

Town Planning Committee Meeting

Minutes

Monday 3 April 2023

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:

Lili Rosic General Manager Liveable Communities
Doug Evans Manager Governance

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1 Opening And Prayer

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

2 Acknowledgements

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

3 Apologies

Nil

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 T210756 PA - Development of the land for four (4) dwellings at 50 Railway Avenue, Garfield

File Reference: {file-reference}
Responsible GM: Lili Rosic
Author: Dean Haeusler

Recommendation(s)

That Council issues a Notice of Decision to Grant a Permit for the development of four (4) dwellings at 50 Railway Avenue, Garfield 3814, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Secluded Private Open Space (SPOS) fencing of dwelling 2 modified to accommodate the corner splay of the driveway in accordance with Design Standard 1 of Clause 52.06-9.
 - b. Relocation of dwelling 2 water tank to the southern side of the garage.
 - c. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by *Neil Fletcher Design, Amendment B*, but modified to show:
 - i. Relocation of the storage shed and water tank of Dwelling 2 to match the development plans.
 - ii. Any modification required to address condition 1a.
 - iii. The quantities of each species to be planted demonstrated on the plan.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for, or impede the movement of, vehicles or pedestrians.
2. The layout of the buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

4. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Engineering

6. Before the development starts, engineering plans for the upgrade of Campbell Street along the western boundary of the site must be submitted to and approved by the Responsible Authority. The plans must show the provision of an 8.63-metre-wide road cross section measured between backs of kerb with concrete barrier kerb and channel and an asphalt sealed road pavement with line marking to create an on-road parking lane
7. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.
8. Before the development is occupied, all works for the upgrade of Campbell Street must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority.
9. Before the development is occupied a residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
10. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
11. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
12. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
13. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
14. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Amenity and Utilities

15. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - b. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - c. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - d. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - e. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.

- f. Lighting must be provided near the front entrance of each dwelling.
 - g. The landscaping works shown on the endorsed plans must be carried out and completed.
16. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
17. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority

Expiry:

18. A permit for the development of land expires if-
- a. the development does not start within two (2) years after the issue of the permit; or
 - b. the development is not completed within four (4) years after the issue of the permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Prior to commencement of the proposed buildings and works a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Attachments

1. T 210756 PA - Development plans [5.1.1 - 9 pages]
2. CONFIDENTIAL REDACTED - T 210756 PA - Objections (unredacted) [5.1.2 - 35 pages]
3. T 210756 PA - Locality map [5.1.3 - 1 page]

Executive Summary

APPLICATION NO.:	T210756
APPLICANT:	Neil Fletcher Design
LAND:	L1, TP230094, 50 Railway Avenue, Garfield
PROPOSAL:	Development of four (4) dwellings
PLANNING CONTROLS:	General Residential Zone – Schedule 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , the application was advertised

	<p>by the placing of a sign on site for fourteen days and notices in the mail to adjoining property owners.</p> <p>A total of 16 objections were received</p>
KEY PLANNING CONSIDERATIONS:	<p>Consistency with Garfield Township Strategy</p> <p>Neighbourhood character.</p> <p>Traffic and safety concerns</p> <p>Provision of car parking</p>
RECOMMENDATION:	Approval

Background

- The planning permit application was initially lodged with Council on 30th September 2021. A letter requesting further information and identifying concerns was issued on 25th October 2021.
- Complete information was provided on 9th January 2022 and public notice was undertaken on January 25th 2022 where 12 objections were received.
- In response to Council concerns and the concerns raised by the community, the applicant lodged a Section 57a amendment to the application on 18th July 2022, reducing the number of dwellings from five to four and making further refinements to the design.
- The application was re-advertised where a further four objections were received. Public notice concluded 2nd November 2022 on submission of a statutory declaration.

Subject Site



Figure 1: Subject site and surrounding area (source: Cardimap)

The subject site is an old parcel of land, formally known as Lot 1 on Title Plan 230094 and measures 20.12 metres wide and 48.77 metres long resulting in an area of 981 square metres. The land lies at the intersection of Railway Avenue and Campbell Street, approximately 70 metres from the edge of the Garfield's commercial precinct. Both roads are sealed and the Avenue runs parallel with the Gippsland railway line connecting the township to the greater Gippsland area and Melbourne.

The site is undeveloped and slopes gently from the north to the southern boundary. Scattered trees are present throughout the site where native and non-native species have been identified. One street tree is present centrally along the frontage of Campbell Street. The east side of Campbell Street contains no kerb and channel, with drainage culverts and rural crossovers extending north of the site. A pedestrian pathway runs along Railway Avenue.

The immediate context north of the railway line is residential land where the site falls within an established area that is characterised by a diversity of lots sizes and development styles. There is a mixed theme of dwellings proximate to the site, with examples of railway cottages and more contemporary mid-late twentieth century brick veneer homes prevalent along Campbell Street. The prevailing development pattern is single storey detached dwellings on lots that generally vary between 500 and 2000 square metres.

Residential in-fill development is present along Railway Avenue where there are five examples of multi-unit development.

A more contemporary subdivision can be found north of the site with lots of single detached dwellings on 800 square metres lots developed over the last few decades.

The following provides a more detailed analysis of the adjoining land:

NORTH

The subject site adjoins a parcel of approximately 700 square metres that contains a single storey weatherboard dwelling and small garage that sits close to or on the title boundary. The dwelling has a setback of 5.4 metres from Campbell Street and 6 metres from the shared boundary with the subject land.

EAST

East of the site a lot that is of a similar size to the subject land containing a single dwelling setback 8 metres from the road and 5.5 metres from the shared boundary. Two crossovers at either end of the frontage provide access to the dwelling and a large garage at the rear of the lot. Semi-mature planting lines the common boundary.

SOUTH

Railway Avenue and the regional railway line. Beyond the railway line is the commercial precinct of Garfield and further residential land.

WEST

Campbell Street; single storey dwelling on a lot of a similar size to the subject site. The dwelling is situated 9.5 metres from the frontage to Railway Avenue and 4.5 metres from Campbell Street. A small weatherboard garage is located to its north with road access from Campbell Street.

Relevance to Council Plan

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

Proposal

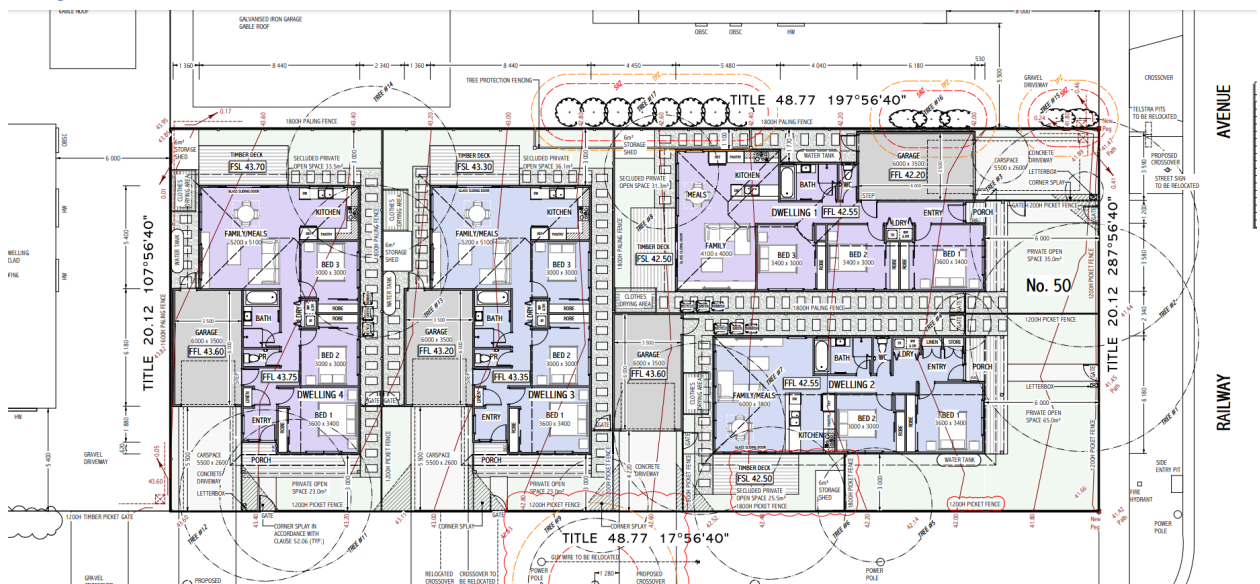
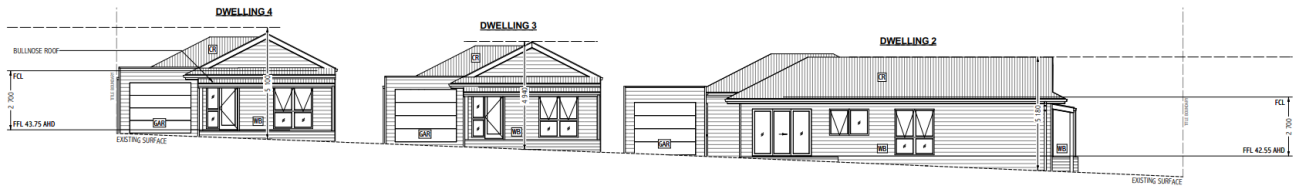
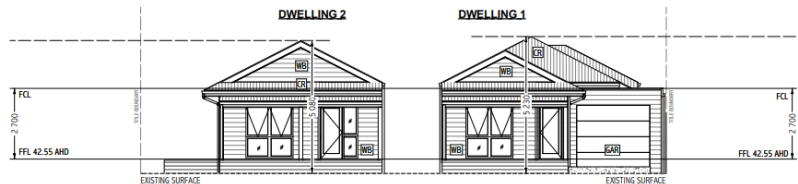


Figure 2: Proposed site plan (source: development plans prepared by Neil Fletcher Design)



WEST ELEVATION

Figure 3: Campbell Street Elevation



SOUTH ELEVATION

Figure 4: Railway Avenue elevation

Approval is sought for the construction of four (4) dwellings at 50 Railway Avenue, Garfield.

The dwellings will be free-standing single storey designs that are influenced by late nineteenth/early twentieth century workers cottages with weatherboard-look cladding, gabled corrugated metal roofing and bullnose verandahs that extend the width of the dwelling’s façade.

Dwellings are oriented to face both street frontages, with a minimum setback of 6 metres from Railway Avenue (the primary street frontage) and 3 metres for the dwellings facing Campbell Street. Garages are recessed behind the frontages and provide single-space parking for each dwelling with provision for tandem parking spaces in the driveways with the exception of dwelling 2. Each dwelling will have an independent crossover.

Each dwelling presents with a similar layout that positions bedrooms on one side of a central hallway and open kitchen/living areas situated at the rear. Each dwelling contains three bedrooms with the exception of dwelling 2 that contains two bedrooms only.

A maximum height of 5.23 metres is proposed for dwelling 1 which reflects an elevated finished floor level (42.55 AHD) to address the site slope. The remaining dwelling heights range between 4.82 and 5.1 metres at the highest point of the roof line.

Table 1: Private Open Space

Dwelling	Building footprint (approximate measure)	Private Open Space (m ²)	Secluded Private Open Space (m ²)
1	122.0	35	Northern Secluded Private Open Space (SPOS) 31.3 square metres.
2	109.0	65	North-western oriented SPOS, 25.5 square metres.
3	122.0	23	33.5 sqm SPOS with a minimum dimension of 3 metres oriented east of the dwelling.

4	122.0	23	36.1 sqm SPOS with a minimum dimension of 3 metres oriented east of the dwelling.
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Vegetation

An arborist assessment prepared by Constructive Arborculture has been submitted for assessment with the application. All trees on the site are to be removed to accommodate the development including one street tree, identified as a mature Desert Ash (*Fraxinus Angustifolia*). The trees on-site have been assessed as exotic and native species with fair to poor health.

Neighbouring vegetation at 48 Railway Avenue, Garfield has also been considered and identified as *Pyrus sp.* (Pear) with recommendations provided to ensure protection.

The subject site does not have planning controls to protect vegetation and no planning permission is required for their removal.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 15.01-2S Building Design
- Clause 15.01-5S Neighbourhood Character
- Clause 16.01-1S Housing Supply
- Clause 16.01-2S Housing Affordability
- Clause 18.02-4S Car Parking
- Clause 18.01 Transport

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing
- Clause 21.03-4 Rural townships

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a Lot and Residential Buildings
- Clause 65 Decision Guidelines
- Garfield Township Strategy (2002)

Planning Permit Triggers

Pursuant to Clause 32.08-6 of the General Residential Zone, a planning permit is required to construct two or more dwellings on a lot.

Public Notification

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

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

■
The initial application received twelve (12) objections. Following the submission of a Section 57a amendment was lodged with Council on 18th July 2022 a further fourteen (14) objections were received. Some objectors have submitted objections during both periods of public notice. In this instances, those objections are counted as one.

The key issues raised in the objections are:

- Increased traffic
- Intersection safety (Campbell St/Railway Avenue)
- Overdevelopment
- Increased noise
- Amenity impacts during construction
- Impact on property values
- Inconsistent with township character
- Insufficient parking provided
- Review of Garfield Township Strategy

Referrals

Engineering

Council's Engineering department has no objection to the proposal, subject to the implementation of appropriate stormwater management conditions.

Parks and Gardens

Council's Parks and Gardens provided no objection to the proposal subject to the submission of a landscape plan and inclusion of tree replacement and protection conditions.

Discussion

Planning Policy Framework

Clause 15.01-1S - Urban design includes the objective to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Relevant strategies include to:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Clause 15.01-5S –Neighbourhood Character seeks to ensure that development responds and contributes to the existing sense of plan and cultural identity, recognises distinctive urban forms, layout and their relationship to landscape vegetation. Furthermore, it also seeks to ensure development responds to its context and reinforces special characteristics of the local environment and place through emphasising the underlying natural character and values, needs and aspirations of the community.

Clause 16.01-1S – Housing Supply, Clause 16.01-2S – Housing Affordability and 21.03-1 Housing seek to facilitate well located, integrated and diverse housing to respond to and support diverse community needs. Council’s local policy also recognises the importance of balancing housing choice while ensuring consistency with existing or preferred township character.

Clause 21.03-4 - Rural Townships recognises Garfield as a large rural township. Key issues for townships broadly are outlined as:

- Retaining and enhancing the existing rural township character.
- Setting clear limits for development for the townships.
- Acknowledging that the capacity for growth varies depending on the environmental and infrastructure capacities of each of the towns.
- Designing with regard to the surrounding unique characteristics of the townships.

Objectives to address the identified issues include:

- To provide for the sustainable development of townships in the municipality having regard to environmental and servicing constraints.
- To maintain and enhance the distinct character and environmental qualities of each of the townships.

Further strategic work noted in the policy identifies a desire to prepare a Design and Development Overlay for the Garfield township and undertake reviews of each township strategy.

The Garfield Township Strategy, adopted in August 2002 is a reference document to Clause 21.03. As a reference document to the Cardinia Planning Scheme, it does not carry the same statutory weight as an incorporated document.

The Strategy sets out a vision for the township:

“Ensure the long-term sustainability of the township, retain its identity as a rural rail town and an attractive place in which to live. Provide for a basic level of commercial and community service provision and build on the heritage values of the township to promote tourism opportunities.”

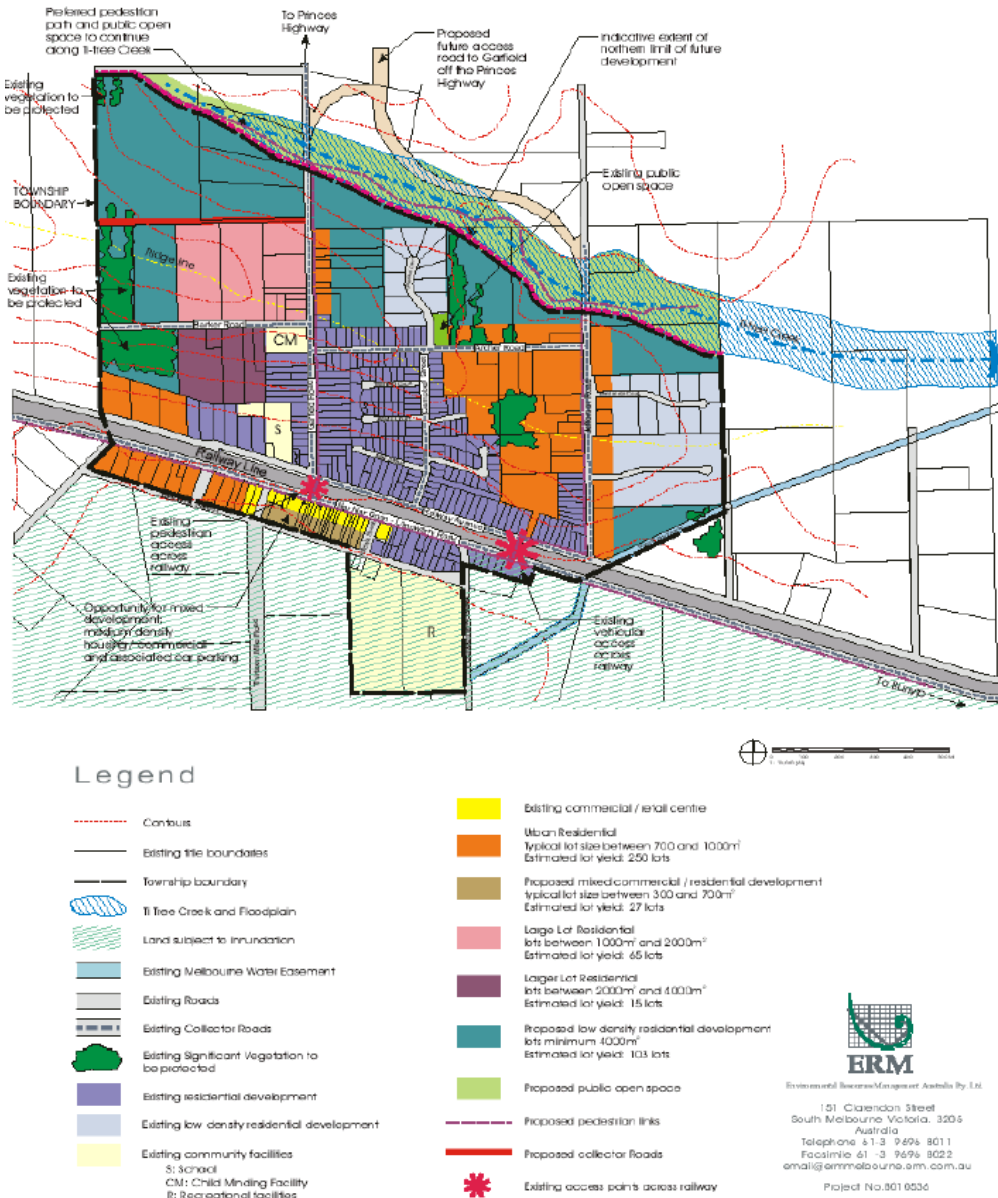


Figure 5: Strategy Plan (Source: Garfield Township Strategy, Aug 2002)

This is to be supported by objectives that seek to retain the intrinsic rural character of the township by defining boundaries and guiding future development through development controls. Furthermore, the document seeks to promote and facilitate a variety of housing styles and tenures that offer alternative lifestyle opportunities and promote identifiable character through improved building design, streetscape and landscaping.

The strategy sets out the different areas of the township where the subject site falls within the 'existing residential areas' category.

Section 3 of the reference document details existing characteristics of the township. Notably, the majority of lot sizes fell between 800 square metres and above 2000 square metres with less than 5% sized less than 500 square metres.

Key principles for residential development relate to the protection of rural township character, designating residential growth boundaries and protecting environmental characteristics.

Medium density is encouraged south of the commercial precinct due to the proximity to the commercial precinct and railway.

Objectives include:

- Ensure that the long term residential capacity and township boundaries are clearly defined.
- Ensure the long term sustainability of the community by providing residential development for a range of lifestyle opportunities.
- Ensure that infill residential development is integrated and respects the existing character of the township
- Ensure that new residential development is environmental, economically and socially sustainable.

Response to state and local policy context

Although located beyond Melbourne's Urban Growth Boundary, Garfield is recognised as a large township that is well supported by amenities and services. The central location of the subject land affords excellent access to the Garfield Commercial precinct and the train network within 250 metres walking distance.

Great emphasis is placed on the protection of character in the state and local policy framework that is further supported by the Garfield Township Strategy.

The built form provides a high standard of design that has sought to draw on rural theming to inform the development style through the use of more traditional materials and architectural features. Low and open-style fencing with integration along both street frontages provide a strong relationship with the streetscape and opportunity for meaningful landscaping.

The proposal reflects an emerging pattern of unit development along Railway Avenue, punctuated by single storey unit developments east and west of the site but generally bound by Campbell Street and Kerry Place.

Through the use of single storey scale, detached construction and traditional design cues, the proposal has sufficient regard for balancing township characteristics while equally promoting housing choice through two and smaller three-bedroom options in a well-located area of Garfield; supporting housing for singles, couples and those wishing to downsize.

Limited direction for unit development is provided in the Township Strategy, however reference is made to encouraging medium density development south of the Commercial precinct due to a proximity to the town centre. The subject land also benefits from these strong locational attributes that support and encourage a greater level of urban consolidation.

As such, the proposed development balances an appropriate response to the range of competing policies that balances respect for the existing character of the neighbourhood while allowing for efficient use of well-located and highly accessible land.

General Residential Zone - Schedule 1 (GRZ1)

The purpose of the zone is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under the General Residential Zone, a permit is required for the construction two or more dwellings on the land pursuant to Clause 32.08-6 of the Cardinia Planning Scheme where a development must meet the requirements of Clause 55 of the Scheme.

Mandatory Garden Area and Building Height

Clause 32.08-4 specifies the minimum garden area as follows:

Lot size in sqm	Minimum garden area
400 - 500 square metres	25%
501 - 650 square metres	30%
Over 650sqm	35%

The proposal has a Garden Area of approximately 41 % Garden Area, exceeding the minimum requirements for a lot greater than 650 square metres.

Clause 32.09-10 indicates maximum building height requirement for a dwelling or residential building, as follows:

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.
- If no maximum building height or maximum number of storeys is specified in a schedule to the zone:
 - the building height must not exceed 11 metres; and
 - the building must contain no more than 3 storeys at any point

The proposal also complies with the mandatory height requirement for the zone with a maximum height of 5.23 metres.

Dwelling development applications in the General Residential Zone require consideration and assessment against Clause 55. The proposal is consistent with the objectives set out in the provision, further discussion can be found at Appendix 1.

Clause 52.06 – Car parking

The purpose of Clause 52.06 is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality car parking requirements for the proposal.

A planning permit is required to reduce the number of parking spaces required.

The car parking requirements for dwellings is outlined in Clause 52.06-5 and calculated as follows:

Land use/development type	Parking Rate	Parking required
Dwellings with up to 2 bedrooms	1 car space	1 x (1 unit)
Dwellings with 3 or more bedrooms	2 car spaces	2 x (3 units)
Developments of 5 or more dwellings	1 visitor car space per 5 dwellings	0
	Total required	7 spaces
	Total provided	7 spaces

As per the development plans, the car parking rate is satisfied.

Design standards

Development plans must meet Design Standards unless otherwise agreed by Council as the Responsible Authority. Each garage and tandem space is sufficient sized to meet the requirements of clause 52.06. There are no significant site gradients given the modest site plan and works.

Clause 65 - Decision guidelines

The decision guidelines of this provision require consideration of the following matters:

The role and function of nearby roads and the ease and safety with which vehicles gain access to the site and ease and safety with which vehicles access and circulate within the parking area.

The site is sufficiently accessible from the two local roads with crossovers to be provided to Council standards. Each parking space is sized to accommodate a typical vehicle and splays are provided with low planting to ensure there are sufficient sight lines while reversing.

The provision for pedestrian movement within and around the parking area.

The proposal contains no shared or common property areas. All dwellings have been provided with footpath access from the dwellings to the road reservation with capacity to connect to street footpaths.

The protection and enhancement of the streetscape.

A landscaping plan has been provided with the proposal and setbacks that are compliant with Clause 55. The single storey development will assist in tying the development in with the established character of the street.

The provisions of landscaping for screening and shade.

A landscaping plan has been provided that includes a range of Australian native canopy tree planting, shrubs and ground covers. The density and type of planting is responsive to the development and will assist in integrating the proposal over time.

The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.

The proposal is not expected to result in an unreasonable increase in noise or disturbance to existing dwellings beyond what is expected in a General Residential Zone.

Response to Objection

- ***Overdevelopment***

- Two of the key purposes of the General Residential Zone are to encourage development that respects the neighbourhood character and encourage a diversity of housing types and housing growth particularly in locations offer good access to services and transport.
- The development has responded to these objectives with single-storey freestanding buildings and modest dwelling footprints that provides ample opportunity for landscaping to assist in integrating the development.
- The built form has regard for the emerging development character of the precinct, particularly Railway Avenue, and utilises an optimal location that lends itself to a balanced level of in-fill development that is encouraged by the Zone and Planning Policy Framework.
- **Traffic increases and limited on-site parking**
- The existing road network is capable of accommodating the increased traffic demand of four additional dwellings. Statutory parking requirements and Design Standards have been satisfied for each of the dwelling. While a higher demand for street parking is expected, the development will not introduce a reliance on street parking.
- **Intersection safety (Campbell St/Railway Avenue)**

The crossovers are located a sufficient distance from the intersection while corner splays are provided for driveways to preserve sightlines while reversing.
- **Increased noise**

While increased noise is expected, this will be consistent with the primary purpose the land for Residential living. The application is limited to a consideration of the development only and cannot consider or regulate noise levels of future occupants.
- **Amenity impacts during construction**

Temporary amenity impacts are expected during construction works for any development. These impacts do not form part of the assessment of a planning application and are subject to protections under other legislation such as the *Environmental Protection Act, 2017*.
- **Impact on property values**

An application's effect on property values is not a matter that can be considered in the assessment of a planning permit application.
- **Inconsistent with township character**

Please refer to the response against the Garfield Township Strategy (2002).
- **Insufficient parking provided**

Parking has been provided in accordance with the requirements of the Cardinia Planning Scheme.
- **Review of Garfield Township Strategy**
 - Some objections identified the need for a review of the township strategy. This has been taken as a comment rather than a ground for objection as it cannot be considered within the context of this planning application assessment.

Conclusion

It is recommended that planning permit application T210756 for the development of four dwellings is supported, subject to conditions outlined in the recommendation section of this report.

Appendix 1: Clause 55 Assessment: Particular Provisions

55.02-1 Neighbourhood character objectives

- To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- To ensure that development responds to the features of the site and the surrounding area.

Objective met	Yes
Standard B1	Refer to report discussion regarding neighborhood character

55.02-2 Residential policy objectives

- To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Objective met	Yes
Standard B2	The construction of multiple dwellings is in accordance with the residential intensification outlined in the zone. The proposal is consistent with the urban consolidation objectives contained within the State and Local Planning Policy Frameworks and responds to key objectives of the Garfield Township Strategy that seeks to protect character but also provide greater housing variety.

55.02-3 Dwelling diversity objective

- To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Objective met	N/A
Standard B3	The development is for four dwellings only.

55.02-4 Infrastructure objectives

- To ensure development is provided with appropriate utility services and infrastructure.
- To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Objective met	No
Standard B4	Connections for all necessary utilities are available to the site, including reticulated sewerage.

55.02-5 Integration with the street objective

- To integrate the layout of development with the street.

Objective met	Yes
Standard B5	Each dwelling is oriented to the street with large windows and low fencing providing capacity for casual surveillance and a strong sense of address.

55.03 SITE LAYOUT AND BUILDING MASSING

55.03-1 Street setback objective

- To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Objective met	Yes
Standard B6	<p>The Standard requires the same setback as an adjoining building from the front street (Railway Avenue), measured at 8 metres. The proposal incorporates a 6 metre setback for both dwellings fronting Railway Avenue.</p> <p>No preferred setbacks are detailed in the Garfield Township Strategy for unit development however guidelines for a 7 metre setback are specified for Urban Residential land on lots between 700-1000 square metres.</p> <p>A corner lot must provide a minimum three-metre setback from a secondary road frontage and has been implemented for Campbell Street.</p> <p>Whilst a variation to this Standard is sought for Railway Avenue, the transition is lessened by the narrow profile of the dwellings and low scale of built form. Implementation of a recessed garage on the common boundary to 6.5 metres assist in ensuring that a transition between this and the adjoining property can be achieved.</p> <p>The proposed setback will ensure sufficient space for canopy tree planting and landscaping provided for in the Landscape Plan and makes efficient use of land in a well-serviced part of the township that is sought by the Zone and supporting policy.</p>

55.03-2 Building height objective

- To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Objective met	Yes
Standard B7	Maximum building height is 5.23 metres, satisfying the standard and the mandatory height requirement of the Zone.

55.03-3 Site coverage objective

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Objective met	No
Standard B8	Site coverage proposed is 51.1% and compliant with the Standard and respects the establishing character along Railway Avenue.

55.03-4 Permeability objectives

- To reduce the impact of increased stormwater run-off on the drainage system.
- To facilitate on-site stormwater infiltration.

Objective met	Yes
Standard B9	40.1% site permeability has been provided

55.03-5 Energy efficiency objectives

- To achieve and protect energy efficient dwellings and residential buildings.

- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Objective met	Yes
Standard B10 Buildings should be:	As much as practicable, the dwellings have been designed to have good solar access however it is noted that some living rooms and secluded private open spaces are situated with an eastern aspect. The adjoining sites south and east of the subject site do not have roof-top solar.

55.03-6 Open space objective

- To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Objective met	Not applicable
Standard B11	N/A - The site does not adjoin any public open space.

55.03-7 Safety objective

- To ensure the layout of development provides for the safety and security of residents and property.

Objective met	Yes
Standard B12	The entrance to the front dwellings are clearly visible from the street frontage and open to provide for casual surveillance to both streets.

55.03-8 Landscaping objectives

- To encourage development that respects the landscape character of the neighbourhood.
- To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
- To provide appropriate landscaping.
- To encourage the retention of mature vegetation on the site.

Objective met	Yes
Standard B13	Generous landscaping is provided in the frontage and SPOS areas of each dwelling. The design has accounted for neighbouring vegetation to ensure Tree Protection Zone impacts are managed.

55.03-9 Access objectives

- To ensure vehicle access to and from a development is safe, manageable and convenient.
- To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Objective met	Yes
Standard B14	Vehicle access is provided by independent crossovers with provision for clear sight lines to the street and the access ways amount to less than 33 percent of the street frontage.

5.03-10 Parking location objectives

- To provide convenient parking for resident and visitor vehicles. To avoid parking and traffic difficulties in the development and the neighbourhood.
- To protect residents from vehicular noise within developments.

Objective met	Yes
Standard B15	The car parking spaces are conveniently located and incorporated with each dwelling. No visitor spaces are required for a four-unit development.

55.04 AMENITY IMPACTS

55.04-1 Side and rear setbacks objective

- To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Objective met	No
Standard B17	The proposal meets all side and rear setback standards.

55.04-2 Walls on boundaries objective

- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Objective met	Yes
Standard B18	Walls on boundaries are a maximum 6 metres in length and well-within the requirements of the Standard. Unit development examples along Railway Avenue provide for wall on boundary construction including 16 and 36 Railway Avenue.

55.04-3 Daylight to existing windows objective

- To allow adequate daylight into existing habitable room windows.

Objective met	Yes
Standard B19	The proposal is single storey with a low roofline and does not impact adjoining habitable room windows.

55.04-4 North-facing windows objective

- To allow adequate solar access to existing north-facing habitable room windows.

Objective met	Yes
Standard B20	As per above comment.

55.04-5 Overshadowing open space objective

- To ensure buildings do not significantly overshadow existing secluded private open space.

Objective met	Yes
Standard B21	The proposal meets the requirements of Standard B21 and does not overshadow adjoining SPOS.

55.04-6 Overlooking objective

- To limit views into existing secluded private open space and habitable room windows.

Objective met	Yes.
Standard B22	The proposal is compliant with the standard and no overlooking is expected.

5.04-7 Internal views objective

- To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Objective met	Yes
Standard B23	Due to the single storey construction and 1.8 metre fencing, internal overlooking is avoided.

55.04-8 Noise impacts objectives

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external noise.

Objective met	Undetermined
Standard B24	Building services such as air conditioners have not been specified on the development plans. While neighbouring dwellings are well-separated from the boundaries to avoid direct impact by typical domestic noise sources.

55.05 ON-SITE AMENITY AND FACILITIES

55.05-1 Accessibility objective

- To encourage the consideration of the needs of people with limited mobility in the design of developments.

Objective met	yes
Standard B25	Each dwelling provides a low-height front porch with sufficient space to be modified for wheelchair use.

55.05-2 Dwelling entry objective

- To provide each dwelling or residential building with its own sense of identity.

Objective met	Yes
Standard B26	Each dwelling will have an easily identifiable entrance with some differentiation between properties.

55.05-3 Daylight to new windows objective

- To allow adequate daylight into new habitable room windows.

Objective met	Yes
Standard B27	All the habitable room windows of the proposed development will have sufficient access to daylight and ventilation.

55.05-4 Private open space objective

- To provide adequate private open space for the reasonable recreation and service needs of residents.

Objective met	Yes
Standard B28	All units are provided with a minimum 40 square metres private open space, and 25 square metres Secluded Private Open Space with minimum dimensions of 3 metres.

55.05-5 Solar access to open space objective

- To allow solar access into the secluded private open space of new dwellings and residential buildings.

Objective met	Yes
Standard B29	Each dwelling satisfies Standard B29 providing good solar access and orientation.

55.05-6 Storage objective

- To provide adequate storage facilities for each dwelling.

Objective met	Yes
Standard B30	Each dwelling has been provided with 6 cubic metres of storage facility in the private open space of each dwelling.

55.06 DETAILED DESIGN

55.06-1 Design detail objective

- To encourage design detail that respects the existing or preferred neighbourhood character.

Objective met	Yes
Standard B31	Roof forms, eaves, materiality and the use of generous front porches are used to respond to the surrounding development in the neighbourhood and respect the township character.

55.06-2 Front fences objective

- To encourage front fence design that respects the existing or preferred neighbourhood character.

Objective met	Yes
Standard B32	Front fences to each unit are an open-picket style fencing set to 1.2 metres height. While tall fencing is proposed for unit 2 to ensure sufficient SPOS is provided, the extent of fencing is limited to provide improved streetscape integration with Campbell Street.

55.06-3 Common property objectives

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
- To avoid future management difficulties in areas of common ownership.

Objective met	N/A
Standard B33	N/A

55.06-4 Site services objectives

- To ensure that site services can be installed and easily maintained.
- To ensure that site facilities are accessible, adequate and attractive.

Objective met	Yes
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Standard B34

Each dwelling has ample space for the provision of the required services including bin enclosures, mailboxes etc.

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council issues a Notice of Decision to Grant a Permit for the development of four (4) dwellings at 50 Railway Avenue, Garfield 3814, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Secluded Private Open Space (SPOS) fencing of dwelling 2 modified to accommodate the corner splay of the driveway in accordance with Design Standard 1 of Clause 52.06-9.
 - b. Relocation of dwelling 2 water tank to the southern side of the garage.
 - c. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by *Neil Fletcher Design, Amendment B*, but modified to show:
 - i. Relocation of the storage shed and water tank of Dwelling 2 to match the development plans.
 - ii. Any modification required to address condition 1a.
 - iii. The quantities of each species to be planted demonstrated on the plan.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for, or impede the movement of, vehicles or pedestrians.
2. The layout of the buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

4. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Engineering

6. Before the development starts, engineering plans for the upgrade of Campbell Street along the western boundary of the site must be submitted to and approved by the Responsible Authority. The plans must show the provision of an 8.63-metre-wide road cross section measured between backs of kerb with concrete barrier kerb and channel

- and an asphalt sealed road pavement with line marking to create an on-road parking lane
7. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.
 8. Before the development is occupied, all works for the upgrade of Campbell Street must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority.
 9. Before the development is occupied a residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 10. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 11. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 12. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
 13. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
 14. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Amenity and Utilities

15. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - h. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - i. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - j. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - k. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - l. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - m. Lighting must be provided near the front entrance of each dwelling.
 - n. The landscaping works shown on the endorsed plans must be carried out and completed.

16. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
17. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority

Expiry:

18. A permit for the development of land expires if-
 - a. the development does not start within two (2) years after the issue of the permit; or
 - b. the development is not completed within four (4) years after the issue of the permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Prior to commencement of the proposed buildings and works a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Carried

5.2 T210568 PA – Buildings and works associated with the construction of a dwelling at 45 Solid Drive, Pakenham

This application was withdrawn by the applicant prior to the meeting and was therefore not considered by the Committee

5.3 Planning Matters Dealt with by Officers Under Delegated Authority - April 2023

File Reference: {file-reference}
 Responsible GM: Lili Rosic
 Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

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

Relevance to Council Plan

{council-plan}

Planning Matters Report

The below is for the period 9 February 2023 to 2 March 2023.

Beacon Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
10/02/2023	T220473	35 Burton Road, Beaconsfield Upper VIC 3808	Use and development of the land for a Dependent Person's Unit and removal of vegetation	NOD	7/07/2022
15/02/2023	T220178	16 Lenne Street, Beaconsfield Upper VIC 3808	Buildings and works associated with the construction of a replacement dwelling	Issued	9/03/2022
15/02/2023	T220436	526 Paternoster Road, Mount Burnett VIC 3781	Use and development of land for a dwelling.	Issued	25/06/2022
16/02/2023	T220011	3 St Georges Road, Beaconsfield Upper VIC 3808	Use and development of land for a Dependent Persons Unit and removal of vegetation	Issued	10/01/2022
23/02/2023	T220549	5 Marks Lane, Emerald VIC 3782	Buildings and works associated with a dwelling extension and associated vegetation removal	NOD	12/08/2022

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
23/02/2023	T220274	10 Craik Road, Beaconsfield Upper VIC 3808	Buildings and works (earthworks) for a pond	NOD	1/04/2022
23/02/2023	T210821	59 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	VICSMART - Heritage Overlay - in regards to a single dwelling	Lapsed	27/10/2021
28/02/2023	T230066	415 O'Neil Road, Beaconsfield VIC 3807	Development of the land for an extension and alternation to an existing dwelling	Issued	16/02/2023

Bunyip Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
23/02/2023	T220707	227 Bridal Road, Tonimbuk VIC 3815	Use and development of the land for a dwelling, an outbuilding and associated earthworks.	Lapsed	20/10/2022
24/02/2023	T220681	945 Bessie Creek Road, Nar Nar Goon North VIC 3812	Buildings and works for an outbuilding	Issued	11/10/2022
28/02/2023	T220358	5 Knights Court, Tynong VIC 3813	Use and Development of Land for the Purpose of Horse Husbandry (Stables)	Issued	25/05/2022
28/02/2023	T220061 - 1	14 Petty Road, Bunyip VIC 3815	Staged subdivision of land into thirteen (13) lots and removal of native vegetation	Issued	23/02/2023
28/02/2023	T220818	200 Bessie Creek Road, Nar Nar Goon North VIC 3812	Buildings and works associated with an agricultural shed and carport	Issued	13/12/2022
28/02/2023	T220587	Railway Reservation along Station Street, Nar Nar Goon VIC 3812	Works (drainage maintenance and upgrades) and vegetation removal	Issued	13/08/2022
2/03/2023	T220041	41 Shimmers Close, Bunyip VIC 3815	Build a shed	Lapsed	26/01/2022

Henty Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
24/02/2023	T210744	29 James Street, Pakenham VIC 3810	Subdivision of Land into Five (5) Lots	Issued	28/09/2021
28/02/2023	T220502	25 Rogers Street, Pakenham VIC 3810	Buildings and works in association with Community Care Accommodation	Issued	25/07/2022

Officer Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
22/02/2023	T220246	Rix Road, Officer VIC 3809	Subdivision of land in stages	Issued	7/04/2022
1/03/2023	T220584	4 Station Street, Officer VIC 3809	Use and development of the land for a Medical Centre and display of signage	Issued	30/08/2022

Pakenham Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
23/02/2023	T220431	11 Johnsons Place, Pakenham VIC 3810	Construction of two (2) dwellings on a lot and associated works	Lapsed	20/06/2022

Ranges Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
10/02/2023	T220456	26 Lawsons Road, Emerald VIC 3782	Buildings and Works (Construction of a Shed)	Issued	27/06/2022
21/02/2023	T220524	31 Steel Road, Emerald VIC 3782	Buildings and Works (Construction of a Shed)	Issued	3/08/2022
21/02/2023	T200639	68 Woori Yallock Road, Cockatoo VIC 3781	Installation of a 30000L Water Tank.	Lapsed	6/10/2020
21/02/2023	T220428	31 Baker Street, Cockatoo VIC 3781	Extension to a dwelling and associated earthworks	NOD	22/06/2022
28/02/2023	T220280	4 Westlands Road, Emerald VIC 3782	Construction of seven (7) dwellings and waiver of car parking spaces (1 visitor space)	Issued	27/04/2022
28/02/2023	T210033 - 1	27 Emerald Lake Road, Emerald VIC 3782	Development of the land for a dwelling and garage, associated works and vegetation removal	Issued	24/01/2023
2/03/2023	T210127	7 Alexander Street, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Lapsed	22/02/2021

Toomuc Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
20/02/2023	T230019	17 Cormorant Parade, Pakenham VIC 3810	Secondary Consent for a proposed verandah construction at the rear of the property	Application Withdrawn	18/01/2023
23/02/2023	T200441	25 Curran Drive, Officer VIC 3809	Signage	Lapsed	30/06/2020

Westernport Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
14/02/2023	T220035	FY/22 Embrey Court, PAKENHAM VIC 3810	Subdivision of land into two (2) lots	Issued	24/01/2022
15/02/2023	T220032	3300 South Gippsland Highway, Koo Wee Rup VIC 3981	Earthworks associated with the construction of a dam (wetland)	Issued	29/12/2021
15/02/2023	T150169 - 1	16 Sybella Avenue, Koo Wee Rup Victoria 3981	Subdivision of the land into two (2) lots and creation of access to a road in a Transport Zone 2	Issued	5/07/2022
16/02/2023	T220622	Southeast Business Park, National Avenue, Pakenham VIC 3810	Buildings and works for the construction of fifteen (15) warehouses	Issued	13/09/2022
17/02/2023	T190722 - 1	1380 Koo Wee Rup-Longwarry Road, Catani VIC 3981	Use and development of the land for a dwelling, construction of two (2) outbuildings (garages) and seven (7) agricultural buildings, buildings and works associated with a dam, creation of access to a road in a Transport Zone 2 and associated works	NOD	29/09/2022
20/02/2023	T220605	60 Gainsborough Avenue, Lang Lang VIC 3984	Development of the land for one (1) outbuilding (carport)	Issued	7/09/2022
21/02/2023	T220715	55 Sette Circuit, Pakenham VIC 3810	Development of the land for two (2) warehouses	Issued	24/10/2022
23/02/2023	T190594 - 1	385 Little Road, IONA VIC 3815	T190594 CP - Corrected Permit Development of the land for a shed associated with agriculture	Issued	15/02/2023
23/02/2023	T220555	Southeast Boulevard (proposed 18 Innovation Way), Pakenham VIC 3810	Use of land for a Restricted Recreation Facility (gym)	Issued	16/08/2022
23/02/2023	T220570	16 Henry Street, Koo Wee Rup VIC 3981	Subdivision of Land into Four (4) Lots	Issued	24/08/2022
23/02/2023	T220685	Southeast Boulevard, Pakenham VIC 3810	Subdivision of land into three (3) lots	Issued	12/10/2022
23/02/2023	T150789 - 1	Lot 607 Corporate Terrace, Pakenham Victoria 3810	Use and development of the land for a place of worship and business identification signage	Issued	23/11/2022

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
28/02/2023	T230077	19 Sette Circuit, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	20/02/2023
2/03/2023	T210165 - 1	219 Greenhills Road, Pakenham VIC 3810	Use and Development of Land for the Purpose of a Materials Recycling Facility	Issued	18/01/2023

Resolution

Moved Cr Jack Kowarzik, seconded Cr Kaye Cameron.

That Council note the report.

Carried

5.4 Planning Scheme Amendment Activity Report

File Reference: {file-reference}
Responsible GM: Lili Rosic
Author: Anita Ransom

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

{council-plan}

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
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: <ol style="list-style-type: none"> 1. a staged subdivision of the subject land into residential lots; 2. creation of two (2) Reserves; and, 3. creation of restrictions on the plan of subdivision; concurrently with the amendment. 	Thu 10/03/2022	Mon 11/04/2022
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
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

Resolution

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council note the report.

Carried

5.5 Planning Matters VCAT Report - April 2023

File Reference: {file-reference}
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). This list is current as of 3 March 2023.

Relevance to Council Plan

{council-plan}

Applications Recently Lodged at VCAT

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
3/8/2023	T220221	205 Seven Mile Road Nar Nar Goon	Use and development of the land for a contractors depot	Refusal	Applicant
TBD	T150215 ET3	Lot H PS400130 Princes Highway Pakenham	Extension of time to Planning Permit T150215, which allows for the Use and development of a service station and associated convenience shop, food and drink premises, development of 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (crossover width and landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification signage.	Refusal	Applicant

Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
24/11/2022 (3 days)	T210902	13-15 Mahon Avenue Beaconsfield	Buildings and works associated with the construction of thirty-one (31) dwellings	FTD*	Applicant
16/12/2022	T200173-2	Centenary Boulevard, Officer South	Amendments to subdivision to allow staging	FTD*	Applicant
TBD	T110588	Centenary Boulevard, Officer South	Declaration and failure to determine two secondary consent applications	FTD*	Applicant
20/06/2023	T210885	4 Ann Crescent, Pakenham	Development of the land for four (4) dwellings	Notice of Decision to Grant a Permit	Objector
14/02/2023 (2 days)	GE210868	610 Westernport Road, Lang Lang	Application about interpretation of planning scheme or a permit in relation to land or a particular use or development of land (s149A(1))	N/A	Applicant
30/03/2023	GE220792	565 Murray Road, Vervale	Review of refusal to issue certificate (s97P(1))	Refusal	Applicant
16/06/2023	T210567	28 Hill Street, Pakenham	Use and development of the land for a place of worship	Refusal	Applicant
18/07/2023	T210643	44 Paternoster Road, Cockatoo	Use and Development of the Land for a Telecommunications facility	Notice of Decision to Grant a Permit	Objector
11/05/2023 (2 days)	T210968	1-3 Savage Street, Pakenham	Use and Development of Land for a Child Care Centre	Refusal	Applicant

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

Matters Recently Decided at VCAT

App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
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	Consent Order – Permit Issued	21/12/2022
T220316	3 Cambridge Street, Lang Lang	Use and development of the land for a medical centre and the construction and display of one (1) business identification sign	Notice of Decision to Grant a Permit	Objector	Struck Out – Permit Issued	16/2/2023
T210333	14 A'Beckett Road, Bunyip	Subdivision of land into six (6) lots	FTD*	Applicant	Consent Order – Permit Issued	1/2/2023

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

Resolution

Moved Cr Stephanie Davies, seconded Cr Jack Kowarzik.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:19pm.

Minutes confirmed
Chairman