

Town Planning Committee Meeting

Minutes

Monday 8 July 2024

Commenced at 7:00 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:	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Michael Casey	Acting General Manager Liveable Communities
	Peter Harris	Manager Governance, Safety & Property

Meeting opened at 7pm.

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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

Cr Stephanie Davies

4 Declaration Of Interests

Item 5.2 - Cr Brett Owen declared a conflict of interest.

Cr Owen left the Chamber at 7:16pm

Cr Owen returned to the Chamber at 7:25pm

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) at 565 Murray Road Vervale, 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 must 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. T230342 PA - Officer Report [5.1.4 - 18 pages]
5. CONFIDENTIAL REDACTED - T230342 PA - Objections [5.1.5 - 11 pages]
6. T230342 PA - Letter response to dust concerns from author of study [5.1.6 - 2 pages]

Application Details

APPLICATION NO.:	T230342
APPLICANT:	Mr Andrew Little
LAND:	CA 17 SEC N Parish of Koo-Wee-Rup East, 565 Murray Road, Vervale VIC 3814
PROPOSAL:	Use of the land for Rural Industry (hemp-based mud brick manufacturing)
PLANNING CONTROLS:	Special Use Zone – Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	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. Six (6) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Land use characterisation • Appropriateness of land use • Viability of the horticultural pursuit • Impacts to existing rural activities and properties
REASON FOR MEETING:	Four or more objections received (six objections).
RECOMMENDATION:	Notice of Decision to Grant a Permit

Executive Summary

The purpose of this report is 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 relevant Planning Scheme provisions and policy clearly seek to ensure that agriculture, and primarily soil-based agriculture, remain the primary land uses for land located in the Special Use Zone 1. The application demonstrates a commitment to the cultivation of industrial hemp on the land, evidenced by progress to securing water rights and dam approvals, and Cannabis licencing permissions that provide more certainty that the hemp crop will be the substantive activity on the land and the basis of the Rural Industry proposal under assessment. Having regard to the scale and intensity of the proposed Rural Industry activity and the high composition of hemp in the proposed mudbricks, a genuine nexus between soil-based agriculture and the associated Rural Industry is established.

The proper categorisation of the proposed activity has been a matter of detailed consideration. The application is supported by legal advice on the definition of 'Mud Brick' and land use categorisation. This advice was peer reviewed by lawyers appointed by Council where the real and substantial use was affirmed as 'mud brick manufacturing.'

In addition, amendments to the existing Planning Permit T220398 for the agricultural building have been resolved to enable this current use application to be considered as submitted.

Deferral and additional information

The application was listed for the Town Planning Committee meeting on 6th May 2024 but deferred to allow consideration of new information including grounds from two new objections received against the application and clarification regarding water entitlements.

Consideration of further objections

Two further objections were received by Council on 6th May that have since been considered.

In addition to grounds that are discussed in the officer report, the objections also raise new concerns:

- Potential biohazard impacts of the activity; and
- food and health safety risk of hemp dust with reference to a journal paper "*Assessment of Worker Exposure to Occupational Organic Dust in a Hemp Processing Facility*" authored by Melinda Gardner, Sue Reed and Maggie Davidson (2020).

In response to these concerns, the applicant has provided a response from one of the authors of the cited journal paper, Dr Maggie Davidson, Senior Lecturer Environmental Health, and Occupational Hygiene – Western Sydney University who states:

"The organic nature of the (hemp) dust, primarily poorly soluble, low toxicity plant material, means that it should not pose a biosecurity nor food safety risk to adjacent food crops any more so than other wind generated aerosols, or dust clouds generated by other agricultural activities in the region."

A copy of the response from Dr Davidson is attached with this report.

The applicant has also provided high-level detail of dust management measures. The building is fully enclosed with mechanical ventilation proposed that will filter dust enabling it to be removed as bagged product and either re-used in the manufacture process or transported off-

site. The mixing or batching plant is a sealed unit operated by computer that calculates weights, minimising the likelihood of dust or waste product.

In consideration of the above, officers are satisfied that emissions can be managed effectively to avoid off-site impacts to adjoining farms. Further detail will form part of an Environmental Management Plan which is a condition of the recommendation to be satisfied before the use can commence.

Water entitlements

Discussions with Southern Rural Water have confirmed that the document lodged with the planning application is an agreement between landowners and a separate permission is required through Southern Rural Water to transfer the licence. A one-year transfer of the licence was authorised to the transferee (permit applicant) previously but expired in 2022. As the agreement between the landowners remains valid, the permit applicant can apply to Southern Rural Water to re-new this transfer of the licence, which is issued in yearly increments.

The recommended conditions of approval ensure that the Rural Industry is contingent on the growing of hemp on the subject land. The growing of hemp on the site does not require planning permission. The applicant believes irrigation is not likely required based on the crop type and annual rainfall however has provided the agreement as additional assurance of their ability to access water if required. Ultimately if sufficient water is not available to support the crop raising on the land then the Rural industry cannot operate.

VCAT mediation

Planning Permit T220398-1 was recently the subject of an appeal before the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 89(1)(a) of the *Planning and Environment Act (1987)* to cancel Council's granting of this permit.

An agreement between all parties was reached on 10th May 2024 that required the permit applicant to lodge an amendment to the permit to alter the wording of condition 4 and add greater detail to the limitations of the use condition for the shed.

The condition read:

4. *The building may not be used for human habitation.*

The condition now reads:

4. *The building may not be used for human habitation. The building may only be used for the storage of vehicles, equipment and goods for the purpose of any as of right section 1 use under the applicable zone. Any section 2 use of the shed is subject to the grant of a planning permit.*

The amendment was issued by the Planning Department on 15 May 2024.

This condition does not prevent the shed from being used for Rural Industry but draws attention to the need to apply for planning permission for any Section 2 use.

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 Tammy Radford.

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) at 565 Murray Road Vervale, 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:
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 - 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.

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 - 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.
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Amenity

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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.

For: Cr Brett Owen, Cr Collin Ross, Cr Graeme Moore, Cr Jeff Springfield and Cr Tammy Radford
Against: Cr Carol Ryan and Cr Jack Kowarzik
Abstain: Cr Kaye Cameron

Carried

5.2 T210341 PA - Use and development of the land for a dwelling, outbuilding and vegetation removal at 209 Berglund Road, Beaconsfield Upper

Responsible GM: Lili Rosic
Author: Dean Hausler

Recommendation

That Council resolve to issue a Refusal to Grant a Permit for Planning Permit Application T210341 for use and development of land for a dwelling, outbuilding and removal of vegetation at 209 Berglund Road, Beaconsfield Upper on the following grounds:

1. The proposal is contrary to the purposes and decision guidelines of the Rural Conservation Zone – Schedule 2 that seek to protect, conserve and enhance the environmental values and landscape qualities of the land.
2. The proposal does not respond to the purpose and decision guidelines of Clause 52.17 Native Vegetation that seeks to avoidance native vegetation removal and insufficient information has been provided to determine the extent of past native vegetation removal.
3. The proposal does not respond to the statement of significance, environmental objectives or decision guidelines of Clause 42.01 Environmental Significance Overlay and Schedule 1 (Northern Hills) that seek to ensure buildings and works do not adversely impact environmental values.
4. The proposal results in exposure to unnecessary bushfire risk and does not prioritise the protection of human life, sought to be protected by Clause 44.06 Bushfire Management Overlay and associated Planning Policy and Local Planning Policy Framework provisions.
5. The proposal does not appropriately respond to a number of visions, strategies and objectives of Clause 11 Settlement, Clause 12 Environmental and Landscape Values, Clause 13 Environmental Risks and Amenity, Clause 15 Built Environment and Heritage, Clause 16 Housing, Clause 21.02 Environment, Clause 21.03 Settlement and Housing and Clause 21.07 Local Areas – Hills Region.

Attachments

1. T 210341 PA - Development plans & documents [5.2.1 - 11 pages]
2. T 210341 PA - Locality map [5.2.2 - 1 page]
3. T210341 PA Council officer report [5.2.3 - 29 pages]

Application Details

APPLICATION NO.:	T210341
APPLICANT:	Mr Cameron Jennings

LAND:	L1 TP240987, 209 Berglund Road, Beaconsfield Upper VIC 3808
PROPOSAL:	Use and development of the land for a dwelling, outbuilding and removal of vegetation.
PLANNING CONTROLS:	Rural Conservation Zone Schedule 2 Bushfire Management Overlay Environmental Significance Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notification was undertaken in accordance with Section 52(1) of the <i>Planning and Environment Act 1987</i> . No objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Native vegetation impact Bushfire risk and management measures Land use compatibility
REASON FOR MEETING:	Officer recommendation for refusal
RECOMMENDATION:	Refuse to Grant a Permit

Executive Summary

On a balanced assessment against policy and controls that apply to the site, the consistent themes applying to this application regards the protection of high biodiversity areas and directing of settlement to areas where bushfire threat to life and property can be managed to an acceptable level.

In attempting to achieve an acceptable bushfire management response, the proposal seeks to change the natural landscape to accommodate the dwelling where policy and planning controls require that the protection of the environment is a central outcome of an application.

The location of a dwelling within an area exposed to high landscape threat, results in the need to remove a significant volume of remnant native vegetation including a large number of a threatened species to provide adequate building protection.

As the planning settings and controls seek to protect and conserve the environmental values of this site and guide settlement to areas of lower bushfire risk areas, the proposal is considered inappropriate for the site.

Background

Initial pre-application advice was provided to the landowner in May 2020 that outlined the concerns with an application to construct a dwelling on this land due to the environmental protections and bushfire risk exposed to the site.

The Planning Permit application was submitted on 12 May 2021 proposing the use and development of land for a dwelling, dependent persons units, outbuilding and removal of vegetation.

A request for additional information was made on 4 June 2021 that again highlighted concerns that the application did not adequately respond to the environmental significance and protections that apply to the site. The further information was submitted in January 2022 where the Dependent Person's Unit was removed from the application.

In response to information requests and concerns raised by referral authorities, the applicant provided additional information and amended their application in late 2022. The application proceeded to public notice in January 2023; no submissions were received. Due to ongoing concerns with native vegetation impact, a site meeting was held between the applicants, Council, Department of Environment Energy and Climate Action (DEECA) and Fire Rescue Victoria (FRV) in June 2023.

In February 2024 the application was amended to make modifications to bushfire management measures and consent was ultimately provided by DEECA and FRV. Despite the consent from these authorities Council's Statutory Planning and Environment departments have maintained concern with the extensive levels of biodiversity loss that seeks to remove over 283 trees and shrubs that require planning approval across an area of 7000 square metres. There is also concern about the potential development advantage from the past unlawful removal of vegetation and works to create access.

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 Tammy Radford, seconded Cr Collin Ross.

That Council resolve to issue a Refusal to Grant a Permit for Planning Permit Application T210341 for use and development of land for a dwelling, outbuilding and removal of vegetation at 209 Berglund Road, Beaconsfield Upper on the following grounds:

1. The proposal is contrary to the purposes and decision guidelines of the Rural Conservation Zone – Schedule 2 that seek to protect, conserve and enhance the environmental values and landscape qualities of the land.
2. The proposal does not respond to the purpose and decision guidelines of Clause 52.17 Native Vegetation that seeks to avoidance native vegetation removal and insufficient information has been provided to determine the extent of past native vegetation removal.
3. The proposal does not respond to the statement of significance, environmental objectives or decision guidelines of Clause 42.01 Environmental Significance Overlay and Schedule 1 (Northern Hills) that seek to ensure buildings and works do not adversely impact environmental values.
4. The proposal results in exposure to unnecessary bushfire risk and does not prioritise the protection of human life, sought to be protected by Clause 44.06 Bushfire Management Overlay and associated Planning Policy and Local Planning Policy Framework provisions.
5. The proposal does not appropriately respond to a number of visions, strategies and objectives of Clause 11 Settlement, Clause 12 Environmental and Landscape Values,

Clause 13 Environmental Risks and Amenity, Clause 15 Built Environment and Heritage, Clause 16 Housing, Clause 21.02 Environment, Clause 21.03 Settlement and Housing and Clause 21.07 Local Areas – Hills Region.

For:Cr Carol Ryan, Cr Collin Ross, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Tammy Radford

Against:Nil

Carried

5.3 T220699PA- Use and development of the land for a dwelling & development of an agricultural building - 130 Murphy Lane, Bunyip

Responsible GM: Lili Rosic
Author: Doug Evans

Executive Summary

This application was considered by the Town Planning Committee at its meeting held on 6 May.

At that meeting the application was deferred for consideration at this meeting to enable further deliberations regarding the siting of the dwelling.

Subsequently the applicant has requested that the application be not considered by the Committee as the applicant intends to lodge an amended application.

Therefore the application will not be considered at this meeting

Statement from the Mayor

This application was considered by the Town Planning Committee at its meeting held on 6 May. At that meeting the application was deferred for consideration at this meeting to enable further deliberations regarding the siting of the dwelling. Subsequently the applicant has requested that the application be not considered by the Committee as the applicant intends to lodge an amended application. Therefore the application will not be considered at this meeting.

5.4 Planning Scheme Amendment Activity Report - July 2024

Responsible GM: Lili Rosic
Author: Marcelle Bell

Recommendation(s)

That Council note the 'Planning Scheme Amendment Activity Report - July 2024'.

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 14 June 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	The Pakenham South Employment Precinct Structure Plan was adopted by Council on the 19 July 2021. The Amendment has been submitted to the Minister for Planning for approval. Please note the relationship with Amendment C273card (Infrastructure Contributions Plan).
C273	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Infrastructure Contributions Plan into the Cardinia Planning Scheme	N/A	N/A	The Pakenham South Employment Infrastructure Contributions Plan (ICP) was adopted by Council on the 15 May 2023 and resolved to submit the amendment under Section 20(A) of the Planning and Environment Act to the Minister for Planning for approval. The ICP will apply a standard levy to collect a contribution for infrastructure and public land in accordance with Amendment C273card (Pakenham South Employment PSP).
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	The Minister for Planning referred proposed Planning Scheme Amendment C274card and unresolved submissions to a VPA Projects Standing Advisory Committee. The Standing Advisory Committee Hearing was conducted between the 6 of March to 19 April 2024. The VPA will release the Panel report within ten business days upon its receipt from the Standing Advisory Committee.
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	The public exhibition of proposed Planning Scheme Amendment C278card closed on the 8 April 2024. Council received five submissions to the proposed Amendment C278card. On the 17 June 2024 Council will consider all submissions made to C278card and consider referring all submissions to a Planning Panel appointed by the Minister for Planning.
C282	James Hicks Pottery Pty Ltd	Lot AA PS814723 Cotswold Crescent, Officer	The amendment under Section 96A of the Planning and Environment Act 1987 amends the Schedule to the Heritage Overlay (Cl 43.01) to allow Council to consider a prohibited use under the Heritage Overlay (HO104) for an office.	To be determined	To be determined	Council have requested for further information from the Applicant before progressing proposed Amendment C282card.

Resolution

Moved Cr Tammy Radford, seconded Cr Graeme Moore.

That Council note the 'Planning Scheme Amendment Activity Report - July 2024'.

For:Cr Brett Owen, Cr Carol Ryan, Cr Collin Ross, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Tammy Radford
Against:Nil

Carried

5.5 Planning Matters VCAT Report - July 2024

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the 'Planning Matters VCAT Report – July 2024'.

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 5 June 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

No matters recently lodged at VCAT.

Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
26/08/2024	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
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
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
14/05/2024	T220375	4915 South Gippsland Highway, Lang Lang	Subdivision of land into two (2) lots (boundary realignment)	Refusal	Applicant
22-25/06/2024	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
T220600	8/5 Fusion Circuit Pakenham	Use of land for a place of worship (church) and reduction in car parking requirements	Refusal	Applicant	Affirmed – No Permit Granted	24/05/2024
T220398-1	565 Murray Road, Vervale	Buildings and Works (Construction of a Farm Shed, Earthworks)	Permit	Objector	Withdrawn	31/05/2024

Resolution

Moved Cr Jeff Springfield, seconded Cr Kaye Cameron.

That Council note the 'Planning Matters VCAT Report – July 2024'.

For:Cr Brett Owen, Cr Carol Ryan, Cr Collin Ross, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Tammy Radford

Against:Nil

Carried

5.6 Planning Matters Dealt with by Officers Under Delegated Authority - July 2024

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the 'Planning Matters Dealt with by Officers Under Delegated Authority – July 2024' 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 8 May 2024 and 5 June 2024.

Beacon Hills Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230178	403 Gembrook Road, Pakenham Upper VIC 3810	Buildings and works associated with an extension to an existing dwelling and carport, removal of native vegetation and removal of vegetation	Issued	21/04/2023	10/05/2024
T160356 - 1	245 Gembrook-Tonimbuk Road, Gembrook VIC 3783	Development of the land for a replacement dwelling and removal of vegetation	Issued	12/12/2023	23/05/2024
T230590	215 Mt Eirene Road, Gembrook VIC 3783	Re-subdivision of land into two (2) lots	Issued	27/11/2023	24/05/2024
T230627	55 Leppitt Road, Pakenham VIC 3810	Buildings and works including earthworks for an agricultural shed and rainwater tank	Issued	15/12/2023	4/06/2024
T230631	52 St Georges Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of a Shed)	Issued	13/12/2023	4/06/2024

Bunyip Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240019	65 Koolbirra Road, Maryknoll VIC 3812	Building and Works for a replacement dwelling	Issued	22/01/2024	9/05/2024
T230510	15 Greenhill Court, Bunyip VIC 3815	Buildings and works (Construction of an outbuilding associated with a dwelling)	Issued	17/10/2023	10/05/2024
T230298	8 Flett Street, Bunyip VIC 3815	Subdivision of land into five (5) lots	NOD	13/06/2023	13/05/2024
T180004 - 4	Petty Road, Bunyip VIC 3815	Subdivision of the land into 24 lots, creation of easements and removal of native vegetation	Issued	11/12/2023	17/05/2024
T220557 - 1	75 Bullen Road, Tynong North VIC 3813	Buildings and works for two agricultural buildings	Issued	8/02/2024	21/05/2024
T230513	140 Racecourse Road North North, Pakenham VIC 3810	Development of Land for a Second Dwelling	Issued	17/10/2023	24/05/2024
T230415	6 Stacey Street, Bunyip VIC 3815	Subdivision of land into two (2) lots.	Issued	23/08/2023	30/05/2024
T230521	11 Lorraine Court, Pakenham VIC 3810	The development of the land with a second dwelling, alterations and extensions to an existing dwelling and the subdivision of the land into two (2) lots.	NOD	19/10/2023	30/05/2024
T240029	330 Bessie Creek Road, Nar Nar Goon North VIC 3812	Buildings and works (Construction of a shed)	Issued	30/01/2024	31/05/2024
T230476	10 Canty Lane, Pakenham VIC 3810	Removal of vegetation	Issued	27/09/2023	5/06/2024

Henty Ward

None.

Officer Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240174	18 Gulliver Drive, Officer VIC 3809	Extend one dwelling on a lot with an area less than 300 square metres	Issued	15/04/2024	8/05/2024
T230422	36-38 Bayview Road, Officer VIC 3809	Development of the land for twenty-one (21) dwellings	Issued	3/10/2023	16/05/2024
T190787 - 6	100 Tivendale Road, Officer VIC 3809	Use and development of the land for a place of worship and business identification signage	Issued	11/04/2024	30/05/2024
T230396	18 Station Street, Officer VIC 3809	Development and use of the land for a childcare centre within a Land Subject to Inundation Overlay, the display of advertising signage, with a reduction in car parking, pursuant to Clause 52.06 of the Cardinia Planning Scheme	Issued	29/08/2023	31/05/2024

Pakenham Hills Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230571	20 Blessing Rise, Pakenham VIC 3810	Buildings and works for the construction of a dwelling and a fence	Issued	16/11/2023	16/05/2024
T230605	74-76 Ahern Road, Pakenham VIC 3810	Subdivision of Land into Fifteen (15) Lots	Issued	4/12/2023	23/05/2024

Port Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T041069 - 5	Nylander Road, Bunyip Victoria 3815	Residential subdivision (staged subdivision) and native vegetation removal, generally in accordance with the approved plans	Issued	22/09/2023	21/05/2024

Ranges Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T160614 - 3	67 - 69 Tivendale Road, Officer VIC 3809	Amendments to Planning Permit T160614 (Conditions & Plans) - Use and Development of an Education Centre (Primary & Secondary School) and Childcare Centre within a Land Subject to Inundation Overlay with Associated Signage.	Refused	27/11/2023	9/05/2024
T230568	18 Ronald Road, Emerald VIC 3782	Building and works associated with an extension to an existing dwelling	Issued	15/11/2023	20/05/2024
T240036	10 Leighton Avenue, Emerald VIC 3782	Buildings and Works (Construction of an Outbuilding, Verandah & Pergola)	Issued	2/02/2024	20/05/2024
T240122	3 Moola Road, Cockatoo VIC 3781	Buildings and works (Construction of an alfresco)	Issued	15/03/2024	24/05/2024
T240070	77 Emerald-Monbulk Road, Emerald VIC 3782	Buildings and Works (Construction of a Shed) Associated with Animal Husbandry	Issued	20/02/2024	31/05/2024
T230609	8 Emerald-Monbulk Road, Emerald VIC 3782	Buildings and works for an extension to existing dwelling with associated earthworks	Issued	5/12/2023	4/06/2024

Toomuc Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240035	2 Portobello Road, Pakenham VIC 3810	Construction of a building associated with an Education Centre (storage shed)	Issued	2/02/2024	16/05/2024
T160569 - 2	12-32 McMullen Road, Officer VIC 3809	Use and development of the land for a Residential Village to be completed in stages, removal of native vegetation, reduction in car parking, buildings and works on land within a Land Subject to Inundation Overlay and buildings and works on land shown as Encumbered Open Space associated with the re-alignment of Gum Scrub Creek.	Issued	14/09/2023	4/06/2024

Westernport Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230316	60 Greenhills Road, Pakenham VIC 3810	Use and development of the land for warehouse and associated works, a reduction of the statutory car parking requirement, and advertising signage on Proposed Lot 1.	Issued	10/07/2023	8/05/2024
T240010	5 Quinny Street, Koo Wee Rup VIC 3981	Development of land for an outbuilding	Issued	11/01/2024	10/05/2024
T230318	60 Greenhills Road, Pakenham VIC 3810	Use and development of the land for single warehouse and associated works, a reduction of the statutory car parking requirement, and advertising signage, on proposed Lot 3 (500).	Issued	10/07/2023	13/05/2024
T230319	60 Greenhills Road, Pakenham VIC 3810	Use and development of the land for two (2) warehouses and associated works, a reduction of the statutory car parking requirement, and advertising signage, on Proposed Lot 2.	Issued	10/07/2023	13/05/2024
T230412	Bald Hill Road, Pakenham VIC 3810	Buildings and works for the development of a warehouse	Issued	18/08/2023	13/05/2024
T240137	4 Charles Street, KOO WEE RUP VIC 3981	Buildings and Works (Construction of a garage)	Issued	25/03/2024	13/05/2024
T230288	635 Murray Road, VERVALE VIC 3814	Buildings and works associated with Agriculture (Rural Workers Accommodation)	NOD	14/06/2023	14/05/2024
T220398 - 2	565 Murray Road, Vervale VIC 3814	Buildings and Works (Construction of a Farm Shed, Earthworks)	Issued	11/05/2024	15/05/2024
T220297 - 1	850 Longwarry-Modella Road, Modella VIC 3816	Buildings and Works (Construction of a Shed and Carport)	Refused	5/12/2023	20/05/2024
T240097	4A Exchange Drive, Pakenham VIC 3810	Subdivision of Land into Two (2) Lots	Issued	8/03/2024	30/05/2024
T240098	6A Exchange Drive, Pakenham VIC 3810	Subdivision of Land into Two (2) Lots	Issued	8/03/2024	30/05/2024
T240100	8A Exchange Drive, Pakenham VIC 3810	Subdivision of Land into Two (2) Lots	Issued	8/03/2024	30/05/2024
T230629	385 Little Road, IONA VIC 3815	Buildings and Works (Construction of an agricultural shed)	Issued	18/12/2023	5/06/2024

Resolution

Moved Cr Tammy Radford, seconded Cr Graeme Moore.

That Council note the 'Planning Matters Dealt with by Officers Under Delegated Authority – July 2024' report.

For:Cr Brett Owen, Cr Carol Ryan, Cr Collin Ross, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Kaye Cameron and Cr Tammy Radford

Against:Nil

Carried

6 Meeting Closure

Meeting closed at {7:34pm}.

Minutes confirmed
Chairman