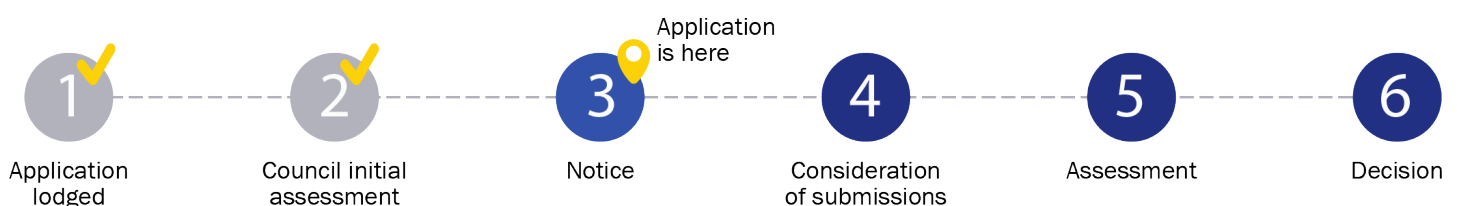


Notice of Application for a Planning Permit

The land affected by the application is located at:	L1 LP53850 39 Main Street, Pakenham VIC 3810
The application is for a permit to:	Demolish a Building in a Heritage Overlay
A permit is required under the following clauses of the planning scheme:	
43.01-1	Demolish or remove a building
APPLICATION DETAILS	
The applicant for the permit is:	G2 Urban Planning
Application number:	T250365
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:	12 December 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 Summary

Portal Reference A22562X5

Basic Information

Proposed Use Demolish a building in a Heritage Overlay

Current Use Vacant dwelling

Cost of Works \$20,000

Site Address 39 Main Street 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

Type	Name	Address	Contact Details
Applicant	G2 Urban Planning	670 Mt Alexander Road, Moonee Ponds VIC 3039	W: 03-9372-0401 M: 0408-179-455 E: gap@gattini.com.au
Owner	PAKENHAM PLACE SHOPPING CENTRE JV PTY LTD	c/- 670 Mt Alexander Rd, Moonee Ponds VIC 3039	W: 9372-0401 M: 0408-179-455 E: gap@gattini.com.au
Preferred Contact	G2 Urban Planning	670 Mt Alexander Road, Moonee Ponds VIC 3039	W: 03-9372-0401 M: 0408-179-455 E: gap@gattini.com.au

Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 11 Not more than \$100,000	\$1,265.60	100%	\$1,265.60
Total			\$1,265.60


Cardinia
ADVERTISED MATERIAL
 Planning Application: T250365
 Date Prepared: 26 November 2025

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Civic Centre
 20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
 Purton Road, Pakenham, Victoria

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

Email: mail@cardinia.vic.gov.au

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

Documents Uploaded

Date	Type	Filename
20-06-2025	A Copy of Title	Title Plan June 2025.PDF
20-06-2025	A Copy of Title	Title certificate June 2025.PDF
20-06-2025	Site plans	39 Main Street Pakenham Demolition Methodology_13-6-25.pdf
20-06-2025	Additional Document	June 2025 Demolition 39 Main Street coverletter.pdf
20-06-2025	Additional Document	ApplicForm39MainSt.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	 G2 Urban Planning	670 Mt Alexander Road, Moonee Ponds VIC 3039	W: 9372-0401 E: gap@gattini.com.au
Submission Date	20 June 2025 - 05:05: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 (Depot)
Purton Road, Pakenham, Victoria

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After Hours: 1300 787 624
Fax: 03 5941 3784



Planning Enquiries
Phone: 1300 787 624
Web: www.cardinia.vic.gov.au

Office Use Only

Application No.:

Date Lodged: / /

Application for a **Planning Permit**

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ 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*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 39	St. Name: MAIN STREET
Suburb/Locality: PAKENITAM		Postcode: 3810

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.: 1	☐ Lodged Plan	☐ Title Plan	☒ Plan of Subdivision	No.: 053850
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

DEMOLISH BUILDING IN HERITAGE OVERLAY



ADVERTISED MATERIAL

Planning Application: T250365

Date Prepared: 26 November 2025

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ⓧ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$ 20,000

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.

i Estimated cost of any development for which the permit is required *

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

VACANT DWELLING

Cardinia

ADVERTISED MATERIAL

Planning Application: T250365

Date Prepared: 26 November 2025

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☒ Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)

☐ No

☒ Not applicable (no such encumbrance applies).

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:

Title:

First Name:

Surname:

Organisation (if applicable): **PAKENHAM PLACE SHOPPING CENTRE JV PTY LTD**

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.: **L1**

St. No.: **333**

St. Name: **DRUMMOND ST**

Suburb/Locality: **CARLTON**

State: **VIC**

Postcode: **3053**

Please provide at least one contact phone number *

Contact information for applicant OR contact person below

Business phone: **9372 0401**

Email: **gop@gattini.com.au**

Mobile phone: **0408 179 455**

Fax: _____

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*

Same as applicant ☐

Name:

Organisation (if applicable): **G2 URBAN PLANNING**

Postal Address:

If it is a P.O. Box, enter the details here:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Same as applicant ☒

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:

Owner's Signature (Optional):

Date:

day / month / year

Declaration

This form must be signed by the applicant.

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

I declare that all the information in this application is true and that I have been notified of the permit application.

Date: 20-06-2025
day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

☐ No

☒ Yes

If 'Yes', with whom?

Date:

day / month / year

Checklist

Have you:

☐

Filled in the form completely?

☐

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

☒

Provided all necessary supporting information and documents?

☐

A full, current copy of title information for each individual parcel of land forming the subject site.

☐

A plan of existing conditions.

☐

Plans showing the layout and details of the proposal.

☐

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☐

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

☐

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.

☐

Completed the relevant council planning permit checklist?

☐

Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

In person: 20 Siding Avenue, Officer

Contact information:

Telephone: 1300 787 624

Email: mail@cardinia.vic.gov.au

DX: 81006

Deliver application in person, by post or by electronic lodgement.



ADVERTISED MATERIAL

Planning Application: T250365

Date Prepared: 26 November 2025

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

Page 1 of 1

VOLUME 11546 FOLIO 689

Security no : 124125529156T
Produced 20/06/2025 02:27 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 053850.
PARENT TITLE Volume 08304 Folio 980
Created by instrument AL622947X 14/01/2015

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
PAKENHAM PLACE SHOPPING CENTRE JV PTY LTD of LEVEL 1 333 DRUMMOND STREET
CARLTON VIC 3053
AT759549B 09/11/2020

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP053850 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: 39 MAIN STREET PAKENHAM VIC 3810

DOCUMENT END



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	LP053850
Number of Pages (excluding this cover sheet)	1
Document Assembled	20/06/2025 14:27

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NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

LP 53850

EDITION 1

PLAN MAY BE LODGED 13 JUN 1961

PLAN OF SUBDIVISION OF
PART OF CROWN PORTIONS 44 & 45
PARISH OF NAR-NAR-GOON
COUNTY OF MORNINGTON

VOL. 8247 FOL. -633

Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

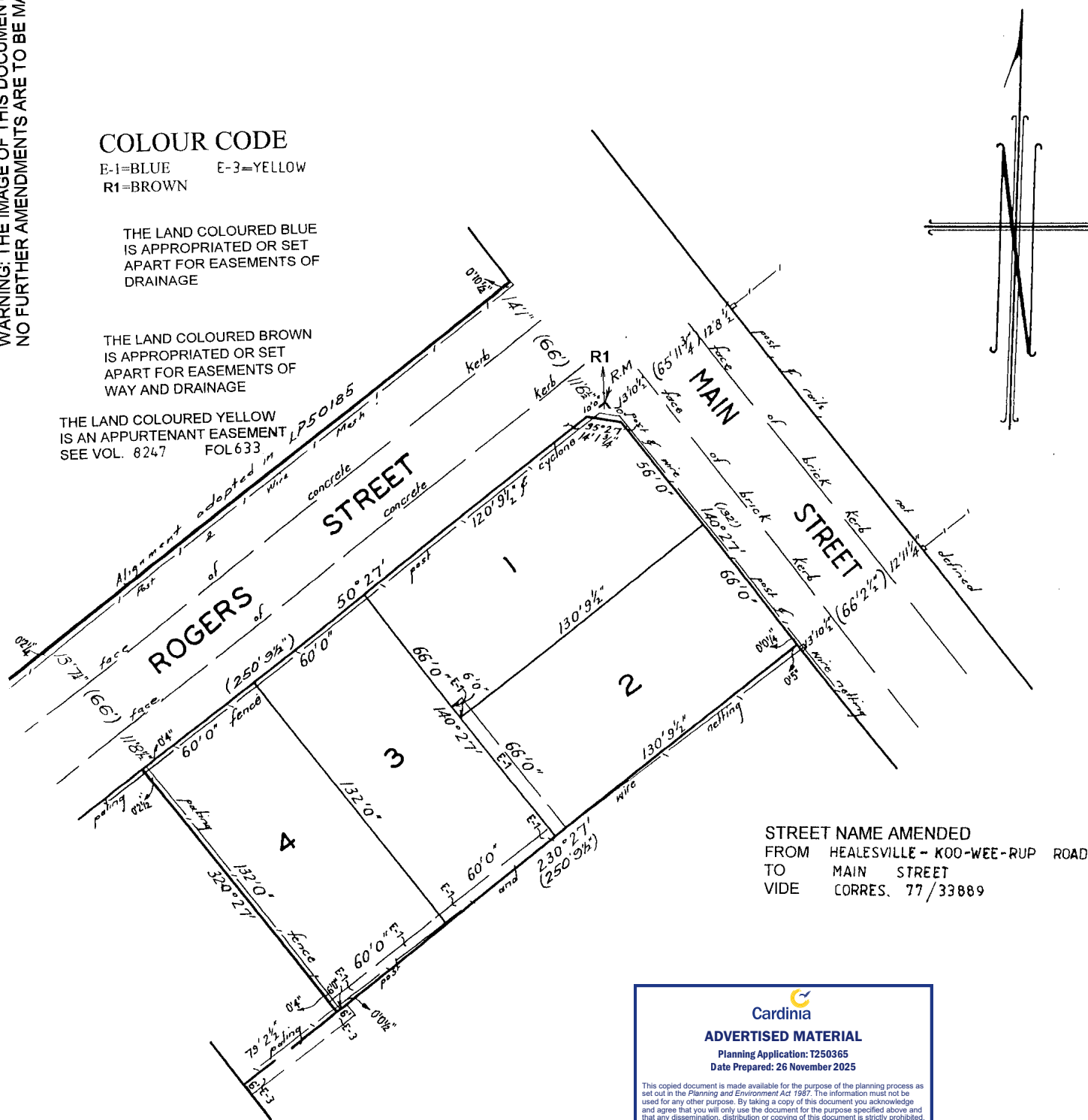
COLOUR CODE

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

THE LAND COLOURED BLUE
IS APPROPRIATED OR SET
APART FOR EASEMENTS OF
DRAINAGE

THE LAND COLOURED BROWN
IS APPROPRIATED OR SET
APART FOR EASEMENTS OF
WAY AND DRAINAGE

THE LAND COLOURED YELLOW
IS AN APPURTENANT EASEMENT
SEE VOL. 8247 FOL 633



STREET NAME AMENDED
FROM HEALESVILLE - KOO-WEE-RUP ROAD
TO MAIN STREET
VIDE CORRES. 77/33889

Cardinia

ARTICULATED MATERIAL

Planning Application: T250365

Date Prepared: 26 November 2025

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G2 URBAN PLANNING

670 Mt Alexander Road, Moonee Ponds, Vic 3039 T: 9372 0401 F: 9375 2862 E: gap@gattini.com.au
ACN: 075 038 809 ABN: 4607 5038 809

20th June 2025

City of Cardinia
PO Box 7
PAKENHAM
Vic 3810



Attention: Co-ordinator Statutory Planning

Dear Sir or Madam,

Re: Planning Permit Application – 39 Main Street, Pakenham. Demolition.

We represent the joint venture owners of the above land.

We have been instructed by our clients to lodge this Planning Permit Application for the demolition of the building (vacant dwelling) at 39 Main Street, Pakenham depicted below.



The subject site is covered by Heritage Overlay HO283 as depicted below.



Pursuant to Clause 43.01-1 a permit is required to “*demolish or remove a building*”. The Schedule to the Overlay shows that the site is not included in the Victorina Heritage Register as depicted in the extract below.

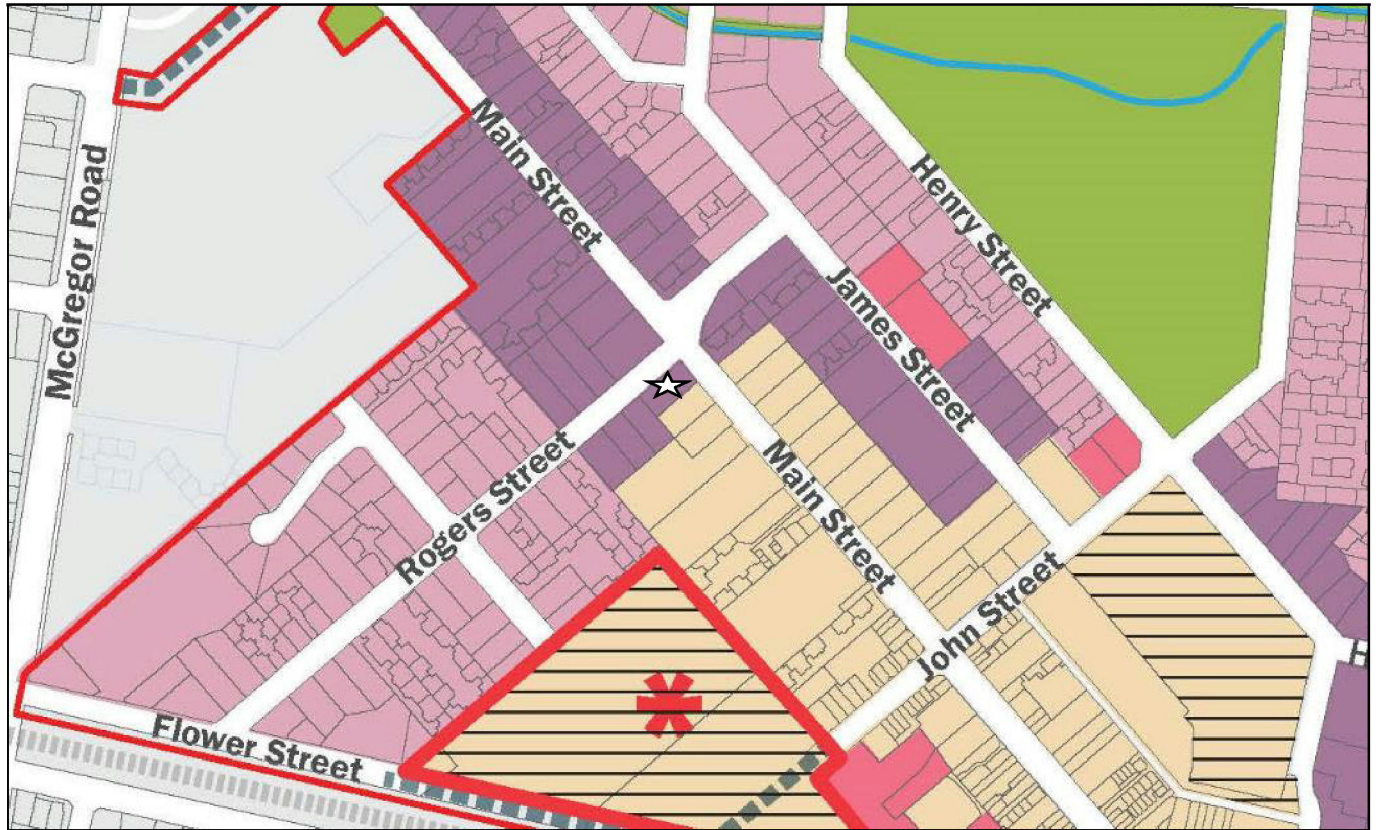
PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO283	House 39 Main Street, Pakenham	No	No	No	Yes	No	No	No	No

Our project team for the redevelopment of the Pakenham Place Shopping Centre have been in recent discussions with Council's Pakenham Revitalisation Project Coordinator – Kylie Traeger – regarding Council's and the local communities growing concerns that the building represents an increasing safety and amenity risk for the community

It has been expressed to our client through the project team that it is Council's and the local Police Department's preference to see the building demolished. Despite repeated attempts to secure the building squatters have continued to break-in, damage and occupy the building illegally.

Strategic Context

The site effectively forms part of the Pakenham Place Shopping Centre redevelopment. Council's Pakenham Structure Plan show the site as being a designated for 'Mixed Use' immediately adjacent to land designated for 'Core Retail' as depicted in the Pakenham Structure Plan extract below.



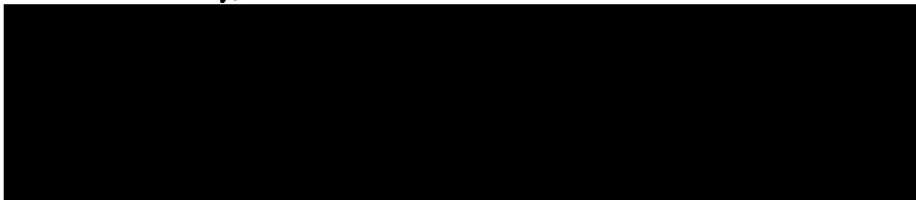
In reality, the site – which is owned by our client – represents the leading edge / gateway to the core retail areas of the Pakenham Activity Centre. These sites are the subject of current and future Planning Permits for the redevelopment and expansion of the Pakenham Shopping Centre.

Notwithstanding the Heritage Overlay that applies to the site, the dwelling would represent an anomaly to the strategic outcomes of commercial activation that are sought for the Centre. The overall vision is for the site at 39 Main Street and its abutments to create greater activation and commercial activity along Main Street and Rogers Street that will make a major contribution to Council's Pakenham Revitalisation Project.

We hereby make formal application under the relevant provisions of the Cardinia Planning Scheme to undertake the necessary works to demolish the building on the land at 39 Main Street, Pakenham.

We trust the information provided is sufficient for your consideration. Please contact me on 9372 0401 should you wish to discuss this application.

Yours sincerely,



ACCURATE DEMOLITION AND ASBESTOS REMOVAL PTY LTD

5 Graham Court Pakenham Vic 3810

ABN: 41 613 534 455

Date: 13 June 2025

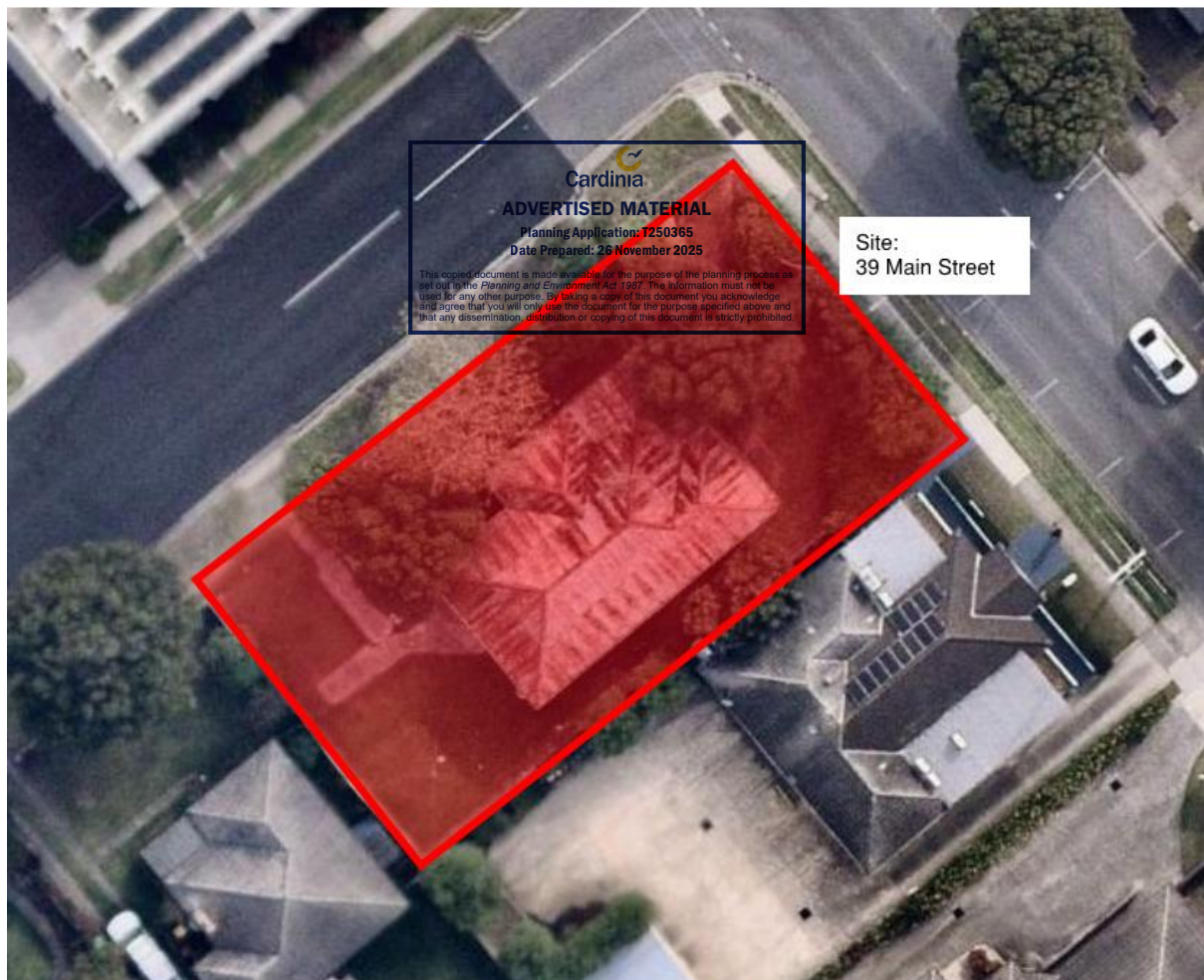
Demolition Methodology/Sequence

Site Address: 39 Main Street, Pakenham

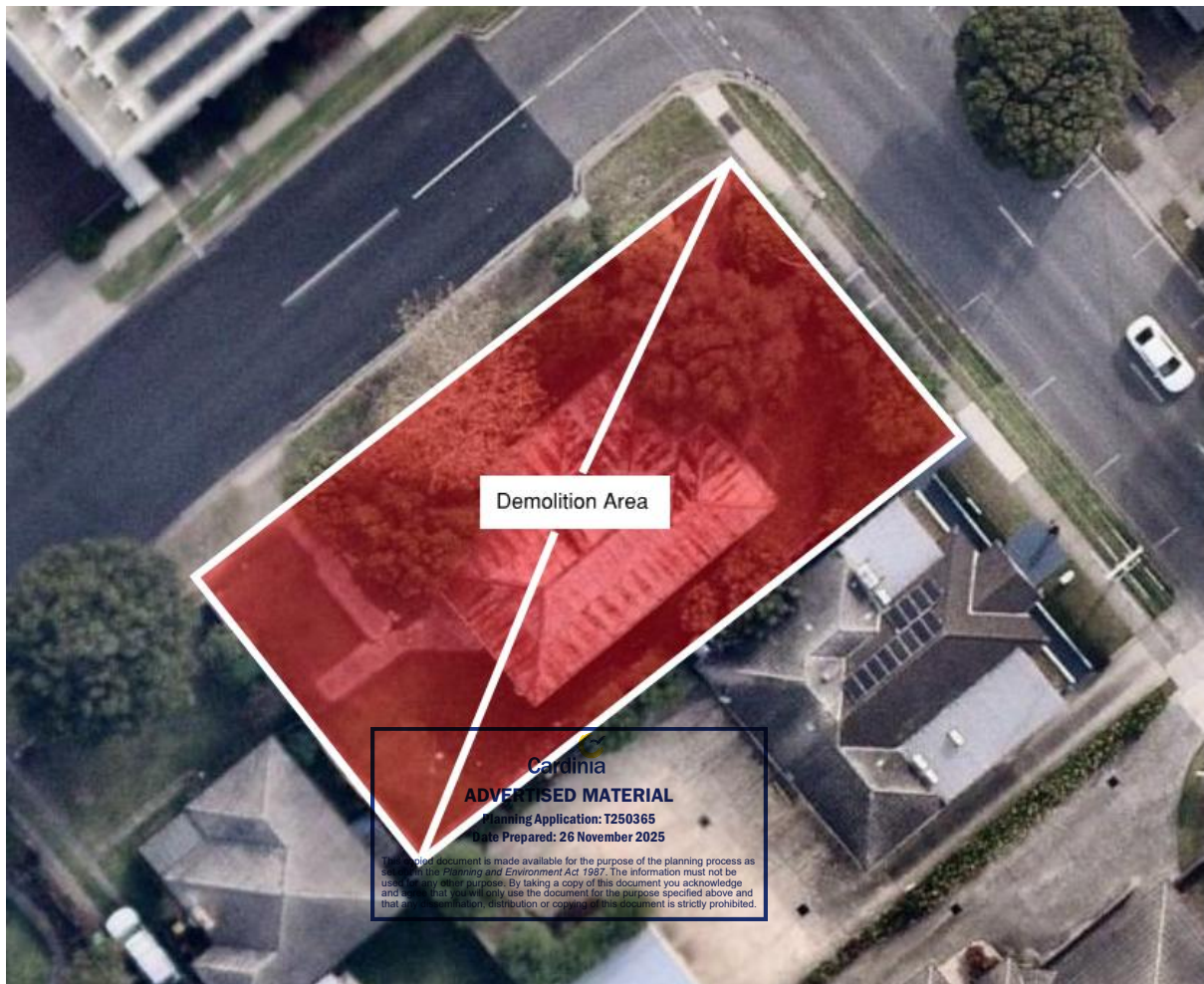
Overall Site Description: Residential style property containing a single level weatherboard clad house with a metal deck roof, timber fence, concrete paths, shrubbery & trees and associated rooms and fences.

Demolition Works Sequencing

1. The buildings for demolition are nominated on the site plan below – Lot nos. 2-5:



2. Establish temporary gate/fencing and signage (green) to front of demolition area to supplement existing fencing (orange) as per the following site plan:



3. Site employees to be inducted and made aware of areas of no access –vehicular or pedestrian access to Site/demolition area prohibited. Note external traffic management will not be required.
4. Ensure **ALL** Services are disconnected and isolated.
5. All buildings/structure within the site to be demolished.
6. Remove asbestos eave linings and internal asbestos clad walls using licenced asbestos removalist and safety implementation in accordance with industry standards with no other demolition works to proceed until a hygienist clearance certificate is issued. (No other hazardous materials identified onsite).
7. Internal Soft strip of the buildings removing non-structural furniture, loosing fixtures and the like by hand.
8. Demolish & remove roofing carefully separating from the main building using a 35-tonne excavator with grabs/toothed bucket. Any bricks to be loaded and carted to recycling yard.
9. Demolish and remove any associated roofing material using a 35-tonne excavator.
10. Demolish and remove the remaining building/structure using a 35 tonne excavator, then load material in to semi tipper trucks for disposal.
11. Remove all footings and concrete pathways with the 35-tonne excavator.

12. All waste material will be processed, separated, sorted and stockpiled for loading on to semi tipper trucks for appropriate off-site disposal including to appropriate recycling facilities and/or landfill facilities. All steel and concrete to be recycled.
13. Watercart to be used for fire risk management and dust suppression.
14. Demolition works will be undertaken/completed in approximately 1 week.
15. The occupants of 41 Main Street and 2A Rogers Street to be notified of demolition works program.



The planning & execution of this project will be undertaken in accordance with the relevant Acts, Regulations, Australian/NZ Standards, and Codes of Practice & SWMS ("Banco SWMS"). These include but are not limited to the following:

- Australian Standards for Demolition AS2601 – Australian Standard for Demolition of Buildings
- Demolition Code of Practice No 14, 1 October 1991

References:

- Occupational Health & Safety Act 2004
- Demolition Code of Practice No 14, 1st October 1991
- Dangerous Goods (Storage & Handling) Regulations 2000
- Occupational Health & Safety (Asbestos) Regulations 2003
- Occupational Health & Safety (Certification of Plant Users & Operators) Regulations 1994
- Occupational Health & Safety (Hazardous Substances) Regulations
- Occupational Health & Safety (Plant) Regulations 1995

Author & Works Manager

██████████, Accurate Demolition and Asbestos Removal Pty Ltd

Qualifications: Accurate - Registered Demolisher (CBD-M 71268)
██████████ - Registered Builder Practitioner (BD-M 70002)



G2 URBAN PLANNING

17 November 2025

City of Cardinia
PO Box 7
PAKENHAM
Vic 3810



ADVERTISED MATERIAL

Planning Application: T250365
Date Prepared: 26 November 2025

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Attention [REDACTED] Senior Statutory Planner

Dear [REDACTED]

Re: Planning Permit Application T250365 PA – 39 Main Street, Pakenham. Demolish a Building in a Heritage Overlay. Response to RFI.

I refer to the above Application and your letter of 17th July 2025 requiring the submission of further information under Section 54 of the Planning and Environment Act 1987.

In response to the matters raised in your letter we provide the following response supported by the accompanying documents. We also take this opportunity to seek an extension of time to provide any required information that has been inadvertently omitted from this submission.

Further Information Required:

1. Planning submission

Accompanying this letter please find a Planning Submission providing a written response to the relevant sections of the Planning Policy Framework, the Municipal Strategic Statement and relevant planning controls.

2. Heritage Report

Accompanying this letter please find a Heritage Impact Statement (HIS) prepared by John Briggs Architect & Conservation Consultant. The HIS concludes that;

“The heritage significance of the house, its aesthetic appeal, is a limited benefit to the community. The loss of this existing community value can reasonably be accepted as compromise necessitated by the redevelopment in accordance with the aims of the Activity Centre and the community benefit that such development will deliver. The appealing domesticity of the subject house is in conflict with the development anticipated under the Activity Centre and consideration of demolition of the house can be expected to be justified.”

3. Structural Report

A structural report has not been prepared assessing the current condition of the building.

The approval sought to demolish the building does not rely upon the structural integrity of the building.

The approval sought is based upon the imperatives of the Activity Centre Zone and the manner in which the subject site and surrounding land is anticipated to be developed as part of the Pakenham Activity Centre.

Preliminary Assessment Comments:

4. Permit requirements

The Permit requirements and exemptions set out in Council's letter are duly noted.

5. Demolition of a heritage building

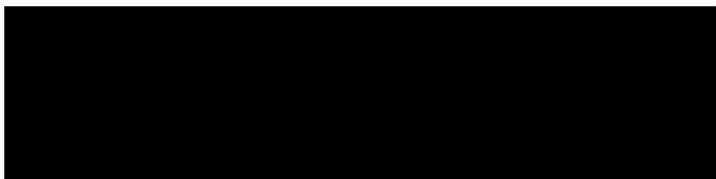
The comments provided by Council's various internal departments are noted.

The application is now supported by a Heritage Impact Statement (HIS). The HIS concludes that the demolition of the building is justified.

We trust the information provided is sufficient for your consideration. We look forward to the Application proceeding to the next step in Council's deliberation.

Please contact me on 9372 0401 should you wish to discuss this application.

Yours sincerely,



G2 URBAN PLANNING

Town Planning Report



ADVERTISED MATERIAL

Planning Application: T250365
Date Prepared: 26 November 2025

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Planning Permit Application

Demolition of a Building in a Heritage Overlay.

Land at 39 Main Street, Pakenham

G2 Urban Planning

670 Mt Alexander Road Moonee Ponds VIC 3039 (p) 9372 0401 (f) 9375 2862 (e) gap@gattini.com.au

1.0 INTRODUCTION

G2 Urban Planning represents the joint venture owners of the land at 39 Main Street, Pakenham.

We have been instructed by our clients to lodge this Planning Permit Application for the demolition of the building (vacant dwelling) at 39 Main Street, Pakenham pursuant to the relevant provisions of the Cardinia Planning Scheme.

This report has assessed the proposal against relevant State & Local Planning Policy, the relevant Zone and Overlay provisions, and the relevant 'Particular Provisions' of the Scheme including:

- Identification of planning permit requirements and exemptions.
- Written response to Clause 15.03-1S Heritage conservation.
- Written response to Clause 21.02-6 Post-contact heritage.
- Written assessment outlining how the proposal satisfies the purpose and decision guidelines of Clause 43.01 Heritage Overlay.

2.0 THE SITE AND SURROUNDS

The address of the land is 39 Main Street, Pakenham located on the corner of Main Street and Rogers Street as depicted below. (refer to aerial image below).

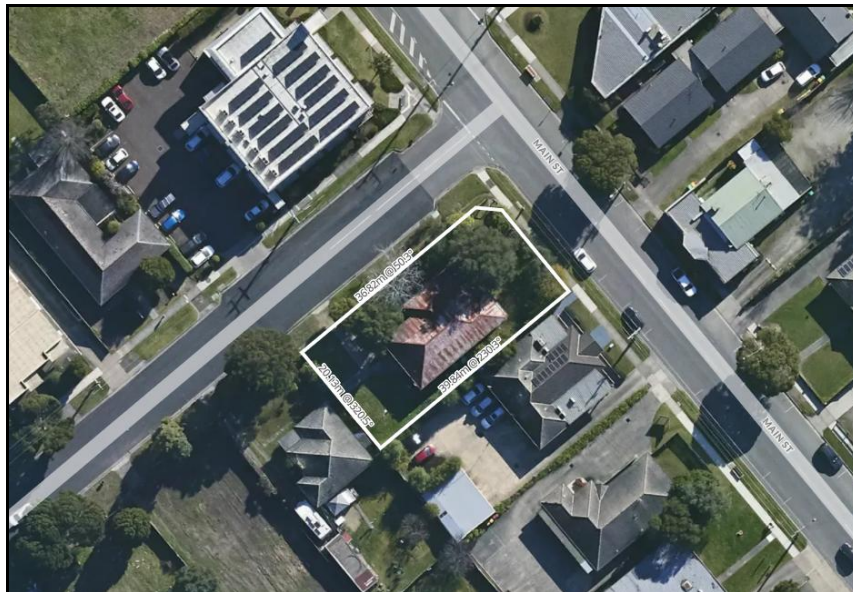


Figure 1 – Locality Plan (Source: Landchecker)



Cardinia
ADVERTISED MATERIAL
Planning Application: T250365
Date Prepared: 26 November 2025

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The site is located within the Pakenham Activity Centre characterised primarily by a mix of commercial and service industry activities.

The site's immediate abuttal to the southwest is a single storey dwelling.

The site's abuttal to the southeast is a Dental Surgery. Several other properties in the immediate area are also used for Medical / Health Care purposes.

The site has a single storey weatherboard dwelling (unoccupied) as depicted in the image below.



3.0 THE PROPOSAL

It is proposed to demolish the building.

4.0 CARDINIA PLANNING SCHEME CONTROLS

Zone

The site is included in the Activity Centre Zone (ACZ1) as shown in Figure 2 below.



Figure 2 – Activity Centre Zone and surrounding zoning.

The purpose of the Zone includes, as relevant:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage a mixture of uses and the intensive development of the activity centre:*
 - *As a focus for business, shopping, working, housing, leisure, transport and community facilities.*
 - *To support sustainable urban outcomes that maximise the use of infrastructure and public transport.*
- *To facilitate use and development of land in accordance with the Development Framework for the activity centre.*

The Activity Centre Zone does not require a Planning Permit for the demolition or removal of a building.

Pursuant to Clause 62.05 of the Cardinia Planning Scheme, a planning permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.

The subject site is covered by Heritage Overlay HO283 as depicted below.



Pursuant to Clause 43.01-1 a permit is required to “*demolish or remove a building*”. The Schedule to the Overlay shows that the site is not included in the Victorian Heritage Register as depicted in the extract below.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO283	House 39 Main Street, Pakenham	No	No	No	Yes	No	No	No	No

5.0 Planning Considerations

Planning Policy Context

Clause 15.03-1S – Heritage conservation & Clause 21.02-6 – Post contact heritage

The objective of these Policies is to ensure the conservation of places of heritage significance. Amongst the strategies listed in these Policies, one strategy seeks to retain those elements that contribute to the importance of a heritage place. The Heritage Impact Statement that supports the proposed demolition / removal of the building states that;

“....it cannot be asserted that the place is without heritage significance or that there is specific heritage support under the Cardina Planning Scheme for demolition of the subject house with associated loss of heritage significance. Both Clause 43.01 and 15.03 seek the conservation of places of recognized heritage significance.



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There is under the planning scheme provision for balancing conflicting aspects of the community benefit with regards to planning and given the limited nature of the heritage significance of the house for its aesthetic value, and given the relatively ordinary character of the interwar house, there is scope to conclude that with appropriate replacement including interpretation of the historical condition demolition would be acceptable.

Given the competing planning objectives of the Structure Plan for the area, and the significant impediment upon expectations of the Structure Plan that would result from retention of the house on the land, a balanced response would acceptance of demolition of the heritage house.....”

In other words, the primary objectives of the Activity Centre Zone that applies to the subject site are;

- To encourage a mixture of uses and the intensive development of the activity centre:
 - o As a focus for business, shopping, working, housing, leisure, transport and community facilities.
 - o To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

The retention of the building will significantly impede the ability of the subject site and surrounding land to be developed and used in a manner that is in line with the broad objectives and outcomes sought for the Pakenham Activity Centre. The demolition / removal of the building will enable the land to be developed and used in a manner that is consistent with the Pakenham Activity Centre.

Clause 43.01 – Heritage Overlay

The objectives of the Heritage Overlay include;

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.

The Decision Guidelines at Clause 43.01-8 include;

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

The Heritage Impact Statement that supports the proposed demolition / removal of the building states that;

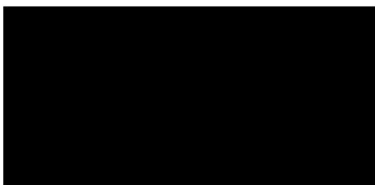
"The heritage significance of the house, its aesthetic appeal, is a limited benefit to the community. The loss of this existing community value can reasonably be accepted as compromise necessitated by the redevelopment in accordance with the aims of the Activity Centre and the community benefit that such development will deliver. The appealing domesticity of the subject house is in conflict with the development anticipated under the Activity Centre and consideration of demolition of the house can be expected to be justified. Demolition will rely upon a readily understandable explanation of how the community benefit of the new development outweighs the benefit of public appreciation of the aesthetic value of the existing house, siting and front fence. That the balancing of demolition against the value of new development is a principle of the planning scheme tested and accepted by findings at the level of the Supreme court and in my view is appropriate here.

....it is my view that the removal of the existing heritage house from the subject land can be demonstrated to be an acceptable application of the planning scheme, and can be accepted as the likely and appropriate outcome for this property going forward."

6.0 Conclusions

It is considered that the proposed demolition of the building at 39 Main Street, Pakenham is appropriate in order to achieve the outcomes sought for the Pakenham Activity Centre under the Activity Centre Zone and the relevant Structure Plan.

It is respectfully submitted that Council should support the application.



HERITAGE IMPACT STATEMENT

Place: 39 Main Street, Pakenham
Date: 17 November 2025
For: G2 Urban Planning

Introduction

This statement reviews the significance of the interwar house on the subject property and assesses the potential loss of significance that would result from the demolition of the house and provision of appropriate interpretive material in any replacement development. The Statement of Significance for the property can be found in the Victorian Heritage Database (VHD). The relevant planning policy for heritage places in the Cardinia Shire is found in the state-wide policy at Clause 43.01 *Heritage Overlay* and Clause 15.03-1S *Heritage conservation*. Cardinia Shire does not have any local heritage policy at clause 15.03 and so relies upon the more general principles of the Statewide heritage provisions. The proposed demolition of the house is to allow commercial development as proposed under the Structure Plan.



Figure 1 Aerial image of subject residence (Google maps)

The subject property is covered by an individual Heritage Overlay, HO283 with the house being graded as individually significant in *Pakenham Structure Plan Heritage Review*, undertaken by David Helms Heritage Planning in 2017. Amendment C242 of the Cardinia Shire Planning Scheme followed the recommendation of the Panel Report, 30 August 2019, in concluding that the HO283 should be applied to the land. On this basis it cannot be asserted that the place is without heritage significance or that there is specific heritage support under the Cardinia Planning Scheme for demolition of the subject house with associated loss of heritage significance. Both Clause 43.01 and 15.03 seek the conservation of places of recognized heritage significance.

There is under the planning scheme provision for balancing conflicting aspects of the community benefit with regards to planning and given the limited nature of the heritage significance of the house for its aesthetic value, and given the relatively ordinary character of the interwar house, there is scope to conclude that with appropriate replacement including interpretation of the historical condition demolition would be acceptable. Given the competing planning objectives of the Structure Plan for the area, and the significant impediment upon expectations of the Structure Plan that would result from retention of the house on the land. A balanced response would be acceptance of demolition of the heritage house with the proviso of appropriate record, reference and interpretation to be included in a replacement development proposal. Interpretation could be made subject of a permit condition to the satisfaction of Council.



Description

A physical description of the house on the land is provided in the 2017 *Pakenham Structure Plan Heritage Review*, and is copied in the citation for the property as follows:

The house at 39 Main Street is an interwar bungalow, which is specifically designed to address its corner location. Asymmetrical in plan, it has a relatively low-pitched hipped roof that extends to form a return verandah between the projecting hipped bays that face toward each street. The verandah, which continues across each bay, is carried on typically chunky tapered rendered piers. The windows to the main elevations are timber framed paired double hung sash with six pane uppers. There is one capped rendered chimney. The house is very intact and is complemented by an early or original woven wire fence along both frontages with a simple lych-gate at the corner.



Significance

The significance of the interwar house that was constructed in 1929 on the subject property was assessed in the 2017 *Pakenham Structure Plan Heritage Review* as follows:

What is significant?

The house, constructed by W.J. Stephenson in 1929, at 39 Main Street, Pakenham is significant. It is an interwar bungalow, which is specifically designed to address its corner location. Asymmetrical in plan, it has a relatively low-pitched hipped roof that extends to form a return verandah between the projecting hipped bays that face toward each street. The verandah, which continues across each bay, is carried on typically chunky tapered rendered piers. The windows to the main elevations are timber framed paired double hung sash with six pane uppers. There is one capped rendered chimney. The house is very intact and is complemented by an early or original woven wire fence along both frontages with a simple lych-gate at the corner.

Non-original alterations and additions are not significant.

How is it significant?

The house at 39 Main Street, Pakenham is of local aesthetic significance to Cardinia Shire.

Why is it significant?

It is significant as a representative example of an interwar bungalow, specifically designed to address the corner location by the inclusion of projecting bays facing to each street. It is notable for its high degree of intactness with features such as the chunky verandah piers that are characteristic of the bungalow style, and is complemented by an early fence. (Criteria D & E)

The definitions of Criteria D & E are provided in Planning Practice Note 1- Applying the Heritage Overlay as follows:

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments – representativeness.

Criterion E: Importance in exhibiting particular aesthetic characteristics – aesthetic significance.

It is to be noted that in the Statement of Significance, as supported by the Panel Report, only the 'Aesthetic' significance of the property is noted in response to the question of *How* the place is significant and significance as 'Representative' only appears under the 'Why' of significance in the listing of the Criterion.

There is no doubt that the character of the house is demonstrably interwar and so demonstrates the period in which the house was constructed. Having been through review of the Panels process it is reasonable to conclude that 'Historical' significance is not attributed to the property under Criterion A.

In the 2018 *Place Citation Report*, for Hermes No 201534, David Helms has provided an edited extract, of the history of Pakenham from the *Pakenham Structure Plan inter-war and post-war heritage study*, May 2013, prepared by David Moloney, Rohan Storey and Pamela Jellie. Looking to the themes in the *Cardinia Shire Environmental History: 8. Village townships: 8.4 Railway towns, 10. Houses and their setting: 10.6 Town houses* the following extract applies to the interwar and the subject house:

At first the town grew slowly, but from the early twentieth century the pace picked up in response to the reclamation of the Koo Wee Rup swamp and the break-up of nearby pastoral estates into small farms, assisted by government 'Closer' and then 'Soldier' settlement schemes. In the interwar period there was a spurt in population, from 225 in 1915 to 600 by 1940 (mostly in the 1920s on the evidence of remaining residential buildings), and a flourish of social and civic endeavours, such as the establishment of the Bush Nursing Hospital in 1926. The consolidation of the town is also evident in the gradual rebuilding of the early twentieth century weatherboard shops in brick, although Main Street's mixed commercial-residential pattern, and the small forms of many of the original shops, were often continued and some of these survive today (Moloney et al 2013:46-47).

The 2018 *Place Citation Report* also records that:

This house at the south corner of Main Street was built in 1929 by Mr W.J. Stephenson of the local firm of Stephenson and Bloomfield. Mr Stephenson was one of Pakenham's most prominent early builders (Moloney et al, 2013:48).

Whilst the house is old and does demonstrate the era in which it was constructed as a design of its time and understandably representative of that time, it is not found that Historical Significance has been attributed to the property under Criterion A because it has importance in demonstrating the particular period of its construction.

The house, and fence, has been accorded heritage significance on the basis of its having particular aesthetic characteristics that are considered to have importance and value in Pakenham and Cardinia Shire.

The *Pakenham Structure Plan Heritage Review* provided a comparative analysis for the subject property as follows:

Comparative Analysis

This is a representative example of an interwar bungalow. Within Pakenham, it compares with the houses at 6 Henty Street and 21 James Street, as well as the houses built to State Savings Bank of Victoria standard designs at 11, 14, 17 and 5/19 Rogers Street, and the H.B. Thomas House at 49 James Street.

It is of note for the design that specifically addresses the corner location by the inclusion of projecting bays facing to each street, and for the high degree of intactness with features such as the chunky verandah piers that are characteristic of the bungalow style (and not represented in the cited comparative examples) and the early front fence.

From inspection of these comparative examples, it is reasonable to conclude that the subject house does indeed have comparative value with a design somewhat distinctive in the extent of the enclosing verandah that provided domestic warmth and welcome and human engagement in its simple craft of construction and elemental scale. The house is a pleasant design without presenting as outstanding or remarkable for its period. With the front fence the house which is well sited on the corner property and largely intact, has appeal.

Whilst presenting with visual appeal, as a pleasant and welcoming home, with evident vintage, the house is not located in a wider heritage context, or in streets with supportive complementary character that enhances its significance. The house presently presents as an isolated, stand alone, heritage place with no wider heritage context. The specific location of the house also is not an attribute that contributes to its significance other than being located on a well trafficked street with public exposure.

Structure Plan

The relation between the attribution of heritage significance to the property and its location within the Pakenham Structure plan is addressed by the Panel finding, which essentially finds that the significance of the place is not eclipsed by the Structure Plan and that accordingly the heritage significance should be recognized by the application of the HO as has occurred. Panels are specifically blind to questions of management of heritage places and are only cognisant of the question of whether or not heritage significance can be attributed to the place. The questions of management, conservation and the balancing of the community benefit of importance of heritage value against competing community benefit are not considered by panels. The finding of the Panel with regards the application of the Heritage Overlay to the site in relation to the Structure Plan is set out in the following extract:

The Structure Plan includes the site in a mixed use precinct where development to three storeys is envisaged. As discussed in Chapter 3.1, the planning framework recognises the value of heritage, including when managing growth and change. The HO establishes the need to take heritage values into account in planning decisions. State and local policy support the adaption of heritage places to ensure their ongoing use. Although the HO may well reduce the intensity of development that may be realised on the site, it does not preclude development. The condition of the property would be considered at the permit stage when both the potential to utilise the building and specific development options can be evaluated. The Panel accepts the consensus in the heritage assessments that the place is of local significance and the HO should apply to ensure that the protection of heritage values of the place is taken into account in future planning decisions.

Heritage Controls

The subject property is covered by the Heritage Overlay HO283 and the proposed demolition requires a permit under Clause 43.01. The *Decision Guidelines* are copied below. I underline the guidelines that I see pertinent for the assessment and drop text to grey where there is limited or no pertinence to the proposal.

43.01-8 Decision Guidelines



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

- The Municipal Planning Strategy and the Planning Policy Framework.*
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- Any applicable heritage design guideline specified in the schedule to this overlay.*
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- Whether the proposed subdivision will adversely affect the significance of the heritage place.*
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*
- Whether the location, style, size, colour and materials of the proposed solar energy facility will adversely affect the significance, character or appearance of the heritage place.*

Clause 15.03 provides state and local policy and guidance for development in the heritage overlay. The objective and strategies to manage change in a heritage overlay, under Clause 15.03-1S, relevant for the proposed demolition is copied below. Items I see as most pertinent to this proposal are underlined, and for those not relevant the text is coloured grey.

Objective

To ensure the conservation of places of heritage significance.

Strategies

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Activity Centre

It is clear that the objective of conserving the heritage place would not be achieved with the removal of the building from the property to allow development of the character envisaged by the Pakenham Structure Plan, ACZ1 Zoning. Whilst the subject property is in Precinct 2 of the *Pakenham Major Activity Centre Framework Plan, Clause 37.08-S1*, it abuts Precinct 1, *Core Retail* in which the anticipated urban built form and use is quite distinct from the suburban use of the subject land in its current condition. It may be noted that for dwellings “Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.”

It is the case that notwithstanding the expectation of buildings to a height of 15 metres to the Main Street streetwall the *Heritage Guidelines* of the Clause are as follows:

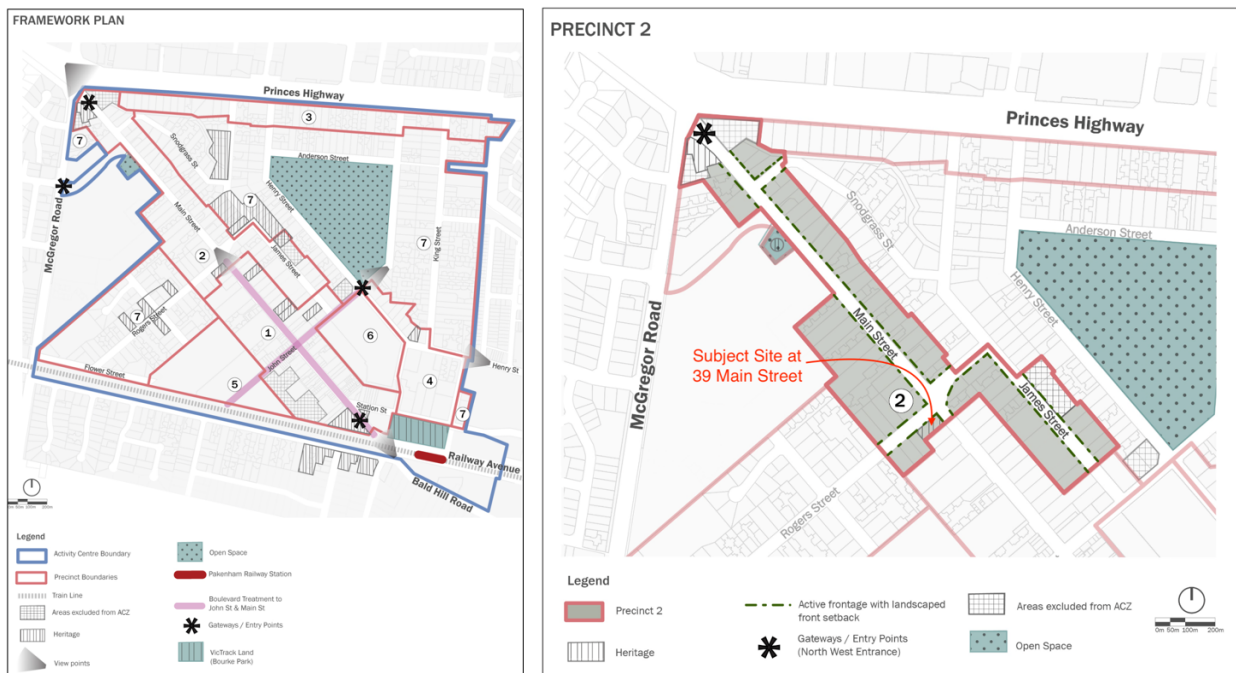
New buildings on sites containing heritage buildings or sites adjoining heritage sites should be designed to:

- *be visually recessive and not visually dominate the heritage building and the heritage streetscape.*
- *respond sympathetically by transitioning heights and minimise massing.*
- *retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid ‘facadism’.*
- *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape.*

For Precinct 2, *West Commercial and Mixed Use* which extends across Rogers Street to include the subject site, amongst the *Precinct objectives* are the following with the sections pertinent to heritage underlined:

- *Provide mixed use, community, commercial and residential opportunities within the precinct.*
- *Encourage retail premises at ground floor level which activates the street, office uses in upper levels and the rear of the development, and residential uses located within the upper levels of the development.*
- *Improve pedestrian amenity by contributing to the establishment of attractive streetscapes for all streets in the precinct.*

- *Improve the interface with Main Street by encouraging the redevelopment of sites and/or adaptive reuse of existing buildings, including the preservation and protection of heritage places and precincts to activate the streetscape.*
- *Development that interfaces with a gateway site should support and contribute to the enhancement of the public realm and reinforce the entrance to Pakenham Major Activity Centre.*



Precinct guidelines are as follows:

- *Development should address and interface with all streets by providing active frontages including entrance canopys to the street.*
- *Developments should provide sympathetic interface treatments and articulation to any adjoining residential precincts and heritage places or precincts.*
- *Development should consolidate lots to achieve a range of mixed use developments.*
- *Developments should provide a transition between the retail uses and commercial uses whilst being sympathetic to the current streetscape character.*
- *Development should provide passive surveillance of the street.*
- *Buildings should respond appropriately to heritage elements and the landscape.*
- *Development should provide strong built form that integrates with gateway sites.*
- *Developments should provide highly activated frontages with windows and entrances as the predominant elements of the ground floor façade.*
- *Balcony's and living areas of any residential component of a development is to address the public realm that adjoins the site.*
- *Development on land within a heritage overlay and on land immediately adjoining a heritage building on Main Street, Pakenham to consider the context of the 2 metre setback with regards to design which reduces visually dominant massing.*

With regards to heritage under Clause 37.08 – S1, 6.0 Application requirements the eleventh dot point is as follows:

- *A Heritage Report from a suitably qualified heritage consultant that assesses the impact of the application on a heritage place on the land or adjoining land which demonstrates built form transition of height, setbacks, massing and articulation.*

With regards to heritage under Clause 37.08 – S1, 8.0 *Decision guidelines*, Use is the following:

Whether the proposal provides for:

- *An appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.*
- *The compatibility of uses within a mixed use development.*

and then *Design and built form*:

Whether the proposed development:

- *Creates a strong visual interest by providing building types based on innovative and current day architecture, urban design and environmentally sustainable development principles.*
- *Achieves the preferred building height and setbacks having regard to lot size, dimensions (width and depth) and/or those sites within or adjoining the Heritage Overlay.*
- *Represents an underdevelopment of a site.*
- *Provides an increased upper level setback and transitional heights having regard to the heritage significance of the site or an adjoining site within the Heritage Overlay.*

Discussion

It is evidently the case that the existing house on the land, whilst having domestic appeal, does not have a character, form, or siting on its land, that is conducive to achieving the expectations of the Activity Centre. The aesthetic appeal of the house competes well with other houses covered by Heritage Overlays in the area, and the attribution of aesthetic significance is sustained on the comparative basis in Pakenham. Whilst historical significance has not been attributed to the house the evident vintage and crafted domestic warmth particularly of the encompassing verandah contribute to the aesthetic appeal.

As sited on the property the existing house does not conform with emerging form that is anticipated for the Activity Centre and, notwithstanding its aesthetic appeal, does represent an underdevelopment of the property abutting the Core Retail Precinct.

The heritage provisions of the Cardinia Shire Planning Scheme seek conservation of places covered by the Heritage Overlay and the proposed demolition of the house is contrary to heritage guidelines, objective, and strategies. The demolition or removal of the house from the land would adversely affect the significance of the individual Heritage Overlay.

The planning scheme is however required to balance competing objectives and the community benefit that currently is provided by the aesthetic appeal of the house having vintage character can be balanced against the benefit that will be provided to community with development as anticipated by the Structure Plan and Activity Centre. Whilst demolition would remove the existing aesthetic significance from the property and so remove the heritage significance that follows from appreciation of the house and fence this heritage significance is relatively singular and

the loss of significance can be accepted where the loss is outweighed by the community benefit of the replacement development.

The loss of aesthetic significance can also be mitigated with the making of a complete record of the heritage house on the land and through provision of appropriate interpretation of the heritage condition of the house incorporated permanently into the new development. The new development can also reference those characteristics of the house that produce much of the existing aesthetic value in the replacement design, having particular regard to the visual interest, authenticity of materials, human scale and inviting active frontage that provides a sense of place and opportunity for human engagement. Such a description can be seen to apply to the existing encompassing verandah in its garden setting and might be translated to find expression in conformity with the Activity Centre policy and controls. With such an approach the net impact of the removal of the house and redevelopment of the property could well provide an improved, whilst different, aesthetic value and retain both understanding and appreciation of the heritage condition through interpretive support.

There is in heritage a distinction to be made between understanding and the appreciation of the heritage place. Historical significance relies upon understanding but also includes the experience or appreciation of the place. Aesthetic significance relies predominantly upon appreciation supported by understanding. As the subject property is only has attribution of heritage value for its aesthetic significance, with particular care and attention the replacement development could deliver to the community a different but equal or improved aesthetic outcome. The understanding of the house on the land and of the historical development of Pakenham generally might also be secured with the inclusion of interpretive material in the public domain of the Activity Centre. This could be in the form of imagery addressed by a permit condition to Council's satisfaction.

It is also the case that the aesthetic value of the house is less about the specific configuration of the existing house than in the overall character and appeal of the dwelling. The construction detail of the house is unremarkable for the period and is not of itself notable or important. The authenticity of the construction, coupled with the patina of age including the charm of the front fence that relates to the vintage of the house is a part of the appeal. That appeal does not however have added or amplified value due to the particular happenstance of the house existing on this property. With the diagonal configuration the house is well suited to the corner site but would have equal aesthetic appeal if it had been constructed on some other property, such as no. 2 Rogers Street, or elsewhere in Pakenham.

Conclusion

It is the case that the removal of the house from the subject property would have an adverse impact upon the Heritage Overlay, HO283, and so is contrary to Clauses 43.01 and 15.03 that seek to conserve the exiting heritage significance of that HO.

The heritage significance of the house, its aesthetic appeal, is a limited benefit to the community. The loss of this existing community value can reasonably be accepted as compromise necessitated by the redevelopment in accordance with the aims of the Activity Centre and the community benefit that such development will deliver. The appealing domesticity of the subject house is in conflict with the development anticipated under the Activity Centre and consideration of demolition of the house can be expected to be justified. Demolition will rely upon a readily

understandable explanation of how the community benefit of the new development outweighs the benefit of public appreciation of the aesthetic value of the existing house, siting and front fence. That the balancing of demolition against the value of new development is a principle of the planning scheme tested and accepted by findings at the level of the Supreme court and in my view is appropriate here.

Mitigating against the removal of the house from the subject land would be possibility of compensatory work to interpret the aesthetic values of the house, including historical context in the new development with appropriate display of image and text. Again how this is to be undertaken can be developed and explained as the project progresses with appropriate process established through permit conditions for acceptance of the removal of the house.

Whilst the house is on the subject site, which has some prominence due to the corner location and position in Main Street abutting the Core Retail Precinct, does not have its aesthetic heritage significance notably amplified by the current location which is a matter of relatively unimportant happenstance.

With redevelopment the history of development of Pakenham, including that of the subject site, can be effectively interpreted for the public who will benefit from the development as anticipated by the Activity Centre zoning. The aesthetic values of the house can also be presented through interpretive material for public.

For the reasons set out above, and with the particular attention to conditions applied to replacement development it is my view that the removal of the existing heritage house from the subject land can be demonstrated to be an acceptable application of the planning scheme, and can be accepted as the likely and appropriate outcome for this property going forward.

