

Town Planning Committee Meeting

Minutes

Monday 4 April 2022

Commenced at 7:00 PM

Council Chambers
20 Siding Avenue, Officer
Victoria

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

Officers:

Peter Benazic General Manager Infrastructure and
Environment
Doug Evans Manager Governance

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1 Opening And Prayer

Meeting opened at 7:01pm.

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

2 Acknowledgements

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

3 Apologies

Cr Davies was an apology for this evening's meeting.

4 Declaration Of Interests

Nil.

5 Ordinary Business

5.1 T210185 PA - Construction of Additional Shops, Alterations & Partial Demolition to Heritage Buildings, Construction of a Dwelling, Reduction in Car Parking & Alteration of Access to a Road Zone Category 1 at 41-43 Nar Nar Goon-Longwarry Rd, Gafield

Responsible GM: Lili Rosic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Notice of Decision to Grant a Planning Permit for the Construction of two (2) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Transport Zone 2, subject to the following conditions:

1. Before the development starts, 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 amended development plans prepared by Studio Three Design & Drafting, Rev. J ('Response to Objections'), dated 18/02/22 submitted with the application but modified to show:
2. Modifications to Dwelling:
 - a. The eastern and southern elevations of the dwelling amended to prevent overlooking in accordance with Standard A15 of Clause 54.04-6.
 - b. Stairway access to be altered to not encroach on the car parking area or vehicle clearances as per Diagram 1 of Clause 52.06 shown to demonstrate the clearances have been met.

Hours of operation:

- c. Deletion of the references to operating hours of the shops.

Colours and materials:

- d. The reference codes for the proposed colours and materials schedule shown annotated on the elevation plans for each proposed building.
- e. The type and colour of bricks for Proposed Shop 3 must be amended and be shown to be the same (or as similar as possible) to those on the existing Shop 1 (Bakery and Residence) on the corner of Nar Nar Goon-Longwarry Rd and Ritchie Street.
- f. The expanse of the car parking area broken up with the use of different materials, brick borders and other methods to complement the heritage bakehouse building.

Vegetation:

- g. Tree 10 labelled as 'Tree 10' on the site plan.
- h. Tree 8 retained within the front setback of Proposed Shop 3 on the site plan.
- i. Trees 5 and 6 retained within the landscaped strip between the bakehouse and car parking area (if possible) on the site plan.

Car parking and Traffic Management:

- j. Amended swept paths to demonstrate:
 - i. 300mm clearances surrounding the vehicle body to demonstrate sufficient access by a B85 vehicle to each of the proposed car parking spaces, without requiring a corrective manoeuvre and while accommodating vehicles to both enter and exit the site in a forward direction.
 - ii. Sufficient access to allow two (2) opposing B85 vehicles to pass one another within the car parking area.
 - iii. Sufficient access to allow a B85 vehicle to enter the site / car parking area, undertake a 3-point turn within the aisle and exit the site in a forward direction, in the case that all car parking spaces are occupied.
- k. Access aisle and carparking spaces sealed and line marked.
- l. Wheel stops or similar devices provided to ensure vehicles do not encroach onto internal footpaths.
- m. Location of the following pedestrian and vehicle safety signage to alert drivers to the presence of pedestrians and other entering/ exiting vehicles.
- n. A convex mirror located on the western end of the accessway/car parking area capable of improving sightlines.
- o. Installation of a speed hump to reduce vehicle speeds when exiting from the driveway near Ritchie Street. The type and location of the speed hump must be to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- p. The bus stops on Ritchie Street adjacent to the site shown as 'to be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required)'.

Landscaping Plan:

- q. A Landscaping Plan in accordance with Condition 2.

Waste Management Plan:

- r. A Waste Management Plan in accordance with Condition 3.

Department of Transport:

- s. Amendments in accordance with Department of Transport Conditions 29.
3. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the plans provided to show:
 4.
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b. Buildings and trees (including botanical names) on neighbouring properties including their Tree Protection Zones within three metres of the boundary in accordance with Arborist Report prepared by TreeDesigns dated 25 September 2020.
 - c. Details of surface finishes of pathways and driveways in accordance with the requirements of Condition 1(e).
 - d. Details of boundary fencing.
 - e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f. Landscaping and planting within all open areas of the subject land, including the car parking areas and along internal pathways.
 - g. The retention of Trees 5, 6, 8 and 10 in accordance with Conditions 1(f) to (h).
 - h. Canopy trees capable of reaching a minimum of 8m mature height (minimum two metres tall when planted) in the following areas:
 - i. Within the front setback of Ex. Shop 2; and
 - ii. The landscaped area between the car parking area and Ex. Shop 2.
 - iii.
 - i. Vegetation provided between driveways or directly adjacent to the access to be a maximum of 150mm in height.
 - j. All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

Waste Management Plan

5. A Waste Management Plan to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
 - a. A scaled bin presentation, including areas for hard rubbish collection.
 - b. The manner in which waste will be stored and collected including the type, size and number of containers.

- c. Provision for on-site storage.
 - d. Details of how waste collection is to be performed (Council or private).
 - e. The size of the collection vehicle and the frequency, time and point of collection.
6. 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 body corporate to maintain to the satisfaction of the Responsible Authority.

Prior to commencement:

7. Before the development starts, Lots 1 and 2 on PS545840 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 Fencing:

8. Before works start, a fence must be erected around any tree shown for retention in the locations shown on the endorsed plan (including street trees). This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 9.
 - a. vehicular access.
 - b. trenching or soil excavation.
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained vegetation.

Street Tree Removal:

10. Before the development starts a fee of \$375.00 per tree, as amended from time to time, must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development. Replacement will be undertaken by Council contractors within the streetscape in the next planting season.

Demolition:

11. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
12. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

General:

13. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
14. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
15. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.
16. 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:

17. 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.
18. 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:

19. 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.
20. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Amenity:

21. The development permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
22. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
23. The amenity of the area must not be detrimentally affected by the use through:
 - a. The transport of materials, goods or commodities to or from the land;
 - b. The appearance of any buildings, works or materials;
 - c. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
 - d. The presence of vermin, or;
 - e. In any other way.

To the satisfaction of the Responsible Authority.

24. Except with the written consent of the Responsible Authority, deliveries to and from the subject land (including commercial waste collection) may only take place between:
 - a. 7.00am and 6.00pm Monday to Friday; and
 - b. 9.00am and 5.00pm Saturday.
25. All residential and commercial waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
26. 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.
27. 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.
28. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017*.
29. All plant and equipment must be located and/or screened so that is it not visible from any public road or residential property.
30. The storage of goods and waste materials must not take place outside the buildings other than a waste storage area adequately screened to the satisfaction of the Responsible Authority.
31. Car parking as shown on the endorsed plans must maintained for this purpose at all times.
32. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Prior to Occupancy:

33. 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 measures in accordance with the endorsed plans designed to limit overlooking must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - b. Any new fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - c. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - d. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with in accordance with the endorsed plans.

They must be constructed with concrete, asphalt or other approved 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.

- e. A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- f. Any redundant existing vehicle crossing 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 and the Department of Transport in accordance with Condition 30.
- g. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- h. Power and telephone lines to the Dwelling must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
- i. A bin storage area must be provided for the Shops and Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- j. A mail box must be provided to the Dwelling to the satisfaction of the Responsible Authority and Australia Post.
- k. A clothesline must be provided for the Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- l. Lighting must be provided near the front entrance of the Dwelling to the satisfaction of the Responsible Authority.
- m. Traffic signage, traffic control devices (speed hump), the convex mirror, wheel stops, and line marking must be installed in accordance with the approved plans to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- n. The bus stops on Ritchie Street must be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).

Department of Transport (DoT):

- 34. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Responsible Authority. When approved, the amended plans must be and will form part of the permit. The plans must be generally in accordance with the submitted plans but amended to show the all disused or redundant vehicle crossings on Nar Nar Goon-Longwarry Road to be removed, and the area reinstated.
- 35. Prior to the occupation of the buildings or works hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to the

satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.

Expiry:

36. 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.
- iii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iv.
- v. Advice should be sought from an Access Consultant prior to the commencement of works to ensure that the internal layout is designed to be Disability Discrimination Act (DDA) compliant.
- vi.
- vii. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

Drainage notes:

- viii. 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.

Department of Transport (DoT) Notes:

- ix. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

Attachments

1. T 210185 PA - Locality map [5.1.1 - 1 page]
2. T 210185 PA - Revised plans [5.1.2 - 9 pages]
3. T 210185 PA - Supporting documents [5.1.3 - 67 pages]
4. CONFIDENTIAL - T 210185 PA - Copy of all objections [5.1.4 - 593 pages]

Executive Summary

APPLICATION NO.:	T210185
APPLICANT:	Studio Three Design Pty. Ltd.
LAND:	L1 & L2 PS545840, 41-43 Nar Nar Goon-Longwarry Road, Garfield VIC 3814
PROPOSAL:	Construction of two (2) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Transport Zone 2
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> • Commercial 1 Zone • Land adjacent to a Road in a Transport Zone 2 <p>Overlays:</p> <ul style="list-style-type: none"> • Heritage Overlay – Schedule 86 (J. & M. E. Lowndes Bakery & Residence)
NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised by placing signs on site and sending letters to adjoining/nearby property owners.</p> <p>Over 300 objections were received.</p>
KEY PLANNING CONSIDERATIONS:	<p>Commercial development Heritage Car parking Traffic Amenity Streetscape character</p>
RECOMMENDATION:	That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions within this report.

Background

The application as described above is proposed at the site known as J. & M. E. Lowndes Bakery & Residence in Garfield. The bakery building and residence were constructed circa

1925. It is located at 41-43 Nar Nar Goon-Longwarry Road and is covered by Heritage Overlay – Schedule 86.

The site is located on the eastern edge of the Garfield Commercial precinct within the town centre. The area generally consists of small shops, restaurants/ pub and cafes, most of which are covered by Heritage Overlay – Schedule 85 (Garfield Commercial Precinct).

According to Cardinia Shire’s heritage citation (Cardinia Shire (North) Heritage Study Heritage Places, 1996), the site is individually significant:

...as an example of an early shop in one of the Shire’s township service centres. It is a significant component in the Garfield’s commercial precinct and is associated with the area’s 1920s boom period. The building is significant, also, as a rare example of an early unaltered bakery and residence, and an important commercial building in a small country town.

The buildings are described as a brick parapeted shop with a timber post verandah attached to the corner of a gabled Bungalow style red brick residence. At the time the citation was written in 1996, the buildings were described as:

... externally near original except for the probable removal of the house front fence.

They are described as major elements in the Garfield commercial streetscape which dates predominantly from their era.

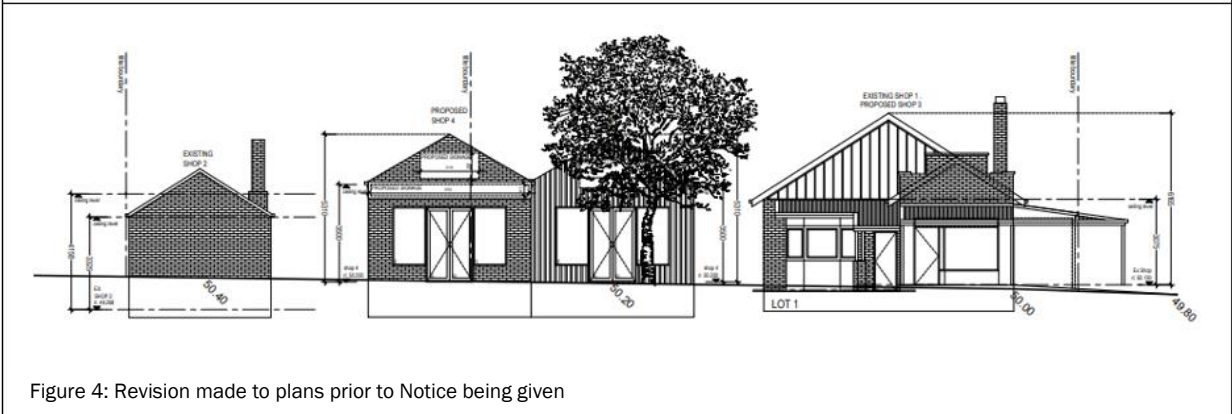
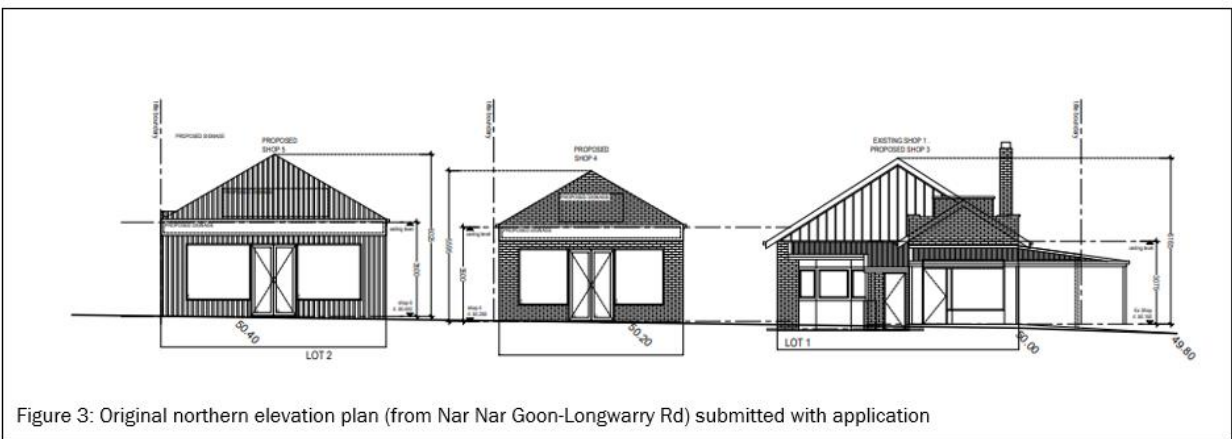
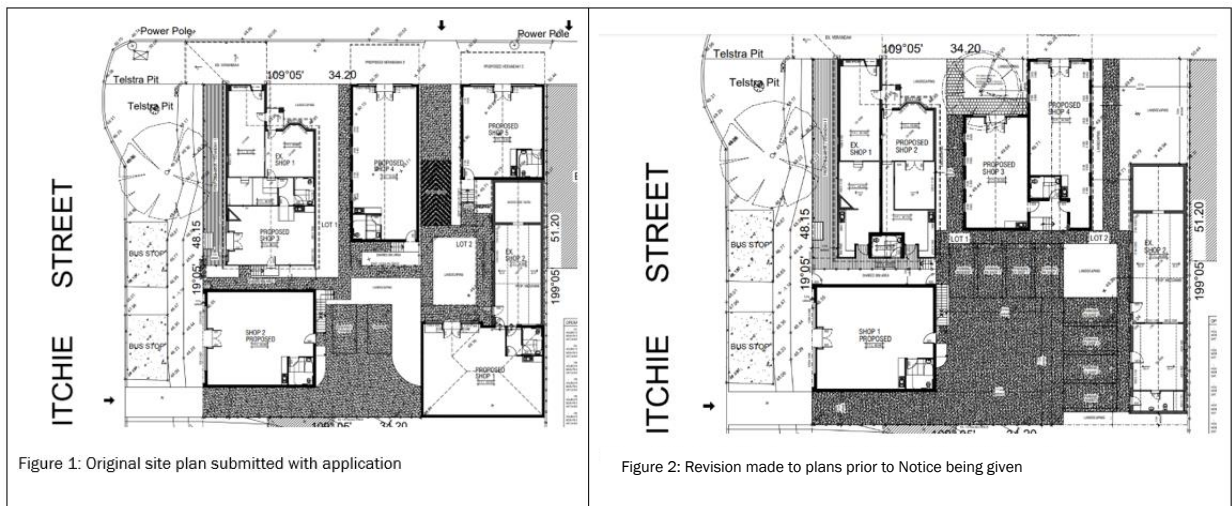
The application originally sought permission for four (4) additional buildings (shops), extensive demolition of the rear of the bakehouse building (located on Lot 2, 41 Nar Nar Goon-Longwarry Road), construction of a dwelling, a reduction in carparking (through the provision of two (2) on-site car parking spaces) and alteration of access to a Road Zone Category 1 (now known as a Transport Zone 2).

The original plans also sought the removal of a number of established trees and other vegetation from the site and blocked view of the bakehouse building from Nar Nar Goon-Longwarry Road.

The application was amended under Section 50A of the *Planning and Environment Act 1987*, prior to notice of the application being given.

The amendments to the plans (prior to Notice) included:

- A reduction in the number of additional buildings (shops) to be constructed from four (4) to three (3);
- Retention of the rear of the bakehouse building;
- Rearrangement of the buildings proposed to not encroach on the bakehouse building;
- The removal of a loading bay proposed to access Nar Nar Goon-Longwarry Road;
- Retention of more vegetation; and
- A lesser reduction in car parking through the provision of eight (8) on-site car parking spaces



What is now proposed

Following notice of the application being given, a number of objections from the community were received. In response to these objections and Council Officer concerns, the applicant has made further amendments to the plans to address the following concerns:

- Heritage significance of the site and the buildings;
- Traffic and safety;
- Car parking and access;
- Existing businesses occupying the site;
- Overdevelopment of the site;
- Open character of the site; and
- Streetscape character.

The amendments to the plans (after Notice) to deal with objector concerns include:

- A reduction in the number of additional buildings (shops) to be constructed from three (3) to two (2);
- Retention of the existing verandah to the bakehouse building;
- Proposed Shop 3 to be setback from the northern boundary to provide more visual connect to the bakehouse building and more landscaping within the front setback;
- Rearrangement of the car parking proposed to not encroach on the bakehouse building and provide more landscaping;
- Retention of more vegetation; and
- Rearrangement of the car parking spaces.

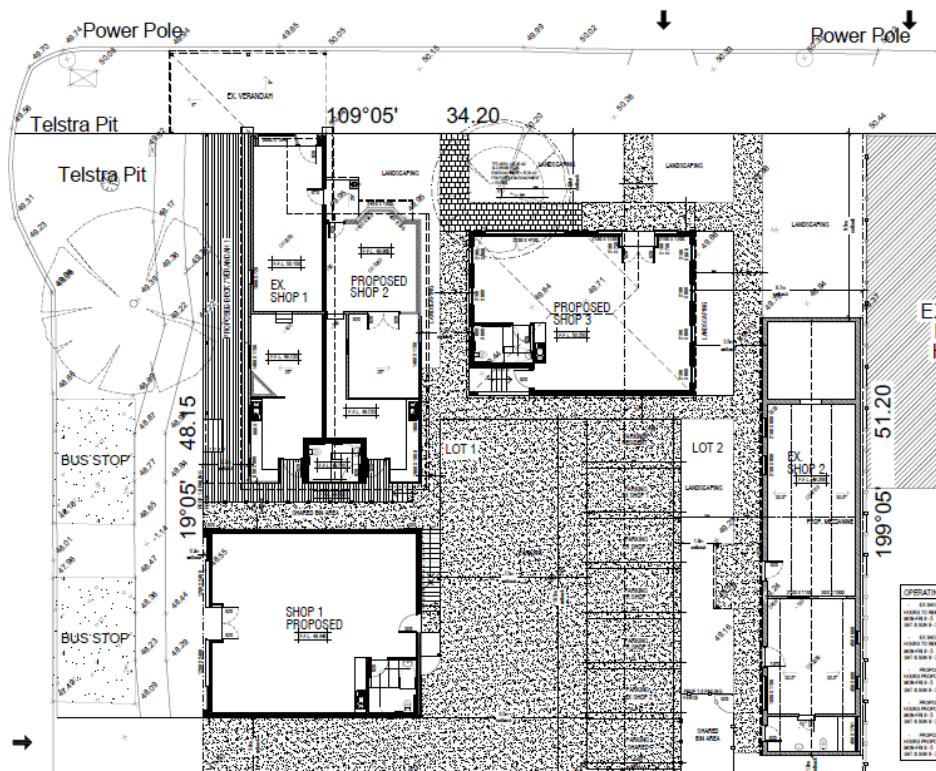


Figure 5: Revision made to site plans after Notice being given in response to objector concerns

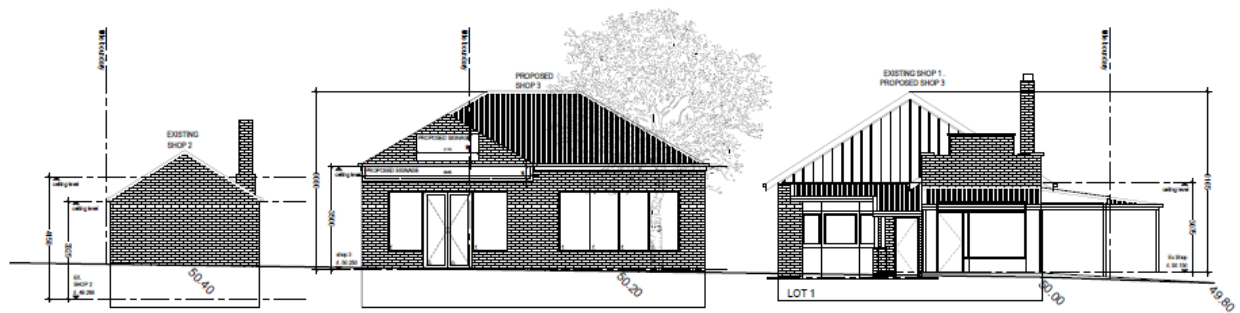


Figure 6: Revision made to northern elevation plans prior to Notice being given

These latest plans seek to improve visual connection with the woodfire bakery, improve the open areas and provide more landscaping and retention of existing vegetation and provide for more space between the woodfire bakery and the car parking area.

This latest Revision of the plans showing two (2) additional Shops, a dwelling, partial demolition to the rear of Existing Shop 2 (Residence), a reduction in car parking and alteration of access to a Road in a Transport Zone 2 are what are to be considered.

Permit/ Site History

The planning history of the site includes:

- Planning Permit T130297 which was applied for the Use of the land for the sale and consumption of liquor (General Licence) in association with both a shop and a restaurant, buildings and works in a Heritage Overlay and a reduction in car parking was lapsed on 12 December 2013.
- Planning Permit T130763 which was issued for the use of the land for the sale and consumption of liquor (general licence) in association with both a shop and a restaurant, buildings and works in a Heritage overlay, a reduction in parking and signage on 15 January 2015.
 - An extension of time was granted for this permit on 25 October 2017. This approval granted an extension to the time for commencement of the use and development until 15 January 2019 and for the completion by 15 January 2021.
 -
 - A further extension of time to this permit was refused on 24 December 2020 as the request to extend the permit was made outside of the prescribed timeframes pursuant to Section 69(1) of the *Planning and Environment Act, 1987*.
 -
- Planning Permit application T200222 which was applied for buildings and works for five (5) additional buildings (shops), alterations and additions to a Heritage building, development of the land for a dwelling, a reduction in car parking and associated works was lapsed on 12 January 2021.
- - The applicants reapplied (current application) for permission for these buildings and works in March 2021.
 -

- Planning Scheme Amendment C249 which was gazetted on 18 February 2021 sought to correct a number of minor zoning and overlay anomalies within the Cardinia Planning Scheme. One of these corrections included a 'fix-up' amendment to H086.
- - The anomaly corrected in this amendment was the inclusion of number 43 Nar Nar Goon-Longwarry Road, which was previously omitted from the Schedule to the Heritage Overlay, to ensure that the Schedule to the Overlay was consistent with the Heritage Citation for the J. & M. E. Lowndes Bakery & Residence site.



Subject Site

The site is located on the south-western side of Nar Nar Goon-Longwarry Road. Garfield. It is located on the corner with Ritchie Street.

Two (2) crossovers are located on Nar Nar Goon-Longwarry Road.

The site currently consists of two (2) allotments known as 41-43 Nar Nar Goon-Longwarry Road. 41 Nar Nar Goon-Longwarry Road contains a red brick bakehouse and 43 Nar Nar Goon-Longwarry Road contains the bakery building and attached residence.

The topography of the land slopes slightly from north to south.

There are no title restrictions affecting the subject site.

The site is not subject to Aboriginal Cultural Sensitivity.

The main characteristics of the surrounding area are:

- North: Directly north of the site Nar Nar Goon-Longwarry Road. Across the road is the Melbourne-Bairnsdale Railway Line. Beyond this is a large area of residential development north of the railway line.

- South: Directly south of the site are two (2) units located at 3 and 5 Ritchie Street. Further south are more residential properties, Garfield Recreation Reserve and open farmland.
- East: Directly east of the site is 39 Nar Nar Goon-Longwarry Road which is a large commercial parcel containing an old garage covered by Heritage Overlay 85 (Garfield Commercial Precinct Heritage Overlay). Further east are other properties located in the Commercial 1 Zone, along with residential properties.
- West: Directly west of the site is Ritchie Street. Across Ritchie Street is the Garfield Theatre. Further west is the main commercial strip of the township.



Relevance to Council Plan

4.1 We support our productive land and employment land to grow local industries

4.1.2 Plan for sustainable employment precincts to entice new industries to the region and support new business.

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

5.1 We practise responsible leadership

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

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Proposal

Approval is sought for the following:

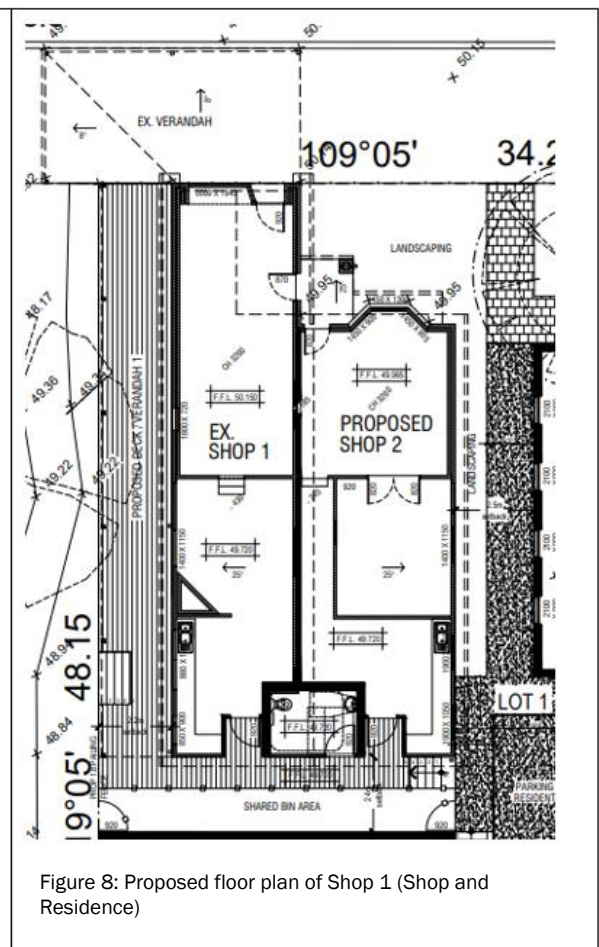
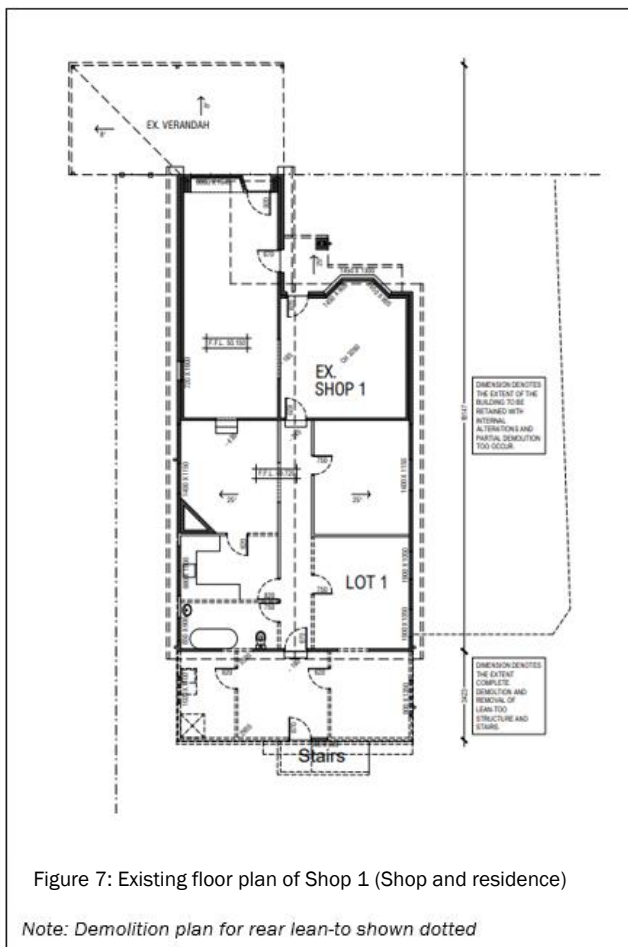
- Additions and partial demolition to the existing residence (rear lean-to) in a Heritage Overlay;
- Construction of additional buildings (shops);
- Construction of a dwelling;
- A reduction in car parking; and
- Alteration of access to a Road in a Transport Zone 2.

It is noted that there are no vegetation or tree controls affecting the site (including under the Heritage Overlay), therefore a Planning Permit is not required to remove vegetation. However, given the Heritage significance of the site, established plantings have been shown to be retained where practicable.

Additions and partial demolition to the existing bakery and residence in a Heritage Overlay:

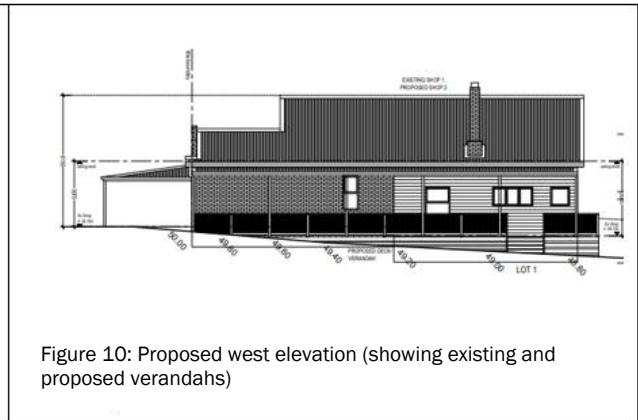
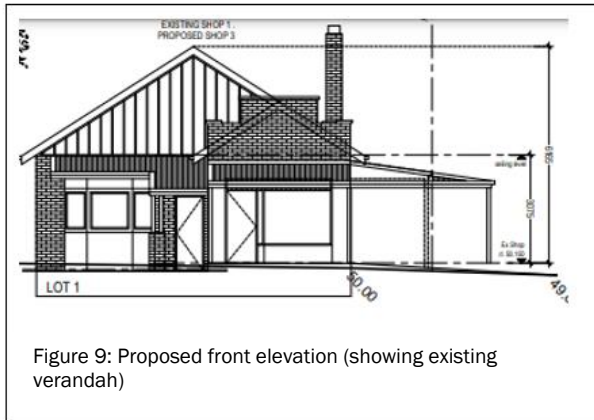
The proposed alteration works include mainly internal works within the residence and shop building on the corner of Nar Nar Goon-Longwarry Road and Ritchie Street. These works are intended to construct a wall down the centre of the building to create two (2) separate tenancies. The existing windows and entrance doors are not proposed to be altered.

In addition to these internal alterations, the proposal also seeks permission for the partial demolition of a lean-to and stairs which appears to be a later addition to the rear of the building (see Figure 7).



As part of the works proposed for this building, permission is also sought for the construction of a deck and verandah along the western side of the building where it adjoins Ritchie Street (see Figure 8).

The front verandah on the corner of the bakery/ residence building which projects over the footpath will be retained (see Figures 7 and 8).



No alterations, additions or demolition are proposed for the Bakehouse building.

Based on the plans submitted, the existing buildings on the site will contain three (3) separate shops/ tenancies.

The remainder of the tenancies will be provided in new buildings discussed below.

Construction of additional buildings (Shops) and dwelling:

In addition to the alterations proposed for the two (2) heritage listed buildings, two (2) additional Shops are also proposed to be constructed.

One (1) of these Shops is proposed to be sited between the Bakehouse building and the Bakery/ Residence addressing Nar Nar Goon-Longwarry Road, whilst the other is proposed to the rear of the Bakery/ Residence addressing Ritchie Street.

Additionally, a two (2) bedroom apartment style dwelling is also proposed and will be located above Shop 1 (to the rear of the site).

Shop 1: Will be a separate building located to the rear of the site and will measure a total leasable floor area of 107.32sqm. It will be constructed with a brick front façade in a red tone (pressed reds, austral bricks, 'Governor', 'Darling; or the like) and dark grey vertical panelling on all other elevations. The proposed Dwelling will be located above Shop 1.

Dwelling: The Dwelling is proposed to comprise two (2) bedrooms, a bathroom, laundry and open plan kitchen, living and dining area. A balcony is also proposed overlooking Ritchie Street.

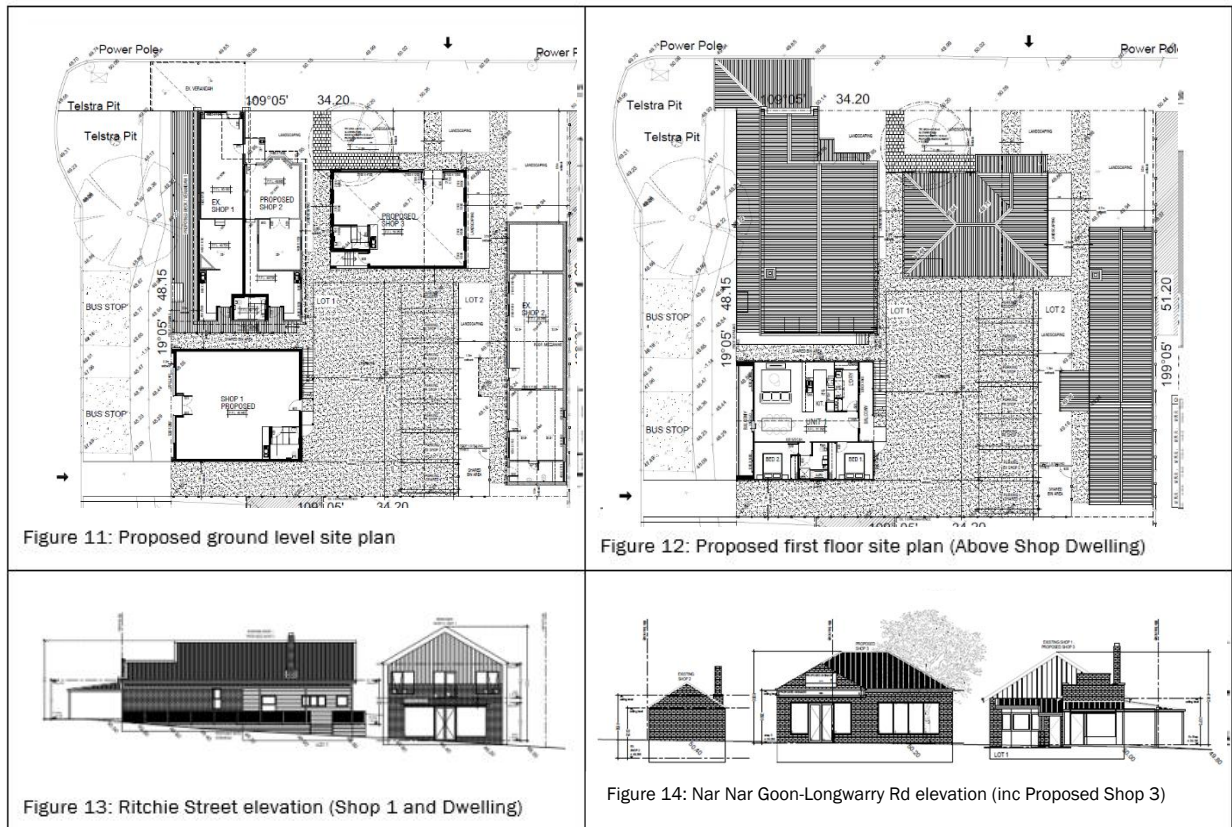
The building is proposed to be constructed with a gabled roof with the same pitch as the existing buildings, which is sympathetic to the Heritage Bakery and Residence.

The overall height of this building is proposed to reach 9 metres above natural ground level.

Shop 3: This proposed shop will be located directly east of the existing Bakery and Residence (shown on the plans as Ex. Shop 1 and Proposed Shop 2). It will be setback 2.5 metres from the existing building and 5 metres from Nar Nar Goon-Longwarry Road.

This Shop is proposed to measure 93.6sqm in area and will be constructed with a combination hip and front facing gabled roof with the front facing gable being the same pitch to the existing buildings. It is proposed to reach a total height of 6.08 metres.

It is proposed to be constructed with, with red tone (pressed reds, Austral bricks, 'Governor', 'Darling; or the like) and a Colorbond roof in 'Shale Grey' or the like.



Use of the buildings:

Apart from the Bakehouse building which is currently occupied by a business, the other existing and proposed buildings are not proposed to be used for any particular business or use (other than Shops) at this point in time.

Car parking:

A total of seven (7) parking spaces (including 1 dedicated to the Dwelling) are proposed to the rear of the site.

According to the area schedules, the parking demand for this development has been calculated by Council's Traffic Engineer as being 12 to 15 spaces. This calculation has taken into account the historical parking deficit of the existing buildings on the site, as well as the informal spaces which are currently provided on the site.

Based on this the current proposal is seeking a car parking reduction of between 5 to 8 spaces.

Alteration of access to a Transport Zone 2:

The proposal will require the removal of two (2) redundant crossings to Nar Nar Goon-Longwarry Road.

As the proposal also seeks to increase the intensity of development on the site, this is also considered an alteration of access, due to the increase traffic flows anticipated.

No new access to Nar Nar Goon-Longwarry Road (Transport Zone 2) is proposed.

Vegetation removals:

Some established vegetation is proposed to be removed from the site to facilitate the development, however there are no tree controls under the HO86, nor are there any other vegetation controls affecting the site. Therefore, a planning permit is not required to remove this vegetation.

The applicant has proposed to incorporate some existing vegetation into the landscaped areas where possible.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Commercial 1 Zone
- Adjacent to a Transport Zone 2

Overlays

The land is subject to the following overlays:

- Heritage Overlay - Schedule 86 (J. & M. E. Lowndes Bakery & Residence)

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 15 – Built environment and Heritage
 - Clause 15.01-1S – Urban design
 - Clause 15.01-2S - Building design
 - Clause 15.01-1S – Neighbourhood character
 - Clause 15.01-6S - Design for rural areas
 - Clause 15.03-1S – Heritage conservation

- Clause 17 – Economic development
 - Clause 17.01-1S – Diversified economy
 - Clause 17.02-1S - Business
- Clause 18 – Transport
 - Clause 18.02-3S – Road system
 - Clause 18.02-4S – Car parking

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-4 – Rural townships (Garfield)
- Clause 21.02-6 – Post contact heritage
- Clause 21.04-1 – Employment
- Clause 21.06-1 – Urban Design
- Clause 22.05 – Western Port Green Wedge Policy

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 – Car Parking
- Clause 52.29 – Land Adjacent to the Principal Road Network
- Clause 52.34 – Bicycle facilities
- Clause 65 – Decision guidelines
- Clause 66 – Referral and notice provisions
- Cardinia Local Heritage Study Review, Volume 3: Heritage Place & Precinct citations (Final Report, revised Dec 2020).
 - Precinct – Garfield Commercial Extension
- Cardinia Shire (North) Heritage Study 1996 – J & ME Lowndes Bakery & Residence (H086)
- Cardinia Township Character Assessment – Garfield, Bunyip, Koo Wee Rup and Lang Lang, November 2006.
- Garfield Township Strategy, August 2002.

Planning Permit Triggers

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

- Pursuant to Clause 34.01-4 (C1Z) a planning permit is required to construct a building or construct and carry out works.
 - Note: In accordance with Clause 34.01-1 (C1Z) a planning permit is not required for the use of the land for:
 - *Accommodation – so long as any frontage at ground level does not exceed 2 metres (other than a bed and breakfast and caretaker’s house); and*
 - *Shop – so long as the leasable floor area does not exceed any amount specified in the schedule to the Zone. There is no maximum leasable floor area specified by the Schedule to Commercial 1 Zone.*
- Pursuant to Clause 43.01-1 (H086) a planning permit is required to demolish (part demolition) and construct and carry out works on a Heritage listed building or on land within a Heritage Overlay.
- Pursuant to Clause 52.06 (Car parking) a planning permit is required to reduce the number of car spaces required.
- Pursuant to Clause 52.29 a planning permit is required to alter access to a Road in a Transport Zone 2.

Public Notification

The proposal is not exempt from notice pursuant to Clause 34.01-7 (C1Z) as the land is within 30 metres of a residential Zone.

It was also not exempt from notice pursuant to Clause 43.01-4 (H0) as the application is not for one of the classes listed.

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

- Sending notices to the owners and occupiers of adjoining 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 7 December 2021.

Council has received over r300 objections to date.

The main concerns raised by the objections are:

- Heritage significance of the site and the buildings
- Traffic and safety
- Car parking and access
- Waste collection
- Delivery vehicles
- Existing businesses occupying the site
- Overdevelopment of the site
- Proposed above shop dwelling (overlooking/ overshadowing)

- Privacy impacts
- Open character of the site
- Demolition of the heritage buildings
- Streetscape character

Following the review of the objections received and to address Council's concerns, the applicants revised the plans as described in the Background section of this report. These amended plans have been circulated to the objectors for their review.

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Department of Transport [Determining]	No objection (subject to conditions) DoT have required amended plans to be submitted that show the crossovers to Nar Nar Goon-Longwarry Rd as removed and reinstated, as well as these works being completed prior to the occupation of the buildings.
Section 52 Notices	N/A	

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Heritage	Heritage have sought the advice of an external Heritage Consultant. The consultant is generally supportive of the proposed buildings (shops) and Dwelling, as well as the partial demolition to the heritage building given the minor nature of the demolition now proposed. They have suggested the use of sympathetic materials, landscaping and for the buildings and car parking areas. Amended plans to show these changes will be included as conditions of approval.
Strategic Planning	Supportive of the proposed buildings, dwelling and partial demolition to the heritage building, subject to the Heritage Officers support.
Urban Design	Supportive of the proposed buildings, dwelling and partial demolition to the heritage building, subject to the Heritage Officers support. The Urban Design Department have also suggested similar changes to the materials, colours and landscaping to what was raised by the Heritage Consultant. Amended plans to show these changes will be included as conditions of approval.
Traffic	Did not support the plans in their current form due to the car parking deficiency. Amendments sought to reduce the car parking

	<p>demand, and therefore reduce the impact of the car parking reduction sought.</p> <p>Note: Since the Section 50A amendment (and subsequent amendment) to the plans increased the number of parking spaces provided compared to what was originally proposed, Traffic advised that a new Traffic assessment was not required to be submitted.</p>
Engineering	No response received. Standard engineering conditions will be placed on the permit.

Discussion

The proposal for the construction of additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking and alteration of access to a Transport Zone 2 is considered generally consistent with the aims and objectives of the objectives of the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, as well as the zones and overlays which apply to the subject site as discussed below.

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

A number of state and local policies are relevant to this application ensure that buildings and works positively contribute to the commercial area, that adequate car parking is provided and that buildings and works on a heritage building do not detrimentally impact the heritage fabric or significance of the site.

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

Clause 15.01-6S (Design for rural areas) seeks to ensure development respects valued areas of rural character.

Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance, by encouraging appropriate development that respects places with identified heritage values, encouraging restoration and retaining those elements which are of importance.

Clause 17.01-1S (Diversified economy) seeks to strengthen and diversify the economy and support rural economies to grow and diversify.

Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services by ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Clause 18.02-3S (Road system) seeks to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

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

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision) outlines the key issues facing Cardinia include the management of growth including urban pressures on areas such as the Westernport Green Wedge, and the provision of infrastructure to meet the needs of the existing and future community.

Clause 21.02-6 (Post-contact heritage) recognises the rich and diverse cultural heritage of Cardinia Shire illustrates the historic use, development and occupation of the land. This history is demonstrated by a wide range of heritage places that include buildings and structures, monuments, trees, landscapes and archaeological sites. These places give Cardinia a sense of historic continuity as well as demonstrating the economic, social and political circumstances of the time and this policy seeks to protect and preserve these recognised sites by including them into the Heritage Overlay.

Clause 21.03-4 (Rural townships) seeks to retain and enhance the existing rural township character in Cardinia Shire's rural townships by maintaining and promoting the overall historic character within each township.

Clause 21.04-1 (Employment) supports the development and enhancement of economically sustainable businesses within the municipality including within rural townships.

Clause 21.06-1 (Urban Design) seeks to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

Clause 22.05 (Western Port Green Wedge Policy) seeks to give effect to Council's vision for the Cardinia Western Port Green Wedge.

Strategic planning policy (Garfield Township Strategy, 2002) seeks to ensure the long-term sustainability of the township, retain its identity as a rural rail town and an attractive place in which to live. It also seeks to provide for a basic level of commercial and community service provision and build on the heritage values of the township to promote tourism opportunities.

The application is considered to respond positively to these policy, with a proposal that sensitively responds to the heritage constraints of the site, incorporates features that generally reinforce the rural character of the township and supports additional economic opportunities.

Consideration of objections

As discussed above over 300 objections have been received to the application.

The key themes of the objections received include the following concerns:

- Heritage significance of the site and the buildings
- Traffic and safety
- Car parking and access
- Waste collection
- Delivery vehicles
- Existing businesses occupying the site
- Overdevelopment of the site
- Proposed above shop dwelling (overlooking/ overshadowing)
- Privacy impacts

- Open character of the site
- Demolition of the heritage buildings
- Streetscape character

In response to the key themes of the objections, a detailed assessment of the revised proposal against the relevant planning considerations has been undertaken below.

Assessment against Zones and Overlays

As discussed, the site is subject to the Commercial 1 Zone and Heritage Overlay (H086).

Commercial 1 Zone

The key purposes of the Commercial 1 Zone that are applicable to this application are to implement the MPS and PPF and to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.

Pursuant to Clause 34.01-1 (Table of uses) and Schedule 1.0 to the Commercial 1 Zone the use of the land for Accommodation (Dwelling) and Shop in the Commercial 1 Zone does not trigger a planning permit (as outlined above).

Buildings and works in the Commercial 1 Zone

A Planning Permit is required however, for buildings and works pursuant to Clause 34.01-4 (C1Z).

In considering the appropriateness of the proposed buildings and works the Responsible Authority has considered the following decision guidelines (as applicable):

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*

The proposal will provide for sufficient and safe pedestrian movements with the site and the surrounds. The proposed buildings are setback off the pedestrian footpath and the vehicle access to the carparking area is proposed off the side street. The existing vehicle crossings on Nar Nar Goon-Longwarry Road (which is under the control of the Department of Transport) will be required to be removed and reinstated. The proposed site layout is considered to result in less impacts to the Transport Zone and is supported by the Department of Transport (DoT).

The existing footpaths in the road reserve external to the site, are sufficient for providing safe pedestrian movements. There is public transport (bus stops and train station) located within close proximity of the site and the movement of waste an emergency vehicle will not be affected by the development.

- *The provision of car parking.*

The development proposes to provide seven (7) parking spaces on the site. The car parking is proposed to the rear of the site and accessed from the side street (Ritchie St), which is supported given the commercial context of the site and given it adjoins a Transport Zone 2. The provision of seven (7) on site spaces is a reduction in the number of spaces required for the development, however in this context, the availability of on-street parking and given the township location of the site the reduction is considered reasonable.

It should also be recognised that the development of the site will result in the formalisation of car parking spaces on the subject site, which currently do not exist. Currently patrons of the bakehouse and the former bakery would generally park in the surrounding streets.

Please see Clause 52.06 (Car Parking) assessment for further justification.

- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*

The proposal is considered to be a good design response with the proposed buildings addressing the street frontages and carparking being provided to the rear. The design provides good pedestrian access from the street and further activates the commercial site. The proposal conserves the existing heritage buildings and proposes a sympathetic design, which subject to some minor changes requested via the submission of amended plans (including the provision of a landscaping plan) is considered to be a reasonable proposal for the commercial context of the site.

By requesting these changes it is intended to ensure that the impact of the buildings and works on the heritage buildings (in particular the bakehouse) are reduced and the streetscape character of larger setbacks and landscaping at this site is maintained.

Considering the above, the proposed design (subject to the changes discussed) is considered an appropriate design response for a site located in the Commercial 1 Zone.

- *The storage of rubbish and materials for recycling.*

There are sufficient areas provided on the site for the storage of rubbish and materials. A condition will be placed on the permit to ensure that rubbish and collection does not cause any material detriment or nuisance to the surrounding properties and uses. A condition will also require the submission of a Waste Management Plan as is standard for a commercial development of this type.

- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*

All works are proposed within the boundaries of a property in private ownership. The maintenance of the buildings and works will be the sole responsibility of this operator. If the site is ever subdivided, common property would become the responsibility of the owner's corporation.

Conditions will be placed on the permit to ensure that the site does not cause material detriment or nuisance to the surrounding properties and uses.

- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Whilst there are two (2) dwellings located to the rear of the site, these properties are also located within the Commercial 1 Zone and therefore do not have the same protections (or amenity expectations) afforded to land in a residential zone. The nearest land within any residential zone is located over 22 metres to the south of the

site. However, the design does attempt to deal with potential overlooking and overshadowing by providing limit windows to the southern elevation of the above-shop dwelling. To address the concerns of objectors, additional screening can be requested via permit condition.

The building is well setback from the southern boundary, and given its overall height it is not likely to cause any unreasonable overshadowing to the neighbouring dwellings.

- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Even though the adjoining dwellings are located in the Commercial 1 Zone, consideration of this requirement has been addressed. There are no existing rooftop solar energy systems on the adjoining dwellings, therefore there should be no impacts.

- *The availability of and connection to services.*

The buildings have access to all services and will be connected accordingly.

- *The design of buildings to provide for solar access.*

The buildings and works face north and west, therefore there should be adequate solar access to the shops. North and west facing windows are provided to the proposed above show dwelling which should provide adequate solar access.

- *The objectives, standards and decision guidelines of Clause 54 and Clause 55.*

Overall, the proposal, especially the proposed above-shop dwelling is considerate of the objectives of Clause 54. A permit is not required to use the land for a dwelling in this instance, and therefore, only the built form can be considered. In this instance the built form of the dwelling is considered acceptable. There are examples of double storey development within the immediate vicinity of the site consisting of both residences and commercial buildings. The height of the building is sympathetic to the height of the existing building referred to as the bakery/ residence on the site. The setbacks are generous, and the open space provided on the balcony is acceptable. The layout of the building ensures that enough solar access is provided. Overall, the design is considered to respect the existing neighbourhood character or contributes to a preferred neighbourhood character.

Response to objections (amenity impacts)

In response to objections regarding privacy impacts, waste collection, additional traffic, existing businesses occupying the site and streetscape character, it is important to consider that the site is located within a Commercial 1 Zone and therefore, developments of this scale are not incompatible with the purpose and objectives of the Zone.

The subject site does not directly adjoin a residential zone. The properties directly to the east and south are both located in the Commercial 1 Zone, with only the rear properties being used for residential purposes. These dwellings have been constructed within the Commercial 1 Zone and as discussed above, cannot reasonably expect the same amenity as a residentially zoned property.

However, as discussed above, in order to deal with any perceived privacy impacts, amended plans showing screening will be requested.

In relation to waste collection and traffic concerns, these are considered to have been adequately dealt with. The car parking area is appropriately located to the rear of the site and a waste management plan will be requested. Additional traffic within a commercial area is not unreasonable, and the scale at which additional traffic may frequent this site is not considered to be extreme.

Conditions to manage offsite amenity impacts such as noise, waste collection times, odour and other nuisances will be required as part of any approval.

Additionally, although there are concerns about the dwelling overlooking the bus stop and street, passive street surveillance is encouraged by the Planning Scheme and therefore, the balcony overlooking the street is not considered unreasonable, rather it is favourable when considering Planning Policy relating to passive surveillance and safety.

Based on the above assessment it is considered that the proposal is suitable and properly located within the Commercial 1 Zone. It will meet the objectives of the Commercial 1 Zone whilst occupying the site by providing a suitable use of a commercially zoned property, within the Town Centre providing for local jobs and business within a rural township. The uses proposed are as of right in the Zone and therefore, subject to permit conditions the development of the site to facilitate uses that will contribute to the commercial centre is considered a reasonable proposal.

Heritage Overlay (H086)

The key purpose of the Heritage Overlay is to conserve and enhance places of natural and cultural significance, as well as elements which contribute to the significance of heritage places. It is also in place to ensure that development does not adversely affect the significance of heritage places.

Pursuant to Clause 43.01-1 (H086) a planning permit is required to construct a building or construct or carry out works on a Heritage building, including partial demolition.

Buildings and works within the H086

A detailed description of the proposed works has been provided in the proposal section of this report.

Internal works

The internal works include the demolition of internal walls within the bakery/ residence building, and the construction of new internal walls to divide the spaces. The H086 does not include internal controls, and therefore the proposed internal works are not expected to impact the heritage significance or appearance of the building.

Partial demolition works

The proposed demolitions are demonstrated on the plans as being minor in scale and to the minimum extent necessary to facilitate the construction of the additional shops and dwelling which encourages the restoration and retention of those elements which are of importance. Given that the more extensive demolitions are proposed to the rear of the bakery/ residence building the demolition works are not expected to adversely affect the significance of the heritage place.

These demolition works are also not expected to adversely affect the significance of the heritage place. The bakehouse building will remain untouched.

Whilst there is no updated heritage citation for H086, the recently reviewed Cardinia Local Heritage Study Review, Volume 3: Heritage Place & Precinct citations (Final Report, revised Dec 2020) for Garfield's Commercial Precinct as a whole provides some conservation management guidelines which have been utilised to assess whether the proposed partial demolitions are acceptable.

This document outlines conservation management guidelines for buildings located in the Garfield Commercial Precinct which are protected under H085. This document states that in order to conserve the heritage significance of buildings in the commercial strip, any demolition must not result in the removal of significant fabric, nor adversely affect the significance of the heritage place.

Response to objections (demolition in Heritage Overlay)

A number of concerns were raised about demolition in the objections received by Council. Whilst these are valid concerns, as discussed the proposed demolition works are very minor in scale and do not seek to remove any significant heritage fabric. Additionally, as shown in the revised plans to deal with objector concerns about demolition, the bakehouse building will now remain untouched.

The proposed elements to be removed have been assessed by Council's Heritage Department and an external Heritage Consultant and are not considered to be of primary significance and its removal will not adversely alter or affect the significance of the place.

In addition its removal to facilitate the proposed works and will assist in the long term conservation of the place, by facilitating the historic use of the place and will not result in the loss of fabric considered to be primary significance. This is consistent with Council's Heritage citation for the bakery site and therefore, the proposed demolitions can be supported.

Buildings and works for additional Shops and Dwelling

Council's Heritage Department and external Heritage Consultant have reviewed the plans and consider that the additional Shop and Dwelling buildings are not expected to negatively impact the heritage significance of the site.

Response to Objections (impact on heritage buildings)

The citation does not identify that the spacing between the two (2) buildings is significant, nor does it state that the gardens or vegetation is significant to the heritage place. The citation only mentions the significance of the two (2) buildings, and since the proposal only seeks minor demolition works to one (1) of these buildings that does not alter its significance, the additional in-fill buildings and addition of a verandah to the western elevation of the bakery/residence building are considered to achieve the required level of conservation of the site and therefore, supportable.

Council's Heritage Consultant advised that the revised plans indicates a vast improvement over the initial concept, with the old bakehouse (Ex Shop 2) now free-standing in its own space which communicates with that of the Lowndes shop and residence at the corner.

They advised that the scale, materials and form appear compatible with the existing heritage buildings and therefore do not detract from the heritage protected buildings. They suggested that the bricks proposed on Shop 3 should match those on the existing corner shop (bakery/

residence building). This can be requested via the submission of amended plans for Council's further approval should a permit be granted.

It is noted that the Heritage consultant reviewed the plans put on Notice and suggested that it was not necessary to further recess Shop 4 to be in line with Shop 3's front setback, however to deal with a number of other issues raised by the objectors such as streetscape character and heritage impacts, the applicant has removed Shop 4 and ensured that Shop 3 is setback in line with the existing bakery/ residence building. This is seen as a positive outcome that further reduces impacts on the bakehouse building.

This change is also in keeping with Council's Heritage citation conservation management guidelines for the Garfield precinct which seek to ensure that the siting and design of new development does not overwhelm the historic setting of the building and the site as a whole by becoming a dominant element or by interfering with key views to and from the site.

The applicants response to remove Shop 4 and set Shop 3 back in line with the existing bakery/ residence building is considered to address the concerns that the site will lose its 'sense of openness', and will in turn allow the retention and incorporation of the established vegetation in the front setback into a landscaped area. This shared area could therefore cater for any outdoor dining area and utilised by the existing and future tenants.

Additionally, the additional landscaped space to the front and side of the bakehouse (woodfire bakery building) should ensure adequate separation between the buildings and car parking area to ensure that the viability of using this building and the woodfire oven are not adversely impacted by the development.

Based on this assessment, the proposal is not considered to detrimentally impact the heritage significance of the site, and with the support of Council's Heritage Department and external Heritage Consultant, the proposal should be considered reasonable and supported, subject to conditions.

Car parking

A total of seven (7) parking spaces (including 1 dedicated to the Dwelling) are proposed to the rear of the site. Based on the leasable floor area of the two (2) new shops, the car parking demand generated is seven (7) spaces. The dwelling requires one (1) space, therefore, overall all the new buildings on the site generate the need for a total of eight (8) spaces.

Historically, due to the age and era in which the shops were built the existing Shops on the site where not provided formalised on-site car parking, although it is noted that some of the gravel areas between the buildings are sometimes informally utilised for parking (by owners/operators).

If these shops where considered under today's Planning Scheme, they would generate the need for up to eleven (11) spaces. Given that up to six (6) informal car parking spaces are currently provided on the site, Council's Traffic Engineer considers that the site is in 'credit' for these six (6) spaces and that therefore, there is a current deficiency of five (5) spaces.

Based on this assessment by Council's Traffic Engineer's, the parking demand for this development has been calculated as being 12 to 15 spaces. This calculation has taken into account the historical parking deficit of the existing buildings on the site, as well as the informal spaces (totalling approximately 3-6 spaces) which are currently provided on the site.

There are concerns from a traffic perspective with the application, as there is an insufficient provision of on-site car parking to facilitate the expected parking demand for the capacity of

patrons sought by the new buildings. The site will therefore heavily rely on on-street car parking to accommodate the demand, which could have the potential to negatively impact other existing uses and the operation and amenity of the surrounding streets due to the car parking reduction.

Given that there are no formal spaces on the site currently, if the lesser approach is taken, the application proposal includes a reduction of at least five (5) spaces for the on-site provision which is still considered excessive by Council's Traffic Engineers. Hence, the application is not supported from a traffic perspective in its current form. To be reconsidered, it is the advice of Council's Traffic Engineer that the application would either require an increase in the on-site car parking provision by reducing the size of the Shops proposed.

Shop 4 has since been removed, and the car parking layout rearranged, however the car parking issues remain. However, it should be noted that whilst a reduction is still required, the site currently has no formalised car parking provided on site for patrons to cater for its existing demand. This results in cars of patrons parking in the street currently.

If the proposal is approved, a formalised car parking area will be provided on site to cater for the development, which will result in at least six (6) car parking spaces being 'freed up' on street, which is an improvement from what is currently occurring, despite Council's Traffic Engineers concerns.

Clause 52.06 (Car Parking) allows Council's to consider reductions to parking requirements. Additionally, the proposal is consistent with the Decision Guidelines of Clause 52.06. The proposal is considered to achieve an appropriate balance between facilitating growth in a rural township, protecting heritage values and providing formalised car parking to reduce the number of vehicles parking in nearby streets, which is already occurring and will continue to occur if the site is not developed. Additionally, once the redundant vehicle crossings are removed from Nar Nar Goon-Longwarry Road as required by Department of Transport, at least one (1) additional on-street space will be created helping to cater for demand.

It should be noted that should a new land use seek to occupy the existing Shops, if their parking requirement generated is less than 10 spaces, they would not require a planning permit to reduce car parking as the site is located within the Commercial 1 Zone, so long as the floor area of the existing buildings was not increased pursuant to Clause 52.06-3. If this is taken into account, the historic deficit of the existing Shops may be irrelevant to future uses, and therefore, if just the car parking generation for the two (2) new Shops is taken into account, the reduction required is only one (1) parking space, which is considered reasonable.

Based on this, the location of the site, and the availability of on-street parking, the parking reduction should be supported.

Response to objections (traffic / car parking)

As discussed above, despite the Traffic Engineer's concerns, within the confines of what can be considered by a Planning Permit application, the proposal is considered an acceptable outcome given the context of the site and should reduce any concerns relating to the availability of parking for the site.

The car parking area itself is generally compliant with the design standards at Clause 52.06-9, subject to some minor adjustments which can be requested via condition of any approval granted.

There are sufficient areas for landscaping and pedestrian paths which have been shown within the car parking area. Some objections pointed out that the parking area could only be

accessed by a stairway, however this stairway is for the above shop dwelling, not for access to the parking area.

It is noted in some objections that an accessible space has not been provided. For a development of this scale, it is not uncommon for an accessible space to not be provided. Council's Traffic Engineers did not raise this as a concern.

An existing 1.8-metre-high timber paling fence separates the carparking area from the dwellings to the south. This is considered suitable. The hours of the proposed Shops will ensure that there should be no adverse impacts of the use of the car park by vehicles (other than the Dwelling) beyond those hours. However, again it is noted that this site is also located in the Commercial 1 Zone.

A condition will be included on the permit to limit the hours of waste collection to reduce noise nuisance to neighbours from collection vehicles.

Based on the above assessment, the proposed car parking reduction is considered reasonable in this context and should be supported.

Bicycle parking

In accordance with the Table to Clause 52.34- 4 (Bicycle facilities) given the floor area of this development, no bicycle spaces, showers or change facilities are required to be provided.

Access to a Transport Zone

The key purpose of Clause 52.29 is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads. Pursuant to Clause 52.29 a Planning Permit is only required to do either of the following:

- Create or alter access to a road on a in a Transport Zone 2.
-
- To subdivide land adjacent to a road in a Transport Zone 2.
-

As the application seeks to alter an existing access to Nar Nar Goon-Longwarry Road (Transport Zone 2) by intensifying the access by the volume of traffic proposed by the new buildings and works, as well as by removing the vehicle crossings from Nar Nar Goon-Longwarry Road, a referral to the Head, Department of Transport (DoT) under Section 55 of the *Act* was required. Based on their assessment the Head, Department of Transport (DoT), being the determining authority, had no objection to granting this permit subject to conditions relating to the removal and reinstatement of the vehicle crossings to Nar Nar Goon-Longwarry Road.

As the Department of Transport (VicRoads) are supportive of the application, Council has no concern about the proposal and the potential increase in access to the Transport Zone.

Conclusion

The proposed development is consistent with the requirements of the Cardinia Planning Scheme and based on the assessment above, is not expected to cause detriment to the heritage significance of the site, adjoining properties or the commercial centre of Garfield, subject to the conditions recommended below. It is therefore recommended that a Notice of Decision to Grant Planning Permit T210185 be issued for the construction of two (2) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Transport Zone 2 subject to the following conditions:

Conditions

Plans required:

1. Before the development starts, 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 amended development plans prepared by Studio Three Design & Drafting, Rev. J ('Response to Objections'), dated 18/02/22 submitted with the application but modified to show:

- 2.

Modifications to Dwelling:

- a. The eastern and southern elevations of the dwelling amended to prevent overlooking in accordance with Standard A15 of Clause 54.04-6.
- b. Stairway access to be altered to not encroach on the car parking area or vehicle clearances as per Diagram 1 of Clause 52.06 shown to demonstrate the clearances have been met.

Hours of operation:

- c. Deletion of the references to operating hours of the shops.

Colours and materials:

- d. The reference codes for the proposed colours and materials schedule shown annotated on the elevation plans for each proposed building.
- e. The type and colour of bricks for Proposed Shop 3 must be amended and be shown to be the same (or as similar as possible) to those on the existing Shop 1 (Bakery and Residence) on the corner of Nar Nar Goon-Longwarry Rd and Ritchie Street.
- f. The expanse of the car parking area broken up with the use of different materials, brick borders and other methods to complement the heritage bakehouse building.

Vegetation:

- g. Tree 10 labelled as 'Tree 10' on the site plan.
- h. Tree 8 retained within the front setback of Proposed Shop 3 on the site plan.
- i. Trees 5 and 6 retained within the landscaped strip between the bakehouse and car parking area (if possible) on the site plan.

Car parking and Traffic Management:

- j. Amended swept paths to demonstrate:
 - i. 300mm clearances surrounding the vehicle body to demonstrate sufficient access by a B85 vehicle to each of the proposed car parking

spaces, without requiring a corrective manoeuvre and while accommodating vehicles to both enter and exit the site in a forward direction.

- ii. Sufficient access to allow two (2) opposing B85 vehicles to pass one another within the car parking area.
 - iii. Sufficient access to allow a B85 vehicle to enter the site / car parking area, undertake a 3-point turn within the aisle and exit the site in a forward direction, in the case that all car parking spaces are occupied.
- k. Access aisle and carparking spaces sealed and line marked.
 - l. Wheel stops or similar devices provided to ensure vehicles do not encroach onto internal footpaths.
 - m. Location of the following pedestrian and vehicle safety signage to alert drivers to the presence of pedestrians and other entering/ exiting vehicles.
 - n. A convex mirror located on the western end of the accessway/car parking area capable of improving sightlines.
 - o. Installation of a speed hump to reduce vehicle speeds when exiting from the driveway near Ritchie Street. The type and location of the speed hump must be to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
 - p. The bus stops on Ritchie Street adjacent to the site shown as 'to be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required)'.

Landscaping Plan:

- q. A Landscaping Plan in accordance with Condition 2.

Waste Management Plan:

- r. A Waste Management Plan in accordance with Condition 3.

Department of Transport:

- s. Amendments in accordance with Department of Transport Conditions 29.
3. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the plans provided to show:
- a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.

- b. Buildings and trees (including botanical names) on neighbouring properties including their Tree Protection Zones within three metres of the boundary in accordance with Arborist Report prepared by TreeDesigns dated 25 September 2020.
- c. Details of surface finishes of pathways and driveways in accordance with the requirements of Condition 1(e).
- d. Details of boundary fencing.
- e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- f. Landscaping and planting within all open areas of the subject land, including the car parking areas and along internal pathways.
- g. The retention of Trees 5, 6, 8 and 10 in accordance with Conditions 1(f) to (h).
- h. Canopy trees capable of reaching a minimum of 8m mature height (minimum two metres tall when planted) in the following areas:
 - i. Within the front setback of Ex. Shop 2; and
 - ii. The landscaped area between the car parking area and Ex. Shop 2.
 - iii.
- i. Vegetation provided between driveways or directly adjacent to the access to be a maximum of 150mm in height.
- j. All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

Waste Management Plan

- 4. A Waste Management Plan to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
 - a. A scaled bin presentation, including areas for hard rubbish collection.
 - b. The manner in which waste will be stored and collected including the type, size and number of containers.
 - c. Provision for on-site storage.
 - d. Details of how waste collection is to be performed (Council or private).
 - e. The size of the collection vehicle and the frequency, time and point of collection.
- 5. 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 body corporate to maintain to the satisfaction of the Responsible Authority.

Prior to commencement:

6. Before the development starts, Lots 1 and 2 on PS545840 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 Fencing:

7. Before works start, a fence must be erected around any tree shown for retention in the locations shown on the endorsed plan (including street trees). This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 8.
 - a. vehicular access.
 - b. trenching or soil excavation.
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. entry and exit pits for underground services.
 - e. any other actions or activities that may result in adverse impacts to retained vegetation.

Street Tree Removal:

9. Before the development starts a fee of \$375.00 per tree, as amended from time to time, must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development. Replacement will be undertaken by Council contractors within the streetscape in the next planting season.

Demolition:

10. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
11. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

General:

12. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
13. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
14. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

15. 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:

16. 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.
17. 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:

18. 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.
19. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Amenity:

20. The development permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
21. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
22. The amenity of the area must not be detrimentally affected by the use through:
 - a. The transport of materials, goods or commodities to or from the land;
 - b. The appearance of any buildings, works or materials;
 - c. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
 - d. The presence of vermin, or;
 - e. In any other way.

To the satisfaction of the Responsible Authority.

23. Except with the written consent of the Responsible Authority, deliveries to and from the subject land (including commercial waste collection) may only take place between:
 - a. 7.00am and 6.00pm Monday to Friday; and
 - b. 9.00am and 5.00pm Saturday.
24. All residential and commercial waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.

25. 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.
26. 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.
27. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017*.
28. All plant and equipment must be located and/or screened so that it is not visible from any public road or residential property.
29. The storage of goods and waste materials must not take place outside the buildings other than a waste storage area adequately screened to the satisfaction of the Responsible Authority.
30. Car parking as shown on the endorsed plans must be maintained for this purpose at all times.
31. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Prior to Occupancy:

32. 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 measures in accordance with the endorsed plans designed to limit overlooking must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - b. Any new fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - c. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - d. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed in accordance with the endorsed plans. They must be constructed with concrete, asphalt or other approved 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.
 - e. A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - f. Any redundant existing vehicle crossing 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 and the Department of Transport in accordance with Condition 30.

- g. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- h. Power and telephone lines to the Dwelling must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
- i. A bin storage area must be provided for the Shops and Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- j. A mail box must be provided to the Dwelling to the satisfaction of the Responsible Authority and Australia Post.
- k. A clothesline must be provided for the Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- l. Lighting must be provided near the front entrance of the Dwelling to the satisfaction of the Responsible Authority.
- m. Traffic signage, traffic control devices (speed hump), the convex mirror, wheel stops, and line marking must be installed in accordance with the approved plans to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- n. The bus stops on Ritchie Street must be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).

Department of Transport (DoT):

- 33. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Responsible Authority. When approved, the amended plans must be and will form part of the permit. The plans must be generally in accordance with the submitted plans but amended to show the all disused or redundant vehicle crossings on Nar Nar Goon-Longwarry Road to be removed, and the area reinstated.
- 34. Prior to the occupation of the buildings or works hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.

Expiry:

- 35. 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:

- x. 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.
- xi.
- xii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- xiii.
- xiv. Advice should be sought from an Access Consultant prior to the commencement of works to ensure that the internal layout is designed to be Disability Discrimination Act (DDA) compliant.
- xv.
- xvi. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

Drainage notes:

- xvii. 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.

Department of Transport (DoT) Notes:

- xviii. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

Resolution

Moved Cr Graeme Moore, seconded Cr Collin Ross.

That Planning Permit Application T210185 for the Construction of additional shops, alterations & partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking & alteration of access to a Transport Zone 2 at 41-43 Nar Nar Goon-Longwarry Road, Garfield be refused, based on the following grounds:

1. The proposal is an overdevelopment of the site as it is inconsistent with the protection and conservation of heritage-listed sites.
2. The proposal results in unreasonable parking and traffic impacts as the proposal provides insufficient on-site car parking.
3. The proposal is inconsistent with the vision of the Garfield Township Strategy, 2002 to protect and enhance heritage values in the town centre.
4. The proposed shop-top dwelling results in unreasonable off-site amenity and visual bulk impacts and is inconsistent with the predominant single-storey character of the area.

Carried

5.2 T210338 PA - Use of the Land for a Food and Drink Premises, Manufacturing Sales and the Sale and Consumption of Liquor (Producer's Licence) in Association with Industry (Micro-Brewery) and a Reduction of Car Parking Requirements at 1/9 Southeast Blvd

Responsible GM: Lili Rosic
Author: Dean Haeusler

Recommendation(s)

That Council form a position to refuse to grant Planning Permit T210338 for the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements at L1 PS815176, 1/9 Southeast Boulevard, Pakenham on the following grounds:

1. The proposal provides insufficient on-site car parking sought to be protected by:
 - Clause 18.02-4S – Roads
 - Clause 52.06 - Car Parking
2. The proposal will generate traffic management and safety concerns sought to be protected by:
 - Clause 18.02-4S – Roads, and
 - Clause 52.06 - Car Parking
3. The proposal is incompatible with the industrial location, sought to be protected by:
 - Clause 33.01 Industrial 1 Zone
 - Clause 13.07-1S - Land use compatibility
 - Clause 17.03-2S - Sustainable Industry
 - Clause 17.03-3S - State-significant Industrial land, and
 - Clause 21.04-4 – Industry
4. The proposal encourages commercial uses outside activity centres sought to be protected by:
 - Clause 17.02-2S – Out-of-centre development

Attachments

1. Traffic Demand Assessment [5.2.1 - 22 pages]
2. Proposed Layout Plan [5.2.2 - 1 page]
3. Locality Map [5.2.3 - 1 page]
4. CONFIDENTIAL - Compiled Objections [5.2.4 - 2 pages]

Executive Summary

APPLICATION NO.:	T210338
APPLICANT:	Matt Gormann, Liquor Plan
LAND:	L1 PS815176, 1/9 Southeast Boulevard, Pakenham
PROPOSAL:	Use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements
PLANNING CONTROLS:	Industrial 1 Zone
NOTIFICATION & OBJECTIONS:	Public notice undertaken through letter and on-site signage. Two objections received.
KEY PLANNING CONSIDERATIONS:	On-site parking availability Traffic issues and safety Intensity of land use and appropriateness in industrial area Out of centre development Suitability of a liquor licence
RECOMMENDATION:	Refusal

Background

The site is the subject of an approved Planning Permit T170134, which was issued on 9 May 2017 for the construction of six warehouses.

As part of the assessment for that planning permit, eight parking spaces were identified as required for the premises on the basis of a 'warehouse' land use classification. A total of 49 were required for the overall warehouse complex where 50 spaces were provided.

Planning Permit T170546 was later approved on 15 December 2017 that subdivided each warehouse and allocated parking to each lot on title. This resulted in seven spaces assigned for the premises.

An application for review was lodged with the Victorian Civil and Administrative Tribunal (VCAT) on 17th January 2022 under Section 79 of the *Planning and Environment Act 1987* for a failure to of Council to decide the application within the prescribed time (60 statutory days).

Subject Site



The subject site forms part of a six-warehouse complex located in South East Business Park, a large industrial area adjacent to Princes Freeway and 1.5 kilometres south of Pakenham Activity Centre.

The site is situated off a dual carriageway road at the junction of Commercial Drive and Southeast Boulevard. Approximately 300 metres west of the site is Koo Wee Rup road, a major road linking the estate to Pakenham and the wider regional area.

The warehouse is approximately 488 square metres with seven parking spaces allocated to the premises. All spaces are located behind the building and accessed from Commercial Drive.

Businesses within the complex include trade supplies stores, a showroom and a plumbing/drainage service. One tenancy appears to be vacant at the time of writing.

Beyond the complex is an established area of South East Business Park where the majority of sites are developed and occupied. These sites accommodate a range of businesses including commercial and light industrial businesses such as a gymnasium, motor vehicle repairs and parts centres, vehicle rentals and a café.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

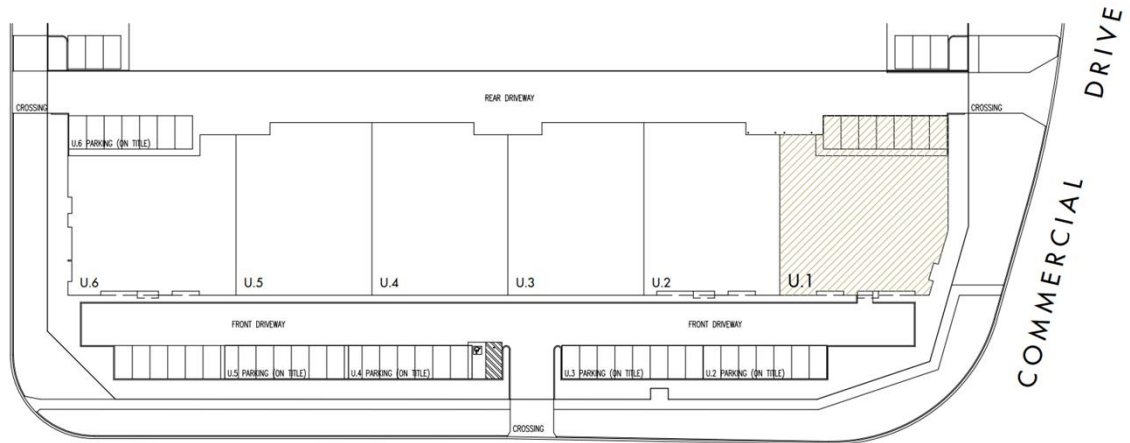
4.1 We support our productive land and employment land to grow local industries

4.1.4 Drive local innovation in technology to better support and attract businesses and industries.

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

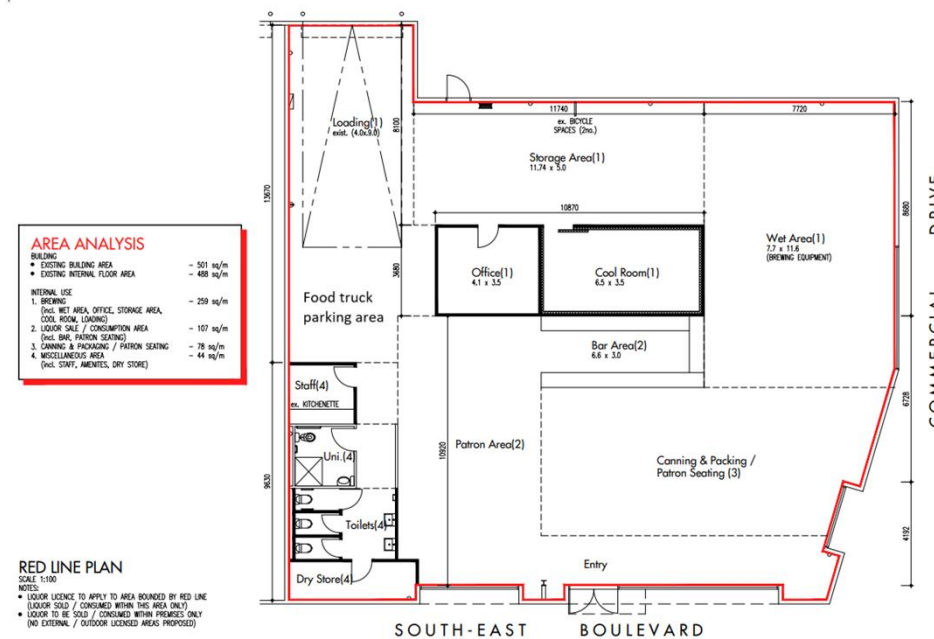
Proposal

Approval has been sought for the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements.



SITE PLAN
SCALE 1:400
NOTES:
• SUBJECT TENANCY (incl. PARKING) AS SHOWN HATCHED

SOUTH-EAST BOULEVARD



AREA ANALYSIS	
BUILDING	
• EXISTING BUILDING AREA	- 501 sq/m
• EXISTING INTERNAL FLOOR AREA	- 488 sq/m
INTERNAL USE	
1. BREWING (incl. WET AREA, OFFICE, STORAGE AREA, COOL ROOM, LOADING)	- 259 sq/m
2. LIQUOR SALE / CONSUMPTION AREA (incl. BAR, PATRON SEATING)	- 107 sq/m
3. CANNING & PACKAGING / PATRON SEATING	- 78 sq/m
4. MISCELLANEOUS AREA (incl. STAFF, AMENITIES, DRY STORE)	- 44 sq/m

RED LINE PLAN
SCALE 1:100
NOTES:
• LIQUOR LICENCE TO APPLY TO AREA BOUNDED BY RED LINE (LIQUOR SOLD / CONSUMED WITHIN THIS AREA ONLY)
• LIQUOR TO BE SOLD / CONSUMED WITHIN PREMISES ONLY (NO EXTERNAL / OUTDOOR LICENSED AREAS PROPOSED)

SOUTH-EAST BOULEVARD

Micro-brewery

The brewery is to be a key function of the business where beer will be produced under a Producer’s Licence. The brewery will operate 24 hours a day, 7 days per week and include a range of processes, from fermentation through to packaging of the product.

The internal layout will include a rear loading area, storage, office, a cool room, ‘wet area’ where the brewing equipment will be accommodated. An additional multipurpose area will be utilised for canning/bottling and hospitality purposes. The brewery area will total 381 square metres (inclusive of the multi-purpose area).

Approximately 14,000 litres of beer is estimated to be produced at the premises on a monthly basis.

Amenities are included such as toilets and staff tearoom.

This use is categorised as Industry - a land use that does not require planning approval in this location.

Food and Drink Premises and Manufacturing Sales

The second component of the proposal is for the serving of food and drink at the premises.

The food will be 'food truck' style and table and chairs will be provided for consumption of beverages and food. The liquor provided will include beverages other than what is brewed on-site such as beers from other breweries, wine and spirits.

The food and drink area will total 229 square metres, located in the front of the building and comprising a bar, amenities and seating area and food truck area providing a rotation of cuisine such as burgers and tacos. Part of the seating area will be used for packaging the product when not in use.

The premises will be open to the public between the following hours:

Wednesday and Thursday	4pm - 10pm
Friday	1pm - 11pm
Saturday and Sunday	12pm-11pm

The same hours will apply on ANZAC Day and Good Friday.

As part of the business model, packaged liquor produced on-site is proposed to be sold directly to the consumer for consumption off premises and this will occur during the same hours as the food and drink premises.

It is proposed a maximum of 90 patrons will be accommodated at the venue during opening hours where a maximum of six staff will be present, including during the operation of the micro-brewery.

Pedestrian access for patrons parking at the site will be limited to the Southeast Boulevard entry. No public access will be permitted from the rear of the building.

The premises will include amplified music but no live music is proposed.

Sale and Consumption of Liquor

Liquor is to be produced and sold under a Producer's Licence that will be managed by the Victorian Commission for Gambling and Liquor Regulation. This licence authorises the supply of:

- The licensee's own product to any other licensee at any time and at any place (wholesale)
- The licensee's own product to the public from the licensed premises for both on- and off- premises consumption
- Any liquor, including the licensee's own product, from the licensed premises for on-premises consumption
- The licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication)
- The licensee's own product from an additional retail premises for consumption away from the licensed premises.

The Red Line Area will determine where the liquor can be sold and consumed on-site. The applicant has proposed that this area apply to the whole warehouse. No service is proposed outside the building.

Car Parking

Seven parking spaces are available at the rear of the premises via Commercial Drive. These spaces will be made available to employees and patrons.

A car parking demand assessment has been prepared by TTM Consulting that identifies the need for a parking waiver and provides an assessment of on-street parking availability in the surrounding area.

Land use	Parking rate	Floor area (m ²)	Parking spaces required
Food and drink premises	4 spaces per 100m ² leasable floor area	229	9
Industry	2.9 spaces per 100m ² net floor area	259	7
Total			16

The parking calculation is separated on the basis of floor area allocated to the micro-brewery and food and drink/sales areas with the intention that these will essentially function at alternate times i.e. the bottling/packaging taking place when closed to the public.

The resulting requirement is 7 parking spaces required for the Micro-brewery (Industry) and 9 spaces for the Food and Drink Premises use, resulting in nine spaces less than required by the Planning Scheme.

The assessment acknowledges that a parking calculation based on patron numbers is more accurate where Restaurant is identified a comparable use. On this basis, peak parking requirements will equate to 36 spaces, requiring a parking reduction of 29 spaces.

Due to a difficulty in obtaining accurate data as a result of COVID-19 lockdowns, an aerial assessment has been provided to assist in reviewing kerbside (on-street) parking capacities within proximity of the site.

The occupancy was observed at seven intervals between 17/09/19 and 29/04/21. The assessment calculates a vacancy rate between 82% and 98.2% during this period. Three aerials were taken during 2019, one during 2020 and three during 2021. All but one of the aerial photographs were taken during the morning.

The survey concludes that 92-110 spaces were typically vacant within an approximate 200 metre catchment throughout the week.

Waste Management

A waste area will be provided to manage on-site waste. No further details have been provided to Council.

Planning Scheme Provisions

Planning Policy Framework

Clause 13.05-1S	Noise abatement
Clause 13.07-1S	Land use compatibility
Clause 17.02-2S	Out-of-centre development
Clause 17.02-1S	Business
Clause 17.03-2S	Sustainable industry
Clause 17.03-3S	State significant industrial land
Clause 17.04-1S	Facilitating tourism

Clause 18.02-4S Roads

Local Planning Policy Framework

Clause 21.04-1 Employment
Clause 21.04-4 Industry
Clause 21.04-5 Tourism

Zone

Clause 33.01 Industrial Zone

Particular Provisions

Clause 52.06 Car Parking
Clause 52.27 Licenced Premises
Clause 53.10 Uses with adverse amenity potential
Clause 65 Decision Guidelines

Planning Permit Triggers

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone, a permit is required to use the land for a food and drink premises and manufacturing sales.
- Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the number of parking spaces required by Clause 52.06-5.
- Pursuant to Clause 52.27 (licenced premises), a permit is required for the sale and consumption of liquor.

Public Notification

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

- Distributing letters to neighbouring owners and occupiers and the erection of a sign for fourteen days.

During this public notice period two objections were received. The grounds of these objections related to car parking concerns and associated impacts to trade and operation of neighbouring businesses.

Referrals

Internal Referrals – Traffic Engineering

The proposal was referred to Council's Traffic Engineering Department. The Department does not support the application due to:

- An excessive reliance on street parking and insufficient spaces available on the site.
- The existing parking deficit for the premises.

No external referrals were required to be undertaken.

Discussion

Planning Policy Framework

A number of policies apply to the assessment of this application. The applicable state policies are:

Clause 13.07-1S (Land Use Compatibility)

This policy seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Applicable strategies are:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively

The link between this proposal and the industrial location is the manufacturing of the beer which is considered a use that aligns with Industry and one that does not require planning approval.

The food and drink premises is not an industrial function and this component is expected to generate the primary off-site issues in the industrial area that centre around street parking access and may affect the ability for neighbouring businesses to operate safely.

It is also noted that the presence of a food and drink premises in an industrial context requires careful consideration as the operator and patrons may expect a higher standard of general amenity than can be provided in a precinct where odour and noise related emissions are likely to be higher and more frequent, as expected in industrial areas. The higher likelihood of these emissions will only increase the opportunity of land use conflicts with other industries and affect their ability to function.

The proposal is therefore considered incompatible with the location and prevailing policy.

Clause 17.01-1S (Diversified economy)

This policy aims to strengthen and diversify the economy. Relevant strategies are:

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

The proposal is expected to generate further local employment opportunities and the introduction of skilled and unskilled jobs across the operation. The introduction of a micro-brewery will also increase the variety of businesses type to the area, where a positive flow on effect could be anticipated.

Clause 17.02-1S (Business)

This policy seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. Relevant strategies are:

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

- Locate commercial facilities in existing or planned activity centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The proposed location is an establishing industrial precinct where food and drink premises are currently limited to small cafés and takeaway premises that generally serve the local workforce. Despite the industrial functions of the business, the area occupied by this component is comparatively small and therefore one that would be capable of being located in commercial centres where a higher aggregation of similar businesses and the supporting infrastructure, such as public transport, are readily availability.

By contrast, the intention and scale of this business is intended to attract people from beyond the industrial precinct, where supporting infrastructure is far more limited.

Clause 17.02-2S (Out-of-centre development)

This policy aims to manage out-of-centre development. Relevant strategies to the policy are:

- Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.
- Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.
- Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The policy encourages 'single use' retail functions to be located within Activity Centres to improve the economic benefits associated with the agglomeration of businesses and avoid dilute these centres.

SouthEast Business Park is not classified as an activity centre however the proposal incorporates an industrial function to establish a link with this location. The intensity of the food and drink premises (open five days a week to 90 patrons) however, exceeds what can reasonably be considered a complementary function to the industrial use of land.

As a consequence of the retail focus, the proposal heavily promotes a land use the retailing of the product and one that would be better integrate in an established commercial environment and centralised location, to provide greater community benefit and avoid eroding strength of these centres.

Clause 17.03-2S (Sustainable Industry)

This policy seeks to facilitate the sustainable operation of industry. Applicable strategies include:

- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

The proposal encourages the establishment of commercial in conjunction with an industrial activity at the site. The proposal does not remove industrial land from industrial activity but has the potential to impose limitations on existing or future industrial activities proximate to the site.

A higher standard of amenity may be expected for a food and drink premises and a heavy reliance on street parking has the potential to affect the efficient distribution of goods for businesses, and may lead to conflict with neighbouring land uses. As mentioned, the micro-brewery is also of a scale that is compatible with smaller tenancies typically found in commercial areas with a low likelihood of generating adverse safety or amenity issues.

Clause 17.03-3S (State significant industrial land)

The objective of this policy is to protect industrial land of state significance where relevant strategies seek the protection of state significant industrial precincts from incompatible land uses to allow for future growth. The Officer/Pakenham industrial areas are specifically listed in this policy as a State Significant Precinct.

SouthEast Business Park is among land that is recognised with this significance, placing further weight on interrelated policies that seek to protect this industrial land from encroachment and inappropriate land uses/development.

The business park however accommodates a range of uses outside traditional industry such as special purpose commercial uses, indoor recreational facilities and some forms of retail such as trade supplies.

A food and drink premises of the size and intensity proposed encourages a retail land use that undermines the protection of industrial areas and critically erodes the purpose of activity centres where these businesses are actively encouraged.

While manufacturing sales associated with the brewery is a function that requires a small footprint and parking needs, introducing a significant focus on the serving of food and beverages (including beverages not manufactured on-site) and their consumption on-site will place an unreasonable demand on parking that may impact the desirability of the surrounding land for future industrial business that is inconsistent with the ongoing protection of this state significant land.

Clause 17.04-1S (Facilitating Tourism)

The objective of this policy is to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Applicable strategies of this policy include:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences.
- Encourage investment that meets demand and supports growth in tourism

The applicant has emphasised the tourism value that will be brought to the Shire through craft beers tours and the revenue from the hospitality venue. While this supports the broad objective of the policy, it is not considered compatible with an industrial site context where there are limited tourist facilities or infrastructure established and will draw the focus away from recognised areas of investment in the Shire.

Clause 18.02-4S (Roads)

The objective of this policy is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. Relevant strategies relate to the adequate supply of car parking that is design and located to:

- Protect the role and function of nearby roads
- Enable the efficient movement and delivery of goods
- Facilitate the use of public transport.

The allocation of parking must consider:

- The existing and potential modes of access including public transport
- The demand for off-street car parking
- Road capacity
- The potential for demand management of car parking.

The building and car parking were designed with the intention to accommodate a warehouse or related use where the majority of parking demand is usually generated by employees rather than customers. For this reason, rear-loaded parking has been considered appropriate to serve the final purpose.

A food and drink premises requires far higher parking provisions due to a higher demand for parking where purpose-built development is designed for pedestrian accessibility. The applicant has noted that a maximum six staff are expected during peak operation when the business is open to public, allowing 1 space to provide for 90 patrons.

When considering the lack of alternative transport options and the type of business proposed, this function will result in substantial demand for parking that will need to be met by surround businesses and the street. Street parking is typically designed to accommodate overflow parking, rather than the majority of a business's needs. The high concentration of off-premises parking is likely to impact other businesses and the ability for them to operate safely and efficiently, particularly in a location where large loading vehicles and wider turning circles add further constraint to these businesses.

As a consequence, the proposal is not consistent with this policy in protecting the role and function of roads for the efficient movement and delivery of goods and does not sufficiently account for an absence of public transport alternatives.

Local Planning Policy Framework

A number of policies contained within the Local Planning Policy Frameworks are also relevant to the application assessment:

Clause 21.04-1 (Employment)

A key issue identified in this policy relates to recognising the need for innovation, diversification and resilience within the local economy to improve and develop employment opportunities and a strong employment base within the municipality.

The objective seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.

Relevant strategies to the policy focus on the need to assist in meeting local and regional employment needs in terms of the supply, type, quality and availability of employment land by facilitating appropriate development and encourage development that provides a diverse mix

of employment opportunities including for 'new economy' workers and people with business, professional and management skills.

The proposal improves employment opportunities and introduces a new type of industry to the Shire and will result in the creation of skilled and unskilled jobs in the hospitality and brewery sectors.

Clause 21.04-4 (Industry)

Key issues identified in this policy are the locating of future industry to ensure appropriate access from the transportation network and providing for investment and development both for local businesses and larger industries. A further issue is recognising the need for innovation, diversification and resilience to improve and develop employment opportunities and a strong employment base within the municipality.

The objective of this policy is to develop manufacturing and service industries that provide services to local residents and business, support local employment and reflect a high standard of urban design.

The applicable strategy contained in this policy is to provide for limited retailing (restricted retail and trade supplies) in industrial areas along arterial roads provided the retailing activities do not conflict with nearby activity centres.

As highlighted, the proposal introduces an industry use to the site with associated employment benefits. The retailing of the beer through manufacturing sales and directly from the venue allows the business to value add, without significant impacts to neighbouring businesses or posing a risk to the Pakenham Activity Centre. The introduction of a comparatively large food and drink premises however, conflicts with the broader protection of neighbouring industry and acts to undermine the commercial importance of the activity centre, particularly following the introduction of an Activity Centre Zone where such uses are demanded.

Clause 21.04-5 (Tourism)

Key issues identified in this policy are acknowledging that tourism is an important economic activity in the municipality. The policy objective seeks to provide support for the maintenance and development of tourism related activities.

Strategies contained within this policy emphasise the importance of rural areas, townships, areas of natural beauty and specific sites such as Gumbaya World in recognising and encouraging local tourism. The policy does not make mention of the role of industrial areas in contributing to tourism. While this doesn't preclude these areas from contributing to local tourism, this acknowledges the primary function of these centres that are not designed to cater for these activities.

Clause 33.01 – Industrial 1 Zone

The purpose of the zone is to implement the municipal planning strategy and the planning policy framework. It also applies to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The table of uses contained in this provision lists Industry as a section 1 use (permit not required) provided the proposal can meet a range of conditions.

The site is not located within proximity of sensitive uses such as Education or Hospital uses or the listed zones and is not classified as a use with adverse amenity potential on the basis of the expected volume of beer to be brewed.

Food and drink premises and manufacturing sales form part of the broader 'retail premises' land use, which is a section 2 use (permit required) under the zone.

The relevant decision guidelines for the assessment of use applications under the zone require the consideration of:

- ***The Municipal Planning Strategy and the Planning Policy Framework.***

The most applicable policies that support this zone include Clause 13.07-1S (Land Use Compatibility), Clause 17.02-1S (Business), 17.02-2S (Out-of-centre development), Clause 17.03-2S (Sustainable Industry), Clause 17.03-3S (State significant industrial land) and Clause 21.04-4 (Industry).

Overall, the proposal is considered inconsistent with the key strategies outlined in these policies and is expected to result in a use that is incompatible with the site and industrial context due to its scale, intensity and parking-related issues.

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

Nearby industries are generally light industry, warehousing and some restricted forms of retail. While these are not expected to impact a manufacturing sales type use, these may be emission issues that affect a hospitality venue given the location and heavier industry on the east side of Koo Wee Rup road.

- ***The availability of and connection to services.***

It is understood all necessary services are available to the property and already connected.

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

The proposed use is likely to generate a high demand for parking, with limited means to accommodate this parking on the site. A high dependency on street parking is therefore expected and some impact to local road conditions are possible when the food and drink function of the business is operational. Further discussion is provided below.

52.06 – Car parking

This provision of the planning scheme contains the following purposes:

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

This clause applies to new uses where parking provision must be provided in accordance with the requirements of a use specified in table 1 of the provision. If the use is not listed, parking must be provided to the satisfaction of the Responsible Authority (Council).

A permit is required to reduce the number of spaces that a new use requires. Industry (micro-brewery) requires 2.9 spaces to each 100 square metres of net floor area and Food and Drink premises requires 4 spaces to every 100 square metres of leasable floor area. The addition of manufacturing sales will be complimentary to the food and drink function that is expected to generate the majority of demand which will generate the high parking demands.

Use	Parking spaces
Industry (micro-brewery)	
2.9 spaces x 259 square metres (2.59)	7
Food and Drink premises	
3 spaces x 229 square metres (2.29)	9
Total	16
Parking spaces provided allocated to the subject site	7
Shortfall of spaces	9

The applicant has submitted to Council that their client seeks to operate the micro-brewery on an alternating basis with the food and drink/manufacturing sales, thereby reducing parking demand to the maximum parking requirement for a single use. Based on this perspective, two spaces would need to be waived for the operation of the Food and Drink premises.

The details of the business operation are relevant to the consideration of a parking reduction. In this application, the applicant has submitted that the micro-brewery will be predominantly passive during large periods of time and designed around the function of the food and drink premises which is logical and accepted. A planning permit however, cannot reasonably impose conditions on the operation of a use that does not require planning approval (the micro-brewery) and therefore the applicant would still have the opportunity to operate both functions concurrently.

A statutory calculation of parking demand is not determined on what areas of the premises will be used at any one time but rather incorporates the whole floor area to determine what numbers are required. In this instance, as highlighted in the table above, a total of 16 sixteen spaces are needed.

What is critically important to this parking assessment is the characterisation of the retail function as a food and drink premises for an accurate representation of parking demand. The traffic report submitted by the applicant states that a rate that more accurately reflects the proposed operation would be a 'restaurant' where parking is generated on a per patron basis of 0.4 spaces per patron, resulting in a need for 36 spaces on-site. The permit applicant has stated 'restaurant' or 'bar' do not accurately describe the proposal as 'restaurant' specifically excludes sale of packaged liquor and 'bar' only refers to on-premises consumption.

Council notes that food and drink premises is defined as:

Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.

Food and drink premises is a broad definition in the planning scheme and generally accepted for premises such as cafes where there is a higher rotation of patrons than would be expected from a venue primarily design around drinking alcoholic beverages.

Nonetheless, for the purpose of determining the statutory parking demand, the combined rates of the food and drink premises and industry is applied for a parking reduction of 9 spaces

It is important to note that the incorporation of manufacturing sales in this calculation is a favourable assessment as this function is only likely to increase parking demand given it will function in tandem with the food and drink premises, but not exclusively to people who dine there.

Decision guidelines

The Car Parking provision sets out a list of decision guidelines that must be considered for applications seeking parking reductions. As relevant to the application, these include:

- ***The Car Parking Demand Assessment.***

As a result of an aerial imagery review, the traffic assessment's author has determined there is a high availability of street parking in proximity to the premises and that this warrants provision of a planning permit from a traffic engineering perspective.

There are however some limitations to the assessment that should be acknowledged. Primarily, this relates to the method of assessment using aerial photograph and the developing context of southeast business park.

The aerial photography relies on imagery taken outside lockdown periods and school holidays to provide a closer representation of current demand. As a consequence, the report is reliant on imagery from 2019 to assist in drawing conclusions. These images are two or more years old and taken within 18 months of the completion of this industrial complex and the large complex immediately south of the site and not likely to accurately reflect what the likely street parking demand would be without COVID limitations today.

Secondly, there are questions of how the catchment area for street parking has been determined. In defining street parking availability, the report suggests that an approximate 200-metre catchment has been applied. This catchment extends to Koo Wee Rup Road (figure 4, page 4, Car Parking Demand Assessment) which is over 300 metres from the premises, resulting in a generous representation of street parking that is readily accessible to patrons of the premises.

- ***Any relevant local planning policy or incorporated plan.***

There is no relevant local policy or incorporated plan other than those highlighted in the policy discussion.

- ***The availability of alternative car parking in the locality of the land, including:***
 - ***Efficiencies gained from the consolidation of shared car parking spaces.***
 - ***Public car parks intended to serve the land.***
 - ***On street parking in non residential zones.***
 - ***Streets in residential zones specifically managed for non-residential parking.***

Street parking within the industrial estate is not currently time restricted however the frontages adjacent to the proposed brewery are restricted due to the proximity of the roundabout connecting Southeast Boulevard with Commercial Drive. All street parking must therefore be accommodated outside the frontages of this premises.

- ***Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.***

The Pakenham Activity Centre is approximately 1.5 kilometres north of the subject site and no parking-related impacts are anticipated however the very high reliance on street parking for this site suggests that neighbouring businesses may be affected, particularly those that operate on Fridays and Saturdays that coincide with the lunchtime hours are proposed.

- ***Any car parking deficiency associated with the existing use of the land.***

The original development permit was assessed for parking on the basis of a 'warehouse' parking calculation where 8 spaces were required for the premises. While the overall industrial complex meets statutory parking requirements, the premises has access to seven spaces, resulting in an existing deficiency of 1 space.

- ***Local traffic management in the locality of the land.***

The site is located adjacent to the major thoroughfare in SouthEast Business Park that links to the municipality and metropolitan Melbourne. For this reason, there is a heavy reliance on this road to maintain and manage traffic flows, particularly for heavy vehicles that are commonplace in these areas. The priority of this road has resulted in the construction of a dual carriageway where the demand is only expected to increase as more undeveloped and unoccupied parts of the business park continue to come online.

This presents a range of road safety issues when a business is heavily reliant on street parking and where most assessed parking is located on either side of the thoroughfare.

- ***The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.***

A reduced number of spaces will promote street parking in an area that is less equipped for pedestrian accessibility than most commercial areas. Commercial Drive and other roads included in the parking survey such as Tarmac Way and Carmart Way have restricted footpath access and there are no traffic lights in the business park to facilitate pedestrian access from neighbouring streets.

- ***Access to or provision of alternative transport modes to and from the land.***

The traffic assessment has identified that the nearest available public transport is north of Princes Freeway approximately 1.8 kilometres walk from the nearest bus stop on Racecourse road. The premises does propose to offer cycling facilities but is therefore solely reliant on private transport to visit the site.

By accepting the food and drink land use premises that the permit applicant has applied for – and noting this is a conservative parking rate - a deficit of 9 spaces is requested or 56% of the parking needs of the business.

This parking reduction places a serious reliance on street parking availability and brings into question the equitable access of public parking for all businesses. A reasonable availability of street parking in this area is not disputed however the proposal places a disproportionate demand on this asset, to the extent that the function of other businesses and their needs for overflow parking will be affected.

The applicant places substantial weight on the proposed operation hours that are submitted to generally complement standard business hours, reducing the collective demand on public parking and conflict. As a diverse precinct there is a number of neighbouring businesses, including at least two businesses in this industrial complex, that trade outside normal business hours and typically on Saturdays. Council does not dispute that there will be greater availability of parking during these hours and particularly evening operation however an argument that the business park will be mostly vacant is not consistent with the diverse land uses approved in this area.

When the application is considered in its industrial context and the context of the planning policy framework a consideration of the appropriateness of the business in this location is questioned.

The development and parking provision was predicated on a basis of a far less intensive use and a use that does not require planning permission in an industrial zone. The proposal seeks to introduce a more intensive land use to the site that it was not designed to accommodate and will result in substantial pressure placed on street parking in an area that is not designed for this purpose. As a consequence, this parking demand may affect the traffic safety in surrounding streets, including the ability of heavy vehicles to access their businesses.

Ultimately, the proposed parking reduction places a disproportionate demand on street parking as a shared asset, to the benefit of one business at a risk to neighbouring businesses and consequently, in an area with no alternative transport options. For these reasons the parking reduction is considered inappropriate.

Clause 52.27 – Licenced Premises

The purpose of this provision is to ensure that licenced premises are situated in appropriate locations and ensure the impact of the licenced premises on the amenity of the surrounding area is considered.

Under this provision, a permit is required to sell or consume liquor for a licence required under the *Liquor Control Reform Act 1998*.

The decision guidelines of this provision require consideration of the following:

- ***The Municipal Planning Strategy and the Planning Policy Framework.***

There is limited policy context for licenced premises beyond considerations of noise abatement. The effect of noise is expected to be moderated due to inside dining and no live music. The industrial location of premises will ensure off-site impact is unlikely to be experienced with no residential land in proximity of the site.

- ***The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.***

The area is an establishing industrial precinct with very few liquor licences. While the sale and consumption of liquor is not expected to directly impact the operation of neighbouring businesses, the nature of the venue promotes higher levels of alcohol

consumption than would be expected from other venues in the precinct such as an approved indoor recreation facility and cause greater amenity issues if patrons become drunken and disorderly.

- ***The impact of the hours of operation on the amenity of the surrounding area.***

The hours of operation are consistent with the nature of the venue and not unreasonable for location with few sensitive nearby uses.

- ***The impact of the number of patrons on the amenity of the surrounding area.***

The patron numbers are moderate for this type of venue. Provided staff are appropriately trained these numbers are not expected to affect the amenity of the area, having regard for liquor consumption.

- ***The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.***

There are very few licenced premises in area and therefore there is a very low likelihood of cumulative impact by licenced venues on the industrial precinct.

The above assessment relates solely to the effects of the sale and consumption of liquor at the site. While this is considered acceptable, the suitability of the Food and Drink Premises is not considered appropriate.

Clause 53.10 – Uses with adverse amenity potential

This provision seeks to identify uses and activities which if not appropriately designed and located may cause office or unacceptable risk to the neighbourhood.

The provision includes a range of threshold distances from sensitive zones or land use that must be met or otherwise referred to the Environment Protection Authority.

Alcoholic beverage production exceeding 5,000 litres per day requires a threshold of 500 metres. Given the output intended by the proposal, the application of a threshold distance does not apply.

Clause 65 – Decision Guidelines

Before deciding on an application, consideration must be taken for the planning policy framework, the purpose and any other matters required to be considered by a zone or other provision and the impacts a use will have on current and future development and operation of the transport system.

As highlighted in the policy response and the assessment against the zone and car parking provision, the proposal not considered appropriate for site and does not reflect to orderly planning of Southeast Business park.

Conclusion

The proposal seeks to introduce a multi-faceted business to the Shire, bringing the opportunity of greater business diversity, employment opportunity and tourism potential. While these are qualities that are supported by the planning scheme they must be considered in the context of the planning controls and other relevant policy that applies to the land to determine whether an application should be supported.

The Industrial 1 Zone is underpinned by a selection of state and local policies that seek to preserve land for appropriate uses, ensuring that new uses are compatible with existing and future uses and to protect this land for long-term sustainability and certainty for industry. The critical function of this land in facilitating industrial productivity is given further weight where land is recognised with state significance, a level of identification that is reserved for a small selection of industrial areas across Melbourne.

Key policy that also seeks to protect and strengthen activity centres through an aggregation of commercial activity and the minimisation of out-of-centre uses risks drawing activity away from established activity centres in the Shire and emphasising a theme that the application is inconsistent with critical planning policy.

An overwhelming dependency on street parking for 56% of the proposal's needs further reinforces a position that the proposal is not site-appropriate and will cause unreasonable impact to neighbouring businesses and the economic function of the area that is expected to outweigh the benefits introduced.

As a result of the scale and intensity of the proposal, the application is considered inconsistent with the balance of relevant policies at the expense of Cardinia's activity centres and the long-term protection of Southeast Business Park.

Following the applicant's appeal to VCAT for a failure of Council to make a decision in the prescribed time, Council can no longer make a determining decision on the application. It is therefore recommended that Council form a position that the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements is refused on the following grounds:

1. The proposal provides insufficient on-site car parking sought to be protected by:
 - Clause 18.02-4S – Roads
 - Clause 52.06 - Car Parking
2. The proposal will generate traffic management and safety concerns sought to be protected by:
 - Clause 18.02-4S – Roads, and
 - Clause 52.06 - Car Parking
3. The proposal is incompatible with the industrial location, sought to be protected by:
 - Clause 33.01 Industrial 1 Zone
 - Clause 13.07-1S - Land use compatibility
 - Clause 17.03-2S - Sustainable Industry
 - Clause 17.03-3S - State-significant Industrial land, and
 - Clause 21.04-4 – Industry
4. The proposal encourages commercial uses outside activity centres sought to be protected by:
 - Clause 17.02-2S – Out-of-centre development

Resolution

Moved Cr Kaye Cameron, seconded Cr Collin Ross.

That Council form a position to support Planning Permit Application T210338 for the use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements at L1 PS815176, 1/9 Southeast Boulevard, Pakenham, on the following grounds:

- The proposal delivers on objectives for local employment opportunities to meet the needs of a growing residential population
- The proposal helps to achieve Cardinia's strategic vision by enhancing the experience of people who live, work and visit the municipality
- The proposal supports the diversification of industry through value-adding commercial activities
- The proposal is well-located on a key road within Southeast Business Park and provides an acceptable number of car parking spaces
- Any adverse impacts of the proposal can be effectively managed via planning permit conditions

Carried

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.
 - c. 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.
 - d.
 - e. 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
 - f. 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

APPLICATION NO.:	T200644
APPLICANT:	Devcon Planning Services Pty Ltd
LAND:	L1420 - 1430 PS749784, 4-22 Rushgate Street, Pakenham VIC 3810
PROPOSAL:	Construction of a multi-storey apartment building
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> • Comprehensive Development Zone (Schedule 2) <p>Overlays:</p> <ul style="list-style-type: none"> • Development Contributions Plan Overlay (Schedule 1) • Land Subject to Inundation Overlay (partial)
NOTIFICATION & OBJECTIONS:	<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>
KEY PLANNING CONSIDERATIONS:	<p>Activity centres</p> <p>Urban design</p> <p>Streetscape character</p>

	Housing affordability Amenity Car parking Traffic
RECOMMENDATION:	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.

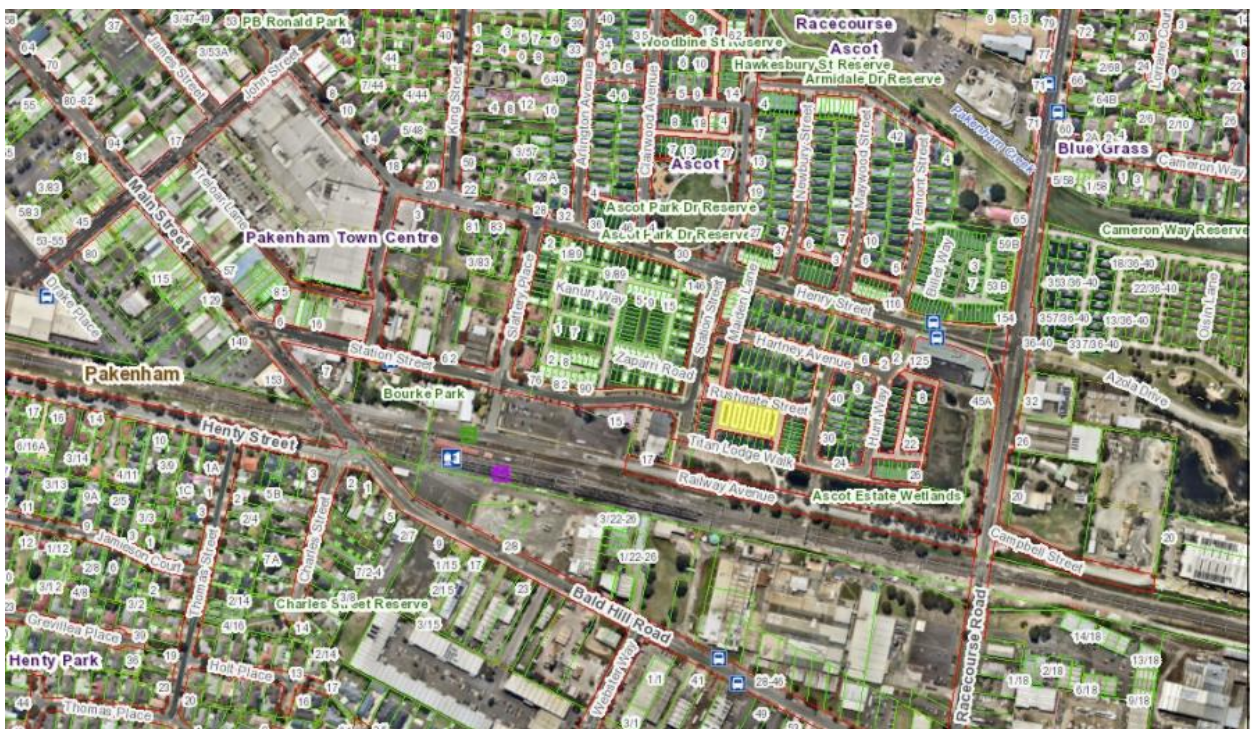
This Agreement is no longer relevant as all requirements of the Agreement were required as part of the subdivision process.

- 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

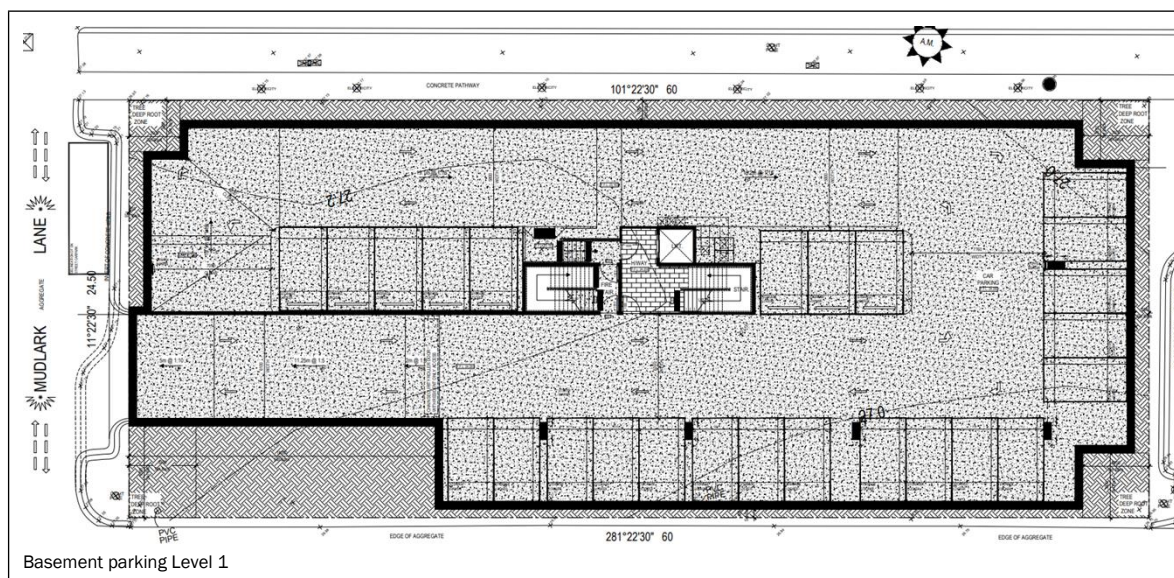
5.1.1 Build trust through meaningful community engagement and transparent decision-making.

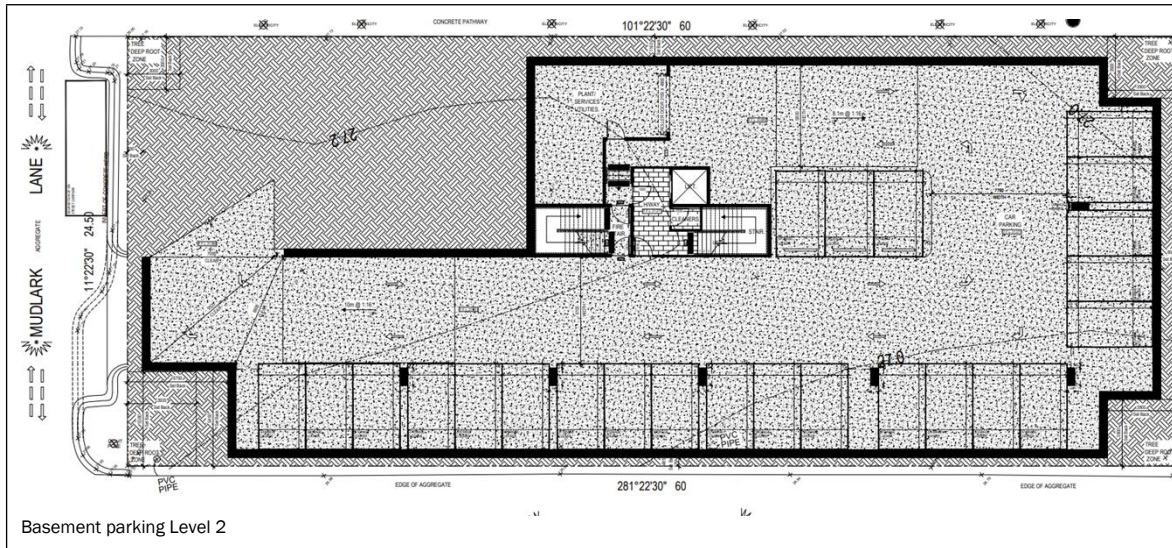
Proposal

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.



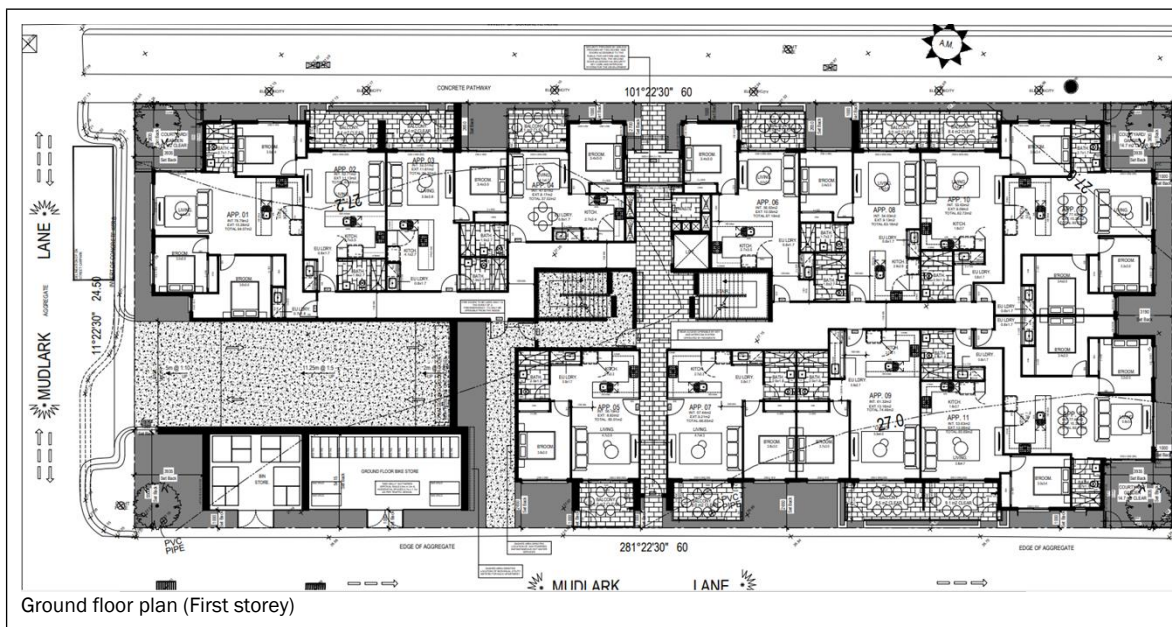


Ground Floor

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.

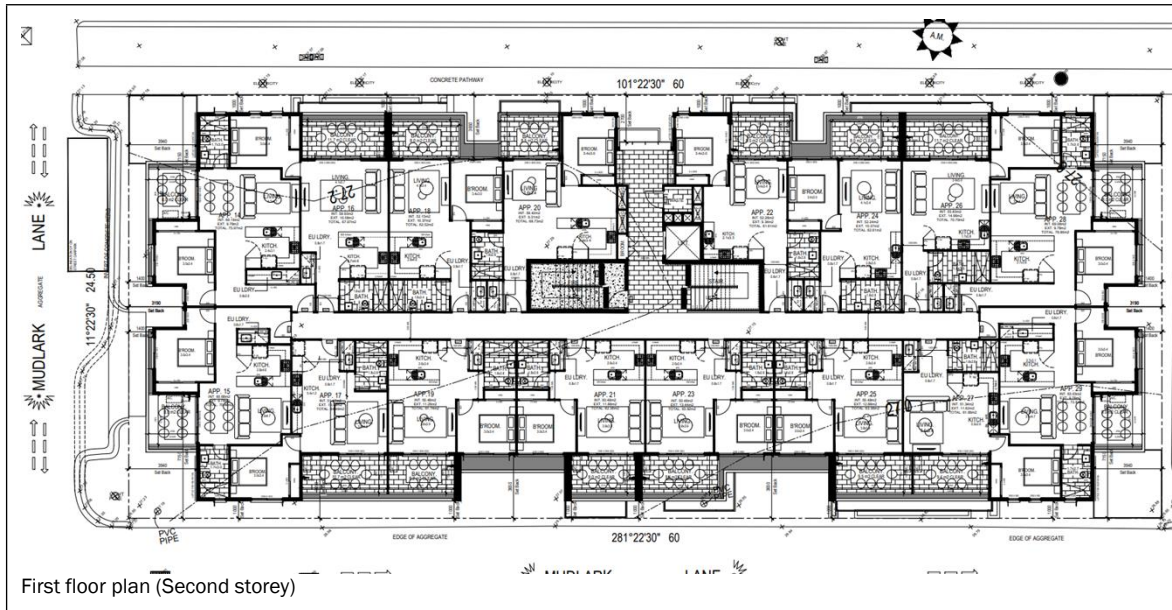
A bin store and bicycle store are also located at ground level with the main entry of the building facing Rushgate Street to the north with a secondary entry located facing Mudlark Lane at the southern end of the building.

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



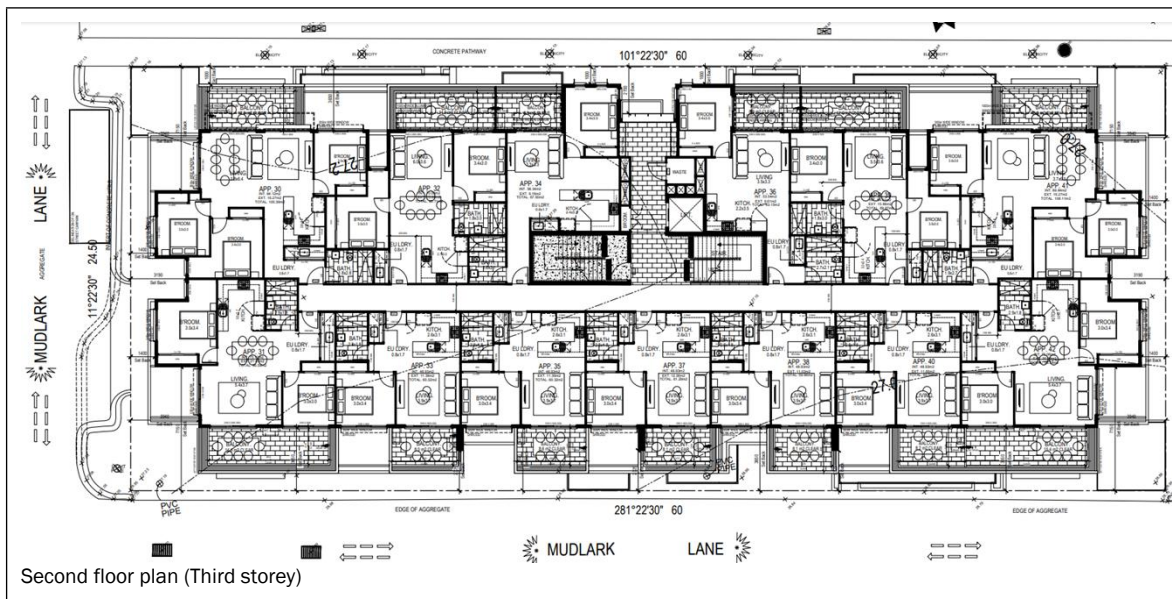
First floor

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



Second floor

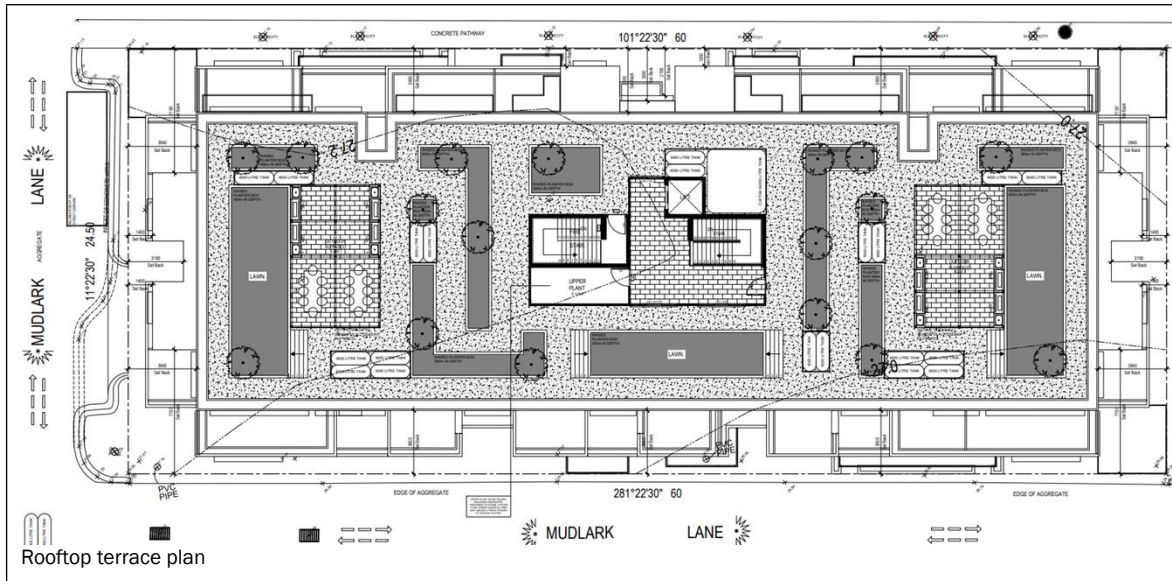
The second floor will contain thirteen (13) apartments comprising seven (7), 1-bedroom apartments, four (4), 2-bedroom apartments and two (2), 3 bedroom apartments. All the apartments will be provided with balconies facing the street.



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 story 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.
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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.

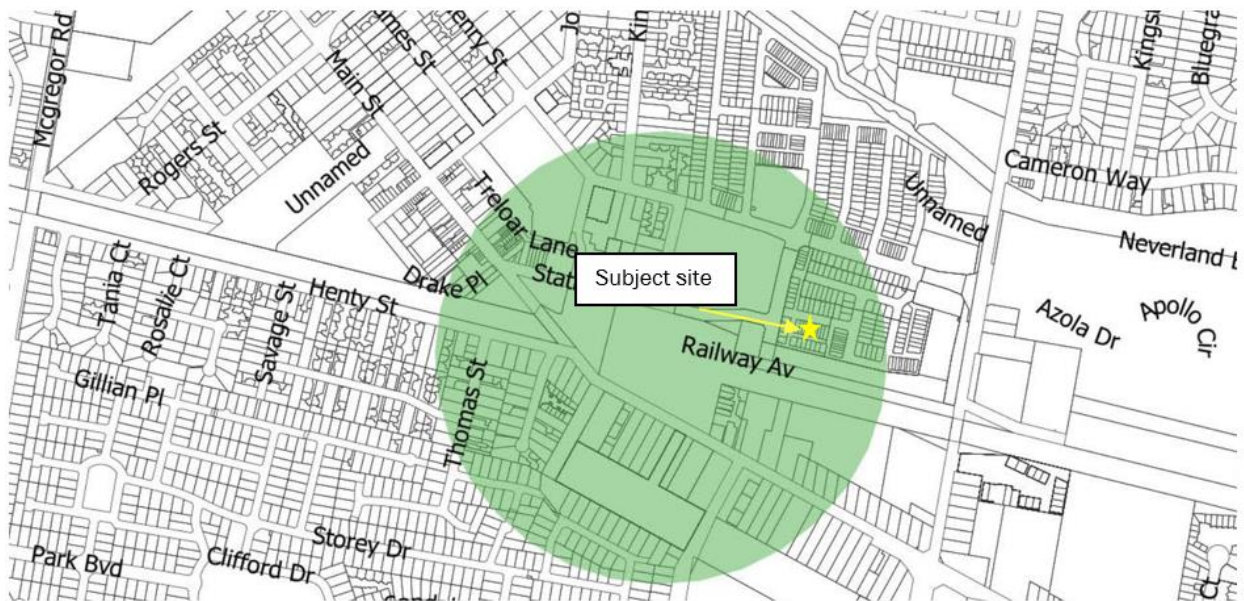
Based on this, it is considered that the proposal will not pose any increased risk from flooding and can be supported.

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
TOTAL	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.

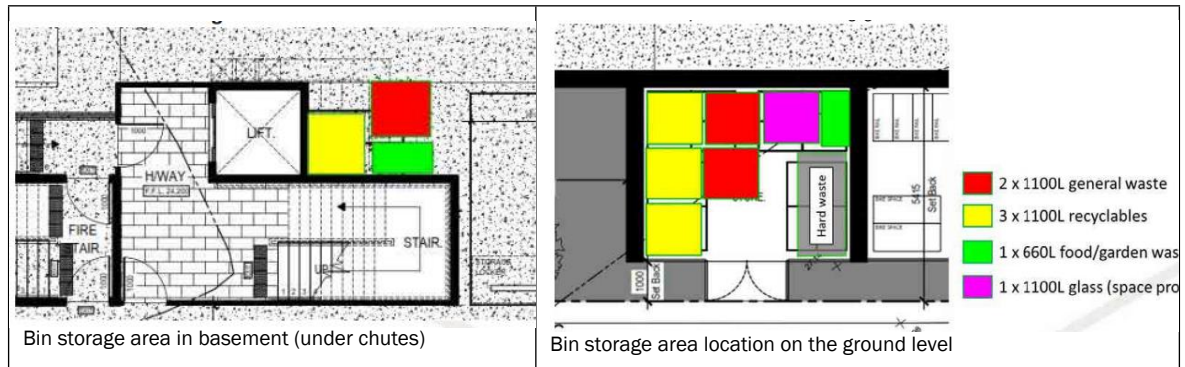
Other matters (Waste Management)

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.

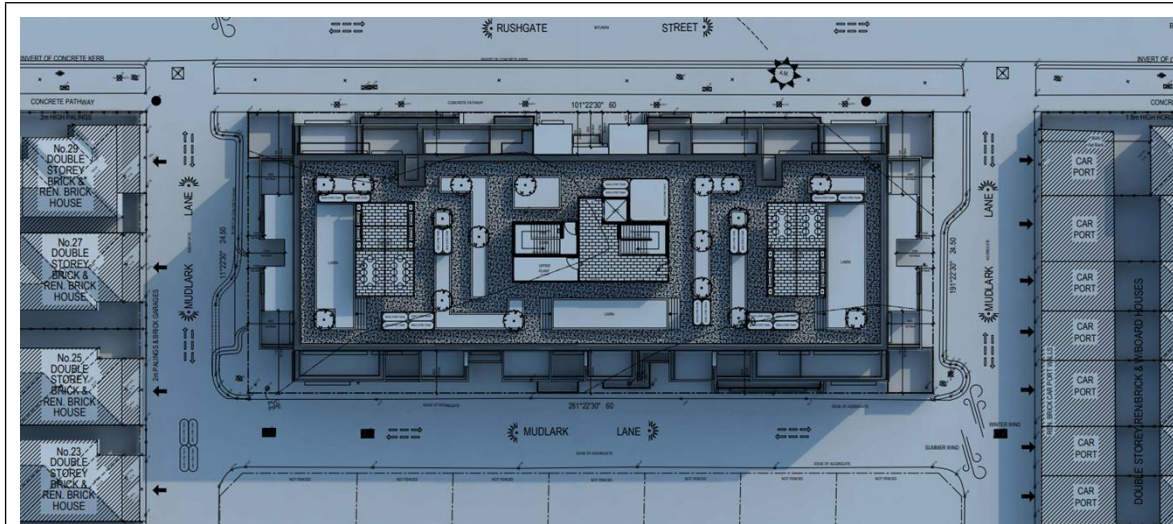
To mitigate the objectors concerns about overlooking, the applicant has agreed to reduce the area of the rooftop communal area, which will set it back further from the edge of the building ensuring that landscaping screening and the building line further intersect the line of sight from the rooftop into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

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

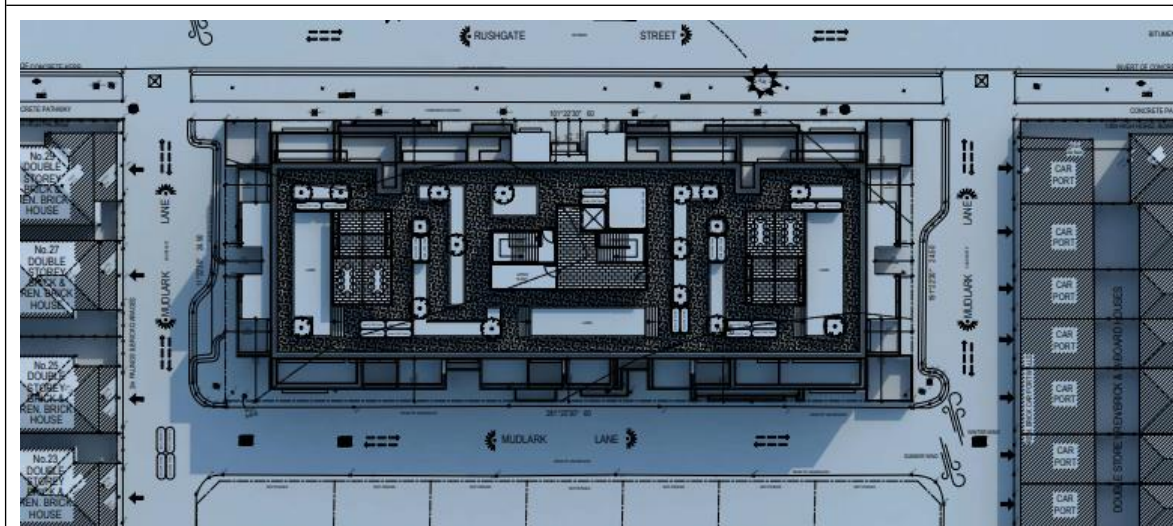
Overshadowing

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

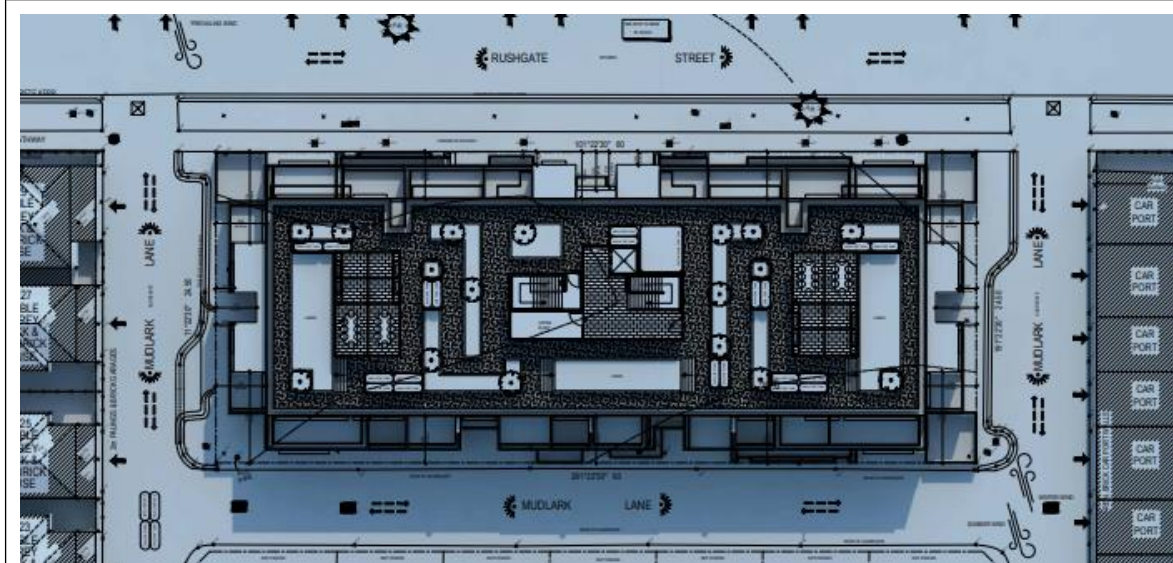
The shadow diagrams provided clearly demonstrate that the building does not result in any overshadowing to neighbouring properties in Mudlark Lane and Rushgate Street. The plans show that for the most part the building causes overshadowing of the laneway, and that overshadowing that does encroach into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



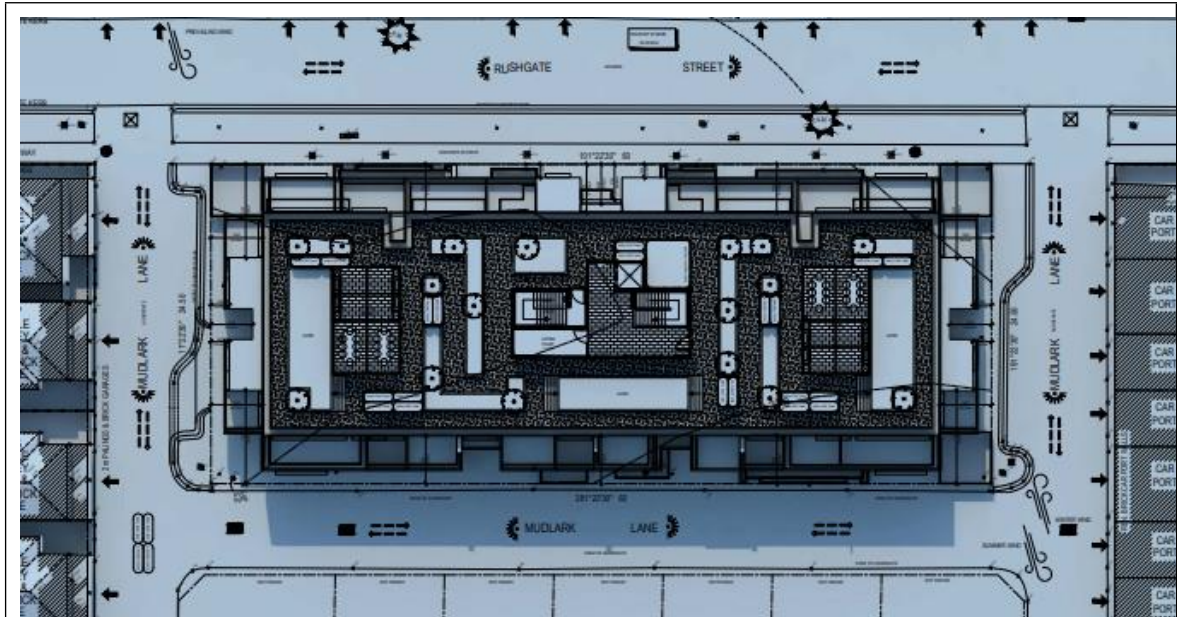
Shadows at 9am on 22nd September



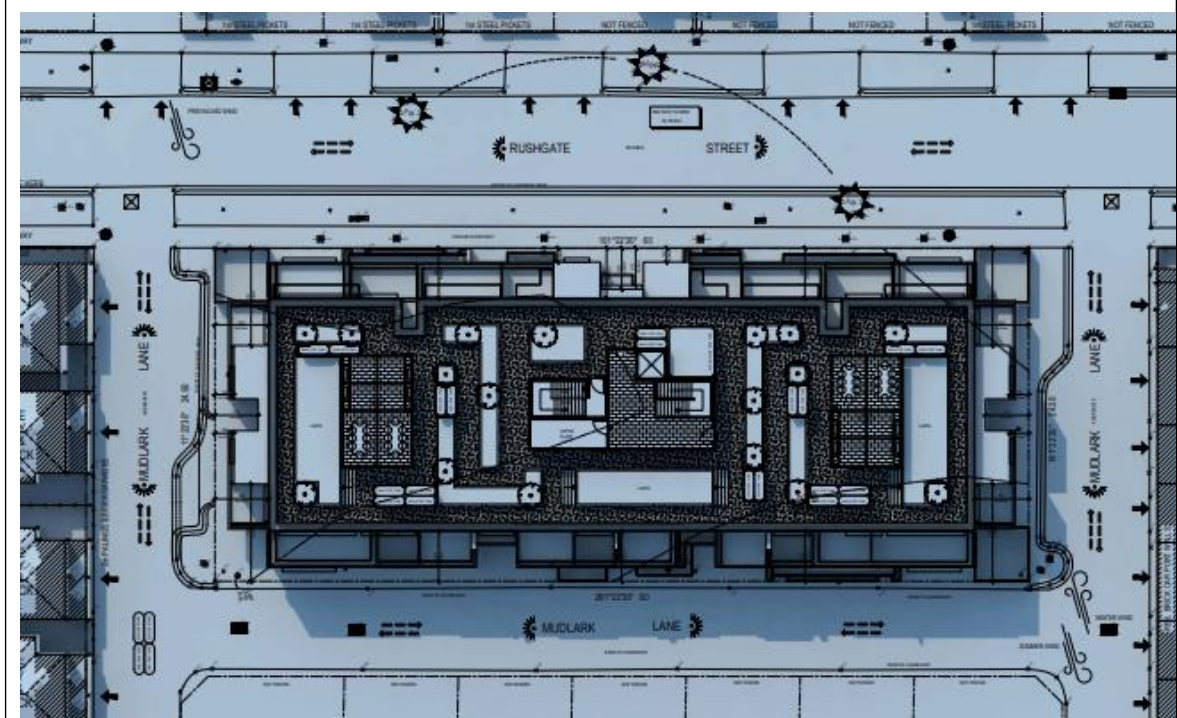
Shadows at 10am on 22nd September



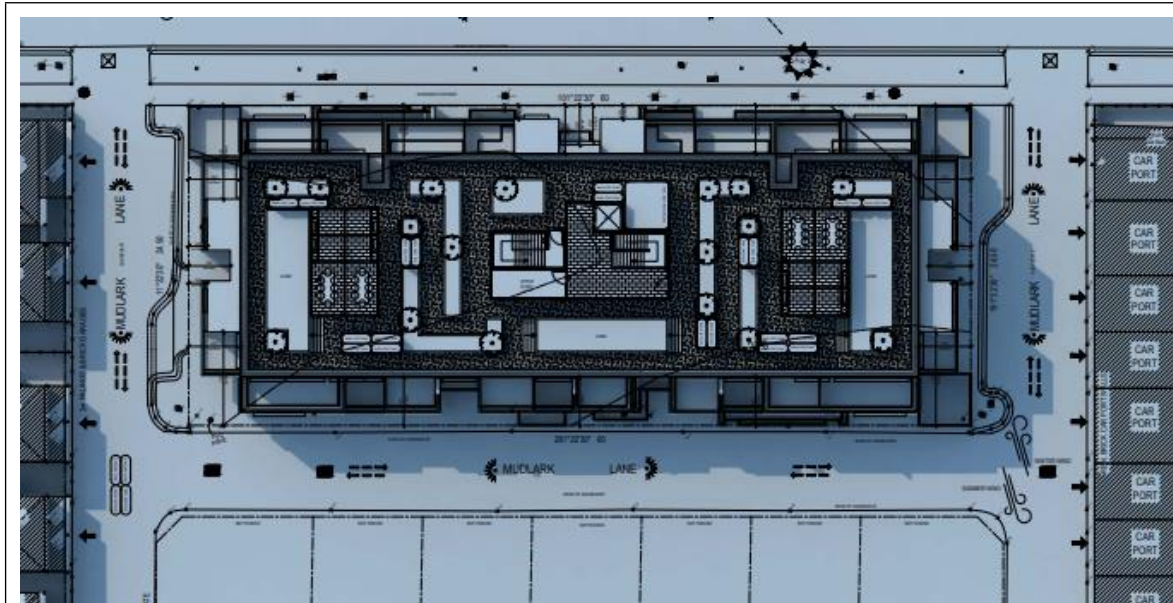
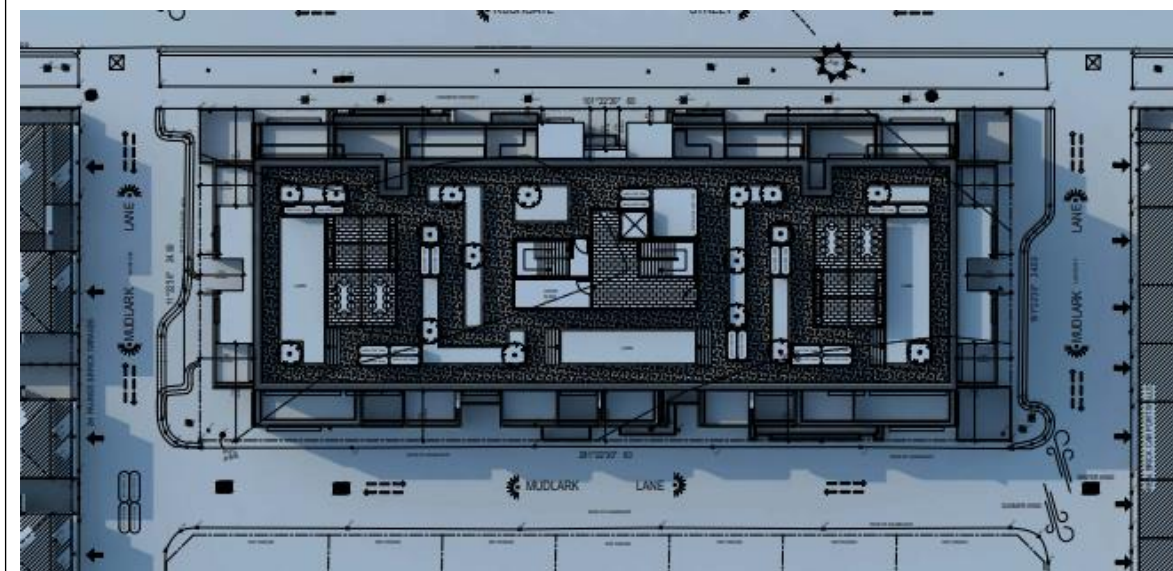
Shadows at 11am on 22nd September



Shadows at 12pm on 22nd September



Shadows at 1pm on 22nd September

Shadows at 2pm on 22nd SeptemberShadows at 3pm on 22nd 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:

Resolution

Moved Cr Ryan, seconded Cr Cameron:

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

- The proposal represents an overdevelopment of the site and is not responsive to its surrounding context
- The proposal does not contribute to the existing or preferred neighbourhood character of the area
- The proposal will have unacceptable amenity impacts on the surrounding area, including noise, overlooking and overshadowing
- The proposal will result in unacceptable traffic and car parking impacts due to its reliance on a local access road and lack of on-street car parking

Cr Kowarzik foreshadowed the officer's recommendation in the event that Cr Ryan's motion is defeated.

Lost.

Cr Ryan called for a division.

For: Cr Ryan, Ross and Cameron

Against: Cr Moore, Kowarzik, Owen, Radford and Springfield

Moved Cr Jack Kowarzik, seconded Cr Tammy Radford.

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:
 3.
 - 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:
 - 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 A0360919 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.

Carried

Cr Ryan called for a division.

For: Cr Moore, Kowarzik, Owen, Radford and Springfield

Against: Cr Ryan, Cameron and Ross

5.4 Planning Matters Dealt with by Officer Under Delegated Authority

File Reference: {file-reference}
Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

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

Planning Matters Report

Beacon Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
11/02/2022	T200770 - PC1	10 Lenne Street, Beaconsfield Upper VIC 3808	T200770-1 PC1 (Con. 01b RPP) - Plans to Comply Application	Issued	31/01/2022
11/02/2022	T210483	29 Whiteside Road, Beaconsfield VIC 3807	Subdivision of land	Issued	30/06/2021
11/02/2022	T210898	85 Mount Burnett Road, Mount Burnett VIC 3781	Development of the land for an outbuilding (garage)	Issued	29/11/2021
11/02/2022	T210948	560 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (carport)	Issued	17/12/2021
14/02/2022	T210588	21 Bourkes Creek Road, Pakenham Upper VIC 3810	Subdivision of the land into two (2) lots (boundary realignment)	Issued	4/08/2021
17/02/2022	T210877	78 Stoney Creek Road, Beaconsfield Upper VIC 3808	Buildings and works associated with a dwelling extension	Issued	23/11/2021
18/02/2022	T210487	280 Gordon Road, Pakenham Upper VIC 3810	Construction of an outbuilding and associated works	Issued	30/06/2021
22/02/2022	T210295	85 Norris Road, Pakenham VIC 3810	Buildings and works associated with two (2) outbuildings	Issued	30/04/2021
23/02/2022	T210455	560 Paternoster Road, Mount Burnett VIC 3781	Construction of an outbuilding and associated works	Issued	18/06/2021
24/02/2022	T210708	35 Mann Road, Pakenham Upper VIC 3810	Extension of an outbuilding and associated works	Issued	14/09/2021
1/03/2022	T140413 - 1	12 Holm Park Road, Beaconsfield VIC 3807	T140413 - 1 APP - Amended Permit The use and development of the land for animal keeping (four dogs)	Lapsed	28/06/2021
1/03/2022	T220087	109 Quamby Road, Guys Hill VIC 3807	Development of the land for an outbuilding (shed)	Issued	13/02/2022
2/03/2022	T220079	35 Burton Road, Beaconsfield Upper VIC 3808	Development of the land for an extension to an existing dwelling	Issued	10/02/2022
2/03/2022	T220116	35 Short Lane, Pakenham VIC 3810	Development of the land for a non-habitable outbuilding	Issued	17/02/2022
9/03/2022	T210479	690 Gembrook Road, Pakenham Upper VIC 3810	Construction of an outbuilding and associated works	NOD	29/06/2021

9/03/2022	T210727 - PC1	288 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	T210727 PC1 (Con. 13 LMP) - Plans to Comply Application	Issued	10/12/2021
9/03/2022	T210750	50 Payne Road, Beaconsfield VIC 3807	Development of the land for a dwelling, habitable outbuilding, outbuilding (garage) and associated earthworks.	Issued	9/11/2021

Bunyip Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
15/02/2022	T210651	1840 Gembrook-Tonimbuk Road, Tonimbuk VIC 3815	Development of the land for two (2) non-habitable outbuildings and associated works	NOD	24/08/2021
16/02/2022	T190194 - PC3	8 Mary Street, Bunyip VIC 3815	T190194 PC3 (Con. 12 S173) - Plans to Comply Application	Issued	12/04/2021
16/02/2022	T190194 - PC4	6 & 8 Mary and 40 Main Streets, Bunyip VIC 3815	T190194-2 PC4 (Con. 07 S173) - Plans to Comply Application	Issued	11/02/2022
17/02/2022	T220016	497 Garfield North Road, Garfield North VIC 3814	Development of the land for an extension and alteration to an existing dwelling	Issued	11/01/2022
18/02/2022	T210837	13 Knights Court, Tynong VIC 3813	Development of the land for horse stables and associated buildings and works	Issued	9/11/2021
18/02/2022	T220046	195 Gillespie Road, Tynong VIC 3813	Development of the land for an outbuilding (shed)	Issued	31/01/2022
21/02/2022	T210729	110 Wattletree Road, Bunyip VIC 3815	Buildings and works associated with an outbuilding	Lapsed	21/09/2021
22/02/2022	T210536 - PC1	6 Sweeney Court, Tynong VIC 3813	T210536 PC1 (Con. 01 LMP) - Plans to Comply Application	Issued	31/01/2022
22/02/2022	T210560	50 Archer Road, Garfield VIC 3814	Subdivision of the land into two (2) lots	Issued	28/07/2021
3/03/2022	T200560 - PC1	15 & 17 Nash Road, Bunyip VIC 3815	T200560-1 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	14/12/2021
3/03/2022	T210156	135 Old Sale Road, Garfield North VIC 3814	Buildings and works associated with an outbuilding	Issued	4/03/2021
3/03/2022	T210557	15 Corcoran Road, Bunyip VIC 3815	Use and development of the land for a Dependent Person's Unit	Issued	28/07/2021
3/03/2022	T210635	69 Bullen Road, Tynong North VIC 3813	Buildings and works associated with an outbuilding (shed)	Issued	18/08/2021
3/03/2022	T210779	75 McInnes Road, Tynong North VIC 3813	Re-subdivision of the land (two (2) lot boundary realignment)	Issued	4/10/2021
4/03/2022	T210236 - PC1	36A Railway Avenue, Tynong VIC 3813	T210236 PC1 (Con. 01, 02 & 03) - Plans to Comply Application	Issued	11/01/2022
7/03/2022	T210360	1570 Princes Highway, NAR NAR GOON VIC 3812	Subdivision of land in stages and associated works including works on land affected by the Land subject to inundation overlay	Issued	14/05/2021

9/03/2022	T210802	158 Racecourse Road North, Pakenham VIC 3810	Development of the land for two (2) dwellings	Issued	19/10/2021
10/02/2022	T190130 - PC2	4 Latta Road, Nar Nar Goon VIC 3812	T190130 PC2 (Con. 13 S173 - SEW) - Plans to Comply Application	Issued	13/08/2021
11/02/2022	T190768 - PC1	7 Knights Court, Tynong VIC 3813	T190768 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	3/02/2022
4/03/2022	T180314 - PC5	24 Barker Road, Garfield VIC 3814	T180314 - PC5 (Con. 07 S173) Plans to Comply Staged multi-lot subdivision and the removal of native vegetation	Issued	13/07/2021

Central Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
22/02/2022	T210743	2 Garland Street, Pakenham VIC 3810	Construction of two (2) dwellings on a lot	Issued	28/09/2021
2/03/2022	T210846	10 Cumberland Drive, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	11/11/2021

Henty Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
11/02/2022	T210748	21 King Street, Pakenham VIC 3810	Subdivision of the land into eight (8) lots in accordance with the approved development	Issued	29/09/2021
18/02/2022	T200464 - PC2	28 Rogers Street, Pakenham VIC 3810	T200464 PC2 (Con. 01 C1P) - Plans to Comply Application	Issued	16/09/2021
2/03/2022	T210552	16 Toomuc Valley Road, Pakenham VIC 3810	Development of the land for two (2) dwellings behind an existing dwelling	Lapsed	26/07/2021
3/03/2022	T210631	125 Henry Street, Pakenham VIC 3810	Use of land for the sale of packaged liquor	NOD	18/08/2021
9/03/2022	T210907	2 St Cloud Place, Pakenham VIC 3810	Building and works associated with an existing dwelling (swimming pool, spa, verandah and deck)	Issued	2/12/2021
3/03/2022	T210829	222 Princes Highway, PAKENHAM VIC 3810	Use of land for a funeral parlour	Issued	3/11/2021

Officer Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
14/02/2022	T200320 - 1	Bridge Road, Officer VIC 3809	Amend permit condition	Issued	22/12/2021
22/02/2022	T220036	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated within an existing residential village	Issued	24/01/2022
25/02/2022	T220052	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated with an existing Residential Village	Issued	1/02/2022
28/02/2022	T210816	6 Gleeson Way, Officer VIC 3809	Proposed veranda to be built outside the building envelope	Issued	27/10/2021
9/03/2022	T210432	Princes Highway (proposed 27 Winnows Street), Officer VIC 3809	Use and development of a display home and reduction in the car parking	Issued	10/06/2021
9/03/2022	T210693	Rix Road, Officer VIC 3809	Subdivision of land	Issued	8/09/2021
22/02/2022	T160190 - PC6	90 McMullen Road, Officer VIC 3809	T160190 PC6 (Con. 08 PIP) - Plans to Comply Application	Issued	10/08/2021
22/02/2022	T210852	97 Tivendale Road, Officer VIC 3809	Buildings and works (fence)	Issued	12/11/2021

Pakenham Hills Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
18/02/2022	T210868	21 Solid Drive, Pakenham VIC 3810	Development of land for a dwelling, fence and associated works	Issued	20/11/2021
24/02/2022	T210640 - PC1	9 Osborn Grove, Pakenham VIC 3810	T210640 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	19/01/2022
3/03/2022	T200328 - 2	155 Ahern Road, Pakenham VIC 3810	Amendment to Condition 7.a to delete requirement for landscaping to be completed prior to the issue of Statement of Compliance	Issued	19/12/2021
3/03/2022	T210700	1 Galway Rise, Pakenham VIC 3810	Development of land for a dwelling and associated earthworks	Issued	10/09/2021
9/03/2022	T210661 - PC1	17 Blessing Rise, Pakenham VIC 3810	T210661 PC1 (Con. 01 LP) - Plans to Comply Application	Issued	22/12/2021
9/03/2022	T210736	10 Palm Court, Pakenham VIC 3810	Development of land for a dwelling and associated earthworks	Issued	23/09/2021
24/02/2022	T180200 - PC1	152 & 156 Army Road, Pakenham VIC 3810	Construction of multiple dwellings and vegetation removal	Issued	6/02/2020

Ranges Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
11/02/2022	T210740	434 Woori Yallock Road, Cockatoo VIC 3781	Development of the land for a dwelling extension and non-habitable outbuilding (carport)	Issued	28/09/2021
14/02/2022	T210677	35 Orchard Road, Gembrook VIC 3783	Use and development of the land for a replacement dwelling and associated earthworks	Issued	3/09/2021
15/02/2022	T170540-1 - PC1	131 Grey Road, Gembrook VIC 3783	T170540-1 PC1 (Con. 01 CMP) - Plans to Comply Application	Issued	29/11/2021
18/02/2022	T180299 - 1	37 Mountain Road, Cockatoo VIC 3781	Amendments to Planning Permit T180299 (issued for the development of a dwelling, earthworks & vegetation removal) to change the location of the dwelling and vegetation removal.	Issued	22/06/2021
18/02/2022	T200712	380 Woori Yallock Road, Cockatoo VIC 3781	Buildings and works associated with an outbuilding	Issued	31/10/2020
18/02/2022	T210734	9 First Avenue, Cockatoo VIC 3781	Buildings and works associated with a dwelling extension	Issued	23/09/2021
21/02/2022	T210370	10 Allenby Avenue, Cockatoo VIC 3781	Build a outbuilding Garden Shed at rear of property.	Lapsed	24/05/2021
22/02/2022	T210403 - PC1	8 Paradise Grove, Emerald VIC 3782	T210403 PC1 (Con. 01 & 13) - Plans to Comply Application	Issued	22/02/2022
22/02/2022	T210570	28-30 Main Street, Gembrook VIC 3783	Two (2) lot subdivision and vegetation removal	Issued	30/07/2021
22/02/2022	T210593	2 Osier Place, Cockatoo VIC 3781	Development of the land for a dwelling extension	Issued	9/08/2021
22/02/2022	T210703	615 Woori Yallock Road, Cockatoo VIC 3781	Buildings and works associated with two (2) agricultural buildings and use of the land for a Rural Store	Issued	12/09/2021
25/02/2022	T210015	56-60 McBride Street, Cockatoo VIC 3781	Use of the land for leisure and recreation and associated buildings and works	Issued	13/01/2021
2/03/2022	T210718	58 Avon Road, Avonsleigh VIC 3782	Development of the land for an extension to an existing dwelling (Carport) and a non-habitable outbuilding (Shed)	Issued	17/09/2021
2/03/2022	T210746	35 Sunnyside Terrace, Emerald VIC 3782	Alterations and additions to an existing dwelling	Lapsed	28/09/2021
3/03/2022	T190421 - PC1	6 Lisheen Road, Cockatoo VIC 3781	T190421 PC1 (Con. 14 DPU S173) - Plans to Comply Application	Issued	5/10/2021

3/03/2022	T210373 - PC1	1 Main Street, Gembrook VIC 3783	T210373 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	25/11/2021
3/03/2022	T210399	G Shop 1/329-331 Belgrave-Gembrook Road, Emerald VIC 3782	Multi-lot subdivision of buildings and creation of easements and creation of a reserve	Issued	1/06/2021
9/03/2022	T210169	136 Amphlett Avenue & 29 Fielder Road, Cockatoo VIC 3781	Subdivision of land into two (2) lots (boundary realignment)	Issued	14/03/2021
9/03/2022	T210276	4 Majestic Drive, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Issued	21/04/2021
9/03/2022	T210838	8 Gum Street, Cockatoo VIC 3781	Development of the land for one dwelling and outbuilding with associated earthworks	Issued	9/11/2021
9/03/2022	T210888	240 Mountain Road, Gembrook VIC 3783	Buildings and works for two (2) agricultural buildings	Issued	26/11/2021

Toomuc Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
11/02/2022	T190660 - 2	32 Mulcahy Road, Pakenham VIC 3810	Amendment to planning permit T190660-1 to change from single storey to double storey, increase the number of storage units from 143 units to 313, reduce the number of crossovers, and increase car parking	Issued	20/09/2021
11/02/2022	T210831	16 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	5/11/2021
3/03/2022	T210799	82 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	18/10/2021
3/03/2022	T210871	25 Verbier Road, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	22/11/2021

Westernport Ward

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
10/02/2022	T210889	13 Sette Circuit, Pakenham VIC 3810	Buildings and works for the construction of a warehouse	Issued	26/11/2021
10/02/2022	T210896	40 Gardner Street, Koo Wee Rup VIC 3981	Development of the land for a second dwelling & associated subdivision of the land into 2 lots	Lapsed	29/11/2021
10/02/2022	T210936	21 Innovation Way, Pakenham VIC 3810	Development of the land for a warehouse and a reduction in car parking	Issued	14/12/2021
11/02/2022	T210444	4170 South Gippsland Highway, Monomeith VIC 3984	Development of the land for a dam and associated earthworks	Issued	16/06/2021
11/02/2022	T210835	295 & 325 Cardinia Road, Officer South VIC 3809	Signage promoting the sale of land/homes exceeding 10sqm	Issued	5/11/2021
15/02/2022	T210577	10 Evolution Drive, Pakenham VIC 3810	Development of the land for a warehouse and a reduction in the car parking requirements	Issued	3/08/2021
17/02/2022	T210914	12 Innovation Way, Pakenham VIC 3810	Development of the land for a warehouse and associated works	Issued	7/12/2021
18/02/2022	T210890	15 Sette Circuit, Pakenham VIC 3810	Development of land for two (2) warehouses	Issued	26/11/2021
18/02/2022	T220044	910 Caldermeade Road, Catani VIC 3981	Development of the land for an agricultural outbuilding	Issued	25/01/2022
25/02/2022	T200839	Cardinia Road, Officer South VIC 3809	Subdivision of land, buildings and works and, removal of existing waterbodies	Issued	18/12/2020
25/02/2022	T210674	20 Hill Street, Pakenham VIC 3810	Development of two warehouses and associated works	Issued	2/09/2021
2/03/2022	T210713	35 Station Street, Lang Lang VIC 3984	Buildings and works associated with a non-habitable outbuilding	Issued	15/09/2021
2/03/2022	T210957	35A Peet Street, Pakenham VIC 3810	Development of the land for an extension to an existing building and reduction in the car parking requirement	Issued	21/12/2021
3/03/2022	T210545	315 Daly Road, Nar Nar Goon VIC 3812	Development of the land for an outbuilding.	Lapsed	23/07/2021
3/03/2022	T210548	1 Bravo Loop, Pakenham VIC 3810	Development of warehouses and ancillary offices, and for the variation (reduction) of vehicle parking requirements and vary an easement and for the display of signs	Issued	8/09/2021
8/03/2022	T210184	295-325 Cardinia Road, Officer South VIC 3809	Subdivision of land, buildings and works and removal of existing waterbodies	Issued	5/03/2021

5.5 Planning Matters VCAT Report

File Reference: {file-reference}
Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council note the report.

Executive Summary

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

Matters Recently Lodged at VCAT

None.

Matters Recently Decided at VCAT

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
4/04/22	T190768	7 Knights Court, Tynong	Subdivision of land into (2) lots and variation of restrictive covenant PS705124	Notice of Decision to Grant a Permit	Objector	Application by objector withdrawn; permit granted	24 January 2022
28/01/22	T200589	48 James Street, Lang Lang	Development of the land for six (6) dwellings	Refusal	Applicant	Decision set aside; permit granted	17 February 2022
1/12/21	T190304-1	3480 Princes Highway Bunyip	Amendments to Planning Permit T190304 (issued for the use and development of the land for dog breeding) to increase dog numbers for commercial dog breeding and include additional	Refusal	Applicant	Application withdrawn by permit applicant; amended permit refused	16 February 2022

buildings and
works.

Matters Currently the Subject of VCAT Appeal

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
22/08/22	T210338	Warehouse 1/9 Southeast Boulevard, PAKENHAM VIC 3810	Use of the land for a food and drink premises, manufacturing sales and the sale and consumption of liquor (producer's licence) in association with industry (micro-brewery) and a reduction of car parking requirements	N/A	Applicant	Awaiting hearing	
27/07/22	T210005	150 Settlement Road, Caldermeade	Use and development of the land for Domestic Animal Husbandry (Dog Breeding)	Refusal	Applicant	Awaiting hearing	
14/12/21	T200167	197 Quamby Road, Beaconsfield Upper	Alterations and additions to an existing dwelling and outbuilding	Refusal	Applicant	Awaiting determination	
2/09/21	T190712	565 Murray Road, Vervale	Use and development of the land for Rural Industry and Caretakers Dwelling associated with Industrial Hemp	Refusal	Applicant	Awaiting determination	

5.6 Planning Scheme Amendment Activity Report

Responsible GM: Lili Rosic
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

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

Status of Active Amendments

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

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C222	XWB Consulting	85 McNamara Road, Bunyip	Amendment C222 proposes to: <ul style="list-style-type: none"> - rezone land from Farming Zone Schedule 1 (FZ1) to Low Density Residential Zone Schedule 3 (LDRZ3) (55 & 85 McNamara Road) - apply a Development Plan Overlay Schedule 21 (DPO 21) (85 McNamara Road) - apply a Design and Development Overlay Schedule 1 (DDO1) - delete the Environmental Significance Overlay Schedule 1 (ESO1). 	Thu 08/08/2019	Fri 06/09/2019	Panel Report finalised on 29/04/2020. Awaiting further information from the proponent in relation to some of the issues raised in the Panel Report, including addressing bushfire risk and maintaining Southern Brown Bandicoot habitat.
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	Amendment C238 proposes to: <ul style="list-style-type: none"> - rezone land to the Neighbourhood Residential Zone (NRZ2) (Clause 32.09 Schedule 2) - apply a Development Plan Overlay (DPO19) to the Glismann Road Area (Clause 43.04 Schedule 19) - apply Development Contributions Plan Overlay (DCPO5) to the Glismann Road Area (Clause 45.06 Schedule 5) - amend Clause 72.04 to incorporate the Glismann Road Development Contributions Plan (GRDCP) into the Cardinia Planning Scheme 	Thu 09/07/2020	Mon 14/09/2020	Panel Report received 04/01/2022. Currently reviewing recommendations of Panel Report. A report will be considered at the 16 May 2022 Council Meeting.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<ul style="list-style-type: none"> - amend Clause 53.01 to facilitate the provision of local open space through the GRDCP. 			
C240	Cardinia Shire Council	Koo Wee Rup Township	Implement the objectives of the Koo Wee Rup Township Strategy by: <ul style="list-style-type: none"> - applying Development Plan Overlay Schedules 23 and 24 to two undeveloped residential precincts in Koo Wee Rup - applying Design and Development Overlay Schedule 8 to existing residential areas in Koo Wee Rup - applying Design and Development Overlay Schedule 9 to the commercial town centre of Koo Wee Rup. 	Thu 13/02/2020	Mon 16/03/2020	Gazetted 24/02/2022
C257	Cardinia Shire Council	53-65 Woods Street, Beaconsfield	Apply a Development Plan Overlay (DPO) for the Woodland Grove Precinct as shown in the Beaconsfield Structure Plan.	Thu 11/02/2021	Fri 12/03/2021	Adopted by Council on 20/09/2021. Currently waiting for the Minister for Planning to approve.
C262	XWB Consulting	11 Thom Road, Lang Lang	Rezone part of land from Farming Zone - Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) and consider Planning Permit Application No. T190728 for: <ul style="list-style-type: none"> - a staged subdivision of the subject land into residential lots; 			The Amendment was authorised by the Minister for Planning on 17/01/2022. It will be placed on public

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<ul style="list-style-type: none"> - creation of two (2) Reserves; and, - creation of restrictions on the plan of subdivision; concurrently with the amendment.			exhibition in March 2022.
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	Adopted by Council on 19/07/2021. An Infrastructure Contributions Plan (ICP) is currently being prepared. Officers are currently updating the land use budget and obtaining land valuations by Westlink. This is anticipated to be completed by April upon which a further update will be provided.
C266	Three Thirds Consulting	39 Wattletree Road, Bunyip	Section 96A amendment to rezone the land from Low Density Residential Zone - Schedule 2 (LDRZ2) to Low Density Residential Zone - Schedule 3 (LDRZ3) and consider Planning Application No. T200105 for:			The Amendment was authorised by the Minister for Planning on 9/02/22.

A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			<ul style="list-style-type: none"> - subdivision of the subject land into two (2) lots; - removal of vegetation; and, - creation of restrictions on the plan of subdivision; concurrently with the amendment.			It will be placed on exhibition in May 2022.
C270	Cardinia Shire Council	Cardinia Shire municipality	To apply the Heritage Overlay to 9 trees confirmed as historically significant through the Significant Tree Register process.			The Amendment was authorised by the Minister for Planning on 17/01/2022. It will be placed on public exhibition in March 2022.

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 8:01pm.

Minutes confirmed
Chairman