road, Officer VIC 3809 | Development of the land for two (2) attached dwellings | Lapsed | 19 September 2016 |
| 17/08/2017 | T140008 - PC1 | 368 O'Neil Road, Officer Victoria 3810 | Condition 1 - The removal of seventy three (73) radiata pine trees | Issued | 29 June 2017 |
| 17/08/2017 | T170019 | 21 Auhl Road, Emerald VIC 3782 | Development of the land for a dwelling, earthworks and vegetation removal | Issued | 20 January 2017 |
| 18/08/2017 | T150821 - PC4 | 105 Mary Street, Officer VIC 3809 | Plans to Comply - Condition 2 - Waste Management Plan | Issued | 24 February 2017 |
| 18/08/2017 | T170288 | 21-23 Burton Road, Beaconsfield Upper VIC 3808 | Earthworks | Issued | 21 May 2017 |

**7 Planning Matters Dealt with by Officers Under Delegation Authority**

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| Moved Cr J Owen Seconded Cr C Ross  That the report be noted.  Cd. |

**8 Planning matters currently the subject of appeal under at VCAT and their outcomes**

**FILE REFERENCE** INT1757629

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

**AUTHOR** Debbie Tyson

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| **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** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 22/01/18 | T970402 | 455 Westernport Road, Lang Lang | Amended permit- delete condition 5 and use and development of a dwelling | Refusal | Applicant | Waiting on hearing |  |
| 18/10/17 | T160108 | 65 Moody Street, Koo Wee Rup | Subdivision of land into 19 lots | Failure to determine | Applicant | Waiting on hearing |  |
| 23/11/17 | P160025 | 5-9 Salisbury Rd, Beaconsfield Upper | Additions and alterations to an existing aged care facility, vegetation removal and associated works | Refusal | Applicant | Waiting on hearing |  |
| 10/01/18 | T110314 | 36 Bunyip Modella Road, Bunyip | Storage facility and native vegetation removal | NOD | Objector | Waiting on hearing |  |
| 20/12/17 | T160760 | 54 Rosebery St, Lang Lang | Variation of a restrictive covenant | Refusal | Applicant | Waiting on 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 | Waiting on hearing |  |
| 28/11/17 |  | 13 May Road, Beaconsfield | Extension of time | Refusal | Applicant | Waiting on hearing |  |
| 4/10/17 | T140410-3 | 24 Tivendale Road, Officer | Amendment to permit (amendment for additional access to RDZ1) | Refusal (by VicRoads) | Applicant | Waiting on hearing |  |
| 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 | Objector | Awaiting hearing |  |

**8 Planning matters currently the subject of appeal under at VCAT and their outcomes**

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| Moved Cr J Owen Seconded Cr C Ross  That the report be noted.  Cd. |

Meeting closed at 7.37pm

Minutes Confirmed

Chairman