

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	6 Lorraine Court, Pakenham VIC 3810 L79 LP200243
The application is for a permit to:	Two lot subdivision and development of an additional dwelling.
The applicant for the permit is:	Millar Merrigan
The application reference number is:	T230635
You may look at the application and any documents that support the application at the office of the Responsible Authority:	<p>Cardinia Shire Council 20 Siding Avenue Officer 3809</p> <p>This can be done during office hours and is free of charge.</p> <p>Documents can also be viewed on Council's website: <a href="https://www.cardinia.vic.gov.au/advertisedplanningapplications">https://www.cardinia.vic.gov.au/advertisedplanningapplications</a></p>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

- An objection must
- \* be sent to the Responsible Authority in writing, at Cardinia Shire Council, PO Box 7, Pakenham, Vic, 3810 or email at [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au).
  - \* include the name and address of the objector/ submitter.
  - \* include the application number and site address.
  - \* include the reasons for the objection, and
  - \* state how the objector would be affected.

The Responsible Authority will not decide on the application before:	03 April 2024
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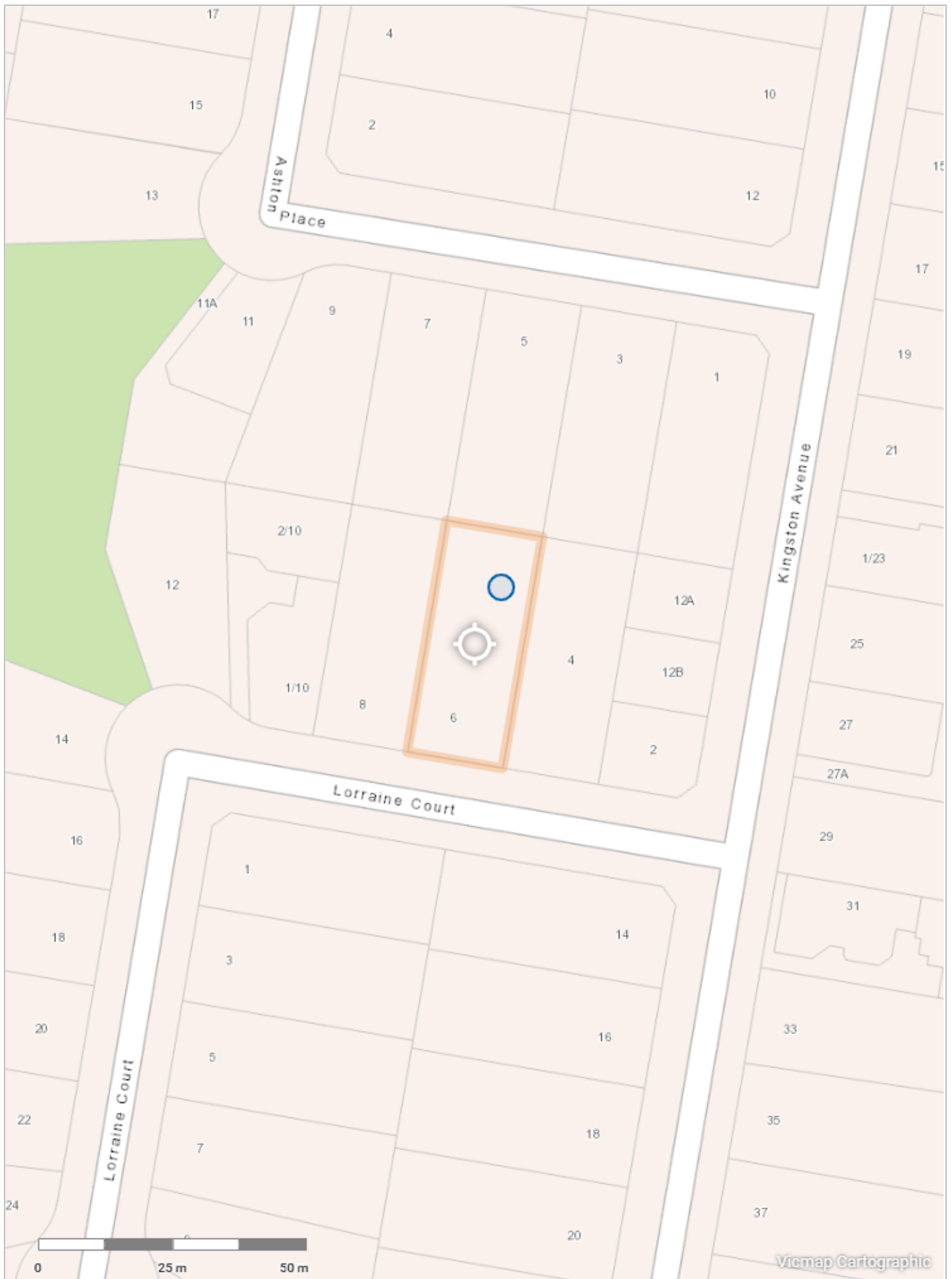
If you object, the Responsible Authority will tell you its decision.

Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

For additional information or advice contact Cardinia Shire Council, Planning Department on 1300 787 624 or [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au).

Your objection/submission and personal information is collected by Cardinia Shire Council for the purposes of the planning process as set out in the *Planning and Environment Act 1987*. If you do not provide your name and address, Council will not be able to consider your objection/submission. Your objection/submission will be available free of charge at the Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the *P&E Act*. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.

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## Application Summary

Portal Reference	A42319H0
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## Basic Information

Proposed Use	Two lot subdivision and development of an additional dwelling.
Current Use	Single dwelling
Cost of Works	\$600,000
Site Address	6 Lorraine Court Pakenham 3810

## Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	No such encumbrances are breached
<input type="checkbox"/> Note: During the application process you may be required to provide more information in relation to any encumbrances.	

## Contacts

Type	Name	Address	Contact Details
	Merrigan	GPO Box 247, Croydon VIC 3136	W: 8720-9500 E: planning@millarmerrigan.com.au
Preferred Contact	Millar Merrigan	GPO Box 247, Croydon VIC 3136	W: 8720-9500 E: planning@millarmerrigan.com.au

## Fees

Regulation	Fee Condition	Amount	Modifier	Payable
9 - Class 12	More than \$100,000 but not more than \$1,000,000	\$1,661.60	100%	\$1,661.60
9 - Class 18	To subdivide land into two lots	\$1,415.10	50%	\$707.55
Total				\$2,369.20

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**Civic Centre**  
20 Siding Avenue, Officer, Victoria  
**Council's Operations Centre (Depot)**  
Purton Road, Pakenham, Victoria

**Postal Address**  
Cardinia Shire Council  
P.O. Box 7, Pakenham VIC, 3810  
**Email:** mail@cardinia.vic.gov.au

**Monday to Friday 8.30am–5pm**  
**Phone:** 1300 787 624  
**After Hours:** 1300 787 624  
**Fax:** 03 5941 3784

### Documents Uploaded

Date	Type	Filename
19-12-2023	A Copy of Title	Title.pdf
19-12-2023	Site plans	Plans.pdf
19-12-2023	Neighbourhood and Site Description	Neighbourhood & Site Plan 30613P1_V1.pdf
19-12-2023	Landscape plans	Landscape Plan L01_V1.pdf
19-12-2023	Additional Document	Planning Report.pdf
19-12-2023	Additional Document	Cover Letter.pdf

☐ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

### Lodged By

Site User	Hayley Scott-Smith Millar Merrigan	2/126 Merrindale Drive, Croydon South VIC 3136	W: 8720-9500 E: hscott-smith@millarmerrigan.com.au
Submission Date	19 December 2023 - 11:39:AM		

### Declaration

☒ By ticking this checkbox, [REDACTED] declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.

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In reply quote: 30613/3.1 mh:ap  
Document Id:

19 December 2023

Planning Department  
Cardinia Council

Dear Planning Department,

**Re: 6 Lorraine Court, Pakenham**

Please find enclosed a planning application for two lot subdivision and development of an additional dwelling at 6 Lorraine Court, Pakenham.

Attached is the following supporting documentation:

- Planning Report;
- Copy of the Certificate of Title: Vol. 9688 Fol. 940;
- Feature & Level Survey (30613F1\_V1);
- Neighbourhood & Site Plan (30613P1\_V1);
- Site Layout Plan (30613P2\_V1);
- Upper Floor Layout Plan (30613P3\_V1);
- Building Elevations (30613P4\_V1);
- Shadow Diagrams (30613P5\_V1);
- Proposed Subdivision Plan (30613P6\_V1);
- Garden Area Plan (30613P7\_V1);
- Design Response Plan (30613P8\_V1);
- 3D Representation (30613P9\_V1);
- Landscape Plan (30163 L01\_V1)

We trust this is satisfactory and look forward to the progression of this application, if you have any queries please contact the undersigned.

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Enc.

**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 09688 FOLIO 904

Security no : 124111400560N  
Produced 19/12/2023 11:10 AM

**LAND DESCRIPTION**

Lot 79 on Plan of Subdivision 200243Y.  
PARENT TITLE Volume 09565 Folio 799  
Created by instrument LP200243Y 10/07/1986

**REGISTERED PROPRIETOR**

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AU521816Y 30/06/2021  
NATIONAL AUSTRALIA BANK LTD

COVENANT (as to whole or part of the land) in instrument N131302B 11/11/1987

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE LP200243Y FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 6 LORRAINE COURT PAKENHAM VIC 3810

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 30/06/2021

DOCUMENT END

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LP200243Y  
EDITION 2  
CHARTS 8 & 9

PLAN OF SUBDIVISION OF  
PART OF CROWN ALLOTMENTS 40 & 41  
PARISH OF NAR-NAR-GOON  
COUNTY OF MORNINGTON

16 8 0 10 20 30 40  
LENGTHS ARE IN METRES

APPROPRIATIONS

BLUE & YELLOW: DRAINAGE & SEWERAGE  
BROWN: WAY, DRAINAGE & SEWERAGE  
PURPLE & YELLOW: USE OF S.E.C.  
PURSUANT TO SECTION 103B  
OF THE S.E.C. ACT FOR POWER  
LINE PURPOSES.

NOTATIONS

LOTS 1 TO 76, INCLUSIVE, HAVE  
BEEN OMITTED FROM THIS PLAN

JOHN I. TAYLOR & ASSOCIATES (VIC) P/L  
CONSULTING LAND SURVEYORS  
464 St. Kilda Road, Melbourne  
Phone: 267 2222

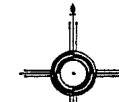
VOL. 9565 FOL. 799

APPROVED 10/7/86

COLOUR CONVERSION

BLUE = E-1  
YELLOW = E-2  
PURPLE = E-3  
BROWN = R1

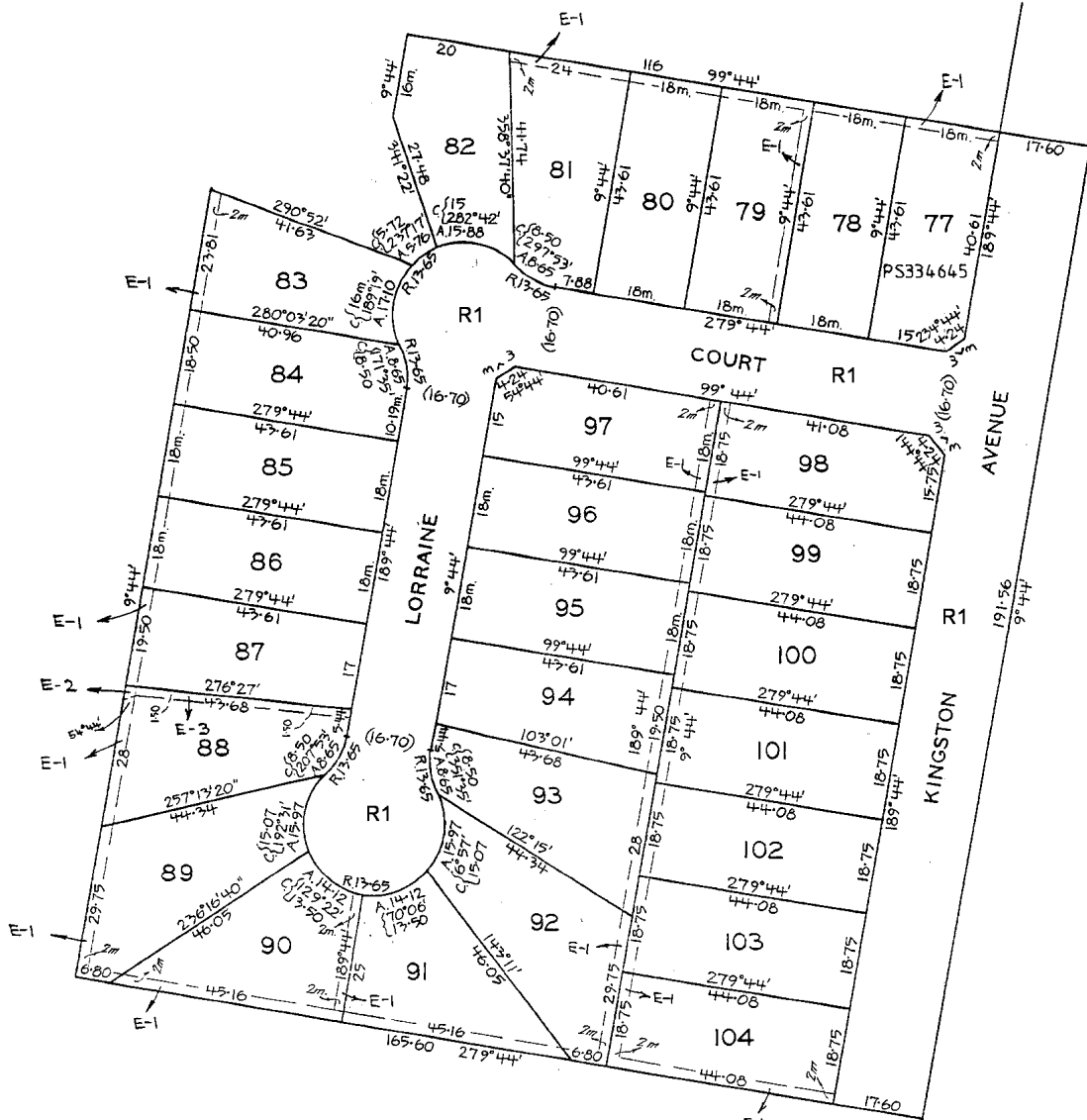
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REF. 3086/3

BARRINGTON DRIVE

279° 44'  
17° 60'  
19° 30'  
19° 44'



# MODIFICATION TABLE

## RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

LP 200243

[illegible]

SIGNATURE  
OF  
ASSISTANT  
REGISTRAR  
OF TITLES

NEW  
EDITION  
NUMBER

DATE AND TIME

DATE \_\_\_\_\_

TIME:

This copy is set out for a and agree to the seminar.

## MODIFICATION

LAND

SUBDIVISION

57979334645

2

77

N131302B

Lodged at the Titles Office by

JOHN G. FELLMAN

Code 0790P

VICTORIA

COMMONWEALTH SAVINGS BANK OF AUSTRALIA

CODE 20 \$

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement hereby created and subject to any easement hereby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included herein. (Notes 1-4)

Land Lot 79 on Plan of Subdivision No 2002434

Certificate of Title Volume 9688 Folio 904.

(Note 5)

Consideration

\$20,820.00 paid by SIMONS BUILDERS PTY. LTD. to AUSTRALIAN EQUITY CORPORATION LTD. \$68,000.00 paid by RODNEY MALCOLM SORAH and MARGARET JOYCE SORAH to SIMONS BUILDERS PTY. LTD.

(Note 6)

Transferor

AUSTRALIAN EQUITY CORPORATION LTD.

(Note 7)

STAMP DUTY VICTORIA  
4444TRANS93154 S.D.V. 44 9NOV87  
RECEIPT# 16541 11A \$VVVV1,903.53

Transferee

RODNEY MALCOLM SORAH and MARGARET JOYCE SORAH as Joint Tenants both of 1277 Stud Road, Rowville.

(Note 8)

Estate and Interest

(Note 9)

CODE 79 All its estate and interest in fee simple.

DUTY:

\$ 4,903.65

STATUS: 0

TYPE: -

Directing Party

(Note 10)

VALUE:

\$20,900

ASSESS:

SIMONS BUILDERS PTY. LTD.

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Creation (or Reservation) of Easement and/or Covenant

(Notes 11-12)

See over

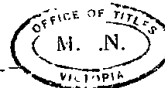


DN131302B-1-9

Office Use Only



A memorandum of the within instrument has been entered in the Register Book.



Approval No. T2/1

THE said RODNEY MALCOLM SORAH and MARGARET JOYCE SORAH with the intent that the benefit of this covenant shall be attached to and run at law and in equity with every Lot on Plan of Subdivision No. 200243Y other than the land hereby transferred and that the burden of this covenant shall be attached to and run at law and in equity with the land hereby transferred and every part thereof HEREBY for themselves and their transferees executors administrators and assignees and as a separate covenant COVENANTS with the said AUSTRALIAN EQUITY CORPORATION LTD. and other the registered proprietor or proprietors for the time being of each Lot on the said Plan of Subdivision and every part thereof other than the land hereby transferred that the said RODNEY MALCOLM SORAH and MARGARET JOYCE SORAH and their respective heirs executors administrators and transferees shall not at any time hereafter build construct or erect or cause to be built, constructed or erected on the land hereby transferred, any dwelling house other than a dwelling house having external walls of brick, stone or similar materials or glass and incorporating the use of timber provided that such timber used shall not exceed twenty-five per cent of the total external wall area, but not including normal timber fascia and timmings and further provided that ~~nothing in this covenant shall preclude a dwelling house having the inner~~ framework of its external walls constructed or timber or other materials.

*Am.*

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(Note 13)

(Note 14)



DN131302B-2-6

3-644564-06

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### NOTES

1. This form must be used for any transfer by the registered proprietor—
  - (a) of other than the whole of an estate and interest in fee simple
  - (b) by direction
  - (c) in which an easement is created or reserved
  - (d) which contains a restrictive covenant or a covenant created pursuant to statute.
2. Transfers may be lodged as an original only and must be typed or completed in ink.
3. All signatures must be in ink.
4. If there is insufficient space in any panel to accommodate the required information use an annexure sheet (Form A1) or (if there is space available) enter the information under the appropriate heading after any creation or reservation of easement or covenant. Insert only the words "See Annexure A" (or as the case may be) or "See overleaf" in the panel as appropriate.  
Multiple annexures may appear on the same annexure sheet but each must be correctly headed.  
All annexure sheets should be properly identified and signed by the parties and securely attached to the instrument.
5. Volume and folio references must be given. If the whole of the land in a title is to be transferred no other description should be used. If the transfer affects part only of the land in a title the lot and plan number or Crown description should also be given. Any necessary diagram should be endorsed hereon or on an annexure sheet (Form A1).
6. Set out the amount (in figures) or the nature of the consideration. If the transfer is by direction show the various considerations  
 e.g. \$ ..... paid by B to A  
 \$ ..... paid by C to B  
 In a transfer on sale of land subject to a mortgage it should be clearly shown whether or not the amount owing under the mortgage is included in the consideration e.g. \$ ..... which includes the amount owing under mortgage No. ....
7. Insert full name. Address is not required.
8. Insert full name and address. If two or more transferees state whether as joint tenants or tenants in common. If tenants in common specify shares.
9. Set out "All my estate and interest in the fee simple" (or other as the case may be).
10. If the transfer is by direction give the full name of any directing party and show the various considerations under the consideration heading.
11. Set out any easement being created or reserved and define the dominant and servient tenements.
12. Set out full details of any covenant and define the covenantee and the land to bear the burden and to take the benefit of the covenant.
13. The transfer must be dated.
14. If an executing party is a natural person execution should read "Signed by the transferor (transferee, directing party) in the presence of .....". The witness must be an independent person. If an executing party is a body corporate execution should conform to any prescribed formalities relating to the affixing of the common seal.

# Planning Report

6 LORRAINE COURT, PAKENHAM



Two lot subdivision and development of an additional dwelling

Reference: 30613

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Millar | Merrigan

Land Development Consultants

**Millar & Merrigan Pty Ltd**  
trading as  
Millar Merrigan  
ACN 005 541 668

**Metro:**  
2/126 Merrindale Drive,  
PO Box 247  
Croydon, 3136  
Telephone 03 8720 9500  
Facsimile 03 8720 9501

**Regional:**  
156 Commercial Road  
Morwell, 3840  
email@millarmerrigan.com.au  
www.millarmerrigan.com.au

#### Site Address:

6 Lorraine Court, Pakenham

#### Formal Land Description:

Lot 79 on PS 200243Y  
Covenant N131302B

#### Proposal:

Two lot subdivision and development of an additional dwelling

#### Responsible Authority:

Cardinia Shire Council

#### Document Status:

Version: Date	Description	Prepared by	Checked by
No 1: December 2023	Planning Application	J Hermann	xxx

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## Executive Summary

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Millar Merrigan have been engaged to lodge this planning application for a ***Two lot subdivision and development of an additional dwelling*** at ***6 Lorraine Court, Pakenham***.

The site is a standard residential allotment developed with a single dwelling. It is zoned General Residential Zone, Schedule 1 and is contained within an established residential neighbourhood that is proximate to local facilities and services. The proposal of an additional dwelling, which is designed to respect the neighbourhood character and provides a diversity of housing types and housing growth is an appropriate form of infill development.

The Development Contributions Plan Overlay, Schedule 1 applies to the site and summarises the contributions and levies applicable to the site which will form part of a permit condition.

The proposal has been designed to meet the objectives and standards of Clause 55: Two or more dwellings in a lot and Clause 56: Subdivision.

The titled is governed by Covenant N131302B which restricts the external walls of dwelling houses to brick and glass or similar materials and allows timber that does not exceed 25% of the total external wall area not inclusive or trims, fascia. The proposal accords with the requirements of the covenant.

Pre-application advice was received by the applicant on the 11<sup>th</sup> of October 2023 from Tim Heffernan of Cardinia Shire Council, who provided detailed advice regarding the application. The proposal has considered this advice and been adjusted accordingly, where considered appropriate.

This report seeks to demonstrate how the subdivision and development is appropriate in terms of achieving State and Local planning objectives.

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## 1 Site & Neighbourhood Analysis

### 1.1 Site Description

The following components provide a description of the existing site conditions:

<b>Size, shape, orientation and easements</b>	<ul style="list-style-type: none"><li>• Total size is 785m<sup>2</sup></li><li>• Modified rectangular in shape</li><li>• Located on the north side of Lorraine Court</li><li>• South (street front) – 18 metres</li><li>• North (rear) – 18 metres</li><li>• East – 43.16 metres</li><li>• West – 43.16 metres</li><li>• A 2m wide drainage and sewerage easement along the rear and eastern boundaries</li></ul>
<b>Existing development and fencing</b>	<ul style="list-style-type: none"><li>• Single dwelling, sunroom, carport and two outbuildings</li><li>• Paling fencing of 2 metres in height bounds the side and rear and drop down to 0.9 metres near the front boundary</li><li>• The front boundary is not fenced, but features a low retaining wall</li></ul>
<b>Access and car parking</b>	<ul style="list-style-type: none"><li>• Single concrete crossover along the south boundary off Lorraine Court</li><li>• The carport is attached to the north-east of the dwelling</li></ul>
<b>Topography and earthworks</b>	<ul style="list-style-type: none"><li>• The site falls 1.08 metres from the north-west corner to the south-east corner</li><li>• No known cut or fill present</li></ul>
<b>Vegetation</b>	<ul style="list-style-type: none"><li>• 7 trees exist within the rear yard</li><li>• Two street trees are present along Lorraine Court</li></ul>
<b>Views, noise and services</b>	<ul style="list-style-type: none"><li>• No significant views into or from the site</li><li>• No noticeable noise is apparent</li><li>• All services are available to the site</li></ul>



Figure 1: Aerial view of the subject site



## 1.2 Site Photographs



Photograph 1: Looking towards the site from Lorraine Court



Photograph 2: Looking towards the site from Lorraine Court



Photograph 3: Looking towards the garage and entry





*Photograph 4: Looking north-east across the rear yard*



*Photograph 5: Looking south-west across the rear yard*

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### 1.3 Neighbourhood Description

The following components contribute to the character of the neighbourhood:

- |   |  |
|---|--|
| <b>Land use and development pattern</b>     | <ul style="list-style-type: none"> <li>• Land is zoned for residential purposes</li> <li>• Varied subdivision pattern, original and subdivided lots</li> </ul>   |
| <b>Built form</b>                           | <ul style="list-style-type: none"> <li>• Dwellings date from the late 1980's</li> <li>• Newer infill dwellings present from 2000's onwards</li> <li>• Materials consist predominantly of brick with some render and weatherboard detailing</li> <li>• Roof styles are pitch in tiles and occasionally Colorbond</li> </ul>   |
| <b>Access and car parking</b>               | <ul style="list-style-type: none"> <li>• Lots are generally provided with one crossover whether this be a double or single</li> <li>• Carports and garages are located in rear yards, to the sides of dwellings or integrated under rooflines</li> </ul>   |
| <b>Street and Landscape characteristics</b> | <ul style="list-style-type: none"> <li>• Front fencing is mostly absent and sometimes low transparent in style, except when provided around open space areas</li> <li>• Gardens are generally informal, with many just laid to lawn</li> <li>• There is a low level of canopy coverage, except along street reserves</li> </ul>  |
| <b>Topography and street layout</b>         | <ul style="list-style-type: none"> <li>• Topography across the neighbourhood is mostly flat</li> <li>• Street layout is grided curvilinear in style with many cul-de-sacs present</li> <li>• Roads are bitumen and feature concrete kerb and channel</li> <li>• Footpaths are present on both sides of Kingston Avenue and only on the northern side of Lorraine Court</li> </ul>  |
| <b>Locality to existing infrastructure</b>  | <ul style="list-style-type: none"> <li>• <i>Plan Melbourne (2017-2050)</i> is a strategic document that aims to guide the growth of metropolitan Melbourne. A key direction is to create a '20-minute neighbourhood', where housing, educational facilities, shops, public transport, recreational reserves and employment opportunities are concentrated around nominated activity centres</li> <li>• The site is well located 1.5 kilometres from the Pakenham Activity Centre and will be able to make more efficient use of existing infrastructure</li> </ul> |

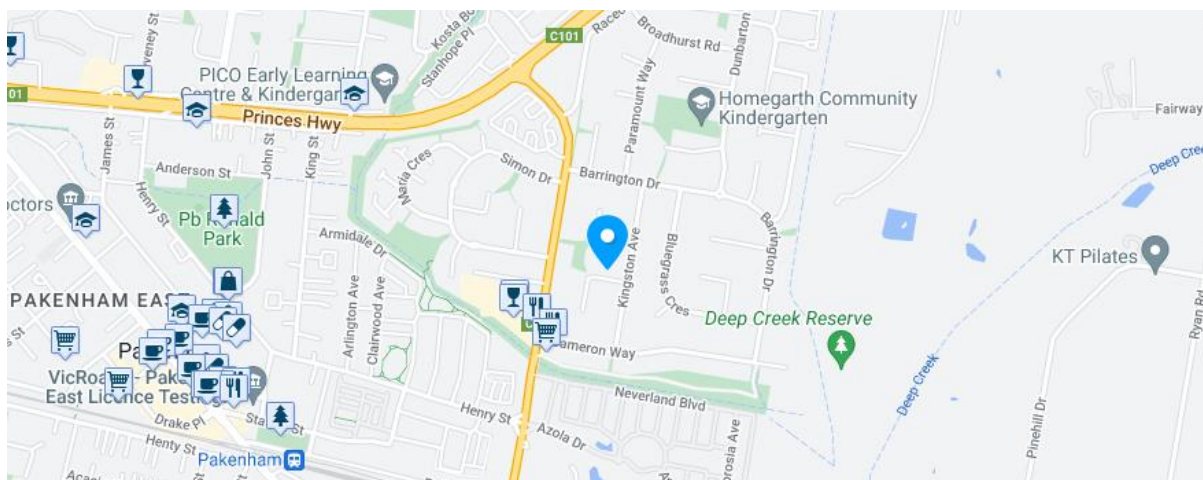


Figure 2: Map of surrounding facilities and services.



## 1.4 Neighbourhood Photographs



Photograph 6: Looking opposite the site across Lorraine Court



Photograph 7: Looking towards 25, 27, 27a and 29 Kingston Avenue



Photograph 8: Looking towards 43, 45 and 47 Kingston Avenue



Photograph 9: Looking towards 5, 7a and 7b Kingston Avenue



Photograph 10: Looking towards 11 and 11a Ashton Place

## 2 Proposal

Given the particular site conditions, the existing building on site, the surrounding neighbourhood character and the applicable planning controls, it was considered appropriate to subdivide the land into two lots, retain the existing dwelling and construct a new dwelling to the rear of the existing dwelling.

The following should be read in conjunction with the accompanying suite of plans.

### 2.1 Development / Subdivision Layout

#### 2.1.1 Site Layout & Lot Sizes

Proposed **Lot 1** contains the existing single story 3-bedroom dwelling and comprises of 430m<sup>2</sup>. Other features include:

- A front porch and entry.
- A combined open plan kitchen, living and dining area.
- An enclosed verandah/sunroom.
- A powder room, bathroom, vanity, and laundry.
- Three bedrooms.
- An outdoor area accessed from the sunroom.

Proposed **Lot 2** offers a new double storey 3-bedroom dwelling and comprises 355m<sup>2</sup>. The features of the proposed dwelling include:

- A front porch and entry.
- A combined open plan kitchen, living and dining area.
- A powder room and laundry.
- The second floor provides a master bedroom with ensuite and walk in robe.
- Two additional bedrooms and bathroom.
- A large rear yard.

#### 2.1.2 Building Materials & Colours

- The proposed dwelling is to be constructed of brick with a portion of the first floor finished in weatherboards with a Colorbond roof.
- The proposed dwelling utilises a grey colour scheme of neutral tones.

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### 2.1.3 Access Arrangement & Car Parking

- A shared double crossover will provide access to dwelling 1 from the western side of the crossover via a driveway located along the internal boundary.
- A shared double crossover will provide access to dwelling 2 from the eastern side of the crossover via a driveway located along the eastern boundary.
- Each of the driveways are a minimum of 3 metres wide.
- The driveway for Lot 2 provides a turnaround area to allow cars to leave the site in a forward direction.
- The existing dwelling is provided with a single carport and tandem car space.
- The proposed dwelling is provided with a single garage and tandem car space.

### 2.1.4 Vegetation Removal/Retention & Landscape Design

The subject site and surrounding area is not covered by any overlays that protect vegetation and as such an arborists report was considered unnecessary. The following can be concluded:

- The trees on site are not considered worthy of retention and thus are proposed to be removed to provide much needed housing.
- A total of seven trees are proposed for removal to facilitate the proposed development, along with an existing street tree.
- A small 3 metre high *Callistemon viminalis* 'Kings Park Special' is proposed to be removed to make way for the proposed double crossover. The Callistemon is currently suppressed by the large 8 metre high *Eucalyptus nicholii* which is also located within the street reserve and overshadows the tree and restricts its canopy from growing larger. Given this the Callistemon has fair condition, fair structure, poor form, and a poor amenity value.
- As such the tree is considered appropriate for removal, it is noted that Council consent is required to remove trees from a road reserve.
- A total of 7 new canopy trees are to be introduced to the site, including 3 in the front setback to Lorraine Court to improve views into the site from the street and filter views of the built form.
- Landscaping alongside each of the driveways to soften the appearance of the hardscaped areas.
- The proposed understorey will add visual interest and colour to the site through the seasons.

### 2.1.5 Infrastructure Servicing

- All reticulated services are available within the abutting road reserve.
- Council have advised that the drainage discharge point for the site is within the road reserve to Lorraine Court.

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### 3 Planning Assessment

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

#### Zoning

Clause 32.08 General Residential Zone – Schedule 1

#### Overlays

Clause 45.06 Development Contributions Plan Overlay – Schedule 1

#### Planning Policy Framework

##### PPF

Clause 11 Settlement  
 Clause 11.01 Victoria  
 Clause 11.01-1S Settlement  
 Clause 11.01-1R Settlement – Metropolitan Melbourne

Clause 15 Built Environment and Heritage  
 Clause 15.01 Built Environment  
 Clause 15.01-2S Building Design  
 Clause 15.01-3S Subdivision Design  
 Clause 15.01-5S Neighbourhood Character

Clause 16 Housing  
 Clause 16.01 Residential Development  
 Clause 16.01-1S Housing Supply  
 Clause 16.01-1R Housing Supply – Metropolitan Melbourne  
 Clause 16.01-2S Housing Affordability

##### LPPF

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

#### Particular Planning Provisions

Clause 52.06 Car Parking  
 Clause 55 Two or more Dwellings on a Lot and Residential Buildings  
 Clause 56 Residential Subdivision  
 Clause 65 Decision Guidelines

### 3.1 Permit Triggers

The following table outlines the permit triggers that apply to the proposal:

Planning control	Permit trigger
Clause 32.08 – GRZ1	<ul style="list-style-type: none"> <li>To subdivide Land</li> <li>To construct a dwelling if there is at least one dwelling existing on the lot</li> </ul>

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### 3.2 Zoning

#### General Residential Zone, Schedule 1 (Clause 32.08)

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Pursuant to Clause 32.08-3 a permit is required for subdivision. An application to subdivide land must meet the requirements of Clause 56.

Pursuant to Clause 32.08-4 an application to construct or extend a dwelling, small second dwelling or residential building must provide a minimum garden area of 35% for sites above 650m<sup>2</sup>.

Pursuant to Clause 32.08-7 a permit is required to construct a dwelling if there is at least one dwelling existing on the lot. A development must meet the requirements of Clause 55.

Pursuant to Clause 32.08-11 a building must not be constructed for use as a dwelling or residential building that: exceeds the maximum building height specified in a schedule to this Zone or 11 metres, or more than 2 storeys at any point.

#### **Response – GRZ1:**

- The proposal is designed to accord with the intent and requirements of the General Residential Zone. It provides for more affordable housing opportunities on smaller allotments, in a well serviced area.
- The proposed density is considered appropriate and in keeping with the housing density emerging in the immediate area.
- The proposed setbacks, and low scale built form, of the dwellings respond appropriately to the surrounding neighbourhood character.
- The proposal achieves a 'garden area' of 40% which exceeds the minimum requirement for a site of this size.
- A permit is triggered under the Zone to both subdivide land and construct a dwelling if there is at least one dwelling existing on the lot.
- An assessment against the objectives of Clause 55 – Two or more dwellings on a lot and Clause 56 – Residential Subdivision is provided further below.
- The maximum building height proposed is 7.35 metres which is well below the 11 metre limit.

### 3.3 Overlays

The following overlay is applicable:

#### Development Contributions Plan Overlay (Clause 45.06)

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Pursuant to Clause 45.06-1 a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- *Be consistent with the provisions of the relevant development contributions plan.*
- *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.*

Schedule 1 applies and details the development contributions that apply to all land identified on the map to the Pakenham Township Development Contributions Plan, September 1997.

**Response – DCPO1:**

- **A development contributions plan has been incorporated into this scheme as per schedule 1 to the clause, thus a permit to subdivide land, construct a building or construct or carry out works may be granted.**
- **The clause sets out the amount payable and it is acknowledged this amount payable will be incorporated as a condition of permit.**

### **3.4 Planning Policy Framework**

The Planning Policy Framework is structured around the following themes; those relevant to this application are discussed below:

#### **3.4.1 Settlement (Clause 11)**

##### Settlement (Clause 11.01-1S)

##### **Objective**

*To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

##### Settlement – Metropolitan Melbourne (Clause 11.01-1R)

#### **3.4.2 Cardinia Shire Key Issues and Strategic Vision (Clause 21.01)**

##### Key Issues (Clause 21.01-3)

##### **Settlement and Housing**

- *The management of urban growth including urban pressures on the rural hinterland and the Western Port Green Wedge.*
- *The sustainable development of the Urban Established Areas, Urban Growth Area, and rural townships.*
- *The integration of health into planning communities to allow people to choose to be active in an environment that is convenient, safe and pleasant.*

##### **Particular Use and Development**

- *Encouraging an attractive, functional and sustainable built form in existing and future development.*
- *The integration of community safety with new and existing use and development.*

**Response – Settlement:**

- **The proposal is appropriate in terms of location, given it is within an existing urban area, is zoned for residential purposes and is within the Metropolitan Melbourne urban growth boundary.**

- It responds to site and neighbourhood conditions by increasing density and will aid in provision of more affordable housing opportunities within proximity to local facilities and services within the Pakenham Major Activity Centre
- It promotes good design and a high level of amenity, which helps to enhance the individual character within the Pakenham area, making it an attractive addition to the neighbourhood.

### 3.4.3 Built Environment & Heritage (Clause 15)

#### Building Design (Clause 15.01-2S)

##### **Objective**

*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

#### Subdivision Design (Clause 15.01-3S)

##### **Objective**

*To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

#### Neighbourhood Character (Clause 15.01-5S)

##### **Objective**

*To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

#### **Response – Built Environment and Heritage:**

- The proposal has been designed to ensure an appropriate outcome in terms of built form. It responds to the identified opportunities and constraints of the land and respects the character of the neighbourhood.
- The proposed dwelling is to be mostly constructed of brick in accordance with the covenant on title and is to have a pitched roof with eaves consistent to that of the surrounding built form of dwellings.
- The proposed development has been designed to maximise energy efficiency, using eaves on the upper level.
- The development will be finished in materials and colours like those in the surrounding neighbourhood with neutral tones and a modern style.
- The proposed dwelling is low in scale, provides good articulation, is well positioned, and maintains appropriate setbacks to all boundaries. The low scale nature is consistent with the surrounding area and respects the amenity of adjoining properties.
- The proposed double storey dwellings upper level has been designed to be generally in line with that of the existing dwelling to provide a graduation in scale.
- The proposal of a dwelling to the rear is consistent with other emerging subdivision patterns in the surrounding neighbourhood, whilst the location of the proposed carport to the side of the existing dwelling ensures car parking structures will not dominate the street view and is similar to that of direct neighbouring dwellings.
- Whilst the area within the front garden for available landscaping will be slightly reduced, this is no different than most of the subdivisions approved along Kingston Avenue and that at 11 Ashton Place, furthermore a landscape plan accompanies the application, that includes a full landscape design within the front yard which includes, canopy trees, shrubs, tufting grasses and ground covers,



which is generally well in excess of any landscaping currently provided along this section of Lorraine Court.

- The proposed double crossover facilitates private access to each of the proposed lots and is consistent with other crossover seen in the immediate area such as directly across the road at 1 Lorraine Court and 14 Kingston Avenue, as well as the entire Kingston Avenue streetscape which is dominated by double crossovers. No front fencing is proposed consistent with that of the surrounding neighbourhood.

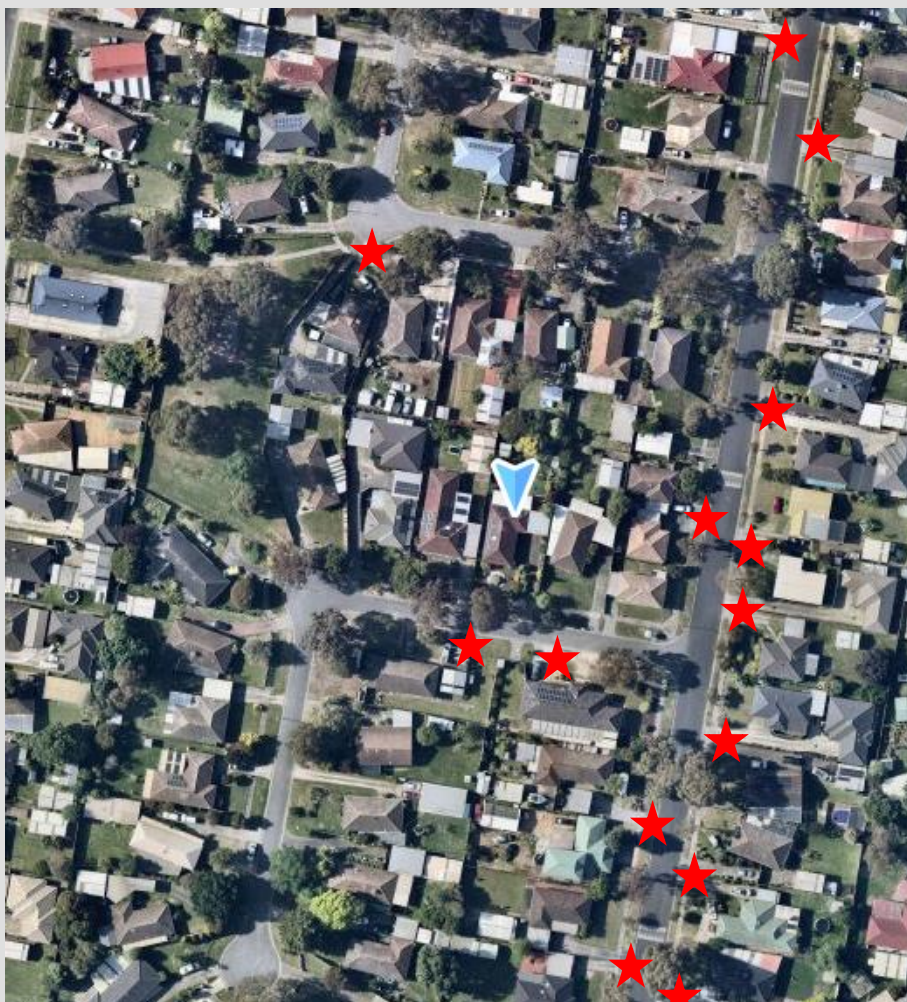


Figure 3: Double crossovers within proximity to the site.

### 3.4.4 Housing (Clause 16)

#### Housing Supply (Clause 16.01-1S)

##### **Objective**

*To facilitate well-located, integrated and diverse housing that meets community needs.*

#### Housing Supply – Metropolitan Melbourne (Clause 16.01-1R)

#### Housing Affordability (Clause 16.01-2S)

##### **Objective**

*To deliver more affordable housing closer to jobs, transport and services.*

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### 3.4.5 Settlement and Housing (Clause 21.03)

#### Housing (Clause 21.03-1)

##### Key Issues

- *Providing for a diversity of housing types and densities, including increased housing density around activity centres.*
- *Recognising the need for affordability and availability of housing choice for different income levels in both the rental and purchaser markets.*
- *Recognising the demand for specialist design housing including housing for the aged, people with a disability or mobility issues.*
- *Providing opportunity for development of 'Affordable Housing'.*

##### Objective 1

- *To encourage a diversity in housing to meet the needs of existing and future residents.*

##### Objective 2

- *To encourage the provision of housing to cater for groups within the community with specific housing requirements.*

#### Urban Established Area – Beaconsfield and Pakenham (Clause 21.03-2)

##### Key Issues

*Key principles for development include:*

- *To ensure greater diversity of housing types and size.*
- *To increase 'Affordable Housing' for very low, low and moderate income households.*
- *To ensure that urban areas are well serviced by utility infrastructure.*
- *To achieve good urban design outcomes with a strong urban character.*

##### Objective

To create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Established Area.

##### **Response – Housing:**

- The proposal has been designed to provide an appropriate response to the objectives for housing location, density, and diversity.
- It is noted that the site is identified as an 'general residential area' which supports infill residential growth that respects the neighbourhood character. This proposal seeks to provide an additional housing in a low scale, respectful manner.
- The proposed density of 1:392.5m<sup>2</sup> is consistent with the emerging neighbourhood character. It allows a minor intensification of an under-utilised site through development of an additional dwelling, whilst respecting the character of the area.
- The proposal of an additional house helps, provide additional housing to help housing affordability and provides a family home for a growing diverse population in a growth area.
- The subject site is close to existing services and infrastructure that can be utilised by future residents. Pakenham Major Activity Centre is 1.5 kilometres to the south-west and offers a selection of shops, services, schools and recreation ensuring that the proposed development is appropriately located.

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### 3.5 Particular Provisions

#### 3.5.1 Car Parking (Clause 52.06)

This Clause seeks:

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

Pursuant to Clause 52.06-5, a dwelling with three or more bedrooms is to be provided with 2 car spaces whilst a dwelling with up to two bedrooms is to be provided with a single car space.

This Clause also outlines design standards which cover accessways, car parking spaces, gradients, urban design, safety and landscaping.

#### Response – Car Parking:

- Each of the dwellings contains three, as such the existing dwelling is provided within a single carport and a tandem car space whilst the proposed dwelling is provided with a single garage and tandem car space.
- The car parking facilities for the proposed dwelling are located to the rear of the site to lessen the impact of parking facilities on the view from the street and similarly the proposed carport has been located behind the dwelling façade of the existing dwelling matching that of other dwellings in the surrounding area.
- An appropriately dimensioned turning space has been provided for vehicles from the proposed dwelling to allow them to exit the site onto Lorraine Court in a forward manner.
- Ample space is provided for landscaping within the front setback and alongside the driveways, to ensure an attractive development and to soften the appearance of hardscaped surfaces.
- The car parking spaces provide appropriate width, length and headroom.
- The proposed accessways are a minimum 3 metres wide and provide a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the Lorraine Court frontage.

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### 3.5.2 Two or more dwellings on a lot & Residential buildings (Clause 55)

Alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of *Clause 55: Two or More Dwellings on a Lot and Residential Buildings* relevant to this application are:

- *To achieve residential development that respects the existing neighbourhood character, or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Pursuant to this Clause, an application to subdivide land:

- must meet all of the objectives included in the Clauses specified in the zone and
- should meet all of the standards included in the Clauses specified in the zone.

Clause 55 – TWO OR MORE DWELLINGS ON A LOT & RESIDENTIAL BUILDINGS	
<b>STANDARD B1: Neighbourhood character</b>	
<ul style="list-style-type: none"> <li>The development responds to the site and neighbourhood characteristics and the preferred neighbourhood character.</li> <li>The proposal provides an increase in density, which is consistent with the redeveloping nature of the neighbourhood.</li> <li>The proposal will see an improvement in terms of neighbourhood character with the introduction of seven new canopy trees and multiple shrubs within the front setback.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B2: Residential policy</b>	
<ul style="list-style-type: none"> <li>This development is consistent with the intent of the General Residential Zone and Planning Policy Framework, as previously stated above.</li> <li>This Planning Report provides a detailed assessment against all relevant planning policies as required.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B4: Infrastructure</b>	
<ul style="list-style-type: none"> <li>All services are currently available to the subject site have the capacity to cater for the new dwelling and results in more efficient use of this infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B5: Integration with the street</b>	
<ul style="list-style-type: none"> <li>Pedestrian and vehicular links are available to each dwelling from the street.</li> <li>The existing dwelling is to be retained and will continue to front Lorraine Court, maintaining the existing street interface, the new dwelling has been designed to front the internal accessway.</li> <li>No high fencing in front of the dwellings is proposed.</li> <li>Three new canopy trees within the front setback, the retention of the large street tree and neighbouring trees beside the driveway will ensure the ongoing leafy character of the neighbourhood.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>



<b>STANDARD B6: Street setback</b>	
<ul style="list-style-type: none"> <li>The existing dwelling is to be retained and as such the front setback will remain unchanged. The proposed carport is located behind the existing façade.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B7: Building height</b>	
<ul style="list-style-type: none"> <li>The maximum height proposed is 7.35 metres, which is below the 11 metre requirements of the GRZ.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B8: Site coverage</b>	
<ul style="list-style-type: none"> <li>The proposed site coverage is 36% which is under the 60% allowed under the zone. The site coverage is consistent with the redeveloping nature of the neighbourhood.</li> <li>The proposed allows for sufficient space for extensive new landscaping to take place and appropriate use of an underutilised site in a well serviced area.</li> <li>The generous setbacks and articulation provided by the double storey dwelling, means the amenity of the adjoining properties, or the neighbourhood character are not impacted upon while still providing a large rear garden for future residents to enjoy.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B9: Permeability</b>	
<ul style="list-style-type: none"> <li>The proposed permeable area is 42% which allows for appropriate infiltration of stormwater runoff.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B10: Energy efficiency</b>	
<ul style="list-style-type: none"> <li>The new dwelling is designed and sited to make most efficient use of energy efficiency.</li> <li>Large north facing windows have been included where possible to maximise solar access into the main living areas and bedrooms.</li> <li>No existing rooftop solar systems will be impacted by the proposal, with no proposed overshadowing affecting the rooftop area of 8 Lorraine Court.</li> <li>Dwellings will not impact the energy efficiency of existing dwellings on adjoining lots.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B11: Open space</b>	
<ul style="list-style-type: none"> <li>This site does not abut any public open space.</li> </ul>	✓ N/A
<b>STANDARD B12: Safety</b>	
<ul style="list-style-type: none"> <li>The existing dwelling will continue to front Lorraine Court and maintains surveillance over the public domain. The proposed dwelling will provide passive surveillance over the internal driveway.</li> <li>Plantings alongside the accessways and streets will not create unsafe spaces.</li> <li>The porch and entrance to both dwellings are visible and identifiable from the street and driveway.</li> <li>All yards are to be securely fenced to prevent public access.</li> </ul>	✓ Standard ✓ Objective

<ul style="list-style-type: none"> <li>Lighting along accessways and around car parking areas can be provided if considered necessary.</li> </ul>	
<b>STANDARD B13: Landscaping</b>	
<ul style="list-style-type: none"> <li>There are 7 trees proposed to be removed to facilitate the proposed development of much needed additional housing, none of which are considered a material constraint to development.</li> <li>The proposal includes the planting of 7 canopy trees, extensive shrubs, and strappy leaf plants to soften the look of built form and enhance the environmental qualities of the site.</li> <li>All neighbouring trees are located a sufficient distance away from the proposed development and are relatively small and this will not be impacted by proposed development works and as such will continue to add to the leafy backdrop of the area.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B14: Access</b>	
<ul style="list-style-type: none"> <li>A proposed 6 metre wide crossover is proposed to provide access to both the existing and proposed dwellings.</li> <li>The proposed crossover is 6 metres wide on a frontage of 18 metres accounting for 33% of the site frontage, as such this is in accordance with the standard that allows up to 40% on a frontage of less than 20 metres.</li> <li>There is no further reduction in on street, car parking.</li> <li>Both driveways extend from the proposed crossing providing private access to their respective car parking facilities.</li> <li>Access to the site is available for service, emergency, and delivery services.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B15: Parking location</b>	
<ul style="list-style-type: none"> <li>The parking areas provided are convenient to the dwellings that they are intended for.</li> <li>The proposed integrated car parking areas are secure and well ventilated.</li> <li>There are no shared accessways proposed within proximity to habitable room windows.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B17: Side and rear setbacks</b>	
<ul style="list-style-type: none"> <li>The development has a minimum side setback of 1.5 metres at ground level and 2.5 metres at the upper level and has a minimum rear setback of 3.5 metres at both the lower and upper levels.</li> <li>The wall heights do not exceed the requirements for these respective setbacks.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B18: Walls on boundaries</b>	
<ul style="list-style-type: none"> <li>No walls are proposed on boundaries.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B19: Daylight to existing windows</b>	
<ul style="list-style-type: none"> <li>The garage is setback 2.15 metres from the sunroom windows and has a maximum height of 3.01 metres.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Standard</li> <li>✓ Objective</li> </ul>

<ul style="list-style-type: none"> <li>• Bedroom 3 of the proposed dwelling is setback 2.8 metres from the sunroom windows and reaches a maximum wall height of 5.68 metres. The proposed wall falls short of the standard by 0.04 metres. however, as per the decision guidelines given that the sunroom has 18 windows available, 10 of which are located on the north elevation and that the upper wall is only opposite 4 of these windows, the existing dwelling will still have more than ample sunlight into the habitable windows and the overall amenity of the existing dwelling will remain mostly unchanged.</li> <li>• The proposed carport is setback 1.54 metres from the window of bedroom 3 and has a maximum height of 2.8 metres.</li> <li>• Each of the setback provides a 1 metre clear to the sky for the windows and meet all other standards set out in the clause.</li> </ul>	
<b>STANDARD B20: North-facing windows</b>	
<ul style="list-style-type: none"> <li>• There are no existing north facing windows situated within 3 metres of the property boundaries.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B21: Overshadowing open space</b>	
<ul style="list-style-type: none"> <li>• Given the setbacks achieved and orientation of the lot, no significant overshadowing occurs to the secluded private open space of neighbouring properties.</li> <li>• There is a small section overshadowing that will occur in morning of the rear yard of number 8 Lorraine Court and a small section occurring in the afternoon of number 4 Lorraine Court, however, each of these lots have substantial areas of open space and will easily achieve the minimum 40m<sup>2</sup> of unshadowed open space with a minimum dimension of 3 metres.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B22: Overlooking</b>	
<ul style="list-style-type: none"> <li>• A minimum 2 metre high paling fence currently surrounds the rear of the proposed dwelling and the proposed floor level is well less than 0.8 metres above ground level at the boundary and thus all ground level windows comply.</li> <li>• On the north elevation windows are proposed to be obscured up to a height of 1.7 metres above floor level and highlight above this.</li> <li>• On the east elevation windows are proposed to be obscured up to a height of 1.7 metres above floor level and highlight above this. In the case of bedroom 3, the window is located 8.63 metres from the neighbouring dwelling and views into the open space are blocked by the existing 2 metre high paling fence and this this window meets the requirements of the standard and does not require additional screening.</li> <li>• On the south elevation a highlight window has been provided 1.7 metres above ground level for bedroom 3 whilst no screening is proposed to the other window on this interface as this is a non-habitable window given it is within a stairwell.</li> <li>• On the west elevation the ensuite window is proposed to be completely obscured, whilst no screening is proposed to the other window on this interface as this is a non-habitable window given it is within a corridor.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>

<b>STANDARD B23: Internal views</b>	
<ul style="list-style-type: none"> <li>A wall is built on most of the internal boundary and thus limits overlooking. Windows from the proposed dwelling have been designed to avoid this area, as far as considered necessary.</li> <li>The new dwelling does not impact upon the amenity or pose any overlooking concerns to the existing dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B24: Noise impacts</b>	
<ul style="list-style-type: none"> <li>All new plant and equipment associated with the development of the site will be located away from habitable room windows to ensure noise sources do not affect the amenity of existing dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B25: Accessibility</b>	
<ul style="list-style-type: none"> <li>The entries of both dwellings are easily accessible to people with limited mobility.</li> <li>Both dwellings have no internal steps on the ground floor or into the yards due to the topography of the land being flat.</li> <li>If considered necessary, an elevator could be provided near the entry to the proposed dwelling to provide access to the upper level.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B26: Dwelling entry</b>	
<ul style="list-style-type: none"> <li>The proposed dwelling provides a highly identifiable porch to mark the entrance and offer a sense of identity.</li> <li>The existing dwelling will continue to utilise the existing entry on the side of the dwelling, given the removal of the existing tall shrubs along the driveway this will improve the sense of address to the existing dwelling, from current circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B27: Daylight to new windows</b>	
<ul style="list-style-type: none"> <li>All habitable windows are provided with adequate levels of daylight.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B28: Private open space</b>	
<ul style="list-style-type: none"> <li>Each dwelling is provided with ample areas of private open space for residents to enjoy.</li> <li>The proposal meets the open space requirements with each dwelling offering between 27m<sup>2</sup> or 48m<sup>2</sup> of secluded open space, with a minimum width exceeding 3 metres accessible off the main living area.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>
<b>STANDARD B29: Solar access to open space</b>	
<ul style="list-style-type: none"> <li>Excellent levels of solar access are achieved for the proposed dwelling with the largest area of the SPOS being north facing.</li> <li>A good level of solar access is achieved to the existing dwelling with the large area of the SPOS provided to the north. The laundry wall reaches a height of 3.01 metres and is setback 6.66 metres and the ensuite has a wall height of 5.64 metres and is setback</li> </ul>	<ul style="list-style-type: none"> <li>✓ Standard</li> <li>✓ Objective</li> </ul>



from the southern boundary 8.88 metres. As such each complies with the standard.	
<b>STANDARD B30: Storage</b>	
<ul style="list-style-type: none"> <li>Each dwelling is provided with 6m<sup>2</sup> storage. The existing dwellings storage is in the side garden and the proposed dwellings storage is located within the rear garden.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B31: Detailed design</b>	
<ul style="list-style-type: none"> <li>Particular attention has been given to the architecture of the new dwelling to ensure that the development complements the character of the neighbourhood.</li> <li>The proposed dwelling is to be constructed mostly of brick with weatherboard detailing and a Colorbond pitched roof, continuing existing dwelling styles. The colour palette proposed is neutral greys, to provide more modern contrast in colours from the existing dwellings, to provide a point of interest in the neighbourhood.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B32: Front fences</b>	
<ul style="list-style-type: none"> <li>No front fencing is proposed</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B33: Common property</b>	
<ul style="list-style-type: none"> <li>No common area is proposed.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD B34: Site services</b>	
<ul style="list-style-type: none"> <li>Sufficient space is available for the provision of services.</li> <li>Mailbox locations are indicated along the front boundary and ample space is available for the private storage of bins.</li> </ul>	✓ Standard ✓ Objective

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### 3.5.3 Residential Subdivision (Clause 56)

Alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of Clause 56: Residential Subdivision relevant to this application are:

- *To create livable and sustainable neighbourhoods and urban places with character and identity;*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
  - *Metropolitan Melbourne growth areas;*
  - *Infill sites within established residential areas; and*
  - *Regional cities and towns.*
  - *To ensure residential subdivision design appropriately provides for:*
    - *Policy implementation;*
    - *Livable and sustainable communities;*
    - *Residential lot design;*
    - *Urban landscape;*
    - *Access and mobility management;*
    - *Integrated water management;*
    - *Site management; and*
    - *Utilities.*

Pursuant to this clause, an application to subdivide land must meet all of the objectives included in the clauses specified in the zone and should meet all of the standards included in the clauses specified in the zone.

CLAUSE 56 ASSESSMENT - 2 LOTS	
<b>STANDARD C6: Neighbourhood character</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>The proposal respects the existing neighbourhood character whilst responding to the features of the site as discussed above. Refer to the response in 3.4.2 for further details.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C8: Lot area and building envelopes</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>The proposed lots are 355m<sup>2</sup> and 430m<sup>2</sup> and can easily accommodate the dwellings and proposed car parking facilities.</li> <li>The density of 1:392.5m<sup>2</sup> is appropriate.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C9: Solar orientation of lot</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>Excellent solar access is achieved for the lots.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C11: Common area</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>No common area is proposed.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C21: Lot access</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>Both lots will utilise the proposed double concrete crossing to access their respective driveways.</li> </ul>	✓ Standard ✓ Objective

<b>STANDARD C22: Drinking water supply</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>Reticulated water is currently available to the site and can be utilised to service the new lot, making more efficient use of existing infrastructure.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C23: Reused and recycled water</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>A water tank to each lot could be provided for the use of recycled water for irrigation, and to reduce the dependency on potable water, such as for use of watering gardens and flushing toilets, if considered necessary by the responsible authority.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C24: Waste water management</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>The subject site has reticulated sewer available and will be connected to the new lot.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C25: Urban run-off management</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>All minor drainage will be designed and installed to Council's requirements. The LPD indicates that the property should be connected to the existing drainage pipe within the road reserve to Councils satisfaction.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C26: Site management</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>The site will be managed to the satisfaction of the responsible authority prior to and during any construction works.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C27: Shared trenching</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>Any new servicing will utilise shared trenching where possible.</li> </ul>	✓ Standard ✓ Objective
<b>STANDARD C28: Electricity, telecommunications and gas</b>	
<b>Response:</b> <ul style="list-style-type: none"> <li>Services that are available to the site will be supplied to each lot in accordance with the requirements of the relevant authorities.</li> </ul>	✓ Standard ✓ Objective
<p>NB: Some matters covered by the objectives and standards can occur after a permit for the subdivision has been issued, through a condition of permit.</p> <p>Considering some matters at a later date allows planning assessment to occur at an appropriate time in the design and construction process and can provide for faster, more cost-effective decision making.</p>	

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### 3.5.4 Decision Guidelines (Clause 65)

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters, and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

## 4 Conclusion

We submit the proposed subdivision and development are appropriate for the following reasons:

- The proposal is consistent with the General Residential Zone, Schedule 1 (GRZ1) as it marginally increases housing density and diversity and respects the emerging neighbourhood character;
- As per the Development Contributions Plan Overlay, Schedule 1 a development contributions plan has been prepared which covers the subject site as such a permit may be granted for the subdivision or the construction of a buildings or construction or carrying out of works;
- The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework and particularly with the Cardinia Shire Council's local policies;
- The proposal meets the objectives of Clause 55: Two or More Dwellings on a Lot and Residential Buildings and the objectives of Clause 56: Subdivision; and
- The proposal is consistent and complies with the decision guidelines stated within Clause 65.

Millar I Merrigan

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## ePlanning

### Application Summary

Portal Reference	D12430LQ
Reference No	T230635

### Basic Information

Cost of Works	\$600,000
Site Address	6 Lorraine Court Pakenham VIC 3810

### Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? No such encumbrances are breached

☐ Note: During the application process you may be required to provide more information in relation to any encumbrances.

### Documents Uploaded

Date	Type	Filename
19-02-2024	Additional Document	T230635 FI 240219 to council - RFI.pdf
19-02-2024	Additional Document	T230635 FI Set of Plans.pdf
19-02-2024	Additional Document	T230635 FI Arborist Report.pdf

☐ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

### Lodged By

Site User	Hayley Scott-Smith Millar Merrigan	2/126 Merrindale Drive, Croydon South VIC 3136	W: 8720-9500 E: hscott-smith@millarmerrigan.com.au
Submission Date	19 February 2024 - 10:47:AM		

### Declaration

☒ By ticking this checkbox, I, Hayley Scott-Smith, declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.



**Civic Centre**  
20 Siding Avenue, Officer, Victoria

**Council's Operations Centre (Depot)**



**Postal Address**  
Cardinia Shire Council  
P.O. Box 7, Pakenham VIC, 3810

**Email:** mail@cardinia.vic.gov.au

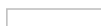


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**After Hours:** 1300 787 624  
**Fax:** 03 5941 3784



**Civic Centre**  
20 Siding Avenue, Officer, Victoria

**Council's Operations Centre (Depot)**  
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# ARBORICULTURAL ASSESSMENT REPORT



6 LORRAINE COURT,  
PAKENHAM

REPORT PREPARED FOR: MR J HERMANN

REPORT PREPARED BY: DAMIEN BURGESS  
CONSULTING ARBORIST - DB HORTICULTURE PTY LTD.

12/02/2024



[www.dbhorticulture.com.au](http://www.dbhorticulture.com.au)

20 Glen Avenue, Croydon Vic 3136 | phone: 0422 999 754 | email: [damien@dbhorticulture.com.au](mailto:damien@dbhorticulture.com.au)

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## 1. Brief

The client, Mr Justin Hermann, has requested an Arboricultural Assessment Report for specified trees within and nearby to the property at 6 Lorraine Court, Pakenham.

## 2. Overview

The property contains a single dwelling and is in the Cardinia Council area, Planning Scheme Zone GRZ1. The following planning scheme overlays apply: DCPO1. A two-lot subdivision is proposed.

## 3. Methodology

A visual site inspection of the trees took place on February 10th, 2024. The trees were not climbed nor was any soil excavation or diagnosis of the internal or below ground components of the trees undertaken.

The trees were photographed on site using an iphone. Height and Spread of trees was recorded via visual estimation. Diameter at Breast Height (DBH) was taken at 1.4 metres above ground level using a diameter tape.

A Retention Value for each tree has been determined using tree condition factors and values as listed on Page 9 of this report.

## 4. Tree Protection Zones (TPZ's)

Where appropriate, Tree Protection Zones and Structural Root Zones have been applied as per AS4970-2009, 'Protection of Trees on Development Sites'.

Tree Protection Zones are determined by multiplying the Trunk Diameter @ Breast Height (DBH) x 12. TPZ's are measured from the centre of the trunk.

Structural Root Zones are the area required for tree stability and are only necessary where major encroachment into the TPZ is to occur. The SRZ radius = (Diameter x 50)<sup>0.42</sup> x 0.64.

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## 5. Tree Assessment Table

#	Species	Common name	Native/ Exotic	Height (m)	Spread (m)	DBH (cm)	TPZ (m)	SRZ (m)	Age	SULE	Condition	Structure	Form	Amenity Value	Retention Value	Comments
1	<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint	N	13	11	74	8.9	3.2	M	L	G	G	G	G	H	Street tree
2	<i>Callistemon sp.</i>	Bottlebrush	N	4	3	10/10/10	2.0	1.7	SM	L	F	F	F	P	L	Street tree
3	<i>Lagetroemia indica</i>	Crepe Myrtle	E	3	4	10/10/10	2.0	1.7	SM	L	G	G	G	P	L	Neighbouring tree
4	<i>Malus domestica</i>	Apple	E	4	4	12/12/12	2.5	1.7	M	L	F	F	F	P	L	Neighbouring tree
5	<i>Pittosporum eugenoides</i> 'Variegatum'	Variegated Pittosporum	E	5	4	20/20	3.4	1.8	M	L	F	F	F	P	L	Neighbouring tree
6	<i>Photinia robusta</i>	Photinia	E	6	4	12/12	2.0	1.7	SM	L	P	F	P	P	L	Neighbouring tree
7	<i>Photinia robusta</i>	Photinia	E	6	6	25/20/20	4.5	2.0	M	L	G	F	F	P	L	Neighbouring tree
*Dimensions listed for all neighbouring trees are estimates    *Trees listed in red require removal																

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## 6. Site Plan (proposed)



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## 7. Photos



Trees 1 & 2



Tree 2

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Tree 3



Trees 4 & 5





Tree 7

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## 8. Discussion / Recommendations / Impact Assessment

### Street Trees

Tree 1 is a Peppermint Gum located centrally on the naturestrip. Tree 2 is a small Bottlebrush between Tree 1 and the existing driveway. The driveway crossing is proposed for widening as part of the development. This will necessitate the removal of Tree 2, which is considered appropriate, as it is a Low Retention Value Tree. TPZ encroachment into the TPZ of Tree 1 as a result of driveway and crossing widening will be 9.1%, which is classified as minor encroachment. This tree can be viably retained.

### Neighbouring Trees

Tree 3 is a Crepe Myrtle located within the neighbouring property to the east. TPZ encroachment into the TPZ of this tree as a result of new driveway/car space will be 3.8%, which is classified as minor encroachment. This tree can be viably retained. Trees 4 to 7 are located within the neighbouring property to the rear. Tree types include Apple, Variegated Pittosporum and Photinia. The proposed rear dwelling will not encroach into the TPZ's of any of these trees and therefore they will not be affected.

### Damien Burgess

Consulting Arborist/Director  
DB Horticulture Pty Ltd.

*Grad. Cert. Arboriculture (AQF 8) Cert. Horticulture ISA TRAQ*

February 13th, 2024

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## 9. Tree Descriptors

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### Age

Y	Young	Tree is juvenile or recently planted
SM	Semi-mature	Tree is established and actively growing
M	Mature	Tree has reached expected maximum size
OM	Over Mature	Tree is over mature and in decline

### Condition

G	Good	Full crown, free of disease, good colour, good extension growth of twigs, no dieback
F	Fair	Tree shows one or more of the following: <25% deadwood, dieback, unbalanced canopy, minor pathogens
P	Poor	Tree shows one or more of the following: >25% deadwood, major pathogen presence, structural faults
D	Dead	Tree is dead

### Structure

G	Good	Good branch attachments and no structural defects present, no co-dominant stems, good branch and trunk taper, good buttressing at base of trunk
F	Fair	Some minor structural defects or cavities may be present
P	Poor	Major defects to trunk, branches or roots, poor attachment points, missing bark, likely points of failure
H	Hazardous	Tree poses immediate danger and should be removed

### Form

G	Good	Full and balanced canopy
F	Fair	Minor asymmetry in canopy shape
P	Poor	Major asymmetry, unbalanced appearance

### Amenity Value

G	Good	Attractive tree which contributes significantly to the surrounding landscape and public realm, may provide good screening and shade qualities
F	Fair	Tree contributes to its immediate surroundings, may be one of a group of trees and/or provide moderate screening and shading qualities
P	Poor	Tree does not make a positive contribution to the landscape and could be considered for removal

### Safe Useful Life Expectancy (SULE)

L	Long	Tree appears retainable for 40+ years
M	Medium	Tree appears retainable for 15 – 40 years
S	Short	Tree appears retainable for 5 – 15 years
R	Removal	Tree should be removed
MO	Move or Replaced	Trees which can be readily moved or replaced

### Retention Value

L	Low	An assessment rating which incorporates all the above criteria
M	Moderate	
H	High	

## 10. References

- Barrell, J. (2001), *SULE, its use and status into the new millennium*, NAAA Conference proceedings
- Clark, J.R. & Matheny N.P. (1998), *Trees and Development: A Technical guide to preservation of trees during land development*, ISA Publishing
- Standards Australia (2009), *AS4970-2009 Protection of Trees on Development Sites*, Standards Australia

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*Unless expressed otherwise; the information contained in this report covers only those items that were covered in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and the inspection undertaken as part of the preparation of this report was limited to visual examination of accessible components of any tree without climbing the tree or removal of any part of the tree or any dissection, excavation or probing unless otherwise stipulated.*

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# Millar Merrigan

Land Development Consultants

In reply quote: 30613/3.1 mh:jh  
Document Id: 240219 to council - RFI

19 February 2024

Planning Department  
[mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

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**Attention: Tanvi Rawat**

Dear Tanvi,

**Re: 6 Lorraine Court, Pakenham  
Application No. T230635 PA**

Further to your request for further information dated 16<sup>th</sup> January 2024, please find attached the following supporting documentation:

- Site Layout Plan (ref: 30613P2\_V2)
- Upper Floor Layout Plan (ref: 30613P3\_V2)
- Building Elevations (ref: 30613P4\_V2)
- Shadow Diagrams (ref: 30613P5\_V2)
- Proposed Plan of Subdivision (ref: 30613P6\_V2)
- Garden Area Plan (ref: 30613P7\_V2)
- Landscape Plan (ref 30613L01\_V2)
- Arboricultural Assessment Report

In response to the further information required, please note the following comments:

1. The application fee has already been paid, the eplanning payment reference number is 74564723363, with a total amount paid of \$2,369.20 on the 19<sup>th</sup> December 2023.
2. In relation to Clause 55.03 a response was provided in the town planning report prepared as part of the planning application, which stated the following:
  - A proposed 6 metre wide crossover is proposed to provide access to both the existing and proposed dwellings.
  - The proposed crossover is 6 metres wide on a frontage of 18 metres accounting for 33% of the site frontage, as such this is in accordance with the standard that allows up to 40% on a frontage of less than 20 metres.
  - Whilst only one dwelling generally faces the street, two dwellings are proposed and only one double width crossover is proposed to provide access to each of these dwellings. Notwithstanding this is a should requirement.
  - There is no further reduction in on street car parking, the number of cars that can park in front of the site legally is not reduced, notwithstanding this is a should requirement.
  - Both driveways extend from the proposed crossing providing private access to their respective car parking facilities.
  - Access to the site is available for service, emergency, and delivery services.

Furthermore, the site does not adjoin a Transport Zone 2 or 3.

Given the above the Standard B14 has been met and therefore, the decision guidelines do not need to be considered regardless of this I raise the following:

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As per the planning report, the proposal double width crossover has consideration of the design response for the following reasons:

- It removes the unnecessary need of common property and the associated maintenance and unnecessary costs associated. It provides access to each lot, meaning completely separate titles without the need of separate planning permission in the future, or issues that can arise with carriageway easements.
- The proposal of a single crossover is considered a poor outcome given the requirement of common property and or a carriageway easement noted above as well as for the following reasons.
- Single crossover given the existing layout would make manoeuvring into the proposed car parking spaces for lot 1 difficult as car would need to sharply turn into the car parking spaces.

In relation to neighbourhood character a number of double crossovers are available within the surrounding area, these were highlighted in the town planning report and I note two double crossovers exist along this stretch of Lorraine Court directly opposite the site which provide access to 14 Kingston Avenue and 1 Lorraine Court, whilst noting Kingston Avenue itself is dominated by double crossovers. It is also noted that what seems to be a double crossover is being considered as part of the planning application at 7 Ashton Place, which is currently at final assessment stage, with advertising received for this application approximately two weeks ago.

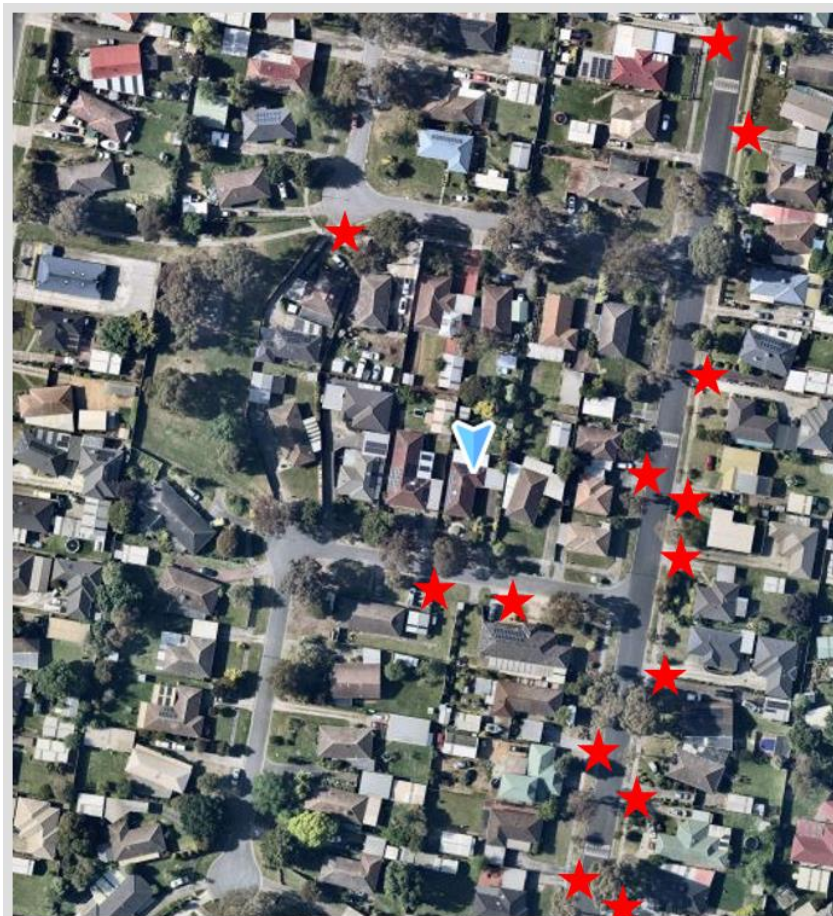


Figure 3: Double crossovers within proximity to the site.

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Only an insignificant street tree is proposed to be removed as part of the application of which was assessed as part of the arborist report and was deemed of low retention value having poor amenity. The high retention Eucalyptus Radiata is to be retained as part of the proposal, and has an encroachment of less than 10% at 9.1% and as such will remain viable. The footpath will be minimally impacted.

In relation to Clause 52.06-9 each accessway provides a minimum 3 metre width. The driveway for lot 2 provides an internal radius of at least 4 metres at changes of direction. The driveway gradients will easily meet requirements given the site being mostly flat in nature. Each driveway provides a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

All proposed car parking spaces are compliant with design standard 2 and clearance requirements as per diagram 1. The single garage provides an internal length of 6 metres and is 3.5 metres wide. The car port provides an internal width of 3.5 metres and length of 6 metres, whilst the tandem space as an additional 500mm of length given it is located behind the car port. At least one car space is provided undercover per dwelling.

3. A Construction Impact Assessment has been provided for trees within close proximity to the site. The plans have been correspondingly updated in accordance with the arborist report and now includes Tree Protection Zones (TPZ), Structural Root Zones (SRZ) and proposed encroachment into TPZ. No trees within the development exceed a 10% encroachment. Refer to the Arboricultural Assessment Report for further details.
4. The site plan has been amended to include the following:
  - a) Setbacks of buildings from all property boundaries. The existing western setback to the existing dwelling has been added along with the front setback to the existing dwelling. The eastern setback at ground level has been added for the proposed dwelling to the entry and porch.
  - b) Dimensions of private open space (width and length), the width of the proposed lot 2 open space has been added and is 13.67 metres.
  - c) Location of crossovers and setbacks from any street trees. The dimensions from the street trees are 4.66 metres and 4.83 metres respectively.
  - d) Location, materials and height of all boundaries and any internal fences (with a statement as to whether these are existing or proposed). (It is noted all fencing shown in blue text is proposed to be retained, whilst all proposed fencing is shown with purple text.
  - e) Notations of tree protection zones.
  - f) Amended Development summary box to include garden area requirements. It is noted that a Garden Area Plan was submitted with the original submission, noting the garden area.

In response to the preliminary comments we provide the following:

1. Ample justification has been given above as per point 2 of the further information required to confirm compliance with Standard B14 and to satisfy the Objective of Clause 55.03-9, as noted the width of the site is 18 metres and can hardly be considered narrow, Standard B14 sets out clear guidance on the percentage of a street frontage that can facilitate accessway widths in this case, given the site is 18 metres, it allows up to 40% of the frontage to be taken up by crossovers. The proposal takes up 33%, which is 7% less than the maximum allowed and as such is compliant. In terms of meeting the objective the neighbouring properties directly opposite the site both have double



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crossovers ensuring the proposal of a double crossover does respect the character of the area ensuring the Access objective is more than met.



Figure 1: Existing double crossovers directly opposite the site at 14 Kingston Avenue and 1 Lorraine Court

In relation to Council generally not being supportive of tandem car parking spaces, I am not aware of such a policy within the Cardinia Planning Scheme that confirms this. Providing car parking in tandem is seen to be a practical outcome especially when retaining existing dwellings. A number of existing dwellings in the street also utilise tandem car spacing in their design, with examples being available at both 2 and 8 Lorraine Court, 8 Lorraine Court which directly abuts the subject site the west. See below:



Figure 2: Existing tandem car parking arrangement at the neighbouring property 8 Lorraine Court

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Figure 3: Existing tandem car parking arrangement at 1 Lorraine Court a subdivided block

Furthermore, considering the existing site conditions and design response tandem car parking was considered the most appropriate outcome for the site. Inadequate space is available adjacent to bedroom 2/3 and the eastern boundary to facilitate both a double garage and space for a driveway to the rear dwelling, which means this area would be wasted space with an alternative design. Proposal of both double garages to the rear of the existing dwelling would require removal of the existing sunroom, which was the main reason we purchased the dwelling in the first place. Given all of the above, the proposed dwelling and car parking arrangements are considered the most practical outcome, given the existing site conditions and make the most efficient use of the site.

2. Generally, subdivisions do result in smaller lots, this is the purpose of subdivision to provide smaller lot sizes to meet the varying needs of the community. Both lots provide two car parking spaces each in accordance with the requirements of Clause 52.06. The proposed access arrangement meet the requirements of Clause 55.03 and Clause 52.06-9.

Private open space for each of the dwellings both exceed the minimum requirements of the standard, with lot 2 provided with a north facing area of secluded private open space of 3.5 metres wide and 13.67 metres long, equating to a SPOS area of 48sqm exceeding the 25sqm requirement and is directly available from the main living area. The existing dwelling provides a SPOS area of 27sqm which exceeds the minimum 25sqm requirement and is accessible from the main living area and receives good levels of solar access and also provides other generous areas of 17, 21 and 33sqm to the north, east and west of the dwelling. The existing sunroom attached to the north of the dwelling, which provides access to all these areas, provides a fantastic space for entertaining and recreation and directly interacts with these outdoor living areas.

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The proposed layout of the subdivision is considered more consistent with the neighbourhood character than that presented as part of the application for 7 Ashton Place, which also provides tandem car parking into its design, but provide 3 attached dwellings. As part of this proposal space has been provided between the built form of both the dwellings, to provide a development which from adjacent properties will appear spacious and continue the detached look of the neighbourhood.

3. A large amount of landscaping has been proposed at the front of the site, well more than what is generally seen in the surrounding streetscapes. The proposal offers 3 canopy trees within the front setback and a variety of shrubs, strappy leaf plants and groundcovers within and particularly adjacent to the accessways and fence lines to the reduce the impacts of hardscaped areas when viewed from the street.

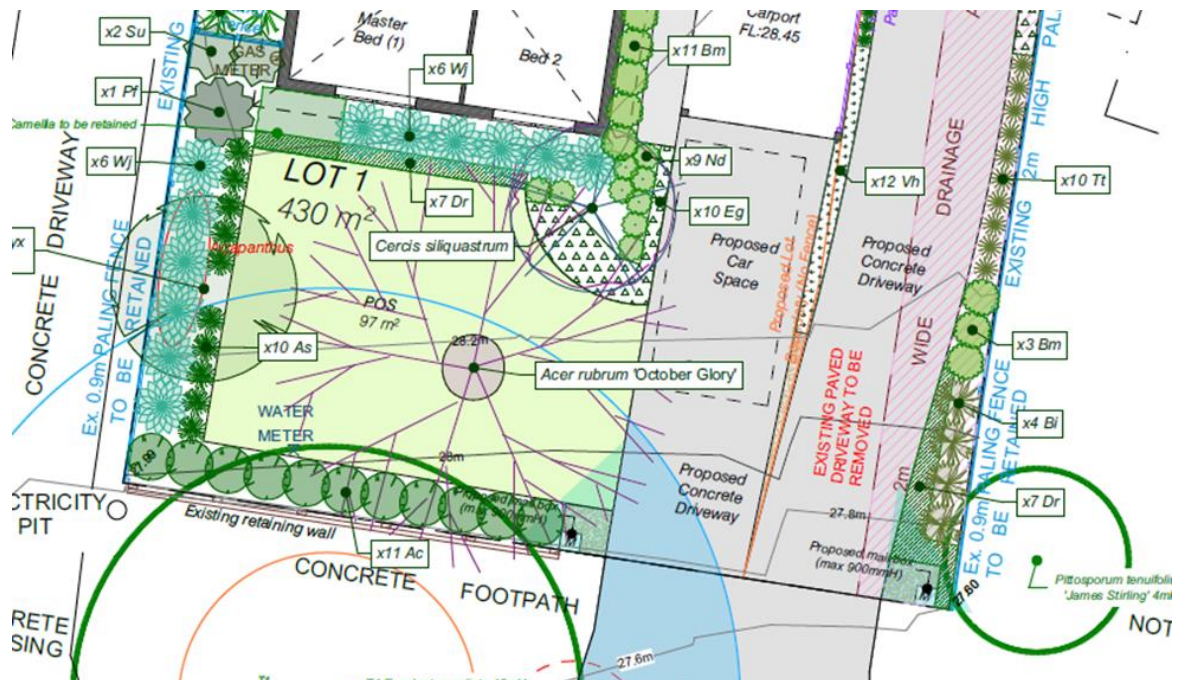


Figure 4: Proposed landscaping within the front setback and along the accessway and fence line



Figure 5: Existing landscaping at 2 and 4 Lorraine Court, landscaping is minimal and not provided adjacent to fence lines of driveways



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*Figure 6: Existing Landscaping at 8 Lorraine Court, minimal landscaping provided and front setback utilised for car parking*

4. The entry to the proposed dwelling on lot 2 is more than appropriately highlighted, it provides a covered porch area and provides a window from both the entry and living room to provide surveillance over the internal accessway. Furthermore, the proposed dwelling entry will be easily identifiable once half way down the proposed accessway for lot 2. Visual interest has also been provided at the southeastern corner of the dwelling with a feature brick wall that extends up to cover a portion of the upper level. Lighting and numbering can be provided above the door of the proposed dwelling as considered necessary. The design of providing the uncovered parking space at the end of the accessway on lot 2 in lieu of the garage, will also allow views of the surrounding vegetated backdrop of the surrounding area, further continuing the spacious and leafy character of the neighbourhood.
5. It is acknowledged that further comments may be received from council Traffic and Engineering team.

We trust this is satisfactory and look forward to the progression of this application, if you have any queries, please contact the undersigned. Should you require additional information, we formally request an extension of the lapse date to respond further.

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NOTES:

1. This plan is to be read in conjunction with the Plan of Survey (30613F1), the Upper Floor Layout Plan (30613P3), the Building Elevations (30613P4), the Shadow Diagrams (30613P5), the Proposed Subdivision Plan (30613P6), the Garden Area Plan (30613P7) and the Landscape Plan (30613L01). It has been prepared as part of a town planning submission.
2. Car Parking & Access-
- Lot 1- The existing single storey dwelling has three bedrooms, with a proposed single carport and tandem car space to the east.
- Lot 2- The proposed double storey dwelling has three bedrooms and an attached single garage, with an additional car space proposed to the east.
- Access- A proposed double concrete crossover will provide separate access to both Lots of Lorraine Court. The existing crossover will be removed and replaced.
3. Overlooking-
- The proposed dwelling has been designed to overlook their own internal open space & driveway. Obscure glazing is proposed to prevent overlooking as required. Screening vegetation will be used to soften fencelines and further prevent overlooking where considered necessary (See Landscape Plan).
4. Shadows-
- Refer to the Shadow Diagrams (30613P5) for solar access to both Lots.
5. Daylight to habitable windows-
- Adequate daylight is available to all existing and proposed habitable windows with 1m clear to the sky achieved for all.
6. Spot levels and contours shown are to the Australian Height Datum.
7. Sightline Splay - 2m x 2.5m splay to be 50% clear of visual obstructions above 900mm in height.

DEVELOPMENT SUMMARY:

Site Area:	785m <sup>2</sup>
Proposed density:	1 per 392.5m <sup>2</sup>
Lot 1: Area-	428m <sup>2</sup>
Ground floor area (inc. verandah & porch)-	159m <sup>2</sup>
Proposed Carport-	22m <sup>2</sup>
Secluded private open space-	98m <sup>2</sup>
Private open space-	117m <sup>2</sup>
Lot 2: Area-	357m <sup>2</sup>
Ground floor area (inc. garage & porch)-	102m <sup>2</sup>
Upper floor area-	67m <sup>2</sup>
Total floor area-	169m <sup>2</sup> - 18sqgs
Secluded private open space-	57m <sup>2</sup>
Private open space-	13m <sup>2</sup>
Site Coverage (buildings):	283m <sup>2</sup> = 36%
Impervious Surfaces:	
Buildings-	283m <sup>2</sup>
Driveways & paving-	181m <sup>2</sup>
Total impervious-	464m <sup>2</sup> = 59%
Permeable area:	41%
Garden area:	294m <sup>2</sup> = 37%

LEGEND:

- Existing tree:
- Tree to be removed:
- Proposed fence:
- Existing fence:
- Proposed lot boundary:
- Sewer Line:
- Sightline Splay:
- Existing easement:



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01	Prepared for planning purposes	MC/CB	MB	18/12/2023	

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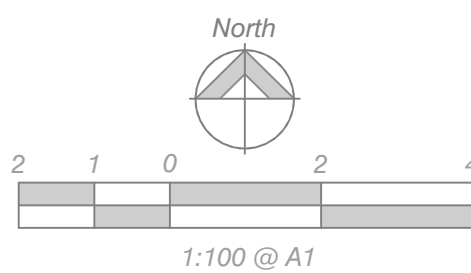
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SITE LAYOUT PLAN  
PROPOSED DEVELOPMENT

6 Lorraine Court, Pakenham  
Cardinia Shire Council

30613 P2  
Version 03



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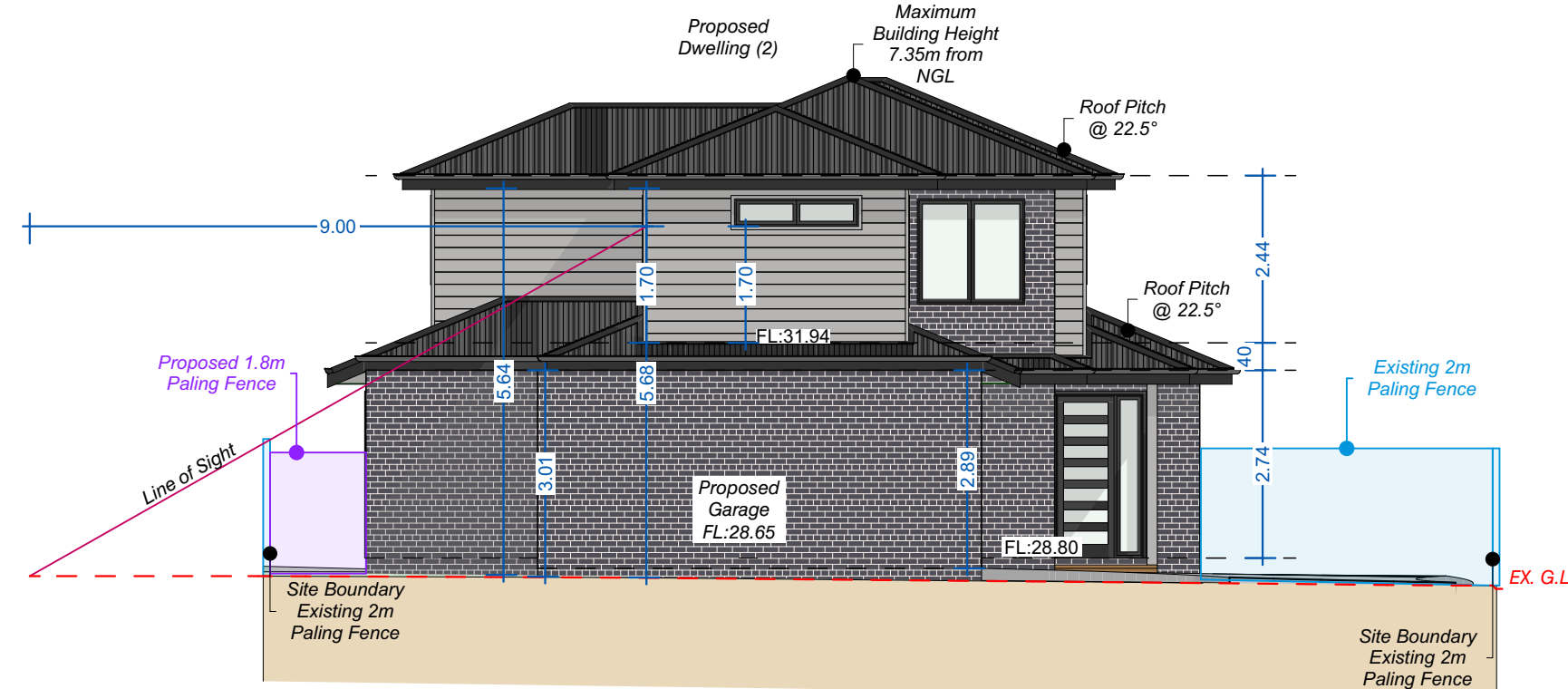
6 Lorraine Court, Pakenham  
Cardinia Shire Council

30613 P3  
Version 03

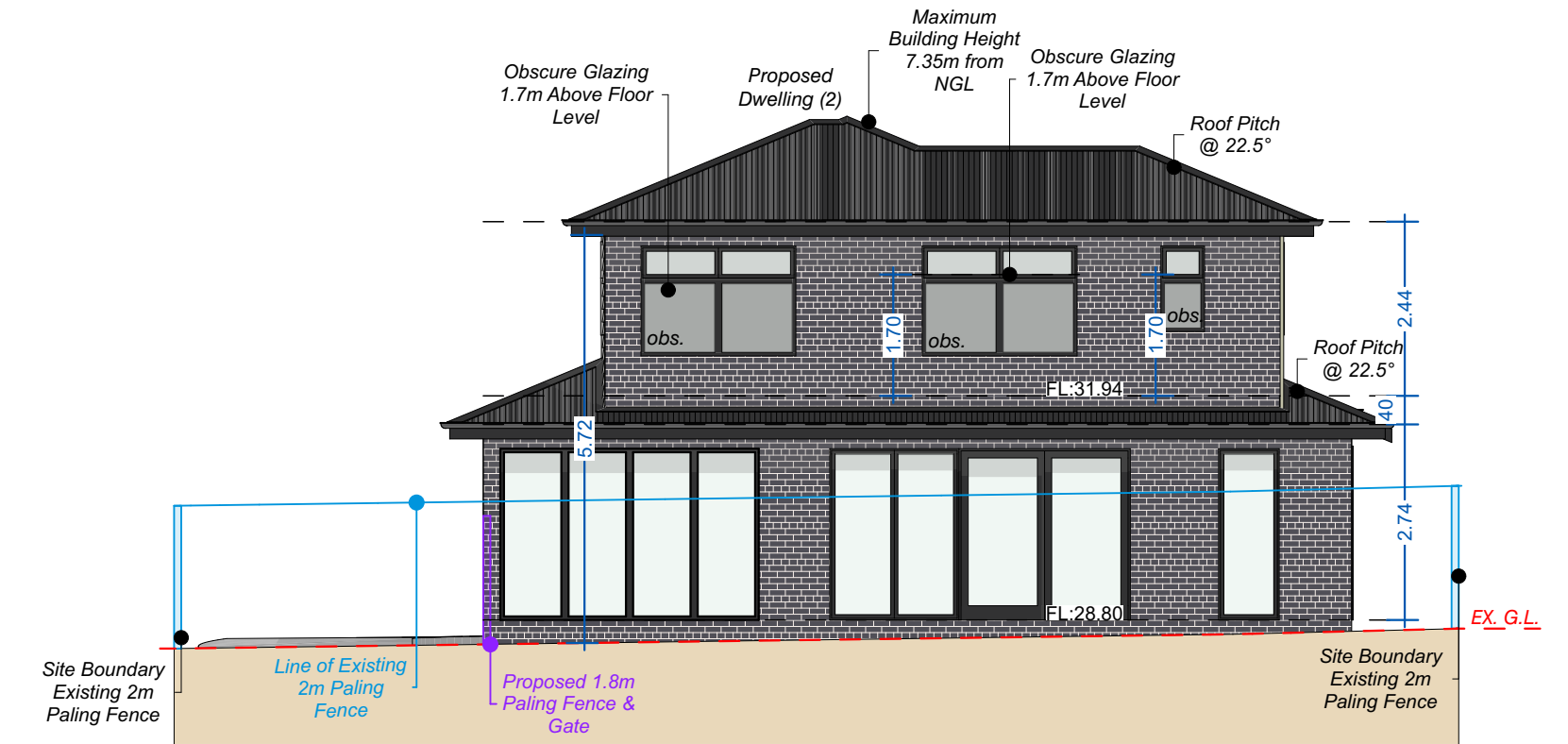




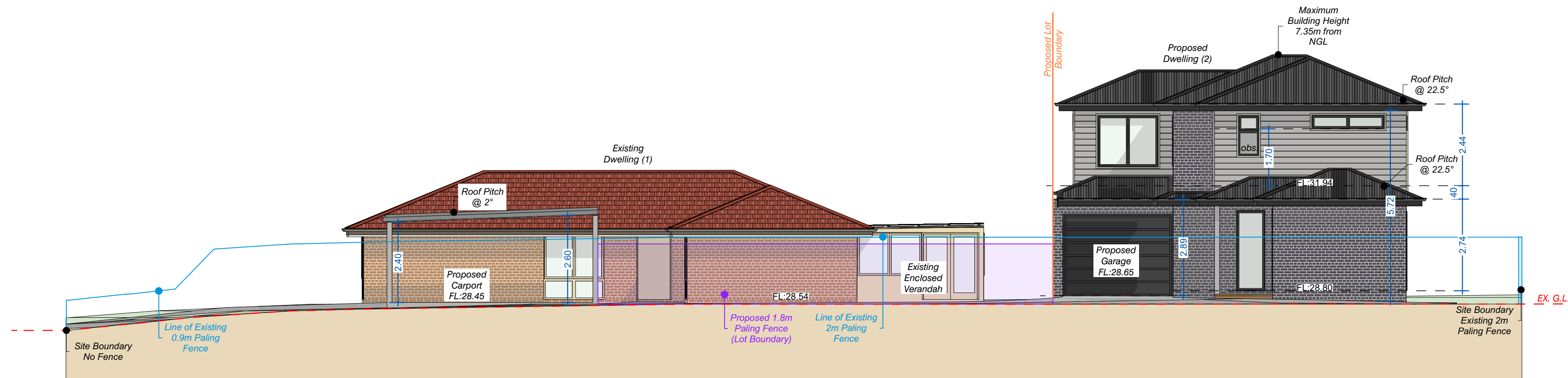
LORRAINE COURT- STREETSCAPE(SOUTH) ELEVATION



SOUTH ELEVATION-(PROPOSED DWELLING 2)



NORTH ELEVATION-(PROPOSED DWELLING 2)



EAST ELEVATION



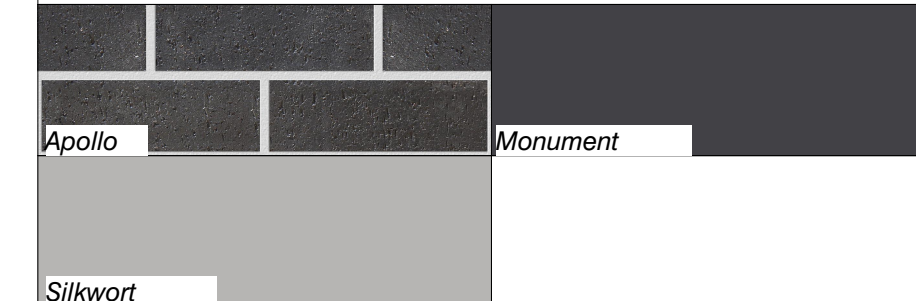
WEST ELEVATION

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MATERIALS, FINISHES & COLOURS:

External Walls:	Brick face	PGH	'Apollo'
External Cladding:	Weatherboard	Dulux	'Silkworth'
Porch Post:	Rendered	Dulux	'Silkworth'
Roofing:	Galvanised Iron	Colorbond	'Monument'
Gutters:	Metal	Colorbond	'Monument'
Fascias:	Metal	Colorbond	'Monument'
Window & Door Frames:	Aluminium	Colorbond	'Monument'
Garage Door:	Panels	Colorbond	'Monument'

Note: Colours may be similar to those listed above to allow for variation between brands



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BUILDING ELEVATIONS

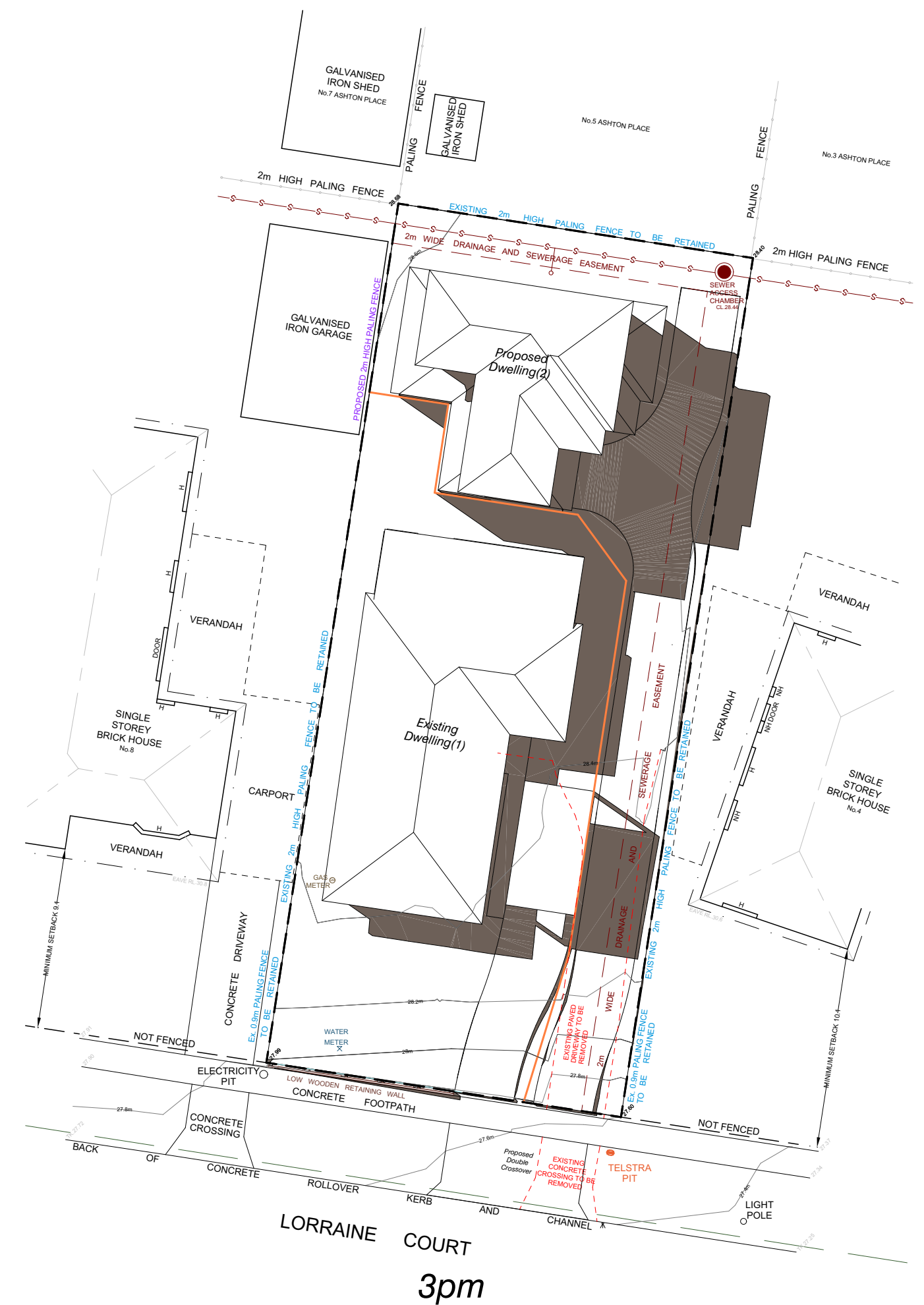
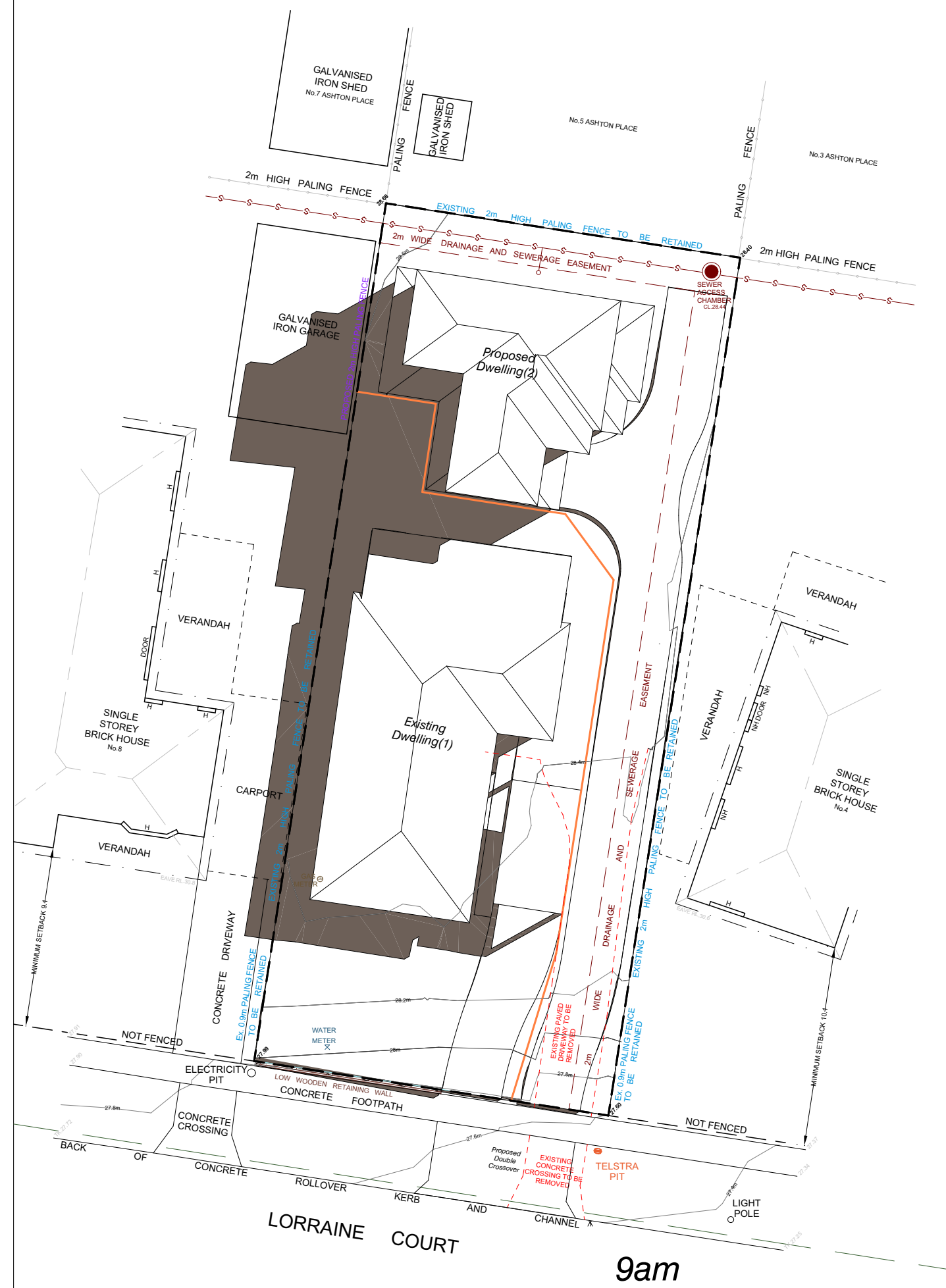
PROPOSED DEVELOPMENT

6 Lorraine Court, Pakenham  
Cardinia Shire Council

30613 P4  
Version 03



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NOTES:

1. Angle of shadows taken at 22nd September
2. Shadows of fences not shown

## SHADOW DIAGRAMS

### PROPOSED DEVELOPMENT

6 Lorraine Court, Pakenham  
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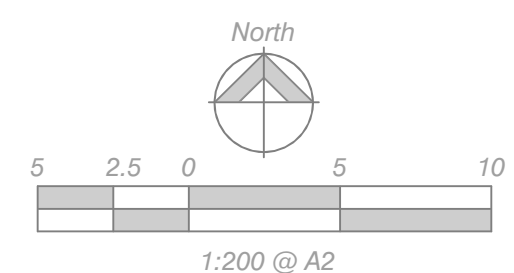
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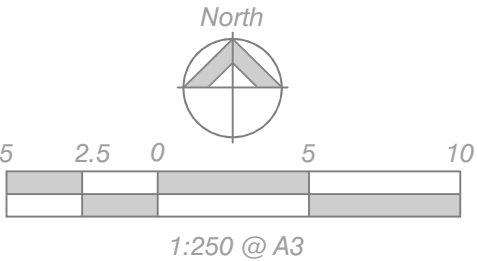
Total Lot Size: 785m<sup>2</sup>  
Total Garden Area: 294m<sup>2</sup> = 37%



**NOTES:**  
Garden area is defined as:  
Any area on a lot with a minimum dimension of 1 metre that does not include:  
a) a dwelling or residential building, except for: an eave, fascia or gutter that does not exceed a total width of 600mm; a pergola; unroofed terraces, patios, decks, steps or landings less than 800mm in height; a basement that does not project above ground level; any outbuilding that does not exceed a gross floor area of 10 square metres; and domestic services normal to a dwelling or residential building;  
b) a driveway; or  
c) an area set aside for car parking

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GARDEN  
AREA PLAN  
6 Lorraine Court,  
Pakenham  
Cardinia Shire Council  
30613 P7  
Version 03

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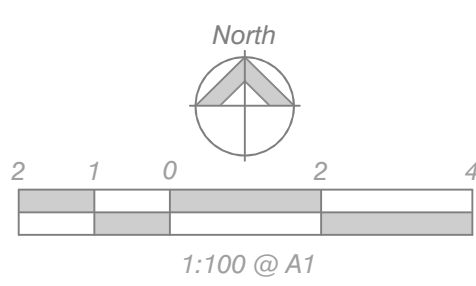
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CAR TURN DIAGRAMS  
PROPOSED DEVELOPMENT  
6 Lorraine Court, Pakenham  
Cardinia Shire Council

30613 P10  
Version 03





## Notes

- This plan is to be read in conjunction with the Survey Plan 30613F1, the Neighbourhood and Site Plan 30613P1, the Development Plans 30613P2-P5, the two Request for Further Information dated 16/01/2024 & 17/01/2024, the Arborist report completed by DB Horticulture dated 12/02/2024, and as per Council email dated 29/02/2024
- WARNING!!** The location of underground services shown on this plan are design locations only. Engage a service location company preferably or contact the appropriate service authorities for as-built locations.
  - Plant Setout:** Plants indicated on the drawing are set out to scale.
  - Existing Vegetation:** The site contains and existing *Camellia* within the front setback for retention.
  - Tree Protection Zones:** To ensure protection of trees to be retained:
    - The Tree Protection Zone (TPZ) should be as recommended in the Arboricultural Report by DB Horticulture dated 12/02/2024.
    - The Tree Protection Zone is indicated on the plan as a blue line.
    - The TPZ should be fenced and clearly marked at all times. A 100mm layer of organic mulch should be spread over the TPZ for the construction duration.
    - The fence should be a minimum of 1.5m of parawebbing with 1.5m star pickets every 3-4 metres and single strand support wires top and bottom.
    - If temporary access is required through the TPZ this may be carried out using sheets of heavy plywood. The TPZ should be reinstated immediately afterwards.
    - Any underground service installations should be bored within the TPZ.
    - Soil level should not be altered within the TPZ. This includes storage of existing or imported soils.
    - No building materials should be stockpiled or stored within the TPZ.
    - No fuel, oil drums, chemicals, materials, equipment or temporary buildings shall be allowed in the TPZ and the servicing and re-fuelling of equipment and vehicles should be carried out away from tree root zones. Nothing whatsoever should be attached to the tree including temporary service wires, nails, screws or any other living device.
    - Supplementary watering should be provided to all trees through any dry periods during and after the construction process.
    - Any pruning required must be carried out by a trained and competent Arborist to comply with AS 4373 - 2007 Pruning of Amenity Trees.
    - All root excavation should be carried out by hand digging or with the use of 'Air Excavation' techniques and roots should be severed by saw cutting or with a sharp axe and not with a backhoe or any machinery or blunt instrument. Any roots greater than 50mm in diameter must not be severed. If possible excavate under roots to create bridging roots.
  - Environmental Weeds:** The site contains recognised environmental weeds which must be removed from site. These are indicated on the plan. They include *Agapanthus* and *Rubus*.
  - General Note on Soil:** Do not work soil when it is wet.
  - Garden bed preparation:** Spray area with a broad-leaved plant glyphosate-based herbicide if weeds are present. Wait two weeks and re-spray if all weeds are not dead. Remove spent weeds off-site. Remove any topsoil and store. Ensure no subsoil gets mixed in with the material stored (if no topsoil present, remove ~75mm subsoil) and cultivate subsoil to 150-200mm, mixing in gypsum at 1 kg/sqm. Replace stockpiled topsoil, with gypsum also mixed in (1 kg/sqm). Shape soil, ensuring drainage is away from buildings. Final soil level should be 50mm above the normal (non garden bed) grade. Plant out garden bed, using 5-10g Osmocote or similar (slow-release form) - ensure the fertiliser used is the correct one for the plant species i.e. if there are indigenous/native plants ensure that the fertiliser used has the correct NPK ratio.
  - Garden edging:** Garden edging is to be installed between garden beds, gravel paths and lawn areas. Edging is to be a timber product, spade edge or similar and is to be fixed in place with stakes. Where available use recycled and/or sustainable products.
  - Tube-stock & Shrub Planting Procedure:** Ensure rootballs are moist before planting. Plant tube-stock and shrubs as per detail. Place suitable slow release fertiliser in base of hole and mix thoroughly with broken up soil. Water well immediately after planting and ensure all ties, labels etc attached to the plant are removed.
  - Tree Planting Procedure:** Ensure rootballs are moist before planting. Plant trees as per detail. Add 10-15g Terracottem or equivalent slow-release fertiliser at the time of planting, again ensuring the correct fertiliser for the trees selected is used. Trees are to be watered in well immediately after planting. Importing topsoil for tree planting is to be avoided. Ensure all ties, labels or any other item attached to the trees are removed prior to planting.
  - Mulch:** Mulch may be either a non-leafy mulch such as pine-bark or Euca mulch or a non-combustible mulch such as sustainably sourced pebbles, recycled bricks or similar. Timber mulch must conform with AS 4454-2003, and have 80% of particles in the size range 6-10mm in plan, and 5-10mm in thickness. No particle is to exceed 25mm in plan and avoid the use of rare timbers as mulch. Evenly spread 80mm (min) depth of approved mulch to all garden beds, and tree watering basins after planting operations. Mulch to be kept away from tree trunks and plant stems to prevent collar-rot. It is recommended that rock based mulch is to be used around the dwelling as it reduces the fire risk.
  - Lawn repair:** Aerate and top dress existing lawn with 10mm sandy loam (optional) and rake out flat. Sow grass using a hardy non invasive blend (with added fertiliser) to product specifications. Use environmentally friendly and sustainable products.
  - Lawn:** Loosen soil to minimum 150mm depth. Ensure no ponding and that drainage is away from dwellings/buildings. Top dress with 20mm sandy loam and sow seed (with added fertiliser) using a hardy non invasive species or blend (with added fertilizer). Recommended species include but are not restricted to *Festuca arundinaceae* Tall Fescue, *Poa pratensis* Kentucky Blue-grass, *Dianthem sericeum* Queensland Blue-grass, *Microstema stipoides* Weeping Grass or *Bothriochloa macro* Red-leg Grass. Use environmentally friendly and sustainable products.
  - Fencing:** Proposed paling fences are indicated between dwellings as labelled.
  - Gravel pathways:** Are proposed using sustainably sourced materials.
  - Irrigation:** No irrigation is proposed - plants selected are water wise and the majority are indigenous or native. Additional watering may be required during initial planting and extended dry periods.
  - Maintenance:** is required on all landscaping works for a period of 2 years. Maintenance includes but is not restricted to regular weeding, watering, pruning, re-staking and re-tying of trunks, regular replacement of dead stock, edging and mowing of all grassed areas. This is to be topped up as necessary. Trees are to be healthy, straight, well formed and structured, disease free with a strong central leader.

## Planting Schedule

Sym	Qty	Code	Botanical Name	Common Name	H x W (m)	Pot Size
TREES						
	1	named	<i>Acer palmatum</i> 'Osakazuki'	Osakazuki Japanese Maple	5.0 x 4.0	16L
	1	named	<i>Acer rubrum</i> 'October Glory'	Canadian Maple	13.0 x 9.0	16L
	2	named	<i>Betula pendula</i> 'Moss White'	Moss White Silver Birch	10.0 x 4.0	16L
	1	named	<i>Cercis siliquastrum</i>	Judas Tree	6.0 x 4.0	16L
	2	named	<i>Eucalyptus cladocalyx</i> 'Vintage Red'	Dwarf Sugar Gum	8.0 x 4.0	16L
SHRUBS						
	20	Ac	<i>Acacia cognata</i> 'Limelight'	Dwarf Bower Wattle	0.6 x 1.0	140mm
	32	Bm	<i>Buxus microphylla</i> japonica	Japanese Box	0.8 x 0.8	140mm
	9	Bi	<i>Banksia integrifolia</i> 'Sentinel'	Coastal Banksia cultivar	2.5 x 1.0	140mm
	1	Hn	<i>Hakea nodosa</i> *	Yellow Hakea	3.0 x 2.5	140mm
	31	Nd	<i>Nandina domestica</i> 'Moon Bay'	Dwarf Sacred Bamboo	0.6 x 0.6	140mm
	3	PI	<i>Photinia fraseri</i> 'Red Robin'	Red Tip Photinia	3.0 x 1.5	140mm
	17	Su	<i>Syzygium australe</i> 'Upright & Tight'	Lillypilly cultivar	5.0 x 1.2	140mm
	18	Wj	<i>Westringia javis</i> 'Jervis Gem'	Rosemary cultivar	1.2 x 1.2	140mm

## STRAPPY LEAF PLANTS & GROUNDCOVERS

Sym	Qty	Code	Botanical Name	Common Name	H x W (m)	Pot Size
	31	Aa	<i>Ajuga australis</i> *	Australian Bugle	0.3 x 0.5	tube
	24	As	<i>Artropodium strictum</i> *	Choccolate Lily	0.6 x 0.6	tube
	19	Dr	<i>Dichondra repens</i> *	Kidney Weed	Prox. x 1.5	tube
	29	Eg	<i>Eremophila glabra</i> 'Blue Horizon'	Tar Bush cultivar	0.25 x 1.0	tube
	97	Lf	<i>Lamandra filiformis</i> *	Wattle Mat-rush	0.3 x 0.3	tube
	15	Ph	<i>Phormium hybrid</i> 'Mint Slice'	New Zealand Flax cultivar	1.0 x 1.0	tube
	60	Tt	<i>Themedia triandra</i> *	Kangaroo Grass	0.75 x 0.5	tube
	40	Vh	<i>Viola hederacea</i> *	Native Violet	0.1 x 1.0	tube

Note: Plants marked \* are to be local provenance stock, purchased from a local indigenous nursery. Indigenous plant nurseries able to provide local provenance plant stock include:

- Cardinia Environment Coalition Indigenous Plant Nursery: 62 Cameron Way, Pakenham, VIC 3810 - Ph: 03 5947 7871
- Green Circle Plant Nursery: 1 Halford Street, Upper Beaconsfield, VIC 3808 - Ph: 0407 304 061
- Koo Wee Rup Trees and Shrubs: 10 Bethunes Road, Koo Wee Rup, VIC 3981 - Ph: 03 5997 1839

## Legend

- Existing tree/shrub to be retained
- Existing tree/shrub/weed to be removed
- Proposed native tree
- Proposed deciduous/ornamental tree
- Proposed shrubs
- Proposed strappy leaf plants
- Proposed groundcovers
- Existing garden
- Proposed storage area
- Proposed gravel pathway
- Porch (as labelled)
- Building (as labelled)
- Proposed concrete driveway/footpath
- Proposed lawn
- Proposed clothes line
- Letter box, bins
- Proposed paling fence (as labelled)
- Existing fence
- Existing retaining wall
- Site boundary
- Proposed spot level, existing spot level
- Existing services
- Contours to AHD, 0.2m intervals

- Hole width at least three times rootball width, except where space is limited, when at least two times rootball width is required
- Tree
- Two 50x50x100 hardwood stakes just beyond rootball. Position stakes parallel to the direction of the road/pathway and beyond rootball.
- Non-abrasive natural fibre tie (width 50mm) connected to trunk. Fasten to each stake with three staples. Allow for maximum sway of 1:80 from the vertical. Attached as figure of eight, as shown.
- Top of rootball flush with or up to 25mm above GL.
- Minimum 1m diameter, 80mm settled depth mulch ring, well clear of trunk.
- 100mm high watering basin with inner edge just beyond rootball.
- Excavated hole: break up sides and base to 100mm, do not glaze. Sides to have a slope of ~1:1. Backfill with loosened local topsoil to 75% of volume, tamp down, and water in. Complete backfill and tamp down gently to match existing GL.
- Undisturbed subsoil.
- Notes:
- All labels and binding materials such as ties and twine to be removed from tree before planting.
  - If a soil profile is present, store layers separately and return soil once ready with the soil profile as intact as possible.
  - Tease out outer roots and cut away pot-bound roots (the latter should be low in proportion; if not, reject it).
  - Water immediately following planting, and fill basin twice.
  - Leave area clean and tidy, removing weeds and excess soil.

- 1 Staked Tree
- Typical Planting Detail
- Not to Scale

- 2 Tubestock Planting
- Typical Planting Detail
- Not to Scale

- 3 Potted Plant
- Typical Planting Detail
- Not to Scale

- 4 Spade Edge
- Typical Detail
- Not to Scale

- 5 Gravel Path
- Typical Surface Detail
- Not to Scale

- 6 Existing Camellia within the front setback to be retained

- 7 Adjacent garden bed

- 8 Timber edge

- 9 80mm depth 7mm grade sustainably sourced gravel

- 10 Compacted subgrade

- 11 Cultivated top soil. Highest point of soil in garden bed to be higher than surrounding lawn

- 12 Rootball

- 13 Set specimen vertical.

- 14 Form 50-75mm depth saucer.

- 15 Nominated mulch surface.

- 16 Grade gently down to trunk.

- 17 Ensure mulch is kept clear of base of trunk and foliage.

- 18 Prepare hole for potted specimen ensuring (min. 100mm clearance) on third (min.) larger than rootball. Backfill excavated hole with cultivated clean site topsoil mixed with suitable fertiliser. Apply fertiliser at rates specified by the manufacturer.

- 19 200mm min. imported topsoil mix to planting bed.

- 20 Subgrade to be cultivated to 100mm min. depth.

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