



Town Planning Committee Meeting

Minutes

Monday 9 December 2024

Commenced at 7:00 PM

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

Members:	Cr Jack Kowarzik	Mayor
	Cr Alanna Pomeroy	Deputy Mayor
	Cr Trudi Paton	
	Cr Collin Ross	
	Cr Liz Roberts	
	Cr Samantha-Jane Potter	
	Cr David Nickell	
	Cr Casey Thomsen	
	Cr Brett Owen	
Officers:	Debbie Tyson	General Manager Community & Planning Services
	Wayne Mack	General Manager Corporate Services
	Peter Harris	Manager Governance, Safety & Property
	Duncan Turner	Manager Planning & Design Planning & Design

Meeting opened at 7.01pm.

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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 Brett Owen

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 T240155 PA - Construction and Display of an Electronic Sign at 6 Racecourse Road, Pakenham VIC 3810

Responsible GM: Debbie Tyson
Author: Ana Neiva

Recommendation

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240155 for '*Construction and Display of an Electronic Sign*' at land known and described as L2 LP21709, 6 Racecourse Road, Pakenham, on the following grounds:
1. The proposal is inconsistent with 'Objective 2' and associated strategies of Clause 21.06-1 of the Cardinia Planning Scheme, as it provides for signage that is inconsistent with the surrounds and results in the proliferation of signage and visual clutter.
 2. The proposal is inconsistent with the strategies and policy guidelines relating to industrial signage pursuant to Clause 22.09-3 of the Cardinia Planning Scheme, as it fails to provide for signage which is not a dominant feature of its surroundings and provides for an 'electronic sign' which is sought to be avoided.
 3. The proposal is inconsistent with the decision guideline outlined within Clause 52.05-8 of the Cardinia Planning Scheme, as the proposal fails to adequately consider the cumulative impact of signs already existing on site and the existing or desired future character of the area in which it is proposed to be located (Industrial and Restricted Retail Areas – Cardinia Advertising Design Guidelines (Feb, 2020)).
 4. The proposal is inconsistent with the Cardinia Advertising Design Guidelines (Feb, 2020).

AND

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

Attachments

1. T240155 PA - Delegate Report - Refusal [5.1.1 - 11 pages]
2. T240155 PA - Decision Documents [5.1.2 - 7 pages]
3. T240155 PA - Locality Map [5.1.3 - 1 page]
4. Advertising Signage Design Guidelines (2020) [5.1.4 - 37 pages]

Application Details

APPLICATION NO.:	T240155 PA
APPLICANT:	Worklocker Pakenham (Mr. James Williams)
LAND:	L2 LP21709, 6 Racecourse Road, Pakenham VIC 3810
PROPOSAL:	Construction and Display of an Electronic Sign
PLANNING CONTROLS:	Industrial 1 Zone – Schedule Land Subject to Inundation Overlay – Schedule
NOTIFICATION & OBJECTIONS:	Notice of the application as given pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by placing a sign on the land and mailing notices to surrounding landowners. Zero (0) Objections were received.
KEY PLANNING CONSIDERATIONS:	Purposes and objectives of key policies within the Cardinia Planning Scheme including; <ul style="list-style-type: none"> - Clauses 21.06 (Urban Design), - Clause 22.09 (Signs), - Clause 22.09-3 (Industrial and Restricted Retail Signs), and - Clause 52.05-8 (Signs). - Cardinia Advertising Design Guidelines (<i>Feb, 2020</i>).
REASON FOR MEETING:	Recommended for Refusal.
RECOMMENDATION:	Issue a Notice of Decision to Refuse to Grant a Permit

Executive Summary

The purpose of this report is to consider an application for the ‘*Construction and Display of an Electronic Sign*’.

There is a clear policy theme throughout the Cardinia Planning Scheme that seeks to promote good urban design outcomes through the consideration of the visual amenity, appearance and character of an area. Overall, the proposed sign type (electronic), location and its contribution to the proliferation of signage is unacceptable in terms of its visual impact upon the public realm.

The application is recommended for refusal due to its poor response to the decision guidelines of Clause 52.05-8 (Signs) of the Cardinia Planning Scheme, the Cardinia Advertising Design Guidelines (*Feb, 2020*), and key policies within State and Local Policy Framework that seeks to avoid the type of signage proposed.

It is considered that the electronic signage is at odds with the specific guidelines and policy direction within the Planning Policy Framework and represents an unacceptable response to the key policy directive in Clauses 21.06 (Urban Design), Clause 22.09 (Signs) and Clause

22.09-3 (Industrial and Restricted Retail Signs). The signage does not comply with the requirements of the *Cardinia Advertising Signage Design Guidelines* (2020) nor the decision guidelines of Clause 52.05-8 (Signs)

As such, it is recommended Council support the Officers' recommendation and determine to refuse to grant a planning permit.

Relevance to Council Plan

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

4.1.5 Strengthen and promote our shire's unique identity

Resolution

Moved Cr Samantha-Jane Potter, seconded Cr Collin Ross.

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240155 for '*Construction and Display of an Electronic Sign*' at land known and described as L2 LP21709, 6 Racecourse Road, Pakenham, on the following grounds:
1. The proposal is inconsistent with 'Objective 2' and associated strategies of Clause 21.06-1 of the Cardinia Planning Scheme, as it provides for signage that is inconsistent with the surrounds and results in the proliferation of signage and visual clutter.
 2. The proposal is inconsistent with the strategies and policy guidelines relating to industrial signage pursuant to Clause 22.09-3 of the Cardinia Planning Scheme, as it fails to provide for signage which is not a dominant feature of its surroundings and provides for an 'electronic sign' which is sought to be avoided.
 3. The proposal is inconsistent with the decision guideline outlined within Clause 52.05-8 of the Cardinia Planning Scheme, as the proposal fails to adequately consider the cumulative impact of signs already existing on site and the existing or desired future character of the area in which it is proposed to be located (Industrial and Restricted Retail Areas – Cardinia Advertising Design Guidelines (Feb, 2020)).
 4. The proposal is inconsistent with the Cardinia Advertising Design Guidelines (Feb, 2020).

AND

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Alana Pomeroy,
Cr Casey Thomsen and Cr Samantha-Jane Potter

Against: Cr Trudi Paton

Carried

5.2 T240015 PA - Use and Development of the Land for a Dwelling and Associated Earthworks at 680 Five Mile Road, Nar Nar Goon VIC 3812

Responsible GM: Debbie Tyson
Author: Alicia Brown

Recommendation

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240015 for the *Use and Development of the land for a Dwelling and Associated Earthworks* on at 680 Five Mile Road, Nar Nar Goon the following grounds:
1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, specifically:
 - a) Clause 11.01-1S – Settlement;
 - b) Clauses 11.01-1R Green wedges – Metropolitan Melbourne
 - c) Clause 13.07-1S – Land Use Compatibility
 - d) Clause 14.01 - Agriculture
 - e) Clause 16.01-3S Rural residential development
 - f) Clause 21.03-5 Rural residential and Rural Living development
 - g) Clause 21.04-2 - Agriculture
 - h) Clause 22.05 Western Port Green Wedge Policy
 - i) Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisionsas the proposal does not protect valuable agricultural land, permanently removes the land from primary production and is an incompatible land use.
 2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a) It does not maintain and protect the highly productive agricultural land from incompatible uses
 - b) The proposal does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge
 - c) The proposal does not encourage or support the use of the land in Precinct 3 (Railway) for agriculture to ensure that land use is compatible with the adjacent Precinct 1 (Agriculture, horticulture and soil based food production)
 3. The proposal fails to adequately respond to the purpose and decision guidelines of the Green Wedge Zone as it compromises the protection and conservation of Green Wedge land for its agricultural resources and results in a small residential lot that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
 4. The proposal is inconsistent with the relevant considerations of Clause 65.01 and does not represent the orderly planning of the area.

AND

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

Attachments

1. T240015 PA - Officer Report - Refusal [5.2.1 - 32 pages]
2. T 240015 PA - Locality Map [5.2.2 - 1 page]
3. T 240015 PA - Development Plans [5.2.3 - 4 pages]
4. T 240015 PA - Objection [5.2.4 - 4 pages]

Application Details

APPLICATION NO.:	T240015
APPLICANT:	Hargreaves Design Group
LAND:	L1 PS727458, 680 Five Mile Road, Nar Nar Goon VIC 3812
PROPOSAL:	Use and Development of land for a Dwelling and Associated Earthworks
PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	The application was put on public notice in accordance with Section 52 of the <i>Planning and Environment Act 1987</i> . One (1) objection has been received on the grounds of: <ul style="list-style-type: none"> <input type="checkbox"/> Fails to respond to local planning policy <input type="checkbox"/> Impact on surrounding farming operations & productivity <input type="checkbox"/> Concern with existing use of the building <input type="checkbox"/> Previous refusals of subdivision applications
KEY PLANNING CONSIDERATIONS:	Protection of the Westernport Green Wedge land from incompatible land uses and development Protection and preservation the Westernport Green Wedge land for agricultural uses by the permanent removal of agricultural land Land use conflicts between sensitive use (Dwelling) and existing and future agricultural activities 'right to farm'.
REASON FOR MEETING:	Delegation for Notice of Decision to Refuse to Grant a Permit
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

Executive Summary

The purpose of this report is to consider an application for use and development of land for a dwelling and associated earthworks at 680 Five Mile Road, Nar Nar Goon on a 1.5 hectare allotment.

The objective of Clause 11.01-1R Green Wedges – Metropolitan Melbourne is *“to protect the green wedges of Metropolitan Melbourne from inappropriate development.”* Supporting strategies include (but are not limited to):

- *Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.*
- *Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.*

The proposed use and development of land for the purpose of a dwelling is inconsistent with the purpose and decision guidelines of the Green Wedge Zone, and the future directions and preferred land uses defined in Clause 22.05 Western Port Green Wedge Policy.

This rural residential dwelling is not proposed to be associated with any agricultural pursuit and does not result in land used for agriculture or primary production. An assessment against the relevant policies and controls that apply to the site reveal that the application fails to appropriately respond to or advance policy in relation to the preservation, protection or enhancement of the Green Wedge, and results in a rural residential lot which policy seeks to discourage.

The application is recommended for refusal due to the poor response to the Green Wedge Zone and Clause 22.05 (Western Port Green Wedge Policy), as well as other policy throughout the Planning Policy Framework and Local Planning Policy Framework that seek to protect productive agricultural land for future sustainable use.

Decisions of the Victorian Civil and Administrative Tribunal (VCAT) support the recommendation to refuse to grant a permit, both within Cardinia Shire and other valuable agricultural areas. Recent VCAT Decision *Kenny v Cardinia SC [2024] VCAT 415 dated 6 May 2024* for a similar application at 275 Daly Road Nar Nar Goon and observed that:

45. The purposes of the GWZ1 do not extend to encouraging the use and development of land for a dwelling, or for rural residential or rural living purposes.

..

49. The proposal is not supported by any proposal to conduct agricultural production on the site, or by a land management plan or similar that can demonstrate how the proposal would be consistent with sustainable land management practices. These shortcomings expose the proposal as a non-rural use that fails to support the future directions and preferred land uses identified for areas that fall within Precinct 3 under Clause 22.05.

...

54. In my view, the proposal would undermine and erode the agricultural values of the Cardinia Western Port Green Wedge and does not achieve an acceptable outcome for the agricultural area of Nar Nar Goon.

As such, it is recommended Council support the Officers' recommendation and determine to refuse to grant a planning permit.

Relevance to Council Plan

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

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

5.1 We practise responsible leadership

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

Resolution

Moved Cr Collin Ross, seconded Cr Casey Thomsen

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240015 for the *Use and Development of the land for a Dwelling and Associated Earthworks* on at 680 Five Mile Road, Nar Nar Goon the following grounds:
1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, specifically:
 - a) Clause 11.01-1S – Settlement;
 - b) Clauses 11.01-1R Green wedges – Metropolitan Melbourne
 - c) Clause 13.07-1S – Land Use Compatibility
 - d) Clause 14.01 - Agriculture
 - e) Clause 16.01-3S Rural residential development
 - f) Clause 21.03-5 Rural residential and Rural Living development
 - g) Clause 21.04-2 - Agriculture
 - h) Clause 22.05 Western Port Green Wedge Policy
 - i) Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisionsas the proposal does not protect valuable agricultural land, permanently removes the land from primary production and is an incompatible land use.
 2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a) It does not maintain and protect the highly productive agricultural land from incompatible uses
 - b) The proposal does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge
 - c) The proposal does not encourage or support the use of the land in Precinct 3 (Railway) for agriculture to ensure that land use is compatible with the adjacent Precinct 1 (Agriculture, horticulture and soil based food production)
 3. The proposal fails to adequately respond to the purpose and decision guidelines of the Green Wedge Zone as it compromises the protection and conservation of Green Wedge land for its agricultural resources and results in a small residential lot that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
 4. The proposal is inconsistent with the relevant considerations of Clause 65.01 and does not represent the orderly planning of the area.

AND

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Alana Pomeroy,
Cr Casey Thomsen and Cr Samantha-Jane Potter

Against: Cr Trudi Paton

Carried

5.3 T230589 PA - Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks at 215 Evans Road, Longwarry 3816

Responsible GM: Debbie Tyson
Author: Michael Stockigt

Recommendation(s)

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T230589 for the *Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks* at 215 Evans Road, Longwarry on the following grounds:
1. The proposal is inconsistent with the objectives and strategies of the below Clauses of the Planning Policy Framework and Local Planning Policy Framework that seek to protect agricultural land and direct residential development into existing settlements, specifically:
 - a) Clause 11.01-1S – Settlement;
 - b) Clause 11.01-1R – Green Wedges – Metropolitan Melbourne;
 - c) Clause 13.07-1S – Land Use Compatibility;
 - d) Clause 14.01 – Agriculture;
 - e) Clause 16.01-3S – Rural Residential Development;
 - f) Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision;
 - g) Clause 21.03-4 – Rural Townships;
 - h) Clause 21.03-5 – Rural Residential and Rural Living Development;
 - i) Clause 21.04-2 – Agriculture;
 - j) Clause 22.05 – Western Port Green Wedge Policy; and
 - k) Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions,as the proposal does not protect significant agricultural land, is an incompatible use with surrounding land uses and the desired strategic direction for surrounding land and seeks to provide for residential development outside existing settlement boundaries.
 2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a) The proposal does not achieve the vision for the Cardinia Western Port Green Wedge;
 - b) The proposal does not maintain and protect the highly productive agricultural land from incompatible uses.
 - c) The proposal does not accord with the precinct objective and future directions for the land, given the location within ‘Precinct 1 – Agriculture, horticulture and soil based food production’;
 - d) The proposal will permanently remove land from agricultural production; and

- e) The proposal will limit the establishment, operation and expansion of adjoining and nearby agricultural uses.
3. The proposal is inconsistent with and does not respond to the purposes and decision guidelines of Clause 35.04 (Green Wedge Zone), as it:
 - a) Will have a detrimental impact on the rural economy;
 - b) Does not enhance agricultural production;
 - c) Does not appropriately relate to rural land use; and
 - d) Does not protect and retain land for future sustainable agricultural activities; and
 - e) Would compromise the preservation, protection and enhancement of significant agricultural land, primarily by introducing a residential land use that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
4. The proposal does not respond to the considerations within Clause 65.01 as it does not achieve the purposes of the Zone and does not represent the orderly planning of the area.

AND

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

Attachments

1. T230589 PA - Officer Report - Refusal [5.3.1 - 27 pages]
2. T230589 PA - 215 Evans Road, Longwarry - Locality Map [5.3.2 - 1 page]
3. T230589 PA - Council Meeting Decision Docs [5.3.3 - 24 pages]

Executive Summary

APPLICATION NO.:	T230589 PA
APPLICANT:	Ms Hannah Carney; JDesign Group
LAND:	CA 97 SEC Q Parish of Koo-Wee-Rup East, 215 Evans Road, Longwarry VIC 3816
PROPOSAL:	Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks
PLANNING CONTROLS:	Green Wedge Zone – Schedule 1 Land Subject to Inundation Overlay – Schedule
NOTIFICATION & OBJECTIONS:	Notice of the application was given pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by placing a sign on the land and mailing notices to surrounding landowners. No objections were received.

KEY PLANNING CONSIDERATIONS:	<p>Protection of the Westernport Green Wedge land from incompatible land uses and development</p> <p>Protection and preservation the Westernport Green Wedge land for agricultural uses.</p> <p>Land use conflicts between sensitive use (Dwelling) and existing and future agricultural activities 'right to farm'.</p> <p>The proposal will inhibit the future use of land for sustainable agricultural activities, will have a detrimental impact on the rural economy and will permanently remove land from agricultural production.</p> <p>Inappropriate siting of dwelling.</p>
REASON FOR MEETING	Recommendation for refusal
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

The purpose of this report is to consider an application for the use and development of a dwelling, as well as construction of an agricultural building and associated earthworks.

The application is recommended for refusal due to no-compliance with the Green Wedge Zone and Clause 22.05 (Western Port Green Wedge Policy), as well as other policy throughout the Planning Policy Framework and Local Planning Policy Framework that seek to protect productive agricultural land for future sustainable use.

The proposal seeks to introduce a dwelling to the land for the first time, on land identified as of 'good' agricultural significance (the second highest designation under Clause 21.04-2 – Agriculture). The land is currently used for cattle grazing (Grazing Animal Production), with this proposed to continue. Documentation submitted with the application states a cattle breeding enterprise to be explored in future, however there is no timeline for this to occur.

Given the scale and nature of the agricultural operation as well as the close proximity to existing settlements (Bunyip, Longwarry and to a lesser extent Drouin), it is not considered a dwelling is necessary to facilitate, provide for, support or enhance the use of the land for Agriculture. Further, introduction of a dwelling to the land for the first time is considered likely to detrimentally impact the rural economy, and impact operation and/or establishment of agricultural uses on surrounding land.

The siting of the proposed dwelling (setback approximately 210 metres from front boundary) results in an inappropriate loss of agricultural land (approximately 13% of site area); land identified by policy throughout the Planning Scheme as of high value and significance.

Decisions of the Victorian Civil and Administrative Tribunal (VCAT) support the recommendation to refuse to grant a permit, both within Cardinia Shire and other valuable agricultural areas. *Marson v Cardinia SC (2024) VCAT 639* specifically considered the question of the need for a dwelling on the land to provide oversight for the grazing of approximately 30 animals. In refusing the application the Tribunal relevantly commented that:

79. To the extent that use of the land for a dwelling on the subject land will allow a greater presence on the subject land and better oversight of existing farming activities on the subject land and the applicants' other two separate land holdings to the north:

- *we are not persuaded that a dwelling is reasonably required for the operation of the rural activity being conducted on the subject land [- a decision guideline of SUZ1]. These existing activities involve cattle grazing and the production of hay and silage. While we accept that these are genuine agricultural activities, we find that they do not warrant a continuous on-site presence for their successful conduct;*
- *we find that any enhancement of on-site security is not contingent on permitting a dwelling on the subject land. There are many other ways of enhancing site security through for example, remote monitoring by electronic means or changes to the type, location and design of fencing...*

As such, it is recommended Council support the Officers' recommendation and determine to refuse to grant a planning permit.

Relevance to Council Plan

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

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

5.1 We practise responsible leadership

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

Resolution

Moved Cr Collin Ross, seconded Cr Alana Pomeroy.

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T230589 for the *Use and Development of the land for a Dwelling, Construction of a Shed and Associated Earthworks* at 215 Evans Road, Longwarry on the following grounds:
1. The proposal is inconsistent with the objectives and strategies of the below Clauses of the Planning Policy Framework and Local Planning Policy Framework that seek to protect agricultural land and direct residential development into existing settlements, specifically:
 - a) Clause 11.01-1S – Settlement;
 - b) Clause 11.01-1R – Green Wedges – Metropolitan Melbourne;
 - c) Clause 13.07-1S – Land Use Compatibility;
 - d) Clause 14.01 – Agriculture;
 - e) Clause 16.01-3S – Rural Residential Development;
 - f) Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision;
 - g) Clause 21.03-4 – Rural Townships;
 - h) Clause 21.03-5 – Rural Residential and Rural Living Development;
 - i) Clause 21.04-2 – Agriculture;
 - j) Clause 22.05 – Western Port Green Wedge Policy; and
 - k) Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions,

as the proposal does not protect significant agricultural land, is an incompatible use with surrounding land uses and the desired strategic direction for surrounding

- land and seeks to provide for residential development outside existing settlement boundaries.
2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a) The proposal does not achieve the vision for the Cardinia Western Port Green Wedge;
 - b) The proposal does not maintain and protect the highly productive agricultural land from incompatible uses.
 - c) The proposal does not accord with the precinct objective and future directions for the land, given the location within 'Precinct 1 – Agriculture, horticulture and soil based food production';
 - d) The proposal will permanently remove land from agricultural production; and
 - e) The proposal will limit the establishment, operation and expansion of adjoining and nearby agricultural uses.
 3. The proposal is inconsistent with and does not respond to the purposes and decision guidelines of Clause 35.04 (Green Wedge Zone), as it:
 - a) Will have a detrimental impact on the rural economy;
 - b) Does not enhance agricultural production;
 - c) Does not appropriately relate to rural land use; and
 - d) Does not protect and retain land for future sustainable agricultural activities; and
 - e) Would compromise the preservation, protection and enhancement of significant agricultural land, primarily by introducing a residential land use that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
 4. The proposal does not respond to the considerations within Clause 65.01 as it does not achieve the purposes of the Zone and does not represent the orderly planning of the area.

AND

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

For: Cr Collin Ross, Cr Jack Kowarzik, Cr Alana Pomeroy, Cr Casey Thomsen and
Cr Samantha-Jane Potter

Against: Cr David Nickell, Cr Liz Roberts and Cr Trudi Paton

Carried

5.4 T240177 PA Use and Development of Land for a Dwelling, Outbuildings and associated Works at 80 O'Briens Road, Yannathan, VIC 3981

Responsible GM: Debbie Tyson
Author: Tanvi Rawat

Recommendation(s)

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240177PA which seeks approval for '*Use and Development of Land for a Dwelling, Outbuildings and Associated Works*' at land known and described as 11338 F658 CA 116A Parish of Yallock, 80 O'Briens Road, Yannathan VIC 3981, on the following grounds:
1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, as it does not protect valuable agricultural land, permanently removes the land from primary production and is an incompatible land use, specifically the following policies:
 - a. Clause 11.01-1S – Settlement;
 - b. Clauses 11.01-1R – Green wedges – Metropolitan Melbourne;
 - c. Clause 13.07-1S – Land Use Compatibility;
 - d. Clause 14.01 – Agriculture;
 - e. Clause 16.01-3S – Rural Residential Development;
 - f. Clause 21.03-5 – Rural Residential and Rural Living Development;
 - g. Clause 21.04-2 – Agriculture;
 - h. Clause 22.05 – Western Port Green Wedge Policy.
 - i. Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
 2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a. It does not maintain and protect the highly productive agricultural land from incompatible uses.
 - b. The proposal does not accord with the precinct objective and future directions for the land, given the location within 'Precinct 1 – Agriculture, horticulture and soil-based food production';

- c. The proposal will permanently remove land from agricultural production;
 - d. The proposal does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge.
3. The proposal fails to adequately respond to the purpose and decision guidelines of the Green Wedge Zone as it compromises the protection and conservation of Green Wedge land for its agricultural resources and results in a small residential lot that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
 4. The proposal is inconsistent with the relevant considerations of Clause 65.01 and does not represent the orderly planning of the area.

AND

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

Attachments

1. T240177 PA - Delegate Report [5.4.1 - 21 pages]
2. T240177 PA - Locality Map [5.4.2 - 1 page]
3. T240177 PA - Proposed Development Plans [5.4.3 - 8 pages]
4. T240177 PA - Farm Management Plan [5.4.4 - 38 pages]

Application Details

APPLICATION NO.:	T240177 PA
APPLICANT:	Mr. Stephen O'Brien (Universal Planning)
LAND:	V11338 F658 CA 116A Parish of Yallock, 80 O'Briens Road, Yannathan VIC 3981
PROPOSAL:	Use and Development of Land for a Dwelling, Outbuildings and associated Works.
PLANNING CONTROLS:	Green Wedge Zone – Schedule 1 Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application was given pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by placing a sign on the land and mailing notices to surrounding landowners. No objections were received.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> – Permanent loss of productive agricultural land. – Does not respond to the purpose and decision guidelines of the Green Wedge Zone Schedule 1 and Clause 22.05, The Western Port Green Wedge Policy.

	<ul style="list-style-type: none"> – The proposed use contradicts the rural character and will permanently change the use of land for rural living instead of agriculture. – The proposed use of land for dwelling will take away the agricultural value the site currently offers
REASON FOR MEETING:	Recommendation to Refuse to Grant a Planning Permit
RECOMMENDATION:	Issue a Notice of Decision to Refuse to Grant a Permit

Executive Summary

This report considers an application for the use and development of land for a dwelling, outbuildings, and associated works on a 3.9 hectare allotment.

The application proposes a moderate-sized dwelling and associated outbuildings on the subject site, which is currently undeveloped and is partially used for cattle grazing. This site is situated in Green Wedge Zone Schedule 1, within Precinct 1 of the Westernport region, an area recognised in state and local policy for its potential for high-quality agricultural and horticultural production. Additionally, the site is affected by the Land Subject to Inundation Overlay (LSIO).

The objective of Clause 11.01-1R – Green Wedges – Metropolitan Melbourne is *to protect the green wedges of Metropolitan Melbourne from inappropriate development*. This policy has a strategy to consolidate new residential development in existing settlements closer to services and protection of green wedge land, specifically productive agricultural areas such as Westernport.

An assessment of the relevant policies indicates that the proposed development of a dwelling is not an acceptable planning outcome, as it contradicts the strategy aimed at protecting highly productive agricultural land from incompatible land uses, including non-soil-based farming.

The applicant has submitted a Farm Management Plan to justify the need for a dwelling on the site. However, this justification is considered insufficient, as the proposed agricultural activity (cattle grazing) can be continued across the entire site, given the existing infrastructure and the fact that the nearest township, Bayles, is only 3 kilometres away, providing nearby accommodation.

Introducing a dwelling in this location, which is intended for agriculture, conflicts with the rural character of the area and will permanently transform the land's use from agricultural to residential. This shift would negatively impact the rural economy and hinder the operation and establishment of agricultural activities on surrounding lands.

Decisions of the Victorian Civil and Administrative Tribunal (VCAT) support the recommendation to refuse to grant a permit. In *Muley Investments Pty Ltd v Cardinia SC [2023]*, the Tribunal affirmed that:

Policy settings that apply to the GWZ1 clearly dictate that Green Wedge soils, including their importance to ongoing agricultural production as a 'finite resource,' should take primacy in future land use planning within Green Wedge areas.

Therefore, it is recommended that the Council support the officers' recommendation and refuse to grant a planning permit.

Relevance to Council Plan

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

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

5.1 We practise responsible leadership

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

Resolution

Moved Cr Collin Ross, seconded Cr Casey Thomsen.

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240177PA which seeks approval for '*Use and Development of Land for a Dwelling, Outbuildings and Associated Works*' at land known and described as 11338 F658 CA 116A Parish of Yallock, 80 O'Briens Road, Yannathan VIC 3981, on the following grounds:
1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, as it does not protect valuable agricultural land, permanently removes the land from primary production and is an incompatible land use, specifically the following policies:
 - a. Clause 11.01-1S – Settlement;
 - b. Clauses 11.01-1R – Green wedges – Metropolitan Melbourne;
 - c. Clause 13.07-1S – Land Use Compatibility;
 - d. Clause 14.01 – Agriculture;
 - e. Clause 16.01-3S – Rural Residential Development;
 - f. Clause 21.03-5 – Rural Residential and Rural Living Development;
 - g. Clause 21.04-2 – Agriculture;
 - h. Clause 22.05 – Western Port Green Wedge Policy.
 - i. Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
 2. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a. It does not maintain and protect the highly productive agricultural land from incompatible uses.

- b. The proposal does not accord with the precinct objective and future directions for the land, given the location within 'Precinct 1 – Agriculture, horticulture and soil-based food production';
 - c. The proposal will permanently remove land from agricultural production;
 - d. The proposal does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge.
3. The proposal fails to adequately respond to the purpose and decision guidelines of the Green Wedge Zone as it compromises the protection and conservation of Green Wedge land for its agricultural resources and results in a small residential lot that is not compatible with adjoining and nearby agricultural land uses and may impact their future expansion.
4. The proposal is inconsistent with the relevant considerations of Clause 65.01 and does not represent the orderly planning of the area.

AND

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

For: Cr Collin Ross, Cr Jack Kowarzik, Cr Liz Roberts, Cr Casey Thomsen,
Cr Alana Pomeroy and Cr Samantha-Jane Potter

Against: Cr Trudi Paton and Cr David Nickell

Carried

5.5 T240285 PA - Two Lot Subdivision at 490 and 494 McGregor Road Pakenham 3810

Responsible GM: Debbie Tyson
Author: Sasha Savanovic

Recommendation

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240285 for a *Two (2) Lot Subdivision (boundary realignment)* at 490 and 494 McGregor Road, Pakenham, on the following grounds:
1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, specifically:
 - a. Clauses 11.01-1R Green Wedges – Metropolitan Melbourne;
 - b. Clause 14.01-1 Agriculture;
 - c. Clause 14.01-1S Protection of Agricultural Land;
 - d. Clause 17.01, Economic Development;
 - e. Clause 16.01-3S Rural Residential Development;
 - f. Clause 21.04-2 Agriculture; and
 - g. Clause 22.05 Western Port Green Wedge Policy.as the proposal does not protect valuable agricultural land, permanently removes land from primary production and is an incompatible land use.
 2. The proposed subdivision fails to meet the purpose and objectives of the Green Wedge Zone, which aims to discourage land fragmentation, maximise agricultural and horticultural output, and minimise the loss of high-quality productive land to other uses. The proposal results in the expansion of a small residential lot that is incompatible with adjoining and nearby agricultural land uses, compromising the protection and conservation of Green Wedge land for its agricultural resources, thereby limiting opportunities for future expansion.
 3. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a. It does not maintain and protect highly productive agricultural land from incompatible uses;
 - b. It does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge; and
 - c. It does not encourage or support the use of the land in Precinct 1 (Agriculture, horticulture and soil based food production).

AND

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

Attachments

1. T240285 PA - Locality Map [5.5.1 - 1 page]
2. T240285 PA - Proposed Plan of Subdivision [5.5.2 - 2 pages]
3. T240285 PA - Officer Report [5.5.3 - 13 pages]

Application Details

APPLICATION NO.:	T240285
APPLICANT:	Frank Perry Town Planning
LAND:	L1 PS520617 and L1 PS531529 490 and 494 McGregor Road Pakenham VIC 3810
PROPOSAL:	Two (2) Lot Subdivision (boundary realignment)
PLANNING CONTROLS:	Green Wedge Zone (Schedule 1) Land Subject to Inundation Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application was given pursuant to section 52 of the <i>Planning and Environment Act 1987</i> , by placing one sign on site and posting notices to surrounding landowners. No objections were received.
KEY PLANNING CONSIDERATIONS:	Protection of agricultural land, fragmentation of green wedge land, Western Port Green Wedge Policy, Green Wedge Zone, appropriateness of expanding rural-residential land.
REASON FOR MEETING:	Recommendation to refuse to grant a planning permit
RECOMMENDATION:	Notice of Decision to Refuse to Grant a Permit

Executive Summary

The purpose of this report is to consider an application for a two (2) lot subdivision (boundary realignment).

The proposal involves the realignment of the title boundaries to effectively absorb 0.5 hectares of land from the larger lot (at 494 McGregor Road) and incorporate it into the smaller lot (at 490 McGregor Road). In detail:

- 490 McGregor Road currently has an area of 1.00 hectare and will increase to an area of 1.5 hectares; and
- 494 McGregor Road currently has an area of 31.32 hectares and will decrease to an area of 30.82 hectares.

This site is situated in Green Wedge Zone (Schedule 1) and within Precinct 1 of the Westernport region. The area is recognised in local policy for its potential for high-quality agricultural and horticultural production.

An assessment of the relevant policies indicates that the proposed subdivision is not an acceptable planning outcome, as it contradicts the directions of the Planning Scheme that seek to protect highly productive agricultural land.

Moreover, expansion of a residential allotment further fragments the Green Wedge Zone, which is intended for agriculture and other non-residential activities, conflicts with the rural character of the area and will permanently transform the land's use from agricultural to residential. This shift would negatively impact the rural economy and hinder the operation and establishment of agricultural activities on surrounding lands.

It is noted that a previous planning permit application (T220809) for a similar two (2) lot subdivision (boundary realignment) was lodged with Council on 8 December 2022. The application proposed the following:

- 490 McGregor Road 1.00ha area increased to an area of 2.612ha.
- 494 McGregor Road 31.32ha area decreased to an area of 29.70ha.

An application for review of Council's failure to determine within the prescribed timeframe was lodged with the Victorian Civil and Administrative Tribunal (VCAT). Council opposed the issuing of the permit on grounds of:

1. *The subdivision is inconsistent with the Planning Policy Framework at clause 14.01-1S, Protection of Agricultural Land, by removing land from a large rural holding and transferring to a small holding.*
2. *The subdivision is inconsistent with the Planning Policy Framework at clause 17.01, Economic Development, by reducing the viability of agricultural land within an area zoned for agricultural purposes.*
3. *The subdivision is inconsistent with Local Planning Policy at clause 22.05, Western Port Green Wedge policy, by reconfiguring lots in a manner which will reduce outcome in an area where agricultural and horticultural output is considered a priority.*
4. *The subdivision is inconsistent with the purpose of the Green Wedge Zone (GWZ1) which seeks to discourage fragmentation of land, to maximise agricultural and horticultural output and minimize the loss of high quality productive land to other land uses.*

In its order dated, 21 March 2024, VCAT affirmed Council's position and directed that no permit be issued, based on similar issues to those raised by the current application.

Relevance to Council Plan

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

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

5.1 We practise responsible leadership

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

Resolution

Moved Cr Collin Ross, seconded Cr Liz Roberts.

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240285 for a *Two (2) Lot Subdivision (boundary realignment)* at 490 and 494 McGregor Road, Pakenham, on the following grounds:
 1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework and Local Planning Policy Framework, specifically:
 - a. Clauses 11.01-1R Green Wedges – Metropolitan Melbourne;

- b. Clause 14.01-1 Agriculture;
- c. Clause 14.01-1S Protection of Agricultural Land;
- d. Clause 17.01, Economic Development;
- e. Clause 16.01-3S Rural Residential Development;
- f. Clause 21.04-2 Agriculture; and
- g. Clause 22.05 Western Port Green Wedge Policy.

as the proposal does not protect valuable agricultural land, permanently removes land from primary production and is an incompatible land use.

- 2. The proposed subdivision fails to meet the purpose and objectives of the Green Wedge Zone, which aims to discourage land fragmentation, maximise agricultural and horticultural output, and minimise the loss of high-quality productive land to other uses. The proposal results in the expansion of a small residential lot that is incompatible with adjoining and nearby agricultural land uses, compromising the protection and conservation of Green Wedge land for its agricultural resources, thereby limiting opportunities for future expansion.
- 3. The proposal is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a. It does not maintain and protect highly productive agricultural land from incompatible uses;
 - b. It does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge; and
 - c. It does not encourage or support the use of the land in Precinct 1 (Agriculture, horticulture and soil based food production).

AND

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Casey Thomsen, Cr Alana Pomeroy, Cr Samantha-Jane Potter and Cr Trudi Paton

Against: Nil

Carried

5.6 T220321 PA - Construction of Twenty-Six (26) Dwellings, Removal of Native Vegetation and Reduction in Car Parking Requirements at Lot H PS400130, Princes Highway, Pakenham VIC 3810

Responsible GM: Debbie Tyson
Author: Dean Haeusler

Recommendation

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220321 for '*Construction of Twenty-Six Dwellings (26), Removal of Native Vegetation and Reduction In Car Parking*' at land known and described as LH PS400130, Princes Highway Pakenham on the following grounds:
1. The proposal is inconsistent with the purpose and decision guidelines of the Mixed Use Zone as it does not appropriately respond to the existing character of the area.
 2. The proposal does not appropriately respond to relevant Planning Policy Framework considerations as follows:
 - a. Clause 12.01-1S Protection of Biodiversity, Clause 12.05-2 Landscapes and Clause 21.02-3 Biodiversity as the proposal does not adequately seek to protect or enhance the biodiversity of the site.
 - b. Clause 15.01-1S Urban Design, Clause 15.01-1R, Clause 15.01-2S Building Design, Clause 15.01-5S, Clause 21.03-1 Housing and Clause 21.06-1 Urban Design as the proposal does not respond appropriately to the existing character of the area and results in poor built form and urban design outcomes.
 - c. Clause 16.01-1S Housing Supply, Clause 16.01-1R Housing Supply – Metropolitan Melbourne, Clause 16.01-2S Housing Affordability and Clause 21.03-1 Housing as the proposal has limited diversity within the development or provide appropriate levels of differing accommodation for a wide spectrum of the market.
 3. The proposal is inconsistent with the purpose and decision guidelines of Clause 52.06 (Car Parking).
 4. Insufficient information has been provided to assess the application against Clause 52.17 Native Vegetation and the proposal has not sufficiently sought to avoid and minimise native vegetation removal.
 5. The proposal does not meet the standard and/or objectives of Clause 55, including:
 - a. Clause 55.02-1 (Standard B1) – Neighbourhood Character;
 - b. Clause 55.02-3 (Standard B3) Dwelling Diversity;
 - c. Clause 55.02-5 (Standard B5) Integration with the Street;
 - d. Clause 55.03-7 (Standard B12) Safety;
 - e. Clause 55.03-8 (Standard B13) Landscaping
 - f. Clause 55.03-10 (Standard B15) Parking Location;
 - g. Clause 55.05-1 (Standard B25) Accessibility;

- h. Clause 55.05-2 (Standard B26) Dwelling Entry;
- i. Clause 55.05-3 (Standard B28) Private Open Space;
- j. Clause 55.05-5 (Standard B29) Solar Access to Open Space;
- k. Clause 55.05-6 (Standard B30) Storage;
- l. Clause 55.06-1 (Standard B31) Design Detail; and
- m. Clause 55.06-4 (Standard B34) Site Services

AND

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

Attachments

1. T 220321 PA - Council report - Refusal [5.6.1 - 25 pages]
2. T 220321 PA - Locality map [5.6.2 - 1 page]
3. T 220321 PA - Development Plans [5.6.3 - 8 pages]

Application Details

APPLICATION NO.:	T220321 PA
APPLICANT:	Pakenham Property Holdings Pty Ltd
LAND:	LH PS400130, Princes Highway, Pakenham VIC 3810
PROPOSAL:	Construction of Twenty-Six Dwellings (26), Removal of Native Vegetation and Reduction In Car Parking requirements.
PLANNING CONTROLS:	<ul style="list-style-type: none"> • Mixed Use Zone – Schedule • Land adjacent to the Principal Road Network (Transport 2 Zone) • Development Contributions Plan Overlay Schedule 1
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. No objections have been received to date.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Detailed design standards for internal amenity and safety • Interface with adjoining land uses • Integration with streetscape and neighbourhood character • Detail of assessment to support native vegetation removal • Car parking location and number

REASON FOR MEETING:	Recommendation for Refusal.
RECOMMENDATION:	Issue a Notice of Decision to Refuse to Grant a Planning Permit

Executive Summary

A Planning Permit application has been lodged for the construction of twenty-six (26) dwellings, removal of native vegetation and reduction of car parking requirements on the southern portion of the site.

The northern portion was subject to Planning Permit T150215 that has now expired, and allowed for the *'Use and development of a service station and associated convenience shop, food and drink premises and development of shops'*. A time extension request to the permit is currently the subject of an appeal through VCAT (P1039-2024) and scheduled to be heard 17th December 2024. Accordingly, uncertainties arise in the assessment of appropriate interfaces and amenity between the proposed townhouses and the service station, as there is no guarantee the service station will be constructed. Ultimately though the proposed townhouse application provides poor integration if the permitted service station is constructed or alternatively is a poor outcome on its own merits if the service station does not proceed.

Whilst the Mixed-Use Zone does anticipate increased densities, the proposal has bulk, scale and design detail shortcomings that fail to respond to the established character of the area and the required standard of amenity and safety for future occupiers. The lack of dwelling diversity undermines state and local policy objectives. Poor waste management design, visitor parking consideration and incomplete application material suggest that the proposal has not been thoroughly conceived. Council officers have advised the applicant of the concerns, and the applicant does not seek to make any changes to the proposal.

Council Officers recommend refusal of the application due to the inadequate response to policy and controls of the Cardinia Planning Scheme that seek to achieve high quality building design that is well-integrated and responds both to housing needs and the character of the area.

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 Liz Roberts, seconded Cr Samantha-Jane Potter.

- A. That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220321 for *'Construction of Twenty-Six Dwellings (26), Removal of Native Vegetation and Reduction In Car Parking'* at land known and described as LH PS400130, Princes Highway Pakenham on the following grounds:
1. The proposal is inconsistent with the purpose and decision guidelines of the Mixed Use Zone as it does not appropriately respond to the existing character of the area.
 2. The proposal does not appropriately respond to relevant Planning Policy Framework considerations as follows:

- a. Clause 12.01-1S Protection of Biodiversity, Clause 12.05-2 Landscapes and Clause 21.02-3 Biodiversity as the proposal does not adequately seek to protect or enhance the biodiversity of the site.
 - b. Clause 15.01-1S Urban Design, Clause 15.01-1R, Clause 15.01-2S Building Design, Clause 15.01-5S, Clause 21.03-1 Housing and Clause 21.06-1 Urban Design as the proposal does not respond appropriately to the existing character of the area and results in poor built form and urban design outcomes.
 - c. Clause 16.01-1S Housing Supply, Clause 16.01-1R Housing Supply – Metropolitan Melbourne, Clause 16.01-2S Housing Affordability and Clause 21.03-1 Housing as the proposal has limited diversity within the development or provide appropriate levels of differing accommodation for a wide spectrum of the market.
3. The proposal is inconsistent with the purpose and decision guidelines of Clause 52.06 (Car Parking).
 4. Insufficient information has been provided to assess the application against Clause 52.17 Native Vegetation and the proposal has not sufficiently sought to avoid and minimise native vegetation removal.
 5. The proposal does not meet the standard and/or objectives of Clause 55, including:
 - a. Clause 55.02-1 (Standard B1) – Neighbourhood Character;
 - b. Clause 55.02-3 (Standard B3) Dwelling Diversity;
 - c. Clause 55.02-5 (Standard B5) Integration with the Street;
 - d. Clause 55.03-7 (Standard B12) Safety;
 - e. Clause 55.03-8 (Standard B13) Landscaping
 - f. Clause 55.03-10 (Standard B15) Parking Location;
 - g. Clause 55.05-1 (Standard B25) Accessibility;
 - h. Clause 55.05-2 (Standard B26) Dwelling Entry;
 - i. Clause 55.05-3 (Standard B28) Private Open Space;
 - j. Clause 55.05-5 (Standard B29) Solar Access to Open Space;
 - k. Clause 55.05-6 (Standard B30) Storage;
 - l. Clause 55.06-1 (Standard B31) Design Detail; and
 - m. Clause 55.06-4 (Standard B34) Site Services

AND

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Alana Pomeroy,
Cr Casey Thomsen, Cr Samantha-Jane Potter and Cr Trudi Paton

Against: Nil

Carried

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

Responsible GM: Debbie Tyson
Author: Jason Gilbert

Recommendation(s)

That Council note the 'Planning Matters Dealt with by Officers Under Delegated Authority – December 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 August 2024 and 13 November 2024.

Beacon Hills Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T240141	53 Cooinda Road, Beaconsfield VIC 3807	Removal of one (1) tree.	Issued	26/03/2024	13/08/2024
T230527	91 Old Gembrook Road, Pakenham Upper VIC 3810	Use and development of the land for a dwelling, construction of 2 outbuildings and associated earthworks	Issued	24/10/2023	20/08/2024
T230614	80 Quamby Road, Guys Hill VIC 3807	Buildings and works for an outbuilding	Issued	6/12/2023	21/08/2024
T240022	55 Leppitt Road, Pakenham VIC 3810	Use and development of the land for a dwelling	Issued	23/01/2024	21/08/2024
T240066	7 McKenzie Road, Beaconsfield Upper VIC 3808	Buildings and works for a carport	Issued	18/02/2024	21/08/2024
T240051	275 Bourkes Creek Road, Pakenham Upper VIC 3810	Buildings and works (construction of outbuilding associated with a dwelling)	Issued	12/02/2024	26/08/2024
T240330	5 St Georges Road, Beaconsfield Upper VIC 3808	Extension of an existing dwelling	Issued	17/07/2024	20/09/2024
T240391	600 Salisbury Road, Beaconsfield Upper VIC 3808	Building and Works (Construction of a Pergola)	Issued	11/08/2024	20/09/2024

T210263 - 1	230 Mt Eirene Road, Gembrook VIC 3783	Re-subdivision of the Land (Four (4) Lot Boundary Re-subdivision) and removal of One (1) Native Tree	Issued	15/05/2024	24/09/2024
T230634	55 Dickie Road, Officer VIC 3809	Construction of a Shed and Two Dams and Removal of Native Vegetation	Issued	14/12/2023	25/09/2024
T240034	8 Souter Street, Beaconsfield VIC 3807	Subdivision of land into Five lots	Issued	2/02/2024	7/10/2024
T240076	35 Quamby Road, Guys Hill VIC 3807	Buildings and Works (Construction of a Replacement Dwelling)	NOD	23/02/2024	7/10/2024
T240449	56 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of a Gazebo)	Issued	9/09/2024	10/10/2024
T210780 - 1	28 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Subdivision of the land into three (3) lots, Removal of Easement and removal of vegetation	Issued	3/04/2024	14/10/2024
T240017	15 Yackatoon Road, Beaconsfield Upper VIC 3808	Use of land for Horse Husbandry and construction of two (2) buildings (Horse stables and machinery shed)	Issued	19/01/2024	14/10/2024
T240271	30 Harpfield Road, Beaconsfield Upper VIC 3808	Buildings and works for dwelling extension (Verandah & Deck)	Issued	18/06/2024	15/10/2024
T240135	108 Coinda Road, Beaconsfield VIC 3807	Buildings and works for an outbuilding and removal of two trees	Issued	20/03/2024	16/10/2024
T240175	20 Funnell Road, Beaconsfield Upper VIC 3808	Building and Works (Construction of Two Sheds)	Issued	7/04/2024	17/10/2024
T240459	Princes Highway Road Reserve adjacent to 1 O'Neil Road, Beaconsfield VIC 3807	The display of a double sided internally illuminated promotion sign on an existing bus shelter.	Issued	12/09/2024	23/10/2024
T240202	500 Pakenham Road, Pakenham Upper VIC 3810	Development of the land for a telecommunications facility	Issued	3/05/2024	24/10/2024
T240149	12 Fraser Avenue, Beaconsfield Upper VIC 3808	Alterations & Additions to a single dwelling	Issued	2/04/2024	28/10/2024
T240166	30 Morris Drive, Beaconsfield Upper VIC 3808	Earthworks (Filling of land)	NOD	10/04/2024	28/10/2024
T240394	64 May Road, Beaconsfield VIC 3807	Display of Promotion Signage	Issued	12/08/2024	30/10/2024
T210377 - 2	75 Whiteside Road, Beaconsfield VIC 3807	Buildings and works associated accommodation (dwelling), in accordance with the endorsed plans	Issued	22/05/2024	6/11/2024
T220086 - 1	29 St Georges Road, Beaconsfield Upper VIC 3808	Buildings and works (construction of outbuilding associated with dwelling and associated works including earthworks)	Issued	9/11/2023	7/11/2024

Bunyip Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T240118	8 Agnoletto Court, Bunyip VIC 3815	Buildings and Works (Construction of a Shed)	Issued	18/03/2024	8/08/2024
T240153	21 High Street, Bunyip VIC 3815	Demolition and Building and Works (Demolition of Existing Stairs and Balustrade, and Construction of a Disabled Access Ramp & Shed) Associated with an Existing Postal Agency	Issued	3/04/2024	8/08/2024
T220583	9-11 Petty Road, 13-15 Petty Road, 22 Wattleree Road, Bunyip VIC 3815	Staged subdivision of the land into 27 lots and removal of native vegetation	NOD	14/09/2022	13/08/2024
T240130	125 Mount Ararat North Road, Nar Nar Goon North VIC 3812	Buildings and works (Construction of Verandah)	Issued	19/03/2024	21/08/2024
T240372	930 Bessie Creek Road, Nar Nar Goon North VIC 3812	Buildings and works (Construction of three (3) outbuildings)	Issued	31/07/2024	22/08/2024
T240031	210 Mintern Road, Tynong North VIC 3813	Buildings and Works (Construction of a Deck/Balcony Associated with an Existing Dwelling)	Issued	1/02/2024	23/08/2024
T240030	9 Knights Court, Tynong VIC 3813	Use and Development of the land for dwelling and Agriculture (Horse Husbandry)	Issued	31/01/2024	30/08/2024
T220699	130 Murphy Lane, Bunyip VIC 3815	The construction of an agricultural building (shed)	Issued	17/10/2022	2/09/2024
T240304	810 Nar Nar Goon-Longwarry Road, Garfield VIC 3814	Buildings and Works (Extension to an Existing Dwelling)	Issued	1/07/2024	2/09/2024
T240319	45 Oakview Lane, Nar Nar Goon VIC 3812	Buildings and works for an outbuilding	Issued	8/07/2024	4/09/2024
T230547	Garfield North Road, Garfield North VIC 3814	Use of the land for a hall and native vegetation removal	NOD	14/11/2023	6/09/2024
T240395	21 Manoora Road, Maryknoll VIC 3812	Alterations and Additions to an Existing Dwelling	Issued	12/08/2024	19/09/2024
T240307	44 Garfield Road, Garfield VIC 3814	Buildings and works (Construction of a shed)	Issued	2/07/2024	20/09/2024
T240423	3 Prompt Lane, Pakenham VIC 3810	Buildings and works (construct mezzanine) and reduction in car parking requirement	Issued	25/08/2024	20/09/2024
T240221	22 Halifax Road, Nar Nar Goon North VIC 3812	Buildings and works for an outbuilding	Issued	13/05/2024	4/10/2024
T240006	90 Mount Ararat South Road, Nar Nar Goon VIC 3812	Removal of native vegetation under Clauses 52.16 and 52.17 within the Mount Ararat South Road and Princes Highway Road Reserves.	Issued	7/01/2024	8/10/2024

T240233	10 Fairway Court, Pakenham VIC 3810	Variation of Restrictive Covenant R474577D	Issued	23/05/2024	10/10/2024
T220227	90 Mount Ararat South Road, Nar Nar Goon VIC 3812	Subdivision in stages, creation of restrictions and reserves, and works on land affected by the Land Subject to Inundation Overlay	Issued	31/03/2022	15/10/2024
T240461	Racecourse Road Pakenham Road Reserve adjacent to 100 Racecourse Road, Pakenham VIC 3810	The display of a double sided internally illuminated promotion sign on an existing bus shelter	Issued	12/09/2024	23/10/2024
T240048 - 1	61 Peet Street, Pakenham VIC 3810	S72 Amendment to Endorsed Plans under Planning Permit T240048 and Reduction in Car Parking Requirements	Issued	24/09/2024	24/10/2024
T240399	31 Peet Street, Pakenham VIC 3810	Buildings and works (Construction of two (2) warehouses) and a reduction in the provision of car parking spaces	Issued	13/08/2024	25/10/2024
T230540	33 Nash Road, Bunyip VIC 3815	Subdivision of the land into two (2) lots	NOD	30/10/2023	30/10/2024
T230611	36 Doran Road, Bunyip VIC 3815	Building and works for an outbuilding	Issued	30/11/2023	31/10/2024
T240213	193 Nash Road, Bunyip VIC 3815	Buildings and works for an outbuilding	Issued	7/05/2024	12/11/2024

Central Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T240540	21 Sapphire Crescent, Pakenham VIC 3810	The display of a double sided internally illuminated promotion sign on an existing bus shelter.	Issued	15/10/2024	6/11/2024

Henty Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T230645	55 Eagle Drive, Pakenham VIC 3810	Subdivision of the Land into Two (2) Lots	Issued	20/12/2023	3/09/2024
T220667	24 Honeyeater Way, Pakenham VIC 3810	Use and development of a Child Care Centre	Refused	3/10/2022	4/09/2024
T230596	20 Princes Highway, Pakenham VIC 3810	Use and development of land for a medical centre, signage, reduction in car parking, and altered access to a road in Transport Zone 2	NOD	29/11/2023	24/09/2024

T220370	22 Henry Street, PAKENHAM VIC 3810	Development of the land for three (3) double storey dwellings	NOD	30/05/2022	4/10/2024
T230655	1 John Street, Pakenham VIC 3810	Use and Development of two (2) units for the purposes of Community Care Accommodation	Issued	21/12/2023	7/10/2024
T160690 - 3	110 Pakenham Road, Pakenham VIC 3810	Amended permit: Relocated vehicle access to Pakenham Road, removal of the road crossing creek reserve, change to lot typology and ten (10) additional lots and amendment to permit conditions and preamble	Issued	13/09/2024	15/10/2024
T230110	90 Greendale Boulevard, Pakenham VIC 3810	Two (2) Lot Subdivision and Development of Two (2) Dwellings	NOD	13/03/2023	15/10/2024
T230620	7-9 Bald Hill Road, Pakenham VIC 3810	Use of the land for restricted retail premises and warehouse (self storage facility), the construction of restricted retail premises and a warehouse (Self storage facility) and the construction and display of signage	Issued	11/12/2023	17/10/2024
T240462	Station Street Pakenham Road Reserve, Pakenham VIC 3810	The display of a double sided internally illuminated promotion sign on an existing bus shelter.	Issued	12/09/2024	23/10/2024
T240464	Princes Highway Pakenham Road Reserve adjacent to Pakenham Park, Pakenham VIC 3810	The display of a double sided internally illuminated promotion sign on an existing bus shelter	Issued	12/09/2024	23/10/2024
T240465	Princes Highway Pakenham Road Reserve adjacent to 51-53 Princess Highway, Pakenham VIC 3810	The display of a double sided internally illuminated promotion sign affixed to an existing bus shelter	Issued	12/09/2024	23/10/2024
T200754	Lyle Blue Court, Pakenham VIC 3810	Use and development of the land for a car park	Refused	16/11/2020	24/10/2024
T240517	51-53 Princess Highway, Pakenham VIC 3810	Buildings and Works (Portico)	Issued	4/10/2024	24/10/2024
T240244	3 Rosalie Court, Pakenham VIC 3810	Construction of Three (3) Dwellings on a Lot	NOD	31/05/2024	28/10/2024
T220458 - 1	1 Ronald Court, Pakenham VIC 3810	Alterations and additions to an existing dwelling and development of the land for a second dwelling	Issued	9/08/2024	6/11/2024

Officer Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T190683 - 1	60 Tivendale Road, Officer VIC 3809	Amendment to Planning Permit T190683 (Development of the land for dwellings, associated works, subdivision of land and, creation of reserves and easements) to remove eight (8) dwellings and lots, include a 2,580sqm superlot and introduce staging	Issued	13/05/2024	22/08/2024
T240154	27 Tivendale Road, Officer VIC 3809	Display of Business Identification Signage	Issued	3/04/2024	4/09/2024
T240297	403 Princes Highway, Officer VIC 3809	Display of business identification signage and pole sign	Issued	27/06/2024	9/09/2024
T240332	403 Princes Highway, Officer VIC 3809	Use of the land for a retail premises (motor vehicle sales)	Issued	17/07/2024	9/09/2024
T240411	64 Whiteside Road, Officer VIC 3809	Removal of an easement(s)	Issued	20/08/2024	23/09/2024
T220072 - 1	3 Campanella Avenue, Officer VIC 3809	Use of the land and buildings and works associated with a restricted recreation facility (gymnasium); buildings and works associated with a medical centre, food and drink premises and shops; and reduction in car parking.	Issued	6/03/2024	25/09/2024
T180820 - 2	110 Bayview Road, Officer VIC 3809	Amendment - Subdivision of land in stages, the creation of reserve and associated works (including roadworks in land subject to inundation overlay) generally in accordance with the endorsed plans.	Issued	16/08/2024	2/10/2024
T230539	250 Princes Highway, Officer VIC 3809	Use and development of the land for a restaurant including use of the land for the sale consumption of liquor (restaurant and café licence)	Issued	30/10/2023	4/10/2024
T240182	11 Wattle Crescent, Beaconsfield VIC 3807	Use and development of the land for a Rooming House.	Issued	23/04/2024	4/10/2024
T220167 - 1	451 & 455 Brown Road, Officer VIC 3809	Development of the land in stages for a Child Care Centre and Indoor Recreation Facility (Swim School), display of signage and a reduction in car parking	Issued	22/11/2023	21/10/2024
T240235	30 Bayview Road, Officer VIC 3809	Use and development of the land for a childcare centre	Issued	24/05/2024	22/10/2024
T230592	39 Portchester Boulevard, Beaconsfield VIC 3807	Construction of Two (2) Dwellings on a Lot	Issued	27/11/2023	23/10/2024

T240463	Princes Highway Officer Road Reserve- adjacent to to 250 Princes Highway, Officer VIC 3809	The display of a double sided internally illuminated promotion sign on an existing bus shelter.	Issued	12/09/2024	23/10/2024
T240467	Princes Highway Officer Road Reserve adjacent to 247 Princes Highway, Officer VIC 3809	The display of a double sided internally illuminated promotion sign on an existing bus shelter	Issued	12/09/2024	24/10/2024
T240176	Starling Road, Officer VIC 3809	Removal of native vegetation	Issued	15/04/2024	28/10/2024

Pakenham Hills Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T220295 - 2	30 Blessing Rise, Pakenham VIC 3810	Development of the land for a dwelling, fence and associated works	Issued	26/03/2024	24/09/2024
T220173 - 1	4 Tribuzi Close, Pakenham VIC 3810	Construction of a Second Dwelling on a Lot	Issued	19/06/2024	30/09/2024
T220512 - 1	14 Tranquil Way, Pakenham VIC 3810	Buildings and works for one (1) dwelling	Issued	23/05/2024	8/10/2024
T240020	106 Ahern Road, Pakenham VIC 3810	Subdivision of land into three (3) lots	NOD	23/01/2024	8/10/2024
T240106	39 Solid Drive, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling, Fencing and Associated Works)	Issued	14/03/2024	9/10/2024
T230562	11 Solid Drive, Pakenham VIC 3810	Development of Land for Two (2) Dwellings, Construction of fencing and Vegetation Removal	NOD	9/11/2023	6/11/2024

Ranges Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T240056	19 Ford Road, Emerald VIC 3782	Re-subdivision of land into 2 Lots	Issued	14/02/2024	13/08/2024
T230499	1 Outlook Road, Emerald VIC 3782	Buildings and Works (Construction of a Garage and Earthworks) and Vegetation Removal	Failure	12/10/2023	16/08/2024
T230639	22 Lakeside Drive, Emerald VIC 3782	Buildings and Works (Construction of a Shed) and Removal of One (1) Tree	Issued	19/12/2023	21/08/2024
T240199	402 Belgrave-Gembrook Road, Emerald VIC 3782	Removal of one (1) tree	Issued	2/05/2024	21/08/2024
T240234	8 Moola Road, Cockatoo VIC 3781	Buildings and Works (Construction of a Pergola & Deck Associated with an Existing Dwelling)	Issued	24/05/2024	21/08/2024

T240204	2995 Gembrook-Launching Place Road, Gembrook VIC 3783	Buildings and works (Construction of a deck)	Issued	6/05/2024	2/09/2024
T240032	5A Old Beaconsfield Road, Emerald VIC 3782	Buildings and Works (Construction of an Outbuilding), Native Vegetation Removal and Other Vegetation Removal	Issued	1/02/2024	12/09/2024
T240435	Belgrave-Gembrook Road, Emerald VIC 3782	Removal of One (1) Tree	Issued	29/08/2024	12/09/2024
T220391	1920 Wellington Road, Clematis VIC 3782	Use and development of land for a dwelling and outbuilding, vegetation removal and alteration of access to a Transport Zone 2	Issued	6/06/2022	17/09/2024
T240284	13 Berrys Road, Emerald VIC 3782	Buildings and works (Construction of a shed)	Issued	21/06/2024	18/09/2024
T240215	20 View Hill Road, Cockatoo VIC 3781	Buildings and Works (Construction of a Dwelling and Associated Works)	Issued	10/05/2024	23/09/2024
T230522	25 Alexander Road, Cockatoo VIC 3781	Buildings and Works associated with an extension to a dwelling.	Issued	22/10/2023	30/09/2024
T200257 - 1	14 First Avenue, Cockatoo VIC 3781	Buildings and Works (Additions to an Existing Dwelling and Development of an Outbuilding)	Issued	11/09/2024	1/10/2024
T210465 - 1	8 Cornish Road, Emerald VIC 3782	Development of the land for a dwelling and earthworks exceeding one (1) metre	Issued	1/08/2024	1/10/2024
T240194	4 Westlands Road, Emerald VIC 3782	Subdivision of the land into seven (7) lots	Issued	1/05/2024	1/10/2024
T230366	1 Lowen Road, Cockatoo VIC 3781	Buildings and Works (Construction of a Dwelling, Outbuildings and Associated Earthworks)	Issued	25/07/2023	2/10/2024
T240316	18 Joffre Parade, Cockatoo VIC 3781	Buildings and Works (Construction of an Outbuilding)	Issued	5/07/2024	8/10/2024
T240354	10 Gembrook-Launching Place Road, Gembrook VIC 3783	Removal of (1) one tree	Issued	25/07/2024	9/10/2024
T240178	18 Old Gembrook Road, Emerald VIC 3782	Buildings and works associated with the extension and alteration of an existing dwelling and the construction of an outbuilding	Issued	18/04/2024	14/10/2024
T240224	3 Emerald Close, Emerald VIC 3782	Buildings and works associated with an extension to the existing dwelling	Issued	15/05/2024	14/10/2024
T230441	2904 Gembrook-Launching Place Road, Gembrook VIC 3783	Buildings and Works (Extensions to a Building) associated with the Existing Use of the land for Outdoor Education Accommodation and Activities and Native Vegetation Removal	Issued	6/09/2023	16/10/2024

T240494	39 Macclesfield Road, Emerald VIC 3782	Buildings and Works (Construction of Alfresco and Verandah Additions)	Issued	26/09/2024	24/10/2024
T240529	14 View Street, Avonsleigh VIC 3782	Buildings and Works (Construction of a Carport)	Issued	10/10/2024	24/10/2024
T240328	Shop 1/344 Belgrave-Gembrook Road, Emerald VIC 3782	Construction and Display of Signage (Business Identification)	Issued	16/07/2024	30/10/2024
T240402	11 Grandview Avenue, Emerald VIC 3782	Building and Works (Construction of a Carport)	Issued	15/08/2024	30/10/2024
T240225	"Alma Treloar Reserve (North)", 2 McBride Street, COCKATOO VIC 3781	Development of an Automated Collection Point	Issued	16/05/2024	11/11/2024
T240434	21 Telopea Road, Emerald VIC 3782	Buildings and works associated with an existing dwelling (carport)	Issued	30/08/2024	12/11/2024

Toomuc Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T240300	55 Peck Road, Pakenham VIC 3810	Removal of an easement	Issued	27/06/2024	8/08/2024
T240210	8 Portobello Road, Pakenham VIC 3810	Use of land for a restricted recreation facility (Gym), construct two buildings and associated works, display of business identification signage, internally illuminated signage and panel sign and creation of access onto a Road in a Transport Zone 2	Issued	7/05/2024	23/08/2024
T220614	373 Brown Road, Officer (Lot 2 on Plan of Subdivision 140912) 405 Brown Road, Officer (Lot 1 on Plan of Subdivision 140912), 64 McMullen Road, Officer (Lot 1 on Plan of Subdivision 124053), Officer VIC 3809	Subdivision of land in stages, removal of native vegetation and works within the LSIO	Issued	14/09/2022	6/09/2024
T240339	2 Sundance Promenade, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	19/07/2024	17/09/2024
T240365	28 Niseko Crescent, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	29/07/2024	17/09/2024
T220831	Princes Highway, Officer VIC 3809	Subdivision of land affected by a Land Subject to Inundation Overlay and an Environmental Significance Overlay and native vegetation removal.	Issued	20/12/2022	23/09/2024
T240447	15 Cuttler Street, Pakenham VIC 3810	Construction of a Verandah	Issued	6/09/2024	16/10/2024

T240466	Princes Highway Pakenham Road Reserve adjacent to 10 Olympic Way, PAKENHAM VIC 3810	The display of a double sided internally illuminated promotion sign on an existing bus shelter	Issued	12/09/2024	23/10/2024
T220828	Mulcahy Road, Pakenham VIC 3810	Buildings and works (Construction of One (1) Warehouse)	Issued	10/02/2023	1/11/2024

Westernport Ward

Application Number	Address	Proposal	Decision	Date Lodged	Date of Decision
T240289	970 Koo Wee Rup-Longwarry Road, Catani VIC 3981	Buildings and Works (Extension to an Existing Dwelling (Verandah) and Construction of a Carport)	Issued	25/06/2024	9/08/2024
T240049	5 Boundary Drain Road, Koo Wee Rup VIC 3981	Buildings and works for an outbuilding	Issued	9/02/2024	14/08/2024
T240105	Future Lot 56 PS845121, 33 Axis Boulevard, Officer South, VIC 3809, Crown Allotment 6A Parish of Pakenham, Cardinia Road, Officer South VIC 3809	Construct a building or construct or carry out works for warehouses	Issued	13/03/2024	16/08/2024
T240317	Crown Allotment 6A Parish of Pakenham, Cardinia Road, Officer South VIC 3809 (Future Lot 45 & Lot 46 PS845121, 78 & 82 Advance Boulevard, Officer South, VIC 3809), Officer South VIC 3809	Construct a building or construct or carry out works for a warehouse	Issued	5/07/2024	21/08/2024
T240037	Cardinia Road, Officer South VIC 3809	Removal of Native Vegetation	Issued	2/02/2024	23/08/2024
T230478 - 1	20 Link Road, Pakenham VIC 3810	Development of the land for two (2) warehouses	Issued	17/06/2024	2/09/2024
T240246	Tobruk Drive & Centenary Blvd & Lecky Rd (Cardinia Road), Officer South VIC 3809	Display of three (3) land sales promotion signs & two (2) directional signs within a Council road reserve	Issued	4/06/2024	3/09/2024
T230621	11 Tarmac Way, Pakenham VIC 3810	Development of the land for six (6) warehouses	Issued	13/12/2023	10/09/2024
T240075	8 Charles Street, Koo Wee Rup VIC 3981	Buildings and Works (Construction of an Outbuilding)	Issued	27/02/2024	23/09/2024
T240132	24 Link Road, Pakenham VIC 3810	Development of the land for a Warehouse and a Reduction to the Number of Car Parking Spaces Required	Issued	20/03/2024	23/09/2024
T230408	35 Boundary Drain Road, Koo Wee Rup VIC 3981	Buildings and works associated with an existing dwelling and outbuilding	Issued	15/08/2023	30/09/2024
T230599	335 Fourteen Mile Road, Garfield VIC 3814	Buildings and works associated with a dwelling extension	Issued	1/12/2023	30/09/2024

T240083	375 Rossiter Road, Koo Wee Rup VIC 3981	Subdivision of Land into Twenty-One (21) Lots and Creation of an Easement	Issued	1/03/2024	2/10/2024
T240138	14 O'Sullivan Street, Pakenham VIC 3810	Buildings and Works (Construction of a Self-Storage Facility)	Issued	25/03/2024	4/10/2024
T240458	41 Diamond Drive, Koo Wee Rup VIC 3981	Buildings and Works (Construction of a Verandah)	Issued	12/09/2024	7/10/2024
T240092	1480 Main Drain Road, CORA LYNN VIC 3814	Resubdivision of land into two lots	Issued	7/03/2024	8/10/2024
T230322 - 1	32-36 Peet Street, Pakenham VIC 3810	Development of a warehouse including associated signage and reduction to the number of car parking spaces required	Issued	22/12/2023	17/10/2024
T240414	15 Sette Circuit, Pakenham VIC 3810	Subdivision of Land into Two Lots	Issued	21/08/2024	17/10/2024
T240238	20 Hill Street, Pakenham VIC 3810	Use of the land for restricted retail premises (art and craft supplies), buildings and works to construct a mezzanine floor and reduction in the provision of car parking spaces.	Issued	28/05/2024	24/10/2024
T240065	45 Exchange Drive, Pakenham VIC 3810	Buildings and Works (Construction of Twenty-Two (22) Warehouses)	Issued	16/02/2024	25/10/2024
T230640	62 Sette Circuit, Pakenham VIC 3810	Use and Development of Land for Motor Vehicle Sales (Truck Hire), Display of Business Identification Signage and Waiver of Bicycle Parking Spaces.	Issued	12/02/2024	29/10/2024
T240483	U 1/5 Corporate Terrace, Pakenham VIC 3810	Subdivision of existing buildings and creation of common property, in accordance with the endorsed plans	Issued	20/09/2024	30/10/2024
T220790 - 1	65 Cameron Road, Heath Hill VIC 3981	Buildings and works associated with Horse Husbandry	Issued	29/02/2024	7/11/2024
T240068	We 1/2 Southeast Boulevard, Pakenham VIC 3810	Use of Land for Motor Vehicle Sales, Addition of an Internal Mezzanine and Display of Business Identification Signage	Issued	19/02/2024	8/11/2024

Resolution

Moved Cr Collin Ross, seconded Cr Alana Pomeroy.

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts,
Cr Samantha-Jane Potter, Cr Alana Pomeroy, Cr Casey Thomsen and Cr Trudi Paton

Against: Nil

Carried

5.8 Planning Scheme Amendment Activity Report - December 2024

Responsible GM: Debbie Tyson
Author: Marcelle Bell

Recommendation(s)

That Council note the 'Planning Scheme Amendment Activity Report – December 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 14 November 2024.

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 March to 19 April 2024.</p> <p>The release of the Standing Advisory Committee Panel report is outstanding.</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 the proposed Amendment C278card.</p> <p>On the 17 June 2024 Council considered submissions made to C278card and endorsed referring the submissions to a Planning Panel appointed by the Minister for Planning. A Planning Panel Directions Hearing was held on Monday 22 July 2024 and a Planning Panel Hearing date is scheduled for 26 August 2024.</p> <p>Council will consider adopting C278card on the 16 December 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 (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 received revised information from the Applicant. Council officers are presently waiting for additional information from the Applicant before progressing the proposed Amendment C282card to Council for authorization.

Resolution

Moved Cr Alana Pomeroy, seconded Cr Casey Thomsen.

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Alana Pomeroy, Cr Casey Thomsen, Cr Samantha-Jane Potter and Cr Trudi Paton

Against: Nil

Carried

5.9 Planning Matters VCAT Report – December 2024

Responsible GM: Debbie Tyson
Author: Jason Gilbert

Recommendation(s)

That Council note the 'Planning Matters VCAT Report – December 2024' 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 14 November 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
14-15/05/2025	T210341	209 Berglund Road, Beaconsfield Upper	Use and development of the land a dwelling, outbuilding and removal of native vegetation	Refusal	Applicant
17/12/2024	T150215	Lot H PS400130 Princes Highway, Pakenham	Request for Extension of Time to Planning Permit T150215, which allows for: Use and development of a service station and associated convenience shop, food and drink premises, development of 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (crossover width and landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification signage.	Refusal	Applicant
1-2/04/2025	T220667	24-26 Honeyeater Way, pakenham	Use and development of a Child Care Centre	Refusal	Applicant

Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
8-10/04/2025	T230342	565 Murray Road, Vervale	Use of the land for Rural Industry (mud brick manufacturing)	Notice of Decision to Grant a Permit	Objector
29/04/2025	T230499	1 Outlook Road, Emerald	Buildings and Works (Construction of a Garage and Earthworks) and Vegetation Removal	FTD (Refusal)	Applicant
TBD	N/A	67 Officer South Road, Officer	N/A – Application for declaration in relation to the Officer Major Activity Centre Urban Design Framework	UDF adopted	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

*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
N/A	270 Cardinia Road, Officer South	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement. The applicant has subsequently lodged an appeal to the Supreme Court.	N/A	Applicant	Declaration made	18/09/2024

Resolution

Moved Cr Collin Ross, seconded Cr Liz Roberts.

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

For: Cr Collin Ross, Cr David Nickell, Cr Jack Kowarzik, Cr Liz Roberts, Cr Alana Pomeroy,
Cr Casey Thomsen, Cr Samantha-Jane Potter and Cr Trudi Paton

Against: Nil

Carried

6 Meeting Closure

Meeting closed at 7.51pm.

Minutes confirmed
Chairman