

Town Planning Committee Meeting

Minutes

Monday 5 May 2025

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

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

Meeting opened at 7:00pm.

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1 Opening And Reflection

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

2 Acknowledgements

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

3 Apologies

Nil

4 Declaration Of Interests

Nil

5 Ordinary Business

5.1 T240258 PA - SUBDIVISION OF LAND INTO FOUR (4) LOTS (CONSOLIDATION AND RE-SUBDIVISION) AT CA 9 SEC G, HAREWOOD PARK ROAD & LOT 4 ON PS627026, 19 KNIGHT ROAD, GEMBROOK

Responsible GM:	Debbie Tyson
Author:	Evie McGauley-Kennedy
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p>4.1 We support our productive land and employment land to grow local industries</p> <p>4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.</p> <p>5.1 We practise responsible leadership</p> <p>5.1.1 Build trust through meaningful community engagement and transparent decision-making.</p>

Alternate Resolution

Moved Cr Nickell, seconded Cr Ross.

That Planning Permit T240258 for subdivision on the land into 4 lots (Consolidation & resubdivision) known and described as CA 9 SEC G, Harewood Park Road and Lot 4 on PS627026, 19 Knight Road, Gembrook be deferred from consideration until a future Town Planning Committee.

Cr Potter foreshadowed moving the Recommendation should the deferral motion be Lost.

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

Against: Nil

Carried

5.2 T240419 PA - USE OF LAND FOR A RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION) AT 186 BEENAK ROAD, GEMBROOK

Responsible GM:	Debbie Tyson
Author:	Michael Stockigt
Staff Disclosure:	All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.
Council Plan Reference:	<p>4.1 We support our productive land and employment land to grow local industries</p> <p>4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.</p> <p>4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.</p> <p>5.1 We practise responsible leadership</p> <p>5.1.1 Build trust through meaningful community engagement and transparent decision-making.</p>

Alternate Resolution

Moved Cr Nickell, seconded Cr Ross.

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Application T240419 for use of a Residential Building (Short Stay Tourist Accommodation) at land known and described as **Lot 1 TP545356, 186 Beenak Road, Gembrook 3783** subject to the below 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 Required

2. Before the use commences, plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and submitted in electronic form. The plans must be generally in accordance with the plans forming part of the application (prepared by DS Building Design, Rev. 10) but amended to show:
 - a. All references to 'Group Accommodation' and 'Existing Dwelling' deleted and replaced with 'Residential Building'.

Amendment of Existing Permit

3. This permit does not come into effect until Planning Permit T220816 is amended as follows:
 - a. Condition 2 amended to read:

'The former dwelling (replaced by the new dwelling this permit allows) must only be used in accordance with Planning Permit T240419 to accommodate persons away from their normal place of residence. If the use of land allowed by Planning Permit T240419 ceases to occur or Planning Permit T240419 expires, the former dwelling (and all associated buildings and works) must be entirely demolished or otherwise removed from the subject land to the satisfaction of the responsible authority.'

- b. Approved plans amended to reflect the requirements of the above and the use allowed for by Planning Permit T240419.

Bushfire Emergency Management Plan

- 4. Before the use commences, a Bushfire Emergency Management Plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and submitted in electronic form. The plan must include:
 - a. That the Residential Building must be closed and/or evacuated on any day with an 'Extreme' or 'Catastrophic' fire danger rating.
 - b. Details of how evacuation is to be managed:
 - i. In the event the building is occupied on (or prior to) a declared 'Extreme' or 'Catastrophic' fire danger rating day; or
 - ii. When the site is under imminent threat from a bushfire in the surrounding area.
 - c. Details of any restrictions on the use for days of declared total fire ban in the 'Central' district.
 - d. Details of on-site measures to manage the bushfire risk for occupants of the Residential Building.
 - e. Details of a primary and secondary evacuation route in the event of a bushfire affecting the land.
 - f. Details of where emergency warnings and updates regarding a bushfire can be accessed, including (but not limited to) local radio stations, relevant websites, phone numbers and the like.
 - g. An A3 sized page (or larger) containing an abridged, legible version of all relevant information within the Bushfire Emergency Management Plan.
- 5. The use must be carried out in accordance with the approved and endorsed Bushfire Emergency Management Plan to the satisfaction of the responsible authority.
- 6. At all times persons are accommodated on the land away from their normal place of residence, the approved abridged version of the Bushfire Emergency Management Plan must be clearly displayed in a prominent location within the residential building. Upon arrival to the land, all persons must be made aware of the Bushfire Emergency Management Plan. The displayed version of the plan must be reviewed annually to ensure all relevant information remains current.

Layout not Altered

- 7. The layout of the use must not be altered from the layout shown on the approved and endorsed plans without the written consent of the responsible authority.
- 8. The approved Bushfire Emergency Management Plan must not be altered from the form shown on the approved and endorsed plans without the written consent of the responsible authority.

This does not apply to minor administrative updates such as (but not limited to) contact details, peoples, agency names and the like that allow the plan to remain current.

Use of Land

- 9. The use of land (for a Residential Building) must be carried out only in conjunction with the use of land for Agriculture which must, to the satisfaction of the Responsible Authority, include (but not necessarily be limited to) the following:

- a. Keeping of beef cattle on the land;
- b. Breeding of miniature donkeys; and
- c. Keeping of horses.

If the use of the land for Agriculture (in the manner described above) ceases, the use of land for a Residential Building must immediately cease to the satisfaction of the responsible authority.

- 10. All persons accommodated on the land as part of the use must be away from their normal place of residence.
- 11. At any time no more than six (6) persons may be accommodated on the land away from their normal place of residence.
- 12. Any person accommodated on the land away from their normal place of residence must:
 - a. Not be accommodated on the land for more than twenty-one (21) consecutive days; and/or
 - b. Not be accommodated on the land for more than sixty (60) days in any one year period.
- 13. The Residential Building must only be used in accordance with this permit, and must not be used for any other use.
- 14. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of persons, materials, goods or commodities to or from the land
 - b. Appearance of any building, works, waste or other materials
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil to the satisfaction of the responsible authority.
- 15. All waste and recyclables must be stored in an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.

Section 173 Agreement

- 16. Before the use commences, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide/include:
 - a. That the use of land for a Residential Building (short stay tourist accommodation):
 - i. Must be carried out in conjunction with the use of land for Agriculture, in accordance with the conditions of this permit and the requirements of Clause 64.02 (or any subsequent, replacement/equivalent provision in the Cardinia Planning Scheme). If the use of land for Agriculture ceases, the use of land for a Residential Building must also cease; and
 - ii. Must only accommodate person away from their normal place of residence.
 - b. That any person accommodated on the land away from their normal place of residence must:
 - i. Not be present on the land for more than twenty-one (21) consecutive days; and/or
 - ii. Not be present on the land for more than sixty (60) days in any one year period.

- c. That the retention of the structure to be utilised for a Residential Building (short stay tourist accommodation) is only permitted on the basis that the building will be used to accommodate persons away from their normal place of residence in accordance with the Permit and Agreement.

Should the use of land for Agriculture and/or Residential Building cease, the building (shown on the endorsed plans as a Residential Building) must be entirely removed and/or entirely demolished from the subject land to the satisfaction of the responsible authority.

- d. That the use must only accommodate persons away from their normal place of residence in accordance with the approved (or subsequently amended) Bushfire Emergency Management Plan.
- e. A copy of the endorsed site plan(s) showing the Residential Building.

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

Commencement

17. This permit does not operate until Planning Permit T220816 is amended in accordance with Condition 2.

Expiry

18. This permit as it relates to use will expire if either of the following occur:

- a. The use does not commence within **two (2) years** of the issued date of this permit; and/or
- b. The use is discontinued for a period of **two (2) years**.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the period referred to in Condition 18a.

Cr Potter foreshadowed moving the Recommendation should the Alternate Recommendation be Lost.

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

Against: Nil

Carried

5.3 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY - MAY 2025

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

Resolution

Moved Cr Owen, seconded Cr Pomeroy.

That Council note the 'Planning Matters Dealt with by Officers Under Delegated Authority – May 2025' report.

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

Against: Nil

Carried

5.4 PLANNING MATTERS VCAT REPORT - MAY 2025

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

Resolution

Moved Cr Thomsen, seconded Cr Roberts.

That Council note the 'Planning Matters VCAT Report – May 2025' report.

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

Against: Nil

Carried

5.5 PLANNING SCHEME AMENDMENTS ACTIVITY REPORT - MAY 2025

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

Resolution

Moved Cr Owen, seconded Cr Ross.

That Council note the 'Active Planning Scheme Amendments' report in Table 1.

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

Against: Nil

Carried

6 Meeting Closure

Meeting closed at 7:50pm.

Minutes confirmed
Mayor