

Town Planning Committee Meeting

Minutes

Monday 4 March 2024

Commenced at 7:00 PM

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

Members:	Cr Jack Kowarzik	Mayor
	Cr Graeme Moore	Deputy Mayor
	Cr Tammy Radford	
	Cr Kaye Cameron	
	Cr Stephanie Davies	
	Cr Jeff Springfield	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Carol Ryan	
Officers:	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Lili Rosic	General Manager Liveable Communities
	Dana Harding	Acting General Manager Governance, Facilities and Economy
	Wayne Mack	General Manager Customer, People and Performance
	Peter Harris	Manager Governance, Safety & Property

Meeting opened at 7pm.

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1 Opening And Prayer

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

2 Acknowledgements

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

3 Apologies

Cr Brett Owen
Cr Tammy Radford
Cr Carol Ryan
CEO Carol Jeffs

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 Request for consent under covenant - 8 Portobello Road, Pakenham

Responsible GM: Lili Rosic
Author: Karen Egan

Recommendation(s)

That Council resolve to provide written consent under clause 1.1 of the Covenant to allow the land at Lot 1080 PS447443, 8 Portobello Road, Pakenham to be used for:

- Restricted retail premises; and
- Restricted recreation facility.

Attachments

1. Request for consent under covenant - 8 Portobello Road, Pakenham [5.1.1 - 7 pages]

Application Details

APPLICANT:	Hatch Roberts Day
LAND:	8 Portobello Road, Pakenham 3810 more formally known as Lot 1080 on plan of subdivision 447443
PROPOSAL:	Request for written consent under clause 1.1 of the covenant AGAG274070X (the Covenant) to use the land at 8 Portobello Road, Pakenham (the subject land) for: <ul style="list-style-type: none"> • Restricted retail premises; and • Restricted recreation facility.
PLANNING CONTROLS:	Comprehensive Development Zone Schedule 1 Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notification of the request is not required
KEY CONSIDERATIONS:	Planning policy and relevant strategic documents support the use of land for restricted retail premises (bulky goods) on the subject land and it is considered that the use of land for a restricted recreation facility (gym) is a land use compatible and complimentary to the role of the NAC
REASON FOR MEETING:	Written consent of Council required
RECOMMENDATION:	That Council provide written consent under clause 1.1 of the Covenant to allow the subject land to be used for: <ul style="list-style-type: none"> • Restricted retail premises; and • Restricted recreation facility.

Executive Summary

Covenant AG274070X (the Covenant) was registered on Certificate of Title when the subject land was transferred from Cardinia Shire Council (Council) to Shearwater Development Pakenham Pty Ltd. The Covenant restricts the type of uses allowed to operate on the subject land without the written consent of Council.

The applicant is seeking to use and develop the subject land for restricted retail premises (bulky goods) and restricted recreation facility (gym), which are not uses listed under the Covenant.

It is Council Officers recommendation that written consent be provided to the applicant. The provision of written consent does not negate the requirement for a planning permit to be obtained.

Resolution

Moved Cr Stephanie Davies, seconded Cr Kaye Cameron.

That Council resolve to provide written consent under clause 1.1 of the Covenant to allow the land at Lot 1080 PS447443, 8 Portobello Road, Pakenham to be used for:

- Restricted retail premises; and
- Restricted recreation facility.

Carried

5.2 T230101 - Mary Street, Bunyip - Construction of Eleven (11) Dwellings

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application No. T230101 for 'Construction of Eleven (11) Dwellings on a Lot' subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be 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. Driveway crossover for the internal road to be widened to 6.0 metres and a passing bay area measuring 6.1 m x 7.0 metres in accordance with requirements of Clause 52.06-9 (Design Standard 1 – Accessways) of the Cardinia Planning Scheme.
 - b. Provision of a pedestrian access gate to the visitor parking spaces for Units 2, 3, 4 & 5.
 - c. Details of all internal fencing (materiality and height).
 - d. An amended landscape plan which provides for increased planting of native trees, shrubs and ground covers.

Layout Not Altered

2. The layout of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the Responsible Authority.

Satisfactory Completion

3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

4. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. 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 must be replaced.

Car Parking and Access

6. The areas shown on the endorsed plans for access and car parking must not be used for any other purpose to the satisfaction of the Responsible Authority.
7. Before the development is occupied:

- 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 residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
8. The proposed crossover is to be in accordance with Standard Drawing EDCM 501 (from the Engineering Design and Construction Manual111).

Amenity and Site Services

9. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. Any fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - c. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - d. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - e. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - f. A mailbox must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
 - g. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - h. Lighting must be provided along the internal accessway and near the front entrance and garages of each dwelling to the satisfaction of the Responsible Authority.
10. 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.
11. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
12. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
13. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Stormwater and Wastewater

14. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention

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

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

15. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
16. 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.
17. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.

Site Management

18. 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.
19. 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.
20. 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; and
- f. Tree protection zones, trees to be retained and trees to be removed.

Expiry

21. The permit for the development of land 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.

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:

- i. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- ii. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- iii. This permit has been assessed against Clause 55 of the Cardinia Planning Scheme.

AND

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

Attachments

1. T230101 PA - Locality Map [5.2.1 - 1 page]
2. T230101 PA - Officer Report [5.2.2 - 28 pages]
3. T230101 PA - Assessed Plans [5.2.3 - 15 pages]
4. T230101 PA - Copy of Objections [5.2.4 - 19 pages]

Application Details

APPLICATION NO.:	T230101
APPLICANT:	Duran Investments Pty Ltd
LAND:	L2 PS428145 V10470 F520, Mary Street, Bunyip VIC 3815
PROPOSAL:	Construction of Eleven (11) Dwellings on a Lot
PLANNING CONTROLS:	General Residential Zone - Schedule 1
NOTIFICATION & OBJECTIONS:	<p>Notice was undertaken pursuant to Section 52 of the <i>Planning and Environment 1987</i> by way of sending notices to the owners and occupiers of adjoining land and placing a sign on site.</p> <p>Council has received nine (9) objections to date.</p>
KEY PLANNING CONSIDERATIONS:	<p>Neighbourhood Character Bunyip Township Strategy (2009) Clause 55 Rescode Traffic Impacts</p>
REASON FOR MEETING:	Four (4) or more objections received to application.
RECOMMENDATION:	Notice of Decision to Grant a Permit

Executive Summary

The purpose of this report is to consider an application for the Construction of Eleven (11) Dwellings on a Lot at L2 PS428145 V10470 F520, Mary Street, Bunyip VIC 3815.

The application was initially submitted to Council on the 7 March 2023. A preliminary assessment was undertaken in consultation with internal departments and a request for additional information and concerns was issued on the 4 April 2023. The application was subsequently amended to reduce the proposed number of dwellings from fourteen (14) double storey dwellings to eleven (11) single storey dwellings and to no longer seek concurrent subdivision of land as part of the application.

The application proceeded to public notice on the 1 September 2023 with letters sent to surrounding properties and signage erected on-site. Nine (9) objections were received during and following the notice period.

An assessment against the relevant policies and controls that apply to the site reveal that the proposal represents an acceptable development that will make a positive contribution to the cultural and community infrastructure of the region. A detailed assessment of supporting documents demonstrate that visual and other off-site impacts can be appropriately managed, and that the development will form an effective 'buffer use' between residential and commercial within the Bunyip Town Centre.

The application was previously considered by Council at its Town Planning Committee Meeting on 5 February 2024 with the recommendation that Council issue a Notice of Decision to Grant a Planning Permit for the application, subject to conditions.

At this meeting, Council resolved to defer consideration of the application until the next meeting of the Town Planning Committee, 4 March 2024, *'due to concerns in relation to traffic impacts to Mary St and the surrounding road network and to enable officers to request a traffic impact assessment to be undertaken by the applicant'*.

The request for the Traffic Impact Assessment from the applicant was made via email immediately following the Town Planning Committee Meeting on 5 February 2024 and it was confirmed by the Applicant that one would be provided prior to the Town Planning Committee Meeting to be held on 4 March 2024. At the time of writing this report the traffic assessment has not been received by council and therefore the original recommendation has not been altered.

It is noted that a Traffic Impact Assessment is not a formal application requirement, nor was it sought by Council's Transport Engineering Department who provided a response of support to the proposal. As such, there is no statutory obligation for the applicant to provide this assessment.

It also noted that Council is outside the prescribed time in which to make a decision on the application, and Council's resolution to defer the matter at the February Town Planning Committee Meeting provides the applicant with the opportunity to seek a review of Council's failure to make a decision at the Victorian Civil and Administrative Tribunal (VCAT) and reimbursement of fees.

Resolution

Moved Cr Graeme Moore, seconded Cr Collin Ross.

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application No. T230101 for 'Construction of Eleven (11) Dwellings on a Lot' subject to the following conditions:

Amended Plans

22. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be 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:
- Driveway crossover for the internal road to be widened to 6.0 metres and a passing bay area measuring 6.1 m x 7.0 metres in accordance with requirements of Clause 52.06-9 (Design Standard 1 – Accessways) of the Cardinia Planning Scheme.
 - Provision of a pedestrian access gate to the visitor parking spaces for Units 2, 3, 4 & 5.
 - Details of all internal fencing (materiality and height).
 - An amended landscape plan which provides for increased planting of native trees, shrubs and ground covers.

Layout Not Altered

23. The layout of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the Responsible Authority.

Satisfactory Completion

24. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

25. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
26. 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 must be replaced.

Car Parking and Access

27. The areas shown on the endorsed plans for access and car parking must not be used for any other purpose to the satisfaction of the Responsible Authority.
28. 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.

- b. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
29. The proposed crossover is to be in accordance with Standard Drawing EDCM 501 (from the Engineering Design and Construction Manual111).

Amenity and Site Services

30. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. Any fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - c. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - d. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - e. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - f. A mailbox must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
 - g. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - h. Lighting must be provided along the internal accessway and near the front entrance and garages of each dwelling to the satisfaction of the Responsible Authority.
31. 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.
32. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
33. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
34. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Stormwater and Wastewater

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

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's

drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

36. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
37. 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.
38. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.

Site Management

39. 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.
40. 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.
41. 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; and
- f. Tree protection zones, trees to be retained and trees to be removed.

Expiry

42. The permit for the development of land 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.

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:

- iv. *A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.*

- v. *Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.*
- vi. *This permit has been assessed against Clause 55 of the Cardinia Planning Scheme.*

AND

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

Carried

5.3 T230420 PA - Use and development of a Childcare Centre and Construction and Display of Signs - 43 Hope Street Bunyip

Responsible GM: Lili Rosic
Author: Sasha Savanovic

Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application T230420 for the use and development of a Childcare Centre and the construction and display of Signs, subject to the following conditions:

Amended Plans

1. Before the development commences, 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 then form part of the permit. The plans must be drawn to scale with dimensions and be generally in accordance with the plans prepared by Co-lab Architecture, Revision 01, dated 7/08/2023, submitted with the application but modified to show:
 - a. Elevations of signage located along the frontage with display area clearly displayed.
 - b. Note required on elevations indicating both signage areas will not be illuminated or animated.
 - c. Lighting details for the car parking area and entry path.
 - d. Pavement markings to be included in each of car parking spaces 1-4 marked "STAFF ONLY".

Tree Protection

2. Before works start, a fence must be erected around trees shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter of the trunk at a height of 1.3 metres above ground level, to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees (excepting the approved area of encroachment for construction as shown on endorsed plans) to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape/chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a. Vehicular access.
 - b. Trenching or soil excavation.
 - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. Entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Use

3. The use as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
4. No more than ninety-two (92) children may be cared for on the premises at any time without the prior written consent of the Responsible Authority.
5. Except with the written consent of the Responsible Authority, the childcare centre may only have staff present on the site Monday to Friday between 6.00am and 8.30pm.
6. Except with the written consent of the Responsible Authority, the childcare centre may only have children present on the site between Monday to Friday between 6.30am and 7.30pm.
7. Except with the written consent of the Responsible Authority, children are only permitted within the outdoor play areas during the hours of Monday to Friday between 9:00am and 6:00pm.

Street Trees

8. Before the development starts, a fee must be paid to the Responsible Authority for the removal and replacement of the existing street tree.

Amenity (construction phase)

9. 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.

Amenity (ongoing use)

10. 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.
11. The acoustic fencing must be constructed and maintained in accordance with the recommendations of the Acoustic Assessment prepared by Renzo Tonin & Associates, Document Reference: ME257-01F01 Acoustic Report (r2), dated 31/10/23. as shown on the endorsed plans to the satisfaction of the Responsible Authority.
12. 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.

13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
14. 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.
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.

Waste Management

18. Except with the prior written consent of the Responsible Authority, waste collection must only occur within hours prescribed by EPA but outside of hours pursuant to Condition 6 of this Permit.
19. All waste generated by the use of the land must at all times be managed in accordance with the Waste Management Plan approved and endorsed by the Responsible Authority.
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.

Layout not altered

22. The development as shown on the endorsed plan/s must not be altered without the written consent 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. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

27. 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.
28. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Prior to occupation

29. 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.
 - h. Directional signage as shown on the endorsed plans must be installed within the car parking area.
 - i. Pavement markings to be installed in each of car parking spaces 1-4 marked "STAFF ONLY".

Signage

30. The location and details of the signs, including those on the supporting structure/s, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
31. No signs other than those allowed by this permit, or the Planning Scheme may be displayed on the subject land without the written consent of the Responsible Authority.
32. The signage must not result in any adverse visual impact on the environment of the area and the signage must be of a non-reflective nature.
33. The signs must be displayed and maintained to the satisfaction of the Responsible Authority.

Expiry

34. This permit for the development and use of land 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.

35. This permit for the construction and display of signs expires fifteen (15) years after the date it is issued. On expiry of the permit the signs and structures built to specifically support them must be removed.

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

AND

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

Attachments

1. T230420 PA - Locality Map [5.3.1 - 1 page]
2. T230420 PA - Officer Report [5.3.2 - 27 pages]
3. T 230420 PA - Development Plans [5.3.3 - 10 pages]
4. T230420 PA - Collated Copy of Objections [5.3.4 - 10 pages]

Application Details

APPLICATION NO.:	T230420
APPLICANT:	Duroak Development Pty Ltd
LAND:	L1 TP187904 V9391 F859, 43 Hope Street, Bunyip VIC 3815
PROPOSAL:	Use and development of a Childcare Centre and the construction and display of Signs
PLANNING CONTROLS:	General Residential Zone 1
NOTIFICATION & OBJECTIONS:	Application was notified via letters to adjoining/surrounding owners and occupiers and one sign on site. Seven (7) objections have been received.
KEY PLANNING CONSIDERATIONS:	Appropriateness of location of use, traffic, carparking and neighbourhood character.

REASON FOR MEETING:	Application has received 4 or more objections (7 objections)
RECOMMENDATION:	Notice of Decision to Grant a Permit

Executive Summary

The application proposes the use and development of a Childcare Centre at 42 Hope Street Bunyip, including the construction and display of signs.

The proposed Childcare Centre will operate from 6:30 am to 7:30 pm Monday to Friday and would provide the capacity for 92 children. The application proposes to create a new 6.4-meter crossover located centrally within the frontage, with twenty (20) on-site car parking spaces, including 1 disabled space, as well as two external play areas (648 sqm), landscaping and associated services and amenities.

The proposed use and development is considered acceptable with relation to the provided documentation. The General Residential Zone allows for uses other than residential if the amenity impacts can be managed and are suitable within the context of the site and surrounding area.

Given the proposed use and development is clustered within a street with existing education facilities and the provided acoustic assessment, it is considered that the application provides an acceptable outcome within the existing context of the street scape. It is also noted that all requirements for parking have been provided and no reduction in the number of spaces is required.

Resolution

Moved Cr Graeme Moore, seconded Cr Kaye Cameron.

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application T230420 for the use and development of a Childcare Centre and the construction and display of Signs, subject to the following conditions:

Amended Plans

1. Before the development commences, 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 then form part of the permit. The plans must be drawn to scale with dimensions and be generally in accordance with the plans prepared by Co-lab Architecture, Revision 01, dated 7/08/2023, submitted with the application but modified to show:
 - a. Elevations of signage located along the frontage with display area clearly displayed.
 - b. Note required on elevations indicating both signage areas will not be illuminated or animated.
 - c. Lighting details for the car parking area and entry path.
 - d. Pavement markings to be included in each of car parking spaces 1-4 marked "STAFF ONLY".

Tree Protection

2. Before works start, a fence must be erected around trees shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter of the trunk at a height of 1.3 metres above ground level, to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees (excepting the approved area of encroachment for construction as shown on endorsed plans) to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape/chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a. Vehicular access.
 - b. Trenching or soil excavation.
 - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. Entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Use

3. The use as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
4. No more than ninety-two (92) children may be cared for on the premises at any time without the prior written consent of the Responsible Authority.
5. Except with the written consent of the Responsible Authority, the childcare centre may only have staff present on the site Monday to Friday between 6.00am and 8.30pm.
6. Except with the written consent of the Responsible Authority, the childcare centre may only have children present on the site between Monday to Friday between 6.30am and 7.30pm.
7. Except with the written consent of the Responsible Authority, children are only permitted within the outdoor play areas during the hours of Monday to Friday between 9:00am and 6:00pm.

Street Trees

8. Before the development starts, a fee must be paid to the Responsible Authority for the removal and replacement of the existing street tree.

Amenity (construction phase)

9. 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.

Amenity (ongoing use)

10. 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.
11. The acoustic fencing must be constructed and maintained in accordance with the recommendations of the Acoustic Assessment prepared by Renzo Tonin & Associates, Document Reference: ME257-01F01 Acoustic Report (r2), dated 31/10/23. as shown on the endorsed plans to the satisfaction of the Responsible Authority.
12. 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.
13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
14. 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.
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.

Waste Management

18. Except with the prior written consent of the Responsible Authority, waste collection must only occur within hours prescribed by EPA but outside of hours pursuant to Condition 6 of this Permit.
19. All waste generated by the use of the land must at all times be managed in accordance with the Waste Management Plan approved and endorsed by the Responsible Authority.
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.

Layout not altered

22. The development as shown on the endorsed plan/s must not be altered without the written consent 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. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.
27. 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.
28. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Prior to occupation

29. 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.
 - h. Directional signage as shown on the endorsed plans must be installed within the car parking area.
 - i. Pavement markings to be installed in each of car parking spaces 1-4 marked "STAFF ONLY".

Signage

30. The location and details of the signs, including those on the supporting structure/s, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
31. No signs other than those allowed by this permit, or the Planning Scheme may be displayed on the subject land without the written consent of the Responsible Authority.

32. The signage must not result in any adverse visual impact on the environment of the area and the signage must be of a non-reflective nature.
33. The signs must be displayed and maintained to the satisfaction of the Responsible Authority.

Expiry

34. This permit for the development and use of land 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.

35. This permit for the construction and display of signs expires fifteen (15) years after the date it is issued. On expiry of the permit the signs and structures built to specifically support them must be removed.

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

AND

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

Carried

5.4 Planning Scheme Amendment Activity Report - March 2024

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Status of Active Amendments

The following table provides details relating to planning scheme amendments that are currently being processed. The list is current as of 5 February 2024.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C262	XWB Consulting	11 Thom Road, Lang Lang	Rezone part of land from Farming Zone - Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) and consider Planning Permit Application No. T190728 for: <ol style="list-style-type: none"> 1. a staged subdivision of the subject land into residential lots; 2. creation of two (2) Reserves; and, 3. creation of restrictions on the plan of subdivision; concurrently with the amendment.	Thu 10/03/2022	Mon 11/04/2022	<p>The amendment was adopted by Council at the April 2023 Council meeting.</p> <p>The amendment has been approved by the Minister for Planning and was gazetted on Thursday 07 December 2023.</p>
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	<p>The PSP was adopted by Council at the 19 July 2021 meeting.</p> <p>The Amendment has been submitted to the Minister for Planning for approval. Please note the relationship with Amendment C273 (Infrastructure Contributions Plan).</p>
C268	NBA Group Pty Ltd.	49 Garfield Road, Garfield	The Amendment applies to 49 Garfield Road, Garfield (Lot 1 PS436250 and Lot 1 PS531590). The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act. The amendment proposes to rezone most of the area of the site currently identified as Low Density Residential - Schedule 2 to Low Density Residential - Schedule 3. The proposed zone boundary aligns with a 30m setback from the Ti-Tree Creek. The Urban Growth Boundary (UGB) remains unchanged.	Thu 13/10/2022	Mon 14/11/2022	<p>Exhibition completed 14 November 2022.</p> <p>The Panel Hearing was held on 26 April 2023 and Council has received and reviewed the Panel Report. The Panel Report recommended some minor changes.</p> <p>A report was presented to the July 2023 Council meeting recommending that the amendment be adopted with changes as per the Panel Report.</p> <p>The amendment has been approved by the Minister for Planning and was gazetted on Friday 17 November 2023.</p>

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C273	Cardinia Shire Council	Pakenham South Employment Precinct	The amendment inserts the Pakenham South Infrastructure Contributions Plan into the Cardinia Planning Scheme	N/A	N/A	<p>At the 15 May 2023 Council meeting it was resolved that Council adopt the Pakenham South Infrastructure Contributions Plan (ICP) and submit it as an amendment under Section 20(A) of the Act.</p> <p>The ICP is consistent with Amendment C265 Pakenham South Precinct Structure Plan (PSP) and the ICP will apply a standard levy to collect a contribution for infrastructure and public land in accordance with the PSP.</p> <p>The amendment has been submitted to the Minister for Planning for approval.</p>
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).	To be determined	To be determined	<p>At the March 2023 Council meeting it was resolved to seek authorization from the Minister for Planning to prepare the amendment.</p> <p>Authorization has been granted to start the exhibition phase. Exhibition of the planning scheme amendment is likely to occur in February 2024.</p>
C282	Morgan Development	365 Princes Highway, Officer	Planning scheme amendment under Section 96A of the Planning and Environment Act 1987 to amend the schedule to the Heritage Overlay (CI 43.01) to allow Council to consider a prohibited use under the Heritage Overlay (HO104) for an office.	To be determined	To be determined	Council staff have requested for further information from proponent

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council note the report.

Carried

5.5 Planning Matters Dealt with by Officers under Delegated Authority - March 2024

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

The following matters have been dealt with under delegated powers since the last report to Council.

Relevance to Council Plan

5.1 We practise responsible leadership

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

Planning Matters Report

The below is for the period between 8 January 2024 and 5 February 2024.

Beacon Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
10/01/2024	T230229	340 Pakenham Road, Pakenham VIC 3810	Development of the land for earthworks.	Issued	15 May 2023
31/01/2024	T230154	Shop 1/24-26 Woods Street, Beaconsfield VIC 3807	Use of the Land for a Restaurant and Café Liquor Licence	Issued	05 April 2023

Bunyip Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
2/02/2024	T230349	85 Garfield North Road, Garfield North VIC 3814	Development of the land for a Dwelling	Issued	18 July 2023
30/01/2024	T220481	55 Mont Albert Road, Garfield VIC 3814	Alterations and additions to an existing dwelling and construction of swimming pool, spa and shed	Issued	14 July 2022
16/01/2024	T240003	9 Morris Way, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	03 January 2024
8/01/2024	T230382	65 Barrington Drive, Pakenham VIC 3810	Variation of the Restrictive Covenant S398504B On Lot 285 of LP216312	Issued	02 August 2023
19/01/2024	T180004 - 3	Petty Road, Bunyip VIC 3815	Subdivision of the land into 24 lots, creation of easements and native vegetation removal, generally in accordance with the approved plans	Issued	09 October 2023
22/01/2024	T230508	150 Croft Road, Nar Nar Goon North VIC 3812	Buildings and Works (Extension of an Existing Dwelling)	Issued	11 October 2023
25/01/2024	T220379	20 Garfield Road, Garfield VIC 3814	Development of four additional dwellings on a lot	NOD	01 June 2022
24/01/2024	T230530	11B Pinehill Drive, Pakenham VIC 3810	Buildings and Works (Construction of a Shed)	Issued	25 October 2023
30/01/2024	T220490 - 1	50 Manoora Road, Maryknoll VIC 3812	Development of the land for a dwelling and outbuilding and associated earthworks	Issued	13 December 2023

Henty Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
23/01/2024	T230466	Shop 6/50-54 John Street, Pakenham VIC 3810	Display of Business Identification Signage including Internally Illuminated Signage	Issued	20 September 2023
10/01/2024	T230133	214 Princes Highway, Pakenham VIC 3810	Building and works associated with shops, alterations to a road in a Transport Zone 2	NOD	24 March 2023

Officer Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
8/01/2024	T230576	64 Goldsborough Drive, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	17 November 2023
18/01/2024	T230146	Brunt Road, Officer VIC 3809	Staged Subdivision of Land Adjacent to a Transport Road Zone 2.	Issued	03 April 2023
25/01/2024	T230474	1 Station Street, Officer VIC 3809	Development of the land with a Land Sales Office and display of signage (pole signs, promotion signs and business identification signs)	Issued	26 September 2023
2/02/2024	T230597	17 Station Street, Officer VIC 3809	I currently having a temporary shipping container permit. I wish to keep the two shipping containers on the land permanently.	Lapsed	29 November 2023
16/01/2024	T190603 - 4	140, 97, 112 Starling Road and 477 Brown Road, Officer VIC 3809	Subdivision of land, removal of native vegetation, and creation and removal of easements	Issued	04 October 2023

Pakenham Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
17/01/2024	T230385	20 Altitude Way, Pakenham VIC 3810	Buildings and Works associated with the construction of a dwelling.	Issued	07 August 2023

Ranges Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
19/01/2024	T230439	45A Devon Avenue, Cockatoo VIC 3781	Buildings and works associated with a Dwelling and outbuilding	Issued	04 September 2023
22/01/2024	T230153	18 Upper Grieve Road, Avonsleigh VIC 3782	Development of the land for a Dwelling and Associated works	Issued	05 April 2023
8/01/2024	T220535	5 Glenbrook Road, Clematis VIC 3782	Buildings and works associated with accommodation	Issued	08 August 2022
17/01/2024	T230457	2850 Gembrook- Launching Place Road, Gembrook VIC 3783	Buildings and Works (Construction of an Agricultural Shed)	Issued	15 September 2023
8/01/2024	T220610	7 Upper Grieve Road, Avonsleigh VIC 3782	Buildings and works associated with the construction of a dwelling	Issued	08 September 2022
8/01/2024	T220630	61 Emerald-Monbulk Road, Emerald VIC 3782	Use and development of the land for a second dwelling and alteration of access to a Transport Zone	NOD	14 September 2022
29/01/2024	T240011	3 Woodlands Avenue, Clematis VIC 3782	Development of the land for an extension to the existing dwelling (carport)	Issued	11 January 2024
25/01/2024	T230387	3 Edmunds Road, Cockatoo VIC 3781	Buildings and Works (Construction of an outbuilding)	Issued	07 August 2023
5/02/2024	T230103	2032 Wellington Road, Clematis VIC 3782	Buildings and Works associated with the construction of outbuilding in ESO	Issued	08 March 2023

Westernport Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
30/01/2024	T230520	14 Drovers Place, Pakenham VIC 3810	Works to construct a weighbridge	Lapsed	19 October 2023
23/01/2024	T230381	12 Link Road, Pakenham VIC 3810	Development of land for twenty-four (24) storage units and reduction in parking requirements by one (1) space	Issued	02 August 2023
18/01/2024	T230661	450 Seven Mile Road, Nar Nar Goon VIC 3812	Buildings and Works (Construction of an Agricultural Shed)	Application Withdrawn	22 December 2023
12/01/2024	T230411	223 Westernport Road, Lang Lang VIC 3984	Buildings and works for a dwelling extension (garage)	Issued	18 August 2023
2/02/2024	T230258	22 Exchange Drive, Pakenham VIC 3810	Development of the land for Two (2) Warehouses and associated reduction in on-site carparking	Issued	25 May 2023
17/01/2024	T230271	20 Sybella Avenue, Koo Wee Rup VIC 3981	Development of a second dwelling on a lot including alterations and additions to the existing dwelling.	Issued	02 June 2023
30/01/2024	T230475	3 Tarmac Way, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	27 September 2023
22/01/2024	T200271 - 1	200 Bladens Road, Koo Wee Rup VIC 3981	Amendment to a condition of the planning permit pursuant to s72 of the Act	Issued	23 November 2023
16/01/2024	T230603	7 Exchange Drive, Pakenham VIC 3810	Development of the land for two (2) warehouses and ancillary offices	Issued	04 December 2023
10/01/2024	T230205	29-39 Station Street, Koo Wee Rup VIC 3981	Buildings and works (alterations and additions to existing shopping centre), a reduction to the number of car parking spaces required, and the construction and display of signs	Issued	04 May 2023

Resolution

Moved Cr Stephanie Davies, seconded Cr Graeme Moore.

That Council note the report.

Carried

5.6 Planning Matters VCAT Report - March 2024

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings and recent decisions from the Victorian Civil and Administrative Tribunal (VCAT). This list is current as of 5 February 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
13-14/ 05/2024	T220600	8/5 Fusion Circuit Pakenham	Use of land for a place of worship (church) and reduction in car parking requirements	Refusal	Applicant
17-19 /06/2024	T220569	195 Dore Road Pakenham	Use and Development of Land for a Place of Worship and Vegetation Removal	Refusal	Applicant

Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
5/08/2024	T220800	315 Pooley Rd NAR NAR GOON NORTH	Use and Development of Land for the purpose of Rural Worker Accommodation and Bed & Breakfast	Refusal	Applicant
18/03/2024	T220194	20 - 32 Station Street Pakenham	Use of the land for an education centre (adult employment training)	Permit	Applicant
31/05/2024, 3-4/05/2024	T220285	337 Belgrave-Gembrook Road Emerald	Use and development of land for a Medical Centre and alteration to an access in a Transport Zone Schedule 2	Notice of Decision to Grant a Permit	Objector
31/01/2024	T220366	550 Scanlons Drain Road, Catani 3981	The use and the development of the land for a dwelling	Refusal	Applicant
2/04/2024	T220660	275 Daly Road Nar Nar Goon 3812	Use and Development of Land for a Dwelling	FTD*	Applicant
14/05/2024	T220375	4915 South Gippsland Highway, Lang Lang	Subdivision of land into two (2) lots (boundary realignment)	Refusal	Applicant
13/02/2024	GE220364	Lot H on Plan of Subdivision 400130H, Princes Hwy, Pakenham	End of Section 173 Agreement T148994L	FTD*	Applicant
7/2/2024	T220809	490-494 McGregor Road, Pakenham VIC 3810	Subdivision of land into two (2) lots (re-subdivision of two lots)	FTD*	Applicant
3/08/2023	T220221	205 Seven Mile Road Nar Nar Goon	Use and development of the land for a Contractors Depot	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

None.

Resolution

Moved Cr Stephanie Davies, seconded Cr Jeff Springfield.

That Council note the report.

Carried

6 Meeting Closure

Community Announcement

The Mayor advised that the July Town Planning Committee Meeting has been rescheduled to be held on Monday 8 July 2024.

Meeting closed at 7:30pm.

Minutes confirmed
Chairman