

Town Planning Committee Meeting

Minutes

Monday 2 May 2022

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

Members: Cr Jeff Springfield Mayor
 Cr Kaye Cameron
 Cr Stephanie Davies
 Cr Jack Kowarzik
 Cr Graeme Moore
 Cr Collin Ross
 Cr Brett Owen

Officers:

Lili Rosic	General Manager Liveable Communities
Peter Benazic	General Manager Infrastructure and Environment
Doug Evans	Manager Governance

Order of Business

1 Opening And Prayer	3
2 Acknowledgements	3
3 Apologies	3
4 Declaration Of Interests	3
5 Ordinary Business.....	4
5.1 T210346 PA - Use Of The Land For An Education Centre (Adult Training Centre), Food & Drink Premises And Associated Buildings And Works At 55 Southeast Bvd, Pakenham.....	4
5.2 T210321 PA - Use And Development Of The Land For A Dwelling And Animal Husbandry.....	72
5.3 Planning Matters Dealt With By Officers Under Delegated Authority	130
5.4 Planning Matters VCAT Report	141
5.5 Planning Scheme Amendment Activity Report - 2 May 2022	143

1 Opening And Prayer

I would ask those gathered to join us now for a few moments of silence as we reflect on our roles in this chamber. Please use this opportunity for reflection, Prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

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

Cr Davies and Cr Radford.

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 T210346 PA - Use of the land for an Education Centre (Adult Training Centre), Food & Drink Premises and associated buildings and works at 55 Southeast Bvd, Pakenham

File Reference: {file-reference}
Responsible GM: Lili Rosic
Author: Evie McGauley-Kennedy

Recommendation(s)

That Council refuses an application to grant a Planning Permit for the use of the land for an Education Centre (Adult Training Centre) and Food and Drink Premises and associated buildings and works on the following grounds:

1. The proposal is incompatible with the industrial location and contrary to the purpose of the Industrial 1 Zone.
2. The proposal undermines state and local policies which seek to protect state significant industrial land from non-industrial land uses that (have the potential to) prejudice the future availability of industrial land.
3. The proposal results in unreasonable impacts to future and established industrial uses.
4. The proposal does not represent the orderly planning of the area.

Attachments

1. T 210346 PA - Locality Map [5.1.1 - 1 page]
2. T 210346 PA - Application plans and documents [5.1.2 - 43 pages]
3. T 210346 PA - Applicants response to land use concerns [5.1.3 - 6 pages]

Executive Summary

APPLICATION NO.:	T210346
APPLICANT:	Human Habitats
LAND:	L82 PS827498, 55 Southeast Boulevard, Pakenham
PROPOSAL:	Use of the land for an Education Centre (Adult Training Centre) and Food and Drink Premises and associated buildings and works.
PLANNING CONTROLS:	Zone: <ul style="list-style-type: none"> • Industrial 1 Zone

	Overlay: <ul style="list-style-type: none"> No overlays
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners.
KEY PLANNING CONSIDERATIONS:	State significant industrial land Protection of industrial land Land use compatibility Sensitive land uses On-site parking availability Traffic issues and safety Intensity of land use and appropriateness in industrial area Out of centre development
RECOMMENDATION:	That the application be refused, subject to the grounds within this report.

Background

The subject site is part of the South East Business Park and was created by Planning Permit T170658 which was issued for the subdivision of the land in stages on 25 July 2018.

The building in which the use is proposed was constructed following the issue of Planning Permit T200765 which allowed for the construction of one (1) Warehouse (with an ancillary office) and associated works on 21 January 2021.

Subject Site



The subject site is located at 55 Southeast Boulevard, Pakenham, within the South East Business Park. The area is identified as a large employment corridor within the *Casey-Cardinia Growth Area Framework Plan, 2006*.

It is located on the southern side of Southeast Boulevard on the eastern corner with Innovation Way.

The site is developed with a warehouse which was approved under Planning Permit T200765. According to the application for this previous permit, the building was intended to be used for warehousing and was to be “...occupied by a local business who is upgrading their requirements to a larger building which will better meet the needs of the expanding business”.

Access to the site is provided by two (2) crossovers. One (1) provides access to Southeast Boulevard to the north and the other provides access to Innovation Way to the west.

The topography of the land is relatively flat.

The following title restrictions affect the land:

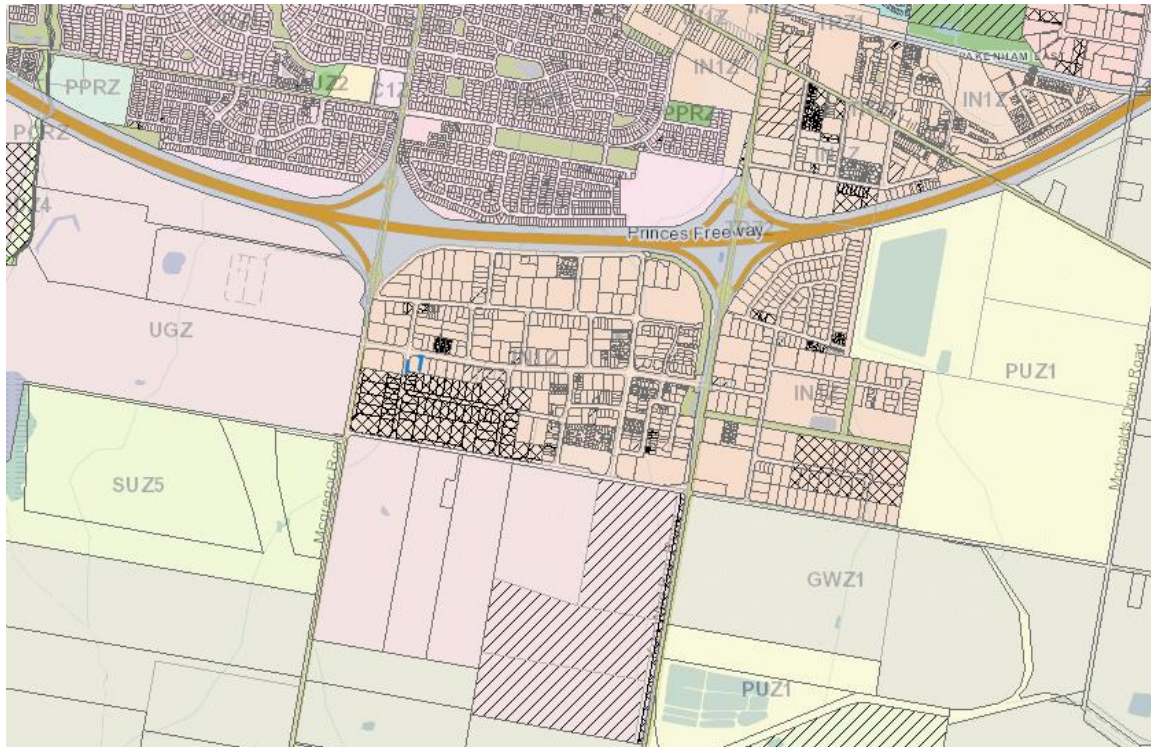
- Restrictive Covenant PS827498B which relates to the Southeast Business Park Building Design Guidelines endorsed under Planning Permit T170658. It also relates to developer approval being required prior to commencement of any buildings and works.
 - This restriction requires that:
 - 1. The Registered Proprietor or Proprietors for the time being of any burdened lot must not construct a building or allow a building to be constructed that does not comply with the objectives of the endorsed Southeast Boulevard Design Guidelines as approved by Cardinia Shire Council under Planning Permit T170658.
 2. The Registered Proprietor or Proprietors for the time being of any burdened lot must not construct or externally alter a building or allow a building to be constructed or externally altered unless approval for the proposed development has been granted in writing by a representative of Southeast Business Developments Pty Ltd.
- The proposal complies with the restriction on title.

The site is in an area subject to Aboriginal Cultural sensitivity and Cultural Heritage Management Plan (CHMP) 15725 which was prepared as part of the subdivision allowed by Planning Permit T170658 and applies to the land. Therefore, a new CHMP is not required to be prepared for the use of the existing building for the proposal.

The main characteristics of the surrounding area are:

- North: Directly north of the site is Southeast Boulevard. Across the road there is a mixture of vacant and established industrial sites. The existing buildings are generally used for warehousing and industry.
- South: Directly south of the site are several undeveloped industrial parcels which are not yet titled. Further south (across Greenhills Road) is land located in the Urban Growth Zone to be developed for employment land (including Industrial land) within the future Pakenham South Employment Precinct Structure Plan (PSP).

- East: Directly east of the site is a vacant parcel of industrial land which was issued a Planning Permit (T210235) for the development of a warehouse on 21 June 2021. Further east there is a mixture of undeveloped industrial parcels and established industrial sites, generally used for warehousing.
- West: Directly west of the site is Innovation Way. Across the road there are two (2) similarly sized industrial parcels which are currently vacant, with no permits having been issued for development of these parcels to date. Further west (across McGregor Road) there is more Urban Growth Zone land which is to be developed for employment land (including Industrial land) within the future Pakenham West Employment Precinct Structure Plan (PSP).



Relevance to Council Plan

[\[council-plan\]](#)

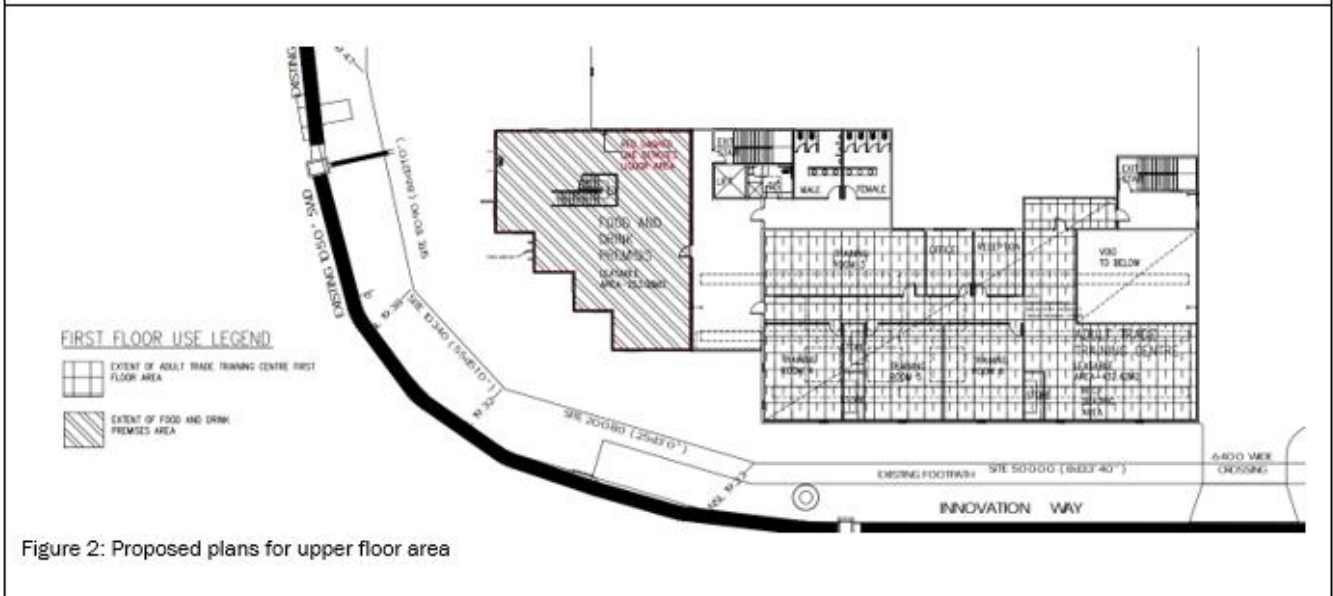
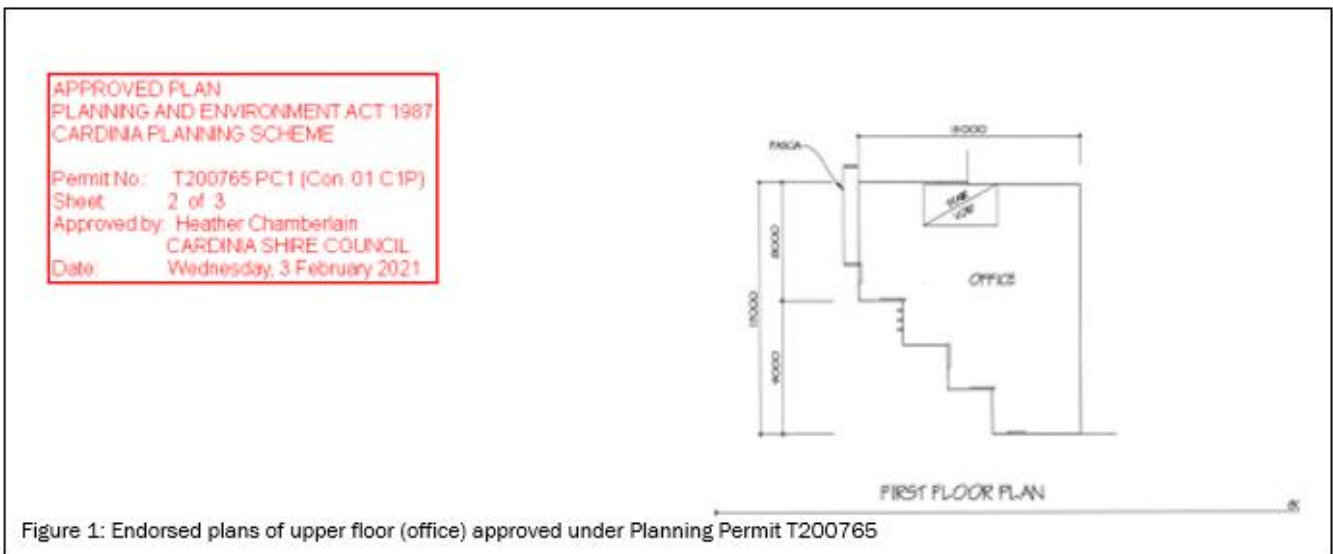
Proposal

Approval is sought for the use of the land for an Education Centre (Adult Training Centre) and Food and Drink Premises and associated buildings and works.

The proposal also includes the use of the land for a Convenience Shop which does not trigger a planning permit so long as the leasable floor area does not exceed 240sqm. The proposed Convenience Shop has a leasable floor area of 237.36sqm, therefore no Planning Permit is required for this use. The required number of car parking spaces for this use can also be provided.

In addition to the uses proposed, an internal extension to the first-floor office space approved under T200765 is also proposed. Currently (according to the endorsed plans) the first-floor office area of the building measures 185sqm in area. The proposal seeks to increase the leasable floor area of the existing office space at the first-floor level by 68.08sqm, as well as

including more leasable floor area at the first floor level by including training rooms at the first floor level totalling 432.42sqm in leasable floor area. Overall, the leasable floor area at the first-floor level will be increased from 185sqm to 500.5sqm.



Education Centre (Adult Training Centre)

The Education Centre (Adult Training Centre) is proposed to span the two (2) levels of the building and provide training facilities for Mechanical and Culinary Trades. The practical training facilities will be located at ground floor level, whilst the classrooms will be provided at first floor level. This use will occupy the rear (western portion of the building).

It is proposed that a maximum of twenty-four (24) students and five (5) staff members will be present on-site at any one time within the Education Centre. It is proposed that the Education Centre will operate between 8:00am and 10:00pm, Monday to Sunday.

Food and Drink Premises

The Food and Drink Premises is also proposed to span the two (2) levels of the building and will be located to the north-west (front) of the building. It will occupy a floor area of 388.16sqm over these two (2) levels.

The proposed operating hours are between 6:00am and 10:00pm, Monday to Saturday and 8:00am to 10:00pm on Sundays.

No further details (including patron numbers) on the type of food and drink premises proposed have been provided other, than it is proposed to be a café which will serve various food items such as sandwiches, fried foods and various drinks.

According to the plans submitted it appears that the sale and consumption of liquor as part of the food and drink premises will be applied for at a later date.

Freezing and Cool Storage

The remainder of the building that is not proposed to be occupied by the Convenience Shop, Education Centre and Food and Drink Premises is proposed to be occupied by Freezing and Cool Storage. This use is proposed to occupy the eastern portion of the building and will measure a total area of 903.16sqm. The use is proposed 24-hours, Monday to Sunday.

This will include an ancillary office, meeting room, toilets and two (2) loading bays.

The Freezing and Cool Storage area will mainly be used for the storage of processed and pre-packaged food items. Deliveries and distribution to and from the site will be made during the hours of operation proposed.

Buildings and works

As discussed above, buildings and works to add floor space to the existing first floor office are proposed as part of this application.

They include extensions to the first-floor office as described above to cater for the Food and Drink Premises and Classrooms for the Education Centre proposed.

Other than these works, substantial internal alterations such as the construction of partition walls are also proposed.

Car parking

A total of forty-one (41) car parking spaces are currently provided to the site, as was required for the warehouse approved by Planning Permit T200765.

Whilst the proposal does not seek a reduction in car parking for each of the uses proposed, this is because an additional nine (9) spaces are proposed. Eight (8) of these new spaces are proposed within the rear loading bay of the Freezing and Cool Storage portion of the building.

Based on the uses proposed, the applicant contends that the proposal generates the need for 47 spaces with 50 spaces (including an accessible space) being provided.

Other considerations

It is noted that if approved, an application for the sale and consumption of liquor associated with the Food and Drink Premises will be applied for.

Planning Scheme Provisions

Zone

The land is subject to the following zone:

- Industrial 1 Zone

Overlays

The land is not subject to any overlays.

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
-
- Clause 13.05-1S Noise abatement
-
- Clause 13.07-1S Land use compatibility
-
- Clause 17.02-2S Out-of-centre development
-
- Clause 17.02-1S Business
-
- Clause 17.03-2S Sustainable industry
-
- Clause 17.03-3S State significant industrial land
-
- Clause 17.04-1S Facilitating tourism
-
- Clause 18.02-4S Roads

Local Planning Policy Framework

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
-
- Clause 21.04-1 Employment
-
- Clause 21.04-4 Industry
-
- Clause 21.04-5 Tourism
-
- Clause 21.05-3 – Local roads

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
-
- Clause 53.10 Uses with adverse amenity potential
-
- Clause 65 Decision Guidelines
-
- EPA Victoria's *Recommended Separation Distances for Industrial Residual Air Emissions, March 2013* (EPA Publication 1518)

Planning Permit Triggers

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

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone, a permit is required to use the land for a Food and Drink premises and Education Centre and
- Pursuant to Clause 33.01-4 of the Industrial 1 Zone, a permit is required to construct a building or carry out works.

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.
- Placing signs on the site.

Council has received one (1) objection to date. The key issues raised by this objection are:

- The affect the proposed food and drink premises will have on the objector's premises (cafe).

The affect that an application may have on the commercial viability of another (similar) use is not a consideration of the *Planning and Environment Act, 1987*. Section 57(2A) of the *Planning and Environment Act, 1987* states that the responsible authority may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.

Based on this, it is considered that the grounds of the objection are not based on planning merit and will not be considered.

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	N/A	
Section 52 Notices	N/A	

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Strategic Planning	Not supportive of the establishment of a sensitive use in the Industrial 1 Zone.
Traffic	No objection to the proposal. (Subject to conditions)

Discussion

The application for a permit has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed uses are determined to be inconsistent with these requirements.

The Planning Scheme puts particular emphasis on the facilitation and protection of industrial land, in particular when located in an area identified by Strategic Planning Frameworks as State significant industrial land as well as the ongoing facilitation and protection of employment land that services the wider community.

The location of the proposed Food and Drink premises and Education Centre outside of a nearby activity centre and within an establishing industrial estate earmarked by Policy as significant industrial and employment land is not supported by the Cardinia Planning Scheme, due to the potential conflicts such sensitive uses may have on existing and future industrial activities, as well as the potential to reduce the ability for these facilities to expand in the future.

Policy protecting State Significant Industrial land

Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety, while facilitating appropriate commercial, industrial, infrastructure and other uses with potential adverse off-site amenity impacts by ensuring that uses and development is compatible with adjoining or nearby land uses and protecting existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

The application fails to align with these policies as there is very little link between this proposal and the industrial location. Whilst it could be argued that an Education Centre providing for mechanical trades might be reasonable in an industrial setting, the broader impacts of allowing an Education Centre to establish within a new industrial area must be given greater weight in Council's decision.

The establishment of an Education Centre has the potential to negatively impact (the mostly vacant) lots and newly constructed buildings surrounding the subject site from establishing 'as of right' industrial uses without requiring planning permission. For example:

- Currently the use of the land for a warehouse or industry does not require planning permission, so long as it meets the Conditions of Table 1 to the Industrial 1 Zone.
-
- If an Education Centre were to establish on this site, at a minimum, the allotments within 30 metres around the site would require planning permission to use their site for a warehouse or industrial use which would otherwise (generally) be 'as of right' if the Education Centre was not present.

-
- This is without taking into account any threshold distances in Clause 53.10 (Uses with adverse amenity potential) which could result in certain uses which would normally be considered appropriate in the Industrial 1 Zone within up to 5 kilometres of the site needing additional consideration under this provision, which would not normally apply.

The Industrial 1 Zone is specifically set aside away from residential and commercial areas to avoid these land use conflicts. In this instance, Southeast Business Park is separated by the Princes Freeway from the Pakenham Town Centre and surrounded by employment land to ensure that industrial uses are adequately provided for and protected from sensitive uses.

The appropriateness of the Food and Drink Premises proposed, is also considered incompatible for similar reasons. Policy specifically seeks to protect commercial and industrial uses and safeguard them from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

The Food and Drink premises is not an industrial function and this component is expected to generate the primary off-site issues in the industrial area that centre around land use conflicts, traffic and may affect the ability for neighbouring businesses to operate safely.

It is also noted that the presence of a Food and Drink Premises in an industrial context requires careful consideration as the operator and patrons may expect a higher standard of general amenity than can be provided in a precinct where odour and noise related emissions are likely to be higher and more frequent, as expected in industrial areas. The higher likelihood of these emissions will only increase the opportunity of land use conflicts with other industries and affect their ability to function.

Clause 17.03-2S (Sustainable Industry) seeks to facilitate the sustainable operation of industry by employing a number of strategies including:

- Encouraging activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimising inter-industry conflict and encourage like industries to locate within the same area.
- Protecting industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encouraging industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Encouraging manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

The proposal encourages the establishment of commercial and educational uses which are not in conjunction with an industrial activity at the site. The proposal removes industrial land from industrial activity, as well as having the potential to impose limitations on existing or future industrial activities proximate to the site.

A higher standard of amenity may be expected for a Food and Drink Premises and the Planning Scheme acknowledges (*emphasis added*) that an Education Centre has a higher standard of amenity. Allowing these uses to establish within an industrial area will result in conflicts between land at least within 30 metres of the site and has the potential to impact land beyond this.

The Education Centre and Food and Drink Premises are compatible with tenancies typically found in commercial areas with a low likelihood of generating adverse safety or amenity issues and therefore does not align with this policy.

Clause 17.03-3S (State significant industrial land) seeks to protect industrial land of state significance where relevant strategies seek the protection of state significant industrial precincts from incompatible land uses to allow for future growth. The Officer/Pakenham industrial areas are specifically listed in this policy as a State Significant Precinct.

Southeast Business Park is among land that is recognised with this significance, placing further weight on interrelated policies that seek to protect this industrial land from encroachment and inappropriate land uses and/ or development.

An Education Centre and Food and Drink Premises at this location encourages educational and retail land uses which, reasons listed previously, undermine the protection of industrial areas for the and critically erodes the purpose of activity centres where these uses are actively encouraged.

As discussed, apart from the Education Centre proposing to provide training for mechanical trades, the proposal introduces a significant focus on non-industrial uses on-site and the Education Centre especially will place an unreasonable burden on the surrounding land for future industrial business that is inconsistent with the ongoing protection of this state significant land.

In addition to the policy above, the proposal is also inconsistent with local policies such as Clauses 21.04-1 (Employment) and 21.04-4 (Industry), which deal with the same issues of protecting industrial and employment land from inappropriate uses.

Other relevant Planning Policy

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria through strategies such as ensuring that settlements are prosperous and sustainable by providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.

The application fails to align with the objectives of this policy as it is expected to negatively impact sustainable growth within the newly formed industrial precinct by establishing sensitive uses.

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 and human health is not adversely impacted 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 17.01-1S (Diversified economy) aims to strengthen and diversify the economy. The proposal is expected to generate further local employment opportunities and the introduction of skilled and unskilled jobs across the operation. The introduction of the mixture of uses proposed will also increase the variety of businesses type to the area, where a positive flow on effect could be anticipated.

Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. It seeks to locate commercial facilities in existing or planned activity centres, provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The proposed location is an establishing industrial precinct where Food and Drink Premises are currently limited to small cafés and takeaway premises that generally serve the local workforce.

No link to any industrial use associated with the Food and Drink Premises has been demonstrated by the application and therefore, it is a use in which there is no demonstrated reason why it should not be located in a commercial centre, where a higher aggregation of similar businesses and the supporting infrastructure, such as public transport, are readily available. The proposed Education Centre also provides limited link between the industrial precinct and the training provided, and therefore could also be provided in a commercial centre where access to supporting infrastructure is also available.

By contrast, the intention and scale of this business is intended to attract people from beyond the industrial precinct, where supporting infrastructure is far more limited, therefore failing to align with the policy.

Clause 17.02-2S (Out-of-centre development) aims to manage out-of-centre development by discouraging proposals for expansion of single use retail, commercial and recreational facilities outside activity centres and ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The policy encourages 'single use' retail functions to be located within Activity Centres to improve the economic benefits associated with the agglomeration of businesses and avoid dilute these centres.

Southeast Business Park is not classified as an activity centre and as discussed, there is no link between the Food and Drink Premises and the industrial location, and a weak link between the Education centre and the industrial location. Based on this the application has failed to reasonably establish that it is complementary function to the industrial use of land, with the exception of the Freezing and Cool Storage (Warehouse) and Convenience Shop elements of the proposal, which are 'as of right' uses.

As a consequence of the focus on the retail and educational elements, the proposal heavily promotes a land use that is not compatible with the location and one that would be better integrate in an established commercial environment and centralised location, to provide greater community benefit and avoid eroding strength of these centres.

It is clear that a number of state and local policies are relevant to this application that seek to protect industrial land from the encroachment of sensitive uses such as those proposed. Whilst there often are positive economic and social impacts of introducing Education Centres and Food and Drink Premises, which arguably align with some Planning Policy, the negative impacts to industrial land when these uses are proposed there must outweigh these benefits, especially in a growth area Council such as Cardinia.

Therefore, the proposal is generally inconsistent with the location and prevailing policy.

Industrial 1 Zone

The purpose of the zone is to implement the municipal planning strategy and the planning policy framework. It also applies to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

As discussed, the table of uses contained in this provision lists Convenience Shop as a section 1 use (permit not required) provided the proposal can meet a range of conditions. This part of the proposal is therefore not being assessed.

Food and Drink Premises forms part of the broader 'retail premises' land use, which is a section 2 use (permit required) under the Zone.

Education Centre is listed as section 2 use (permit required) under the Zone.

Freezing and Cool Storage is nested under the Warehouse land use definition, and therefore if it can meet the Conditions against the use of the land for a Warehouse in the Table of Uses it is a Section 1 (not permit required) use. The proposal meets the conditions and therefore does not require a planning permit.

In support of why this application is not supported it should be noted that; if this Freezing and Cool Storage component was located on a separate (neighbouring) site, the establishment of an Education Centre on this site would result in the 'as of right' use (such as Freezing and Cool Storage) requiring a planning permit, as it is unlikely that the threshold distances in the Table of Uses could be met.

It should be mentioned again that one of the criteria for warehousing and industry uses from being section 1 (permit not required) uses under the Zone is that they are not within the following distances of an Education Centre (among other sensitive uses such as hospitals or residential development):

- The threshold distance, for a purpose listed in the table to Clause 53.10; or
- 30 metres, for a purpose not listed in the table to Clause 53.10.

As discussed, the introduction of an Education Centre (even where proposed for adult training) has the potential to adversely impact the establishment of 'as of right' warehousing or industry uses within the vicinity of the site which, if they met the conditions of the Table of Uses would not require a planning permit.

The relevant decision guidelines for the assessment of use applications under the zone require the consideration of:

- ***The Municipal Planning Strategy and the Planning Policy Framework.***

The most applicable policies that support this zone include Clause 13.07-1S (Land Use Compatibility), Clause 17.02-1S (Business), 17.02-2S (Out-of-centre development), Clause 17.03-2S (Sustainable Industry), Clause 17.03-3S (State significant industrial land) and Clause 21.04-4 (Industry).

Overall, the proposal is considered inconsistent with the key strategies outlined in these policies and is expected to result in a use that is incompatible with the site and industrial context due to its scale, intensity and parking-related issues.

- ***The effect that nearby industries may have on the proposed use.***

Nearby industries are generally light industry, warehousing and some restricted forms of retail. The proposed Food and Drink Premises and Education Centre uses might be affected by emissions from nearby industrial uses given the location. There are also heavier industries and the South East Water Treatment Plant on the east side of Koo

Wee Rup Road which may have greater separation distances required by Clause 53.10 (Uses with adverse amenity potential).

- ***The availability of and connection to services.***

It is understood all necessary services are available to the property and already connected.

- ***The effect of traffic to be generated on roads.***

The proposed uses are likely to generate a high demand for parking, and whilst the applicant contends that the parking provided meets the statutory parking rate, the hours of the Food and Drink Premises suggests that it is more likely to operate like a Restaurant. With the limited information provided on how the Food and Drink Premises is expected to operate (i.e. patron numbers) this could result in the parking provided being insufficient.

If this occurs, a high dependency on street parking is therefore expected and some impact to local road conditions are possible when the Food and Drink function of the business is operational.

Clause 52.06 – Car parking

This provision of the planning scheme contains the following purposes:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

This clause applies to new uses where parking provision must be provided in accordance with the requirements of a use specified in table 1 of the provision. If the use is not listed, parking must be provided to the satisfaction of the Responsible Authority (Council).

In this instance all the proposed uses are listed in the Table and the applicant contends that the proposal complies with the statutory parking requirement as outlined in this table:

Use	Area	Statutory requirement	Total required	Total provided
Food and Drink Premises	388.16sqm	4 spaces to each 100sqm of leasable floor area	15	14 (plus 1 accessible space)
Convenience Shop	237.36sqm	If the Convenience Shop exceeds	10	10

		80sqm, 10 spaces to each premises		
Education Centre	24 students	0.4 spaces to each student that is part of the maximum number of students on the site at any time	9	11
Freezing and Cool Storage	903.16sqm	1.5 spaces to each 100sqm of net floor area	13	13 (8 of which are inside the building)
Surplus space			0	1
		Total	47	50

Whilst according to the applicant, the proposal meets the parking requirement, based on the lack of information provided about the Food and Drink Premises component of the application, and the hours it is proposed to operate, Council assumes that this use should more appropriately be defined as a Restaurant. Restaurant has a statutory parking rate based on patron numbers which is likely to generate a need for more car parking than what had been provided for this use. Based on the number of spaces provided, if the Food and Drink Premises element of the proposal operated more like a Restaurant, it would only permit 50 patrons at one time.

The car parking layout proposed (including the internal spaces for the Freezing and Cool Storage) is considered acceptable given that the car parking layout, dimensions and accessways were approved under the development permit. If a permit for the uses sought was to be granted, it would be recommended that the same conditions about access to the site that are located on the development permit (T200765) be placed on any permit granted, as well as restrictions on the number of patrons allowed in the Food and Drink Premises.

However, despite an acceptable level of compliance with this provision, given the overall lack of policy support for the use of the land for an Education Centre and Food and Drink Premises this factor should not mitigate against a refusal of the application.

Clause 53.10 – Uses with adverse amenity potential

This provision seeks to identify uses and activities which if not appropriately designed and located may cause offense or unacceptable risk to the neighbourhood.

The provision includes a range of threshold distances from sensitive zones or land use that must be met or otherwise referred to the Environment Protection Authority.

As discussed above, approval of this proposal has the potential to impact the establishment of industrial uses, as well as impact existing industrial uses and infrastructure (such as the South East Water Treatment Plant and nearby future South East food production, export and employment node) which are required to establish and maintain certain threshold (buffer) distances from sensitive uses (including Education Centres). As outlined above, these threshold distances can require up to 5 kilometres separation between an industrial use and the sensitive use.

Because of this, the establishment of an Education Centre within an industrial precinct has the potential to negatively impact industrial uses well beyond the subject site. Whilst only a few land uses require threshold distances of up to 5 kilometres, it is not unusual for more common industrial land uses, automotive repairs or concrete batching plants (for example) to require between 100 and 300 metres separation from the sensitive use.

The industrial areas of Pakenham such as South East Business Park and Greenhills Industrial Estate already contain many of these types of uses, and the Planning Scheme encourages these land uses, as they are appropriately (*emphasis added*) located within the Industrial 1 Zone. This state significant industrial land has been located south of the Princes Freeway, away from the town centre and residential areas to maximise the amount of separation between sensitive uses and the industrial precinct as possible. Whilst some industrial uses which have large threshold distances may still have to work within the constraints of Clause 53.10, the average industrial land use with smaller separation requirements such as those listed above are (generally) currently free of these constraints.

The establishment of an Education Centre at this location will detrimentally impact these land uses if approved. These industrial land uses should not be penalised through further regulation when appropriately located away from sensitive areas. Therefore, given the state significance of this industrial land and the introduction of a sensitive use which will further reduce these threshold distances should not be supported.

Other matters (Consideration of applicant's response to land use compatibility concerns)

The applicant provided a detailed response to Council's concerns about the two (2) proposed land uses which require planning permission sought by this application. They note that a 'Take-away Food Premises' is a Section 1 Use, and therefore 'as of right' within the Industrial 1 Zone. A 'Take-away Food Premises' is defined by Clause 73.03 (Land use definitions) as:

Land use term	Definition	Includes	Included in
Take away food premises	Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.		Food and drink premises

However, it must be identified that the applicant has not revised their application to state that the intended use is in fact a 'Take-away Food Premises', rather than a 'Food and Drink Premises', nor have they provided evidence that the proposal is a 'Take-away Food Premises' (for example: provided information on the number of seats provided). Based on the overall floor area of the 'Food and Drink Premises' component, and given that the applicant continues to apply for the use of a 'Food and Drink Premises' and not a 'Take-away Food Premises', the Officer's position in regards to the compatibility of this land use remains unchanged.

It is noted that if the applicant were to use (part) of the building for a 'Take-away Food Premises' within the true definition of the land use, then a Planning Permit would not be required. There would be no contention to this, so long as the required number of car parking spaces were provided. However, Council must assess the proposal based on what has been identified and provided by the permit applicant as to what they are seeking permission for.

Additionally, the applicant also identifies in their response, that a number of 'Education centres' already exist within the South East Business Park. However, it should be noted that upon a search of the addresses provided for these sites by the permit applicant, that none of these uses appear to have been approved by Planning Permits, and therefore, are likely operating in breach of the Planning Scheme, if they are in fact 'Education centres'.

Based on this, the Officer's position in regards to the compatibility of this land use also remains unchanged.

Clause 65 – Decision Guidelines

Before deciding on an application, consideration must be taken for the planning policy framework, the purpose and any other matters required to be considered by a zone or other provision and the impacts a use will have on current and future development and operation of the transport system.

As highlighted in the policy response and the assessment against policy, the zone and other particular provisions of the Cardinia Planning Scheme, the proposal not considered appropriate for site and does not reflect to orderly planning of Southeast Business Park and the broader industrial context.

Conclusion

The proposal seeks to introduce a multi-faceted business to the Shire, bringing the opportunity of greater business diversity, as well as education and employment opportunities. While these are qualities that are supported by the planning scheme, they must be considered in the context of the planning controls and other relevant policy that applies to the land to determine whether an application should be supported.

The Industrial 1 Zone is underpinned by a selection of state and local policies that seek to preserve land for appropriate uses, ensuring that new uses are compatible with existing and future uses and to protect this land for long-term sustainability and certainty for industry. The critical function of this land in facilitating industrial productivity is given further weight where land is recognised with state significance, a level of identification that is reserved for a small selection of industrial areas across Melbourne.

Key policy that also seeks to protect and strengthen activity centres through an aggregation of commercial activity and the minimisation of out-of-centre uses risks drawing activity away from established activity centres in the Shire and emphasising a theme that the application is inconsistent with critical planning policy.

An overwhelming burden created on nearby and surrounding industrial land to obtain a planning permit if within a certain distance of the Education Centre is not site-appropriate and will cause unreasonable impact to neighbouring businesses and the economic function of the area that is expected to outweigh the benefits introduced.

The overwhelming burden that would be placed on industrial uses to ensure that their operations do not affect the amenity of the Food and Drink Premises and Education Centre by way of noise, odour or other amenity impacts is not acceptable.

The Planning Scheme emphasises that industrial land must be maintained for industrial and other compatible land uses. Commercial, retail and sensitive uses which are better suited to activity centres must be directed there.

As a result of the adverse impacts to surrounding industrial, the application is considered inconsistent with the balance of relevant policies at the expense of Cardinia's activity centres and the long-term protection of Southeast Business Park and the state significant industrial land on which it sits.

It is therefore recommended that the application be refused on the following grounds:

1. The proposal is incompatible with the industrial location and contrary to the purpose of the Industrial 1 Zone.
2. The proposal undermines state and local policies which seek to protect state significant industrial land from non-industrial land uses that (have the potential to) prejudice the future availability of industrial land.
3. The proposal results in unreasonable impacts to future and established industrial uses.
4. The proposal does not represent the orderly planning of the area.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council refuses an application to grant a Planning Permit for the use of the land for an Education Centre (Adult Training Centre) and Food and Drink Premises and associated buildings and works on the following grounds:

1. The proposal is incompatible with the industrial location and contrary to the purpose of the Industrial 1 Zone.
2. The proposal undermines state and local policies which seek to protect state significant industrial land from non-industrial land uses that (have the potential to) prejudice the future availability of industrial land.
3. The proposal results in unreasonable impacts to future and established industrial uses.
4. The proposal does not represent the orderly planning of the area.

Carried

5.2 T210321 PA - Use and development of the land for a dwelling and animal husbandry

Responsible GM: Lilli Rosic
Author: Mary Rush

Recommendation:

It is recommended that a Refusal to Grant Planning Permit T210321 be issued for the use and development of the land for a dwelling and animal husbandry at L1 TP248324 V5206 F037, 145 Carses Road, Iona on the following grounds:

- The proposal is contrary to the strategic directions of state and local policy, including Clauses 14.01-1S - Protection of agricultural land, 21.04-2 - Agriculture and 22.05 - Western Port Green Wedge Policy
- The proposal is inconsistent with relevant purposes and decision guidelines of the Special Use Zone - Schedule 1
- The proposal is inconsistent with the relevant provisions of Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions.

Attachments

1. CONFIDENTIAL REDACTED - T 210321 PA - Copies of Objections [5.2.1 - 4 pages]
2. T 210321 PA - Documents for Assessment - Redacted [5.2.2 - 44 pages]
3. T 210321 PA - Locality Map [5.2.3 - 1 page]

Executive Summary

Application no.:	T210321
Applicant:	MASS Construction & Consulting
Land:	145 Carses Road, Iona
Proposal:	Use and development of the land for a dwelling and animal husbandry
Planning controls:	Special Use Zone Schedule 1 Land Subject to Inundation Overlay
Notification & objections:	Pursuant to Section 52 of the <i>Planning and Environment Act 1987</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. Two objections have been received.

Key planning considerations:	Appropriateness of land use Protection of agricultural land
Recommendation:	Refusal

Background

The land has been used for a combination of cattle grazing and hay production since being purchased by the current owners in 2018. For approximately 30 years prior to this the land was used for potato production.

A planning permit (T190433) for the development of the land for a shed to be used in conjunction with the agricultural use of the land was issued on 11 November 2019.

Subject Site



The subject allotment is an 18.3 hectare square-shaped site located in the north western junction of Mynard Road and Carse Road.

The topography is flat and devoid of vegetation (trees) apart from some scattered specimens parallel to the Mynard Road boundary. There are no easements registered on the land, or in the vicinity.

The land is currently vacant of built form, with the exception of a hay shed and stockyard in the south-east corner. The land is used for agriculture.

The main characteristics of the surrounding area are:

<ul style="list-style-type: none"> ■ North 	<ul style="list-style-type: none"> ■ Abuts a 20 hectare similarly zoned allotment, which is undeveloped.
<ul style="list-style-type: none"> ■ East 	<ul style="list-style-type: none"> ■ Adjacent to Carse Road and Sidebottoms Rd Drain. Further east is No. 375 Carse road, a similarly sized and zoned allotment.
<ul style="list-style-type: none"> ■ South 	<ul style="list-style-type: none"> ■ Adjacent to Number Seven Yallock Drain. Further south is no. 95 Carse road, a 23 hectare similarly zoned allotment, featuring a dwelling.

<ul style="list-style-type: none"> ■ West 	<ul style="list-style-type: none"> ■ Abuts No. 170 Pitt Road, a 19 hectare similarly zoned allotment, which is undeveloped.
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Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision making

Proposal

An application has been received for the use and development of the land for a dwelling and animal husbandry.

The proposed dwelling measures 25.8 metres by 17 metres and has a gable 'Colourbond' roof with a maximum height of 5 metres. The dwelling includes 4 bedrooms, study, kitchen, family room with the usual amenities.

The dwelling will be clad in weatherboard with external covered verandahs surrounding the dwelling.

The dwelling will be located 145 metres from the front boundary (Carses Road), 120 metres from the southern boundary and greater distances from all other boundaries.

The proposed building associated with agriculture measures 20 metres by 12 metres with a gable roof with a maximum height of 5.4 metres. The building will be located 150 metres from Carses Rd, 85 metres from the southern boundary and greater distances to all other boundaries.

The land is also proposed to be used for animal husbandry (combination of cattle breeding/grazing and the keeping, and breeding of racehorses).

An indicative layout of the property indicates that approximately half of the property is to be used for grazing and the other half is to be fenced into individual yards for keeping of racehorses with individual shelters.

The applicant has indicated that the site has a bore which can easily supply 500,000 litres of water.



Planning Scheme Provisions

Planning Policy Framework

The relevant clauses of the PPF are:

- 11.01-1R Green wedges - Metropolitan Melbourne
- 13.03-1S Floodplain management
- 14.01-1S Protection of agricultural land
- 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- 16.01-3S Rural residential development

Local Planning Policy Framework (LPPF)

The relevant clauses of the MPS are:

- 21.01-3 Key issues
- 21.01-4 Strategic vision

- 21.03-5 Rural residential and rural living development
- 21.04-2 Agriculture
- 22.05 Western Port Green Wedge 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
- Clause 66 Referral and Notice Provisions
- Cardinia Western Port Green Wedge. Management Plan

Planning Permit Triggers

- Pursuant to Clause 37.01-1 (Special Use Zone – Schedule 1), a planning permit is required to use the land for a dwelling and animal husbandry.
- Pursuant to Clause 37.01-4 (Special Use Zone – Schedule 1), a planning permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.04-2 (Land Subject to Inundation Overlay), a planning permit is required to construct a building or to construct or carry out works.

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 nine (9) nearby owners/occupants received notice of the application by mail.

The notification has been carried out correctly, and Council has received two (2) objections.

The grounds of objection include:

1. The proposal is inconsistent with the intent, purposes and decision guidelines of the SUZ1.
2. Inadequate notification of the application;
3. Inadequate farm management plan

Referrals

The application was referred to Melbourne Water who raised no objections subject to permit conditions.

Discussion

Clause 37.01 (Special Use Zone – Schedule 1)

The Site is within the Special Use Zone – Schedule 1. The zone was specifically established within an area of the Koo Wee Rup Swamp that contains soil recognised as being of high quality, making it agricultural land of state significance.

This highly productive agricultural and horticultural area plays a vital role in providing food for Victoria's population and food security. As such, the purposes of the Special Use Zone – Schedule 1 are:

- To preserve land of high agricultural quality for horticulture and other farming activities.
- To discourage non-agricultural and non-soil based uses establishing on soil of high agricultural value.
- To protect the area from the encroachment of urban and rural residential type development.
- To minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.
- To encourage sustainable farming activities based on whole farm and catchment planning principles on an individual and community basis.

The following decision guidelines of the Special Use Zone – Schedule 1 have been considered:

- Whether the dwelling is reasonably required for the operation of the rural activity being conducted on the land.
- Whether the use, building, works or subdivision will be detrimental to the horticultural significance of the area.
- Whether the use utilises the high quality soils for horticultural or agricultural pursuits.
- The impact of the use, building, works or subdivision on the character and appearance of the area.
- Whether the site is suitable for the use, building, works or subdivision and the compatibility of the proposal with adjoining and nearby farming and other land uses.
- The Land Capability Study for the Cardinia Shire (February 1997).
- Whether the land is liable to flooding and any advice received from Melbourne Water.

An assessment against the decision guidelines of the SUZ1 as to whether it is appropriate to locate a dwelling within this zone is required.

Whether the dwelling is reasonably required for the operation of the rural activity being conducted on the land.

An application to use and develop the land for a dwelling in the Special Use Zone – Schedule 1 must establish that the dwelling is reasonably required to operate a rural activity on the land itself. This burden is placed on applicants to prevent the incremental loss of agricultural land by the encroachment of rural residential development and other incompatible uses.

The use of the land for animal husbandry does not justify a dwelling to be constructed on the land. There are many VCAT cases which find that this type of use does not justify a dwelling.

See, e.g., Noonan v Mount Alexander SC [2017] VCAT 412 (22 March 2017), Milan v Macedon Ranges SC [2014] VCAT 717 (16 June 2014), Mischkulnig v Moyne SC [2013] VCAT 2110 (17 December 2013), Zobec v Campaspe SC [2013] VCAT 1830 (29 October 2013), Andrews v Hepburn SC & Anor [2013] VCAT 408 (5 April 2013), Strachan v LaTrobe CC [2012] VCAT 414 (12 April 2012), Panter & Ors v Mt Alexander SC [2012] VCAT 248 (6 March 2012), Rehn v Mitchell SC [2011] VCAT 229 (18 February 2011), Nicholas v South Gippsland SC [2009] VCAT

1470 (30 July 2009), *Stone v Colac Otway SC* [2009] VCAT 2251 (23 October 2009), *Gippsland Coastal Board v South Gippsland SC & Ors (No 2)* (Red Dot) [2008] VCAT 1545 (29 July 2008), *Awty v Greater Bendigo CC* [2008] VCAT 14 (16 January 2008), *Pratt v Greater Geelong CC* [2006] VCAT 2654 (20 December 2006).

Whilst it could be argued that a dwelling is required on the land to supervise valuable racehorses, it is Council's opinion that this type of animal husbandry should not be allowed to establish on land with high quality soils which policy says should be used for soil-based agriculture i.e. growing crops in the ground.

The keeping and breeding of racehorses/performance horses can be established on much poorer soils as the majority of the animal's food source comes from supplementary feeding, not from grazing.

Whether the use, building, works or subdivision will be detrimental to the horticultural significance of the area.

The use of the land for non-soil based agriculture will be detrimental to the horticultural significance of the area for several reasons.

The use and development of land for a dwelling is a section 2 use (permit required). The dwelling is proposed to be located toward the centre of the site which wastes land for access to the dwelling and reduces the available land for agricultural use.

The presence of dwellings can impact the viability of farming on adjoining land due to offsite amenity impacts associated with agriculture such as noise, and drifting of agricultural sprays and fertilisers. The presence of a dwelling on adjoining land can limit suitable times for spraying and fertilising due to the impacts of wind causing drifts onto adjoining land which can impact residents of the dwelling.

The applicant proposes to use the land for cattle grazing and breeding/keeping of horses. Both uses fall within the definition of animal husbandry and are a section 2 permit required use.

The definition of animal husbandry is:

- Land used to keep, breed, board, or train animals, including birds.

The current application proposes to use approximately half of the land for cattle grazing and half for horse keeping/breeding.

The use of the land for animal husbandry does not utilise the high-quality soils to their highest capacity i.e. growing crops in the ground. Both of these uses proposed can be carried out on much poorer soils.

The immediate result will be a loss of agricultural production and a corresponding reduction in the horticultural significance of the area.

If no dwelling is permitted on the land, there is a high likelihood that the land would continue to be used for soil-based agriculture. This would have a direct flow on effect in the value of the land as the ability to build a dwelling has the immediate effect of increasing the value of the land. If no dwelling is possible, it is likely that the land value will drop and enable existing farmers to increase their landholdings. This would assist with the maintenance of soil-based agricultural production in the future, with a positive impact on the horticultural significance of the area and rural economy.

On the contrary, supporting a dwelling on the land will reduce the productivity of the land given that it is associated with a non-soil based agriculture and only half of the land is proposed to be used for cattle grazing, with the use of the land for breeding/keeping of racehorses not adding to food production.

Both the use and development of the land for a dwelling and animal husbandry will result in the loss of agricultural productivity with no soil-based agriculture being proposed.

Whether the use utilises the high quality soils for horticultural or agricultural pursuits. The impact of the use, building, works or subdivision on the character and appearance of the area.

The subject site has good quality soils which can sustain intensive agricultural production. Prior to the current owners, the land was used for potato production for approximately 30 years.

The proposed use i.e. animal husbandry (racehorses and cattle) does not constitute soil based agriculture. Racehorses do not add to agricultural productivity in terms of food production and cattle grazing underutilises the high-quality soils which can be better used for food production.

As discussed earlier the dwelling is located towards the centre of the property which wastes agricultural land creating a long accessway to the dwelling.

Whether the site is suitable for the use, building, works or subdivision and the compatibility of the proposal with adjoining and nearby farming and other land uses.

The use of the land for the keeping/breeding of racehorses is an intensive use that is likely to result in soil degradation and contaminated runoff from the land into the adjacent Number 7 Yallock Drain.

Horses produce nutrient-rich waste that can cause problems if chemicals and microorganisms leach into the soil and groundwater or run off into water courses. Inappropriate siting and inadequate management practices of horse keepers may pose a significant threat to land and water resource quality and the environment. The submitted farm management plan does not propose any cut off drains or any other methods to stop contaminated runoff entering the adjoining drain.

There are agricultural producers within the vicinity of the subject site that have water licences from Number 7 Drain. The proposed use has the potential to contaminate the drain water that can directly impact food production.

As raised previously, the presence of a dwelling can impact the ability of adjoining farmers to carry out their normal practices due to weather conditions which are unpredictable.

The Land Capability Study for the Cardinia Shire (February 1997).

As identified above, the proposal has an immediate impact on the agricultural productivity of the land with a domestic area associated with the dwelling being removed from production. There is also no effective method of ensuring that the land will continue to be used for agriculture and there is a great risk that it will not be used for its maximum agricultural potential. Full time farmers are aware and understand appropriate management practices as they have a direct link to productivity.

The application proposes to fence approximately 20 yards with an area of around 1300m², 3 of 2500m² and 9 of 3400m² which constitutes approximately half of the site.

These yards will likely be overgrazed given the small area allocated to each yard. Soil compaction and overgrazing are likely to result in erosion of topsoil by wind and rain. Overgrazing of small paddock is very common on horse properties as horses graze continuously.

It is considered that the current proposal is not consistent with this study and will contribute towards land degradation in an area of agricultural importance. Further discussion regarding agriculturally significant land is below.

Whether the land is liable to flooding and any advice received from Melbourne Water.

The land is subject to the Land Subject to Inundation Overlay. Melbourne Water did not object to the proposal, subject to conditions which primarily related to the LSIO. It is noted that there are no third-party notice or appeal rights under the LSIO as it applies here.

Consideration of objections

1. The proposal is inconsistent with the intent, purposes, and decision guidelines of the SUZ1

Both objections raise concerns over the application being inconsistent with the Special Use Zone. Considering the discussion above, Council officers concurs with this ground of objection.

2. Inadequate notification of the application

The application was advertised in accordance with the requirements of the *Planning and Environment Act 1987* and relevant privacy laws. Private information has been redacted from the advertising documents online as required by privacy laws, and the applicant was advised that they could view full application documents in person at Council's offices.

3. Inadequate farm management plan

An objector has raised concern regarding the content of the submitted farm management plan.

The plan is sufficient for Council to assess the extent of the proposed animal husbandry uses proposed on the land.

Protection of agricultural land: state and local policies

Development pressure from Melbourne's expanding population has increasingly threatened agricultural land in the Shire. In response, the State Government and Council have adopted and strengthened policies relating to the preservation of agricultural land.

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne)

Clauses 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Metropolitan Melbourne) have objectives and strategies that seek to protect and support areas of agricultural production.

The objective of Clause 14.01-1S (Protection of agricultural land) is to protect the state's agricultural base by preserving productive farmland. Key strategies in this policy are:

- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements,
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses, and
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Protect strategically important agricultural and primary production land from incompatible uses.

- Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Additionally, Clause 14.01-1R aims to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

The proposal is contrary to policies related to agriculture as it seeks to establish two uses, of a dwelling and animal husbandry, which do not need or utilise the high quality soils.

Clauses 21.01-3 and 21.03-4 (Key Issues and Strategic Vision)

Clause 21.01 Cardinia Shire key issues and strategic vision identifies Western Port as a major landscape feature and that a key influence within the Shire is urban growth, including urban pressures on the rural hinterland and management of green wedge areas. The following relevant key issues are identified:

- The protection of the Koo Wee Rup swamp area which contains important groundwater reserves and horticultural soils in the Western Port basin.
- The management of urban growth, including urban pressures on the rural hinterland.
- The protection and sustainable use of agricultural land.

The proposed use and development raise conflict with these key issues because it will result in the degradation and loss of agricultural land in the Koo Wee Rup Swamp area.

Clause 21.04-2 (Agriculture)

Clause 21.04-2 (Agriculture) provides local content to support Clause 14.01 of the Planning Policy Framework. The objective of Clause 21.04-2 is to maintain agriculture as a strong and sustainable economic activity within the municipality.

Several strategies give effect to the policy's objective:

- Protect agricultural land, particularly areas of high quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.
- Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the agricultural viability of the area.
- Ensure the use or development, including subdivision, of agricultural land takes into consideration land capability.

The proposed use and development are unconnected to any soil based agricultural activity on the site and will further fragment crucial agricultural land, which will lead to a reduction in agricultural viability on the subject site and within the surrounding vicinity. Establishing a residential use will remove this land from the Shire's agricultural base.

Development pressure from Melbourne's expanding population has increasingly threatened agricultural land in the Shire. In response, amendments to Clause 21.04-2 and the introduction of Clause 22.05 recognise that protecting key agricultural land is more vital than ever to ensure Victoria's food security.

Clause 22.05 - Western Port Green Wedge Policy and Westernport Green Wedge Management Plan

The proposal is inconsistent with Clause 22.05 (Western Port Green Wedge Policy). Amendment C215 introduced this policy on 10 August 2017 to provide guidance in relation to the protection and management of the Western Port Green Wedge. A key vision contained in Clause 22.05 provides:

The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.

The relevant objectives of this Clause are:

- To give effect to Council's vision for the Cardinia Western Port Green Wedge.
- To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.

Further, relevant policies include that all use and development within the green wedge should:

- Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.
- Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.
- Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District.

To provide further guidance, Clause 22.05 introduced the Cardinia Western Port Green Wedge Management Plan (the 'Plan') as a reference document. The Plan provides a strategic planning framework that enables Council to take advantage of opportunities and proactively attend to challenges occurring in the Cardinia Western Port Green Wedge over the next 20 years. It recognises Western Port's key attributes, including its environment, established agriculture industry and, rich agricultural soils.

The Plan divides Western Port into three precincts, with the subject site being within Precinct 1 – Agriculture, horticulture and soil based food production. The vision for Precinct 1 is for to be a hub of agriculture, horticulture and soil-based food production that takes advantage of its highly versatile soils, vegetable production (in particular asparagus), dairy and beef farming, other agricultural pursuits, potential access to Class A recycled water and the important role this precinct plays in food security. As stated in the Plan, the area contained within the Special Use Zone – Schedule 1 now produces nearly 90 percent of Australia's asparagus crop. Dairy farming occurs within the area due to the high quality soil and the ability to grow fodder all year round.

The proposed use and development are inconsistent with Clause 22.05. The proposed uses will reduce the agricultural productivity of the land by removing at 18 hectares from productive soil based agriculture. The uses are considered to be inconsistent with agricultural and soil based food production, and are therefore considered to be detrimental to the horticultural significance of the area.

Other relevant considerations

Clause 13.03-1S (Floodplain management)

The objective of Clause 13.03-1S is to assist the protection of (1) life, property and community infrastructure from flood hazard, (2) the natural flood carrying capacity of rivers, streams and floodways, (3) the flood storage function of floodplains and waterways, and (4) floodplain areas of environmental significance or of importance to river health. A key strategy is to avoid intensifying the impact of flooding through inappropriately located use and development.

The property is located within the Koo Wee Rup Flood Protection District and is subject to flooding. In accordance with the Land Subject to Inundation Overlay, the susceptibility of the development to flooding and flood damage has been considered. With adequate construction measures implemented, the proposed development can appropriately address these concerns.

Clause 44.04 (Land Subject to Inundation Overlay)

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

A permit is required for buildings and works on land affected by the Land Subject to Inundation Overlay, and the relevant decision guidelines include:

- Any comments from the relevant floodplain management authority;
- The existing use and development of the land;
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay; and
- The susceptibility of the development to flooding and flood damage.

The Application was referred to Melbourne Water, which had no objection subject to the following conditions:

- The dwelling must be constructed with finished floor levels set no lower than 900mm above the natural ground level, which is 600mm above the applicable flood level being 300mm above natural ground level.
- The garage must be constructed with finished floor levels set no lower than 600mm above the applicable flood level, being 300mm above natural ground level.
- The buildings must be constructed on a fill pad that extends a minimum of 5 metres from the building and minimum 150mm above the applicable flood level, which is 300mm above the natural ground level.

With the conditions above satisfied, appropriate measures to manage and mitigate flood risk can be implemented during the construction stage of the development.

Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions)

The proposal is contrary to the purposes of Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions). The relevant purposes within this particular provision are: (1) To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values, and (2) To protect productive agricultural land from incompatible uses and development.

As discussed above, the proposed uses would result in loss of agricultural land in a horticulturally significant area. Both the dwelling and racehorse/breeding training are

incompatible with agriculture because the developments would not only result in this loss, but it would also introduce myriad amenity conflicts with nearby farming enterprises. Therefore, the Application is inconsistent with Clause 51.02.

Conclusion

The proposed use and developments are considered to be inconsistent with the provisions of the Cardinia Planning Scheme and should not be supported on the following grounds:

- The proposal is contrary to the strategic directions of Clauses 14.01-1S - Protection of agricultural land, 21.04-2 - Agriculture and 22.05 - Western Port Green Wedge Policy
- The proposal is inconsistent with relevant purposes and decision guidelines of the Special Use Zone - Schedule 1
- The proposal is inconsistent with the relevant provisions of Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions

Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That this application be deferred for further consideration at the Town Planning Committee meeting to be held on 6 June to allow further discussion and provision of additional information for consideration by the planners and council.

Carried

5.3 Planning Matters Dealt with by Officers Under Delegated Authority

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

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

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Planning Matters Report

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

Beacon Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
22/03/2022	T210862	440 Beaconsfield-Emerald Road, Guys Hill VIC 3807	Renovation & extension of an existing dwelling affecting greater than 50% of the house.	Application Withdrawn	15/11/2021
29/03/2022	T220211	165 Norbury Road, Beaconsfield Upper VIC 3808	Build a new single dwelling and garage	Application Withdrawn	17/03/2022
31/03/2022	T210448	148 Beaconsfield-Emerald Road, Dewhurst VIC 3808	Construction of an outbuilding and associated works	Issued	17/06/2021
31/03/2022	T210698	197 Gembrook Road, Gembrook VIC 3783	Construction of an outbuilding and associated works	Issued	10/09/2021
31/03/2022	T220076	270 Brown Road, Pakenham VIC 3810	Development of the land for a non-habitable outbuilding (shed)	Issued	9/02/2022
31/03/2022	T220083	10A Sugarloaf Road, Beaconsfield Upper VIC 3808	Development of the land for a non-habitable outbuilding (shed)	Issued	11/02/2022
5/04/2022	T210596	49 Wallace Street, Beaconsfield VIC 3807	Development of land to install business identification signs	Lapsed	9/08/2021
6/04/2022	T210583	61 Warrawee Avenue, Beaconsfield VIC 3807	Development of the land for a replacement dwelling, vegetation removal and associated earthworks	Issued	5/08/2021

Bunyip Ward

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
17/03/2022	T220136	125 Jefferson Road, Garfield VIC 3814	Development of the land for a non-habitable outbuilding (shed)	Issued	28/02/2022
21/03/2022	T210722	345 Nine Mile Road, Tynong VIC 3813	Use and development of the land for a Dependent Person's Unit	Issued	20/09/2021
21/03/2022	T210853	115 Browning Road, Nar Nar Goon VIC 3812	Buildings and works associated with an agricultural building	Lapsed	12/11/2021
22/03/2022	T210091 - PC3	48 Garfield Road, Garfield VIC 3814	T210091 PC3 (Con. 02 S173) - Plans to Comply Application	Issued	22/12/2021
22/03/2022	T210378 - PC1	4 George Street, Bunyip VIC 3815	T210378 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	28/10/2021
25/03/2022	T210511	130 Trevor Road, Nar Nar Goon North VIC 3812	Buildings and works associated with an extension to a dwelling	Issued	7/07/2021
30/03/2022	T220224	90 Mount Ararat South Road, Nar Nar Goon VIC 3812	Staged multi-lot subdivision and associated works	Application Withdrawn	30/03/2022
1/04/2022	T220161	12 Water Lily Road, Bunyip VIC 3815	To place a carport / veranda on part of a building envelope	Permit Not Required	7/03/2022
4/04/2022	T200431 - 2	35 Clark Road, Tynong North VIC 3813	Amendment to Planning Permit to include building and works associated with a "study" addition to the endorsed dwelling alterations.	Application Withdrawn	27/08/2021
7/04/2022	T220028	231 Tynong North Road, Tynong North VIC 3813	Application under Section 72 - Vary the Endorsed Plans	Application Withdrawn	20/01/2022

Henty Ward

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
15/03/2022	T150757 - 2	158-160 Princes Highway, Pakenham VIC 3810	Use and development of the land for a medical centre and associated works in Residential 1 Zone, alteration of access to Road Zone Category 1 and reduction in car parking under Clause 52.06	Issued	1/02/2022
16/03/2022	T220077	U 21/11 Main Street, Pakenham VIC 3810	Proposed veranda to Villa 21.	Permit Not Required	10/02/2022
23/03/2022	T210151	69 Princes Highway, Pakenham VIC 3810	Subdivision of land into four (4) lots	Issued	3/03/2021
23/03/2022	T210820	32 Henty Street, Pakenham VIC 3810	Development of the land for three (3) dwellings and associated works	Lapsed	29/10/2021
29/03/2022	T190542 - 1	15 Station Street, Pakenham VIC 3810	Subdivision of the land into two (2) lots (in accordance with development permit T170261)	Issued	15/02/2022

Officer Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
15/03/2022	T210800	11 Kentwell Road, Officer VIC 3809	buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	18/10/2021
21/03/2022	T210466	44 Rix Road, Officer VIC 3809	Use and development of the land for a Medical Centre and Child Care Centre and, car parking reduction	Issued	24/06/2021
21/03/2022	T210805	40 Annabel Crescent, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	20/10/2021
6/04/2022	T210737	19 Station Street, Officer VIC 3809	Buildings and works (car park)	Issued	27/09/2021
17/03/2022	T200320 - PC5	Bridge Road, Officer VIC 3809	T200320 PC5 (Con. 14 S173) - Plans to Comply Application	Issued	9/11/2021
25/03/2022	T190163 - PC11	124 McMullen Road & 427 Brown Road, Officer VIC 3809	PC11 - (Con. 36 Sight Lines)	Issued	8/02/2022

Pakenham Hills

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
6/04/2022	T180523 - 1	11 Thwaites Road, Pakenham VIC 3810	Due to current circumstance we are looking at subdividing the land only as opposed to building	Application Withdrawn	30/11/2021

Ranges Ward

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
18/03/2022	T160492 - 1	420 Mountain Road, Gembrook VIC 3783	Development of the land for an outbuilding	Issued	7/08/2021
18/03/2022	T210405	54 Neville Street, Cockatoo VIC 3781	Buildings and works associated with a dwelling extension	Issued	3/06/2021
21/03/2022	T210245 - PC1	5 Boronia Crescent, Cockatoo VIC 3781	T210245 PC1 (Con. 01 & 02) - Plans to Comply Application	Issued	20/12/2021
30/03/2022	T210786	2904 Gembrook-Launching Place Road, Gembrook VIC 3783	Extension to school camp facility and tree removal	Application Withdrawn	7/10/2021
4/04/2022	T210730	2 Ogilvy Road, Clematis VIC 3782	Buildings and works associated with an outbuilding and associated works	Application Withdrawn	17/09/2021
5/04/2022	T210246	2 Steel Road, Emerald VIC 3782	Buildings and works associated with a dwelling extension (carport, garage, porch and balcony)	NOD	9/04/2021
5/04/2022	T210895	11 Seaview Road, Cockatoo VIC 3781	Buildings and works associated with a dwelling extension	Issued	29/11/2021
6/04/2022	T210395	27 McBride Street, Cockatoo VIC 3781	Use of land for Industry (beverage production) and sale and consumption of liquor	Issued	31/05/2021
6/04/2022	T210971	1 First Avenue, Cockatoo VIC 3781	Additions to an existing dwelling (pergola and deck)	Issued	29/12/2021
6/04/2022	T220037	11 Macclesfield Road, Emerald VIC 3782	Development of the land for an outbuilding (garage)	Issued	24/01/2022
6/04/2022	T220059	14 Nobelius Street, Emerald VIC 3782	Development of the land for an outbuilding (carport)	Issued	27/01/2022
8/04/2022	T210955	Kilvington Drive, EMERALD VIC 3782	Native vegetation removal	Issued	20/12/2021

Toomuc Ward

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
18/03/2022	T210849	27 Verbier Road, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	12/11/2021
21/03/2022	T200731 - PC1	55 Peck Road, Pakenham VIC 3810	T200731 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	28/01/2022
21/03/2022	T220093	10 Skyline Drive, Officer VIC 3809	Construction of a verandah within the Significant Landscape Overlay – Schedule 6	Issued	14/02/2022
21/03/2022	T220075	113 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	9/02/2022
21/03/2022	T200282 - 1	27 & 31 Michael Street, Pakenham VIC 3810	To amend condition 9c to provide the option of entering into an S173 Agreement with Council to obtain compliance before construction of the warehouses is completed.	Issued	5/10/2021
22/03/2022	T180599 - 3	10 O`Brien Parade, Pakenham VIC 3810	We would like to amend the address on the permit as it is not accurate. The current address is 80 Mulcahy Road Pakenham, was prior to subdivision of the lot. The correct address is 10 O'Brien Parade, Pakenham and we would like the planning permit to reflect this.	Application Withdrawn	9/07/2021
22/03/2022	T220149	Bunnings Warehouse, 6 O'Brien Parade, Pakenham VIC 3810	Alter the address of the land to include 15 Michael Street Pakenham and to amend the endorsed plans to carry out buildings and works to allow alterations and additions to the existing Bunnings Warehouse, including alterations to the signage	Application Withdrawn	2/03/2022

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
			display in accordance with the submitted plans and reports.		
22/03/2022	T220168	2 Lakeside Link, Pakenham VIC 3810	An amendment to the planning permit preamble to permit the erection of a 6m high internally illuminated panel sign containing business identification signage. The endorsement of plans pertaining to the advertising signage.	Application Withdrawn	8/03/2022
25/03/2022	T210251 - PC1	Mulcahy Road - Road Reserve, Pakenham VIC 3810	T210251 PC1 (Con. 08 and 09 NVO) - Plans to Comply Application	Issued	21/01/2022
25/03/2022	T210941	44 Berringarra Road, Officer VIC 3809	Build a single dwelling house	Permit Not Required	16/12/2021
7/04/2022	T220053	120 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	1/02/2022

Westernport Ward

Date Issued	Permit Number	Address	Proposal	Decision	Dated Lodged
15/03/2022	T210149 - 1	Centenary Boulevard, Officer South VIC 3809	Development of land for 9 dwellings, associated subdivision and reduction of car parking,	Issued	20/12/2021
15/03/2022	T210556	20 Kettles Road, Lang Lang VIC 3984	Buildings and works associated with an outbuilding	Refused	27/07/2021
18/03/2022	T210757	50 Martins Road, LANG LANG EAST VIC 3984	Buildings and works associated with the construction of a farm shed	Issued	28/09/2021
21/03/2022	T210809	Beatties Road, Koo Wee Rup VIC 3981	Buildings and works associated with agriculture	Issued	22/10/2021
22/03/2022	T210385	220 South Yannathan Road, Yannathan VIC 3981	Buildings and works associated with an agricultural building	Lapsed	28/05/2021
24/03/2022	T210804	95 & 97 Clarks Road, Lang Lang VIC 3984	Use and Development of land for a Child Care Centre (96 places) and removal of building envelopes	Lapsed	19/10/2021
25/03/2022	T210149 - PC3	Centenary Boulevard, Officer South VIC 3809	T210149-1 PC3 - (Con. 01 C1P)	Issued	8/03/2022
25/03/2022	T210149 - PC4	Centenary Boulevard, Officer South VIC 3809	T210149-1 PC4 - (Con. 04 LMP)	Issued	8/03/2022
5/04/2022	T210886	43 Peet Street, Pakenham VIC 3810	Development of a two (2) warehouses a reduction in the car parking requirement	Issued	26/11/2021
6/04/2022	T210728 - PC1	24 Sette Circuit, Pakenham VIC 3810	T210728 PC1 (Con. 01 and 02 LP) - Plans to Comply Application Condition 2 - requires a landscape plan	Issued	26/11/2021
6/04/2022	T210767	40-44 Southeast Boulevard, Pakenham VIC 3810	Subdivision of the land into twenty (20) lots	Issued	6/10/2021
7/04/2022	T220047	8 Auto Way, Pakenham VIC 3810	Buildings and works to an existing warehouse (mezzanine floor level) and a reduction in car parking	Issued	31/01/2022

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report.

Carried

5.4 Planning Matters VCAT Report

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings and recent decisions from the Victorian Civil and Administrative Tribunal (VCAT).

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Applications Recently Lodged at VCAT

No applications have been lodged since the last report to Council.

Matters Recently Decided at VCAT

No matters have been decided since the last report to Council.

Matters Currently the Subject of VCAT Appeal

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
22/08/22	T210338	Warehouse 1/9 Southeast Boulevard, PAKENHAM VIC 3810	Use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements	N/A	Applicant	Awaiting hearing	
27/07/22	T210005	150 Settlement Road, Caldermeade	Use and development of the land for Domestic Animal Husbandry (Dog Breeding)	Refusal	Applicant	Awaiting hearing	
14/12/21	T200167	197 Quamby Road, Beaconsfield Upper	Alterations and additions to an existing dwelling and outbuilding	Refusal	Applicant	Awaiting determination	
2/09/21	T190712	565 Murray Road, Vervale	Use and development of the land for Rural Industry and Caretakers Dwelling associated with Industrial Hemp	Refusal	Applicant	Awaiting determination	

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report.

Carried

5.5 Planning Scheme Amendment Activity Report - 2 May 2022

Responsible GM: Lili Rosic
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.

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) - delete the Environmental Significance Overlay Schedule 1 (ESO1). 	Thu 08/08/2019	Fri 06/09/2019	Panel Report finalised on 29/04/2020. Currently working through outstanding issues resulting from the Panel Report and the length of time since the Planning Scheme Amendment was initiated. Meetings have been held with CFA and DELWP to resolve outstanding issues to finalise the amendment.
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	Amendment C238 proposes to: <ul style="list-style-type: none"> - rezone land to the Neighbourhood Residential Zone (NRZ2) (Clause 32.09 Schedule 2) - apply a Development Plan Overlay (DPO19) to the Glismann Road Area (Clause 43.04 Schedule 19) 	Thu 09/07/2020	Mon 14/09/2020	Panel Report received 04/01/2022. Currently reviewing recommendations of Panel Report. A

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<ul style="list-style-type: none"> - apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (Clause 45.06 Schedule 5) - amend Clause 72.04 to incorporate the Glismann Road Development Contributions Plan (GRDCP) into the Cardinia Planning Scheme - amend Clause 53.01 to facilitate the provision of local open space through the GRDCP. 			report will be considered at the 16 May 2022 Council Meeting.
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.	Thu 11/02/2021	Fri 12/03/2021	<p>Adopted by Council on 20/09/2021.</p> <p>Currently waiting for the Minister for Planning to approve.</p>
C262	XWB Consulting	11 Thom Road, Lang Lang	<p>Rezone part of land from Farming Zone - Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) and consider Planning Permit Application No. T190728 for:</p> <ul style="list-style-type: none"> - a staged subdivision of the subject land into residential lots; - creation of two (2) Reserves; and, - creation of restrictions on the plan of subdivision; <p>concurrently with the amendment.</p>	Thu 10/03/2022	Mon 11/04/2022	<p>The Amendment was authorised by the Minister for Planning on 17/01/2022.</p> <p>The Amendment is currently on exhibition.</p>

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	Adopted by Council on 19/07/2021. An Infrastructure Contributions Plan (ICP) is currently being prepared. Officers are currently updating the land use budget and obtaining land valuations by Westlink.
C266	Three Thirds Consulting	39 Wattletree Road, Bunyip	Section 96A amendment to rezone the land from Low Density Residential Zone - Schedule 2 (LDRZ2) to Low Density Residential Zone - Schedule 3 (LDRZ3) and consider Planning Application No. T200105 for: - subdivision of the subject land into two (2) lots; - removal of vegetation; and, - creation of restrictions on the plan of subdivision; concurrently with the amendment.			The Amendment was authorised by the Minister for Planning on 09/02/2022. It will be placed on exhibition in May 2022.
C270	Cardinia Shire Council	Cardinia Shire municipality	To apply the Heritage Overlay to 9 trees confirmed as historically significant through the Significant Tree Register process.	Thu 17/03/2022	Thu 21/04/2022	The Amendment was authorised by the Minister for



A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						Planning on 17/01/2022. The Amendment is currently on exhibition.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Graeme Moore.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:05pm.

Minutes confirmed
Chairman