



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 3 DECEMBER 2018

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 3 December 2018
The meeting commenced at 7:01pm

- PRESENT:** Mayor Graeme Moore, Chairman
- Councillors Michael Schilling, Carol Ryan, Collin Ross, Ray Brown, Jeff Springfield, Leticia Wilmot
- Messrs Carol Jeffs (CEO), Andrew Paxton (GMPD)
- APOLOGIES:** Councillors Jodie Owen, Brett Owen

DECLARATION OF PECUNIARY AND OTHER INTERESTS
Nil.

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1 CONSTRUCTION OF SIX (6) DWELLINGS ON A LOT AND A REDUCTION IN THE VISITOR CAR SPACE - 20 STOREY DRIVE, PAKENHAM

FILE REFERENCE INT1882850

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Melanie Wright

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180516 be issued for the construction of six (6) dwellings on a lot and reduction in visitor car parking requirement at 20 Storey Drive, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

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| 1 | Development Plans | 5 Pages |
| 2 | Locality Map and Objector Map, circulated to Councillors only | 2 Pages |
| 3 | Objections, circulated to Councillors only | 40 Pages |
| 4 | Applicant response to objections, circulated to Councillors only | 5 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180516
APPLICANT:	Ethos Urban
LAND:	20 Storey Drive, Pakenham VIC 3810
PROPOSAL:	Construction of six (6) dwellings on a lot and reduction in visitor car parking requirement
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 three (3) signs on the site facing Storey Drive, Redfern Way and Clifford Drive. Twenty two (22) objections have been received to date
KEY PLANNING CONSIDERATIONS:	Residential Intensification Car parking Neighbourhood Character
RECOMMENDATION:	Approval

BACKGROUND:

The subject site is vacant and is a former Cardinia Shire Council Reserve. The site was sold by Council to the current landowner for the purpose of Social Housing to be facilitated, constructed and managed by the landowner. The sale of the land was accompanied by a Section 173 agreement which outlined obligations for the land owner to proceed with the planning application and construction of Social Housing within specific timeframes.

SUBJECT SITE



Aerial view of subject site

The site is a corner allotment located adjoining Storey Drive, Redfern Way and Clifford Drive. The site is generally rectangular shape that curves to allow for two street corners one of which is a round-a-bout. The site has an overall length of 61.23 metres along the western boundary, a maximum depth of approximately 30 metres and total site area of 1753sqm.

The property is vacant of buildings and vegetation with no crossovers constructed to service the site.

The topography of the land is generally flat across the site with a 2 metre wide easement which runs approximately half the length of the western boundary.

The site is located 600 metres to the south-west of the Pakenham Activity Centre and is characterised by an existing development pattern of traditional housing stock. More closely to the town centre a character of contemporary unit developments is emerging.

The main characteristics of the surrounding area are:

- East – Nos. 2, 4 & 6 Redfern Way – the properties are all occupied by single storey brick dwellings with attached garages. Nos. 4 & 6 are serviced by crossovers to Redfern Way while No. 2 is serviced by a crossover to Clifford Drive.
- South – South over Clifford Way is Ron Andrews Park, a large local reserve.
- West – No. 3 Clifford Drive is a single storey dwelling allotment with vehicle access via Clifford Drive. No. 18 Storey Drive is a single dwelling allotment occupied by a single storey dwelling with vehicle access to Storey Drive.

- North – Nos. 21 & 23 Storey Drive both are single dwelling allotments occupied with single storey dwellings with vehicle access to Storey Drive.

PROPOSAL

Approval is sought for the construction of six (6) dwellings on a lot and reduction in the visitor car requirement.

The dwellings comprise of two housing types in the form of single and double story dwellings, four double storey dwellings and two single storey dwellings.

The double storey dwellings will comprise of a living, dining and kitchen area, laundry, private open spaces and a single car garage with tandem car space at ground floor level. At first floor, they will comprise of three bedrooms and a bathroom, one bedroom will be serviced by an ensuite and walk in robe.

The single storey dwellings will comprise of two bedrooms, living, dining and kitchen areas, a bathroom and laundry with two areas of secluded private open space and a single car garage.

It is proposed that dwellings B.1 and B.2 will have vehicle access via single crossovers to Clifford Drive. Dwellings A.1, A.2 & B.4 will have vehicle access via single crossovers to Redfern Way and dwelling B.3 will have vehicle access via single crossover to Storey Drive.

The overall site coverage of the proposal is 38% with 45% of the site permeability and 51% of the site garden area. The street setbacks with spacing between dwellings allow for adequate landscaping opportunities.

The design of the dwellings are of a modest contemporary design, which have some modern features that include more traditional features seen in the neighbourhood. The dwellings all contain materials and finishes consistent with the neighbourhood character including pitched roofs, large openings and fixtures with brick and brick render finishes.

Each of the three bedroom dwellings are provided with two car spaces while the two bedroom dwellings are provided with a single car space. The proposal requires a reduction in the visitor car parking space as a visitor space is required for every 5 dwellings proposed.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

The relevant clauses of the SPPF are:

- 11.06-2 Housing choice;
- 11.06-5 Neighbourhoods;
- 11.06-6 Sustainability and resilience;
- 15.01-1 Urban design;
- 15.01-4 Design for safety;
- 15.01-5 Cultural identity and neighbourhood character;
- 15.01-6 Healthy neighbourhoods;
- 15.02-1 Energy and resource efficiency;
- 16.01-1 Integrated housing;
- 16.01-2 Location of residential development; and
- 16.01-4 Housing diversity.

Local Planning Policy Framework (LPPF)

The relevant clauses of the SPPF are:

- 21.03-1 Housing; and
- 21.06-1 Design and built form

Relevant particular/general provisions and relevant incorporated or reference documents

The relevant provisions/documents are:

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

PLANNING PERMIT TRIGGERS

The proposal for (*detail the description of the proposal*) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

The proposal for the construction of six (6) dwellings on a lot and reduction in visitor car parking requirements 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 construction two or more dwellings on a lot.
- Pursuant to Clause 52.06-3 of the Car Parking Particular Provisions a permit is required to reduce the number of car spaces required (visitor space)
- Pursuant to Clause (*detail the description of the proposal*) a planning permit is required for (*detail reasoning for permit required*)
- Pursuant to Clause (detail clause number and name) a planning permit is required for (detail reasoning for permit required).

PUBLIC NOTIFICATION

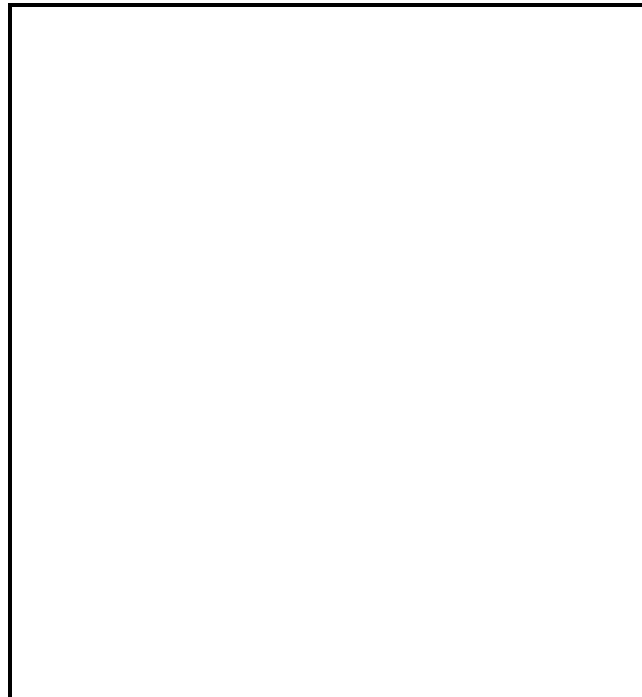
The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing three (3) signs on site

Council has received twenty two (22) objections to date. Objections were received from the following properties:

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Objector map

The key issues that were raised in the objections are:

- Car parking and traffic
- Negative impact of consolidated social housing
- Neighbourhood character
- Lack of Council consultation
- Amenity impacts (overlooking, noise and overshadowing)
- Public notification not carried out correctly
- Issues with future tenants
- Maintenance
- Community safety
- Loss of property value

REFERRALS

The application was not required to be externally referred

DISCUSSION

The proposal for the **construction of six (6) dwellings and associated reduction in visitor carparking requirements** is considered consistent with the aims and objectives of the Cardinia Planning Scheme. The proposal delivers on relevant state and local policies that seek to achieve attractive and liveable neighbourhoods and support increased housing density in appropriate locations.

State and Local Policies

A number of state and local 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 and public transport and deliver a diverse mix of housing types.

The proposal also contributes towards a diversity of housing types and sizes, with one and two-storey dwellings providing a more refined and intense form of housing that is currently not common to the area, making more efficient use of available land. The dwellings are mostly detached with the exception of B.1 & B.2 allowing for spaciousness consistent with the neighbourhood character. The immediate area generally consists of single-storey detached dwellings on lot sizes generally under 700 square metres. 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 wider area, such as brick cladding, pitched roofing, eaves and open areas for landscaping

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 area of Pakenham, with Pakenham's commercial centre and train station located approximately 750 metres to the north-east, Princes Freeway approximately 1 kilometre to the south, and selection of reserves and public open space areas within approximately 300 metres of the development site. The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme with the dwellings orientated to the north to maximise solar access to reduce dependence on heating and cooling systems. The plans demonstrate that the overall development maximises the northern orientation with the inclusion large areas for landscaping and permeability

The subject site is located to the south of the Pakenham Structure Plan (2017) which encourages intensification of commercial and residential development. The areas surrounding this property are subject to intensification as older building stock is replaced with higher density dwellings which provide opportunities for a range of affordable, attractive, well-designed and safe living options that are accessible to all and close to services and public transport. The proposal is generally consistent with the vision of this document through a mixed-purpose proposal that facilitates greater urban density and prioritises a pedestrian focused environment. The proposal utilises the site locality to provide housing diversity close to services and the Pakenham Commercial Centre.

General Residential Zone

The General Zone seeks to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport while encouraging development that is responsive to the existing precinct and reflects the preferred character of the area.

The use of the land for six (6) dwellings does not require a planning permit under the zone, in this application, a permit is only required to construct two or more dwellings on a lot under Clause 32.08-6.

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

- The objectives, standards and decision guidelines of Clause 55
- The Municipal Planning Strategy and the Planning Policy Framework
- The objectives set out in a schedule to this zone
- Any other decision guidelines specified in a schedule to this zone

The proposal reinforces the predominantly residential nature of the immediate area and supports housing growth in an area that is very well served by infrastructure being located in walking distance to the commercial centre of Pakenham. The proposal provides a modest scale intensification of the site providing a sensitive transition from the existing residential character of the area.

Pursuant to the Zone a mandatory garden area of 35% must be provided across the site, the proposal satisfies the requirement providing 51% of garden area. Similarly, the Zone sets a mandatory height limit of development to 11 metres in height, the proposal does not exceed overall height of 7.6 metres from natural ground level.

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

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

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 its location. The development is well integrated with the streetscape and of an appropriate scale given its proximity to Pakenham Activity Centre, associated services and infrastructure.

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.

The proposal provides a sensitive transition between the existing neighbourhood by incorporating elements into the design which are in keeping with the neighbourhood character. The proposal provides a contemporary interpretation of the existing neighbourhood character by including pitched roofs, large openings and appropriate street setbacks without front fences to allow for landscaping opportunities.

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.

While the front setback of the dwellings facing Clifford Drive do not meet the 4 metres required under the Standard, the proposed minimum setback of 2.74 metres is considered consistent with the objectives for the following reasons:

- The setback of the development is consistent with the area which encourages greater densities and more efficient use of the land.

- When the street is taken into consideration in its entirety, the proposed setback is not considered to result in any detrimental impact on the streetscape.
- The open landscape character of the street is respected as the development does not propose any front fencing and provides ample landscaping opportunities.

Building heights (maximum height of 7.6 metres), site coverage (approx. 38 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.

There are several windows which have the potential to overlook adjoining neighbours. The plans demonstrate that these windows have been fitted with visual screens to a height of 1.7 metres from floor level to prevent unreasonable overlooking. Overshadowing to the two west adjoining neighbours only occurs in the morning and does not overshadow the areas of principle private open space which are located closer to their western boundaries.

It is therefore considered that the proposal meets all amenity impact standards and the proposal is unlikely to cause material detriment to adjoining neighbours.

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.

The proposal orientates the dwellings including living areas, openings and private open spaces to the north of the site to utilise solar access. It is considered that the proposal provides a high level of internal amenity for future occupants of the dwellings.

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.

All dwellings include a single crossovers to the street and therefore there are no common property access ways. 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.

An amended landscape is required to meet the concerns of Council's Landscape Department which will require letterboxes to each dwelling to be shown.

Overall, it is considered that the proposal incorporates design detail that respects the existing neighbourhood character.

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

A planning permit it's required to reduce the car parking requirement.

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

Dwellings:

Dwellings with 1-2 bedrooms	1 car space
Dwellings with 3 or more bedrooms	2 car spaces
Developments of 5 or more dwellings	1 visitor car space per every 5 dwellings

The car parking rate is satisfied with the exception of the visitor car parking space.

The proposal is for six dwellings with standard residential street frontages, independent crossovers and garages in a suburban setting. The proposal is not a unit style development where all car parking and vehicle access is constrained to the subject site. Council's Traffic Department have reviewed the proposal and are satisfied that the reduction in the car space will not unreasonable impact traffic within the area. Council's Traffic Department have requested that the plans are amended to include one on street car parking space along the property frontage.

In this instance it is considered that a reduction in the visitor car parking is not unreasonable in the site context and with the design of the development which maintains a streetscape consistent with the existing character. Given, that each of the dwellings are serviced by an individual crossover it would be difficult to distinguish a visitor space which would service the whole site if provided on site. Providing a car space on the street frontage would provide a more equitable outcome for each of the six dwellings. Therefore, it is considered that a reduction in the visitor car parking space is acceptable outcome for the proposal and a condition will be place on the permit to demonstrate a space for a single on street car space on the street frontage.

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 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.

OBJECTIONS:

- Car parking and traffic

The majority of spaces are contained within the site, the impact to road congestion through overflow parking will be managed and the likely traffic to be generated as a result of the development is modest. The overall car parking requirement is satisfied with the exception of a reduction in a single visitor car space. Given, the car parking rate is mostly satisfied and that the proposal is for six residences in a residential zones area the cumulative traffic increase is not considered unreasonable for the site and context.

- Negative impact of consolidated social housing
- Issues with future tenants
- Maintenance
- Community safety

The proposal at hand is for the construction of six dwellings on the lot, the use of a dwelling is an as of right use in the General Residential Zone. Therefore, the use of the site for dwellings is not under consideration in this application. Under these circumstances Council's Statutory Planning Department under the guidance of the *Planning and Environment Act* cannot consider the intentions of the applicant, landowner and cannot consider the suitability of future occupants of the dwellings. It is also emphasised that Council are no longer the land owner and future maintenance of the site is wholly the burden of the landowner.

- Neighbourhood character

Concerns have been raised regarding the type of dwellings proposed including double storey dwellings in a streetscape which is predominately single storey. It is noted the site is located in the General Residential Zone which has a mandatory height limit of 11 metres and three storeys, double storey dwelling are not prohibited. When considering neighbourhood character there are many components that contribute to neighbourhood character including materials, openings, street backs and roof pitch. The design provides a mixture of dwelling sizes and varied design that will complement the evolving character of the area. The design is outward facing to the street to positively contribute to the streetscape with a use of modern materials and finishes consistent with the existing neighbourhood character.

- Public notification not carried out correctly
- Lack of Council consultation

Prior to the planning application under consideration the land was sold by Cardinia Shire Council to the current land owners to facilitate the development of land for Social Housing. Extensive advertising under the requirement of the Local Government Act was undertaken, with three separate Council meetings hearing the proposal. Throughout this process it was stated that the land would be used to provide safe, secure and affordable Housing for Cardinia families experiencing financial hardship, family breakdown or social disadvantage.

It has been confirmed that the public notification period, for the planning application under consideration, was carried out to the satisfactorily with regard to the requirements of the *Planning and Environment Act*.

- Amenity impacts (overlooking, noise and overshadowing)

The proposal has been assessed against the provisions of Clause 55 – two or more dwellings on a lot, including the amenity impact provisions. The assessment against the amenity impact standards found that with regard to overlooking windows, with the potential to overlook adjoining neighbours, had been screened to avoid overlooking in accordance with Standard B22. In regards to overshadowing the proposal would not significantly overshadow the private open space of the two west adjoining neighbours in accordance with standard B21. Noise normal to a dwelling cannot be considered and residents of the dwellings are subject to EPA and Local Laws noise requirements.

- Loss of property value

Loss of property value is not a consideration under the *Planning and Environment Act*.

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 **T180516** be issued for the **construction of six (6) dwellings and associated reduction in the visitor car parking requirement at 20 Storey Drive, Pakenham VIC 3810** subject to the following conditions:

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. The development plans to include one (1) on street car space per lot along the property boundary this will justify the reduction of the visitor spacing as this will comply with guidelines for developing areas.
- b. A Waste management Plan in accordance with Cardinia Shire Council Waste Guidelines for residential developments

Amended Landscape Plan:

- c. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated July 2018 prepared by Schored, except that the plan must show:
 - i. A survey (including botanical names) of all existing vegetation (including street trees) to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, including street trees.
 - iii. Details of surface 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 plant.
 - v. Landscaping and planting within all open areas of the subject land, including front setbacks to all units, rear private open space and the common property area to the rear of the units
 - vi. Rear open space to include screening to the fence and a minimum 2 canopy trees (minimum two metres tall when planted) growing to a mature height of at least 6m to provide shade and amenity to this area.
 - vii. No Eucalyptus pauciflora included in plan
 - viii. The canopy tree proposed in the front setback of B1 to be revised to avoid conflict with access ways
 - ix. Plant schedule updated to accurately reflect the actually width at maturity of Melia

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact site lines for vehicles or pedestrians

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
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. 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.
5. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
6. Prior to the occupation of the building the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
7. 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.
8. Before the development starts a fee of \$375.00 per tree must be paid to the Responsible Authority for the removal and replacement of the three existing street trees. Replacement will be undertaken by Council's contractors during yearly street tree planting works in accordance with Council's requirements.
9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
10. 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. 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.
 - d. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - e. 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.
 - f. Lighting must be provided near the front entrance of each dwelling.
 - g. The landscaping works shown on the endorsed plans must be carried out and completed.
 - h. Residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority

- i. 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
11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority
13. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.
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 soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
15. 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
16. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority
17. 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
18. 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.
19. 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.
20. 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.
21. 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:

22 . 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.

1 CONSTRUCTION OF SIX (6) DWELLINGS ON A LOT AND A REDUCTION IN THE VISITOR CAR SPACE - 20 STOREY DRIVE, PAKENHAM

Moved Cr M Schilling Seconded Cr C Ross

That a Notice of Decision to Grant Planning Permit T180516 be issued for the construction of six (6) dwellings on a lot and reduction in visitor car parking requirement at 20 Storey Drive, Pakenham VIC 3810 subject to the following conditions:

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. The development plans to include one (1) on street car space per lot along the property boundary this will justify the reduction of the visitor spacing as this will comply with guidelines for developing areas.
- b. A Waste management Plan in accordance with Cardinia Shire Council Waste Guidelines for residential developments

Amended Landscape Plan:

- c. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated July 2018 prepared by Schored, except that the plan must show:
 - i. A survey (including botanical names) of all existing vegetation (including street trees) to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, including street trees.
 - iii. Details of surface 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 plant.
 - v. Landscaping and planting within all open areas of the subject land, including front setbacks to all units, rear private open space and the common property area to the rear of the units
 - vi. Rear open space to include screening to the fence and a minimum 2 canopy trees (minimum two metres tall when planted) growing to a mature height of at least 6m to provide shade and amenity to this area.
 - vii. No Eucalyptus pauciflora included in plan
 - viii. The canopy tree proposed in the front setback of B1 to be revised to avoid conflict with access ways
 - ix. Plant schedule updated to accurately reflect the actually width at maturity of Melia

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact site

lines for vehicles or pedestrians

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
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. 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.
5. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
6. Prior to the occupation of the building the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
7. 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.
8. Before the development starts a fee of \$375.00 per tree must be paid to the Responsible Authority for the removal and replacement of the three existing street trees. Replacement will be undertaken by Council's contractors during yearly street tree planting works in accordance with Council's requirements.
9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
10. 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. 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.
 - d. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - e. 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.
 - f. Lighting must be provided near the front entrance of each dwelling.
 - g. The landscaping works shown on the endorsed plans must be carried out and completed.
 - h. Residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority
 - i. 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

11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority
13. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.
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 soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
15. 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
16. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority
17. 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
18. 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.
19. 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.
20. 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.
21. 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

Cd.

2 SUBDIVISION AND REMOVAL OF NATIVE VEGETATION AT 245 MCDONALDS TRACK LANG LANG

FILE REFERENCE INT1882867

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T170722 be issued for Subdivision and the removal of native vegetation at 245 McDonalds Track, Lang Lang VIC 3984 subject to the conditions attached to this report.

Attachments

- | | | |
|---|--|----------|
| 1 | Development Plans | 3 Pages |
| 2 | Locality Map | 1 Page |
| 3 | Objections, circulated to Councillors only | 11 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.: T170722

APPLICANT: 149 KWR Pty Ltd C/- XWB Consulting

LAND: 245 McDonalds Track, Lang Lang VIC 3984

PROPOSAL: Subdivision and the removal of native vegetation

PLANNING CONTROLS: Neighbourhood Residential Zone Schedule 1, Low Density Residential Zone, Bushfire Management Overlay, Design and Development Overlay Schedule 1, Vegetation Protection Overlay Schedule 1

NOTIFICATION & OBJECTIONS: The application has been advertised 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, environmental impacts

RECOMMENDATION: Approval

BACKGROUND:

This application proposes the subdivision of the land into 12 lots. 11 of the lots will be typical residential lots and lot 12 will be 4.45 hectares and will be transferred to Council as an open space reserve. The reserve is located in Low Density Residential zoned land. Planning permit T110189a was issued on 26 March 2013 for the subdivision of 32 Rupert Street, Lang Lang into sixty seven lots and the removal of vegetation. This

subdivision created the lots which form the residential subdivision to the north of the subject site. This application for subdivision intends to complete the subdivision of the remaining Neighbourhood Residential Zoned land. The application also proposes the removal of some native vegetation to facilitate the subdivision and associated road construction.

SUBJECT SITE

The site is located on the eastern side of McDonalds Track approximately 100 metres south of the intersection with Rosebery Street in Lang Lang. The lot is described as Lot B on Plan of Subdivision 642531L. The site is irregular in shape, generally a narrow wedge between McDonalds Track and the Dick Jones Reserve which was once a railway reserve. The site has a frontage of approximately 520m along McDonalds Track and an abuttal with the reserve of approximately 584m. The northern boundary which abuts an existing residential subdivision has an abuttal of approximately 190m. The overall area of the site is 5.78 ha.

There are no easements on the site. A Section 173 Agreement is listed on the title which relates to a requirement of the owner to maintain an area of 25 metres in length from the shared property boundary with Lot A, which is to the north of the subject site, as mown grassland to the satisfaction of the Responsible Authority. This agreement relates directly to minimising bushfire risks, as a new road is proposed, this will now act as an appropriate buffer and on advice from the CFA the agreement can be ended.

Access to the site is gained from the north off Rupert Street which terminates at the northern end of the site. The site currently contains a small cleared area at the northern end of the site which is located within the Neighbourhood Residential Zone and a larger area which is heavily vegetated with remnant native bushland. The topography of the land is generally flat although there is a slight crest along the boundary between the proposed residential subdivision and the reserve land.

The main characteristics of the surrounding area are:

- To the north west of the site is the Whitehall Estate which is a new estate consisting of dwellings on lots of approximately 600 -800 m².
- To the north east of the site is the South Gippsland railway reservation which is known as the Dick Jones Reserve. The reserve contains community facilities to the north and bushland to the south and abuts the subject site to the east.
- To the south of the site is McDonalds Track and beyond is a strip of residential development on larger Low Density Zoned land. To the south east of the site there is a large sand quarry.

PROPOSAL

The proposal includes the subdivision of the land into 12 lots and the removal of native vegetation.

Subdivision:

The subdivision will create 12 lots. 11 of the lots will be created for residential development and will range in area of between 680 – 920 m². These lots will be located to the north of the site and will connect with the existing subdivision and Rupert Street which currently terminates at the subject site. The subdivision proposes the construction of the continuation of Rupert Street which will run through the middle of the lots and then terminate in a T intersection. 10 of the 11 lots will have a frontage to the road with just lot 4 being located behind lot 5 in a battle axe formation. The proposed road will be constructed along the boundary of the two different zoned section of land, the Neighbourhood Residential and the Low Density Residential.

Lot 12 will be located to the south of the proposed road and will be a wedged shaped lot of 4.45 ha. The lot will retain the native vegetation and will be transferred to council as a natural open space reserve.

Vegetation removal:

The proposed subdivision and associated works (road construction) will result in the removal of some vegetation. While the application has attempted to minimise the loss of vegetation and much of the vegetation to be removed is not native, some remnant native vegetation will be required to be removed. The ecologist report provided indicates that approximately 0.466 ha will be offset.

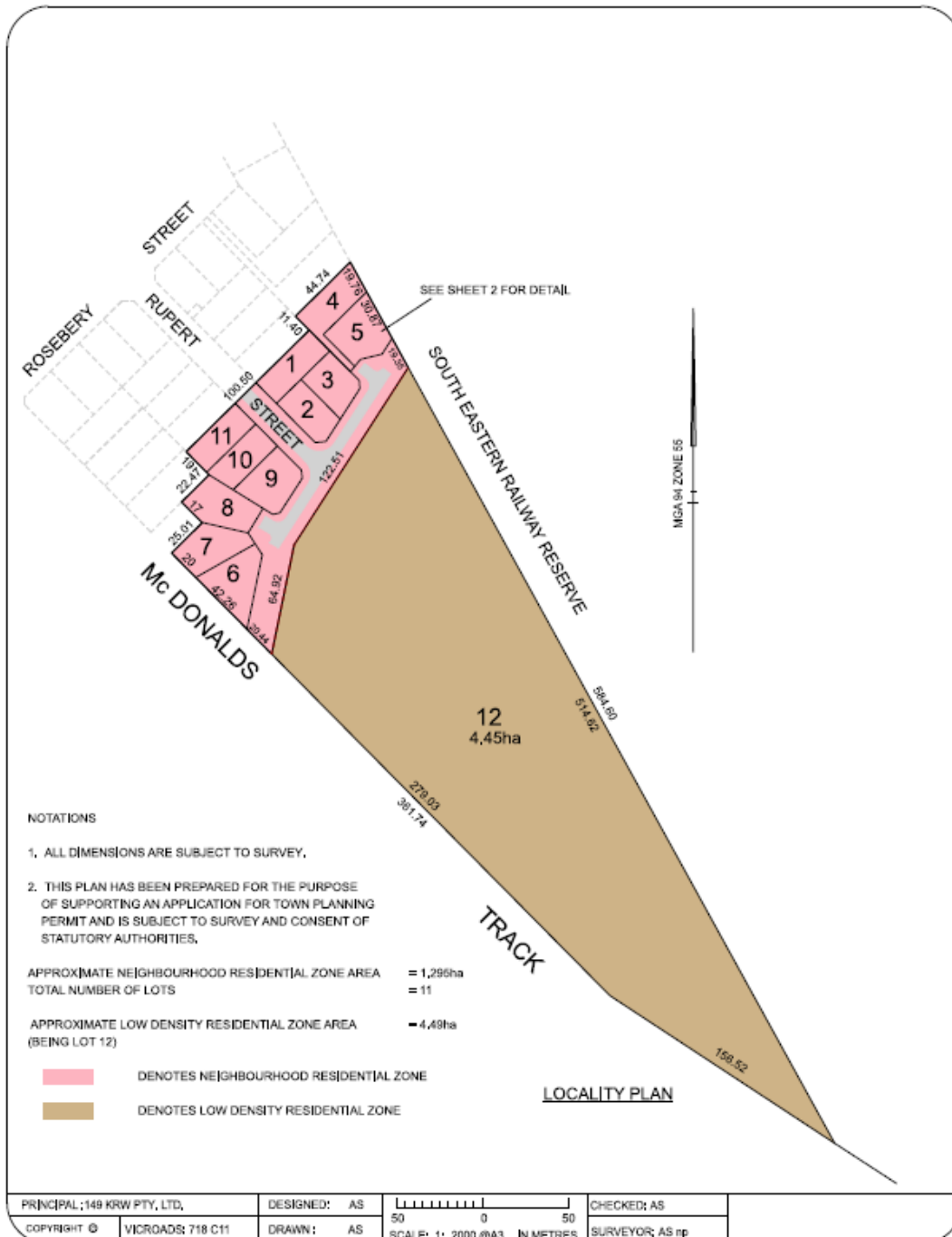


Figure 1. Proposed subdivision layout

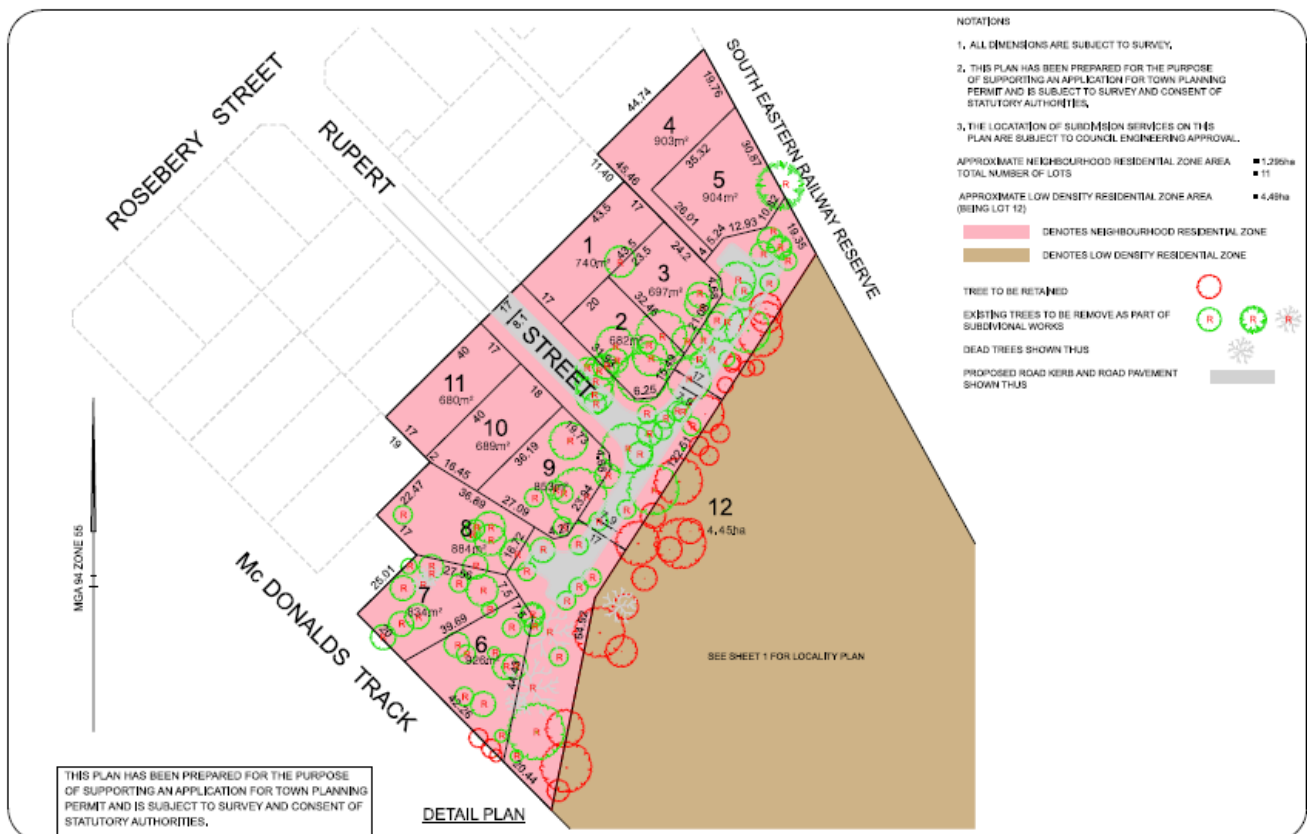


Figure 2. Proposed tree removal and retention

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.03-3 Peri-urban areas
- 12.01 Biodiversity
- 12.01-2 Native vegetation management
- 13.02 Bushfire
- 15.01-3 Subdivision Design
- 15.01-5 Neighbourhood Character
- 16.01-2 Location of residential development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-2 Landscape
- 21.03-3 Biodiversity
- 21.02-4 Wildfire management
- 21.02-5 Open Space
- 21.03-1 Housing
- 21.03-3 Rural Townships
- 21.07-4 Lang Lang

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.17 Native vegetation
- Clause 56 Residential subdivision
- 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 is supported through the layout of the subdivision in providing street frontages to the lots being created.
- Reduce obesity is supported through the connectivity of the subdivision with existing pedestrian networks and accessibility to the township and public open space existing in the area and created by the subdivision.

Zone

The land is subject to the **Neighbourhood Residential Zone Schedule 1 and Low Density Residential Zone**

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay
- Design and Development Overlay – Schedule 1
- Vegetation Protection Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

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

- Pursuant to Clause 32.09-3 of the Neighbourhood Residential Zone a planning permit is required for subdivision.
- Pursuant to Clause 32.03-3 of the Low Density Residential Zone a planning permit is required for subdivision.
- Pursuant to Clause 44.06-2 of the Bush fire Management Zone a planning permit is required for subdivision.
- Pursuant to Clause 43.02-3 of the Design and Development Overlay a planning permit is required for subdivision.
- Pursuant to Clause 42.02-2 of the Vegetation Protection Overlay a planning permit is required to remove, destroy or lop any vegetation unless exempt under the Schedule.
- Pursuant to Clause 52.17, Native Vegetation a planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

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

Council has received four objections to date.

The key issues that were raised in the objections are:

- Impact on views from existing estate
- Belief that there would be no further subdivision in the area.
- The change in the bushfire risk will have made additional cost for existing development to have been wasted.
- Impact on native flora and fauna in the area.
- Concern regarding the allocation of the public open space and the cost to Council for maintenance.
- Dust and noise impacts during construction
- The proposal will be contrary to the S173 Agreement.
- The management of the 25 m wide mown area for bushfire protection will be lost.
- The additional dwellings will impact on the provision of services like town water.
- Impact on the country feel of the area.

An assessment of the issues raised by the objectors is provided later in this report.

REFERRALS

The application was referred to the following authorities, and a summary of each response is provided.

Referral Authority	Response
AusNet	Approval subject to conditions
APA Group	Approval subject to conditions
Country Fire Authority	Approval subject to conditions
Melbourne Water	Approval subject to conditions
South East Water	Approval subject to conditions

DISCUSSION

Planning Policy Framework

It is considered that the proposed subdivision is supported by the relevant State and Local Planning provision of the Cardinia Planning Scheme. There is support in the Planning Scheme for the growth and development of Lang Lang recognising the potential for growth within the area. At the same time, State and Local policies also recognise the need for any development to respond to key natural features, the surrounding landscape and the existing and preferred character of an area.

Relevant State policies such as clauses 15.01-3S (Subdivision design) and 15.01-5S (Neighbourhood character) encourage development to respond to its context and special characteristics of the local environment and protect and enhance native habitat. The protection of natural environment is reinforced by clauses 12.01-1S (Protection of biodiversity) and 12.01-2S (Native vegetation management), which aim to ensure that native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Local policies serve to reinforce these themes, with Clause 21.02-3 (Biodiversity) aiming to achieve a net gain in the quantity and quality of native vegetation in the municipality and maintain and enhance the diversity of indigenous habitats and species.

The increase in the number of lots does result in the removal of vegetation, however, the vegetation removal has been minimised through the locating of the residential lots at the north of the site in the neighbourhood

Residential Zoned land and through avoiding any development in the bushland area of the site. The vegetation removal that could not be avoided will also be appropriate offset via permit conditions.

As the subject site is located within an area covered by the Bushfire Management Overlay the application has been considered against Clause 13.02-1 Bushfire Planning. The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life. The application has adopted this principal in that the vegetation proposed to be removed, although valuable from an environmental point of view, is partly being removed to create the required defensible space for the future dwellings. The application was supported the requirements listed in the Bushfire Management Overlay including a bushfire hazard assessment and a bushfire management plan. The documents were referred to the CFA who did not object to the application subject to conditions on the permit. It is considered that with appropriate conditions the subdivision and subsequent development can be undertaken will creating an unreasonable risk to human life or property.

The proposal demonstrates a strong response to the residential development objectives as the site is located well within the urban growth boundary and protects the majority of vegetation on the site. The proposed lot arrangement and lot areas provide consistency with the surrounds. With the provision of a lot created to protect the important natural values of the southern, Low Density zoned land and residential subdivision consistent with the existing Whitehall Estate to the north, the proposal provides for housing lots in the area consistent with the surrounding neighbourhood and it is considered that the development is in accordance with the Planning Policy Framework.

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 32.09 Neighbourhood Residential Zone & Clause 56 Residential Subdivision

Pursuant to Clause 32.09-3 a planning permit is required to subdivide land. An application must meet the requirements of Clause 56 Residential Subdivision. This application meets the objectives and generally meets the standards of this clause, subject to the provision of a number of conditions. A summary of the proposed subdivision response Clause 56 follows:

- Clause 56.01 Subdivision site and Context and Design Response, 56.02 Policy Implementation & Clause 56.03 Liveable and sustainable communities:

The proposed subdivision provides a site responsive design, with the lot sizes consistent with development in the immediate and wider area of the site.

- Clause 56.04 Lot Design:

Each lot has been designed with an appropriate width and length to allow for appropriate development of the site. As all of the lots are greater than 600m², no building envelope are required under these provisions however they will be required under the Bushfire Management Overlay. Each lot can contain a rectangle of 10 x 15 m. The lots have been appropriate orientated to ensure for energy efficiencies and good surveillance of the street with all but 1 of the lots having a frontage to the proposed roads. The lot layout also provide outlooks to the reserve to the south.

- Clause 56.05 Urban Landscape:

While the subdivision only creates 11 residential lots it will complete the residential development from the Whitehall Estate to the north. The development and design of the street network will be consistent with and continue the theme from that estate. The subdivision has also enabled the protection if the remnant bushland to the south and created this as a public asset.

- Clause 56.06 Access and Mobility Management:

The subdivision is connected to existing vehicular and pedestrian linkages and will provide easy access to the town centre to the north. The rail reserve abuts the site and provides opportunity for recreation. The paths and roads created will connect with Rupert Street.

- Clause 56.07 Integrated Water Management Clause 56.08 Site Management & Clause 56.09 Utilities:

The subdivision has allowed for integrated water management. To ensure water management is achieved to Council and Melbourne Water requirements, conditions will be placed on the permit regarding site management and utilities.

Bushfire Management Overlay

As the subject site is located within the Bushfire Management Overlay a permit is required for the subdivision of the land. The application was submitted with the application requirements listed at Clause 44.06-3 including a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and a Bushfire Management Statement.

The application was referred to the CFA who requested a range of condition be included on the permit requiring an amended Bushfire Management Plan requiring that the owner enters into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement would provide an exemption from requiring a permit under the BMO for future dwellings. The agreement would also require that any future dwellings would be constructed in accordance with the Bushfire Management Plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

The future owners of the dwellings would need to manage their properties in accordance with the plan. The agreement excludes lot 12, which is the reserve lot from the exemptions.

It is considered that the proposal is consistent with the objective of the BMO in that the development can be undertaken in a manner where the risk to human life and property be reduced to an acceptable level.

Design and Development Overlay

The subject site is located within the Design and Development overlay Schedule 1, a permit is required for subdivision, however it is considered that the overlay is not relevant in this instance. Schedule 1 of the overlay relates to Low Density Residential, the only section of the land that is covered by the DDO1 and is zoned Low Density Residential is the lot to be transferred to Council as Public Open Space and will not be further subdivided. Therefore the overlay is considered unrelated.

Clause 52.17 Native Vegetation and the Vegetation Protection Overlay

Clause 52.17 (Native Vegetation) provides further protection of vegetation, with an objective to ensure that the permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

It is considered that the proposal has minimised and avoided vegetation removal where possible, however as part of the development there is a requirement to remove 0.466 hectares. An Ecologist Report has been supplied as part of the application with a requirement for offsetting in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017). A condition requiring the applicant to offset the loss through either a first or third party offset will be included on the permit

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Schedule to Clause 53.01 specifies an amount of 8 per cent for the subdivision of land for urban resident purposes. The subject land is within the urban growth boundary of Lang Lang and is considered to create urban residential type allotments, and as such, the amount specified in the schedule is considered applicable to this proposal.

The applicant has indicated that the public open space will be provided by transferring lot 12, which is the bushland lot as the contribution. It is recognised that lot 12 will be over 8 per cent. When considering accepting this lot as the contribution, consideration was given to the cost for Council to manage the larger parcel of land into the future, the cost for a developer to develop lot 12, in relation to providing offsets, and the substantial loss of vegetation if the property was applied to be developed. For these reason it is considered that the environmental and community benefits outweigh any negatives, therefore the lot is proposed to be accepted as POS and not required to be reduced to the 8 percent threshold.

Clause 65.02 Decision Guidelines

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is well designed consistent with adjoining subdivisions and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

OBJECTIONS

A response to the key themes of the objections is provided below.

- Impact on views from existing estate and the impact on the country feel of the area

Although understanding the concerns, views are not a planning consideration as there is no significant landscape overlay on the site. The subdivision completes the estate to the north and only creates 11 residential lots. Therefore the area will retain its country feel. The subdivision will result in the protection of the bush lot as public open space.

- Belief that there would be no further subdivision in the area.

The subdivision of the land reflects the existing development to the north and as Neighbourhood Residential Zoned land, the subdivision of the site is able to be considered and is expected given that the land is within the urban growth boundary of Lang Lang.

- The change in the bushfire risk will have made additional cost for existing development to have been wasted.

This is not a consideration of this application, however any assessment of bushfire risk would have been made under the provision that were relevant at the time. This application has been assessed against the Bushfire Management Overlay and conditions on the permit will require that future dwellings are constructed to a particular BAL level. These BAL requirements differ for the lots of the subdivision relative to the location of the risk (bushland). The application has been referred to the CFA who did not object to the proposal subject to conditions on the permit.

- Impact on native flora and fauna in the area.

While there will be some native vegetation removed to facilitate the construction of the road, this has been minimised where possible. The residential lots will be mostly located within the cleared land which is zoned Neighbourhood Residential. Much of the vegetation that is required to be removed is not native and does not require a permit.

It is considered that the creation of the reserve on lot 12 will result in an environmental gain. This land will no longer be considered for further residential development which is possible at this time with the land being Low Density Residential land. While it would be subject to a planning assessment, the land could technically be subdivided into 10 lots meeting the minimum lot area of .4ha. This would certainly result in a very bad environmental outcome and while it would not necessarily be supported with a planning permit, the creation of the reserve removes this option and ensures that the land will be able to have the biodiversity values protected and managed. The land is well located to connect to existing reserves and the creation of this reserve is supported by Council policy.

- Concern regarding the allocation of the public open space and the cost to Council for maintenance.

A condition of the permit will require the preparation of a Bushland Management Plan which will identify works that are required to be undertaken to have the land to a condition that is appropriate to serve as a Council reserve. There will be a requirement of the owner to undertake two years of maintenance of the land. Due to the good quality of the native vegetation the land will not require a significant amount of maintenance.

- Dust and noise impacts during construction.

A condition on the permit will require that a site specific Construction Environmental Management Plan (CEMP) is submitted to and approved by the Responsible Authority. This plan includes requirements on the developer to manage dust and noise, to ensure that disturbances during construction is not unreasonable.

- The proposal will be contrary to the S173 Agreement in that the management of the 25m wide mown area for bushfire protection will be lost.

The road proposed at the end of the residential lots will act as an appropriate buffer that will provide more appropriate management of the bushfire risk, than that of the mown grassed area. The applicant has requested that the agreement be ended and this would be considered reasonable as the development of the lots and the road make it not required as a bushfire mitigation measure. The CFA reviewed the application and did not object to the bushfire protection measure proposed.

- The additional dwellings will impact on the provision of services like town water.

The application has been referred to all the relevant service authorities. Conditions on the permit required by each of them will ensure that the development does not impact on the provision of services to the area.

CONCLUSION

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is consistent with planning scheme requirements and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

It is recommended that a Notice of Decision to Grant Planning Permit **T170722** be issued for **Subdivision and the removal of native vegetation at 245 McDonalds Track, Lang Lang** subject to the following conditions:

CONDITIONS

1. Before the plan of subdivision is endorsed, 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) A Bushfire Management Plan in accordance with the Country Fire Authority conditions.
 - b) The area of land being transferred as the public open space contribution shown as a percentage of the land being transferred.
 - c) Lot 12 to be shown as land vested to Council as a reserve.
2. The layout of the subdivision, and access as shown on the endorsed plans, may not be altered or modified without the prior written consent of the Responsible Authority.
 3. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on each lot to be created, buildings may only be constructed within the building envelopes as shown on the endorsed plans of this permit.

These envelope(s) cannot be varied except with the consent of the Responsible Authority. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

4. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a detailed landscape plan for the estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must show and include:
 - a) How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) https://www.cardinia.vic.gov.au/landscaping_guidelines
 - b) The type of species to be used for street tree planting in the subdivision. The plant schedule must be consistent with adjoining sites where roads are continued through.
 - c) Key themes, landscape principles and character that will define the subdivision.
 - d) Locations of substations.
 - e) Entrance treatments.
 - f) Locations of any protected trees or patches of protected native vegetation to be retained
 - g) The tree protection zone for each protected tree must be clearly shown on the site plan.
 - h) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves.

(Please note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority).

5. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Before Statement of Compliance

9. Prior to issue of a Statement of Compliance is issued for the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.
10. Prior to issue of a Statement of Compliance, the permit holder must:
 - a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority.
 - b) Construct a 2.5 metre concrete shared pathway must be constructed extending from the end of the proposed southern turning area, along the boundary of lot 6, to connect with McDonalds Track and westward along McDonalds Track to connect to the existing shared pathway outside 223 McDonalds Track, in accordance with plans and specifications approved by and to the satisfaction of the Responsible Authority.
 - c) Outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
 - d) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "*Guidelines for the Development & Subdivision of Land*", "*Development Construction Specification*" and the "*Water Sensitive Urban Design (WSUD) Guidelines*".
 - e) Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
 - f) Ensure that any reserve or land set aside for public open space or any tree reserve or the like is non-hazardous and maintained.
11. Before a Statement of Compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

12. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period.

Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

13. Prior to endorsement of development plans, to offset the removal of 0.466 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* as specified below:

- a) A general offset of 0.293 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.486
- b) Evidence that the required offset [for the subdivision] has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority. and/or
 - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

14. Before works start, a fence must be erected around all patches of native vegetation shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction of the road north of the reserve as shown on site plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

15. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

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

16. Before a Statement of Compliance is issued for the subdivision, a bushland reserve management plan must be submitted to and approved by the Responsible Authority for the whole reserve area that will be vested to council. The Bushland Reserve Management Plan must be prepared by a person suitably qualified ecologist, to the satisfaction of the Responsible Authority. When approved, the management plan will be endorsed and will then form part of the permit. The Bushland Reserve Management Plan must be in accordance with the Landscape Developer Guidelines and include to the satisfaction of the Responsible Authority:
- a) Drawn to scale with dimensions and provided in an approved electronic format (PDF and CAD).
 - b) New plantings, including their layout to be provided in any reserve.
 - c) Any proposed plantings must be indigenous plants of local provenance.
 - d) No planting of cultivars or environmental weeds as listed in the planning scheme.
 - e) Remove all existing environmental weeds to 1 per cent cover. Refer to Council's Pest Plant Management Strategy for species.
 - f) Manage all erosion to ensure no active movement of soil.
 - g) Must be free of rubbish and foreign debris.
 - h) All redundant fencing must be removed.
 - i) A Tree Management Plan that details:
 - i. the structural assessment of all retained trees.
 - ii. pruning or other measures to ensure trees are non-hazardous.
 - iii. direction for management activities to improve the health of the retained trees over the long term.
 - iv. identification of tree protection zones.
 - j) Paths must not be located within tree protection zones or canopies of existing trees unless agreed, paths must not be located within 30 metres of a designated waterway.
 - k) Overland flow of water along tracks must be managed to avoid track erosion.
 - l) Wooden structures are to be avoided, examples include the use for boardwalks or sleeper walls; recycled plastic can be used as an alternative.
 - m) Fencing must be permeable.
 - n) Signs must be installed at all entrances that include reserve name, regulatory signage, and interpretation and education to adequately convey the conservation significance of the reserve. Additional signage may be required depending on the size and shape of the reserve.
 - o) Revegetation of 30 metres either side of all designated waterways to a simplified ecological vegetation class, at a density of one plant per square metre.
 - p) Unless exceptional circumstances apply, residential properties must not back onto reserves but will be separated from reserves via a road.
 - q) Fuel breaks to be implemented around the perimeter of all reserves where they back onto residential properties. Firebreaks are not required where a road separates houses from the reserve. The firebreak will be implemented to a standard sufficient for mowing.
 - r) Council encourages the installation of constructed habitat boxes where appropriate.
17. Before a Statement of Compliance is issued for the subdivision, the bushland management works in the approved Bushland Reserve Management Plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority, bond bushland management works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council Developer Landscape Guidelines for bond calculation details. **Please note: At practical completion the outstanding**

bushland management works bond will be released and only a bushland management maintenance bond will be retained. (Please contact Council's Environment Department in relation to the costs of the cash bond or bank guarantee amount. Practical completion must be achieved for the bushland management works within 24 months of a Statement of Compliance being issued unless agreed by the Responsible Authority. If practical completion is not achieved within this timeframe, the bushland management bond will be forfeited and the Responsible Authority will undertake the works) https://www.cardinia.vic.gov.au/landscaping_guidelines

18. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all bushland management works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer Landscape Guidelines for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the bushland management works for a minimum of 24 months. (Please contact Council's Environment Department in relation to the costs of the cash bond or bank guarantee) https://www.cardinia.vic.gov.au/landscaping_guidelines
19. The permit holder must notify Council's Environment Department a minimum of seven (7) days before commencing bushland management works so that surveillance of the works can be undertaken.
20. The bushland management works shown in the endorsed Bushland Management Plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the bushland management works. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
 - a) Any dead, diseased or damaged plants must be replaced.
 - b) In accordance with the Cardinia Shire Council developer landscape guidelines funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion; and
 - c) The Responsible Authority may direct maintenance activities to be undertaken. The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.
21. Before a Statement of Compliance is issued for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
22. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout plan for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b) Topography and existing features, including contours for the subject land and any affected adjacent land,
- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e) All trees proposed for removal from the subject land clearly designated,
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h) The proposed minor drainage network and any spatial features requiring access,
- i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l) A table of offsets for all utility services and street trees,
- m) Preliminary location of reserves for electrical kiosks and
- n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- a) The relationship between the subject subdivision stage and surrounding land,
 - b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - c) Works external to the subdivision, including both interim and ultimate access requirements,
 - d) Intersections with Category 1 roads showing interim and ultimate treatments,
 - e) Drainage and sewerage outfalls including any easements required over other property.
23. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.
 24. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.
 25. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
 - a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and
 - b) the Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

26. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
27. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
28. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a) Temporary stormwater management including sedimentation control;
 - b) Provision of pollution and contamination controls including noise and dust;
 - c) Location of stockpiles and stockpile management;
 - d) Location of site office and facilities;
 - e) Equipment, materials and goods management; and
 - f) Tree protection zones, trees to be retained and trees to be removed.
29. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a) Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b) Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c) Reinstated to the satisfaction of the Responsible Authority.
 30. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
 31. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

APA Group Conditions:

32. Easements in favour of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT
33. The Plan of Subdivision submitted for certification must be referred to APT O & M Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

AusNet Services Conditions:

34. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.
35. The applicant must –
 - a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - c) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which

would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.

- d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f) Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h) Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority conditions:

36. Before the Statement of Compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement must:

- a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Cardinia Planning Scheme.
- b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- c) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
- d) Explicitly exclude Lot 12 from the following exemption under Clause 44.06-2 of the Cardinia Planning Scheme:
 - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement."

37. Before the certification is issued under the Subdivision Act 1988, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Cardinia

Planning Scheme. The plan must show the following bushfire mitigation measures and site features, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Building Envelope

- a) Show for Lots 1 to 11 the location and setback of the building envelope/s from adjacent property boundaries.

Defendable Space

- b) Show an area of defendable space that extends over the entire area of subdivision except over Lot 12 where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction Standard

- c) Nominate the following minimum Bushfire Attack Levels that any buildings will be designed and constructed to for the Lots.
- Lot 1, 10 and 11 BAL 12.5
 - Lots 2, 3, 6, 7, 8 and 9 BAL 19
 - Lots 4 and 5 BAL 29

Water supply

- d) Show for Lots 1 to 11 5,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
 - All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.

Melbourne Water Condition:

38. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

South East Water Conditions:

39. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

40. The owner of the subject land must enter into an agreement with South East Water for the provision of Pressure Sewerage and fulfil all requirements to its satisfaction.

41. All lots on the plan of subdivision are to be provided with separate connections to our potable water supply and pressure sewerage systems.

42. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

The certified Plan of Subdivision will need to show sewerage supply over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Permit Expiry

This permit for subdivision will expire if--

- a) the subdivision is not commenced within two (2) years of the date of this permit; or
- b) the subdivision is not completed within five (5) years of the date of commencement.

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.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)

Notes:**AusNet Services Notes:**

- It is recommended that, at an early date the applicant commences negotiations with AUSNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

South East Water Notes:

- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.
- The following South East Water agreement options are available:
 - 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit our website: www.southeastwater.com.au.

2 SUBDIVISION AND REMOVAL OF NATIVE VEGETATION AT 245 MCDONALDS TRACK LANG LANG

Moved Cr R Brown Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T170722 be issued for Subdivision and the removal of native vegetation at 245 McDonalds Track, Lang Lang VIC 3984 subject to the following conditions:

CONDITIONS

1. Before the plan of subdivision is endorsed, 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) A Bushfire Management Plan in accordance with the Country Fire Authority conditions.
- b) The area of land being transferred as the public open space contribution shown as a percentage of the land being transferred.
- c) Lot 12 to be shown as land vested to Council as a reserve.

2. The layout of the subdivision, and access as shown on the endorsed plans, may not be altered or modified without the prior written consent of the Responsible Authority.

3. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on each lot to be created, buildings may only be constructed within the building envelopes as shown on the endorsed plans of this permit.

These envelope(s) cannot be varied except with the consent of the Responsible Authority. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

4. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a detailed landscape plan for the estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must show and include:

- a) How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) https://www.cardinia.vic.gov.au/landscaping_guidelines
- b) The type of species to be used for street tree planting in the subdivision. The plant schedule must be consistent with adjoining sites where roads are continued through.
- c) Key themes, landscape principles and character that will define the subdivision.
- d) Locations of substations.
- e) Entrance treatments.
- f) Locations of any protected trees or patches of protected native vegetation to be retained
- g) The tree protection zone for each protected tree must be clearly shown on the site plan.
- h) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves.

(Please note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority).

5. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Before Statement of Compliance

9. Prior to issue of a Statement of Compliance is issued for the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.
10. Prior to issue of a Statement of Compliance, the permit holder must:
 - a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority.
 - b) Construct a 2.5 metre concrete shared pathway must be constructed extending from the end of the proposed southern turning area, along the boundary of lot 6, to connect with McDonalds Track and westward along McDonalds Track to connect to the existing shared pathway outside 223 McDonalds Track, in accordance with plans and specifications approved by and to the satisfaction of the Responsible Authority.
 - c) Outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
 - d) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "*Guidelines for the Development & Subdivision of Land*", "*Development Construction Specification*" and the "*Water Sensitive Urban Design (WSUD) Guidelines*".
 - e) Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
 - f) Ensure that any reserve or land set aside for public open space or any tree reserve or the like is non-hazardous and maintained.
11. Before a Statement of Compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

12. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

13. Prior to endorsement of development plans, to offset the removal of 0.466 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

- a) A general offset of 0.293 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.486
- b) Evidence that the required offset [for the subdivision] has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority. and/or
 - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

14. Before works start, a fence must be erected around all patches of native vegetation shown for retention on the endorsed plan. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction of the road north of the reserve as shown on site plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

15. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a) vehicular access.

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

16. Before a Statement of Compliance is issued for the subdivision, a bushland reserve management plan must be submitted to and approved by the Responsible Authority for the whole reserve area that will be vested to council. The Bushland Reserve Management Plan must be prepared by a person suitably qualified ecologist, to the satisfaction of the Responsible Authority. When approved, the management plan will be endorsed and will then form part of the permit. The Bushland Reserve Management Plan must be in accordance with the Landscape Developer Guidelines and include to the satisfaction of the Responsible Authority:

- a) Drawn to scale with dimensions and provided in an approved electronic format (PDF and CAD).
- b) New plantings, including their layout to be provided in any reserve.
- c) Any proposed plantings must be indigenous plants of local provenance.
- d) No planting of cultivars or environmental weeds as listed in the planning scheme.
- e) Remove all existing environmental weeds to 1 per cent cover. Refer to Council's Pest Plant Management Strategy for species.
- f) Manage all erosion to ensure no active movement of soil.
- g) Must be free of rubbish and foreign debris.
- h) All redundant fencing must be removed.
- i) A Tree Management Plan that details:
 - i. the structural assessment of all retained trees.
 - ii. pruning or other measures to ensure trees are non-hazardous.
 - iii. direction for management activities to improve the health of the retained trees over the long term.
 - iv. identification of tree protection zones.
- j) Paths must not be located within tree protection zones or canopies of existing trees unless agreed, paths must not be located within 30 metres of a designated waterway.
- k) Overland flow of water along tracks must be managed to avoid track erosion.
- l) Wooden structures are to be avoided, examples include the use for boardwalks or sleeper walls; recycled plastic can be used as an alternative.
- m) Fencing must be permeable.
- n) Signs must be installed at all entrances that include reserve name, regulatory signage, and interpretation and education to adequately convey the conservation significance of the reserve. Additional signage may be required depending on the size and shape of the reserve.
- o) Revegetation of 30 metres either side of all designated waterways to a simplified ecological vegetation class, at a density of one plant per square metre.
- p) Unless exceptional circumstances apply, residential properties must not back onto reserves but will be separated from reserves via a road.
- q) Fuel breaks to be implemented around the perimeter of all reserves where they back onto residential properties. Firebreaks are not required where a road separates houses from the reserve. The firebreak will be implemented to a standard sufficient for mowing.
- r) Council encourages the installation of constructed habitat boxes where appropriate.

17. Before a Statement of Compliance is issued for the subdivision, the bushland management works in the approved Bushland Reserve Management Plan must be carried out and completed to the satisfaction of the Responsible Authority

or by agreement with the Responsible Authority, bond bushland management works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council Developer Landscape Guidelines for bond calculation details. **Please note: At practical completion the outstanding bushland management works bond will be released and only a bushland management maintenance bond will be retained.** (Please contact Council's Environment Department in relation to the costs of the cash bond or bank guarantee amount. Practical completion must be achieved for the bushland management works within 24 months of a Statement of Compliance being issued unless agreed by the Responsible Authority. If practical completion is not achieved within this timeframe, the bushland management bond will be forfeited and the Responsible Authority will undertake the works) https://www.cardinia.vic.gov.au/landscaping_guidelines

18. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all bushland management works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer Landscape Guidelines for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the bushland management works for a minimum of 24 months. (Please contact Council's Environment Department in relation to the costs of the cash bond or bank guarantee) https://www.cardinia.vic.gov.au/landscaping_guidelines
19. The permit holder must notify Council's Environment Department a minimum of seven (7) days before commencing bushland management works so that surveillance of the works can be undertaken.
20. The bushland management works shown in the endorsed Bushland Management Plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the bushland management works. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
 - a) Any dead, diseased or damaged plants must be replaced.
 - b) In accordance with the Cardinia Shire Council developer landscape guidelines funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion; and
 - c) The Responsible Authority may direct maintenance activities to be undertaken. The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.
21. Before a Statement of Compliance is issued for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
22. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout plan for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas,

lot numbers and widths of street reservations,

- b) Topography and existing features, including contours for the subject land and any affected adjacent land,
- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e) All trees proposed for removal from the subject land clearly designated,
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h) The proposed minor drainage network and any spatial features requiring access,
- i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l) A table of offsets for all utility services and street trees,
- m) Preliminary location of reserves for electrical kiosks and
- n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- a) The relationship between the subject subdivision stage and surrounding land,
 - b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - c) Works external to the subdivision, including both interim and ultimate access requirements,
 - d) Intersections with Category 1 roads showing interim and ultimate treatments,
 - e) Drainage and sewerage outfalls including any easements required over other property.
23. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.
24. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.
25. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and
 - b) the Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

26. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
27. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
28. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a) Temporary stormwater management including sedimentation control;
 - b) Provision of pollution and contamination controls including noise and dust;
 - c) Location of stockpiles and stockpile management;
 - d) Location of site office and facilities;
 - e) Equipment, materials and goods management; and
 - f) Tree protection zones, trees to be retained and trees to be removed.
29. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a) Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b) Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c) Reinstated to the satisfaction of the Responsible Authority.
 30. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
 31. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

APA Group Conditions:

32. Easements in favour of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT
33. The Plan of Subdivision submitted for certification must be referred to APT O & M Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

AusNet Services Conditions:

34. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.
35. The applicant must –
 - a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - c) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of

the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f) Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h) Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority conditions:

36. Before the Statement of Compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement must:

- a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Cardinia Planning Scheme.
- b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- c) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
- d) Explicitly exclude Lot 12 from the following exemption under Clause 44.06-2 of the Cardinia Planning Scheme:
 - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5. The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

37. Before the certification is issued under the Subdivision Act 1988, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Cardinia Planning Scheme. The plan must show the following bushfire mitigation measures and site features, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Building Envelope

- a) Show for Lots 1 to 11 the location and setback of the building envelope/s from adjacent property boundaries.

Defendable Space

- b) Show an area of defendable space that extends over the entire area of subdivision except over Lot 12 where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction Standard

- c) Nominate the following minimum Bushfire Attack Levels that any buildings will be designed and constructed to for the Lots.
- Lot 1, 10 and 11 BAL 12.5
 - Lots 2, 3, 6, 7, 8 and 9 BAL 19
 - Lots 4 and 5 BAL 29

Water supply

- d) Show for Lots 1 to 11 5,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
 - All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.

Melbourne Water Condition:

38. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

South East Water Conditions:

39. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

40. The owner of the subject land must enter into an agreement with South East Water for the provision of Pressure Sewerage and fulfil all requirements to its satisfaction.

41. All lots on the plan of subdivision are to be provided with separate connections to our potable water supply and pressure sewerage systems.

42. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

The certified Plan of Subdivision will need to show sewerage supply over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Cd.

3 CONSTRUCTION OF SIXTY TWO (62) DWELLINGS AT 39, 41 & 43 RODGERS STREET, PAKENHAM

FILE REFERENCE INT1882951

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Melanie Wright

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180143 be issued for the construction of sixty-two (62) dwellings and removal of native vegetation at 37, 39, 41 & 43 Rogers Street, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Development Plans | 8 Pages |
| 2 | Locality and Objector Map, circulated to Councillors only | 2 Pages |
| 3 | Objections, circulated to Councillors Only | 21 Pages |

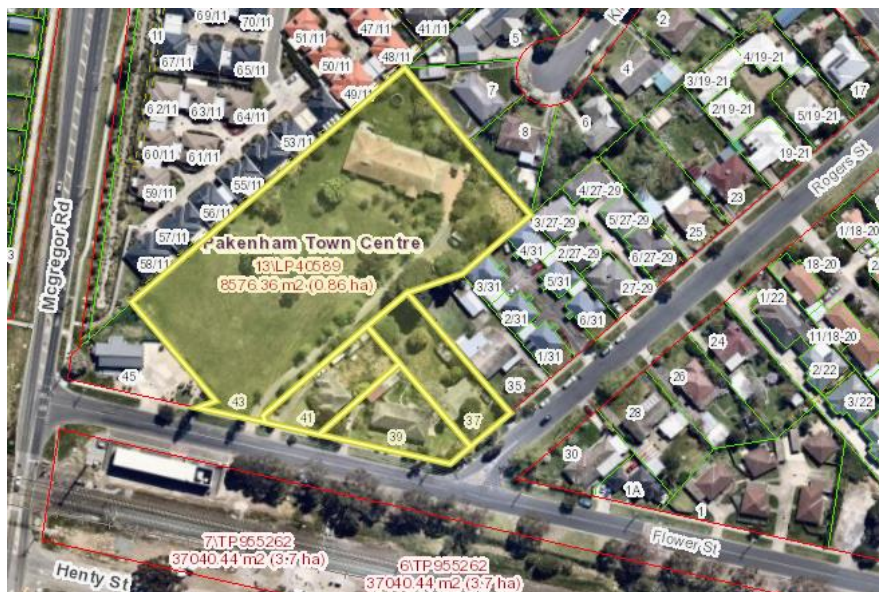
EXECUTIVE SUMMARY:

APPLICATION NO.:	T180143
APPLICANT:	DCA Design
LAND:	37, 39, 41 & 43 Rogers Street, Pakenham VIC 3810
PROPOSAL:	Construction of sixty-two (62) dwellings and removal of native vegetation
PLANNING CONTROLS:	General Residential Zone – Schedule 1 Development Contributions Plan Overlay - Schedule 1 Land Subject to Inundation Overlay (adjacent to site)
NOTIFICATION & OBJECTIONS:	Notice of the application has been given by sending notices to the owners and occupiers of adjoining land and placing five (5) signs across four sites. Twenty (20) objections received to date
KEY PLANNING CONSIDERATIONS:	Pakenham Structure Plan Urban Design Intensification Traffic & congestion
RECOMMENDATION:	Approval

BACKGROUND:

The subject site under consideration is a composition of four properties, Nos. 37, 39, 41 & 43 Rogers Street Pakenham. There is no relevant planning history for the sites.

SUBJECT SITE



The subject site comprises of four properties, Nos. 37, 39, 41 & 43 Rogers Street Pakenham, with a total combined site area of 11522sqm.

No. 37 Rogers Street Pakenham is an allotment of 1100sqm in size with a street frontage of 18.18 metres, is occupied by a single storey dwelling and outbuilding. It is serviced by a single crossover adjacent to the northern boundary and hosts some scattered vegetation across the land.

No. 39 Rogers Street Pakenham is an allotment of 998sqm in size with a street frontage of 60 metres, is occupied by a single storey brick dwelling and outbuilding. It is serviced by a single crossover adjacent to the western boundary and hosts some scattered vegetation across the land.

No. 41 Rogers Street Pakenham is an allotment of 852sqm in size with a street frontage of 19.5, is occupied by a single storey brick dwelling and outbuilding. It is serviced by a single crossover adjacent to the western boundary and hosts some scattered vegetation across the land.

No. 43 Rogers Street Pakenham is an allotment of 8572sqm in size with a street frontage of 24.9 metres, is occupied by a single storey dwelling and outbuilding. It is serviced by a single crossover adjacent to the northern boundary and hosts some scattered vegetation, including native vegetation.

No easements affect either of the sites, the topography of the land is generally flat and slopes slightly from the north-west to the south-east.

The site is located 200 metres to the west of the Pakenham Town Centre and 900 metres west of the Pakenham Railway Station, the area is characterised predominately by low scale unit developments. The area has an emerging character of higher density developments which are well located to utilise existing infrastructure and the commercial precinct.

Examples of unit developments in the neighbourhood are:

- Nos.31-33 Rogers Street
- Nos. 27-29 Rogers Street
- No.22 Rogers Street.
- Nos.18-20 Rogers Street
- No. 1 Flower Street

The adjoining neighbours of the site are as follows:

- North - Nos. 5, 6, 7 & 8 Kirra Court are single dwelling allotments with single crossovers to Kirra Court. The private open spaces for Nos. 7 & 8 Kirra Court are located to the rear of the subject site adjacent to the common boundary with No.43 Rogers Street.
- North-East - No. 35 Rogers Street is a large residential allotment, is occupied by a single storey brick dwelling, outbuilding and some scattered vegetation, a single crossover is located to Rogers Street. The large area of private open space associated with the dwelling is located at the rear of the site, adjacent to Nos.35 & 43 Rogers Street.
- South-East - Units. 1-6 /31 Rogers Street – are six single storey brick units with a central access way serviced by a single crossover to Rogers Street. Unit 3/ 31 and Unit 4/31 have a common boundary with No. 43 Rogers Street.
- East – East over Rogers Street is No. 30 Rogers Street a single dwelling allotment occupied by a single dwelling with attached carport and is serviced by a single car crossover.
- South – Rogers Street and the Pakenham Railway Line with associated power/substation.
- West – To the west of the site is the Evergreen Retirement Village which is occupied with 74 private retirement units. The subject site has a common boundary with Units 48, 49, 52, 53, 54, 55, 56, 57& 58, all of which have their areas of private open space located adjacent to the common boundary with No. 43 Rogers Street.
- South-West – No 45 Rogers Street – is a former dwelling used as a medical consulting suite with vehicle access to Rogers Street.

PROPOSAL

The application is for the construction of sixty two (62) dwellings and native vegetation removal at Nos. 37, 39, 41 & 43 Rogers Street, Pakenham has been made to Council.

The proposal includes the construction of the dwellings across four titled properties. The site access is currently serviced by four crossovers, for the purpose of this development, the amount of crossovers will be reduced and reconfigured to two, with all dwellings serviced by an internal accessway. The dwelling entrances will be accessed internally and just 14 of the overall 62 dwellings will have a frontages to Rogers Street.

The typology of the building stock will be made up of six dwelling types A, B, C, D, E & F. These designs are slightly varied, they include mirror image options, with further variations provided to suit specific site locations.

Details of the dwelling typologies:

Type A dwellings include 17 three storey two bedroom townhouses each of which include a sitting area, single car garage, laundry and private open space at ground floor. At first floor there are combined kitchen, living and dining areas with a balcony and at second floor there are two bedrooms and a bathroom. The

average of the total areas of private open is 55sqm comprising of a 10sqm balcony and approx. 40sqm of external Secluded Private Open Space (SPOS) at ground level.

Type B dwellings include 12 three storey two bedroom townhouses, each of the dwellings include a sitting area, single car garage, laundry and private open space at ground floor. At first floor there is a kitchen, living and dining area with w/c and two balconies. On the second floor there are two bedrooms, one with an ensuite, a bathroom and balcony. The average of the total areas of private open is 60 sqm including a 20sqm balcony and 40sqm of external SPOS at ground level. A light court runs up the built form to allow for natural daylight on all levels.

Type C dwellings include 14 three storey two bedroom townhouses and two C3 types which are two bedroom two storey townhouses. For the three storey townhouses each of the dwellings include a sitting area, single car garage laundry, w/c and private open space at ground floor. At first floor there is a combined kitchen, living and dining area with w/c and balcony. On the second floor there are two bedrooms one with an ensuite, and a second bathroom. The average total area of private open for type C are 39 sqm comprising of a 9 sqm balcony and 20sqm of external SPOS at ground level. For the C3 type of dwellings at ground level there will be a two bedrooms with a bathroom and a single car garage at ground floor. At first floor there is a living, dining and kitchen area with balcony.

Type D dwellings include 9 three storey two bedroom townhouses each of the dwellings include a sitting area, one bedroom, single car garage laundry and private open space at ground floor. At first floor there is a kitchen, living and dining area with w/c and balcony. On the second floor there is one bedroom with ensuite. The average of the total areas of private open for type D range from 36 sqm to 147sqm comprising of a 8 sqm balcony and anywhere from 27sqm to 139sqm of external SPOS at ground level.

Type E dwellings include 6 three storey three bedroom townhouses each of the dwellings include a sitting area, a double car a garage, one bedroom, kitchenette and private open space at ground floor. At first floor there is a kitchen, living and dining area with w/c, study nook and balcony. On the second floor there are two bedrooms one with ensuite, a bathroom. The average of the total areas of private open for type E are 35 sqm to 85sqm comprising of a 10 sqm balcony plus external SPOS at ground level.

Type F dwellings include 2 three storey two bedroom townhouses each of the dwellings include a sitting area, single car garage, w/c and private open space at ground floor. At first floor there is a combined kitchen, living and dining area with w/c and balcony. On the second floor there are two bedrooms and a bathroom. The total areas of private open for type F is 56sqm or 65sqm, comprising a 8 sqm balcony and external SPOS at ground level.

Housing Type	A	B	C	D	E	F
Total of type	17	12	16	9	6	2
Bedrooms	2	2	3	2	3	2
Storeys	3	3	3	3	3	3

The layout of the site locates most of the dwellings around the edges of the site with secluded private open space located adjacent to common boundaries or the street frontage. Eight dwellings will be located centrally on the site. The proposal seeks to maintain some existing vegetation along the property boundary. One area of common area is provided where existing vegetation is to be retained adjacent to the boundary with No. 35 Rogers Street.

The proposed site layout uses established urban design techniques to provide open sight lines through the interior driveway of the development, along both east-west and north-south axis lines. Large open spaces are left between the blocks of buildings where these driveway sight lines terminate, so as to enable to see beyond the site itself and not 'visually enclose' the development.

All dwellings will have frontages to an internal access driveway, with both ground level and balcony private open spaces oriented to achieve optimum solar access, subject to their location.

Overall, the dwellings are contemporary, the design responses incorporating details which reduces the visual dominance of the built form. The building material includes the use of mainly render across the development with timber detailing. The diversity in shades render, staggered built form and building articulation provides for an attractive response to urban design.

The proposal has a site coverage of 4886sqm square metres or 42% of the 11543 square metre site, the large spacing between buildings will allow for meaningful landscaping opportunities.

Car parking

The proposal is for 62 dwellings comprising of 54 two bedroom dwellings and 6 three bedroom dwellings. The car parking requirement under the Planning Scheme for this proposal is 78 spaces, being one space per two bedroom dwelling and two spaces for each three bedroom dwelling plus 12 visitor spaces. The application meets the requirement of the Scheme, providing the required 78 spaces.

Vegetation removal

The proposal includes the removal of some native vegetation and exotic vegetation across each of the lots. The removal of vegetation is exemption on lots Nos. 37, 39 & 41 Rogers Street as there are no controls on lots less than 4000sqm. The native vegetation removal on lot No. 43 Rogers Street requires a permit under Clause 52.17 (Native Vegetation). The removal of native vegetation on site is for one tree as such an ecological report has been submitted.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.02-2S Structure Planning
- 11.03-1S Activity Centres
- 11.06-2 Housing choice;
- 11.06-5 Neighbourhoods;
- 11.06-6 Sustainability and resilience;
- 15.01-02S Building design;
- 15.01-4R Health Neighbourhoods
- 15.01-5S Neighbourhood character;
- 15.01-6 Healthy neighbourhoods;
- 15.02-1 Energy and resource efficiency;
- 16.01-1 Integrated housing;
- 16.01-2R Housing opportunity areas – Metropolitan Melbourne
- 16.01-3S Housing Diversity
- 16.01-4 Housing diversity.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.03-1 Housing; and
- 21.06-1 Design and built form

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Plan Melbourne
- Pakenham Structure Plan 2017
- Cardinia Shire's Liveability Plan 2017-2029;
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Clause 52.06 Car Parking;
- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions

Cardinia Shire's Liveability Plan 2017-2029

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

- Improved Social Cohesion through the use of shared public space
- Improved safety through a strong address to the street and associated passive surveillance frontages
- Reduce obesity through the use of common park areas and decreased dependency on cars to encourage public transport use in a well serviced area of Pakenham.

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

PLANNING PERMIT TRIGGERS

The proposal for the construction of sixty two (62) dwellings on a lot and native vegetation removal at 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 construction two or more dwellings on a lot.
- Pursuant to Clause 52.17 a permit is required to remove native vegetation

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 5 signs on site

Council has received 20 objections to date.

The objections were received form the following addresses:

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The key issues that were raised in the objection/s is/are:

- Loss of privacy
- Loss of property value
- Safety
- Noise
- Proximity to adjoining boundary
- Loss of light
- Upsetting of elderly at adjoining address
- Drainage
- Traffic

REFERRALS

The application was externally referred to the following authorities:

Country Fire Authority (CFA)

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

Department of Environment, Land, Water and Planning (DELWP)

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

Melbourne Water

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

AusNet

The application was referred to AusNet for comment. AusNet had no objection to the proposal subject to conditions.

Transport for Victoria

The application was referred to Transport for Victoria as a statutory referral. Transport for Victoria had no objection to the proposal subject to conditions.

DISCUSSION

The proposal for the **construction of sixty two (62) dwellings and vegetation removal** is considered consistent with the aims and objectives of the Cardinia Planning Scheme. The proposal delivers on relevant state and local policies that seek to achieve attractive and liveable neighbourhoods and support increased housing density in appropriate locations.

State and Local Policies

A substantial number of state and local policies are relevant to this application which seeks approval for intensification of residential land in an activity centre. The proposal of this scale must be considered on its merit from a wider strategic perspective at a Local and State Strategic level. Policies such as Clause 11.03-1S (Activity Centres), Clause 15.01 (Urban environment), Clause 16.01 (Residential development) and Clause 21.06-1 (Design and built form) 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 in conjunction with the Pakenham Structure Plan provide objectives and strategies to help deliver a range of housing types at increased densities, while being consistent with the existing and/or preferred neighbourhood character.

This is further encouraged by Clauses 11.06-2 (Housing choice) and 11.06-5 (Neighbourhoods) that aim to 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 of housing types. The location of the subject site is strategically well placed to meet these objectives as it is located within 500 metres of the Pakenham Town Centre.

Specifically in relation to the site context Clause 11.03-1S (Activity Centres) encourage a diversity of housing types at higher densities in and around activity centres. 15.01-4R (Healthy Neighbourhoods) seeks to create a city of 20 minute neighbourhoods that is to give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home. Furthermore, 16.01-2R (Housing Opportunities) seeks to identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

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

The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme with the dwellings orientated to the north to maximise solar access to reduce dependence on heating and cooling systems. An Environmentally Sustainable Design report has been submitted with the plans which demonstrate that the overall development maximises the northern orientation with the inclusion of large areas for landscaping and permeability.

The proposal contributes towards a diversity of housing types and sizes, with three storey dwellings providing a more refined and intense form of housing that is currently not common to the area, making more efficient use of available land. The dwellings are mostly attached townhouses while the immediate area generally consists of single-storey detached unit developments on lot sizes generally under 300 square metres. 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 wider area, such as cladding, pitched roofing, eaves and open areas for landscaping.

The subject site is located in the Pakenham Structure Plan (2017) which encourages intensification of commercial and residential development. The properties surrounding this area are subject to intensification as older building stock is replaced with higher density dwellings which provide opportunities for a range of affordable, attractive, well-designed and safe living options that are accessible to all and close to services and public transport. The proposal is generally consistent with the vision of this document through an intensification of the site that facilitates greater urban density and prioritises a pedestrian focused environment. The proposal utilises the site locality to provide housing diversity close to services and the Pakenham Commercial Centre.

General Residential Zone

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

In this application, a permit is only required to construct two or more dwellings on a lot under Clause 32.08-6, in this case the construction of sixty two (62) dwellings. The use of the land for sixty two (62) dwellings does not require a planning permit under the zone.

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

- The objectives, standards and decision guidelines of Clause 55
- The Municipal Planning Strategy and the Planning Policy Framework
- The objectives set out in a schedule to this zone
- Any other decision guidelines specified in a schedule to this zone

The proposal includes the intensification of 4 low scale residential sites which are in close proximity to the Pakenham Town Centre. The subject site for the proposal is located in the predominantly residential precinct which is accommodating housing growth in an area that is very well served by infrastructure and is located in walking distance to the commercial centre of Pakenham. The proposal provides substantial intensification of the site which is of a scale that allows for a sensitive transition from the existing residential character of the area.

Pursuant to the Zone a mandatory garden area of 35% must be provided across the site, the proposal satisfies the requirement providing 36.4% of garden area. Similarly, the Zone sets a mandatory height limit of development to 11 metres in height, the proposal does not exceed overall height of 9.4 metres from natural ground level.

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

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

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the emerging neighbourhood character of the area. The proposal reinforces the residential character of the area, which has seen an emerging character of older housing stock being revitalised with new unit developments. The proposal uses appropriate design responses including, materials and siting to complement its location, built form is staggered and large spacing is provided between the built form. The development is well integrated with the streetscape with several dwellings designed to front Rogers Street with landscaped frontages. The location of the proposal is of an appropriate scale given its proximity to Pakenham Activity Centre where dwelling diversity is encouraged.

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.

The proposal provides an appropriate transition between the existing low scale residential character and the new emerging character by incorporating elements into the design which are in keeping with the neighbourhood character. The proposal provides a contemporary interpretation of the existing neighbourhood character by including pitched roofs, large openings and appropriate street setbacks with highly permeable front fences to allow for landscaping opportunities.

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.

While the front setback of the dwellings facing Rogers Street do not meet the average required under the standard, the proposed minimum setback of 6 metres is considered consistent with the objectives for the following reasons:

- The site is located in the Pakenham Township where intensification of development is encouraged
- Existing unit developments in Roger Street benefit from reduced setbacks of approximately 6 metres.
- The built form of the dwellings have staggered setbacks to avoid the visual dominance in the street will not disrupt the rhythm of the street as there comparable adjoining properties.
- The staggered built form reduces the visual bulk of the dwellings.

Building heights (maximum height of 9.45 metres), site coverage (approx. 42 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:

Clause 55.04 Amenity Impacts outlines requirements for assessing amenity impacts on adjoining neighbours with standards addressing such things as overshadowing, overlooking and side and rear setbacks. The proposed development when assessed against the provision of Clause 55 was identified not to unreasonably limit the amenity of adjoining neighbours with the proposal meeting most standards in relation to matters such as daylight to existing windows, overshadowing and overlooking.

The side setbacks of dwelling 24 & 31 are not considered to meet the requirements of B17, as such a condition will be placed on the permit requiring compliance with the standard.

Amenity impacts such as internal views and noise impacts are also considered to be in accordance with the relevant standards. The proposal appears to include a higher level of screening of internal windows and balconies than required by the standard B23. Internal views refers to the windows and balconies within the development and limiting their ability to not unreasonably create views into the secluded private open space and habitable room windows of dwellings within the development. While privacy for the dwellings must be considered, so must the amenity for potential future occupants of the dwellings to enjoy views from their windows. Therefore, a condition will be placed on the permit for only the minimum requirements of the internal views standard B23 to be met so that windows and balconies are designed to prevent overlooking of more than 50 per cent of the seclude.

There are several windows which have the potential to overlook adjoining neighbours. The plans demonstrate that these windows have been fitted with visual screens to a height of 1.7 metres from floor level to prevent unreasonable overlooking.

It is therefore considered that the proposal meets all amenity impact standards and the proposal is unlikely to cause material detriment to adjoining neighbours.

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. Each dwelling is provided secluded private open space at ground floor with additional private open space in the form of balconies. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

The proposal orientates the dwellings including living areas, openings and private open spaces to the north of the site to utilise solar access. It is considered that the proposal provides a high level of internal amenity for future occupants of the dwellings.

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 contemporary residential standard of design that does not detract from the surrounding area. It includes features such as eaves on the upper level, pitched roofs and colours and materials that will make a positive contribution to the area.

All dwellings have vehicle and pedestrian access via internal access ways and while there are common property access ways provided, the space has been designed to ensure the spaces are practical, attractive and easily maintained. 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.

An amended landscape plan is required to meet the concerns of Council's Landscape Department which will require letterboxes to each dwelling to be shown.

The proposed front fences are highly permeable and will be an attractive feature to the streetscape.

Overall, it is considered that the proposal incorporates design detail that respects the existing neighbourhood character.

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

A planning permit it's required to reduce the car parking requirement.

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

Dwellings with 2 bedrooms	1 car space	54 x 1= 54
Dwellings with 3 or more bedrooms	2 car spaces	6 x 2 = 12
Developments of 5 or more dwellings	1 visitor car space per every 5 dwellings	12
	Total	78 spaces

Since lodgement of the proposal Council's traffic engineers raised concerns over the impact of the proposed developments traffic on the adjacent McGregor Road intersection. The applicant provided a traffic assessment prepared by O'Brien Traffic which determined that the level of congestion would not be unreasonable as a result of the development.

An independent peer review was undertaken by a consultant on behalf of Council, looking at both the intersection's operation and the railway level crossing's operation. It concluded there was no capacity issues that should warrant refusal of the permit on traffic grounds.

It is noted that the level crossing at the Roger Street intersection with MacGregor Road has been outlined for removal in the Pakenham Structure Plan, pending funding from the State Government.

Clause 52.17 – Native Vegetation

The proposal includes the removal of one native tree located on No. 43 Rogers Street.

The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The requirements and offset requirements for native vegetation removal are set out by the Department of Environment, Land, Water and Planning (DELWP). The application was accompanied by an ecologist report which was referred to DELWP who have responded with conditions of approval.

OBJECTIONS:

Below are responses to concerns raised by objectors:

- *Amenity Impacts*
 - *Safety*
 - *Loss of privacy*
 - *Noise*
 - *Loss of light*
 - *Proximity to adjoining boundary*

The proposal has been assessed against the amenity impact provisions of Clause 55 – two or more dwellings on a lot. The assessment against the amenity impact standards including overlooking, overshadowing and daylight to existing windows found that the proposal would not result in unreasonable amenity impacts to adjoining neighbours.

With regard to overlooking windows, with the potential to overlook adjoining neighbours, the windows have been screened to avoid overlooking in accordance with Standard B22. In regards to overshadowing the proposal would not significantly overshadow the private open space of the west adjoining neighbours in accordance with standard B21. The proposal is compliant with daylight to existing windows standard B19. Where the proposal was non-compliant was B17 side and rear setbacks, conditions will be placed on the permit to ensure compliance with the standard.

Noise normal to a dwelling cannot be considered and residents of the dwellings are subject to EPA and Local Laws noise requirements.

- *Upsetting of elderly at adjoining address*

Although Council empathises that many existing residents do not desire new developments to occur in their neighbourhood, the application must be assessed under the Planning Scheme. In this case, the development is in accordance with the Scheme, the location is not an overdevelopment of the site and it utilises a large vacant land holding for a diverse range of housing opportunities.

- *Loss of property value*

Loss of property value is not a consideration under the *Planning and Environment Act*.

- *Drainage*

Drainage and infrastructure has been considered by Council's Engineer who have requested permit conditions accordingly.

- *Traffic*

The applicant has provided a traffic assessment report with particular regard to the potential queuing at the Roger Street intersection with MacGregor Road. The traffic assessment was scrutinised by Council's Traffic Engineers and was peer reviewed. Concerns from Council's Traffic Engineers still remain however the traffic report held no strong justification for conditions relating to the intersection and traffic congestion. In addition, the level crossing at the Roger Street intersection with MacGregor Road is a known area of congestion in the municipality has been outlined for removal in the Pakenham Structure Plan, pending funding from the State Government.

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 **T180143** be issued for the **construction of sixty two (62) dwellings and native vegetation removal at 37, 39, 41 & 42 Rogers Street, Pakenham VIC 3810** subject to the following conditions:

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. All side and rear setbacks compliant with Standard B22 particular dwelling 24 and 31.
- b. Internal views screening reduced to the minimum necessary required by B23
- c. A Waste management Plan in accordance with Cardinia Shire Council Waste Guidelines for residential developments which includes waste collection layout plan

Melbourne Water Conditions

- d. Changes required by Melbourne Water Conditions 30 to 37 inclusive

CFA Conditions

- e. Changes required by The CFA as per condition 38

Amended ESD Report

Before the development starts, an amended Environmental Sustainability Design (ESD) Report to include the following for the development:

- f. A plan is needed clearly showing the location of the rainwater tanks and solar hot water systems
- g. Completed NatHERS certificates are also required for each dwelling, 1 - 62 showing all NatHERS related information (not preview certificates).
- h. Shading devices for windows labelled with widths, particular detail of north facing windows required.
- i. A STORM Report with a rating of 100%

Amended Landscape Plan:

- j. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The plan must show:

- i. A survey (including botanical names) of all existing vegetation (including street trees) to be retained and/or removed.
- ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, including street trees.
- iii. Details of surface 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 plant.
- v. Landscaping and planting within all open areas of the subject land, including front setbacks to all units, rear private open space and the common property area to the rear of the units
- vi. Rear open space to include screening to the fence and a minimum 2 canopy trees (minimum two metres tall when planted) growing to a mature height of at least 6m to provide shade and amenity to this area.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact site lines for vehicles or pedestrians

2. Before the development commences, Lot 3, Lot 4, Lot 5 and Lot 13 of Plan of Subdivision 40589 must be consolidated into one lot under the Subdivision Act 1988 as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles. A copy of the title must be presented to the building surveyor as evidence.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. 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.
5. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans.
6. Prior to the occupation of the development, a report from the author of the Sustainable Management Plan (Karim Ghobrail of Energy Efficient Choices) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the "Sustainable Management Plan, 37 - 43 Rogers Street Pakenham VIC 3810 Proposed Multi-Unit Development Project" have been implemented in accordance with the approved Plan.
7. The development must be constructed in accordance with the requirements/ recommendations of the "Sustainable Management Plan, 37 - 43 Rogers Street Pakenham VIC 3810 Proposed Multi-Unit Development Project" prepared by Karim Ghobrail of Energy Efficient Choices to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
9. 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.

10. 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.
11. 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.
12. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
13. 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. 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.
 - d. A mail box must be provided to the satisfaction of the Responsible Authority and Australia Post.
 - e. 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.
 - f. Lighting must be provided near the front entrance of each dwelling.
 - g. The landscaping works shown on the endorsed plans must be carried out and completed.
 - h. Residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority
 - i. 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
14. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
15. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority
16. 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.
17. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.
18. 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.
19. 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

20. Land to be filled must be filled and compacted (in accordance with AS 3798/1996) to comply with fill density tests in order to support residential house foundations. The results of the tests must be to the satisfaction of the Responsible Authority.
21. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.
 - The CEMP must address all environmental risks and include:
 - a. Temporary stormwater management including sedimentation control,
 - b. Provision of pollution and contamination controls including noise and dust,
 - c. Location of stockpiles and stockpile management,
 - d. Location of site office and facilities
 - e. Equipment, materials and goods management.
 - f. Tree protection zones, trees to be retained and trees to be removed; and
22. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
23. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.
24. Before the development starts a fee of \$375.00 per tree must be paid to the Responsible Authority for the removal and replacement of the existing street tree identified as Tree 2 on the tree assessment. Replacement will be undertaken by Council's contractors during yearly street tree planting works in accordance with Council's requirements.
25. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority
26. 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
27. 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.
28. 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.
29. 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.
30. 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

Melbourne Water Conditions

31. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
- a. a) Finished floor levels of the dwellings and garages/outbuildings set no lower than the stated requirements.
 - b. b) Units 5 & 6 setback a minimum of 4.5 metres from the western boundary.
32. The dwellings subject to flooding must be constructed with finished floor levels set no lower than 300mm above the applicable flood level. The minimum floor level requirements for the dwellings are:
- a. Unit 1,2 & 3: 33.50 metres to AHD
 - b. Unit 4 & 5: 33.65 metres to AHD
 - c. Unit 6, 7, 8 & 9: 33.90 metres to AHD
 - d. Unit 40, 41, 42, 43, 44, 45 & 46: 33.30 metres to AHD
 - e. Units 36, 37, 38 & 39: 33.10 metres to AHD
33. The garages/storage areas subject to flooding must be constructed with finished floor levels set no lower than 150mm above the applicable flood level. The minimum floor level requirements for the garages/outbuildings are:
- a. Unit 1,2 & 3: 33.35 metres to AHD
 - b. Unit 4 & 5: 33.50 metres to AHD
 - c. Unit 6, 7, 8 & 9: 33.75 metres to AHD
 - d. Unit 40, 41, 42, 43, 44, 45 & 46: 33.15 metres to AHD
 - e. Units 36, 37, 38 & 39: 32.95 metres to AHD
34. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the dwellings and garages (as constructed) reduced to the Australian Height Datum for those units subject to flooding, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
35. Units 5 & 6 must be setback a minimum of 4.5 metres from the western boundary of the property (adjacent to 45 Rogers Street). This setback must be maintained at natural surface level and no fill or retaining walls would be permitted in this area to allow for the conveyance of overland flow.
36. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
37. Any new front fence facing Rogers street must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of overland flows.
38. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.

Country Fire Authority Conditions

Amended Plans

39. Before the development commences, amended plans must be submitted for approval by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

1. Hydrants

- 1.1 Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the

rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

2. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

2.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

2.2 Curves must have a minimum inner radius of 10 metres.

2.3 Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

2.4 Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Land Water and Planning Conditions

40. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

41. The total area of native vegetation proposed to be removed totals 0.07 hectares, comprised of:

a. 1 large scattered tree

42. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.012 general habitat units:

a) located within the Port Phillip and Westernport Catchment Management boundary or Cardinia Shire Council municipal area

b) with a minimum strategic biodiversity score of at least 0.152, and

c) The offset(s) secured must also protect 1 large tree.

43. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Cardinia Shire Council. This evidence must be the following:

a. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

44. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.

45. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.

46. A suitably qualified wildlife handler is to be present when felling trees, if wildlife is displaced and captured, and cannot be relocated onsite to an appropriate location away from the construction footprint, please contact DELWP on 136 186 for further advice.

AUSNET ELECTRICITY SERVICES PTY LTD Conditions

47. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.

48. The applicant must –

- a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Expiry:

49. 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.

DELWP Comments

Clause 52.17 Native vegetation

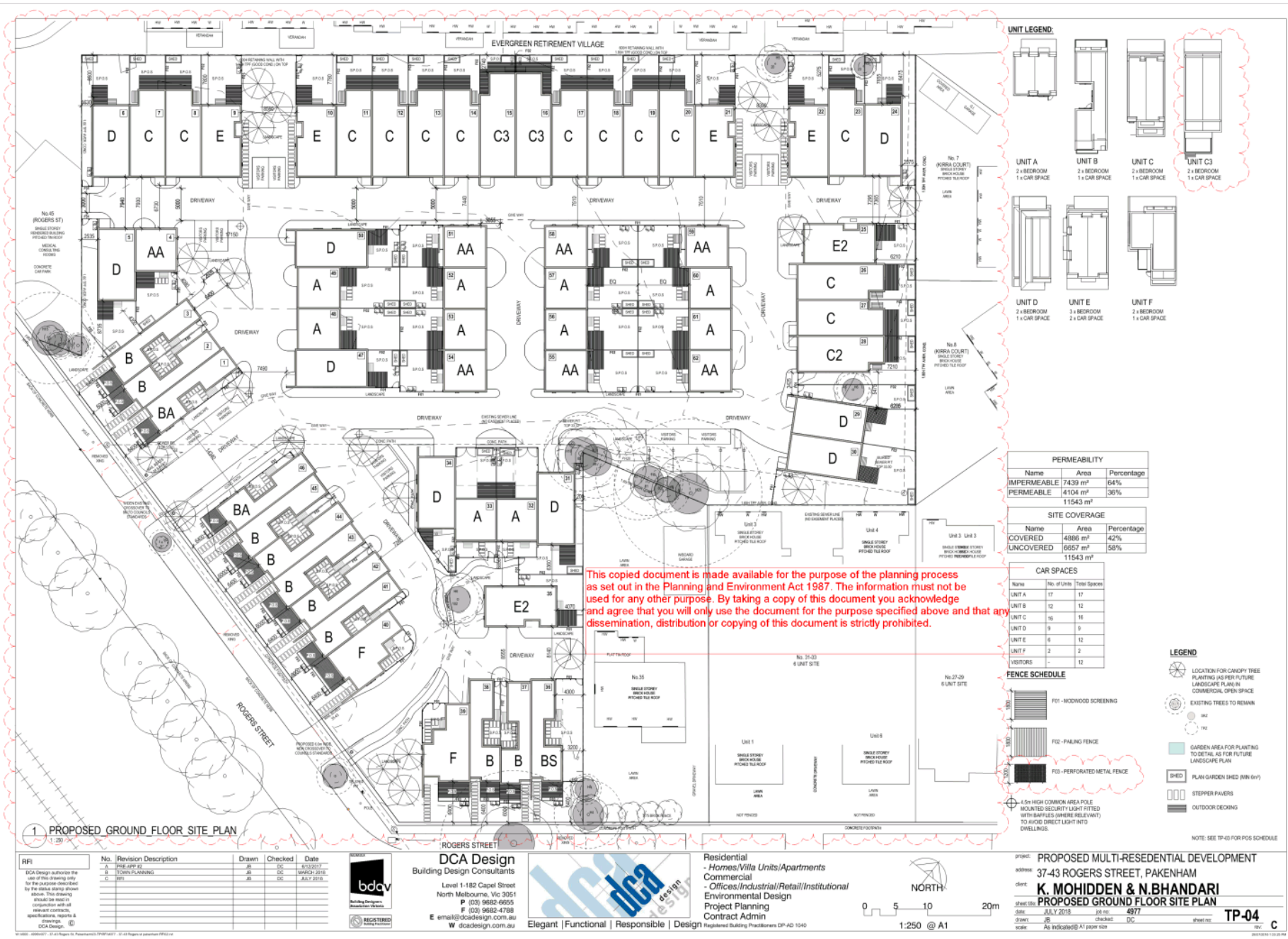
- The application proposes to remove native vegetation to construct 67 dwellings and associated buildings and works. DELWP has assessed this application in accordance with intermediate assessment pathway.
- The total area of native vegetation proposed to be removed totals 0.07 hectares within location category 1. This is comprised of 1 large scattered tree.
- This application has satisfied the information requirements of Clause 52.17 of the Cardinia Shire Council planning scheme. DELWP has assessed this application using the intermediate assessment pathway process.
- DELWP understands that there are limited opportunities to minimise the removal of the one large tree, if this was possible, it would be recommended to retain this tree. It is noted that the required offsets can be secured.
- The Native Vegetation Report supplied with the application adequately describes the native vegetation to be removed and the offset requirements, should clearing be approved.
- If the responsible authority does not agree with this decision, DELWP would be happy to reconsider an amended application and Native Vegetation Report.

Melbourne Water Comments

- Please note, this property is subject to flooding from the Melbourne Water drainage system when the capacity of the drainage system is exceeded. The applicable flood level grades from 33.62 metres to AHD at the western corner of the property to 32.80 metres to AHD at the eastern corner of the property.
- It is recommended that the dwellings not listed with minimum floor level requirements above be set a minimum of 300mm above the top of kerb of the adjacent road in order to provide protection from any shallow flooding from the local drainage system.

AUSTNET Notes

- It is recommended that, at an early date the applicant commences negotiations with AUSTNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.



1 PROPOSED GROUND FLOOR SITE PLAN

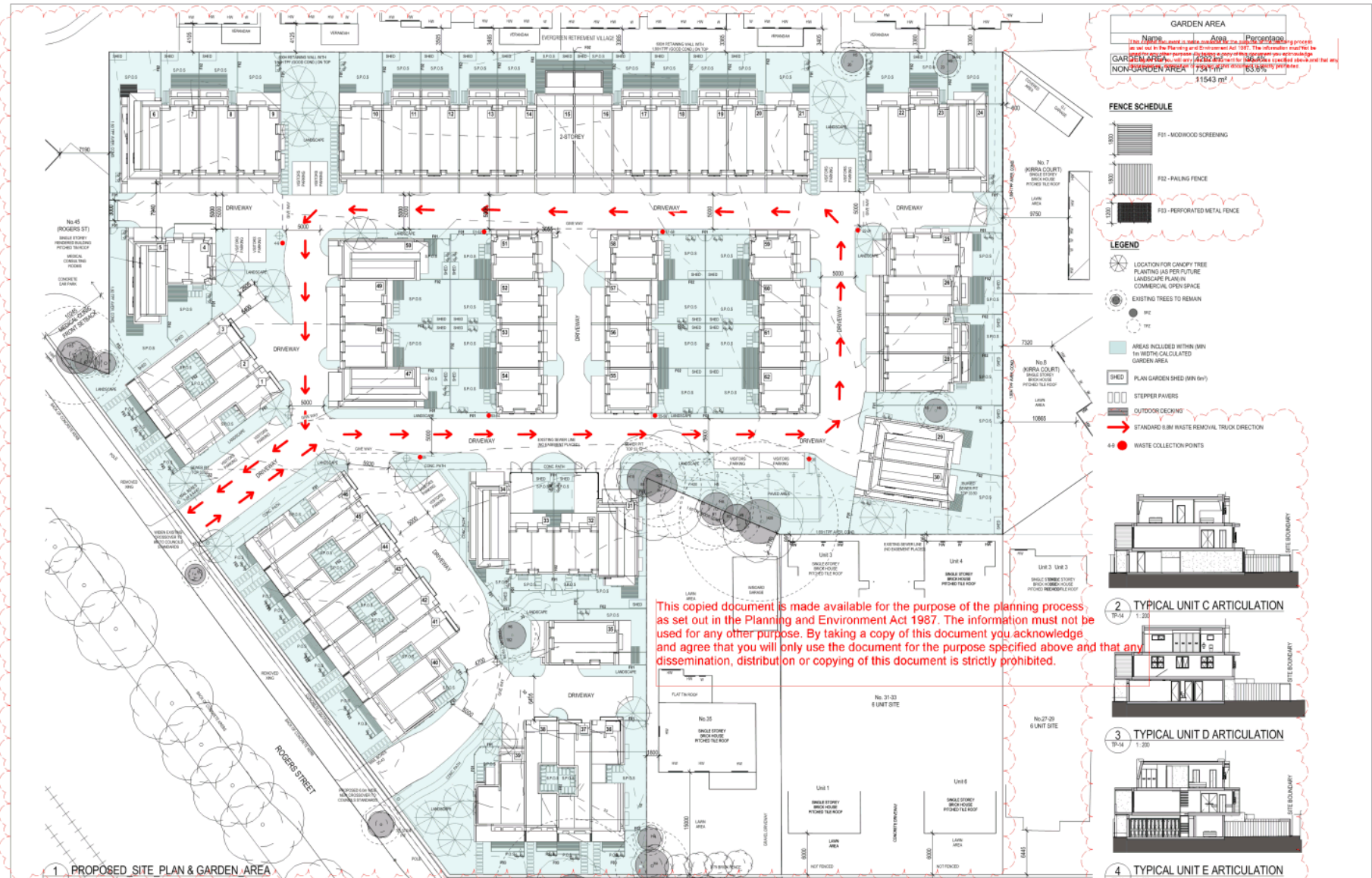
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	A	PRELIMINARY	JB	OC	6/12/2018
	B	TOWN PLANNING	JB	OC	MARCH 2019
	C	RFI	JB	OC	JULY 2019

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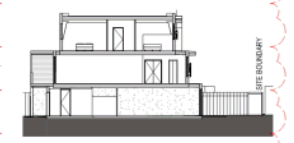
project: PROPOSED MULTI-RESEIDENTIAL DEVELOPMENT
address: 37-43 ROGERS STREET, PAKENHAM
client: **K. MOHIDDEN & N.BHANDARI**
PROJECT PROPOSED GROUND FLOOR SITE PLAN
sheet title: JULY 2019 sheet no: 4977
date: JB checked: OC
scale: As indicated @ A1 paper size sheet no: TP-04
REV C



Area	Area (m²)	Percentage
GARDEN AREA	31543	63.0%
NON-GARDEN AREA	18343	37.0%

FENCE SCHEDULE	
[Symbol]	F01 - MIMWOOD SCREENING
[Symbol]	F02 - PAILING FENCE
[Symbol]	F03 - PERFORATED METAL FENCE

- LEGEND**
- LOCATION FOR CANOPY TREE PLANTING AND FUTURE LANDSCAPE PLAN IN COMMERCIAL OPEN SPACE
 - EXISTING TREES TO REMAIN
 - AREA(S) INCLUDED WITHIN MPH FOR WHICH CALCULATED GARDEN AREA
 - PLAN GARDEN SHED (MIN 6m)
 - STEPPER PAVERS
 - OUTDOOR DECKING
 - STANDARD 8.0M WASTE REMOVAL TRUCK DIRECTION
 - WASTE COLLECTION POINTS



2 TYPICAL UNIT C ARTICULATION



3 TYPICAL UNIT D ARTICULATION



4 TYPICAL UNIT E ARTICULATION

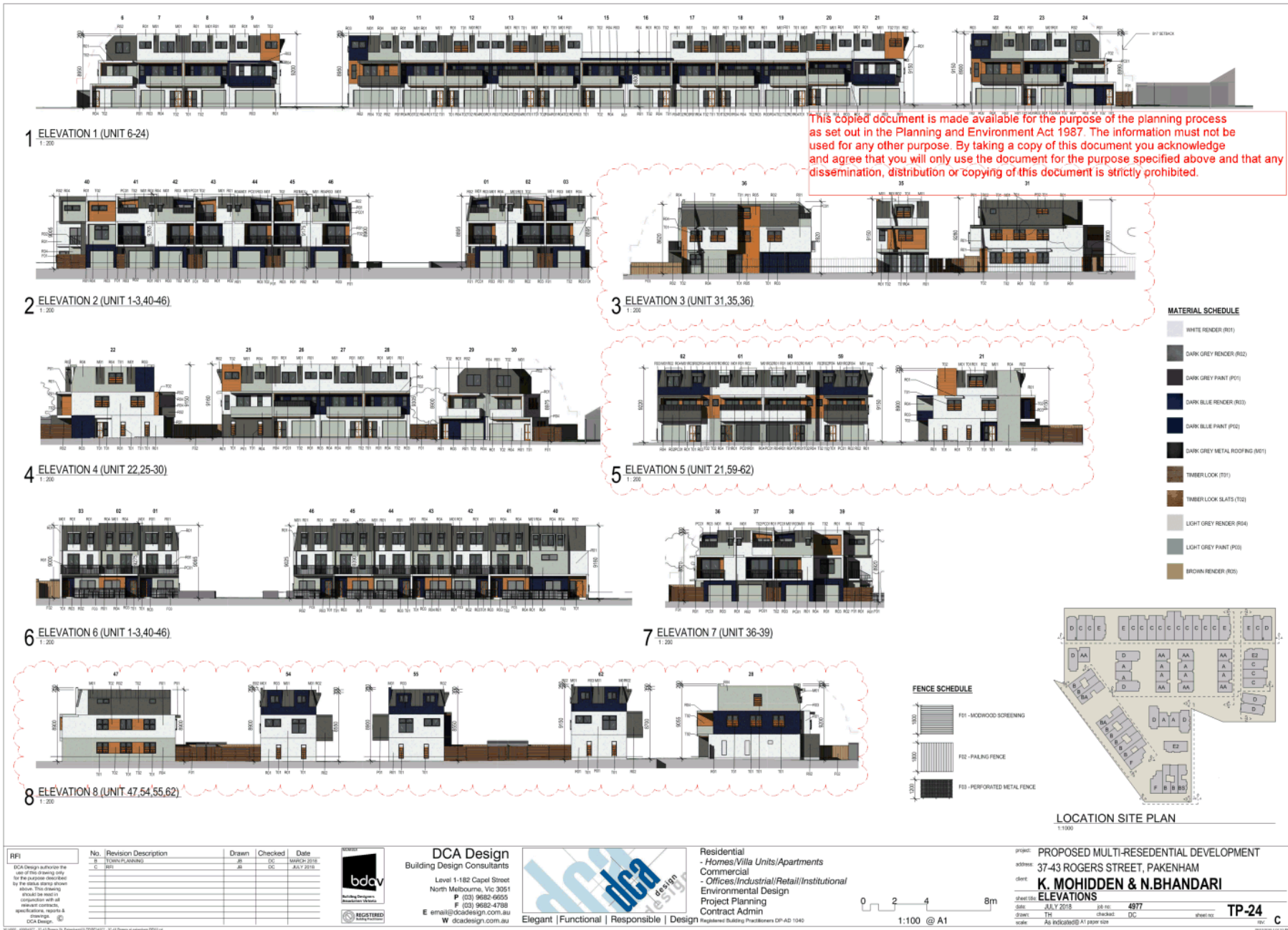
RFI	No.	Revision Description	Drawn	Checked	Date
	1	ISSUE FOR TENDERS	AB	OC	MARCH 2018
	2	REVISED DRAWING	AB	OC	JULY 2018

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PROPOSED MULTI-RESEIDENTIAL DEVELOPMENT
 37-43 ROGERS STREET, PAKENHAM
K. MOHIDDEN & N.BHANDARI
 PROPOSED SITE PLAN/GARDEN AREA

DATE: JULY 2018
 SHEET NO: 4977
 SCALE: AS INDICATED @ A1 PAPER SIZE
 SHEET NO: TP-05
 REV: C



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1 ELEVATION 1 (UNIT 6-24)
1:200

2 ELEVATION 2 (UNIT 1-3,40-46)
1:200

3 ELEVATION 3 (UNIT 31,35,36)
1:200

4 ELEVATION 4 (UNIT 22,25-30)
1:200

5 ELEVATION 5 (UNIT 21,59-62)
1:200

6 ELEVATION 6 (UNIT 1-3,40-46)
1:200

7 ELEVATION 7 (UNIT 36-39)
1:200

8 ELEVATION 8 (UNIT 47,54,55,62)
1:200

MATERIAL SCHEDULE

- WHITE RENDER (R01)
- DARK GREY RENDER (R02)
- DARK GREY PAINT (P01)
- DARK BLUE RENDER (R03)
- DARK BLUE PAINT (P02)
- DARK GREY METAL ROOFING (R04)
- TIMBER LOOK (T01)
- TIMBER LOOK SLATS (T02)
- LIGHT GREY RENDER (R04)
- LIGHT GREY PAINT (P03)
- BROWN RENDER (R02)

FENCE SCHEDULE

- F01 - SHOODWOOD SCREENING
- F02 - PALISADE FENCE
- F03 - PERFORATED METAL FENCE



LOCATION SITE PLAN
1:1000

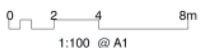
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	2	REVISED PER COMMENTS	JB	DC	JULY 2018



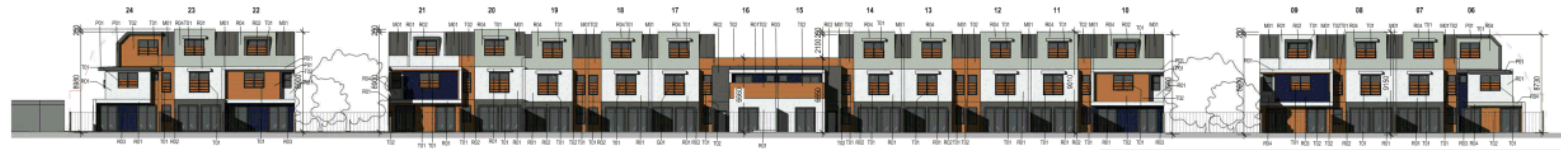
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PROJECT: PROPOSED MULTI-RESEIDENTIAL DEVELOPMENT
ADDRESS: 37-43 ROGERS STREET, PAKENHAM
CLIENT: K. MOHIDDEN & N. BHANDARI
ELEVATIONS
SHEET NO: 4977
DATE: JULY 2018
DRAWN: TH
CHECKED: DC
SCALE: As indicated @ A1 paper size
SHEET NO: TP-24
REV: C

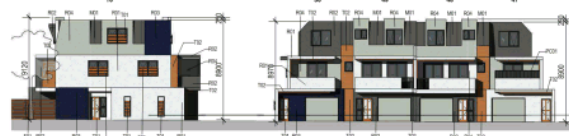


1 ELEVATION 9 (UNIT 6-9,10-21,22-24)
1:200

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2 ELEVATION 10 (UNIT 4,5,25,50,51,58,59)
1:200



3 ELEVATION 11 (UNIT 10,47-50)
1:200



4 ELEVATION 12 (UNIT 34,35,39)
1:200



5 ELEVATION 13 (UNIT 24-30)
1:200



6 ELEVATION 14 (UNIT 31-34)
1:200



7 ELEVATION 15 (UNIT 35)
1:200



8 ELEVATION 16 (UNIT 5,6)
1:200



9 ELEVATION 17 (UNIT 36-39)
1:200

MATERIAL SCHEDULE

- WHITE RENDER (R1)
- DARK GREY RENDER (R2)
- DARK GREY PAINT (P1)
- DARK BLUE RENDER (R3)
- DARK BLUE PAINT (P2)
- DARK GREY METAL ROOFING (M1)
- TIMBER LOOK (T1)
- TIMBER LOOK SLATS (T2)
- LIGHT GREY RENDER (R4)
- LIGHT GREY PAINT (P3)
- BROWN RENDER (R5)

FENCE SCHEDULE

- F1 - WOODWOOD SCREENING
- F2 - PALING FENCE
- F3 - PERFORATED METAL FENCE



LOCATION SITE PLAN
1:1000

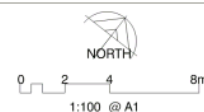
RFI	No.	Revision Description	Drawn	Checked	Date
	B	11/2019 (C) 2019	JB	DC	10/07/2019
	C	01/2020	JB	DC	01/07/2020



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PROJECT: PROPOSED MULTI-RESEIDENTIAL DEVELOPMENT
ADDRESS: 37-43 ROGERS STREET, PAKENHAM
CLIENT: K. MOHIDDEN & N. BHANDARI
ELEVATIONS
DATE: JULY 2019
DRAWN: TH
SCALE: As indicated @ A1 paper size
JOB NO: 4977
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SHEET NO: TP-25
REV: C

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MATERIAL SCHEDULE

- WHITE RENDER (R01)
- DARK GREY RENDER (R02)
- DARK GREY PAINT (P01)
- DARK BLUE RENDER (R03)
- DARK BLUE PAINT (P02)
- DARK GREY METAL ROOFING (M01)
- TIMBERLOOK (T01)
- TIMBERLOOK SLATS (T02)
- LIGHT GREY RENDER (R04)
- LIGHT GREY PAINT (P03)
- BROWN RENDER (R05)

FENCE SCHEDULE

- F01 - WOODWOOD SCREENING
- F02 - PALING FENCE
- F03 - PERFORATED METAL FENCE



LOCATION SITE PLAN
1:1000

RFI	No.	Revision Description	Drawn	Checked	Date
	1	ISSUE	JB	SC	JULY 2019

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NORTH
0 2 4 8m
1:100 @ A1

PROJECT: PROPOSED MULTI-RESDENTIAL DEVELOPMENT
ADDRESS: 37-43 ROGERS STREET, PAKENHAM
CLIENT: K. MOHIDDEN & N. BHANDARI
ELEVATIONS
DATE: JULY 2019
JOB NO: 4977
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1 PROPOSED_SHADOW_DIAGRAM_SEPT22_9AM
1:500



2 PROPOSED_SHADOW_DIAGRAM_SEPT22_10AM
1:500

RFI	No.	Revision Description	Drawn	Checked	Date
	A	FINAL RFI	JB	DC	4/10/2019
	B	TOWN PLANNING	JB	DC	MARCH 2018
	C	RFI	JB	DC	JAN 2018

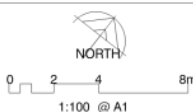
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project: PROPOSED MULTI-RESEIDENTIAL DEVELOPMENT
address: 37-43 ROGERS STREET, PAKENHAM
client: K. MOHIDDEN & N.BHANDARI
sheet title: SHADOW DIAGRAMS
date: JUL 2, 2019 job no: 4977
drawn: JB checked: DC sheet no: TP-27
scale: 1:500 @ A1 paper size: rev: C

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1 PROPOSED_SHADOW_DIAGRAM_SEPT22_11AM
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2 PROPOSED_SHADOW_DIAGRAM_SEPT22_12PM
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RFI	No.	Revision Description	Drawn	Checked	Date

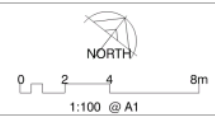
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Registered Building Practitioners DPA AD 1040



project: PROPOSED MULTI-RESDENTIAL DEVELOPMENT
address: 37-43 ROGERS STREET, PAKENHAM
client: **K. MOHIDDEN & N.BHANDARI**
sheet title: **SHADOW DIAGRAMS**
date: 23.12.2019 job no: 4977
drawn: Author checked: Checker sheet no: **TP-28**
scale: 1:500 @ A1 paper size rev:

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1 PROPOSED_SHADOW_DIAGRAM_SEPT22_2PM
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2 PROPOSED_SHADOW_DIAGRAM_SEPT22_3PM
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RFI	No.	Revision Description	Drawn	Checked	Date
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	B	TOWN PLANNING	JS	DC	MARCH 2018
	C	RFI	JS	DC	JULY 2018

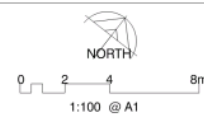
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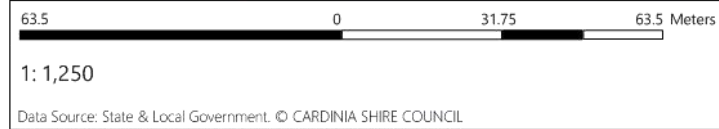
Residential
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Contract Admin
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project: PROPOSED MULTI-RESDENTIAL DEVELOPMENT
address: 37-43 ROGERS STREET, PAKENHAM
client: K. MOHIDDEN & N.BHANDARI
sheet title: SHADOW DIAGRAMS
date: JULY 2018 job no: 4977
drawn: JS checked: DC sheet no: TP-29
scale: 1:500 @ A1 paper size rev: C



T180143 PA - Locality Map



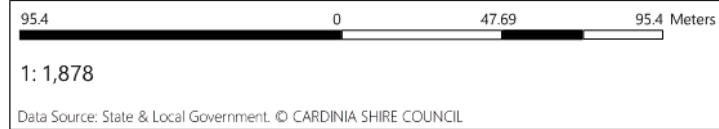
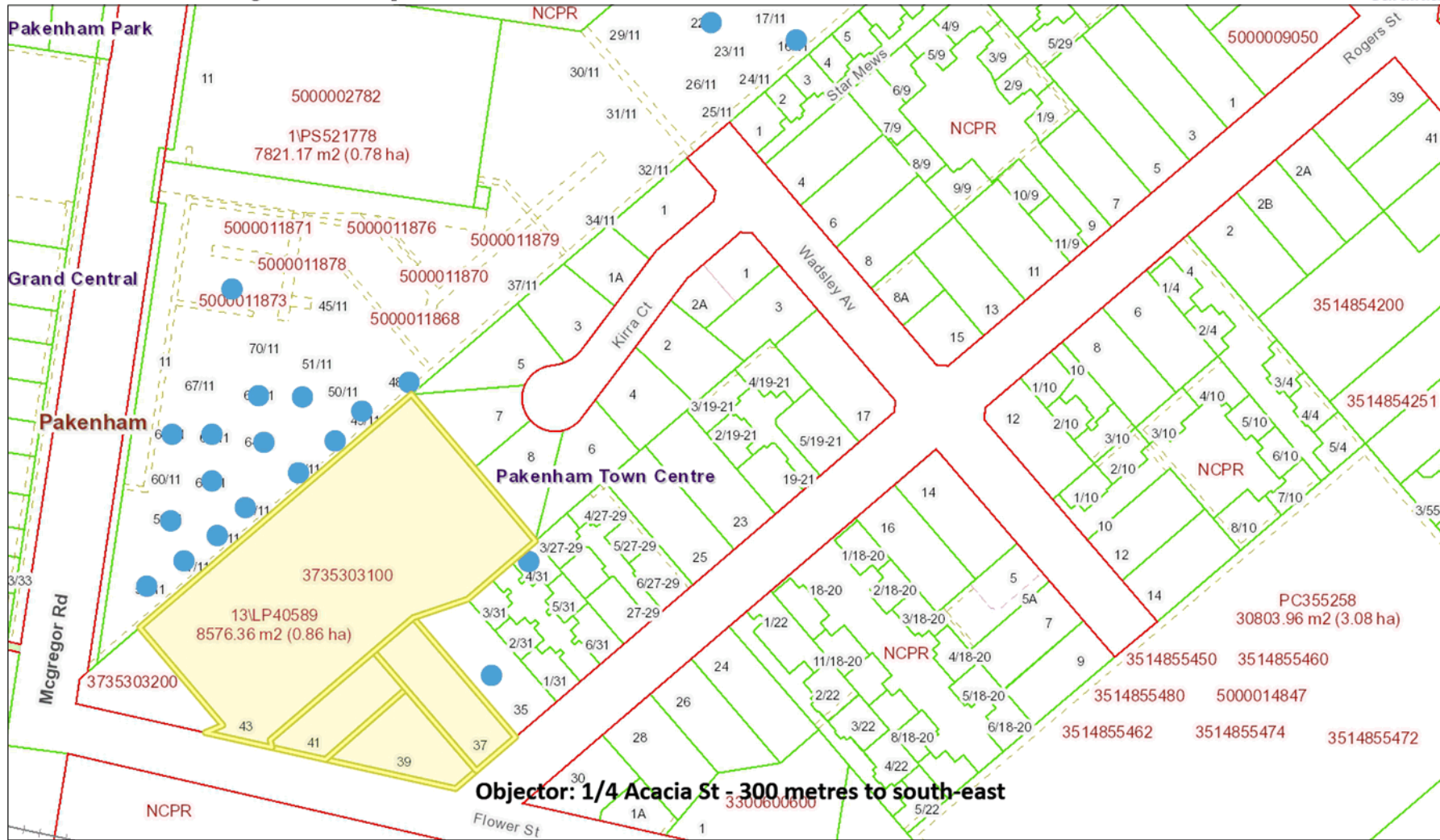
15-Nov-2018

Notes
37, 39, 41 & 43 Rogers Street, Pakenham





T180143 PA - Objector Map



9-Nov-2018

Notes
No. 1/4 Acacia St, Pakenham 300m to the south-east



Chris Kelly (President)
Bunyip Hall Committee
38 Main Street
Bunyip, 3815

20/9/18

The Planning Department
Cardinia Shire
20 Siding Ave
Officer 3809

Planning Permit T180358 23 Main St, Bunyip

To whom it may Concern

The Bunyip Hall Committee of Management has a number of concerns regarding this planning permit. The major concern is the lack of parking in Main Street, Bunyip that already exists, especially on the weekends.

Bunyip Hall is often hired on the weekends for concerts, theatre and other functions that can hold up to 200 people at a time. Parking has always been an issue with the two hotels and now a gymnasium that operates into the evening. With the planned increase in the size of the hotel at 23 Main St this will add further burden to the limited parking in Main Street. In 2017, Bunyip Hall had an estimated annual usage of 15,378 visitations by its users. In 2015 the visitations were estimated to be 11,391. This shows that the usage of the Hall is steadily increasing. There does not need to be more competition to get the limited parking that exists.

Bunyip Hall has had plans drawn up to shift our toilet block from the front side of the Hall to the back of the Hall. We included in these plans the refurbishment of the façade at the front of the Hall. These plans have been professionally costed to allow us to be able to apply for funding with relative accuracy. Our project was estimated to be \$365,000 in 2014 by Simon Wragg & Associates. The scope of works required to achieve the final outcome at 23 Main St, Bunyip will far exceed the scope of work at Bunyip Hall which would indicate that the cost estimated on the permit is understated. It is our concern that shortcuts will be taken or inferior building materials will be used, which may affect the heritage overlay of the street or the safety of the building for the local people.

Please consider our objection when you are making your decision about this planning permit.

Yours sincerely



Chris Kelly
President / Treasurer
Bunyip Hall Committee of Management

Good Afternoon,

Please note the following opposition to the new plans for the Top Pub Bunyip, I work in Bunyip Full time and think the safety of the locals will be under threat if 2 pubs with late night trading are potentially going to bring 400 plus people to a small town with minimal parking, no late night public transport and the police only being able to be at one at a time not including responding to any other incidents.

The plans the Top Pub are proposing do not suit the interests of the residents of Bunyip and their local community.

Regards,

Desirae McNamara
9 Berta Rise, Drouin, Victoria
0403 359 214
Works Full time in Bunyip

To whom it may concern,

I am writing to you in opposing the building permits for the "TOP PUB" in Bunyip. I believe the building should remain within it's heritage. This town has already seen new offices being built if the pub is allowed to change that will be the beginning of the end for this little town. In reference to little town we don't have the car parking space to accommodate all the people the Top Pub is hoping to bring to this small town. On market day alone at the supermarket there's not enough parking for locals. I can foresee the patrons parking around the streets will cause disturbances to the local residents early hours of the morning, by boisterous voices and cars starting up. This town does not another coffee shop.....ask any resident in Bunyip what would they like to seeit's always just not another coffee shop. I urge you if you haven't already take a good look at the heritage the pub has and should why it shouldn't be altered in anyway.....lose it's charm and character. I have been in Bunyip since I was 5 years old and yes we can't stop progress but we can keep it a nice historical town by not destroying what's already in place. My question to the council how are the police going to respond to any trouble on Frid/Sat nights late at night. The police station is not 24 hour manned. Public transport is a big issue as the trains don't run that often on the weekend or even stop at Bunyip. I believe if outsiders come into town asked to leave the pub and a train isn't coming for another hour that's a recipe for disaster especially if intoxicated. I believe the council really need to think this through for the preservation of our little town and see the long term affects for the community.

Mackenzie Warren
31 Bunyip Modella
Rd, Bunyip
Aged 18

Dear Planning Department,

I object to the current Planning Application at 23 Main Street BUNYIP Vic 3815 PPN: T180358 for the following reasons:

1. The proposed first floor elevation TP108 does not say what the intent for the rooms are as they have no showers as per normal accommodation in hotels. What type of accommodation is intended?
2. The signage on the outside of the building TP West Elevation TP10 is not consistent with township family values. ie The word Saloon & the picture of Daisy Duke. The Cardinia Shire Council is currently opposed to violence against women and alcoholic venues that fuel this behavior are not wanted in this town. Families that live in Bunyip do not want to see this attitude being cultivated.
3. The overall schematic Plans which suggest the wild American west are not in keeping with the existing Cardinia Shire heritage overlay of Bunyip .
4. We do not want venues open in Bunyip late at night or in the early hours of the morning ie 4.00am . These late night venues create noise, disturbance, vandalism & as we see in the media regularly tragedy from alcohol fueled violence which is not consistent to the quiet nature of the town.

--

Best Regards

Mr S Robbins
22 Hope Street
BUNYIP Vic 3815

3 CONSTRUCTION OF SIXTY TWO (62) DWELLINGS AT 39, 41 & 43 RODGERS STREET, PAKENHAM

Moved Cr M Schilling Seconded Cr C Ryan

That a Refusal to Grant Planning Permit Amendment to Planning Permit T180143 be issued for the construction of sixty-two (62) dwellings and removal of native vegetation at 37, 39, 41 & 43 Rogers Street, Pakenham VIC 3810 subject to the following:

1. The development represents an over development of the subject site with the bulk, mass and scale of the dwellings that is excessive when considered with the surrounding area.
2. The modern design details such as roof pitch and colour schedule is inconsistent with the predominant neighbourhood character of the area.
3. The proposal fail to achieve dwelling diversity Standard B3 with majority dwellings (56) consisting of two bedrooms, only six three bedroom dwellings and no single bedroom dwellings provided.
4. The proposed use will result in unreasonable off-site amenity impacts which is inconsistent with the objectives of the General Residential Zone 1
5. The proposal does not fully comply with Standard B17 side and rear setbacks resulting in unreasonable visual bulk to adjoining neighbours
6. The continuous built form of dwelling 10 to dwelling 21 results in visual bulk and is inconsistent with the neighbour character of detached unit developments.
7. The proposed dwelling layouts fails to achieve reasonable on site amenity with small ground floor living areas, over screening of windows to prevent internal views and overlooking and poor solar access to some secluded private open spaces
8. The intensification of dwellings will further contribute to the traffic congestion at the McGregor Road and Rogers Street intersection
9. Native vegetation 'Tree 23' has not been considered for removal, the tree's condition is likely to deteriorate with a fence and shed proposed within its Tree Protection Zone and should have been considered under Clause 52.17.

Cd.

4 PARTIAL DEMOLITION, BUILDINGS AND WORKS TO A BUILDING IN THE HERITAGE OVERLAY AT 23 MAIN STREET, BUNYIP

FILE REFERENCE INT1882955

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180358 be issued for Partial demolition, buildings and works to a building in a Heritage Overlay at 21c and 23 Main Street, Bunyip VIC 3815 subject to the conditions attached to this report.

Attachments

- | | | |
|---|--|----------|
| 1 | Development Plans | 13 Pages |
| 2 | Locality Map | 1 Page |
| 3 | Objections, circulated to Councillors only | 3 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180358
APPLICANT:	Mr Mina Mosaad
LAND:	21c & 23 Main Street, Bunyip VIC 3815
PROPOSAL:	Partial demolition, buildings and works to a building in a Heritage Overlay
PLANNING CONTROLS:	Commercial 1 Zone, Heritage Overlay
NOTIFICATION & OBJECTIONS:	<p>Notice of the application has been given by sending notices to the owners and occupiers of adjoining land and placing a sign on the site.</p> <p>Four (4) objections have been received to date.</p>
KEY PLANNING CONSIDERATIONS:	Impact of buildings and works on heritage significance of site.
RECOMMENDATION:	Approval

BACKGROUND:

This application concerns a proposal for partial demolition and buildings and works at the Top Pub and Bottle shop in Main Street, Bunyip. The application does not propose any changes to the existing uses such as patron numbers, hours of operation or the red-line (licenced) area. As the two businesses are existing, the use of the sites are not a consideration of this application. The hotel and bottle shop each have existing liquor licences. The consideration of the application is limited to

the impact of the works on the heritage significance of the two buildings which are covered by the Heritage Overlay.

SUBJECT SITE

The site is located on the north side of Main Street, approximately 100 metres east of the intersection of High Street in Bunyip. The subject site consists of two separate lots, one of which contains the existing bottle shop and the other contains the existing hotel known as the Top Pub. The hotel site is known as Lot 5 on Plan of Subdivision 548051. The lot is rectangular in shape with a frontage to Main Street of 21.7 metres and a depth of approximately 38 metres. The overall area of the site is 609 m². The Bottle shop lot is known as Lot 2 on Plan of Subdivision 548051. This lot has frontage to Main Street of approximately 4.7 metres and a depth of approximately 12.7 metres. The overall area of this lot is 172 m². The combined area of the two lots is approximately 670 m²

There is no crossover or vehicular access to the subject site. There is on-street car parking at the front of the site along Main Street. There are no easements on either of the lots.

The site currently contains an existing hotel known as the Top Pub. The Hotel is listed in the Schedule to the Heritage Overlay under HO46 – Bunyip Commercial and Civic Precinct. The site is incorrectly shown on the planning scheme maps as HO58 which relates to the former Flett Bros. Grocers which is located at 18 Main Street, Bunyip. The site is contained within the Cardinia Commercial Heritage Precincts Incorporated Plan. The building is a two storey verandahed hotel constructed with red brick, with a hipped corrugated iron roof. The two-storey verandah spans the entire frontage of the site and is supported by paired posts. The picket balustrade at the first floor is a recent addition. The building has also been painted dark green and cream. The rear of the two storey building contains a small dining room and storage area which is not original and was constructed after the hotel. Despite the alterations to the generally intact building, the site is considered to make a significant contribution to the heritage value of the area.

The proposal also includes works to the rear of the neighbouring bottle shop to the west of the hotel. The bottle shop is a single storey attached building which forms one of three identical buildings in a row. The shops are also heritage listed and significant to the local area.

The topography of the land slopes gently from the street frontage to the northern property boundary and beyond.

The subject site is located at the south eastern end of the Bunyip Town centre. Bunyip has a small commercial area located to the north of the V-line Railway station. The shops and businesses are located along Main and High Street and are a mix of original heritage buildings and more recent infill development. The township retains a classic small country town aesthetic despite the presences of two relatively grand old hotels, the subject site being one.

Residential development is predominately located on the northern side of the railway line and to the north of the subject site. To the south of the railway line the land is predominately used for farming and rural residential development.

PROPOSAL

The application proposes partial demolition and buildings and works to the existing hotel which is located within the Heritage Overlay. The works can be described as follows:

Demolition

Ground floor

- The rear single storey part of the building which contains the toilets, a dining room and access to the rear courtyard, will be removed
- An access way will be created into the bottle shop
- The ground floor bar and a number of other minor internal changes will also be undertaken (no permit required).
- The existing boundary fence will be removed and replaced with the same or similar.
- An additional door space will be demolished beside the existing single doorway to create a double door to match the other ground floor entry.
- Existing signage will be removed and replaced with like.

First floor

- Internal room dividing walls will be removed
- Internal bathrooms will be removed.
- Wall and door way to first floor room on the verandah will be removed.

Other Minor Works

Front elevation (South)

- The painted finish will be removed from the white façade and the building will be returned to the original red brick finish.

Ground floor

- An additional door space will be demolished beside the existing single doorway to create a double door to match the other ground floor entry.
- Existing signage will be removed and replaced with like.

First floor

- A number of the existing doorways will be bricked in to create 5 doorways in total
- The external wall and doorway of the room on the first floor verandah will be removed to provide direct access to the seating on the verandah.
- The existing balustrade will be removed and replaced.
- Existing signage will be removed and replaced with like.

Rear elevation (north)

- Three windows will be partially or completely bricked in to accommodate the ground floor additions.

Buildings and works

- The internal layout of the ground floor of the existing hotel will be changed to provide new seating areas and access to the rear addition as well as a coffee lounge.
- The rear addition will consist of a large open plan dining room with table seating and some booths along the eastern wall. There will also be a stage, change room, kitchen and toilet facilities.
- There will be a rear outdoor courtyard accessed via bi-fold doors along the rear elevation.
- Landscaping, existing and new will be provided along the northern boundary.
- The rear addition will have a pitched roof with a peak in the middle of the site with a height of 5.58 metres above natural ground level.
- The upper level of the hotel will be amended to update the accommodation and will consist of 10 rooms of varying sizes and design. The rooms on the southern side of the building will have direct access to the verandah and the rooms on the northern side of the building will access the verandah via internal passages.

Materials and finishes

- The roofing of the hotel will be red metal sheeting to match existing.

- The paint will be removed from the building and will be returned to the original red brick finish.
- Timber elements of the building will be in natural timber finish for the doors windows and floors.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15 Built Environment and Heritage
- Clause 15.03 Heritage
- Clause 17 Economic development
- Clause 17.02 Commercial
- Clause 17.04 Tourism

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- *Clause 21.01 Cardinia Shire Key Issues and Strategic Vision*
- Clause 21.02-6 Post-contact Heritage
- Clause 21.04 economic development
- Clause 21.07 Local areas

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- HO 46 – Cardinia Shire (North) Heritage Study Heritage Places – Railway Hotel, Now Top Pub.

Cardinia Shire's Liveability Plan 2017-2029

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

- Improved Social Cohesion in providing opportunities for people to come together for food, drink and entertainment in an area which is centrally located and well serviced by public transport.
- Reduce harm from tobacco, alcohol, drugs and gaming (use for any liquor licence venues, gaming venues, etc). While the venue is licenced, a large area of the hotel is dedicated to the service of food and drink. Staff of the hotel will be appropriately trained in the responsible service of alcohol and will need to comply with various regulations to ensure the safety of their patrons and the protection of the amenity of the surrounding area.
- Reduce financial vulnerability (use for any apps creating jobs etc). The continued operation and viability of the business will support local employment and opportunities.

Zone

The land is subject to the Commercial 1 Zone

Overlays

The land is subject to the following overlays:

- Heritage Overlay

PLANNING PERMIT TRIGGERS

The proposal for Partial demolition, buildings and work requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-4 of the Commercial 1 Zone a planning permit is required for buildings and works.
- Pursuant to Clause 43.01-1 of the Heritage Overlay a planning permit is required for demolition and to construct a building or construct or carry out works.

PUBLIC NOTIFICATION

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

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

Council has received 4 objections to date.

The key issues that were raised in the objections are:

- Lack of car parking in Main Street
- Cost of works not accurate on application form
- Community safety
- Impact on heritage significance of building
- Lack of detail on plans regarding showers
- Inappropriate signage
- Hours of operation and impact on amenity

After advertising the application plans were amended at the request of the applicant, in response to the comments provided by Councils Heritage Officer and the concerns raised in the objections

The buildings and works to the rear of the building and to the internal areas did not change. The front façade was amended in the following way:

- The area that is where the signage is located on the ground floor, was to be demolished to create a new window, will now be retained and the signage updated in the existing location and at the same size.
- The doorway which was proposed to be created through the demolition of one of the existing windows will no longer occur and the windows will be retained in the current configuration. The door was to provide access to a café area on the left hand side of the south elevation.
- The signage shown on the front elevation on the first floor, which included the business name, Daisy Dukes and a cartoon picture of a lady carrying two jugs of beer is no longer proposed and the hotel will retain the name ' The Top Pub'

REFERRALS

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

DISCUSSION

State and Local Planning Policy

The proposed redevelopment of the subject site is consistent with the objectives of Clause 15.03-1 'Heritage conservation which aims to conserve places of heritage significance. The proposal has adopted a number of the strategies including, encouraging appropriate development that respects the heritage place and retaining the elements which contribute to the importance of a heritage place. The proposal will also conserve and restore contributory elements of the site.

It is also considered that the proposal is consistent with Clause 17.01, 'Employment, and Clause 21.04, in that it will support employment in the area through undertaking a redevelopment of the site which will support its continued viability in the town. The hotel and bottle shop already employs a range of staff and if the business thrives in the town it could only lead to the employment of additional staff which would likely come from the local area. The proposal supports the strategies which include improving access to jobs closer to where people live and with the population of Bunyip increasing this would likely occur.

The development of the site would attract not only local patron but would also contribute to the appeal of visiting the Town and would add to the many attractions in the area. The proposal is supports the objective of Clause 17.04-1 'Facilitating Tourism'.

Cardinia Shires Key Issues and Strategic Vision, 'Clause 21.01-3', highlights the need to support and strengthen existing buildings as a key issues in relation to Economic Development as well as emphasising the need to develop a balanced local economy and local employment opportunities for residents. In this regard, the application is successful in achieving each of these desired outcomes.

Clause 21.02-6 provides an overview of the Shires post contact heritage which states the rich and diverse cultural heritage of Cardinia Shire illustrates the historic use, development and occupation of the land. This history is demonstrated by a wide range of heritage places that include buildings and structures, monuments, trees, landscapes and archaeological sites. These places give Cardinia a sense of historic continuity as well as demonstrating the economic, social and political circumstances of the time. One of the key issues in relation to heritage is protecting recognised sites and precincts of heritage significance with State, Regional and Local Significance. It is considered that the proposal has been successful in proposing a development which effectively protects the important contributory heritage fabric of the site while managing to put forward a significant extension to the floor area without compromising those values.

The proposal is consistent with the vision for Bunyip outlined at Clause 21.07-6 which states Bunyip is to be a rural township with extensive recreational opportunities, potential for substantial growth and a commercial and retail centre providing an extensive range of services to the township and nearby residents.

Commercial Zone

The purpose of the Commercial 1 Zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. It is considered that the redevelopment of the subject site will be consistent with this objective as it will enable the business to continue to provide a venue for local and visiting members of the public to gather for food and drink and entertainment. The subject site has a long history in the town and the additional space and refurbishment will reinvigorate the site and enable the business to continue to thrive.

The use of the land for the purpose of as Tavern does not require a permit under the provision of the Commercial 1 Zone, as tavern is grouped under retail premises which is a Section 1 Use. In addition to this the existing business also enjoys existing use rights as the use has been in operation for well in excess of 15 years (required for existing use rights). The application is therefore not a use application and the considerations of the application are only related to buildings and works.

An application for building and works within the Commercial 1 Zone must be assessed against the decision guidelines listed at Clause 34.01-8. These considerations, as relevant, are assessed below:

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

The proposed building and works will, not impact upon and pedestrian, cyclist or vehicular access or movements. The works are wholly contained within the subject site and will not alter any roads or footpaths.

There is currently no vehicular access to the site so any deliveries will continue to operate as has previously been the case.

- The provision of car parking.

As the proposal does not include an increase in the number of patron currently allowed under the existing liquor licence, car parking is not a consideration of the application. While no onsite car parking is provided this has always been the case. Ample car parking is provided at the front of the site along Main Street and the site is also opposite the Bunyip Railway Station for those who wish to access the site via public transport. Many of the patrons will be locals and a number of these people will access the site on foot.

There is a Section 173 Agreement on the title which required that the owner of the land contributes to a future road construction scheme for Mary Street which would potentially add car parking to the area at a time that it is required.

- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

The buildings and works at the site also trigger a permit under the heritage overlay and a more detailed assessment of the potential impact on the heritage value of the building is contained below in the heritage overlay assessment. Generally the works to the frontage of the building and verandah are minor and generally result in restoring the building to its original state. Where some demolition has been proposed it has been done so in a manner which will not impact on the value or functionality of the building.

The works to the rear of the building are far more significant in scale and will result in a significant increase in the floor area of the business. While the floor area is significant, the buildings and works will not be visible from the front of the site due to the double storey built form of the front of the building. The rear addition will also be partially obscure from the rear and side of the site as the works will take place in an area which has been excavated below natural ground level. The maximum height of the works are only 5.5 metres and an existing 1.8 metre high fence will mostly obscure the view of the additions from the surrounding public realm.

- The storage of rubbish and materials for recycling.

Specific details have not been provided on the plans as to where bins will be kept and how they will be taken outside the site for collection. A condition on the permit will require that a bin storage area is provided, to the satisfaction of the Responsible Authority.

- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

The works are entirely within the subject site. All maintenance of the hotel and associated structure will be the responsibility of the land owner.

- The availability of and connection to services.

The building is connected to all necessary services and it is considered that the proposed additions will not impact on the existing infrastructure. Council's engineers have not objected to the proposal and have provided standard conditions relating to drainage.

- The design of buildings to provide for solar access.

The proposed additions have been well designed to make the most of the northern orientation with the provisions of glazing along most of the rear ground floor elevation. Natural light entering the rear dining room will minimise the need for artificial lighting throughout most daytime hours of operation. The additions will not impact on available light to the existing parts of the building on the first floor.

Heritage Overlay

The purpose of the Heritage overlay includes the following points that are relevant to this application

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

It is considered that the proposed demolition and buildings and works are consistent with these objectives as outlined in the assessment of the relevant decision guidelines below.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

The proposed works are consistent with the relevant parts of the Municipal Planning Strategy and Planning Policy Framework as outlined above.

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.

The subject site is covered by the Heritage Overlay – schedule 58. This is unfortunately an error of the overlay mapping and the property should be listed under Schedule 46. This will be corrected as part of a future ‘fix up’ amendment at a later date. A heritage study was undertaken as part of the Cardinia Shire (North) Heritage Study by Graeme Butler and associated. While this report was undertaken in 1996, the building has generally remained the same since the assessment. The Study suggests that the building was constructed circa 1925. While it indicated that the building is altered, it is still considered to have local and regional significance. The study states that, although altered, the former Railway Hotel, built in 1924-25 for Margaret Eldridge, is locally significant as a gathering place over a long period in Bunyip. The hotel is also significant as a major element in the locally and regionally significant Bunyip commercial streetscape which emanates mainly from the 1920s and 1930s.

- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.

The proposed works are essentially in two parts, the restoration and minor alterations to the front façade and verandah and the rear additions. The two aspects are considered separately below:

Front façade and verandah

It is considered that the proposed works to the front of the building are sympathetic to the original heritage fabric of the building. The limited amount of demolition will not be obvious or change the appearance of the building in any significant way. Where windows or doorways have been removed they have been replaced by an alternative to the same style, size and materials. The new doors will support the use of the building by aligning with the internal layout, particularly of the accommodation rooms on the upper level. The change in the spacing between the doors will not compromise the appearance or heritage significance of the building. The removal of the picket balustrade is also acceptable as this is not an original element of the building. It will be replaced by a new capped timber balustrade. On the ground floor the existing single door will be replaced with a double door, the same as that which is located to its right hand side. The existing sign is to be removed and replaced with a new sign of the same size and design. The green paint over the front façade will also be removed to reveal the original red brick façade. This is supported as it will return the building to its original state.

Rear addition

The construction of the rear addition requires the demolition of the small non original add-on and storage shed. Neither of these structure are significant and their removal is supported. The new addition is also considered to be appropriate as it will not impact on the heritage significance of the original building. While the addition is quite large, it will be not visible from the front of the site where the main heritage values are observed and from the rear of the site, much of the addition will not be visible due to the existing cut at the rear of the site and the single storey nature of the building. The materials and finishes used will be consistent with the existing building and the low pitched roof will not detract from the rear elevation of the hotel. Minor changes to three of the windows on the first floor rear elevation will not be significant.

- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

The changes to the front of the building will not alter the bulk or scale of the building and do not add any new elements that are visible from the streetscape. The works will bring the building back to a more original state and will be consistent with the other hotel located nearby to the west of the subject site. The hotel has an association with the adjoining shop which is a bottle shop. There will not be any changes to the front of this building which has a consistent appearance to the two additional single story shops to the west. The proposed returning of the external facade to red brick will be more consistent with the other buildings in the streetscape.

- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

Only a very small amount of the original heritage fabric is proposed to be demolished and this mostly relates to the removal and subsequent replacement of doorways and windows. The new windows and doors will generally be in a similar location and at the same scale and using the same materials. Once replaced it will be hard to be able to recognise what had been changed.

The demolition of the rear section of the building is acceptable as the areas to be removed are not original or significant. The room to be removed is quite small and would not have served its purpose very well.

- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

The proposed works at the front of the site will make a positive contribution to the streetscape and will make an overall improvement to the heritage significance of the site by returning the red brick and removing the picket balustrade. The works to the rear will not impact on heritage value of the subject site or surrounding heritage precinct as the works will not be visible nor will they obscure views of any other heritage buildings.

- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

The signage proposed for the business will not impact of the heritage values of the subject site as the sign will replace an existing sign and will be of the same size and style. The sign is mounted on the front façade and will not protrude and block views from any vantage point.

OBJECTORS CONCERNS

Four objections were received in response to the notification of the application. The majority of the matters raised by the objectors relate to amenity and safety concerns. As this application is for buildings and works only, these concerns are not relevant planning considerations in this instance. The business has existing use rights and a liquor licence and does not proposes to increase the hours of operations, the number of patrons or the redline area. There are numerous conditions on the existing liquor licence which aim to control

amenity impacts to the surrounding area. The business also needs to comply with various State Environment Protection Policies as they relate to sound.

Concerns were also raised, albeit to a lesser extent in relation to the alterations to the building. In particular there was concern with the signage which was originally proposed which indicated that the business would be called Daisy Dukes. Additional signage included reference to a saloon and Dukes Café. In response to the objections the application was amended to minimise the amount of signage to just upgrading the existing as well as removing the caricature of a waitress from the signage. In this regard the signage is appropriate to the heritage significance of the site and surrounding area.

There was also a concern that there was a lack of details on the plans, in particular some of the accommodation rooms on the first floor do not appear to contain showers. This may not be the case as the plans potential show a shower head opposite the toilets. This is not a planning consideration and the developer of the site has determined the internal layout of the business to suit their needs. The internal works to the building do not trigger a permit and therefore this has not been considered.

One objection highlighted that the details on the application form of the cost of the works seemed to them to be too low. The applicant has signed the declaration that all the details in the application are true and correct and this has been relied upon in this instance.

CONCLUSION

The proposed partial demolition and buildings and works are consistent with the relevant provision of the State and Local Planning Policy Framework. The proposal is consistent with the planning scheme requirements and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposal is consistent with the orderly and proper planning of the area.

It is recommended that a Notice of Decision to Grant Planning Permit **T180358** be issued for **Partial demolition, buildings and works to a building in a Heritage Overlay** at 21c and 23 Main Street, Bunyip, subject to the following conditions:

CONDITIONS

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. Materials and finishes used on the existing building must match the existing materials to the satisfaction of the Responsible Authority. Where possible bricks from the demolished areas should be salvaged and reused.
4. Unless with the prior written consent of the Responsible Authority, any signage approved by this permit must be to the scale and in the same locations as existing signage. The signage must not be illuminated or electronic.
5. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.

7. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.
8. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
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. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.

Expiry:

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.

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

Notes:

A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

4 PARTIAL DEMOLITION, BUILDINGS AND WORKS TO A BUILDING IN THE HERITAGE OVERLAY AT 23 MAIN STREET, BUNYIP

Moved Cr R Brown Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T180358 be issued for Partial demolition, buildings and works to a building in a Heritage Overlay at 21c and 23 Main Street, Bunyip VIC 3815 subject to the following conditions:

CONDITIONS

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. Materials and finishes used on the existing building must match the existing materials to the satisfaction of the Responsible Authority. Where possible bricks from the demolished areas should be salvaged and reused.
4. Unless with the prior written consent of the Responsible Authority, any signage approved by this permit must be to the scale and in the same locations as existing signage. The signage must not be illuminated or electronic.
5. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
7. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.
8. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
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. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.

Cd.

5 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1883009

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.	Thu 02/11/2017	Mon 18/12/2017	Council adopted the amendment on 16/07/2018. Awaiting approval from the Minister for Planning.
C220	Cardinia Shire Council	Beaconsfield Precinct.	Implement the key objectives of the Beaconsfield Structure Plan December 2013 (expires March 2019) by applying the Design and Development Overlay (DDO) to the Princes Highway Gateway Precinct (Proposed DD05), Beaconsfield Point Precinct (Proposed DD06) and Woodland Grove Precinct (Proposed DD07).	Thu 09/11/2017	Mon 11/12/2017	Council adopted the amendment on 21/05/2018. Awaiting approval from the Minister for Planning.
C226	Cardinia Shire	Lot 5 PS32119	Repair inconsistent policy in the Urban Growth Zone	Thu 22/06/2017	Mon 24/07/2017	Council received

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
	Council	5 67 Whiteside Rd Officer, Lot 2 PS32784 5 130 Whiteside Rd Officer and Lot PP PS74606 4 325 Princes Hwy Officer	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).			advice from DELWP on 11/05/2018 stating that, based on the new fire regulations, further work is required prior to the Minister considering the amendment.
C228	Cardinia Shire Council	Pakenham Activity Centre	Apply the Activity Centre Zone (ACZ) to the Pakenham Activity Centre.			A report is going to Council on 19/11/2018 recommending that authorisation to prepare an amendment be sought 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.	Thu 04/10/2018	Wed 07/11/2018	Exhibition closed. Submissions are under assessment.
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 of the Cardinia Planning Scheme.	Thu 22/03/2018	Fri 27/04/2018	Panel Hearing to be held on 03/12/2018. The timetable, indicating the number of days the Hearing is to be held, will be issued by Planning Panels

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
						Victoria after 20/11/2018.
C234	Victorian Planning Authority and Cardinia Shire Council	Pakenham East Precinct	Incorporate the Pakenham East Precinct Structure Plan (PSP) and rezone the majority of land to Urban Growth Zone Schedule 5 (UGZ5) to facilitate the development of the land generally in accordance with the PSP, and make a number of other consequential changes to the Cardinia Planning Scheme to support the implementation of the PSP.	Thu 18/01/2018	Fri 23/02/2018	VPA adopted the amendment on 10/10/2018. Awaiting approval from the Minister for Planning.
C235	Planning Central	145 Rossiter Road, Koo Wee Rup	Planning scheme amendment application to rezone and subdivide the land as per the Koo Wee Rup Township Strategy.			A report is going to Council on 19/11/2018 recommending that authorisation to prepare an amendment be sought from the Minister for Planning.
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	Council adopted the amendment on 17/09/2018. Awaiting approval from the Minister for Planning.
C238	Cardinia Shire Council	Beaconsfield Precinct - Glismann Road and Old Princes Highway.	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.			Council adopted to seek authorisation to prepare an amendment on 19/02/2018. The request for authorisation was sent on 29/03/2018.
C242	Cardinia Shire Council	Pakenham Activity Centre	Introduce a permanent Heritage Overlay over various properties identified by the	Thu 09/08/2018	Fri 07/09/2018	A report is going to Council on

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Pakenham Heritage Review and includes updating the Heritage Overlay Schedule, adds a Reference Document and an Incorporated Document.			19/11/2018 recommending that submissions be referred to an independent planning panel to be appointed by the Minister for Planning.
C244	Cardinia Shire Council	Pakenham Activity Centre Parking Precinct	Implement the key objectives of the Pakenham Parking Precinct Plan (May 2018) by applying the Parking Overlay to the Pakenham Activity Centre.	Thu 04/10/2018	Tue 06/11/2018	Exhibition closed. Submissions are under assessment.
C245	Mesh Urban Planning & Design	Cardinia Road Employment Precinct	Under Part 20(4) change Urban Growth Zone (UGZ) Schedule and make APA a recommending referral authority to allow residential village development.			Council adopted to seek authorisation to prepare an amendment under Section 20(4) of the Planning and Environment Act 1987 on 19/03/2018.

5 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr C Ryan Seconded Cr J Springfield

That the report be noted.

Cd.

6 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT1883021

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 enforcements 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)

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 contested hearing on 21 February 2019 , 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. In September 2018 , the owner pleaded guilty to undertaking work without relevant planning and building permits. The Court adjourned the case to 21 February 2019 , 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.

<p>65 Moody Street, Koo Wee Rup (OH:JALF:18395)</p>	<p>Failed to comply with planning permit, namely failing to comply with engineering requirements prior to subdivision.</p>	<p>Magistrates' Court proceeding, alleging that the owner commenced work without approval from responsible authority (CEMP, Transport Management Plan and haulage strategy).</p> <p>On 4 October 2018, the matter was heard (with no attendance by the accused company). Charges were proven, and the company was convicted and fined \$5000.</p>
<p>765 Gembrook Rd, Pakenham Upper (OH:LK:16299)</p>	<p>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</p>	<p>Magistrates' Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit.</p> <p>The case is listed for next mention on 15 November 2018, having been previously adjourned to allow for the High Court application to be determined (see below)</p>
<p>715 Gembrook Rd, Pakenham Upper (OH:AB:14130)</p>	<p>Construction of retaining wall without building permit.</p>	<p>FOR INFORMATION ONLY – ongoing <i>planning enforcement</i> matters relating to property</p> <p>MAGISTRATES COURT CASE relating to unpermitted building work (retaining wall) –</p> <p>On 21 December 2017, the Magistrates 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. The County Court appeal has been listed for contested hearing on 10-12 April 2019.</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>555 Back Creek Rd, Gembrook OH:JALF:18416</p>	<p>Land developed contrary to Rural Conservation Zone, Environmental</p>	<p>VCAT enforcement order application, listed for Practice Hearing on 23 November 2018, and contested hearing on 18 April 2019.</p>

(cf EH:LK:16272)	Significance Overlay and Native Vegetation particular provisions, by the creation of a dam, destruction of native vegetation and the construction of a building, without a permit	
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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 C Ryan Seconded Cr J Springfield

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

Cd.

7 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT1883025

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
18/09/2018	T180327	16-20 Ayesha Rise, Pakenham VIC 3810	Subdivision of the land into four (4) lots	Withdrawn	25 May 2018
20/09/2018	T180445	5 Solid Drive, Pakenham VIC 3810	Development of the land for a dwelling and fencing	Issued	18 July 2018
24/09/2018	T180318 - PC1	4 Galway Rise, Pakenham VIC 3810	Development of the land for a dwelling	Issued	21 September 2018
24/09/2018	T180421	20 Debra Avenue, Pakenham VIC 3810	Development of the land for a dwelling	Issued	10 July 2018
25/09/2018	T180592	13 John Street, Pakenham VIC 3810	A permit to install a 1-way vision vinyl sticker on a glass window at 13 John Street Pakenham	Withdrawn	07 September 2018
3/10/2018	T170164 - PC1	1 Conrad Court, Pakenham VIC 3810	Condition 1A plans endorsed	Issued	23 August 2018
3/10/2018	T180419	9 Hennessy Street, Pakenham VIC 3810	Development of the land for residential accommodation	Issued	26 July 2018
4/10/2018	T180372	25 Montalto Drive, Pakenham VIC 3810	Development of the land for a dwelling	Issued	15 June 2018
4/10/2018	T180624	5 Gardiner Street, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	20 September 2018
5/10/2018	T170606 - PC1	36-40 Gallery Way, Pakenham VIC 3810	Construction of twelve (12) dwellings and associated works	Issued	24 August 2018
5/10/2018	T180417	2 Heath Place, Pakenham VIC 3810	Subdivision of the land into three (3) lots	Issued	09 July 2018
9/10/2018	T170278	12-14 Thwaites Road, Pakenham VIC 3810	Construction of ten (10) dwellings and associated buildings and works	NOD	19 May 2017
10/10/2018	T170307 - PC1	67 Caversham Drive, Pakenham VIC 3810	Staged buildings and works associated with a non-residential use (open sports ground).	Issued	17 September 2018
12/10/2018	T160792 - 1	70 Mulcahy Road, Pakenham VIC 3810	Amend condition 18, 19 and 21 a), further detail is outlined in our cover letter	Issued	09 April 2018
12/10/2018	T170307 - PC2	67 Caversham Drive, Pakenham VIC 3810	Staged buildings and works associated with a non-residential use (open sports ground).	Issued	17 September 2018
15/10/2018	T110500 - 3	155 Ahern Road, Pakenham Victoria 3810	Correction to Permit	Issued	11 October 2018
17/10/2018	T170280 - PC1	6 Jacqueline Place, Pakenham VIC 3810	Section 173 - Subdivision of the land into two (2) lots	Issued	14 June 2018
17/10/2018	T180521	80 Skyline Drive, Officer VIC 3809	Buildings and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	15 August 2018
17/10/2018	T180537	600 Brown Road, Officer VIC 3809	Subdivision of Land and associated works	Withdrawn	22 August 2018

18/10/2018	T180281	Shop 3/4 Pacific Promenade, Pakenham VIC 3810	Business identification signage	Issued	30 May 2018
22/10/2018	T180399	1 Priscilla Place, Pakenham VIC 3810	Three (3) lot subdivision	Issued	28 June 2018
24/10/2018	T170653 - PC1	75 Station Street, Pakenham VIC 3810	Sub-Division Permit	Issued	17 September 2018
24/10/2018	T180379	16 Snodgrass Street, Pakenham VIC 3810	Development of the land for a second dwelling	Issued	18 June 2018
25/10/2018	T180317	Village Lakeside, Shop 9/19-27 Lakeside Boulevard, Pakenham VIC 3810	Business identification Signage	Issued	23 May 2018
26/10/2018	T180472	3 Serene Court, Pakenham VIC 3810	Development of the land for a dwelling	Issued	30 July 2018
26/10/2018	T180488	31 Montalto Drive, Pakenham VIC 3810	Building and works (dwelling) within the Significant Landscape Overlay – Schedule 6	Issued	03 August 2018
29/10/2018	T180230	32 Henty Street, Pakenham VIC 3810	Development of the land for three (3) dwellings and removal of vegetation	Issued	26 April 2018
5/11/2018	T180225	22 Jennifer Court, Pakenham VIC 3810	Development of the land for three (3) dwellings and associated works	Issued	20 April 2018

Port Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
18/09/2018	T160709 - PC2	5 Corporate Terrace, Pakenham VIC 3810	Construction of two (2) warehouses and associated works	Withdrawn	31 August 2018
18/09/2018	T170658 - PC2	Southeast Boulevard, Pakenham VIC 3810	Condition 31 Subdivision of the land in stages	Issued	27 August 2018
18/09/2018	T180283	1550 Princes Highway, Nar Nar Goon VIC 3812	Access to road in road zone	Issued	11 May 2018
18/09/2018	T180524	8 Nash Road, Bunyip VIC 3815	Construction of a dwelling. Eaves extend beyond building envelope	Withdrawn	22 August 2018
19/09/2018	T180004	Petty Road, Bunyip VIC 3815	Subdivision of the land into 24 lots, creation of easements and removal of native vegetation	Issued	03 January 2018
21/09/2018	T180313 - PC1	975 Manks Road, Dalmore VIC 3981	Development of the land for an outbuilding (garage)	Issued	30 August 2018
21/09/2018	T180420	21A Tarmac Way, Pakenham VIC 3810	Development of the land for a warehouse extension	Issued	10 July 2018
24/09/2018	T180262	175 South Yannathan Road, Yannathan VIC 3981	Development of Land for a Dwelling	Issued	07 May 2018
24/09/2018	T180326	10 Sette Circuit, Pakenham VIC 3810	Development of the land for two (2) warehouses and associated works	Issued	22 May 2018
24/09/2018	T180462	140 O` Briens Road, Yannathan VIC 3981	Development of the land for an outbuilding (hay shed)	Lapsed	19 July 2018
25/09/2018	T170300 - PC2	51 Ryan Road, Pakenham VIC 3810	Subdivision of the land into two (2) lots and vegetation removal	Issued	16 July 2018
25/09/2018	T180366	17 Industrial Drive, Pakenham VIC 3810	Development of the land for a warehouse associated with Industry (pre-cast concrete manufacturing), an ancillary office, display of advertising signage and reduction in on-site car parking (89 spaces).	Issued	13 June 2018
26/09/2018	T180027	42-48 Wattletree Road, Bunyip VIC 3815	Subdivision of the land in stages, creation of an easement and the removal of native vegetation	Issued	25 January 2018
27/09/2018	T170003 - PC2	146 Nash Road, Bunyip VIC 3815	Subdivision of the land into four (4) lots	Issued	27 September 2018
27/09/2018	T180333	13-15 Carney Street, Nar Nar Goon VIC 3812	Use of the land for Materials Recycling and alteration of access to a road in a Road Zone, Category 1	Refused	28 May 2018
27/09/2018	T080162 - 4	5205 South Gippsland Highway, Lang Lang Victoria 3984	The use and development for a Rural Industry (feedmill), a reduction of car parking, advertising signage, to alter access to a Road Zone Category 1 and to remove native vegetation	Withdrawn	16 August 2018
27/09/2018	T180369	22 Cameron Way, Pakenham VIC 3810	2 lot subdivision	Issued	20 June 2018
1/10/2018	T170614	5 Shelton Park Drive, Koo Wee Rup VIC 3981	The development of eight (8) dwellings and associated works	Issued	14 September 2017
1/10/2018	T170615	6 Shelton Park Drive, Koo Wee	The development of five (5) dwellings and associated	Issued	14

		Rup VIC 3981	works		September 2017
1/10/2018	T180157	32-36 Tynong Road, Tynong VIC 3813	Realignment of boundaries between two allotments	Issued	22 March 2018
1/10/2018	T180619	1-3 Station Street, Lang Lang VIC 3984	Additions to the existing childcare centre, variation to Clause 52.06	Withdrawn	17 September 2018
2/10/2018	T180165	Walker Street, Koo Wee Rup VIC 3981	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 and earthworks.	Refused	26 April 2018
2/10/2018	T180176	McDonalds Track, Lang Lang VIC 3984	Use and development land for a dwelling, outbuilding and associated works	Issued	05 April 2018
3/10/2018	T180397	100 Gunn Road, Garfield VIC 3814	Development of the land for a agricultural building (replacement shed) and associated earthworks	Issued	26 June 2018
3/10/2018	T180579	40 Mary Street, Bunyip VIC 3815	Construct verandah outside building envelope	Withdrawn	11 September 2018
4/10/2018	T180432 - PC1	3 Chambers Road, Bunyip VIC 3815	Alterations and additions to an existing dwelling	Issued	21 September 2018
5/10/2018	T170840 - PC1	730 Murray Road, IONA VIC 3815	Re-subdivision of the land into two (2) lots (boundary realignment)	Issued	25 June 2018
10/10/2018	T180576	55 Bullen Road, Tynong North VIC 3813	Development of the land for an outbuilding (shed)	Issued	02 September 2018
11/10/2018	T130739 - PC2	1705 Gembrook-Tonimbuk Road, Tonimbuk Victoria 3815	Section 173 - Re-subdivision of two (2) existing lots (boundary re-alignment)	Refused	28 November 2017
12/10/2018	T180332	22 Industrial Drive, Pakenham VIC 3810	Construction of a warehouse and ancillary office	Issued	30 May 2018
16/10/2018	T170715 - PC1	365 Eleven Mile Road, Cora Lynn VIC 3814	Development of the land for a dwelling extension, outbuilding, and shed associated with crop raising	Issued	14 September 2018
16/10/2018	T180065 - PC1	18 Sette Circuit, Pakenham VIC 3810	Plans to comply with conditions 1 and 5 of Planning Permit T180065	Issued	02 July 2018
16/10/2018	T180349	740 Seven Mile Road, Nar Nar Goon VIC 3812	Use and development of the land for a dwelling	Refused	06 June 2018
17/10/2018	T170776 - PC1	91 Gainsborough Avenue, Lang Lang VIC 3984	Multi lot subdivision and associated works	Issued	02 July 2018
18/10/2018	T180308	38 A` Beckett Road, Bunyip VIC 3815	Development of an outbuilding outside a building envelope	Issued	22 May 2018
18/10/2018	T170605 - PC1	480 Tynong North Road, Tynong North VIC 3813	Use and development of the land for dwelling, outbuilding, and removal of vegetation	Issued	10 September 2018
18/10/2018	T180375	195 Seven Mile Road, Nar Nar Goon VIC 3812	Development of the land for a dwelling extension and an outbuilding	Issued	17 June 2018
23/10/2018	T180514	Murray Road, Iona VIC 3815	Buildings and works associated with an agricultural building (shed)	Issued	14 August 2018
23/10/2018	T180653	45 Rodeo Drive, Lang Lang VIC 3984	Construction of Dwelling and shed outside of Building Envelope.	Withdrawn	03 October 2018
24/10/2018	T041069 - PC2	Nylander Road, Bunyip Victoria 3815	Section 173 Agreement - Subdivision (163 lots) in 10 stages	Issued	22 October 2018
25/10/2018	T180448	21 Corporate Terrace, Pakenham VIC 3810	Subdivision of the land into three (3) lots and common property	Issued	30 July 2018
25/10/2018	T180556	75 Bunyip-Modella Road, Bunyip VIC 3815	Development of the land for an outbuilding (shed)	Issued	24 August 2018
25/10/2018	T180597	13 Oaktree Drive, Pakenham VIC 3810	Development of land for an outbuilding (shed)	Issued	10 September 2018
26/10/2018	T180498	165 Greenhills Road (proposed Lot 3, 8 Tarmac Way), Pakenham VIC 3810	Development of the land for three (3) warehouses and associated works	Issued	07 August 2018
29/10/2018	T180407	17 Drovers Place, Pakenham VIC 3810	Development of the land for one (1) warehouse	Issued	04 July 2018
29/10/2018	T180563	19 Corporate Terrace, Pakenham VIC 3810	Subdivision of the land into fourteen (14) lots	Issued	29 August 2018
30/10/2018	T180376	7 Tarmac Way, Pakenham VIC	Development of the land for two (2) warehouses and	Issued	13 June

		3810	ancillary offices and a reduction in car parking		2018
30/10/2018	T180422	12 Sette Circuit, Pakenham VIC 3810	Subdivision of the land into three (3) lots and common property (in accordance with approved development plan T150336)	Issued	16 July 2018
30/10/2018	T180423	14 Sette Circuit, Pakenham VIC 3810	Subdivision of the land into four (4) lots (in accordance with approved development permit T150335)	Issued	16 July 2018
31/10/2018	T160562 - PC1	90 Moore Road, Nar Nar Goon North VIC 3812	The development of the land for a replacement dwelling, outbuilding and associated earthworks	Issued	23 October 2018
2/11/2018	T160771 - PC1	94 Wattleree Road, Bunyip VIC 3815	Condition 1 + 2 endorsed	Issued	06 December 2017
5/11/2018	T170812 - PC1	180 Rossiter Road, Koo Wee Rup VIC 3981	Development of land for an outbuilding (shed)	Issued	30 August 2018
5/11/2018	T180573	6 Warren Road, Nar Nar Goon North VIC 3812	Development of the land for an addition to an outbuilding (shed)	Issued	30 August 2018
5/11/2018	T180647	145 Greenhills Road, Pakenham VIC 3810	Use of the land for Trade Supplies and development of the land for one (1) warehouse associated with Trade Supplies	Issued	01 October 2018

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
18/09/2018	T170834 - PC1	90 Brunt Road, Beaconsfield VIC 3807	Plans to Comply (con. 09 Landscape Plan)	Issued	17 August 2018
18/09/2018	T180090 - PC1	40 Aura Vale Road, Menzies Creek VIC 3159	Use and development of the land for a dwelling, vegetation removal and associated earthworks	Issued	05 September 2018
18/09/2018	T180459	6 Woodlands Avenue, Emerald VIC 3782	Dwelling extension- extending 1 bedroom and adding small parents retreat	Lapsed	21 July 2018
18/09/2018	T180581	14 Baker Street, Cockatoo VIC 3781	Development of the land for an outbuilding (shed) and associated works	Issued	31 August 2018
19/09/2018	T180191 - PC1	Officer Recreation Reserve, Princes Highway (adjacent to Officer Recreation Reserve), Officer VIC 3809	Removal of native vegetation	Issued	27 July 2018
20/09/2018	T170046 - 1	2 May Road, Beaconsfield VIC 3807	Amend permit conditions 10, 22, 23, 24, 25, 27, and 29-37.	Issued	06 July 2018
20/09/2018	T180307	47 Split Rock Road, Beaconsfield Upper VIC 3808	Buildings and works associated with accommodation (dependent person's unit).	Issued	21 May 2018
21/09/2018	T170376 - PC1	33 Officer Road, Officer VIC 3809	Use and development of the land for a place of worship and the removal of native vegetation	Issued	20 August 2018
21/09/2018	T180227	110 Old Soldier Road, Cockatoo VIC 3781	Development of the land for a building associated with accommodation (amenities building), earthworks, and native vegetation removal	Issued	16 May 2018
21/09/2018	T180267	6 Sydney Avenue, Emerald VIC 3782	Development of the land for a dwelling and associated earthworks	Issued	08 May 2018
21/09/2018	T180274	106 Woori Yallock Road, Cockatoo VIC 3781	Dwelling Additions and Alterations	Issued	11 May 2018
21/09/2018	T990549 - 1	24 Blackwood Lane, Gembrook Victoria 3783	S72 Amendment to the existing permit - Expand use of the site as a Place of Assembly (existing use) to include wedding ceremonies & photography.	Issued	16 April 2018
24/09/2018	T180503	31 Hazel Street, Cockatoo VIC 3781	Building and works associated with a dwelling extension (veranda and decking)	Issued	08 August 2018
26/09/2018	T180152	12 Florence Avenue, Emerald VIC 3782	Development of the land for a dwelling	NOD	19 March 2018
27/09/2018	T180149 - PC1	49 Burgess Avenue, Officer VIC 3809	Subdivision of land into fifteen (15) lots	Issued	13 August 2018
27/09/2018	T180149 - PC2	49 Burgess Avenue, Officer VIC 3809	Subdivision of land into fifteen (15) lots	Issued	14 August 2018
27/09/2018	T180405	42 Beaconsfield-Emerald Road, Emerald VIC 3782	Use and development of the land for a dwelling, outbuilding and associated earthworks	Issued	03 July 2018
1/10/2018	T120623 - PC1	310 Princes Highway, Officer Victoria 3809	Multi lot residential subdivision and to create and alter an access to a Road Zone Category 1	Withdrawn	19 December 2014
1/10/2018	T140500 - PC7	155 Peck Road, Officer Victoria 3809	Condition 10 - Subdivision of land, removal of native vegetation and associated works (including road-works)	Issued	31 August 2018

on land affected by the Land Subject to Inundation Overlay					
4/10/2018	T160781 - PC1	244 Woori Yallock Road, Cockatoo VIC 3781	Buildings and works associated with an extension to the exiting dwelling	Issued	05 September 2018
5/10/2018	T180082	3-7 Souter Street, Beaconsfield VIC 3807	Buildings and works associated with the existing motel and reduction in on-site car parking	Issued	14 February 2018
5/10/2018	T180259 - PC1	9 Gembrook-Launching Place Road, Gembrook VIC 3783	Development of the land for a dwelling and associated earthworks	Issued	27 September 2018
10/10/2018	T180024	Carpenter Road, Beaconsfield Upper VIC 3808	Use and development of the land for the purpose of a dwelling and outbuilding and removal of native vegetation.	Issued	12 January 2018
10/10/2018	T180115	35 Seaview Road, Cockatoo VIC 3781	Development of the land for a dwelling and outbuilding	Issued	01 March 2018
10/10/2018	T180441	60 Skyline Drive, Officer VIC 3809	Development of the land for a dwelling	Issued	17 July 2018
10/10/2018	T180489	1 Cremin Drive, Pakenham VIC 3810	Buildings and works associated with a shed extension and vegetation removal	Issued	03 August 2018
11/10/2018	T150634 - 1	115 Peck Road, Pakenham Victoria 3810	Subdivision to create super-lots and Staged residential subdivision and associated works (including road-works on land affected by the Land Subject to Inundation Overlay) and removal of native vegetation	Issued	04 September 2018
11/10/2018	T180515	15 Riverhill Road, Officer VIC 3809	Buildings and works associated with accommodation (dwelling) within the Bushfire Management Overlay	Issued	14 August 2018
12/10/2018	T170584 - 1	Bridge Road, Officer VIC 3809	Application to amend the permit (proposal, conditions and plans)	Withdrawn	30 August 2018
12/10/2018	T180275	265 Ure Road, Gembrook VIC 3783	The use and construction of a dwelling and associated earthworks	Issued	09 May 2018
15/10/2018	T160146 - PC13	Officer South Road, Officer VIC 3809	Stage 17 MCP - Subdivision of the land, associated works (including road-works within land affected by the Land Subject to Inundation Overlay) and creation of restrictions	Issued	09 July 2018
16/10/2018	T140068 - PC2	13-15 Mahon Avenue, Beaconsfield Victoria 3807	Condition 1 - Development of the land for twelve (12) dwellings	Issued	30 August 2018
16/10/2018	T180037	Linden Road, Pakenham Upper VIC 3810	Use and development of the land for a dwelling, associated earthworks and vegetation removal	NOD	22 January 2018
18/10/2018	T180312	23-25 McBride Street, Cockatoo VIC 3781	Buildings and works associated with an existing commercial building (food and drink premises)	Issued	21 May 2018
18/10/2018	T180677	4 Mackenzie Street, Cockatoo VIC 3781	*duplicate - see T180682*removal of dangerous tree	Withdrawn	18 October 2018
19/10/2018	T180161	11 Hillcrest Court, Cockatoo VIC 3781	Development of the land for an outbuilding and removal of vegetation	Issued	23 March 2018
22/10/2018	T170603	90 McMullen Road, Officer VIC 3809	Subdivision of the land including works and removal of native vegetation	Withdrawn	11 September 2017
22/10/2018	T170741	4 Mimosa Avenue, Emerald VIC 3782	Buildings and works for the construction of a dwelling and vegetation removal	Issued	13 November 2017
22/10/2018	T180341	2904 Gembrook-Launching Place Road, Gembrook VIC 3783	Development of the land for a building associated with group accommodation	Issued	03 June 2018
23/10/2018	T180536	55 Harvie Road, Pakenham Upper VIC 3810	Alteration and additions to the existing Dwelling	Issued	21 August 2018
24/10/2018	T180286	67 First Avenue, Cockatoo VIC 3781	Alterations and additions to an existing dwelling (Second storey addition, garage & deck)	Issued	15 May 2018
24/10/2018	T180487	4 Terara Street, Cockatoo VIC 3781	Development of the land for an outbuilding (shed)	Issued	06 August 2018
24/10/2018	T180637	20 Brunt Road, Beaconsfield VIC 3807	Buildings and works associated with an existing residential village	Issued	28 September 2018
25/10/2018	T140401 - 1	37 Mary Street, Officer Victoria 3809	Development of the land for seventy-two (72) dwellings (in stages).	Issued	10 July 2018
25/10/2018	T180596	29 Fielder Road, Cockatoo VIC 3781	Development of the land for an outbuilding (garage)	Issued	10 September 2018
25/10/2018	T180652	535 Beenak East Road, Gembrook VIC 3783	Development of the land for an agricultural building (hay shed)	Issued	03 October 2018

26/10/2018	T170387 - PC1	36 Grey Road, Gembrook VIC 3783	Development of the land for a dwelling extension	Issued	27 August 2018
26/10/2018	T180074	3 Memorial Avenue, Emerald VIC 3782	Variation to licenced area (Red Line)	NOD	10 February 2018
26/10/2018	T180191 - PC2	Officer Recreation Reserve, Princes Highway (adjacent to Officer Recreation Reserve), Officer VIC 3809	Removal of native vegetation	Issued	16 October 2018
26/10/2018	T180508	112 Stoney Creek Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (shed)	Issued	10 August 2018
26/10/2018	T180560	4 Le Souef Road, Gembrook VIC 3783	Development of the land for a dwelling extension and alterations	Issued	28 August 2018
26/10/2018	T180667	150 Kenilworth Avenue, Beaconsfield VIC 3807	Construction of a Pergola attached to the rear of the house	Issued	10 October 2018
26/10/2018	T180681	33 Siding Avenue, Officer VIC 3809	2 lot subdivision	Withdrawn	17 October 2018
29/10/2018	T180593	22 Sycamore Avenue, Emerald VIC 3782	Removal of pine trees	Withdrawn	11 September 2018
30/10/2018	T180189	13 Main Street, Gembrook VIC 3783	Development of two outbuildings.	Issued	09 April 2018
30/10/2018	T180359	433 Princes Highway, Officer VIC 3809	Display of promotion sign	Issued	08 June 2018
30/10/2018	T180405 - PC1	42 Beaconsfield-Emerald Road, Emerald VIC 3782	Use and development of the land for a dwelling, outbuilding and associated earthworks	Issued	01 October 2018
30/10/2018	T180525	16 Valentine Crescent, Officer VIC 3809	The proposal is for accommodation (dwelling) within the Bushfire Management Overlay	Issued	19 August 2018
31/10/2018	T180238 - PC1	67 Vernon Road, Beaconsfield VIC 3807	Construction of a dependents person's unit and removal of vegetation	Issued	20 September 2018
31/10/2018	T180356	3 Torley Road, Emerald VIC 3782	Development of land for an outbuilding (shed)	Issued	07 June 2018
1/11/2018	T130742 - PC3	365 Princes Highway, Officer Victoria 3809	Subdivision of the land and creation of a reserve	Issued	11 September 2018
1/11/2018	T180496	16 Quinn Road, Gembrook VIC 3783	Development of the land for an outbuilding (carport)	Issued	06 August 2018
2/11/2018	T180530	91 Mount Burnett Road, Mount Burnett VIC 3781	Use and development of the land for a dwelling, outbuilding and associated earthworks	Issued	17 August 2018
2/11/2018	T180606	32 McMullen Road, Officer VIC 3809	Display of Business Identification Signage	Issued	12 September 2018
2/11/2018	T180682	4 Mackenzie Street, Cockatoo VIC 3781	Removal of dangerous tree	Withdrawn	17 October 2018
7/11/2018	T170444 - PC1	105 Manestar Road, Beaconsfield Upper VIC 3808	Removal of Vegetation	Issued	10 September 2018
7/11/2018	T180441 - PC1	60 Skyline Drive, Officer VIC 3809	Development of the land for a dwelling	Issued	25 October 2018
7/11/2018	T180633	56 Ferres Road, Emerald VIC 3782	Development of the land for an Outbuilding (shed)	Issued	25 September 2018
7/11/2018	T180701	340 Beaconsfield-Emerald Road, Guys Hill VIC 3807	Demolition and replacement of existing pergola	Withdrawn	22 October 2018

7 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr C Ryan Seconded Cr J Springfield

That the report be noted.

Cd.

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

FILE REFERENCE INT1883044

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
4/3/2019	T170698	Rix Road Officer	Multi lot subdivision	Refusal	Applicant	Awaiting new hearing date
4/3/2019	T170671	Rix Road Officer	Multi lot subdivision	Refusal	Applicant	Awaiting new hearing date
27/7/2018	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	Council decision upheld – no permit issued

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

Moved Cr C Ryan Seconded Cr J Springfield

That the report be noted.

Cd.

Meeting closed at 7:56pm

Minutes Confirmed
Chairman