

Town Planning Committee Meeting

Minutes

Monday 1 February 2021

Commenced at 7:00 PM

**Council Chambers
20 Siding Avenue, Officer
Victoria**

Members: Cr Brett Owen Mayor
Cr Jeff Springfield Deputy Mayor
Cr Ray Brown
Cr Stephanie Davies
Cr Jack Kowarzik
Cr Graeme Moore
Cr Collin Ross
Cr Tammy Radford
Cr Carol Ryan

Officers: Carol Jeffs Chief Executive Officer
Doug Evans Manager Governance

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1 Opening And Prayer

Almighty God we humbly request that you bestow your blessings upon this Council, direct and prosper our deliberations to the advancement of your glory and to the betterment of the peoples of Cardinia Shire. Amen.

Meeting opened at 7:00pm.

2 Acknowledgements

Cardinia Shire Council acknowledges that we are on the traditional land of the Bunurong and Wurundjeri people and pay our respects to their elders past, present and emerging.

3 Apologies

Nil.

4 Declaration Of Interests

Nil.

5 Ordinary Business

5.1 Amendments to Planning Permit T190304 (Issued for the Use and Development of the Land for Dog Breeding) to Increase Dog Numbers (For Commercial Dog Breeding) and Include Additional Buildings and Works

Responsible GM: Peter Benazic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Notice of Decision to Grant Amended Planning Permit T190304 – 1 for amendments to Planning Permit T190304 (issued for the use and development of the land for dog breeding) to increase dog numbers (for commercial dog breeding) and include additional buildings and works at 3480 Princes Highway, Bunyip VIC 3815 subject to the conditions attached to this report.

Attachments

1. Copy of PETA Petition (Prayer only) [5.1.1 - 2 pages]
2. CONFIDENTIAL - Copy of Objections - Circulated to Councillors only [5.1.2 - 134 pages]

Executive Summary

APPLICATION NO.:	T190304 - 1
APPLICANT:	Jason & Pamela Armiento
LAND:	3480 Princes Highway, Bunyip VIC 3815
PROPOSAL:	Amendments to Planning Permit T190304 (issued for the use and development of the land for dog breeding) to increase dog numbers for commercial dog breeding and include additional buildings and works.
PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 Land Adjacent to a Road Zone Category 1 Environmental Significance Overlay - Schedule 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i> , the application was advertised by the placing of one (1) sign on site and notices in the mail to 8 property owners within the vicinity potentially affected by the proposal.
KEY PLANNING CONSIDERATIONS:	Land use compatibility Amenity impacts Use of agricultural and green wedge land

	Protection of areas of environmental significance
RECOMMENDATION:	That a Notice of Decision to Grant an amended permit be issued.

Background

The applicants currently run a dog breeding enterprise at the Subject Site under the under the business name ALLBLUESTAFF, permission for which was given by Planning Permit T190304 and a Domestic Animal Business Permit in 2019. At the time of making this application, the operators are Dogs Victoria members.

The existing permit was issued for the use of the land for “Animal Keeping (Dog Breeding)” which is now referred to as “Domestic Animal Husbandry (Dog Breeding)” under the Cardinia Planning Scheme.

Under the current approvals, the applicant is allowed to keep no more than twenty (20) adult dogs at the property, which includes:

- No more than ten (10) fertile female dogs (entire female 12 months or older); and
- Any dog sixteen (16) weeks or older.

The dogs currently kept at the subject site include:

- Ten (10) fertile female Staffordshire Bull Terriers;
- Three (3) entire male Staffordshire Bull Terriers;
- Two (2) de-sexed pet German Shepherds;
- Five (5) additional de-sexed dogs (including retiring females, re-homed puppies/dog)

All dogs over the age of 3 months currently kept on site are microchipped and registered with Council.

Currently the business operates from the site with only the two (2) applicants being involved in the day-to-day running of the business.

Current operations (Adult dogs):

The following description of the current operations is provided to help understand the scale of the current and proposed use of the land.

Currently the dogs are kept outside of the dwelling in purpose-built kennels during the night and spend most of the day outside in the exercise yard. Under the current operations dogs are let out into the yard at around 7am and are put away in the evening (generally around 5pm).

The applicant advised that the kennels are installed with heating and cooling to ensure that the dogs are comfortable any time of the year.

During the time that the dogs are outside they are taken on daily walks and are taken to a canine swimming facility in Narre Warren on average of once to twice a week. Dogs are also socialised with other dogs and children whilst outside of the property.

In accordance with Agriculture Victoria and Dogs Victoria guidelines and codes of practice, females are required to be at least 12 months old and in their second season before being mated. Also, in accordance with the regulations, a female dog must not have more than two (2) litters in an 18-month period. A female must have a general health check by a veterinary practitioner prior to first mating to assess whether she is physically mature enough to be bred

with. Veterinary practitioners must provide a certificate to state that, at the time of examination, the female is suitable to breed.

Although it is hard to quantify as currently each dog may or not have a pregnancy within these timeframes, based on the above regulation this usually results approximately to 10 -15 litters from the current dogs at the facility in total each year.

Occasionally the operators will retire a female dog, getting her de-sexed and ready for a new home.

Current operations (Puppies):

Puppies are currently only be kept at the property until they are old enough to go to their new homes, generally around 8 to 10 weeks. During this time puppies are kept with their mother in the purpose-built puppy kennel and have access to their own puppy yard so that they can be outside away from the older dogs.

Currently, the most frequent visits to the property are from a Vet who comes to the property for the puppies first vaccinations, a six (6) week health check and for microchipping.

New owners are able to come to the property to initially view puppies and will then come back to collect the puppy when it is between 8 to 10 weeks of age.

On rare occasions, puppies are returned to the breeders to be rehomed.

Existing kennels

The site already contains a number of kennels and yards, including a separate puppy kennel/yard constructed with Colorbond steel and range in size from 24.6sqm to 88.62sqm in area. The kennels are installed with heating and cooling systems to ensure dogs are comfortable depending on the season.

The existing buildings are enclosed by 2-metre-high cyclone fencing to ensure dogs are kept inside the property at all times.

Planning Permit History

The planning permit history of the site includes:

- Planning permit No T980221 was issued for the construction of machinery shed on the 8 May 1998.
- Planning permit No T980220 was issued for the breeding and keeping of ten (10) schnauzer dogs on the 11 May 1998.
 - Planning permit T980220 was extended for two (2) years on 17 March 2000.
 - Planning permit T980220 was extended for a further two (2) years on 14 May 2002.
 - Planning permit T980220 was extended for a further two (2) years on 7 January 2004.
 - Planning permit T980220 was extended for a further two (2) years on 30 March 2006.
- Planning Permit T980220 issued for the use and development of the land for the purposes of breeding ten (10) Schnauzer dogs, was amended on 20 February 2009.
 - A previous delegates report confirms that the buildings and works associated with T980220 were undertaken, however it is unclear if the use (dog breeding) associated with this permit was ever undertaken. Without further confirmation

being provided with this application, it is therefore assumed that the use aspect of this permit has since expired.

- Planning Permit T190304 was issued for the use of the land for Animal keeping (dog breeding) and associated buildings and works on 14 August 2019.

Subject Site



The site is located on the southern side of Princes Highway.

A crossover is located towards the middle of the lot, providing access to Princes Highway. There are no easements within the title boundaries.

The site currently contains a single dwelling, dog kennels and exercise yard and measures 0.5ha in area.

The topography of the land is slightly sloping, with approximately 4 metres of fall across the site.

According to GIS data there are no waterbodies, waterways, wetlands or floodplains within 100 metres of the property.

The site is relatively clear of vegetation, apart from some trees nearby the existing dwelling. The main characteristics of the surrounding area are:

- North: Directly north of the site is Princes Highway. Further north are large agricultural parcels located in Bunyip North.
- South: Directly south of the site is 3430 Princes Highway, which is a large agricultural property containing a single dwelling and various agricultural sheds and buildings. Further south are other large agricultural parcels and residential allotments. Bunyip Town Centre is located approximately 2.7 kilometres to the south-west of the site.
- East: Directly east of the site is 3500 Princes Highway, which is another large agricultural property containing a single dwelling and outbuildings. Further east are other large agricultural properties located in Baw Baw Shire Council.
- West: Directly west of the site is 3430 Princes Highway. Further west is 3450 Princes Highway and other smaller rural properties located on Doran Road. Bunyip Sanctuary is also located to the west.

Relevance to Council Plan

Nil.

Proposal

The applicant is seeking permission to increase the number of adult dogs currently allowed to be kept on the property for the for the purposes of breeding under Condition 2 of Planning Permit T190304 (“the Permit”).

The increase in dog numbers is requested by the operator (ALLBLUESTAFF) to allow for them to make an application to the Minister for Agriculture (Victoria) to be considered for a Commercial Dog Breeder License.

Condition 2 of the permit currently reads:

- *No more than twenty (20) adult dogs may be kept on the property at any one time without the written consent of the Responsible Authority. This includes:*
 - i. No more than ten (10) fertile female dogs (entire female 12 months or older);*
and
 - ii. Any dog sixteen (16) weeks or older.*

Currently the 20 adult dogs allowed to be kept in accordance with Condition 2 includes:

- Ten (10) fertile (entire) female Staffordshire Bull Terriers;
- Three (3) stud (entire) male Staffordshire Bull Terriers;
- Five (5) additional de-sexed dogs (i.e. retiring females, re-homed puppies/dogs); and
- Two (2) de-sexed pet German Shepherds.

This number does not include puppies under the age of sixteen (16) weeks.

The proposal seeks permission to amend Condition 2 of the permit to allow for the following changes to the number of adult dogs (dogs older than 16 weeks of age) allowed to be kept on the property:

- Fertile (entire) females (Staffordshire Bull Terriers) to be increased from 10 to 30 dogs;
- Stud (entire) males (Staffordshire Bull Terriers) to be increased from 3 to 5 dogs;

The applicant also intends to continue to keep the following dogs at the site:

- Five (5) additional de-sexed dogs (i.e. retiring females, re-homed puppies/dogs); and
- Two (2) de-sexed pet German Shepherds.

In total it is proposed that overall, the number of dogs allowed to be kept on the subject site will increase from 20 dogs (including 10 fertile females) to 42 dogs (including 30 fertile females).

As a result of the above, Condition 2 of the permit is proposed to be amended to read:

2. *No more than forty-two (42) adult dogs may be kept on the property at any one time. This includes:*
 - a) No more than thirty (30) fertile female dogs (entire female 12 months or older);*
and
 - b) Any dog sixteen (16) weeks or older.*

Additional conditions are also required, including new conditions from Council's Compliance Department which will also be included in the permit. These include:

- Inclusion of Condition 1 to require amended kennel plans and land/ animal management plan as a result of the increase in dog numbers;
- Amendments to Conditions 5 and 6 to strengthen compliance requirements relating to other relevant legislation and the management of the site and animals as a result of the increasing numbers; and
- Conditions 9 and 11 amended to update and fix clerical errors.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
-
- Clause 12.01-1S - Protection of biodiversity
-
- Clause 13.05-1S – Noise abatement
-
- Clause 13.07-1S – Land use compatibility
-
- Clause 14.01-1s – Protection of agricultural land
-
- Clause 14.01-2s – Sustainable agricultural land use
-
- Clause 15.01-6S – Design for rural areas

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire key issues and strategic vision
-
- Clause 21.04-2- Agriculture
-
- Clause 22.04 – Highway development
-
- Clause 22.05 - Western Port Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 - Decision Guidelines
-
- Clause 66 - Referral and notice provisions.
-
- Cardinia Westernport Green Wedge Management Plan (July 2016)

Zone

The land is subject to the Green Wedge Zone - Schedule 1 and the site is Adjacent to a Road Zone Category 1 (Princes Highway).

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1

Planning Permit Triggers

There are no new permit triggers as a result of the proposal. The proposal relates to the amendment of Planning Permit T190304 originally issued for the use of the land for animal keeping (dog breeding) and associated buildings and works to amend conditions relating to the number of dogs allowed to be kept on the site, as well as changes to the endorsed plans as discussed above.

The original application required a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 (GWZ1) a Planning permit is required for Animal keeping (more than 5 animals).
-
- Pursuant to Clause 35.04-5 (GWZ1) a Planning permit is required for buildings and works associated with a Section 2 Use and within 5 metres of any other boundary.

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 and nearby land; and*
- *Placing a sign on site.*
- *A total of 9 nearby residents within approximately 350 metres of the site received notice of the application by mail.*

The notification has been carried out correctly, and Council has received 107 objections and one (1) petition to date.

The key issues raised by the majority of objections are:

- Animal rights and animal welfare concerns
- Compliance with current legislation around animal (dog) breeding

In addition, a total of 13 objections raised concerns regarding the following planning considerations:

- Traffic
- Land use not compatible with Green Wedge Zone

- Environmental protection
- Amenity of neighbours

The applicant also provided three (3) letters of support, two (2) of which are from their applicants Vet. The key messages from the letters of support are:

- That the applicants prioritise the welfare of their animals,
- The cleanliness and high-quality of the facilities and kennels
- Commitments to obtaining the correct approvals
- Knowledgeable and ethical breeders
- Experience in the management and handling of the breed

Referrals

Pursuant to Clause 66 (Referral and Notice Provisions) the application did not trigger any referrals and therefore, was not required to be referred to any external authority (including the Minister for Agriculture or the Head, Department of Transport).

However, the application was referred internally to Council's Compliance Department and advice was also sought from Council's Environment Department, who had no objection to the application subject to conditions.

Discussion

The application to amend the permit has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed changes are determined to be consistent with these requirements.

Scope of the assessment under the Cardinia Planning Scheme

From the outset it is important to note the purposes and scope of this assessment, and the factors to be weighed when considering the application against the Cardinia Planning Scheme provisions.

Firstly, it should be noted that Council's role in the assessment of this application is to administer the Cardinia Planning Scheme (via the assessment of planning permits for certain land uses).

Council officers have noted that the majority of objections received in respect of this application described sincere opposition to commercial animal breeding, and specific concerns regarding the suitability of the applicant as a commercial animal breeder. Council intends to provide all such objections (and the petition) to the Minister for Agriculture for consideration, as and when the applicant makes an application to be an approved commercial dog breeder.

To become an approved commercial dog breeder will require a separate application, pursuant to Division 3AA of the *Domestic Animals Act*. This application is made to, and decided by, the Minister for Agriculture. An application to the Minister must take account of the advice of the chief veterinary officer, and may also take into account any history of relevant offending, and

any reasonable belief that the proprietor has failed to comply with their obligations under the relevant regulations.

According to Agriculture Victoria, for a breeder to become an approved *commercial* dog breeder, businesses must first apply and be registered as a breeding *domestic* animal business with local council. All domestic and approved commercial breeders must comply with the Code of Practice for the Operation of Breeding and Rearing Businesses 2018.

This process is beyond the scope of assessment under the Planning Scheme and is conducted by authorised officers of Animal Welfare Victoria. These officers assess the application's eligibility, as well as the suitability of the applicant against a number of factors, including those relating to animal welfare and past non-compliance with relevant legislation.

Therefore, the remainder of this report will detail the assessment of the application against the relevant planning controls and the suitability of the proposed amendments to the permit in relation to the following planning matters:

- Land use compatibility
- Amenity impacts
- Use of agricultural and green wedge land
- Protection of areas of environmental significance

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure that land uses such as domestic animal husbandry (dog breeding) are allowable (where located in appropriate locations), as well as ensuring that potential conflicts with sensitive land uses can be appropriately managed and mitigated.

Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) seeks to protect green wedges from inappropriate uses and development.

Clause 12.01-1S (Protection of biodiversity) seeks to assist in the protection and conservation of Victoria's biodiversity by identifying important areas of biodiversity, including key habitat for rare or threatened species and communities by ensuring the use and development avoids impacts to important areas of biodiversity.

Clause 13.05-1S (Noise abatement) seeks to assist the control of noise effects on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety, while facilitating certain land uses by ensuring that development of land is compatible with adjoining and nearby land uses and avoiding the location of incompatible uses in areas that would be impacted by adverse off-site impacts.

Clauses 14.01-1s (Protection of agricultural land) and 14.01-2s (Sustainable agricultural land use) seeks to encourage sustainable agricultural land use by ensuring that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Clause 15.01-6S (Design for rural areas) seeks to ensure development respects valued areas of rural character by ensuring that the siting, scale and appearance of development protects and enhances rural character.

Clause 21.01 (Cardinia Shire key issues and strategic vision) supports the PPF listed above by ensuring the continued protection of agricultural land for compatible land uses and protection of environment through considered planning at a local level.

Clause 21.04-2 (Agriculture) provides local context to Clause 14.01 (Agriculture) to protection of agricultural land for agricultural and other compatible land uses.

Clause 22.04 (Highway development) provides local context to objectives and strategies of the MSS in relation to the road network by ensuring that development protects the rural outlook and visual amenity of highways in rural areas.

Clause 22.05 (Western Port Green Wedge Policy) provides a plan for the management of agricultural land within the southern portion of the Shire and encourages non-soil based agricultural activities within the areas shown as 'Railway Precinct'.

The proposal to amend the permit to increase the number of dogs allowed to be kept and bred on the subject site is considered to align with the policies listed above. Animal keeping (dog breeding) that the permit was originally approved for is now referred to as "Domestic Animal Husbandry" under Clause 73.03 (Land Use Definitions) under the Cardinia Planning Scheme (amended by VC159). Domestic Animal Husbandry (Dog breeding; previously Animal keeping – Dog breeding) is nested under the broader land use definition of "Agriculture" under the Cardinia Planning Scheme and therefore, is inherently considered an 'agricultural' type land use.

The policy listed supports the facilitation of agricultural land uses within the Green Wedge where the off-site amenity impacts can be maintained, and the natural environment protected.

The proposal is compatible with the rural and agricultural character of the area and given its strategic location (away from sensitive residential areas) an increase in dog numbers is considered acceptable. The site has been in operation for a number of years, most recently obtaining a planning permit to keep up to 20 dogs, with no complaints about noise or nuisance being received (to Council's knowledge) from adjoining properties. Therefore, the changes to the number of dogs to be kept is not considered to cause any major disruption to the surrounding agricultural properties and their residents (where applicable).

It is considered that the proposal adequately responds to the above and therefore, it is considered that the proposal is consistent with the PPF and MPS as it appropriately balances the objectives of the policy that will not result in a detrimental impact on the amenity of the surrounding area.

Green Wedge Zone:

Some of the key purposes of the Green Wedge Zone is to implement the MPS and PPF, along with providing for and protecting the use of the land for agriculture. It is also in place to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities and mineral and stone resources. The decision guidelines of the Zone require the Responsible Authority to consider the following when assessing an application, in particular:

General issues:

- The Municipal Planning Strategy and the Planning Policy Framework.

- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation, or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.

Rural issues:

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

Environmental issues:

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.

Design and siting issues:

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.

The current use of the land for Domestic Animal Husbandry (Dog Breeding) is defined under the Planning Scheme as an Agricultural land use, and triggers a permit if the number of animals to be kept exceeds five (5) animals for the purposes of Domestic Animal Husbandry (land used to keep, breed, board or train domestic animals).

Given that one of the main purposes of the Green Wedge Zone is to provide for land for a range of agricultural pursuits, the current land use is considered a suitable land use in this location. Given the size of the site, it is unlikely it can be utilised for an agricultural pursuit with

larger livestock or animals, or crop raising on a commercial scale, therefore, the proposed increase to dog numbers to facilitate a commercial scale operation on the site is considered suitable.

The site is well located away from sensitive land uses (residential, commercial) to reduce potential amenity impacts of this type of land uses by way of noise and other amenity concerns.

Furthermore, the proposed kennel is also considered appropriate as it is setback behind the existing buildings (kennels and runs) and is not expected to have adverse impacts on the surrounding properties due to the low-scale, colours and materials chosen and their consolidation within the north-western side of the site. The kennels are well-screened from Princes Highway due to the vegetation within the road reserve in front of the property, as well as the property being setback approximately 40 metres from the road.

Subject to new conditions requiring the submission of amended plans, including a land management/ animal management plan to deal with issues of effluent disposal, run-off, fencing, supervision, noise mitigation and other environmental and amenity protection measures, it is considered that the proposal contemplates sustainable land management for agricultural purposes in a suitable location within the Green Wedge Zone.

Environmental Significance Overlay – Schedule 1

The Environmental Significance Overlay – Schedule 1 relates to the northern hills area of the municipality and the need to protect and enhance the significant environmental and landscape values of the area. This includes the retention and enhancement of indigenous vegetation, and to ensure that the siting and design of buildings and works do not adversely affect environmental and landscape values through ensuring that environmental hazards and risks are addressed.

Pursuant to Clause 42.01-1 (ES01) a permit is not triggered for the additional kennel (Kennel number 6) as the enclosed (roofed) area of this building measures 5 metres in width and 31.2 metres in length totalling an area of 156sqm (under the 160sqm floor area for an agricultural building in GWZ).

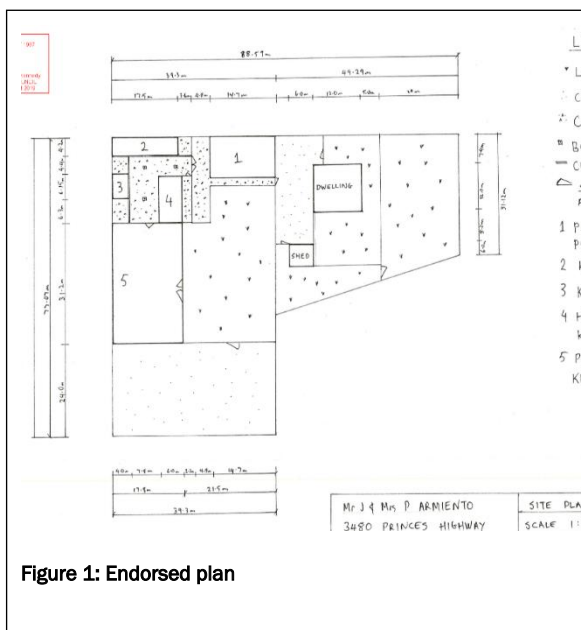


Figure 1: Endorsed plan

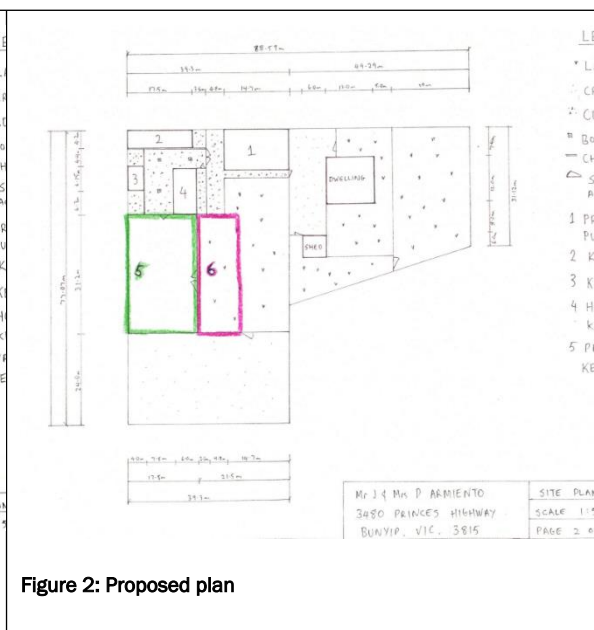
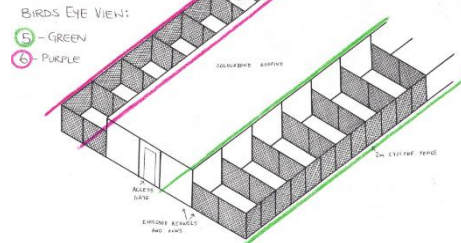
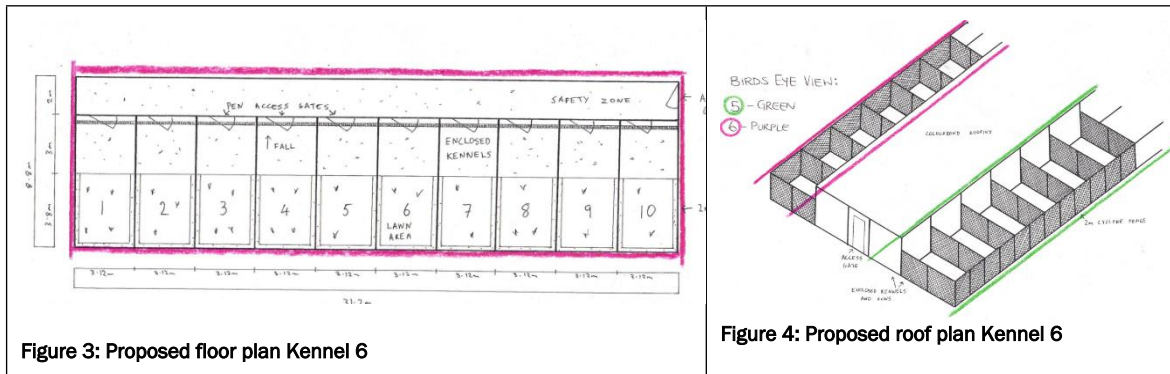


Figure 2: Proposed plan

The remainder of the structure involves the construction of ten (10) 3.8 metre in length and 3.12 metre in width lawn runs off each kennel, which will each be individually fenced with 2-metre-high cyclone fencing.



Although the ESO1 is not triggered for buildings and works, the principles of the ESO1 in terms of the protection of environmental values of the site have been considered as they are required to be by the decision guidelines of the Green Wedge Zone as discussed above.

Before deciding on an application to amend a plan or permit, the Responsible Authority must also consider:

- The relevant planning scheme or any changes to the scheme;
- All objections and other submissions which it has received and which have not been withdrawn;
- Any decision and comments of a referral authority which it has received;
- Any significant effects which the Responsible Authority considers the changes may have on the locality / environment / etc; and
- Will not cause an increase in detriment to any person.

Changes in policy

There have been some minor changes to the Cardinia Planning Scheme since the permit was issued in 2019, namely the following Planning Scheme Amendments.

- Planning Scheme Amendment VC159, which was introduced in August 2019.
- Planning Scheme Amendment VC160, which was introduced in January 2020.

Planning Scheme Amendment VC159 saw the introduction of changes to the Victoria Planning Provisions (VPP) arising from the Victorian Government's Smart Planning program. Amendment VC159 amends the VPP and all planning schemes to introduce new land use terms, revise the definition of land use terms and change where land use terms are nested.

As part of this Amendment, the land use definition 'Animal keeping' was removed from the Scheme and included under the existing definition 'Animal production'. 'Animal production' remained under the broader land use definition of 'Animal husbandry'. The new definition of 'Animal production' now included a number of subsidiary land uses, including 'Domestic animal husbandry' and 'Dog breeding' to be nested underneath it.

All of these land use definitions continued to be nested under the ‘umbrella’ land use term of ‘Agriculture’:

73.04-2 **Agriculture group**
08/08/2019
 VC158

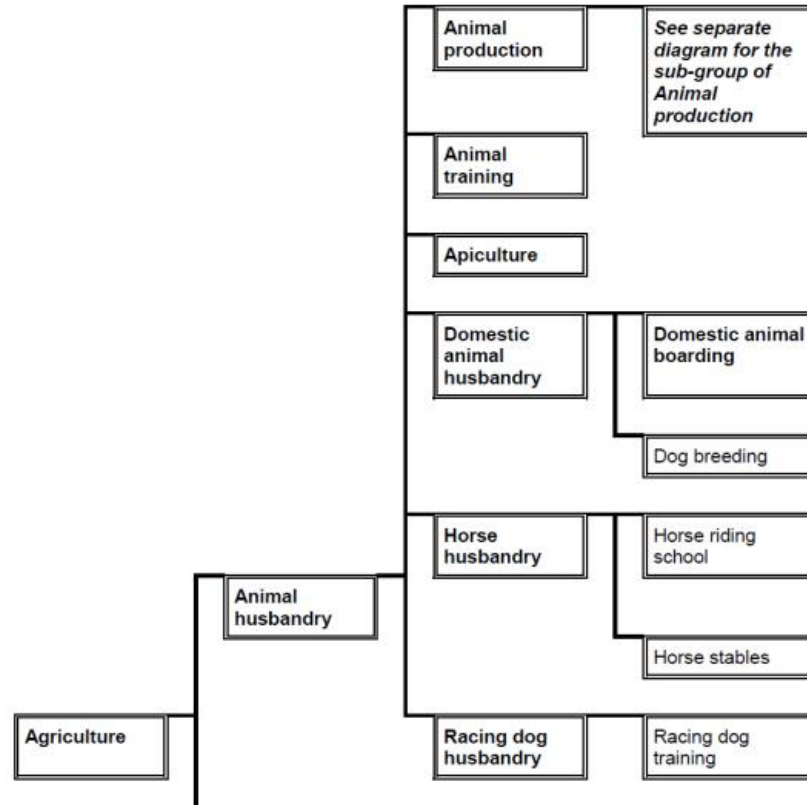


Figure 5: Clause 73.04-2 Nesting diagrams for Agriculture group

As a result, the land uses listed in the table to the Green Wedge Zone were also amended to reflect the new land use terms. The new term ‘Animal production’ replaced ‘Animal keeping’ and remained a Section 2 Use (permit required) if the number of animals to be kept exceeded 5 animals.

There were also some minor ‘fix-up’ amendments between 2019 and 2020, the most recent being VC160 which amends the Victoria Planning Provisions (VPP) and all planning schemes to correct errors and omissions and clarify the operation of certain provisions.

The above amendments to the Planning Scheme in the time since the permit was issued are inconsequential to the application as their main purpose was to consolidate and simplify the Planning Scheme and update land uses to ensure they continue to be relevant.

Given the above, it is considered that the changes in the Planning Scheme since the permits issue, continue to facilitate this agricultural land use in suitable locations, and therefore, do not mitigate against the approval of this amendment or render it unsupportable due to changes in Planning Policy since the permit was issued.

Advertising and response to objections

Council considers that there will not be any significant effects of the proposed amendment on the locality or environment. This is further discussed in response to the concerns raised by objectors below.

The key issues that were raised in the majority of the 107 objections and 1 petition received were animal welfare-based concerns and can be summarised into the following categories:

- Animal welfare
- Past breaches and non-compliance of the applicant
- Legality of the application ('puppy farms' illegal)
- Compliance with relevant legislation relating to animal breeding (Domestic Animals Act, Oscar's Law, Dog's Victoria Code of Practice)

A total of 13 objections were received which addressed planning considerations and these can be summarised into the following categories:

- Traffic
- Land use not compatible with Green Wedge Zone
- Environmental protection
- Amenity of neighbours

In response to these concerns the following can be said:

Animal welfare-based and non-compliance with relevant legislation relating to animal breeding concerns:

As discussed at the beginning of this assessment, the role of Council in this instance is to administer the Cardinia Planning Scheme (via the assessment of planning permits for certain land uses) and issuing Domestic Animal Business Permits.

- Animal welfare (ethics of breeding at a commercial scale, care of the animals)

The majority of the objections received along with the petition relate to concerns about the ethics of breeding dogs at a commercial scale and the potential harm this causes the animal/s involved. Whilst Council considers these to be valid and genuinely held concerns, the scope of the assessment for an application for a planning permit (or to amend a permit) is limited to an assessment against the relevant planning policy included in the MPS, PPF, LPPF and relevant Zone and Overlay controls, as outlined above.

Issues surrounding animal welfare are to be dealt with via the application to become a commercial dog breeder to be made to the Minister for Agriculture, in accordance with the *Domestic Animals Act 1994*.

The permission given by a planning permit (or amended permit) does not constitute permission under any other relevant legislation or Act.

- Past breaches and compliance with dog breeding legislation (legality of the application)

As discussed above, addressing these concerns is a matter for the Minister for Agriculture and beyond the consideration that can be given to these issues via a Planning Permit application.

According to Agriculture Victoria, permission to become a commercial dog breeder is only given if the Minister for Agriculture is satisfied that the applicant meets the relevant eligibility requirements. Approval may be refused if:

- the Minister for Agriculture reasonably believes that the applicant has failed to comply with the Domestic Animals Act 1994 or Domestic Animals Regulations 2015
- the Minister for Agriculture reasonably believes that the applicant has not, or will not be able to, comply with the conditions of being an approved commercial dog breeder.

Along with these considerations, there are also ongoing compliance and monitoring requirements for commercial dog breeders, regulated by separate legislation which are required to be undertaken to ensure that the facility continues to maintain compliance with relevant dog breeding and animal welfare legislation.

Planning policy-based concerns:

- Traffic (safety given the proximity to Princes Highway)

Objections relating to traffic assert that an increase in dog numbers will result in more traffic, due to the staff required and visitors to the property to buy puppies. The application suggests that traffic in and out of property is limited to one (1) Veterinarian visiting the site regularly to conduct six (6) week health checks, vaccinations and microchipping. In the future the permit holder may employ staff to assist with the operations but given the scale of the operations the increase in traffic from a small number of staff members each day is also considered negligible.

Other than regular attendance at the site by the residents, Veterinarian and any future staff members, the only other traffic from the site would result from new owners of the puppies. How this is managed is not expected to differ from what currently occurs on the site with new owners being able to come to the property to initially view puppies (if they wish) and will then come back to collect the puppy when it is between 8 to 10 weeks of age, unless the new owner is interstate in which case puppies can be transported.

Given the scale of the operation and the frequency at which visitors are expected to come and go from the property, any increases to traffic to and from the site is expected to be negligible and not enough to cause any major disruption on the surrounding road network.

- Land use not compatible with Green Wedge Zone (not compatible with agricultural uses)

Objections relating to the land use compatibility of the proposal assert that the land use is commercial and therefore incompatible with the purpose of the Green Wedge Zone for rural and agricultural activities. However, as discussed above, pursuant to Clause 73.04-2 (Nesting diagrams) of the Cardinia Planning Scheme, Domestic Animal Husbandry (Dog Breeding) is defined as an agricultural land use, and therefore aligns with the purpose of the zone. Most meaningful agricultural pursuits are 'commercial scale' operations, and the Green Wedge Zone encourages and supports meaningful agricultural land uses and the 'right to farm' due to their

separation from more sensitive residential areas which may be impacted by the activities of agriculture.

A number of these objections also mention that the application is not a suitable location so close to a residential zone where “people have moved for a relaxing tree change and calm rural lifestyle” and that “intensive breeding will have an impact on nearby residents”. However, this statement is contrary to the planning controls that apply. The area immediately surrounding the site is not in a residential zone, rather it is in the Green Wedge Zone and being that the proposal is for an agricultural land use, the site is considered suitable.

The closest residential area to the site is the low-density residential areas of Bunyip along Doran Road to the south-west of the site. This low-density residential area is located over 600 metres from the site, with the more densely populated town centre of Bunyip being located approximately 2 kilometres to the south-west. The remaining area around the site is zoned Green Wedge Zone, and although there are dwellings located in this area, the predominant land use supported by this zone is Agriculture. The objections relating to the potential amenity impacts of the site were not received from property owners in the immediate area, and further, no objections were received from those nearby residents given notice of the application (via mail).

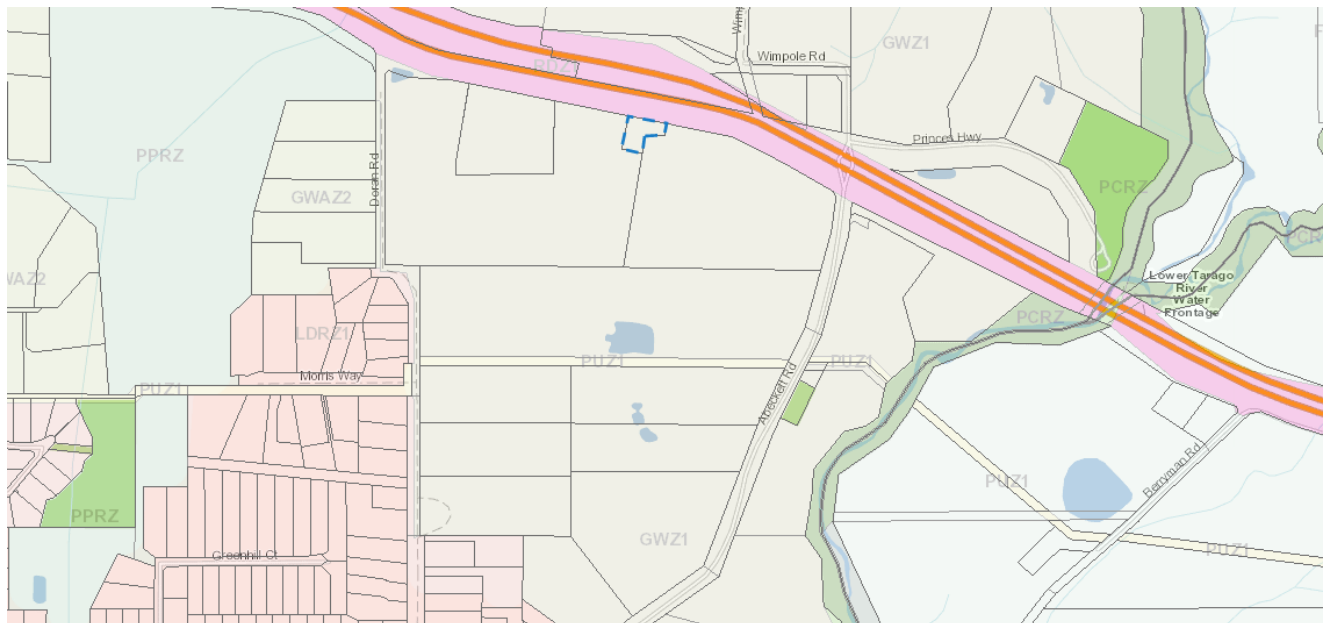


Figure 6: Planning maps showing proximity to residential Zones (Source: VicPlan 2020)

- Environmental protection (concerns about protected and threatened species)

A number of these same objections raised concerns about the potential disruption the proposal may have on endangered species and their habitat (such as the Growling Grass Frog). As discussed above, the Green Wedge Zone and Environmental Significance Overlay, existing and proposed permit conditions require that actions that may have an adverse effect on native flora and fauna be appropriately managed to mitigate these potential effects.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) outlines that the principle threat to Growling Grass Frogs is habitat loss, degradation and modification (near waterways, wetlands, dams and drains), fragmentation and isolation of populations (buildings, fencing, roads, industrial estates) and introduced predators and disease (exotic fish species, feral predators such as cats and foxes and waterborne chytridiomycosis disease found in amphibians).

The proposal is not expected to cause any detriment to the species as the proposed changes to the permit do not result in the removal of habitat vegetation, is not expected to cause total fragmentation via the construction of internal fencing within the north-western portion of the site and will not result in the introduction of feral predators or diseases affecting the Growling Grass Frog as listed in the EPBC Act, 1999.

Further, the site is located over 600 metres from Tea Tree Creek (to the west), over 1 kilometre from Bunyip River (to the east) and according to GIS mapping (provided by both Council and DELWP studies) is not designated as being in an area subject to botanical or zoological significance, not within a habitat corridor for the Southern Brown Bandicoot or a site known to have recorded other threatened flora or fauna species. However, Council understands that these potential environmental effects should still be monitored.

Measures put in place by the permit (and as amended) include requiring that waste from animals be stored and disposed of appropriately to avoid offsite environmental and amenity impacts caused by run-off from entering waterways or habitat areas. Additional measures are to be included in the amended permit to ensure that a land/ animal management plan be prepared to further ensure actions relating to appropriate fencing and animal control, effluent management, stormwater and run-off and noise emissions are taken to mitigate against adverse environmental effects.

- Amenity of neighbours (noise)

The same objections mention noise arising from dogs barking from the site as another amenity impact concern. As discussed above, the site is located in an agricultural area where there are a number of agricultural and farming activities occurring. The objectors state that neighbours to the existing business “report that dog barks and cry morning, noon and evening” and that “this has resulted in a disturbance to surrounding properties”. The objectors also assert that an increase in dog numbers will exacerbate noise pollution from both dogs and vehicles.

A check of the names and addresses of these objectors suggests that they are not immediate neighbours of the site, and according to Council's most recent records, no noise complaints have been received in regards to the operations on the site. Therefore, these claims about nearby neighbours complaining about noise have not been corroborated. This appears to be further supported by the absence of objections to the application from any nearby resident, nor was any objection received from any of the nine (9) property owners and residents given notice (via mail) of the application. The closest objections were received from two (2) residents in Hope Street Bunyip (approximately 11km from the site), however both objections are related to animal welfare concerns and do not make mention of amenity impacts (such as noise).

However, despite the above, Council recognises that a lack of objections from nearby residents does not necessarily indicate that amenity impacts such as noise are not an issue that should be addressed by the permit. The current permit requires that noise emitted from the site must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) and that the use must be managed to ensure that the amenity of the area is not detrimentally effected through the emissions of noise, along with other amenity impacts.

The amended permit will also require that the permit holder include in the land/ animal management plan information on how noise emissions from the land will be kept to an acceptable level by including insulation to all pens, along with other measures to limit noise impacts on adjoining land (i.e. odours, light, vehicles etc).

Advice from referral authorities

Pursuant to Clause 66 (Referral and Notice Provisions) the application did not trigger any referrals and therefore, was not required to be referred to any external authority (including the Minister for Agriculture or the Head, Department of Transport).

The application was not referred to the Minister for Agriculture as there is no referral requirement in Clause 66 to refer such applications for review.

The application was not referred to the Head, Department of Transport for the following reasons:

It is noted that the VCAT decision *Peninsula Blue Developments Pty Ltd v Frankston CC (Revised) (Red Dot) [2015] VCAT 571 (28 April 2015)* states that:

“The phrase “create or alter access to a road in a Road Zone Category 1” means:

- *Any physical change to the opportunity for traffic to approach or enter a road in a Road Zone Category 1. This includes creation of a new access, alteration to an existing access or removal of an existing access. It may involve new buildings and works or alteration to existing works or development, such as creating a new opening or gate in a fence or closing an existing gate or opening.*
- *Any change to the use or development of land that may result in changes to the opportunity for traffic to approach or enter a road in a Road Zone Category 1 in terms of the volume, frequency or type of traffic whether this is more or less than the existing situation.”*

The second point is relevant to this application. It is considered that the amendments to the permit for the use of the land for Domestic Animal Husbandry (Dog breeding) does not meet this definition. The proposed changes to the permit are not considered to change the opportunity for traffic to approach or enter the RDZ1 in terms of the volume, frequency or type of traffic, whether it is more or less than the existing situation.

It is determined that any additional traffic entering or exiting this site as a result of the proposed changes to the permit would be negligible, whereas the decision refers to whether the traffic is ‘more or less’ than the existing situation.

It is considered that this use application is not creating or altering the access to Princes Highway (RDZ1). The site has an existing access that has been in place for a number of years and the changes to the permit to use the land for Domestic Animal Husbandry (Dog Breeding) is not considered an intensification of the site.

The proposed changes are minor in scale, with the only changes to regular visitors being staff (when required) and the continuing visitation of one (1) other regular visitor being a Veterinarian which will only attend the site when each litter is six (6) weeks old. Further, the number of people visiting the site other than the landowners, staff and a Veterinarian from time to time, would be the new owners of puppies, usually once when they are first meeting the puppy (if they choose to do so) or when picking up the puppy (if it is bought locally). This volume of traffic is also considered negligible given the limited frequency at which this will occur.

Therefore, it is considered that the above cannot be applied to this application and the Head, Department of Transport would not be a referral authority for this application.

However, the application was referred internally to Council's Compliance Department and advice was also sort from Council's Environment Department, who had no objection to the application subject to conditions.

Increase in detriment to any persons

Based on the supporting documents and above assessment and discussion, if the measures are followed in accordance with the land/animal management plan now required and undertaken in accordance with the amended permit, there should be no further detriment in the form of noise, pollution, traffic or any other adverse effect arising from the operations to any person living within close proximity to the Dog Breeding facility and its surrounds.

Before deciding on an application to amend a plan or permit, the Responsible Authority, if the circumstances appear to so require, may consider:

- Any significant social and economic effects of the amendment;
- Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;
- Any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority;
- Any agreement made pursuant to section 173 affecting the land the subject of the application; and
- Any other relevant matter.

Social and economic impacts

It is considered that there will not be any significant detrimental social or economic effects of the proposed amendment to the planning permit. As discussed the operation of the planning scheme in this instance is to administer the provisions of the scheme and assess whether the proposed changes to the permit are suitable in this location given the scope of the planning controls that apply to the site and the amenity of the area.

As previously discussed, the introduction of a condition requiring a land/animal management plan should ensure that the surrounding properties are not adversely affected by the proposal. Any additional effects of the operations in relation to animal rights and welfare will be considered by the Minister for Agriculture at such a time that an application is made. Until such time as an application to the Minister for Agriculture is approved, the amended permit will not be able to be acted on, and the accrued rights of the existing permit will continue to limit the number of dogs allowed on the site, including the number of fertile females allowed to be kept under current legislation.

Other strategic plans or works

There are no strategic plans, policy statements, codes or guidelines which have been adopted by a Minister, Government Department, Public Authority or Municipal Council which would impact on the approval of the proposed amendment, other than those discussed above.

There has also been no amendment to the Planning Scheme, which has been adopted by a Planning Authority but not approved by the Minister or a Planning Authority, which would affect the approval of the proposed amendment, other than those already discussed above.

Section 173 Agreements

There are no Section 173 Agreements or other title restrictions affecting this land, and therefore this section is not required to be considered.

Other relevant matters

It is considered that there are no other relevant matters, other than what has already been discussed in relation to separate approvals from the Minister for Agriculture and objections relating to animal rights and welfare which should be considered in the application to amend the permit.

Are the changes to the Planning Permit considered appropriate?

Based on the above assessment, it has been demonstrated that the concerns arising from the proposed increase in dog numbers have been appropriately discussed and addressed by this assessment.

The proposed increase in dog numbers are considered reasonable given their scope and scale. The site is appropriately located in the Green Wedge Zone, an appropriate location for this type of land use, ensuring that land use conflicts from sensitive uses can be minimised.

Given that there are a number of policies in the Victorian Planning Scheme in place to facilitate and protect all types of agricultural activities (where appropriately located), it is considered appropriate to consider this request based on the justification and evidence provided in the application that it is unlikely that any further detriment will be caused by the amendment.

The Tribunal has established in a number of decisions that matters concerning animal welfare are dealt with outside of the regulation of the Planning Scheme.

Further the Tribunal has on a number of occasions affirmed that the purpose of the Scheme in applications such as this, is to consider the impact of the proposal which may in turn be influenced by, among other things, the nature, form and scale of the proposal, the context of the site, and the management arrangements implemented as a means of controlling off site impacts. See, for example, *Kugel v Moorabool SC [2012] VCAT 313 (22 March 2012)* and *McColl v Hepburn SC [2008] VCAT 2014 (3 October 2008)*.

In *McColl*, a number of parties raised similar concerns as shared with objectors to this application regarding the proposal (greyhound keeping) being incompatible with the surrounding land uses insofar as the commercial operation would result in the loss of high to very high quality farming land. However, the Tribunal in its decision in *McColl* referred to *Lockwood v Macedon Ranges SC [2001] VCAT 2149* and the Member did not accept the submissions suggesting that the use is inconsistent with the purpose of the Zone (Farming Zone):

“Greyhound keeping and training is generally an appropriate use of land within a rural zone. Greyhound keeping, like intensive animal industries are perhaps not earth based like more traditional agricultural activities, but do require quite large site areas for their own purposes, and reasonable buffer distances from other sensitive uses such as dwellings. While for uses such as poultry farms and piggeries buffer distances are primarily required because of the emission of odour, in the case of greyhound keeping

it is the emission of noise which leads to the need for a buffer. It is because of these characteristics that rural zones usually have the most suitable sites”.

Similarities to this application can be drawn from this decision in that it is entirely appropriate that these Domestic Animal Husbandry (Dog Breeding) uses be located in the Green Wedge Zone, as one of the primary purposes of the zone is to provide for land for agricultural uses.

In *McCull*, the Tribunal also addressed land/site management, environmental issues and noise impacts, noting that these matters can be addressed via amended plans and permit conditions.

In response to submissions to the particular application regarding animal welfare associated with these types of applications, the Tribunal decided in *Attard v Moorabool SC [2011] VCAT 1324 (13 July 2011)* “if a permit is granted and a facility established, the Breeding Code’s requirements must be met in accordance with the Domestic Animals Act”. The Member went on to explain that the ‘Breeding Code’ (at the time of the decision) “sets husbandry requirements in relation to feeding, vaccination, hygiene, exercise, security, housing and pen sizes. Failure to provide this information to form part of a permit application is not a basis for refusing a planning permit”. Issues such as these, along with general animal welfare are dealt with under relevant legislation and codes of practice separate to the approval under the Planning Scheme. The Tribunal continued with “if a facility is established, this is a matter for the operators and the regulatory and animal welfare bodies”.

As with this application, these issues will be dealt with at the relevant time during the permit holders application to the Minister for Agriculture for a Commercial Dog Breeding license.

Given the above assessment, Council is satisfied that the proposed amendments to the application should not have any detrimental impact to the surrounding properties subject to the additional permit conditions proposed.

Furthermore, the planning permit is only a minor aspect of the control and regulations dog breeders are required to abide by and based on planning policy that seeks to protect and support appropriately located agricultural activities such as this, it is considered reasonable that this application be supported.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The effect on the amenity of the area.
- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.
- Traffic and road safety impacts

As discussed the application to amend the dog numbers aligns with Planning Policy Frameworks and the purpose of the Zone to provide for and protect agricultural activities where appropriately located in the Green Wedge.

The dog breeding operation has been in existence allowed via one (1) previous planning permits which identified that this location is a suitable location for this type and scale of land use, which

it continues to be. The additional dog numbers are expected to result in compliance with noise levels and are not expected to further reduce the amenity of the surrounding sensitive uses. The potential impacts on road safety and traffic resulting from the additional dog numbers have also been assessed and considered negligible.

Therefore, it is considered that the application is consistent with the decision guidelines of all applicable planning controls.

Conclusion

The proposed amendment is consistent with the requirements of the Cardinia Planning Scheme and based on the assessment above it is not considered that the increase in dog numbers will cause any unreasonable detriment to adjoining properties. It is therefore recommended that a Notice of Decision for amended planning permit T190304-1 be issued for the amendment to Planning Permit T190304 to amend conditions to allow for additional dog numbers at 3480 Princes Highway, Bunyip VIC 3815 subject to the following amended conditions:

Conditions

Pursuant to Section 72-76B of the Planning and Environment Act 1987 the permit has been amended to:

- Permit preamble amended to update land use definition (Domestic Animal Husbandry – Dog breeding)
- Introduction of Condition 1 (amended plans)
- Condition 1 renumbered to Condition 1A
- Condition 2 amended to increase dog numbers
- Conditions 5 and 6 amended to include additional compliance requirements
- Conditions 9 and 11 amended to fix clerical errors
- Amendments to the endorsed plans.
- New permit notes included.

Plans required:

1. Before the use and 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 an electronic copy must be provided. The plans must show:
 - a) A detailed kennel plan to show:
 - b)
 - i. Provision for visitors and staff to have access to hot and cold hand washing facilities on site.
 - ii. One-third of animal pens to be weatherproof with a raised bed.
 - iii. Pens to be a minimum size of 10sqm with a minimum dimension of 1.8 metres by 1.8 metres.
 - iv. Pens to be separated by solid partitions, galvanised wire or weld mesh.
 - v. All pens constructed with concrete floors.

- vi. A separate mating area that is physically separate from other animals.
 - vii. An isolation area which must have impervious barriers or 10 metres away from other animals.
- c) A Land/ Animal Management Plan to show:
- i. How effluent disposal will be managed, which may include:
 - Until the Responsible Authority is satisfied that water supply and waste treatment facilities can operate effectively under full load conditions, all dog faeces must be collected at least once a day, and then be stored in an appropriate compost installation for periodic disposal to the satisfaction of the Responsible Authority.
 - Liquid waste including dog urine and wash down water from the Domestic Animal Husbandry use must be disposed of on the subject land via an EPA approved treatment plant.
 - ii. How drainage and stormwater will be managed, including:
 - No polluted stormwater must be discharged directly or indirectly into the drainage easement (E-1) which runs perpendicular to the southern boundary to the subject site or otherwise cross the boundaries of the subject site;
 - iii. How noise emissions from the subject land will be kept to an acceptable level which must include the insulation of all pens in order to meet Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011 or as amended) and which may include:
 - Electronic masking devices to reduce audible stimuli such as animals and traffic.
 - Fully enclosed and acoustically baffled pens.
 - Any other reasonable noise reduction measure.
 - iv. Safety measures to be actioned in the event of flood, bushfire or other emergency.
 - v. How the animals will be supervised.
 - vi. How animals will be prevented from escaping, including construction details for the perimeter fencing that ensures that dogs are not able to dig below that fence or jump a fence and escape.
- d) All plans and drawings (pages 6 to 8) to be amended to include any amendments requested by 1(a) and 1(b) to the satisfaction of the Responsible Authority.

Use conditions:

- 1A. The use as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
2. No more than forty-two (42) adult dogs may be kept on the property at any one time. This includes:
- c) No more than thirty (30) fertile female dogs (entire female 12 months or older); and
 - d) Any dog sixteen (16) weeks or older.

3. All dogs kept at the property over twelve (12) weeks of age must be registered with Cardinia Shire Council.

Compliance:

4. The permit holder must remain a member of any applicable organisation (required by legislation) as well as remain compliant with all other relevant legislation and codes of practice at all times.
5. Compliance must be maintained at all times (as appropriate to each individual activity) with the following documents/ legislation (and if there is a conflict between any document and the permit or between documents, the more restrictive provision must apply) to the satisfaction of the Responsible Authority:
 - a) The Land/ Animal Management Plan as approved under this permit.
 - b) Code of Practice for Breeding & Rearing Business.
 - c) Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011 or as amended).
 - d) Any other relevant legislation and codes of practice.
6. At all times during the operation of the use hereby approved, the following requirements must be met to the satisfaction of the Responsible Authority:
 - a) A responsible person must be present on the site at all times when dogs are present and reasonably available 24 hours per day.
 - b) The dogs must not leave the subject land unless in the company of an owner, trainer or responsible person and be appropriately restrained by a rope, cord or leash and/or in a vehicle from which they are unable to escape.
 - c) The dogs must not be allowed within the subject land outside the enclosures shown on the endorsed plans unless in the company of an owner, trainer or responsible person and be appropriately restrained by a rope, cord or leash and/or under the effective control of an owner, trainer or responsible person.
 - d) Unless with the prior written consent of the responsible authority, feeding of the dogs must only occur within the day time hours of 6.00 am to 6.00 pm and any exercise of dogs outside the fenced enclosure must only occur between the hours of 7.00am and 5.00pm, or unless in unforeseen circumstances whereby the dogs would otherwise go unfed or exercised to the satisfaction of the responsible authority. The permit holder or nominated responsible person must document any such unforeseen circumstances in writing, with times, dates and reasons.
 - e) All deliveries and collections, including of dogs and waste associated with the Domestic Animal Husbandry (Dog Breeding) Facility must occur between 7.00 am and 6.00 pm unless with the prior written consent of the responsible authority.
 - f) The buildings and works hereby approved must be maintained so that dogs are enclosed at all times and so that buildings and works continues to be visually screen stimuli such as other animals and traffic.

Amenity:

7. Waste products from the proposed animals must be stored and disposed of in a manner that minimises odour and littering issues. Waste products from the animals cannot be disposed of in a domestic septic tank system.
8. Offensive odours must not be discharged beyond the boundaries of the premises.

9. 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).
10. All feed is to be stored in vermin-proof structures to the satisfaction of the Responsible Authority
11. The use must be managed to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
 - e) Or in any other way.

Development Conditions:

12. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
13. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
14. The exterior colour and cladding of the kennels must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the outbuilding must be of a non-reflective nature in accordance with the endorsed plans.
15. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
16. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
17. 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.

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 this amended permit; or
- b) the development is not completed within **four (4) years** after the issue of this amended 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](#) of the [Planning and Environment Act 1987](#), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- A Building Permit may be required for this development. To obtain a building permit you must contact a Registered Building Surveyor.
- Prior to the commencement of the use allowed by this permit, advice should be sought as to if a Domestic Animals Business Permit is required under the Domestic Animals Act 1994.
- The permit holder must comply with Code of Practise for Breeding & rearing business at all times
- The permit holder must hold a current Domestic Animal Business permit for Commercial Dog Breeding with the relevant Council.
- The permit holder must maintain a membership with an applicable organisation.
- Prior to the commencement of the use or development allowed by this amended permit, the permit holder must have been granted the relevant approvals from the Minister for Agriculture for the operations of a Commercial Dog Breeding premises.

Resolution

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That Amended Planning Permit Application T190304-1 for the proposed amendments to planning permit T190304 to increase the number of dogs allowed to be kept on the site and additional buildings and works at 3480 Princes Highway, Bunyip be refused and a Refusal to Grant a Permit be issued based on the following grounds:

1. The proposal is inconsistent with Clause 13.05-1S (Noise abatement) as there is the potential for community amenity to be reduced by noise emissions.
2. The proposal is inconsistent with Clause 13.07-1S (Land use compatibility).
3. The proposal is inconsistent with Clause 14.01-2S (Sustainable agricultural land use) as the use is not considered 'value-adding' agriculture and will impact the amenity of the area.
4. The proposal is inconsistent with the Rural and Environmental Decision Guidelines of Clause 35.04-6 (Green Wedge Zone).
5. The proposal results in unreasonable off-site amenity impacts.
6. The proposal does not represent the orderly planning of the area.

Carried

5.2 T200380 Building and works associated with construction of a dwelling at 55 Mullane Rd, Pakenham

Responsible GM: Peter Benazic
Author: Dean Haeusler

Recommendation(s)

That Council issue Refusal to Grant Planning Permit T200380 for buildings and works associated with the construction of a replacement dwelling at 55 Mullane Road, Pakenham VIC 3810 on the following grounds:

- Inconsistent with the protection of agricultural land
- Visual bulk and landscape impact
- Insufficient information provided

Attachments

1. T 200380 PA - Development Plans [5.2.1 - 6 pages]
2. T 200380 PA - Locality map [5.2.2 - 1 page]
3. CONFIDENTIAL - T 200380 PA - Compiled objections [5.2.3 - 29 pages]

Executive Summary

APPLICATION NO.:	T200380
APPLICANT:	Mr Steven Perisanidis
LAND:	55 Mullane Road, Pakenham VIC 3810
PROPOSAL:	Buildings and works associated with the construction of a dwelling
PLANNING CONTROLS:	Green Wedge Zone Schedule 1 Land Subject to Inundation Overlay Environmental Significance Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	Letter and signage on-site 23 objections received
KEY PLANNING CONSIDERATIONS:	Impact to agriculture and rural productivity Landscape impact and visual bulk Land capability for effluent management
RECOMMENDATION:	Refusal

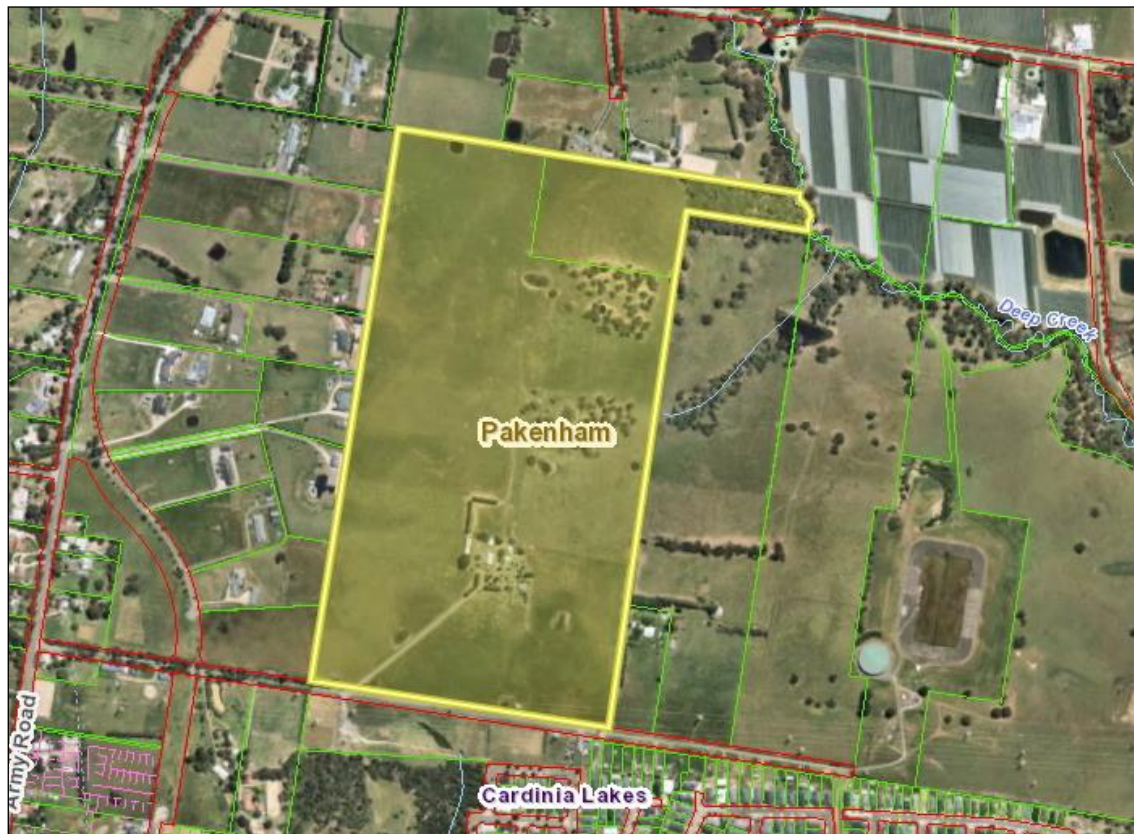
Background

An application was received in late December 2019 under application T190769 to use the land for a residential building including short term accommodation associated with a vineyard. Council raised concerns in relation to the proposed land use as the vineyard had not been established and should be an ancillary component to a primary productive use of the land.

The application was subsequently withdrawn and resubmitted on 22 June 2020 as a replacement to the existing dwelling on the site that's currently before Council in this application.

The subject site contains a dwelling and benefits from existing land use permissions for the purpose of a "replace dwelling" application.

Subject Site



The subject site is a rural property that comprises two parcels of land totalling approximately 45 hectares. The property is situated on the northern side of Mullane Road that forms the edge of the Urban Growth Boundary and roughly 3 kilometres north-east of the Pakenham Activity Centre.

A crossover is located toward the south-west corner of the site that services a dwelling, outbuildings and range of rural buildings including a hay shed situated centrally on the property and approximately 200 metres from the road.

The site has been predominantly cleared of vegetation with pockets of sparse trees toward the north east of the site and planted vegetation around the buildings. The site plateaus towards the centre of the property, north of the buildings and slopes moderately to each boundary at a grade of approximately 7% to Mullane road.

The adjoining properties are identified as follows:

NORTH

Rural residential properties located off Army Settlement Road each containing dwellings and associated buildings.

EAST

Deep Creek; large horticultural property and associated buildings situated off Army Settlement Road; 16 hectare rural parcel containing agricultural shedding and a 1.5 hectare rural/residential parcel containing one dwelling and outbuildings.

SOUTH

Cardinia Lakes estate containing detached single storey dwellings on lots ranging from 350 to 1400 square metres. 40 Tahoe circuit lies adjacent to the length of the subject site containing storage and an electricity transmission easement.

WEST

Developed rural-residential parcels of approximately 2 hectares located off Cremin Drive.

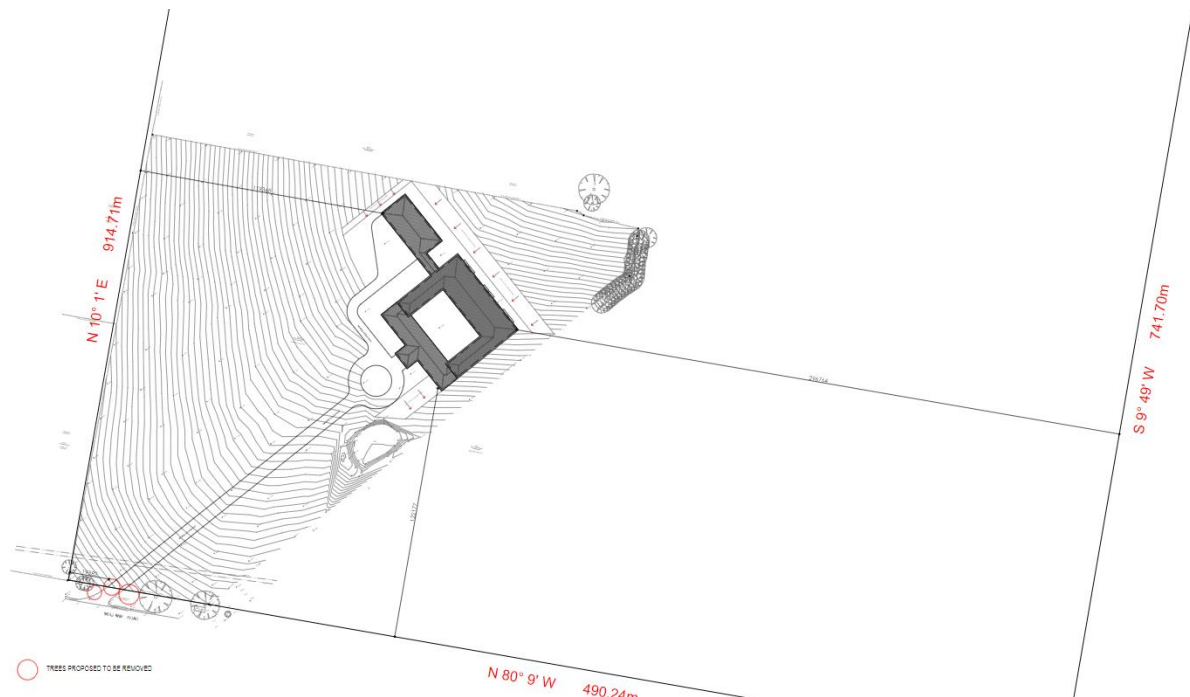
Relevance to Council Plan

Nil.

Proposal

The proposal seeks to demolish the existing dwelling from the land and construct a double storey dwelling and attached garage.

The new dwelling will be located closer to the south-west corner of the site, 122.18 metres from the road and 119.37 metres from the west and 296.76 metres from the eastern boundaries.



The dwelling will be constructed in what is described by the applicant as a Siheyuan home setting designed to accommodate family and extended family within the one building.

The design features a split-level profile arranged in a square shape with a large open central courtyard. The dwelling be a combined total of 3,584 square metres floor area and include multipurpose, living areas and some bedroom suites on the ground floor while the first floor will contain bedrooms and suites only.

The dwelling contains:

- 18 bedrooms with ensuites (some containing retreat areas and balconies)
- 4 theatre and games/arcade rooms
- 2 lounge rooms
- 2 Gym rooms
- 2 prayer rooms
- 2 kitchens including one open plan area to accommodate dining living and kitchen areas
- A number of other general purpose rooms, bathrooms/toilets.
- The garage will accommodate approximately fourteen vehicles with a breezeway connection to the main residence.

The design will be a tradition style constructed of rendered brick and horizontal weatherboard style cladding in a combination of light and dark grey tones cladding along with a Charcoal tiled roof.

The dwelling will be a maximum of 10.91 metres tall above ground level with a maximum 2.68 metres of site cut against the northern rise of the land and 0.97 metres of fill.

It is noted that the plans do not demonstrate the highest point above natural ground level from some aspects and therefore maximum height is estimated at approximately 12 metres.

The garage will follow a similar theme and materials with a three-door access from the southern aspect. The maximum height will total 6.51 metres.





Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 12.05-2S Landscapes
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- Clause 16.01-3S Rural residential development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-2 Landscape
- Clause 21.04-2 Agriculture
- Clause 22.05 Green Wedge Management Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 65 Decision Guidelines

Zone

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

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay
- Environmental Significance Overlay – Schedule 1

Planning Permit Triggers

The proposal for buildings and works associated with the construction of a dwelling requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-5 of the Green Wedge Zone a planning permit is required to construct a building associated with a section 2 use.
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay a planning permit is required for to construct a building (exceeding 7 metres in height).
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay a permit is required to carry out works (exceeding one metre in depth).

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 the frontage to Mullane Road.

The notification has been carried out correctly, and Council has received 23 objections to date.

The key issues that were raised in the objections are:

- Infrastructure capacity – road network, effluent management
- Characterisation of land use
- Visual impact
- Impact to agricultural land

Referrals

There were no statutory referrals as part of assessment process.

Discussion

Planning policy framework

A number of state and local policies apply to the assessment of this application. The following is an assessment against the most applicable policies in the Cardinia Planning Scheme.

Clause *14.01-1S Protection of agricultural land* highlights the importance of protection of productive farmland by way of preventing inappropriately dispersed urban activities in rural areas, the permanent removal of farmland and the compatibility between the proposed or likely development and the existing use of the surrounding land. Likewise, *Clause 21.04-2 Agriculture*, provides that productive agricultural land must be protected from incompatible uses and inappropriate development.

The proposal is inconsistent with these policies as the proposal acts to undermine productive land uses and the capacity for the subject land to be used for agricultural purposes. While the proposal benefits from dwelling land use permissions, the size of the replacement dwelling prioritises a residential over an agricultural usage as the primary cause of the land.

In addition to the agricultural policies, *Clause 16.01-3S Rural Residential Development* seeks to identify land suitable for rural residential development with strategies that include managing development in rural areas to protect agriculture and avoid inappropriate rural residential development.

The dwelling is situated to mitigate the impact of the dwelling on the sensitive farming interfaces by locating towards the south-west corner of the site, adjoined by other residential properties. Given the proposal benefits from land use rights for one dwelling, the suitability of the land for this use is not under assessment.

Environmental and landscape policy including *Clause 12.05-2S Landscapes* are also of relevance to the assessment of this proposal. This policy includes objectives to protect and enhance landscapes and open spaces that contribute to character, identity and sustainable environments. The policy also includes strategies to ensure development does not detract from the natural qualities of significant landscape areas.

The property borders residential and rural areas and features in a prominent location relative to nearby residential estates such as Cardinia Lakes, Cardinia Views and Pakenham Hills. The building is considerably larger than a standard dwelling with a design that accentuates its scale. As a result, the impact of the new dwelling is amplified and does not sufficiently respond to the rural character or environmental constraints of the landscape its sited.

Green Wedge Zone (GWZ)

The Green Wedge Zone primarily provides for agricultural uses and sustainable farming practices while encouraging the protection of environmental, historic, cultural and landscape assets and facilitating recreational and tourism opportunities.

The following assessment provides a review of the proposal against the various considerations of the zone:

DESIGN AND SITING

The need to minimise adverse impacts on the character and appearance of the area

The siting, design and scale of the building are expected to result in a highly prominent building that does not respect the rural landscape context. Further discussion is provided in the assessment against the Environmental Significance Overlay – Schedule 1 below.

The need to minimise any adverse impacts of siting, design, height, bulk and colours and materials to be used

The materials and colours are generally considered muted and do not represent an unreasonable visual impact on the landscape. However, the design response does not sufficiently address the site topography and openness with no articulation of the bottom floor to assist in integrating the dwelling in the landscape.

GENERAL ISSUES

The capability of the land to accommodate the proposed use or development

From a perspective of property size, the land is considered capable of accommodating the dwelling however it is noted that the capability for the land to contain and manage effluent has not been demonstrated by the applicant.

How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism

The proposal is to replace an existing dwelling on the land. The land benefits for existing use rights for a dwelling and therefore the assessment of the dwelling is limited to the building and works only.

There has been no evidence or information provided that demonstrates existing or future intentions for the productive use of the land and does not directly support agricultural land management.

Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses

The site is surrounded by a mixture of suburban residential, rural-residential, productive grazing and horticultural properties. Given the mixed nature of development and land use, residential development is considered compatible with the area.

The dwelling is sited toward existing rural-residential areas, increasing separation distances from neighbouring agricultural uses and mitigating the impact to these properties.

RURAL ISSUES

The maintenance of agricultural production and the impact on the rural economy

The importance of rural productivity is recognised as the primary purpose of the Green Wedge Zone. Given the nature of the proposal, the replacement dwelling is not expected to improve the productive use of the land.

It is further noted that the subject site is a large portion of contiguous farmland with a higher capacity for productive land use. The construction and use of a large dwelling, including the associated amenities is expected to minimise viable area for farming.

The impact on the existing and proposed rural infrastructure

The impacts to the existing infrastructure are predominantly related to the increase in traffic that will be introduced by the dwelling. Although significant increase in size, the increase traffic flows are expected to be met by the road network.

The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses

There is no limitation on maximum dwelling sizes under the planning controls therefore there is a realistic likelihood the use and scale of the dwelling may increase over time and impact surrounding land uses.

ENVIRONMENTAL ISSUES

The impact of the use or development on the flora and fauna on the site and its surrounds

The site is clear of vegetation and not located in proximity to any watercourses, wetlands or reserves.

How the use or development relates to sustainable land management and the need to prepare an integrated land management plan

Due to the scale of the dwelling some environmental pressures are anticipated, such as effluent management. A Land Capability Assessment was requested for the proposal to determine whether the property could contain effluent on-site and determine the appropriate size and location of an effluent field. This information was not supplied to Council on the basis that COVID restrictions limited the ability for an on-site assessment.

SUMMARY

The replacement dwelling does not act to enhance the rural productivity or viability of the property nor positively impact nearby agricultural land. As a consequence of the scale and the amenities required to support the dwelling, the proposal is also expected to erode the productive potential of a property with a strong agricultural attribute.

Environmental Significance Overlay – Schedule 1 (ESO1)

The Environmental Significance Overlay seeks to identify areas where development may be affected by environmental constraints and ensure development is compatible with identified environmental values.

Schedule 1 to the overlay relates to the Northern Hills area of the municipality which is recognised for its significant landscape, environmental values and biodiversity. The schedule includes environmental objectives, including:

- protect and enhance significant environmental and landscape values;
- ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.

Under this overlay, planning permission is required to construct a building exceeding 7 metres in height and for earthworks exceeding 1 metre. Any application needs to be assessed against the decision guidelines as relevant to the application. These guidelines include:

- the protection and enhancement of the natural environment and character of the area;
- the impact of the proposed building and works on the landscape character including prominent ridgelines and significant views, and;
- Whether the siting, height, scale, materials, colours and form of the proposed buildings and works have been design to have the least visual impact of the environment and landscape.

In the context of this overlay the site is situated on the urban fringe of Pakenham and represents the beginning of the foothills to the wider ranges areas. The land slopes up from Mullane road

and is mostly devoid of vegetation, ensuring the location is both exposed and visually prominent from the suburban areas of Pakenham. Consequently, the property is situated in a highly visible location and therefore demands a strong design response to integrate with the rural landscape and respect the surround area.

The building is significantly larger than an average dwelling at approximately 14.5 times the average floor area for dwellings in Victoria (Building Activity Australia, 2019). The dwelling reflects an alpine style design with a strong geometric form and features large continuous facades with little articulation in the second storey. The combination of this form with the total building height in excess of 11 metres results in a visually dominant building.

Some methods have been used to reduce the visual bulk of these facades through a reduced second storey however the sizeable coverage of the building and openness of the landscape add to the perception of landscape impact to this area.

The design also results in a large volume of earthworks to a maximum depth of 2.68 metres to allow a level building area. This will result in a significant alteration to the landscape topography and does not demonstrate a site-responsive design that acknowledges the constraints of this location.

As a consequence of the above the design response does not satisfy the requirements of the Environmental Significance Overlay.

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions

The following objectives form the basis of this provision:

- *This clause outlines the protection of the metropolitan green wedge land from uses and development that diminish the agricultural, environmental, cultural heritage, conservation, landscape natural resources or recreation value.*
- *Protection of agricultural land from incompatible uses and development*
- *Ensuring that the scale of use is compatible with the non-urban character of metropolitan green wedge land*

The proposed dwelling is not listed in the table to Clause 51.02-2 and is therefore not considered prohibited.

RESPONSE TO OBJECTIONS

The following is a response to the key issues raised in the objection, unless already addressed in the response to the zone and overlay:

Infrastructure capacity – road network, effluent management

As mentioned in the assessment against the zone, the proposal is expected to have some impact to infrastructure including increased demand on Mullane Road. This demand is not expected to exceed the capacity of the street and the wider network is otherwise capable of containing the dwelling.

The capacity for the property to manage effluent has not been demonstrated by the applicant.

Characterisation of land use

The definition of a dwelling under the Planning Scheme is broad and is not characterised by the scale of a building or the number of rooms. While an interpretation of the building's purpose in the context of the intended use is relevant to the consideration of an application,

the building and floorplan can be classified as a dwelling by definition under the planning scheme.

Conclusion

The proposed dwelling and associated works are considered inappropriate for the subject site due to the impact to productive agricultural land and visual impact of the building on the scenic and rural landscape. The proposal is inconsistent with the relevant Planning Policies, Zone and Overlay.

It is recommended that a Refusal to Grant Planning Permit **T200380** be issued for '**buildings and works associated with the construction of a dwelling**' at 55 Mullane Road, Pakenham based on the following:

1. The proposal would undermine the agricultural viability of the land sought to be preserved by:
 - Clause 14.01-1S Protection of agriculture land
 - Clause 21.04-2 Agriculture
 - Clause 35.04 Green Wedge Zone
2. The proposal does not respond to the environmental and landscape characteristics of the site that are sought to be preserved by:
 - Clause 12.05-2S Landscapes
 - Clause 22.05-2 Landscape
 - Clause 42.01 Environmental Significance Overlay
3. The application is incomplete and no documentation was provided to Council to demonstrate the ability of the property to contain and manage effluent from the dwelling.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council issue Refusal to Grant Planning Permit T200380 for buildings and works associated with the construction of a replacement dwelling at 55 Mullane Road, Pakenham VIC 3810 on the following grounds:

- Inconsistent with the protection of agricultural land
- Visual bulk and landscape impact
- Insufficient information provided

Carried

5.3 Planning Scheme Amendment Activity Report

Responsible GM: Nigel Higgins
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

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

Relevance to Council Plan

Nil.

Status of Active Amendments

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

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C222	XWB Consulting	85 McNamara Road, Bunyip	Amendment C222 proposes to: <ul style="list-style-type: none"> - rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road), - apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road), - apply a Design and Development Overlay Schedule 1 (DDO1), and delete the Environmental Significance Overlay Schedule 1 (ESO1).	Thu 08/08/2019	Fri 06/09/2019	Panel Report finalised on 29/04/2020. Council is awaiting further information from the proponent in relation to some of the issues raised in the Panel Report.
C228	Cardinia Shire Council	Pakenham Activity Centre	The Activity Centre Zone Schedule 1 (ACZ1) has been prepared in response to conditions of approval to Cardinia Planning Scheme Amendment C211 to ensure that the Pakenham Structure Plan 2018 has been implemented via the appropriate planning tool into the Cardinia Planning Scheme. The ACZ1 is a direct translation of the objectives and strategies as set out in the draft Pakenham Structure Plan 2018 and draft Urban Design Framework 2018. The amendment amends Clauses 21.03, 21.04 and 21.06, implements two new reference documents, deletes parts of two Development Plan overlays Schedule 1 and 2 of 43.04, and deletes the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 from Clause 72.04.	Thu 24/10/2019	Fri 06/12/2019	Panel Report finalised on 10/07/2020. The Panel's recommendations are being considered.
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply Environmental Significance Overlay Schedule 7 (ESO7) to all land within the Urban Growth Boundary (UGB) of Garfield and Bunyip and all land zoned for urban purposes within Tynong to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.	Thu 21/11/2019	Fri 20/12/2019	Re-exhibition completed. A bushfire risk assessment is in progress.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C234	Victorian Planning Authority and Cardinia Shire Council	Pakenham East Precinct	Incorporate the Pakenham East Precinct Structure Plan (PSP) and rezone the majority of land to Urban Growth Zone Schedule 5 (UGZ5) to facilitate the development of the land generally in accordance with the PSP, and make a number of other consequential changes to the Cardinia Planning Scheme to support the implementation of the PSP. Planning Scheme to support the implementation of the PSP.	Thu 18/01/2018	Fri 23/02/2018	<p>Adopted by VPA on 10/10/2018.</p> <p>A subsequent feedback process was initiated by VPA in mid-October for consideration of land north of power line easement.</p> <p>The PSP was amended by VPA in March 2020.</p> <p>The amendment is currently with the Minister for Planning for approval.</p> <p>The Minister approved the Amendment on 29 December 2020. Once the Amendment has been gazetted, more information will be provided to Council.</p>
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	<p>Amendment C238 proposes to:</p> <ul style="list-style-type: none"> - Rezone land to the Neighbourhood Residential Zone (NRZ2) (CI 32.09 Sch 2) - Apply a Development Plan Overlay (DPO19) to the Glismann Road Area (CI 43.04 Sch 19) - Apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (CI 45.06 Sch 5) 	Thu 09/07/2020	Mon 14/09/2020	<p>Exhibition completed.</p> <p>Submissions are under consideration.</p>

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			- Amend Clause 72.04 to incorporate the Glismann Road Development Contributions Plan (GRDCP) into the CPS. Amend Clause 53.01 to facilitate the provision of local open space through the GRDCP			
C240	Cardinia Shire Council	Koo Wee Rup Township	Implement the objectives of the Koo Wee Rup Township Strategy by applying Development Plan Overlays 23 and 24 and Design and Development Overlays 8 and 9 over various precincts within Koo Wee Rup.	Thu 13/02/2020	Mon 16/03/2020	Panel Hearing held on 02/11/2020. Awaiting receipt of the Panel Report.
C249	Cardinia Shire Council	Cardinia Shire municipality	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct ordinance errors.	Thu 04/06/2020	Thu 02/07/2020	Adopted by Council on 17/08/2020. Submitted to the Minister for Planning for approval.
C257	Cardinia Shire Council	53-65 Woods Street, Beaconsfield	Apply a Development Plan Overlay (DPO) for the Woodland Grove Precinct as shown in the Beaconsfield Structure Plan.			Authorisation to prepare an amendment was granted on 19/11/20. Preparation for public exhibition is being undertaken.
C264	Cardinia Shire Council	Cardinia Shire municipality	Implement the Advertising Signage Design Guidelines into the Cardinia Planning Scheme.			Authorisation to prepare an amendment was granted on 26/11/2020. Preparation for public exhibition is being undertaken.
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan.	Thu 15/10/2020	Thu 26/11/2020	Exhibition completed. Submissions are under consideration with a report to



A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						Council being prepared for 15 February 2021 meeting.

Resolution

Moved Cr Ray Brown, seconded Cr Graeme Moore.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 07:43 pm.

Minutes confirmed
Chairman