

Town Planning Committee Meeting

Minutes

Monday 3 February 2025

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

Members:	Cr Jack Kowarzik	Mayor
	Cr Alanna Pomeroy	Deputy Mayor
	Cr Liz Roberts	(attended virtually)
	Cr Samantha-Jane Potter	
	Cr Casey Thomsen	
	Cr David Nickell	
	Cr Collin Ross	(attended virtually)
	Cr Brett Owen	
	Cr Trudi Paton	(attended virtually)
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
	Natasha Berry	Senior Governance Officer

Meeting opened at 7.00pm.

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1 Opening And Reflection

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

Cr Casey Thomsen declared a general conflict of interest in Agenda Item 5.2 2 T240047 PA - Use and Development of Land for the Purpose of a Place of Worship, Construction and Display of Signage & Reduction in Car Parking Spaces Required at 4/108 Mulcahy Road, Pakenham as he teaches a lead employee of the church family member.

5 Ordinary Business

5.1 T240108 PA - USE AND DEVELOPMENT OF A THREE-STOREY RESIDENTIAL HOTEL, ALTERATION OF ACCESS TO A ROAD IN TRZ2, SUBDIVISION OF LAND AND CREATION OF EASEMENT AT 71 RACECOURSE RD, PAKENHAM

Responsible GM:	Debbie Tyson
Author:	Evangeline McGauley-Kennedy
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p>4.1 We support our productive land and employment land to grow local industries</p> <p>4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.</p> <p>5.1 We practise responsible leadership</p> <p>5.1.1 Build trust through meaningful community engagement and transparent decision-making.</p>

Resolution

Moved Cr Potter, seconded Cr Nickell.

Part A

That Council resolve to issue a Notice of Decision to Grant a Permit for planning permit application T240108 PA for Use and Development of a Three-storey Residential Hotel Alteration of Access to a Road in TRZ2, Subdivision of Land and Creation of Easements at 71 Racecourse Road, Pakenham subject to the following conditions:

Compliance with documents approved under this permit

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

Approved and endorsed plans – changes required

2. Before the use and development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plans prepared by Interlandi Mantesso Architects forming part of the application and identified as Proposed Serviced Apartment Development, Job No. 23007, Rev B, dated 23/07/2024 but amended to show the following details:

- i. Acoustic fencing along the northern and western boundaries, inclusive of details on the construction material, height and density in accordance with Acoustic Assessment prepared by Renzo Tonin & Associates dated 23 August 2024.
 - ii. Acoustic measures to reduce noise impacts from any mechanical services in accordance with Acoustic Assessment prepared by Renzo Tonin & Associates dated 23 August 2024.
 - iii. Preparation of Way Finding / Signage Plan, specifically in relation to the one-way areas of the car park and exit point via the southernmost vehicle crossing.
 - iv. A car parking plan outlining the location of the 24 shared spaces.
 - v. A landscaping plan in accordance with Condition 3.
 - vi. A car parking management plan in accordance with Condition 15.
 - vii. A Waste Management Plan in accordance with Condition 32.
 - viii. An amended plan of subdivision in accordance with Condition 34.
 - ix. Amended plans to respond to Melbourne Water requirements at Condition 41, along with any changes that may be required to the overall building height to ensure that the overall building height continues to comply with Clause 32.08-11.
 - x. An Amended Sustainability Management Plan to show:
 1. Solar PV panels placed to ensure that when placed on a 30-degree tilt angle, self-shading is avoided and compliance with CEC guidelines can be achieved.
 2. Enclosed staff bicycle parking spaces.
 3. The location of EV charging points on the carpark plan.
3. Before the use and development starts, a landscape plan must be approved and endorsed by the responsible authority. The plans must:
- a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the concept landscape plans forming part of the application prepared by Plan E, dated February 2024, but amended to show the following details:

- i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- ii. Buildings and trees (including botanical names, trunk location, trunk diameter and canopy spread) on neighbouring properties within three metres of the boundary (or where the Tree Protection Zones of such trees fall within the subject site as calculated in accordance with Australian Standards AS4970-2009 (or its successor/equivalent)).
- iii. Details of surface finishes of pathways and driveways.
- iv. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- v. Landscaping and planting within all open areas of the subject site including:
 1. Landscaped areas within the property boundary must be planted with shrub and groundcover species capable of achieving a minimum density of at least 85% coverage 12 months after planting.
- vi. Details of landscaping proposed in planter boxes, balconies and green walls as depicted in the architectural drawings.
- vii. A lighting plan that demonstrates the location of any up-lighting of trees or any other lighting within the car parking and other communal areas. This plan must include a schedule outlining the times lighting will be turned on and off.
- viii. An irrigation schedule.
- ix. Landscaping along the northern boundary designed to create an effective visual screen to reduce the impact of visual bulk when viewed from the north. Trees along the northern boundary for the length of the building are to reach a mature height of at least 10 metres and mature width of at least 3 metres and be incorporated into the screen plantings.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for, or impede the movement of, vehicles or pedestrians.

4. Before the use and development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Layout not altered (Use & Development)

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

Visual amenity

6. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Commencement of Buildings and Works

7. No buildings or works as approved under this permit, including site work and site preparation, shall commence until a Statement of Compliance has been approved and issued by the relevant authority for the two-lot subdivision, in accordance with this Planning Permit T240108.

Tree protection

8. Before the development including demolition starts, a tree protection fence must be erected around the existing trees within the development area to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

Stormwater management

9. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Earthworks management

11. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

12. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system

Car parking and access

13. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
14. Before the use commences, a Car Parking Management Plan that has been prepared by a suitably qualified and experienced person or firm must be submitted and approved by the Responsible Authority. The Car Parking Management Plan must include (but not limited to) the following:
 - a. Identify the location of on-site and shared parking in a plan form and provide procedures as follows:
 - i. Encourage patrons to use the on-site parking areas in the first instance.
 - ii. Encourage patrons to use the shared car parking spaces on the alternative site which the Residential Hotel has written agreement with only if parking in condition 14(a)(i) is at capacity.
 - iii. Notify patrons and staff of the car parking arrangements and notify them of the availability of bicycle parking on the site and the proximity of the site to public transport routes in order to encourage sustainable transport usage.
15. Before the development starts, the owner of the land must enter into an agreement with the responsible authority and owner/s of proposed lot 5 and 6 on PS734191W under section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
 - a. That the owner/s agree to share twenty-four (24) of the proposed Lot 5 on PS734191W car parking spaces with the Residential Hotel on proposed Lot 6 on PS734191W;
 - b. In the event that the agreement is reneged at any stage, the Residential Hotel on proposed Lot 6 PS734191W is required to reduce occupancy rate to thirty-two (32) rooms at any one time; and
 - c. Reference the endorsed car parking plan under this permit.

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

Construction Environmental Management Plan (CEMP)

16. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,
- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed.

Landscaping

17. The landscaping shown on the endorsed plan/s must be maintained to the satisfaction of the Responsible Authority including replacing any dead, diseased or damaged plants.
18. Within three (3) months of a Certificate of Occupancy being issued under the Building Act 1993, the landscaping works shown on the endorsed plan/s must be carried out and completed to the satisfaction of the Responsible Authority.
19. Within three (3) months of a Certificate of Occupancy being issued under the Building Act 1993, the landscaping works shown on the endorsed plan/s must be carried out and completed to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

20. The strategies forming part of the endorsed Sustainability Management Plan prepared by Sustainable Development Consultants, dated February 2024 must be implemented for the development to the satisfaction of the Responsible Authority.

Amenity (during construction)

21. The works associated with the construction of the development must be carried out in accordance with the endorsed Construction Environmental Management Plans and must not detrimentally affect the amenity of the area, through the:
- a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.

- c. Hours of construction activity.
- d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- e. Presence of vermin.
- f. In any other way.

To the satisfaction of the Responsible Authority.

Amenity (ongoing)

- 22. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
- 23. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
- 24. Noise emissions from the land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, March 2021) (or as amended) at all times.
- 25. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality to the satisfaction of the Responsible Authority.
- 26. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
- 27. All external plant, air-conditioners and equipment must be screened and acoustically treated or placed in sound proof housing in accordance with the endorsed plans to reduce noise to a level satisfactory to the Responsible Authority.
- 28. The use and development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.

- e. Or in any other way.

To the satisfaction of the Responsible Authority.

Waste Management

- 29. Before plans are endorsed a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must:
 - a. Be prepared by a suitably qualified expert.
 - b. Provide detail of the proposed arrangements for collection of waste from the land.
 - c. Be consistent with relevant guidelines prepared by Cardinia Shire Council with respect to waste management.
- 30. All waste generated by the use of the land must at all times be managed in accordance with the endorsed Waste Management Plan for the land approved by the Responsible Authority.
- 31. All waste must be stored effectively within the bin enclosure areas as shown on the endorsed plan to prevent odours from affecting neighbouring properties.

Prior to occupation

- 32. Before a Certificate of Occupancy is issued under the Building Act 1993:
 - a. Any measures shown on the endorsed plans to prevent overlooking into neighbouring properties must be installed to the satisfaction of the Responsible Authority.
 - b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - c. The premises must be connected to a reticulated water supply, sewerage, drainage, electricity and be provided telecommunications to the requirements of the relevant servicing authority.
 - d. The acoustic boundary fencing as shown on the endorsed plans must be installed at the cost of the landowner to the satisfaction of the Responsible Authority.
 - e. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority. This area must be drained to the satisfaction of the Responsible Authority.

- f. All external plant and equipment must be screened and acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority. .
- g. Lighting must be provided near the front entrance of the building, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.
- h. Any Environmentally Sustainable Design measures must be installed and implemented in accordance with the endorsed Environmentally Sustainable Design report.

Subdivision

- 33. Prior to endorsement of plans and Certification, amended plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plan of subdivision forming part of the application and identified as PS734191W, Version A, prepared by Nobelius Land Surveyors, but amended to show the following details:
 - i. Carriageway easement E-7 amended to follow the existing one-way line-marking and allow for egress from the site via the southernmost vehicle crossing to Racecourse Road.

Layout not altered (Subdivision)

- 34. The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Subdivisions that do not require referral

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

Telecommunications

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

Prior to Statement of Compliance

39. Before the Statement of Compliance is issued, appropriate driveway access and drainage connection points must be provided to all lots to the satisfaction of the Responsible Authority.

Development Contributions

40. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, a monetary contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

Melbourne Water

41. The site is subject to flooding from the Pakenham Creek. The flood level in a 1% Annual Exceedance Probability (AEP) flood event (being the flood level associated with a flood event that has a 1% probability of occurring in any given year) is 27.79 metres to Australian Height Datum (AHD). The residential hotel must be constructed with finished

floor levels set no lower than 28.39 metres to Australian Height Datum (AHD), which is 600 millimetres above the applicable flood level of 27.79 metres to AHD.

42. The residential hotel and supporting car park must connect to the Council drainage network. If direct stormwater connection is required to a Melbourne Water drain, a separate application must be made to Melbourne Water and evidence must be provided demonstrating that Council considers it not feasible to connect to the Council drainage network.

Commencement of Permit

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

Expiry:

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

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

45. This permit for subdivision will expire if-
- a. the subdivision is not commenced within two (2) years of the date of this permit; or
 - b. the subdivision is not completed within five (5) years of the date of commencement.

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

Notes:

- a. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- b. Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.
- c. The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.

AND,

Part 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 provided that any proposed amendments do not alter the Council's decision, whether it be approval or refusal, and do not introduce significant changes to the proposal.

For: Cr Pomeroy, Cr Owen, Cr Thomsen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Potter and Cr Paton.

Against: Cr Roberts

Carried

5.2 T240047 PA - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A PLACE OF WORSHIP, CONSTRUCTION AND DISPLAY OF SIGNAGE & REDUCTION IN CAR PARKING SPACES REQUIRED AT 4/108 MULCAHY ROAD, PAKENHAM

Responsible GM:	Debbie Tyson
Author:	Dean Haeusler
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	2.1 We support the creation of liveable spaces and places 2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

Cr Thomsen left the meeting at 7:22 pm with a general conflict of interest in Agenda Item 5.2 T240047 PA - Use and Development of Land for the Purpose of a Place of Worship, Construction and Display of Signage & Reduction in Car Parking Spaces Required at 4/108 Mulcahy Road, Pakenham as he teaches a lead employee of the church family member.

Alternate Resolution

Moved Cr Potter, seconded Cr Ross.

Part A

That a Notice of Decision to Grant a Permit for application T240047 PA for the Use and Development of Land for the Purpose of a Place of Worship, Construction and Display of Signage and Reduction in Car Parking Spaces Required be issued, subject to the following conditions:

Compliance with documents approved under this permit

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

Approved and endorsed plans – changes required

- Prior to the endorsement of plans and before the commencement of the use or development, plans must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed to form part of the permit. The plans must be consistent with plans prepared by Urban Jungle Architecture (issue P4, dated 18 April 2024), but amended to show:
 - The proposed additional parking spaces to be constructed marked 'staff use only'.
 - Bicycle parking facilities in accordance with Clause 52.34-5.
 - Place of Worship Management Plan in accordance with condition 5.

Layout not altered

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

Commencement of permit

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

Place of Worship Management Plan

5. Prior to the endorsement of plans under condition 1, a Management Plan prepared by a suitably qualified person, to the satisfaction of the responsible authority must be submitted. When approved, the Management Plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan. The plan must include but is not limited to:
 - a. A mechanism to record attendance numbers at the site. This record must be made available to be viewed by the Council upon request.
 - b. Staffing and other measures to ensure the orderly departure and arrival of people especially any large groups departing at the end of peak usage time.
 - c. Specific amenity management arrangements to be put in place during peak usage time, morning and evening prayer sessions.
 - d. Measures to control noise emissions from the premises.
 - e. Ongoing communication methods (including the provision of signage) advising the users of the premises to respect the amenity of adjoining neighbours.
 - f. Any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit.
6. The use must be carried out at all times in accordance with the approved Place of Worship Management Plan to the satisfaction of the Responsible Authority.

Hours of operation and numbers of attendees

7. Except with the written consent of the Responsible Authority, the use may operate only as follows:
 - Monday to Friday:
 - a. 6.00 PM to 10.00 PM, at a maximum capacity of 50 patrons.
 - Saturday:
 - b. 9.00 AM to 10.00 PM, at a maximum capacity of 50 patrons.
 - Sunday:
 - c. 8.00 AM to 1.30 PM, at a maximum capacity of 250 patrons.
 - d. 5.30 PM to 8.00 PM once per calendar month, at a maximum capacity of 250 patrons.

Engineering

8. Before the use commences, all proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
9. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
11. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately

managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Amenity

12. Noise levels associated with the use must at all times comply with the Environment Protection Regulations 2021 (Vic) under the Environment Protection Act 2017 (Vic).
13. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
14. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
15. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
16. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
17. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.

Expiry

18. This permit will expire if one of the following circumstances applies:
 - a. The development is not started **within 2 years** of the issued date of this permit.
 - b. The development is not completed **within 4 years** of the issued date of this permit.
 - c. The use does not start **within 2 years** of completion of the development.

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

Part 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 provided that any proposed amendments do not alter the Council's decision, whether it be approval or refusal, and do not introduce significant changes to the proposal.

For: Cr Pomeroy, Cr Owen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Roberts, Cr Potter and Cr Paton.
Against: Nil

Carried

Cr Thomsen returned to the meeting at 7.53pm

5.3 T210808 PA - CONSTRUCTION OF FIVE (5) DWELLINGS ON A LOT AT 10 GARDINIA STREET, PAKENHAM

Responsible GM:	Debbie Tyson
Author:	Dean Haeusler
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	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 Thomsen, seconded Cr Roberts.

Part A

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T210808 for the 'Construction of Five (5) Dwellings on a Lot' at L15 LP62861 V8531 F034, 10 Gardenia Street, Pakenham VIC 3810, on the following grounds:

1. The proposal does not meet minimum 'Garden Area' requirements of Clause 32.08-4.
2. The proposal does not adequately respond to objectives, strategies and decision guidelines of the following provisions of the Cardinia Planning Scheme:
 - a. Clause 15.01-5S (Neighbourhood Character);
 - b. Clause 21.03-1 (Housing); and
 - c. Clause 32.08 (General Residential Zone);
3. The proposal does not appropriately respond to the standards and/or objectives of Clause 55 of the Cardinia Planning Scheme, including:
 - a. Neighbourhood Character (Standard B1);
 - b. Street setback (Standard B6);
 - c. Landscaping (Standard B13); and
 - d. Design detail (Standard B31).
4. Insufficient information has been provided to determine the extent of impact to neighbouring vegetation.

AND,

Part 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 provided that any proposed amendments do not alter the Council's decision, whether it be approval or refusal, and do not introduce significant changes to the proposal.

For: Cr Pomeroy, Cr Owen, Cr Thomsen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Roberts, Cr Potter and Cr Paton.

Against: Nil

Carried

5.4 T220667 PA - USE AND DEVELOPMENT OF A CHILD CARE CENTRE - 24-26 HONEYEATER WAY, PAKENHAM VIC 3810

Responsible GM:	Debbie Tyson
Author:	Sasha Savanovic
Staff Disclosure:	All officers involved in the preparation of this briefing paper have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	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 Roberts, seconded Cr Pomeroy.

That Council authorise Council's statutory planning officers to settle the planning appeal (VCAT Ref. P1065/2024) via consent in accordance with the amended plans circulated by the applicant on 15 January 2025, and subject to the following conditions:

Amended plans

1. Before the use or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one (1) electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Deletion of signage display areas and all associated notes.

Waste management plan

2. Before the development starts, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must include, but not limited to, the following:
 - a. That collection will only be undertaken from within the site.
 - b. How waste and recycling is to be managed and collected.
 - c. Calculations showing the amount of garbage and recycling expected to be generated.
 - d. Include a plan showing the location of the bin storage area on the site and details of screening from public view.
 - e. Details of the size of bins, frequency of collection and hours of collection.

Once approved, the Waste Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Stormwater management plan

3. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction and approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. Trees to

be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

The stormwater works must incorporate the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on the subject land any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority.

No alterations to plans

4. The use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.

Number of children

5. No more than eighty (80) children may be cared for on the premises at any time.

Hours of operation

6. The Child Care Centre may only have children present on the site on Monday to Friday between the hours of 6.30am and 7.00pm.
7. Except with the written consent of the Responsible Authority, the Child Care Centre may only have staff present on the site on Monday to Friday between 6.00am and 8.00pm.
8. Except with the written consent of the Responsible Authority, children are only permitted within the outdoor play areas on Monday to Friday between 9:00am and 6:00pm.

Prior to occupation

9. Prior to occupation:
 - a. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - b. A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - c. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - d. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - e. The acoustic fencing as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
 - f. A bin storage area must be provided as shown on the endorsed plans and be screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - g. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

Amenity (construction phase)

10. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:

- a. Transport of materials, goods or commodities to or from the land;
- b. Inappropriate storage of any works or construction materials;
- c. Hours of construction activity;
- d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
- e. Presence of vermin;

Or in any other way, to the satisfaction of the responsible authority.

Tree protection

11. Before the development commences, suitable tree protection barriers must be erected and maintained around the tree protection zone (TPZ) of all street trees. Once established the TPZ protection barriers must be maintained at all times and may only be moved to the amount necessary for approved works to occur within the TPZ. The movement of the TPZ barriers to allow such work shall only occur for the period that the works are being undertaken after which time the TPZ barriers must be reinstated.

Amenity (ongoing use)

12. Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (or as amended) at all times.
13. The acoustic fencing must be constructed and maintained in accordance with the recommendations of the Acoustic Planning Assessment prepared by SLR Consulting Australia Pty Ltd, Document Reference: 640.30659-R01, dated March 2023 as shown on the endorsed plans to the satisfaction of the Responsible Authority.
14. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, flumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin

Or in any other way, to the satisfaction of the responsible authority.

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

Waste management

20. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
21. All waste must be stored effectively to prevent odours from affecting neighbouring properties.
22. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Landscaping

23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Earthworks

24. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
25. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Stormwater management

26. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
27. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Expiry

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

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

For: Cr Pomeroy, Cr Owen, Cr Thomsen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Roberts, Cr Potter and Cr Paton.

Against: Nil

Carried

5.5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY - FEBRUARY 2025

Responsible GM:	Debbie Tyson
Author:	Jason Gilbert
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	5.1 We practise responsible leadership 5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Resolution

Moved Cr Owen, seconded Cr Thomsen.

That Council note the 'Planning Matters Report from 13 November 2024 to 15 January 2025' report.

For: Cr Pomeroy, Cr Owen, Cr Thomsen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Roberts, Cr Potter and Cr Paton.

Against: Nil

Carried

5.6 PLANNING MATTERS VCAT REPORT - FEBRUARY 2025

Responsible GM:	Debbie Tyson
Author:	Jason Gilbert
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	5.1 We practise responsible leadership 5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Resolution

Moved Cr Nickell, seconded Cr Ross.

That Council note the 'Planning Matters Victorian Civil and Administrative Tribunal (VCAT) Report – February 2025' report.

For: Cr Pomeroy, Cr Owen, Cr Thomsen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Roberts, Cr Potter and Cr Paton.

Against: Nil

Carried

5.7 PLANNING SCHEME AMENDMENT ACTIVITY REPORT - FEBRUARY 2025

Responsible GM:	Debbie Tyson
Author:	Marcelle Bell
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	5.1 We practise responsible leadership 5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Resolution

Moved Cr Pomeroy, seconded Cr Ross.

That Council note the 'Active Planning Scheme Amendments' report.

For: Cr Pomeroy, Cr Owen, Cr Thomsen, Cr Ross, Cr Nickell, Cr Kowarzik, Cr Roberts, Cr Potter and Cr Paton.

Against: Nil

Carried

6 Meeting Closure

Meeting closed at 8.30pm.

Minutes confirmed
Chairman