

## 5.2 Use of the land for a hall and vegetation removal - Allotment 12H, Parish of Bunyip, Garfield North Road, Garfield North VIC 3814

**Responsible GM:** Michael Casey  
**Author:** Tim Heffernan

### Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application T230547 for Use of the land for a hall and native vegetation removal subject to the following conditions:

#### Compliance with documents approved under this permit

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

#### Amended Plans

2. Before the use or development starts, plans must be approved and endorsed by the responsible authority. The plans must:
  - a. be prepared to the satisfaction of the responsible authority
  - b. be drawn to scale with dimensions
  - c. submitted in electronic form
  - d. be generally in accordance with the plans forming part of the application and identified as [TP001, revision 03, Hearn Architects dated August 2024], but amended to show the following details:
    - i. Hall building length and width dimensioned
    - ii. Directional and parking signage in accordance with conditions 8 and 9.
    - iii. Width of accessible parking space and loading area dimensioned

#### Layout not altered

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

#### Visual amenity

4. 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.

#### Car park construction

5. Before the use is commenced, all proposed areas set aside on the approved plan/s for access, circulation and car parking as shown on the approved plans must be surfaced with crushed rock or other approved all weather surfacing material, of adequate depth, drained and the parking areas delineated to the satisfaction of the Responsible Authority.

Once constructed, the area must be maintained to the satisfaction of the Responsible Authority.

6. The dimensions and layout of the proposed car park must comply with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
7. The surface of the DDA space should not exceed a grade of 1:40 in all directions as per AS2890.6

#### **Parking and direction signage**

8. Before the use commences, signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres. Car parking signage must be placed at the respective ends of car spaces 3, 10, 11, 15 16 and 36.
9. Before the use commences, directional signs, not more than 0.3 m<sup>2</sup> in area, must be provided at access points to clearly indicate the direction of traffic movement and location of parking areas. One directional sign is to be positioned where the gravel track diverges.

#### **Stormwater management**

10. 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.
11. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.
12. 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.
13. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

#### **Protection of vegetation to be retained**

14. Before works start, a plan identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be approved and endorsed by the responsible authority.

#### **Notification of permit conditions**

15. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

#### **Native vegetation offsets – Clause 52.17**

16. Before any native vegetation is removed, to offset the removal of [0.031] hectares of native vegetation and [0] large tree/s, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). The offset requirement is defined in Native Vegetation Removal Report ID specified below:

- a. A general offset of [0.008] general habitat units:
    - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
    - ii. with a minimum strategic biodiversity score of at least [0.632]
    - iii. and [0] large tree/s
  - b. Evidence that the required offset [for the development] has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
    - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
- AND/OR
- ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.
- c. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action.

### Capacity

17. At any time no more than 120 persons may be present on the land. The responsible authority may consent in writing to vary this requirement.

### 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.

### Wastewater

19. Before the use commences, all sewage from the proposed development must be discharged into a new, EPA approved, on-site wastewater treatment system as described in the Land Capability Assessment Report prepared by [R H Krainz – Eco Vision Australia, 11B024 LCA COM on March 7th, 2024, to the satisfaction of the Responsible Authority.

### Expiry

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

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

### Notes

- Approval to install or alter an onsite wastewater treatment system must also be obtained from Council's Health Department.
- Site management and works must be in accordance with DEECA landowner consents issued on 21 March 2024 and 6 August 2024.

#### AND

That Council authorise the Manager Planning and Design and Coordinator Statutory Planning 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. T230547- Locality Map [5.2.1 - 1 page]
2. T230547 - Officer Report [5.2.2 - 31 pages]
3. T230547 - Development plans [5.2.3 - 3 pages]
4. CONFIDENTIAL REDACTED - T230547- Compiled objections [5.2.4 - 3 pages]

#### Application Details

APPLICATION NO.:	T230547
APPLICANT:	Cardinia Shire Council
LAND:	Allotment 12H, Parish of Bunyip, Garfield North Road, Garfield North VIC 3814
PROPOSAL:	Use of the land for a hall and native vegetation removal
PLANNING CONTROLS:	<p><b>Zoning:</b> Public Conservation and Resource Zone (PCRZ) Green Wedge Zone Schedule 1 (GWZ1)</p> <p><b>Overlays:</b> Environmental Significance Overlay - Schedule 1 (ESO1) Land Subject to Inundation Overlay (LSIO)</p>
NOTIFICATION & OBJECTIONS:	<p>The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, by: Sending notices to the owners and occupiers of adjoining land and placing a sign on site.</p> <p>3 objections were received on grounds of:</p> <ul style="list-style-type: none"> <li>• Increased fire risk</li> <li>• Amenity concerns</li> <li>• Traffic</li> <li>• Security concerns</li> <li>• Cost, transparency and lack of demand for proposal</li> </ul>
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> <li>• Native vegetation removal</li> <li>• Bushfire assessment</li> </ul>

	<ul style="list-style-type: none"> <li>• Carparking &amp; access</li> <li>• DEECA and Melbourne Water approvals</li> <li>• Consent from public land manager</li> <li>• Permit triggers limited to use and native vegetation. Exemptions under PCRZ and for building &amp; works under Clause 52.31</li> </ul>
<b>REASON FOR MEETING:</b>	An application lodged by Cardinia Shire Council or on behalf of Cardinia Shire Council.
<b>RECOMMENDATION:</b>	Notice of Decision to Grant a Permit

### Executive Summary

The purpose of this report is to consider an application for use of the land for a hall and native vegetation removal as follows:

- 100sqm hall for group gatherings and activities
- Meeting room/office space capable of accommodating up to 10 people- 22.4sqm
- Communal kitchen facility - 22.4sqm
- Five (5) separated, unisex toilets (including one fully accessible unisex facility and one ambulant accessible facility).
- 36 gravel (unsealed) carparking spaces (dimensioned 2.6m wide x 4.9m length) which meets the statutory requirement for a place of assembly.
- A total of eight trees for removal is sought, although only removal of 4 of the trees require planning permission.
- Site is zoned Public Conservation and Resource Zone and Green Wedge Zone.

The proposed community hall is an agreement between the Department of Jobs, Precincts and Regions (on behalf of State of Victoria) and Cardinia Shire Council. It is anticipated that the new Garfield North multi-purpose hall will be used by existing groups/associations using the Cannibal Creek Reserve – among them, the Cannibal Creek Pony Club, Cannibal Creek Reserve Committee of Management, Cardinia Scouting Association, Bunyip Bushfire Community Recovery Committee and West Gippsland Quarter Horse Association.

The funding application was made under Cardinia Shire Council Project Management Framework with the planning permit lodged by the project management team. The planning department is satisfied the proposal meets all requirements under the *Planning and Environment Act 1987* and there are no conflicts.

Council's planning department is satisfied that the proposal meets the hall definition as it is being provided by Local Government for community use, with the hall incorporating both a meeting room and social room. The proposal is supported by the public land manager, external statutory authorities, internal referral teams and a number of associations that currently use the site.

The proposal has been assessed against and is consistent with both relevant State and Local Planning Policy framework, the purpose of the Green Wedge Zone Schedule 1 (GWZ1), the Environmental Significance Overlay - Schedule 1 (ESO1) and the Land Subject to Inundation Overlay (LSIO). All matters pursuant to Clause 67 of the *Planning & Environment Act 1987* have been considered.

[T230547 - Allotment 12H, Parish of Bunyip, Garfield North Road, Garfield North 3814](#)



APPLICATION FOR CONSIDERATION  
NOTICE OF DECISION  
OFFICER REPORT



**Application Details:**

<b>Proposal</b>	Use of the land for a hall and native vegetation removal		
<b>Applicant</b>	Cardinia Shire Council (Ms Nethmi Dassanayake)		
<b>Date Received:</b>	14 November 2023		
<b>Statutory Days:</b>	108 (as of August 2024)		
<b>Section 50/50A/57A Amendment</b>	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes, date: July 2024	
<b>Application Number</b>	T230547		
<b>Planner</b>	Tim Heffernan Principal Planner		
<b>Land/Address</b>	Allotment 12H, Parish of Bunyip, Garfield North Road, Garfield North VIC 3814 Crown Allotment 2006 Parish of Bunyip		
<b>Property No.</b>	4318650300		
<b>Zoning</b>	Public Conservation and Resource Zone (PCRZ) Green Wedge Zone Schedule 1 (GWZ1)		
<b>Overlay/s</b>	Environmental Significance Overlay - Schedule 1 (ES01) Land Subject to Inundation Overlay (LSIO)		
<b>Permit Trigger(s)</b>	<ul style="list-style-type: none"> <li>Pursuant to Clause 35.04-1 of the Green Wedge Zone, a permit is required for use of the land for a hall.</li> <li>Pursuant to Clause 42.01-2 of the Environment Significance Overlay, a permit is required to remove, destroy or lop any vegetation, including dead vegetation.</li> <li>Pursuant to Clause 52.17-1 Native vegetation, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Under the PCRZ, no planning permit trigger (Section 1 use)</li> <li>Buildings and works are exempt pursuant to Clause 52.31 (Local Government Projects)</li> </ul>		
<b>Aboriginal Cultural Sensitivity</b>	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes; a CHMP is: <input checked="" type="checkbox"/> Not required <input type="checkbox"/> Required	

		Aboriginal Heritage Regulations 2018 Reg 58(4)	
Section 55 Referrals	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:	
Registered restrictions on Title	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:	
Recommendation	<input type="checkbox"/> Permit <input checked="" type="checkbox"/> NOD <input type="checkbox"/> Refusal		
Ward Councillor communications	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes June 2024 (via Duncan Turner)	
Documents relied on	<ul style="list-style-type: none"> <li>▪ Development plans prepared by Hearn Architects, dated 2023 and amended 2024.</li> <li>▪ Construction Impact Assessment prepared by Arbor Survey, dated January 2024.</li> <li>▪ Clause 13.02-1S (Bushfire Planning) assessment, prepared by Fire Risk Consultants, dated February 2024.</li> <li>▪ Land Capability assessment, prepared by ECO Vision Australia, dated March 2024.</li> <li>▪ Cultural Heritage assessment, prepared by Tardis Archaeology, dated February 2024.</li> <li>▪ Ryder Arboriculture &amp; Environment Preliminary Tree Assessment dated January 2023.</li> <li>▪ DEECA consent letters (21 March, 6 and 19 August 2024)</li> <li>▪ Native vegetation removal report (dated August 2024)</li> <li>▪ Title documents.</li> </ul>		
Full plans and documents	<a href="#">T230547 PA - Compiled Docs Post-RFI (17 Apr).pdf</a>		
Plans to be endorsed?	<input type="checkbox"/> Yes		
	<input checked="" type="checkbox"/> No, amended plans required		

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## Proposal

Planning permission is sought for use of the land for a hall and native vegetation removal as follows:

The prefabricated modular hall building will comprise:

- 100sqm social room/communal pavilion for group gatherings and activities
- Meeting room/office space capable of accommodating up to 10 people- 22.4sqm
- Communal kitchen facility - 22.4sqm
- Storage room - 11.9sqm



- Five (5) separated, unisex toilets (including one fully accessible unisex facility and one ambulant accessible facility).
- Veranda area surrounding the building envelope (Covered by a concrete apron)
- Stairs and disability access ramp
- Modular building dimensions:

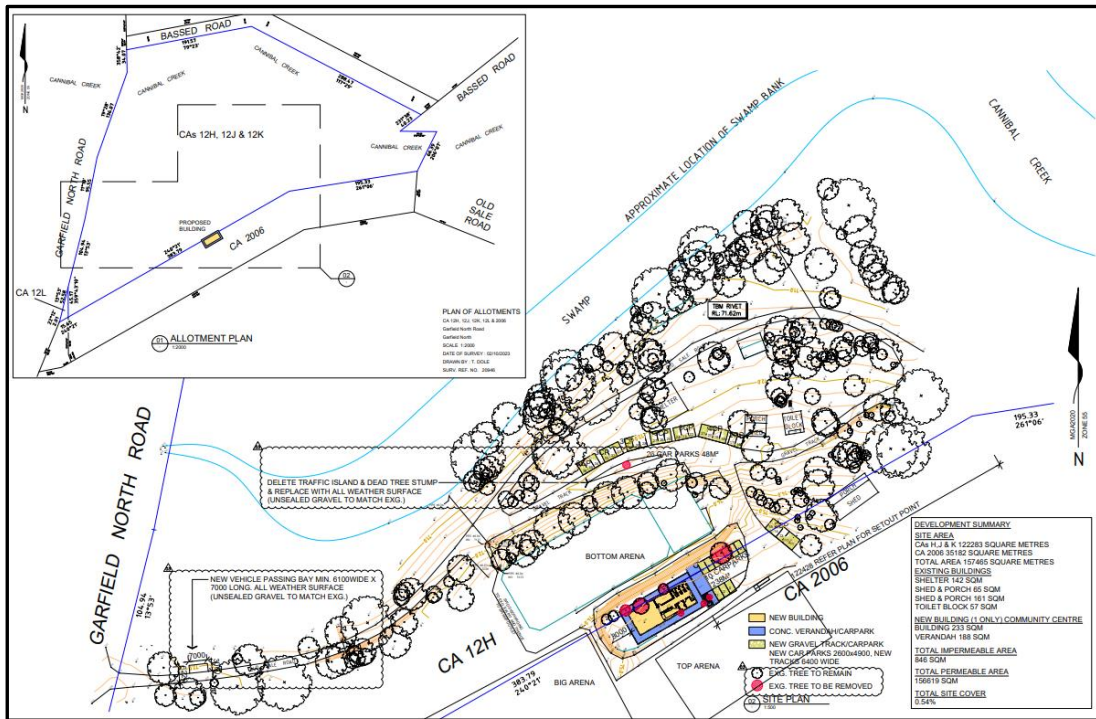
Length	24.94m.
Width	9.36m.
Height:	4.017m
Building area:	233sqm

Miscellaneous:

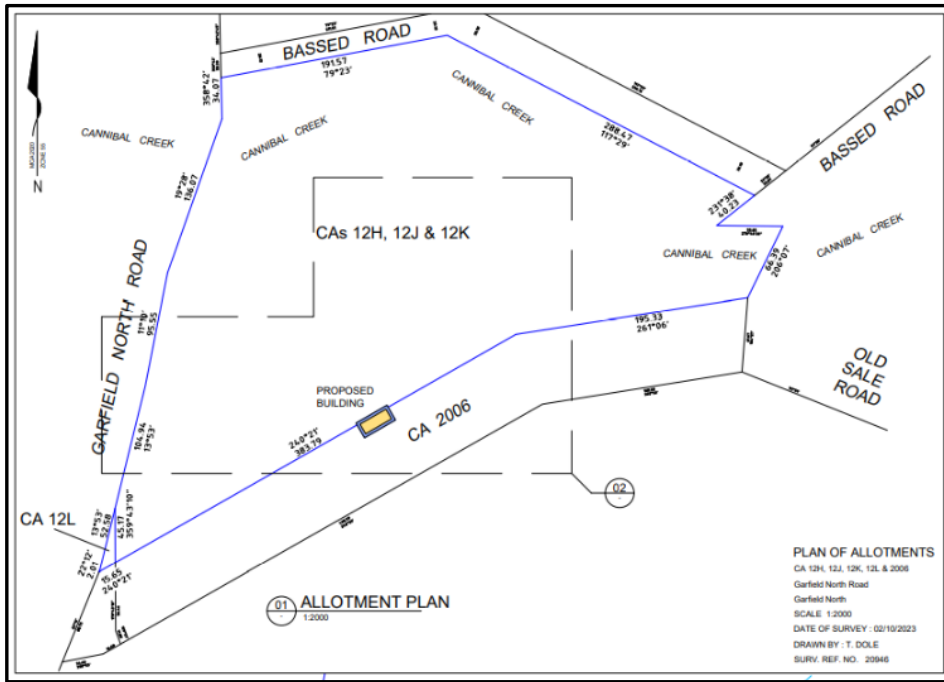
- 36 gravel (unsealed) carparking spaces (dimensioned 2.6m wide x 4.9m length).
- Access to the existing property is from Garfield North Road which connects to Princes Highway to the south.
- Wastewater: 200sqm subsurface irrigation system, positioned north-east of hall and 30m from watercourse. Secondary backup to utilise existing septic tank or new balance/ buffer tank.
- The proposed hall is able to be booked both day and night.
- Removal of eight (8) trees as follows:

Classification/Value	Tree number	Botanical name & common name	Age	Health classification	Origin	Permit trigger
High	1	<i>Eucalyptus viminalis</i> - Manna Gum	Mature	Good	Indigenous	No (planted)
Medium	3	<i>Eucalyptus ovata</i> - Swamp Gum	Semi-mature	Good	Indigenous	No (planted)
Low	2 & 4	<i>Acacia melanoxylon</i> - Blackwood  Deceased native	Semi-mature	Good  Poor	Indigenous	No (planted)
Low	7, 8 & 9	<i>Allocasuarina littoralis</i> - Black Sheoak	Semi-mature	Fair-Good	Indigenous	Yes (due to ESO)

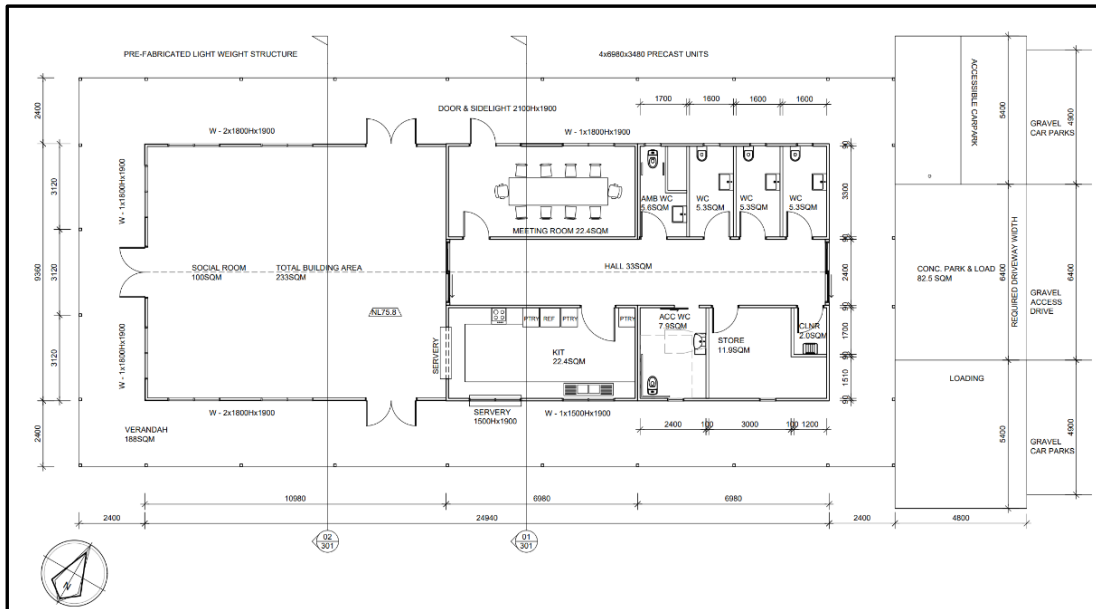
Low (dead)	Not nominated	Scattered tree	Mature	Deceased	Indigenous	Yes (52.17)
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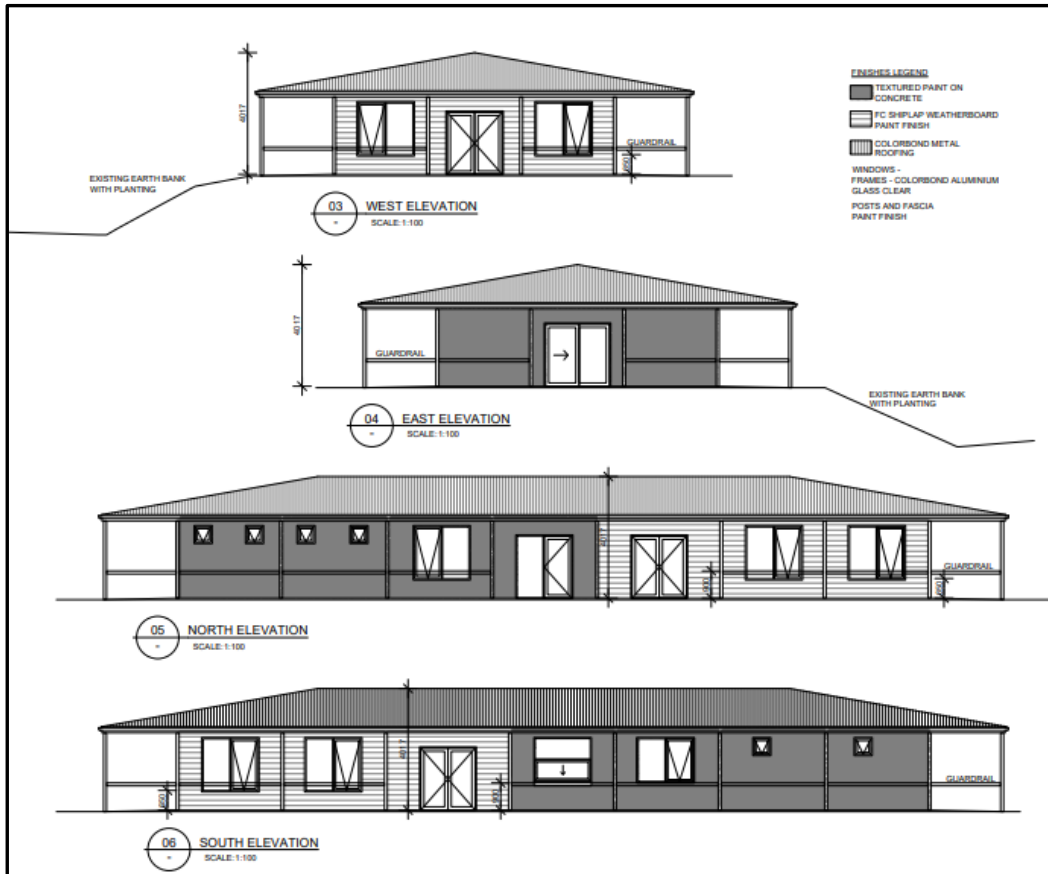
Proposed site plan. Source: Hearn Architects, August 2024.



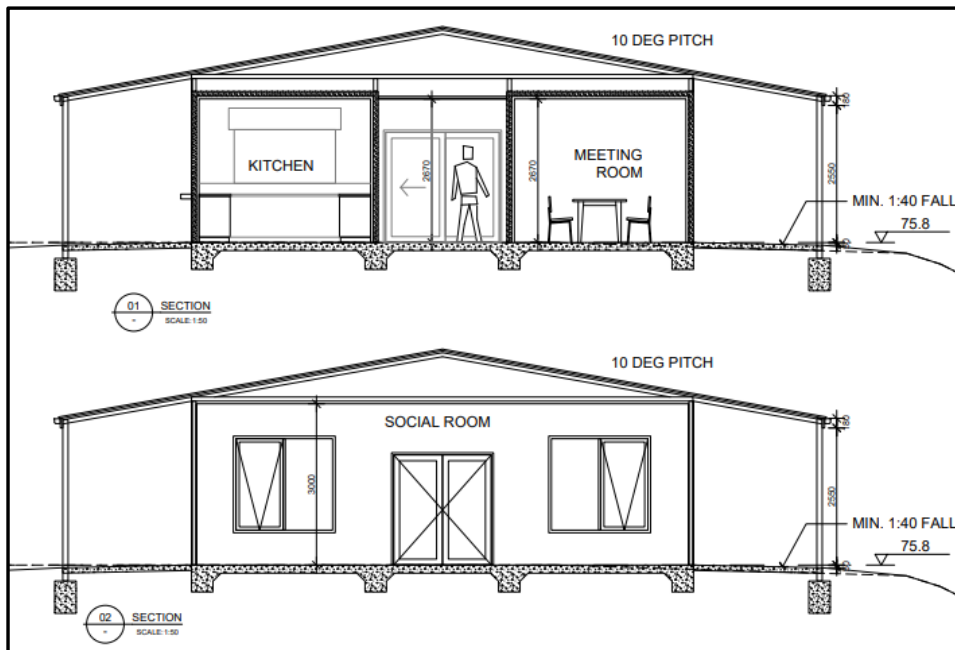
Allotment Plan.



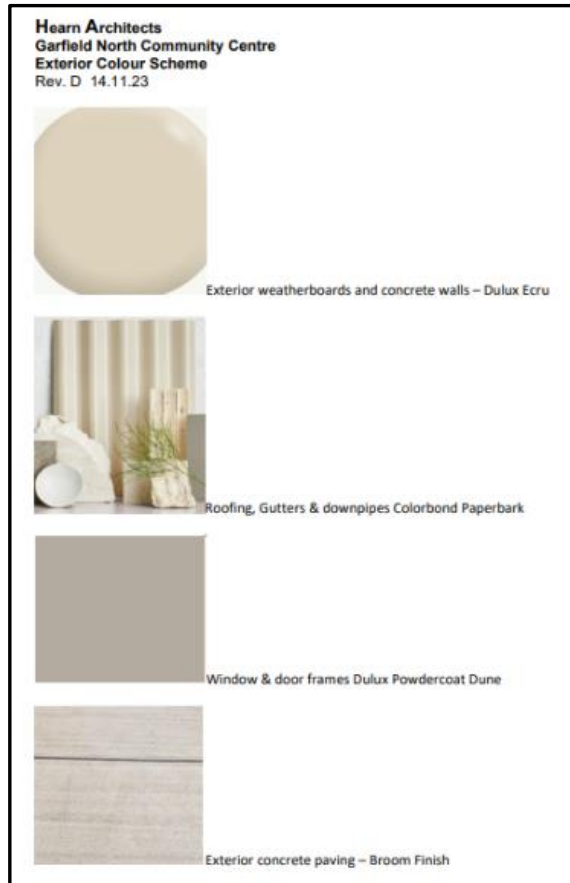
Proposed floor plan. Source: Hearn Architects.



Hall building elevations. Source: Hearn Architects.



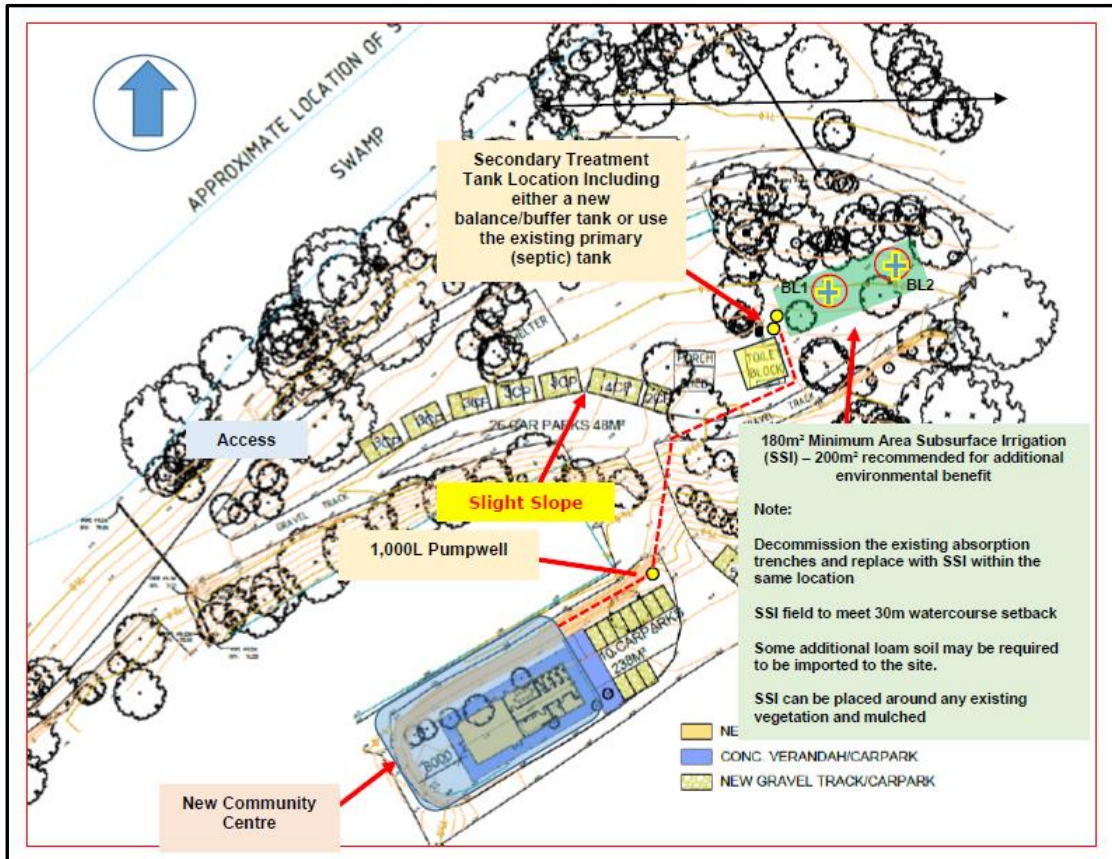
Hall sectionals. Source: Hearn Architects.



Proposed materiality/ colour scheme. Source: Hearn Architects.



Hall render. Source: Hearn Architects.



Proposed wastewater treatment. Source: Eco Vision Australia.



Arbor Survey Tree Location Plan. Source: Arbor Survey.

Additionally, one further tree (see below), within the designated car parking area is proposed for removal which necessitates a permit trigger pursuant to Clause 52.17. A visual inspection of this tree along with the opinion expressed by Council’s environment department that the tree is dead.

Note - The tree was overlooked from the Arbor Construction Impact Assessment report (2024)



Hall background funding agreement:

The proposed Hall is an agreement between the Department of Jobs, Precincts and Regions (on behalf of State of Victoria) and Cardinia Shire Council. The Growing Suburbs Fund (GSF) is a 10 year, \$440million investment in critical local infrastructure in fast growing outer and fringe suburbs.

The GSF is a response to the pressures being experienced by growing communities through fast tracking high priority local infrastructure projects.

Grants will be targeted towards high priority community infrastructure projects that:

- Increase social and economic participation in Melbourne's fast growing outer suburbs
- Meet the health and wellbeing needs of people in fast growing outer suburbs
- Increase local economic activity
- Improve capacity for councils to respond to changing community needs and demands
- Deliver integrated or multi-purpose community infrastructure

Stated aim:

*The Growing Suburbs Fund contributes towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface and Peri-Urban communities by bringing forward local infrastructure projects that will make a big difference in the day-to-day lives of outer suburban families.*

Note -The funding application was made under Cardinia Shire Council Project Management Framework with the planning permit lodged by the project management team. The planning department is satisfied the proposal meets all requirements under the *Planning and Environment Act 1987* and there are no conflicts.

Note - Cannibal Creek Reserve Committee of Management Incorporated is the appointed land manager of the Cannibal Creek Recreation Reserve (Crown allotments 2006 & 12H) under section 14(2) of the *Crown Land (Reserves) Act 1978*.

Hall/ Community Hall

The Macquarie Dictionary, considered to be the standard reference on Australian English defines 'hall' to mean "large building or room for public assembly and other community uses". Furthermore, a community hall is defined as "a hall provided by a community or local government authority for community use".

In this instance, Council's planning department is satisfied that the proposal meets the hall definition as it is being provided by Local Government for community use, with the hall incorporating both a meeting room and social room.

It is anticipated that the new Garfield North multi-purpose hall will be used by existing groups/associations using the Cannibal Creek Reserve – among them, the Cannibal Creek Pony Club, Cannibal Creek Reserve Committee of Management, Cardinia Scouting Association, Bunyip Bushfire Community Recovery Committee and West Gippsland Quarter Horse Association.

Currently, there are no indoor facilities to hold meetings or to remain dry in inclement weather.

Additionally, it is anticipated a range of other community groups – inclusive of Arts and Culture groups, Indigenous community/organisation, not for profit organisations, volunteers and other community groups.

The proposal will provide a space for the Garfield North and broader community to meet, connect, learn and grow together.

The proposal has also been determined to meet key requirements as set out in Clause 52.31, that being a Local Government Project.

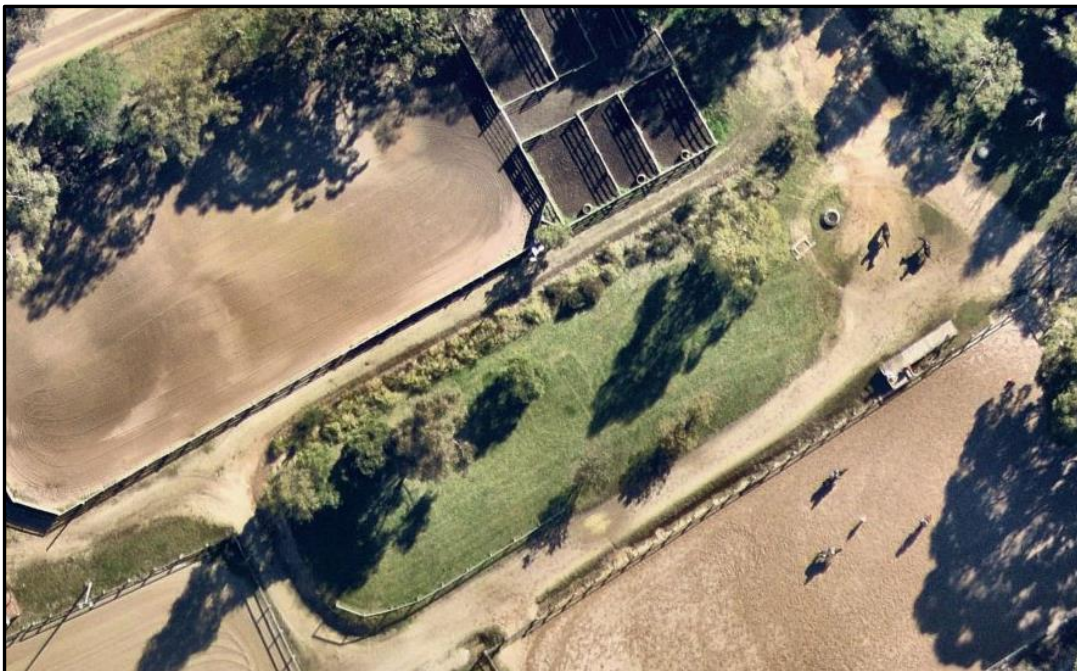


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**Subject site & locality**



Subject site aerial view. Source: CardiMap.



Proximate location of proposed hall. Source: NearMap, 2023.



Location of proposed hall, facing south-west



Subject site accessway entrance

An inspection of the site and the surrounding area has been undertaken.

The site is formally recognised as Allotment 12H – Parish of Bunyip and is an irregular shaped allotment, 15.7ha in size and is owned and managed by the Department of Energy, Environment and Climate Action (DEECA).

The site is located to the east side of Garfield North Road, with direct connection to Old Sale Road (local gravel road).

The site contains a mix of planted vegetation and native vegetation associated with the Cannibal Creek and the Cannibal Creek Swamp with the central area being managed land and contains the Pony Club and Scouts infrastructure (stand alone canteen, small toilet block, 2 porches/sheds and separate shelter area).

A swamp bank and winding Cannibal Creek abut the northern portions of the site.

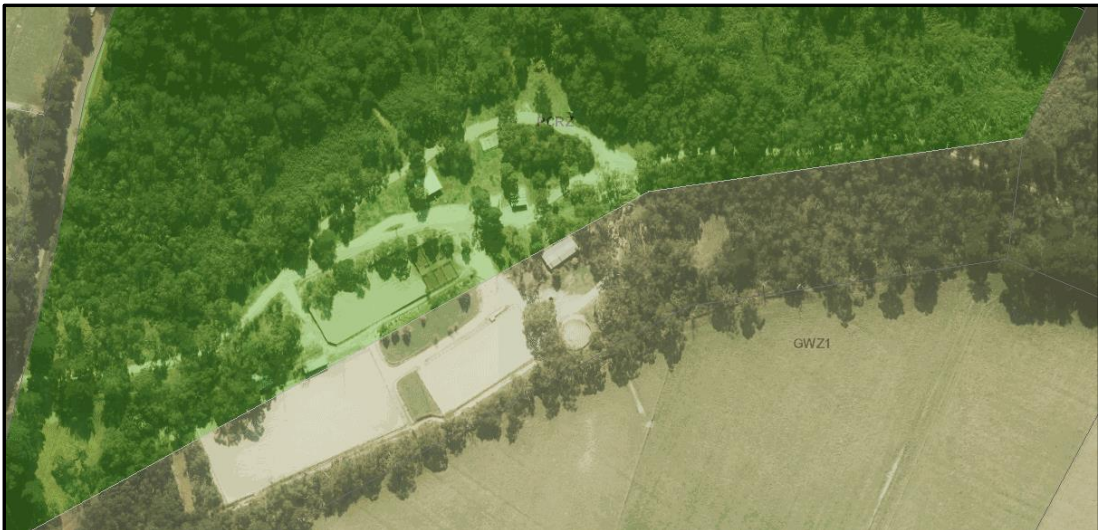
The topography of the land is predominately flat with a slight downward slope in an eastward direction.

The main characteristics of the surrounding area are:

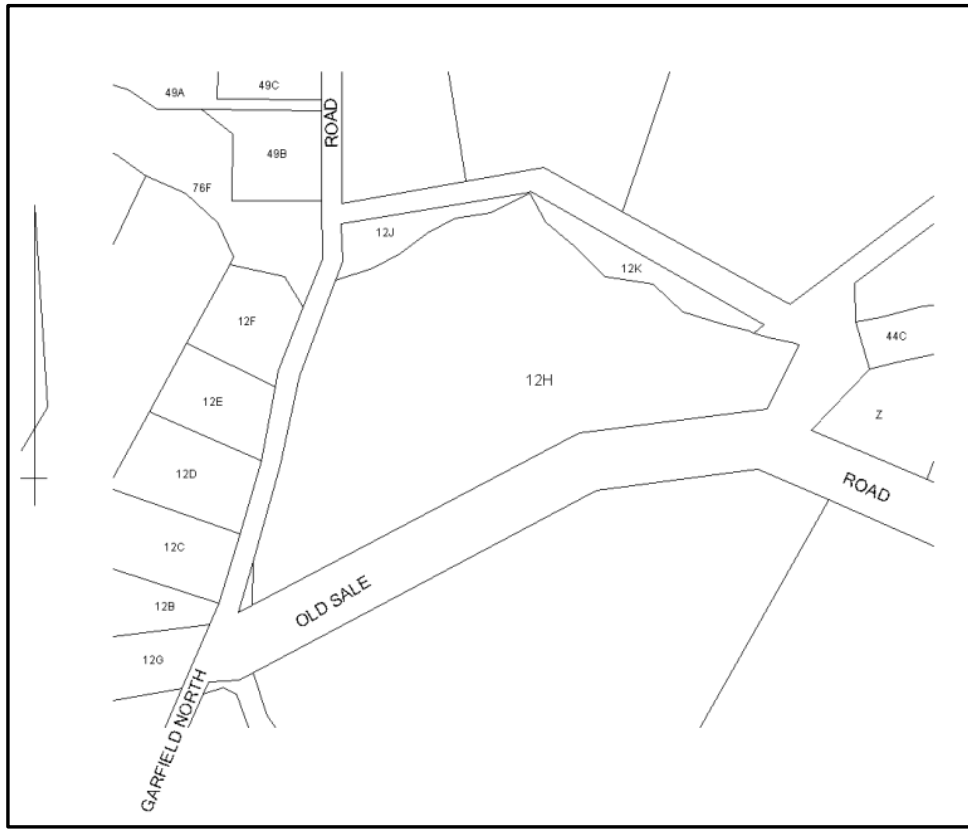
- A mixture of farming and small acreage properties.
- Garfield township / Gippsland rail corridor located 2.8km south.
- HV transmission electricity lines orientated west- to- east.
- Cannibal Creek (tributary of Bunyip River)



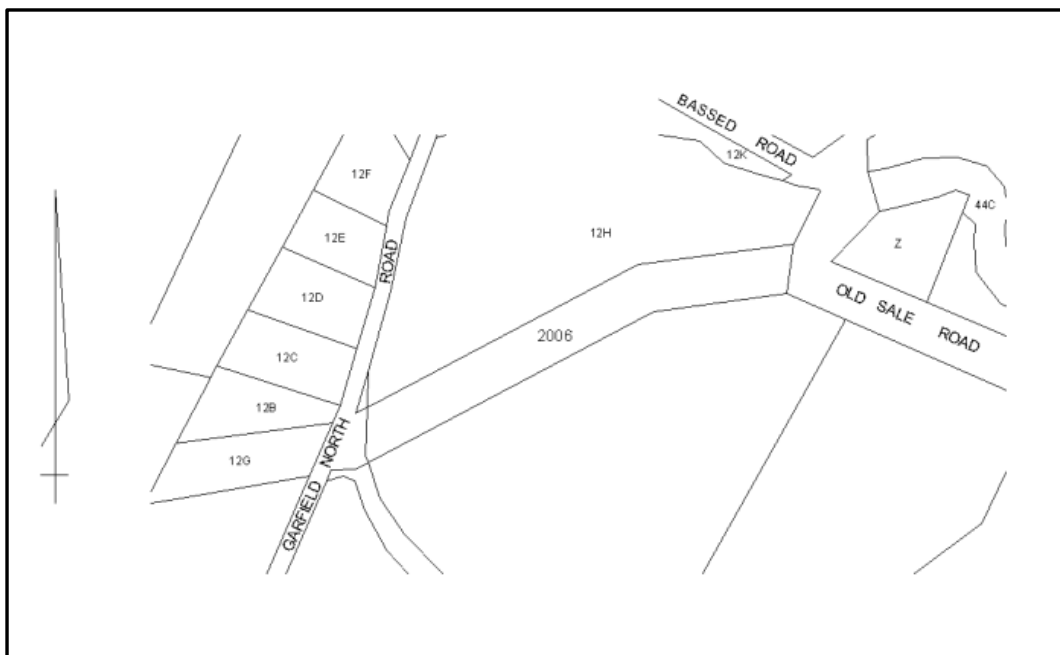
Aerial view of Garfield and surrounds. Source: Cardimap.



Subject site mixed zoning classification (PCRZ-north/GWZ1- south). Source: VicPlan, 2024.



Allotment 12H - Parish of Bunyip.



Crown Allotment 2006 Parish of Bunyip.

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## Permit/Site History

The history of the site includes:

- [T950297](#) – Recreation Reserve Equipment Shed, issued June 1995.

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## Planning Scheme Provisions

### Zone

The land is subject to the following zones:

- Public Conservation and Resource Zone (PCRZ)
- Green Wedge Zone Schedule 1 (GWZ1)

### Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay - Schedule 1 (ES01)
- Land Subject to Inundation Overlay (LSIO)

### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 12.01 Biodiversity
- Clause 13.02 Bushfire
  - Clause 13.02-1S Bushfire planning
- Clause 13.03 Floodplains
  - Clause 13.03-1S Floodplain management
- Clause 15 Built Environment and Heritage
  - Clause 15.01-2S Building design
  - Clause 15.01-6S Design for rural areas
- Clause 19.02 Community Infrastructure
  - Clause 19.02-4S Social and cultural infrastructure

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.02 Environment
  - Clause 21.02-3 Biodiversity
- Clause 21.05 Infrastructure
  - Clause 21.05-6 Community services and facilities
- Clause 22.05 Westernport Green Wedge Policy

### Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.06 Car parking
- Clause 52.17 Native Vegetation
- Clause 52.31 Local Government Projects
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 67 Land Owned or Permit Required by Responsible Authorities
- Clause 71.02 Integrated decision making
- *Guidelines for the Removal, Destruction or Lopping of Native Vegetation (Department of Environment, Land, Water and Planning, 2017)*
- *Westernport Green Wedge Management Plan, Adopted May 2017*

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### Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 of the Green Wedge Zone, a permit is required for use of the land for a hall.
- Pursuant to Clause 42.01-2 of the Environment Significance Overlay, a permit is required to remove, destroy or lop any vegetation, including dead vegetation.
- Pursuant to Clause 52.17-1 Native vegetation, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation

#### Note:

- Under the PCRZ, no planning permit trigger (Section 1 Use)
- Buildings and works are exempt pursuant to Clause 52.31 (Local Government Projects)

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### Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

The notification has been carried out and the statutory declaration has been submitted to Council on 21 May 2024.

Council has received three (3) objections to date.

The key issues that were raised in the objections are:

- Increased fire risk
- Amenity concerns (noise)
- Traffic concerns
- Security concerns
- Cost and lack of transparency regarding proposal

- Community infrastructure demand

## Referrals

### External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	n/a	
Section 52 Notices	Department of Energy, Environment and Climate Action (DEECA)	Received March and August 2024. No objection, with conditions.
	Melbourne Water Determining Authority	Received August 2024. No objection or conditions.

### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Health	Received July 2024. No objection (subject to conditions)
Engineering	Received June 2024. No objection (subject to conditions) <ul style="list-style-type: none"> <li>• 88 - Rural drainage</li> <li>• 90 - Drainage management plan</li> <li>• 92 - Stormwater overflows</li> <li>• The dimensions and layout of the proposed car park must comply with the requirements of Clause 52.06 of the Cardinia Planning Scheme.</li> <li>• 61 - Car park construction (unsealed)</li> <li>• 117 - Minimal soil erosion</li> <li>• 85 - Stormwater sediment control during construction</li> </ul>
Traffic	Received July 2024. No objection (subject to conditions) <u>Of note:</u> <ul style="list-style-type: none"> <li>• A condition of permit should specify the maximum number of patrons on-site permitted at any one time is 100-120 patrons.</li> <li>• This landscaping area opposite spaces 26-36 is to be removed to ensure access into these spaces is appropriate.</li> <li>• The surface of the DDA space should not exceed a grade of 1:40 in all directions as per AS2890.6.</li> <li>• Consideration could be given to providing passing areas along the accessway, if possible, to reduce the likelihood of conflict.</li> </ul>
Environment	Received June and August 2024. No objection (subject to conditions)

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## Assessment

Several matters require consideration to determine the suitability of the proposal.

- Response to State and Local Planning Policy Framework
- Response to Green Wedge Zone and Environmental Significance Overlay
- Response to Clause 52.17 Native vegetation
- Response to objections

Clause 12.01-2S Native vegetation management: A key strategy is to avoid the removal, destruction or lopping of native vegetation. Although the proposal results in the loss of 8 trees (1-4 & 7-9 per Arbor Survey report) and 1 dead tree (within the proposed car park), it was concluded that the trees in question were planted for a primary landscape amenity purpose. Furthermore, the proposal was referred to DEECA who provided no objection to the proposed removal. Overall, despite the above, the area retains its heavily vegetated/ bush characteristics with a high degree of diversity in tree types.

Clause 13.02-1S Bushfire Planning: A key strategy is reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

In response, the applicant included a Clause 13.02-1S (Bushfire Planning) assessment, prepared by Fire Risk Consultants, which surmises that despite the wider area having a higher bushfire risk, the sites cleared area (existence of Pony Club and scouts) and ability to control the use of the site ensures that the hall can be developed safely. The site abuts Garfield North Road and is 1km north of Princes Highway enabling a means to escape the locality if in a fire emergency.

Clause 15.01-2S Building design: The proposed hall building is to the centre of the site comprising a horse arena, well set back from various boundaries. The proposal seeks a modest 4m building height and a rectangular building shape, that is consistent with other halls. Furthermore, proposed materiality and colour finishes are muted, assisting the hall to comfortably blend into the site and surrounds.

Clause 19.02-4S Social and cultural infrastructure: A key strategy is to ensure social infrastructure is designed to be accessible and to plan and design community places/buildings so they can adapt as population changes. In response, the proposed multipurpose hall is located 2km north of the Garfield township, directly accessible off Garfield North Road. It is anticipated the hall will be booked and available to members of the community. Furthermore, the modular designed hall includes a social room (100sqm), kitchen (22.4sqm), meeting room (22.4sqm), 5 separated, individual toilets (including 1 ambulant, 1 DDA) with a maximum 100 patron count. The maximum patron count is concluded as satisfactory and well considered and accounts for future incremental population growth.

Clause 21.05-6 Community services and facilities: A key issue identified is providing adequate community services and facilities in rural townships. The proposal seeks a hall, capable of accommodating 100 patrons and with 36 car spaces, 2km north of the Garfield township. This site is provided with direct access off Garfield North Road.

### Clause 35.04 Green Wedge Zone (Schedule 1)

Its purpose is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*



- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

Pursuant to Clauses 35.04-1 of the Green Wedge Zone, a permit is required for use of the land for a hall (Section 2 Use).

In considering the relevant decision guidelines, the proposal is considered to respond favourably as follows:

- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

The site is a large 15.7ha in size, with adjoining areas a mixture of managed areas, grassland and forested areas. In terms of the site itself, it is currently used by a wide array of interest groups, including scouts, horse riding and casual visitors. The cleared middle portions of the site can satisfactorily accommodate the hall development with acceptable provision for car parking.

The hall is well distanced from the nearest rural homes, located to the west side of Garfield North Road. Given the appropriate buffer, at over 250m, it is anticipated that noise amenity is likely to be negligible.

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.

The proposed hall is to be positioned to the centre of the site, within a relatively clear area that is largely used for predominately equestrian activities. The positioning will minimize any adverse impacts, most pertinently to natural bushland characteristics of the site.

- The impact of the use or development on the flora and fauna on the site and its surrounds.

The site and the surrounding landscape are a mix of managed areas, grassland and forested areas. To the immediate north is a bushland area associated with the Cannibal Creek Swamp.

Although the proposed hall requires the removal of eight trees, the predominate flora and fauna characteristics of the site are maintained, within extensive bushland cover to the northern boundary unaffected.

Per the *Guidelines for the removal, destruction or lopping of native vegetation, 2017*, the removal of less than 0.5 hectares of native vegetation will not have a significant impact on any habitat for a rare or threatened species

Consent has been provided by the Land Manager, DEECA and condition of permit will require a native vegetation offset.

- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The hall is proposed within an existing, cleared area to the middle of the site, sufficiently set back from the Cannibal Creek and established bushland that comprise the northern portions of the land.

The proposed location is considered favourable, within a spot that has witnessed significant ground disturbance, currently used for various horse-riding activities.

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.

The hall siting is within a cleared area used for equestrian activities with surrounding heavily vegetated areas and set forward of Cannibal Creek Reserve. Despite the inclusion of the hall and car park, the characteristics of the site will not be detrimentally affected.

The proposed location is highly unlikely to have direct views from Garfield North Road, with intervening trees also blocking direct views. The building height is modest with muted, earthy colour finish that will blend well with the surrounds.

**Clause 36.03 Public Conservation and Resource Zone (PCRZ):**

Development is occurring within the Public Conservation and Resource Zone (PCRZ), however the proposal is a Section 1 Use (no permit trigger) as it is being carried out on behalf of a public land manager. Furthermore, buildings and works are exempt pursuant to Clause 52.31 (Local Government Projects).

**Environmental Significance Overlay (Schedule 1)**

Environmental objectives to be achieved

- *To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.*
- *To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.*
- *To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.*
- *To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*

Pursuant to Clause 42.01-2, a permit is required to remove vegetation and no exemption applies under the schedule.

In considering the relevant decision guidelines, the proposal is considered to respond favourably as follows:

- Nominated trees 7, 8 and 9, proposed for removal are planted Black Sheoak (*Allocasuarina littoralis*), which are located in a cleared, previously disturbed area to the centre of the site. Per the Abor Construction Impact Assessment report (2024), they're classified as low landscape value.
- The additional dead native tree, with no visible hollows, with a 50cm diameter at breast height (DBH), is within a heavily disturbed, cleared area, away from the cluster of trees to the north of Cannibal Creek.
- Despite the modest tree removal, the sites overall environmental values/characteristics remain. Notably, the Cannibal Creek and remnant vegetation abutting the Creek are not impacted.
- The hall siting is within a relatively cleared spot with surrounding heavily vegetated areas and set forward of Cannibal Creek Reserve. Despite the inclusion of the hall and car park, the characteristics of the site will not be detrimentally affected.
- The proposed hall is deemed modest in scale and height, with muted colour finishes in a flat area of the subject site. The proposal is highly unlikely to detract from view lines of the wider area.
- Department of Energy, Environment and Climate Action (DEECA) as landowner has consented to the proposal, in addition to Council's environment department.

**Land Subject to Inundation Overlay (Schedule)**

The subject site is (partially) located within a Land Subject to Inundation Overlay (LSIO).

The purpose of the Land Subject to Inundation Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework. • To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development. • To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

In this instance, the proposed vehicle passing bay is located to the north side of the existing accessway and is located within the LSI0, with works involving the removal of grass and topsoil to match the height/contours of the accessway.

It is considered that the exemptions set out in Clause 52.31-1 apply, therefore no permit trigger for buildings and works. A key exemption threshold is approval from the relevant floodplain authority, which was provided by Melbourne Water in July 2024.

#### Clause 52.06 Car Parking

Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land. Table 1 of Clause 52.06-5 of the Scheme specifies a statutory rate for a Place of Assembly (Hall) as 0.3 per patron.

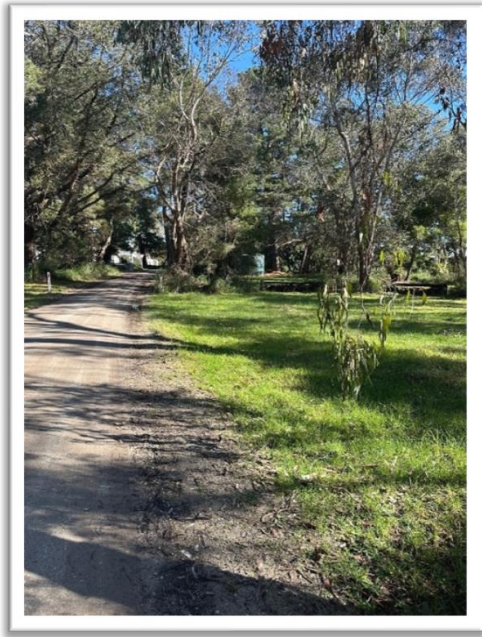
The proposed Hall seeks 36 car spaces directly outside of the hall, as such, the proposal exceeds the statutory requirement.

The proposal has the support of Council's traffic department, subject to a number of conditions as follows:

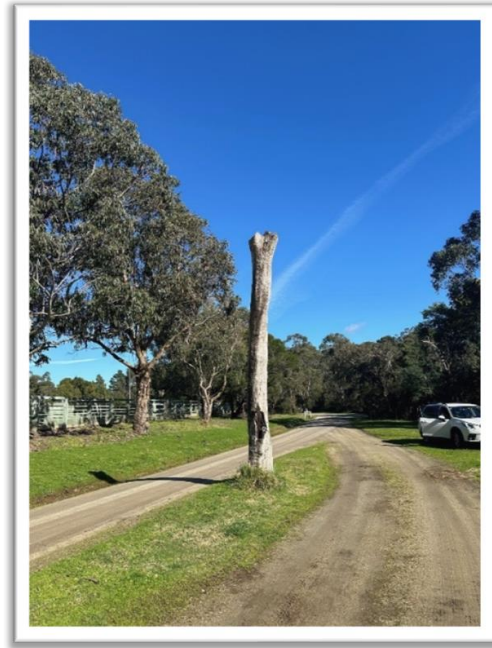
- Deletion of the landscaping area in the middle of accessway directly below car spaces 26-36.
- The inclusion of a vehicle passing bay (6.1m wide x 7m length) within 100m of the site entrance to enable vehicles to safely bypass one another.
- A condition of permit to be a maximum 120 patron count.

It is noted that the car parking is unsealed/gravel car parking, meaning individual spaces cannot be delineated (i.e. line marked) and the use of the gravel areas may be inefficient due to the lack of delineated. In response to this:

- A directional signage condition where the gravel track diverges.
- A car parking signage condition at the respective ends of car spaces 3, 10, 11, 15 16 and 36. The signage will direct drivers to the areas set aside for car parking.



Accessway to incorporate a vehicle passing bay



Dead tree (within proposed car park) to be removed

#### Clause 52.17 Native vegetation

The purpose of this Clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of Native Vegetation.

Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

A site visit has determined that a dead tree, with no visible large hollows and located to middle of proposed car park, has a trunk diameter of 50cm, triggers an offset pursuant to Clause 52.17-1.

Under Clause 66.02-2 applications to remove destroy or lop native vegetation on Crown Land managed or occupied by the responsibly authority must be referred to the Secretary to Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). Subsequent consent has been provided by DEECA, dated August 2024.

The decision guidelines for assessment of native vegetation are contained within the *Guidelines for the removal, destruction or lopping of native vegetation* where the following should be taken into account:

- *The proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation*

The proposed hall has been sited to the middle of the subject land comprising three (3) horse arenas and small grassed area. This locality is considered more favourable relative to the northern portions of the land which is heavily vegetated.

A condition of permit will be a native vegetation offset.

- *Feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.*

The tree for removal is dead with no hollows, located within a heavily disturbed area (vehicle accessway).

- *The need to manage native vegetation to preserve identified landscape values*

The small removal of native vegetation is not anticipated to have a significant impact on the landscape of the subject site.

The dead tree is within a heavily disturbed, cleared area, to the middle of an accessway, away from the cluster of trees to the north.

The area is recognised for regional level landscape significance by the ES01 and is expected the landscape character of the site will be maintained.

- *Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.*

The application was determined to be in the 'Basic' Assessment Pathway, which did not require a Section 55 referral to DELWP for their approval. The applicant has applied the three (3) step approach to vegetation removal outlined in the *Guidelines for the removal, destruction or lopping of native vegetation, 2017*. The guidelines outline the three (3) step process as follows:

- **Avoid** - Avoid the removal, destruction or lopping of native vegetation to maintain native vegetation that currently exists is an effective way to ensure native vegetation continues to deliver its important values into the future.
- **Minimise** - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. Minimising ensures that impacts from native vegetation removal on biodiversity or other values are kept to the minimum necessary.
- **Offset** - Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation. An offset is required to compensate for the loss to biodiversity from the removal of native vegetation.

This application will remove 0.031 hectares of native vegetation. According to the Guidelines, the removal of less than 0.5 hectares of native vegetation will not have a significant impact on any habitat for a rare or threatened species. Further, the native vegetation is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area.

The permit holder will be required to offset the tree removed under the Native Vegetation Credit Register where a suitable offset has been identified which ensure that there is not a net loss of biodiversity across the State.

Overall, it is concluded that the applicant has met their obligations under this provision to avoid and minimise native vegetation loss and approve the proposed native vegetation removal subject to conditions.

#### **Clause 52.31 Local Government Projects**

The purpose of the Clause is:

- *To facilitate the development of land by or on behalf of municipal councils.*

Pursuant to Clause 52.31-1, any permit in a zone or a schedule to a zone to obtain a permit to construct a building or construct or carry out works does not apply to the development of the land carried out by or on behalf a municipal council.

The proposed Hall is a binding agreement between the Department of Jobs, Precincts and Regions (on behalf of State of Victoria) and Cardinia Shire Council.

Furthermore, the proposal is under the \$10 million threshold, with consent provided to the satisfaction of Melbourne Water, being the relevant floodplain management authority.

As such, the permit exemptions for buildings and works are met.

#### **Aboriginal Cultural Heritage Sensitivity**

The subject site is located within an area of Aboriginal Cultural Heritage Sensitivity, with written advice provided by Tardis Archaeology (2024).

A search of ACHRIS shows that there are no registered Aboriginal heritage places within the activity area or within 50m of the activity area boundary.

Division 5 of the *Aboriginal Heritage Regulations 2018* list high impact activities with a review confirming that the (proposed) activity is a high impact activity pursuant to Regulation 1 (a) (b).

Importantly, a mandatory CHMP is required if all or part of the activity area is an area of cultural heritage sensitivity, and the area of cultural heritage sensitivity has not been subject to significant ground disturbance

Pertaining to significant ground disturbance, Tardis Archaeology concluded that:

*“The land use history has demonstrated that the entire activity area has been modified from a natural landscape to a property developed for rural recreational purposes. The geotechnical report provided by Site Geotechnical Pty Ltd has demonstrated that there is fill across the entire activity area and no natural topsoil remains. The size of the activity area and the extensive nature of the modification of the land surface and disturbance of surface soils can only be reasonable attributed to the use of heavy machinery.”*

On the basis of this advice, it is concluded that due to prior land activities on site over many decades, the significant ground disturbance threshold has been met, meaning a CHMP is not required for this site.

#### Clause 65 Decision Guidelines

The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications, because a permit can be granted does not imply that a permit should or will be granted. In deciding on matters, the Responsible Authority must consider a number of matters, including the Municipal Planning Strategy, the State and Local Planning Policy Framework, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report. Overall, it is concluded that the proposal responds well to various decision guidelines and objectives.

#### Clause 71.02-3 - Net Community Benefit

Clause 71.02-3 states that planning and responsible authorities should endeavor to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

It is considered the hall upgrade will deliver a clear net community benefit in the form of:

- Increased public access to a multipurpose community facility (hall) on land that is presently used by a variety of community groups.
- A satisfactory built form response, which will substantially increase the amenity of the site for visitors, including modern toilet facilities and excellent provision of car parking.
- Limited native vegetation loss with the hall located within a cleared, previously disturbed area (used for horse riding activities).

#### Response to Objections

Following advertising of the proposal, three objections were received.

Note- ‘use’ objection grounds can only be considered, as buildings and works are exempt from notice and review rights (set out in Clause 52.31) of section 52 (1) (a) (b) and (d) the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act

An assessment of the objections are as follows:

Objection ground	Response
Increased fire risk	<p>The landscape is concluded to be a mix of existing small acreage and farming properties along with forested areas.</p> <p>It is noted that the subject site is <u>not</u> encumbered by a Bushfire Management Overlay (BMO).</p> <p>The proposal application package included a Clause 13.02-1S (Bushfire Planning) assessment, prepared by Fire Risk Consultants.</p> <p>The report surmised that despite the wider area having a higher bushfire risk, the sites cleared area (existence of Pony Club and scouts) together with the ability to control the use of the site, ensures that the proposed hall can be developed safely.</p> <p>This includes the development of a bushfire emergency plan and a reserve fire management plan (pertaining to annual vegetation management) and hall building to be constructed to BAL12.5.</p>
Amenity concerns (noise)	<p>The subject site is currently used by a variety of organizations, generally recreational in nature with a large number of equestrian group events. It is Council planning department view that the community hall will provide a venue to support the planning and delivery of these events.</p> <p>Contextually, the proposed hall is located within an area of bushland reserve (also comprising Cannibal Creek) and equestrian park located to the centre of the site. It is anticipated that surrounding vegetation will act as a buffer to any generated noise.</p> <p>Four (4) rural- residential dwellings are located to the western side of Garfield North Road, with the closest dwelling at 250m away.</p> <p>Council is satisfied the proposed hall is significantly distanced and as such, highly unlikely to cause amenity issues.</p> <p>Furthermore, it is also reasonable to conclude that an occupied community hall (communal room) will buffer noise with an enclosed room.</p>
Traffic concerns	<p>Pursuant to Clause 52.06 (Car Parking), the statutory rate for a Place of Assembly (Hall) is 0.3 to each patron permitted.</p> <p>The proposed Hall seeks 36 car spaces with a condition of permit to be a maximum 100 patron count.</p> <p>As such, the proposal exceeds the statutory requirements as set out in Clause 52.06 (Car Parking) of the Cardinia Planning Scheme.</p> <p>Council's planning department, in conjunction with Council's traffic departments is satisfied the car parking layout is functional and safe.</p> <p>A condition of permit will be the inclusion of a vehicle passing bay within the subject site accessway along with car parking signage.</p>

	<p>The proposed hall is accessible off Garfield North Road with both the site and road capable of accommodating the increased traffic volume.</p> <p>It is also anticipated that the hall will be used on an ad-hoc basis, it is concluded the increased traffic will only occur in short periods, not a long-sustained period.</p> <p>It is also noted, that pursuant to Clause 52.06-4, traffic grounds are exempt from notice and review on the basis of:</p> <ul style="list-style-type: none"> <li>• the application is only for a permit under Clause 52.06-3; or</li> <li>• the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act</li> </ul> <p>As the statutory car parking rate for the use has been met, it is concluded this traffic grounds cannot be considered.</p>
<p>Security concerns (Grounds for objection do not relate to material detriment)</p>	<p>Under the <i>Planning and Environmental Act 1987</i>, security concerns cannot be an considered as an objection ground.</p> <p>It is anticipated that the multi-purpose hall will be booked/ hired by a variety of recreational based community groups with bookings made directly through Cardinia Shire Council.</p> <p>Although the facility can be hired for private and other community functions, it is Council's Sport and Recreation team anticipation that the proposed hall will generally be used for meetings.</p>
<p>Cost and lack of transparency regarding proposal (Grounds for objection do not relate to material detriment)</p>	<p>The application was advertised via letter notification to nearby property owners and a sign-on site, pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>,</p> <p>The sign-on-site (positioned on the corner of Old Sale Road and Garfield North Road) was erected for two (2) weeks meeting the advertising requirements. This specific location was chosen being the only location entrance point, and importantly capturing all visitors to the site.</p> <p>Information contained within the letters and sign- on- site directed readers to detailed information regarding the proposal, including development plans.</p> <p>Letters of support and consent have been provided by Department of Department of Energy, Environment and Climate Action (DEECA) and Cannibal Creek Reserve Committee of Management as land manager.</p> <p>There have also been a number of stakeholders involved in the implementation of the proposal.</p> <p>Council's planning department is satisfied that the proposal has been transparent.</p>



<p>Community infrastructure demand</p> <p>(Grounds for objection do not relate to material detriment)</p>	<p>Under the <i>Planning and Environmental Act 1987</i>, the proposal need is not considered a planning objection ground.</p> <p>The new multi-purpose hall will be used by existing recreation groups using the Cannibal Creek Reserve – among them, the Cannibal Creek Pony Club, Cannibal Creek Reserve Committee of Management, Cardinia Scouting Association, Bunyip Bushfire Community Recovery Committee and West Gippsland Quarter Horse Association.</p> <p>Additionally, it is anticipated a range of other community groups – inclusive of Arts and Culture groups, Indigenous community/organisation, not for profit organisations, volunteers and other community groups.</p> <p>As such, the members of the groups proposed to use the hall represents a diverse cross section of the Garfield North and wider community in terms of demographics, socio-economic status and interests.</p> <p>Currently, there are no indoor facilities to hold meetings or to remain dry in inclement weather.</p> <p>Importantly, Council has received specific letters of support for the proposed hall, including the Cannibal Creek Pony Club and Cannibal Creek Catchment Landcare.</p> <p>As such, it’s both Council’s Sport and Recreation and planning department view there is more than enough justification for the proposed hall, with a facility where everyone is welcomed. Furthermore, a local facility will benefit the health and wellbeing of the rural community by providing opportunity for connection locally.</p> <p>The proposed Hall is an agreement between the Department of Jobs, Precincts and Regions (on behalf of State of Victoria) and Cardinia Shire Council.</p> <p>The Growing Suburbs Fund (GSF) is a 10 year, \$440million investment in critical local infrastructure in fast growing outer and fringe suburbs.</p> <p>The GSF is a response to the pressures being experienced by growing communities through fast tracking high priority local infrastructure projects.</p> <p>Grants will be targeted towards high priority community infrastructure projects that:</p> <ul style="list-style-type: none"> <li>• increase social and economic participation in Melbourne’s fast growing outer suburbs</li> <li>• meet the health and wellbeing needs of people in fast growing outer suburbs</li> <li>• increase local economic activity</li> <li>• improve capacity for councils to respond to changing community needs and demands</li> <li>• deliver integrated or multi-purpose community infrastructure</li> </ul>
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## Conclusion

The proposal represents an agreement between the Department of Jobs, Precincts and Regions (on behalf of State of Victoria) and Cardinia Shire Council, under the guise of *Growing Suburbs Fund*.

The subject site is presently used by a variety of groups, including scouts, land care groups and various horse-riding associations with no provision within the reserve to hold meetings or undertake activities sheltered from the weather.

It is concluded that the building of a new, multi-purpose hall will benefit these parties by providing a meeting place, as support for events and capable of accommodating up to 120 patrons. In assessing the hall building, it has been determined that built form is appropriately sited within a cleared area, with a modest building height, muted colour finishes, and car park capable of meeting the needs of visitors to the site.

The proposal has been assessed against and is consistent with both relevant State and Local Planning Policy framework, the purpose of the Green Wedge Zone Schedule 1 (GWZ1), the Environmental Significance Overlay - Schedule 1 (ES01) and the Land Subject to Inundation Overlay (LSIO).

As such, the proposal should be approved subject to general and site-specific conditions.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. T230547 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 Grant a Notice of Decision to Grant a Permit in respect of the land known and described as Allotment 12H - Parish of Bunyip, Garfield North Road Garfield North, for the Use of the land for a hall and native vegetation removal in accordance with the endorsed plans, subject to the following conditions:

### Conditions:

#### Compliance with documents approved under this permit

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

#### Amended Plans

2. Before the use or development starts, plans must be approved and endorsed by the responsible authority. The plans must:
  - a. be prepared to the satisfaction of the responsible authority
  - b. be drawn to scale with dimensions
  - c. submitted in electronic form
  - d. be generally in accordance with the plans forming part of the application and identified as [TP001, revision 03, Hearn Architects dated August 2024], but amended to show the following details:
    - i. Hall building length and width dimensioned
    - ii. Directional and parking signage in accordance with conditions 8 and 9.
    - iii. Width of accessible parking space and loading area dimensioned

#### Layout not altered

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

**Visual amenity**

4. 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.

**Car park construction**

5. Before the use is commenced, all proposed areas set aside on the approved plan/s for access, circulation and car parking as shown on the approved plans must be surfaced with crushed rock or other approved all weather surfacing material, of adequate depth, drained and the parking areas delineated to the satisfaction of the Responsible Authority.

Once constructed, the area must be maintained to the satisfaction of the Responsible Authority.

6. The dimensions and layout of the proposed car park must comply with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
7. The surface of the DDA space should not exceed a grade of 1:40 in all directions as per AS2890.6

**Parking and direction signage**

8. Before the use commences, signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres. Car parking signage must be placed at the respective ends of car spaces 3, 10, 11, 15 16 and 36.
9. Before the use commences, directional signs, not more than 0.3 m<sup>2</sup> in area, must be provided at access points to clearly indicate the direction of traffic movement and location of parking areas. One directional sign is to be positioned where the gravel track diverges.

**Stormwater management**

10. 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.
11. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.
12. 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.
13. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

**Protection of vegetation to be retained**

14. Before works start, a plan identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be approved and endorsed by the responsible authority.

**Notification of permit conditions**

15. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

**Native vegetation offsets – Clause 52.17**

- 16.** Before any native vegetation is removed, to offset the removal of [0.031] hectares of native vegetation and [0] large tree/s, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). The offset requirement is defined in Native Vegetation Removal Report ID specified below:
- a. A general offset of [0.008] general habitat units:
    - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
    - ii. with a minimum strategic biodiversity score of at least [0.632]
    - iii. and [0] large tree/s
  - b. Evidence that the required offset [for the development] has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
    - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.  
AND/OR
    - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.
  - c. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

**Capacity**

- 17.** At any time no more than 120 persons may be present on the land. The responsible authority may consent in writing to vary this requirement.

**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.

**Wastewater**

- 19.** Before the use commences, all sewage from the proposed development must be discharged into a new, EPA approved, on-site wastewater treatment system as described in the Land Capability Assessment Report prepared by [R H Krainz – Eco Vision Australia, 11B024 LCA COM on March 7th, 2024, to the satisfaction of the Responsible Authority.

**Expiry**

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

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

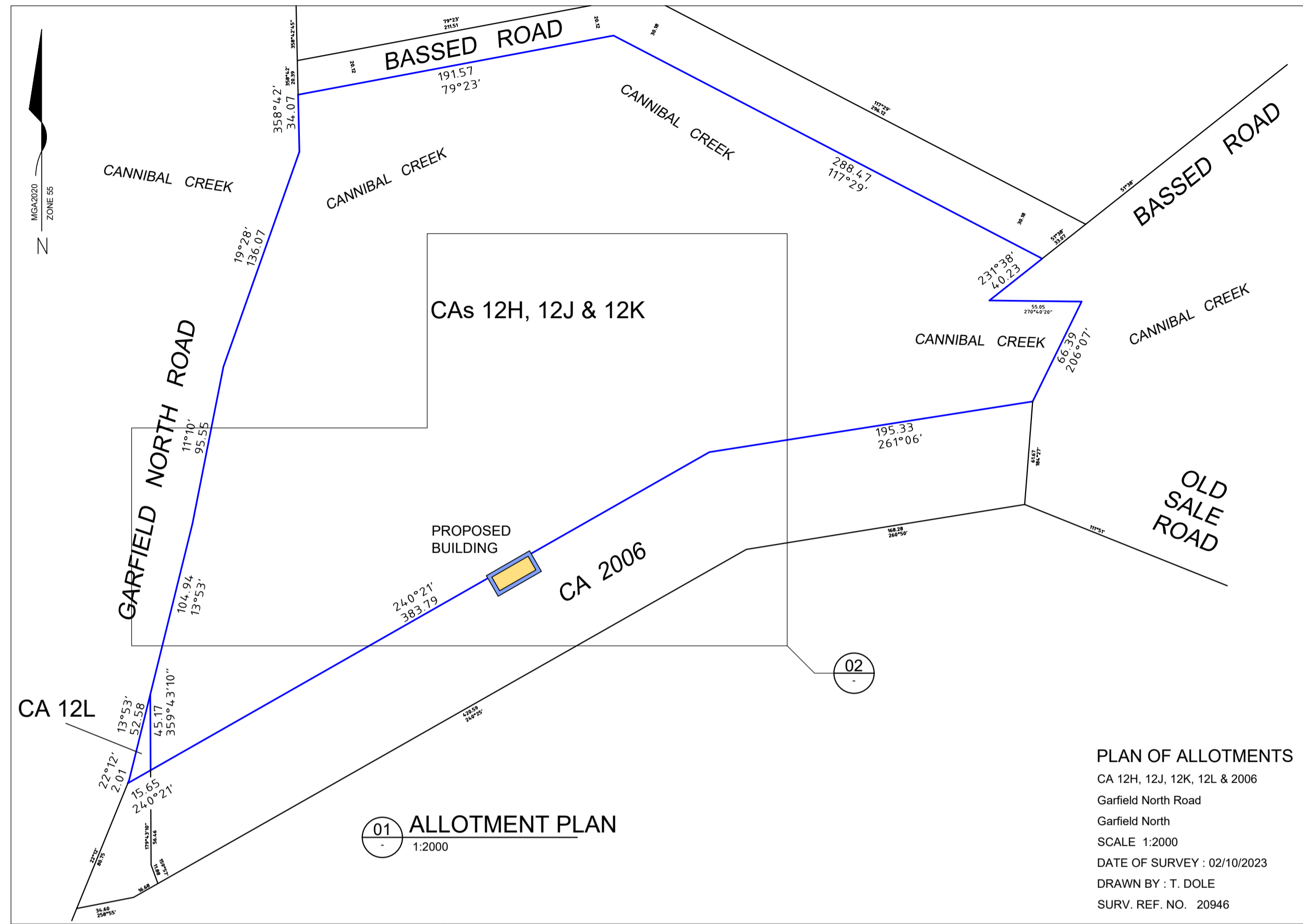
**Notes**

- Approval to install or alter an onsite wastewater treatment system must also be obtained from Council's Health Department.
- Site management and works must be in accordance with DEECA landowner consents issued on 21 March 2024 and 6 August 2024.

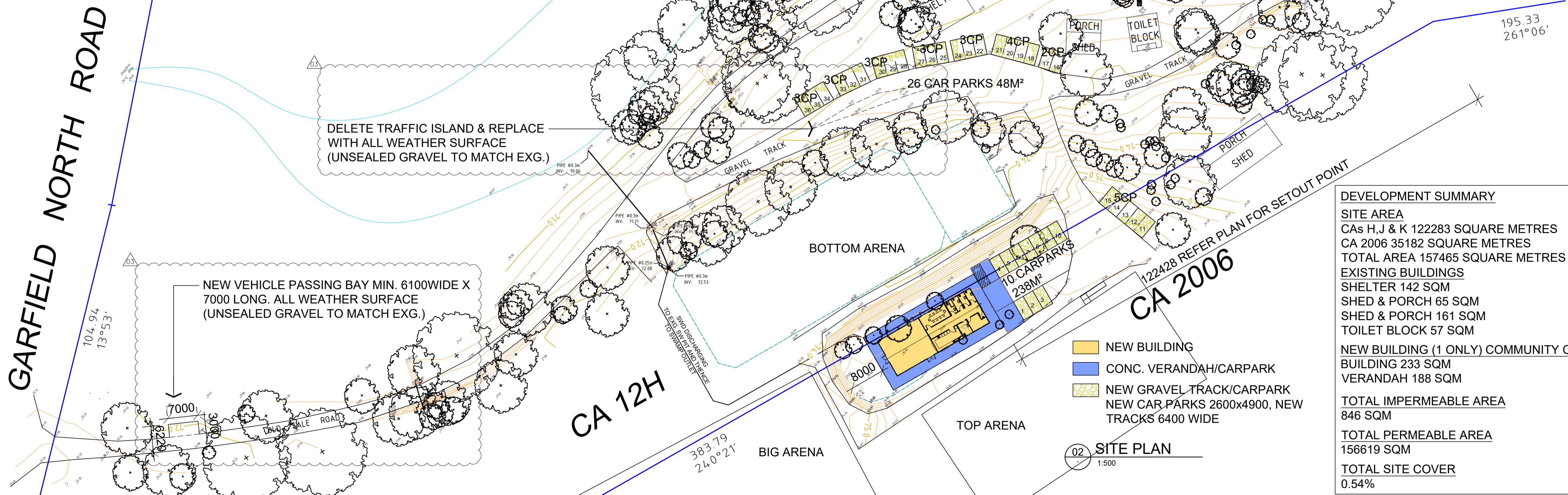
**AND**

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

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**GARFIELD NORTH ROAD**



Rev	Date	Revision
03	15.08.24	Add passing bay, remove island
02	29.01.24	Number car parks
01	15.01.24	For approval

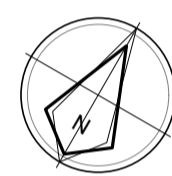
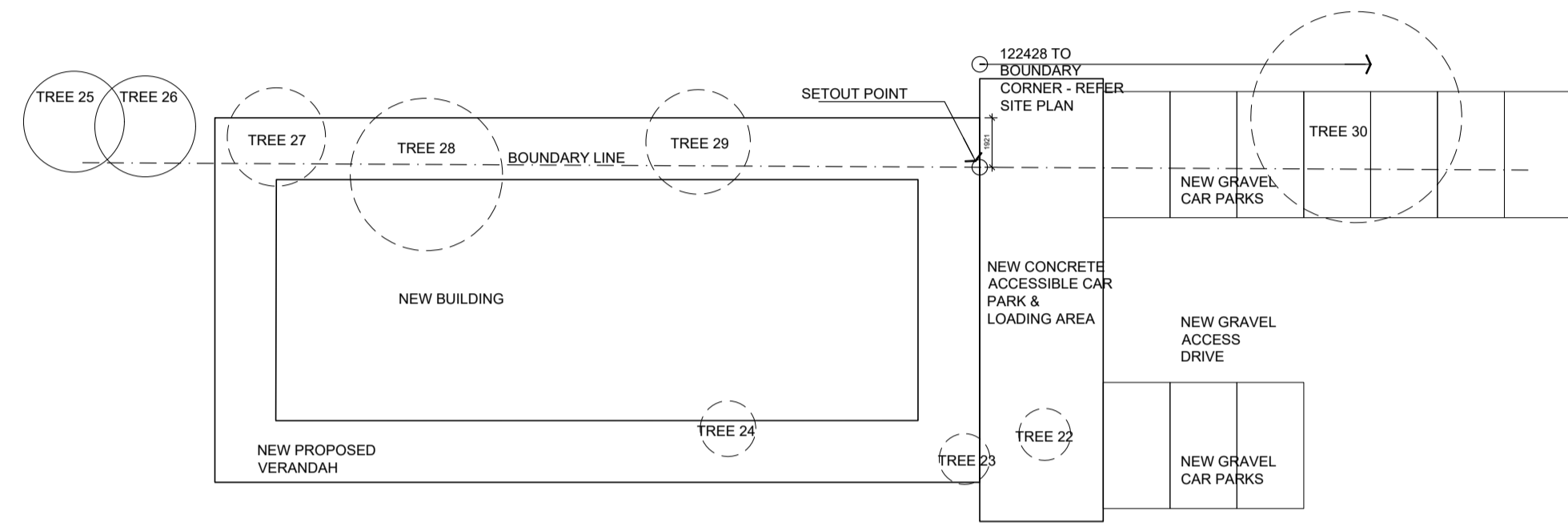
**Hearn Architects**  
40Lyons Street Glenhuntly, Vic. 3163 P 03 9505 6856 M 0434 690 599  
jeremy@harch.com.au www.harch.com.au

GARFIELD NORTH COMMUNITY CENTRE  
CANNIBAL CREEK RESERVE  
GARFIELD NORTH VIC. 3814

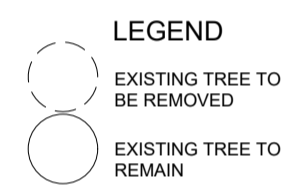
**SITE PLAN**  
Scale AS SHOWN Date 20.12.23

Drawn JH	Copyright Jeremy Hearn
Job No. 23015	
Drw. No. TP001	Rev 03

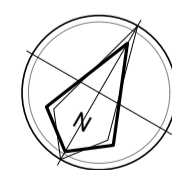
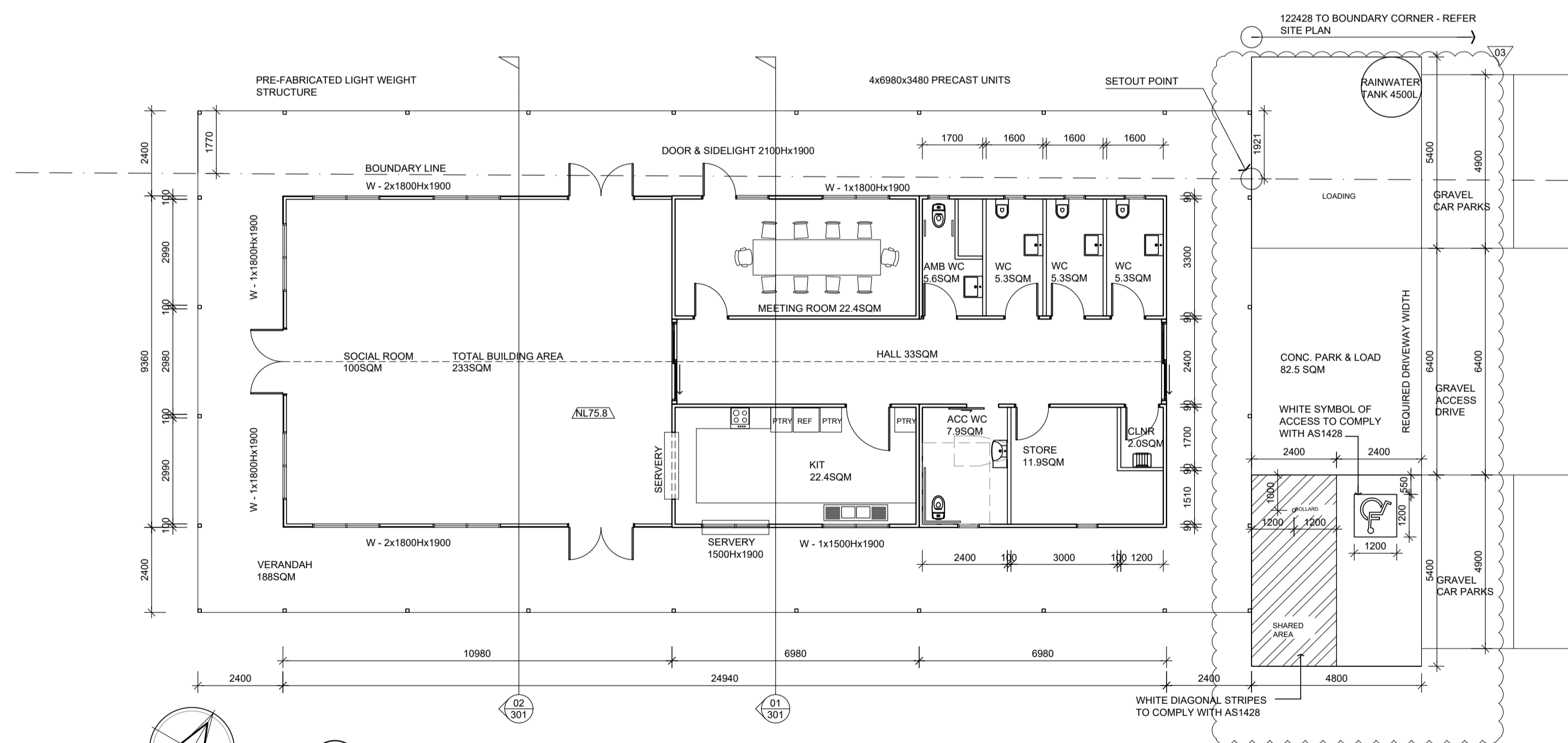
TOWN PLANNING



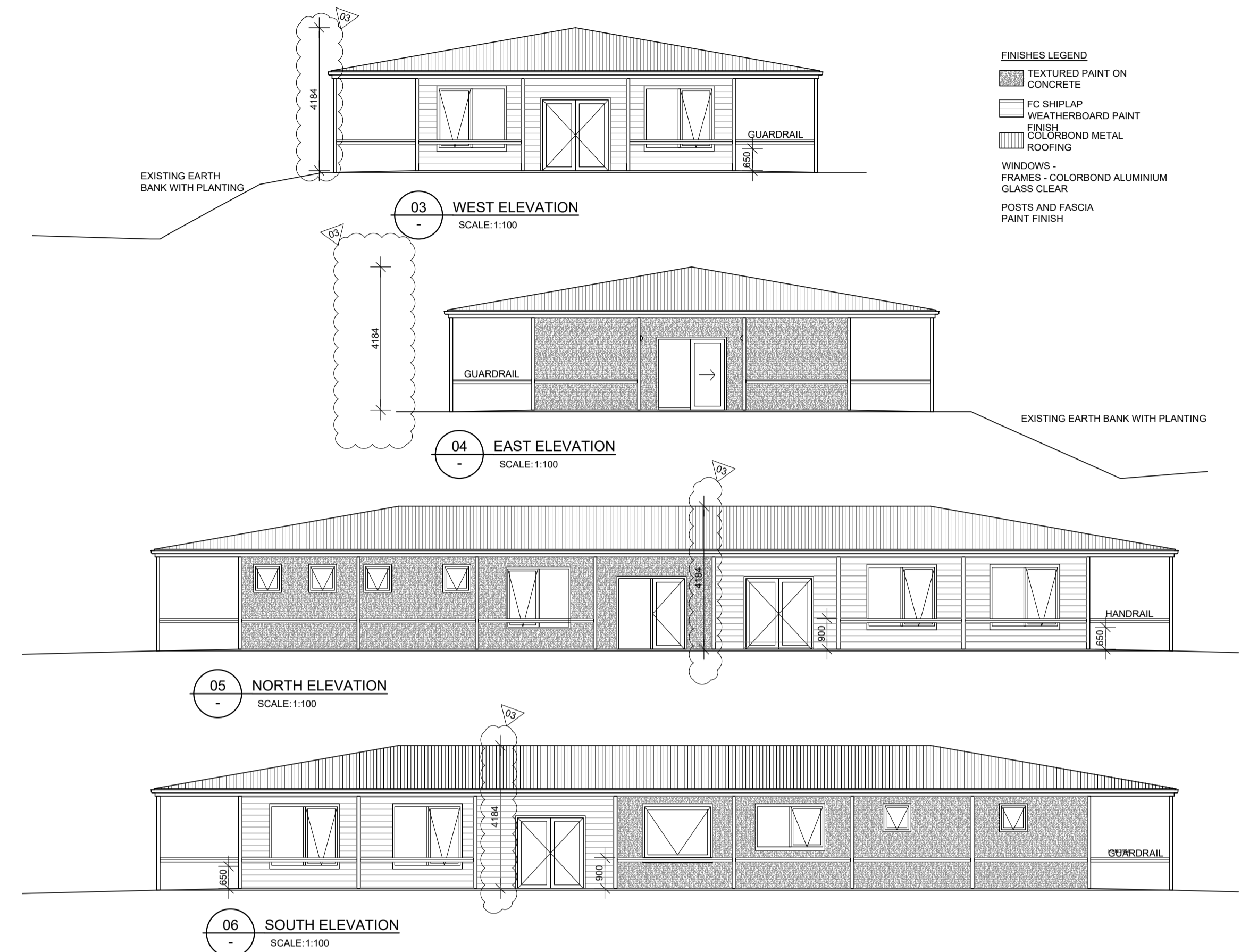
01 DEMOLITION PLAN  
SCALE: 1:200



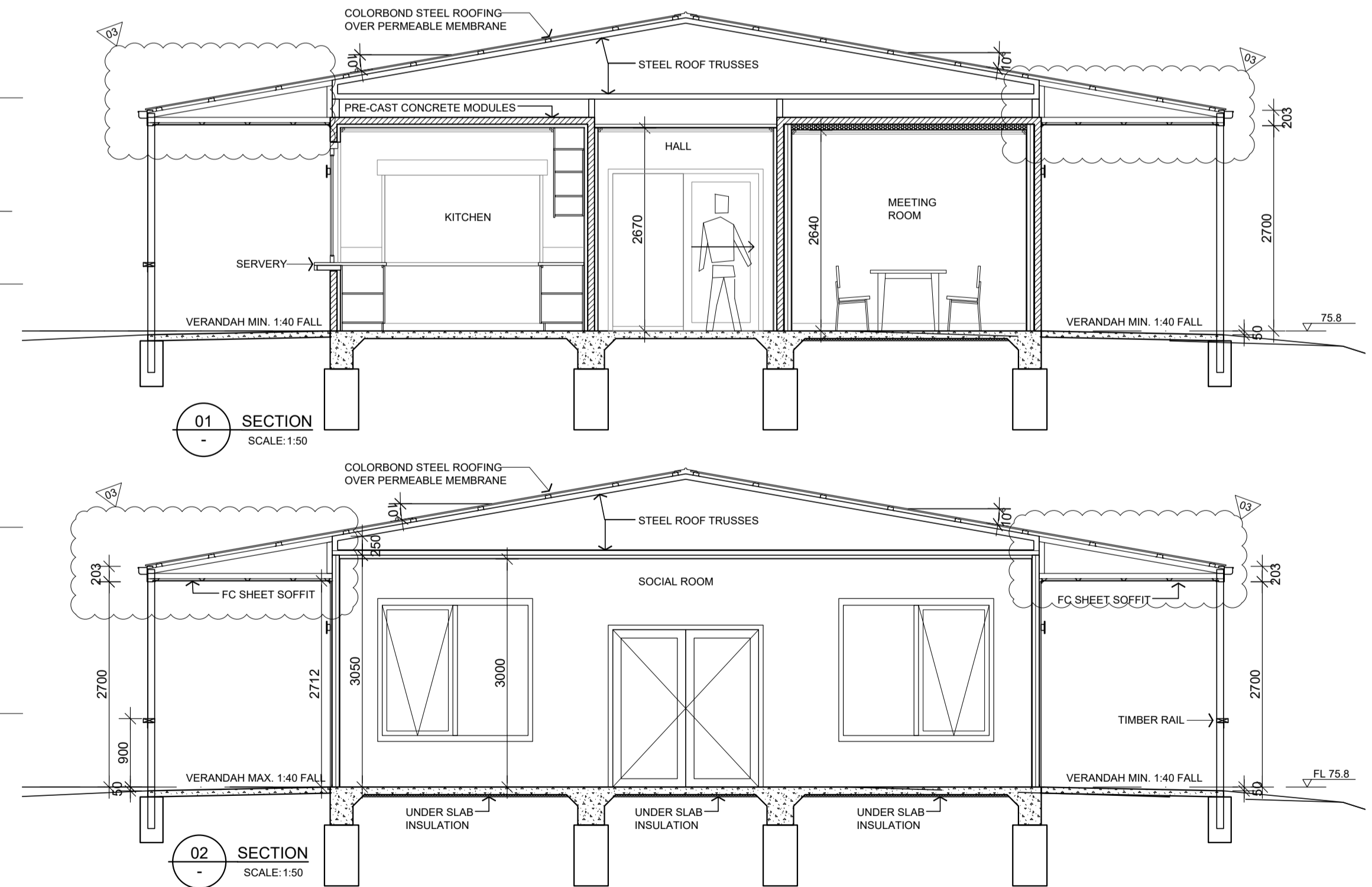
NOTE: TREE NUMBERS ARE AS LISTED IN THE RYDER ARBORICULTURAL REPORT DATED 9 JANUARY 2023 PREPARED FOR CARDINA SHIRE COUNCIL. TREES NOMINATED TO BE REMOVED ARE OF LOW OR MODERATE RETENTION VALUE. TREES 25 AND 26 TO REMAIN ARE IN CLOSE PROXIMITY TO BUILDING WORKS AND SHOULD BE PROTECTED WITH TREE PROTECTION ZONES AS DESCRIBED IN THE REPORT. NEW GRAVEL PARKING BAYS OFF THE EXISTING TRACK HAVE BEEN ARRANGED TO AVOID TREES.



02 PLAN  
SCALE: 1:100



FINISHES LEGEND  
 ■ TEXTURED PAINT ON CONCRETE  
 ■ FC SHEET WEATHERBOARD PAINT FINISH  
 ■ COLORBOND METAL ROOFING  
 ■ WINDOWS - COLORBOND ALUMINIUM GLASS CLEAR  
 ■ POSTS AND FASCIA PAINT FINISH



Amendments	Rev	Date	Revision
03 5.08.24			Swap accessible park with loading to add tank, adjust height for struct.
02 29.01.24			Notate accessible park.
01 15.01.24			For approval

**Hearn Architects**  
 40Lyons Street Glenhumpy, Vic. 3163 P 03 9505 6856 M 0434 690 599  
 jeremy@harch.com.au www.harch.com.au

**GARFIELD NORTH COMMUNITY CENTRE**  
 CANNIBAL CREEK RESERVE  
 GARFIELD NORTH VIC. 3814

**PLANS**  
 Scale AS SHOWN Date 10.01.24  
 Drawn JH  
 Job No. 23015 Copyright Jeremy Hearn  
 TOWN PLANNING Drg. No. TP101 Rev 03

**Hearn Architects**  
**Garfield North Community Centre**  
**Exterior Colour Scheme**  
Rev. D 14.11.23



Exterior weatherboards and concrete walls – Dulux Ecu



Roofing, Gutters & downpipes Colorbond Paperbark



Window & door frames Dulux Powdercoat Dune



Exterior concrete paving – Broom Finish