

1 SUBDIVISION - 46 TIVENDALE ROAD - DEFERRED ITEM

FILE REFERENCE INT1764302

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RECOMMENDATION

That a Refusal to Grant Planning Permit T160693 be issued for a subdivision and associated works at 46 Tivendale Road, Officer for reasons in this report.

Attachments

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| 1 | Locality map | 1 Page |
| 2 | Officer PSP maps | 5 Pages |
| 3 | Subdivision plan | 3 Pages |

EXECUTIVE SUMMARY:

This application was listed for consideration at the September Town Planning Committee and was deferred at the request of the applicant to allow further discussions between the applicant, Council and Melbourne Water in relation to the concerns and objections raised in regard to the development and the application.

The applicant is continuing to have discussions with Melbourne Water and Council however at this stage no resolution has been achieved. A further deferral may be requested.

APPLICATION NO:	T160693
APPLICANT:	Calibre Consulting for Sweet 46 Property Developments Pty Ltd
LAND:	Lot 6 PS66670, 46 Tivendale Road, Officer
PROPOSAL:	Staged subdivision and associated works
PLANNING CONTROLS:	Urban Growth Zone Schedule 3 Development Contributions Overlay Schedule 4 Clause 52.01 Public Open Space Clause 52.16 Native Vegetation Precinct Plan Clause 52.36 Integrated Public Transport Planning Clause 56 Residential Subdivision Clause 65 Decision Guidelines Officer Precinct Structure Plan September 2011 Cardinia Creek Conservation Management Plan Officer Native Vegetation Precinct Plan September 2011, Officer Development Contributions Plan and Conservation Management Plan 15 September 2011.
NOTIFICATION & OBJECTIONS:	The application was not required to be advertised under Clause 37.07-13 of the Urban Growth Zone.

KEY PLANNING CONSIDERATIONS: Urban Growth Zone Schedule 3
Land Subject to Inundation Overlay
Officer Precinct Structure Plan September 2011

RECOMMENDATION: Refusal

BACKGROUND:

The planning permit application is to develop a 4.0 ha parcel of land for a residential subdivision into 56 lots. A summary of the proposal is as follows:

- The lot size range is from 355sqm to 475sqm,
- A 33 metre wide east-west connector road runs through the north of the site,
- The lots predominately run in an east west direction,
- A drainage reserve is proposed along the entire length of the southern boundary and is shared between the subject site and southern property. The plan shows a total reserve width of 30 metres between the subject site and the southern site (60 Tivendale Road).
- Plan revision C, and notes that the developable area of 3.61 hectares and a lot density of 15.5 dwellings per hectare,
- The encumbered drainage reserve between the two properties is approximately 15.45 metres wide with an additional 14.55 metre wide unencumbered reserve and two adjacent 15 metre wide road reserves.
- The drainage reserve connects to a proposed sediment pond on the adjoining site to the east.
- The proposed reserve has a total area of 0.437ha.

The proposed subdivision layout differs from the Officer PSP in the south of the site. The PSP identifies a drainage corridor along an open drain running in an east-west direction along the boundary. The drainage corridor / linear reserve has been significantly reduced in width, along with no consideration being given to the drainage corridors and sediment pond immediately abutting the subject site to the east.

There is currently a planning application for a medium density development at Lot 5 Starling Road, Officer that is immediately abutting the site to the east with Council. The applicant for the proposed development at Lot 5 Starling Road is currently working on providing a drainage strategy for the site to Council and Melbourne Water, however it is difficult for the applicant of Lot 5 Starling Road to obtain appropriate information in order to align their drainage corridor and sediment pond with the subject site as it is inconsistent with the PSP.

The proposed development at Lot 5 Starling Road, provided a plan that complies with the Officer PSP and shows the sediment pond and drainage corridor in the correct locations and correct widths. The proposed subdivision plan for the subject site at 46 Tivendale Road shows a row of lots immediately located along the east boundary of the site, which subsequently turns its back to the proposed drainage corridor that is located between the two boundaries on Lot 5 Starling Road. Furthermore, the plan shows lots that will have back fences facing the future sediment pond, which has been incorporated within drainage corridor as a feature to the area.

As stated above, the drainage corridor and sediment pond areas do not align with each other, which results in an inconsistency with the PSP and does not allow for the appropriate integration between the two sites.

The applicant is proposing that the drainage corridor should be piped to allow for an adequately sized pipe to accommodate flows, rather than creating an open drainage corridor in this location in accordance with the PSP. It is further proposed by the applicant that the 15 metre wide road reserve, 10 metre wide Council reserve and 15.45 metre wide encumbered drainage reserve will adequately provide for a suitable drainage / linear reserve solution.

The PSP shows a total drainage and open space corridor of 100 metres which includes 20 metres of Council reserve on either side of an 80 metre encumbered drainage corridor. The subject site has a 10 metre wide un-encumbered open space Council reserve and an approximately 57.62 metre wide encumbered drainage reserve which equates to 1.19ha which is consistent with the land budget totals of the PSP. The remaining approximately 32.38 metre wide drainage and open space reserve is located within the adjoining site at 60 Tivendale Road.

Whilst the applicant provided a drainage report to Council that specifies how the reserve can be reduced and still function as a drainage reserve, however the reserve serves a greater purpose to the community as an aesthetic linear walking / cycling trail and biodiversity habitat and that this should not be reduced. It is concluded that whilst drainage solutions could be achieved, this is essentially not the argument in this instance. The issue is that the reserve has been reduced to the point it has no regard for its broader purpose for passive open space use and for adjoining sites connecting to this network.

Whilst the drainage report takes into consideration upstream matters, there is no guarantee that all developers upstream will provide similar solutions. As demonstrated above, engineering solutions are not the only consideration in this instance and there must be regard for planning which takes into consideration environmental and community benefit which aligns with planning policy and Council's Plans and strategies for healthy living.

Melbourne Water have objected to the proposal based on not having enough information to make an informed assessment of the proposal, with consideration to the broader impacts on other areas and Melbourne Water's waterway corridors.

It is worthy to note that Council Officers have tried to work with the applicant over an extended period of time to achieve an appropriate outcome that complies with the Officer PSP, however the applicant wishes to proceed with the proposal in its current form.

SUBJECT SITE:

The site is located on the east side of Tivendale Road in Officer.

The land is 4.047ha in size and is rectangular in shape.

An existing driveway is located toward the southern end of the land.

The site currently an existing brick veneer dwelling with a number of ancillary outbuildings. A watercourse traverses the property along the southern edge of the land, which is identified as Officer Creek.

The topography of the land has a combined fall of approximately 4 metres from the north west corner of the site and slopes to the south east corner of the site adjacent to the Officer Creek channel.

The subject site and surrounding area are included within the Officer Precinct Structure Plan area. The immediate surrounds have been nominated for residential development with the exception of

land to the north which contain two existing private schools being Berwick Grammar School which is abutting the land to the north and Minaret School which is located north west of the site.

To the south west of the site are similar sized allotments containing single dwellings along Tivendale Road. St Brigids Primary School and D'Angelo Estate Winery with cellar door are located further west of the site.

Two residential estates known as Timbertop and Potters Northside are located further west.

PROPOSAL:

The application is summarised as follows:

- Subdivision for 56 residential lots,
- Provides for a range of lots sizes from 340sqm to 455sqm and are designed to accommodate a single dwelling,
- A 33 metre wide east-west connector street boulevard is proposed within the north of the site,
- The road reservation is to accommodate a divided carriageway with a centre median, indented parking, 3 metre wide bikeway and 1.5 metre wide footpaths.
- There are two additional access roads proposed from Tivendale Road. The central road is proposed to have a width of 16 metres and the southern road is proposed to be 15 metres wide as it is abutting the reserve.
- All existing vegetation is proposed to be removed from the site and some within the road reserve and is exempt from planning approval as the vegetation is not identified for retention within the Officer NVPP.
- A 30 metre wide reserve is proposed to be located within the southern portion of the land and runs east west along the southern boundary. The reserve is also located partially over the southern property 60 Tivendale Road, however the extent of the reserve is less than at the subject site.

Figure 1 – Proposed plan



PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 10 Operation of the State Planning Policy Framework
- 11 Settlement
- 11.02 Urban Growth
- 11.02-2 Planning of growth areas
- 11.04-2 Housing choice and affordability
- 12.04-2 Landscapes
- 13 Environmental Risks
- 15.01-1 Urban design
- 15.01-3 Neighborhood and Subdivision Design
- 15.01-4 Design for Safety
- 15.01-5 Cultural Identity and Neighborhood Character
- 15.03-1 Heritage conservation
- 16 Housing
- 16.01-2 Location of residential development
- 16.01-4 Housing diversity
- 16.01-5 Housing affordability
- 18.01-1 Land use and transport planning
- 18.02-3 Principal Public Transport Network
- 19 Infrastructure

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02 Environment
- 21.02-7 Aboriginal cultural heritage
- 21.03-1 Housing
- 21.03-2 Urban growth area
- 21.05 Infrastructure provision
- 21.06-1 Design and built form
- 22.02 Interim Telecommunications Conduit Policy

Relevant Particular / General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.01 Public Open Space
- Clause 52.16 Native Vegetation Precinct Plan
- Clause 52.36 Integrated Public Transport Planning
- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines
- Officer Precinct Structure Plan September 2011
- Officer Native Vegetation Precinct Plan September 2011, Officer Development Contributions

Plan and Conservation Management Plan 15 September 2011.

Zone

The land is subject to the Urban Growth Zone Schedule 3. The applied zone is General Residential (Clause 32.08).

Overlays

The land is subject to the Land Subject to Inundation Overlay (LSIO) which applies to the south-west corner of the site and the Development Contributions Plan Overlay Schedule 4 (DCPO4).

PLANNING PERMIT TRIGGERS

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

- Clause 37.07 Urban Growth Zone - Part B where a structure plan applies (Officer Precinct Structure Plan approved September 2011 and incorporated into the scheme), the provisions clauses 37.07-9 to 37.07-16 apply.
- Clause 37.07-10 Urban Growth Zone, a permit is required to subdivide the land. Any requirement in the schedule to this zone or the precinct structure plan must be met. A permit granted must be generally in accordance with the precinct structure plan applying to the land and include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.
- Under the Schedule 3 of the Urban Growth Zone, sub-clause 2.1 refers to applied zones that apply within the Officer Precinct Structure Plan. The subject site is located and zoned within the General Residential Zone, therefore pursuant to Clause 32.08-2 of the General Residential Zone a planning permit is required to subdivide land. The proposed development must meet the requirements of Clause 56.
A permit must include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.
- Clause 44.04-2 Land Subject to Inundation Overlay, a planning permit is required to subdivide land. Part of the land is located within the overlay.
- Clause 45.06 Development Contributions Overlay, Schedule 4 applies to the land. Clause 45.06-1 states that a permit must not be granted to subdivide the land until a development contributions overlay has been incorporated into the scheme. The Officer Development Contributions Plan has been incorporated into the scheme and in this instance, it does not apply as this report is for refusal of the subdivision application.

PUBLIC NOTIFICATION

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64 (1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* unless the schedule to this zone specifies otherwise. In this instance the schedule to the zone does not list anything otherwise that above.

REFERRALS

The application was referred to Melbourne Water as a statutory referral, who have objected to the proposed subdivision. The grounds of refusal are referred to below:

- The project proponent has not provided sufficient information for how Melbourne Water's proposed assets will integrate with Council's assets within the reserve.
- An ANCOLD assessment of the upstream dam and future retarding basin, behind Minarets College, by an expert dams engineer has not been undertaken.
- The permit application has not taken into account Melbourne Water's waterway corridors development guidelines.

DISCUSSION

The proposed subdivision is not consistent with the provisions of the Cardinia Planning Scheme and the Officer Precinct Structure Plan (PSP). This section highlights the relevant sections of the Cardinia Planning Scheme, Officer PSP and other relevant strategies that the proposal is not in accordance with.

The key issues are as follows:

- The PSP identifies a drainage corridor along an open drain running in an east-west direction along the boundary. The drainage corridor has been significantly reduced in width with no consideration of the drainage corridors and sediment pond immediately abutting the subject site to the east.
- Lack of integration with the adjoining sites by changing the width of the drainage corridor,
- Proposing that the drainage corridor should be piped within the road reserve,
- The proposed plan creates a 40.45 metre wide drainage corridor which includes a 15 metre wide road reserve and a significantly reduced drainage and open space corridor to act as the drainage corridor and open space. Furthermore, the plan shows a significant reduced drainage and open space corridor between the subject site and 60 Tivendale Road to the south of the subject site.
- Diminish the capacity for the reserve that serves a greater purpose to the community as an aesthetic linear walking/cycling trail and biodiversity habitat and that this should not be reduced. It is concluded that whilst drainage solutions could be achieved, this is essentially not the argument in this instance. The issue is that the reserve has been reduced to the point it has no regard for its broader purpose for passive open space use and for adjoining sites connecting to this network.
- Whilst the drainage report takes into consideration upstream matters, there is no guarantee that all developers upstream will provide similar solutions. Engineering solutions are not the only consideration in this instance and there must be regard for planning which takes into consideration environmental and community benefit which aligns with planning policy and Council's Plans and strategies for healthy living.

- Inadequate assessment and consideration of the upstream dam and future retarding basin, behind Minarets College.
- Lack of consideration of Melbourne Water's waterway corridors development guidelines.

Cardinia Planning Scheme:

State Planning Policy Framework

Clause 15.01-2 Urban Environment, the objective is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

The policy guidelines for planning to consider are the Safer Design Guidelines for Victoria in assessing the design and built form of new development.

Relevant strategies include:

The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

Safety, new development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

Landmarks, views and vistas, landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

Pedestrian spaces, design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.

Clause 15.01-3 Neighbourhood and subdivision design, the objective is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Strategy is that the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.
- Creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible.
- Contributing to reducing car dependence by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.

In response to the above, the Cardinia Planning Scheme and Officer PSP takes into consideration the way in which the drainage reserve and passive open space can function and ultimately be co-located within an urban context to benefit the community. The benefit to the community being that

an appropriately sized drainage and open space corridor will provide the walking and cycling network in a linear park setting that people desire in their neighbourhoods.

Clause 18.02 Movement networks to promote the use of sustainable personal transport.

Relevant strategies include:

- Encourage the use of walking and cycling by creating environments that are safe and attractive.
- Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.
- Ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.
- Ensure cycling routes and infrastructure are constructed early in new developments.

Local Planning Policy Framework

Clause 21.05-5 Pedestrian Bicycle Networks objective, is to develop well-located, safe and interconnected pedestrian and bicycle networks within the municipality.

Relevant strategies include:

- A high level of connectivity to provide for safe and efficient pedestrian and bicycle movements to connect railway stations, bus stops, activity centres and major community facilities within the urban growth area and in rural townships.
- Ensure connectivity between new and existing development including pedestrian and bicycle paths.

Design and safety aims to:

- Ensure that new development does not compromise existing and future pedestrian and bicycle networks.
- Encourage passive surveillance over pedestrian and bicycle paths through appropriate siting and design.

In response to the above, the reduction of the drainage and open space corridor compromises the future pedestrian and bicycle networks by providing a reduced linear reserve that does not appropriately flow from property to property. Should the width be reduced in this section of land, this will make the reserve size inconsistent with adjoining land that contain the same reserve, at the same width and not provide for adequate connectivity between new and existing development including pedestrian and bicycle paths of the broader area.

Clause 21.06-1 Design and built form, relevant objectives:

Objective 1 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.

Strategies that are relevant include taking into account the character and constraints of the site and wider area whilst encouraging new development to achieve best practice in design that promotes social wellbeing, economic development and environmental sustainability.

Objective 2 is to provide equity of access for people with disabilities to publicly accessible premises.

Strategies that are relevant is to ensure development is designed to support access for people with disabilities in accordance with Australian Standards, including AS 1428 (Parts 1-4).

In response to the above, the Officer PSP has taken into account the character and constraints of the area, outlining the way in which the area is to be developed, by providing a drainage reserve to provide for the stormwater function, as well as incorporating a linear open space network for this area. As a result, this provides for a multi functional built environment, that promotes community health and safety.

By reducing the width of the corridor, it fails to achieve best practice design and social wellbeing for all within the community.

Clause 21.06-2 Community safety, relevant objectives:

Objective 1 to improve community safety and the perception of safety in the municipality.

Relevant strategies encouraging development that is consistent with safer design principles, by maximising activity, visibility and surveillance of the public environment by providing safe movement through good connections and access. Private and public spaces should be clearly defined and appropriate management of public spaces to ensure that it is attractive and well used.

In response to the above objective, the reduction of the width of the drainage and open space corridor, does not achieve the objective in that the activity in public spaces and provision of safe movement through good connections is not maximised. The reduced corridor does not provide for an aesthetic and functional corridor that seamlessly transitions from adjoining properties, rather it provides for a narrow and fragmented corridor that leads to reduced pathways and reduced landscape and biodiversity opportunities.

Relevant Policies and Strategies:

The following planning policies are relevant to the assessment of this application. The policies and strategies further support and build on the importance of creating neighbourhoods that support safe communities and healthy lifestyles, by taking a whole of population approach to health planning, particularly through municipal public health and wellbeing plans. A summary of each relevant strategy is provided below.

- *Plan Melbourne 2017-2050 (Metropolitan Planning Strategy).*
 - Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles (includes applying CEPTED principles in design of public spaces)
 - Policy 5.2.1 Improve neighbourhoods to enable walking and cycling as a part of daily life, the National Heart Foundation has also developed tools to help local governments plan for better health and community wellbeing across a range of local government policy areas, including the Healthy by Design guidelines, discussed within this report.
- *Council's Pedestrian and Bicycle Strategy August 2017* which is yet to be adopted by Council this year, further builds on the importance and emphasis that is placed on providing suitable areas to be used by the community for fitness and recreational activity.
- *Councils Healthy By Design, January 2017*, seeks to plan and build environments to support healthy living and integrate health into planning to allow people to be able to choose to be active in an environment that is convenient, safe and pleasant.

Council provides significance emphasis on health and recreation and the above strategies are reflective in this, as they share similar principles and guidelines. The strategies seek to promote healthy living through appropriate planning, by ensuring that walking, cycling through providing good footpaths and connectivity, opportunities for physical activity, neighbourhood amenity, accessibility and community safety.

Barriers to walking and cycling often include an incomplete or inadequate footpath network and limited dedicated shared paths which reduces opportunities for recreational walking and cycling. As a result of new residential areas not being developed in sequence, significant gaps can occur in the shared path network. The delivery and the quality of infrastructure should not be compromised and these elements are critical in the successful provision of walking and cycling paths within the Shire.

The drainage corridor has an important role and function and must be used and developed in this manner to its full potential. The overarching purpose of the drainage corridor is to transform an existing drainage line to serve as an important drainage function and key landmark for pedestrians. Pedestrians can choose to use this linear trail that subsequently connects into a series of shared paths within the area, that also connect seamlessly to key places such as schools, parks, Officer Town Centre, public transport and the Officer Railway Station.

The PSP identified what is called the existing Officer Drain that runs from the north to the south extents of the PSP boundary. The drain enters into some existing dams as it meanders through a number of properties that have been subsequently identified within the PSP of containing this important lineal drainage corridor and pedestrian trail. The drainage corridor is approximately 1.98km from the north of the PSP to Princes Highway.

To reduce the width of the drainage corridor will undermine the intention and purpose of the above.

Officer Precinct Structure Plan/Urban Growth Zone

The application has been assessed against the provisions and requirements of the Officer Precinct Structure Plan (PSP) and Urban Growth Zone. Please refer to the overview summarised below.

The proposed layout differs from what is shown within the Officer PSP within the southern part of the land. The PSP identifies a drainage corridor, which runs along an open drain in an east west direction. The outcome once developed is to provide for the existing open drain, which is to be further embellished to provide for the drainage function, in addition to appropriate landscaping, linear park and pedestrian pathways.

The subject site is located within the centre of this broader multifunctional drainage corridor, which begins at the northern side of the Officer PSP boundary and proceeds to the south whilst taking some slight east west deviations along the way to the southern side of the Officer PSP boundary. In addition, a series of wetlands/retarding basins are proposed to be constructed within key locations which are a culmination of existing dams and drainage lines.

The applicant proposes a piped drainage solution within the road reserve, rather than creating a piped drainage corridor. The result of this is a significantly reduced drainage corridor that will subsequently provide for an undesirable narrow corridor that reduces the capacity of a multifunctional corridor as described above in this report. This is inconsistent with the intended open drainage solution within a linear park setting.

Rather, it provides the developer with the opportunity to create more small lot product rather than a larger diverse lot mix for the area that provides a range of housing type opportunities for people. However, in saying this, the density of the proposal is 15.5 dwellings per hectare, which is the dwellings per hectare that is to be achieved within the Officer PSP.

Council considers that the reduction of the drainage corridor from what the PSP shows, would create an undesirable outcome and that the wider corridor as proposed in the PSP allows for multiple functions such as overland flows, stormwater retention, wildlife corridors, visual buffers and movement corridors for pedestrians and cyclists.

The proposed drainage and open space corridor is one of many open space areas ranging from local open space, passive open space (conservation/restoration areas and linear open space to cater for a variety of interest and ages within the community.

In addition, the Officer and Gum Scrub Creek Development Services Scheme (DSS), which has been approved by Melbourne Water, have been prepared for the precinct. The DSS includes culverts and a network of channels ranging from 16 metres to over 80 metres in width and retarding basins. Under the DSS, the precinct will principally be drained to the east to Officer South Road Drain and Gum Scrub Creeks providing the main connections for drainage to areas south of the Princes Freeway.

As part of the preparation of the Officer PSP, the DSS has been partially reviewed, enabling the remodelling of the Officer South Road Drain upstream of the railway into a series of retarding basins, incorporating some wetland systems.

Officer Precinct Structure Plan (PSP):

Plan 5 Future Urban Structure, describes how the PSP delivers the vision. It is considered that the proposed subdivision is not generally in accordance with plan 5 as the drainage corridor has been substantially reduced in size.

The reduction of the drainage corridor further inhibits the ability for the corridor to become a highly permeable and walkable open space trail network that the PSP envisages it to be.

Plan 6 Officer Land Use Budget, the site is shown as property number 349.

- Local Roads Including Boulevard Connector - 0.69ha (not included in the net developable area - NDA)
- Drainage easement/WSUD/Wetland/Retarding Basin – 1.19ha (not included in the NDA or OS%)
- Local Open Space – 0.21ha (not included in the NDA or OS%)
- Total property area 4.02ha and total NDA – 1.93ha

In response to the above, the proposal does not comply with the land use budget as the areas as described above have not been achieved within the proposed plan. The most concerning figure is the applicant is proposing to only deliver 4,370sqm of drainage easement/WSUD/wetland/Retarding Basin land instead of the approximately required 11,190sqm required by the PSP

4.1 Image and Character:

The relevant objectives of this section are to:

- Create a strong sense of place that is functional safe and aesthetically pleasing.
- Create a distinctive character for different neighbourhoods, through the treatments of streets and public spaces.
- Preserve and capitalise on view corridors to and from significant landscape features and to ensure development does not detract from the visual amenity of the area.

4.1.3 Planning and design guidelines, relevant guidelines to be met.

- Create compact neighbourhoods that:
 - Are pedestrian friendly;
 - Have a permeable street network;
 - Emphasise the landscape character, creek network and topographical features of the precinct.

In response to the above, by reducing the size of the drainage corridor the proposal fails to meet the above design guidelines to be met. Specifically, the proposal fails to achieve a pedestrian friendly trail network that also provides for landscape character, well connected creek network and takes advantage of the topographical features of the precinct. The plans provided with the application make no provision for the above.

4.2 Housing:

The relevant objectives of this section are to provide residential neighbourhoods with attractive streetscapes and a high quality urban design and distinct urban character with a variety of housing types and density at key amenity areas such as creek corridors, the pedestrian network and public open space.

Plan 8: Housing, shows the extent of open space with a major drainage line within the subject site.

4.2.3 Planning and design guidelines, relevant guidelines to be met:

- The following relevant planning and design guidelines for subdivision design must be met:
 - Provide a high quality urban environment with a sense of identity;
- Seek to ensure subdivision and lot layout provides creative and innovative design solutions for fragmented lot ownership in order to facilitate integration of development with adjoining properties.

Public Open Space, planning and design guidelines that must be met:

- Provide active frontages that address all public open space areas;
- Ensure lots with an interface with public open space:
 - Take advantage of views/aspect over open space by orienting lots to face towards the open space area;
 - Overlook open space to increase the sense of safety/surveillance.

In response to the above, by reducing the width of the drainage corridor it subsequently creates a space that is less aesthetically appealing to the residents who have viewlines to the drainage corridor as it is proposed to be a grassed area with a shared path rather than an open drain with landscaping elements through it along with the shared path which is considered to be far more appealing than grass and a path.

Furthermore, lots with back fences are proposed along the extent of the south east corner boundary which affects the ability to provide for overlooking of the open space to increase the sense of safety/surveillance. This is inconsistent with the principles of Crime Prevention through Environmental design by having rear fences onto reserves rather than active frontages. It is considered that the proposal does not meet this provision of the PSP.

4.5 Open Space and Natural Systems, the relevant objectives of this section are to:

- Provide and develop a network of quality, well distributed, multi-functional and appropriate sized open space areas that are well connected to meet the active and passive needs of the community.
- Protect and enhance areas of environmental significance and integrate these areas with open space systems where practicable.
- Create an attractive urban environment with a strong sense of place through the provision of well designed landscaping of open space and roads.
- Maximise the integration and sharing of space with publicly accessible encumbered land. This parkland is to be suitable for the intended open space function/s including maintenance.
- Implement open space development standards which provide for a sustainable future maintenance regime.
- Incorporate pedestrian and bicycle paths through the open space network.

Plan 11 Open Space Network identifies the site as being partly encumbered and encumbered public open space with a major drainage line.

Plan 12 Integrated Water Management identifies the site as being part of a wider drainage corridor and having a retarding basin within it. The south west corner of the land is identified within the land subject to inundation overlay over it.

The area subject to inundation and drainage corridor extends from the north to the south of the Officer PSP boundary. The drainage corridor follows a specific drainage line that meets with retarding basins and open space. The role of encumbered land is to provide for overland flows and stormwater retention and to maintain access to services.

The role of linear open space is to serve a variety of purposes including:

- Drainage and water management.
- Wildlife corridors,
- Visual buffers and
- Movement corridors (for pedestrians, cyclists)
- Includes both encumbered and unencumbered land.

4.5.3 Planning and design guidelines, relevant guidelines to be met:

Water Sensitive Urban Design:

- Design and layout of open space areas is to maximise efficient water use, stormwater quality and the viability of vegetation through use of Water Sensitive Urban Design (WSUD) initiatives.
- Incorporate stormwater management and techniques to improve stormwater quality, particularly along drainage lines.

Integrated Open Space Network:

- Consider significant view lines to and within the precinct to enhance open space opportunities within the urban area.
- Ensure pedestrian and bicycle routes are provided with good surveillance.
- Design streetscape planning, pedestrian/bicycle paths and landscaping of adjoining development to compliment and integrate with the adjoining parkland design.
- Ensure the design of drainage reserves, retarding basins and wetlands are integrated with the open space network.

In response to the above, it is considered that the proposal fails to meet the relevant planning and design guidelines to be met as the reduction of the drainage corridor does not allow for the

adjoining retarding basins to be well aligned and integrated into the broader open space network. The network is intended to be consistent through each site as shown within the PSP.

4.6 *Transport and Movement*, the relevant objectives of this section are to:

- Create an attractive and safe interface with arterial roads.
- Provide for landscaping of roads and streets to create key public spaces, landscape corridors and contribute to an attractive urban environment.

Plan 17 Walking and Trails shows a shared path within Tivendale Road and within the drainage corridor.

Walking trails relevant planning and design guidelines that must be met:

- Provide a 2.5 metre wide shared path along and within the open space network, in particular along the creek/drainage network.

In response to the above, a 2.5 metre wide shared path along and within the open space network, in particular along the drainage network and provision of landscaping must be provided to achieve the objectives of the PSP, at present the reduction of the drainage corridor fails to achieve these outcomes.

4.7 *Utilities, Energy & Sustainability*, the relevant objectives of this section are to:

- Provide all developed lots in the Officer Precinct with drainage.
- Implement the Development Services Scheme for Officer Precinct and Gum Scrub Creek.
- Manage the quantity and quality of stormwater runoff and improve downstream water quality flows into Western Port.
- Ensure that Water Sensitive Urban Design treatment measures are provided in both the main and local drainage systems.
- Ensure development is not unduly susceptible to flooding by providing peak overland flow paths connected to creeks and rivers.

4.7.3 Table 18: Utilities and Energy Planning and Design Guidelines that must be met.

General:

- Requirements of the relevant authority or provider are to be met.
- The location of services are:
 - Not to impede future road alignments;
 - To be located along the edges of open space/waterway corridors, ideally within abutting road reserves;
 - Have regard to the requirements for the location of stormwater wetlands, frog ponds and native vegetation to be retained, so as not to compromise biodiversity outcomes;
 - To be located on private land adjacent to the Princes Freeway, not within the freeway reservation.

Drainage:

- Underground drainage is to be designed to convey storm events to discharge into open drainage channel or waterways in the Precinct, accommodating:
 - 1 in 10 year flows for commercial uses; and
 - 1 in 5 year flows for residential uses.
- Provide a drainage network that is designed and constructed in accordance with the requirements of relevant Development Services Scheme, Melbourne Water and Cardinia Shire.

In response to the above the Officer PSP is consistent with the Melbourne Water Officer Drainage Scheme.

However, the broader issue is with the north west properties which are within the same drainage catchment. Until each landowner makes an application to subdivide their land is it difficult to ascertain whether a piped drainage solution is practical for the area. It is premature to approve of this type of outcome for a development that is located approximately within the centre of this drainage corridor without understanding the broader impacts.

CONCLUSION

The Officer Precinct Structure Plan sets out clear objectives that require drainage reserves to also serve as linear parks connecting the community to places of interest. The Precinct Structure Plan identifies the need for a consistent approach to be applied across the fragmented land ownership in this area as it develops.

Significant opportunities exist across the Cardinia Shire to improve walking and cycling networks and create a well connected municipality. As demonstrated through the assessment of this report, it is clear that the proposal has fundamental issues with the subdivision layout in relation to the width of the drainage corridor and is not generally in accordance with the Officer PSP.

The proposed subdivision also will introduce rear fences onto adjoining retarding basins and linear reserves inconsistent with Crime Prevention through Environmental Design Principles.

As such, it is recommended that a Refusal to Grant Planning Permit T160693 be issued for a subdivision and associated works at 46 Tivendale Road, Officer on the following grounds:

1. The proposal is not generally in accordance with the incorporated Officer Precinct Structure Plan (September 2011).
2. The proposal is not generally in accordance with the future urban structure shown in Map 1 to Schedule 3 of Clause 37.07 of the Urban Growth Zone.
3. The proposal is not generally in accordance with Plan 5 Future Urban Structure, Plan 6 Land Use Budget, Plan 11 Open Space Network and Plan 12 Integrated Water Management of the Officer Precinct Structure Plan (September 2011).
4. The grant of the permit will diminish the ability ensure that the required drainage reserve and passive open space will be delivered in a manner that benefits the broader community which will prejudice the orderly and proper planning of the area.

Melbourne Water grounds of refusal:

5. The project proponent has not provided sufficient information for how Melbourne Water's proposed assets will integrate with Council's assets within the reserve.
6. An ANCOLD assessment of the upstream dam and future retarding basin, behind Minarets College, by an expert dams engineer has not been undertaken.
7. The permit application has not taken into account Melbourne Water's waterway corridors development guidelines.

T160963 PA - Locality Map



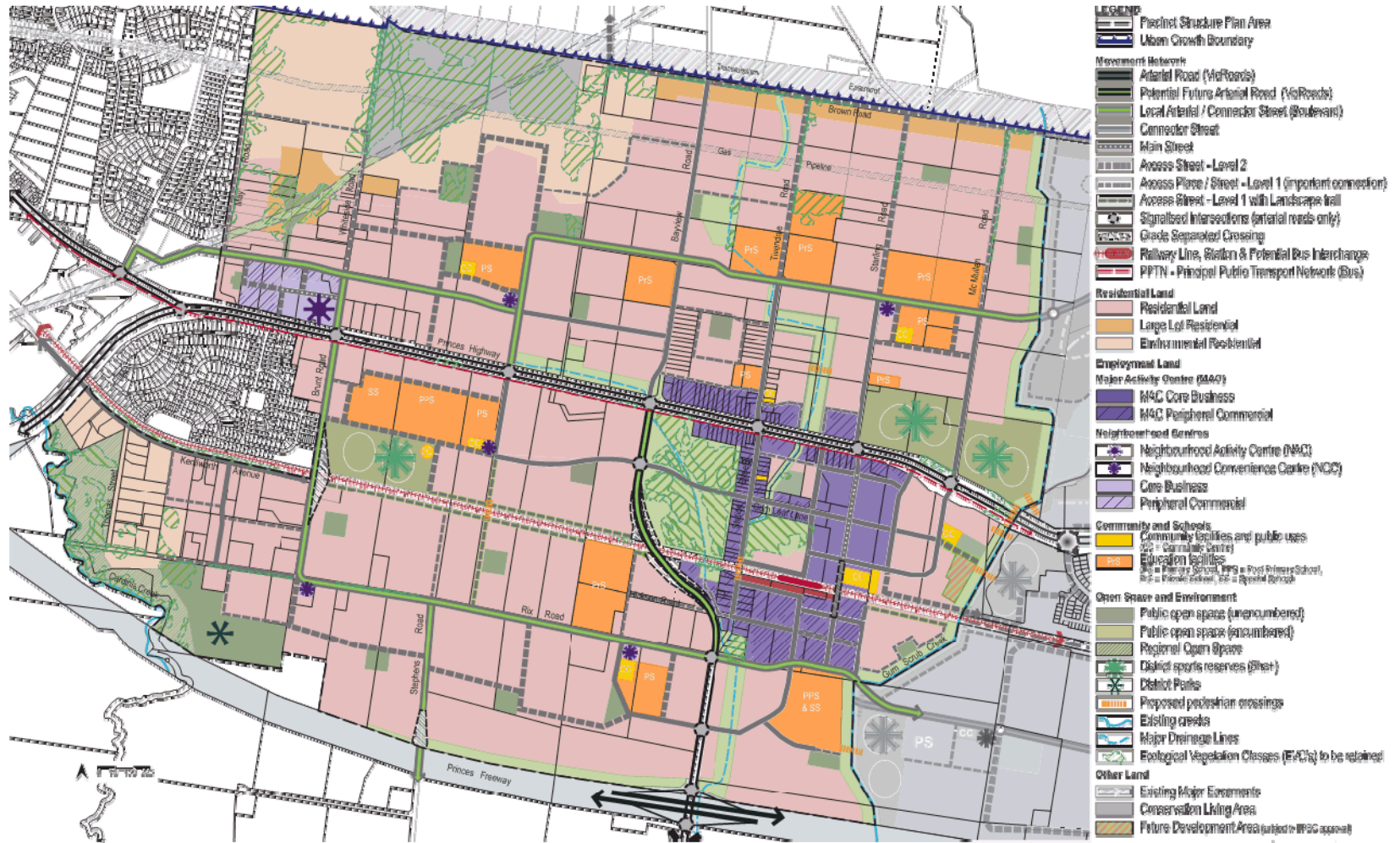
141.8 0 70.95 141.8 Meters
1: 2,793
Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

9-Aug-2017

Notes
46 Tivendale Road Officer

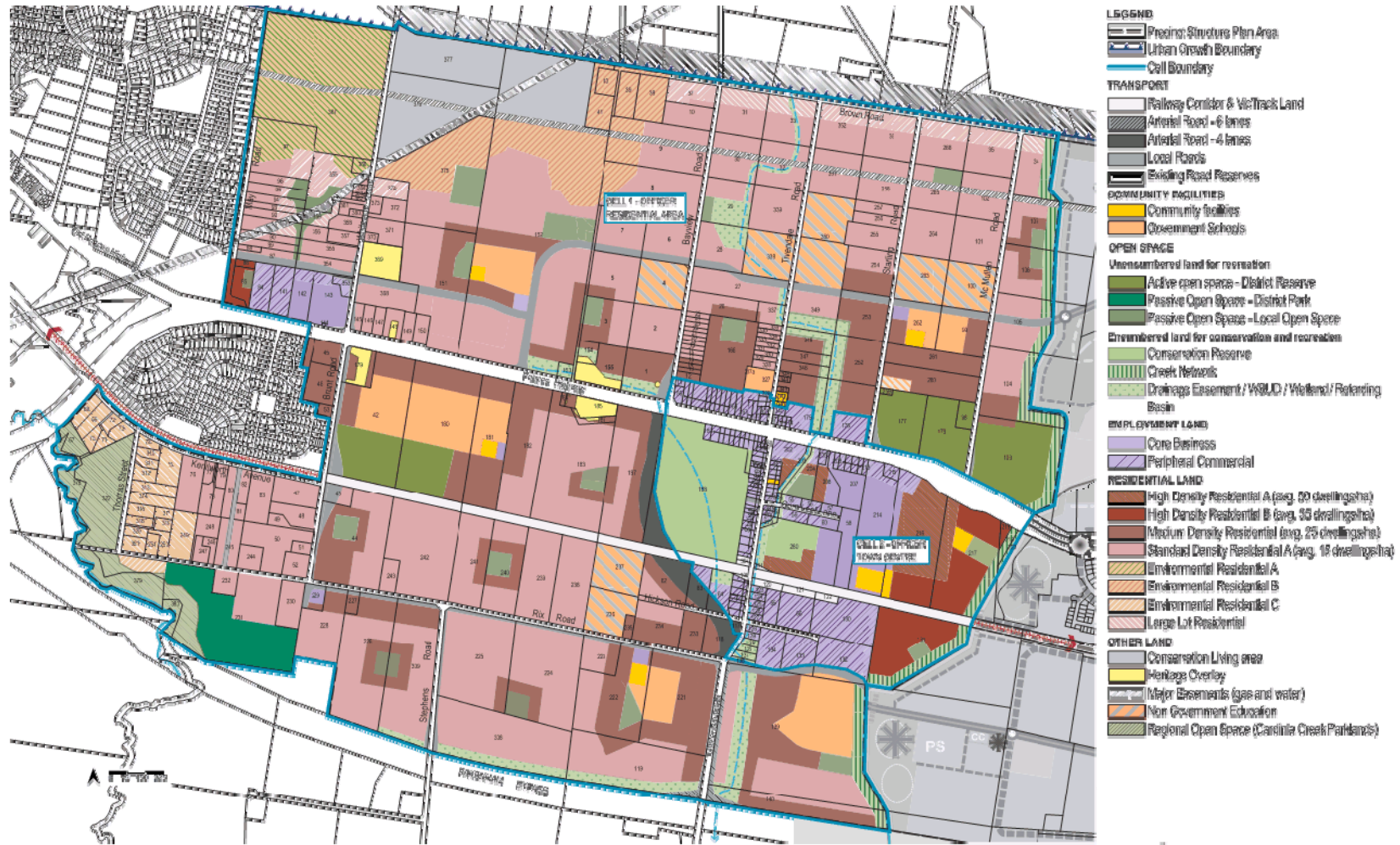


Plan 5: Future Urban Structure

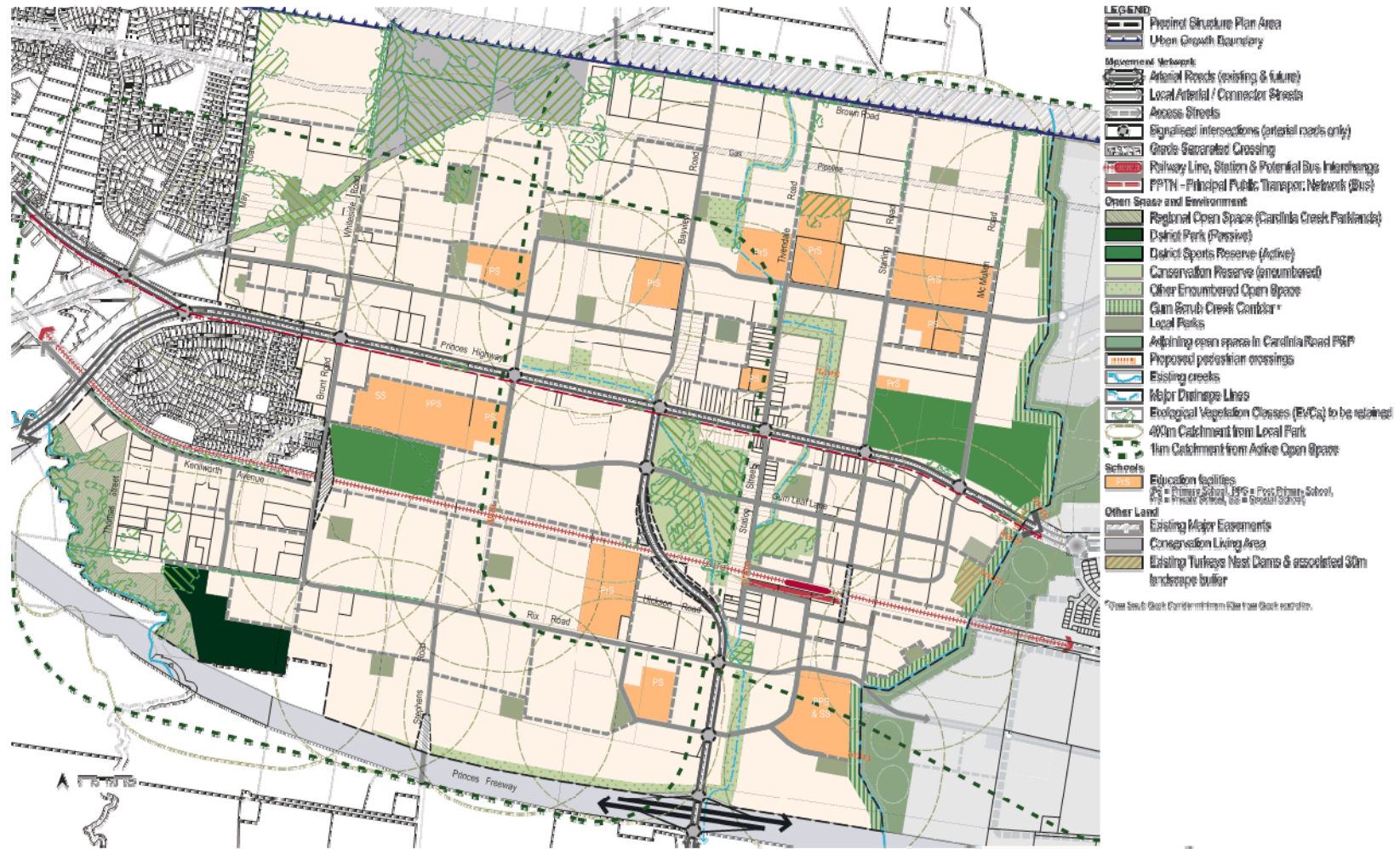


Officer Precinct Structure Plan 20

Plan 6: Land Use Budget

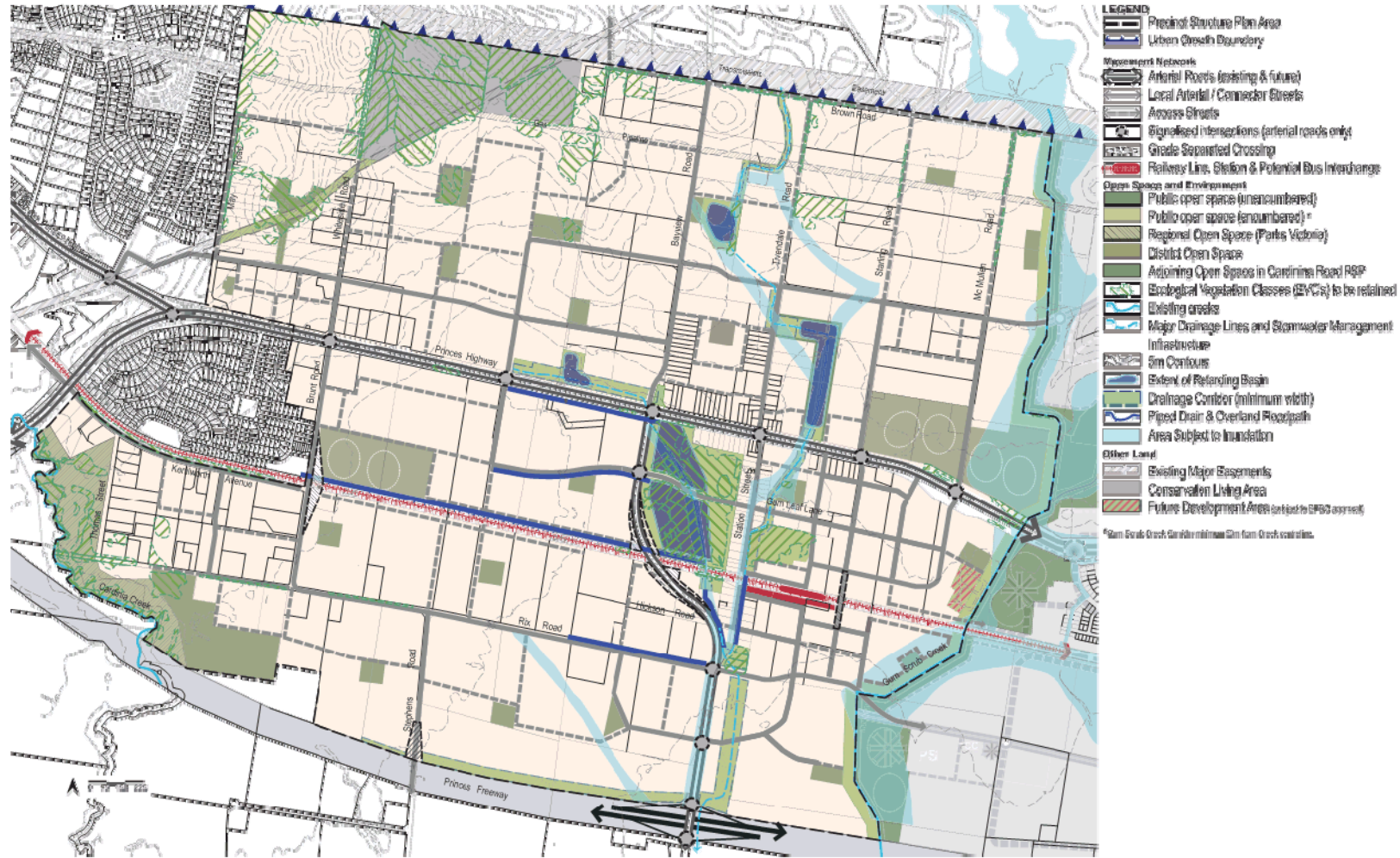


Plan 11: Open Space Network

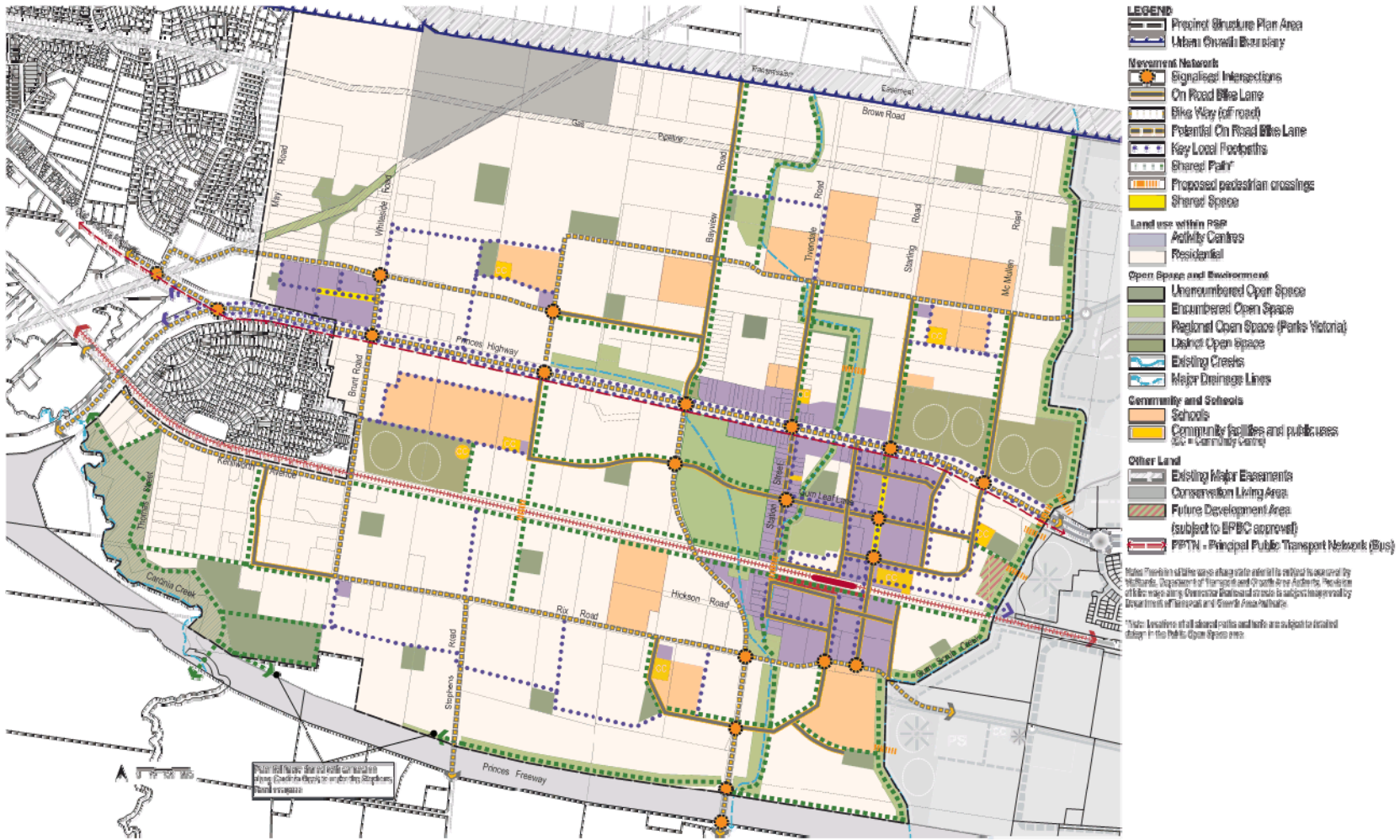


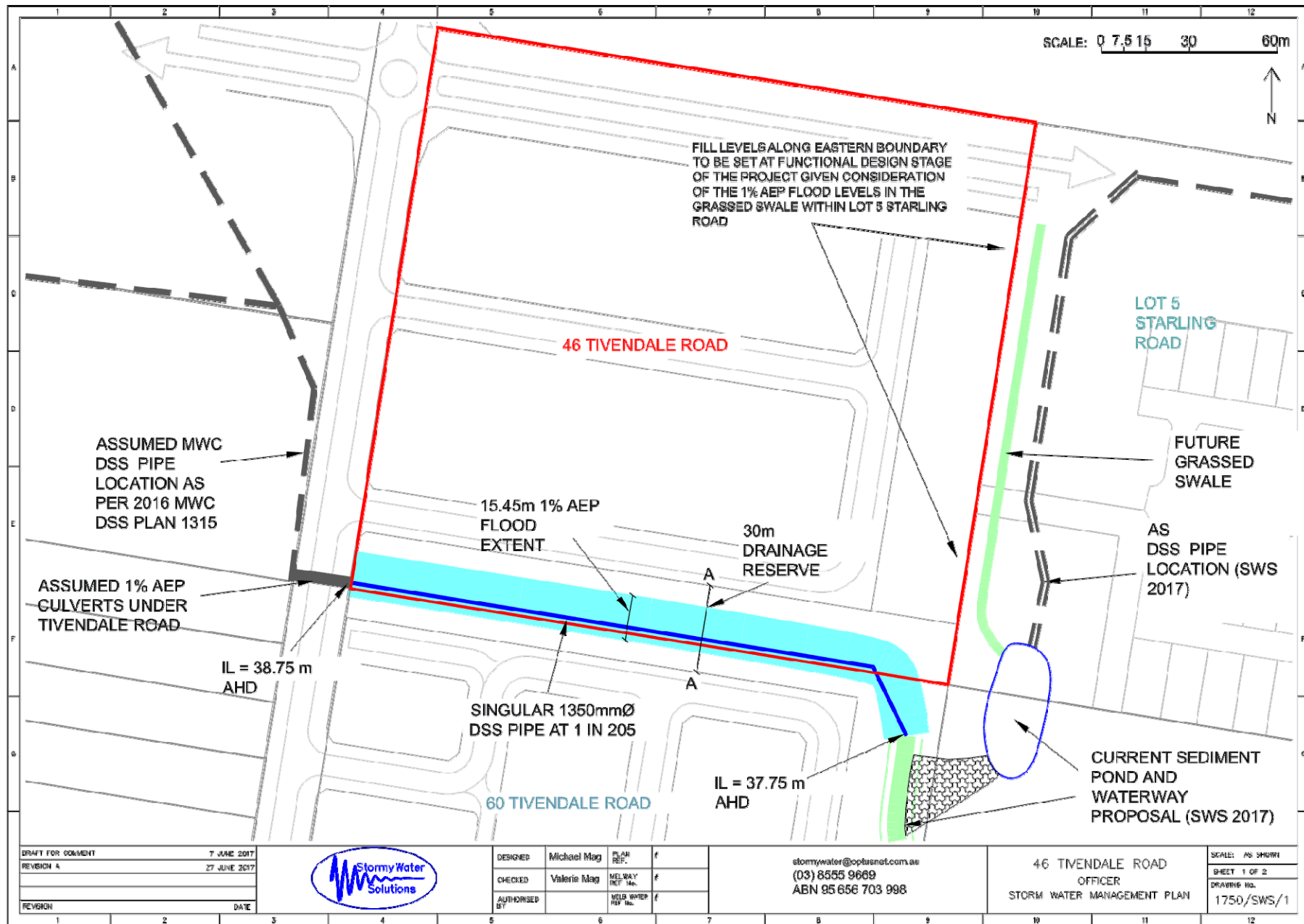
Officer Precinct Structure Plan 97

Plan 12: Integrated Water Management



Plan 17: Walking and Trails







- Notes**
- Street tree layout to northern side of Timberkop Road must to be continued on part of development to the south.
 - No existing trees are to be retained.
 - Kinks, paths are part of all works and are shown on detailed landscape plans.
 - No fencing or feature landscape walls are proposed on part of landscape works.
 - Removal of existing site structures, fencing, infrastructure & stockpiles is part of civil works.

- Key landscape elements & themes**
1. Continue the Timberkop Roadside landscape treatment from the west of the development along the northern boundary of the development.
 2. Provide high quality streetlights in accordance with Council's street tree guidelines.

Tree Key

Deciduous		
Botanical Name	Common Name	Mature Size (mtr)
<i>Acacia saligna</i> 'Golden Fibray'	Lipstick Maple	12m x 8m
<i>Quercus palustris</i>	Pin Oak	12m x 8m
Evergreen		
Botanical Name	Common Name	Mature Size (mtr)
<i>Corymbia allalata</i>	Red Flowering Gum	12m x 8m
<i>Corymbia maculata</i>	Spirited Gum	10m x 8m
<i>Eucalyptus polybractea</i>	Red Iron Bark	10-15m x 6-10m

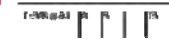
GbLA

LOT 49 TIVENDALE ROAD (NOT PART OF THIS MASTERPLAN)

DRAFT

Project No: 1000
Tivendale Road Office
Street Tree Masterplan

GbL ACDM 1411



MP1
2023/27