

Town Planning Committee Meeting

Minutes

Monday 3 October 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
	Jack Coogan	Governance Officer

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1 Opening And Prayer

Meeting opened at 7:03pm

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 Ross and Davies were apologies for this meeting.

4 Declaration Of Interests

Nil.

5 Ordinary Business

5.1 T210643 PA - Use and Development of a Telecommunications Facility at 44 Paternoster Road, Cockatoo VIC 3781

Responsible GM: Lili Rosic
Author: Sam Jiang

Recommendation(s)

That Council issue a Notice of Decision to Grant a Permit for the use and development of the land for a Telecommunications Facility at L2 PS608127, 44 Paternoster Road Cockatoo 3781, subject to the following conditions:

Plans required

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the plans prepared by Axiom, Rev 01, dated 03/02/22 submitted with the application but modified to show:
 - a. Setbacks from the north and west property boundaries shown correctly to scale and fully dimensioned.
 - b. The location, width and construction material for the driveway required to access the facility. Within the Tree Protection Zone of Tree 1 (as identified in the Arboricultural Impact Assessment, prepared by Treespace Solutions Pty Ltd and dated 2 December 2021), the driveway must be constructed as a permeable surface at or above the natural grade.
 - c. The location of the EWP moved to the eastern side of the compound.
 - d. A landscape plan in accordance with Condition 2.
2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must provide a landscape buffer immediately surrounding the fenced Telecommunications Facility, and must be drawn to scale with dimensions. The plan must show:
 - a. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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

Tree protection

3. All pruning works must be undertaken by a suitably qualified arboricultural contractor in accordance with AS4373-2007 Pruning of amenity trees.

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

Secondary consent:

5. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Amenity:

6. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
7. The exterior colour and cladding of the telecommunication facility must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the equipment shelter, including the roof, must be of a non-reflective nature.

Earthworks:

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

Landscaping installation:

10. Within three (3) months of the Telecommunications Facility being completed the landscaping as shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority.

Maintenance of Landscaping:

11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Removal of redundant infrastructure

12. If the telecommunications facility becomes redundant, all infrastructure associated with the facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.

Expiry:

13. This permit expires if –
 - a. The development does not start within **two (2) years** after the issue of the permit;
or
 - b. The development is not completed within **four (4) years** after the issue of the permit; or
 - c. The use does not start within **two (2) years** of the completion of the development;
or
 - d. The use is discontinued for a period of **two (2) years**.

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

Notes:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- This Planning Permit does not represent the approval of other departments of Cardinia Shire Council or other authorities.
- A Works Within a Road Reserve (WWRR) Permit must be obtained from Council prior to the commencement of any works within the road reserve.

Attachments

1. T210643 PA - Plans and Documents [5.1.1 - 50 pages]
2. T210643 PA - Locality Map [5.1.2 - 1 page]
3. CONFIDENTIAL - T210643 PA - Copies of objections - Circulated to Councillors only [5.1.3 - 29 pages]

4. CONFIDENTIAL - T210643 PA - Applicant Response to Objector Concerns [5.1.4 - 9 pages]

Executive Summary

APPLICATION NO.:	T210643
APPLICANT:	Axicom Pty Ltd
LAND:	L2 PS608127, 44 Paternoster Road Cockatoo 3781
PROPOSAL:	Use and development of the land for a Telecommunications Facility
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> • Green Wedge Zone – Schedule 2 <p>Overlay:</p> <ul style="list-style-type: none"> • Environmental Significance Overlay - Schedule 1 • Bushfire Management Overlay
NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised by the placing of a sign on site and sending notices in the mail to nearby property owners.</p> <p>Sixteen (16) objections were received.</p>
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Compliance with ‘A Code of Practice for Telecommunications Facilities in Victoria’ • Proximity to dwellings • Visual impact • Landscape Values • Site location • Protecting agricultural land
RECOMMENDATION:	Notice of Decision to Grant a Permit

Background

The permit history of the site includes:

- Planning Permit T070494 for a two (2) lot boundary re-alignment was issued on 11 September 2007.
- Planning Permit T090204 for the use of the land for the purpose of intensive animal husbandry (the keeping, breeding and selling of chickens) was issued on 21 August 2009.
- Planning permit application T110747 for business identification signage was submitted on 23 November 2011 and lapsed on 20 April 2012.

- Planning Permit T130038 for business identification signage was issued on 7 October 2013.
- Planning Permit T140694 for the development of the land for a replacement dwelling and associated earthworks was issued on 5 August 2015.

Subject Site



Figure 1. Aerial of the subject site.

The site is located on the south side of Paternoster Road, Cockatoo. It is located to the south-east of the Paternoster Road/Bailey Road intersection.

There is an informal access gate to the north western corner of the site (no formal vehicle crossing). The main crossover is located at the centre of the eastern boundary near the existing dwelling and outbuildings.

The site currently contains a dwelling and a number of outbuildings to the eastern area of the site.

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

There are no title restrictions affecting the subject site.

The site is located within an area subject to Aboriginal Cultural Sensitivity, however, in accordance with the *Aboriginal Heritage Regulations, 2018*, the proposal is not considered a 'high impact activity' and therefore, a Cultural Heritage Management Plan (CHMP) is not required to be prepared.

The trees on the site are mainly located along the western boundary and the south west corner.

The main characteristics of the surrounding area are:

- North and East – these areas consist of small residential lots in the Low Density Residential Zone.

- West – the parcels adjoining the site to the west is 21 and 23 Paternoster Road, these lots are in the Rural Conservation Zone, are largely covered by vegetation and both used for residential purposes.
- South – the parcels adjoining the site to the south are 74 and 100 Paternoster Road, these lots are located in the Green Wedge Zone are used for residential and animal grazing purposes.

Relevance to Council Plan

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

4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.

5.1 We practise responsible leadership

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

Proposal

The proposal is for the use and development of a Telecommunications Facility to provide coverage in the Cockatoo area as the current facility providing coverage (located on a water reservoir at 5B Paternoster Road – opposite the site) is being removed at the request of Yarra Valley Water.

The applicant suggests that as the current facility is the only Optus base station in Cockatoo, not establishing a new facility in the same area may result in a significant network blackspot in Cockatoo and will critically impact the ability of local residents and business to access Optus' mobile network.



Figure 2. Locations of the existing and proposed facilities.

The applicant states that there are no opportunities for co-location with another facility (no other base stations for Optus in Cockatoo) and that the subject site is the best option in terms of balancing the need to service both town centre and surrounding rural land uses (a location of high elevation) and limiting visual impact on the environment.

The facility is proposed to be located in the north-western corner of the site, setback approximately 16 metres from the Paternoster Road frontage. The reason for this location is that it is along the high elevation section of the land while being able to blend in with nearby tall trees.



Figure 3. View to the proposed location from Bailey Road

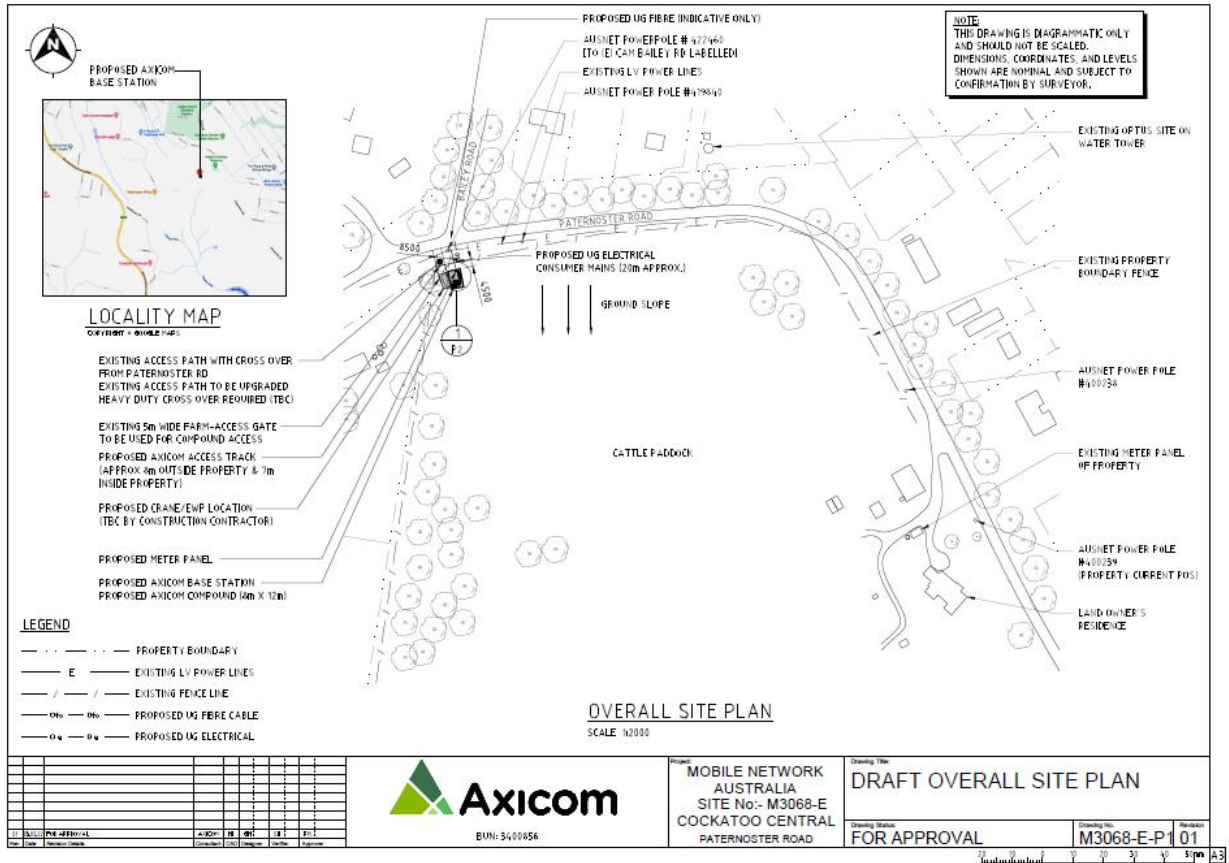


Figure 4. Proposed siting

The infrastructure will be located in a compound area of 12 metres by 8 metres. The telecommunications facility will comprise a 40-metre high monopole with triangular headframe and nine (9) panel antennas with ancillary components including an outdoor cabinet, metre panel and 2.8 metre high wire fencing.

The monopole and associated headframe and antennas will be shaded in 'Pale Eucalypt' green.

With all equipment, the facility will have a total height of 43 metres above ground level.

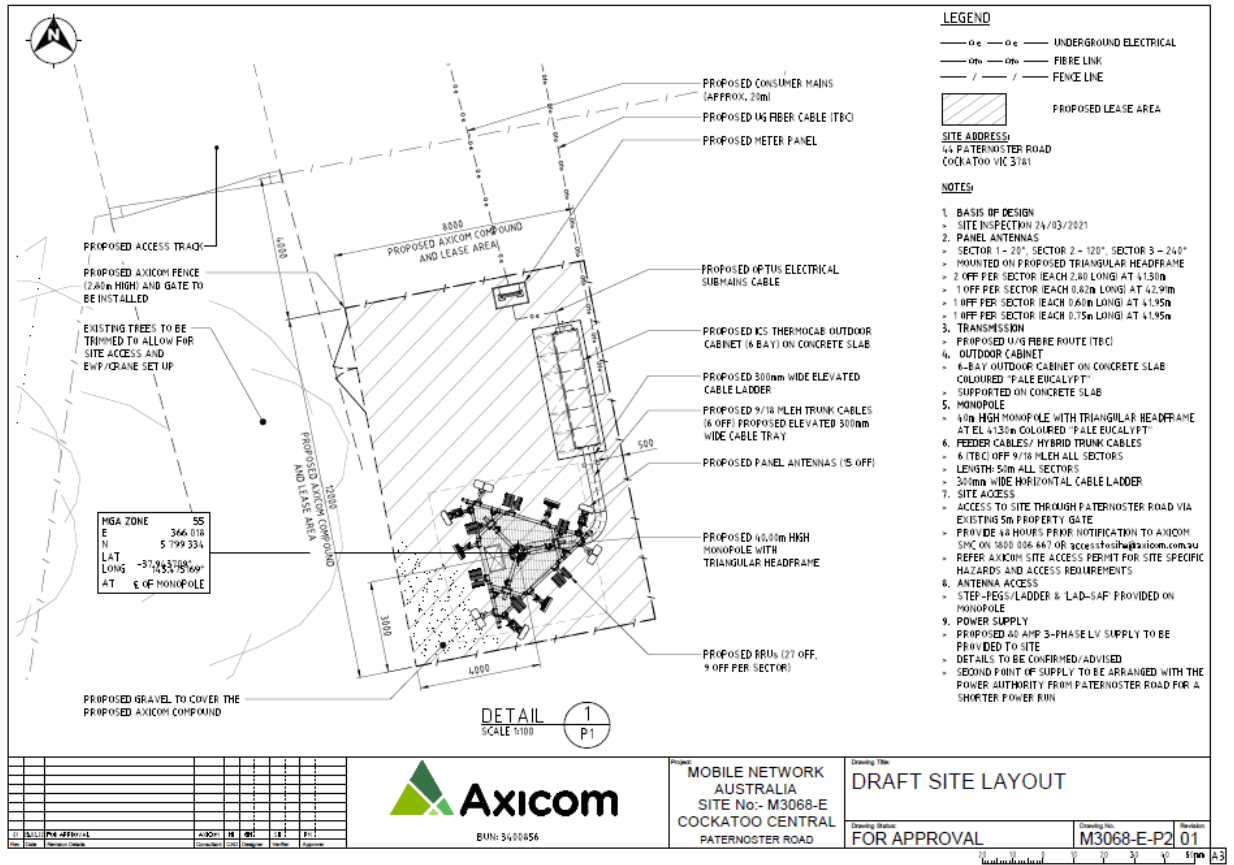


Figure 5. Site setout Plan

- Clause 12.05-1S Landscape
- Clause 13.07-1S Land use compatibility
- Clause 14.01-1S Protection of agricultural land
- Clause 19.03-4S Telecommunications
- Clause 19.03-4R Telecommunications – Metropolitan Melbourne

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.01-3 Key Issues: Infrastructure
- Clause 21.02-2 Landscape
- Clause 21.03-4 Rural townships
- Clause 21.04-1 Employment
- Clause 21.04-2 Agriculture
- Clause 21.05-1 Infrastructure provision

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.19 Telecommunications Facility
- Clause 65 Decision Guidelines
- 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 35.04-1 (GWZ) a planning permit is required to use the land for a Telecommunications Facility.
- Pursuant to Clause 35.04-5 (GWZ) a planning permit is required to construct or carry out works associated with a section 2 use.
- Pursuant to Clause 42.01-2 (ESO) a planning permit is required to construct a building or carry out works.

It is noted that the proposal does not require a planning permit under Clause 44.06 (Bushfire Management Overlay) as the development is not associated with any uses specified in Clause 44.06-2.

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 land; and
- Placing one (1) sign on site facing Paternoster Road.

Council has received sixteen (16) objections to date. The key issues that were raised in the objections are:

- Negative visual impacts to the landscape and rural character of the area;
- The close proximity of dwellings to the proposed telecommunications facility;
- Concerns relating to EME, Health and safety;
- The need for the facility;
- Impacts on property value;
- Whether the public notification process was sufficient; and
- Compliance with the planning scheme.

Referrals

The application was not required to be referred to any external authorities or departments.

Discussion

The proposal for the use and development of the land for a Telecommunications Facility is considered generally consistent with the aims and objectives of the objectives of the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, as well as the zone and overlay which apply to the subject site as discussed below.

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

Several state and local policies are relevant to this application. Whilst sometimes it is perceived that rural/agricultural areas have a limited 'landscape character', the Environmental Significance Overlay (Schedule 1) in which the site sits, does recognise that the northern hills has significant environmental and landscape values and asks the Responsible Authority to consider the impact of buildings and works on the character or appearance of the area.

Therefore, Clauses 12.05-2S (Landscape) and 21.02-2 (Landscape), which aim to protect landscapes and significant open spaces that contribute to the character, identity and sustainable environments and ensure the sensitive siting of buildings and other structures having regard to the protection of prominent ridgelines, significant views and areas of remnant vegetation are relevant to the application.

Additionally, the impact that the use, along with the buildings and works may have on the agricultural productivity of the area should also be considered. Clause 11.01-1R (Green wedges) aims to protect the green wedges of metropolitan Melbourne from inappropriate development, with specific strategies including the protection of areas of environmental, landscape and scenic value and support for development that provides for environmental, economic and social benefits.

The need for these types of facilities and the benefit they provide to the wider community must also be taken into consideration. Clause 19.03-4S (Telecommunications) aims to facilitate the orderly development, extension and maintenance of telecommunication infrastructure. The clause aims encourage the continued deployment of broadband telecommunications services and ensure that modern telecommunications facilities are widely accessible to business, industry and the community.

The provision of infrastructure to meet the needs of the existing and future community is also highlighted as a key issue in Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision), and reinforced by Clause 21.05-1 (Infrastructure provision), which encourages the provision of high capacity telecommunications infrastructure.

Although the proposal will be visible within a generally agricultural and scenic landscape, this infrastructure is not uncommon within the wider site context of the Shire. The simple design of the facility together with a requirement for screen planting, and the camouflaging of nearby tall trees will minimise the impact on the rural landscape and provide an appropriate balance between the policy directions of the provision of appropriate telecommunications for the immediate and wider area and the impacts on the surrounding landscape.

Green Wedge Zone and Environmental Significance Overlay

The subject site is located within the Green Wedge Zone (Schedule 2) and therefore particular consideration must be given to the impacts that a Telecommunications Facility may have on the agricultural productivity of the site and the surrounding sites.

It is also located within the Environmental Significance Overlay (Schedule 1), which identifies the hills in the northern part of the municipality as having significant landscape and environmental values. Schedule 1 has a number of environmental objectives to be achieved:

- To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.
- To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.
- To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.
- To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.

In terms of the considerations relating to the use of the land, it is noted that the site is currently utilised for animal grazing and residential purposes. While no intensive levels of agriculture exists on the land, consideration to the impacts on any future use of the site for other/more intensive forms of agriculture must be considered.

While the use does not directly relate to the rural land use of the area, it supports the surrounding community through the provision of improved telecommunications infrastructure. The site has capacity for the installation of a telecommunications facility without compromising agricultural uses or causing any irreversible land impacts.

The proposed buildings and works are consistent with the setback requirements of the Green Wedge Zone (Schedule 2) with the tower itself being 20 metres from a boundary, the area of the works is considered minor, and limited to an area of 96 square metres. In terms of any loss to agricultural land, the facility and driveway will occupy less than 0.0005 percent of the 18.67Ha site.

The siting of the facility is appropriate in this rural context given the extent of vegetation coverage in the vicinity and setbacks from title boundaries. Expansive views will still be maintained from adjoining land. No vegetation removal is required

Overall, the proposed facility is considered to positively contribute to the residents, agricultural and other businesses within the area by providing more efficient and widespread telecommunications coverage that is currently lacking. While there is some visual impact, this impact is considered acceptable when balanced against the benefit of the facility.

Clause 52.19 and A Code of Practice for Telecommunications Facilities in Victoria

In line with the decision guidelines outlined at Clause 52.19-6 (Telecommunications Facility), the principles for the design, siting, construction and operation of a telecommunication facility must be assessed against 'A Code of Practice for Telecommunication Facility in Victoria'. Each principal of this code has been addressed as follows:

Principle 1: A telecommunication facility should be sited to minimise visual impact

At a maximum height of 43 metres, it is acknowledged that the telecommunications facility will be visible from land outside of the subject site. However, as highlighted in the VCAT decision, *White v Ballarat CC [2014]* the simple visibility of the tower from surrounding land does not mean that there is an unacceptable planning or visual impact.

It is considered by Council officers that the location of this telecommunication facility is appropriately placed. The proposed compound is sited approximately 16 metres from the northern Paternoster Road frontage, approximately 8.5 metres from the western boundary, approximately 233 metres from the eastern Paternoster Road frontage, approximately 340 metres from the dwelling on the site, and approximately 90 metres from the nearest dwelling at 1 Paternoster Road.

As well as being a strategic location to ensure efficient coverage is provided, the monopole has been sited near trees of a similar height to reduce the abruptness of the structure from the surrounding properties and the road as much as possible.

When discussing Principle 1, in regards to the previously highlighted *White v Ballarat CC [2014]*, Council was directed to consider aspects such as distances of the facility from the road, viewing points, and extent of any vegetation in the vicinity to obscure the pole. The VCAT decision also states that minimising an adverse impact on visual amenity does not mean that the telecommunication pole must be sited so that it cannot be seen by most or many people.

Visibility cannot be equated to adverse visual impact. It is the extent to which a development is compatible with the particular location and how policies seek to guide change that is most relevant.

Whilst it is acknowledged that the facility will be visible from adjoining land given the overall 40 metre height, the visual impact is not unreasonable in this rural context given its slimline design and less exposed location. The location of the facility will still allow for expansive, open views to be maintained from adjoining and opposite land.

The applicant has stated that the proposed 40 metre monopole is the smallest structure capable of meeting coverage and operational objectives as the proposed site is approximately 10 metres lower than the existing facility (25 metres tall) at 5B Paternoster Road, which is already experiencing degradation in service because its signal is being obstructed by the surrounding tree canopy due to the lack of height.

Having regard to the above, it is considered that the siting of the facility is appropriate.

Principle 2: Telecommunication facilities should be co-located wherever practical

The applicant has advised that there are no existing telecommunications facilities within the Cockatoo area that would be capable of replacing this facility, and as such, a new base station is needed.

Principle 3: Health standards for exposure to radio emissions will be met

In accordance with A Code of Practice for Telecommunications Facilities in Victoria, July 2004, a telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, Arpana, May 2002.

As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all time with the relevant Radiation Protection Standard, and once operational, must have this compliance certified by an accredited body.

Principle 4: Disturbance and risk relating to siting and construction should be minimised

Excavation will be required for a new crossover and to install the footings for the monopole and the fencing. Standard engineering conditions will be placed on any permit to ensure erosion and drainage will be appropriate for the site.

In addition to these principles, the decision guidelines of Clause 52.19-5 also ask the Responsible Authority to consider (as appropriate) the effect of the proposal on adjoining land, and if the proposal is located in an overlay listed, the decision guidelines of that said overlay.

The proposal is located in the Environmental Significance Overlay (Schedule 1), which relates to the protection of remnant vegetation, landscape characters and limiting environmental hazards in the Northern Hills area. As discussed above, no vegetation is proposed to be removed, the facility has been sited at a location that will not result in unreasonable visual impact to the landscape character of the area (refer to figure 3), and conditions will be on any permit to manage earthworks and minimise erosion.

As discussed above, the effect the proposal may have on adjoining land in terms of visual and health impacts have been considered above. The effect the proposal may have on other important aspects of the surrounding land, including the impact to the agriculture significance of the Green Wedge Zone (Schedule 2) are considered below.

Response to objections

Need for the facility

The applicant has provided the following response:

Cockatoo currently receives Optus services from a co-located facility on a Yarra Valley Water reservoir at Aspect Avenue Reserve, 5B Paternoster Road. Optus' antennas are

mounted at the top of the 25m water reservoir. Vodafone also has antennas present. It is understood that the facility has been established since around 2005. The existing facility is Optus' only base station in the vicinity of Cockatoo, meaning it is of critical importance in providing Optus services to local residents and businesses.

Optus' presence on the water tower is secured via a lease. The water authority has recently advised a preference for removal of carrier equipment from their water reservoirs, and has advised Optus that the lease to utilise the reservoir will not be renewed. The water authority would not accommodate a new standalone tower adjoining the water reservoirs. Optus are required to decommission and remove the existing facility shortly.

If it is not replaced, removal of this facility will create a significant network blackspot in Cockatoo, critically impacting the ability of residents and businesses to access Optus' mobile network.

This proposal, at 44 Paternoster Road, Cockatoo, is intended to replace the existing communications facility, ensuring continuity of mobile services in the locality. The proposal includes installation of upgraded Optus equipment, both to improve local 4G coverage for both carriers and establish 5G services in the Cockatoo area.

Planning Scheme Compliance

This has been discussed in the above sections, it is further noted that it is not uncommon for Telecommunications facilities to be located in Green Wedge/Rural Conservation Zones.

Environmental Impacts

No trees are proposed/required to be removed for the construction and operation of the facility.

An arboricultural impact assessment has been undertaken, confirming that the trimming of the tree will not be adversely impacted by the proposal.

Adequacy of the public notification process

The application has been notified in accordance with Section 52 of the *Planning and Environment Act 1987*, the procedure includes sending letters to all adjoining properties, properties opposite the site and erection of a public notice at the site frontage.

Loss of property value

Some objector's submissions raised issues surrounding loss of property value. Loss of property value is not considered an objection on planning merit, and therefore, cannot be considered by Council.

However, it is considered that having better access to telecommunications within a rural area such as this to be a positive.

Alternative locations

Some objections raised the possibility of other more suitable sites as they would have less amenity impact. This is not possible due to the need of coverage requirements (location of future coverage blackhole) and the need to be located at high altitude.

Visual Impact

Several objectors consider that the proposal will have negative visual impacts to the landscape and rural character of the area. Whilst it is acknowledged that the facility will be visible from adjoining land, it is not considered to have an unreasonable adverse impact given the corner location on the site, the use of tall vegetation as backdrop, and the use of Pale Eucalypt green colours. As previously stated, the findings of *White v Ballarat CC [2014]*, determined that the simple visibility of the tower from surrounding land does not mean that there is an unacceptable planning or visual impact.

As discussed, the applicant has sought the shortest possible tower to service the required area and has proposed a monopole instead of a lattice tower to further reduce visual bulk. A condition can be placed on any permit issued requiring screen planting around the proposed development to obscure the lower form of the development. The simple form of the structure combined with a condition requiring landscaping of the compound will help to minimise impact on the immediate and wider site context.

A condition of approval will require that external materials must be non-reflective.

Health risks

Several objectors have raised concerns over health risks associated with the facility.

As discussed above, telecommunication towers are required by law to comply with A Code of Practice for Telecommunications Facilities in Victoria, July 2004. This legislation requires that telecommunications facilities must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, Arpana, May 2002. This exposure range outlined by this report has been considered safe for humans.

Additionally, the applicant has provided an additional response to these concerns, explaining that:

All mobile phone Carriers must strictly adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA).

In 2020 the ACMA adopted a technical standard for exposure of the general public to RF EME from mobile base stations. The standard, known as the Standard for Limiting Exposure to Radiofrequency Fields – 100kHz to 300GHz (2021) RPS S-1 (Rev 1), was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by ICNIRP (International Commission for Non-Ionising Radiation Protection), an agency associated with the World Health Organisation (WHO).

Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA.

Due to the specific mandated operational standards these facilities must comply with in Australia, the frequencies used do not impact the use or operation of medical devices or medical equipment. Mobile telecommunications base station facilities are commonly installed on the rooftop of Hospitals and Medical Centres to assist in the provision of up-to-date mobile telecommunications technology.

Decision Guidelines

The proposal is consistent with the PPF and LPPF, the purpose of the zone, overlay and relevant provisions. The proposal does not undermine the orderly planning of the area and the siting, design and visual impact of the facility is considered appropriate when regard is given to the social and economic benefits provided by improved and enhanced telecommunications.

Conclusion

The proposed facility, comprising a 40-metre-high monopole with attached antennas and equipment cabinets are to be located within the site so that it reduces visual amenity issues, whilst ensuring adequate coverage is achieved. The proposal satisfies the requirements of the Code of Practice for Telecommunications Facilities in Victoria, whilst also addressing coverage deficiencies within the local area.

The proposal is also consistent with the stated objectives of the Cardinia Planning Scheme and, in particular, Clause 52.19 relating to telecommunications facilities. It is not considered to have any unreasonable impact to the amenity of the surrounding area, although visible, has been sited and designed to provide an appropriate balance between visual impacts and the provision of improved services for the wider site context.

It is therefore recommended that a Notice of Decision to Grant a Permit be issued for Planning Permit Application T210643 for the use and development of the land for a Telecommunications Facility and associated works at L2 PS608127, 44 Paternoster Road Cockatoo 3781, subject to the following conditions:

Conditions

Plans required

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the plans prepared by Axiom, Rev 01, dated 03/02/22 submitted with the application but modified to show:
 - e. Setbacks from the north and west property boundaries shown correctly to scale and fully dimensioned.
 - f. The location, width and construction material for the driveway required to access the facility. Within the Tree Protection Zone of Tree 1 (as identified in the Aboricultural Impact Assessment, prepared by Treespace Solutions Pty Ltd and dated 2 December 2021), the driveway must be constructed as a permeable surface at or above the natural grade.
 - g. The location of the EWP moved to the eastern side of the compound.
 - h. A landscape plan in accordance with Condition 2.
2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must provide a landscape buffer immediately surrounding the fenced Telecommunications Facility, and must be drawn to scale with dimensions. The plan must show:

- b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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

Tree protection

3. All pruning works must be undertaken by a suitably qualified arboricultural contractor in accordance with AS4373-2007 Pruning of amenity trees.
4. Before works start, a fence must be erected around any tree within 15 metres of the proposed buildings and works. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar, to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - g. Vehicular access.
 - h. Trenching or soil excavation.
 - i. Storage or dumping of any soils, materials, equipment, vehicles, machinery or
 - j. Waste products.
 - k. Entry and exit pits for underground services.
 - l. Any other actions or activities that may result in adverse impacts to retained native vegetation.

Secondary consent:

5. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Amenity:

6. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
7. The exterior colour and cladding of the telecommunication facility must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the equipment shelter, including the roof, must be of a non-reflective nature.

Earthworks:

8. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains

exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

9. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Landscaping installation:

10. Within three (3) months of the Telecommunications Facility being completed the landscaping as shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority.

Maintenance of Landscaping:

11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Removal of redundant infrastructure

12. If the telecommunications facility becomes redundant, all infrastructure associated with the facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.

Expiry:

13. This permit expires if –
 - e. The development does not start within **two (2) years** after the issue of the permit;
or
 - f. The development is not completed within **four (4) years** after the issue of the permit; or
 - g. The use does not start within **two (2) years** of the completion of the development;
or
 - h. The use is discontinued for a period of **two (2) years**.

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

Notes:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- This Planning Permit does not represent the approval of other departments of Cardinia Shire Council or other authorities.

- A Works Within a Road Reserve (WWRR) Permit must be obtained from Council prior to the commencement of any works within the road reserve.

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council issue a Notice of Decision to Grant a Permit for the use and development of the land for a Telecommunications Facility at L2 PS608127, 44 Paternoster Road Cockatoo 3781, subject to the following conditions:

Plans required

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the plans prepared by Axiom, Rev 01, dated 03/02/22 submitted with the application but modified to show:
 - a. Setbacks from the north and west property boundaries shown correctly to scale and fully dimensioned.
 - b. The location, width and construction material for the driveway required to access the facility. Within the Tree Protection Zone of Tree 1 (as identified in the Arboricultural Impact Assessment, prepared by Treespace Solutions Pty Ltd and dated 2 December 2021), the driveway must be constructed as a permeable surface at or above the natural grade.
 - c. The location of the EWP moved to the eastern side of the compound.
 - d. A landscape plan in accordance with Condition 2.
2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must provide a landscape buffer immediately surrounding the fenced Telecommunications Facility, and must be drawn to scale with dimensions. The plan must show:
 - a. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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

Tree protection

3. All pruning works must be undertaken by a suitably qualified arboricultural contractor in accordance with AS4373-2007 Pruning of amenity trees.
4. Before works start, a fence must be erected around any tree within 15 metres of the proposed buildings and works. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence

must be constructed of chain mesh or similar, to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a. Vehicular access.
- b. Trenching or soil excavation.
- c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or
- d. Waste products.
- e. Entry and exit pits for underground services.
- f. Any other actions or activities that may result in adverse impacts to retained native vegetation.

Secondary consent:

5. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Amenity:

6. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
7. The exterior colour and cladding of the telecommunication facility must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the equipment shelter, including the roof, must be of a non-reflective nature.

Earthworks:

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

Landscaping installation:

10. Within three (3) months of the Telecommunications Facility being completed the landscaping as shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority.

Maintenance of Landscaping:

11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Removal of redundant infrastructure

12. If the telecommunications facility becomes redundant, all infrastructure associated with the facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.

Expiry:

13. This permit expires if –
- a. The development does not start within **two (2) years** after the issue of the permit; or
 - b. The development is not completed within **four (4) years** after the issue of the permit; or
 - c. The use does not start within **two (2) years** of the completion of the development; or
 - d. The use is discontinued for a period of **two (2) years**.

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

Notes:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- This Planning Permit does not represent the approval of other departments of Cardinia Shire Council or other authorities.
- A Works Within a Road Reserve (WWRR) Permit must be obtained from Council prior to the commencement of any works within the road reserve.

Carried

5.2 T210942 PA - Use of Land for Community Care Accommodation and the Construction of a Multi-storey, Mixed-use Building Associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone at 81 Henry St, Pakenham

Responsible GM: Lili Rosic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Notice of Decision to grant a Planning Permit for the use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone at 81 Henry Street, Pakenham, subject to the following conditions:

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by VIA Architects, Rev B, dated 25/03/22. The plans must include:
 - a. An area schedule in the form of a table for each level of the building.
 - b. First and Second floor plans updated to clearly show the location of kitchens and laundries.
 - c. Floor plans updated to show services, plant equipment and air-conditioning units as screened and located within acoustically treated housings.
 - d. Services, plant equipment and air-conditioning units to be shown on the elevation drawings as screened and located within acoustically treated housings.
 - e. A pole mounted convex mirrors within the accessway that allows a vehicle entering or exiting the carpark to check if the access lane is clear before entering.
 - f. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fences.
 - g. Reference to 'Business Identification Signage' removed from all plans.

Landscaping:

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 9 November 2021 prepared by memLa, except that the plan must show:

- a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
- b.
- c. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
- d.
- e. Details of surface finishes of pathways and driveways.
- f.
- g. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- h. Landscaping and planting within all open areas of the subject land.
- i.
- j. Two canopy trees (minimum 33cm pot size when planted) in the front setback of the development.
- k.
- l. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fence.
- m. Movie screen removed from the rooftop communal area to be consistent with rooftop communal area floor plans.

Management Plan:

3. Before the development starts, a Management Plan for the use of the land for Community Care Accommodation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. One electronic copy must be provided and the Management Plan must include but is not necessarily limited to the following:
 - a. Site operation;
 - b. Staff requirements and hours of availability on site;
 - c. Resident application requirements;
 - d. Hours of use of the communal rooftop terrace;
 - e. Critical Incident Management and Emergency & Evacuation Procedures;
 - f. Security measures;
 - g. Provision of information on local public transport and to encourage uptake of other transport modes (e.g. information on facilities within walking distance, local public transport timetables, car share services etc);
 - h. A Complaints Handling Procedure; and
 - i. A contact person and their telephone number must be displayed at the Community Care Accommodation frontage at all times. The displayed telephone number must be contactable at all times (otherwise call forwarded to another appropriate person) to enable a prompt response to any operational complaints which may arise that require immediate attention, such as noise emissions or other issues of non-compliance with this permit.
 - j.

Stormwater Management Plans:

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

Street trees:

5. Before the development starts a fee of \$415.00 per tree must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development (specifically tree 2 identified in the arborist report dated February 2022 prepared by Lloyd Hetrick). Replacement will be undertaken by Council contractors within the streetscape in the next planting season.
6. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. All recommendations within the arborist report dated February 2022 prepared by Lloyd Hetrick are to be followed

Use for Community Care Accommodation:

7. The apartments, office, meeting room and nurses room as shown on the endorsed plans must only be used for the purpose of providing Community Care Accommodation as defined by the Cardinia Planning Scheme and must not be altered or modified without the prior consent in writing of the Responsible Authority.
8. Unless with the prior written consent of the Responsible Authority, the communal rooftop outdoor area must only be used:
 - a. Monday to Sunday between 7:00am and 10:00pm

Buildings and works:

9. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
11. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Landscaping:

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Environmentally Sustainable Design:

13. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) prepared by ADP Consulting: Engineering, Rev 02, dated 18/03/22 must be implemented for the development to the satisfaction of the Responsible Authority.

Car parking and access:

14. A minimum of ten (10) car spaces including a minimum of one (1) space with a shared space, clearly marked for use by disabled persons must be provided on the subject land for the development in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

Amenity (during construction):

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

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

16. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
17. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
18. Noise emissions from the land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, March 2021) (or as amended) at all times.
19. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality to the satisfaction of the Responsible Authority.

20. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
21. All external plant, air-conditioners and equipment must be screened and acoustically treated or placed in sound proof housing in accordance with the endorsed plans to reduce noise to a level satisfactory to the Responsible Authority.
22. The use and development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
 - e. Or in any other way.

To the satisfaction of the Responsible Authority.

Waste Management:

23. All waste generated by the use of the land must at all times be managed in accordance with the endorsed Waste Management Plan for the land approved by the Responsible Authority.
24. Refuse or waste matter associated with the medical practice, including surgical waste, must be disposed of in a manner to the satisfaction of the Responsible Authority.
25. All waste must be stored effectively within the bin enclosure areas as shown on the endorsed plan to prevent odours from affecting neighbouring properties.

Earthworks:

26. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Stormwater Management:

27. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
28. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
29. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Vehicle crossings and parking areas:

30. Before the development is occupied:

- a. A residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- b. The convex mirror/s required by Condition 1(e) must be installed to the satisfaction of the Responsible Authority.
- c. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
- d. All proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

Prior to occupation:

31. Before the development is occupied:

- a. Any measures shown on the endorsed plans to prevent overlooking into neighbouring properties must be installed to the satisfaction of the Responsible Authority.
- b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- c. The premises must be connected to a reticulated water supply, sewerage, drainage, electricity and be provided telecommunications to the requirements of the relevant servicing authority.
- d. The boundary fencing as shown on the endorsed plans must be installed at a cost to the developer to the satisfaction of the Responsible Authority.
- e. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority. This area must be drained to the satisfaction of the Responsible Authority.
- f. All external plant and equipment must be screened and acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- g. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- h. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.

- i. Rain water tanks as shown on the endorsed plans must be installed and connected to toilets and irrigation systems in accordance with the endorsed Environmentally Sustainable Design report.

Expiry:

32. A permit for the development and use of land expires if-
- a. the development does not start within two (2) years after the issue of the permit; or
 - b. the development is not completed within four (4) years after the issue of the permit; or
 - c. the use does not start within two (2) years after the completion of the development; or
 - d. the use is discontinued for a period of two (2) years.

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

Notes:

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.
- iv. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Attachments

1. Locality Map [5.2.1 - 1 page]
2. Application Plans [5.2.2 - 20 pages]
3. Copies of Objections (Redacted) [5.2.3 - 8 pages]

Executive Summary

APPLICATION NO.:	T210942
APPLICANT:	Ratio Consultants Pty Ltd
LAND:	L2 LP83481, 81 Henry Street Pakenham VIC 3810
PROPOSAL:	Use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> • Activity Centre Zone – Schedule 1 <ul style="list-style-type: none"> ○ The subject site is located in Precinct 4 (East Commercial and Mixed Use). <p>Overlays:</p> <ul style="list-style-type: none"> • Development Contributions Plan Overlay – Schedule 1 • Parking Overlay – Schedule 1
ABORIGINAL CULTURAL SENSITIVITY	Not applicable.
NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners.</p> <p>Six (6) objections were received to the application.</p>
KEY PLANNING CONSIDERATIONS:	<p>Activity centres Urban design Building height and scale Streetscape character Preferred character Community infrastructure Community Care Accommodation Amenity Car parking Traffic</p>
RECOMMENDATION:	That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions within this report.

Background

The subject site is located in Precinct 4 (East Commercial and Mixed Use) of the Activity Centre Zone which was introduced into the Cardinia Planning Scheme by Planning Scheme Amendment C228 on 30 September 2021.

There is no previous permit history for the site.

Subject Site



The site is rectangular in shape, with a frontage to Henry Street of 19.31m and side boundaries of 40.9m for a total area of approximately 792sqm.

The site currently contains a single storey, weatherboard dwelling which is currently described as being in a dilapidated state.

The site is located on the southern side of Henry Street and is encompassed by unit development on the east and vacant land on the south and west.

There is currently a vehicle crossover constructed towards the western edge of the frontage.

The topography of the land is relatively flat.

There are no title restrictions affecting the land.

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

The main characteristics of the surrounding area are:

- North: Directly north of the site is Henry Street. Across Henry Street are a number of residential properties, located in Precinct 7 of the Activity Centre Zone. Princes Highway is located approximately 670 metres to the north.
- South: Directly south of the site is a large vacant allotment. Further south is a large parcel containing an old hardware supply yard and a 3-storey office building which front Station Street and are also located in Precinct 4. Bourke Park and Pakenham Railway Station are located approximately 210 metres to the south.
- East: Directly east of the site are two (2) sets of units. Further east is a medium density housing estate containing a number of townhouses. Ascot Park Estate also containing

a mixture of medium to higher density residential development is also located to the east.

- West: Directly west of the site is a large vacant allotment. Further west is a double storey office development and Pakenham Central Market Place shopping centre and Pakenham Main Street.



Permit/ Site History

There is no Planning Permit history for the subject site.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

3.1 We value our natural assets and support our biodiversity to thrive

3.1.1 Partner with community, business and industry to take action on, and adapt to, climate change.

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

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

5.1 We practise responsible leadership

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

Proposal

Approval is sought for the use and development of a Specialist Disability Accommodation (SDA) building for Community Care Accommodation with an ancillary Office and associated Medical Centre at ground floor at 81 Henry St, Pakenham.

As outlined below, the proposed Medical Centre land use is as of right (Section 1 Use) when located in Precinct 4 of the Activity Centre Zone when less than 250sqm in floor area, and therefore, the use of the ground floor of the building for this purpose does not trigger a Planning Permit. The Medical Centre is proposed to operate 7 day per week, from 8am until 8pm. The Medical Centre will be available for residents, as well as to the wider community,

The use of the land for an Office is also an as of right (Section 1 Use) in Precinct 4. The Office will be used in conjunction with the Community Care Accommodation to manage the needs of the residents.

Use (Community Care Accommodation):

The applicant proposes the use of the upper floors (2-5) of the five-storey building for Community Care Accommodation for the purpose of providing Specialist Disability Accommodation (SDA) in which residents will be recipients of the NDIS.

The proposal will be able to accommodate 24 residents, within 12 apartments, and therefore the use does not benefit from the exemptions listed at Clause 52.22-2 (Community Care Accommodation).

The proposal will include on-site services for residents, including provision for an on-site nurse or carer to be available, in addition to the Medical Centre.

Buildings and works:

Approval is also sought for the construction of a five-storey building to facilitate the proposed land uses.

At ground floor level, the building will be constructed 2 metres from the front title boundary (Henry Street), 17.8 metres from the southern boundary, 4.63 metres from the eastern boundary and 1.5 metres from the western boundary.

The proposed Medical Centre will be located at ground level off a central foyer and hallway. An ancillary Office, Meeting Room, Kitchen, Bathroom and Nurse bedroom associated with the Community Care Accommodation will also be provided at ground floor level and accessed off the same centralised foyer and hallway.

Entry to the Community Care Accommodation can also be gained through this central foyer and hallway and is separated by a door that can be closed off to the public. A second lobby from the car parking area, also provides access to the building.

The Community Care Accommodation apartments are accessed by stairs and a lift located in the rear of the building at ground floor level. A separate bin storage room is also provided at ground floor level.

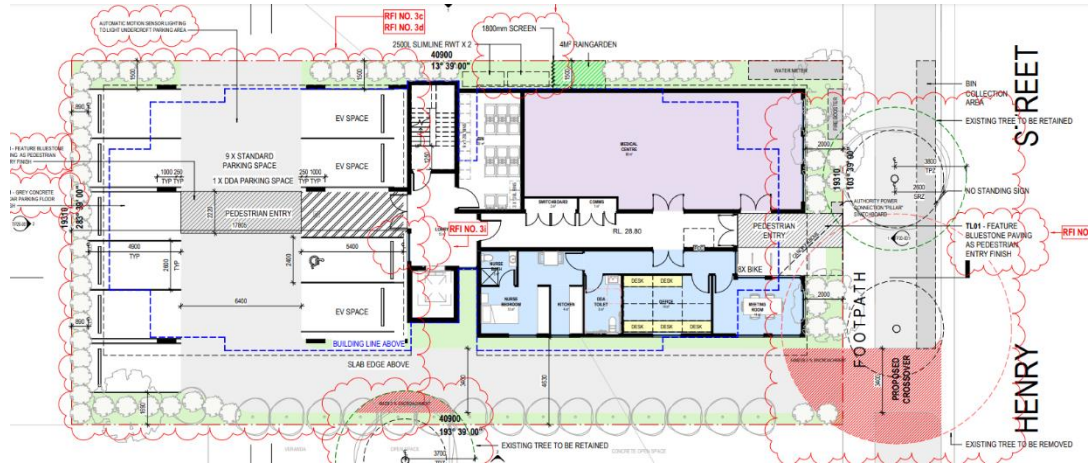


Figure 1: Ground Floor plan

Levels 2 and 3 will be setback slightly further from the front boundary (Henry Street) at 3.43 metres, 2 metres from the southern boundary, 3.93 metres from the eastern boundary and 1.5 metres from the western boundary.



Figure 2: Level 2 floor plan



Figure 3: Level 3 floor plan

Levels 4 and 5 will be setback further again at 6.135 metres from the front boundary (Henry Street), 4.71 metres from the southern boundary, between 5.41 and 7.545 metres from the eastern boundary and 2.38 metres from the western boundary.

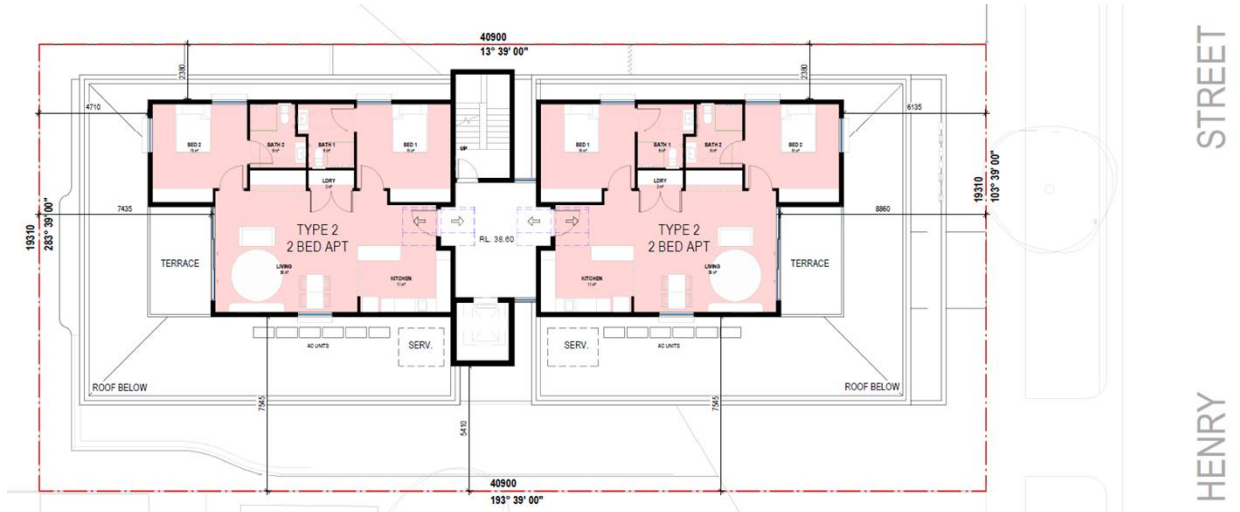


Figure 4: Level 4 floor plan

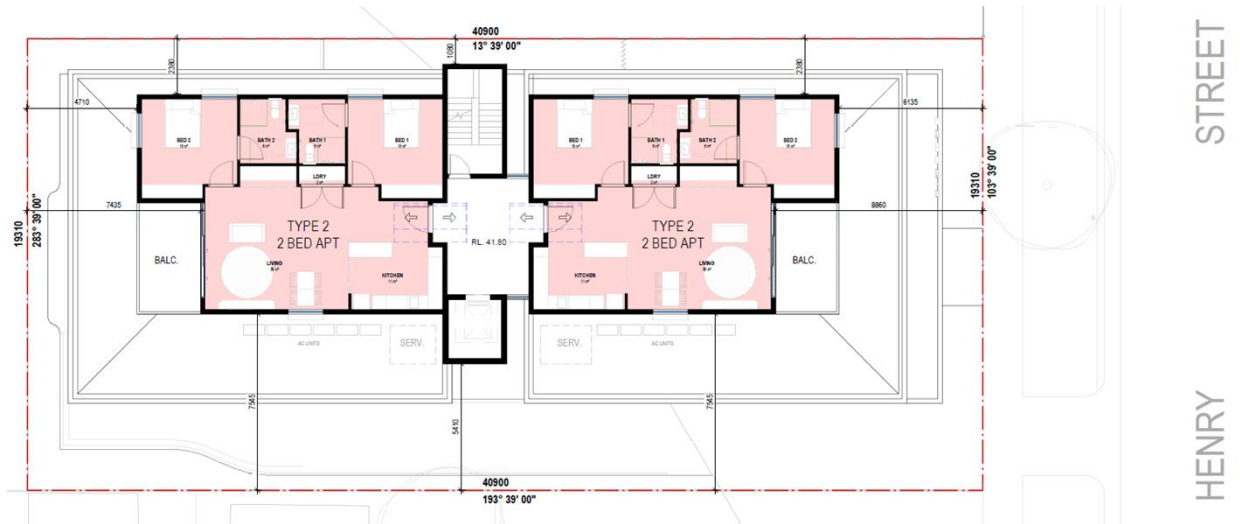


Figure 5: Level 5 floor plan

A rooftop communal open space area is also proposed. This outdoor space will provide for outdoor seating, a BBQ area and vegetable/ herb gardens for the use of the residents.

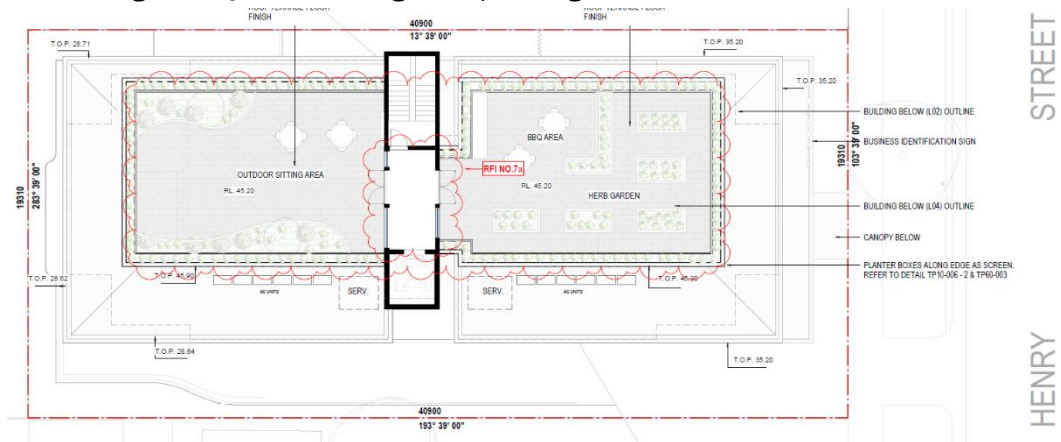


Figure 6: Rooftop terrace

The building is proposed to reach a total height of 17.635 metres.

The building is contemporary in style and will be constructed with red and grey brick, white vertical cladding, black metal louvers, white render and a mixture of grey and dark grey concrete look finishes. There will be clear glazing throughout and black metal screening where overlooking may occur along the eastern façade.

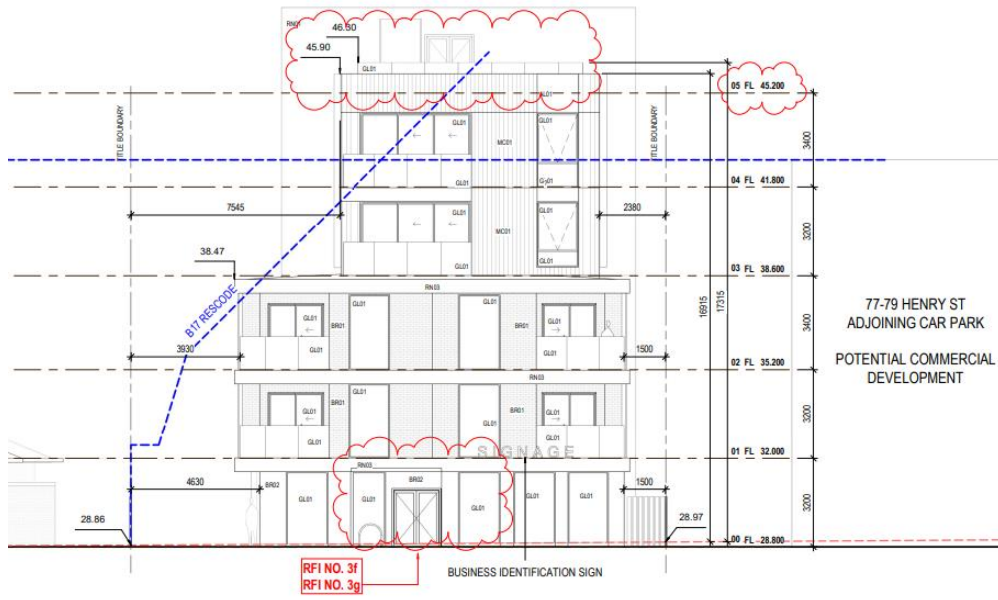


Figure 7: North elevation (Henry Street)



Figure 8: South elevation

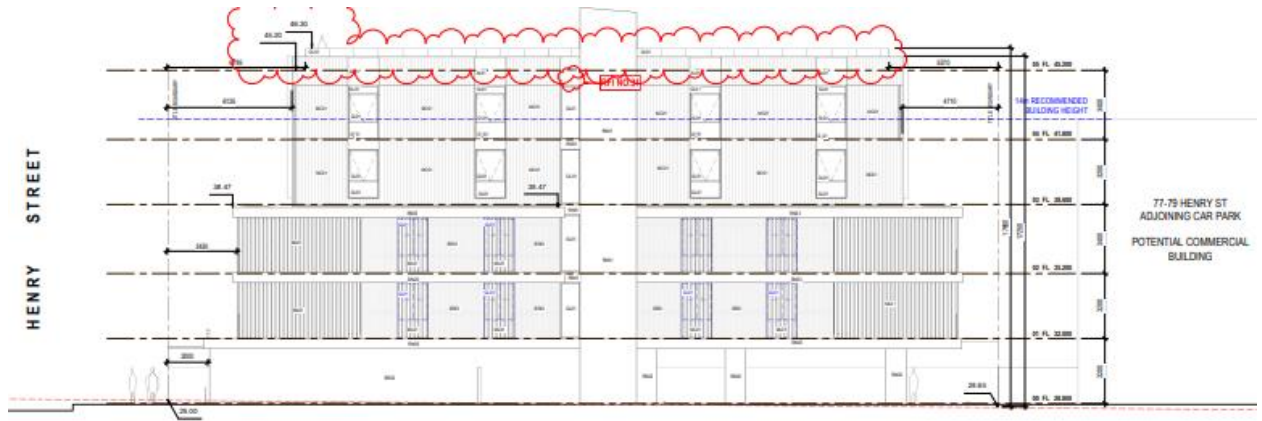


Figure 9: West elevation

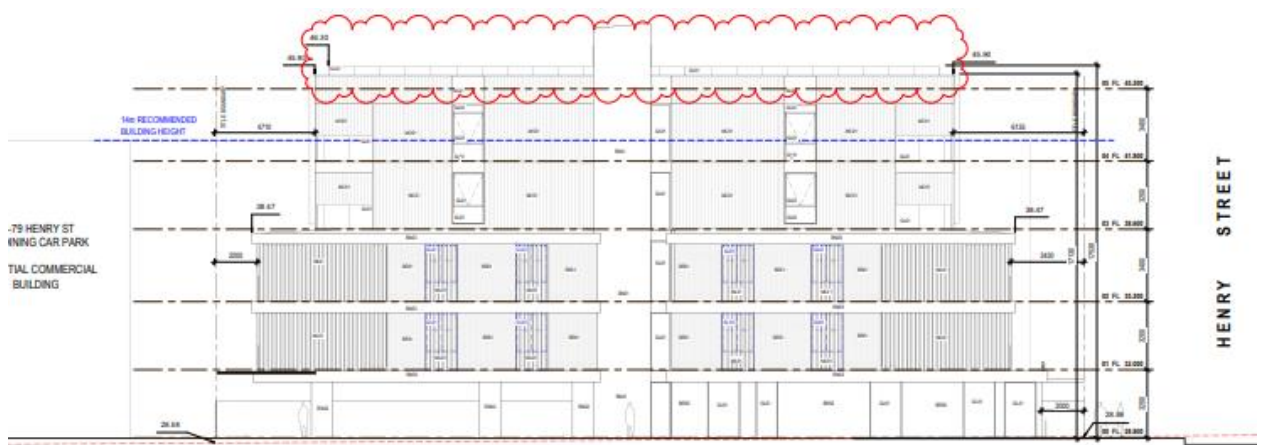


Figure 10: East elevation



Figure 11: 3D Renders

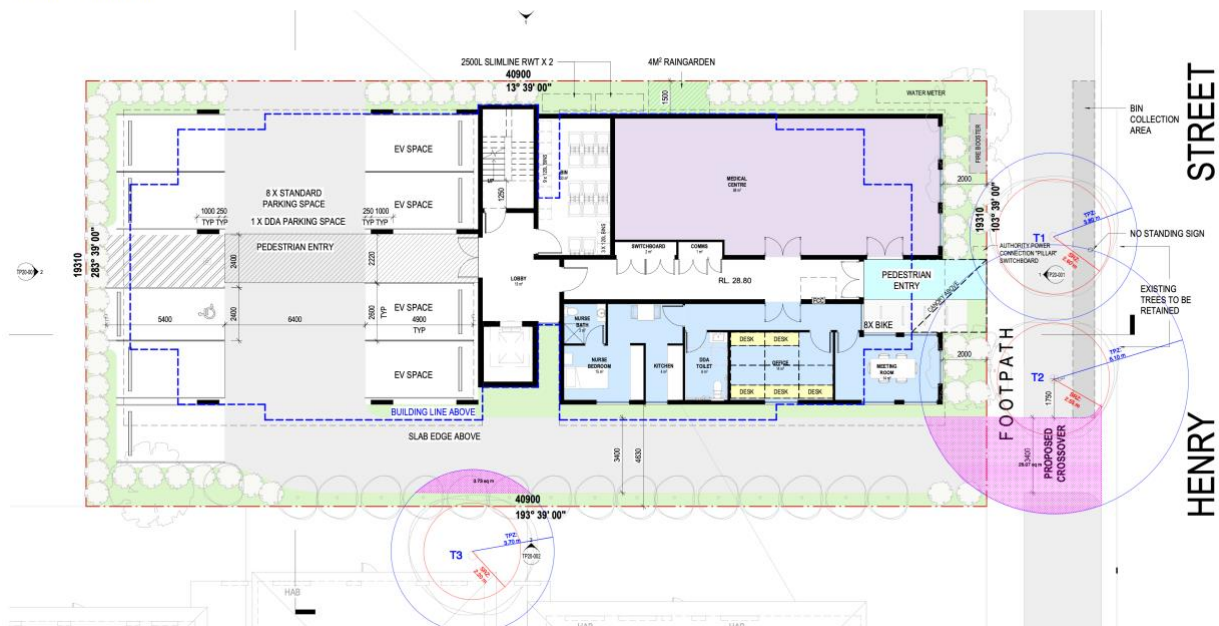
Trees:

An assessment of impacts to third party trees was provided with the application. It details that there is a minor encroachment by the works into the TPZs of Trees 1 (street tree) and Tree 3 (neighbours' tree). The encroachment into each TPZ is less than 10 percent and therefore the arborist confirms that the development will not detrimentally impact either.

There is a major encroachment into the TPZ of Tree 2 (street tree) and this is likely to cause harm to it by the construction of the new crossover and driveway. The proximity of the tree to the crossover will obstruct vision along Henry Street for vehicles exiting the site making it a safety hazard. As the tree will be harmed by the works and will be a safety issue, the applicant proposes to remove this street tree.

12.9 Site plan showing proposed development

Trees are number in blue, TPZs are shown as blue circles with the radius, and SRZs are shown as red circles with their radius. The areas of encroachment into the TPZs of trees 2 & 3 are shown in magenta with the square metres of the area shown.



Signage:

No signage is proposed at this time. Any provisions of the Planning Scheme relating to signage and exemptions will need to be complied with at a later date if signage is proposed.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Activity Centre Zone - Schedule 1
- The subject site is location in Precinct 4.

Overlays

The land is subject to the following overlays:

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

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 – Settlement
 - Clause 11.01 – Victoria
 -
 - Clause 11.01-1S – Settlement
 -
 - Clause 11.03-1S – Activity centres
 -
 - Clause 11.03-1R – Activity centres – Metropolitan Melbourne
 -
- Clause 13 – Environmental risks and amenity
 - Clause 13.01 – Climate change impacts
- Clause 15 – Built environment and Heritage
 - Clause 15.01-1S – Urban design
 - Clause 15.01-1R - Urban design – Metropolitan Melbourne
 - Clause 15.01-2S - Building design
 - Clause 15.01-4R - Healthy neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-1S – Neighbourhood character
 - Clause 15.02-1S – Energy and Resource Efficiency
- Clause 16 - Housing
 - Clause 16.01-1R – Housing Supply – Metropolitan Melbourne
- Clause 17.01 – Employment
 - Clause 17.01-1S – Diversified economy
 - Clause 17.01-1R – Diversified economy – Metropolitan Melbourne
- Clause 18.02 – Movement networks
 - Clauses 18.02-1S – Walking
 - Clause 18.02-2S – Cycling
 - Clause 18.02-3S - Public Transport
 - Clause 18.02-3R - Principal Public Transport Network
- Clause 18.02-4S – Roads
- Clause 19.02 – Community infrastructure

- Clause 19.02-1S - Health facilities
- Clause 19.02-1R - Health precincts – Metropolitan Melbourne
- Clause 19.03-3S – Integrated Water Management
- Clause 19.03-5S – Waste and resource recovery

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 – Settlement and Housing
 - Clause 21.03-1 – Housing
 - Clause 21.03-2 – Urban Established Area – Beaconsfield and Pakenham
- Clause 21.04 – Economic Development
 - Clause 21.04-1 – Employment
 - Clause 21.04-3 – Activity Centres
- Clause 21.05 – Infrastructure
 - Clause 21.05-3 – Local roads
 - Clause 21.05-6 – Community services and facilities
- Clause 21.06 – Particular Uses and Development
 - Clause 21.06-1 – Urban Design

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 - Car Parking
- Clause 52.22 - Community Care Accommodation
- Clause 52.34 – Bicycle facilities
- Clause 65 - Decision Guidelines
- Pakenham Urban Design Framework

Planning Permit Triggers

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

Use of the land:

- The use of the land for Community Care Accommodation is not exempt pursuant to Clause 52.22-2 (Community Care Accommodation) as the proposal will accommodate more than 20 clients (24 bedrooms are proposed).

Therefore, Pursuant to Clause 37.08-2 (ACZ) a planning permit is required to use the land for Accommodation (Community Care Accommodation).

- Any frontage of Accommodation in Precincts 1 and 4 must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres. The proposal complies with this requirement.

The use of the land for a Medical Centre is a Section 1 Use if located in Precincts 2, 3 or 4 and so long as the gross floor area of the tenancy does not exceed 250sqm. The site is located in Precinct 4 and has a gross floor area of 88sqm, therefore making Medical Centre are Section 1 (no permit required) use.

The use of the land for an Office is a Section 1 Use in Precinct 4.

Buildings and works:

- Pursuant to Clause 37.08-5 (ACZ) a planning permit is required to construct or carry out works.

As Community Care Accommodation is nested under 'Residential Building' an assessment against Clause 58 (Apartment Developments) is not required to be undertaken.

Public Notification

Pursuant to Section 7.0 of Schedule 1 to the Activity Centre Zone, the application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, because the building exceeds 14 metres in height.

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

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

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 13 July 2022.

Council has received six (6) objections to date.

The main concerns raised by the objections are:

- Car parking and lack of on-street parking (due to no standing signs)
- Off-site amenity impacts to neighbouring dwellings (including overshadowing and compromises to the quality of life for residents)
- The height and scale of the development being out of character
- Flooding
- Small size of the allotment
- Internal amenity of the accommodation
- Compliance with DDA requirements

Response to objections:

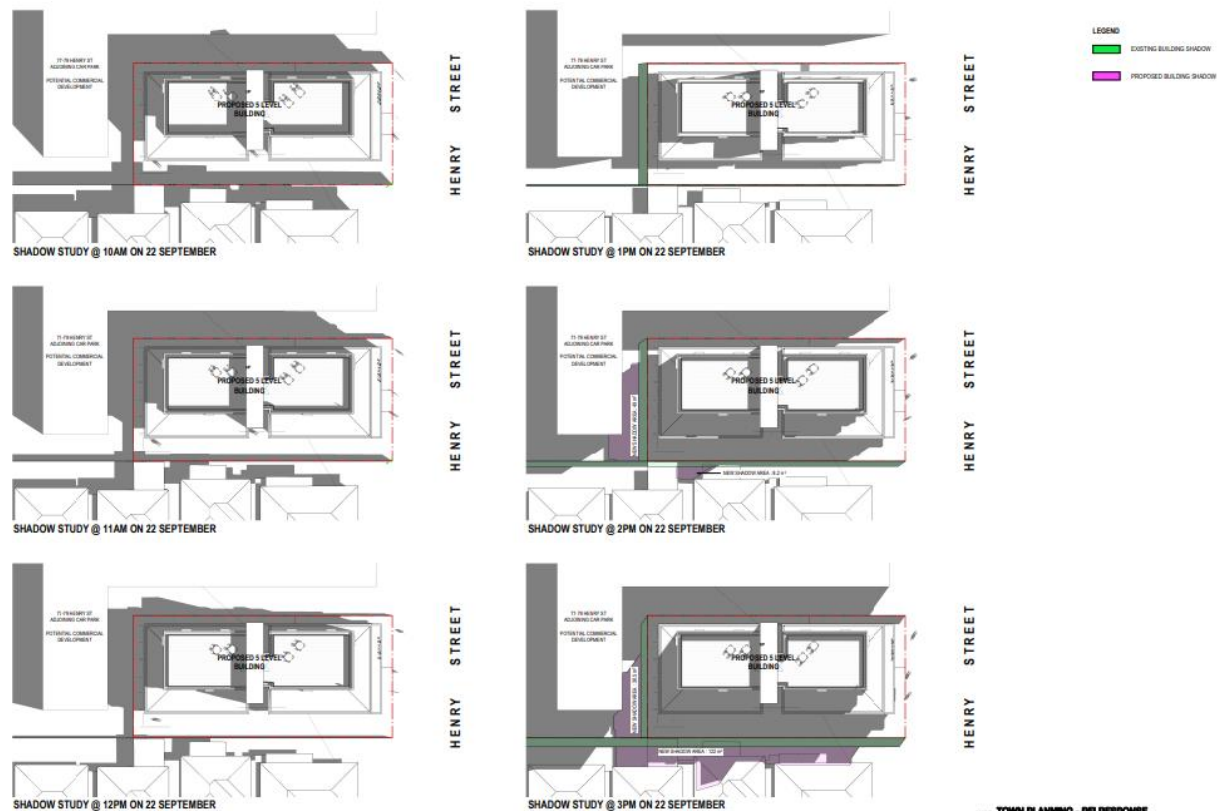
- Car Parking and lack of on-street parking

The car parking provided has been determined to be sufficient to cater for the likely demand of the Community Care Accommodation. The parking provided for the Medical Centre is also consistent with the statutory requirement for Medical Centres in this location. The site is well serviced in terms of public transport and is within close proximity of the shopping centre and Main Street, therefore the uptake of other modes of transport and less dependence on cars for transport is more likely. Council’s Traffic Engineers have reviewed the application and are comfortable with the car parking provided. A more detailed assessment is provided in the discussion section of this report.

- Off-site amenity impacts to neighbouring dwellings (overshadowing, compromise of quality of life for existing residents)

The site is located in Precinct 4 of the Activity Centre Zone (ACZ) which is a Commercial and Mixed-Use Precinct and therefore, is not afforded the same level of amenity protection which could be expected in a residential zone or a residential precinct of the ACZ. Despite this, the application responds well to the objectives it is required to meet which have been set in place to protect amenity of existing residential development. A more detailed assessment is provided in the discussion section below. However, this does include ensuring that new developments which exceed 14 metres in height which adjoin existing residential should not adversely impact key public spaces, pedestrian routes and adjoining properties with overshadowing as measured on 21 March/September (Equinox) between 10.30am and 2.00pm.

As can be seen in the shadow diagrams provided above, the development demonstrates that between these hours, the neighbouring private open space of dwellings to the east is not impacted by overshadowing from the development until 2pm, with the most significant shadowing occurring after 3pm.



This results in at least 5 hours of sunlight to the neighbouring private open space which is consistent with the requirements of the Activity Centre Zone.

- Out of character with height of buildings in surrounding area (height, scale)

The Activity Centre Zoning introduces a preferred character for each precinct. In this instance, this preferred character outweighs existing neighbourhood character. The preferred character for Precinct 4 is that of higher density, mixed use developments with reduced street setbacks (with a preferred setback of 2 metres) and no preferred height requirement in order to encourage multi-storey development with fine grain commercial uses at ground floor level and offices and residential above.

- Small size of allotment

There is no minimal size set out in the Zone for this type of development. The size of the site is considered capable of containing a development of this scale.

- Flooding

The site is not subject to any flood overlay.

- Internal amenity

The ESD report provided demonstrates that the internal amenity of each Community Care Accommodation apartment is consistent with environmentally sustainable design which aims to improve the quality of life of residents through reduced energy usage, natural light and ventilation, water usage and other measures. Each apartment is provided with open space in a balcony or a terrace, habitable rooms are provided with natural sunlight and opening windows and each apartment is provided with full kitchen and laundry facilities to allow for independent living.

- Compliance with DDA requirements

Council's Municipal Building Surveyor has reviewed the plans and the Equal Access Report prepared with the application. They have advised that the design of the building is compliant with accessible standards.

Referrals

External Referrals/Notices:

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

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Strategic Planning	Supportive of the application in this location, as it represents the scale and type of development encouraged by the Activity Centre Zone at this location, given its central location, access to services, walkability and proximity to alternative modes of transport (Pakenham Railway Station). Precinct 4 anticipates and encourages high density developments, given the good access to infrastructure and services. The use for Community Care Accommodation is also strategically supported in this location, given the need for these services within the municipality.
Urban Design	Supportive of the application given its location and good level of Urban Design. The built form is overwhelmingly consistent with the Urban Design Objectives of the Activity Centre Zone and Pakenham Urban Design Framework
Traffic	Supportive of the proposal and the Traffic Impact Assessment provided.
Engineering	<p>Supportive of the proposal, subject to conditions.</p> <p>Engineering advised the site can be drained to an existing 150mm diameter easement drain located in the rear south-east corner of the land. However, the easement drain was constructed in 1968 and does not have capacity to drain a largely impervious site. As such, a stormwater detention system will need to be provided to limit the rate of stormwater discharge to the predeveloped rate.</p> <p>Engineering also require amendments to the plans to ensure that boundary fencing does not obstruct sightlines to the footpath.</p> <p>Both these items will be required by Condition of any permit granted, along with standard engineering conditions.</p>
Waste	Supportive of the proposal and the Waste Management Plan provided.
Landscape	<p>Supportive of the proposal.</p> <p>Landscape have provided the following advice on the plans:</p> <p><i>The eastern garden bed adjacent the driveway and fence appears to be 1m or less wide, but the species specified for this are 'Dodonea Mr Green Screen' shows it grows 2m wide. Unless this species is proposed to be hedged, a narrower growing species should be specified to prevent encroachment by vegetation into the driveways causing damage to cars or the plants.</i></p> <p><i>Council will not be assessing the rooftop garden. We recommend that the appropriate consultants are engaged to ensure the roof is designed to carry this weight, is suitably drained and considers the future watering requirements of this space. Given the invasive and</i></p>

	<p><i>strong nature of the roots of Melaleuca ericifolia we do suggest this species is reconsidered.</i></p> <p>A formal landscape plan has been requested via condition. The management of landscaping (and selected species) is the responsibility of the permit holder.</p> <p>A street tree is proposed to be removed. This is considered to have low amenity value and therefore is considered acceptable. A condition of the permit will require compensation for the removal of the tree, which will be replanted by Council.</p>
Building	Supportive of the proposal. Building have confirmed that the design would comply with accessible standards.
Environmentally Sustainable Design	<p>No response received to date.</p> <p>Sustainable Design Assessment in accordance with the Sustainable Design Assessment in the Planning Policy (SDAPP) framework was provided with the application showing general compliance with the framework.</p>

Discussion

The proposal has been assessed against the relevant policies and provisions of the Cardinia Planning Scheme and is considered to be, on balance, consistent with its aims and objectives.

Planning Policy Framework

A number of state and local policies are relevant to this application ensure that uses and buildings and works positively contribute to the area, that adequate car parking is provided and that buildings and works do not detrimentally impact the objectives of the Activity Centre Zone.

Clause 11.01 (Victoria) seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

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

Clause 11.03-1S (Activity centres) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Clause 11.03-1S has a particular focus on support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies and improving the social, economic and environmental performance and amenity of activity centres.

Additionally, Clause 11.03-1R (Activity centres – Metropolitan Melbourne) seeks to locate new small-scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

The subject site is located in Precinct 4 (East Commercial and Mixed Use) of the Activity Centre Zone. The objectives of Precinct 4 (East Commercial and Mixed Use) are:

- Provide employment opportunities that maximise the precinct's proximity to public transport, the core retail area and community facilities.
- Encourage the consolidation of sites for commercial development and entertainment activities to facilitate a broader range of medium and higher density mixed use developments.
- Ensure development and built form innovatively and appropriately responds to flooding extents on Station Street.
- Ensure street frontages and land uses activate the precinct and provide passive surveillance of public open space and the public realm.
- Ensure street amenity and access priorities pedestrian movements by minimising vehicle crossovers around the perimeter of the precinct.

This proposal seeks to achieve this by providing for a mixed use building with both on site health services meeting the needs of residents of the building who are living with disabilities, as well as the wider Pakenham community in a centralised location and within close proximity of them train station.

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

Clause 15.01-1R (Urban design – Metropolitan Melbourne) seeks to create a distinctive and liveable city with quality design and amenity.

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

The proposed building is considered to be of good urban design, which achieves the visions of the Pakenham Activity Centre and Pakenham Urban Design Framework.

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

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

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

Clause 17.01-1R (Diversified economy – Metropolitan Melbourne) seeks to facilitate investment in Melbourne's outer areas to increase local access to employment. The proposal is likely to generate local jobs through the Medical Centre as well as through the support staff and carers required to help operate the Community Care Accommodation.

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

- Clauses 18.02-1S (Walking) which seeks to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.
- Clause 18.02-2S (Cycling) which seeks to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

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

Given the site is located along Henry Street it benefits from the close proximity to Pakenham's Railway Station which is located approximately 300 metres south of the site, as well as being within close distance to the Town Centre and surrounding residential areas. Therefore, the proposal is considered to achieve the objectives of these policies by being well located to encourage the ease of uptake of these alternative travel methods (depending on residents mobility levels).

Clause 19.02-1S (Health facilities) seeks to assist the integration of health facilities with local and regional communities.

Clause 19.02-1R (Health precincts – Metropolitan Melbourne) seeks to facilitate health and community wellbeing precincts through the co-location of:

- Hospitals, allied health services and not-for-profit health providers at the regional level.
- General practitioners, community health facilities, allied health services and not-for-profit health providers at the neighbourhood level.

It also seeks to create health precincts in new suburbs in or close to town centres and ensure health precincts are well serviced by community services. The building will include a Medical Centre which will be available for the use of the residents of the building who may have particular needs, as well as the wider community.

Being located in Precinct 4 of the ACZ, the proposal achieves this, given that the Precinct seeks to support the establishment and continual growth of medical and health services and other aligned industries in the vicinity of the site.

The above policies are supported at a local level, as discussed below.

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

Clause 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) recognises the need to attract commercial investment and create diverse employment opportunities, create vibrant well serviced activity centres, deliver accessible community facilities and infrastructure and achieve good urban design outcomes with a strong urban character.

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

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

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

Clause 21.05-6 (Community services and facilities) seeks to provide residents with a reasonable level of access to a range of community services and facilities and to ensure that these services and facilities are provided in response to community needs.

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

On balance the proposal maximises the benefits of its location and provides for a use and building design which is consistent with the objectives of each of the above policies, as well as providing for net community benefit and therefore, should be supported.

Activity Centre Zone

As discussed above, the use of the land for Accommodation (Community Care Accommodation) is not exempt under Clause 52.22-2 and therefore, pursuant to Clause 37.08-2 (ACZ) a planning permit is required to use the land for Accommodation (Community Care Accommodation).

The use of the land for a Medical Centre is a Section 1 Use if located in Precincts 2, 3 or 4 and so long as the gross floor area of the tenancy does not exceed 250sqm. The site is located in Precinct 4 and has a gross floor area of 88sqm, therefore making Medical Centre are Section 1 (no permit required) use.

Pursuant to Clause 37.08-5 (ACZ) a planning permit is also required to construct or carry out works.

The key purpose and objectives of the Activity Centre Zone are to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage a mixture of uses and the intensive development of the activity centre:
 - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
 - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.
- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

As identified within Schedule 1 of the Zone, the subject site is located in Precinct 4 (East Commercial and Mixed Use) of the Activity Centre Zone. The objectives of Precinct 4 (East Commercial and Mixed Use) are:

- Provide employment opportunities that maximise the precinct's proximity to public transport, the core retail area and community facilities.
- Encourage the consolidation of sites for commercial development and entertainment activities to facilitate a broader range of medium and higher density mixed use developments.

- Ensure development and built form innovatively and appropriately responds to flooding extents on Station Street.
- Ensure street frontages and land uses activate the precinct and provide passive surveillance of public open space and the public realm.
- Ensure street amenity and access priorities pedestrian movements by minimising vehicle crossovers around the perimeter of the precinct.

The proposal is considered to be consistent with the objectives of Precinct 4 as it provides for a mixed-use building of an appropriate size and scale within the Town Centre. The use of the land for a Medical Centre is supported by Precinct 4 as it is nominated as a Section 1 Use within this precinct if less than 250sqm in size and the proposed Community Care Accommodation is also supported as it is located on the upper levels of the mixed-use building. The built form is responsive in terms of scale and orientation, to its interface with Henry Street, as well as the surrounding residential uses.


The proposal is also considered to be consistent with Schedule 4.0 (Design and development) guidelines of the Schedule to the Activity Centre Zone as it conforms with the following guidelines.

Commercial and mixed-use requirements and guidelines:

Guideline	Response
<p>Buildings should be designed to address street frontages and respond to their urban context by:</p> <ul style="list-style-type: none"> • Addressing roads and public spaces for passive surveillance, and minimise overlooking of private spaces. • Providing visual interest and avoid blank walls. • Minimise casting shadows on public space and open space. 	<p>The building addresses the street frontage (Henry Street).</p> <p>The building provides visual interest and avoids blank walls along both the front and sides of the building by incorporating a mixture of large clear glazed windows facing the street, as well as a variety of textures, colours and materials along the facades.</p> <p>The shadow diagrams demonstrate that the building minimises casting shadows on public and private open space.</p>
<p>Buildings with ground-level frontages to streets, pedestrian areas and/or passive open spaces should contribute to the appearance and function of these areas by providing:</p> <ul style="list-style-type: none"> • At least 70% of the street frontage as transparent entries or display windows. • Clear glazing (tinted, or obscured glazing should not be used) with any security screens open in design and located behind glass in windows. 	<p>The ground level street frontage of the building (adjoining the pedestrian areas) contributes to the appearance and function of these areas by:</p> <ul style="list-style-type: none"> • Incorporating at least 70 percent of the frontage as transparent entries and windows. • Clear glazing throughout the façade. • Access from the footpath within minimal changes in floor levels from the street.

<ul style="list-style-type: none"> • • The provision of awnings / all-weather protection canopies over footpaths (extending at least 2.5 metres from the building façade) unless it is demonstrated that due to particular circumstances this distance can not be achieved or there is not a requirement for this element. • • Direct access from the footpath to ground level premises with minimal change of level and is universally accessible. • • Floor to ceiling heights at ground level of a minimum of 3.5 metres to accommodate changes of use over time. 	<ul style="list-style-type: none"> • Floor to ceiling heights at ground floor level have been increased to 3.2 metres which 300mm less than the guidelines, and has been accepted as a reasonable outcome.
<p>Ground floor level car parking areas should be located at the rear of buildings or sleeved behind built form at street frontages; otherwise car parks should be located above ground level active uses or below ground level as basement or semi-basement parking areas.</p>	<p>The car parking area has been sleeved behind the building and is not a dominant element of the streetscape.</p>
<p>Crossovers providing vehicle access to sites should be designed to minimise their impact on ground level street frontages and pedestrian movement.</p>	<p>The crossover provided is the minimum extent required to service the site and has been appropriately located near the eastern boundary to reduce the number of crossings to the site.</p>
<p>Large format developments and uses should be sleeved by smaller retail and commercial uses which present fine grain activated frontages to the street.</p>	<p>The Medical Centre and Office space present as finer grain, active street frontages with the Community Care Accommodation element of the proposal being located above it.</p>
<p>Buildings should be designed to respond to the solar orientation of the site.</p>	<p>The building responds to the solar orientation of the site, providing for open glazing, some balconies (where possible) and an outdoor rooftop area for residents facing north.</p>
<p>New buildings adjoining a residential property or Precinct 7 not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least 1 metre, plus 0.3 metres for every metre of height over 3.6 	<p>The Activity Centre Zone does not make it clear if these are requirements or guidelines in this section, and given Strategic Planning and Urban Design support for the proposal, it is understood that this section should be read more as a guideline for development. The below assessment is based on this premise.</p>

<p>metres up to 6.9 metres, plus 1 metre of height over 6.9 metres.</p>	<p>The ground and first floors are appropriately setback in accordance with this requirement/guideline as the Level 1 (ground floor) is setback 4.33 metres from the eastern boundary and the Level 2 (first floor) is setback 3.93 metres from the eastern boundary, both of which exceed the requirement/ guideline, which states that these floors should be setback at least:</p> <ul style="list-style-type: none"> • Level 1: 1 metre from eastern boundary • Level 2: 1.84 metres from eastern boundary <p>There is a minor encroachment of the Level 3 (second floor) and Level 4 (third floor), shown highlighted below. The Level 2 (second floor) is setback 3.93 metres from the eastern boundary and Level 4 (third floor) is setback 7.545 metres from the eastern boundary. The requirement/ guidelines states that these floors should be setback at least:</p> <ul style="list-style-type: none"> • Level 3: 4.89 metres from eastern boundary • Level 4: 8.09 metres from eastern boundary <p>These minor encroachments of 545mm and 960mm are considered acceptable.</p> <p>Level 5 (fourth floor) encroaches the most when comparing the setbacks to the requirements/guidelines at 7.545 metres from the eastern boundary. The requirement/ guidelines states that these floors should be setback at least:</p> <ul style="list-style-type: none"> • Level 5: 12.325 metres from eastern boundary <p>Whilst this is a larger encroachment into the setback guideline, given that the upper floors have been recessed so that they are less visible from the public realm and adjoining properties it should help to minimise the impact of visual bulk of the building.</p> <p>Additionally, shadow diagrams have demonstrated that despite the encroachment, overshadowing on the public realm and adjoining properties will be within what the planning scheme considers to be reasonable. As already discussed, any significant</p>
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	<p>overshadowing occurs after 3pm from the development, and does not further reduce sunlight to adjoining properties which is compliant with the requirements and guidelines of the Activity Centre Zone.</p> <p>Based on the high-quality Urban Design of the building in mitigating these impacts, the encroachment is considered acceptable.</p> 
<p>New buildings adjoining a residential property or Precinct 7 should respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. • <i>If existing sunlight to the secluded private open space of an existing dwelling is less than this requirement, the amount of sunlight should not be further reduced.</i> 	<p>The building is designed to ensure the following is protected on the neighbouring residential properties to the east:</p> <ul style="list-style-type: none"> • Adequate daylight into new habitable room windows as demonstrated in the shadow diagrams, the residential dwellings to the east will not be affected by any major overshadowing until 3pm, which is considered acceptable by the standards, as the habitable windows will not be overshadowed between 9am and 3pm. • Sunlight to secluded private open space is not reduced as demonstrated in the shadow diagrams, the residential dwellings to the east will not be affected by any major overshadowing until 3pm, which is considered acceptable by the standards, as the private open space will not be overshadowed between 9am and 3pm. • Overlooking plans demonstrate that any direct views into habitable room windows of the neighbouring dwellings will be screened where required, and that at the upper levels, the direct views

<ul style="list-style-type: none"> • Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. • • Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. 	<p>line of sight will be intersected by the building or the roof of the neighbouring dwellings, thus avoiding any direct views.</p> <ul style="list-style-type: none"> • • The proposal provides an outlook from the dwellings that provides a reasonable visual connection to the external environment, by ensuring the upper levels are recessed and the built form and landscaping is attractive.
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Building height requirements:

Guideline	Response
No preferred height for Precinct 4	There is no preferred height prescribed in Section 5.0 of Schedule 1 to the ACZ, therefore the proposed height is considered acceptable.

Building height guidelines:

Guideline	Response
<p>Buildings and works which exceed a height of 14 metres should:</p> <ul style="list-style-type: none"> • Be environmentally sustainable. • • Reduce visual impact by transitioning height to adjoining properties, public realm and streetscape. • • Provide a maximum Street Wall Height of 15 metres. • • Setback the upper levels of buildings. • • Provide sufficient solar penetration throughout the development. • • Not adversely impact key public spaces, pedestrian routes and adjoining properties with 	<p>The proposed building exceeds 14 metres in height therefore:</p> <ul style="list-style-type: none"> • The building has been designed to be environmentally sustainable (see ESD below). • • The upper floors are recessed/ setback, therefore reducing visual impact of height from the adjoining residential properties, as well as the public realm and streetscape. • • The maximum street wall height does not exceed 15 metres. • • Windows and balconies are provided on all elevations to provide sufficient solar penetration throughout the development. •

<p>overshadowing as measured on 21 March/September (Equinox) between 10.30am and 2.00pm.</p>	<ul style="list-style-type: none"> Shadow diagrams demonstrate that key pedestrian routes and public spaces will not be overshadowed between 10.30am and 2:00pm on equinox. Shadow diagrams also demonstrate that between 10am and 3pm on equinox the adjoining residential development will not be impacted by overshadowing, allowing for sufficient sunlight throughout the day (at least 5 hours) as required by the guidelines.
<p>A development with a height of 14 metres or less on a site large enough to accommodate a substantially taller development should be constructed to structurally accommodate a taller building in the future.</p>	<p>Not applicable.</p>
<p>The building height guidelines do not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:</p> <ul style="list-style-type: none"> No more than 50% of the roof area is occupied by the equipment. The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces. The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority. 	<ul style="list-style-type: none"> No more than 50% of the roof area is occupied by equipment (as demonstrated on the plans). Equipment is located to avoid overshadowing. Acoustic and visual screening of any plant equipment (including on the roof) will be required by permit condition.

Building setback requirements:

Guideline	Response
<p>The preferred front setback requirements for Precinct 4 is 2 metres.</p>	<p>The proposed building is setback 2 metres from the front title boundary and therefore complies with the preferred setback.</p>

Building setback guidelines:

Guideline	Response
Buildings and works such as balconies, verandahs, architectural features, sunshades, screens and artworks may be constructed within setback areas, and should not encroach more than 2 metres within the preferred setback areas.	None of these features encroach into the preferred setbacks as the building has been design with recessed upper floors.
Buildings and works which exceed the preferred maximum building height should be designed so the upper levels cannot be seen from the street.	As discussed, there is no preferred building height for Precinct 4, however, upper floors have still been setback to reduce the visual impact of upper floors from the street.

Landscape design guidelines:

Guideline	Response
<p>Landscape elements and treatments should:</p> <ul style="list-style-type: none"> • Be provided within the front and side setbacks, and along the rear boundary on multi-level apartment and townhouse developments. • • Be provided within the front setbacks, the streetscape and public open space areas that are accessible, safe, attractive and functional. • • Allow for passive surveillance. • • Provide screening of driveways and car parks. 	<p>The concept landscaping plan provided demonstrates that landscaping can:</p> <ul style="list-style-type: none"> • Be provided within the front setbacks, the streetscape and public open space areas that are accessible, safe, attractive and functional. • • Allow for passive surveillance. • • Provide screening of driveways and car parks. <p>A detailed landscaping plan will be requested via permit condition.</p>

Environmentally Sustainable Design (ESD) guidelines:

Guideline	Response
Developments should incorporate best practice environmentally sustainable design (ESD), including water sensitive urban design (WSUD), thermal performance,	An Environmentally Sustainable Design assessment has been provided with the application. It demonstrates compliance with the 10 key sustainable design criteria in the

energy efficiency, stormwater management, facilitating active transport and materials.

Sustainable Design Assessment in the Planning Policy (SDAPP), which include:

- Indoor environment quality
- Energy efficiency
- Water efficiency
- Stormwater management
- Building materials
- Transport
- Waste management
- Urban ecology
- Innovation
- Construction and building management
-

The proposal seeks to employ methods of sustainable design such as the use of:

- Rainwater tanks (connected to toilets and irrigation systems) to achieve Water efficiency.
-
- Water efficient fittings and fixtures with WELS ratings on average of 5 stars to achieve Water efficiency.
-
- Drought tolerant landscaping to achieve Water efficiency.
-
- Reuse of rainwater collected in fire protection sprinklers to achieve Water efficiency.
-
- Use of double glazing and wall insulation to reduce energy usage and increase energy efficiency.
-
- Installing appliances within one star of the best rating available for the appliance type to reduce energy usage and increase energy efficiency.
-
- No gas consumption for heating, hot water or cooking to reduce energy usage and increase energy efficiency.
-
- Installation of energy efficient hot water pumps to reduce energy usage and increase energy efficiency.
-
- Installation of energy efficient LED lighting to reduce energy usage and increase energy efficiency.

	<ul style="list-style-type: none">•• A STORM score of 103% (Stormwater treatment), noting a score of 100% is required.•• All apartments have windows to all living areas to improve indoor environment quality.•• High performance double-glazing window systems are proposed to improve indoor environment quality.•• Adequate daylight provided to dwellings in accordance with the BADS requirements to improve indoor environment quality.•• External operable windows have been proposed to all habitable rooms for ventilation to improve indoor environment quality.• Bicycle parking has been provided to reduce private car usage as an aim to reduce overall greenhouse gas emissions.•• Three EV charging car parks are proposed to encourage the use of electric vehicles as an aim to reduce overall greenhouse gas emissions.•• The site has a high 'Walkscore' of 74 which is considered 'very walkable'. This contributes to reducing private car usage as an aim to reduce overall greenhouse gas emissions.•• Recycling facilities are provided next to general waste facilities for convenience to encourage recycling as a way of reducing waste.•• Onsite management of food, garden and organic waste to encourage composting as a way of reducing waste.•• Building materials will be sustainable (timber will be FSC accredited and structural steel will be accredited to the Environmental Sustainability Charter of the Australian Steel Institute) as a way of encouraging the use of lower-impact materials.
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	<ul style="list-style-type: none"> • • There is 250sqm of communal rooftop space for residents to use and Landscaping will be provided throughout the site to reduce the negative impacts on sites' ecological value as a result of urban development and enhance the quality of local ecology. • • Tap and floor wastes will be provided in each balcony to encourage the growing of plants to increase urban biodiversity. • • Ultra-low VOC paints will be used to achieve innovation objectives of ESD. <p>The use of all of these principles and methods is expected to contribute to the building being Environmentally Sustainable and improve the quality of life for residents. A condition of the permit will require compliance with the ESD report.</p>
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In addition to meeting the objectives and design requirements/ guidelines of the Zone, the proposal also responds appropriately to the decision guidelines of the Zone.

The decision guidelines of the Activity Centre Zone ask the responsible authority to consider the whether the following:

Decision guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	As discussed above, the proposed is considered to be consistent with the Municipal Planning Strategy and the Planning Policy Framework applicable to this application.
<i>The development framework plan set out in the schedule to this zone.</i>	The proposal is considered to be consistent with the objectives of Precinct 4 as it provides for a mixed-use building of an appropriate size and scale within the Town Centre. The use of the land for a Medical Centre is supported by Precinct 4 as it is nominated as a Section 1 Use within this precinct if less than 250sqm in size and the proposed Community Care Accommodation is also supported as it is located on the upper levels of the mixed-use building. The built form is responsive in terms of scale and orientation, to its interface with Henry Street, as well as the surrounding residential

	uses. In addition to meeting the objectives of the Zone, the proposal also responds appropriately to the decision guidelines of the Zone.
<i>The land use and development objectives set out in the schedule to this zone.</i>	See discussion below.
<p><i>The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:</i></p> <ul style="list-style-type: none"> • <i>existing uses are not compromised by a new development, or</i> • <i>a new development is designed to address amenity impacts from existing uses.</i> 	<p>The proposal is for a mixed-use building, within an area which seeks to support mixed-use development area whilst it is acknowledged that the site adjoins residential development to the east, this land is also located in Precinct 4 of the Activity Centre Zone and therefore, there is to a degree less Statutory weight for addressing amenity concerns, compared to what could be expected in a residential Zone.</p> <p>Despite this, the proposal has been designed to reduce off-site impacts by locating the Medical Centre on the western side of the building and residences above. The building is also proposed on the western side of the site, allowing for the accessway to be located on the east and provide some separation from the residences to the east.</p> <p>Conditions of the permit will also be included to ensure that during construction and there-after the development does not result in unreasonable off-site impacts.</p>
<i>Any requirements set out in the schedule to this zone.</i>	See discussion below.
<i>Any other decision guidelines specified in the schedule to this zone.</i>	See discussion below.
<i>Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i>	<p>The proposal adequately responds to this decision guideline. The proposal has regard to the movements of pedestrians both on the street and within the site by providing dedicated pedestrian paths from both the street and car park to the building.</p> <p>A consolidated accessway has been provided to reduce impacts to pedestrians outside of the site.</p>

	<p>Council's Traffic Department have reviewed the plans and are comfortable with the traffic movements throughout the site. Council's Waste Department have reviewed the Waste Management Plan and are comfortable that waste removal from the site can be managed appropriately.</p> <p>Based on this, it is considered that the proposal has adequately responded to this decision guideline.</p>
<i>The provision of car parking, loading of vehicles and access to parking spaces and loading bays.</i>	Car parking has been provided to the rear of the site in accordance with the objectives of the ACZ. A full assessment of the car parking provision and access arrangements is discussed below (see Clause 52.06 – Car Parking).
<i>The interim use of those parts of the land not required for the proposed use.</i>	Not applicable. The entire site is proposed to be developed.
<i>Whether the use is compatible with adjoining and nearby land uses.</i>	The uses proposed are considered compatible with the nearby land uses, given that one of the objectives of Precinct 4 is to encourage the consolidation of sites for commercial development within close proximity of the Train Station and core retail areas. The use of the land for a Medical Centre is a Section 1 Use and therefore, as of right in this location. The use of the land for Accommodation (Community Care Accommodation) is also considered to be compatible with the existing residential uses that are nearby, as well as the commercial uses in the area. The location of the site nearby Pakenham Railway Station and Shopping Centre is considered to benefit the Community Care Accommodation.
<i>The pattern of subdivision and its effect on the spacing of buildings.</i>	There is no subdivision proposed.
<i>For subdivision of land for residential development, the objectives and standards of Clause 56.</i>	Not applicable. No subdivision is proposed.
<i>The design, scale, height, setback, appearance and material of the proposed buildings and works.</i>	As discussed in the section above, and again below, the proposed design, scale, height, setback, appearance and material of the proposed building is considered to achieve a reasonable balance between the objectives of the Activity Centre Zone (in Precinct 4) to provide a larger scale mixed-use building within the town centre, whilst

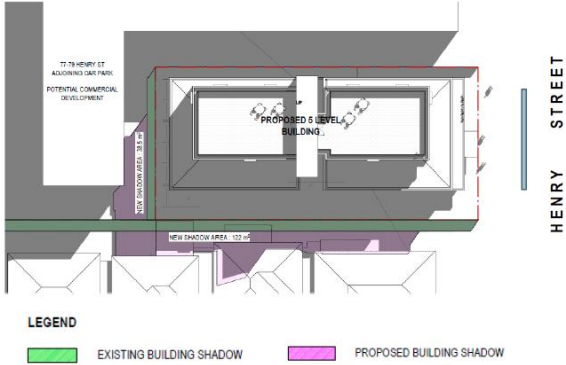
	considering any sensitive interfaces (i.e. nearby residential).
<i>The provision for solar access to the building and on the public realm.</i>	The proposal achieves good solar access to the building and as demonstrated in the shadow diagrams, will not impact on solar access within the public realm.
<i>The design of the public realm.</i>	The site will be accessed by the public and has been designed to consider this. From outside the site, the proposal represents an appropriate design, scale, height, setback, appearance and material for its location. Entrances are easily identifiable from the street and the car parking area.
<i>The relationship between the proposed building and the public realm.</i>	As discussed, the design, scale, height, setback, appearance and materials are considered to represent a reasonable outcome when balancing the objectives of Precinct 4, whilst also considering any neighbouring residential areas. The building will be attractive from the public realm and are expected to make a positive contribution to the streetscape.
<i>The streetscape, including the conservation of buildings, the design of verandas, access from the street front, provision of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</i>	The proposed building has been designed with main access from Henry Street and a second entrance from the undercroft car parking area to the rear. It also provides an active frontage with clear glazing to the footpath, a landscaped front setback all of which ensure that the streetscape is attractive and positively contributes to public realm.
<i>The interface with adjoining zones, especially the relationship with residential zones.</i>	The proposal is surrounded by the Activity Centre Zone, however, it adjoins a residential development to the east. As discussed, the proposal is considered to achieve a good balance between the objectives of Precinct 4, whilst being respectful and responsive of the neighbouring residential character.
<i>The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.</i>	Not applicable to this mixed-use development, which includes apartments. This decision guideline only applies to dwelling developments.
<i>For an apartment development, the objectives, standards and decision guidelines of Clause 58.</i>	'Apartment' is defined by the Planning Scheme as: <i>A dwelling located above the ceiling level or below the floor level of another dwelling and</i>

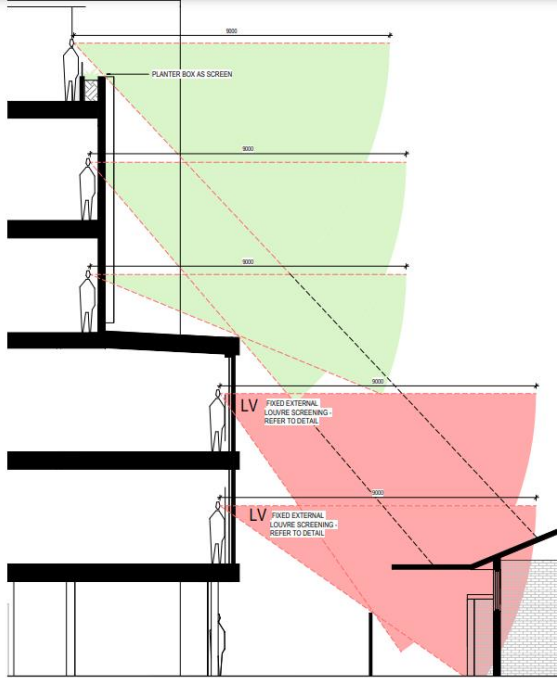
	<p><i>is part of a building containing two or more <u>dwelling</u>s (emphasis added).</i></p> <p>Community Care Accommodation is nested under the Land Use Definition 'Residential Building', not 'Dwelling', and therefore an assessment against Clause 58 is not required.</p>
<p><i>The storage of rubbish and materials for recycling.</i></p>	<p>The plans, along with a Waste Management Plan which has been assessed by Council's Waste Department as acceptable demonstrate that waste from the building can be appropriately managed on site and also appropriately collected by a Council's Waste Contractor.</p>

In addition to the broader decision guidelines of the Zone, the decision guidelines of the Schedule to the Activity Centre Zone ask the responsible authority to consider the whether the proposed development:

Decision guideline	Response
<p><i>An appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.</i></p>	<p>The development is considered to be an appropriate scale to accommodate the mix and intensity of uses in Precinct 4. The building accommodates a Medical Centre at ground floor level, with Accommodation (Community Care Accommodation) at upper floors, which is consistent with what is envisaged for Precinct 4. It is also consistent with the design requirements and guidelines, including building heights for buildings in the ACZ.</p>
<p><i>The compatibility of uses within a mixed use development.</i></p>	<p>The uses proposed are considered to be compatible with one another.</p>
<p><i>Creates a strong visual interest by providing building types based on innovative and current day architecture, urban design and environmentally sustainable development principles.</i></p>	<p>The proposal is considered to meet this decision guideline as the building has been designed to contemporary in style, colour and materials. The building is of a good level of urban design and provides for a good interface with Henry Street. The building has been designed in accordance with State and Local Planning Policy which take into account environmentally sustainable design principles. The design of the building has also been</p>

	supported by Council's Urban Design and Strategic Planning Departments.
<i>Provides weather protection to adjoining key pedestrian footpaths or shared pathways, and main boulevards.</i>	The building is setback 2 metres from the frontage in accordance with the preferred setback of Precinct 4, therefore weather protection along the pedestrian footpath has not been provided. However, the entrance, including the walkway adjoining the entrance is provided with a canopy which extends out over the entrance to provide weather protection.
<i>Provides access points that minimise disruption to the continuity of the public realm and pedestrian routes.</i>	The proposal proposes a consolidated, eastern crossover to ensure that there is minimal disruption to the continuity of the public realm and pedestrian routes. It also proposes a single, centralised entrance to the building from the footpath.
<i>Provides car parking, loading and other service areas that is screened from view of the public realm or located at the rear of the site.</i>	The proposal provides car parking to the rear of the building, ensuring that car parking is screened by the building from the view of the public realm.
<i>Provides passive surveillance of the public realm.</i>	The building includes clear glazing along the front of the building which will provide passive surveillance of the footpath and Henry Street, whilst the eastern side of the building will provide passive surveillance of the internal driveway and car parking area. Balconies are proposed at upper levels facing Henry Street to provide additional passive surveillance of the public realm.
<i>Achieves the preferred building height and setbacks having regard to lot size, dimensions (width and depth) and/or those sites within or adjoining the Heritage Overlay.</i>	<p>The proposal achieves the preferred front setback of Precinct 4 of 2 metres and there is no preferred height for Precinct 4. The five (5) storey building is considered to achieve the objectives of the ACZ on a lot of this size and dimensions.</p> <p>The site does not adjoin any buildings in a Heritage Overlay.</p>
<i>Represents an underdevelopment of a site.</i>	The proposal is not considered an underdevelopment of the site.

<p><i>Provides upper level setbacks when the preferred height is exceeded.</i></p>	<p>Whilst there is no preferred height for this precinct, all upper floors are setback further than the façade, with the third and fourth floors being setback further than the first and second floors.</p>
<p><i>Provides a sensitive interface with residential dwellings or Precinct 7 in relation to built form, overlooking and overshadowing.</i></p>	<p>The proposal is for a mixed-use building, within an area which seeks to support mixed-use development area whilst it is acknowledged that the site adjoins residential development to the east, this land is also located in Precinct 4 of the Activity Centre Zone and therefore, there is to a degree less Statutory weight for addressing amenity concerns, compared to what could be expected in a residential Zone.</p> <p>Despite this, the proposal has been designed to reduce potential adverse amenity impacts such as overlooking and overshadowing, whilst achieving a level of design and scale which the ACZ seeks in this location.</p> <p>Minimising adverse offsite impacts has been achieved by locating the access way to the development along the eastern side of the site, maximising the separation of the proposed building from the proposed residences, and therefore reducing unreasonable impacts (such as overshadowing) on the neighbouring residences. An example of the attempts to minimise any impacts can be seen in the 3pm shadow diagrams, which are the most severe in terms of what could be expected.</p>  <p>Where required, windows that overlook habitable windows or private open space will be designed with screens or obscured glazing to avoid overlooking these areas.</p>
<p><i>Reduces overlooking of adjacent property and uses minimal screening.</i></p>	<p>The proposal seeks to minimise screening to deal with overlooking, only requiring screening to some windows on the eastern elevation at</p>

	<p>the first and second floors (as demonstrated in the overlooking diagrams), with the remainder of overlooking being reduced through the design of the building at the uppermost floors as the roof forms intersecting line of sight.</p>  <p>Conditions will be placed on the permit to ensure that screening required to reduce overlooking is installed prior to the occupation of the building.</p>
<p><i>Provides an increased upper level setback and transitional heights having regard to the heritage significance of the site or an adjoining site within the Heritage Overlay.</i></p>	<p>Not applicable as the site is single storey and does not adjoin any properties in a Heritage Overlay.</p>
<p><i>Provides elements of Environmentally Sustainable Design.</i></p>	<p>The proposal is considered to provide elements of Environmentally Sustainable Design (ESD), normal to a mixed-use development of this scale.</p>

Parking Overlay (Schedule 1) and Clause 52.06 (Car Parking)

The purpose of the Parking Overlay is to implement the Municipal Planning Strategy and the Planning Policy Framework, to facilitate an appropriate provision of car parking spaces in an area, to identify areas and uses where local car parking rates apply and to identify areas where financial contributions are to be made for the provision of shared car parking.

In accordance with the Schedule, the car parking rate for uses within the Parking Overlay in Pakenham Activity Centre are to use the rate specified by Column B of Table 1 of Clause 52.06-5. Statutory rates under Column B are provided for Medical Centre and Office, however, Community Care Accommodation does not have a specific statutory car parking rate, and therefore, the car parking provided must be to Council's satisfaction.

In order to assist Council in determining an appropriate car parking demand for Community Care Accommodation, OneMileGrid refers to *Access Institute's Accredited SDA Assessor's 3rd Update (12 April 2021)*:

The community care accommodation is a purpose built facility and is proposed to be operated by a National Disability Insurance Scheme (NDIS) service provider.

The accommodation will provide 12 two-bedroom dwellings over four levels for residents. According to Access Institute's Accredited SDA Assessor's 3rd Update (12 April 2021) to the Interpretations of the NDIS Specialist Disability Accommodation Design Standard, Clarification Item 1, which references Clause 3 of the standard, states that the provision of car parking is not mandatory for any design category.

Allocation of parking is generally provided for staff or nonparticipants, such as a personal carer, relative or friend that assist the participant in movements to and from the development. Consequently, residents who require SDA disability housing are unlikely to be capable of driving a vehicle and therefore would not generate a car parking demand. However, residents will still most likely complete trips with the assistance of a personal carer, relative or friend, which will not generate a demand for a long-term parking space, however, will generate a demand for a short term space for drop-off and pick-up.

Despite this, OneMileGrid in the Traffic Impact Assessment prepared for the application suggests that a rate of 0.5 spaces per apartment should be adopted as this is seen to be sufficient to cater for any demand generated by residents, carers, staff and visitors of the Community Care Accommodation. Council's Traffic Engineer has accepted this rate as being to Council's satisfaction.

Based on this, car parking has been provided to the development in accordance with the table below:

Land use	Floor area (total)	Parking rate (Column B of Cl. 52.06)	Parking requirement
Medical Centre	88sqm	3.5 spaces per 100sqm of leasable floor area	$88/100 = 0.88$ $0.88 \times 3.5 = 3.08$ spaces Rounded down to 3 spaces
Office	14sqm	3 spaces per 100sqm of net floor area	$14/100 = 0.14$ $0.14 \times 3 = 0.42$ spaces Rounded down to 0 spaces

Land Use	Number of apartments	Parking rate (determined to Council's satisfaction)	Parking requirement
Community Care Accommodation	12 apartments	0.5 spaces to each apartment	12x0.5 = 6 spaces 6 spaces
		Total spaces required	Total spaces provided
		9 spaces required	10 spaces are provided

Therefore, the car parking demand for the proposed uses equates to a total of 9 car parking spaces (including an accessible space), of which 10 have been provided. The car parking spaces have been proposed to be located to the rear of the proposed building. This area is proposed to be accessed from a single crossover and a 3.4 metre wide accessway along the eastern side of the site.

In accordance with Clause 52.06-9 (Design Standard 1 – Accessways) the accessway is not required to provide a passing area as the accessway is less than 50 metres in length.

Each parking space has been provided with dimensions in accordance with Design standard 2 (Clause 52.06-9). The accessway width is 6.4 metres and therefore each parking space must be 4.9 metres by 2.6 metres. The proposal provides car parking spaces measuring 4.9 metres by 2.6 metres, which complies with the standard.

Council's Traffic Engineer has reviewed the plans and is satisfied with the proposal and the number of spaces provided for each use. Additionally, the access way, the number of spaces and the dimensions are consistent with the design standards of Clause 52.06-9 and therefore also compliant with the statutory requirements.

Based on compliance with the Parking Overlay (Schedule 1) and Clause 52.06 (Car parking) is it considered that the proposal will adequately cater for its generated car parking demand with ten (10) spaces being provided, where an assessment calculates the demand to be nine (9) spaces. As no reduction is required, there is no requirement for monetary contributions to be made under the Parking Overlay (Schedule 1). It is also noted that the Schedule to the Parking Overlay does not specify a maximum car parking provision and therefore, the provision of ten (10) spaces, where nine (9) are calculated as being required does not trigger a permit pursuant to Clause 45.09-3.

Clause 52.34 Bicycle Facilities

The purpose of this provision is to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces and associated facilities.

In accordance with the requirements of Clause 52.34-5, an office less than 1000 square metres of net floor area does not require employee or visitor spaces.

In accordance with Clause 52.34-5, both Medical Centres and Residential buildings (of four or more storeys) must provide bicycle spaces. The statutory requirement for both uses combined equates to six (6) bicycle spaces. The proposal provides for eight (8) bicycle spaces which will be located at the front of the building, exceeding the requirements of the Planning Scheme.

Showers and change rooms are not required to be provided as less than five (5) employee bicycle spaces are required. It is noted that the nurse accommodation does contain a full

bathroom which shower at ground floor level, however this is for the use of a nurse or carer associated with the Community Care Accommodation. A communal toilet/ change room at ground floor level is provided, and each apartment contains bathrooms to cater for residents.

This is considered satisfactory.

Development Contributions Plan Overlay (Schedule 1)

The purpose of this provision is to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

The site is considered non-residential land within the area covered by the Pakenham Township Development Contributions Plan, September 1997, and therefore in accordance with Section 4.0 of Schedule 1 to the DPO, this land is excluded from the requirement and no contribution is required.

Clause 65 Decision guidelines

The proposal is consistent with the PPF and LPPF, the purpose of the zone, overlay and relevant provisions. The proposal does not undermine the orderly planning of the area. The uses are considered appropriate given the location of the site and the siting, design and visual impact of the building is considered appropriate when regard is given to the context of the site within an activity centre and zone which encourages higher density, mixed use development at this location.

Conclusion

The proposed use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation has been located within an activity centre and a location which encourages development that has a focus for business, shopping, working, housing, leisure, transport and community facilities and to support sustainable urban outcomes that maximise the use of infrastructure and public transport within Precinct 4.

The proposal responds well to the vision for development in Precinct 4 of the Activity Centre Zone, as it, on balance, appropriately responds to the urban design and strategic vision for development in Pakenham into the future which includes multi-story, higher density development.

The site is well located to the Pakenham Activity Centre Zone which provides access to community, health, retail and transport options within accessible distances. The proposal itself provides for an essential service for people living with a disability within the immediate and surrounding Pakenham area (and townships beyond), which will in turn increase access to and provide more diversity of these types of services and accommodation in an accessible location.

It is therefore recommended that a Notice of Decision to Grant a Permit be issued for Planning Permit Application T210942 for the use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation at L2 LP83481, 81 Henry Street Pakenham VIC 3810 subject to the following conditions:

Conditions

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by VIA Architects, Rev B, dated 25/03/22. The plans must include:
 - a. An area schedule in the form of a table for each level of the building.
 - b. First and Second floor plans updated to clearly show the location of kitchens and laundries.
 - c. Floor plans updated to show services, plant equipment and air-conditioning units as screened and located within acoustically treated housings.
 - d. Services, plant equipment and air-conditioning units to be shown on the elevation drawings as screened and located within acoustically treated housings.
 - e. A pole mounted convex mirrors within the accessway that allows a vehicle entering or exiting the carpark to check if the access lane is clear before entering.
 - f. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fences.
 - g. Reference to 'Business Identification Signage' removed from all plans.

Landscaping:

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 9 November 2021 prepared by memLa, except that the plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
 - b.
 - c. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
 - d.
 - e. Details of surface finishes of pathways and driveways.
 - f.
 - g. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - h. Landscaping and planting within all open areas of the subject land.
 - i.
 - j. Two canopy trees (minimum 33cm pot size when planted) in the front setback of the development.
 - k.
 - l. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fence.

- m. Movie screen removed from the rooftop communal area to be consistent with rooftop communal area floor plans.

Management Plan:

1. Before the development starts, a Management Plan for the use of the land for Community Care Accommodation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. One electronic copy must be provided and the Management Plan must include but is not necessarily limited to the following:
 - a. Site operation;
 - b. Staff requirements and hours of availability on site;
 - c. Resident application requirements;
 - d. Hours of use of the communal rooftop terrace;
 - e. Critical Incident Management and Emergency & Evacuation Procedures;
 - f. Security measures;
 - g. Provision of information on local public transport and to encourage uptake of other transport modes (e.g. information on facilities within walking distance, local public transport timetables, car share services etc);
 - h. A Complaints Handling Procedure; and
 - i. A contact person and their telephone number must be displayed at the Community Care Accommodation frontage at all times. The displayed telephone number must be contactable at all times (otherwise call forwarded to another appropriate person) to enable a prompt response to any operational complaints which may arise that require immediate attention, such as noise emissions or other issues of non-compliance with this permit.
 - j.

Stormwater Management Plans:

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

Street trees:

3. Before the development starts a fee of \$415.00 per tree must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development (specifically tree 2 identified in the arborist report dated February 2022 prepared by Lloyd Hetrick). Replacement will be undertaken by Council contractors within the streetscape in the next planting season.
- 4.
5. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping

of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. All recommendations within the arborist report dated February 2022 prepared by Lloyd Hetrick are to be followed

6.

Use for Community Care Accommodation:

7. The apartments, office, meeting room and nurses room as shown on the endorsed plans must only be used for the purpose of providing Community Care Accommodation as defined by the Cardinia Planning Scheme and must not be altered or modified without the prior consent in writing of the Responsible Authority.

8.

9. Unless with the prior written consent of the Responsible Authority, the communal rooftop outdoor area must only be used:

10.

a. Monday to Sunday between 7:00am and 10:00pm

b.

Buildings and works:

11. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.

12.

13. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

14.

15. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Landscaping:

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Environmentally Sustainable Design:

17. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) prepared by ADP Consulting: Engineering, Rev 02, dated 18/03/22 must be implemented for the development to the satisfaction of the Responsible Authority.

Car parking and access:

18. A minimum of ten (10) car spaces including a minimum of one (1) space with a shared space, clearly marked for use by disabled persons must be provided on the subject land for the development in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

Amenity (during construction):

19. The works associated with the construction of the development must be carried out in accordance with the endorsed Construction Management Plans and must not detrimentally affect the amenity of the area, through the:

- g. Transport of materials, goods or commodities to or from the land.
- h. Inappropriate storage of any works or construction materials.
- i. Hours of construction activity.
- j. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- k. Presence of vermin.
- l. In any other way.

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

20. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.

21.

22. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.

23.

24. Noise emissions from the land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, March 2021) (or as amended) at all times.

25. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality to the satisfaction of the Responsible Authority.

26.

27. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

28.

29. All external plant, air-conditioners and equipment must be screened and acoustically treated or placed in sound proof housing in accordance with the endorsed plans to reduce noise to a level satisfactory to the Responsible Authority.

30.

31. The use and development must not detrimentally affect the amenity of the area, through the:

- f. Transport of materials, goods or commodities to or from the land.
- g. Appearance of any building, works or materials.
- h. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- i. Presence of vermin.
- j. Or in any other way.

To the satisfaction of the Responsible Authority.

Waste Management:

32. All waste generated by the use of the land must at all times be managed in accordance with the endorsed Waste Management Plan for the land approved by the Responsible Authority.
- 33.
34. Refuse or waste matter associated with the medical practice, including surgical waste, must be disposed of in a manner to the satisfaction of the Responsible Authority.
- 35.
36. All waste must be stored effectively within the bin enclosure areas as shown on the endorsed plan to prevent odours from affecting neighbouring properties.

Earthworks:

37. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Stormwater Management:

38. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
39. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
40. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Vehicle crossings and parking areas:

41. Before the development is occupied:
42.
 - a. A residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - b.
 - c. The convex mirror/s required by Condition 1(e) must be installed to the satisfaction of the Responsible Authority.
 - d.
 - e. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - f.
 - g. All proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - h.

Prior to occupation:

43. Before the development is occupied:

- j. Any measures shown on the endorsed plans to prevent overlooking into neighbouring properties must be installed to the satisfaction of the Responsible Authority.
- k.
- l. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- m.
- n. The premises must be connected to a reticulated water supply, sewerage, drainage, electricity and be provided telecommunications to the requirements of the relevant servicing authority.
- o. The boundary fencing as shown on the endorsed plans must be installed at a cost to the developer to the satisfaction of the Responsible Authority.
- p.
- q. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority. This area must be drained to the satisfaction of the Responsible Authority.
- r. All external plant and equipment must be screened and acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- s. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- t. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.
- u. Rain water tanks as shown on the endorsed plans must be installed and connected to toilets and irrigation systems in accordance with the endorsed Environmentally Sustainable Design report.

Expiry:

44. A permit for the development and use of land expires if-
- e. the development does not start within two (2) years after the issue of the permit; or
 - f. the development is not completed within four (4) years after the issue of the permit; or
 - g. the use does not start within two (2) years after the completion of the development; or
 - h. the use is discontinued for a period of two (2) years.

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

Notes:

- v. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- vi. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

- vii. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.
- viii. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Resolution

Moved Cr Carol Ryan, seconded Cr Kaye Cameron.

That Council issue a Notice of Decision to grant a Planning Permit for the use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone at 81 Henry Street, Pakenham, subject to the following conditions:

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by VIA Architects, Rev B, dated 25/03/22. The plans must include:
 - a. An area schedule in the form of a table for each level of the building.
 - b. First and Second floor plans updated to clearly show the location of kitchens and laundries.
 - c. Floor plans updated to show services, plant equipment and air-conditioning units as screened and located within acoustically treated housings.
 - d. Services, plant equipment and air-conditioning units to be shown on the elevation drawings as screened and located within acoustically treated housings.
 - e. A pole mounted convex mirrors within the accessway that allows a vehicle entering or exiting the carpark to check if the access lane is clear before entering.
 - f. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fences.
 - g. Reference to 'Business Identification Signage' removed from all plans.

Landscaping:

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 9 November 2021 prepared by memLa, except that the plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
 - c. Details of surface finishes of pathways and driveways.

- d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- e. Landscaping and planting within all open areas of the subject land.
- f. Two canopy trees (minimum 33cm pot size when planted) in the front setback of the development.
- g. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fence.
- h. Movie screen removed from the rooftop communal area to be consistent with rooftop communal area floor plans.

Management Plan:

3. Before the development starts, a Management Plan for the use of the land for Community Care Accommodation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. One electronic copy must be provided and the Management Plan must include but is not necessarily limited to the following:
 - a. Site operation;
 - b. Staff requirements and hours of availability on site;
 - c. Resident application requirements;
 - d. Hours of use of the communal rooftop terrace;
 - e. Critical Incident Management and Emergency & Evacuation Procedures;
 - f. Security measures;
 - g. Provision of information on local public transport and to encourage uptake of other transport modes (e.g. information on facilities within walking distance, local public transport timetables, car share services etc);
 - h. A Complaints Handling Procedure; and
 - i. A contact person and their telephone number must be displayed at the Community Care Accommodation frontage at all times. The displayed telephone number must be contactable at all times (otherwise call forwarded to another appropriate person) to enable a prompt response to any operational complaints which may arise that require immediate attention, such as noise emissions or other issues of non-compliance with this permit.
 - j.

Stormwater Management Plans:

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

Street trees:

5. Before the development starts a fee of \$415.00 per tree must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development (specifically tree 2 identified in the arborist report dated February 2022 prepared by Lloyd Hetrick). Replacement will be undertaken by Council contractors within the streetscape in the next planting season.
6. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. All recommendations within the arborist report dated February 2022 prepared by Lloyd Hetrick are to be followed

Use for Community Care Accommodation:

7. The apartments, office, meeting room and nurses room as shown on the endorsed plans must only be used for the purpose of providing Community Care Accommodation as defined by the Cardinia Planning Scheme and must not be altered or modified without the prior consent in writing of the Responsible Authority.
8. Unless with the prior written consent of the Responsible Authority, the communal rooftop outdoor area must only be used:
 - a. Monday to Sunday between 7:00am and 9:00pm

Buildings and works:

9. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
11. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Landscaping:

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Environmentally Sustainable Design:

13. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) prepared by ADP Consulting: Engineering, Rev 02, dated 18/03/22 must be implemented for the development to the satisfaction of the Responsible Authority.

Car parking and access:

14. A minimum of ten (10) car spaces including a minimum of one (1) space with a shared space, clearly marked for use by disabled persons must be provided on the subject land for the development in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

Amenity (during construction):

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

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

16. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
17. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
18. Noise emissions from the land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, March 2021) (or as amended) at all times.
19. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality to the satisfaction of the Responsible Authority.
20. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
21. All external plant, air-conditioners and equipment must be screened and acoustically treated or placed in sound proof housing in accordance with the endorsed plans to reduce noise to a level satisfactory to the Responsible Authority.

22. The use and development must not detrimentally affect the amenity of the area, through the:
- a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
 - e. Or in any other way.

To the satisfaction of the Responsible Authority.

Waste Management:

23. All waste generated by the use of the land must at all times be managed in accordance with the endorsed Waste Management Plan for the land approved by the Responsible Authority.
24. Refuse or waste matter associated with the medical practice, including surgical waste, must be disposed of in a manner to the satisfaction of the Responsible Authority.
25. All waste must be stored effectively within the bin enclosure areas as shown on the endorsed plan to prevent odours from affecting neighbouring properties.

Earthworks:

26. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Stormwater Management:

27. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
28. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
29. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Vehicle crossings and parking areas:

30. Before the development is occupied:
- a. A residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - b. The convex mirror/s required by Condition 1(e) must be installed to the satisfaction of the Responsible Authority.

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

Prior to occupation:

31. Before the development is occupied:

- a. Any measures shown on the endorsed plans to prevent overlooking into neighbouring properties must be installed to the satisfaction of the Responsible Authority.
- b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- c. The premises must be connected to a reticulated water supply, sewerage, drainage, electricity and be provided telecommunications to the requirements of the relevant servicing authority.
- d. The boundary fencing as shown on the endorsed plans must be installed at a cost to the developer to the satisfaction of the Responsible Authority.
- e. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority. This area must be drained to the satisfaction of the Responsible Authority.
- f. All external plant and equipment must be screened and acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- g. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- h. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.
- i. Rain water tanks as shown on the endorsed plans must be installed and connected to toilets and irrigation systems in accordance with the endorsed Environmentally Sustainable Design report.

Expiry:

32. A permit for the development and use of land expires if-

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

- c. the use does not start within two (2) years after the completion of the development;
or
- d. the use is discontinued for a period of two (2) years.

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

Notes:

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.
- iv. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Carried

5.3 T210968 PA - Use and Development of Land for a Child Care Centre 1-3 Savage Street, Pakenham

Responsible GM: Lili Rosic
Author: Benjamin Jones

Recommendation(s)

That a Notice of Decision to Grant Planning Permit T210968 be issued for the 'Use and Development of Land for a Child Care Centre' at 1-3 Savage Street, Pakenham VIC 3810 subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale and be generally in accordance with the plans prepared by Melvic Homes, Revision G, dated 21/03/22 submitted with the application but modified to show:
 - a. All site plans to show acoustic fencing along the side and rear property boundaries in accordance with Section 5.0 (Recommendations for Noise Mitigation) of the Acoustic Assessment prepared by Waveform Acoustics, dated 23/03/22.
 - b. A separate plan to show the construction method and materials of the acoustic fencing and screening for plant equipment in accordance with the recommendations of the Acoustic Report prepared by Section 5.0 (Recommendations for Noise Mitigation) of the Acoustic Assessment prepared by Waveform Acoustics, dated 23/03/22.
 - c. Sightline triangles in accordance with Design Standard 1 (Accessways) of Clause 52.06-9
2. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.
3. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Use:

6. The use as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
7. No more than seventy-six (76) children may be cared for on the premises at any time without the prior written consent of the Responsible Authority.
8. Except with the written consent of the Responsible Authority, the childcare centre may only have staff present on the site Monday to Friday between 6.30am and 6.30pm.

9. Except with the written consent of the Responsible Authority, the use may only operate:
 - a. Monday to Friday between 6.30am and 6.30pm.
10. Except with the written consent of the Responsible Authority, children shall be permitted within the outdoor play areas only during the hours of:
 - a. Monday to Friday between 7:30am to 6.00pm.

Tree protection:

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

Amenity (during construction):

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

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

13. Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (or as amended) at all times.
14. The acoustic fencing must be constructed and maintained in accordance with the recommendations of the Acoustic Assessment prepared by Section 5.0 (Recommendations for Noise Mitigation) of the Acoustic Assessment prepared by Waveform Acoustics, dated 23/03/22 as shown on the endorsed plans to the satisfaction of the Responsible Authority.

15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, flumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin; or
 - e. In any other way.To the satisfaction of the Responsible Authority.
16. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
17. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
18. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
19. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
20. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.
21. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Waste Management:

22. Expect with the prior written consent of the Responsible Authority, waste may only be collected from the site:
 - a. Monday to Saturday between 7.00am and 6.00pm.
23. All waste generated by the use of the land must at all times be managed in accordance with the Waste Management Plan for the land prepared by Low Impact Development Consulting (LID), dated 25/03/2022 and approved by the Responsible Authority.
24. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
25. All waste must be stored effectively to prevent odours from affecting neighbouring properties.

Earthworks:

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

Stormwater Management:

28. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
29. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Prior to Occupation:

30. Prior to occupation:
 - a. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - b. All redundant existing vehicle crossing(s) must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - c. Commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - d. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - e. The acoustic fencing as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
 - f. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - g. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

Expiry:

31. A permit for the development and use of land expires if-
 - a. the development does not start within two (2) years after the issue of the permit; or
 - b. the development is not completed within four (4) years after the issue of the permit;
or
 - c. the use does not start within two (2) years after the completion of the development;
or
 - d. the use is discontinued for a period of two (2) years.

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

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.

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

Attachments

1. Locality Map [5.3.1 - 1 page]
2. Development Plans [5.3.2 - 7 pages]
3. Copy of Objections (Redacted) [5.3.3 - 9 pages]

Executive Summary

APPLICATION NO.:	T210968
APPLICANT:	Emma Nicolson Urban Arc Planning Pty Ltd
LAND:	L4 LP50825, 1-3 Savage Street Pakenham VIC 3810
PROPOSAL:	Use and Development of Land for a Child Care Centre
PLANNING CONTROLS:	General Residential Zone – Schedule 1 Development Contributions Plan Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners. Six (6) objections were received.
KEY PLANNING CONSIDERATIONS:	Activity Centres Urban Design Streetscape Character Amenity Car Parking Traffic
RECOMMENDATION:	That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions within this report.

No. 3/26 Henty Street and 4 and 5/6 Ann Crescent all adjoin the western boundary and are each developed with a single dwelling setback between 2.4m and 3.5m from the common boundary. There are multiple habitable room windows that directly face the site within 9.0m. SPOS is located to the side and rear of each dwelling. There is established vegetation that abuts the common boundary.

No. 5 Savage Street adjoins the southern boundary and is developed with a single dwelling setback 7.9m from the common boundary and 15.1m from the frontage. There are multiple habitable room windows that directly face the site within 9.0m. SPOS is located to the rear. There is no significant vegetation that abuts the common boundary.

Land on the south side of Henty Street and is used and developed for residential purposes. Vegetation is typically subordinate to the built form within the streetscape. Land on the north side of Henty Street is used and developed for commercial purposes (Pakenham Town Centre). Pakenham Rail Station is located 650m from the subject site.

Proposal

Approval is sought for the use and development of the land for a Use and Development of Land for a Child Care Centre.

The childcare centre offers places to children that range in age from infants to 5-year old's and includes an integrated preschool/kinder program. Internally the development provides for a total 5 childcare rooms, a kitchen, staff, and management offices, 4 bathrooms (1 disabled), reception area and a laundry.

A minimum front building setback to Savage Street is proposed at 9 metres and side and rear built form setbacks are confirmed as being 3.005m to northern boundary, 12.88m to the southern boundary and 5.01m to the western boundary.

The building has been designed with a single storey building height and a modern, modular form. The building adopts a flat roof profile and incorporates window proportions and building materials that ensure built form reads as a residential form of architecture and is generally in keeping with the surrounding character of the area.

Access is provided via a 6.1.m wide accessway directly from Savage Street leading into a 17-space car park.

Outdoor play areas are located to the North, South and East of the proposed building with all existing fencing between outdoor play areas and existing dwellings to be replaced with acoustic fencing and abutting the car park.

A maximum 76 children are to be accommodated within the building at any one time and the hours of operation are proposed to be Monday to Friday 6.30am – 6.30pm.

Waste is to be collected by a private contractor. Waste is to be stored within the designated waste storage area and collected from Savage Street or the internal car park area.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- General Residential Zone – Schedule 1

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 11.02-1S - Supply of Urban Land
- Clause 13.05-1S - Noise Abatement
- Clause 13.07-1S - Land Use Compatibility
- Clause 15.01-1S - Urban Design
- Clause 15.01-2S - Building Design
- Clause 15.01-5S - Neighbourhood Character
- Clause 17.01-1S - Diversified Economy
- Clause 18.01-1S – Land Use and Transport Integration
- Clause 18.02-4S – Roads
- Clause 19.02-2S - Education Facilities

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-2 – Urban Established Area – Beaconsfield and Pakenham
- Clause 21.04-1 – Employment
- Clause 21.05-3 – Local Roads
- Clause 21.05-6 - Community Services and Facilities
- Clause 21.06-1 – Urban Design

Relevant Particular/General Provisions and Relevant Incorporated or Reference Documents

The relevant provisions/ documents are:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 65 – Decision Guidelines
- Clause 66 – Referral and Notice Provisions

Planning Permit Triggers

The proposal for the use and development of the land for a residential building requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08 – 2, a planning permit is required for the use of the land for a Childcare Centre.

- Pursuant to Clause 32.08 – 9, a planning permit is required for buildings and works associated with a Section 2 Use.

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; and
- Placing a sign on site.

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 31 May 2022.

Council has received six (6) objections to date.

The key issues that were raised in the objections are:

- Appropriateness of Land Use in Residential Area
- Provision of Car Parking
- Increase in Traffic Congestion and Local Road Network
- Waste Collection
- Noise Impacts
- Potential Future Use and/or Development

A response to the concerns raised above is provided in the relevant section of the assessment further in this report.

With respect to any future potential use or development of the subject site, this can only be assessed on its merits and the Cardinia Planning Scheme at the time.

Referrals

External Referrals/Notices:

Referrals/Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Head, Department of Transport [Determining]	No objection (no conditions)

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Engineering	No objection (subject to conditions)

Traffic	No objection (subject to conditions)
Waste	No objection (subject to conditions)
Strategic Planning	No objection (subject to conditions)
Urban Design	No objection (subject to conditions)

Discussion

The proposal has been assessed against the Cardinia Planning Scheme and is considered to be consistent with the aims and objectives of the Scheme.

Planning Policy

A number of state and local policies are relevant to this application.

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements, including by developing compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services and ensuring retail, office-based employment, community facilities and services are concentrated in central locations. Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

- The proposal is considered to adequately respond to these policies as it proposes a use and development that is compatible with the location being within a residential area, accessible from two significant municipal roads (McGregor Road & Main Street) and within close proximity to the Pakenham Activity Centre and Railway Station.

Clause 13.05-1S (Noise abatement) seeks to assist the control of noise effects on sensitive land uses. Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

- The proposal adequately responds to these policies. Childcare centres are considered an acceptable land use in a residential area if amenity impacts are appropriately managed. An acoustic assessment was provided with the application and proposes acoustic fencing to deal with noise impacts to neighbours from children in the outdoor play areas. The hours of operation are also considered reasonable to ensure that offsite amenity impacts from noise are managed and avoided where possible. The residences adjoining the property also have backyards interfacing with the site, all of which creates some separation between the neighbouring residential uses.

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Clause 15.01-2S (Building design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

- The proposal appropriately responds to these policies. The design is considered to be a appropriate size and scale for the residential area. The built form is single storey and generous front, side and rear setbacks have been provided.

Clauses 17.01-1S (Diversified economy) and 21.04-1 (Employment) seeks to strengthen and diversify the economy, supporting local economies to grow and diversity by facilitating growth in a range of employment sectors, including education, based on the emerging and existing strengths of each region.

- The proposal adequately responds to these policies. The proposal provides for an opportunity for centrally located, local employment within a growth area which is supported by both State and Local policy.

Clauses 18.02-4S (Roads) and 21.05-3 (Local roads) seek to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

- The proposal is considered an appropriate interface with Savage Street and have appropriate access to the local road network. The proposal was supported by Council's Traffic Engineer and also supported by the Head, Department of Transport (under Clause 66.02-11) as the site is considered to appropriately respond to these policies.

Clauses 19.02-2S (Education facilities) and 21.05-6 (Community services and facilities) seek to assist the integration of education and early childhood facilities with local and regional communities.

- The proposal is considered to adequately respond to these policies as it has considered the demographic trends (including the existing and future needs) for childcare in the Pakenham area, and provides for a well located and accessible childcare centre within a growing suburb.

Based on the above assessment, the proposal is considered to adequately respond to both Planning Policy Framework and Local policies and should be supported.

General Residential Zone (Schedule 1)

The relevant purpose of the General Residential Zone for this application is to implement the MPS and PPF, to ensure that development respects the neighbourhood character of the area and allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. A permit is triggered for both the use and development of the land for a Childcare Centre in the GRZ1 under the following provisions:

- Pursuant to Clause 32.08-2 (GRZ1) a planning permit is required to use the land for a Section 2 Use (Childcare Centre).
- Pursuant to Clause 32.08-9 (GRZ1) a planning permit is required to construct a building or construct or carry out works associated with a Section 2 Use (Childcare Centre).

The decision guidelines of this zone cover several matters, such as the purpose of the zone and the objectives, standards and decision guidelines for non-residential use and development. The specific decision guidelines are:

General

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

As discussed above, the proposal is considered to adequately address planning policy.

- *The purpose of this zone.*

The proposal is considered consistent with the purpose of the General Residential Zone which allows education centres (includes Childcare centres) to be located within residential areas where they are well located. The site is considered to achieve this. It is within a centralised residential location and is adjacent to the Pakenham Town Centre and two significant municipal roads (McGregor Road & Main Street). The site is also in close proximity to Pakenham Train Station.

- *The objectives set out in the schedule to this zone.*

There are no applicable objectives set out in Schedule 1 of the Zone.

- *Any other decision guidelines specified in a schedule to this zone.*

Addressed below.

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

There are no existing rooftop solar energy systems on dwellings on adjoining lots.

Non-Residential Use and Development

- *Whether the use or development is compatible with residential use.*

As discussed above and as recognised by both Planning Policy Framework and Local planning policy, childcare centres can be appropriate land uses within residential areas when appropriately located. The location of the proposed childcare centre centrally located within a residential area, adjoining Pakenham Activity Centre and easily accessible by Pakenham Train Station and two significant municipal roads (McGregor Road & Main Street) ensuring that the non-residential use is appropriately located.

- *Whether the use generally serves local community needs.*

Childcare centres are considered by their nature to serve a local community need. Pakenham is a growing area where a number of young families live, and therefore, the addition of this well-located Childcare Centre to help service the growing community should be supported.

- *The scale and intensity of the use and development.*

Being single storey in design and well setback from adjoining boundaries, the proposed scale of the building is appropriate for the predominately single storey, residential character of the area. The intensity of the use is also considered reasonable in this context, as the 76 place childcare centre can provide for all its required car parking on-site and as the site easily accessible from two significant municipal roads (McGregor Road & Main Street), the road infrastructure can also cope with an intensification of use on the site.

An Acoustic Report, prepared by Waveform Acoustics, has been submitted in support of this application which concludes that noise generated from the proposed use is acceptable in this residential context subject to the installation of appropriate acoustic fencing and screening of plant equipment. This will be conditioned on any permit issued.

- *The design, height, setback and appearance of the proposed buildings and works.*

As discussed above, the single storey design of the building is considered in keeping with the predominately single storey character of the area. The height of the building is also considered in keeping with this character. As discussed above the setbacks proposed as also in keeping with the character of the area and maintain a sense of spaciousness between built form. The design of the building, whilst contemporary, is considered modest and is not considered to detrimentally impact the character of the area. From an urban design perspective, the development promotes street activation and passive surveillance which is an enhancement on existing conditions.

- *The proposed landscaping.*

The landscaping proposed is considered adequate for the development. Landscaping is proposed within all open areas of the site, including along the frontage, and within the play areas. The landscaping proposed includes a mixture of ground covers, shrubs and canopy trees. Some existing, good quality vegetation in the road reservation have been retained.

- *The provision of car and bicycle parking and associated accessways.*

The development has been provided a total of seventeen (17) car parking spaces, which complies with the statutory requirement under Clause 52.06 (Car Parking). The accessways are appropriately designed and comply with the accessway design standards of Clause 52.06. Childcare centres are not required by Clause 52.34 (Bicycle Facilities) to provide bicycle spaces, therefore, no spaces have been provided.

- *Any proposed loading and refuse collection facilities.*

The proposed waste collection area is easily accessible from the car parking area for collection by a private waste collector from the internal car parking area. The waste storage area is appropriately screened from the car parking area, the road and the neighbouring properties, which is considered acceptable. The submitted Waste Management Plan will form part of the endorsed documents.

- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The site is accessible from two significant municipal roads (McGregor Road & Main Street) via Henty Street which is capable of accepting and safely and efficiently managing the additional traffic that will be generated by the proposal. Given that this is a larger local road, there is not expected to be any negative amenity effects caused by traffic on the wider area. For this reason, the application was supported by Council's Traffic Engineer (refer to Clause 52.06 assessment for more detail).

Based on the above assessment, the proposal is considered to be an acceptable and well-located proposal within a General Residential Zone and should be supported.

Development Contributions Plan Overlay – Schedule 1

The purpose of this provision is to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

In accordance with the Pakenham Township Development Contributions Plan, September 1997 Section 1.10, a contribution is required:

On the basis of nexus residential development in the identified DCP-PAK area is liable for development contributions for the infrastructure described in the DCP. There are no exemptions. More detail is given under each individual infrastructure item below.

The proposal is not for residential development within the area covered by the Pakenham Township Development Contributions Plan, September 1997, and therefore in accordance with Section 4.0 of Schedule 1 to the DPO, this land is excluded from the requirement and no contribution is required.

Clause 52.06 Car Parking

Pursuant to Clause 52.06-5 the number of car parking spaces required under Table 1, is 0.22 spaces per child. The proposed childcare centre is to accommodate 76 children; therefore, the use generates a requirement for 16 car parking spaces. A total of 17 car parking spaces are proposed on site which meet the relevant standards. The dimensions of each car parking space and aisle width are compliant with Clause 52.06-9 with all vehicles able to exit the site in a forward direction.

Whilst it's acknowledged that the proposed non-residential use will generate additional traffic along Savage Street, the subject site is 2 allotments south of a collector road (Henty Street) with efficient access onto Henty Street. It is further noted that the increase in traffic movement is only during peak periods Monday to Friday (drop off and pick up times). As the statutory car

parking rate is met, there is no dependency on on-street parking during peak times. Having regard to the sites' location, it can also be expected that many families will walk to and from the subject site. Public transport options can also be utilised by employees/families which will minimise impacts to the road network.

The application was referred to Council's Traffic Department who have reviewed the application documents (including a Traffic Impact Assessment prepared by ML Traffic Engineers) and have not raised concerns with the proposal.

Having regard to the above assessment, the objectives of this provision are met.

Clause 52.34 Bicycle Parking

In accordance with the Table to Clause 52.34- 4 (Bicycle facilities) no bicycle spaces, showers or change facilities are required to be provided for a Childcare centre.

Clause 65 Decision Guidelines

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above complies with the relevant state and local policies and the purpose of the zone and overlays that apply to the site. On balance, the proposal will provide a high net community benefit without unreasonably compromising amenity in the surrounding residential area.

As such it is considered that the application has appropriate regard to the decision guidelines and should be supported.

Conclusion

The proposed use and development are considered consistent with the relevant Planning Policy Framework, the purpose of the General Residential Zone – Schedule 1 and relevant Particular Provisions. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued for the 'Use and Development of a Child Care Centre', subject to conditions outlined below.

Conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale and be generally in accordance with the plans prepared by Melvic Homes, Revision G, dated 21/03/22 submitted with the application but modified to show:
 - a. All site plans to show acoustic fencing along the side and rear property boundaries in accordance with Section 5.0 (Recommendations for Noise Mitigation) of the Acoustic Assessment prepared by Waveform Acoustics, dated 23/03/22.
 - b. A separate plan to show the construction method and materials of the acoustic fencing and screening for plant equipment in accordance with the recommendations of the Acoustic Report prepared by Section 5.0 (Recommendations for Noise Mitigation) of the Acoustic Assessment prepared by Waveform Acoustics, dated 23/03/22.
 - c. Sightline triangles in accordance with Design Standard 1 (Accessways) of Clause 52.06-9
2. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.
3. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Use:

6. The use as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
7. No more than seventy-six (76) children may be cared for on the premises at any time without the prior written consent of the Responsible Authority.
8. Except with the written consent of the Responsible Authority, the childcare centre may only have staff present on the site Monday to Friday between 6.30am and 6.30pm.
9. Except with the written consent of the Responsible Authority, the use may only operate:
 - a. Monday to Friday between 6.30am and 6.30pm.
10. Except with the written consent of the Responsible Authority, children shall be permitted within the outdoor play areas only during the hours of:
 - a. Monday to Friday between 7:30am to 6.00pm.

Tree protection:

11. Before works start, a fence must be erected around trees shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter of the trunk at a height of 1.3 metres above ground level, to a maximum of 15 metres but no less than 2 metres from

the base of the trunk of the trees (excepting the approved area of encroachment for construction as shown on endorsed plans) to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape/chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a. vehicular access.
- b. trenching or soil excavation.
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
- d. entry and exit pits for underground services.
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Amenity (during construction):

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

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

13. Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (or as amended) at all times.
14. The acoustic fencing must be constructed and maintained in accordance with the recommendations of the Acoustic Assessment prepared by Section 5.0 (Recommendations for Noise Mitigation) of the Acoustic Assessment prepared by Waveform Acoustics, dated 23/03/22 as shown on the endorsed plans to the satisfaction of the Responsible Authority.
15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, flumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin; or
 - e. In any other way.

To the satisfaction of the Responsible Authority.

16. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
17. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
18. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
19. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
20. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.
21. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Waste Management:

22. Expect with the prior written consent of the Responsible Authority, waste may only be collected from the site:
 - a. Monday to Saturday between 7.00am and 6.00pm.
23. All waste generated by the use of the land must at all times be managed in accordance with the Waste Management Plan for the land prepared by Low Impact Development Consulting (LID), dated 25/03/2022 and approved by the Responsible Authority.
24. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
25. All waste must be stored effectively to prevent odours from affecting neighbouring properties.

Earthworks:

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

Stormwater Management:

28. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
29. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

Prior to Occupation:

30. Prior to occupation:
 - a. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard

surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

- b. All redundant existing vehicle crossing(s) must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
- c. Commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- d. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- e. The acoustic fencing as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
- f. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- g. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

Expiry:

31. A permit for the development and use of land expires if-
- e. the development does not start within two (2) years after the issue of the permit; or
 - f. the development is not completed within four (4) years after the issue of the permit; or
 - g. the use does not start within two (2) years after the completion of the development; or
 - h. the use is discontinued for a period of two (2) years.

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

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- A 'Vehicle Crossing Permit' must be obtained from the relevant authority prior to the commencement of any works associated with the proposed vehicle crossing.
- As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Resolution

Moved Cr Carol Ryan, seconded Cr Kaye Cameron.

That consideration of this matter be deferred until the October Council Meeting to allow further consideration of the application.

Carried

5.4 T210567 PA - Use and Development of the Land for a Place of Worship 28 Hill Street, Pakenham

Responsible GM: Lili Rosic
Author: Dean Haeusler

Recommendation(s)

That Council refuse planning permit application T210567 for the use and development of the land for a Place of Worship on the following grounds:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - I. Clause 13.07-1S (Land use compatibility)
 - II. Clause 17.03-2S (Sustainable Industry)
 - III. Clause 17.03-3S (State-significant Industrial land)
 - IV. Clause 21.04-4 (Industry); and
 - V. Clause 33.01 (Industrial 1 Zone)

2. The proposal undermines the protection of state-significant industrial land, sought to be protected by Clause 17.03-3S (State-significant industrial land).

3. The proposed site has limited accessibility, contrary to Clause 19.02-4S (Social and cultural infrastructure) and Clause 21.05-6 (Community services and facilities).

Attachments

1. Development Plans [5.4.1 - 3 pages]
2. Locality Map [5.4.2 - 1 page]

Executive Summary

APPLICATION NO.:	T210567
APPLICANT:	SMART Town Planning
LAND:	28 Hill Street, Pakenham
PROPOSAL:	Use and development of the land for a Place of Worship
PLANNING CONTROLS:	Industrial 1 Zone
NOTIFICATION & OBJECTIONS:	Public notice undertaken through letters and on-site signage; no objections received.
KEY PLANNING CONSIDERATIONS:	<ul style="list-style-type: none"> • Land use compatibility • Protection of State Significant Industrial land • Built form adaptability • Traffic safety

RECOMMENDATION:	Refusal
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Background

- The subject site was created by a recent subdivision of land in 2019.
- The planning permit application was lodged with Council 30th July 2021.
- On 6th January 2022 the application was amended from the use and development of land for a Place of Assembly to the use and development of land for a Place of Worship.
- On 1st July 2022 the application was further amended to redesign the building to improve the utility and adaptability of the building.

Subject Site



Figure 1: Aerial image of subject site (Source: Cardimap)

The subject site is located in an establishing industrial precinct bound by Koo Wee Rup Road to the west, Bald Hill Road to the north and Princes Freeway to the south. This precinct accommodates a range of development and land uses such as depots, self-storage facilities and warehousing, with a large portion of land yet to be developed.

The subject site is rectangular and covers 1035 square metres with a 23-metre-wide frontage to Hill Street. The site is vacant and undeveloped, there is no vegetation on the land and the topography is generally flat.

Surrounding sites include:

NORTH	Undeveloped land (no current applications or approved permits)
EAST	Hill Street; Multi-warehouse development
SOUTH	Large self-storage facility (under construction); 39 Peet Street – permit approved for the development of two warehouses and car parking reduction.
WEST	Self-storage facility

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

Proposal

Approval is sought for the use and development of a Place of Worship.

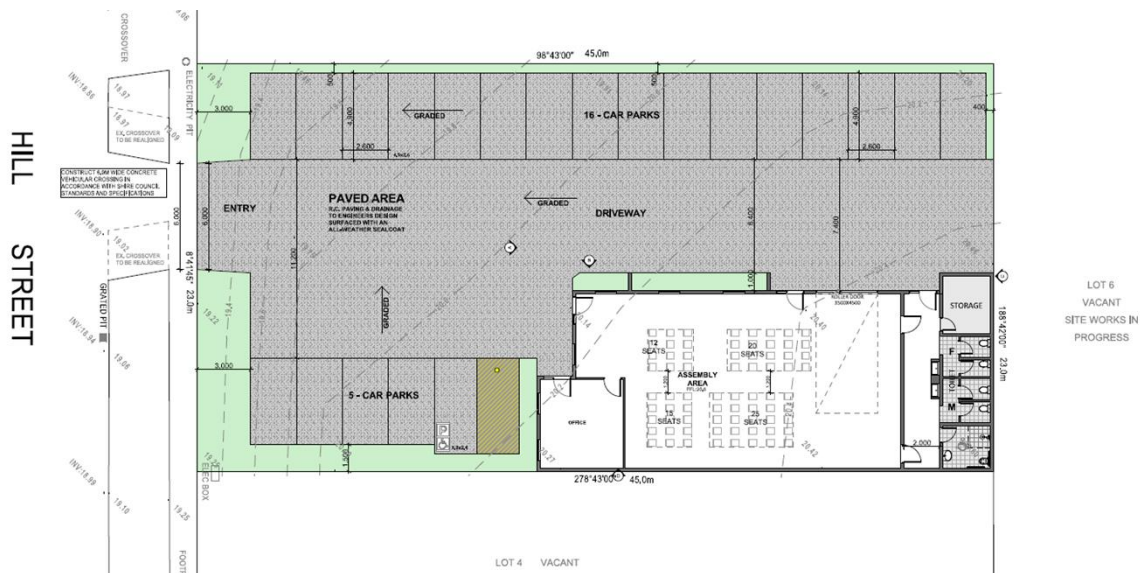


Figure 2: Site plan



Figure 3: East and South elevation plans

Buildings and works

The application proposes a single storey building to be constructed in the north-west corner of the site. The building will consist of a large assembly area, stage and seating, with access positioned along the east (street facing) and south faces of the building. An area identified as a utilities area is integrated within the building providing toilets and storage. A small office is also integrated within the building, sitting proud of the front façade.

The building will be constructed in a warehouse style with modifications to accommodate the Place of Worship. The building will occupy a total area of 246.5 square metres, inclusive of the utility area.

The total height of the building is 5.7 metres above the finished floor level, which will sit close to natural ground level. Provision is made for a loading bay area accessed from the southern face of the building.

External finishes consist of light grey walls with darker grey elements that distinguish the entrances and loading bay area. The eastern and southern facades will incorporate large windows.

Land use

Operation times	Patrons
Monday to Friday 5 pm to 8 pm	Maximum 50 patrons Maximum of 2 staff at any one time. On-site parking allocation (21 spaces)
Saturday & Sunday 6 am – 8 pm	Maximum 70 patrons Maximum 5 staff On-site parking allocation (21 spaces)

The Place of Worship will operate throughout the week for group gatherings and special interest groups. Main services are to be held on Saturdays and Sunday evenings where greater congregations and higher staffing are expected.

Access and car parking

The site will be accessed through the realignment of an existing double-width crossover that will provide access to car parking. Car parking will be arranged within the frontage of the building and along the southern boundary.

A total of 21 parking spaces are provided, including 1 accessible parking bay adjacent to the front entrance. The aisle width provides a minimum 6.4 metres for adequate circulation through the car park.

Landscaping

Landscaping will be introduced along the Hill Street frontage through a 3-metre-wide garden bed with a mixture of native shrub species. A further 0.5–1.5-metre landscaping strips are provided along the north and south boundaries and adjacent to the southern side of the building.

Planning Scheme Provisions

Planning Policy Framework

Clause 13.05-1S	Noise management
Clause 13.07-1S	Land use compatibility
Clause 15.01-2S	Building design
Clause 17.03-2S	Sustainable industry
Clause 17.03-3S	State significant industrial land

Clause 19.02-4S Social and cultural infrastructure

Local Planning Policy Framework

Clause 21.04-4 Industry
Clause 21.06-1 Urban design
Clause 21.05-6 Community services and facilities

Zone

Clause 33.01 Industrial Zone

Particular Provisions

Clause 52.06 Car Parking
Clause 65 Decision Guidelines

Planning Permit Triggers

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone, a permit is required to use the land for a Place of Worship.
- Pursuant to Clause 33.01-4 of the Industrial 1 Zone a permit is required to construct a building or carry out works.

Public Notification

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

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

During this public notice period no objections were received.

The plans were amended 1st July 2022 under Section 57a of the Act but were not re-advertised as the Industrial 1 Zone exempts buildings and works from public notice and no alterations were made to parking or land use matters.

Referrals

Internal Referrals – Traffic and Engineering

The proposal was referred to Council's Traffic and Engineering Department who had no objection to the proposal, subject to conditions.

Internal Referrals – Urban Design

The Urban Design team have assessed the proposal and suggested a range of improvements that could be made including greater distinction of the building entry through design elements and improved internal amenity through greater natural lighting given the intended purpose of the building.

Further delineation of pathway areas outside the building and denser shrub planting along the street frontage have also been encouraged.

Discussion

Planning Policy Framework

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

Clause 13.07-1S (Land Use Compatibility)

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

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

The Place of Worship will provide for cultural and spiritual activities with no link to manufacturing, warehouses or an industrial-type use.

The site is situated within the centre of an emerging industrial precinct where a lower level of general amenity is expected, particularly from emissions of odour and noise that are not typically experienced in commercial and residential areas.

Through the introduction of a community land use such as that being proposed, a higher likelihood of conflict between existing and future industrial activities is anticipated due to these expectations, undermining the protection of industrial land uses that benefit from as-of-right use of the land.

The proposal is considered incompatible with this industrial location.

Clause 17.03-2S (Sustainable Industry) and Clause 21.04-4 (Industry)

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

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

The sole objective of Council's local policy (Clause 21.04-4) is to develop manufacturing and service industries that provide services to local residents and businesses, support local employment and reflect a high standard of urban design.

Land use strategies generally seek to limit non-industrial uses, except those undertaken in association with industry.

Design and built forms strategies also seek to encourage a high standard of building design that contributes to the overall streetscape character to create an attractive working environment.

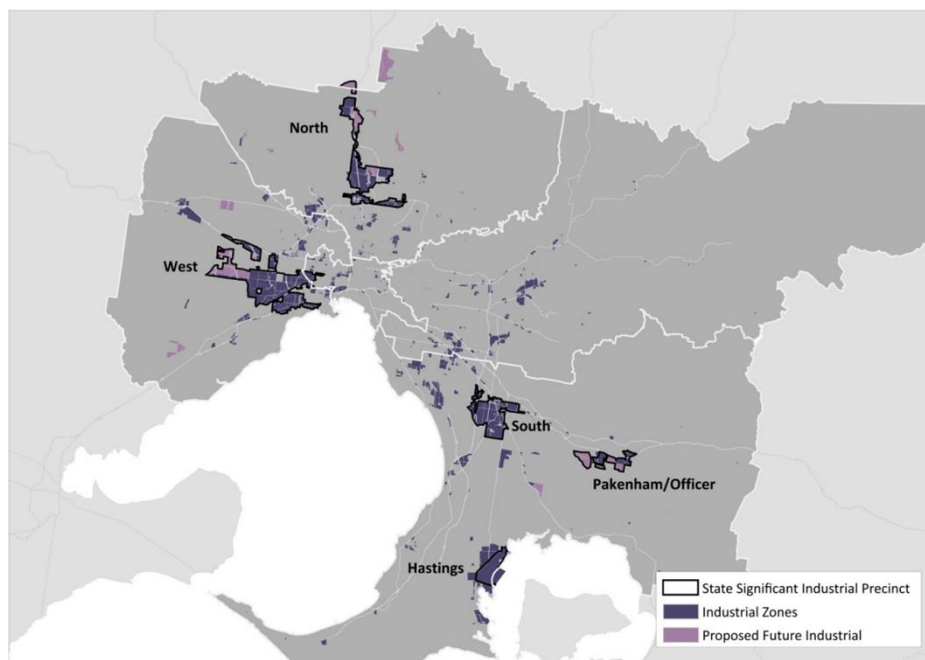
The precinct benefits from strong freight connectivity due to its proximity to the arterial road networks and Princes Freeway while a site's location enjoys substantial separation from sensitive land uses such as residential areas, emphasising a capacity to accommodate various industries that can otherwise be constrained.

The purpose-built community use has no link to industry or manufacturing and removes the capacity of the site to support the encouraged uses. Furthermore, the introduction of a place of worship undermines the viability of more appropriate land uses locating in the precinct and increases the likelihood of conflict.

While the building has been redesigned to have regard for utility beyond the specific needs of the Place of Worship, the high proportion of parking required for this use results in an underutilisation of the site that cannot be resolved through building design alone.

Consequently, while some adaptability has been implemented into the design, the proposal is fundamentally inconsistent with the objective and key strategies of these policies.

Clause 17.03-3S (State significant industrial land)



Source: Department of Environment, Land, Water and Planning, and Plan Melbourne 2014

The objective of this policy is to protect industrial land of state significance where strategies seek the protection of these industrial precincts from incompatible land uses to allow for future growth.

The Officer and Pakenham industrial areas are specifically listed in this policy as a State Significant Precinct.

The plan shown above illustrates the importance of Cardinia Shire Council in providing for the future industrial activity of Greater Melbourne and highlights the limited areas that are recognised with this level of significance.

The subject site is among the land identified adding further weight to the need to protect land from encroachment and incremental erosion by inappropriate land uses and development.

Clause 19.02-4S (Social and cultural infrastructure) and Clause (21.05-6 Community services and facilities)

Clause 19.02-4S seeks to provide fairer distribution of and access to, social and cultural infrastructure with relevant strategies including:

- Encourage the location of social and cultural infrastructure in activity centres.
- Ensure social infrastructure is designed to be accessible.

The local policy at Clause 21.05-6 also identifies the importance of access to a range of services and facilities and that these are provided in response to community need.

Key strategies of this policy seek to:

- Establish community facilities in the most accessible location for local residents having regard to their service catchment.
- Facilitate the establishment of commercial activities (eg: medical practitioners) community based organisations (eg: churches) and early years services (ie childcare) which serve the needs of the community in activity centres and in residential areas where they can be provided in a manner which minimises any impacts on the amenity of the area.

The proposed site is located well beyond the Pakenham Activity Centre in an area that has been strategically considered for industrial activity due to the location outside residential catchments yet relative proximity to the arterial road network.

As such, the site has very limited accessibility; there is no pedestrian link to the site and no public transport services within 800 metres. Given the locational attributes in conjunction with the proposed evening/weekend operation, accessibility is significantly prejudiced by such a location.

Due to the collective benefits provided by community uses such as Places of Worship, the land use and community would benefit from an area that has been designed with greater transport integration in mind.

Clause 33.01 – Industrial 1 Zone

The purpose of the zone is to implement the Municipal Planning Strategy and the Planning Policy Framework. It also seeks to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The table of uses contained in this provision list Place of Worship (identified under Place of Assembly) as a Section 2 use, where planning permission is required. In addition, buildings and works also require planning approval under the zone.

Clause 71.03-2 of the Planning Scheme makes it clear that being a Section 2 use does not imply that a permit should or will be granted, adding that the “responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

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

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

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

Overall, the proposal is considered inconsistent with the objectives and key strategies outlined in these policies and is expected to result in a use that is incompatible with the site and an industrial context due to the potential land use conflicts and the removal of new industrial land from productive purposes.

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

The precinct is developing with recent examples of warehousing constructed. There are also examples of industry in the vicinity closer to Bald Hill Road. It is noted that many industry uses do not require planning permission in this precinct and therefore a complete register of these land uses and their proximity to the site is not available.

Due to the primary function of the area there is a higher likelihood of off-site impacts to more sensitive land uses such as a Place of Worship.

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

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

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

The proposed use is likely to generate peaks of high demand, particularly during weekends where services will be held. While the proposal satisfies technical parking requirements, the out-of-centre location and limited public transport is expected to place emphasis on private vehicle use, with potential to conflict with other uses that may operate during weekends.

- **Built form, parking and landscaping**

A warehouse-style built form is proposed to better integrate with the precinct and provide some degree of utility beyond its intended purpose for a Place of Worship. The introduction of a loading area and incorporated amenities improves useability of the building however the high parking rates required to support this land use result in significant underutilisation of the site for industrial purposes.

Statutory parking and access requirements are otherwise met and a 3-metre landscape buffer has been provided to improve natural stormwater retention and visual amenity that is consistent with recent approvals in the area.

Clause 52.06 – Car parking

This provision of the planning scheme contains the following purposes:

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

This clause applies to new uses where parking provision must be provided in accordance with the requirements of a use specified in table 1 of the provision. As demonstrated by the table below, parking has been provided to meet the higher demands of the use during weekends:

Land use	Parking rate	Max patrons	Parking spaces required
Place of Worship	0.3 spaces per patron	70 (Saturdays and Sundays)	21
Parking spaces provided			21

The development satisfies all Design Standards for access, parking space dimensions and urban design.

Clause 65 – Decision Guidelines and 71.02-3 Integrated Decision Making

Before deciding on an application, Clause 65 requires to be given to the planning policy framework, the purpose and any other matters required to be considered by a zone or other provision and the impacts a use will have on current and future development and operation of the transport system.

Clause 71.02-3 asks Responsible Authorities to endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

As highlighted in the policy response and the assessment against the zone, the proposal is not considered appropriate for the site and does not reflect orderly planning for an emerging industrial precinct.

Conclusion

The introduction of a Place of Worship responds to objectives that seek to provide for cultural infrastructure in response to community need, however the limitations of the location and zoning introduce a range of considerations that must be weighed against the community benefit provided.

While the use will support the practice of religious and cultural activities, the Cardinia Planning Scheme encourages these facilities where they are accessible and can operate without an increased risk of hazard and amenity issues more readily experienced in an industrial area.

The site is situated central to the precinct that has recently been subdivided for industrial purposes. Planning decisions are particularly critical in shaping the long-term pattern of emerging areas and play a vital role in securing the productivity of this Industrial area.

Given the extent of state and local policies in place to support and protect industrial land, particularly where land is recognised as being of state significance, the proposal is inconsistent with the Planning Scheme and it is recommended that Council refuse to grant a permit for planning permit application T210567 for the use and development of a Place of Worship on the following grounds:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - I. Clause 33.01 Industrial 1 Zone
 - II. Clause 13.07-1S (Land use compatibility)
 - III. Clause 17.03-2S (Sustainable Industry)
 - IV. Clause 17.03-3S (State-significant Industrial land), and
 - V. Clause 21.04-4 – (Industry)
2. The proposal undermines the protection of State-significant Industrial land, sought to be protected by Clause 17.03-3S (State significant Industrial land).
3. The proposed site has limited accessibility, contrary to Clause 19.02-4S (Social and Cultural Infrastructure) and Clause 21.05-6 (Community services and facilities).

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council refuse planning permit application T210567 for the use and development of the land for a Place of Worship on the following grounds:

1. The proposal is incompatible with the industrial location, sought to be protected by:
 - I. Clause 13.07-1S (Land use compatibility)
 - II. Clause 17.03-2S (Sustainable Industry)
 - III. Clause 17.03-3S (State-significant Industrial land)
 - IV. Clause 21.04-4 (Industry); and
 - V. Clause 33.01 (Industrial 1 Zone)
2. The proposal undermines the protection of state-significant industrial land, sought to be protected by Clause 17.03-3S (State-significant industrial land).
3. The proposed site has limited accessibility, contrary to Clause 19.02-4S (Social and cultural infrastructure) and Clause 21.05-6 (Community services and facilities).

Carried

5.5 Planning Matters VCAT Report

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).

Relevance to Council Plan

5.1 We practise responsible leadership

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

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report.

Carried

5.6 Planning Matters Dealt with by Officers Under Delegated Authority

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. The below is for the period 4 August 2022 to 5 September 2022 (inclusive).

Relevance to Council Plan

5.1 We practise responsible leadership

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

Planning Matters Report

Beacon Hills Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 2022	T210764	3 St Georges Road, Beaconsfield Upper VIC 3808	Building and works associated with a non-habitable outbuilding (shed)	Issued	04 October 2021
5 August 2022	T210377	75 Whiteside Road, Beaconsfield VIC 3807	Buildings and works associated accommodation (dwelling)	Issued	02 September 2021
5 August 2022	T210542	24A St Georges Road, Beaconsfield Upper VIC 3808	Variation of registered restrictive covenant (PS800309J)	Issued	22 July 2021
10 August 2022	T210910	1 Bourkes Creek Road, Pakenham Upper VIC 3810	Buildings and works for an outbuilding	Issued	06 December 2021
10 August 2022	T220367	26 Gould Road, Gembrook VIC 3783	Buildings and works for a carport	Issued	27 May 2022
11 August 2022	T180111 - 1	16 May Road, Beaconsfield VIC 3807	The amendment seeks to increase the number of proposed lots and dwellings to thirty-five (35)	Lapsed	22 December 2021
16 August 2022	T210630	245 Old Gembrook Road, Pakenham Upper VIC 3810	Extension of a dwelling and associated works	Issued	18 August 2021

16 August 2022	T210931	142 Manestar Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of a Shed) and Removal of Native Vegetation	Application Withdrawn	10 December 2021
23 August 2022	T220232	596 O'Neil Road, Beaconsfield VIC 3807	Use and development of the land for a dwelling and outbuilding	Issued	01 April 2022
24 August 2022	T220315	19 McKenzie Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed)	Issued	14 May 2022
25 August 2022	T210796 - PC1	78 Foott Road, Beaconsfield Upper VIC 3808	T210796 PC1 - (Con. 01 C1P & 02 NVR) - Plans to Comply Application Use and development of the land for a dwelling, earthworks and removal of native vegetation	Issued	14 July 2022
25 August 2022	T210908 - PC1	187 Payne Road, Beaconsfield VIC 3807	T210908 PC1 (Con. 01 & 14) - Plans to Comply Application	Issued	08 July 2022
25 August 2022	T210902	13-15 Mahon Avenue, Beaconsfield VIC 3807	Buildings and works associated with the construction of thirty-one (31) dwellings	Failure	01 December 2021
29 August 2022	T210760	670 Pakenham Road, Pakenham Upper VIC 3810	Use and development of the land for a Dependent Person's Unit, associated earthworks and removal of vegetation	Issued	02 October 2021
29 August 2022	T210943	190 Gordon Road, Pakenham Upper VIC 3810	Buildings and works associated with a dwelling extension and removal of vegetation	Issued	16 December 2021
30 August 2022	T210912	117 Split Rock Road, Beaconsfield Upper VIC 3808	Buildings and works for an outbuilding (non-habitable shed)	Issued	06 December 2021
30 August 2022	T220068	48 Studd Road, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6.	Lapsed	08 February 2022
1 September 2022	T210213	340 Pakenham Road, Pakenham VIC 3810	Development of the land for earthworks associated with the existing dam	NOD	25 March 2021
2 September 2022	T210685	2A Lenne Street, Beaconsfield Upper VIC 3808	Construction of a dwelling and associated works	Issued	06 September 2021
5 September 2022	T200846	140 Officer Road, Officer VIC 3809	Buildings and works associated with horticultural production (processing and packing facility) and vegetation removal	NOD	22 December 2020

Bunyip Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 2022	T210003	150 Yarrabubba Road, Nar Nar Goon North VIC 3812	Re-subdivision of the land into two (2) lots	Issued	05 January 2021
5 August 2022	T220125	Ryan Road, Pakenham VIC 3810	Removal of a reserve, removal of an easement and creation of a road reserve	Issued	23 February 2022
8 August 2022	T210870	40 Dore Road, Nar Nar Goon North VIC 3812	Native vegetation removal	Issued	19 November 2021
8 August 2022	T220368	23 Kingston Avenue, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	27 May 2022
9 August 2022	T210742	40 Dore Road, Nar Nar Goon North VIC 3812	Subdivision of land, building and works within the Land Subject to Inundation Overlay, buildings and works within the Heritage Overlay (demolition and construction of a dwelling), native vegetation removal	Issued	07 September 2021
9 August 2022	T210742 - PC1	40 Dore Road, Nar Nar Goon North VIC 3812	T210742 PC1 - (Con. 01 STG)	Issued	09 August 2022
12 August 2022	T220371	35 Canty Lane, Pakenham VIC 3810	Signage promoting the sale of land exceeding 10sqm	Issued	30 May 2022
12 August 2022	T220450	90 Mount Ararat South Road, Nar Nar Goon VIC 3812	Signage promoting the sale of land exceeding 10sqm	Issued	30 June 2022
15 August 2022	T210326 - PC4	10 Canty Lane, 140 & 180 Ryan Road and Canty Lane Road Reserve, Pakenham VIC 3810	T210326 - 1 PC3 (Con. XX BDG) - Plans to Comply Application	Application Withdrawn	12 August 2022
17 August 2022	T210543	63 Garfield Road, Garfield VIC 3814	Use of the land for a Dependent Person's Unit	Issued	22 July 2021
17 August 2022	T210560 - PC2	50 Archer Road, Garfield VIC 3814	T210560 PC2 (Con. 01 C1P) - Plans to Comply Application	Issued	02 June 2022
17 August 2022	T210928	85 Garfield North Road, Garfield North VIC 3814	Development of the land for an outbuilding(shed)	Issued	03 December 2021
18 August 2022	T220212	98 Nar Nar Goon-Longwarry Road, Bunyip VIC 3815	Development of the land for an outbuilding (carport and shed)	Issued	17 March 2022
19 August 2022	T210841	225 Bessie Creek Road, Nar Nar Goon North VIC 3812	Buildings and works associated with agriculture	Issued	10 November 2021
19 August 2022	T220048 - PC1	235 Thirteen Mile Road, GARFIELD VIC 3814	T220048 PC1 (Con.01 C1P) Plans to Comply Application Condition 1 (a)	Issued	25 July 2022

19 August 2022	T220062 - 1	450 Tynong North Road, Tynong North VIC 3813	Development of the land for three outbuildings (a carport, lean-to and shed)	Issued	21 June 2022
22 August 2022	T210326 - PC6	10 Canty Lane, 140 & 180 Ryan Road and Canty Lane Road Reserve, Pakenham VIC 3810	T210326-1 PC5	Application Withdrawn	22 August 2022
22 August 2022	T220364	10 Agnoletto Court, Bunyip VIC 3815	Buildings and works for an outbuilding (non-habitable shed)	Issued	20 May 2022
25 August 2022	T200673 - PC2	7 Jakobi Court, Bunyip VIC 3815	T200673 PC2 (Con. 04 WWP) - Plans to Comply Application Waste Water Plan	Issued	04 August 2022
25 August 2022	T210237 - PC1	25 High Street, Bunyip VIC 3815	T210237 PC1 - (Con. 01 C1P) Plans to Comply Application	Issued	18 May 2022
25 August 2022	T210641	13-15 Hope Street, Bunyip VIC 3815	Buildings and works associated with the construction of six (6) dwellings	Issued	20 August 2021
26 August 2022	T210026 - 1	254 Snell Road, Nar Nar Goon North VIC 3812	Buildings and works associated with an extension to a non-habitable building and to carry out works (driveway upgrade and construction of car parking)	Issued	20 April 2022
29 August 2022	T180058	114-116 Wattletree Road, Bunyip VIC 3815	Three (3) lot subdivision and removal of vegetation	NOD	02 February 2018
31 August 2022	T220141	6-8 Main Street, Nar Nar Goon VIC 3812	Demolition of the existing fence and development of the land for a fence	Issued	01 March 2022
5 September 2022	T210946	13 Ryan Road, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	16 December 2021

Central Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
10 August 2022	T180438 - PC3	21-23 Jennifer Court, Pakenham VIC 3810	T180438 PC3 (Con. 01 WMP) - Plans to Comply Application	Issued	26 July 2022
10 August 2022	T190247-1 PC2	164 Army Road, Pakenham VIC 3810	T190247-1 PC2 (Con. 02 MCP) - Plans to Comply Application	Issued	12 November 2021
15 August 2022	T170831 - 1	82-88 Ahern Road, Pakenham VIC 3810	Amendments to Planning Permit T170831 to allow for the staging of the subdivision	Issued	03 March 2022

Henty Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 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
11 August 2022	T210829 - 1	222 Princes Highway, Pakenham VIC 3810	Amendment to planning permit T210829 (issued for the use of land for a funeral parlour) to include the display of signage and building works associated with the facade	Issued	04 May 2022
16 August 2022	T220266	32 Henty Street, Pakenham VIC 3810	Development of the land for three (3) dwellings and associated works.	Issued	19 April 2022
19 August 2022	T210963	89-91 Slattery Place, Pakenham VIC 3810	Development of the land for an Office	Issued	22 December 2021
25 August 2022	T200064 - PC1	10 James Street, Pakenham VIC 3810	T200064 PC1 - (Con.. 01 & 02 C1P) - Plans to Comply Application Development of the land for three (3) dwellings and associated works	Issued	29 July 2022
31 August 2022	T210885	4 Ann Crescent, Pakenham VIC 3810	Development of the land for four (4) dwellings	NOD	25 November 2021
2 September 2022	T210140	15 Fleming Terrace, Pakenham VIC 3810	Subdivision of the land into two (2) lots and variation of restrictive covenant X709755T	NOD	25 February 2021

Officer Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 2022	T210477 - 1	437 Princes Highway, Officer VIC 3809	Subdivision of land	Issued	04 August 2022
8 August 2022	T220493	45-61 Lot 2 Rix Road, Officer VIC 3809	Development of multiple dwellings on a lot	Issued	21 July 2022
12 August 2022	T210693 - PC2	Rix Road, Officer VIC 3809	T210693 PC2 - (Con. 12 BDG)	Issued	03 May 2022
12 August 2022	T220411	Bayview Road, Officer VIC 3809	(This planning permit is applying for 3 Chandler Street, Officer/Lot 117, Stage 1 Carrington Estate, Office. Subdivision just happened last week so there is no property number generated yet) Planning permit for single storey house to be built	Application Withdrawn	15 June 2022
16 August 2022	T180406 - PC1	Tivendale Road, Officer VIC 3809	T180406-1 PC1 - (Con. 11 BDG)	Issued	08 February 2022
19 August 2022	T190787 - 4	104 Tivendale Road, Officer VIC 3809	Use and development of the land for a place of worship and business identification signage	Issued	08 February 2022
19 August 2022	T220526	35 Greenhouse Grange, Officer VIC 3809	Development of land for dwellings on lots less than 300sqm	Issued	08 August 2022
23 August 2022	T220496	47 Timbertop Boulevard, Officer VIC 3809	Use of the land for a Restricted Recreation Facility	Issued	22 July 2022
2 September 2022	T220594	20 Sakura Drive, Beaconsfield VIC 3807	construction of a deck and veranda	Application Withdrawn	02 September 2022

Pakenham Hills Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 2022	T210868 - PC1	21 Solid Drive, Pakenham VIC 3810	T210868 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	25 February 2022
4 August 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
8 August 2022	T220163	27 Breyleigh Drive, Pakenham VIC 3810	Development of the land for the construction of a dwelling and associated earthworks	Issued	08 March 2022
22 August 2022	T220247	7 Altitude Way, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling)	Issued	07 April 2022
25 August 2022	T210787	56 Army Road, Pakenham VIC 3810	Use and development of the land for a childcare centre and display business identification signage	Issued	13 October 2021
29 August 2022	T210944	20 Altitude Way, Pakenham VIC 3810	Buildings and works for one (1) dwelling	Issued	16 December 2021
2 September 2022	T220247 - PC1	7 Altitude Way, Pakenham VIC 3810	T220247 PC1 (Con. 01 C1P) - Plans to Comply Application	Issued	31 August 2022
2 September 2022	T220272	13 Palm Court, Pakenham VIC 3810	Construction a building or carry out works	Application Withdrawn	21 April 2022
5 September 2022	T220164	8 Blessing Rise, Pakenham VIC 3810	Buildings and works associated with a dwelling	Issued	08 March 2022

Ranges Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 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 August 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 August 2022	T210437 - 1	8 Beaconsfield-Emerald Road, Emerald VIC 3782	Two (2) lot subdivision	Issued	15 March 2022
8 August 2022	T210677 - 1	35 Orchard Road, Gembrook VIC 3783	T210677-1 - Amendment Planning Permit Application Amend extent of earthworks to match existing site levels as detailed on the updated feature survey plan	Application Withdrawn	26 July 2022
12 August 2022	T220103	20 Old Beaconsfield Road, Emerald VIC 3782	Buildings and works associated with a dwelling extension and removal of vegetation	Issued	18 February 2022
15 August 2022	T200320 - PC7	Bridge Road, Officer VIC 3809	T200320 PC7 (Con. 9 S173 WIK) - Plans to Comply Application	Issued	16 November 2021
16 August 2022	T180351 - PC1	125 Bayview Road, Officer VIC 3809	T180351 PC1 - (Con. 01 C1P)	Issued	28 July 2022
17 August 2022	T160810 - PC2	80 Armysage Road, Officer VIC 3809	T160810-2 PC2 (Con. 04 CEMP) - Plans to Comply Application	Issued	21 July 2022
17 August 2022	T220423	20 Belgrave-Gembrook Road, Cockatoo VIC 3781	The removal of vegetation.	Application Withdrawn	20 June 2022
18 August 2022	T160190 - PC11	90 McMullen Road, Officer VIC 3809	T160190 PC11 - (Con. 25 LMP) - Plans to Comply Application	Application Withdrawn	17 August 2022
19 August 2022	T160810-1 - PC1	80 Armysage Road, Officer VIC 3809	T160810-1 PC1 (Con. 4b CEMP & 6a S173) - Plans to Comply Application	Application Withdrawn	24 November 2021
19 August 2022	T220186	34 Aura Vale Road, Menzies Creek VIC 3159	Buildings and Works (Construction of a Shed)	Issued	18 March 2022
22 August 2022	T220384	185 Mountain Road, Gembrook VIC 3783	Buildings and works associated with an existing dwelling (replacement verandah)	Issued	01 June 2022

24 August 2022	T050156 - PC2	95 Mount Shamrock, Pakenham Victoria 3810	T050156 PC2 (Con. 42 EMP Review) - Plans to Comply Application	Issued	18 October 2021
25 August 2022	T220539	20 Mackenzie Street, Cockatoo VIC 3781	The application seeks approval to install a Louvre roof at the front of the house attached to the house at the max height of 2.90 meters from the NGL. The application also seeks approval to install a Louvre roof at the rear of the house attached to the house at the max height of 3.31 meters from the NGL.	PermitNotRequired	09 August 2022
26 August 2022	T220572	9 Jeanne Street, Cockatoo VIC 3781	Proposed dwelling, studio, pool and associated vegetation removal.	Application Withdrawn	24 August 2022
29 August 2022	T220169	71 Emerald-Monbulk Road, EMERALD VIC 3782	Buildings and works associated with a dwelling extension	Issued	08 March 2022
29 August 2022	T220394	22 Belgrave-Gembrook Road, Cockatoo VIC 3781	Removal of one (1) tree	Issued	06 June 2022
31 August 2022	T220145 - PC1	18 Macclesfield Road, Avonsleigh VIC 3782	T220145 PC1 (Con. 01 C1P) Plan to comply application	Issued	19 May 2022
1 September 2022	T180716 - PC7	1 Damon Street, Officer VIC 3809	T180716-1 PC7 (Con. 17 SiteMP) - Plans to Comply Application	Issued	09 May 2022
5 September 2022	T220560	17 Upper Grieve Road, Avonsleigh VIC 3782	Buildings and works associated with a dwelling (alterations, deck and verandah)	Issued	18 August 2022

Toomuc Ward					
Decision Date	Permit Number	Address	Proposal	Decision	Date Lodged
4 August 2022	T220302	27 Michael Street, Pakenham VIC 3810	Use of the land for a Dance Studio	Issued	18 November 2021
15 August 2022	T200642 - 1	31 Eastbourne Crescent, Officer VIC 3809	T200642-1 APP -	Issued	08 July 2022
18 August 2022	T220410	25 Albatross Drive, Pakenham VIC 3810	Construct a Verandah to be attached to my townhouse near lakeside lake Pakenham.	PermitNotRequired	09 June 2022
19 August 2022	T190519 - 1	125 Mulcahy Road, Pakenham VIC 3810	Subdivision of land into forty-three (43) lots	Issued	09 February 2022
19 August 2022	T210799 - 1	82 Skyline Drive, Officer VIC 3809	Amendment to Planning Permit	Issued	04 August 2022
23 August 2022	T220500	107 Timberline Parkway, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule	Issued	25 July 2022
31 August 2022	T220324	8 Portobello Road, Pakenham VIC 3810	The application proposes changes to the current store operations, adding an Express Pickup that sits externally to the store. * Minor building and works to the Southern side of the Dan Murphy's Building. This includes pavement markings and a garden bed to delineate the spaces from the adjacent car park aisle; * Use of the land for the Bottle Shop; We note that the proposal does not seek permission for the sale or consumption of liquor as per the Frankston City Council Planning Scheme.	Application Withdrawn	19 May 2022
4 August 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
5 August 2022	T220241	5 Rural Road, Officer South VIC 3809	Proposed colourbond steel veranda attached to the side of the existing dwelling	Application Withdrawn	06 April 2022
5 August 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
9 August 2022	T190722 - PC1	1380 Koo Wee Rup-Longwarry Road, Catani VIC 3981	T190772 PC1 - (Con. 01 & 16) - Plans to Comply Application	Issued	28 July 2022
9 August 2022	T220111 - PC1	Lot 20 Dixons Road, Cardinia VIC 3978	T220111 PC1 (Con. 05b RPP) - Plans to Comply Application	Issued	27 July 2022
10 August 2022	T210652	650 Bunyip-Modella Road, Iona VIC 3815	Use and Development of the Land for a Dwelling	Issued	24 August 2021
10 August 2022	T220139	20 O'Sullivan Street, Pakenham VIC 3810	Buildings and works to an existing warehouse (mezzanine floor level) and a reduction in car parking	Issued	28 February 2022
10 August 2022	T220180	445 & 500 Thwaites Road, Yannathan VIC 3981	Buildings and works associated with Agriculture (stock underpass)	Issued	15 March 2022
10 August 2022	T220239	9 Precision Drive, Pakenham VIC 3810	Development of the land for two (2) warehouses	Issued	05 April 2022
10 August 2022	T220273	4 Emerald Crescent, Koo Wee Rup VIC 3981	Development of the land for an outbuilding (shed)	Issued	21 April 2022
11 August 2022	T200580 - PC1	Cardinia Road, Officer South VIC 3809	T200580 PC1 - (Con. 01 C1P)	Issued	25 May 2022
11 August 2022	T220128	410 Officer South Road, Officer South VIC 3809	Installation of a new telecommunications facility comprising a 30m monopole with associated ancillary equipment.	Lapsed	25 February 2022
15 August 2022	T210782	16 & 14 Link Road, Pakenham VIC 3810	Building and works for a fifteen (15) warehouse development	Issued	12 October 2021
15 August 2022	T220043	26 Sette Circuit, Pakenham VIC 3810	Development of one warehouse	Issued	27 January 2022
15 August 2022	T220134	365 Kettles Road, LANG LANG VIC 3984	Earthworks (dam)	Issued	28 February 2022

17 August 2022	T210967	165 Spencers Road, Monomeith VIC 3984	Development of land for an agricultural building	Issued	22 December 2021
17 August 2022	T220306	385 Thwaites Road, Yannathan VIC 3981	Use and development of the land for a replacement dwelling	Issued	10 May 2022
18 August 2022	T200562 - PC4	70 & 100 Lecky Road, Officer VIC 3809	T200562 PC4 - (Con. 20 BDG)	Issued	18 June 2022
18 August 2022	T200839 - PC6	Cardinia Road, Officer South VIC 3809	T200839 PC6 - (Con. 15 Lot CAL, Stage 1)	Issued	03 August 2022
19 August 2022	T210198	670 Bunyip-Modella Road, Iona VIC 3815	Use and development of the land for a dwelling, outbuilding (garage), agricultural shed and associated works	NOD	22 March 2021
19 August 2022	T220440	FY 1/6 Southeast Boulevard, Pakenham VIC 3810	Creation of road reserve under s32 Sub act	Application Withdrawn	27 June 2022
22 August 2022	T200839 - PC5	Cardinia Road, Officer South VIC 3809	T200839 PC5 (Con. 15 CA) - Plans to Comply Application	Application Withdrawn	03 August 2022
22 August 2022	T220131 - PC1	10 Trade Place, Pakenham VIC 3810	T220131 PC1 (Con. 01a C1P) - Plans to Comply Application Correct orientation labels on the Elevations	Issued	19 May 2022
22 August 2022	T220132 - PC1	12 Trade Place, Pakenham VIC 3810	T220132 - PC1 (Con. 01a - C1P) - Plans to Comply Application Condition 1 - a - Correct orientation labels on the Elevations	Issued	19 May 2022
23 August 2022	T200173 - 2	Centenary Boulevard, Officer South VIC 3809	To allow for a staged subdivision and to re-endorse plans accordingly. Please refer to letter dated 23 May 2022 for more details.	Failure	23 May 2022
24 August 2022	T220556	14 Giacco Boulevard, Lang Lang VIC 3984	Construction of an outbuilding	PermitNotRequired	17 August 2022
25 August 2022	T220537	57 Sette Circuit, Pakenham VIC 3810	Buildings and works associated with the development of a warehouse	Issued	09 August 2022
30 August 2022	T220099	Chasemore Road, Cardinia VIC 3978	Development of the land for an agricultural building (Farm Shed)	Issued	16 February 2022
31 August 2022	T210952	296 McGregor Road, Pakenham VIC 3810	Buildings and works for the construction of one (1) warehouse	Issued	20 December 2021
31 August 2022	T210953	300 McGregor Road, Pakenham VIC 3810	Buildings and works for the construction of one (1) warehouse	Issued	20 December 2021

31 August 2022	T210954	304 McGregor Road, Pakenham VIC 3810	Buildings and works for the construction of one (1) warehouse	Issued	20 December 2021
31 August 2022	T220220	315 Daly Road, Nar Nar Goon VIC 3812	Development of the land for one (1) outbuilding (replacement shed)	Issued	28 March 2022
31 August 2022	T220269	47 & 49 Sette Circuit, Pakenham VIC 3810	Building and works for the construction of three (3) warehouses	Issued	31 March 2022
1 September 2022	T210933	14 & 24 Peet Street, Pakenham VIC 3810	Buildings and works associated with Industry and associated reduction in on-site carparking	Issued	14 December 2021
5 September 2022	T210606 - PC1	16 Exchange Drive, Pakenham VIC 3810	T210606 PC1 - (Con. 01 C1P) - Plans to Comply Application Development of the land for a warehouse and reduction of car parking requirements	Issued	14 July 2022
5 September 2022	T220248	77 Bald Hill Road, Pakenham VIC 3810	Reduction in parking requirements associated with a restricted retail premises	Issued	07 April 2022

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report.

Carried

5.7 Planning Scheme Amendment Activity Report

Responsible GM: Lili Rosic
Author: Luke Connell

Recommendation(s)

That Council note the report.

Executive Summary

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

Status of Active Amendments

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

Resolution

Moved Cr Graeme Moore, seconded Cr Tammy Radford.

That Council note the report.

Carried

6 Meeting Closure

Meeting closed at 7:20pm.

Minutes confirmed
Chairman