

Town Planning Committee Meeting

Minutes

Monday 5 December 2022

Commenced at 7:00 PM

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

Members:	Cr Tammy Radford	Mayor
	Cr Jack Kowarzik	Deputy Mayor
	Cr Kaye Cameron	
	Cr Stephanie Davies	
	Cr Jeff Springfield	
	Cr Graeme Moore	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Carol Ryan	
Officers:	Jenny Scicluna	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Lili Rosic	General Manager Liveable Communities
	Debbie Tyson	General Manager Governance, Facilities and Economy
	Doug Evans	Manager Governance
	Jack Coogan	Governance Officer

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1 Opening And Prayer

Meeting opened at 7:00 pm.

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

Nil.

4 Declaration Of Interests

Item 5.5 - Cr Brett Owen declared a conflict of interest in this Item due to one of the applications listed for noting was in regard to a property neighbouring his parents property to which they had lodged an apology

5 Ordinary Business

5.1 T220205 PA - Use of Land for a Place of Assembly at Lot 2, Manks Road, Koo Wee Rup

Responsible GM: Lili Rosic
Author: Sam Andrews

Recommendation(s)

That Council refuses an application to grant a Planning Permit for the use of land for a place of assembly at lot 2, Manks Road, Koo Wee Rup VIC 3981 on the following grounds:

1. The proposal is inconsistent with the purpose, objectives and decision guidelines of the Special Use Zone – Schedule 1 that seek to discourage non-agricultural and non-soil-based uses that are established on soil of high agricultural valued land.
2. The proposal undermines and is inconsistent with the direction and purpose of Planning Policies (MPS, 13.07-1S Land Use Compatibility, 14.01-1S Protection of Agricultural Land, and 14.01-2S Sustainable Agricultural Land Use).
3. The proposal undermines and is inconsistent with the direction and purpose of Local Planning Policy (Clause 22.05, Western Port Green Wedge Policy, the Cardinia Shire Westernport Green Wedge Management Plan, and 21.08-3 Koo Wee Rup).
4. Insufficient information has been provided with respect to Clause 52.06 (Car Parking) and 44.04 (Land Subject to Inundation Overlay) to confirm whether additional permit triggers apply.
5. The proposed use is prohibited pursuant to Clause 51.02, Metropolitan Green Wedge Land: Core Planning Provisions, as the applicant is seeking to operate for more than 10 days within a calendar year.
6. The proposal does not represent the orderly planning of the area.

Attachments

1. Application Documentation [5.1.1 - 18 pages]

Executive Summary

APPLICATION NO.:	T220205 PA
APPLICANT:	Sonya Boloski, Lakeside Building Consultants
LAND:	L2 LP215438, Manks Road, Koo Wee Rup VIC 3981
PROPOSAL:	Use of land for a Place of Assembly
PLANNING CONTROLS:	Zone: Special Use Zone – Schedule 1

	Overlays: Land Subject to Inundation Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	The application was advertised on 14 th October 2022 and concluded 3 rd November 2022. No objections were received.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Inconsistency with Clause 22.05 and Council’s Westernport Green Wedge Management Plan. • Inconsistency with the purpose and decision guidelines of the Special Use Zone – Schedule 1 which seeks to protect high quality horticultural soil from inappropriate land uses. • Failure to provide key application requirements surrounding a potential car parking reduction and impacts on the flooding inundation of the site. • Pursuant to Clause 51.02, Place of Assembly is a prohibited use when operating for more than 10 calendar days in a year.
RECOMMENDATION:	Refusal

Background

The site currently contains an agricultural building that was approved under Planning Permit T170573 for the ‘development of land for an agricultural building (store)’ on 21st November 2017.

No additional planning permits have been issued for the site to date

Subject Site



Fig 1: Aerial Image of the subject site

An inspection of the site from Manks Road was undertaken.

The subject site is a 15.37ha irregular shaped parcel of land located approximately 1.9km north- west of the Koo Wee Rup Town centre. The site is on the southern side of Manks Road.

A crossover is located off Manks Road, along the north-western side of the site.

The topography of the site is flat throughout.

The site does not contain any easements, yet contains multiple agricultural buildings that vary in size, a water tank, and an array of crops recently planted within the north-western and central-western portions of the site.

The main characteristics of the surrounding area are:

- North: Two large Special Use Zone allotments at 1355 and 1345 Manks Road that contain a dwelling and outbuildings. They are used for crop raising
- South: A large Special Use Zone allotments at 405 Railway Avenue containing agricultural buildings and a dwelling.
- East: A large vacant Green Wedge Zone property 1370 Manks Road that is currently vacant.
- West: A large Special Use Zoned allotment at 1320 Manks Road

The entire surrounding area is subject to land within either the Special Use Zone, Schedule 1 or Green Wedge Zone and is used predominately for horticultural farming (crop raising). There are examples of land that is used and developed for residential purposes.



Fig 2: Aerial imaging of the surrounding locality

There are no restrictions, agreements or covenants listed on the title for the site.

Relevance to Council Plan

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

Proposal

An application has been received that is seeking approval for the use of land associated with a Place of Assembly at lot 2 Manks Road, Koo Wee Rup. The proposal is detailed below:

Use

The applicant is seeking to propose the use of land for a Place of Assembly that include gatherings that are for both social (outdoor sporting events and cooking) and religious run by and for people within the Sikh community. The gatherings will predominately be held within the existing large building on site located along the western property boundary. Social and sporting events will be carried out outdoors. No live music or loudspeakers are proposed. The proposed Site Plan is presented below:

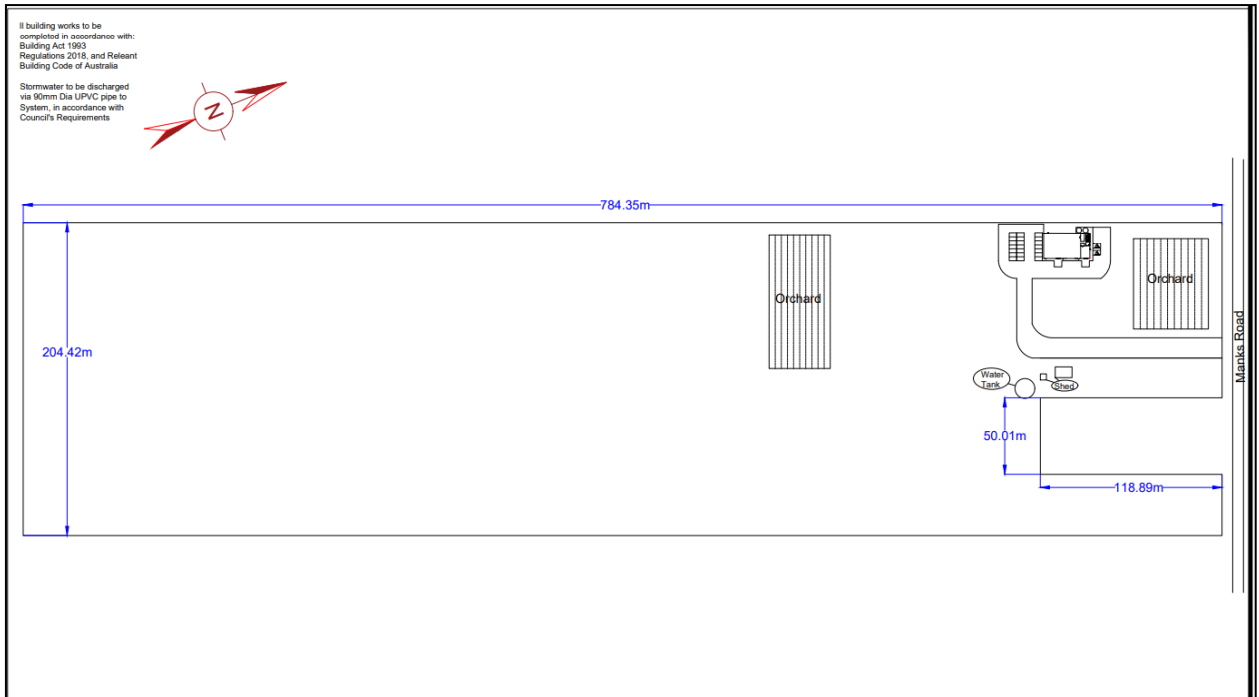


Fig 3: Proposed Site Plan

The use will accommodate a maximum of 100 people at any one time.

Proposed days of operation: The site will be used daily for gathering at the end of each day (after working hours during weekdays). Hours are to extend on weekends.

With respect to the floor plan, the existing building to be utilised will comprise a main multipurpose area and amenities. The proposed floor plan is presented below:

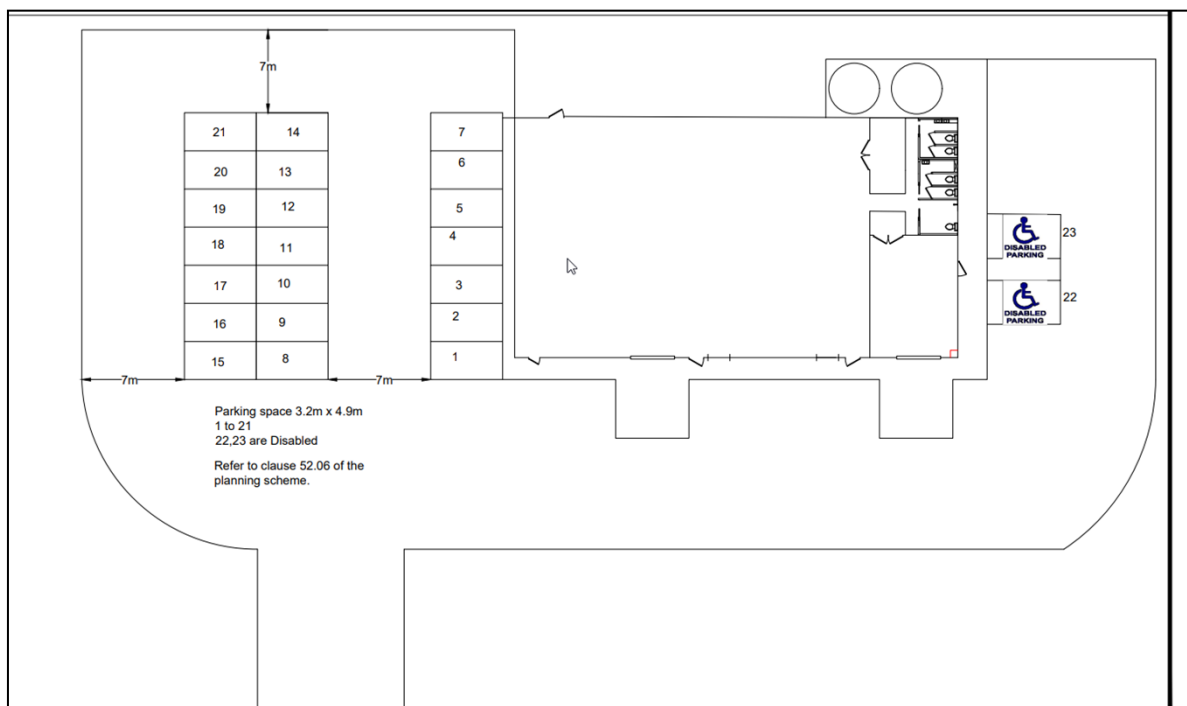


Fig 4: Proposed floor/layout plan

Car Parking

The applicant has proposed 23 parking spaces (21 and 2 disability spaces). The parking bays will be located to the southern rear of the large building on site, with both of the disability spaces proposed to the north of the building. At 100 patrons, 30 spaces are required for the use meaning that the applicant will require a reduction of 7 spaces.

A request was sent to the applicant to recognise an amendment to the planning permit under section 50A of the *Planning and Environment Act 1987* to include an additional permit trigger pursuant to Clause 52.06 for a reduction in car parking spaces. To date this has not been acknowledged or met by the applicant and therefore the application will not recognise a formal reduction in parking space and will more broadly acknowledge the insufficiency to provide information requested by the Responsible Authority.

Buildings and works

No external buildings and works have been proposed to the large building on site that the use will predominately operate out of, with any internal works exempt from planning consideration under Clause 62.02-2.

No signage has been proposed.

To date a request has been made by Council for amended architectural plans and a section 50A amendment to depict the materials used for the construction of the driveway and parking bays, which would result in a permit trigger under Clause 44.04-2 of the Land Subject to Inundation Overlay for the carrying out of works. To date this request has not been acknowledged or met by the applicant and therefore this will be treated as insufficient information within the report.

Planning Scheme Provisions

Zone

The land is subject to the:

- Special Use Zone – Schedule 1.

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 13.03-1S – Floodplain Management
- 13.07-1S – Land Use Capability
- 14.01-1S – Protection of Agricultural Land
- 14.01-2S – Sustainable Agricultural Land Use

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.01 - Cardinia Shire Key Issues and Strategic Vision
- 21.02-1 – Catchment and Coastal Management
- 21.08-3 – Koo Wee Rup
- 22.05 – Western Port Green Wedge Policy

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

- 52.06 – Car Parking
- 65 - Decision Guidelines
- 66 – Referral and Notice Provisions
- Cardinia Shire Western Port Green Wedge Management Plan (Incorporated Document)

Planning Permit Triggers

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

- Planning Permit 37.01-1, Special Use Zone, a planning permit is required to use land for Place of Assembly.

Planning Permit Site History

The planning permit history for the site includes:

- Planning permit T170573 for the ‘development of land for an agricultural building (store)’

Public Notification

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

- Sending notices to the owners and occupiers of adjoining land; and
- Placing a sign on site facing Manks Road.

The notification has been carried out and Council have received no objections to date. The statutory declaration was submitted to Council 31st October 2022.

Referrals

External Referrals/Notices:

Referrals/Notice	Referral Authority	Brief summary of response
Section 55 Referrals	None	None
Section 52 Notices	None	None

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Traffic	Concerns raised regarding the number parking spaces provided and car parking layout. This was raised by the applicant, yet to date a formal amendment to the permit under section 50A of the <i>Planning and Environment Act 1987</i> .
Strategic Planning Department	Unsupportive of the application (refer to discussion section)

Discussion

The application for a planning permit has been assessed against the decision guidelines of all relevant Clauses of the Cardinia Planning Scheme, including Planning Policy Framework, where the proposed use application has been determined to be inconsistent with these requirements.

The planning scheme puts an emphasis on the facilitation and protection of both Special Use Land in particular when located in the Westernport Green Wedge Management Plan area. There is a specific need to maintain horticultural and agricultural parts of the shire to help and

encourage sustainable farming practices. The location of the proposed Place of Assembly, upon vital Special Use Zoned Land and within the Westernport Green Wedge area is not supported by the Cardinia Planning Scheme, due to its incompatibility with surrounding uses and the potential unreasonable conflicts the use may have on the preservation and enhancement of agricultural and horticultural land throughout the shire. The number of patrons proposed and days of operation results in the use being of a large scale. Pursuant to the scale of the proposed use, the predominate use of the site will be for a 'Place of Assembly,' rather than for horticulture (crop raising). The use of land for a 'Place of Assembly' is not compatible with the purpose and objectives of the zone, nor the preferred land use characteristics and purpose of the Westernport Green Wedge Policy.

Council is seeking a motion to refuse the application on the basis of the use being incompatible with the purpose, objectives, and decision guidelines of the Special Use Zone – Schedule 1 and Westernport Green Wedge Policy. Pursuant to Clause 51.02, the use of land for a Place of Assembly for more than 10 days of a Calendar year is prohibited, which the applicant is in breach of, resulting in the land use being prohibited on site.

Council is also putting a recommendation forward to refuse the application based on insufficient information surrounding a potential car parking reduction under Clause 52.06, and insufficient information regarding the materials used for the construction of the car parking bays and driveway access, which may result in a secondary permit trigger under the Land Subject to Inundation Overlay.

It is worth noting that a request was made by Council for the planning permit application to be amended pursuant to Section 50A of the *Planning and Environment Act 1987*, to include a potential permit trigger under Clause 52.06-3 for a reduction of seven (7) parking spaces, and include a potential permit trigger under 44.04-2, Land Subject to Inundation Overlay for the carrying out of works (driveway and car park bays). To date this request has not been met by the applicant, with no formal amendment under Section 50A of the act and submission of updated plans recognising the amendments received. Therefore, Council cannot confirm the potential permit triggers under Clauses 44.04-2 and 52.06-3.

Therefore, Council will recognise this as an insufficient information request and formally only assess a permit trigger under Clause 37.01-1 for the use of land for a 'Place of Assembly.'

Planning Policy Framework

It is considered that the proposal does not comply with the relevant Planning Policies, including the Municipal Strategic Statement.

The development does not show compliance with the requirements and purposes of clauses 13.03-1, 13.07-1S, 14.01-1S, 14.01-2S, 21.01, 21.02-1, 21.08-3, and 22.05 that seek to protect horticultural, and agricultural land within the shire.

13.03-1S (Floodplain Management) seeks to protect life, property and community infrastructure from flood hazards, flood storage functionality and natural flood carrying and storage capacity.

13.07-1S (Land Use Capability) 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 developments are compatible with adjoining land uses, neighbourhood character and the protection of existing commercial, industrial and other uses from encroachment by uses or developments that would compromise the ability of existing uses to function safely and effectively.

14.01-1S (Protection of Agricultural Land) seeks to protect the state's agricultural base by preserving productive farmland, and productive agricultural land from unplanned loss due to permanent changes in land use and prevent inappropriate dispersed urban activities in rural areas of the state.

14.01-2S (Sustainable Agricultural Land Use) seeks to encourage land uses that support, enhance, grow, and protect sustainable agricultural land. It ensures that agricultural and productive rural land uses are managed to maintain the long-term sustainable use and management of existing natural resources.

21.01 (Cardinia Shire Key Issues and Strategic Vision) outlines the key issues facing Cardinia including the appropriate management of growth, including urban pressures, on areas such as the Westernport Green Wedge, and the provision of infrastructure and uses that meet the needs of existing and future communities.

21.02-1 (Catchment and Coastal Management) seeks to protect the floodplain areas of the shire through appropriate land uses and developments.

21.08-3 (Koo Wee Rup) ensure that any proposed use or development within or around the Koo Wee Rup Township is generally consistent with the *Koo Wee Rup Township Strategy, October 2015*, including the Koo Wee Rup Framework Plan.

22.05 (Western Port Green Wedge Policy) seeks to recognise and protect the Westernport Green Wedge areas of the shire for its valuable agricultural and horticultural importance. It gives specific mention to discouraging sensitive land uses such as Places of Worship's, which is a land use nested under Place of Assembly, with both uses drawing similarities to one another according to the planning scheme definitions of Clause 73.03) from establishing in these areas.

The proposal is considered incompatible with the agricultural and horticultural character and the existing strategic location of uses and infrastructure of the immediate area. The applicants proposed use of land for a Place of Assembly within the Special Use Zone is considered a use that is sensitive to the existing makeup of the local area, incompatible with the use horticultural intentions of the site as stated in the Zone, and incompatible with the existing presence of uses in the local area.

The Westernport Green Wedge Management Plan also discourages these types of sensitive uses (along with schools and places of worship) from establishing within the area covered by the policy and suggests that they are better located adjoining the Urban Growth Boundary or within existing settlements areas. This site aligns with neither objective, with the site considered inappropriate for the large-scale land use being proposed.

Furthermore, the Special Use Zone is primarily an agricultural and horticultural zone which should facilitate, above all else, the right to farm. Other compatible uses can be considered when located in appropriate locations. A Place of Assembly is not considered to be a use suitable for the site in which it is proposed.

The use itself does not aid in protecting or enhancing the horticultural use of the land and local area. The use may result in inappropriately dispersed urban activities in rural areas. The applicant has raised the need to consider the existing horticultural farming that is currently being undertaken on the site. The existing use of the site for crop raising does not trigger a planning permit or form part of the application. Therefore, Council is not required to assess the crop raising aspect of the site. The existing minor crop raising use being undertaken on site will not result in the application receiving a positive outcome as it is separate to the application being assessed by Council.

It is considered that the proposal does not adequately respond to the above, especially Clause 13.07-1S (Land use compatibility) when considering the Special Use Zoning of the land and surrounding land uses. Therefore, it is considered that the proposal is inconsistent with the PPF and MPS as it is likely to cause unreasonable and detrimental impacts to the established uses that are nearby to the site and does not present as a suitable land use compatible with the surrounding uses and the purpose of the Zone, PPF, MPS and LPPF therefore should not be supported.

Clause 22.05-1 – Western Port Green Wedge Policy and Cardinia Western Port Green Wedge Management Plan

The Western Port Green Wedge Policy identifies an area of approximately 746 square kilometres of rural southern part of Cardinia Shire Council and the City of Casey, which are home to important assets to both municipalities. The Shire is a major producer of asparagus, celery, leeks, herbs, silver beet and beef and provides a majority of Victoria's produce of these vegetables. The area of Pakenham where lot 2 Manks Road, Koo Wee Rup is located is identified in this policy as Precinct 1 (Agriculture and horticultural soil-based food production).

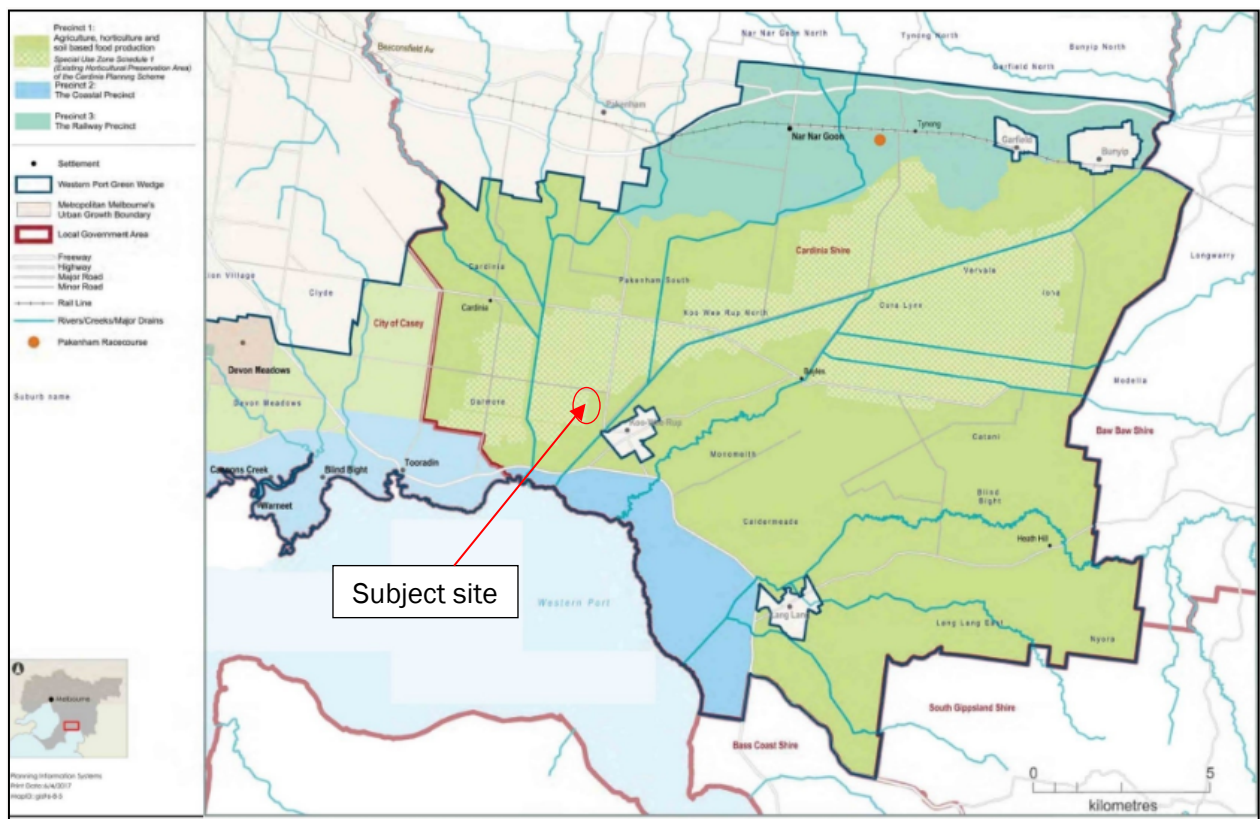


Fig 5: Map 1 Cardinia Green Wedge Precincts – source: Clause 22.05 of the Cardinia Planning Scheme

Precinct 1 identifies land that is suitable for agriculture, horticulture and soil-based food production due to its highly versatile, fertile soils. The Subject Site is located within the Special Use Zone – Schedule 1 (SUZ1) and is noted as having high versatile soil.

The precinct as a whole has a strong focus on horticultural activities including crop raising, with a focus on discouraging non-soil-based uses and development from the area to aid in promoting and enhancing the significant soil and landscape qualities in the local area

One of the main objectives of the Westernport Green Wedge Management Plan is to maintain and develop a thriving agricultural and horticultural industry in the green wedge and special use areas with a focus on horticulture, agriculture, soil-based produce, food security and new and emerging agricultural practices to service the local and export markets.

The Plan seeks to achieve this objective by discouraging sensitive uses (including schools and places of worship) from establishing within the Green Wedge Management Plan area, without Strategic justification. With the Place of Assembly being nested under the land use of Place of Worship, the two land uses are closely aligned with one another, and both are not supported by the Westernport Green Wedge Management Plan and should not be located in land that contains high versatile soil suitable for crop raising and farming activities.

Whilst these uses are able to be applied for through a planning permit application (subject to approval) they are urban in nature and can have detrimental impacts on the rural environment, fragment agricultural land and affect the ability to farm. The Green Wedge Management Plan provides clear guidance on where these uses should be located (subject to strategic justification) within the green wedge, close to the Urban Growth Boundary (UGB), at the transition point from urban land to rural land, or within existing townships.

In order for the above objectives to be achieved, sensitive uses such as the Place of Assembly proposed by this application, must be discouraged from establishing at the Subject Site, due to the land use conflicts arising from its siting within a highly productive, sensitive and importance horticultural region of the shire.

Therefore, it is considered that this application does not appropriately respond or align with the objectives of the policy in terms of supporting existing agricultural industries, without causing detriment to surrounding land uses. The proposal is considered to be inconsistent with the Westernport Green Wedge Management Plan in supporting sustainable farming production. Pursuant to the above the application should not be supported.

Clause 37.01 - Special Use Zone – Schedule 1

Some of the key purposes of the Special Use Zone – Schedule 1 are to implement the MPS and PPF, along with providing for and protecting the use of the land for high agriculture quality land for horticulture and other framing and soil-based activities. It also recognises, protects and conserves land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities and mineral and stone resources. The decision guidelines of the Zone require the Responsible Authority to consider the following when assessing whether the proposed use is compatible with the purpose of the Zone, in particular the following which are relevant to the application:

- The Land Capability Study for the Cardinia Shire (February 1997).
- Whether the land is liable to flooding and any advice received from Melbourne Water.
- 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.

In relation to compliance with the second decision guideline, the application was not referred to Melbourne Water as the permit application was only for the use of land and didn't trigger the Land Subject to Inundation Overlay. Whilst the land is liable to flooding no advice was required from Melbourne Water. The use is not expected to add to the flooding inundation on site.

The purpose of Clause 37.01, Special Use Zone – Schedule 1, is to ‘discourage non-agricultural and non-soil-based uses establishing on soil of high agricultural value’ and ‘preserve land of high agricultural quality for horticulture and other farming activities,’ which the application is not in support of. The scale of the use, seeking to have 100 people at the site at any one time, further emphasises the potential for the use to pose unreasonable amenity impacts on the local area, and the uses incompatibility with the overall purpose and intention that the zone.

The decision guidelines of 37.01, Special Use Zone – Schedule 1, require Council to consider the impact of the use on the character and appearance of the area, and whether the use will be detrimental to the horticultural significance of the area. The proposed use has the potential to pose a significant impact on the horticultural significance and preservation of the local area that Council is not supportive of. The use is not considered to be an ancillary component of the existing crop raising undertaken on site due to the scale of operation and number of proposed patrons at any one time.

The proposed use is seeking to be the primary use of the site, which Council does not support as it minimises productive agricultural/horticultural land. The use will not enhance and promote sustainable management of the high-quality soils seen throughout special use land and may intern diminish sustainable agricultural pursuits from being undertaken on the site in the future.

The use is not consistent with the character and appearance of the local area. The surrounding area (E.G., 1345, 1310, and 1260 Manks Road) is characterised by uses, developments, and allotments used predominately for horticultural production (crop raising) that the proposed land use for a Place of Assembly is not consistent with (see image below).



Given this, it is considered that the proposed use cannot be considered to achieve compliance with the decision guideline assessing whether a use is compatible with adjoining land uses, nor can it align with Clause 15.01-5S (Neighbourhood Character). Therefore, the proposed use is inconsistent with the purpose, intention, and decision guidelines of the zone and should be refused.

Clause 44.-04 - Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) identifies areas where a 1 in 100 Year flood or floodplain area determined by a floodplain management authority warrants protection from flood hazards. These measures ensure 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.

Pursuant to the above, a request was made by the Responsible Authority to the applicant to provide additional information to formally recognise a potential permit trigger under 44.04. No information has been provided by the applicant. Therefore, an assessment against the scheme is not required.

Clause 51.02 – Metropolitan Green Wedge Land: Core Provisions

Clause 51.02 seeks 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. It ensures that the scale of the proposed use is compatible with the non-urban characteristics of metropolitan green wedge land.

The Clause applies to the application as the subject site is within land within Metropolitan Melbourne outside an Urban Growth Boundary and within the Special Use Zone – Schedule 1. Within Clause 51.02-2 of the scheme, any land used as a Place of Assembly must not operate for more than 10 days in a calendar year. The applicant is seeking to operate for multiple hours a day (end of each day) for most if not all days of the week.

Pursuant to Clause 51.02 and the number of days the applicant is seeking operate throughout the Calendar year, the use of land for a Place of Assembly is prohibited on site.

Clause 52.06 Car Parking

Pursuant to Clause 52.06-5 and proposed use for a 'Place of Assembly,' the applicant is required to provided 0.3 spaces for each patron permitted on site at any one time. As the proposal seeks to accommodate a maximum 100 persons at any one time, 30 car parking spaces are required. 23 spaces have been provided therefore a reduction in 7 spaces is required.

A request was sent to the applicant to recognise the need for a section 50A amendment to formally recognise the car parking reduction as part of the permit application as a potential new permit trigger, to receive amended plans and justify the need for reduction. To date the request by the Responsible Authority has not been satisfied by the applicant and cannot be considered formally as part of the application and assessed by the Council. Further to this, this, the application was internally referred to Council's traffic engineers who raised concerns with the design and number of spaces provided, which was raised with the applicant.

Clause 65 Decision Guidelines

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above, does not provide appropriate application documents to enable Council to fully assess compliance with the relevant state and local policies and the purpose of the zone overlays and particular provisions that apply to the site. The information submitted thus far has allowed Council to determine that the proposed use would not meet car parking regulation of Clause 52.06. Notwithstanding, assessing the application on what we do have, the use of land for a Place of Assembly is not considered appropriate with the zone and planning policies and should be refused. The use of land and number of days of operation proposed by the applicant within the Calendar year are prohibited pursuant to Clause 51.02 for a Place of Assembly.

Conclusion

Given the above discussion, it is considered that there are adequate grounds to refuse to grant a planning permit based on the inconsistencies and failure of the proposal to adequately meet objectives of the relevant MPS, PPF, LPPF, the Special Use Zone, Schedule 1, Clause 22.05 and the Westernport Green Wedge Management Plan and the inability to provide required documents requested by the Responsible Authority to conduct an assessment against Clause 52.06, Car Parking, and Clause 44.04, Land Subject to Inundation Overlay.

It is important to consider that just because the planning scheme identifies that a permit can be issued for a certain land use, it does not mean that it should. The proposal must have regard for the purpose of the relevant policy and Zone and demonstrate that by allowing it by way of a permit, that it does not inhibit or adversely impact established and 'as of right' uses in the surrounding area.

Cardinia Shire Council must abide by these requirements when assessing the suitability of applications given the site, the surrounding uses and applicable planning controls and upon assessment, these controls have not been adequately addressed or adhered to in order to allow for this application to progress.

Therefore, based on the above assessment it is recommended that the application for a planning permit for the use of the land for a Place of Assembly, at L2 LP215438, Manks Road, Koo Wee Rup VIC 3981, be refused on the following grounds:

1. The proposal is inconsistent with the purpose, objectives, and decision guidelines of the Special Use Zone – Schedule 1 that seek to discourage non-agricultural and non-soil-based uses that are established on soil of high agricultural valued land.
2. The proposal undermines and is inconsistent with the direction and purpose of Planning Policies (MPS, 13.07-1S Land Use Compatibility, 14.01-1S Protection of Agricultural Land, and 14.01-2S Sustainable Agricultural Land Use).
3. The proposal undermines and is inconsistent with the direction and purpose of Local Planning Policy (Clause 22.05, Western Port Green Wedge Policy, the Cardinia Shire Westernport Green Wedge Management Plan, and 21.08-3 Koo Wee Rup).
4. Insufficient information has been provided with respect to Clause 52.06 (Car Parking) and 44.04 (Land Subject to Inundation Overlay) to confirm whether additional permit triggers apply.
5. The proposed use is prohibited pursuant to Clause 51.02, Metropolitan Green Wedge Land: Core Planning Provisions, as the applicant is seeking to operate for more than 10 days within a calendar year.
6. The proposal does not represent the orderly planning of the area.

Resolution

The application was withdrawn by the applicant prior to the Town Planning Committee Meeting.

5.2 T220221 Use and Development of the Land for a Contractors Depot

Responsible GM: Lili Rosic
Author: Mary Rush

Recommendation(s)

It is recommended that a Refusal to Grant Planning Permit T220221 be issued for the use and development of the land for a Contractors Depot at L1 TP391964, 205 Seven Mile Road, Nar Nar Goon VIC 3812 on the following grounds:

- The proposal is contrary to the strategic directions of Planning Policy Framework and Local Planning Policy Framework, 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 Green Wedge Zone - Schedule 1
- The proposed use would result in unreasonably impacts on the amenity of the surrounding area.

Attachments

1. T 220221 current documents [5.2.1 - 10 pages]
2. T220221 copy of objection [5.2.2 - 3 pages]

Executive Summary

APPLICATION NO.:	T220221
APPLICANT:	Andrew Muley
LAND:	L1 TP391964, 205 Seven Mile Road, Nar Nar Goon VIC 3812
PROPOSAL:	Use and development of the land for a Contractor's Depot
PLANNING CONTROLS:	Clause 35.04 - Green Wedge Zone-Schedule 1 (adjacent to Transport Zone, Schedule 3). Clause 44.04 - Land Subject to Inundation Overlay (part)
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by the placing of two (2) signs on site and notices in the mail to 5 property owners within the vicinity potentially affected by the proposal.

	One objection has been received.
KEY PLANNING CONSIDERATIONS:	Appropriateness of land use Protection of agricultural land
RECOMMENDATION:	Refusal

Background

Planning permit T190322 was issued for the development of the land for an outbuilding on the 1 July, 2019.

A written complaint was received by Council in October 2021 regarding the use being carried out on the land. Council's Planning Compliance Officer investigated and subsequently directed the landowner to apply for a planning permit for the use of the land for a Contractors Depot.

Subject Site



Fig 1: Aerial image of subject site and surrounding locality

The subject allotment is approximately 8 hectares in area and is located on the north eastern corner of McCraws Road and Seven Mile Road.

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

The land currently contains a dwelling and several outbuildings.

The main characteristics of the surrounding area are:

- **North:** Abutting the subject allotment are No 195 Seven Mile Road, a 4,046 square metres vacant parcel, and No 155 Seven mile Road, a 78.14 hectare mixed farming and grazing allotment.
 - **East:** Abutting the eastern boundary is No 155 Seven Mile Road, a 78.14 hectare mixed farming and grazing allotment.
 - **South:** Directly south is McCraws Road. Further south is No 275 Seven Mile Road, a large mixed farming and grazing allotment.
- West:** Directly abutting the western boundary is Seven Mile Road. Further west is No 720 Bald Hill Road, which is a 66.5 hectare mixed farming and grazing allotment.

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision making

Proposal

Retrospective approval is sought for the use and development of the land for a Contractor's Depot. which appeared to commence on the land some time on or after the land was purchased by the current owner in July 2019.

The use of the land for a Contractor's Depot has been determined and supported in various VCAT cases including Johnston v Cardinia SC [2010] VCAT 1129 (19 July 2010).

In John v Cardinia SC [2010] it was established that the definition of a depot is as follows:

Depot - Land used as a place for parking or garaging commercial, earthmoving etc vehicles and machinery used for work elsewhere has been held to be a "depot" rather than a "Store" as defined in cl 74 of the VPP planning schemes. The essential difference is between parking or garaging on the one hand, or storing goods as a place to keep them until sold or relocated for use or display for sale etc. The vehicles and equipment are not used on the site but collected by employees for relocation to work sites and for later return for garaging until again required. The land may or may not have buildings on it, administrative work in relation to the business may be carried out on the land, and incidental repairs and maintenance might be carried out on the land without changing the land use. This land use is not defined in the VPP planning schemes but is rather an "innominate" use in terms of the planning scheme and the various tables of uses applying to various zones within planning schemes. There can be various types of depots such as contractor's depot, cartage contractor's depot, earthmoving contractor's depot, municipal depot, etc.

Based on the above, Council is satisfied that the proposed use matches with this land use.

The relevant company Jarrcon Pty Ltd, is a contractor providing excavation, earthmoving and concreting services. The use includes the following elements:

- Provision of earthworks for rural properties(driveways, dams, horse arenas, etc)
- Provision of earthworks and concreting for house sites in both residential and rural areas.
- Storage of trucks and equipment
- Storage of materials (sand, screenings, topsoil)

- Office
- Workshop

There are currently 25 employees who operate from the site, including the owner who does not live on the site. At the time of the application the existing dwelling was vacant. The normal hours of operation for the depot is from 6am to 4pm Monday to Friday.

Staff access the site from Seven Mile Road and the work vehicles enter and exit the site from McCraws Road. The site is used to store 15 trucks, 15 trailers and 10 excavators housed on site as part of the depot. The existing shed constructed on land is used for storage and maintenance of vehicles and machinery.

The excavators would be transported to the site on trailers towed by trucks. In addition, employees' vehicles are parked on site during the day.

The application proposes to use approximately 2 hectares of the land for a contractor's depot. An area of approximately 3000m² is used for the storage of materials including sand, screenings and topsoil. This is considered an ancillary component of the Contractors Depot.



Fig 2: Proposed Site Plan

Planning Scheme Provisions

Planning Policy Framework

The relevant clauses of the PPF are:

- 11.01-1R Green wedges - Metropolitan Melbourne
- 14.01-1S Protection of agricultural land
- 13.03-1S Floodplain management
- 14.01-1R Protection of agricultural land – Metropolitan Melbourne
- 18.02-4S Roads

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 35.01-1 (Green Wedge Zone – Schedule 1), a planning permit is required to use the land for a contractor’s depot.
- Pursuant to Clause 35.01-5 (Green Wedge Zone – Schedule 1), a planning permit is required for buildings and works associated with a Section 2 Use.
- 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 five (5) nearby owners/occupants received notice of the application by mail.

The notification has been carried out correctly, and Council has received one (1) objection.

The grounds of objection include:

1. Stormwater discharge causing localised flooding in McCaws Road;
2. Traffic hazard on McCaws Road when truck traffic associated with existing agricultural uses ie trucks supplying chicken feed, dairy trucks etc bottleneck in the location of the access site access on McCaws Road.

A response to these concerns is provided below:

1. The stormwater discharge to McCaws Road has not been approved by Council. To improve the drainage conditions in this area the applicant needs to apply to Council for a legal point of discharge and direct stormwater to an appropriate location or other method such as a soakage pit to resolve water related issues.
2. In relation to the traffic issues raised by the objector, the current conflict with other road users is difficult to resolve given the volume of truck manoeuvres, with 15 trucks moving to and from the site daily. This concentration of truck movements appears to be impacting other road users linked to existing agricultural activities on the land and is a legitimate concern.

Referrals

Section 55 referrals

Melbourne Water- no objections

Note: the application was also referred to the Department of Transport however this was not mandatory.

Council referrals

No objections subject to conditions which include standard engineering conditions and the sealing of that section of McCaws Road between the site access and Seven Mile Road.

Discussion

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 proposes a non-agricultural land use, that has no direct links to agriculture or the agricultural economy. Whilst the depot may carry out works in rural areas, the works are mainly associated with a one-off constructions that are not linked to any ongoing agricultural land use. The trucks and machinery do not need to be stored on agricultural land. The use of the trucks and machinery for excavation, earthmoving and concreting services have direct links to the construction industry which is more closely linked to industry rather than agriculture.

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 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 non-agricultural land use has already removed approximately 2 hectares from the Shire's agricultural base. As identified by an objector, the truck movements associated with this business are impacting on the condition of the road network which is disadvantaging existing truck movements associated with legitimate agricultural activities such as dairying and poultry farming.

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 3 – Railway. The vision for Precinct 3 is to protect amongst other things the agricultural significance of the land. This precinct aims to discourage non-rural uses and to encourage non-soil based agricultural land uses. Approving a non-agricultural land use creates a precedent for this type of land use and places pressure on Council to support non-agricultural land uses to the detriment of agriculture.

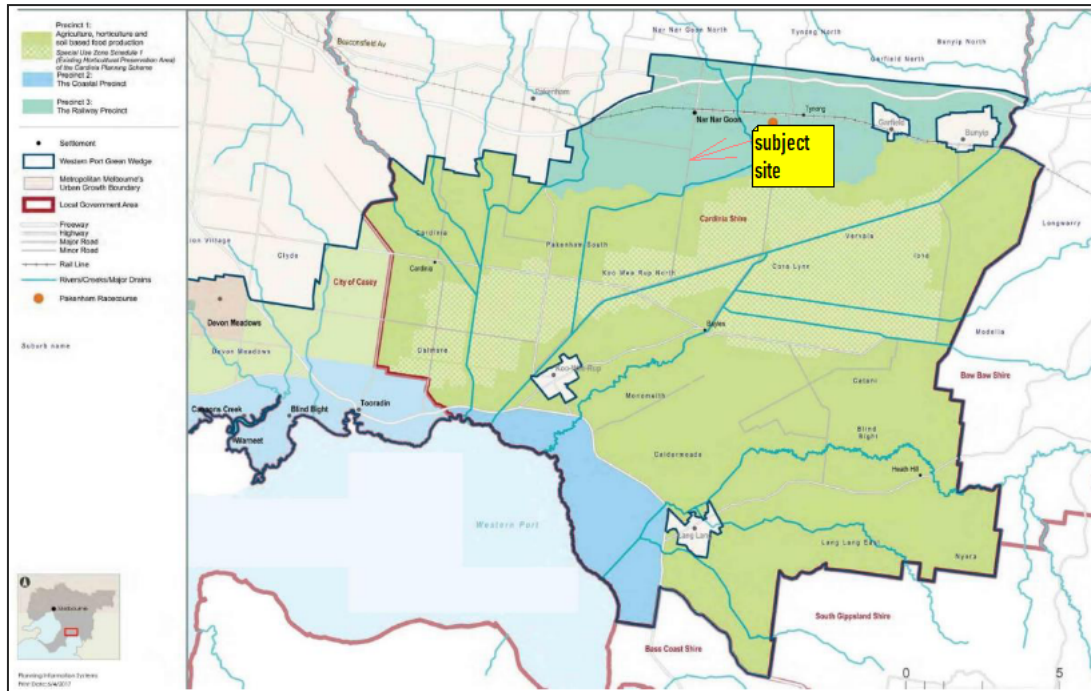


Fig 3: Precinct Mapping – source: Clause 22.05 of the Cardinia Planning Scheme

The supporting documentation identifies that suitable industrial land is prohibitively expensive. Council should not support inappropriate land uses on economic grounds when there is suitable available industrial land upon which this use could be established.

The proposed use and development are inconsistent with Clause 22.05. The aerial photography below shows that the land was used for grazing prior to being purchased by the applicant. The commencement of the contractor's depot has resulted in the loss of 2 hectares of agricultural land and disruption to legitimate agricultural activities.



Cardimap Feb 2018



Nearmap February 2022

The use is inconsistent with agricultural and food production and is therefore considered to be detrimental to the agricultural significance of the area.

Green Wedge Zone-Schedule 1

The purposes of the zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.
- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area

It is considered that the proposal is not consistent with the purposes of the zone as it is not linked to agriculture in any form and has reduced the amount of available agricultural land and does not therefore protect land for agricultural purposes. As identified by the objector, the use is having a detrimental impact on the road network and on existing legitimate agricultural activities such as dairying and poultry farming by degrading the road conditions and creating potential traffic hazards with other road users.

The use and development of the site has no links to sustainable land management practices and has resulted in uncontrolled drainage causing localised drainage issues.

The applicant has indicated that the land is being used for grazing cattle. The owner of the land does not reside on the land and is not actively farming the land. The owner is primarily using the site for a contractor's depot and any other activity is ancillary and not the primary use of the land. It would be fair to state therefore, that the land is not being used at its most productive capacity and does not encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

The contractor's depot is not consistent with the rural character of the area. The below photographs taken from McCraws Road indicate the industrial nature of the use and development currently being carried out on the land.



Image 1: Subject site – view from McCraws Road



Image 2: Subject site – view from McCraws Road



Image 3: View of the subject site in 2008 taken from a similar location in McCraws Road.

The use is more akin to an industrial use which should be more appropriately located on industrially zoned land or with closer links to existing industrial uses. Supporting non-agricultural land uses that could be appropriately located within existing industrial areas creates a dangerous precedent for other inappropriate uses to establish.

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 proposal is therefore considered to be consistent with the overlay.

Conclusion

The proposed use and development is 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 Planning Policy Framework and Local Planning Policy Framework, 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 Green Wedge Zone - Schedule 1
- The proposed use would result in unreasonably impacts on the amenity of the surrounding area

Resolution

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That a Refusal to Grant Planning Permit T220221 be issued for the use and development of the land for a Contractors Depot at L1 TP391964, 205 Seven Mile Road, Nar Nar Goon VIC 3812 on the following grounds:

- The proposal is contrary to the strategic directions of Planning Policy Framework and Local Planning Policy Framework, 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 Green Wedge Zone - Schedule 1
- The proposed use would result in unreasonably impacts on the amenity of the surrounding area.

Carried

5.3 T220197 PA - Buildings and Works (Construction of a Shed) - 99 Split Rock Road, Beaconsfield Upper

Responsible GM: Lili Rosic
Author: Hamish Mival

Recommendation(s)

That Council refuse to grant Planning Permit T220197 for Buildings and Works (Construction of a Shed) at CA 18 SEC C Parish of Gembrook, 99 Split Rock Road, Beaconsfield Upper VIC on the following grounds:

1. The application does not comply with Planning Policy Framework and Local Planning Policy Framework in relation to the maintenance and enhancement of the landscape and the built environment, specifically:
 - a. Clause 11.01-1R Green wedges – Metropolitan Melbourne
 - b. Clause 12.05-2S Landscapes
 - c. Clause 15.01 Built Environment
 - d. Clause 21.02-2 Landscape
2. The proposal is inconsistent with the purpose of Clause 35.05 Green Wedge A Zone – Schedule 1.
3. The proposal is inconsistent with the objectives of Clause 42.01 Environmental Significance Overlay – Schedule 1.
4. The application does not comply with the relevant considerations of Clause 65 Decision Guidelines, including the purpose of the zones and overlays and the orderly planning of the area.

Attachments

1. T 220197 locality map [5.3.1 - 1 page]
2. T 220197 PA - Plans and Documents [5.3.2 - 13 pages]

Executive Summary

APPLICATION NO.:	T220197
APPLICANT:	Sonya Boloski Lakeside Building Consultants
LAND:	99 Split Rock Road, Beaconsfield Upper VIC 3808 CA 18 SEC C Parish of Gembrook Assess: 1788450300
PROPOSAL:	Buildings and Works (Construction of a Shed)
PLANNING CONTROLS:	Green Wedge A Zone – Schedule 1 Bushfire Management Overlay Environmental Significance Overlay – Schedule 1

NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to the owners and occupiers of adjoining land and placing one (1) sign at the front of the site. Zero (0) objections were received
KEY PLANNING CONSIDERATIONS:	Visual impact to the rural character of the area Inappropriate siting
RECOMMENDATION:	Refusal

Background

Outside of this current application, the only planning history relating to the site is:

- General Enquiry GE160118 (March 3, 2016) – Permit requirement for alterations to the residence (No Permit Required)

There are no planning permits on record for the structures on the site.

Subject Site

The subject site is located on the western side of Split Rock Road in Beaconsfield Upper. It is 7.85ha in size.

Access to the site is via a crossover off Split Rock Road on the south-eastern boundary of the property. This crossover is roughly along the ridgeline at the apex of a bend in the road.

The site currently contains a dwelling, various outbuildings, a water tank along the ridge, and a dam down the slope towards the north-west. The cluster of buildings is sited below the ridgeline. Approximately half the lot is also fenced into paddocks for grazing animals, in this instance being horses.

The lot slopes down towards the north-west, although a ridgeline runs centrally through the lot and slopes down towards the south-west and north-east. The slope leads down into a gully, then rising again towards another higher ridgeline. The highest point on the site is adjacent to the frontage (228 AHD).

Most of the lot has been cleared of vegetation. There is a line of remnant vegetation roughly 60m off and running parallel to the south-western boundary, along with a cluster of remnant vegetation along the ridgeline and surrounding the dwelling. There is some remnant vegetation along the road reserve, although not within the site itself.



Fig 1: Aerial image of the subject site (including contours)

The main characteristics of the surrounding area are:

North-East:

- 117 Split Rock Road: An 8ha rural residential lot. Contains a dwelling and outbuildings, not visible from the subject lot due to a line of planted vegetation along the boundary.

North-West:

- 177 Split Rock Road: Another roughly 8ha rural residential lot. Contains a dwelling and an outbuilding.

South-West:

- 67 Split Rock Road: Another roughly 8ha rural residential lot. Contains a dwelling and an outbuilding.

East:

- Split Rock Road: The namesake of the road, the "Split Rock", is roughly 20m to the east of the crossover.

Although there is some small-scale agriculture taking place in the form of animal grazing the majority of the surrounding area consists of similarly sized Crown Allotments being primarily used for rural residential purposes.

Relevance to Council Plan

Nil.

Proposal

Approval is sought for buildings and works associated with a shed. The shed is proposed to be located off the existing driveway, 25.9m off the eastern boundary and 124.4m off the southern boundary.

The shed is proposed to be 12m wide on the east and west sides, and 14m long along the north and south sides. The north side, fronting the existing driveway, is to have three roller doors. A swinging access door is to be located on the west side. A maximum of 650mm of fill is proposed to bring the shed level on the slope.

The shed is to have a wall height of 3.7m, a height of 4.2m to the bottom of the bump-out, 4.98m to the top of the bump-out wall, and a total height of roughly 6.2m to the middle ridge. It is to be constructed entirely of Colorbond steel, with the chosen colour being Woodland Grey.

There is no vegetation removal required. There is a powerline running along the boundary to the east, within the lot and will not be impacted as a consequence of the development.

With respect to the use, the shed is in association with the existing dwelling.

Planning Scheme Provisions

The relevant Clauses of the Planning Policy Framework (PPF) are:

- Clause 11.01-1R – Green wedges – Metropolitan Melbourne
- Clause 12.05-1S – Environmentally sensitive areas
- Clause 12.05-2S – Landscapes
- Clause 13.02-1S – Bushfire planning
- Clause 14.01-1S – Protection of agricultural land
- Clause 15.01-1S – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-5S – Neighbourhood character
- Clause 15.01-6S – Design for rural areas

The relevant Clauses of the Local Planning Policy Framework (LPPF) are:

- Clause 21.02-2 – Landscape
- Clause 21.02-4 – Bushfire management

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 53.02 – Bushfire Planning
- Clause 65 – Decision Guidelines
- Clause 66 – Referral and Notice Provisions
- Clause 71.02-3 – Integrated decision making

Planning Permit Triggers

- Pursuant to Clause 35.05-5 (GWAZ) a permit is required for buildings and works associated with a Section 2 Use (Dwelling)
- Pursuant to Clause 42.01-2 (ES01) a permit is required to construct a building or construct or carry out works (height of a building (not a dwelling) exceeding 4.0 metres)
- Pursuant to Clause 44.06-2 (BMO) a permit is required to construct a building or construct or carry out works associated with Accommodation (outbuilding exceeds 100sqm and therefore does not qualify for an exemption)

Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.
- Posting one (1) sign at the front of site.

The notification has been carried out correctly, and Council has received zero (0) objections to date.

Referrals

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	None	N/A
Section 52 Referrals	None	N/A

Discussion

The application is for Buildings and Works (Construction of a Shed) which requires a planning permit under the provisions of the Green Wedge A Zone, the Environmental Significance Overlay and the Bushfire Management Overlay:

The key considerations of this application relate to:

- The relevant policies of the Planning Policy Framework and the Local Planning Policy Framework
- The purpose, objectives and decision guidelines of the Green Wedge A Zone
- The purpose and decision guidelines of the Environmental Significance Overlay
- The purpose, decision guidelines and requirements of the Bushfire Management Overlay
- The requirements of Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions)
- The decision guidelines of Clause 65.

Planning Policy Framework and Local Planning Policy

While the applicant has put forward that the proposal is for a shed for rural use, the primary use of the land is that of a dwelling. While “animal husbandry” is a form of agriculture, a line must be drawn between what can be classified as a productive agricultural land use and what is taking place on this land, which is the tending of a low number of animals for recreational purposes. It is therefore determined that the primary use of the land is that for a dwelling, with the tending of horses considered ancillary to the dwelling use. Having regard to this, the proposed shed is therefore associated with the use of the land for a dwelling.

The use of the land for a dwelling is not being assessed here, with this land use well established. It is not expected that the proposal would have a negative effect on the potential future use of the land for agriculture, and so the proposal meets the requirements of Clause 14.01-1S Protection of agricultural land.

As the land is subject to the Bushfire Management Overlay, consideration under Clause 13.02-1S Bushfire Planning is required. The shed is adequately sited for reduction of bushfire risk, with only a single tree within 10m defendable space. A suitable Bushfire Management Plan has been provided for a non-habitable outbuilding, and so the policy objectives have been achieved. In extension, the proposal also complies with Clause 21.02-4 Bushfire management within the Local Policy Framework.

The primary concern surrounds building design and location. The proposal does not comply with the relevant policies. It does not respect the rural character of the area, being placed in an exposed location, interrupting a prominent view line, and detracting from the scenic value of the landscape. Clause 12.05-2S Landscapes of the State Planning Policy Framework specifies an objective of protecting and enhancing significant landscapes that contribute to character and identity, of which the proposal fails to achieve. Clause 21.02-2 Landscape of the Local Policy Framework also presents the acknowledgement that ridgelines are vulnerable to inappropriate development and signifies that protecting significant landscapes is a key issue within the shire. The proposal fails to meet the objective of protecting the diverse landscape.

Clause 35.05 -Green Wedge A Zone – Schedule 1

The purpose of the Green Wedge A Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.
- To ensure that use and development promotes sustainable land management practices and infrastructure provision.
- To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.
- To recognise and protect the amenity of existing rural living areas.

The zone presents various decision guidelines, which be assessed below as appropriate:

General Issues

The land is a large rural residential lot and able to accommodate the proposed development. As discussed above, although viable for agricultural use, it is not presently used for intensive agriculture. The proposal is not foreseen to have a major impact on the future viability of the land for agriculture. However, the proposal does not comply with State or Local Planning Policy, having an adverse impact on the character and appearance of the area, and in

extension reducing the amenity of other residents. Design and siting are the primary issues and will be discussed further in relation to the ESO.

Rural Issues

While animal husbandry is a form of agriculture, the tending of a small number of horses entirely dependent on the use of the land for a dwelling is not an intensive form of agriculture. However, the use of the land is not being assessed, and so it is considered that the proposal will have a negligible effect on the agricultural production of the area, neither contributing nor detracting. Due to its siting on the ridge and directly adjacent to the driveway, any possible future agricultural use of the land will also be negligibly affected.

Environmental Issues

No vegetation will require removal for the proposal, with the only tree within 10m being 9m to the west and its TPZ being unaffected. 650mm of fill is required to bring the shed level on the slope, however this is minimal, and the proposal is not expected to contribute negatively to soil erosion or salinity.

Design and Siting Issues

The shed has been sited in a particularly sensitive location upon the ridgeline and clearly visible from both stretches of Split Rock Road to the east and south. It will appear exposed, with not enough vegetation obscuring from the road. Additionally, it will be placed within the view line from the east. This will be discussed further below in relation to the ESO.

Clause 42.01 - Environmental Significance Overlay – Schedule 1

The environmental objectives of Schedule 1 to the ESO are:

- To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.
- To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.
- To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.
- To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.

No vegetation requires removal for this proposal, with only one (1) tree within 10m of the proposed shed. The TPZ of this tree will not be impacted, with the tree being 9m to the west of the proposed shed and having a TPZ of 7.6m.

The proposed shed is not habitable, and therefore will not be connected to the existing septic system on site or contribute to additional wastewater. It is proposed that water run-off from guttering will be used to fill the existing water tank to the west.

Minimal fill is required to bring the shed level on the slope, with 650mm maximum fill proposed. What is of most concern, however, is the chosen siting upon the ridgeline. It is this

siting that enables such a level surface, with the land leveling out upon this ridge. The size of the proposed shed is not insignificant, with a proposed floor area of 168sqm. While the provided site plan is not exceedingly clear, the view from the east and down Split Rock Road will be that of the eastern side of the structure, mitigating any possible reduction of visual impact the “barn style” might provide. Paired with the maximum height of 6.2m at the ridge, the shed will have a significant impact on views.

The siting is close to the highest point of the ridge. This is a significant location for numerous reasons. It is the bend of Split Rock Road, which rises to this point from both the south and east. The shed will therefore be visible from both directions. It is also visible from the west and south west due to the nature of the topography, with the land rising down into a gully and then up again. These slopes to the west contain numerous other properties and other dwellings. Having regard to the location, with minimal vegetation, the shed will be highly exposed.

The impact on view lines from this location is deemed unacceptable. It is not concluded that suitable effort was made to pursue an alternative siting. While on balance other locations may have required more earthworks, this would result in a better overall outcome. Council made efforts to facilitate a relocation, preferably within the existing cluster of buildings further down the slope and not highly visible from the road.

The proposal to plant a hedge to obscure the structure further from the road is lacking and fails to address the key issue, this being that the structure will have an impact on the landscape character of the area and inappropriately impact on view lines.

Having regard to the above assessment, the proposed siting is considered unacceptable in this context.

Clause 44.06 - Bushfire Management Overlay

The site is located in a Bushfire Prone Area and affected by the Bushfire Management Overlay, which includes the following purposes:

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

As the proposal is for a non-habitable outbuilding, it did not require referral to the responsible authority, in this instance being the CFA. A suitable Bushfire Management Plan has been provided, and defensible space can be adequately provided for 10m around the structure in accordance with Table 7 of Clause 53.02-5. The proposal therefore complies with the Bushfire Management Overlay.

Conclusion

This proposal does not comply with the relevant Planning Policy Framework and purpose of the Green Wedge A Zone under the Cardinia Planning Scheme. It does not comply with the ESO and will result in an unacceptable visual impact in a significant location and compromise the rural character of the area, and therefore should not be supported.

It is recommended that Council refuse to grant Planning Permit T220197 for Buildings and Works (Construction of a Shed) at 99 Split Rock Road, Beaconsfield Upper VIC 3808, CA 18 SEC C Parish of Gembrook on the following grounds:

1. The application does not comply with Planning Policy Framework and Local Planning Policy Framework in relation to the maintenance and enhancement of the landscape and the built environment, specifically:
 - a. Clause 11.01-1R Green wedges – Metropolitan Melbourne
 - b. Clause 12.05-2S Landscapes
 - c. Clause 15.01 Built Environment
 - d. Clause 21.02-2 Landscape
2. The proposal is inconsistent with the purpose of Clause 35.05 Green Wedge A Zone – Schedule 1.
3. The proposal is inconsistent with the objectives of Clause 42.01 Environmental Significance Overlay – Schedule 1.
4. The application does not comply with the relevant considerations of Clause 65 Decision Guidelines, including the purpose of the zones and overlays and the orderly planning of the area.

Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council refuse to grant Planning Permit T220197 for Buildings and Works (Construction of a Shed) at CA 18 SEC C Parish of Gembrook, 99 Split Rock Road, Beaconsfield Upper VIC on the following grounds:

1. The application does not comply with Planning Policy Framework and Local Planning Policy Framework in relation to the maintenance and enhancement of the landscape and the built environment, specifically:
 - a. Clause 11.01-1R Green wedges – Metropolitan Melbourne
 - b. Clause 12.05-2S Landscapes
 - c. Clause 15.01 Built Environment
 - d. Clause 21.02-2 Landscape
2. The proposal is inconsistent with the purpose of Clause 35.05 Green Wedge A Zone – Schedule 1.
3. The proposal is inconsistent with the objectives of Clause 42.01 Environmental Significance Overlay – Schedule 1.
4. The application does not comply with the relevant considerations of Clause 65 Decision Guidelines, including the purpose of the zones and overlays and the orderly planning of the area.

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

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
31/01/2023	T210333	14 A'Beckett Road, Bunyip	Subdivision of land into six (6) lots	FTD*	Applicant	TBD	TBD
TBD	T210885	4 Ann Crescent, Pakenham	Development of the land for four (4) dwellings	Notice of Decision to Grant a Permit	Objector	TBD	TBD
9/03/2023	T210210	215A & 215 Princes Highway, Beaconsfield	Use and Development of the land for residential dwellings in stages, reduction of car parking and subdivision of land	FTD*	Applicant	TBD	TBD

*FTD denotes an application for review of Council's failure to issue a decision within the prescribed timeframe.

Matters Recently Decided at VCAT

No matters recently decided at VCAT 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
13/12/22	T190126	35 McDonalds Track, Lang Lang	Multi-lot subdivision, creation of access to a Road Zone Category 1 and the creation of reserves	Permit	TBD	Awaiting hearing	N/A
24/11/22 (3 days)	T210902	13-15 Mahon Avenue Beaconsfield	Buildings and works associated with the construction of thirty-one (31) dwellings	FTD*	Applicant	Awaiting hearing	N/A
06/03/23	T210346	55 Southeast Boulevard Pakenham	Use of the land for an Education Centre (Adult Training Centre) and Food and Drink Premises and associated buildings and works	Refusal	Applicant	Awaiting hearing	N/A
12 December 2022	T220013	Tomer Place, Pakenham	Subdivision of land into four (4) lots and the creation of a reserve	FTD*	Applicant	TBD	TBD
TBD	T110588	Centenary Boulevard, Officer South	Declaration and failure to determine two secondary consent applications	FTD*	Applicant	TBD	TBD

16 December 2022	T200173- 2	Centenary Boulevard, Officer South	Amendments to subdivision to allow staging	FTD*	Applicant	TBD	TBD
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*FTD denotes an application for review of Council's failure to issue a decision within the prescribed timeframe.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Kaye Cameron.

That Council note the report.

Carried

5.5 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. The below is for the period 5 September to 2 November 2022

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

Beacon Hills Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
9/09/2022	T200846	140 Officer Road, Officer VIC 3809	Buildings and works associated with horticultural production (processing and packing facility) and vegetation removal	NOD	22 December 2020
9/09/2022	T220607	890 Toomuc Valley Road, Pakenham Upper VIC 3810	Proposed extension to existing shed	Application Withdrawn	08 September 2022
14/09/2022	T210867	33 Vernon Road, Beaconsfield VIC 3807	Development of the land for one (1) replacement outbuilding (garage)	Issued	19 November 2021
16/09/2022	T220454	260 Army Road, Pakenham VIC 3810	Buildings and works to an existing dwelling (verandah)	Permit Not Required	02 July 2022
20/09/2022	T220313	418 Paternoster Road, Mount Burnett VIC 3781	Addition to existing studio	Application Withdrawn	13 May 2022
26/09/2022	T220277	1 John William Court, Beaconsfield Upper VIC 3808	Removal of three (3) trees	Issued	25 April 2022
29/09/2022	T200746 - PC1	235 Thewlis Road, Pakenham VIC 3810	T200746 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	31 August 2022
30/09/2022	T210905	24 Keith Parade, Beaconsfield VIC 3807	Undertake works (landscaping and earthworks) and the removal of vegetation	NOD	02 December 2021
30/09/2022	T210943 - PC1	190 Gordon Road, Pakenham Upper VIC 3810	T210943 PC1 (Con.01 TMP) - Plans to comply application Replacement planting permit condition number 1 Number of replacement plants 52 Number of trees being removed 21	Issued	05 September 2022
4/10/2022	T210774	29 Railway Avenue, Beaconsfield VIC 3807	Subdivision of the land into three (3) lots	Issued	08 October 2021
4/10/2022	T210519	286 O`Neil Road, Officer VIC 3809	Alterations and additions to a dwelling and associated works	Issued	12 July 2021
11/10/2022	T220305	Se 2/39 Wallace Street, Beaconsfield VIC 3807	Alterations and additions to an existing building (medical centre)	Issued	10 May 2022
12/10/2022	T220203	114 Officer Road, Officer VIC 3809	Buildings and works associated with an outbuilding	Issued	24 March 2022
13/10/2022	T220282	3 Bourkes Creek Road, Pakenham Upper VIC 3810	Buildings and Works (Construction of a Shed)	Issued	28 April 2022

24/10/2022	T220413	36 Walford Road, Beaconsfield Upper VIC 3808	Development of the land for additions to an existing dwelling (carport and verandah)	Issued	16 June 2022
24/10/2022	T220582	314 Payne Road, Officer VIC 3809	Buildings and works associated with a dwelling extension	Issued	30 August 2022
24/10/2022	T220482	67 Wallace Street, Beaconsfield VIC 3807	Use and development of the land for a medical centre	Issued	15 July 2022
25/10/2022	T210613	204A Toomuc Valley Road, Pakenham VIC 3810	Construction of a dwelling and associated works	Issued	15 August 2021
26/10/2022	T220538	54 Woods Street, Beaconsfield VIC 3807	Construction an outbuilding (combined garage and carport) and the demolition of an outbuilding (garage)	Issued	04 August 2022
1/11/2022	T200421 - PC3	335 Beaconsfield- Emerald Rd, GUYS HILL VIC 3807	T200421 PC3 - (Con.01 C1P) - Plans to Comply Application as required by Condition 1 of Planning Permit T200421 (see attached Plan of Subdivision Version F for Endorsement)	Application Withdrawn	25 May 2022

Bunyip Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
5/09/2022	T210946	13 Ryan Road, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	16 December 2021
7/09/2022	T220291	50 Tynong Road, Tynong VIC 3813	Development of the land for a dwelling and associated works	Issued	29 April 2022
12/09/2022	T220386	16 Chambers Road, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	01 June 2022
14/09/2022	T210250 - 1	1530 Princes Highway, Nar Nar Goon VIC 3812	Subdivision of land and creation of access to a road in a Road Zone, Category 1	Issued	16 August 2022
15/09/2022	T200557 - PC1	8 Nash Road, Bunyip VIC 3815	T200557 PC1 (Con. 09b S173) - Plans to Comply Application Variation of a restriction (removal of building envelope from PS740725A), creation of a restriction and subdivision of the land into two (2) lots	Issued	21 May 2021
20/09/2022	T210160 - PC1	3 Ravendene Court, Maryknoll VIC 3812	T210160 PC1 (Con. 01, 02 and 04) - Plans to Comply Application to comply with conditions 1, 2 and 4 of Planning Permit	Issued	03 November 2021
28/09/2022	T200540 - PC1	6 Stacey Street, Bunyip VIC 3815	T200540 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	07 February 2022
29/09/2022	T200523 - PC2	231 Tynong North Road, Tynong North VIC 3813	T200523-1 PC2 (Con. 20 LMP) - Plans to Comply Application	Issued	10 June 2022
4/10/2022	T220509	48 Topp Road, Tonimbuk VIC 3815	Buildings and works for a carport	Issued	26 July 2022
4/10/2022	T200741 - 1	35 Bassed Road, Garfield North VIC 3814	Change of street number on permit, from 95 to 35 and volume folio from Vol 8311 Folio 795 to Vol 08117 Folio 462	Issued	04 October 2022
5/10/2022	T210870 - PC1	40 Dore Road, Nar Nar Goon North VIC 3812	T210870 PC1 (Con.3) - Native vegetation credit extract to comply with Condition 3 of Planning Permit	Issued	31 August 2022
12/10/2022	T210711 - PC1	54 Bunyip-Modella Road, Bunyip VIC 3815	T210711 PC1 (Con. 14) Plans to comply application	Issued	12 July 2022

17/10/2022	T210704	1 Nash Road, Bunyip VIC 3815	The development of the land for two (2) dwellings	Issued	13 September 2021
24/10/2022	T220354	10 View Street, Tynong VIC 3813	Development of the land for an outbuilding (garage)	Issued	24 May 2022
24/10/2022	T220575	19 Pinehill Drive, Pakenham VIC 3810	Development of the land for one (1) outbuilding (shed)	Issued	25 August 2022
26/10/2022	T210219	5 Edis Road, Garfield VIC 3814	Development of the land for a dwelling	Issued	29 March 2021
26/10/2022	T200634 - 1	1-3 Nar Nar Goon- Longwarry Road, Tynong VIC 3813	Subdivision of the land into three (3) lots	Issued	26 October 2022
27/10/2022	T210940	20 Mortimer Road, Tynong North VIC 3813	Development of the land for a dwelling, removal of vegetation and associated works	Issued	15 December 2021
31/10/2022	T220117	175 Moore Road, Nar Nar Goon North VIC 3812	Development of the land for a replacement dwelling and associated works	Issued	17 February 2022
31/10/2022	T220061	14 Petty Road, Bunyip VIC 3815	Staged subdivision of land into twelve (12) lots and removal of native vegetation	NOD	02 February 2022

Central Ward

Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
6/10/2022	T170688 - PC3	90-96 Ahern Road, Pakenham VIC 3810	T170688 PC3 (Con. 04 S173) - Plans to Comply Application	Application Withdrawn	03 October 2022
17/10/2022	T220528	Shop 12/1 Livingstone Boulevard, Pakenham VIC 3810	Alterations to a building façade and construction and display of signs (internally illuminated signs)	Issued	04 August 2022
20/10/2022	T180438 - PC1	21-23 Jennifer Court, Pakenham VIC 3810	T180438 PC1 (Con. 19 & 20 S173) - Plans to Comply Application	Issued	22 February 2022
31/10/2022	T190481 - PC1	19 Balmoral Way, Pakenham VIC 3810	T190481 PC1 (Con. 01 LMP) - Plans to Comply Application Development of the land for a two storey dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Issued	03 August 2022

Henty Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
13/09/2022	T200743 - PC1	Shop 5/114 Princes Highway, Pakenham VIC 3810	T200746 PC1 (Con. 01 C1P) - Plans to Comply Application	Application Withdrawn	31 August 2022
28/09/2022	T210832	7 Station Street, Pakenham VIC 3810	Use of the land for the sale and consumption of liquor	Issued	05 November 2021
28/09/2022	T220130	G Shop 2/66-68 Main Street, Pakenham VIC 3810	use of the land for an education centre (tertiary education)	Lapsed	21 February 2022
30/09/2022	T220078	71 Racecourse Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Lapsed	11 February 2022
3/10/2022	T210963 - PC1	89-91 Slattery Place, Pakenham VIC 3810	T210963 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	31 August 2022
3/10/2022	T210963 - PC2	89-91 Slattery Place, Pakenham VIC 3810	T210963 PC2 (Con. 02 LMP) - Plans to Comply Application	Issued	31 August 2022
5/10/2022	T220653	Shop 1 & 2/1 Hunt Way, Pakenham VIC 3810	Reduction to the number of car parking spaces required	Issued	26 September 2022
24/10/2022	T220138	44 James Street, Pakenham VIC 3810	Buildings and works associated with a Medical Centre (building extension)	Issued	22 February 2022

Officer Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
8/09/2022	T220325	66 Starling Road, Officer VIC 3809	Buildings and works associated with an existing Education Centre (in stages)	Issued	19 May 2022
12/09/2022	T190603 - 2	140, 97, 112 Starling Road and 477 Brown Road, Officer VIC 3809	Section 72 Amendment application to amend the endorsed subdivision master-plan (Condition 3), seek a deferment to execute the Section 173 Agreement (Condition 16) and alter Conditions 27, 28 and 29 of the permit in relation to the proposed subdivision	Issued	12 April 2022
16/09/2022	T210899	65 Mary Street, Officer VIC 3809	Staged multi-lot subdivision of land, construction of dwellings, creation of restrictions and removal of native vegetation.	Issued	01 December 2021
26/09/2022	T200662 - PC2	65 McMullen Road, Officer VIC 3809	T200662-1 PC2 (Con. 09 PIP) - Plans to Comply Application	Issued	09 May 2022
25/10/2022	T190166 - PC1	Bayview Road, Officer VIC 3809	T190166 PC1 (Con. SMDP) - Plans to Comply Application 1 Subdivision Master Development Plan. NNH 8112DP - Revision 09	Application Withdrawn	07 October 2022
25/10/2022	T190166 - PC6	Bayview Road, Officer VIC 3809	T190166 PC6 (Con. XX SMP) - Plans to Comply Application 6 Stormwater Management Pan, Peak Urban, Revision A	Application Withdrawn	07 October 2022

Pakenham Hills Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
5/09/2022	T220164	8 Blessing Rise, Pakenham VIC 3810	Buildings and works associated with a dwelling	Issued	08 March 2022
16/09/2022	T170831 - 2	82-88 Ahern Road, Pakenham VIC 3810	Amendments to Planning Permit T170831 for the removal of additional native vegetation	Issued	04 March 2022
21/09/2022	T220164 - PC1	8 Blessing Rise, Pakenham VIC 3810	T220164 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	07 September 2022
5/10/2022	T210879	27 & 95 Dore Road, Pakenham VIC 3810	Removal of native vegetation	Application Withdrawn	18 November 2021
6/10/2022	T220447	23 Oskar Court, Pakenham VIC 3810	Variation of a restriction on title	NOD	29 June 2022
19/10/2022	T220295	30 Blessing Rise, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated works	Issued	04 May 2022
31/10/2022	T220067 - PC1	110 Army Road, Pakenham VIC 3810	T220067 PC (Con. 01 C1P) - Plans to Comply Application Condition 1	Issued	20 September 2022

Ranges Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
5/09/2022	T220560	17 Upper Grieve Road, Avonsleigh VIC 3782	Buildings and works associated with a dwelling (alterations, deck and verandah)	Issued	18 August 2022
6/09/2022	T220030	9 Durban Road, Emerald VIC 3782	Buildings and works associated with an extension to a dwelling	NOD	22 January 2022
8/09/2022	T210724	34 Neville Street, Cockatoo VIC 3781	Development of the land for a dwelling and removal of vegetation	Issued	20 September 2021
8/09/2022	T070749 - 1	2 Emerald-Monbulk Road, Emerald VIC 3782	Amendment to planning permit T070749 (issued for the development of the land for the purpose of a supermarket and two specialty shops, associated buildings and works, removal of vegetation, reduction in car parking requirements and alteration of access to a Road Zone Category 1) to amend what the permit allows and the endorsed plans	NOD	26 April 2022
12/09/2022	T160799	45 Warwick Road, Gembrook VIC 3783	Removal of vegetation	Application Withdrawn	02 December 2016
12/09/2022	T190479	3 Messmate Court, Emerald VIC 3782	Earthworks	Lapsed	13 August 2019
12/09/2022	T220353	35 Avon Road, Avonsleigh VIC 3782	Development of the land for an outbuilding (garage)	Issued	24 May 2022
15/09/2022	T220444	14 Ambrose Street, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Issued	29 June 2022
15/09/2022	T220312	33 First Avenue, Cockatoo VIC 3781	Buildings and works associated with a dwelling	Issued	12 May 2022
15/09/2022	T220020	9 Francis Street, Cockatoo VIC 3781	Use of land for a Contractor's Depot	Application Withdrawn	14 January 2022
16/09/2022	T220103 - PC1	20 Old Beaconsfield Road, Emerald VIC 3782	T220103 PC1 (Con.01 TMP) - Plans to Comply Application Replacement planting purchase form received Number of replacement plants - 2 Number of trees being removed - 1	Issued	22 August 2022
19/09/2022	T220422	1 Mary Street, Emerald VIC 3782	Demolition and construction of a building (replacement of roof and balustrading) in a Heritage Overlay	Issued	21 June 2022
20/09/2022	T200645 - 1	22 Old Gembrook Road, Emerald VIC 3782	Amend endorsed plan of Planning Permit T220645-1 which was approved for 'development of the land for a dwelling extension (attached garage)'	Issued	05 August 2022

21/09/2022	T220394 - PC1	22 Belgrave-Gembrook Road, Cockatoo VIC 3781	T220394 PC1 (Con. 01b RPP) - Plans to Comply Application	Issued	29 August 2022
21/09/2022	T210187 - PC1	120-122 Woori Yallock Road, Cockatoo VIC 3781	T210187 PC1 (Con. 01a, 01b & 01c C1P) - Plans to Comply Application	Issued	29 April 2022
21/09/2022	T220588	18 Margaret Road, Avonsleigh VIC 3782	Removal of one (1) tree	Issued	31 August 2022
26/09/2022	T220362	6 Alfred Grove, Emerald VIC 3782	Buildings and Works (Extension to an Existing Dwelling)	Issued	26 May 2022
27/09/2022	T220420	10 Princess Avenue, Emerald VIC 3782	Proposed buildings and works to extend a dwelling	Permit Not Required	20 June 2022
28/09/2022	T220231	A 19a and 19b Station Road, Gembrook VIC 3783	Subdivision of the land into four (4) lots (in accordance with development permit T200834)	Issued	01 April 2022
29/09/2022	T210395 - PC1	27 McBride Street, Cockatoo VIC 3781	T210395 PC1 Use of land for Industry (beverage production) and sale and consumption of liquor	Issued	25 May 2022
30/09/2022	T190232 - 1	50 Phillip Road, Avonsleigh VIC 3782	Re-subdivision of two (2) lots and the creation of a reserve	Issued	06 August 2021
30/09/2022	T220070	5 Pinnocks Road, Emerald VIC 3782	Earthworks (horse arena)	Issued	09 February 2022
4/10/2022	T190057 - PC2	3 Morris Road, Beaconsfield Upper VIC 3808	T190057 PC2 (Con. 04 S173) - Plans to Comply Application	Issued	10 June 2022
5/10/2022	T210929	6 Wright Road, Emerald VIC 3782	Buildings and works for a Dwelling and associated vegetation removal	Issued	10 December 2021
6/10/2022	T220049	Morbey Road, Gembrook VIC 3783	The use of the land for agriculture (permaculture garden) and the construction of a building associated with the permaculture garden.	Issued	01 February 2022
6/10/2022	T220293	4 Auhl Road, Emerald VIC 3782	Buildings and works associated with a dwelling and outbuilding	Issued	02 May 2022
11/10/2022	T220097	60 Emerald-Monbulk Road, Emerald VIC 3782	Extension and Alteration to Existing Dwelling	Issued	15 February 2022
18/10/2022	T220225	6 Belgrave Avenue, Cockatoo VIC 3781	Subdivision of the land into 2 lots and removal of vegetation.	Application Withdrawn	30 March 2022
20/10/2022	T190739 - PC3	1 & 3 Neville Street, Cockatoo VIC 3781	T190739-1 PC3 (Con. 23 and 24 S173) - Plans to Comply Application	Issued	03 February 2022
24/10/2022	T220169 - PC1	71 Emerald-Monbulk Road, EMERALD VIC 3782	T220169 PC1 (Con. 13 BMP) - Plans to Comply Application	Issued	10 October 2022

26/10/2022	T220250	11 Carramar Court, Emerald VIC 3782	Buildings and Works (Construction of a Garage and associated earthworks)	Issued	08 April 2022
27/10/2022	T220588 - PC1	18 Margaret Road, Avonsleigh VIC 3782	T220588 PC1 (Con. 1b RPP) - Plans to Comply Application	Issued	29 September 2022
28/10/2022	T210938	1 Mary Street, Emerald VIC 3782	Demolition and construction of outbuildings, alterations and additions to the existing dwelling, outbuildings, front fence and associated works	NOD	15 December 2021
28/10/2022	T210670	11 Belgrave Avenue, Cockatoo VIC 3781	Buildings and works for a Dependent Person's Unit	Issued	23 August 2021
31/10/2022	T220254	3 Emerald-Monbulk Road, Emerald VIC 3782	Use of land for a Take Away Food Premises (food truck) and alteration of access to a road in a Transport Zone 2	NOD	12 April 2022
31/10/2022	T220310	14 Johnson Street, Avonsleigh VIC 3782	Buildings and works associated with a dwelling extension and outbuilding (carport)	Issued	12 May 2022
31/10/2022	T220516	855 Woori Yallock Road, Nangana VIC 3781	Building and works for a verandah	Issued	28 July 2022

Toomuc Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
14/09/2022	T220616	129 Mulcahy Road, Pakenham VIC 3810	Change of use from Warehouse (Storage) to Manufacturing (Food).	Application Withdrawn	12 September 2022
14/09/2022	T220621	6 Sundance Promenade, Pakenham VIC 3810	New single dwelling	Application Withdrawn	13 September 2022
12/10/2022	T220682	80 Thewlis Road, Pakenham VIC 3810	We are applying for a minor Section 72 amendment to introduce a small staging component into the permitted subdivision (T180718)	Application Withdrawn	11 October 2022
17/10/2022	T220620	6 Sundance Promenade, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	13 September 2022
18/10/2022	T220578	15 Skyline Drive, Officer VIC 3809	Buildings and works (verandah) within the Significant Landscape Overlay - Schedule 6	Issued	26 August 2022
18/10/2022	T220300	21 Curran Drive, Officer VIC 3809	Proposed Verandah	Lapsed	05 May 2022
19/10/2022	T220615	2 Sundance Promenade, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	10 September 2022

Westernport Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
5/09/2022	T210606 - PC1	16 Exchange Drive, Pakenham VIC 3810	T210606 PC1 - (Con. 01 C1P) - Plans to Comply Application Development of the land for a warehouse and reduction of car parking requirements	Issued	14 July 2022
5/09/2022	T220248	77 Bald Hill Road, Pakenham VIC 3810	Reduction in parking requirements associated with a restricted retail premises	Issued	07 April 2022
6/09/2022	T220051	50 Parish Road, Iona VIC 3815	Development of the land for a non-habitable outbuilding (shed)	Issued	01 February 2022
6/09/2022	T220550	150 O'Briens Road, Yannathan VIC 3981	Construction of a deck in a flood overlay	Permit Not Required	15 August 2022
12/09/2022	T220319	13 Exchange Drive, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	06 May 2022
12/09/2022	T220515	97 National Avenue, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	29 July 2022
12/09/2022	T220487	215 Evans Road, Longwarry VIC 3816	Development of the land for one (1) agricultural building	Issued	18 July 2022
12/09/2022	T220289	45 Knights Road, LONGWARRY VIC 3816	Buildings and Works (Construction of a Shed and Verandah)	Issued	27 April 2022
14/09/2022	T220486	17 Exchange Drive, Pakenham VIC 3810	Buildings and works for a canopy extension to existing building	Issued	18 July 2022
15/09/2022	T220523	4 Auto Way, Pakenham VIC 3810	Buildings and works to an existing warehouse (mezzanine floor level) and a reduction in car parking	Issued	03 August 2022
16/09/2022	T220056	145-200 Bladens Road, Koo Wee Rup VIC 3981	Subdivision of land (boundary realignment)	Issued	02 February 2022
28/09/2022	T210933 - PC1	14 & 24 Peet Street, Pakenham VIC 3810	T210933 PC1 (Con.01 C1P) - Plans to Comply Application	Issued	08 September 2022
28/09/2022	T220240	Lot 5 Koo Wee Rup Road, PAKENHAM VIC 3810	Works associated with the construction of an access road and altering access to a road in a Transport Zone 2	Issued	06 April 2022
29/09/2022	T220485	1380 Koo Wee Rup-Longwarry Road, Catani VIC 3981	Amending the existing planning permit to change the design of the proposed house and include 2 garages, an ornamental pond, sheds, barn, horse shelters, water tank, septic system, rural crossover and driveway.	Application Withdrawn	17 July 2022
29/09/2022	T220558	16 Giacco Boulevard, Lang Lang VIC 3984	Construct a shed	Application Withdrawn	24 August 2022
4/10/2022	T220433	8 Mickle Street, Koo Wee Rup VIC 3981	To construct a freestanding colorbond garage with a side boundary setback less than 2.5m	Issued	22 June 2022

5/10/2022	T220374	95 Haysoms Road, Heath Hill VIC 3981	Buildings and works associated with a non-habitable agricultural building (shed)	Issued	31 May 2022
6/10/2022	T220222	3520 Ballarto Road, Bayles VIC 3981	Buildings and Works (Construction of a Carport)	Issued	29 March 2022
6/10/2022	T200589 - PC1	48 James Street, Lang Lang VIC 3984	T200589 PC1 - (Con. 01 C1P) - Plans to Comply Application Construction of six, single storey dwellings in the Neighbourhood Residential Zone - Schedule 1	Issued	13 July 2022
6/10/2022	T220223	62 Henry Street, Koo Wee Rup VIC 3981	Buildings and Works (Construction of a Dependent Person's Unit)	Issued	29 March 2022
6/10/2022	T220109	22 Hill Street, Pakenham VIC 3810	Buildings and works associated with the construction of two (2) warehouses and an associated car parking reduction	Issued	19 February 2022
6/10/2022	T220330	65 Gunn Road, Garfield VIC 3814	Buildings and Works (Construction of a Shed)	Issued	12 May 2022
10/10/2022	T220220 - PC1	315 Daly Road, Nar Nar Goon VIC 3812	T220220 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	31 August 2022
11/10/2022	T220066	15 Precision Drive, Pakenham VIC 3810	Development of the land for a warehouse	Issued	07 February 2022
11/10/2022	T220460	160 Milners Road, Lang Lang East VIC 3984	Buildings and works associated with the construction of a non-habitable building (shed)	Lapsed	30 June 2022
11/10/2022	T220112	350 Westernport Road, Lang Lang VIC 3984	Buildings and works associated with a dwelling	Issued	21 February 2022
11/10/2022	T210770	630 Bunyip-Modella Road, Iona VIC 3815	Use and Development of the land for a dwelling, non-habitable outbuilding and associated works	Issued	06 October 2021
12/10/2022	T210876	25 Hill Street, Pakenham VIC 3810	Change of Use of Land for the Purpose of a Restricted Recreational Facility (Gym)	Issued	23 November 2021
13/10/2022	T220089	Lot 3 Peet Street, Pakenham VIC 3810	Use and Development of Land as a Place of Assembly and Restaurant, Sale and Consumption of Liquor and Reduction in Car Parking Provision	Application Withdrawn	14 February 2022
14/10/2022	T220239 - PC1	9 Precision Drive, Pakenham VIC 3810	T220239 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	17 August 2022
18/10/2022	T220441	52 Sette Circuit, Pakenham VIC 3810	Building and works for a warehouse	Issued	28 June 2022
18/10/2022	T220442	54 Sette Circuit, Pakenham VIC 3810	Building and works for a warehouse	Issued	28 June 2022

19/10/2022	T220108	1035 Manks Road, Dalmore VIC 3981	Development of the land for an agricultural building (Farm shed)	Issued	18 February 2022
19/10/2022	T220381	340 Tooradin Station Road, Dalmore VIC 3981	Development of the land for two outbuildings (shed extension and carport)	Issued	01 June 2022
20/10/2022	T220532	905 Koo Wee Rup Road, Pakenham VIC 3810	Use and development of the land for a Vehicle Store and alteration to a road in a Transport Zone 2	Application Withdrawn	05 August 2022
21/10/2022	T220240 - PC1	Lot 5 Koo Wee Rup Road, PAKENHAM VIC 3810	T220240 PC1 (Con. 04 EMP) - Plans to Comply Application	Application Withdrawn	20 October 2022
24/10/2022	T220297	850 Longwarry-Modella Road, Modella VIC 3816	Buildings and Works (Construction of a Shed and Carport)	Issued	04 May 2022
24/10/2022	T220002	160 Forrest Road, Yannathan VIC 3981	Use of land for a dwelling and animal production and to construct a building or carry out works associated with a dwelling and agricultural buildings (sheds)	Issued	03 January 2022
24/10/2022	T200628 - PC1	335 McCraws Road, Catani VIC 3981	T200628 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	26 August 2021
24/10/2022	T220475	26 Beazley Road, Cardinia VIC 3978	Buildings and works associated with an existing dwelling (pergola)	Issued	07 July 2022
24/10/2022	T220160	75 Backhouses Road, Bayles VIC 3981	Alterations and additions to an existing dwelling	Issued	07 March 2022
25/10/2022	T210887	Lot 88 & 89 5 & 7 Trade Place, Pakenham VIC 3810	Construction of Four (4) Warehouses and Reduction in Statutory Car Parking Provision	Issued	26 November 2021
26/10/2022	T200839 - PC4	Cardinia Road, Officer South VIC 3809	T200839 PC4 - (Con. 09 EMP) - Plans to Comply Application Please see enclosed documentation for consideration under Condition 9 of the above Permit.	Issued	14 July 2022
26/10/2022	T220082	252 Rossiter Road, Koo Wee Rup VIC 3981	Two (2) lot subdivision	Issued	11 February 2022
31/10/2022	T220316	3 Cambridge Street, Lang Lang VIC 3984	Use and development of the land for a medical centre and the	NOD	16 May 2022

			construction and display of one (1) business identification sign		
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Resolution

Cr Owen having declared a conflict of interest in this matter removed himself from the meeting for the discussion of this item at 7:21pm.

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council note the report.

Carried

Cr Owen returned to the meeting 7:22pm.

5.6 Planning Scheme Amendment Activity Report

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.

Relevance to Council Plan

Nil.

Status of Active Amendments

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

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
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) - 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. 	Thu 09/07/2020	Mon 14/09/2020	Adopted with changes by Council on 16 May 2022. Lodged with DELWP for approval by the Minister for Planning on 19 May 2022. Currently waiting on approval by the Minister for Planning.
C262	XWB Consulting	11 Thom Road, Lang Lang	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: <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; concurrently with the amendment.	Thu 10/03/2022	Mon 11/04/2022	On 15 August 2022 Council resolved to refer all submissions to an independent Planning Panel for consideration. A Directions Hearing for the Panel was held on 27 September

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						2022 and the Panel Hearing the week beginning 31 October. Currently awaiting the Panel Report.
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 July 2021. An Infrastructure Contributions Plan (ICP) is currently being prepared. Officers are currently getting the ICP documentation reviewed by an independent expert.
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,	Thu 05/05/2022	Mon 06/06/2022	Adopted by Council on 15 August 2022. Lodged with the Minister for Planning on 22 August 2022.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			- creation of restrictions on the plan of subdivision; concurrently with the amendment.			Currently waiting on approval by the Minister for Planning.
C268	NBA Group Pty Ltd.	49 Garfield Road, Garfield	The Amendment applies to 49 Garfield Road, Garfield (Lot 1 PS436250 and Lot 1 PS531590). The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act. The amendment proposes to rezone the majority of the area of the site currently identified as Low Density Residential – Schedule 2 to Low Density Residential – Schedule 3. The proposed zone boundary aligns with a 30m setback from the Ti-Tree Creek. The Urban Growth Boundary (UGB) remains unchanged.	Thu 13/10/2022	Mon 14/11/2022	Exhibition completed 14/11/2022. A report will be put to the February Council meeting outlining the next steps for the amendment.
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	Adopted by Council on 20 June 2022. Lodged with the Minister for Planning on 22 June 2022.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						Currently waiting on approval by the Minister for Planning.

Resolution

Moved Cr Stephanie Davies, seconded Cr Brett Owen.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:28pm.

Minutes confirmed
Chairman