

Town Planning Committee Meeting

Minutes

Monday 5 September 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 Stephanie Davies	
	Cr Jack Kowarzik	
	Cr Graeme Moore	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Carol Ryan	
Officers:	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Lili Rosic	General Manager Liveable Communities
	Debbie Tyson	General Manager Governance, Facilities and Economy
	Jenny Scicluna	General Manager Customer, People and Performance
	Doug Evans	Manager Governance

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1 Opening And Prayer

Meeting opened at 7:00pm.

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

Councillors Ryan, Davies and Ross were apologies for the meeting.

4 Declaration Of Interests

Nil.

5 Ordinary Business

5.1 T210902 PA - Development of the land for thirty-one (31) dwellings at 13-15 Mahon Avenue, Beaconsfield

Responsible GM: Lili Rosic
Author: Dean Haeusler

Recommendation(s)

That Council form a position to refuse to grant Planning Permit T210902 for the development of the land for thirty-one (31) dwellings at L1 LP46245, 13-15 Mahon Avenue, Beaconsfield on the following grounds:

1. The proposal does not respect established neighbourhood character sought to be preserved by:
 - Clause 15.01-5S (Neighbourhood character)
 - Clause 21.03-1 (Housing)
 - Clause 32.08 (General Residential Zone) and;
 - Clause 55 (two or more dwellings)
2. The proposal is inconsistent with Clauses 19.03-3S (Integrated water management) and permeability and stormwater management objectives of clause 55.03-4 and 55.07-5 that seek to manage drainage and stormwater through integrated approaches
3. The proposal does not provide communal open space for apartment dwellings in accordance with Clause 55.07-2 (Communal open space objective);
4. The proposal does not provide sufficient vehicle or pedestrian access in accordance with the Design Standards of Clause 52.06-9 (Design standards for car parking);
5. The development results in major encroachment within the Tree Protection Zone on adjoining land that may result in its decline or loss without further investigation.

Attachments

1. T 210902 PA - Locality map [5.1.1 - 1 page]
2. T 210902 PA - Development plans [5.1.2 - 25 pages]
3. T 210902 PA - Compiled objections (redacted) [5.1.3 - 46 pages]

Executive Summary

APPLICATION NO.:	T210902
APPLICANT:	UpCo Urban Planning Collective

LAND:	L1 LP46245, 13-15 Mahon Avenue, Beaconsfield VIC 3807
PROPOSAL:	Development of the land for thirty-one (31) dwellings
PLANNING CONTROLS:	General Residential Zone – Schedule 1
NOTIFICATION & OBJECTIONS:	The proposal was advertised pursuant to Section 52 of the Planning and Environment Act 1987. Twenty-six (26) objections received.
KEY PLANNING CONSIDERATIONS:	Response to Neighbourhood Character Stormwater/Drainage management Compliance with Clause 55 Standards Vehicle and pedestrian access and compliance with 52.06-9 Design Standards
RECOMMENDATION:	Refusal

Background

The site benefits from two planning permits, T140068-1 that has been original issued 19 February 2015 and amended 28 August 2018 for the development of eleven dwellings and T160680 issued 12 December 2016 for the subdivision of land into twelve lots.

The validity of both permits has been extended and remain active.

Subject Site

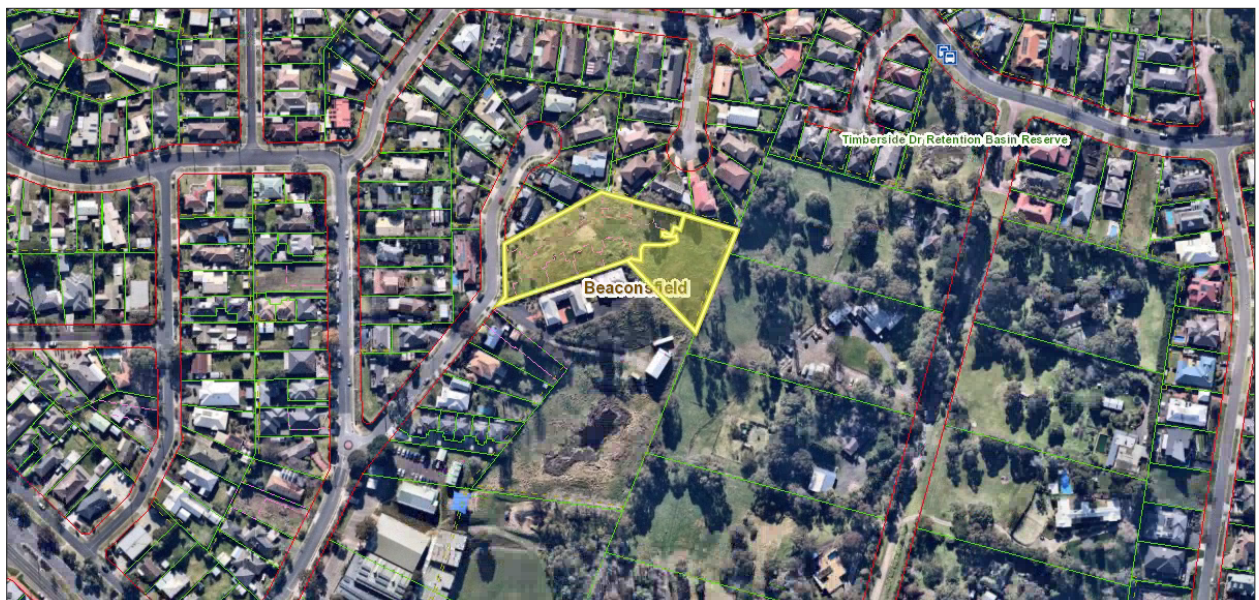


Fig 1: Aerial image of the subject site and surrounding locality (source: Nearmaps)

The site is located on the east side of Mahon Avenue, a no-through road with sole access from Lyle Avenue that feeds into Old Princes Highway. The site is approximately 800 metres walking distance from the edge of the Beaconsfield commercial precinct.

Beaconsfield is identified as an Activity Centre on the western border with Casey City Council, linking Officer to Berwick and the Princes Freeway. By comparison, Pakenham and Officer are Major Activity Centres that anticipate high levels of intensification and urban consolidation.

Adjoining the site is land contained within the Glismann Road structure plan and subject to Planning Scheme Amendment C238 to introduce a Neighbourhood Residential Zone – Schedule 2, Development Plan Overlay 19. Council resolved to adopt the amendment on 16 May 2022. The amendment is current pending Ministerial approval.

The site is positioned at a ridgeline that sits 75 metres above sea level, falling moderately to Mahon Avenue, with a steeper fall to the south-east boundary and the land contained in the Glismann Road Structure Plan.

The site is approximately 6700 square metres, in an irregular shape and burdened by a sewerage and drainage easement along the eastern boundary. The site is predominantly clear of vegetation with two trees remaining on-site.

Surrounding land is characterised by a mixture of single and double storey detached dwellings developed in the late 20th century. lot sizes generally range from 600 – 900 square metres with the exception of the subject site and the adjacent site at 11 Mahon Avenue. Dwellings generally have large footprints with setbacks from all boundaries and established landscaping. There are consistent themes of hipped roof form and brick veneer.

There is one example of residential in-fill development on Mahon Avenue (#3) containing five double storey units.

NORTH
Residential properties, each containing detached single and double storey dwellings with access from Mahon Avenue or Wilma Court.
EAST
Residential properties contained in the Rural Living Zone (and subject to planning scheme amendment C238)
SOUTH
1.3 hectare residential property containing a single dwelling and outbuildings.
WEST
Mahon Avenue; single storey brick veneer dwelling.

Proposal

Approval is sought for the construction of thirty-one dwellings at the subject address. The proposal incorporates a diversity of housing types including townhouse, single-storey unit and apartment living with a combination of surface level parking and integrated garages for units and townhouses.

No.	Type	Storeys	B'rooms	Private Open Space (square metres)
1	Unit	1	3	57
2	Apartment	2 storey complex	2	55

3	Apartment	2 storey complex	2	54
4	Apartment	2 storey complex	2	40
5	Apartment	2 storey complex	2	50
6	Unit	1	3	44
7	townhouse	2	3	80
8	Unit	1	3	91
9	Townhouse	2	3	61
10	Unit	1	3	148
11	Unit	1	3	80
12	Unit	1	3	80
13	Unit	1	3	81
14	Unit	1	3	82
15	Unit	1	3	277
16	Townhouse	2	3	79
17	Unit	1	3	51
18	Townhouse	2	3	44
19	Apartment	2 storey complex	2	53
20	Apartment	2 storey complex	2	40
21	Apartment	2 storey complex	2	40
22	Apartment	2 storey complex	2	51
23	Unit	1	3	46
24	Apartment	2 storey complex	2	20 (balcony)
25	Apartment	2 storey complex	2	20 (balcony)
26	Apartment	2 storey complex	2	20 (balcony)
27	Apartment	2 storey complex	2	20 (balcony)
28	Apartment	2 storey complex	2	21 (balcony)
29	Apartment	2 storey complex	2	21 (balcony)
30	Apartment	2 storey complex	2	21 (balcony)
31	Apartment	2 storey complex	2	21 (balcony)



Fig 2: Site Plan of the proposed development

Dwelling 1 and 22 (units)

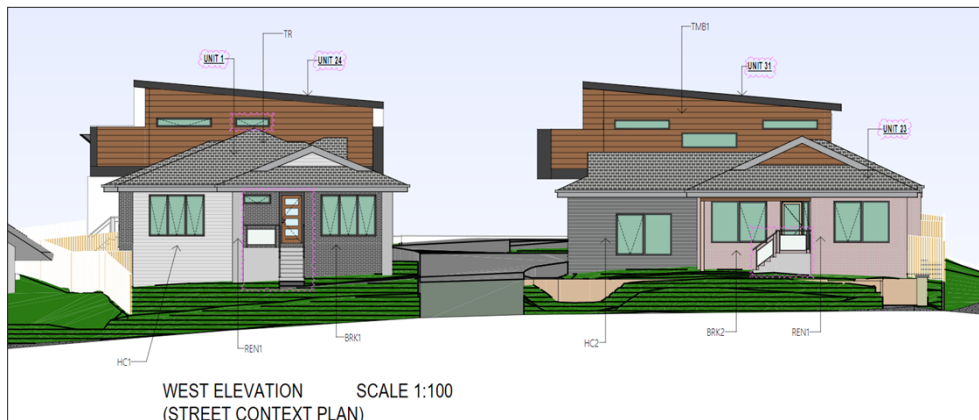


Fig 3: Streetscape elevation of the proposed development (view from the street)

Dwellings 1 and 2 front Mahon Avenue with a single storey built form that accommodates three bedrooms. Both dwellings have been designed with double garages oriented toward the internal access way with pedestrian access from Mahon Avenue for unit 23.

Dwelling 1 is setback 7.50 metres from the road and dwelling 23 is setback 7.52 metres at their minimum and both are separated from boundaries.

The dwellings are a contemporary design with traditional elements of a hipped tile roof with eaves and porch entry from the street. External finishes include a combination of face and rendered brick along with horizontal cladding akin to weatherboards.

Dwellings 2-5, 19-22 and 24-31 (apartments)

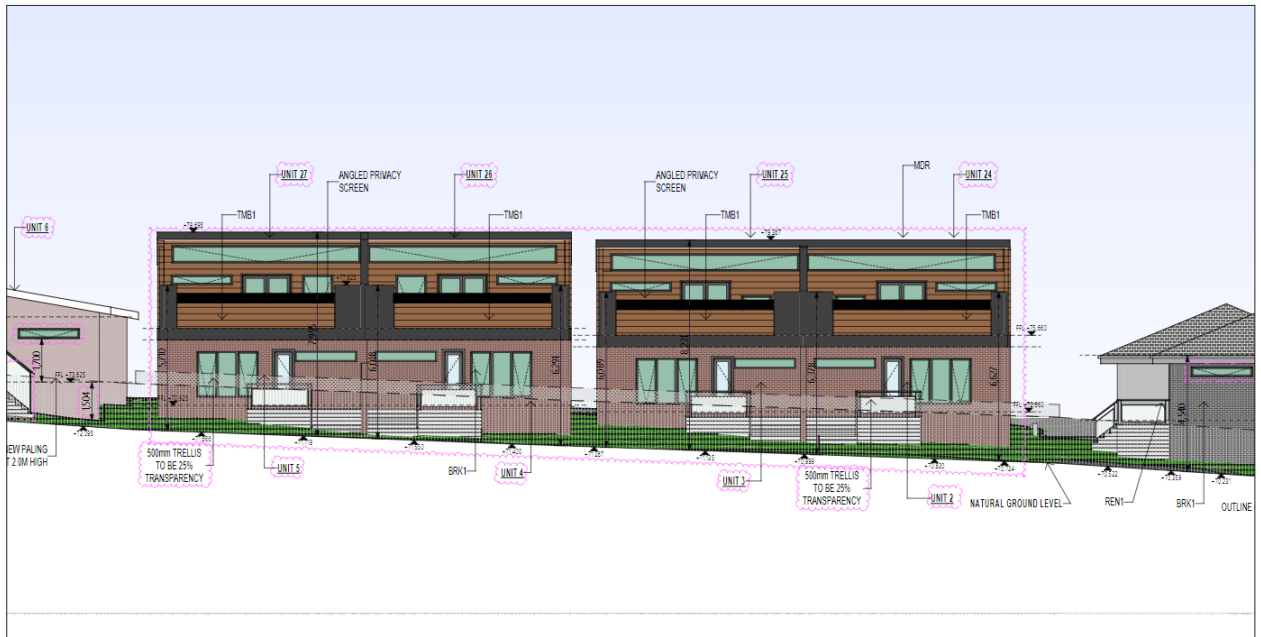


Fig 4: Northern elevation of apartment buildings

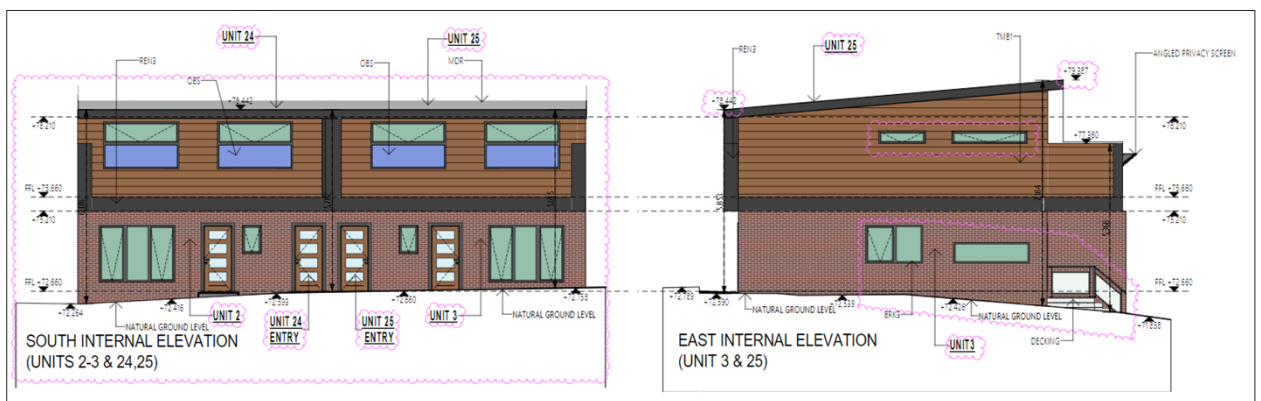


Fig 5: Further elevation views of apartment buildings (as per notation)

The apartment dwellings are centred within the site at the highest point of the property.

The apartments are separated into four blocks each containing four dwellings, two at ground level, two at the first floor. All dwellings contain two bedrooms along with typical amenities and living areas with a northern aspect. Upper storey dwellings contain a single balcony ranging between 20-21 square metres.

Building design is distinct from units 1 and 22 with a more modern design that integrates a cantilevered upper storey, skillion roofing with a low pitch and the use of tradition external materials, primary red brick at ground level and horizontal timber cladding at the upper storey along with metal roofing in a charcoal colour.

Maximum height of the buildings range from 7 – 7.8 metres across the four buildings.

Dwellings 6-9 and 16-18 (townhouse and units)

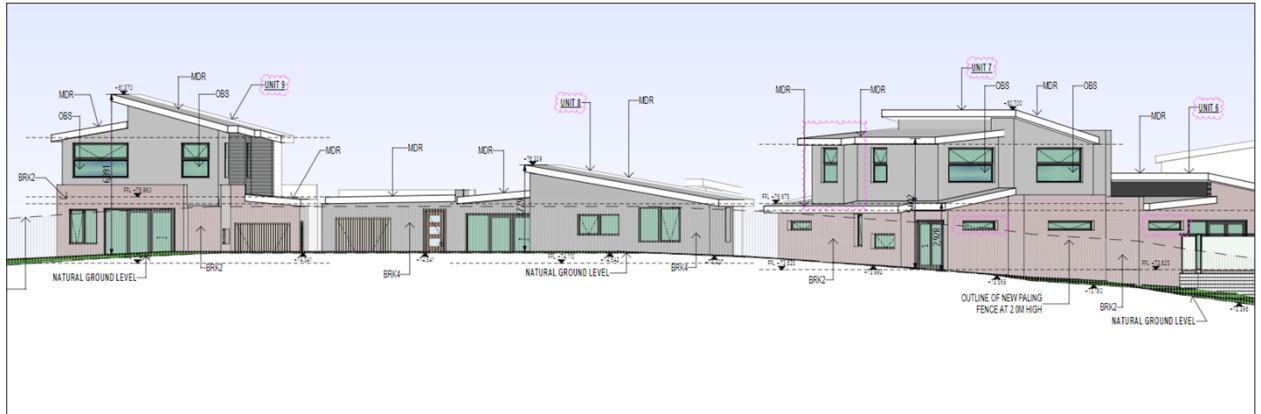


Fig 6: North elevation view of units 6, 7, 8 and 9

These dwellings incorporate a range of design elements and styles with a combination of single and double storey built form. Dwellings 6 and 7 along with 17 and 18 are constructed with shared walls through a combination of single and double storey height. All incorporate single garages with tandem parking spaces provided. Each dwelling provides three bedrooms and normal amenities with rear ground level private open space facing north or south.

The other three dwellings are detached and provide recessed double garages or a single with tandem space.

The dwellings each incorporate a geometric form with skillion roofing on an east-west axis and mixed use of materials and ground and upper storey that utilise a mixture of brick, timber cladding and rendered finishes using the same set of colours introduced through the other dwellings.

Dwellings 10-15

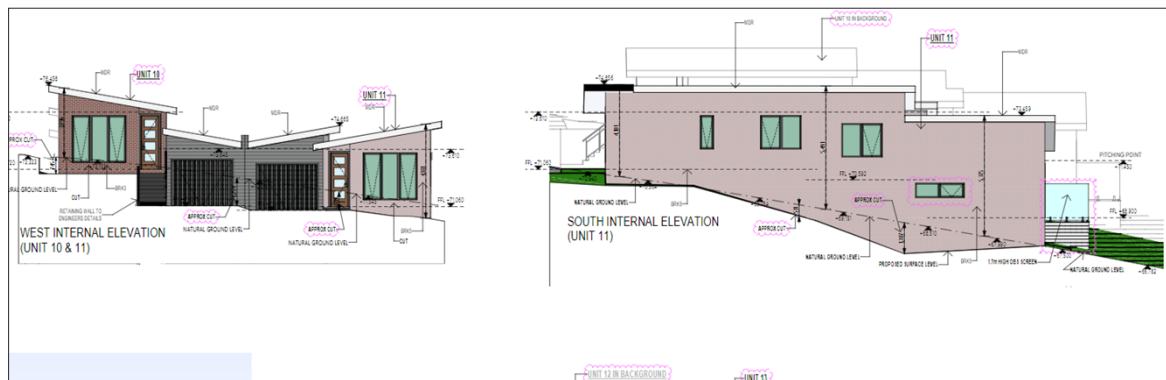


Fig 7: Internal west elevations of unit 10, 11(left) and southern elevation of unit 11

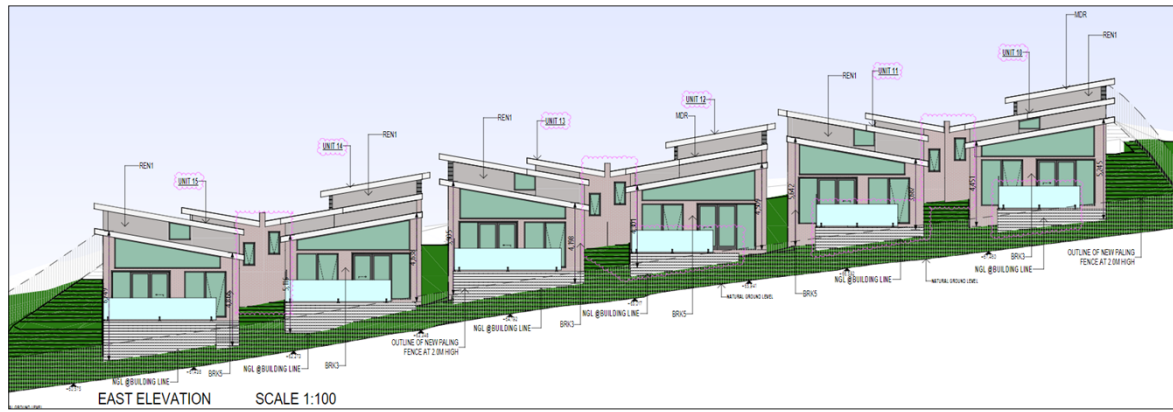


Fig 8: East elevation of units 10 - 15

The easternmost dwellings present a similar layout and design to one another with an elongated, split level response to address the fall of the land. Dwellings are constructed with shared walls with separation between every second dwelling.

Living spaces and decking are oriented south-east with connection to larger private open space areas.

Each dwelling contains three bedrooms, usual amenities and single garages that are incorporated with the buildings and recessed from the front facades.

The dwellings continue the theme of skillion roofing but on a north-south axis while otherwise providing a modern built form using predominantly red brick with further combination at the front façade.

Other

Waste management

A bin enclosure is integrated centrally in the site providing shared bins that will be collected through private waste collection.

Visitor parking spaces

A total of six spaces are provided for visitors, distributed at the western and eastern ends of the site.

Vegetation

The property is predominantly clear of vegetation with the exception of two trees. An arborist report prepared by Rigoni Tree Solutions (dated 5 October 2021) has been provided for assessment with the application. The assessment confirms the presence of two trees 10 and 15, identified are a medium sized Eucalyptus sp. (Australian Native) and a small Eucalyptus sp. (Australian Native) respectively.

Tree 15 will be removed as a consequence of the development while low-level development impact will affect tree 10 enabling the retention of the tree.

A further fourteen trees on neighbouring land have also been assessed. Thirteen of these trees will experience no or minor encroachment from the development that falls within arboricultural standards. Tree 9 (*Syzygium Smithii*) located at 5 Wilma Court however, will suffer major encroachment and further root investigation has been recommended by the arborist.

Planning Scheme Provisions

The relevant clauses of the PPF are:

- 11.03-1S Activity Centres;
- 15.01-1S Urban Design;
- 15.01-2S Building design;
- 15.01-4S Health Neighbourhoods;
- 15.01-5S Neighbourhood character; and
- 16.01-1S Housing Supply.

The relevant clauses of the LPPF are:

- 21.03-1 Housing;
- 21.03-2 Urban Established Area – Beaconsfield and Pakenham; and
- 21.06-1 Design and built form.

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking;
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Clause 65 Decision Guidelines; and
- Beaconsfield Structure Plan (reference document).

Planning Permit Triggers

The proposal for the construction of thirty-one (31) dwellings on a lot requires a planning permit under the following clause of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-6 of the General Residential Zone a permit is required to construct two or more dwellings on a lot.

Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing one signs on site.

A statutory declaration was submitted 5th April 2022 confirming the completion of public notice. Council has received 26 objections to date.

The key issues that were raised in the objections are:

- *Loss of privacy*
- *Loss of property value*
- *Safety* – footpaths
- *Noise* and pollution
- *Proximity to adjoining boundary*
- *Loss of light*
- *Drainage* overflow
- *Traffic congestion*
- *Insufficient car parking*
- Inconsistent with character
- Overdevelopment

- Concerns relating to approved permits on the site.
- Impacts to fauna
- Neighbouring tree impact
- Waste management
- C238 Amendment

Referrals

Internal referrals

Strategic

Preliminary comments have highlighted that the diversity of housing is welcomed but the response is an overdevelopment of the site that does not provide an acceptable transition to land forming part of the Glismann Road planning scheme amendment recently adopted by Council and the Environmental Significance Overlay – Schedule 1 that affects this land.

Urban Design

Building massing (particularly apartment blocks), neighbourhood character, the address of some dwellings and pedestrian movement through the site have been raised as key concerns.

Engineering

The engineering team have identified an issue relating to stormwater management from the site extending to the impact on the existing drainage systems and lack of drainage infrastructure to service the eastern portion of the site.

There is no direct connection to the underground drainage network required to service this development. Surrounding drainage networks have not been designed to drain the extent of impervious area proposed by this development and therefore an on-site detention system will be required.

Due to these limitations drainage will be required to be connected to Mahon Avenue as the alternatives and expected to result in flood damage to dwellings. The eastern portion of the site cannot be drained by gravity due to site topography and a pump solution is not supported. This portion will require construction of outfall drainage through land downstream, requiring to securing of easements of neighbouring land.

The engineering department have also identified that these units may be vulnerable to flooding from overland flow within the site.

To address the above concerns, a stormwater strategy has been required of the applicant however no response has been provided.

Traffic

Council's traffic engineers have raised concern regarding the use of tandems parking spaces for three bedroom units and the need for further turning path assessments for unit 1 and 23. The need for a passing area that meets the Design Standards of clause 52.06 has also been raised as a concern.

No concern has been raised regarding the capacity of the street to accommodate the increase in vehicle movements.

Parks and Gardens

The application was referred to the Parks and Gardens department. No response has been received.

Waste department

Unsupportive of the proposal due to the use of private waste collection.

It is noted that these grounds cannot be used to refuse an application provided a sufficient alternative through a private service can be provided.

External authorities

There were no referrals required to external authorities as part of this application.

Discussion

Planning Policy Framework

A number of State and Local policies are relevant to this application which seeks approval for intensification of residential land in a Neighbourhood Activity Centre. A proposal of this scale must be considered on its merit from a wider strategic perspective at a Local and State strategic level.

Policies such as Clause 11.03-1S (Activity Centres), Clause 15.01-2S (Building Design) and Clause 16.01-1S (Housing Supply) aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and liveable neighbourhoods. More specifically, these clauses include strategies that seek to facilitate increased housing in the established areas and in areas with appropriate infrastructure and access to jobs and public transport and deliver a diverse mix of housing types. The location of the subject site is situated within 1 kilometre of the Beaconsfield commercial precinct and Beaconsfield railway station with good access to amenities relative to wider established areas of Beaconsfield and Pakenham.

At a local level, Clause 21.03-1 (Housing) of the Local Policy Planning Framework and Clause 21.03-2 (Urban Established Areas – Pakenham and Beaconsfield) provide objectives and strategies to help deliver a range of housing types at increased densities, while being consistent with the existing and/or preferred neighbourhood character.

The proposal has sought to respond to these policies through a high level of intensification of the site that provides a range of housing options, through the delivery of single storey, double storey dwellings and apartment alternatives.

15.01-5S (Neighbourhood Character) seeks to achieve development that responds to cultural identity and contributes to existing or preferred neighbourhood character of the area.

The strategies implementing this policy operate to:

- support development that respects existing neighbourhood character or contribute to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflects community identity.

There is no underlying Neighbourhood Character statement in Beaconsfield therefore the assessment and consideration of Neighbourhood Character draws on evaluations of the site and surrounding area and the Beaconsfield Structure Plan (2013) as a reference document to the Cardinia Planning Scheme.

Beaconsfield Structure Plan (2013)

The Beaconsfield Structure Plan provides direction for the growth and development of Beaconsfield and recognises its role as a Neighbourhood Activity Centre to facilitate retail, commercial, community and residential activities to meet existing and future community needs.

The plan has recently been amended from an incorporated document to a reference document, meaning the document no longer carries the same weight or status as the document has previously.

The document provides guidelines on urban design and a focus for residential growth areas in certain areas. Medium density housing and 'incremental residential intensification' are encouraged in the following areas:

- Residential Core (bound by Woods Street, Beaconsfield Avenue and Old Princes Highway);
- Glismann Road precinct;
- Desmond Court precinct;
- Woodland Grove;
- the Commercial Triangle (mixed use encouraged)
- Princes Highway Gateway Precinct (mixed use encouraged); and
- O'Neil Road.

The subject site is not identified within the above precincts where a higher level of residential growth is encouraged.

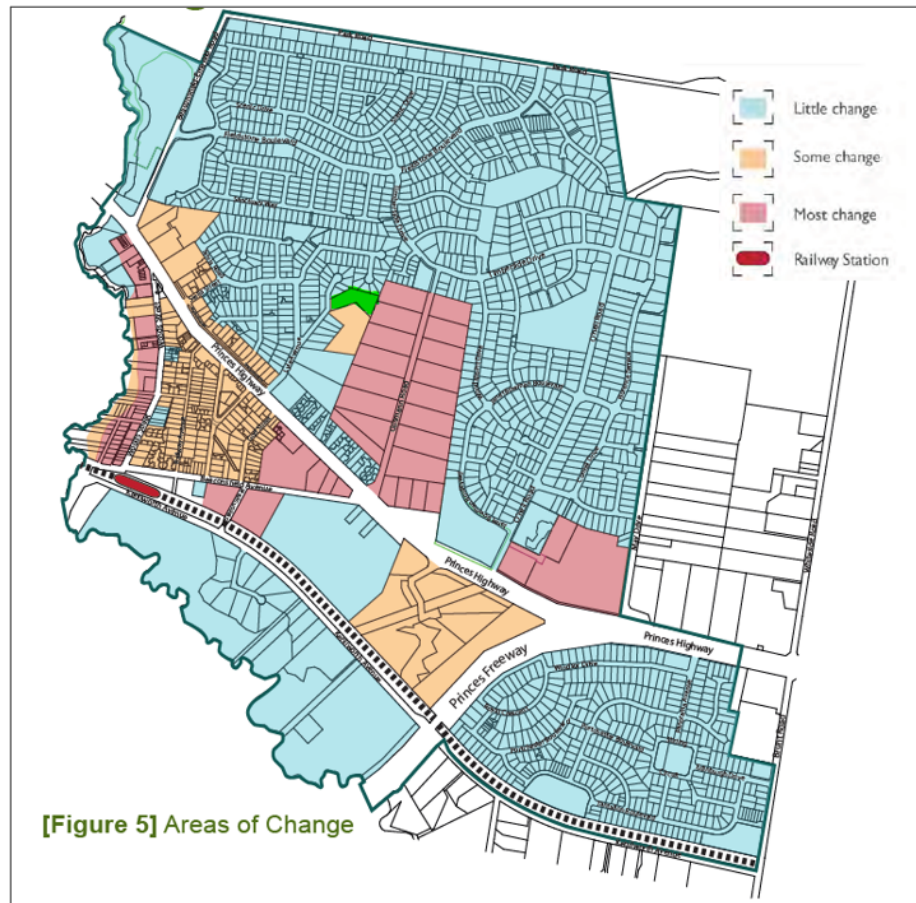


Fig 9: Areas of Change plan, subject site highlighted in green (source: Beaconsfield Structure Plan)

Figure 5 of the plan outlines a framework for the potential change of Beaconsfield over the next 10-15 years through three classifications ranging from 'little change' to 'most change'. The framework states:

“the areas shown as having some or most change are also the areas and parcels of land that have the greatest number of actions in the structure plan”

A correlation between the sites identified for most change and residential intensification is therefore not implied by this plan, particularly when considering the areas where medium density resident growth is encouraged.

While the structure plan encompasses the subject site, the plan is silent on the future development or preferred character for the area where this property is located. Given the status of the Structure Plan and absence of direction for residential development in this area, the plan provides limited guidance to inform a decision on this application.

General Residential Zone - Schedule 1

The subject site is zoned General Residential Zone – Schedule 1, the purpose of which seeks to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport. The Zone also encourages development that is responsive to the existing precinct and reflects the preferred character of the area.

In this application, a permit is required through this planning control to construct two or more dwellings on a lot.

The decision guidelines of this zone relevant to the application cover a number of matters, including:

- The objectives, standards and decision guidelines of Clause 55
- The Municipal Planning Strategy and the Planning Policy Framework
- The purpose of the zone
- The impact of overshadowing on existing rooftop solar energy systems on adjoining dwellings.

A mandatory Garden Area of 35% must be provided across the site. The proposal satisfies the requirement providing 36.4% of garden area. Similarly, the Zone sets a mandatory height limit of development to 11 metres in height which the proposal is compliant with.

The proposal has been assessed against the requirements of Clause 55 to determine whether the proposal can achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character. The proposal must also provide a reasonable standard of amenity for existing and new residents.

An assessment against Clause 55 can be found at Appendix 1 of this document. Detailed consideration of Neighbourhood Character considerations of Clause 55.02 is shown below that demonstrates that critical objectives of the provision are not addressed:

Clause 55.02 Neighbourhood character and infrastructure:



Fig 10: Aerial image of the surrounding locality (source: Nearmaps)

As detailed in the subject site description, the property is located within an established residential pocket of Beaconsfield on undulating land that falls toward Old Princes Highway and the commercial precinct north-west of the site.

The surrounding area is defined by a pattern of lots that vary between 650-1000 square metres, most of which are developed containing detached dwellings constructed during the late 20th century.

These dwellings are characterised by some consistent themes of siting, architectural features, colours/materials.

Siting of buildings are generally set deeper from the street frontage in response to land topography. Garages are typically double width and incorporated with the dwelling and often constructed on a title boundary. Dwellings are mostly constructed of brick with hipped tiled roofing and a variation in single and double storey typology through Mahon Avenue.

There are also examples of weatherboard dwellings likely to have been built at an earlier time, with lean-to carports and pitched corrugated metal or tile roofing.

There are a handful of double storey dwellings that are typically located on the eastern side of the court bowl in Mahon Avenue that possess a recessed upper storey and hipped roofing.

Streetscape photos (Google Street View)





An exception to this pattern is one example of in-fill residential development along the avenue at 3 Mahon Avenue containing five double storey dwellings. These dwellings are arranged along the northern side of the site with shared wall construction between garages. Upper levels are mostly recessed from the ground floor footprint and provide hipped roofs. These dwellings are finished in a light rendered finish with a dark tile roof.

Dwellings along Wilma Court follow a similar theme to Mahon Avenue having been developed during a similar period. Dwellings are typically single storey with some double storey examples. Buildings are deeply setback with generous areas of landscaping and a sense of openness. There is a dominant use of brick and hipped tile roofing. Across both streets, most properties utilise a single-width crossover.

Land east of the site forms part of Glismann Road which is defined by rural-residential properties on larger allotments with steep topography that rises from Old Princes Highway. These properties contain a mix of single storey dwellings generally arranged toward Glismann Road which is unsealed along with substantial tree cover throughout many of the properties and the road reservation. While limited infill development of this area will be encouraged once the amendment is approved by the Planning Minister, Schedule 2 to the Neighbourhood Residential Zone and Development Plan Overlay 19 will act to ensure development responds to natural topography and landscape features and protects the vegetation hilltops when viewed from within and beyond the area.

Neighbourhood Character Response

For reasons detailed below the proposal is considered an overdevelopment of the site that does not sufficiently integrate with or respect the prevailing neighbourhood character.

The proposed development offers a variety of design themes and scale in the design response to respond to neighbourhood character principals. A reliance is placed on the two dwellings that address the street which propose single storey, hipped roofing and porches along with siting and architectural features that take queues from surround properties.

Dwellings 6-9 and 16-18 at the centre of the site provide a measured response with single and two storey form, including detached and dual occupancy construction that provides housing options in a format that seeks to tie in with the scale and upper storey volume that is more reflective of the built form in the area.

The four apartment buildings introduce a new format of living to the vicinity and new built form. These buildings command a large collective footprint with significant upper storey bulk through the use of a cantilevered design that projects above the parking area and low pitch roofing that acts to emphasise the visual mass.

Limited separation at a ground and first floor level between the buildings on either side of the accessway amplify the perception of bulk and massing and draws further contrast with the adjoining properties.

The open ground level parking adjacent to the apartment building entries will be visible from the street and likely perceived from certain aspects, limiting the opportunities for landscaping to soften these buildings and increasing the extent of hard surfacing. The apartment parking format reflects a development pattern more closely associated with a mixed use or high density development with little attempt to conceal the parking to respect a more traditional residential area and accommodate mature landscaping to assist in screening the development.

The apartment buildings are situated at the highest point of property and a ridgeline that is prominent and visible from a larger surrounding aspect, emphasising a need to have a strong response to the surrounding landscape and built form.

While the maximum heights of the buildings are not dissimilar to sounding double storey dwellings, the tall wall heights and substantive upper storey volume act to increase the sense of size and scale to surrounding properties that is not adequately reflected in the height dimensions. These buildings are considered to have limited articulation and do not provide a suitable transition having regard to development on adjoining land.

Although there is some attempt to respond to the prevailing character of the area, the dominance in form and massing of the apartment buildings coupled with a prominent landscape location and open parking results in a design response that does not sufficiently respect the established character,

Clause 52.06 - Car Parking

The purpose of Clause 52.06 is 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 car parking requirements for the proposal.

A planning permit is required to reduce the number of parking spaces required.

The car parking requirements for the proposal are outlined in Clause 52.06-5 are as following:

Type	Rate	Parking required
Dwellings with 2 bedrooms	1 car space	16 x 1 = 16
Dwellings with 3 or more bedrooms	2 car spaces	15 x 2 = 30
Developments of 5 or more dwellings	1 visitor car space per 5 dwellings	6
Total required		52 spaces

As per the development plans the car parking rate is satisfied.

Design standards

Development plans must meet Design Standards unless otherwise agreed by Council as the Responsible Authority.

Standard 1 – Accessways

Non-compliant - The accessway has been designed to a 4.5 metre width at the site entry providing limited opportunity for vehicle passing.

A minimum of 6.1 metre driveway width and 7 metre length is required to facilitate safe passing and avoid vehicle queuing.

Councils traffic department have reviewed the proposal and are unsupportive of the variation to the design standard given the sizeable parking demand and ample opportunity to accommodate a larger access.

Standard 2 – Car parking spaces

Variation supported - All spaces provided meet or exceed the minimum specifications. A reduced aisle width of 5.8 metres is proposed through the centre of the property between the apartment buildings that has been addressed through wider parking spaces.

Tandem spaces associated with dwellings 6,7, 17 and 18 however are constrained with a narrower parking width that does not meet the Standard.

Turning Path assessments have been provided to demonstrate sufficient access to this area.

Standard 3 – Gradients

Unconfirmed - Gradients have not been shown the development plans and compliance in not confirmed

Standard 4 – Mechanical Parking

Not applicable

Standard 5 – Urban Design

Non-compliant - The open surface level parking associated with the apartment buildings will be visible from the street and visually dominant. While attempt has been made to incorporate some spaces behind the design of the dwellings facing the street, many of the spaces on the southern side of the development will be clearly visible from the street.

Standard 6 – Safety

Non-compliant - All parking areas are clearly demarcated and allow for natural surveillance from the residential buildings. Pedestrian access through the site however is poor with limited pathway connectivity through to the eastern dwellings and a large dependency on the shared use of the driveway without any further delineation.

Standard 7 – Landscaping

Compliant - A landscaping plan has been provided with the proposal providing extensive planting throughout the private and common areas of the site.

Decision guidelines

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

The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.

The site is sufficiently accessible from Old Princes Highway via a local road. Insufficient passing space at the entry to the site however may result in the queuing of vehicles to and from the address, particularly given the volume of traffic expected.

The ease and safety with which vehicles access and circulate within the parking area.

The development is largely designed to allow for the efficient and safe flow of vehicles through the site however the site entry and pinch-points through the middle of the site are expected to constrain vehicle movement.

The provision for pedestrian movement within and around the parking area.

There is a reliance on the shared use of the driveway for vehicles and pedestrians through much of the development, exposing pedestrians to unnecessary safety risks. These issues are amplified by the depth of the site at approximately 120 metres.

The provision of parking facilities for cyclists and disabled people.

No provision of accessible parking or bicycle spaces are provided.

The protection and enhancement of the streetscape.

Surface level parking will be visible from the streetscape, impacting the visual amenity of the streetscape. Attempt has been made to address these matters through the design of the street facing dwellings, however due to upslope topography these spaces will be visible.

The provisions of landscaping for screening and shade.

Extensive landscaping is proposed at the frontage and in open areas to soften the parking and accessway through the site.

The measures proposed to enhance the security of people using the parking area particularly at night.

A lighting plan has not been submitted for assessment with the application and there is limited footpath to ensure pedestrian safety.

The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.

The proposal is not expected to result in an unreasonable increase in noise or disturbance to existing dwellings that is not anticipated in areas encouraging residential growth. Garages and parking spaces are generally buffered by dwellings or private open space, minimising the amount of vehicle noise.

The type and size of vehicle likely to use the parking area.

The development will primarily accommodate standard-sized residential vehicles. Waste will be managed by a private contractor and a turning path assessment provided to demonstrate that a suitable collection vehicle can enter and exit the site safely.

Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.

As detailed above, the development does not justify appropriate variations to design standards 1, 2 and 6 which create an unacceptable risk to safety and vehicle movement to and from the site.

The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.

All spaces are provided with close proximity to each dwelling, and an even distribution of visitor spaces are allocated through the site.

Other matters

Stormwater Management and drainage infrastructure

Council's Engineers have identified potential issues relating to the management of stormwater for the eastern portion of the site due fall of the land toward the eastern boundary, limited drainage infrastructure and extent of non-permeable surfacing proposed through this development.

Whilst this is typically a post-permit matter, the above concerns resulted in a request for a Stormwater Management Strategy to demonstrate how and through what means this appropriate stormwater solutions could be achieved. The Engineering request was passed onto the applicant 16th March 2022 with no response received to date.

Stormwater and drainage management is applied under Clause 55.02-4 (Infrastructure Objectives) that seeks to ensure development does not unreasonably overload the capacity of infrastructure and utility services. Council as the responsible authority must consider the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

In the absence of a stormwater management strategy, a significant risk is posed to the subject site and properties downstream.

Objections

The following comments are provided in response to concerns raised by objectors that have not already been addressed in the report:

- Loss of privacy
Impacts to privacy have been addressed through the implementation of obscured glazing, highlight windows and o to prevent direct overlooking to neighbouring habitable rooms and private open space.
- Loss of property value
Impact to property values is not a matter that can be considered in the assessment of a planning permit application.
- Noise and pollution
While increased noise is expected through the residential intensification of the site, the level of noise and disturbance is consistent with the residential context of this site and residential zoning of this area.

- Proximity of development from adjoining boundaries
The development has been designed to meet the design standards required by Clause 55 of the planning scheme that seeks to ensure there is sufficient setbacks from boundaries.
- Traffic congestion
Council's traffic engineers are satisfied that the existing local road network will adequately service this development. Mahon avenue is a local road designed to Council standards. A development cannot be prejudiced by local road issues or bottlenecks that are addressed separately by Councils traffic team and the Department of Transport.
- Concerns relating to approved permits on the site.
The past permits approved on the site and the historic decisions that were made were specific to the assessment of those applications at that time. This application is a new planning permit and must be assessed against the current planning policy and controls as they apply to the site.
- Impacts to vegetation and fauna
An arboriculture assessment has been provided confirming vegetation for removal is not Victorian native and does not require planning permission to be removed.
- Waste management
A shared waste storage and collection area has been provided within the site that will be serviced by private waste collection vehicles as required. Bins will not be placed on the road reservation.

Conclusion

The proposal seeks to leverage off key policies in the scheme that attempt to direct and encourage residential growth in activity centres and provide a range of diverse housing options in well serviced and accessible areas.

Through the design response, substantial residential intensification of the site is proposed through the introduction of thirty-one dwellings. The dwellings introduce a range of housing formats to cater for different needs of the community that is supported by State and Local policy.

As a consequence of the topology and intensification, particularly through the form and mass of the apartment buildings, the proposal is expected to have an unacceptable transformational effect on the development pattern and identity of this established area of Beaconsfield.

Despite its prominent siting at a ridgeline and steep fall toward the south-eastern boundary, scarce regard has been made to consider landscape character that underpins the unique identity of this location with extensive site coverage and visual massing across full extent of the site.

In conjunction with an extensive list of non-compliance with Design Standards of Clause 52.06-9 and the objectives of Clause 55 (appendix 1 below), the proposal is a significant departure from established neighbourhood character.

Due to the challenging topography and limited available drainage infrastructure, the unresolved drainage management concerns raised by Council's Engineering team exposes potential overland flow issues to downstream properties and those of the development if left unaddressed at the design stage and poses an unacceptable risk to Council.

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 development of the land for thirty-one (31) dwellings is refused on the following grounds:

1. The proposal does not respect established neighbourhood character sought to be preserved by:
 - Clause 15.01-5S (Neighbourhood character)
 - Clause 21.03-1 (Housing)
 - Clause 32.08 (General Residential Zone) and;
 - Clause 55 (two or more dwellings)
2. The proposal is inconsistent with Clauses 19.03-3S (Integrated water management) and the permeability and stormwater management objectives of clause 55.03-4 and 55.07-5 that seek to manage drainage and stormwater through integrated approaches;
3. The proposal does not provide communal open space for apartment dwellings in accordance with Clause 55.07-2 (Communal open space objective);
4. The proposal does not provide sufficient vehicle or pedestrian access in accordance with the Design Standards of Clause 52.06-9 (Design standards for car parking);
5. The development results in major encroachment within the Tree Protection Zone on adjoining land that may result in its decline or loss without further investigation

Appendix 1: Clause 55 Assessment: Particular Provisions

55.02-1 Neighbourhood character objectives

- To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- To ensure that development responds to the features of the site and the surrounding area.

Objective met	No
Standard B1	Refer to report discussion regarding neighborhood character

55.02-2 Residential policy objectives

- To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Objective met	No
Standard B2	The construction of multiple dwellings is in accordance with the residential intensification outlined in the zone and strategic policy. The proposal is broadly consistent with the urban consolidation objectives contained within the State and Local Planning Policy Frameworks however the extent of redevelopment is not directly supported by the Beaconsfield Structure Plan (2013) or the location that which does not benefit from close integration with amenities and transport.

55.02-3 Dwelling diversity objective

- To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Objective met	Yes
Standard B3	A variation of dwelling types and sizing has been provided with two and three bedroom options.

55.02-4 Infrastructure objectives

- To ensure development is provided with appropriate utility services and infrastructure.
- To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Objective met	No
Standard B4	The site has the availability of connection for utilities. The capacity of the site to manage stormwater through Council's existing drainage system is unclear and no supporting information has been provided.

55.02-5 Integration with the street objective

- To integrate the layout of development with the street.

Objective met	Yes
Standard B5	Dwellings 1 and 23 will have integration with the street frontage with entries to footpath. The remaining dwellings will have integration through the common driveway.

There will be no fences along the street frontage.

55.03 SITE LAYOUT AND BUILDING MASSING

55.03-1 Street setback objective

- To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Objective met	Yes
Standard B6	<p>The standard requires a minimum setback of 9 metres or the average setbacks of the two adjoining sites or 9 metres, whichever is lesser.</p> <p>The plans submitted do not provide a measurement of the adjoining properties from the frontage however an approximately calculation indicates 17 Mahon Avenue is constructed with a setback of 3.5 metres from the front boundary and 11 Mahon Avenue is setback of 25 metres therefore a 9 metre setback for both dwellings is applicable.</p> <p>A variation to this figure has been sought by the applicant to a street setback of 7.52 metres due to the angled frontage and the large variations is setbacks of the cul-de-sac.</p> <p>A variation to the standard is justified because of the following reasons:</p> <ul style="list-style-type: none"> • 11 Mahon Avenue is legacy lot that possesses a setback that is inconsistent with the wider streetscape character. • Properties at 9, 17 and 6 have setbacks less than 5 metres. • The proposed setback will ensure sufficient landscaping can still be provided to minimise the visual impact of the built form. • The reduction sought is comparatively low and consistent with a strategic direction where more intense residential development is encouraged.

55.03-2 Building height objective

- To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Objective met	Yes
Standard B7	Maximum building height is 7.88 m which satisfies the standard and the mandatory height requirement of the GRZ1.

55.03-3 Site coverage objective

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Objective met	No
Standard B8	Site coverage proposed is 59.9% and compliant with the Standard. This coverage greatly exceeds that of surrounding properties and does not sufficiently account for the unique topography of the site. Although the standard is technically met, the objective to respect the neighborhood character and address site features is not sufficiently met.

55.03-4 Permeability objectives

- To reduce the impact of increased stormwater run-off on the drainage system.
- To facilitate on-site stormwater infiltration.

Objective met	Yes
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Standard B9	40.1% site permeability has been provided
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55.03-5 Energy efficiency objectives

- To achieve and protect energy efficient dwellings and residential buildings.
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Objective met	Yes
Standard B10 Buildings should be:	As much as practicable, the dwellings have been designed to have good solar access however it is noted that some living rooms and secluded private open spaces are situated with a south or south-eastern aspect. While north-facing orientation is preferred this is constrained by the alignment of the lot that limits alternative options without affecting internal amenity. The adjoining sites south and east of the subject site do not have roof-top solar.

55.03-6 Open space objective

- To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Objective met	Not applicable
Standard B11	N/A - The site does not adjoin any public open space.

55.03-7 Safety objective

- To ensure the layout of development provides for the safety and security of residents and property.

Objective met	Yes
Standard B12	The entrance to the front dwellings are clearly visible from the street frontage and the entrances to the dwellings within the development are visible from the common accessway. Passive surveillance will be enabled through the use of balconies, ground floor windows to the street and internal access. The internal orientation of dwellings ensure surveillance to private and visitor parking areas is achieved.

55.03-8 Landscaping objectives

- To encourage development that respects the landscape character of the neighbourhood.
- To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
- To provide appropriate landscaping.
- To encourage the retention of mature vegetation on the site.

Objective met	Yes
Standard B13	There is limited vegetation impact to the site and a landscaping plan has been provided for assessment to assist in contributing to landscape character and integrating the development. The design has accounted for neighbouring trees to ensure Tree Protection Zone impacts are suitably minimised.

55.03-9 Access objectives

- To ensure vehicle access to and from a development is safe, manageable and convenient.
- To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Objective met	Yes
Standard B14	Vehicle access to the development will utilise a single crossover located centrally along the frontage and is consistent with the theme along Mahon Avenue.

5.03-10 Parking location objectives

- To provide convenient parking for resident and visitor vehicles. To avoid parking and traffic difficulties in the development and the neighbourhood.
- To protect residents from vehicular noise within developments.

Objective met	Yes
Standard B15	The car parking spaces are conveniently located near each dwelling while the visitor space are distributed across the site.

55.04 AMENITY IMPACTS

55.04-1 Side and rear setbacks objective

- To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Objective met	No
Standard B17	The proposal satisfies the side and rear setback standards however the upper storey volume and elevated positioning of the apartment buildings result in substantial massing to adjoining properties north and south of the subject site that contrast to the established character.

55.04-2 Walls on boundaries objective

- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Objective met	Yes
Standard B18	There are no walls on or within 200mm of boundaries.

55.04-3 Daylight to existing windows objective

- To allow adequate daylight into existing habitable room windows.

Objective met	Yes
Standard B19	The setbacks of the walls of the dwellings to adjoining habitable room windows are demonstrated through shadow diagrams at 9am, 12pm and 3pm satisfy the requirements of the Standard showing no overshadowing to adjoining habitable rooms.

55.04-4 North-facing windows objective

- To allow adequate solar access to existing north-facing habitable room windows.

Objective met	Yes
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Standard B20	No north-facing habitable room window of any of an adjoining dwelling is less than 3m from the common boundary.
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55.04-5 Overshadowing open space objective

- To ensure buildings do not significantly overshadow existing secluded private open space.

Objective met	Yes
Standard B21	The proposed development will have some overshadowing impact on 11 Mahon Avenue during the middle of the day however this property benefits from large SPOS and the area overshadowed is on a significant incline that is less likely to be actively used. It is considered that the overshadowing to this property is managed to an acceptable level. The proposal meets the requirements of Standard B21.

55.04-6 Overlooking objective

- To limit views into existing secluded private open space and habitable room windows.

Objective met	Yes.
Standard B22	Overlooking from ground level and upper storeys will be managed through a combination of high light windows and obscured glazing. Balconies will implement screening to ensure sightlines within 9 metres are obscured in compliance with the Standard. To mitigate ground level overlooking, a 600mm trellis extension to the boundary fence will be provided.

5.04-7 Internal views objective

- To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Objective met	Yes
Standard B23	Complies, no internal overlooking.

55.04-8 Noise impacts objectives

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external noise.

Objective met	Undetermined
Standard B24	Building services such as air conditioners have not been specified on the development plans. While neighbouring dwellings are generally separated from the boundaries to avoid direct impact, a full assessment cannot be made.

55.05 ON-SITE AMENITY AND FACILITIES

55.05-1 Accessibility objective

- To encourage the consideration of the needs of people with limited mobility in the design of developments.

Objective met	yes
Standard B25	Relative to the challenging grades of the site, the development provides access with few steps to front doors of dwelling. All dwellings include a toilet or bathroom on ground floor level.

55.05-2 Dwelling entry objective

- To provide each dwelling or residential building with its own sense of identity.

Objective met	Yes
Standard B26	Each dwelling will have an easily identifiable entrance with some differentiation between properties.

55.05-3 Daylight to new windows objective

- To allow adequate daylight into new habitable room windows.

Objective met	Yes
Standard B27	All the habitable room windows of the proposed development will have sufficient access to daylight and ventilation.

55.05-4 Private open space objective

- To provide adequate private open space for the reasonable recreation and service needs of residents.

Objective met	Yes
Standard B28	All units and townhouses provide a minimum 40 square metres private open space, and 25 square metres Secluded Private Open Space with minimum dimensions of 3 metres. Balcony requirements do not apply to the first floor apartments.

55.05-5 Solar access to open space objective

- To allow solar access into the secluded private open space of new dwellings and residential buildings.

Objective met	No
Standard B29	The ground level secluded private open space of dwellings 17 to 22 will have limited solar access due to their southern aspect and shallow depth. Given the availability of alternative solutions the response is considered unacceptable.

55.05-6 Storage objective

- To provide adequate storage facilities for each dwelling.

Objective met	Yes
Standard B30	Each dwelling has been provided with 6 cubic metres of storage facility in the private open space of each dwelling.

55.06 DETAILED DESIGN

55.06-1 Design detail objective

- To encourage design detail that respects the existing or preferred neighbourhood character.

Objective met	No
Standard B31	Refer to neighbourhood character discuss.

55.06-2 Front fences objective

- To encourage front fence design that respects the existing or preferred neighbourhood character.

Objective met	Yes
Standard B32	The street boundary will be unfenced.

55.06-3 Common property objectives

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
- To avoid future management difficulties in areas of common ownership.

Objective met	Yes
Standard B33	The proposal involves the use of common access and parking areas. A body or owners corporation will be required to ensure ongoing management of common areas. These areas are clear delineated by internal fencing to avoid conflict.

55.06-4 Site services objectives

- To ensure that site services can be installed and easily maintained.
- To ensure that site facilities are accessible, adequate and attractive.

Objective met	Yes
Standard B34	Each dwelling has ample space for the provision of the required services including bin enclosures, mailboxes etc.

55.07 APARTMENT DEVELOPMENT

The follow requirements apply to the apartment buildings (dwellings 2-5, 19-22 and 24-31 only)

55.07-1 Energy efficiency objective

- To achieve and protect energy efficient dwellings and buildings.
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
- To ensure dwellings achieve adequate thermal efficiency

Objective met	Yes
Standard B35	Where practical dwellings have been designed to take advantage of solar energy including through to use of living areas oriented towards the north.

55.07-2 Communal Open Space Objective

- To provide communal open space that meets the recreation and amenity needs of residents.
- To ensure that communal open space is accessible, functional, and is easily maintained.
- To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

Objective met	No
Standard B36	There is no communal open space provided on the site.

55.07-4 Landscaping objective

- To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.
- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat

Objective met	Yes
Standard B37	<p>There is limited vegetation impact to the site and a landscaping plan has been provided for assessment to assist in contributing to landscape character and integrating the development.</p> <p>While the development provides an acceptable landscape response in totality there is limited capacity for landscaping at front of the apartment buildings that to assist in integrating the built form.</p> <p>The design has accounted for neighbouring trees to ensure Tree Protection Zone impacts are suitably minimised.</p>

55.07-5 Integrated water and stormwater management objectives

- To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
- To facilitate stormwater collection, utilisation and infiltration within the development.
- To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site

Objective met	No
Standard B39	<p>A number of measures have been implemented including rainwater tanks and raingardens in the eastern portion of the site to encourage collection and filtration.</p> <p>Despite the use of WSUD measures, issues relating to drainage infrastructure capacity have not been addressed by the applicant.</p>

55.07-6 Access objective

- To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.
- To ensure that vehicle crossovers are designed and located to minimise visual impact

Objective met	No
Standard B40	<p>The single crossover will have limited impact on the streetscape however the internal access has not been designed to meet passing bay design standards and limited delineation is provided between pedestrian and driveway access through much of the site.</p>

55.07-7 Noise impacts objective

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external and internal noise sources

Objective met	Unconfirmed
Standard B41	Building services such as air conditioners have not been specified on the development plans. While neighbouring dwellings are generally separated from the boundaries to avoid direct impact, a full assessment cannot be made.

55.07-8 Accessibility objectives

- To ensure the design of dwellings meets the needs of people with limited mobility

Objective met	Undetermined
Standard B42	Ground floor apartments are readily accessible however no design detail for these apartments has been shown to determine whether compliance is achieved for the doorway, main bedroom or bathroom facilities.

55.07-9 Private Open Space Objective

- To provide adequate private open space for the reasonable recreation and service needs of residents.

Objective met	yes
Standard B43	All minimum areas at ground level and balconies achieve design standards with convenient access from living areas.

55.07-10 Storage Objective

- To provide adequate storage facilities for each dwelling

Objective met	No
Standard B44	All apartments are two bedroom requiring a total minimum storage of 14 cubic metres and 9 cubic metres within the dwelling. 6 cubic metres has been provided in the SPOS of ground level apartments and a smaller area provided on the balconies of upper storey apartments. No external storage units have been provided.

55.07-11 Waste and recycling objective

- To ensure dwellings are designed to encourage waste recycling.
- To ensure that waste and recycling facilities are accessible, adequate and attractive.
- To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm

Objective met	Yes
Standard B45	The communal waste area with shared bins is expected to sufficiently service the apartment dwellings.

55.07-12 Functional layout objective

- To ensure dwellings provide functional areas that meet the needs of residents.

Objective met	Undetermined
Standard B46	Apartment floor plans are not dimensioned.

55.07-13 Room depth objective

- To allow adequate daylight into single aspect habitable rooms

Objective met	Undetermined
Standard B47	Apartment floor plans are not dimensioned.

55.07-14 Window objectives

- To allow adequate daylight into new habitable room windows

Objective met	yes
Standard B48	Sufficient daylight access has been provided to all habitable rooms of the apartments.

55.07-15 Natural Ventilation Objective

- To encourage natural ventilation of dwellings.
- To allow occupants to effectively manage natural ventilation of dwelling

Objective met	Yes
Standard B49	The maximum breeze path of apartment dwellings is approximately 10 metres and windows or doorways are provided at northern and southern ends of the apartments allowing sufficient cross-ventilation.

55.07-16 Building entry and circulation objectives

- To provide each dwelling and building with its own sense of identity.
- To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
- To ensure internal communal areas provide adequate access to daylight and natural ventilation

Objective met	Yes
Standard B50	Buildings provide some variation of external colours and materials and are clear identifiable from the common driveway and parking area. There are no common spaces inside the buildings such as a foyer etc.

55.07-17 Integration with the street Objective

- To integrate the layout of development with the street.
- To support development that activates street frontages

Objective met	Yes
Standard B51	The apartments are oriented toward the common driveway and thus provide integration to the street that are enhanced through the use of glazing.

55.07-18 Site services objective

- To ensure that site services are accessible and can be easily installed and maintained.
- To ensure that site services and facilities are visually integrated into the building design or landscape.

Objective met	Undetermined
Standard B52	A services plan has not been submitted for assessment with the application.

55.07-19 External walls and materials objective

- To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.
- To ensure external walls endure and retain their attractiveness

Objective met	Yes.
Standard B53	The primary use of red face brick at ground level along with weatherboard cladding to the upper storey draw on colours and materials that are evident in the neighbourhood. These materials are expected to provide sufficient durability over time provided the buildings are maintained.

Resolution

Moved Cr Brett Owen, seconded Cr Tammy Radford.

That Council form a position to refuse to grant Planning Permit T210902 for the development of the land for thirty-one (31) dwellings at L1 LP46245, 13-15 Mahon Avenue, Beaconsfield on the following grounds:

1. The proposal does not respect established neighbourhood character sought to be preserved by:
 - Clause 15.01-5S (Neighbourhood character)
 - Clause 21.03-1 (Housing)
 - Clause 32.08 (General Residential Zone) and;
 - Clause 55 (two or more dwellings)
2. The proposal is inconsistent with Clauses 19.03-3S (Integrated water management) and permeability and stormwater management objectives of clause 55.03-4 and 55.07-5 that seek to manage drainage and stormwater through integrated approaches
3. The proposal does not provide communal open space for apartment dwellings in accordance with Clause 55.07-2 (Communal open space objective);
4. The proposal does not provide sufficient vehicle or pedestrian access in accordance with the Design Standards of Clause 52.06-9 (Design standards for car parking);
5. The development results in major encroachment within the Tree Protection Zone on adjoining land that may result in its decline or loss without further investigation.
6. The proposal will result in an unacceptable impact on the local road network.

Carried

5.2 T220013 PA - Subdivision of the land at Lot N PS626362Y, Tomer Place Pakenham

Responsible GM: Lili Rosic
Author: Evie McGauley-Kennedy

Recommendation(s)

That Council form a position to refuse to grant Planning Permit for the subdivision of the land into four (4) lots and the creation of a reserve at Lot N PS626362Y, Tomer Place Pakenham on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-5S – Neighbourhood character, 15.04-3S – Subdivision Design, 21.03-1 – Housing and 21.03-2 – Urban Established Area – Beaconsfield and Pakenham) which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods.
2. The proposal does not meet the objectives of Clause 56 in relation to Standards C6 (Neighbourhood character), C8 (Lot area and building envelopes) and C9 (Solar orientation of lots).
3. The proposal is inconsistent with state and local policies (Clause 19.01-3S - Pipeline infrastructure) that seek to recognise existing transmission-pressure gas pipelines and protect them from further encroachment by residential development.
4. The proposal creates a disconnected, inaccessible and unsafe open space environment which is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-4S - Healthy neighbourhoods, 19.03-2S - Open space, 21.05-5 - Pedestrian and bicycle network, 21.02-5 - Open space and 21.06-2 - Community safety) on open space.
5. The proposal is not consistent with orderly planning.

Attachments

1. T220013 PA - Clause 56 Assessment [5.2.1 - 11 pages]
2. T220013 PA - Locality map [5.2.2 - 1 page]
3. T220013 PA - Application plans and documents [5.2.3 - 80 pages]
4. CONFIDENTIAL REDACTED - T220013 PA - Copy of objection - Confidential [5.2.4 - 1 page]

Executive Summary

APPLICATION NO.:	T220013
APPLICANT:	Reeds Consulting
LAND:	Lot N PS626362Y, Tomer Place Pakenham

PROPOSAL:	Subdivision of the land into four (4) lots and the creation of a reserve
PLANNING CONTROLS:	Zone: <ul style="list-style-type: none"> General Residential Zone (Schedule 1) Overlays: <ul style="list-style-type: none"> Development Contributions Plan Overlay (Schedule 1)
NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners.</p> <p>One (1) objection was received to the application.</p>
KEY PLANNING CONSIDERATIONS:	<p>Subdivision pattern and design</p> <p>Neighbourhood character</p> <p>Safety and passive surveillance</p> <p>Safe, functional and accessible open spaces</p> <p>Protection of pipeline infrastructure</p>
RECOMMENDATION:	That Council form a position to refuse to grant Planning Permit

Background

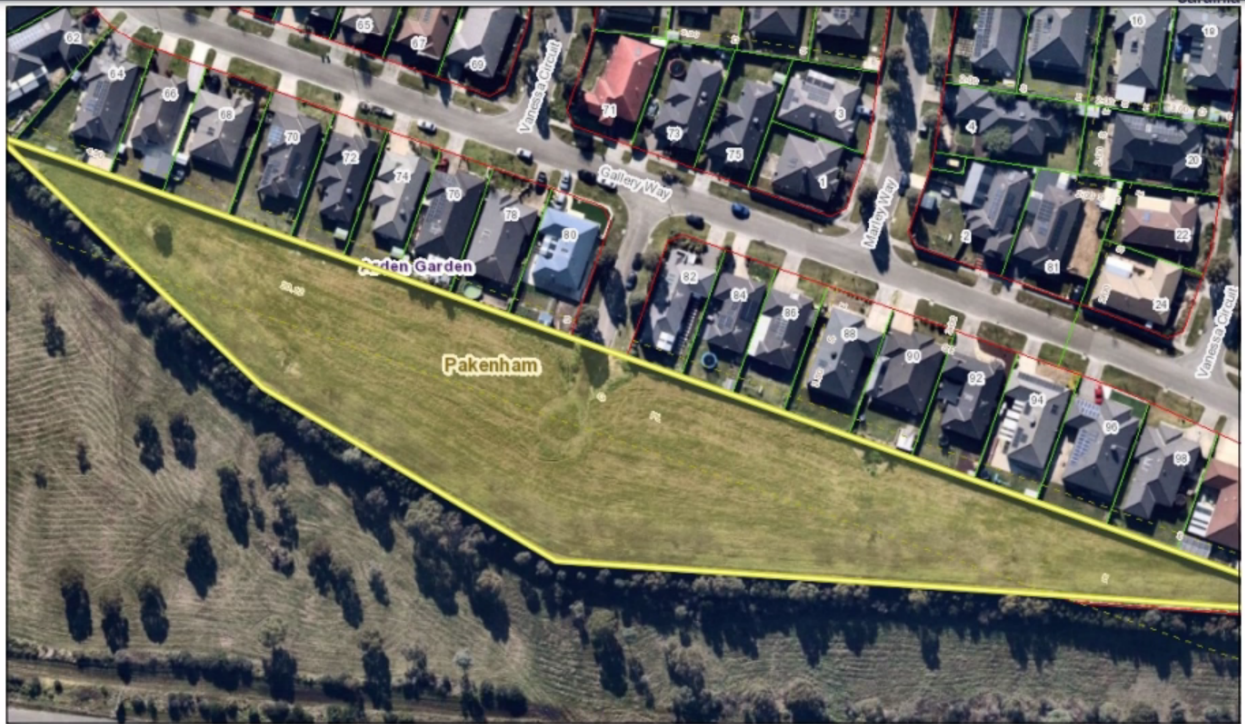
Council was advised on 16 August 2022 that an application pursuant to Section 79 (Failure to decide) of the *Planning and Environment Act, 1987*, has been lodged in regards to this planning permit application.

The subject site is part of the Arden Estate in Pakenham which was created by Planning Permit T060825 which was issued for the subdivision of the land into 590 lots in stages on 21 December 2006.

This permit (T060825) has been amended and extended from time to time since being issued and future stages are still being developed and released.

Lot N was created by the registration of instrument PS626362Y on 6 July 2010 following the Statement of Compliance of one of the earlier stages of the subdivision.

Subject Site



The subject site is located at Lot N PS626362Y, Tomer Place Pakenham, on the southern periphery of the Arden Estate between Gallery Way and the Princes Freeway, at the end of a dead end road known as Tomer Place.

The site is currently vacant with no formal crossover or access from Tomer Place.

The topography of the land is slightly elevated and rises from Tomer Place towards the rear of the site where it becomes relatively flat.

The site is a cleared parcel of land.

The following title restrictions affect the land:

- Section 173 Agreement X688218H which relates to an agreement between Council and the owner(s) obligating the following:
 - - The withdrawal of a VCAT proceeding with no order as to costs.
 -
 - Variation of a Special Charge Scheme payable in respect of the Land under the Special Charge.
 -
 - Rezoning of Rural Land to Residential Land.
 -
 - Actions as to the further varying of the Special Charge by deleting land that is not rezoned in the case of a failure to rezone the Land.
 -
 - Access to Council and South East Water to the land being granted for the purpose of construction of the Henry Road Branch Sewer and all works associated with the construction. Costs for the creation of easements to be paid by Council.
 -

- Council will do its best not to interfere unreasonably with any Skydiving activities lawfully being carried out on the land whilst carrying out works pursuant to the Special Charge Scheme.

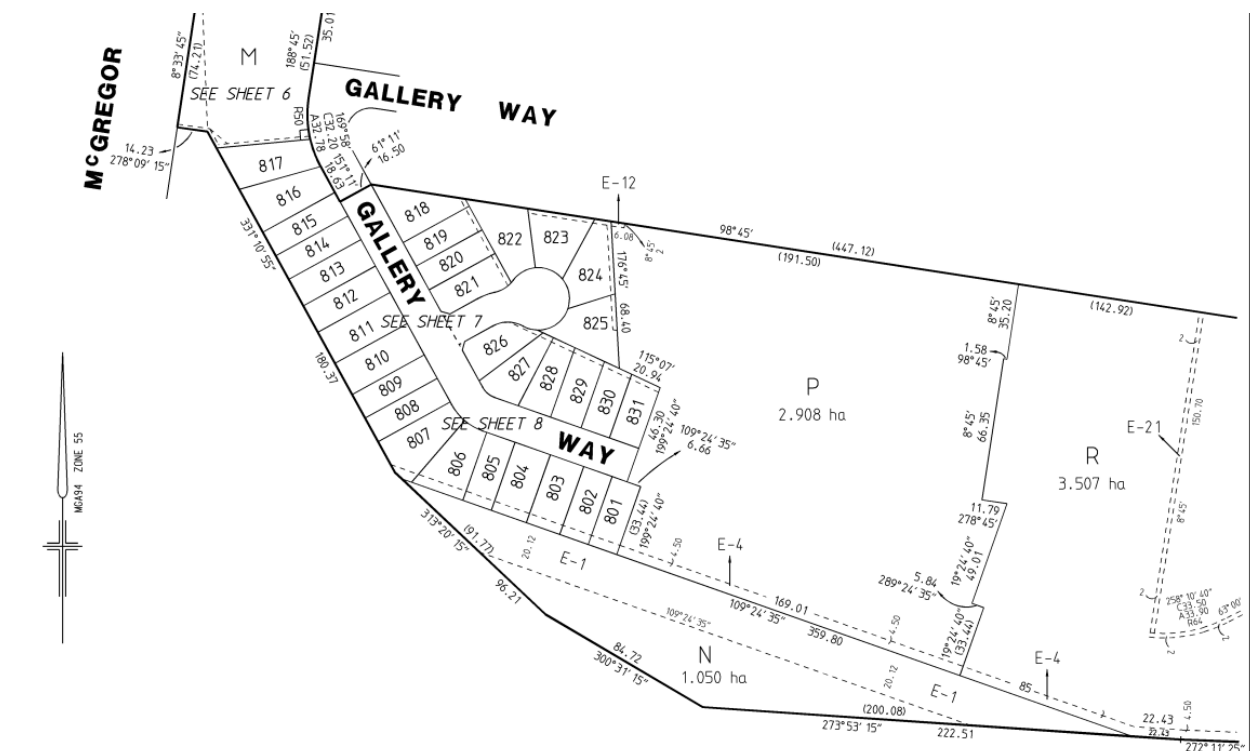
This Agreement related to the rezoning of the land which allowed the subdivision approved by T060825 to occur and is no longer relevant to the Land.

- Section 173 Agreement AF842886Q which relates to an agreement between Council and the owner(s) obligating owner(s) to ensure that:
 - All residential buildings on each lot having to be designed and constructed to acoustic standards as set out in AS 3671-1989 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction”; and
 - Noise attenuation measures must be maintained by the property owner(s) in a condition which meets the approved acoustic design requirements for 25 years.

This Agreement continues to be relevant and have force and effect over the Land. Any future residential buildings on the Land are still required to comply with the obligations of this Agreement.

The site is not affected by Aboriginal Cultural Sensitivity.

There is also a large 20.12-metre-wide gas pipeline easement (depicted as E-1) running from east to west across the northern portion of the site and a sewerage easement (depicted as E-4) along the northern boundary:



The main characteristics of the surrounding area are:

- North: Directly north of the site are a number of conventionally shaped and sized residential allotments along Gallery Way ranging in size from approximately 450sqm to 630sqm in area. Each lot has had a single dwelling constructed. Further north are other conventional residential allotments.
-
- South: Directly south of the site is Princes Freeway. Further south is a large industrial estate (South East Business Park).
- East: Directly east of the site is Princes Freeway. Further east are more conventional residential allotments.
-
- West: Directly west of the site is Princes Freeway and the McGregor Road offramp. Further west is another residential estate, with conventional sized allotments.

It is noted that a similar parcel of land is present on the opposite side of McGregor Road (to the west) which is also affected by the gas pipeline easement. This land has been transferred to the ownership of the Roads Corporation.



Land transferred to Roads Corporation affected by gas easement



Relevance to Council Plan

[\[council-plan\]](#)

Proposal

Approval is sought for the subdivision of the land into four (4) lots and the creation of a reserve.

The subdivision is intended to be for residential purposes. The reserve is proposed to be created in the favour of Council. Note: The proposed reserve is not for the purpose of Public Open Space.

Each lot is proposed on the southern side of the gas pipeline easement. The reserve is proposed to extend across the gas pipeline easement. It is proposed that a court bowl will be constructed, extending from Tomer Place and providing access over the gas easement to the lots.

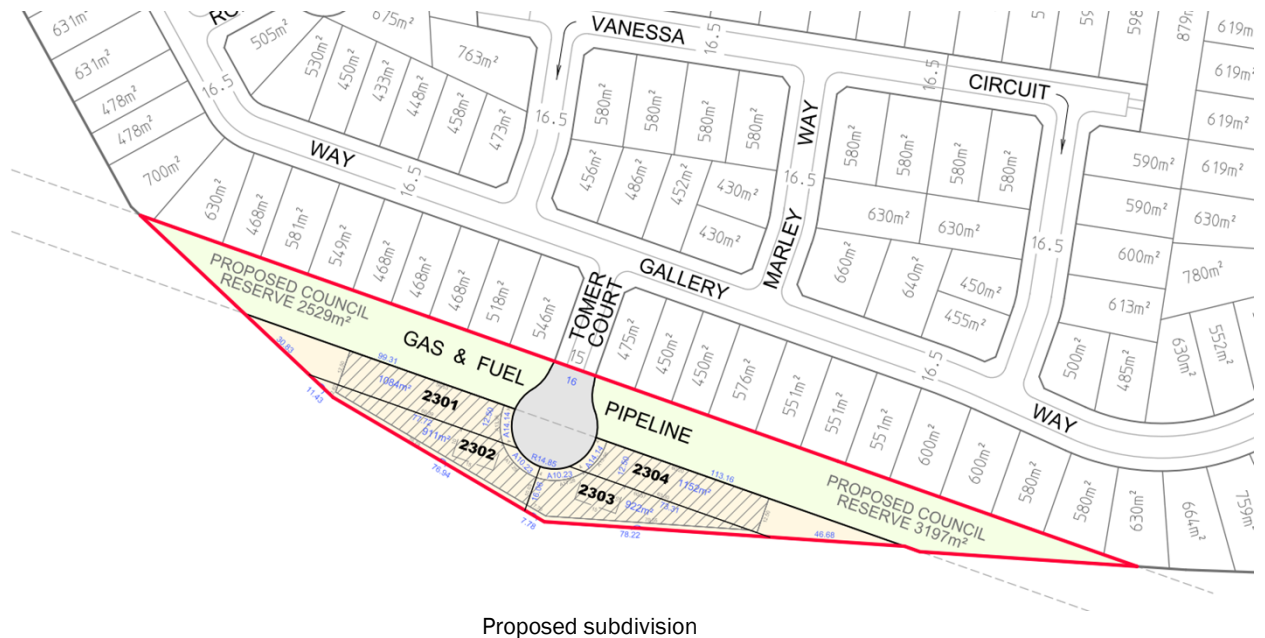
Proposed Lot 2301 is an irregular shape and will measure 1084sqm in area. It has a frontage width of 14.14 metres, a rear boundary of 30.83 metres and a depth of 99.31 metres. The applicant has shown a building envelope with a maximum width of 12.5 metres.

Proposed Lot 2302 is an irregular shape and will measure 911sqm in area. It has a frontage width of 10.23 metres, a rear boundary of 76.94 metres and a depth of between 11.43 metres and 16.06 metres. The applicant has shown a building envelope with a maximum width of between 2.62 metres and 17.29 metres which tapers towards the rear of the lot.

Proposed Lot 2303 is an irregular shape and will measure 922sqm in area. It has a frontage width of 10.23 metres, a rear boundary of 78.22 metres and a depth of 16.06 metres (which is tapered). The applicant has shown a building envelope with a maximum width of 16.06 metres which tapers towards the rear of the lot.

Proposed Lot 2304 is an irregular shape and will measure 1152sqm in area. It has a frontage width of 14.14 metres, a rear boundary of 46.68 metres and a depth of 113.16 metres. The applicant has shown a building envelope with a maximum width of 12.5 metres.

The reserve is proposed along the northern alignment of the site and will measure a total of 5726sqm in area.



Apart from the construction/ extension to Tomer Place, there are no other works or any vegetation removal proposed.

Planning Scheme Provisions

Zone

The land is subject to the following zone:

- General Residential Zone (Schedule 1)
- The land is adjacent to a Road in the Transport Zone 2 (Princes Freeway)

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay (Schedule 1)

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
- Clause 13.05-1S Noise abatement
- Clause 15.01-5S Neighbourhood character

- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.04-3S Subdivision design
- Clause 18.02-1S Walking
- Clause 18.02-4S Roads
- Clause 19.01-3S Pipeline infrastructure
- Clause 19.02-6S Open space
- Clause 19.03-1S Development and infrastructure contribution plans
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-3S Integrated water management

Local Planning Policy Framework

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.02-5 Open space
- Clause 21.03-1 Housing
- Clause 21.03-2 Urban Established Area – Beaconsfield and Pakenham
- Clause 21.05-1 Infrastructure provision
- Clause 21.05-3 Local roads
- Clause 21.05-5 Pedestrian and bicycle network
- Clause 21.06-2 Community safety

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 Easements, restrictions and reserves
- Clause 52.29 Land adjacent to the Principal Road Network
- Clause 53.02 Public open space contribution and subdivision
- Clause 56 Residential subdivision

- Clause 65 Decision guidelines
- Clause 66 Referral and notice provisions
- Clause 71.02-3 Integrated decision making

Planning Permit Triggers

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

- Pursuant to Clause 32.08-3 of the General Residential Zone, a planning permit is required to subdivide land
- Pursuant to Clause 45.06-1 of the Development Contributions Plan Overlay, a planning permit must not be granted to subdivide land until a development contributions plan has been incorporated into the Scheme.
 - The Pakenham Township Development Contributions Plan, September 1997 applies to this land. This document is incorporated into the Scheme at Schedule 1 to Clause 72.04 (Documents Incorporated into this Planning Scheme).
 -
- Pursuant to Clause 52.29-2 of the Land Adjacent to the Principal Road Network, a planning permit is required to subdivide land adjacent to a Road in a Transport Zone 2.

Public Notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing signs on the site.

Council has received one (1) objection to date. The key issues raised by this objection are:

- Noise pollution
- Higher interest rates
- Overcrowding

The objection raised some concerns about higher interest rates and overcrowding, no further context to these concerns was provided with the objection, however if taken literally, these concerns are not based on planning merit. Noise pollution is a relevant consideration, however given the small scale of the subdivision it is unlikely to result in any adverse amenity impact resulting from noise.

Despite this, the subdivision is still not considered suitable for a range of other reasons discussed further below.

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	AusNet Services	No objection (subject to conditions)
	APA Group	No objection (no conditions)
	APA VTS (Gas Pipeline)	No objection (subject to conditions)
	CFA	No objection (subject to conditions)
	Head, Department of Transport	No objection (no conditions)
	Melbourne Water	No objection (subject to conditions)
	South East Water	No objection (subject to conditions)
Section 52 Notices	N/A	

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Strategic Planning	<p>Not supportive of the proposal for the following reasons:</p> <ul style="list-style-type: none"> - Subdivision layout / configuration is poor as the lots created will be disconnected from the rest of the estate by the reserves. - The segregation will be further intensified when long expanse of paling fences is erected along the reserve side boundaries, resulting in multiple physical and visual barriers. - The reserves offer very little community benefit given the location. - The reserves will have limited passive surveillance opportunity creating concerns for safety - The reserve is encumbered and not suitable for a playground, there is limited capacity for improve connectivity and limited to no opportunity for embellishment (i.e. landscaping, park furniture etc).

Traffic	No objection to the proposal. (Subject to conditions)
Engineering	Not supportive of the proposed reserves (shown to be in favour of Council) as in their opinion they are not suitable for this type of development for the following reasons: <ul style="list-style-type: none"> - The two proposed Council reserves along the gas pipeline easement are of little benefit as public reserves given they are bounded by tall paling fences on the north and the freeway sound walls on the east and west. - These reserves will require regular grass mowing and may attract rubbish dumping or other undesirable behaviours given the lack of passive surveillance.
Landscape	No response to date.

Discussion

The application for a permit has been assessed against relevant state and local policy, as well as the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposal is determined to be inconsistent with these requirements.

It is the role of the planning scheme to ensure that subdivisions create liveable and sustainable neighbourhoods and urban places with character and identity, as well as achieve outcomes that appropriately respond to the site and its context for infill sites in established residential areas.

This proposal is inconsistent with a number of policies which set out to achieve the above.

Policy seeking to achieve attractive, safe and accessible neighbourhoods

The objective of Clause 15.04-3S (Subdivision design) seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposal is considered to be at odds with the following strategies of this policy which set out to achieve the overall objective:

- Create urban places with a strong sense of place that are functional, safe and attractive.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Minimising exposure of sensitive uses to air and noise pollution from the transport system.

The proposed subdivision is disconnected and separated from the rest of the estate by the existing subdivision layout which resulted in lots backing onto the subject site with no interface with it. The site is also 'cut off' from the remainder of the estate by the gas pipeline easement, leaving it constrained.

If the subdivision were to be approved in the configuration proposed, it would likely result in an unattractive and unsafe feeling dead end (court bowl) separated by high fences and a reserve from the rest of the residential area. The long, narrow reserve proposed will be fenced on at least the northern side (due to the existing boundary fencing to the rear of dwellings on Gallery

Way) and given that it is disjointed from the remainder of the estate, in Council's experience is likely to attract undesirable and antisocial behaviours.

The reserve will not be connected to any other walking path or bicycle path network, also leaving it disjointed and disconnected. Given that it is encumbered by the gas easement, it is unlikely that the reserve will be able to be used for any other purpose (i.e. playground) and is unlikely to be embellished (with landscaping or park furniture).

In addition, the subdivision will directly abut the freeway, with narrow lots meaning that dwellings on Lots 2302 and 2303 will likely be sited close to the existing acoustic fencing, with little separation to help deal with noise impacts of the freeway. The high acoustic fencing so close to any future dwelling is also likely to result in an unattractive design outcome and poor internal amenity for the lots abutting it.

Policy seeking to protect neighbourhood character

The objective of Clause 15.01-5S (Neighbourhood character) is to recognise, support and protect neighbourhood character, cultural identity, and sense of place. The proposal is considered to be at odds with the following strategies of this policy which set out to achieve the overall objective:

- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - - o Pattern of local urban structure and subdivision.

These state policies are given local context at Clauses 21.03-1 (Housing) and 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) which also seek to achieve similar objectives at a local level, including ensuring that residential subdivisions are designed to be responsive to existing urban character.

The proposal is a significant departure from the existing subdivision pattern of the area which consists of conventional (mostly rectangular in shape) residential allotments ranging in size from approximately 370qm to 800sqm (as depicted in the above aerial imaging). Most lots have a width of between 14 and 17 metres making them easily capable of containing dwellings. The proposed lots are irregular rectangles with narrow frontages, and elongated, narrow lot configurations which is not in keeping with the character or pattern of subdivision in the area.

Policy seeking to create attractive, connected and safe open spaces

The objective of Clauses 15.01-4S (Healthy neighbourhoods) and Clause 19.03-2S (Open space) are to achieve neighbourhoods that foster healthy and active living and community wellbeing and to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The proposal is considered to be at odds with the following strategies of these policies which set out to achieve the overall objectives:

Healthy neighbourhoods

- Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.

Open Space

- Ensure that open space networks:
 - - Are linked, including through the provision of walking and cycling trails.
 - Are integrated with open space from abutting subdivisions.
 -
- Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.

These state policies are given local context at Clauses 21.05-5 (Pedestrian and bicycle network), 21.02-5 (Open space) and 21.06-2 (Community safety) which also seek to achieve similar objectives at a local level, including encouraging development that is consistent with safer design principles, such as maximising visibility and surveillance of the public environment.

As discussed, the proposed reserves are not considered to be developable for this purpose. They are disconnected from the remainder of the subdivision and encumbered by the gas easement which makes the space less practical to be used for this purpose, as it is unlikely that the reserve will be able to be embellished with walking paths, path furniture or playground equipment. The reserve is also disconnected in general by the acoustic walls adjoining the freeway from any other walking or cycling paths external to the site.

Additionally, there are already high timber paling fences along the entire northern length of the area shown to be reserve (the rear boundary fencing for properties along Gallery Way) and if approved, and fencing is constructed along the northern boundaries of Lots 2301 and 2304 adjoining the reserve, it will create an uninviting space, which Council's Engineers and Strategic Planning Departments are concerned this will attract antisocial behaviours and an unsafe environment due to the lack of passive surveillance over the reserve.

Policy protecting pipeline infrastructure

The objective of Clause 19.01-3S (Pipeline infrastructure) is to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment. This policy seeks to achieve this by:

- Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Whilst it is noted that APA VTS have provided their conditional consent to the subdivision, Council's Planners still have concern about the potential impacts this infrastructure may have on the safety of the lots proposed.

If approved, these lots will be 'cut-off' from the rest of the subdivision by this easement and the freeway wall, with the only access being across the easement. If an issue or accident

occurred with the pipeline infrastructure, and the four (4) lots proposed had to evacuate, there is no other evacuation route, apart from crossing over the easement.

Therefore, despite APA VTS conditional consent to the subdivision, to this end it is not considered good or orderly planning to allow the subdivision to occur.

It is clear that a number of state and local policies are relevant to this application that seek to ensure that subdivision design and public open spaces are designed efficiently and safely. Whilst there often are positive economic and social impacts of introducing new residential land for housing and public open spaces for residents of estates, and there is Planning Policy in support of this in a growth Council such as Cardinia, it must be achieved in a manner that is good and orderly. For the reasons outlined above, this proposal is not considered to achieve this.

General Residential Zone (Schedule 1)

The purpose of the General Residential Zone includes to implement the MPS and PPF, encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

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

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- As discussed in detail in the section above, the proposal is considered to be, on balance, inconsistent with relevant planning relating to subdivision design, neighbourhood character open spaces, community safety (in public spaces) and pipeline infrastructure. It is expected that if approved the proposal will result in a disconnected, unsafe and unattractive subdivision completely separated from the remainder of the estate.
- *The purpose of this zone.*

The proposed subdivision is not considered to be consistent with the purpose of the zone which seeks to encourage development which respects neighbourhood character. As discussed in length above, the configuration of the subdivision is not considered to be consistent with the overall subdivision pattern, layout or configuration of the remainder of the estate.

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*

As discussed, the pattern of subdivision is not in rhythm with the remainder of the estate. The existing pattern of subdivision is that of 'conventional', mostly rectangular shaped lots ranging in size from 370sqm to 800sqm, with the majority of lots within the immediate vicinity of the subject site ranging in size from 450sqm to 630sqm in area.

The narrow, elongated shape of the allotments proposed is likely to affect the spacing of buildings and limit the type and style of dwelling that could be constructed on the irregularly shaped allotments.

- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

Please see below for an assessment of the application against the relevant objectives and standards of Clause 56 (Residential Subdivision).

Clause 56 Residential Subdivision

The general purpose of Clause 56 – Residential Subdivisions is to create liveable and sustainable neighbourhoods and urban places with character and identity, to achieve residential subdivision outcomes that appropriately respond to the site and its context, and to ensure residential subdivision design appropriately provides for policy implementation, liveable and sustainable communities, residential lot design, urban landscape, access and mobility management, integrated water management, site management, and utilities.

The Neighbourhood Residential Zone requires subdivisions of between 3-15 lots to meet the following objectives and standards contained within Clause 56:

- Clause 56.03-5 Neighbourhood character objective;
- Clause 56.04-1 Lot diversity and distribution objectives;
- Clause 56.04-2 Lot area and building envelopes objective;
- Clause 56.04-3 Solar orientation of lots objective;
- Clause 56.04-4 Street orientation objective;
- Clause 56.04-5 Common area objectives;
- Clause 56.05-1 Integrated urban landscape objectives;
- Clause 56.06-2 Walking and cycling network objectives;
- Clause 56.06-4 Neighbourhood street network objective;
- Clause 56.06-8 Lot access objectives;
- Clause 56.07 Integrated water management objectives;
- Clause 56.08-1 Site management objectives;
- Clause 56.09-1 Shared trenching objectives; and
- Clause 56.09-2 Electricity, telecommunications and gas objectives.

An analysis of the objectives and standards above is contained in Appendix 1. As explained in that section, the proposed subdivision is considered to be inconsistent with a number of Standards of Clause 56.

Clause 65.02 – Approval of an application to subdivide land

Clause 65.02 of the Cardinia Planning Scheme sets out decision guidelines/matters which the responsible authority must consider when deciding any planning/subdivision application.

1.	<i>Suitability for subdivision.</i>	The subject site does not currently have appropriate access to these services. Whilst they are nearby in Gallery Way, it is likely that they will have to transverse the gas pipeline infrastructure and in accordance with APA VTS conditions, (if a permit is granted) may not be able to be accommodated (if other utilities such as water, drainage, sewerage etc) interfere with the gas pipeline.
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		The land itself is encumbered by the gas easement and is an irregular shape without the suitable attributes for subdivision. The size and configuration of each lot is not considered reasonable to accommodate a dwelling. Whilst there is no minimum lot size specified in Schedule 1 to the GRZ, each lot created is not considered to be in line with the existing subdivision pattern and neighbourhood character of the area.
2.	<i>Existing/Future Development and nearby land.</i>	Existing use is that of conventional residential development, zoned accordingly. Given the shape and disconnected location of the site, it is considered that the subdivision does not appropriately respond and reflects the physical and visual characteristics of the surrounding area.
3.	<i>Availability / need for subdivided land.</i>	State and local planning policies support the need for increased densities and diversity of housing stock in established residential areas, provided that new proposals respect the existing and preferred residential character. The proposal is not considered to achieve this.
4.	<i>Effect of use/development on drainage.</i>	Drainage conditions will be required as condition of any approval granted. As noted in the Clause 56 Assessment, whilst Council's Engineers believe it will not interfere with the gas pipeline, APA VTS approval of infrastructure crossing the easement is still required and may not be granted if inappropriate.
5.	<i>Regard to character and existing vegetation.</i>	The existing surrounding subdivision pattern does not support the size of the proposed allotments. As discussed, the configuration and layout of each lot is not considered suitable having regard to the size, layout and configuration of the established subdivision pattern of the surrounding area.
6.	<i>Density of proposed development.</i>	The proposed density is suitable. Despite this the siting and configuration of the subdivision is not in keeping with the established subdivision pattern and character of the surrounding area.
7.	<i>Area/Dimensions of lots.</i>	The lot configuration and associated building envelopes are not satisfactory. Each new lot is narrow and irregular in shape, which as discussed will likely make it difficult to construct dwellings with good internal and external amenity.

8.	<i>Road layout/connections.</i>	Access to each lot will be from its own single access to the new court bowl extension of Tomer Place.
9.	<i>Pedestrian/Vehicle movement/access.</i>	Access to each lot is via an independent crossing from the court bowl.
10.	<i>Location of public open space reserves.</i>	The proposal includes the creation of a reserve along the northern alignment of Lots 2301 and 2304. As discussed above, this reserve is not considered appropriate for this purpose by Council's Engineering and Strategic Planning Department. There are other areas of public open space within the estate.
11.	<i>Staging of Subdivision.</i>	The subdivision is not proposed to be staged.
12.	<i>Design of Buildings - Safety/Spread of fire.</i>	The narrow allotments may make this difficult to achieve.
13.	<i>Off-street parking.</i>	Whilst the sites are large, they are narrow. If dwellings are constructed they would need to provide garages and given the number of crossovers in the end of the proposed court bowl, it may be difficult to provide on street parking.
14.	<i>Location/provision of common property.</i>	There is no common property proposed.
15.	<i>Functions of Owners Corporation.</i>	Not applicable.
16.	<i>Availability/ provision of services.</i>	The required services are available, subject to conditions being met and APA VTS approval to construct over the pipeline.
17.	<i>Capacity of land to treat sewage.</i>	The required services are available in Gallery Way, and subject to conditions being met and APA VTS approval to construct over the pipeline.
18.	<i>Protection of native vegetation.</i>	No significant native vegetation will be removed in association with the proposal.

Conclusion

The proposal seeks to create a disconnected residential subdivision, which is not in keeping with the overall neighbourhood character or pattern of subdivision within the surrounding area.

Whilst the planning scheme supports the increase in housing supply and supply of residential land, its purpose is to ensure that this supply is appropriately provided for. This ideology is underpinned by a number of state and local policies which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods, that are consistent with the surrounding neighbourhood character and pattern of subdivision.

As discussed, the proposal is not considered to do so.

Additionally, the proposal seeks to create what Council's Planners and Engineers consider to be an inefficient, unattractive and potentially unsafe open space area which is also not supported by state and local policy.

Lastly, whilst it is noted that APA VTS provided their conditional consent to the proposal, state policy protecting pipeline infrastructure must still be considered by the Responsible Authority (Council) in its decision making. This policy seeks to discourage the interaction of residential land with this infrastructure (where possible). In this instance it is considered that achieving this separation is possible and should be maintained. As discussed above, the proposal creates a disconnected and potentially dangerous outcome which goes against the idea of orderly planning.

On this basis, the application is considered inconsistent with the balance of relevant policies seeking to ensure that residential subdivision is appropriately designed and orderly.

It is therefore recommended that Council form a position to refuse to grant Planning Permit on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-5S – Neighbourhood character, 15.04-3S – Subdivision Design, 21.03-1 – Housing and 21.03-2 – Urban Established Area – Beaconsfield and Pakenham) which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods.
2. The proposal does not meet the objectives of Clause 56 in relation to Standards C6 (Neighbourhood character), C8 (Lot area and building envelopes) and C9 (Solar orientation of lots).
3. The proposal is inconsistent with state and local policies (Clause 19.01-3S - Pipeline infrastructure) that seek to recognise existing transmission-pressure gas pipelines and protect them from further encroachment by residential development.
4. The proposal creates a disconnected, inaccessible and unsafe open space environment which is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-4S - Healthy neighbourhoods, 19.03-2S - Open space, 21.05-5 - Pedestrian and bicycle network, 21.02-5 - Open space and 21.06-2 - Community safety) on open space.
5. The proposal is not consistent with orderly planning.

Resolution

Moved Cr Kaye Cameron, seconded Cr Jack Kowarzik.

That Council form a position to refuse to grant Planning Permit for the subdivision of the land into four (4) lots and the creation of a reserve at Lot N PS626362Y, Tomer Place Pakenham on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-5S – Neighbourhood character, 15.04-3S – Subdivision Design, 21.03-1 – Housing and 21.03-2 – Urban Established Area – Beaconsfield and Pakenham) which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods.
2. The proposal does not meet the objectives of Clause 56 in relation to Standards C6 (Neighbourhood character), C8 (Lot area and building envelopes) and C9 (Solar orientation of lots).
3. The proposal is inconsistent with state and local policies (Clause 19.01-3S - Pipeline infrastructure) that seek to recognise existing transmission-pressure gas pipelines and protect them from further encroachment by residential development.
4. The proposal creates a disconnected, inaccessible and unsafe open space environment which is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-4S - Healthy neighbourhoods, 19.03-2S - Open space, 21.05-5 - Pedestrian and bicycle network, 21.02-5 - Open space and 21.06-2 - Community safety) on open space.
5. The proposal is not consistent with orderly planning.

Carried

5.3 Planning Scheme Amendment Activity Report - 5 September 2022

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.

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council note the report.

Carried

5.4 Planning Matters Dealt with by Officers Under Delegated Authority - September 2022

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					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
3/06/2022	T210663	2 McBride Road, Beaconsfield Upper VIC 3808	Subdivision of the land into two (2) lots and vegetation removal	NOD	29 August 2021
7/06/2022	T220268	5 Coach House Lane, Beaconsfield VIC 3807	Development of the land for an outbuilding (shed)	Issued	13 April 2022
21/06/2022	T220265	36 Niseko Crescent, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	18 April 2022
21/06/2022	T220304	40 Niseko Crescent, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	09 May 2022
22/06/2022	T220076 - PC1	270 Brown Road, Pakenham VIC 3810	T220076 PC1 - (Con.01 C1P) - Plans to Comply Application Development of the land for a non-habitable outbuilding (shed)	Issued	23 May 2022
22/06/2022	T220334	119 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	17 May 2022
23/06/2022	T220005	9 Railway Avenue, Beaconsfield VIC 3807	Development of the land for a second dwelling and buildings and works associated with the existing dwelling (carport)	Issued	05 January 2022
23/06/2022	T220432	63 Officer South Road, OFFICER VIC 3809	The use and development of a emergency services facility and associated works, 37 parking spaces and the removal of vegetation.	Application Withdrawn	20 June 2022

4/07/2022	T210908	187 Payne Road, Beaconsfield VIC 3807	Use and development of the land for a dwelling and associated works	Issued	06 December 2021
4/07/2022	T220215	20 McArthur Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of an Outbuilding)	Issued	26 March 2022
7/07/2022	T200421 - 2	335 Beaconsfield- Emerald Road, GUYS HILL VIC 3807	Two (2) lot boundary realignment and vegetation removal, generally in accordance with the approved plans	Issued	28 June 2022
8/07/2022	T220181	120 Shelton Road, Pakenham Upper VIC 3810	Buildings and Works (Construction of a Shed)	Issued	15 March 2022
13/07/2022	T220181 - PC1	120 Shelton Road, Pakenham Upper VIC 3810	T220181 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	12 July 2022
18/07/2022	T210463	18 Grant Court, Beaconsfield Upper VIC 3808	Subdivision of the land into two (2) lots	Issued	24 June 2021
29/07/2022	T220228	10 Twin Creeks Road, Pakenham Upper VIC 3810	Buildings and Works (Construction of an Outbuilding)	Issued	31 March 2022
2/08/2022	T220038	18 Rosebank Lane, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed) extension	Issued	24 January 2022
4/08/2022	T210764	3 St Georges Road, Beaconsfield Upper VIC 3808	Building and works associated with a non-habitable outbuilding (shed)	Issued	04 October 2021

Bunyip Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
2/06/2022	T200772	4 Barrington Drive, Pakenham VIC 3810	Development of the land for a second dwelling and outbuilding, subdivision of land into two lots and variation of restrictive covenant	Issued	26 November 2020
3/06/2022	T210560 - PC1	50 Archer Road, Garfield VIC 3814	T210560 PC1 (Con. 13 S173) - Plans to Comply Application	Issued	29 March 2022
7/06/2022	T210897	114 Old Sale Road, Garfield North VIC 3814	Use and development of the land for a dwelling and habitable outbuilding	Issued	30 November 2021
7/06/2022	T220062	450 Tynong North Road, Tynong North VIC 3813	Development of the land for three outbuildings (a carport, lean-to and shed)	Issued	07 February 2022
9/06/2022	T220135	125 Jefferson Road, Garfield VIC 3814	Building a new garage/shed for storage of my cars, farm equipment caravan boat etc...	Application Withdrawn	28 February 2022
10/06/2022	T180790 - 1	Howitt Street, Tynong VIC 3813	Amendment to Condition 7b and 8	Issued	15 March 2022
10/06/2022	T220136 - 1	125 Jefferson Road, Garfield VIC 3814	Amendments to Planning Permit T220136 (issued for the development of the land for a non-habitable outbuilding (shed), generally in accordance with the approved plans) to change the degree of the roof and the height of the outbuilding	Issued	06 May 2022
14/06/2022	T220179	110 Wattleree Road, Bunyip VIC 3815	Development of the land for a non-habitable outbuilding (shed)	Issued	15 March 2022
22/06/2022	T180004-1 - PC1	Petty Road, Bunyip VIC 3815	T180004-1 PC1 - (Con. 03 BBP) - Plans to Comply Application	Issued	11 February 2022
22/06/2022	T210378 - 1	4 George Street, Bunyip VIC 3815	Amendment to planning permit T210378 to alter condition 15 to include a condition to defer the Public Open Space Contribution to a later date via a Section 173 Agreement	Issued	31 March 2022
22/06/2022	T210468 - 1	40 Dore Road, Nar Nar Goon North VIC 3812	T210468-1 APP - Amended Planning Permit	Issued	09 March 2022
23/06/2022	T190165 - 1	71 Bridal Road, Tonimbuk VIC 3815	Amendments to the endorsed plans associated with Planning Permit T190165 by relocating and redesigning the approved dwelling	Issued	25 March 2022
28/06/2022	T180314 - 2	24 Barker Road, Garfield VIC 3814	Multi lot subdivision and removal of vegetation	Issued	15 October 2021
28/06/2022	T180314 - PC6	24 Barker Road, Garfield VIC 3814	T180314 PC6 - (Con. 01 C1P) - Plans to Comply Application 1A & 6A Native Vegetation Removal, Subdivision of land	Issued	02 June 2022

28/06/2022	T180692 - 1	Hope Street, BUNYIP VIC 3815	Development of the land for six (6) dwellings and subdivision of the land into three (3) lots, creation of an easement and demolition of an outbuilding	Issued	23 June 2022
28/06/2022	T200673 - PC1	7 Jakobi Court, Bunyip VIC 3815	T200673 PC1 (Con. 02) - Plans to Comply Application Variation of registered Restrictive Covenant (instrument PS802254W), buildings and works for a dwelling and outbuilding, earthworks and associated works	Issued	20 May 2022
1/07/2022	T220448	90 Mount Ararat South Road, Nar Nar Goon VIC 3812	signage	Application Withdrawn	29 June 2022
5/07/2022	T220029	12 Ravendene Court, Maryknoll VIC 3812	Development of the land for an outbuilding (garage)	Issued	21 January 2022
12/07/2022	T200664 - 1	75 Fogarty Road, Tynong North VIC 3813	Amendment to planning permit T200664 (that allows buildings and works associated with a dwelling (replacement)) to amend the endorsed plans	Issued	09 February 2022
12/07/2022	T220084	7 Mary Street, Bunyip VIC 3815	Re-erection & extension of shed damaged in wind storm on 29th October 2021	Lapsed	11 February 2022
14/07/2022	T210802 - PC1	158 Racecourse Road North, Pakenham VIC 3810	T210802 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	14 April 2022
18/07/2022	T210326 - 1	10 Canty Lane, 140 & 180 Ryan Road and Canty Lane Road Reserve, Pakenham VIC 3810	Amendment to planning permit - updated plans and conditions Permit allows for 'Subdivision of land in stages, creation of restrictions and easements, removal of native vegetation and works on land affected by the Land Subject to Inundation Overlay'	Issued	18 February 2022
21/07/2022	T220022	21 Main Street, Nar Nar Goon VIC 3812	Subdivision of land into two (2) lots	Issued	17 January 2022
21/07/2022	T220048	235 Thirteen Mile Road, GARFIELD VIC 3814	Use and development of the land for a dwelling, a farm shed and associated works	Issued	31 January 2022
26/07/2022	T220179 - PC1	110 Wattletree Road, Bunyip VIC 3815	T220179 PC1 - (Con. 01 C1P) - Plans to Comply Application Development of the land for a non-habitable outbuilding (shed)	Issued	20 July 2022
27/07/2022	T210326 - PC1	10 Canty Lane, Pakenham VIC 3810	T210326-1 Condition 1 - Plans to Comply Application	Issued	11 July 2022
29/07/2022	T210388 - PC1	32 Dunbarton Drive, Pakenham VIC 3810	T210388 PC1 - (Con. 02 LMP & Con.01 TMP) - Plans to Comply Plans to comply with permit conditions 1 and 2	Issued	29 March 2022
29/07/2022	T220252	55 Croft Road, Nar Nar Goon North VIC 3812	Buildings and Works (Construction of an Outbuilding)	Issued	09 April 2022

2/08/2022	T210441 - 1	325 Bessie Creek Road, Nar Nar Goon North VIC 3812	Use of land for a dependent person's unit and buildings and works associated with the development of a non-habitable outbuilding (garage/carport)	Issued	14 June 2022
2/08/2022	T220147	25 Mary Street, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	02 March 2022
3/08/2022	T180790 - PC2	Howitt Street, Tynong VIC 3813	T180790 PC2 (Con. 08 S173) - Plans to Comply Application	Issued	23 June 2022
3/08/2022	T220472	13 Nar Nar Goon-Longwarry Road, Tynong VIC 3813	Removal of three (3) trees	Application Withdrawn	06 July 2022
4/08/2022	T210003	150 Yarrabubba Road, Nar Nar Goon North VIC 3812	Re-subdivision of the land into two (2) lots	Issued	05 January 2021

Central Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
2/06/2022	T220279	5A Meeking Drive, Pakenham VIC 3810	Construction of a shed outside the building envelope	Application Withdrawn	19 April 2022
6/06/2022	T160672 - 2	71 Racecourse Road & 77 Racecourse Road, Pakenham VIC 3810	Use and development of the land as a Motel, erection of advertising signage and creation of a carriageway easement	Application Withdrawn	02 June 2022
22/06/2022	T180438 - PC2	21-23 Jennifer Court, Pakenham VIC 3810	T180438 PC2 - (Con. 16 WMP) - Plans to Comply Application	Issued	24 March 2022
29/06/2022	T200282 - 1	27 & 31 Michael Street, Pakenham VIC 3810	To amend condition 9c to provide the option of entering into an S173 Agreement with Council to obtain compliance before construction of the warehouses is completed.	Issued	05 October 2021
5/07/2022	T220253	5A Meeking Drive, Pakenham VIC 3810	Buildings and Works (Construction of an Outbuilding)	Issued	09 April 2022
15/07/2022	T190227 - 1	11 Thwaites Road, Pakenham VIC 3810	Amendment to Planning Permit T190227 (issued for a two (2) Lot Subdivision) by deleting Condition 8(b).	Issued	30 November 2021

Henty Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
2/06/2022	T220376	11 Ahern Road, Pakenham VIC 3810	General Residential Zone - Schedule 1 Proposed Multi Unit Development	Application Withdrawn	31 May 2022
7/06/2022	T220191	16 Maywood Street, Pakenham VIC 3810	Additions to an existing dwelling (pergola)	Application Withdrawn	20 March 2022
8/06/2022	T210638	25 Main Street, Pakenham VIC 3810	Use of the land for a Medical Centre and the development of the land for a mixed-use building (Office and Medical Centre)	Issued	19 August 2021
10/06/2022	T210283 - 1	3 Leonard Court, Pakenham VIC 3810	To amend condition 8d to provide the option of entering into an S173 Agreement with Council to obtain compliance before construction of the development is completed	Issued	13 September 2021
20/06/2022	T220148	U 1/3 Albyn Close, Pakenham VIC 3810	Construction of a Dwelling on a Lot Less Than 300sqm	Issued	02 March 2022
27/06/2022	T220025	37 Princes Highway, Pakenham VIC 3810	Use of the land for an Education Centre (tuition and coaching)	Issued	18 January 2022
30/06/2022	T220445	FY 13/25 Bald Hill Road, Pakenham VIC 3810	Installation of raised steel storage area (mezzanine)	Application Withdrawn	29 June 2022
4/08/2022	T220034	FY 8/22-26 Bald Hill Road, Pakenham VIC 3810	Construction and display of internally illuminated and business identification signs	Issued	20 January 2022

Officer Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
2/06/2022	T210391	66 Bayview Road, Officer VIC 3809	Native vegetation removal	Issued	01 June 2021
22/06/2022	T220350	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated with an existing residential village	Issued	23 May 2022
27/06/2022	T200822 - 1	165 Rix Road, Officer VIC 3809	Subdivision of land	Issued	19 March 2022
27/06/2022	T210453	20 Brunt Road, Beaconsfield VIC 3807	Extension to a Movable Dwelling	Application Withdrawn	16 June 2021
27/06/2022	T220351	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated within an existing residential village	Issued	23 May 2022
28/06/2022	T210788 - PC2	47 Timbertop Boulevard, Officer VIC 3809	T210788 PC2 - (Con.07 LMP) Plans to Comply Application Development of a commercial building and car parking reduction	Issued	27 May 2022
28/06/2022	T220349	20 Brunt Road, Beaconsfield VIC 3807	Building and work associated with an existing residential village	Issued	23 May 2022
5/07/2022	T220469	9 Statesman Close, Beaconsfield VIC 3807	test	Application Withdrawn	05 July 2022
7/07/2022	T210477	437 Princes Highway, Officer VIC 3809	Subdivision of land	Issued	28 June 2021
11/07/2022	T180518 - PC3	44 & 50 Whiteside Road, Officer VIC 3809	T180518 PC3 (Con. 11 BDG)	Issued	02 May 2022
11/07/2022	T210655 - PC1	210 Kenilworth Avenue, Beaconsfield VIC 3807	T210655 PC1 - (Con. 01 C1P)	Issued	11 May 2022
12/07/2022	T200662 - 1	65 McMullen Road, Officer VIC 3809	Amendment to Planning Permit T200662-1	Issued	26 May 2022
13/07/2022	T200662 - PC1	65 McMullen Road, Officer VIC 3809	T200662-1 PC1 - (Con. 01 C1P)	Issued	11 April 2022
13/07/2022	T220344	Rix Road, Officer VIC 3809	Display of Advertising Signage (one land sales signs and six pole signs)	Issued	20 May 2022
13/07/2022	T220385	47 Timbertop Boulevard, Officer VIC 3809	Subdivision of land	Issued	31 May 2022
21/07/2022	T220352	20 Brunt Road, Beaconsfield VIC 3807	Building and works associated with an existing residential village	Issued	23 May 2022

27/07/2022	T170584 - PC10	Siding Avenue, Officer VIC 3809	T170584-4 PC10 (Con. 38C BUG) - Plans to Comply Application	Issued	10 January 2022
29/07/2022	T210745	625 Brown Road, Officer VIC 3809	Subdivision of land and removal of native vegetation	Issued	26 September 2021
4/08/2022	T210477 - 1	437 Princes Highway, Officer VIC 3809	Subdivision of land	Issued	04 August 2022

Pakenham Hills Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
1/06/2022	T210950	18 Palm Court, Pakenham VIC 3810	Construction of a single dwelling, construction of a fence, vegetation removal and associated earthworks	Issued	17 December 2021
2/06/2022	T210859	37 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling and associated works, and removal of vegetation	Issued	18 November 2021
2/06/2022	T220299	7A Kate Court, Pakenham VIC 3810	Proposed Verandah	Application Withdrawn	05 May 2022
3/06/2022	T210675	14 Altitude Way, Pakenham VIC 3810	Construction of a new two storey dwelling	Lapsed	02 September 2021
10/06/2022	T210950 - PC1	18 Palm Court, Pakenham VIC 3810	T210950 PC1 (Con.01 C1P) - Plans to Comply Application	Issued	03 June 2022
29/06/2022	T220446	23 Oskar Court, Pakenham VIC 3810	removal of covenant	Application Withdrawn	29 June 2022
4/07/2022	T220067	110 Army Road, Pakenham VIC 3810	Subdivision of the land into 26 lots (in accordance with development permit T190108)	Issued	08 February 2022
14/07/2022	T220363	38 Solid Drive, Pakenham VIC 3810	REMOVAL OF DEAD TREE NO: 01 AS SHOWN ON THE ARBORIST REPORT	PermitNotRequired	26 May 2022
25/07/2022	T220105	6 Palm Court, Pakenham VIC 3810	Subdivision of the land into 2 lots	Application Withdrawn	18 February 2022
28/07/2022	T210580	20 Jennifer Court, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	04 August 2021
28/07/2022	T220080	3 Galway Rise, Pakenham VIC 3810	Development of the land for a dwelling and associated works	Issued	09 February 2022
4/08/2022	T210868 - PC1	21 Solid Drive, Pakenham VIC 3810	T210868 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	25 February 2022
4/08/2022	T220101	6 Serene Court, Pakenham VIC 3810	Buildings and works associated with the construction of a dwelling and associated works	Issued	17 February 2022

Ranges Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
1/06/2022	T220195	4 Bellbird Crescent, Emerald VIC 3782	Buildings and Works (Construction of a Shed)	Issued	10 March 2022
2/06/2022	T160810 - 2	80 Armytage Road, Officer VIC 3809	Use and development of the land for a Dwelling and removal of vegetation	Issued	21 December 2021
2/06/2022	T210738	4 Boronia Crescent & 3 Belgrave-Gembrook Road, Cockatoo VIC 3781	Use and development of the land for a childcare centre, business identification signage, vegetation removal and two (2) lot boundary realignment	NOD	27 September 2021
2/06/2022	T220144	73 Kilvington Drive, Emerald VIC 3782	I would like to build a shed, would just like to know are and distances from roads / other houses main roads etc ... Or alternatively pulling down a old building and Re instating it to a new one	Lapsed	01 March 2022
3/06/2022	T210921	33 Mountain Road, Cockatoo VIC 3781	Use of land for a food and drink premises (café/restaurant) and to sell or consume liquor	Application Withdrawn	07 December 2021
7/06/2022	T210970	2979 Gembrook-Launching Place Road, Gembrook VIC 3783	Development of the land for an outbuilding (shed)	Issued	28 December 2021
7/06/2022	T220159	8 Mimosa Avenue, Emerald VIC 3782	Buildings and works associated with a dwelling extension and outbuilding (carport)	Issued	07 March 2022
8/06/2022	T220195 - PC1	4 Bellbird Crescent, Emerald VIC 3782	T220195 PC1 - (Con.01 C1P) - Plans to Comply Application	Issued	03 June 2022
9/06/2022	T200250 - PC3	39 Bayview Road, Officer VIC 3809	T200250 PC3 (Con. 11 LMP) - Plans to Comply Application	Issued	27 September 2021
9/06/2022	T200250 - PC5	39 Bayview Road, Officer VIC 3809	T200250 PC5 (Con. 12 TMP) - Plans to Comply Application	Issued	05 April 2022
10/06/2022	T200250 - PC4	39 Bayview Road, Officer VIC 3809	T200250 PC4 (Con. 06 SIDR) - Plans to Comply Application	Issued	09 December 2021
10/06/2022	T200250 - PC6	39 Bayview Road, Officer VIC 3809	T200250 PC6 (Con. 09 PIP) - Plans to Comply Application	Issued	03 March 2022
10/06/2022	T200679 - PC1	28 Wong Hee Road, Emerald VIC 3782	T200679 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	25 March 2022

20/06/2022	T210284	82 Beaconsfield-Emerald Road, Emerald VIC 3782	Use and development of the land for a dwelling, construction of an outbuilding, earthworks, vegetation removal and alteration of access to a Road in the TRZ2	Issued	25 April 2021
21/06/2022	T190390 - PC8	427 Brown Road & 124 McMullen Road, Officer VIC 3809	T190390 PC8 - (Con. 21 FMP) - Plans to Comply Application	Issued	06 June 2022
23/06/2022	T220031	35 Kings Road, Emerald VIC 3782	Subdivision of the land into three (3) lots	Issued	24 January 2022
24/06/2022	T210155	210 Split Rock Road, Beaconsfield Upper VIC 3808	Use and development of the land for a dwelling, associated works and vegetation removal	NOD	04 March 2021
27/06/2022	T200834 - PC1	19A & 19B Station Road, Gembrook VIC 3783	T200834 PC1 (Con. 05d WMP) - Plans to Comply Application	Issued	23 February 2022
27/06/2022	T200834 - PC2	19A & 19B Station Road, Gembrook VIC 3783	Development of the land for four (4) dwellings, earthworks and removal of a restrictive covenant PS804664Q (from both Lots 2 and 3 PS804664Q)	Issued	25 March 2022
4/07/2022	T220057	3 Wattle Court, Emerald VIC 3782	Development of the land for an outbuilding (shed)	Issued	04 February 2022
6/07/2022	T220449	2 Seaview Road, Cockatoo VIC 3781	Bushfire Management Overlay - Schedule 2 Amendment to an existing TPP - T180156 PA - Single dwelling and garage, reduced side setback from 5m to 4m, also retaining wall at 3m and overall cut not exceeding 1500mm below NGL and reduced FFL's - DDO1 trigger.	Application Withdrawn	29 June 2022
7/07/2022	T200390 - PC2	115 Evans Road, Cockatoo VIC 3781	T200390 PC2 (Con. 14 S173) - Plans to Comply Application	Issued	28 June 2022
13/07/2022	T200679 - 1	28 Wong Hee Road, Emerald VIC 3782	Upon consultation with the shed builders we have decided to change the direction of the Gable to make it an easier build and connect to the current shed better	Application Withdrawn	11 August 2021
18/07/2022	T190447 - PC2	45 Devon Avenue, Cockatoo VIC 3781	T190447 PC2 (Con. 10 & 11 S173) - Plans to Comply Application	Issued	29 September 2021
18/07/2022	T190555 - PC2	109 Starling Road, Officer VIC 3809	T190555 PC2 - (Con. 13 PIP)	Issued	21 January 2022
18/07/2022	T220095	30 Belgrave-Gembrook Road, Cockatoo VIC 3781	Development of the Land for a Replacement Outbuilding (Carport and Shed)	Issued	15 February 2022
25/07/2022	T200250 - PC9	39 Bayview Road, Officer VIC 3809	T200250 PC9 - (Con. 11 LMP) - Plans to Comply Application Please see attached Landscape Detailed Drawings submitted for approval for 39 Bayview Road Officer.	Application Withdrawn	19 July 2022

29/07/2022	T180406 - 1	Tivendale Road, Officer VIC 3809	T180406-1 APP - Amended Planning Permit Application	Issued	04 July 2022
1/08/2022	T180111 - PC1	16 May Road, Beaconsfield VIC 3807	T180111 PC1 - (Con. 09 & Con. 10) - Plans to Comply Application Specifically we are working towards addressing conditions 9 and 10 of the permit, which require (amongst other things): 1. Access to May Road from the Princes Highway to be closed. 2. The existing May Road reservation upgraded from the approved 8 m laneway to the Pink Hill Boulevard / May Road intersection. 3. May Road connected into Pink Hill Boulevard. 4. Construction of the second carriageway of Pink Hill Boulevard from May Road to O'Neil Road. 5. Construction of the Pink Hill Boulevard and O'Neil Road intersection (roundabout). 6. Construction of the O'Neil Road and Princes Highway intersection (signalised). We are seeking to obtain Council approval for the proposed functional arrangements. Following that, detailed civil plans will be prepared and provided to Council for approval. We will also be seeking comment from DoT in relation to the changes at the May Road / Princes Highway intersection.	Application Withdrawn	30 June 2022
2/08/2022	T220129	26 Emerald- Monbulk Road, Emerald VIC 3782	Buildings and works associated with a dwelling and outbuilding	Issued	25 February 2022
3/08/2022	T220159 - PC1	8 Mimosa Avenue, Emerald VIC 3782	T220159 PC1 - (Con. 01-14) - Plans to Comply Application	Issued	11 July 2022
4/08/2022	T200668 - 1	30 Hamilton Road, Emerald VIC 3782	Use and development of the land for a dwelling and outbuilding and associated works and vegetation removal	Issued	25 March 2022
4/08/2022	T210309 - PC1	4 Blackwood Lane & 51 Gembrook Road, Gembrook VIC 3783	T210309 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	04 May 2022
4/08/2022	T210437 - 1	8 Beaconsfield- Emerald Road, Emerald VIC 3782	Two (2) lot subdivision	Issued	15 March 2022

Toomuc Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
9/06/2022	T220206	95 Majestic Drive, Officer VIC 3809	Native vegetation removal	Issued	18 March 2022
17/06/2022	T070853 - 3	Kenneth Road (formerly 785 Princes Highway), Pakenham VIC 3810	T070853-3 APP -	Issued	27 May 2022
29/06/2022	T200731 - PC2	55 Peck Road, Pakenham VIC 3810	T200731-1 PC2 (Con. 19 FLP) - Plans to Comply Application	Application Withdrawn	23 June 2022
30/06/2022	T220172	109 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	03 March 2022
8/07/2022	T220408	1 Avondale Street, Officer VIC 3809	To erect a garden shed	Application Withdrawn	15 June 2022
12/07/2022	T210040 - 1	12 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued	22 June 2022
26/07/2022	T220503	135 Mulcahy Road, Pakenham VIC 3810	Building and works for the use of self storage units.	Application Withdrawn	25 July 2022
4/08/2022	T220302	27 Michael Street, Pakenham VIC 3810	Use of the land for a Dance Studio	Issued	18 November 2021

Westernport Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
1/06/2022	T210692 - 1	6 Link Road, Pakenham VIC 3810	Update plans to show corrected floor levels Update plans to show outdoor area	Issued	28 April 2022
1/06/2022	T210886 - PC1	39 Peet Street, Pakenham VIC 3810	T210886 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	29 April 2022
3/06/2022	T210624	Site 2/30 Commercial Drive, Pakenham VIC 3810	Use of the land for motor vehicle sales, and building and works associated with motor vehicle sales and motor repairs	NOD	17 August 2021
7/06/2022	T220100	59 Sette Circuit & 20 Exchange Drive, Pakenham VIC 3810	Three (3) lot subdivision	Issued	16 February 2022
8/06/2022	T200753 - PC1	Berri Avenue, Officer South VIC 3809	T200753 PC1 - (Con.01 C1P) - Plans to Comply Application Please find attached the drainage strategy for Stage 12 and Melbourne Water approval. These documents are submitted for endorsement under Condition 1 of the above planning permit. Use and development of the land for a display village, reduction of car parking and associated signage	Application Withdrawn	04 May 2022
10/06/2022	T210682 - PC1	395 Monomeith Road, Monomeith VIC 3984	T210682 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	14 January 2022
14/06/2022	T200839 - PC3	Cardinia Road, Officer South VIC 3809	T200839 PC3 - (Con. 24 LandMP)	Application Withdrawn	20 May 2022
17/06/2022	T220110	27 Westernport Road, LANG LANG VIC 3984	Use of Land for the Purpose of a Restricted Recreation Facility (Gym)	Issued	20 February 2022
20/06/2022	T220096	11 Precision Drive, Pakenham VIC 3810	Buildings and Works (Construction of Warehouses & Ancillary Office)	Issued	15 February 2022
21/06/2022	T220120	48 Rosebery Street, Lang Lang VIC 3984	Construction of a Building (Dwelling) within the Bushfire Management Overlay	Issued	22 February 2022
22/06/2022	T210721 - PC1	43 Sette Circuit, Pakenham VIC 3810	T210721 PC1 (Con. 01 & 02 LMP) - Plans to Comply Application Plans for Endorsement	Issued	12 May 2022
22/06/2022	T220327	7 Tarmac Way, Pakenham VIC 3810	Subdivision of land into two (2) lots	Application Withdrawn	19 May 2022

27/06/2022	T210239 - PC1	325 Bunyip-Modella Road, Bunyip VIC 3815	T210239 PC1 - Plans to Comply Application	Issued	22 April 2022
27/06/2022	T210548 - PC1	1 Bravo Loop, Pakenham VIC 3810	T210548 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	03 May 2022
29/06/2022	T210645	4 Peet Street, Pakenham VIC 3810	Buildings and works associated with a store (self-storage facility), erection and display of signage and reduction of parking requirements	Issued	23 August 2021
29/06/2022	T210958 - PC1	228 Rossiter Road, Koo Wee Rup VIC 3981	T210958 PC1 (Con. 01 C1P & Con. 03 TPP) - Plans to Comply Application	Issued	20 May 2022
29/06/2022	T220311	4 Wren Street, Koo Wee Rup VIC 3981	Development of the land for an outbuilding (shed) and build over building envelope	PermitNotRequired	12 May 2022
30/06/2022	T220388	63 Shelton Park Drive, Koo Wee Rup VIC 3981	LSIO - Land subject to inundation	PermitNotRequired	03 June 2022
30/06/2022	T220389	65 Shelton Park Drive, Koo Wee Rup VIC 3981	New single dwelling on site greater than 300m2. LSIO - Land subject to Inundation	PermitNotRequired	03 June 2022
4/07/2022	T220155	100 Greenhills Road, Pakenham VIC 3810	Buildings and works (Bulk Earthworks)	Issued	24 February 2022
8/07/2022	T210726 - PC1	8 Exchange Drive, Pakenham VIC 3810	T210726 PC1 - Plans to Comply Application Plans for Endorsement	Issued	12 May 2022
8/07/2022	T210863	70 Lecky Road, Officer VIC 3809	Native vegetation removal	Issued	19 November 2021
8/07/2022	T220260	13 Precision Drive, Pakenham VIC 3810	Building and works associated with the construction of two (2) warehouses and reduction in car parking spaces	Issued	13 April 2022
12/07/2022	T220477	305 Jeffers Road, Cora Lynn VIC 3814	Permit required to build a farm shed for fodder & machinery storage. Proposed farm shed is within 100m of a waterway and is being constructed in a LSIO	Application Withdrawn	12 July 2022
14/07/2022	T220418	540 Little Road, Iona VIC 3815	Use land to graze cattle of no more than 20 in number. Produce hay seasonally on land for cattle as supplemental feed and pasture management. Use to house poultry of no more than 100 for the purpose of breeding heritage poultry in a free range environment. Use land for growing vegetables for supplemental feed for cattle, poultry and personal use.	PermitNotRequired	18 June 2022

18/07/2022	T220419	100 Greenhills Road, Pakenham VIC 3810	Demolition of buildings	Issued	20 June 2022
21/07/2022	T220294	16 Tarmac Way, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	03 May 2022
27/07/2022	T210321	145 Carse Road, Iona VIC 3815	Use and development of the land for a dwelling and use and development of the land for animal husbandry	Application Withdrawn	06 May 2021
27/07/2022	T220111	Lot 20 Dixons Road, Cardinia VIC 3978	Development of the land for a dwelling, a non-habitable outbuilding and vegetation removal	Issued	20 February 2022
27/07/2022	T220459	100 Greenhills Road, Pakenham VIC 3810	Subdivision of land (boundary realignment)	Issued	29 June 2022
29/07/2022	T220283	48B Peet Street, Pakenham VIC 3810	Building and works for the construction of a warehouse	Issued	28 April 2022
1/08/2022	T220464	100 Greenhills Road, Pakenham VIC 3810	Subdivision of land (boundary realignment)	Issued	05 July 2022
2/08/2022	T210752	12 O'Sullivan Street, Pakenham VIC 3810	Development of a warehouse and associated works	Issued	30 September 2021
2/08/2022	T210964	46 Southeast Boulevard, Pakenham VIC 3810	Use and development of the land for a Restricted Retail Premises (Animal Supplies) and a reduction in car parking requirements	Issued	22 December 2021
3/08/2022	T220270	1020 McDonalds Drain Road, Pakenham VIC 3810	Buildings and works associated with an upper storey extension to an existing dwelling	Lapsed	21 April 2022
5/08/2022	T220245	270 Rossiter Road, Koo Wee Rup VIC 3981	Buildings and works associated with a small concrete slab at rear of building	Lapsed	07 April 2022

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council note the report.

Carried

5.5 Planning Matters VCAT Report - September 2022

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).

Applications Recently Lodged at VCAT

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
24/11/22 (3 days)	T210902	13-15 Mahon Avenue Beaconsfield VIC 3807	Buildings and works associated with the construction of thirty-one (31) dwellings	Failure	Applicant	Awaiting hearing	N/A
06/03/23	T210346	55 Southeast Boulevard Pakenham VIC 3810	Use of the land for an Education Centre (Adult Training Centre) and Food and Drink Premises and associated buildings and works	Refusal	Applicant	Awaiting hearing	N/A

Matters Recently Decided at VCAT

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
27/07/22	T210005	150 Settlement Road, Caldermeade	Use and development of the land for Domestic Animal Husbandry (Dog Breeding)	Refusal	Applicant	Affirmed – no permit issued	
N/A	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	Failure	Applicant	Consent Order – permit issued	16 June 2022

Matters Currently the Subject of VCAT Appeal

Hearing Date	Permit No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
14/12/21	T200167	197 Quamby Road, Beaconsfield Upper	Alterations and additions to an existing dwelling and outbuilding	Refusal	Applicant	Awaiting determination	
13/12/22	T190126	35 McDonalds Track, Lang Lang	Multi-lot subdivision, creation of access to a Road Zone Category 1 and the creation of a reserves	Permit	TBD	Awaiting hearing	2 May 2022

Resolution

Moved Cr Graeme Moore, seconded Cr Jack Kowarzik.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:19pm.

Minutes confirmed
Chairman