

## 5.3 T200644 PA - Construction of a multi-storey apartment building - 4-22 Rushgate St, Pakenham

**Responsible GM:** Lili Rosic  
**Author:** Evangeline McGauley-Kennedy

### Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T200644 for the construction of a multi-storey apartment building at 4-22 Rushgate Street, Pakenham subject to the following conditions:

#### Amended plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the development plans submitted with the application (prepared by Studio Three Design and Drafting, Revision G, dated 19/10/21) but modified to show:

#### Site plans:

- a. An updated site plan to demonstrate that the lots to the south (along Titan Lodge Walk) have now been developed.

#### Elevation plans:

- b. Elevations updated to correctly reference north, south, east and west.
- c. Window awnings referred in the elevation legend shown clearly on elevation plans.
- d. Increased screening along the first-floor level southern balconies to a minimum height of 1.5 metres and to include a 45-degree angle screen at the top of the balustrade.

#### Floor plans:

- e. Show at least 50 percent of the dwellings as being adaptable in accordance with Standard D17.
- f. Amended floor plans to nominate the adaptable bathrooms/ dwellings in accordance with Standard D17.

#### Basement/ car parking plans:

- g. That the storage lockers can be sufficiently accommodated (either demonstrating a 2.1 metre overhead clearance will be provided, or demonstrating the clearance arrangements implemented to show sufficient clearance will be available above the bonnets and the designation of forward in parking only).

- h. Amended swept path into car parking space 1 and 18 illustrating forward-entry ingress via a 3-point turn (without turn wheels from stop).
- i. Amended swept path from car parking space 1 illustrating egress via a 3-point turn.
- j. Amended swept path out of car parking space 25 illustrating egress via a 3-point turn.

Rooftop plans:

- k. The rooftop communal space further setback from the edge of the building to further prevent overlooking.

Environmentally Sustainable Design:

- l. Any changes required resulting from amendments to the Sustainable Design Assessment (ESD Report) required by Condition 2.
2. Before the development starts, an amended Sustainable Design Assessment (ESD Report) and an associated plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The Report must be generally in accordance with the Plans and Report prepared by Frater, dated 28/06/21 submitted with the application but modified to show:
- a. How many toilets are connected to each tank/group of tanks shown and also indicate which roof areas are connected to which tanks.
  - b. Which landscaping areas are water efficient and will not require irrigation once established.
  - c. The location of food and garden waste facilities on plans, in areas that might produce high volumes of organic waste (eg. gardens).
  - d. The location of recycling facilities at point of disposal (eg. kitchens) and space in waste chute / room.
  - e. Demonstrate how 10 percent of the site area is vegetated.
  - f. An updated response to the BESS DTS approach for daylighting (IEQ 1.1. and 1.2) in the BESS assessment to reflect the design.
  - g. Modelling to demonstrate that at least 70 percent of dwellings receive at least 3 hours of direct sunlight in all Living areas between 9am and 3pm in mid-winter.
  - h. Floorplans with compliant bedrooms marked, or a list of bedrooms that comply.
  - i. Complete the use of the inbuilt calculation tools for Energy and Water by entering additional dwelling profiles as required by BESS.

Note: Dwellings can be grouped only if they share similar systems and are thermally similar.

- j. Provide NATHERS certificates generated from NATHERS software that show window and wall dimensions, presence of shading, as well as thermal properties. Certificates for each group of thermally similar dwellings (as defined by BESS) is acceptable.

Construction Management Plan:

3. Before the development starts, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail how the construction of the building will be managed throughout the process to mitigate offsite amenity impacts to neighbouring dwellings. The plan should outline measures taken to reduce the impacts of:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Inappropriate storage of any works or construction materials.
  - c. Waste disposal.
  - d. Hours of construction activity.
  - e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - f. Presence of vermin.

When approved, the plans will be endorsed and will then form part of the permit.

Drainage plans:

4. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or owners corporation to maintain to the satisfaction of the Responsible Authority.

Consolidation of land:

5. Before the development starts, Lots 1420 to 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810 must be consolidated under the *Subdivision Act 1988* as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles.

Tree protection:

6. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian

Standard – Pruning of Amenity Trees AS4373-2007.

General:

7. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. The exterior colour and cladding of the building must be of a non-reflective nature or be either painted or have a pre-painted finish in natural, muted toning to the satisfaction of the Responsible Authority.
10. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) must be implemented for the development to the satisfaction of the Responsible Authority.

Amenity (during construction):

11. The works associated with the construction of the development must be carried out in accordance with the endorsed Construction Management Plans and must not detrimentally affect the amenity of the area, through the:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Inappropriate storage of any works or construction materials.
  - c. Hours of construction activity.
  - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - e. Presence of vermin.
  - f. In any other way.

To the satisfaction of the Responsible Authority.

Amenity:

12. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
13. All visual screening and measures to limit overlooking identified in the endorsed plans must be erected prior to the occupation of the buildings to the satisfaction of the Responsible Authority.
14. The plant and equipment proposed on the balconies and the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development to the satisfaction of the Responsible Authority.
15. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. The development must not detrimentally affect the amenity of the area through the:
  - a. Transport of materials, goods or commodities to or from the land.

- b. Appearance of any building, works or materials.
- c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d. Presence of vermin; or
- e. In any other way.

To the satisfaction of the Responsible Authority.

Waste Management:

17. Collection of waste from the site must be conducted in accordance with the endorsed Waste Management plan on an ongoing basis.
18. All waste material must be regularly removed from the subject land. All vehicles removing waste must be fully secured and contained to the satisfaction of the Responsible Authority so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
19. All residential waste must be stored within the specified bin storage area as shown on the endorsed plans. Garbage bins are only to be placed on the street for collection on the appropriate waste collection day for the area and must be returned to the specified bin storage area immediately following collection.
20. Prior to occupation of the building, an application to vary the Section 173 Agreement AQ360919 relating to a Waste Management Plan on Lots 1420 - 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810, must be lodged and approved by the Responsible Authority. The varied Agreement must refer to the Waste Management Plan prepared by Frater, dated 28/06/2021, endorsed under this Permit and include acknowledgment of the following:
  - a. There is no Council waste collection service and all waste (including hard rubbish) is to be collected by private arrangement in accordance with the endorsed Waste Management Plan.
  - b. All waste generated by the use of the land must be managed in accordance with the Waste Management Plan for the land as approved by the Responsible Authority.
  - c. All residential waste must be stored within the specified bin storage area as shown on the endorsed plans. Garbage bins that are only to be placed on the street for collection on the appropriate waste collection day for the area and must be returned to the specified bin storage area immediately following collection; and
  - d. The Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant Litter and Amenity charge.

All Agreements are to be prepared at the owner's expense and will be recorded on the folio of the register relating to the site. The owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement, to the satisfaction of the Responsible Authority.

21. Before the development is occupied provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded

and drained and screened from public view to the satisfaction of the Responsible Authority.

Landscaping:

22. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
23. 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.

Earthworks:

24. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
25. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Stormwater Management:

26. 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.
27. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Vehicle crossings and carparking areas:

28. Before the development is occupied:
  - a. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
  - b. The vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority. If the construction of the proposed rural vehicle crossing requires the installation of a drainage culvert to the satisfaction of the Responsible Authority
  - c. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

- d. Any redundant existing vehicle crossing or indented car parking must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

Prior to Occupancy:

29. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:

- a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- b. Power and telephone lines to the building must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land and supplied to each dwelling.
- c. A bin storage area must be provided for the building and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- d. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- e. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, the basement entry, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.

Development Contributions:

30. Prior to a building permit being issued under the *Building Act 1993*, a monetary contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

**Expiry:**

31. This permit for the development of land expires if-

- a. the development does not start within two (2) years after the issue of the permit; or
- b. the development is not completed within four (4) years after the issue of the permit.

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:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- ii. This application has been assessed against Clause 58 of the Cardinia Planning

Scheme.

- iii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- i. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

### Attachments

1. T 200644 PA - Clause 58 Assessment [5.3.1 - 16 pages]
2. T 200644 PA - Locality Map [5.3.2 - 1 page]
3. T 200644 PA - Development plans and 3 D renders [5.3.3 - 35 pages]
4. T 200644 PA - Photos of similar scale development in the area (Photos by applicant) [5.3.4 - 9 pages]
5. CONFIDENTIAL - T 200644 PA - Copy of objections - Confidential [5.3.5 - 11 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T200644
<b>APPLICANT:</b>	Devcon Planning Services Pty Ltd
<b>LAND:</b>	L1420 - 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810
<b>PROPOSAL:</b>	Construction of a multi-storey apartment building
<b>PLANNING CONTROLS:</b>	<p><b>Zone:</b></p> <ul style="list-style-type: none"> <li>• Comprehensive Development Zone (Schedule 2)</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Development Contributions Plan Overlay (Schedule 1)</li> <li>• Land Subject to Inundation Overlay (partial)</li> </ul>
<b>NOTIFICATION &amp; OBJECTIONS:</b>	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners.</p> <p>Five (5) objections were received.</p>



<b>KEY PLANNING CONSIDERATIONS:</b>	Activity centres Urban design Streetscape character Housing affordability Amenity Car parking Traffic
<b>RECOMMENDATION:</b>	That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions within this report.

### Background

The subject site is part of the Ascot Estate (former Pakenham Racecourse) and was created by Planning Permit T160466.

There is no other Planning history for this site.

### Subject Site



The site is made up of ten (10) allotments which range from 132sqm in area to 188sqm in area. When combined the total the site measures approximately 1470sqm.

The site is located on the southern side of Rushgate Street and is encompassed on the south, east and west by Mudlark Lane.

There are currently no vehicle crossovers constructed to the site.

The site is currently vacant.

The topography of the land is relatively flat.

The following title restrictions affect the land:

- Restrictive Covenant PS749784 which relates to the Ascot Design and Siting Guidelines endorsed under Planning Permit T160466.
  - This restriction requires that the Registered Proprietor or Proprietors for the time being of any burdened lot, shall not develop the land other than in accordance with the Siting and Design provisions contained within the Ascot Design and Siting Guidelines endorsed under Planning Permit T160466 or as otherwise approved by Council.
  - The proposal does not comply with the Siting and Design provisions contained in the Ascot Design and Siting Guidelines endorsed under Planning Permit T160466, however in accordance with the restriction where compliance is not achieved, a development can be approved by Council.
  - **Note:** Lot 1424 does not benefit from, nor is it burdened by this restriction.
- Section 173 Agreement AL630477 which relates to the payment of the Development Contributions Levy, provision of infrastructure projects, the design and construction of infrastructure projects, practical completion, public open space and an infrastructure plan.
  - Payment of the Development Contributions Levy was required prior to the issue of a Statement of Compliance for each stage of the subdivision.
  - The provision of infrastructure projects was required at certain milestones associated with the Subdivision (in accordance with the Schedule to the Agreement).
  - The design and construction of infrastructure projects was required at certain milestones associated with the Subdivision (in accordance with the Schedule to the Agreement).
  - Practical completion of the infrastructure projects was subject to compliance with the Agreement and Construction procedures as part of the subdivision.
  - A Public Open Space contribution was required to be provided at certain milestones associated with the Subdivision (in accordance with the Schedule to the Agreement).
  - Required that the Owner agreed to comply with and implement the Public Infrastructure Plan.

This Agreement is no longer relevant as all requirements of the Agreement were required as part of the subdivision process.

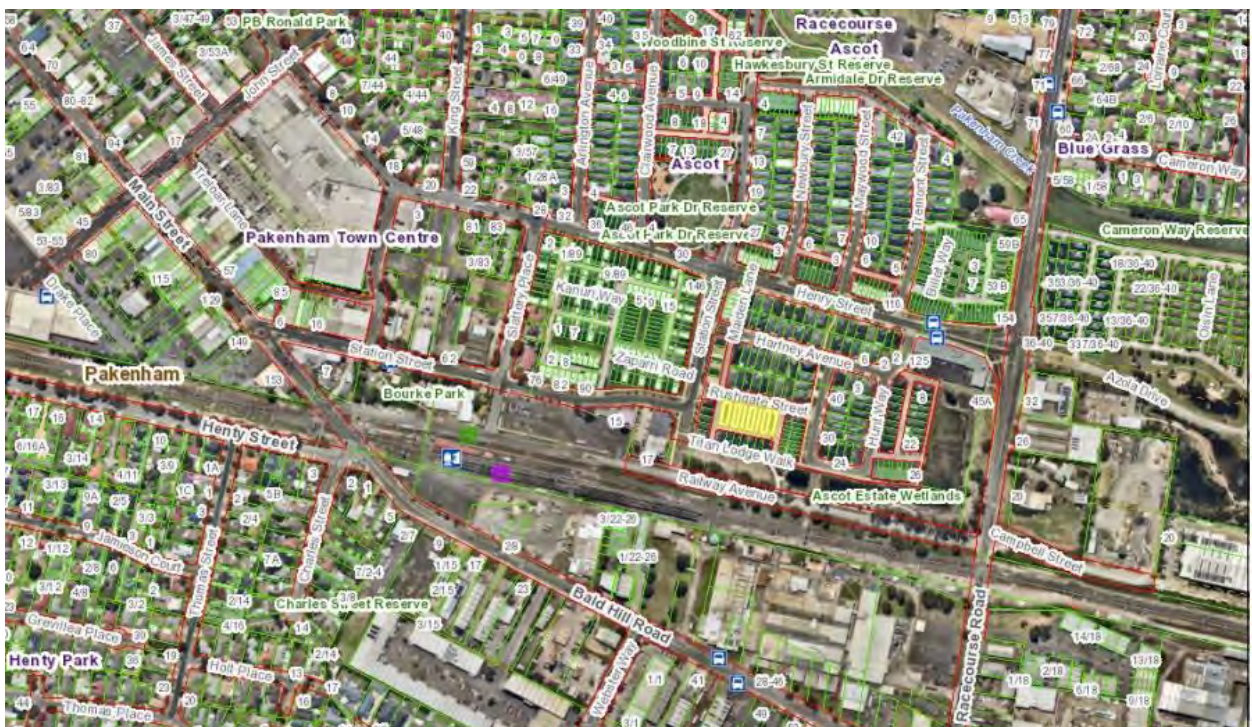
- Section 173 Agreement AQ360919 relates to a Waste Management Plan and its implementation. It requires that the Waste Management Plan must at all times be implemented and complied with, except with the prior written consent of Council.
  - Private waste collection is proposed for this development which will be managed by the building owner and/or an Owners Corporation (in future).

Council's Waste Department are supportive of this arrangement and have provided their written consent to depart from the obligations of the Waste Management Plan by requiring that a varied Section 173 be entered into to reflect the Waste Management Plan for this development.

The site is not located in an area subject to Aboriginal Cultural sensitivity.

The main characteristics of the surrounding area are:

- **North:** Directly north of the site is Rushgate Street. Across the street are residential allotments contained within the Ascot Estate, consisting of detached dwellings and townhouses. Further north there is a mixture of similar residential allotments.
- **South:** Directly south of the site is Mudlark Lane. Across the lane is a row of townhouses. Further south is Pakenham Railway Line.
- **East:** Directly east of the site is Mudlark Lane. Across the lane is a row of townhouses. Further east there is a mixture of residential allotments, consisting of detached dwellings and townhouses, and commercial sites.
- **West:** Directly west of the site is Mudlark Lane. Across the lane is a row of townhouses. Further west is Pakenham Town Centre, recently rezoned to the Activity Centre Zone, which contains a range of commercial, community, leisure and transport uses and encourages higher density development, given the good access to services.



### Permit/ Site History

The planning history of the parent site (Lot J PS741830, Station Street, Pakenham VIC 3810) includes:

- Planning Permit T160466 which granted permission for the staged multi-lot subdivision (stages 12-14) and development of one (1) dwelling on each lot on 28 February 2017.
  - The Permit was corrected under Section 71 (Correction of Mistakes) of the *Planning and Environment Act, 1987* on 7 March 2017. This corrected Condition 5(b) and 6(n).
  - Amended Planning Permit T160466-1 was issued on 1 June 2018. This amendment made a change to Condition 67 and the address of the land.

The application does not seek to take benefit from this permit.

There is no Planning Permit history for the subject site.

### **Relevance to Council Plan**

#### **2.1 We support the creation of liveable spaces and places**

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

#### **5.1 We practise responsible leadership**

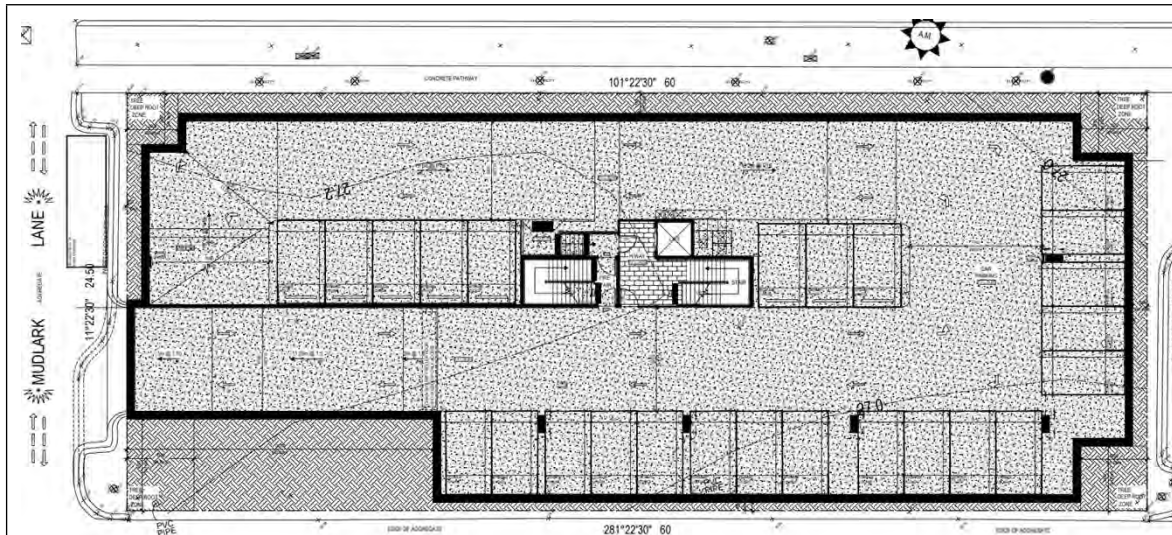
5.1.1 Build trust through meaningful community engagement and transparent decision-making.

### **Proposal**

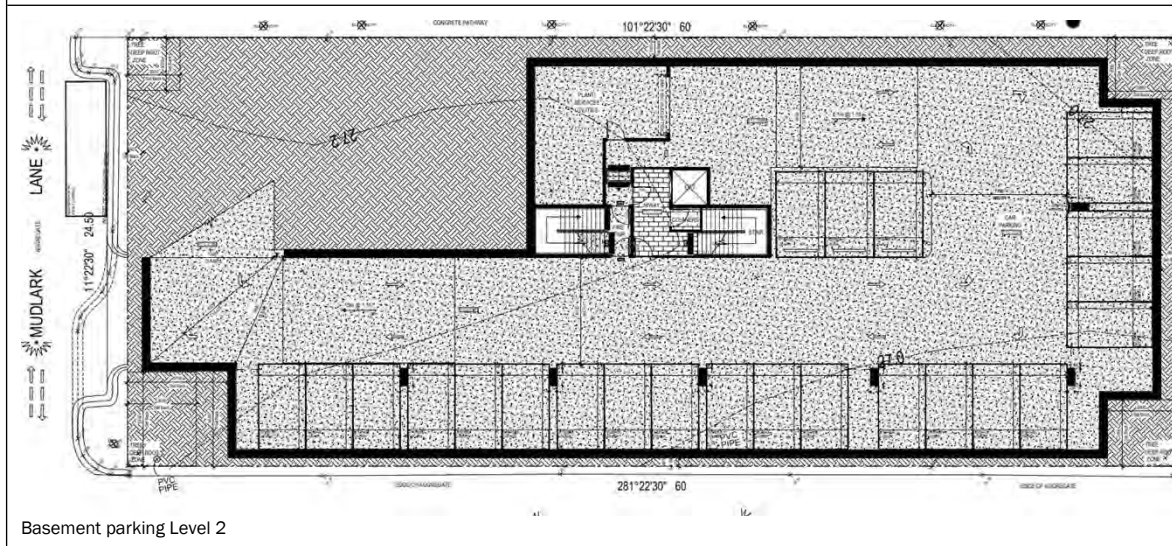
Approval is sought for the construction of a three (3) storey, forty-two (42) dwelling apartment building, with a two (2) level basement garage. Each apartment is open plan, with a kitchen, living and dining area, a European laundry, separate bathroom and separate bedrooms. A rooftop terrace is also proposed. The development will consist of:

#### **Basement**

The basement will comprise 2 levels, externally accessible storage for the apartments, 49 car parking spaces, services, stairs and lift access. Access to the basement is via a ramp from Mudlark Lane on the western boundary.



Basement parking Level 1



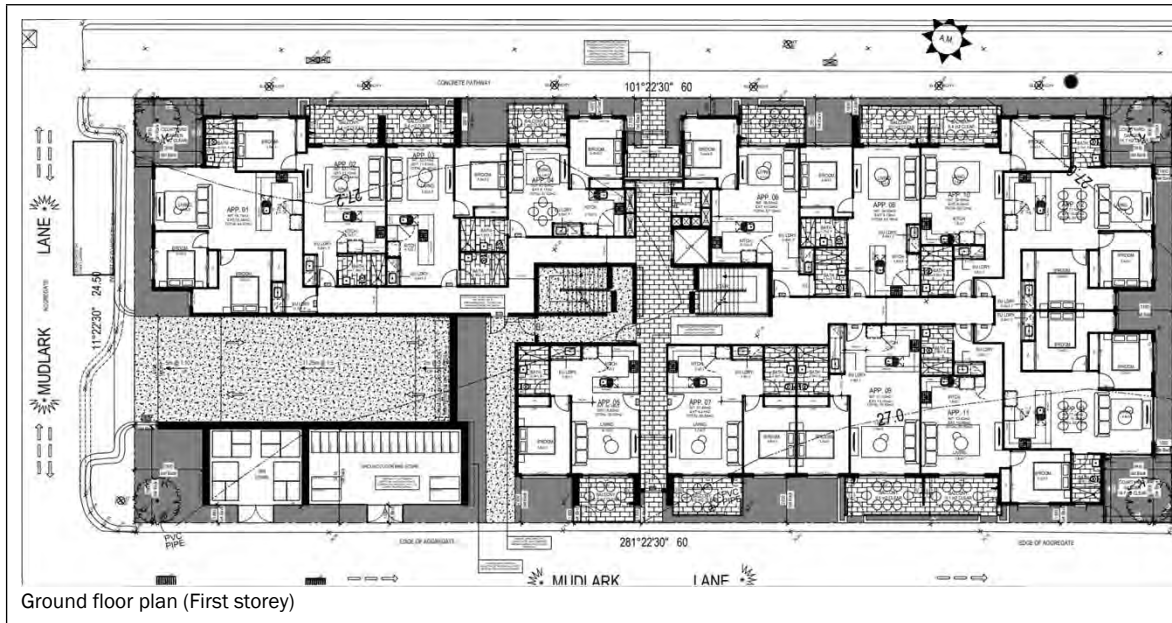
Basement parking Level 2

### Ground Floor

The ground floor will contain thirteen (13) apartments comprising three (3), 2-bedroom apartments and ten (10), 1-bedroom apartments. Each apartment will be provided with a balcony or courtyard facing the street.

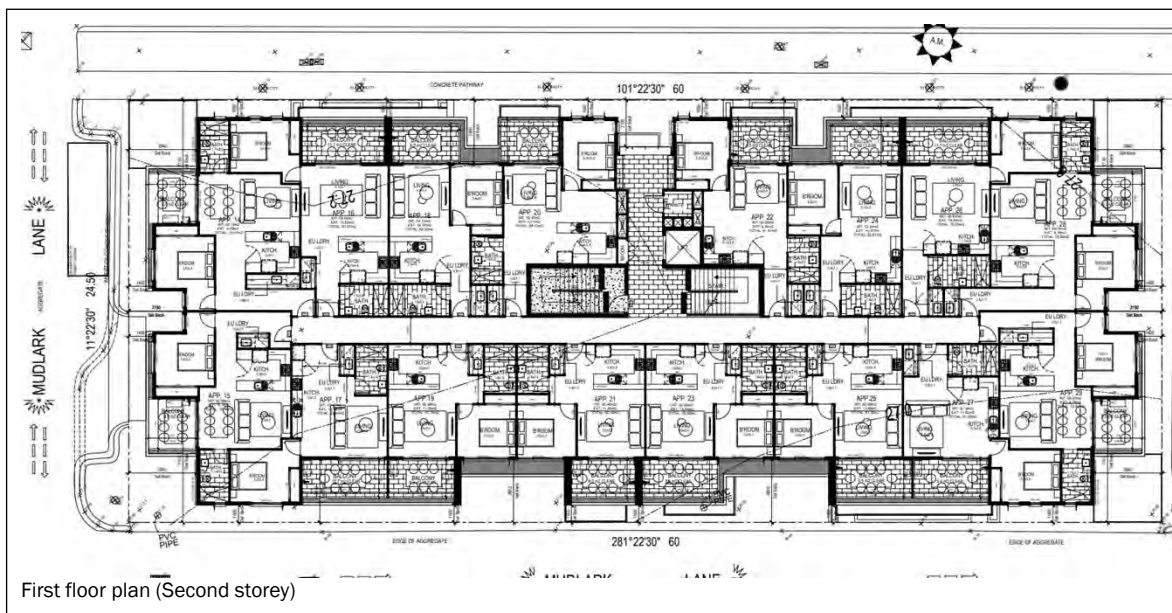
A bin store and bicycle store are also located at ground level with the main entry of the building facing Rushgate Street to the north with a secondary entry located facing Mudlark Lane at the southern end of the building.

Landscaping will also be located at ground level including courtyards located at each corner.



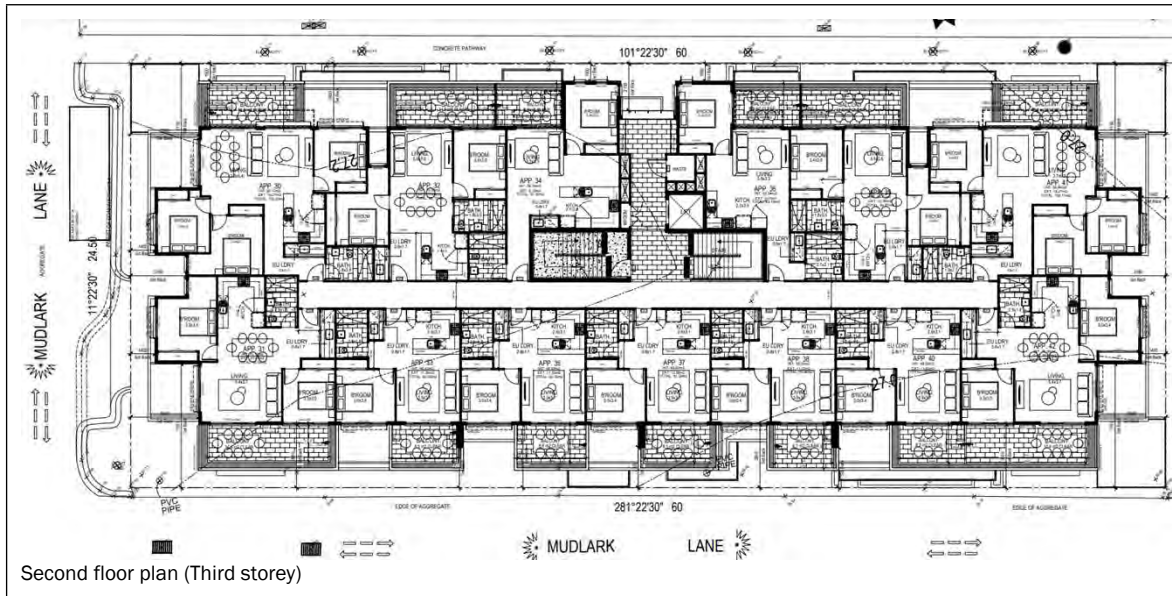
First floor

The first floor will comprise sixteen (16), 1-bedroom apartments. All apartments will be provided with balconies facing the street.



Second floor

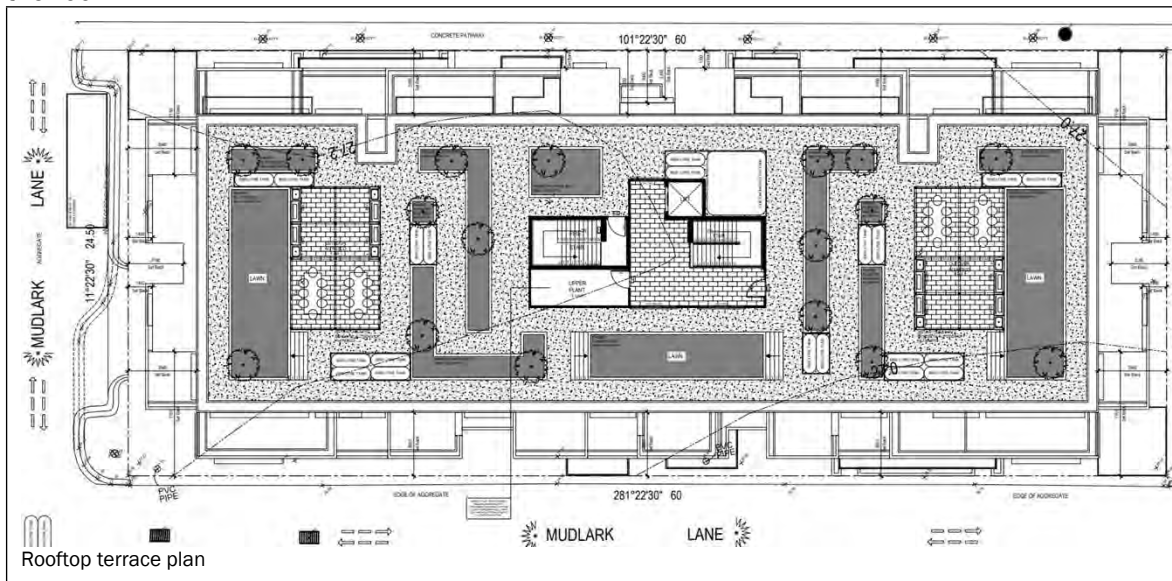
The second floor will contain thirteen (13) apartments comprising seven (7), 1-bedroom apartments, four (4), 2-bedroom apartments and two (2), 3 bedroom apartments. All the apartments will be provided with balconies facing the street.



### Roof top communal area

The roof top will be dedicated to communal facilities including garden areas and BBQ dining areas. This space will be open roofed apart from the access and plant areas.

Stair and lift access is provided to all levels and plant is located both in the basement and on the roof.



### Built form

The building will be three (3) storeys in size, with a rooftop terrace. There will also be a two-level basement car park below. The building will measure 1284.34sqm in area. The third storey will reach a height of approximately 9.4 metres, with the lift shaft to the roof top terrace increasing the buildings overall height to 13.1 metres from natural ground level.

The building will be constructed using a variety of colour and material finishes including brick, render, glazing and vertical cladding in a mixture of colours and tones (red bricks, light grey and charcoal renders and timber tone cladding) which contribute to articulation of the building.

Significant landscaping is to be provided at all levels, including at street level and on the roof to create an attractive communal space for residents.



### 3D renders

Coloured 3D renders have been provided with the application to demonstrate how the proposal will sit within the streetscape.







### Car parking

A total of 49 car parking spaces have been provided in the basement car park. This is in excess of the statutory parking requirement for the number of apartments and bedrooms proposed by the development (see Clause 52.06 – Car parking assessment below for further details).

### Bicycle parking

A total of 21 bicycle parking spaces have been provided in the ground floor level of the building.

## **Planning Scheme Provisions**

### **Zone**

The land is subject to the following zone:

- Comprehensive Development Zone (Schedule 2)

### **Overlays**

The land is subject to the following overlays:

- Land Subject to Inundation Overlay
  - Partially applies over the south-east corner of the site.
- Development Contributions Plan Overlay (Schedule 1)

### **Planning Policy Framework (PPF)**

The relevant clauses of the PPF are:

- Clause 11 – Settlement
  - Clause 11.01-1S – Settlement
  - Clause 11.03-1S – Activity centres
- Clause 13 – Environmental Risks and Amenity
  - Clause 13.03-1S – Floodplain management
- Clause 15 – Built environment and Heritage
  - Clause 15.01-1S – Urban design
  - Clause 15.01-2S - Building design
  - Clause 15.01-4R – Healthy neighbourhoods – Metropolitan Melbourne
  - Clause 15.01-1S – Neighbourhood character
  - Clause 15.02-1S – Energy and Resource Efficiency
- Clause 16 - Housing
  - Clause 16.01-1R – Housing Supply – Metropolitan Melbourne
  - Clause 16.01-2S – Housing Affordability
- Clause 18.02 – Movement networks
  - Clauses 18.02-1S – Walking
  - Clause 18.02-2S – Cycling
  - Clause 18.02-3S - Public Transport
  - Clause 18.02-3R - Principal Public Transport Network
  - Clause 18.02-4S - Roads

### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 – Settlement and Housing
  - Clause 21.03-1 – Housing
  - Clause 21.03-2 – Urban Established Area – Beaconsfield and Pakenham
- Clause 24.04 – Economic Development

- Clause 21.04-3 – Activity Centres
- Clause 21.05 – Infrastructure
  - Clause 21.05-3 – Local roads
- Clause 21.06 – Particular Uses and Development
  - 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 52.34 – Bicycle facilities
- Clause 58 – Apartment developments
- Clause 65 – Decision guidelines
- Clause 66 – Referral and notice provisions
- Former Pakenham Racecourse Comprehensive Development Plan (February, 2010)

#### **Planning Permit Triggers**

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

- Pursuant to Clause 37.02-4 (CDZ2) a Planning Permit is required to construct or carry out works for dwellings.
- Pursuant to Clause 44.04-2 (LSIO) a planning permit is required to construct a building or construct and carry out works.
- Note: The proposed use of land for dwellings is considered to be generally consistent with the comprehensive development plan for the Former Pakenham Racecourse. The land is within Precinct 1, where a mixture of uses is expected, including higher density residential uses. Therefore, it is considered that a Planning Permit is not required for the use of the land.

#### **Public Notification**

The buildings and works are not exempt from notice pursuant to Clause 37.02-4 (CDZ2) as the built form does not comply with all guidelines contained within the comprehensive development plan.

Therefore, 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 and nearby land.

- Placing signs on the site.

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 10 January 2022.

Council has received five (5) objections to date.

The main concerns raised by the objections are:

- Overdevelopment of the site
- Density
- Traffic, access and safety
- Car parking
- Privacy and overlooking impacts
- Overshadowing
- Impacts during construction

## Referrals

### External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Melbourne Water [Determining]	No objection (no conditions)  Melbourne Water advises that this site is not subject to flooding from any Melbourne Water asset as the site has been filled to above the applicable flood level.
Section 52 Notices	N/A	

### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Strategic Planning	Supportive of the application in this location, given its proximity to Pakenham Town Centre, its services, walkability and given its proximity to the recently approved Activity Centre Zone which along with the Comprehensive Development Zone, anticipates and encourages high density developments, given the good access to infrastructure and services.
Urban Design	Supportive of the application, following suggestions about the proposed built form which have since been incorporated in the plans.
Traffic	Supportive of the proposal, subject to amendments to the plans. These will be requested via Condition if a permit is to be granted.
Engineering	Supportive of the application, subject to standard conditions.

Waste	Supportive of the application, subject to a Section 173 Agreement being entered into to allow for private waste collection.
Landscape	Supportive of the application, subject to standard conditions.

### Discussion

On balance the proposal is consistent with the relevant State and Local Planning Policy Frameworks, the Comprehensive Development Zone 2, Overlay controls and relevant particular provisions.

### Planning Policy Framework

A number of state and local policies are relevant to this application ensure that buildings and works positively contribute to the area, that adequate car parking is provided and that buildings and works do not detrimentally impact the objectives of the Former Pakenham Racecourse Comprehensive Development Plan (February, 2010).

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria through strategies such as creating and reinforcing settlement boundaries, ensuring that facilities such as retail, office-based employment are concentrated in central locations, provide for population growth and ensure that land that may be required for future urban expansion is not compromised.

Clause 11.03-1S (Activity centres) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Clause 11.03-1S has a particular focus on support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies and improving the social, economic and environmental performance and amenity of activity centres. The Former Pakenham Racecourse Comprehensive Development Plan (February, 2010) seeks to encourage multi-level, high density residential development within Precinct 1 (where the site is located) to achieve a population base to support retail and commercial development within the precinct and to capitalise on available public transport available in Pakenham Town Centre.

Clause 13.03-1S (Floodplain management) seeks to assist in the protection of life, property and community infrastructure from flood hazard (which includes overland flows). It also seeks to protect natural flood carrying capacity of floodway's and flood storage function of floodplains. As discussed below, the application was referred to Melbourne Water who gave their unconditional consent to the proposal.

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

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 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne) seeks to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home. The proposal is well positioned to achieve this target being close by to the Town Centre and Pakenham Railway Station.

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

Clause 15.02-1S (Energy and Resource Efficiency) seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. The proposal includes a number of mitigation measures to ensure that the development meets this policy objective.

Clause 16.01-1R (Housing Supply – Metropolitan Melbourne) seeks to facilitate well-located, integrated and diverse housing that meets community needs. It seeks to manage the supply of new housing to meet population growth in activity centres. The proposal provides for housing diversity within a predominately single dwelling area which is well located within walking distance to amenities such as shops, community and health facilities and public transport.

Clause 16.01-2S (Housing Affordability) seeks to deliver more affordable housing closer to jobs, transport and services. The development seeks to increase the availability of 1-bedroom dwellings within close proximity of Pakenham Town Centre and its services in order to provide more affordable housing for low income earners in the community.

A number of policies relating to making how we move more sustainable are located under Clause 18.02 (Movement networks), including:

- Clauses 18.02-1S (Walking) which seeks to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.
- Clause 18.02-2S (Cycling) which seeks to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.
- Clause 18.02-3S (Public Transport) which seeks to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.
- Clause 18.02-3R (Principal Public Transport Network) which seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.
- Clause 18.02-4S (Roads) which seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

Given the site is located in the Principal Public Transport Network and therefore benefits from the proximity of the site to Pakenham's public transport network, the proposal is considered to achieve the objectives of these policies by being well located to encourage the ease of uptake of these alternative travel methods.

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision) outlines the key issues facing Cardinia include the sustainable development of the Urban Established Areas, Urban Growth Area, and rural townships.

Clause 21.03-1 (Housing) identifies a need for providing a diversity of housing types and densities, including increased housing density around activity centres, recognises the need for affordability and availability of housing choice for different income levels in both the rental and purchaser markets and providing opportunity for development of 'Affordable Housing'.

Clause 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) recognises the need to ensure greater diversity of housing types and size, increase 'Affordable Housing' for very

low, low and moderate income households, create vibrant well serviced activity centres and achieve good urban design outcomes with a strong urban character.

Clause 21.04-3 (Activity Centres) seeks to establish a network of activity centres in the growth area creating opportunities for a range of activities including retail, commercial, community, residential and entertainment to meet the needs of the community.

Clause 21.05-3 (Local roads) recognises the need to manage the impacts of new development on the existing local road network.

Clause 21.06-1 (Urban Design) seeks to ensure development contributes to the character, identity and sense of place of the area, particularly in newly developing areas and ensure new development is designed to address public spaces and enhance the public realm.

On balance the proposal maximises the benefits of its location and provides for a level of increased density and diversity which is consistent with the objectives of each of the above policies, and therefore, should be supported.

### **Comprehensive Development Zone (Schedule 2)**

The purpose of this Zone is:

- *To develop the land for a mix of residential, retail, education and community uses that supports the strategic role of Pakenham Activity Centre and benefits from the close proximity to the Pakenham railway and bus interchange.*
- *To achieve a higher density mixed use precinct that creates a new urban character, which supports a vibrant and safe public realm with a high level of cross-site permeability.*
- *To achieve excellence in architecture, urban design and landscape and deliver high quality internal and external amenity in all buildings.*
- *To integrate Pakenham Creek as a key feature and ensure drainage, flood control and public open space functions are accommodated and enhanced.*

As this proposal affects the south-west corner of the estate, the subject area is located within Precinct 1 in the Former Pakenham Racecourse Comprehensive Development Plan (February 2010) as detailed below:



The objectives of Precinct 1 are outlined below:

- *Development should be well integrated with Pakenham Railway Station and the public transport interchange to provide retail and other services to local residents as well as commuters, and to provide a safe and active environment adjacent to the transport*



*interchange.*

- *Provide for a mixture of uses (i.e. higher density residential, retail, commercial, and community and institutional uses) to encourage a diversity of land uses that will assist in creating a more vibrant public realm.*
- *The continuation of Station Street should reinforce a strong link between the site, the Station and the town centre.*
- *Development should provide for a town square capable of accommodating community events.*
- *Education uses and community facilities should provide the highest standard of design and make a significant contribution to the public realm.*

As stated above, Precinct 1 is envisaged by the Comprehensive Development Plan as being a mixed-use precinct, where development should be well integrated with the Station and public transport interchange, to provide for a mixture of uses (including higher density residential, retail, commercial, community and institutional uses). It envisaged that within this area, development would be 3-4 storeys in height, with active ground floors providing for a mixture of uses.

The subject site is located in an area which is identified as being a commercial area (shown in purple in Figure 1 above) in the Comprehensive Development Plan. Throughout time, this area has developed into a more residential type area, given the objectives to revitalise the Town Centre to the west through the implementation of the Activity Centre Zone.

Although the proposal does not comply with all guidelines of the Comprehensive Development Plan, the deviation from these is considered acceptable and allows for a transition of scale from the more commercial areas of Pakenham to this more residential area.

A higher density residential development is supported by the Plan at this location given its close proximity to the Pakenham Activity Centre Zone, Pakenham Railway Station and all the services of the Town Centre which are within walking distance.

The Plan encourages multi-level, high density residential development within Precinct 1 to achieve a population base to support retail and commercial development within the precinct and to capitalise on available public transport.

The design of the building is consistent with the objectives of the Plan as the ground floor of the building provides active street frontages to encourage interaction with the street and a safe pedestrian environment.

Based on this, the proposal is considered an appropriate response to the objectives of the Former Pakenham Comprehensive Development Plan and achieves a level of development consistent with the objectives of the Plan and should be supported.

#### **Apartment Developments (Clause 58 Assessment)**

The provisions of Clause 58 (Apartment Developments) applies to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:

- *The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.*

As the site is located in the Comprehensive Development Zone, an assessment of the proposal against Clause 58 is required to be undertaken.

The purpose of Clause 58 (Apartment Developments) is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

The proposed development is considered appropriate for the site and surrounds and on balance complies with the objectives of Clause 58. A full summary of the assessment of the development against Clause 58 is provided in the attachments.

#### Land Subject to Inundation Overlay

A small portion of the site to the south-east is affected by this overlay control therefore the application was referred to Melbourne water for comment.



Melbourne Water gave their unconditional consent to the proposal. Melbourne Water advises that this site is not subject to flooding from any Melbourne Water asset as the site has been filled to above the applicable flood level. They have also confirmed that the basement car parking aspect of the proposal has been considered when giving this response.

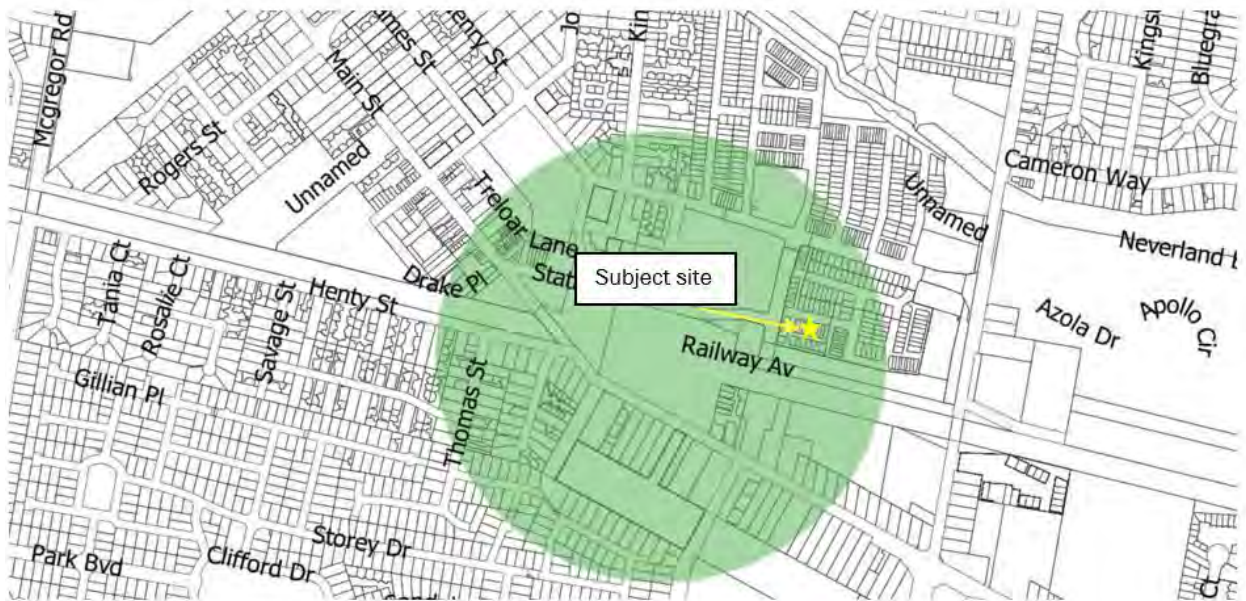
Based on this, it is considered that the proposal will not pose any increased risk from flooding and can be supported.

## Development Contributions Plan Overlay (Schedule 1)

The purpose of this provision is to identify 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. In accordance with this provision, a condition of approval will require that a monetary contribution be made to Council. Via condition, the objective of this provision is met.

### Clause 52.06 – Car Parking

Pursuant to Clause 52.06 (Car Parking) the statutory car parking rate for this development must be calculated using Column B of Table 1 (Car parking requirement) as the site is located within the Principal Public Transport Network (PPTN) Area as shown on the *Principal Public Transport Network Area Maps (State Government of Victoria, August 2018)*:



Based on this, the proposal is required to provide the following number of car parking spaces per dwelling:

- One (1) car parking space for each one (1) or two (2) bedroom dwelling; plus
- Two (2) car parking spaces for each three (3) or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms).

It is noted that unlike applications outside of the PPTN where the parking rate of Column A applies, Column B does not require any visitor spaces to be provided. Therefore, the application is not required to provide visitor parking.

Based on the number of bedrooms in each dwelling the application is required to provide the following number on-site car parking spaces:

	Number of dwellings	Car parking requirement	Car parking provided
1-bedroom dwellings	33	33 spaces	33 spaces
2-bedroom dwellings	7	7 spaces	7 spaces
3-bedroom dwellings	2	4 spaces	4 spaces

			Plus, an additional 5 spaces
<b>TOTAL</b>	42	44 spaces	49 spaces

The provision of 49 car parking spaces on site, when the need for 44 spaces is generated results in a surplus of 5 car parking spaces being available.

Council's Traffic Engineer has reviewed the plans and the Traffic Impact Assessment provided and is satisfied with the proposal. Council's Traffic Engineer advised that the provision of 49 spaces is acceptable and that Traffic generation assessment is acceptable, and volumes are sufficiently low to enable suitable access via Mudlark Lane.

Based on compliance with Clause 52.06 (Car parking) is it considered that the proposal will adequately cater for its generated car parking demand, whilst providing an additional 5 spaces which can be used to cater for any overflow or visitor parking, even though it is not statutorily required.

#### **Clause 52.34 – Bicycle facilities**

Pursuant to Clause 52.34 (Bicycle facilities) there is no statutory bicycle parking rate for this development as it does not exceed four or more storeys in accordance with Table 1 to Clause 52.34-5 (Bicycle spaces). However, even though there is no statutory requirement to provide bicycle parking, the plans show the provision of 21 bicycle spaces within a secure storage room in the ground floor of the building.

The location and the provision of adequate and secure bicycle storage should encourage occupants of the building to utilise other means of transport and reduce car usage.

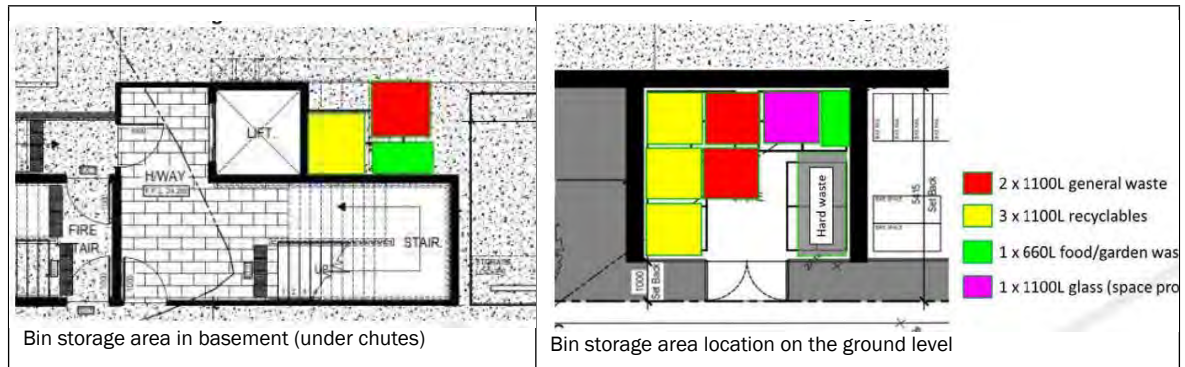
#### **Other matters (Waste Management)**

A Waste Management Plan has been prepared and submitted with the application detailing that waste generated by the building will be managed by the Owners Corporation and collected by a private waste collector. The Waste Management Plan explains that the development is likely to generate:

Total Development	Rubbish Generation	Comingled Recyclables	Food Waste
Total Waste	2,327 L/week	3,580 L/week	1,253 L/week
Proposed Bin Type	1,100 L	1,100 L	660 L
Number of Bins required	3 (shared)	4 (shared)	2 (shared)
Collection Frequency	Once per week (Private Collection)	Once per week (Private Collection)	Once per week (Private Collection)

A total of seven (7) 1,100 litre and two (2) 660 litre bins will be provided and stored in level 1 of the basement and a chute system will provide access from each level to the bins in the basement.

Bins will be rotated by the Owners Corporation when the bins are full and wheeled to the bin store area on the ground floor for level to be collected by the private waste contractor.



The Waste Management Plan submitted has been reviewed by Council's Waste team as satisfactory, and advised that the private collection proposed is acceptable in this instance given that it would be difficult to service the building using Council's waste contractor and ordinary wheelie bins.

They have requested that a number of conditions be included on the permit to ensure that the owners corporation are managing waste in accordance with the Waste Management Plan on an ongoing basis.

They have suggested that this could be included as a restriction on title or via the implementation of a Section 173 Agreement.

### Response to objections

#### Overdevelopment of the site

A number of objections raised issues of the scale of the building and size of the site.

The building is only 3-storeys in height, which is only 1-storey taller than the townhouses within its immediate vicinity, whilst being consistent with the tallest developments within the estate which are also 3-storeys in height.

Additionally, there is also a precedent within the estate (guided by the Ascot Design Guidelines on title) for buildings to be constructed sharing walls and with minimal setback from the side boundaries or streets. This provides for little to no separation between built form along many streets in the estate, including directly opposite the subject site at Mudlark Lane.

An example of this type of development is located on Hawkesbury Street to the north which is shown in the pictures provided in Attachment 3.11.4 of this report. These townhouses have been constructed to a height of 3-storeys and without separation which is analogous to this development in terms of the size of the building and the area it occupies.

Additionally, these developments directly abut single storey development. This proposal is separated on all sides from other residences by roads and a laneway, making it more suitable for this type of development.



(Photos of similar scale development on Hawkesbury Avenue)

Further, as discussed in the body of this report, the Former Pakenham Racecourse Comprehensive Development Plan (February 2010) encourages multi-storey, mixed use developments in this location, over single dwelling development. Given this, the existing residential development surrounding this site should also be considered to not be in accordance with the Plan.

Based on this, the size and scale of the development compared with existing development within the estate, and given the policy that supports this type of development at this location, the proposal should not be considered an overdevelopment of the site.

#### Density

A number of objections raised issues of the increased number of people that the apartment style dwellings would attract to the area.

Whilst it may seem that 42 dwellings on one site is excessive compared to 10 conventional single dwellings that could also have been constructed, if 10 conventional single townhouses were constructed and each were provided with on average 3 to 4 bedrooms, this still allows the possibility of between 40 to 50 people to live in townhouses on the site.

Generally speaking, 1-bedroom apartments attract singles, and whilst some may attract couples, when combined with the general number of people that may reside in the 2 and 3-bedroom apartments, this is not as a drastic an increase in the potential number of people living in the apartment building as perceived.

On top of this, the site is strategically located to cater and support a higher density development and based on the Former Pakenham Racecourse Comprehensive Development Plan (February 2010) it could be argued that the townhouse developments that have evolved within Precinct 1 are an underdevelopment of these sites.

Being that the site is strategically located for high-density development, means that the surrounding infrastructure and road network is designed to cater for development of this scale.

Based on this, it is considered that the proposal is of an appropriate density given the location and should be supported.

#### Traffic, access and safety

A number of objectors raised concerns about increased traffic from the site. A Traffic Impact Assessment was provided with the application and reviewed by Council's Traffic Engineer as

being sufficiently low to allow the proposal at this location and sufficiently low to allow the access to be located off Mudlark Lane, instead of the access being located off Rushgate Street.

Locating the access to the building off the main street is considered to be a better design outcome as the potential for vehicles coming up out of the basement garage onto the street where there is a footpath and causing incidents with pedestrians is reduced.

Given that the site is strategically located within an activity centre, the road network is capable of the additional traffic.

#### Car parking

A number of objections raised issues of the lack of parking provided for the number of dwellings proposed.

As discussed above, the proposal exceeds the statutory parking requirement for this development by five (5) car parking spaces. All parking spaces are located in the basement garage and therefore, should not interfere with on street parking.

Council's Traffic Engineer has assessed the application against Clause 52.06 (Car parking) and the Traffic Impact Assessment provided as is satisfied with the car parking provided.

#### Privacy and overlooking impacts

A number of objectors raised concerns about overlooking into the private open space.

According to the plans submitted, given the setbacks and screening proposed there should be no impacts to adjoining properties from overlooking. The setbacks of the apartment balcony's and roof top terrace from the neighbouring boundaries results in either the building or boundary fencing intersecting the line of sight into the private open space of neighbouring properties.

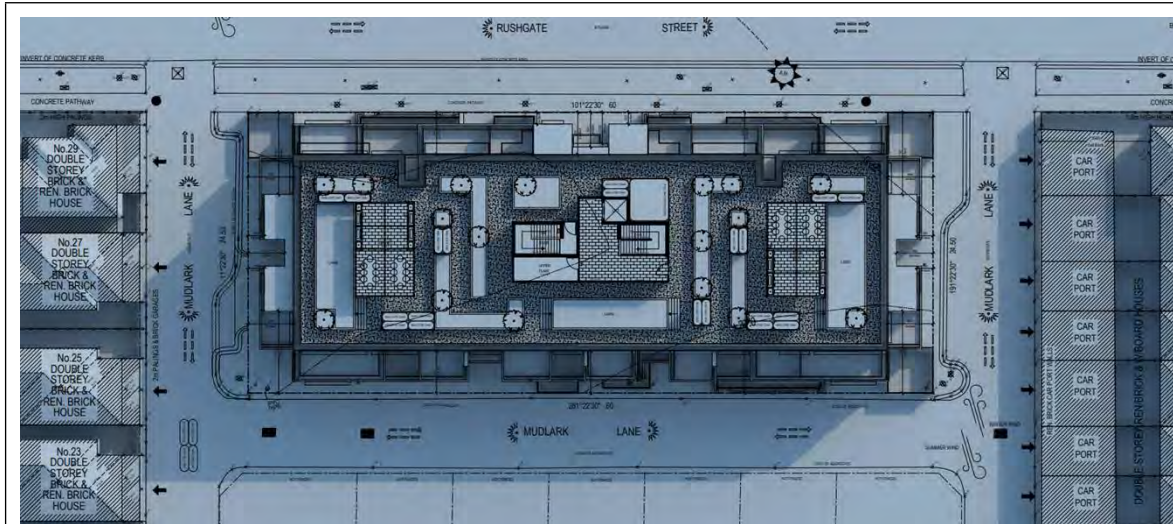
To mitigate the objectors concerns about overlooking, the applicant has agreed to reduce the area of the rooftop communal area, which will set it back further from the edge of the building ensuring that landscaping screening and the building line further intersect the line of sight from the rooftop into neighbouring properties.

Where required, Conditions requiring screening can also be placed on the permit to ensure that overlooking does not occur.

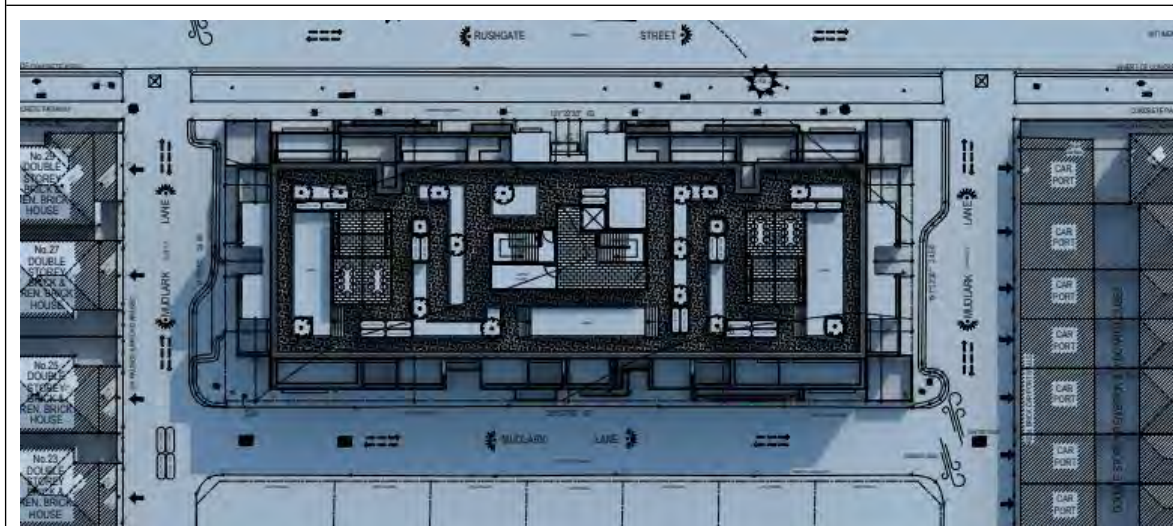
#### Overshadowing

A number of objectors raised concerns about overshadowing of their properties.

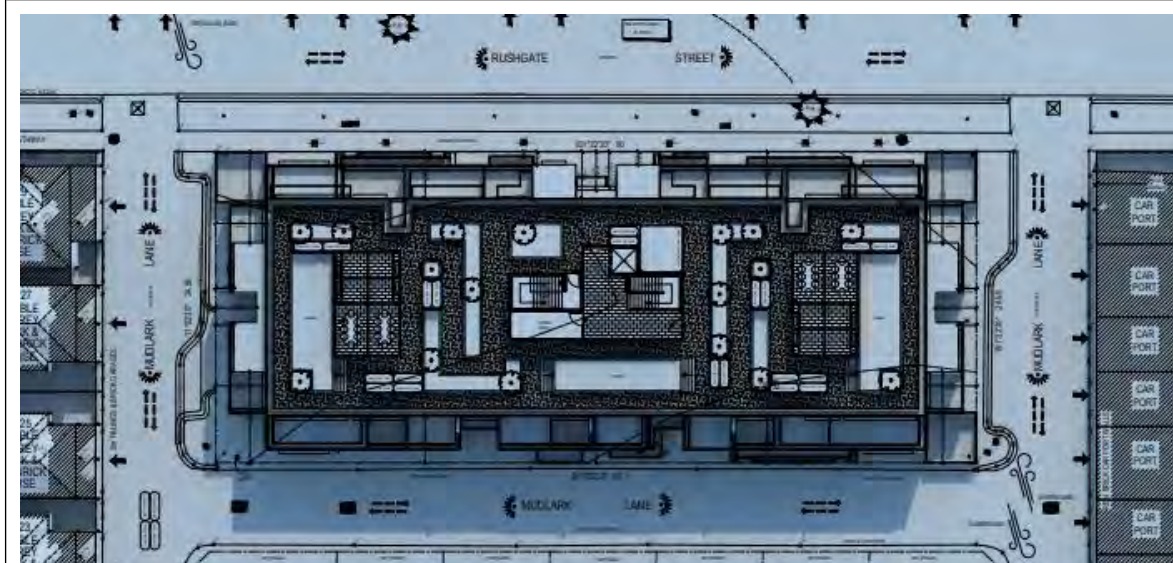
The shadow diagrams provided clearly demonstrate that the building does not result in any overshadowing to neighbouring properties in Mudlark Lane and Rushgate Street. The plans show that for the most part the building causes overshadowing of the laneway, and that overshadowing that does encroach into the private open space of other properties is no more than the shadow caused by their boundary fencing or garages/ carports.



Shadows at 9am on 22<sup>nd</sup> September

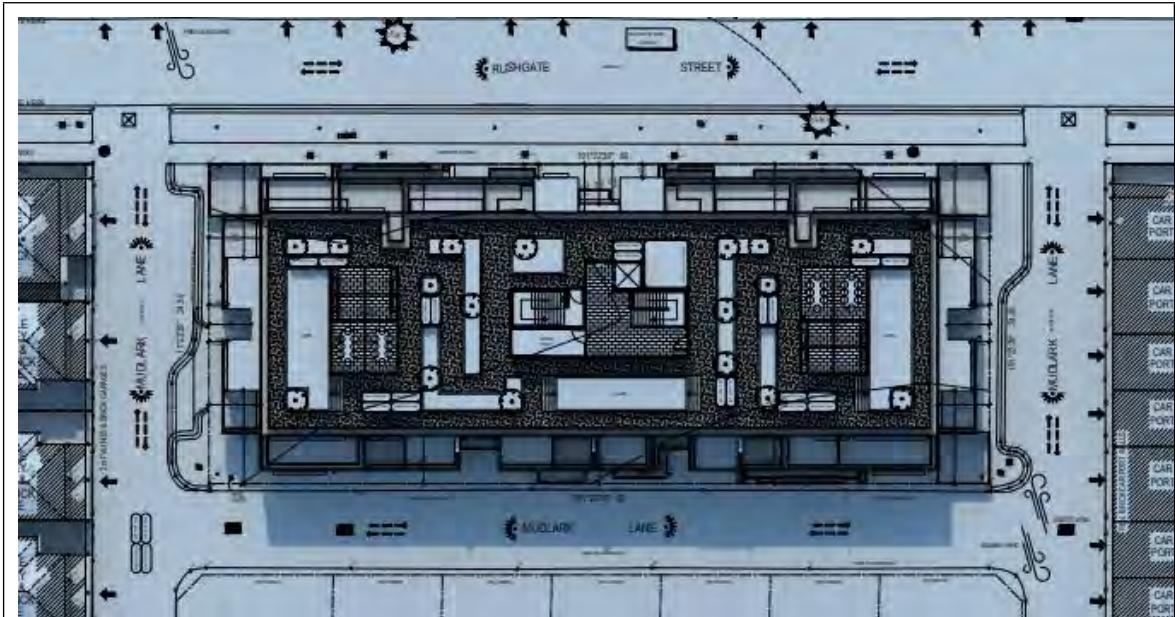


Shadows at 10am on 22<sup>nd</sup> September

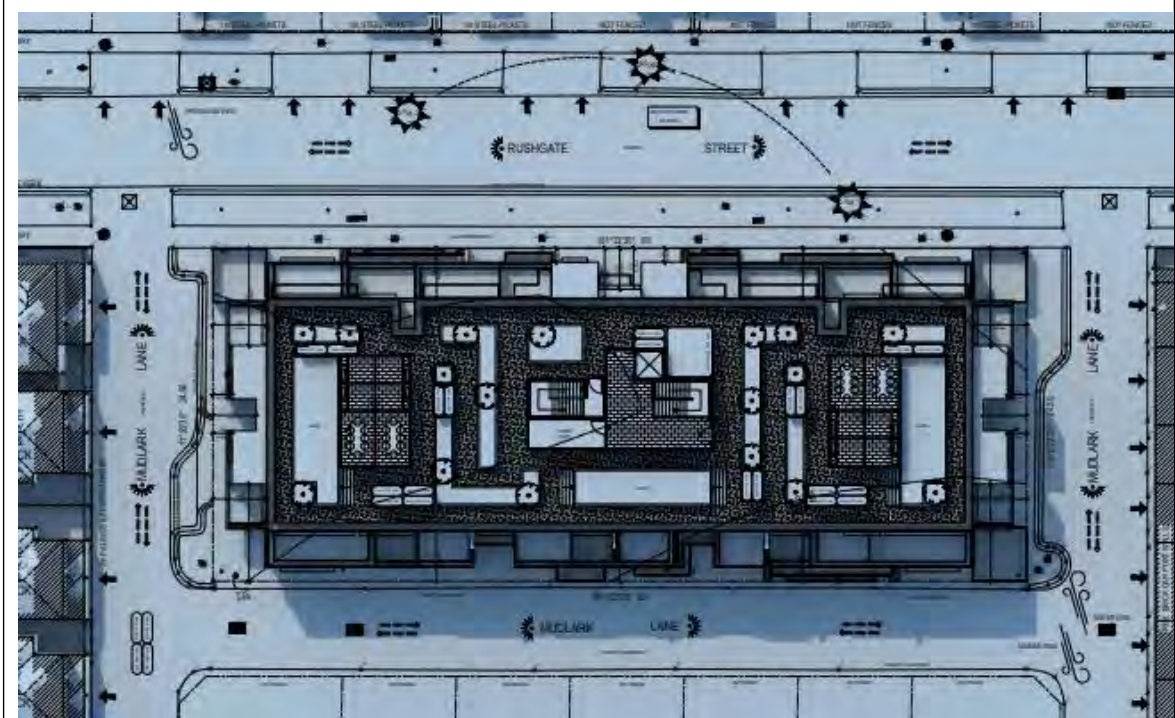


Shadows at 11am on 22<sup>nd</sup> September

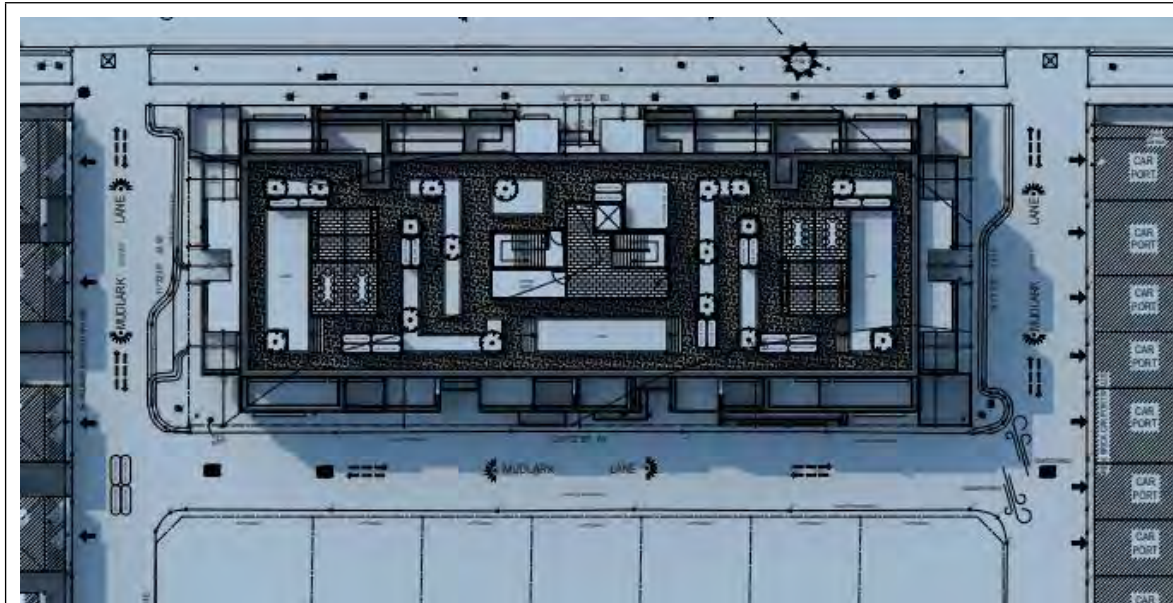
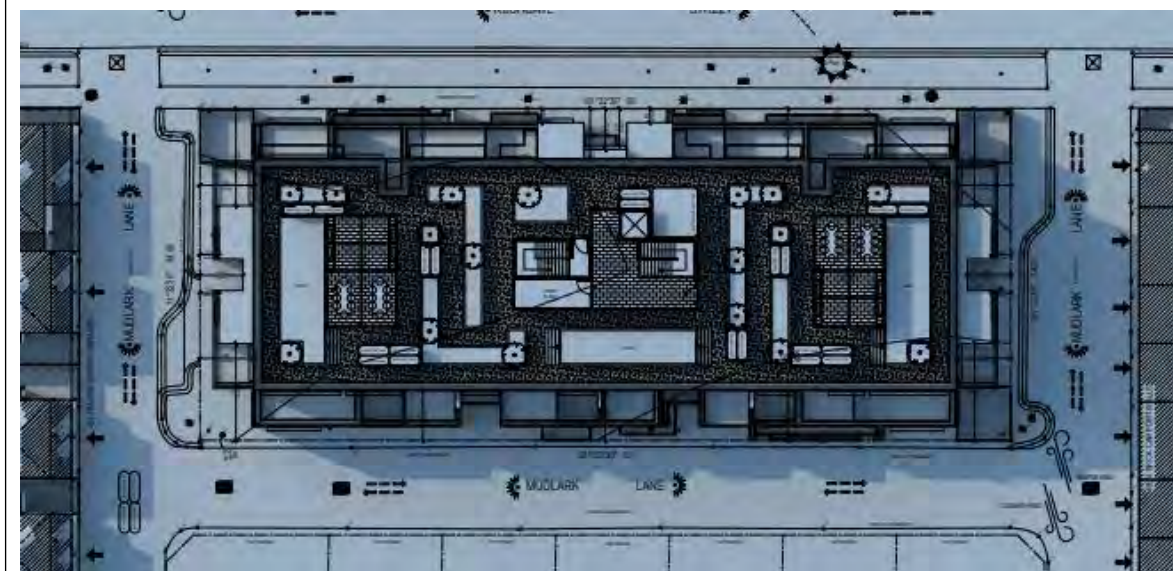




Shadows at 12pm on 22<sup>nd</sup> September



Shadows at 1pm on 22<sup>nd</sup> September

Shadows at 2pm on 22<sup>nd</sup> SeptemberShadows at 3pm on 22<sup>nd</sup> September

### Impacts during construction

A number of objectors raised concerns about impacts of construction (i.e. traffic, car parking, noise).

These are considered reasonable for development to occur and will only last for the period of time that the building is constructed.

However, to address these concerns a Construction Management Plan will be requested via permit condition. Conditions to protect the neighbours from unreasonable amenity impacts can also be included on a permit if issued.

### **Decision Guidelines**

The proposal is consistent with the PPF and LPPF, the purpose of the zone, overlay and relevant provisions. The proposal does not undermine the orderly planning of the area and the siting, design and visual impact of the building is considered appropriate when regard is given

to the context of the site within an activity centre and zone which encourages higher density development at this location.

### Conclusion

The proposed development, comprising a 3-storey, 42 dwelling apartment building has been located within an activity centre and a location which as outlined in the Former Pakenham Comprehensive Development Plan (February 2010), encourages multi-story, high density development.

The site is well located to the Pakenham Activity Centre Zone which provides access to community, health, retail and transport options within walking distance. It provides for an alternative to the single dwelling housing stock in the immediate area, which will in turn increase housing affordability and provide more diversity in an extremely accessible location.

It is therefore recommended that a Notice of Decision to Grant a Permit be issued for Planning Permit Application T200644 for the construction of a multi-storey apartment building at L1420 - 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810 subject to the following conditions:

### Conditions

#### Amended plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the development plans submitted with the application (prepared by Studio Three Design and Drafting, Revision G, dated 19/10/21) but modified to show:

#### Site plans:

- a. An updated site plan to demonstrate that the lots to the south (along Titan Lodge Walk) have now been developed.

#### Elevation plans:

- b. Elevations updated to correctly reference north, south, east and west.
- c. Window awnings referred in the elevation legend shown clearly on elevation plans.
- d. Increased screening along the first-floor level southern balconies to a minimum height of 1.5 metres and to include a 45-degree angle screen at the top of the balustrade.

#### Floor plans:

- e. Show at least 50 percent of the dwellings as being adaptable in accordance with Standard D17.
- f. Amended floor plans to nominate the adaptable bathrooms/ dwellings in accordance with Standard D17.

Basement/ car parking plans:

- g. That the storage lockers can be sufficiently accommodated (either demonstrating a 2.1 metre overhead clearance will be provided, or demonstrating the clearance arrangements implemented to show sufficient clearance will be available above the bonnets and the designation of forward in parking only).
- h. Amended swept path into car parking space 1 and 18 illustrating forward-entry ingress via a 3-point turn (without turn wheels from stop).
- i. Amended swept path from car parking space 1 illustrating egress via a 3-point turn.
- j. Amended swept path out of car parking space 25 illustrating egress via a 3-point turn.

Rooftop plans:

- k. The rooftop communal space further setback from the edge of the building to further prevent overlooking.

Environmentally Sustainable Design:

- l. Any changes required resulting from amendments to the Sustainable Design Assessment (ESD Report) required by Condition 2.
2. Before the development starts, an amended Sustainable Design Assessment (ESD Report) and an associated plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The Report must be generally in accordance with the Plans and Report prepared by Frater, dated 28/06/21 submitted with the application but modified to show:
- a. How many toilets are connected to each tank/group of tanks shown and also indicate which roof areas are connected to which tanks.
  - b. Which landscaping areas are water efficient and will not require irrigation once established.
  - c. The location of food and garden waste facilities on plans, in areas that might produce high volumes of organic waste (eg. gardens).
  - d. The location of recycling facilities at point of disposal (eg. kitchens) and space in waste chute / room.
  - e. Demonstrate how 10 percent of the site area is vegetated.
  - f. An updated response to the BESS DTS approach for daylighting (IEQ 1.1. and 1.2) in the BESS assessment to reflect the design.
  - g. Modelling to demonstrate that at least 70 percent of dwellings receive at least 3 hours of direct sunlight in all Living areas between 9am and 3pm in mid-

winter.

- h. Floorplans with compliant bedrooms marked, or a list of bedrooms that comply.
- i. Complete the use if the inbuilt calculation tools for Energy and Water by entering additional dwelling profiles as required by BESS.

Note: Dwellings can be grouped only if they share similar systems and are thermally similar.

- j. Provide NATHERS certificates generated from NATHERS software that show window and wall dimensions, presence of shading, as well as thermal properties. Certificates for each group of thermally similar dwellings (as defined by BESS) is acceptable.

#### Construction Management Plan:

- 3. Before the development starts, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail how the construction of the building will be managed throughout the process to mitigate offsite amenity impacts to neighbouring dwellings. The plan should outline measures taken to reduce the impacts of:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Inappropriate storage of any works or construction materials.
  - c. Waste disposal.
  - d. Hours of construction activity.
  - e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - f. Presence of vermin.

When approved, the plans will be endorsed and will then form part of the permit.

#### Drainage plans:

- 4. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or owners corporation to maintain to the satisfaction of the Responsible Authority.

#### Consolidation of land:

- 5. Before the development starts, Lots 1420 to 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810 must be consolidated under the *Subdivision Act 1988* as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles.

#### Tree protection:

- 6. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets

and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

General:

7. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. The exterior colour and cladding of the building must be of a non-reflective nature or be either painted or have a pre-painted finish in natural, muted toning to the satisfaction of the Responsible Authority.
10. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) must be implemented for the development to the satisfaction of the Responsible Authority.

Amenity (during construction):

11. The works associated with the construction of the development must be carried out in accordance with the endorsed Construction Management Plans and must not detrimentally affect the amenity of the area, through the:
  - g. Transport of materials, goods or commodities to or from the land.
  - h. Inappropriate storage of any works or construction materials.
  - i. Hours of construction activity.
  - j. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - k. Presence of vermin.
  - l. In any other way.

To the satisfaction of the Responsible Authority.

Amenity:

12. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
13. All visual screening and measures to limit overlooking identified in the endorsed plans must be erected prior to the occupation of the buildings to the satisfaction of the Responsible Authority.
14. The plant and equipment proposed on the balconies and the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development to the satisfaction of the Responsible Authority.

15. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. The development must not detrimentally affect the amenity of the area through the:
  - f. Transport of materials, goods or commodities to or from the land.
  - g. Appearance of any building, works or materials.
  - h. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - i. Presence of vermin; or
  - j. In any other way.

To the satisfaction of the Responsible Authority.

#### Waste Management:

17. Collection of waste from the site must be conducted in accordance with the endorsed Waste Management plan on an ongoing basis.
18. All waste material must be regularly removed from the subject land. All vehicles removing waste must be fully secured and contained to the satisfaction of the Responsible Authority so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
19. All residential waste must be stored within the specified bin storage area as shown on the endorsed plans. Garbage bins are only to be placed on the street for collection on the appropriate waste collection day for the area and must be returned to the specified bin storage area immediately following collection.
20. Prior to occupation of the building, an application to vary the Section 173 Agreement AQ360919 relating to a Waste Management Plan on Lots 1420 - 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810, must be lodged and approved by the Responsible Authority. The varied Agreement must refer to the Waste Management Plan prepared by Frater, dated 28/06/2021, endorsed under this Permit and include acknowledgment of the following:
  - a. There is no Council waste collection service and all waste (including hard rubbish) is to be collected by private arrangement in accordance with the endorsed Waste Management Plan.
  - b. All waste generated by the use of the land must be managed in accordance with the Waste Management Plan for the land as approved by the Responsible Authority.
  - c. All residential waste must be stored within the specified bin storage area as shown on the endorsed plans. Garbage bins that are only to be placed on the street for collection on the appropriate waste collection day for the area and must be returned to the specified bin storage area immediately following collection; and
  - d. The Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant Litter and Amenity charge.

All Agreements are to be prepared at the owner's expense and will be recorded on the folio of the register relating to the site. The owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement, to the satisfaction of the Responsible Authority.

21. Before the development is occupied provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.

Landscaping:

22. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
23. 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.

Earthworks:

24. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
25. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Stormwater Management:

26. 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.
27. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Vehicle crossings and carparking areas:

28. Before the development is occupied:
  - a. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
  - b. The vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority. If the construction of the proposed rural vehicle crossing requires the installation of a drainage culvert to the satisfaction of the Responsible Authority



- c. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
- d. Any redundant existing vehicle crossing or indented car parking must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

Prior to Occupancy:

29. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
- a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
  - b. Power and telephone lines to the building must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land and supplied to each dwelling.
  - c. A bin storage area must be provided for the building and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
  - d. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
  - e. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, the basement entry, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.

Development Contributions:

30. Prior to a building permit being issued under the *Building Act 1993*, a monetary contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

**Expiry:**

31. This permit for the development of land expires if-
- a. the development does not start within two (2) years after the issue of the permit; or
  - b. the development is not completed within four (4) years after the issue of the permit.

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:**

- iv. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- v. This application has been assessed against Clause 58 of the Cardinia Planning Scheme.
- vi. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- ii. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



Clause 58.01 Urban Context Report and Design Response		
An application must be accompanied by:	Clause 58.01-2 Urban Context Report	✓ <b>Satisfactory</b>  Details submitted were consistent with the requirements of the Cardinia Planning Scheme
<ul style="list-style-type: none"> <li>An urban context report.</li> <li>A design response.</li> </ul>	Clause 55.01-2 Design Response	

Clause 58.02 Urban Context		
Standard No. & Objective	Standard	Comments
<p><b>STANDARD D1: URBAN CONTEXT</b></p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<ul style="list-style-type: none"> <li>The design response must be appropriate to the urban context and the site.</li> <li>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal is considered to be compliant with Standard D1 (Urban context objective) as the design response is appropriate for the urban context of the site. It is located near the edge of the Former Pakenham Racecourse land (Ascot Estate) where it adjoins Pakenham Town Centre, an area recently rezoned for more dense residential, commercial and retail development.</p> <p>Additionally, as discussed above, Schedule 2 to the Comprehensive Development Zone also anticipated more dense development within this area, given its close proximity to the services of Pakenham Town Centre. It is considered that three (3) storey apartment style development is considerate of the existing urban context which consists of a range of residential development, from single dwellings and two (2) and three (3) storey townhouse development. It should be noted that these nearby townhouse developments are of a similar size, height and scale as the proposed apartment building (see Attachment 3.11.4).</p> <p>More importantly, the proposal aligns with the preferred urban context of the Comprehensive Development Plan for the Former Pakenham Racecourse, which, as discussed above, supports multi-level, high density residential development within Precinct 1.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



<p><b>STANDARD D2: RESIDENTIAL POLICY</b></p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<ul style="list-style-type: none"> <li>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> </ul>	<p>✓<b>Satisfactory</b></p> <p>The Planning Policy Framework section of Council report demonstrates that the proposal is considered compliant with Standard D2 (Residential policy objectives) in meeting the relevant policy for housing in the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF).</p>
<p><b>STANDARD D3: DWELLING DIVERSITY</b></p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<ul style="list-style-type: none"> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</li> </ul>	<p>✓<b>Satisfactory</b></p> <p>Standard D3 (Dwelling diversity objective) is met as the proposed development provides for a range of dwelling types and sizes as it includes 1, 2- and 3-bedroom apartments. The proposal caters for a large number of 1-bedroom apartments which are currently not as available within Pakenham Town Centre, when compared to 2, and 3-bedroom dwellings. The number of 1-bedroom apartments provided seeks to increase housing affordability.</p>
<p><b>STANDARD D4: INFRASTRUCTURE</b></p> <p>To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<ul style="list-style-type: none"> <li>Development should:</li> <li>Be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</li> <li>Not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</li> </ul>	<p>✓<b>Satisfactory</b></p> <p>The proposal is compliant with Standard D4 (Infrastructure) as the site is capable of being connected to reticulated sewer, electricity, drainage and gas. The proposal has also considered impacts on the nearby road network, and Council's Traffic Engineers are satisfied that the proposal will not cause unreasonable pressures on this network.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



<p><b>STANDARD D5: INTEGRATION WITH THE STREET</b></p> <p>Integrate the layout of development with the street.</p> <p>To support development that activates street frontage.</p>	<ul style="list-style-type: none"> <li>• Development should be oriented to front existing and proposed streets.</li> <li>• Along street frontage, development should:             <ul style="list-style-type: none"> <li>○ Incorporate pedestrian entries, windows, balconies or other active spaces.</li> <li>○ Limit blank walls.</li> <li>○ Limit high front fencing, unless consistent with the existing urban context.</li> <li>○ Provide low and visually permeable front fences, where proposed.</li> <li>○ Conceal car parking and internal waste collection areas from the street.</li> </ul> </li> <li>• Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal is compliant with Standard D5 (Integration with the street objective) as the building is activated on all four sides, with habitable rooms, balcony's and courtyards of all apartments facing the street and laneway, open glazing and a well-articulated façade. The building has no blank walls, no high front fencing and uses a range of colours and materials to add visual interest and brake up visual bulk.</p>
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T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



Clause 58.03 Site Layout		
Standard No. & Objective	Standard	Comments
<p><b>STANDARD D6: ENERGY EFFICIENCY</b></p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p>	<ul style="list-style-type: none"> <li>• Buildings should be:                             <ul style="list-style-type: none"> <li>○ Oriented to make appropriate use of solar energy.</li> <li>○ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> </li> <li>• Living areas and private open space should be located on the north side of the development, if practicable.</li> <li>• Developments should be designed so that solar access to north-facing windows is optimised.</li> <li>• Dwellings located in a climate zone identified in Table D1 should not exceed the maximum</li> <li>• NatHERS annual cooling load specified in Table D1 (Cooling load).</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal is compliant with Standard D6 (Energy efficiency objective) as natural daylight opportunities have been maximised as far as practicable. An Environmental Sustainable Design (ESD) report has been provided and assessment by Council as acceptable, subject to some changes being made via condition.</p> <p>Further, energy efficiency of adjoining properties has not been impacted given the building abuts street.</p>
<p><b>STANDARD D7: COMMUNAL OPEN SPACE</b></p> <p>To provide communal open space that meets the recreation and amenity needs of residents.</p> <p>To ensure that communal open space is accessible, practical, attractive, easily maintained.</p> <p>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</p>	<ul style="list-style-type: none"> <li>• A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</li> <li>• If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.</li> <li>• Each area of communal open space should be:                             <ul style="list-style-type: none"> <li>○ Accessible to all residents.</li> <li>○ A useable size, shape and dimension.</li> <li>○ Capable of efficient management.</li> <li>○ Located to:                                     <ul style="list-style-type: none"> <li>▪ Provide passive surveillance opportunities, where appropriate.</li> <li>▪ Provide outlook for as many dwellings as practicable.</li> <li>▪ Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>▪ Minimise noise impacts to new and existing dwellings.</li> </ul> </li> </ul> </li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>Standard D7 (Communal open space objective) is met as a communal area of more than 102.5sqm (as required for the number of dwellings proposed) is provided at the rooftop of the building. It is accessible via stairs and a lift and is easily maintained by a future Body Corporate.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



	<ul style="list-style-type: none"> <li>Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</li> </ul>	
<p><b>STANDARD D8: SOLAR ACCESS TO COMMUNAL OUTDOOR OPEN SPACE</b></p> <p>To allow solar access into communal outdoor open space.</p>	<ul style="list-style-type: none"> <li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li> <li>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>Standard D8 (Solar access to communal outdoor open space objective) is met as the outdoor space is located at the rooftop and therefore, at least 50 percent of this area will receive at least two (2) hours of sunlight between 9am and 3pm on 21 June.</p>
<p><b>STANDARD D9: SAFETY</b></p> <p>To ensure the layout of development provides for the safety and security of residents and property</p>	<ul style="list-style-type: none"> <li>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</li> <li>Planting which creates unsafe spaces along streets and accessways should be avoided.</li> <li>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>Standard D9 (Safety objective) is met as the layout provides for the safety and security of residents and property by ensuring the entrance to the building and ground level dwellings are not obscured or isolated from the street or laneway, the landscaping proposed does not create unsafe spaces, good lighting has been provided throughout the building and car parking area (see lighting plan) and all private spaces are protected from public thoroughfares.</p>
<p><b>STANDARD D10: LANDSCAPING</b></p> <p>To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.</p> <p>To preserve existing canopy cover and support the provision of new canopy cover.</p> <p>To ensure landscaping is climate responsive, supports biodiversity,</p>	<ul style="list-style-type: none"> <li>Development should retain existing trees and canopy cover.</li> <li>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</li> <li>Development should:                             <ul style="list-style-type: none"> <li>Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.</li> <li>Provide canopy cover through canopy trees that are:                                     <ul style="list-style-type: none"> <li>Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.</li> </ul> </li> </ul> </li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The landscaping proposed meets the objectives of Standard D10 (Landscaping objectives) as plantings include canopy trees and green walls to help reduce visual impact of the building from the street as well as helping to reduce urban heat. The species chosen are climate responsive and introduces native species, helping to improve biodiversity to the residential area. Council's Landscape Officer has reviewed the landscaping plans provided with the application and considers them suitable for endorsement if a permit is issued.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



<p>wellbeing and amenity and reduces urban heat.</p>	<ul style="list-style-type: none"> <li>▪ Consistent with the canopy diameter and height at maturity specified in Table D4.</li> <li>▪ Located in communal outdoor open space or common areas or street frontages.</li> </ul> <ul style="list-style-type: none"> <li>• Comprise smaller trees, shrubs and ground cover, including flowering native species.</li> <li>• Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.</li> <li>• Shade outdoor areas exposed to summer sun through landscaping or shade structures and use</li> <li>• paving and surface materials that lower surface temperatures and reduce heat absorption.</li> <li>• Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.</li> <li>• Protect any predominant landscape features of the area.</li> <li>• Take into account the soil type and drainage patterns of the site.</li> <li>• Provide a safe, attractive and functional environment for residents.</li> <li>• Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting</li> </ul>	
<p><b>STANDARD D11: ACCESS</b></p> <p>To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</p> <p>To ensure the vehicle crossovers are designed and located to minimise visual impact.</p>	<ul style="list-style-type: none"> <li>• Vehicle crossovers should be minimised.</li> <li>• Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</li> <li>• Pedestrian and cyclist access should be clearly delineated from vehicle access.</li> <li>• The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</li> <li>• Developments must provide for access for service, emergency and delivery vehicles.</li> </ul>	<p>✓Satisfactory</p> <p>The access and parking proposed meets the objectives of Standards D11 (Access objective) and D12 (Parking location objective) as one (1) consolidated vehicle access is proposed to a consolidated basement car parking area. The driveway is located off the laneway to increase pedestrian safety. The basement car parking area is convenient and secure for residents and visitors and protects residents from vehicular noise.</p>
<p><b>STANDARD D12: PARKING LOCATION</b></p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<ul style="list-style-type: none"> <li>• Car parking facilities should:             <ul style="list-style-type: none"> <li>○ Be reasonably close and convenient to dwellings.</li> <li>○ Be secure.</li> <li>○ Be well ventilated if enclosed.</li> </ul> </li> <li>• Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence</li> </ul>	



T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



<p><b>STANDARD D13: INTEGRATED WATER AND STORMWATER MANAGEMENT</b></p> <p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p> <p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p> <ul style="list-style-type: none"> <li>• Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</li> <li>• Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</li> <li>• The stormwater management system should be:             <ul style="list-style-type: none"> <li>○ Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> <li>○ Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul> </li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>Standard D13 (Integrated water and stormwater management objectives) is met as the proposal incorporates rainwater tanks which can be used for toilet flushing and irrigation. Council's Engineers are satisfied with the development and have requested a stormwater management plan be submitted via condition, should a permit be issued.</p>
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T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



Clause 58.04 Amenity Impacts		
Standard No. & Objective	Standard	Comments
<p><b>STANDARD D14: BUILDING SETBACKS</b></p> <p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	<ul style="list-style-type: none"> <li>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</li> <li>Buildings should be set back from side and rear boundaries, and other buildings within the site to:                             <ul style="list-style-type: none"> <li>Ensure adequate daylight into new habitable room windows.</li> <li>Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</li> <li>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul> </li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal meets Standard D14 (Building setbacks objective) as the building is separated from development on all sides by Rushgate Street and Mudlark Lane. This allows the building to be make full use of the site and not cause any detriment to neighbouring properties.</p>
<p><b>STANDARD D15: INTERNAL VIEWS</b></p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p>	<ul style="list-style-type: none"> <li>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposed development meets Standard D15 (Internal views objective) as each balcony and courtyard is screened to prevent overlooking into neighbouring apartments.</p>
<p><b>STANDARD D16: NOISE IMPACTS</b></p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external and internal noise sources.</p>	<ul style="list-style-type: none"> <li>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</li> <li>The layout of new dwellings and buildings should minimise noise transmission within the site.</li> <li>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>Standard D16 (Noise impacts objective) is met as mechanical services are located within the basement and screened on the roof and should not unreasonably impact nearby dwellings. The development is located over 80 metres from the nearest track on the Pakenham Railway Line (at approximately 93 metres distance) which also satisfies the Standard.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



	<ul style="list-style-type: none"> <li>• New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</li> <li>• Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:             <ul style="list-style-type: none"> <li>○ Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>○ Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li> </ul> </li> <li>• Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</li> <li>• Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</li> </ul>	
<p><b>STANDARD D32: WIND IMPACTS</b></p> <p>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</p>	<ul style="list-style-type: none"> <li>• Development of five or more storeys, excluding a basement should:             <ul style="list-style-type: none"> <li>○ not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and</li> <li>○ achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land</li> </ul> </li> <li>• within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.</li> <li>• Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.</li> <li>• Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.</li> </ul>	<p><b>Not applicable</b></p> <p>Standard D32 (Wind impacts objective) is not relevant to this application as the development is less than five (5) storey.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



Clause 58.05 On Site Amenity and Facilities		
Standard No. & Objective	Standard	Comments
<p><b>STANDARD D17: ACCESSIBILITY</b></p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p>	<ul style="list-style-type: none"> <li>• At least 50 per cent of dwellings should have:                             <ul style="list-style-type: none"> <li>○ A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>○ A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> <li>○ A main bedroom with access to an adaptable bathroom.</li> <li>○ At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</li> </ul> </li> </ul>	<p>✓ <b>Variation not supported (amended plans to be required)</b></p> <p>23 out of the 42 dwellings (54 percent) are shown on the plans to comply with parts of Standard D17, but not all requirements.</p> <p>They show compliance with the following objectives of the standard:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling.</li> <li>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> </ul> <p>They do not show compliance with the following requirements:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the main bedroom</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</li> </ul> <p>However, with some minor alterations, these floor plans will be able to comply with the requirements by increasing the entrances to the main bedrooms from 820mm to 850mm and by making minor layout changes to the bathrooms to comply with the Design A and/ or B requirements in Table D7 (i.e. by moving the toilet to the basin location and visa versa).</p> <p>Changes to ensure compliance with Standard D17 will be requested via Condition if a permit is issued.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



<p><b>STANDARD D18: BUILDING ENTRY AND CIRCULATION</b></p> <p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>	<ul style="list-style-type: none"> <li>• Entries to dwellings and buildings should:             <ul style="list-style-type: none"> <li>○ Be visible and easily identifiable.</li> <li>○ Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> </li> <li>• The layout and design of buildings should:             <ul style="list-style-type: none"> <li>○ Clearly distinguish entrances to residential and non-residential areas.</li> <li>○ Provide windows to building entrances and lift areas.</li> <li>○ Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>○ Provide common areas and corridors that:                 <ul style="list-style-type: none"> <li>▪ Include at least one source of natural light and natural ventilation.</li> <li>▪ Avoid obstruction from building services.</li> <li>▪ Maintain clear sight lines.</li> </ul> </li> </ul> </li> </ul>	<p>✓Satisfactory</p> <p>The proposal meets Standard D18 (Building entry and circulation objectives) as each dwelling at street level has its own sense of address and access to the surrounding streets. The main entrance to the building is also easily identifiable, with the stairs and lift available and easily identifiable within the lobby.</p>
<p><b>STANDARD D19: PRIVATE OPEN SPACE</b></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents</p>	<ul style="list-style-type: none"> <li>• A dwelling should have private open space consisting of at least one of the following:             <ul style="list-style-type: none"> <li>○ An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.</li> <li>○ A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.</li> <li>○ An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.</li> <li>○ An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.</li> </ul> </li> <li>• If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.</li> <li>• If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.</li> </ul>	<p>✓Satisfactory</p> <p>Each dwelling is provided private open space in the form of a balcony, complying with Standard D19 (Private open space objective).</p> <p>Each balcony is provided in accordance with at least the area and dimensions specified in Table D8 and convenient access from a living room. All 1-bedroom dwellings are provided with balcony's that are at least 1.8 metres in width (the smallest being 2.16 metres) and at least 8sqm in area.</p> <p>All 2-bedroom dwellings are provided with balconies that are at least 2 metres in width (the smallest being 2.1) and at least 8sqm in area.</p> <p>Each 3-bedroom dwelling is provided with a balcony that is at least 2.4 metres in width (the smallest being 2.5 metres) and at least 12sqm in area.</p> <p>All balconies are accessible from the living area of each dwelling.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



<p><b>STANDARD D20: STORAGE</b></p> <p>To provide adequate storage facilities for each dwelling.</p>	<ul style="list-style-type: none"> <li>• Each dwelling should have convenient access to usable and secure storage space.</li> <li>• The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>Standard D20 (Storage objective) each apartment is provided with storage within the kitchen (kitchen cabinets), a European laundry (cabinets), bathroom (cabinet) and wardrobe storage in accordance with Table D10 (Storage).</p> <p>According to the area analysis provided, each 1-bedroom dwelling has been provided between 8.2 and 13.2 cubic metres of storage inside each dwelling as well as 2.97 cubic metres of storage within the basement garage (storage cages).</p> <p>Each 2-bedroom dwelling has been provided between 13.43 and 14.2 cubic metres of storage within each dwelling as well as 2.97 cubic metres of storage within the basement garage (storage cages).</p> <p>Each 3-bedroom dwelling has been provided between 13.2 and 16.98 cubic metres of storage within the dwelling, as well as 5.94 cubic metres of storage within the basement garage (storage cages).</p>
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T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



Clause 58.06 Detailed Design		
Standard No. & Objective	Standard	Comments
<p><b>STANDARD D21: COMMON PROPERTY</b></p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<ul style="list-style-type: none"> <li>• Developments should clearly delineate public, communal and private areas.</li> <li>• Common property, where provided, should be functional and capable of efficient management</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal meets Standard D21 (Common Property objective) as communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. These areas are clearly delineated from public, communal and private access.</p>
<p><b>STANDARD D22: SITE SERVICES</b></p> <p>To ensure that site services are accessible and can be installed and maintained.</p> <p>To ensure that site services and facilities are visually integrated into the building design or landscape..</p>	<ul style="list-style-type: none"> <li>• Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</li> <li>• Meters and utility services should be designed as an integrated component of the building or landscape.</li> <li>• Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal meets Standard D22 (Site services objective) as all services have been visually integrated into the design. Mailboxes are proposed at ground floor in the airlock of the entrance way, for convenient access to Australia Post and courier services. Utility services are proposed within the plant room in the basement or at ground floor and throughout the building's common areas for convenient access to maintenance people and service providers.</p>
<p><b>STANDARD D23: WASTE AND RECYCLING</b></p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>	<ul style="list-style-type: none"> <li>• Developments should include dedicated areas for:                             <ul style="list-style-type: none"> <li>• Waste and recycling enclosures which are:                                     <ul style="list-style-type: none"> <li>• Adequate in size, durable, waterproof and blend in with the development.</li> <li>• Adequately ventilated.</li> <li>• Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> <li>• Adequate facilities for bin washing. These areas should be adequately ventilated.</li> <li>• Collection, separation and storage of waste and recyclables, including where appropriate.</li> <li>• Opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</li> </ul> </li> </ul>	<p>✓ <b>Satisfactory, with conditions</b></p> <p>Standard D23 (Waste and recycling objectives) are met as dedicated waste areas are provided which encourage recycling. Bin areas are located away from dwellings and are well designed to allow for waste collection and ventilation. A Waste Management Plan has been prepared and assessed by Council's Waste Department as satisfactory, subject to conditions.</p>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



	<ul style="list-style-type: none"> <li>• Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>• Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>• Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> <li>• Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:             <ul style="list-style-type: none"> <li>• Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).</li> </ul> </li> <li>• Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul>	
<p><b>STANDARD D24: EXTERNAL WALLS AND MATERIALS</b></p> <p>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</p> <p>To ensure external walls endure and retain their attractiveness.</p>	<ul style="list-style-type: none"> <li>• External walls should be finished with materials that:             <ul style="list-style-type: none"> <li>○ Do not easily deteriorate or stain.</li> <li>○ Weather well over time.</li> <li>○ Are resilient to the wear and tear from their intended use.</li> </ul> </li> <li>• External wall design should facilitate safe and convenient access for maintenance</li> </ul>	<p>✓Satisfactory</p> <p>Standard D24 (External walls and materials objective) is met as the development incorporates building colours and materials which are durable and consistent with the surrounding area.</p>



T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



Clause 58.07 Internal Amenity		
Standard No. & Objective	Standard	Comments
<p><b>STANDARD D25: FUNCTIONAL LAYOUT</b></p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p>	<ul style="list-style-type: none"> <li>• Bedrooms should:                             <ul style="list-style-type: none"> <li>○ Meet the minimum internal room dimensions and area specified in Table D11.</li> <li>○ Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe.</li> </ul> </li> <li>• Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal complies with Standard D25 (Functional layout objective) as bedrooms meet the dimensions specified in Table D11 (Bedroom dimensions) as each main bedroom has a minimum width of 3 metres, a minimum depth of 3.4 metres and a minimum area of 10.2sqm and all other bedrooms are at least 3 metres in width, 3 metres in depth and a minimum area of 9sqm.</p> <p>Each living area also complies with the Standard as each living area complies with the dimensions in Table D12 (Living area dimensions). Each 1-bedroom dwelling has a living area that measures at least 3.3 metres in width and a minimum of 10sqm in area. Each 2 and 3-bedroom dwelling has a minimum width of 3.6 metres and a minimum of 12sqm in area.</p>
<p><b>STANDARD D26: ROOM DEPTH</b></p> <p>To allow adequate daylight into single aspect habitable rooms.</p>	<ul style="list-style-type: none"> <li>• Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</li> <li>• The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:                             <ul style="list-style-type: none"> <li>○ The room combines the living area, dining area and kitchen.</li> <li>○ The kitchen is located furthest from the window.</li> <li>○ The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> </li> <li>• The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</li> </ul>	<p>✓ <b>Satisfactory</b></p> <p>The proposal complies with Standard D26 (Room depth objective). 2.5 times the ceiling height of the proposed dwellings equates to 6.75 metres, some of which are deeper. The dwellings with the deepest rooms in this development have a depth of 6.865 metres, which is marginally deeper than the standard allows.</p> <p>However, in accordance with the standard, the room depth can be increased to 9 metres if:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul>

T200644 PA – Clause 58 Assessment – 4-22 Rushgate Street, Pakenham



		<p>The proposed dwellings have been designed in accordance with the above, and therefore, the Standard is satisfied.</p>
<p><b>STANDARD D27: WINDOWS</b> To allow adequate daylight into new habitable room windows.</p>	<ul style="list-style-type: none"> <li>• Habitable rooms should have a window in an external wall of the building.</li> <li>• A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</li> <li>• The secondary area should be:             <ul style="list-style-type: none"> <li>○ A minimum width of 1.2 metres.</li> <li>○ A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul> </li> </ul>	<p>✓ <b>Satisfactory</b> Standard D27 (Windows objective) is met as all habitable room windows have a window in an external wall.</p>
<p><b>STANDARD D28: NATURAL VENTILATION</b> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings.</p>	<ul style="list-style-type: none"> <li>• The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</li> <li>• At least 40 per cent of dwellings should provide effective cross ventilation that has:             <ul style="list-style-type: none"> <li>○ A maximum breeze path through the dwelling of 18 metres.</li> <li>○ A minimum breeze path through the dwelling of 5 metres.</li> <li>○ Ventilation openings with approximately the same area.</li> </ul> </li> <li>• The breeze path is measured between the ventilation openings on different orientations of the dwelling.</li> </ul>	<p>✓ <b>Satisfactory</b> Standard D28 (Natural ventilation objective) is met as the design has maximised the opportunity for openable windows and doors. A diagram has been provided to demonstrate that the proposal provides adequate natural ventilation throughout the building.</p>