



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 1 OCTOBER 2018

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 1 October 2018

The meeting commenced at 7:01pm

PRESENT:

Mayor, Collin Ross, Chairman

Councillors Michael Schilling, Carol Ryan, Jodie Owen, Graeme Moore, Ray Brown, Leticia Wilmot

Messrs Debbie Tyson (A/GMPD), Doug Evans (MG)

APOLOGIES:

Councillors Brett Owen, Jeff Springfield

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 CONSTRUCTION OF FOUR (4) DWELLINGS ON A LOT, 49 HOWEY ROAD, PAKENHAM

FILE REFERENCE INT1867212

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180096 be issued for Construction of four (4) dwellings on a lot at 49 Howey Road, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

- | | | |
|---|--|----------|
| 1 | T180096 - Locality Map | 1 Page |
| 2 | T180096 - Development Plans | 4 Pages |
| 3 | T180096 - Copy of Objections, circulated to Councillors only | 12 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180096
APPLICANT:	Mr Indra Kurniawan
LAND:	49 Howey Road, Pakenham VIC 3810
PROPOSAL:	Construction of four (4) dwellings on a lot
PLANNING CONTROLS:	General Residential Zone Development Contributions Plan Overlay Schedule 1, Special Building Overlay
NOTIFICATION & OBJECTIONS:	Notice of the application has been given by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site 11 objections have been received to date
KEY PLANNING CONSIDERATIONS:	Neighbourhood character, amenity impacts, bulk and scale of development
RECOMMENDATION:	Approval

BACKGROUND:

There is no relevant planning history for the subject site.

SUBJECT SITE:

The site is located on the west side of Howey Road, opposite the intersection of Parman Avenue, Pakenham.

A crossover is located on the north-west side of the frontage of the site. There are no easements shown affecting the property

The site currently contains an existing single storey brick veneer dwelling with a front setback of approximately 9 metres. The front yard contains a manicured garden with a mix of exotic plant species and paved paths. The rear yard contain an outbuilding and a few small trees.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- Residential development predominately single dwellings on lots of approximately 800 m²
- Some infill development and multi unit development on lots down to as small as 200 m².

The subject site has 5 property abuttals which consist of:

- To the east is number 47 Howey Road which contains a single storey attached dwelling which is built boundary to boundary and shares a party wall with No.2/47 Howey Road. The dwelling has a front setback of 11.2 m and a small area of secluded private open space to the rear.
- To the south is No.3 Hennessy Street, Pakenham. The site contains a double storey dwelling with a number of outbuildings and a swimming pool within the rear private open space.
- To the west there are three dwellings which share the side property boundary with the subject site. No's 10, 12 and 14 all contain a single storey brick veneer dwellings with rear setbacks from the shared boundary of 7.6, 12.2 and 11.5 metres respectively. Various outbuildings can be found in the rear private open spaces of these properties, however there is very little vegetation.

The subject site is located approximately 2 km from the Pakenham train station and the town centre and 5.5 km from the Cardinia Station. There are numerous primary and secondary schools within close proximity of the site.

PROPOSAL

The application proposes the construction of four (4) dwellings on the lot. The existing dwelling will be demolished to make way for the development. There are no controls over the existing dwelling such as heritage. The development can be described as follows.

Dwellings 1 and 2 will be constructed as 1 double storey building with a central party wall. Each dwelling will have a frontage and direct vehicular access off Howey Road. The accessway for Dwelling 1 will be shared with the access for Dwellings 3 and 4 which are located to the rear of the site. The floor plans of Dwelling 1 and 2 are essentially the same and are a mirrored layout consisting of the following:

Ground floor

- Front porch sheltering the entry and hall with a small study at the front
- Small bathroom with hidden laundry and linen storage under stair well.
- Large open plan kitchen and living/meals area with direct access to the rear secluded private open space.
- Attached single garage with tandem space in front.
- Front setback of 9 metres.

Upper floor

- Master bedroom with walk in robes and ensuite
- Two additional bedrooms and a second bathroom
- Front setback of 9.7 metres, northern side setback of a minimum of 1.8 metres and a southern side setback of a minimum of 4.7 metres.

Dwellings 3 and 4 will also be constructed as a single double storey building with a shared party wall. While the dwellings will be attached, dwelling 3 will have an orientation towards the internal accessway to the east and dwelling 4 will be orientated to look towards the site to the north. The dwellings can be described as follows:

Dwelling 3

Ground Floor

- Front porch leading to small study
- Bathroom, laundry and linen storage opening out onto modest open plan kitchen and living /meals area with direct access to the rear secluded private open space.
- Attached single garage with internal access to the dwelling and secluded private open space.

Upper floor

- Master bedroom with walk in robe and ensuite, additional bedroom and bathroom.
- Side setback of 3.5 metres from western boundary.

Dwelling 4

Ground floor

- Porch leading to entry and living room, open plan kitchen/meals area with direct access to secluded private open space.
- Attached double garage with internal access to secluded private open space and dwelling.

Upper floor

- Master bedroom with walk in robe and ensuite and two additional bedrooms and a bathroom.
- Rear setback of a minimum of 1.9 metres and a side setback from the eastern boundary of 1.8 metres.

General

- The subject site has an overall area of 810 m²
- The site coverage will be 321.7 m² (39.7%)
- The permeable area will be 260 m² (32.11%)
- The garden area will be 35%
- All dwellings will have an area of private open space over 40 m² and an area of Secluded Private open space of over 30%
- Seven car space will be provided onsite.
- The maximum building height will be less than 7.3 metres above natural ground level.
- Materials and finishes will consist of:
 - Brick work finish on the lower level
 - Render finish to the upper levels
 - Tiled roofs with a 22.5 degree pitch.

Obscured glazing will be utilised on particular windows to avoid overlooking.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- *Clause 11 Settlement*
- Clause 11.02 Urban Growth
- Clause 11.04 Metropolitan Melbourne
- Clause 15 Built Environment and heritage

- Clause 15.01 Urban Environment
- Clause 15.02 Sustainable Development
- Clause 16 Housing
- Clause 16.01 Residential Development
- Clause 16.02 Housing Form
- Clause 18.01 Transport
- Clause 18.01 Integrated transport
- Clause 18.02 Movement networks

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.05 Infrastructure

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Improved safety in that the proposal utilises clear accessways for vehicles and pedestrians. The development enables the two rear dwelling to enter and exit the site in a forwards direction. The dwellings also have good passive surveillance of the street.
- Reduce obesity in that the development is with walking distance of public open spaces, shopping centres and public transport.

Zone

The land is subject to the **General Residential Zone**

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay – Schedule 1

- Special Building Overlay

PLANNING PERMIT TRIGGERS

The proposal for the construction of four (4) dwellings on a lot requires a planning permit under the following clauses of the Cardinia Planning Scheme:

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

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site

Council has received 11 objections to date. Of the 11 objections received 9 were copies of a single objection signed by the parties.

The key issues that were raised in the objections are:

- Four double storey dwellings represents an over development
- The bulk and scale of the development is inconsistent with neighbourhood character
- The additional traffic generated and the proximity to the roundabout will create a traffic hazard
- No visitor parking has been provided
- The development will reduce property values in the area
- There will be amenity impacts such as overlooking, over shadowing and excessive noise generated
- The double storey element will block views of the surrounding area
- The increased population will impact on services such as telephone, drainage and electricity networks
- The development will lead to an increase in local pollution
- The development does not comply with certain objectives and standards of Clause 55.

An assessment of the issues raised in the objections has been include later in this report.

DISCUSSION

State and Local Planning Policy Framework

A number of state and local policies are relevant to this application, such as Clause 15.01 (Built environment), Clause 16.01 (Residential development) and Clause 21.06-1 (Design and built form), which aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and liveable neighbourhoods.

At a local level, Clause 21.03-1 (Housing) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of housing types and increased densities, while being consistent with the existing and/or preferred neighbourhood character.

Clauses 16.01-1 (Integrated housing) and 16.01-2 (Location of Residential Development) are also relevant to this application. These clauses aim to prevent inappropriate development and provide housing diversity close to jobs and services. More specifically, these clauses include strategies that seek to facilitate increased housing in the established areas and in areas with appropriate infrastructure and access to jobs and public transport and deliver a diverse mix or housing types.

Clauses 15.02-1 (Energy and resource efficiency) and 21.02-8 (Resource conservation) are also applicable to this application. These clauses generally seek to create a more sustainable and resilient city by encouraging development to maximise efficient use of energy and minimise greenhouse gas emissions.

The proposed development responds to these clauses as it will support the increase of housing within an established area of Pakenham within close proximity to commercial centres, main roads and public transport. The proposal also contributes towards a diversity of housing types and sizes, with the proposed including a mixture of two and three bedrooms dwellings. The proposal respects the character of the existing area, with the use of features and materials that are consistent with what is found in the wider area, such as brick cladding, concrete tiled hip roofing, eaves and open areas for landscaping.

The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme, with the plans maximising the northern orientation of the proposed dwellings and associated private open spaces, and including appropriate areas for landscaping and permeability.

As such the proposed development achieves the objectives of the State and Local Planning Policy Framework.

General Residential Zone – Schedule 1

The General Residential Zone seeks to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and housing growth in locations offering good access to services and transport.

While the use of the land for dwellings does not require a planning permit under the zone, a permit is required to construct two or more dwellings on a lot under clause 32.08-6.

The proposal reinforces the residential nature of the area and supports housing growth in an area that is well served by infrastructure and located close to the commercial centre of Pakenham.

Clause 32.08-4 requires a minimum percentage of a lot to be set aside as garden area when constructing or extending a dwelling or residential building on a lot. For a lot exceeding 650 square metres (such as the subject site), 35 per cent of the land must be set aside as garden area. The proposal meets this requirement, with 35 per cent of garden area.

A summary of the assessment against the requirements of Clause 55 is shown below, with the proposal meeting all relevant objectives.

Accordingly, the development is considered responsive to the existing character of the area, while achieving the zone's objective for housing diversity and growth in appropriate locations.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the existing and developing neighbourhood character of the area. The proposal reinforces the residential character of the area, and uses appropriate design, materials and siting to complement the area. The development is well integrated with the streetscape and of an appropriate scale given its associated services and infrastructure. While the development is for 4 double storey dwellings, they have been designed to read as two separate buildings. The sharing of party walls has enabled the development to reduce the ground floor foot print and allow for more separation at ground and upper floor level. This has reduced the extent of the bulk when viewed from the adjoining lots and provided separation in the built form. The upper levels are also well articulated on all elevations.

The development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services will be available to the development.

Clause 55.03 Site layout and building massing:

The proposed site layout and building massing is consistent with relevant standards and integrates well with the surrounds.

The two dwellings at the front of the site have been provided with front setbacks of 9 metres which meets the standard and allows room for landscaped gardens capable of accommodating a canopy trees which will soften the two storey built form. Garages have been slightly recessed and are only single width, as such they will not dominate the front facades and the dwellings will have an appropriate sense of address.

While the dwellings are double storey, the maximum building heights are not unreasonable within a residential setting. The surrounding area predominately consists of single storey dwelling however there is an emerging trend toward double storey dwellings which aim to reduce the ground floor footprints to accommodate the garden areas required by the zone. The adjoining property to the rear of the subject site contains a double storey dwelling. The upper level of the proposed dwellings have been given appropriate setbacks from boundaries so as to not impact on the amenity of the residents.

Site coverage and permeable surface areas are well within the required standards and are consistent with surrounding properties, even those which only contain a single dwelling. The development has provided adequate permeable areas and with appropriate conditions to be applied with regard to stormwater runoff, Council Drainage Engineers have no objection to the proposal.

Energy efficiency, safety, landscaping, access and parking location are all considered appropriate and in accordance with the required standards subject to the alterations noted above.

Clause 55.04 Amenity Impacts:

The proposed development will have limited impact on the amenity of existing dwellings, with the proposal meeting all standards in relation to matters such as walls on boundaries, side and rear setbacks, daylight to existing windows, overshadowing and overlooking. While the double storey development does cast some shadows into the rear yards of the adjoining properties, the shadows fall within the levels allowed by the standard. On the upper level of all the dwellings, windows which provide the opportunity for overlooking have been treated with obscured glazing to a height of 1.7 m above floor level and the ground floor, standard 1.8 m high fences will be sufficient to protect the privacy of the adjoining properties.

Internal impacts such as internal views and noise impacts are also managed appropriately and in accordance with the relevant standards.

Clause 55.05 On-Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling with the provision of porches and landscaping which does not obscure any views from the public realm or internal accessway. Adequate open space areas have been provided in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

Clause 55.06 Detailed Design:

The development is consistent with the neighbourhood character of the area. While the dwellings are double storey which is less common in the area than single storey, the development has incorporated substantial front setbacks to allow landscaping, materials and finishes which are reflective of those used in the area and roof forms and pitched consistent with the surrounding area. Garages are single width and do not dominate the streetscape being recessed behind the main building line. As the built form of the four dwellings has been designed as two separate buildings there is good separation at the ground floor level as well as the upper levels to provide some separation.

The proposed access way is functional and capable of efficient management. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Development Contributions Plan Overlay – Schedule 1

The Development Contributions Plan Overlay identifies areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Pursuant to Clause 45.06-1, a permit granted must:

- Be consistent with the provisions of the relevant development contributions plan; and
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

A condition requiring the payment of this contribution will be placed on any planning permit.

Clause 52.06 Car Parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality.

The proposal consists of 3 three-bedroom dwellings and 1 two bedroom dwelling, and pursuant to Clause 52.06-5, dwellings with three bedrooms are required to provide a minimum of two car parking space and two bedroom dwellings with 1 space.

The development includes double garages or single garages and tandem spaces for each three bedroom dwelling and a single garage for two bedrooms with a total of 7 spaces provided, consistent with these requirements. The development also complies with all relevant design standards of Clause 52.06-9, which covers matters such as access way widths, turning areas and car park space sizes.

Clause 65 Decision Guidelines

The proposal is consistent with the SPPF and LPPF, the purpose of the zone and is consistent with the orderly planning of the area and not expected to have any unreasonable impact on the amenity of the surrounding area subject to the amendments to the currently proposal detailed above.

Objectors Concerns

11 objections were received to this proposal. Of those 8 were the same document signed by the concerned residents and three additional separate objections were submitted. Many of the issues that have been raised that relate to matters of compliance with objectives and standards of the planning scheme, in particular Clause 55, two or more dwellings on a lot, have been assessed above. Those areas not covered above are assessed below:

- Four double storey dwellings represents an over development

While the development is double storey, it is considered that double storey in a predominately single storey area, does not equate to an over development. Double storey dwellings are common in all residential areas across the shire, with a double storey dwelling present on the adjoining property to the rear of the subject site. The overall height meets the relevant standard and appropriate side and rear setbacks have been provided to ensure compliance with the standards and to reduce the bulk and scale of the development. The upper levels are well articulated to add visual interest and the private open spaces are sufficient in size to allow the provision of canopy trees capable of softening the built form.

- The bulk and scale of the development is inconsistent with neighbourhood character

While there are no multi unit development within the immediate vicinity, there are certainly many within a very short distance. The scale of this proposal is very consistent with the immerging character of the area and proposals such as this will become more common in the area.

- The additional traffic generated and the proximity to the roundabout will create a traffic hazard and no visitor parking has been provided.

The development has been referred to Councils traffic engineers who did not object to the proposal. It is considered that the addition of the traffic generated from this scale of development will not impact on the local traffic conditions. The proposed crossover is located furthest away from the roundabout and two of the dwellings utilising this accessway will be able to manoeuvre and exit the site in a forwards direction.

The development has provided the required number of car spaces as set out within the planning scheme. No visitor's spaces are required to be provided for less than 5 dwellings.

- The development will reduce property values in the area

There is no way to determine that this is the case and an argument could just as easily be made that the development potential of similar lots would increase the property values in the area. Regardless this point is regularly dismissed at VCAT as not being able to be quantified nor being a consideration under the planning scheme.

- The double storey element will block views of the surrounding area

While the double storey element will be obvious from the adjoining lots, the planning scheme does not protect views unless there is a significant landscape overlay or similar. The development is not excessively high and double storey dwellings are not unreasonable in a residential zone. In addition, the applicant made significant changes to the proposal from what was originally submitted. By presenting the development as two buildings, significant separation at the upper level has been provided. Landscaping within the secluded private open spaces will be able to soften the built form from the surrounding area.

- The increased population will impact on services such as telephone, drainage and electricity networks

It is not anticipated that the development will impact in any way on the provision of any of these services. The application was referred to Councils engineers who did not object. Conditions relating to drainage and stormwater will be applied to the permit which will ensure that these matters are appropriately dealt with.

- The development will lead to an increase in local pollution

While this statement may be true it would be at an extent that would not be possible to recognise or would be not be unreasonable in a city which is experiencing such high levels of population increases.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the relevant State and Local Planning Provisions, the purpose of the general Residential Zone and the objectives and standards of Clause 55 of the Cardinia Planning Scheme. It is recommended that a Notice of Decision to Grant Planning Permit T180096 be issued for the construction of four (4) dwellings on a lot at 49 Howey Road, Pakenham subject to the following conditions:

CONDITIONS

1. Before the *use or development* start/s, 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 tandem car parking spaces within the frontage of dwellings 1 and 2 are to be shown with a different coloured finish to the remainder of the accessway.

Landscape Plan:

- b. A landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and show the following features:
 - i. A survey (including botanical names) of all vegetation to be retained and or removed (including street trees).
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surfaces finishes of pathways and driveways.
 - iv. A planting schedule of all proposed trees, shrubs, and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plan.
 - v. Landscaping and planting within all open spaces of the subject land.
 - vi. The provision of a minimum of one canopy tree, with a minimum mature height of 10 metres, within the front setback of dwellings 1 and 2 and the rear yards of all dwellings capable of softening the built form of the dwellings, from the streetscape and adjoining lots.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
5. 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 building, including the roof, must be of a non-reflective nature.
6. 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.
7. 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.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to

Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. 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.
10. 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.
11. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
13. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this 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:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

Locality map



78.9 0 39.44 78.9 Meters

1: 1,553

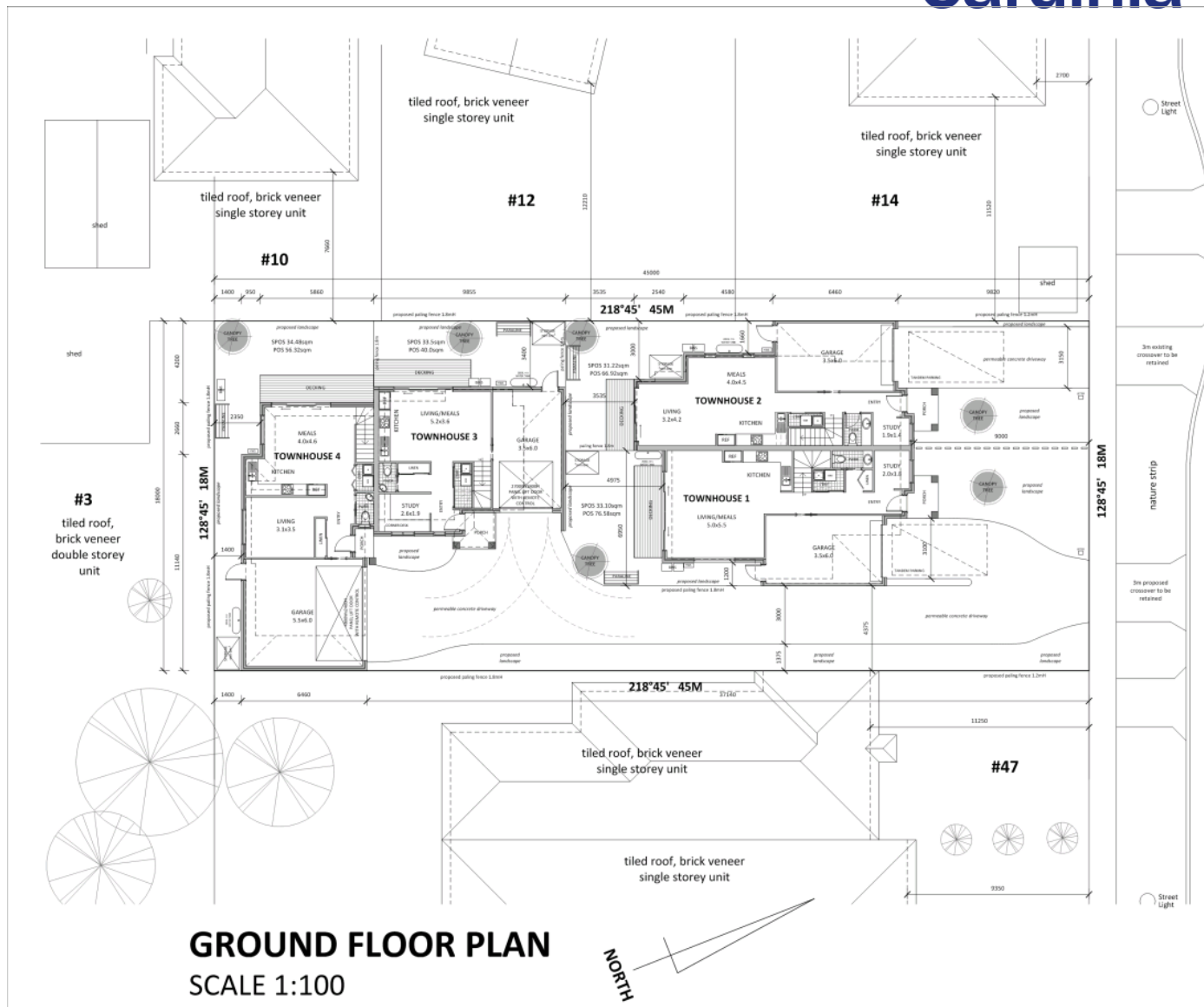
Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

14-Sep-2018

Notes

Subject site - 49 Howey Road, Pakenham
-outlined in yellow





DEVELOPMENT SUMMARY

NUMBER OF DWELLINGS	4
ALLOTMENT SIZE	810sqm
SITE COVERAGE	321.77sqm (39.72%)
PERMEABILITY AREA	260.13m (32.11%)
PRIVATE OPEN SPACE (POS)	
- Townhouse 1	76.58sqm
- Townhouse 2	66.92sqm
- Townhouse 3	40.30sqm
- Townhouse 4	56.32sqm
SECLUDED PRIVATE OPEN SPACE (SPOS)	
- Townhouse 1	33.14sqm
- Townhouse 2	31.22sqm
- Townhouse 3	33.50sqm
- Townhouse 4	34.48sqm
CAR PARKING	7
GARDEN AREA	283.52sqm (35.00%)

BUILDING AREA TOWNHOUSE 1

GROUND FLOOR AREA	57.37sqm	6.2sq
FIRST FLOOR AREA	60.93sqm	6.6sq
GARAGE AREA	22.35sqm	2.4sq
PORCH AREA	3.20sqm	0.3sq
TOTAL AREA	143.85sqm	15.5sq

BUILDING AREA TOWNHOUSE 2

GROUND FLOOR AREA	52.81sqm	5.7sq
FIRST FLOOR AREA	66.80sqm	7.2sq
GARAGE AREA	22.35sqm	2.4sq
PORCH AREA	3.20sqm	0.3sq
TOTAL AREA	145.16sqm	15.6sq

BUILDING AREA TOWNHOUSE 3

GROUND FLOOR AREA	44.29sqm	4.8sq
FIRST FLOOR AREA	46.52sqm	5.0sq
GARAGE AREA	22.35sqm	2.4sq
PORCH AREA	3.38sqm	0.4sq
TOTAL AREA	116.54sqm	12.5sq

BUILDING AREA TOWNHOUSE 4

GROUND FLOOR AREA	51.75sqm	5.6sq
FIRST FLOOR AREA	63.86sqm	6.9sq
GARAGE AREA	37.02sqm	4.0sq
PORCH AREA	1.70sqm	0.2sq
TOTAL AREA	154.33sqm	16.6sq

HOWEY ROAD

0468535040 M.
steve@draftforarchitect.com.au E.
www.draftforarchitect.com.au W.

Project
PROPOSED FOUR DOUBLE STOREY TOWNHOUSES

Address
49 HOWEY ROAD PAKENHAM VIC 3810

Client
KONCO PROPERTY

Drawing
TOWN PLANNING

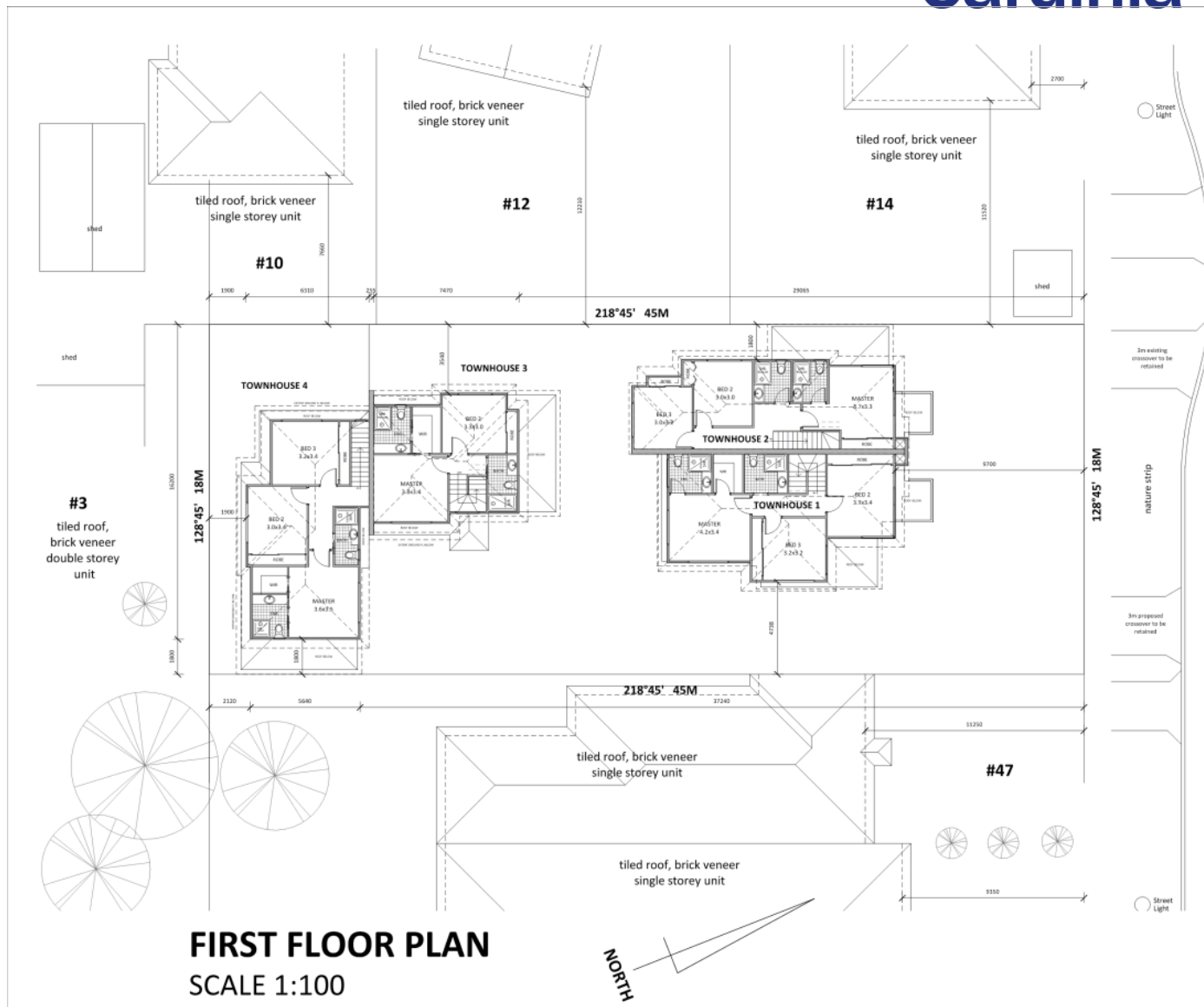
Important Notes:
These drawings must not be scaled. Figure dimensions take precedence.
It is the builders and all sub-contractors responsibility to verify all dimensions, levels and existing conditions on site prior to commencement to any works and ordering of materials.
Any discrepancies are to be reported to this office immediately.
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Issue	Revision	Description	Date

Building Area

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Date : 13/06/2018
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DEVELOPMENT SUMMARY

NUMBER OF DWELLINGS	4
ALLOTMENT SIZE	810sqm
SITE COVERAGE	321.77sqm (39.72%)
PERMEABILITY AREA	260.13m (32.11%)
PRIVATE OPEN SPACE (POS)	
- Townhouse 1	76.58sqm
- Townhouse 2	66.92sqm
- Townhouse 3	40.30sqm
- Townhouse 4	56.32sqm
SECLUDED PRIVATE OPEN SPACE (SPOS)	
- Townhouse 1	33.14sqm
- Townhouse 2	31.22sqm
- Townhouse 3	33.50sqm
- Townhouse 4	34.48sqm
CAR PARKING	7
GARDEN AREA	283.52sqm (35.00%)

BUILDING AREA	TOWNHOUSE 1	
GROUND FLOOR AREA	57.37sqm	6.2sq
FIRST FLOOR AREA	60.93sqm	6.6sq
GARAGE AREA	22.35sqm	2.4sq
PORCH AREA	3.20sqm	0.3sq
TOTAL AREA	143.85sqm	15.5sq

BUILDING AREA	TOWNHOUSE 2	
GROUND FLOOR AREA	52.81sqm	5.7sq
FIRST FLOOR AREA	66.80sqm	7.2sq
GARAGE AREA	22.35sqm	2.4sq
PORCH AREA	3.20sqm	0.3sq
TOTAL AREA	145.16sqm	15.6sq

BUILDING AREA	TOWNHOUSE 3	
GROUND FLOOR AREA	44.29sqm	4.8sq
FIRST FLOOR AREA	46.52sqm	5.0sq
GARAGE AREA	22.35sqm	2.4sq
PORCH AREA	3.38sqm	0.4sq
TOTAL AREA	116.54sqm	12.5sq

BUILDING AREA	TOWNHOUSE 4	
GROUND FLOOR AREA	51.75sqm	5.6sq
FIRST FLOOR AREA	63.86sqm	6.9sq
GARAGE AREA	37.02sqm	4.0sq
PORCH AREA	1.70sqm	0.2sq
TOTAL AREA	154.33sqm	16.6sq

HOWEY ROAD



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Project
PROPOSED FOUR DOUBLE STOREY TOWNHOUSES

Address
49 HOWEY ROAD PAKENHAM VIC 3810

Client
KONCO PROPERTY

Drawing
TOWN PLANNING

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Issue	Revision Description	Date

Building Area

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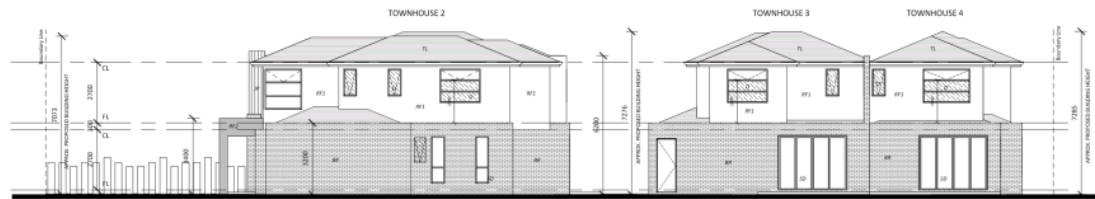


1 North Elevation
1 : 100

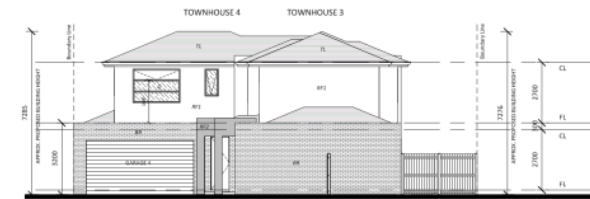
- LEGEND**
- RF RENDER FINISH
 - BR BRICKWORK FINISH
 - BL BLOCKWORK FINISH
 - WF WEATHERBOARD FINISH
 - O OBSCURED GLASS
 - SD SLIDING DOOR
 - ST STACK DOOR
 - JP JAMES HARDIE PLANK FINISH
 - JM JAMES HARDIE MATRIX FINISH
 - TL TILED ROOF AT 22.5°



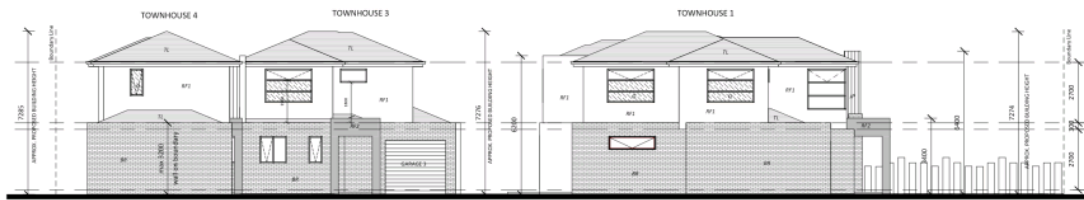
2 South Elevation
1 : 100



3 West Elevation
1 : 100



4 Internal North Elevation
1 : 100



5 East Elevation
1 : 100



6 Internal South Elevation
1 : 100



Project
PROPOSED FOUR DOUBLE STOREY TOWNHOUSES

Address
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Client
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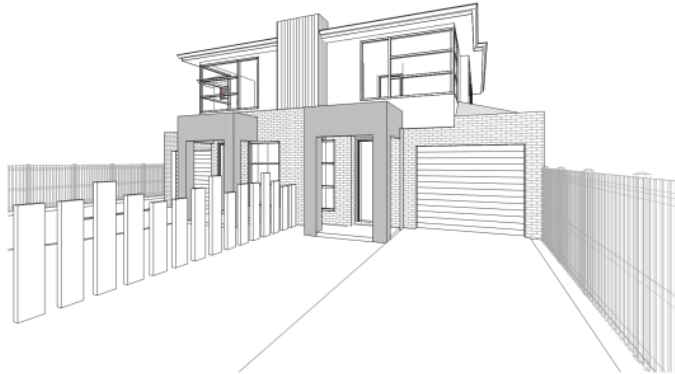
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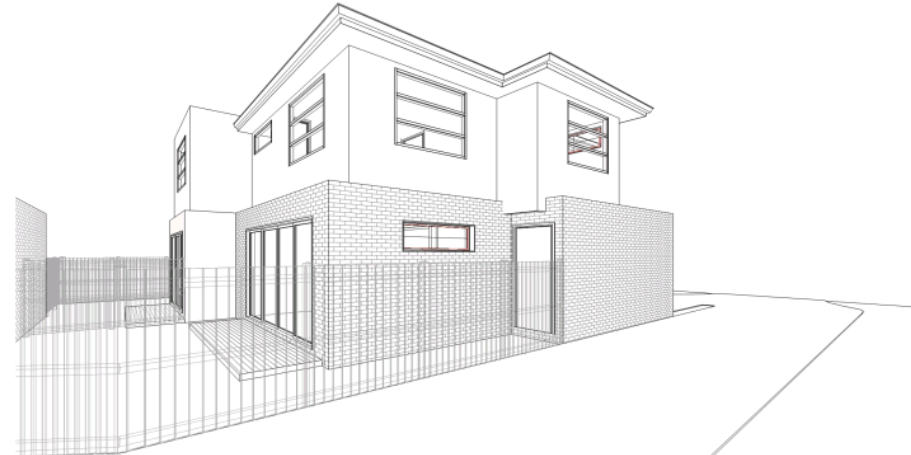
Issue	Revision	Description	Date

Building Area

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1 TOWNHOUSE 1 & 2



2 TOWNHOUSE 1



3 TOWNHOUSE 3 & 4



4 REAR VIEW



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Project
PROPOSED FOUR DOUBLE
STOREY TOWNHOUSES
Address
49 HOWEY ROAD PAKENHAM VIC 3810

Client
KONCO PROPERTY
Drawing
TOWN PLANNING

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Issue	Revision	Description	Date

Building Area

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Scale : on A1
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1 CONSTRUCTION OF FOUR (4) DWELLINGS ON A LOT, 49 HOWEY ROAD, PAKENHAM

Moved Cr M Schilling Seconded Cr J Owen

That a Notice of Decision to Grant Planning Permit T180096 be issued for Construction of four (4) dwellings on a lot at 49 Howey Road, Pakenham VIC 3810 subject to the following conditions:

1. Before the *use or development* start/s, 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 tandem car parking spaces within the frontage of dwellings 1 and 2 are to be shown with a different coloured finish to the remainder of the accessway.

Landscape Plan:

- b. A landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and show the following features:
 - i. A survey (including botanical names) of all vegetation to be retained and or removed (including street trees).
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surfaces finishes of pathways and driveways.
 - iv. A planting schedule of all proposed trees, shrubs, and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plan.
 - v. Landscaping and planting within all open spaces of the subject land.
 - vi. The provision of a minimum of one canopy tree, with a minimum mature height of 10 metres, within the front setback of dwellings 1 and 2 and the rear yards of all dwellings capable of softening the built form of the dwellings, from the streetscape and adjoining lots.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
5. 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 building, including the roof, must be of a non-reflective nature.
6. 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.
7. 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.

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

8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. 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.
10. 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.
11. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
13. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this 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:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

Cd.

2 DEVELOPMENT OF TEN (10) DWELLINGS, 12-14 THWAITES ROAD PAKENHAM

FILE REFERENCE INT1867207

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Frances Stipkovic

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T170278 be issued for Construction of ten (10) dwellings and associated buildings and works at 12-14 Thwaites Road, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

1	T170278 - Locality Map	1 Page
2	T170278 - Development Plans	6 Pages
3	T170278 - Copy of Objections, circulated to Councillors only	10 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T170278
APPLICANT:	Roland Abrahams
LAND:	12-14 Thwaites Road, Pakenham VIC 3810
PROPOSAL:	Construction of ten (10) dwellings and associated buildings and works
PLANNING CONTROLS:	General Residential Zone Schedule 1 Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notice of the application has been given by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site. Seven (7) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood character, amenity impacts
RECOMMENDATION:	Approval

BACKGROUND:

There is no relevant planning history for the site.

The development plans have been amended providing additional information from those circulated during the notification process, including the turning circles for the southern portion of the internal access way as required by Council's Traffic Department and additional detail with regard to retaining walls and excavation

works to satisfy Council's Drainage Department. These are the plans under consideration and do not materially change the development as such re-notification was not considered necessary.

SUBJECT SITE

The site is located on the south side of Thwaites Road approximately 105 metres east of Ahern Road in Pakenham. The site consists of two titles known as Lot 2 and Lot 3 LP 025500 with the overall site is generally rectangular in shape with a frontage of 36.58 metres and depth of 72.53 metres with an overall area of 2,647 square metres.

The site slopes from west with a fall of approximately 2.6 metres across the total width of the site and is burdened by a 2 metre wide drainage and sewerage easement running along the rear (south) boundary of the site.

The site is currently developed with a single storey weatherboard dwelling located in the northern portion site and extends over both allotments. This dwelling is provided with private open space on the south, including grass coverage and scattered vegetation, a hedges along portions of the east and west boundaries. The site includes two gravel crossovers and a 'U' shaped driveway arrangement within the front setback with a hedge of trees located along the site frontage. The site includes a low stone fence along the site frontage with common boundary fencing generally 1.6 metre high paling fences.

Surrounding use and development includes:

- North:** The land to the north is the Thwaites Road road-reserve including a grassed nature strip with two way road reserve including roll over kerb. Properties further north include residential development with generally single storey form.
- South:** The property to the south is an unusual shaped lot known as 20 Thwaites Road, developed with a dwelling well separated from the common boundary with private open space abutting the subject site and a number of outbuildings. Some larger canopy vegetation is present along the common boundary.
- East:** The land to the east known as 16 Thwaites Road is developed with a double storey dwelling located in the northern portion of the site setback 3 metres from the common boundary and the carport and garage located along the common boundary. A driveway is located along the majority of the length of the common boundary with private open spaces established vegetation located along the common boundary.
- West:** The land to the west known as 10 Thwaites Road is developed with a single storey dwelling located in the northern portion of the site setback 3 metres from the common boundary and carport and garage located along the common boundary. A driveway is located along the majority of the length of the common boundary with vegetable garden located along the common boundary.

The area is a mixture of single and double storey dwellings with pitched roof form with canopy vegetation a feature of the area.

PROPOSAL

The proposal is for the construction of eight double-storey dwellings and two single storey dwellings.

Siting and Design

The proposal includes two dwellings fronting Thwaites Road with a central access way and four dwellings located in a tandem formation at the rear of each of the front dwellings.

Proposed dwellings 1 and 10 are setback 8.8 metres and 9 metres respectively from the Thwaites Road frontage. The development includes varied setbacks of 1.2 – 3 metres from the east, west and south boundaries with first floors setback between 2.4 and 4.4 metres from the east and west boundaries and dwelling 6 with a first floor setback 5.6 metres from the south boundary.

The proposed internal layout includes two dwellings to be attached at ground floor level with upper floor level with varied separations provided throughout the site at both ground and first floor levels. The dwellings will have ground floor ceiling heights of approximately 2.7 metres at ground floor level with 2.5 metres at upper floors and a maximum overall height of up to 7.9 metres.

The proposed development includes eight double storey dwellings with areas of between 167.4 – 188.9 square metres, including an open living meals and kitchen area, bathroom and laundry with three bedrooms, bathroom and ensuite.

The proposed single storey dwellings, dwelling 5 located, in the south east corner of the site and dwelling 9, in the northern portion of the site on the west side of the proposal. Dwelling 9 consists of three bedrooms, open living meals and kitchen area, bathroom, ensuite and laundry. With Dwelling 5 consisting of two bedrooms open living meals and kitchen area, bathroom, ensuite and laundry.

The dwellings incorporate a range of materials and colours, including face brickwork, rendered finishes, and tile roofing with eaves. Other design features used throughout the development include entry porches and recessed garages.

Car Parking and Access

The proposal includes one shared access located centrally within the Thwaites Road frontage with varied width of between 3 – 6.1 metres. Double storey dwellings are provided with double garage each located on the east and west sides of the access way with the three bedroom single storey dwelling also provided with a double garage and the remaining two bedroom dwelling provided with a single garage.

The development incorporates two visitor parking spaces one on the east side of the access way between dwelling 1 and dwelling 2 with a second space located on the west side of the access way between dwellings 7 and 8.

Vegetation Removal, Landscaping, Open Space and Fencing

A number of trees and other vegetation are proposed to be removed from the subject site. Formal landscaping plans have been provided, the proposed site plan includes a number of open space areas within the front, side and rear of the dwellings with each of the dwellings having canopy trees provided. The dwellings have been sited to ensure limited encroachment on the existing trees located near common boundaries.

The proposed dwellings are provided with secluded open space between 35 – 90 square metres within each individual dwelling, with the overall development including to total area of 38.5% garden areas.

The proposed dwellings are generally stepped with the slope of the land with the use of a 0.8 metre high retaining wall along the west boundary of the site with a 0.2 metre high retaining wall between dwellings 3 and 4. Perimeter fencing will retain the existing 1.6 metre high paling fence with the provision of a 0.2 lattice on the east, west and south boundaries.

Utilities, Services and Amenities

The plans show the provision of storage areas within the garage, clotheslines and rubbish bin storage areas within the rear private open space of each dwelling, and mailboxes at the entry to the site.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the SPPF are:

- Clause 15.01-1S Urban design;
- Clause 15.01-2S Building design;
- Clause 15.01-5S Neighbourhood character;
- Clause 15.02-1S Energy and resource efficiency;
- Clause 16.01-1S Integrated housing;
- Clause 16.01-3S Housing diversity; and
- Clause 16.01-4S Housing affordability.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-8 Resource conservation;
- Clause 21.03-1 Housing; and
- Clause 21.06-1 Design and built form.

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Cardinia Shire's Liveability Plan 2017-2029;
- Pakenham Structure Plan 2017
- Clause 52.06 Car Parking;
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Clause 65 Decision Guidelines; and
- Clause 66 Referral and Notice Provisions.
- Clause 71.02-3 Integrated decision making

Zone

The land is subject to the General Residential Zone – Schedule 1 (GRZ1).

Overlays

The land is subject to the following overlays:

- Development Contribution Plan Overlay – Schedule 1 (DCPO1)

PLANNING PERMIT TRIGGERS

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

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

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land; and
- Placing one (1) sign on site facing Thwaites Road.

Council has received seven (7) objections to date.

The key issues that were raised in the objections are:

- Ten dwellings on the site is inconsistent with the neighbourhood;
- Issues associated with on street car parking, congestion and safety (vehicle and pedestrian);
- Amenity impacts including overshadowing and overlooking;
- Increased noise from the dwellings (number of people and traffic);
- Removal of vegetation will impact on fauna in area;
- Impact of demolition of the existing house and potential asbestos;
- Ongoing issues with sewerage in the area;
- Devalue surrounding properties.

DISCUSSION

The proposal for the construction of ten (10) dwellings is considered consistent with the aims and objectives of the Cardinia Planning Scheme. The proposal delivers on relevant planning policy framework that seek to achieve attractive and liveable neighbourhoods and support housing in appropriate locations.

Planning Policy Framework

A number of state and local policies are relevant to this application, including:

- Clauses 15.01-1S (Urban design) and related clauses such as 15.01-2S (Building design), 15.01-5S (Neighbourhood character), which encourage development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate. This is reinforced at a local level by Clause 21.06-1 (Design and built form) which contains similar objectives and strategies.
- Clause 15.02-1S (Energy and resource efficiency), which seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. Clause 21.02-8 (Resource conservation) provides further support, with strategies that seek to encourage development that incorporates sustainable building design.
- Clause 16.01-1S (Integrated housing), which has an objective to promote a housing market that meets community needs, with strategies that seek to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. This is reinforced by Clause 16.01-2S (Location of residential development) which aims to locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-3S (Housing diversity), which aims to provide for a range of housing types to meet diverse needs, with strategies that seek to ensure housing stock matches changing demand by widening housing choice. A complementary clause is 16.01-4S (Housing affordability), which has an objective to deliver more affordable housing closer to jobs, transport and services via strategies that include increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Clause 21.03-1 (Housing) applies at a local level and includes objectives and strategies to help deliver a range of housing types and increased densities, while being consistent with the existing and/or preferred neighbourhood character.

The proposed development responds to these clauses as it will support the increase of housing within an established area of Pakenham with close proximity of public transport, public open space and activity centres.

The proposal also contributes towards a diversity of housing types and sizes, with the proposed dwelling to provide a variety of housing types that is not substantially provided in the area, although multi dwelling development is evident in the immediate and wider area.

The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme, with the plans maximising the northern orientation of the proposed dwellings and associated private open spaces, and including large areas for landscaping and permeability.

General Residential Zone – Schedule 1

The General Residential Zone seeks to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and housing growth in locations offering good access to services and transport.

While the use of the land for 10 dwellings does not require a planning permit under the zone, a permit is required to construct two or more dwellings on a lot under clause 32.08-6.

The decision guidelines of this overlay cover a number of matters, including:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- The purpose of this zone; and
- The objectives, standards and decision guidelines of Clause 55.

The proposal reinforces the residential nature of the area and supports housing growth in an area that is well-served by infrastructure and located close to the commercial centre of Pakenham.

Clause 32.08-4 requires a minimum percentage of a lot to be aside as garden area when constructing or extending a dwelling or residential building on a lot. For a lot exceeding 650 square metres (such as the subject site), 35 per cent of the land must be set aside as garden area. The proposal meets this requirement, with 38.5 per cent or 1,018.6 square metres of garden area.

One concern with the proposal is that the site is currently two separate titles, although the current dwelling is constructed over the common boundary of these titles, the consolidation of the land prior to the works commencing would be required. This can be suitably addressed by permit condition.

A summary of the assessment against the requirements of Clause 55 is shown below, with the proposal meeting all relevant objectives. Accordingly, the development is considered responsive to the existing and emerging character of the area, while achieving the zone's objective for housing diversity and growth in appropriate locations.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the existing and developing neighbourhood character of the area. The proposal reinforces the residential character of the area, and

uses appropriate design, materials and siting to complement the area. The development is well integrated with the streetscape and of an appropriate scale given its proximity to Pakenham town centre and associated services and infrastructure.

The development can be suitably accommodated into the infrastructure of the existing area and all reticulated services will be available to the development.

Clause 55.03 Site layout and building massing:

The setbacks of the buildings respect the existing and preferred neighbourhood character of the area and it is considered that the site layout and building form is consistent with the relevant standards.

The proposed dwelling includes generous setbacks from the site frontage and common boundaries with the proposed development including single storey forms within the development to break up the building bulk to adjoining properties with suitable ground and first floor separation. The proposed upper floors are separated between 1.8 and 8.1 metres breaking up the visual mass particularly along the east and west elevations. Further the design has provided landscaping areas distributed throughout the site to allow for ground level separation and providing opportunity for landscaping to soften the built form to the adjoining properties.

Building heights (maximum height of 7.9 metres), site coverage (43.8 per cent) and permeability (39.1 per cent) are within the standards. Energy efficiency, safety, landscaping, access and parking location are all considered appropriate and in accordance with the required standards.

Clause 55.04 Amenity Impacts:

The proposed development will have limited impact on the amenity of existing dwellings, with the proposal meeting all standards in relation to matters such as walls on boundaries (with no construction on boundaries proposed), side and rear setbacks, daylight to existing windows, overshadowing and overlooking. Internal impacts such as internal views and noise impacts are also managed appropriately and in accordance with the relevant standards.

The proposed development has met the minimum setback requirements from adjoining properties with the design providing setbacks in excess of these. With variation in the setbacks provided throughout the site to allow for a difference in the built form minimising the impact on the adjoining properties and limiting both overlooking and overshadowing to adjoining properties.

Additionally, the design has minimised the proposed upper floor bedroom windows on the east, west and south elevations with windows that are on these elevations are non-habitable rooms or have been treated with obscure glazing 1.7 metres above floor level to ensure no conflict with the surrounds.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55, with the majority of open space providing for suitable sunlight access. Although dwelling 6 majority of space is located on the south side of the dwelling the variation to the width of the open space with additional space located on the north side of the dwelling will ensure suitable open space is provided in accordance with Clause 55.

Overall proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

A minor area of clarification relates to the pedestrian paths to the entrances fronting Thwaites Road. There are some inconsistencies between the development plans and the submitted landscape plan and although this is a minor concern it can be adequately addressed by permit conditions.

Additionally Councils Waste Department have noted that the Waste Management Plan submitted will be required to be amended to show hard waste pick up points within the development rather than along the Thwaites Road frontage, this is a minor issue and can be addressed through permit conditions.

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area. The proposal comprises a conventional residential standard of design that does not detract from the surrounding area. It includes features such as eaves on the upper level, and colours and materials that will make a positive contribution to the area.

The proposed access way is functional and capable of efficient management. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Clause 52.06 Car Parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality.

The proposal consists of 9 three-bedroom dwellings and 1 two bedroom dwelling. Pursuant to Clause 52.06-5, dwellings with two bedrooms are required to provide a minimum of one car parking space and dwellings three bedrooms or more are required to provide a minimum of two car parking spaces.

The development meets the above car parking requirements, with all dwellings providing a 6m x 5.5m double garage for the three-bedroom dwellings and a single garage for the remaining dwelling. The development also complies with all relevant design standards of Clause 52.06-9, which covers matters such as access way widths, turning areas and car park space sizes.

The application has been supported by Council's Traffic Department, subject to standard conditions. The department has noted that the amended plans showing the internal turning templates for spaces at the rear of the site addresses concerns.

Objections

The application was advertised by sending notices to the owners and occupiers of adjoining land and placing a sign on Thwaites Road. Council has received seven (7) objections to date.

The key issues and themes that were raised in the objections and a response to each is provided below:

Inconsistent with Neighbourhood Character and Streetscape

The objectors have noted a concerns with the intensity of the development within the area and that the building form and vegetation removal is not consistent with the neighbourhood.

The proposal has provided relatively modest sized dwellings with double and single storey and varied setbacks from common boundaries. The proposal presents two dwellings to the Thwaites Road frontage with generous front setbacks and separation between these dwellings will provide a built form that is consistent with the two existing titles providing a development that is consistent with the streetscape.

The design does provide a modern contemporary design, the architectural forms within the immediate and wider site context includes a mixture of designs with more modern forms evident in the wider site context. Multi dwelling development is evident in the surrounding area with a development at the corner of Ahern Road, and a number of other properties in the wider site context.

The design provides suitable setback from the frontage and from common boundaries, with graduated first floor. Landscaping areas for canopy planting along the site frontage will ensure that the double storey form provides an appropriate transition between the surrounding single storey form, providing integration with the surrounds.

The dwellings throughout the site have been separated at both ground and first floor level to provide a building rhythm consistent with the surrounds and will integrate well with the surrounds.

The development will result in on street car parking issues, congestion and safety

A number of objectors expressed concerns with the impact on on-street parking, increase traffic movement and impact on congestion and safety both in terms of vehicular and pedestrian traffic.

Although the proposal will increase the number of dwellings by eight the applicant has submitted a traffic impact assessment that shows that the future increase in traffic for the area can be accommodated within the existing street network. Further the provision of parking on site is in accordance with the requirements of Clause 52.06 of the Planning Scheme, with all dwellings containing the required number of car parking spaces, and an additional two visitor parking spaces have been provided on site located at the front and rear of the site. The proposed crossover has been located to ensure minimal impact on traffic and pedestrian safety and is generally in accordance with the surrounding development.

The application has been referred to Council's Traffic Department, who had no objection to the proposal, subject to conditions.

The development will result in overlooking impacts surrounding properties.

The objectors expressed concerns with the impact on privacy and overlooking for adjoining properties and noted that the obscure glazing could be replaced by future occupants.

The application includes a detailed set of elevation drawings which show that the development makes use of fencing and screening techniques to ensure compliance with the overlooking requirements of the Planning Scheme. Further the design has minimised upper floor windows orientated towards adjoining properties with some elevations showing non-habitable room windows. The development also includes areas of land that can be used for landscaping to help provide further screening between adjoining properties ensuring that privacy is maintained.

In terms of the potential replacement of the obscure glazing, the dwellings will be subject to compliance with the permit conditions. This will ensure that the obscure glazing is maintained for into the future.

The development will result in overshadowing impacts on surrounding properties.

The application includes a detailed set of shadow diagrams which show that the development will not result in any unreasonable overshadowing of adjoining properties. The development complies with the overshadowing requirements of the Planning Scheme. The proposal includes minor additional shadow to the property to the west in the morning hours and generally located over the existing driveway and not significantly greater than the existing shadow cast by the existing fence with a similar situation for the property to the east in the afternoon hours. The additional shadow for the property to the south will not be in excess of the shadow cast by the existing fence line, as such it is considered that proposed development layout has minimise the impact on adjoining properties in terms of overshadowing.

Loss of Vegetation and impact on surrounding fauna

The objectors noted concerns with the removal of vegetation from the site and the impact that this will have on the surrounding bird life. The proposed development has submitted a landscape which will incorporate canopy planting for each of the dwellings with areas provided within 8.8 - 9 metre setback from the site frontage will ensure that the development will integrate with the surrounding landscape character. Further the loss of the existing on site trees will not significantly impact on the surrounding bird life particularly given replacement planting will be incorporated as part of the development.

The design is also considered site responsive with an arborist report submitted and the development was redesigned to ensure that the construction within the tree protection zones of vegetation on adjoining properties has been minimised to ensure that the health of these trees is not detrimentally impacted. This indicates that the applicant has providing a site responsive design and the proposed landscaping will ensure integration with the surrounds, as such the vegetation removal is considered acceptable in this circumstance.

Noise impacts.

The objector noted noise levels for adjoining properties will be impacted noting the proximity of the proposed dwellings will result in noise from the future occupants. The provision of additional dwellings on the lot will not significantly increase residential noise that is not acceptable within an established residential area.

In terms of noise from additional traffic movements this is not considered excessive for an established residential area and the design layout with the centralised access way will ensure the impact traffic movement noise onto and off the site will be minimised to adjoining properties

Impact of demolition of the existing house and potential asbestos

A number of the objectors expressed concerns that there is potentially asbestos in the existing dwelling and its removal may have impacts on the surrounds. This a matter that is addressed under different legislation and would be dealt with at a Building permit stage of the development. All removal of asbestos must be done in accordance with WorkSafe.

Ongoing issues with sewerage in the area

A number of objectors expressed concerns with the potential impact that the development will have on the sewerage system. The application was referred to South East Water for comment whom had no objection to the proposal.

Devalue properties

As well established through a number of VCAT decisions is not a relevant planning consideration.

It is considered that the design is respectful surrounding development and achieves strategic principles within the Cardinia Planning Scheme.

Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as it supports an increase of housing and alternative housing types in close proximity to transport and services.

Clause 65 Decision Guidelines

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome that will not have any unreasonable impacts on the amenity of the surrounding area.

CONDITIONS

Having regard to the above, it is considered that the proposal is consistent with the Cardinia Planning Scheme. It is recommended that a Notice of Decision to Grant Planning Permit T170278 be issued for the

development of ten (10) dwellings at 12-14 Thwaites Road, Pakenham VIC 3810 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 and fully dimensioned. The plans must be generally in accordance with the plans submitted with the application but modified to show:

Development Plans:

- a. Alignment of the access path to the dwelling 1 entrance be altered to ensure the retention of the tree along the frontage is maintained

Landscape Plan:

- b. Reduced width to the entrance pathways for dwellings 1 and 10 and must be consistent with the development plans changes noted in condition 1a.

Waste Management Plan:

- c. Notation of an area 2m² for hard waste collection for each dwelling located inside the development close to the driveway of each dwelling.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 4. Before the development starts the two lots must be consolidated and registered with the Titles office to the satisfaction of the Responsible Authority.
 5. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

6. Before development starts, Tree Protection Zones/s must be placed around existing trees located on adjoining lots in accordance with Section 5 of the Arborist report by Constructive Arboriculture dated October 2017. The Tree Protection Zone/s must remain in place until the completion of any works hereby approved.
 - a. Each TPF must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
 - b. Each TPF shall not be removed until such works have been fully completed.

- c. Each TPF must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
 - d. If works are shown on any endorsed plans of this permit within the calculated TPF, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
 - e. Areas within the TPF must not be used:
 - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
 - ii. for storage or dumping of tools, equipment, materials or waste.
7. Prior to the issue of a Certificate of Occupancy, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to confirm waste collection arrangements for the Land as informed by the approved waste management plan.

The agreement will be informed by the findings of the waste management plan and may provide that:

- a. all waste generated by the use of the land will be managed in accordance with the approved waste management plan.
- b. the Owner agrees to indemnify Cardinia Shire Council and its officers with respect to any injury or damage caused to any person (including the Council's officers) or property as a result of Council or its officers entering the land for the purpose of collecting waste; and
- c. the Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant waste collection levy.

The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. An application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.

8. Prior to a building permit being issued under the *Building Act 1993*, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.
9. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - b. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - c. Any proposed timber paling fencing must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - d. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - e. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - f. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.

- g. Lighting must be provided near the front entrance of each dwelling.
 - h. The landscaping works shown on the endorsed plans must be carried out and completed.
 - i. 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.
 - j. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - k. 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.
10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
11. 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.
12. 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.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
14. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
15. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
16. 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.
17. 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.

Expiry:

This permit for development will expire if:

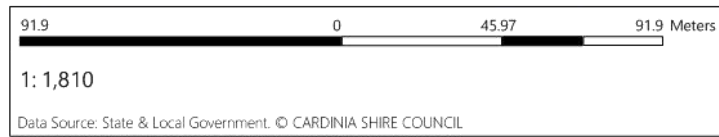
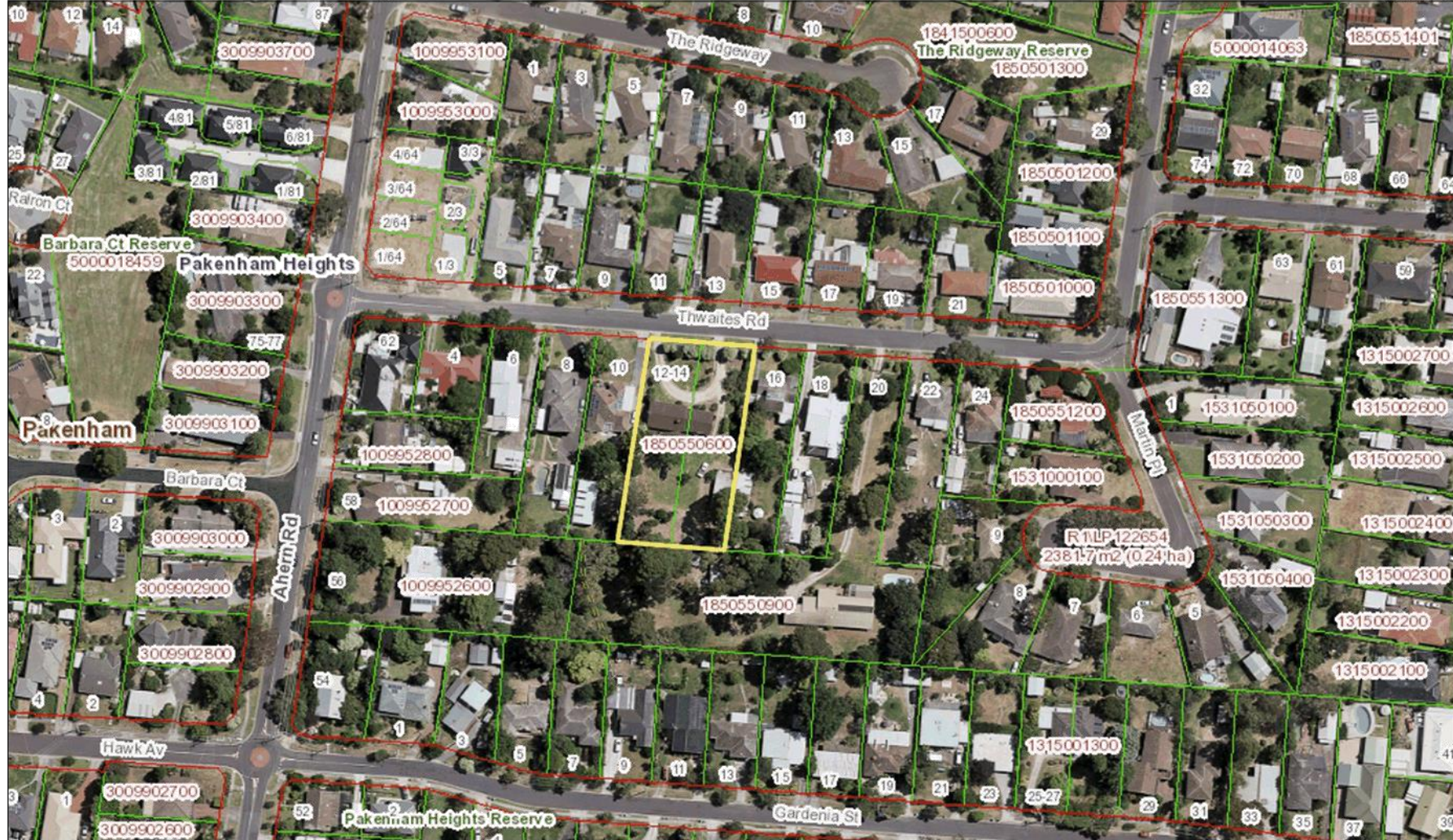
- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this permit.

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:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.

T170278 PA - Locality Map



14-Sep-2018

Notes





LEGEND

- SPOS - DIMENSION OVER 3.0M
- FOS - DIMENSION UNDER 3.0M FOS
- COMMON PROPERTY
- CONCRETE DRIVEWAY
- PERMEABLE PAVING ON SAND BASE
- PERMEABLE TARMAC DECKING
- NEW CONCRETE CROSSOVER
- REMOVED EXISTING TREES
- 1.8M HIGH TIMBER PALING FENCE
- EXTENT OF 600MM HIGH LATTICE EXTENSION
- FINISHED FLOOR LEVEL
- FINISHED SURFACE LEVEL (GFL - FILL LEVEL)
- CLOSED LINE
- SECURITY LIGHT / SENSOR LIGHT
- ROLLER LIGHT
- TAP
- LETTER BOX
- OPTIONAL WATER TANK LOCATION
- REMOTE METER
- RUBBER AND RECYCLE BIN LOCATION
- RETAINING WALLS
- RETAINING WALLS PER PLAN TREATED FINE SLEEFER WITH AGG. DRAIN OR REEFER ENG. DESIGN
- COLLAPSIBLE COLOURBOND SHED WITH MATTED TONES ON 10MM CONC. SLAB
- SECURED PRIVATE OPEN SPACE
- PROPOSED TREE

SITE STATISTICS

Total Site Area	2647.0 m ²
Total Site Cover (units only)	1159.8 m ²
Total Site Cover Ratio	43.8 %
Driveway Area	451.0 m ²
Total Hard Cover Area	1411 m ²
Total Hard Cover Ratio	40.9 %
Permeable Area	1034.2 m ²
Permeable Area Ratio	39.1 %
Caparking Required	19
Caparking Provided	19
Visitor Caparking	2
GARDEN AREA	1018.4 m ²
Garden Area Ratio	38.5 %

GROUND FLOOR
SCALE 1:100



MULTI UNIT DEVELOPMENT
 12-14 THWAITES ROAD, PAKENHAM
 THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: WISE GROUP DEVELOPMENTS
 4
 ISSUE E
 17-0205
 FEB 2017



MULTI UNIT DEVELOPMENT
 12-14 THWAITES ROAD, PAKENHAM
 THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: WISE GROUP DEVELOPMENTS
 6
 ISSUE E
 17-0205
 FEB 2017



LEGEND

- SPOS - DIMENSION OVER 3.0M
- FCS - DIMENSION UNDER 3.0M FCS
- COMMON PROPERTY
- CONCRETE DRIVEWAY
- PERMEABLE PAVING ON SAND BASE
- PERMEABLE TARMAC DECKING
- NEW CONCRETE CROSSOVER
- REMOVED EXISTING TREES
- 1.8M HIGH TIMBER PALING FENCE
- EXTENT OF 600MM HIGH LATTICE EXTENSION
- FINISHED FLOOR LEVEL
- FINISHED SURFACE LEVEL (CLIP - FULL LEVEL)
- CLOSED LINE
- SECURITY LIGHT / SENSOR LIGHT
- BOLLARD LIGHT
- TAP
- LETTER BOX
- OPTIONAL WATER TANK LOCATION
- REMOVE METER
- RUBBER AND RECYCLE BIN LOCATION
- RETAINING WALLS
- RETAINING WALLS AS PER PLAN TREATED FINE SLEEPER WITH AGG. DRAIN - OR REFER ENG. DESIGN
- COLLAPSIBLE COLOURBOND SHED WITH MATED TONES ON TARMAC CONC. SLAB
- SECURED PRIVATE OPEN SPACE
- PROPOSED TREE

SITE STATISTICS

Total Site Area	2647.0 m ²
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Total Hard Cover Area	1411 m ²
Total Hard Cover Ratio	40.9 %
Permeable Area	1034.2 m ²
Permeable Area Ratio	39.1 %
Caparking Required	19
Caparking Provided	19
Visitor Caparking	2
GARDEN AREA	1018.4 m ²
Garden Area Ratio	38.5 %

FIRST FLOOR
SCALE 1:100



MULTI UNIT DEVELOPMENT
12-14 THYWAITES ROAD, PAKENHAM

PROPOSED RESIDENTIAL DEVELOPMENT
CLIENT: WISE GROUP DEVELOPMENTS

7
ISSUE E
17-0205
FEB 2015

LEGEND

FACE BRICKWORK
Colour: Gray Naamex
Supplier: Bristol
MCFAR JONES COLOUR
Flush Finish, Brighton Light Cement

ROOF MATERIAL/COLOUR
Colour: Monument
Supplier: Colobond

GUTTER
Colour: Monument
Supplier: Colobond

SHALE GREY™
FASCIA & DOWNPIPES
Colour: Shale Grey
Supplier: Colobond

ALUMINIUM WINDOWS/ SIDING DOORS
Colour: Dusk Ultra Silver
Glass: Precious Silver
Supplier: A&L Windows

RENDER COLOUR 1
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Supplier: Dulux

RENDER COLOUR 2
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Supplier: Dulux

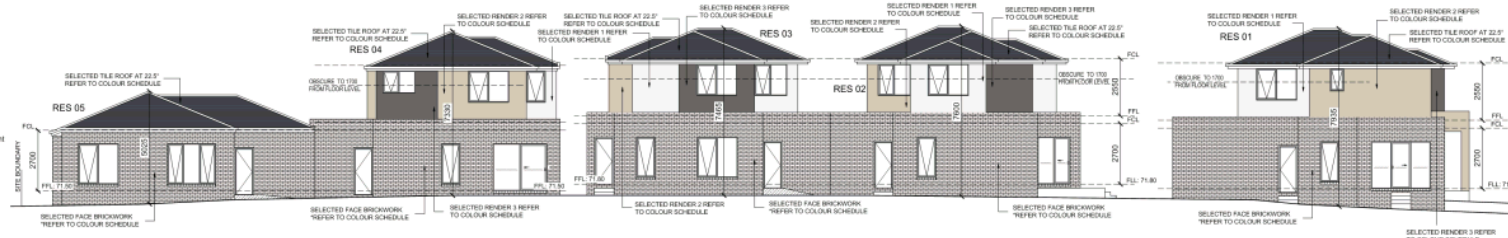
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FRONT DOOR
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Supplier: Dulux

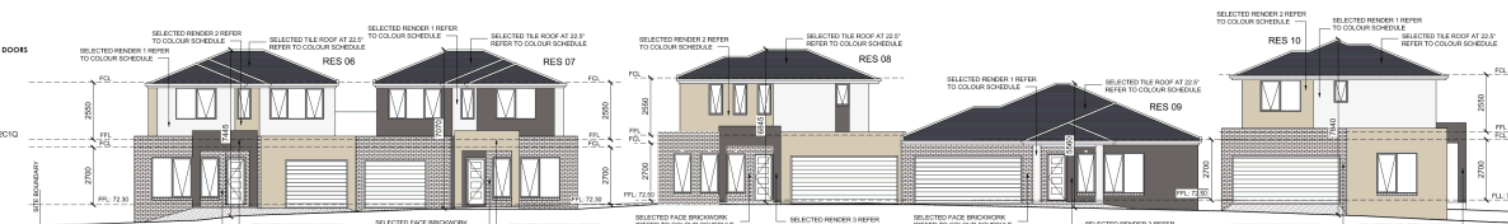
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GARAGE DOOR
Colour: Monument
Supplier: Colobond

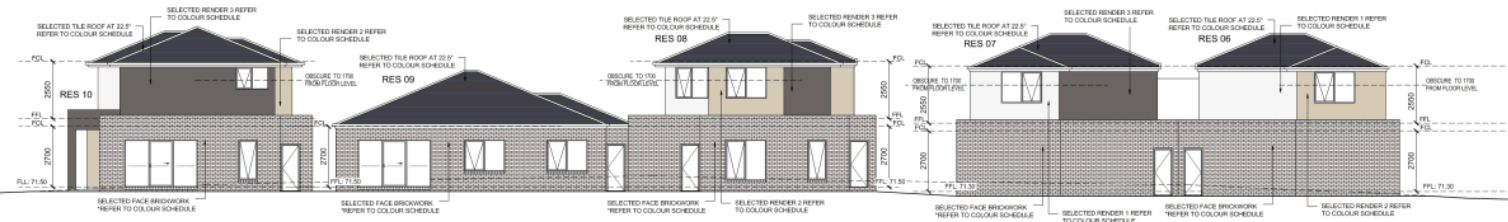
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SELECTED RENDER 1
SELECTED RENDER 2
SELECTED RENDER 3
SELECTED BRICK WORK



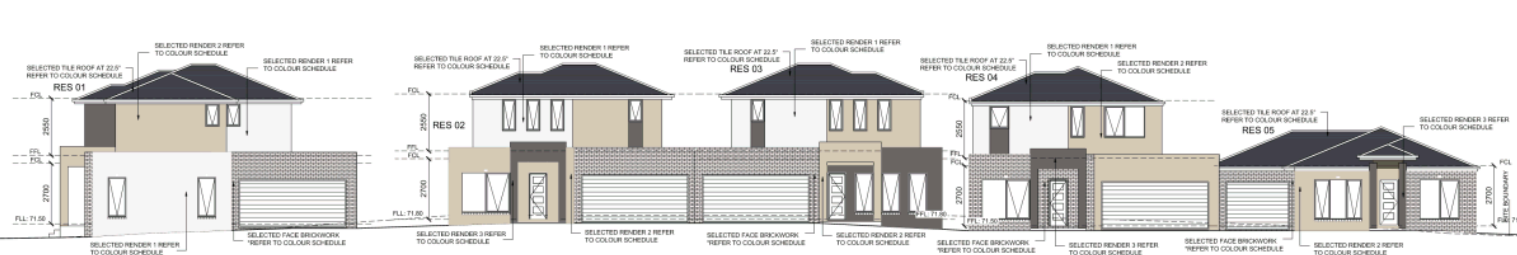
East Elevation 1:100
PROPOSED RESIDENCE 05, 04, 03, 02, 01



East Elevation 1:100
PROPOSED RESIDENCE 07, 08, 09, 10, 11



West Elevation 1:100
PROPOSED RESIDENCE 10, 09, 08, 07, 06



West Elevation 1:100
PROPOSED RESIDENCE 01, 02, 03, 04, 05, 09

PROPOSED RESIDENCE ELEVATIONS
SCALE 1:100

MULTI UNIT DEVELOPMENT
 12-14 THWAITES ROAD, PAKENHAM
THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: WISE GROUP DEVELOPMENTS
8
 ISSUE #
 T17-0208
 FEB 2017

LEGEND

- FACE BRICKWORK**
Colour: Grey Neutrace
Supplier: Boral
- MORTAR JOINT COLOUR**
Finish: Flush, Brighton Light Cement
- ROOF MATERIAL / COLOUR**
Colour: Monument
Supplier: Colobond
- MONUMENT®**
GUTTER
Colour: Monument
Supplier: Colobond
- SHALE GREY™**
FASCIA & DOWNPIPES
Colour: Shale Grey
Supplier: Colobond
- ALUMINIUM WINDOWS / SLIDING DOORS**
Colour: Dwell-Blue Silver
Glass: Precious Silver
Supplier: A&L Windows
- RENDER COLOUR 1**
Colour: Duskau-1/4 strength PQ2C1Q
Supplier: Dulux
- RENDER COLOUR 2**
Colour: Flashed Gum PG2C3
Supplier: Dulux
- RENDER COLOUR 3**
Colour: Malay Grey PQ2D6
Supplier: Dulux
- FRONT DOOR**
Colour: Flashed Gum PG2C3
Supplier: Dulux
- EXTERNAL DOORS**
Colour: Flashed Gum PG2C3
Supplier: Dulux
- MONUMENT®**
GARAGE DOOR
Colour: Monument
Supplier: Colobond
- SELECTED TILED ROOFING**
- SELECTED RENDER 1**
- SELECTED RENDER 2**
- SELECTED RENDER 3**
- SELECTED BRICK WORK**

North Elevation 1:100
PROPOSED RESIDENCE 01

South Elevation 1:100
PROPOSED RESIDENCE 06

South Elevation 1:100
PROPOSED RESIDENCE 07

South Elevation 1:100
PROPOSED RESIDENCE 08

North Elevation 1:100
PROPOSED RESIDENCE 10

South Elevation 1:100
PROPOSED RESIDENCE 05

South Elevation 1:100
PROPOSED RESIDENCE 03

South Elevation 1:100
PROPOSED RESIDENCE 02

South Elevation 1:100
PROPOSED RESIDENCE 10

South Elevation 1:100
PROPOSED RESIDENCE 09

South Elevation 1:100
PROPOSED RESIDENCE 01

PROPOSED RESIDENCE ELEVATIONS
SCALE 1:100

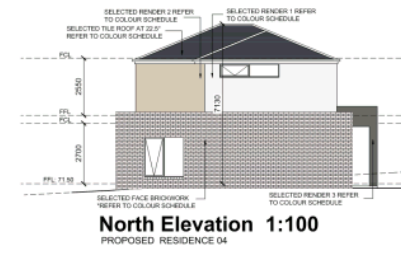
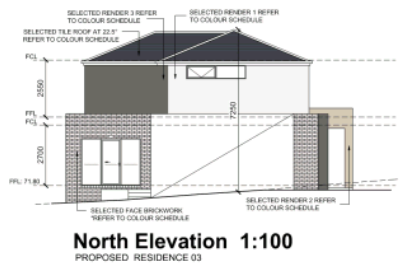
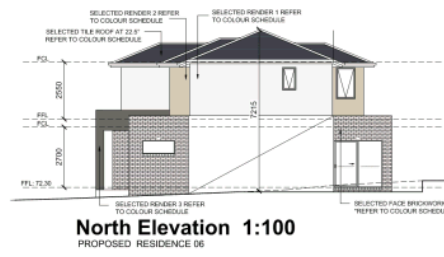
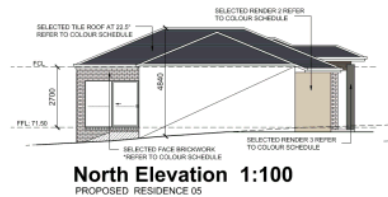
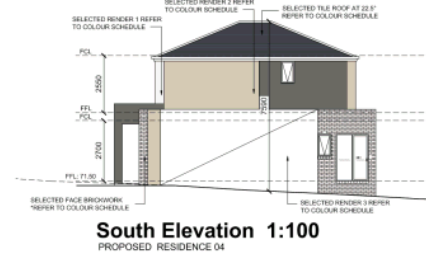
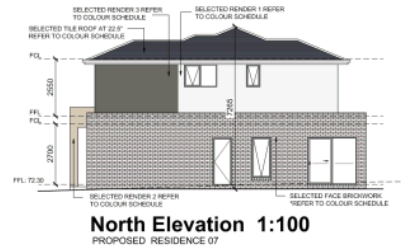
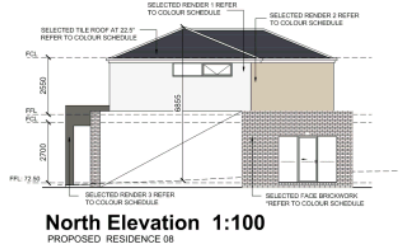
MULTI UNIT DEVELOPMENT
12-14 THYWAITES ROAD, PAKENHAM

PROPOSED RESIDENTIAL DEVELOPMENT
CLIENT: WISE GROUP DEVELOPMENTS

ISSUE # 17-0205
FEBRUARY

LEGEND

	FACE BRICKWORK Colour: Grey Nuance Supplier: Boral ROOF TILE ROOF COLOUR Flush Finish, Brighton Light Cement
	ROOF MATERIAL/COLOUR Colour: Monument Supplier: Colorbond
	MONUMENT® GUTTER Colour: Monument Supplier: Colorbond
	SHALE GREY™ FASCIA & DOWNPIPES Colour: Shale Grey Supplier: Colorbond
	ALUMINUM WINDOWS/ SLIDING DOORS Colour: Dwell Ultra Silver Glass: Proclus Silver Supplier: A&L Windows
	RENDER COLOUR 1 Colour: Densolux 114 strength PG2C10 Supplier: Dulux
	RENDER COLOUR 2 Colour: Flooded Gum PG2C3 Supplier: Dulux
	RENDER COLOUR 3 Colour: Malay Grey PG2C6 Supplier: Dulux
	FRONT DOOR Colour: Flooded Gum PG2C3 Supplier: Dulux
	EXTERNAL DOORS Colour: Flooded Gum PG2C3 Supplier: Dulux
	MONUMENT® GARAGE DOOR Colour: Monument Supplier: Colorbond
	SELECTED TILED ROOFING
	SELECTED RENDER 1
	SELECTED RENDER 2
	SELECTED RENDER 3
	SELECTED BRICK WORK



PROPOSED RESIDENCE ELEVATIONS
SCALE 1:100

MULTI UNIT DEVELOPMENT
 12-14 THYWAITES ROAD, PAKENHAM
THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: WISE GROUP DEVELOPMENTS
10
 ISSUE # 17-0205
 FEB 2017

2 DEVELOPMENT OF TEN (10) DWELLINGS, 12-14 THWAITES ROAD PAKENHAM

Moved Cr J Owen Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T170278 be issued for Construction of ten (10) dwellings and associated buildings and works at 12-14 Thwaites Road, Pakenham VIC 3810 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 and fully dimensioned. The plans must be generally in accordance with the plans submitted with the application but modified to show:

Development Plans:

- a. Alignment of the access path to the dwelling 1 entrance be altered to ensure the retention of the tree along the frontage is maintained

Landscape Plan:

- b. Reduced width to the entrance pathways for dwellings 1 and 10 and must be consistent with the development plans changes noted in condition 1a.

Waste Management Plan:

- c. Notation of an area 2m² for hard waste collection for each dwelling located inside the development close to the driveway of each dwelling.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 4. Before the development starts the two lots must be consolidated and registered with the Titles office to the satisfaction of the Responsible Authority.
 5. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

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

6. Before development starts, Tree Protection Zones/s must be placed around existing trees located on adjoining lots in accordance with Section 5 of the Arborist report by Constructive Arboriculture dated October 2017. The Tree Protection Zone/s must remain in place until the completion of any works

hereby approved.

- a. Each TPF must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
 - b. Each TPF shall not be removed until such works have been fully completed.
 - c. Each TPF must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
 - d. If works are shown on any endorsed plans of this permit within the calculated TPF, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
 - e. Areas within the TPF must not be used:
 - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
 - ii. for storage or dumping of tools, equipment, materials or waste.
7. Prior to the issue of a Certificate of Occupancy, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to confirm waste collection arrangements for the Land as informed by the approved waste management plan.
- The agreement will be informed by the findings of the waste management plan and may provide that:
- a. all waste generated by the use of the land will be managed in accordance with the approved waste management plan.
 - b. the Owner agrees to indemnify Cardinia Shire Council and its officers with respect to any injury or damage caused to any person (including the Council's officers) or property as a result of Council or its officers entering the land for the purpose of collecting waste; and
 - c. the Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant waste collection levy.
- The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. An application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.
8. Prior to a building permit being issued under the *Building Act 1993*, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.
9. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
- a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - b. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - c. Any proposed timber paling fencing must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - d. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.

- e. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - f. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - g. Lighting must be provided near the front entrance of each dwelling.
 - h. The landscaping works shown on the endorsed plans must be carried out and completed.
 - i. 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.
 - j. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - k. 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.
10. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
11. 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.
12. 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.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
14. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
15. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
16. 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.
17. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this 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:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.

Cd.

3 AMENDMENT TO PLANNING PERMIT FOR 11 DWELLINGS, 165 PAKENHAM ROAD, PAKENHAM

FILE REFERENCE INT1867200

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Dean Haeusler

RECOMMENDATION

That a Notice of Decision to Grant Amendment to Planning Permit T140571 - 1 be issued for the development of the land for eleven (11) dwellings at 165 Pakenham Road, Pakenham Victoria 3810 subject to the conditions attached to this report.

Attachments

1	T140571-1 - Locality Map	1 Page
2	T140571-1 - Development Plans	7 Pages
3	T140571-1 - Copy of Objections, circulated to Councillors only	7 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T140571 - 1
APPLICANT:	Jack Cosentino
LAND:	165 Pakenham Road, Pakenham Victoria 3810
PROPOSAL:	Development of the land for eleven (11) dwellings
PLANNING CONTROLS:	General Residential Zone – Schedule 1 (GRZ1) Development Contributions Plan Overlay Schedule 1 Clause 43.04 – Development Plan Overlay – Schedule 8
NOTIFICATION & OBJECTIONS:	Notice of the application has been provided by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on the site facing Pakenham Road and Lima Place. Four (4) objections have been received.
KEY PLANNING CONSIDERATIONS:	Site access concerns Street parking issues
RECOMMENDATION:	Approval

BACKGROUND:

The subject allotment is identified as a residential parcel of land surrounded by the Sovereign Hills residential estate.

The site is the subject of an approved planning permit for the use and development of twelve (12) dwellings and alteration of access to a Road Zone, Category 1, granted 15 April 2016.

An extension to the permit was granted 27 March 2018 to extend the commencement date for development by an additional two years.

Whilst consent was provided by VicRoads for the development and access to Pakenham Road, following the review of plans to comply with conditions the authority has retracted consent due to significant safety concerns along the road.

As a result of the denial of access, the applicant has sought a revision of the application through Council to seek access from an alternate street (Lima Place).

SUBJECT SITE:



The site is located on the west side of Pakenham Road, and adjacent to the Sovereign Hills estate. The parcel lies toward the northern edge of urban Pakenham along an arterial road that acts as a gateway to the hills townships.

A crossover is located toward the south-east corner of the site that provides access to an existing dwelling. There are no easements that burden the subject site.

The site slopes moderately toward the north-west with a mix of remnant vegetation and exotic planted species scattered throughout the allotment.

The main characteristics of the surrounding area are:

- Recent residential development north, south and west of the subject site (Sovereign Hills estate) comprising of varying lot sizes ranging between approximately 600 square metres and 250 square metres. These dwellings are predominantly single storey detached dwellings.

- Pakenham road lies adjacent to the site to the east with land immediately east of the subject site identified as large rural sized allotments containing remnant vegetation, zoned for residential use; a single dwelling and associated buildings also form part of this area south of these parcels.

PROPOSAL

The proposal includes the reduction of dwellings from twelve (12) to eleven (11) and the relocation of access from Pakenham Road to Lima Place.

Dwellings

The eleven dwellings will be generally consistent with the approved dwellings with a single storey built form comprising a mixture of two and three bedroom layouts that generally face an internal access way running centrally through the allotment.

Dwellings 1, 6, 7, 8 and 11 are to be three bedroom residences with double garages while the remaining 6 dwellings will be two bedroom with single garages.

The dwelling design utilises traditional elements including exposed brick and tiled roofing and eaves.

Access

Due to the refusal of any access to Pakenham Road, the applicant has sought sole access from Lima place via a frontage of approximately 7 metres. The frontage lies within the south-west corner of the lot.

Due to the relocation of access, one dwelling has been deleted and subsequent internal rearrangements taken place.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

State Planning Policy Framework (SPPF)

- Clause 11
- Clause 11.02-1
- Clause 15.01-1
- Clause 16.01-4

Local Planning Policy Framework (LPPF)

- Clause 21.03
- Clause 21.06-1

Relevant Particular/ General Provisions and relevant incorporated or reference documents

- Clause 52.06
- Clause 55
- Clause 65

Zone

The land is subject to the **General Residential Zone – Schedule 1**

Overlays

The land is subject to the following overlays:

- **Development Contributions Plan Overlay Schedule 1**
- Development Plan Overlay – Schedule 8

PLANNING PERMIT TRIGGERS

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

- Pursuant to Clause 32.01-4 (**General Residential Zone – Schedule 1**) a planning permit is required to construct two or more dwellings

There are no new permit triggers as a result of the amendments to the permit.

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 two signs on site (facing Pakenham Road and Lima Place)

Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Existing parking issues relating to Lima Court and potential overflow concerns
- Location for proposed bin collection
- Inadequate provision for visitor spaces
- Construction related concerns
- Safety concerns through the creation of new access to Lima court.

DISCUSSION

The proposal for the **construction of eleven (11) dwellings** is considered consistent with the aims and objectives of the Cardinia Planning Scheme. The proposal delivers on relevant regional and local policies that seek to achieve attractive and liveable neighbourhoods and support increased housing density in appropriate locations.

Planning policy and local planning policy framework

A number of regional policies are relevant to this application, such as Clause 15.01 (Urban environment), Clause 16.01 (Residential development) and Clause 21.06-1 (Design and built form) which aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and liveable neighbourhoods.

At a local level, Clause 21.03-1 (Housing) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of housing types and increased densities, while being consistent with the existing and/or preferred neighbourhood character.

Clauses 11.06-2 (Housing choice) and 11.06-5 (Neighbourhoods) are also relevant to this application. These clauses aim to prevent inappropriate development and provide housing diversity close to jobs and services. More specifically, these clauses include strategies that seek to facilitate increased housing in the established areas and in areas with appropriate infrastructure and access to jobs, public transport that deliver a diverse mix of housing types.

The proposal also contributes towards a diversity of housing types and sizes, with a mixture of two and three bedroom detached dwellings on smaller allotments (estimated approximately 160-300 square metres), making more efficient use of the land. The immediate surrounding area is characterised by new housing stock on medium-sized residential allotments varying between 400 - 600 square metres. The proposal respects the establishing character of this area through the use of features and materials that are consistent with the traditional building design of the surrounding estate such as brick cladding, tiled pitched roofing and eaves. The detached and single storey scale further reinforces the suburban residential aspects of the area and does not dominate surrounding built form.

Clauses 11.06-6 (Sustainability and resilience), 15.02-1 (Energy and resource efficiency) and 21.02-8 (Resource conservation) are also applicable to this application. These clauses generally seek to create a more sustainable and resilient city by encouraging development to maximise efficient use of energy and minimise greenhouse gas emissions.

The proposed development responds to these clauses as it will support the increase of housing within an established and serviced area of Pakenham through the re-development of residential land to better utilise existing road networks, infrastructure and preserve the undeveloped hinterland. The area is serviced with bus routes (925 and 926) that provide access to Pakenham train station and is in close proximity to Princes Highway for wider regional access.

The proposal remains consistent with the sustainability and energy efficiency objectives of the Planning Scheme, with the plans maximising the northern orientation of dwellings where appropriate and associated private open spaces, and includes sufficient areas for landscaping and permeability.

General Residential Zone – Schedule 1

The amendment remains consistent with the General Residential Zone and continues to compliment the surrounding detached single-storey residential context. Whilst the average dwelling and potential lot size is considerably smaller than surrounding detached dwellings this allows a greater level of housing diversity within the area to compliment larger allotments that flank the property including nearby Galway Gold estate.

Relevant policy changes since approval of T140571

Planning Scheme amendment VC110, gazetted 23 March 2017 required mandatory Garden Area provision for development of dwellings on lots exceeding 400 square metres. Given the subject allotment exceeds 650 square metres, a total 35% of the site area must be set aside as Garden Area. The revised plans comply with this requirement with approximately 43% of the site reserved for Garden Area purposes.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the existing and developing character of the area. The proposal reinforces the suburban residential landscape and uses appropriate design, materials and siting to compliment its location. Whilst the revised layout now significantly reduces street frontage, the revised layout ensures the limited frontage to Lima Place is maximised and a good connection made with the wider court.

The development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services will be available to the development.

Clause 55.03 Site layout and building massing:

The setbacks of the buildings respect the preferred neighbourhood character of the area and it is considered that the site layout and building form are consistent with the relevant standards.

Given the unique and restricted nature of the allotment, the revised access arrangement forms an enclosed residential area that allows little frontage to the streetscape of Lima Place. The development however, utilises the frontage efficiently through the rearrangement of unit 8 to provide activation to the street and link the wider development to the Court bowl while respecting the prevailing building setbacks that lie on adjacent lots. Whilst the proposal is not consistent with the standards, the positive design response ensures the proposal is consistent with the street setback objectives for the following reasons:

- The development utilises the frontage efficiently through the rearrangement of units to provide activation to the street (Lima Place)
- No front fencing is proposed for street-facing units
- Generous access way is provided to create an open and inviting character with ample landscaping opportunities
- When the mixed development pattern of the court is taken into consideration in its entirety, the proposed setback is not considered to result in any detrimental impact on the streetscape.

Building heights (maximum height of 5.98 metres), site coverage (approx. 48 per cent) and permeability are within the standards. Energy efficiency, safety, landscaping, access and parking location are all considered appropriate and in accordance with the required standards.

Clause 55.04 Amenity Impacts:

The proposed development will have limited impact on the amenity of existing dwellings, with the proposal meeting all standards in relation to matters such as walls on boundaries, side and rear setbacks, daylight to existing windows, overshadowing and overlooking. Internal impacts such as internal views and noise impacts are also managed appropriately and in accordance with the relevant standards.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

All dwellings meet the 6m³ storage requirements

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area. The proposal comprises a conventional residential standard of design that does not detract from the surrounding area. It includes features such as eaves and large street-facing windows, with materials that will make a positive contribution to the streetscape along with open and generous front yards with no fencing.

Traditional paling fencing along Pakenham Road is to be provided at 2 metres in height that is consistent with the standard and prevailing fence line on west side of the road. Whilst no pedestrian access is established, the lack of footpaths and high speed limits along this stretch discourage foot access.

The single point of access means all dwellings share common property to be maintained privately. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Development Contributions Plan Overlay – Schedule 1

The Development Contributions Plan Overlay identifies areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Pursuant to Clause 45.06-1, a permit granted must:

- Be consistent with the provisions of the relevant development contributions plan; and
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

A condition requiring the payment of this contribution is to remain on the planning permit

Development Plan Overlay – Schedule 8

The Development Plan Overlay identifies areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted.

A development plan has been prepared to the satisfaction of the Responsible Authority (Orchard Valley Estate) 26 August 2005.

Whilst the DPO8 applies to the subject site, it is not explicitly identified within the plan. It is therefore considered consistent with the overlay.

Clause 52.06 Car Parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality.

The proposal consists of 5 three-bedroom dwellings and 6 two-bedroom dwellings. Pursuant to Clause 52.06-5, dwellings with three bedrooms are required to provide a minimum of two car parking spaces while dwellings with less than three bedrooms must provide a minimum of one. One visitor space is also required to be provided to every 5 dwellings, rounded down to the nearest whole space.

All parking associated with the dwellings are provided with single and double garages provided for each two and three bedroom dwelling respectively, while two visitor spaces are also provided at either ends of the site.

A Traffic Impact Assessment was submitted in conjunction with the amendment to assess the suitability of access from Lima Place and the additional burden of vehicles to the street. This assessment concludes the increase in traffic movements are likely to have minimal impact on Lima Place and the surrounding road network.

The application was referred to Council's Traffic Engineering Department who have no objection to the application providing the turning diagrams for visitor space 1 allows clear entry and exit and appropriate signage is erected within the Lima Court bowl to prevent street parking. Access widths to the site and internally meet relevant requirements and turning diagrams provided to confirm the Council waste vehicle can enter and exit the site safely and in a forward direction.

The development also complies with all relevant design standards of Clause 52.06-9, which covers matters such as access way widths and car park space sizes.

Aboriginal Cultural Heritage Sensitivity

As part of the approval of Planning Permit T140571, a Cultural Heritage Management Plan was required pursuant to the *Aboriginal Heritage Regulations 2007*. The plan notes that no aboriginal cultural heritage or areas of aboriginal archaeological sensitivity are located within the activity area. Consequently, they have advised that no specific cultural heritage management recommendations are required.

The applicant has provided this plan with the necessary approval in accordance with Section 65 of the *Aboriginal Heritage Act 2006*.

Objections

Four objections have been received with a summary and response below

Existing parking issues relating to Lima Court and potential overflow concerns

Whilst the number of dwellings that gain access via Lima Court is recognised, the proposal provides all 18 required spaces within the bounds of the site to sufficiently service each dwelling along with the supplementary visitor spacing at either ends of the site.

The development layout is also arranged to allow additional tandem driveway parking for most dwellings for occasional surplus vehicle traffic that may occur.

Although the proposal will increase the number of dwellings in the area the submitted traffic impact assessment shows that the future increase in traffic for the area can be accommodated within the existing street network.

The application was referred to Council's traffic engineering department who do not object to the revised access or increased vehicle traffic.

Inadequate provision for visitor spaces

As per above, visitor spaces for the development meet the requirements of the Planning Scheme (1 space per 5 dwellings).

Bin collection point

All bins associated with the development are to be contained within the property boundaries along the entranceway. No bins are to be located along the nature strips of the Court.

Access plans have been provided and assessed to confirm Council waste vehicle access can be made to and from the property.

Construction related concerns

This is a necessary consequence of urban development and not a valid planning consideration. All construction will need to comply with appropriate EPA guidelines and any relevant local laws.

Safety concerns through the creation of new access to Lima court.

Whilst the volume of traffic through the court will increase, the addition of a crossover to service this site is unlikely to result in an impact to safety. Given the nature of Court bowl designs, vehicle speed will be managed by the road environment while traffic concerns within the development are to be managed by the developer and/or any future owner/body corporate. The 7 metre access width is generous and will allow sufficient sightlines when entering and exiting the property.

Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as it supports an increase of housing and alternative housing types in close proximity to employment, transport, education and services.

Clause 65 Decision Guidelines

The proposal is consistent with the PPF and LPPF, the purpose of the zone and orderly planning of the area. The proposal is not expected to have any unreasonable impact on the amenity of the surrounding area.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the Cardinia Planning Scheme. It is recommended that a Notice of Decision to grant the Amendment to Planning Permit **T140571-1** be issued for the **construction of eleven (11) dwellings at 165 Pakenham Road, Pakenham Victoria 3810**, subject to the following conditions:

CONDITIONS

1. The development must not be commenced until amended plans have been submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned to metric. The plans must be generally in accordance with the submitted plans but modified to show:
 - a) A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided:
 - i. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - ii. Details of surface finishes of pathways and driveways and internal fences.
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

All species must be to the satisfaction of the Responsible Authority.
 - b) Addition of window glazing to the southern elevation of Unit 7 (Bedroom 1)
 - c) Detailed material and colour schedule of all dwellings
 - d) A Waste Management Plan in accordance with the submitted document but modified to include hard rubbish collection details.
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent of the Responsible Authority.
3. Before the use or development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide the following:
 - a) The owner must enter into a legal agreement with Council's refuse and recycling contractor prior to any service being provided by the contractor.
 - i. Indemnify the contractor in respect from all claims which otherwise might have been made by the Owner of Owner's Corporation.
 - ii. Provide an adequately designed, constructed and maintained access ways suitable for regular use by the contractor's collection vehicles.
 - iii. Provide and maintain all insurance covering all liabilities in respect of any injury to, or death of, any person or any, damage or destruction to any property however caused.

Except with the written consent of the Responsible Authority.

The costs in preparation and registration of such agreement are to be met by the owner

4. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
5. Before the issue of a Building Permit, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan
6. Before the development is occupied the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
8. Before the development is occupied a commercial/industrial standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
9. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
10. Before the development is occupied all proposed areas set aside on the approved plan/s for access, circulation and carparking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
11. 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.
12. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
13. 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.

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

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

VicRoads

15. Prior to the commencement of development, a functional layout plan and Road Safety Audit shall be prepared to the satisfaction of VicRoads. The functional layout plan shall provide for the left and right-turn auxiliary lanes on Pakenham Road at the site's access point. The Functional layout plan shall be designed in accordance with the requirements of AUSTRROADS Guide to Road Design Part 4A- Unsignalised and Signalised for Intersections (the Guide). Where the Guide provides for the exercise of discretion, such discretion shall be exercised to the satisfaction of VicRoads, Prior to the submission of the Functional Layout Plan to VicRoads for approval, a Road Safety Audit shall be undertaken and the plan modified to address concerns raised in the audit.
16. Prior to the commencement of the proposed development, where the approved functional layout plan indicates that proposed roadworks, including the relation of any footpath or nature strip, lie within the subject land or any third party land, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare Plans of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Road Corporation under the certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificate of Title that issues in the name of

the Roads Corporation, are posted to : Vic Roads – Property Services Department, 60 Denmark Street KEW, 3101.

17. Prior to the commencement of the proposed development or prior to any other time agreed in writing by VicRoads, where the proposed roadworks, including footpath and nature strip, lie within the subject land or any third party land the applicant must enter into an agreement with the Responsible Authority and VicRoads, under Section 173 of the *Planning and Environment Act 1987*, to provide for the permit holder to reimburse all costs incurred by VicRoads and the Responsible Authority associated with the declaration of the land as arterial road pursuant to the provisions of the *Road Management Act 2004* and the rezoning of the land to RDZ1 pursuant to the provisions of the *Planning and Environment Act 1987*.
18. Prior to the occupation of the development, the roadworks shown on the approved functional layout plan shall be completed to the satisfaction of and at no cost to VicRoads.
19. No work shall be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts

Expiry:

Use and Development:

A permit for the development and use of land expires if—

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

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

Footnotes

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must immediately be notified of any such discovery.

Development to the land subject to this permit must cease immediately upon the discovery of any suspected human remains. The Police or State Coroner must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must be reported to Aboriginal Affairs Victoria.

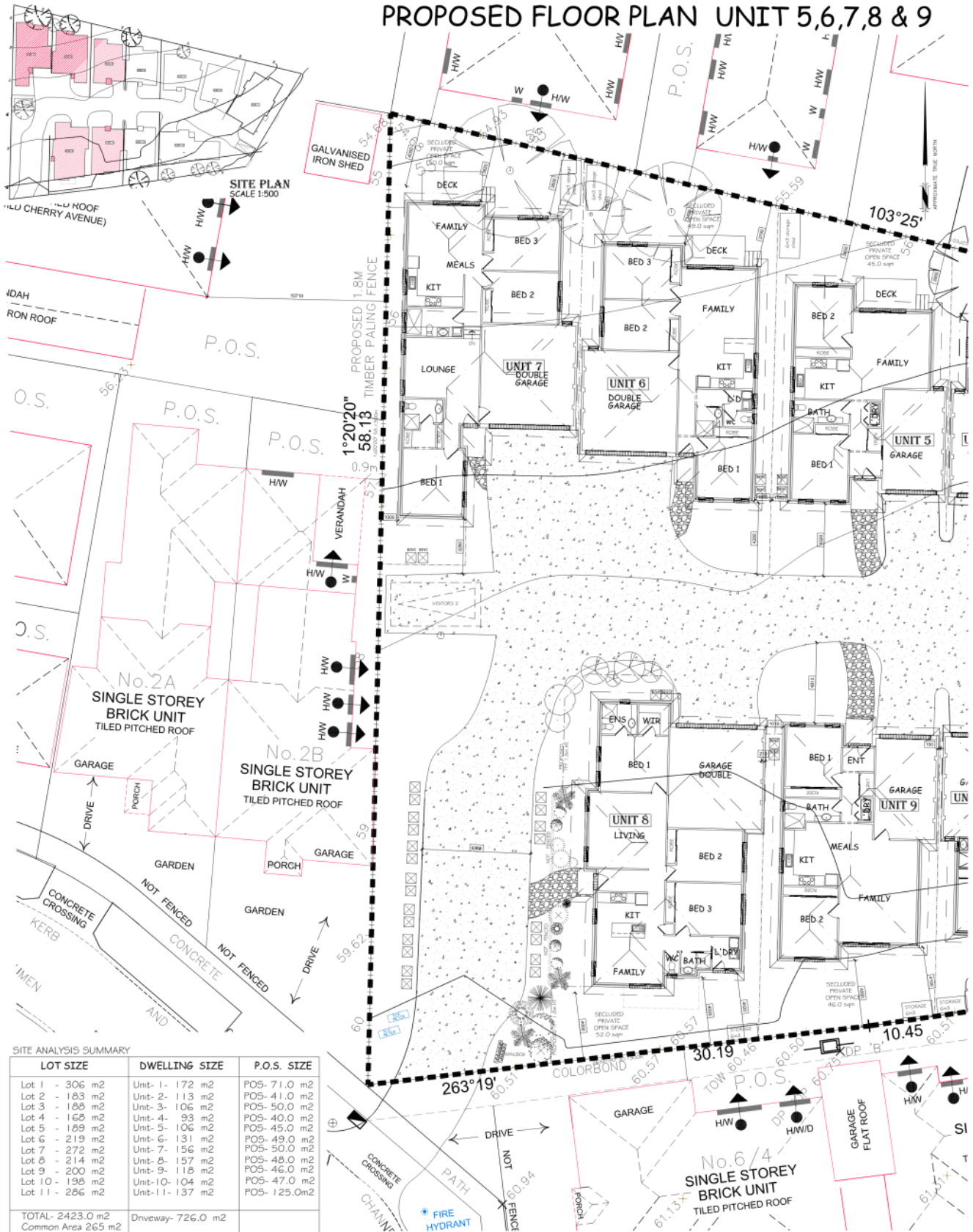
PROPOSED SITE CONDITION



WORKS REQUIRED
 EXISTING STRUCTURES TO BE REMOVED
 EXISTING TREES SHOWN TO BE REMOVED

<p>3000 LETAC DRAFTING SERVICES. May only be used with the permission of the Director of Letac Drafting Services Pty Ltd. DIMENSIONAL DETAILS TO BE CHECKED BEFORE PROCEEDING WITH ANY WORKS. WRITTEN CONSENT REQUIRED IN PREFERENCE OVER ORALS FROM ISSUING OFFICE.</p>	<p>FOR: CLAN GARCIA PTY LTD AT: 165 PAKELHAM ROAD, PAKELHAM</p>		<p>23 JULY 2007 REPLY TO COUNCIL LETTER DATED 2007/1/8</p>	<p>23 JULY 2007 REPLY TO COUNCIL MEETING DATED 21/06/07</p>
			<p>Proposed Proposed Unit Development</p>	
<p>LETAC DRAFTING SERVICES Ph: 0720 2411 11/1200 PAKELHAM ROAD, PAKELHAM VIC 3113 Scale: 1:200</p>			<p>Scale: 1:200</p>	<p>Scale: 1:200</p>

PROPOSED FLOOR PLAN UNIT 5,6,7,8 & 9



SITE ANALYSIS SUMMARY

LOT SIZE	DWELLING SIZE	P.O.S. SIZE
Lot 1 - 306 m ²	Unit-1- 172 m ²	POS- 71.0 m ²
Lot 2 - 183 m ²	Unit-2- 113 m ²	POS- 41.0 m ²
Lot 3 - 188 m ²	Unit-3- 106 m ²	POS- 50.0 m ²
Lot 4 - 168 m ²	Unit-4- 93 m ²	POS- 40.0 m ²
Lot 5 - 189 m ²	Unit-5- 106 m ²	POS- 45.0 m ²
Lot 6 - 219 m ²	Unit-6- 131 m ²	POS- 49.0 m ²
Lot 7 - 272 m ²	Unit-7- 156 m ²	POS- 50.0 m ²
Lot 8 - 214 m ²	Unit-8- 157 m ²	POS- 48.0 m ²
Lot 9 - 200 m ²	Unit-9- 118 m ²	POS- 46.0 m ²
Lot 10 - 198 m ²	Unit-10- 104 m ²	POS- 47.0 m ²
Lot 11 - 286 m ²	Unit-11- 137 m ²	POS- 125.0m ²
TOTAL- 2423.0 m ²	Driveway- 726.0 m ²	
Common Area 265 m ²		
	TOTAL- 1394.0 m ²	
Site Area 3414 m ²		
Building Site Coverage 40.0%		
Permeable Area 38.0%		

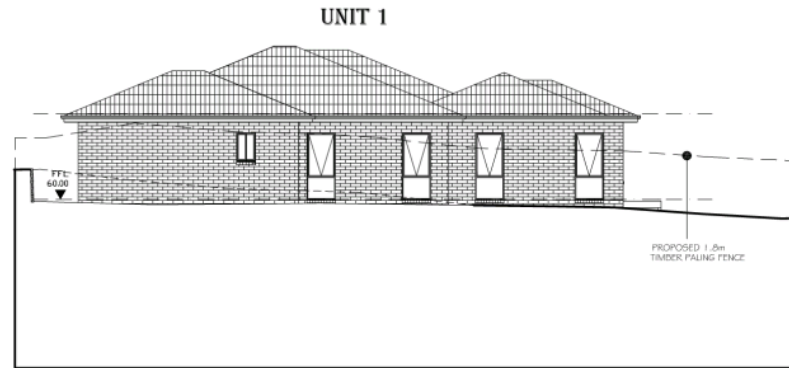
PROPOSED FLOOR PLAN SCALE 1:100

23 July	REPLY TO COUNCIL LETTER DATED 20/07/18
29 June	REPLY TO COUNCIL MEETING DATED 21/05/18
19 May	SITE PERFORMANCE RESPONSE
11 DEC	Site Collection - # West Collection Trusts Path added
14 JAN	REPLY TO THE COUNCIL LETTER DATED 28 OCT 14
Date	Amendments
	AI

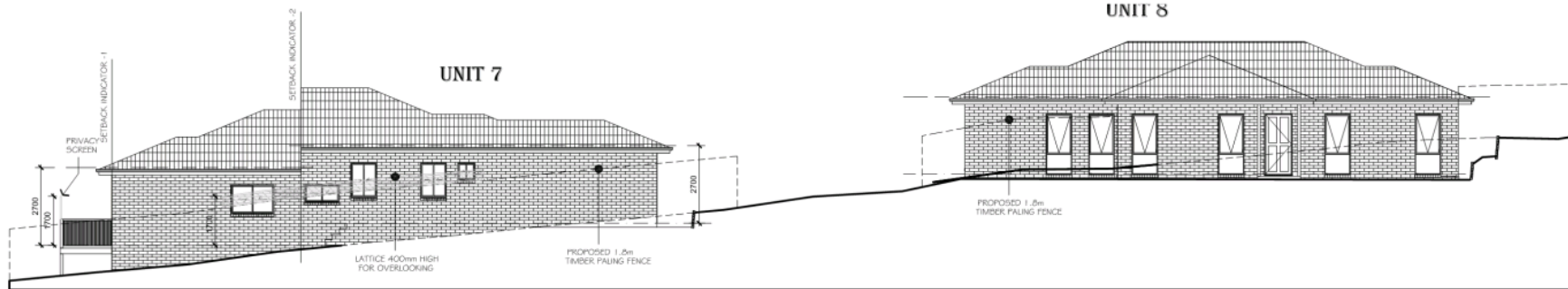
Proposed Proposed Unit Development
 LETAC DRAFTING SERVICES Ph: 9726 0044 Fax: 9726 0077
 Registered No. 07-00144 53 Bick Ave. Moorabie QLD 4700
 Date: June 2024
 Scale: 1:100
 Drawn: RUP025/046
 Check: [blank]
 Title: FILE NAME

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 For: CLAN GARCIA PTY LTD
 At: 165 PAKENHAM ROAD, PAKENHAM

ELEVATION



EAST ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



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For: CLAN GARCIA PTY LTD
At: 165 PAKENHAM ROAD, PAKENHAM

Drawn: RAY
Mechanics Ref:
Job No.

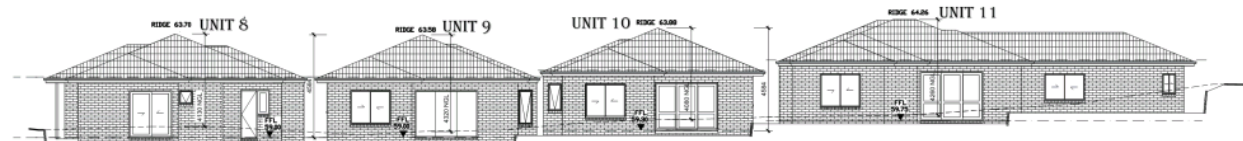
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29 June	REPLY TO COUNCIL MEETING DATED 21/05/18
23 April 2018	SITE ENTRANCE REDESIGN
14 JAN	REPLY TO THE COUNCIL LETTER DATED 26 OCT 14
Date	Amendments
Proposed Proposed Unit Development	
LETAC DRAFTING SERVICES Ph: 9726 0044 - Fax: 9726 0077 Registration No: 97-420044 - 29 Bice Ave, Mooroolbark, 3138 www.letac.com.au	
Date: June 2014	Sheet: ELEVATION
Scale: 1:100	Code No. FILE NAME

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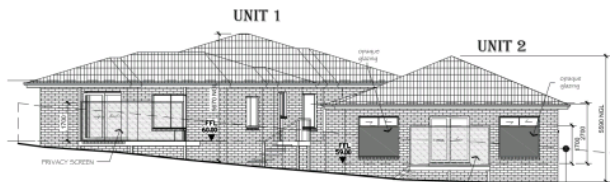
ELEVATION



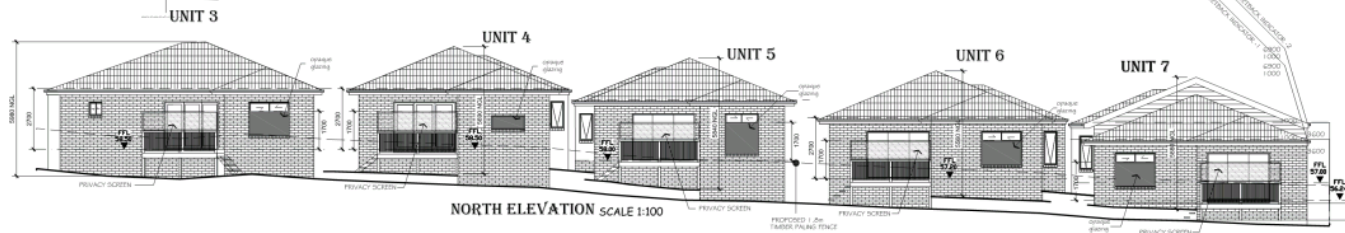
INTERNAL NORTH ELEVATION SCALE 1:100



SOUTH ELEVATION SCALE 1:100



NORTH ELEVATION SCALE 1:100



NORTH ELEVATION SCALE 1:100



SOUTH ELEVATION SCALE 1:100



SOUTH ELEVATION SCALE 1:100

23 July	REPLY TO COUNCIL LETTER DATED 20/07/16
09 Aug	REPLY TO COUNCIL MEETING DATED 2/05/16
10 Sep 16	SITE ENTRANCE REDesign
14 Oct 16	REPLY TO THE COUNCIL LETTER DATED 28 OCT 14
Date:	Amendments
Proposed Proposed Unit Development	
LETAC DRAFTING SERVICES Ph: 0750 2411	
Registration No. 20-40294 JI Sydney Road Newcastle NSW 1606	
Scale:	1:100
Drawn:	20/08/2016
File Name:	

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 For: CLAN GARCIA PTY LTD
 At: 165 FAKENHAM ROAD, FAKENHAM

Project No. 140571-1
 Date: 20/08/2016
 Scale: 1:100
 File Name: T140571-1-Development Plans

LETAC DRAFTING SERVICES
 Ph: 0750 2411
 Registration No. 20-40294
 JI Sydney Road Newcastle NSW 1606

PROPOSED BIN COLLECTION POINT WASTE COLLECTION TRUCK PATH

TURNING CIRCLES



SITE PLAN
SCALE 1:500

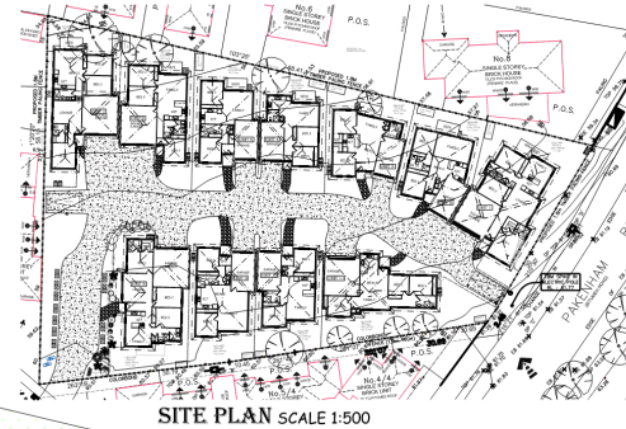
PROPOSED PATH FOR WASTE
COLLECTION TRUCK
SCALE 1:100

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 MATTERS DIMENSIONS TAKE PRECEDENCE OVER SCALES FROM DRAWING.
 For: CLAN GARDIA PTY LTD
 At: 165 PAKENHAM ROAD, PAKENHAM

Client: **CLAN GARDIA PTY LTD**
 Project No: **T140571-1**
 Date: **11/05/16**
 Scale: **1:100**

23 July	REPLY TO COUNCIL LETTER DATED 2007/10
23 June	REPLY TO COUNCIL MEETING DATED 21/05/16
11 Oct	THIS SHEET IS ALICED
Date:	Amendments
Proposed Proposed Unit Development	
LETAC DRAFTING SERVICES Ph: 9750 2471	
11/05/16 11/05/16 11/05/16 11/05/16 11/05/16	
Date:	11/05/16
Scale:	1:100
Sheet No:	101

PROPOSED GARDEN AREA



SITE PLAN SCALE 1:500

GARDEN AREA LEGEND

SITE AREA	3414sqm
TOTAL DWELLING AREA	1394sqm
DRIVEWAY AREA	726sqm
GARDEN AREA	1495sqm
TOTAL GARDEN AREA PERCENTAGE	35% of 3414 = 1194sqm
GARDEN AREA EXCEEDED	BY 299sqm
TOTAL COVERED ARE	2120sqm

PROPOSED GARDEN AREA
SCALE 1:200



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FOR: CLAN GARCIA PTY LTD
 AT: 165 PAKENHAM ROAD, PAKENHAM

Drawn: RAL
 Meters: Ref.
 Job No.

23 July	REPLY TO COUNCIL LETTER DATED 20/07/16
23 July	THIS SHEET IS ADDED
29 June	REPLY TO COUNCIL MEETING DATED 21/05/16
Date	Amendments
Proposed Proposed Unit Development	
LETAC DRAFTING SERVICES Ph: 9726 0044 - Fax: 9726 0077	
Registration No. CP-420044 To Brice Ave. Mooroolbath 3138 plans@letac.com.au	
Date	June 2014
Scale	1:200 / 1:500
Sheet	GARDEN AREA
Est No.	

A2

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3 AMENDMENT TO PLANNING PERMIT FOR 11 DWELLINGS, 165 PAKENHAM ROAD, PAKENHAM

Moved Cr M Schilling Seconded Cr J Owen

That a Notice of Decision to Grant Amendment to Planning Permit T140571 - 1 be issued for the development of the land for eleven (11) dwellings at 165 Pakenham Road, Pakenham Victoria 3810 subject to the following conditions:

1. The development must not be commenced until amended plans have been submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned to metric. The plans must be generally in accordance with the submitted plans but modified to show:
 - a) A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided:
 - i. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - ii. Details of surface finishes of pathways and driveways and internal fences.
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
All species must be to the satisfaction of the Responsible Authority.
 - b) Addition of window glazing to the southern elevation of Unit 7 (Bedroom 1)
 - c) Detailed material and colour schedule of all dwellings
 - d) A Waste Management Plan in accordance with the submitted document but modified to include hard rubbish collection details.
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent of the Responsible Authority.
3. Before the use or development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide the following:
 - a) The owner must enter into a legal agreement with Council's refuse and recycling contractor prior to any service being provided by the contractor.
 - i. Indemnify the contractor in respect from all claims which otherwise might have been made by the Owner of Owner's Corporation.
 - ii. Provide an adequately designed, constructed and maintained access ways suitable for regular use by the contractor's collection vehicles.
 - iii. Provide and maintain all insurance covering all liabilities in respect of any injury to, or death of, any person or any, damage or destruction to any property however caused.
Except with the written consent of the Responsible Authority.

The costs in preparation and registration of such agreement are to be met by the owner

4. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
5. Before the issue of a Building Permit, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan
6. Before the development is occupied the landscaping works shown on the endorsed plans must be

carried out and completed to the satisfaction of the Responsible Authority.

7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
8. Before the development is occupied a commercial/industrial standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
9. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
10. Before the development is occupied all proposed areas set aside on the approved plan/s for access, circulation and carparking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
11. 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.
12. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
13. 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.

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

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

VicRoads

15. Prior to the commencement of development, a functional layout plan and Road Safety Audit shall be prepared to the satisfaction of VicRoads. The functional layout plan shall provide for the left and right-turn auxiliary lanes on Pakenham Road at the site's access point. The Functional layout plan shall be designed in accordance with the requirements of AUSTRROADS Guide to Road Design Part 4A- Unsignalised and Signalised for Intersections (the Guide). Where the Guide provides for the exercise of discretion, such discretion shall be exercised to the satisfaction of VicRoads, Prior to the submission of the Functional Layout Plan to VicRoads for approval, a Road Safety Audit shall be undertaken and the plan modified to address concerns raised in the audit.
16. Prior to the commencement of the proposed development, where the approved functional layout plan indicates that proposed roadworks, including the relation of any footpath or nature strip, lie within the subject land or any third party land, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare Plans of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Road Corporation under the certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificate of Title that issues in the name of the Roads Corporation, are posted to : Vic Roads – Property Services Department, 60 Denmark Street

KEW, 3101.

17. Prior to the commencement of the proposed development or prior to any other time agreed in writing by VicRoads, where the proposed roadworks, including footpath and nature strip, lie within the subject land or any third party land the applicant must enter into an agreement with the Responsible Authority and VicRoads, under Section 173 of the *Planning and Environment Act 1987*, to provide for the permit holder to reimburse all costs incurred by VicRoads and the Responsible Authority associated with the declaration of the land as arterial road pursuant to the provisions of the *Road Management Act 2004* and the rezoning of the land to RDZ1 pursuant to the provisions of the *Planning and Environment Act 1987*.
18. Prior to the occupation of the development, the roadworks shown on the approved functional layout plan shall be completed to the satisfaction of and at no cost to VicRoads.
19. No work shall be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts

Expiry:

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

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

Footnotes

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must immediately be notified of any such discovery.

Development to the land subject to this permit must cease immediately upon the discovery of any suspected human remains. The Police or State Coroner must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must be reported to Aboriginal Affairs Victoria.

Additional Motion:

To undertake that a traffic impact assessment on Lima Place, that is to be used as the main access point of these units, to attempt to minimise any adverse impacts on the Lima Place residents.

Cd.

4 DEVELOPMENT OF FOUR (4) DWELLINGS, 1 JOHNSONS PLACE, PAKENHAM

FILE REFERENCE INT1867213

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Melanie Wright

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180113 be issued for Development of four (4) dwellings and associated works at 1 Johnsons Place, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

1	T180113 - Locality Map	1 Page
2	T180113 - Development Plans	3 Pages
3	T180113 - Copy of Objections, circulated to Councillors only	4 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180113
APPLICANT:	Dragan Jovanovic
LAND:	1 Johnsons Place, Pakenham VIC 3810
PROPOSAL:	Construction of four (4) dwellings and associated works
PLANNING CONTROLS:	General Residential Zone Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Notice of the application has been given by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site. Four (4) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood character, amenity impacts
RECOMMENDATION:	Approval

BACKGROUND:

There is no relevant planning history for the site.

SUBJECT SITE

The site is located on the north west corner of Johnsons Place and Meaby Drive in Pakenham. The site is irregular in shape with an overall area of 1,172 square metres.

The site slopes from north west to south east with a fall of approximately 5 metres across the site towards the road frontage and is not burdened by any easements.

The site is currently developed with a single storey brick dwelling located in the northern portion of the site, setback 3.2 metres from the Johnsons Place and 17.2 metres from Meaby Drive. The dwelling is provided with private open space on the south and north west side including grass coverage, row of shrubs and two trees. The site includes access from the western portion of the Meaby Drive frontage with no formal covered car parking area.

Surrounding use and development includes:

- North:** The land to the north known as 3 Johnsons Place has a dwelling under construction which is setback approximately 6 metres from the common boundary
- South:** The land to the south is the Meaby Drive road-reserve including curved nature strip, with established trees, footpath, roll over kerb and channel. The land slopes towards the southern side of Meaby Drive with areas on the south side including larger nature strip and single storey residential development.
- East:** The land to the east is the Johnsons Place road-reserve including nature strip, with a number of street trees, a footpath adjacent to the southern portion of the site and a two way sealed road reserve with roll over kerb. The properties to the east include residential properties.
- West:** The land to the west is developed with a double storey dwelling which is part of a side by side two dwelling development. The dwelling adjacent to the site is setback 5.5 metres from Meaby Drive and 2 metres from the common boundary with some habitable room windows with outlook to the subject property.

The area is a mixture of single and double storey dwellings influenced by the sloping nature of the area with pitched room form and modern design, with canopy vegetation a feature of the area.

The site is burdened by two restrictive covenants:

- *Covenant D564510* - This covenant relates to Pipeline Easement for the parent title with no easement located on the site,
- *Covenant PS606227T dated 8/2/2008. This restriction requires;*

Unless authorised in writing by the Cardinia Shire Council

- *No building shall be constructed in the area shown hatched.*
- *No native vegetation shall be removed from the area shown hatched*

The hatched areas on the subject site include the Meaby Drive frontage and 4.45 metre wide strip in the southern portion of the Johnsons Place frontage. The proposed dwellings are constructed outside this hatched area and no native vegetation is proposed to be removed from within the hatched area, therefore the development will not breach this covenant.

PROPOSAL

Siting and Design

The proposal includes two dwellings fronting Meaby Drive and one dwelling fronting Johnsons Place with a fourth dwelling with access from Johnsons Place.

Proposed dwelling one has frontage to Johnsons Place with a 6 metre setback. Dwelling two is located at the rear of this dwelling in the north west corner of the site with minimum setback of 3.4 metres from the north

boundary and 1.2 metres from the west boundary. Proposed dwellings three and four are located on the Meaby Drive frontage with dwelling three providing a minimum setback of 3.3 to 4.1 metres from the site frontage and 1.2 metres from the west boundary. Dwelling four has a setback of 3 metres from Meaby Drive and 6 metres from Johnsons Place.

The dwellings include floor areas of between 175.71 – 199.1 square metres, contain four bedrooms, an open family dining and kitchen area, bathroom and laundry with dwelling 3 provided with an additional study, with upper floors including three bedrooms, bathroom, ensuite and gallery area.

The dwellings incorporate a range of materials and colours, including face brickwork, rendered finishes, and colorbond roofing with eaves. Other design features used throughout the development include prominent entry porches and recessed garages.

The units will have ground floor ceiling heights of approximately 2.7 metres and a maximum height of up to 7.6 metres from ground level. The dwellings are stepped with the slope of the land with a number of retaining walls proposed through the development particularly in the northern portion of the site.

Car Parking and Access

The proposal includes one shared access on each street frontage. Dwellings 1 and 2 are provided with a new crossover on the Johnsons Street frontage with a shared accessway on the south side providing access to double garages for both dwellings. The second access includes a new crossover on Meaby Drive located centrally within the frontage with a forked driveway arrangement providing access to a double garage for dwelling 3 and single garage and tandem parking for dwelling 4.

Vegetation Removal, Landscaping, Open Space and Fencing

A number of trees and other vegetation are proposed to be removed from the subject site and the removal of one of the small street trees on Johnsons Place, four street trees will be retained. While formal landscaping plans have not been provided, the proposed site plan includes a number of open space areas within the front, side and rear of the units.

Perimeter fencing consisting of 2.0-metre-high paling fencing is shown on the northern and western boundaries. The proposal will retain the existing rock wall along both street frontages with horizontal slat fencing for the private open space on a portion of the Johnsons Place frontage.

Utilities, Services and Amenities

The plans show the provision of landing, storage sheds or storage areas adjacent to garages, clotheslines and rubbish bin storage areas within the rear private open space of each dwelling, and mailboxes at the entry to the site.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 13.02-1S Bushfire planning;
- Clause 15.01-1S Urban design;
- Clause 15.01-2S Building design;
- Clause 15.01-5S Neighbourhood character;
- Clause 15.02-1S Energy and resource efficiency;
- Clause 16.01-1S Integrated housing;
- Clause 16.01-3S Housing diversity; and
- Clause 16.01-4S Housing affordability.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-8 Resource conservation;
- Clause 21.03-1 Housing; and
- Clause 21.06-1 Design and built form.

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Cardinia Shire's Liveability Plan 2017-2029;
- Pakenham Structure Plan 2017
- Clause 52.06 Car Parking;
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Clause 65 Decision Guidelines; and
- Clause 66 Referral and Notice Provisions.
- Clause 71.02-3 Integrated decision making

Zone

The land is subject to the General Residential Zone – Schedule 1 (GRZ1).

Overlays

The land is subject to the following overlays:

- Development Contribution Plan Overlay – Schedule 1 (DCPO1)

PLANNING PERMIT TRIGGERS

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

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

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land; and
- Placing two (2) signs on site facing Johnsons Place and Meaby Drive.

Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Amenity impacts including overshadowing and overlooking;
- Issues associated with car parking, congestion and safety;
- Four dwellings on the site is inconsistent with the neighbourhood; and
- Removal of vegetation will impact on fauna in area.

DISCUSSION

The proposal for the construction of four (4) dwellings is considered consistent with the aims and objectives of the Cardinia Planning Scheme. The proposal delivers on relevant planning policy framework that seek to achieve attractive and liveable neighbourhoods and support housing in appropriate locations.

Planning Policy Framework

A number of state and local policies are relevant to this application, including:

- Clause 13.02-1S (Bushfire planning), which applies to all planning and decision making relating to land that is within a designated bushfire prone area and seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clauses 15.01-1S (Urban design) and related clauses such as 15.01-2S (Building design), 15.01-5S (Neighbourhood character), which encourage development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate. This is reinforced at a local level by Clause 21.06-1 (Design and built form) which contains similar objectives and strategies.
- Clause 15.02-1S (Energy and resource efficiency), which seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. Clause 21.02-8 (Resource conservation) provides further support, with strategies that seek to encourage development that incorporates sustainable building design.
- Clause 16.01-1S (Integrated housing), which has an objective to promote a housing market that meets community needs, with strategies that seek to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. This is reinforced by Clause 16.01-2S (Location of residential development) which aims to locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-3S (Housing diversity), which aims to provide for a range of housing types to meet diverse needs, with strategies that seek to ensure housing stock matches changing demand by widening housing choice. A complementary clause is 16.01-4S (Housing affordability), which has an objective to deliver more affordable housing closer to jobs, transport and services via strategies that include increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Clause 21.03-1 (Housing) applies at a local level and includes objectives and strategies to help deliver a range of housing types and increased densities, while being consistent with the existing and/or preferred neighbourhood character.

The proposed development responds to these clauses as it will support the increase of housing within an established area of Pakenham with close proximity of public transport, public open space and activity centres.

The proposal also contributes towards a diversity of housing types and sizes, with the proposed dwelling to provide a variety of housing types that is not substantially provided in the area although multi dwelling development is evident in the immediate and wider area. At the same time, the proposal helps to respect the character of the existing area, with the use of features and materials that are consistent with what is found in the greater area. The suitable site layout allows for appropriate front setbacks and the setbacks from common boundaries are consistent with the surrounding developments.

The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme, with the plans maximising the northern orientation of the proposed dwellings and associated private open spaces, and including large areas for landscaping and permeability.

General Residential Zone – Schedule 1

The General Residential Zone seeks to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and housing growth in locations offering good access to services and transport.

While the use of the land for four dwellings does not require a planning permit under the zone, a permit is required to construct two or more dwellings on a lot under clause 32.08-6.

The decision guidelines of this overlay cover a number of matters, including:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- The purpose of this zone; and
- The objectives, standards and decision guidelines of Clause 55.

The proposal reinforces the residential nature of the area and supports housing growth in an area that is well-served by infrastructure and located close to the commercial centre of Pakenham.

Clause 32.08-4 requires a minimum percentage of a lot to be set aside as garden area when constructing or extending a dwelling or residential building on a lot. For a lot exceeding 650 square metres (such as the subject site), 35 per cent of the land must be set aside as garden area. The proposal meets this requirement, with 35.9 per cent or 422 square metres of garden area.

A summary of the assessment against the requirements of Clause 55 is shown below, with the proposal meeting all relevant objectives.

Accordingly, the development is considered responsive to the existing and emerging character of the area, while achieving the zone's objective for housing diversity and growth in appropriate locations.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the existing and developing neighbourhood character of the area. The proposal reinforces the residential character of the area, and uses appropriate design, materials and siting to complement the area. The development is well integrated with the streetscape and of an appropriate scale given its proximity to Pakenham town centre and associated services and infrastructure.

The development can be suitably accommodated into the infrastructure of the existing area and all reticulated services will be available to the development.

Clause 55.03 Site layout and building massing:

The setbacks of the buildings respect the existing and preferred neighbourhood character of the area and it is considered that the site layout and building form is consistent with the relevant standards.

The proposal includes a setback of 6 metres from Johnsons Place and varied setback of 3 – 4.1 metres, both are consistent with the requirement of Standard B6. When the application was lodged the property to the north on Johnsons Place was undeveloped and the 6 metre setback is the required setback for a corner lot.

Building heights (maximum height of 7.6 metres), site coverage (46.1 per cent) and permeability (37.33 per cent) are within the standards. Energy efficiency, safety, landscaping, access and parking location are all considered appropriate and in accordance with the required standards.

Clause 55.04 Amenity Impacts:

The proposed development will have limited impact on the amenity of existing dwellings, with the proposal meeting all standards in relation to matters such as walls on boundaries, side and rear setbacks, daylight to existing windows, overshadowing and overlooking. Internal impacts such as internal views and noise impacts are also managed appropriately and in accordance with the relevant standards.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area. The proposal comprises a conventional residential standard of design that does not detract from the surrounding area. It includes features such as eaves on the upper level, and colours and materials that will make a positive contribution to the area.

The proposed access way is functional and capable of efficient management. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Clause 52.06 Car Parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality.

The proposal consists of 4 four-bedroom dwellings. Pursuant to Clause 52.06-5, dwellings with two bedrooms are required to provide a minimum of one car parking space and dwellings three bedrooms or more are required to provide a minimum of two car parking spaces.

The development meets the above car parking requirements, with all dwellings providing a 6m x 5.5m double garage for three dwellings and a single garage with tandem space for the remaining dwelling. The development also complies with all relevant design standards of Clause 52.06-9, which covers matters such as access way widths, turning areas and car park space sizes.

The application has been supported by Council's Traffic Department, subject to conditions.

Although the location of the proposed crossover on the Johnsons Place frontage will result in the removal of one of the street trees the arrangement will allow for the retention of four more substantial trees along this frontage and will not result in any detriment to this frontage. In terms of the Meaby Drive frontage the proposed crossover location will be in the tree protection zone of the street tree, although the current crossover is also located within the zone and it is considered that this crossover can be constructed to minimise the impact on the street tree and is acceptable in this circumstance.

Objections

The application was advertised by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site facing Johnsons Place and Meaby Drive. Council has received four (4) objections to date.

The key issues and themes that were raised in the objections and a response to each is provided below:

The development will result in car parking issues, congestion and safety

Although the proposal will increase the number of dwellings by three the proposed provision of parking on site is in accordance with the car parking requirements of Clause 52.06 of the Planning Scheme, with all dwellings containing the required number of car parking spaces. The proposed crossovers have been located to ensure minimal impact on traffic and pedestrian safety and is generally in accordance with the surrounding development.

The application has been referred to Council's Traffic Department, who had no objection to the proposal, subject to conditions.

The development will result in overlooking impacts surrounding properties.

The application includes a detailed set of elevation drawings which show that the development makes use of fencing and screening techniques to ensure compliance with the overlooking requirements of the Scheme. The development also includes large areas of land that can be used for landscaping to help provide further screening between adjoining properties. The development also complies with all relevant height standards.

The objector's properties do not abut the subject site and the concerns in terms of overlooking relate to the properties on the south side of Meaby Drive. The proposed dwellings are separated by the road reserve and although elevated due to the slope of the land, the outlook from the proposed dwellings is over 15 metres from the objector's property, views, if any, would be the front setback area of the objector's properties which can be viewed from public spaces. It is considered that the proposed dwellings will not result in any additional overlooking concerns.

The development will result in overshadowing impacts on surrounding properties.

The application includes a detailed set of shadow diagrams which show that the development will not result in any unreasonable overshadowing of adjoining properties. The development complies with the overshadowing requirements of the Scheme. The noted objectors are on the south side of Meaby Drive, although a small area of additional shadow will be caused to Meaby Drive, this does not extend to adjoining properties front gardens, as such will not result in any detriment.

Loss of Vegetation and impact on surrounding birds

The objectors noted concerns with the removal of vegetation from the site and the impact that this will have on the surrounding bird life. The proposed development will be subject to a landscaping plan which will incorporate canopy planting for each of the dwellings. Areas will be provided within a 6 metre setback from the Johnsons Street frontage and within the Meaby Drive frontage, this will ensure that the development will integrate with the surrounding landscape character. Furthermore, the loss of three on site trees will not significantly impact on the surrounding bird life particularly given replacement planting will be incorporated as part of the development. This area is an established residential area and the proposed landscaping will ensure integration with the surrounds, as such the vegetation removal is considered acceptable in this circumstance.

Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as it supports an increase of housing and alternative housing types in close proximity to transport and services.

Clause 65 Decision Guidelines

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome that will not have any unreasonable impacts on the amenity of the surrounding area.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the Cardinia Planning Scheme. It is recommended that a Notice of Decision to Grant Planning Permit T180113 be issued for the development of four (4) dwellings at 1 Johnsons Place, Pakenham VIC 3810 subject to the following conditions:

CONDITIONS

1. Before the development starts a landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and must be consistent with the amended development plans and show the following:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (including street trees).
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c. Details of surface finishes of pathways and driveways.
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e. Landscaping and planting within all open areas of the subject land.

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

2. Before development starts, Tree Protection Zones/s must be placed around existing street trees. The Tree Protection Zone/s must remain in place until the completion of any works hereby approved.
 - a. Each TPF must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
 - b. Each TPF shall not be removed until such works have been fully completed.
 - c. Each TPF must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
 - d. If works are shown on any endorsed plans of this permit within the calculated TPF, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
 - e. Areas within the TPF must not be used:
 - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
 - ii. for storage or dumping of tools, equipment, materials or waste.

3. 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.

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

4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. Prior to a building permit being issued under the *Building Act 1993*, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.
7. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - b. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - c. Any proposed timber paling fencing must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - d. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - e. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - f. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - g. Lighting must be provided near the front entrance of each dwelling.
 - h. The landscaping works shown on the endorsed plans must be carried out and completed.
 - i. 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.
 - j. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - k. 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.

8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. 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.
10. 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.
11. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
13. 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 building, including the roof, must be of a non-reflective nature.
14. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
15. 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.
16. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this 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:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

-
- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.

T180113 PA - Locality map



31.0 0 15.49 31.0 Meters

1: 610

Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

13-Sep-2018

Notes





TREE SUMMARY			
TREE NO.	SPECIES (BOTANICAL NAME)	RETENTION VALUE	UNDEVELOPED / REMOVED / RETAINED
1	COPERNICIA PACIFICOLA	HIGH	RETAINED



AREA ANALYSIS	
SITE AREA	117522 M2
TOTAL BUILT ON AREA	54127 M2 - 46.14%
DRIVEWAY, PAVING	17172 M2
TOTAL IMPERMEABLE AREA	72079 M2 - 61.45%
PERMEABLE SURFACES	45223 M2 - 37.55%
GARDEN AREA	42223 M2 - 35.9%

PROPOSED UNIT 1	
GROUND FLOOR	95.15 M2
FIRST FLOOR	8485 M2
SUB TOTAL	180 M2 - 1936 50
GARAGE	2624 M2
PORCH	442 M2
TOTAL	22066 M2 - 2375 50
SPOS	3570 M2
FRONT POS	725.1 M2

PROPOSED UNIT 2	
GROUND FLOOR	86.12 M2
FIRST FLOOR	8622 M2
SUB TOTAL	17435 M2 - 1877 50
GARAGE	37186 M2
PORCH	330 M2
TOTAL	21483 M2 - 2312 50
SPOS	7046 M2
FRONT POS	NL

PROPOSED UNIT 3	
GROUND FLOOR	105.81 M2
FIRST FLOOR	9525 M2
SUB TOTAL	19114 M2 - 2144 50
GARAGE	4083 M2
PORCH	524 M2
TOTAL	24521 M2 - 2640 50
SPOS	5936 M2
FRONT POS	42.65 M2

PROPOSED UNIT 4	
GROUND FLOOR	95.82 M2
FIRST FLOOR	8184 M2
SUB TOTAL	17571 M2 - 1891 50
GARAGE	2682 M2
PORCH	426 M2
TOTAL	20679 M2 - 2226 50
SPOS	95.41 M2
FRONT POS	44.77 M2

REV.	Date:	Drawn by:	Revision Notes
1	OCT. 17	ST	PRELIMINARY DESIGN
2	DEC. 17	ST	PRELIMINARY ELEVATIONS
3	FEB. 17	ST	PLANNING SUBMISSION
4	MAY. 17	SZ	FURTHER INFO
5	JUN. 17	SZ	FURTHER INFO 2

PLANNING SUBMISSION	
DRAWING TITLE	SITE / GROUND FLOOR PLAN
ADDRESS	NO.1 JOHNSONS PLACE, PAKENHAM VIC 3810
PROJECT	PROPOSED FOUR DOUBLE STOREY UNIT DEVELOPMENT

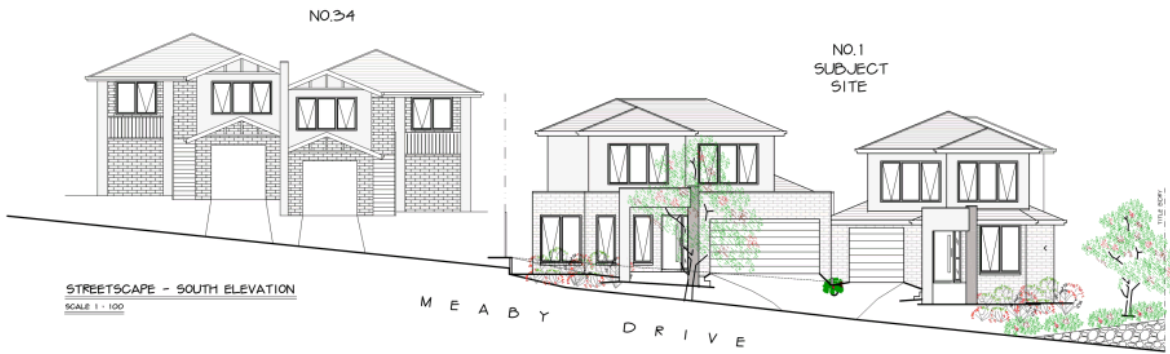
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Miley Inc. REVISION: 5 JOB NO: 029-17

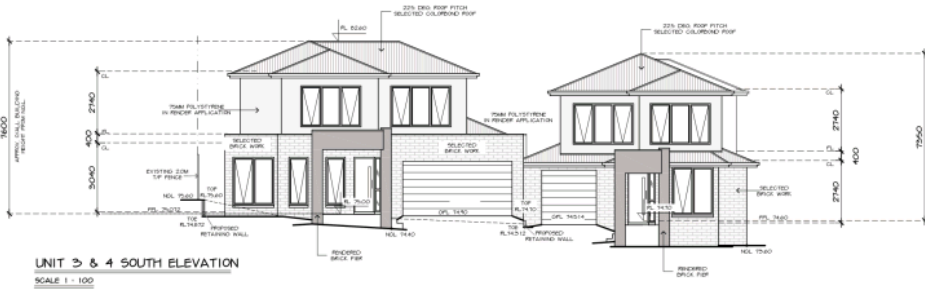
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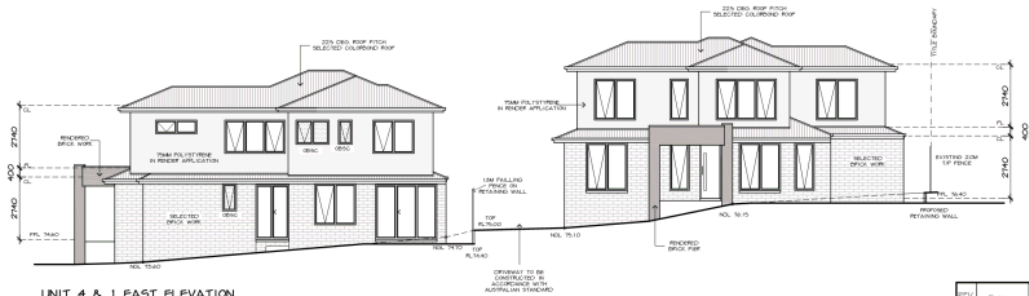
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SCALE 1 : 100



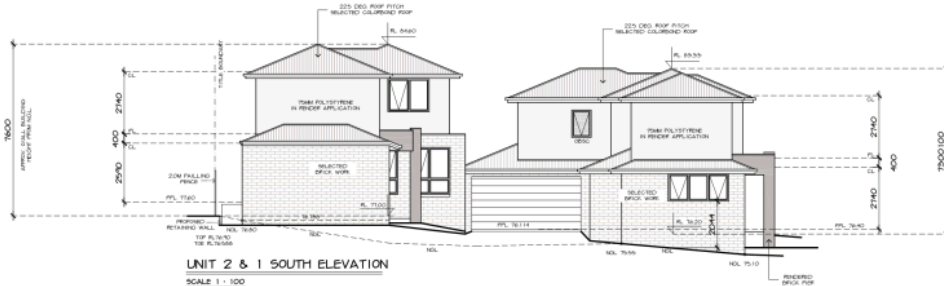
STREETSCAPE - SOUTH ELEVATION
SCALE 1 : 100



UNIT 3 & 4 SOUTH ELEVATION
SCALE 1 : 100



UNIT 4 & 1 EAST ELEVATION
SCALE 1 : 100



UNIT 2 & 1 SOUTH ELEVATION
SCALE 1 : 100

NO.	SCHEDULE OF COLOUR		FINISH
1	DOOR	Dark grey	[Color swatch]
2	FENDER 1	tan	[Color swatch]
3	FENDER 2	light tan	[Color swatch]
4	SILL	tan	[Color swatch]
5	WINDOUC	Dark grey	[Color swatch]
7	CLIFFER & DOWNROD	Dark grey	[Color swatch]
8	ROOF	Dark grey	[Color swatch]
9	CARPORT DOOR	tan	[Color swatch]
10	DRIVEWAY	Light grey	[Color swatch]
11	WHEEL DOOR	Dark grey	[Color swatch]

REV. No.	Date	Drawn by	Revised Notes
1.	OCT. 17	ST	PRELIMINARY DESIGN
2.	DEC. 17	ST	PRELIMINARY ELEVATIONS
3.	FEB. 17	ST	PLANNING SUBMISSION
4.	MAY. 17	SZ	FURTHER INFO
5.	JUN. 17	OZ	FURTHER INFO 2

PLANNING SUBMISSION

DRAWING TITLE:
ELEVATIONS

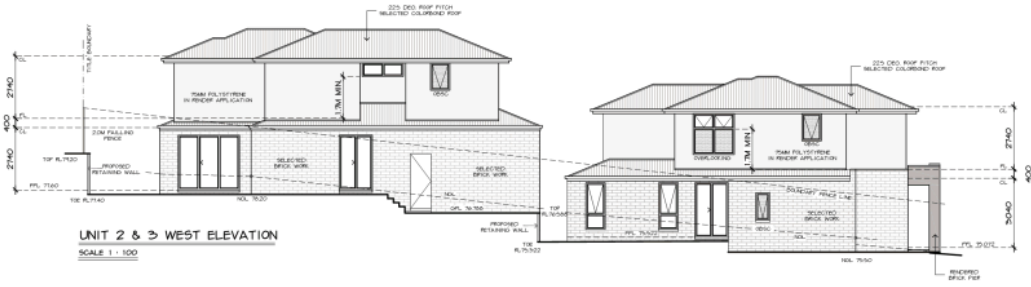
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PARKDRIVE VIC 3010.

PROJECT:
PROPOSED FOUR DOUBLE STOREY
UNIT DEVELOPMENT

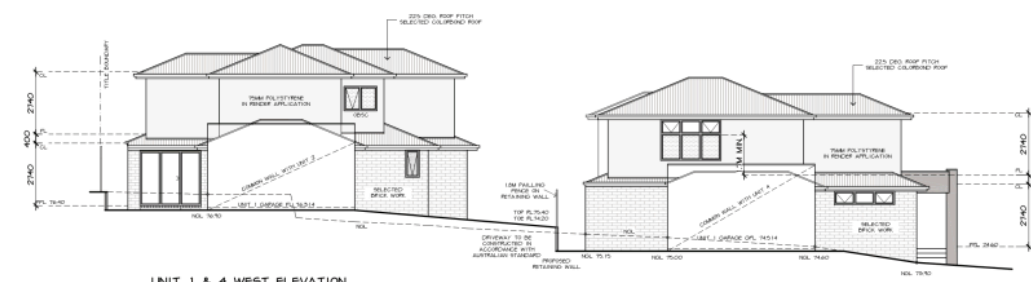
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REVISION 5 024-17	DRAWN BY:
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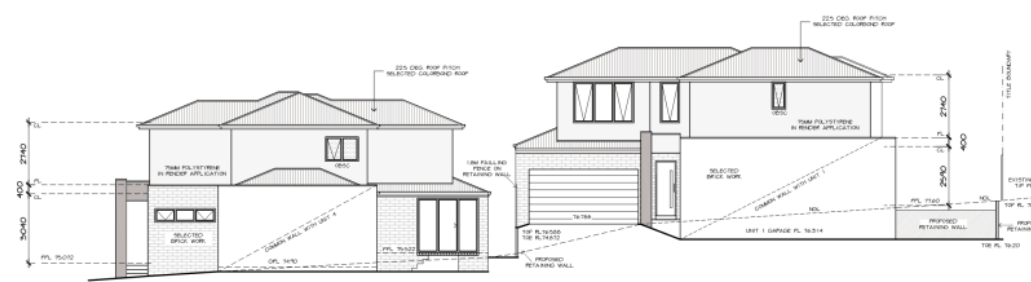
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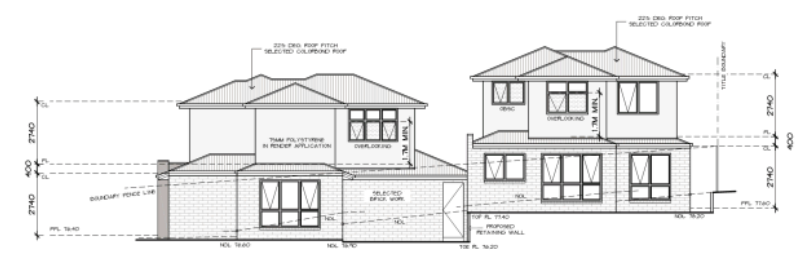
UNIT 2 & 3 WEST ELEVATION
SCALE 1 : 100



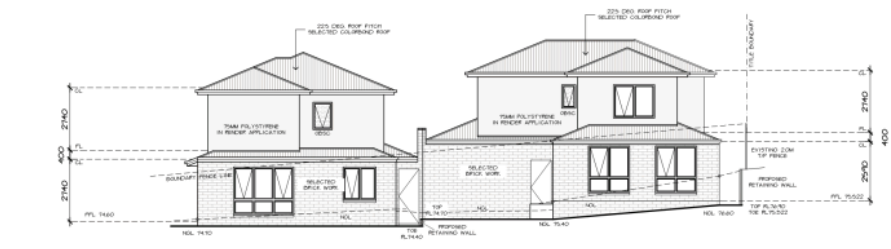
UNIT 1 & 4 WEST ELEVATION
SCALE 1 : 100



UNIT 3 & 2 EAST ELEVATION
SCALE 1 : 100



UNIT 1 & 2 NORTH ELEVATION
SCALE 1 : 100



UNIT 4 & 3 NORTH ELEVATION
SCALE 1 : 100

REV. No.	Date	Drawn By	Revision Notes
1.	OCT. 17	ST	PRELIMINARY DESIGN
2.	DEC. 17	ST	PRELIMINARY ELEVATIONS
3.	FEB. 17	ST	PLANNING SUBMISSION
4.	MAY. 17	SZ	FURTHER INFO
5.	JUN. 17	SZ	FURTHER INFO 2

DRAWING TITLE	
ELEVATIONS	
ADDRESS	
NO.1 JOHNSON'S PLACE, PAKENHAM VIC 3810.	
PROJECT	
PROPOSED FOUR DOUBLE STOREY UNIT DEVELOPMENT	
VICTORIAN DRAFTING & DESIGN	
NO.8 BUSINESS PARK DRIVE, NOTTING HILL 3168 TEL: 9544 5888 FAX: 9544 3491	
SCALE:	1:100 @ A1
SHEET:	6 OF 7
DATE:	OCT. 17
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REVISION:	5
JOB NO:	029-17

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4 DEVELOPMENT OF FOUR (4) DWELLINGS, 1 JOHNSONS PLACE, PAKENHAM

Moved Cr J Owen Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T180113 be issued for Development of four (4) dwellings and associated works at 1 Johnsons Place, Pakenham VIC 3810 subject to the following conditions:

1. Before the development starts a landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and must be consistent with the amended development plans and show the following:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (including street trees).
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c. Details of surface finishes of pathways and driveways.
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e. Landscaping and planting within all open areas of the subject land.

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

2. Before development starts, Tree Protection Zones/s must be placed around existing street trees. The Tree Protection Zone/s must remain in place until the completion of any works hereby approved.
 - a. Each TPF must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
 - b. Each TPF shall not be removed until such works have been fully completed.
 - c. Each TPF must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
 - d. If works are shown on any endorsed plans of this permit within the calculated TPF, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
 - e. Areas within the TPF must not be used:
 - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
 - ii. for storage or dumping of tools, equipment, materials or waste.

3. 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.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce

the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. Prior to a building permit being issued under the *Building Act 1993*, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.
7. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - b. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - c. Any proposed timber paling fencing must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - d. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - e. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - f. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood.
 - g. Lighting must be provided near the front entrance of each dwelling.
 - h. The landscaping works shown on the endorsed plans must be carried out and completed.
 - i. 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.
 - j. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - k. 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.
8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. 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.

10. 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.
11. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
13. 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 building, including the roof, must be of a non-reflective nature.
14. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
15. 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.
16. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this 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:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height

Cd.

5 DEVELOPMENT OF THE LAND FOR TWO (2) OUTBUILDINGS (WORKS COMMENCED) AND THE REMOVAL OF ONE (1) HERITAGE TREE

FILE REFERENCE INT1867220

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Evangeline McGauley-Kennedy

RECOMMENDATION

That a Refusal to Grant Planning Permit T180165 be issued for Development of the land for two (2) outbuildings (works commenced) and the removal of one (1) Heritage Tree, construction of a driveway and associated works at Walker Street, Koo Wee Rup VIC 3981 for reasons outlined in this report

Attachments

- | | | |
|---|-----------------------------|---------|
| 1 | T180165 - Locality Map | 1 Page |
| 2 | T180165 - Development Plans | 4 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180165
APPLICANT:	Mr David McLeod
LAND:	Walker Street, Koo Wee Rup VIC 3981
PROPOSAL:	Development of the land for two (2) outbuildings (works commenced) and the removal of one (1) Heritage Tree, construction of a driveway and associated works.
PLANNING CONTROLS:	Neighbourhood Residential Zone - Schedule 1 Land Subject to Inundation Overlay, Heritage Overlay – Schedule 127
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i> , the application was advertised by the placing of signs on site and notices in the mail to adjoining property owners. No objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Heritage, visual scale and bulk, heritage tree removal, flood risk.
RECOMMENDATION:	Refusal

BACKGROUND:

The subject site was created by Planning Permit T030871, which was issued for the subdivision of the land into seventy-nine (79) lots on 16 September 2004. There is no recent Planning Permit history for the subject site.

ENFORCEMENT BACKGROUND:

A number of unauthorised works have been carried out on the site without the permission of Planning Permits and Building Permits since the start of 2018. These works include the removal of a Heritage Tree,

the lopping of a Heritage tree, alterations and extensions to a Heritage Dwelling, the construction of a driveway and the (partial) construction of 'Shed 1' associated with this Planning Permit application.

Compliance Officers advised the owner to Stop Works on the site and to obtain a Planning Permit for the extension to the dwelling and to construct the sheds, driveway and other works. A Planning Permit has not been submitted for the dwelling extension.

Although the owner submitted this application for the shed, heritage tree and works, the owners continued to undertake works on site, without waiting for the application to be decided on. This is considered a disregard to the Heritage Overlay and the Planning process.

Both a Building Notice to Stop Works and Planning Compliance Infringement have been issued in relation to these works.

HISTORICAL BACKGROUND:

The site itself is known locally as 'The Grange' (HO127), one of the earliest homes built in Koo Wee Rup and was known for its great trees and garden and was also a key place in the community for weddings before any churches were built.

The statement of significance below summarises:

"The Grange, built in 1888 for the Hudson family, is significant to Cardinia Shire for its historical links with the earliest settlers of the district (Mickles, Hudsons) and its evident early date among other farms in the Yallock or Koo Wee Rup district. Its siting, facing away from the street is evocative of its role as a predecessor of the town subdivision, and it was the home of one of the more prominent Koo Wee Rup town's people and became a de facto social centre for the new community". – Cardinia Shire Heritage Study – The Grange – 1999 – Graeme Butler & Associates.

SUBJECT SITE

The site is located on the north-western side of Walker Street, on the corner of Bailey Road and Grange Court.

A crossover is located toward the middle of the lot, providing access to Walker Street and there is a four-metre-wide easement running diagonally through the southern portion of the site.

The site currently contains a Heritage listed dwelling 'The Grange' constructed circa 1887-88, which has specific significance to the Koo Wee Rup Township, as well as to the Shire for its links to the Shires early settlers. In addition to the heritage dwelling there are a number of heritage listed trees on the site (some of which have been removed or lopped without Council's authorisation). The dwelling is a Victorian-era, double-fronted weatherboard home, with the original rear of the dwelling facing Walker Street and the original frontage facing north-east, into the subdivision and away from the street. The condition of the heritage dwelling is said to be in good condition and retains many of the features from its original construction.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- The site is located within an established residential area, just west of Sybella Avenue. There are smaller residential allotments, surrounding the site, generally containing single residential dwellings, with some parcels also containing sheds and outbuildings.
- Koo wee Rup Town Centre is located approximately 500 metres to the north of the site

SUBJECT SITE ARERIAL IMAGE (LATEST IMAGE 23 AUGUST 2018)



SUBJECT SITE ARERIAL IMAGE (APPROX THE TIME APPLICATION WAS MADE APRIL 2018)



SUBJECT SITE ARERIAL IMAGE (PROPERTY BEFORE ANY WORKS COMMENCED NOVEMBER 2016)



PROPOSAL

Approval is sought for the development of the land for two (2) outbuildings (works commenced), the removal of one (1) heritage tree, construction of a driveway and associated works. The proposed outbuildings are to be located on either side of the dwelling:

Shed 1 will be setback 1 metre from the north-western title boundary (2 Grange Court) and 1 metre from the north-eastern title boundary (5 Bailey Boulevard). It should be noted the works on Shed 1 have already commenced since this application was made (see aerial images above). Shed 1 measures 6.5 metres in length and 6 metres in width, totalling an area of 39sqm. This outbuilding has been constructed with corrugated Colorbond steel. A colours and material schedule on the plans provided proposes this shed to have 'Cream/off-white' walls and a corrugated Colorbond roof in 'Red', however it is clear from inspections that the colour of the roof is not in accordance with these proposed plans. This outbuilding is proposed to be used as a garage and will store vehicles of the landowner. A driveway (not shown on the plans) has also been constructed to service this outbuilding, which would have also required planning approval under H0127 and the LSIO.

Shed 2 will be setback 2 metres from the north-eastern title boundary (5 Bailey Boulevard) and 1 metre from the south-eastern title boundary (Bailey Boulevard). Construction of Shed 2 has not yet commenced, however some works (including a driveway and the lopping of the English Oak) to service this proposed outbuilding have been completed. Shed 2 is proposed to measure 10.5 metres in width and 15 metres in length totalling an area of 157sqm. The outbuilding will be constructed with corrugated Colorbond steel with 'Cream/off white' walls and a corrugated roof in 'Red'. This outbuilding is proposed to be used by the landowner for storage of a caravan, cabin cruiser, trailers, additional motor vehicles and further storage.

An additional gravel driveway is proposed to service 'Shed 2', as well as the removal of a heritage listed 'Cypress tree' to accommodate this outbuilding.

Earthworks for fill pads for each outbuilding will be required to raise the finished floor level to Melbourne Waters standards.

This application does not include the retrospective works that have already been undertaken on the site, except for the works that have already commenced for 'Shed 1' and its driveway (which has not been shown on the plans).

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.03-1 Heritage conservation
- Clause 13.03-1 Floodplain management

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-6 Post-contact heritage
- Clause 21.02-1 Catchment and coastal management
- Clause 21.07-7 Koo Wee Rup

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Cardinia Shire (Emerald & Cranbourne Districts) Heritage Study 1998 – The Grange Homestead
- Koo Wee Rup Township Strategy 2015

Zone

The land is subject to the **Neighbourhood Residential Zone - Schedule 1**

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay
- Heritage Overlay 127

PLANNING PERMIT TRIGGERS

The proposal for development of the land for two (2) outbuildings (works commenced) and the removal of one (1) heritage tree, construction of a driveway and associated works, requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 44.04-2 (LSIO) a planning permit is required to construct a building or carry out works.

- Pursuant to Clause 43.01-1 (HO) a planning permit is required to construct a building or carry out works and to remove, destroy or lop a tree where tree controls apply.

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 2 signs on site*

Council has not received any objections to date.

REFERRALS

Melbourne Water

The application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal subject to conditions.

DISCUSSION

The proposal has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme, the development proposed is determined to be inconsistent with the Heritage Overlay requirements.

Neighbourhood Residential Zone – Schedule 1

The key purpose of this zone is to recognise areas of predominately single and double storey residential dwellings and ensures development respects the identified neighbourhood character, heritage, environmental or landscape characteristics of an area. Pursuant to Clause 32.09-2 a Planning Permit is not required to carry out buildings and works associated with a dwelling, and as such, this application for the two (2) outbuildings, tree removal and other associated works were not required to be assessed under the Neighbourhood Residential Zone.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) identifies areas where a 1 in 100 Year flood or floodplain area determined by a floodplain management authority warrants protection from flood hazards. These measures ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

As the entire site is covered by the LSIO it is not possible for the proposed outbuildings to be located on flood-free land or land with a lesser hazard outside this overlay. Pursuant to Section 55 the application was referred to Melbourne Water, who had no objection to the proposal, subject to conditions, which included the submission of amended plans requiring the finished floor levels of both sheds to be no lower than 5.7 metres to Australian Height Datum (AHD) and for imported fill to be kept to a minimum.

Given that Melbourne Water had no objection to the proposed development, it is considered that proposed outbuilding's would not increase the potential risk to life, health or safety a 1 in 100 Year flood poses, and would not affect or obstruct floodwater, stormwater or drainage over the property, subject to their conditions being met. If Council's recommendation was to approve this application, these conditions would form part of the permit. However, as the recommendation is to refuse this application for a Planning Permit, the conditions imposed by Melbourne Water are not applicable.

Heritage Overlay – Schedule 127 & Cardinia Shire (Emerald & Cranbourne Districts) Heritage Study 1998 – *The Grange Homestead*

The key purpose of this overlay and study is to conserve and enhance heritage places of natural and cultural significance, conserve elements which contribute to the significance of heritage places and ensure that development does not adversely affect the significance of heritage places. Heritage Overlay 127 relates specifically to the *Grange Homestead* located at Walker Street, Koo Wee Rup (L1 PS318270).

The dwelling is the last remaining building from the former homestead, which was built in 1887-88 for the Hudson family who were among some of the first settlers to the Koo Wee Rup area. The remaining house is a Victorian-era, double-gabled weatherboard dwelling, which is now, located within a residential subdivision of the land it once occupied. The dwelling is mostly in its original form and in good condition, with the original frontage of the dwelling facing away from the street and the rear of the dwelling now acting as the entry. There were a number of mature, heritage listed trees on the site including a Silky Oak, English Oak, Elm, Magnolia and Monterey Pine, a few (namely the Silky Oak) of which were recently removed by the current landowner without a Planning Permit or Council permission and the canopy of the English Oak significantly lopped without planning approval.

The applicant seeks to construct two (2) outbuildings, remove one (1) heritage tree, and construct a driveway along with additional works and earthworks.

The decision guidelines of the Heritage Overlay cover a number of matters. These include the significance of a heritage place, the location of buildings and the impact of visual scale and bulk on a place of heritage significance, whether proposed buildings are in keeping with the heritage character of a building or if they will impact on the significance of the place and whether the development of the site will impact significant trees.

The design and siting of the two (2) proposed outbuildings and the required removal of a heritage tree is considered inconsistent and unresponsive to the objectives of the Heritage Overlay and to the conservation of the *Grange Homestead* and its significant trees.

It is considered that the size, scale and visual bulk of the two (2) proposed outbuildings, especially 'Shed 2', would dominate the site and detrimentally affect the heritage significance of the original dwelling. It is evident through the design, the location of the outbuildings and the size of 'Shed 2', that little regard has been given to the decision guidelines of the Heritage Overlay, nor has the heritage significance of the original dwelling been taken into account when preparing this proposal. This disregard for the Planning controls that burden the site is also apparent, given the extensive buildings and works that have already commenced on the site without a Planning Permit.

The design and materials proposed are also not in keeping with, nor are they appropriate given the heritage character of the original dwelling. Shed 2 is especially of concern, as its large size (157sqm), is considered excessive and will completely dominate the streetscape on the south-eastern boundary. The use of Colorbond steel is also not appropriate in a heritage setting. Materials similar to what was available in the era in which the building was built, are encouraged and should be utilised instead. Additionally the resulting site coverage of the proposed outbuildings completely detracts from the main features of the site. These features include the heritage dwelling, heritage trees and sense of openness and spaciousness on which the original homestead would have sat. It also removes the opportunity for landscaping and gardens to be re-established on the site, which records suggest the original dwelling had.

Adding to the concerns raised above, the large size of 'Shed 2' requires the removal of one (1) heritage tree within its footprint and the construction of the driveway proposed (already partially constructed) to service this shed will unnecessarily encroach of the Tree Protection Zone (TPZ) of the last remaining large (mature) tree on the site (English Oak Tree). Given that this site is encumbered by tree controls under the H0127, any buildings and works are required to avoid and minimise any impacts on these listed trees. There are a number of opportunities to avoid unnecessary impacts on the remaining trees on this site, which have not been achieved. As such, the unnecessary removal or impact of the proposal on significant trees is not appropriate and should not be supported. It should also be noted that, as discussed above this tree (English Oak) has already been lopped without the authorisation of a Planning Permit.

Furthermore, the application was referred to Council's Heritage Department who were unsupportive of the proposal for the following reasons:

- The location and size of Shed 1 is more sympathetic to the existing dwelling and surrounding landscape, however the proposed design (garage type structure) is not in keeping with the heritage aesthetic of the site. A carport or similar structure, not constructed of Colorbond steel, would have been more appropriate and may have been supported;
- The concrete driveway (not shown on the plans) which has been put into service Shed 1, extending from the front crossover to the rear of the dwelling is not appropriate. This hard landscaping is not keeping with the character or age of the dwelling and landscape, and would not be supported as part of any application. The driveway should have been constructed with a softer gravel like material that would be far more appropriate and would not dramatically impact the heritage value of the site. The concrete driveway has a direct visual impact on the significance of the site and should be removed;
- The location and size of Shed 2, which includes proposed gravel driveway (partially constructed) and the removal of a significant tree, is too large for the site and would dramatically detract and impact on the heritage place due to its overall size and placement on the site;
- The driveway access will also impact on the tree protection zone of a large significant Oak tree remaining on site; and
- The colours and material proposed for Shed 2 are inappropriate, and are not in keeping with the overall character of a heritage site.

Council's Environment and Heritage Department went on to say:

"The applicant has given no/little consideration to the overall heritage significance of the site and the proposed plans clearly indicate this. For these reasons the proposed second shed including access is not supported by the Environment & Heritage Unit. Shed 1 may have been supported if a gravel driveway was proposed and changes to the design and materials were made, but unfortunately, the owner has taken steps without Council advice or permits to construct the shed, as well as constructing an inappropriate driveway access to Shed 1 at the rear. Prior application being made, the owner has removed trees of significance and constructed a rear addition with no permit."

Although the site is contained within an established residential area, with many dwellings being developed with large outbuildings, it is important to remember that given its specific incorporation into the Planning Scheme through HO127, buildings and works at Walker Street, must be assessed in isolation, regardless of its location within the subdivision. What is generally acceptable in a residential setting is not acceptable in the case of the development of buildings on land that a Heritage dwelling sits on. As such, the argument that other surrounding sites have Colorbond outbuildings (especially large outbuildings) cannot be considered in support of this application, and the application made under the HO127 should not be supported.

Koo Wee Rup Township Strategy

This strategy specifically makes reference to *The Grange* and its local and municipal significance. The Township Strategy seeks to ensure that future development is sensitive to the established heritage values of the area and to protect sites and precincts of heritage significance. The *Grange* is also mentioned in the *Cardinia Shire Local Heritage Study Review May 2011*, as it is a site valued by the community and the Shire within the Koo Wee Rup Township.

The objectives of the Township Strategy are to ensure that sites of heritage significance are valued, protected and restored where possible, with the adaptive reuse of buildings also being supportable, where appropriate and ensuring that any future development enhances existing characteristics of heritage places.

It is considered that the application does little in the way to ensure that the above objectives are achieved. This site is clearly significant to the history of Koo Wee Rup and the proposal is not sensitive or responsive to

its enhancement or protection, and therefore, is not in keeping with the Township Strategy and future strategic direction of Koo Wee Rup.

State and Local Planning Policy Framework

It is considered that the proposal does not comply with the relevant State and Local Planning Policies, including the Municipal Strategic Statement regarding heritage buildings and sites.

It is inconsistent with the status of the site as a significant heritage place within the Koo Wee Rup Township, and is inconsistent with the objectives of the Heritage Overlay, which affects the site. The key state and local planning policy considerations taken into account for this proposal included the protection of new buildings and life in flood prone areas, however, the main focus with this application has been to protect, enhance and preserve the heritage of the original dwelling. It is considered that this has not been achieved. The application proposes poor design outcomes, with little-to-no regard for the requirements of the heritage planning controls that apply to the site.

The addition of the two (2) outbuildings, removal of a heritage tree and all other associated works will diminish the heritage value and character of the site.

Opportunities were not taken to respond to the heritage significance of this site, and therefore, it is considered that the application cannot satisfy the relevant Planning controls, nor can it satisfy the State and Local Policy Framework and should not be supported.

CONCLUSION

Given the above discussion, it is considered that there are adequate grounds to refuse to grant a planning permit based on the inconsistencies and failure of the proposal to adequately meet objectives of the Heritage Overlay. Concerns regarding the appropriateness of the buildings and works on this site were initially raised by Officers, with no response or changes to the proposal being made.

Furthermore, the willingness demonstrated by the landowner to undertake buildings, works and tree removal without a Planning Permit, and then the commencement of 'Shed 1' and its driveway without this permit first being approved, shows a total disregard to the abovementioned planning controls and requirements, as well as the local and heritage significance of the *Grange*. Even if a Planning Permit were issued for the buildings and works proposed by this application it would have required the applicant to construct a building vastly different to what has already been constructed.

As the concerns outlined in this recommendation were raised at the time that further information was requested, the applicant was given the opportunity to amend the plans to better respond to the decision guidelines and the aims and objectives of the Heritage Overlay, as well as the opportunity to address the significance of this heritage place. However, the applicant chose to proceed with the originally submitted plans, making no changes (changes that may have resulted in support for parts of this proposal), a decision, which ultimately, has led to this recommendation for refusal.

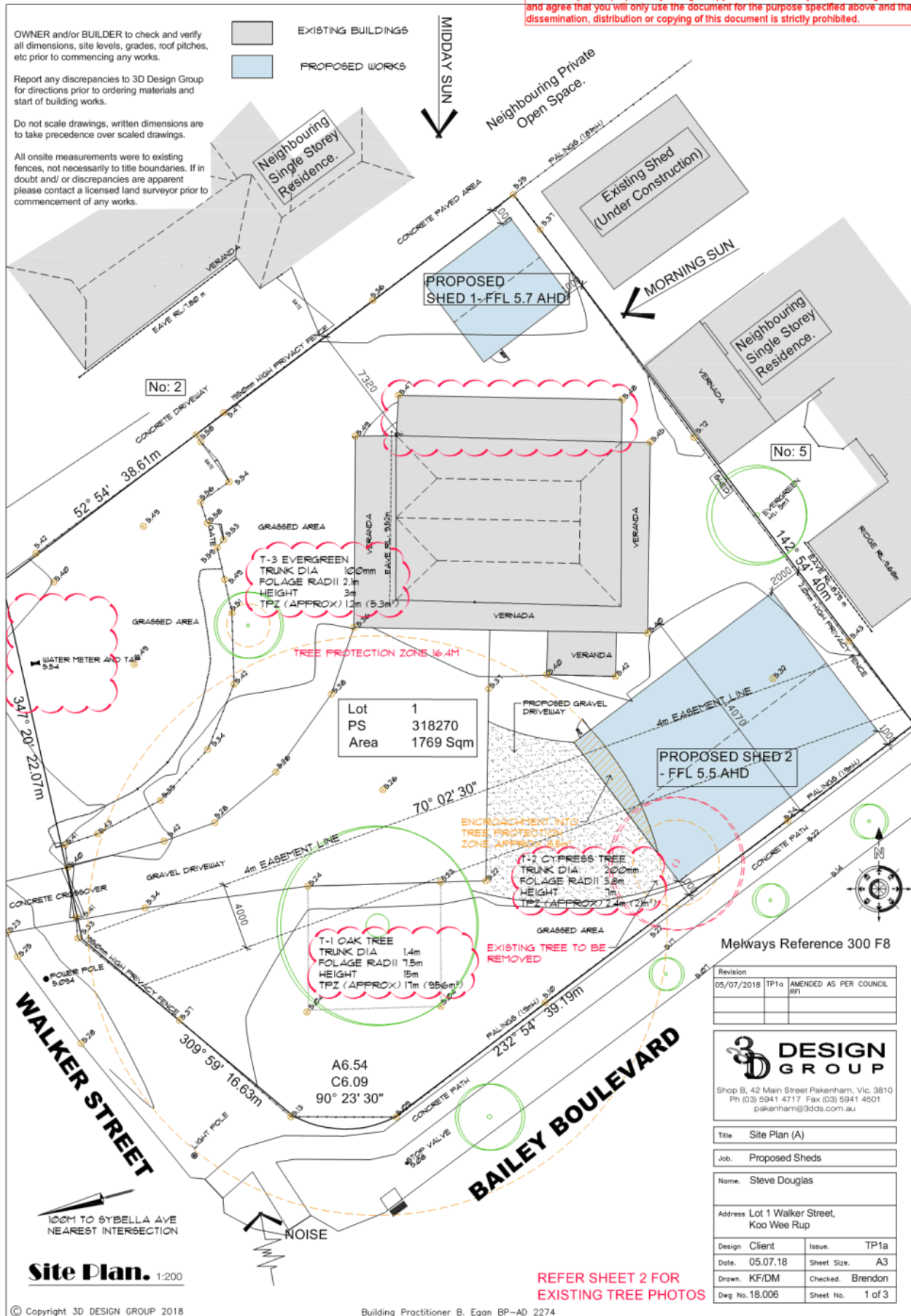
As the proposal has had little-to-no regard to planning considerations, Officers submit the following two recommendations:

1. It is recommended that **the application for a planning permit for the development of the land for two (2) outbuildings (works commenced) and the removal of one (1) Heritage Tree, construction of a driveway and associated works at Walker Street, Koo Wee Rup (L1 PS318270)** be refused on the following grounds:
 - The application is inconsistent with State and Local Planning Policy relating to the development of heritage sites and post-contact heritage sites;
 - The application is inconsistent and unresponsive to the objectives of the Heritage Overlay (HO127); and

-
- The proposed development, including the visual scale and bulk of the buildings, is inappropriate given the heritage significance of the *Grange Homestead*.
2. Once appeal timeframes at VCAT have been exhausted and proceedings at Magistrate Court have finalised, Council to seek enforcement order at VCAT to reinstate the land of any illegal works.

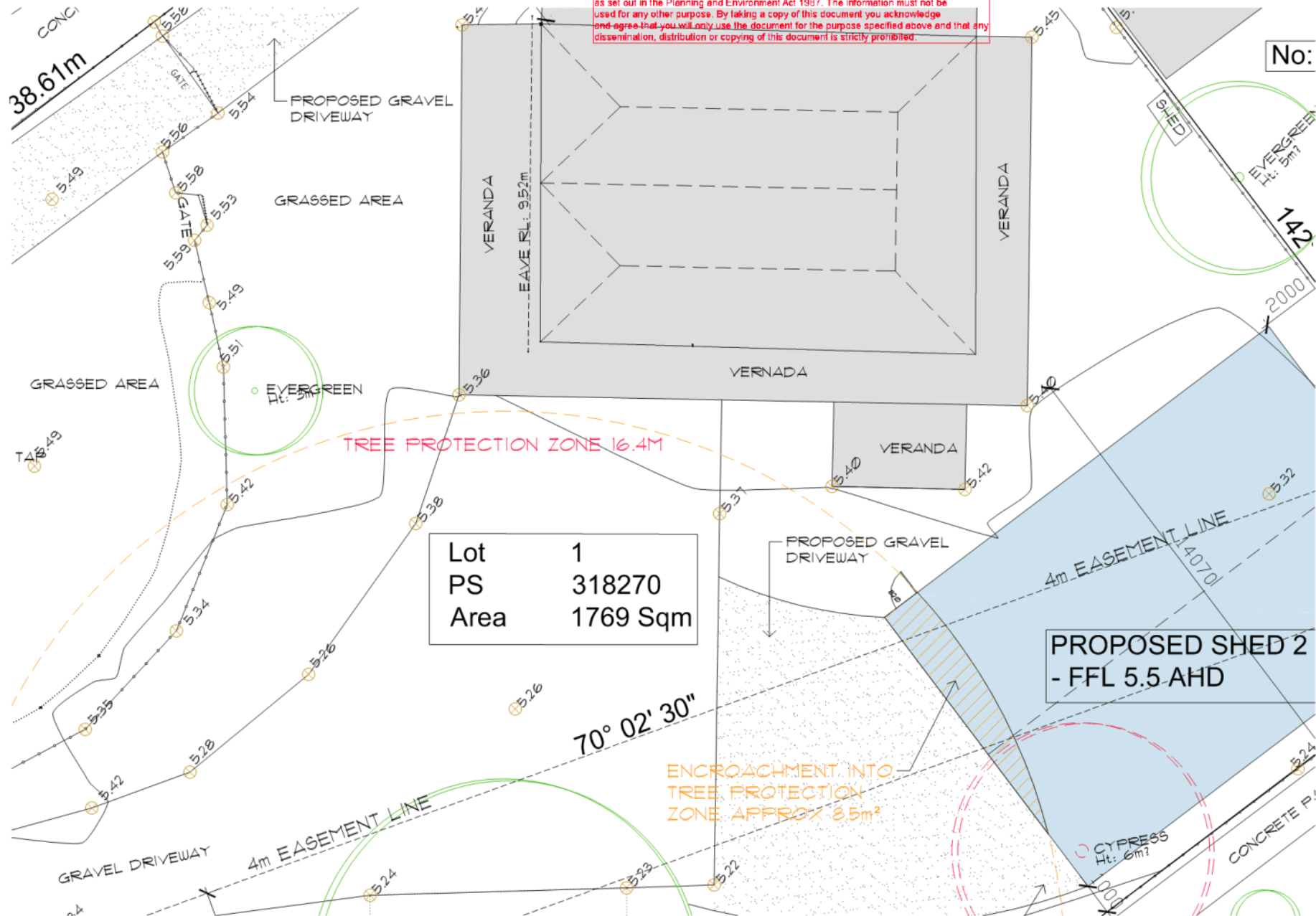


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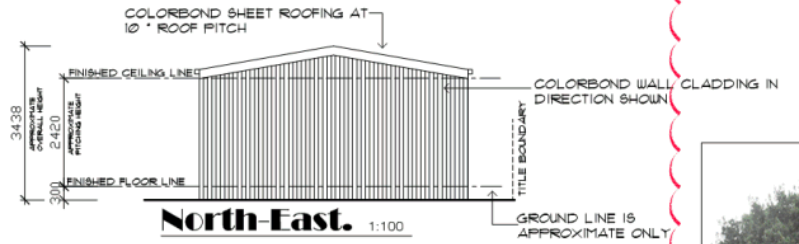


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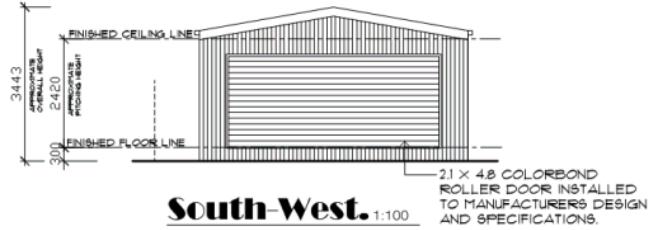
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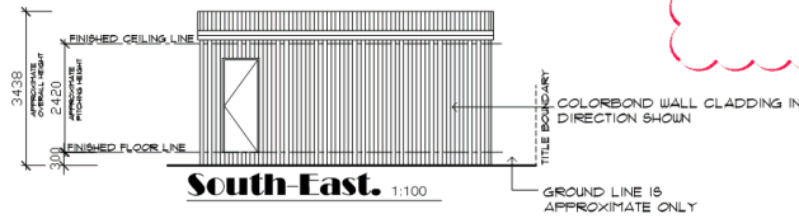
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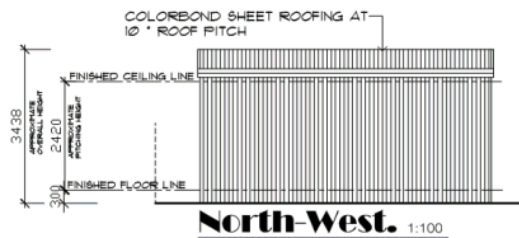
North-East. 1:100



South-West. 1:100



South-East. 1:100



North-West. 1:100

Shed 1.

© Copyright 3D DESIGN GROUP 2018
1:100

Building Practitioner B. Egon BP-AD 2274

Color Schedule.

COLORBOND ROOF	RED.
COLORBOND WALLS	CREAM/OFF WHITE
ROLLER DOOR	RED.
GUTTERS/FASCIA	RED.



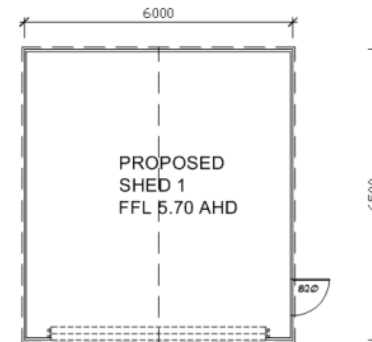
T-1 OAK TREE
TRUNK DIA 1.4m
FOLAGE RADII 7.5m
HEIGHT 15m
TPZ (APPROX) 17m (956m²)



T-2 CYPRESS TREE
TRUNK DIA 200mm
FOLAGE RADII 3.2m
HEIGHT 7m
TPZ (APPROX) 2.4m (21m²)



T-3 EVERGREEN
TRUNK DIA 100mm
FOLAGE RADII 2.1m
HEIGHT 2m
TPZ (APPROX) 12m (5.3m²)



Floor Plan. 1:100

21 x 4.8 COLORBOND ROLLER DOOR INSTALLED TO MANUFACTURERS DESIGN AND SPECIFICATIONS.

Note:
OWNER and/or BUILDER to check and verify all dimensions, site levels, grades, roof pitches, etc prior to commencing any works.
Report any discrepancies to 3D Design Group for directions prior to ordering materials and start of building works.

Do not scale drawings, written dimensions are to take precedence over scaled drawings.

Areas Schedule

Shed 1.	39.00 Sqm	or	4.19 Sq
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Revision	05/07/2018	TP1a	AMENDED AS PER COUNCIL RFI

3D DESIGN GROUP
Shop B, 42 Main Street Pakenham, Vic. 3810
Ph (03) 5941 4717 Fax (03) 5941 4501
pakenham@3dds.com.au

Title Shed 1 Elevation & Floor Plan

Job. Proposed Sheds

Name. Steve Douglas

Address Lot 1 Walker Street, Koo Wee Rup

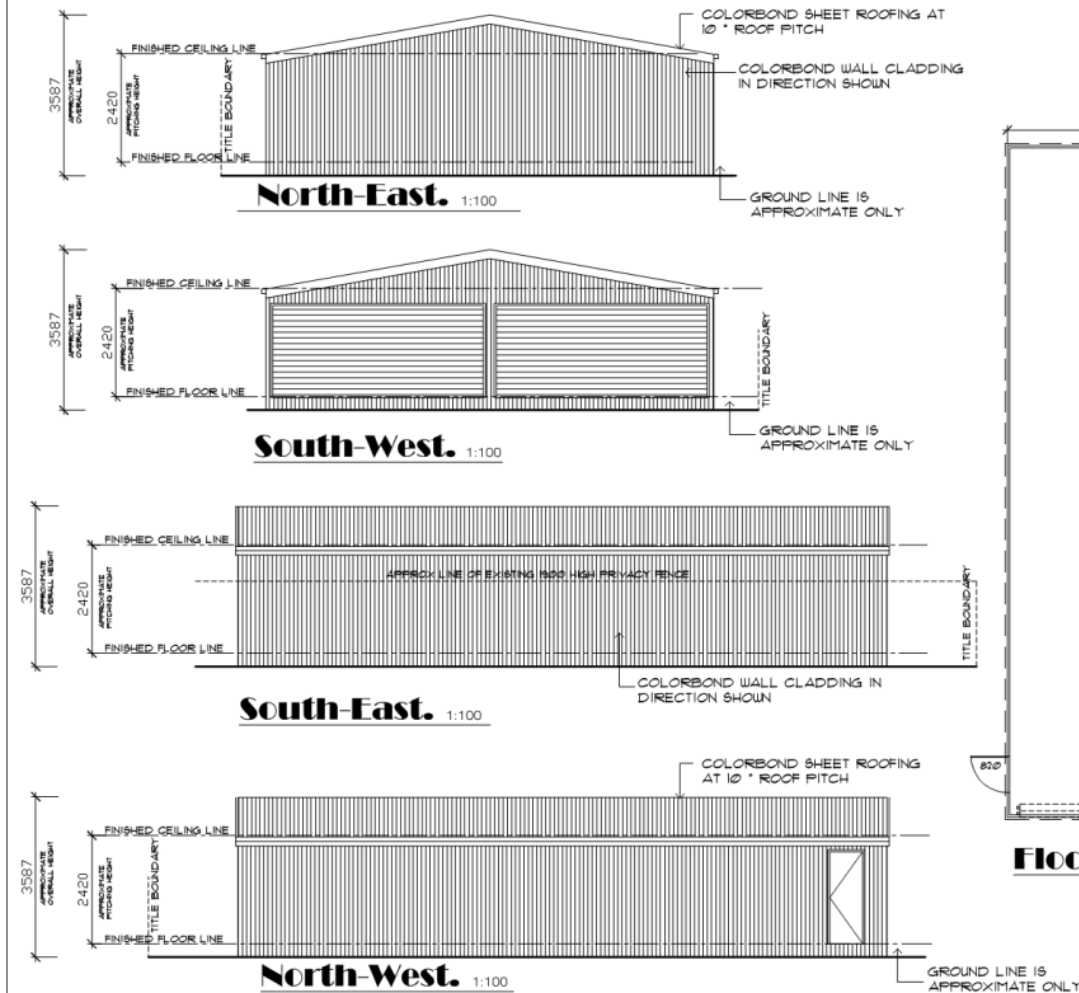
Design Client Issue. TP1a

Date. 05.07.18 Sheet Size. A3

Drawn. KF/DM Checked. Brendon

Dwg No. 18.006 Sheet No. 2 of 3

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Color Schedule.

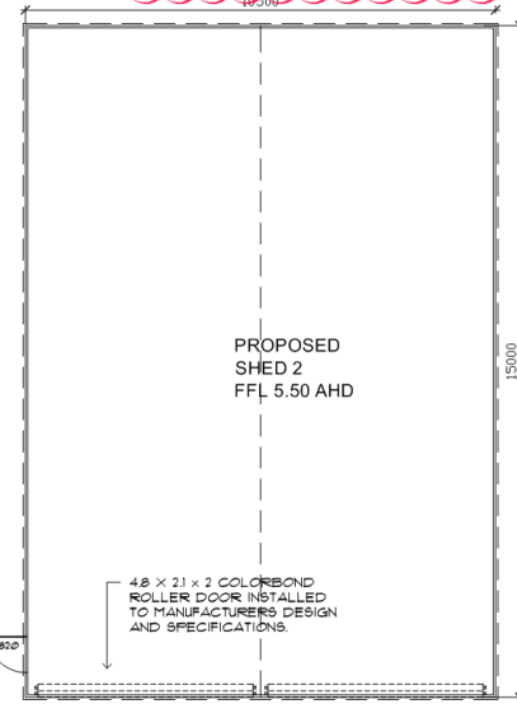
COLORBOND ROOF	RED.
COLORBOND WALLS	CREAM/OFF WHITE.
ROLLER DOOR	RED.
GUTTERS/FASCIA	RED.

Note:
OWNER and/or BUILDER to check and verify all dimensions, site levels, grades, roof pitches, etc prior to commencing any works.
Report any discrepancies to 3D Design Group for directions prior to ordering materials and start of building works.

Do not scale drawings, written dimensions are to take precedence over scaled drawings.

Areas Schedule

Shed 2.	157 Sqm or 16.95 Sq
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Revision		
05/07/2018	TP1a	AMENDED AS PER COUNCIL RFI

3D DESIGN GROUP

Shop B, 42 Main Street Pakenham, Vic. 3810
Ph (03) 5941 4717 Fax (03) 5941 4501
pakenham@3dds.com.au

Title		Shed 2 Elevation & Floor Plan	
Job		Proposed Sheds	
Name		Steve Douglas	
Address		Lot 1 Walker Street, Koo Wee Rup	
Design Client	Issue	TP1a	
Date. 05.07.18	Sheet Size.	A3	
Drawn. KF/DM	Checked.	Brendon	
Dwg No. 18.006	Sheet No.	3 of 3	



5 DEVELOPMENT OF THE LAND FOR TWO (2) OUTBUILDINGS (WORKS COMMENCED) AND THE REMOVAL OF ONE (1) HERITAGE TREE

Moved Cr R Brown Seconded Cr G Moore

That a Refusal to Grant Planning Permit T180165 be issued for Development of the land for two (2) outbuildings (works commenced) and the removal of one (1) Heritage Tree, construction of a driveway and associated works at Walker Street, Koo Wee Rup VIC 3981 for reasons outlined in this report

Cd.

6 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT1867224

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Owen Hardidge

RECOMMENDATION

That the list of enforcement matters currently before VCAT and the Magistrates' Court (and the County Court) be noted.

EXECUTIVE SUMMARY

The following list of enforcement matters currently before VCAT and the Magistrates' Court is submitted for Councillors information.

Where breaches of the Planning Scheme are detected that cannot be satisfactorily resolved Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

These matters can take several forms and the following are the usual steps in the enforcement process.

Where breaches are sufficiently serious, criminal proceedings in the Magistrates' Court will be commenced, and if so, the successful criminal proceedings will usually be followed by VCAT proceedings (criminal proceedings taking precedence over "civil" proceedings)

Background

Where breaches of the Planning Scheme are detected, the breaches may give rise to criminal liability, which may result in infringements being issued, or charges being filed in the Magistrates Court of Victoria.

If Council cannot obtain appropriate remediation by consent, Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT enforcement actions will usually be delayed until Magistrates' Court proceedings are completed.

These matters can take several forms and the following are the usual steps in the enforcement process.

Current Enforcement cases

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

Property Address	Nature of Contravention	Status
1 Walker Street, Koo Wee Rup (OH:SM:18409)	Land that was developed without a permit, in contravention of planning scheme - Heritage Overlay (43.01)	Magistrates' Court proceeding, listed for further mention on 4th October 2018 , alleging that the owner has constructed an extension of the dwelling, developed the land and lopped a tree, without a permit.
Unit 1/4A Whitstable Street, Lang Lang (OH:AB:18412) (OH:JALF:18401)	Land that was developed without a permit in contravention of planning scheme – Heritage Overlay (43.01) AND without a building permit	Magistrates' Court proceeding, listed for first hearing on 6 th September 2018. The owner pleaded guilty to undertaking work without relevant planning and building permits. The Court adjourned the case to 8th November 2018 , on the basis that the owner can take steps in the meantime to obtain relevant permissions. His progress in this regard will likely be a significant factor in sentencing.
65 Moody Street, Koo Wee Rup (OH:JALF:18395)	Failed to comply with planning permit, namely failing to comply with engineering requirements prior to subdivision.	Magistrates' Court proceeding, alleging that the owner commenced work without approval from responsible authority (CEMP, Transport Management Plan and haulage strategy). The matter for further mention on 20th September 2018 .
765 Gembrook Rd, Pakenham Upper (OH:LK:16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	Magistrates' Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit. The Magistrates Court has adjourned this case indefinitely, pending the outcome of a related High Court application. (See below)
715 Gembrook Rd, Pakenham Upper (OH:AB:14130)	Construction of retaining wall without building permit.	FOR INFORMATION ONLY – ongoing <i>planning enforcement</i> matters relating to property MAGISTRATES COURT CASE relating to unpermitted building work (retaining wall) – On 21 December 2017 , the Magistrates

		<p>Court delivered judgement in this matter, finding the charges proven. The owner was fined \$1500, without conviction, and ordered the owner to pay in excess of \$15,000 costs.</p> <p>The owner has appealed the Magistrates Court decision to the County Court.</p> <p>In April 2018, the owner filed an application in the High Court of Australia in respect of this hearing. On 12 September 2018, the High Court dismissed this application as being without proper basis.</p> <p>The COUNTY COURT appeal is next listed for mention on 24 October 2018.</p>
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Conclusion

The list of current enforcement activities is presented for information.

Glossary of terms

Practice day hearing

This is the first stage of the VCAT process, and is held shortly after the application is lodged. It is used to assess the future path of the case, and determine if the case can be settled, or will need to proceed to a full hearing.

Mention hearing

A mention hearing is a brief hearing, where the Court or VCAT lists the matter for brief hearing. If the case can be dealt with swiftly, it will be dealt with at a Mention hearing. For more lengthy matters (such as contested hearings) the case will be further adjourned. In the Magistrates' Court, the Court may hear a "guilty plea" during a mention hearing.

Administrative Mention

Administrative Mention is a hearing held without the parties in attendance and requires written correspondence from both parties to update the Member on the process of the matter.

Adjournment

A court or Tribunal will adjourn a case when the matter is deferred until another date. This can occur for a number of reasons, and is at the discretion of the Magistrate or VCAT member.

Land Management Plan

These plans are used to describe actions that will remediate the land, and commonly describe rehabilitation following unlawful vegetation removal. This plan will then become mandatory, by being incorporated into an Enforcement Order or a Section 173 agreement. The contents of the Plan will be decided by Council's Environment Team, or Vegetation Management officer.

Contested hearing / Full hearing

A contested (or "full" hearing) means the matter is disputed by the accused/respondent, and Council and the respondent will fully present and test each other's evidence and/or submissions. A contested (of "full") hearing is effectively a "trial".

Consent Orders

Consent Orders are an agreement between Council and the Respondents to, in most cases, create an Enforcement Order with conditions that are agreed to by both Parties. This is done where a Respondent has accepted there has been a breach of the Act and wants to comply with Council's proposed Enforcement Order. This saves on time and money by avoiding a hearing or lengthy VCAT processes.

6 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

Moved Cr J Owen Seconded Cr C Ryan

That the list of enforcement matters currently before VCAT and the Magistrates' Court (and the County Court) be noted.

Cd.

7 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1867225

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Tracey Parker

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

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

Status of active amendments

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

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C205	EDM Group	80 McDonalds Track Lang Lang	Rezone part of the land at 80 McDonalds Track, Lang Lang (Lot 3 on PS542732), and Lots 1 and 2 (PS542732) Westernport Road, Lang Lang, from Farming Zone to Industrial 1 Zone, apply Schedule 20 to the Development Plan Overlay to this land and concurrently consider, under Section 96A of the Planning and Environment Act 1987, a planning permit application to subdivide the land at 80 McDonalds Track, Lang Lang into two (2) lots.	02/11/2017	04/12/2017	On 16/07/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.
C220	Cardinia Shire Council	Beaconsfield	Implement the key objectives of the Beaconsfield Structure Plan December 2013 (expires March 2019) by applying the Design and	09/11/2017	11/12/2017	On 21/05/2018 Council adopted the amendment. Awaiting approval from the Minister

			Development Overlay (DDO) to the Princes Highway Gateway Precinct (Proposed DD05), Beaconsfield Point Precinct (Proposed DD06) and Woodland Grove Precinct (Proposed DD07).			for Planning.
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2 PS327845 130 Whiteside Rd Officer and Lot PP PS746064 325 Princes Hwy Officer	Repair inconsistent policy in the Urban Growth Zone Schedule 3 (UGZ3) and the applied Schedule of the Rural Conservation Zone (RCZ) that prevents development in the 3 lots identified from occurring in line with the Officer Precinct Structure Plan (PSP) that was adopted by Council in 2011. The amendment proposes to add a Schedule to the RCZ removing the minimum subdivision requirements for the 3 sites identified, that would otherwise exist in the provision. This ensures there is a match between the policy intention of the PSP and the provisions in the UGZ3 and the applied zone (RCZ).	Thu 22/06/2017	Mon 24/07/2017	On 19/02/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply the Environmental Significance Overlay (ESO) to Tynong, Bunyip and Garfield to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.			Exhibition to occur in Oct 2018
C232	Victorian Planning Authority	Officer Precinct	Implement the revised Officer Precinct Structure Plan (Amended February 2018) by making changes to the zone, overlay and ordinance provisions	Thu 22/03/2018	Fri 27/04/2018	Awaiting future directions hearing .

			of the Cardinia Planning Scheme.			
C234	Victorian Planning Authority	Pakenham East Precinct Structure Plan	Incorporate the Pakenham East Precinct Structure Plan (PSP) and associated the associated Infrastructure Contributions Plan into the Cardinia Shire Council Planning Scheme along with associated Heritage Overlay.	Mon 15/01/2018	Fri 23/02/2018	Panel Hearings held for 10 days between the dates of 30/05/2018 to 03/07/2018. Awaiting Panel report.
C237	Cardinia Shire Council	Multiple addresses	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct ordinance errors.	Thu 07/06/2018	Thu 19/07/2018	Amendment going to Council for adoption on 17/09/2018.
C238	Cardinia Shire Council	Glismann Road and Old Princes Highway, Beaconsfield	Rezone to General Residential Zone (Schedule 2) and introduce a Development Plan Overlay (DPO), a site specific Environmental Audit Overlay (EAO) and remove the Environment Significance Overlay 1 (ESO1). An ICP will be implemented at a later stage.			Officers are consulting with DEWLP regarding the future form of the amendment.
C242	Cardinia Shire Council	Pakenham Precinct Activity Centre	Introduce a permanent Heritage Overlay over various properties identified by the Pakenham Heritage Review and includes updating the Heritage Overlay Schedule, adds a Reference Document and an Incorporated Document.	Mon 06/08/2018	Fri 07/09/2018	Exhibition period closed. Submissions are being considered.
C244	Cardinia Shire Council	Pakenham Precinct Activity Centre	Implement the key objectives of the Pakenham Parking Precinct Plan (May 2018) by applying the Parking Overlay to the Pakenham Activity Centre.			To be placed on public exhibition between 4 Oct – 6 Nov 2018.

7 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr J Owen Seconded Cr C Ryan

That the report be noted.

Cd.

8 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT1867229

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

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

Central Ward					
Date	Permit No	Location	The Proposal	The Decision	Lodged Date
16/08/2018	T170171 - PC1	122 Ahern Road, Pakenham VIC 3810	Condition 1	Issued	14 March 2018
20/08/2018	T140725	67-79 Main Street, Pakenham Victoria 3810	Buildings and works associated with the development of land for the purposes of retail premises, shops, supermarkets (existing) and a reduction in car parking requirements under Clause 52.06	Withdrawn	08 December 2014
21/08/2018	T160577 - 1	Ascot Park Drive, Pakenham VIC 3810	Amendments to the preamble, conditions and plans of Planning Permit T160577 (the amendments generally increase the number of dwellings, delete the convenience shops and restaurants, change the number of shops and food and drink premises, change access arrangements, change the number of car parking spaces and vary the requirements of 52.34)	Lapsed	23 April 2018
23/08/2018	T170682 - PC2	6 Commercial Drive, PAKENHAM VIC 3810	Amended plans to comply with Condition 1 of Planning Permit T170682	Withdrawn	28 June 2018
23/08/2018	T180270	5 & 6 Spencer Place, Pakenham VIC 3810	Subdivision of land into five (5) lots	Issued	11 May 2018
23/08/2018	T180306	18 Garland Street, Pakenham VIC 3810	Single storey, double garage dwelling on a lot less than 300m ²	Issued	24 May 2018
23/08/2018	T180390	84 Grandvue Boulevard, Pakenham VIC 3810	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule	Issued	24 June 2018
24/08/2018	T140752 - PC2	Greenhills Road, Pakenham Victoria 3810	Plans to comply with Condition 3 of Planning Permit T140752	Issued	30 May 2018
24/08/2018	T110214 - PC1	144 Army Road, Pakenham Victoria 3810	Amended plans to comply with Condition 1 of Planning Permit T110214	Withdrawn	12 July 2018
24/08/2018	T180305	10 Garland Street, Pakenham VIC 3810	Development of a dwelling on a lot of less than 300sqm.	Issued	24 May 2018
28/08/2018	T180255	Shop 1/2 Pacific Promenade, Pakenham VIC 3810	Reduction of car park spaces (5 spaces) associated with a medical centre and advertising signage	Issued	03 May 2018
28/08/2018	T180479	13 John Street, Pakenham VIC 3810	Display Business Identification Signage	Issued	31 July 2018
4/09/2018	T130758 - PC3	5 Spencer Place, Pakenham Victoria 3810	The development of the land for the puprose of five (5) dwellings, generally in accordance with the approved plans	Issued	23 April 2018
6/09/2018	T180373	32 Skyline Drive, Officer VIC 3809	Development of the land for a double storey dwelling	Issued	15 June 2018
10/09/2018	T180284	Shops 2 & 3, 141 Windermere Boulevard, Pakenham VIC 3810	Business identification signage	Issued	11 May 2018
10/09/2018	T180541	13 John Street,	Display Business Identification Signage	Issued	22 August

		Pakenham VIC 3810			2018
12/09/2018	T180591	13 John Street, Pakenham VIC 3810	Duplicate - see T180592 A permit to install a 1-way vision vinyl sticker on a glass window at 13 John Street Pakenham	Withdrawn	11 September 2018
14/09/2018	T130505 - 2	Pakenham Road, Pakenham VIC 3810	Subdivision of land, removal of native vegetation, removal of an easement and removal of a restriction on title (building and waste envelope) and associated earthworks	Issued	29 March 2018
14/09/2018	T170773	38 Meaby Drive, Pakenham VIC 3810	Construction of 3 dwellings on a lot	NOD	28 November 2017
14/09/2018	T180006 - PC1	8, 10 & 12 Harrison Way, Pakenham VIC 3810	Use and development of the land for a child care centre and a reduction in car parking.	Issued	13 August 2018
14/09/2018	T180129	5 Cerreto Mews, Pakenham VIC 3810	Construction of a second dwelling on a lot	Issued	09 March 2018
Port Ward					
Date	Permit No	Location	The Proposal	The Decision	Lodged Date
16/08/2018	T180217	185 Officer South Road, OFFICER VIC 3809	Removal of Native Vegetation	Issued	30 April 2018
16/08/2018	T180368	24 Bormar Drive, Pakenham VIC 3810	Subdivision of the land into thirty-one (31) lots and common property in two (2) stages, generally in accordance with the approved plans	Issued	18 June 2018
17/08/2018	T180093	40 Tinkham Road, Tonimbuk VIC 3815	Realignment of boundaries between two allotments (Boundary re-alignment)	Lapsed	22 February 2018
17/08/2018	T180232	31 Mary Street, Bunyip VIC 3815	Development of the land for an outbuilding	Issued	19 April 2018
17/08/2018	T180311	Site 3/30 Commercial Drive, Pakenham VIC 3810	Use and development of the land for car sales and the display of an internally-illuminated panel sign	Issued	22 May 2018
20/08/2018	T170605	480 Tynong North Road, Tynong North VIC 3813	Use and development of the land for dwelling, outbuilding, and removal of vegetation	Issued	11 September 2017
23/08/2018	T180228	24 Nylander Road, Bunyip VIC 3815	Development of the land for a second dwelling	Issued	26 April 2018
23/08/2018	T180249	671 Koo Wee Rup-Longwarry Road, Bayles VIC 3981	Development of the land for an outbuilding	Issued	30 April 2018
27/08/2018	T150651 - PC2	105-107 Nar Nar Goon-Longwarry Road, Garfield Victoria 3814	Use and development of 7 additional dwellings, construction of a building (carport) and creation and alteration of access to a Road Zone Category 1	Issued	14 August 2018
27/08/2018	T180313	975 Manks Road, Dalmore VIC 3981	Development of the land for an outbuilding (garage)	Issued	21 May 2018
27/08/2018	T180324	8 Sette Circuit, Pakenham VIC 3810	Development of the land for one (1) warehouse and associated works	Issued	22 May 2018
27/08/2018	T180334	385 Monomeith Road, Monomeith VIC 3984	Development of the land for an outbuilding and associated earthworks	Issued	28 May 2018
27/08/2018	T180367	U 1/72 Railway Avenue, Garfield VIC 3814	Development of the land for a verandah	Issued	12 June 2018
28/08/2018	T180121	160 Hall Road, Yannathan VIC 3981	Use and development of the land for a dwelling and building used for agriculture	Issued	08 March 2018
28/08/2018	T180319	530 Bessie Creek Road, Nar Nar Goon North VIC 3812	Development of the land for an outbuilding and associated earthworks	Issued	23 May 2018
28/08/2018	T180330	9 Corporate Terrace, Pakenham VIC 3810	Subdivide the land into 2 lots and Common Property	Issued	31 May 2018
28/08/2018	T180554	291 Rossiter Road, Koo Wee Rup VIC 3981	Reduction in car parking requirements	Withdrawn	22 August 2018
30/08/2018	T180243	105 Nash Road, Bunyip VIC 3815	Development of the land for a building associated with agriculture	Issued	26 April 2018
31/08/2018	T110314 - PC2	36 Bunyip-Modella Rd, Bunyip Victoria 3815	The development of the land for a self-storage facility, the use and development of the land for a caretakers dwelling and native vegetation removal generally in accordance with the approved plans	Issued	25 July 2018
4/09/2018	T180067	55 Prestons Road,	Use and development of the land for a dwelling	Issued	04 June

	- PC1	Koo Wee Rup VIC 3981			2018
4/09/2018	T180073 - PC1	2 Pinehill Drive, Pakenham VIC 3810	Condition 1 amended plans (site context plan / proposed sub-division plan / proposed landscape plan)	Issued	26 July 2018
4/09/2018	T180343	Southeast Business Park, 31 Commercial Drive, Pakenham VIC 3810	Development Of Additions And Alterations To Existing Car Service Center	Issued	04 June 2018
6/09/2018	T180544	6A Commercial Drive, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	23 August 2018
10/09/2018	T180097	Archer Road, Garfield VIC 3814	Subdivision of Land into Two (2) Lots.	NOD	26 February 2018
10/09/2018	T180124	3675 Ballarto Road, Bayles VIC 3981	Development of the land for earthworks	Issued	14 March 2018
10/09/2018	T180180	27 Pinehill Drive, Pakenham VIC 3810	Subdivision of the land into two (2) lots and removal of vegetation	Issued	04 April 2018
10/09/2018	T180418	1C Pinehill Drive, Pakenham VIC 3810	Development of the land for an outbuilding	Issued	10 July 2018
11/09/2018	T180112 - PC1	13-17 Westernport Road, Lang Lang VIC 3984	Development of the land for an outbuilding (garage) and construction of a fence.	Issued	30 August 2018
11/09/2018	T180531	4 Sette Circuit, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	17 August 2018
11/09/2018	T180532	6 Sette Circuit, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	17 August 2018
13/09/2018	T180086	30 Baroona Road, Maryknoll VIC 3812	Development of the land for a Dependant Persons Unit (DPU) and vegetation removal	Issued	19 February 2018
13/09/2018	T180185	69 Nar Nar Goon Road, Nar Nar Goon VIC 3812	Use of the site for a vehicle storage facility and associated works	Issued	05 April 2018
13/09/2018	T180456	280 McDonalds Track, Lang Lang VIC 3984	Development Of Land For An Outbuilding (Garage)	Issued	20 July 2018
14/09/2018	T170761	Hse 2/525 Seven Mile Road, Nar Nar Goon VIC 3812	Resubdivision of the land into two (2) lots (boundary realignment)	Issued	17 November 2017
14/09/2018	T180316	468 Bessie Creek Road, Nar Nar Goon North VIC 3812	Use and development of the land for one (1) dwelling and associated buildings and works	Issued	22 May 2018
14/09/2018	T180322	5 Sette Circuit, Pakenham VIC 3810	Development of the land for one (1) warehouse and associated works	Issued	22 May 2018
14/09/2018	T180325	9 Sette Circuit, Pakenham VIC 3810	Development of the land for one (1) warehouse and associated works	Issued	22 May 2018
17/09/2018	T180466	Racecourse Road, Nar Nar Goon VIC 3812	Development of the land for a non-habitable agricultural building and associated earthworks	Issued	24 July 2018
17/09/2018	T180527	FY 1/6 Southeast Boulevard, Pakenham VIC 3810	Upgrade of business identification signage	Issued	20 August 2018

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
20/08/2018	T180229	2 Mackenzie Street, Cockatoo VIC 3781	Works associated with the development of a carport	Issued	20 April 2018
20/08/2018	T180385	298 Dickie Road, Officer VIC 3809	Development of the land for a dwelling extension (verandah)	Issued	22 June 2018
20/08/2018	T180490	1 Thomson Road, Beaconsfield Upper VIC 3808	Development of Buildings and Works	Withdrawn	06 August 2018
22/08/2018	T180134	44 Second Avenue, Cockatoo VIC 3781	Development of the land for an outbuilding with associated earthworks and the removal of two (2) trees	NOD	16 March 2018
22/08/2018	T180534	75 Norris Road, Pakenham VIC 3810	*duplicate* Existing site hut to be used as a garden shed	Withdrawn	21 August 2018
23/08/2018	T160759 - PC2	7 Neville Street, Cockatoo VIC 3781	Section 173 Agreement to comply with conditions 23 and 24 of Planning Permit T160759	Issued	02 May 2018
23/08/2018	T180287	Princes Highway, Officer VIC 3809	Promotion Sign	Issued	15 May 2018
23/08/2018	T180439	12 Kentwell Road, Officer VIC 3809	Dwelling extension (verandah)	Withdrawn	16 July 2018

24/08/2018	T180404	12-14 Old Princes Highway, Beaconsfield VIC 3807	Restaurant and Cafe.	Withdrawn	04 July 2018
24/08/2018	T180468	13 Lenne Street, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (garage)	Issued	25 July 2018
27/08/2018	T180034	8 Moola Road, Cockatoo VIC 3781	Development of the land for two (2) outbuildings, associated earthworks and native vegetation removal	Issued	22 January 2018
27/08/2018	T180480	2 Lawsons Road, Emerald VIC 3782	Development of the land for an outbuilding (carport)	Withdrawn	31 July 2018
28/08/2018	T170463	20A Tivendale Road, Officer VIC 3809	Subdivision of the land	Issued	19 July 2017
28/08/2018	T180400	239 Pink Hill Boulevard, Officer VIC 3809	To build a verandah which is greater than 3.0m in height on a allotment less than 300m2	Withdrawn	02 July 2018
30/08/2018	T180204	3-9 Salisbury Road, Beaconsfield Upper VIC 3808	works associated with an existing aged care facility (solar panel installation)	Issued	23 April 2018
30/08/2018	T180362	56 Goldsborough Drive, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	13 June 2018
31/08/2018	T160174 - PC1	20 Hickson Road, Officer VIC 3809	Construction of a silo	Issued	09 August 2018
3/09/2018	T170813	120-122 Woori Yallock Road, Cockatoo VIC 3781	Subdivision of land into Two (2) Lots	Withdrawn	12 December 2017
3/09/2018	T180568	170 Gembrook-Tonimbuk Road, Gembrook VIC 3783	My husband and I would like to get an inground pool installed on our property. Therefore, we would like to apply for a planning permit so we can get the authorization to complete excavation work to prepare the proposed development site and to build a retaining wall. The proposed development site is located within the domestic zone of lot 5.	Withdrawn	30 August 2018
4/09/2018	T180258	216 Beaconsfield-Emerald Road, Beaconsfield VIC 3807	Development of land for an outbuilding (Shed)	Issued	03 May 2018
4/09/2018	T180310	3 Annabel Crescent, Officer VIC 3809	Development of the land for a dwelling	Withdrawn	22 May 2018
4/09/2018	T180574	30 Sugarloaf Road, Beaconsfield Upper VIC 3808	Duplicate - see T180575 PROPOSED SHED	Withdrawn	04 September 2018
5/09/2018	T170696 - PC1	422 Belgrave-Gembrook Road, Emerald VIC 3782	Construction of a replacement dwelling, two outbuildings, associated earthworks and creation of access to a RDZ1	Issued	05 July 2018
10/09/2018	T180083	47 Pakenham Road, Cockatoo VIC 3781	Development of the land for a dwelling, outbuilding associated earthworks and vegetation removal	Issued	15 February 2018
11/09/2018	T160155 - PC2	29 Seaview Road, Cockatoo VIC 3781	Development of the land for a dwelling, outbuildings and carport	Issued	30 August 2018
11/09/2018	T170648 - PC1	9 Mikey Boulevard, Beaconsfield VIC 3807	Section 173 - Subdivision of the land into two (2) lots	Issued	30 April 2018
11/09/2018	T180522	4 Royal Parade, Emerald VIC 3782	Development of the land for an outbuilding (carport enclosure)	Issued	16 August 2018
12/09/2018	T180038	Warwick Road, Gembrook VIC 3783	Use & development of the land for a dwelling, earthworks and vegetation removal	Issued	19 January 2018
12/09/2018	T180178	4 Sydney Avenue, Emerald VIC 3782	Development of the land for an outbuilding (garage)	Issued	29 March 2018
13/09/2018	T170521	190 & 198 Kenilworth Avenue, Beaconsfield VIC 3807	Subdivision of the land, associated works and removal of a restrictive covenant.	Issued	09 August 2017
13/09/2018	T180034 - 1	8 Moola Road, Cockatoo VIC 3781	processed as corrected permit. Please re-word the conditions appropriately so we can begin construction on our garage without the current shed restraints.	Withdrawn	13 September 2018
13/09/2018	T180485	U 7/344 Belgrave-Gembrook Road, Emerald VIC 3782	Buildings and works associated with a commercial building (add an aluminum framed glass side entry door)	Issued	02 August 2018
13/09/2018	T180569	5 Pinnocks Road, Emerald VIC 3782	Development of land for two outbuildings	Issued	29 August 2018
14/09/2018	T180236	134A Stoney Creek	Construction of a non-habitable outbuilding	Issued	23 April

		Road, Beaconsfield Upper VIC 3808			2018
14/09/2018	T180240	61-63 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed) and native vegetation removal	Issued	27 April 2018
14/09/2018	T180259	9 Gembrook-Launching Place Road, Gembrook VIC 3783	Development of the land for a dwelling and associated earthworks	Issued	04 May 2018
17/09/2018	T180101	41 Salisbury Road, Beaconsfield Upper VIC 3808	Development of the land for a dwelling extension	Issued	26 February 2018
17/09/2018	T180335	Ure Road, Gembrook VIC 3783	Use and development of the land for a dwelling and associated earthworks	Issued	31 May 2018
17/09/2018	T180572	44 St Georges Road, Beaconsfield Upper VIC 3808	development of the land for a dwelling extension (verandah) and an outbuilding (carport)	Issued	31 August 2018
17/09/2018	T180613	101 Old Princes Highway, Beaconsfield VIC 3807	Planning Permit to Subdivide in 2 stages (2 lots and common property in each stage)	Withdrawn	14 September 2018

8 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr J Owen Seconded Cr C Ryan

That the report be noted.

Cd.

9 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

FILE REFERENCE INT1867234

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted.

Attachments

Nil.

EXECUTIVE SUMMARY

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings.

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
22/1/2019	T170634	2A Salisbury Road, Upper Beaconsfield	Use and development of land for a vet clinic and reduction in on-site car parking	Refusal	Applicant	Waiting on hearing
26/11/2018	T170024	1 Station Street Officer	Buildings and works and use of a hotel, sale and consumption of liquor, installation and use of land for eighty (80) Electronic Gaming Machines	Refusal	Applicant	Waiting on hearing
26/11/2018	T170046	2 May Road & 215 Princes Highway Beaconsfield	Subdivision of the land	Approval	Applicant - appeal against conditions	Waiting on hearing
2/11/2018	T170606	36-40 Gallery Way Pakenham	Construction of twelve (12) dwellings and associated works	Approval	Objector	Objector withdraw appeal
19/9/2018	T170462	3 Savage Street Pakenham	Develop the land with a residential building (boarding house)	Refusal	Applicant	Applicant withdraw appeal - Application refused
22/8/2018	T170698	Rix Road Officer	Multi lot subdivision	Refusal	Applicant	Awaiting new hearing date
22/8/2018	T170671	Rix Road Officer	Multi lot subdivision	Refusal	Applicant	Awaiting new hearing date
27/07/2018	T170666	Timbertop Boulevard Officer	Use of land for multi-unit development, subdivision of the land into eight (8) lots and a reduction in car parking	Refusal	Applicant	Awaiting decision

1/7/2018	T130742-2	365 Princes Hwy Officer	Multi lot subdivision of the land	Refusal	Applicant	Consent orders signed – permit amended
27/6/2018	T160693	46 Tivendale Road Officer	Multi lot subdivision	Refusal	Applicant	Council Decision overturned – permit issued

9 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

Moved Cr J Owen Seconded Cr C Ryan

That the report be noted.

Cd.

Meeting closed atpm

Minutes Confirmed
Chairman