

## 6.1.2 Use of the Land for a Restricted Place of Assembly, Alterations and Additions to the Existing Buildings and Alteration to Access to a Road in a Road Zone Category 1 at 905 Koo Wee Rup Road, Pakenham VIC 3810

**File Reference:** T190275  
**Responsible GM:** Peter Benazic  
**Author:** Evangeline McGauley-Kennedy

### Recommendation(s)

That Council issue a Refusal to Grant Planning Permit T190275 for the use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1 at 905 Koo Wee Rup Road, Pakenham VIC 3810 on the following grounds:

- The proposal is not consistent with Clause 13.06-1s (Air quality management);
- The proposal is not consistent with Clause 13.07-1s (Land use compatibility);
- The proposal is not consistent with Clause 22.05 (Western Port Green Wedge Policy) and the Cardinia Shire Westernport Green Wedge Management Plan;
- The proposal is not consistent with the purpose of Clause 35.04 (Green Wedge Zone);
- The proposal is not consistent with Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions);
- The proposal results in unreasonable impacts to the established nearby uses (South East Water Treatment Plant and O'Connor's Abattoir); and
- The proposal does not represent the orderly planning of the area.

### Attachments

1. Copy of Revised Application Documents [6.1.2.1 - 64 pages]
2. CONFIDENTIAL - Copies of Amended Objections - Circulated to Councillors only [6.1.2.2 - 17 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T190275
<b>APPLICANT:</b>	Mr Charan Preet Singh Sodhi
<b>LAND:</b>	905 Koo Wee Rup Road, Pakenham VIC 3810
<b>PROPOSAL:</b>	Use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1

<b>PLANNING CONTROLS:</b>	Green Wedge Zone - Schedule 1 Land Subject to Inundation Overlay Land Adjacent to a Road in a Road Zone Category 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	Pursuant to Section 55 of the Planning and Environment Act 1989, the application was advertised by the placing of three (3) signs on site and notices in the mail to 9 property owners within the vicinity potentially affected by the proposal.  Two (2) objections were received.
<b>KEY PLANNING CONSIDERATIONS:</b>	<ul style="list-style-type: none"> <li>• Land use compatibility</li> <li>• Air quality management</li> <li>• Protection of agricultural and green wedge land</li> <li>• Westernport Green Wedge Management Plan</li> <li>• Uses with adverse amenity potential</li> <li>• Separation distances</li> </ul>
<b>RECOMMENDATION:</b>	Refusal.

### Background

The subject site is located on the western side of Koo Wee Rup Road, Pakenham, south of the Princes Freeway. There is no recent planning permit history for this site, however there is record of a permit P.12446 registered on Councils historic permit registered for the Shire of Pakenham (Map reference 29). The file was recalled archives, however Council's Record Department were unable to locate a copy of the Permit due to the current COVID-19 Restrictions.

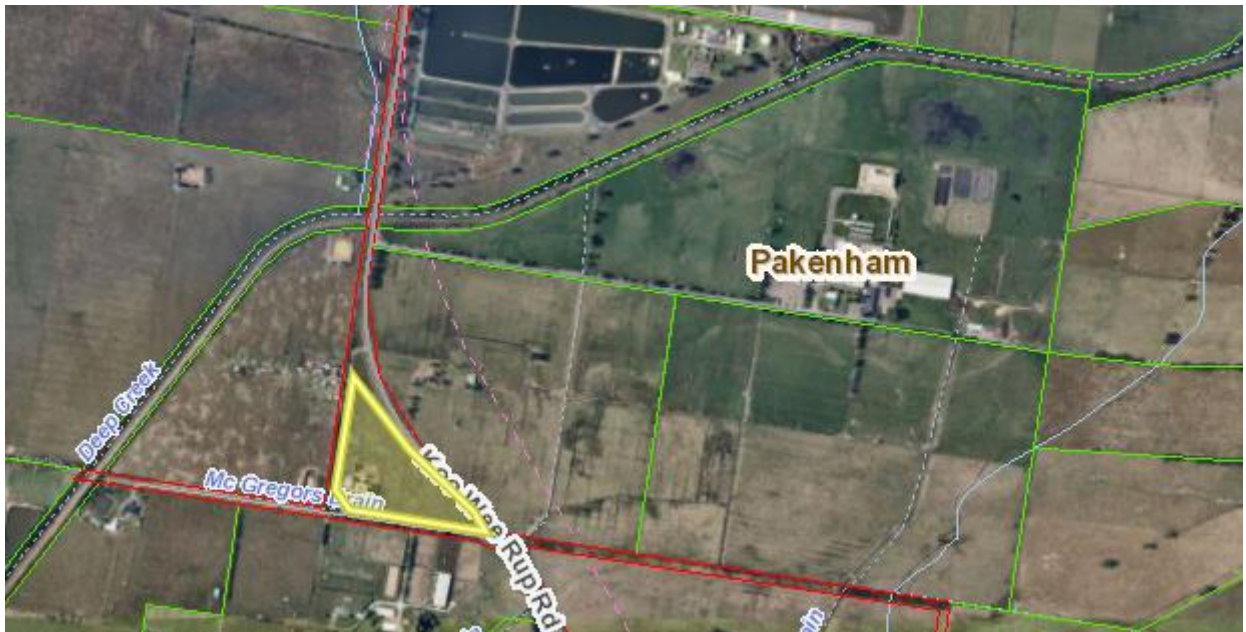


Currently the site contains a single dwelling and outbuilding. The dwelling is occupied by approximately five (5) residents who are members of the Baba Budhaji Charitable Association,

who run the associations 'Community Kitchen' from the site. The 'Community Kitchen' makes up a large portion of the associations charitable work by preparing and cooking food at the subject site for off-site distribution to the Pakenham and wider Cardinia Shire Community via the association's food vans. The association prepares these meals for vulnerable community members free of charge, along with providing other essential items such as blankets for the homeless and bottled water for community members on hot days.

As the site is currently occupied by members of the association who undertake this work, Council has advised the Baba Budhaji Charitable Association that no planning permit is required to undertake these activities, so long as the association continues to comply with the requirements of Clause 52.11 (Home Based Business) of the Cardinia Planning Scheme.

### Subject Site



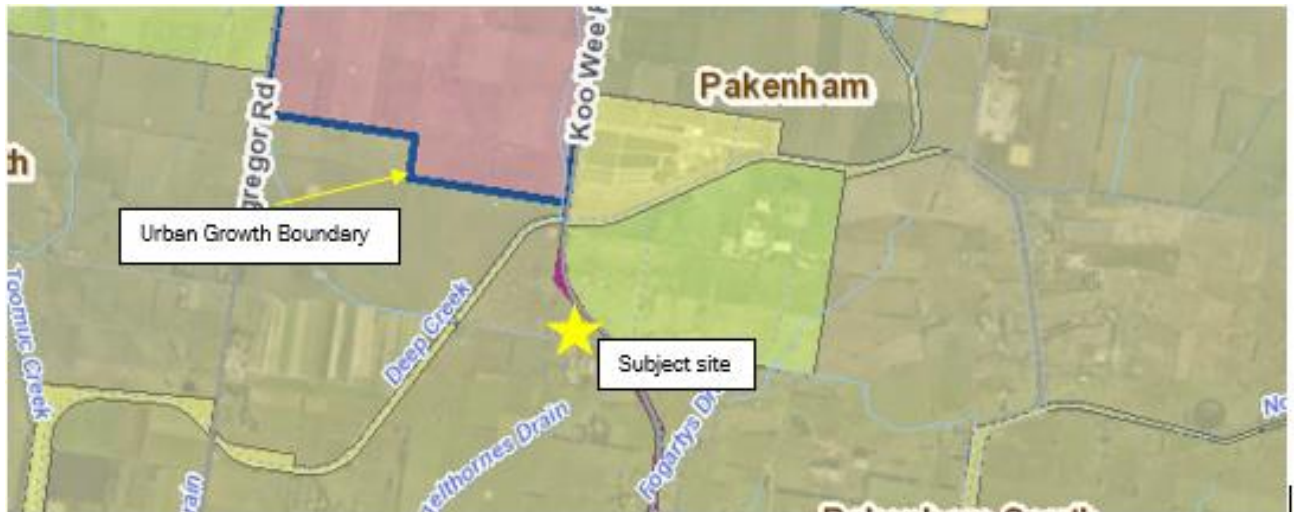
The site is located on the western side of Koo Wee Rup Road, south of the Princes Freeway and adjacent to Watsons Road directly to the south. The site is triangular in shape with a frontage (no access) to Koo Wee Rup Road and is separated from the adjoining properties by Watsons Road which bounds the site along its southern and western title boundaries. The site currently measures 4.15 hectares in area.

Access is gained from Watsons Road with a crossover being located on the southern and western boundaries. There is no direct access from the site onto Koo Wee Rup Road. There are no easements affecting the property.

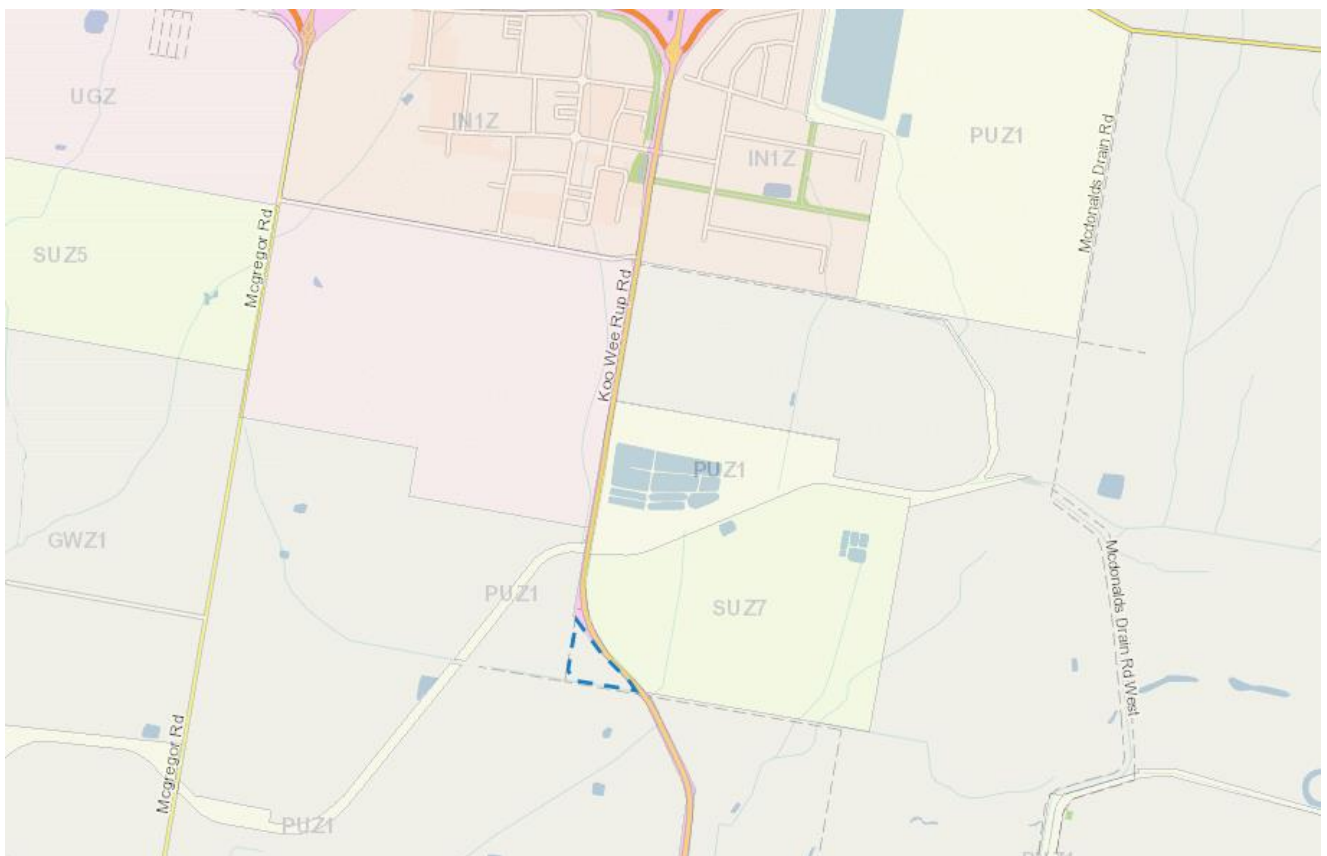
The site currently contains a single dwelling and outbuilding.

The topography of the land is relatively flat.

The site is approximately 500 metres to the south of the Urban Growth Boundary:



The surrounding area is comprised of a number of different land uses and zones, with the majority of the land to the north and north-east being for industrial proposes (South East Business Park), public uses (South East Water Treatment Plant) and food production (O'Connor's Abattoir). The majority of the land surrounding the site to the south and west being agricultural (green wedge) land, as demonstrated in this planning map:



Specifically, the surrounding land is made up of the following:

**North:** Directly north of the site is Koo Wee Rup Road which is a Road Zone Category 1. Further north are Lot 2 PS332615 Koo Wee Rup Road which is a vacant lot located in the SUZ7, 940 Koo Wee Rup Road containing the majority of O'Connor's Abattoir facilities (SUZ7) and 990 Koo Wee Rup Road containing South East Water's Pakenham Treatment Plant (PUZ1). There is also an establishing industrial business park located



to the north and as well as some Urban Growth Zoned land set to also become an expansion of the industrial area to the north. The Princes Freeway is located north of this at approximately 3 kilometres to the north.

**South:** Directly south of the site is Watsons Road. Further south is 855 Pakenham Road which is a large (39.8ha) property used for horse husbandry. Further south are other large agricultural properties typically used for grazing livestock (GWZ1) and crop raising (SUZ1).

**East:** Directly east of the site is Koo Wee Rup Road which as discussed is a Road Zone Category 1. Directly opposite is Lot 2 PS332615 Koo Wee Rup Road which is a vacant lot located in the SUZ7, 940 Koo Wee Rup Road containing the majority of O'Connor's Abattoir facilities (SUZ7). Further east are other agricultural properties located in the Green Wedge Zone.

**West:** Directly west of the site is the continuation of Watsons Road. Directly opposite is 915 Koo Wee Rup Road which is a slightly larger green wedge property containing a single dwelling and outbuilding/ farm sheds. Further west is the PUZ1 overlaid on Deep Creek/ Drain with other larger Green Wedge agricultural properties being located to the west.

### Relevance to Council Plan

Nil.

### Proposal

Approval is sought for the use of the land for a Restricted Place of Assembly, along with associated buildings and works and alteration to access onto a Road Zone Category 1.

#### Restricted Place of Assembly (use)

The proposal is for the use of the land for a Restricted Place of Assembly to facilitate the meetings of the Association on a fortnightly basis.

The use of the land for a Restricted Place of Assembly is defined by the Cardinia Planning Scheme as:

*Land used by members of a club or group, or by members' guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.*

Restricted place of assembly is a Section 2 (permit required) use under the provisions of the Green Wedge Zone which affects the land.

Restricted place of assembly is included in the broader definition of 'Place of assembly', however in the Green Wedge Zone is considered a separate land use and given its own conditions. In the Green Wedge Zone, the use of the land for a 'Restricted place of assembly' is prohibited unless the condition in the Table of uses is met. In this instance, pursuant to Clause 35.04-1 (GWZ1), the use of the land for a Restricted place of assembly must not be used for more than 30 days in a calendar year.

The applicant proposes that they can comply with this condition by proposing to conduct meetings on a fortnightly basis, resulting in the potential for 26 meetings to be held each calendar year.

These proposed meetings are required to discuss and plan for the activities and services that the Association provide as well as events such as fundraisers.

It is proposed that a maximum of 60 members will gather at these meetings and that they will be held fortnightly and run for a period of 3 to 4 hours, alternating between the hours of 9am to 1pm and 5pm to 9pm.

The meetings will be conducted by volunteers who currently reside on the site.

No live music or loudspeakers are proposed.

No food and drink is proposed to be served during the meetings, however refreshments such as tea and coffee will be provided.

There is one (1) existing toilet on the site and portable toilets are proposed to be hired on the days meetings are conducted.

#### Buildings and works

The proposal also includes the construction of two (2) verandah/covered pergola areas, one to the existing dwelling and one to the existing shed.

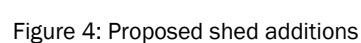
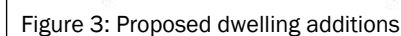
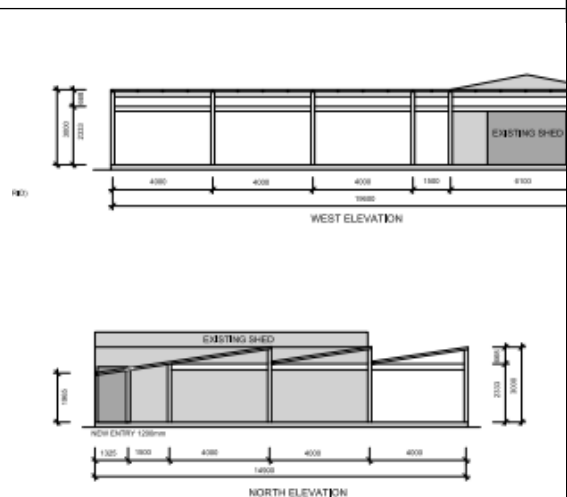
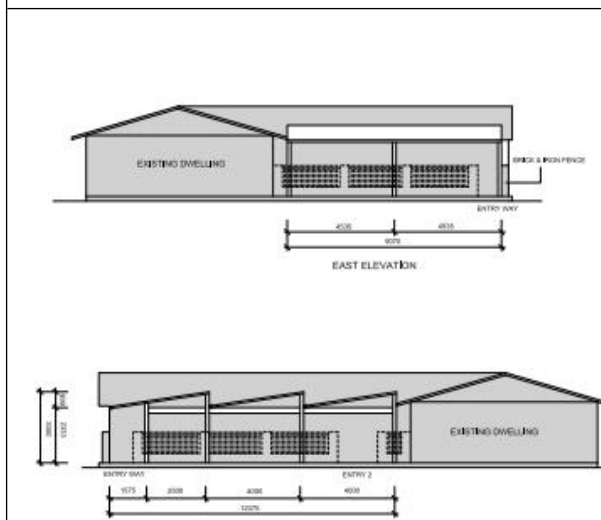
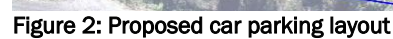
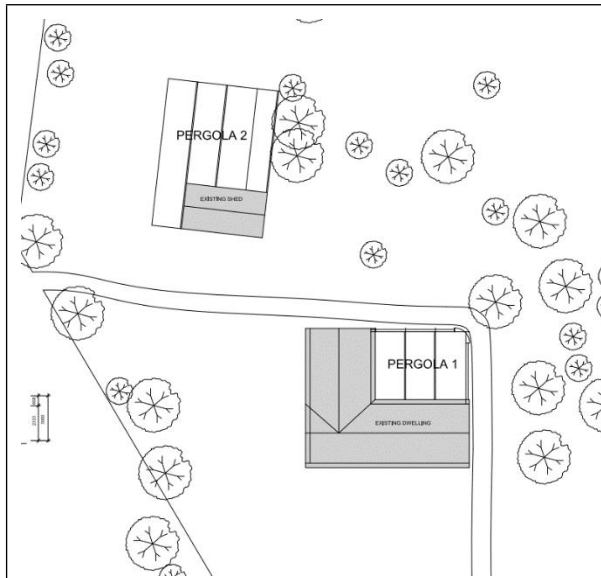
The proposed verandah to the dwelling will measure 9.07 metres in width and 12.08 metres in length, totalling an area of 109.56sqm. The verandah to the existing shed is proposed to measure 14.9 metres in width and 19.6 metres in length, totalling an area of 292.04sqm.

Both structures are proposed to be attached to each respective building and are open sided. The verandah to the dwelling is proposed with a 'sawtooth' style roof and is proposed to reach a total height of 3 metres above natural ground level. The verandah to the shed is proposed with a flat roof and is also proposed to reach a total height of 3 metres above natural ground level.

Both structures are proposed to be constructed with timber posts and Colorbond roof

The application also includes the construction of two (2) car parking areas, one to the east of the existing dwelling and one to the east of the existing shed.

The car parking area to the east of the dwelling is proposed to include sixteen (16) car parking spaces, and the car parking area adjacent to the shed is proposed to include six (6) car parking spaces. Both car parking areas are adjacent to the existing driveway and swept path plans demonstrate that a B85 vehicle can safely manoeuvre in and out of the spaces in a forward-facing direction.



No signage is proposed.

The application has been determined as having the potential to alter the volume of traffic entering Koo Wee Rup Road (Road Zone Category 1) and therefore, the proposal also seeks permission for the alteration of access to a Road in a Road Zone Category 1.

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The report defines the use as 'Community Kitchen' and innominate land use which therefore has no car parking rate listed in Clause 52.06, however it is now understood that the application is sought for a 'Restricted Place of Assembly' which also has no car parking rate specified in Clause 52.06.

The report therefore estimates the traffic generation based on an average car occupancy rate of 2.5 people per vehicle which based on the maximum number of members (50-60 people) would require between 20 and 24 car parking spaces. Therefore, it has been argued that providing 22 car spaces would be adequate for this use.

It is also noted that if the 'Place of Assembly' car parking rate in Clause 52.06 were utilised that based on the maximum proposed members being 60 persons, a minimum of 18 car parking spaces would be required to comply with the required rate of 0.3 spaces per patron permitted.

### **Planning Scheme Provisions**

#### **Planning Policy Framework (PPF)**

The relevant clauses of the PPF are:

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
- Clause 13.03-1S – Floodplain management
- Clause 13.06-1S - Air quality management
- Clause 13.07-1S – Land use compatibility
- Clause 14.01-1S – Protection of agricultural land
- Clause 19 – Infrastructure
  - Clause 19.02-3S – Cultural facilities
  - Clause 19.02-4S – Social and cultural infrastructure

#### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.02-1 – Catchment and coastal management
- Clause 21.05-1 – Infrastructure provision
- Clause 21.05-6 – Community services and facilities
- Clause 22.05-1 – Western Port Green Wedge Policy

#### **Relevant Particular/ General Provisions and relevant incorporated or reference documents**



The relevant provisions/ documents are:

- Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.06 – Car Parking
- Clause 52.29 – Land adjacent to a Road in a Road Zone Category 1
- Clause 53.10 – Uses with adverse amenity potential
- Clause 65 – Decision Guidelines
- Clause 66 – Referral and notice provisions
- Cardinia Shire Western Port Green Wedge Management Plan (Incorporated Document)
- EPA Victoria's *Recommended Separation Distances for Industrial Residual Air Emissions, March 2013* (EPA Publication 1518)

#### **Cardinia Shire's Liveability Plan 2017-2029**

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

- *Improved Social Cohesion*

However, it does not have regard to the following:

- *Food (food security)*

#### **Zone**

The land is subject to the **Green Wedge Zone - Schedule 1.**

**The land is adjacent to a road in a Road Zone Category 1.**

#### **Overlays**

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

#### **Planning Permit Triggers**

The proposal for the **use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.04-1 (GWZ1) a planning permit is required for the use of the land for a Restricted place of assembly.
- Pursuant to Clause 35.04-5 (GWZ1) a planning permit is required to construct or carry out works associated with a Section 2 use and within 20 metres of any other road.

- Pursuant to Clause 44.04-2 (LSIO) a planning permit is required to construct or carry out works.
- Pursuant to Clause 52.29 (RDZ1) a planning permit is required to alter access to a Road in a Road Zone Category 1.

### 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 three (3) signs on site*

The notification has been carried out correctly, and Council has received two (2) objections to date.

The key issues that were raised in the objections are:

- Land use compatibility.
- Impact on the ability of the two (2) adjacent facilities abilities to maintain Environmental Protection Authority (EPA) required separation/ buffer distances.
- Potential impacts on the existing operations and future expansion on South East Water's treatment plant at 990 Koo Wee Rup Road (PUZ1).
- Potential conflicts with the existing abattoir at 940 Koo Wee Rup Road and its future expansion in accordance with recently approved Masterplan (SUZ7).
- Inconsistency with the purpose of the Green Wedge Zone and Western Port Green Wedge Policy.

### Referrals

#### *Melbourne Water (Determining)*

The application was referred to Melbourne Water as a statutory referral under Section 55 of *Planning and Environment Act 1987*. Melbourne Water had no objection to the proposal (buildings and works) subject to amended plans being supplied.

#### *Head of Department of Transport (formally VicRoads) (Determining)*

The application was referred to Head of Department of Transport (VicRoads) as a statutory referral under Section 55 of *Planning and Environment Act 1987*. Head of Department of Transport (VicRoads) had no objection to the proposal (alteration to access to the Road Zone) and did not offer any conditions.

#### *South East Water (Recommending)*

The application was referred to South East Water for comment under Section 52 of the *Planning and Environment Act 1987*. South East Water object to the proposal for the following reasons:

- Land use compatibility, namely:
  - The subject site is identified in South East Water's Pakenham Treatment plants buffer area.

- The treatment plant has the potential to emit offsite offensive odours which is incompatible with the use of the land for a Restricted Place of Assembly.
  - The introduction of higher intensity sensitive uses into the treatment plants buffer has the potential to limit and cause unreasonable restriction to the treatment plants existing and future operations.
  - The treatment plant has plans to expand in future to service the new residential, commercial and industrial areas of Pakenham, Pakenham East, Officer and Clyde and the proposal will adversely impact the facilities ability to comply with required separation distances.
- Further to their objection South East Water explains that it has a responsibility as an essential service provider to deliver fair and affordable services to all of their customers and whilst they acknowledge the important work done by Baba Badhaji Charitable Association in supporting the community through hardship, the proposed uses pose too great a risk to the ongoing operation of Pakenham WRP and the upgrade plans for this site.

## Discussion

The application for a permit has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed use is determined to be inconsistent with these requirements.

The Planning Scheme puts particular emphasis on the facilitation and protection of both Green Wedge Land in particular when located in the Westernport Green Wedge Management Plan area, as well as the facilitation of public infrastructure such as water treatment plants and other vital infrastructure that service the wider community. The location of the proposed Restricted Place of Assembly, so close by to vital infrastructure, and within the Western Port Green Wedge area is not supported by the Cardinia Planning Scheme, due to the potential conflicts such sensitive uses may have on existing activities, as well as the potential to reduce the ability for these facilities to expand in the future.

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

A number of state and local policies are relevant to this application that protect the Green Wedge land and important infrastructure from the encroachment of sensitive uses.

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria through strategies such as creating and reinforcing settlement boundaries, ensuring that facilities such as community facilities are concentrated in central locations and ensure that land that may be required for future urban expansion is not compromised.

Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) seeks to protect green wedges of metropolitan Melbourne from inappropriate development by supporting existing and potential agribusiness and food production and protect productive agricultural areas such as Westernport.

Clause 13.03-1S (Floodplain management) seeks to protect life, property and community infrastructure from flood hazard, flood storage functionality and natural flood carrying and storage capacity.

Clause 13.06-1S (Air quality management) seeks to assist the protection and improvement of air quality. Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses

Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety, while facilitating appropriate commercial, industrial, infrastructure and other uses

with potential adverse off-site amenity impacts by ensuring that uses and development is compatible with adjoining or nearby land uses and protecting existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 14.01-1S (Protection of agricultural land) seeks to protect the state's agricultural base by preserving productive farmland, protecting productive agricultural land from unplanned loss due to permanent changes in land use and prevent inappropriately dispersed urban activities in rural areas.

Clause 19 (Infrastructure) ensures that planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely and Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Clause 19.02-3S (Cultural facilities) seeks to develop a strong cultural environment and increase access to the arts, recreation and other cultural facilities.

Clause 19.02-4S (Social and cultural infrastructure) seeks to provide fairer distribution of and access to social and cultural infrastructure by encouraging the location of social and cultural infrastructure to activity centres

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision) outlines the key issues facing Cardinia include the management of growth including urban pressures on areas such as the Westernport Green Wedge, and the provision of infrastructure to meet the needs of the existing and future community.

Clause 21.02-1 (Catchment and coastal management) seeks the protection of floodplains and development on them.

Clause 21.05-1 (Infrastructure provision) – outlines that the provision of an adequate level of physical and social infrastructure is one of the major issues facing the Cardinia Shire over the coming decades. Issues involve the timely provision of infrastructure services such as sewerage, water, drainage is necessary to foster economic development, ensure the wellbeing of the community and protect the environment, by recognising infrastructure demands, ensuring the provision of infrastructure and coordinating infrastructure provision.

Clause 21.05-6 (Community services and facilities) recognises the need to provide and cater for community facilities for all members of the community in appropriate locations.

Clause 22.05-1 (Western Port Green Wedge Policy) seeks to recognise and protect the Westernport Green Wedge area for its valuable agricultural and horticultural importance. Discouraging sensitive uses such as schools and places of worship from establishing in these areas.

The proposal is considered incompatible with the agricultural character and the existing strategic location of uses and infrastructure of the immediate area, including the South East Water Treatment Plant located at 990 Koo Wee Rup Road and the abattoir (and future South East food production, export and employment node) located at 940 Koo Wee Rup Road. Both these land uses are covered by Zones specific to the service they provide and have been strategically located away from sensitive areas such as residential zones to avoid land use conflicts with these areas and ensure that each site can continue to meet and maintain their required separation distances from sensitive uses. A Restricted Place of Assembly is considered a sensitive use, and based on the objections Council has received, it is considered



that the use has the potential to greatly impact both the treatment plant and the abattoir both in the interim and future.

The Westernport Green Wedge Management Plan also discourages these types of sensitive uses (along with schools and places of worship) from establishing within the area covered by the policy and suggests that they are better located adjoining the Urban Growth Boundary or within existing settlements. This site aligns with neither objective.

Furthermore, the Green Wedge is primarily an agricultural zone which should facilitate, above all else the right to farm. Other compatible uses, can be considered when located in appropriate locations. A Restricted Place of Assembly may be suitable in some areas of the Green Wedge Zone as, after all, if complying with the condition in the Table to the Zone, a Restricted Place of Assembly is a use that be considered via a planning permit application.

However, in this case, the potential impact on the surrounding uses that already exist and provide a vital service to the community must be taken into account. Although the proposed use is also considered to align with the Planning Scheme's objectives to provide places for communities to meet and experience their culture, this must be planned in suitable locations. The net community benefit of the role of the treatment plant and the abattoir (future food production and employment node) must take precedence over the net community benefit of the proposed Restricted Place of Assembly.

Therefore, it is considered that the proposal does not adequately respond to the above, especially Clause 13.07-1S (Land use compatibility) when considering the adjacent SUZ7 and PUZ1 and therefore, it is considered that the proposal is inconsistent with the PPF and MPS as it is likely to cause unreasonable and detrimental impacts to the established uses that are nearby to the site, and does not present as a suitable land use compatible with the surrounding uses and the purpose of the Zone, PPF, MPS and LPPF therefore should not be supported.

#### **Clause 22.05-1 – Western Port Green Wedge Policy and Cardinia Western Port Green Wedge Management Plan**

The Western Port Green Wedge Policy identifies an area of approximately 746 square kilometres of rural southern part of Cardinia Shire Council and the City of Casey, which are home to important assets to both municipalities. The Shire is a major producer of asparagus, celery, leeks, herbs, silver beet and beef and provides a majority of Victoria's produce of these vegetables. The area of Pakenham where 905 Koo Wee Rup Road is located is identified in this policy as Precinct 1 (Agriculture and horticultural soil-based food production).

Precinct 1 identifies land that is suitable for agriculture, horticulture and soil-based food production due to its highly versatile, fertile soils. The Subject Site is located outside of the Special Use Zone – Schedule 1 (SUZ1) and is noted as having moderately versatile soil.

The precinct as a whole has a strong focus on the beef and dairy industry, supports an existing poultry sector and a range of other rural uses on sites such as this. The area has ready access to water supply, the potential to utilise recycled water and is within close proximity to the Melbourne market.

One of the main objectives of the Plan is to maintain and develop a thriving agricultural and horticultural industry in the green wedge with a focus on horticulture, agriculture, soil based produce, food security and new and emerging agricultural practices to service the local and export markets.

Ongoing discussions are occurring between Council and Melbourne water in relation to the location of a new Class A recycled water treatment plant in the Clyde/Cardinia area which can help achieve this goal.

The intent is for this treatment plant to have the ability to supply Class A recycled water to agricultural producers and together with the existing Pakenham Treatment Plant it has the

ability to increase the agricultural viability of the land in and around Officer South, Rythdale and Cardinia. It is anticipated this land will increase in agricultural value, being able to produce more crops, therefore becoming more appealing to the local larger family farming businesses that are making numerous land purchases to further expand their operations within the precinct.

The Plan seeks to achieve this objective by discouraging sensitive uses (including schools and places of worship) from establishing within the Management Plan area, without Strategic justification.

Whilst these uses are allowed (subject to approval and conditions) they are urban in nature and can have a detrimental impact to the rural environment, biodiversity fragment agricultural land and affect the right to farm. The management plan provides clear guidance on where these uses should be located (subject to strategic justification) within the green wedge, close to the Urban Growth Boundary (UGB), at the transition point from urban land to rural land, or within existing townships.

In order for the above objectives to be achieved, sensitive uses such as the Restricted Place of Assembly proposed by this application, must be discouraged from establishing at the Subject Site, due to the land use conflicts arising from its proximity from two (2) strategically important facilities. The purpose of the two (2) adjacent facilities aligns with the aspirations of the Plan to promote food security and agricultural production in the area due to their respective output (recycled water and food production).

The site is located 500 metres south of the UGB, which does not align with the policy and was referred to Council's Strategic Planning Department for advice and comment, who have also advised that at a Strategic level the application is not supported.

Therefore, it is considered that this application does not appropriately respond or align with the objectives of the Policy in terms of supporting existing agricultural industries, without causing detriment to surrounding facilities which are expanding to achieve the relevant objectives to provide food security and protection of agricultural land within the Management Plan area and the region and should not be supported.

### **Green Wedge Zone – Schedule 1**

Some of the key purposes of the Green Wedge Zone is to implement the MPS and PPF, along with providing for and protecting the use of the land for agriculture. It is also in place to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities and mineral and stone resources. The decision guidelines of the Zone require the Responsible Authority to consider the following when assessing whether the proposed use is compatible with the purpose of the Zone, in particular:

#### General issues:

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it

may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.

Rural issues:

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise. The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

In relation to compliance with the first decision guideline, Melbourne Water have assessed the application against their relevant catchment strategy for works within the Koo Wee Rup Flood Protection District and consider the buildings and works component of the application and did not raise any major concerns with the proposal, subject to amended plans being supplied. It is therefore considered that the subject site and the development could comply with the relevant Regional Catchment Strategy. Given the above, the site is considered capable, given its size, to accommodate the buildings and works (development) aspect of the proposal.

However, when considering the subsequent decision guidelines, the proposed use does not satisfactorily demonstrate how it aligns with the policy.

Given the subject sites close proximity to the two (2) adjoining facilities (SEW Treatment Plant and Abattoir), the capability of the use of the land for a Restricted Place of Assembly to comply with the required separation distances for industrial residual air emissions recommended by the EPA Victoria's *Recommended Separation Distances for Industrial Residual Air Emissions, March 2013 (EPA Publication 1518)* and Clause 53.10 (Uses with adverse amenity potential) of the Cardinia Planning Scheme cannot be achieved.

For the purposes of the EPA Publication 1518 the term 'sensitive land uses' encompasses land uses which require a particular focus on protecting the beneficial uses of the air environment relating to human health and wellbeing, local amenity and aesthetic enjoyment.

According to EPA Publication 1518, separation distances are important as "when there is an inadequate separation distance between an industry and sensitive land uses, subsequent remedial action to alleviate off-site effects may be uneconomic. Accordingly, the viability of the industry is jeopardised and the off-site effects are not alleviated.

Providing adequate separation distances seeks to avoid these potential lose/lose situations".

Given this, it is considered that the proposed use cannot be considered to achieve any decision guideline assessing whether a use is compatible with adjoining land uses, nor can it align with Clause 13.06-1S (Air quality management).

Contrary to the fifth decision guideline, the use is not considered essential to the health, safety or well-being of the State or area, whereas the operations and services provided by the two (2) adjoining facilities, as well as any meaningful agricultural pursuits being carried out on the surrounding land (food production) are considered vital and suitable in these locations given the land area required for these operations, as well as the separation from sensitive uses required. The proposed use would in fact be suitable in an urban area, and policy supports this.

**Issues raised by objections**

These are the views shared by both objectors and form the key grounds to their objections.

South East Water contend that as the use will be setback approximately 700 metres from the treatment plants operational lagoons (used to treat sewerage) with a minimum of 380 metres between site boundaries. Strategic work carried out between South East Water and Council identified that noise and odour impacts from the facility (currently and in future) have the potential to extend as far as 770 metres from the title boundaries of the South East Water owned land, meaning that the potential for amenity impact, especially resulting from odour, will affect the subject land.

The resulting risk to South East Water's asset if this application were to be approved, would mean that the facility would no longer meet the required separation distances from sensitive uses set out by EPA regulations and therefore, this may place undue financial and resource burden on the facility, as major infrastructure projects to contain and treat foul odours would be required beyond what is reasonably expected and potentially the engineering capability of a modern water recycling plant, and also beyond what would normally be required to address these issues in a rural location.

The abattoir also shares similar concerns regarding undue and unreasonable burden on their facility to manage their amenity impacts (beyond what they are currently required to do) which would be required to address concerns not ordinarily an issue in a rural location such as this. The site has been strategically chosen to be located away from sensitive uses (such as built up residential areas) in order to achieve the separation distances outlined by State planning and EPA policy.

EPA regulations responsible for governing the amenity and environmental impacts of these industries on surrounding uses requires that an "abattoir – no rendering" (abattoirs or poultry processing works) producing more than 200 tonnes per year be separated from a sensitive use by at least 500 metres. Currently, the abattoir (processing facility) is over 500 metres from the subject site, however given that there is only 50-60 (approx.) metres between the two (2) sites property boundaries, the introduction of the use is likely to impact the location and scale of the operation planned for the O'Connor's site in order for the facility to maintain the required buffers.

Similarly, EPA regulations require certain separation between sensitive uses and sewerage treatment plants. This distance can vary depending on their location and the population they service. In this instance, the recommended separation distance of this plant from sensitive uses is 770 metres, and as with the abattoir, given that there is only 380 metres between the two (2) sites property boundaries, the introduction of the proposed use is likely to impact the location and scale of the operation planned for the South East Water's site in order for the facility to maintain the required buffers.

Not only does the proposed use have the potential to impact existing uses as already discussed, given the proximity to the proposed Pakenham Employment Precinct PSP (located directly south of the South East Business Park), its establishment in this location also has the potential to impact the type of industry able to establish themselves in the PSP area given the separation distances required from sensitive uses required by the EPA and pursuant to Clause 53.10 (Uses with adverse amenity potential).



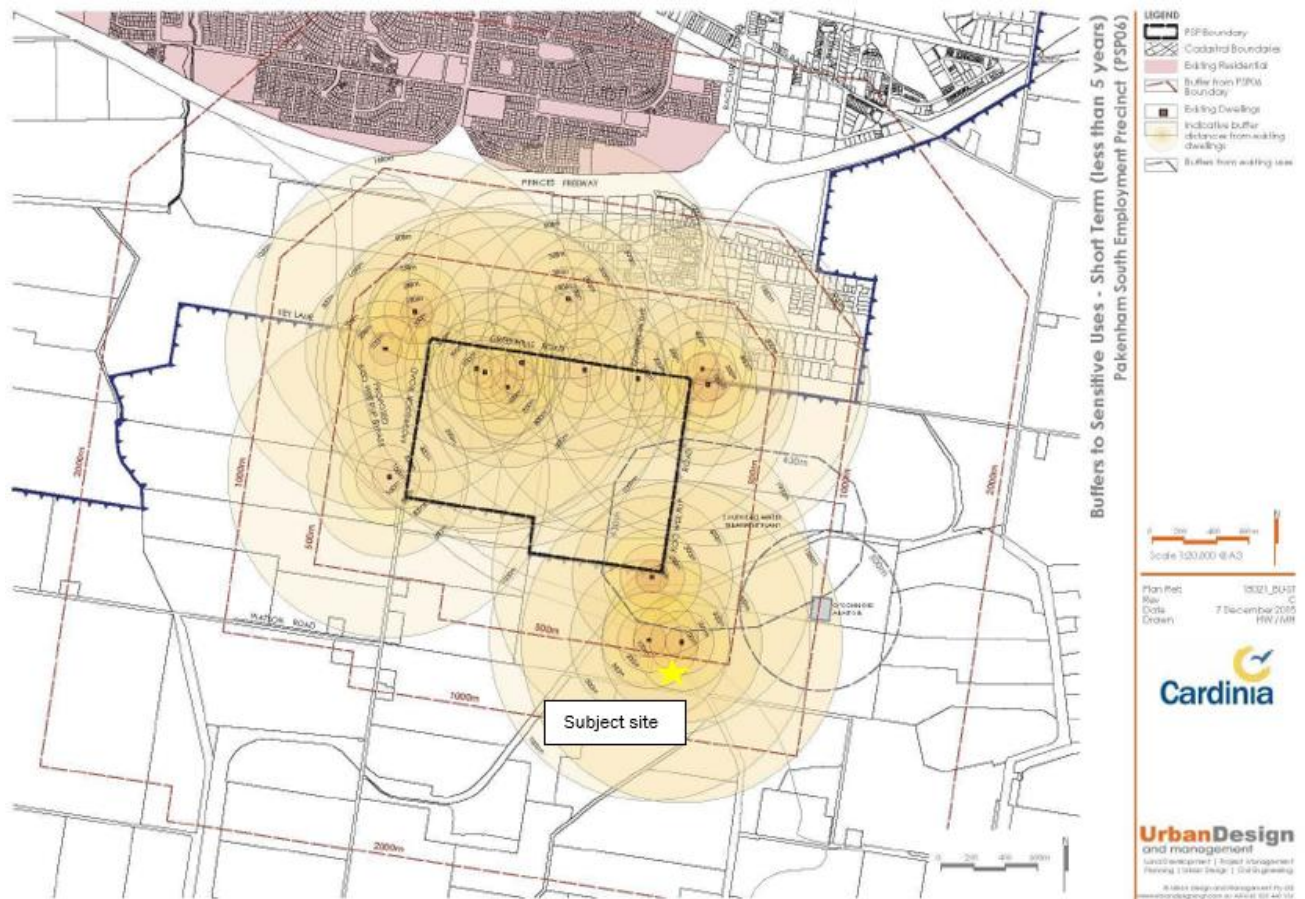


Figure 5: Buffer distances from the industrial employment PSP (Short term: less than 5 years)

In response to the objections, the applicant contends that large proportions of the employment area to the north (within the PSP) will also be impacted by the odour of the South East Water facility, which will employ up to 3500 people, potentially working an 8-hour day within the buffer and that in stark comparison, the proposed use at 905 Koo Wee Rup Road would only result in members being subject to potential amenity impacts from the treatment plant for a maximum of 4-5 hours, once a fortnight, which is minimal.

However, it should be acknowledged that Council has carried out strategic work as part of the proposed employment PSP, in consultation with South East Water, to co-locate these types of industrial uses and develop planning controls within the PSP area which would require an application for certain 'sensitive' uses within the PSP to have regard to the treatment plant, potentially rendering certain sensitive uses unsupportable in this area also. The Zoning of the subject site does not have this consideration built in, and therefore any application must be justified against the purpose and decision guidelines of the Zone and other relevant policy.

It is also acknowledged that the site is already fragmented and in the context of the surrounding area is small in size, and therefore could be considered unviable from an agricultural perspective, however this reason alone is not reason enough to support an application for a secondary use where concerns about legitimate impacts on surrounding uses have been demonstrated. The site still has capacity to be utilised for other non-intensive agricultural activities such as horse husbandry, it could be leased to an adjoining farm providing other grazing paddocks or potentially used for another use suitable in a rural zone such as animal keeping or boarding (subject to approval).

On another site, closer to the UGB and with strategic justification, potentially this type of use in the Green Wedge Zone can be suitable, however the constraints of the subject site must be

taken into consideration and for these reasons set out above, it is concluded that the proposal should not be supported in this location.

#### **Land Subject to Inundation Overlay**

The Land Subject to Inundation Overlay (LSIO) identifies areas where a 1 in 100 Year flood or floodplain area determined by a floodplain management authority warrants protection from flood hazards. These measures ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. The proposed use does not require approval under the Overlay, however the proposed buildings and works do require a permit Pursuant to Clause 44.04, which state a planning permit is required for buildings and works.

As the entire site is covered by the LSIO it is not possible for the proposed pergolas to be located on flood-free land or land with a lesser hazard outside this overlay. Pursuant to Section 55 the application was referred to Melbourne Water, who had no objection to the proposal, subject to amended plans being submitted.

Given that Melbourne Water had no objection to the proposed development, it is considered that proposed buildings and works would not increase the potential risk to life, health or safety a 1 in 100 Year flood poses, and would not affect or obstruct floodwater, stormwater or drainage over the property, subject to their conditions being met. If Councils recommendation was to approve this application, these conditions would form part of the permit.

However, this support for the proposal does not mitigate against the other issues with the proposed use that have been raised leading to the recommendation to refuse the application.

#### **Clause 52.29 Land Adjacent to a Road Zone Category 1**

The key purpose of Clause 52.29 is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads. Pursuant to Clause 52.29 a Planning Permit is only required to do either of the following:

- Create or alter access to a road on a in a Road Zone Category 1 or land in a Public Acquisition Overlay (PAO) to be used as a Category 1 Road.
- To subdivide land adjacent to a road in a Road Zone Category 1 or land in a Public Acquisition Overlay (PAO) to be used as a Category 1 Road.

As the application seeks to alter an existing access to Koo Wee Rup (RDZ1) by intensifying the existing access from Watsons Road by the volume of traffic proposed by the new use, referral to VicRoads under Section 55 of the *Act* was required. Based on the Traffic assessment prepared by Trafficworks Pty Ltd and the Department of Transport (VicRoads) being the determining authority had no objection to granting this permit and offered no conditions.

Although the Department of Transport (VicRoads) are supportive of the application, Council has no concern about the proposal and the potential increase in access to the Road Zone, given the scale of the proposed use resulting in 40 vehicle movements to and from the site fortnightly. However, this support for the proposal does not mitigate against the other issues raised leading to the recommendation to refuse the application.

#### **Conclusion**

Given the above discussion, it is considered that there are adequate grounds to refuse to grant a planning permit based on the inconsistencies and failure of the proposal to adequately meet objectives of the relevant MPS, PPF, LPPF, the Green Wedge Zone or the Westernport Green Wedge Management Plan.

It is important to consider that just because the planning scheme identifies that a permit can be issued for a certain land use, it does not mean that it should. The proposal must have regard for the purpose of the relevant policy and Zone and demonstrate that by allowing it by way of a permit, that it does not inhibit or adversely impact established and 'as of right' uses in the surrounding area. Based on the objections it is considered that this proposal cannot demonstrate that it will not do so.

Cardinia Shire Council must abide by these requirements when assessing the suitability of applications given the site, the surrounding uses and applicable planning controls and upon assessment, these controls have not been adequately addressed or adhered to in order to allow for this application to progress.

Therefore, based on the above assessment it is recommended that the application for a planning permit for the use of the land for a Restricted Place of Assembly, alterations and additions to the existing buildings and alteration to access to a Road in a Road Zone Category 1 at L1 PS332615, 905 Koo Wee Rup Road, Pakenham VIC 3810 be refused on the following grounds:

- The proposal is inconsistent with Clause 13.06-1s (Air quality management);
- The proposal is inconsistent with Clause 13.07-1s (Land use compatibility);
- The proposal is inconsistent with Clause 22.05 (Western Port Green Wedge Policy) and the Cardinia Shire Westernport Green Wedge Management Plan;
- The proposal is inconsistent with the purpose of Clause 35.04 (Green Wedge Zone);
- The proposal is inconsistent with Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions);
- The proposal results in unreasonable impacts to the established nearby uses (South East Water Treatment Plant and O'Connor's Abattoir); and
- The proposal does not represent the orderly planning of the area.



## ePlanning

## Application Summary

Portal Reference	A21914F8
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## Basic Information

## Restricted Place of Assembly - Amended 8/4/20

Proposed Use	Place of gathering, worship [REDACTED]
Current Use	1 dwelling and it is a GWZ
Site Address	905 Koo Wee Rup Road 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	Charan Preet Singh Sodhi Baba Budhaji Charitable Association	2 Dusseldorp Avenue, Pakenham VIC 3810	M: 0403-120-950 E: bbjscpak@gmail.com
Owner	Baba Deep And Family Trust	905 Koo Wee rup, Pakenham VIC 3810	M: 0403-120-950 E: bbjscpak@gmail.com
Preferred Contact	Charan Preet Singh Sodhi Baba Budhaji Charitable Association	2 Dusseldorp Avenue, Pakenham VIC 3810	M: 0403-120-950 E: bbjscpak@gmail.com

## Fees

Regulation	Fee Condition	Amount	Modifier	Payable
9 - Class 21	A permit not otherwise provided for in the regulation	\$1,286.10	100 %	\$1,286.10
			<b>Total</b>	<b>\$1,286.10</b>



**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





## ePlanning

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	Charan Preet Singh Sodhi Baba Budhaji Charitable Association	2 Dusseldorp Avenue, Pakenham VIC 3810	M: 0403-120-950 E: bbjscpak@gmail.com
Submission Date	15 May 2019 - 10:59:AM		

## Declaration

☒ By ticking this checkbox, I, Charan Preet Singh Sodhi, 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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Cardinia Shire Council  
P.O. Box 7, Pakenham VIC, 3810  
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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10168 FOLIO 203

Security no : 124078184598U  
Produced 02/07/2019 10:02 AM

### LAND DESCRIPTION

Lot 1 on Plan of Subdivision 332615J.  
PARENT TITLES :  
Volume 09255 Folio 336 to Volume 09255 Folio 338  
Created by instrument PS332615J 11/05/1994

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
BABA DEEP SINGH & FAMILY PTY LTD of 905 KOO WEE RUP ROAD PAKENHAM VIC 3810  
AR978600Y 04/03/2019

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR978601W 04/03/2019  
PEPPER FINANCE CORPORATION LTD

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

### DIAGRAM LOCATION

SEE PS332615J FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AR975793A (E)	CONV PCT & NOM ECT TO LC	Completed	04/03/2019
AR978600Y (E)	TRANSFER	Registered	04/03/2019
AR978601W (E)	MORTGAGE	Registered	04/03/2019

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

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

Street Address: 905 KOO WEE RUP ROAD PAKENHAM VIC 3810

DOCUMENT END



## Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Land Use Victoria.

Document Type	<b>Plan</b>
Document Identification	<b>PS332615J</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>02/07/2019 10:14</b>

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	<b>PLAN OF SUBDIVISION</b>	STAGE No. <hr/>	LTO USE ONLY <b>EDITION 1</b>	PLAN NUMBER <b>PS 332615J</b>
<b>LOCATION OF LAND</b>  <b>PARISH:</b> Nar Nar Goon  <b>TOWNSHIP:</b> _____  <b>SECTION:</b> _____  <b>CROWN ALLOTMENT:</b> 60 <sup>A</sup> ( Part )  <b>CROWN PORTION:</b> _____  <b>LTO BASE RECORD:</b> Parish Litho sheet 2 3272 <b>TITLE REFERENCES:</b> V.9255 F336 V.9255 F337 V.9255 F338  <b>LAST PLAN REFERENCE/S:</b> LP123453 Lots 1, 2 & 3.  <b>POSTAL ADDRESS:</b> Healesville Koo Wee Rup Road <b>(At time of subdivision)</b> Pakenham South 3810  <b>AMG Co-ordinates</b> (of approx centre of land in plan) E 368000 ZONE: 55 N 5779700		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b>  COUNCIL NAME: SHIRE OF PAKENHAM REF: 594/006 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.  OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage: .....  Council Delegate Council Seal Date 21 / 3 / 94  Re-certified under Section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
<b>VESTING OF ROADS AND/OR RESERVES</b>				
IDENTIFIER	COUNCIL/BODY/PERSON			
Nil	Nil	<b>NOTATIONS</b>		
		STAGING This is/is not a staged subdivision. Planning permit No. T 94 / 28		
		DEPTH LIMITATION — 15.24 below the surface of all the land in the plan		
SURVEY THIS PLAN IS/IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) IN PROCLAIMED SURVEY AREA No.				
<b>EASEMENT INFORMATION</b>				<b>LTO USE ONLY</b>
<b>LEGEND</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT  RECEIVED <input checked="" type="checkbox"/>  DATE: 7 / 4 / 94
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
<b>SLATTERY CONSULTANT SURVEYORS PTY LTD</b> 40 Henry Street, Pakenham. Ph. (059) 41 1726 Fax. (059) 41 3436				<b>LICENSED SURVEYOR (PRINT)</b> Thomas O'Brien Slattery SIGNATURE ..... DATE / / REF 2493 VERSION 1  DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3

PS01

[illegible]





21 August 2020

Evie McGauley-Kennedy  
Cardinia Shire Council  
20 Siding Avenue, Officer

**Re: Planning permit application T190275**  
**Location: 905 Kooweerup Road Pakenham**

Dear Evie,

Divergent Planning has been engaged by the owners of the subject site to represent the Baba Budhaji Charitable Association for the above planning application.

It is noted that though the application initially proposed to use the site for a Place of Assembly/Place of worship, it became apparent during the course of the application that the subject site was not suited for such use and would not gain support from Council. Therefore, the association is now looking for a new site which will be suited for such use and the association is committed to work with Council to identify such site for the intended use.

In the meantime, the association wants to continue serving the community and this requires careful planning and management of funds. Therefore, the association is proposing to use the subject site for a Restricted Place of Assembly which will merely provide gathering place for the members of the association once a fortnight to plan the community service.

Upon review of the advertised application documentation and the two objections raised by South East Water and Abattoir (operators of the export beef production facility), it is apparent that there is a lot of ambiguity around the description and scale of the proposal and as a result the objection grounds are misinformed.

We have now prepared a revised planning report to provide unambiguous description of the proposed use of the subject site for a Restricted Place of Assembly and to also provide clarity on the scale and extent of this use.

The arguments presented within the body of the attached report demonstrate that the proposed Use and development of the subject site is appropriate for the following reasons:

- The proposal is consistent with the Planning provisions.
- The proposed land use is correctly characterised as a Restricted Place of Assembly.
- The proposal is acceptable in regard to the objectives and purpose of the Green Wedge Zone, Metropolitan Green Wedge Policy and the Cardinia Western Port Green Wedge Management Plan.
- The proposal will not result in adverse amenity impacts on surrounding rural enterprises or implicate future expansion of these facilities (predominantly SE Water Treatment Plant or the Beef export facility).

The proposal therefore achieves compliance with the relevant planning provisions and is worthy of support from Council.

4 Inglewood Close,  
Croydon Vic 3136

T: 0431696021

Email:  
Manjusha@divergentplanning.com.au

ABN: 55637083222

The applicants request that Council arrange for a consultation meeting (via one of the online platforms – zoom, teleconference so similar) with the two objector parties to provide us an opportunity to explain the proposal (as detailed within the attached report).

Should council require any further information please contact me on the number listed below.

Kind Regards,

**Manjusha Pitty  
Princi**



# **Planning Report**

**905 Koo Wee Rup Road, Pakenham Vic 3810**

**Restricted Place of Assembly**

August 2020

Town Planning & Urban Context Report  
905 Koo Wee Rup Road, Pakenham  
August 2020

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Prepared by

**Divergent Planning Pty Ltd**

Prepared for: Baba Budhaji Charitable Association

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Town Planning & Urban Context Report  
905 Koo Wee Rup Road, Pakenham  
August 2020

## APPLICATION DETAILS

<b>Application Type</b>	Restricted Place of Assembly
<b>Address</b>	905 Koo Wee Rup Road, Pakenham Vic 3810
<b>Municipality</b>	Cardinia Shire Council
<b>Zoning</b>	Clause 35.04 Green Wedge Zone (Schedule 1) Clause 36.04 Road Zone Category 1
<b>Overlays</b>	Clause 44.04 Land Subject to Inundation Overlay
<b>PLANNING POLICIES</b>	
<b>Planning Policy Framework</b>	
11.01-1R Green wedges - Metropolitan Melbourne 11.03-3S Peri-urban areas 13.07-1S Land use compatibility 14.01-1S Protection of agricultural land 14.01-1R Protection of agricultural land - Metropolitan Melbourne 15.01-6S Design for rural areas 15.03-2S Aboriginal cultural heritage 17 Economic Development 17.01-1S Diversified economy 17.02-2S Out-of-centre development 19.02-3S Cultural facilities 19.02-4S Social and cultural infrastructure	
<b>Municipal Strategic Statement</b>	
21.04 Economic Development 21.04-1 Employment - Overview 21.04-2 Agriculture 21.05 Infrastructure 21.05-1 Infrastructure provision - Overview 21.05-6 Community services and facilities - Overview	
<b>Local Planning Policy</b>	
22.04 Highway Development 22.05 Western Port Green Wedge	
<b>Other Planning Provisions</b>	
52.06 Car Parking 51.02 Metropolitan Green Wedge Land: Core Planning Provisions	
<b>Other Planning Documents</b>	
<ul style="list-style-type: none"> <li>• <b>Cardinia Western Port Green Wedge Management Plan Adopted May 2017</b></li> <li>• <b>DRAFT Pakenham South Employment - Precinct Structure Plan (February 2020)</b></li> </ul>	



## 1.0 Introduction

Divergent Planning acts on behalf of the owner of the subject land, Baba Budhaji Charitable Association, in relation to the application for the Restricted Place of Assembly at 905 Koo Wee Rup Road, Pakenham Vic 3810.

The subject site is a 4.1 Ha irregular shaped parcel of land located on the North western side of the intersection of Watson Road with Koo Wee Rup Road. The land is triangular in shape, supports a dwelling and associated structures and mostly cleared of vegetation except along the property boundaries.

The land is predominantly contained within the Green Wedge Zone Schedule 1 – (GWZ) with a small sliver of land abutting Koo wee Rup road contained within the Road Zone and covered by the Land Subject to Inundation Overlay (LSIO). A planning permit is required pursuant to the Green Wedge Zone for the use and development of land for a Restricted Place of Assembly and a permit is also required for the development pursuant to LSIO.

This planning submission seeks to demonstrate that the use and development of a Restricted Place of Assembly on the site is responsive to the site's current opportunities and constraints and how the ongoing use of the site will not result in adverse amenity impacts or prejudice the further development and expansion of the surrounding significant developments. This report provides a thorough description of the subject site, review of the surrounding environs, the proposal, the planning context and the key planning considerations.

We commend the application to Council as a thorough, in-depth and environmentally responsible response to the site's current opportunities and constraints.

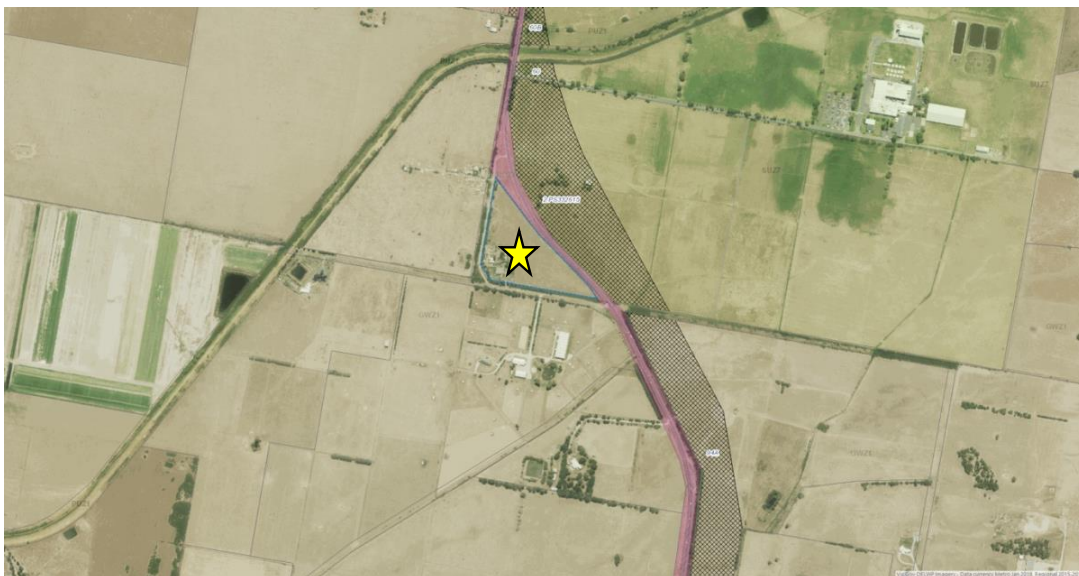


Figure 1 – Aerial view of the subject site

## 2.0 Site Description

### 2.1 Subject Site

The subject site is a triangular shaped allotment bounded by a road on all three sides. The site is located within a rural area on the north western side of the intersection of Watson Road with Koo Wee Rup Road in Pakenham. The lot comprises of the triangular shaped allotment with a frontage of 420.3 metres on Koo Wee Rup Road which is a category 1 road, 285.6 metres on Watson Road which is a dirt road providing access to only three properties including the subject site and 234.8 metres on the unnamed government dirt road providing a secondary connecting point for Koo Wee Rup Road with Watson Road and provides primary access to the only site located across from the subject site. The overall area of the site is 4.1 Hectares. A review of the plan of subdivision indicates the site is not subject to any easements.

The land is generally very flat and consists of a single dwelling with associated outbuildings and infrastructure located diagonally across from the Koo Wee Rup Road frontage. A home-based business operates from the subject site as acknowledged in Council's letter dated 4 March 2020. The rest of the site is used for hay making and also consists of a small dam. Primary access to the site is gained via Watson Road.

### 2.2 Vegetation

The site is generally cleared of vegetation which is reflective of the agricultural zoning of the land. There are some canopy trees scattered around the dwelling and a small windrow on the eastern side of the dwelling potentially providing acoustic protection from the vehicular traffic on Koo Wee Rup Road.

### 2.3 Surrounding area

The surrounding area is generally devoid of any significant vegetation and unlike the general Green Wedge Zoned land, is not used for 'typical agriculture' such as cropping and grazing. The site directly across from the subject site on Watson Road is used for horse agistment business under the business name of Victoria Stables. The site located across on Koo Wee Rup Road appears to be used for hay making similar to subject site.

In the wider area there are various operations (including agriculture) and significant infrastructures, of note are the South East Water's Water Recycling Plant located at 990 Koo Wee Rup Road on the north east of the subject site. Another notable operation is on the land at 940 Koo Wee Rup Road and the land immediately south of this parcel which is across from the subject site on the west. This land is owned by the G & K O'Connor Pty Ltd and Pakenham Land Co Pty Ltd, the operators of the export beef production facility.

## 3.0 Proposed Development

### 3.1 Restricted place of assembly

It is proposed to use the land for not more than thirty (30) calendar days per year in line with the requirements of the planning scheme. The key details of the proposal are as follows:

- No of guests: 60
- Hours of Operation: Alternate meetings to be conducted from 9am to 1pm and 5pm to 9pm, on average meeting once per fortnight.
- No. of employees: This is a charitable organisation and there are no paid employees. The organisation is run by volunteers who already live on the site.
- Car parking: Car parking is as shown in the attached site layout plan and further explained within the Traffic Impact Assessment report attached to this submission.

- **Access:** It is proposed to retain the existing access from Watson Road. It is noted that VicRoads have already provided unconditional consent to the previous application.
- **Signage:** No signage is proposed as part of this application.
- **Food and drink:** It is proposed to only serve tea/coffee and refreshments on the site and not have meals.
- **No live music** or loudspeakers proposed.
- **Wastewater disposal:** It is proposed to use septic tanks for wastewater disposal. If required, this system will be upgraded to Council's satisfaction.
- There is one existing toilet on site and on the days of meeting it is proposed to hire portable toilets.

#### 4.0 PLANNING POLICY FRAMEWORK

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

**Zoning** - Clause 35.04 Green Wedge Zone (Schedule 1)  
Clause 36.04 Road Zone Category 1

**Overlays** - Clause 44.04 Land Subject to Inundation Overlay

**Planning Policy Framework (SPPF)** - Various Clauses

##### **Municipal Strategic Statement (MSS)**

- 21.04 Economic Development
- 21.05 Infrastructure
- 21.05-1 Infrastructure provision - Overview
- 21.05-6 Community services and facilities - Overview

##### **Local Planning Policy Framework (LPPF)**

- 22.04 Highway Development
- 22.05 Western Port Green Wedge

##### **Other Requirements**

- Clause 52.06 Car parking

#### 4.1 ZONING

##### 35.04 Green Wedge Zone (GWZ1)

Pursuant to the Cardinia Planning Scheme, the property is zoned Green Wedge 1 (GWZ1). The proposal is in accordance with the relevant purposes of the GWZ zone, which alongside implementing state and local planning policy are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*

- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

**(Emphasis added)**

A Restricted Place of Assembly is a permit -require, section 2 use in the Green Wedge Zone.

#### 36.04 Road Zone (RDZ1)

Shown on the planning scheme map as RDZ1 for a Category 1 road and RDZ2 for a Category 2 road. Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant existing roads.*
- *To identify land which has been acquired for a significant proposed road.*

## **4.2 OVERLAYS**

#### 44.04 Land Subject to Inundation Overlay

The entire site is covered by a Land Subject to Inundation Overlay (LSIO). Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required for buildings and works within the LSIO and a referral to Melbourne water will be required.

## **4.3 PLANNING POLICY FRAMEWORK**

#### Settlement (Clause 11) states that:

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

#### 11.01-1R Green wedges - Metropolitan Melbourne

Objective:

- *To protect the green wedges of Metropolitan Melbourne from inappropriate development.*

#### Strategies

- *Promote and encourage the key features and related values of each green wedge area.*
- *Support development in the green wedge that provides for environmental, economic and **social benefits**.*
- *Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.*
- *Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.*
- *Protect important productive agricultural areas such as Werribee South, the Maribymong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.*
- *Support existing and potential agribusiness activities, forestry, food production and tourism.*
- *Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.*
- *Protect significant resources of stone, sand and other mineral resources for extraction purposes. Provide opportunities for renewable energy generation.*

**(Emphasis added)**

#### 11.03-3S Peri-urban areas

##### Objective:

- *To manage growth in peri-urban areas to protect and enhance their identified valued attributes.*

#### Strategies

- *Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.*
- *Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.*
- *Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.*
- *Enhance the character, identity, attractiveness and amenity of peri-urban towns.*
- *Prevent dispersed settlement and provide for non-urban breaks between urban areas. Ensure development is linked to the timely and viable provision of physical and social infrastructure. Improve connections to regional and metropolitan transport services.*

#### 13.07-1S Land use compatibility

##### Objective

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

#### Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*



- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively*

**(Emphasis added)**

#### 14.01-1S Protection of agricultural land

##### Objective

- *To protect the state's agricultural base by preserving productive farmland.*

##### Strategies

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
  - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
  - *Land capability.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

- *Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

**(Emphasis added)**

#### 14.01-1R Protection of agricultural land - Metropolitan Melbourne

##### Strategy

- *Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.*

#### 15.01-6S Design for rural areas

##### Objective

- *To ensure development respects valued areas of rural character.*

##### Strategies

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

**(Emphasis added)**

#### 15.03-2S Aboriginal cultural heritage

##### Objective

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

##### Strategies

- *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*
- *Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.*
- *Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

### 17 Economic Development

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

#### 17.01-1S Diversified economy

##### Objective

- *To strengthen and diversify the economy.*

##### Strategies

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live. Support rural economies to grow and diversify.*

**(Emphasis added)**

#### 17.02-2S Out-of-centre development

##### Objective

- *To manage out-of-centre development.*

##### Strategies

- *Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.*
- *Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.*
- *Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.*
- *Ensure that out-of-centre proposals are only considered where **the proposed use or development is of net benefit to the community** in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

**(Emphasis added)**

#### 19.02-3S Cultural facilities

##### Objective

- *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*

##### Strategies

- *Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.*
- *Reinforce the existing major precincts for arts, sports and major events of state wide appeal.*
- *Establish new facilities at locations well served by public transport.*

**(Emphasis added)**

#### 19.02-4S Social and cultural infrastructure

##### Objective

- *To provide fairer distribution of and access to, social and cultural infrastructure.*

#### Strategies

- *Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.*
- *Encourage the location of social and cultural infrastructure in activity centres.*
- *Ensure social infrastructure is designed to be accessible.*
- *Ensure social infrastructure in growth areas, is delivered early in the development process and in the right locations.*
- *Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.*
- *Support innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.*
- *Identify and protect land for cemeteries and crematoria.*

**(Emphasis added)**

## 4.4 MUNICIPAL STRATEGIC STATEMENT (MSS)

### 21.04 Economic Development

This clause provides local content to support Clause 11 (Settlement) and Clause 14 (Natural Environment) and Clause 17 (Economic Development) of the State Planning Policy Framework

#### 21.04-1 Employment - Overview

Economic development is critical to the overall wellbeing of the municipality, both in terms of providing employment opportunities for residents and in attracting business investment. The Casey-Cardinia Growth Area Framework Plan identifies a large employment corridor of approximately 2,500 hectares to the south of the Pakenham Bypass in Pakenham and Officer as well as activity centres to assist in providing opportunities for local employment for the growing resident population in the area.

The seven precincts that make up the Cardinia Urban Growth Area are shown in Figure 3 below.

#### Objective

- *To develop diverse local employment opportunities to meet the needs of a growing residential population.*

#### Strategies

##### Employment opportunities

- *Assist in meeting local and regional employment needs in terms of the supply, type, quality and availability of employment land by facilitating appropriate development.*
- *Encourage development that provides a diverse mix of employment opportunities including for 'new economy' workers and people with business, professional and management skills.*
- *Encourage development that provides sufficient local jobs to meet the needs of the existing and future community.*
- *Retain and develop businesses in rural townships to ensure access to a range of commercial services is available to local residents and to provide for local employment.*
- *Provide the opportunity for people to work from home where the activity undertaken does not adversely impact on the amenity of the local area.*

**(Emphasis added)**

#### 21.04-2 Agriculture

This section provides local content to support Clause 14.01 (Agriculture) of the State Planning Policy Framework.

##### Objective

- *To maintain agriculture as a strong and sustainable economic activity within the municipality.*

##### Strategies

##### Sustainability of agricultural land

- *Protect agricultural land, particularly areas of high quality soils, from the intrusion of urban uses, inappropriate development and fragmentation which would lead to a reduction in agricultural viability, the erosion of the right of farmers to farm land, and ultimately the loss of land from agricultural production.*
- *Recognise the growing demand for food, both domestically and internationally, and capitalise on opportunities to export fresh produce and processed food products.*
- *Encourage the establishment of value added industries to process local agricultural produce.*
- *Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the agricultural viability of the area.*
- *Ensure the use or development, including subdivision, of agricultural land takes into consideration land capability.*
- *Encourage the establishment of economically and environmentally sustainable farming practices.*
- *Encourage sustainable water supply to agricultural areas including the use of recycled water.*

**(Emphasis added)**

##### Agricultural use

- *Discourage non-soil based uses (eg: poultry farms) being located on soils which are of high agricultural quality and, recognising the economic importance of such uses, encourage their location on land with a lesser soil quality.*
- *Encourage the establishment of alternative and innovative agricultural activities such as herb farming or small nurseries, particularly in areas where fragmented lot sizes limit opportunities for broadacre agricultural activities.*

##### Access

- *Ensure efficient transport access to agricultural areas by heavy vehicles with particular attention to road system improvements and the structural capacity of bridges.*

##### Amenity

- *Ensure that any agricultural development proposal is appropriately located in terms of buffer distances of surrounding uses.*
- *Provide for the establishment of intensive agricultural activities (eg: poultry farms and greenhouses) in a location and manner which minimises the impact on nearby residents and the environment.*
- *Encourage responsible land management to minimise environmental degradation by pest plants and animals.*

**(Emphasis added)**



## 21.05 Infrastructure

### 21.05-1 Infrastructure provision - Overview

The provision of an adequate level of physical and social infrastructure is one of the major issues facing the Cardinia Shire over the coming decades. The timely provision of infrastructure is necessary to foster economic development, ensure the well being of the community and protect the environment.

#### Key issues

- *Recognising the infrastructure demands of an interface Council with significant urban growth and substantial rural areas and townships.*
- *Providing for funding mechanisms to ensure the provision of infrastructure in developing areas.*
- *Coordinating infrastructure provision.*

#### Objective

- *To ensure the timely provision of physical and **social infrastructure** in order to foster economic development, ensure the well being of the community and protect the environment.*

**(Emphasis added)**

### 21.05-6 Community services and facilities - Overview

The population in the Cardinia Shire is primarily focused on the 19 townships, with a growing emphasis on the urban growth corridor. It is important that all residents in the Cardinia Shire have a reasonable level of access to a range of services and facilities, and that these services and facilities are provided in response to community needs. The provision of local recreational and community facilities also assists in bringing people together and developing a cohesive community.

#### Key issues

- *Acknowledging the diversity of age groups within the Cardinia Shire and the importance of providing services to meet the needs of particular age groups such as children, youth and the aged.*
- *Recognising that providing accommodation for aged people in townships is important particularly where the unavailability of such accommodation would lead to people being forced to leave a community with which they have a strong association.*
- *Providing adequate community services and facilities in rural townships.*
- *Improving access to tertiary education facilities by public transport services to the city and more locally to facilities such as Monash University and Casey TAFE at Berwick.*
- *Establishing higher education facilities in the growth corridor.*

**(Emphasis added)**

#### Objective

- *To provide residents with a reasonable level of access to a range of community services and facilities and to ensure that these services and facilities are provided in response to community needs.*

#### Strategies

##### Infrastructure

- *Ensure the provision of adequate community facilities within new development consistent with relevant precinct structure plans.*

- *Ensure an assessment of community facilities is included as part of the strategy plans prepared for townships in the municipality.*
- *Encourage the integration of public transport linkages to improve access to higher education facilities outside of the municipality.*

#### Location

- *Establish community facilities in the most accessible location for local residents having regard to their service catchment.*
- *Co-locate community and recreational facilities and encourage joint management of these facilities.*
- *Facilitate the establishment of commercial activities (eg: medical practitioners) community based organisations (eg: churches) and early years services (ie childcare) which serve the needs of the community in activity centres and in residential areas where they can be provided in a manner which minimises any impacts on the amenity of the area.*
- *Provide for accessible community hubs in new residential developments comprising, where appropriate, a primary school, community centre, open space and local commercial facilities (convenience shop, medical centre, etc).*
- *Provide the opportunity in townships for the development of accommodation for aged people including retirement villages, special accommodation houses and nursing homes.*
- *Support the establishment of a higher education facility within Pakenham*

## **4.5 LOCAL PLANNING POLICIES**

The following clauses and policies are of relevance to this planning application;

### **22.04 Highway Development**

his policy applies to the use and development of land along the Princes Freeway, Princes Highway, South Gippsland Highway and Bass Highway. For the purposes of this policy, these routes are referred to as "highways".

#### **22.04-2 Objectives**

- *To ensure the safe and efficient movement of traffic along highways in the municipality.*
- *To provide for facilities to meet the needs of people travelling along highways.*
- *To protect the rural outlook and visual amenity of highways in rural areas, and the visual amenity of highways in urban areas.*
- *To ensure a high standard of design associated with developments along highways.*

#### **22.04-3 Policy**

- *Developments to service the needs of people travelling along highways be in a limited number of strategically located service nodes.*
- *The uses provided in highway service nodes not conflict with the role of commercial facilities provided in existing townships.*
- *Consideration be given to the establishment of major tourism developments along highways at strategic locations.*
- *Developments which do not require a highway frontage be encouraged to locate in appropriate alternative locations such as industrial areas or business areas in existing townships.*
- *Before deciding on an application to use or develop land along a highway, the responsible authority consider:*

- *The objectives and principles of the “Freeway Service Centres Design Guidelines, May 1997”.*
- *The advice of the Roads Corporation.*
- *The maintenance of the safe and efficient movement of traffic along the highway.*
- *The impact of the development on the outlook and visual amenity of the highway.*

## 22.05 Western Port Green Wedge

### Policy

This policy applies to all land within Cardinia Shire Council's portion of the Western Port Green Wedge (as identified on Map 1 at Clause 22.05-3).

### 22.05-1 Policy basis

The Western Port Green Wedge encompasses the southern mainly rural areas of Cardinia Shire Council and the City of Casey. It covers an area of approximately 746 square kilometres, incorporating land within both the City of Casey and the Cardinia Shire. Approximately 615 square kilometres of this Green Wedge land is located within Cardinia Shire

The Cardinia Western Port Green Wedge also has scope to build a successful tourism industry based on its fresh and healthy local produce. It is important that proposed tourism uses within the green wedge make a relevant contribution to the local economy and provide local employment opportunities. There needs to be a balanced approach between supporting new and growing businesses and protecting the green wedge environment and rural assets upon which the business is based.

A proactive approach is required to ensure that these pressures are appropriately managed and that the liveability, economic values and the scenic and natural qualities of the green wedge are not eroded over time.

The vision for the Cardinia Western Port Green Wedge is:

*The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.*

*Best practice integrated water management will lead to improved water quality and a reduced risk of flooding with improved ecological conditions in Western Port Bay and local biodiversity will be protected, as will habitats for threatened species.*

*The Green Wedge will be home to small, clearly defined settlements that have a strong identity, provide jobs and services for the local community and support the agricultural and horticultural pursuits of the green wedge.*

*The local economy will be driven by its agriculture, horticulture and extractive industry. The Cardinia Western Port Green Wedge provides the opportunity to accommodate a further third airport to serve the long term needs of the South East Melbourne and Gippsland as identified in Plan Melbourne.*

The Cardinia Western Port Green Wedge will be the permanent edge to Melbourne's southeast

#### 22.05-2 Objectives

- *To give effect to Council's vision for the Cardinia Western Port Green Wedge.*
- *To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.*
- *To provide clear guidance on appropriate tourism industries and their location.*
- *To provide guidance and clear direction for preferred land uses for each of the 3 precincts.*

#### 22.05-3 Policy

It is policy that: All use and development proposals within the green wedge should:

##### Tourism

- *Support and promote local tourism opportunities that are linked to and based on the strengths and assets of the green wedge.*
- *Ensure that tourism proposals do not significantly adversely affect the biodiversity, agricultural productivity, landscape, rural amenity or other environmental values of the area.*
- *Support ecological and farm based tourism that is linked to suitable agricultural uses, including those which support short stay accommodation such as bed and breakfast.*
- *Ensure new and growing tourism businesses have a strong link to an agricultural use based on the strengths and assets of the green wedge and have minimal adverse impact on the environment.*

##### Land use

- *Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.*
- *Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.*
- *Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.*
- *Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District.*

Table 1: Vision and future directions / preferred land uses by precinct

Precinct	Precinct vision	Future directions / preferred land uses
Precinct 1: Agriculture, horticulture and soil based food production	Precinct 1 will be the hub of, agriculture, horticulture and soil-based food production within the Cardinia Western Port Green Wedge, taking advantage of its highly versatile soils, vegetable production (in particular asparagus), dairy and beef farming, other agricultural pursuits, potential access to Class A recycled water and the important role this precinct plays in food security.	<ul style="list-style-type: none"> <li>• Soil-based agriculture to be the primary activity within the Special Use Zone – Schedule 1</li> <li>• Discourage the use of non-soil based agriculture (e.g. poultry farms, animal husbandry, horse riding schools etc.) being located on soils within the Special Use Zone – Schedule 1.</li> <li>• Encourage non-soil based agricultural uses (e.g. animal husbandry, beef and dairy farming)</li> </ul>

	<p>Land within the SUZ1 part of the precinct will be prioritised for soil-based agricultural and horticultural use and soil based food production with a focus on the consolidation of lots to support the economic viability of the agricultural and horticultural industry.</p> <p>Opportunities for new, innovative or more intensive agriculture and horticulture and soil-based food production will be supported to ensure that the rich agricultural potential of the precinct is realised.</p> <p>It will integrate biodiversity and agricultural outcomes by recognising ecosystem services which can improve agricultural efficiency Opportunities for linking the community with the local agricultural and horticultural industry will be identified and promoted to help establish food-based tourism within the precinct.</p>	<p>etc.) to the land surrounding the Special Use Zone – Schedule 1.</p> <ul style="list-style-type: none"> <li>• <u>Discourage non-rural uses such as primary, secondary schools and places of worship from locating within the precinct (particularly in the SUZ1) and locate these types of uses within the existing townships and within the green wedge land that adjoins the UGB, subject to strategic justification.</u></li> <li>• Support and protect the existing vegetable industry, in particular the asparagus growing region.</li> <li>• Support rural industry to allow farmers to value add to their produce.</li> <li>• Encourage lot consolidation through the entire precinct to increase the economic viability of agricultural land.</li> <li>• Support subsidiary visitor related activity, including farm gate sales of crops and goods produced in situ, cellar door sales and ancillary farm stay accommodation.</li> <li>• Support potential future extractive industry in the area nominated as an extractive industry interest area within Precinct 1. Ensure that there is a balance between the extraction of natural resources and the intent of the precinct and that any investigation and operation is carefully planned to ensure that it is compatible with local amenity, landscape, flora and fauna.</li> </ul>
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## 4.6 OTHER PROVISIONS

### Clause 52.06 Car Parking

The purpose of this Clause is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework;*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;*
- *To support sustainable transport alternatives to the motor car;*

- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities;*
- *To ensure that car parking does not adversely affect the amenity of the locality; and*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

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

A Restricted Place of assembly is nested under the broader land use of Place of Assembly. For a Place of Assembly Table 1 Car parking requirements stipulates 0.3 parking space to each patron permitted on site. With 60 patrons proposed, it would generate the need for 18 car parking spaces.

The submitted plans indicate provision of a total of 22 car parking spaces on site. This would bring the proposal in compliance with the car parking requirements of the planning scheme.

#### 51.02 Metropolitan Green Wedge Land: Core Planning Provisions

##### Purpose

- To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.
- To protect productive agricultural land from incompatible uses and development.
- To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.
- To encourage the location of urban activities in urban areas.
- To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004. To provide deeming provisions for metropolitan green wedge land.

**(emphasis added)**

#### 4.7 Other Planning Provisions

##### 4.7.1 Cardinia Western Port Green Wedge Management Plan Adopted May 2017

It provides a strategic planning framework that enables Council to take advantage of opportunities and proactively attend to challenges occurring in the Cardinia Western Port Green Wedge over the next 20 years.

The term 'green wedges' refers to the nonurban land that surrounds the outward development of Melbourne. This land is separated from urban areas by the Urban Growth Boundary (UGB) which was put in place by the Victorian Government in 2002.

An extract of the relevant provisions of this policy is as listed below:

##### 7.4 Visitation and recreational land uses

##### Visitation

It is important that proposed visitor uses within the green wedge make a positive contribution to the local economy and provide local employment opportunities. There needs to be a



balanced approach between supporting new and growing businesses and protecting the green wedge environment and rural assets on which the business is based.

It is important to ensure that visitation in the green wedge is sustainable with a cautious approach to new and expanding development with high standards of design, location and siting.

The *Cardinia Shire Tourism Strategy (May 2013)* identifies that the visiting friends and relatives (VFR) market is strong. Trends indicate a growing emphasis on social tourism whereby people want to reconnect either with family members, friends or work colleagues. This can be a short break away from home or sharing leisure activities.<sup>18</sup> It is important that tourism in the green wedge supports this market, particularly within and surrounding the townships.

#### *Recreation*

Proposed recreation opportunities are to be low impact activities that are situated in natural outdoor settings to help protect the natural setting of the green wedge.

#### *Objective*

Encourage opportunities for recreation and tourism that are linked to local strengths including food, trails and education with minimal impact on the green wedge environment.

#### *Strategies*

- Support ecological or farm-based tourism linked to suitable agricultural uses which support short stay accommodation.
- Ensure new and growing visitation businesses have a strong link to an agricultural use, based on the strengths and assets of the green wedge and have minimal adverse impact on the environment.
- Increase the opportunities to learn about the history of the green wedge.
- Develop a network of walking and cycling trails to provide recreation and connection opportunities for local residents and visitors.

#### *Actions*

A14: Advocate for the construction of a shared path along Koo Wee Rup Road.

*Figure 4. Map 4: Proposed future shared paths* identifies Koo Wee Rup road as one of the three shared paths proposed within the Shire Council area.

### 7.5 Soils and land capability

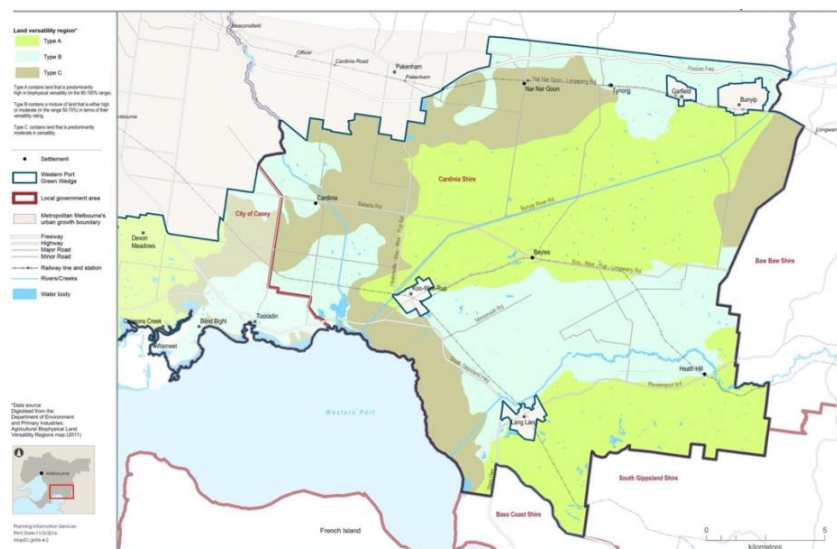
#### *Background and context*

Soil is a finite natural resource and therefore requires sustainable management and planning in order to remain as a valuable resource for the future. The soils in the study area are recognised for their productivity and capability for extractive industry, intensive agriculture, as well as for their role in maintaining and supporting biodiversity.

### Central Area (Koo Wee Rup, Iona, Bayles)

The central area consists of the floodplains and peaty swamps of the Western Port Basin. Most of this area consists of clays with limited drainage as well as the peaty soils which are cultivated for asparagus and other forms of horticulture. Despite their qualities for specialised crops, in general these soils are not as resilient as the sandy soils of the west and east.

The soil type mapping of the land within and adjacent to the SUZ1 is as shown within *Figure 5 below*. Agricultural biophysical land versatility regions identifies the subject land to be located within *TYPE C* which contained land that is **predominantly moderate in versatility**.



### 7.10 Urban development

Green wedges are now encouraged to contain a broader range of activities and uses than previously allowed through changes that have been made to the GWZ. This has increased the number of applications for places of worship (churches, temples etc.) and schools within the green wedge.

Whilst these uses are allowed (subject to approval and conditions) they are urban in nature and can have a detrimental impact to the rural environment, biodiversity fragment agricultural land and affect the right to farm. The management plan provides clear guidance on where these uses should be located (subject to strategic justification) within the green wedge, close to the UGB, at the transition point from urban land to rural land, or within existing townships.

Land fragmentation is a significant threat to the sustainability of highly productive Cardinia Western Port Green Wedge as it diminishes the potential for sustainable farming practices.

#### Objective

Restrict opportunities for development in the green wedge except for those that are required to complement its primary values of agriculture, horticulture, biodiversity, major infrastructure, maintain viable settlements and for tourism-related purposes.

### Strategies

- Protect the values and assets of the green wedge by preventing further encroachment of urban development into the Cardinia Western Port Green Wedge.
- Provide clear guidance as to where places of worship and schools can be located to ensure that their adverse impacts on the green wedge are minimised and the overall purpose of the green wedge is protected.
- Allow only limited growth for all green wedge settlements, where supported by an adopted township strategy and/or policy.
- Ensure that appropriate land use zones are applied at the edge of townships that ensure a low density/rural transition to the surrounding green wedge land.
- Minimise the opportunity for the fragmentation of agricultural land through subdivisions, boundary realignments and excisions. Restrict rural living and hobby farms.

### 8 Precinct-based strategic directions

The large land area and variety of land uses within the Cardinia Western Port Green Wedge means there is benefit in identifying precincts that allow for a more specific strategic direction to be provided for future land use and management



Map 9 (Figure 9) identifies the precincts.

This section identifies the subject land to be located within Precinct 1 for Agriculture, Horticulture and soil based food production.

#### 8.1 Precinct 1: Agriculture, horticulture and soil based food production

##### Land area

Precinct 1 identifies land that is suitable for agriculture, horticulture and soil based food production due to its highly versatile, fertile soils and the application of the SUZ1.

The precinct as a whole has a strong focus on the beef and dairy industry, supports an existing poultry sector and a range of other rural uses. In addition to the above, the rich soils throughout the SUZ1 are particularly valued for asparagus and other horticultural produce.

Urban uses such as schools and places of worship will be discouraged from this area, with the preferred location being within townships and along the UGB **subject to strategic justification.**

#### 4.2 DRAFT Pakenham South Employment - Precinct Structure Plan (February 2020)

##### 4.2 APPENDIX B: Buffers - Buffer distances from sensitive land uses

##### Pakenham Water Recycling Plant Odour Buffer

The Pakenham Water Recycling Plant is located immediately to the east of the Precinct. South East Water intends to treat all sewage from the Clyde, Officer and Pakenham areas at an expanded Pakenham Water Recycling Plant (WRP) site. South East Water, in coordination with Council, has produced a forecast for sewage treatment at Pakenham WRP. Based on this forecast the treatment plant will service an equivalent population of 460,000 people by 2060. This will require significant upgrades to onsite infrastructure for South East Water and may, at times, have offsite impacts such as noise and odour on nearby land uses.

In accordance with EPA Guidance Publication 1518 – *Recommended separation distances for industrial residual air emissions*, a mechanical sewage treatment plant as is planned for Pakenham should maintain a separation distance of 770m from sensitive receptors. Based on this guidance South East Water recommends an area extending 770m from South East Water's boundary on the eastern edge of the Pakenham South Employment PSP be noted within the PSP as potentially impacted by offensive odours. Planning controls and advice within this area to restrict uses that may be negatively impacted by this odour are recommended. Clear advice on the odour potential may also be provided such that businesses setting up in the area can make appropriate allowances. The indicative odour buffer shown on page 55 indicates the boundary of the area recommended as being listed as odour affected in the PSP by South East Water.

##### 4.3 Pakenham Abattoir

The Pakenham Abattoir and food production premises is situated directly east of the southern boundary of the PSP area.

The existing abattoir is subject to EPA's Scheduled Premises Regulations 2017 and has a separation distance of 500 metres from sensitive uses. As the source of the production is located almost 1 kilometre east of the Healesville-Koo Wee Rup Road, their 500 metre separation distance (buffer) does not currently extend to the proposed PSP precinct.

## 5 ASSESSMENT

When assessing the proposal against the Cardinia Planning Scheme, key matters for consideration were determined as follows:

- Is the proposal consistent with the Planning provisions?
- What is the correct characterisation of the proposed use – is it a Restricted Place of Assembly?
- Is the proposal appropriate with regard to the Cardinia Western Port Green Wedge Management Plan adopted May 2017?
- Will the proposal result in any adverse amenity impacts on surrounding rural enterprises and are they acceptable?

- 
- Will the proposal prejudice the future expansion of the neighbouring State significant Infrastructure facility?

These matters are addressed in turn below:

---

- **5.1 Is the proposal consistent with the Planning provisions?**

A Restricted Place of Assembly is a permit-required, section 2 use in the Green Wedge Zone.

In addition, Clause 51.02 provides for the protection of land within the Metropolitan Green Wedge. By virtue of table 1 (within the core planning provisions), a Place of Assembly is a restricted to a maximum of 10 days subject to planning permit, while a Restricted Place of Assembly is permissible subject to a permit and with a limitation that it operate for a maximum of 30 calendar days per annum.

A planning permit is required for buildings and works within the LSIO, and Melbourne Water is the relevant referral authority.

- **5.2 What is the correct characterisation of the proposed use – is it a Restricted Place of Assembly?**

From the outset, it is pertinent to determine whether the proposed use of the subject land constitutes a use for which a permit is capable of being issued within the zone provisions and clause 51.02. Specifically, a Restricted Place of Assembly is a permit-required use (subject to condition) in clause 35.04 and Clause 51.02 with a limitation of extended operation (30 days) as opposed to a Place of Assembly which is more stringently limited to 10 days.

It follows that the planning merits of the proposal are only relevant in the event that the use of the land is one for which a permit can issue.

The below assessment justifies why the proposed use of the land is most appropriately characterised as a Restricted Place of Assembly which will require balancing fine distinctions in reaching this conclusion. Restricted Place of Assembly is defined in the Planning Scheme as:

*Land used by members of a club or group, or by members' guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.*

The definition implies it is important for the nature of the group to be restricted, as opposed to being open to general members of the public. It considered that the most significant requirement for a Restricted Place of Assembly is the notion of “**membership**”, with the existence of the group in “some formal sense”.

On this basis, it regarded the practice of the Baba Budhaji Association members joining (meeting) together at a single time for a shared purpose of planning community service is sufficient to achieve compliance with the definition.

During the recent bushfire disaster and the Covid 19 lockdown the baba Budhaji group has on countless occasions arranged for free distribution of food for the affected communities, whether it be in Bairnsdale or to the homeless, students and families in isolation due to the

CIVID pandemic residing within the wider Cardinia Shire Council area, . These events require careful planning particularly given the group is relying on donations to generate funds to provide this service free of charge.

It is also necessary to have regard to the “big picture” to ensure that the purposes of planning and the objectives that the planning scheme seeks to achieve are not frustrated by unduly restrictive interpretations of land use terms.

GWZ and Clause 51.02 appears to confine land uses akin to Place of Assembly to those which either have a direct connection with another use of the land that more directly relates to agricultural pursuits, or otherwise, limits both the scale and operation of such uses to levels that are deemed to be appropriate within non-urban areas, subject to a permit.

In any event, it is considered that by virtue of the small scale of the proposed use (upto 60 members gathering on an average of once per fortnight for 4 hours), once permitted the use will operate to safeguard the rural area and to confine the proposed use to one that is restricted in nature. Notwithstanding the scale and nature of the proposed use, Council can always reiterate and impose limits on member numbers, operating hours and calendar years of operation. In addition, the proposal is not seeking to operate land as a general conference centre and would be happy if council would like to ensure this via permit condition requiring the land to be only used for gathering of Association members.

- [5.3 Is the proposal appropriate with regard to the Cardinia Western Port Green Wedge Management Plan adopted May 2017?](#)

It is submitted that the use is not an agricultural activity however it would be presumptuous to interpret the Planning provisions as requiring such use to be located within the urban area of the township without appropriate assessment of the surrounding site context. Particularly it should be acknowledged that by virtue of its size and development the land is an anomaly within its context, which consists of mainly 15-20-hectare landholdings.

To adopt the approach that all non-agricultural activity should be located within a township or non-rural area would not be consistent with the planning provisions for the Green Wedge Zone or the Metropolitan Green Wedge provisions, since both contemplate that permission may be granted for non-agricultural activities that are acceptable in the rural context, albeit with strategic justification.

If a position is adopted that non-agricultural use should only be located within the township zone, then it would effectively be approaching the application from the perspective of land that is generally undeveloped within this general area, with correspondingly high agricultural potential. The past and current non-agricultural use of the land combined with its contextually modest size already contrasts the subject land with surrounding land use and development.

It is noted that the site has an entrenched built form that is unlikely to change substantially in the short-to-medium-term. The existing building is considered to be inherently suitable for the proposed use, with the exception of the pergola additions proposed as part of this application, subject to amenity concerns being addressed. In reality, the land is highly unlikely to be converted to productive agricultural use by virtue of its small size and effectively forms what is effectively a stand-alone “mini site” within the farming area.

The purpose of the GWZ and clause 51.02 are twofold:



- a) To protect green wedge and agricultural land;
- b) To provide for uses that are of a scale and function that is compatible with the non-urban character of the area.

It is concluded that the proposed use and development of the subject land will not prejudice or undermine either the Green Wedge Zone or Metropolitan Green Wedge planning provisions. The compatibility of the scale and function of the use is addressed below.

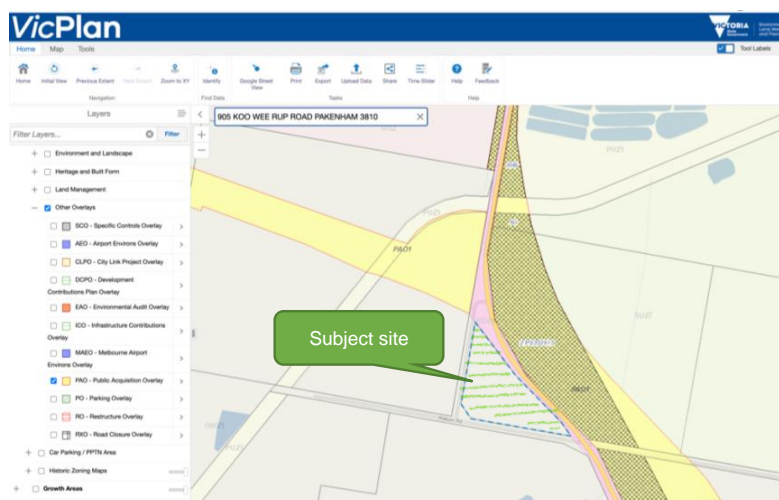
- 5.4 Will the proposal result in any adverse amenity impacts on surrounding rural enterprises and are they acceptable?

The Green Wedge provisions state that while green wedge land may not be actively farmed, it is still important to consider the potential use of the land.

It is considered that the scale of the proposal is one that can comfortably be accommodated on the subject land with minimal impacts on amenity.

The location of the site within a non-urban area particularly given the site context of SE Water's sewage treatment plant located to the North-east, Abattoir to the east and Horse Agistment to the south, does not pose any specific amenity concerns. It is considered that existing and future agricultural use of surrounding land will not be unduly impacted by the proposed use.

In particular the small size of the land at 4.1 ha and location of the site being bounded by a road on all three sides would essentially render the site less profitable if not useless for any meaningful agricultural expansion. The land is essentially fragmented from the surrounding lots and the cost of extending agricultural infrastructure associated with any of the larger farming businesses in the area across any road particularly Koo Wee Rup Road (being a Category 1 Road) with its nominated road widening plans would make this expansion not just proportionately expensive but almost. This situation is further exasperated by the application of Public Acquisition Overlay (PAO) over the surrounding land. As is clearly visible in the below image, large tracts of land are reserved under PAO for widening of Koo Wee Rup road and also for Pakenham Bypass. What becomes apparent is that once Koo Wee Rup road is widened and the Bypass is constructed, all propositions to consolidate the subject land with adjoining larger farming businesses would become impractical and cost prohibitive.



As for traffic impacts, some 18 vehicle movements per gathering/meeting will not cause undue disturbance to the existing road network.

Noting the meetings are being proposed to be conducted under the pergola and no live music or outdoor speakers are proposed to be installed on the property, the noise produced by these meetings, will be readily assimilated in the context of surrounding rural land. There are no sensitive land uses that may be impacted in the nearby vicinity.

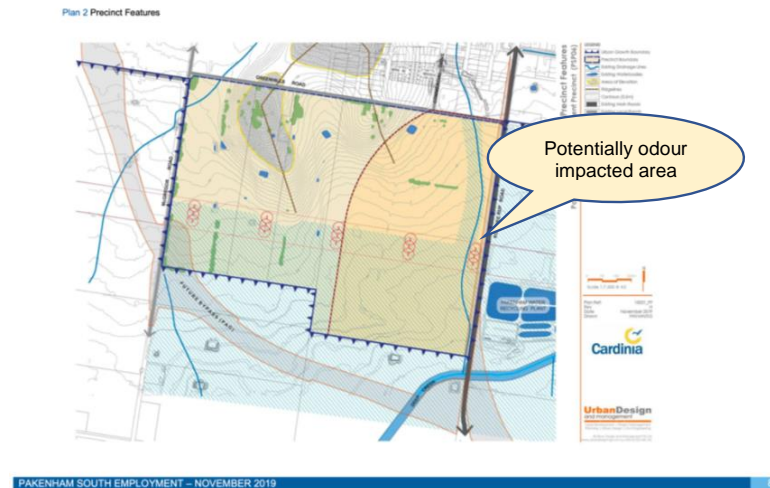
The impacts of these meetings on normal farming activities or other significant developments (SE Water and the Abattoir) within the immediate area will be very limited in duration (in so far as these are during arrivals and departures) and will be negligible whilst guests are on the subject land.

Overall it is considered that the proposal will result into negligible if any offsite amenity impacts on the surrounding farming ventures.

- 5.5 Will the proposal prejudice the future expansion of the neighbouring State significant Infrastructure facility?

One of the objectives of the DRAFT Pakenham South Employment - Precinct Structure Plan (February 2020) is to Deliver a regionally significant employment precinct with the capacity to provide for approximately 3500 job opportunities through a mix of light industry, industry and commercial uses.

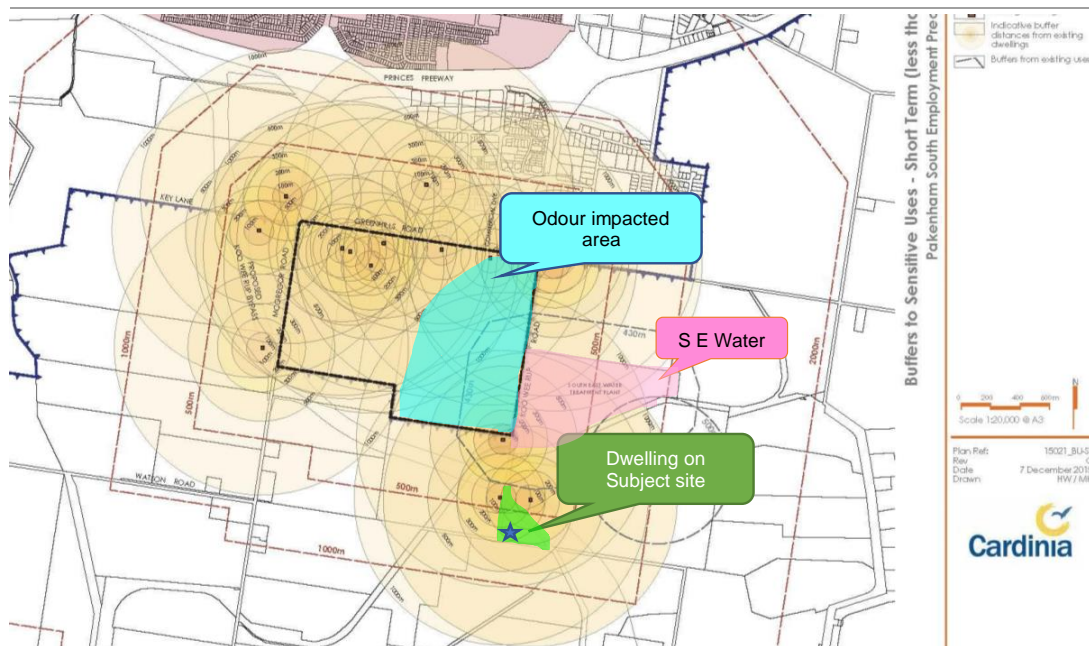
The below pictures identifies a significant portion (yellow block) of the employment precinct is subject to Potentially odour impacted area (Pakenham water recycling plant buffer area)



It is noted that despite large section of the employment precinct being subject to odour council is proposing and driving employment within this precinct

The below map shows Buffer distances from sensitive uses (short term: less than 5 years)

Town Planning & Urban Context Report  
905 Koo Wee Rup Road, Pakenham  
August 2020

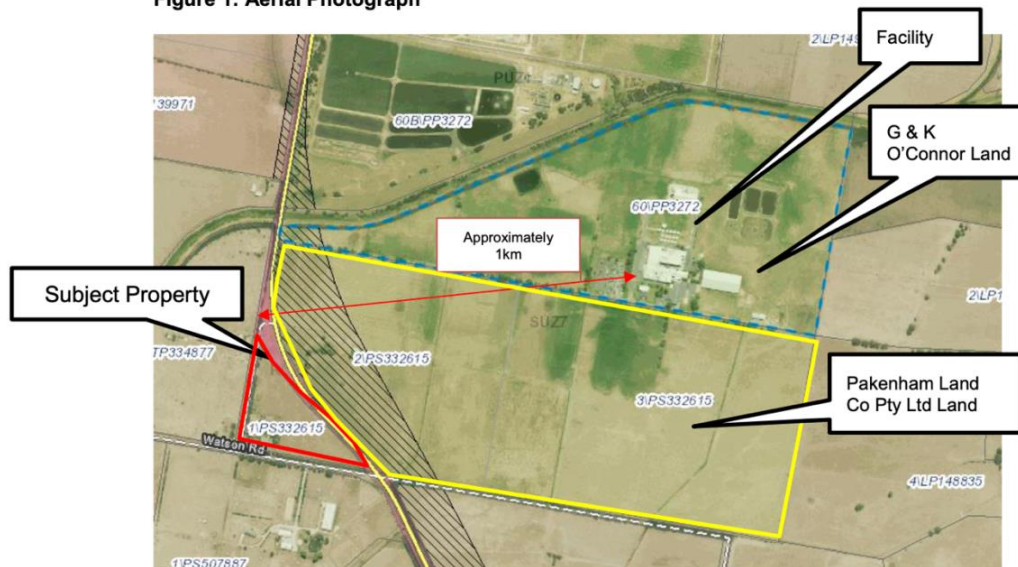


As is demonstrated in the above picture, large sections of the employment precinct are potentially impacted by odour from the SE Water Treatment Plant and despite this council is still working towards facilitating employment for around 3500 people who would be potentially working in this precinct for upto 8 hours a day 5 days a week.

In stark comparison to this the above modelling has not even included or shown the buffer distance for the dwelling located on the subject site when it has included the dwellings located on the two properties located on either side of the subject site!!! Could this be because the dwelling on subject site is located more than 500 metres + from the potential source of this odour being the SE Water plant?

The meetings are proposed to organise within the proposed addition (pergola) to the existing dwelling which would be more than 500+ metres from the SE Water plant and besides the meetings would be conducted on average once every fortnight for around 4-5 hours. Based on these facts it is considered that the odour nuisance (if any) from the plant will have little if any impact on the gathering of members and provides little motivation for the group to prejudice future expansion of the Plant.

As for the Abattoir, the facility on this property is located atleast 1km away from the subject site as shown in the below aerial image. On this basis it is considered that the proposal will neither be impacted from this facility nor will it prejudice future expansion or 'right to farm' of this facility any more than the current impacts with the existence of a dwelling on the subject site and the adjoining property to the west.

**Figure 1: Aerial Photograph**

## Conclusion

The proposal is for a not-for-profit charitable organisation which has recently demonstrated the motto of this social enterprise which is to help and bring the community together. During the recent bushfires, for a number of days and weeks the organisation has distributed free food for the Gippsland communities who were suffering the climate calamity of raging bushfires. More recently the organisation has delivered countless free meals for the residents of Melbourne's Housing tower residents who experienced the sudden lockdown measures imposed by the government to combat the spread of COVID 19 pandemic.

The arguments presented within the body of this report demonstrate that the proposed Use and development is appropriate for the following reasons:

- It has been demonstrated that the proposal is consistent with the Planning provisions.
- The proposed land use is correctly characterised as a Restricted Place of Assembly.
- The proposal is acceptable in regard to the objectives and purpose of the Green Wedge Zone, Metropolitan Green Wedge Policy and the Cardinia Western Port Green Wedge Management Plan.
- The proposal will not result in any adverse amenity impacts on surrounding rural enterprises or implicate future expansion of the state significant infrastructure (SE

On balance the organisation requests Council to have regard to the "big picture" to ensure that the purposes of planning and the objectives that the planning scheme seeks to achieve are not frustrated by unduly restrictive interpretations of land use terms and provisions. It is kindly requested that Council grant its approval for the proposal.

I would be pleased to assist in the progress of this application and any queries should be addressed to the undersigned.

**Manjusha Pitty**  
Principal  
Divergent Planning Pty Ltd



## 905 Koo Wee Rup Road Pakenham South

### Proposed Community Kitchen Traffic Impact Assessment Report

Client:

Baba Budhaji Charitable Association Pakenham

Project No. 180774

Final Report – 23/08/19

1<sup>st</sup> Floor 132 Upper Heidelberg Road Ivanhoe Vic 3079  
PO Box 417 Ivanhoe Vic 3079 Ph: (03) 9490 5900  
[www.trafficworks.com.au](http://www.trafficworks.com.au)





## DOCUMENT CONTROL RECORD

Document prepared by:

Trafficworks Pty Ltd

ABN 59 125 488 977

1<sup>st</sup> Floor 132 Upper Heidelberg Rd Ivanhoe Vic 3079

PO Box 417 Ivanhoe Vic 3079


Ph (03) 9490 5900

Fax (03) 9490 5910

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

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## EXECUTIVE SUMMARY

Trafficworks has been engaged by Baba Budhaji Charitable Association Pakenham to undertake a traffic impact assessment of the proposed community kitchen development located at 905 Koo Wee Rup Road, Pakenham South.

This report outlines the estimated traffic volume the proposed development will generate, and the impact on the surrounding road network. In addition, this report outlines the estimated parking demand of the proposed development.

A summary for the site and the proposed development is shown below.

<b>Address</b>	905 Koo Wee Rup Road, Pakenham
<b>Zoning</b>	Green Wedge Zone (GWZ1)
<b>Proposed development</b>	Community Kitchen (innominate use)
<b>Road Network</b>	Healesville-Koo Wee Rup Road – Arterial road Watson Road – unsealed local road
<b>Traffic Generation</b>	40 vehicles in peak hour (20 vehicles in, 20 vehicles out)
<b>Car Parking</b>	22 on-site parking spaces

The following conclusions have been reached:

- the proposed development is estimated to generate a maximum car parking demand of 20 vehicles
- an on-site car park is proposed, accommodating 22 parking spaces. The car parking layout has been designed in accordance with Clause 52.06 of the Planning Scheme
- the development will generate 40 vehicle movements on Sundays, when peak visitation is expected to occur. Analysis shows that these additional movements at the Healesville-Koo Wee Rup Road/ Watson Road intersection can be accommodated safely and will have minimal impact on the operation of Healesville-Koo Wee Rup Road.

### Referenced Documents

References used in the preparation of this report include the following:

- AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking
- Cardinia Planning Scheme Clause 52.06: Car Parking
- Austrroads Guide to Road Design Part 3: Geometric Design



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## 1 INTRODUCTION

Trafficworks has been engaged by Baba Budhaji Charitable Association Pakenham to undertake a carpark design and traffic and car parking demand assessment report of the proposed community kitchen development of 905 Koo Wee Rup Road, Pakenham South.

The assessment was undertaken to:

- estimate the traffic generation associated with the proposed development and determine its impacts on the surrounding road network
- estimate the number of car parking spaces to support the proposed development
- Ensure the proposed car parking layout is designed in accordance to Clause 52.06 of the planning scheme.



## 2 EXISTING CONDITIONS

### 2.1 Subject Site

The proposed development is located on the western side of the Healesville-Koo Wee Rup Road on the north west quadrant of the Healesville-Koo Wee Rup Road/Watson Road intersection.

The subject site is located within a Green Wedge Zone (GWZ1), and subject to a Land Subject to Inundation Overlay (LSIO)

The location of the site and its surrounding uses is shown in Figure 2.1 and Figure 2.2.

Figure 2.1: Location Plan (reproduced with permission from Melway Publishing Pty Ltd)

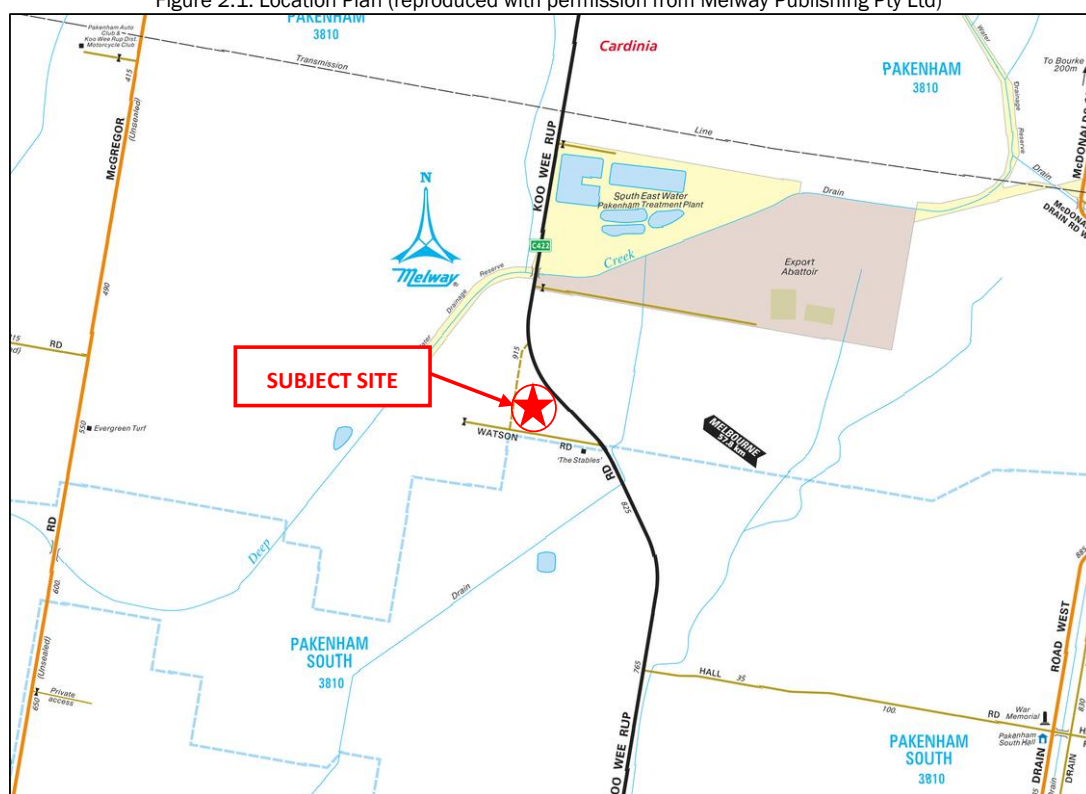
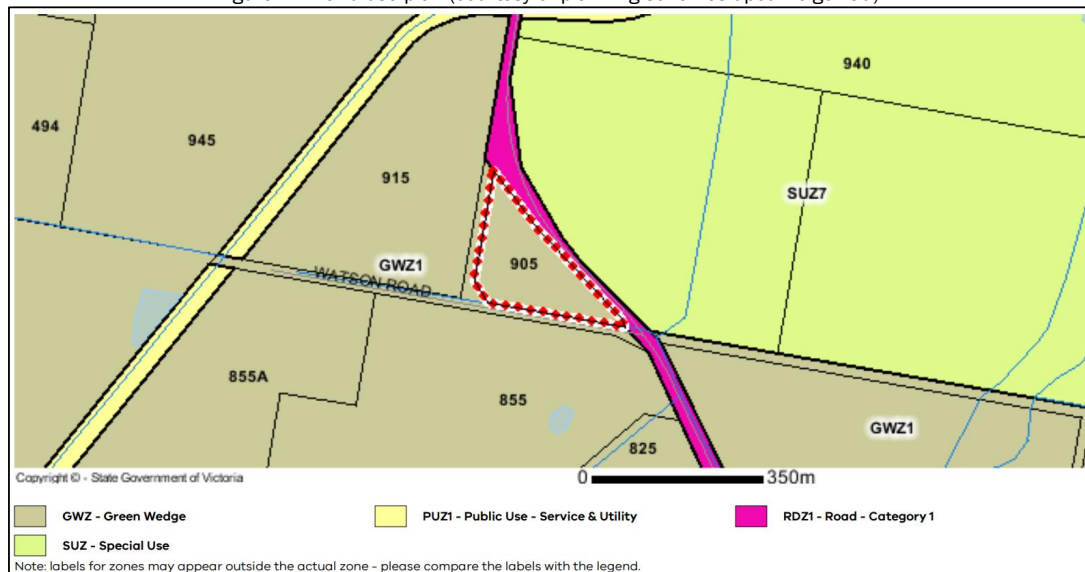




Figure 2.2 Land use plan (courtesy of planning-schemes.dpcd.vic.gov.au)



The site is triangular in shape with a frontage of 400 m and 285 m to Healesville-Koo Wee Rup Road and Watson Road respectively. The total site area is approximately 38,300 m<sup>2</sup>.

The site is currently occupied by a single storey house. Vehicular access is currently provided via crossover from Watson Road and a cross over from the north-south uncalled road

The subject site is generally surrounded by agricultural use and located approximately 3.1 km south of the Princes Freeway interchange.

Figure 2.3 shows an aerial photograph of the subject relative to its surroundings.



Figure 2.3 Aerial photograph of subject site and surrounds (reproduced under license to Trafficworks from Nearmap)



## 2.2 Road Network

### Healesville-Koo Wee Rup Road

Healesville-Koo Wee Rup Road is an arterial road managed by VicRoads. It is aligned in a north-south direction and provides connection between Pakenham to the north and Koo Wee Rup to the south. Healesville-Koo Wee Rup Road is a two-way undivided road providing one traffic lane in each direction. It is currently operating at a posted speed limit of 80 km/h. The carriageway width is approximately 7 m.

### Watson Road

Watson Road is a local road managed by the City of Cardinia. It is generally aligned east-west direction and provides access to residents. Watson Road terminates approximately 750m west of Healesville-Koo Wee Rup Road.

Watson Road is an unsealed two-way undivided road with a carriageway width of approximately 5 m. Watson Road is currently in poor condition, with potholes present along the length of the road.





## 2.3 Traffic Volumes

The existing traffic volumes along Healesville-Koo Wee Rup Road were obtained from the VicRoads Open Data portal. The two way annual average daily traffic (AADT) is 14,000 vpd, including 1,700 commercial vehicles.

## 2.4 Crash Analysis

A review has been conducted of the VicRoads Open Data website for the most recent five-year period for any reported casualty crashes at the intersection of Healesville-Koo Wee Rup Road and Watson Road. The crash search revealed that there have been no crashes at the intersection.



### 3 PROPOSED DEVELOPMENT

#### 3.1 Proposed Development Summary

The proposed development consists of the following:

- installation of a kitchen in the existing shed
- construction of pergola
- new car parking
- use of the land as a community kitchen; to prepare and distribute food for the community's most vulnerable people.

Vehicular access to the proposed development will be via the existing access road on Watson Road.

#### 3.2 Other Planned Works

There are planned upgrade works of the duplication of Healesville-Koo Wee Rup Road with construction planned to commence in 2020. The section of Healesville-Koo Wee Rup Road adjacent to the subject site will be converted to a service road.

As a result, the two-way AADT along Healesville-Koo Wee Rup Road is expected to be reduced significantly from the current traffic volume, after the project is complete.



## 4 CAR PARKING

### 4.1 Clause 52.06 Planning Scheme Assessment

Parking requirements for new developments are set out under Clause 52.06 of the Cardinia Planning Scheme. The purpose of Clause 52.06, amongst other things is:

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

The proposed development will be primarily used for a 'Community Kitchen'. This is considered to be an innominate use not specified in the Planning Scheme. Therefore, the parking rates listed in Table 1 of the Cardinia Planning Scheme could not be used to determine the statutory parking requirements for the proposed development. As the land use of the proposed development has not been specified in the Cardinia Planning Scheme, Trafficworks is taking the land use of the proposed property as an innominate use.

### 4.2 Car Parking Demand Assessment

Table 1 of Clause 52.06 could not be used to determine the statutory parking requirements for the proposed development, first principles has been used to determine the parking demand.

The methodology for the first principle used would be gathering data through qualitative method from the client.

### 4.3 Empirical Assessment of Car Parking Demand

The following information regarding the proposed operations of the community was provided:

- the proposed community kitchen will operate between 7AM to 8PM every day
- four volunteers will be staying at the property
- on Tuesday and Thursday evenings, the four volunteers will be cooking food to distribute off site
- on Wednesday between 6PM to 9PM, up to 30 people are expected to visit at any one time and served food on site. Five people will be cooking food
- peak periods on Sundays between 9AM and 2PM will be the same as Wednesday but with the expected visitors to be approximately 50 people are expected to arrive and served food on site.



- many patrons are expected to be carpooling. An average car occupancy of 2.5 people per car has been assumed for the purpose of this assessment

Based on a maximum of 50 visitors, and a car occupancy of 2.5 people per car, the development will have an estimated car parking demand of 20 spaces.



## 5 CAR PARK DESIGN

An on-site car park is proposed, providing a total of 22 parking spaces, adequately accommodating for the expected peak parking demand.

All parking spaces have been provided with a width of 2.6 m and a length of 4.9 m, assessed via an aisle width of 6.4 m in accordance with Clause 52.06 of the Cardinia Council Planning Scheme.

A concept plan showing the car parking layout is attached in **Attachment A**.

As assessment (refer to **Attachment B**) of the accessibility to the critical car parking spaces using the 'Autoturn' software has been conducted. The B85 (85<sup>th</sup> percentile) car was used in the assessment and it was found that each parking space could be accessed (ingress and egress) in a satisfactory manner.

The assessment indicate that the car parking layout has been designed appropriately and in accordance with Clause 52.06 of the planning scheme.



## 6 TRAFFIC ASSESSMENT

### 6.1 Traffic Generation

As determined in Section 4.2, the proposed development is estimated to result in a peak hour traffic generation of 20 vehicles. It is anticipated that all patrons will depart within an hour, and therefore, there will be 20 incoming and 20 outgoing vehicles in the peak hour.

### 6.2 Traffic Distribution

The following assumptions were made:

- the traffic generated by the development will access the surrounding road network via Healesville-Koo Wee Rup Road
- the peak hour volume is taken as 10% of the daily volume.
- Minimal traffic along Watson Road

The directional distribution is as follows:

- Of traffic travelling turning out of Watson Road, 75% will travel north to Pakenham and the remaining 25% will travel south to Koo Wee Rup
- Of traffic traveling towards the development, 75% will arrive from the north and the remaining 25% will arrive from the south.

Table 6.1: Expected traffic distribution

	Left Turn	Right Turn	Total
IN	5	15	20
OUT	15	5	20

Figure 6.1 Peak Hour Existing Traffic Distribution

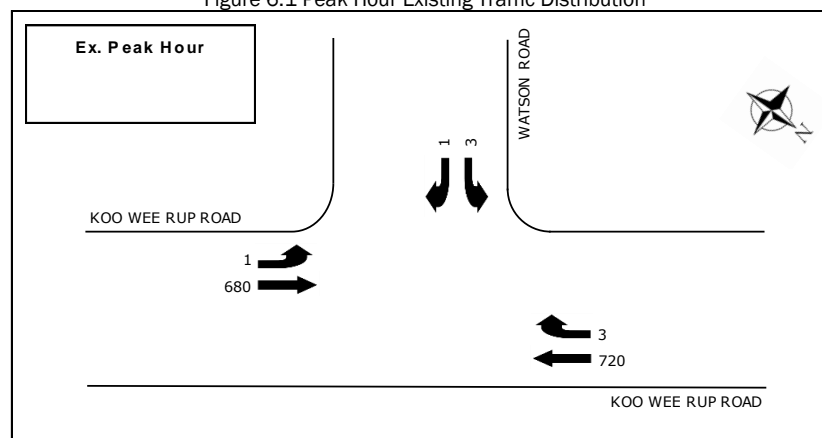
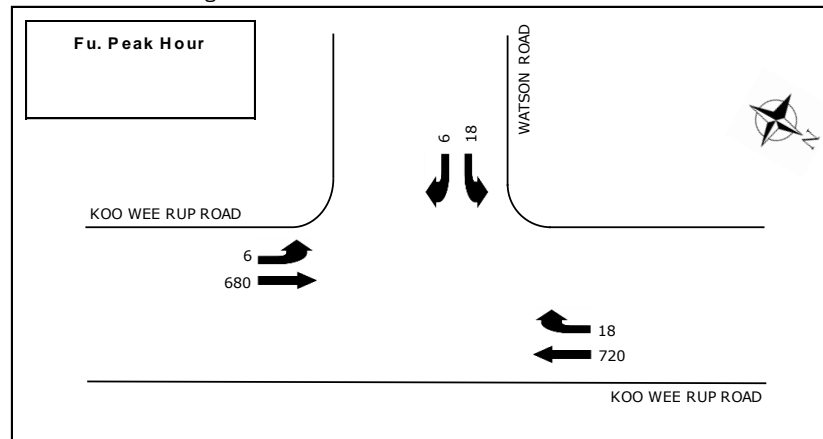






Figure 6.2 Peak Hour Future Site Traffic Distribution



### 6.3 Intersection Analysis

SIDRA software was utilised to analyse the intersection from the development to determine the anticipated intersection operations once the proposed development has reached full development.

The program produces statistics and information on the operation of an intersection but typically the main characteristics used to assess the operation of the intersection are the Degree of Saturation (DOS), the 95<sup>th</sup> percentile queue lengths and average delays.

An explanation of the intersection operating characteristics is shown in Table 6.2.



Table 6.2: Definitions of intersection operation characteristics

Degree of Saturation (DOS)			Operation
Sign control	Roundabout	Traffic Signals	
< 0.6	< 0.6	< 0.6	Excellent operating conditions, minimal delays
0.6 - 0.699	0.6 - 0.699	0.6 - 0.699	Very good operating conditions, minimal delays
0.7 - 0.799	0.7 - 0.849	0.7 - 0.899	Good operating conditions, delays and queuing increasing
0.8 - 0.899	0.85 - 0.949	0.9 - 0.949	Acceptable operating conditions, delays and queues growing. Any interruption to flow such as minor incidents causes increasing delays
0.9 - 1.0	0.95 - 1.0	0.95 - 1.0	Poor operating conditions, flows starting to breakdown and queues and delays increase rapidly.
> 1.0	> 1.0	> 1.0	Very poor operating conditions with queues and delays increasing rapidly. Once queues develop it takes a significant time for queues to dissipate resulting in long delays to traffic movements

Intersection analysis was undertaken at the intersection of Healesville-Koo Wee Rup Road and Watson Road to determine the impact of the proposed development on the adjacent road network.

Refer to Table 6.3 for a summary of the SIDRA results and Attachment A for detailed SIDRA outputs.

SIDRA analysis indicates, that upon completion of the development, it is anticipated that the intersection will continue to operate with excellent operating conditions during the peak period. Furthermore, it is anticipated that through traffic will experience a minimal increase in average delay of approximately 0.3 seconds during the peak period. The 95<sup>th</sup> percentile back of queues vehicles was also shown to have increase from 0.1 to 0.5 vehicles. This indicates that there is a less than a five percent chance for a through vehicle on Healesville-Koo Wee Rup Road encountering a stopped vehicle waiting to turn right onto Watson Road.



Table 6.3: Summary of SIDRA results

Movements							
		DOS		95% Queue (m)		Average Delay (sec)	
		Peak Ex.	Peak Fu.	Peak Ex.	Peak Fu.	Peak Ex.	Peak Fu.
Koo Wee Rup Road	(NW Approach) Right Turn	0.391	0.412	0.6	3.6	0.1	0.4
	(NW Approach) Through	0.391	0.412	0.6	3.6	13.1	13.4
Koo Wee Rup Road	(SE Approach) Left Turn	0.366	0.368	0.0	0.0	6.7	6.7
	(SE Approach) Through	0.366	0.368	0.0	0.0	0.0	0.0
Watson Road	(W Approach) Left Turn	0.015	0.094	0.0	2.0	14.7	15.0
	(W Approach) Right Turn	0.015	0.094	0.0	2.0	33.3	35.8

## 6.4 Safety Assessment

The traffic generation from the development has minimal safety impacts on the intersection. From the analysis of the SIDRA the 95<sup>th</sup> percentile back of queue 0.1 to 0.5 vehicles. This indicates that there is a less than a five percent chance for a through vehicle on Healesville-Koo Wee Rup Road encountering a stopped vehicle waiting to turn right onto Watson Road.

During the site inspection, sight lines were observed to be excellent. Stopping Sight Distance (SSD) was observed to be more than 200 m, and this meets the SSD requirements stated in the Austroads Guide to Road Design Part 3. SSD is the distance to enable a normally alert driver, travelling at the design speed on wet pavement, to perceive, react and brake to a stop before reaching a hazard on the road ahead. In this case, the hazard to perceive is a stopped vehicle waiting to turn right onto Watson Road.

As discussed in section 3, there are planned future works for a new section of Healesville-Koo Wee Rup Road to commence construction in 2020 (part of the duplication of the road). The section of Healesville-Koo Wee Rup Road adjacent to the subject site will be converted to a service road. This will reduce the current traffic volumes significantly, further improving the safety of the intersection.



## 7 CONCLUSIONS

The following conclusions are drawn from the assessment of the car parking and traffic impacts resulting from the proposed development of a community kitchen at 905 Koo Wee Rup Road Pakenham:

- the proposed development is estimated to generate a maximum car parking demand of 20 vehicles
- an on-site car park is proposed, accommodating 22 parking spaces. The car parking layout has been designed in accordance with Clause 52.06 of the Planning Scheme
- the development will generate 40 vehicle movements on Sundays, when peak visitation is expected to occur. Analysis shows that these additional movements at the Healesville-Koo Wee Rup Road/ Watson Road intersection can be accommodated safely and will have minimal impact on the operation of Healesville-Koo Wee Rup Road.

On the basis of the assessment above, the proposed development is considered to be acceptable from a traffic engineering perspective and will not create adverse traffic or parking impacts in the surrounding area.



## **ATTACHMENT A – CONCEPT LAYOUT PLAN**





21/08/2019 180774-CTP-01  
9:28:32 AM T:\1819 Projects\180774\_Design\180774\_CTP\_01\_P1-190821.dgn

Drawing Record				
ISSUE	DRAWN	APP'D	DATE	AMENDMENT
P2	KT	BC	21.08.19	PRELIMINARY ISSUE FOR COMMENT

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
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**PRELIMINARY PLAN**  
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DATE OF ISSUE: 21/08/19

Notes & Legend

1. AERIAL IMAGE FROM NEARMAP UNDER LICENSE AGREEMENT WITH TRAFFICWORKS PTY LTD.

2. ALL DIMENSIONS ARE TO FACE OF KERB UNLESS SHOWN OTHERWISE.

3. PLANS HAVE BEEN DRAWN ON AERIAL IMAGE. LOCATION OF EXISTING FEATURES TO BE CONFIRMED VIA FEATURE SURVEY.

Design by Trafficworks

Cadastre

Tree Removal

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N

W

E

S

MELWAY MAP 323 E7  
PAKENHAM

SCALE OF METRES

0 5 10

905 Koo Wee Rup Road, Pakenham

Cardinia Shire Council

Concept Plan

SHEET NO. 1

DRAWING NO. 180774-CTP-01

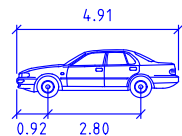
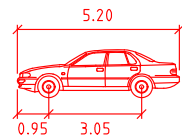
ISSUE P2





## **ATTACHMENT B – SWEPT PATH ANALYSIS**



	
<b>B85</b>	<b>B99 CAR</b>
Width : 1.87 meters	Width : 1.94 meters
Track : 1.77	Track : 1.84
Lock to Lock Time : 6.0	Lock to Lock Time : 6.0
Steering Angle : 34.0	Steering Angle : 33.5



Drawing Record

ISSUE	DRAWN	APP'D	DATE	AMENDMENT
P1	KT	BC	21.08.19	PRELIMINARY ISSUE FOR COMMENT

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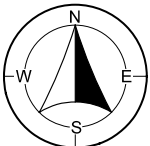
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MELWAY MAP 323 E7  
PAKENHAM

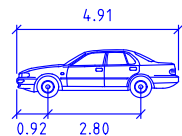
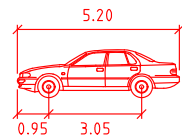
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**905 Koo Wee Rup Road, Pakenham**  
Cardinia Shire Council

**Swept Path Assessment**

SHEET NO. 1	DRAWING NO. 180774-SKT-01	ISSUE P1
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B85	B99 CAR
Width	Width
Track	Track
Lock to Lock Time	Lock to Lock Time
Steering Angle	Steering Angle
1.87	1.94
1.77	1.84
6.0	6.0
34.0	33.5



Drawing Record

ISSUE	DRAWN	APP'D	DATE	AMENDMENT
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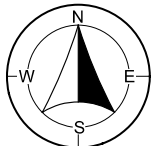
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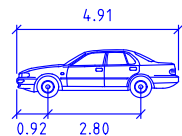
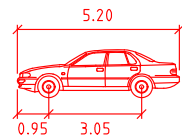
MELWAY MAP 323 E7  
PAKENHAM  
SCALE OF METRES  
0 5 10

905 Koo Wee Rup Road, Pakenham  
Cardinia Shire Council

Swept Path Assessment

SHEET NO.	DRAWING NO.	ISSUE
2	180774-SKT-02	P1



	
<b>B85</b>	<b>B99 CAR</b>
Width : 1.87 meters	Width : 1.94 meters
Track : 1.77 meters	Track : 1.84 meters
Lock to Lock Time : 6.0	Lock to Lock Time : 6.0
Steering Angle : 34.0	Steering Angle : 33.5



Drawing Record

ISSUE	DRAWN	APP'D	DATE	AMENDMENT
P1	KT	BC	21.08.19	PRELIMINARY ISSUE FOR COMMENT

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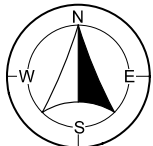
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  - 2. ALL DIMENSIONS ARE TO FACE OF KERB UNLESS SHOWN OTHERWISE.
  - 3. PLANS HAVE BEEN DRAWN ON AERIAL IMAGE. LOCATION OF EXISTING FEATURES TO BE CONFIRMED VIA FEATURE SURVEY.
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- Cadastre



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MELWAY MAP 323 E7  
PAKENHAM

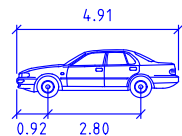
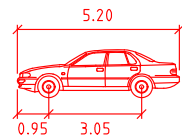
SCALE OF METRES  
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Cardinia Shire Council

**Swept Path Assessment**

SHEET NO.	DRAWING NO.	ISSUE
3	180774-SKT-03	P1



	
<b>B85</b>	<b>B99 CAR</b>
Width	Width
Track	Track
Lock to Lock Time	Lock to Lock Time
Steering Angle	Steering Angle
4.91	5.20
0.92 2.80	0.95 3.05
meters	meters
: 1.87	: 1.94
: 1.77	: 1.84
: 6.0	: 6.0
: 34.0	: 33.5



Drawing Record

ISSUE	DRAWN	APP'D	DATE	AMENDMENT
P1	KT	BC	21.08.19	PRELIMINARY ISSUE FOR COMMENT

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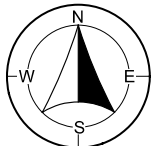
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MELWAY MAP 323 E7  
PAKENHAM

SCALE OF METRES  
0 5 10

**905 Koo Wee Rup Road, Pakenham**

Cardinia Shire Council

**Swept Path Assessment**

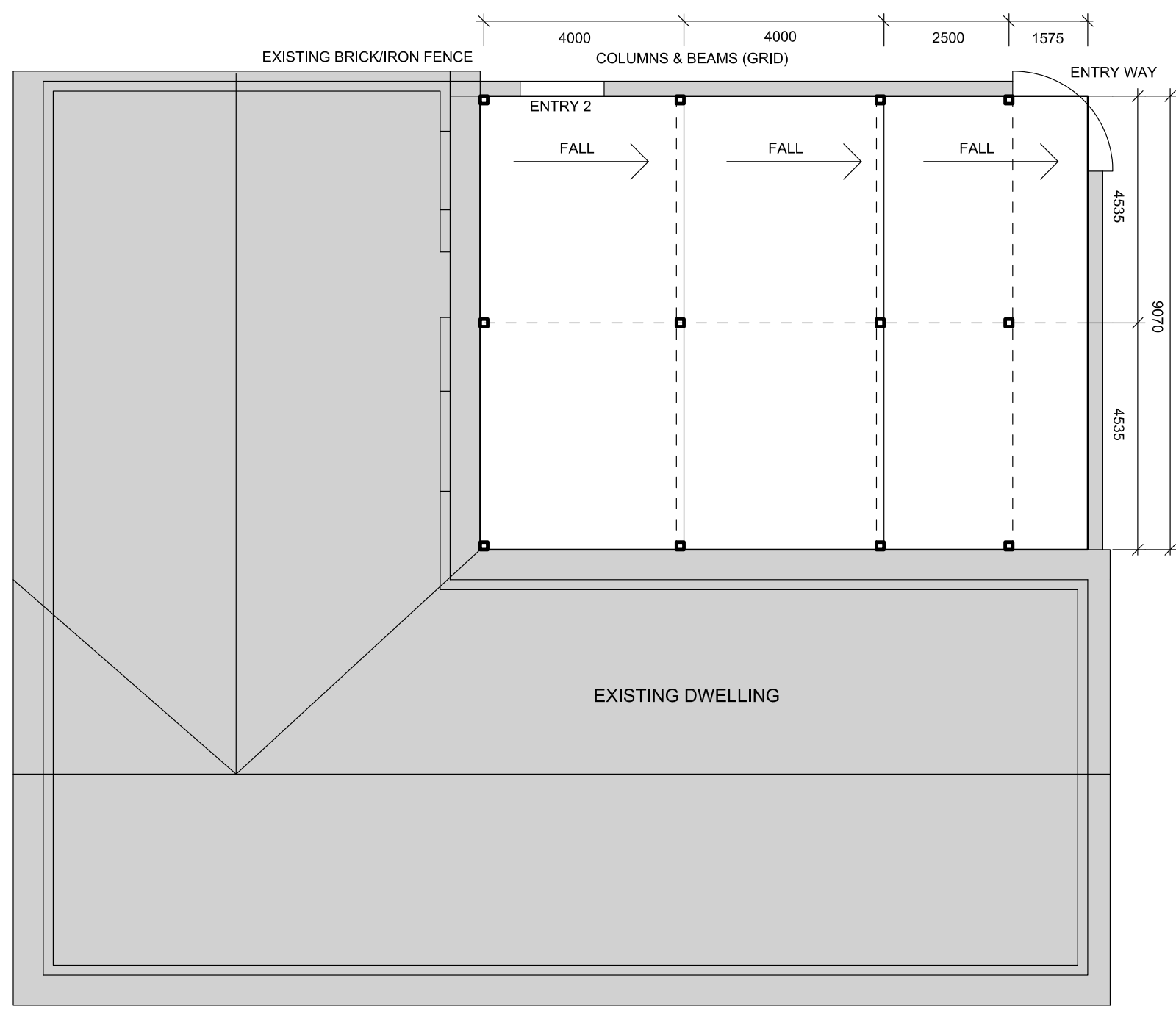
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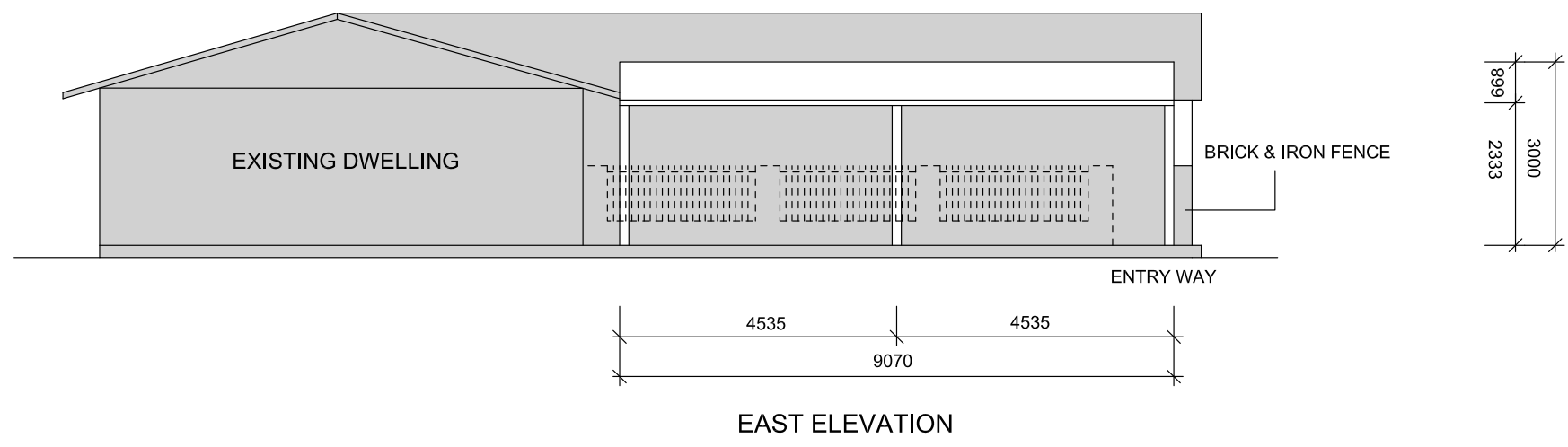


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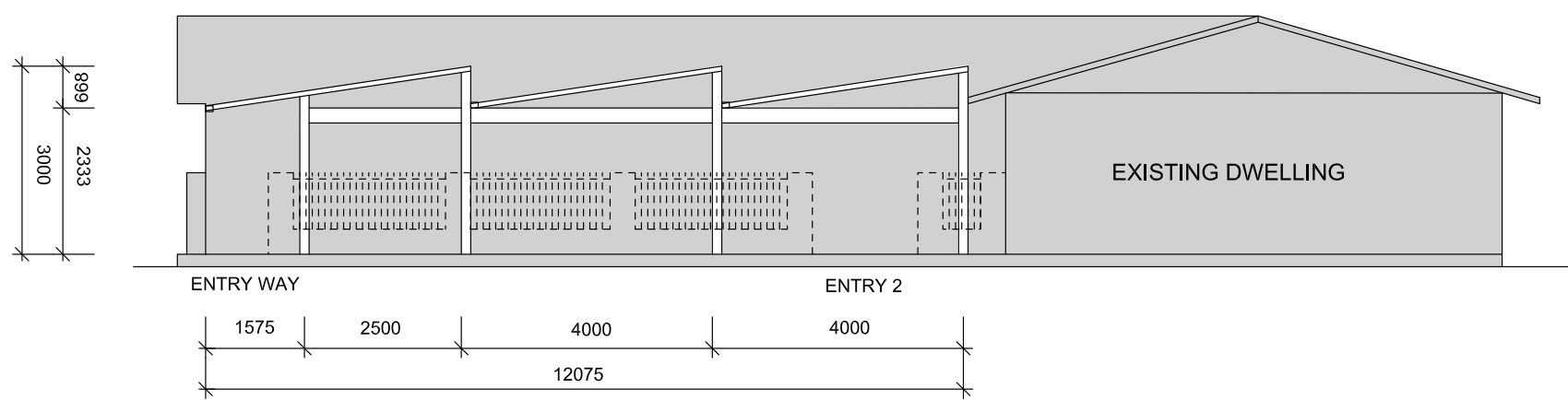




PERGOLA 1 1:100



EAST ELEVATION

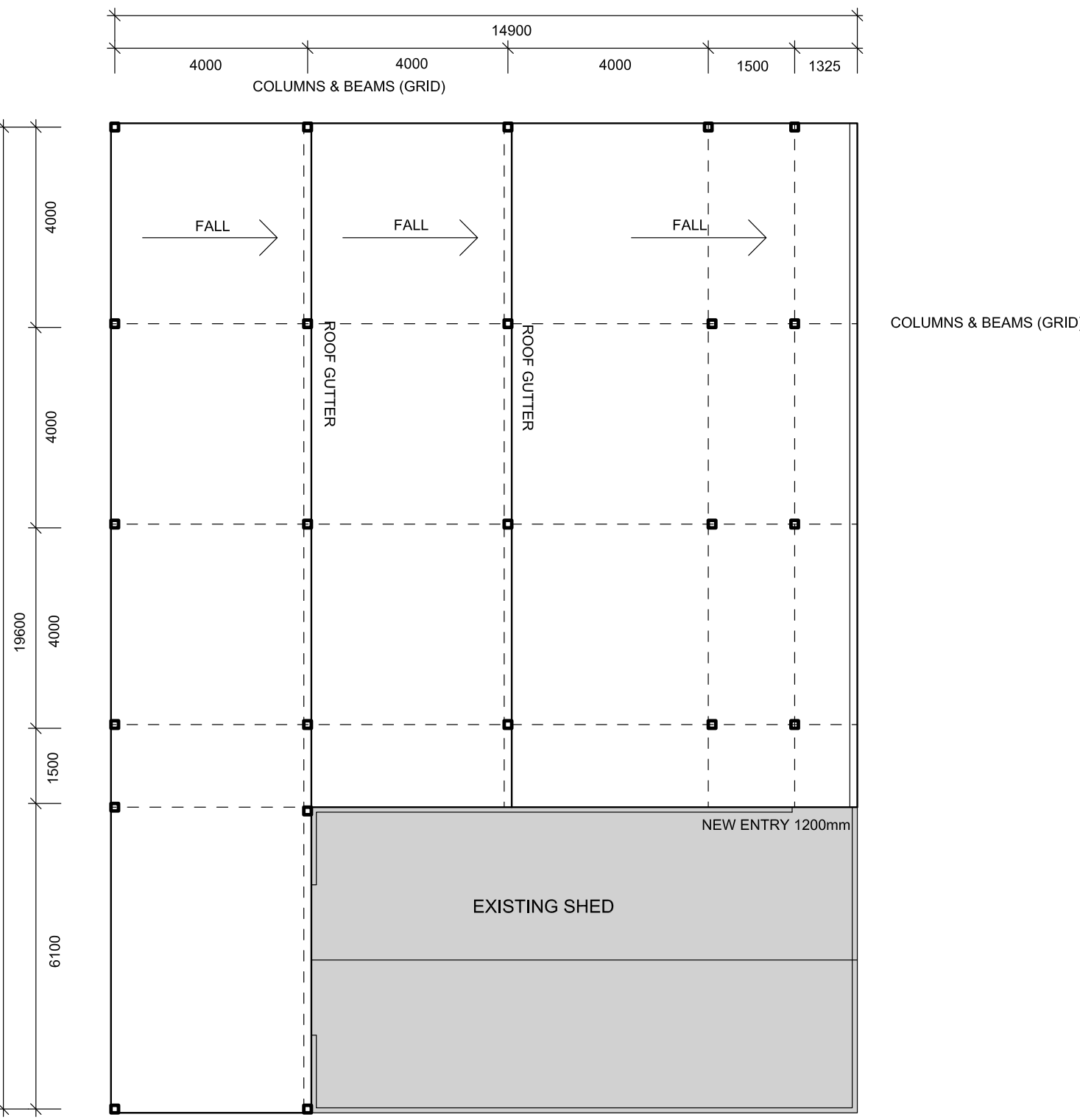
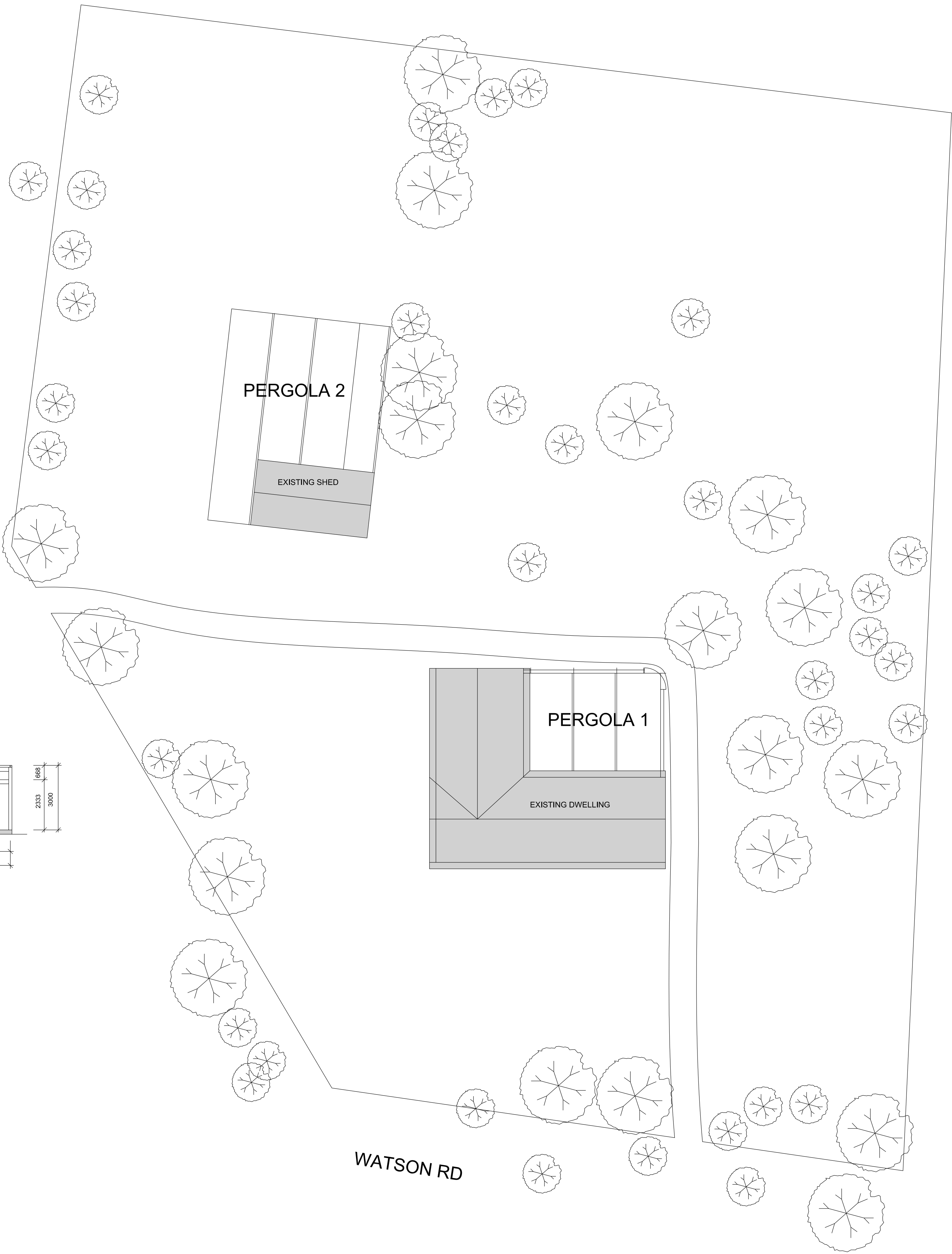


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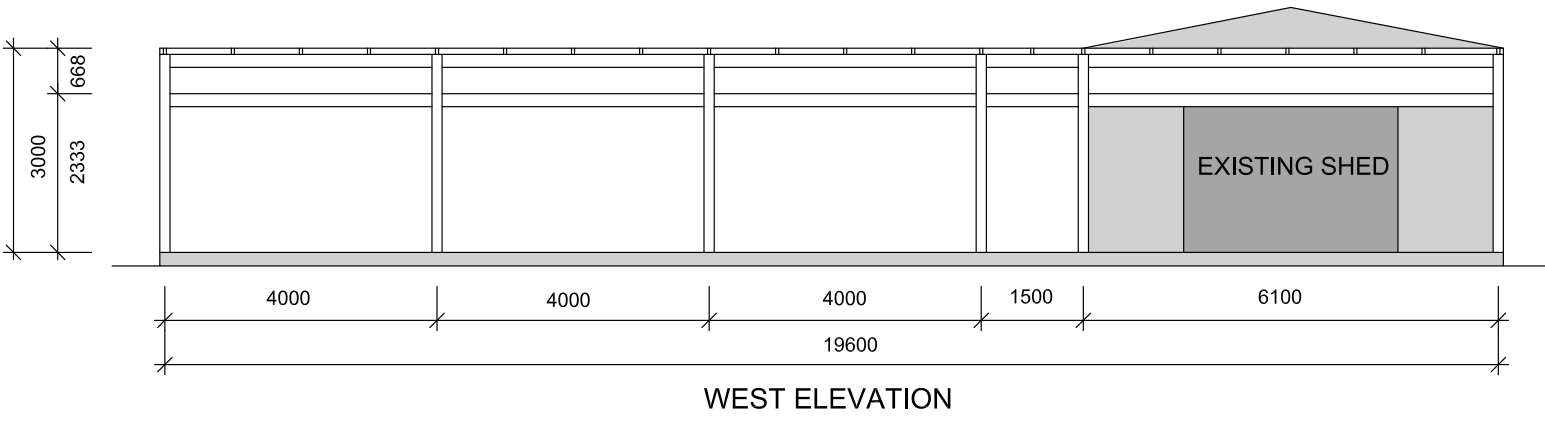
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  - RAFTERS (TIMBER) 45x60
  - COLOURBOND ROOF SHEETS



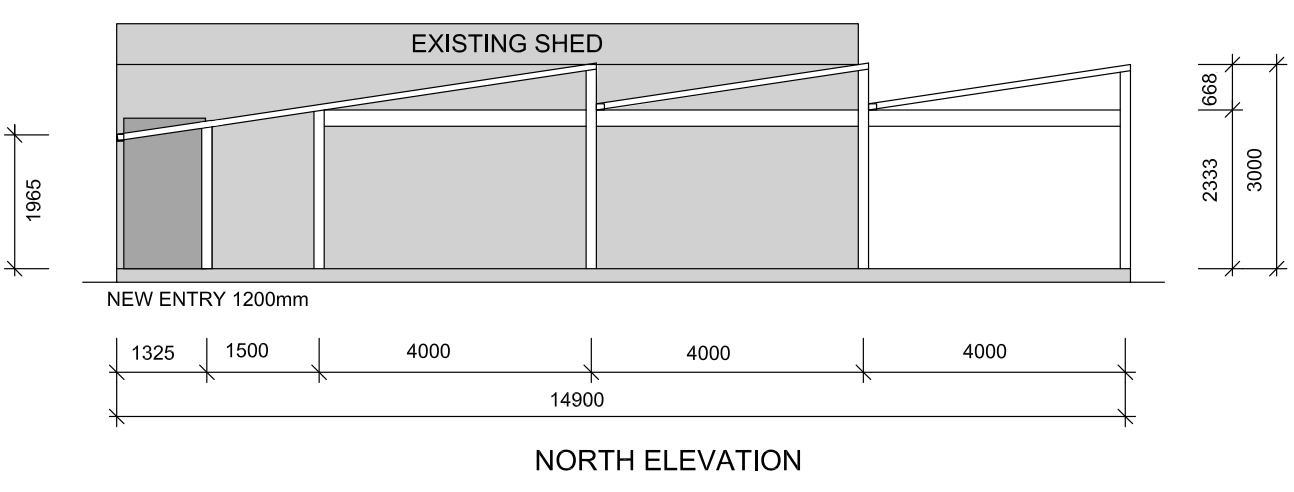
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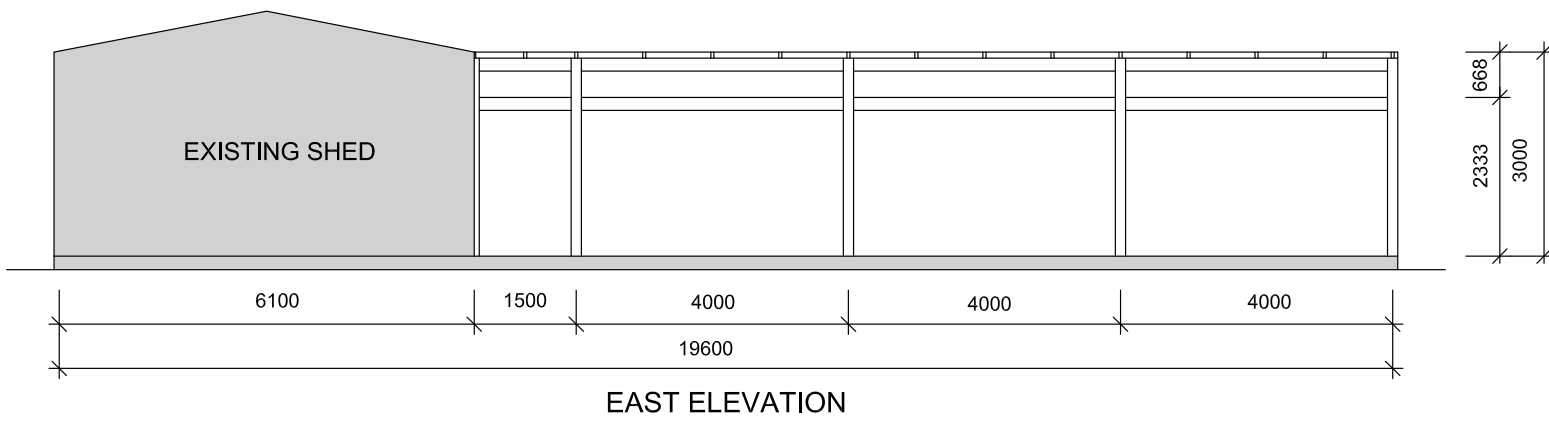
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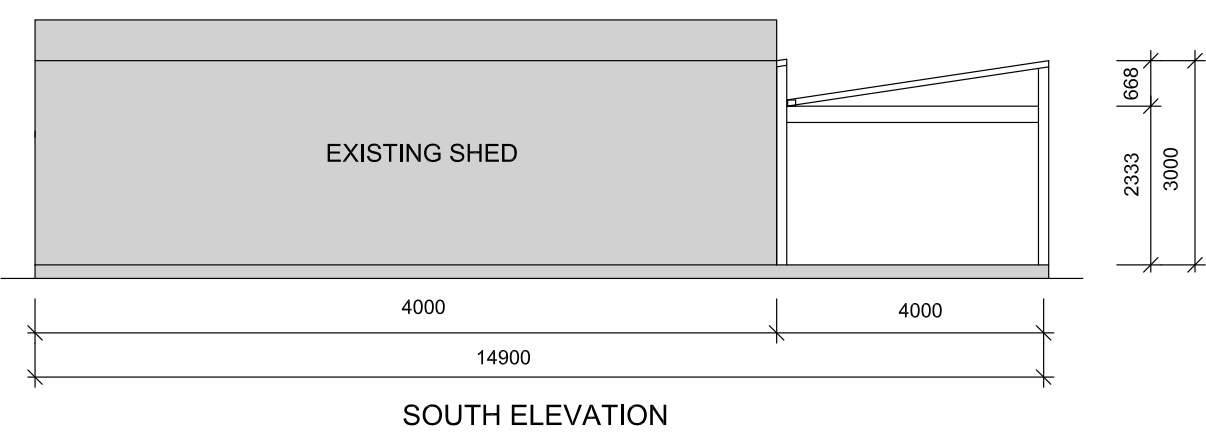
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

FDESIGN

FDESIGN  
P: 0470505246  
E: info@fdesign.com.au  
ABN 15 722 654 531

TITLE  
**PERGOLA 1 & 2**  
PROJECT ADDRESS  
**905 KOO WEE RUP RD**  
PAKENHAM VIC 3810

DRAWN  
CHECKED  
APPROVED  
REV.

F.M.

SIZE  
**A0**  
SCALE  
**1:100/1:200**

DRAWING NO.  
**1/1**