

Town Planning Committee Meeting

Minutes

Monday 3 May 2021

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

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

Officers: Nigel Higgins General Manager Liveable Communities
Debbie Tyson Executive Manager Office of the CEO

Order of Business

1 Opening And Prayer	3
2 Acknowledgements	3
3 Apologies	3
4 Declaration Of Interests	3
5 Ordinary Business.....	4
5.1 T200813 PA - 6/3 Purton Road, Pakenham - Use Of Land For An Indoor Recreation Facility (Dance Studio)	4
5.2 T200589 - Development Of The Land For Six (6) Dwellings At 48 James Street, Lang Lang VIC 3984.....	45
5.3 T210009 PA - 67-69 Main St, Pakenham - Buildings And Works Associated With An Existing Shopping Centre	126
5.4 Planning Enforcement Matters Report - 3 May 2021	170
5.5 Planning Scheme Amendment Activity Report - 03 May 2021.....	173

1 Opening And Prayer

Almighty God we humbly request that you bestow your blessings upon this Council, direct and prosper our deliberations to the advancement of your glory and to the betterment of the peoples of Cardinia Shire. Amen.

Meeting opened at 7:00pm.

2 Acknowledgements

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

3 Apologies

Nil.

4 Declaration Of Interests

Nil.

5 Ordinary Business

5.1 T200813 PA - 6/3 Purton Road, Pakenham - Use of land for an indoor recreation facility (dance studio)

Responsible GM: Peter Benazic
Author: Sam Andrews

Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T200813 for the Use of the land for an indoor recreation facility (dance studio) at 6/3 Purton Road, Pakenham VIC 3810 subject to the following conditions:

1. Before the use begins, a car parking management plan must be submitted to the Responsible Authority. Once submitted, this plan will be endorsed and form part of this permit. This plan should include information for new and existing customers, briefing them on:
 - The car parking and access restrictions outlined by this permit;
 - The location of the car parking area allocated to JUMP! Swim School which is to be used by customers and staff;
 - Safe and appropriate pedestrian access to the premises, by avoiding walking in common driveway areas;
 - Signage directing customers on where to park;
 - Methods to be employed to avoid customers parking in the other businesses spaces; and
 - Any information packs or brochures must include car parking and access information.

In accordance with the conditions of this planning permit and as shown on the endorsed plans.

2. The use and layout of the buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use may only have the following number of patrons and staff members on the premises at any one time, unless with the further consent of the Responsible Authority:
 - a maximum of 10 students and 1 staff member, prior to 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member, after 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member on Saturday
4. The use may only operate during the following hours, unless with further consent of the Responsible Authority:
 - Monday to Friday: 9:30am - 12pm, 4:30pm - 9:30pm.
 - Saturday: 9:00am - 2:00pm.
5. The start and finish times between different classes must be offset by at least 15 minutes, and must not be altered without the written consent of the Responsible Authority.

6. A maximum of one (1) class may run at any one time, without the express written consent of the Responsible Authority.
7. Vehicles under the control of the operator of the building, including staff and customer vehicles, must be parked using the allocated space to the rear of the building.
8. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
11. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
12. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.
13. The amenity of the area must not be detrimentally affected by the use through:
 - (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
 - (d) The presence of vermin.

Expiry:

This permit for the use of land expires if—

- (e) the use does not start within two (2) years after the issue of the permit; or
- (f) the use is discontinued for a period of two (2) years.

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

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Please ensure that any future signage complies with the requirements of Clause 52.05, Signs, and that a planning permit is sort from the Responsible Authority if it is required.

Attachments

1. T 200813 PA - Locality Plan [5.1.1 - 1 page]
2. T 200813 PA - Documents Assessed [5.1.2 - 22 pages]
3. CONFIDENTIAL - T 200813 PA - Complied Objection Letters [5.1.3 - 6 pages]

Executive Summary

APPLICATION NO.:	T200813
APPLICANT:	Miss Danielle Griscti Dance Legacy
LAND:	LG6 PS629565 V11936 F139, FY 6/3 Purton Road, Pakenham VIC 3810
PROPOSAL:	Use of the land for an indoor recreation facility (Dance Studio)
PLANNING CONTROLS:	Clause 33.01, Industrial 1 Zone
NOTIFICATION & OBJECTIONS:	Public notification via the advertising process commenced 2 March 2021 and was completed 17 March 2021. Council has received five (5) objections to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood character Amenity Carparking
RECOMMENDATION:	That a Notice of Decision to Grant a permit be issued.

Background

The subject property is one (1) of eight (8) units in a grouping of industrial buildings, located on the west side of Purton Road, approximately 32 metres north of the intersection with Princes Highway, in Pakenham. The site that is the subject of the application is rectangular with an area of approximately 180 square metres.

One of the 7 car spaces to the west of the industrial building is allocated on the title to the subject unit. Fourteen car spaces within the common property to the east of the building are for the joint use of the 8 industrial units.

The site is rectangular shaped with a road setback of 16.86m, with the existing property measuring 7.8-metres in width.

Businesses occupying the units in the other building at 3 Purton Road are characterised by 'light industrial uses' and include a self-defence studio (martial arts), a dog grooming studio, a laundromat service, yoga studio, and an auto mechanic business. The proposed dance studio will be located between the yoga studio and an industrial business.

The nearby surrounding area is within an Industrial 1 Zone. The site is approximately 130-metres from a Public Park and Recreation Zone, 200-metres from Mixed Use Zone area, 440-metres from a Comprehensive Development Zone, and 400-metres from an Urban Growth Zone – Schedule 1.

The property has previously been occupied as a dance studio and a law firm.

The application was advertised with the permit preamble 'Use of the land for an indoor recreation facility (dance studio) and waiver of car parking spaces.' The inclusion of the car parking waiver was an error as the application is only required to supply car parking spaces pursuant to Clause 52.06-6, requiring spaces to be provided to the satisfaction of the Responsible Authority. There is no specific number of spaces that must be provided and therefore a waiver is not required.

Permit/Site History

The Planning Permit history for the site includes:

- Planning Permit T170142 for an Eight (8) lot subdivision issued June 17, 2017.

There is no planning compliance history for this address.

Subject Site



The subject property is located to the west of Purton Road, near the corner of Princes Highway.

Five (5) vehicle crossings from Purton Road provide vehicle access to the car parking area.

The topography of the land is relatively flat.

The allotment for the industrial building is burdened by 2 sewerage easements in favour of South East Water located parallel to the northern and southern boundaries.

The site is not subject to Aboriginal Cultural Sensitivity.

The main characteristics of the surrounding area are:

- **North:** Directly north of the site is a vacant 0.08-hectare property at 7 Purton Road. Further north of the site are more light industrial uses with the Councils Depot building located further up on the eastern side of Purton Road.

- **South:** Directly south of the site is a 0.13-hectare property at 917 Princes Highway, Pakenham currently used as a Dulux paint facility. Further south, across Princes Highway (RDZ1) is the Toomuc Recreation Reserve.
- **East:** Directly east are light industrial building 6 and 8 Purton Road, approximately 0.18 and 0.17-hectares in size. Slightly south east of the site at 2-4 Purton Road, fronting onto Princes Highway, are 5-6 commercial building comprising of a Godfreys, Workwear and Safety Superstore, a Battery World, and a Repco Auto Repairs Business. Located further east is the Toomuc Creek Linear Reserve and residential houses.
- **West:** Directly west of the site is a 0.41-hectare property at 915 Princes Highway, Pakenham used as a shop that sells agricultural tools.

Relevance to Council Plan

3.5 Our Environment - Balanced needs of development, the community and the environment

3.5.3 Provide for the sustainable development of rural townships while taking into account their existing character and community needs

Proposal

Approval is sought for a planning permit for the Use of the land for an indoor recreation facility (Dance Studio).

Whilst parking needs to be provided for the use, it is not a requirement of the Planning and Environment Act 1987 for the Council to facilitate an appropriate provision of car parking spaces in an area as no planning permit has been triggered under the Parking Overlay. This means that there is no requirement, or specific number of spaces that need to be provide for the site and the Responsible Authority needs to be satisfied with the spaces available for the proposal as stated in Clause 52.06-6.

The use is proposed to operate as followed:

Use

- Use of the existing building as an indoor recreation facility (Dance Studio) for a maximum of 12 clients and 1 staff at a given time. Only 10 Clients will be permitted in the studio before 5pm.
- The proposed operating hours are:
- Monday to Friday 4:00pm-9:30pm, two (2) days to have classes between 9:30am and 12pm.
- Saturday 9:00am – 2pm.

Buildings and works (no permit required)

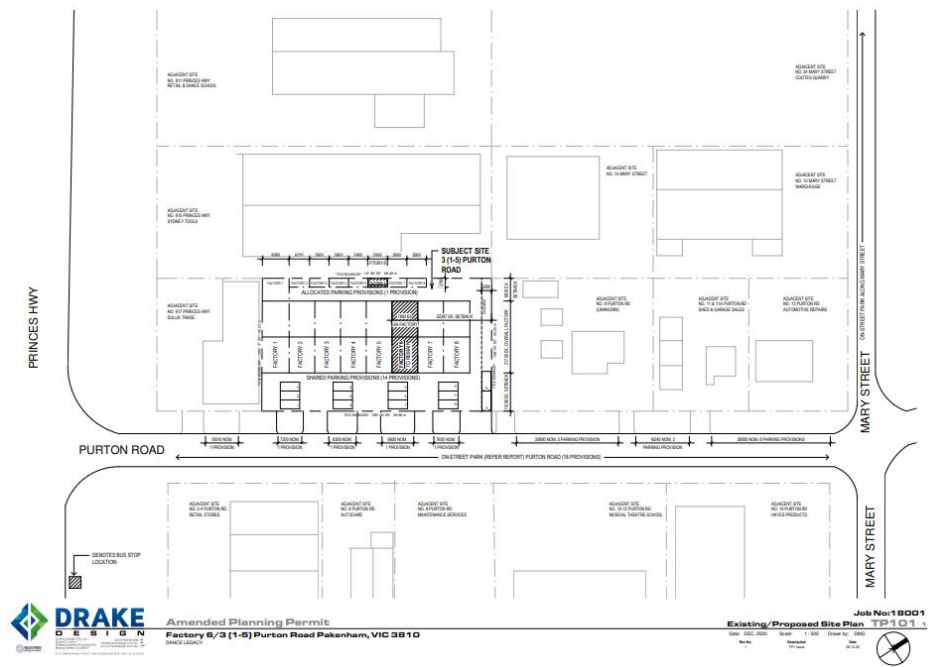
- There will be no alteration to the external appearance of the building.
- The internal layout, including the floor space and outside façade is proposed to remain unaltered.

Advertising sign (no permit required)

- The applicant is proposing to erect a sign on the front façade of the building, like-for-like with the existing solicitor sign. The sign will measure 600mm in height by 2.4-metres in length, measuring 1.44-metres in total. Business identification signs that measure less than 8 square metres and are like-for-like do not require a planning permit under Clause 52.05, Signs.

Consent for car parking

- There are 21 parking spaces for the 8-unit industrial building, with 7 of those dedicated and 14 communal spaces to be shared among the 8 industrial units.
- There is no specified car parking rate for an indoor recreation facility, including minor sports and recreation facility in the Table at Clause 52.06-5 of the Scheme, as such car parking must be provided to the satisfaction of the responsible authority as outlined in Clause 52.06-6.



Proposed Site Layout



Existing Signage



Proposed Signage (like-for-like)

Planning Scheme Provisions

Zone

The land is subject to the Industrial 1 Zone.

Overlays

The land is not subject to any overlays.

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 13.05-1S – Noise abatement
- Clause 13.07-1S – Land use compatibility
- Clause 15.01-5S – Neighbourhood Character
- Clause 17.01-1S – Diversified economy
- Clause 17.03-1S – Industrial land supply
- Clause 18.02-2S – Public Transport
- Clause 18.02-4S – Car parking

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 - Employment
- Clause 21.04-4 – Industry

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 – Car parking
- Clause 52.34 – Bicycle Facilities
- Clause 65 – Decision Guidelines

Planning Permit Triggers

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

- Clause 33.01-1 – Under the Industrial 1 Zone (IN1Z), a permit is required to use the land for an indoor recreation facility (Dance Studio) which is nested under minor sports and recreation facility.

Public Notification

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

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

The notification has been carried out and the statutory declaration has been submitted to Council on 18/03/2021.

Council has received five (5) objections to date.

The key issues that were raised in the objection are regarding:

- Availability of Car Parking Spaces;
- Car Parking Waiver (Added to the Advertising Preamble in Error);
- Non-Industrial Use in an Industrial Zone;
- Access to Properties;
- Safety;
- Business Hours.

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Nil	N/A
Section 52 Notices	Nil	N/A

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Traffic	No objection. <ul style="list-style-type: none"> • Satisfied that car parking requirement can be accommodated with a combination of off-street and on-street parking.

Discussion

The application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed development is determined to be consistent with these requirements.

The primary considerations for this application are as follows:

- Planning Policy Frameworks (PPF) and Municipal Planning Strategy (MPS)
- Use
 - Purpose and decision guidelines of the Industrial 1 Zone
- Car parking

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure that the inclusion of a non-industrial use within an industrial zone does not detract from the intensions of the local neighbourhood character, achieves an adequate supply of carparking, and meets the needs of the future and existing residents.

Clause 13.05-1S (Noise Abatement) seeks to ensure that community amenity is not reduced by noise, assisting in the control of noise effects on sensitive land uses.

Clause 13.07-1S (Land Use Compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 17.01-1S (Diversified Economy) seeks to strengthen and diversify local economies by improving access to jobs and employment closer to where people live.

Clause 17.03-1S (Industrial Land Supply) seeks to ensure that there is an availability for industrial land by avoiding approving non-industrial land uses that will prejudice the availability of land in identified industrial area for future industrial use.

Clause 18.02-2S (Public Transport) looks at facilitating a greater use of public transport and promoting increased developments and uses close to high-quality public transport routes.

Clause 18.02-4S (Car Parking) seeks to ensure that an adequate supply of car parking that is appropriately designed and located.

Clause 21.04-1 (Employment) seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.

Clause 21.04-4 (Industry) seeks to develop and ensure that there are manufacturing and service industries that provide services to local residents and businesses, support local employment and reflect a high standard of urban design.

The proposed use of the site for an indoor recreation facility is consistent with the relevant policies in the PPF and LPPF highlighted earlier in the report because the proposed indoor

recreation facility, whilst located within an industrial zone, will be located within an area predominantly established as a commercial area characterised by light industrial and other commercial uses and will provide a required service for the benefit of the community. The proposed use will also complement the diverse land use in the area, providing an important service for the benefit of the community. It will seek to compliment the surrounding yoga, martial art and dog grooming facilities by providing a use that will benefit from each other's business types providing an appropriate response to the neighbourhood character.

Although the proposal is non-industrial, it will not prejudice the availability of land for future industrial development or their viability (Clause 17.03-1S – Industrial land supply).

The large availability of on street carparking helps to deal with a limited supply on onsite spaces, further supporting that the proposal is not expected to have any negative impacts on the surrounding residences, businesses and land uses through a lack of available spaces (Clause 18.02-4S – Car parking).

The proposed indoor recreation facility will not be detrimental to the supply of industrial land in the area because there will be no alteration to the building. It can easily revert to industrial use when the proposed use ceases (Clause 21.04-4 – Industry). All that the applicant is seeking to do is erect a like-for-like business identification signage that will not affect the buildings' ability to be used for an alternative purpose in the future and propose a use similar to what has been at the site in the past.

In addition, it is also considered that the use of the land as an indoor recreation facility will not prejudice the viability of the existing and future industrial development in the area as the space to be used is very small in relation to the overall size of the existing industrial developments in the area and the common sizes of industrial buildings seen in surrounding area of the municipality (e.g., Southeast Business Park). Although the primary purpose of the Zone is to facilitate industrial development, the approval of non-industrial uses that will not be prejudicial to the existing and future industrial development and is considered to be good and orderly planning.

It is considered that the proposal adequately responds to the above and compliments the existing and emerging development pattern of this street and the surrounding area. Therefore, it is considered that the proposal is consistent with the PPF and MPS as it is located nearby similar uses and public transport services.

Industrial 1 Zone

1 Use

The discussion of the appropriateness of the proposed use will be guided by the assessment of the proposal against the purpose and decision guidelines of the Industrial 1 Zone and the details of the proposed use obtained from the applicant. An indoor recreation facility (dance studio) is nested under indoor recreation facility at Clause 73.04-6 of the Scheme and is a Section 2 use in an Industrial 1 Zone. In this regard, the responsible authority has the discretion to grant a permit based on the planning merit of the proposal.

The proposal is consistent with the purpose of Industrial 1 Zone which is *to*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Whilst it is acknowledged that an indoor recreation facility is not an industrial activity that will involve manufacturing, research or storage activities, it is recognised that there may be need for non-industrial uses within a purpose-built industrial area and this will be appropriate and acceptable as long as the non-industrial use does not jeopardise future industrial development in the area.

It is further considered that the proposed use will be consistent with planning policy as it will provide an essential community service that will not be detrimental to the industrial area. The property at 6/3 Purton Road is situated within the middle of a yoga studio and martial arts, two (2) non-industrial uses. Whilst there is the argument for the new use bring about another non-industrial use, the application benefits from its location within an area already consisting of differing uses, surrounded by properties that will not pose a detrimental impact to the new use and nor will the dance studio impact the surrounding industrial properties.

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects.*

Most of the surrounding sites are zoned Industrial, where residential use is prohibited. Whilst some of the sites in the surrounding area are used for non-industrial uses, such uses are not sensitive uses and are unlikely to be impacted by the proposed indoor recreation use. The nearest residential area is approximately 230 metres from the subject site.

In addition to the nearby residential zone, the property is also located around an area of varying zones. The site is approximately 130-metres from a Public Park and Recreation Zone, 200-metres from Mixed Use Zone area, 440-metres from a Comprehensive Development Zone, and 400-metres from an Urban Growth Zone – Schedule 1. Again, whilst the use is not in line with the primary purpose of the zone, the local character of the nearby Pakenham area is made up by multiple different uses, adding support to the location of the non-industrial use. If the proposal was to be within the centre of an industrial precinct and not on the outskirts of the zone like 6/3 Purton Road is, greater weight could be given to the use posing a negative impact on the industrial values and the large scale industrial land uses and businesses. Seeing as the proposal is located within the outer edges of the zone instead of the centre, further support is given to the proposal based on the siting and location of the use.



The proposal will also not be detrimental impact to the amenity and safety of the adjoining and surrounding uses. It will provide an opportunity for an indoor recreation facility to be located in an established industrial area, characterised by commercial businesses, so that people in the immediate surrounding residential area will be able to utilise the dancing services made available by the facility.

A condition of any approval will be added to ensure that the noise level from the proposed use will not be of a detriment to the amenity of the adjoining sites.

The proposal will not have any impact on the existing built form as there will be no change to the external appearance of the building.

- *The effect that nearby industries may have on the proposed use*

There are currently some buildings used for non-industrial uses in the surrounding area. The subject site is surrounded by land within an Industrial 1 Zone used mainly for commercial purposes. The existing or future uses of the surrounding sites will not be detrimental to the use of the subject site for an indoor recreation facility. The proposed Dance Studio is not a type of use that would be detrimentally impacted by the industrial uses in the vicinity of the site. Whilst there will be an increase in parking, the time of operation, after normal work and school hours and availability of on unrestricted on street parking after 5pm, will help in limiting impacts to surrounding sites.

- *The drainage of the land.*

The proposal will not have any detrimental impact on the drainage of the land.

- *The availability of and connection to service*

The building is already connected to the required services which will be adequate for the proposed use.

- *The effect of traffic to be generated on roads*

The proposal will not have any detrimental impact on traffic on the adjoining roads based on the intensity of the proposed use. Also, the peak period of the use will be in the early mornings and in the late evenings when the surrounding businesses are not likely to be open for business. Through various visits to Purton Road and the information gained from our Council Traffic Engineers it has been identified that Purton Road does not often result in traffic issues and is often quiet. Therefore, the proposal is not likely to significantly impact traffic.

- *The interim use of those parts of the land not required for the proposed use*

The entire unit will be required for the proposed use.

2 Car Parking

Clause 18.02-4 (Car parking) and clause 52.06 (Car parking) of the Scheme will be used to frame this car parking assessment.

Clause 52.06 applies to a new use and the purpose of the provision is as follows:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-2 requires that a new use must not commence until the required car spaces under clause Table 1 of clause 52.06-5 have been provided on the land. Where a use is not specified in Table 1, in another provision of this scheme or in a Parking Overlay, car parking spaces must be provided to the satisfaction of the responsible authority.

There is no specified car parking rate for an indoor recreation facility or minor sports and recreation facility at Table 1 of clause 52.06-5 of the Scheme or in any other provision of the Scheme. In this regard, car parking provision for the use must be provided to the satisfaction of the responsible authority as stated within clause 52.06-6.

One of the 7 car spaces to the west of the industrial building is allocated on the title to the subject unit. In addition, 14 car spaces within the common property to the east of the building are for the joint use of the 8 units in the industrial building.

The car parking provision associated with the proposed indoor recreation facility (Dance Studio) is considered acceptable for the following reasons:

- There is ample on-street car-parking available in the surrounding streets for patrons.
 - A carparking assessment survey was undertaken by the applicant and the result was submitted as part of the application. The survey indicated that there is adequate carparking opportunities within 100 metres of the subject site at various times of the day that can be used by the patrons to the proposed use and will not result in any adverse impact on car parking in the area or amenity of the area. Whilst the Council acknowledges that there is a limited supply of on-site spaces for eight (8) businesses, the availability of on-street spaces ensures that this will not be an issue.
- Council's Traffic Engineering Unit consents to the car parking provision associated with the proposed use.
 - They advised that the 14 on-site spaces are shared between the 8 premises – hence there are effectively 1 – 2 spaces 'allocated' to the site, plus one (1) for staff (up to 3 available in total). For a high-level indication of parking demand, whilst it is estimated that there will be demand of 1-2 spaces for staff, it is also estimated that there will be a further demand of up to 6 spaces for students (assuming 12 students maximum, allowing for some level of carpooling and allowing for multi-trip use of each space for pick-up / drop-off). (i.e., total of 7-8 spaces). Given that the site effectively has 2 - 3 spaces, this will rely on up to 6 spaces to be provided on street (or shared with the other premises), depending on the demand for the premise. Council's Traffic Engineering Team believes that based on the proposed hours of operation that Purton Road will have enough on-street spaces for patrons to park.

With regards to the car parking assessment and the survey conducted last year as part of Planning Permit T200077, at 7/3 Purton Road, as well as the comments received from Council's Traffic Engineer, the proposed indoor recreation facility (Dance Studio) with a maximum of 12 clients and 1 instructor on the site at a given time will not unreasonably impact the traffic conditions of the surrounding area. Consent for car parking associated with the use is appropriate and should be supported.

Considering the availability of on-street parking, and to assist in the likelihood of employees of the surrounding industrial buildings working overtime or to 5:00pm, a condition will be placed on the permit prohibiting the facility from having more than 10 students prior to 5:00pm, to ensure that there are enough parking spaces available. It will also help in mitigating the overlap of business working in the area at the one time. In addition to this a traffic management plan will also be placed on the permit as a condition as well as a condition that requires the applicant to implement staggered class times at intervals of 15-20 minute gaps to reduce the impact that the overlapping of classes will have on traffic and carparking.

Based on the operation times of the businesses in the area and the time that the Dance Studio is proposed to be open, the level of traffic and congestion will not be high and should not impact against approval being given.

Public Transport

The Dance Studio is to operate for students at ages between 2-18 years. Nearby public transport options, including a bus stop at Purton Road/Princes Highway (approximately 100-metres or a 1-minute walk) and the Cardinia Shire Station (4km walk), with a connecting bus to the Princes Highway stop will allow older age students to reach the studio via public transportation. Being located near public transport options does not mean that car parking and traffic congestion will be reduced, yet does provide the students with alternative transport options that may potentially aid in a reduction in the congestion caused via the new facility.

Advertising signs

Advertising sign requirements applicable to the site are at clause 52.05 of the Scheme; this zone is in Category 2. As stated under 'the proposal' section of this report, due to the business identification sign being less than 8sqm (1.44sqm proposed) and it being like-for-like, a permit is not required for the sign under the requirements of the Industrial 1 zone.

Clause 52.34 – Bicycle Facilities

The purpose of the clause is to encourage cycling as a mode of transport and to provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities. A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Pursuant to Table 1 of clause 52.34 of the Scheme, the requirement for sports and recreation facility which includes an indoor recreation facility is: 1 per 4 employees and 1 to 200sqm of net floor area for clients. As the maximum number of employees associated with the proposed use will be 1 at a given time and the floor area of the unit is approximately 170sqm, there is no set requirement for bicycle provision for the proposed use.

Amenity Impact

The adjoining and nearby sites are occupied predominantly by non-industrial and commercial uses with industrial uses being located either across from the site or further north along Purton Road. Based on the nature of the proposed use, it is considered that there will not be any detrimental impact on the amenity of the adjoining and surrounding sites in terms of noise, traffic or any other impact. The maximum number of people in the indoor recreation facility at a given time will be 13 (12 patrons and 1 staff, with 10 students permitted for one (1) hour before 5:00pm). The peak of the activities will also likely be after-hours when the surrounding industrial/commercial establishments will be closed for business. In this regard, it is considered that the proposed use of the site as an indoor recreation facility will not have any amenity impact on the adjoining sites. There will not be any noise impact on the adjoining sites. Whilst traffic may slightly increase, the operation hours of the business, at different times compared to surrounding industries will aid in limiting the detrimental impact that the use will have on congestion.

Based on the nature of the proposed use, it is considered that there should be adequate provision within the site to accommodate waste storage.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The effect the proposal may have on the orderly planning of the area;

- The amenity of the area, proximity to public land;
- Factors likely to contribute to land degradation;
- The quality of stormwater within and exiting the site;
- Effects on native vegetation;
- Potential hazards;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above complies with the relevant state and local policies and the purpose of the zone that apply to the site. As such it is considered that the application has appropriate regard to the decision guidelines and should be supported

Response to Objections

In response objectors' concerns, the Cardinia Shire Council and applicant have since sort to implement the following changes conditions to the permit:

- Consent for only one (1) staff member being permitted on the site at any one time.
- Consent to allowing only 10 students into the facility for the first hour of operation (4pm-5pm).
- A traffic management plan condition added as a condition 1, which will help deal with parking and traffic issues. Once received it will be included in the set of endorsed plans.
- The implementation of a condition that staggers class times (15-20 minute intervals).

The following addresses the specific concerns raised by the objections received:

Car parking, Traffic & Access:

A number of objections raised concerns about increased traffic and potential car parking issues that may be caused by this use on Purton Road.

The property is not covered by a Parking Overlay, meaning that whilst parking needs to be provided for the use, it is not a requirement of the Responsible Authority (Council) to facilitate an appropriate provision of car parking spaces in the area as no planning permit has been triggered under the Parking Overlay. Whilst a required assessment against the decision guidelines of the scheme are not required, an assessment against Clause 52.06 (Car Parking) is required.

No specific car parking requirements apply to the proposed use as stated within Clause 52.06-5, which therefore means that pursuant to Clause 52.06-6, spaces need to be provided to the satisfaction of the Responsible Authority (Council).

Councils Traffic Engineering department have outlined that based on the use and patron numbers that approximately seven (7) to eight (8) spaces will need to be provided. With the availability of 2-3 on-site spaces, the traffic department through their assessment have outlined that there are more than enough on-street spaces to deal with the overflow of spaces.

The report conducted by the applicant and the assessment by Councils Traffic Engineers, indicates that there is ample parking available on-street along Purton Road during the proposed operating hours – particularly during the evening and on Saturdays. Councils traffic department

has outlined that they are satisfied with the amount of available spaces provided both on and off site.

The operation times of the dance studio further assist in reducing the potential traffic and parking issues. With the studio proposing to be in operation predominately within hours outside of business and school times there will be a greater volume of car parking spaces available both on and off site, there will be no restrictions placed upon people who choose to park along Purton Road, and little impact to surrounding businesses as most are operational during the day. Furthermore, the inclusion of a limit for the number of staff and students allowed on site at particular times of the day, the implementation of staggered class times at 15-20 minute intervals, and inclusion of a traffic management plan within the endorsed plans seeks to further reduce the impact the proposal will have on the surrounding businesses and amount of available car parking spaces. The implementation of these conditions and changes seeks to ensure that all measures have been taken to limit the impact on the surrounding businesses.

The traffic management plan will include information for new and existing customers, briefing them on such aspects as:

- The car parking and access restrictions outlined by this permit;
- The location of any car parking areas allocated to Dance Legacy which are to be used by customers and staff;
- Safe and appropriate pedestrian access to the premises, by avoiding walking in common driveway areas, to increase safety and reduce the impact to surrounding properties;
- Signage directing customers on where to park and what areas to avoid;
- Methods to be employed to avoid customers parking in the other businesses spaces or over access areas to their property;
- Any information packs or brochures must include car parking and access information; and
- A potential idea of how customers and staff members should enter and exit the facility along Purton Road to help in reducing traffic congestion.

Car Parking Waiver

Contrary to the preamble of the advertising signs and letters, the application does not require a waiver of car parking spaces. This was added to the advertising documents in error. Whilst there are not enough on-street parking spaces for the proposal this does not constitute the need for a waiver of car parking spaces.

Since the application was advertised, it was reviewed and concluded that there are specific car parking requirements set within Clause 52.06-5 (Car Parking). Therefore, this means that there is no specific number of spaces that is required to be provided for the use and a waiver of car parking spaces is not required. Pursuant to Clause 52.06-6, where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, car parking spaces must be provided to the satisfaction of the Responsible Authority.

Through the assessment of the available spaces both onsite and offsite, Council are satisfied that there are enough spaces available along Purton Road to accommodate for the proposed use.

Neighbourhood Character & Inclusion of a Non-Industrial Use

A number of objections raised concerns about the proposal not aligning with the existing neighbourhood character and inclusion of non-industrial uses within an Industrial 1 Zone.

Whilst the proposed use is not an industrial use the planning scheme allows for the consideration of secondary uses that are not industrial as long as the non-industrial use does not jeopardise future industrial development in the area.

The proposed non-industrial use gains added support based on its location within the outer edges of the Industrial 1 Zone, within an area situated around a high volume of non-industrial uses (dog wash, martial arts, and yoga studio), within an area predominantly established as a commercial area and characterised by light industrial uses. As seen by these surrounding non-industrial uses, the inclusion of a dance studio should not be refused as it is not uncommon for the area to support commercial and non-industrial uses.

With the site previously used as both an office/solicitor firm and dance studio, two (2) non-industrial uses, the proposed use is seeking to keep in line with what it has been used for in the past. The applicant is not proposing any buildings and works, with the only change being the installation of a like-for-like business identification sign. This ensure that the use does not inhibit the building from being used for an industrial purpose in the future. Furthermore, the building itself is in line with the design of the surrounding properties at 3 Purton Road. The lack of changes to the building ensures that the buildings design is consisting other in the area and supports the local neighbourhood character.

Impacts to Surrounding Properties

Most of the objections raised concerns about how the inclusion of the dance studio would further impact their businesses.

To aid in limiting the impact to the surrounding business, the applicant has sort to operate outside of usual business and school hours, agreed to limit staff numbers to one (1) and reduce the amount of students permitted before 5pm (10 students), supported the implementation of staggered class times, and encouraged the inclusion of a traffic management plan.

Whilst it is acknowledged that business can often operate outside of usual hours and work overtime, the above points, will be added as permit conditions, and will seek to limit, as best as possible, issues surrounding customers parking in the front of business, children blocking driveway and creating safety issues. To be detailed within the traffic management plan, children will be required to enter with parents and walk within areas that do impact the surrounding businesses, and also notified of areas that are of restricted access and told where it is most suitable to park (along Purton Road).

Unfortunately, Council can not ensure that the proposed use will pose no impact to the surrounding businesses, yet through the above points and implementation of conditions, it can be minimised as much as possible.

Conclusion

It is recommended that a Planning Permit be issued for the use of the land for an indoor recreation facility (Dance Studio) generally in accordance with the submitted plans.

The proposal is consistent with the purposes and objectives of the relevant provisions of the Cardinia Planning Scheme. The proposed use and associated car parking provision will not cause material detriment to any person or the character of the area and as such should be supported subject to conditions. Any new business will cause an increase in traffic and a reduction in the volume of available car parking spaces, yet the operation hours and permit conditions for the new use, seeks to limit the overall burden that the Dance Studio will have on the surrounding property owners.

Conditions

That Council having caused notice of Planning Application No. T200813 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit in respect of the land known and described as LG7 PS629565 V11936 F140, FY 6/3 Purton Road Pakenham, for the Use of the land for indoor recreation facility (Dance Studio), generally in accordance with the endorsed plans, subject to the following conditions:

Conditions:

1. Before the use begins, a car parking management plan must be submitted to the Responsible Authority. Once submitted, this plan will be endorsed and form part of this permit. This plan should include information for new and existing customers, briefing them on:

- The car parking and access restrictions outlined by this permit;
- The location of the car parking area allocated to JUMP! Swim School which is to be used by customers and staff;
- Safe and appropriate pedestrian access to the premises, by avoiding walking in common driveway areas;
- Signage directing customers on where to park;
- Methods to be employed to avoid customers parking in the other businesses spaces; and
- Any information packs or brochures must include car parking and access information.

In accordance with the conditions of this planning permit and as shown on the endorsed plans.

2. The use and layout of the buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use may only have the following number of patrons and staff members on the premises at any one time, unless with the further consent of the Responsible Authority:
 - a maximum of 10 students and 1 staff member, prior to 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member, after 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member on Saturday
4. The use may only operate during the following hours, unless with further consent of the Responsible Authority:
 - Monday to Friday: 9:30am - 12pm, 4:30pm - 9:30pm.
 - Saturday: 9:00am - 2:00pm.
5. The start and finish times between different classes must be offset by at least 15 minutes, and must not be altered without the written consent of the Responsible Authority.
6. A maximum of one (1) class may run at any one time, without the express written consent of the Responsible Authority.
7. Vehicles under the control of the operator of the building, including staff and customer vehicles, must be parked using the allocated space to the rear of the building.
8. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.

10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
11. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
12. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.
13. The amenity of the area must not be detrimentally affected by the use through:
 - (g) The transport of materials, goods or commodities to or from the land;
 - (h) The appearance of any buildings, works or materials;
 - (i) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
 - (j) The presence of vermin.

Expiry:

This permit for the use of land expires if—

- (k) the use does not start within two (2) years after the issue of the permit; or
- (l) the use is discontinued for a period of two (2) years.

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

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Please ensure that any future signage complies with the requirements of Clause 52.05, Signs, and that a planning permit is sort from the Responsible Authority if it is required.

Resolution

Moved Cr Collin Ross, seconded Cr Carol Ryan.

That Council issue a Notice of Decision to Grant Planning Permit T200813 for the Use of the land for an indoor recreation facility (dance studio) at 6/3 Purton Road, Pakenham VIC 3810 subject to the following conditions:

1. Before the use begins, a car parking management plan must be submitted to the Responsible Authority. Once submitted, this plan will be endorsed and form part of this permit. This plan should include information for new and existing customers, briefing them on:
 - The car parking and access restrictions outlined by this permit;
 - The location of the car parking area allocated to JUMP! Swim School which is to be used by customers and staff;
 - Safe and appropriate pedestrian access to the premises, by avoiding walking in common driveway areas;
 - Signage directing customers on where to park;
 - Methods to be employed to avoid customers parking in the other businesses spaces; and
 - Any information packs or brochures must include car parking and access information.

In accordance with the conditions of this planning permit and as shown on the endorsed plans.

2. The use and layout of the buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use may only have the following number of patrons and staff members on the premises at any one time, unless with the further consent of the Responsible Authority:
 - a maximum of 10 students and 1 staff member, prior to 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member, after 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member on Saturday
4. The use may only operate during the following hours, unless with further consent of the Responsible Authority:
 - Monday to Friday: 9:30am - 12pm, 4:30pm - 9:30pm.
 - Saturday: 9:00am - 2:00pm.
5. The start and finish times between different classes must be offset by at least 15 minutes, and must not be altered without the written consent of the Responsible Authority.
6. A maximum of one (1) class may run at any one time, without the express written consent of the Responsible Authority.
7. Vehicles under the control of the operator of the building, including staff and customer vehicles, must be parked using the allocated space to the rear of the building.

8. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
11. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
12. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.
13. The amenity of the area must not be detrimentally affected by the use through:
 - (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
 - (d) The presence of vermin.

Expiry:

This permit for the use of land expires if—

- (e) the use does not start within two (2) years after the issue of the permit; or
- (f) the use is discontinued for a period of two (2) years.

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

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Please ensure that any future signage complies with the requirements of Clause 52.05, Signs, and that a planning permit is sort from the Responsible Authority if it is required.

Cr Ross called for a division.

For: Cr Brett Owen, Cr Carol Ryan, Cr Collin Ross, Cr Graeme Moore, Cr Jack Kowarzik, Cr Jeff Springfield, Cr Tammy Radford

Cr Davies abstained from voting.

Carried

5.2 T200589 - Development of the land for six (6) dwellings at 48 James Street, Lang Lang VIC 3984

Responsible GM: Peter Benazic
Author: Heather Chamberlain

Recommendation(s)

That a Refusal to Grant Planning Permit T200589 be issued for the Development of the land for six (6) dwellings at 48 James Street, Lang Lang VIC 3984 on the following grounds:

- Inconsistent with the existing and preferred character of the area
- Inconsistent with the Neighbourhood Residential Zone
- Unreasonable amenity impacts to existing and future residents
- Inconsistency with State and Local Planning Policy, including Clause 55 (ResCode) and the Lang Lang Township Strategy

Attachments

1. Locality Map [5.2.1 - 1 page]
2. Development Plans & Reports [5.2.2 - 60 pages]
3. CONFIDENTIAL - T 200589 PA - Objection 1 [5.2.3 - 1 page]
4. CONFIDENTIAL - T 200589 PA - Objection 2 [5.2.4 - 2 pages]
5. CONFIDENTIAL - T 200589 PA - Objection 3 [5.2.5 - 1 page]
6. CONFIDENTIAL - T 200589 PA - Objection 4 [5.2.6 - 4 pages]

Executive Summary

APPLICATION NO.:	T200589
APPLICANT:	Southern Planning Consultants
LAND:	48 James Street, Lang Lang VIC 3984
PROPOSAL:	Development of the land for six (6) dwellings
PLANNING CONTROLS:	Neighbourhood Residential Zone Schedule 1
NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i>, the application was advertised by the placing of a sign on site and notices in the mail to adjoining property owners.</p> <p>Four (4) objections have been received to date.</p>
KEY PLANNING CONSIDERATIONS:	<p>Clause 55 – Rescode</p> <p>Neighbourhood character</p> <p>Neighbourhood Residential Zone</p> <p>Side and rear setbacks</p>

	Dwelling density Integration with the street Amenity Lang Lang Township Strategy
RECOMMENDATION:	Refuse

Background

The subject site is located on the east side of James Street, approximately 600 metres from the Lang Lang shopping strip on Westernport Road to the northwest. The site is irregular in shape with a frontage to James Street of 15.0m and a depth ranging between 64.4m and 81.2m. It is 2,416sqm in size and currently contains a single storey brick residence, detached galvanised iron garage, and a small garden shed. The site is located in an established residential area of Lang Lang.

It is proposed to demolish the existing dwelling and remove several of the trees to develop the land with six dwellings.

There have been no recent previous planning permits on this site.

Subject Site



The site is located on the eastern side of James Street, Pakenham and is known as Lot 30 on Plan of Subdivision 210097B.

A crossover is located on the northern part of the frontage and there is a 3m wide drainage and sewerage easement in the north corner of the property.

The site currently contains a single storey brick residence, detached galvanised iron garage, and small garden shed.

The topography of the land is relatively flat with a cluster of trees located to the southeast corner and a few scattered trees elsewhere.

Due to the orientation and irregular shape of the lot, the boundaries will be referred to as follows throughout this report:



The main characteristics of the surrounding area are:

North/north-western (side):

Directly north/northwest of the site is 46 James Street which is 1075sqm in size containing a single storey weatherboard dwelling with a detached galvanised iron garage to the rear of the dwelling. The dwelling is set back 9.0m from the street and is approximately 1.0m from the southern side boundary and a generous 8.3m from the northern side boundary. Secluded private open space is located in the southeast part of the allotment.

South/southwestern (side):

50 James Street is the immediate neighbour to the subject site facing the same street and is 1004sqm in size containing a single storey weatherboard dwelling with small garden shed. The dwelling is set back 7.0m from the street and is 4.7m from the northern side boundary and 5.9m from the secondary street (Langley Boulevard). Secluded private open space is located in the eastern part of the allotment.

North-eastern/south-eastern (rear):

- Directly northeast of the site is 22 and 24 Papley Avenue which are similarly sized residential allotments containing a single storey brick dwelling each. Their secluded private open space is located to the rear, to the west of the allotments.
- The properties on Alloway Street to the southeast (number 1, 3 and 5) are similarly sized residential allotments all containing a single storey brick dwelling with secluded private open space to the rear in the northern part of the allotments.
- Number 7 and 9 Alloway Street to the southeast are vacant residential allotments.

Western (front):

- Directly west of the site is the access road (James Street). Across the road are similarly sized residential allotments all containing single storey brick dwellings. Street setbacks for these dwellings range between approximately 7.8m and 10.5m.
- More broadly in the area, dwellings are predominantly single storey and constructed of brick or weatherboard. Multi-dwelling allotments are uncommon in the area and are typically two to three dwellings on an allotment. Multi-dwelling allotments are typically designed such that they appear as a single dwelling from the street frontage by siting additional dwellings well behind the front dwelling.
- Westernport Road is approximately 500m to the north with the Lang Lang shopping strip on Westernport Road approximately 600m away.
- Further to the east of the site beyond the nearby residential development is rural/agricultural land zoned for Farming Zone, Rural Conservation Zone, and Green Wedge Zone. Lang Lang Sands (quarry) is located beyond these rural areas, approximately 950m from the subject site.

Relevance to Council Plan

2.1 Our Community - Our diverse community requirements met

2.1.2 Promote access to and encourage, a mix of housing types to cater for the varying needs of people in the Cardinia community.

3.3 Our Environment - Enhanced natural environment

3.3.2 Reduce Council's energy consumption and help the community to do likewise.

3.5 Our Environment - Balanced needs of development, the community and the environment

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

3.5.3 Provide for the sustainable development of rural townships while taking into account their existing character and community needs.

Proposal

Approval is sought for the development of the land for six (6) single storey dwellings with low pitched tile roofs. Each dwelling includes three bedrooms, an open plan living/meals area and is provided with an attached double car garage.

Site Layout

The site is irregular in shape and access to all six (6) dwellings is proposed by a common driveway along the middle of the site and a common crossover to James Street. Dwelling 1 and Dwelling 2 will be located on the northern portion of the allotment and Dwellings 3, 4, 5 and 6 will be located on the southern portion of the allotment.

The development will be set back from the street 8.5m. The dwellings are orientated to face the common driveway between them (with the exception of Dwelling 1), with Dwelling 1 and Dwelling 6 being the most visible from the street frontage.

The development will have an overall height ranging from 4.6m (dwelling 1) and 4.9m (dwelling 2) with the other dwellings ranging in height between those values.

The proposed dwellings provide a design incorporating weatherboard cladding and render in light brown and black/grey palettes. Each dwelling is articulated with a visible covered entry to the dwelling and garage recessed behind the front line of the dwelling.

Visitor Parking and Access:

Each dwelling is provided with an attached enclosed double car garage and one visitor parking space is provided at the beginning of the common driveway. The existing crossover will be removed and relocated to the south of the frontage.

Site Coverage:

The details of the proposed dwellings are as follows:

Dwelling	Building footprint	Private Open Space
1	166.6	50.0sqm secluded private open space with a minimum dimension of 7.2m. The secluded private open space is south-facing with Dwelling 1 on the northern and western sides of the space.
2	166.4	122.0sqm secluded private open space with a minimum dimension of 11.4m. The secluded private open space is east and north-facing with Dwelling 2 on the western side of the space.
3	158.0	54.0sqm secluded private open space with a minimum dimension of 5.0m. The secluded private open space is south-facing with Dwelling 3 on the northern side of the space.
4	158.0	54.0sqm secluded private open space with a minimum dimension of 5.4m. The secluded private open space is south-facing with Dwelling 4 on the northern side of the space.
5	158.0	65.0sqm secluded private open space with a minimum dimension of 5.4m. The secluded private open space is south-facing with Dwelling 5 on the northern side of the space.
6	162.8	115.0sqm secluded private open space with a minimum dimension of 10.8m. The secluded private open space is south-facing with Dwelling 6 on the northern side of the space and the neighbouring garden shed on part of the western side of the space.

The overall site coverage of the development is 965.0sqm (39.9% of the site). The development provides 1061.0sqm of permeable space (43.9% of the site). The garden area provided is 1024.0sqm (42.4% of the site).

Setbacks

The development is set back 8.5m from the street, between 1.2m and 2.7m from the north/north-western side boundary, between 1.8m and 6.8m from the southern/western side boundary, between 4.0m and 9.8m from the south-eastern rear boundary and between 2.2m and 11.4m from the north-eastern rear boundary.

Landscaping and Vegetation

Thirteen (13) of the existing trees will be removed, primarily from the cluster of trees at the rear fence line, to accommodate the proposed development. The mature tree within the front setback of the existing dwelling will be retained and accommodated within the secluded private open space of Dwelling 1. Some of the trees within the cluster of trees at the rear fence line will be retained and accommodated within the secluded private open spaces of Dwellings 2, 3, 4, 5 and 6. No street trees will be impacted.

Approximately 118sqm of garden is provided within the front setback of the development. Smaller areas of landscaping are provided along the common accessway and front of the

dwellings. Dwellings 1, 3, 4, 5 and 6 all have south-facing secluded private open space. Dwelling 2's secluded private open space is east-facing.

A landscape plan has not been provided but would form a condition should a permit issue.

There are no front fences proposed. Timber paling fences are provided to each boundary as follows: 1.85m to the northern and north-western boundary, 1.9m to the north-eastern boundary, 1.5m to the south-western boundary, and 1.6 to the southern boundary. The plans indicate that a "high chain wire mesh" is provided to the south-eastern boundary, with no exact height specified. Timber palings 1.8m high are provided between the secluded private open spaces of each dwelling.

Dwelling 1

Dwelling 1 will be located within the front of the allotment and has a building footprint of 166.6sqm. This dwelling contains three bedrooms, an open plan living/meals area and an attached double garage. It is provided with 50.0sqm of secluded private open space with a minimum dimension of 7.2m and is accessible from the living/meals area. The secluded private open space is south-facing and partially enclosed on its western, northern and eastern walls by the dwelling. A tree is provided in this space.

Each of the bedrooms and the living/meals areas accommodate northern sunlight.

Dwelling 2

Dwelling 2 will be attached to the garage of Dwelling 1 and has a building footprint of 166.4sqm. This dwelling contains three bedrooms, an open plan living/meals area and an attached double garage. It is provided with 122.0sqm of secluded private open space with a minimum dimension of 11.4m and is accessible from the living/meals area. The secluded private open space is east and north-facing and bordered on its western side by the dwelling. A tree is provided in this space.

Bed 2, Bed 3 and the living area will accommodate northern sunlight. The master bedroom and part of the meals area have south-facing windows.

Dwelling 3

Dwelling 3 is the fourth and rear-most of the dwellings located within the southern portion of the allotment and has a building footprint of 158.0sqm. This dwelling contains three bedrooms, an open plan/living meals area and an attached double garage. The dwelling is provided with 54.0sqm of secluded private open space with a minimum dimension of 5.0m and is accessible from the living/meals area. The secluded private open space is south-facing and is bordered on its northern side by the dwelling. Four trees are provided within this space.

It is noted on the plans that the bedroom labels are duplicated (there are two B3) which will need to be corrected if a permit should issue. The northern-most Bed 3 will accommodate northern sunlight. The second Bed 3 and part of the living/meals area have either east or west-facing windows, whilst the master bedroom and part of the living/meals areas have south-facing windows.

Dwelling 4

Dwelling 4 is the third of the dwellings located within the southern portion of the allotment and has a building footprint of 158.0sqm. This dwelling contains three bedrooms, an open plan/living meals area and an attached double garage. The dwelling is provided with 54.0sqm of secluded private open space with a minimum dimension of 5.4m and is accessible from the living/meals area. The secluded private open space is south-facing and is bordered on its northern side by the dwelling. Two trees are provided within this space.

It is noted on the plans that the bedroom labels are duplicated (there are two B3) which will need to be corrected if a permit should issue. The northern-most Bed 3 will accommodate northern sunlight. The second Bed 3 and part of the living/meals area have either east or west-facing windows, whilst the master bedroom and part of the living/meals areas have south-facing windows.

Dwelling 5

Dwelling 5 is the second of the dwellings located within the southern portion of the allotment and has a building footprint of 158.0sqm. This dwelling contains three bedrooms, an open plan/living meals area and an attached double garage. The dwelling is provided with 65.0sqm of secluded private open space with a minimum dimension of 5.4m that is accessible from the living/meals area. The secluded private open space is south-facing and bordered on its northern side by the dwelling. Five trees are provided within this space.

It is noted on the plans that the bedroom labels are duplicated (there are two B3) which will need to be corrected if a permit should issue. The northern-most Bed 3 will accommodate northern sunlight. The second Bed 3 and part of the living/meals area have either east or west-facing windows, whilst the master bedroom and part of the living/meals areas have south-facing windows.

Dwelling 6

Dwelling 6 is the first and frontmost of the dwellings located within the southern portion of the allotment and has a building footprint of 162.8sqm. This dwelling contains three bedrooms, an open plan/living meals area and an attached double garage. The dwelling is provided with 115.0sqm of secluded private open space with a minimum dimension of 10.8m that is accessible from the living/meals area. The secluded private open space is south-facing and bordered on its northern side by the dwelling. Three trees are provided within this space.

It is noted on the plans that the bedroom labels are duplicated (there are two B3) which will need to be corrected if a permit should issue. The northern-most Bed 3 and master bedroom will accommodate northern sunlight. The second Bed 3 and the living/meals area have south-facing windows.

Planning Scheme Provisions

Planning Policy Framework (SPPF)

The relevant clauses of the PPF are:

- Clause 15.01-2S Building Design
- Clause 15.01-5S Neighbourhood Character
- Clause 16.01-1S Housing Supply
- Clause 16.01-2S Housing Affordability
- Clause 18.02-4S Car Parking
- Clause 18.01 Transport

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing
- Clause 21.03-4 Rural townships
- Clause 21.08-1 Lang Lang

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a Lot and Residential Buildings
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions

Lang Lang Township Strategy, July 2009

This proposal is affected by Cardinia Shire's Lang Lang Township Strategy, adopted by Council 20 July 2009, in particular:

- Provide for the staged growth of Lang Lang to accommodate a population of 2,083 people by the year 2016 and 2,409 people by the year 2021
- Protect and enhance the 'rural character' of the Lang Lang Township
- Ensure the long term sustainability of the community by providing residential housing for a range of household groups
- Ensure infill residential development is integrated with existing developments and respects the existing character of the township.

The subject site is identified in this strategy under Precinct 5 – New Residential Estates. The Lang Lang Township Strategy outlines a preferred character statement and character guidelines for new development within this precinct, which will be addressed and assessed later in the report.

Zone

The land is subject to the **Neighbourhood Residential Zone – Schedule 1**.

Overlays

The land is not subject to any overlays.

Planning Permit Triggers

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

- Pursuant to Clause 32.09-6 of the Neighbourhood Residential Zone, a planning permit is required to construct two or more dwellings on a lot. The proposal must also comply with relevant standards of Clause 55 of the Cardinia Planning Scheme. Schedule 1 of the Neighbourhood Residential Zone does not vary any of the requirements of Clause 55.

Public Notification

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

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

Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Housing density
- Loss of privacy
- Devaluation of properties
- Increase number of vehicles in the area
- Visitor parking
- Noise
- Loss of trees as they contribute to shading and wildlife habitat

Referrals

External Referrals

No external referrals were required.

Internal Referrals

Traffic

The application was referred to Council's Traffic team for their comment. Traffic had no objection to the proposal and did not request any conditions.

Engineering

The application was *not* referred to Council's Engineering team. Standard engineering conditions would be applied on any permit issued ensuring appropriate drainage measures on site and connection to existing utility services in the area for each dwelling.

Landscape

The application was *not* referred to Council's Landscape team. Standard landscaping conditions would be applied on any permit issued ensuring the preparation of a landscape plan and the completion and maintenance of landscaping within the development.

Discussion

The application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed development is determined to be overall inconsistent with these requirements.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

A number of state and local policies are relevant to this application that aim to ensure dwelling design achieves attractive and diverse neighbourhoods, and to encourage a diversity in housing, close to activity centres, to meet the needs of future and existing residents.

Clause 15.01-2S (Building Design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Clause 16.0-1-2S (Housing affordability) seeks to delivery more affordable housing closer to jobs, transport and services.

Clause 18.02-4S (Car Parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.

Clause 21.03-4 (Rural townships) provides guidance on the development of Cardinia's rural townships, including Lang Lang, with objectives to provide for the sustainable development of townships in the municipality having regard to environmental and servicing constraints and maintaining and enhancing the distinct character and environmental qualities of each of the townships.

Clause 21.08-1 (Lang Lang) provides guidance on the development of the Lang Lang local area and incorporates the Lang Lang Township Strategy with the objective to ensure proposed uses and developments are generally consistent with the Lang Lang Township Strategy, including the Lang Lang Framework Plan.

Lang Lang Township Strategy

The proposal fails to have regard to key objectives in the Lang Lang Township Strategy, including:

- Provide for the staged growth of Lang Lang to accommodate a population of 2,083 people by the year 2016 and 2,409 people by the year 2021
- Protect and enhance the 'rural character' of the Lang Lang Township
- Ensure the long term sustainability of the community by providing residential housing for a range of household groups
- Ensure infill residential development is integrated with existing developments and respects the existing character of the township.

Within the immediate surrounds of the site are all single dwelling allotments with generous setbacks. A few multi-unit developments are located further north up James Street and nearby on Salisbury Street. However, these multi-unit developments consist of two to three dwellings maximum and still maintain generous spacing between the dwellings on site (average 3m approximately) and to neighbouring properties (approximately 3m minimum).

The proposal consists of six dwellings that are all within close spacing of each other (1 metre) or fully attached. Dwellings 1 and 2 are located close to the dwelling on the neighbouring property to the north, being set back between 2.2 and 3m from the dwelling on the abutting property.

The subject site is identified in the Lang Lang Township Strategy under Precinct 5 – New Residential Estates. The character guidelines *relevant* to this application are assessed below. Six of the nine guidelines outlined below are noncompliant.

Guideline	Assessment
Encourage diversity of development styles.	<p>Does not comply.</p> <p>The development provides for six dwellings which are all three bedrooms in very similar layouts and identical colour/material palettes. Whilst this does provide some diversity in the overall area which consists predominantly of single dwelling allotments, it is considered too far a departure from the existing character of the area.</p>

<p>Maintain a sense of spaciousness between allotments of the residential areas through:</p> <ul style="list-style-type: none"> • No front fences or if fenced, low front fences or open wire fences to allow gardens and nature strips to merge • Providing sufficient open space or garden areas • Retain existing vegetation • Providing of new trees and garden spaces 	<p>Does not comply.</p> <p>A sense of spaciousness is not provided between allotments due to the close proximity of Dwellings 1 and 2 to the northern boundary (1.2m). This is further emphasised by their proximity to the dwelling on the northern property boundary, being set back only between 2.2 and 3m from this dwelling.</p> <p>No front fences are proposed, some existing vegetation is retained, and some new trees are provided. However, the development requires the removal of several large mature trees and five of the six private open spaces of the dwellings are south facing or otherwise partially enclosed by built form blocking northern light and are thus considered insufficient areas of open space.</p>
<p>Maintain a sense of spaciousness between buildings with:</p> <ul style="list-style-type: none"> • Minimum side setback of 2.5m • Providing a minimum front setback of 7m or no less than the average setback of the adjoining two dwellings • Maximum building site coverage of 40% of the lot size 	<p>Does not comply.</p> <p>A sense of spaciousness between buildings is not achieved due to the close proximity of Dwellings 1 and 2 to the northern boundary (1.2m). This is further emphasised by their proximity to the dwelling on the northern property boundary, being set back only between 2.2 and 3m from this dwelling. Furthermore, the dwellings on site are within close spacing of each other (1m) or fully attached.</p> <p>The minimum side setbacks are not achieved, as the development provides side setbacks of 1.2m and 1.9m.</p> <p>The minimum front setback and building site coverage is met.</p>
<p>Maintain continuity of building rhythm along streets with appropriate building frontages.</p>	<p>Does not comply.</p> <p>The streetscape consists predominantly of single dwelling allotments with some two or three dwelling allotments. Of those that are multi-dwelling allotments, the additional dwellings are sited behind the front dwelling and are predominantly hidden behind the built form of the front-most dwelling.</p> <p>The irregular shape of the lot for the subject site and the site layout of a common accessway with dwellings on either side of the accessway breaks up the streetscape rhythm of the appearance of single dwellings. From the streetscape and common accessway, at least three of the dwellings will be easily visible (Dwellings 1, 2 and 6).</p>
<p>Ensure protection and conservation of native vegetation including street trees and roadside vegetation.</p>	<p>Does not comply.</p> <p>The development requires the removal of 13 existing trees of varying values of retention, several of which are mature and healthy. Five other trees will require tree protection fencing to mitigate development impacts.</p> <p>An analysis of the surrounding area particularly within James Street and Salisbury Street indicates that mature vegetation is well retained and maintained in this area, contributing to an overall character of well-vegetated properties. This is in contrast to the newer properties developed to the southeast and northeast of the subject site, where allotments are fully</p>

	<p>cleared of vegetation and the dwelling takes up the majority of the allotment.</p> <p>No street trees are impacted.</p>
Encourage the inclusion of native vegetation and gardens in new developments.	<p>Complies.</p> <p>Of the trees that have been retained, they have been incorporated into the private open spaces of the development.</p>
Maintain a high level of quality in the design and construction of new buildings, as well as a continuity with the character of the areas existing built form.	<p>Complies.</p> <p>The built form of each individual dwelling is consistent with other building styles in the area. Dwellings are single storey and constructed of weatherboard and render with pitched tiled roofs, which complements the dwelling designs in the area which are single storey, brick or weatherboard, and have pitched tiled roofs.</p>
Ensure building height respects the existing character of the surrounding area.	<p>Complies.</p> <p>The building height is consistent with the single-storey nature of the surrounding area.</p>
Residential developments should not include gated street formats but should connect visually and physically to the surrounding areas.	<p>Does not comply.</p> <p>The development presents as predominantly built form that is non-engaging. From the street, the visual would be of driveway, car parking space, high timber palings (from the enclosed secluded private open space of Dwelling 1), garages, and the side of the building (Dwelling 6) with no windows engaging.</p> <p>Only Dwelling 1 engages with the street with its entry and master bedroom windows facing onto the street. Dwellings 2 and 6 would be visible from the street or common accessway but are side-facing.</p>

State and Local Planning Policy

The proposal is not compatible with the residential character of the area due to the number of dwellings, the removal of significant vegetation, the side setbacks, the lack of spacing between the dwellings, and the breaking of the rhythm of the appearance of single dwelling allotments from the street frontage. Furthermore, the site is not well located to shops and public transport where typically higher density developments are encouraged and supported by state and local planning policy.

The number of dwellings proposed is inconsistent with the character of the area. Within the immediate surrounds of the site are all single dwelling allotments with generous setbacks. A few multi-unit developments are located further north up James Street and nearby on Salisbury Street. However, these multi-unit developments consist of two to three dwellings maximum and still maintain generous spacing between the dwellings on site (average 3m approximately) and to neighbouring properties (approximately 3m minimum).

The proposal consists of six dwellings that are all within close spacing of each other (1 metre) or fully attached. Dwellings 1 and 2 are located close to the dwelling on the neighbouring property to the north, being set back between 2.2 and 3m.

The irregular shape of the lot for the subject site and the site layout of a common accessway with dwellings on either side of the accessway breaks up the streetscape rhythm of the appearance of single dwellings. From the streetscape and common accessway, at least three of the dwellings will be easily visible (Dwellings 1, 2 and 6).

The development does not provide greater housing diversity and affordability as each of the six dwellings are three bedrooms, which is typical of bulk standard residential housing. There is no variance in the number of bedrooms or dwellings sizes provided and each is designed with a nearly identical design and the same materials and colours.

Significant vegetation is to be removed, including several trees which are mature and healthy and contribute to a well-vegetated character of the area. An analysis of the surrounding area particularly within James Street and Salisbury Street indicates that mature vegetation is well retained and maintained in this area, contributing to an overall character of well-vegetated properties. This is in contrast to the newer properties developed to the southeast and northeast of the subject site, where allotments are fully cleared of vegetation and the dwelling takes up the majority of the allotment.

Additionally, several of the trees will require tree protection fencing to protect them from development impacts. The remaining trees that are retained are incorporated into the development and some new trees are provided, but this is not considered to be a sufficient replacement for the extensive loss of tree canopy. There is not sufficient replacement planting provided; nor is there room to provide sufficient replacement planting within the development.

Furthermore, the development fails to meet all the objectives of Clause 55 (ResCode). Specifically, the following eight (8) standards/objectives are failed or required to be addressed via condition, which is further discussed in the Clause 55 section below: Standard B1 (Neighbourhood character), Standard B2 (Residential policy), Standard B5 (Integration with the street), Standard B10 (Energy efficiency), Standard B13 (Landscaping), Standard B17 (Side and rear setbacks), Standard B22 (Overlooking), Standard B29 (Solar access to open space).

It also fails to appropriately address Council's local policy for rural townships, including not conforming to the Lang Lang Township Strategy, further discussed in the below sections.

It is considered that the proposal inadequately responds to the above and does not complement the existing or preferred neighbourhood character of the street and surrounding area. The extent of failed Standards under Clause 55 and noncompliance with the Lang Lang Township Strategy is indicative of an overdevelopment of the site.

Neighbourhood Residential Zone – Schedule 1

The purpose of the Neighbourhood Residential Zone is to recognise areas of predominantly single and double storey residential development and manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

Pursuant to Clause 32.09-6, a permit is required to construct two or more dwellings on a lot. The decision guidelines of this zone cover a number of matters such as the purpose of the zone, the requirements of Clause 55, the impact of overshadowing, and the spacing of buildings.

The proposed development does not provide for a diversity of housing types and is not well located to services and public transport. It does not respect the existing or preferred residential character of the area and is inconsistent with the purpose and decision guidelines of the Neighbourhood Residential Zone.

The surrounding area generally consists predominantly of single dwelling allotments that are single storey and constructed of brick or weatherboard. Multi-dwelling allotments are uncommon in the area and are typically two to three dwellings on an allotment. Multi-dwelling allotments are typically designed such that they appear as a single dwelling from the street frontage by siting additional dwellings well behind the front dwelling. It is considered that the

proposal for six dwellings will not fit within this range of development patterns and will be a significant break from the existing character of the area and the preferred character of the area (Lang Lang Township Strategy).

It fails to meet 6 of the 9 relevant character design guidelines for Precinct 5 in Council's Lang Lang Township Strategy including guidelines for dwelling diversity, sense of spaciousness between buildings and allotments, continuity of building rhythm, retention of vegetation, and integration with the street.

It also fails to meet the requirements of Clause 55, as discussed in the below sections. Furthermore, the subject site is considered to be located too far from shops (600m) and public transport (none anywhere nearby) for a development of this density. It is therefore not supported by state and local planning policy.

The Neighbourhood Residential Zone enforces requirements of maximum building height and minimum garden area provisions. The proposal meets these requirements as the building is single storey in height (max height 4.9m) and provides 42.4% of the site as garden area.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered inappropriate for the site and surrounds and does not comply with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

Standard B1 (Neighbourhood character) – Does not comply. The proposed development is not appropriate to the neighbourhood and does not respect the existing or preferred neighbourhood character of the area. The design response does not consider the existing lower-density character of the area where single dwelling allotments are predominant and any multi-unit developments are only two or three dwellings and provide the appearance of a single dwelling from the street frontage. The proposal also fails to address the preferred character of the area as outlined in the Lang Lang Township Strategy. This has been assessed above and found to be noncompliant and does not respect the preferred character of the New Residential Estate areas. The design response does not respect the existing or preferred character of the area.

Standard B2 (Residential policy) – Does not comply. As outlined above, the proposal is overall noncompliant with state and local housing policies as it does not respect the existing or preferred neighbourhood character. The development is located more than 500m from the nearest local shopping centre and does not have access to any public transport within the surrounding area and thus does not satisfy this standard.

Standard B3 (Dwelling diversity) – Not applicable as the development is for fewer than 10 dwellings.

Standard B4 (Infrastructure) – Complies. The development is located within an established residential with access to existing reticulated services. Should a permit issue, standard engineering conditions will ensure that the site is appropriately drained and connected to services to Council's satisfaction.

Standard B5 (Integration with the street) – Does not comply. The development is not integrated with the street as the development presents as predominantly built form that is non-engaging. From the street, the visual would be of driveway, car parking space, high timber palings (from the enclosed secluded private open space of Dwelling 1), garages, and the side of the building (Dwelling 6) with no windows engaging. Only Dwelling 1 engages with the street with its entry and master bedroom windows facing onto the street. Dwellings 2 and 6 would be visible from the street or common accessway but are side-facing.

Clause 55.03 Site layout and building massing:

Standard B6 (Street setback) – Complies. The required street setback is achieved as the development provides a street setback of 8.5m where the required minimum is 8.0m within ResCode and 8.5m within the Lang Lang Township Strategy.

Standard B7 (Building height) – Complies. The development does not exceed the maximum building height of 9 metres as the development is single storey with an overall height ranging between 4.6m (dwelling 1) and 4.9m (dwelling 2) with the other dwellings ranging in height between those values.

Standard B8 (Site coverage) – Complies. The development does not exceed the maximum site coverage of 60% within ResCode or the 40.0% maximum within the Lang Lang Township Strategy as the development has 39.9% site coverage.

Standard B9 (Permeability and stormwater management) – Complies. The development maintains 43.9% permeable space, well within the requirements of 20% of the site. The site is located within an established residential area with availability of connection to reticulated services. Standard engineering conditions would be placed on any permit issued to ensure the site is appropriately drained and serviced to Council's satisfaction.

Standard B10 (Energy efficiency) – Does not comply. The living areas and private open spaces of the dwellings do not have sufficient access to solar energy. Dwellings 3, 4, 5 and 6 all have south-facing secluded private open space and several south-facing windows within the bedrooms and living/meals areas. Dwelling 1 also has south-facing secluded private open space and furthermore has the built form of the dwelling enclosing it on its north-most facing boundary, further shadowing the area. Dwelling 2 is the only unit which would be considered to satisfy this standard fully as it has north-facing secluded private open space and has utilised several north-facing windows within its living areas and bedrooms.

Standard B11 (Open space) – Not applicable as there is no public or communal open space provided within or adjacent to the development.

Standard B12 (Safety) – Complies. The layout of the development sufficiently provides for the safety and security of residents and property. Entrances to dwellings are viewable and accessible from the internal accessway which has good passive surveillance internally from overlooking windows of the dwellings. Private spaces are protected through the use of built form or fencing.

Standard B13 (Landscaping) – Does not comply. The development requires the removal of 13 existing trees of varying values of retention, several of which are mature and healthy. Five other trees will require tree protection fencing to mitigate development impacts. Whilst no street trees are impacted and the remaining trees are incorporated into the new development, there is not sufficient replacement planting provided, nor enough space to incorporate replacement planting, to accommodate for the significant loss of mature vegetation which also contributes to the character of the area (as discussed under the Lang Lang Township Strategy).

Standard B14 (Access) – Complies. The design of the vehicle crossover respects the neighbourhood character as only one crossing is provided and its width does not exceed 40% of the street frontage.

Standard B15 (Parking location) – Complies. Parking facilities are conveniently located and residents are protected from vehicular noise within the development. Each dwelling has a garage that is located immediately adjacent to the dwelling entry or, in the case of Dwelling 1, provided with an internal door directly into the dwelling. All bedroom windows are located a minimum 1.5m from the accessway to minimise vehicular noise.

Clause 55.04 Amenity impacts

Standard B17 (Side and rear setbacks) – Does not comply. The development meets the standard requirement of B17 however does not satisfy the objective of this clause which is to respect the existing or preferred character in terms of side and rear setbacks. A development *should* meet the standards however *must* meet the objectives of Clause 55. It is considered

that the side setbacks are inconsistent with both the existing and preferred neighbourhood character. The existing character of side setbacks is an average of 3.0m within James Street and Salisbury Street, however the side setbacks of the development are a minimum 1.2m to the north-north-western boundary and 1.8 from the southern/western boundary. Furthermore, the development fails to meet the preferred character of side setbacks as outlined in the Lang Lang Township Strategy of a minimum 2.5m.

Standard B18 (Walls on boundaries) – Not applicable as there are no walls on or within 200mm of a side or rear boundary.

Standard B19 (Daylight to existing windows) – Complies. The development allows adequate daylight into existing habitable room windows as it is set back a minimum of 3.1m from the habitable room windows of the dwelling on the abutting allotment (46 James Street).

Standard B20 (North-facing windows) – Complies. The development allows adequate solar access to existing north-facing habitable room windows as it is set back a minimum of 15.4m from the north-facing habitable room windows of the dwelling on the abutting allotment (3 Alloway Street).

Standard B21 (Overshadowing open space) – Complies. The development does not significantly overshadow existing secluded private open space as it is single storey and significantly set back from areas of secluded private open space on abutting allotments.

Standard B22 (Overlooking) – Does not comply. Despite the development being single storey, boundary fencing is not appropriate to prevent overlooking. The southern and western side boundary fencing is only 1.6m and 1.5m high respectively, which is not a sufficient height to prevent overlooking to the abutting property's secluded private open space (50 James Street) once the development is completed with finished floor levels. The south-eastern rear boundary fence is nominated as "high chain wire mesh" which is not a sufficiently obscured material to prevent overlooking to the abutting properties' secluded private open space areas (3 and 5 Alloway Street). Should a permit issue, the boundary fencing should be modified in these areas to be of a sufficient height and material to prevent overlooking – fencing to a minimum height of 1.7m from the finished floor levels of the new dwellings.

Standard B23 (Internal views) – Complies. The development sufficiently limits views into the secluded private open space areas and habitable room windows within the development through the provision of 1.8m high timber paling internal fencing between the dwellings.

Standard B24 (Noise impacts) – Complies. The extent of noise expected is to be of a typical residential level and there are no significant noise impacts nearby the development.

Clause 55.05 On-site amenity and facilities

Standard B25 (Accessibility) – Complies. The dwelling entries are ground floor and are easily accessible for people with limited mobility.

Standard B26 (Dwelling entry) – Complies. Each dwelling is provided with its own sense of identity through the provision of a sheltered entryway that is easily identifiable from the street or shared accessway.

Standard B27 (Daylight to new windows) – Complies. New habitable room windows within the development are provided with sufficient daylight by virtue of their facing directly to the outdoors where there is a minimum area of 3 square meters and dimension of at least 1 metre clear to the sky.

Standard B28 (Private open space) – Complies. The areas of private open space are of sufficient size and minimum dimension to be useable and adequate. Specifically, each dwelling is provided with secluded private open space areas as follows (Dwelling x (area of private open space / minimum dimension) : Dwelling 1 (50.0sqm / 7.2m), Dwelling 2 (122.0sqm / 11.4m), Dwelling 3 (54.0sqm / 5.0m), Dwelling 4 (54.0sqm / 5.4m), Dwelling 5 (65.0sqm / 5.4m), Dwelling 6 (115.0sqm / 10.8m).

Standard B29 (Solar access to open space) – Does not comply. The development does not provide suitable solar access to areas of secluded private open space throughout the development. Specifically, Dwellings 3, 4, 5 and 6 all have south-facing secluded private open space. Dwelling 1 also has south-facing secluded private open space and furthermore has the built form of the dwelling enclosing it on its north-most facing boundary. Dwelling 2 is the only unit which would be considered to satisfy this standard fully as it has north-facing secluded private open space.

Standard B30 (Storage) – Complies. Each dwelling is provided with adequate storage space in the form of a minimum 6 cubic metres accessible within the garage areas.

Clause 55.06 Detailed design

Standard B31 (Design detail) – Complies. The design of each dwelling complements the existing built form in the area. The dwellings are single storey and constructed of weatherboard and render with pitched tiled roofs, which complements the dwelling designs in the area which are single storey, brick or weatherboard, and have pitched tiled roofs. The design of the dwellings also satisfies the requirements for design detail outlined within the Lang Lang Township Strategy.

Standard B32 (Front fences) – Not applicable as no front fences are proposed.

Standard B33 (Common property) – Complies. The site is designed such that car parking areas, the common accessway, and site facilities are practical, attractive and easily maintained and will avoid future management difficulties in areas of common ownership. Public and private areas within the development are clearly delineated through the use of built form and internal fencing to separate these areas. The common accessway is sufficiently wide enough to enable the residents of each dwelling to enter and exit in a forward direction, and the visitor parking area is easily identifiable from the entrance and accessible. Sufficient areas are available for planting and greenery in the common areas to make them attractive and practical to maintain.

Standard B34 (Site services) – Complies. The development is designed that site services can be easily installed and maintained and are accessible and adequate. Bin and recycling areas are set aside within the secluded private open space of each dwelling and mailboxes are located at the front of the property with easy access by Australia Post. Furthermore, each dwelling is provided with either a 2.5L or 3.0L water tank to ease the impact on water services by the development.

Clause 52.06 Car Parking

The proposed development includes two (2) car parking spaces within a double car garage for each of the three-bedroom dwellings which is consistent with this clause. The proposed design has incorporated internal dimensions for the garages and accessway width is consistent with minimum requirements. One visitor car park is provided that is easily identifiable from the street in accordance with requirements. Council's Traffic team have reviewed the plans and provided consent and requested no conditions. As such, the proposal is consistent with the car parking and access requirements of the Cardinia Planning Scheme.

Objector Concerns

Each objector concern is outlined and addressed below:

Housing density

The objectors at 46 James Street and 24 Papley Avenue are concerned about the density of housing within this development.

As has been previously discussed in State and Local Policy sections and under the Clause 55 assessment, it is considered that the density of this proposed development is inappropriate to the character of the area. The design response does not consider the lower-density character of

the area where single dwelling allotments are predominant and any multi-unit developments are only two or three dwellings and provide the appearance of a single dwelling from the street frontage. The proposal has been assessed against the Lang Lang Township Strategy above and found to be noncompliant and does not respect the preferred character of the New Residential Estate areas. The design response does not respect the existing or preferred character of the area.

Loss of privacy

The objectors at 50 James Street and 24 Papley Avenue are concerned about loss of privacy as a result of the development. The objectors at 50 James Street have specifically requested a new 1.95m fence be installed at the cost of the developer to secure their privacy.

As has been previously discussed in the Clause 55 assessment, the development fails Standard B22 (Overlooking). The southern and western side boundary fencing is only 1.6m and 1.5m high respectively, which is not a sufficient height to prevent overlooking to the abutting property's secluded private open space (50 James Street) once the development is completed with finished floor levels. The south-eastern rear boundary fence is nominated as "high chain wire mesh" which is not a sufficiently obscured material to prevent overlooking to the abutting properties' secluded private open space areas (3 and 5 Alloway Street).

In response to the objector at 24 Papley Avenue, the plans demonstrate a 1.9m high timber paling fence to this boundary which will be sufficient to prevent overlooking and loss of privacy.

Should a permit issue, the boundary fencing should be modified in these areas to be of a sufficient height and material to prevent overlooking – fencing to a minimum height of 1.7m from the finished floor levels of the new dwellings.

Devaluation of properties

The objectors at 46 James Street, 50 James Street, 3 Alloway Street and 24 Papley Avenue are concerned about the devaluation of their property.

Devaluation of properties is not a planning consideration.

Increase number of vehicles in the area

The objectors at 46 James Street are concerned about the increase in number of vehicles this development will bring to the area.

The proposed dwellings are three bedroom dwellings which require 2 car parking spaces each in accordance with the table to Clause 56.02 and the provision of 1 visitor car parking space as the development is six dwellings. These car parking areas have been provided on site and are designed such that vehicles can enter and exit in a forward motion and have sufficient dimensions and widths for parking in accordance with the design standards of Clause 56.02. Furthermore, Council's Traffic team have consented to the proposal. As the development meets the requirements and standards of Clause 56.02 (Car Parking) it would be unreasonable to ask for further parking to be provided.

Visitor parking

The objectors at 50 James Street are concerned about sufficient visitor parking for the six new dwellings and wishes to avoid vehicles needing to be parked on the nature strip.

As discussed above, the development provides sufficient and appropriate visitor parking. Property owners are entitled to have their own cars or guest's cars parked in the street. Although the concern is understood, it is unreasonable for this proposal to remedy this as the design meets the requirements for visitor parking under the Planning Scheme.

Noise

The objectors at 46 James Street are concerned about noise.

The level of noise generated by the development will not be different to normal residential noise. Furthermore, the shared accessway is located down the midline of the development and thus the level of vehicular noise to abutting properties will be minimised and sheltered by the built form of the development.

Loss of trees as they contribute to shading and wildlife habitat

The objectors at 46 James Street and 24 Papley Avenue are concerned about the loss of trees as a result of the development. In particular, these trees provide homes to local wildlife and birds and provide significant shading from the intensity of the sun.

As discussed in the Clause 55 assessment and State and Local Planning Policy sections, the extent of tree canopy removal is not acceptable and sufficient replacement planting is not provided. The development requires the removal of 13 existing trees of varying values of retention, several of which are mature and healthy. Five other trees will require tree protection fencing to mitigate development impacts. Whilst no street trees are impacted and the remaining trees are incorporated into the new development, there is not sufficient replacement planting provided, nor enough space to incorporate replacement planting, to accommodate for the significant loss of mature vegetation.

Whilst there are no specific tree or habitat controls applying to this property, the significant loss of tree canopy is considered to be too great in the context of the character of the area. An analysis of the surrounding area particularly within James Street and Salisbury Street indicates that mature vegetation is well retained and maintained in this area, contributing to an overall character of well-vegetated properties. This is in contrast to the newer properties developed to the southeast and northeast of the subject site, where allotments are fully cleared of vegetation and the dwelling takes up the majority of the allotment. There is not sufficient space to incorporate replacement planting without significant changes to the building footprints.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- Factors likely to contribute to land degradation;
- The quality of stormwater within and exiting the site;
- Effects on native vegetation;
- Potential hazards;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.

The application proposes six (6) single-storey dwellings, a development which is considered to be in an unsuitable location that is inconsistent with the orderly planning of the area as it is a significant increase in density in a location that is not close to amenities and public transportation. Whilst the proposal does not impact upon native vegetation, it does result in significant tree canopy loss reducing the landscape character of the area which is a dominant feature within James Street. Stormwater drainage impacts can be appropriately managed via permit conditions. The amenity of the existing residents in the area and future residents of the

development is considered to be unreasonably impacted by the failure of the design to appropriately address Clause 55 (ResCode), the Lang Lang Township Strategy and State and Local Planning Policy. Therefore, it is considered that the application is inconsistent with the decision guidelines of the applicable planning controls.

Conclusion

The proposed development is inconsistent with the requirements of the Cardinia Planning Scheme and will cause unreasonable detriment to adjoining properties and to the future residents of the development. It is therefore recommended that a Refusal to Grant Planning Permit **T200589** be issued for the **Development of the land for six (6) dwellings at 48 James Street, Lang Lang VIC 3810** based on the following:

1. The proposal is inconsistent with the purpose and decision guidelines of the Neighbourhood Residential Zone in Clause 32.09.
2. The proposal is inconsistent with the existing and preferred character of the area sought by:
 - a. Clause 15.01-5S Neighbourhood Character
 - b. Clause 21.03-4 Rural townships
 - c. Clause 21.08-1 Lang Lang
 - d. Clause 55 (ResCode)
 - e. Lang Lang Township Strategy, July 2009
3. The proposal results in unreasonable amenity impacts to existing and future residents as protected by:
 - a. Clause 15.01-5S Neighbourhood Character
 - b. Clause 21.03-1 Housing
 - c. Clause 21.08-1 Lang Lang
 - d. Clause 55 (ResCode)
 - e. Lang Lang Township Strategy, July 2009
4. Inconsistency with State and Local Planning Policy, including Clause 55 (ResCode) and the Lang Lang Township Strategy as outlined in:
 - a. Clause 55 (Rescode)
 - b. Lang Lang Township Strategy

Resolution

Moved Cr Carol Ryan, seconded Cr Graeme Moore.

That a Refusal to Grant Planning Permit T200589 be issued for the Development of the land for six (6) dwellings at 48 James Street, Lang Lang VIC 3984 on the following grounds:

1. The proposal is inconsistent with the purpose and decision guidelines of the Neighbourhood Residential Zone in Clause 32.09.
2. The proposal is inconsistent with the existing and preferred character of the area sought by:
 - a. Clause 15.01-5S Neighbourhood Character
 - b. Clause 21.03-4 Rural townships
 - c. Clause 21.08-1 Lang Lang
 - d. Clause 55 (ResCode)
 - e. Lang Lang Township Strategy, July 2009
3. The proposal results in unreasonable amenity impacts to existing and future residents as protected by:
 - a. Clause 15.01-5S Neighbourhood Character
 - b. Clause 21.03-1 Housing
 - c. Clause 21.08-1 Lang Lang
 - d. Clause 55 (ResCode)
 - e. Lang Lang Township Strategy, July 2009
4. Inconsistency with State and Local Planning Policy, including Clause 55 (ResCode) and the Lang Lang Township Strategy as outlined in:
 - a. Clause 55 (Rescode)
 - b. Lang Lang Township Strategy

Carried

5.3 T210009 PA - 67-69 Main St, Pakenham - Buildings and works associated with an existing shopping centre

Responsible GM: Peter Benazic
Author: Dean Haeusler

Recommendation(s)

It is recommended that application T210009 for buildings and works associated with an existing shopping centre is approved, subject to conditions.

Attachments

1. T 210009 PA - Development plans [5.3.1 - 25 pages]
2. T 210009 PA - Locality map [5.3.2 - 1 page]

Executive Summary

APPLICATION NO.:	T210009
APPLICANT:	G2 Urban Planning
LAND:	PT L PC355258 & L2, PS413097, 67-69 Main Street, Pakenham VIC 3810
PROPOSAL:	Buildings and works associated with an existing shopping centre
PLANNING CONTROLS:	Commercial 1 Zone Parking Overlay – Schedule 1 Development Contributions Plan Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	None – refer to report
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Consistency with state and local policies • Consistency with the Pakenham Structure Plan and Urban Design Framework • Economic development
RECOMMENDATION:	Approval

Background

The development site has been subject to numerous planning permits over recent decades. There are incomplete records available for applications issued prior to the mid-1990s.

Specific to this proposal is planning permit T960652 that was issued by Council on 21st February 1997 for the development of a supermarket, discount department store and specialty shops and ancillary car parking as indicated on the approved plan.

The proposed application initially included modifications to the southern loading bay of building B that would extend on an adjoining parcel L7 LP24100, Flower Street under the same ownership. These works resulted in an extension on residential land that was prohibited under current planning controls. The application was subsequently amended to the current proposal.

Subject Site



The subject site comprises two lots of approximately 3.08 and 2 hectares forming a triangular area. It is located centrally within the Pakenham Activity Centre, bound by the metropolitan and regional railway, established residential areas and a mixture of predominantly core retail businesses.

The site benefits from multiple points of access that extend from Drake Place and John Street, Main Street to the north and Flower Street west of the site.

The site is developed and contains three buildings known as buildings A, B and C for the purpose of this proposal. Parking is arranged in a central location with the buildings occupying the outer western and east corners of the site.

- Building A accommodates a supermarket and liquor store.
- Building B is the largest of the three containing a supermarket, one large retail premises and several smaller retail tenancies.
- Building C contains a strip of thirteen shops

The main characteristics of the surrounding area are identified as:

<ul style="list-style-type: none"> ■ NORTH-EAST 	<ul style="list-style-type: none"> ■ Shops and retail premises fronting John Street with private parking to the rear, a multi-unit residential development and further shops continue around to Main Street.
<ul style="list-style-type: none"> ■ SOUTH 	<ul style="list-style-type: none"> ■ Metropolitan/regional railway line runs parallel to the subject site. Henry Street runs adjacent to the railway providing access to Henry Park, an established residential estate to accommodates larger detached dwellings.
<ul style="list-style-type: none"> ■ NORTH-WEST 	<ul style="list-style-type: none"> ■ Established residential area of Pakenham with some infill unit development located off Flower Street and Rogers Street. A mixture of retail, office and medical uses can be found north-west along Main Street.

Relevance to Council Plan

4.1 Our Economy - Increased business diversity in Cardinia Shire

4.1.1 Plan for and support local employment opportunities.

4.1.2 Support the development of existing and new businesses within the Shire.

4.1.4 Plan the development of Officer and Pakenham town centres.

4.3 Our Economy - Diverse and resilient business community

4.3.3 Advocate for the delivery of small and large scale projects that enhance and drive economic activity.

Proposal

Approval is sought for buildings and works associated with the refurbishment of Pakenham Place Shopping Centre at 67-69 Main St, Pakenham.

The works will include internal and external modifications to two buildings identified as B and C that comprise an existing supermarket, retail premises and shops.

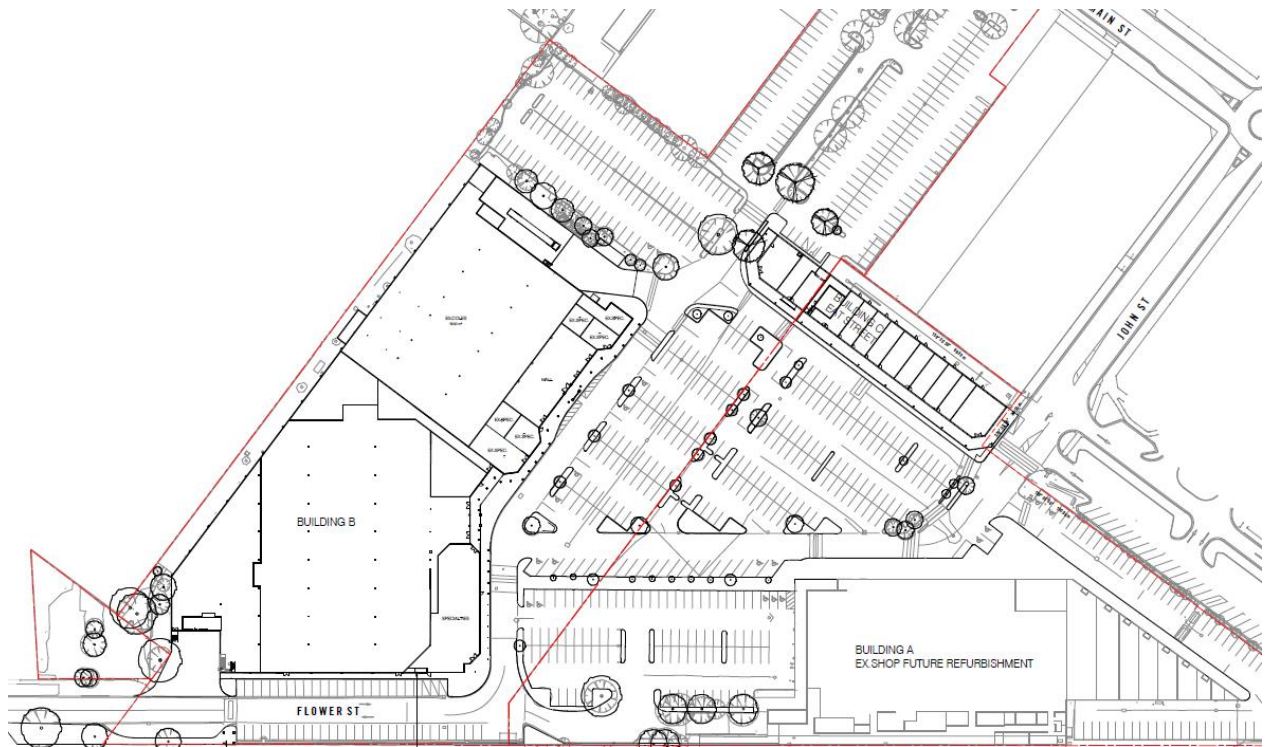


Figure 1: Existing site

Building B

The applicant is seeking to undertake works including the demolition of existing signage and east-facing verandah canopies to replace with a new canopy that retains the existing parapet. Feature screening will be added along this façade where retail premises will remain while some minor modifications to the southern and northern facades are also proposed.

Two primary entries to the building will be distinguished through stylised cladding constructed of powder coated metal and finished in a dark grey tone while ‘timber look’ battening. Steel framed screening will adorn the remaining length of the canopy for outward-facing retail premises extending the length of the east face of the building.

As a consequence of the works, the overall height of the building will be unchanged however the removal of two sky signs will reduced the height of the eastern elevation by 174mm to 6.835 metres.

There are no external modifications to the western side of the building.



Figure 2: East elevation (proposed)

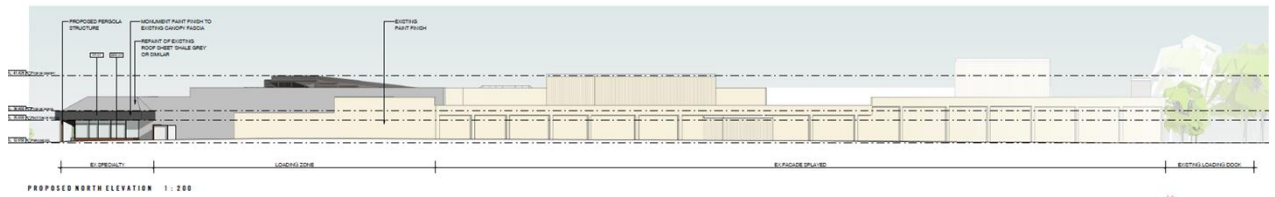


Figure 3: North elevation (proposed)

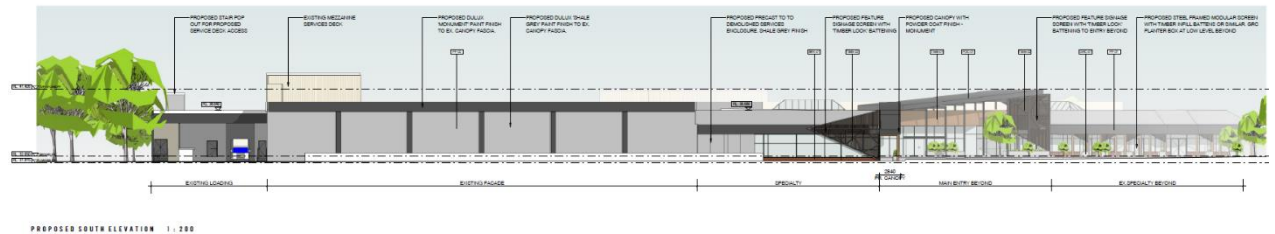


Figure 4: South elevation (proposed)

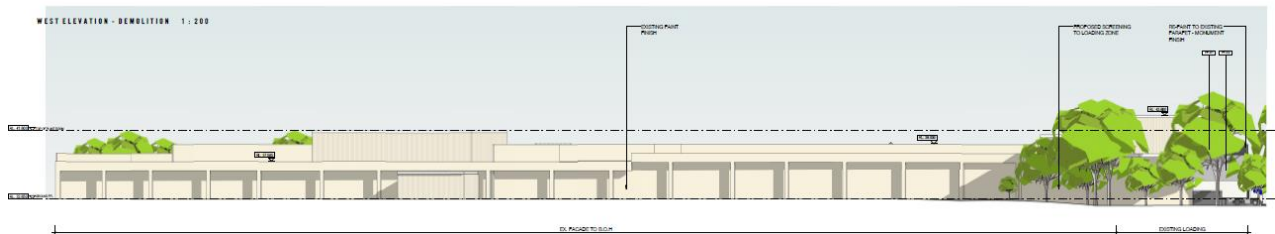


Figure 5: West elevation (proposed)

Internal modifications are concentrated on opening the building to establish connectivity between the larger tenancies and create a wider variety of small to medium retail options. As a result of the changes, one of the larger tenancies (currently held by Target) will be reduced in size and converted to a supermarket. This will occupy the southern section of the building while smaller retail shops including kiosks will be focused on the shopping centre entrances, separating the two supermarkets.

The primary points of access to building B will be slightly modified to align with this revised layout with emphasis on separation between the accesses and a more open entrance foyer.

The internal rearrangements will not result in an increase to total floor area.

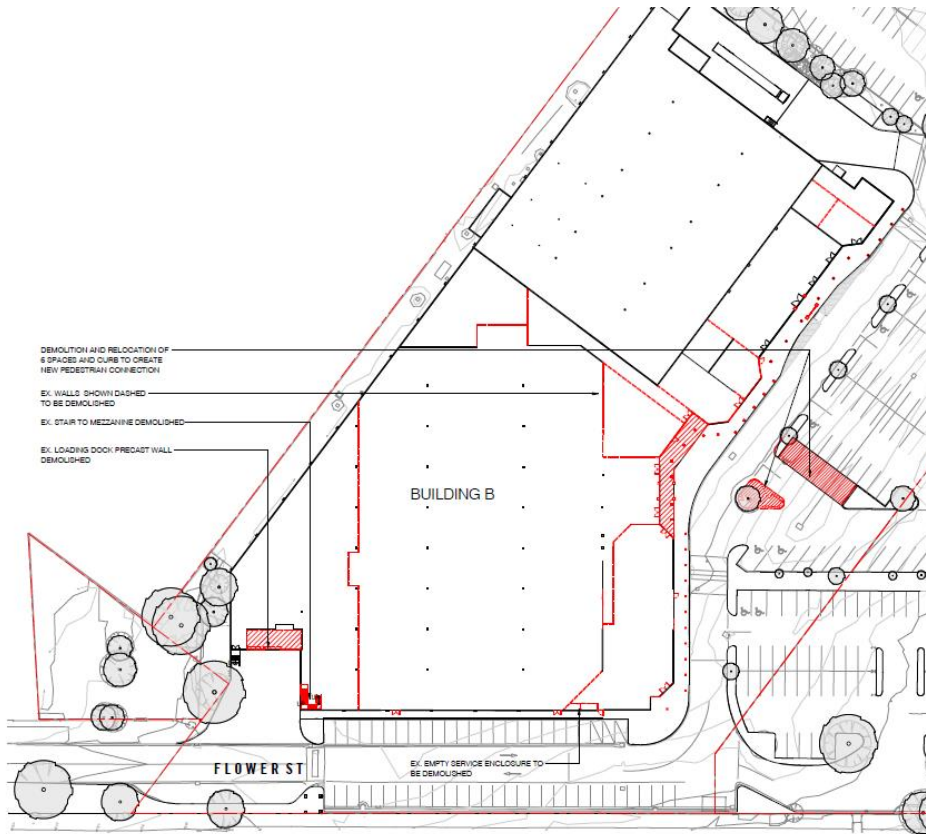


Figure 6: Existing layout of Building B

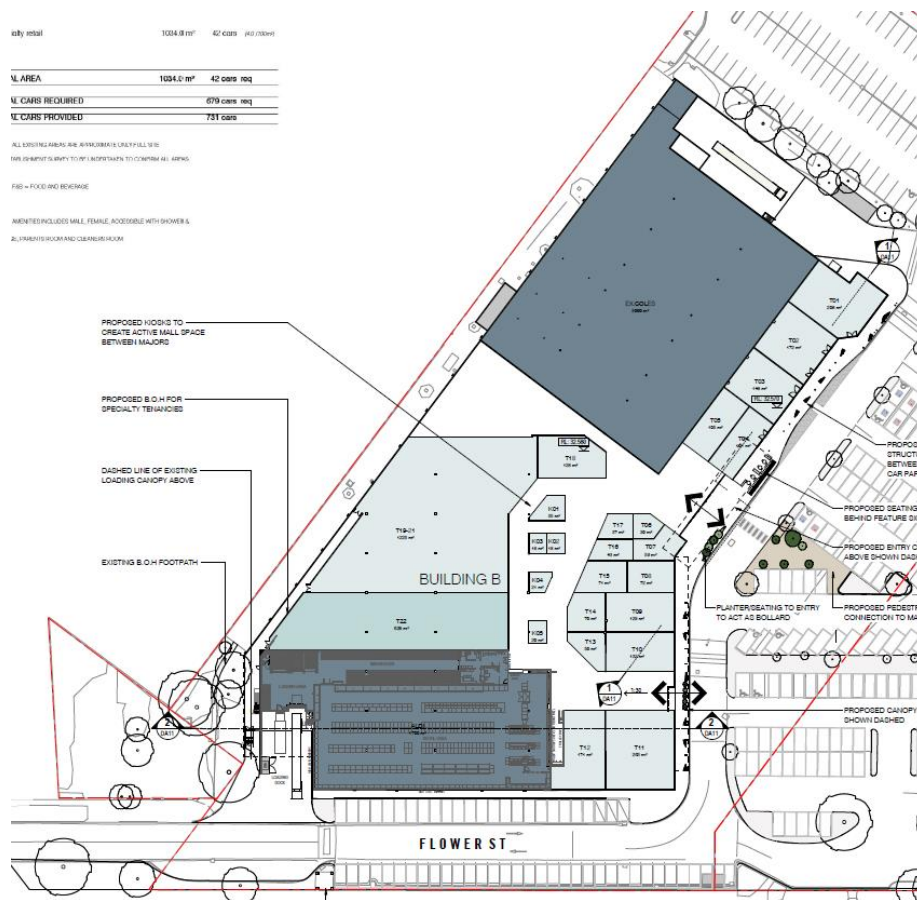


Figure 7: Proposed layout of building B

Building C

Alterations to building C propose a variety of external modifications including a steel-framed pergola finished with timber battens to be erected around the existing canopy fascia at either ends of the building. The south-west canopy will be widened by 875mm in sections with a similar combination of steel framing and timber. The pergolas will be constructed in-line with the building height which remains unchanged.

The additions also include two outdoor seating areas for shops 1 and 11-13 on the north-east side of the building to provide further dining options. Works will be undertaken on these facades to include bi-fold doors and clear glazing to this aspect.

One tree adjacent to the north-west face of shop 13 will be removed to accommodate the expanded canopy structure. Removal of this tree does not require planning permission.

Internal alterations are limited to the consolidation of shops 2-3 and 11-13 into larger tenancies to provide greater variety of lease sizes.

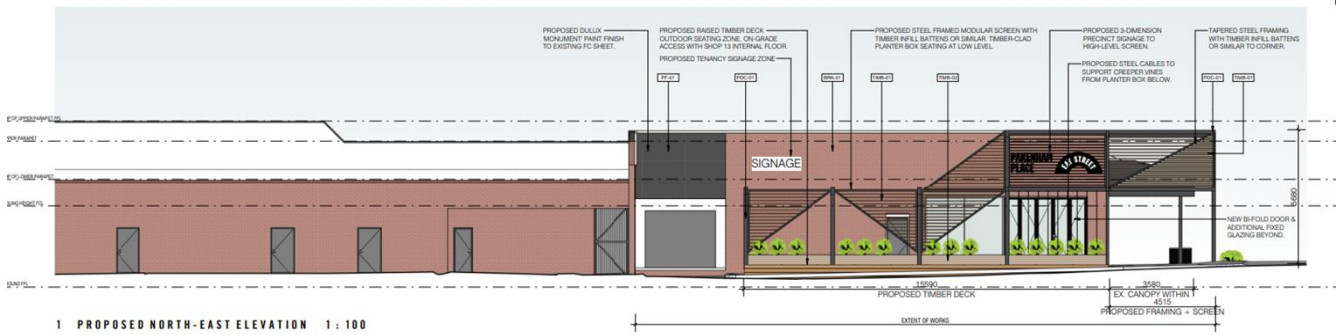


Figure 8: North-east elevation (proposed, partial)

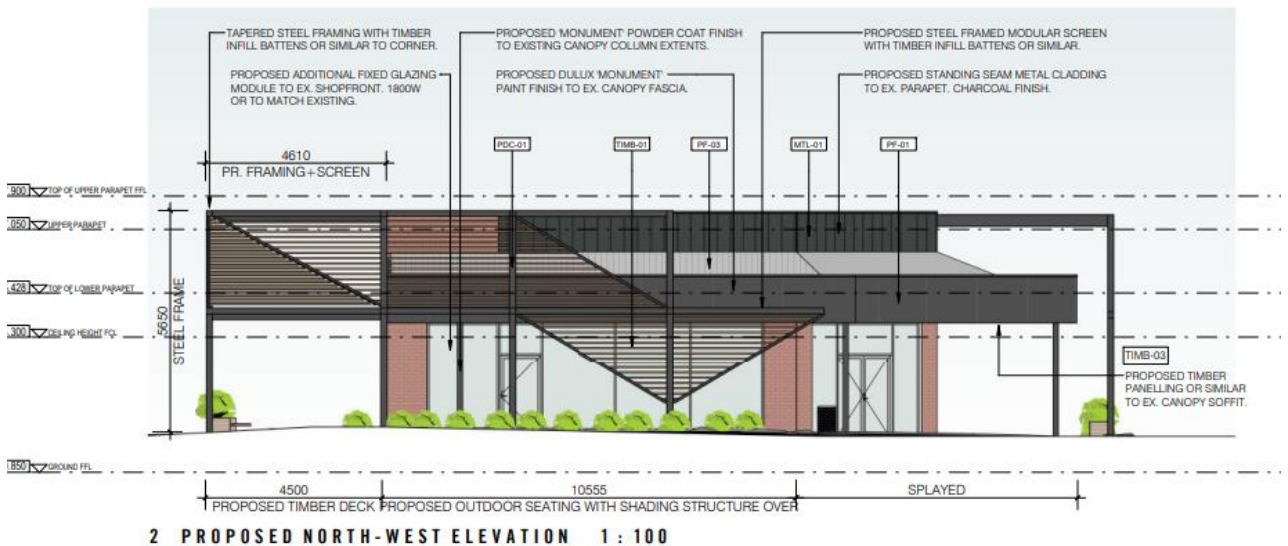


Figure 9: North-west elevation (proposed)



Figure 10: Partial south-west elevation (proposed, shops 7-11)

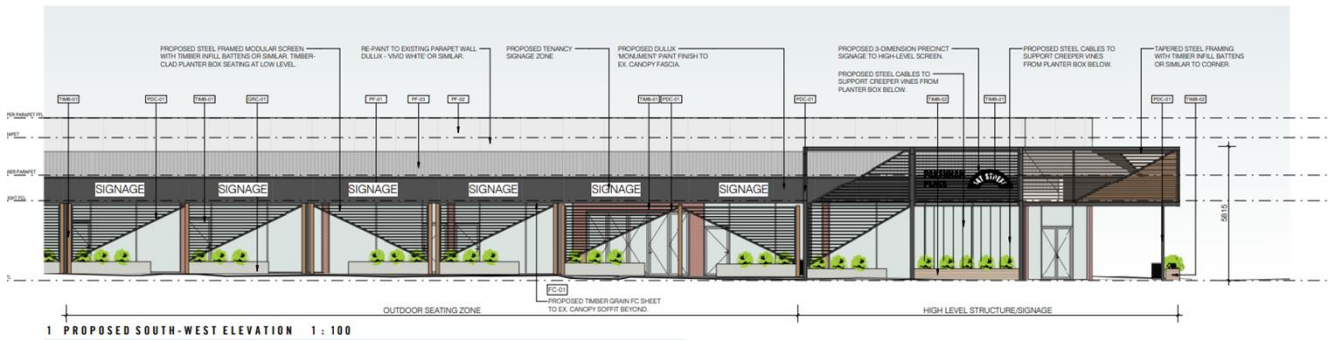


Figure 11: South west elevation (proposed, shops 1-6)

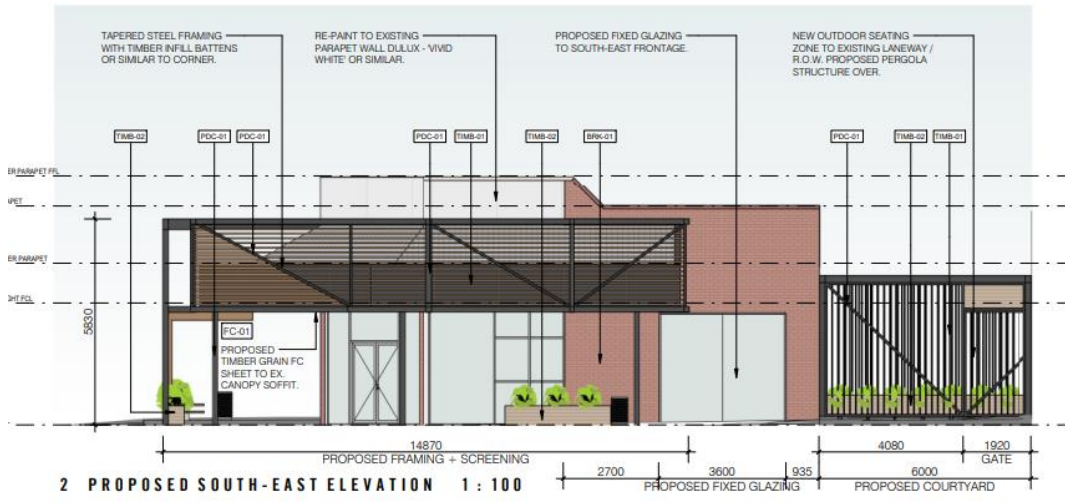


Figure 12: South-east elevation (proposed)

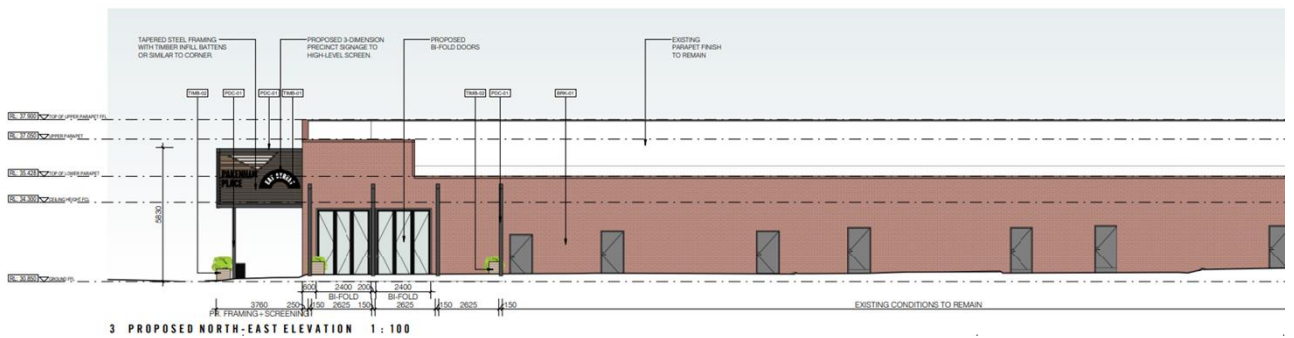


Figure 13: North-west elevation (proposed, partial)

Car parking

A total of 730 spaces current support the shopping centre, shared between the three buildings and their tenancies. A breakdown of the existing and proposed areas is provided below:

BUILDING	USE	EXISTING FLOOR AREA	PROPOSED	NET CHANGE
A	Supermarket	4,898	4,898	-
B	Supermarket	3,000	4,700	+1,700
	Retail	6,663	3,954	-2,709
C	Retail	1,074	1,034	-40
TOTAL	Supermarket	7,898	9,598	+1,700
	Retail	7,737	4,988	-2,749

	TOTAL AREA	STATUTORY PARKING RATE	SPACES REQUIRED
SUPERMARKET	9,598	5 spaces per 100 square metres	479.9
RETAIL (INCLUDING SHOPS)	4,988	3.5 spaces per 100 square metre*	174.58
TOTAL			654.48

The planning submission calculates the parking requirement at 678 spaces based on 5 spaces per 100 square metres for supermarkets and 4 spaces per 100 square metres for the retail (shop). This is identified as an error and does not account for the varied parking rates that apply to land affected by the Parking Overlay – Schedule 1 which require a reduced rate of 3.5 spaces per 100 square metres.

The outdoor dining areas proposed for Building C do not generate an increase in parking requirements however the creation of this area for shop 11 will result in permanent removal of six spaces as shown in figure 14 below.

As a result of the minor realignment of a building entrance to building B, six parking spaces adjacent to this building are to be relocated to improve pedestrian access and connectivity between with the buildings, as shown at figure 15.

In summary, 654 spaces are required based on the layout changes with 724 spaces to remain available resulting in a credit of 70 spaces.

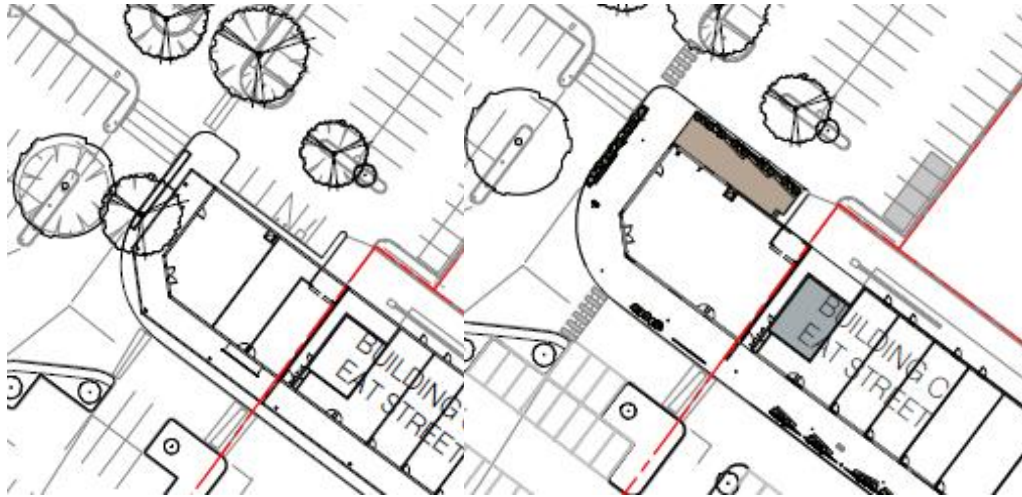


Figure 14: Car parking space to be converted to outdoor dining (existing left, proposed right)

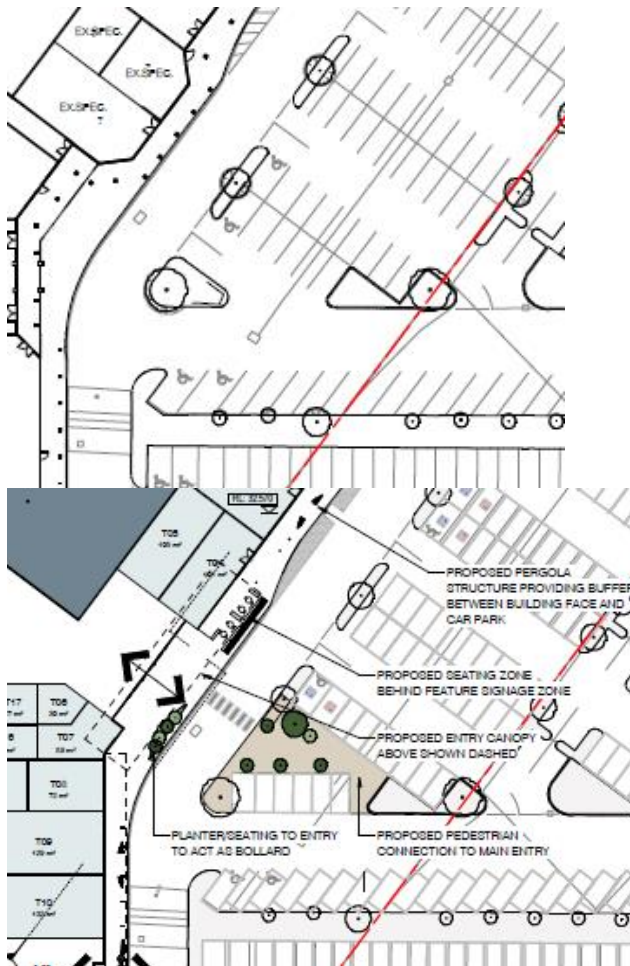


Figure 15: Car parking and traffic island to be resigned (existing and proposed)

Signage

No signage is proposed for the application and will be lodged separately if required once tenants are finalised.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Commercial 1 Zone

Overlays

The land is subject to the following overlays:

- Parking Overlay – Schedule 1
- Development Contributions Plan Overlay – Schedule 1

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 17.02-1S Business
- Clause 18.02-4S Car parking

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire key issues and strategic vision
- Clause 21.04-1 Employment
- Clause 21.04-3 Activity Centres
- Clause 21.06-1 Urban design

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Clause 65.01 Decision guidelines
- Pakenham Structure Plan 2017 (updated 2019)
- Pakenham Major Activity Centre Urban Design Framework (2019)

Planning Permit Triggers

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

- Pursuant to Clause 31.01-4 of the Commercial 1 Zone, a permit is required to construct or carry out works.

Public Notification

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the proposal was not advertised as it was considered that it would not result in material detriment to any person for the following reasons:

- The works do not result in a substantive alteration of the shopping centre; external modifications are superficial and oriented away from residential land. The building sizes and maximum heights are unchanged.
- Internal modifications are not expected to generate off-site impacts; the locations of loading bays are unchanged; no additional floor area is proposed and no land uses are introduced.
- The site benefits from car parking that exceeds planning scheme requirements.

Referrals

No external referrals were required for this application.

Informal consultation between the applicant and Council's Strategic Planning team have been made prior to submission of the application. The Strategic Planning team are supportive of the proposal.

Discussion

Planning policy framework

Clause 15.01-1S Urban design highlights the need to create environments that are safe, healthy, functional and enjoyable that contribute to a sense of place of identity. The policy includes strategies to achieve this such as:

- Ensure the interface between the private and public realm protects and enhances personal safety
- Ensure development supports public realm amenity and safe access to walk and cycling environments and public transport.
- Promote good urban design along and abutting transport corridors

The refurbishment will make improvements to the functionality and visual amenity of the shopping centre by modernising the façades of both buildings, providing a greater level of street activation, particularly for building C.

Further improvements to the versatility of existing shops by encouraging outdoor dining are expected to promote greater evening activity, resulting in improved surveillance of the car park areas.

It is noted that the site adjoins the railway that is to be redeveloped under the Level Crossing Removal Project with the construction of sky rail. As such, development that interfaces with the rail line is encouraged to respond and address these considerations. Given the current layout and narrow scope of changes proposed for buildings B and C, there is limited opportunity to improve interface with the railway line.

The applicant has suggested that further proposals for the site are planned and will appropriately respond to the Sky Rail.

Clause 17.02-1S Business seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services and includes strategies such as:

- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, access, and efficient use of infrastructure.

The refurbishment is expected to make a positive contribution to the vitality of the activity centre and will enhance the visual appeal of Pakenham Place. Given the role Pakenham Place plays as an anchor for the area, the refurbishment is also expected to have a flow on effect to the surrounding businesses and area.

The site benefits from a comparatively high level of public transport access that includes bus and train stops within walking distance of the precinct. Ensuring there is equitable access to a high-quality shopping centre.

Clause 18.02-4S Car parking ensures adequate supply of parking that is appropriately designed and located and seeks to ensure efficient provision of parking through consolidation and ensure parking is designed to achieve a high standard of urban design, enable easy and efficient use and protect the role and function of nearby roads.

The buildings and works do not proposal substantive changes to the parking or internal circulation and will continue to function in accordance with the previous approvals of the site. Although a small number of spaces are to be removed, the shopping centre benefits from a surplus of parking spaces.

In addition to the above policies, relevant local policies of the Cardinia Planning Scheme include:

Clause 21.01 Cardinia Shire key issues and strategic vision identifies the Pakenham Activity Centre within the Casey-Cardinia South-east Growth Corridor that accommodates the majority of commercial and residential growth.

Key issues specific to the proposal include the development of a balanced local economy and local employment opportunities for residents and the need to strengthen existing businesses.

The proposal seeks to strengthen the foundations of an existing retail precinct and adapt to the current retain environment. The site is well located to service a large catchment of local residents, particularly with the redevelopment of Pakenham Racecourse further east of the site.

Clause 21.04-3 Activity Centres identifies Pakenham as a Major Activity Centre where key issues include controlling the orderly expansion and management of the Pakenham Activity Centre and recognising and developing the existing and future retail hierarchy of activity centres in the urban area.

When deciding on application within an activity centre, the relevant structure plan or Urban Design Framework must be considered.

The Pakenham Structure Plan (introduced 2017 and updated September 2019) outlines the purpose of the plan, the local context, and the vision for the area. The subject site falls within the structure plan boundary and is identified as a large format shopping centre and a key development site.



- The Activity Centre is divided into eight precincts where the subject site is defined by its own precinct - precinct 5. Precinct objectives include:
 - creating shopping street typology that supports anchor and speciality retail functions.
 - encouraging an appropriate range of retail, entertainment and commercial facilities.
 - provide new local road connections by extending Flower Street to Drake Place and John Street to Flower Street.
- With guidelines that seek to ensure:
 - The redevelopment of the precinct has minimal impact on the amenity of the surrounding residential areas;
 - Ensure any new development to sleeve larger format retail by continuing the fine grain and general building form of the existing shops in the core tail area at ground level.
- The proposal is generally consistent with the strategy and objectives of the precinct. The development maintains and enhances the existing fine-grain retail experience across Buildings C and improves activation by emphasising outdoor dining experiences and providing a wider range of shop sizes and configurations.
- Building B will continue to provide for large 'anchor' stores as its primary purpose and is not expected to draw further foot traffic away from the surrounding high street shopping on Main Street and John Street.
- Holistically, the development is a minor refurbishment that focuses on enhancing the visual appeal of the Shopping Centre and providing greater options for tenants. Given fundamental re-development is not proposed, the amenity of surrounding residential areas is expected to be unaffected. In a similar capacity though, the opportunity to review broader functionality issues including connectivity with surrounding streets is beyond consideration for this proposal.

3.5

PRECINCT 5: PAKENHAM PLACE: KEY DEVELOPMENT SITE BUILT ENVIRONMENT

PREFERRED CHARACTER

This precinct is identified as having the potential for significant redevelopment. Due to its location which adjoins the Retail Core of the activity centre, the built form and urban pattern of any redevelopment of this precinct must integrate with the Core Retail area of the town centre.

The urban pattern of the town centre, in terms of the street network and site access, should inform redevelopment. The design of the precinct should integrate with the surrounding street network and improve connectivity and permeability in the activity centre.

The built form of the precinct should reflect that of the core retail precinct to integrate and extend the pedestrian focused shopping area of the town centre.

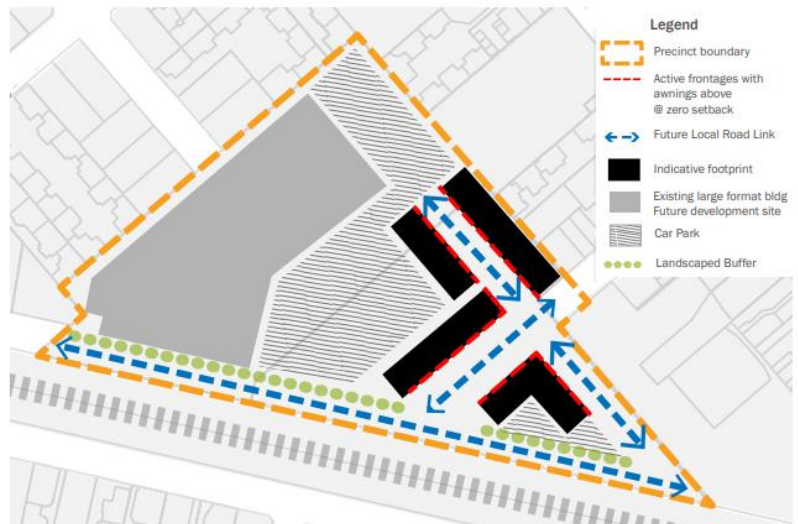


Figure 27 - Indicative master plan for Precinct 5

- In addition to the guidance provided by the Structure Plan, The Urban Design Framework (2019) includes a series of character statements and requirements to achieve integrated outcomes throughout the activity centre.
- Precinct 5 includes the entire subject site with identified potential for significant redevelopment due to the location adjacent to the Core Retail area with a range of built form requirements on the basis of a full redevelopment.
- As the development does not propose to re-develop the site, the requirements of the framework have limited application to the proposal however it is noted that positive elements of urban design are introduced, such as the activation of frontages for Building C that improve passive surveillance within and beyond the site.

Planning Scheme Amendment C228 (Activity Centre Zone)

Planning Scheme amendment C228 proposes to implement the Pakenham Structure Plan into the Cardinia Planning Scheme through the introduction of the Activity Centre Zone that will apply to the subject site.

The amendment is required to give statutory effect to the objectives and strategies contained in the Pakenham Structure Plan, which is required to guide the future land use and development in the Pakenham Activity Centre. Pakenham is identified as a Major Activity Centre in the Metropolitan Planning Strategy, Plan Melbourne 2017-2050.

The amendment seeks to replace the existing Pakenham Activity Centre Incorporated Provisions, 20 March 2017 (revised May 2017) (which expires on 30 June 2021), with the Activity Centre Zone. This will involve rezoning the subject land from the existing General Residential Zone to Activity Centre Zone. The amendment supports good design outcomes ensuring future development is site and context responsive, providing a strong character and

identity for the Pakenham Major Activity Centre by introducing the Pakenham Major Activity Centre Urban Design Framework 2019.

The amendment was heard at Planning Panels hearing, where a report was issued in June 2020 (corrected 10 July 2020). The Panel recommended the adoption of the amendment as exhibited but subject to some changes, including changes relating to preferred building height and setback requirements in the commercial and mixed-use areas. Changes have since been made and adopted by Council 15 February 2021. The amendment is currently pending approval by the Planning Minister and is therefore should be seriously entertained.

The subject site remains within Precinct 5 with the previously outlined objectives carried over from from the structure plan. All planning permit applications for land within the Pakenham Activity Centre must be generally in accordance with the Pakenham Major Activity Centre Urban Design Framework 2019 [the UDF] and the Pakenham Structure Plan 2019.

Considering the scope of redevelopment proposed, the application takes opportunity to respond to the broader objectives outlined for the precinct that include the creation of active frontages, and passive surveillance while encouraging a wider range of retail facilities.

Commercial 1 Zone

The purpose of the C1Z is to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses where a permit is required to construct or carry out works.

Relevant decision guidelines that the responsible authority must consider include the movement of pedestrians/cyclists, provision of car parking and the streetscape.

The larger canopies to both buildings improve the versatility of tenancies through the encouragement of outdoor dining while a modern use of materials and cladding create a more inviting environment.

The improvements to the north-east façade of building C make use of better solar orientation and provides surveillance of an otherwise underutilised laneway that services the shops, and the adjoining north-east car park.

Opportunities have also been taken to improve pedestrian movement to building B through the modifications to a traffic island providing better linkages between the car park and building C. However, the applicant has cited that a complete renewal of the parking area is restricted by future plans for the area.

Parking Overlay – Schedule 1

The parking overlay seeks to facilitate an appropriate provision of car parking spaces in identified areas where local car parking rates apply and where financial contributions may be made for provision of shared parking.

Schedule 1 of the overlay applies to parts of the Pakenham Activity Centre where Column B of the parking table (found at Clause 52.06-5) are applied to non-residential uses. Under these parking rates, the requirement for Supermarkets is 5 spaces to each 100 square metres of leasable floor area and 3.5 spaces for all shops.

As mentioned, the site benefits from a significant surplus of parking that will continue to provide for the existing uses and the repurposed layout. Given the surplus, opportunity to improve landscaping and pedestrian connectivity between buildings were raised however the applicant noted that a future proposal may require utilisation of these additional spaces.

Development Contribution Plan Overlay - Schedule 1

The Development Contributions Plan Overlay identifies areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Pursuant to Clause 45.06-1, a permit granted must:

- Be consistent with the provisions of the relevant development contributions plan; and
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

The purpose of this overlay is to require financial contributions for residential subdivision and development application and is therefore not applicable to the proposal.

Clause 52.06 - Car parking

This provision ensures the appropriate number of parking spaces are provided having regard for the likely demand, the nature of the activity and the locality. It also seeks to ensure car parking does not adversely affect the amenity of the locality and ensure design and location is of a high standard.

The proposal does not increase leasable floor area of either building or alter the land uses however some redistribution between retail and supermarket space is proposed through the introduction of a second supermarket.

A summary of the parking analysis confirms that the site will continue to benefit from a surplus of parking that is evenly distributed throughout the site. As a result, there are no requirements for a planning permit under this provision.

Clause 65.01 – Decision guidelines

The proposal is considered consistent with the Planning Policy Framework and the planning controls that affect the site.

The refurbishment will have a positive impact on the local retail economy, providing a greater variety of leasable spaces and further opportunities for food and drink premises to establish through expanded outdoor dining. As a result, the works will revitalise the precinct and build on the core retail experience of the surrounding precinct where the site will remain a key anchor point through the introduction of an additional supermarket.

Given the extent and location of external works, the amenity of adjoining residential land is not expected to be impacted while access and car parking availability remain fundamentally unchanged.

Conclusion

It is recommended application T210009 for buildings and works associated with an existing shopping centre is approved, subject to conditions.

Conditions

1. Prior the endorsement of plans, a landscape plan prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. When approved the landscape plan will be endorsed and will then form part of the permit. The plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b. Details of surface finishes including pathways and car parking.
 - c. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

All species selected must be to the satisfaction of the Responsible Authority

2. The works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
5. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the use/development complies with the Building Act and Building Regulations.

Resolution

Moved Cr Jack Kowarzik, seconded Cr Carol Ryan.

It is recommended that application T210009 for buildings and works associated with an existing shopping centre is approved, subject to the following conditions:

1. Prior the endorsement of plans, a landscape plan prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. When approved the landscape plan will be endorsed and will then form part of the permit. The plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b. Details of surface finishes including pathways and car parking.
 - c. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

All species selected must be to the satisfaction of the Responsible Authority

2. The works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
5. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the use/development complies with the Building Act and Building Regulations.

Carried

5.4 Planning Enforcement Matters Report - 3 May 2021

Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council note the list of enforcement matters currently before VCAT, the Magistrates' Court and the County Court.

Executive Summary

The following list of enforcement matters currently before VCAT & the Magistrates' Court is submitted for Councillors information.

Relevance to Council Plan

3.5 Our Environment - Balanced needs of development, the community and the environment

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

Background

Where breaches of the Planning Scheme are detected, the breaches may give rise to criminal liability, which may result in infringements being issued, or charges being filed in the Magistrates Court of Victoria.

If Council cannot obtain appropriate remediation by consent, Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT enforcement actions will usually be delayed until Magistrates' Court proceedings are completed.

These matters can take several forms and the following are the usual steps in the enforcement process.

Current Enforcement Cases

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

Property Address	Nature of Contravention	Status
765 Gembrook Rd, Pakenham Upper (OH:LK:16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	On the 18th December 2019 , Magistrates' Court found the owner guilty of 11 offences, relating to unpermitted vegetation removal and earthworks over a 2 year period. The owner was convicted and fined \$5,000 with Council costs being referred for further hearing. The accused has appealed the conviction (which has been substantially delayed due to listing delays in the the County Court. The appeal commenced on 11th and 12th February 2021 , and will resume on 19th April 2021 .
2 Johanna Court, Pakenham (JALF-TD-20542)	Native vegetation removed, contrary to Vegetation Protection Overlay (42.02) and Clause 52.17	On 25th March 2021 the Dandenong Magistrates Court found the accused company (being the owner of the land) guilty of breaching the scheme, by removing native understory vegetation. The company was convicted and fined \$20,000 and ordered to pay Council costs
Earnley Way, Officer (JALF-TD-20506)	Native vegetation removed, contrary to provisions of 52.17 (Officer Native Vegetation Precinct Plan)	Matter listed for further mention at Dandenong Magistrates' Court on 20th May 2021 .
95 Old Sawmill Rd, Nar Nar Goon North (JALF-KS-20539)	(Building prosecution for building work without a permit – related to planning permit refused by Council during 2020)	Matter is listed for further mention at Dandenong Magistrates' Court on 20th May 2021 . Council also seeks injunctive orders to compel the removal of illegal building works from the property.

Conclusion

The list of current enforcement activities is presented for information.

Glossary of terms

Practice Day Hearing

This is the first stage of the VCAT process and is held shortly after the application is lodged. It is used to assess the future path of the case, and determine if the case can be settled, or will need to proceed to a full hearing.

Mention Hearing

A mention hearing is a brief hearing, where the Court or VCAT lists the matter for brief hearing. If the case can be dealt with swiftly, it will be dealt with at a Mention hearing. For more lengthy matters (such as contested hearings) the case will be further adjourned. In the Magistrates' Court, the Court may hear a "guilty plea" during a mention hearing.

Administrative Mention

Administrative Mention is a hearing held without the parties in attendance and requires written correspondence from both parties to update the Member on the process of the matter.

Adjournment

A court or Tribunal will adjourn a case when the matter is deferred until another date. This can occur for a number of reasons and is at the discretion of the Magistrate or VCAT member.

Land Management Plan

These plans are used to describe actions that will remediate the land, and commonly describe rehabilitation following unlawful vegetation removal. This plan will then become mandatory, by being incorporated into an Enforcement Order or a Section 173 agreement. The contents of the Plan will be decided by Council's Environment Team, or Vegetation Management officer.

Contested Hearing / Full hearing

A contested (or "full" hearing) means the matter is disputed by the accused/respondent, and Council and the respondent will fully present and test each other's evidence and/or submissions. A contested (of "full") hearing is effectively a "trial".

Consent Orders

Consent Orders are an agreement between Council and the Respondents to, in most cases, create an Enforcement Order with conditions that are agreed to by both Parties. This is done where a Respondent has accepted there has been a breach of the Act and wants to comply with Council's proposed Enforcement Order. This saves on time and money by avoiding a hearing or lengthy VCAT processes.

Resolution

Moved Cr Carol Ryan, seconded Cr Graeme Moore.

That Council note the list of enforcement matters currently before VCAT, the Magistrates' Court and the County Court.

Carried

5.5 Planning Scheme Amendment Activity Report - 03 May 2021

Responsible GM: Nigel Higgins
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

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

Relevance to Council Plan

Nil.

Status of Active Amendments

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

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C222	XWB Consulting	85 McNamara Road, Bunyip	Amendment C222 proposes to: <ul style="list-style-type: none"> - rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road), - apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road), - apply a Design and Development Overlay Schedule 1 (DDO1), and delete the Environmental Significance Overlay Schedule 1 (ES01). 	Thu 08/08/2019	Fri 06/09/2019	Panel Report finalised on 29/04/2020. Council is awaiting further information from the proponent in relation to some of the issues raised in the Panel Report.
C228	Cardinia Shire Council	Pakenham Activity Centre	The Activity Centre Zone Schedule 1 (ACZ1) has been prepared in response to conditions of approval to Cardinia Planning Scheme Amendment C211 to ensure that the Pakenham Structure Plan 2018 has been implemented via the appropriate planning tool into the Cardinia Planning Scheme. The ACZ1 is a direct translation of the objectives and strategies as set out in the draft Pakenham Structure Plan 2018 and draft Urban Design Framework 2018. The amendment amends Clauses 21.03, 21.04 and 21.06, implements two new reference documents, deletes parts of two Development Plan overlays Schedule 1 and 2 of 43.04, and deletes the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 from Clause 72.04.	Thu 24/10/2019	Fri 06/12/2019	Adopted Amendment submitted to the Minister for Planning for Approval on 23/03/2021.
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply Environmental Significance Overlay Schedule 7 (ES07) to all land within the Urban Growth Boundary (UGB) of Garfield and Bunyip and all land zoned for urban purposes within Tynong to facilitate the	Thu 21/11/2019	Fri 20/12/2019	Re-exhibition completed. A bushfire risk assessment is in progress.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			provision of habitat corridors for the Southern Brown Bandicoot.			
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	<p>Amendment C238 proposes to:</p> <ul style="list-style-type: none"> - Rezone land to the Neighbourhood Residential Zone (NRZ2) (CI 32.09 Sch 2) - Apply a Development Plan Overlay (DPO19) to the Glismann Road Area (CI 43.04 Sch 19) - Apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (CI 45.06 Sch 5) - Amend Clause 72.04 to incorporate the Glismann Road Development Contributions Plan (GRDCP) into the CPS. <p>Amend Clause 53.01 to facilitate the provision of local open space through the GRDCP</p>	Thu 09/07/2020	Mon 14/09/2020	<p>Council resolved to refer submissions to a Planning Panel for consideration on 15/02/2021.</p> <p>A Directions Hearing was held on 26/03/2021.</p> <p>A Panel Hearing is being held in the week beginning 03/05/2021 and is expected to run for five days.</p>
C240	Cardinia Shire Council	Koo Wee Rup Township	Implement the objectives of the Koo Wee Rup Township Strategy by applying Development Plan Overlays 23 and 24 and Design and Development Overlays 8 and 9 over various precincts within Koo Wee Rup.	Thu 13/02/2020	Mon 16/03/2020	Adopted Amendment submitted to the Minister for Planning for Approval on 01/04/2021.
C249	Cardinia Shire Council	Cardinia Shire municipality	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct ordinance errors.	Thu 04/06/2020	Thu 02/07/2020	Approved with changes and gazetted on 18/02/2021.
C257	Cardinia Shire Council	53-65 Woods Street, Beaconsfield	Apply a Development Plan Overlay (DPO) for the Woodland Grove Precinct as shown in the Beaconsfield Structure Plan.			Report prepared for the 19/04/2021 Council meeting recommends submissions be referred to an independent Planning Panel for consideration.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C264	Cardinia Shire Council	Cardinia Shire municipality	Implement the Advertising Signage Design Guidelines into the Cardinia Planning Scheme.			Authorisation to prepare an amendment was granted on 26/11/2020. Preparation for public exhibition is being undertaken.
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan.	Thu 15/10/2020	Thu 26/11/2020	Planning Panel being conducted on 14 - 16 April 2021.

Resolution

Moved Cr Carol Ryan, seconded Cr Graeme Moore.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:35pm.

Minutes confirmed
Chairman