

# **Town Planning Committee Meeting**

## **Minutes**

**Monday 6 May 2024**

**Commenced at 7:06 PM**

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

**Members:** Cr Jack Kowarzik Mayor  
Cr Graeme Moore Deputy Mayor  
Cr Tammy Radford  
Cr Kaye Cameron  
Cr Stephanie Davies  
Cr Jeff Springfield  
Cr Collin Ross  
Cr Brett Owen  
Cr Carol Ryan

**Officers:**

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 & Property

Meeting opened at 7:06pm.

# Order of Business

<b>1 Opening And Prayer</b> .....	<b>4</b>
<b>2 Acknowledgements</b> .....	<b>4</b>
<b>3 Apologies</b> .....	<b>4</b>
<b>4 Declaration Of Interests</b> .....	<b>4</b>
<b>5 Ordinary Business</b> .....	<b>5</b>
5.1 T230342 PA - Use Of The Land For Rural Industry (Hemp-Based Mud Brick Manufacturing) At 565 Murray Road, Vervale 3814.....	5
5.2 T140068-2 APP - Development Of The Land For Sixteen (16) Dwellings - 13-15 Mahon Avenue, Beaconsfield .....	10
5.3 T220699 PA - Use And Development Of The Land For A Dwelling & Development Of An Agricultural Building - 130 Murphy Lane, Bunyip.....	20
5.4 T220807 PA - Use Of Land For Indoor Recreation (Gymnasium) And Associated Works To Construct Car Parking Spaces - 4/108 Mulcahy Road Pakenham .....	24
5.5 T240007 PA - Use Of Land For A Restricted Recreation Facility - 7 Convoy Lane, Pakenham.....	26
5.6 T220009 PA - Two Lot Subdivision - 4 Hamilton Road Emerald .....	28
5.7 Planning Matters Dealt With By Officers Under Delegated Authority - May 2024 31	
5.8 Planning Matters VCAT Report - May 2024 .....	45
5.9 Planning Scheme Amendment Activity Report - May 2024.....	49

## **1 Opening And Prayer**

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

## **2 Acknowledgements**

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

## **3 Apologies**

Nil

## **4 Declaration Of Interests**

Nil

## 5 Ordinary Business

### 5.1 T230342 PA - Use of the land for Rural Industry (hemp-based mud brick manufacturing) at 565 Murray Road, Vervale 3814

**Responsible GM:** Lili Rosic  
**Author:** Dean Haeusler

#### Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application T230342 for use of the land for Rural Industry (hemp based mud brick manufacturing) subject to the following conditions:

#### Prior to the use commencing

1. Prior to the commencement of the use, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed to form part of the Planning Permit. The plans must be consistent with the plans assessed by Council but modified to show:
  - a. Fourteen (14) car parking spaces designed in accordance with Clause 52.06-9 (Design Standards).
  - b. Plans to satisfy condition 2.
2. Prior to the commencement of the use, an Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail:
  - a. Management measures of airborne and/or wastewater emissions generated as a result of the hemp processing and product manufacture.
  - b. Biosecurity measures to be implemented during the operation, including how these will be enforced and how any breaches managed and reported.

When approved, the plans will be endorsed and will then form part of the permit.

3. Before the use commences, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

#### General

4. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### Rural Industry

5. Prior to the commencement of the use, the hemp crop as shown on the endorsed plans must reach harvesting maturity and must be inspected by the Responsible Authority. Photographic evidence must be submitted to meet this condition.
6. The use may only operate in conjunction with the cultivation of hemp on the land as shown on the endorsed plans.

7. The use must utilise hemp grown on the subject site as a primary source of earthen filler for the mud bricks to the satisfaction of the Responsible Authority.
8. All buildings associated with the use must not exceed a combined gross floor area of 500 square metres.
9. The Rural Industry approved under this permit may only operate between the following hours:
  - Monday to Friday: 7:00am – 8:00pm; and
  - Saturday: 7.00am – 1:00pm.
10. Any deliveries to and from the subject site must occur within the approved operating hours.
11. No more than ten (10) employees associated with the use are permitted on-site at any one time.
12. Unless with the written consent of the Responsible Authority, retail sales are not permitted from the subject land.
13. The use and development 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.
14. Any waste material generated from the activity must be removed from the subject land in accordance with the endorsed Environment Management Plan. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

#### Amenity

15. 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.
16. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
17. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017.

#### Expiry:

18. This permit for the use of land expires if—
  - a. the use does not start within **two (2) years** after the issue of the permit; or
  - b. 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.

AND

That Council authorise the Manager Planning and Design to instruct Council's Statutory Planners and/or Council's Solicitors on any future application for review at the Victorian Civil and Administrative Tribunal.

### Attachments

1. T230342 PA - Site and floor plan [5.1.1 - 2 pages]
2. T230342 PA - Legal advice obtained by applicant [5.1.2 - 8 pages]
3. T230342 PA - Applicant proposal and town planning response [5.1.3 - 13 pages]
4. CONFIDENTIAL REDACTED - T230342 PA - Objections [5.1.4 - 7 pages]
5. T230342 PA - Officer Report [5.1.5 - 18 pages]

### Application Details

<b>APPLICATION NO.:</b>	T230342
<b>APPLICANT:</b>	Mr Andrew Little
<b>LAND:</b>	CA 17 SEC N Parish of Koo-Wee-Rup East, 565 Murray Road, Vervale VIC 3814
<b>PROPOSAL:</b>	Use of the land for Rural Industry (hemp-based mud brick manufacturing)
<b>PLANNING CONTROLS:</b>	Special Use Zone – Schedule 1 Land Subject to Inundation Overlay
<b>NOTIFICATION &amp; OBJECTIONS:</b>	The application was put on public notice in accordance with Section 52 of the Planning and Environment Act. Notices were sent to neighbouring properties and signage erected on-site for fourteen (14) days.  Four (4) objections were received.
<b>KEY PLANNING CONSIDERATIONS:</b>	<ul style="list-style-type: none"> <li>• Land use characterisation</li> <li>• Appropriateness of land use</li> <li>• Viability of the horticultural pursuit</li> <li>• Impacts to existing rural activities and properties</li> </ul>
<b>REASON FOR MEETING:</b>	Four objections were received.
<b>RECOMMENDATION:</b>	Notice of Decision to Grant a Permit

### Executive Summary

The purpose of this report is to consider an application to consider Planning Permit application T230342 to use the land for Rural Industry (hemp-based mud brick manufacturing).

The application proposes to use an agricultural building approved under Planning Permit T220398 for the purpose of Rural Industry. Industrial Hemp is intended to be grown on the

land (an activity that does not require planning permission) that will be processed to form the basis of the bricks to be manufactured. The bricks are formed to a mould that is air dried before the bricks are stored for distribution and use in the building industry.

The application was received in July 2023 upon which a request was made for additional information regarding the activity. Concerns were also raised regarding whether the proposal met the definition of 'mud brick' and the ability to process an application that was inconsistent with a condition contained in the planning permit issued for the agricultural building.

During the course of the assessment, an amendment to Planning Permit T220398 was issued in October 2023 with a number of amendments, including a change to condition 4 that enabled this application to be processed as submitted.

To assist in resolving concerns raised by the Statutory Planning team, legal advice on the definition of 'Mud Brick' was obtained by the applicant confirming that the composition was consistent with the ordinary definition of the terms. This advice was later peer reviewed by lawyers appointed by Council where the real and substantial use was affirmed as 'mud brick manufacturing'.

On balance of the considerations set out in Schedule 1 to the Special Use Zone along with those of the relevant State, Regional and Local policies, the proposal represents an appropriate use of land and should be supported.

### **Background**

Planning Permit T220398-1 is currently the subject of an appeal before the Victorian Civil and Administrative Tribunal pursuant to Section 89(1)(a) of the *Planning and Environment Act* (1987) to cancel Council's granting of this permit with a hearing scheduled 8–10<sup>th</sup> July 2024.

If the appellant is successful and Planning Permit T220398-1 is cancelled, Council acknowledges there will be implications should this recommendation for the land use be supported and a permit granted. In this instance, the permit holder will be unable to act on their permit and further permission will need to be sought, either via a new permit or amendment to the permit.

Despite the proceedings before the Tribunal, Council has a responsibility to make a decision on separate applications before it and it is therefore recommended that this application be determined.

### **Additional Information**

The Mayor advised that information had been received since the publication of the agenda and asked General Manager Liveable Communities Lili Rosic to speak to the item.

Ms Rosic advised additional information regarding this planning application has been recently presented to Council that requires officers consideration including but not limited to three late



objections/submissions therefore, officers request that this item is deferred to a future Planning Committee meeting or Council meeting up to July 2024.

**Resolution**

Moved Cr Kaye Cameron, seconded Cr Graeme Moore.

That this application is deferred to the July Town Planning meeting to consider further information that has come to light.

Carried

## 5.2 T140068-2 APP - Development of the land for sixteen (16) dwellings - 13-15 Mahon Avenue, Beaconsfield

**Responsible GM:** Lili Rosic  
**Author:** Dean Haeusler

### Recommendation(s)

That Council form a position to support the application to Amend Planning Permit T140068-1 to develop land for sixteen (16) dwellings and removal of native vegetation subject to the following conditions:

### Conditions

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the endorsed plans but modified to show:

#### Landscape Plan

- a. An updated landscape plan modified to:
  - i. Show trees approved for removal and retention.
  - ii. The Tree Protection Zones of retained trees including those of trees on neighbouring properties that encroach the site.

#### Development Plans

- b. Development plans (prepared by Co-Lab Architecture, Revision 2, dated 13/12/2023) modified to show:
  - i. Visitor space adjacent to dwellings 10 and 11 deleted.
  - ii. Presentation for three bins and storage space for four bins shown for each dwelling.
  - iii. Hard waste collection area/s.
  - iv. Modifications to the porch entrance of units 9 and 10 to ensure vehicles can safely and efficiently reverse clear of impediment
  - v. Finished Floor Levels of all dwellings and decking areas.
  - vi. Unit 8 bedroom 3 window to demonstrate compliance with Standard B22 (Overlooking).
  - vii. Unit 11 south-facing windows to demonstrate compliance with Standard B22 (Overlooking).
2. The layout of the site and the size of the proposed 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. Prior to the removal of native vegetation hereby approved, the permit holders must prepare and submit an *Offset Management Plan* to compensate for the removal of native 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:

- a. indigenous plants to be planted and protected under conservation management;
- b. indigenous plant species to be used for revegetation, actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch;
- c. only local indigenous plants to be planted. Plantings must include a range of indigenous trees, shrubs and grasses.

The *Offset Management Plan* must provide protection of the offset area in perpetuity.

4. Offset actions must begin within 12 months from the commencement of works. The offset area must be protected and maintained in perpetuity to the satisfaction of the Responsible Authority.
5. Prior to the commencement of the development, the trees marked on the endorsed plans as being retained must have Tree Protection Zones (TPZ) installed to the satisfaction of the Responsible Authority. All TPZ's must meet the following requirements:
  - a. Each TPZ must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
  - b. Each shall not be removed until such works have been fully completed.
  - c. Each TPZ must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
  - d. If works are shown on any endorsed plans of this permit within the calculated TPZ, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
  - e. Areas within the TPZ must not be used:
    - viii. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
    - ix. for storage or dumping of tools, equipment, materials or waste is to occur.
    - x. for storage of any vehicles, machinery, equipment or other materials.
6. Before the removal or pruning works starts, the trees to be removed from the subject site must be inspected by an appropriately qualified zoologist to determine the presence or otherwise of any native fauna living or nesting in the trees. If any native animals are living or nesting in the trees they must be caught and relocated prior to the removal of the trees, to the satisfaction of the Responsible Authority
7. All vegetation that is removed and disposed of must:
  - a. not cause damage to vegetation stands to be retained
  - b. have regard to any local laws (e.g. vegetation burning laws)
8. This permit limits the vegetation to be removed to the specific plants identified as part of this application.
  - a. No additional native plants outside those specified in this permit are to be removed as part of this application
9. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention

system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

*Note:* As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

If the drainage of the eastern portion of the site requires drainage to be directed to the existing Melbourne Water drain located within the adjoining land to the east, the applicant must negotiate the creation of a suitable drainage easement with the adjoining land owner and construct an outfall drain within this easement to service the affected portion of the proposed development to the satisfaction of the Responsible Authority

10. Stormwater works must be provided on the subject land to prevent overflows onto adjacent properties.
11. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. Before the development is occupied a residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
15. Before the development is occupied, all proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
16. The dimensions and layout of the proposed access and parking areas must accord with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
17. Before the development is occupied the dwellings must be connected to a reticulated sewerage system of a sewerage authority.
18. Delete.
19. All plumbing work, sewer pipes etc. associated with the development must be concealed from the general view.
20. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the authority outside the boundaries of the site.
21. A mailbox must be provided at the front of each dwelling to the satisfaction of the Responsible Authority and Australia Post.

22. A clothesline must be provided for each dwelling and must be located to the satisfaction of the Responsible Authority so as not to be detrimental to the visual amenity of the neighbourhood.
23. Lighting standards must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
24. The landscaping works as shown on the approved plan must be completed within sixty (60) days of the completion of the dwellings. The completion date is defined as the issue of a Certificate of Occupancy.
25. The completed landscaping must be maintained by the owner to the satisfaction of the Responsible Authority until the dwellings are transferred.
26. All non-ground floor windows on the northern elevation of units 1 to 7 must be obscured in accordance with the requirements of Clause 55 of the Cardinia Planning Scheme and to the satisfaction of the Responsible Authority, prior to the occupation of these dwellings. These windows must remain obscured to the satisfaction of the Responsible Authority in perpetuity.
27. At all times waste management and collection must be undertaken in accordance with the endorsed Waste Management Plan, prepared by Waste Space Solutions, dated 15 August 2023 (or as amended).

#### Expiry of Permit

This permit will expire if:

- a. the development is not commenced within **two (2) years** of the date of the permit;  
or
- b. the development is not completed within **four (4) years** of the date of the permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

**Please note the timeframes detailed in the 'Expiry of Permit' relate to the Date Issued, not the Date Amended.**

#### Notes

Council does not provide waste collection services from common property areas. A private waste collection service is required to service the dwellings within this approved development. Any such service will be the responsibility of the Owners Corporation

#### AND

That Council authorise the Manager Planning and Design to instruct Council's Statutory Planners and/ or Council's Solicitors on any future application for review at the Victorian Civil and Administrative Tribunal.

#### Attachments

1. T140068-2 APP - Locality Map [5.2.1 - 1 page]
2. T140068-2 APP - Officer Report [5.2.2 - 26 pages]
3. CONFIDENTIAL REDACTED - T140068-2 APP - Objections [5.2.3 - 4 pages]
4. T 140068-2 APP - Development Plans [5.2.4 - 43 pages]

### Application Details

<b>APPLICATION NO.:</b>	T140068-2
<b>APPLICANT:</b>	UpCo Urban Planning Collective
<b>LAND:</b>	L1 LP46245, 13-15 Mahon Avenue, Beaconsfield VIC 3807
<b>PROPOSAL:</b>	Amend planning permit application T140068-1 (approved for the development of land for eleven dwellings) to amend what the permit allows by introducing a further five dwellings, totalling 16 dwellings for the site.
<b>PLANNING CONTROLS:</b>	General Residential Zone – Schedule 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	<p>The proposal was advertised pursuant to Section 52 of the <i>Planning and Environment Act (1987)</i>.</p> <p>Notices were sent to neighbouring properties and signage erected on-site for fourteen (14) days.</p> <p>Four (4) objections were received.</p>
<b>KEY PLANNING CONSIDERATIONS:</b>	<ul style="list-style-type: none"> <li>• Stormwater management</li> <li>• Traffic generation and access</li> <li>• Neighbourhood character</li> </ul>
<b>REASON FOR MEETING:</b>	<ul style="list-style-type: none"> <li>• Four objections received</li> <li>• Planning Permit T140068 was determined by Council (supporting an officer recommendation for approval)</li> </ul>
<b>RECOMMENDATION:</b>	Adopt a position to support the application to amend the Planning Permit

### Executive Summary

The site benefits from two active planning permits; T140068 that was originally issued on 19 February 2015 and amended on 28 August 2018 for the development of eleven dwellings and T160680 issued on 12 December 2016 for the subdivision of land into twelve lots. Both permits have been extended and remain active.

The current application to amend planning permit T140068 was received 10 November 2023. The application seeks to integrate the development of the site's eastern portion with the approved dwellings.

Further information was requested before the application proceeded to public notice on 11 January 2024, where four objections were received.

On 14 March 2024 Council received notification of an Initiating Order from the Victorian Civil and Administrative Tribunal (VCAT) that the applicant had applied for a review under Section 79 of the *Planning and Environment Act (1987)*.

The addition of five dwellings to the balance of the site is achieved with a site-responsive design of detached dwellings consistent with the approved development. The further dwellings represent a moderate increase in the residential in-fill development to a site that is positioned with good access to services, amenities and public transport more generally.

As demonstrated in the officer report, it is recommended the amendment is supported, subject to conditions.

## Relevance to Council Plan

### 2.1 We support the creation of liveable spaces and places

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

## Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council form a position to support the application to Amend Planning Permit T140068-1 to develop land for sixteen (16) dwellings and removal of native vegetation subject to the following conditions:

### Conditions

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the endorsed plans but modified to show:

#### Landscape Plan

- a. An updated landscape plan modified to:
  - iii. Show trees approved for removal and retention.
  - iv. The Tree Protection Zones of retained trees including those of trees on neighbouring properties that encroach the site.

#### Development Plans

- b. Development plans (prepared by Co-Lab Architecture, Revision 2, dated 13/12/2023) modified to show:
  - xi. Visitor space adjacent to dwellings 10 and 11 deleted.
  - xii. Presentation for three bins and storage space for four bins shown for each dwelling.
  - xiii. Hard waste collection area/s.
  - xiv. Modifications to the porch entrance of units 9 and 10 to ensure vehicles can safely and efficiently reverse clear of impediment

- xv. Finished Floor Levels of all dwellings and decking areas.
  - xvi. Unit 8 bedroom 3 window to demonstrate compliance with Standard B22 (Overlooking).
  - xvii. Unit 11 south-facing windows to demonstrate compliance with Standard B22 (Overlooking).
2. The layout of the site and the size of the proposed 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. Prior to the removal of native vegetation hereby approved, the permit holders must prepare and submit an *Offset Management Plan* to compensate for the removal of native 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:
    - a. indigenous plants to be planted and protected under conservation management;
    - b. indigenous plant species to be used for revegetation, actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch;
    - c. only local indigenous plants to be planted. Plantings must include a range of indigenous trees, shrubs and grasses.The *Offset Management Plan* must provide protection of the offset area in perpetuity.
  4. Offset actions must begin within 12 months from the commencement of works. The offset area must be protected and maintained in perpetuity to the satisfaction of the Responsible Authority.
  5. Prior to the commencement of the development, the trees marked on the endorsed plans as being retained must have Tree Protection Zones (TPZ) installed to the satisfaction of the Responsible Authority. All TPZ's must meet the following requirements:
    - a. Each TPZ must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
    - b. Each shall not be removed until such works have been fully completed.
    - c. Each TPZ must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
    - d. If works are shown on any endorsed plans of this permit within the calculated TPZ, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
    - e. Areas within the TPZ must not be used:
      - xviii. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
      - xix. for storage or dumping of tools, equipment, materials or waste is to occur.
      - xx. for storage of any vehicles, machinery, equipment or other materials.
  6. Before the removal or pruning works starts, the trees to be removed from the subject site must be inspected by an appropriately qualified zoologist to determine the presence or otherwise of any native fauna living or nesting in the trees. If any native animals are living or nesting in the trees they must be caught and relocated prior to the removal of the trees, to the satisfaction of the Responsible Authority



7. All vegetation that is removed and disposed of must:
  - a. not cause damage to vegetation stands to be retained
  - b. have regard to any local laws (e.g. vegetation burning laws)
8. This permit limits the vegetation to be removed to the specific plants identified as part of this application.
  - a. No additional native plants outside those specified in this permit are to be removed as part of this application
9. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

*Note:* As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

If the drainage of the eastern portion of the site requires drainage to be directed to the existing Melbourne Water drain located within the adjoining land to the east, the applicant must negotiate the creation of a suitable drainage easement with the adjoining land owner and construct an outfall drain within this easement to service the affected portion of the proposed development to the satisfaction of the Responsible Authority

10. Stormwater works must be provided on the subject land to prevent overflows onto adjacent properties.
11. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. Before the development is occupied a residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
15. Before the development is occupied, all proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
16. The dimensions and layout of the proposed access and parking areas must accord with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
17. Before the development is occupied the dwellings must be connected to a reticulated sewerage system of a sewerage authority.

18. Delete.
19. All plumbing work, sewer pipes etc. associated with the development must be concealed from the general view.
20. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the authority outside the boundaries of the site.
21. A mailbox must be provided at the front of each dwelling to the satisfaction of the Responsible Authority and Australia Post.
22. A clothesline must be provided for each dwelling and must be located to the satisfaction of the Responsible Authority so as not to be detrimental to the visual amenity of the neighbourhood.
23. Lighting standards must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
24. The landscaping works as shown on the approved plan must be completed within sixty (60) days of the completion of the dwellings. The completion date is defined as the issue of a Certificate of Occupancy.
25. The completed landscaping must be maintained by the owner to the satisfaction of the Responsible Authority until the dwellings are transferred.
26. All non-ground floor windows on the northern elevation of units 1 to 7 must be obscured in accordance with the requirements of Clause 55 of the Cardinia Planning Scheme and to the satisfaction of the Responsible Authority, prior to the occupation of these dwellings. These windows must remain obscured to the satisfaction of the Responsible Authority in perpetuity.
27. At all times waste management and collection must be undertaken in accordance with the endorsed Waste Management Plan, prepared by Waste Space Solutions, dated 15 August 2023 (or as amended).

#### Expiry of Permit

This permit will expire if:

- c. the development is not commenced within **two (2) years** of the date of the permit;  
or
- d. the development is not completed within **four (4) years** of the date of the permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

**Please note the timeframes detailed in the 'Expiry of Permit' relate to the Date Issued, not the Date Amended.**

#### Notes

Council does not provide waste collection services from common property areas. A private waste collection service is required to service the dwellings within this approved development. Any such service will be the responsibility of the Owners Corporation

#### AND

That Council authorise the Manager Planning and Design to instruct Council's Statutory Planners and/ or Council's Solicitors on any future application for review at the Victorian Civil and Administrative Tribunal.

Carried

## 5.3 T220699 PA - Use and development of the land for a dwelling & development of an agricultural building - 130 Murphy Lane, Bunyip

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

### Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220699 for the use and development of the land for a dwelling and the construction of an agricultural building on the following grounds:

1. The proposal is contrary to the strategic directions of Clauses 14.01-1S - Protection of agricultural land; 21.04-2 - Agriculture and 22.05 - Western Port Green Wedge Policy. The proposal results in a permanent loss of agricultural land with no demonstrated access to a sustainable water supply for agriculture activities.
2. The proposal is inconsistent with relevant purposes and decision guidelines of the Green Wedge Zone - Schedule 1. The proposal permanently removes agricultural land from future use and significantly limits the potential for future expansion of adjoining agricultural uses.
3. The proposal is inconsistent with relevant purposes and decision guidelines of the Restructure Overlay - Schedule 51. The proposal increases the number of dwellings and has the potential to adversely impact the surrounding agricultural land uses' ability to farm.
4. The proposal is inconsistent with the relevant provisions of Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions, as the proposal introduces an incompatible use and development and fails to protect the productive agricultural land from urban activities.

### Attachments

1. T220699 PA - Locality Map [5.3.1 - 1 page]
2. T220699 PA - Officer Report [5.3.2 - 23 pages]
3. T220699 PA - Assessed Development Plans [5.3.3 - 5 pages]
4. CONFIDENTIAL REDACTED - T220699 PA - Farm Management Plan [5.3.4 - 26 pages]
5. CONFIDENTIAL REDACTED - T220699 PA - Objections [5.3.5 - 3 pages]

### Application Details

<b>APPLICATION NO.:</b>	T220699
<b>APPLICANT:</b>	Marcus and Cyra Boulter
<b>LAND:</b>	130 Murphy Lane, Bunyip VIC 3815 CA 49A Parish of Koo-Wee-Rup East

<b>PROPOSAL:</b>	Use and development of the land for a dwelling and development of an agricultural building
<b>PLANNING CONTROLS:</b>	Zone: Green Wedge Zone - Schedule 1 (GWZ1) Overlays: Land Subject to Inundation Overlay (LSIO) Restructure Overlay - Schedule 51 (R051)
<b>NOTIFICATION &amp; OBJECTIONS:</b>	Pursuant to Section 52 of the <i>Planning and Environmental Act (1987)</i> , the application was advertised by sending notices in the mail to nearby property owners.  Two (2) objections were received.
<b>KEY PLANNING CONSIDERATIONS:</b>	Inconsistent with Green Wedge Zone and Restructure Overlay decision guidelines.  The proposed dwelling would not support and enhance agricultural production with the capability of the site to support a flower enterprise seriously questioned due to a lack of bore water.  The proposal is not responsive to the important Western Port Green Wedge Policy (Clause 22.05).  The proposal permanently removes agricultural land from future use while introducing 'right to farm' conflicts.  The proposed dwelling is not reasonably required.
<b>REASON FOR MEETING:</b>	Planning officer recommendation for refusal
<b>RECOMMENDATION:</b>	Notice of Decision to Refuse to Grant a Permit

### Executive Summary

The purpose of this report is to consider an application for the use and development of the land for a dwelling and the construction of an agricultural building.

The proposal is recommended for refusal due to inconsistencies with the Green Wedge Zone, Restructure Overlay and Planning Policy Framework, such as the Western Port Green Wedge Policy.

The siting of the proposed dwelling, to the centre of the lot, will lead to the loss of one-third of agricultural land, while introducing potential 'right to farm' conflicts. Finally, the rural-residential dwelling has been determined to not be 'reasonably required' to sustain the proposed flower enterprise. The proposed flower enterprise is concluded to be modest in scale, with various improvements in agricultural practices reducing the need for an on-site presence.

The proposal involves the following components:

**Proposed dwelling:**

The proposed single- storey dwelling includes four (4) bedrooms, study, games room, kitchen, living, family/meals area and the usual amenities with an overall floor area of 348.4sqm (including garage). The dwelling includes an attached double garage, north facing alfresco outdoor area and south facing verandah. The proposed dwelling will have a maximum building height of 6.64 metres.

**Proposed shed:**

The proposed shed measures 36 metres by 18 metres (648m<sup>2</sup> overall), a gable roof with a maximum height of 7.35 metres and is to be located 60 metres from the front boundary and 6 metres from the southern boundary.

The shed will be primarily used for the proposed flower production business, e.g., cool room, preparation benches (sorting and packing for distribution), storage of farm machinery etc and will also be the location of the storage batteries and solar panels on the property.

A total of three (3) 30,000 litre water tanks for both domestic and firefighting purposes, to be located abutting the proposed shed, with a further two (2) unspecified tanks abutting.

**Farm management plan and water management:**

The owner plans to operate a specialist cut flower enterprise, entirely within paddock 2, approximately 1.6ha in size. The applicant proposes approximately 30 rows of seedling flowers, orientated east to west, with a 4-metre buffer between the rows.

Proposed flower variety includes Proteas, Leucadendron's, Banksia, Waratah, Hydrangea Mop Heads and Little Gem Magnolias. The applicant plans to deliver flowers directly to local florists with plans to expand to local markets, including nearby Warragul. The sorting and packing of the flowers for distribution to florists will occur within the proposed shed.

Day-to-day activities include the planting of seedlings, cutting, mulching, propagation, pest monitoring/where required pest management, packing and distribution (once in season).

The owners plan to capture rainwater from the proposed dwelling and shed, with the water stored in 3 water tanks, all 30,000 litres in size, with a further two (2) unspecified tanks abutting.

An assessment of the site by Southern Rural Water has determined the subject site has no availability of bore water.

**Resolution**

Moved Cr Graeme Moore, seconded Cr Brett Owen.

That Council Defers this report to the July Town Planning Meeting to enable further deliberations regarding the siting of the dwelling

Carried

## 5.4 T220807 PA - Use of land for indoor recreation (gymnasium) and associated works to construct car parking spaces - 4/108 Mulcahy Road Pakenham

**Responsible GM:** Lili Rosic  
**Author:** Ben McGeehan

### Recommendation(s)

That Council issue a Notice of Refusal to Grant a Permit for use of land for an Indoor Recreation Facility (gymnastics centre) and associated works to construct car parking spaces, on the following grounds:

1. The number of parking spaces proposed is insufficient having regard to the expected demand based on the proposed patron and staff numbers.
2. The layout of the proposed parking spaces does not satisfy the requirements of clause 52.06-9 and is considered likely to result in unsafe and inefficient parking outcomes which will potentially create off-site impacts.

### Attachments

1. T220807 PA - Locality Map [5.4.1 - 1 page]
2. T220807 PA - Officer Report [5.4.2 - 14 pages]
3. CONFIDENTIAL REDACTED - T220807 PA - Objection [5.4.3 - 1 page]
4. T220807 PA - Plans [5.4.4 - 5 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T220807
<b>APPLICANT:</b>	BK Gymnastics Pty Ltd
<b>LAND:</b>	L4 PS524360 V10833 F612, 4/108 Mulcahy Road Pakenham VIC 3810
<b>PROPOSAL:</b>	Use of land for indoor recreation facility (gymnastics centre) and associated works to construct car parking spaces
<b>PLANNING CONTROLS:</b>	Industrial 1 Zone (IN1Z)
<b>NOTIFICATION &amp; OBJECTIONS:</b>	Pursuant to Section 52 of <i>The Planning and Environment Act 1987</i> the proposal was advertised by way of a sign on the site and notices sent to owners and occupiers of adjoining and adjacent lots.

	As a result, one objection was received which in summary raised concerns around the lack of parking for 40 patrons.
<b>KEY PLANNING CONSIDERATIONS:</b>	Provision of an adequate number of car parking spaces having regard to the proposed number of patrons and staff.  Dimensions and accessibility of the existing and proposed car parking spaces.
<b>REASON FOR MEETING:</b>	Recommendation for Refusal
<b>RECOMMENDATION:</b>	Notice of Refusal to Grant a Permit

### Executive Summary

The application proposes use of the existing warehouse/factory building to provide gymnastics classes. In detail:

- A maximum of 40 students plus 4 staff on the premises at any one time (ie: 44 persons on the premises concurrently).
- Hours of operation 8.30am to 9.30pm Monday to Friday, 8.30am to 6.30pm Saturday to Sunday.
- The centre will host gymnastics classes, kinder gym, competitive classes and themed birthday parties.
- The site currently has access to 14 car parking spaces, and it is proposed to construct an additional 6, in 3 tandem pairs (a total of 20 spaces).

The application was subject to public notice and received one objection which raised concerns pertaining to a lack of car parking.

An assessment against relevant policy concludes that the use is inconsistent with State and Local policy and the purpose to the Industrial 1 Zone. The proposal does not provide a sufficient number of conveniently accessible parking spaces and it is therefore considered likely to create unreasonable impacts in the location and to other land users.

### Relevance to Council Plan

Not applicable.

### Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council issue a Notice of Refusal to Grant a Permit for use of land for an Indoor Recreation Facility (gymnastics centre) and associated works to construct car parking spaces, on the following grounds:

1. The number of parking spaces proposed is insufficient having regard to the expected demand based on the proposed patron and staff numbers.



2. The layout of the proposed parking spaces does not satisfy the requirements of clause 52.06-9 and is considered likely to result in unsafe and inefficient parking outcomes which will potentially create off-site impacts.

Carried

## 5.5 T240007 PA - Use of Land for a Restricted Recreation Facility - 7 Convoy Lane, Pakenham

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

### Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240007 for Use of Land for a Restricted Recreation Facility on the following grounds:

1. The proposal is not consistent with State and Local Planning Policy as it introduces an incompatible land use to an uncorrupted industrial area.
2. The proposal fails to meet the purpose of the Industrial 1 Zone, as it does not provide for manufacturing industry, the storage and distribution of goods or associated uses, and may affect the safety and amenity of these uses.

### Attachments

1. T240007 PA - Officer Report [5.5.1 - 8 pages]
2. T240007 PA - Locality Map [5.5.2 - 1 page]
3. T240007 PA - Application Documents [5.5.3 - 26 pages]

### Application Details

<b>APPLICATION NO.:</b>	T240007
<b>APPLICANT:</b>	Nitish Kapila
<b>LAND:</b>	L15 PS 911081T V12262 F741, 7 Convoy Lane, Pakenham VIC 3810
<b>PROPOSAL:</b>	Use of Land for a Restricted Recreation Facility
<b>PLANNING CONTROLS:</b>	Industrial 1 Zone
<b>NOTIFICATION &amp; OBJECTIONS:</b>	No objections received
<b>KEY PLANNING CONSIDERATIONS:</b>	<ul style="list-style-type: none"> <li>• Land Use Compatibility</li> <li>• Industrial Land Supply</li> </ul>
<b>REASON FOR MEETING:</b>	Recommendation for refusal
<b>RECOMMENDATION:</b>	Refusal

### **Executive Summary**

The purpose of this report is to consider an application for the Use of Land for a Restricted Recreation Facility. This is to consist of a personal training facility by appointment only. There is to be a single employee, with a maximum of three (3) patrons at any one time. It is to operate between the hours of 6am and 7pm, with no specific days mentioned by the applicant.

The land is subject to the Industrial 1 Zone, along with various State and Local Planning Policies including *Plan Melbourne 2017-2050* and the *Melbourne Industrial and Commercial Land Use Plan (2020)*.

The proposal is recommended for refusal as it presents an incompatible land use in a highly important and strategic industrial area.

### **Application withdrawn**

The Mayor advised that the applicant had withdrawn this application, therefore the matter will not be resolved by the Committee.

## 5.6 T220009 PA - Two lot subdivision - 4 Hamilton Road Emerald

**Responsible GM:** Lili Rosic  
**Author:** Ben McGeehan

### Recommendation(s)

That Council issue a Notice of Refusal to Grant a Permit for Two (2) lot subdivision (boundary re-alignment) generally in accordance with the endorsed plans, on the following grounds:

1. The proposed subdivision is inconsistent with the intent of the Section 173 Agreement registered on the title to the land.
2. The layout of the subdivision results in a subdivision pattern which is inconsistent with the purpose of the zone.
3. The lot areas are inappropriate when taking into account the minimum lot areas stipulated within the schedule to the zone.

### Attachments

1. T220009 PA - Locality Map [5.6.1 - 1 page]
2. T220009 PA - Officer Report [5.6.2 - 10 pages]
3. T220009 PA - Proposed Plan of Subdivision [5.6.3 - 1 page]

### Executive Summary

<b>APPLICATION NO.:</b>	T220009
<b>APPLICANT:</b>	Mr Ross Nicolaci
<b>LAND:</b>	L1 PS408220 V10382 F436, L2 PS740739 V11897 F858 14 Hamilton Road, Emerald VIC 3782
<b>PROPOSAL:</b>	Two (2) lot subdivision (boundary re-alignment)
<b>PLANNING CONTROLS:</b>	RCZ2 - Rural Conservation Zone Schedule 2 BMO - Bushfire Management Overlay ESO1 - Environmental Significance Overlay Schedule 1 SLO1 - Significant Landscape Overlay Schedule 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	No public notice, no objections
<b>KEY PLANNING CONSIDERATIONS:</b>	Response to policy with the zone Inconsistent with neighbourhood character

	Inconsistency with s173 Agreement registered on title
<b>REASON FOR MEETING</b>	Recommendation for Refusal
<b>RECOMMENDATION:</b>	Notice of Refusal to Grant a Permit

### Executive Summary

The purpose of this report is to consider an application for a two lot subdivision (boundary realignment) at L1 PS408220 V10382 F436 and L2 PS740739 V11897 F858, 14 Hamilton Road, Emerald VIC 3782.

The application was initially submitted to Council on 7 January 2022. The relevant statutory fee was paid on 11 January 2022. A preliminary assessment was undertaken and request for further information was sent to the applicant on 4 February 2022. The applicant was advised that the proposal contravenes Section 6 of the Section 173 Agreement registered on the title to the land and accordingly officers were likely to recommend refusal of the application.

During March and April of 2022 the applicant provided various details pertaining to the Section 173 Agreement and legal advice as to why this did not preclude officers (legally) supporting the proposal.

On 22 February 2023 the permit applicant formally amended the proposal pursuant to Section 50 of the Planning Environment Act 1987 to rectify a conflict between the proposed subdivision line and an existing habitable outbuilding on the lot.

On 7 March 2023 the application was referred to the Country Fire Authority (CFA) as statutory authority pursuant to Section 55 of the Planning and Environment Act 1987. The CFA responded with no objection on 17 April 2023.

It is policy to support efficient and effective use and development of land in the State of Victoria, including ensuring that lots have adequate dimensions to facilitate the type and scale of development contemplated by the zones, overlays and policies which apply to the land. The zone which applies, Rural Conservation, contemplates low density development, where land management and low-intensity occupancy is the prime consideration. To facilitate this outcome, the schedule to the zone sets out a minimum lot size of 15ha. The subject lots have an area of 0.6ha and 0.15ha respectively; both well below the current minimums.

In this circumstance, the 'smaller' lot was the result of road closure / privatisation of excess public land. Its current size precludes any practical future use and development, which was the reason why during the disposal of the land (by Council to the current owner), a requirement was included within the terms of the sale to consolidate the small lot with the larger lot.

This requirement to consolidate the lots was to ensure that the smaller lot, which is undevelopable, could contribute to the purpose of the RCZ by forming part of the larger lot.

The proposal to realign to create two small lots (when considered against the zoning requirements which seek 15ha lots) is not considered to be consistent with State policy.

Policy at clause 21.07, Local Areas – Hills Region, seeks to respond to changing demographics whilst managing the high quality environmental constraints. When considered hand-in-hand with the complementary policy within the zone, setting out lot size expectations, the proposal to create smaller lots, and introduce additional occupancy opportunities, is considered inconsistent with relevant local policy which seeks to balance residential opportunities with sensitivities such as environmental outcomes set out within other overlays, and lot size provisions within relevant zones.

The purpose of the RCZ is, inter alia, to protect the natural environment features and provide for agricultural outcomes. It is noted the lots in question are each less than 1ha.

Clause 35.06-3 requires that each lot be greater than 15ha (as per Schedule 2) however an exemption applies provided the proposal is for a subdivision which does not increase the number of lots and the number of dwellings that the land could be used for (which this proposal satisfies). Whilst this exemption permits Council to consider the proposal (ie: it is not prohibited) it does not require Council to support the proposal. The existence of a smaller-than normal lot does not necessarily mean that further impacts and compromises should be allowed to proliferate.

The proposed outcome is considered to be inconsistent with the purposes of the zone, and is directly inconsistent with the intent of the s173 which formed part of Council's decision making when selling the land to the owner.

The smaller lot was formed by a road closure, and sold to the land owner on the basis that it would, within 6 months of the issue of the title, be consolidated into the larger lot. This was in consideration of the zoning and local policy in place at the time (which has not fundamentally changed).

The proposed two (2) lot subdivision (boundary re-alignment) will inappropriately decrease the size of the larger (eastern) lot and introduce a development opportunity on the smaller (western) lot, both are outcomes which are generally inconsistent with the policy settings for the land.

Whilst the proposal is not prohibited, it is counter to State and Local policy, which seeks to decrease the intensity of development on land zoned for Rural Conservation.

The proposal is also directly in contravention of a requirement set out within the registered s173 Agreement, which required the smaller lot to be consolidated with the larger lot. Again, whilst this does not prohibit a decision to support the subdivision, it clearly weighs heavily against approval.

In light of strong policy against, and the content of the s173 Agreement, the proposal should not 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 Brett Owen.

1. That Council resolves to agree to end Section 173 Agreement AC971492S in accordance with s177(2)(a) of the Planning and Environment Act 1987.
2. That Council resolves to grant a permit for a two (2) lot subdivision (boundary re-alignment) in accordance with the conditions and endorsed plans.

### ***CONDITIONS***

### **Endorsed Plans**

1. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsibility Authority.

#### **Ending of Section 173 Agreement**

2. Prior to the issuing of a Statement of Compliance, the owner must end Section 173 AC971492S in accordance with Section 177(2)(a) of the *Planning and Environment Act 1987*. The Permit holder must pay all costs associated with the ending of the Agreement.

#### **Engineering**

3. Prior to the issuing of a Statement of Compliance, 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.
4. Prior to the issuing of a Statement of Compliance, appropriate drainage connection points and vehicle access must be provided to all lots to the satisfaction of the Responsible Authority.

#### **General**

5. 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.
6. 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.
7. 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.

#### **Expiry:**

8. 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

## 5.7 Planning Matters Dealt with by Officers Under Delegated Authority - May 2024

**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 5 February 2024 and 11 April 2024.



**Beacon Hills Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T230519	221 & 233 Princes Highway, Beaconsfield VIC 3807	Creation of easements	Issued	19/10/2023	13/02/2024
T230116	405 Dickie Road, Officer VIC 3809	Development of a Telecommunications Facility and associated native vegetation removal	Issued	20/03/2023	19/02/2024
T230189	710 Pakenham Road, Pakenham Upper VIC 3810	Buildings and Works (Construction of a Shed)	Issued	27/04/2023	20/02/2024
T230464	143 Quamby Road, Guys Hill VIC 3807	Buildings and Works (Extensions and Alterations of a Dwelling)	Issued	19/09/2023	21/02/2024
T230140	135 Gembrook Road, Gembrook VIC 3783	Creation of access to a road in a Transport Zone 2.	Issued	2/04/2023	26/02/2024
T210663 - 1	8 McBride Road, Beaconsfield Upper VIC 3808	Subdivision of the land into two (2) lots and vegetation removal	Issued	13/10/2023	28/02/2024
T230020	35 Mount Burnett Road, Mount Burnett VIC 3781	Development associated with an existing dwelling	NOD	18/01/2023	28/02/2024
T230491	32a St Georges Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of a Dwelling)	Issued	10/10/2023	9/04/2024
T230461	326 Payne Road, Officer VIC 3809	Buildings and works for an outbuilding and vegetation removal	Issued	18/09/2023	10/04/2024

## Bunyip Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230358	224 Fourteen Mile Road, Garfield VIC 3814	Buildings and works for an outbuilding	Issued	20/07/2023	5/02/2024
T110274 – 1	A'Beckett Road, Bunyip VIC 3815	The development of the land for the purpose of an outbuilding earthworks for the construction of a driveway and earthworks in excess of one (1) metre for the purpose of a dam	Issued	22/11/2023	12/02/2024
T240040	36 Shinnars Close, Bunyip VIC 3815	Development of the land for an outbuilding (garage)	Issued	5/02/2024	20/02/2024
T220749	24 Bunyip-Modella Road, Bunyip VIC 3815	Buildings and Works (Construction of a Shed)	Issued	15/11/2022	22/02/2024
T230495	11 Fairway Court, Pakenham VIC 3810	Buildings and Works (Extension to an Existing Dwelling)	Issued	11/10/2023	22/02/2024
T230163	15 Main Street, Nar Nar Goon VIC 3812	Subdivision of Land into Six (6) Lots	Issued	12/04/2023	23/02/2024
T230125	1570 Princes Highway, NAR NAR GOON VIC 3812	Creation of an easement and electrical reserve	Issued	22/03/2023	27/02/2024
T230079	254 Snell Road, Nar Nar Goon North VIC 3812	Works associated with the construction of a car park	Issued	20/02/2023	28/02/2024
T240024	120 Racecourse Road North North, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	24/01/2024	28/02/2024
T230112	60 Moore Road, Nar Nar Goon North VIC 3812	Building and works associated with the construction of an outbuilding and associated native vegetation removal.	Issued	15/03/2023	1/03/2024
T230618	110 Butler Road, Bunyip North VIC 3815	Buildings and works for an agricultural building	Issued	8/12/2023	1/03/2024
T230383	10 Ellis Road, Tonimbuk VIC 3815	Buildings and Works associated with a dwelling (outbuilding), buildings and works associated with agriculture (shed) and vegetation removal	Issued	4/08/2023	5/03/2024
T230567	55 Nash Road, Bunyip VIC 3815	Buildings and works for two outbuildings	Issued	9/11/2023	5/03/2024
T230332	7 Ashton Place, Pakenham VIC 3810	Buildings and works for the construction of three (3) dwellings	NOD	10/07/2023	6/03/2024
T240080	25A Pinehill Drive, Pakenham VIC 3810	Development of the land for two (2) outbuildings (carport and shed)	Issued	29/02/2024	14/03/2024

T240038	25 Oaktree Drive & Ryan Road, Pakenham VIC 3810	Creation of easements	Issued	5/02/2024	18/03/2024
T240064	67 Wattletree Road, Bunyip VIC 3815	Development of the land for an outbuilding (garage)	Issued	16/02/2024	25/03/2024
T230486	26 Granite Lane, Tynong VIC 3813	Use of Land for a Dependent Persons Unit	Issued	8/10/2023	2/04/2024

**Central Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T230357	G 1-2/48 John Street, Pakenham VIC 3810	Display of Signage (Business Identification)	Issued	20/07/2023	8/03/2024
T230418	Shop 1/1 Livingstone Boulevard, Pakenham VIC 3810	Display of an internally illuminated sky sign	Issued	23/08/2023	4/04/2024

**Henty Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T230188	130 McGregor Road, Pakenham VIC 3810	Use of Land for a Medical Centre, a Reduction to the Number of Car Parking Spaces Required and Display of Signage (Business Identification)	NOD	28/04/2023	16/02/2024
T220702	14 Highview Court, Pakenham VIC 3810	Development of the land for three (3) dwellings and creation of access to a TRZ2	Issued	18/10/2022	7/03/2024

**Officer Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T210305	64 McMullen Road, Officer VIC 3809	Subdivision of land, associated buildings and works, and removal of easement	Issued	3/05/2021	6/03/2024
T210899 - 2	65 Mary Street, Officer VIC 3809	Staged multi-lot subdivision of land, construction of dwellings, creation of restrictions and removal of native vegetation.	Issued	23/02/2024	21/03/2024
T230320	228 Rix Road, Beaconsfield VIC 3807	Staged subdivision of land, removal of Restrictive Covenant on PS508060B, the removal of all easements created on PS413102Q and the removal of native vegetation under Clause 52.16 of the Scheme.	Issued	30/06/2023	5/04/2024
T180518 - 1	44 Whiteside Road, Officer VIC 3809	Section 72 Amendment to Permit (Change to Conditions) - Subdivision of land	Issued	7/03/2024	10/04/2024

**Pakenham Hills Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T220508	82-88 Ahern Road, Pakenham VIC 3810	Use and Development of the land for a Childcare Centre, Display Business Identification Signage and Removal of Native Vegetation	Issued	25/07/2022	15/02/2024
T210079 - 1	18 Tranquil Way, Pakenham VIC 3810	Buildings and works for one (1) new dwelling and associated works	Issued	15/12/2023	26/02/2024
T230350	22 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated earthworks, and removal of native vegetation	Issued	17/07/2023	5/03/2024
T230531	26 Solid Drive, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling, Fence and associated Earthworks)	Issued	25/10/2023	25/03/2024

**Ranges Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T230103	2032 Wellington Road, Clematis VIC 3782	Buildings and Works associated with the construction of outbuilding in ESO	Issued	8/03/2023	5/02/2024
T230624	21-23 Town Road, Gembrook VIC 3783	Buildings and works (construction of a carport)	Issued	15/12/2023	8/02/2024
T230199	13 Belgrave Avenue, Cockatoo VIC 3781	Development of the land for an Outbuilding and associated Earthworks	Issued	2/05/2023	16/02/2024
T230370	4 Devon Avenue, Cockatoo VIC 3781	Buildings and Works associated with a dwelling extension and construction of outbuilding.	Issued	27/07/2023	16/02/2024
T230553	270 Mountain Road, Gembrook VIC 3783	Use and Development of the Land for a Dwelling	Issued	4/11/2023	16/02/2024
T230207	7 Old Beaconsfield Road, Emerald VIC 3782	Development of the land for an outbuilding, two (2) water tanks and removal of native and other vegetation	Issued	5/05/2023	19/02/2024
T220739	3 Carawa Street, Cockatoo VIC 3781	Buildings and works to construct a second dwelling and 2 lot subdivision	Issued	7/11/2022	23/02/2024
T220280 - 1	4 Westlands Road, Emerald VIC 3782	Construction of seven (7) dwellings and waiver of car parking space (1 visitor space)	Issued	1/12/2023	7/03/2024
T190603 - 5	140, 97, 112 Starling Road and 477 Brown Road, Officer VIC 3809	Subdivision of land, removal of native vegetation, and creation and removal of easements	Issued	20/02/2024	8/03/2024
T230579	4 Old Soldier Road, Gembrook VIC 3783	Construct an agricultural shed	Issued	21/11/2023	18/03/2024
T230555	1 Barnshaw Lane, Emerald VIC 3782	Alterations and extensions to an existing dwelling	NOD	4/11/2023	3/04/2024
T230433	16 Legg Road, Emerald VIC 3782	Buildings and Works associated with the construction of an outbuilding.	Issued	30/08/2023	5/04/2024
T230481	2 Margaret Road, Avonsleigh VIC 3782	Buildings and Works associated with the construction of an outbuilding.	Issued	2/10/2023	8/04/2024



**Toomuc Ward**

<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Lodged</b>	<b>Decision Date</b>
T230421	U 3/2 Doherty Street, Pakenham VIC 3810	Use of Land for a Place of Worship	Issued	24/08/2023	8/02/2024
T230482	32 Mulcahy Road, Pakenham VIC 3810	Display of Signage (Business Identification signage and promotional signage) in accordance with the endorsed plans	Issued	3/10/2023	12/03/2024
T230327	19 Avondale Street, Officer VIC 3809	Buildings and works (dwelling and outbuilding) within the Significant Landscape Overlay - Schedule 6	Issued	6/07/2023	15/03/2024
T230202	19 Michael Street, Pakenham VIC 3810	Development of the land for a Store (self-storage facility)	Issued	15/05/2023	10/04/2024

## Westernport Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T220003	404 Rossiter Road, Koo Wee Rup VIC 3981	Multi-lot subdivision of the land, removal of native vegetation and alteration of access to a road in the Transport Zone 2	Issued	29/12/2021	5/02/2024
T230578	28 Hill Street, Pakenham VIC 3810	Buildings and Works (Construction of Two (2) Warehouses) and a Reduction to the number of car parking spaces required	Issued	20/11/2023	6/02/2024
T230427	14C Rupert Street, Lang Lang VIC 3984	Demolition of existing patio and development of the land for an outbuilding (shed)	Issued	25/08/2023	7/02/2024
T230545	26 Hill Street, Pakenham VIC 3810	Buildings and Works (Construction of Two (2) Warehouses) and a Reduction to the number of car parking spaces required	Issued	1/11/2023	7/02/2024
T220641	255 McDonalds Drain Road, Koo Wee Rup VIC 3981	Buildings and Works (Construction of a Shed)	Issued	21/09/2022	12/02/2024
T230210	45 Greenhills Road, Pakenham VIC 3810	Development of the land for Industry (Warehouse and Motor Vehicle Repairs) and associated reduction in on-site carparking.	Issued	5/05/2023	12/02/2024
T230536	5 Walshes Road, Catani VIC 3981	Buildings and works for a new shed	Issued	27/10/2023	14/02/2024
T230099	Jetty Road, Lang Lang VIC 3984	Buildings and Works Associated with a Boat Launching Facility & Removal of Native and Other Vegetation	Issued	10/03/2023	16/02/2024
T230628	515 Temby Road, Modella VIC 3816	Buildings and Works (Construction of a Farm Shed)	Issued	17/12/2023	16/02/2024
T230012	13 Commercial Drive, Pakenham VIC 3810	Use of the land (warehouse) for car sales	Issued	16/01/2023	20/02/2024
T230488	Cardinia Road, Officer South VIC 3809	Display of Land Sales Promotion Sign (x1) and Pole Signs (x12)	Issued	4/10/2023	20/02/2024
T230122	Tncy 1/1225 Koo Wee Rup Road, Pakenham VIC 3810	Subdivision of land into two(2) lots , Development of a warehouse with ancillary office and display of business Identification signage	Issued	5/04/2023	22/02/2024
T230326	580A Koo Wee Rup Road, Pakenham South VIC 3810	Buildings and works for an outbuilding	Issued	6/07/2023	22/02/2024
T230240	Commercial Drive, Pakenham VIC 3810	Buildings and Works (Construction of Warehouses), Reduction in Car Parking and Display Business Identification Signs	Issued	19/05/2023	27/02/2024

T230314	130 Mynard Road, Bayles VIC 3981	Buildings and works associated with a replacement dwelling	Issued	28/06/2023	28/02/2024
T230647	21 Wattle Court, Lang Lang VIC 3984	Subdivision of Land into Two (2) Lots and Vegetation Removal	Issued	20/12/2023	29/02/2024
T230526	90 Soldiers Road, Pakenham South VIC 3810	Buildings and works for an agricultural building	Issued	24/10/2023	1/03/2024
T230390	Southeast Business Park, 37 Commercial Drive, Pakenham VIC 3810	Use and development of Land for Retail premises (Motor vehicle Sales)	Issued	9/08/2023	8/03/2024
T230514	8/24 Bormar Drive, Pakenham VIC 3810	Use of the Land for Motor Vehicle Sales	Issued	18/10/2023	12/03/2024
T230398	15 Soldiers Road, Pakenham South VIC 3810	Buildings and works for the construction of Telecommunications Facility	Issued	11/08/2023	18/03/2024
T240048	61 Peet Street, Pakenham VIC 3810	Buildings and Works (Alteration of a Building), Display of Signage (Business Identification) and a Reduction to the Number of Car Parking Spaces Required (Associated with Use of Land for Industry)	Issued	9/02/2024	19/03/2024
T230041	1 Carnarvon Street, Lang Lang VIC 3984	Use of land for Emergency services Facility	Issued	1/02/2023	20/03/2024
T180617 - 2	Koo Wee Rup Road, Pakenham VIC 3810	Use of land for a Convenience Restaurant, construct and carry out works for a Service Station, Industry (motor repairs) and Convenience Restaurants, to display advertising signage, to create or alter access to a road in a Transport Zone Category 2 and the subdivision of the land into two (2) lots	Issued	20/09/2023	21/03/2024
T230569	92 Enterprise Road, Pakenham VIC 3810	Use of land for industry (textile manufacture) and reduction in car parking and bicycle requirements	Issued	15/11/2023	4/04/2024
T230032	405 & 435 Koo Wee Rup Road, Koo Wee Rup VIC 3981	Two (2) Lot Boundary Re-alignment and Creation of an Easement	Issued	27/01/2023	5/04/2024
T230483	995 Koo Wee Rup Road, Pakenham VIC 3810	Subdivision of land (boundary realignment)	Issued	5/10/2023	5/04/2024
T230485	250 Rossiter Road, Koo Wee Rup VIC 3981	Buildings and works for an outbuilding	Issued	6/10/2023	5/04/2024

**Resolution**

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council note the report.

Carried

## 5.8 Planning Matters VCAT Report - May 2024

**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 12 April 2024.

### **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
TBD	T230420	43 Hope Street, Bunyip	Use and development of a Childcare Centre and the construction and display of signs	Notice of Decision to Grant a Permit	Objector
TBD	N/A	67 Officer South Road, Officer	N/A – Application for declaration in relation to the Officer Major Activity Centre Urban Design Framework	N/A	Applicant
8 -10/07/2024	T220398-1	565 Murray Road, Vervale	Buildings and Works (Construction of a Farm Shed, Earthworks)	Permit	Objector
TBD	T140068-1	13-15 Mahon Avenue, Beaconsfield	Amendment to Planning Permit T140068-1 (issued for the development of the land for eleven (11) dwellings) to amend the endorsed plans and what the permit allows	FTD	Applicant
8-9/07/2024	T110588	270 Cardinia Road, Officer South	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement	N/A	Applicant
9/10/2024	T230133	214 Princes Highway, Pakenham	Building and works associated with shops, alterations to a road in a Transport Zone 2	Notice of Decision to Grant a Permit	Objector

\*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
31/01/2024	T220366	550 Scanlons Drain Road, Catani 3981	The use and the development of the land for a dwelling	Refusal	Applicant
18/03/2024	T220194	20 - 32 Station Street Pakenham	Use of the land for an education centre (adult employment training)	Permit	Applicant
2/04/2024	T220660	275 Daly Road Nar Nar Goon 3812	Use and Development of Land for a Dwelling	FTD*	Applicant
13-14/05/2024	T220600	8/5 Fusion Circuit Pakenham	Use of land for a place of worship (church) and reduction in car parking requirements	Refusal	Applicant
14/05/2024	T220375	4915 South Gippsland Highway, Lang Lang	Subdivision of land into two (2) lots (boundary realignment)	Refusal	Applicant
31/05/2024, 3-4/06/2024	T220285	337 Belgrave-Gembrook Road Emerald	Use and development of land for a Medical Centre and alteration to an access in a Transport Zone Schedule 2	Notice of Decision to Grant a Permit	Objector
17-19/06/2024	T220569	195 Dore Road Pakenham	Use and Development of Land for a Place of Worship and Vegetation Removal	Refusal	Applicant

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

### Matters Recently Decided at VCAT

App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
GE220364	Lot H on Plan of Subdivision 400130H, Princes Hwy, Pakenham	End of Section 173 Agreement T148994L	FTD*	Applicant	End S173 Agreement	22/05/2024
T220800	315 Pooley Rd NAR NAR GOON NORTH	Use and Development of Land for the purpose of Rural Worker Accommodation and Bed & Breakfast	Refusal	Applicant	Remitted to Council	12/03/2024
T220809	490-494 McGregor Road, Pakenham VIC 3810	Subdivision of land into two (2) lots (re-subdivision of two lots)	FTD*	Applicant	Affirmed – no permit issued	21/03/2024

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

### Resolution

Moved Cr Kaye Cameron, seconded Cr Carol Ryan.

That Council note the report.

Carried



## 5.9 Planning Scheme Amendment Activity Report - May 2024

**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. The list is current as of 11 April 2024.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	<p>The PSP was adopted by Council at the 19 July 2021 meeting.</p> <p>The Amendment has been submitted to the Minister for Planning for approval. Please note the relationship with Amendment C273 (Infrastructure Contributions Plan).</p>
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 15 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 Amendment C265 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>
C274	Victorian Planning Authority (VPA)	Officer South Employment Precinct	Incorporate the Officer South Employment Precinct Structure Plan and Supplementary Infrastructure Contributions Plan into the Cardinia Planning Scheme	25/09/2023	27/10/2023	<p>VPA referred draft Cardinia Planning Scheme Amendment C274card, submissions and other supporting documents relating to the Officer South Employment PSP to the VPA Projects Standing Advisory Committee (SAC).</p> <p>The SAC Hearing is scheduled from 6 March – 19 April 2024 (subject to review).</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).	29/02/2024	08/04/2024	<p>Exhibition of amendment has closed. One opposing submission has been received. The content within the submission is currently being reviewed.</p>
C282	Morgan Development	365 Princes Highway, Officer	Planning scheme amendment under Section 96A of the Planning and Environment Act 1987 to amend the schedule to the Heritage Overlay (Cl 43.01) to allow Council to consider a prohibited use under the Heritage Overlay (H0104) for an office.	To be determined	To be determined	Council staff have requested for further information from proponent

**Resolution**

Moved Cr Jeff Springfield, seconded Cr Carol Ryan.

That Council note the report.

Carried

## **6 Meeting Closure**

Meeting closed at 7:46pm