

3 DEVELOPMENT OF THE LAND FOR 2 ADDITIONAL DWELLINGS AT 1 BRIDLE PLACE, PAKENHAM

FILE REFERENCE INT206712

RESPONSIBLE GENERAL MANAGER Peter Benazic

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T190486 be issued for the Development of the land for two (2) additional dwellings at 1 Bridle Place, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

- | | | |
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| 1 | Development Plans | 8 Pages |
| 2 | Copy of Objections - Circulated to Councillors only | 10 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190486
APPLICANT:	Steven Rees
LAND:	1 Bridle Place, Pakenham VIC 3810
PROPOSAL:	Development of the land for two (2) additional dwellings
PLANNING CONTROLS:	General Residential Zone Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i> , the application was advertised by the placing of a sign on site and notices in the mail to adjoining property owners. Six (6) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Clause 55 – Rescode Car parking Neighbourhood character Site coverage and dwelling density Garden area Amenity Title restrictions and variations
TITLE RESTRICTIONS:	Variation to Restrictive Covenant P878974A – Complies

This variation was sought to amend the wording of the covenant to allow up to three (3) private dwellings to be constructed on the land and to amend the wording relating to the external walls of a proposed building to being not less than 55 percent brick, brick veneer, stone or like materials.

ZOOLOGICAL/ BOTANICAL/
CULTURAL SENSITIVITY:

None

RECOMMENDATION:

Approve

BACKGROUND:

The subject site is located on the western side of Bridle Place, approximately 1.2 kilometres from Pakenham Town Centre to the south-west. The site is a rectangular shape with a frontage to Bridle Place of 22.5m and a depth of 35.75m. It is 765sqm in size and currently contains a single storey brick veneer dwelling constructed circa 1990, which is proposed to be retained at the front of the lot. The site is located in an established residential area of Pakenham. The lot was created by instrument AL274734D on 6 August 2014, however was originally dated in the early 1990's.

SITE HISTORY

There are a number of Planning Permit applications affecting this property, including the following:

A Notice of Decision to Grant a Permit relating to T140723 to develop the land for two (2) additional dwellings was decided at a Council Meeting and subsequently granted on 5 June 2015.

The Planning Permit associated with T140723 was issued on 30 June 2015.

Council was made aware that the permit (T140723) was issued in breach of the covenant (P878974A) at the time and legal advice was sought on how to proceed.

An attempt to vary the covenant was made at the time by Planning Permit application T160476 (variation of the covenant). This permit was refused by Council on 8 September 2016.

Subsequent cancellation of Planning Permit T140723 was sought at VCAT on 20 February 2017.

Planning Permit T160280 was applied for the subdivision of the land in accordance with T140723, however due to the cancellation of the permit (T140723), this application was withdrawn on 16 February 2017.

Following all of the above, the restrictive covenant affecting the site (P878974A) was varied by order of the Supreme Court of Victoria on 15 April 2019 and registered on title by instrument AS261109Q on 17 June 2019.

The variation was made pursuant to section 84(1)(c) of the *Property Law Act 1958* (Vic), following Council's refusal to vary the covenant (T160476) and the cancellation of a Planning Permit issued for the development of the land for two (2) additional dwellings (T140723), issued by the Victorian Civil and Administrative Tribunal.

The variation of the covenant modified the wording of the original covenant by:

and Train Station are located within approximately 1.4 kilometres and Princes Freeway is located approximately 1.8 kilometres to the south west.

- **East:**
Directly east of the site is the Access Road (Bridle Place). Further east are other similarly sized single dwelling allotments. Deep Creek Reserve and Pakenham Golf Course are located approximately 170 metres to the east.
- **West:**
Directly west of the site is 5 Bridle Place, which is also a similarly sized allotment containing a single dwelling, attached alfresco and shed directly adjoining the boundary with the subject site. Further west are other single dwelling allotments located in Bridle Place. It is noted that there are a number of multi dwelling developments or subdivisions located on Kingston Avenue approximately 230 metres to the west (12A, 12B, 27 and 31 Kingston Ave). Racecourse Road is also located approximately 440 metres to the west providing access to Princes Highway to the north, Princes Freeway to the south and Pakenham Town Centre via Henry Road and Bald Hill Road to the south.

There are nineteen (19) Lots on LP212290W that are affected by the covenant. The covenant has not been varied for these lots and therefore they are still bound by the single dwelling covenant at this point in time.

PROPOSAL

Approval is sought for the development of the land for two (2) additional double storey dwellings, to the rear of the existing dwelling on the lot.

Site layout

The site is rectangular in shape and access to all three (3) dwellings is proposed by a common driveway along the southern boundary and a common crossover to Bridle Place.

The development will comprise of two (2) double storey, two (2) bedroom dwellings, along with the existing single storey, three (3) bedroom dwelling being retained at the front of the site. The proposed dwellings will have a maximum height of between 4.2 metres (existing dwelling) and a maximum height of 7.2 metres (Dwellings 2 & 3) to the peak of the pitched roof(s) measured from natural ground level.

The proposed dwellings provide a contemporary design incorporating brick, rendered facades with porches, along with a mixture of Colorbond and tile roofs (existing dwelling).

The designs takes cues from the restrictive covenant which requires at least 55 percent of the façade to be brick or similar, the character of the existing brick veneer dwelling on the site, as well as the surrounding neighbourhood character, providing for an articulation of facades which adds visual interest and reduces visual bulk.

The dwellings are orientated towards the southern boundary (internal driveway) and the private open spaces are mainly located on the northern alignment of the site.

Site coverage:

The details of the proposed dwellings are as follows:

	Dwelling 1	Dwelling 2	Dwelling 3
Size	105.4 square metres	162.19 square metres	162.19 square metres
Private Open Space	58.2 square metres	54.88 square metres	65.29 square metres

The proposal provides a site coverage of 39.24 percent (excluding driveways and paths) and has 40.26% of permeable area (area of the site not covered by buildings, driveways & paths). Garden area has been provided at 35.6 percent, which satisfies the mandatory requirement for dwellings on lots over 650sqm.

Setbacks:

Both the ground floors of the proposed dwellings have setbacks of 4 metres from the northern boundary and 5.17 metres from the southern boundary. Dwelling two has a setback of 2.02 metres from the western boundary. The upper floors of the proposed dwelling is 4.075 metres from the northern boundary, 2.395 metres from the western boundary and 8.835 metres from the southern boundary.

Dwelling 1 (existing)

The existing single storey, brick dwelling will be retained and located within the front of the allotment, which measures 105.4sqm in size. This dwelling currently contains three (3) bedrooms, one (1) bathroom and an open plan kitchen, living and dining area. An existing single carport is attached to the southern side of the dwelling and a corrugated steel garage previously located to the rear of the allotment has been demolished to accommodate the proposed dwellings to the rear. A tandem space will be provided directly behind the existing carport. Dwelling one will utilise the existing crossover to Bridle Place, located near the southern boundary. This dwelling will share this access with Dwellings 2 and 3.

Dwelling 1 will have 58.2sqm of Private Open Space (P.O.S) with a minimum of 25sqm being Secluded Private Open Space (S.P.O.S), which can be accessed directly from the living areas and has a minimum dimension of 3 metres.

Landscaping is proposed to be incorporated to soften the built form and the existing trees in the front yard are proposed to be retained.

Dwelling 2

Dwelling 2 is proposed directly behind the existing dwelling and will be accessed from the common driveway proposed along the southern title boundary to Bridle Place. The crossover is proposed to be extended to ensure safe access to the rear dwellings. The proposed dwelling will measure 162.19sqm in floor area.

This proposed dwelling will be double storey and constructed with brickwork facade in a red colour, with a rendered finish to the upper level and Colorbond roof in ironstone colour, complying with the restrictive covenant that 55 percent of the external walls must be brick or similar construction.

The design of the dwelling is relatively modest and contemporary in style, incorporating a covered front porch.

This dwelling will contain an open plan kitchen, living and dining area on the ground level, along with laundry and powder room and two (2) bedrooms, a retreat or second living space and one (1) bathroom that can also be accessed from the Master bedroom. An attached single garage is proposed to the east of the proposed dwelling.

Dwelling 2 will be provided 54.88sqm of Private Open Space (P.O.S) with a minimum of 25sqm being Secluded Private Open Space (S.P.O.S), which can be accessed directly from the living areas and has a minimum dimension of 3 metres.

A landscape plan shows that there are adequate opportunities for landscaping within the front and rear of this dwelling and along the common property driveway.

Dwelling 3

Dwelling 3 is proposed directly behind proposed Dwelling 2 and will be accessed from the common driveway proposed along the southern title boundary to Bridle Place. The crossover is proposed to be extended to ensure safe access to the rear dwellings. The proposed dwelling will also measure 162.19sqm in floor area.

This proposed dwelling will be double storey and constructed with brickwork facade in a red colour, with a rendered finish to the upper level and Colorbond roof in ironstone colour, complying with the restrictive covenant that 55 percent of the external walls must be brick or similar construction.

The design of the dwelling is relatively modest and contemporary in style, incorporating a covered front porch.

This dwelling will contain an open plan kitchen, living and dining area on the ground level, along with laundry and powder room and two (2) bedrooms, a retreat or second living space and one (1) bathroom that can also be accessed from the Master bedroom. An attached single garage is proposed to the east of the proposed dwelling.

Dwelling 2 will be provided 65.29sqm of Private Open Space (P.O.S) with a minimum of 25sqm being Secluded Private Open Space (S.P.O.S), which can be accessed directly from the living areas and has a minimum dimension of 3 metres.

A landscape plan show that there are adequate opportunities for landscaping within the front and rear of this dwelling and along the common property driveway.

Visitor car parking and Access

No visitor car parking is required. Dwelling 1 is provided with two (2) car spaces in a tandem arrangement as required for a dwelling with three (3) or more bedrooms. Dwellings 2 and 3 are each provided with an attached single lock up garage.

Access from Bridle Place is proposed via the existing crossover to the property. The driveway is 3 metres in width and will provide access to all three (3) dwellings. The driveway and crossover are to be extended to 6 metres at the entrance to Bridle Place to allow safe access to the rear dwellings past the proposed tandem car space for Dwelling 1.

Landscaping

A landscaping plan has been provided and demonstrates that design and layout of the proposal can accommodate meaningful landscaping along both the driveway and within the rear yards for each unit. The retention of mature trees within the front setback will also have a positive contribution to the streetscape and the appearance of the site.

PLANNING SCHEME PROVISIONS

Planning Policy Framework (SPPF)

The relevant clauses of the PPF are:

- Clause 15.01-2S Building Design
- Clause 15.01-5S Neighbourhood Character
- Clause 16.01-1s Integrated housing
- Clause 16.01-2 Location of Residential Development

- Clause 16.01-3 Housing Diversity
- Clause 18.01 Transport

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing
- Clause 21.03-2 Urban Growth Area

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a Lot and Residential Buildings
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions

Cardinia Shire's Liveability Plan 2017-2029

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

- Improved safety through a strong address to the street and associated passive surveillance frontages
- Reduce obesity through the use of common park areas such as nearby Deep Creek Reserve and decreased dependency on cars to encourage walkability within close proximity to public transport routes.
- Reduce financial vulnerability through providing housing diversity and smaller, more affordable housing (i.e. elderly, retirees, singles and young families), wanting to stay within the community and local area.

Zone

The land is subject to the **General Residential Zone – Schedule 1**

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for two additional dwellings requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-4 of General Residential Zone, a planning permit is required to construct two or more dwellings on a lot. The proposal must also comply with relevant standards of Clause 55 of the Cardinia Planning Scheme.

PUBLIC NOTIFICATION

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

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

Council has received six (6) objections to date.

The key issues that were raised in the objections are:

- Proposed two storey built form is inconsistent with the existing character of the area
- Loss of privacy
- Noise issued by the increased number of tenants
- Overshadowing of the backyards
- Insecurity created by the tenants
- Increase number of vehicles in the area
- Impacts to infrastructure such as drainage
- Devaluation of properties

EXTERNAL REFERRALS

- No external referrals were required.

It is noted that GIS data and South East Water records show the site has a fire hydrant within 120 metres of the rear of the lot (approximately 49 metres away) which is located in front of 4 Bridle Place. Therefore, notice to the CFA was not required.

INTERNAL REFERRALS

Engineering

The application was referred to Council's Engineering team for their comment. Engineering had no objection to the proposal subject to conditions.

Traffic

The application was referred to Council's Traffic team for their comment. Traffic had no objection to the proposal subject to conditions.

Landscape

The application was referred to Council's Landscape team for their comment. Landscape had no objection to the proposal.

DISCUSSION

The application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed development is determined to be consistent with these requirements.

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure dwelling

design achieves attractive and diverse neighbourhoods, and to encourage a diversity in housing, close to activity centres, to meet the needs of future and existing residents.

Clause 15.01-2S (Building Design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 16.01-3S (Housing diversity) has an objective to provide for a range of housing types to meet diverse needs, which is met through a mix of housing types and adaptable internal dwelling design.

Clause 16.01-2S (Location of residential development) has an objective to locate new housing in designated locations that offer good access to jobs, services and transport. Strategies include increasing the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.

Clause 21.03-2 (Urban Growth Area) seeks to ensure greater housing choice, diversity and affordability, coordinate appropriate development of land and ensure that development is well serviced by public and community facilities, as well as infrastructure and jobs.

The proposal is compatible with the residential character from the area, and due to the retention of the existing dwelling, proposed setbacks, height and appropriate location of the proposed dwellings, it is not expected to have any negative impacts on the surrounding residences. The dwellings are modest in design and an adequate amount of garden area and P.S.O.S has been provided to each dwelling. The site coverage is considered reasonable and complies with the requirements of Clause 55.

Landscaping can be provided to provide for shade of canopy trees and to soften the built form. This is consistent with clauses 13.03-1S, 15.01-2S, 15.01-5S, 16.01-2, 16.01-3, 21.03-1 and 21.03-2 that seek ensure that residential development in established residential areas results in a good and safe design outcome, adequate access to services and amenities, responsive to neighbourhood character and is compliant with the standards and objectives of Rescode.

It is considered that the proposal adequately responds to the above and compliments the existing and emerging development pattern of this street and the surrounding area.

Therefore, it is considered that the proposal is consistent with the PPF and MPS as it contemplates development of a previously developed parcel (single dwelling) that will result in infill development near public transport and services.

General Residential Zone – Schedule 1

The purpose of the General Residential Zone includes to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

Pursuant to Clause 32.08-4, a planning permit is required to construct two or more dwellings on a lot. The decision guidelines of this overlay cover a number of matters, such as the purpose of the zone, the pattern of subdivision and its effect on the spacing of buildings, and the objectives, standards and decision guidelines of clauses 55 and 56.

The proposed development provides for a diversity of housing types within close proximity to the Pakenham Township and its services, transport options and employment opportunities. It also

respects the existing and emerging residential character of the area, is consistent, and complies with the relevant purposes and decision guidelines of the General Residential Zone.

The surrounding area generally consists of a residential development pattern of multi-unit developments, dual occupancies and conventional single dwelling residential allotments. It is considered that the proposal fits within this range of development patterns while also reinforcing the residential character of the area through appropriate setbacks and spacing between buildings, provision of landscaping and partial retention of existing vegetation.

It is evident that this type of development is suitable for the site given that the restrictive covenant placed on the title in the 1990's, by the original developer has been varied by the Supreme Court of Victoria to reduce the impact that a potentially planning exempt "Rooming House", and to facilitate the objectives of the Planning Scheme to provide for housing diversity within established residential areas.

Planning Scheme Amendment VC110 introduced the mandatory garden area requirement and mandatory height limit in the GRZ1. As the site is over 650sqm, it is a mandatory requirement that there be 35 percent garden area provided across the lot (Clause 32.08-4). The development provides 35.6 percent garden area across the site and therefore complies with this mandatory requirement for lots of its size.

The height of the dwellings also comply with the mandatory height requirement (Clause 32.08-9) under the GRZ1 as the proposed dwellings, although double storey does not exceed 11 metres in height, measuring a total height of 7.12 metres to the peak of the pitched roof.

Although traditionally, development or subdivision of the lots within this residential subdivision has been sparse, there are a few examples of subdivision and development within the immediate area at 22, 32, 38, 44 and 54 Cameron Way and two-lot subdivisions at 23, 31, 39 and 50 Cameron Way respectively. The site and its surrounds are in close proximity to services and transport and the large size allotments present an opportunity to provide for infill development and affordable housing.

As well as the properties listed above, there are many other multi-unit sites in the surrounding streets and across Racecourse Road. Once subdivided, the area of the three (3) proposed lots will be consistent with the subdivision pattern of the surrounding area.

Services within walking distance of the subject site include bus stops in Cameron Way (approximately 200m walk) which provide connection to Pakenham Station and Town Centre, Kindergarten's and Childcare centres in Dunbarton Drive and Public parks, cafes and open space at Deep Creek Reserve.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development accords with the existing and developing neighbourhood character of the area. As previously mentioned the site is on the edge of the Pakenham Town Centre, within an area of dwellings of varies ages (majority constructed between 1980's and present) which include unit developments, small (two-lot) subdivisions and larger single dwelling allotments.

The proposal reinforces the residential character of the area via the deliberate retention of the existing dwelling and its front garden (along with the improvements proposed by the landscape plan). The existing dwelling is in relatively good condition for its age as it has been well maintained throughout the years and the development presents an opportunity for the dwelling and rhythm of the streetscape to be maintained into the future. Retaining the existing dwelling results in the

retention of the existing front setback and is able to maintain a sense of the township character of Pakenham. Mature trees within the front setback are proposed to be retained and will form part of a landscape plan required via permit condition.

The proposed dwellings are modest in design, with materials that complement the existing dwellings in the surrounding area. The double storey design is considered consistent with the residential character of the area, and given the design controls in Rescode has been designed to have a reduced impact on the amenity of the surrounding dwellings in terms of overshadowing and overlooking.

The brick veneer facade and roof design have been chosen to compliment colours and design elements of the existing dwelling, as well as other original dwellings located on neighbouring allotments. This in turn strengthens the neighbourhood and township character.

The large allotment and existing crossover have been utilised to give appropriate and safe access to Bridle Place. It also allows for the separation of built form and will reduce the impact of the double storey rear dwellings in the streetscape. By retaining the existing dwelling in the front, it will also help to present as a single dwelling in the streetscape. Given the number of multi-dwelling developments within the immediate area, it is considered that the design responds and provides balance to the existing and emerging residential character of Pakenham.

The objective of Clause 52.02-3 (Dwelling diversity) is also considered to be met as the proposal provides for both two (2) and three (3) bedroom dwellings to suit people at all stages of life, as the development incorporates both single and double storey dwellings, with easily accessible entrances. The two-storey design also makes better use of private open space and spaciousness between built form, providing for better use of the site and a more useable living arrangement. The simple design will also make the dwellings affordable, which reinforces the some of the objectives of Council's Liveability Plan 2017-2029.

It is also noted that the development can be suitably accommodated into the infrastructure of the existing area and as such, all reticulated services (electricity, water, gas and sewerage) will be available to the development.

Clause 55.03 Site layout and building massing:

The site layout and building massing generally meets all standards and objectives, including building height, site coverage, permeability, open space, landscaping and safety. All dwellings are single storey and designed and sited to ensure appropriate energy efficiency and access.

Site coverage is considered acceptable as the standard under Clause 55.03-3 mandates a maximum site coverage of 60 percent. The proposed development comfortably meets these with a site coverage of 38.7 percent, which is well under the standard.

Proposed at 40.26 percent the development also comfortably complies with Standard B9, which requires that the minimum permeable area of a site equal to at least 20 percent of the site area. Standard B9 also outlines that the stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999); and
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

A storm water drainage plan has been provided. The plan has been assessed by Council's Drainage Engineer who is satisfied that storm water detention on the site is suitable.

Standard B10 is also met as the proposed design orientates the dwellings to make better use of solar energy. Living areas and private open space have been orientated to the north side of each dwelling, maximising solar access to north facing habitable room windows, with the exceptions of the western P.O.S of Dwelling 1. However, this is considered reasonable due to Dwelling 1's

orientation on the allotment. Effort has been made to ensure that the P.O.S is as wide and usable as possible, given the development of the additional dwellings.

Standard A8 is also achieved through the retention of mature trees within the front setback maintaining the landscape character of the neighbourhood.

Safety in design has also been considered with surveillance of Bridle Place offered from Dwelling 1 and entrances to dwellings being clearly visible from Bridle Place or the internal driveway.

Further, an attached garage is provided for each new dwelling providing convenient and secure parking for residents. A carport is provided for the existing dwelling. A minimum setback of 1.5m is provided between habitable room windows and common driveways consistent with Standard B15.

Clause 55.04 Amenity Impacts

The proposal does not vary Standard B6 (Street Setbacks) as the existing dwelling is proposed to be retained.

The proposed dwellings are well setback from the northern boundary due to the proposed P.O.S, with the minimum setback from this boundary at ground level is 4 metres. The second storeys are setback further at 4.075 metres.

Dwelling 3 is setback 2.02 metres from the western boundary, with the second storey being setback further at 2.35 metres. To the south, all new proposed dwellings are setback a minimum of 1.5 metres from the internal driveway and southern boundary. There are no walls proposed to be constructed on boundaries, apart from the future internal boundary between Dwellings 1 and 2. All setbacks comply with Standard B17 of Clause 55.04- 1, including the second storey setbacks, which based on the proposed height 7.2 metres are required to be set at a minimum of 2.29 metres. Within this measurement, eaves, fascia, guttering etc. may encroach into this setback by 0.5 metres. As this setback is proposed at 2.35 metres (including the guttering) and therefore, complies with the standard.

The height and setbacks of the development respect the existing and preferred neighbourhood character and overshadowing diagrams demonstrate that the height will not create significant overshadowing to adjoining properties, limiting the impact on the amenity of existing dwellings within the vicinity.

Based on compliance with Standards B19, B20 and B21 it is demonstrated that there will be no impact on the daylight to existing windows, north facing windows or private open space of the neighbouring lots.

Furthermore, as demonstrated in the plans the design provides adequate setbacks to ensure there is no impact on existing windows, overlooking of private open space or habitable windows via the use of screening and highlight windows (1.7m height) and no significant overshadowing.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access. Given the orientation of the site, north facing windows can and have been provided to each dwelling and its P.O.S.

The proposal also complies with Standard B27, as direct access from a living area to P.O.S has been provided and there is adequate solar access from north facing habitable room windows (living areas).

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area. The proposal is of a good standard of design that responds to the residential character of the area.

No new front fencing is proposed.

The proposed driveways are functional and capable of efficient management. The remainder of the internal side fencing between the two dwellings will be constructed of timber palings to a maximum height of 1.8 metres. There is an existing 2-metre high paling fence on the northern side, which is proposed to be retained with the western and southern title boundaries currently developed with 1.7-metre high paling fences. Conditions will require the remaining fences to be constructed to 2 metres or extensions on the fence to deal with objector concerns.

It is considered that all services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Clause 52.06 Car Parking

As detailed above the proposed development includes one (1) space within a single car garage for the two bedroom dwellings and two (2) spaces (tandem) for the existing three-bedroom dwelling which is consistent with this clause. The proposed design has incorporated internal dimensions for the carport and accessway width is consistent with minimum requirements. Council's Traffic Engineer, deems the development to have suitable space to perform safe vehicle movements. As such, the proposal is consistent with the car parking and access requirements of the Cardinia Planning Scheme.

Development Contributions Plan Overlay

The key purpose of this overlay is to identify areas, which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before the development can commence.

Schedule 1 to this overlay relates to the Pakenham Township Development Contributions Plan. The site is subject to this requirement and therefore a condition requiring the contribution to be made will be placed on the permit.

Variation of Restrictive Covenant

The restrictive covenant affecting the site P878974A was varied by order of the Supreme Court of Victoria on 15 April 2019 and registered on title by instrument AS261109Q on 17 June 2019.

The variation was made pursuant to section 84(1)(c) of the *Property Law Act 1958* (Vic), following Council's refusal to vary the covenant (T160476) and the cancellation of a Planning Permit issued for the development of the land for two (2) additional dwellings (T140723) at Victorian Civil and Administrative Tribunal.

The variation of the covenant modified the wording of the original covenant by:

- a) Deletion of the words "one private dwelling house" and "70"; and
- b) Insertion of the words "three private dwelling houses" and "55".

As discussed above, the application now complies with the Covenant and therefore is considered suitable.

Objector Concerns

- Proposed two storey built form is inconsistent with the existing character of the area

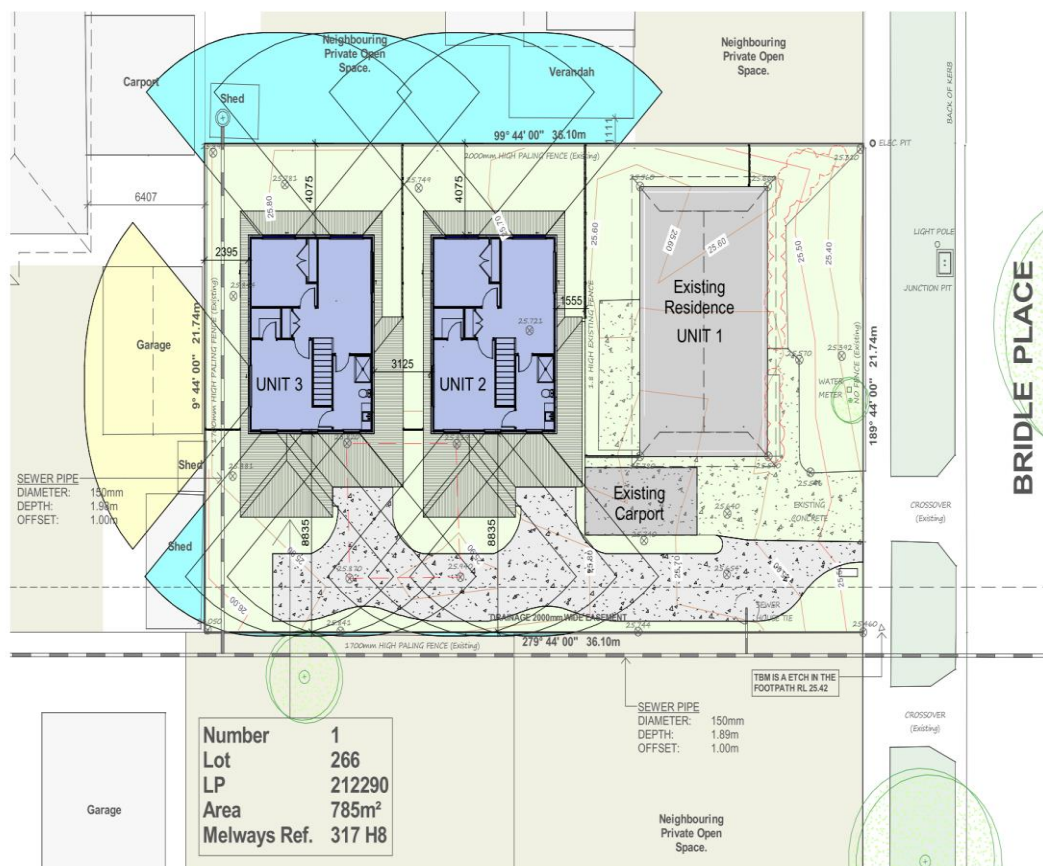
The objectors believe the double storey format of the dwelling is inappropriate particularly at the rear. Bridle Place is dominated by single storey dwellings. Although the double storey built form is not common in the immediate vicinity of the subject site, it is a widely accepted built form in the wider context of Pakenham. It is considered, the absence of double storey dwelling in the area currently, is not be sufficient justification to disallow future double storey development in the area.

The two storey built form has been broken up with varied ground and first floor setbacks, a variation of building materials between floors (brick and render on the first floor), a ground floor roof form to obscure and reduce the scale of the first floor wall planes and windows to break up the first floor elevations. The construction materials of brick and rendered walls are common in the area. These factors aid in mitigating and achieving any issues relating to visual bulk and sympathetically integrate the proposal in to the site and its surrounds.

In addition to that, the proposed double storey dwelling meets all setbacks required by the Clause 55. Therefore, the proposed double storey dwelling is considered appropriate for the site.

- Loss of privacy due to overlooking

As discussed above, the proposal has provided overlooking maps that demonstrate the proposal complies with overlooking standards in Rescode. The development has adequately addressed the overlooking issues. The upper storey windows of Dwelling's 2 and 3 contain windows that have a sill height of 1.7 metres, and the windows below that height will be constructed with obscured glazing. Therefore, the proposal successfully complies with the requirements of Clause 55.04-6 overlooking objective.



Overlooking Plan

Further to the issues of overlooking, it is noted that the properties directly adjoining the double storey dwellings will have views into their P.O.S further reduced by structures or vegetation, which exists on each adjoining site. Although it is a valid planning concern to raise issues of overlooking where a double storey development is proposed, Rescode adequately addresses these issues by requiring the obscuring, screening or height of windows in order to ensure that there is no adverse impact to the amenity of neighbouring lots.

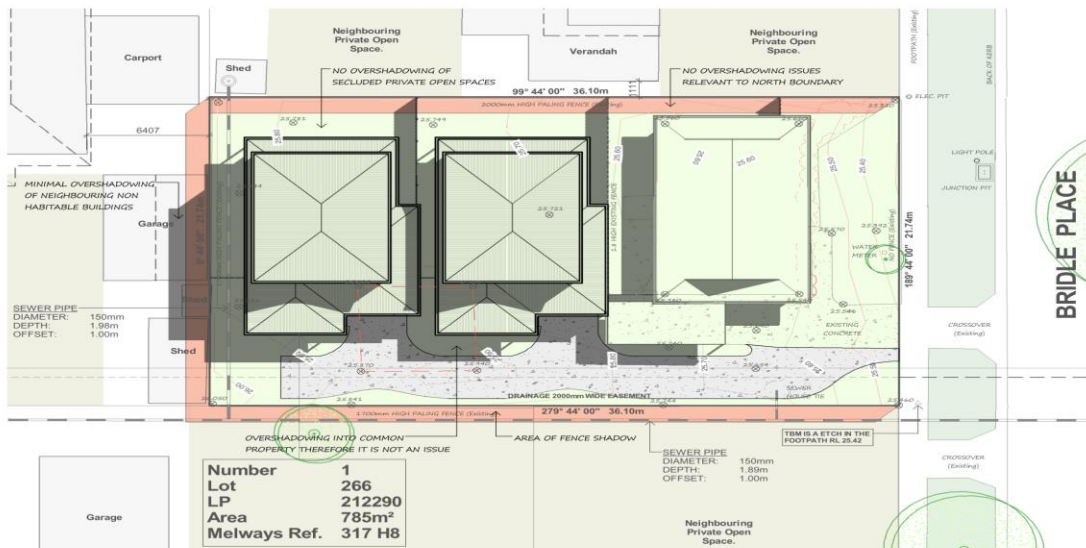
In this instance, all rooms facing the neighbouring properties concerned that their privacy may be at risk, are habitable room windows, and are required to provide these measures. Whereas non-habitable rooms or windows to spaces such as stairwells are not required to do so, which would cause greater impact to neighbouring lots privacy which would not be considered acceptable.

- Noise issued by the increased number of tenants

The noise generated by the proposed dwellings will be not different to normal residential noise.

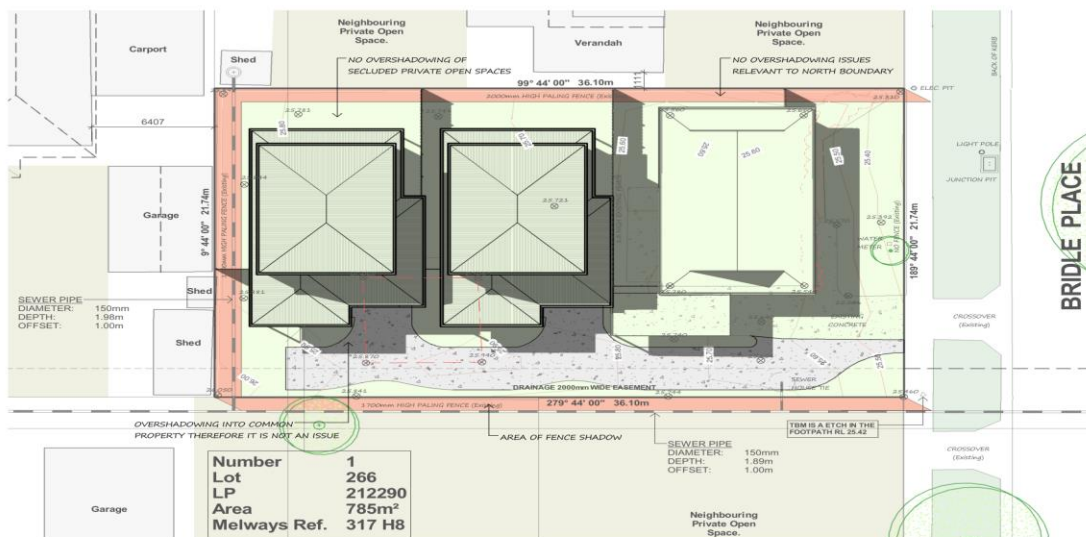
- Overshadowing of the backyards

The objector's property at No 3 Bridle Place is located on the northern side, the No: 5 Bridle Place property is located on the western side and the properties at No: 37 and 39 Bluegrass Crescent are located on the southern side of the subject site. The shadow diagram provided to Council demonstrates that the objector's properties will not be overshadowed unreasonably by the proposed development outside the perimeter required by the Clause 55.04-5.



Shadow Diagram 10am Sept 23

1 : 200



Shadow Diagram 3pm Sept 23

1 : 200

- Insecurity created by the future residents

Behaviour of the future residents of these dwelling is not a planning consideration.

Although it is noted that the applicant for the proposal did put forward to the Supreme Court as part of their justification to have the single dwelling covenant varied, that the landowner could construct a Rooming House in accordance with Cause 52.23 (Rooming House) without the need to apply for a Planning Permit. The Supreme Court agreed that the construction of a 'Rooming House' would have far greater amenity impacts to the surrounding dwellings compared to the development of two additional, albeit double storey dwellings.

Council cannot speculate that this would be the case, however it is agreed that the design of the two additional dwellings complies with almost all standards of Clause 55, and therefore, is considered to have been appropriately designed to manage all aspects, which can be controlled by the Planning Scheme.

- Increase in number of vehicles in the area

The proposed dwellings are two bedrooms dwellings; therefore only require one (1) car parking space per dwelling in accordance with the table to Clause 56.02. The proposal provides one (1) space per proposed dwelling, which has been demonstrated to be safely accessed from the internal driveway. The design complies with the standard and Council's Traffic Department has consented to the proposal. The objectors also raise concerns about a property in Bluegrass Crescent who allegedly park a number of vehicles on the nature strip and on the street in Bridle Place and that, the new dwellings will exacerbate this parking issue, however this application cannot seek to remedy an issue with parking for another property. Furthermore, the scale of the development does not require the proposal to include internal visitor car parking, as the threshold is not met. Therefore, it would be unreasonable to ask for this to be provided.

Property owners are entitled to have their own cars or guests cars parked in the street. Although the concern is understood, it is unreasonable for this proposal to remedy this as the design meets the required requirements under the Planning scheme.

- Infrastructure and flooding

Some of the objections raised concerns about potential issues with flooding arising from the proposed development, as the stormwater infrastructure in the street sometimes has issues coping in heavy rain events. This has been taken into consideration and the proposal and the technical information (Stormwater Drainage Plan) has been assessed by Council's Drainage Engineer. Council's Engineers are satisfied that stormwater can be detained on the subject site through the measures proposed by the stormwater plans. It's further noted that the proposal complies with the site coverage and permeability standards required by Clause 55 to mitigate these effects, where additional hard surfacing is proposed.

The site is not specified as being in an area subject to flooding (under the Planning Scheme). Technical detail on stormwater management will be required by permit conditions and plans will still be required to be approved by Council's Drainage Engineers to ensure that there is no detrimental impact of stormwater runoff onto adjoining properties or into the street.

- Devaluation of properties

Devaluation of properties is not a planning consideration.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- Factors likely to contribute to land degradation;
- The quality of stormwater within and exiting the site;
- Effects on native vegetation;
- Potential hazards;
- The suitability of the land for subdivision; and

- The existing use and possible future development of the land.

The application proposes two (2) second two-storey dwellings, a development which is considered to be in a suitable location that is consistent with the orderly planning of the area because it increases density in a location close to amenities and public transportation. The proposal allows for infill development contained in an established residential area clear of vegetation and therefore it will not affect native vegetation or cause degradation to the land in any meaningful way. Stormwater drainage impacts will be further addressed via permit conditions, although the stormwater plan has already been provided to Council. Therefore, it is considered that the application is consistent with the decision guidelines of all applicable planning controls.

CONCLUSION

The proposed development is consistent with the requirements of the Cardinia Planning Scheme and will not cause detriment to adjoining properties. It is therefore recommended that a Notice of Decision for planning permit T190486 be issued for the Development of the land for two (2) additional dwellings at 1 Bridle Place, Pakenham VIC 3810 subject to the following conditions:

CONDITIONS

Plans required:

1. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be in accordance with the plans prepared by 3D Design Group dated 09/10/19 but updated to show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways.
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) Landscaping and planting within all open areas of the subject land.
 - f) All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.
 - g) A minimum of one (1) canopy tree within the front setback of Dwelling 1 and the existing tree to be retained.
 - h) Landscaping capable of softening the expanse of the driveway provided along the length of the common driveway.
 - i) Plantings within the front setback of all other dwellings.

Note: All plantings should have regard for existing easements on the site.

2. Before the development starts, amended drainage plans must be submitted to and approved by the Responsible Authority. The plans must be in accordance with the stormwater drainage plan prepared by Hawthorn Consulting Engineers, Project no. E16875 dated 27/08/15 but updated the alterations (extensions) to the common driveway and crossover, as well as show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Development Conditions:

3. Before works start, a fence must be erected around any tree shown to be retained on the endorsed plans. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of star pickets and flagging tape or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
 - a) vehicular access.
 - b) trenching or soil excavation.
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d) entry and exit pits for underground services.
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
 - f) Mulch the TPZ areas where possible with coarse mulch (e.g. composted wood chips 100mm deep), prior to heavy machinery entering the site.
4. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

8. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a) Any timber paling fencing shown on the endorsed plans must be repaired or constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - b) The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
 - c) The areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - d) A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - e) Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - f) The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - g) Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
 - h) A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - i) A mail box must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
 - j) A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - k) Lighting must be provided near the front entrance of each dwelling to the satisfaction of the Responsible Authority.
9. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
10. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
12. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.

13. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
14. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
15. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
16. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

Development Contribution Condition:

17. Prior to a building permit being issued under the Building Act 1993, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

Expiry of permit

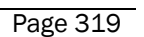
In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

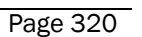
- (a) The development is not started **two (2) years** from the date of this permit.
- (b) The development is not completed **four (4) years** from the date of this permit.

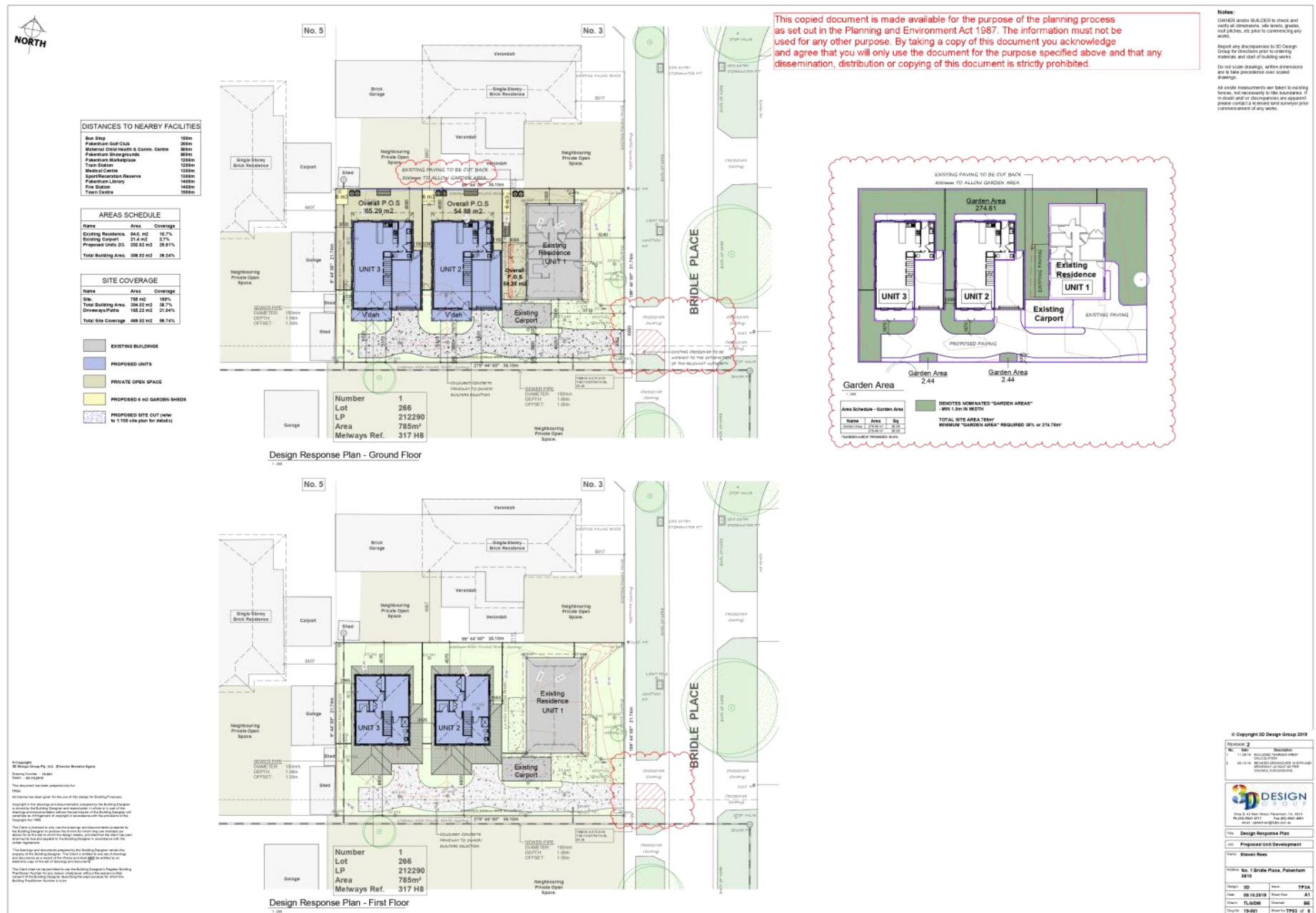
The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

NOTES

- Before the development starts, consent must be obtained from any relevant or affected authority for any structures or works proposed to be built over or within 1.0 metres of an easement shown on the endorsed plans.
- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.



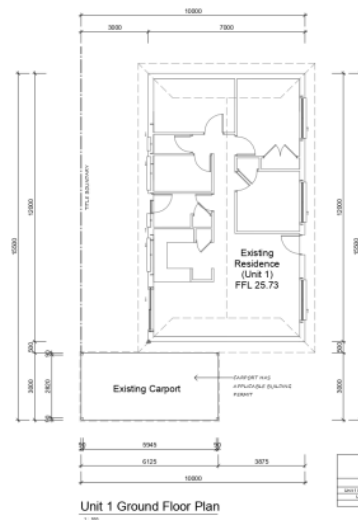








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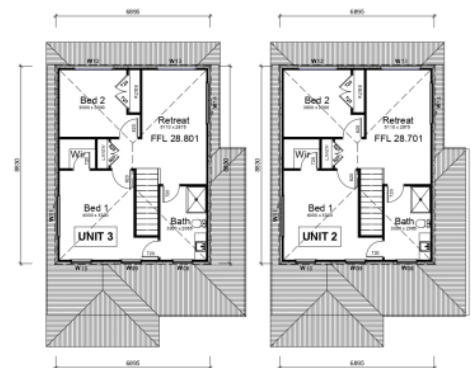


Area Schedule - Unit 1		
Name	Area	sq
Unit 1 Existing Residence	25.73	sq
Unit 1 Carport	10.00	sq



Area Schedule - Unit 2		
Name	Area	sq
Unit 2 Existing Residence	25.85	sq
Unit 2 Carport	10.00	sq

Window Schedule - Unit 2		
Win No.	Height	Width
1	2.10	1.20
2	2.10	1.20
3	2.10	1.20
4	2.10	1.20
5	2.10	1.20
6	2.10	1.20
7	2.10	1.20
8	2.10	1.20
9	2.10	1.20
10	2.10	1.20
11	2.10	1.20
12	2.10	1.20
13	2.10	1.20
14	2.10	1.20



Area Schedule - Unit 3		
Name	Area	sq
Unit 3 Existing Residence	25.81	sq
Unit 3 Carport	10.00	sq

Window Schedule - Unit 3		
Win No.	Height	Width
1	2.10	1.20
2	2.10	1.20
3	2.10	1.20
4	2.10	1.20
5	2.10	1.20
6	2.10	1.20
7	2.10	1.20
8	2.10	1.20
9	2.10	1.20
10	2.10	1.20
11	2.10	1.20
12	2.10	1.20
13	2.10	1.20
14	2.10	1.20

Notes:
 1. Verify all dimensions, site levels, grades, and patches, etc prior to commencing any work.
 2. Report any discrepancies to 3D Design Group for directions prior to ordering materials and start of building work.
 3. Do not scale drawings, written dimensions are to take precedence over scaled drawings.

As prepared by:
 3D Design Group Pty Ltd, Director: Brandon Eggen
 Drawing Number: 15-001
 Date: 08/12/2019

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 It is intended for the design and construction of the building and is not to be used for any other purpose.
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Revision:
 No. Description

3D DESIGN GROUP
 15-001

The Floor Plans

Proposed Unit Development

Site: 15-001

No. 15-001, Pinesham

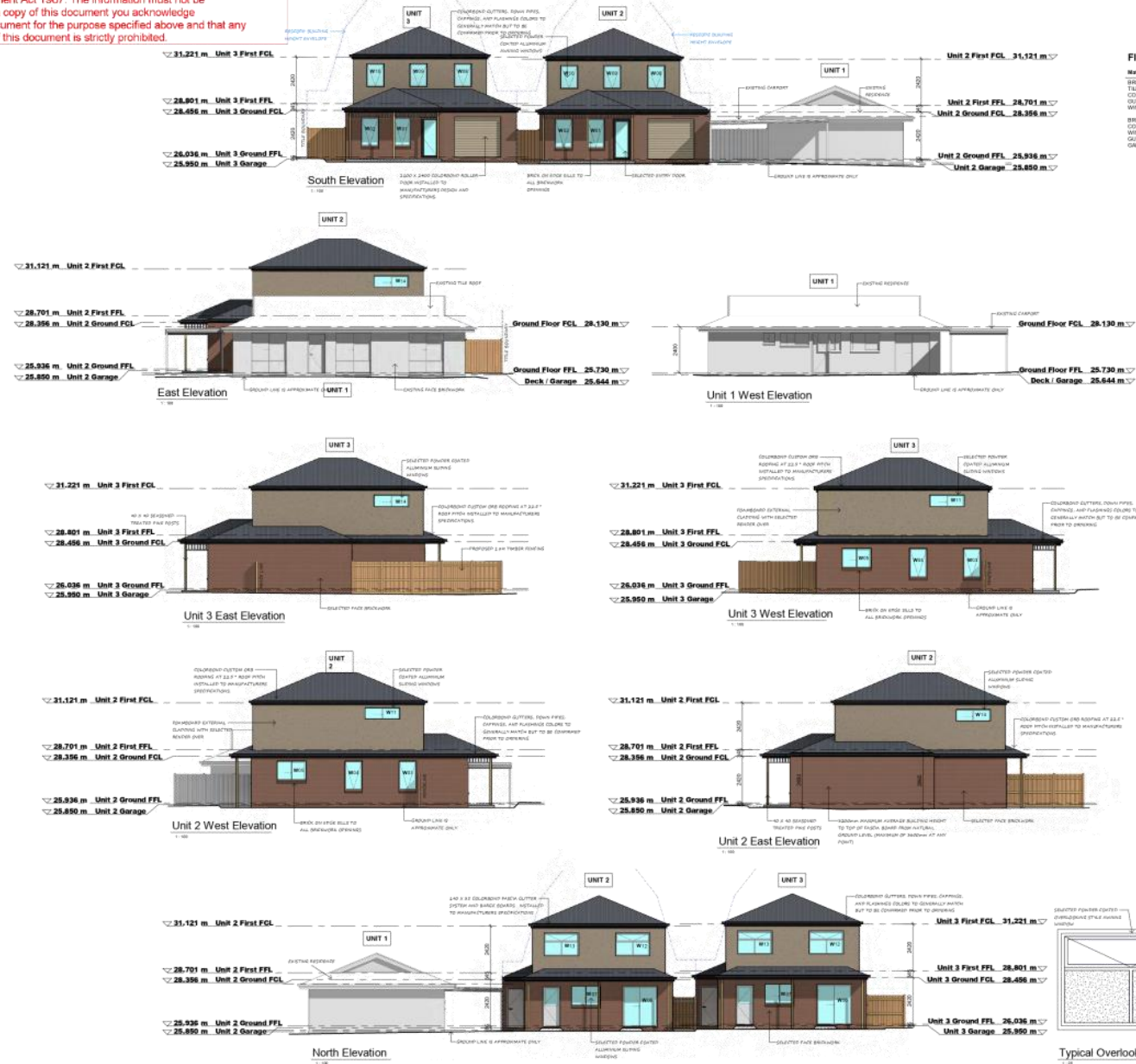
Design: 3D Design Group

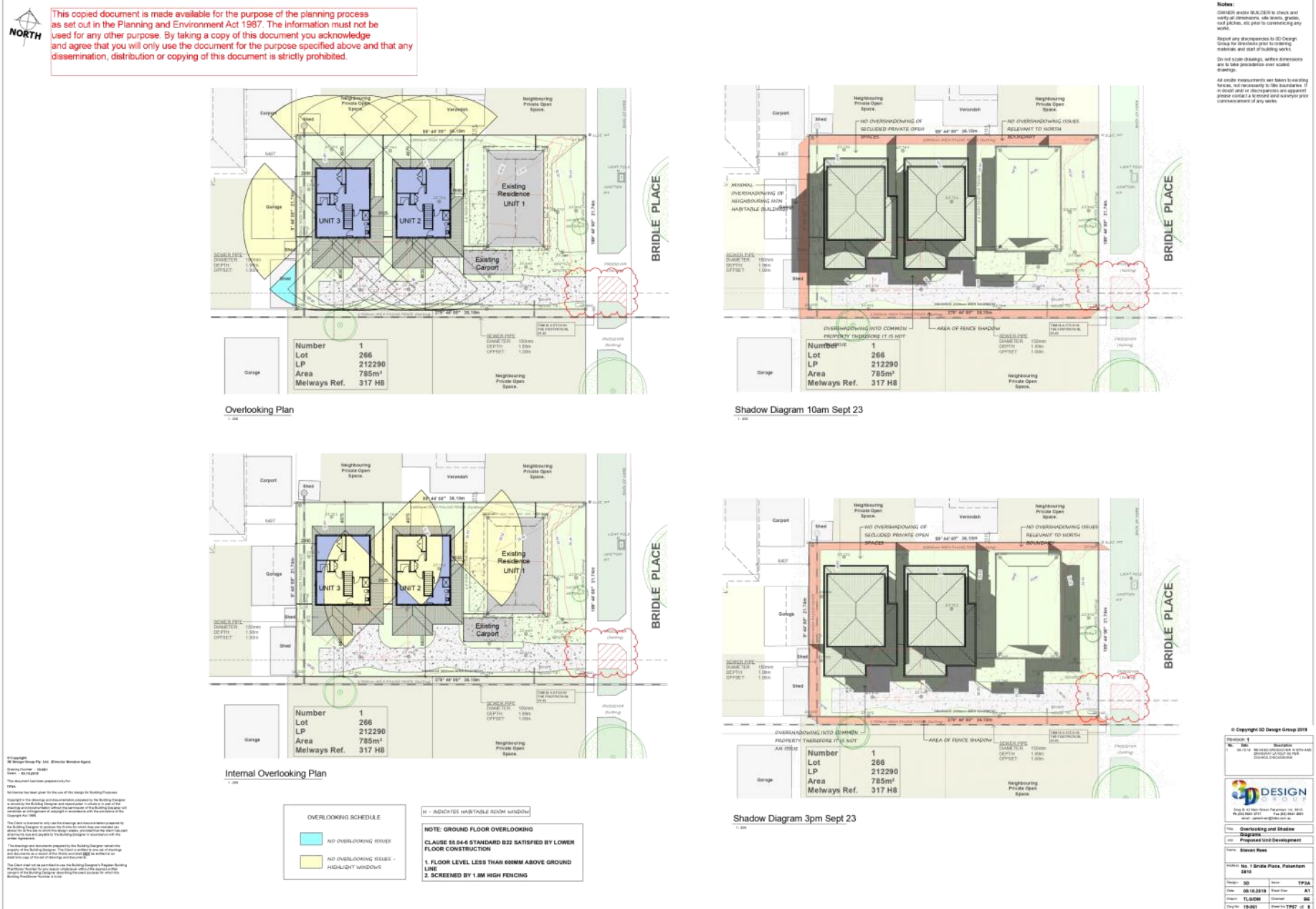
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Sheet No: 15-001 of 8

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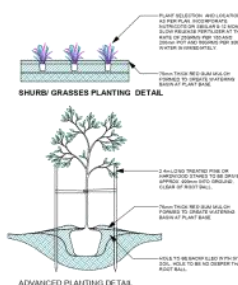


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Notes:
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 3. Do not scale drawings, written dimensions are to take precedence over scaled drawings.



Landscape Plan



General Landscaping Notes:

1. ALL GARDEN BEDS TO BE FILLED AND CONTOURED WITH SUITABLE TOP SOIL.
2. ALL GARDEN BEDS TO BE COVERED WITH 75mm OF FINE BARK OR ENVIRO MULCH.
3. ALL PLANTS THAT REQUIRE STAKES ARE TO BE STAKED WITH 1 TREATED PINE OR HANGWOOD STAKES.
4. WATERING SYSTEMS TO BE INSTALLED BY OWNER IF REQUIRED.
5. ALL FENCE FRAMING IS TO BE TREATED PINE WITH TOP CAPTING AND PLANT BOARD.
6. PORTS ARE TO BE TREATED PINE OR CONCRETE.
7. 75mm TREATED PINE EDGING OR JARRAH EDGING ACCORDING GARDEN BEDS.
8. ALL FINISH AREAS TO BE Laid ON A FLEXIBLE BASE CONSISTING OF 75 - 100mm CRUSHED ROCK, 20 - 30mm BEDDING SAND, REINFORCE CONCRETE EDGES. PAVEMENT CHOICE TO BE MADE BY OWNER.
9. ALL STONE AREAS TO BE 100 - 150mm COMPACTED DEPTH.
10. ALL DRAINAGE - AGGREGATES, PITTS TO BE INSTALLED TO APPROPRIATE SPECIFICATIONS.
11. TURNED OR SEVERED AREAS TO BE Laid ON PROPER BEDDING MATERIAL, TOP SOIL 100 - 150mm DEPTH.
12. ALL RETAINING WALLS TO BE BUILT TO PROPER SPECIFICATIONS.

Landscaping Legend

- GRASS/LAWN
- MULCH/GARDEN BED
- CONCRETE DRIVEWAY AND PAVING

Symbol	Botanical Name	Common Name	Height & Spread	Quantity	Plant Size
	BANKSIA MARGINATA	SILVER BANKSIA	3-5m x 3-5m	2	ADVANCED
	PHACELIA	BROWNIE BERRY	2.0m x 1.0m	20	3.00mm APPROX.
	CALLISTEMON	BOTTLEBRUSH	2.2m x 2.2m	12	3.00mm APPROX.
	POA LAEVIS	LARGE TURFGRASS	3.0m x 0.8m	20	3.00mm APPROX.
	ANAGALLIS	YELLOW KANGAROO PAW	2.4m x 1.2m	10	3.00mm APPROX.

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