

Town Planning Committee Meeting

Minutes

Monday 7 July 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	(Virtual Attendance)
	Cr Samantha-Jane Potter	(Virtual Attendance)
	Cr Casey Thomsen	(Virtual Attendance)
	Cr David Nickell	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Trudi Paton	(Virtual Attendance)
Officers:	Debbie Tyson	General Manager Community & Planning Services
	James Kelly	Acting General Manager Infrastructure and Environment
	Peter Harris	Manager Governance, Safety & Property
	Duncan Turner	Manager Planning & Design
	Natasha Berry	Senior Governance Officer

Meeting opened at 7.00pm.

Order of Business

1 Opening And Reflection.....	4
2 Acknowledgements	4
3 Apologies.....	4
4 Declaration Of Interests	4
5 Ordinary Business.....	5
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	5
5.2 Planning Matters Dealt With By Officers Under Delegated Authority - July 2025 .	9
5.3 Planning Matters VCAT Report - July 2025	10
5.4 Planning Scheme Amendments Activity Report - July 2025.....	11

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.

Part A – Planning Permit Application T240258

That Council resolve to grant 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 3783 as per the following table and subject to the below conditions:

Compliance with Documents Approved under this Permit

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

Amended plans

- Before plans are endorsed and the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, drawn to scale with dimensions and be submitted in electronic form. The plans must be generally in accordance with the plans forming part of the application (PS 902865H, Ver. A, prepared by R.V. Foote and Associates Land and Engineering Surveyors) but amended to show:
 - Sheet 3 of the proposed plan of subdivision amended to show:
 - The deletion of building envelopes on proposed Lots 1 and 2.
 - The deletion of creation of restriction and description of restriction in relation to the building envelopes, along with the deletion of any other reference to building envelopes.

Layout not altered

3. The layout of the subdivision and vegetation removal as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.

Certification of the plan

4. 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.

Easements

5. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

Reticulated services

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

Existing Services and buildings

7. Before a statement of compliance is issued under the Subdivision Act 1988, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
8. Before a statement of compliance is issued under the Subdivision Act 1988, any building or structure crossing the boundary of any of the proposed lots must be demolished and removed from the land to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

APA Group

9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act.

Ausnet

10. 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.
11. The applicant must –
 - b. 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.
 - c. 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.

Melbourne Water

12. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an

application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Yarra Valley Water

13. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
14. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Commencement of permit

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

Expiry

16. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
 - a. The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
 - b. A statement of compliance is not issued within 5 years of the date of certification.

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.

Ausnet Notes:

- i. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- ii. Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- iii. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

CFA Notes:

- i. CFA consents under Section 9 of the Subdivision Act 1988 to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988.
- ii. CFA also consents to the Statement of Compliance for Subdivision under the Subdivision Act 1988.

Melbourne Water Notes:

- i. Cockatoo Creek is at this location to the north of the subject property.
- ii. If an application for stormwater connection has not been made to Melbourne Water, evidence must be provided that a stormwater connection has been accepted by Council. This evidence should consist of a legal point of discharge letter and/or an approved drainage plan showing the connection.

Part B - Section 173 Agreement – Voluntary - Water Rights Allocation & Dam Share Agreement

1. That Council note the applicants offer to enter into an agreement about future water rights and resolves to enter into an agreement with the landowner under Section 173 Agreement of the Planning & Environment Act 1987 that provides for:

- a. Prior to the issue of a Statement of Compliance for the subdivision authorised by planning permit T240258, the Owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Vic).
- b. Upon registration of the plan of subdivision PS 902865H, Water Rights of 80 megalitres held in respect of the Land must be apportioned equally so that each Lot is allocated the right to access, use, and maintain up to 20 megalitres of water per annum.
- c. The Owner must ensure that, upon the sale or transfer of any Lot, the Water Rights are transferred with the Lot so that the transferee of each Lot acquires the right to access, use, and maintain up to 20 megalitres of water per annum in respect of that Lot.
- d. The Owner and any subsequent owner of a Lot must at all times maintain the right to 20 megalitres and be responsible for the maintenance of any infrastructure necessary for the exercise of the Water Rights in respect of their Lot.
- e. The preparation of a Dam Share Agreement to apply to future owners which considers dam access, operation, and maintenance of infrastructure such as dam wall, dam overflow, pumps, pump sheds, private electricity infrastructure, water intake(s) and water main(s).
- f. The Owner must pay all costs associated with the preparation, execution, and registration of the Section 173 agreement.

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

Against: Cr Kowarzik and Cr Thomsen

Carried

5.2 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY - JULY 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 Pomeroy, seconded Cr Ross.

That Council note the 'Planning Matters Dealt with by Officers Under Delegated Authority – July 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

5.3 PLANNING MATTERS VCAT REPORT - JULY 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 Ross.

That Council note the 'Planning Matters VCAT Report – July 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 SCHEME AMENDMENTS ACTIVITY REPORT - JULY 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 Ross, seconded Cr Pomeroy.

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 7.26pm.

Minutes confirmed
Mayor