

Town Planning Committee Meeting

Minutes

Monday 5 August 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:	Michael Casey	Acting General Manager Liveable Communities
	Wayne Mack	General Manager Customer, People and Performance
	Duncan Turner	Manager Planning and Design
	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

Nil

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 T230499 PA - Buildings and Works (Construction of a Shed) - 1 Outlook Road, Emerald

Responsible GM: Michael Casey
Author: Hamish Mival

Recommendation

That Council resolve to issue a Refusal to Grant a Permit for Planning Permit Application T230499 for Buildings and Works (Construction of a Garage and Earthworks) and Vegetation Removal at 1 Outlook Road, Emerald on the following grounds:

1. The proposal is not consistent with the purpose, objectives and decision guidelines of the Design and Development Overlay, as it presents an unacceptable visual impact on the landscape, incorporates excessive cut and fill, and is not consistent with the low-density character of the area.
2. The proposal is not consistent with State and Local Planning Policy, specifically Clause 11.03-5S Distinctive areas and landscapes, Clause 12.05-2S Landscapes, and Clause 21.02-2 Landscape, as it has an unacceptable impact on the landscape of the area.
3. The proposal is not consistent with the precinct character guidelines for Precinct 2 of the *Emerald District Strategy, June 2009* as it doesn't respond to topography and does not minimise visual intrusion and disruption of views.

Attachments

1. T230499 PA - Delegate Report - Refusal [5.1.1 - 20 pages]
2. T 230499 PA - Locality Map [5.1.2 - 1 page]
3. T 230499 PA - Plans and Documents [5.1.3 - 45 pages]
4. CONFIDENTIAL REDACTED - T 230499 PA - Objections [5.1.4 - 12 pages]

Application Details

APPLICATION NO.:	T230499
APPLICANT:	Sonya Boloski Lakeside Building Consultants
LAND:	CP108922 V9342 F659, 1 Outlook Road, Emerald VIC 3782
PROPOSAL:	Buildings and Works (Construction of a Garage and Earthworks) and Vegetation Removal
PLANNING CONTROLS:	LDRZ2 - Low Density Residential Zone - Schedule 2 BMO - Bushfire Management Overlay

	VPO1 - Vegetation Protection Overlay - Schedule 1 DDO1 - Design and Development Overlay - Schedule 1
NOTIFICATION & OBJECTIONS:	<p>One (1) sign placed at front of site and notices to surrounding residents.</p> <p>Six (6) objections received. The key issues raised in the objections are:</p> <ul style="list-style-type: none"> • Size of the proposed garage and impact on visual amenity. • Extent of vegetation removal and impact on wildlife and wind patterns. • Impact on property values. • Potential for commercial uses to take place on the property.
KEY PLANNING CONSIDERATIONS:	<p>Visual amenity.</p> <p>Impact on landscape.</p> <p>Low density character.</p>
REASON FOR MEETING:	Refusal and more than four objections received.
RECOMMENDATION:	Refusal to Grant a Planning Permit

Executive Summary

The purpose of this report is to consider an application for Buildings and Works (Construction of a Garage and Earthworks) and Vegetation Removal. It involves a shed of approximately 240sqm in size, removal of two (2) trees that are subject to permit requirements, pruning of additional vegetation and a maximum site cut of 2 metres.

The state and local policy setting seek to maintain and complement the character of the Emerald township through sensitive siting and design. It is considered that the proposal does not complement the character of the township, especially in its exposed location on a ridge, and it will unreasonably dominate the landscape and surrounding built form character. While the loss of vegetation is deemed acceptable, the proposal will result in degradation of the land due to excessive cut and fill.

Concerns were raised with the applicant from the beginning of the process, specifically relating to the size of the proposed shed and its visual impact on the landscape. Subsequent amendment did not adequately address these concerns; therefore, the application has been recommended for refusal.

Relevance to Council Plan

3.1 We value our natural assets and support our biodiversity to thrive

3.1.3 Work with community to improve and manage our natural assets, biodiversity and cultural heritage.

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 Stephanie Davies.

- a. That Council resolve to Refuse to Grant a Permit for Planning Permit Application T230499 for Buildings and Works (Construction of a Garage and Earthworks) and Vegetation Removal at 1 Outlook Road, Emerald on the following grounds:
 1. The proposal is not consistent with the purpose, objectives and decision guidelines of the Design and Development Overlay, as it presents an unacceptable visual impact on the landscape, incorporates excessive cut and fill, and is not consistent with the low[1]density character of the area.
 2. The proposal is not consistent with State and Local Planning Policy, specifically Clause 11.03-5S Distinctive areas and landscapes, Clause 12.05-2S Landscapes, and Clause 21.02-2 Landscape, as it has an unacceptable impact on the landscape of the area.
 3. The proposal is not consistent with the precinct character guidelines for Precinct 2 of the Emerald District Strategy, June 2009 as it doesn't respond to topography and does not minimise visual intrusion and disruption of views.

- b. That Council advise the Victorian Civil & Administrative Tribunal of its decision on the application.

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

Carried

5.2 Planning Matters Dealt with by Officers Under Delegated Authority - August 2024

Responsible GM: Michael Casey
Author: Benjamin Jones

Recommendation(s)

That Council note the 'Planning Matters Dealt with by Officers Under Delegated Authority – August 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 06 June 2024 and 05 July 2024.

Beacon Hills Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240060	140 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	Buildings and works (Construction of an agricultural shed)	Issued	15/02/2024	12/06/2024
T240228	24 Stone Road North North, Gembrook VIC 3783	Buildings and works (Construction of a shed)	Issued	20/05/2024	12/06/2024
T220836	415 Gembrook-Tonimbuk Road, Gembrook VIC 3783	Buildings and works to a dwelling and construction of two (2) outbuildings (shed)	Issued	21/12/2022	17/06/2024
T220601	145 Foott Road, Beaconsfield Upper VIC 3808	Use and development of land for a dwelling and native vegetation removal	Issued	14/09/2022	19/06/2024
T240172	202 Toomuc Valley Road, Pakenham VIC 3810	Buildings and Works (Construction of a shed)	Issued	12/04/2024	28/06/2024
T240205	2A Lenne Street, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding	Issued	6/05/2024	1/07/2024

Bunyip Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230206	1555 Bunyip River Road, Bunyip VIC 3815	Development of the land for a replacement dwelling	Issued	5/05/2023	7/06/2024
T240023	5 Drake Court, Bunyip VIC 3815	Use of land for a Dwelling and Buildings and Works (Construction of a Dwelling, Shed and Associated Earthworks)	Issued	19/01/2024	14/06/2024
T220815 - 1	48 Archer Road, Garfield VIC 3814	Subdivision of land into five (5) lots and creation of easements (drainage and sewerage)	Issued	3/05/2024	17/06/2024
T230363	5 A'Beckett Road, Bunyip VIC 3815	Buildings and works associated with an existing dwelling (carport) and construction of four (4) Dwellings	Issued	20/07/2023	18/06/2024
T240009	13 Sweeney Court, Tynong VIC 3813	Use and Development of Land for a Dwelling	Issued	10/01/2024	19/06/2024
T240002	Tonimbuk Road, Bunyip North VIC 3815	Use of the land for a caravan store	Refused	3/01/2024	2/07/2024

Henty Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T000898 - 3	88-90 & 82-86 & 76-80 & CM1 PS435535 & 74 Princes Highway and 1 Deveney Street, Pakenham VIC 3810	Use and development of the land for seven (7) convenience restaurants, sale and consumption of liquor, to display business identification and illuminated signage and alteration to access to a road in a Road Zone Category 1, generally in accordance with the substituted plans known as TP1.P and TP2-J and the endorsed plans.	Issued	21/12/2023	17/06/2024
T230612	131 Main Street, Pakenham VIC 3810	Sale and consumption of liquor in association with a food and drink premises (Restaurant and Café Licence)	Issued	5/12/2023	1/07/2024
T240125	170 Princes Highway, Pakenham VIC 3810	Subdivision of Land into Twelve (12) Lots	Issued	19/03/2024	5/07/2024

Officer Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240223	45 Dodson Road, Officer VIC 3809	Display of Business Identification Signage	Issued	14/05/2024	27/06/2024
T230307 - 1	13 Armytage Road, Officer VIC 3809	Use of the land for a Host Farm and Animal Husbandry, installation of business identification signage and associated works	Issued	8/05/2024	1/07/2024

Ranges Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T220158	17A View Hill Road, Cockatoo VIC 3781	Buildings and works for an outbuilding	Issued	6/03/2022	6/06/2024
T230504	450 Woori Yallock Road, Cockatoo VIC 3781	Buildings and works for an outbuilding	Issued	13/10/2023	6/06/2024
T230622	1 Main Street, Gembrook VIC 3783	Retrospective Buildings and Works (installation of a fence, buildings and works associated with a railway and destruction of a tree) within a Heritage Overlay (HO268)	Issued	13/12/2023	11/06/2024
T210403 - 1	8 Paradise Grove, Emerald VIC 3782	Buildings and works associated with the construction of a Dwelling Extension	Issued	28/11/2023	13/06/2024
T190340	555 Back Creek Road, Gembrook VIC 3783	Buildings and works associated with an outbuilding (cellar and cool storage)	Refused	13/06/2019	24/06/2024
T170689 - 2	3 Beenak East Road, Gembrook VIC 3783	Extension to existing dwelling and associated earthworks	Issued	14/09/2023	1/07/2024
T230371	86 Beaconsfield-Emerald Road, Emerald VIC 3782	Buildings and Works (Retrospective) for the Construction of a Non-habitable Outbuilding (Garage) and Earthworks	NOD	27/07/2023	4/07/2024

Toomuc Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date

T230551	125 Mulcahy Road, Pakenham VIC 3810	Construct and carry out works associated with warehouse use and to subdivide land in accordance with the proposed development.	Issued	3/11/2023	14/06/2024
T240195	2 Majella Road, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	1/05/2024	1/07/2024

Westernport Ward					
Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230595	60 Bloomfield Lane, Cardinia VIC 3978	Building and works (Construction of an agricultural shed)	Issued	28/11/2023	17/06/2024
T230376	Koo Wee Rup Road, Pakenham VIC 3810	Development of land for a Store (Self storage facility), Display of internally illuminated business identification signage and creation of an access to a Transport Zone 2	Issued	27/07/2023	19/06/2024
T240018	565 Seven Mile Road, Nar Nar Goon VIC 3812	Buildings and Works (Construction of an Agricultural Shed)	Issued	22/01/2024	19/06/2024
T230338	2 John Street, Koo Wee Rup VIC 3981	Use of the land as a medical centre (radiology) and the reduction of the car parking requirement.	Issued	11/07/2023	1/07/2024
T230585	395 South Yannathan Road, Yannathan VIC 3981	Development of Two (2) Agricultural Sheds	Issued	24/11/2023	1/07/2024
T240113	940 Koo Wee Rup Road, Pakenham VIC 3810	Buildings and Works for a Store (carton storage facility) And Reduction in Car Parking Requirements.	Issued	14/03/2024	1/07/2024
T240041	5 Trade Place, Pakenham VIC 3810	Subdivision into four (4) Lots and Common Property in accordance with Planning Permit T210887	Issued	6/02/2024	2/07/2024
T240159	70-80 Bald Hill Road, Pakenham VIC 3810	Buildings and Works (Construction of Three Silos)	Issued	3/04/2024	5/07/2024

Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

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

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

Against:Nil

Carried

5.3 Planning Scheme Amendment Activity Report - August 2024

Responsible GM: Michael Casey
Author: Marcelle Bell

Recommendation(s)

That Council note the 'Planning Scheme Amendment Activity Report – August 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. This list is current as of 12 July 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).

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
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>The Minister for Planning referred proposed Planning Scheme Amendment C274card and unresolved submissions to a VPA Projects Standing Advisory Committee.</p> <p>The Standing Advisory Committee Hearing was conducted between the 6 of March to 19 April 2024.</p> <p>The VPA will release the Panel report within ten business days upon its receipt from the Standing Advisory Committee.</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>The public exhibition of proposed Planning Scheme Amendment C278card closed on the 8 April 2024. Council received five submissions to proposed Amendment C278card. On the 17 June 2024 Council considered all submissions and endorsed referring C278card to a Planning Panel appointed by the Minister for Planning. A Planning Panel Directions Hearing will be held on the Monday 22 July 2024 and the Planning Panel Hearing date is expected between 26 August and 30 August 2024.</p>
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 (CI 43.01) to allow Council to consider a prohibited use under the Heritage Overlay (H0104) for an office.	To be determined	To be determined	<p>Council have requested for further information from the Applicant before progressing proposed Amendment C282card.</p>

Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

That Council note the 'Planning Scheme Amendment Activity Report – August 2024'.

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

Against:Nil

Carried

5.4 Planning Matters VCAT Report - August 2024

Responsible GM: Michael Casey
Author: Benjamin Jones

Recommendation(s)

That Council note the 'Planning Matters VCAT Report – August 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 15 July 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
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
8-9/07/2024	T110588	270 Cardinia Road, Officer South	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement	N/A	Applicant
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
22-25/10/2024	T220569	195 Dore Road Pakenham	Use and Development of Land for a Place of Worship and Vegetation Removal	Refusal	Applicant

Matters Recently Decided at VCAT

App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
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	Withdrawn	01/06/2024
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	Amended Permit Granted - Matter consented to at Compulsory Conference	13/06/2024
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	Varied - Matter consented to at Compulsory Conference	20/06/2024
T220366	550 Scanlons Drain Road, Catani 3981	The use and the development of the land for a dwelling.	Refusal	Applicant	Council Decision Affirmed - No Permit Granted	11/07/2024

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

Resolution

Moved Cr Stephanie Davies, seconded Cr Collin Ross.

That Council note the 'Planning Matters VCAT Report - August 2024'.

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

Against: Nil

Carried

6 Meeting Closure