

Town Planning Committee Meeting

Minutes

Monday 3 June 2024

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

Members: Cr Jack Kowarzik Mayor
Cr Graeme Moore Deputy Mayor
Cr Kaye Cameron
Cr Stephanie Davies
Cr Jeff Springfield
Cr Collin Ross
Cr Brett Owen
Cr Carol Ryan

Officers: Lili Rosic General Manager Liveable Communities
Misty Johannsen Acting General Manager Infrastructure and Environment
Debbie Tyson General Manager Governance, Facilities and Economy
Wayne Mack General Manager Customer, People and Performance
Duncan Turner Manager Planning & Design
Peter Harris Manager Governance, Safety & Property

Meeting opened at 7:00pm.

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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 Tammy Radford

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 T230268 PA - Development of three (3) dwellings, subdivision of the land into three (3) lots, removal of vegetation and associated works at 13-15 Town Road, Gembrook

Responsible GM: Lili Rosic
Author: Dean Haeusler

Recommendation(s)

That Council grant a permit for Planning Permit application T230268 for the development of three (3) dwellings, subdivision of land into three (3) lots, vegetation removal and associated works, subject to the following conditions:

Amended Plans

1. Prior to the endorsement of plans, 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 and fully dimensioned. The plans must be generally in accordance with the plans submitted with the application prepared by DS Building Design Pinehill Designs, Project 22064 Rev 6, dated 24/11/22 but modified to show:
 - a. An annotation that the proposed picket fence to the Town Road frontage must have a minimum 25% transparency.
 - b. Details of the colour of the proposed front fence utilising a neutral tone in keeping with the character of the neighbourhood.
 - c. Details of all service meters including sections of any proposed group electricity meter structure. If a group electricity meter is proposed it must be sited as far from the front boundary as possible, outside any vehicle sight lines, finished and coloured so as to be complementary to the proposed front fence and as small / low as permitted by relevant legislation.
 - d. Vehicle sight lines as stipulated at clause 52.06-9 documented on plans.
 - e. A Plan of Subdivision in accordance with Condition 2.
 - f. A landscaping plan in accordance with Condition 3.
2. Prior to the endorsement of plans, a Plan of Subdivision prepared by a registered land surveyor must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed to form part of the permit.
3. Prior to the endorsement of plans, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape plan submitted with the application prepared by Keystone Alliance project L9731 revision B dated 15 August 2023, except that the plan must show:

- a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- c. Details of surface finishes of pathways and driveways.
- d. 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.
- e. Landscaping and planting within all open areas of the subject land.
- f. Any modifications as a result of condition 1 requirements of this permit.

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 vehicles or pedestrians.

Stormwater management plan

4. 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.
5. Prior to the occupation of the proposed development, outfall drainage works must be designed and constructed in accordance with plans and specifications submitted to and approved by the Council and generally in accordance with plans prepared by “DS Building Design – project no. 22064, revision dated 6th April, 2024”.

Construction Environment Management Plan (CEMP)

6. Prior to commencement of any works, 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 form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental values and include:
 - a. Site plan that shows the following:
 - i. Location and identifying numbers of all trees to be retained.
 - ii. Location of tree protection fencing at the boundary of tree protection zones for all trees to be retained.
 - iii. Location of materials, stock piling and vehicle access, which must not encroach into any tree protection zones or no-go zones for the duration of works.
 - b. Before works start, to the satisfaction of the Responsible Authority:
 - i. All trees approved for removal must be clearly demarcated from trees approved for retention, using barricade tape or similar.
 - ii. A fence must be erected around any tree and patch of vegetation 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 at a height of 1.3 metres 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 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:

1. Vehicular access.
 2. Trenching or soil excavation.
 3. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 4. Entry and exit pits for underground services.
 5. Any other actions or activities that may result in adverse impacts to retained native vegetation.
- c. Prior to commencement of any works, all contractors are to be provided a hard copy of the CEMP and to undertake a pre-construction induction by the site supervisor.

Tree protection

5. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area" shown in the endorsed plans and Construction Environment Management Plan. 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 by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

Landscaping

6. 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.

General

7. The layout of the subdivision and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. 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 building, including the roof, must be of a non-reflective nature.

Subdivision

9. 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.
10. The owner of the subject land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
11. 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.

12. Reticulated water supply, drainage, sewerage facilities and underground electricity and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
13. 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.

Prior to Statement of Compliance

14. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988:
 - a. Construction of the proposed buildings on the subject land authorised by Planning Permit T230268 is to reach a stage of practical completion (lock up stage) to the satisfaction of the Responsible Authority.
 - b.
 - c. OR
 - d. The permit holder must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority to provide for the following:
 - e.
 - f. The development of the land in the subdivision must be in accordance with Planning Permit T230268 or any amended or subsequent permit.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the permit holder is responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

15. Before the Statement of Compliance is issued:
 - a. Appropriate driveway access and drainage connection points must be provided to all lots to the satisfaction of the Responsible Authority.
 - b. A sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 52.01 of the Cardinia Planning Scheme.
16. Before the issue of a Statement of Compliance 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.

Earthworks

17. 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.
18. 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.
19. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

Stormwater management

20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. 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.

Amenity

22. 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.
23. 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.
24. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.

Prior to occupancy

25. 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 fixed privacy screens (not adhesive film) and/or obscured glazing in accordance with the endorsed plans designed to limit overlooking as required Standard B22 of Clause 55.04-6 must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 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 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.
 - d. 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.

- e. 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.
- f. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- g. 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.
- h. 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.
- i. A mail box must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- j. 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.
- k. Lighting must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
- l. Storage sheds for each dwelling must be installed in accordance with the endorsed plans.
- m. Rainwater tanks for each dwelling must be installed in accordance with the endorsed plans.

AusNet Services Conditions

26. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
27. The applicant must –
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Yarra Valley Water Conditions

28. The plan of subdivision submitted for certification must be referred to Yarra Valley Water in accordance with Section 8 of the Subdivision Act 1988.
29. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
30. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Expiry

31. This permit expires if -
 - a. the development does not start within two (2) years after the issue date of the permit; or

- b. the development is not completed within four (4) years after the issue date of the permit; or
- c. the subdivision is not commenced within two (2) years after the issue date of the permit; or
- d. the subdivision is not completed within five (5) years after the issue date of the permit.

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.)

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. 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.
- ii. Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- iii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iv. Environmental weeds as referred to in the Vegetation Protection Overlay – Schedule 2 of the Cardinia Planning Scheme must not be planted on the subject land.
- v. The Cardinia Shire Council Indigenous Plant Guide will assist in the selection of suitable revegetation species for future plantings. This guide is available on Council's website under the 'Environment and Waste' tab – subsection 'Native Animals and Plants'.

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. T230268 PA Council report [5.1.1 - 26 pages]
2. CONFIDENTIAL REDACTED - T230268 PA - Objections (unredacted) [5.1.2 - 15 pages]
3. T230268 PA Clause 55 Assessment [5.1.3 - 9 pages]
4. T 230268 PA - Locality map [5.1.4 - 1 page]
5. T 230268 PA - Development plans [5.1.5 - 7 pages]
6. T230268 PA Clause 56 assessment [5.1.6 - 22 pages]

Executive Summary

APPLICATION NO.:	T230268
APPLICANT:	Lijaro Pty Ltd C/- Town Planning & Co. Pty Ltd.

LAND:	Allot. 12 Section G Parish of Gembrook, 13-15 Town Rd Gembrook VIC 3782
PROPOSAL:	Development of three (3) dwellings, subdivision of the land into three (3) lots, removal of vegetation and associated works.
PLANNING CONTROLS:	NRZ1 - Neighbourhood Residential Zone Schedule 1 DD02 - Design and Development Overlay - Schedule 2 SLO1 - Significant Landscape Overlay - Schedule 1 VPO2 - Vegetation Protection Overlay - Schedule 2
NOTIFICATION & OBJECTIONS:	Letters distributed and signage erected in September 2023. Six (6) objections received.
KEY PLANNING CONSIDERATIONS:	Stormwater management Response to Neighbourhood Character Response to Clause 55 and 56 Vegetation loss
RECOMMENDATION:	Issue a Notice of Decision to Grant a Permit

Executive Summary

The Planning Permit application was received in May 2023 and additional information requested June 2023. An amendment to the application and the further information was submitted August 2023 and the application progressed to public notice and referrals to external authorities in September 2023 where six objections were received.

Following concerns raised by Council's Engineering department and some objectors, the applicant submitted a Stormwater Management Strategy in April 2024, detailing how the site is intended to be drained.

On review of the proposal, the development is considered to be consistent with the balance of state and local policy that seek to increasing housing supply and provide housing diversity in appropriate locations. Through the provision of detached dwellings with large setbacks, relatively low site coverage and the retention of significant trees on the site, the development has regard for the preferred character of the area. The development represents a moderate increase in in-fill development to a site with walkable access to services, schools and bus transport in Gembrook.

As demonstrated in the officer report and supporting attachments, it is recommended the application is supported, subject to conditions.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

Resolution

Moved Cr Jeff Springfield, seconded Cr Stephanie Davies.

That Council Issues a Notice of Decision to grant a permit for Planning Permit application T230268 for the development of three (3) lots, vegetation removal and associated works, subject to the following conditions:

Amended Plans

1. Prior to the endorsement of plans, 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 and fully dimensioned. The plans must be generally in accordance with the plans submitted with the application prepared by DS Building Design Pinehill Designs, Project 22064 Rev 6, dated 24/11/22 but modified to show:
 - a. An annotation that the proposed picket fence to the Town Road frontage must have a minimum 25% transparency.
 - b. Details of the colour of the proposed front fence utilising a neutral tone in keeping with the character of the neighbourhood.
 - c. Details of all service meters including sections of any proposed group electricity meter structure. If a group electricity meter is proposed it must be sited as far from the front boundary as possible, outside any vehicle sight lines, finished and coloured so as to be complementary to the proposed front fence and as small / low as permitted by relevant legislation.
 - d. Vehicle sight lines as stipulated at clause 52.06-9 documented on plans.
 - e. Swept paths for Dwellings 2 and 3 to demonstrate that vehicles can exit the site in a forward direction in accordance with Clause 52.06-9 of the Cardinia Planning Scheme.
 - f. A Plan of Subdivision in accordance with Condition 2.
 - g. A landscaping plan in accordance with Condition 3.
2. Prior to the endorsement of plans, a Plan of Subdivision prepared by a registered land surveyor must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed to form part of the permit.
3. Prior to the endorsement of plans, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape plan submitted with the application prepared by Keystone Alliance project L9731 revision B dated 15 August 2023, except that the plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c. Details of surface finishes of pathways and driveways.
 - d. 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.

- e. Landscaping and planting within all open areas of the subject land.
- f. Any modifications as a result of condition 1 requirements of this permit.

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 vehicles or pedestrians.

Stormwater management plan

- 4. 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.
- 5. Prior to the occupation of the proposed development, outfall drainage works must be designed and constructed in accordance with plans and specifications submitted to and approved by the Council and generally in accordance with plans prepared by "DS Building Design – project no. 22064, revision dated 6th April, 2024".

Construction Environment Management Plan (CEMP)

- 6. Prior to commencement of any works, 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 form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental values and include:
 - a. Site plan that shows the following:
 - i. Location and identifying numbers of all trees to be retained.
 - ii. Location of tree protection fencing at the boundary of tree protection zones for all trees to be retained.
 - iii. Location of materials, stock piling and vehicle access, which must not encroach into any tree protection zones or no-go zones for the duration of works.
 - b. Before works start, to the satisfaction of the Responsible Authority:
 - i. All trees approved for removal must be clearly demarcated from trees approved for retention, using barricade tape or similar.
 - ii. A fence must be erected around any tree and patch of vegetation 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 × the diameter at a height of 1.3 metres 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 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:
 - 1. Vehicular access.
 - 2. Trenching or soil excavation.
 - 3. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.

4. Entry and exit pits for underground services.
 5. Any other actions or activities that may result in adverse impacts to retained native vegetation.
- c. Prior to commencement of any works, all contractors are to be provided a hard copy of the CEMP and to undertake a pre-construction induction by the site supervisor.

Tree protection

5. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area" shown in the endorsed plans and Construction Environment Management Plan. 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 by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

Landscaping

6. 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.

General

7. The layout of the subdivision and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. 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 building, including the roof, must be of a non-reflective nature.

Subdivision

9. 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.
10. The owner of the subject land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
11. 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.
12. Reticulated water supply, drainage, sewerage facilities and underground electricity and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
13. 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.

Prior to Statement of Compliance

14. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988:
- a. Construction of the proposed buildings on the subject land authorised by Planning Permit T230268 is to reach a stage of practical completion (lock up stage) to the satisfaction of the Responsible Authority.
 - b.
 - c. OR
 - d. The permit holder must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority to provide for the following:
 - e.
 - f. The development of the land in the subdivision must be in accordance with Planning Permit T230268 or any amended or subsequent permit.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the permit holder is responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

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- 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.

Earthworks

17. 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.
18. 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.

19. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

Stormwater management

20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. 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.

Amenity

22. 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.
23. 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.
24. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.

Prior to occupancy

25. 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 fixed privacy screens (not adhesive film) and/or obscured glazing in accordance with the endorsed plans designed to limit overlooking as required Standard B22 of Clause 55.04-6 must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 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 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.
 - d. 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.
 - e. 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.
 - f. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - g. 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.
 - h. 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.

- i. A mail box must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- j. 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.
- k. Lighting must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
- l. Storage sheds for each dwelling must be installed in accordance with the endorsed plans.
- m. Rainwater tanks for each dwelling must be installed in accordance with the endorsed plans.

AusNet Services Conditions

26. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
27. The applicant must –
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Yarra Valley Water Conditions

28. The plan of subdivision submitted for certification must be referred to Yarra Valley Water in accordance with Section 8 of the Subdivision Act 1988.
29. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
30. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Expiry

31. This permit expires if -
 - a. the development does not start within two (2) years after the issue date of the permit; or
 - b. the development is not completed within four (4) years after the issue date of the permit; or
 - c. the subdivision is not commenced within two (2) years after the issue date of the permit; or
 - d. the subdivision is not completed within five (5) years after the issue date of the permit.

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.)

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. 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.
- ii. Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- iii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iv. Environmental weeds as referred to in the Vegetation Protection Overlay – Schedule 2 of the Cardinia Planning Scheme must not be planted on the subject land.
- v. The Cardinia Shire Council Indigenous Plant Guide will assist in the selection of suitable revegetation species for future plantings. This guide is available on Council's website under the 'Environment and Waste' tab – subsection 'Native Animals and Plants'.

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

5.2 T230127 PA - 30 Bunyip-Modella Road, Bunyip - Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required

Responsible GM: Lili Rosic
Author: Ana Neiva

Recommendation

That Council resolve to Grant a Permit for Planning Permit Application T230127 PA for *Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required* subject to the following conditions:

Amended Plans Required

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 will then form part of the permit. The plans must be drawn to scale with dimensions and must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The distance between finished floor level and natural ground level clearly dimensioned, on each building elevation.
 - b. A landscape plan in accordance with Condition 2.
 - c. The requirements of Condition 3 (Melbourne Water).

Landscape Plan

2. Before the development commences an amended landscape plan prepared by a person suitably qualified and experienced in landscape design 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 plan must be drawn to scale with dimensions and must be submitted electronically. The plan must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Each individual proposed planting notated to state the species.
 - b. An updated planting schedule to include the total quantity of proposed plantings for each species.

Melbourne Water

3. Prior to the endorsement of plans under this Permit, amended plans to the satisfaction of Melbourne Water and the Responsible Authority must be submitted to and approved by Melbourne Water and the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Finished floor levels for the warehouses set no lower than 600mm above the natural surface level, which is 300mm above the applicable flood level.

Stormwater Management Plan

4. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the 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 (including 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.

Layout not Altered

5. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Bushfire Management

6. Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance, Ref #B23253/1.0, Dated Mar-2023 must be endorsed by the Responsible Authority. Once endorsed, the plan must not be altered unless agreed to in writing by the CFA and the Responsible Authority.
7. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Parking and Access

8. Before the development is occupied 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. Commercial/industrial standard concrete vehicle crossings as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority, including:
 - a. Modifications required to extend the existing crossover to a minimum width of 6.5 metres.
 - b. Driveable end walls incorporated to the satisfaction of the Responsible Authority.
10. Vehicular access is restricted to a maximum vehicle length of 8.8 metres (Medium Rigid Vehicle).
11. The areas set aside for car parking shown on the endorsed plans must be made available for use free to employees and visitors at all times, and must not be used for any other purposes.
12. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site and must not interfere with other traffic.

Landscaping

13. 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.
14. 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.

Amenity

15. 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.
16. 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. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.

Or in any other way, to the satisfaction of the Responsible Authority.

17. 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.
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 to the satisfaction of the Responsible Authority.
19. Equipment, materials, goods or machinery, whether used in the process of industry carried out on the land or not, must not be stored or allowed to remain on any part of the land that is visible to the public from off the subject land.

Stormwater

20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
21. 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.

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.

Earthworks

22. 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.
23. 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.
24. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses.

Expiry

25. A permit for the development of land expires if-
- the development does not start within two (2) years after the issue of the permit; or
 - 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:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossings.

Attachments

- T 230127 PA - Plans [5.2.1 - 7 pages]
- T 230127 PA - Locality Aerial - 30 Bunyip- Modella Road, Bunyip [5.2.2 - 1 page]
- T230127 PA Council Report Permit [5.2.3 - 27 pages]

Application Details

APPLICATION NO.:	T230127
APPLICANT:	Mr Daniel Spina C/- Southern Planning Consultants
LAND:	V9760 F330 CA 14 SEC 12, 30 Bunyip-Modella Road, Bunyip VIC 3815
PROPOSAL:	Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required
PLANNING CONTROLS:	Clause 33.01 - Industrial 1 Zone Clause 44.04 - Land Subject to Inundation Overlay Clause 44.06 - Bushfire Management Overlay
NOTIFICATION & OBJECTIONS:	<p>The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, by way of sending notices to the owners and occupiers of adjoining land and placing a (1) sign on site.</p> <p>Council has received five (5) objections to date.</p> <p>It is noted that this application was incorrectly advertised as the application is exempt from the notice requirements of Section 52(1) (a), (b) and (d) of the Act (See discussion below).</p>

KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Response to Industrial 1 Zone • Bunyip Township Strategy • Flood Risk • Bushfire Risk • Appropriateness of car park reduction • Amenity impacts onto neighbouring residential properties.
REASON FOR MEETING:	Four objections were received.
RECOMMENDATION:	Grant a Permit

Executive Summary

The purpose of this report is to consider an application to Develop the Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces required. In detail the application involves:

- The land is within the Industrial 1 Zone and is subject to the Land Subject to Inundation Overlay and Bushfire Management Overlay.
- Two Warehouses proposed (located towards the frontage and the rear of the site). Both warehouses are generally similar with regards to design; each is predominantly of a prefabricated concrete 'tilt' panel, design finished in a variety of colours. The dominant wall colour is 'Teahouse' (light grey), with 'Wing Commander' (blue), 'Domino' (dark grey) and 'Black' used to provide feature finishes.
- A total of fifteen (15) car parking spaces are provided on the subject site (inclusive of two accessible spaces), with seven (7) indicatively allocated to Warehouse 1 and eight (8) to Warehouse 2.
- The two warehouses are proposed, the development generates a statutory car parking requirement of 16.03 (16) spaces ($802.5/100 \times 1.5 + 4 = 16.03$). As fifteen spaces are proposed, this application seeks a reduction of one (1) space.
- The application is before Council due to the number of objections received (Five objections received). The key issues that were raised in the objections were:
 - Drainage
 - Increase in Noise & Amenity Impacts
 - Traffic Impacts & Congestion
 - Impacts on Flora & Fauna
 - Overshadowing
 - Loss of Privacy
 - Impacts during Construction
- Despite the above, it is acknowledged the application was advertised pursuant to Section 52 of the *Act* in error. Council was not required or able to give notice of the application under Section 52 of the *Act*, however this erroneously occurred, and five objections were received.

- With the above in mind, where no notice is required to be given, Council is not required to consider an objection or submission it receives as otherwise stated in Section 60(1) (c) of the *Act*, which reads as follows:
 - (1) *Before deciding on an application, the responsible authority must consider—...*
 - (c) *all objections and other submissions which it has received and which have not been withdrawn...'*
- Equally, Council cannot issue a Notice of Decision in accordance with Section 64(1), (2) and (3) of the *Act* and consequently, objectors do not have rights of appeal of Council's decision pursuant to Section 82(1) of the *Act*.
- The application was externally referred to Melbourne Water and Country Fire Authority who did not object to the proposal subject to conditions.
 - Additionally, the application was referred internally to Engineering, Traffic and Landscape who did not object to the proposal subject to conditions.
 - The proposal has been assessed against all relevant provisions of the Cardinia Planning Scheme, the proposed development of two warehouses and associated car parking reduction is considered to represent an acceptable planning outcome with regard to the constraints and nature of the subject site, and characteristics of the surrounding area.

Resolution

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That Council resolve to Grant a Permit for Planning Permit Application T230127 PA for *Development of Land for Two (2) Warehouses and a Reduction in the Number of Car Parking Spaces Required* subject to the following conditions:

Amended Plans Required

26. 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 will then form part of the permit. The plans must be drawn to scale with dimensions and must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The distance between finished floor level and natural ground level clearly dimensioned, on each building elevation.
 - b. A landscape plan in accordance with Condition 2.
 - c. The requirements of Condition 3 (Melbourne Water).

Landscape Plan

27. Before the development commences an amended landscape plan prepared by a person suitably qualified and experienced in landscape design 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 plan must be drawn to scale with dimensions and must be submitted electronically. The plan must be generally in accordance with the plans submitted with the application but modified to show:
 - c. Each individual proposed planting notated to state the species.
 - d. An updated planting schedule to include the total quantity of proposed plantings for each species.

Melbourne Water

28. Prior to the endorsement of plans under this Permit, amended plans to the satisfaction of Melbourne Water and the Responsible Authority must be submitted to and approved by Melbourne Water and the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - b. Finished floor levels for the warehouses set no lower than 600mm above the natural surface level, which is 300mm above the applicable flood level.

Stormwater Management Plan

29. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the 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 (including 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.

Layout not Altered

30. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Bushfire Management

31. Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance, Ref #B23253/1.0, Dated Mar-2023 must be endorsed by the Responsible Authority. Once endorsed, the plan must not be altered unless agreed to in writing by the CFA and the Responsible Authority.
32. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Parking and Access

33. Before the development is occupied 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.
34. Commercial/industrial standard concrete vehicle crossings as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority, including:
 - c. Modifications required to extend the existing crossover to a minimum width of 6.5 metres.
 - d. Driveable end walls incorporated to the satisfaction of the Responsible Authority.
35. Vehicular access is restricted to a maximum vehicle length of 8.8 metres (Medium Rigid Vehicle).
36. The areas set aside for car parking shown on the endorsed plans must be made available for use free to employees and visitors at all times, and must not be used for any other purposes.

37. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site and must not interfere with other traffic.

Landscaping

38. 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.
39. 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.

Amenity

40. 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.
41. The development must not detrimentally affect the amenity of the area, through the:
- Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - Presence of vermin.

Or in any other way, to the satisfaction of the Responsible Authority.

42. 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.
43. 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.
44. Equipment, materials, goods or machinery, whether used in the process of industry carried out on the land or not, must not be stored or allowed to remain on any part of the land that is visible to the public from off the subject land.

Stormwater

45. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
46. 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.

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.

Earthworks

47. 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.
48. 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.
49. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses.

Expiry

50. A permit for the development of land expires if-
 - c. the development does not start within two (2) years after the issue of the permit; or
 - d. 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:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossings.

Carried

-

5.3 T230251 PA - 20 O'Sullivan Street, Pakenham - Use of the Land for a Restricted Recreation Facility (Martial Arts Club)

Responsible GM: Lili Rosic
Author: Ana Neiva

Recommendation

That Council having caused notice of Planning Application No. T230251 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of the land known and described as L2 PS848711 V12390 F281, 20 O'Sullivan Street Pakenham, for the Use of the land for a Restricted Recreation Facility (Martial Arts Club) under the following grounds:

1. The proposal does not appropriately respond to the Planning Policy Framework and the Local Planning Policy Framework provisions of Clause 17.03-1S (Industrial Land Supply), Clause 17.03-3S (State Significant Industrial Land), Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision), Clause 21.03-2 (Urban Established areas), Clause 21.04-1 (Employment), Clause 21.04-4 (Industry) as the proposal does not respond to various purposes, objectives or strategies associated with ensuring the availability of land for industry and the protection of industrial land of state significance. The proposal introduces an incompatible land use within an establishing industrial area.
2. The proposal does not meet the objectives or decision guidelines of the Industrial 1 Zone as the proposal does not appropriately provide for manufacturing industry or an associated use or respond to the Municipal Planning Strategy and Planning Policy Framework.

Attachments

1. T230251 PA Council Report Refusal [5.3.1 - 12 pages]
2. T 230251 PA - Plans - 20 O' Sullivan Street, Pakenham [5.3.2 - 5 pages]
3. T 230251 PA - Locailty Aerial - 20 O' Sullivan Street, Pakenham.jpg [5.3.3 - 1 page]

Application Details

APPLICATION NO.:	T230251 PA
APPLICANT:	Veronica Lombard
LAND:	L2 PS848711 V12390 F281, 20 O'Sullivan Street, Pakenham VIC 3810
PROPOSAL:	Use of the land for a Restricted Recreation Facility (Martial Arts Club)
PLANNING CONTROLS:	Industrial 1 Zone

NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the proposal was advertised by way of sending notices to the owners and occupied of adjoining land and placing a sign on the site.</p> <p>Council has received no objections to date (as of 07 May 2024).</p>
KEY PLANNING CONSIDERATIONS:	<p>State Significant Industrial Land Supply having regard to Clause 17.03-3S.</p> <p>Purpose of the Industrial 1 Zone.</p>
REASON FOR MEETING:	Recommendation for Refusal
RECOMMENDATION:	Refuse to Grant a Permit

Executive Summary

The purpose of this report is to consider an application to Use of the land for a Restricted Recreation Facility (Martial Arts Club). In detail:

- A maximum of 15 patrons are proposed to be on the premises at any one time (including staff).
- The use is proposed to operate Monday – Sunday (7 Days), with the ‘main’ classes being concentrated after hours (5pm-8:30pm) during the week (Monday-Friday) and mornings (10:00am-1:30pm) during weekends (Saturday-Sunday).
- The subject site is allocated six (6) car spaces within the warehouse complex. Council’s Traffic department are supportive that the 6 spaces on the site being provided can adequately provide for the 15 patrons subject to restricting patron numbers via conditions.
- The site is within a designated ‘State Significant Industrial Precinct’.
- An assessment against relevant policy concludes that the use is inconsistent with Planning Policy Framework and the purpose of the Industrial 1 Zone.

Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

That Council resolve to grant a permit for the use of the land for an Indoor Recreation Facility (Martial Arts Studio), generally in accordance with the endorsed plans, subject to the following conditions:

Conditions

Use of Land

1. The layout of the use on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Not more than fifteen (15) patrons may be present on the premises at any one time.
3. The use may only occur during the following days/hours:

- a. 5:00pm – 9:00pm Monday to Thursday;
- b. 6:30pm – 9:00pm Friday;
- c. 10:00am – 1.30pm Saturday; &
- d. 10:45am – 12:30pm Sunday or public holiday.

Outside of the above days and times, the premises may only be used for administrative tasks (or similar activities associated with the use) to the satisfaction of the Responsible Authority.

4. No live or amplified music may be played on the premises without the written consent of the Responsible Authority.
5. The use of the premises must not be changed without the written consent of the Responsible Authority.
6. The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purposes.
7. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site and must not interfere with other traffic.

Amenity

8. The use 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; and/or
 - d. Presence of vermin.

Or in any other way, to the satisfaction of the Responsible Authority.

Expiry:

9. This Permit will expire two (2) years from the issue date of this 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.

Carried

5.4 Planning Matters Dealt with by Officers Under Delegated Authority - June 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 11 April 2024 and 8 May 2024.

Beacon Hills Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240096	56 Reynolds Road, Pakenham VIC 3810	Buildings and Works (Extension of an Existing Dwelling)	Issued	7/03/2024	23/04/2024
T230507	17 Sugarloaf Road, Beaconsfield Upper VIC 3808	Alteration and extension to existing dwelling	Issued	10/10/2023	6/05/2024
T230564	1265 Pakenham Road, Mount Burnett VIC 3781	Buildings and Works associated with an extension to an existing dwelling.	Issued	9/11/2023	6/05/2024

Bunyip Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230617	310 A'Beckett Road, Bunyip VIC 3815	Development of the land for an outbuilding	Issued	8/12/2023	12/04/2024
T230404	1610 Princes Highway, Nar Nar Goon VIC 3812	Display of advertising signage	Issued	15/08/2023	15/04/2024
T230352 - 1	9 Kingston Avenue, Pakenham VIC 3810	Two Lot Subdivision	Issued	8/03/2024	17/04/2024
T240021	19 Sweeney Court, Tynong VIC 3813	Use and development of the land for Horse Husbandry (Horse Training Facility and Stables)	Issued	23/01/2024	19/04/2024
T230623	71 Mirrabooka Road, Maryknoll VIC 3812	Buildings and Works (Extension of an Existing Deck/Verandah)	Issued	14/12/2023	24/04/2024
T230626	1 Sweeney Court, Tynong VIC 3813	Use and development of the land for Horse Husbandry (Horse Training Facility and Stables)	Issued	15/12/2023	7/05/2024
T230635	6 Lorraine Court, Pakenham VIC 3810	Two lot subdivision and development of an additional dwelling.	Issued	19/12/2023	7/05/2024

Central Ward

None.

Henty Ward

None.

Officer Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T220835 - 1	Pink Hill Boulevard, Officer VIC 3809	Proposed amendments to endorsed plans.	Issued	12/02/2024	29/04/2024

Pakenham Hills Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230582	4 Palm Court, Pakenham VIC 3810	Development of the land for a single dwelling, fence and associated earthworks	Issued	22/11/2023	15/04/2024

Ranges Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230538	20 Le Souef Road, Gembrook VIC 3783	Buildings and Works (Construction of a Dwelling) and Removal of Vegetation	Issued	30/10/2023	15/04/2024
T220296 - 1	4-6 Russell Road, Gembrook VIC 3783	Subdivision of the land into seven (7) lots, creation of easements and removal of vegetation	Issued	5/12/2023	19/04/2024
T230452	3 Alfred Grove, Emerald VIC 3782	Building and works associated with an extension to an existing dwelling	Issued	13/09/2023	26/04/2024
T240052	2 Belgrave-Gembrook Road, Cockatoo VIC 3781	Development of the land for a carport	Issued	12/02/2024	29/04/2024
T230315	17 Calder Road, Nangana VIC 3781	Subdivision (boundary realignment)	Issued	29/06/2023	30/04/2024
T240044	680 Woori Yallock Road, Nangana VIC 3781	Buildings and works for an agricultural building	Issued	7/02/2024	6/05/2024

Toomuc Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T230106	124 Sundance Promenade, Pakenham VIC 3810	Development of the land with six (6) dwellings and associated works.	Issued	9/03/2023	15/04/2024
T240088	4 Sundance Promenade, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	4/03/2024	30/04/2024

Westernport Ward

Permit Number	Address	Proposal	Decision	Lodged	Decision Date
T240134	Cardinia Road, Officer South VIC 3809	Display of Pole Signs (x6) and Land Sales Promotion Signs (x2)	Issued	21/03/2024	11/04/2024
T230379	295 Railway Road, Koo Wee Rup VIC 3981	Boundary Re-alignment (2 existing lots)	Issued	1/08/2023	12/04/2024
T230478	20 Link Road, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	28/09/2023	12/04/2024
T210220 - 1	213 Greenhills Road, Pakenham VIC 3810	Amend condition 15 and endorsed plans to allow 19m trucks to enter site	Issued	17/10/2023	15/04/2024
T210752 - 2	12 O'Sullivan Street, Pakenham VIC 3810	Use and Development of land for trade supplies.	Issued	8/08/2023	19/04/2024
T200621 - 1	Ropers Lane, Cora Lynn VIC 3814	Development of the land for a shed to be used in conjunction with agriculture and waters tanks, generally in accordance with the approved plans	Issued	9/11/2023	24/04/2024
T210558 - 1	9 Innovation Way, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	29/11/2023	2/05/2024
T220522	395 Cardinia Road, Officer South VIC 3809	Subdivision of land, removal of existing waterbodies, removal and creation of easements and associated works	Issued	2/08/2022	3/05/2024
T230607	3/1205 Koo Wee Rup Road, Pakenham VIC 3810	Use of the land for a Restricted Retail Premises (Camping, Outdoor and Recreation goods) associated with a warehouse	Issued	5/12/2023	3/05/2024

Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council note the report.

Carried

5.5 Planning Matters VCAT Report - June 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 10 May 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
TBD	T230420	N/A	Use and development of a Childcare Centre and the construction and display of signs	Notice of Decision to Grant a Permit	Objector
TBD	N/A	67 Officer South Road OFFICER VIC 3809	N/A – Application under s149 - declaration relating to Officer Town Centre Urban Design Framework	N/A	Applicant

Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
TBD	T230420	43 Hope Street, Bunyip	Use and development of a Childcare Centre and the construction and display of signs	Notice of Decision to Grant a Permit	Objector
TBD	N/A	67 Officer South Road, Officer	N/A – Application for declaration in relation to the Officer Major Activity Centre Urban Design Framework	N/A	Applicant
8 -10/07/2024	T220398-1	565 Murray Road, Vervale	Buildings and Works (Construction of a Farm Shed, Earthworks)	Permit	Objector
TBD	T140068-1	13-15 Mahon Avenue, Beaconsfield	Amendment to Planning Permit T140068-1 (issued for the development of the land for eleven (11) dwellings) to amend the endorsed plans and what the permit allows	FTD	Applicant
8-9/07/2024	T110588	270 Cardinia Road, Officer South	Application under Section 149(1)(a) - interpretation of a permit condition / section 173 agreement	N/A	Applicant
9/10/2024	T230133	214 Princes Highway, Pakenham	Building and works associated with shops, alterations to a road in a Transport Zone 2	Notice of Decision to Grant a Permit	Objector
31/01/2024	T220366	550 Scanlons Drain Road, Catani 3981	The use and the development of the land for a dwelling	Refusal	Applicant
18/03/2024	T220194	20 - 32 Station Street Pakenham	Use of the land for an education centre (adult employment training)	Permit	Applicant
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
14/05/2024	T220375	4915 South Gippsland Highway, Lang Lang	Subdivision of land into two (2) lots (boundary realignment)	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

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

Matters Recently Decided at VCAT

App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
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	Consent Order – Permit Issued	18/04/2024
T220660	275 Daly Road Nar Nar Goon 3812	Use and Development of Land for a Dwelling	FTD* (Refusal)	Applicant	Affirmed – no permit issued	6/05/2024

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

Resolution

Moved Cr Stephanie Davies, seconded Cr Kaye Cameron.

That Council note the report.

Carried

5.6 Planning Scheme Amendment Activity Report - June 2024

Responsible GM: Lili Rosic
Author: {Marcelle Bell}

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 10 May 2024.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	The Pakenham South Employment Precinct Structure Plan was adopted by Council on the 19 July 2021. The Amendment has been submitted to the Minister for Planning for approval. Please note the relationship with Amendment C273card (Infrastructure Contributions Plan).
C273	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Infrastructure Contributions Plan into the Cardinia Planning Scheme	N/A	N/A	The Pakenham South Employment Infrastructure Contributions Plan (ICP) was adopted by Council on the 15 May 2023 and resolved to submit the amendment under Section 20(A) of the Planning and Environment Act to the Minister for Planning for approval. The ICP will apply a standard levy to collect a contribution for infrastructure and public land in accordance with Amendment C273card (Pakenham South Employment PSP).
C274	Victorian Planning Authority (VPA)	Officer South Employment Precinct	Incorporate the Officer South Employment Precinct Structure Plan and Supplementary Infrastructure Contributions Plan into the Cardinia Planning Scheme	25/09/2023	27/10/2023	The Minister for Planning referred draft Planning Scheme Amendment C274card, unresolved submissions and other supporting documents relating to the Officer South Employment PSP and ICP to a VPA Projects Standing Advisory Committee. The Standing Advisory Committee Hearing was conducted between the 6 of March to 19 April 2024. The VPA will release the report of the Standing Advisory Committee within ten business days of its receipt.
C278	Cardinia Shire Council	Municipal wide	The amendment introduces a new Environmentally Sustainable Development (ESD) local policy (Clause 22.11) and makes associated changes to the Municipal Strategic Statement (MSS).	29/02/2024	08/04/2024	The public exhibition of proposed Planning Scheme Amendment C278card closed on the 8 April 2024. Council has received five submissions to proposed Amendment C278card. On the 17 June 2024 Council will consider all submissions made to C278card and consider referring all submissions to a Planning Panel to be appointed by the Minister for Planning.
C282	James Hicks Pottery Pty Ltd	Lot AA PS814723 Cotswold Crescent, Officer	The amendment under Section 96A of the Planning and Environment Act 1987 amends the Schedule to the Heritage Overlay (Cl 43.01) to allow Council to consider a prohibited use under the Heritage Overlay (H0104) for an office.	To be determined	To be determined	Council have requested for further information from the Applicant.

Resolution

Moved Cr Jeff Springfield, seconded Cr Graeme Moore.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:37pm