

Town Planning Committee Meeting

Agenda

Monday 6 October 2025

Commencing 7:00 PM

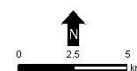
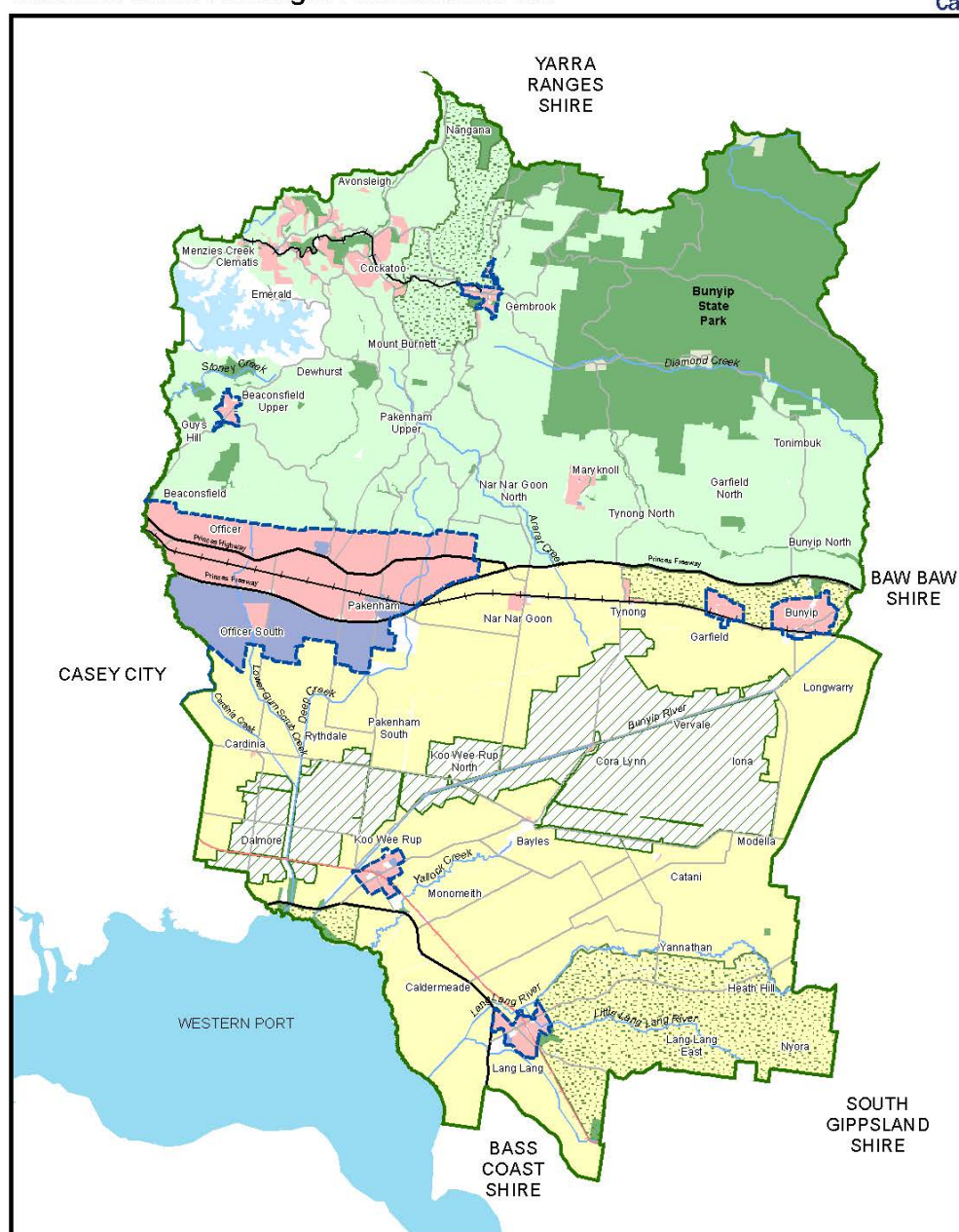
**Council Chambers
20 Siding Avenue, Officer
Victoria**

The Cardinia Shire Strategic Framework Plan (Figure 1) sets out the general pattern for land use and development to respond to the key influences and issues to achieve the strategic vision for the municipality.

The purpose of the framework is to provide an overview of land use in the Cardinia Shire and to identify locations where specific land use outcomes will be supported and promoted.

Figure 1:

Cardinia Shire Strategic Framework Plan



Printed: 24-Oct-18 Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

Town Planning Committee Meeting

Monday 6 October 2025 at 7:00 PM.

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
Peter Benazic Interim Chief Executive Officer
James Kelly Acting General Manager Infrastructure and Environment
Wayne Mack General Manager Corporate Services
Peter Harris Manager Governance, Safety & Property
Duncan Turner Manager Planning & Design
Natasha Berry Senior Governance Officer

Dear Councillor,

You are advised that a meeting will be held in the **Council Chambers, Cardinia Shire Council Civic Centre, 20 Siding Avenue, Officer** on **Monday 6 October 2025** commencing at **7:00 PM**.

Peter Benazic
INTERIM CHIEF EXECUTIVE OFFICER

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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

4 Declaration Of Interests

5 Ordinary Business

5.1 T240617 PA - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND BUILDINGS AND WORKS TO EXTEND THE EXISTING SHED AT 125 MCNAMARA ROAD, BUNYIP

Responsible GM:	Debbie Tyson
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:	4.1 We support our productive land and employment land to grow local industries 4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth. 5.1 We practise responsible leadership 5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T240617 for the *Use and development of the land for a dwelling and buildings and works to extend an existing shed* at 125 McNamara Road Bunyip on the following grounds:

1. The proposed dwelling is inconsistent with the objectives and strategies of the following clauses of the Planning Policy Framework and Local Planning Policy Framework that seek to protect agricultural land and direct residential development into existing settlements, specifically:
 - a. Clause 11.01-1S - Settlement
 - b. Clause 11.01-1R - Green Wedges – Metropolitan Melbourne
 - c. Clause 14.01 - Agriculture
 - d. Clause 16.01-3S - Rural Residential Development
 - e. Clause 21.01 - Cardinia Shire Key Issues and Strategic Vision
 - f. Clause 21.03-4 - Rural Townships
 - g. Clause 21.04-2 - Agriculture
 - h. Clause 22.05 - Western Port Green Wedge Policy

As the proposal seeks to establish a residential use on important agricultural land and is incompatible with strategic direction that seeks to maintain and reinforce established settlement boundaries.
2. The proposed dwelling is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a. The proposal dwelling does not align with the vision for the Cardinia Western Port Green Wedge;
 - b. The proposal does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge; and

- c. The proposal will permanently remove land from agricultural production.
- 3. The proposed dwelling is inconsistent with and does not respond to the purposes and decision guidelines of Clause 35.04 (Green Wedge Zone), as it:
 - a. Is not required to support or enhance agricultural production;
 - b. Does not protect and retain land for future sustainable agricultural activities; and
 - c. Would compromise the preservation, protection and enhancement of significant agricultural land, primarily by introducing a residential land use that is discouraged by policy.
- 4. The proposed dwelling does not respond to the considerations within Clause 65.01 as it does not achieve the purposes of the Zone and does not represent the orderly planning of the area.

Executive Summary

The purpose of this report is to consider an application for the use and development of the land for a dwelling, as well as buildings and works to extend the existing shed (store).

The application is recommended for refusal due to non-compliance with the Green Wedge Zone and Clause 22.05 (Western Port Green Wedge Policy), as well as other relevant policy throughout the Planning Policy Framework and Local Planning Policy Framework which seeks to protect high quality agricultural land and protect and reinforce settlement boundaries.

The proposal seeks to introduce a residential use to the land for the first time, which has been identified as having 'good' agricultural significance (the second highest designation under Clause 21.04-2 – Agriculture). Currently the land is used for cattle grazing (Grazing Animal Production), with a total up to 120 cattle (40 cows, 40 calves, and 40 yearlings) across the subject site and a leased neighbouring land parcel (Lot 2 Hillbrick Road). The land is also used for crop raising (hay/oats for animal feed). It is believed that the current intensity of the grazing animal production has been undertaken for at least the last year, whilst the subject site has been farmed for at least the last 20 years (cattle grazing).

Whilst it is acknowledged that an agricultural use is undertaken on the land, and is expected to continue, it is considered that the establishment of a residential dwelling on the subject land is not reasonably required to continue the agricultural use based on the nature, scale of the use and convenient access to township settlements.

The site also abuts the Urban Growth Boundary and sits outside the established settlement boundary of the township of Bunyip. There is clear policy guidance which seeks to reinforce settlement boundaries and maintain the Urban Growth Boundary (UGB) around established settlements and protect the values of non-urban land, whilst consolidating new residential development in existing settlements in locations where planned services are available and green wedge values are protected.

Relevant policy provides clear and consistent direction - highly productive agricultural land located within the Western Port Green Wedge region should be protected from urban development, and that urban development should be directed back into existing settlements, ensuring established settlement boundaries are maintained and protected. There is little policy support otherwise to establish a new residential use on a productive agricultural lot, with development outright discouraged.

Decisions of the Victorian Civil and Administrative Tribunal (VCAT) support the recommendation to refuse to grant a permit, both within Cardinia Shire and other valuable agricultural areas, with relevant decisions including (but not limit to):

- *Shetland Heights West Pty Ltd v Bass Coast SC [2024] VCAT 1*
- *Marson v Cardinia SC [2024] VCAT 639*
- *Brusamarello v Bass Coast SC [2024] VCAT 916*
- *Tyrell v Baw Baw [2024] VCAT 1176*
- *Cooksey v Cardinia SC [2025] VCAT 766*

As such, it is recommended Council support the Officers' recommendation and determine to refuse to grant a planning permit.

Gender Impact Assessment

In the preparation of this report, Council has considered its obligations under the *Gender Equality Act 2020*. It was determined that a Gender Impact Assessment (GIA) was not required as the subject matter of this report does not relate to a policy, program or service that has a direct or significant impact on the community.

Attachments

1. Attachment 1 - T240617 PA - Officer Report - Refusal [5.1.1 - 37 pages]
2. Attachment 2 - T240617 PA - Decision Plans [5.1.2 - 7 pages]
3. Attachment 3 - T240617 PA - Locality Map [5.1.3 - 1 page]

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PLANNING PERMIT DELEGATE REPORT



Application Details

Proposal:	Use and development of the land for a dwelling and buildings and works to extend an existing shed
Application Number:	T240617
Property Number:	4570600300
Address:	L1 TP111051 125 McNamara Road, Bunyip VIC 3815
Applicant:	3D Design Group
Date Received:	21 November 2024
Statutory Days:	97 days as of 9 September 2025
Planner:	Alisha Van Diem
Full Application Documents:	T240617 PA - Documents Assessed.pdf
Decision	☒ Refusal
Have any amendments been made to the application?	☒ Yes The application was amended via Section 50 of the <i>Act</i> on 25 March 2025 to include the trigger for the use of the land for a dwelling pursuant to Clause 35.04-1.

Proposal

Description of proposal:
Council has received an application which seeks approval to use and develop the land for a dwelling and for buildings and works to extend an existing shed (rural store). <u>Dwelling</u> The proposal comprises of single storey dwelling. The dwelling is set back 167.31 metres to the eastern front boundary, and 28.30 metres from the southern side boundary. It is located northeast of the existing rural store (proposed to be extended), and nearby to an existing gravel accessway that runs along the southern boundary. The dwelling has a general length of 23.09 metres and general width of 19.07 metres, totalling 364.64m² in gross floor area. The dwelling is centred around an 'open living' style floor plan and comprises of three (3) bedrooms, an ensuite, a bathroom, a wet room, combined living, meals and kitchen area (with woodfire stove), a sewing and crafting room and a two (2) car garage. A



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Cardinia

roofed alfresco area is proposed to the northern side of the dwelling, whilst a wrap-around verandah is proposed to the southern front façade of the dwelling.

The location in which the dwelling is to be constructed upon has a varying natural ground level between 51.80 AHD and 52.13 AHD. The dwelling is proposed to have a finished floor level of 52.60 AHD, with the garage set slightly lower at 52.15 AHD. No site cut or fill is proposed.

The dwelling will have a maximum height of 6.08 metres from NGL. Mute tones and finishes will be utilised, including a bare brick façade from the garage to the 'sewing room' in the rear, whilst the remainder of the dwelling will be finished with 'cream/beige' weatherboard. Windows and doors will have a finish of 'surf mist' and the roof (pitched), will comprise of 'pale eucalypt' ColorBond Steel.

The dwelling is to be accessed from the existing driveway along the southern boundary, with the drive to be extended to the north to meet the entrance of the proposed garage.

The land is unable to be connected to reticulated sewerage, and all waste water is proposed to be retained and treated on site through the installation of a subsurface irrigation system. The associated effluent field has a length of 30 metres and depth of 16.50 metres, totalling 486m². Tea Tree Creek runs through the property, and the proposed effluent field is setback 280 metres from the waterway.

The dwelling and associated effluent field make up an approximate 'domestic envelope' of 3000m² in area.

Extension to Existing Store

The application also proposes an extension to an existing store/shed, in which a permit was issued under [Planning Permit T090746](#). The extension to the store is proposed to accommodate additional equipment and fodder and is not associated with the proposed dwelling.

The existing store is located approximately 25 metres to the southwest of the proposed dwelling, with the proposal seeking to increase the length of the store by 11 metres from northeastern façade maintaining the existing width at 12.08 metres. The extension totals 132.88m² in gross floor area, bringing the store to a total combined gross floor area of 513.44m² (existing 380.56m²).

The extension is setback 7.36 metres from the southern boundary, and significantly setback from all other boundaries. The height of the extension will match the existing structure, with a maximum height of 5.55 metres from NGL to the ridgeline. The FFL will also be set at 51.47 AHD via the construction of a concrete slab.

The extension will be open to the northern elevation, and partially open to the eastern elevation. The extension will be constructed of ColorBond steel with a finish of 'mist green' to match.

Agricultural Use

Currently the land is used for grazing animal production, with a total up to 120 cattle across the subject site and neighbouring land leased by the landowner (Lot 2 Hillbrick Road). The total amount of cattle on the land comprises of 40 cows, 40 calves, and 40 yearlings. The land is also used for crop raising (hay/oats for animal feed).

As per the submitted Farm Management Plan (FMP) prepared by the owner, the land has been used for farming for the past 20 years. It is understood this included running a head of approximately 60 steers (grazing cattle) based on the information provided (although it is not explicit). As part of the FMP, the landowner has indicated that the venture has recently changed from steers to Wagyu Beef, including a breeding program. It is understood the landowner has leased the adjoining lot to increase the number of cattle able to be grazed (as described above), but it has not been described as to how many cattle were grazed previously, apart from

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explaining that the current operation had doubled with the lease of the neighbouring property. It is uncertain when the lease was signed, and how long the lease runs for. It is believed that the current intensity of the grazing animal production has been undertaken for at least the last year, as the FMP states that:

"The 40 yearlings are last years calves, and their sale will facilitate the separation of the cows from their calves and those calves will grow to yearlings"

The applicant states that the land requires a 24-hour permanent human presence to manage the increased quantity of cattle for business expansion and undertake farming activities including stock management (animal welfare, feeding and watering), and land management activities such as pest control and biosecurity, amongst other activities.

Images of relevant plans:

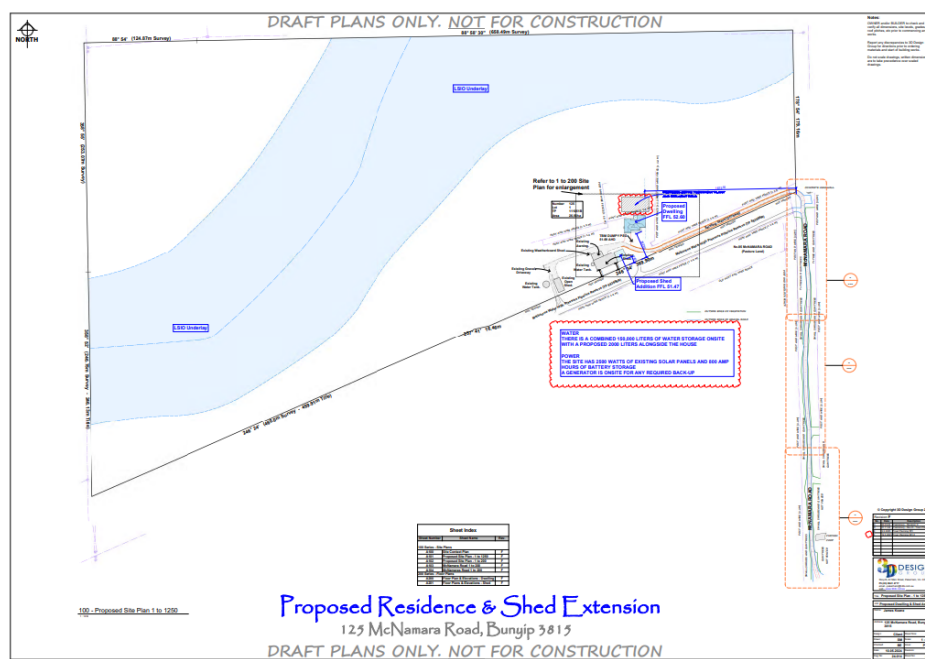


Figure 1: Site plan (1:1250)

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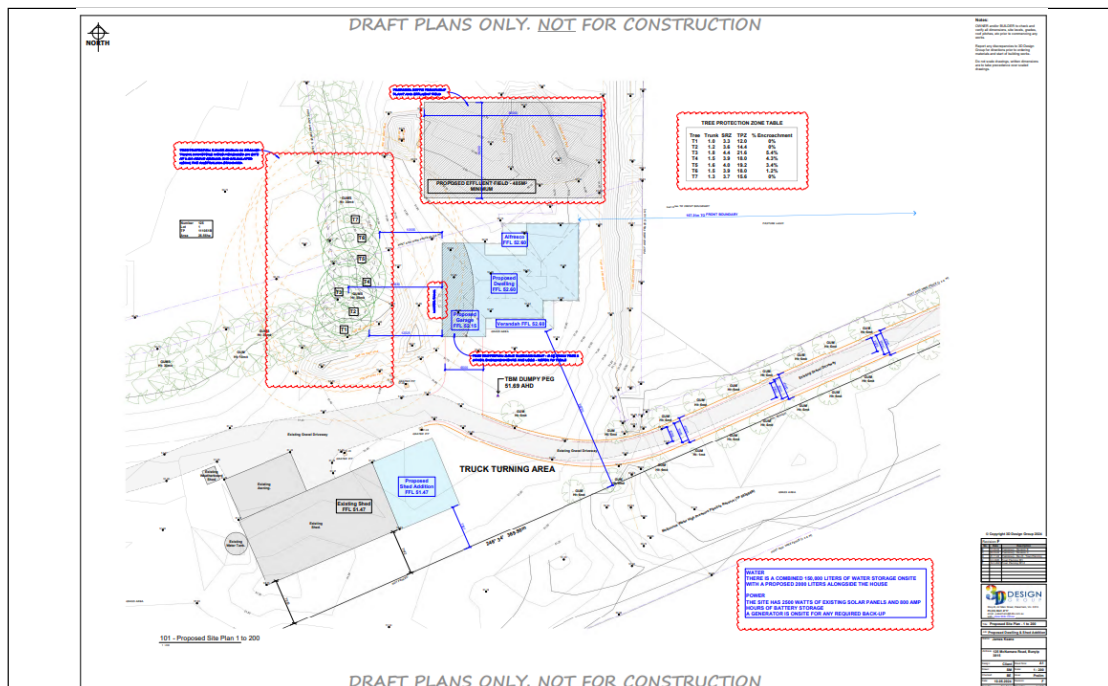
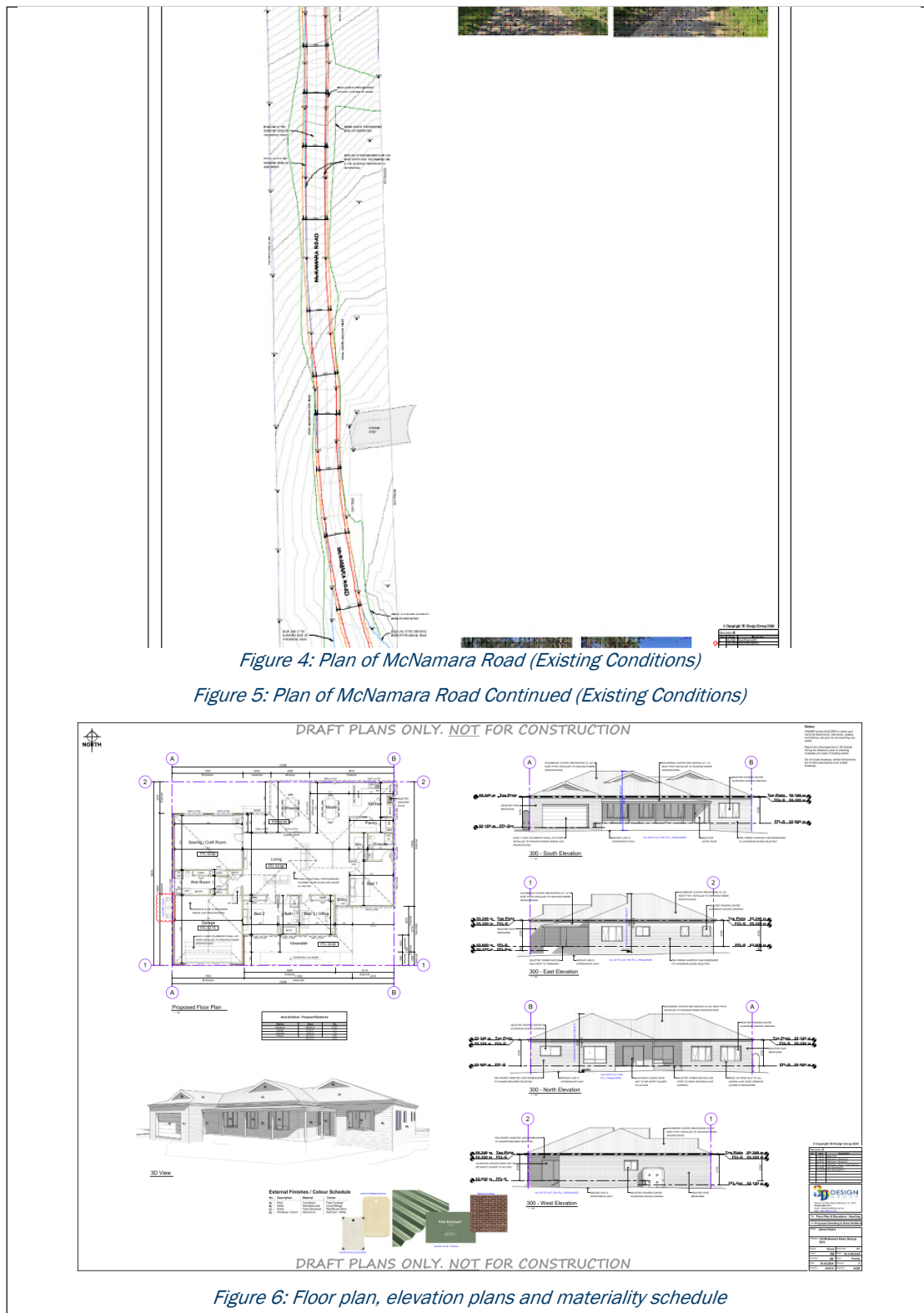
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Figure 2: Site Plan (1:200)

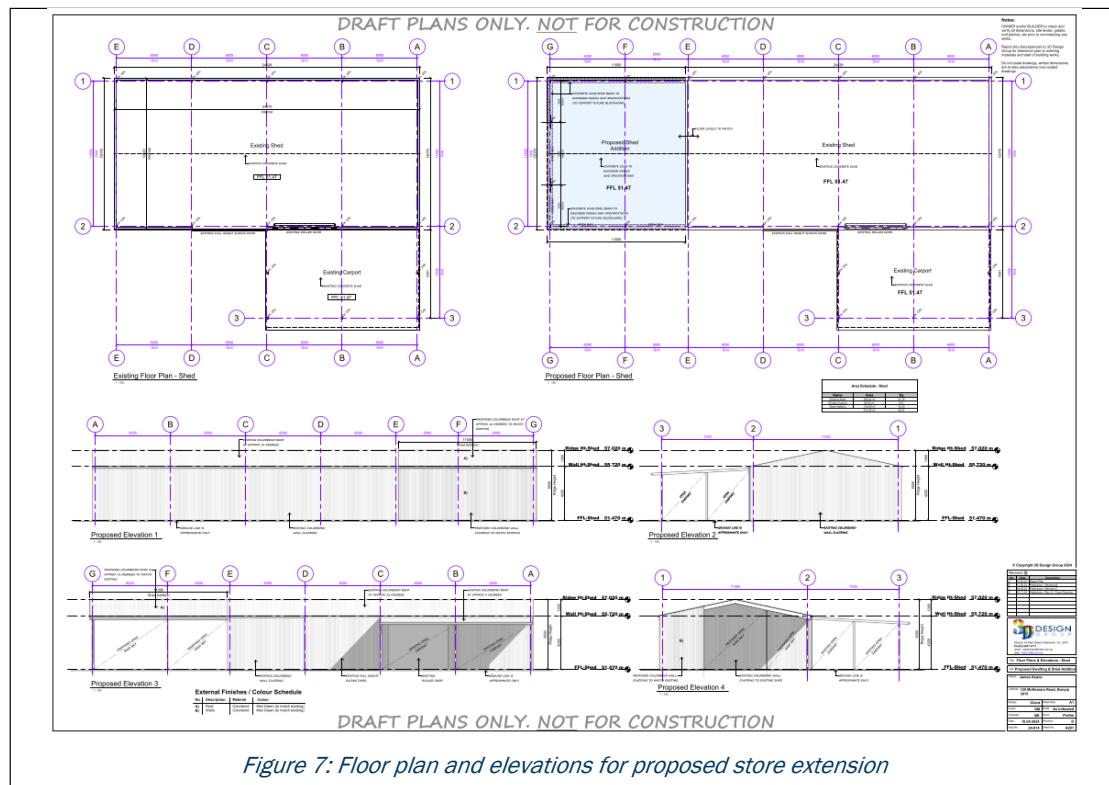


Figure 3: Plan of McNamara Road (Existing Conditions)

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An unaccompanied site inspection was undertaken on 21 August 2025.

The subject land, formally identified as Lot 1\TP111051, is located on the western side of McNamara Road. The lot is irregular in shape and has 'frontage' to McNamara Road of 179.59 metres and a maximum depth of 783.34 metres, totalling 26.5 hectares in area. The site is accessed from an existing crossover to the front eastern boundary. There are no easements encumbering the subject land.

The land is currently developed with a rural store, two (2) smaller sheds and other structures (including shipping containers), and two (2) water tanks. There are multiple fenced paddocks within the lot. An existing driveway runs for the length of the southern boundary from McNamara Road to the store. The land is largely flat, and the paddocks cleared of vegetation, though the boundaries, internal fence lines and Tea Tree Creek (running diagonally from the western boundary to the northern boundary) are well vegetated, with two pockets to the northern boundary. The land is located approximately 1.7 kilometres (as the crow flies) from Bunyip's commercial centre.

Directly abutting the lot:

North: 3150 Princes Highway – Large agricultural allotment of approximately 39 hectares in area. Contains single dwelling approved

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	under Planning Permit T060335. Tea Tree Creek runs diagonally through the lot from the southern boundary to the eastern boundary. Land is largely flat and clear of vegetation, though populates the boundaries, the creek and internal access/fencing. There is a small patch of vegetation within one of the paddocks. A gas pipeline easement runs east to west through the lot, approximately 45 metres from the northern boundary of the subject land. South: Lot 1\TP883696 - Melbourne Water High Pressure Pipe Reserve. East: McNamara Road's road reserve and an unmade government road. West: Lot 2 Hillbrick Road – Large irregular allotment of approximately 26 hectares. The lot is split to the south by the High Pressure Pipe Reserve. The land contains a single shed and small dam, and is split into multiple paddocks by fencing. The land is largely flat and clear of vegetation, save for vegetation to the boundaries and along fencing, as well as the edge of Tea Tree Creek. The creek runs horizontally through the land. The land is leased by the landowner of the current application to graze cattle. The subject land sits immediately outside the Urban Growth Boundary, located between the formal settlement boundaries of Garfield and Bunyip. There is low density residential development to the east and southeast, and large agricultural paddocks to the west. The lots to the west are largely similar to the subject land – flat, clear of most vegetation and likely used for cattle grazing. There is evidence of historical excisions and re-subdivision of land throughout the west, generally towards the township of Garfield and southwest towards the rail line that has allowed for some development of dwellings on green wedge land. To the east, low density residential development of single dwelling lots of approximately 4000m² gives way to a more typical suburban subdivision pattern towards Bunyip's town centre. To the south across from the PUZ1 is a large lot zoned for low density development (LDRZ3) and encumbered by the DPO21 (amongst other overlays), slated for future subdivision and development of low density residential housing.
Permit/Site History:	The history of the site includes: • P.7337 was issued by the <i>Shire of Pakenham</i> under the <i>Town and Country Planning Act 1961</i> on 28 July 1986 and allowed for 'The excision of a one hectare allotment from the land being part of crown allotment 27, Parish of Bunyip generally in accordance with the attached endorsed plan and for the erection of a single detached house on the proposed excisioned [sic] allotment'. It appears the permit was never acted upon. • Planning Permit T090746 was issued on 23 February 2010 and allowed for 'The development of the land for the purpose of a rural store generally in accordance with the approved plans'.
Aerial photo of site:	

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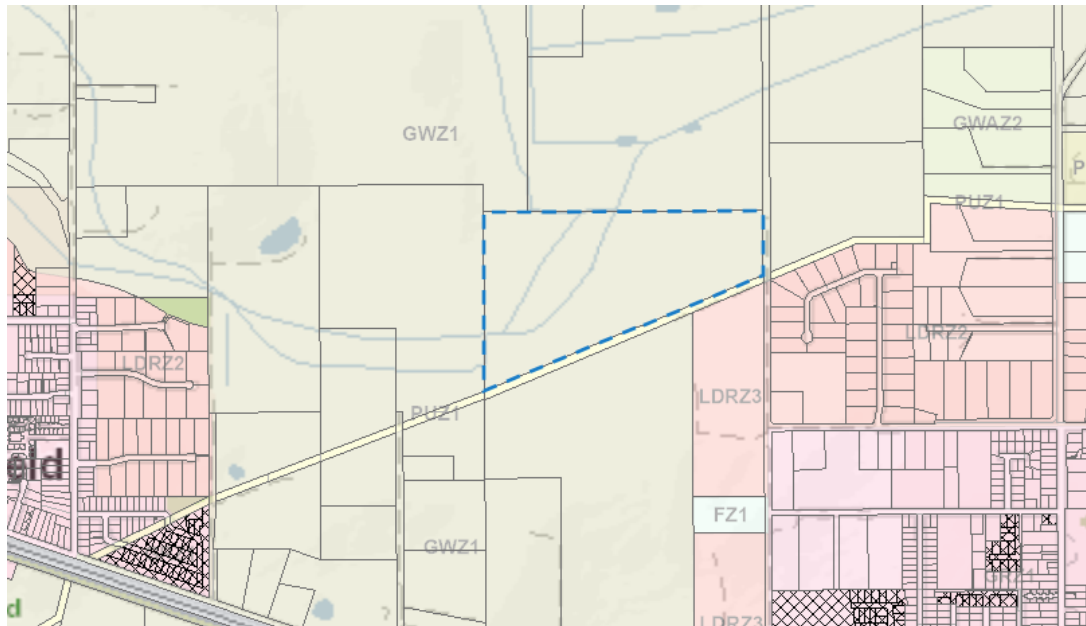
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Aerial photo of surrounding area:



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DELEGATE REPORT*Figure 9: Wider surrounding area (Mar. 2025, Nearmap)**Figure 10: Zoning (VicPlan, 2025)***Aboriginal Cultural Sensitivity:**☒ No*Figure 11: Area of Aboriginal Cultural Heritage on Subject Site (VicPlan, 2025)***Zoological/
Botanical
significance?**☒ None

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Restrictive covenants or section 173 agreements:	☒ None
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Planning Provisions

Zoning:	GWZ1 - Green Wedge Zone - Schedule 1
Overlays:	ES01 - Environmental Significance Overlay - Schedule 1 LSIO - Land Subject to Inundation Overlay - Schedule
Planning Policy Framework (including LPPF)	The planning policies that are relevant to the assessment of the application include: • Clause 11 – Settlement ○ Clause 11.01 – Victoria ▪ Clause 11.01-1S – Settlement ▪ Clause 11.01-1R – Green Wedges – Metropolitan Melbourne • Clause 12 – Environmental and Landscape Values ○ Clause 12.01 – Biodiversity ▪ Clause 12.01-5S – Significant Environments and Landscapes • Clause 14 – Natural Resource Management ○ Clause 14.01 – Agriculture ▪ Clause 14.01-1S – Protection of Agricultural Land ▪ Clause 14.01-1S – Protection of Agricultural Land – Metropolitan Melbourne ▪ Clause 14.01-2S – Sustainable Agricultural Land Use • Clause 15 – Built Environment and Heritage ○ Clause 15.01 – Built Environment ▪ Clause 15.01-2S – Building Design ▪ Clause 15.016S – Design for Rural Areas • Clause 16 – Housing ○ Clause 16.01 – Residential Development ▪ Clause 16.01-3S – Rural Residential Development • Clause 21 – Municipal Strategic Statement ○ Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision

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	○ Clause 21.02 – Environment ▪ Clause 21.02-2 – Landscape ○ Clause 21.03 – Settlement and Housing ▪ Clause 21.03-4 – Rural Townships ▪ Clause 21.03-5 – Rural Residential and Rural Living Development ○ Clause 21.04 – Economic Development ▪ Clause 21.04-2 – Agriculture ○ Clause 21.06 – Particular Uses and Development ▪ Clause 21.06-1 – Urban Design • Clause 22 – Local Planning Policies ○ Clause 22.05 – Western Port Green Wedge Policy
Other Provisions / Documents:	Other provisions and documents relevant to the assessment of the application include: • Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions • Clause 53.03 – Residential Reticulated Gas Connection • Clause 65 Decision Guidelines • Clause 71.02-3 – Integrated Decision Making • <i>Bunyip Township Strategy (2009)</i> • <i>Land Capability Study for the Cardinia Shire (1997)</i> • <i>Cardinia Western Port Green Wedge Management Plan (2017)</i> • <i>Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019] VCAT 323 (6 March 2019)</i> • <i>Muley Investments Pty Ltd v Cardinia [2023] VCAT 1268</i> • <i>Shetland Heights West Pty Ltd v Bass Coast SC [2024] VCAT 1</i> • <i>Wood v Mornington Peninsula SC [2024] VCAT 87</i> • <i>Kenny v Cardinia SC [2024] VCAT 415</i> • <i>Marson v Cardinia SC [2024] VCAT 639</i> • <i>Brusamarello v Bass Coast SC [2024] VCAT 916</i> • <i>Tyrell v Baw Baw [2024] VCAT 1176</i> • <i>Cooksey v Cardinia SC [2025] VCAT 766</i>

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Permit Triggers

A permit is required for the following reasons:

Green Wedge Zone – Schedule 1

Pursuant to Clause 35.04-1, a permit is required to use the land for a dwelling.

Pursuant to Clause 35.04-5, a permit is required to construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.04-1 (Dwelling)

Environmental Significance Overlay – Schedule 1

Pursuant to Clause 42.01-2, a permit is required to construct a building or construct or carry out works (height of all other buildings must not exceed 4 metres, gross floor area of all outbuildings associated with agriculture must not exceed 160sqm in gross floor area)

Notice

Notice of the application was given pursuant to section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices.

The application was re-advertised on 01 August 2025 as there was an error on Form 2 which did not include the date in which the responsible authority would make a decision by.

Objections/Submissions

No objections or submissions have been received.

External Referrals/Notice

Referral Authority	Type	Advice/response/conditions:
DEECA (Property)	Section 52	No objection, comments provided: T240617 PA - S52 Notice Response - DEECA.msg
Melbourne Water	Section 52	No objection, no comments: T240617 PA - S52 Notice Response - Melbourne Water.eml
APA Transmission	Section 52	No objection, no comments T240617 PA - S52 Notice Response - APA VTS.pdf

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Internal Referrals

Internal Referral Department	Advice/response/conditions:
Engineering	No objection, conditions required, comments provided: T240617 PA - Internal Referral Response - Engineering.msg
Environmental Health	No objection, conditions required: T240617 PA - Internal Referral Response - Health.msg
Operations	No objection, comments provided: T240617 PA - Internal Referral Response - Operations.msg

Assessment

The key considerations of this application relate to:

- *The relevant policies of the Planning Policy Framework and Local Planning Policy Framework;*
- *Clause 22.0-5 (Western Port Green Wedge Policy) and associated documents;*
- *The Green Wedge Zone – Schedule 1 and Environmental Significance Overlay – Schedule 1;*
- *The relevant Particular Provisions, including Clause 52.01.*
- *Recent Victorian Civil and Administrative Tribunal (VCAT) decisions; and,*
- *The overall acceptability of the proposal.*

The assessment of these matters, as elaborated upon below, indicate that the proposed use and development of the land for a dwelling does not achieve an acceptable response, except for those matters relating to the extension of the shed. The proposal seeks to introduce a residential use and development outside of the established settlement boundaries and within an area of highly productive agricultural land. The introduction of a dwelling on the subject land is inconsistent with both state and local policy and does not respond to the purpose or decision guidelines of the Green Wedge Zone.

Whilst it is acknowledged that an agricultural use is undertaken on the land, and is expected to continue, it is considered that the establishment of a residential is not necessary to undertake the agricultural use, and that the proposed use will create an unacceptable planning outcome. The subject land is in close proximity to established settlements, and the establishment of a dwelling will further pressure permanent boundaries. As such, it is recommended that the planning permit application be refused, based on the assessment below.

[Planning Policy Framework and Local Planning Policy Framework](#)

The proposal is considered to be inconsistent with the relevant strategic objectives and purposes of applicable policy within the PPF and LPPF.

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Cardinia Shire contains highly valuable soils that contribute to food production and economic development, both locally and for the state. There are ongoing land use conflicts and competing demands which has seen urban development pressure the urban growth boundary, compromising productive activity, sustainable practices and fracturing high quality agricultural land in the Western Port Green Wedge (Cl. 21.01-3).

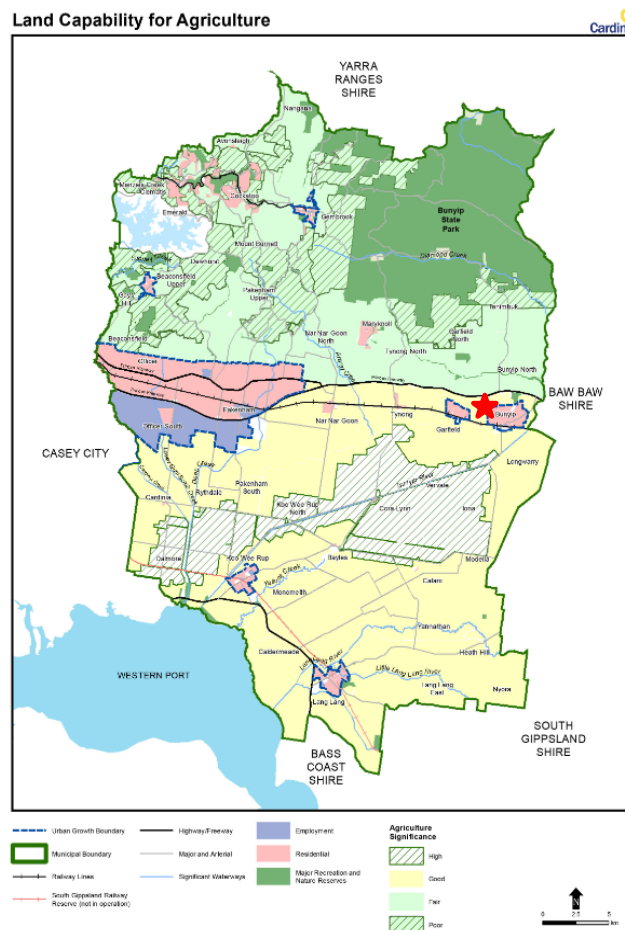


Figure 12: Extract from Cl. 21.04-2 and location of subject site (red)

The subject site is located within the Western Port Green Wedge, an area identified as having 'good' agricultural significance as per Figure 12 above (Cl. 21.04-2). This classification of agricultural land is the second highest (second only to the extremely fertile soils of the SUZ1), meaning it is of a high productive value. The *'Land Capability Study of the Cardinia Shire' [1997]* report provides further information, describing the soil as 'Quaternary alluvium, Tynong clay loam' (Qa5), with the soil type 'commonly being used for grazing' (p. 38). The *Study* describes Qa5 soil as 'Class 3' land capability for agriculture, with the land suited to and able to sustain 'broadacre cultivation':

Can sustain agricultural uses with low to moderate levels of land disturbance such as broadacre cultivation in rotation with improved pastures. Moderate to high levels of production possible with specialist management practices such as minimum tillage.

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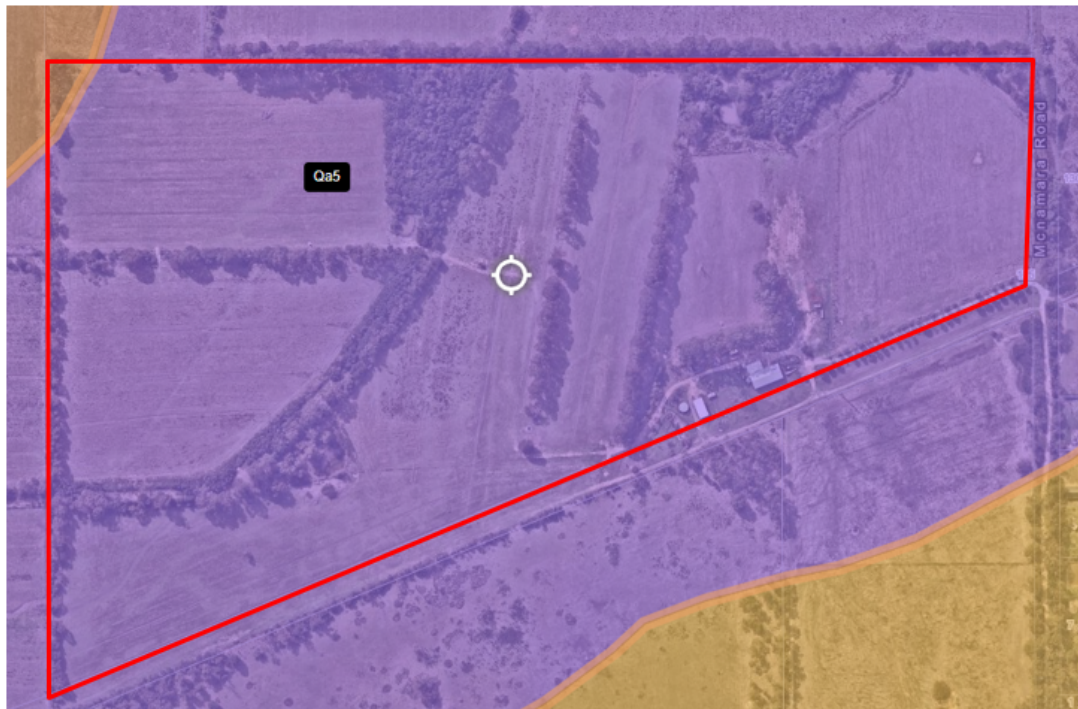
Cardinia


Figure 133: Qa5 mapping from Land Capability Study of the Cardinia Shire [1997]

The site also abuts the Urban Growth Boundary and sits outside the established boundary of the Bunyip township. There is clear policy guidance which seeks to create and reinforce settlement boundaries and also maintain the Urban Growth Boundary (UGB) around established settlements and protect the values of non-urban land, whilst consolidating new residential development in existing settlements in locations where planned services are available and green wedge values are protected (Cl. 11.01-1S & Cl. 11.01-1R). The proposal to establish a new dwelling on the subject land is inconsistent with the above policy which directs development into existing settlement boundaries. The use and development for a dwelling potentially represents an extension of the UGB and established settlement boundaries, which compromises green wedge values sought to be protected by Clause 11.01-13, 21.01-3 & 21.04-2. Whilst noting that the subject site sits between the settlement boundaries of Garfield and Bunyip in which previous development of dwellings has occurred (see assessment of recent Tribunal decisions below), current policy settings seek to avoid and discourage residential development proliferation within green wedge areas, directing residential growth back into existing settlements. Given the proximity to settlements, it is also considered that there would be possible opportunity to locate within a nearby township.

As identified above, the subject land and surrounding Western Port Green Wedge is identified as one of significant agricultural value and productivity (Cl. 21.01-1 & 21.04-2). The proposal seeks to establish a new residential use on land identified for protection from urban encroachment, contrary to the objectives and strategies of Clause 14.01-1S & 21.04-2. Residential development is discouraged and directed towards existing settlements by the aforementioned policy, noting the proposal is at odds with the objectives as it seeks to introduce inappropriate residential activity into a 'rural' area (Cl. 14.01-1S).

While noting the existing agricultural operation on the land (grazing animal production and crop raising), the agricultural use is not considered to be one of such a scale that requires a permanent on-site dwelling – particularly given the close proximity to the established settlements

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of both Bunyip and Garfield. This is also evidenced by the submitted Farm Management Plan, which indicates that the current scale of the use is being undertaken without a dwelling on the land, and has been undertaken for approximately the last year. Given this, it is considered the agricultural operation can reasonably continue on the land without the presence of a dwelling – a course of action significantly more consistent with the strategies and objectives of Clauses 14.01-1R, 21.03-5 & 21.04-2.

With regard to the above, it is contended that the proposal presents as a 'rural residential' development, with a dwelling not necessary for the ongoing agricultural use or its enhancement. As detailed in Clause 21.03-5 (Rural Residential and Rural Living Development):

'The Land Capability Study of the Cardinia Shire, 1997...recognises that the indiscriminate development of land for small lot rural and rural residential purposes may result in extensive land and water degradation, loss of high quality agricultural land and unnecessarily high development and maintenance costs'.

Given the agricultural significance of the land, the proposal is considered likely to have a significant impact on surrounding agricultural land – again discouraged by Clause 21.03-5.

Thematically, relevant policy provides clear and consistent direction – highly productive agricultural land located within the Western Port Green Wedge region should be protected from urban development, and that urban development should be directed back into existing settlements, ensuring established settlement boundaries are maintained and protected. There is little policy support otherwise to establish a new residential use on a productive agricultural lot, with development outright discouraged.

Bunyip Township Strategy (2009)

Whilst the subject land is located outside the township boundary, the strategy identifies an underlying principle to consolidate development and growth within the defined urban growth boundary to avoid further impacts into agricultural land (p.6 and 20).

Clause 22.05 & Cardinia Western Port Green Wedge Management Plan (2017)

The Cardinia Western Port Green Wedge Management Plan informs the strategic vision and policy of Clause 22.05, the Western Port Green Wedge (WPGW), in which the subject site is located within. The objectives of Clause 22.05 are:

- *To give effect to Council's vision for the Cardinia Western Port Green Wedge.*
- *To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.*
- *To provide clear guidance on appropriate tourism industries and their location.*
- *To provide guidance and clear direction for preferred land uses for each of the 3 precincts.*

All proposal must align with the following land use policy at Clause 22.05-3, which seeks to:

- *'Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.*
- *Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.*
- *Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.*
- *Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District'.*

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The subject land is located in Precinct 3 – The Railway Precinct. Precinct 3 seeks for “land use transition” between urban townships (in this instance Bunyip) and Green Wedge Land. Whilst Precinct 3 generally seeks to mirror land outside of areas nominated as having “high” agricultural significance, precinct guidelines still identify:

The railway precinct will provide a sensitive transition from urban townships to green wedge land, assist in protecting land that is of agricultural, landscape, environmental and biodiversity significance and will continue to support the Pakenham Racing Club's Tynong Racecourse. This precinct will seek to ensure that UGBs are defensible in the long term and that there is a clear edge to metropolitan growth.

Any intensification of the development pattern of the townships that exist within the precinct, or expansion of their boundaries must be strategically justified and be proven to not detrimentally impact the surrounding Precinct 1 or the environmentally sensitive environment of the Cardinia Western Port Green Wedge.

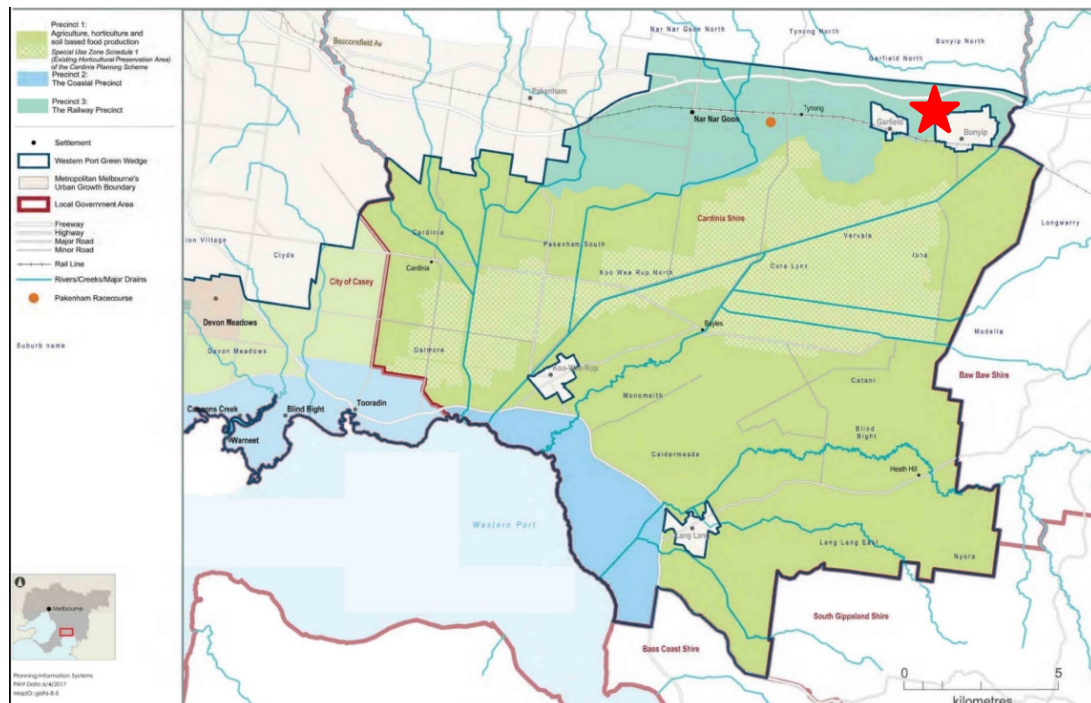


Figure 14: Extract from Clause 22.05 - Western Port Precincts and Location of Subject Land (red)

The proposal does not respond to the guidelines and directions of the policy. The establishment of a dwelling, as outlined above, will permanently change the land use, and pressure adjoining lots, as well as established settlement boundaries. The above assessment identifies that the proposal does not satisfy the policies, objectives or strategies of the Planning Policy Framework or Local Planning Policy Framework. To the contrary, the policy offers strong opposition to the proposal and is therefore not supported. The below assessment specifically relates to that of Clause 22.05, reaffirming the findings that the proposal is inconsistent with policy strategies and objectives.

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Dwelling Requirement	Response
<i>The vision and local policy for the Cardinia Western Port Green Wedge.</i>	The vision and local policy for the Western Port Green Wedge is clear and unambiguous; Green Wedge Land in close proximity to townships should be protected from encroachment from urban development. Furthermore, these documents acknowledge green wedge soils as a finite resource which should be protected; something the proposal is considered to be at odds with, given it seeks to allow the land to be used for a dwelling for the first time.
<i>The precinct objective and the future directions / preferred land uses for the site.</i>	The subject site is located within 'Precinct 3' designated for '<i>sensitive transition from urban townships and green wedge land, assisting in protecting land that is of agricultural, landscape, environmental and biodiversity significance</i>'. The future directions/preferred land uses for this Precinct aim to 'protect the values and assets of the green wedge by preventing further encroachment of urban development into the Western Port Green Wedge. Non-rural uses are expressly discouraged from locating within Precinct 3, with these preferred to be located within townships. The existing settlement pattern on the edge of Bunyip is consistent with the above, with the east and south of the subject land zoned LDRZ to provide for appropriate transitional development to the green wedge, providing for the 'rural transition' as sought by the direction of precinct. The establishment of a dwelling on the subject land is contradictory to that direction, and the policy is considered to discourage enabling encroachment of residential uses into the WPGW, with the directions explicitly stating that: <i>Protect the values and assets of the green wedge by preventing further encroachment of urban development into the Western Port Green Wedge.</i>
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i>	By nature of the use and development, the establishment of a dwelling on the subject land will change the land use from its current state (agricultural) to a future state (dwelling /residential), which has the potential to remove land from agricultural production, both through the physical reduction in available area due to the siting of the dwelling and ancillary services (effluent field), and other externalities associated with urban development. Whilst noting that there is an existing accessway that is utilised in conjunction with the ongoing agricultural use, the dwelling is setback 167 metres from the eastern front boundary and setback 28 metres from the southern side boundary. An effluent field is also required to enable the use of the dwelling. Together, it is approximated (conservatively) that 3000sqm will be permanently removed from agricultural production, noting that the accessway already exists and it would be unreasonable to include as part of the calculation. With respect to the area of the subject land, totalling 26.5 hectares, it is acknowledged that a loss of 3000sqm (approximately) may seem ultimately inconsequential. However, in <i>Muley Investments Pty Ltd v Cardinia SC [2023]</i>, which related to an appeal regarding Council's decision to refuse to grant a permit for the use and development of the land for a contractors depot, the Member noted the following:

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	<i>I also agree with council that any loss of 'good' agricultural land in this location, must be considered and assessed in the context of 'cumulative impacts' that may arise on surrounding GWZ1 land. It is this potential incremental 'urban' creep of non-agricultural land uses into the Green Wedge areas that the GWZ1 purposes and associated policy seek to avoid.'</i> Allowing for residential development on productive agricultural land has the potential to 'encourage' further urban development, pressuring not only the subject site but also adjoining lots by creating expectations that further non-agricultural pursuits will be permitted. This has also been raised in <i>Shetland Heights West Pty Ltd v Bass Coast SC [2024]</i>, which related to a decision to refuse to grant a permit for use and development of the land for a dwelling in the <i>Farming Zone</i> (FZ), with the Member finding: <i>[172]...I am persuaded by the submissions and evidence advanced for the council that the grant of permission for a dwelling, would in the circumstances, create market expectations of similar approvals on rural land in the FZ. This would have the potential to 'lead to a concentration or proliferation of dwellings in the area'. It is a situation that is contrary to decision guidelines in the FZ and the strategic directions of the planning scheme that seek to limit the establishment of dwellings in rural areas outside settlements and to protect and enhance the productive capability of agricultural land.</i> Therefore, it is not considered the proposal appropriately protects and retains land for future sustainable agricultural purposes.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	It is acknowledged that the subject land, whilst sitting outside the UGB, sits adjacent to a developed LDRZ subdivision to the east as well as likely further LDRZ development to the south (noting land in the vicinity is appropriately zoned (or to be rezoned) for transitional development, consistent with policy at Clause 22.05), in that dwellings in the nearby area may already limit the operation or expansion of agricultural activity to more intense practices. The wider area appears, like the subject land, to be utilised for cattle grazing and minor crop raising activities. It is an unlikely location for an intensive agricultural use with significant offsite amenity impacts given the proximity of the township and the existing density of dwellings in the area. Though the establishment of a dwelling on the subject land might not limit nearby operation through practical agricultural activity, the establishment of a residential use may inflate the land value and prevent other similar agricultural uses from establishing in the area. As explained by Member Templar in <i>Wood v Mornington Peninsula SC [2024] VCAT 87</i>: <i>[47.] The establishment of a dwelling on land that is identified as productive agricultural land effectively removes the site from being a transferable commodity at agricultural values, rather, assigns residential land values which inherently raises the value of the land beyond that which is ascertainable for agricultural production.'</i> Large undeveloped allotments are present to the northeast, south, west and northwest of the subject land and present opportunity for ongoing or future agricultural activity. It is contended the use and development of

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	the land for a dwelling on the subject site is likely to inflate land values and potentially compromising existing or potential agricultural operations by creating expectations of further residential development.
<i>The capacity of the site to sustain the agricultural use.</i>	The Farm Management Plan (FMP) as prepared by the Landowner identifies that an existing agricultural use (grazing animal production and crop raising) has been undertaken on the land for the last 20 years. The FMP makes references the need to live on the land to 'facilitate proper and timely management' of the grazing animals, undertaking tasks such as checking water, health and 'all aspects of farm activities'. Further to the above, the FMP notes that the land has been farmed for 20 years, and that recently the landowner has ventured from farming beef steers and is transitioning to running cows and calves for wagyu beef production. It is also understood that breeding takes place, noting the following extract from the FMP: <i>'I have implemented selective breeding practices to enhance herd genetics and productivity, and I have in the last few years put in place a comprehensive Wagyu Breeding program. I plan to transition my herd from steer beef production to wagyu cows and calves and F1 cows crossed with wagyu bulls. These wagyu cattle are weaned and then fattened to around 400Kg before sale.'</i> The FMP further states that provision of security forms reasoning for living on the land, as incidents including wild dogs and break-ins have occurred, amongst other incidents. The FMP also notes land management activities that are currently undertaken, including pasture improvement, provision of shelter belts fencing and infrastructure. Two apprentices are hired to assist with farm activities. The FMP also notes: <i>'I have doubled the size of the land I farm with a lease of an adjoining property. I am well on track to produce 15000+Kgs of high-quality Wagyu beef this year.'</i> It is not contended that the land is not used for productive agricultural activity, but rather that the activity does not necessitate the establishment of a dwelling. In <i>Tyrell v Baw Baw [2024]</i>, in which the decision related to Councils refusal to grant a planning permit for the use and development of the land for a dwelling in the Farming Zone, the Member found that: <i>[28.] It is self-evident that the existing and proposed beef grazing use does not require a dwelling as this occurs on the land at present.</i> In <i>Shetland Heights West Pty Ltd v Bass Coast SC [2024]</i>, which is also of a similar (though slightly smaller) scale than the current proposal, comprising of scale with 30-35 cows and 30-35 calves, the member found that: <i>168]... this is not a situation where the site is in such a remote location and where accommodation options so limited as to make travel distances to and from the site unreasonably burdensome. Moreover, I accept Ms McGuiness's [Agricultural Expert Witness] evidence that there are other legitimate management techniques that enable remote monitoring of stock</i>

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	<i>and the site without reliance upon the establishment of a dwelling on the site, and that the amount of time required for effective day to day management does not otherwise warrant a 24 hour presence on the review site by a farm manager. Nor do land management and rehabilitation works...</i> In <i>Marson v Cardinia [2024]</i>, which related to Councils refusal to grant a permit for use and development of land for a Dwelling within the Special Use Zone – Schedule 1; land designated for horticultural production, the Member found: <i>[79.] To the extent that use of the land for a dwelling on the subject land will allow a greater presence on the subject land and better oversight of existing farming activities on the subject land and the applicants' other two separate land holdings to the north:</i> <i>we are not persuaded that a dwelling is reasonably required for the operation of the rural activity being conducted on the subject land – a decision guideline of SUZ1. These existing activities involve cattle grazing and the production of hay and silage. While we accept that these are genuine agricultural activities, we find that they do not warrant a continuous on-site presence for their successful conduct;</i> <i>we find that any enhancement of on-site security is not contingent on permitting a dwelling on the subject land. There are many other ways of enhancing site security through for example, remote monitoring by electronic means or changes to the type, location and design of fencing...</i> The FMP is not considered to advance genuine requirements for the establishment of a dwelling on the land. Rather, it is largely focussed on facilitating 'convenience' of the proposed agricultural operation. It is contended that the location of nearby settlements would undermine the necessity for a dwelling on the land, noting the subject lot is not isolated from nearby settlements (adjacent to Bunyip, nearby to Garfield, and within 25-30 minutes driving distance of Pakenham), and that productive agricultural activities are ongoing. Furthermore, the use is undertaken across two land parcels, one leased (Hillbrick Road). It is uncertain how long the existing scale of cattle grazing is to occur for as it is not known when the lease ends. It is considered that given that the current scale of activity (120 animals) is able to be sustained without a dwelling, and that productive agricultural activity has been undertaken on the subject land for the previous 20 years, that it is unlikely a dwelling is required to further sustain the agricultural use.
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With regard to the above assessment, it is considered that the use and development of the land for a dwelling is inconsistent with the objectives and vision of the *Cardinia Western Port Green Wedge Management Plan*.

[Green Wedge Zone – Schedule 1](#)

The purpose of the Green Wedge Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- To provide for the use of land for agriculture.*

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- *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 Clause 35.04-2, land used for a dwelling must meet the following requirements:

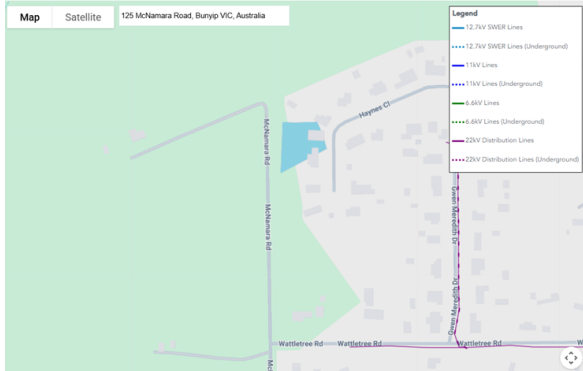
Dwelling Requirement	Response
<i>Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.</i>	Access to the land is currently provided via a crossover to McNamara Road. The existing access is currently used in relation to the agriculture on site. Initially it was unclear as to whether access 'via an all-weather' road was able to be achieved from McNamara Road, and contention as to what an 'all-weather road' comprised of. <i>Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019]</i> brings clarity to the matter, with the Member finding: <i>[72.]... in a planning context, the essential element that a road must possess, which could be said to meet the requirements of clause 35.06-2, is that it is available for general use by the public and the public has a right to use it as a road.</i> DEECA, who was understood to own the road, was sent notice under Section 52 of the <i>Act</i>. They indicated it is a road, however it was a Council owned road, though no ongoing maintenance is currently undertaken as per information from Council's internal departments. Council's Engineering team advised that given the number of users of the road, that any future maintenance is unlikely to be undertaken by Council, and that should a permit be issued that all activities be undertaken by the landowner. DEECA also noted that all maintenance/upgrade activities should ensure vegetation impacts are adequately assessed/mitigated. The applicant has provided plans showing that McNamara Road meets the access requirement.
<i>The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017</i>	Reticulated sewerage is not provided to the subject site. The applicant has submitted and a Land Capability Assessment (LCA) prepared by <i>SoilTest Express</i> dated 14/03/2025. The document indicates that wastewater can be treated and retained within the lot in accordance with relevant requirements (including those required by the EPA). The documentation was referred internally to Council's Environmental Health team, who did not object to the granting of a permit, subject to conditions.

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<i>for an on-site wastewater management system.</i>	
<i>The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.</i>	Reticulated potable water supply is not provided to the subject land. Landowner has advised through FMP that 150,000 litres of tank storage are currently available with that to reach 200,000 litres with the construction of the dwelling. A 2000 litre water tank is also to be placed adjacent to the dwelling.
<i>The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.</i>	It is understood the land does not have access to reticulated electricity services, with Figure 14 below showing that distribution lines end on Wattletree Road to the southeast. The applicant has stated that between 2500 and 5000w watts of solar power are stated to be available currently and is able to be expanded, whilst a 14,000/15,000 watt diesel generator is also on site.  <i>Figure 15: Availability of 22kv distribution lines to subject site (AusNet Rosetta Data Portal, 2025)</i>

With regards to the above, it is considered that the requirements of Clause 35.04-2 are able to be reasonably met to accommodate a dwelling. Whilst noting that requirements are considered to met, the proposal is not consistent with the purpose of the Green Wedge Zone, and further assessment against the remaining considerations is provided below.

Pursuant to Clause 35.04-1, a permit is required to use the land for a dwelling, and pursuant to Clause 35.04-5, a permit is required to construct a building or construct or carry out works associated with a Use in Section 2 of Clause 35.04-1.

It is not disputed that productive agricultural activity is undertaken on the land, however, the proposal would introduce a permanent change to the land use for a purpose that is not considered necessary to provide for or enhance the use of the land for agriculture. Whilst it is noted that the intensity of the cattle grazing has recently changed as per the submitted FMP, it is understood that this activity is currently being undertaken without a dwelling on the land as evidenced by the lease supplied as part of the application material (noting the length of the lease is unknown). Further to the above, the applicant has stated that the use (in some capacity) has been undertaken for the previous 20 years without the requirement for a dwelling. Furthermore, the subject land's proximity to existing settlements represents an unacceptable loss of agricultural land, noting the subject lot is not isolated, and settlement opportunities within existing townships are possible.

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Many considerations have been echoed elsewhere in the Scheme and have been assessed elsewhere in the report – a response to these considerations is not repeated.

Decision Guideline	Comments
General Issues	
<i>How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.</i>	The proposed dwelling use and development is not considered to sufficiently relate to the rural use occurring (and proposed to continue) on the subject land – Grazing Animal Production. As mentioned above, it is understood that 120 cows, calves, and yearlings are currently kept on the land (and adjoining leasehold). As discussed, this is not considered to be of sufficient scale to require a dwelling. This is a reasonable finding as it has been described by the FMP that the land has been used for farming for the last 20 years, and that the current use (grazing wagyu beef) has operated without a dwelling for at least the past year. The submitted FMP provided with the application outlined a breeding program, land management activities and other animal management activities that are undertaken to support the cattle. Given these uses occur currently and continue to occur without a Dwelling, aside from convenience, insufficient reasoning has been advanced as to why a Dwelling is necessary to undertake this operation. Therefore, it is not considered the current agricultural operation is one of a scale that requires the presence of an ongoing farm managers residence (Dwelling). Rather, the extent to which the proposed Dwelling will relate to rural land use is considered to be limited to convenience. As such, it is not considered the proposal appropriately relates to rural land use (Agriculture). Rather, it seeks to use and develop the land for 'rural living' type purposes, a proposition expressly discouraged throughout the Scheme.
<i>Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses</i>	Given the land is identified as being of high agricultural significance throughout the Scheme (but most notably at Clause 22.05), the site is not considered to be suitable for residential development. While in some cases, it may be possible to appropriately demonstrate that residential development (such as a Dwelling) is directly related to or needed to support/enhance an agricultural operation or otherwise will assist in advancing and achieving the purposes of the GWZ – this is not considered to be the case in this circumstance. The agricultural operation (keeping of 120 cows) is not considered to be one of a scale that requires an on-site Dwelling as the submitted FMP has outlined that the land has been farmed for the past 20 years without a dwelling, and it is understood the current grazing activity (and associated land management) at 120 cows is undertaken without a dwelling. Rather, and as discussed throughout this report, it is considered accommodation can be provided in established urban areas (on the residentially zoned land directly abutting the site and in nearby townships), and the entirety of the site maintained for sustainable agricultural use, as is directed by policy.
Rural Issues	
<i>The maintenance of agricultural production</i>	As discussed above, the proposed dwelling is not considered to be necessary to support, maintain or enhance agricultural production on the land. Furthermore, it is considered the introduction of a dwelling to the land is likely

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<i>and the impact on the rural economy.</i>	to dramatically increase the value of the land and create expectations for use and development of surrounding land for residential development. This is considered likely to have a high detrimental impact on the rural economy by raising land prices (both of the site and in the surrounding area), limiting the ability for productive, economically viable agricultural land uses to establish on the site and surrounding area in future. As explained by Member Templar in <i>Wood v Mornington Peninsula SC [2024] VCAT 87</i>: <i>[47.] The establishment of a dwelling on land that is identified as productive agricultural land effectively removes the site from being a transferable commodity at agricultural values, rather, assigns residential land values which inherently raises the value of the land beyond that which is ascertainable for agricultural production.'</i>
<i>The environmental capacity of the site to sustain the rural enterprise.</i>	This decision guidelines echoes that addressed at Clause 22.05. It is noted that there is an existing rural enterprise that operates on the land and adjoining land. The cover of a lease was provided, though it is not known when the lease was signed or for how long the agreement runs. The increased activity can only be considered temporary with the available information, noting that the introduction of the dwelling at the current intensity, even if that intensity was to be sustained in perpetuity, is not considered appropriate as outlined in detail elsewhere throughout this report.
<i>The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.</i>	It is considered likely the proposed dwelling will lead to a rural residential outcome on the lot. As mentioned above, the permission sought (use of land for a dwelling) runs with the land in perpetuity, and for this reason it is considered likely this use (and associated development) could incrementally increase/intensify in size into the future. For this reason (as well as those discussed above), it is considered the establishment of a Dwelling use on the land has significant potential to detrimentally impact adjoining and nearby agriculture. Dwellings are noted to be accompanied by expectations regarding amenity – while the purposes of the zone (affecting the land and surrounding area) seek to encourage agricultural uses, known to generate amenity impacts. Further, and as discussed directly above, expansion of a dwelling use and development on the site is considered likely to inflate land prices, placing further pressure and constraints on establishment of agricultural uses.
<i>The protection and retention of land for future sustainable agricultural activities.</i>	By nature, the proposed use and development seeks to remove a portion of the land from use for sustainable agricultural activities. As discussed above, the physical area of the site proposed to be 'lost' from the agricultural base and used for domestic purposes equates to approximately 3000sqm, given it is uncertain how far urban activities will extend into the land (and whether the front eastern paddock will remain as productive land), this figure is based on the extension to the existing access, dwelling and effluent field. Given the high agricultural significance of the land, this is considered to be an unacceptable figure. As such, it is not considered the proposal appropriately protects and retains land for future sustainable agricultural purposes. Rather it seeks the opposite; and would result in the removal of highly valuable, productive agricultural land – as well as hindering use of surrounding land for future sustainable agricultural activities.

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Environmental Issues	
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	The dwelling is sited so as to avoid vegetation removal.
<i>How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.</i>	The submitted FMP notes that current land management activities to enhance natural features are undertaken on the land, though this activity is conducted without the presence of a dwelling.
<i>The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.</i>	The effluent field associated is located to the north of the dwelling and locate over 250 metres from Tea Tree Creak. The effluent field sits outside the LSIO, and it is considered unlikely to impact upon waterways, whilst encroachment into TPZs of nearby vegetation is generally avoided.
Design and Siting Issues	
<i>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.</i>	The dwelling is sited so as to avoid vegetation removal,
<i>The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.</i>	The proposed dwelling is setback 167 metres from the front boundary and 28 metres from the southern boundary, set approximately one third into the land. In consideration of historical dwellings and previously approved dwellings (see Tribunal decisions), the location is generally considered to be inconsistent with character, with dwellings generally located nearer to the front setback, though acknowledging some outliers exist closer to the township of Garfield.

With regard to the assessment above, the proposal is not considered to provide an acceptable response, nor achieve an acceptable planning outcome with regard to the Green Wedge Zone. The proposed dwelling is not considered necessary to support the agricultural use currently undertaken on the land (grazing animal production and crop raising), and the establishment of a new residential use would not adequately enhance these aforementioned activities. The introduction of a residential use is considered likely to inflate land values and prevent other agricultural uses from establishing. The subject land is located adjacent to the urban growth boundary, and the establishment of a dwelling will further pressure established permanent settlement boundaries, especially the township boundary of Bunyip.

As per Clause 71.03-2 (Operation of Zones):

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'Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes...'

Assessment of the application has occurred, and the proposed use (as well as associated development) is not considered to achieve an acceptable outcome.

Land Subject to Inundation Overlay – Schedule

Whilst noting that the LSIO partially encumbers the land, the areas proposed to be developed is not within the boundaries of the overlay, and therefore a permit is not required under the above provision.

Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

The purposes and provisions within Clause 51.02 echo those within the Green Wedge Zone, as well as elsewhere in the Scheme. No additional permit requirements arise under this provision, and as such the assessment of the proposal with regard to Clause 35.04 (Green Wedge Zone) is considered to apply comparably to this provision.

Consideration of Other Matters – Extension to the Existing Store/Shed & ESO1

The proposed dwelling does not trigger a permit requirement under the ESO1 for buildings and works, however, the extension to the store does. The proposed extension to the existing store is considered to achieve an acceptable outcome. The shed contributes to productive agricultural activity through the storage of farm vehicles and fodder and is necessary to enable the use of land for agriculture. The design and size of the extension is considered to achieve an acceptable outcome, with the siting ensuring impacts to productive land are minimised by maintaining the setback to the southern boundary. If the extension were considered separate to the use and development of the dwelling, it would likely be supported.

Recent Tribunal Decisions

There are a number of recent decisions that have been made at the Victorian Civil and Administrative Tribunal (VCAT or 'the Tribunal') which are of relevance to the proposal, either with regard to their location on Green Wedge land within Cardinia Shire or for their similarities relating to the proposal with regard to settlement boundaries, use of the land for a dwelling or associated agricultural use. Whilst each application must be considered upon its own merits, the decisions provided a useful framework for the consideration of the proposal under assessment.

Mule Investments Pty Ltd v Cardinia SC [2023]

The above decision related to an appeal regarding Council's decision to refuse to grant a permit for the use and development of the land for a contractors depot. The contractors depot was proposed to be located in any area identified as having 'good' agricultural significance as identified by Clause 21.04-2, located in the 'Railway Precinct' of the Western Port Green Wedge region as per Clause 22.05, similar to that of the existing subject site. Member Gaschk found that:

[66.] I have also not been persuaded that the loss of some 2.0ha of 'good' agricultural land is justified or necessary on this land to provide for the large scale non-agricultural land use as proposed. This is particularly so given the context and physical agricultural character of surrounding land.

[67.] I also agree with council that any loss of 'good' agricultural land in this location, must be considered and assessed in the context of 'cumulative impacts' that may arise on surrounding GWZ1 land. It is this potential incremental 'urban' creep of non-agricultural land uses into the Green Wedge areas that the GWZ1 purposes and associated policy seek to avoid.'



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The above decision concerned a non-agricultural use and development and reaffirmed that the 'loss' of valuable agricultural land to urban activities in close proximity to settlements and rural townships is inappropriate and is to be avoided. Further to the above, whilst noting historical enablement of dwelling development in the area (further addressed below), it is asserted that approval of new residential or non-agricultural uses is likely to lead to expectations of approval of similar uses in the future, leading to 'cumulative

Marson v Cardinia SC [2024]

In Marson, the permit applicant sought review of Council's refusal to grant a permit for use and development of land for a Dwelling within the Special Use Zone – Schedule 1; land designated for horticultural production, within Catani. It is noted the findings were not contingent upon the zoning of the land, but in addition to the purpose of the zone that policy direction in relation to agricultural land is 'unambiguous'. It is therefore considered to provide a useful framework in considering the current application.

As part of the application, use and development of the land for a dwelling was proposed, and was stated to be in support of 'Grazing Animal Production' comprising approximately 30 animals. The permit applicant sought a dwelling on the land largely for convenience purposes, as well as providing greater oversight and security for the cattle operation. In affirming Council's decision to refuse to grant a permit, the Tribunal stated:

[79.] To the extent that use of the land for a dwelling on the subject land will allow a greater presence on the subject land and better oversight of existing farming activities on the subject land and the applicants' other two separate land holdings to the north:

- *we are not persuaded that a dwelling is reasonably required for the operation of the rural activity being conducted on the subject land – a decision guideline of SUZ1. These existing activities involve cattle grazing and the production of hay and silage. While we accept that these are genuine agricultural activities, we find that they do not warrant a continuous on-site presence for their successful conduct;*
- *we find that any enhancement of on-site security is not contingent on permitting a dwelling on the subject land. There are many other ways of enhancing site security through for example, remote monitoring by electronic means or changes to the type, location and design of fencing...*

Despite the different zoning of the land and increased number of animals currently on the land (120), there are a number of relevant similarities between Marson and the subject application. A similar agricultural use was found to not require a continuous on-site presence, with particular regard to site security. As explained by the Tribunal, there are other means by which site security can be maintained – without the requirement for an on-site dwelling. Further, at paragraph 80:

'...The land's area is also below the 25 hectare minimum for subdivision albeit larger than some other lots containing a dwelling in the surrounding area. We do not however consider that these other examples of dwellings on smaller lots usefully support the grant of a permit on this site. Many of these pre-date current planning scheme policies and controls that now seek to avoid residential use of agricultural land and its fragmentation. Consolidation of such lots is also a contemporary strategic policy outcome.'

Similar to the circumstances in Marson, while noted above there are examples of dwellings on lots surrounding the subject site, the majority of these pre-date current planning controls, and cluster towards the southeastern boundary of Garfield, noting these allotments are generally smaller. Since construction of these dwellings, the policy narrative has shifted dramatically and now encourages dwellings to be located within established settlements, whilst the PPF and LPPF expressly discourages dwellings being located on productive agricultural land. As shown in Figure

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15 (below), there are 19 dwellings on 'Precinct 3' green wedge land between the townships of Bunyip and Garfield. Of these 19 dwellings, seven (7) have been approved via a planning permit issued since 1995, with two comprising of second houses, one being a replacement dwelling and one permit never being acted upon. Of those dwellings with a use component to the planning permit, the most recent issued is from 2019, with the next most recent from 2015. The remaining 12 dwellings either did not require a planning permit at the time of construction or were approved under vastly different controls.

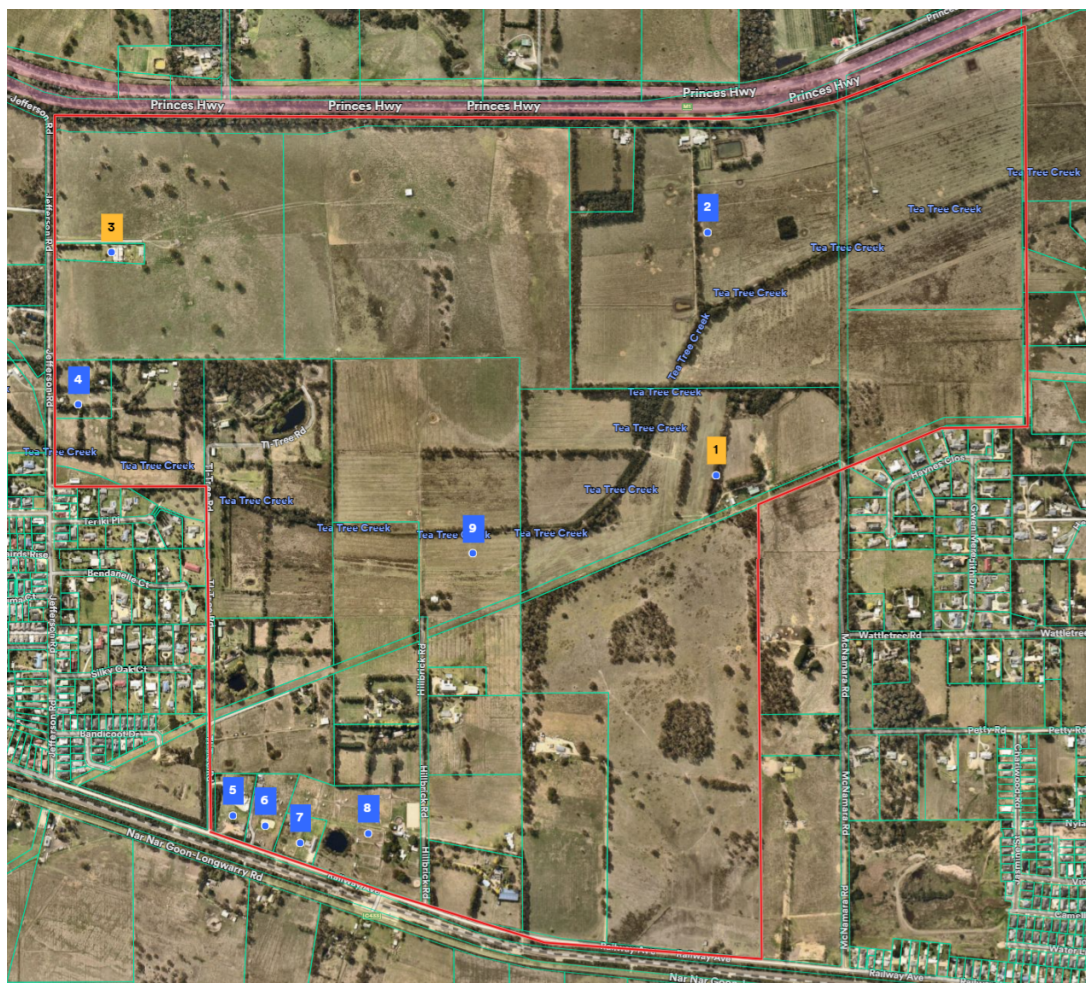


Figure 16: Analysis of dwellings within green wedge land (within red border) surrounding the subject land (Blue = post 1995 permit. Yellow – legacy permit) (Mar. 2025, Nearmap)

Map Ref.	Address	Developed with:	Permit Issued
1.	125 McNamara Road	Vacant (shed)	P.7337 allowed for 'The excision of a one hectare allotment from the land being part of crown allotment 27, Parish of Bunyip generally in accordance with the attached endorsed plan and for the erection of a single detached house on the proposed excisioned [sic] allotment'. Not acted upon. 28 July 1986.

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	130 McNamara Road	Vacant	N/A
	Princes Highway	Vacant	N/A
2	3150 Princes Highway	Dwelling	T060335 – use and development for a dwelling. 13 September 2006.
	31.30 Princes Highway	Dwelling	N/A
	Princes Highway	Vacant	Excision of 130 Jefferson Road (P8141). 28 May 1986
3	130 Jefferson Road	Dwelling	P9631 – use and development for a dwelling. 05 December 1989
4	100 Jefferson Road	Second Dwelling	T960382 – use and development for a second house 16 July 1996
	90 Jefferson Road	Dwelling	N/A
	55 Ti-Tree Road	Dwelling	N/A
	40 Ti-Tree Road	Dwelling	N/A
	30 Ti-Tree Road	Dwelling	N/A
5	605 Railway Avenue	Dwelling	T100683 – use and development for a dwelling. 19 January 2011
6	609 Railway Avenue	Dwelling	T110571 – use and development for a dwelling. 23 December 2011
7	615 Railway Avenue	Dwelling	T190307 – use and development for a dwelling. 245 October 2019
8	635 Railway Avenue	Second Dwelling	T230300 – Buildings and works – replacement dwelling
	10 Hillbrick Road	Dwelling	N/A
	20 Hillbrick Road	Dwelling	N/A
	45 Hillbrick Road	Dwelling	N/A
	55 Hillbrick Road	Dwelling	N/A
	40 Hillbrick Road	Dwelling	N/A
	50 Hillbrick Road	Dwelling	T040164 – use and development for a dwelling (no permit on record)
9	Lot 2 Hillbrick Road	Vacant (Shed)	T150573 – use and development for a dwelling (never constructed). 08 December 2015.
	695 Railway Avenue	Dwelling	N/A
	725 Railway Avenue	Vacant (Shed)	N/A

The decision by the Tribunal also raises the impact of residential development on land values:

[90.] While we accept that the applicants have a genuine desire to live on the land they have farmed for many years, a dwelling use would result in a permanent change of land



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use and inevitably inflate the market value of the subject land. Economic benefits to the applicants upon sale of the land come with a broader long term economic disbenefit. For future purchasers of land seeking high quality soils of the kind found in this area, permitting a dwelling would diminish rather than enhance the ability to sustain genuine and economically viable agricultural pursuits, particularly for horticultural purposes. Its utility for rural lifestyle type purposes would in turn become a more attractive proposition than a lot without a dwelling.'

The contention put forth by the Tribunal above is significant to the current application. Establishment of a dwelling on the subject site would represent a dramatic change in the condition of the land, and therefore the value of the land. While the current applicant may desire a dwelling on the land to simplify their proposed agricultural operation, any permit issued would run with the land, with the presence of the dwelling dramatically increasing the value of the land – hindering ability for future agricultural uses to establish on the land, in a viable manner.

Kenny v Cardinia SC [2024] VCAT 415

In *Kenny*, the permit applicant sought review of Council's failure to grant a permit for use and development of land for a dwelling, within the Green Wedge Zone and Land Subject to Inundation Overlay – in Nar Nar Goon. The subject site in this decision was materially smaller 125 McNamara Road, and no agricultural activities were proposed to occur. Notwithstanding these differences, Member Harty outlined a number of useful considerations for applications seeking to use and develop Green Wedge land for a dwelling. As outlined below:

[44.] I also find that policy support for residential use and development of land in the Green Wedge and in these areas of good agricultural significance is either silent or at best, tempered.

[45.] The purposes of the GWZ1 do not extend to encouraging the use and development of land for a dwelling, or for rural residential or rural living purposes.'

These statements echo the contention of this report that the Green Wedge Zone is not a residential zone, and policy support elsewhere within the Scheme for residential development in the Green Wedge Zone is minimal at best. Rather, considerations within the Scheme encourage Green Wedge land to be used in a manner that acknowledges the valuable characteristics of Green Wedge land, including:

'...agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.'

Proposals that do not directly involve these characteristics must be demonstrated to support these characteristics more broadly – with this where the subject application fails. While an Agricultural use is occurring (and proposed to continue) that aligns with the purpose and objectives of the Zone (and other policy), it is not considered the Dwelling is necessary for this the agricultural use to occur.

Shetland Heights West Pty Ltd v Bass Coast SC [2024]

In *Shetland*, the applicant sought review of Council's decision to refuse to grant a permit for use and development of the land for a dwelling in the *Farming Zone* (FZ) on a 36.65 Hectare site. Whilst it is again acknowledged that there are some substantial differences between the FZ and GWZ, the decision reflects similar aspects to those currently under assessment, most notably the agricultural use and proximity to established settlement boundaries. Whilst of a smaller scale than the current use undertaken on the subject land, in *Shetland* the FMP submitted the following:

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[26.] ...outlines measures for the grazing, breeding and rearing of Black Angus cattle on the review site. The FMP indicates that 13 paddocks of about 2.5 hectares each are proposed, 11 of which would be most intensively used on a rotational grazing basis...

[28.] Stocking rates of 30-35 lactating cows and 30-35 calves is suggested.'

Again, whilst the use is smaller than that associated with the subject land, it is marginally smaller in terms of the number of cows and calves, therefore there are similarities between the proposal in Shetland and the current application. Another similarity relates to the location of the review site in San Remo, which was located in close proximity to the settlement boundary. After hearing expert evidence from both parties, the Tribunal ultimately affirmed Council's decision. Despite acknowledging that the grazing, breeding and rearing of Angus cattle was a legitimate agricultural enterprise, the Tribunal found:

[168]... this is not a situation where the site is in such a remote location and where accommodation options so limited as to make travel distances to and from the site unreasonably burdensome. Moreover, I accept Ms McGuiness's [Agricultural Expert Witness] evidence that there are other legitimate management techniques that enable remote monitoring of stock and the site without reliance upon the establishment of a dwelling on the site, and that the amount of time required for effective day to day management does not otherwise warrant a 24 hour presence on the review site by a farm manager. Nor do land management and rehabilitation works...'

With regard to the need for a dwelling to support calving:

[169.] While I agree that greater management oversight is required during the birthing season, I find that in the particular circumstances, the nexus between the use of the review site for a dwelling and how this would support and enhance the intended agricultural activities is not strong.

[170.] I therefore prefer the opinions expressed by Ms McGuiness including those related to the sustainable commercial viability of the intended agricultural uses and that the use of the land for a dwelling would make only a limited contribution to sustainable land management and its productive capability.'

In concluding, Member Taranto stated:

[172]...I am persuaded by the submissions and evidence advanced for the council that the grant of permission for a dwelling, would in the circumstances, create market expectations of similar approvals on rural land in the FZ. This would have the potential to 'lead to a concentration or proliferation of dwellings in the area'. It is a situation that is contrary to decision guidelines in the FZ and the strategic directions of the planning scheme that seek to limit the establishment of dwellings in rural areas outside settlements and to protect and enhance the productive capability of agricultural land.

[173.] On balance, I find that while there are some the benefits to be gained by allowing a dwelling use on the review site, these are limited and would be considerably outweighed by the dwelling's broad ranging and longer lasting disbenefits...on agricultural values.

[174.] I am therefore not persuaded that the use of the review site for a dwelling would be an acceptable outcome in the circumstances.' This decision provides a useful 'assessment' of a similar agricultural operation.

In affirming Council's decision, the Tribunal found that while provision of a dwelling on the land would simplify and offer greater convenience for a grazing/calving operation, the circumstances were not one where a dwelling enhanced agricultural production. This was particularly the case given the proximity of the Shetland subject site to established settlements; something considered to be materially similar in the current application.

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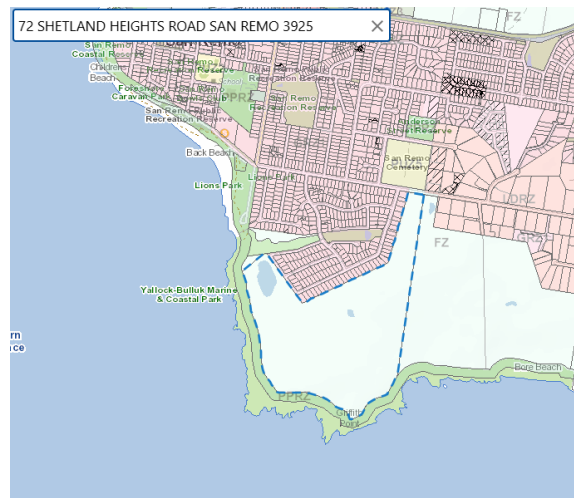


Figure 17: Review site of Shetland v Bass Coast (Vicplan, 2025)

Brusamarello v Bass Coast SC [2024] VCAT 916

In *Brusamarello v Bass Coast*, the applicant sought review of Council's decision to refuse to grant a permit for the construction of a dwelling and shed on a 26.7 hectare parcel of land in the Farming Zone. As above, whilst noting the differences between the FZ and GWZ, the decision provides a useful framework for consideration of multiple relevant factors similar to the current application under assessment.

The subject site was used for existing grazing purposes, and the dwelling was purported to be required to support raising yearlings and a 'Low Density Mobile Outdoor Poultry Farm' which was approved under another permit, yet not currently in operation. The submitted FMP noted that both keeping of chickens and production of 20-30 yearling beef steers required ongoing presence on the subject land through the construction of a dwelling.

In reaffirming the decision of the responsible authority, Member D'Alessandro found that:

[44.] While I have no doubt that activities associated with the poultry farm require careful oversight (as would most farming operations), I am not persuaded by the evidence before me that it requires the farm managers to live on the land, albeit it may be more convenient. Noting that the nearest township of Wonthaggi is a short drive from the review site, it is entirely possible that the farm manager could reside elsewhere and attend the site twice a day to open and close the mobile shed/s and undertake other management responsibilities such as egg collection.

Further to the above, in relation to settlement boundaries, the Member found:

[45.] The Scheme (particularly Clauses 02.03-4 – Natural Resource Management, 02.03-6 – Housing, 11-01-1S – Settlement, 11-01-1L-01 – Settlement and 11.03-3S - Peri-urban areas), all set a primary objective to reinforce settlement boundaries by discouraging housing development and urban growth beyond established townships. The policy recognises the importance of this strategy to avoid urban sprawl, specifically the expansion of isolated rural living allotments, in order to protect agricultural land.

[46.] I agree with council that the rising demand for rural living opportunities and the corresponding increase in agricultural land prices can result in farming land being permanently taken out of production. Clause 14.01-1S – Protection of agricultural land specifically calls for the limitation of new housing in rural areas including smaller allotments.

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The findings echo other decisions as discussed in this report, in that the state policy seeks to reinforce settlement boundaries by directing housing development back into established settlements, and that land price increases as a result of residential development can permanently remove agricultural land from productive purposes.

Tyrell v Baw Baw [2024] VCAT 1176

In *Tyrell v Bow Bow*, the applicant sought review of Council's decision to refuse to grant a planning permit for use and development of the land for a dwelling in the Farming Zone. As above, whilst noting the differences between the FZ and GWZ, the decision provides a useful framework for consideration of multiple relevant factors including settlement boundaries and requirement of a dwelling for land management. Figure 17 below shows that the site of review was located on the edge of the township of Buln Buln.

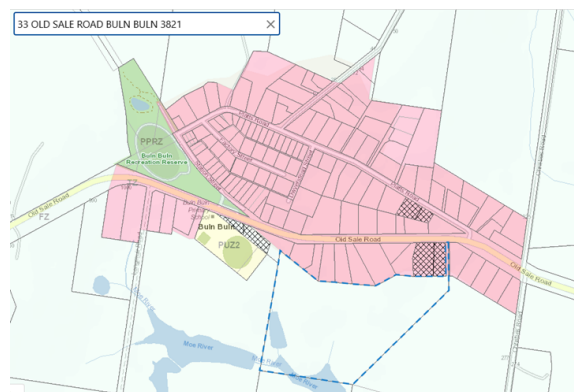


Figure 18: Figure 15: Review site of Tyrell v Baw Baw

Regarding settlement boundaries:

[22.] The proposed dwelling in my view is inconsistent with policies around preventing further dwelling intensification in rural areas, and particularly the zone decision guidelines around the proliferation of dwellings in rural areas. The proposal is on the edge of the Buln Buln township and potentially presents as an extension of the township. I don't accept the applicant's view that the 'horse has bolted' and there is already a proliferation of dwellings in the FZ in this area. If there are, this is a reason to prevent more in accordance with the policy settings, not allow additional dwellings.

The above notes that just because dwellings may have been approved in the past, current policy settings seek to protect agricultural land and discourage urban encroachment on such lots, and previous approvals do not give precedence to consideration of future applications.

In relation to the need for security on site:

[26.] Security was also put forward by the applicant and Mr Gallienne as a particular item requiring an onsite dwelling to ensure the investment in the tree growing operation can be adequately protected.

[28.] It is self-evident that the existing and proposed beef grazing use does not require a dwelling as this occurs on the land at present.

[30.] I accept that it may be more convenient for a manager or owner to live on site, but can not see on the material before me why the tree growing use requires a residence.

[31.] I also do not think a dwelling is required of itself on the grounds of security. Even if a dwelling is on site, remotely monitored security would still likely be required for those

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times when there is illegal activity at night which cannot be observed from in the dwelling or those times when the dwelling is unoccupied.

[32.] I was advised in the hearing that the applicant currently resides in close proximity to the subject site; within the order of a few hundred metres. While it may make it easier for the applicant to attend and manage the property and the tree growing use, it is not determinative of my decision. Even if the applicant lived some kilometres away, it would not change my view on the need for a dwelling on the property when assessed against the relevant policy.

As echoed in other decisions, the establishment of a dwelling on the land is not the only method to provide security, and this factor does not tip the scales in favour of establishing a dwelling on agricultural land that is sought to be protected by state policy.

Cooksey v Cardinia SC [2025] VCAT 766

In a recent Tribunal decision involving Cardinia Shire Council, the Member upheld the responsible authority's decision to refuse to grant a permit for the use and development of the land for a dwelling, outbuildings, and associated works.

The application was supported by a farm management plan proposing agricultural use—specifically, the grazing of Highland cattle—to justify the need for a dwelling on the site. Noting that whilst the amount of livestock associated with the proposal is significantly different to that being assessed under the current application, VCAT strongly supported Council's position in refusing the application, stating that while the loss of 0.7 hectares of productive land may appear minor, it is the cumulative impact of such losses that undermines the agricultural integrity of the Green Wedge. The Member emphasised that this incremental erosion of agricultural land base should guide decision-making in GWZ1 areas.

The Tribunal also noted that the continued introduction of other land uses causes inflationary pressures on land values due to heightened expectations as to how land in the area can be used. "The establishment of a dwelling on this site will, likely, bring with it an increased difficulty for agriculture to re-establish itself in this area which is not the strategic direction sought under the planning scheme for the Cardinia Western Port Green Wedge."

VCAT concluded that a fair and balanced reading of the planning scheme does not support dwellings in this location and agreed with Council that the proposal was not an acceptable outcome.

"...while the loss of small amounts of productive land may seem minor, perhaps even trivial to some, it is the cumulative effect of continually nibbling away at the agricultural land base in small chunks and the consequences which should drive decision making, particularly in the GWZ1," the Member said.

Conclusion

The above Tribunal decisions (as well as *Wood v Mornington Peninsula SC [2024] VCAT 87* – cited above in response to the GWZ) present a pattern of outcomes that reaffirm that agricultural land of high significance is staunchly protected by planning policy throughout the Scheme. Establishment of a dwelling on such land is discouraged due to the wide ranging impacts it can have on the subject site and surrounding area. Unless it can be demonstrated that dwellings on agricultural land are being established to directly enhance agricultural production, such applications should not be supported.

Clause 65 – Decision Guidelines

Considerations within Clause 65 – Decision Guidelines and Section 60 of the *Planning and Environment Act 1987* have been referenced throughout this report. Consistent with the above

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assessment, the proposal is not considered to achieve an acceptable outcome with regard to these considerations.

Conclusion

The proposal is an unacceptable planning outcome that does not demonstrate compliance with the relevant provisions of the Cardinia Planning Scheme and the *Planning and Environment Act 1987* and should therefore be refused.

Decision

Refusal

Having considered all of the matters required under section 60 of the *Planning & Environment Act 1987* and the Cardinia Planning Scheme, it is recommended that Council refuses to grant a permit for the land known and described as L1 TP111051, 125 McNamara Road Bunyip as per the following table and subject to the below grounds.

Planning scheme clause	Matter for which the permit has been refused
35.04-1	Use of the land for a dwelling
35.04-5	Construct a building or construct or carry out works
42.01-2	Construct a building or construct or carry out works

Refusal Grounds

1. The proposed dwelling is inconsistent with the objectives and strategies of the following clauses of the Planning Policy Framework and Local Planning Policy Framework that seek to protect agricultural land and direct residential development into existing settlements, specifically:
 - a. Clause 11.01-1S – Settlement
 - b. Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
 - c. Clause 14.01- Agriculture
 - d. Clause 16.01-3S - Rural Residential Development
 - e. Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
 - f. Clause 21.03-4 – Rural Townships
 - g. Clause 21.04-2 - Agriculture
 - h. Clause 22.05 – Western Port Green Wedge Policy

As the proposal does not protect agricultural land, and is incompatible with strategic direction that seeks to maintain and reinforce established settlement boundaries as the

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proposal seeks to establish a residential use on important agricultural land, outside existing settlement boundaries.

2. The proposed dwelling is inconsistent with and does not respond to the objectives, policies and decision guidelines of Clause 22.05 (Western Port Green Wedge Policy), as:
 - a. The proposal does not achieve the vision for the Cardinia Western Port Green Wedge;
 - b. The proposal does not protect the values and assets of Green Wedge land by preventing encroachment of urban development into the Cardinia Westernport Green Wedge; and
 - c. The proposal will permanently remove land from agricultural production.
3. The proposed dwelling is inconsistent with and does not respond to the purposes and decision guidelines of Clause 35.04 (Green Wedge Zone), as it:
 - a. Does not enhance agricultural production;
 - b. Does not appropriately relate to rural land use;
 - c. Does not protect and retain land for future sustainable agricultural activities; and
 - d. Would compromise the preservation, protection and enhancement of significant agricultural land, primarily by introducing a residential land use that is discouraged by policy.
4. The proposed dwelling does not respond to the considerations within Clause 65.01 as it does not achieve the purposes of the Zone and does not represent the orderly planning of the area.



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100 - Site Context Plan
1 : 1250

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Revision: F		
No.	Date	Description
E	13.3.2020	Town Planning RPI
F	28.5.2025	Town Planning RPI 2

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Title: **Site Context Plan**

Job: **Proposed Dwelling & Shed Addition**

Name: **James Keane**

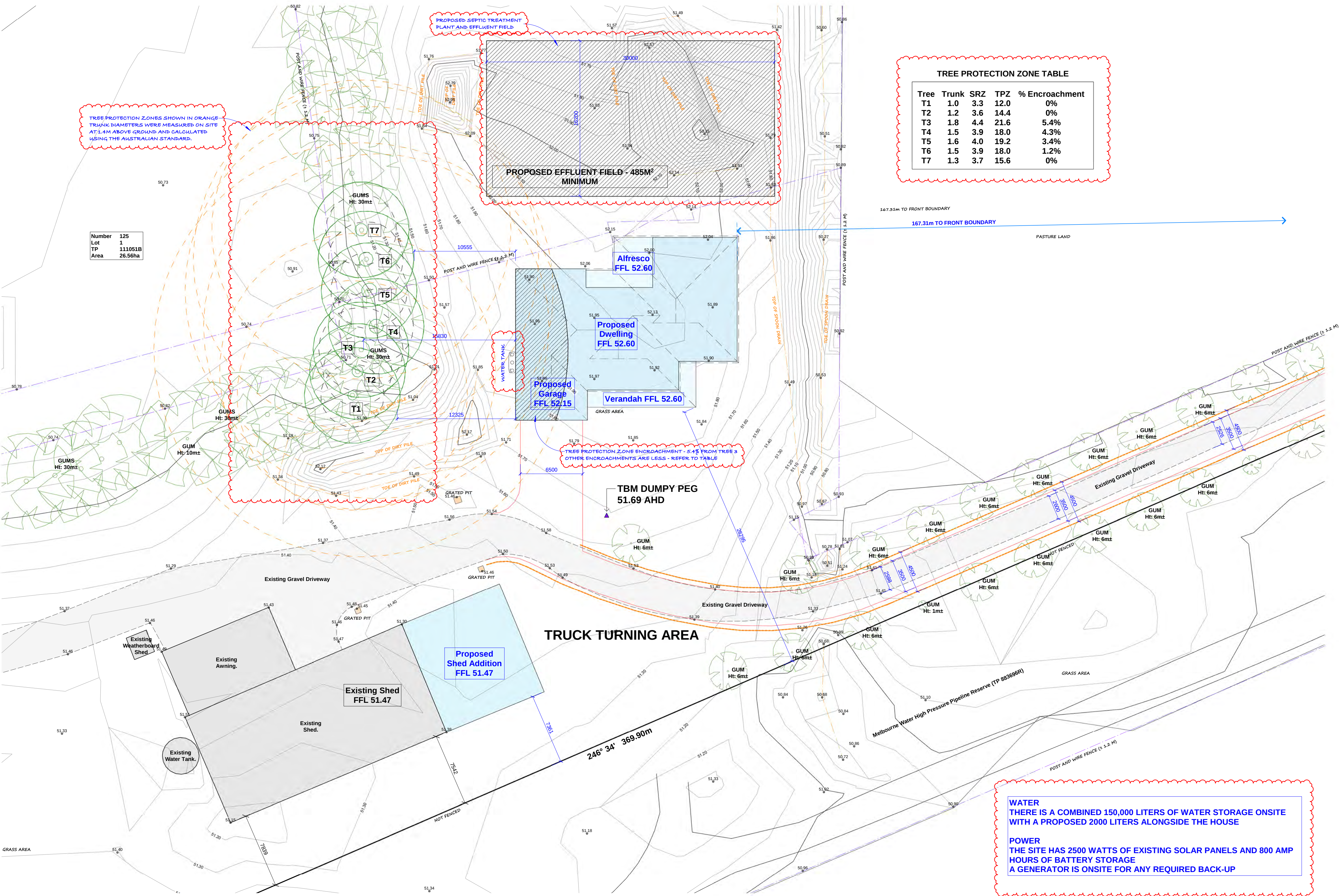
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Checked:	BE	Issue:	Prelim
Date:	10.05.2024	Revision:	F
Dwg No:	24-014	Sheet No:	A100



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TREE PROTECTION ZONE TABLE				
Tree	Trunk	SRZ	TPZ	% Encroachment
T1	1.0	3.3	12.0	0%
T2	1.2	3.6	14.4	0%
T3	1.8	4.4	21.6	5.4%
T4	1.5	3.9	18.0	4.3%
T5	1.6	4.0	19.2	3.4%
T6	1.5	3.9	18.0	1.2%
T7	1.3	3.7	15.6	0%

Number 125
Lot 1
TP 111051B
Area 28.56ha

101 - Proposed Site Plan 1 to 200
1:200

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Revision F		
No.	Date	Description
B	11.08.24	Preliminary - Revision B
C	09.09.24	Preliminary - Revision C
D	21.11.24	Preliminary - Rev D - Town Planning
E	13.3.2025	Town Planning RPI 1
F	18.5.2025	Town Planning RPI 2



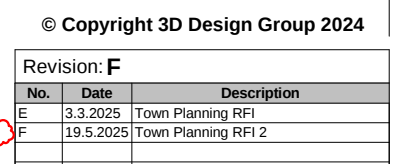
Title: Proposed Site Plan - 1 to 200

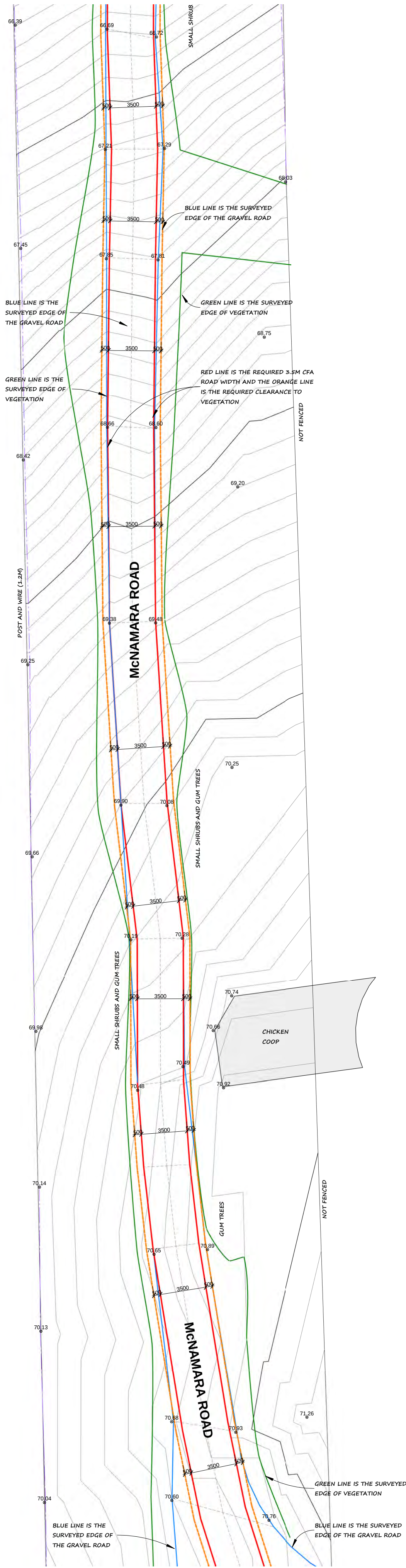
Job: Proposed Dwelling & Shed Addition

Name: James Keane

Address: 125 McNamara Road, Bunyip 3815

Design:	Client	Sheet Size:	A1
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Checked:	BE	Issue:	Prelim
Date:	10.05.2024	Revision:	F
Dwg No:	24-014	Sheet No:	A102



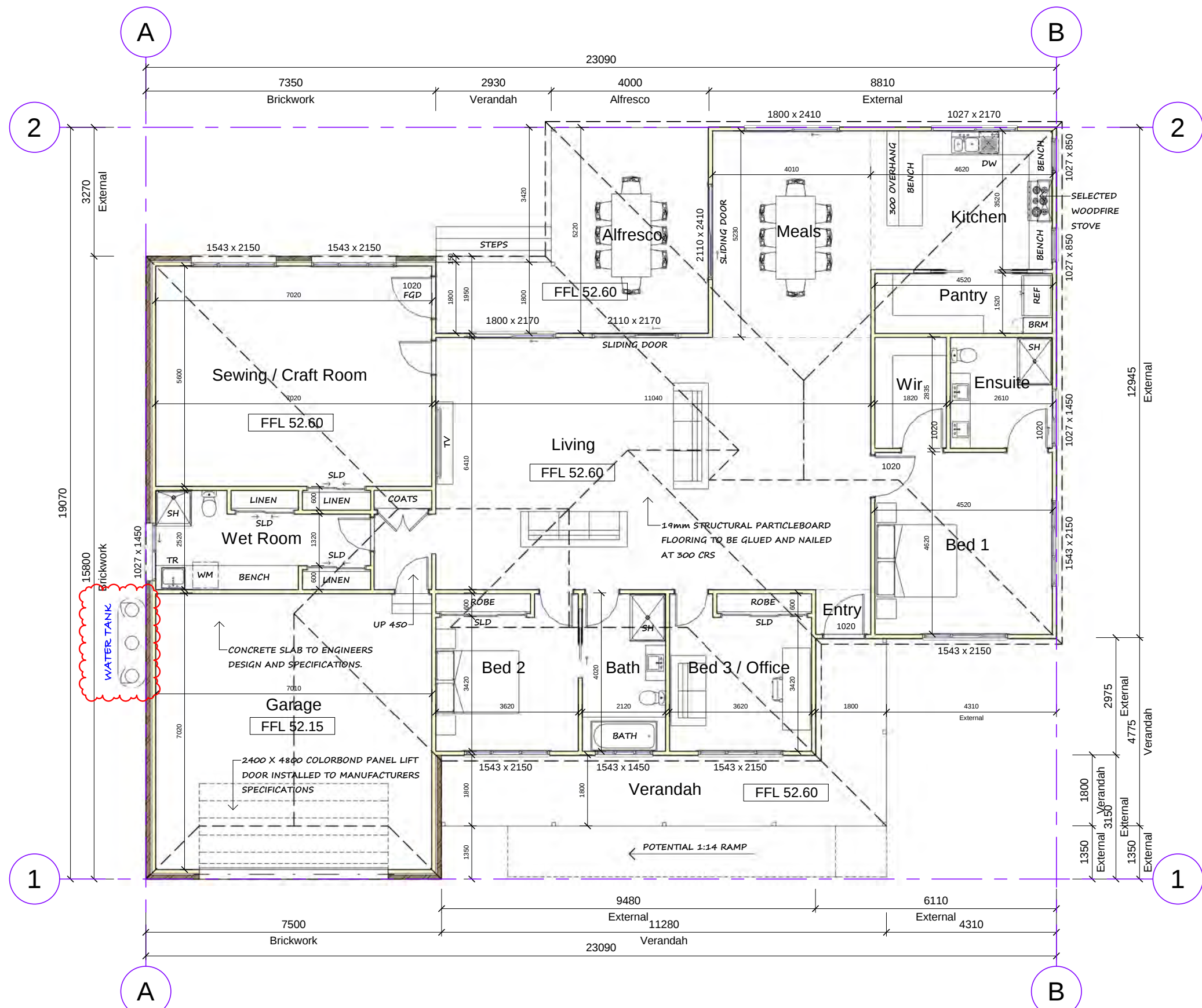


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Revision: F		
No.	Date	Description
1	13.3.2025	Town Planning RFI 1
2	19.5.2025	Town Planning RFI 2

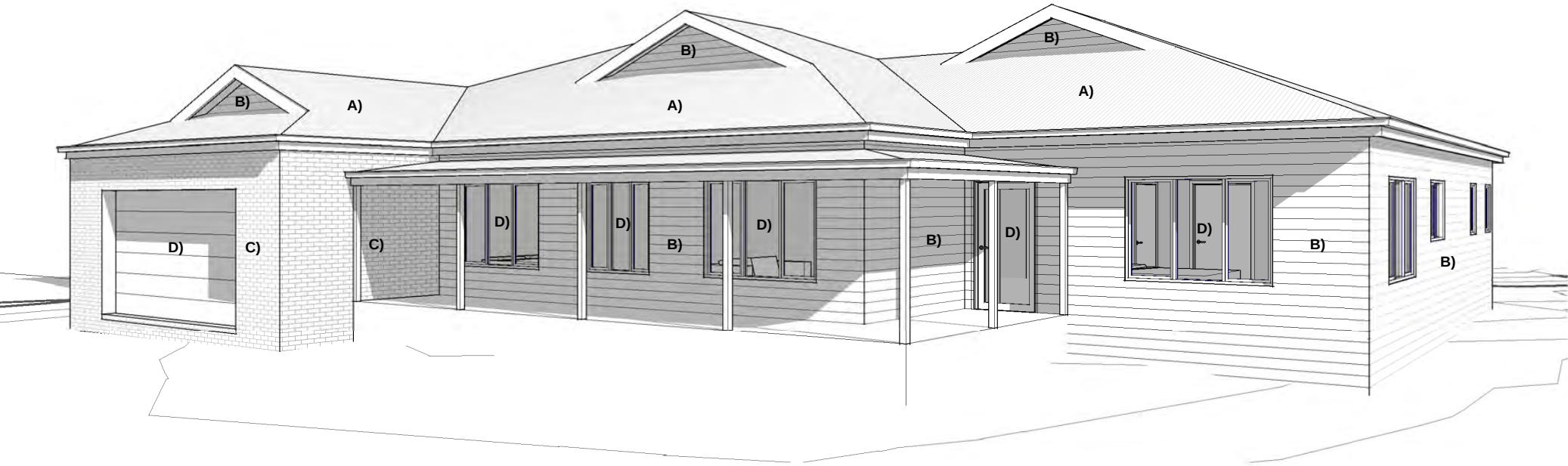


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Proposed Floor Plan
1 : 100

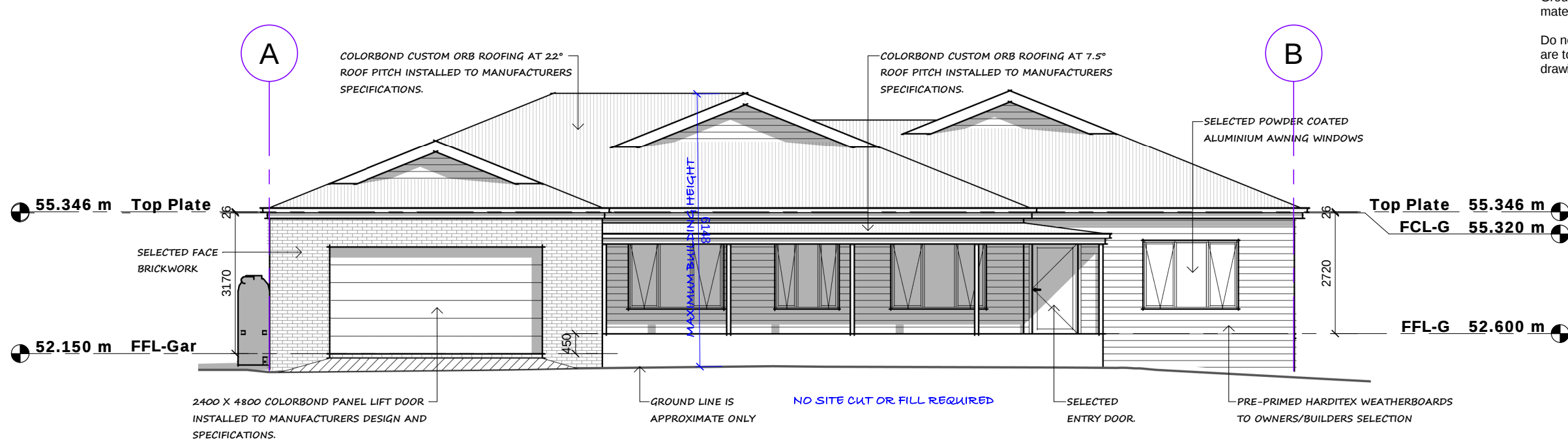
Area Schedule - Proposed Residence		
Name	Area	Sq
Residence	250.48 m ²	27.93
Garage	53.39 m ²	5.14
Verandah	25.66 m ²	2.76
Alfresco	26.15 m ²	2.82
	355.68 m ²	38.75



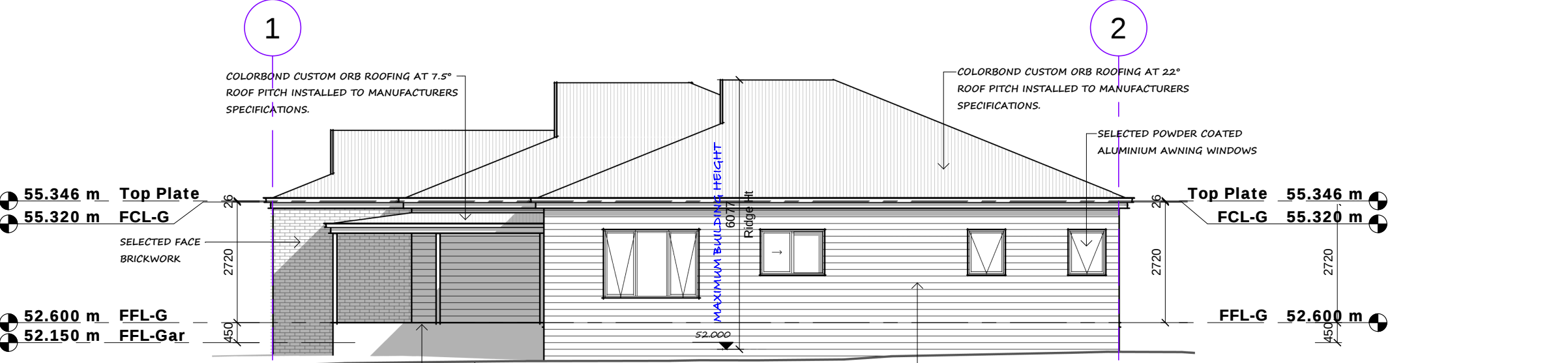
3D View

External Finishes / Colour Schedule

No.	Description	Material	Colour
A)	Roof	Colorbond	Pale Eucalypt
B)	Walls	Weatherboard	Cream/Biege
C)	Walls	Face Brickwork	Red/Brown Brick
D)	Windows / Doors	Aluminium	Suifmist - White



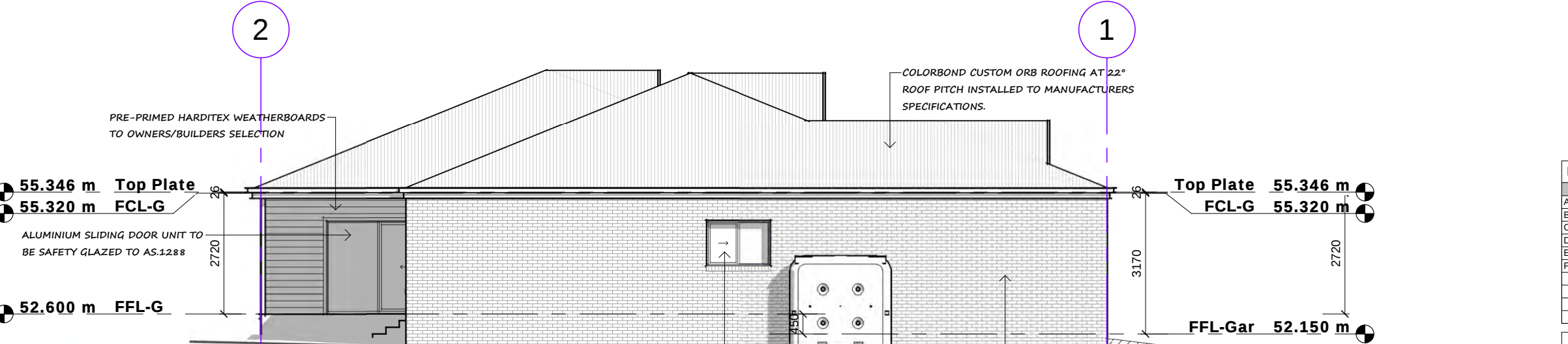
300 - South Elevation
1 : 100



300 - East Elevation
1 : 100



300 - North Elevation
1 : 100



300 - West Elevation
1 : 100

Notes:
OWNER and/or BUILDER to check and verify all dimensions, site levels, grades, roof pitches, etc prior to commencing any works.
Report any discrepancies to 3D Design Group for directions prior to ordering materials and start of building works.
Do not scale drawings, written dimensions are to take precedence over scaled drawings.

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Revision F		
No.	Date	Description
A	10.05.24	Sketch Plan
B	11.06.24	Preliminary - Revision B
C	03.09.24	Preliminary - Revision C
D	21.11.24	Preliminary - Rev D - Town Planning
E	13.03.25	Town Planning RPT
F	19.05.2025	Town Planning 001.2



Title: Floor Plan & Elevations - Dwelling

Job: Proposed Dwelling & Shed Addition

Name: James Keane

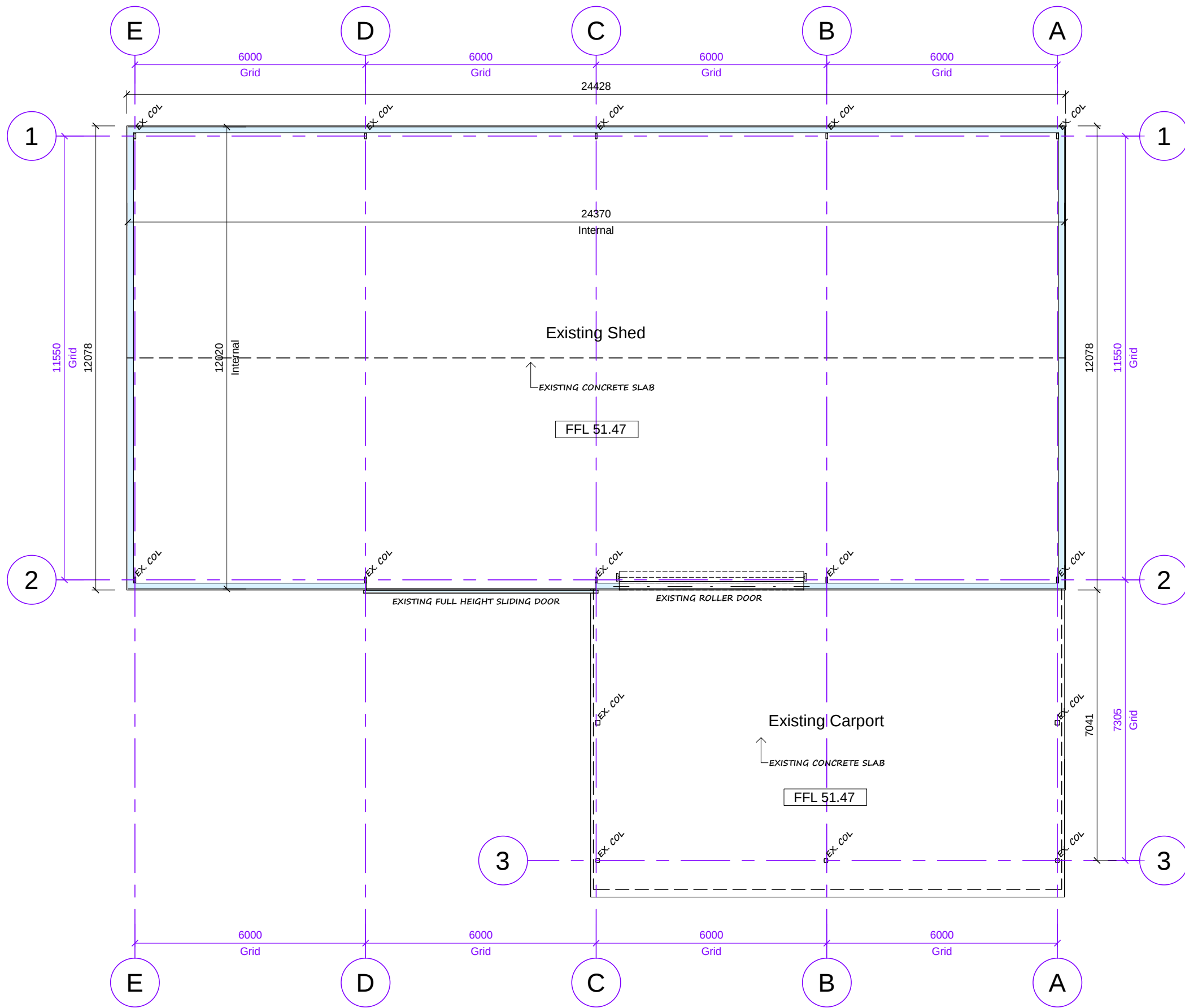
Address: 125 McNamara Road, Bunyip 3815

Design:	Client	Sheet Size:	A1
Drawn:	SM	Scale:	As indicated
Checked:	BE	Issue:	Prelim
Date:	10.05.2024	Revision:	F
Dwg No:	24-014	Sheet No:	A200

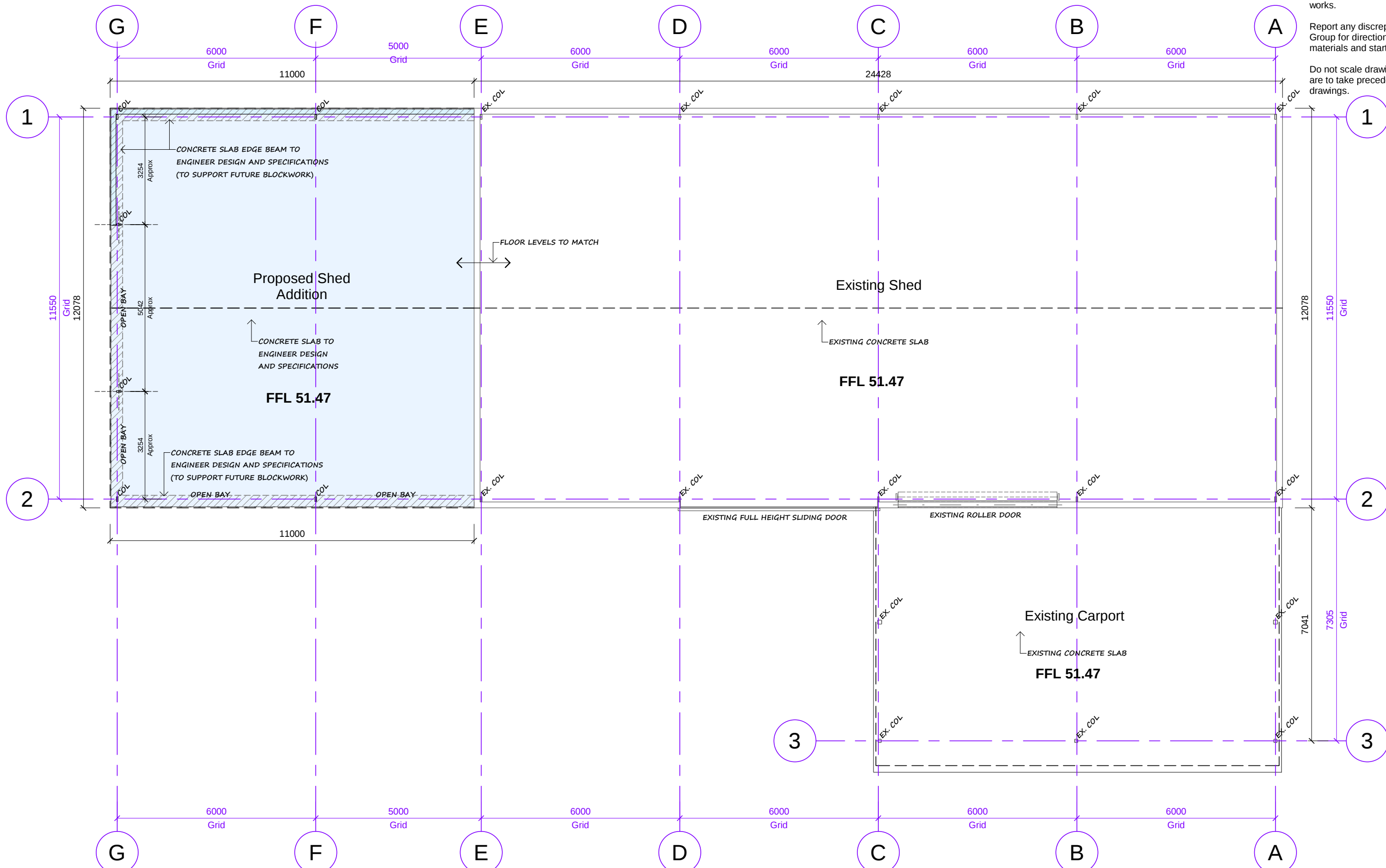
DRAFT PLANS ONLY. NOT FOR CONSTRUCTION

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Notes:
OWNER and/or BUILDER to check and verify all dimensions, site levels, grades, roof pitches, etc prior to commencing any works.
Report any discrepancies to 3D Design Group for directors prior to ordering materials and start of building works.
Do not scale drawings, written dimensions are to take precedence over scaled drawings.

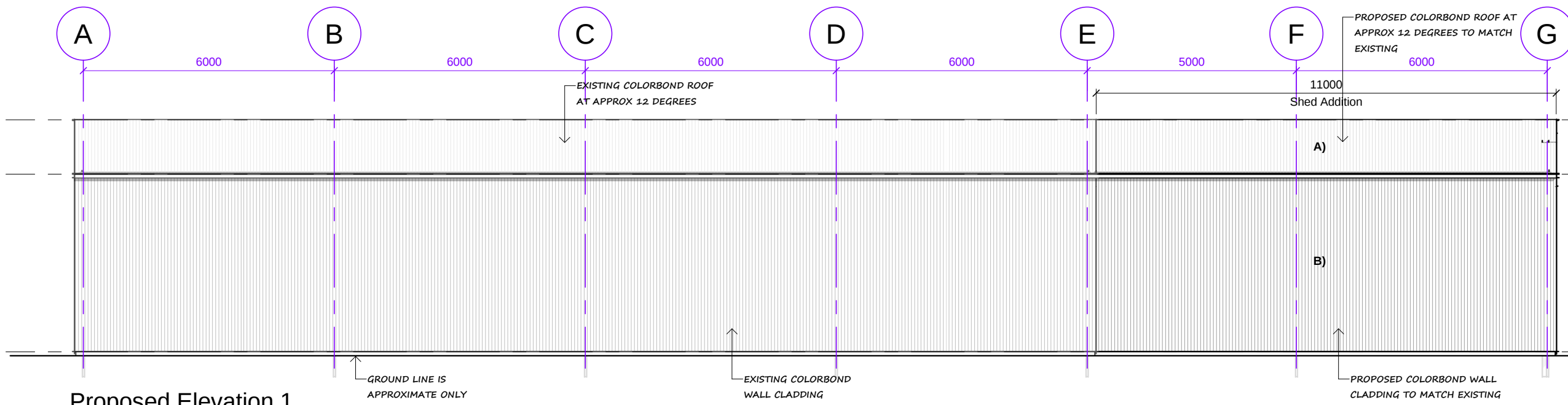


Existing Floor Plan - Shed
1:100

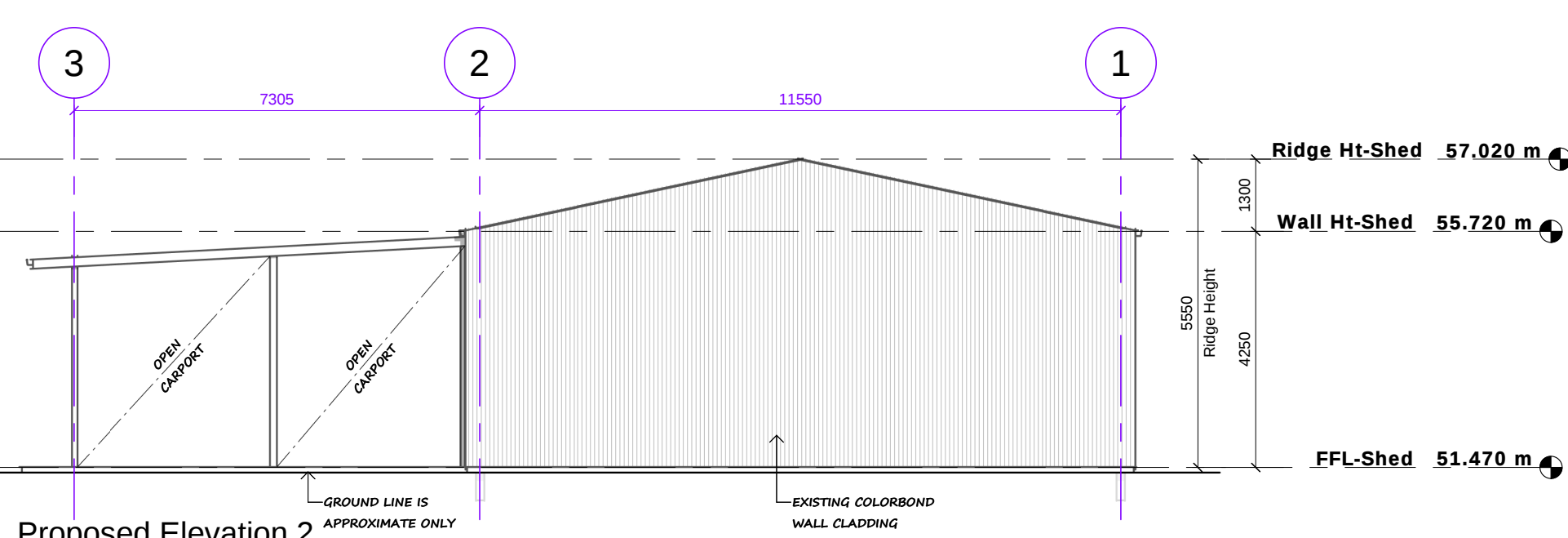


Proposed Floor Plan - Shed
1:100

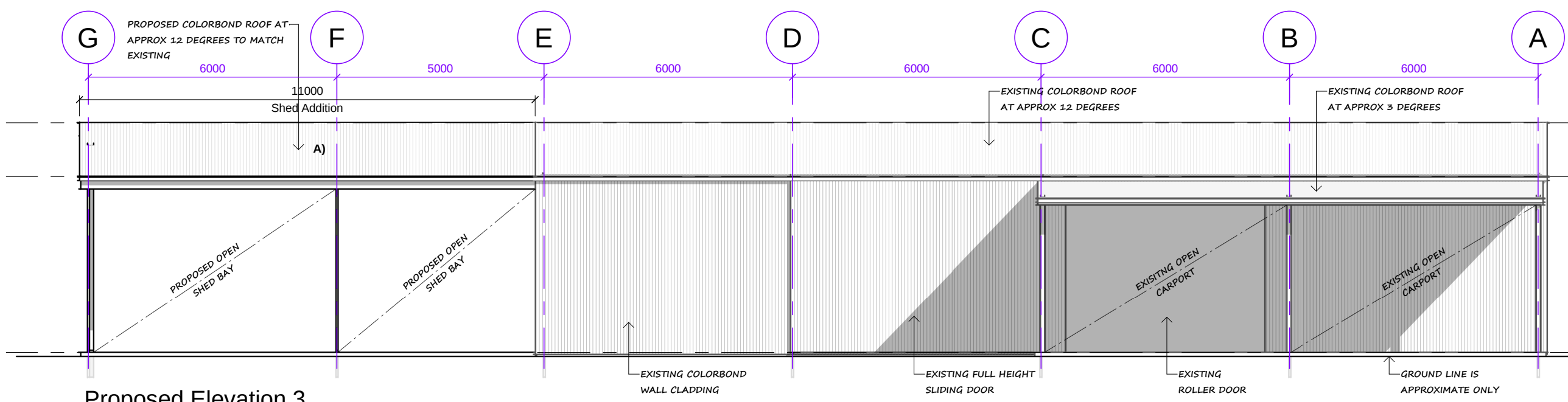
Area Schedule - Shed		
Name	Area	Sq
Existing Shed	295.04 m ²	31.76
Existing Carport	85.62 m ²	9.23
Shed Addition	132.86 m ²	14.30
	513.42 m ²	55.27



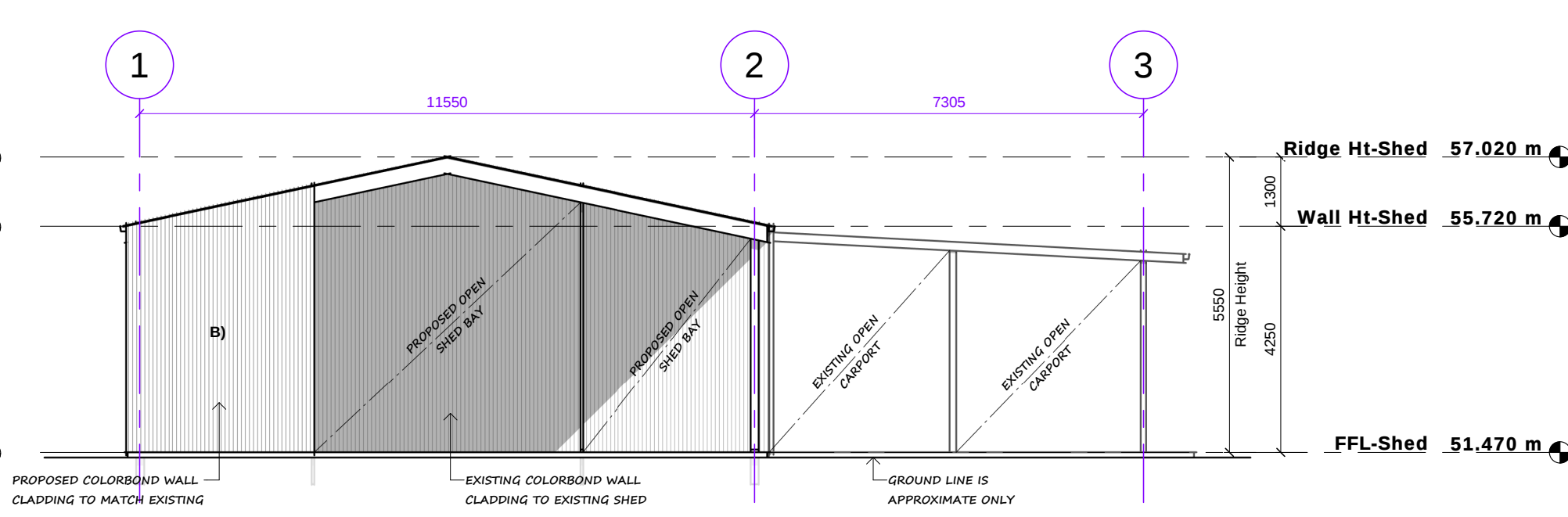
Proposed Elevation 1
1:100



Proposed Elevation 2
1:100



Proposed Elevation 3
1:100

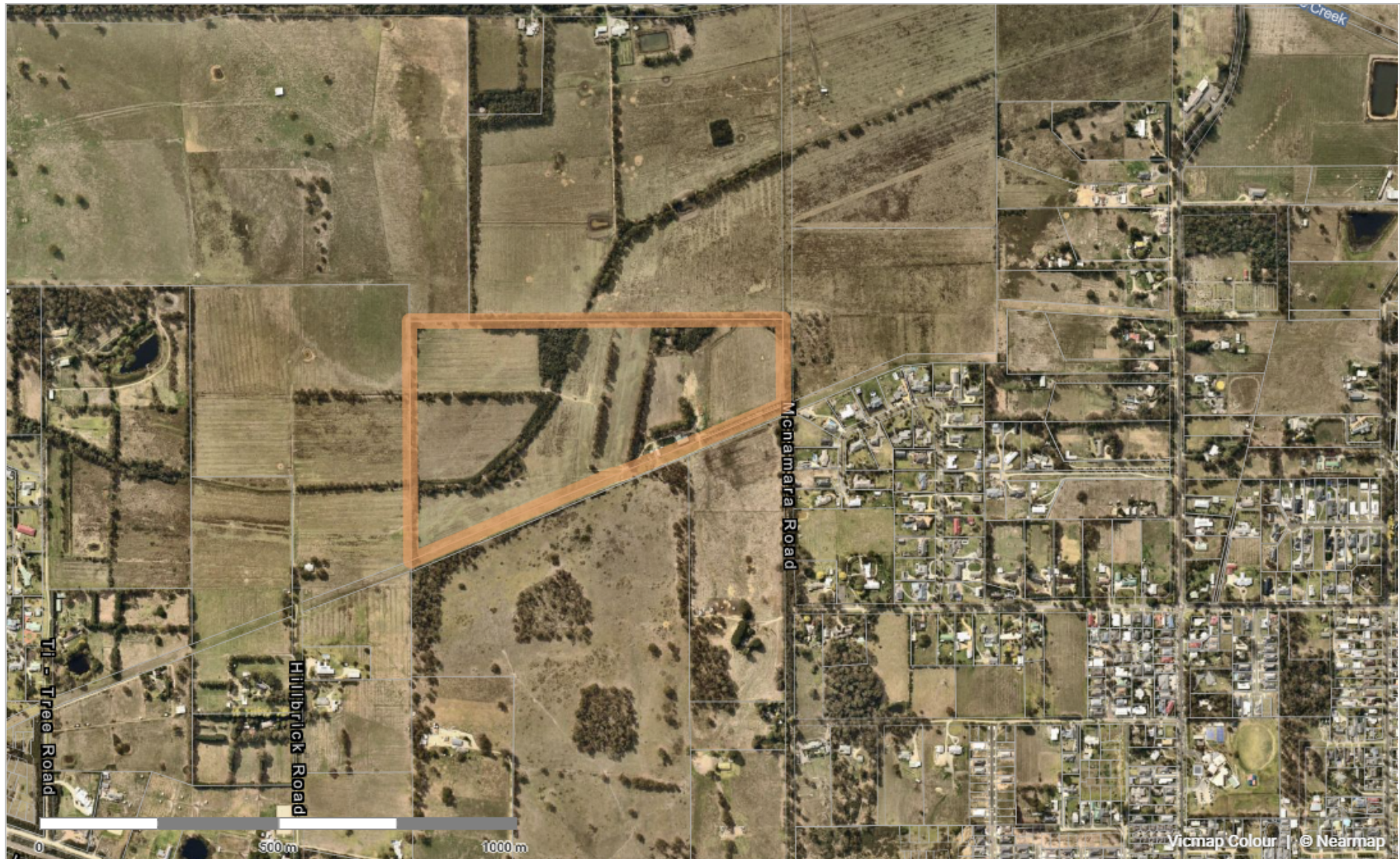


Proposed Elevation 4
1:100

External Finishes / Colour Schedule			
No.	Description	Material	Colour
A)	Roof	Colorbond	Mist Green (to match existing)
B)	Walls	Colorbond	Mist Green (to match existing)

DRAFT PLANS ONLY. NOT FOR CONSTRUCTION

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Revision D		
No.	Date	Description
A	10.05.24	Sketch Plan
B	11.06.24	Preliminary - Revision B
C	03.09.24	Preliminary - Revision C
D	21.11.24	Preliminary - Rev. D - Town Planning
3D DESIGN GROUP		
Shop R. 42 Main Street, Pakenham, Vic. 3810. Ph (03) 5941 4717 email - sales@3dsg.com.au web - www.3dsg.com.au		
Title: Floor Plans & Elevations - Shed		
Job: Proposed Dwelling & Shed Addition		
Name: James Keane		
Address: 125 McNamara Road, Bunyip 3815		
Design:	Client	Sheet Size: A1
Drawn:	SM	Scale: As indicated
Checked:	BE	Issue: Prelim
Date:	10.04.2024	Revision: D
Dwg No:	24-014	Sheet No: A201



5.2 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY - OCTOBER 2025

Responsible GM:	Debbie Tyson
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.

Recommendation

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

Executive Summary

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

Planning Matters Report

Refer to tables on the following pages, which cover the period between 14 August 2025 and 18 September 2025.

Gender Impact Assessment

In the preparation of this report, Council has considered its obligations under the *Gender Equality Act 2020*. It was determined that a Gender Impact Assessment (GIA) was not required as the subject matter of this report does not relate to a policy, program or service that has a direct or significant impact on the community.

Attachments

Nil

Beacon Hills Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
26/08/2024	T210683 - 1	309 O'Neil Road, Beaconsfield VIC 3807	S72 Amendment to Amend Considered Plans (Dwelling Design Amendment) and Conditions of Permit	0	Issued	15/08/2025
27/06/2025	T250385	Shop 10/215 Princes Highway, Beaconsfield VIC 3807	Display of Signage (sky sign)	0	Issued	18/08/2025
11/06/2024	T240255	112 Stoney Creek Road, Beaconsfield Upper VIC 3808	Buildings and Works (Alteration and Extension to an Existing Dwelling and Associated Earthworks)	0	Issued	19/08/2025
10/04/2024	T240167	58-62 May Road, Beaconsfield VIC 3807	Subdivision of land, creation of easements and removal of native vegetation	0	Issued	20/08/2025
13/12/2024	T240673	385 Dickie Road, Officer VIC 3809	Buildings and works (Construction of an Outbuilding)	0	Issued	20/08/2025
19/08/2025	T250501	6 Fox Road, Beaconsfield Upper VIC 3808	Buildings and works for a dwelling extension and verandah	0	Issued	26/08/2025
9/08/2024	T210155 - 1	210 Split Rock Road, Beaconsfield Upper VIC 3808	Amendment to Planning Permit T210155 for 'Use and development of the land for a dwelling, associated works and vegetation removal', including an additional proposed outbuilding	0	Issued	29/08/2025
1/08/2025	T250461	170 Beaconsfield-Emerald Road, Dewhurst VIC 3808	Alterations and Additions to an Existing Dwelling	0	Issued	1/09/2025
1/04/2024	T170159 - 1	240 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	S72 Amendment to Change What the Permit Allows (Use of the Outbuilding as an Habitable Outbuilding), Alter Conditions and to Alter the Approved Plans	1	NOD	5/09/2025
3/10/2022	T220661	160 Holm Park Road, Beaconsfield VIC 3807	Use and Development of the Land for a Dwelling	9	NOD	10/09/2025
19/12/2024	T240691	93 Old Princes Highway, Beaconsfield VIC 3807	Use and development of the land for a childcare centre, business identification signage, a reduction in car parking requirements and alteration of access to a Transport Zone 2.	3	NOD	16/09/2025
30/06/2025	T250391	112 Payne Road, Beaconsfield VIC 3807	Alterations and Additions to an Existing Dwelling (Verandah)	0	Issued	16/09/2025

Bunyip Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
29/10/2024	T210711 - 1	54 Bunyip-Modella Road, Bunyip VIC 3815	Amendment to the endorsed plans and planning permit pursuant to Section 72 of the Act to buildings and works to construct an outbuilding and retention of the existing verandah	0	Issued	14/08/2025
4/03/2025	T040870 - 1	South Bank Road, Bunyip VIC 3815	S72 Amendment to Alter the Approved Plans (alter endorsed plans to allow for additional buildings and works)	1	NOD	18/08/2025
30/07/2024	T240369	2 Bormar Drive, Pakenham VIC 3810	Buildings and Works (Construction of a Storage Building associated with an existing Restricted Retail Premises) and a Reduction to the Number of Car Spaces Required	0	Issued	20/08/2025
13/05/2025	T250269	106 Wattletree Road, Bunyip VIC 3815	Buildings and Works (Construction of an Outbuilding)	0	Issued	21/08/2025
6/02/2025	T250057	150 Yarrabubba Road, Nar Nar Goon North VIC 3812	Buildings and works (dwelling extension) and removal of native vegetation	0	Issued	25/08/2025
11/07/2025	T250410	110 Seymour Road, Nar Nar Goon North VIC 3812	Buildings and works for a dwelling extension (pool house and verandahs)	0	Issued	26/08/2025
8/08/2025	T250476	40 Peet Street, Pakenham VIC 3810	Subdivision of the land into 2 lots	0	Issued	27/08/2025
6/01/2025	T250003	90 Olsen Road, Nar Nar Goon North VIC 3812	Buildings and works (Outbuilding)	0	Issued	28/08/2025
29/04/2025	T250228	83 Wattletree Road, Bunyip VIC 3815	Dwelling Additions and Alterations (Construction of a Garage) and Removal of One (1) Native Tree	0	Issued	28/08/2025
30/07/2025	T250460	235 Brew Road, Tynong North VIC 3813	Buildings and Works (Construction of a Shed)	0	Issued	28/08/2025
12/05/2025	T250259	24 Hill Street, Pakenham VIC 3810	Subdivision of Land into Six (6) Lots	0	Issued	1/09/2025
19/08/2024	T240407	19 Hope Street, Bunyip VIC 3815	Development of the land for five (5) dwellings, subdivision of the land into five (5) lots, creation of an easement and a waiver of the visitor car parking requirement	2	NOD	3/09/2025
8/10/2024	T240526	114 Yarrabubba Road, Nar Nar Goon North VIC 3812	Buildings and Works (Construction of an outbuilding ancillary to a dwelling)	0	Issued	5/09/2025
25/06/2025	T250378	34 Shinnars Close, Bunyip VIC 3815	Buildings and works for the construction of an outbuilding	0	Issued	5/09/2025
23/06/2025	T250369	11A Pinehill Drive, Pakenham VIC 3810	Buildings and Works (Construction of Two Outbuildings)	0	Issued	11/09/2025

15/11/2023	T230572	1-17 Tynong Road, Tynong VIC 3813	Use of Land for a Primary School and Secondary School, Works (Bulk Earthworks comprising Construction of a Sporting Field, Earthen Mounds, Batters and Swales), Removal of Native Vegetation and a Waiver of Bicycle Facilities Requirements of Clause 52.34-5	1	NOD	12/09/2025
28/08/2025	T250301 - 1	55 Wattletree Road, Bunyip VIC 3815	Amendment to Permit T250301 to delete condition 2 and amend the plans	0	Issued	16/09/2025
23/01/2025	T250034	12 Trinity Way, Pakenham VIC 3810	Use of the Land for a Retail Premises (Car Sales)	0	Issued	18/09/2025

Central Ward

None

Henty Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
24/07/2025	T250437	2 Kirra Court, Pakenham VIC 3810	Subdivision of land into two (2) lots	0	Issued	15/08/2025
6/06/2025	T250329	118 Pakenham Road, Pakenham VIC 3810	Buildings and works (Construction of a Dwelling and a Fence)	0	Issued	21/08/2025
1/11/2024	T240574	21 King Street, Pakenham VIC 3810	Subdivision of land into eight (8) lots	0	Issued	22/08/2025
12/03/2025	T250150	22 Howey Road, Pakenham VIC 3810	Variation of Restrictive Covenant contained in Instrument R697411C on Lot 55 LP219531	0	Issued	8/09/2025
28/08/2025	T250517	12 Gardiner Street, Pakenham VIC 3810	Subdivision of land into 2 lots	0	Issued	11/09/2025
20/05/2025	T250274	8 Kookaburra Rise, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling and a Fence)	0	Issued	15/09/2025
27/05/2025	T250291	7 Scenic Rise, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling and a Fence)	0	Issued	15/09/2025
18/07/2025	T250425	120 Pakenham Road, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling and a Fence)	0	Issued	15/09/2025
20/12/2024	T240696	6 Sunny Vista, Pakenham VIC 3810	Buildings and works (Construction of a Dwelling and a Fence)	0	Issued	16/09/2025
18/07/2025	T250426	122 Pakenham Road, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling and a Fence)	0	Issued	16/09/2025

Officer Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
5/03/2024	T240090	496 Princes Highway, Officer VIC 3809	Use and development of the land for a food and drink premises, display of business identification and internally illuminated signage and create and alter access to a road in a Transport Road Zone Category 2 in accordance with the endorsed plans.	0	Issued	1/09/2025
10/06/2022	T220405	225 Rix Road, Officer VIC 3809	Subdivision of land, removal of native vegetation and creation of easement	0	Issued	3/09/2025
25/03/2025	T250175	4 Hickson, OFFICER VIC 3809	Subdivision of land and creation of easements/restrictions	0	Issued	5/09/2025
2/09/2025	T250528	66 Starling Road, Officer VIC 3809	To construct and carry out works associated with an existing education centre (temporary portable classroom)	0	Issued	16/09/2025

Pakenham Hills Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
1/12/2024	T240644	2 Palm Court, Pakenham VIC 3810	Construction of a Dwelling and Fence	0	Issued	28/08/2025
18/10/2024	T240549	165 Pakenham Road, Pakenham VIC 3810	Subdivision of land into 11 lots and subdivision of land adjacent to a road in a Transport Zone 2	0	Issued	5/09/2025
25/11/2024	T240621	11 Tranquil Way, Pakenham VIC 3810	Buildings and works to construct a dwelling, fence and associated earthworks	0	Issued	15/09/2025
28/04/2025	T220499 - 1	13 Solid Drive, Pakenham VIC 3810	Section 72 Amendment to Planning Permit T220499 for 'Buildings and works associated with the construction of a dwelling and associated works'	1	NOD	17/09/2025

Ranges Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
24/01/2025	T200130 - 1	89 Bellbird Crescent, Emerald VIC 3782	Building and Works for a Dwelling	0	Issued	18/08/2025
16/06/2025	T250349	165 Rainy Hill Road, Cockatoo VIC 3781	Removal of one tree	0	Issued	20/08/2025
29/07/2025	T250450	14 Church Street, Emerald VIC 3782	Removal of one (1) tree	0	Issued	20/08/2025

12/08/2025	T250492	9 View Street, Avonsleigh VIC 3782	Buildings and works (construction of a deck)	0	Issued	21/08/2025
4/08/2025	T250464	8 Cornish Road, Emerald VIC 3782	Buildings and works for the construction of an outbuilding	0	Issued	27/08/2025
13/04/2025	T250202	3 Memorial Avenue, Emerald VIC 3782	Buildings and Works (Construction of an Outbuilding)	0	Issued	28/08/2025
1/07/2024	T240320	3 Chandler Avenue, Emerald VIC 3782	Building and Works (Construction of a shed)	0	Issued	29/08/2025
18/12/2024	T240681	43 Belgrave-Gembrook Road, Cockatoo VIC 3781	Construction of Two (2) Dwellings on a Lot, Subdivision of Land into Two (2) Lots and Removal of Vegetation	0	Issued	29/08/2025
22/01/2025	T230207 - 1	7 Old Beaconsfield Road, Emerald VIC 3782	Development of the land for alterations and additions to dwelling, outbuilding, two (2) water tanks and removal of native and other vegetation, in accordance with the endorsed plans	0	Issued	5/09/2025
13/05/2025	T250261	39 Beaconsfield-Emerald Road, Emerald VIC 3782	Removal of an Easement BL (BLUE) on L29 and L30 on Plan of Subdivision 013266	0	Issued	8/09/2025
26/02/2025	T250123	8 Oak Avenue, Emerald VIC 3782	Buildings and works (construction of an outbuilding)	0	Issued	11/09/2025
17/07/2025	T250420	417 Belgrave-Gembrook Road, Emerald VIC 3782	Buildings and works (Construction of an outbuilding)	0	Issued	15/09/2025
2/09/2025	T250525	5 Boundary Road West West, Emerald VIC 3782	Buildings and works (construction of an outbuilding)	0	Issued	16/09/2025

Toomuc Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
10/07/2025	T250405	37 Eastbourne Crescent, Officer VIC 3809	Buildings and works (SLO6)	0	Issued	14/08/2025
9/07/2025	T250404	28 Niseko Crescent, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	0	Issued	15/08/2025

Westernport Ward

Date Lodged	Permit Number	Address	Proposal	Number of Objectors	Decision	Date of Decision
13/05/2025	T250264	6 Kookaburra Drive, Officer South VIC 3809	Building and works for warehouse development with ancillary office	0	Issued	14/08/2025

11/11/2024	T240584	371 Rossiter Road, Koo Wee Rup VIC 3981	Use and Development of the land for Twenty-One (21) Warehouses and the Creation and Alteration of Access to a Road in a Transport Zone 2	0	Issued	15/08/2025
23/05/2025	T250286	20 Link Road, Pakenham VIC 3810	Subdivision of Land into Two (2) Lots	0	Issued	15/08/2025
13/12/2024	T240675	6 Soldiers Road (Lot 2 PS 843342T To become - Lot 233 Meadow Parade Pakenham PS 904618), Pakenham VIC 3810	Development of the land for a warehouse	0	Issued	18/08/2025
28/03/2025	T250184	700 Nine Mile Road, Cora Lynn VIC 3814	Buildings and Works (Construction of a Shed)	0	Issued	18/08/2025
28/07/2025	T210958 - 1	228 & part 230 Rossiter Road, Koo Wee Rup VIC 3981	Use and development of a Childcare Centre and alteration access to a road in a Transport Zone 2	0	Issued	18/08/2025
28/07/2025	T240115 - 1	60 Greenhills Road, Pakenham VIC 3810	Amend condition 44 and delete condition 45.	0	Issued	18/08/2025
9/05/2025	T220813 - 1	375 Rossiter Road, Koo Wee Rup VIC 3981	Section 72 Amendment to Planning Permit T220813 to allow for the construction of mezzanines in warehouses 1 and 21.	0	Issued	19/08/2025
27/05/2025	T250294	30 Station Street, Lang Lang VIC 3984	Buildings and works (shed and carport)	0	Issued	19/08/2025
6/06/2025	T250325	92 Enterprise Road, Pakenham VIC 3810	Display of internally illuminated sign(s) and business identification sign(s)	0	Issued	19/08/2025
14/04/2025	T250205	41 Advance Boulevard, Officer South VIC 3809	Proposed new office and warehouse	0	Issued	21/08/2025
13/06/2023	T230291	Cardinia Road, Officer South VIC 3809	Carry out works (Bulk Earthworks) and create an easement	0	Issued	28/08/2025
28/01/2025	T250038	335 McCraws Road, Catani VIC 3981	Buildings and Works (Construction of an Outbuilding and Alfresco)	0	Issued	28/08/2025
10/04/2025	T230258 - 1	22 Exchange Drive, Pakenham VIC 3810	Section 72 Amendment to Planning Permit T230258-1 (Development of the land for Two (2) Warehouses and associated reduction in on-site car-parking)	0	Issued	1/09/2025
2/05/2025	T250238	9 James Street and 46 Westernport Road, Lang Lang VIC 3984	Subdivision of land into two (2) lots (re-subdivision)	0	Issued	1/09/2025
17/07/2024	T240335	100 Greenhills Road, Pakenham VIC 3810	Building and works for warehouse development with ancillary office and associated car parking	0	Issued	3/09/2025
29/05/2025	T250298	6 Capital Avenue, Pakenham VIC 3810	Construct or put up for display an internally illuminated sign	0	Issued	3/09/2025
18/06/2025	T250359	9 Talon Road, Officer South VIC 3809	Proposed 2 warehouse development with ancillary offices & reduction in car parking	0	Issued	3/09/2025

13/03/2025	T250153	20 Sybella Avenue, Koo Wee Rup VIC 3981	Subdivision of land into two (2) lots	0	Issued	5/09/2025
20/05/2025	T250276	194 , 198 , 200 McDonalds Track, Lang Lang VIC 3984	Subdivision of the land into 10 lots	2	NOD	5/09/2025
19/06/2025	T250363	10 Newline Road, Officer South VIC 3809	Four (4) lot subdivision of land	0	Issued	8/09/2025
5/12/2024	T240659	990 Koo Wee Rup-Longwarry Road, Catani VIC 3981	Buildings and Works (Construction of a Shed)	0	Issued	8/09/2025
28/08/2025	T240114 - 1	60 Greenhills Road, Pakenham VIC 3810	Use and development of four (4) warehouses, reduction of car parking under Clause 52.06, business identification signage and works in the land subject to inundation overlay.	0	Issued	8/09/2025
1/08/2024	T240376	503 Hall Road, Nar Nar Goon VIC 3812	Works (Construction of a Dam and Crossover)	2	NOD	10/09/2025
3/06/2025	T250314	5 Kookaburra Drive, Officer South VIC 3809	Building and works for a warehouse development	0	Issued	10/09/2025
5/05/2025	T250240	99B National Avenue, Pakenham VIC 3810	Use of Land for the Purpose of an Education Centre (Employment Training Centre)	0	Issued	11/09/2025
3/02/2025	T250050	203 Greenhills Road, Pakenham VIC 3810	Buildings and Works (Construction of Eight Warehouses) and Reduction in Car Parking Requirements	0	Issued	12/09/2025
15/07/2025	T230412 - 1	Bald Hill Road, Pakenham VIC 3810	Amendment to Planning Permit T230412 issued for the 'Development of the land for a Warehouse' to amend the plans for the warehouse and endorse the plans under Condition 1 and 2	0	Issued	12/09/2025
12/02/2025	T210782 - 2	16 & 14 Link Road, Pakenham VIC 3810	S72 Amendment to Planning Permit T210782-2 to amend what the permit allows, change conditions on the permit and amendments to previously endorsed plans	0	Issued	17/09/2025
13/05/2025	T250262	28 Momentum Way, Officer South VIC 3809	Buildings and works for two (2) warehouses with ancillary offices.	0	Issued	17/09/2025
27/05/2025	T250292	22 Exchange Drive, Pakenham VIC 3810	Subdivision of Land into Two Lots	0	Issued	18/09/2025

Note: The reference to Issued in the decision column refers to the issue of a permit. Refusals will be identified as such. In instances where objections are received a Notice of Decision to Grant a Permit (NOD) is the decision.

5.3 PLANNING MATTERS VCAT REPORT - OCTOBER 2025

Responsible GM:	Debbie Tyson
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.

Recommendation

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

Executive Summary

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings and recent decisions from the Victorian Civil and Administrative Tribunal (VCAT). This list is current as of 18 September 2025.

Gender Impact Assessment

In the preparation of this report, Council has considered its obligations under the *Gender Equality Act 2020*. It was determined that a Gender Impact Assessment (GIA) was not required as the subject matter of this report does not relate to a policy, program or service that has a direct or significant impact on the community.

Matters Recently Lodged at VCAT

No matters recently lodged at VCAT since the previous report to Council.

Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
6-7 /11/2025	T220800	315 Pooley Road, Nar Nar Goon North	Use and Development of Land for Rural Worker Accommodation and a Small Second Dwelling, and Removal/Lopping of Native Vegetation	Refusal (Delegate)	Applicant
13-16/ 11/ 2025	T240181	35 Canty Lane, Pakenham	Subdivision of land and associated works, and removal of native vegetation	FTD	Applicant
20/8/2025	T230589	215 Evans Road, Longwarry	Use of land for a Dwelling and Buildings and Works (Construction of a Dwelling, Shed and Associated Earthworks)	Refusal (TPC)	Applicant

25 - 26/6/2025	N/A	67 Officer South Road, Officer	N/A – Application for declaration in relation to the Officer Major Activity Centre Urban Design Framework	UDF adopted (Council)	Applicant
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*FTD denotes an application for review of Council's failure to issue a decision within the prescribed timeframe.

Matters Recently Decided at VCAT

App. No.	Address	Proposal	Council Decision	Appealed By	Decision
T240177	80 O'Briens Road, Yannathan	Use and Development of land for Dwelling, Outbuilding and Associated works	Refusal (TPC)	Applicant	28 August 2025 Supported Council decision

Attachments

Nil

5.4 PLANNING SCHEME AMENDMENT ACTIVITY - OCTOBER 2025

Responsible GM:	Debbie Tyson
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. 5.1.4 Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy. 5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Recommendation

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

Executive Summary

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

Status of Active Planning Scheme Amendments

The following table provides details relating to planning scheme amendments that are currently being processed.

Table 1: Active Planning Scheme Amendments

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibiti on End	Status
C278	Cardinia Shire Council	Municipal wide	Introduces a new Environmentally Sustainable Development (ESD) local policy (Clause 22.11) and makes associated changes to the Municipal Strategic Statement (MSS).	29 February 2024	8 April 2024	20/03/2023 - Council endorsed to seek authorisation from the Minister for Planning to prepare proposed AmC238card. 23/10/2023 - Council received Minister's authorisation to prepare AmC238card. 29/02/2024 to 08/04/2024 - Public exhibition of AmC238card. Council received five submissions. 17/06/2024 - Council considered the submissions and endorsed referring the submissions to a Planning Panel. 26/08/2024 - A Planning Panel Hearing was held. 06/09/2024 - Council received the Panel Report. 16/12/2024 - Council adopted the AmC278card Panel Report and resolved to submit the Panel Report to the Minister for approval. 23/12/2024 - AmC278card was submitted to the Minister for approval. - No further updates.

C282	James Hicks Pottery Pty Ltd	Lot AA PS81472 3 Cotswold Crescent, Officer	Amends the Schedule to the Heritage Overlay (Clause 43.01) to allow Council to consider a prohibited use under the Heritage Overlay (HO104) for an office. (Section 96A of the Planning and Environment Act 1987)	TBC	TBC	16/06/2025 Council resolved to: - Request authorisation from the Minister prepare and exhibit proposed AmC282card. - Consider planning permit application T230528, concurrently with Am C282card. - Exhibit proposed AmC282card concurrently with planning permit T230528 if authorisation to prepare the Amendment is received from the Minister for Planning. 18/06/2025 - A request for authorisation was submitted to the Minister. - No further updates.
C283	Cardinia Shire Council	Municipal wide	Fix Up Amendment Section 20(4) Amendment to make corrections of anomalies and errors.	TBC	TBC	14/04/2025 - Council considered proposed AmC283card to seek authorisation from the Minister to prepare and exercise her Ministerial powers of intervention pursuant to Section 20(4) of the Planning and Environment Act to approve AmC283card. - Council resolved that the results of the Agricultural Audit undertaken in 2024 are to be formally reported to Council and the community at a future Council Meeting - Given the delay in the Agricultural Audit and the risks associated with not advancing the fix-up amendment, it is intended to re- list the amendment report for Council consideration to proceed with the amendment.

C284	Cardinia Shire Council	Crown Allotment 2001 next to Pakenham Cemetery .	Rezone former road reserve from Urban Growth Zone Schedule 1 (UGZ1) to Public Use Zone Schedule 5 (PUZ5). Section 20(2)	TBC	TBC	14/04/2025 - Council resolved to: 1. Request the Minister authorise Council to prepare proposed AmC284card and for the Minister to act as the Planning Authority for the amendment. 2. The Minister exercise powers under Section 20(2) of the Planning and Environment Act 1987 to direct Council to notify adjacent landowners and occupiers of the proposed AmC284card rezoning, while exempting both herself and Council from broader public notice. 3. The Minister approves Amendment C284card pursuant to Section 35 of the Planning and Environment Act 1987. 1. 24/04/2025 - A request for authorisation was submitted to the Minister. 2. 26/05/2025 - Advice received from DTP advising that the application requires further review. 3. Discussions are ongoing.
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Ministerial Amendments						
TBD	DTP and DEECA	Lang Lang (Shire of Cardinia), Oaklands (Hume Council) and Trafalgar	Proposed Ministerial Planning Scheme Amendment under Section 20(4) of the Planning and Environment Act to introduce new planning provisions into the Cardinia Planning Scheme to protect land known to contain sand resources in Lang Lang. A new Special Use Zone (SUZ8) is proposed to be applied to land where there are active extractive industry operations to clearly identify that the land is used for this purpose. Also, two State Resource Overlays (SR01 and SR03) are proposed to be applied; one to identify the existing 250 metre EPA buffers surrounding existing operational quarries to further assist in protecting them from sensitive or inappropriate uses, and the other to identify land for future extractive industry.	02/10/2024	18/11/2024	16/12/2024 - Council: 1. Noted and considered the proposed Ministerial Planning Scheme Amendment to apply new planning provisions to Strategic Extractive Resource Areas (SERAs) in Lang Lang 2. Endorsed a submission that objected to the proposed Ministerial Planning Scheme Amendment to apply new planning provisions to Strategic Resource Areas (SERAs) in Lang Lang. 3. Endorsed submitting the submission to the Minister for Planning accompanied by a cover letter signed by the CEO. 4. Noted that there are fundamental gaps in the proposed Strategic Extractive Resource Areas (SERAs) Planning Scheme Amendment as reported in Council's submission. 5. Call on the Victorian State Government to commit to fund the gap required for the Lang Lang Sand Truck Bypass. 6. Endorse the Mayor writing to the Minister for Planning highlighting the strong dissatisfaction with the process and impact on the community and request the amendment process is ceased until appropriate due diligence on community impact and community consultation is undertaken. 7. Commence a communication and advocacy campaign highlighting Council's submission. 1. 17/06/2025 ongoing - DTP are reviewing all submissions to SERA and Council is waiting to learn next steps. 2. No further updates.

VC290	Minister for Planning	All Victorian Planning Schemes	Allows an Abattoir to be a section 1 use in the Table of Uses where specified siting, design and amenity conditions are met in clause 35.04 Green Wedge Zone, clause 35.07 Farming Zone and clause 35.08 Rural Activity Zone. Required to make it easier for small and medium-scale farmers and agribusinesses to establish abattoirs to more easily contribute to agricultural productivity and help secure Victoria's food supply.	The Minister has exercised powers under Section 20(4) of the P&E Act which exempt an amendment which the Minister prepares from any of the public notice and exhibition requirements of sections 17, 18 and 19 of the P&E Act or the Regulations. The Minister has exercised these powers in the interests of Victoria.	15/08/2025 – Date it came into operation. - No action required. For Noting.
VC279	Minister for Planning	All Victorian Planning Schemes	Changes to the land use definition of Minor utility installation in the Victoria Planning Provisions and all planning schemes to ensure the appropriate planning assessment of large battery storage systems. Required to ensure appropriate planning assessment of energy related infrastructure.	The Minister has exercised powers under Section 20(4) of the P&E Act which exempt an amendment which the Minister prepares from any of the public notice and exhibition requirements of sections 17, 18 and 19 of the P&E Act or the Regulations. The Minister has exercised these powers in the interests of Victoria	21/08/2025 – Date it came into operation. - No action required. For Noting.

VC283	Minister for Planning	All Victorian Planning Schemes	Implements Plan for Victoria (Department of Transport and Planning, 2025), update and introduce policy, remove reference to Plan Melbourne 2017-2050: Metropolitan Planning Strategy and make general drafting improvements and clarifications.	The Minister has exercised powers under Section 20(4) of the P&E Act which exempt an amendment which the Minister prepares from any of the public notice and exhibition requirements of sections 17, 18 and 19 of the P&E Act or the Regulations. The Minister has exercised these powers in the interests of Victoria	1. 02/09/2025 – Date it came into operation. 2. No action required. For Noting.
VC268	Minister for Planning	All Victorian Planning Schemes	Gives effect to the Victorian Transmission Plan and update strategies to facilitate renewable energy development in declared renewable energy zones. Changes to references to the Climate Action Act 2017 are required to ensure that planning schemes are accurate. By 2035, 95% of energy generation is required to be from renewable sources, and energy storage capacity is required to be at least 6.3 gigawatts.	The Minister has exercised powers under Section 20(4) of the P&E Act which exempt an amendment which the Minister prepares from any of the public notice and exhibition requirements of sections 17, 18 and 19 of the P&E Act or the Regulations. The Minister has exercised these powers in the interests of Victoria	1. 05/09/2025 – Date it came into operation. 2. No action required. For Noting.

VC282	Minister for Planning	All Victorian Planning Schemes	Introduces a new clause 54 (One dwelling on a lot or a small second dwelling on a lot), making consequential changes to give effect to the new residential development planning assessment provision and correcting technical errors made by Amendment VC267.	The Minister has exercised powers under Section 20(4) of the P&E Act which exempt an amendment which the Minister prepares from any of the public notice and exhibition requirements of sections 17, 18 and 19 of the P&E Act or the Regulations. The Minister has exercised these powers in the interests of Victoria	1. 08/09/2025- Date it came into operation. 2. No action required. For Noting.
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Gender Impact Assessment

In the preparation of this report, Council has considered its obligations under the *Gender Equality Act 2020*. It was determined that a Gender Impact Assessment (GIA) was not required as the subject matter of this report does not relate to a policy, program or service that has a direct or significant impact on the community.

Attachments

Nil

6 Meeting Closure