# Notice of Application for a Planning Permit



The land affer application is		L236 PS649678 V11462 F024 2 Palm Court, Pakenham VIC 3810				
The application is for a permit to:		Building and Works for Dwelling and Fence				
A permit is required under the following clauses of the planning scheme:						
42.01-2	Construct a building	or construct or carry out works				
42.01-2 Construct a fence						
	APPLICATION DETAILS					
The applicar	nt for the permit is:					
Application number:		T240644				

You may look at the application and any documents that support the application at the office of the Responsible Authority:

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at <a href="mailto:cardinia.vic.gov.au/advertisedplans">cardinia.vic.gov.au/advertisedplans</a> or by scanning the QR code.



#### **HOW CAN I MAKE A SUBMISSION?**

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:

#### 08 August 2025

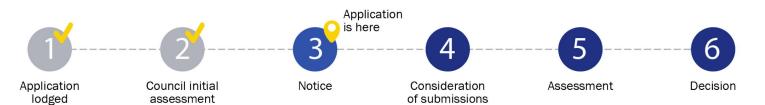
#### WHAT ARE MY OPTIONS?

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

If you object, the Responsible Authority will notify you of the decision when it is issued. An objection must:

- be made to the Responsible Authority in writing;
- include the reasons for the objection; and
- state how the objector would be affected.

The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.





# **ePlanning**

#### **Application Summary**

#### **Basic Information**

Proposed Use	Construction of a Double Storey dwelling and relocation of existing driveway as proposed on the attached site plan. Extract of email from Cardinia Shire Council to Builder (Metricon) confirming planning permit is required attached to this application:
Current Use	Vacant Land
Cost of Works	\$795,656
Site Address	2 Palm 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
☐ Note: During the application process you may be required to provide more information in relation to any encumbrances.	

#### **Contacts**

Туре	Name	Address	Contact Details
Applicant			
Owner			
Preferred Contact			

#### **Fees**

Regulation Fee Condition		Amount	Modifier	Payable
9 - Class 5	More than \$500,000 but not more than \$1,000,000	\$1,535.00	100%	\$1,535.00

Total \$1,535.00

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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. Box7, Pakenham VC, 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	Туре	Filename
01-12-2024	A Copy of ⊺itle	2 Palm Court Title.pdf
01-12-2024	Encumbrance	AKM575312M.pdf
01-12-2024	Site plans	Lot 236 Plan.pdf
01-12-2024	Site plans	Site Plans - 2024-10-17T084943.590.pdf
01-12-2024	A proposed floor plan	Floor Plans - 2024-10-17T084943.590-2.pdf
01-12-2024	Proposed elevation plan	Elevation Plans - 2024-10-17T084943.590.pdf
01-12-2024	Additional Document	Planning Permit Required - Confirmation.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**

Lougeu Dy	
Site User	
Submission Date	01 December 2024 - 11:45:PM

#### **Declaration**

Use By ticking this checkbox, I, 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**) 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 8.30amâ€"5pm Phone: 1300 787 624 After Hours: 1300 787 624 Fax: 03 5941 3784



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders,

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

Page 1 of 1

VOLUME 11462 FOLIO 024

Security no : 124120106044F Produced 24/11/2024 08:13 PM

#### LAND DESCRIPTION

Lot 236 on Plan of Subdivision 649678Q. PARENT TITLE Volume 11461 Folio 856 Created by instrument PS649678Q 03/12/2013

#### REGISTERED PROPRIETOR



#### ENCUMBRANCES, CAVEATS AND NOTICES

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 set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987 AK575312M 06/09/2013

#### DIAGRAM LOCATION

SEE PS649678Q FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

NIL

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

Street Address: 2 PALM COURT PAKENHAM VIC 3810

#### ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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Title 11462/024 Page 1 of 1



# **Imaged Document Cover Sheet**

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Document Type	Plan
Document Identification	PS649678Q
Number of Pages	9
(excluding this cover sheet)	
Document Assembled	24/11/2024 20:13

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Signed by Council: Cardinia Shire Council, Council Ref: S11/088, Original Certification: 18/04/2012, S.O.C.: 06/11/2013 Stage No LRS use only Plan Number PLAN OF SUBDIVISION PS 649678Q **EDITION** Location of Land Council Certificate and Endorsement Parish: Nar Nar Goon Council Name: Cardinia Shire Council Township: 3 (Part) & 7 (Part) Crown Portion: This plan is certified under section 6 of the Subdivision Act 1986 Parish: Nar Nar Goon This plan is certified under section 11(7) of the Subdivision 2 Township: Pakenham Date of original certification under section 6 Crown Allotment: 32 (Part) & Part of Former This is a statement of compliance issued under section 21 of the Subdivision 3 Act 1988 Government Road OPEN SPACE Title Reference: Vol. 11461 Fol. 856 (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made Last Plan Reference: Lot A PS 649677S The requirement has been satisfied. The requirement is to be satisfied in Stage ..... Postal Address: 120-150 Pakenham Road Council Delegate Council Seal (at time of subdivision) Pakenham 3810 Date /20 MGA94 Co-ordinates: Ε 366 600 **Zone**: 55 Re-certified under section 11(7) of the Subdivision Act 1988 (of approx. centre of land in plan) 5 786 800 Council Delegate Council Seal Vesting of Roads and/or Reserves Date /20 Identifier Council/Body/Person **Notations** Roads R-1 Cardinia Shire Council This is not a staged subdivision Staging Reserve No.1 Cardinia Shire Council Planning Permit No. T060892 Reserve No.2 Cardinia Shire Council Depth Limitation : Does not apply Reserve No.3 Cardinia Shire Council THIS IS A SPEAR PLAN Lots 1 to 200 (Both Inclusive) have been omitted from this stage. This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited. GALWAY GOLD Development No.: 2 This plan is/is not based on survey. See BP 2601B Survey No. of Lots: 45 Area: 6.553 ha This survey has been connected to permanent marks no(s) PM 89 & PM 313 317 C3 Melways: This survey is not in a Proclaimed Survey Area Easement Information LRS use only A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) Legend: Statement of Compliance/ Fasement Width **Exemption Statement** Purpose Origin Land Benefited/In Favour Of Reference (Metres) E-1, E-3 See Received  $|\checkmark|$ This Plan Cardinia Shire Council Drainage & E-4 Diag DATE 20 / 11 / 2013 E-2. E-3 See This Plan South East Water Limited Sewerage Diag. & E-4 This Plan LRS use only Section 88 Electricity Industry Act 2000 See E-4 & E-5 Powerline SPI Electricity Pty Ltd Diag. PLAN REGISTERED See TIME 5.34pm F-6 Water Supply PS 649677S South East Water Limited Diag DATE 3/12/2013 Kevin Bond Assistant Registrar of Titles SHEET 1 OF 8 SHEETS WATSONS LICENSED SURVEYOR (PRINT) JONATHAN TREVOR NEATE URBAN DEVELOPMENT SIGNATURE DIGITALLY SIGNED /20 CONSULTANTS & MANAGERS DATE

REF 35213/Stg.2

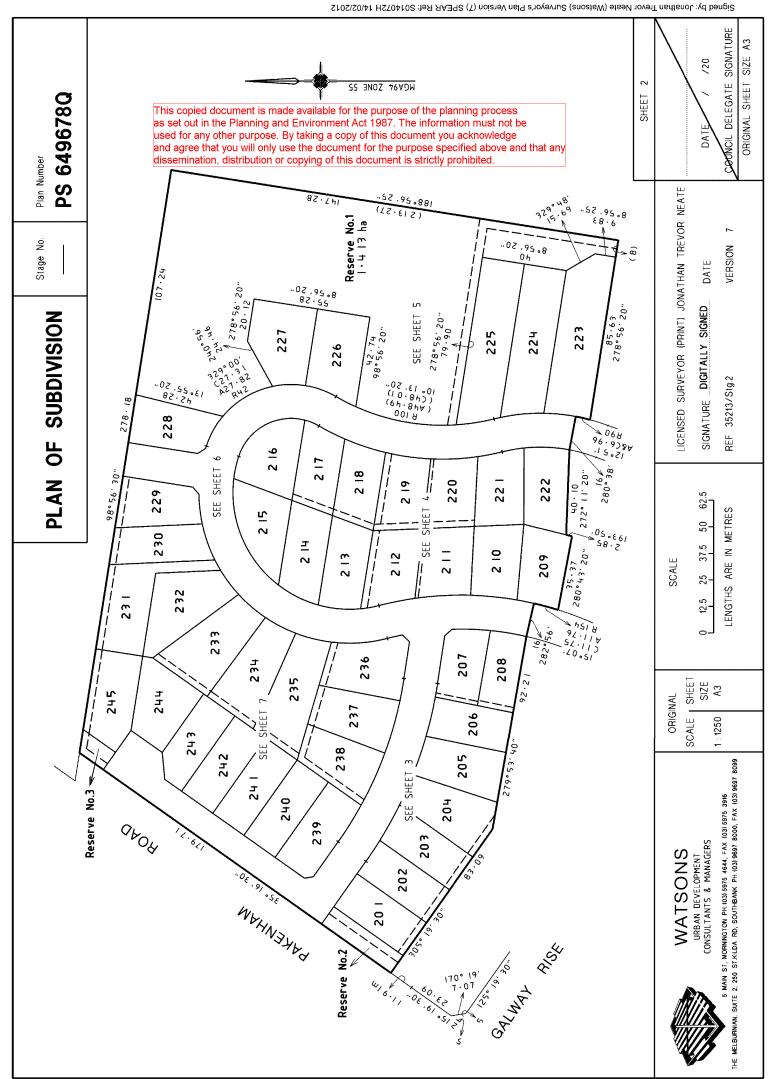
VERSION 7

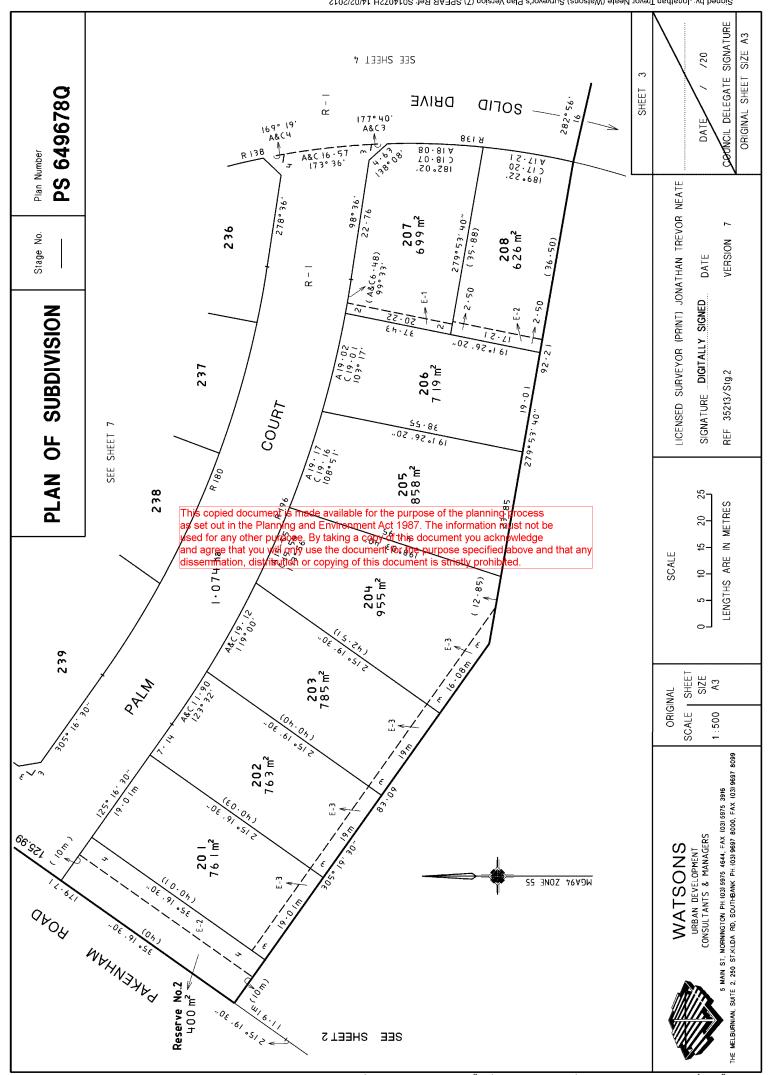
COUNCIL DELEGATE SIGNATURE

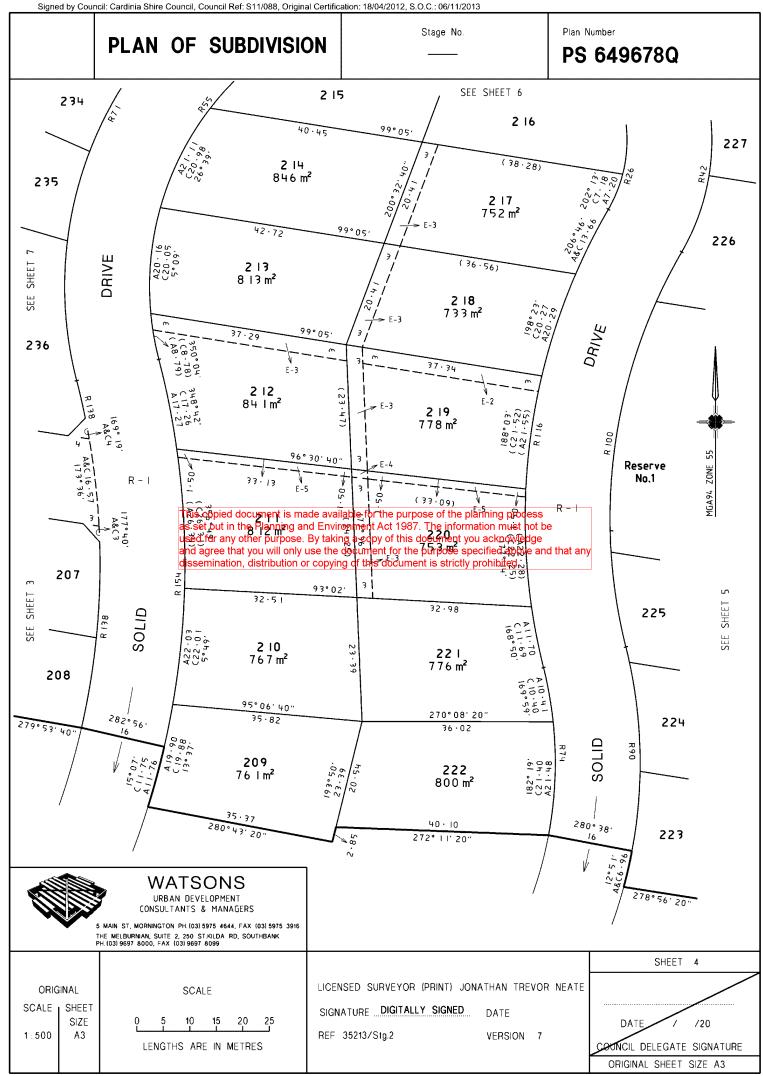
ORIGINAL SHEET SIZE A3

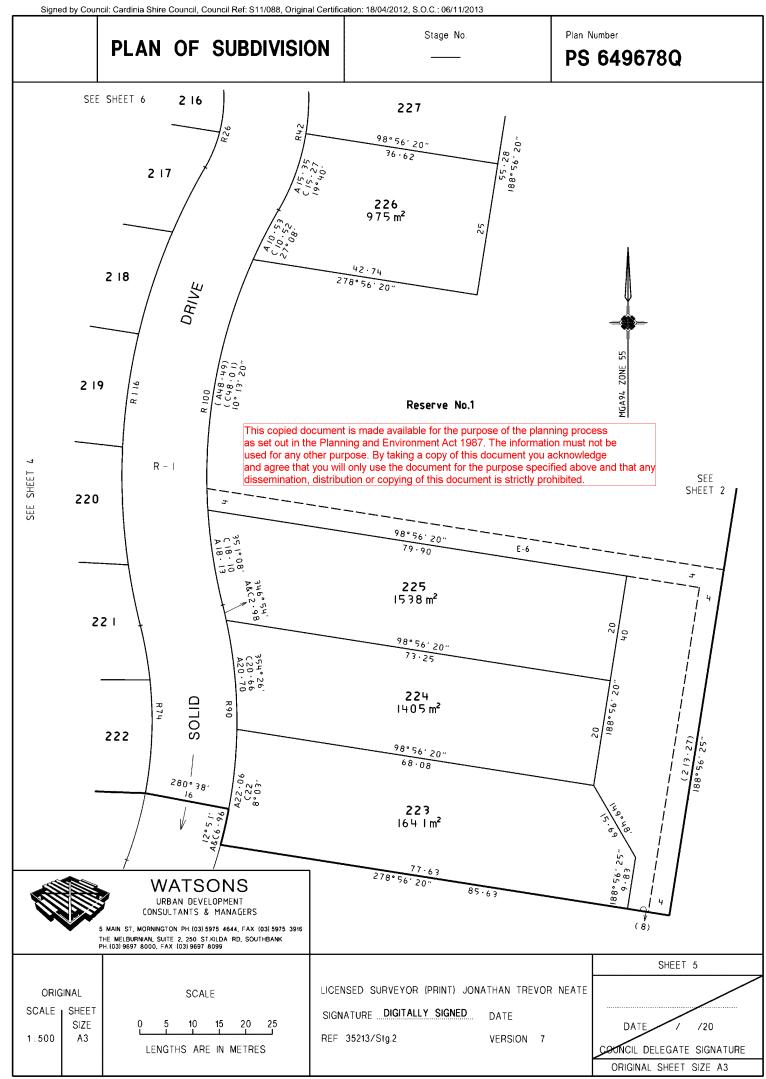
5 MAIN ST, MORNINGTON PH. (03) 5975 4644, FAX (03) 5975 3916

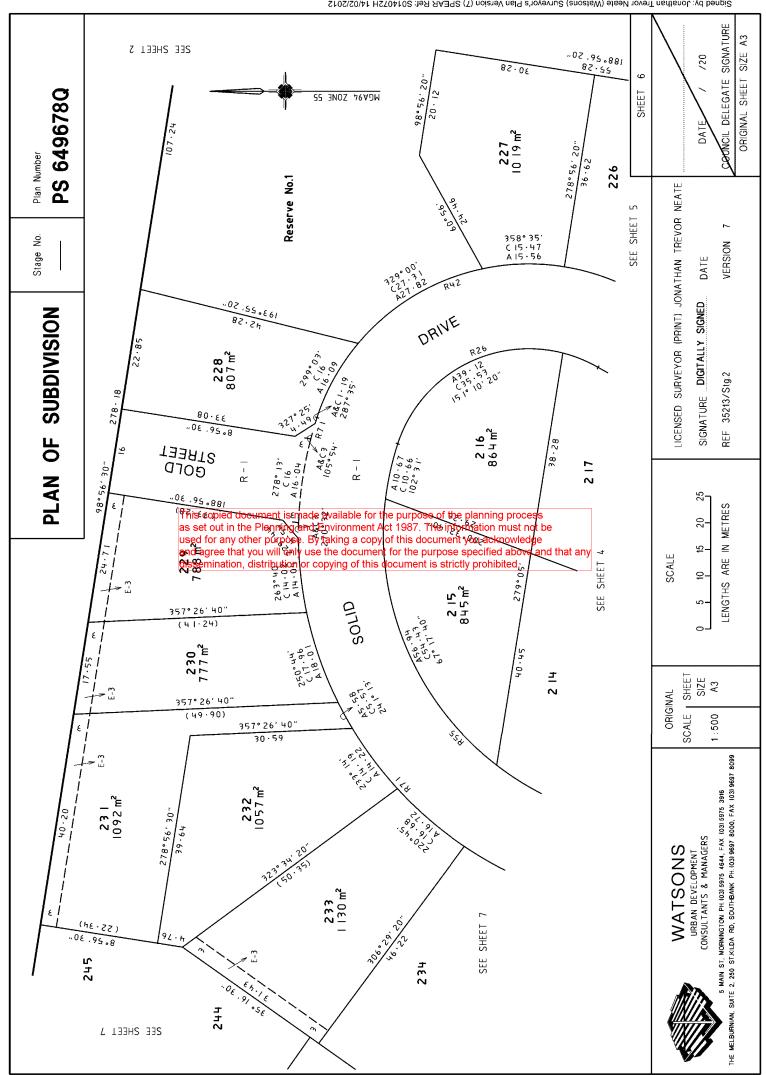
THE MELBURNIAN, SUITE 2, 250 ST.KILDA RD, SOUTHBANK PH (03) 9697 8000, FAX (03) 9697 8099

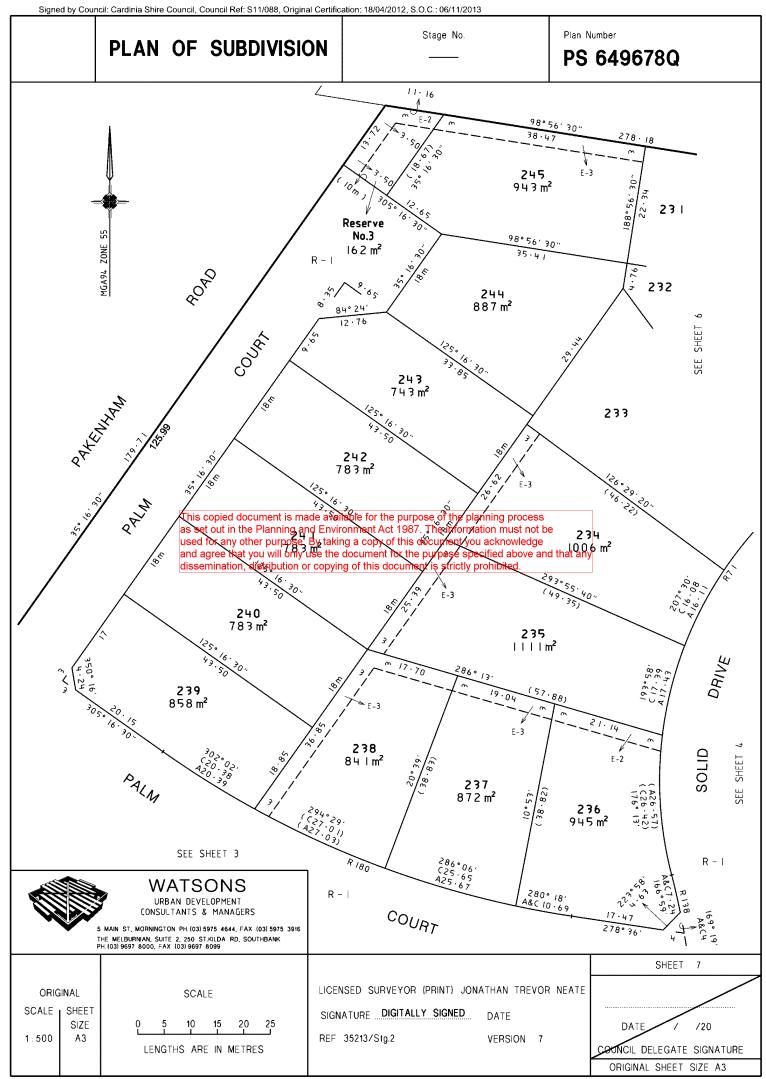












Signed by Council: Cardinia Shire Council, Council Ref: S11/088, Original Certification: 18/04/2012, S.O.C.: 06/11/2013

### PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 649678Q

### SUBDIVISION ACT 1988

#### CREATION OF RESTRICTION A

Upon registration of this plan the following restriction is to be created.

Land to benefit:

Land in this plan.

Land to be burdened:

Lots 223 to 227 (Both Inclusive).

Description of Restriction:

The registered proprietor or proprietors for the time being a burdened lot to which this restriction applies shall not allow dwellings and garages to be located outside the building envelope (hatched area) shown in the Building Envelope Schedule within the Insrument for PS 649678Q unless with the written consent of the Responsible Authority.

#### SUBDIVISION ACT 1988

#### CREATION OF RESTRICTION B

Upon registration of this plan the following restriction is to be created.

Land to benefit:

Land in this plan.

Land to be burdened:

Lots 205, 232 and 233.

#### Description of Restriction:

The registered proprietor or proprietors for the time being a burdened lot to which this restriction applies shall not allow removal of any trees within the Tree Protection Envelopes (cross hatched area) shown in the Tree Protective Envelope Schedule within the instrument for PS 649678Q unless with the written consent of the Responsible Authority.

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### WATSONS

URBAN DEVELOPMENT CONSULTANTS & MANAGERS

5 MAIN ST, MORNINGTON PH.(03) 5975 4644, FAX (03) 5975 3916 THE MELBURNIAN, SUITE 2, 250 ST.KILDA RD, SOUTHBANK PH.(03) 9697 8000, FAX (03) 9697 8099 LICENSED SURVEYOR (PRINT) JONATHAN TREVOR NEATE

DATE

SIGNATURE DIGITALLY SIGNED

REF 35213/Stg.2 VERSION 7

DATE / /20
COUNCIL DELEGATE SIGNATURE
ORIGINAL SHEET SIZE A3

### Plan of Subdivision PS649678Q Certification by Council (Form 5)

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S014072H

Plan Number: PS649678Q

Responsible Authority Name: Cardinia Shire Council Responsible Authority Reference Number 1: S11/088

Surveyor's Plan Version: 7

#### Certification

This plan is certified under section 6 of the Subdivision Act 1988

#### **Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made at Certification

Digitally signed by Council Delegate

Organisation: Cardinia Shire Council

Date: 18/04/2012



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#### FORM 18 Section 181

# APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

### **Planning and Environment Act 1987**

Lodged by:
Name: Solicitor
Phone: 9571 · 5236
Address: 16 Ash Grove, Malvern East 3145
Ref: Galway View Pty. Ltd.
Customer Code: DITELY
The Authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the land.
Land: Volume 8810 Folio 340 and Volume 8652 Folio
Authority: Cardinia Shire Council Henty Way, Pakenham, Victoria, 3810
Section and Act under which agreement made: S 173 of Planning and Environment Act 1987
A copy of the Agreement is attached to this Application.
Signature for the Authority
Name of Officer:
Date: 22 8 13

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- 3. SECTION 173 AGREEMENT
- 4. SPECIFIC OBLIGATIONS OF THE OWNER
- 5. FURTHER OBLIGATIONS OF THE OWNER
- 6. AGREEMENT UNDER SECTION 173 OF THE ACT
- 7. OWNER'S WARRANTY
- 8. SUCCESSORS IN TITLE
- 9. GENERAL MATTERS
- 10. COMMENCEMENT OF AGREEMENT

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# AK575312M 06/09/2013 \$113 173

#### AGREEMENT

## THIS AGREEMENT is made the 26 Mday of August 2013

#### BETWEEN:

#### CARDINIA SHIRE COUNCIL

of Henty Way, Pakenham, in the State of Victoria

("the Council")

- and -

Galway View Pty Ltd, 505 St Kilda Road, Melbourne in the State of Victoria

("the Owner")

#### INTRODUCTION

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- B. The Owner is the registered proprietor of the Land.
- C. On 18 September 2007 the Council issued Planning Permit No. T060892 permitting subdivision of the land into 110 lots, the provision of public open space and tree reserves, creation of access to a Road Zone Category 1 and the removal of native vegetation generally in accordance with the endorsed plan. Condition 3 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition.
- D. A Plan of Subdivision was not certified within two years of the date of the Planning Permit. An extension of time was approved by Council on 16 September 2009 and 10 October 2011. Endorsed Plans were approved on 22 September 2012 and this revised the lot numbers compared to the original permit application plans (Watsons Pty Ltd Revision E). The lots previously numbered 36 to 47 inclusive on Watsons Pty Ltd Revision E and obligated in Condition 3 of the Planning Permit are renumbered lots 120 to 126 inclusive and lots 223 to 227 inclusive on the Endorsed Plan.
- E. The parties enter into this Agreement:-
  - (a) to give effect to the requirements of Condition 3 of the Planning Permit; and
  - (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Land.

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#### IT IS AGREED:

#### 1. **DEFINITIONS**

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

- 1. 1 "the Act" means the *Planning and Environment Act* 1987.
- 1.2 "this Agreement" means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3 "Amended Planning Permit Plan" means the amended plans approved under the Planning Permit as an Endorsed Plan generally in accordance with Watsons Pty Revision E dated 4 September 2007 but modified in accordance with condition 1 of the Planning Permit.
- 1.4 "Building" has the same meaning as in the Act.
- 1.5 "Building Envelope" means the building envelope shown for a particular lot in the Plan of Subdivision and has the same meaning as in regulation 406 of the Building Regulations.
- 1.6 "Dwelling" has the same meaning as in the Cardinia Planning Scheme.
- 1.7 **"Eastern most allotments"** being Lots 120 to 126 inclusive and Lots 223 to 227 inclusive on the Endorsed Plan.
- 1.8 "Endorsed Plan" means the plans endorsed with the stamp of the Council from time to time known as the Amended Planning Permit Plan and Landscape Masterplan which form part of the Planning Permit.
- 1.9 "Land" means the land situated at 120-150 Pakenham Road, Pakenham, being all of the land contained in Certificate of Title Volume Folio 8810 340 and Certificate of Title Volume Folio 8652 976 and any reference to the Land includes any lot created by the subdivision of the Land or any part of it.
- 1.10 "Landscape Masterplan" means the plan approved under the Planning Permit as an Endorsed Plan which shall provide for, inter alia, the revegetation of the ridgeline/ rear of lots 120 to 126 inclusive and lots 223 to 227 inclusive and trees to be retained generally in accordance with the Planning Permit.
- 1.11 "Lot" means a lot or allotment on the Endorsed Plan.
- 1.12 "Planning Permit" means Planning Permit T060892 dated 18 September 2007.

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- 1.13 "Planning Scheme" means the Cardinia Planning Scheme and any other planning scheme that applies to the Land.
- 1.14 "Ridgeline" means the Pakenham North Ridge a natural topographic feature which affects part of the Land being Lots 120 to 126 inclusive and Lots 223 to 227 inclusive on the Endorsed Plan.
- 1.15 "Ridgeline Elevation" means the changing level or height of the Ridgeline.
- 1.16 "Statement of Compliance" means a Statement of Compliance under the Subdivision Act 1988.

#### 2. INTERPRETATION

In this Agreement unless the context admits otherwise:



- 2.1. the singular includes the plural and vice versa.
- 2.2 a reference to a gender includes a reference to each other gender.
- a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 if a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 a word or expression used in this Agreement has its ordinary meaning unless that word or expression is defined in this Agreement. If a word or expression is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6. any reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 the introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

#### 3. SECTION 173 AGREEMENT

#### 3.1 Purpose

This agreement is made under section 173 of the Act. In entering into it the Parties intend to achieve or advance the objectives of planning in Victoria or the objectives of the Planning Scheme.

#### 3.2 Burden of covenants

The Council and the Owner intend that the burden of the Owner's covenants run with the Land.

#### 4. SPECIFIC OBLIGATIONS OF THE OWNER

The owner acknowledges and agrees that:



#### 4.1 Building Restrictions

No building shall be constructed on lots 120 to 126 inclusive and lots 223 to 227 inclusive outside the building envelopes shown on the Endorsed Plan except with the prior written consent of Council.

#### 4.2 Height Controls

Any dwelling constructed on lots 120 to 126 inclusive and lots 223 to 227 inclusive must not be higher than 2.0 metres above the highest point of the ridgeline elevation on that lot.

#### 4.3 Re-vegetation

Re-vegetation and landscaping across the ridgeline (the rear of the Eastern most allotments) must be carried out generally in accordance with the approved Landscape Masterplan prior to the issue of a Statement of Compliance.

#### 5. FURTHER OBLIGATIONS OF THE OWNER

The Owner further agrees that:

#### 5.1 Notice and Registration

5.1.1 the Owner will bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns.

#### 5.2 Further Actions

- 5.2.1 the Owner will do all things necessary to give effect to this Agreement.
- 5.2.2 the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the register on the Certificate of Title to the Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable a recording to be made in the register under that section.

#### 5.3 Council's costs to be paid

5.3.1 the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

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#### 6. AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement, and insofar as they can be so treated, this Agreement is made pursuant to section 173 of the Act.

#### 7. OWNERS WARRANTY

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be affected by this Agreement.

#### 8. SUCCESSORS IN TITLE

- 8.1 Without limiting the operation or effect which this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Land, successors in title shall be required to:-
  - (a) give effect to and do all acts and sign all documents which require those successors to give effect to this Agreement; and
  - (b) execute a Deed agreeing to be bound by the terms of this Agreement.

#### 9. GENERAL MATTERS

#### 9.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 9.1.1 by delivering it personally to that party;
- 9.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 9.1.3 sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

#### 9.2 A notice or other communication is deemed served:

- 9.2.1 if delivered, on the next following business day;
- 9.2.2 if posted, on the expiration of two business days after the date of posting; or

9.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested transmission before the end of that business day.

#### 9.3 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

#### 9.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

#### 9.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

#### 10. COMMENCEMENT OF AGREEMENT

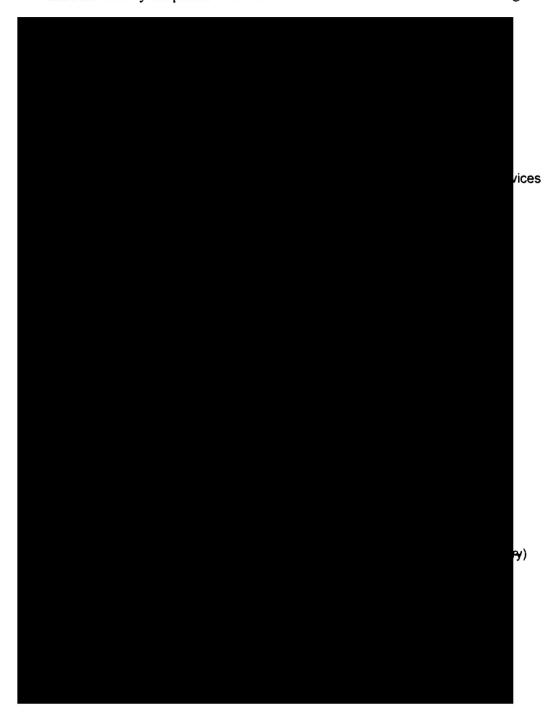
Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

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# AK575312M 06/09/2013 \$113 173

### **SIGNING PAGE**

**EXECUTED** by the parties on the date set out at the commencement of this Agreement.



AK575312M 06/09/2013 \$113 173

**DATED** 

**CARDINIA SHIRE COUNCIL** 

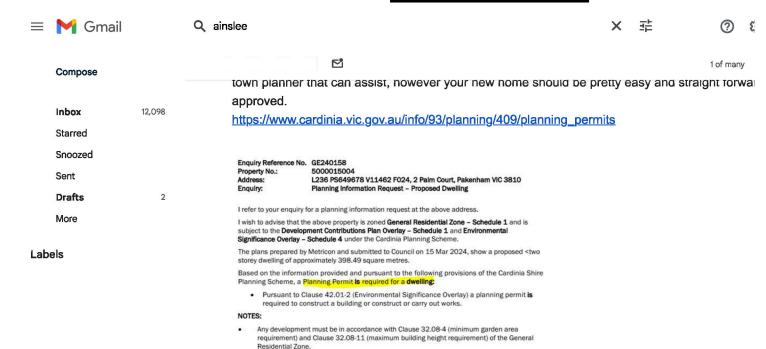
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- and -

GALWAY VIEW PTY LTD ACN 007 183 897

AGREEMENT
UNDER SECTION 173
OF THE PLANNING
AND ENVIRONMENT
ACT 1987

Land: Lot 1 & 2 LP8840, 120-150 Pakenham Road, Pakenham 3810



Please check whether any covenants or restrictions are registered on the title as any

development must be in accordance with these requirements.



#### La eside □ ildin □ Cons □ tants

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and agree that you will only use the document for the purpose specified above and that any

P.O. Box 49 Pakenham ,Vic 3810

sonya@lakesidebuilding.com.au

Phone: 044 44 000

Stat⊡tor□Plannin□O⊞ce Cardinia Shire Co⊡ncil P©□□ox □ Pa⊡enham □□□0

Dear T

REF: 2 Palm Crt - Pakenham

Constr□ction o □a d □ellin □

T □40 □44

I □ish to ma e the ollo □in comments □

1. Provision of electronic version of <u>all updated/additional architectural and landscape plans</u> at A1 size and in PDF format and a copy of all application documentation.

Plans have been provided in A3 format as a traditional size – A1 are to large to email

 A calculation of the garden area (as defined at Clause 73.01 of the Planning Scheme) provision for the proposed development, as required by Clause 32.08-4 of the General Residential Zone that came into effect on 27 March 2017. The denoted Garden Area needs to be clearly hatched and demonstrated on scaled Site Plan

Garden area located on site plan but notes shown on landscape plan

3. A written assessment outlining how the proposal satisfies the requirements of the objectives and decision guidelines of Schedule 4 to Clause 42.01 (Environmental Significance Overlay) of the Cardinia Planning Scheme.

To protect and enhance the significant environmental and landscape values of the Pakenham North ridge.

To ensure that the siting and design of buildings and works does not adversely impact on environmental and landscape values including the ridge landform, the diverse and interesting landscape, the natural skyline of ridge areas, areas of remnant vegetation, and habitat of botanical and zoological significance.

To ensure that the siting and design of buildings and works responds to environmental and landscape values, and addresses environmental hazards of erosion, salinity and fire.

To maintain, manage and promote replanting of native vegetation as an important element of the Pakenham North ridge landscape and natural systems.

To ensure long term protection of areas of high conservation value and promote the protection and enhancement of wildlife habitat and corridors.

This proposed dwelling is to be located on the corner of Solid Rise and Palm Crt with access from Palm Crt. Site has a cross fall with the south side being approximately 2.0m lower than Solid Rise. Finally after many years the land surrounding and in the top half of this estate is starting to be developed with a mix are standard type dwellings in a mix of single and double storey as well as a few architecturaly designed modern type dwellings. This proposed dwelling is a traditional double storey family home and is

similar to the one under construction next door on the south side, with it's frontage facing Palm Crt.

Dwelling is sited in the middle of the block and has a change of cladding to the upper floor to break the volume. The site itself does not and has not contained any vegetation since pre 2014 and currently has 3 small street trees – one on solid Rise and 2 on Palm Crt which will not be impacted by the new crossover – the TPZ for both of these is approx. 1.2m to 1.5m only and there is 15m between the 2 trees. The owners have chosen a landscape plan that they can and will plant as opposed to one where there is no intent to plant. This office can see that this has happened across many properties. The owners have chosen to plant 2 x Palm trees to honour the street name.

on Solid Rise a climber will be planted behind the retaining wall that will soften the fencing and provide good access for bees to the area = a very traditional garden with the aim of providing for the family is planned with fruit and vege gardens taking presence over native plantings

4. A written arboricultural impact assessment prepared by a qualified experienced Arborist on the proposals impact (being the relocation of crossover) upon existing street trees.

The two trees on Palm Crt are spaced 15m apart and have a tree diameter of 200mm max giving a TPZ of 2.4m and a crossover of 3500mm giving approximately a good clear 4.0m between the outside canopy of the trees and the start of the crossover. A small tree on Solid Rise will not be impacted at all by the works

5. A Site Survey Plan prepared by a suitably qualified professional.

The building company has provided survey details on the plans and expect they have a land surveyor on their books

#### 6. <u>INFORMATION REQUIRED IN RELATION TO SITE</u>

PLAN(S):

Fully dimensioned plans drawn at a scale 1:100 and preferably at A1 size, clearly showing the following:

1. Boundaries and dimensions of the site as detailed on the Certificate of Title.

Shown on the site plan

2. Location, dimensions and details existing easements and any pipes located within easement.

Shown on the site plan

3. The internal layout of proposed buildings with use of rooms labelled.

Shown on the 2 pages of floorplans for the works

4. Setbacks of buildings from <u>all</u> property boundaries.

Shown on the site plan

5. Dimensions of private open space areas (width and length).

The owners will install a small fence between the garage and the west boundary fence – this will then allow the whole of the back yard to be the POS down the west side and the north back yard

6. Location and dimension of crossovers and setback from any street trees.

Crossover to be located in the "middle of the Palm Crt facing (west side) with a 4m gap to the street trees

7. Location and width of driveways and internal dimensions of vehicle accommodation

(garages, carports, etc.)
Garage shown on the plans

Declare the location of all paved surfaces, including footpaths and paved/decked areas within private open space areas.
 At this time no plans or any rear pathing – please confirm if they will need town planning to install a path to the vege garden or the like

8. Location of all vegetation to be removed (ie: to be shown with a dotted outline) and Retained (i.e.: to be shown with solid lines).

No Vegetation to be removed as none onsite

 Notations or details of any tree protection zones or similar recommended by an appropriately qualified arborist.

Council to advise if they want the two trees on Palm Crt to be fenced during construction

11. Location, materials and height of all boundaries and any internal fences (with a statement as to whether these are existing or proposed).

There is no existing fencing onsite at all and standard boundary fencing to be used North and West – East along Solid Rise will be a colourbond fence to 1800mm in either cream or grey

12. Contours along the length of the site to AHD.

Shown on the site plan

13. Levels of the site through nominated spot levels at the corner of all proposed buildings and contours along the length of the site to AHD.

Shown on the site plan

14. Finished floor levels of buildings and garages (to AHD).

Shown on the Elevation plan

15. Finished site levels (particularly in private open space areas to AHD).

It is understood that the neighbour to the west will need to install a retaining wall on this boundary and the owners will work with them to set the final level at the west side boundary line

16. Location and dimensions of all earthworks/retaining walls.

Retaining wall to go 500mm off the Solid Rise boundary line to a length where is zero's out

17. North point (preferably oriented to the top of the plan).

Shown on the site plan

18. Development summary box (including details such as number of dwellings, site coverage, impervious area coverage, private open space per dwelling, car parking, etc.).

Shown on the site plan next to North Arrow and some minor notes on the landscape plan

19. A plan reference name (e.g. site layout plan), reference number, version number, date of version and version update details including date and reason for update.

Builders details on plan this office cannot change

#### INFORMATION REQUIRED IN RELATION TO ELEVATION PLAN(S):

Fully dimensioned plans drawn at a scale of 1:100 and preferably at A1 size clearly showing the following:

1. All four elevations marked in accordance with cardinal directions (North, South, East and

West)

Shown on the elevation plan

2. Natural ground level and finished ground level (to AHD) clearly nominated on all elevations for the length of the boundaries.

Shown on the elevation plan

3. Wall height from natural and finished ground level (for each building elevation).

Shown on the elevation plan

4. Overall building height from natural and finished ground level (for each building elevation).

Shown on the elevation plan

5. Dimensions from natural ground level to the proposed finished floor levels (for each building elevation).

Shown on the elevation plan

7. Boundary fencing height shown as a dotted line across each elevation.

It is not known what fencing to go on the west side as that home is under construction but believe it will be 2.0m high – along the north timber fencing expected to 2.0m and Solid Rise 1.8m above the footpath

- 8. The depth of <u>all proposed cut and/or fill (including retaining walls).</u>
- 9. Shown on the elevation & site plan allows for up to 1400mm but expected to average at 1.0m
- The sill height of any proposed raised sill or highlight windows dimensioned from the relevant floor level.
   Shown on the elevation plan
- 10. A detailed schedule of construction materials/colours proposed to be used. Attached as a separate document
- 10. A plan reference name, reference number, version number, date of version and version update details including date and reason for update.

This office cannot change what has been provided but is a clean set of plans provided by the Builder assume this is good as they got the RFI

#### INFORMATION REQUIRED IN RELATION TO LANDSCAPE PLAN:

Fully dimensioned plans drawn at a scale of 1:100 and at a minimum A1 size paper (based on the Site Plan).

The plans must show the following:

- 1. Species, height and canopy width of the vegetation to be removed and retained. Nil as none to be removed on the nature strip and nothing onsite
- 2. Indication of the species, size and purpose of the proposed conceptual planting. Where available species have been provided in botantical names this office attempted to obtain council view on options for landscape plan and was not able to get an answer clients therefore have indicated what they intend to plant and where including 2 x Palm Trees out of respect of the street name and plantings to aid in the day to day life of the family and their heritage
- 3. Proposed landscaping works, including decking, driveways and paving.

Driveway shown and is proposed to be standard concrete - paving under roofline

4. Planting of any proposed canopy tree outside of land encumbered by an easement.

#### **NON-MANDATORY INFORMATION:**

It is also suggested that the application would benefit from the provision of the following non-mandatory information:

1. Coloured streetscape perspectives such as computer-generated montages of the buildings and surrounding context.

Separate document showing existing dwellngs in the immediate area attached – all taken from the road

#### PRELIMINARY ASSESSMENT COMMENTS:

A preliminary assessment of the application has been undertaken and the following comments are provided for your consideration:

#### Visual bulk and massing

Council has significant concerns with the proposed dwelling design and the upper storey massing, particularly as it presents to Solid Drive. The introduction of upper-storey articulation and a reduced upper-storey footprint, along with the provision of pitched roof form (inclusive of eves) and a mixed materials palette, is encouraged to reduce the impacts associated with visual bulk.

The current design is not sympathetic to the fall of the land and results in an unacceptable level of earthworks to facilitate the construction of the dwelling. It is encouraged that the dwelling design and/or siting is reviewed to reduce the extent of earthworks; this may be through the introduction of a split-level design or an elongated footprint that is more responsive to the topography of the land.

It is recommended that the design is reviewed to improve the likelihood of support by the Planning Department

Dwelling is very similar in style and size to that Nr's 4 & 8 Palm Crt and those that site high on the top side of Solid Rise sit very high out of the ground (I assume to allow views over the houses below once constructed

The owners have signed the contract with the builder and have changed the upper floor cladding to vary the bulk of the building but cannot for financial reasons change the floorplan

#### 2. Fence Information

No information is provided regarding any proposed fence. Under Clause 42.01-2 (Environmental Significance Overlay), a permit is required to construct a fence, as specified in Schedule 4 to the Overlay.

Please be advised that the Council is unlikely to support boundary fencing exceeding 1.8 metres in height above finished ground level (including retaining walls—if applicable). The information requested within this letter (fencing elevation) will provide further clarity.

It is recommended that the application be revised to address these comments, and/or include a written response to them. Revising the application at this stage is likely to result in the application process being more efficient and may mitigate future concerns from relevant parties.

If the application is not revised accordingly, it will be processed in its current form and may be subject to future changes through conditions of any planning permit and/or may be recommended for refusal.

The fences are to be colourbond in either cream or grey to match the dwelling on Solid Rise and will be 1800mm from the footpath in height North side will be timber fencing to 1800mm and to the west the planning permit for 4 Palm crt will dictate the fence along here – owners have not been able to make contact with the owners of 4 Palm Crt at this time

I □□o□ ha □e an □ □□eries □please do not hesitate to contact this o □ice □





8 Palm Crt (facing west – Pakenham Rd)







Facing Solid Rise (between Palm & Galway)



22 Solid Rise North side



View from subject site looking East



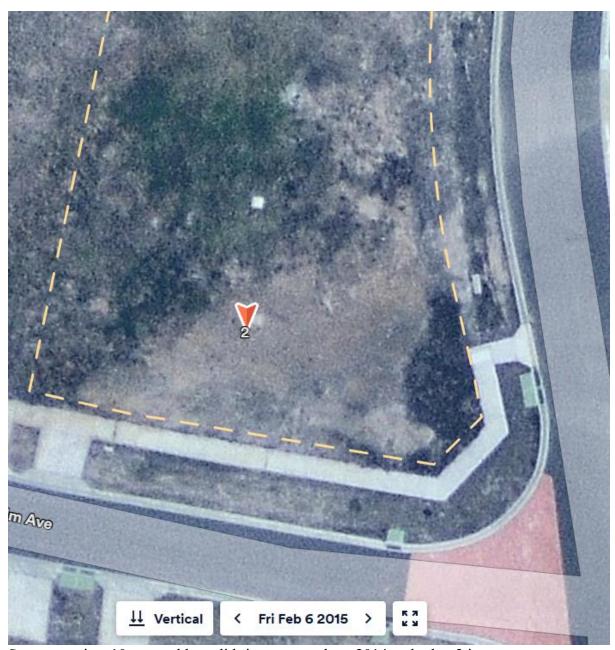
View looking West to neighbour under construction



View to neighbours looking south (across Palm Crt)



Dwelling on corner with Solid (also looking south from subject site)



Street trees just 10 years old – solid rise tree not there 2014 and other 2 just new

There is 15m between these two trees when planted New crossover is 3500mm wide and located in the middle of these trees



Approx. location of new crossover – no impact on any vegetation

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# **EXTERNAL COLOUR SCHEDULE**

EVIEKINA	AL CO	LOU	K 3CHEDULE			
WHIRLY BIRD Colour		Colour	Not Applicable	This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge		be
METAL DECK ROOF (IF APPLICABLE)		Colour	Monument	used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.		
ALUMINIUM W	VINDOW	Colour	Monument			
TIMBER WINDO	WC	Colour	Not Applicable			
FRONT ENTRY FRAME	DOOR	Туре	Pivot Frame			
Location Eaves	s Lining			Colour	Dulux - Lexicon Quarter	
Location Balco	ny Beam			Colour	Dulux colour match to CB Monument	
Location Balco	ny Lining			Colour	Dulux - Lexicon Quarter	
Location Eaves	Lining			Colour	Dulux - Lexicon Quarter	
Location Front	Entry Door	Extern	al Face	Colour	Intergrain - Ebony	
Location Front Entry Door Frame				Colour	Intergrain - Ebony	
Location Metal Capping				Colour	Monument	
Location Meter Box				Colour	Dulux colour match to CB Monument	
Location Outdoor Room Beam				Colour	Dulux colour match to CB Monument	
Location Outdoor Room Lining				Colour	Dulux - Lexicon Quarter	
Location Portico Lining				Colour	Dulux - Lexicon Quarter	
Location Weat	her/Cladd	ing		Colour	Intergrain - Ebony	
Location Timbe	er Post/s			Colour	Dulux colour match to CB Monument	
Location				Colour		
Render One I Location	Entire FF			Colour	Dulux - Smoke Bush	
Render Two Location	Portico Pie	ers		Colour	Dulux colour match to CB Monument	
Powdercoat Finishes	Balcony Bo	alustra	de	Colour	Monument	
Additional No	otes:					
Lot Address						

Lot Address

Customer Signature:

Consultants Signature:

| 9:26 PM AEST | 1:56 PM PAPS 3

# Application to amend a current planning application



	26/06/202	25					
Application number:	T240644						
Address of subject site	2 Palm Crt Pakenham						
Pursuant to which section of the Planning and Environment Act 1987 is this amendment being made?							
Section 50 – Amendment to application at request of applicant before notice:							
Section 50A - Amendmer	nt to application at request of responsible authority before notice:						
Section 57A - Amendme	nt to application after notice is given:						
Applicant:	Lakeside Building Consultants						
Phone:	0447 443 618						
Email:							
Postal Address:							
What is the purpose of th	ne amendment? Please list all changes:						
cha	nges to elevations of dwelling to reduce impact						

Declaration							
I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the planning permit application.							
Print name:							
Signature:							

Fees	
Amendment in accordance with Section 50 or 50A	Nil
Amendment pursuant to Section 57A	40% of the fee applicable to the original permit class plus the difference in fees if the amendment changes the class of permit to that with a higher application fee.

# **Lodgement of application**

Your application can then be sent via email, mail or submitted in person at Council's Civic Centre.

# **Assistance**

If any assistance in completing this form is required, we recommend you contact Council's Statutory Planning Unit on **1300 787 624** before lodging an application. Insufficient or unclear information may delay the processing of your application.

Note: Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.

Cardinia Shire Council
Civic Centre
20 Siding Avenue, Officer

PO Box 7

Pakenham 3810 (DX 81006 Pakenham)

Phone: 1300 787 624

Email: mail@cardinia.vic.gov.au Web: <u>cardinia.vic.gov.au</u>

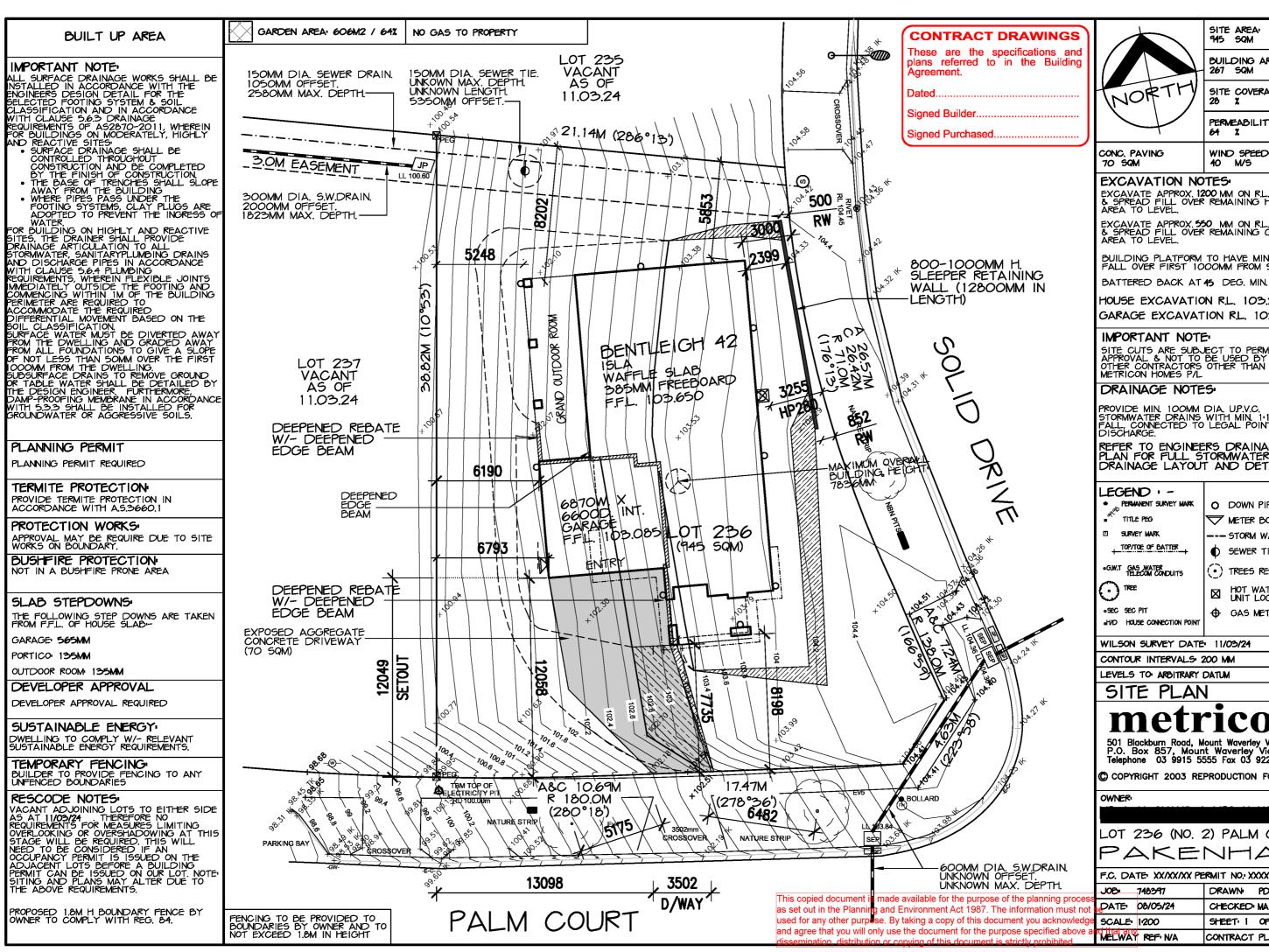
National Relay Service (NRS)

TTY: 133 677 (ask for 1300 787 624)

Speak and Listen (speech-to-speech relay): 1300 555 727 (ask for 1300 787 624)

Translator Interpretation Service 131 450 (ask for 1300 787 624) This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.







SITE AREA 945 SQM

267 SQM

28

BUILDING AREA.

SITE COVERAGE

PERMEABILITY: 64 %

CONC. PAVING

WIND SPEED! 40 M/S

### **EXCAVATION NOTES**

EXCAVATE APPROX. 1200 MM ON R.L. 103.265 & SPREAD FILL OVER REMAINING HOUSE

EXCAVATE APPROX.550 MM ON RL. 102.70 & SPREAD FILL OVER REMAINING GARAGE AREA TO LEVEL.

BUILDING PLATFORM TO HAVE MIN, 50MM FALL OVER FIRST 1000MM FROM SLAB.

HOUSE EXCAVATION R.L. 103.265 GARAGE EXCAVATION R.L. 102.70

#### IMPORTANT NOTE:

SITE CUTS ARE SUBJECT TO PERMIT APPROVAL & NOT TO BE USED BY ANY OTHER CONTRACTORS OTHER THAN METRICON HOMES P/L

### DRAINAGE NOTES

PROVIDE MIN, 100MM DIA, UP.V.C. STORMWATER DRAINS WITH MIN, 1:100 FALL, CONNECTED TO LEGAL POINT OF

REFER TO ENGINEERS DRAINAGE PLAN FOR FULL STORMWATER & DRAINAGE LAYOUT AND DETAILS

# LEGEND : -

PERMANENT SURVEY MARK

TITLE PEG

SURVEY WARK

TOP/TOE OF BATTER

•G,W,T GAS ,WATER TELECOM CONDUITS

•SEC SEC PIT aH/ID HOUSE CONNECTION POINT

O DOWN PIPE LOC. igstyle
olimits Meter Box Loc. --- STORM WATER RUN

♠ SEWER TIE

( ) TREES REMOVED

MOT WATER UNIT LOCATION OAS METER

WILSON SURVEY DATE: 11/03/24

CONTOUR INTERVALS 200 MM

LEVELS TO ARBITRARY DATUM

# SITE PLAN

501 Blackburn Road, Mount Waverley Vic 3149 P.O. Box 857, Mount Waverley Vic 3149 Telephone 03 9915 5555 Fax 03 9222 5144

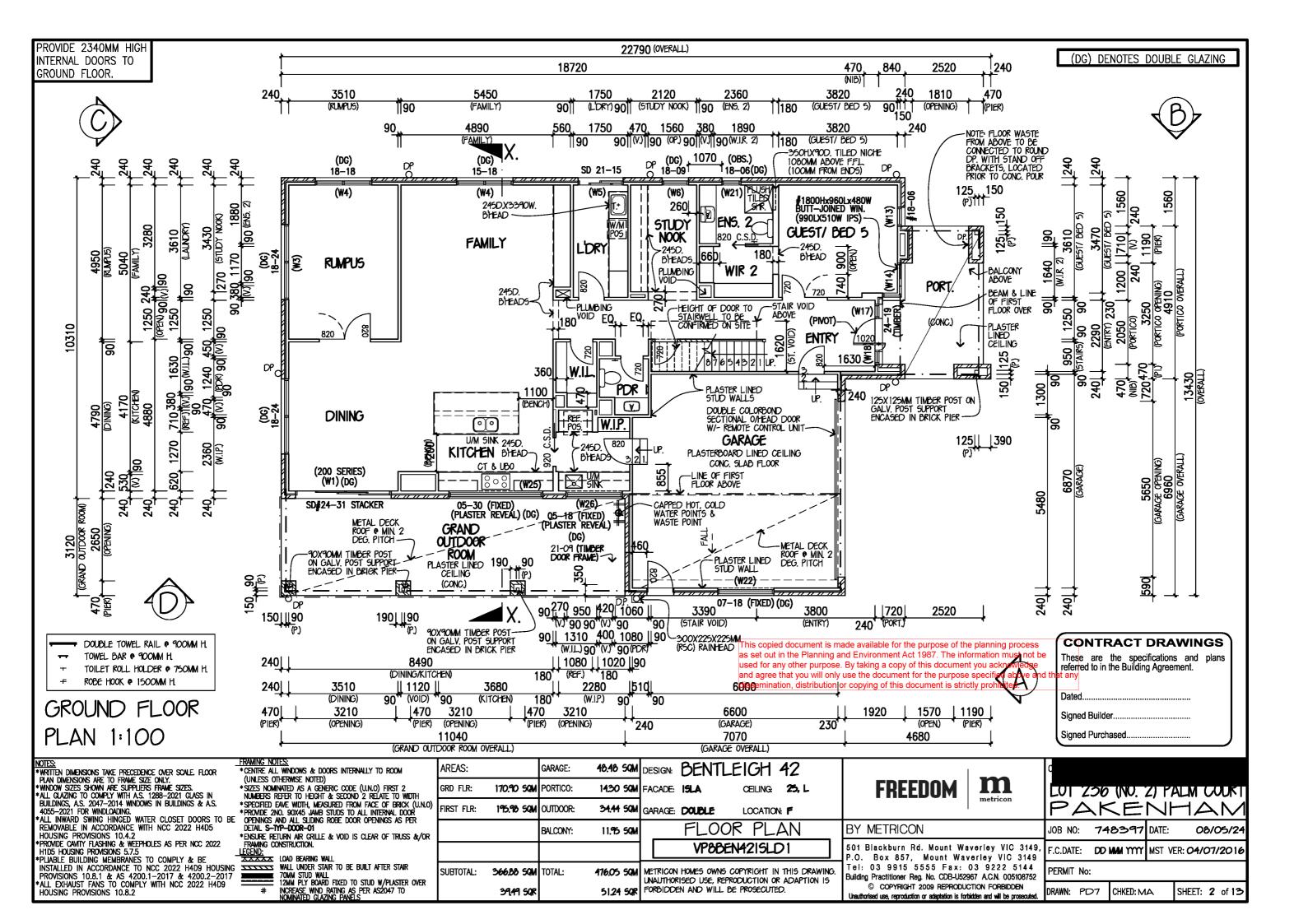
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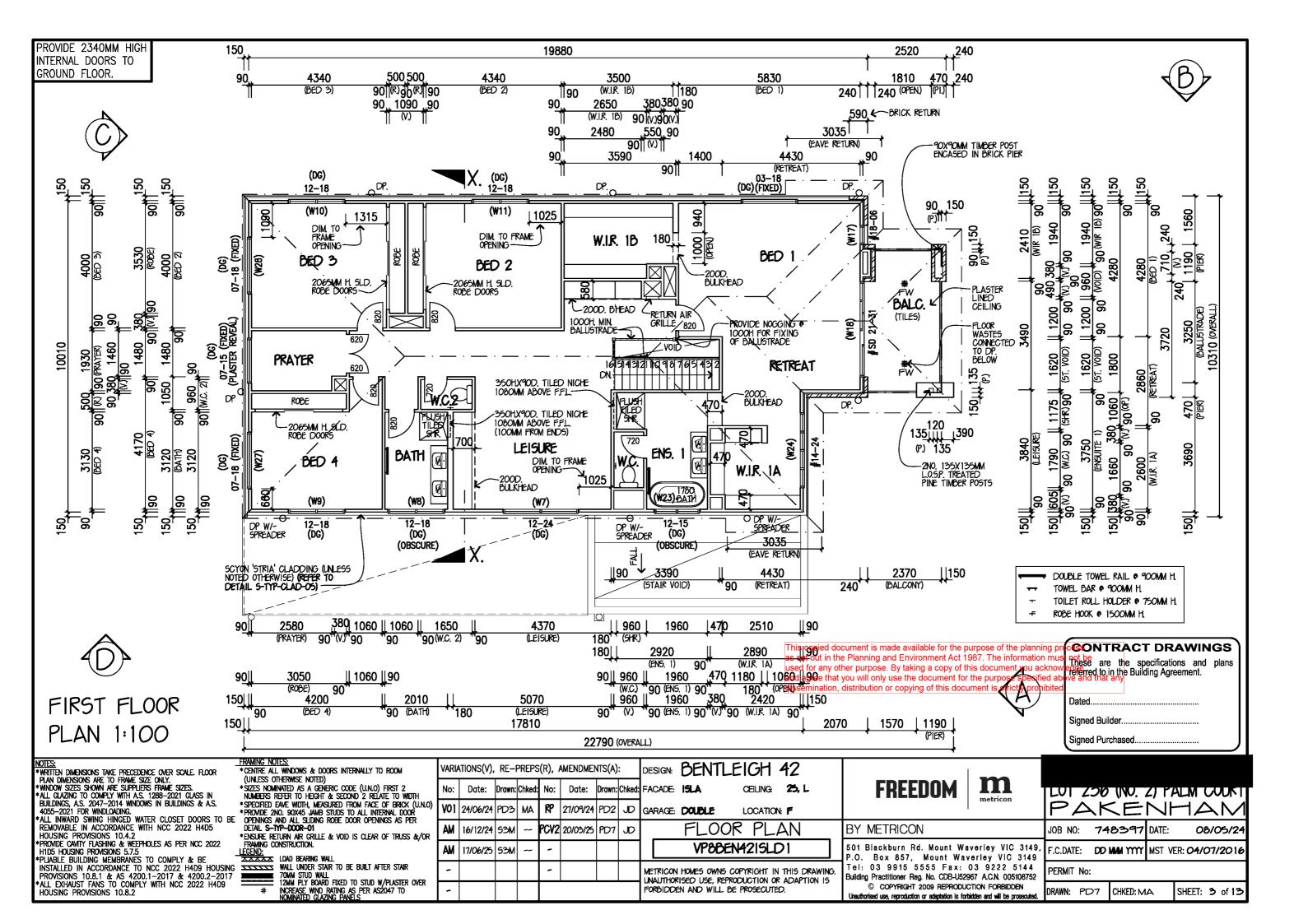
LOT 236 (NO. 2) PALM COURT PAKENHAM

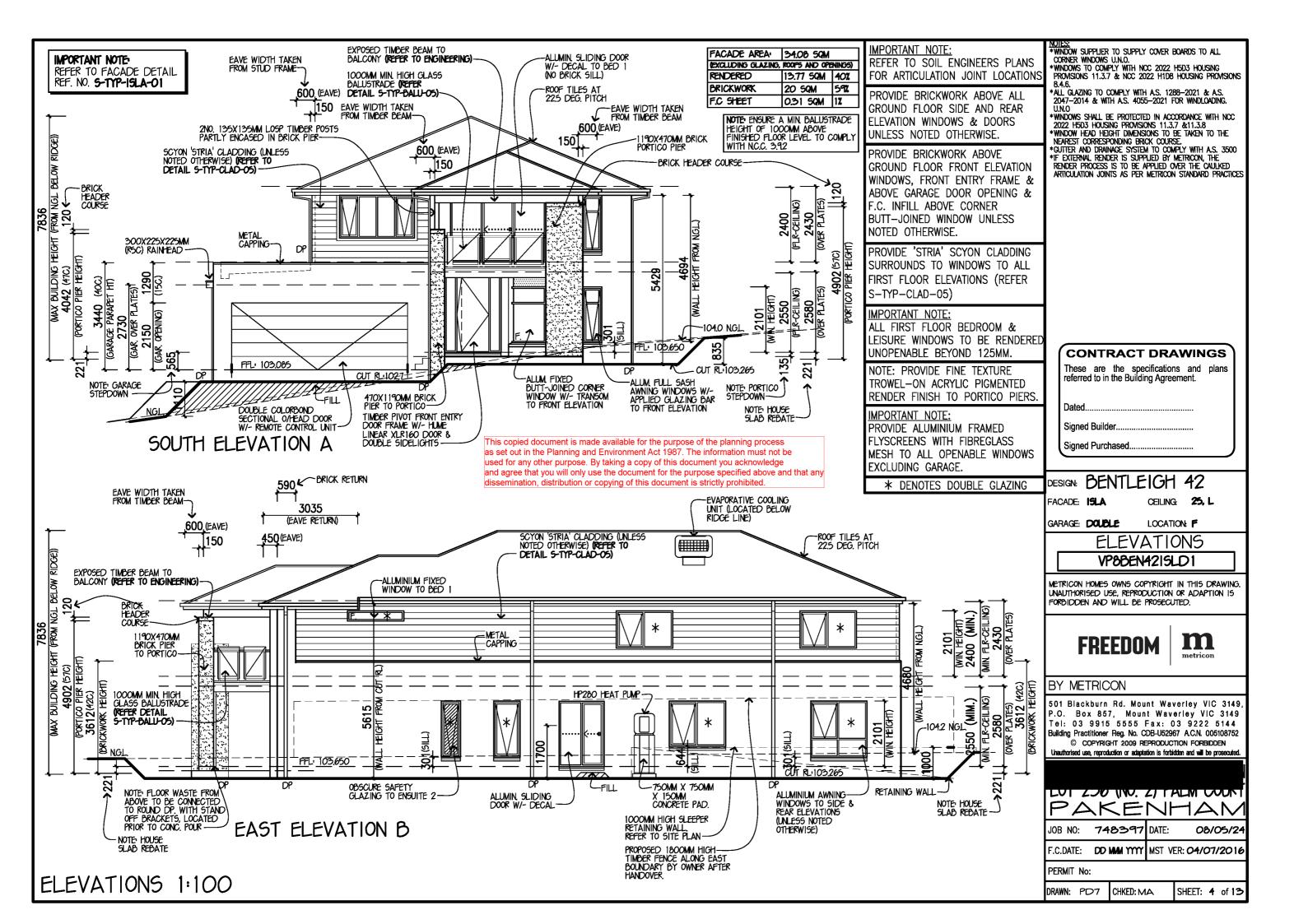
SHEET: 1 OF 13

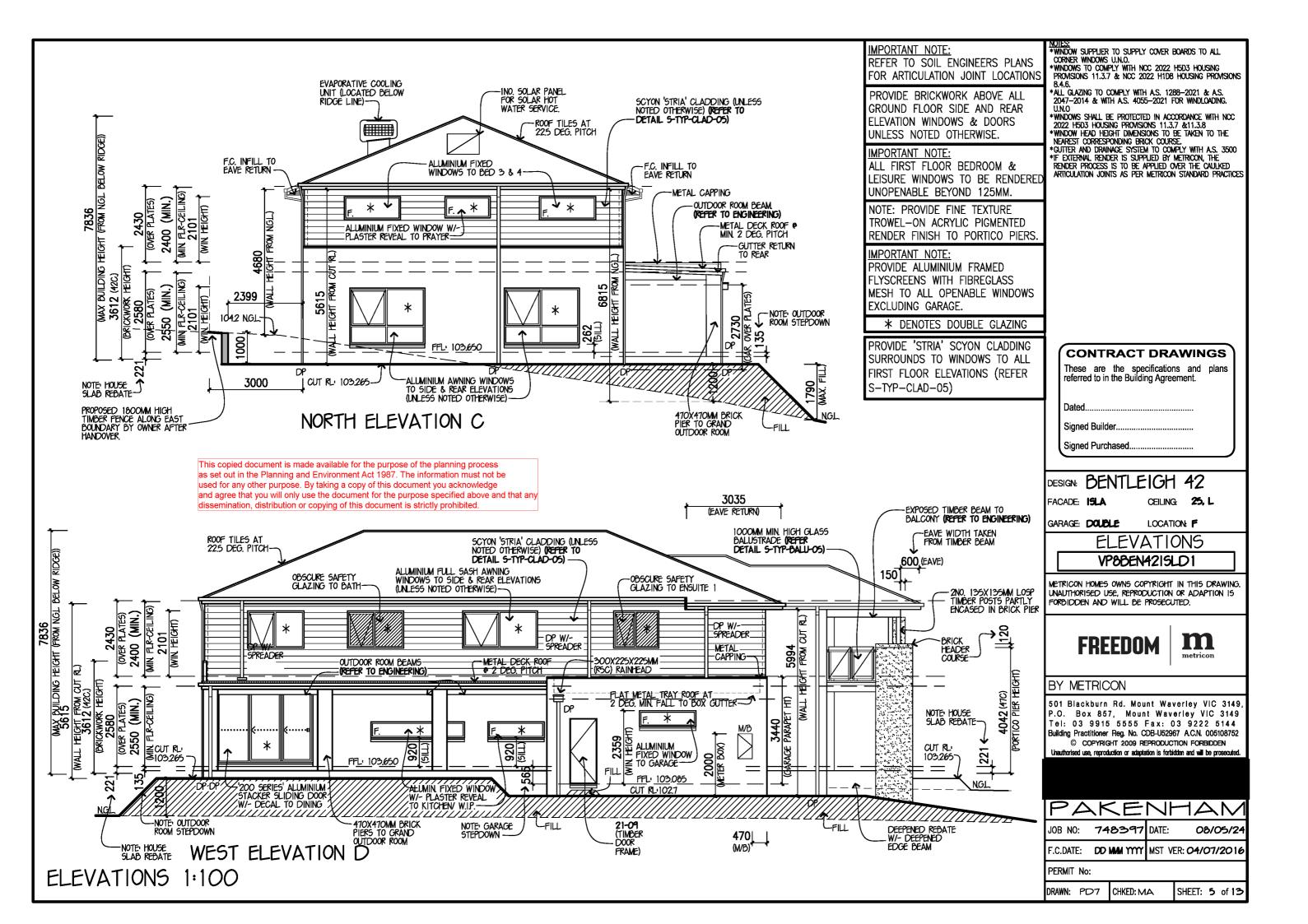
CONTRACT PLANS (GF

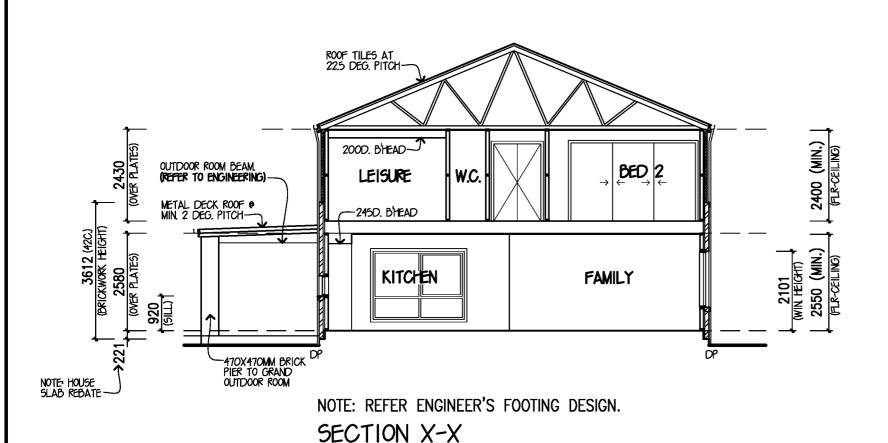
F.C. DATE: XX/XX/XX PERMIT NO: XXXXX/X 748397 **DRAWN** DATE: 08/05/24 CHECKED MA











SITE CLASSIFICATION P' (REFER SOIL REPORT NO. 221818)

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# **ENERGY EFFICIENCY**

NOTE: DESIGN MODIFICATIONS MAY BE NECESSARY TO ACHIEVE REQUIRED ENERGY RATING, DEPENDING ON SITING.

#### PROVIDED IN THE PLANS:

DOOR SEALS - Sill seals to external hinged doors (incl. garage internal access door)

WINDOWS - Shall be weather stripped

DRAFT EXCLUSION - Reflective sisulation weather wrap with taped horizontal and vertical joints. Sealed gaps around windows & external doors be installed in accordance with NCC 2022 H1D7 housing provisions 7.5.6 & AS/NZS 2904-1995

EXHAUST FANS - Draft prevention to exhaust fans, to relevant building codes.

CEILING INSULATION - R4.1 w/- R2.5 Batts to external perimeter excludes, Outdoor Room, Verandah, Portico and Garage.

WALL INSULATION - R2.0 Batts to all external walls incl. house/garage walls and house/roof space walls, No insulation to Garage walls.

FIRST FLOOR INSULATION - R4.1 Batts to floor area above Garage, Portico, Verandah and Outdoor room.

DOWNLIGHTS — All downlights to be sealed.

# \*BAL NOT REQUIRED\* NOT IN BUSHFIRE AREA

## **CONTRACT DRAWINGS**

These are the specifications and plans referred to in the Building Agreement.

Dated. Signed Builder...

Signed Purchased.

#ALL STEPS & STAIRS MUST COMPLY WITH NCC 2022 H5D2
HOUSING PROVISIONS 11.2.2
\*BARRIERS & HANDRAILS MUST COMPLY WITH NCC 2022 H5D3
HOUSING PROVISIONS 11.3
\*BALUSTRADE IN ACCORDANCE WITH NCC 2022 HOUSING
PROVISIONS 11.3.3 TO BE INSTALLED WHERE VOIDS, OR INTERNAL
& EXTERNAL LANDINGS EXCEED 1000mm ABOVE FINISHED GROUND/FLOOR LEVEL

GROUND/FLOOR LEVEL.

\*PROVIDE SUP RESISTANCE IN ACCORDANCE WITH NCC 2022 H5D2
HOUSING PROVISIONS 11.2.4 & A.S. 4586-2013

\*PROVIDE CAVITY FLASHING & WEEP HOLES ABOVE LOWER STOREY
OPENINGS AS PER NCC 2022 H1D5 HOUSING PROVISIONS 5.7.5.

\*WATERPROOFING OF WET AREAS TO COMPLY WITH NCC 2022
H4D2 HOUSING PROVISIONS 10.2.

\*ALL INTERNAL WATERPROOFING MEMBRANES TO COMPLY WITH A.S.
4858-2004

WATERPROOFING FOR EXTERNAL ABOVE GROUND USE TO COMPLY WITH AS 4654.1-2012 & A.S. 4654.2-2012 \*SUB-FLOOR VENTILATION IN ACCORDANCE WITH NCC 2022 H2D5 HOUSING PROMISIONS 6.2.1 TO BE PROMIDED TO SUSPENDED TIMBER FLOOR.

\*ALL GLAZING TO COMPLY WITH A.S. 1288—2021 & A.S. 2047—2014 & WITH A.S. 4055—2021 FOR WINDLOADING. U.N.O

\*SAFTEY GLAZING IN HUMAN IMPACT AREAS INCLUDING
ADJACENT TO BATHS OR SHOWERS TO BE IN ACCORDANCE WITH NCC 2022 H1D8 HOUSING PROVISIONS 8.4.6

FRAMING NOTES: TIMBER ROOF TRUSSES TO MANUFACTURERS COMPUTATIONS AND LAYOUTS. STAIRS ARE INDICATIVE ONLY. REFER TO DETAILS, SPECIFICATIONS & SELECTION DOCUMENTS

\*ALL STRUCTURAL TIMBER FRAMING SIZES TO BE IN ACCORDANCE WITH A.S. 1684.2-2021 NATIONAL TIMBER FRAMING CODE & OR ENGINEERS STRUCTURAL COMPUTATIONS.

FALL PLUMBING, DRAINAGE & ASSOCIATED WORKS TO COMPLY WITH THE PLUMBING CODE OF AUSTRALIA, NCC 2022 & AS/NZS 3500.3-2021

DESIGN: BENTLEIGH 42

CEILING 25, L ACADE: ISLA

LOCATION: F GARAGE: DOUBLE

> SECTION VP8BEN42ISLD1

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**FREEDOM** 

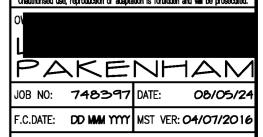
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# BY METRICON

501 Blackburn Rd. Mount Waverley VIC 3149, P.O. Box 857, Mount Waverley VIC 3149 Tel: 03 9915 5555 Fax: 03 9222 5144 Building Practitioner Reg. No. CDB-U52967 A.C.N. 005108752 © COPYRIGHT 2009 REPRODUCTION FORBIDDEN

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PERMIT No:

CHKED: MA DRAWN: PD7

SHEET: 6 of 13

SECTION 1:100

All building works to be completed in accordance with: Building Act 1993 Regulations 2018, and Relevant **Building Code of Australia** 

Stormwater to be discharged via 90mm Dia UPVC pipe to System, in accordance with Council's Requirements

**OWNER** 



2. Hibiscus Cairo climber or hedging



3. Frult trees of variety by owner



1. phoennix canariensis date palm 400mm pot

PROJECT ADDRESS

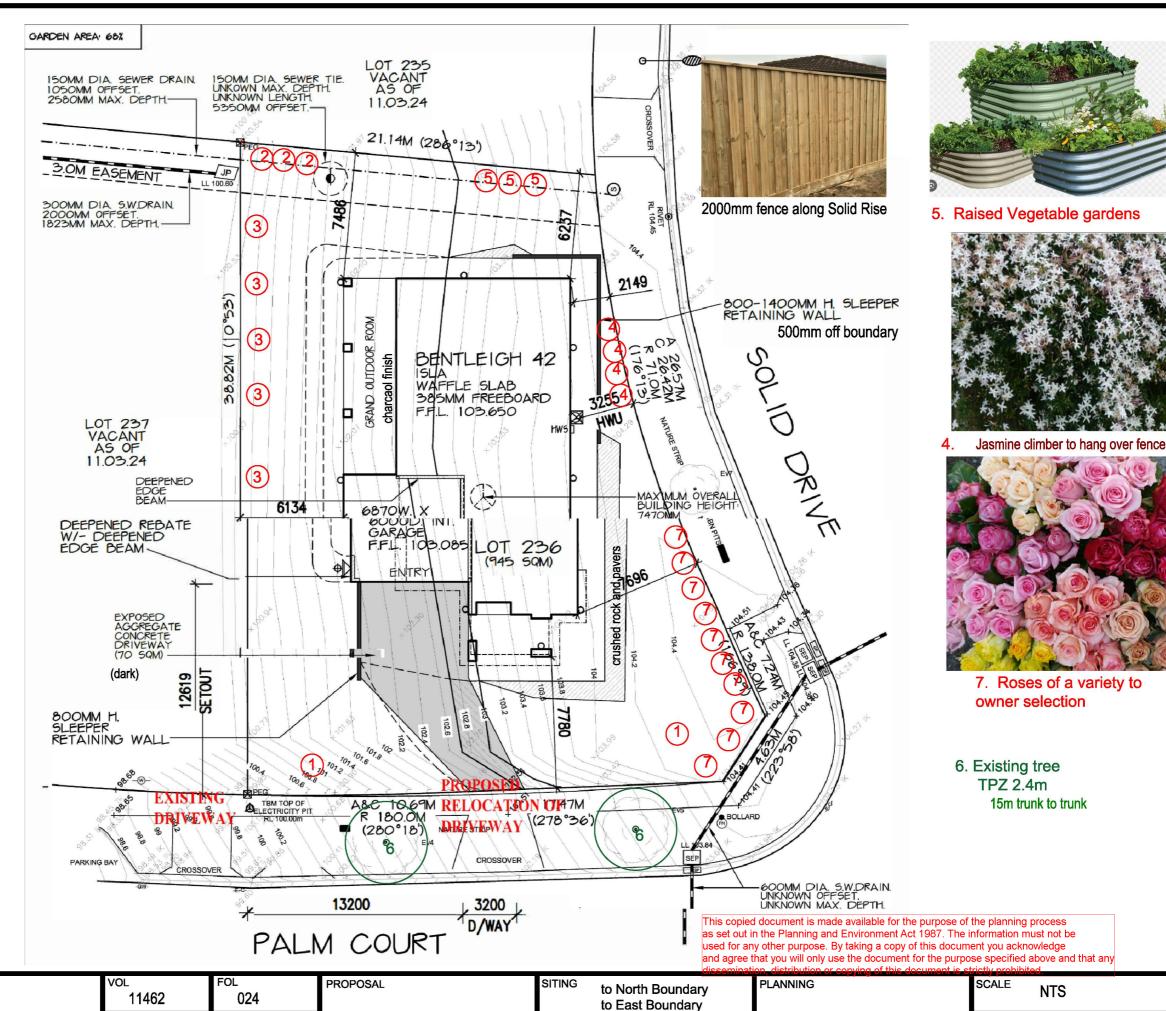
LOT

236

649678

2 Palm Crt

Pakenham



landscape plan

to South Boundary

to West Boundary

NTS

15/05/2024

ISSUE



Existing Street trees - 100mm dia TPZ 1200mm - no impact to the new driveway

- Phoenix canariensis date palm x 2 feature trees 400mm pot
- 2 Hibiscus Cairo Red vine style for back fence to 3m height and 1.5m width 100cm pots
- variety of fruit trees apple., lemon. lime. peaches 200mm pots along the west boundary of the allotment
- Oleaceae Jasmine along east retaining wall vine/climber style 100mm pots
- raised vegetable boxes
  variety of heights for growing family



- Existing street tree on Solid Rise no impact Paling fence to be constructed
- Roses variety and number to owner selection to 1.0m high

build site contains no vegetation save for weeds refer to working drawings for cut/fill and retaining wall locatoin

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