

# **Town Planning Committee Meeting**

## **Minutes**

**Monday 4 September 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:** Carol Jeffs Chief Executive Officer  
Peter Benazic General Manager Infrastructure and Environment  
Lili Rosic General Manager Liveable Communities  
Debbie Tyson General Manager Governance, Facilities and Economy  
Wayne Mack General Manager Customer, People and Performance  
Doug Evans Manager Governance

Meeting opened at 7.00pm.

## Order of Business

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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 T220754 PA - Removal of Native and Other Vegetation at 6 Koolbirra Road, Maryknoll

**Responsible GM:** Lili Rosic  
**Author:** Evie McGauley-Kennedy

#### Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220754 for Removal of Native and Other Vegetation on the following grounds:

1. The application is premature as it proposes vegetation removal without being in conjunction with any development of the land.
2. The application is deficient in justification for removal of vegetation.
3. The vegetation impacts do not align with the objectives and strategies of Clause 12.01-2S Protection of Biodiversity, Clause 12.01-2S Native Vegetation Management, Clause 12.05-1S Environmentally Sensitive Areas, Clause 12.05-2S Landscapes, Clause 21.02-2 Landscapes and Clause 21.02-3 Biodiversity as the proposal does not avoid or minimise vegetation removal.
4. The removal of vegetation does not appropriately respond to the objectives and strategies of Clause 21.03 Settlement and Housing, Clause 21.03-4 Rural Townships and Clause 22.07 Maryknoll Township as the resulting vegetation removal does not align with the need to retain the landscaped character of the site and surrounds, or appropriately consider the environmental constraints and character of the site.
5. The proposal does not appropriately respond to the purposes or decision guidelines of the Vegetation Protection Overlay, or appropriately consider the statement of nature or vegetation protection objectives of Schedule 1 to the Vegetation Protection Overlay.
6. The proposal does not appropriately respond to Clause 52.17 Native Vegetation or the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP, 2017).
7. The application has not appropriately considered the adverse impact to the heritage value of the trees on site, as identified within relevant Planning Policy Framework and Heritage Overlay Schedule 55.

#### Attachments

1. T220754 PA - Council Report [5.1.1 - 11 pages]
2. T220754 PA - Locality Map [5.1.2 - 1 page]
3. T220754 PA - Tree Removal Plans [5.1.3 - 14 pages]
4. CONFIDENTIAL REDACTED - T220754 PA - Copies of Objections [5.1.4 - 302 pages]

### Application Details

|                                       |   |
|---------------------------------------|---|
| <b>APPLICATION NO.:</b>               | T220754   |
| <b>APPLICANT:</b>                     | Catholic Diocese of Sale c/- XWB Consulting   |
| <b>LAND:</b>                          | L16 LP22242, 6 Koolbirra Road, Maryknoll VIC 3812   |
| <b>PROPOSAL:</b>                      | Removal of Native and Other Vegetation  |
| <b>PLANNING CONTROLS:</b>             | <p>Zone:</p> <ul style="list-style-type: none"> <li>• Low Density Residential Zone (Schedule 1)</li> </ul> <p>Overlay/s:</p> <ul style="list-style-type: none"> <li>• Bushfire Management Overlay</li> <li>• Design and Development Overlay (Schedule 1)</li> <li>• Heritage Overlay (Schedule 55)</li> <li>• Vegetation Protection Overlay (Schedule 1)</li> </ul> <p>The site is also subject to Clause 52.17 - Native Vegetation considerations.</p> |
| <b>NOTIFICATION &amp; OBJECTIONS:</b> | <p>Notice of the application was given pursuant to Section 52 of the <i>Planning an Environment Act 1987</i>.</p> <p>To date, Council has received eight (8) objections.</p>  |
| <b>KEY PLANNING CONSIDERATIONS:</b>   | <p>Protection of biodiversity</p> <p>Protection of landscape character</p> <p>Orderly planning</p>  |
| <b>REASON FOR MEETING:</b>            | Officer recommendation for Refusal  |
| <b>RECOMMENDATION:</b>                | Notice of Decision to Refuse to Grant a Permit  |

### Executive Summary

The purpose of this report is to consider an application for the Removal of Native and Other Vegetation at 6 Koolbirra Road, Maryknoll.

The peculiarity of this proposal is that the application refers to a potential future dwelling and defensible space requirements, however no dwelling is currently proposed, nor designed. The application material also references a conceptual building envelope, but does not seek to formally register this on Title via a Section 173 Agreement or similar.

As a result, the proposal relies on a hypothetical development to justify removal of vegetation. The application is considered on its merits in that the proposal seeks to remove vegetation and that no development or building envelope is formally proposed. No Native Vegetation Removal Report has been provided regarding offset requirements.

A total of 169 trees (161 individual trees, 8 tree groups) are identified on site, with 97 to be removed and 72 trees to be retained.

The application is based on hypothetical future development scenarios that cannot be controlled. If application was made associated with development, different considerations and extent of vegetation removal may be different and would allow an informed merits-based decision.

However, this is not the case and as such the application is premature and should be refused due to unacceptable impacts to vegetation and the environment.

### Outcome

**This application was withdrawn by the applicant and was not considered by the Committee**

## 5.2 T220285 PA - Use and Development of Land for a Medical Centre and alteration of an access in a Transport Zone Schedule 2 at 337 Belgrave-Gembrook Road, Emerald

**Responsible GM:** Lili Rosic  
**Author:** Evie McGauley-Kennedy

### Recommendation(s)

That Council issue a Notice of Decision to Grant a Planning Permit for the Use and Development of Land for a Medical Centre and alteration of access to a road in a Transport Zone 2 subject to the following conditions:

1. Before the use or 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Annotation on plans as to road upgrades to Madigan Way for the length of the rear boundary of the site to the corner of Madigan Way and Ferres Road.
  - b. Remove annotations on site and floor plans regarding office/ commercial use.
  - c. The location of four (4) bicycle spaces positioned nearby an entrance way and designed in accordance with the Design Standards of Clause 52.34-6.
  - d. Internal layout of amenities including the location of a change room in accordance with Clause 52.34-5.
  - e. Annotate on the plans the reinstatement of the Gembrook – Belgrave footpath as required for the length of the sites frontage.
  - f. Provision of minimum 500mm overhang for Car Parking Bay 8, Bay 28, Bay 29 ensuring relevant accessway width remains.
  - g. Bay 25 (no clearance to disabled bays) to be removed from level 2 basement carpark, ensuring that minimum 1.2m pedestrian access maintained.
  - h. Clarification and update to Bay 24 and a 1m clearance between Bay 24 and Lift, noting this is shown on Swept Path Assessment but not basement floor plan.
  - i. Landscaping Plan in accordance with Condition 1(m).
  - j. Annotated and identifiable glazing finishes to all windows.
  - k. Amended Bushfire Plan and Plan Set to reflect required changes as per Fire Rescue Victoria Condition 24.
  - l. Screening/window treatment to the west to avoid overlooking of adjoining properties.
  - m. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority drawn to scale showing:
    - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
    - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
    - iii. Details of surface finishes of pathways and driveways.



- iv. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- v. Landscaping and planting within all open areas of the subject land.

### **General**

2. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building must be of a non-reflective nature.
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.
6. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing:
  - a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  - b. 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.
  - c. A commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
  - d. 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.

### **Hours of Operation and Use particulars**

7. Hours of operation for the permitted use must not exceed:
  - a. Monday to Friday: 8.30am to 7.00pm.
  - b. Saturday: 8.30am to 2.00pm.
  - c. Sunday: Closed.
  - d.
8. No more than 13 health practitioners to be located on site at any one time.

### **Engineering – Site Specific**

9. Before the development is occupied, Madigan Road must be designed and constructed to an urban standard to the eastern boundary of the land in accordance with engineering plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council “VPA - Engineering Design and Construction Manual”, “Development Construction Specification” and the “Water Sensitive Urban Design (WSUD) Guidelines”.
10. At least 14 days before any works start on Madigan Road, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When

approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

11. The CEMP must address all environmental risks and include:
  - a. Temporary stormwater management including sedimentation control,
  - b. Provision of pollution and contamination controls including noise and dust,
  - c. Location of stockpiles and stockpile management,
  - d. Location of site office and facilities
  - e. Equipment, materials and goods management.
  - f. Tree protection zones, trees to be retained and trees to be removed

#### **Engineering – General Conditions**

12. 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.
13. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
14. 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.
15. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
16. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
17. 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.
18. Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.
19. 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.

20. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
21. Prior to completion of the development, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority.
22. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
23. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
24. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

#### **Transport for Victoria**

25. Prior to the occupation of the development, all disused or redundant vehicle crossings on Belgrave Gembrook Road must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

#### **Fire Rescue Victoria (Country Fire Authority)**

26. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

27. The plan must show the following bushfire protection measures:

- a. Defendable space
- b.

Defendable space for a distance of 50 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- i. Grass must be short cropped and maintained during the declared fire danger period.
- ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- v. Shrubs must not be located under the canopy of trees.
- vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- vii. Trees must not overhang or touch any elements of the building.
- viii. The canopy of trees must be separated by at least 5 metres.
- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

c. Construction standards

The building must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL-12.5)

d. Water supply

10000 litres of effective water supply for fire fighting purposes must be provided which meets

the following requirements:

- i. Is stored in an above ground water tank constructed of concrete or metal.
- ii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- iii. Include a separate outlet for occupant use.

The water supply must also –

- iv. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- v. Be located within 60 metres of the outer edge of the approved building.
- vi. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- vii. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- viii. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).
- ix.

28. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

## Attachments

1. T 220285 PA - Locality Map - 337 Belgrave- Gembrook Road, Emerald [5.2.1 - 1 page]
2. T 220285 PA - Development plans [5.2.2 - 11 pages]
3. CONFIDENTIAL REDACTED - T 220285 PA - Copies of objections [5.2.3 - 26 pages]
4. T220285 PA - Council Report [5.2.4 - 22 pages]

## Executive Summary

|                         |  |
|-------------------------|--|
| <b>APPLICATION NO.:</b> | T220285  |
| <b>APPLICANT:</b>       | XWB Consulting   |
| <b>LAND:</b>            | L14 LP14785, 337 Belgrave-Gembrook Road, Emerald VIC 3782  |
| <b>PROPOSAL:</b>        | Use and Development of Land for a Medical Centre and alteration of access to a road in a Transport Zone 2. |

|                                       |  |
|---------------------------------------|--|
| <b>PLANNING CONTROLS:</b>             | Zone: <ul style="list-style-type: none"> <li>• Mixed Use Zone (adjacent to Transport Zone, Schedule 2)</li> <li>•</li> </ul> Overlays: <ul style="list-style-type: none"> <li>• Bushfire Management Overlay</li> <li>• Design and Development Overlay – Schedule 4</li> <li>• Vegetation Protection Overlay – Schedule 3</li> <li>•</li> </ul> |
| <b>NOTIFICATION &amp; OBJECTIONS:</b> | Notice of the application was given pursuant to Section 52 of the <i>Planning an Environment Act 1987</i> .<br><br>To date, Council has received twelve (12) objections.   |
| <b>KEY PLANNING CONSIDERATIONS:</b>   | Mixed use zone<br>Commercial development<br>Township character<br>Built form outcomes<br>Visual bulk<br>Car parking<br>Traffic   |
| <b>REASON FOR MEETING</b>             | The application has received over 4 objections.  |
| <b>RECOMMENDATION:</b>                | Notice of Decision to Grant a Planning Permit  |

### Executive Summary

The purpose of this report is to consider an application to use and develop the land at 337 Belgrave-Gembrook Road, Emerald for a multi-storey Medical Centre and alteration of access to a road in a Transport Zone 2.

It is proposed that up to thirteen (13) health practitioners will be on site at any one time, with proposed hours of:

- Monday to Friday: 8:30am to 7:00pm;
- Saturdays: 8:30am to 2:00pm; and
- Sundays: Closed.

The building is to incorporate four (4) storeys, presenting as double-storey to Belgrave-Gembrook Road.

The four floors are identified as follows:

- Lower Basement – Car Parking
- Upper Basement – Car Parking and Medical Centre
- Ground Floor (from Belgrave-Gembrook Road) – Medical Centre
- Upper Floor – Medical Centre

The built form will be built to the street frontage, and three separate ‘tenancies’ or suites are provided, inclusive of one at the upper basement level, one at the ground floor / street level, and one at the upper floor.

Materials include a mix of painted concrete panelling, Colorbond Monument cladding, steel (painted charcoal), and a variety of aluminium screening battens.

An assessment against the relevant policy that applies to the subject site supports commercial development at the scale proposed and that the proposal achieves the outcomes sought by policy.

The proposed development provides for beneficial, community orientated health and wellbeing in the form of a medical centre which will support both local residents and the wider catchment.

The built form presents appropriately to the main street, and vehicle access to the rear is a preferred built form outcome.

An assessment of the relevant policy has identified that the proposal provided an appropriate response, and as such the application should be supported subject to general and site specific conditions.

It is considered that on balance the proposal is suitable for this location and should be supported.

### **Resolution**

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That this application be deferred until the next meeting of the Town Planning Committee to allow the provision of further information on the traffic impacts of the application on Madigan Way

Carried

## 5.3 Subdivision of land into two lots - 4 Stringybark Road, Cockatoo VIC

**Responsible GM:** Lili Rosic  
**Author:** Tim Heffernan

### Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220343 for Subdivision of the land into two lots on the following grounds:

1. The proposal is not in keeping with the existing and preferred subdivision pattern of the area.
2. The proposal is inconsistent with Clause 56- Standard C6 Neighbourhood Character objective.
3. The subdivision of this site is inconsistent with the Cockatoo township strategy, not in keeping with the existing lot sizes within the surrounding neighbourhood and Clause 21.07-2 (Cockatoo).
4. The proposal does not represent the orderly planning of the area.

### Attachments

1. T220343 Locality Map [5.3.1 - 1 page]
2. T220343 Plan of Sub [5.3.2 - 3 pages]
3. CONFIDENTIAL REDACTED - T220343 Objection compiled [5.3.3 - 7 pages]
4. T220343 Officer Report [5.3.4 - 15 pages]

### Application Details

|                           |   |
|---------------------------|---|
| <b>APPLICATION NO.:</b>   | T220343   |
| <b>APPLICANT:</b>         | Nilsson, Noel and Holmes Surveyors  |
| <b>LAND:</b>              | 4 Stringybark Road, Cockatoo VIC 3781<br>(Lot 88 Plan of Sub 007472)  |
| <b>PROPOSAL:</b>          | Subdivision of land into two lots   |
| <b>PLANNING CONTROLS:</b> | Zone: Neighbourhood Residential Zone, Schedule 1 (NRZ1)<br>Overlays:<br>Design and Development Overlay, Schedule 2 (DDO2) |

|                                       |  |
|---------------------------------------|--|
|                                       | Vegetation Protection Overlay, Schedule 2 (VPO2)<br>Bushfire Management Overlay, Schedule 1 (BMO1)   |
| <b>NOTIFICATION &amp; OBJECTIONS:</b> | Pursuant to Section 52 of the <i>Planning and Environmental Act</i> , the application was advertised by sending notices in the mail to nearby property owners and placement of signage on site.<br><br>Three (3) objections were received. |
| <b>KEY PLANNING CONSIDERATIONS:</b>   | Subdivision is not in keeping with locality.<br>Subdivision is at odds with Cockatoo township strategy.<br>The subdivision does not respond to the streetscape with a narrow Lot 2   |
| <b>REASON FOR MEETING:</b>            | Planning officer recommendation for refusal  |
| <b>RECOMMENDATION:</b>                | Notice of Decision to Refuse to Grant a Permit   |

### Executive Summary

The purpose of the report is to consider an application for the subdivision of the land into two lots as follows:

Lot 1 - 660m<sup>2</sup>, rectangular in shape with a 24.61m street frontage.

Lot 2 - 564m<sup>2</sup>, rectangular in shape with a 21.05m street frontage.

The proposed Lot 1 is to contain an existing dwelling while proposed lot 2 is anticipated to be developed for residential purposes in the future. Access to both new allotments will be from Stringybark Road via separate crossovers.

The site is zoned Neighbourhood Residential Zone, Schedule 1 (NRZ1).

The proposal seeks to create two smaller allotments that are at odds with the existing, uniform subdivisional characteristics of Stringybark Road and surrounds.

Furthermore, the proposed lots lack generous front boundary widths, with any future development (as anticipated) would reduce the sense of spaciousness within the street.

Three trees are to be removed, all identified as exotic as per supplied Arboriculture report.

### Resolution

Moved Cr Jeff Springfield, seconded Cr Collin Ross.

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220343 for Subdivision of the land into two lots on the following grounds:

1. The proposal is not in keeping with the existing and preferred subdivision pattern of the area.



2. The proposal is inconsistent with Clause 56- Standard C6 Neighbourhood Character objective.
3. The subdivision of this site is inconsistent with the Cockatoo township strategy, not in keeping with the existing lot sizes within the surrounding neighbourhood and Clause 21.07-2 (Cockatoo).
4. The proposal does not represent the orderly planning of the area.

Carried

## 5.4 T220214 PA - Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal at 155 Gordon Road, Pakenham Upper

**Responsible GM:** Lili Rosic  
**Author:** Hamish Mival

### Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220214 for Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal at Lot 1 LP71176, 155 Gordon Road, Beaconsfield Upper, VIC 3810 on the following grounds:

- The proposal is not consistent with the Municipal Planning Strategy and Planning Policy Framework, particularly Clauses 12.01 Biodiversity, 12.05 Significant Environments and Landscapes, and 21.02 Environment as the removal of native vegetation does not protect and enhance the environment.
- The proposal is not consistent with the purpose and decision guidelines of the Rural Conservation Zone as the development has not minimised impact on landscape features due to avoidable removal of native vegetation.
- The proposal is not consistent with the values, purpose, objectives and decision guidelines of the Environmental Significance Overlay (Schedule 1) as the removal of native vegetation does not protect and enhance the significant environmental and landscape values of the area.
- The proposal is not consistent with the objectives and decision guidelines of Clause 53.02 Bushfire Planning, as it has not ensured that location appropriately responds to the bushfire hazard.
- The proposal is not consistent with the purpose and decision guidelines of Clause 52.17 Native Vegetation as it results in avoidable native vegetation removal.

### Attachments

1. T220214 PA - Officer Report [5.4.1 - 18 pages]
2. T220214 PA - Locality Map [5.4.2 - 1 page]
3. T220214 PA - Plans and Documents [5.4.3 - 31 pages]

### Application Details

|                         |   |
|-------------------------|---|
| <b>APPLICATION NO.:</b> | T220214 PA  |
| <b>APPLICANT:</b>       | Alyce Kidgell<br>Melbourne Garages                          |
| <b>LAND:</b>            | Lot 1 LP71176, 155 Gordon Road, Pakenham Upper,<br>VIC 3810 |

|                                       |   |
|---------------------------------------|---|
| <b>PROPOSAL:</b>                      | Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal  |
| <b>PLANNING CONTROLS:</b>             | RCZ2 – Rural Conservation Zone – Schedule 2<br>BMO – Bushfire Management Overlay<br>ESO1 – Environmental Significance Overlay – Schedule 1  |
| <b>NOTIFICATION &amp; OBJECTIONS:</b> | <p>The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, by:</p> <ul style="list-style-type: none"> <li>• Sending notices to the owners and occupiers of adjoining land.</li> </ul> <p>Council has received no objections.</p> <p>New plans have subsequently been submitted without the accompaniment of a Section 57A amendment, and therefore not constituting an official amendment. These changes include:</p> <ul style="list-style-type: none"> <li>• Addition of the removal of two (2) native trees to comply with defensible space requirements.</li> <li>• Addition of a Native Vegetation Removal Report.</li> </ul> <p>The application has not been subsequently advertised, on the basis of the decision to refuse.</p> |
| <b>KEY PLANNING CONSIDERATIONS:</b>   | <p>Appropriateness of siting and location of building</p> <p>Protection of biodiversity</p> <p>Protection of landscape and environmental values</p> <p>Management of bushfire risk</p>  |
| <b>REASON FOR MEETING:</b>            | Refusal   |
| <b>RECOMMENDATION:</b>                | Notice of Decision to Refuse to Grant a Permit  |

### Executive Summary

The purpose of this report is to consider an application for Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal.

The proposal is for a new domestic shed and the removal of two (2) native trees to accommodate defensible space. The site is subject to the Rural Conservation Zone (Schedule 2), Bushfire Management Overlay and Environmental Significance Overlay (Schedule 1). Clause 52.17 Native Vegetation is also a relevant planning control.

The application was amended informally post-advertising, without the submission of a Section 57A form. This was in response to Council concerns around non-compliance with the Bushfire Management Overlay and included a letter from the owners of the property providing justification for the chosen siting and proposed native vegetation removal. The proposal was not subsequently advertised based on the officer's recommendation of refusal.

The application proposes vegetation removal in an area of Zoological significance, and is inconsistent with policy regarding protection of biodiversity, landscape, bushfire planning and native vegetation management. It is for these reasons that the proposal is recommended for refusal.

### **Resolution**

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That this application be deferred until the next meeting of the Town Planning Committee to allow further consideration of the application by Councillors.

Carried

## **5.5 Planning Matters Dealt with by Officers Under Delegated Authority - September 2023**

**Responsible GM:** Lili Rosic  
**Author:** Jason Gilbert

### **Recommendation(s)**

That Council note the report.

### **Executive Summary**

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

### **Relevance to Council Plan**

#### **5.1 We practise responsible leadership**

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

### **Planning Matters Report**

The below is for the period between 7 July 2023 and 7 August 2023.

## Beacon Hills Ward

| Date Issued | Permit Number | Address  | Proposal   | Decision | Date Lodged      |
|-------------|---------------|--|--|----------|------------------|
| 24/07/2023  | T230039       | 170 Bourkes Creek Road, Pakenham Upper VIC 3810    | Development of the land for an outbuilding (shed) and associated earthworks  | Issued   | 01 February 2023 |
| 7/07/2023   | T230023       | 74A Stoney Creek Road, Beaconsfield Upper VIC 3808 | Use and development of the land for a dwelling   | NOD      | 19 January 2023  |
| 21/07/2023  | T220774       | 291 Beaconsfield-Emerald Road, Guys Hill VIC 3807  | Use and development of the land for a dwelling, the use of the land for dependent person's unit and associated removal of vegetation and alterations to a road in a Transport Zone 2 | Issued   | 23 November 2022 |
| 24/07/2023  | T220718       | 214 Toomuc Valley Road, Pakenham VIC 3810          | Buildings and works for a dwelling   | Issued   | 26 October 2022  |
| 10/07/2023  | T200846 - 1   | 140 Officer Road, Officer VIC 3809                 | Buildings and works associated with horticultural production (processing and packing facility) and vegetation removal  | Issued   | 27 March 2023    |
| 4/08/2023   | T210582       | 157 Holm Park Road, Beaconsfield VIC 3807          | Alterations and additions to an existing dwelling, vegetation removal and construction of an outbuilding   | Issued   | 04 August 2021   |
| 13/07/2023  | T230228       | 52 Studd Road, Pakenham VIC 3810                   | Proposed single dwelling   | Issued   | 15 May 2023      |

## Bunyip Ward

| Date       | Permit Number | Address  | Proposal  | Decision | Date Lodged      |
|------------|---------------|--|---|----------|------------------|
| 18/07/2023 | T070023 - 2   | 190 A'Beckett Road, Bunyip VIC 3815  | To develop the land for the purpose of constructing dwelling extensions & a shed generally in accordance with approved plans  | Issued   | 06 March 2022    |
| 26/07/2023 | T220679       | 10 Battunga Road, Maryknoll VIC 3812   | Buildings and works for a dwelling and associated outbuilding   | Issued   | 11 October 2022  |
| 17/07/2023 | T230088       | 155 Evans Road, Bunyip VIC 3815  | Development of the land for an agricultural building (farm shed) and associated earthworks  | Issued   | 21 February 2023 |
| 14/07/2023 | T220471       | 5 Doran Road, Bunyip VIC 3815  | Construction of outbuildings  | Issued   | 06 July 2022     |
| 27/07/2023 | T230085       | 1220 Nar Nar Goon-Longwarry Road, Bunyip VIC 3815                                  | Development of the land for an extension and alteration to an existing dwelling   | Issued   | 19 February 2023 |
| 21/07/2023 | T230013       | 115 Browning Road, Nar Nar Goon VIC 3812   | Buildings and Works (Construction of a Shed)  | Issued   | 16 January 2023  |
| 7/07/2023  | T220288       | 1806 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815                                     | Use and Development of the land for a dwelling and associated works   | Issued   | 26 April 2022    |
| 21/07/2023 | T210742 - 1   | 40 Dore Road, Nar Nar Goon North VIC 3812  | Subdivision of land, building and works within the Land Subject to Inundation Overlay, buildings and works within the Heritage Overlay (demolition and construction of a dwelling), native vegetation removal | Issued   | 09 June 2023     |
| 24/07/2023 | T220257       | Princes Highway Road Reserve (adjoining 40 Dore Road), Nar Nar Goon North VIC 3812 | Alteration of access to a road in a Transport Zone 2 and removal of native vegetation   | Issued   | 12 April 2022    |
| 24/07/2023 | T220706       | 41 Main Street, Nar Nar Goon VIC 3812  | Development of the land for a second dwelling and carport   | Issued   | 20 October 2022  |
| 31/07/2023 | T230301       | Hope Street, Bunyip VIC 3815   | Two lot subdivision (boundary realignment)  | Issued   | 20 June 2023     |

## Henty Ward

| Date       | Permit Number | Address                                    | Proposal   | Decision | Date Lodged      |
|------------|---------------|--|--|----------|------------------|
| 7/07/2023  | T190200 - 1   | 128-144 Princes Highway, Pakenham VIC 3810 | Alterations and additions to existing church                 | Issued   | 14 February 2023 |
| 10/07/2023 | T220812       | 18 James Street, Pakenham VIC 3810         | Buildings and works for the construction of one (1) dwelling | Issued   | 09 December 2022 |



## Officer Ward

| Date       | Permit Number | Address   | Proposal   | Decision | Date Lodged      |
|------------|---------------|---|--|----------|------------------|
| 31/07/2023 | T230027       | 25 Tivendale Road, Officer VIC 3809                             | Staged subdivision of the land and the use and development of the land for a childcare centre.   | Issued   | 25 January 2023  |
| 26/07/2023 | T220531       | 67 Officer South Road, Officer VIC 3809                         | Use of land for dwellings, building and works associated with dwellings, retail premises, offices and medical centres, reduction in the statutory car parking requirement, subdivision and removal of an easement. | Issued   | 05 August 2022   |
| 26/07/2023 | T190603 - 3   | 140, 97, 112 Starling Road and 477 Brown Road, Officer VIC 3809 | Subdivision of land, removal of native vegetation, and creation and removal of easements   | Issued   | 13 July 2023     |
| 13/07/2023 | T220779       | 40 Bayview Road, Officer VIC 3809                               | Use and Development of the land for a child care centre, and reduction in car parking requirements.  | Issued   | 24 November 2022 |
| 7/07/2023  | T210947       | 34 Rix Road, Officer VIC 3809                                   | Subdivision of land and native vegetation removal  | Issued   | 16 December 2021 |
| 27/07/2023 | T220210       | 31 Tivendale Road, Officer VIC 3809                             | Use and development of a child care centre and display of signage  | Issued   | 15 March 2022    |
| 2/08/2023  | T230076       | 1 Sophia Street, Officer VIC 3809                               | Subdivision of land with common property   | Issued   | 19 February 2023 |

## Pakenham Hills Ward

| Date       | Permit Number | Address                             | Proposal   | Decision | Date Lodged       |
|------------|---------------|-------------------------------------|--|----------|-------------------|
| 28/07/2023 | T170831 - 3   | 82-88 Ahern Road, Pakenham VIC 3810 | Subdivision of the land and the removal of native vegetation       | Issued   | 21 June 2023      |
| 26/07/2023 | T220634       | 41 Blessing Rise, Pakenham VIC 3810 | Development of the land for a dwelling, fence and associated works | Issued   | 19 September 2022 |
| 4/08/2023  | T210438 - 1   | 8 Palm Court, Pakenham VIC 3810     | Development of land for a dwelling, earthworks, and fencing        | Issued   | 04 November 2022  |

## Ranges Ward

| Date       | Permit Number | Address  | Proposal  | Decision | Date Lodged      |
|------------|---------------|--|---|----------|------------------|
| 21/07/2023 | T230262       | 7a Fairway Road, Emerald VIC 3782              | Buildings and works for an outbuilding (carport)                              | Issued   | 25 May 2023      |
| 10/07/2023 | T220764       | 6 Mackenzie Street, Cockatoo VIC 3781          | Development of the land for a habitable outbuilding and associated earthworks | Issued   | 21 November 2022 |
| 13/07/2023 | T210966       | 130 Kirk Road, Cockatoo VIC 3781               | Buildings and works for an outbuilding  | Issued   | 22 December 2021 |
| 25/07/2023 | T170019 - 2   | 21 Auhl Road, Emerald VIC 3782                 | Development of the land for a dwelling, earthworks, and vegetation removal    | Issued   | 09 February 2022 |
| 4/08/2023  | T230155       | 225 Beenak East Road, Gembrook VIC 3783        | Buildings and Works (Construction of an outbuilding)                          | Issued   | 05 April 2023    |
| 7/07/2023  | T230181       | 329 Ure Road, Gembrook VIC 3783                | Buildings and Works (Construction of a Carport)                               | Issued   | 24 April 2023    |
| 14/07/2023 | T220795       | 36 Beaconsfield-Emerald Road, Emerald VIC 3782 | Buildings and works for an extension to existing dwelling                     | Issued   | 05 December 2022 |
| 3/08/2023  | T220378       | 18A Upper Grieve Road, Avonsleigh VIC 3782     | Building and works for the construction of a dwelling and vegetation removal  | Issued   | 01 June 2022     |

## Toomuc Ward

| <b>Date</b> | <b>Permit Number</b> | <b>Address</b>                            | <b>Proposal</b>   | <b>Decision</b> | <b>Date Lodged</b> |
|-------------|----------------------|---|---|-----------------|--------------------|
| 4/08/2023   | T230213              | Tncy 29/4 Cardinia Road, Officer VIC 3809 | Change of use to an education centre (section 2 use) and reduction in car parking | Issued          | 08 May 2023        |
| 21/07/2023  | T220470              | 147 Mulcahy Road, Pakenham VIC 3810       | Use of Land for the Purposes of a Restricted Recreational Facility & Warehouse    | Lapsed          | 05 July 2022       |

## Westernport Ward

| Date       | Permit Number | Address                                   | Proposal  | Decision | Date Lodged      |
|------------|---------------|---|---|----------|------------------|
| 1/08/2023  | T230309       | 140 Haysoms Road, Lang Lang East VIC 3984 | Buildings and works for an outbuilding  | Issued   | 26 June 2023     |
| 28/07/2023 | T230062       | 92 Enterprise Road, Pakenham VIC 3810     | Carry out works (bulk earthworks)   | Issued   | 14 February 2023 |
| 13/07/2023 | T230177       | 3 Dwyer Court, Koo Wee Rup VIC 3981       | Buildings and Works (Construction of a spa)   | Issued   | 20 April 2023    |
| 17/07/2023 | T190278 - 2   | 10 & 30 Bourke Road, Pakenham VIC 3810    | To amend Conditions 1b and 15 to ensure that the existing front security gate is left open during business hours to enable heavy vehicle access without queueing out onto the road reserve. The proposed changes to the conditions are: Condition 1a: Include a note on the plans to the effect that any gate associated with the vehicle access point on McDonalds Drain Road must be kept open during business hours. Condition 15: Any security boom, barrier or similar device controlling vehicular access to the subject land for both Stages 1 and 2 must be located such that a 19m AV arriving at the site and stopping at the guard house / security gate, does not protrude into the 100km/h McDonalds Drain Road carriageway. Alternatively, the front gate may be left open during business hours. | Issued   | 13 June 2023     |
| 3/08/2023  | T220809       | 490 McGregor Road, Pakenham VIC 3810      | Subdivision of land into two (2) lots (re-subdivision of two lots)  | Failure  | 09 December 2022 |
| 21/07/2023 | T220827       | 8 Charles Street, Koo Wee Rup VIC 3981    | Subdivision of the land into two (2) lots   | Issued   | 19 December 2022 |
| 27/07/2023 | T230152       | 1 Mepstead Close, Pakenham VIC 3810       | Use of the land for a Restricted Recreation Facility (pilates studio)   | Issued   | 05 April 2023    |
| 1/08/2023  | T230075       | 340 Westernport Road, Lang Lang VIC 3984  | Buildings and Works associated with the construction of an Agricultural Shed  | Issued   | 19 February 2023 |
| 25/07/2023 | T230250       | 15 Appleford Grove, Lang Lang VIC 3984    | Use of the land for a Child Care Centre / Home Based Business   | Lapsed   | 23 May 2023      |
| 10/07/2023 | T210782 - 1   | 14 & 16 Link Road, Pakenham VIC 3810      | Building and works for a sixteen (16) warehouse development   | Issued   | 04 April 2023    |
| 7/07/2023  | T230064       | John Street, Koo Wee Rup VIC 3981         | Development of the land for an agricultural building (shed)   | Issued   | 16 February 2023 |
| 31/07/2023 | T220320       | 10 Innovation Way, Pakenham VIC 3810      | Buildings and works (Construction of One (1) Warehouse) and a reduction in car parking  | Issued   | 17 May 2022      |

|            |             |   |  |        |                   |
|------------|-------------|---|--|--------|-------------------|
| 4/08/2023  | T230259     | FY 1/9 Tarmac Way, Pakenham VIC 3810                        | Subdivision of the land into two (2) lots  | Issued | 25 May 2023       |
| 1/08/2023  | T220287     | 345 Westernport Road and 7 Pioneer Road, Lang Lang VIC 3984 | Removal of easements E-1 (E-1 on L1 TP844194N) and E-5 (E-4 on L1 PS613771D)   | Issued | 19 April 2022     |
| 21/07/2023 | T220580     | 56 Henry Street, Koo Wee Rup VIC 3981                       | Buildings and works associated with three (3) Community Care Accommodation units, generally in accordance with the approved plans  | Issued | 29 August 2022    |
| 19/07/2023 | T220571     | 56 & 58 Southeast Boulevard, Pakenham VIC 3810              | Use of the land for Motor Repairs and Motor Vehicle Sales, Construction of a building associated with Motor Repairs and Motor Vehicle Sales, construct and display Signage (Business Identification, Panel, Internally Illuminated) and a reduction in car parking | Issued | 24 August 2022    |
| 2/08/2023  | T220640     | 1020 McDonalds Drain Road, Pakenham VIC 3810                | Development of the land associated with an existing dwelling   | Issued | 21 September 2022 |
| 31/07/2023 | T220486 - 1 | 17 Exchange Drive, Pakenham VIC 3810                        | Buildings and works for a canopy extension to existing building  | Issued | 20 July 2023      |
| 3/08/2023  | T230335     | 33 Peet Street, Pakenham VIC 3810                           | Building and works associated with two (2) warehouses  | Issued | 10 July 2023      |
| 12/07/2023 | T230255     | 27 Tarmac Way, Pakenham VIC 3810                            | Building and Works (Construction of Two (2) Warehouses)  | Issued | 24 May 2023       |

## Resolution

Moved Cr Jack Kowarzik, seconded Cr Jeff Springfield.

That Council note the report.

Carried.

## 5.6 Planning Matters VCAT Report - September 2023

**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 7 August 2023.

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

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

### Matters Recently Lodged at VCAT

| Hearing Date | App. No. | Address   | Proposal  | Council Decision | Appealed By |
|--------------|----------|---|---|------------------|-------------|
| 7/2/2024     | T220809  | 490-494<br>McGregor Road,<br>Pakenham VIC<br>3810 | Subdivision of land into two (2) lots<br>(re-subdivision of two lots) | FTD*             | Applicant   |

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

### Matters Currently the Subject of VCAT Appeal

| Hearing Date      | App. No. | Address                                   | Proposal   | Council Decision                     | Appealed By |
|-------------------|----------|---|--|--------------------------------------|-------------|
| 23-25/<br>10/2023 | T220501  | 74-76 Ahern Road<br>Pakenham              | Construction of Seventeen (17) Dwellings on a Lot  | FTD*                                 | Applicant   |
| 18/07/2023        | T210643  | 44 Paternoster Road,<br>Cockatoo          | Use and Development of the Land for a Telecommunications facility  | Notice of Decision to Grant a Permit | Objector    |
| 3/08/2023         | T220221  | 205 Seven Mile Road Nar Nar Goon          | Use and development of the land for a Contractors Depot  | Refusal                              | Applicant   |
| 23/02/2024        | T220813  | 375 Rossiter Road, Koo Wee Rup<br>3981    | Buildings and works for the construction of twenty-one (21) warehouses; Creation or alteration of access to a road in a Transport Zone 2 | FTD*                                 | Applicant   |
| 3-4/04/2024       | T220666  | 8/18 Racecourse Road,<br>Pakenham<br>3810 | Use of land for a shop   | 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 |
|----------|-----------------------------|--|------------------|-------------|-----------------------------|---------------|
| T210567  | 28 Hill Street,<br>Pakenham | Use and development of the land for a place of worship | Refusal          | Applicant   | Affirmed – no permit issued | 13 July 2024  |

### Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council note the report.

Carried.



## 5.7 Planning Scheme Amendment Activity Report - September 2023

**Responsible GM:** Lili Rosic  
**Author:** Jason Gilbert

### **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**

#### **5.1 We practise responsible leadership**

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

### **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   |
|-------|------------------------|------------------------------------|--|-------------------|-------------------|--|
| C262  | XWB Consulting         | 11 Thom Road,<br>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:<br><ol style="list-style-type: none"> <li>1. a staged subdivision of the subject land into residential lots;</li> <li>2. creation of two (2) Reserves; and,</li> <li>3. creation of restrictions on the plan of subdivision;</li> </ol> concurrently with the amendment.  | Thu<br>10/03/2022 | Mon<br>11/04/2022 | The amendment was adopted by Council at the April 2023 Council meeting.<br><br>The amendment has been submitted to the Minister for Planning and is awaiting approval.   |
| C265  | Cardinia Shire Council | Pakenham South Employment Precinct | Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.   | Thu<br>15/10/2020 | Thu<br>26/11/2020 | Adopted by Council at the July 2021 meeting.<br><br>The amendment has been submitted to the Minister for Planning for approval.<br><br>An Infrastructure Contributions Plan was adopted at the May 2023 Council by Council (Amendment C273) and submitted to the Minister for Planning for approval to allow the progression of this amendment.    |
| C268  | NBA Group Pty Ltd.     | 49 Garfield Road,<br>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 most 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<br>13/10/2022 | Mon<br>14/11/2022 | Exhibition completed 14 November 2022.<br><br>The Panel Hearing was held on 26 April 2023 and Council has received and reviewed the Panel Report. The Panel Report recommended some minor changes.<br><br>A report was presented to the July 2023 Council meeting recommending that the amendment be adopted with changes as per the Panel Report. |

| A/No. | Proponent              | Address                            | Purpose   | Exhibition Start | Exhibition End   | Status  |
|-------|------------------------|------------------------------------|---|------------------|------------------|---|
| C273  | Cardinia Shire Council | Pakenham South Employment Precinct | The amendment inserts the Pakenham South Infrastructure Contributions Plan into the Cardinia Planning Scheme  | N/A              | N/A              | <p>At the May 2023 Council meeting it was resolved that Council adopt the Pakenham South Infrastructure Contributions Plan (ICP) and submit it as an amendment under Section 20(A) of the Act.</p> <p>The ICP is consistent with the Pakenham South Precinct Structure Plan (PSP) and the ICP will apply a standard levy to collect a contribution for infrastructure and public land in accordance with the PSP.</p> <p>The amendment has been submitted to the Minister for Planning for approval.</p>  |
| C278  | Cardinia Shire Council | Municipal wide                     | The amendment introduces a new Environmentally Sustainable Development (ESD) local policy (Clause 22.11) and makes associated changes to the Municipal Strategic Statement (MSS). | To be determined | To be determined | <p>At the March 2023 Council meeting it was resolved to seek authorisation from the Minister for Planning to prepare the amendment.</p> <p>Authorisation to prepare the amendment, with conditions, was received on 24 May 2023. The Department of Transport and Planning have noted that the amendment will not be placed on exhibition until the updated Planning Policy Framework (PPF) translation has occurred.</p> <p>Note: The PPF translation will be introduced to all Victorian Planning Schemes, and it sets out to improve the operation of planning policy in Victoria and better aligns state and local policy.</p> |

## Resolution

Moved Cr Jeff Springfield, seconded Cr Jack Kowarzik.

That Council note the report.

Carried

**6 Meeting Closure**

Meeting closed at 7.17pm.