

# **Town Planning Committee Meeting**

## **Minutes**

**Monday 1 May 2023**

**Commenced at 7:00 PM**

**Council Chambers  
20 Siding Avenue, Officer  
Victoria**

<b>Members:</b>	Cr Tammy Radford	Mayor
	Cr Jack Kowarzik	Deputy Mayor
	Cr Kaye Cameron	
	Cr Stephanie Davies	
	Cr Jeff Springfield	
	Cr Graeme Moore	
	Cr Collin Ross	
	Cr Brett Owen	
	Cr Carol Ryan	
<b>Officers:</b>	Carol Jeffs	Chief Executive Officer
	Peter Benazic	General Manager Infrastructure and Environment
	Lili Rosic	General Manager Liveable Communities
	Owen Hardidge	Acting General Manager Governance, Facilities and Economy
	Debbie Tyson	Acting General Manager Customer, People and Performance
	Doug Evans	Manager Governance

Meeting opened at 7.00pm.

## Order of Business

<b>1 Opening And Prayer .....</b>	<b>3</b>
<b>2 Acknowledgements .....</b>	<b>3</b>
<b>3 Apologies .....</b>	<b>3</b>
<b>4 Declaration Of Interests .....</b>	<b>3</b>
<b>5 Ordinary Business.....</b>	<b>4</b>
5.1 T220166 PA - 8 Souter Street, Beaconsfield VIC 3807 - Construction Of Five Dwellings On A Lot .....	4
5.2 T220501 PA - 74-76 Ahern Road, Pakenham VIC 3810 - Construction Of Seventeen (17) Dwellings On A Lot.....	19
5.3 T220208 - 14 O'sullivan Street, Pakenham - Use And Development Of The Land For A Place Of Worship.....	50
5.4 Planning Matters VCAT Report - May 2023 .....	64
5.5 Planning Scheme Amendment Activity Report .....	67
5.6 Planning Matters Dealt With By Officers Under Delegated Authority - May 2023	3

## **1 Opening And Prayer**

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**

Nil

## **4 Declaration Of Interests**

Nil

## 5 Ordinary Business

### 5.1 T220166 PA - 8 Souter Street, Beaconsfield VIC 3807 - Construction of Five Dwellings on a Lot

**File Reference:** {file-reference}  
**Responsible GM:** Lili Rosic  
**Author:** Benjamin Jones

#### Recommendation(s)

That Council having caused notice of Planning Application No. T220166 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Issue a Notice of Decision to Grant a Permit in respect of the land known and described as L7 LP58426 V8463 F158, 8 Souter Street

Beaconsfield VIC 3807, for the Construction of Five (5) Dwellings on a Lot, generally in accordance with the endorsed plans, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) The existing 'No Stopping Sign' conflicting with the proposed crossover, to be relocated to the north of the proposed crossover, ensuring the sign pole has a clearance of 1 m to the proposed crossover.
  - b) Details of proposed screening to of first floor habitable windows in accordance with Clause 55.04-6 (Standard B22) of the Cardinia Planning Scheme.
  - c) Demonstrated compliance with Clause 55.04-5 (Standard B21 - Overshadowing open space) of the Cardinia Planning Scheme.
2. The layout of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. 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. Replacement will be undertaken by Council contractors within the streetscape in the next planting season.
5. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plans must be replaced.

7. 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.
8. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
9. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
10. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Engineering

11. 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.
12. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
13. 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.
14. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
15. 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.
16. 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.
17. Before the development is occupied, 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.
18. Before the development is occupied a residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
19. The proposed crossover is to be in accordance with Standard Drawing EDCM 501 (from the Engineering Design and Construction Manual).

#### Expiry:

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

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

**Notes:**

- i. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- ii. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- iii. This permit has been assessed against Clause 55 of the Cardinia Planning Scheme.

**Attachments**

1. T220166 PA - Locality Map [5.1.1 - 1 page]
2. T220166 PA - Development Plans [5.1.2 - 12 pages]
3. T220166 PA - Clause 55 Assessment [5.1.3 - 11 pages]
4. CONFIDENTIAL REDACTED - T220166 PA - Objections [ Confidential] [5.1.4 - 9 pages]

**Executive Summary**

<b>APPLICATION NO.:</b>	T220166
<b>APPLICANT:</b>	Simon Inglefinger (Newground Pty Ltd)
<b>LAND:</b>	L7 LP58426 V8463 F158, 8 Souter Street Beaconsfield VIC 3807
<b>PROPOSAL:</b>	Construction of Five (5) Dwellings on a Lot
<b>PLANNING CONTROLS:</b>	General Residential Zone – Schedule 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	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.  Five (5) objections were received.
<b>KEY PLANNING CONSIDERATIONS:</b>	Urban Design Streetscape Character Amenity Car Parking Traffic
<b>RECOMMENDATION:</b>	That Council Issue a Notice of Decision to Grant a Planning Permit, subject to the conditions within this report.

**Background**

There is no previous planning permit history for the site.

## Subject Site



*Figure 1: Aerial view of subject site (NearMap Feb, 2023)*

The subject site, is located on the eastern side of Souther Street, Beaconsfield and is approximately 300m north-east from the Beaconsfield Train Station. The parcel is irregular in shape (due to the reserve located along the sites southern boundary), has a frontage to Souther Street of 22.76m and a total area of 1777sqm.

The site is flat in nature and currently vacant of all buildings and vegetation, with demolition occurring between September and December 2022. Vehicular access to site is provided via an existing crossover located centrally along the site's western frontage with Souther Street. A 2.44m wide drainage easement is also located along the length of the sites rear (eastern) boundary.

Given the site's location within a well-established residential context, the surrounding properties are all primarily residential properties with a variety of densities, ranging from single dwellings on a lot to those which contain multiple dwellings on a lot (with examples of these including No(s) 7-9, 11-13, 15 & 27-33 Beaconsfield Parade, No(s) 29 & 44 Railway Avenue, No(s) 6, 12 & 27-29 Souther Steet & No(s) 7, 9, 12-14 & 13 Goff Street).

Lots directly adjoining the subject site are described as follows:

- North: To the north of the subject site is No. 6 Souther Street, which contains two single storey dwellings with a shared vehicular accessway directly adjoining the subject site, along the property's southern boundary.
- East: To the east of the subject site is No(s) 11, 13, 13A & 15 Goff Street. No(s) 11 & 15 Goff Street each contain single storey dwellings that are well setback from the



shared boundary with the subject site whilst No. 13 & 13A Goff Street contain two single storey dwellings in a tandem arrangement.

- South: To the south of the subject site is vacant land which is shown as a 'reserve' on plan of subdivision.
- West: To the west of the subject site is Souter Street, a residential street that connects into Beaconsfield Avenue to its south.

## Relevance to Council Plan

[{council-plan}](#)

## Proposal

Approval is sought for the construction of five (5) double storey dwellings on the lot.

The dwellings are to be arranged to provide for two dwellings each along the site's side (northern and southern) boundaries and one dwelling along the site's rear (eastern) boundary with vehicular access to be provided via the site's existing crossover to Unit 2, 3, 4 & 5 and via a proposed crossover located along the sites north-westernmost boundary to Unit 1.

Each dwelling is to contain four bedrooms (one at ground floor and three at first floor), open plan living area (meals, kitchen, living) at ground floor and a double width garage. Areas of secluded private open space are also located at ground levels of each dwelling and are directly accessible from each dwellings open plan living area.

A minimum front building setback to Souter Street is proposed at 6.2 metres and side and rear built form setbacks are confirmed as being 1.7m to northern boundary, 2.45m to the eastern boundary and 1.6m to the southern boundary.

The dwellings have been designed in a continuous form with a double storey building height and modern modular form. The dwellings provide for a flat roof form at lower levels and modern pitched roof form at upper levels. External materials are proposed to be light grey brick façade at ground floor level with charcoal vertical cladding inclusive of grey tile cladding at upper levels and grey steel sheet roofing.

The overall development provides for a site coverage of 46.1%, permeability of 37.6% and total garden area of 38.5%.

A landscape plan has also been provided as part of the proposal, showing landscaping in all open areas of site and the provision of nine (9) canopy trees of native and indigenous species along with multiple shrubs and ground cover.

\*It is noted that a Section 57A Amendment was received by Council on 01 February 2023, which sought to undertake minor amendments to the internal vehicular accessway layout servicing Unit 2, 3, 4 & 5 and no other amendments were made to proposed building design and layout.

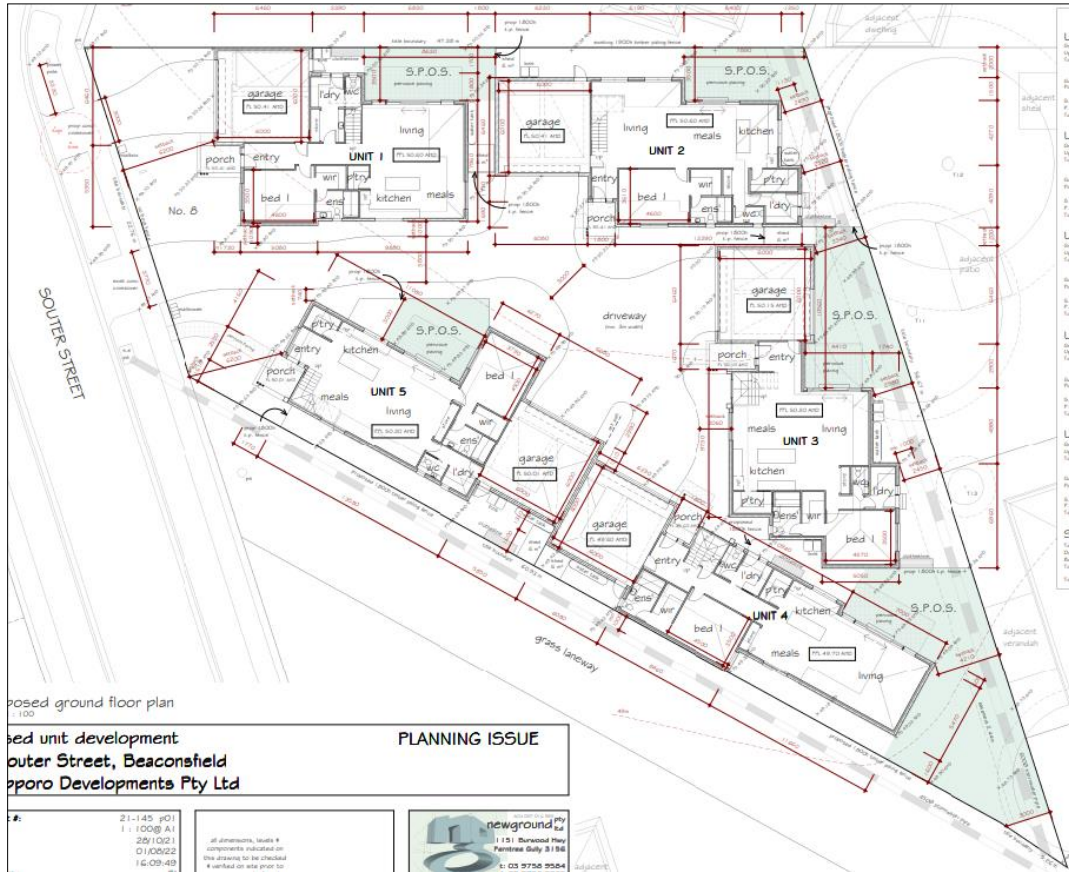


Figure 2: Proposed Ground Floor Plan

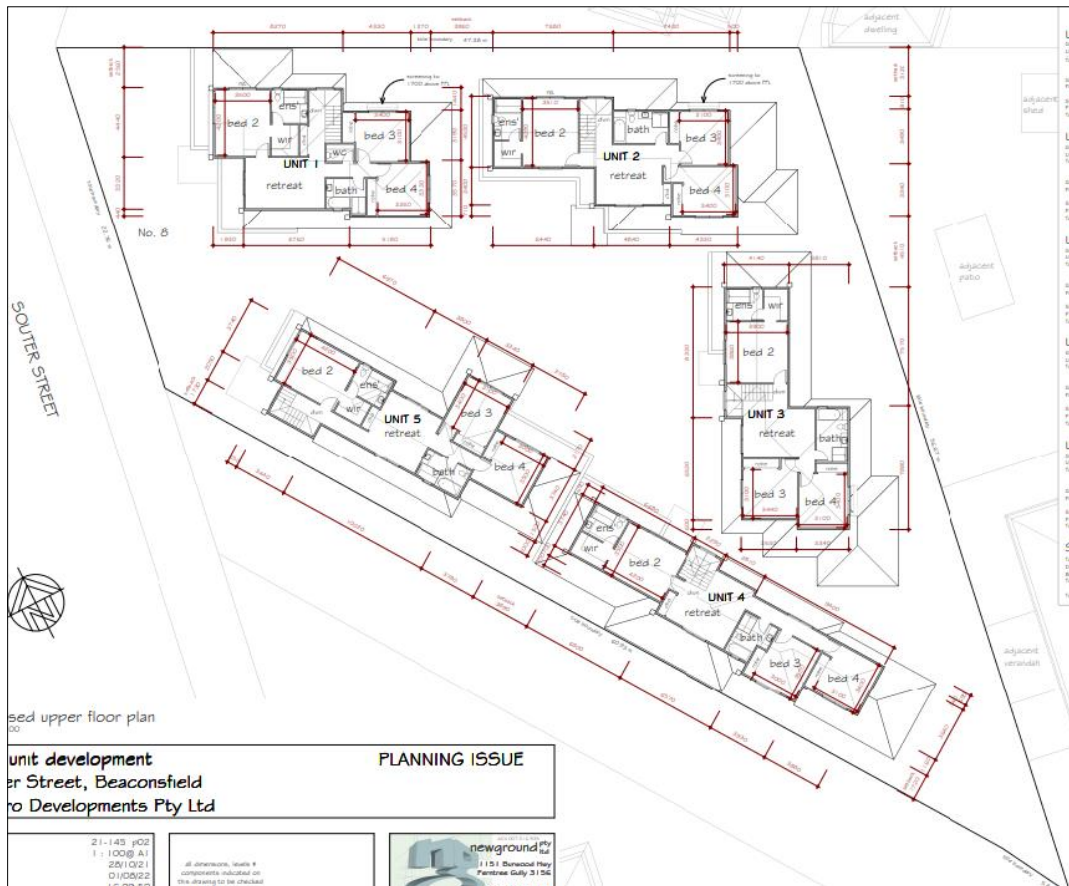


Figure 3: Proposed First Floor Plan



*Figure 4: Street View of Proposed Dwellings (North Orientation)*



*Figure 5: Street View of the Proposed Dwellings (South Orientation)*

## **Planning Scheme Provisions**

### **Zone**

The land is subject to the following zone:

- General Residential Zone – Schedule 1.

### **Overlays**

The land is not subject to any overlays.

### **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 15.01-1S – Urban Design
- Clause 15.01-2S – Building Design
- Clause 15.01-5S – Neighbourhood Character
- Clause 16.01-1S – Housing Supply
- Clause 16.01-2S – Housing Affordability

### Local Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-1 – Housing
- Clause 21.03-2 – Urban Established Area – Beaconsfield and Pakenham
- Clause 21.06-1 – Urban Design

### Relevant Particular/General Provisions and Relevant Incorporated or Reference Documents

The relevant clauses of the PPF are:

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

### Planning Permit Triggers

The proposal for construction of five (5) double storey dwellings on the lot, triggers the need for a planning permit under the following provisions of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08 – 6 (*General Residential Zone – Construction and Extension of Two or More Dwellings on a Lot*); a permit is required to construct two or more dwellings on a lot.

### Public Notification

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

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

The notification has been carried out correctly, with a statutory declaration submitted to Council on 09 March 2023.

Council has received five (5) objections to date.

The key issues that were raised in the objections are summarised below:

- Overdevelopment of Site (Inappropriate Density);
- Consistency with Neighbourhood Character;
- Overlooking Impacts;
- Overshadowing Impacts;
- Provision of Car Parking;
- Increase in Traffic Congestion and Impacts on Local Road Network; and
- Noise Impacts Associated with Construction

A response to the concerns raised above is provided within relevant sections of the assessment provided below.

\*It is noted that a Section 57A Amendment was received by Council on 01 February 2023, which sought to undertake minor amendments to the internal vehicular accessway layout servicing Unit 2, 3, 4 & 5 and no other amendments were made to proposed building design and layout. As such these amendments were not advertised as they did not result in any increase in detriment to any adjoining properties as no amendments were made to proposed building design and layout or interfaces to any adjoining properties.

## Referrals

### External Referrals/Notices:

The application was not required to be referred to any relevant referral authority pursuant to Clause 66 of the Cardinia Planning Scheme.

### Internal Referrals:

Internal Department	
Traffic & Transport Services	Supported; subject to conditions.
Development Infrastructure Services	Supported; subject to conditions.
Waste Management Services	Supported.
Parks & Gardens	Supported; subject to conditions.

## Discussion

The key issues relating to the proposal include:

- The Planning Policy Framework and Local Planning Policy Framework;
- The General Residential Zone that applies to the site;
- Response to neighbourhood character;

- Response to the objectives and standards of Clause 55; and
- Consideration of reasons for objection.

### **Planning Policy Framework**

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

- Clause 15.01-2S (Building Design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 15.02-1S (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.
- Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs.
- Clause 16.01-2S (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.
- Clause 21.03-2 (Urban Established areas – Beaconsfield and Pakenham) seeks to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Established Area.
- Clause 21.06-1 (Urban Design) seeks to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

The proposal is compatible with the existing and emerging residential character of the area and is not expected to have any negative impacts on the surrounding residences or other uses due to the considered design response.

The dwellings are relatively contemporary and modern in design, however, provides recessive elements and a pitched roof which seek to respond to the characteristics of the area and soften any offsite amenity impacts. Further, appropriate side and rear setbacks are provided to ensure each dwelling is has appropriate open space and garden areas. The built form is appropriate noting the proposed site coverage and permeable surfaces meeting the required numerical figures. Further to this, landscaping is provided to to provide for shade from canopy trees and to soften the built form.

As such, it is considered that the proposal adequately responds to the above and complements the existing and emerging development pattern of this street and the surrounding area. It is noted that multi-unit development is common within the surrounding area, and double storey built form is increasingly noted within area. Whilst not a common trait, the double-storey built form is also considered appropriate as the design ensures no overlooking and limited overshadowing, ensuring that no unreasonable offsite amenity impacts will occur. Further, the recessive elements of the upper storey assist in reducing any perceived bulk and massing.

### **General Residential Zone**

The purpose of the General Residential Zone includes support for development that respects the neighbourhood character of the area whilst also providing for a diversity of housing types and housing growth in locations offering good access to services and transport.

Pursuant to Clause 32.08-6, a planning permit is required to construct two or more dwellings on a lot.

The decision guidelines of this zone cover several matters, such as the purpose of the zone, the pattern of subdivision and its effect on the spacing of buildings, and the objectives, standards and decision guidelines of Clause 55.

The proposed development provides for a diversity of housing types within an establishing residential area, with close proximity to the Beaconsfield Railway Station and Town Centre. It also respects the existing and emerging residential character of the area and is consistent and complies with the relevant purposes and decision guidelines of the General Residential Zone.

The surrounding area generally consists of a residential development pattern of single dwellings within the immediate surrounds, however multi-unit developments and dual occupancies are not uncommon.

In addition to the above, Planning Scheme Amendment VC110 introduced the mandatory garden area requirement and mandatory height limits in the General Residential Zone – Schedule 1. As the site is over 650sqm, it is a mandatory requirement that there be 35 percent garden area provided across the lot (Clause 32.08-4). The development provides 39.2% garden area across the site and therefore complies with this mandatory requirement for lots of its size. The height of the dwellings also comply with the mandatory height requirement (Clause 32.08-9) under the GRZ1 as the proposed dwellings are double storey in height and therefore do not exceed 11m in height or three storeys.

### **Clause 55**

A Clause 55 assessment can be found within the attachments, highlighting compliance with the relevant objectives and standards.

### **Response to Character**

The proposal seeks approval for the construction of five (5) double storey dwellings on a lot and both state and local planning policy require an appropriate response to the existing and/or preferred future character of the area.

Whilst the predominant built form of the surrounding area is single detached dwellings, a number of multi-unit developments are noted. Several examples of subdivision/multi-unit development have been highlighted within the locational assessment of this report. These examples identify the site is well located to services associated with the Beaconsfield Town Centre and Railway Station. It is therefore deemed that this site is an appropriate opportunity for infill development.

The proposal responds to other key characteristics appropriately by providing a conventional roof pitch that meets the predominant streetscape pattern, as well as appropriate front and side setbacks that will allow for landscaping opportunities that will both soften the built form as well as provide canopy planting which is a key preferred neighbourhood characteristic.

The upper floor provides recessive elements and varied setbacks to provide visual interest – also a preferred neighbourhood characteristic. Finally, materials and finishes are relatively modern and contemporary in nature, further illustrating several preferred neighbourhood characteristic elements the proposal appropriately provides.

### **Clause 52.06 Car Parking**

Pursuant to Clause 52.06-5 the number of car parking spaces required under Table 1 (Rate Column B), is two (2) to each three or more bedroom dwelling\*.

The proposed development provides for a total of two (2) car parking spaces to each unit, to be located within each unit's respective garage and therefore complies with the requirements of Clause 52.06-5.

In addition to the above, the application has also been referred to Councils Traffic & Transport Services Department who have reviewed the proposal and raised no concerns with the proposals impact on local road network and ultimately provided a recommendation of support, subject to conditions relating to the construction of the proposed crossover and relocation of existing street signage.

*\*Note: The proposal does not trigger the need for the provision of visitor car parking as it is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Areas Maps (State Government of Victoria, August 2018).*

### **Objection**

The key issues that were raised in the five (5) objections received against the application are summarised below:

- Overdevelopment of Site (Inappropriate Density);
- Consistency with Neighbourhood Character;
- Overlooking Impacts;
- Overshadowing Impacts;
- Provision of Car Parking;
- Increase in Traffic Congestion and Impacts on Local Road Network; and
- Noise Impacts Associated with Construction

A response to the issues raised within objections is provided below:

- Neighbourhood character and density has been assessed and considered within earlier sections of the report, concluding that the proposal appropriately responds to the preferred future character of the area.
- Overlooking matters have been assessed as part of the Clause 55 assessment of the proposal, concluding that the relevant standards and objectives of Clause 55 are met.
- The proposal does not require a car parking dispensation pursuant to Clause 52.06, and it has been determined that car parking and access arrangements compliant with requirements. Further to this, the application has also been referred to Councils Traffic & Transport Services Department who have raised no concern with the proposals impact on the local road network.
- Temporary amenity impacts are expected during construction works for any development. These impacts do not form part of the assessment of a planning application and are subject to protections under other legislation such as the Environmental Protection Act, 2017.

### **Clause 65 Decision Guidelines**

The application has been assessed against 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 an appropriate increase in residential density 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 subject site is well located to several services and public infrastructure and is well suited to appropriate development and increase in residential densities. The proposed development is considered consistent with both the relevant State and Local Planning Policy Framework, the purpose of the General Residential Zone – Schedule 1 and relevant Particular Provisions of the Cardinia Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued for the ‘Construction of Five (5) Dwellings on a Lot’, subject to conditions.

### **Resolution**

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council having caused notice of Planning Application No. T220166 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Issue a Notice of Decision to Grant a Permit in respect of the land known and described as L7 LP58426 V8463 F158, 8 Souter Street

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- b) the development is not completed within four (4) years after the issue of the permit.

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**Notes:**

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- ii. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- iii. This permit has been assessed against Clause 55 of the Cardinia Planning Scheme.

Carried

## 5.2 T220501 PA - 74-76 Ahern Road, Pakenham VIC 3810 - Construction of Seventeen (17) Dwellings on a Lot

**File Reference:** {file-reference}  
**Responsible GM:** Lili Rosic  
**Author:** Benjamin Jones

### Recommendation(s)

That Council having caused notice of Planning Application No. T220501 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, Refuse to Grant a Permit in respect of the land known and described as L1 PS317592E V10172 F256, 74-76 Ahern Road, Pakenham VIC 3810, for the '*Construction of Seventeen (17) Dwellings on a Lot*', on the following grounds:

1. The proposal does not appropriately respond to relevant Planning Policy Framework considerations as follows:
  - a. Clause 12.01-1S Protection of Biodiversity, Clause 12.05-2 Landscapes, Clause 15.01-2S Building Design and Clause 21.02-3 Biodiversity as the proposal does not adequately seek to protect or enhance the biodiversity of the site, and ignores the character and importance of the sites vegetation due to substantial removal of vegetation on the site to accommodate the built form
  - b. Clause 15.01-2S Building Design, Clause 15.01-4S Healthy neighbourhoods and Clause 21.03-1 Housing as the design does not encourage any walkability through the site, nor provide for inclusive and accessibility as the majority of dwellings are double storey without bedrooms on the ground floor severely restricting availability to a wide spectrum of the market.
  - c. Clause 15.01-1S Urban Design, Clause 15.01-1R, Clause 15.01-2S Building Design, Clause 15.01-5S, Clause 21.03-1 Housing and Clause 21.06-1 Urban Design as the proposal does not respond appropriately to the existing or envisaged preferred future character of the area and results in poor built form and urban design outcomes.
  - d. Clause 16.01-1S Housing Supply, Clause 16.01-1R Housing Supply – Metropolitan Melbourne, Clause 16.01-2S Housing Affordability and Clause 21.03-1 Housing as the proposal has limited diversity within the development or provide appropriate levels of differing accommodation for a wide spectrum of the market
2. The proposal is inconsistent with the purposes and decision guidelines of the General Residential Zone as it is considered to be an overdevelopment of the site as it provides for a poor response to relevant Planning Policy Framework considerations and does not respect the character of the area and fails to provide appropriate diversity to the site.

3. The proposal is inconsistent with the purpose, design standards and decision guidelines of Clause 52.06 (Car Parking).
4. The proposal is inconsistent with the following standards and/or objectives of Clause 55:
  - a. Clause 55.02-1 (Standard B1) - Neighbourhood Character;
  - b. Clause 55.02-2 (Standard B2) - Residential Policy;
  - c. Clause 55.02-3 (Standard B3) - Dwelling Diversity;
  - d. Clause 55.02-5 (Standard B5) - Integration with the Street;
  - e. Clause 55.03-1 (Standard B6) - Street Setback;
  - f. Clause 55.03-5 (Standard B10) - Energy Efficiency;
  - g. Clause 55.03-8 (Standard B13) - Landscaping;
  - h. Clause 55.05-1 (Standard B25) - Accessibility;
  - i. Clause 55.06-1 (Standard B31) - Design Detail; and
  - j. Clause 55.06-2 (Standard B32) - Front Fences.

### Attachments

1. T220510 PA - Locality Map [**5.2.1** - 1 page]
2. T220510 PA - Development Plans [**5.2.2** - 19 pages]
3. T220510 PA - Clause 55 Assessment [**5.2.3** - 7 pages]
4. CONFIDENTIAL REDACTED - T220501 PA - Objections [Confidential] [**5.2.4** - 14 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T220501
<b>APPLICANT:</b>	Mainline Property Investments Pty Ltd c/o Urban Arc Planning
<b>LAND:</b>	Lot 1 PS317592E 74 – 76 Ahern Road, Pakenham VIC 3810
<b>PROPOSAL:</b>	Construction of Seventeen (17) Dwellings on a Lot
<b>PLANNING CONTROLS:</b>	General Residential Zone – Schedule 1 Development Contributions Plan Overlay – Schedule 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	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.  Five (5) objections were received.

<b>KEY PLANNING CONSIDERATIONS:</b>	Compliance with State and Local Planning Policy Response to Neighbourhood Character Urban Design Car Parking & Traffic Compliance with Clause 55 ResCode Standards
<b>RECOMMENDATION:</b>	That Council Refuse to Grant a Planning Permit, on the grounds contained within this report.

### **Background**

There is no previous planning permit history for the site

The subject application was lodged on 25 July 2022, following which a preliminary assessment was undertaken and the applicant was advised of several concerns relating to the design and detail of the proposal along with its proposed density, within Council's Request for Further Information issued on 22 August 2022.

Subsequently, Council Officers discussed these concerns multiple time with the applicant with a view to resolve the concerns associated with the proposal, however the response to Council's Request for Further Information, received on 25 January 2023, included minimal changes to the proposed design/layout. The applicant sought to proceed to public notification noting concerns remained outstanding, and that the proposal would ultimately be recommended for refusal if no further amendments to the design/layout were made.

Public notice was undertaken between 27<sup>th</sup> January 2023 and 10<sup>th</sup> February 2023, following which a total of five (5) objections were received by Council.

The applicant has been provided with a further opportunity to amend the proposal to respond to outstanding concerns, however, has sought to proceed on the understanding that the proposal is recommended for refusal.

### **Subject Site**



*Figure 6 - Aerial view of subject Site (NearMap, February 2023)*

The site is located on the south-east corner of the Ahern Road / Allan Close intersection, forming part a four-way roundabout.

Located within an established residential area, the site is located:

- 150m south of Don Jackson Reserve.
- 800m west of Pakenham Hills Primary School.
- 950m south of the Urban Growth Boundary.
- 1km north of Princes Highway and 2km north of the Pakenham Railway Station.
- 2.2km east of Toomuc Reserve (Sports Complex and Creek).

The site contains an existing single storey dwelling, outbuildings and a tennis court situated within a garden setting, with a substantial number of trees and shrubs, making it a relative outlier compared to much of its surrounds.

Seven individual properties adjoin the properties with addresses from Ahern Road, The Ridgeway, Edan Court, Pownceby Court and Allan Close. Each of these seven sites contain a detached single storey dwelling with conventional roof forms on larger allotments, which is the predominant built form feature in the surrounds, however some unit developments are noted

within relative proximity to the subject site (64 Ahern Road, 81-83 Ahern Road, 3 Thwaites Road and at Reginald Close).

## Relevance to Council Plan

{council-plan}

## Proposal

Approval is sought for the construction of seventeen (17) double-storey dwellings on the lot, with varied typology as follows:

### Dwellings 1, 3-13, 16 & 17

- Meals/kitchen area, living room & bathroom at Ground Floor;
- 3 bedrooms at First Floor; and
- 2 car garage.

### Dwellings 2 & 15

- Meals/kitchen area, living room & bathroom at Ground Floor;
- 3 bedrooms at First Floor; and
- 1 car garage and tandem space.

### Dwelling 14

- Meals/kitchen area, living room & bathroom at Ground Floor;
- 2 bedrooms at First Floor;
- 1 car garage.

Each dwelling is to be provided with secluded private open space at ground level ranging from 41m<sup>2</sup> to 130m<sup>2</sup>, and no balconies are provided at the upper floor.

All dwellings are to be accessed from existing crossover located along the sites north-western frontage to Ahern Road with a number of internal accessways providing pedestrian and vehicular access to dwellings. Three visitor car parking spaces are also proposed to be located on site.

Due to the slope of land, a number of retaining walls are proposed throughout the development to provide for flat pad sites for dwelling and yards.

Materials, colours and finishes are muted in tone, in various shades of grey, with ground floor of dwellings to be rendered brickwork and first floor level selected weatherboard cladding.

A substantial amount of vegetation is proposed to be removed from the site. Ten trees are to be retained, with the remainder to be removed to accommodate the development.

Private waste collection is required, and as such Council collection will not be utilised.



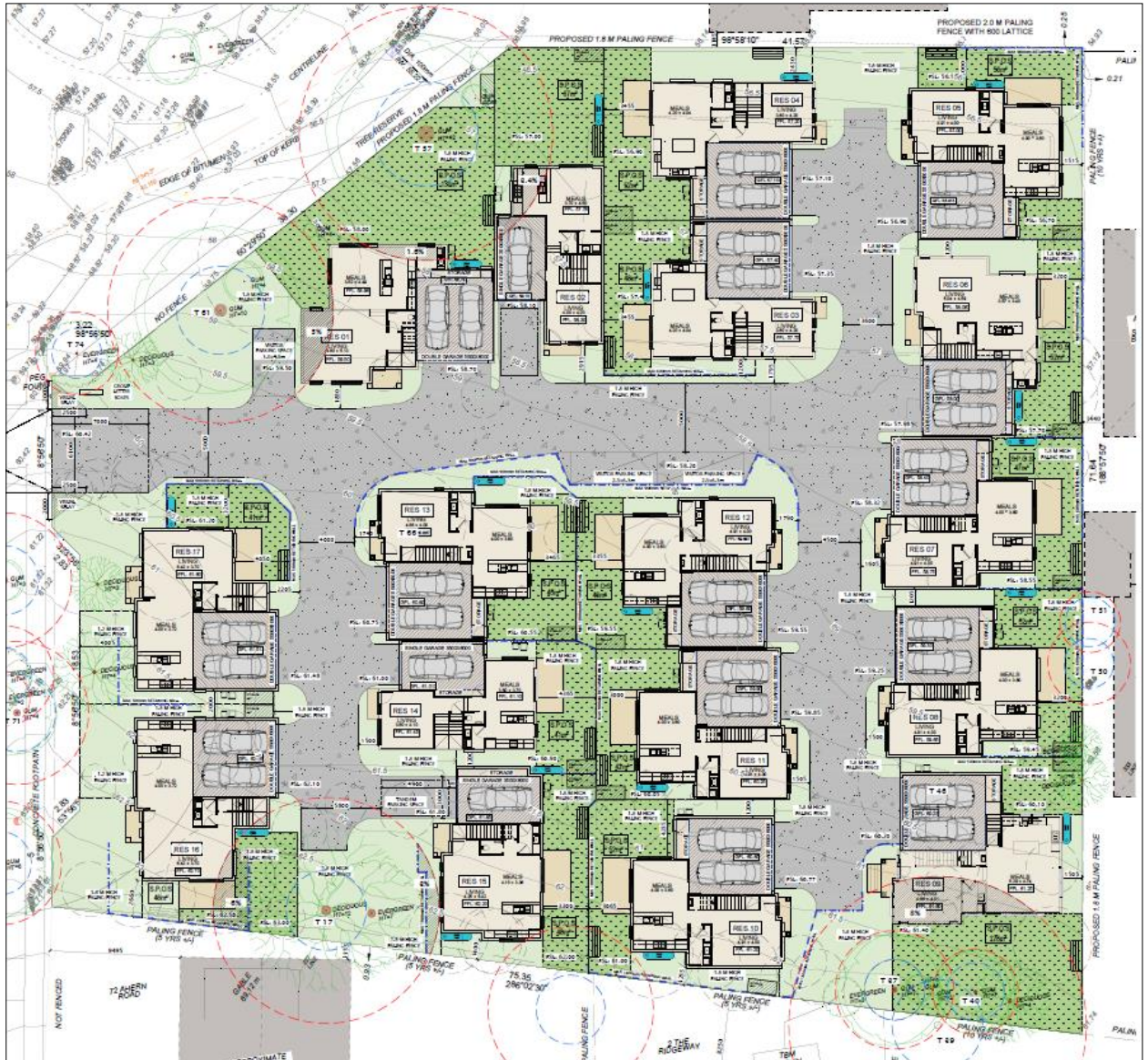


Figure 7 - Proposed Ground Floor Plan.



Figure 8 - Proposed Elevations (partial).

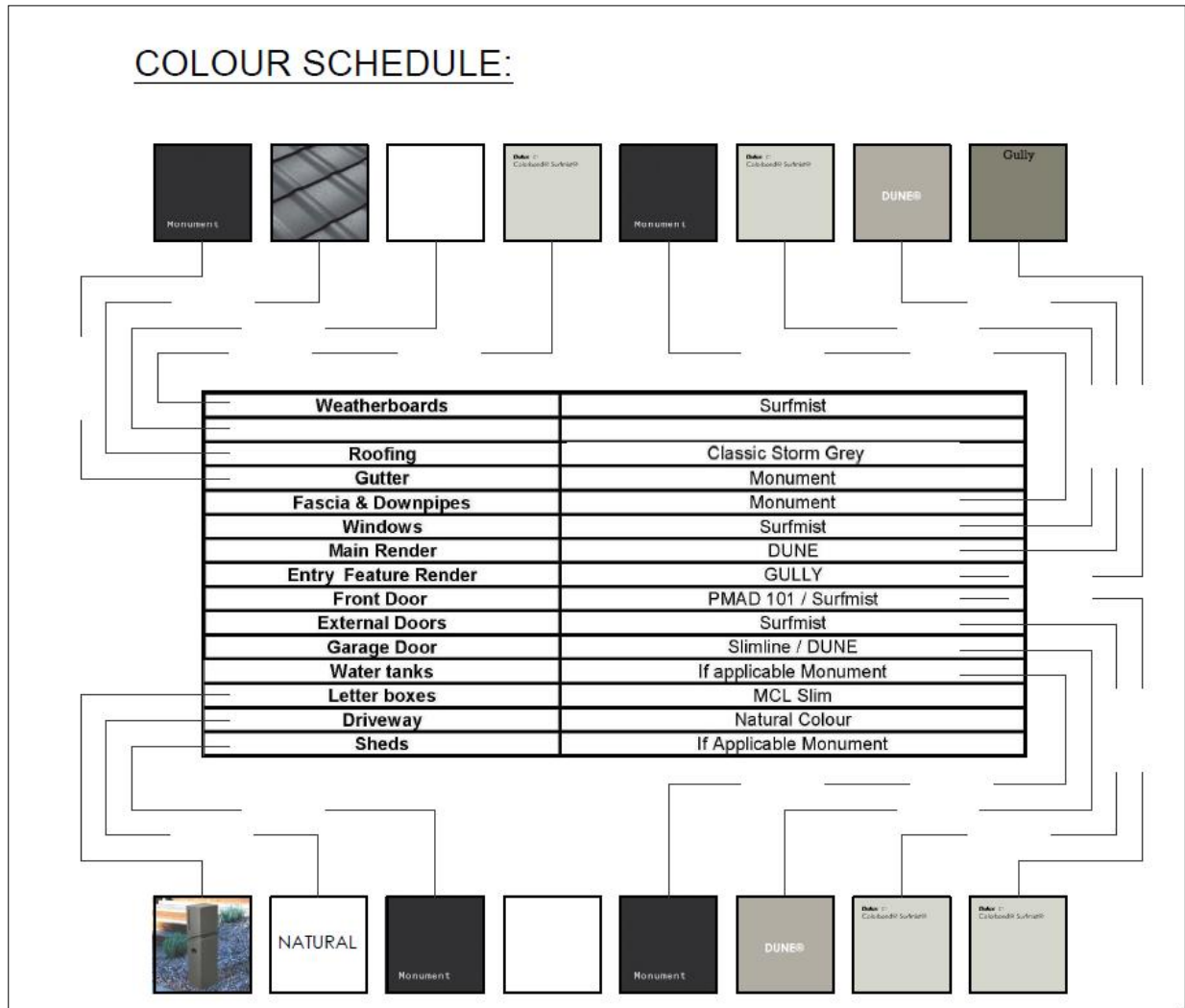


Figure 9 - Proposed Colour Schedule

### Planning Scheme Provisions

#### Zone

The land is subject to the following zone:

- General Residential Zone – Schedule 1.

#### Overlays

The land is subject to the following zone:

- 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 12.01-1S Protection of Biodiversity
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R Urban Design - Metropolitan Melbourne
- Clause 15.01-2S – Building Design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S – Neighbourhood Character
- Clause 16.01-1S – Housing Supply
- Clause 16.01-1R Housing Supply – Metropolitan Melbourne
- Clause 16.01-2S – Housing Affordability

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

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.02-3 Biodiversity
- Clause 21.03-1 – Housing
- Clause 21.03-2 – Urban Established Area – Beaconsfield and Pakenham
- Clause 21.06-1 – Urban Design

### **Relevant Particular/General Provisions and Relevant Incorporated or Reference Documents**

The relevant Particular and General Provisions are:

- Clause 52.06 – Car Parking
- Clause 53.18 – Stormwater Management in Urban Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings
- Clause 65 – Decision Guidelines
- Clause 66 – Referral and Notice Provisions

### **Planning Permit Triggers**

The proposal for construction of seventeen (17) double storey dwellings on the lot, triggers the need for a planning permit under the following provisions of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08 – 6 (*General Residential Zone – Construction and Extension of Two or More Dwellings on a Lot*); a permit is required to construct two or more dwellings on a lot.

## Public Notification

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

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

The notification has been carried out correctly, with a statutory declaration submitted to Council on 16 February 2023.

Council has received five (5) objections to date.

The key issues that were raised in the objections are summarised below:

- Overdevelopment of Site (Inappropriate Density);
- Consistency with Neighbourhood Character;
- Overlooking Impacts;
- Overshadowing Impacts;
- Removal of Vegetation;
- Provision of Car Parking;
- Increase in Traffic Congestion and Impacts on Local Road Network; and
- Noise Impacts Associated with Construction

A response to the concerns raised above is provided within relevant sections of the assessment provided below.

## Referrals

### External Referrals/Notices:

The application was not required to be referred to any relevant referral authority pursuant to Clause 66 of the Cardinia Planning Scheme.

### Internal Referrals:

Internal Department	
Strategic Planning Department	No objection.
Urban Design	No objection; subject to conditions.
Development Infrastructure Services	No objection; subject to conditions.
Traffic & Transport Services	Not Supported.

Waste Management Services	No objection.
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## Discussion

The key issues regarding the proposal include:

- Response to the Planning Policy Framework and Local Planning Policy Framework;
- Response to the Zones and Overlays that apply to the site;
- Response to Neighbourhood Character;
- Response to the objectives and standards of Clause 55; and
- Consideration of reasons for objection.

### Planning Policy Framework

A number of State and Local policies are relevant to this application for multiple dwellings. Many of these policies have repetitive considerations and themes, and as such may be listed multiple times within this assessment.

**Clause 11 Settlement** identifies that Planning is to anticipate and respond to, among other things, the needs of existing and future communities, and contribute to healthy neighbourhoods, a diversity of choice, and high standards of urban design in appropriately located areas.

Clause 11.01-1S Settlement seeks to “facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements” as to which Pakenham is one of these settlements. Infill development opportunities are appropriately identified as one way to limit urban sprawl, with a need to focus these infill opportunities in areas close to transport and other services. Clause 11.01-1R Settlement – Metropolitan Melbourne further expands on this overarching planning aim.

It is acknowledged that the site is suitable for infill development to provide for diversity of choice within an existing established settlement (Clause 11.01-1S, Clause 11.01-1R).

Whilst being located within an established residential area and having a public transport option within the vicinity (Bus 927m (Pakenham Railway Station to Pakenham Primary School)), secondary bus routes are not within an overly walkable catchment being Bus 925 (900m to the west as the crow flies (1.1km walk)), and Bus 840 and 929 (900m to the east as the crow flies (1.3km walk)). Community services within a 400m walkable catchment radius are also limited, with only the Don Jackson Reserve being within 400m. As such, the limited services within an immediately walkable catchment temper expectations of appropriate infill density.

This is best described within the applicant’s Town Planning Report which when discussing the site’s location concludes the site is on the *“periphery of the core of the central activity centre of Pakenham. It is within walking distance to a large public oval/reserve to the north and is approximately 1km north of the Princes Highway arterial road.”* No significant services or facilities are noted with the exception of one open space area and an arterial road within the immediate walkable catchment.



Figure 10 – Aerial Imagery showing 400m radius of the site, (NearMap, Feb 2023)

**Clause 12 Environmental and Landscape Values** broadly seeks to provide policy support to protect the health of ecological systems and the biodiversity they support. Clause 12.01-1S Protection of Biodiversity seeks “to protect and enhance Victoria’s biodiversity”, with supporting strategies including to ensure decision making factors in cumulative impacts and fragmentation of habitat. Additionally, Clause 12.05-2 seeks to “*protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*”

Whilst noting the site is not subject to any particular zones or overlays that would otherwise provide greater identification and protection of the environment and landscape biodiversity, that does not mean that the site does not provide any environmental value. The site incorporates substantial canopy and bushy cover (predominantly along property boundaries), which is a slightly unique feature, as much of the surrounding properties do not include as much canopy cover and biodiversity compared to the subject site.

The Arborist Report provided with the application identifies and assesses seventy-four (74) trees, ten (10) of which are located on adjoining land (private property or within road reserves).

Of the remaining sixty-four (64), eight (8) trees / groups of trees (Trees 6, 17, 40, 46, 54\*, 57, 61 & 66) have been identified and listed as ‘moderate’ protection value and are “worthy of

retention” with a “moderate to high landscape significance” and that “where possible and practical, these trees should be considered for protection.”

Of the eight (8) trees included as part of the group of trees recommended for protection, only four (4) individual trees are proposed to be retained as shown on plans (Tree 17, 40, 57, 61). The proposal further seeks to retain six (6) individual trees (Tree 5, 7, 10, 36, 41 and 45) which all have a low value and retention rating.

Minimal justification is provided within the Town Planning Report for the removal of fifty-four (54) of the sixty-four (64) trees / group of trees on site, including only retaining 50% of the identified trees “worthy of retention” with a “moderate to high landscape significance.” The Town Planning Report identifies that a planning permit is not required for removal, however it is submitted that appropriate town planning and urban design practice seeks to retain canopy vegetation where possible to respond to policy seeking to protect and enhance the environment.

Not only is such a substantial amount of vegetation to be removed considered to be representative of an excessive density and overdevelopment, the 2,675m<sup>2</sup> (59% of the site) of hard cover areas severely restricts landscaping opportunities and the proposal results in an overall net loss of canopy coverage and biodiversity. Additionally, any benefit of proposed new landscaping will not be seen for several years.

A significant opportunity remains to retain additional vegetation and propose additional landscaping based on an amended proposal at a more appropriate density.



Figure 11 – Aerial Imagery of subject site, showing existing vegetation (Nearmap, Feb 2023)

**Clause 15 Built Environment and Heritage** broadly seeks to *“recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods”* through ensuring that planning respects existing and preferred built form and streetscape character, and results in functional, accessible, safe and diverse physical and social environments.

Clause 15.01 Built Environment includes a number of sub-clauses including Clause 15.01-1S Urban Design which has an objective to *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.”* Strategies include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*

Clause 15.01-1R Urban Design – Metropolitan Melbourne expands further, with an objective to *“create a distinctive and liveable city with quality design and amenity”* with supporting objectives including to *“support the creation of well-designed places that are memorable, distinctive and liveable.”*

Further, Clause 15.01-2S Building Design seeks to *“achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.”* Several similar strategies overarchingly seek for development to minimise impact of development on neighbouring properties and the public realm, and to encourage development to retain existing vegetation.

Clause 15.01-4S Healthy Neighbourhoods seeks to *“achieve neighbourhoods that foster healthy and active living and community wellbeing”* whilst Clause 15.01-5S Neighbourhood Character seeks to *“recognise, support and protect neighbourhood character, cultural identity, and sense of place.”* Strategies include to:

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



- *Neighbourhood character values and built form that reflect community identity.*

With the site being in an established residential area and in lieu of any guiding Structure Plan or Neighbourhood Character Study, it is required to review the relevant zoning and overlay provisions as well as site and desktop inspections to determine both existing and preferred future character considerations.

Whilst the site is not subject to any character or design overlay and that the zone (and supporting schedule) does not include any specific character objectives, this does not mean that either existing or preferred character do not exist.

A review of the surrounds identifies that:

- The subdivision pattern generally regards single dwellings on detached lots.
- Street setbacks are generally consistent, with landscaping opportunities to the front and rear with rear yards relatively generous and consistent.
- Built form is congruent to single-storey single dwellings on lots, however double storey elements are noted generally where extensions have been added to the rear whilst single storey still appears as the dominant form to the street.
- Brick is a common external material, with conventional roof forms and minimal eaves, reflecting a general 1960s/1970s typology.
- Multi-dwelling development is an emerging trend, where some double-storey development occurs.
- Density of multi-dwelling developments varies, noting that multi-dwelling development is occurring on single or double blocks and as such unit development may only be resulting in 6-8 units on larger lots.
- There are no examples of double storey-built forms throughout entire widths and depths of sites.

The 'Upper Floor Plan' best identifies the substantial and excessive double storey elements located throughout the site, with substantial and excessive internal accessways required to provide vehicular access to the dwellings. This is exacerbated by the site being located on a relative highpoint, and as such the built form will be seen from various directions.

The density of the development, as well as the continued double-storey elements are not an existing, or preferred character element when assessing the site and surrounds.

The General Residential Zone specifically seeks to "*encourage development that respects the neighbourhood character of the area*" whilst allowing for a "*diversity of housing types and housing growth particularly in locations offering good access to services and transport.*" Multi dwelling development is possible for the site to assist in diverse housing opportunities, however the vegetation, slope of land and surrounding character all limit development potential to some degree. Whilst appropriate design can 'overcome' these matters, the proposal at hand results in visual bulk and massing inconsistent with the character of the area. Further extrapolating this issue is that due to the site being on a corner, double storey-built form will pierce the public realm and result in adverse visual impacts incongruent with the character of the area. In short, the proposal is considered overdevelopment of the site at the cost of neighbourhood character

due to the built form outcomes of continued double storey through the depth and width of the site, density, bulk and massing.

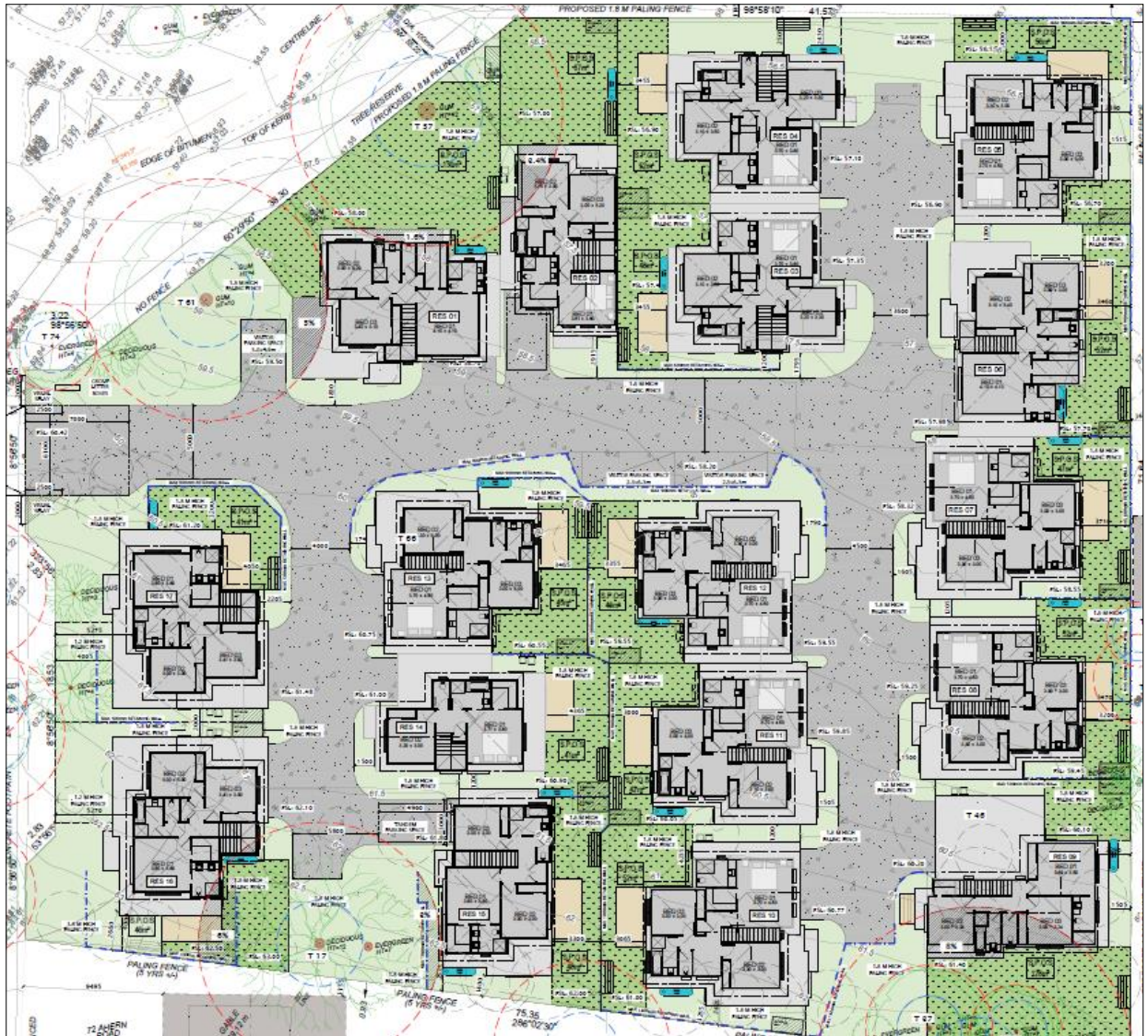


Figure 12 - Proposed upper floor plan identifies extensive double-storey built form throughout the site.

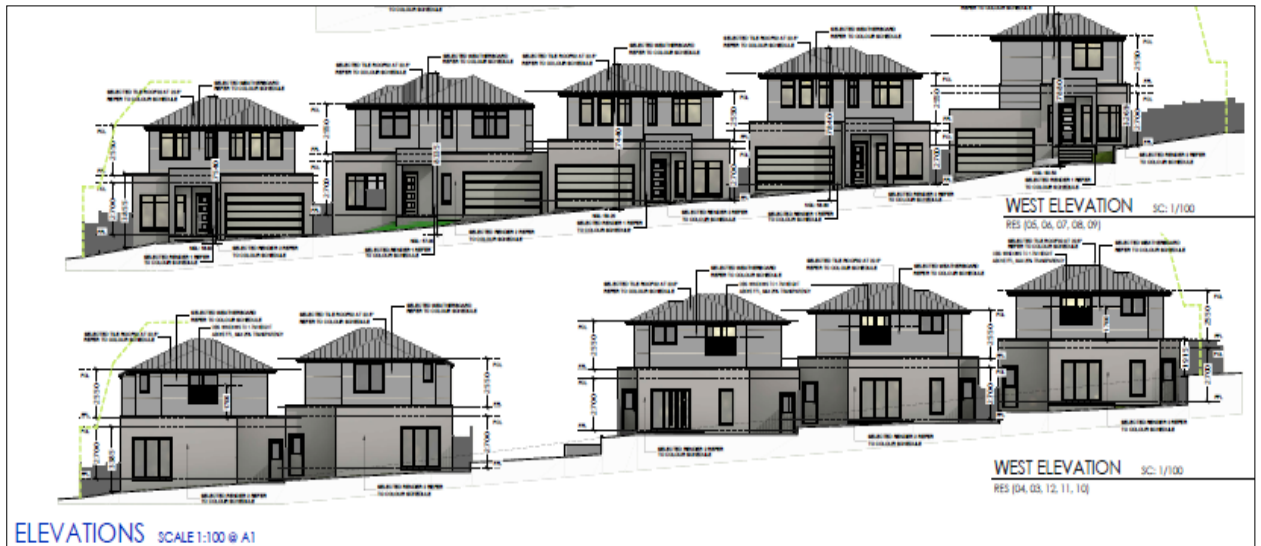


Figure 13 - Proposed Elevations (partial).



Figure 14 - Aerial imagery of the residential properties to the east of the subject site (NearMap, Feb 2023)



*Figure 15 – Typical view of Pownceby Court to the north east of the subject site (Google Streetview, Feb 2023).*



Figure 16 - Aerial imagery of the development pattern south of the subject site (NearMap, Feb 2023)



*Figure 17 – Typical development of The Ridgeway to the south of the subject site (Google Streetview, Feb 2023).*



*Figure 18 – Typical development found within Thwaites Road to the south of the site (Google Streetview, Feb 2023).*



Figure 19 - New single storey unit development at corner of Thwaites and Ahern Road, south of the subject site (Google Streetview, Feb 2023).



Figure 20 - Aerial imagery of the development pattern west of the subject site (NearMap, Feb 2023)



*Figure 21 – Eagle Drive, west of the subject site looking further south-west (Google Streetview, Feb 2023).*

**Clause 16 Housing** has similar considerations and notes that “*Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure*”. Clause 16.01-1S Housing Supply seeks “*to facilitate well-located, integrated and diverse housing that meets community needs*” with various supporting strategies including:

- *Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*
- *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
- *Encourage the development of well-designed housing that:*
  - *Provides a high level of internal and external amenity.*
  - *Incorporates universal design and adaptable internal dwelling design.*

These strategies are generally mirrored and expanded on at Clause 16.01-1R Housing Supply – Metropolitan Melbourne and Clause 16.01-2S Housing Affordability

Whilst the development provides for a unit development, which is in principle a diverse dwelling type compared to the general housing stock in the area, an ‘*appropriate quantity, quality and type*’ should be provided in accordance with policy outlined above.



Upon this consideration of policy, the diversity of dwelling typology within the development is limited with all seventeen (17) dwellings being double storey in nature and only one incorporating a bedroom at the ground floor which significantly limits the potential for dwellings to accommodate those with limited mobility or specific needs (such as stairwells and small children, aged residents etc).

Additionally, sixteen (16) of the seventeen (17) dwellings are three bedrooms which does not result in appropriate diversity, such as housing stock with two bedrooms or four bedrooms for smaller or larger family units.

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Local Planning Policy Framework seeks to support and expand on the Planning Policy Framework.

**Clause 21.01 Cardinia Shire Key Issues and Strategic Vision** identifies key influences including urban pressures on rural hinterland and the green wedge, and key issues including the *“sustainable development of the Urban Established Areas”*.

**Clause 21.02 Environment** supports Clause 12 Environmental and Landscape Values. Clause 21.02-3 Biodiversity identifies Cardinia Shire’s diverse environment and decline and fragmentation of habitat and loss of biodiversity. Objective 1 seeks to ensure no net loss in the quantity and quality of native vegetation in the municipality by seeking to ensure that *“the siting of buildings and works avoids and minimises the removal or fragmentation of native vegetation.”*

As assessed under Clause 12 above, the proposal results in the removal of a significant percentage of vegetation from the site, inclusive of over 50% of trees/group of trees deemed “worthy of retention” with a “moderate to high landscape significance” and that “where possible and practical, these trees should be considered for protection.” Whilst some landscaping opportunities exist to replant vegetation, a concept landscape plan has been provided with application that provides minimal comfort that a net benefit of biodiversity and canopy cover is to result from the proposal.

**Clause 21.03 Settlement and Housing** seeks to expand on and support various elements of Clause 11 Settlement, Clause 15 Built Environment and Heritage and Clause 16 Housing.

Clause 21.03-1 Housing identifies that housing in Cardinia Shire is dominated by detached dwellings, and more diverse forms of housing are required. This need is balanced by objectives and strategies including:

- *Balancing diversity of housing choices in rural townships while ensuring consistency with the character of the township.*
- *Recognising the demand for specialist design housing including housing for the aged, people with a disability or mobility issues.*
- *Providing opportunity for development of ‘Affordable Housing’.*
- *Ensure that future housing growth is effectively managed to maintain and enhance the qualities of the municipality.*

- *Encourage an increase in densities that has a high standard of urban design, timely provision of infrastructure and is consistent with the existing and/or preferred neighbourhood character.*
- *Encourage medium density housing to be located within or at the interface of activity centres and overlooking local and linear open space.*
- *Ensure residential development and subdivisions are designed to be responsive to existing urban character.*
- *Encourage the development of a diverse, flexible, adaptable range of housing types and tenures.*
- *Encourage the development of appropriately located and designed accommodation for the aged including options for ageing in place.*

Clause 21.03-2 Urban Established Area – Beaconsfield and Pakenham identifies that the site, located within an established area of Pakenham is suitable for appropriate development resulting in diversity of housing types and sizes and an increase in the provision of ‘affordable housing.’

As assessed under Clause 11 Settlement, Clause 15 Built Environment and Heritage and Clause 16 Housing, the limited diversity of dwellings within the development, the proposal results in a distinct lack of dwellings being appropriate for various spectrums of the market due to bedrooms being located on upper floors, and all dwellings being double storey in nature.

Further, as assessed above under Clause 11 Settlement, Clause 15 Built Environment and Heritage and Clause 16 Housing, the proposal does not appropriately respond to the existing or preferred neighbourhood characteristics predominantly due to the bulk, massing and nature of 17 double-storey dwellings as a direct result of over development of the site. The proposal results in over 35 dwellings per hectare, and while there is no prescribed ‘maximum density’, the proposed density is not supported or directed by policy in this location.

These matters negate the proposal’s intent to provide for development in an appropriate area.

**Clause 21.06 Particular Uses and Development** includes Clause 21.06-1 Urban Design which mirrors elements of policy seeking for design to respond to the site, surrounds and character to result in good built form outcomes.

The slope of the land results in various areas of cut, fill, pads and retaining walls to allow for such intensive development whilst continued double storey-built form and a lack of varied materiality results in a ‘cookie cutter’ design which appears to have focused on achieving maximum yield as opposed to considering the site and surrounds on its merit. Elevation plans identify a relatively uninspiring and bleak built form outcome that does not respond to or respect the character of the area.

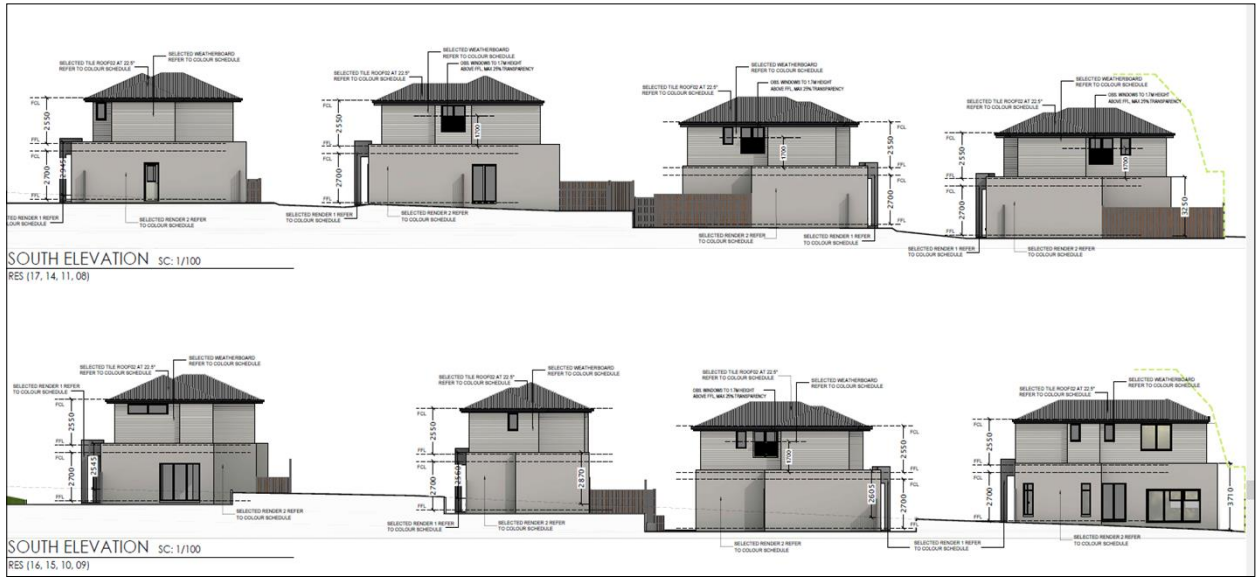


Figure 22 – Proposed Development Elevations (South) displaying uniform design and limited variation in design.



Figure 23 – Proposed Development Elevations (North) displaying uniform design and limited variation in design.

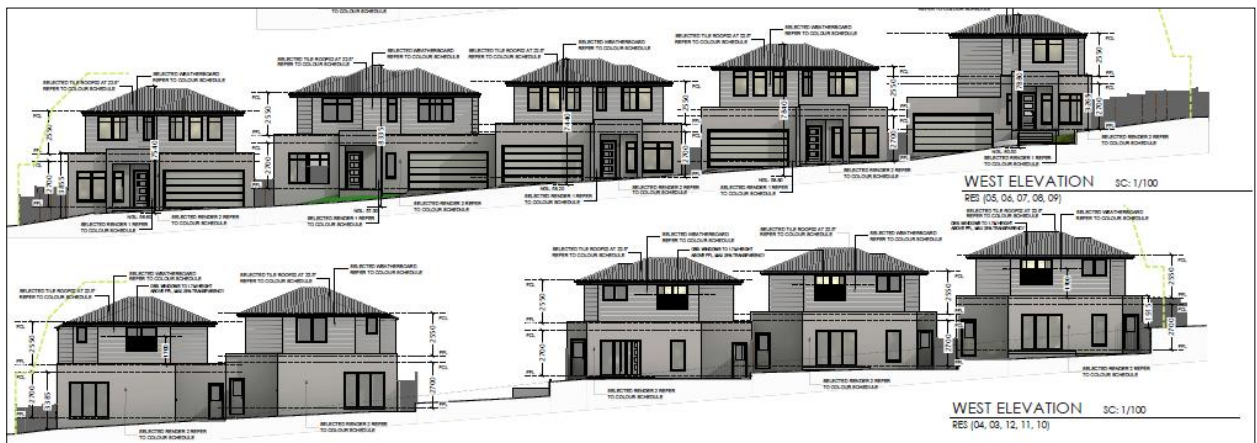


Figure 24 - Proposed Development Elevations (Internal) displaying uniform design and limited variation in design.

## Conclusion

Upon assessment of the relevant Planning Policy Framework and Local Planning Policy Framework, the proposal provides a mixed response to the considerations, purposes, objectives and strategies.

The proposal seeks to maximise yield at the expense of good planning outcomes.

The proposal does not appropriately respond to:

- Clause 12.01-1S Protection of Biodiversity, Clause 12.05-2 Landscapes, Clause 15.01-2S Building Design and Clause 21.02-3 Biodiversity as the proposal does not adequately seek to protect or enhance the biodiversity of the site and ignores the character and importance of the sites vegetation due to substantial removal of vegetation on the site to accommodate the built form.
- Clause 15.01-2S Building Design, Clause 15.01-4S Healthy neighbourhoods and Clause 21.03-1 Housing as the design does not encourage any walkability through the site, and would otherwise benefit from separated or designated pedestrian connections throughout the site, nor provide for inclusive and accessibility as the majority of dwellings are double storey without bedrooms on the ground floor severely restricting availability to a wide spectrum of the market.
- Clause 15.01-1S Urban Design, Clause 15.01-1R, Clause 15.01-2S Building Design, Clause 15.01-5S, Clause 21.03-1 Housing and Clause 21.06-1 Urban Design as the proposal does not respond appropriately to the existing or envisaged preferred future character of the area and results in poor built form and urban design outcomes.
- Clause 16.01-1S Housing Supply, Clause 16.01-1R Housing Supply – Metropolitan Melbourne, Clause 16.01-2S Housing Affordability and Clause 21.03-1 Housing as the proposal has limited diversity within the development or provide appropriate levels of differing accommodation for a wide spectrum of the market.

It is acknowledged the site has development potential, however the proposal at hand is not supported by the relevant policy.

## **General Residential Zone - Schedule 1**

The subject site is zoned General Residential Zone – Schedule 1, the purpose of which seeks to encourage development that respects the neighbourhood character of the area, and to encourage a diversity of housing type and growth in locations offering good access to services and transport. It is acknowledged that the Schedule to the Zone does not provide any further guidance in relation to neighbourhood character objectives.

In this application, a permit is required through this planning control to construct two or more dwellings on a lot pursuant to Clause 32.08-6, and that the proposal must meet the minimum garden area pursuant to Clause 32.08-4. Pursuant to this clause, a total of 35% of the site is to be set aside for Garden Area. The proposal provides for 39.8% garden area which appropriately meets this threshold.

Clause 32.08-13 provides for a number of decision guidelines for the Responsible Authority (Council) to consider, as deemed relevant. These consider several themes, including general matters as well as dwelling and residential building matter including the proposals response to Clause 55 (an assessment of which is provided as an appendix to this report and is discussed further below).

For reasons outlined within the Planning Policy Framework assessment chapter, the proposal does not appropriately respond to the neighbourhood character of the area or encourage an appropriate level of diversity in housing based on sound and solid planning and urban design principles. This site can accommodate an increase in development and density to provide a diversity in housing choice (assessed from a wider precinct level as well as internally to the sites boundaries), yet the proposal regards an overdevelopment of the site seeking to maximise yield at the expense of the character and appropriate built form outcomes.

The assessed proposal also has a mixed response to the relevant decision guidelines as:

- The proposal does not appropriately respond to several of the relevant Planning Policy Framework considerations
- The proposal does not appropriately respond to the purposes of the General Residential Zone.
- The proposal has a mixed response to several standards and objectives of Clause 55.

As such, it is concluded that the proposal does not appropriately respond to the purposes and decision guidelines of the General Residential Zone and should not be supported in its current form.

### **Development Contributions Plan Overlay - Schedule 1**

DCPO1 provides guidance and particulars for required development contributions if a permit were to be issued. As a planning permit is not recommended for reasons outlined in this report, this Overlay is not considered further.

### **Particular and General Provisions**

A number of particular and general provisions are required to be considered.

#### **Clause 52.06 Car Parking**

The purpose of Clause 52.06 is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality car parking requirements for the proposal.

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

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

Type	Rate	Parking required
Dwellings with 2 bedrooms	1 car space	1 x 1 = 1
Dwellings with 3 or more bedrooms	2 car spaces	16 x 2 = 32
Developments of 5 or more dwellings	1 visitor car space per 5 dwellings	3
<b>Total required</b>		<b>36 spaces</b>

The proposal meets the numerical requirements and provides:

- 1 car space to the two-bedroom Unit;
- 2 car spaces to all three bedroom units (via either double car garage or a single car garage plus tandem space; and
- Provides the required three visitor spaces.

Two visitor spaces are provided to the south of an internal accessway and require visitors to undertake a three-point turn (assumed to be at the 'T intersection' of the internal accessway) which is not deemed appropriate.

However, if a permit was to be issued, it is considered this issue could be resolved through a permit condition.

A number of other considerations are outlined in Clause 52.06 including standards for accessways, car parking spaces, gradients, urban design, safety and landscaping.

In addition to the above, the application has been referred to Council's Traffic & Transport Services whom have reviewed the proposal and advised that it provides for inappropriate overall access to the site being from the existing crossover (due to the increased density and traffic volumes it will now be required to serve).

#### **Clause 53.18 Stormwater Management and drainage infrastructure**

The purpose of Clause 53.18 is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The application has been referred to Council's Development Infrastructure Services Department, and they have not objected to the application.

#### **Clause 55 Two or More Dwellings on a Lot**

As identified within the Clause 55 Assessment provided at Appendix 1, the proposal does not appropriately align with a number of objectives and/or standards of Clause 55 including:

- Clause 55.02-1 Neighbourhood Character standard (and objective)
- Clause 55.02-2 Residential Policy standard (and objectives)
- Clause 55.02-3 Dwelling Diversity (and objectives)
- Clause 55.03-1 Street Setback standard (and objectives)
- Clause 55.03-2 Building Height (and objectives)
- Clause 55.03-5 Energy Efficiency (and objectives)
- Clause 55.03-8 Landscaping standard (and objectives)
- Clause 55.03-10 Parking Location (and objectives)
- Clause 55.04-1 Side and Rear Setbacks (and objectives)

- Clause 55.05-1 Accessibility (and objectives)
- Clause 55.06-1 Design Detail standard (and objectives)

The Clause 55 assessment, in conjunction with the Neighbourhood Character assessment above, identifies that the shortcomings of the proposal are generally as a result of overdevelopment of the site, resulting in an outcome that does not respond appropriately to the existing or preferred neighbourhood character.

Double-storey development throughout the site, dominated by internal accessways, is a poor outcome whilst the dwellings are limited in diversity and do not provide any bedrooms at the ground floor to provide housing opportunity to large segments of the market.

The overdevelopment and high yield results in a number of design concerns outlined throughout this report. Whilst policy dictates the site can accommodate some development, the proposal at hand is not well-considered and results in an unsuitable design outcome. Further details are included in Attachment 5.5.3, 55.02-1 Neighbourhood character objectives.

### **Objections**

A total of 5 objections were received to this application at the time of writing this report.

The following comments are provided in response to concerns raised by objectors, in no order:

<b>Theme of Objection</b>	<b>Response</b>
Loss of privacy due to removal of vegetation. overlooking at ground floor (due to slope of land) and upper floor windows to adjoining properties	Upper floor window treatments are proposed to be built to relevant standards to reduce/minimise overlooking, whilst fencing at the ground floor level also meets relevant requirements. Vegetation is not considered as screening for the purpose of overlooking particulars.
Overshadowing to adjoining properties	Shadow diagrams provided identify additional overshadowing to some properties, however remains compliant with overshadowing requirements as assessed via Clause 55.
Noise impacts from proposed construction (and other various construction impacts) and subsequent noise from future residents	Being in an established residential area, noise from future residents is not a valid planning matter. If a permit were to be issued, relevant conditions could ensure appropriate mitigation of noise during construction to meet required EPA guidelines.
Poor response to neighbourhood character due to density, height etc	As assessed throughout this report, the proposal does not appropriately respond to the existing or preferred neighbourhood character.
Reduction in property value of adjoining/nearby residences	Not a valid planning consideration but the assumed reasons for the concerns around reduction in property value are discussed in this report.
Removal of significant amounts of vegetation (and/or particular trees), inclusive of trees noted	As assessed throughout this report, the proposal does not appropriately respond to policy seeking for tree

as 'worthy of retention' and subsequent impacts to flora, fauna, habitat etc	retention balanced against expected development potential of the site.
Construction Impacts	If a planning permit were to be issued, relevant and standard conditions could be placed on any permit issued to control construction particulars to mitigate construction impacts.
Drainage impacts due to additional built form	If a planning permit were to be issued, relevant and standard conditions would be placed on any permit issued to control drainage solutions to ensure no detrimental impacts to the site or surrounds.
Traffic congestion at roundabout and other traffic impacts	The existing road network is deemed capable of handling increased traffic, however as outlined above Councils Traffic & Transport Services Department are not supportive of the increased density being served via the existing crossover within close proximity to round-about.

### **Clause 65 Decision Guidelines**

The application has been assessed against Clause 65 – Decision Guidelines. For the reasons outlined above, the application is not responsive to many of the considerations contained in Clause 65, and as such, is not supported.

### **Conclusion**

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

Substantial residential intensification of the site is proposed through the introduction of seventeen (17) double-storey dwellings – sixteen (16) of which are three bedrooms, with all dwellings only incorporating bedrooms at the first floor.

The proposal results in poor design outcomes not appropriate for the site or surrounds and presents an unacceptable transformation directly due to overdevelopment of the site.

It is therefore recommended that Council refuse to grant a Planning Permit, on the grounds contained within the recommendation section of this report.

### **Resolution**

Moved Cr Jack Kowarzik, seconded Cr Carol Ryan.

That Council having caused notice of Planning Application No. T220501 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, Refuse to Grant a Permit in respect of the land known and described as L1 PS317592E V10172 F256, 74-76 Ahern Road, Pakenham VIC 3810, for the '*Construction of Seventeen (17) Dwellings on a Lot*', on the following grounds:



1. The proposal does not appropriately respond to relevant Planning Policy Framework considerations as follows:
  - a. Clause 12.01-1S Protection of Biodiversity, Clause 12.05-2 Landscapes, Clause 15.01-2S Building Design and Clause 21.02-3 Biodiversity as the proposal does not adequately seek to protect or enhance the biodiversity of the site, and ignores the character and importance of the sites vegetation due to substantial removal of vegetation on the site to accommodate the built form
  - b. Clause 15.01-2S Building Design, Clause 15.01-4S Healthy neighbourhoods and Clause 21.03-1 Housing as the design does not encourage any walkability through the site, nor provide for inclusive and accessibility as the majority of dwellings are double storey without bedrooms on the ground floor severely restricting availability to a wide spectrum of the market.
  - c. Clause 15.01-1S Urban Design, Clause 15.01-1R, Clause 15.01-2S Building Design, Clause 15.01-5S, Clause 21.03-1 Housing and Clause 21.06-1 Urban Design as the proposal does not respond appropriately to the existing or envisaged preferred future character of the area and results in poor built form and urban design outcomes.
  - d. Clause 16.01-1S Housing Supply, Clause 16.01-1R Housing Supply – Metropolitan Melbourne, Clause 16.01-2S Housing Affordability and Clause 21.03-1 Housing as the proposal has limited diversity within the development or provide appropriate levels of differing accommodation for a wide spectrum of the market
2. The proposal is inconsistent with the purposes and decision guidelines of the General Residential Zone as it is considered to be an overdevelopment of the site as it provides for a poor response to relevant Planning Policy Framework considerations and does not respect the character of the area and fails to provide appropriate diversity to the site.
3. The proposal is inconsistent with the purpose, design standards and decision guidelines of Clause 52.06 (Car Parking).
4. The proposal is inconsistent with the following standards and/or objectives of Clause 55:
  - a. Clause 55.02-1 (Standard B1) - Neighbourhood Character;
  - b. Clause 55.02-2 (Standard B2) - Residential Policy;
  - c. Clause 55.02-3 (Standard B3) - Dwelling Diversity;
  - d. Clause 55.02-5 (Standard B5) – Integration with the Street;
  - e. Clause 55.03-1 (Standard B6) - Street Setback;
  - f. Clause 55.03-5 (Standard B10) - Energy Efficiency;
  - g. Clause 55.03-8 (Standard B13) - Landscaping;
  - h. Clause 55.05-1 (Standard B25) – Accessibility;

- i. Clause 55.06-1 (Standard B31) - Design Detail; and
- j. Clause 55.06-2 (Standard B32) – Front Fences.

Carried

## 5.3 T220208 - 14 O'Sullivan Street, Pakenham - Use and development of the land for a Place of Worship

**Responsible GM:** Lili Rosic  
**Author:** Frances Stipkovic

### Recommendation(s)

That Council refuse to grant Planning Permit T220208 for the use and development of a Place of Worship at Lot 17 PS747005 known as 14 O'Sullivan Street, Pakenham VIC 3810 on the following grounds:

- 1) The proposal is incompatible with the industrial location, sought to be protected by:
  - a. Clause 33.01 Industrial 1 Zone
  - b. Clause 11.02-6S (Regional and Local Places Planning)
  - c. Clause 13.07-1S (Land use compatibility)
  - d. Clause 17.03-2S (Sustainable Industry)
  - e. Clause 17.03-3S (State-significant Industrial land), and
  - f. 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) Built form outcomes are contrary to the industrial area and do not provide functionality or adaptability, as sought by:
  - a. Clause 15.01-1S (Urban Design)
  - b. Clause 15.01-2S (Building Design)
  - c. Clause 21.06-1 (Urban Design)
- 4) 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).
- 5) The proposal does not appropriately respond to Clause 65 Decision Guidelines of the Cardinia Planning Scheme.

### Attachments

- Development Plans
- Locality Map

### Executive Summary

<b>APPLICATION NO.:</b>	T220208
<b>APPLICANT:</b>	Glory Architecture
<b>LAND:</b>	Lot 17 PS747005 14 O'Sullivan Street, Pakenham VIC 3810
<b>PROPOSAL:</b>	Use and development of the land for a Place of Worship

<b>PLANNING CONTROLS:</b>	Clause 33.01 - Industrial 1 Zone (IN1Z)
<b>NOTIFICATION &amp; OBJECTIONS:</b>	The proposal was advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> .  To date, zero (0) objections have been received
<b>KEY PLANNING CONSIDERATIONS:</b>	Appropriateness of use within state significant industrial land.  Built Form Outcomes
<b>RECOMMENDATION:</b>	Refusal

### Relevance to Council Plan

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

### Background

T220208 was lodged in March 2022, with the Planning Officer requiring further information (and highlighting some concerns with the proposal) via a “Request for Further Information” in May 2022.

A response to Council’s Request for Further Information was lodged in June 2022. External referral responses (Transport for Victoria) were received in July 2022.

The application proceeded to notice (advertising) in October 2022, with a Statutory Declaration confirming notification was actioned appropriately in November 2022. No objections have been received at the time of writing this report.

As the Officer Recommendation recommends refusal of the application, the application is required to proceed to a Council Meeting for a decision.

### Subject Site

The site is located on the eastern side of O’Sullivan Street, located within both an established and emerging ‘triangular’ industrial area in the south-east of Pakenham bounded by:

- Railway Line 530m to the north
- Pakenham Bypass 450m to the south and further east
- Racecourse Road 220m to the west

The site is located centrally on O’Sullivan Street, with the O’Sullivan Street / Bald Hill Road intersection to the north, and the O’Sullivan / Peet Street intersection to the south. O’Sullivan Street runs generally north-south and includes a pedestrian footpath on the eastern boundary adjacent to the property boundary of the subject site.

The rectangular 3,746m<sup>2</sup> site has a 38m frontage to O’Sullivan Road and 98.59m side boundaries and is generally flat, and currently void of any substantial information as the site is cleared and ready for development.

The surrounding land includes a mix of developed sites, sites under construction or vacant sites. The developed sites reflect the industrial zoning of the site, with a mixture of multi-unit

industrial factorette / warehousing complexes, interspersed with larger individual industrial / warehousing buildings.

Industry, warehousing and restricted retail business listed typologies within the vicinity include hardware, acrylic warehousing, art supplies, distillery, farm equipment, animal feed stores, plumbing supplies, lighting supplier, furniture warehousing, automotive parts, Kennards Hire, Camper and Caravan sales.

Dominant built form characteristics reflect a typical industrial and warehousing precinct, including large 'boxy' built form to allow ease-of-use and access for large vehicles and transferrable business opportunities. Built form generally extends through the site, with small landscaping buffers at the street front, with car parking opportunities to the front, side and rear.



Figure 25 - Subject Site (Nearmap, accessed February 2023)



Figure 26 - Subject site and wider surrounds (Nearmap, accessed February 2023)

### Registered Restrictions

Section 173 Agreement AD662045K is registered on title and requires the provision of water supply and sewerage through South East Water. The Agreement further imposes drainage requirements including payment of contributions to Melbourne Water. The Agreement further requires land consolidation prior to the issuing of a Statement of Compliance.

Section 173 Agreement AU853697B is registered on title and prohibits the further subdivision of Lot 6 on Plan of Subdivision 747005 (subject site is Lot 17).

The proposal will not result in a breach of either Agreement.

### Proposal

Approval is sought for the use and development of the land for a Place of Worship (Church).

It is acknowledged several errors and conflicting information is provided within the application material. For clarity, therefore, the Officer's assessment / calculations of the proposal detailed in this report may conflict with the written submission provided by the applicant.

#### Use

Sought opening hours and capacity regards:

- Monday – Friday: 4:00PM – 8:30PM, maximum of 50 patrons and 4 staff at any one time
- Saturday – Sunday: 8:00AM – 8:30PM, maximum of 200 patrons and 10 staff at any one time

Associated with the place of worship, administrative tasks will be undertaken on site, small group gatherings and 'special interest group' meeting opportunities.

#### Development

The built form is to be located near to the south-east corner of the site, with the predominant area of car parking to be located within the frontage of the site.

The double-storey built form is to have an overall floor area of 1,232m<sup>2</sup>, and will have an overall building height of 10.5m<sup>2</sup> at its highest point but it is acknowledged the built form has a varied roofline.

The 887m<sup>2</sup> ground floor is to incorporate a large stage and stadium area of 21m x 16m (336m<sup>2</sup>), with 5 separated rooms to be used for various related activities accessed off an entryway lobby area, as well as kitchen and bathroom facilities.

The 345m<sup>2</sup> upper floor, accessed via an internal stairwell, incorporates two separated rooms and a large void above the stage/stadium area below.

External materials, colours and finishes include grey and light Gray rendered concrete, timber look composite cladding, dark red wall cladding and monument colorbond roofing.

Car Parking, Access and Landscaping

The existing crossover is to be modified to result in two access points, with a proposed 74 car parks to be provided (46 to the front of the building, 28 to the side and rear) inclusive of two access points. Landscaping pockets are provided along property boundaries.



Figure 27 - Ground Floor Site Plan

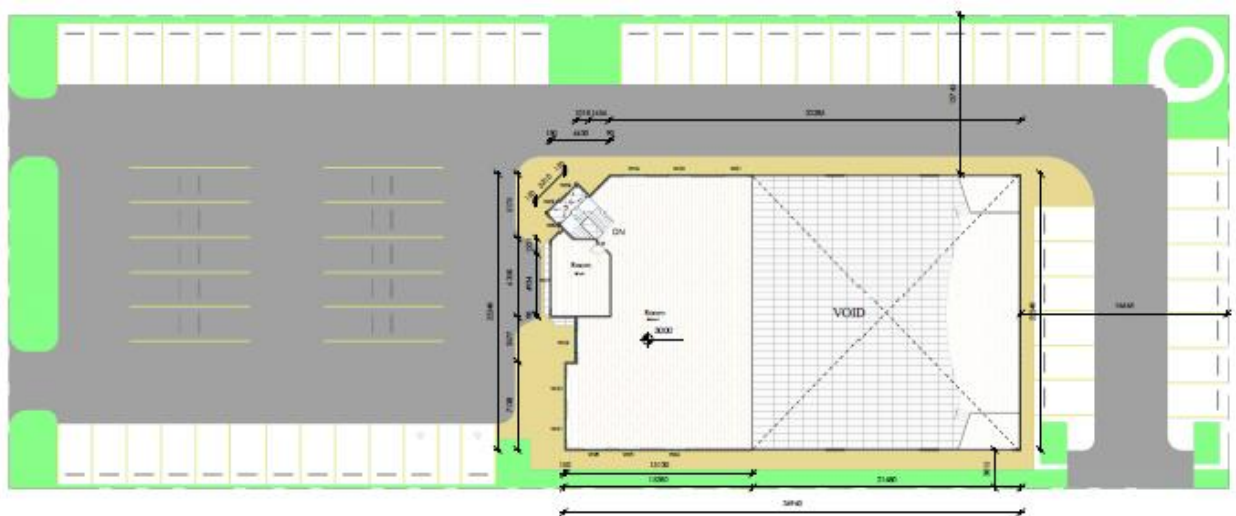


Figure 28 - Upper Floor Plan



Figure 29 - Elevation Plans (noting elevation labels are incorrect).

### Planning Scheme Provisions

The relevant clauses of the PPF are:

- Cause 11.01-1S Settlement
- Clause 11.02-6S Regional and Local Places
- Clause 13.05-1S Noise management
- Clause 13.07-1S Land use compatibility
- Clause 15.01-1S Urban Design
- 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

The relevant clauses of the LPPF are:

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

The relevant Particular and General Provisions are:

- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

### Planning Permit Triggers

The proposal for the use and development of land for a Place of Worship requires a planning permit under the following clause of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone, a permit is required to use the land for a Place of Assembly (Place of Worship) being a Section 2 – Permit Required use.



- 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:

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

A statutory declaration has been submitted confirming the completion of public notice.

At the time of writing this report, Council has received zero (0) objections and one submission in support of the application.

### Referrals

#### Internal referrals

No internal referrals were required.

#### External authorities

One Section 55 referral was required to Transport for Victoria (TfV) who are a determining authority for this matter.

TfV do not object to the granting of any planning permit. No conditions are required to be imposed on any Permit granted.

### Discussion

#### Planning Policy Framework

A number of State and Local policies are relevant to this application for use and development of a Place of Worship which must be considered on its merit from a wider strategic perspective at both a Local and State strategic level.

The Local Planning Policy Framework seeks to support and expand on the Planning Policy Framework, including several key policies relevant to this application, and as such this assessment considers 'themes' of policy.

#### Industry and Land Use Compatibility

Clause 11 Settlement and Clause 11.01-1S Settlement identifies that the structure, function and character of each settlement takes into account its context and framework. Balancing strategic objectives should result in improved land use and development outcomes at a local level. Clause 11.02-6S Regional and Local Places Planning seeks to facilitate integrated place-based planning by considering characteristics and needs of local places in planning for future land use and development.

Clause 13 Environmental Risks and Amenity identifies that "planning should identify, prevent and minimise the risk of harm to ... amenity through land use and development compatibility." Specifically, Clause 13.05-1S Noise Management seeks to assist the management of noise effects by ensuring that development is not prejudiced. In greater detail, 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. Applicable strategies include:

- *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*

Clause 17 Economic Development includes Clause 17.03-2S Sustainable industry which seeks to ensure the availability of land for industry, which is supported by strategies such as:

- *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*
- *Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.*
- *Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.*

Additionally, Clause 17.03-3S State Significant Industrial Land seeks to protect industrial land, including the Officer/Pakenham Industrial Precinct by way of ensuring inappropriate and incompatible uses or development does not occur.

Clause 21.04-4 Industry identifies key issues including to develop industry, manufacturing and service industries that provide services to local residents and businesses, supporting employment and a high standard of urban design.

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

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 applicant's submission that *"it is expected that abutting and surrounding properties will be closed on weekends and weekdays after 5PM"* has not been substantiated, and it is acknowledged that weekend trade is possible for some industries however many businesses are typically closed.

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. The wider scope of all land use strategies generally seek to limit non-industrial uses, except those undertaken in association with industry.

The precinct benefits from strong freight connectivity due to its proximity to the arterial road networks and Princes Freeway while the 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.

As a result, the proposal is fundamentally inconsistent with the objective and key strategies of these policies which directs for the need to protect land from encroachment and incremental erosion by inappropriate land uses and development.

Much of the policy direction and consideration has been substantiated through VC215 (March 2023), providing additional clarity on the importance of supply, protection and enhancement of industrial land.

As such, the proposal is considered incompatible with this industrial location.

### **Built Form**

Clause 15 Built Environment and Heritage broadly seeks to *“recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods”* via ensuring that planning respects existing and preferred built form and streetscape character, and results in functional, accessible, safe and diverse physical and social environments.

Clause 15.01-1S Urban Design has an objective to *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.”* Further, Clause 15.01-2S Building Design seeks to *“achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.”* A number of similar strategies overarchingly seek for development to minimise impact of development on neighbouring properties and the public realm, and to encourage development to retain existing vegetation.

Additionally, Clause 21.06-1 Urban Design seeks for “long term benefits” of good design, resulting in more attractive, functional and sustainable built environments. It is noted that *“Good design is based on the principle of being site responsive, designing to take into account the character and constraints of a site and wider area”* and a key issue is identified as a need to enhance the design and built form of industrial areas. The relevant objective is *“to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety”* by way of strategies including:

- *Ensure that all development takes into account the character and constraints of the site and wider area.*
- *Ensure development contributes to the character, identity and sense of place of the area, particularly in newly developing areas.*
- *Ensure new development is designed to address public spaces and enhance the public realm.*
- *Maintain and improve the appearance and function of industrial precincts by ensuring high quality urban design including site layout, streetscape, building design and landscaping.*
- *Ensure that landscaping areas within development are adequately maintained to enhance the appearance of the area.*

Whilst the built form can be considered appropriate and attractive in its own right, the contextual siting of the built form requires close attention.

These clauses seek for functional design that respects the sense of place and local context of the area in which it sits. “Long term benefits” and “site responsive” design is equally important

in a residential, commercial or industrial setting. However, an industrial setting is unique in that adaptable built form outcomes are required for potential future occupants in years to come.

Site layout and building design in industrial areas should be adaptive to suit a wide range of businesses to future proof and respect the industrial area.

However, the design is unique and specific in its design to accommodate the use sought (Place of Worship) and will be at odds with 'standard' industrial design which incorporates large floor areas, promotes large vehicle movement and generally incorporates high site coverage.

Whilst at a micro level, the design is articulated and attractive, the design is more appropriate for a commercial or residential area (noting community services can be co-located in established and emerging residential areas) and not that of an industrial area.

The design of the built form appears specific to a niche use, and it does not have a lifespan beyond the specific needs of the Place of Worship (or other similar community uses). The high proportion of parking required for this use results in an underutilisation of the site that cannot be resolved through building design alone and will not be appropriate for a large swathe of industrial or warehousing uses in the future.

As such, the built form is not appropriate and does not reflect the emerging and expected built form character of the area and is not adaptable nor functional.

### **Community Infrastructure and Services**

Clause 19 Infrastructure, and in particular Clause 19.02-4S Social and Cultural Infrastructure 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.*

Clause 21.05-6 Community services and facilities 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. 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, services and infrastructure.

### **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.

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 are discussed above, identifying concerns of the proposals response to various policies that seek to protect industrial areas from inappropriate and conflicting land uses, and built form outcomes reflecting an industrial character.

For reasons outlined in the above chapter, the proposal is considered inconsistent with the purposes, objectives and key strategies identified within the Planning Policy and Local Planning Policy Framework.

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

The precinct is developing with recent examples of warehousing and industry uses reflecting the vision for the important industrial precinct. 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.**

Whilst the proposal satisfies technical parking requirements, the out-of-centre location and limited public transport options is expected to place emphasis on private vehicle use. Noting this type of land use attracts a higher number of visitors to the site (particularly on weekends), it is considered that the surrounding road network can accommodate the associated vehicle movement. It is further noted that the peak periods for the proposed Place of Worship will occur on weekends (maximum 200 patrons) however many surrounding businesses are unlikely to be operating during this time.

#### **Built form, parking and landscaping**

For reasons outlined above when assessing the Planning Policy Framework and Local Planning Policy Framework in relation to built form outcomes, 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.

### **Particular and General Provisions**

Several particular and general provisions are required to be considered.

#### **Clause 52.05 Signs**

For clarification purposes only, the planning application does not seek permission for any signage pursuant to Clause 52.05 Signs, and no detail is provided on plans.

As such, it is considered that signage does not form part of this proposal.

#### **Clause 52.06 Car Parking**

The purpose of Clause 52.06 is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality car parking requirements for the proposal.

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

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

Type	Rate	Parking required
Place of Assembly	0.3 spaces to each patron permitted	200 max patrons x 0.3 spaces
<b>Total required</b>		<b>60 spaces</b>

As the maximum patronage on site at any one time is 200, the resulting car parking requirement is 60 spaces. As 74 car parking spaces are provided, the proposal meets the required car parking provision.

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

However, as detailed above, concerns are raised with the overprovision of car parking at the lack of landscaping opportunity throughout the site which could otherwise provide amenity benefit to the site.

#### **Clause 53.18 Stormwater Management and drainage infrastructure**

The purpose of Clause 53.18 is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

It is acknowledged that if a permit were to be issued, suitable conditions could be placed on the permit to capture relevant information and requirements regarding stormwater management.

#### **Clause 65 Decision Guidelines**

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.

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

An application seeking to use and develop land for a Place of Worship is required to appropriately respond to purposes, objectives, strategies and decision guidelines of wide-ranging Planning Policy Framework and Local Planning Policy Framework considerations, as well as zoning controls and Particular and General Provisions of the Cardinia Planning Scheme.

The proposal will result in the introduction of a community service/facility at odds with policy direction for the site located within the Industrial 1 Zone, limiting and negating any perceived community benefit.

Community services of a religious and cultural nature are encouraged within the Cardinia Planning Scheme, however are directed to be located in appropriate locations. The proposal is at odds with the Industrial 1 Zone and relevant planning policy and is likely to operate in an increased risk area in terms of amenity outcomes, whilst the built form and extensive car parking is at odds with the emerging character of the area, and is not adaptable, functional or 'future proofed' for other industrial or warehousing needs.

The land use and built form conflict may impact the productivity and functionality of the industrial precinct and is inconsistent with various key policies and provisions of the Cardinia Planning Scheme.

As such, it is recommended that Council refuse to grant a planning permit for T220208 for the use and development of a Place of Worship.

## Resolution

Moved Cr Graeme Moore, seconded Cr Stephanie Davies.

That Council refuse to grant Planning Permit T220208 for the use and development of a Place of Worship at Lot 17 PS747005 known as 14 O'Sullivan Street, Pakenham VIC 3810 on the following grounds:

- 1) The proposal is incompatible with the industrial location, sought to be protected by:
  - a. Clause 33.01 Industrial 1 Zone
  - b. Clause 11.02-6S (Regional and Local Places Planning)
  - c. Clause 13.07-1S (Land use compatibility)
  - d. Clause 17.03-2S (Sustainable Industry)
  - e. Clause 17.03-3S (State-significant Industrial land), and
  - f. 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) Built form outcomes are contrary to the industrial area and do not provide functionality or adaptability, as sought by:
  - a. Clause 15.01-1S (Urban Design)
  - b. Clause 15.01-2S (Building Design)
  - c. Clause 21.06-1 (Urban Design)
- 4) 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).

- 5) The proposal does not appropriately respond to Clause 65 Decision Guidelines of the Cardinia Planning Scheme.

Lost

**Division**

Cr Collin Ross called for a division

For: Crs Brett Owen, Jeff Springfield, Graeme Moore, Jack Kowarzik (4)

Against: Crs Stephanie Davies, Collin Ross, Kay Cameron, Carol Ryan, Tammy Radford (5)

Lost

Moved Cr Stephanie Davies, seconded Cr Collin Ross

That consideration of this Item be deferred for 2 months to allow further consideration of the application.

Carried



## 5.4 Planning Matters VCAT Report - May 2023

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

### Recommendation(s)

That Council note the report.

### Executive Summary

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings and recent decisions from the Victorian Civil and Administrative Tribunal (VCAT). This list is current as of 5 April 2023.

### Relevance to Council Plan

{council-plan}

### Applications Recently Lodged at VCAT

No applications have recently been lodged at VCAT.

### Matters Currently the Subject of VCAT Appeal

Hearing Date	App. No.	Address	Proposal	Council Decision	Appealed By
24/11/2022 (3 days)	T210902	13-15 Mahon Avenue Beaconsfield	Buildings and works associated with the construction of thirty-one (31) dwellings	FTD*	Applicant
16/12/2022	T200173-2	Centenary Boulevard, Officer South	Amendments to subdivision to allow staging	FTD*	Applicant
TBD	T110588	Centenary Boulevard, Officer South	Declaration and failure to determine two secondary consent applications	FTD*	Applicant
20/06/2023	T210885	4 Ann Crescent, Pakenham	Development of the land for four (4) dwellings	Notice of Decision to Grant a Permit	Objector
16/06/2023	T210567	28 Hill Street, Pakenham	Use and development of the land for a place of worship	Refusal	Applicant
18/07/2023	T210643	44 Paternoster Road, Cockatoo	Use and Development of the Land for a Telecommunications facility	Notice of Decision to Grant a Permit	Objector
11/05/2023 (2 days)	T210968	1-3 Savage Street, Pakenham	Use and Development of Land for a Child Care Centre	Refusal	Applicant
3/08/2023	T220221	205 Seven Mile Road Nar Nar Goon	Use and development of the land for a contractors depot	Refusal	Applicant
17/05/2023	T150215 ET3	Lot H PS400130 Princes Highway Pakenham	Extension of time to Planning Permit T150215, which allows for the Use and development of a service station and associated convenience shop, food and drink premises, development of 4 shops, reduction in the loading and unloading requirement of Clause 52.07, variations to Clause 52.12 (crossover width and landscape buffer), alter access to a Road in a Category 1 Road Zone and the erection of advertising and business identification signage.	Refusal	Applicant

\*FTD denotes an application for review of Council's failure to issue a decision within the prescribed timeframe.

### Matters Recently Decided at VCAT

App. No.	Address	Proposal	Council Decision	Appealed By	Outcome	Decision Date
GE210868	610 Westernport Road, Lang Lang	Application about interpretation of planning scheme or a permit in relation to land or a particular use or development of land (s149A(1))	N/A	Applicant	Declaration issued	10/03/2023
GE220792	565 Murray Road, Vervale	Review of refusal to issue certificate (s97P(1))	Refusal	Applicant	Withdrawn by Applicant	8/03/2023

\*FTD denotes an application for review of Council's failure to issue a decision within the prescribed timeframe.

### Resolution

Moved Cr Brett Owen, seconded Cr Stephanie Davies.

That Council note the report.

Carried

## 5.5 Planning Scheme Amendment Activity Report

**Responsible GM:** Lili Rosic  
**Author:** Anita Ransom

### Recommendation(s)

That Council note the report.

### Executive Summary

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

### Relevance to Council Plan

#### 5.1 We practise responsible leadership

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

### Status of Active Amendments

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

A/No	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C262	XWB Consulting	11 Thom Road, Lang Lang	<p>Rezone part of land from Farming Zone - Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) and consider Planning Permit Application No. T190728 for:</p> <ol style="list-style-type: none"> <li>1. a staged subdivision of the subject land into residential lots;</li> <li>2. creation of two (2) Reserves; and,</li> <li>3. creation of restrictions on the plan of subdivision;</li> </ol> <p>concurrently with the amendment.</p>	Thu 10/03/2022	Mon 11/04/2022	<p>A Directions Hearing for September 2022 and beginning 31 October.</p> <p>The Panel Report was prepared. Council Officers have presented the April Council Meeting.</p>
C265	Cardinia Shire Council	Pakenham South Employment Precinct	Incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme.	Thu 15/10/2020	Thu 26/11/2020	<p>Adopted by Council on 15/10/2020. An Infrastructure Contribution Agreement prepared. Officers are currently in documentation review.</p>
C268	NBA Group Pty Ltd.	49 Garfield Road, Garfield	<p>The Amendment applies to 49 Garfield Road, Garfield (Lot 1 PS436250 and Lot 1 PS531590). The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act. The amendment proposes to rezone the majority of the area of the site currently identified as Low Density Residential - Schedule 2 to Low Density Residential - Schedule 3. The proposed zone boundary aligns with a 30m setback from the Ti-Tree Creek. The Urban Growth Boundary (UGB) remains unchanged.</p>	Thu 13/10/2022	Mon 14/11/2022	<p>Exhibition completed 13/10/2022.</p> <p>At the February Council Meeting, the submissions received were reviewed. A panel appointed by the Minister to review the submissions.</p> <p>The Panel is scheduled for 14/11/2022.</p>
C278	Cardinia Shire Council	Municipal wide	The amendment introduces a new Environmentally Sustainable Development (ESD) local policy (Clause 22.11) and makes associated changes to the	To be determined	To be determined	At the March Council Meeting, the amendment was approved for authorisation from the Minister.

			Municipal Strategic Statement (MSS).			
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**Resolution**

Moved Cr Jack Kowarzik, seconded Cr Collin Ross.

That Council note the report.

Carried

## 5.6 Planning Matters Dealt with by Officers Under Delegated Authority - May 2023

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

### **Recommendation(s)**

That Council note the report.

### **Executive Summary**

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

### **Relevance to Council Plan**

{council-plan}

### **Planning Matters Report**

The below is for the period of 02 March 2023 to 03 April 2023.

**Beacon Hills Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
17/03/2023	T220780	409 O'Neil Road, Beaconsfield VIC 3807	Development of the land for an extension and alteration to an existing dwelling and an outbuilding (shed)	Issued	25/11/2022
17/03/2023	T220627	3 Goff Street, Beaconsfield VIC 3807	Subdivision of the land into four (4) lots	Issued	15/09/2022
21/03/2023	T210642	66 & 68 Woods Street, Beaconsfield VIC 3807	Development of the land for six (6) dwellings	Issued	13/08/2021
21/03/2023	T220338	357 Beaconsfield-Emerald Road, Guys Hill VIC 3807	Alterations and additions to an existing dwelling and buildings and works for an outbuilding	Issued	19/05/2022
24/03/2023	T220536	28 St Georges Road, Beaconsfield Upper VIC 3808	Buildings and works for an outbuilding	Issued	9/08/2022
27/03/2023	T220789	129 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808	Buildings and works associated with a dwelling extension	Issued	1/12/2022
28/03/2023	T220752	73 Lewis Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed) and associated earthworks exceeding one (1) metre	Issued	15/11/2022
30/03/2023	T220768	51 St Georges Road, Beaconsfield Upper VIC 3808	Buildings and Works (Extension to an Existing Dwelling) and Earthworks	Issued	22/11/2022
30/03/2023	T220494	7A St Georges Road, Beaconsfield Upper VIC 3808	Buildings and Works (Construction of an Outbuilding and associated earthworks) and the Removal of One (1) Tree	Issued	21/07/2022
31/03/2023	T220322	8 Lyle Avenue, Beaconsfield VIC 3807	Subdivision of the land into two (2) lots and creation of a restriction	Issued	18/05/2022



**Bunyip Ward**

Date Issued	Permit Number	Address	Proposal	Decision	Date Lodged
2/03/2023	T220041	41 Shidders Close, Bunyip VIC 3815	Build a shed	Lapsed	26/01/2022
2/03/2023	T220842	17 Main Street, Bunyip VIC 3815	Subdivision of land into two (2) lots	Issued	23/12/2022
3/03/2023	T220761	193 Nash Road, Bunyip VIC 3815	Use and development of the land for a dwelling	Issued	17/11/2022
3/03/2023	T220170	120 Racecourse Road North, Pakenham VIC 3810	Development of the land for two (2) dwellings and associated works	Issued	23/02/2022
14/03/2023	T220328 - 1	40 Dore Road, Nar Nar Goon North VIC 3812	S71 - Corrected Planning Permit Application - Use of land for display village - To display or construct a sign - Waiver of car parking requirements - Hoarding signage	Issued	6/03/2023
15/03/2023	T220565	98 Hope Street, Bunyip VIC 3815	The use of the land for a rural store, building and works associated with an outbuilding and earthworks	Lapsed	23/08/2022
17/03/2023	T220806	158 Racecourse Road North, Pakenham VIC 3810	Subdivision of land into two (2) lots	Issued	8/12/2022
20/03/2023	T190778 - 1	50 O'Brien Lane, Nar Nar Goon North VIC 3812	Development of the land for a horse arena, stables and one (1) agricultural building	Issued	27/02/2023
21/03/2023	T220396	55 Murphy Lane, Bunyip VIC 3815	Use and development of the land for a dwelling and buildings and works for an agricultural outbuilding	NOD	7/06/2022
22/03/2023	T220794	150 Yarrabubba Road, Nar Nar Goon North VIC 3812	Development of the land for an outbuilding (shed) and associated earthworks	Issued	5/12/2022
22/03/2023	T220001	37 Bluegrass Crescent, Pakenham VIC 3810	Development of Land for a Second Dwelling, Alterations and Additions to Existing Dwelling and Variation to Restrictive Covenant P154715L	NOD	5/01/2022
28/03/2023	T210191	1975 Princes Highway, Nar Nar Goon North VIC 3812	Buildings and works associated with an existing Service Station and Car and Caravan Sales and display of Business Identification and Promotional signage	Issued	11/03/2021

**Central Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
8/03/2023	T220608	1 Park Orchard Drive, Pakenham VIC 3810	Use of land for a Child Care Centre and Indoor Recreation Facility (Swim School) and Development of a Child Care Centre, Indoor Recreation Facility (Swim School) and Food and Drink Premises (Café)	Issued	14/09/2022
27/03/2023	T220458	1 Ronald Court, Pakenham VIC 3810	Alterations and additions to an existing dwelling and development of the land for a second dwelling	Issued	29/06/2022
30/03/2023	T220403	16B Meeking Drive, Pakenham VIC 3810	Buildings and Works (Construction of an Outbuilding) and associated vegetation removal	Issued	11/06/2022
31/03/2023	T220255	15a Meeking Drive, Pakenham VIC 3810	Alterations and additions to an existing dwelling and removal of vegetation	Issued	12/04/2022

**Henty Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
17/03/2023	T220722	21 James Street, Pakenham VIC 3810	Works associated with an existing dwelling (external cladding replacement)	Issued	28/10/2022
24/03/2023	T230070	19 Balmoral Way, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	17/02/2023
27/03/2023	T220767	6 Thomas Street, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	22/11/2022

**Officer Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
9/03/2023	T220427 - 1	63 Officer South Road, OFFICER VIC 3809	T220427 APP - AMENDED PLANNING PERMIT APPLICATION - amend conditions 27 and 29 of Planning Permit T220427	Issued	24/02/2023
27/03/2023	T200662 - 2	65 McMullen Road, Officer VIC 3809	Amendment to Planning Permit T200662-1. Amend wording of condition 31 such seeking to defer creation of easement from 'prior to certification 'to' prior to statement of compliance	Issued	20/03/2023

**Pakenham Hills Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
7/03/2023	T220183	24 Blessing Rise, Pakenham VIC 3810	Buildings and Works (Construction of a Dwelling)	Issued	17/03/2022

**Ranges Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
2/03/2023	T210127	7 Alexander Street, Emerald VIC 3782	Buildings and works associated with a dwelling extension	Lapsed	22/02/2021
15/03/2023	T220506	22 Station Avenue, Emerald VIC 3782	Buildings and works associated with a dwelling	Issued	20/07/2022
17/03/2023	T220271	4 Caroline Avenue, Cockatoo VIC 3781	Development of land for a dependent person's unit	Issued	8/04/2022
21/03/2023	T220740	4 Town Road, Gembrook VIC 3783	Buildings and Works (Construction of an Outbuilding)	Issued	8/11/2022
29/03/2023	T160262 - 1	44 Beaconsfield-Emerald Road, Emerald VIC 3782	Use and development of the land for a dwelling and outbuilding, and alteration of access to a Transport Zone 2	Issued	7/10/2022
29/03/2023	T220045	75 Gembrook Road, Gembrook VIC 3783	Two (2) lot subdivision, removal of native vegetation and alteration of access to land adjacent to a Transport Zone 2	Issued	28/01/2022
30/03/2023	T220823	27 Sydney Avenue, Emerald VIC 3782	Construction of an outbuilding (carport)	Issued	16/12/2022
3/04/2023	T160026 - 1	44 Ambrose Street, Emerald VIC 3782	Amendment to planning permit T160026 (approved for the subdivision of land into six (6) lots into three (3) stages and creation of a road) to amend the permit preamble, delete and amend conditions and amend the assessed plans	Issued	6/04/2022
3/04/2023	T230035	2711 Gembrook-Launching Place Road, Gembrook VIC 3783	Development of the land for a dwelling extension (deck)	Issued	31/01/2023

**Toomuc Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
10/03/2023	T220751	885 Princes Highway, Pakenham VIC 3810	Buildings and works associated with an existing Service Station	Issued	11/11/2022
22/03/2023	T220825	33 Eastbourne Crescent, Officer VIC 3809	Construct a double storey residential dwelling and garage	Issued	16/12/2022
29/03/2023	T220226 - 1	117 Timberline Parkway, Pakenham VIC 3810	Change front retaining wall from being split with steps leading to the house to a single continual retaining wall. Add retaining wall in the backyard to remove the gradient in the land to make the land more usable.	Issued	5/03/2023

**Westernport Ward**

<b>Date Issued</b>	<b>Permit Number</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Lodged</b>
2/03/2023	T210165 - 1	219 Greenhills Road, Pakenham VIC 3810	Use and Development of Land for the Purpose of a Materials Recycling Facility	Issued	18/01/2023
6/03/2023	T210959	1185 Koo Wee Rup Road, Pakenham VIC 3810	Development of the land for warehouses and a store (storage units) and a reduction in car parking requirements	Issued	13/01/2022
10/03/2023	T210949	168 McDonalds Track, Lang Lang VIC 3984	Staged subdivision of the land into seven (7) lots	Issued	17/12/2021
14/03/2023	T210184 - 1	295 - 325 Cardinia Road, Officer South VIC 3809	Section 72 Amendment to Permit Conditions & Plans – Subdivision of Land, Buildings and Works and Removal of Existing Waterbodies.	Issued	19/12/2022
16/03/2023	T220174	21B Tarmac Way, Pakenham VIC 3810	Use of the land for Restricted Retail Premises (Automotive parts and accessories sales) and reduction in car parking	NOD	2/03/2022
17/03/2023	T220651	29 Sette Circuit, Pakenham VIC 3810	Development of land for a warehouse and reduction to the number of car spaces required	Issued	27/09/2022
17/03/2023	T220772	24 Hill Street, Pakenham VIC 3810	Building and works associated with the construction of a store and reduction of one (1) car parking space	Issued	23/11/2022
17/03/2023	T220650	31 Sette Circuit, Pakenham VIC 3810	Development of land for a warehouse and reduction to the number of car spaces required	Issued	27/09/2022
17/03/2023	T220649	51 Sette Circuit, Pakenham VIC 3810	Development of land for a warehouse and reduction to the number of car spaces required	Issued	27/09/2022
21/03/2023	T220648	53 Sette Circuit, Pakenham VIC 3810	Development of land for a warehouse and reduction to the number of car spaces required	Issued	27/09/2022
21/03/2023	T220714	190 Officer South Road, Officer VIC 3809	To vary the location of carriageway easement E-1 which encumbers Lot 1 on PS83873Y to the position shown on the Plan of Variation of Easement.	Issued	24/10/2022



21/03/2023	T220340	55 & 57 Commercial Drive, Pakenham VIC 3810	The use and development of the land for a Retail Premise (Caravan Sales and Servicing), and display of Business Identification Signage	Issued	19/05/2022
21/03/2023	T220717	We 6/9 Southeast Boulevard, Pakenham VIC 3810	Use of the land for Restricted Retail Premises and a reduction in car parking	Issued	25/10/2022
24/03/2023	T190278 - 1	10 & 30 Bourke Road, Pakenham VIC 3810	Amendments to the address, conditions and endorsed plans associated with Planning Permit T190278	Issued	8/09/2022
27/03/2023	T220098	490 McGregor Road, Pakenham VIC 3810	Buildings and works associated with the extension of a dwelling	Issued	15/02/2022
27/03/2023	T220409	50 Evans Road, Bunyip VIC 3815	Use and Development of the land for a dwelling and outbuilding	Issued	15/06/2022
28/03/2023	T220826	6 Exchange Drive, Pakenham VIC 3810	Development of the land for two (2) warehouses and ancillary offices	Issued	15/12/2022
30/03/2023	T220393	49 Greenhills Road, Pakenham VIC 3810	Buildings and Works (Construction of One (1) Warehouse)	Issued	6/06/2022
31/03/2023	T220346	1560 Koo Wee Rup-Longwarry Road, Catani VIC 3981	Development of the land for one (1) outbuilding (shed)	Issued	20/05/2022
31/03/2023	T220085	53 Greenhills Road, Pakenham VIC 3810	Buildings and Works (Construction of One (1) Warehouse)	Issued	11/02/2022
3/04/2023	T220069	17 & 19 Link Road, Pakenham VIC 3810	Buildings and works (Construction of two (2) warehouses)	Issued	9/02/2022
3/04/2023	T220688	8 Link Road, Pakenham VIC 3810	Subdivision of the land into six (6) lots	Issued	13/10/2022
3/04/2023	T220121	21 & 23 Link Road, Pakenham VIC 3810	Buildings and Works (Construction of Two (2) Warehouses)	Issued	26/04/2022
3/04/2023	T210951	15 Link Road, Pakenham VIC 3810	Building and Works (Construction of One (1) Warehouse)	Issued	20/12/2021

## Resolution

Moved Cr Brett Owen, seconded Cr Kaye Cameron.

That Council note the report.

Carried

**6 Meeting Closure**

Meeting closed at 7.49pm