

Town Planning Committee Meeting

Minutes

Monday 4 December 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
	Peter Harris	Manager Governance, Safety and Property

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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

4 Declaration Of Interests

5 Ordinary Business

5.1 T220569 PA - Use and Development of land for a Place of Worship and Vegetation Removal at 195 Dore Road, Pakenham

Responsible GM: Lili Rosic
Author: Dean Haeusler

Recommendation(s)

That Council resolve to issue a Notice of Decision to grant a permit for Planning Permit application T220569 for the Use and Development of the land for a Place of Worship and Vegetation Removal, subject to the following conditions:

Conditions:

1. Prior to the endorsement of plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed to form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified as per the following:
 - a. Amended development plans to show:
 - a. Elevations updated to include the eastern aspect of the proposed development;
 - b. The overflow car park relocated outside the Tree Protection Zones of nearby vegetation.
 - c. All driveway, parking and circulation areas specificid (with the exception of the overflow car park) with a sealed finish.
 - d. Deletion of annotations referring to the sealing of Dore Road.
 - b. Amended Land Capability Assessment, relocating the effluent disposal area as to not impact on existing trees. The effluent area is also required to be shown and annotated on the relevant Development Site Plan.
 - c. Integrated Land Management Plan in accordance with condition 3.
 - d. Place of Worship Management Plan in accordance with condition 5.
 - e. Bushfire Emergency Plan in accordance with condition 6.
 - f. Amended Landscape Plan in accordance with condition 11
 - g. Tree Management Plan in accordance with condition 12.

Vegetation Offsets

2. Before any native vegetation is removed, to offset the removal of 0.0402 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a. A general offset of 0.350 general habitat units:
 - a. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district; and

- b. with a minimum strategic biodiversity score of at least 0.350.
- b. Evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

AND/OR

- b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning.

Integrated Land Management Plan

- 3. Prior to the endorsement of plans, an Integrated Land Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The Integrated Land Management Plan must include:
 - a. A site plan that shows the division of the site generally into Place of Worship, Domestic, Agricultural and Conservation Zones.
 - b. The delineation of all zones and location and type of any internal fencing or markers to establish the various zones.
 - c. Conservation Zones must be clearly defined as a no-go area during any construction works on the property.
 - d. Provide a works program that that details the following:
 - a. The Conservation Zone clearly defined as a no-go area during any construction works on the property.
 - b. No vehicles or machinery to enter the Conservation Zone.
 - c. Retain all standing trees (dead and alive) within the Conservation Zone.
 - d. Allow understorey and canopy species to regenerate within the Conservation Zone
 - e. The restriction preventing any hooved animals entering the Conservation Zone.
 - f. Where fences are used to keep domestic or farm animals out of the Conservation Zone, they must be installed at least 4 metres away from the boundary of the conservation zone to avoid introducing a fence exemption.
 - g. The protection of hollow bearing trees and limits on collection of firewood to personal use only. Firewood is only to be collected from the Domestic Zone and not from the Conservation Zone.
 - h. Details of the management of chemical and nutrient run-off from other zones that are upslope of the Conservation Zone to avoid indirect impacts to native vegetation.
 - i. Control all high threat weeds.

4. All works as per the endorsed Integrated Land Management Plan must be implemented within twelve (12) months of completion of development, with ongoing management works carried out in perpetuity.

Management Plan – Place of Worship

5. Prior to the endorsement of plans, a Management Plan prepared by a suitably qualified person, to the satisfaction of the responsible authority must be submitted. When approved, the Management Plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan. The plan must include but is not limited to:
 - a. A mechanism to record attendance numbers at the site. This record must be made available to be viewed by the Council upon request.
 - b. Traffic management and car parking management arrangements during peak usage time.
 - c. Staffing and other measures to ensure the orderly departure and arrival of people especially any large groups departing at the end of peak usage time.
 - d. Specific amenity management arrangements to be put in place during peak usage time, morning and evening prayer sessions.
 - e. Measures to control noise emissions from the premises.
 - f. Ongoing communication methods (including the provision of signage) advising the users of the premises to respect the amenity of adjoining neighbours.
 - g. Any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit

When the plan is approved by the responsible authority, the use must be conducted in accordance with the approved Management Plan. The Management Plan may be amended by the responsible authority after written request by the owner or the operator of the land.

Bushfire Emergency Plan

6. Prior to the endorsement of plans, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan. Once prepared, the site must be managed in accordance with the plan. The Bushfire Emergency Plan must include:
 - a. A clear statement of the plans purpose and scope
 - b. Details on the site and any emergency features/equipment.
 - c. A version control table and details on when and how the plan will be reviewed.
 - d. Details the roles and responsibilities (wardens) for managing a bushfire emergency and bushfire risk on site; and how often exercising the plan will occur.
 - e. Details for on and off site emergency contacts including emergency services
 - f. Appropriate "action statements" and "triggers" for:
 - a. Before the Fire Danger Period
 - b. During the Fire Danger Period
 - c. Days with a forecast fire danger rating (FDR) of 'severe', extreme and 'code red'. Including closing the facility by 10am on days forecast to have a fire danger rating (FDR) of 'extreme' or 'code red'.
 - d. When a bushfire threatens the site - including the trigger for sheltering in place or evacuation from the site (as appropriate).
 - e. After the bushfire threat passes.
 - g. Detailed procedures and responsibilities for:

- i. Evacuating staff, visitors and guests from the site (if required).
- ii. Sheltering in place (if required)
- iii. How the bushfire threat will be monitored during the fire danger period
- iv. Recovery after a bushfire

Hours of Operation and Patronage

7. Except with the written consent of the Responsible Authority, the use may operate only as follows:
 - a. Daily Activities – Monday to Sunday
 - i. Prayer Hall open between 5:30AM to 10:00PM Monday to Sunday with a maximum 25 patrons at any one time.
 - ii. Meeting Rooms open between 5:30AM to 10:00PM Monday to Sunday for other activities as listed above, with a maximum of 25 patrons at any one time.
 - b. Weekend Activities – Friday to Sunday
 - i. Services to be held between 6:30PM - 9:30PM on Friday and Saturday,
 - ii. Services held 6:00AM - 2:00PM on Sunday only.
 - iii. Maximum occupancy for each service to be no more than 150 persons, inclusive of staff.
 - c. Seasonal Events
 - i. Four (4) seasonal events associated with Sikh holy days to be held in January, April, October/November and December (1 x each month) for one (1) day on either a Saturday or a Sunday with a maximum patronage of 400 patrons at any one time between 10:00AM to 4:00PM, inclusive of any staff.

General:

8. The use and development as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
10. 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 development must be of a non-reflective nature in accordance with the endorsed plans.

Landscaping

11. Prior to the endorsement of plans, 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. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan provided and prepared by Zenith Concepts, except that the plan must show:
 - a. Plus additional screening to compensate for loss of natural screening due to loss of road reserve trees
 - b. Landscape Plan to show gravel / secondary car parking area and associated landscaping surrounding it
 - c. Detail of “outdoor activity area” ground treatment and landscaping
 - d. Pylon signage deleted.

- e. Additional screening along the frontage to compensate for loss of road reservation trees.
 - f. Include the overflow car parking area with gravel or other unsealed treatment and further landscaping
 - g. Details of the “outdoor activity area” ground treatment and landscaping.
 - h. All details of surface finishes of pathways and driveways.
 - i. Show all trees to be retained and removed within the development area, including Tree Protection Zones.
12. Prior to the endorsement of plans a Tree Management Plan must be prepared by a suitably qualified arborist and be submitted to and approved by the responsible authority. The Tree Management Plan must detail the following:
- a. A structural assessment of all retained trees
 - b. Identification of requisite tree protection zones
 - c. Underground services must not encroach into the Structural Root Zone of any tree retained. Services should not be installed by open trenching but use boring/tunnelling if they pass through a TPZ and be at >1000mm depth.
 - d. Landscaping works (e.g. paving new turf) should not reduce the natural soil level >50mm within TPZs. Any landscaping works within the TPZs should be done by hand, and large roots (>50mm diameter) if encountered must be left intact.
 - e. Mulch the TPZ areas where possible with coarse mulch (e.g. composted wood chips 100mm deep), prior to heavy machinery entering the site.
 - f. Direction for management activities to improve the health of the retained trees over the long term.
13. 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.
14. 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.
15. 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.
16. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

Engineering

17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
18. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction and approval of the

Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. Trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

19. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking, with the exception of the overflow car park 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.
20. Before the development is occupied the sealed vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority. If the construction of the proposed rural vehicle crossing requires the installation of a drainage culvert to the satisfaction of the Responsible Authority.
21. 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.
22. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses
23. 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.

Environmental Health

24. The development must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

Amenity

25. During construction and at all times during the operation of the use, the noise control recommendations of the acoustic assessment (prepared by Clarity Acoustics, 18 August 2022, R01 22090) must implemented to the satisfaction of the Responsible Authority.
26. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017
27. The use must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.

Or in any other way, to the satisfaction of the Responsible Authority.

28. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.

29. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
30. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
31. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
32. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
33. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.

Transport for Victoria

34. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the occupation of the development hereby approved, the upgrade of the intersection of Princes Highway/ Dore Road as per IN-02 of the Pakenham East Precinct Structure Plan must be operational and available for use to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.

Expiry:

35. A permit for the development and use of land expires if-
 - a. the development does not start within two (2) years after the issue of the permit; or
 - b. the development is not completed within four (4) years after the issue of the permit; or
 - c. the use does not start within two (2) years after the completion of the development; or
 - d. the use is discontinued for a period of two (2) years.

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

Notes:

- I. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- II. Approval to install or alter an onsite wastewater treatment system must be obtained from Council's Health Department.
- III. A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- IV. The development of the subject land must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on the subject land any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's development engineers can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for re-use and a detention system (if a storm water detention system is incorporated in the design it shall provide the same discharge as that of the pre developed land).

Attachments

1. T 220569 PA - Locality map [5.1.1 - 1 page]
2. T 220569 PA - Development Plans [5.1.2 - 8 pages]
3. T 220569 PA - objections redacted (updated 23.3.23) [5.1.3 - 86 pages]
4. T220569 PA Council report [5.1.4 - 27 pages]

Executive Summary

APPLICATION NO.:	T220569
APPLICANT:	Mr Prabhjot Singh, c/o Keen Planning
LAND:	L8 LP143204 V9638 F779, 195 Dore Road, Pakenham VIC 3810
PROPOSAL:	Use and Development of Land for a Place of Worship and Vegetation Removal
PLANNING CONTROLS:	Green Wedge Zone – Schedule 1 Environmental Significance Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	The application was put on public notice in accordance with Section 52 of the Planning and Environment Act 1987; thirty-nine objections have been received.
KEY PLANNING CONSIDERATIONS:	Land use compatibility Impact to Traffic Network Landscape response and vegetation loss Management of environmental risks
RECOMMENDATION:	Notice of Decision to grant a Planning Permit

Executive Summary

The purpose of this report is to consider an application to use and development 195 Dore Road, Pakenham for a Place of Worship and associated vegetation removal.

The application was initially submitted to Council 24 August 2022. A preliminary assessment was undertaken in consultation with internal departments and a request for additional information and concerns issued 21 September 2022. The application was subsequently amended to incorporate vegetation removal and remove business identification signage from the proposal. The application proceeded to public notice on 22 February 2023 with letters sent to surrounding properties and signage erected on-site. Thirty-nine (39) objections were received during and following the notice period.

An assessment against the relevant policies and controls that apply to the site reveal that the proposal represents an acceptable use and development that will make a positive contribution to the cultural and community infrastructure of the region. A detailed assessment of supporting documents demonstrate that visual and other off-site impacts can be managed and that the development will form an effective 'buffer use' between residential and rural activities on the fringe of the Urban Growth Boundary.

Relevance to Council Plan

1.1 We empower our communities to be healthy, connected and resilient

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.

Alternate Resolution

Moved Cr Brett Owen, seconded Cr Graeme Moore.

That Council resolves to issue a Refusal to Grant Planning Permit T220569 for the use and development of the land for a Place of Worship and Vegetation Removal at 195 Dore Road, Pakenham on the following grounds –

1. The proposal is contrary to the protection of agricultural land, sought to be preserved by Clause 14.01-1S (Protection of Agricultural Land) the Green Wedge Zone and Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions)
2. The proposal fails to protect biodiversity and native vegetation sought to be preserved by Clause 12.01 (Biodiversity) and Clause 52.17 (Native Vegetation).
3. Siting, scale and appearance of built form have poor regard to rural character and the scenic landscapes of the Southern Ranges region.
4. The proposal is incompatible with adjoining and nearby uses that are protected under Clause 13.07-1 (Land Use Compatibility).
5. The proposal is inappropriately sited and contrary to the objectives of Clause 19.02-4S (Social and Cultural Infrastructure) and Clause 21.05-6 (Community Services and facilities).
6. The proposal is inconsistent with Clause 65.01 (Decision Guidelines) and the orderly planning of the area.

Carried

5.2 T220553 Use and Development of Land for the Purpose of Two Dwellings, Subdivision of Land (Boundary Realignment) and associated vegetation removal, 73 Kilvington Drive, Emerald

Responsible GM: Lili Rosic
Author: Mary Rush

Recommendation:

Notice of Decision

That Council having caused notice of Planning Application No. T220553 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known and described as L1 TP296948N & L1 TP333909W, 73 Kilvington Drive, Emerald VIC 3782, for the Use and Development of Land for the Purpose of Two Dwellings, Subdivision of Land (Boundary Realignment) and associated vegetation removal generally in accordance with the endorsed plans, subject to the following conditions:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Layout not altered

2. The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Notification of permit conditions

3. Before works start, the permit holder must advise all persons undertaking the vegetation removal, development or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Subdivisions that do not require referral

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications

7. The owner of the land must enter into an agreement with:
 - i. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- ii. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to Statement of Compliance

9. Prior to the issue of a Statement of Compliance under the *Subdivision Act, 1988*, the following works must be completed on or to the land in accordance with plans and specifications submitted to and approved by the responsible authority:
- a. Construction of a concrete vehicle crossing to service proposed Lot 2.
 - b. Driveway access and drainage connection points must be provided to all lots.
 - c. 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, to ensure that they do not cross the boundaries between the proposed lots.

Replacement plantings required

10. Prior to the removal of vegetation, it must be demonstrated that the vegetation approved for removal has been replaced through one of the following methods:
- a. The permit holders must prepare and submit a *Replacement Planting Plan* to compensate for the removal of vegetation approved under this permit, to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will form part of this permit. The plan must show:
 - i. Twenty-four (24) indigenous plants are to be planted within three months of completion of development/works to compensate for the loss of six (6) non indigenous trees to the satisfaction of the responsible authority. All replacement plantings must be in accordance with any Bushfire Management Plan that may apply.
 - ii. Plantings must include a range of indigenous trees, shrubs and grasses with a minimum of one (1) canopy tree planted per every tree removed.
 - iii. A list of indigenous plant species to be used and the name of the indigenous nursery where plants will be sourced from.
 - iv. Show area of replacement planting on a site plan.
 - v. Actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch.
- And/or
- b. The permit holder must purchase replacement plantings for a total of twenty-four (24) trees providing for works to be implemented offsite by council, or a combination of onsite

plantings with the remainder purchased from council to the satisfaction of the Responsible Authority.

- c. *Note: Replacement plantings can be purchased through Council's Environment Unit.*

Erection of tree protection fencing

11. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.

Maintenance of tree protection fencing and exclusion of activities within fencing

12. At all times during the carrying out of the development:
- the tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites* to the satisfaction of the responsible authority.
 - development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing

to the satisfaction of the responsible authority.

The responsible authority may consent in writing to the variation of these requirements.

Colours and materials

13. 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, including the roof, must be of a non-reflective nature.

Management of earthworks

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.
15. 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.
16. 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

Stormwater management

17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
18. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.

Prior to occupation of Dwelling 2

19. Dwelling 2 must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
- The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained

within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- b. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.
- c. The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.
- d. The standard concrete vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority as required by Condition 3(a).
- e. 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, to ensure that they do not cross the boundaries between the proposed lots.

Country Fire Authority

20. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.
21. Before the development starts, the Bushfire Management Plan prepared by Ranges Environmental, Dated 01 August 2023, Sheets 1 and 2 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Commencement

22. This permit will operate from the issued date of this permit.

Expiry – use and development

23. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
 - b. A statement of compliance is not issued within 5 years of the date of certification.
 - c. The development is not started within 2 years of the issued date of this permit.
 - d. The development is not completed within 4 years of the issued date of this permit.
 - e. The use does not start within 2 years of completion of the development.

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.

Permit notes

- CFA notes the variation to Table 6 requirements of Clause 53.02-5 of the Cardinia Planning Scheme and can accept the variation for the clumping of trees 11-14. CFA note that no vacant lots will be created as a result of the subdivision and development, and therefore does not require the Mandatory Condition of Clause 44.06-5 of the Cardinia Planning Scheme.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Attachments

1. T220553 PA-plans assessed

2. T220553 PA - Council Report 5.2.2 - 17 pages
3. CONFIDENTIAL REDACTED - T20553 PA - Copies of objections 5.1.3

Application Details

APPLICATION NO.:	T220553
APPLICANT:	Emma Whitehead
LAND:	L1 TP296948N & L1 TP333909W 73 Kilvington Drive, Emerald VIC 3782
PROPOSAL:	Use and Development of Land for the Purpose of Two (2) Dwellings, Subdivision of Land (Re-subdivision) and associated vegetation removal.
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> - LDRZ2 - Low Density Residential Zone - Schedule 2 <p>Overlays:</p> <ul style="list-style-type: none"> - BMO - Bushfire Management Overlay - VPO1 - Vegetation Protection Overlay - Schedule 1 - DD01 - Design and Development Overlay - Schedule 1
NOTIFICATION & OBJECTIONS:	<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 four (4) objections.</p>
KEY PLANNING CONSIDERATIONS:	<ol style="list-style-type: none"> 1. Impact on landscape character due to removal of vegetation and proposed development. 2. Treatment of wastewater and drainage impacts
REASON FOR MEETING:	The application has received over 4 objections
RECOMMENDATION:	Notice of Decision to Grant a Permit

Executive Summary

The purpose of this report is to consider an application at 73 Kilvington Drive, Emerald for the Use and Development of Land for the Purpose of Two (2) Dwellings, Subdivision of Land (Re-subdivision) and associated vegetation removal.

An assessment against the relevant policy that applies to the subject site supports the proposed re-subdivision, use and development at the scale proposed and that the proposal achieves the outcomes sought by policy.

The proposed development provides for a range of dwelling types and urban consolidation without impacting environmentally sensitive areas. The built form presents appropriately to the street and is consistent with the low density residential character of Kilvington Drive.

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.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Resolution

Moved Cr Jeff Springfield, seconded Cr Collin Ross.

Notice of Decision

That Council having caused notice of Planning Application No. T220553 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known and described as L1 TP296948N & L1 TP333909W, 73 Kilvington Drive, Emerald VIC 3782, for the Use and Development of Land for the Purpose of Two Dwellings, Subdivision of Land (Boundary Realignment) and associated vegetation removal generally in accordance with the endorsed plans, subject to the following conditions:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Layout not altered

2. The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Notification of permit conditions

3. Before works start, the permit holder must advise all persons undertaking the vegetation removal, development or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Subdivisions that do not require referral

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications

7. The owner of the land must enter into an agreement with:
 - i. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - ii. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to Statement of Compliance

9. Prior to the issue of a Statement of Compliance under the *Subdivision Act, 1988*, the following works must be completed on or to the land in accordance with plans and specifications submitted to and approved by the responsible authority:
 - a. Construction of a concrete vehicle crossing to service proposed Lot 2.
 - b. Driveway access and drainage connection points must be provided to all lots.
 - c. 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, to ensure that they do not cross the boundaries between the proposed lots.

Replacement plantings required

10. Prior to the removal of vegetation, it must be demonstrated that the vegetation approved for removal has been replaced through one of the following methods:
 - a. The permit holders must prepare and submit a *Replacement Planting Plan* to compensate for the removal of vegetation approved under this permit, to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will form part of this permit. The plan must show:
 - i. Twenty-four (24) indigenous plants are to be planted within three months of completion of development/works to compensate for the loss of six (6) non indigenous trees to the satisfaction of the responsible authority. All replacement plantings must be in accordance with any Bushfire Management Plan that may apply.
 - ii. Plantings must include a range of indigenous trees, shrubs and grasses with a minimum of one (1) canopy tree planted per every tree removed.
 - iii. A list of indigenous plant species to be used and the name of the indigenous nursery where plants will sourced from.
 - iv. Show area of replacement planting on a site plan.

- v. Actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch.

And/or

- b. The permit holder must purchase replacement plantings for a total of twenty-four (24) trees providing for works to be implemented offsite by council, or a combination of onsite plantings with the remainder purchased from council to the satisfaction of the Responsible Authority.
- c. *Note: Replacement plantings can be purchased through Council's Environment Unit.*

Erection of tree protection fencing

11. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.

Maintenance of tree protection fencing and exclusion of activities within fencing

12. At all times during the carrying out of the development:
 - a. the tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and Australian Standard AS4970-2009 - Protection of Trees on Development Sites to the satisfaction of the responsible authority.
 - b. development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing

to the satisfaction of the responsible authority.

The responsible authority may consent in writing to the variation of these requirements.

Colours and materials

13. 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, including the roof, must be of a non-reflective nature.

Management of earthworks

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.
15. 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.
16. 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

Stormwater management

17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
18. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.

Prior to occupation of Dwelling 2

19. Dwelling 2 must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
 - b. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.
 - c. The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.
 - d. The standard concrete vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority as required by Condition 3(a).
 - e. 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, to ensure that they do not cross the boundaries between the proposed lots.

Country Fire Authority

20. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.
21. Before the development starts, the Bushfire Management Plan prepared by Ranges Environmental, Dated 01 August 2023, Sheets 1 and 2 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Commencement

22. This permit will operate from the issued date of this permit.

Expiry – use and development

23. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
 - b. A statement of compliance is not issued within 5 years of the date of certification.
 - c. The development is not started within 2 years of the issued date of this permit.
 - d. The development is not completed within 4 years of the issued date of this permit.
 - e. The use does not start within 2 years of completion of the development.

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.

Permit notes

- CFA notes the variation to Table 6 requirements of Clause 53.02-5 of the Cardinia Planning Scheme and can accept the variation for the clumping of trees 11-14. CFA note that no vacant

lots will be created as a result of the subdivision and development, and therefore does not require the Mandatory Condition of Clause 44.06-5 of the Cardinia Planning Scheme.

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Carried

5.3 Use of the land for a place of worship (church) and reduction in car parking requirements - 8/ 5 Fusion Circuit Pakenham

Responsible GM: Lili Rosic
Author: Tim Heffernan

Recommendation(s)

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220600 for Use of a land for a Place of Worship (church) and reduction in car parking requirements on the following grounds:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - i. Clause 13.07-1S (Land use compatibility);
 - ii. Clause 17.03-2S (Sustainable Industry);
 - iii. Clause 17.03-3S (State-significant Industrial land);
 - iv. Clause 19.02-3S (Cultural Facilities);
 - v. Clause 21.04-4 (Industry); and
 - vi. Clause 33.01 (Industrial 1 Zone).
2. The shortfall of car parking will adversely affect the amenity of the subject site.
3. The proposed Place of Worship is largely incompatible with future warehouse occupancy.
4. The proposal does not represent the orderly planning of the area.

Attachments

APPLICATION NO.:	T220600
APPLICANT:	Pastor Folabora Ajetomobi Heart Changing Ministry International
LAND:	Warehouse 8/ 5 Fusion Circuit, Pakenham VIC 3810 (L8 PS903943)
PROPOSAL:	Use of the land for a place of worship (church) and reduction in car parking requirements
PLANNING CONTROLS:	Zone: Industrial 1 Zone (I1Z)
NOTIFICATION & OBJECTIONS:	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. Four (4) objections
KEY PLANNING CONSIDERATIONS:	The shortfall of car parking will adversely affect the amenity of the subject site. The proposed Place of Worship is largely incompatible with future warehouse occupancy.

	<p>Suitably of the land use within State significant industrial land.</p> <p>The proposal does not represent the orderly planning of the area.</p>
REASON FOR MEETING:	Planning officer recommendation for refusal
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

Executive Summary

The purpose of the report is to consider an application for Use of land for a Place of Worship (church) and reduction in car parking requirements as follows:

Heart Changing Ministry International seeks to operate Sunday services (10am through to 12noon) with a maximum 28 patrons (20 adults and 8 children). The Ministry intends to use the four dedicated car spaces and has sought permission from the landowners to use other car spaces as required. Attendees to the Sunday services will be transported to the site via vehicles owned by the Heart Changing Ministry.

On a Monday through Friday during business hours, the Ministry proposes using both the Pastor and Administration Office by 2 employees.

A reduction of 4 car parking spaces is sought.

The site is a recently completed 20-unit warehouse development, comprising some vacant warehouses, and small-scale businesses (tools/party hire).

Resolution

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220600 for Use of a land for a Place of Worship (church) and reduction in car parking requirements on the following grounds:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - i. Clause 13.07-1S (Land use compatibility);
 - ii. Clause 17.03-2S (Sustainable Industry);
 - iii. Clause 17.03-3S (State-significant Industrial land);
 - iv. Clause 19.02-3S (Cultural Facilities);
 - v. Clause 21.04-4 (Industry); and
 - vi. Clause 33.01 (Industrial 1 Zone).
2. The shortfall of car parking will adversely affect the amenity of the subject site.
3. The proposed Place of Worship is largely incompatible with future warehouse occupancy.
4. The proposal does not represent the orderly planning of the area.

Carried

5.4 T230120 PA - Re-subdivision of the land (house lot excision) at 1670 & 1690 Main Drain Road, Vervale

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

Recommendation(s)

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T230120 for Re-subdivision of land (house lot excision) CA 8 SEC N Parish of Koo-Wee-Rup East, 1670 Main Drain Road, and CA 9 SEC N, CA 20 SEC N and CA 21 SEC N, Parish of Koo-Wee-Rup East 1690 Main Drain Road, Vervale VIC 3814 on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Planning Policy Framework, that aim to preserve and protect rural land for its resources and features, protect important agricultural land such as those in Westernport, avoid the subdivision of productive agricultural land and avoiding the permanent loss of agricultural land, specifically:
 - a. Clause 11.01-1S - Settlement
 - b. Clause 11.01-1R - Green Wedges – Metropolitan Melbourne
 - c. Clause 13.07-1S – Land Use Compatibility
 - d. Clause 14.01-1S - Protection of Agricultural Land
 - e. Clause 14.01-1R - Protection of Agricultural Land – Metropolitan Melbourne
 - f. Clause 21.04-2 – Agriculture
 - g. Clause 22.05 – Western Port Green Wedge Policy
2. The proposal is inconsistent with relevant purposes and decision guidelines of the Schedule 1 to the Special Use Zone as it compromises the horticultural preservation of the land and fails to protect the area from the encroachment of urban and rural residential uses which has the potential to cause conflict between residents and normal farming practices.
3. The proposal is inconsistent with Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions), which aims to protect metropolitan green wedge land from uses and development that would diminish its agricultural values, and to protect productive agricultural land from incompatible uses and development.
4. The proposal is inconsistent with the relevant considerations of Clause 65 Decision Guidelines and does not represent orderly planning.

Attachments

1. T230120 PA Council Report Refusal [5.4.1 - 17 pages]
2. T 230120 PA - Locality Map [5.4.2 - 1 page]
3. T 230120 PA - Subdivision plans [5.4.3 - 4 pages]

Executive Summary

APPLICATION NO.:	T230120
APPLICANT:	Nobelius Land Surveyors
LAND:	CA 8 SEC N Parish of Koo-Wee-Rup East, 1670 Main Drain Road, Vervale VIC 3814; and CA 9 SEC N, CA 20 SEC N and CA 21 SEC N, Parish of Koo-Wee-Rup East 1690 Main Drain Road, Vervale VIC 3814
PROPOSAL:	Re-subdivision of land (house lot excision)
PLANNING CONTROLS:	Zone: <ul style="list-style-type: none"> Special Use Zone (Schedule 1) Overlay/s: <ul style="list-style-type: none"> Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application was given pursuant to Section 52 of the <i>Planning and Environment Act, 1987</i> . Council has not received any objections to date.
KEY PLANNING CONSIDERATIONS:	Horticultural preservation Fragmentation of agricultural land Inconsistent with Special Use provisions Potential for land use conflicts – ‘right to farm’
RECOMMENDATION:	The application is recommended for Refusal

Executive Summary

Planning permission is sought for the re-subdivision of two (2) contiguous parcels of land, with the purpose being to facilitate a house lot excision and the on-going operations of an existing soil-based food producer (currently being undertaken over multiple lots) by consolidating the crop onto one (1) lot.

This proposes to create a fragmented, ‘residential’ lot within the Special Use Zone (Schedule 1), zone specifically established to preserve high quality soil on agricultural land for horticultural and other farming activities.

The allotments proposed to be re-subdivided (depicted above) are as follows:

- CA 8 SEC N Parish of Koo-Wee-Rup East (1670 Main Drain Road, Vervale)
- - This allotment currently measures approximately 8.06 hectares in area.
 - The re-subdivision proposes to reduce this allotment to 1.118 hectares.

-
- CA 9 SEC N, CA 20 SEC N and CA 21 SEC N Parish of Koo-Wee-Rup East (1690 Main Drain Road, Vervale)
- - This land currently comprises of three (3) allotments with a total combined area of approximately 24.14 hectares.
 - The re-subdivision proposes to increase the combined area of these allotments to 31.25 hectares.
 - It also proposes to consolidate the three (3) allotments along with the land gained in the re-subdivision into one (1) parcel of land.

The creation of a smaller lot via this re-subdivision is considered to be at odds with the purpose of the Zone (Schedule 1).

Whilst it is not disputed that the proposed consolidation of agricultural land for the purposes of farming is considered to be a good planning outcome and consistent with the purpose of Schedule 1 to the Special Use Zone, this should not come at the expense of the creation of a small (1.118 hectare), fragmented, 'rural lifestyle' or 'residential' parcel.

The proposed creation of this smaller allotment has the real potential to create land use conflicts and detrimentally impact the 'right to farm' for the land surrounding it, which is not consistent with the purpose of Schedule 1 to the Special Use Zone.

In considering the overall intent, purpose and decision guidelines of Schedule 1 to the Special Use Zone, for the reasons outlined above, the proposed re-subdivision is considered, on balance, to be:

- Detrimental to the horticultural significance of the area
- Will have detrimental impact on the character and appearance of the area; and
- Is incompatible with adjoining and nearby farming land uses.

Based on this, it is recommended that the proposal be refused based on the grounds listed above.

Relevance to Council Plan

4.1 We support our productive land and employment land to grow local industries

4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.

5.1 We practise responsible leadership

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

Alternate Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application T230120 for Re-subdivision of land (house lot excision) CA 8 SEC N Parish of Koo-Wee-Rup East, 1670 Main Drain Road, and CA 9 SEC N, CA 20 SEC N and CA 21 SEC N, Parish of Koo[1]Wee-Rup East 1690 Main Drain Road, Vervale VIC 3814 subject to the following conditions:

Compliance With Documents Approved Under This Permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Amended plans required

2. Prior to the endorsement and certification of the plans, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy must be provided. The plans must include:
 - a. A scaled site plan of proposed Lot 1, PS 902905X that shows the location of all existing buildings and location of domestic animal proof fencing.
 - b. A works program that details:
 - i. The control and management of weeds and other pests on the site to ensure that they and the management techniques used to control them do not impact or spread onto neighbouring agricultural properties and other agricultural properties in the surrounding area; and
 - ii. Maintenance schedule to ensure that domestic animal proof fencing is kept in good order and capable of containing domestic animals on the site so that they do not impact neighbouring agricultural properties and other agricultural properties in the surrounding area.

Layout Not Altered

3. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the prior written consent of the Responsible Authority.

Subdivisions That Do Not Require Referral

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Other Requirements Prior to Statement of Compliance

7. Before a Statement of Compliance is issued, 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, to ensure that they do not cross the boundaries between the proposed lots.
8. Before a Statement of Compliance is issued any structures or buildings (other than boundary fencing) crossing a boundary between the proposed lots must be removed to the satisfaction of the Responsible Authority.

9. Before a Statement of Compliance is issued, domestic animal proof boundary fencing must be installed along the entirety of Lot 1 on PS 902905X.

Agreements under section 173 of the Act

10. Before the issue of a Statement of Compliance of the subdivision under the Subdivision Act 1988, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
 - a. The owner of proposed Lot 1, PS 902905X acknowledges that the land is within an agricultural area and offsite amenity impact, as listed below, may impact the residential enjoyment of the land:
 - i. Transport of materials, goods or commodities to or from the land;
 - ii. Appearance of any building, works or materials;
 - iii. Emissions of noise, artificial light, vibration, odours, smell, fumes, dust, waste water or waste products;
 - iv. Hours of operation of agricultural activities; and
 - v. Any other impacts resulting from agricultural activities undertaken on surrounding land.
 - b. The owner acknowledges the dwelling is in an agricultural area and accepts the 'right to farm' principal of existing and future agricultural uses in the area.
 - c. The owner of proposed Lot 1, PS 902905X must manage and maintain the land (including domestic animal fencing and control of pests and weeds) in accordance with the Site Management Plan endorsed under this permit to ensure the domestic activities do not cause adverse offsite impact to agricultural properties.

The owner of the land must pay all of the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Expiry:

11. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
 - a. The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
 - b. A statement of compliance is not issued within 5 years of the date of certification.

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.

Carried

5.5 T220660 - Use and Development of the Land for a Dwelling - 275 Daly Road, Nar Nar Goon

Responsible GM: Lili Rosic
Author: Hamish Mival

Recommendation(s)

That Council having caused notice of Planning Application No. T220660 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* put forward a position to Refuse to Grant a Permit in respect of the land known and described as L1 PS815289 V12183 F695, 275 Daly Road Nar Nar Goon, for the Use and Development of Land for a Dwelling under the following grounds:

1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, specifically:
 - a. Clauses 11.01-1R Green wedges – Metropolitan Melbourne,
 - b. Clause 11.03-3S Peri-urban areas,
 - c. Clause 14.01 Agriculture,
 - d. Clause 16.01-3S Rural residential development,
 - e. Clause 21.03-5 Rural residential and rural living development,
 - f. Clause 22.05 Western Port Green Wedge Policy
 as it does not protect valuable agricultural land and is an incompatible land use.
2. The proposal compromises the preservation, protection or enhancement of primary production, the Green Wedge or agriculture land, while resulting in a smaller rural residential lot that may conflict with existing or future large-scale farming operations.
3. The proposal is inconsistent with the purpose and decision guidelines of the Green Wedge Zone as it does not protect and conserve green wedge land for its agricultural resources or provide for the enhancement of primary production and does not minimise adverse impacts of siting.
4. The proposal is inconsistent with the relevant considerations of Clause 65 Decision Guidelines and the orderly planning of the area.

Attachments

1. T 220660 PA - Current docs [5.5.1 - 68 pages]
2. T 220660 PA - Locality map [5.5.2 - 1 page]
3. T220660 PA - Officer report [5.5.3 - 13 pages]

APPLICATION NO.:	T220660
APPLICANT:	Mr Ron Asling Studio Three Design & Drafting Pty Ltd

LAND:	L1 PS815289 V12183 F695 275 Daly Road, Nar Nar Goon VIC 3812
PROPOSAL:	Use and Development of Land for a Dwelling
PLANNING CONTROLS:	GWZ1 - Green Wedge Zone - Schedule 1 LSIO - Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by: <ul style="list-style-type: none"> Sending notices to the owners and occupiers of adjoining land. Council has received no objections to date.
KEY PLANNING CONSIDERATIONS:	Incompatible land use in the Green Wedge Zone. Appropriateness of siting.
RECOMMENDATION:	Refusal

Executive Summary

The purpose of this report is to consider an application for the Use and Development of Land for a Dwelling. A Section 79 appeal (failure to determine) has been lodged at VCAT therefore, rather than making a decision, Council must put forward a position on the application.

The site is subject to the Green Wedge Zone (Schedule 1) and Land Subject to Inundation Overlay.

An informal meeting was held with the applicant and property owner on 29 June 2023. Council's position was outlined during this meeting. It was indicated during this meeting that the application would be amended post-advertising. The application was referred to Melbourne Water as the determining authority and advertised to surrounding landholders.

A VCAT order was received by Council on 5 September 2023, pursuant to Section 79 of the *Planning and Environment Act 1987* for failure to decide. A compulsory conference is scheduled for 25 January 2024.

The application is inconsistent with Planning Policy Framework regarding agricultural and green wedge land and is inconsistent with the decision guidelines of the Green Wedge Zone. It is for these reasons that Council's position is to refuse the application.

Relevance to Council Plan

4.1 We support our productive land and employment land to grow local industries

4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.

Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

That Council having caused notice of Planning Application No. T220660 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* put forward a position to Refuse to Grant a Permit in respect of the land known and described as L1 PS815289 V12183 F695, 275 Daly Road Nar Nar Goon, for the Use and Development of Land for a Dwelling under the following grounds:

1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, specifically:
 - a. Clauses 11.01-1R Green wedges – Metropolitan Melbourne,
 - b. Clause 11.03-3S Peri-urban areas,
 - c. Clause 14.01 Agriculture,
 - d. Clause 16.01-3S Rural residential development,
 - e. Clause 21.03-5 Rural residential and rural living development,
 - f. Clause 22.05 Western Port Green Wedge Policyas it does not protect valuable agricultural land and is an incompatible land use.
2. The proposal compromises the preservation, protection or enhancement of primary production, the Green Wedge or agriculture land, while resulting in a smaller rural residential lot that may conflict with existing or future large-scale farming operations.
3. The proposal is inconsistent with the purpose and decision guidelines of the Green Wedge Zone as it does not protect and conserve green wedge land for its agricultural resources or provide for the enhancement of primary production and does not minimise adverse impacts of siting.
4. The proposal is inconsistent with the relevant considerations of Clause 65 Decision Guidelines and the orderly planning of the area.

Carried

5.6 T220563 - Use and development of land for dwelling at 1200 Gembrook-Tonimbuk Road, Tonimbuk

Responsible GM: Lilli Rosic
Author: Tanvi Rawat

Recommendation(s)

That Council resolves to issue a notice of decision to Refuse to Grant a Permit for planning permit application T220563 for the Use and development of the land for dwelling under the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Planning Policy Framework, that prioritise protection of human life over all other policy considerations, specifically:
 - Clause 13.02-1S bushfire planning
 - Clause 21.02-4 Bushfire management
2. The proposal does not respond to the purposes or decision guidelines of clause 44.06 Bushfire management overlay (BMO) and Clause 53.02 Bushfire planning.
3. The proposal does not appropriately respond to several visions, strategies and objectives of Clause 11 Settlement Clause 13 Environmental Risks and Amenity, Clause 21.03 Settlement and Housing and Clause 21.07 Local Areas – Hills Region.
4. The proposal does not represent the balanced planning outcome.

Attachments

T220563 Locality Map [3.19.1 - 1 page]
 T220563 Development plan [3.19.2 - 7 pages]
 T220343 Officer Report [3.19.3 - 26 pages]

Executive Summary

APPLICATION NO.:	T220563
APPLICANT:	Mrs Antonia Emerson Philip Harvey & Associates
LAND:	L1 TP253657, 1200 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815
PROPOSAL:	Use and development of the land for Dwelling
PLANNING CONTROLS:	<u>Zone:</u> RCZ1-Rural Conservation Zone Schedule 1 <u>Overlays:</u> BMO - Bushfire Management Overlay ES01 - Environmental Significance Overlay - Schedule 1, LSIO - Land Subject to Inundation Overlay

NOTIFICATION & OBJECTIONS:	Notice of the application was given pursuant to Section 52 of the Planning an Environment Act 1987. To date, Council has received no objections.
KEY PLANNING CONSIDERATIONS:	Protection of human life from bushfire Isolated location of development Higher bushfire risk from surrounding landscape.
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

The purpose of this report is to consider an application to use and develop 1200 Gembrook-Tonimbuk Road, Tonimbuk for a Dwelling.

The planning permit application proposes a moderate size single dwelling on subject site which is currently vacant. The site is located within the Rural conservation Zone, Schedule 1 (RCZ1) and affected by the Bushfire Management Overlay (BMO), Environmental Significance Overlay Schedule 1 (ESO1) and Land Subject to Inundation Overlay (LSIO).

An assessment against the relevant policies that apply to the subject site has determined that the proposed use and development for a Dwelling is not an acceptable planning outcome as it contradicts the strategy for protecting human life against the bushfire risk.

The proposed bushfire measures fail to mitigate bushfire risk arising from the broader landscape to an acceptable level and therefore use and development should not proceed further on subject site.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Alternate Resolution

Moved Cr Graeme Moore, seconded Cr Collin Ross.

That Council resolves to issue a notice of decision to Grant a Permit for planning permit application T220563 for the Use and development of the land for dwelling subject to the following conditions:

Conditions

Amended Bushfire Management Plan

1. Before the development commences, an amended Bushfire Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans/s will be endorsed and will then form part of the permit. The plan/s must be drawn to scale with dimensions and one (1) digital copy must be provided. The plans must be generally in accordance with the Bushfire Management Plan submitted with the application but modified to show:

- a. The dwelling constructed to BAL FZ; and
- b. The provision of a sprinkler system for the dwelling.

General

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. The exterior of the development must not result in any adverse visual impact on the environment of the area.
4. Before the dwelling is occupied:
 - a. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
 - b. The dwelling must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
 - c. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
 - d. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Engineering

5. All stormwaters must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.
6. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
7. 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.
8. 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.
9. 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.

Environmental Health

10. Before the development is occupied, all sewage and sullage wastewater from the proposed development must be discharged into a new, EPA approved, on-site secondary wastewater treatment system to the satisfaction of the Responsible Authority. The treated effluent must be

disposed of via sub surface pressure compensating subsurface irrigation retaining all wastewater within the boundaries of the subject land to the satisfaction of the Responsible Authority.

11. Before the development starts, the area set aside for the waste water envelope and purposes of distribution and absorption of wastewater must be protected to prevent soil disturbance during construction of the proposed development to the satisfaction of the Responsible Authority.

Country Fire Authority

12. Before the development starts, the Bushfire Management Plan Ref# B3874/3.0 dated January 2023 and prepared by Keystone Alliance Bushfire Assessments must be endorsed by the Responsible Authority. Once endorsed, the plan must not be altered unless agreed to in writing by the CFA and Responsible Authority.
13. 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.

Melbourne Water

14. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval for any new or modified storm water connection to Melbourne Water's drains or watercourses.

Expiry:

15. A permit for the development and use of land expires if-
 - a. the development does not start within **two (2) years** after the issue of the permit; or
 - b. the development is not completed within **four (4) years** after the issue of the permit; or
 - c. the use does not start within **two (2) years** after the completion of the development; or
 - d. the use is discontinued for a period of **two (2) years**.

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

Notes:

- I. Approval to install or alter an onsite wastewater treatment system must also be obtained from Council's Health Department.
- II. Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- III. A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.

- IV. Noting an amended Bushfire Management Plan is required in accordance with Condition 1, written consent from the CFA will be sought by Council in accordance with Condition 12.

Carried

5.7 Use and development of a dwelling - 245 Simpson Road, Iona

Responsible GM: Lili Rosic
Author: Tim Heffernan

Recommendation(s)

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220833 for Use and development of a dwelling on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Planning Policy Framework, that seeks to discourage non-agricultural and non-soil-based uses that are established on soil of high agricultural valued land, specifically:
 - a. Clause 14.01-1S - Protection of Agricultural Land;
 - b. Clause 14.01-1R - Protection of Agricultural Land – Metropolitan Melbourne;
 - c. Clause 14.01-2S - Sustainable Agricultural Land Use;
 - d. Clause 21.04-2 – Agriculture; and
 - e. Clause 22.05 – Western Port Green Wedge, and particularly Precinct 1.
2. The proposal is inconsistent with the purposes and decision guidelines of the Special Use Zone – Schedule 1.
3. The proposal is contrary to Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions.
4. The proposal does not comply with the relevant considerations of Clause 65 and the orderly planning of the area.

Attachments

1. T220833 Locality Map [5.7.1 - 1 page]
2. T220833 Development Plans [5.7.2 - 10 pages]
3. T220833 Delegate Report (2) [5.7.3 - 16 pages]

APPLICATION NO.:	T220833
APPLICANT:	Madeleine Heard Hotondo Homes
LAND:	245 Simpson Road, Iona VIC 3815 Lot 1 TP611732 V8208 F242
PROPOSAL:	Use and development of a dwelling

PLANNING CONTROLS:	Zone: Special Use Zone Schedule 1 (SUZ1) Overlay: Land Subject to Inundation Overlay (LSIO)
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the Planning and Environmental Act, the application was advertised by sending notices in the mail to nearby property owners and placement of signage on site. No objections received.
KEY PLANNING CONSIDERATIONS:	Inconsistent with Special Use Zone provisions. The land use does <u>not</u> utilise the high-quality soils to their highest capacity. The proposed dwelling is not reasonably required. The proposal is not responsive to Western Port Green Wedge Policy (Clause 22.05). The proposed dwelling would not support and enhance agricultural production. Potential for land use conflicts – ‘right to farm’ impeded.
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

Executive Summary

Planning permission is sought for the use and development of the land for a single storey dwelling, comprising 4 bedrooms, 2 bathrooms, 2 living areas, double garage and alfresco area.

The subject site comprises of approximately 41.16 hectares of highly productive agricultural land.

The property currently houses an agricultural shed, 80 head of beef cattle and fodder conservation in the form of hay and silage. It is contended by the applicants that the dwelling is required to enable more appropriate management of the onsite beef cattle, hay and silage production. This was not expanded upon.

Council has considered the purposes of the Special Use Zone Schedule 1 (Horticultural Preservation) and Western Port Green Wedge Policy set out in Clause 22.05. The onus is on applicants to justify the needs of a dwelling. In this instance, the proposed dwelling is not required in order to support cattle on site with the dwelling also fragmentating the land and causing a notable loss in productive agricultural land.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Alternate Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

That Council Defers consideration of Application T220833 for Use and development of a dwelling to the February 2024 Town Planning Meeting.

Carried

5.8 Planning Scheme Amendment Activity Report - December 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, Lang Lang	<p>Rezone part of land from Farming Zone - Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) and consider Planning Permit Application No. T190728 for:</p> <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; <p>concurrently with the amendment.</p>	Thu 10/03/2022	Mon 11/04/2022	<p>The amendment was adopted by Council at the April 2023 Council meeting.</p> <p>The amendment has been submitted to the Minister for Planning and is awaiting approval.</p>
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	<p>Adopted by Council at the July 2021 meeting.</p> <p>The amendment has been submitted to the Minister for Planning for approval.</p> <p>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.</p>
C268	NBA Group Pty Ltd.	49 Garfield Road, Garfield	<p>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.</p>	Thu 13/10/2022	Mon 14/11/2022	<p>Exhibition completed 14 November 2022.</p> <p>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.</p> <p>A report was presented to the July 2023 Council meeting recommending that the amendment be adopted with changes as per the Panel Report.</p>

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 was received in October 2023.</p> <p>Council officers are now preparing the exhibition documents to send to the Department of Transport and Planning.</p>

Resolution

Moved Cr Tammy Radford, seconded Cr Jeff Springfield.

That Council note the report.

Carried

5.9 Planning Matters Dealt with by Officers Under Delegated Authority - December 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 August 2023 and 13 November 2023

Beacon Hills Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
8/08/2023	T230232	189 Quamby Road, Beaconsfield Upper VIC 3808	The removal of one (1) tree (Pinus radiata)	Issued	17 May 2023
10/08/2023	T210377 - 1	75 Whiteside Road, Beaconsfield VIC 3807	Buildings and works associated accommodation (dwelling)	Issued	21 June 2023
17/08/2023	T210798	500 Army Road, Pakenham Upper VIC 3810	Buildings and works (Construction of a Shed) associated with an agricultural product transport and distribution business	Issued	18 October 2021
21/08/2023	T220732	18 Reed Avenue, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of an Outbuilding)	Issued	04 November 2022
21/08/2023	T230299	13 Armstrong Road, Beaconsfield Upper VIC 3808	Alterations and Additions to an Existing Dwelling (pergola) & Construction of an Outbuilding (Carport)	Issued	20 June 2023
28/08/2023	T220455	39 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for a dwelling and associated works generally in accordance with the endorsed plans	Issued	04 July 2022
28/08/2023	T230280	275 Huxtable Road, Pakenham Upper VIC 3810	Buildings and works for a deck and pavilion	Issued	08 June 2023
28/08/2023	T230367	50 Huxtable Road, Pakenham Upper VIC 3810	Development of the land for an outbuilding (shed)	Issued	25 July 2023

31/08/2023	T220284	62-64 May Road, Beaconsfield VIC 3807	Subdivision of land and removal of native vegetation	Issued	28 April 2022
1/09/2023	T220840	62-64 Stoney Creek Road, Beaconsfield Upper VIC 3808	Use and development of a dwelling and outbuilding, removal of vegetation and variation to easement	Issued	22 December 2022
1/09/2023	T220785	9 Young Street, Beaconsfield Upper VIC 3808	Buildings and works associated with a dwelling extension	Issued	29 November 2022
4/09/2023	T220763	55 Wallace Street, Beaconsfield VIC 3807	Use and development of land for medical center and display of business identification sign	Issued	18 November 2022
5/09/2023	T210051 - 1	215 Harvie Road, Pakenham Upper VIC 3810	- Proposed Shed relocation closer to Harvie Road - Reworking of Condition 9 of the planning permit to allow no more than 8 persons/ week (in lieu of "8 persons in calendar year") as per the Proposed Business Plan supplied in the application.	Issued	25 January 2022
6/09/2023	T210765	245 Morrison Road, Pakenham Upper VIC 3810	Development of the land for an extension to an existing dwelling (garage)	Issued	04 October 2021
7/09/2023	T220769	25 Burton Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of a Shed)	Issued	22 November 2022
8/09/2023	T230423	21 Rockies Ridge, Pakenham VIC 3810	Buildings and works for an outbuilding (shed) within a Significant Landscape Overlay (SLO6)	Issued	24 August 2023

11/09/2023	T230118	33 Brennan Avenue, Beaconsfield Upper VIC 3808	Development of the land associated with an existing dwelling	Issued	21 March 2023
4/10/2023	T220798	2 Brentwood Close, Dewhurst VIC 3808	Use and development of the land for a dwelling	Issued	06 December 2022
11/10/2023	T230277	570 Pakenham Road, Pakenham Upper VIC 3810	Buildings and works for an outbuilding	Issued	07 June 2023
12/10/2023	T220585	20 Keith Parade, Beaconsfield VIC 3807	Development of the land for an outbuilding (Shed), associated earthworks exceeding one (1) metre and removal of one (1) native tree	Issued	30 August 2022
24/10/2023	T230487	16 Corringham Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed)	Issued	04 October 2023
31/10/2023	T220415	650 Bourkes Creek Road, Dewhurst VIC 3808	Two (2) lot subdivision (boundary realignment)	Issued	17 June 2022
31/10/2023	T220781	398 Beaconsfield- Emerald Road, Guys Hill VIC 3807	Development of the land for a dwelling and Removal of one (1) tree.	Issued	25 November 2022
2/11/2023	T230494	15 Neville Road, Gembrook VIC 3783	Development of the land for an outbuilding (garage)	Issued	11 October 2023
9/11/2023	T230050	20 Funnell Road, Beaconsfield Upper VIC 3808	Use and Development of Land for a Dependent Person's Unit	Issued	31 January 2023

Bunyip Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
10/08/2023	T210326 - 2	10 Canty Lane, 140 & 180 Ryan Road and Canty Lane Road Reserve, Pakenham VIC 3810	T210326-2 APP - Amendment to planning permit Response to the unresolved stormwater drainage matters which have been discussed at length between Melbourne Water, Beveridge Williams (together with our client), and Council.	Issued	20 March 2023
10/08/2023	T220137 - 1	10 Canty Lane, Pakenham VIC 3810	T220137-1 APP - Amended Planning Permit Application This application seeks to provide for additional flexibility in the delivery of the Maple Grove Estate.	Issued	20 March 2023
10/08/2023	T220518	43 Kingston Avenue, Pakenham VIC 3810	Development of Land for a Second Dwelling, Alterations and Additions to Existing Dwelling	Issued	01 August 2022
16/08/2023	T220073	125 Trevor Road, Nar Nar Goon North VIC 3812	Use and development of the land for a dependent persons unit	Issued	09 February 2022
17/08/2023	T220721	14 Agnoletto Court, Bunyip VIC 3815	Development of the land for an outbuilding (shed) and associated earthworks	Issued	27 October 2022
17/08/2023	T230108	16 Agnoletto Court, Bunyip VIC 3815	Buildings and Works (Construction of a Shed)	Issued	09 March 2023

	T230164	25 Mirrabooka Road, Maryknoll VIC 3812	Development of the land for a Dependent Persons's Unit	Issued	13 April 2023
21/08/2023	T230176	18A Pinehill Drive, Pakenham VIC 3810	Buildings and Works (Construction of a Shed)	Issued	18 April 2023
22/08/2023	T220392	270 Thirteen Mile Road, Garfield VIC 3814	development of the land for a dwelling (replacement)	Issued	06 June 2022
23/08/2023	T230325	13 Pearson Street, Bunyip VIC 3815	Demolition of an outbuilding and buildings and works associated with an outbuilding in a Heritage Overlay (HO99)	Issued	29 June 2023
28/08/2023	T220619	109 Lone Pine Road, Garfield VIC 3814	Buildings and works associated with the construction of an agricultural building (stables/horse arena) and an extension to a dwelling	Issued	12 September 2022
28/08/2023	T230347	51 A'Beckett Road, Bunyip VIC 3815	Development of the land for a carport	Issued	17 July 2023
31/08/2023	T230143	40 Tynong Road, Tynong VIC 3813	Buildings and Works (Dwelling Extension)	Issued	03 April 2023
4/09/2023	T220782	930 Bessie Creek Road, Nar Nar Goon North VIC 3812	Earthworks associated with a dam(wetland)	Issued	25 November 2022
6/09/2023	T220314	24 Railway Avenue, Garfield VIC 3814	Development of the land for two (2) additional dwellings, alterations to an existing dwelling and associated subdivision of the land into three (3) lots	Issued	13 May 2022

7/09/2023	T230405	1 Pinehill Drive, Pakenham VIC 3810	Extension to an existing outbuilding	Issued	16 August 2023
14/09/2023	T220716	35 Wattletree Road, Bunyip VIC 3815	Buildings and Works (Construction of a Shed)	Issued	25 October 2022
15/09/2023	T230368	4 Kevis Court, Garfield VIC 3814	Subdivision of land into two (2) lots each containing an existing building.	Issued	25 July 2023
19/09/2023	T220490	50 Manoora Road, Maryknoll VIC 3812	Development of the land for a dwelling and outbuilding and associated earthworks.	Issued	19 July 2022
21/09/2023	T230284	120 Mont Albert Road, Garfield VIC 3814	Extension to existing dwelling	Issued	13 June 2023
3/10/2023	T230462	10 Battunga Road, Maryknoll VIC 3812	Buildings and works associated with a fence.	Issued	18 September 2023
12/10/2023	T210475	11 Fairway Court, Pakenham VIC 3810	Subdivision of Land into Two Lots and Variation to a Restrictive Covenant	Issued	28 June 2021
16/10/2023	T230360	15 Silky Oak Court, Garfield VIC 3814	Development of the land for an outbuilding (shed)	Issued	21 July 2023
17/10/2023	T230098	1530 Princes Highway, Nar Nar Goon VIC 3812	Use and development of the land for a display village and ancillary food and drink premises, display of signage and waiver of carparking requirements.	Issued	28 February 2023
17/10/2023	T230121	76 Tynong Road, TYNONG VIC 3813	Buildings and Works associated with the demolition of an existing outbuilding and the construction of a new outbuilding.	Issued	21 March 2023

18/10/2023	T200431 - 3	35 Clark Road, Tynong North VIC 3813	Buildings and works associated with a dwelling extension and two outbuildings	Issued	13 September 2023
27/10/2023	T230086	125 Brew Road, Tynong North VIC 3813	Buildings and Works associated with the construction of two (2) carports.	Issued	21 February 2023
27/10/2023	T230142	1 Morris Way, Bunyip VIC 3815	Use and development of the land for a second dwelling and a water tank	Issued	03 April 2023
8/11/2023	T200756 - 1	6 Webb Street, Bunyip VIC 3815	Amendment to Two (2) lot subdivision	Issued	13 September 2023
10/11/2023	T220708	8 Latta Road, Nar Nar Goon VIC 3812	Subdivision of the land into two (2) lots and removal of vegetation	Issued	20 October 2022
13/11/2023	T210236 - 1	Shop 1/36A Railway Avenue, Tynong VIC 3813	Amendment to Planning Permit T210236 for Use and development of the land for a postal agency and food and drink premises, and display of signage	Issued	23 August 2023
8/08/2023	T220335	36 Stoneycroft Road, Nar Nar Goon North VIC 3812	Use and development of the land for a dwelling and three (3) outbuildings and (1) one habitable outbuilding	NOD	17 May 2022
9/10/2023	T220242	82 Wattletree Road, Bunyip VIC 3815	Subdivision of the land into three (3) lots & vegetation removal.	NOD	06 April 2022

Central Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
10/10/2023	T230175	84 Dusseldorp Avenue, Pakenham VIC 3810	To use the land for the purpose of a Rooming House	Issued	18 April 2023
8/11/2023	T220608 - 1	1 Park Orchard Drive, Pakenham VIC 3810	Amend Condition 28 to increase the number of students allowed in association with the swim school use.	Issued	24 September 2023

Henty Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
7/08/2023	T230201	32 Henty Street, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	02 May 2023
17/08/2023	T220146	Shop 7/1 Hunt Way, Pakenham VIC 3810	Reduction in car parking requirements associated with a place of assembly	Issued	01 March 2022
18/10/2023	T210074	11 James Street, Pakenham VIC 3810	Development of the land for a fence	Issued	06 February 2021
27/09/2023	T220697	9 Anderson Street, Pakenham VIC 3810	Development of the land with 5 (five) double storey dwellings and reduction (to zero) in visitor parking requirements	Issued	17 October 2022
1/09/2023	T230243	1 Thomas Street, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	19 May 2023
9/11/2023	T220194	20 - 32 Station Street, Pakenham VIC 3810	Use of the land for an education centre (adult employment training)	Issued	21 March 2022
5/09/2023	T220653 - 1	Shop 1/1 Hunt Way, Pakenham VIC 3810	To increase the number of practitioners to three (3) by consent pursuant to condition 2	Issued	30 August 2023
14/08/2023	T160624 - 2	20-22 Mill Street, Pakenham VIC 3810	Use of the land and buildings and works associated with Residential Buildings (Student Accommodation Boarding House)	Issued	31 March 2022

5/09/2023	T220598	16 Toomuc Valley Road, Pakenham VIC 3810	Development of the land for two additional dwellings and alterations to an existing dwelling	NOD	05 September 2022
8/11/2023	T230223	17 Atkins Road, Pakenham VIC 3810	Development of three (3) dwellings on a lot	NOD	10 May 2023
1/11/2023	T230287	39 Ahern Road, Pakenham VIC 3810	Development of three (3) dwellings on a lot	NOD	14 June 2023
12/09/2023	T220829	116 Princes Highway, Pakenham VIC 3810	Buildings and Works (Extension to a Restaurant) and Display of Signage (Pole Sign, Internally Illuminated and Business Identification)	NOD	19 December 2022

Officer Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
10/08/2023	T220835	Pink Hill Boulevard, Officer VIC 3809	Child Care Centre (Use and Development) & Display of Business Identification Signage	Issued	21 December 2022
10/08/2023	T230030	474 Princes Highway, Officer VIC 3809	Use and Development of the land with 8 food trucks, construction of car park and alteration of access to a TRZ2	Issued	18 January 2023
17/08/2023	T210899 - 1	65 Mary Street, Officer VIC 3809	Staged multi-lot subdivision of land, construction of dwellings, creation of restrictions and removal of native vegetation.	Issued	08 August 2023
23/08/2023	T170524 - 2	40 Starling Road, Officer VIC 3809	Subdivision of land	Issued	21 October 2022
5/09/2023	T230089	414 Princes Highway, Officer VIC 3809	Development of the land for Trade Supplies [Plumbing]	Issued	22 February 2023
13/09/2023	T230156	190 Kenilworth Avenue, Beaconsfield VIC 3807	Development and use of the land for a childcare centre and display of two business identification signs.	Issued	06 April 2023
11/10/2023	T210962	90 McMullen Road, Officer VIC 3809	Subdivision of land within a Land Subject to Inundation Overlay and native vegetation removal.	Issued	22 December 2021

11/10/2023	T220531 - 1	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	24 September 2023
13/10/2023	T200618 - 1	250 Princes Highway, Officer VIC 3809	Development of the land for dwellings (including within the Heritage Overlay) in stages, subdivision of land in stages, vegetation removal and car parking reduction, generally in accordance with the approved plans.	Issued	13 April 2023
20/10/2023	T220617	465 Princes Highway, Officer VIC 3809	Use and development of a mixed-use commercial development including business identification signage and alteration of access to a road in a Transport Zone 2	Issued	12 September 2022
31/10/2023	T230167	11-13 Station Street, Officer VIC 3809	Use and development of the land for a Child Care Centre and to construct buildings and works on Land Subject to Inundation Overlay.	Issued	13 April 2023
8/11/2023	T210836	130 Bayview Road, Officer VIC 3809	Subdivision of land and native vegetation removal	Issued	08 November 2021

Pakenham Hills Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
11/08/2023	T220564	47 Solid Drive, Pakenham VIC 3810	Construction of a single dwelling, construction of a fence, vegetation removal and earthworks	Issued	19 August 2022
18/08/2023	T220359 - 1	43 Solid Drive, Pakenham VIC 3810	Construction of a dwelling, construction of a fence and associated earthworks	Issued	19 June 2023
28/08/2023	T230184	31 Breyleigh Drive, Pakenham VIC 3810	Development of the land for a single dwelling, fence and associated works	Issued	27 April 2023
19/09/2023	T230283	45 Solid Drive, Pakenham VIC 3810	Buildings and works for the construction of a dwelling, earthworks and fencing	Issued	13 June 2023
2/10/2023	T220399	56 Ahern Road, Pakenham VIC 3810	Development of the land for thirteen (13) dwellings.	Issued	22 June 2022
5/10/2023	T230123	22 Thwaites Road, Pakenham VIC 3810	Development of the land for four (4) dwellings	Issued	21 March 2023
16/10/2023	T210787 - 1	56 Army Road, Pakenham VIC 3810	Use and development of the land for a childcare centre and display business identification signage	Issued	07 September 2023

Ranges Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
14/08/2023	T230136	10 First Avenue, Cockatoo VIC 3781	Buildings and works for a dwelling extension	Issued	24 March 2023
14/08/2023	T230261	17 Station Road, Gembrook VIC 3783	The subdivision of the land into two (2) lots and removal of vegetation	Issued	25 May 2023
16/08/2023	T220008	24 Beaconsfield-Emerald Road, Emerald VIC 3782	Development of the land for one (1) outbuilding (replacement shed)	Issued	07 January 2022
21/08/2023	T230264	51 Caroline Avenue, Cockatoo VIC 3781	Construction of an Outbuilding (Studio)	Issued	30 May 2023
23/08/2023	T230096	4 Ladd Square, Emerald VIC 3782	Development of the land for an extension and alteration to an existing dwelling	Issued	03 March 2023
30/08/2023	T220670	38 Emerald-Monbulk Road, Emerald VIC 3782	Buildings and Works (Construction of a Shed)	Issued	05 October 2022
1/09/2023	T220725	1930 Wellington Road, Clematis VIC 3782	Buildings and works to construct a shed	Issued	31 October 2022
6/09/2023	T220710	155 Red Road, Gembrook VIC 3783	Variation of the Restrictive Covenant AK779529X on Lot 4 of PS701902A	Issued	21 October 2022
8/09/2023	T230091	5 Old Menzies Creek Road, Menzies Creek VIC 3159	Buildings and works associated with construction of a dwelling extension.	Issued	23 February 2023
11/09/2023	T230111	13 Boronia Crescent, Cockatoo VIC 3781	Development of a Dwelling, Outbuilding and Associated works	Issued	15 March 2023
11/09/2023	T230171	6 Mountain Road, Cockatoo VIC 3781	Buildings and Works (Construction of Two (2) Carports)	Issued	17 April 2023

12/09/2023	T230115	11 Hamilton Road, Emerald VIC 3782	Development of the Land for a Replacement Dwelling and Associated Works	Issued	17 March 2023
12/09/2023	T230204	30 Ferres Road, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Issued	02 May 2023
13/09/2023	T230247	11 Torley Road, Emerald VIC 3782	Buildings and Works (Construction of an outbuilding)	Issued	23 May 2023
4/10/2023	T230328	15 Old Gembrook Road, Emerald VIC 3782	Alterations and additions to an existing dwelling (workshop studio), development of the land for two outbuildings (carport and pergola) and associated earthworks exceeding one (1) metre	Issued	03 July 2023
9/10/2023	T200737 - 1	3 Sunnyside Terrace, Emerald VIC 3782	Buildings and works associated with a dwelling	Issued	17 February 2023
9/10/2023	T220758	2 Main Street, Gembrook VIC 3783	Construction of a Car Wash, Display of Business Identification Signage and Alteration of Access to a Road in a Transport Zone 2	Issued	17 November 2022
12/10/2023	T230208	94 Beaconsfield-Emerald Road, Emerald VIC 3782	Boundary Re-alignment (2 existing lots) and removal of native vegetation	Issued	05 May 2023
12/10/2023	T230356	10 Stewart Road, Emerald VIC 3782	Use of land for a dwelling	Issued	20 July 2023
16/10/2023	T230329	7 Poplar Crescent, Emerald VIC 3782	Vegetation removal (2 Pinus radiata)	Issued	06 July 2023

16/10/2023	T230336	9 Poplar Crescent, Emerald VIC 3782	Vegetation removal (3 Pinus radiata)	Issued	10 July 2023
17/10/2023	T230344	26 Deery Road, Emerald VIC 3782	Development of the land for an outbuilding (shed) and associated earthworks	Issued	17 July 2023
1/11/2023	T230073	13 Outlook Road, Emerald VIC 3782	Buildings and works associated with the development of the land for a dwelling and removal of native vegetation	Issued	17 February 2023
9/11/2023	T200667 - 1	15 Macclesfield Road, Emerald VIC 3782	Development of the land for an outbuilding, associated works and the removal of vegetation	Issued	11 September 2023
9/11/2023	T220520	38 Aura Vale Road, Menzies Creek VIC 3159	Native vegetation removal (2)	Issued	01 August 2022
15/08/2023	T220692	22 Belgrave-Gembrook Road, Cockatoo VIC 3781	Subdivision of land into two (2) lots	NOD	14 October 2022
20/10/2023	T220296	4-6 Russell Road, Gembrook VIC 3783	Subdivision of the land into seven (7) lots, creation of easements and removal of vegetation	NOD	04 May 2022
31/10/2023	T230024	6 Davey Road, Emerald VIC 3782	Buildings and works associated with a habitable outbuilding and removal of one (1) tree	NOD	20 January 2023
4/09/2023	T200035	11 Station Street, Officer VIC 3809	Development of the land for four dwellings	Refused	10 February 2020
6/09/2023	T220343	4 Stringybark Road, Cockatoo VIC 3781	Subdivision of Land into Two Lots	Refused	20 May 2022

Toomuc Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
11/08/2023	T190643 - 1	35 Mulcahy Road, Pakenham VIC 3810	Amendment to planning permit T190431-1 to subdivide proposed lot 33 into 6 additional allotments	Issued	01 February 2023
29/08/2023	T220799	135 Mulcahy Road, Pakenham VIC 3810	5 Lot Subdivision of land in accordance with development permit T220504, in accordance with the endorsed plans.	Issued	06 December 2022
13/09/2023	T220742	55 Mulcahy Road, Pakenham VIC 3810	Subdivision of land, associated works and removal of native vegetation	Issued	09 November 2022
13/09/2023	T230364	84 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	21 July 2023
21/09/2023	T220592 - 1	565 Princes Highway, Officer VIC 3809	Removal of native vegetation	Issued	28 July 2023
19/10/2023	T230448	40 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	11 September 2023

Westernport Ward

Date	Permit Number	Address	Proposal	Decision	Date Lodged
6/09/2023	T220788	55 Bunyip River Road, Nar Nar Goon VIC 3812	Buildings and works for an agricultural building	Issued	01 December 2022
2/10/2023	T230192	4A Exchange Drive, Pakenham VIC 3810	Buildings and Works (Construction of Two (2) Warehouses)	Issued	01 May 2023
2/10/2023	T230193	6A Exchange Drive, Pakenham VIC 3810	Buildings and Works (Construction of Two (2) Warehouses)	Issued	01 May 2023
2/10/2023	T230194	8A Exchange Drive, Pakenham VIC 3810	Buildings and Works (Construction of Two (2) Warehouses)	Issued	01 May 2023
7/08/2023	T220662	1205 Koo Wee Rup Road, Pakenham VIC 3810	Multi-lot subdivision of land	Issued	03 October 2022
20/10/2023	T230150	95 Bladens Road, Koo Wee Rup VIC 3981	Buildings and Works associated with the construction of an outbuilding.	Issued	04 April 2023
3/10/2023	T230437	14B Charles Street, Koo Wee Rup VIC 3981	Building and works associated with an outbuilding (shed) on land affected by a Design and Development Overlay	Issued	04 September 2023
6/09/2023	T220237	3 Sette Circuit & 15 Exchange Drive, Pakenham VIC 3810	Subdivision of the land into three lots	Issued	05 April 2022
31/08/2023	T220797	455 Kettles Road, Lang Lang VIC 3984	Two (2) lot subdivision.	Issued	05 December 2022
12/10/2023	T220398 - 1	565 Murray Road, Vervale VIC 3814	Buildings and Works (Construction of a Farm Shed, Earthworks)	Issued	05 September 2023
11/08/2023	T230274	10 O'Sullivan Street, Pakenham VIC 3810	Subdivision of land into five (5) lots	Issued	06 June 2023

1/09/2023	T230389	500 Bald Hill Road, Pakenham VIC 3810	Buildings and Works (Construction of a Verandah)	Issued	08 August 2023
7/08/2023	T220808	225 Murray Road, Cora Lynn VIC 3814	Alterations and additions to an existing dwelling	Issued	08 December 2022
29/08/2023	T230002	405 Monomeith Road, Monomeith VIC 3984	Buildings and Works (Construction of an Outbuilding)	Issued	08 January 2023
3/11/2023	T230217	1 Tarmac Way, Pakenham VIC 3810	Building and works for warehouse development	Issued	09 May 2023
16/10/2023	T230334	40 Peet Street, Pakenham VIC 3810	Buildings and Works associated with the Construction of Two (2) Warehouses	Issued	10 July 2023
13/11/2023	T200820 - 1	275 McDonalds Drain Road, Koo Wee Rup VIC 3981	Amendment to Planning Permit T200820	Issued	10 May 2023
26/10/2023	T230450	20 Murray Road, Cora Lynn VIC 3814	Buildings and works associated with an outbuilding (carport) on land in a Special Use Zone	Issued	11 September 2023
25/08/2023	T230059	92 Enterprise Road, Pakenham VIC 3810	Subdivision of land and associated works.	Issued	14 February 2023
19/09/2023	T230289	92 Enterprise Road, Pakenham VIC 3810	Use and development of land for a warehouse and associated works, reduction in car parking requirements and display of business identification signage	Issued	14 June 2023

11/10/2023	T230290	4 O'Sullivan Street, Pakenham VIC 3810	Building and works for warehouse development with ancillary office and reduction in car parking spaces	Issued	14 June 2023
17/08/2023	T220624	18 Exchange Drive, Pakenham VIC 3810	Buildings and works for the construction of a warehouse	Issued	14 September 2022
3/10/2023	T230233	Heads Road, Catani VIC 3981	Buildings and Works (Construction of an Agricultural Shed)	Issued	15 May 2023
27/10/2023	T220824	6 & 8 William Street, Koo Wee Rup VIC 3981	Development of two (2) additional dwellings to the rear of the existing dwellings and associated four (4) lot subdivision.	Issued	16 December 2022
6/09/2023	T230067	370 Thwaites Road, YANNATHAN VIC 3981	Building and works for an agricultural building	Issued	16 February 2023
12/09/2023	T230071	300 Settlement Road, Caldermeade VIC 3984	Use and Development associated with a Replacement Dwelling	Issued	17 February 2023
22/09/2023	T230237	We 1/27 Bate Close, Pakenham VIC 3810	Buildings and Works (Construction of a Mezzanine Floor)	Issued	17 May 2023
31/10/2023	T230117	30 Westernport Road, Lang Lang VIC 3984	Alteration to an existing building façade	Issued	20 March 2023
30/08/2023	T220643	50 Peet Street, Pakenham VIC 3810	Buildings and works associated with a Store	Issued	21 September 2022
21/08/2023	T230246	185 Harkers Road, Caldermeade VIC 3984	Buildings and Works (Construction of a Shed)	Issued	23 May 2023
27/10/2023	T220804 - 1	100 Greenhills Road, Pakenham VIC 3810	Use and development of the land for warehouses and display of signage (business identification)	Issued	24 August 2023

14/08/2023	T160494 - 1	Southeast Business Park, Greenhills Road, Pakenham VIC 3810	Section 72 Amendment to Condition 6a of Planning Permit T160494	Issued	24 May 2023
25/09/2023	T170806 - 1	22 Rays Way, Pakenham VIC 3810	Section 72 Amendment to Permit Allowing "Use of the land for a Restricted Recreation Facility (Gymnastics Club)" for Lot 22&24 Rays Way, Pakenham	Issued	24 November 2021
6/09/2023	T230260	7 Salina Street, Lang Lang VIC 3984	Variation of a restrictive covenant (removal of the vegetation protection envelope)	Issued	25 May 2023
11/08/2023	T220652	115 Pioneer Road, Lang Lang VIC 3984	Use and development of the land for a Dependent Persons Unit	Issued	28 September 2022
28/08/2023	T220733 - 1	130 McDonalds Track, Lang Lang VIC 3984	Use and Development of Land for a Child Care Centre and Alteration of Access to a Road in a Transport Zone 2	Issued	29 June 2023
22/08/2023	T230137	625 Bunyip-Modella Road, Iona VIC 3815	Alterations and Additions to an Existing Dwelling	Issued	29 March 2023
8/09/2023	T230321	FY 3/100 Bald Hill Road, Pakenham VIC 3810	Use of land for a Transfer Station (Victoria's Container Deposit Scheme) and a reduction to the number of car parking spaces required	Issued	30 June 2023
12/10/2023	T230322	32-36 Peet Street, Pakenham VIC 3810	Development of a warehouse including associated signage and reduction to the number	Issued	30 June 2023

			of car parking spaces required		
25/08/2023	T230139	92 Enterprise Road, Pakenham VIC 3810	Use and development of land for a warehouse and associated works, reduction in car parking requirements and display of internally illuminated signage	Issued	31 March 2023
13/09/2023	T110467 - 1	104 Moody Street, Koo Wee Rup VIC 3981	Extend the storage facility to provide for an additional 192 storage units.	NOD	02 September 2022
2/11/2023	T230292	635 Murray Road, VERVALE VIC 3814	Development of the land for an agricultural building associated with Crop Raising	NOD	09 June 2023
3/10/2023	T230068	60 Burt Road, Lang Lang East VIC 3984	Use and development of the land for a caretakers dwelling	NOD	16 February 2023
22/08/2023	T220114	75 McDonalds Road, Caldermeade VIC 3984	Subdivision of land into two (2) lots	Refused	17 February 2022
16/08/2023	T220366	550 Scanlons Drain Road, Catani VIC 3981	The use and the development of the land for a dwelling	Refused	27 May 2022

5.10 Planning Matters VCAT Report - December 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 10 November 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
31/01/2024	T220366	550 Scanlons Drain Road, Catani 3981	The use and the development of the land for a dwelling	Refusal	Applicant
2/04/2024	T220660	275 Daly Road Nar Nar Goon 3812	Use and Development of Land for a Dwelling	FTD	Applicant
14/05/2024	T220375	41915 South Gippsland Highway, Lang Lang	Subdivision of land into two (2) lots (boundary realignment)	Refusal	Applicant
13/02/2024	GE220364	Lot H on Plan of Subdivision 400130H, Princes Hwy, Pakenham	End of Section 173 Agreement T148994L	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
7/2/2024	T220809	490-494 McGregor Road, Pakenham VIC 3810	Subdivision of land into two (2) lots (re-subdivision of two lots)	FTD*	Applicant
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 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

*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
T210643	44 Paternoster Road, Cockatoo	Use and Development of the Land for a Telecommunications facility	Notice of Decision to Grant a Permit	Objector	Permit Issued	18 October 2023
T220666	8/18 Racecourse Road, Pakenham 3810	Use of land for a shop	Refusal	Applicant	Withdrawn	19 October 2023
T220501	74-76 Ahern Road Pakenham	Construction of two or more dwellings	Refusal	FTD*	Permit issued	27 October 2023

Resolution

Moved Cr Jeff Springfield, seconded Cr Kaye Cameron.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 8:42pm.