

Notice of Application for a Planning Permit

The land affected by the application is located at:	L2 LP39532 15 Crichton Road, Gembrook VIC 3783
The application is for a permit to:	Buildings and Works (Construction of an Agricultural Building)

A permit is required under the following clauses of the planning scheme:

35.06-5	Construct a building or construct or carry out works associated with a use in Section 2 (insert Section 2 use)
35.06-5	Construct or carry out earthworks specified in a schedule to this zone
35.06-5	Construct a building within nominated setbacks
42.01-2	Construct a building or construct or carry out works

APPLICATION DETAILS

The applicant for the permit is:	ARB Design
Application number:	T240592

You may look at the application and any documents that support the application at the office of the responsible authority:

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.



HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:

03 April 2025

WHAT ARE MY OPTIONS?

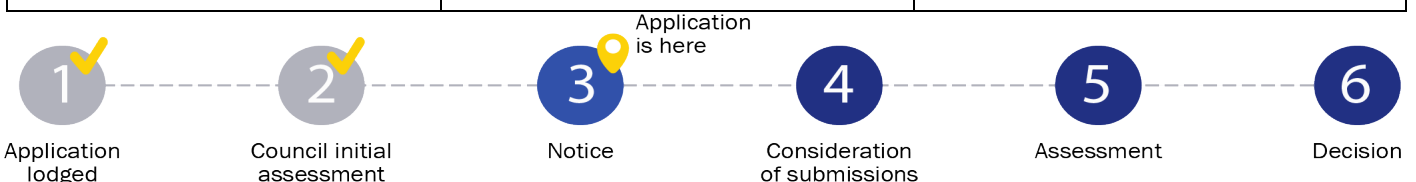
Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

If you object, the Responsible Authority will notify you of the decision when it is issued.

An objection must:

- be made to the Responsible Authority in writing;
- include the reasons for the objection; and
- state how the objector would be affected.

The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.



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ePlanning

Application Summary

Portal Reference	A424958E
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Basic Information

Proposed Use	BUILDINGS AND WORKS TO CONSTRUCT AN AGRICULTURAL SHED
Current Use	AGRICULTURE
Cost of Works	\$33,824
Site Address	15 Crichton Road Gembrook 3783

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	Not Applicable, no such encumbrances apply.
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Contacts

Type	Name	Address	Contact Details
Applicant	ARB DESIGN	19 OLD COACH ROAD, THE BASIN VIC 3154	M: 0400-523-670 E: tanya@arbdesign.com.au
Owner	[REDACTED]	[REDACTED]	
Preferred Contact	ARB DESIGN	19 OLD COACH ROAD, THE BASIN VIC 3154	M: 0400-523-670 E: tanya@arbdesign.com.au

Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 11 Not more than \$100,000	\$1,265.60	100%	\$1,265.60
Total			\$1,265.60

Documents Uploaded

Date	Type	Filename
14-11-2024	A Copy of Title	TITLE.pdf
14-11-2024	A Copy of Title	TITLE.pdf
14-11-2024	A Copy of Title	TITLE PLAN.pdf
14-11-2024	Site plans	15 CRICHTON ROAD GEMBROOK - REV A - 01-11-2024.pdf
14-11-2024	Additional Document	Cover Letter.pdf



Civic Centre
20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria

Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VC, 3810

Email: mail@cardinia.vic.gov.au

Monday to Friday 8.30am–
5pm

Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

Lodged By

Site User	ARB Design	19 Old Coach Road, The Basin VIC 3154	M: 0400-523-670 E: andrew@arbdesign.com.au
Submission Date	14 November 2024 - 04:04:PM		

Declaration

By ticking this checkbox, I, , declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.



Civic Centre
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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08225 FOLIO 372

Security no : 124118698958W
Produced 02/10/2024 11:28 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 039532.
PARENT TITLE Volume 06111 Folio 021
Created by instrument A745656 27/05/1959

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP039532 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control [REDACTED]

DOCUMENT END

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[REDACTED]

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NIL

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ADMINISTRATIVE NOTICES

NIL

eCT Control [REDACTED]

DOCUMENT END

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Document Identification	LP039532
Number of Pages (excluding this cover sheet)	2
Document Assembled	02/10/2024 11:29

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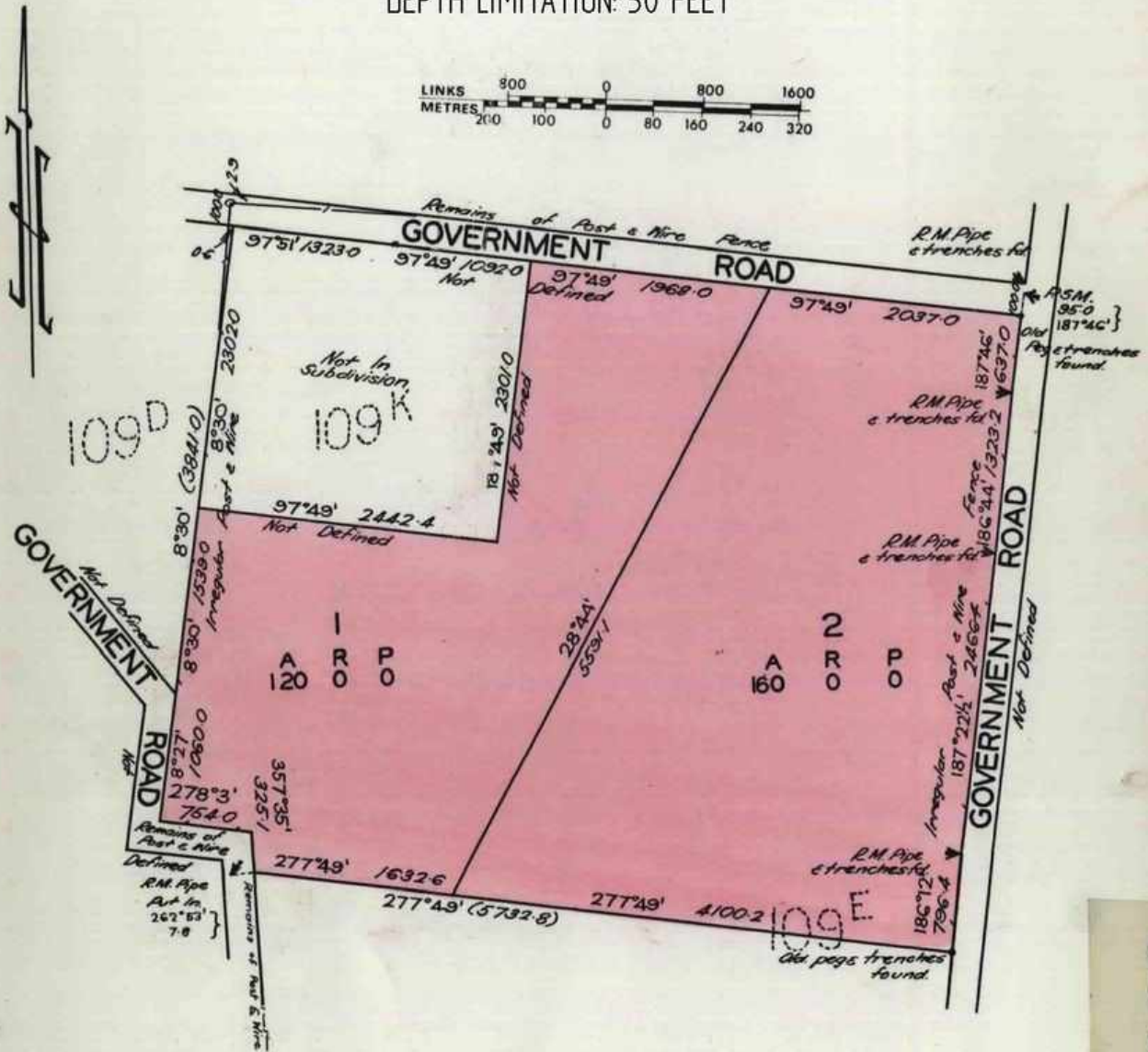
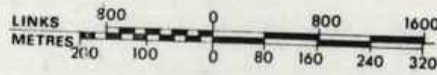
LP 39532
EDITION I

39532

PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENT 109E
PARISH OF GEMBROOK
COUNTY OF MORNINGTON

VOL. 6111 FOL. 021

DEPTH LIMITATION: 50 FEET



Road widths are not to scale

39532



SCLP039532-1-1

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39532

THIS IS THE BACK OF LP 39532

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POSTED: A.W.
COLOURED: A.W.
CHECKED: J.M.T.

39532

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14-11-2024
Cardinia Shire Council
Planning Department,
PO Box 7
Pakenham VIC 3810

RE: Planning application – 15 Crichton Road Gembrook

We wish to apply for a planning permit for the above property for **buildings and works to construct an agricultural shed**.

The purpose of the proposed building is for storage associated with the use of the land for agriculture. The building will be used to store hay and to park a tractor. The building replaces an existing shed which is in disrepair and was damaged in storms.

The proposal requires a planning permit under the following clause of the Cardinia Planning Scheme:

- Clause 35.06-5 (Buildings and works, Rural Conservation Zone) for buildings and works.
- Clause 42.01-2 (Permit requirement, Environmental Significance Overlay) for buildings and works.

A planning permit is not required under the Land Subject to Inundation Overlay because the proposed shed is outside the area affected by this overlay as demonstrated on the plans.

The plans show no major encroachment to any vegetation.

The proposal replaces an existing agricultural shed with a new shed with very similar footprint. The site is easily accessible and therefore is a good location for the agricultural shed. The landscape impact is very minimal because the shed is not elevated in a prominent position and is well screened by vegetation, and within an area which already contains other buildings nearby.

We provide photographs below to assist Council in understanding the site.

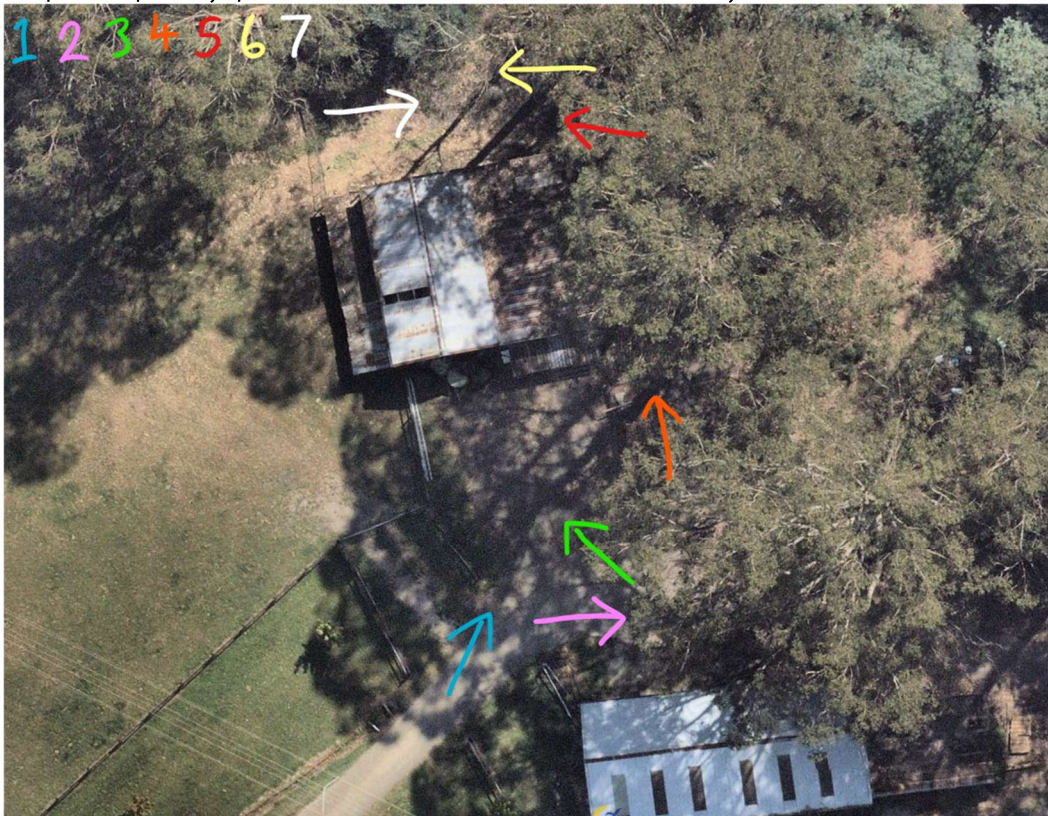


Diagram showing approximate location and direction of photographs

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Photo 1



Photo 2

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Photo 3



Photo 4

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Photo 5



Photo 6



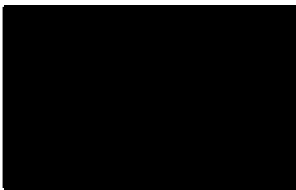
Photo 7

We attach the following documents in support of the application:

- Development plans
- Copy of title
- Application form (completed online)

Please contact me if you require further information.

Kind Regards



Jack Pickering
Town Planner
ARB DESIGN
E – jack@arbdesign.com.au
M – 0473 587 991

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22-01-2025
Cardinia Shire Council
Planning Department,
PO Box 7
Pakenham VIC 3810

RE: Planning application T240592 PA – 15 Crichton Road Gembrook

We refer to your further information letter dated 12 December 2024 and provide the following response.

Item 1

There is no need for any documentation relating to aboriginal heritage. The subject land has an established agricultural use which has been occurring for living memory. The age of the agricultural shed to be demolished is the clearest evidence of this. The building appears to be several decades old.

Under Regulation 46(3) of the Aboriginal Heritage Regulations 2018, a CHMP is not required if the use was lawfully occurring immediately before 28 May 2007. It is clear that the use was occurring prior to this date.

It is also clear that the footprint of the proposed shed would have been subject to significant ground disturbance as part of construction of the existing shed which it is to replace.

Item 2

The land is used for grazing animal production and to grow hay which is used either on site or sold off site.

The use of the land for agriculture is a long-established existing use of the land. It is not appropriate for there to be any requirement to prove this as part of the assessment of this application. If Council thinks there is an illegal use occurring it can choose to take enforcement action and seek to prove the offence. The burden of proof is on Council. Common sense indicates that the ongoing maintenance of the land indicates agricultural use. Either the grass is being consumed by grazing animals or cut for hay and sold. Both activities are ongoing agricultural uses. Aerial imagery shows cattle grazing parts of the property at various points in time.

The proposal is consistent with all relevant decision guidelines and planning policy. This is an existing agricultural use. The proposal is merely to replace an existing agricultural shed with a new agricultural shed with almost exactly the same footprint. The proposal avoids removal or destruction of native or protected vegetation and therefore the proposal is consistent with the conservation of the environmental and landscape values of the area. The proposed shed location is not prominent in the landscape and is very well screened.

The proposal does not involve major encroachment to any protected tree, so I disagree with the notion that an avoid and minimise statement is warranted. The proposal has avoided the removal or destruction of vegetation. The first principle is to avoid removal or destruction and that has been achieved with this design. Nothing more needs to be said. The position of existing fencing and access ways makes the proposed position of the shed most appropriate. Shifting the shed to be entirely outside the Tree Protection Zone of all trees is not necessary and would lead to excessive costs altering fencing. There is simply no need to do that.

The proposed building will discharge stormwater to a legal point of discharge. There is no reason to believe that the proposed building would impact in any significant way natural overland flows. Stormwater runoff would be directed towards the creek. Erosion management controls could be implemented if necessary to ensure the flow is not concentrated.

The proposed site is appropriate and we are talking about simply replacing an existing building. The site is already set up with appropriate access, is relatively flat and is not prominent in the landscape. No other site on the property would be as well screened or as appropriately located for access, while also being quite flat. The extent of earthworks is so minimal as to be of no importance.

Item 3

The plans have been updated to give more detail on existing buildings on the land.

There is no requirement for tanks for fire fighting associated with this proposed agricultural shed. It is not a relevant issue and details of tanks have therefore not been shown.

Diamond Creek has now been shown on the plans.

The plans already showed all vegetation within 15m. The plans have been updated to show setback distances from vegetation to the proposed development. The plans also now include a table stating the DBH of these trees. For those trees with any encroachment the Structural Root Zone is also given. The percentage encroachment to the Tree Protection Zones was already clearly indicated. Unless a tree is to have a major encroachment the species is not relevant so details of species are not provided.

The proposed building has been sited outside the LSIO. The extent of the LSIO is clearly shown on the plans. Flooding is therefore not a relevant matter for assessment of this application and obtaining and showing AHD levels is therefore also not necessary.

Item 4

The elevation plans have been updating to dimension the height of the proposed fill.

Extra dimensions are now on the plans making it easy to see the height relative to finished floor level and natural ground level. Please note that on the west and north elevations finished floor level and natural ground level are the same.

For reasons explained under Item 3, AHD levels are not obtained or shown on the plans.

Additional comments

This is a very straight-forward application in which we merely seek to replace an existing agricultural shed. A visit to the site would make it clear to anyone that the chosen location is also the least prominent location in the landscape. We have demonstrated no tree impacts. The Council seems to be looking for issues when there are none. Please proceed with the assessment and approval of this application without further delay.

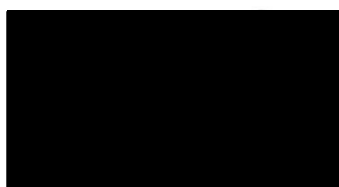
We attach the following documents with this response:

- Revised development plans.

Please proceed with assessment of the application. In the event that the response is not deemed adequate we request an extension of time to provide further information.

Please contact me if you require further information.

Kind Regards



Jack Pickering
Town Planner
ARB DESIGN

E – jack@arbdesign.com.au

M – 0473 587 991

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14-02-2025
Cardinia Shire Council
Planning Department,
PO Box 7
Pakenham VIC 3810

RE: Planning application T240592 PA – 15 Crichton Road Gembrook

We refer to your further information letter dated 10 February 2025 and provide the following response.

Item 2 – Town Planning Submission

The previous further information response included paragraphs which addressed the relevant planning controls and decision guidelines. It may not have specifically referenced clauses, but it covered the key planning issues. The plans make clear what the proposal is for. I have made my arguments about the merits of the proposal and it is up to Council to now make their assessment. If there are specific questions that need to be answered we can answer those, but merely asking for the applicant to provide further argument in favour of the proposal is unreasonable. I have been given the opportunity and have provided all the justification I see fit in favour of the application.

Item 2B

We do not intend to apply for approval for use of the land for agriculture or to apply for a Certificate of Compliance. These are unnecessary processes with unnecessary costs and delays attached to them. A reasonable assumption can be made by Council that the land has existing use rights to be used for agriculture without needing to go to such lengths.

The current owners advise that they purchased the property in 2007 and at that time it was an established farm. They also advised that the previous owners had purchased the property in 2003 as an established farm. Those previous owners provided the current owners with an activity history for the farm which we have provided as an attachment. The subject land was used as a golf course in the past and the use of land at some point in time prior to 2003 changed from a golf course to agriculture.

Since at least 2003 and probably for many years prior the land has been used for farming. Aerial imagery over this time is conclusive evidence that the land has been continually farmed. It is not necessary to see that grazing animals existed on the land during the time since 2003. It is only necessary to see that the land was been managed as a farm over the necessary time to benefit from existing use rights. The aerial imagery shows that the land has been managed. Paddocks have been maintained. The growing of grass for bailing hay is an agricultural use and the aerial imagery clearly shows that this has been occurring. If this had not been occurring the land would have reverted to a wild state and this has obviously not occurred. A property of this size will grow grass and the act of keeping the grass down either with animals or by harvesting it as hay is agriculture.

Item 3

The plans have been updated to nominate which outbuildings are associated with a dwelling. A note has been added stating that all outbuildings not marked as being associated with a dwelling are agricultural buildings.

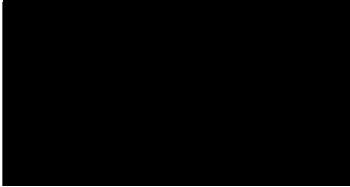
We attach the following documents with this response:

- Revised development plans.
- Farm Activity History

Please proceed with assessment of the application. In the event that the response is not deemed adequate we request an extension of time to provide further information.

Please contact me if you require further information.

Kind Regards



Jack Pickering
Town Planner

ARB DESIGN

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Crichton Lodge: Activity History

Date	Activity
16 May 03	Grass Seed: 100kg Vic Perennial Rye, 40kg Tetila Rye, 10kg Haifa White Clover
16 May 03	Superfect: 3 tonnes & Lime 4 tonnes mixed with grass seed – paddock behind house
20 Dec 03	93 rolls hay baled
08 Feb 04	Soil Test: Elders
16 Apr 04	120 tonnes Lime & 7 tonnes SuperMextra spread on all paddocks
14 May 04	Broadleaf sprayed: 60 litres Thistle Killem
26 Aug 04	470 bags seed: Vic, Nui, Bolton's, Kingston Rye; Haifa, Huia White clover; Seaton Park Sub Clover; Balansa Annual Clover & Red
01 Sep 04	Direct drilled 51 acres grass seed
26 Dec 04	188 rolls hay baled
26 Apr 05	Blackberries sprayed: Garlon
04 May 05	120 tonnes lime & 11 tonnes Superfect spread on all paddocks
27 Aug 05	Broadleaf sprayed: 60 litres Thistle Killem
20 Dec 05	193 rolls hay baled
01 Apr 06	Soil test
17 Apr 06	16 tonnes Superphosphate
26 Apr 06	Blackberries sprayed: Garlon
09 Aug 06	Blackberries sprayed: MCPA & Wetter
26 Aug 06	Blackberries sprayed: MCPA & Wetter
13 Sep 06	Over sow 300kg: Vic, Nui, Bolton's, Kingston Rye; Haifa, Huia White clover; Seaton Park Sub Clover; Balansa Annual Clover & Red
14 Dec 06	90 rolls hay baled
20 Mar 07	15 tonnes Superphosphate spread on all paddocks
15 Sep 07	Over sow 300kg: Vic, Nui, Bolton's, Kingston Rye; Haifa, Huia White clover; Seaton Park Sub Clover; Balansa Annual Clover & Red

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SITE NOTES

ALL SETOUT DIMENSIONS HEIGHTS AND CLEARANCES TO BE CONFIRMED BY BUILDER ON SITE PRIOR TO WORKS COMMENCING.

PLUMBER TO CONNECT ALL STORM WATER TO LEGAL POINT OF DISCHARGE

DOWN PIPES TO BE SPACED 12 METRE MAXIMUM CONTINUOUS SPACING OR AS SHOWN ON PLAN. 90mm DIA. PVC STORM WATER TO BE INSTALLED AT A MINIMUM GRADE OF 1:100

DOWNPIPE LOCATION IS FOR INDICATIVE PURPOSES ONLY AND WILL BE INSTALLED AT PLUMBERS DISCRETION TO AS3500.3-2018

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SITE ANALYSIS

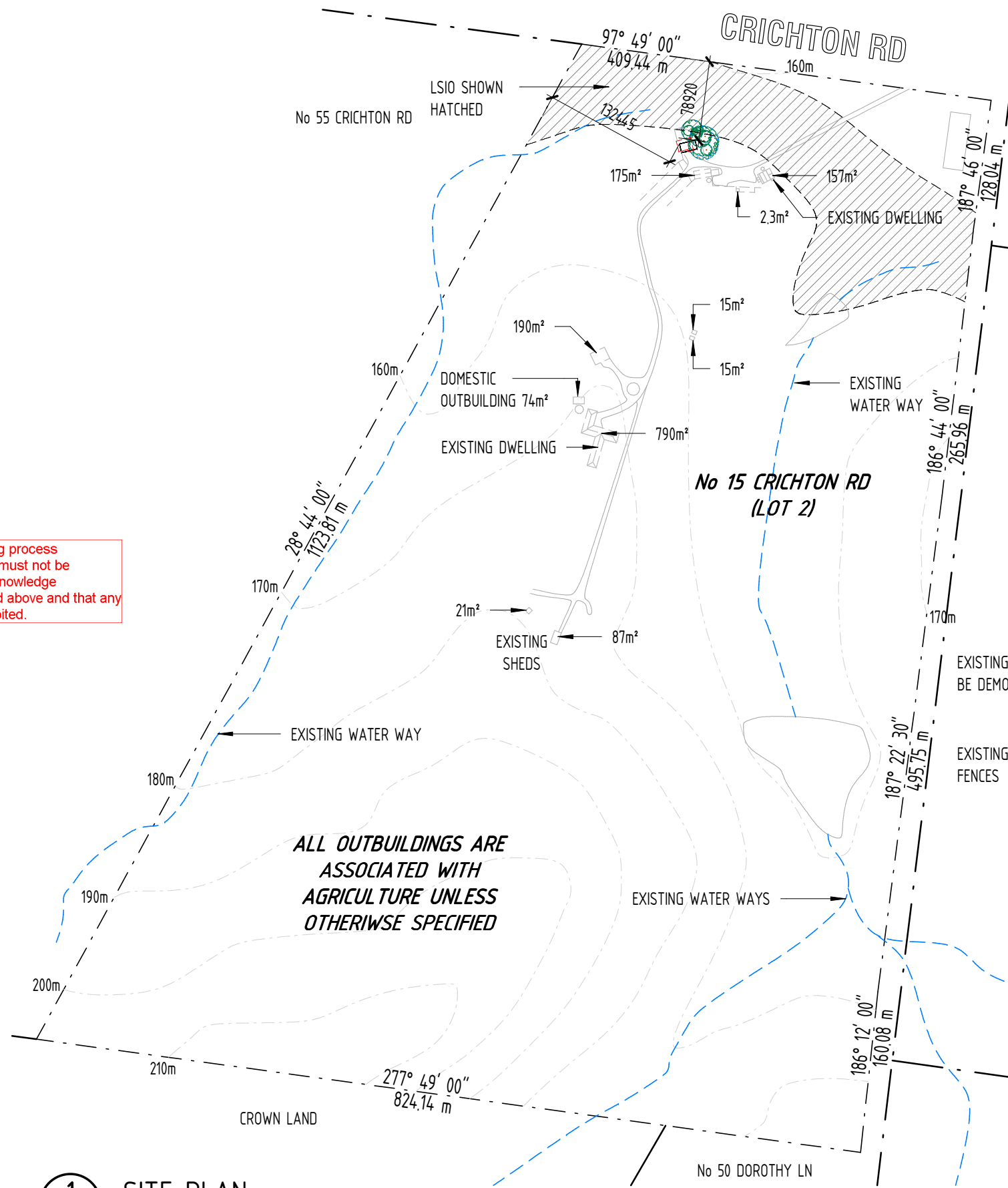
TOTAL SITE AREA	646381.00 m ²
EXISTING DWELLING	1664.18 m ²
PROPOSED SHED	28.21 m ²
TOTAL SITE COVERAGE	1692.39 m ² (0.26%)
GARDEN AREA	644688.61 m ² (99.74%)

EARTHWORKS NOTE

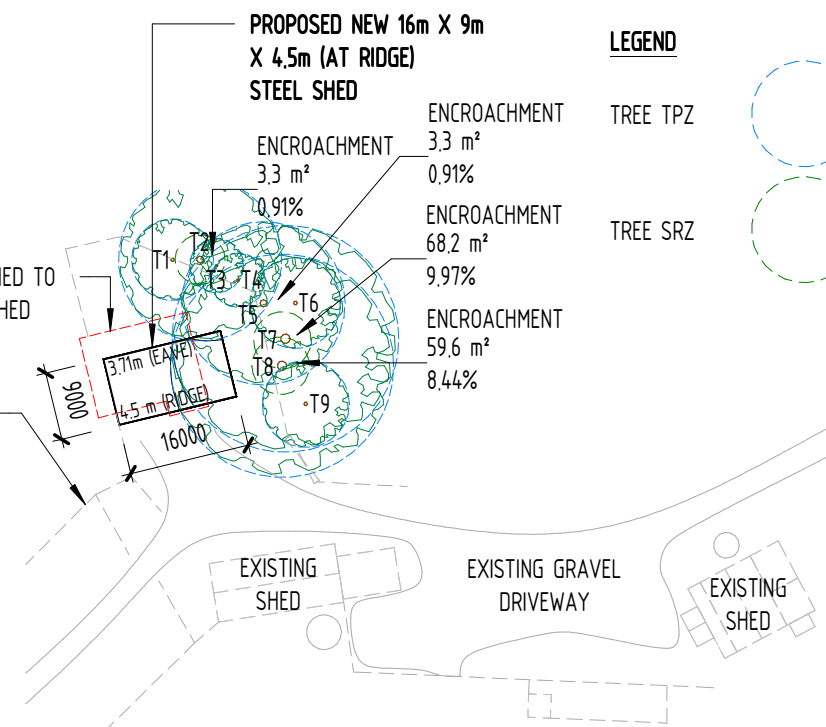
EARTHWORKS ARE PROPOSED FOR THIS APPLICATION. PROPOSED CUT AND FILL ARE INDICATED ON PLAN AND ELEVATIONS.

VEGETATION NOTE:

NO VEGETATION IS PROPOSED TO BE REMOVED OR DESTROYED IN THIS APPLICATION. ALL PROTECTED OR SIGNIFICANT VEGETATION WITHIN 15M OF PROPOSED WORKS ARE SHOWN. FOR CLARITY VEGETATION FURTHER THAN 15M FROM PROPOSED WORKS HAS NOT BEEN SHOWN.



APPROX. LOCATION OF WORKS



TREE SCHEDULE

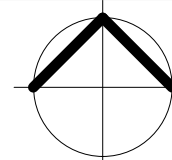
TREE N°	DBH	TPZ
1	450	5400
2	900	10800
3	300	3600
4	300	3600
5	900	10800
6	500	6000
7	1250	15000
8	1230	14760
9	480	5760



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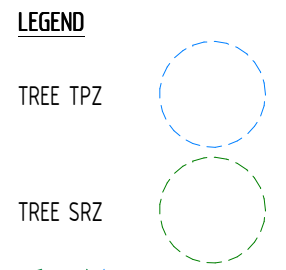
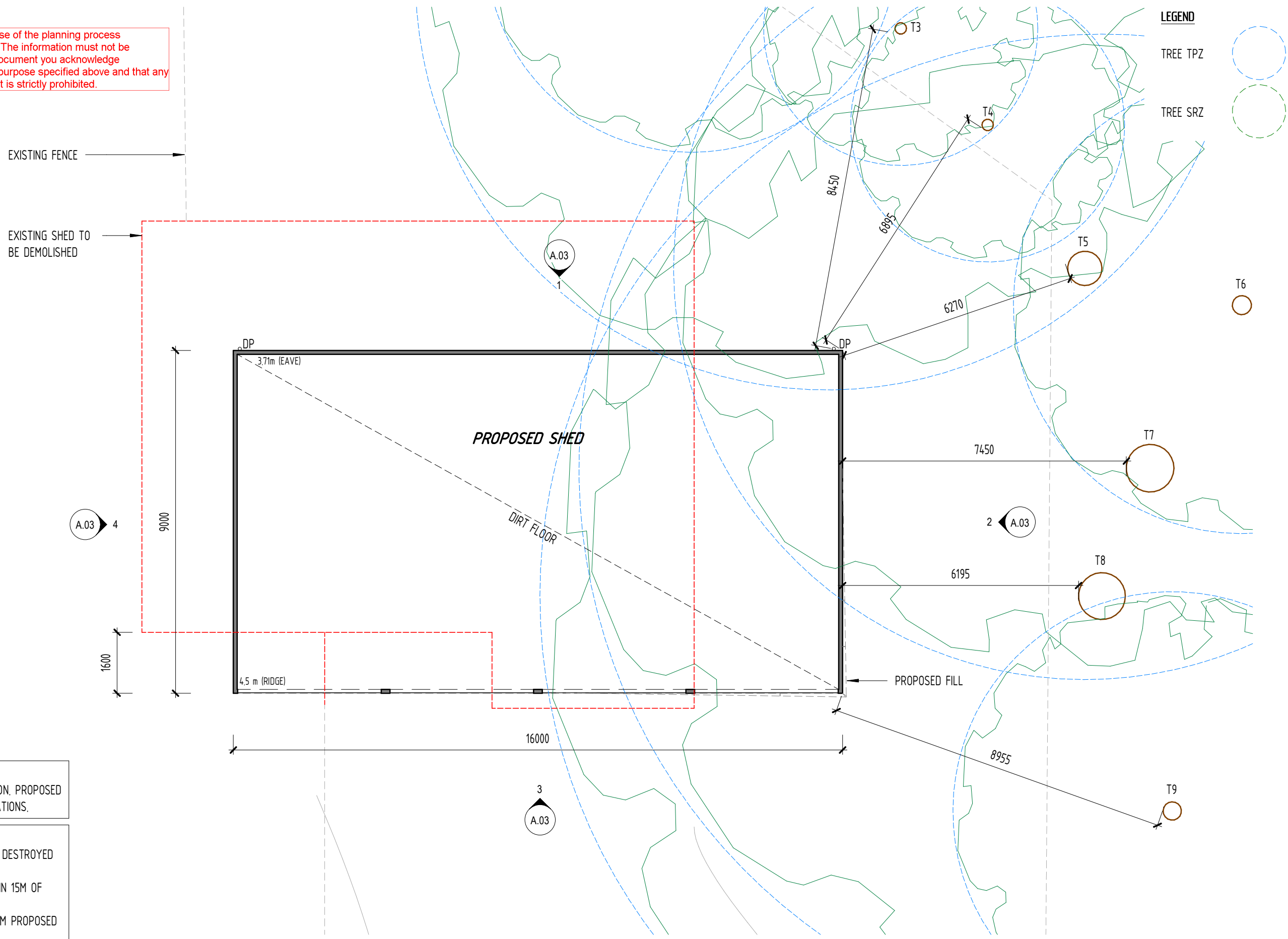


< PROJECT > PROPOSED NEW SHED
< ADDRESS > 15 CRICHTON RD, GEMBROOK
< DRAWING > PROPOSED SITE PLAN

< PROJ NO > 24213

< ISSUE DATE 13-02-2025 > < SCALE (@A3) As indicated > < REVISION A > < DRAWN AD > < DRG NO > A.01

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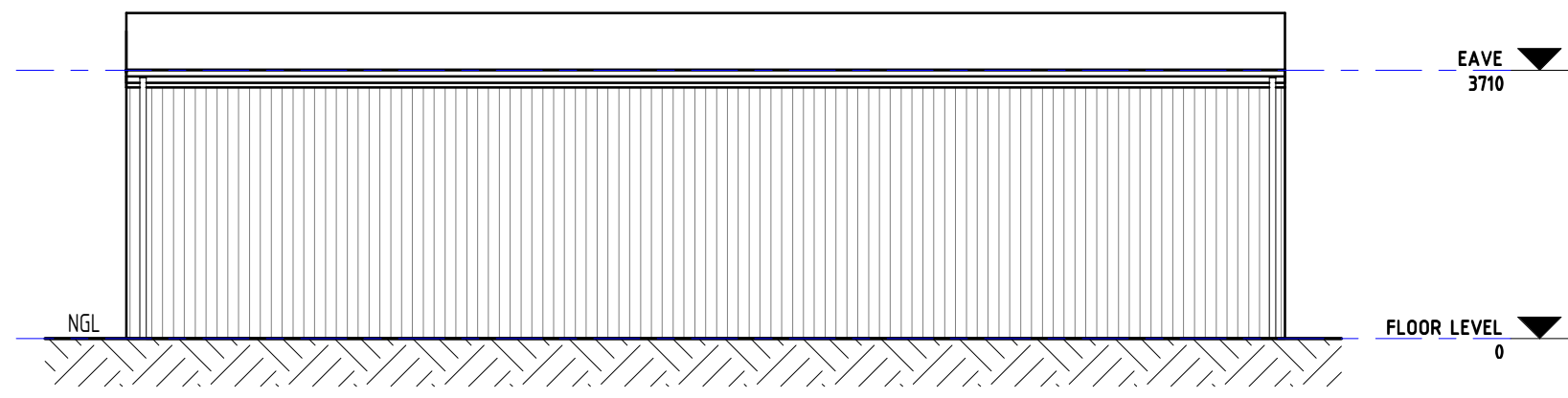
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< PROJECT > **PROPOSED NEW SHED**
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 < DRAWING > **FLOOR PLAN**

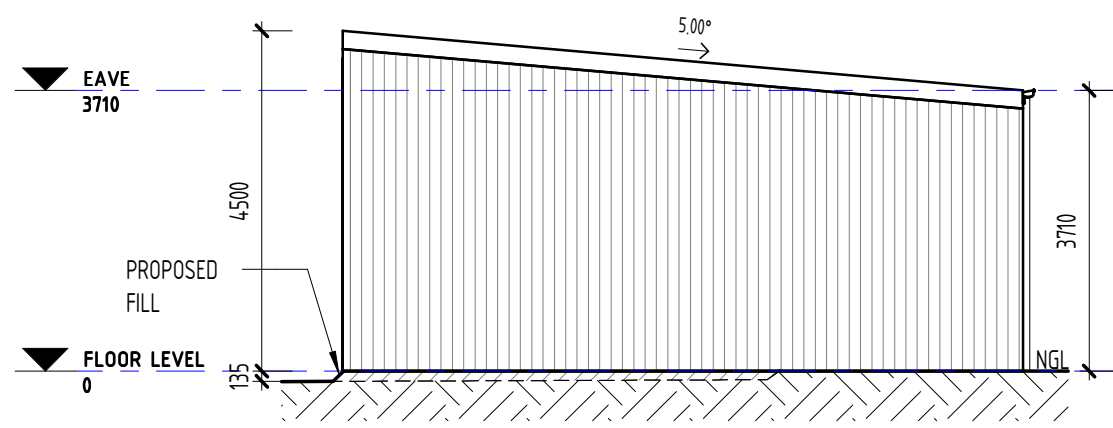
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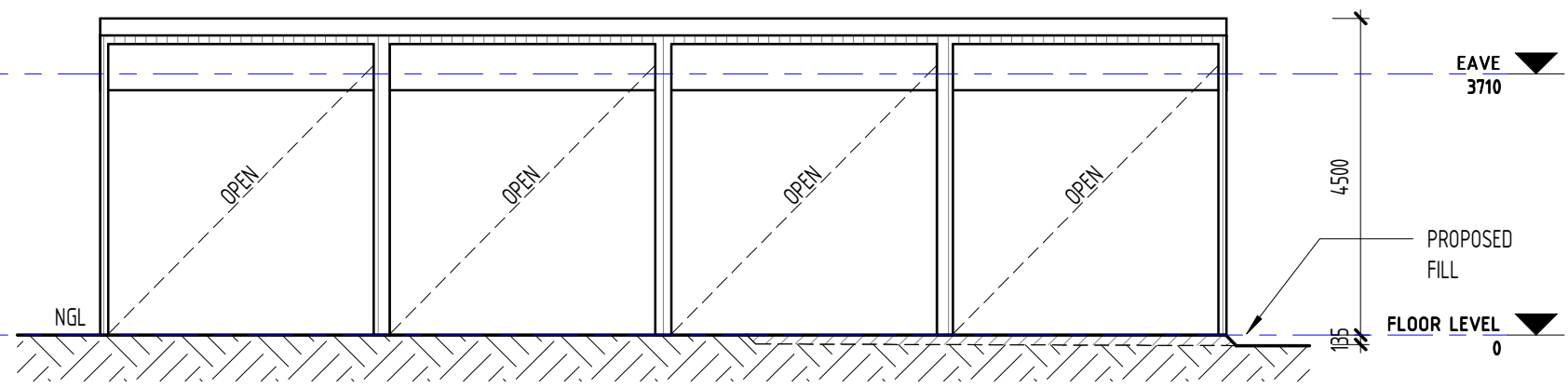
FINISHES SCHEDULE			
WALLS	ROOFING	GUTTERS, FLASHING, ETC	DOORS & WINDOWS
COLORBOND METAL CLADDING	COLORBOND METAL ROOFING		
			
PALE EUCALYPT®	PALE EUCALYPT®	PALE EUCALYPT®	PALE EUCALYPT®



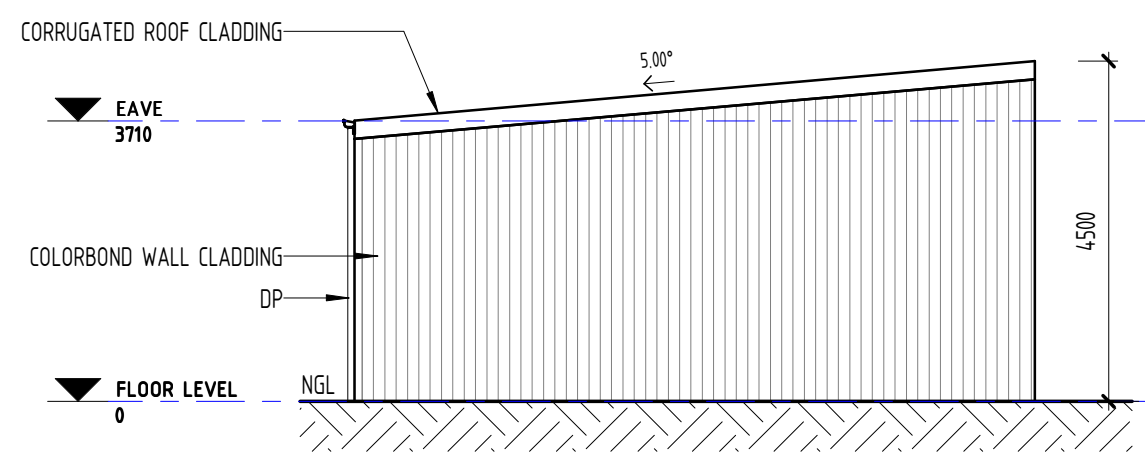
1 NORTH ELEVATION
A.03 1 : 100



2 EAST ELEVATION
A.03 1 : 100



3 SOUTH ELEVATION
A.03 1 : 100



4 WEST ELEVATION
A.03 1 : 100

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