Notice of Application for a Planning Permit



The land affected by the application is located at:		L243 PS649678 V11462 F031 16 Palm Court, Pakenham VIC 3810	
The application is for a permit to:		Development of Land for a Dwelling	
A permit is re	A permit is required under the following clauses of the planning scheme:		
42.01-2	42.01-2 Construct a building or construct or carry out works		
42.01-2 Construct a fence			
42.01-2 Remove, destroy or lo		pp vegetation	
APPLICATION DETAILS			
The applicant for the permit is:		Lead Design Studio	
Application number:		T240544	

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 cardinia.vic.gov.au/advertisedplans 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:

26 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.



Application

lodged

Council initial assessment

Application is here

Consideration

5



Assessment

Decision

ment of submissions s copied document is made available for the purpose of the plannin

Notice



ePlanning

Application Summary

Basic Information

Proposed Use	New 2 level dwelling
Current Use	vacant
Cost of Works	\$650,000
Site Address	16 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	Lead Design Studio	26 TANA WAY, OFFICER VIC 3809	W: 0411-859-546 E: venkat@leaddesignstudio.com.au
Owner			
Preferred Contact	Lead Design Studio	26 TANA WAY, OFFICER VIC 3809	W: 0411-859-546 E: venkat@leaddesignstudio.com.au

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. 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	Туре	Filename
16-10-2024	A Copy of Title	Title.pdf
16-10-2024	A Copy of Title	POS.pdf
16-10-2024	A Copy of Title	AK575312M.pdf
16-10-2024	Existing floor plan	16 Palm Crt, Pakenham-Existing condition plan.pdf
16-10-2024	Site plans	16 Palm Court TP drawings Rev C.pdf
16-10-2024	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 Submission Data 46 October 2004 04440M		
Submission Data	Site User	
Submission Data 46 October 2024 - 0444:DM		
	Submission Date	16 October 2024 - 04:11:PM

Declaration

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

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

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Fax: 03 5941 3784



Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the Planning and Environment Act 1987) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

Application No.:	T240544 PA
Address of the Land:	L243, 16 PALM COURT, PAKENHAM VIC 3180
APPLICANT DETAILS	

Name:	
Organisation:	LEAD DESIGN STUDIO
Address:	26 TANIA WAY, OFFICER
Phone:	0411859546
Email:	venkat@leaddesignstudio.com.au

AMENDMENT TYPE

Under which section of the Act is this amendment being made? (select one)		
Section 50 - Amendment to application at request of applicant before notice:	✓	
Section 50A - Amendment to application at request of responsible authority before notice:		
Section 57A - Amendment to application after notice is given:		

AMENDMENT DETAILS

What is being amended? (select all that apply)				
What is being applied for	Plans / other documents	Applicant / owner details		
Land affected	Other			
Describe the changes. If you need n	nore space, please attach a separate p	page.		
PERMIT TO REMOVE TREE				

Specify the estimated cost of any development for which the permit is required:			
Not applicable	Unchanged 🗸	New amount \$	
DECLARATION			

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.

Name:	
Signature:	
Date:	31/01/2025

LODGEMENT

Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au

You can also make amendments to your application via the Cardinia ePlanning Portal at https://eplanning.cardinia.vic.gov.au/

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

IMPORTANT INFORMATION

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any material submitted with this request, 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.

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Cardinia Shire Council 2



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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, past present and emerging

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

Page 1 of 1

VOLUME 11462 FOLIO 031

Security no : 124119079925B Produced 16/10/2024 02:44 PM

LAND DESCRIPTION

Lot 243 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

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

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

Street Address: 16 PALM COURT PAKENHAM VIC 3810

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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Title 11462/031 Page 1 of 1



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Document Type	Plan
Document Identification	PS649678Q
Number of Pages	9
(excluding this cover sheet)	
Document Assembled	16/10/2024 14:44

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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

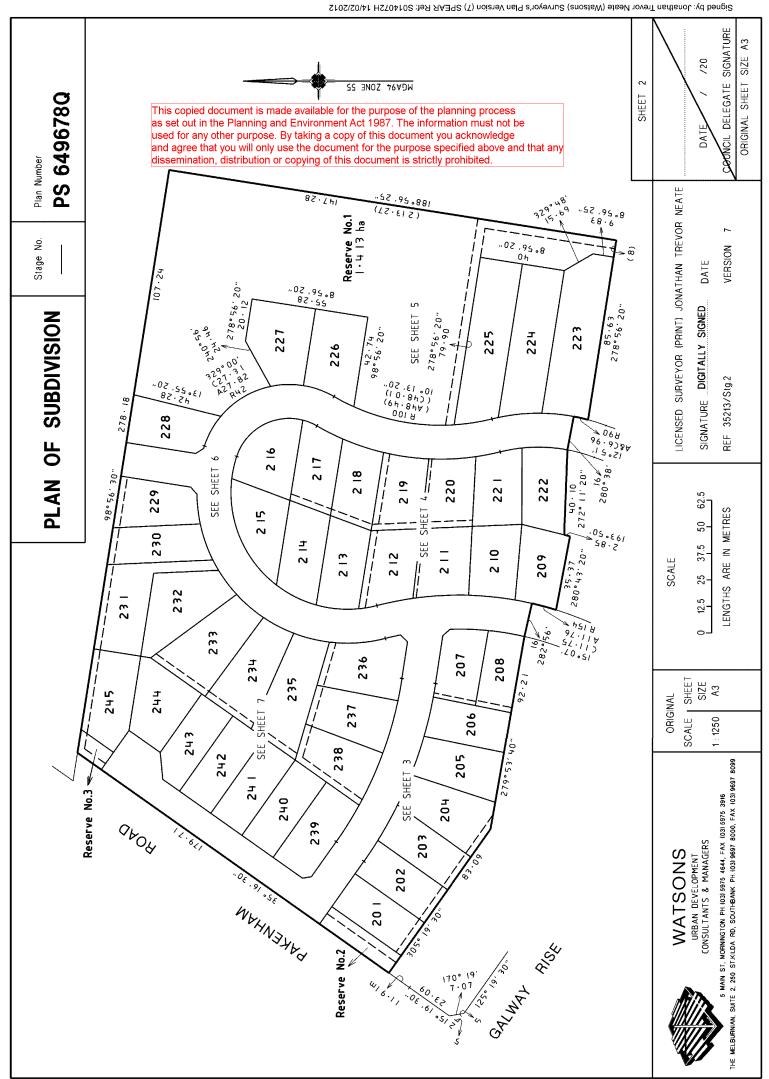
VERSION 7

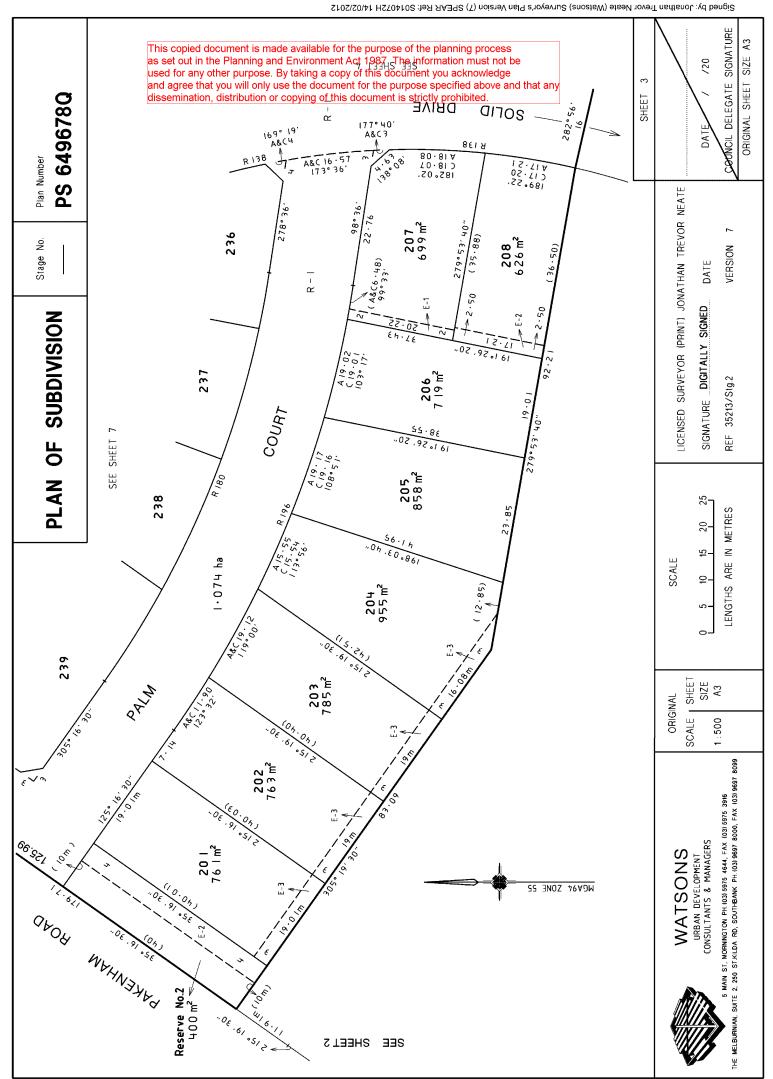
COUNCIL DELEGATE SIGNATURE

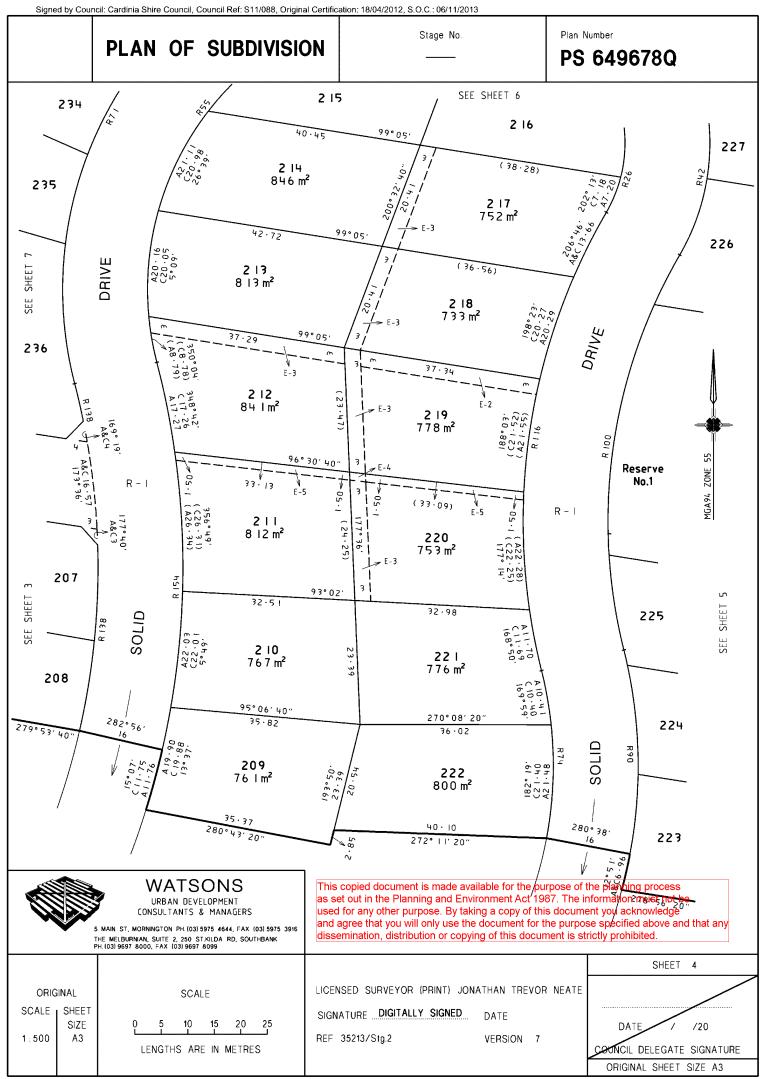
ORIGINAL SHEET SIZE A3

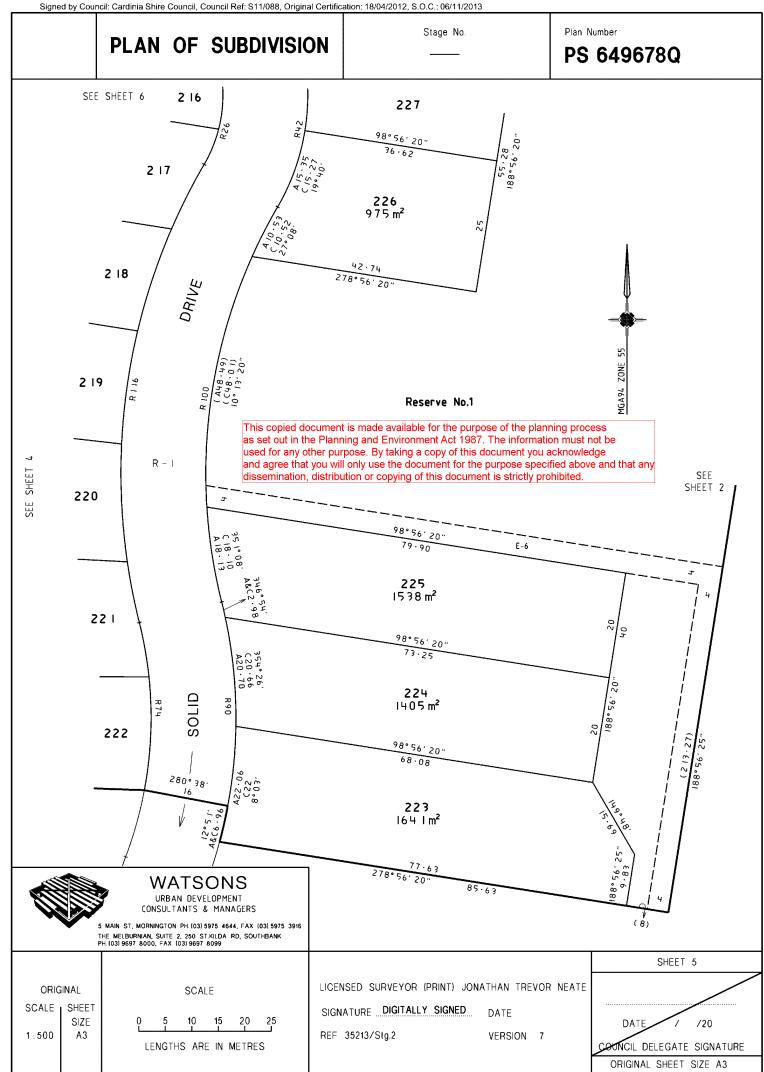
5 MAIN ST, MORNINGTON PH. (03) 5975 4644, FAX (03) 5975 3916

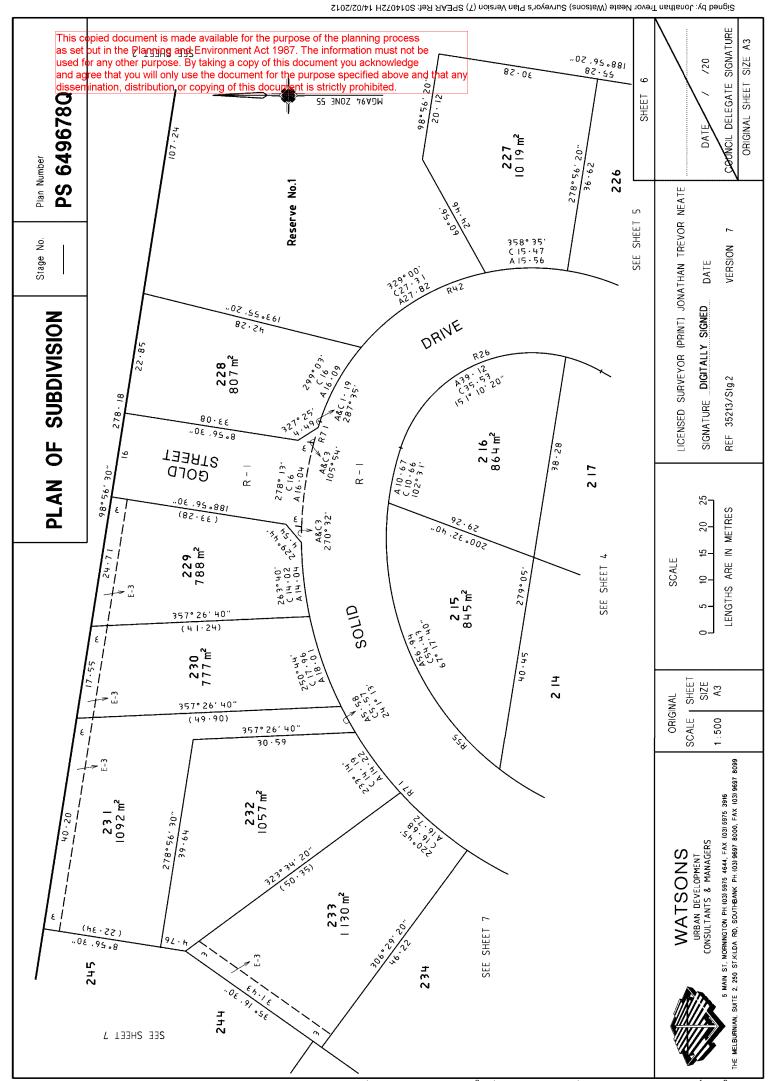
THE MELBURNIAN, SUITE 2, 250 ST.KILDA RD, SOUTHBANK PH (03) 9697 8000, FAX (03) 9697 8099

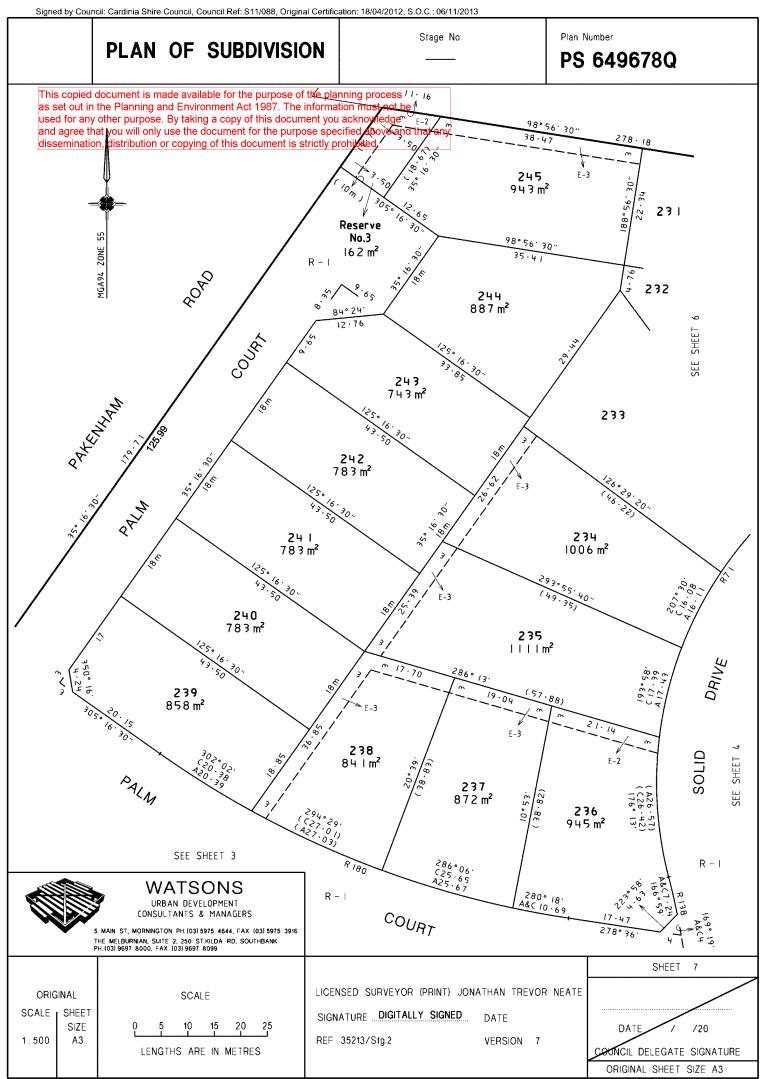












Signed by Council: Cardinia Shire Council, Council Ref: S11/088, Original Certification: 18/04/2012, S.O.C.: 06/11/2013

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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AK575312M

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 3143

Ref: Galway View Pty. Ltd.

Customer Code: 01786 Y

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.

Volume 8810 Folio 340 and Volume 8652 Folio Land:

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

Name of Office

Date: 22 8 13

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CONTENTS

I	DEFINITIONS

- 2. INTERPRETATION
- 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

Delivered by LANDATA®, timestamp 16/10/2024 16:01 Page 3 of 10

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;
 - (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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AK575312M 06/09/2013 \$113 173

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.
- 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.

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.

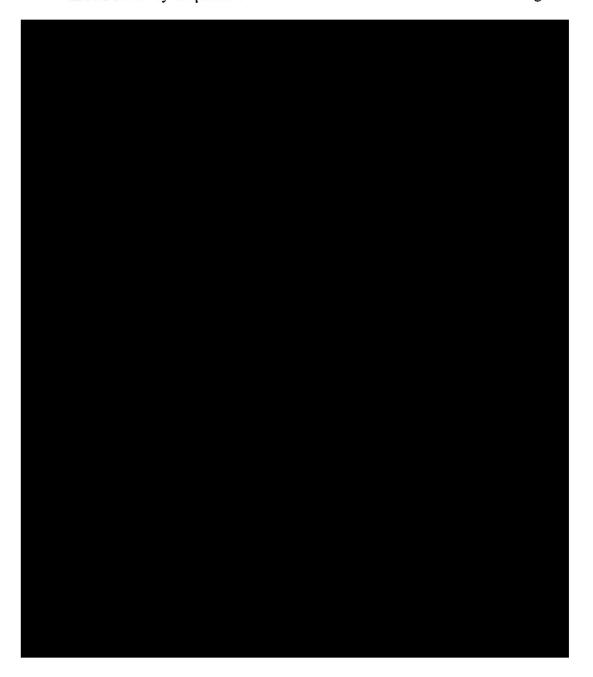
AK575312M 06/09/2013 \$113 173

Delivered by LANDATA®, timestamp 16/10/2024 16:01 Page 9 of 10



SIGNING PAGE

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



AK575312W 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



SUPPORTING SUBMISSION:

WRITTEN STATEMENT IN RESPONSE TO SCHEDULE 4 TO THE ENVIRONEMNTAL SIGNIFICANCE OVERLAY

Planning permit application: P/20002/6461

Address: 16 Palm court Pakenham

Zone Provisions:

The land is in a General Residential Zone (GRZ) under the Cardinia Planning Scheme as shown on the plan below:



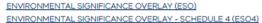
Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Overlay Provisions

The land is in an Environmental Significance overlay Schedule 4, as shown on the plan below.

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Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

The purpose of the Environmental Significance Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure the development is compatible with identified environmental values.

The overlay sets out that a schedule of this overlay must contain a statement of environmental significance and the environmental objective to be achieved.

The Pakenham ridge has regional significance for biodiversity. The area has remnants of Grassy Forest, an ecosystem that is vulnerable in the area. The Cobra Greenhood Orchid (Pterostylis grandiflora) which is of state significance, and the Green Scentbark (Eucalytptus fulgens) which is of state/national significance, are found in the area The area is characterised by a geology of Devonian Granitic and Silurian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor contributing to environmental hazards such as erosion, salinity and fire risk, and susceptibility to visual intrusion from buildings and works.

The environmental objectives to be achieved are

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.

A permit is required under the Environmental Significance Overlay to construct a building, or to construct and carry out works. A permit is also required under the Environmental Significance Overlay to remove vegetation.

Consideration of proposal:

This is a sloping site with a significant 7.6m fall from rear to the front. There are two existing split level houses on the sides.

The dwelling upper level is redesigned to recess the first floor walls and provide pitched roof at lower level. This reduces the shear wall on the NE side.

The backyard it split into 2 levels to minimize the cut.

Offwhite and creamy undertone colours will be used to merge with surrounding landscape.

The front setback is 10.63m. Stepped garden beds are proposed with a mixture of canopy trees, shrubs, and ground covers. Dense planting is also proposed near the title boundaries. Refer to the attached Landscape plan.

A single Victorian Blue Gum tree 65cm trunk circumference and approximately 6.4m tall is existing close to the front site boundary and the crossover.

The tree is leaning and has moved the footpath out of level and will continue to do so. The roots could also damage the proposed driveway and retaining walls.



Victorian Blue Gum

Hence a permit is requested to remove the tree.





Site View

Hope Council can consider to progress the application with this information.



B.Arch Regd. Building Practitioner



30 January 2025

Statutory Planning Cardinia Shire Council mail@cardinia.vic.gov.

Dear Sir/Madam

Reference: Planning permit application: P/20002/6461

Address: 16 Palm court Pakenham

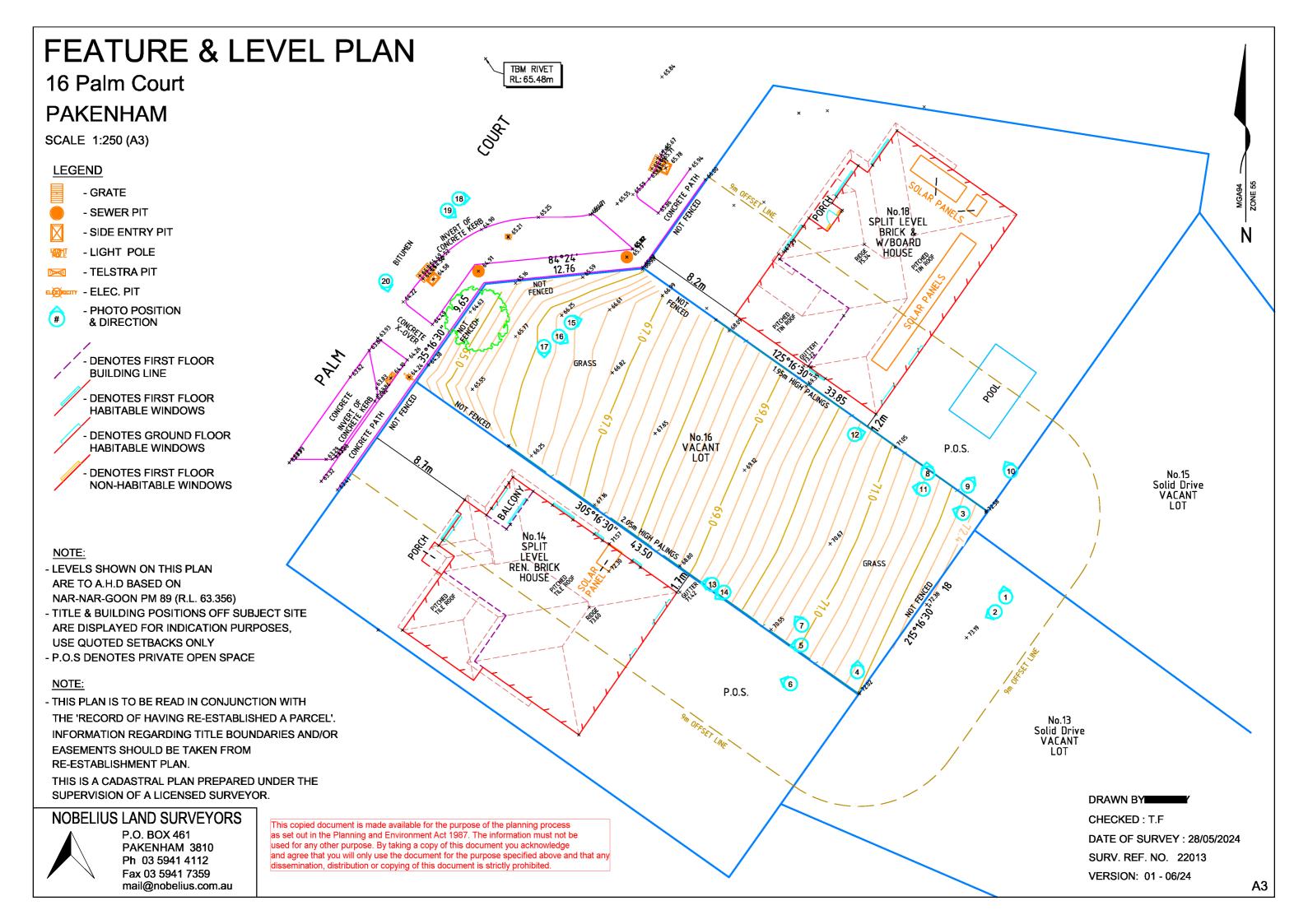
I refer to Council's letter dated 6th December 2024, requesting further information in relation to the above application for the proposed split level dwelling. In response to Council's letter, the following information is provided.

- 1. Application amended to include removal of the existing tree.
- 2. Attached Written statement outlining the proposal response to Schedule 4 to the Environmental Significance Overlay
- 3. Garden Area plan added to set of drawings
- 4. Landscape plan prepared by qualified professional attached.
- 5. Information Required in Relation to the Site Plan : Existing tree details shown on Site plan.
- 6. Information required in relation to Elevation Plan: Attached set of revised plan including elevations.
- 7. Streetscape elevation: Attached set of revised plans including elevations with NGL and proposed retaining wall details.

I trust this information is sufficient to allow Council to progress the consideration of the



B.Arch Regd. Building Practitioner



AREA STATEMENT

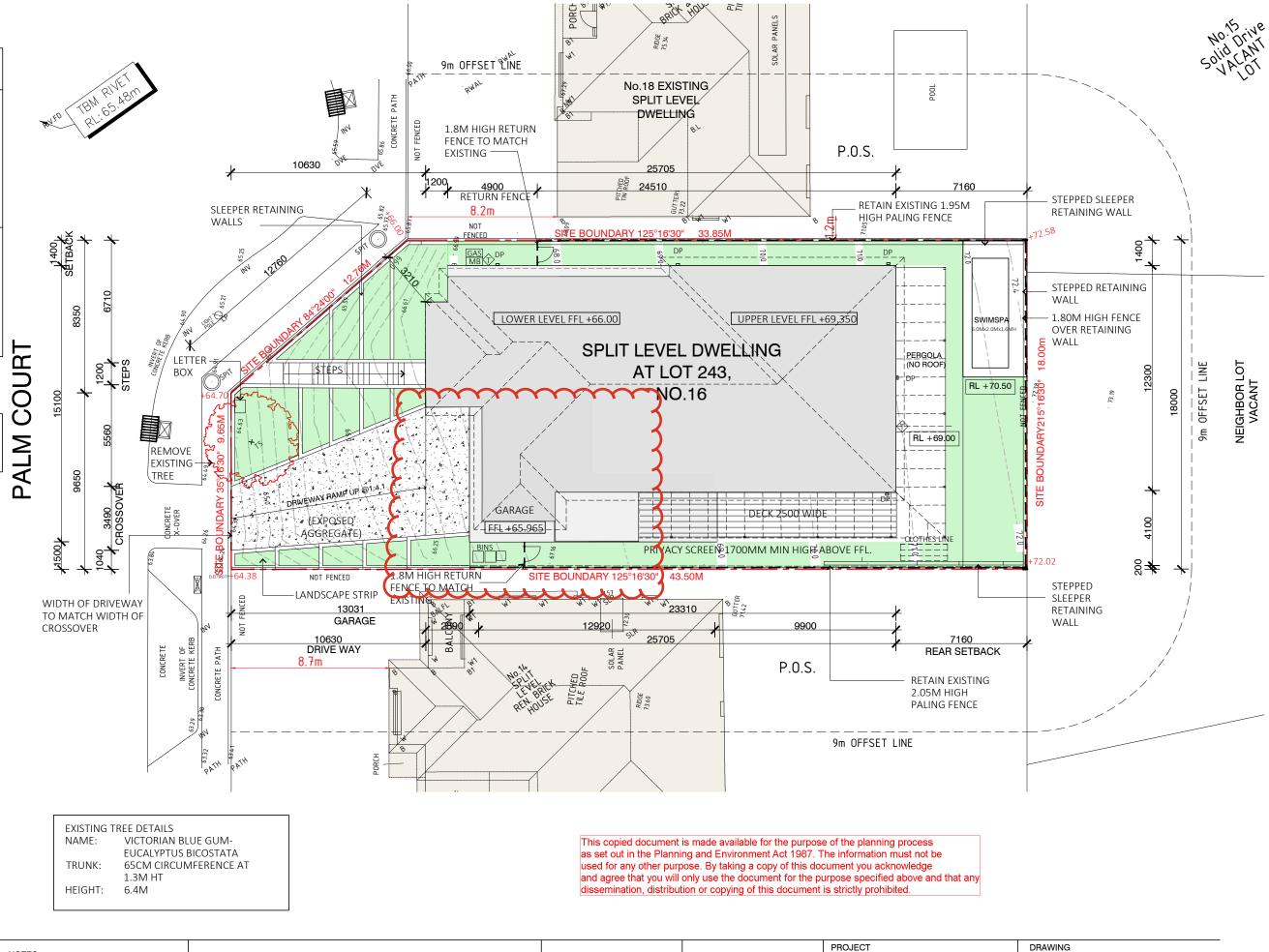
L 243 Palm Court

TOTAL SITE AREA:	741.85 SQM
LOWER LEVEL AREA:	132.00 SQM
UPPER LEVEL AREA:	300.00 SQM
GARAGE AREA:	89.00 SQM
ALFRESCO:	14.80 SQM
ENTRY PORCH :	11.00 SQM
FF BALCONY :	6.50 SQM
TOTAL BUILDING AREA:	553.30 SQM (59.5 squares)
TOTAL SITE COVER AREA:	354.00 SQM
SITE COVERAGE :	47.64%
SEALED DRIVEWAY :	64.00 SQM
HARD COVER AREA:	256.00 SQM
PERMEABLE AREA	325.00 SQM
PERMEABILITY	35.0%

GARDEN AREA REQUIRED: 260.0 SQM
GARDEN AREA PROVIDED 276.00 SQM
37.14%

BUILDING ENVELOPE
FENCE
SITE BOUNDARY
100mm Ø UPVC
1:100 MIN SLOPE

ALL LEVELS AND INFORMATION EXTRACTED FROM FEATURE AND LEVEL SURVEY PROVIDED BY NOBELIUS LAND SURVEYORS, P.P.BOX 461, PAKENHAM.
ALL LEVEL SHOWN TO AHD

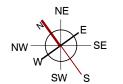


DATE	REV	ISSUE
24-06-24	Α	PRELIMINARY ISSUE
15-08-24	В	PLAN REVISION
24-09-24	С	TP ISSUE
21-01-25	D	TP AMENDMENTS ISSUE
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NOTES:

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Do not scale drawings, contractors must verify all dimensions on site before commencing any work or preparing shop drawings





PROJECT	DRAW
PROPOSED DWELLING (2 LEVEL) AT LOT 243 , 16 PALM COURT, PAKENHAM, VIC 3810	SITE

CHKD

SCALE

DRAWN

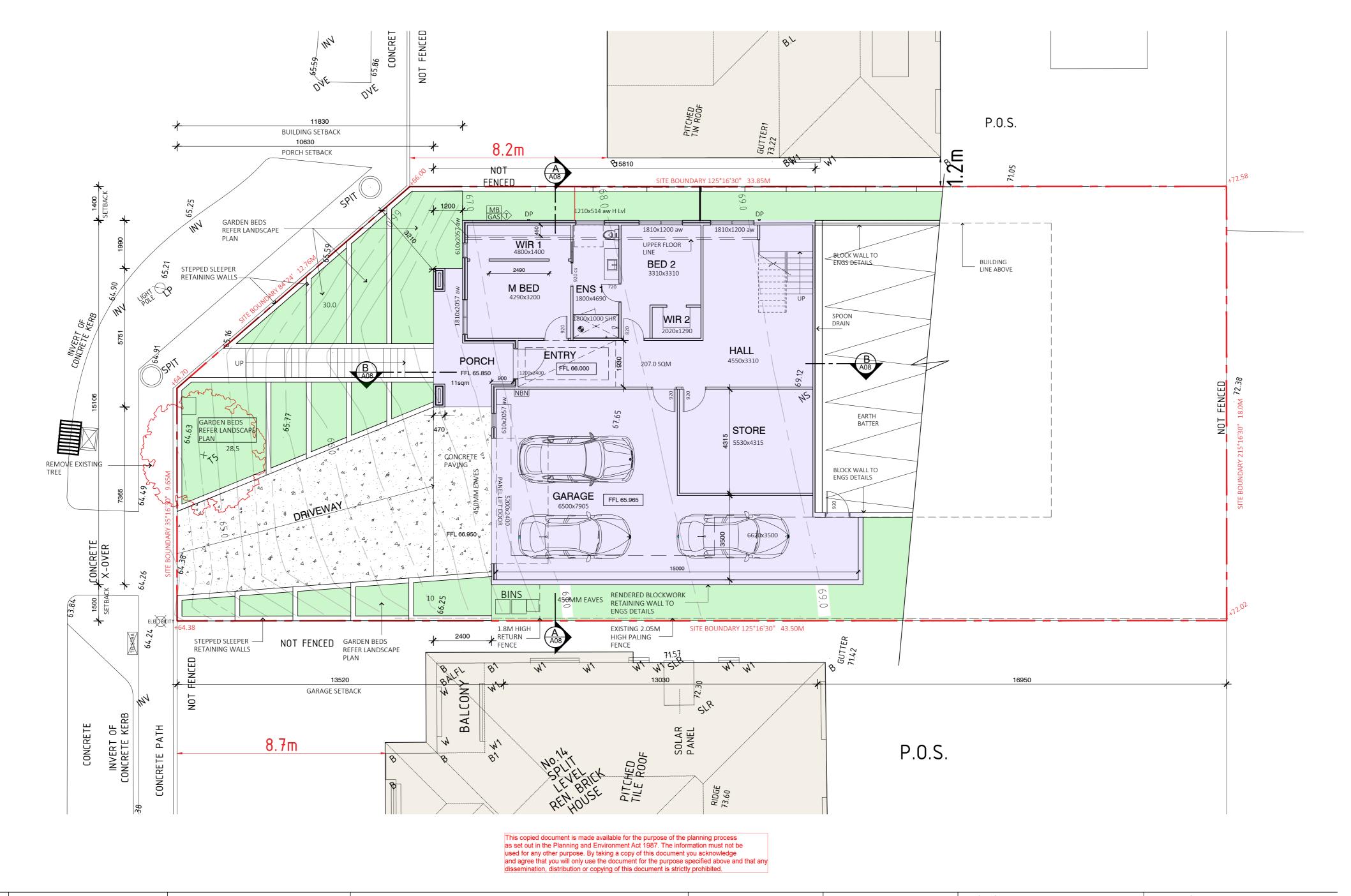
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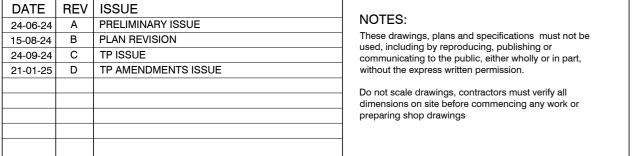
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JUNE 2024

TOWN PLANNING

SITE PLAN			
JOB NO.	DWG NO.	REV.	
224058	TP01	D	







NW S SE

PROJECT	
PROPOSED DWELLING (2 LEVEL) AT	
_OT 243 , 16 PALM COURT,	
PAKENHAM, VIC 3810	

DRAWING LOWER LEVEL PLAN

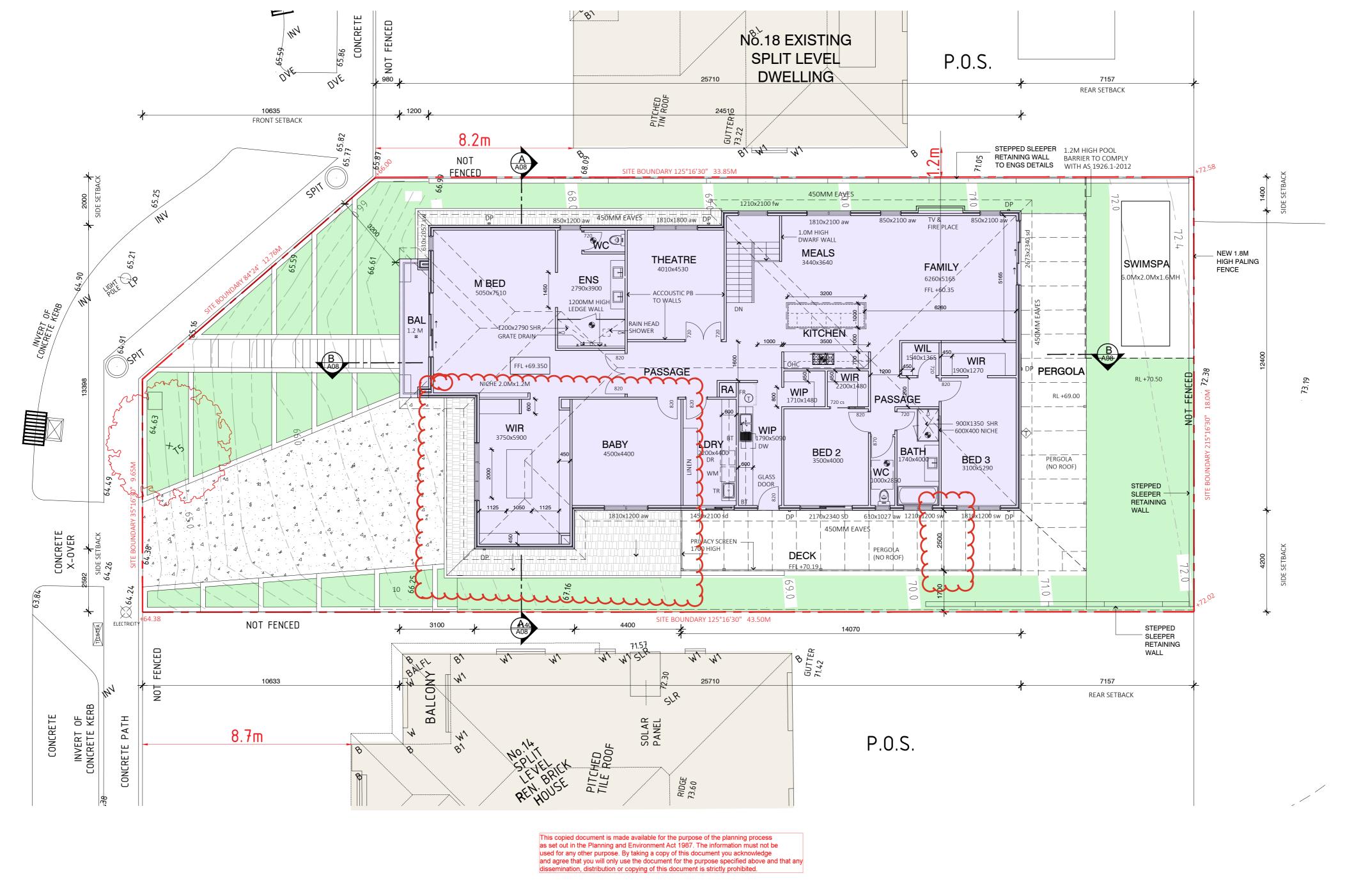
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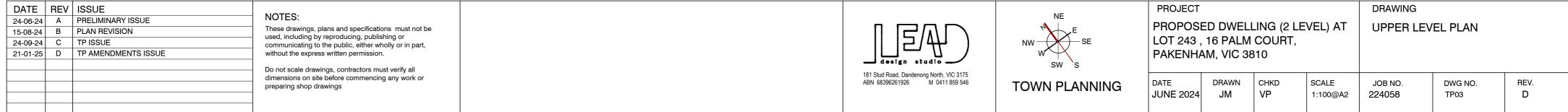
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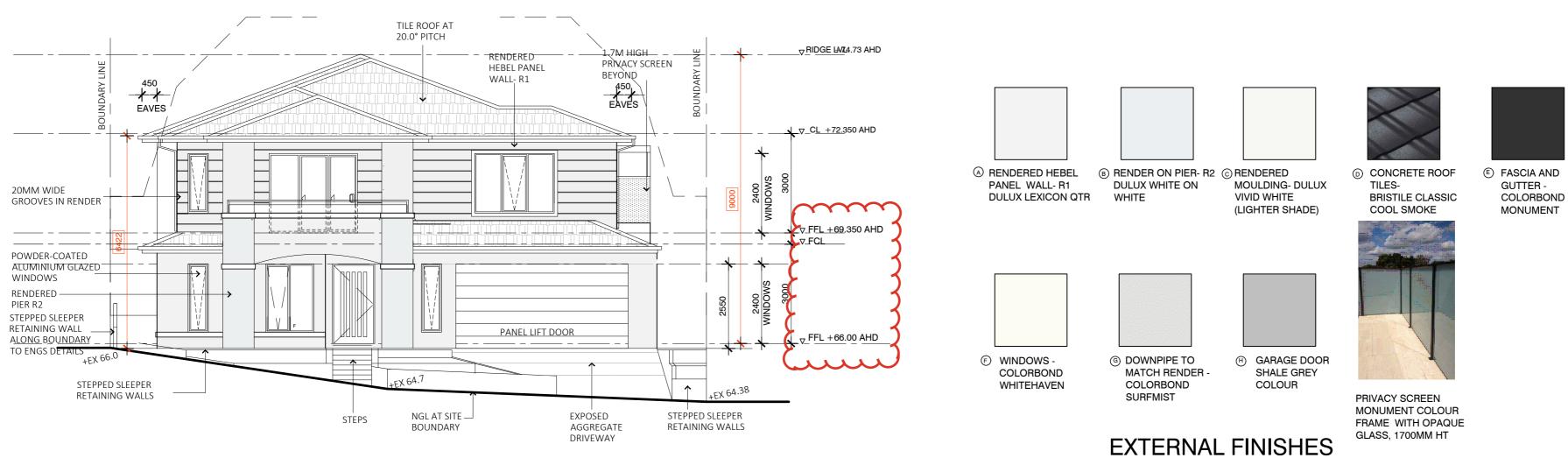
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DWG NO. TP02 REV.

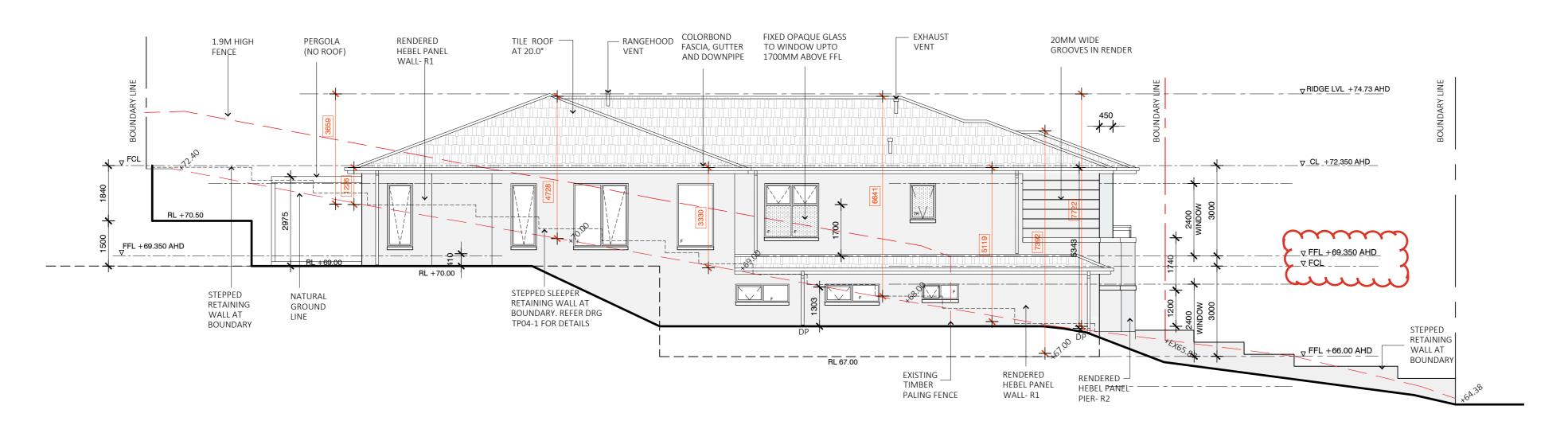
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NORTH WEST ELEVATION- A



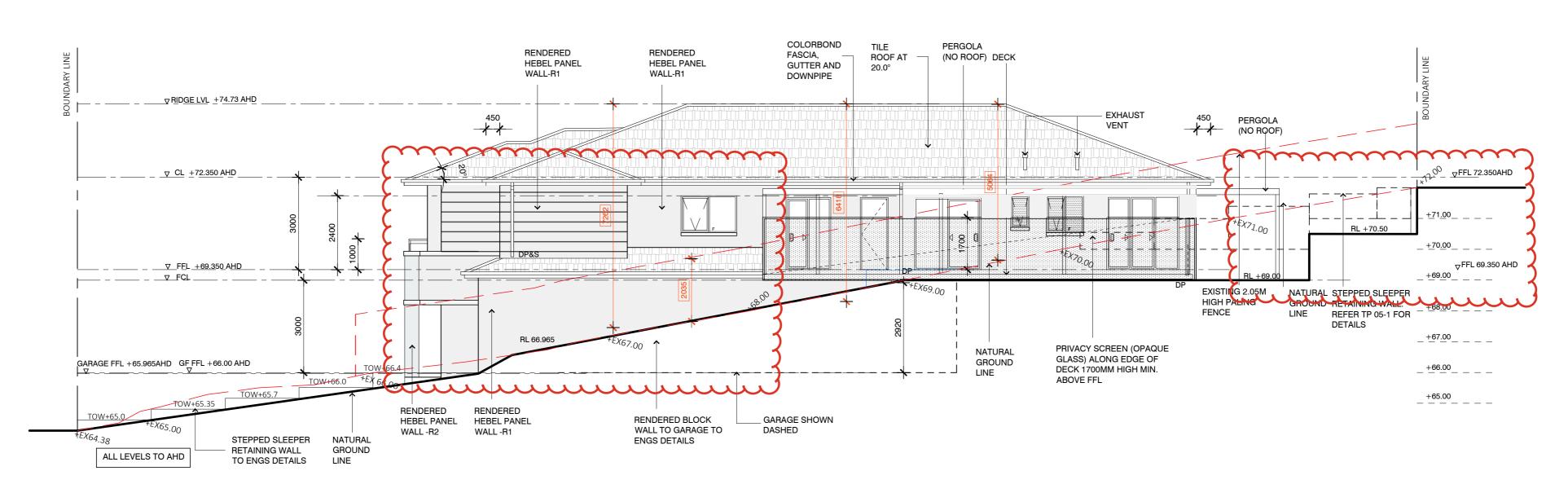
NORTH EAST ELEVATION-B

DATE	REV	ISSUE	NOTES: These drawings, plans and specifications must not be used, including by reproducing, publishing or communicating to the public, either wholly or in part, without the express written permission. Do not scale drawings, contractors must verify all dimensions on site before commencing any work or preparing shop drawings						PROJECT			DRAWING		
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COLORBOND FASCIA, GUTTER TILE ROOF 2.0M HIGH
PALING FENCE PERGOLA 2.0M HIGH AT 20.0° (NO ROOF) PALING FENCE AND DOWNPIPE ⊽RIDGE LMZ4.73 AHD (NO ROOF) ++ ∇ CL +72.350 AHD 1.7M HIGH PRIVACY SCREEN TO TOW+72.40 TOW+72.00 RL +70.500 AHD ∇ <u>∇RL</u> ±70.500 AHD ▽ FFL +69.350 AHD NATURAL GROUND LINE AT SITE STEPPED SLEEPER RETAINING WALL. REFER TP 05-1 FOR DETAILS DECK RENDERED HEBEL PANEL-R1 BOUNDARY

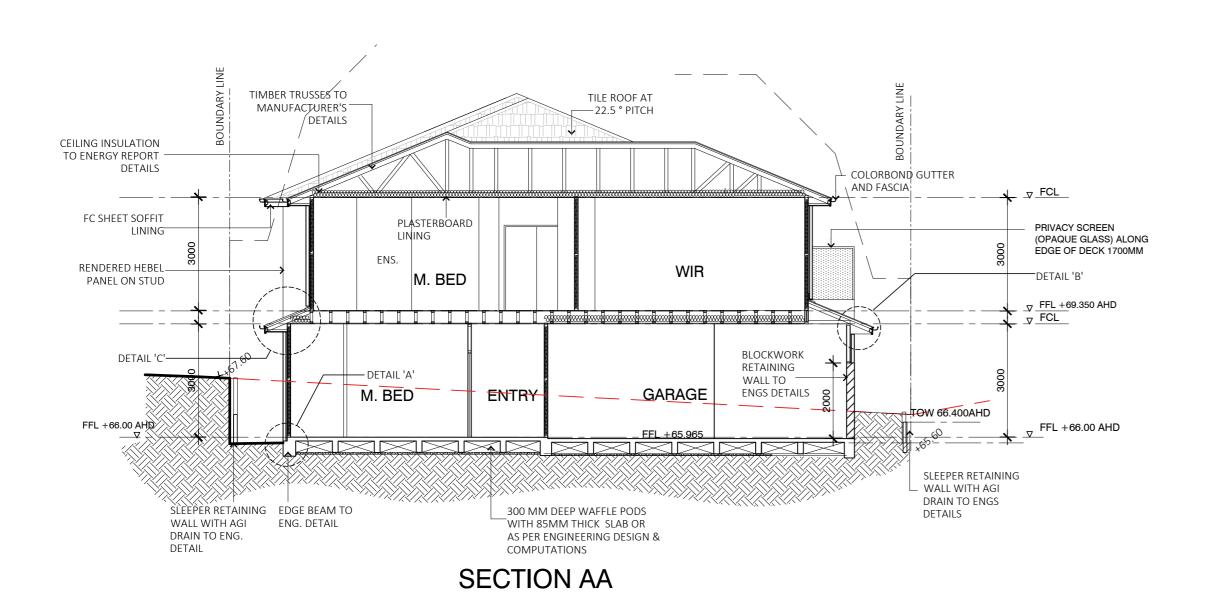
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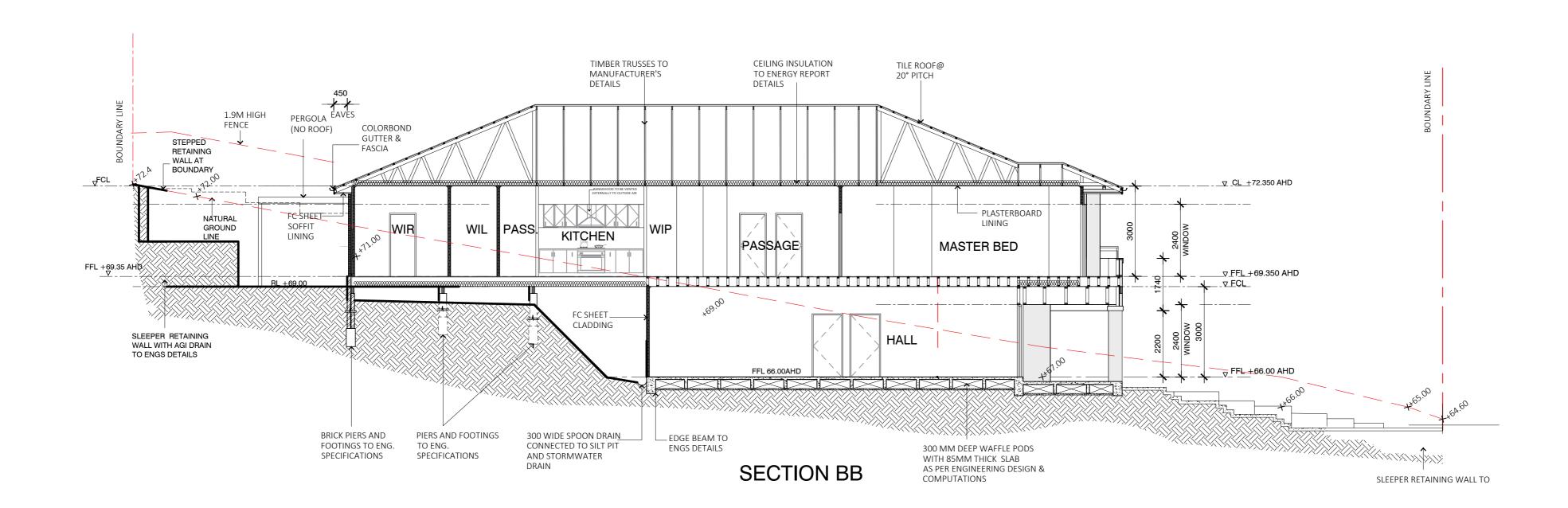
SOUTH EAST ELEVATION - C



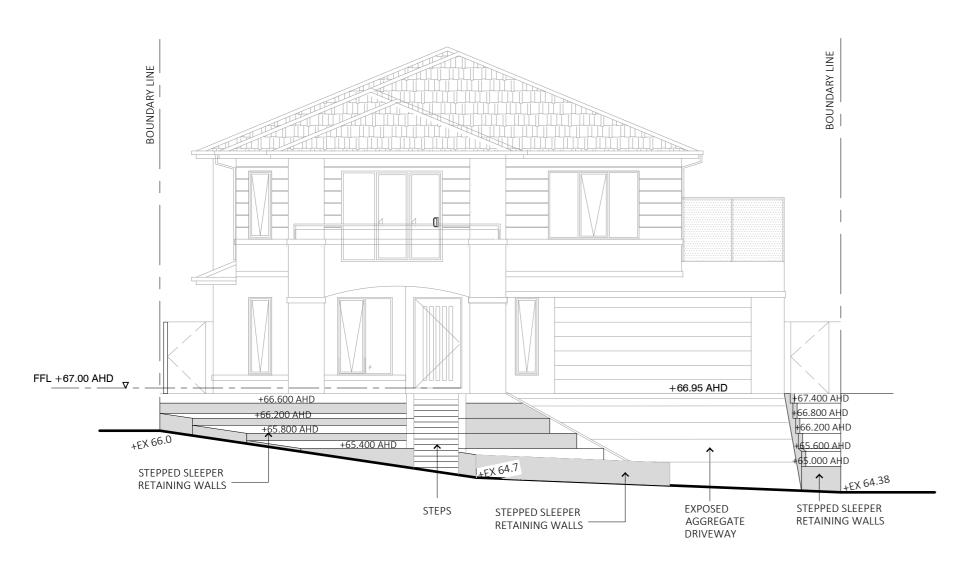
SOUTH WEST ELEVATION - D

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				design studio								
			dimensions on site before commencing any work or	181 Stud Road, Dandenong North, VIC 3175 ABN 68396261926 M 0411 859 546	TOWN PLANNING	DATE	DRAWN	CHKD	SCALE	JOB NO.	DWG NO.	REV.
			preparing shop drawings		TOWN PLANNING	JUNE 2024		VP	1:100@A3	224058	TP05	D
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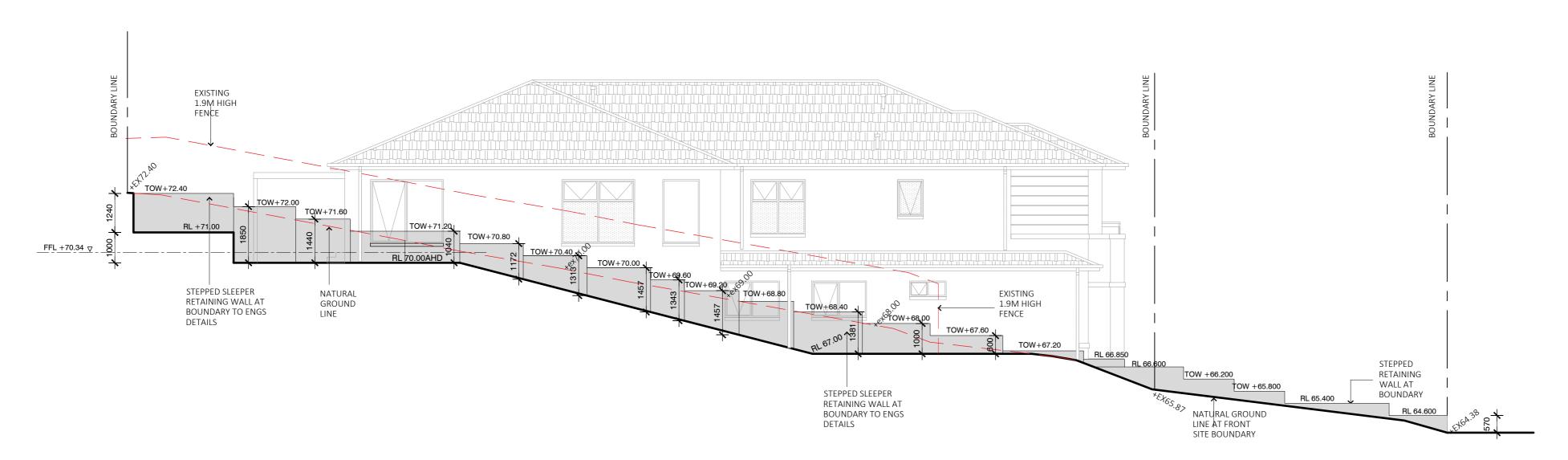




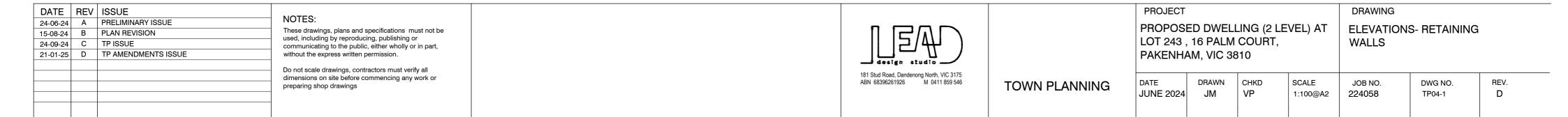


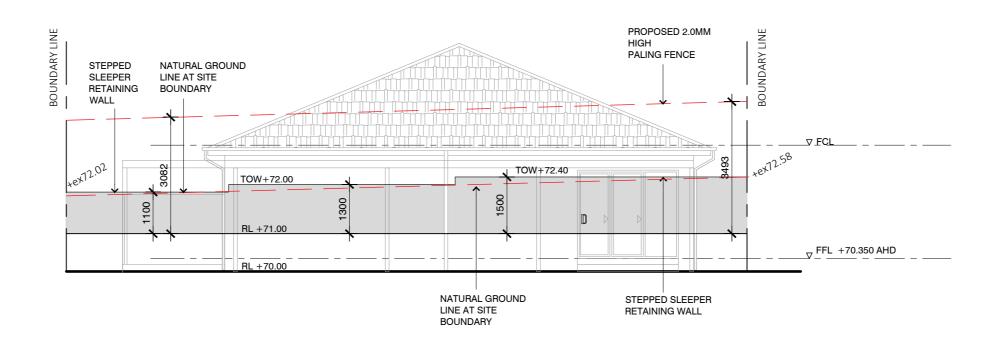


NORTH WEST ELEVATION- A

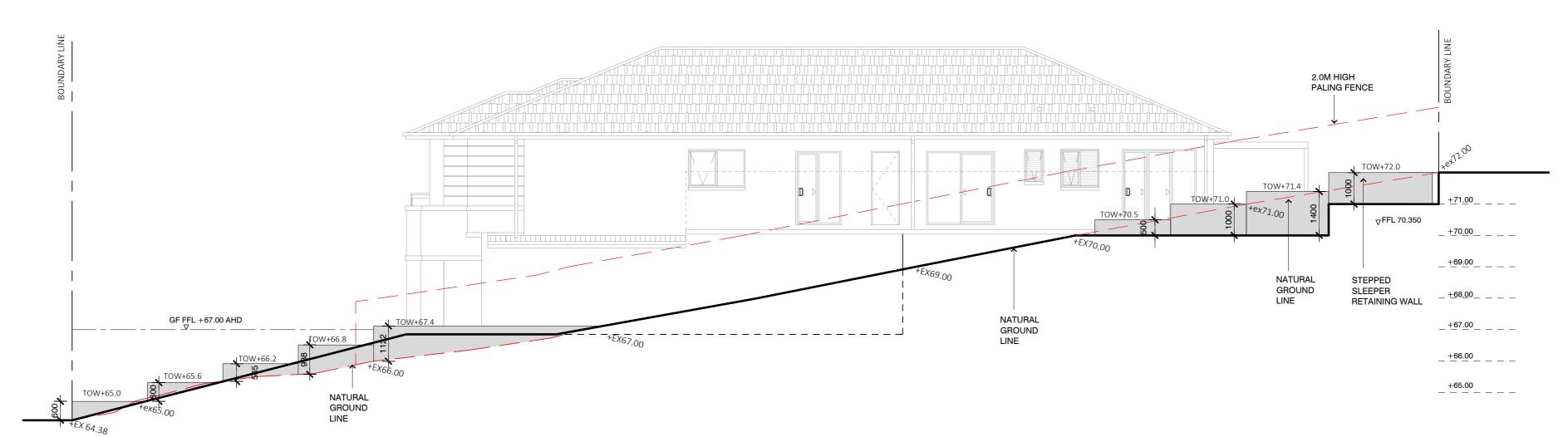


NORTH EAST ELEVATION-B



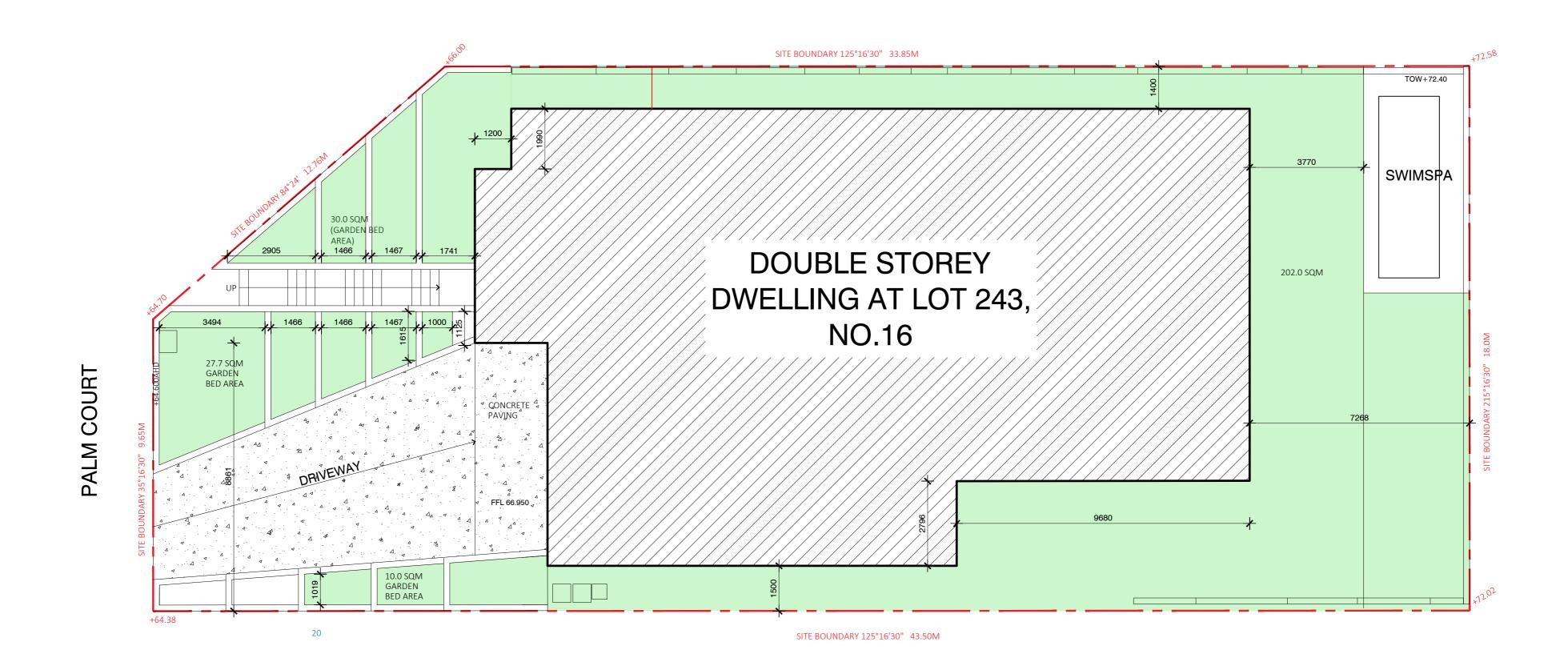


SOUTH EAST ELEVATION - C



SOUTH WEST ELEVATION - D

DATE REV ISSUE 24-06-24 A PRELIMINARY ISSUE 15-08-24 B PLAN REVISION 24-09-24 C TP ISSUE 21-01-25 D TP AMENDMENTS ISSUE	NOTES: These drawings, plans and specifications must not be used, including by reproducing, publishing or communicating to the public, either wholly or in part, without the express written permission.	Jesign studio		PROJECT PROPOSE LOT 243, PAKENHA	16 PALI	M COURT	,	DRAWING ELEVATIC WALLS	DNS- RETAININ	G
	Do not scale drawings, contractors must verify all dimensions on site before commencing any work or preparing shop drawings	181 Stud Road, Dandenong North, VIC 3175 ABN 68396261926 M 0411 859 546	TOWN PLANNING	DATE JUNE 2024	DRAWN JM	CHKD VP	SCALE 1:100@A2	JOB NO. 224058	DWG NO. TP05-1	REV. D



LOT AREA: 741.85 SQM

GARDEN AREA REQUIRED : 259.64SQM (35%)
GARDEN AREA PROVIDED : 269.70 SQM (36.35%)

DRAWN CHKD

VP

JM

JUNE 2024

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			Do not scale drawings, contractors must verify all
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			preparing shop drawings





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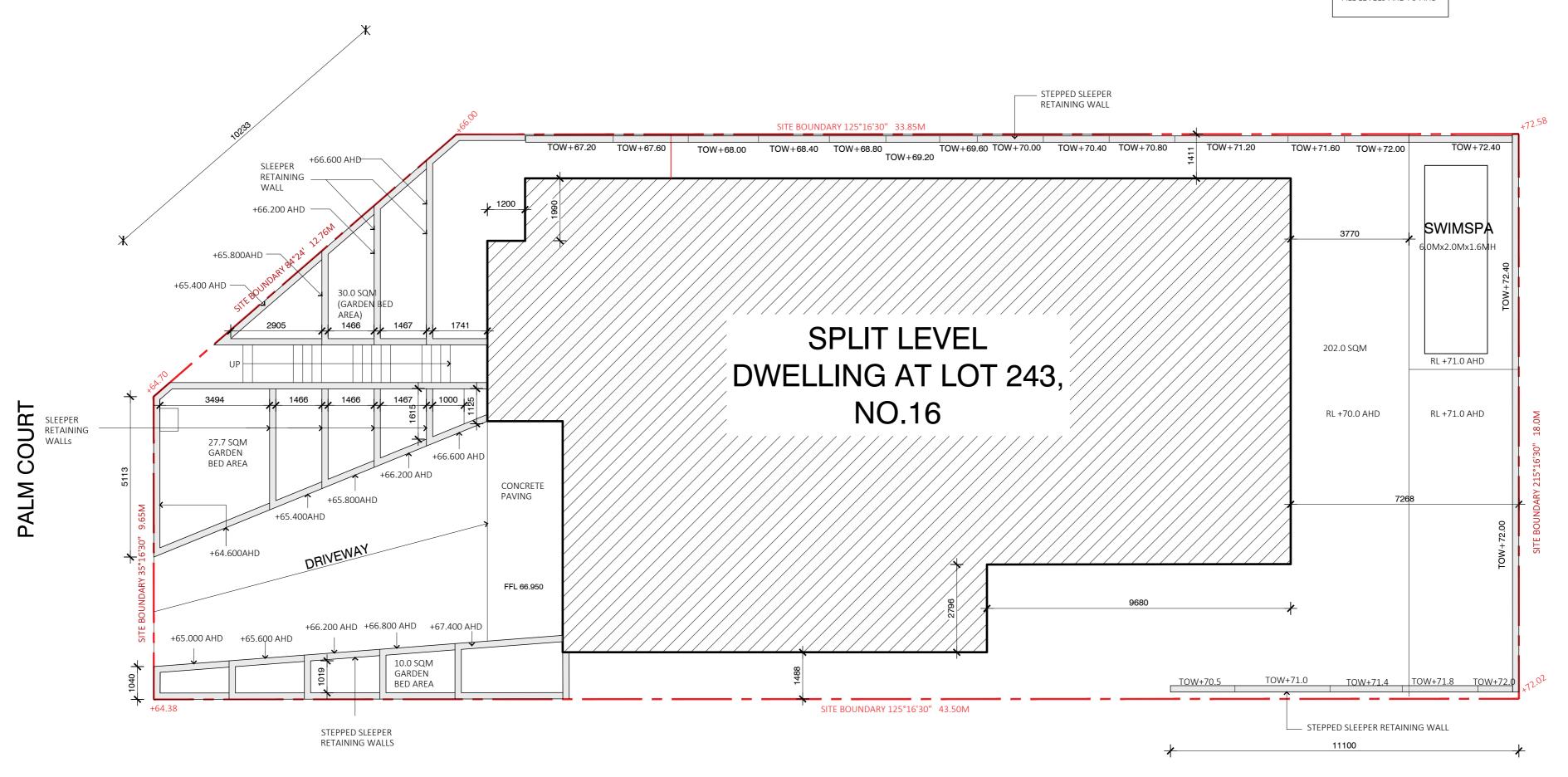
DWG NO.

TP07

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ALL LEVELS ARE TO AHD



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21-01-25	D	TP AMENDMENTS ISSUE	without the express written permission.
			Do not scale drawings, contractors must verify all dimensions on site before commencing any work or preparing shop drawings



NW S SE

PROJECT	
PROPOSED DWELLING (2 LEVEL) AT	F
LOT 243, 16 PALM COURT,	
PAKENHAM, VIC 3810	

DRAWING
RETAINING WALL LAYOUT

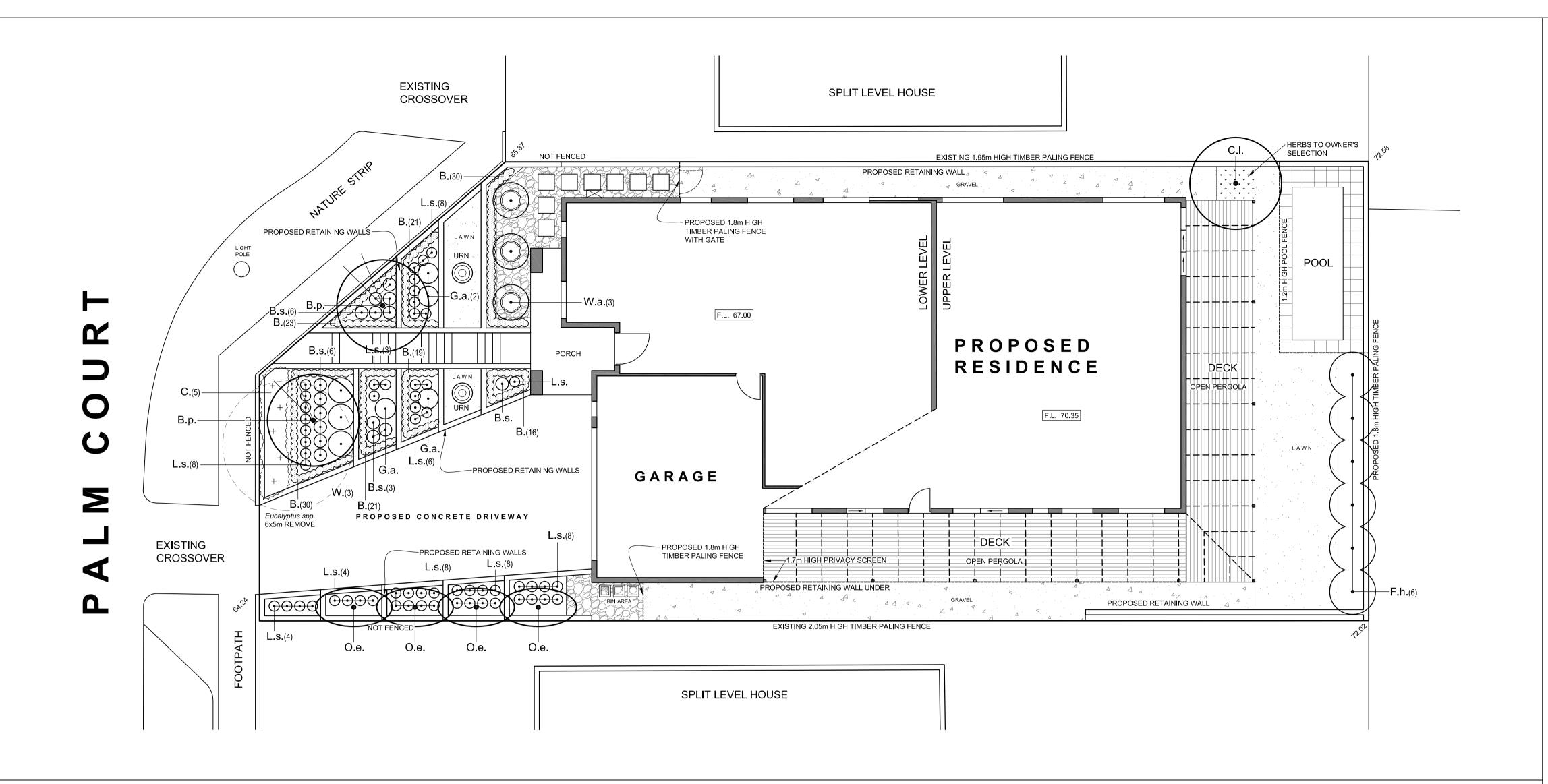
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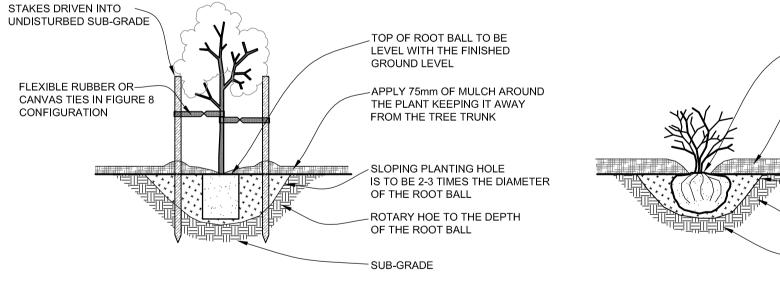
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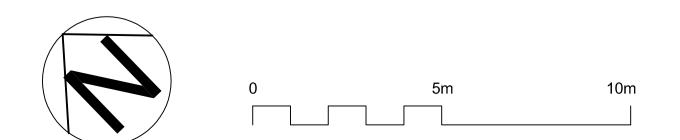
PLANTING SCHEDULE

			·	I		
CODE	BOTANICAL NAME	COMMON NAME	HEIGHT*	WIDTH*	POT SIZE	QTY
EVERGI	REEN TREES					
C.I.	Citrus limon 'Meyer'	Lemon 'Meyer'	3m	2m	300mm	4
O.e.	Olea 'Manzanillo'	Olive - espaliered	5m	3m	300mm	4
DECIDU	OUS TREES				300mm	
B.p.	Betula pendula 'Moss White'	Silver Birch 'Moss White'	8m	4m	2m TALL	2
SHRUB	S				•	
B.s.	Buxus sempervirens	English Box Ball	1m	0.5m	150mm	16
B.	Buxus sempervirens 'Suffruticosa'	Dutch Box	0.4m	0.3m	150mm	160
F.h.	Ficus hillii 'Flash'	Ficus 'Flash' (pleached)	4-5m	2-3m	200mm	6
G.a.	Gardenia 'White Goddess'	Gardenia	1m	1m	150mm	4
L.s.	Lavandula stoechas	'Javelin Forte' Purple	0.4m	0.4m	150mm	58
W.a.	Wisteria floribunda alba	Wisteria	2m	1.5m	200mm	3
W.	Westringia fruticosa	Jervis Gem Ball	1m	1m	200mm	3
GROUN	DCOVERS AND TUFTING PL	ANTS	•		•	
C.	Casuarina glauca 'Cousin It'	She Oak 'Cousin It'	0.2m	1-2m	150mm	5



TYPICAL TREE AND SHRUB PLANTING DETAIL NOT TO SCALE

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TOP OF ROOT BALL TO BE

LEVEL WITH THE FINISHED GROUND LEVEL

-APPLY 75mm OF MULCH

IT AWAY FROM THE STEM

SLOPING PLANTING HOLE

ROTARY HOE TO THE DEPTH

OF THE ROOT BALL

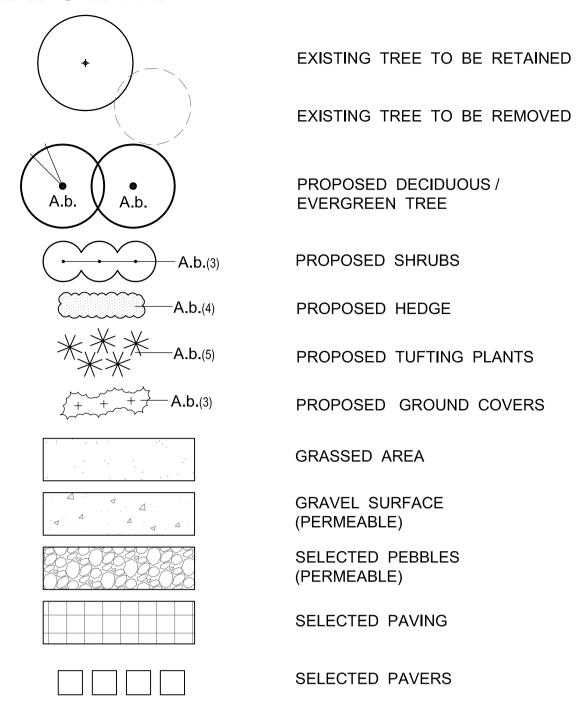
OF THE ROOT BALL

SUB-GRADE

IS TO BE 2-3 TIMES THE DIAMETER

AROUND THE PLANT KEEPING

LEGEND



NOTES

EXISTING TREES: Existing trees to remain are to be adequately protected during site works. Tree protection measures are to be in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.

TOPSOIL: Soil, if imported to the site is to be screened and free from perennial weeds. Cultivate existing site soil to 200mm depth. To garden areas spread imported topsoil to a lightly rolled depth of 150mm over cultivated site soil. To lawn areas spread imported topsoil to lightly rolled depth of 100mm. Imported topsoil to be a 70/30 mix of screened topsoil and organic compost, pH range 6-7. Apply gypsum where necessary.

TREES: All canopy trees to be a minimum 2.0 metres tall when planted.

PLANTS AND PLANTING: All plants to be healthy disease-free specimens. Over-excavate all plant holes by at least twice pot volume. Spread a slow release fertiliser to each plant hole at the manufacturers specifications. Stake and tie trees by two 2100x32x32 pointed stakes and large shrubs with one 1800x25x25 pointed stake. All ties to be flexible rubber or canvas ties in 'figure 8' configuration. Immediately after planting, water-in all plants and maintain regular follow-up watering during establishment period.

LAWN: Soil to finish as a lightly rolled layer 8mm above adjacent paved surfaces, or plinth board. Spread lawn seed at the rate of 40gms/m squared. For instant turf grass finish top soil as lightly rolled layer flush to adjacent paved surfaces. Ensure seed bed and instant turf areas are kept moist during the establishment period.

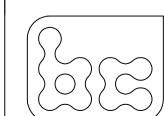
EDGING: Separate garden bed, gravel and lawn areas by a 100x20 C.C.A. treated pine plinth board pegged at 1200mm centres, or similar hard edging.

MULCH: After planting spread shredded pinewood mulch to a depth of 75mm to all garden beds.

MAINTENANCE: Maintain all garden beds in a neat and tidy condition. Regularly water garden beds and lawn areas during establishment period and during dry spells. Eradicate any weed growth.

DISCLAIMER: Bradbury Culina shall not be liable for any damage caused to the existing vegetation retained on and surrounding the site, it is the sole responsibility of the owner or builder. It is the Landscape Contractor's responsibility to locate and prove all services prior to undertaking works and various authorities are to be notified. Should any existing services be damaged during construction works, the contractor shall make arrangement for repairs. All costs for this shall be borne by the contractor.

C) Copying of this document / drawing in any shape or form, in whole or in part, without the authorisation of Bradbury Culina is strictly prohibited.



DESIGN BY: S.C. DRAWN BY:

PROJECT ADDRESS:

29 January 2025 Lead Design Studio SCALE (@A1): 16 Palm Court, Pakenham 1:100

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Landscape Plan

FOR TOWN PLANNING DRAWING NUMBER: SHEET: 4629 1/1

^{*} Denotes height and width at maturity