

## 5 Ordinary Business

### **5.1 T210185 PA - Construction of Additional Shops, Alterations & Partial Demolition to Heritage Buildings, Construction of a Dwelling, Reduction in Car Parking & Alteration of Access to a Road Zone Category 1 at 41-43 Nar Nar Goon-Longwarry Rd, Gafield**

**Responsible GM:** Lili Rosic  
**Author:** Evangeline McGauley-Kennedy

#### **Recommendation(s)**

That Council issue a Notice of Decision to Grant a Planning Permit for the Construction of two (2) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Transport Zone 2, subject to the following conditions:

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the amended development plans prepared by Studio Three Design & Drafting, Rev. J ('Response to Objections'), dated 18/02/22 submitted with the application but modified to show:

#### Modifications to Dwelling:

- a. The eastern and southern elevations of the dwelling amended to prevent overlooking in accordance with Standard A15 of Clause 54.04-6.
- b. Stairway access to be altered to not encroach on the car parking area or vehicle clearances as per Diagram 1 of Clause 52.06 shown to demonstrate the clearances have been met.

#### Hours of operation:

- c. Deletion of the references to operating hours of the shops.

#### Colours and materials:

- d. The reference codes for the proposed colours and materials schedule shown annotated on the elevation plans for each proposed building.
- e. The type and colour of bricks for Proposed Shop 3 must be amended and be shown to be the same (or as similar as possible) to those on the existing Shop 1 (Bakery and Residence) on the corner of Nar Nar Goon-Longwarry Rd and Ritchie Street.
- f. The expanse of the car parking area broken up with the use of different materials, brick borders and other methods to complement the heritage

bakehouse building.

Vegetation:

- g. Tree 10 labelled as 'Tree 10' on the site plan.
- h. Tree 8 retained within the front setback of Proposed Shop 3 on the site plan.
- i. Trees 5 and 6 retained within the landscaped strip between the bakehouse and car parking area (if possible) on the site plan.

Car parking and Traffic Management:

- j. Amended swept paths to demonstrate:
  - i. 300mm clearances surrounding the vehicle body to demonstrate sufficient access by a B85 vehicle to each of the proposed car parking spaces, without requiring a corrective manoeuvre and while accommodating vehicles to both enter and exit the site in a forward direction.
  - ii. Sufficient access to allow two (2) opposing B85 vehicles to pass one another within the car parking area.
  - iii. Sufficient access to allow a B85 vehicle to enter the site / car parking area, undertake a 3-point turn within the aisle and exit the site in a forward direction, in the case that all car parking spaces are occupied.
- k. Access aisle and carparking spaces sealed and line marked.
- l. Wheel stops or similar devices provided to ensure vehicles do not encroach onto internal footpaths.
- m. Location of the following pedestrian and vehicle safety signage to alert drivers to the presence of pedestrians and other entering/ exiting vehicles.
- n. A convex mirror located on the western end of the accessway/car parking area capable of improving sightlines.
- o. Installation of a speed hump to reduce vehicle speeds when exiting from the driveway near Ritchie Street. The type and location of the speed hump must be to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- p. The bus stops on Ritchie Street adjacent to the site shown as 'to be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required)'.

Landscaping Plan:

- q. A Landscaping Plan in accordance with Condition 2.

Waste Management Plan:

- r. A Waste Management Plan in accordance with Condition 3.

Department of Transport:

- s. Amendments in accordance with Department of Transport Conditions 29.
2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the plans provided to show:
- a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - b. Buildings and trees (including botanical names) on neighbouring properties including their Tree Protection Zones within three metres of the boundary in accordance with Arborist Report prepared by TreeDesigns dated 25 September 2020.
  - c. Details of surface finishes of pathways and driveways in accordance with the requirements of Condition 1(e).
  - d. Details of boundary fencing.
  - e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - f. Landscaping and planting within all open areas of the subject land, including the car parking areas and along internal pathways.
  - g. The retention of Trees 5, 6, 8 and 10 in accordance with Conditions 1(f) to (h).
  - h. Canopy trees capable of reaching a minimum of 8m mature height (minimum two metres tall when planted) in the following areas:
    - i. Within the front setback of Ex. Shop 2; and
    - ii. The landscaped area between the car parking area and Ex. Shop 2.
  - i. Vegetation provided between driveways or directly adjacent to the access to be a maximum of 150mm in height.
  - j. All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

Waste Management Plan

3. A Waste Management Plan to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
- a. A scaled bin presentation, including areas for hard rubbish collection.

- b. The manner in which waste will be stored and collected including the type, size and number of containers.
  - c. Provision for on-site storage.
  - d. Details of how waste collection is to be performed (Council or private).
  - e. The size of the collection vehicle and the frequency, time and point of collection.
4. Before the development starts drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

**Prior to commencement:**

5. Before the development starts, Lots 1 and 2 on PS545840 must be consolidated under the *Subdivision Act 1988* as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles.

**Tree Protection Fencing:**

6. Before works start, a fence must be erected around any tree shown for retention in the locations shown on the endorsed plan (including street trees). This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of  $12 \times$  the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
- a. vehicular access.
  - b. trenching or soil excavation.
  - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - d. entry and exit pits for underground services.
  - e. any other actions or activities that may result in adverse impacts to retained vegetation.

**Street Tree Removal:**

7. Before the development starts a fee of \$375.00 per tree, as amended from time to time, must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development. Replacement will be undertaken by Council contractors within the streetscape in the next planting season.

**Demolition:**

8. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
9. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

**General:**

10. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
11. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
12. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

**Earthworks:**

14. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
15. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

**Stormwater management:**

16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

**Amenity:**

18. The development permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
19. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
20. The amenity of the area must not be detrimentally affected by the use through:
  - a. The transport of materials, goods or commodities to or from the land;
  - b. The appearance of any buildings, works or materials;
  - c. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,

- d. The presence of vermin, or;
- e. In any other way.

To the satisfaction of the Responsible Authority.

21. Except with the written consent of the Responsible Authority, deliveries to and from the subject land (including commercial waste collection) may only take place between:
  - a. 7.00am and 6.00pm Monday to Friday; and
  - b. 9.00am and 5.00pm Saturday.
22. All residential and commercial waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
23. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
24. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
25. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017*.
26. All plant and equipment must be located and/or screened so that is it not visible from any public road or residential property.
27. The storage of goods and waste materials must not take place outside the buildings other than a waste storage area adequately screened to the satisfaction of the Responsible Authority.
28. Car parking as shown on the endorsed plans must maintained for this purpose at all times.
29. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

**Prior to Occupancy:**

30. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. The measures in accordance with the endorsed plans designed to limit overlooking must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  - b. Any new fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
  - c. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.

- d. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with in accordance with the endorsed plans. They must be constructed with concrete, asphalt or other approved surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
- e. A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- f. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority and the Department of Transport in accordance with Condition 30.
- g. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- h. Power and telephone lines to the Dwelling must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
- i. A bin storage area must be provided for the Shops and Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- j. A mail box must be provided to the Dwelling to the satisfaction of the Responsible Authority and Australia Post.
- k. A clothesline must be provided for the Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- l. Lighting must be provided near the front entrance of the Dwelling to the satisfaction of the Responsible Authority.
- m. Traffic signage, traffic control devices (speed hump), the convex mirror, wheel stops, and line marking must be installed in accordance with the approved plans to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- n. The bus stops on Ritchie Street must be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).

**Department of Transport (DoT):**

- 31. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Responsible Authority. When approved, the amended plans must be and will form part of the permit. The plans must be generally in accordance with the submitted plans but amended to show the all disused or redundant vehicle crossings on Nar Nar Goon-Longwarry Road to be removed, and the area reinstated.



32. Prior to the occupation of the buildings or works hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.

**Expiry:**

33. This permit for the development of land expires if-
- a. the development does not start within two (2) years after the issue of the permit; or
  - b. the development is not completed within four (4) years after the issue of the permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Advice should be sought from an Access Consultant prior to the commencement of works to ensure that the internal layout is designed to be Disability Discrimination Act (DDA) compliant.
- iv. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

**Drainage notes:**

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

**Department of Transport (DoT) Notes:**

- vi. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required



from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

### Attachments

1. T 210185 PA - Locality map [5.1.1 - 1 page]
2. T 210185 PA - Revised plans [5.1.2 - 9 pages]
3. T 210185 PA - Supporting documents [5.1.3 - 67 pages]
4. CONFIDENTIAL - T 210185 PA - Copy of all objections [5.1.4 - 593 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T210185
<b>APPLICANT:</b>	Studio Three Design Pty. Ltd.
<b>LAND:</b>	L1 & L2 PS545840, 41-43 Nar Nar Goon-Longwarry Road, Garfield VIC 3814
<b>PROPOSAL:</b>	Construction of two (2) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Transport Zone 2
<b>PLANNING CONTROLS:</b>	<p>Zone:</p> <ul style="list-style-type: none"> <li>• Commercial 1 Zone</li> <li>• Land adjacent to a Road in a Transport Zone 2</li> </ul> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Heritage Overlay – Schedule 86 (J. &amp; M. E. Lowndes Bakery &amp; Residence)</li> </ul>
<b>NOTIFICATION &amp; OBJECTIONS:</b>	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised by placing signs on site and sending letters to adjoining/nearby property owners.</p> <p>Over 300 objections were received.</p>
<b>KEY PLANNING CONSIDERATIONS:</b>	<p>Commercial development Heritage Car parking Traffic Amenity Streetscape character</p>
<b>RECOMMENDATION:</b>	That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions within this report.

### Background

The application as described above is proposed at the site known as J. & M. E. Lowndes Bakery & Residence in Garfield. The bakery building and residence were constructed circa 1925. It is located at 41-43 Nar Nar Goon-Longwarry Road and is covered by Heritage Overlay – Schedule 86.

The site is located on the eastern edge of the Garfield Commercial precinct within the town centre. The area generally consists of small shops, restaurants/ pub and cafes, most of which are covered by Heritage Overlay – Schedule 85 (Garfield Commercial Precinct).

According to Cardinia Shire’s heritage citation (Cardinia Shire (North) Heritage Study Heritage Places, 1996), the site is individually significant:

*...as an example of an early shop in one of the Shire’s township service centres. It is a significant component in the Garfield’s commercial precinct and is associated with the area’s 1920s boom period. The building is significant, also, as a rare example of an early unaltered bakery and residence, and an important commercial building in a small country town.*

The buildings are described as a brick parapeted shop with a timber post verandah attached to the corner of a gabled Bungalow style red brick residence. At the time the citation was written in 1996, the buildings were described as:

*... externally near original except for the probable removal of the house front fence.*

They are described as major elements in the Garfield commercial streetscape which dates predominantly from their era.

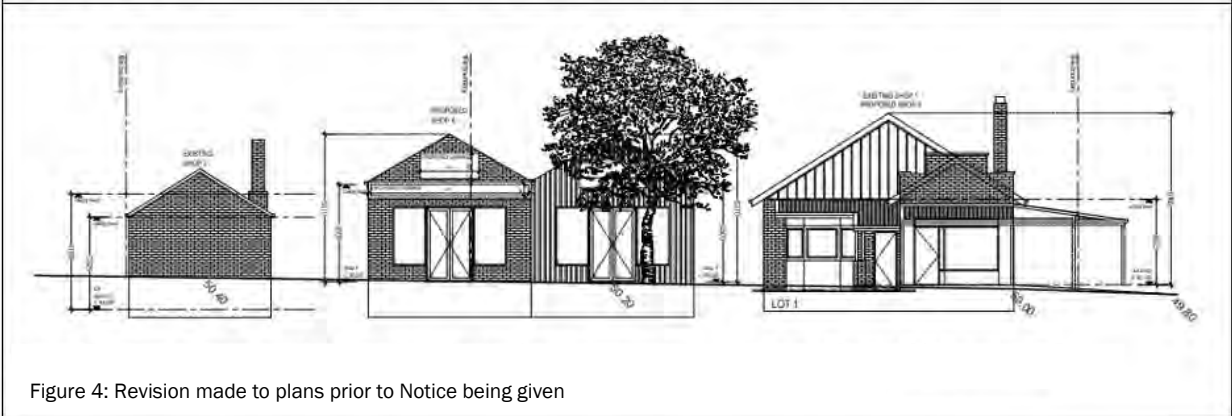
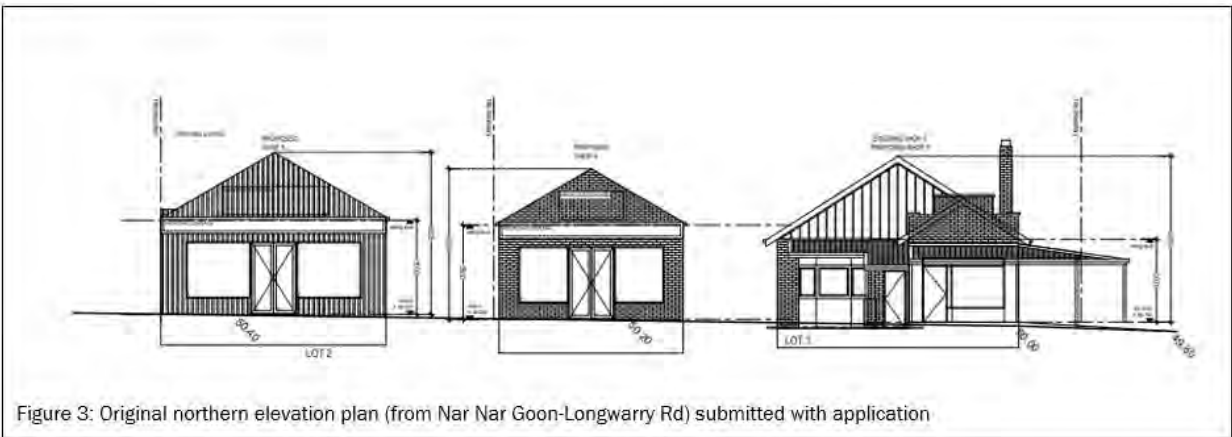
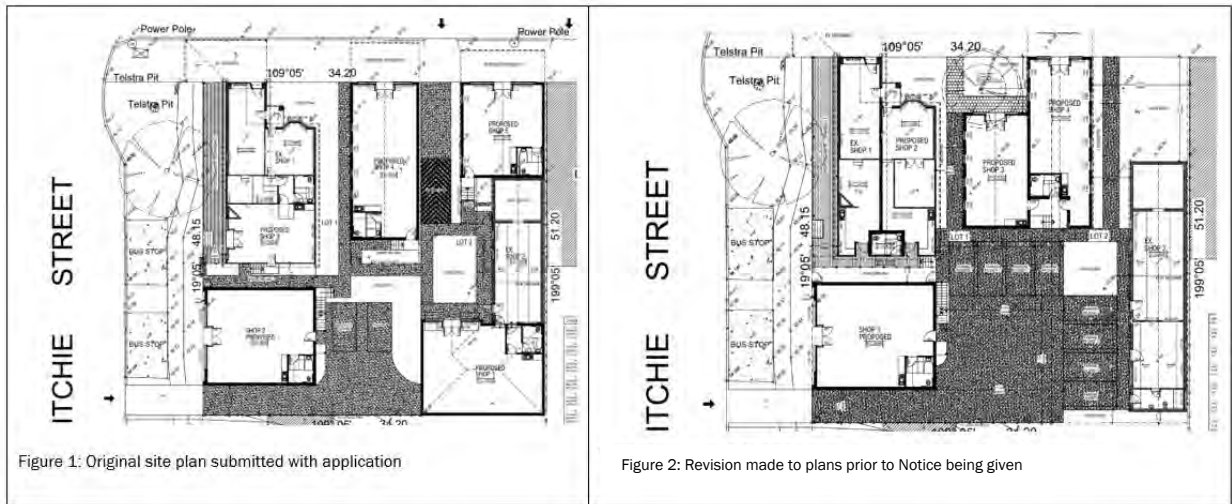
The application originally sought permission for four (4) additional buildings (shops), extensive demolition of the rear of the bakehouse building (located on Lot 2, 41 Nar Nar Goon-Longwarry Road), construction of a dwelling, a reduction in carparking (through the provision of two (2) on-site car parking spaces) and alteration of access to a Road Zone Category 1 (now known as a Transport Zone 2).

The original plans also sought the removal of a number of established trees and other vegetation from the site and blocked view of the bakehouse building from Nar Nar Goon-Longwarry Road.

The application was amended under Section 50A of the *Planning and Environment Act 1987*, prior to notice of the application being given.

The amendments to the plans (prior to Notice) included:

- A reduction in the number of additional buildings (shops) to be constructed from four (4) to three (3);
- Retention of the rear of the bakehouse building;
- Rearrangement of the buildings proposed to not encroach on the bakehouse building;
- The removal of a loading bay proposed to access Nar Nar Goon-Longwarry Road;
- Retention of more vegetation; and
- A lesser reduction in car parking through the provision of eight (8) on-site car parking spaces



### What is now proposed

Following notice of the application being given, a number of objections from the community were received. In response to these objections and Council Officer concerns, the applicant has made further amendments to the plans to address the following concerns:

- Heritage significance of the site and the buildings;
- Traffic and safety;
- Car parking and access;
- Existing businesses occupying the site;
- Overdevelopment of the site;
- Open character of the site; and
- Streetscape character.

The amendments to the plans (after Notice) to deal with objector concerns include:

- A reduction in the number of additional buildings (shops) to be constructed from three (3) to two (2);
- Retention of the existing verandah to the bakehouse building;
- Proposed Shop 3 to be setback from the northern boundary to provide more visual connect to the bakehouse building and more landscaping within the front setback;
- Rearrangement of the car parking proposed to not encroach on the bakehouse building and provide more landscaping;
- Retention of more vegetation; and
- Rearrangement of the car parking spaces.

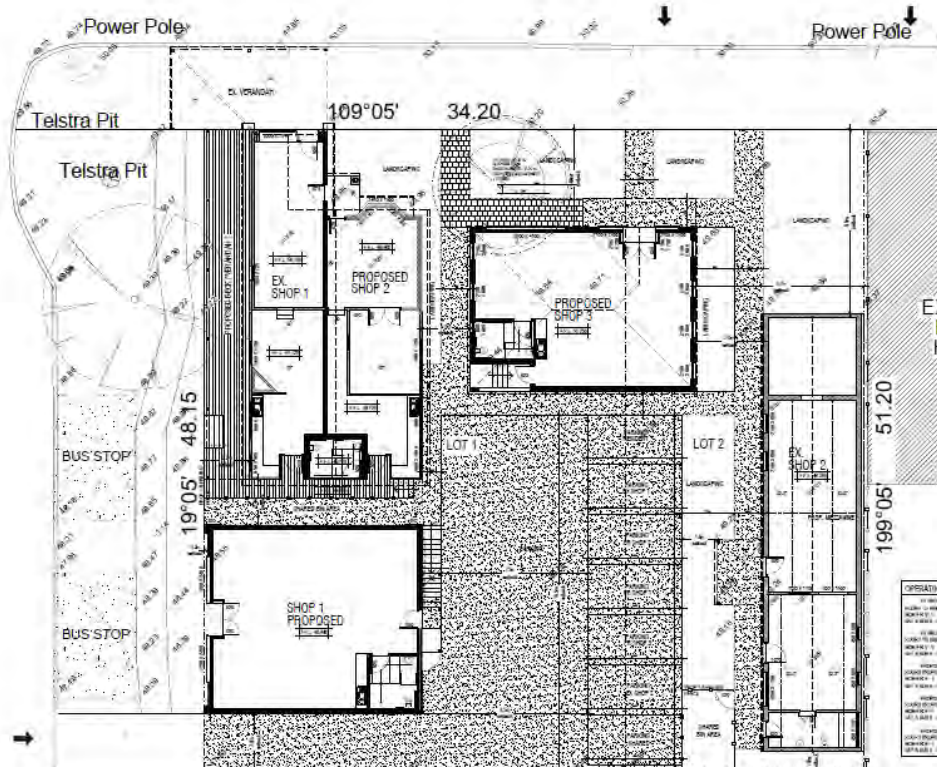


Figure 5: Revision made to site plans after Notice being given in response to objector concerns





Figure 6: Revision made to northern elevation plans prior to Notice being given

These latest plans seek to improve visual connection with the woodfire bakery, improve the open areas and provide more landscaping and retention of existing vegetation and provide for more space between the woodfire bakery and the car parking area.

This latest Revision of the plans showing two (2) additional Shops, a dwelling, partial demolition to the rear of Existing Shop 2 (Residence), a reduction in car parking and alteration of access to a Road in a Transport Zone 2 are what are to be considered.

### Permit/ Site History

The planning history of the site includes:

- Planning Permit T130297 which was applied for the Use of the land for the sale and consumption of liquor (General Licence) in association with both a shop and a restaurant, buildings and works in a Heritage Overlay and a reduction in car parking was lapsed on 12 December 2013.
- Planning Permit T130763 which was issued for the use of the land for the sale and consumption of liquor (general licence) in association with both a shop and a restaurant, buildings and works in a Heritage overlay, a reduction in parking and signage on 15 January 2015.
  - An extension of time was granted for this permit on 25 October 2017. This approval granted an extension to the time for commencement of the use and development until 15 January 2019 and for the completion by 15 January 2021.
  - A further extension of time to this permit was refused on 24 December 2020 as the request to extend the permit was made outside of the prescribed timeframes pursuant to Section 69(1) of the *Planning and Environment Act, 1987*.
- Planning Permit application T200222 which was applied for buildings and works for five (5) additional buildings (shops), alterations and additions to a Heritage building, development of the land for a dwelling, a reduction in car parking and associated works was lapsed on 12 January 2021.
  - The applicants reapplied (current application) for permission for these buildings and works in March 2021.

- Planning Scheme Amendment C249 which was gazetted on 18 February 2021 sought to correct a number of minor zoning and overlay anomalies within the Cardinia Planning Scheme. One of these corrections included a 'fix-up' amendment to H086.
  - The anomaly corrected in this amendment was the inclusion of number 43 Nar Nar Goon-Longwarry Road, which was previously omitted from the Schedule to the Heritage Overlay, to ensure that the Schedule to the Overlay was consistent with the Heritage Citation for the J. & M. E. Lowndes Bakery & Residence site.



### Subject Site

The site is located on the south-western side of Nar Nar Goon-Longwarry Road. Garfield. It is located on the corner with Ritchie Street.

Two (2) crossovers are located on Nar Nar Goon-Longwarry Road.

The site currently consists of two (2) allotments known as 41-43 Nar Nar Goon-Longwarry Road. 41 Nar Nar Goon-Longwarry Road contains a red brick bakehouse and 43 Nar Nar Goon-Longwarry Road contains the bakery building and attached residence.

The topography of the land slopes slightly from north to south.

There are no title restrictions affecting the subject site.

The site is not subject to Aboriginal Cultural Sensitivity.

The main characteristics of the surrounding area are:

- North: Directly north of the site Nar Nar Goon-Longwarry Road. Across the road is the Melbourne-Bairnsdale Railway Line. Beyond this is a large area of residential



development north of the railway line.

- South: Directly south of the site are two (2) units located at 3 and 5 Ritchie Street. Further south are more residential properties, Garfield Recreation Reserve and open farmland.
- East: Directly east of the site is 39 Nar Nar Goon-Longwarry Road which is a large commercial parcel containing an old garage covered by Heritage Overlay 85 (Garfield Commercial Precinct Heritage Overlay). Further east are other properties located in the Commercial 1 Zone, along with residential properties.
- West: Directly west of the site is Ritchie Street. Across Ritchie Street is the Garfield Theatre. Further west is the main commercial strip of the township.



## Relevance to Council Plan

### 4.1 We support our productive land and employment land to grow local industries

4.1.2 Plan for sustainable employment precincts to entice new industries to the region and support new business.

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

### 5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.



## Proposal

Approval is sought for the following:

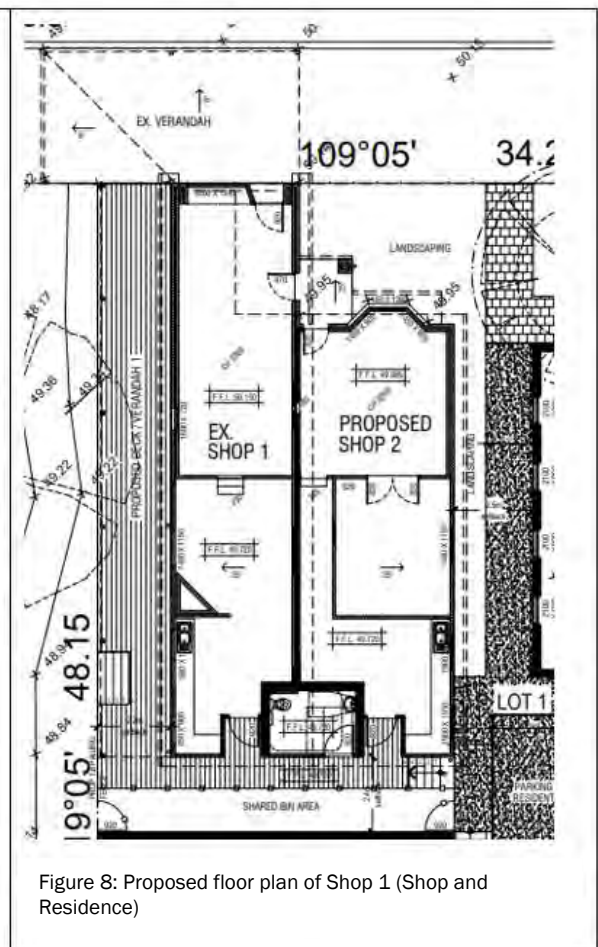
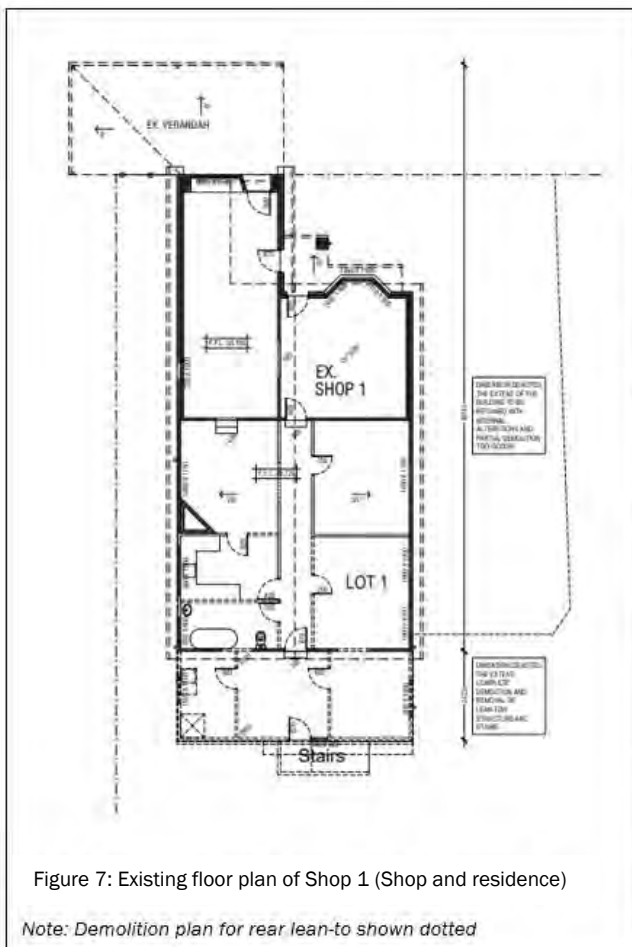
- Additions and partial demolition to the existing residence (rear lean-to) in a Heritage Overlay;
- Construction of additional buildings (shops);
- Construction of a dwelling;
- A reduction in car parking; and
- Alteration of access to a Road in a Transport Zone 2.

It is noted that there are no vegetation or tree controls affecting the site (including under the Heritage Overlay), therefore a Planning Permit is not required to remove vegetation. However, given the Heritage significance of the site, established plantings have been shown to be retained where practicable.

### Additions and partial demolition to the existing bakery and residence in a Heritage Overlay:

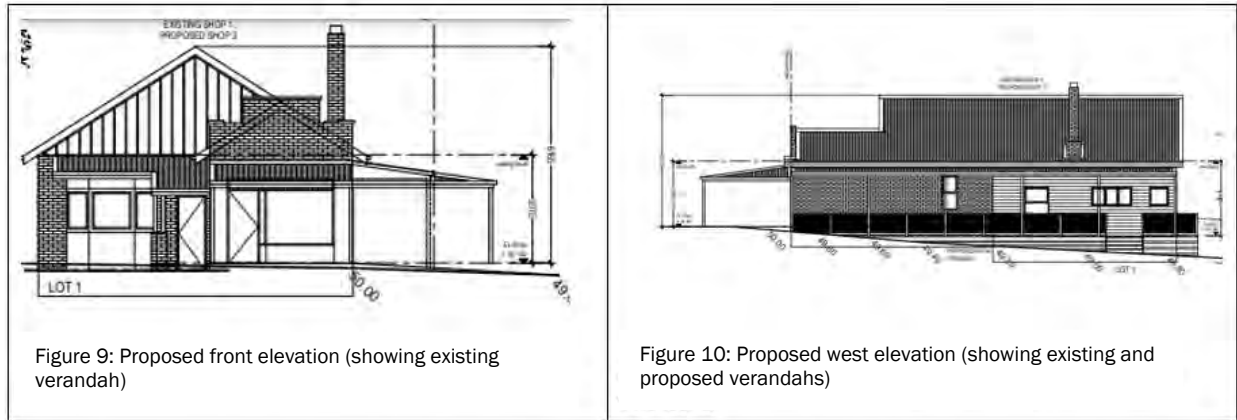
The proposed alteration works include mainly internal works within the residence and shop building on the corner of Nar Nar Goon-Longwarry Road and Ritchie Street. These works are intended to construct a wall down the centre of the building to create two (2) separate tenancies. The existing windows and entrance doors are not proposed to be altered.

In addition to these internal alterations, the proposal also seeks permission for the partial demolition of a lean-to and stairs which appears to be a later addition to the rear of the building (see Figure 7).



As part of the works proposed for this building, permission is also sought for the construction of a deck and verandah along the western side of the building where it adjoins Ritchie Street (see Figure 8).

The front verandah on the corner of the bakery/ residence building which projects over the footpath will be retained (see Figures 7 and 8).



No alterations, additions or demolition are proposed for the Bakehouse building.

Based on the plans submitted, the existing buildings on the site will contain three (3) separate shops/ tenancies.

The remainder of the tenancies will be provided in new buildings discussed below.

#### Construction of additional buildings (Shops) and dwelling:

In addition to the alterations proposed for the two (2) heritage listed buildings, two (2) additional Shops are also proposed to be constructed.

One (1) of these Shops is proposed to be sited between the Bakehouse building and the Bakery/ Residence addressing Nar Nar Goon-Longwarry Road, whilst the other is proposed to the rear of the Bakery/ Residence addressing Ritchie Street.

Additionally, a two (2) bedroom apartment style dwelling is also proposed and will be located above Shop 1 (to the rear of the site).

**Shop 1:** Will be a separate building located to the rear of the site and will measure a total leasable floor area of 107.32sqm. It will be constructed with a brick front façade in a red tone (pressed reds, austral bricks, 'Governor', 'Darling; or the like) and dark grey vertical panelling on all other elevations. The proposed Dwelling will be located above Shop 1.

**Dwelling:** The Dwelling is proposed to comprise two (2) bedrooms, a bathroom, laundry and open plan kitchen, living and dining area. A balcony is also proposed overlooking Ritchie Street.

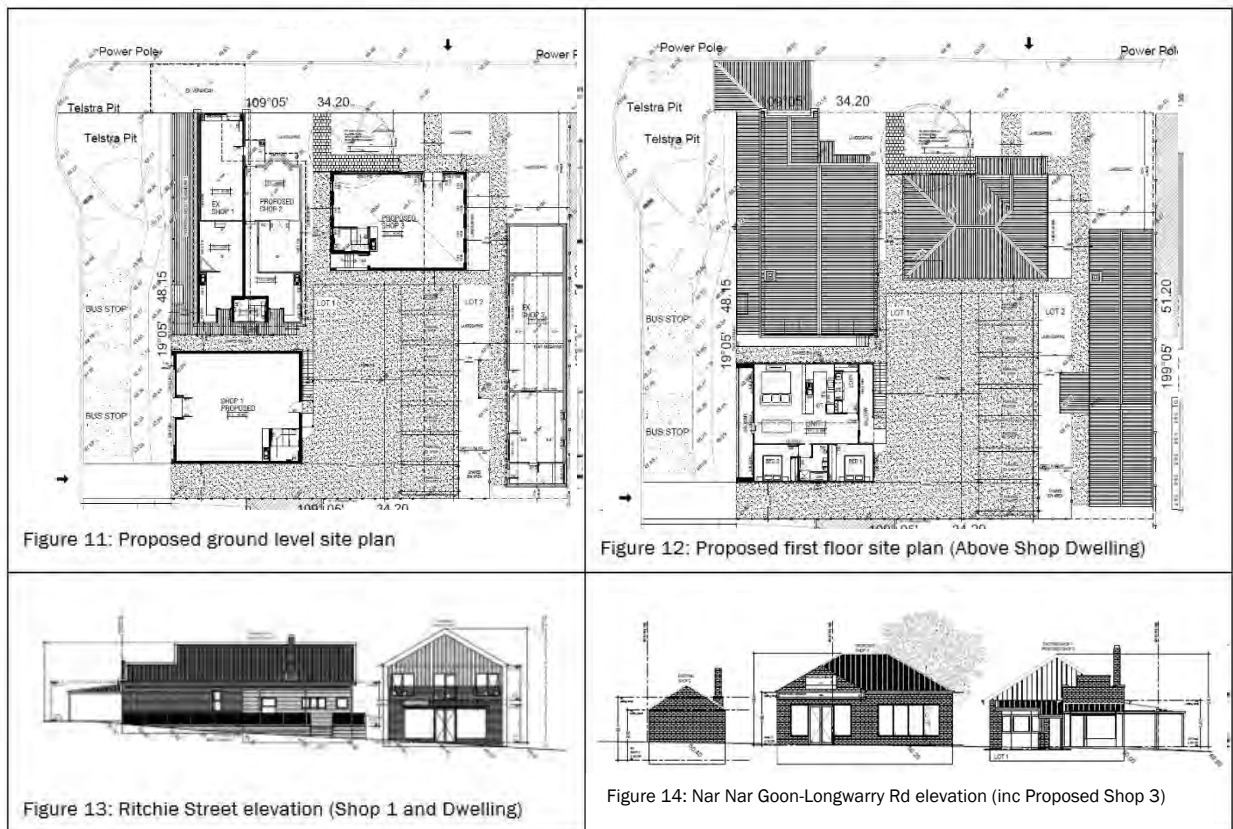
The building is proposed to be constructed with a gabled roof with the same pitch as the existing buildings, which is sympathetic to the Heritage Bakery and Residence.

The overall height of this building is proposed to reach 9 metres above natural ground level.

Shop 3: This proposed shop will be located directly east of the existing Bakery and Residence (shown on the plans as Ex. Shop 1 and Proposed Shop 2). It will be setback 2.5 metres from the existing building and 5 metres from Nar Nar Goon-Longwarry Road.

This Shop is proposed to measure 93.6sqm in area and will be constructed with a combination hip and front facing gabled roof with the front facing gable being the same pitch to the existing buildings. It is proposed to reach a total height of 6.08 metres.

It is proposed to be constructed with, with red tone (pressed reds, Austral bricks, 'Governor', 'Darling; or the like) and a Colorbond roof in 'Shale Grey' or the like.



#### Use of the buildings:

Apart from the Bakehouse building which is currently occupied by a business, the other existing and proposed buildings are not proposed to be used for any particular business or use (other than Shops) at this point in time.

#### Car parking:

A total of seven (7) parking spaces (including 1 dedicated to the Dwelling) are proposed to the rear of the site.

According to the area schedules, the parking demand for this development has been calculated by Council's Traffic Engineer as being 12 to 15 spaces. This calculation has taken into account the historical parking deficit of the existing buildings on the site, as well as the informal spaces which are currently provided on the site.

Based on this the current proposal is seeking a car parking reduction of between 5 to 8 spaces.

Alteration of access to a Transport Zone 2:

The proposal will require the removal of two (2) redundant crossings to Nar Nar Goon-Longwarry Road.

As the proposal also seeks to increase the intensity of development on the site, this is also considered an alteration of access, due to the increase traffic flows anticipated.

No new access to Nar Nar Goon-Longwarry Road (Transport Zone 2) is proposed.

Vegetation removals:

Some established vegetation is proposed to be removed from the site to facilitate the development, however there are no tree controls under the H086, nor are there any other vegetation controls affecting the site. Therefore, a planning permit is not required to remove this vegetation.

The applicant has proposed to incorporate some existing vegetation into the landscaped areas where possible.

## **Planning Scheme Provisions**

### **Zone**

The land is subject to the following zones:

- Commercial 1 Zone
- Adjacent to a Transport Zone 2

### **Overlays**

The land is subject to the following overlays:

- Heritage Overlay - Schedule 86 (J. & M. E. Lowndes Bakery & Residence)

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

The relevant clauses of the PPF are:

- Clause 15 – Built environment and Heritage
  - Clause 15.01-1S – Urban design
  - Clause 15.01-2S - Building design
  - Clause 15.01-1S – Neighbourhood character
  - Clause 15.01-6S - Design for rural areas
  - Clause 15.03-1S – Heritage conservation

- Clause 17 – Economic development
  - Clause 17.01-1S – Diversified economy
  - Clause 17.02-1S - Business
- Clause 18 – Transport
  - Clause 18.02-3S – Road system
  - Clause 18.02-4S – Car parking

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

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-4 – Rural townships (Garfield)
- Clause 21.02-6 – Post contact heritage
- Clause 21.04-1 – Employment
- Clause 21.06-1 – Urban Design
- Clause 22.05 – Western Port Green Wedge Policy

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

The relevant provisions/ documents are:

- Clause 52.06 – Car Parking
- Clause 52.29 – Land Adjacent to the Principal Road Network
- Clause 52.34 – Bicycle facilities
- Clause 65 – Decision guidelines
- Clause 66 – Referral and notice provisions
- Cardinia Local Heritage Study Review, Volume 3: Heritage Place & Precinct citations (Final Report, revised Dec 2020).
  - Precinct – Garfield Commercial Extension
- Cardinia Shire (North) Heritage Study 1996 – J & ME Lowndes Bakery & Residence (H086)
- Cardinia Township Character Assessment – Garfield, Bunyip, Koo Wee Rup and Lang Lang, November 2006.
- Garfield Township Strategy, August 2002.



### Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-4 (C1Z) a planning permit is required to construct a building or construct and carry out works.
  - Note: In accordance with Clause 34.01-1 (C1Z) a planning permit is not required for the use of the land for:
    - *Accommodation – so long as any frontage at ground level does not exceed 2 metres (other than a bed and breakfast and caretaker’s house); and*
    - *Shop – so long as the leasable floor area does not exceed any amount specified in the schedule to the Zone. There is no maximum leasable floor area specified by the Schedule to Commercial 1 Zone.*
- Pursuant to Clause 43.01-1 (H086) a planning permit is required to demolish (part demolition) and construct and carry out works on a Heritage listed building or on land within a Heritage Overlay.
- Pursuant to Clause 52.06 (Car parking) a planning permit is required to reduce the number of car spaces required.
- Pursuant to Clause 52.29 a planning permit is required to alter access to a Road in a Transport Zone 2.

### Public Notification

The proposal is not exempt from notice pursuant to Clause 34.01-7 (C1Z) as the land is within 30 metres of a residential Zone.

It was also not exempt from notice pursuant to Clause 43.01-4 (H0) as the application is not for one of the classes listed.

Therefore, 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 and nearby land.
- Placing signs on the site.

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 7 December 2021.

Council has received over r300 objections to date.

The main concerns raised by the objections are:

- Heritage significance of the site and the buildings
- Traffic and safety
- Car parking and access
- Waste collection

- Delivery vehicles
- Existing businesses occupying the site
- Overdevelopment of the site
- Proposed above shop dwelling (overlooking/ overshadowing)
- Privacy impacts
- Open character of the site
- Demolition of the heritage buildings
- Streetscape character

Following the review of the objections received and to address Council's concerns, the applicants revised the plans as described in the Background section of this report. These amended plans have been circulated to the objectors for their review.

## Referrals

### External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Department of Transport [Determining]	No objection (subject to conditions)  DoT have required amended plans to be submitted that show the crossovers to Nar Nar Goon-Longwarry Rd as removed and reinstated, as well as these works being completed prior to the occupation of the buildings.
Section 52 Notices	N/A	

### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Heritage	Heritage have sought the advice of an external Heritage Consultant. The consultant is generally supportive of the proposed buildings (shops) and Dwelling, as well as the partial demolition to the heritage building given the minor nature of the demolition now proposed. They have suggested the use of sympathetic materials, landscaping and for the buildings and car parking areas.  Amended plans to show these changes will be included as conditions of approval.
Strategic Planning	Supportive of the proposed buildings, dwelling and partial demolition to the heritage building, subject to the Heritage Officers support.
Urban Design	Supportive of the proposed buildings, dwelling and partial demolition to the heritage building, subject to the Heritage Officers support. The Urban Design Department have also suggested similar changes to the materials, colours and landscaping to what was raised by the Heritage Consultant.



	Amended plans to show these changes will be included as conditions of approval.
Traffic	<p>Did not support the plans in their current form due to the car parking deficiency. Amendments sought to reduce the car parking demand, and therefore reduce the impact of the car parking reduction sought.</p> <p>Note: Since the Section 50A amendment (and subsequent amendment) to the plans increased the number of parking spaces provided compared to what was originally proposed, Traffic advised that a new Traffic assessment was not required to be submitted.</p>
Engineering	No response received. Standard engineering conditions will be placed on the permit.

### Discussion

The proposal for the construction of additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking and alteration of access to a Transport Zone 2 is considered generally consistent with the aims and objectives of the objectives of the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, as well as the zones and overlays which apply to the subject site as discussed below.

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

A number of state and local policies are relevant to this application ensure that buildings and works positively contribute to the commercial area, that adequate car parking is provided and that buildings and works on a heritage building do not detrimentally impact the heritage fabric or significance of the site.

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

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

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

Clause 15.01-6S (Design for rural areas) seeks to ensure development respects valued areas of rural character.

Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance, by encouraging appropriate development that respects places with identified heritage values, encouraging restoration and retaining those elements which are of importance.

Clause 17.01-1S (Diversified economy) seeks to strengthen and diversify the economy and support rural economies to grow and diversify.

Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services by ensuring commercial

facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Clause 18.02-3S (Road system) seeks to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Clause 18.02-4 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

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 21.02-6 (Post-contact heritage) recognises the rich and diverse cultural heritage of Cardinia Shire illustrates the historic use, development and occupation of the land. This history is demonstrated by a wide range of heritage places that include buildings and structures, monuments, trees, landscapes and archaeological sites. These places give Cardinia a sense of historic continuity as well as demonstrating the economic, social and political circumstances of the time and this policy seeks to protect and preserve these recognised sites by including them into the Heritage Overlay.

Clause 21.03-4 (Rural townships) seeks to retain and enhance the existing rural township character in Cardinia Shire's rural townships by maintaining and promoting the overall historic character within each township.

Clause 21.04-1 (Employment) supports the development and enhancement of economically sustainable businesses within the municipality including within rural townships.

Clause 21.06-1 (Urban Design) seeks to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

Clause 22.05 (Western Port Green Wedge Policy) seeks to give effect to Council's vision for the Cardinia Western Port Green Wedge.

Strategic planning policy (Garfield Township Strategy, 2002) seeks to ensure the long-term sustainability of the township, retain its identity as a rural rail town and an attractive place in which to live. It also seeks to provide for a basic level of commercial and community service provision and build on the heritage values of the township to promote tourism opportunities.

The application is considered to respond positively to these policy, with a proposal that sensitively responds to the heritage constraints of the site, incorporates features that generally reinforce the rural character of the township and supports additional economic opportunities.

### **Consideration of objections**

As discussed above over 300 objections have been received to the application.

The key themes of the objections received include the following concerns:

- Heritage significance of the site and the buildings
- Traffic and safety

- Car parking and access
- Waste collection
- Delivery vehicles
- Existing businesses occupying the site
- Overdevelopment of the site
- Proposed above shop dwelling (overlooking/ overshadowing)
- Privacy impacts
- Open character of the site
- Demolition of the heritage buildings
- Streetscape character

In response to the key themes of the objections, a detailed assessment of the revised proposal against the relevant planning considerations has been undertaken below.

### **Assessment against Zones and Overlays**

As discussed, the site is subject to the Commercial 1 Zone and Heritage Overlay (H086).

#### *Commercial 1 Zone*

The key purposes of the Commercial 1 Zone that are applicable to this application are to implement the MPS and PPF and to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.

Pursuant to Clause 34.01-1 (Table of uses) and Schedule 1.0 to the Commercial 1 Zone the use of the land for Accommodation (Dwelling) and Shop in the Commercial 1 Zone does not trigger a planning permit (as outlined above).

#### *Buildings and works in the Commercial 1 Zone*

A Planning Permit is required however, for buildings and works pursuant to Clause 34.01-4 (C1Z).

In considering the appropriateness of the proposed buildings and works the Responsible Authority has considered the following decision guidelines (as applicable):

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*

The proposal will provide for sufficient and safe pedestrian movements with the site and the surrounds. The proposed buildings are setback off the pedestrian footpath and the vehicle access to the carparking area is proposed off the side street. The existing vehicle crossings on Nar Nar Goon-Longwarry Road (which is under the control of the Department of Transport) will be required to be removed and reinstated. The proposed site layout is considered to result in less impacts to the Transport Zone and is supported by the Department of Transport (DoT).

The existing footpaths in the road reserve external to the site, are sufficient for providing safe pedestrian movements. There is public transport (bus stops and train station) located within close proximity of the site and the movement of waste an emergency vehicle will not be affected by the development.

- *The provision of car parking.*

The development proposes to provide seven (7) parking spaces on the site. The car parking is proposed to the rear of the site and accessed from the side street (Ritchie St), which is supported given the commercial context of the site and given it adjoins a Transport Zone 2. The provision of seven (7) on site spaces is a reduction in the number of spaces required for the development, however in this context, the availability of on-street parking and given the township location of the site the reduction is considered reasonable.

It should also be recognised that the development of the site will result in the formalisation of car parking spaces on the subject site, which currently do not exist. Currently patrons of the bakehouse and the former bakery would generally park in the surrounding streets.

*Please see Clause 52.06 (Car Parking) assessment for further justification.*

- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*

The proposal is considered to be a good design response with the proposed buildings addressing the street frontages and carparking being provided to the rear. The design provides good pedestrian access from the street and further activates the commercial site. The proposal conserves the existing heritage buildings and proposes a sympathetic design, which subject to some minor changes requested via the submission of amended plans (including the provision of a landscaping plan) is considered to be a reasonable proposal for the commercial context of the site.

By requesting these changes it is intended to ensure that the impact of the buildings and works on the heritage buildings (in particular the bakehouse) are reduced and the streetscape character of larger setbacks and landscaping at this site is maintained.

Considering the above, the proposed design (subject to the changes discussed) is considered an appropriate design response for a site located in the Commercial 1 Zone.

- *The storage of rubbish and materials for recycling.*

There are sufficient areas provided on the site for the storage of rubbish and materials. A condition will be placed on the permit to ensure that rubbish and collection does not cause any material detriment or nuisance to the surrounding properties and uses. A condition will also require the submission of a Waste Management Plan as is standard for a commercial development of this type.

- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*

All works are proposed within the boundaries of a property in private ownership. The maintenance of the buildings and works will be the sole responsibility of this operator. If the site is ever subdivided, common property would become the responsibility of the owner's corporation.

Conditions will be placed on the permit to ensure that the site does not cause material detriment or nuisance to the surrounding properties and uses.

- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Whilst there are two (2) dwellings located to the rear of the site, these properties are also located within the Commercial 1 Zone and therefore do not have the same protections (or amenity expectations) afforded to land in a residential zone. The nearest land within any residential zone is located over 22 metres to the south of the site. However, the design does attempt to deal with potential overlooking and overshadowing by providing limit windows to the southern elevation of the above-shop dwelling. To address the concerns of objectors, additional screening can be requested via permit condition.

The building is well setback from the southern boundary, and given its overall height it is not likely to cause any unreasonable overshadowing to the neighbouring dwellings.

- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Even though the adjoining dwellings are located in the Commercial 1 Zone, consideration of this requirement has been addressed. There are no existing rooftop solar energy systems on the adjoining dwellings, therefore there should be no impacts.

- *The availability of and connection to services.*

The buildings have access to all services and will be connected accordingly.

- *The design of buildings to provide for solar access.*

The buildings and works face north and west, therefore there should be adequate solar access to the shops. North and west facing windows are provided to the proposed above show dwelling which should provide adequate solar access.

- *The objectives, standards and decision guidelines of Clause 54 and Clause 55.*

Overall, the proposal, especially the proposed above-shop dwelling is considerate of the objectives of Clause 54. A permit is not required to use the land for a dwelling in this instance, and therefore, only the built form can be considered. In this instance the built form of the dwelling is considered acceptable. There are examples of double storey development within the immediate vicinity of the site consisting of both residences and commercial buildings. The height of the building is sympathetic to the height of the existing building referred to as the bakery/ residence on the site. The setbacks are generous, and the open space provided on the balcony is acceptable. The layout of the building ensures that enough solar access is provided. Overall, the design is considered to respect the existing neighbourhood character or contributes to a preferred neighbourhood character.

#### *Response to objections (amenity impacts)*

In response to objections regarding privacy impacts, waste collection, additional traffic, existing businesses occupying the site and streetscape character, it is important to consider that the site is located within a Commercial 1 Zone and therefore, developments of this scale are not incompatible with the purpose and objectives of the Zone.

The subject site does not directly adjoin a residential zone. The properties directly to the east and south are both located in the Commercial 1 Zone, with only the rear properties being used for residential purposes. These dwellings have been constructed within the Commercial 1 Zone and as discussed above, cannot reasonably expect the same amenity as a residentially zoned property.

However, as discussed above, in order to deal with any perceived privacy impacts, amended plans showing screening will be requested.

In relation to waste collection and traffic concerns, these are considered to have been adequately dealt with. The car parking area is appropriately located to the rear of the site and a waste management plan will be requested. Additional traffic within a commercial area is not unreasonable, and the scale at which additional traffic may frequent this site is not considered to be extreme.

Conditions to manage offsite amenity impacts such as noise, waste collection times, odour and other nuisances will be required as part of any approval.

Additionally, although there are concerns about the dwelling overlooking the bus stop and street, passive street surveillance is encouraged by the Planning Scheme and therefore, the balcony overlooking the street is not considered unreasonable, rather it is favourable when considering Planning Policy relating to passive surveillance and safety.

Based on the above assessment it is considered that the proposal is suitable and properly located within the Commercial 1 Zone. It will meet the objectives of the Commercial 1 Zone whilst occupying the site by providing a suitable use of a commercially zoned property, within the Town Centre providing for local jobs and business within a rural township. The uses proposed are as of right in the Zone and therefore, subject to permit conditions the development of the site to facilitate uses that will contribute to the commercial centre is considered a reasonable proposal.

#### *Heritage Overlay (H086)*

The key purpose of the Heritage Overlay is to conserve and enhance places of natural and cultural significance, as well as elements which contribute to the significance of heritage places. It is also in place to ensure that development does not adversely affect the significance of heritage places.

Pursuant to Clause 43.01-1 (H086) a planning permit is required to construct a building or construct or carry out works on a Heritage building, including partial demolition.

#### *Buildings and works within the H086*

A detailed description of the proposed works has been provided in the proposal section of this report.

#### *Internal works*

The internal works include the demolition of internal walls within the bakery/ residence building, and the construction of new internal walls to divide the spaces. The H086 does not include internal controls, and therefore the proposed internal works are not expected to impact the heritage significance or appearance of the building.

#### *Partial demolition works*



The proposed demolitions are demonstrated on the plans as being minor in scale and to the minimum extent necessary to facilitate the construction of the additional shops and dwelling which encourages the restoration and retention of those elements which are of importance. Given that the more extensive demolitions are proposed to the rear of the bakery/ residence building the demolition works are not expected to adversely affect the significance of the heritage place.

These demolition works are also not expected to adversely affect the significance of the heritage place. The bakehouse building will remain untouched.

Whilst there is no updated heritage citation for H086, the recently reviewed Cardinia Local Heritage Study Review, Volume 3: Heritage Place & Precinct citations (Final Report, revised Dec 2020) for Garfield's Commercial Precinct as a whole provides some conservation management guidelines which have been utilised to assess whether the proposed partial demolitions are acceptable.

This document outlines conservation management guidelines for buildings located in the Garfield Commercial Precinct which are protected under H085. This document states that in order to conserve the heritage significance of buildings in the commercial strip, any demolition must not result in the removal of significant fabric, nor adversely affect the significance of the heritage place.

#### *Response to objections (demolition in Heritage Overlay)*

A number of concerns were raised about demolition in the objections received by Council. Whilst these are valid concerns, as discussed the proposed demolition works are very minor in scale and do not seek to remove any significant heritage fabric. Additionally, as shown in the revised plans to deal with objector concerns about demolition, the bakehouse building will now remain untouched.

The proposed elements to be removed have been assessed by Council's Heritage Department and an external Heritage Consultant and are not considered to be of primary significance and its removal will not adversely alter or affect the significance of the place.

In addition its removal to facilitate the proposed works and will assist in the long term conservation of the place, by facilitating the historic use of the place and will not result in the loss of fabric considered to be primary significance. This is consistent with Council's Heritage citation for the bakery site and therefore, the proposed demolitions can be supported.

#### *Buildings and works for additional Shops and Dwelling*

Council's Heritage Department and external Heritage Consultant have reviewed the plans and consider that the additional Shop and Dwelling buildings are not expected to negatively impact the heritage significance of the site.

#### *Response to Objections (impact on heritage buildings)*

The citation does not identify that the spacing between the two (2) buildings is significant, nor does it state that the gardens or vegetation is significant to the heritage place. The citation only mentions the significance of the two (2) buildings, and since the proposal only seeks minor demolition works to one (1) of these buildings that does not alter its significance, the additional in-fill buildings and addition of a verandah to the western elevation of the bakery/ residence building are considered to achieve the required level of conservation of the site and therefore, supportable.



Council's Heritage Consultant advised that the revised plans indicates a vast improvement over the initial concept, with the old bakehouse (Ex Shop 2) now free-standing in its own space which communicates with that of the Lowndes shop and residence at the corner.

They advised that the scale, materials and form appear compatible with the existing heritage buildings and therefore do not detract from the heritage protected buildings. They suggested that the bricks proposed on Shop 3 should match those on the existing corner shop (bakery/ residence building). This can be requested via the submission of amended plans for Council's further approval should a permit be granted.

It is noted that the Heritage consultant reviewed the plans put on Notice and suggested that it was not necessary to further recess Shop 4 to be in line with Shop 3's front setback, however to deal with a number of other issues raised by the objectors such as streetscape character and heritage impacts, the applicant has removed Shop 4 and ensured that Shop 3 is setback in line with the existing bakery/ residence building. This is seen as a positive outcome that further reduces impacts on the bakehouse building.

This change is also in keeping with Council's Heritage citation conservation management guidelines for the Garfield precinct which seek to ensure that the siting and design of new development does not overwhelm the historic setting of the building and the site as a whole by becoming a dominant element or by interfering with key views to and from the site.

The applicants response to remove Shop 4 and set Shop 3 back in line with the existing bakery/ residence building is considered to address the concerns that the site will lose its 'sense of openness', and will in turn allow the retention and incorporation of the established vegetation in the front setback into a landscaped area. This shared area could therefore cater for any outdoor dining area and utilised by the existing and future tenants.

Additionally, the additional landscaped space to the front and side of the bakehouse (woodfire bakery building) should ensure adequate separation between the buildings and car parking area to ensure that the viability of using this building and the woodfire oven are not adversely impacted by the development.

Based on this assessment, the proposal is not considered to detrimentally impact the heritage significance of the site, and with the support of Council's Heritage Department and external Heritage Consultant, the proposal should be considered reasonable and supported, subject to conditions.

### **Car parking**

A total of seven (7) parking spaces (including 1 dedicated to the Dwelling) are proposed to the rear of the site. Based on the leasable floor area of the two (2) new shops, the car parking demand generated is seven (7) spaces. The dwelling requires one (1) space, therefore, overall all the new buildings on the site generate the need for a total of eight (8) spaces.

Historically, due to the age and era in which the shops were built the existing Shops on the site were not provided formalised on-site car parking, although it is noted that some of the gravel areas between the buildings are sometimes informally utilised for parking (by owners/ operators).

If these shops were considered under today's Planning Scheme, they would generate the need for up to eleven (11) spaces. Given that up to six (6) informal car parking spaces are currently provided on the site, Council's Traffic Engineer considers that the site is in 'credit' for these six (6) spaces and that therefore, there is a current deficiency of five (5) spaces.

Based on this assessment by Council's Traffic Engineer's, the parking demand for this development has been calculated as being 12 to 15 spaces. This calculation has taken into account the historical parking deficit of the existing buildings on the site, as well as the informal spaces (totalling approximately 3-6 spaces) which are currently provided on the site.

There are concerns from a traffic perspective with the application, as there is an insufficient provision of on-site car parking to facilitate the expected parking demand for the capacity of patrons sought by the new buildings. The site will therefore heavily rely on on-street car parking to accommodate the demand, which could have the potential to negatively impact other existing uses and the operation and amenity of the surrounding streets due to the car parking reduction.

Given that there are no formal spaces on the site currently, if the lesser approach is taken, the application proposal includes a reduction of at least five (5) spaces for the on-site provision which is still considered excessive by Council's Traffic Engineers. Hence, the application is not supported from a traffic perspective in its current form. To be reconsidered, it is the advice of Council's Traffic Engineer that the application would either require an increase in the on-site car parking provision by reducing the size of the Shops proposed.

Shop 4 has since been removed, and the car parking layout rearranged, however the car parking issues remain. However, it should be noted that whilst a reduction is still required, the site currently has no formalised car parking provided on site for patrons to cater for its existing demand. This results in cars of patrons parking in the street currently.

If the proposal is approved, a formalised car parking area will be provided on site to cater for the development, which will result in at least six (6) car parking spaces being 'freed up' on street, which is an improvement from what is currently occurring, despite Council's Traffic Engineers concerns.

Clause 52.06 (Car Parking) allows Council's to consider reductions to parking requirements. Additionally, the proposal is consistent with the Decision Guidelines of Clause 52.06. The proposal is considered to achieve an appropriate balance between facilitating growth in a rural township, protecting heritage values and providing formalised car parking to reduce the number of vehicles parking in nearby streets, which is already occurring and will continue to occur if the site is not developed. Additionally, once the redundant vehicle crossings are removed from Nar Nar Goon-Longwarry Road as required by Department of Transport, at least one (1) additional on-street space will be created helping to cater for demand.

It should be noted that should a new land use seek to occupy the existing Shops, if their parking requirement generated is less than 10 spaces, they would not require a planning permit to reduce car parking as the site is located within the Commercial 1 Zone, so long as the floor area of the existing buildings was not increased pursuant to Clause 52.06-3. If this is taken into account, the historic deficit of the existing Shops may be irrelevant to future uses, and therefore, if just the car parking generation for the two (2) new Shops is taken into account, the reduction required is only one (1) parking space, which is considered reasonable.

Based on this, the location of the site, and the availability of on-street parking, the parking reduction should be supported.

#### *Response to objections (traffic / car parking)*

As discussed above, despite the Traffic Engineer's concerns, within the confines of what can be considered by a Planning Permit application, the proposal is considered an acceptable outcome given the context of the site and should reduce any concerns relating to the availability of parking for the site.

The car parking area itself is generally compliant with the design standards at Clause 52.06-9, subject to some minor adjustments which can be requested via condition of any approval granted.

There are sufficient areas for landscaping and pedestrian paths which have been shown within the car parking area. Some objections pointed out that the parking area could only be accessed by a stairway, however this stairway is for the above shop dwelling, not for access to the parking area.

It is noted in some objections that an accessible space has not been provided. For a development of this scale, it is not uncommon for an accessible space to not be provided. Council's Traffic Engineers did not raise this as a concern.

An existing 1.8-metre-high timber paling fence separates the carparking area from the dwellings to the south. This is considered suitable. The hours of the proposed Shops will ensure that there should be no adverse impacts of the use of the car park by vehicles (other than the Dwelling) beyond those hours. However, again it is noted that this site is also located in the Commercial 1 Zone.

A condition will be included on the permit to limit the hours of waste collection to reduce noise nuisance to neighbours from collection vehicles.

Based on the above assessment, the proposed car parking reduction is considered reasonable in this context and should be supported.

### **Bicycle parking**

In accordance with the Table to Clause 52.34- 4 (Bicycle facilities) given the floor area of this development, no bicycle spaces, showers or change facilities are required to be provided.

### **Access to a Transport Zone**

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 Transport Zone 2.
- To subdivide land adjacent to a road in a Transport Zone 2.

As the application seeks to alter an existing access to Nar Nar Goon-Longwarry Road (Transport Zone 2) by intensifying the access by the volume of traffic proposed by the new buildings and works, as well as by removing the vehicle crossings from Nar Nar Goon-Longwarry Road, a referral to the Head, Department of Transport (DoT) under Section 55 of the *Act* was required. Based on their assessment the Head, Department of Transport (DoT), being the determining authority, had no objection to granting this permit subject to conditions relating to the removal and reinstatement of the vehicle crossings to Nar Nar Goon-Longwarry Road.

As 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 Transport Zone.

### **Conclusion**

The proposed development is consistent with the requirements of the Cardinia Planning Scheme and based on the assessment above, is not expected to cause detriment to the

heritage significance of the site, adjoining properties or the commercial centre of Garfield, subject to the conditions recommended below. It is therefore recommended that a Notice of Decision to Grant Planning Permit T210185 be issued for the construction of two (2) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Transport Zone 2 subject to the following conditions.

## Conditions

### Plans required:

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and fully dimensioned. The plans must be generally in accordance with the amended development plans prepared by Studio Three Design & Drafting, Rev. J ('Response to Objections'), dated 18/02/22 submitted with the application but modified to show:

#### Modifications to Dwelling:

- a. The eastern and southern elevations of the dwelling amended to prevent overlooking in accordance with Standard A15 of Clause 54.04-6.
- b. Stairway access to be altered to not encroach on the car parking area or vehicle clearances as per Diagram 1 of Clause 52.06 shown to demonstrate the clearances have been met.

#### Hours of operation:

- c. Deletion of the references to operating hours of the shops.

#### Colours and materials:

- d. The reference codes for the proposed colours and materials schedule shown annotated on the elevation plans for each proposed building.
- e. The type and colour of bricks for Proposed Shop 3 must be amended and be shown to be the same (or as similar as possible) to those on the existing Shop 1 (Bakery and Residence) on the corner of Nar Nar Goon-Longwarry Rd and Ritchie Street.
- f. The expanse of the car parking area broken up with the use of different materials, brick borders and other methods to complement the heritage bakehouse building.

#### Vegetation:

- g. Tree 10 labelled as 'Tree 10' on the site plan.
- h. Tree 8 retained within the front setback of Proposed Shop 3 on the site plan.
- i. Trees 5 and 6 retained within the landscaped strip between the bakehouse and car parking area (if possible) on the site plan.

Car parking and Traffic Management:

- j. Amended swept paths to demonstrate:
  - i. 300mm clearances surrounding the vehicle body to demonstrate sufficient access by a B85 vehicle to each of the proposed car parking spaces, without requiring a corrective manoeuvre and while accommodating vehicles to both enter and exit the site in a forward direction.
  - ii. Sufficient access to allow two (2) opposing B85 vehicles to pass one another within the car parking area.
  - iii. Sufficient access to allow a B85 vehicle to enter the site / car parking area, undertake a 3-point turn within the aisle and exit the site in a forward direction, in the case that all car parking spaces are occupied.
- k. Access aisle and carparking spaces sealed and line marked.
- l. Wheel stops or similar devices provided to ensure vehicles do not encroach onto internal footpaths.
- m. Location of the following pedestrian and vehicle safety signage to alert drivers to the presence of pedestrians and other entering/ exiting vehicles.
- n. A convex mirror located on the western end of the accessway/car parking area capable of improving sightlines.
- o. Installation of a speed hump to reduce vehicle speeds when exiting from the driveway near Ritchie Street. The type and location of the speed hump must be to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- p. The bus stops on Ritchie Street adjacent to the site shown as 'to be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required)'.

Landscaping Plan:

- q. A Landscaping Plan in accordance with Condition 2.

Waste Management Plan:

- r. A Waste Management Plan in accordance with Condition 3.

Department of Transport:

- s. Amendments in accordance with Department of Transport Conditions 29.
2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the

plans provided to show:

- a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- b. Buildings and trees (including botanical names) on neighbouring properties including their Tree Protection Zones within three metres of the boundary in accordance with Arborist Report prepared by TreeDesigns dated 25 September 2020.
- c. Details of surface finishes of pathways and driveways in accordance with the requirements of Condition 1(e).
- d. Details of boundary fencing.
- e. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- f. Landscaping and planting within all open areas of the subject land, including the car parking areas and along internal pathways.
- g. The retention of Trees 5, 6, 8 and 10 in accordance with Conditions 1(f) to (h).
- h. Canopy trees capable of reaching a minimum of 8m mature height (minimum two metres tall when planted) in the following areas:
  - i. Within the front setback of Ex. Shop 2; and
  - ii. The landscaped area between the car parking area and Ex. Shop 2.
- i. Vegetation provided between driveways or directly adjacent to the access to be a maximum of 150mm in height.
- j. All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

#### Waste Management Plan

3. A Waste Management Plan to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
  - a. A scaled bin presentation, including areas for hard rubbish collection.
  - b. The manner in which waste will be stored and collected including the type, size and number of containers.
  - c. Provision for on-site storage.
  - d. Details of how waste collection is to be performed (Council or private).
  - e. The size of the collection vehicle and the frequency, time and point of collection.
4. Before the development starts drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.



**Prior to commencement:**

5. Before the development starts, Lots 1 and 2 on PS545840 must be consolidated under the *Subdivision Act 1988* as evidenced by the certification of a plan by the Responsible Authority and the registration of such a plan by the Registrar of Titles.

**Tree Protection Fencing:**

6. Before works start, a fence must be erected around any tree shown for retention in the locations shown on the endorsed plan (including street trees). This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of  $12 \times$  the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
  - a. vehicular access.
  - b. trenching or soil excavation.
  - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - d. entry and exit pits for underground services.
  - e. any other actions or activities that may result in adverse impacts to retained vegetation.

**Street Tree Removal:**

7. Before the development starts a fee of \$375.00 per tree, as amended from time to time, must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development. Replacement will be undertaken by Council contractors within the streetscape in the next planting season.

**Demolition:**

8. The demolition as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
9. Once the demolition has started it must be continued and completed to the satisfaction of the Responsible Authority.

**General:**

10. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
11. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
12. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the



development must be of a non-reflective nature in accordance with the endorsed plans.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

**Earthworks:**

14. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
15. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

**Stormwater management:**

16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

**Amenity:**

18. The development permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
19. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
20. The amenity of the area must not be detrimentally affected by the use through:
  - a. The transport of materials, goods or commodities to or from the land;
  - b. The appearance of any buildings, works or materials;
  - c. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - d. The presence of vermin, or;
  - e. In any other way.

To the satisfaction of the Responsible Authority.

21. Except with the written consent of the Responsible Authority, deliveries to and from the subject land (including commercial waste collection) may only take place between:
  - a. 7.00am and 6.00pm Monday to Friday; and
  - b. 9.00am and 5.00pm Saturday.

22. All residential and commercial waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
23. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
24. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
25. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017*.
26. All plant and equipment must be located and/or screened so that it is not visible from any public road or residential property.
27. The storage of goods and waste materials must not take place outside the buildings other than a waste storage area adequately screened to the satisfaction of the Responsible Authority.
28. Car parking as shown on the endorsed plans must be maintained for this purpose at all times.
29. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.

**Prior to Occupancy:**

30. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. The measures in accordance with the endorsed plans designed to limit overlooking must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  - b. Any new fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
  - c. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
  - d. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed in accordance with the endorsed plans. They must be constructed with concrete, asphalt or other approved surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
  - e. A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.

- f. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority and the Department of Transport in accordance with Condition 30.
- g. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
- h. Power and telephone lines to the Dwelling must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
- i. A bin storage area must be provided for the Shops and Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- j. A mail box must be provided to the Dwelling to the satisfaction of the Responsible Authority and Australia Post.
- k. A clothesline must be provided for the Dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- l. Lighting must be provided near the front entrance of the Dwelling to the satisfaction of the Responsible Authority.
- m. Traffic signage, traffic control devices (speed hump), the convex mirror, wheel stops, and line marking must be installed in accordance with the approved plans to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).
- n. The bus stops on Ritchie Street must be relocated to the satisfaction of the Responsible Authority and Head, Department of Transport (if required).

**Department of Transport (DoT):**

- 31. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Responsible Authority. When approved, the amended plans must be and will form part of the permit. The plans must be generally in accordance with the submitted plans but amended to show the all disused or redundant vehicle crossings on Nar Nar Goon-Longwarry Road to be removed, and the area reinstated.
- 32. Prior to the occupation of the buildings or works hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.

**Expiry:**

- 33. This permit for the development of land expires if-
  - a. the development does not start within two (2) years after the issue of the permit; or

- b. the development is not completed within four (4) years after the issue of the permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes:**

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Advice should be sought from an Access Consultant prior to the commencement of works to ensure that the internal layout is designed to be Disability Discrimination Act (DDA) compliant.
- iv. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

**Drainage notes:**

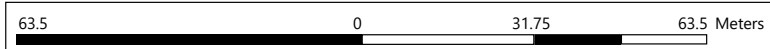
- v. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system.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

**Department of Transport (DoT) Notes:**

- vi. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.



# T210185 PA - Locality map



13-Jan-2022

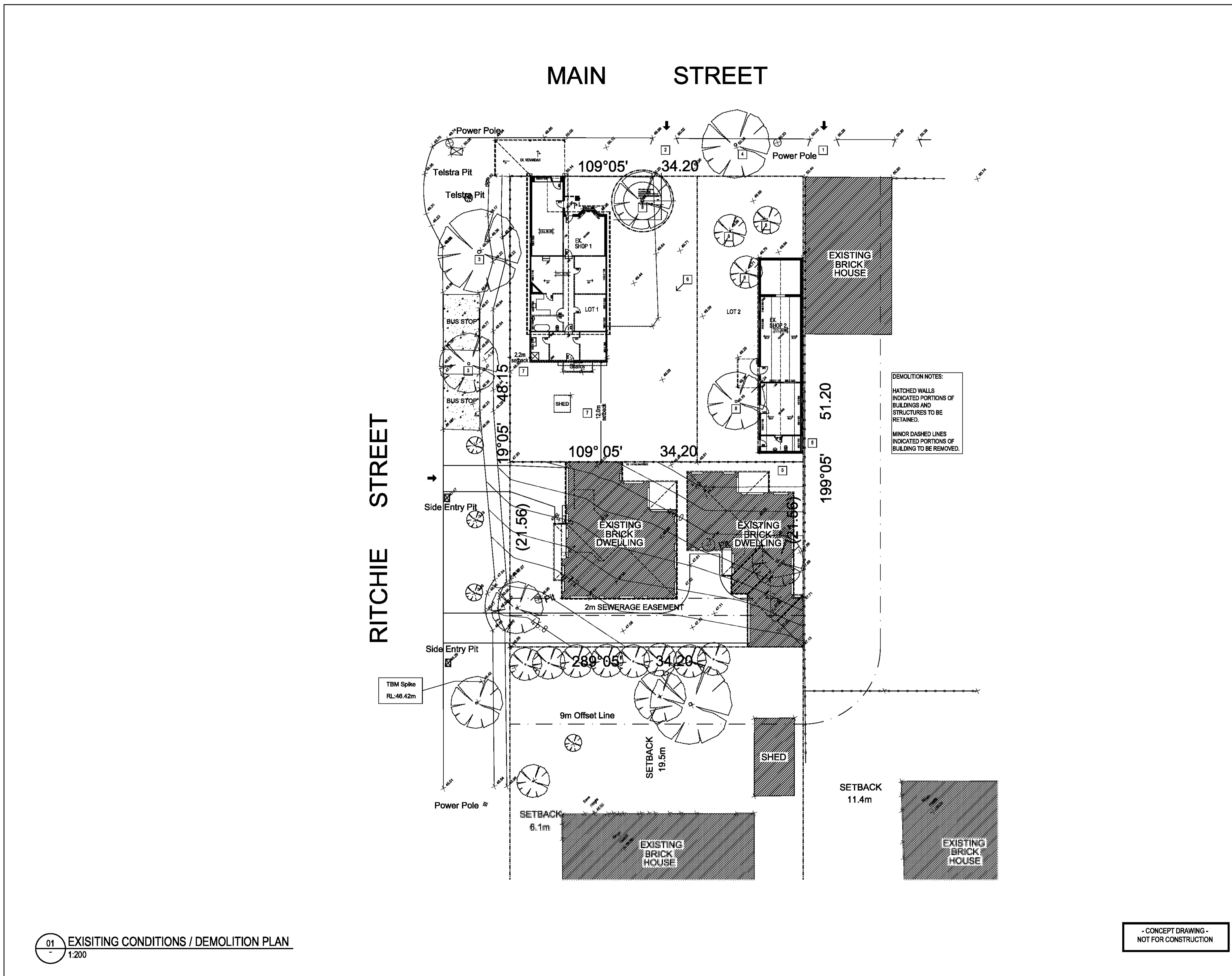
**Notes**

1: 1,250

Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL







**DRIVEWAY**  
 - DRIVEWAY BY OWNER AND GRADIENT (MAXIMUM 1:5 WITH ALLOWANCE FOR TRANSITIONS)  
 - PROVIDE GATIC DRAIN TO GARAGE AND DISCHARGE TO STORMWATER SYSTEM TO LOCAL AUTHORITIES REQUIREMENTS (IF NEEDED).

AREA ANALYSIS		
AREA	SQM	SQ
EX SHOP 1 :-	178.2	19.2
EX SHOP 2 :-	117.2	12.6
EX SHED 1 :-	3.88	0.4
EX VERANDAH :-	33.71	3.6
EXISTING TOTAL :-	299.2	32.2

SITE ANALYSIS		
	SQM	%
SITE AREA :-	1138.8	26.272347
SITE DENSITY :-	589.42	50.0

**LEGEND** EXISTING TREE

- WIND
- MAJOR CIRCULATION
- MINOR CIRCULATION
- THE DEVELOPMENT SITE
- ENTRY POINT
- SOUND SOURCE
- EXISTING DWELLING
- SUNPATHS INDICATED REPRESENT PROJECTED PATH AT SUMMER AND WINTER EQUINOX.
- W WINDOW
- HW HABITABLE ROOM WINDOW
- D DOOR

**SITE DESCRIPTION NOTES**

- EXISTING SINGLE WIDTH CROSSOVER.
- EXISTING SINGLE WIDTH CROSSOVER TO BE RELOCATED.
- EXISTING STREET TREE TO BE RETAINED.
- EXISTING STREET TREE TO BE REMOVED.
- FENCE IN GOOD CONDITION PROVIDES EFFECTIVE SCREEN BETWEEN SITES.
- NATURAL GROUND / SITE FALL.
- LOCATION OF SETBACKS.
- TREES TO BE REMOVED.
- STREET PARKING ALONG MAIN STREET / NAR NAT GOON LONGGARRY ROAD, GARFIELD.
- 26 ON STREET PARKING SPACES PROVIDED ALONG RITCHIE STREET ON THE PROPOSED LOTS WESTERN BOUNDARY.

**Client:** [Redacted]  
**Project:** COMMERCIAL DEVELOPMENT AT 41-43 NAR GOON LONG WARRY ROAD, GARFIELD, VICTORIA

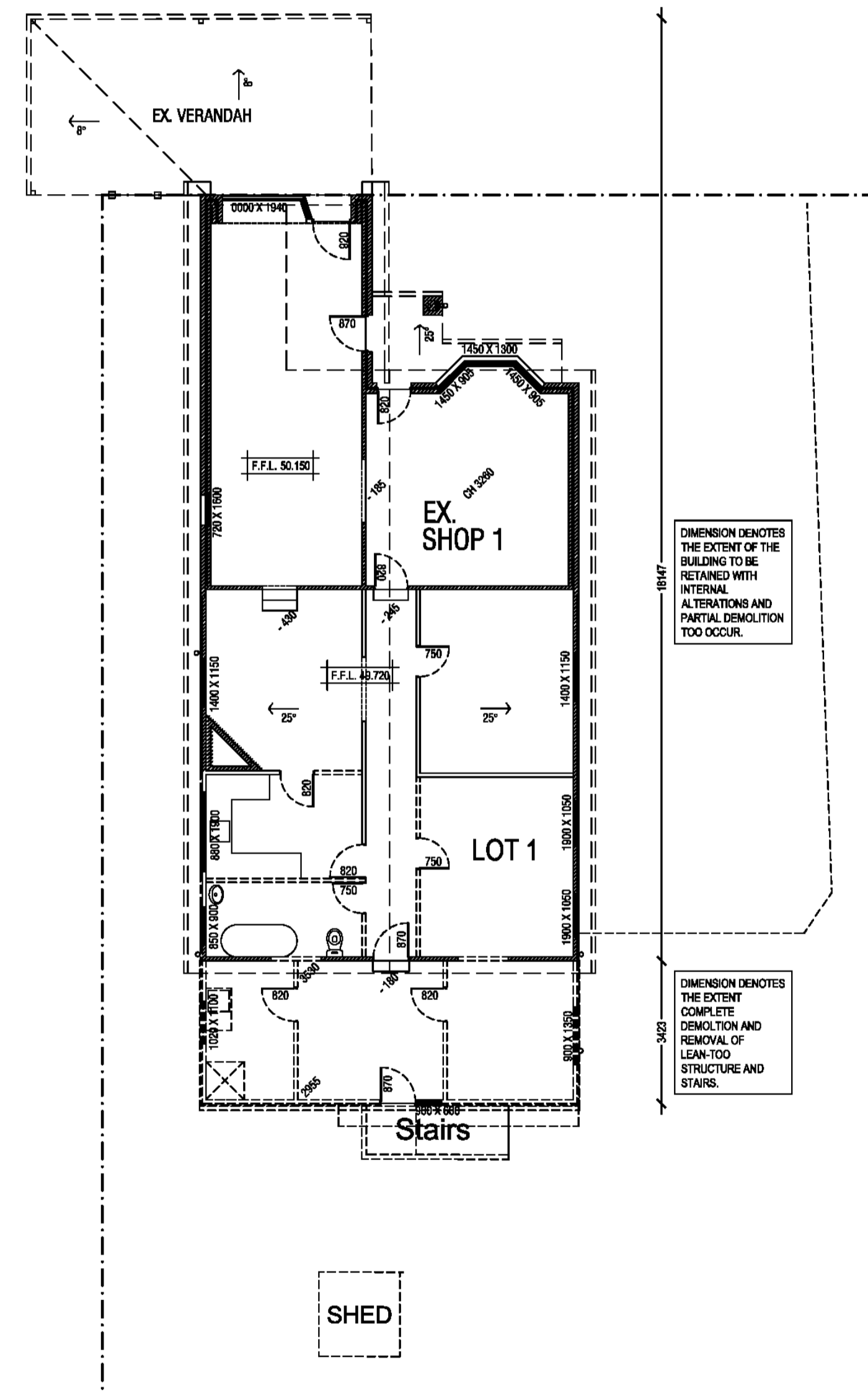
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J	RESPONSE TO OBJECTIONS	SVF	18.02.22
I	ALTERATIONS TO EX. SHOP 1	SVF	25.10.21
H	TRAFFIC DIAGRAMS	SVF	25.10.21
G	HERITAGE AND PARKING MEETING	SVF	06.10.21
F	RFI DEMOLITION	SVF	02.06.21
E	SUBMISSION	SVF	23.02.21
D	RESPONSE TO RFI	SVF	17.09.20
C	CLIENT NOTES	SVF	20.04.20
B	TOWN PLANNING REVISION	SVF	08.04.20
A	FIRST ISSUE	SVF	25.11.19

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 client: SVF  
 check: RA  
 date: 25.11.19  
 message ref: ---  
 title: DP-ADHS  
 sheet: A01 of A09  
 issue: J  
 project no: 3134

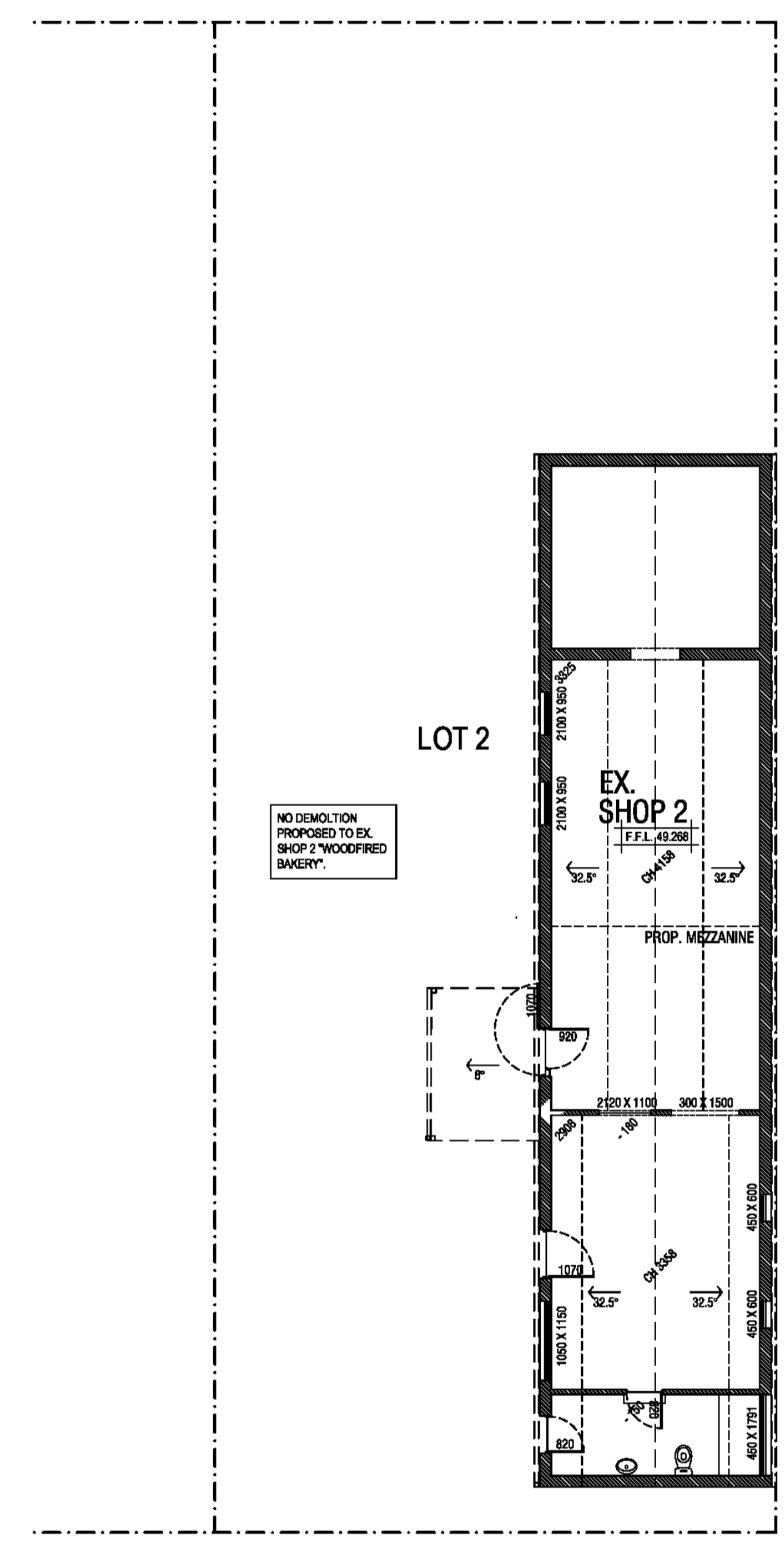
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01 EXISTING CONDITIONS / DEMOLITION PLAN  
 1:200





01 DETAILED DEMOLITION PLAN EX SHOP 1  
1:100



02 DETAILED DEMOLITION PLAN EX SHOP 2  
1:100

**DRIVEWAY**  
- DRIVEWAY BY OWNER AND GRADIENT (MAXIMUM 1:5 WITH ALLOWANCE FOR TRANSITIONS)  
- PROVIDE GATIC DRAIN TO GARAGE AND DISCHARGE TO STORMWATER SYSTEM TO LOCAL AUTHORITIES REQUIREMENTS (IF NEEDED).

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	SQM	%
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SITE DENSITY :-	589.42	50.0

**LEGEND**

- EXISTING TREE
- WIND
- MAJOR CIRCULATION
- MINOR CIRCULATION
- THE DEVELOPMENT SITE
- ENTRY POINT
- SOUND SOURCE
- EXISTING DWELLING
- SUNPATHS INDICATED REPRESENT PROJECTED PATH AT SUMMER AND WINTER EQUINOX.
- W WINDOW
- HW HABITABLE ROOM WINDOW
- D DOOR

**DEMOLITION NOTES:**

- HATCHED WALLS INDICATED PORTIONS OF BUILDINGS AND STRUCTURES TO BE RETAINED.
- MINOR DASHED LINES INDICATED PORTIONS OF BUILDING TO BE REMOVED.
- ANY REMOVAL OF INTERNAL WALLS ARE THERE TO MAKE USE OF THE UNDERUTILIZATION OF THE EXISTING STRUCTURE.
- PORTIONS OF BUILDINGS TO BE RETAINED THAT ARE IN DISREPAIR ARE TO BE REPAIRED AS PART OF THE WORKS ON SITE, I.E. ITEMS SUCH AS BROKEN WINDOWS OR CLADDING THAT HAS PERISHED.
- ALL DEMOLITION TO BE CARRIED OUT IN ACCORDANCE WITH THE AUSTRALIAN STANDARDS AND BCA.

project:- COMMERCIAL DEVELOPMENT AT 41-43 NAR  
NAR GOON LONG WARRY ROAD,  
GARFIELD, VICTORIA

no.	revision	by	date
J	RESPONSE TO OBJECTIONS	SVF	18.02.22
I	ALTERATIONS TO EX. SHOP 1	SVF	25.10.21
H	TRAFFIC DIAGRAMS	SVF	25.10.21
G	HERITAGE AND PARKING MEETING	SVF	08.10.21
F	RFI DEMOLITION	SVF	02.06.21
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D	RESPONSE TO RFI	SVF	17.09.20
C	CLIENT NOTES	SVF	20.04.20
B	TOWN PLANNING REVISION	SVF	08.04.20
A	FIRST ISSUE	SVF	25.11.19

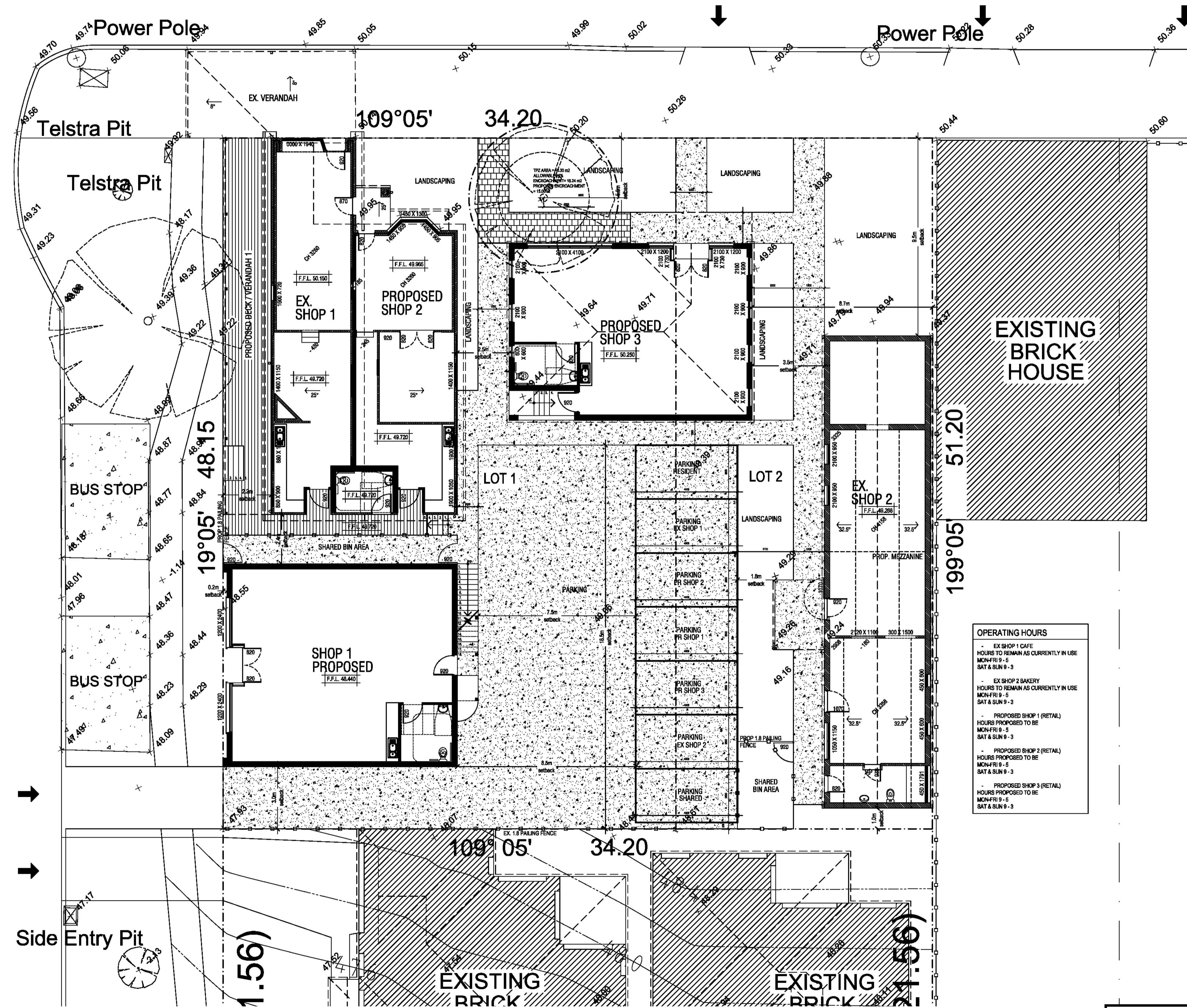
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sheet:-  
issue:-  
project no:-  
3134

- CONCEPT DRAWING -  
NOT FOR CONSTRUCTION



# MAIN STREET

# RITCHIE STREET



**DRIVEWAY**  
 - DRIVEWAY BY OWNER AND GRADIENT (MAXIMUM 1:5 WITH ALLOWANCE FOR TRANSITIONS)  
 - PROVIDE GATIC DRAIN TO GARAGE AND DISCHARGE TO STORMWATER SYSTEM TO LOCAL AUTHORITIES REQUIREMENTS (IF NEEDED)

AREA ANALYSIS		
AREA	SQM	SQ
EX SHOP ALT 1 :-	71.5	7.7
EX SHOP ALT 2 :-	116.3	12.5
PROP SHOP 1 :-	107.32	11.8
PROP SHOP 2 :-	66.38	7.1
PROP SHOP 3 :-	93.80	10.08
UNIT 1 :-	107.32	11.8
EX VERANDAH :-	33.71	3.6
PROP VERANDAH 1 :-	42.73	4.8
PROP VERANDAH 2 :-	23.03	2.5
TOTAL :-	681.9	71.2
LEASABLE FLOOR AREA:-	455.1	49.0

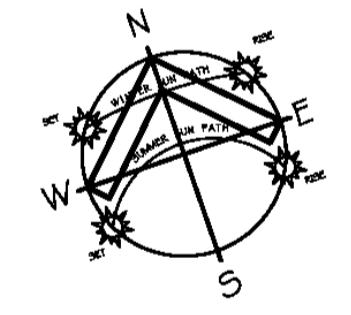
SITE ANALYSIS		
	SQM	%
SITE AREA:-	1138.6	0.0
SITE DENSITY:-	142.38	12.5
TOTAL BUILT SITE COVERAGE	455.08	39.96
HARD SURFACE AREA:-	319.4	28.04

- LEGEND**
- EXISTING TREE
  - WIND
  - MAJOR CIRCULATION
  - MINOR CIRCULATION
  - THE DEVELOPMENT SITE
  - ENTRY POINT
  - SOUND SOURCE
  - EXISTING DWELLING
  - SUNPATHS INDICATED REPRESENT PROJECTED PATH AT SUMMER AND WINTER EQUINOX.
  - W WINDOW
  - HW HABITABLE ROOM WINDOW
  - D DOOR

**CAR PARKING NOTES**

- NOTE: ALL LEASABLE FLOOR AREAS HAVE BEEN CALCULATED INCLUDING ALL EXISTING AND PROPOSED BOH AND WET AREAS.
- LEASABLE FLOOR AREA = 455.10m<sup>2</sup>.
- 50.26 (shop) = 1 CAR SPACES FOR 100m<sup>2</sup> OF LEASABLE FLOOR AREA = 18 SPACES
- 2 BED DWELLING = 1 CAR SPACE.

REQUIRED CAR SPACES = 17  
 PROVIDED CAR SPACES = 7 = 41% OF REQUIRED SPACES



**OPERATING HOURS**

- EX SHOP 1 CAFE  
HOURS TO REMAIN AS CURRENTLY IN USE  
MON-FRI 9 - 5  
SAT & SUN 9 - 3
- EX SHOP 2 BAKERY  
HOURS TO REMAIN AS CURRENTLY IN USE  
MON-FRI 9 - 5  
SAT & SUN 9 - 3
- PROPOSED SHOP 1 (RETAIL)  
HOURS PROPOSED TO BE:  
MON-FRI 9 - 5  
SAT & SUN 9 - 3
- PROPOSED SHOP 2 (RETAIL)  
HOURS PROPOSED TO BE:  
MON-FRI 9 - 5  
SAT & SUN 9 - 3
- PROPOSED SHOP 3 (RETAIL)  
HOURS PROPOSED TO BE:  
MON-FRI 9 - 5  
SAT & SUN 9 - 3

01 PROPOSED GF PLAN  
1:200

- CONCEPT DRAWING - NOT FOR CONSTRUCTION

project: COMMERCIAL DEVELOPMENT AT 41-43 NAR GOON LONG WARRY ROAD, GARFIELD, VICTORIA

J	RESPONSE TO OBJECTIONS	SWP 18.02.22
I	ALTERATIONS TO EX. SHOP 1	SWP 25.12.21
H	TRAFFIC DIAGRAMS	SWP 28.10.21
G	HERITAGE AND PARKING MEETING	SWP 06.10.21
F	REF DEMOLITION	SWP 02.08.21
E	SUBMISSION	SWP 23.02.21
D	RESPONSE TO REF	SWP 17.09.20
C	CLIENT NOTES	SWP 20.04.20
B	TOWN PLANNING REVISION	SWP 09.04.20
A	FIRST ISSUE	SWP 25.11.19

AS SHOWN

check: RA sheet: A03 of A09

date: 25.11.19

drawn: SYP

designed: RV

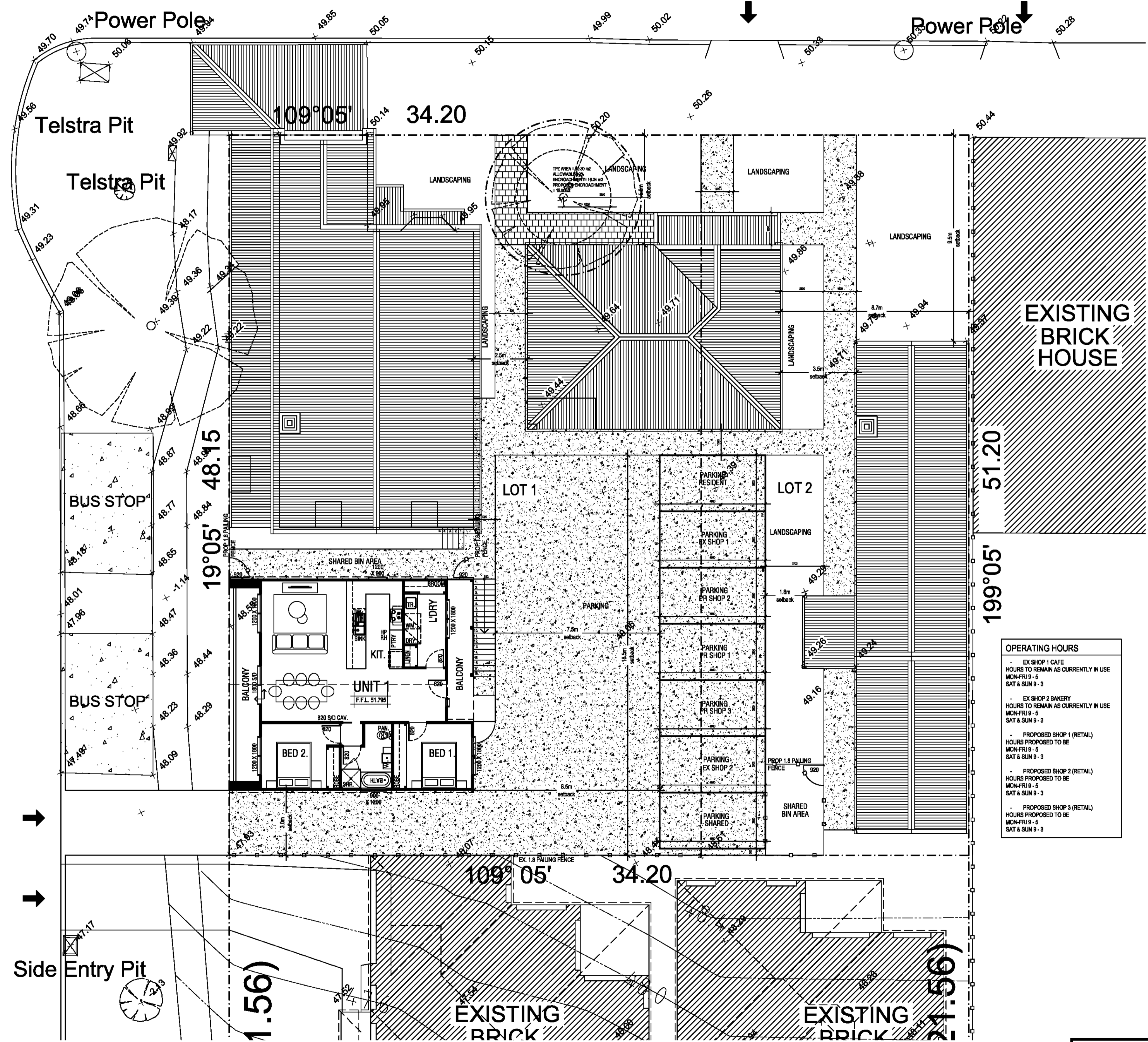
approved: DP-AJHS

project no: 3134



# MAIN STREET

# RITCHIE STREET



**DRIVEWAY**  
 - DRIVEWAY BY OWNER AND GRADIENT (MAXIMUM 1:5 WITH ALLOWANCE FOR TRANSITIONS)  
 - PROVIDE GATIC DRAIN TO GARAGE AND DISCHARGE TO STORMWATER SYSTEM TO LOCAL AUTHORITIES REQUIREMENTS (IF NEEDED).

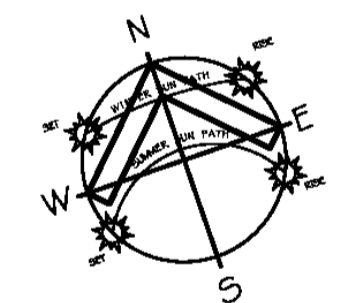
AREA ANALYSIS		
AREA	SQM	SQ
EX SHOP ALT 1	71.5	7.7
EX SHOP ALT 2	116.3	12.5
PROP SHOP 1	107.32	11.6
PROP SHOP 2	86.39	7.1
PROP SHOP 3	93.60	10.08
UNIT 1	107.32	11.6
EX VERANDAH	33.71	3.6
PROP VERANDAH 1	42.73	4.6
PROP VERANDAH 2	23.03	2.5
TOTAL	661.9	71.2
LEASABLE FLOOR AREA	465.1	49.0

SITE ANALYSIS		
ITEM	SQM	%
SITE AREA	1136.6	0.0
SITE DENSITY	142.36	12.5
TOTAL BUILT SITE COVERAGE	465.08	39.96
HARD SURFACE AREA	316.4	28.04

- LEGEND**
- EXISTING TREE
  - WIND
  - MAJOR CIRCULATION
  - MINOR CIRCULATION
  - THE DEVELOPMENT SITE
  - ENTRY POINT
  - SOUND SOURCE
  - EXISTING DWELLING
  - SUNPATHS INDICATED REPRESENT PROJECTED PATH AT SUMMER AND WINTER EQUINOX.
  - W WINDOW
  - HW HABITABLE ROOM WINDOW
  - D DOOR

**CAR PARKING NOTES**

- NOTE: ALL LEASABLE FLOOR AREAS HAVE BEEN CALCULATED INCLUDING ALL EXISTING AND PROPOSED BOH AND WET AREAS.
- LEASABLE FLOOR AREA = 455.10m<sup>2</sup>.
- 52.06 (shop) = 4 CAR SPACES FOR 100m<sup>2</sup> OF LEASABLE FLOOR AREA = 16 SPACES.
- 2 BED DWELLING = 1 CAR SPACE.
- REQUIRED CAR SPACES = 17
- PROVIDED CAR SPACES = 17 = 41% OF REQUIRED SPACES



**OPERATING HOURS**

- EX SHOP 1 CAFE  
HOURS TO REMAIN AS CURRENTLY IN USE  
MON-FRI 9-5  
SAT & SUN 9-3
- EX SHOP 2 BAKERY  
HOURS TO REMAIN AS CURRENTLY IN USE  
MON-FRI 9-5  
SAT & SUN 9-3
- PROPOSED SHOP 1 (RETAIL)  
HOURS PROPOSED TO BE  
MON-FRI 9-5  
SAT & SUN 9-3
- PROPOSED SHOP 2 (RETAIL)  
HOURS PROPOSED TO BE  
MON-FRI 9-5  
SAT & SUN 9-3
- PROPOSED SHOP 3 (RETAIL)  
HOURS PROPOSED TO BE  
MON-FRI 9-5  
SAT & SUN 9-3

project: COMMERCIAL DEVELOPMENT AT 41-43 NAR GOON LONG WARRY ROAD, GARFIELD, VICTORIA

NO.	REVISION	DATE
J	RESPONSE TO OBJECTIONS	SWF 18.02.22
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H	TRAFFIC DIAGRAMS	SWF 28.10.21
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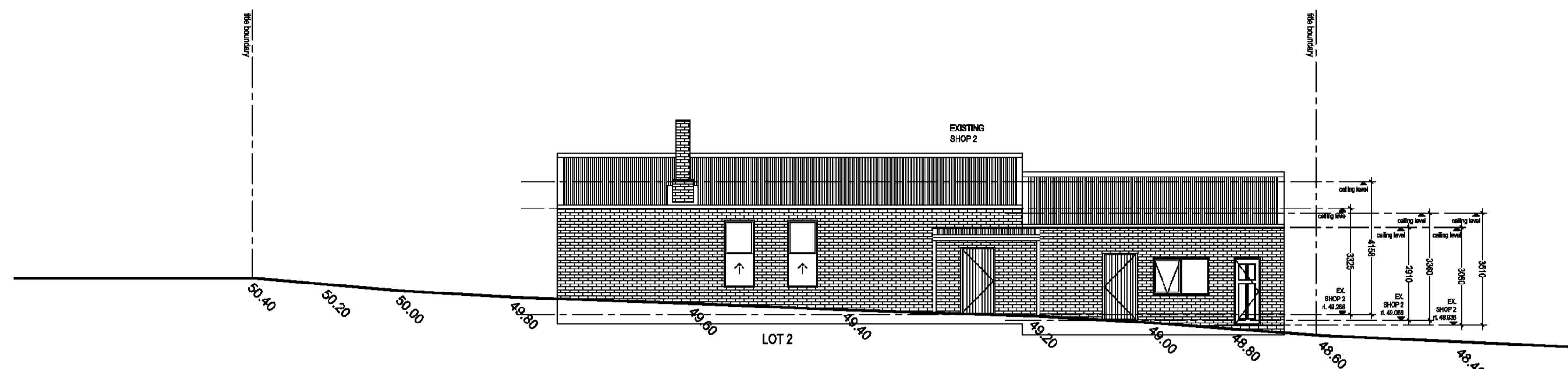
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designer: SYP	date: 25.11.19	issue: J	project no: 3134
drawn: SYP	date: 25.11.19	issue: J	project no: 3134
checked: RA	date: 25.11.19	issue: J	project no: 3134
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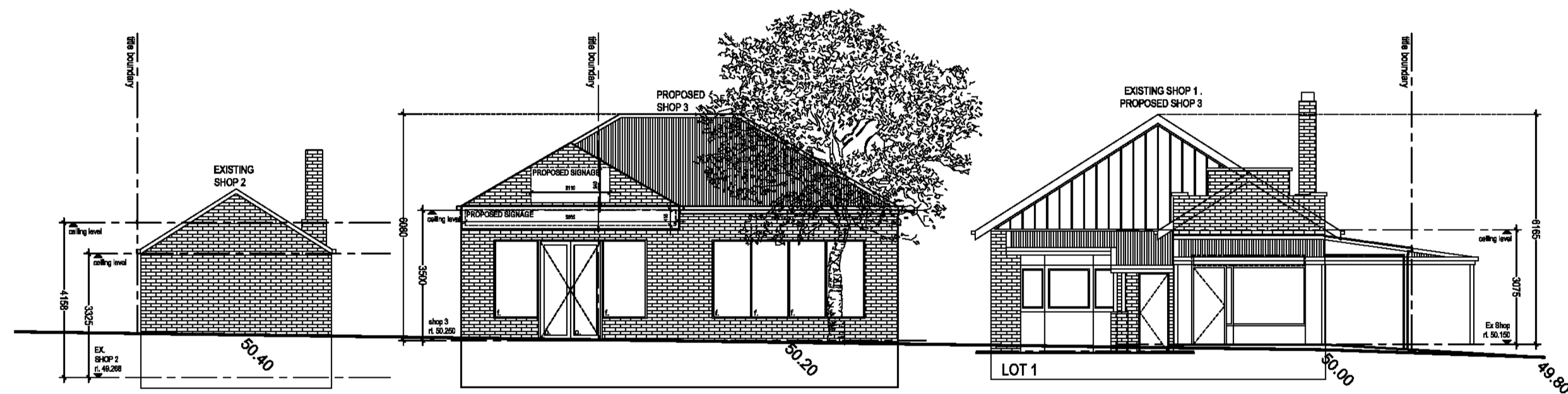
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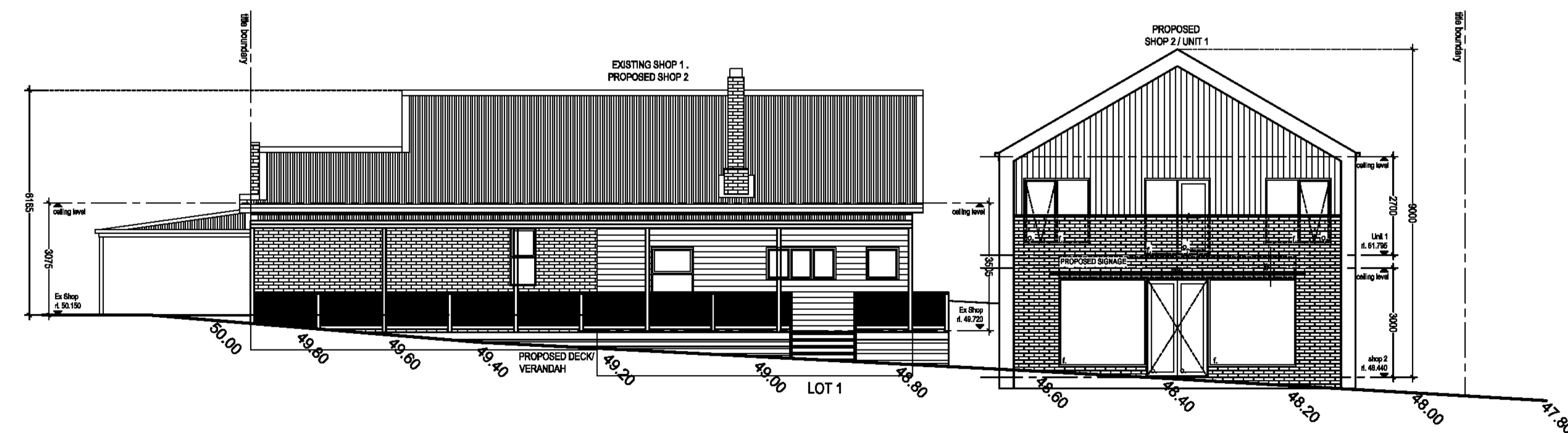
01 ELEVATION WEST (A)  
1:100



02 ELEVATION NORTH (A)  
1:100



03 ELEVATION WEST (B)  
1:100



**DRIVEWAY**

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**MATERIALS AND FINISHES**

- HATCH DENOTES SELECTED ORB SHEET ROOF FINISHED IN "COLOURBOND SHALE GREY" OR THE LIKE.
- HATCH DENOTES SELECTED BRICK FINISHED IN "PRESSED RED, AUSTRAL BRICKS, GOVERNOR, DARLING" OR THE LIKE.
- HATCH DENOTES SELECTED VERTICAL BLACK-BUTT TIMBER CLADDING FINISHED IN "SMOOTH NATURAL SEAL" OR THE LIKE.
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Scale: 1:100

Drawn: SYP

Check: RA

Date: 25.11.19

Project No: DP-ADHS

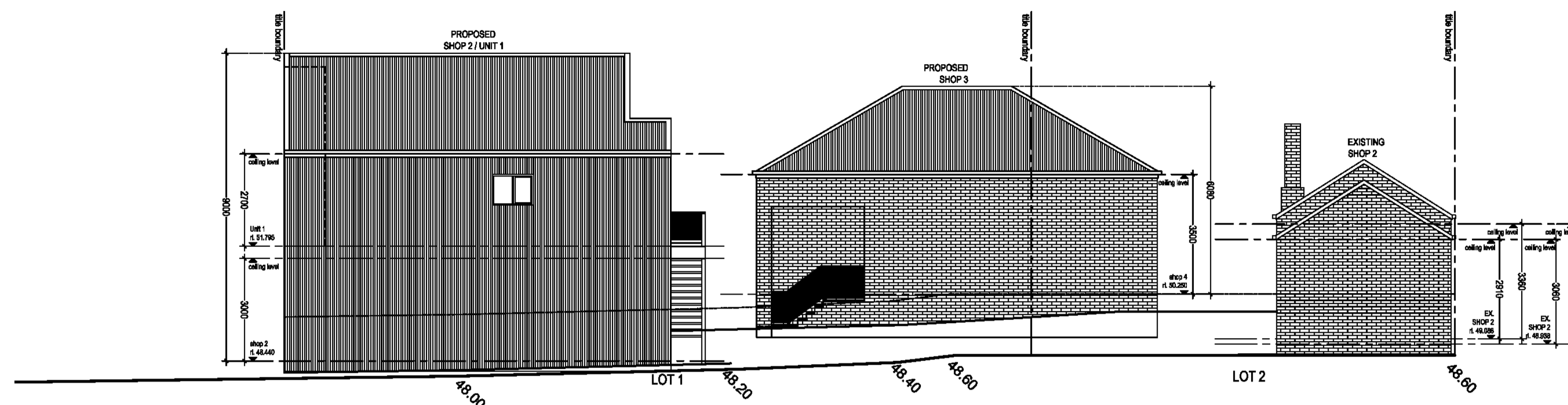
Issue: J

Sheet: A05 of A09

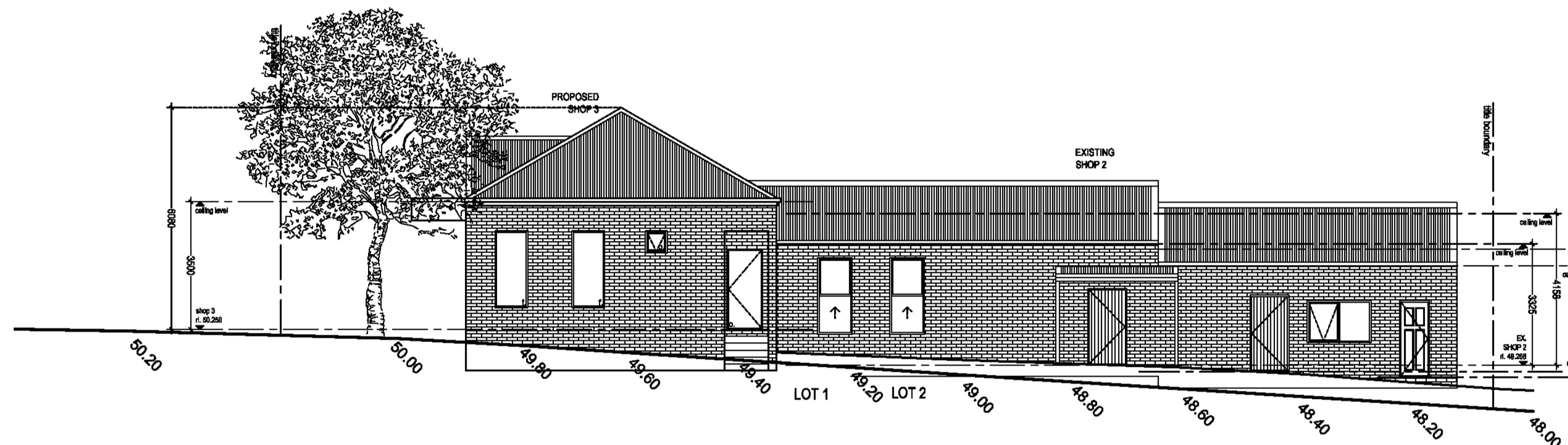
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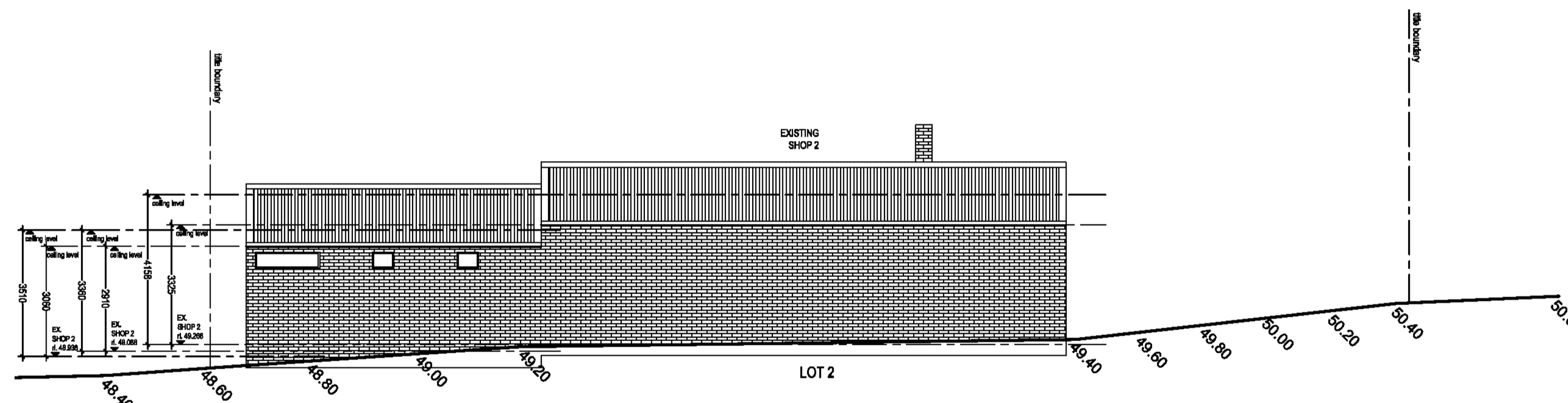
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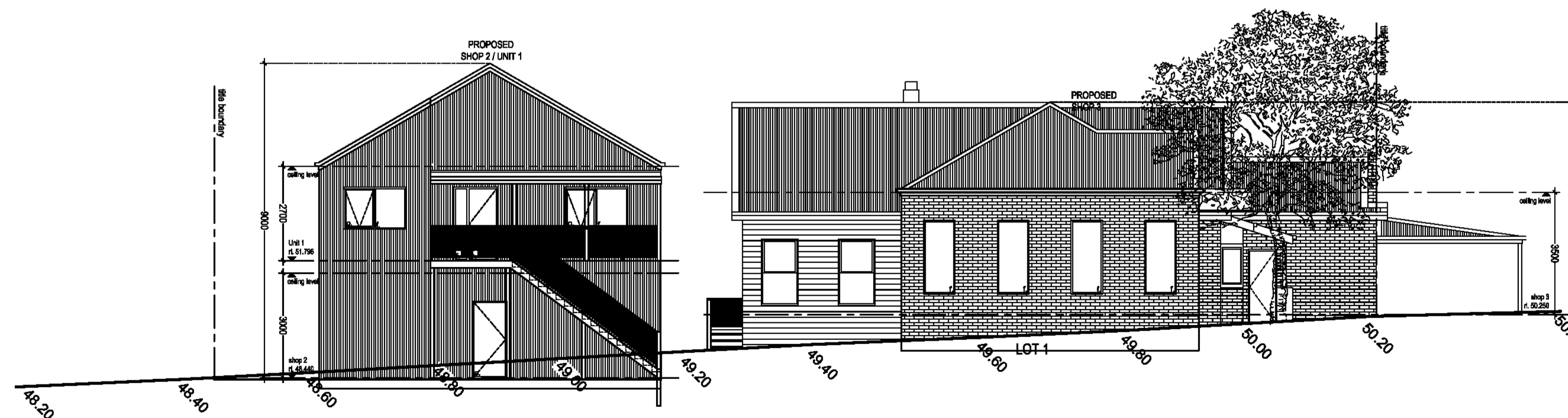
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1:100



03 ELEVATION EAST (A)  
1:100



04 ELEVATION EAST (B)  
1:100



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no.	revision	by	date

scale: AS SHOWN

designer: RV

drawn: SYP

checked: RA

date: 25.11.19

meets ref: ---

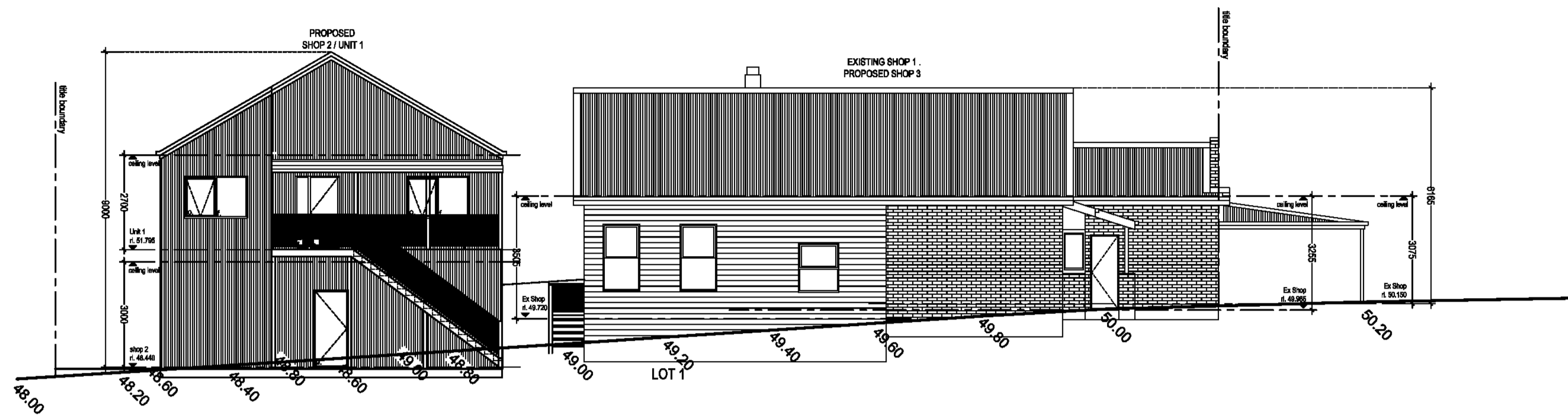
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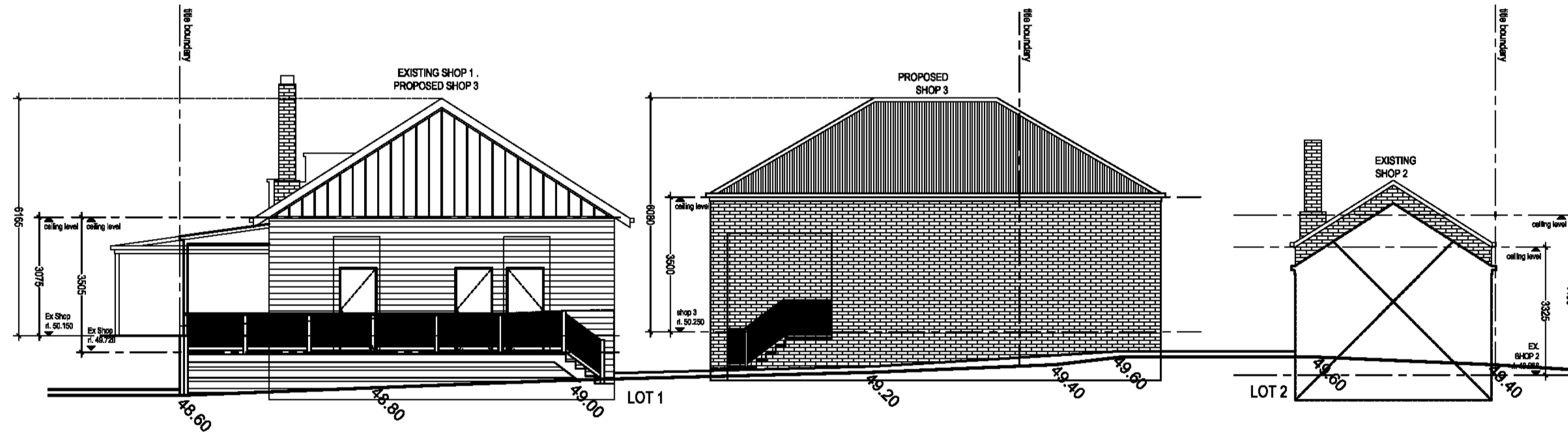
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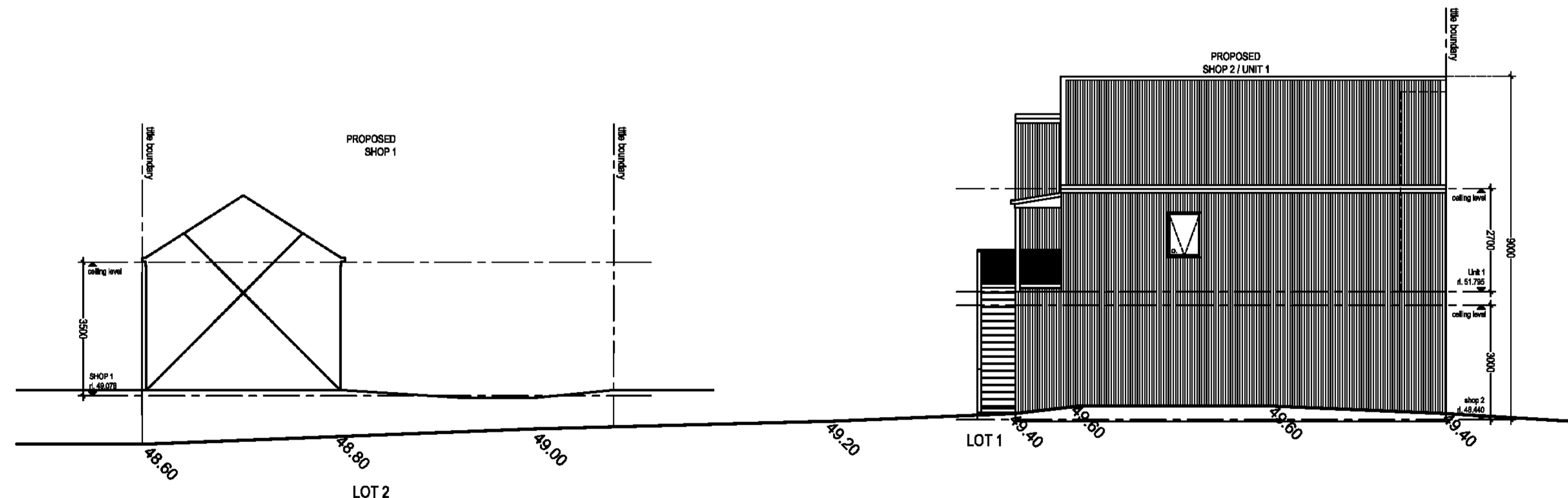
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03 ELEVATION NORTH (B)  
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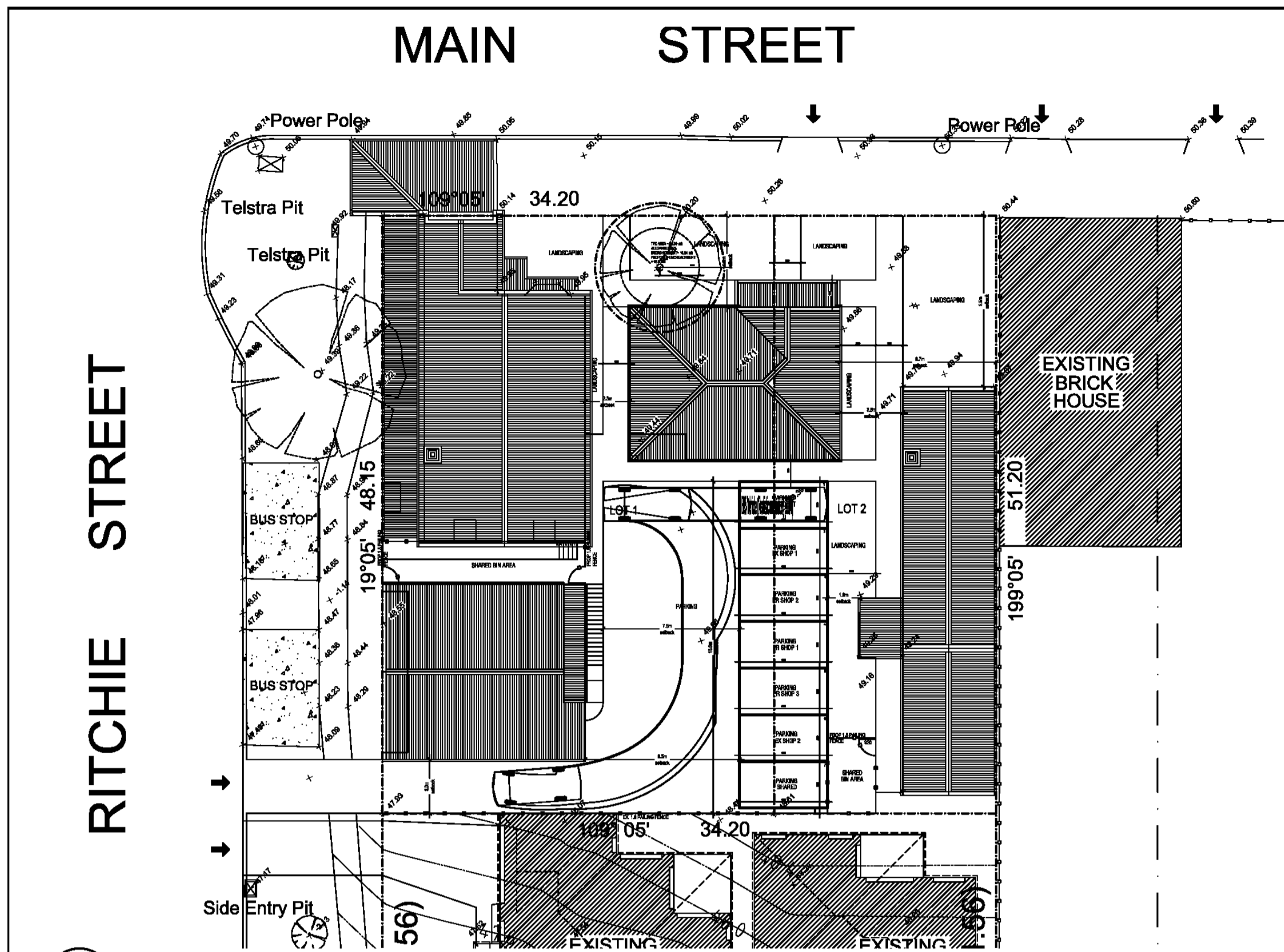
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NAR GOON LONG WARRY ROAD,  
GARFIELD, VICTORIA

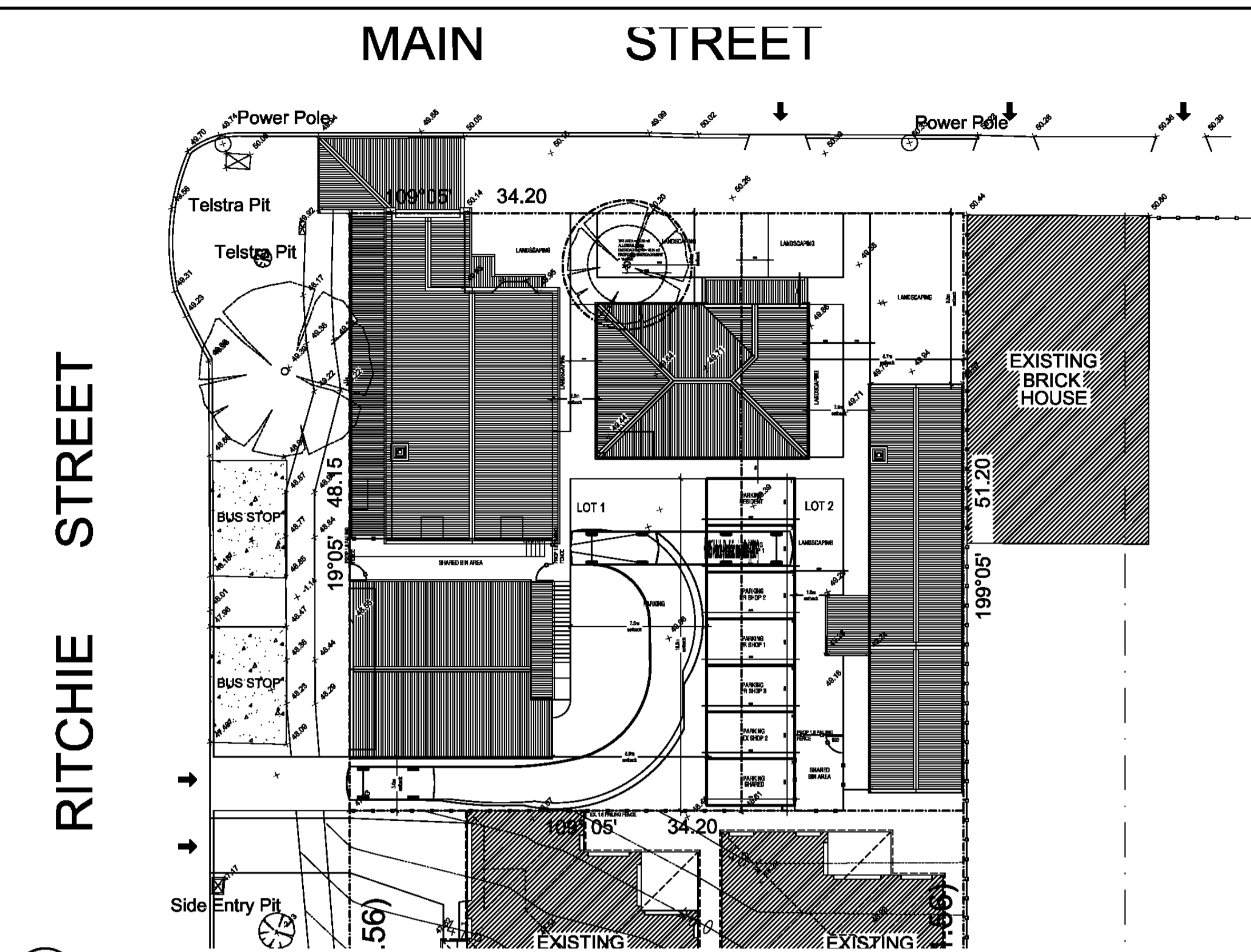
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no.	revision	AS SHOWN	date	by
designer	RV			
drawn	SVF			
check	RA			
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metwgs ref.				
prop.	DP-ADHS	issue	3134	sheet no.
drawn	J			A1

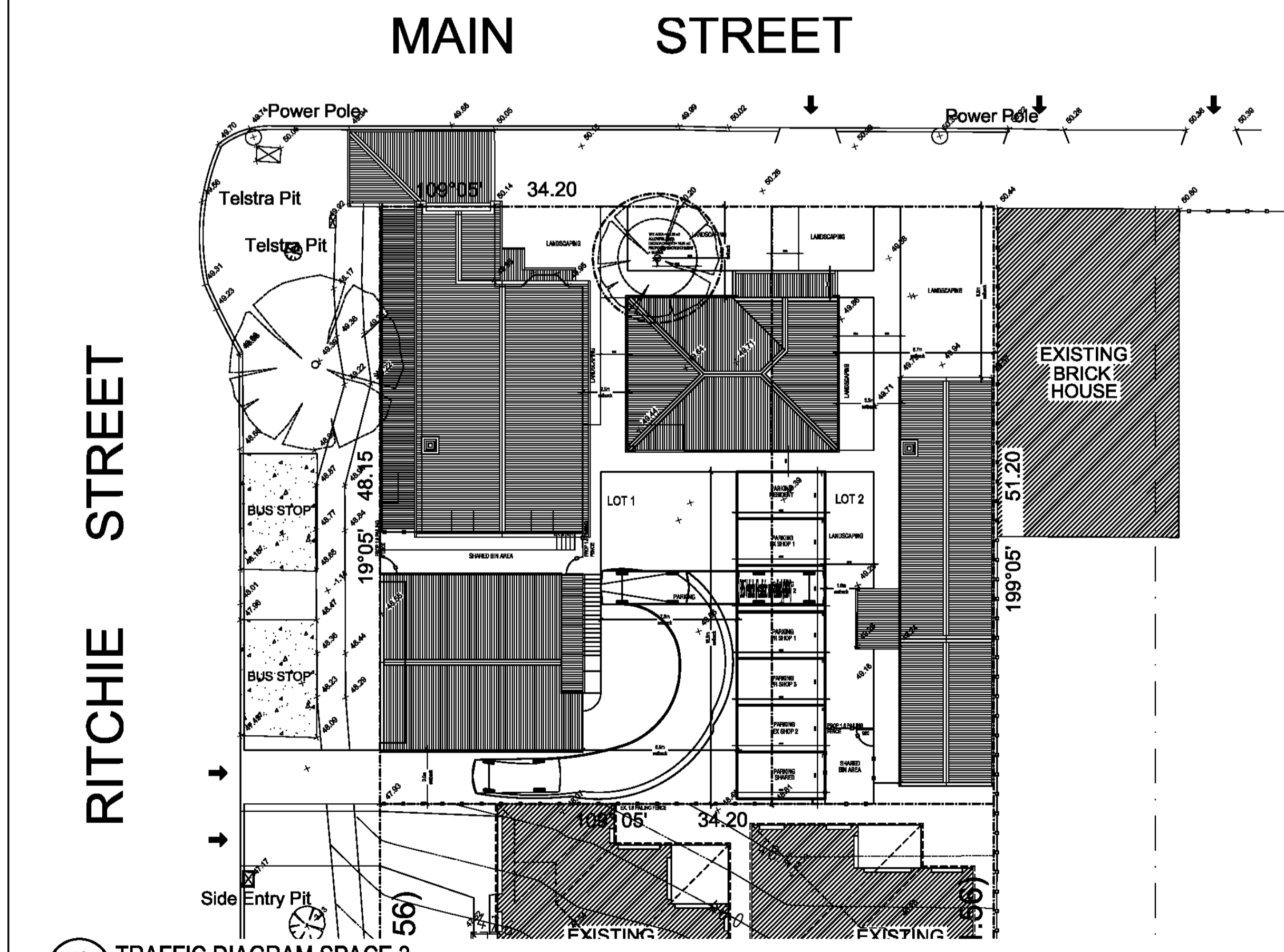




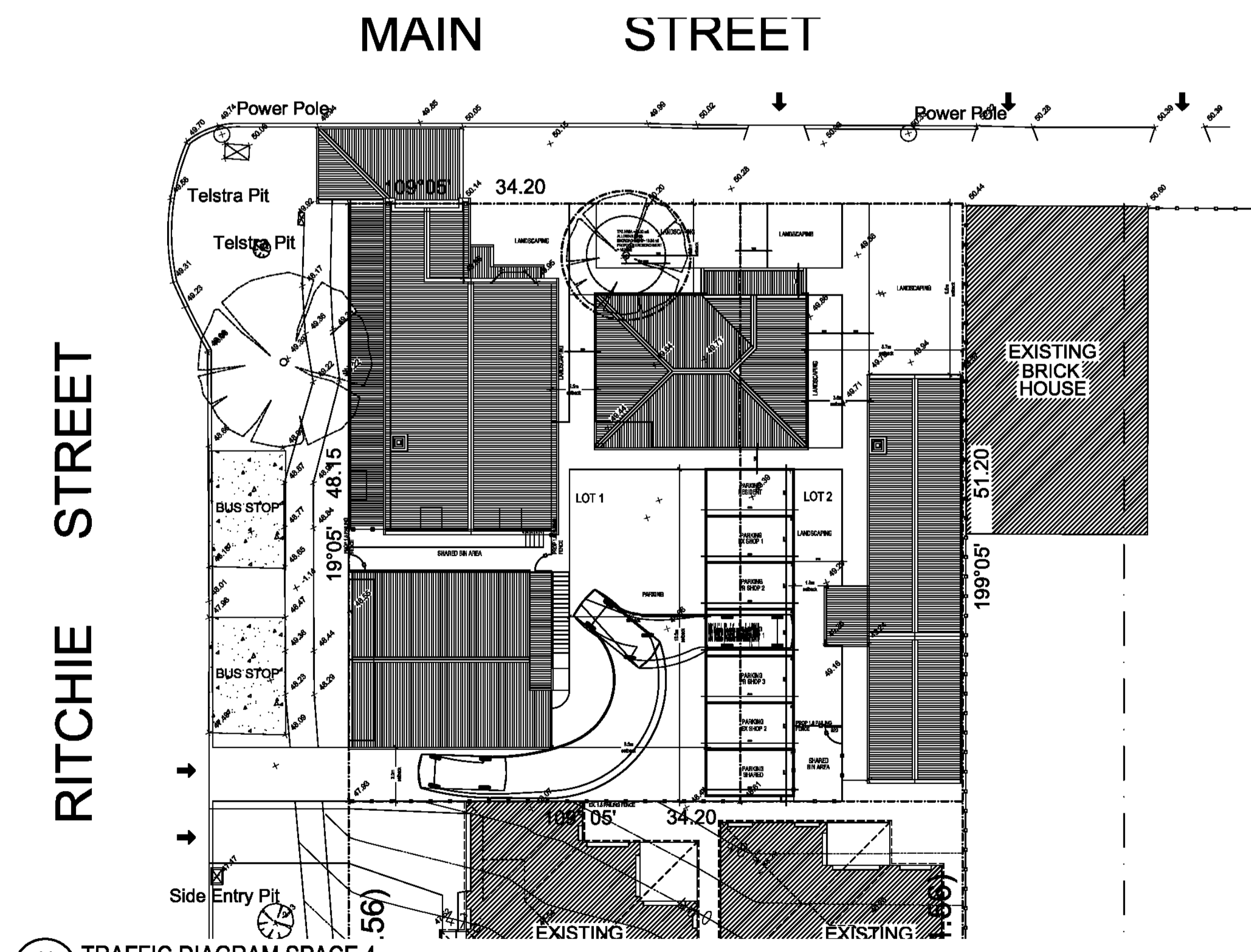
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02 TRAFFIC DIAGRAM SPACE 2  
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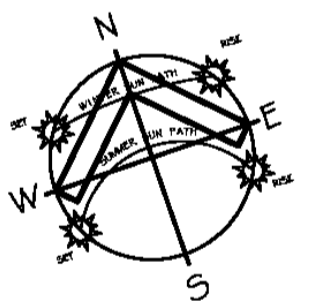
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1:200



04 TRAFFIC DIAGRAM SPACE 4  
1:200

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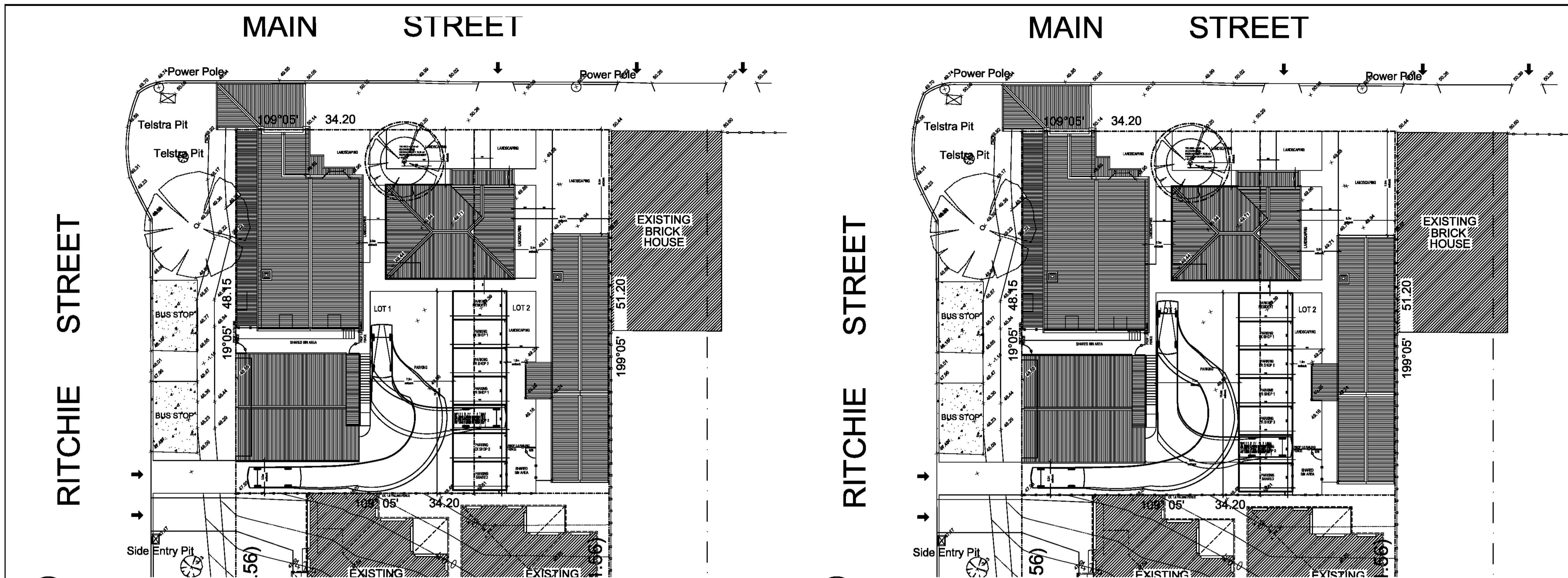
**TRAFFIC NOTES:**  
ALL TRAFFIC DIAGRAMS SHOW A VEHICLE EXITING THE SITE IN A FORWARD DIRECTION WITH ONE MANOEUVRE.  
ALL VEHICLES USED ARE A '1981' VEHICLE AS PER THE AUSTRALIAN STANDARDS.  
ALL VEHICLES START WITH THEIR WHEELS AT 0%.



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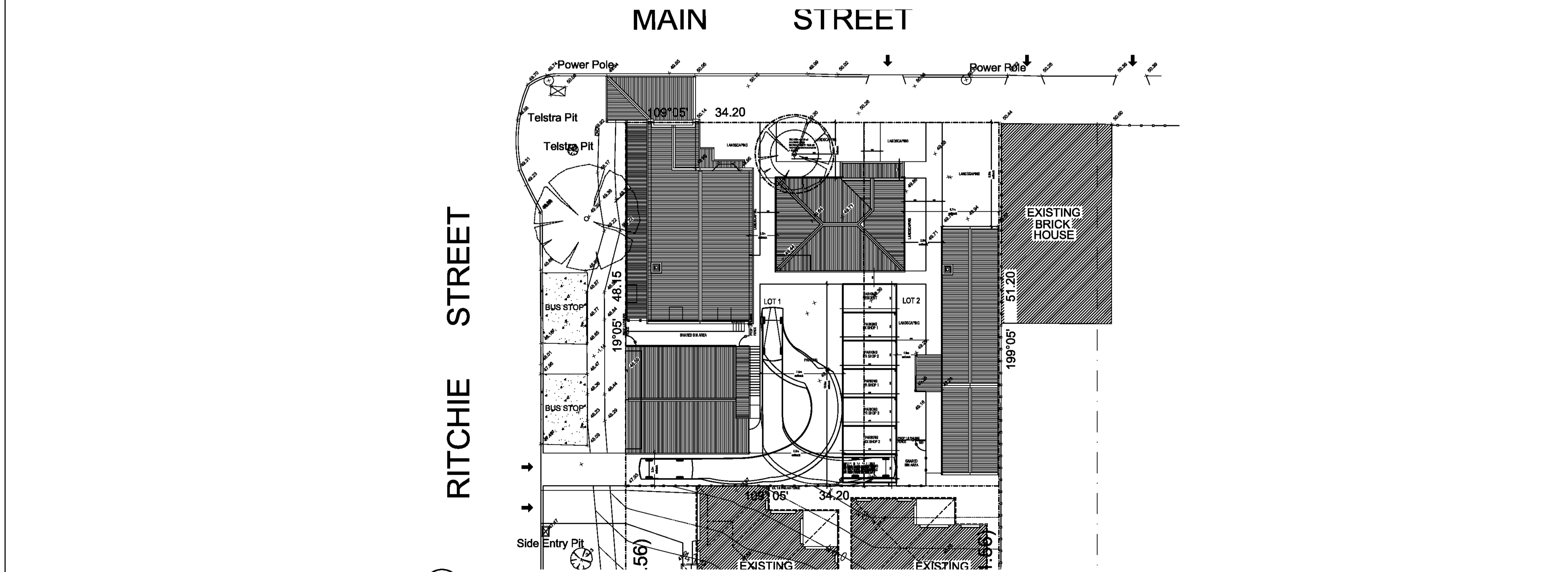
Project: COMMERCIAL DEVELOPMENT AT 41-43 NAR GOON LONG WARRY ROAD, GARFIELD, VICTORIA	
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NO. revision	By Date
scale: AS SHOWN	Author: [Signature]
design: RV	Check: RA
drawn: SYP	date: 25.11.19
sheet: A08 of A09	project no: 3134
title: [Blank]	issue: J





01 TRAFFIC DIAGRAM SPACE 5  
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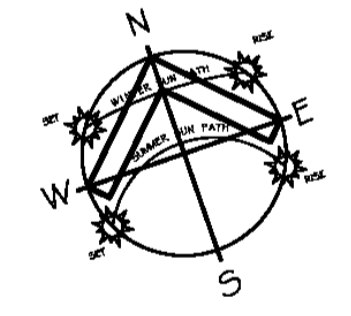
02 TRAFFIC DIAGRAM SPACE 6  
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03 TRAFFIC DIAGRAM SPACE 7  
1:200

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 melways ref: ---  
 title: DP-ADHS  
 issue: J  
 sheet: A09 of A09  
 project no: 3134



Cardinia Shire Council

# Application to amend a current planning application



<b>Application number:</b>	ft210185
<b>Address of subject site</b>	41-43 Nar Nar Goon-Longwarry Road, Garfield, 3814

Pursuant to which section of the Planning and Environment Act 1987 is this amendment being made?	
<b>Section 50 – Amendment to application at request of applicant before notice:</b>	<input type="checkbox"/>
<b>Section 50A - Amendment to application at request of responsible authority before notice:</b>	<input checked="" type="checkbox"/>
<b>Section 57A – Amendment to application after notice is given:</b>	<input type="checkbox"/>

<b>Applicant:</b>	
<b>Phone:</b>	
<b>Email:</b>	
<b>Postal Address:</b>	

What is the purpose of the amendment? Please list all changes:
Changes include,
Partial demolition from of woodfired bakery to now be retained entirely except for verandah over front door.
The proposed shop to the rear of the site has been removed turning the development from a 7-shop site plus 2 bedroom dwelling whilst retaining using 2 existing shops with heavy modification too one, into a development of 6 shops whilst retaining using 2 existing shops with less modification.
The proposal has also now gained more space for landscaping and has gone for a development catering for to car spaces into a development that caters for 8 car spaces in total.



--

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

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

## Lodgement of application

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

## Assistance

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

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

**Cardinia Shire Council**  
Civic Centre  
20 Siding Avenue, Officer

PO Box 7  
Pakenham 3810 (DX 81006 Pakenham)

Phone: 1300 787 624  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
Web: [cardinia.vic.gov.au](http://cardinia.vic.gov.au)

**National Relay Service (NRS)**  
TTY: 133 677 (ask for 1300 787 624)  
Speak and Listen (speech-to-speech relay): 1300 555 727 (ask for 1300 787 624)

**Translator Interpretation Service**  
131 450 (ask for 1300 787 624)



## Application Summary

Portal Reference	A12161X3
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## Basic Information

Proposed Use	Presented is a proposed Commercial development comprising a mixture of retained and proposed buildings. 2 retained buildings operating as Caf�� and Bakery. 5 proposed shops and 1 proposed residential dwelling. To make way for proposed works portions of existing structures are to be demolished with most being retained/ repurposed.
Current Use	The current site has two major structures on comprising of a Caf�� on the Corner and Wood Fred Bakery to the rear and side of the site on the neighbouring boundary. Majority of both buildings will be retained.
Cost of Works	\$985,000
Site Address	41 Nar Nar Goon-Longwarry Road Garfield 3814

## 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	[REDACTED]		
Owner			
Preferred Contact			

## Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 12 More than \$100,000 but not more than \$1,000,000	\$1,547.60	100%	\$1,547.60
	<b>Total</b>		<b>\$1,547.60</b>



**Civic Centre**  
20 Siding Avenue, Officer, Victoria

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

### Postal Icon

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

**Email:** [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

### Contact Icon

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



# ePlanning

## Documents Uploaded

Date	Type	Filename
17-03-2021	A Copy of Title	VIC LANDATA - Title Search Online - Vol Fol 11261 319 - 67077621_102242736.pdf
17-03-2021	A Copy of Title	VIC LANDATA - Title Search Online - Vol Fol 11261 318 - 67077259_102242052.pdf
17-03-2021	Site plans	210221 TOWN PLANNING 3134.pdf
17-03-2021	Additional Document	OPERATING HOURS STATEMENT .pdf
17-03-2021	Additional Document	Arborist Report_41-43 NNG Longwarry Rd_Garfield.pdf
17-03-2021	Additional Document	20699rep rev3.pdf
17-03-2021	Additional Document	41-43 Nar Nar Goon - Longwarry Road, Garfield Issued 20-10-2020.pdf

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

## Lodged By

Site User	[REDACTED]
Submission Date	17 March 2021 - 03:25:PM

## Declaration

By ticking this checkbox, I, [REDACTED] declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.



**Civic Centre**  
20 Siding Avenue, Officer, Victoria

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

### Postal Icon

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

**Email:** [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

### Contact Icon

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



**Register Search Statement - Volume 11261 Folio 318**

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

VOLUME 11261 FOLIO 318

Security no : 124088729103C  
Produced 17/03/2021 02:19 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 545840N.

PARENT TITLES :

Volume 10477 Folio 193      Volume 10776 Folio 311  
Created by instrument PS545840N 25/03/2011

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

PS545840N 25/03/2011

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE X045353D 18/09/2000  
COMMONWEALTH BANK OF AUSTRALIA

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 PS545840N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 43 NAR NAR GOON-LONGWARRY ROAD GARFIELD VIC 3814

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA  
Effective from 23/10/2016

OWNERS CORPORATIONS

-----  
The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS545840N

DOCUMENT END

**The information supplied has been obtained by SAI Global Property Division Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 17/03/2021, for Order Number 67077259. Your reference: russon1.**

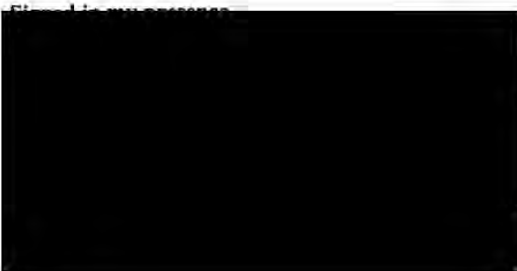


**-COVENANTS-**

You (the mortgagor) agree with us (the mortgagee) as follows:

1. A reference to "this mortgage" in this cover sheet, in any annexure to this cover sheet or in the memorandum of common provisions specified in the first page of this cover sheet is a reference to the mortgage constituted by this cover sheet, each annexure to this cover sheet and that memorandum. You agree to keep to the provisions in the memorandum, and you acknowledge that you received, read and understood a copy of the memorandum before signing this mortgage.
2. You acknowledge giving this mortgage and incurring obligations and giving rights under it in return for the things we do when we enter into a SECURED AGREEMENT.
3. You warrant that:
  - neither you nor any person on your behalf has sold THE PROPERTY under a terms contract within the meaning of the Sale of Land Act 1962; and
  - you have told us if you have a tenant in THE PROPERTY.
4. The memorandum is varied as follows:

**-EXECUTION AND ATTESTATION-**



Approval No.464001A

**M** PAGE 2



RL1(VIC)  
16/1/2000

**X045353D**  
180900 0913 74



THE BACK OF THIS FORM MUST NOT BE USED

# Mortgage of Land

Section 74 Transfer of Land Act 1958



**X045353D**  
180900 0913 74

M  
ce



Lodged by:

Name: **COMMONWEALTH BANK OF AUSTRALIA ACN 123 123 124.**

Phone:

Address: 385 Bourke Street, Melbourne 3000

Ref: 338651003

Customer Code: 20S

MADE AVAILABLE / CHANGE CONTROL  
  
Land Titles Office Use Only

The mortgagor mortgages to the mortgagee the estate and interest specified in the land described (in this mortgage referred to as THE PROPERTY) subject to the registered encumbrances affecting THE PROPERTY and any encumbrances created by dealings lodged for registration before this mortgage was lodged. This mortgage is given for the purpose of securing the payment of the AMOUNT OWING by the mortgagor to the mortgagee.

Land (Title)  
CERTIFICATE OF TITLE VOLUME 10477 FOLIO 193

\*

Estate or interest being mortgaged

Mortgagor's estate and interest in fee simple

Mortgagor (Full Name)  
Fiona Lynette Russon

\*



Mortgagee

**COMMONWEALTH BANK OF AUSTRALIA ACN 123 123 124**  
385 Bourke Street, Melbourne 3000

Date of this mortgage  
28/6/00

The provisions contained in each annexure to this cover sheet and in a memorandum of common provisions retained by the Registrar of Titles in No. AA486 are incorporated in this mortgage.

CONTINUED ON M PAGE 2

Approval No. 464001A ORDER TO REGISTER

Please register and issue title to:



RLI(VIC)  
16/1/2000

Signed   
Customer Code .....

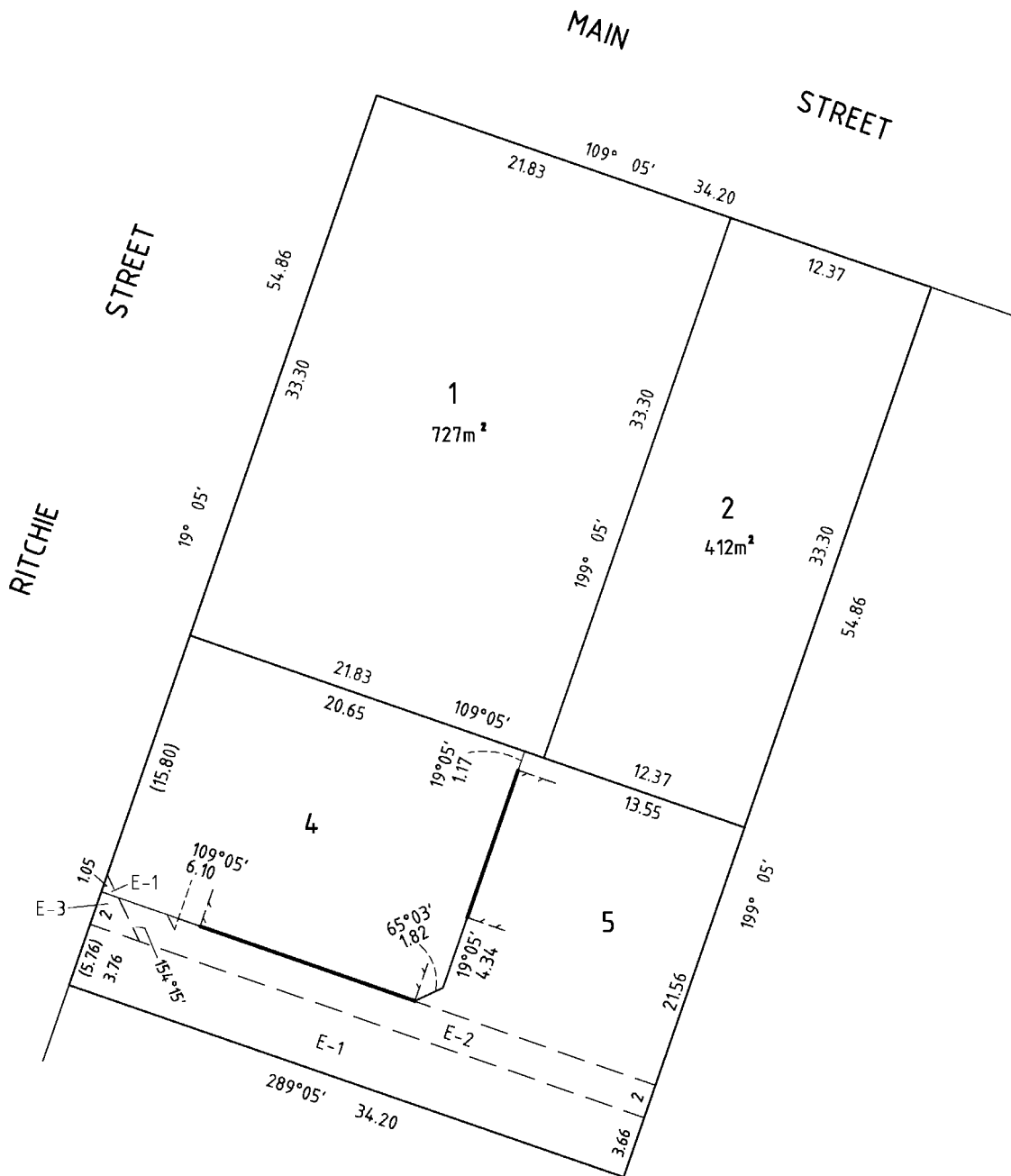
Stamp Duty Use Only

Victorian Stamp Duty - AP184  
PRIME/COUNTERPART/SOLL  
Consideration \$ 182,200.  
Duty Payable \$ NIL  
Ref: 338651003  
Date 01/09/00  
Initials:

THE BACK OF THIS FORM MUST NOT BE USED

<b>PLAN OF SUBDIVISION</b>		LTO use only <b>EDITION 2</b>	Stage No. 	<b>PS 545840N</b>
<b>LOCATION OF LAND</b> <b>Parish:</b> BUNYIP <b>Township:</b> GARFIELD <b>Section:</b> --- <b>Crown Allotment:</b> 13 (PT) <b>Crown Portion:</b> --- <b>LTO Base Record:</b> DCMB <b>Title Reference:</b> V. 10477 F. 193 V. 10477 F. 194 (Part) <b>Last Plan Reference:</b> Lot 1 LP 118356 <b>Postal Address:</b> 41 MAIN STREET <small>(at time of subdivision)</small> GARFIELD 3814 <b>AMG Co-ordinates</b> E 384 000 <small>(of approx. centre of land in plan)</small> N 5 783 090 Zone: 55		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b> <b>COUNCIL NAME:</b> <i>CARDINIA SHIRE COUNCIL</i> <b>REF:</b> <i>505/193</i> 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. <del>This plan is certified under section 11(7) of the Subdivision Act 1988.</del> Date of original certification under section 6 <del>1/1</del> 3. <del>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del>  <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/ <del>has not</del> been made. (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in Stage.....</del> Council Delegate <i>Omurphy</i> Council Seal Date <i>20 April 2006</i>  <del>Re-certified under section 11(7) of the Subdivision Act 1988</del> Council Delegate Council Seal Date <i>/ /</i>		
<b>Vesting of Roads or Reserves</b>				
Identifier	Council / Body / Person			
Nil	Nil			
<b>Notations</b>				
Depth Limitation: DOES NOT APPLY		Staging This is not a staged subdivision Planning Permit No. T030839		
<small>LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT &amp; LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES</small>		<u>Survey</u> This plan is based on Survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.		
<b>Easement Information</b>				
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				LTO use only
				Statement of Compliance/ Exemption Statement
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-3	Carriageway, Drainage & Sewerage	See Plan	LP 118356	Lots on LP 118356
E-2, E-3	Sewerage	2	This Plan	South East Water Limited
				Received <input checked="" type="checkbox"/>
				DATE 22/03/11
				LTO use only
				PLAN REGISTERED
				TIME 12.07pm
				DATE 25/03/2011
				<b>J. Beckingham</b>
				Assistant Registrar of Titles
				Sheet 1 of 2 sheets
<b>NOBELIUS LAND SURVEYORS</b>  P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 Fax 03 5941 7359 rob@nobellus.com.au		LICENSED SURVEYOR: R. P. NOBELIUS SIGNATURE <i>R. Nobel</i> DATE <i>6/12/05</i> REF: 4265 VERSION B		<i>Omurphy</i> DATE <i>20 April 06</i> COUNCIL DELEGATE SIGNATURE Original sheet size A3

PS 545840 N

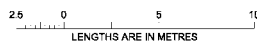


**NOBELIUS LAND SURVEYORS**



P.O. BOX 461  
PAKENHAM 3810  
Ph 03 5941 4112  
mail@nobelius.com.au

SCALE  
1:250



ORIGINAL SHEET  
SIZE: A3

SHEET 2

LICENSED SURVEYOR: B. S. NOBELIUS  
VERSION A

### MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

**PLAN NUMBER**

**PS545840N**

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT 3	LOTS 4 & 5	AMENDMENT SECTION 32	PS545840N/D1	24/08/17	2	LJW





## Department of Environment, Land, Water & Planning

### Owners Corporation Search Report

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Produced: 01/08/2018 09:48:09 AM.

**OWNERS CORPORATION 1**  
**PLAN NO. PS545840N**

The land in PS545840N is affected by 1 Owners Corporation(s)

#### Land Affected by Owners Corporation:

Lots 1, 2.

#### Limitations on Owners Corporation:

Unlimited

#### Postal Address for Services of Notices:



#### Owners Corporation Manager:

NIL

#### Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2008

#### Owners Corporation Rules:

NIL

#### Additional Owners Corporation Information:

OC010321X 25/03/2011

#### Notations:

NIL

#### Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 1	50	50
Lot 2	50	50
<b>Total</b>	<b>100.00</b>	<b>100.00</b>

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

**Register Search Statement - Volume 11261 Folio 319**

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

VOLUME 11261 FOLIO 319

Security no : 124088729700B  
Produced 17/03/2021 02:28 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 545840N.

PARENT TITLES :

Volume 10477 Folio 193      Volume 10776 Folio 311  
Created by instrument PS545840N 25/03/2011

REGISTERED PROPRIETOR

Estate Fee Simple

So

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE X045353D 18/09/2000  
COMMONWEALTH BANK OF AUSTRALIA

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 PS545840N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 41 NAR NAR GOON-LONGWARRY ROAD GARFIELD VIC 3814

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA  
Effective from 23/10/2016

OWNERS CORPORATIONS

-----  
The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS545840N

DOCUMENT END

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# Mortgage of Land

Section 74 Transfer of Land Act 1958



**X045353D**  
180900 0913 74

M  
ce



Lodged by:

Name: **COMMONWEALTH BANK OF AUSTRALIA ACN 123 123 124.**

Phone:

Address: 385 Bourke Street, Melbourne 3000

Ref: 338651003

Customer Code: 20S

MADE AVAILABLE / CHANGE CONTROL  
  
Land Titles Office Use Only

The mortgagor mortgages to the mortgagee the estate and interest specified in the land described (in this mortgage referred to as THE PROPERTY) subject to the registered encumbrances affecting THE PROPERTY and any encumbrances created by dealings lodged for registration before this mortgage was lodged. This mortgage is given for the purpose of securing the payment of the AMOUNT OWING by the mortgagor to the mortgagee.

Land (Title)  
CERTIFICATE OF TITLE VOLUME 10477 FOLIO 193

\*

Estate or interest being mortgaged

Mortgagor's estate and interest in fee simple

Mortgagor (Full Name)  
Fiona Lynette Russon

\*



Mortgagee

**COMMONWEALTH BANK OF AUSTRALIA ACN 123 123 124**  
385 Bourke Street, Melbourne 3000

Date of this mortgage  
28/6/00

The provisions contained in each annexure to this cover sheet and in a memorandum of common provisions retained by the Registrar of Titles in No. AA486 are incorporated in this mortgage.

CONTINUED ON M PAGE 2

Approval No. 464001A ORDER TO REGISTER

Please register and issue title to:



RLI(VIC)  
16/1/2000

Signed   
Customer Code .....

Stamp Duty Use Only

Victorian Stamp Duty - AP184  
PRIME/COUNTERPART/SOLL  
Consideration \$ 182,200.  
Duty Payable \$ NIL  
Ref: 338651003  
Date: 01/09/00  
Initials:

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## Department of Environment, Land, Water & Planning

### Owners Corporation Search Report

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Produced: 01/08/2018 09:57:55 AM.

**OWNERS CORPORATION 1**  
**PLAN NO. PS545840N**

The land in PS545840N is affected by 1 Owners Corporation(s)

#### Land Affected by Owners Corporation:

Lots 1, 2.

#### Limitations on Owners Corporation:

Unlimited

#### Postal Address for Services of Notices:



#### Owners Corporation Manager:

NIL

#### Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2008

#### Owners Corporation Rules:

NIL

#### Additional Owners Corporation Information:

OC010321X 25/03/2011

#### Notations:

NIL

#### Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 1	50	50
Lot 2	50	50
<b>Total</b>	<b>100.00</b>	<b>100.00</b>

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.



**-COVENANTS-**

You (the mortgagor) agree with us (the mortgagee) as follows:

1. A reference to "this mortgage" in this cover sheet, in any annexure to this cover sheet or in the memorandum of common provisions specified in the first page of this cover sheet is a reference to the mortgage constituted by this cover sheet, each annexure to this cover sheet and that memorandum. You agree to keep to the provisions in the memorandum, and you acknowledge that you received, read and understood a copy of the memorandum before signing this mortgage.
2. You acknowledge giving this mortgage and incurring obligations and giving rights under it in return for the things we do when we enter into a SECURED AGREEMENT.
3. You warrant that:
  - neither you nor any person on your behalf has sold THE PROPERTY under a terms contract within the meaning of the Sale of Land Act 1962; and
  - you have told us if you have a tenant in THE PROPERTY.
4. The memorandum is varied as follows:

**-EXECUTION AND ATTESTATION-**



(Name & Address of Witness (BLOCK LETTERS))



Approval No.464001A

**M** PAGE 2

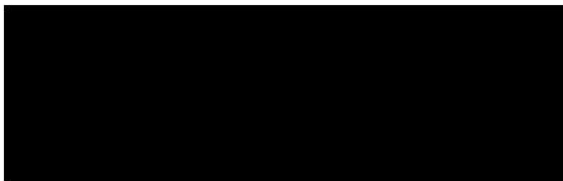


RL1(VIC)  
16/1/2000

**X045353D**  
180900 0913 74



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**COMMERCIAL DEVELOPMENT AT 41-43 NAR NAR GOON LONG WARRY ROAD, GARFIELD, VICTORIA  
OPERATING HOURS AND BUILDING USE**

**To who it may concern,**

**Presented is a proposed Commercial development comprising a mixture of retained and proposed buildings. Throughout the development careful consideration has been given to the existing business and the proposal will allow them to continue operating as they are in the same frame of hours as they currently do.**

**The following operating hours are as follows;**

**Existing shop 1**

**This shop is currently in use as a Café and its operating hours are to remain as it currently operates being;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

**Existing shop 2**

**This shop is currently in use as a Bakery and its operating hours are to remain as it currently operates being;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

**Proposed shop 1**

**This shop is proposed to operate as Retail and will match the hours of the development to give a decent indicator of activity to the site;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

**Proposed shop 2**

**This shop is proposed to operate as Retail and will match the hours of the development to give a decent indicator of activity to the site;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

**Proposed shop 3**

**This shop is proposed to operate as Retail and will match the hours of the development to give a decent indicator of activity to the site;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

**Proposed shop 4**

**This shop is proposed to operate as Retail and will match the hours of the development to give a decent indicator of activity to the site;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

**Proposed shop 2**

**This shop is proposed to operate as Retail and will match the hours of the development to give a decent indicator of activity to the site;**

**Monday to Friday 9 am – 5 pm**

**Saturday & Sunday 9 am – 3pm**

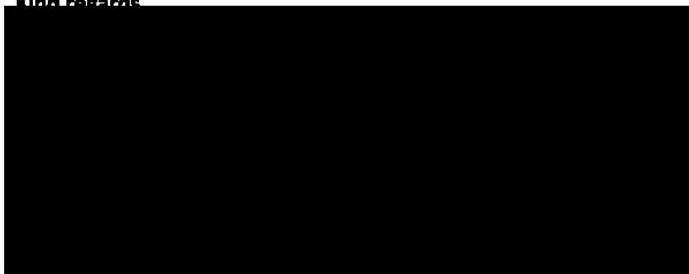
**Unit 1**

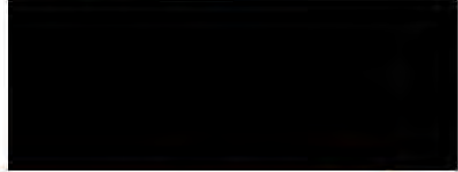
**The unit in question does not prescribe too operating hours as it is a residence and will be occupied as such.**

**Further building use.**

**Access to the site and business is provided by multiple footpaths and accessways, wall which are shared throughout the development. the loading zone is to be used for loading only and will have time limits to ensure that it is not used as a permanent car park. This loading zone is for the operation of the development and will not be available for use to patrons. The two carparks provided by the development are to the rear of the site behind proposed shop 2 / unit 1. One of which is for the use of the proposed unit only and the second is to be shared by the development. all other parking is supplied by the parking available on the street as per the traffic management report.**

**Kind regards**





25 September, 2020

## Arborist Report

---

### Tree Survey

41-43 NNG Longwarry Rd Garfield

### Prepared For



Version – 1.0

---

### Prepared By – Tree Designs Australia Pty Ltd



**Qualified Arborist** - Cert IV/Diploma Horticulture/  
Arboriculture (Melbourne University)

Page 1 of 28

## Summary of Conclusions/Recommendations:

Below is a dot point summary of the findings of this report. All data used to come to these conclusions is shown in the report below.

- After assessment of this site, it was found that the vast majority of trees on site are small and insignificant. Tree 5 is a larger tree but has a poor structure and removal has been recommended. The tree is not suitable in the new plans for the area with a poor structure that will highly likely result in failures in the future.
- Tree 10 is a moderate size Liquid amber that shows some presence in the area and could be incorporated into the new plans for the site. However the site has no planning overlays that control the pruning or removal of trees. The proposed plans do not allow for the tree to be retained and I believe the tree does not offer a high enough significance to retain it. The tree should be removed and replaced with a more appropriate planting elsewhere on the site.
- Tree Protection Zones will need to be in place around each of the council owned trees during demolition and construction. A brief summary of the requirements for this are seen in Appendix 3 of this report.
- Tree 9 is regrowth from an old stump cut. The tree is council owned but should be removed. The tree will only be a problem in the future with multiple trunks resulting in almost certain failures. The tree is also inappropriate for the area given the powerlines above. The tree was clearly removed at one point but then left to regrow instead of being dealt with appropriately. The tree should have been removed completely along with the stump.



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## 1. Introduction

Tree Designs was briefed to inspect and report on a number of trees located at 41-43 Nar Nar Goon/Longwarry Rd, Garfield. This report aims to provide a survey of the trees located on site and within close proximity to the neighbouring properties. The Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) will be listed so planning can be managed accordingly. This report is a tree survey and is the first stage in the process. From this report, planning can be adjusted to incorporate the trees into the development.

This report will provide the following key objectives:

- Identify and record the dimensions of the various trees situated within the property and in close proximity within the neighbouring properties. Street trees/council owned trees that are within close proximity are also to be included.
- Provide an assessment of each of the trees with regard to the health and structure and determine if there are any significant trees on the site.
- Provide recommendations for managing the significant trees, that cannot be removed and the surrounding trees on neighbouring properties during development of the site.

## 2. Relevant Planning Overlays

The property is situated within the Cardinia Shire.

The property is subject to several Planning Overlays including heritage overlays however there are no overlays that directly affect the removal or pruning of trees.

## 3. Methodology

An inspection of the trees on the property took place on 25/8/2020 from the ground only. An aerial inspection did not take place. The trees were inspected from the ground for potential hazards and defects and a photo of the overall trees were taken along with any identifiable hazards. Photos were also taken of the site.

Data collected for each tree includes the following:

- Botanical Name
- Diameter at Breast Height (DBH)
- Canopy Dimensions (H x W)
- Health
- Structure
- Useful Life Expectancy
- Landscape Contribution
- Retention Value
- Tree Protection Zone (TPZ)
- Structural Root Zone (SRZ)

The descriptions of each of these can be seen in Appendix 1 of this report.

### 4. Data Collected

The following table shows all the data collected on the trees. Each individual tree has also had a photo taken and can be seen in Appendix 2 of this report.

#### 4.1. All Data Collected

Tree No.	Botanical Name	Common Name	DBH (cm)	TPZ (m)	SRZ (m)	Height (m)	Width (m)	Health	Structure	ULE	Retention Value	Landscape Contribution Rating	Notes/Works required
1	<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	78	9.4	3.0	8.0	10.0	Good	Poor	10-30	Third Party Ownership	Moderate	
2	<i>Lagerstromeia indica</i>	Crepe Myrtle	9	1.1	1.2	3.0	2.0	Good	Fair	30+	Third Party Ownership	Low	
3	<i>Lagerstromeia indica</i>	Crepe Myrtle	9	1.1	1.2	3.0	3.0	Good	Good	30+	Third Party Ownership	Low	
4	<i>Lagerstromeia indica</i>	Crepe Myrtle	9	1.1	1.2	4.0	4.0	Good	Good	30+	Third Party Ownership	Low	
5	<i>Liquidamber styraciflua</i>	Sweetgum	36	4.3	2.2	10.0	7.0	Good	Poor	30+	Not worth retaining	Low	Bifurcated trunk.
6	<i>Unknown</i>	Unknown	16	1.9	1.5	3.0	3.0	Fair	Poor	10-30	Not worth retaining	Low	
7	<i>Citrus limon</i>	Lemon	20	2.4	1.7	2.5	3.0	Fair	Poor	10-30	Not worth retaining	Low	
8	<i>Lagerstromeia indica</i>	Crepe Myrtle	12	1.4	1.4	3.0	3.0	Fair	Fair	30+	Not worth retaining	Low	
9	<i>Eucalyptus sp.</i>	Unknown	20	2.4	1.7	9.0	3.0	Good	Poor	30+	Third Party Ownership	Low	
10	<i>Liquidamber styraciflua</i>	Sweetgum	36	4.3	2.2	9.0	9.0	Good	Fair	30+	Retain if possible	Moderate	

Table 4.1.

## 5. Site Map and Tree Location

The following map includes the tree numbers and clearly shows the TPZ's and SRZ's of each tree. Any tree designated for removal is indicated with a red X.



Figure 5.1. Near Maps (2020) - An aerial image showing the approximate location of the trees in red. (X. indicates tree no longer exists)



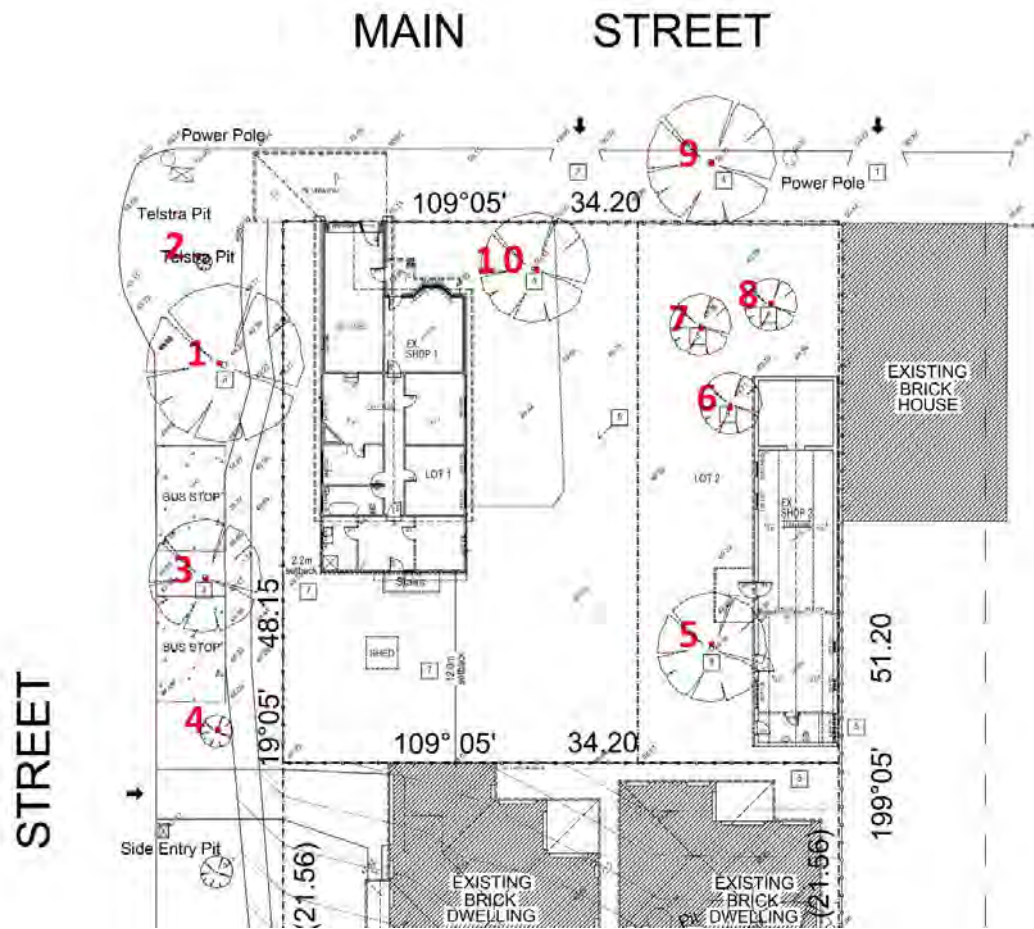


Figure 5.2. Survey plan with tree numbers marked in red.

## 6. Observations/Discussion

### 6.1. The Site

The site is currently used as a bakery and small café. The site is flat and located on a corner frontage. There a number of small trees and several street trees on and around the property.



Figure 6.1. View of the site from the street.

### 6.2. The Trees

The trees on the property are all small trees with a low landscape contribution rating and have been classed as 'not worth retaining' with the exception of tree 10. Tree 10 has been classed as 'retain if possible'. Both Liquid ambers are the only larger trees on the property. The two Liquid ambers are trees 5 and 10.

Both trees are not native but do offer some degree of presence to the landscape.

#### 6.2.1. Tree 10

Tree 10 is the only tree that has been classed as retain if possible. The tree is not native but does offer some degree of presence to the surrounding area and could be incorporated into the new landscape. The tree has however lost some smaller branches throughout the canopy and needs pruning in the form of weight reduction and deadwood removal to improve its structure and reduce the hazards. With all this in mind removal could also be actioned and planting a more appropriate tree for the new site plans could well be a more appropriate action. There are no planning overlays that control the removal of this tree.

**6.2.2. Tree 5**

Tree 5 is bifurcated with poor unions throughout and a poor structure. Unfortunately the tree will be a problem in the future and will most likely split and loose limbs as the tree grows. Removal is recommended as the tree is beyond the point of effective formative pruning. This can be seen in figure 6.1.

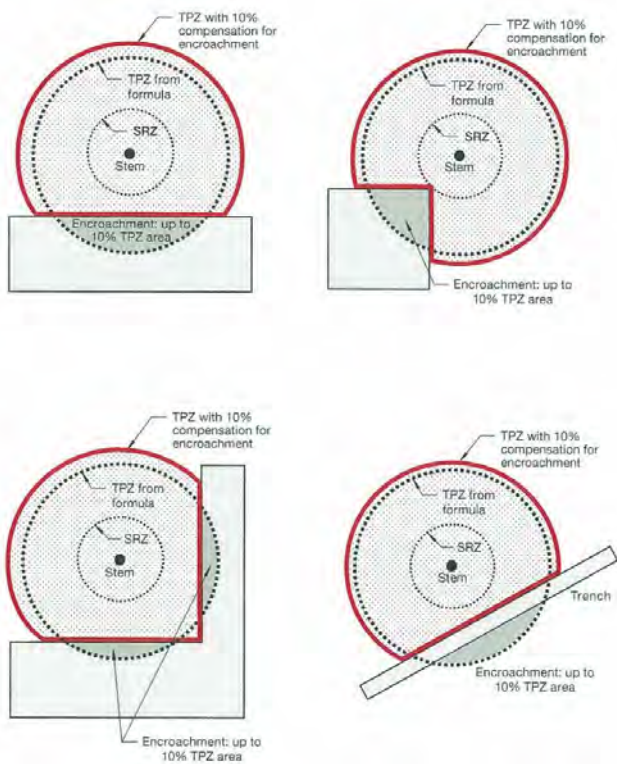
Figure 6.2. Tree 5. An example of the poor unions throughout the tree.

### 6.3. Hollow Bearing Trees

There are no hollow bearing trees throughout the site.

### 6.4. Encroachment

This report contains the Tree Protection Zone (TPZ) and the Structural Root Zone (SRZ) of each tree. When the plans are made for the new dwelling on the site, it is important to consider these. According to AS 4970-2009, encroachment of less than 10% of the TPZ and outside the SRZ is deemed to be minor encroachment. If the TPZ requires encroachment then variations must be made by the project arborist considering other relevant factors including tree health, vigour, stability, species sensitivity and soil characteristics.



Major encroachment is classed as more than 10% of the TPZ or encroaching into the SRZ. The project arborist must demonstrate that the tree(s) would remain viable. To determine this it may require root investigation by non-destructive methods and consideration of relevant factors including tree health, vigour, stability, species sensitivity and soil characteristics. In any case, the lost TPZ should be compensated and be contiguous with the existing TPZ. This is shown in figure 6.3.

Figure 6.3. Examples of encroachment. Taken from AS 4970-2009

## 7. Conclusions and Recommendations

After assessment of this site, it was found that the vast majority of trees on site are small and insignificant. Tree 5 is a larger tree but has a poor structure and removal has been recommended. The tree is not suitable in the new plans for the area with a poor structure that will highly likely result in failures in the future.

Tree 10 is a moderate size Liquid amber that shows some presence in the area and could be incorporated into the new plans for the site. However the site has no planning overlays that control the pruning or removal of trees. The proposed plans do not allow for the tree to be retained and I believe the tree does not offer a high enough significance to retain it. The tree should be removed and replaced with a more appropriate planting elsewhere on the site.

Tree Protection Zones will need to be in place around each of the council owned trees during demolition and construction. A brief summary of the requirements for this are seen in Appendix 3 of this report.

Tree 9 is regrowth from an old stump cut. The tree is council owned but should be removed. The tree will only be a problem in the future with multiple trunks resulting in almost certain failures. The tree is also inappropriate for the area given the powerlines above. The tree was clearly removed at one point but then left to regrow instead of being dealt with appropriately. The tree should have been removed completely along with the stump.

### 7.1. Further Recommendations:

All work required to achieve the objectives of this report, should be completed by a qualified arborist as to Australian standards AS4373-1996 - Pruning of Amenity Trees

It is also recommended that any future development works are supervised by a qualified arborist and follow Australian standards, AS4970-2009 - Protection of Trees on Development Sites.



## 8. Arboriculture Terminology

The following arboriculture terminology may have been used in the descriptions:

Adventitious roots – roots that have developed in locations that do not usually produce roots e.g. growing in the union between trunks.

Bifurcation – the forking of a trunk into two roughly equal sized stems. The union between the two stems is often relatively weak.

Bracket Fungi – the fruiting body of a wood decay fungus usually seen as a semi-circular ‘bracket’ on a trunk or branch. The presence of a bracket fungi often indicates extensive decay in the underlying wood.

Branch Collar - A swelling at the base of a branch where it joins the trunk or another branch. Wood that has formed around a branch attachment.

Callus – wood tissue growth in the response to pruning or damage to the cambium layer

Cambium – The cellular layer beneath the bark that gives rise to tree nutrients.

Co-dominant trunks – two roughly equal sized trunks arising from a single trunk when it bifurcates. The union between co-dominant trunks is often weak.

Coppice - Regrowth from a cut tree *stump* or the base of a damaged stem

Crown – The leaves and branches of the tree measured from the lowest branches to the uppermost section of the tree.

Critical Root Zone (CRZ) – is the minimum radial distance from the trunk where extensive root severance can occur without the tree becoming potentially unstable and prone to uprooting.

Decay – The degradation of woody tissue.

Delamination – longitudinal splitting of branches. Branches that delaminate often fail over a period of time.

Dieback – The loss of foliage and life of a limb generally spreading from the tip to the base of the branch.

Epicormic branch/shoot – a branch that has arisen from a dormant (i.e. epicormic) bud in response to severe pruning (lopping), branch failure, tree decline or fire. Epicormic branches can often be poorly attached.

Flange development – the flange-like swelling on either side of a branch or trunk union. It indicates the presence of included bark within the union and hence a relatively weak union.

Fungal fruiting body/ bracket fungi – the fruiting body of a wood decay fungus usually seen as a semi-circular ‘bracket’ on a trunk or branch. The presence of a fungal fruiting body often indicates extensive decay in the underlying wood.

Included bark – bark that is included within the branch or trunk union. Unions with included bark are weaker than those without included bark.

Kino – a dark reddish exudate produced by many corymbias and eucalypts, often in response to injury.

Lopping – indiscriminate pruning of large branches with no regard for the physiological or aesthetic wellbeing of the tree.

Leader – The topmost portion of the tree trunk that is able to grow more than the laterals below. (Matheny and Clark, 1994)

Picus – A measuring tool that detects and electronically measures the amount of decay in its various stages. The Sonic Tomograph obtains data in a non-invasive or destructive manner, and produces detailed information in a computerised form.

Pollard heads – the distorted, ‘club-like’ branches resulting from the heavy pruning of framework branches followed by regular removal of new shoots back to the original pruning point.

Sap wood – The outer layers of woody tissue that are functional in terms of translocation.

Stub – A branch that has been indiscriminately cut back near the base leaving no foliage present.

Translocation – The conduction of soluble materials from one part of the plant to another.

Tree Protection Zone (TPZ) – the radial distance from the trunk outside which any construction related activity should have no impact on the tree’s health and vigour. Construction is excluded from this zone or carefully controlled to minimize damage to the root system.

ULE (Useful Life Expectancy) – an estimate of the time that a tree can be retained as a useful specimen without it becoming unsafe or dying. The ULE is determined from the assessment of the health and vigour and structure of the tree.

Weight reduction – pruning technique used to reduce the length and weight of a branch. It is commonly used to reduce the likelihood of the failure of long extended branches.

Wound-wood formation – wood that has grown around a trunk or branch wound after the wounding has taken place. In some cases wound-wood can completely cover a wound. Structurally it is typically stronger than normal wood.

## 9. Reference Material

AS 4373, 2007, Australian Standard, Pruning Amenity Trees, 2<sup>nd</sup> Edition Standards Australia

AS 4970, 2009, Australian Standard, Protection of Trees on Development Sites, Standards Australia

Harris, R.W., Clark, J.R. & Matheny, N.P., 1999, Arboriculture; Integrated management of landscape trees, shrubs, and vines, Prentice Hall, Upper Saddle River, New Jersey. Matheny, N. & Clark, R. C. 1994,

Near Maps 2020

Holliday, I, 1989, A Field Guide to Melaleucas, Octopus Publishing, 1989

Phillips, R, 1978, Trees in Britain Europe and North America, McMillan, London, England

## Appendix 1 – Data Collection Definitions

The following data was collected for each tree, based on the collectors experience and opinion of each of the trees.

### 1.1. Identification

The tree is identified in the most current Latin botanical name and common name.

### 1.2. Diameter at Breast Height (DBH)

Diameter at Breast Height – measured at 1.3 metres above ground level. Stated in cm.

Appendix A of AS4970 is used as a standard for determining odd trunk shapes and multiple trunks.

### 1.3 Canopy Dimensions

The trees approximate canopy width at the largest point and height are stated in meters.

### 1.4. Tree Attributes

**1.4.1. Health:** The health of the tree/trees, as seen by a number of clear indicators. This includes the condition of the foliage density, colour and leaf size and signs of any disease or predation. Each tree was given a rating from the following according to the habit of the species and taking in to account its surroundings.

Term	Definition
Good	The tree is exhibiting good or exceptional growth for the species. The foliage colour is normal as in leaf size and density to that of the species. The tree shows abundant healthy foliage and shows few, if any signs of predation or disease.
Fair	The tree is in a reasonable condition. The foliage colour may be slightly lacking in chlorophyll. Some dead wood is present throughout the crown and epicormics may also be present. The tree exhibits just under abundant healthy foliage and shows some signs of predation or disease.
Poor	The tree exhibits a sparse covering of foliage. The tree is not growing to its full potential and extension growth of the laterals may be minimal. The tree may show large areas of deadwood or epicormic growth (stressed growth). The tree shows signs of disease and/or predation.
Dead	The tree is dead, or in a very advanced state of decline of which it cannot recover.

**1.4.2. Structure:** The current form of the tree, taking into account previous failures, damage, or growth patterns due to environment and/or location.

Term	Definition
Good	The tree shows no signs of moderate to major failures or damage to the structural strength of the tree. The tree may have lost a few small branches. There are no signs of decay or dieback. However some small sections of deadwood may be able to be seen. Epicormics are not present on the tree and the tree shows one leader with no co-dominants throughout the tree. There is also no signs of included bark.
Fair	The tree exhibits some signs of moderate failures or damage to the structural strength of the tree. There may be indications of decay or dieback throughout the tree. Epicormic growth may be present throughout the canopy but not in large numbers. The tree may have some signs of co-dominants throughout the tree. There may also be signs of included bark at the branch unions.
Poor	The tree exhibits signs of major previous or current failure to the main branches and/or trunk framework. Decay is largely present throughout the tree and dieback may also be present. There may be signs of epicormic growth throughout the canopy. There may be major wounds in the tree resulting in a reduction in the structure of the tree. The tree may show signs of included bark and may also have co-dominant growth showing.
Failed	The tree has terminal damage and has no adequate framework to support further growth.

**1.4.3. Useful Life Expectancy:** The number of years that the tree is likely to remain in a condition that does not pose a serious threat or become unsuitable for the area it occupies.

Term	Definition
0 Years	The tree is dead or contains a danger that necessitates its removal.
0-5 Years	The tree is at the end of its life or has disease or damage that cannot be rectified that will lead to its demise in a number of years.
5-10 Years	The tree is mature and approaching senescence or shows early symptoms of a terminal disease or damage or will soon begin to be too large for current area without some form of modification to tree or environment.
10-30 Years	The tree is of a semi mature age and not showing symptoms of a terminal disease or damage or will soon begin to be too large for current area without some form of modification to tree or environment.
30 + Years	The tree not showing any signs of forming problematic growth or disease unless conditions alter.

**1.4.4. Landscape Contribution Rating:** A descriptive value is assigned to each tree taking into account various factors from the data collected.

Trees may be considered significant if they fit into one or more of the following categories:

- Exceptional example of species
- Outstanding feature in the landscape
- Habitat value
- Erosion control
- Historic value
- Aboriginal cultural value
- Significant Age
- Rare
- Exceptional size
- Economic, improves value



Term	Definition
Exceptional	The tree contains several of the preceding categories and is of exceptional value to the landscape
Outstanding	The tree contains on or more of the preceding categories and is of very high significance to the area
Valuable	The tree contains at least one of the preceding categories. The tree is normally a reasonable specimen without any outstanding features. It normally has a fairly large diameter and good to average health and structure
Moderate	The tree is of moderate value, in a reasonable condition but may only fulfil one factor above. It generally has a medium size trunk diameter and average to poor health and structure.
Low Value	As an individual specimen the tree is not considered to be significant. It may be a small specimen, with poor health and structure and possibly a weed species
Negligible	As an individual specimen the tree is not considered to be significant. It may be a small specimen, with poor health and structure and possibly a weed species. It may also be dead.

**1.4.5. Retention Value:** The tree/trees are given one of the following values according to the data collected and the opinion of the consultant.

Term	Definition
Retain	The tree is well suited to the site and offers a significant contribution the surrounding environment. The tree is usually in fair to good health and structure. Its ULE should be in the higher category. In some cases it may need to be retained because of historical or cultural significance
Retain if possible	The tree is suited to the site and if practicable the development plans should be altered to accommodate the tree in the site. The tree may be of a young age but have future potential to the site.
Not worth retaining	The tree is not worth retaining. It may be considered a weed species, be of poor structure, dead or declining and nearing the end of its ULE
Third party ownership	The tree is owned by an adjoining property.

## 1.5 Tree Protection Areas

**1.5.1. TPZ – Tree Protection Zone:** If appropriate, the Tree Protection Zone (TPZ) has been listed based on the formula,  $TPZ=12 \times DBH$ . If the tree is to be retained this measurement is the recommended area that is to be undisturbed during building stages so as to protect the health and structure of the tree as much as possible. The measurement is in meters and the area designated is a large circle originating from the centre of the tree with the TPZ value calculated being the radius. According to AS 4970, 2009, a tree can only have a maximum TPZ of 15m (except where crown protection is required) and a minimum of 2m.

**1.5.2. SRZ - Structural Root Zone:** The Structural Root Zone (SRZ) is the minimum volume of roots required by the tree to remain stable in the ground. If the SRZ is breached the chances of windthrow are significantly increased, especially if roots are cut on the same side as prevailing winds.

Windthrow is an event where the entire tree fails/falls over. Often, the tree is completely uprooted with devastating results.

Encroachment via excavation or other means into the SRZ is deemed to be major encroachment. The tree's stability following such excavation would be questionable.

The following formula is used to determine the SRZ, where 'D' is the Diameter of the tree and 'R' is the radius. This formula is used from AS4970. The below calculation is not an absolute value, merely a figure that has been drawn from a line of best fit from observations of forest tree failures. As it is observational, cause and effect cannot be established. It is an approximation for most trees in most situations. It may be that the trees can handle more or less than the calculated SRZ and therefore if needed roots may be able to be encroached upon this value given the right care and supervision of a qualified arborist.

$$R_{SRZ} = (D \times 50)^{0.42} \times 0.64$$

**Note:** The SRZ for tree with a diameter less than 0.15m is 1.5m.


D is the stem diameter measured immediately above root buttress.

### 1.6 Tree Location


Each tree is allocated a number and then the approximate location is indicated on the aerial map.

### Appendix 2 - Photographic Tree Assessments


Tree Number 1	
Botanical Name	<i>Melaleuca armillaris</i>
Common Name	Bracelet Honey Myrtle
DBH (cm)	78
Tree Protection Zone (m)	9.4
Structural Root Zone (m)	3.0
Height	8
Width	10
Health	Good
Structure	Poor
Useful Life Expectancy	10-30
Retention Value	Third Party Ownership
Landscape Contribution Rating	Moderate
Notes:	0



Tree Number 2	
Botanical Name	<i>Lagerstromieia indica</i>
Common Name	Crepe Myrtle
DBH (cm)	9
Tree Protection Zone (m)	1.1
Structural Root Zone (m)	1.2
Height	3
Width	2
Health	Good
Structure	Fair
Useful Life Expectancy	30+
Retention Value	Third Party Ownership
Landscape Contribution Rating	Low
Notes:	0

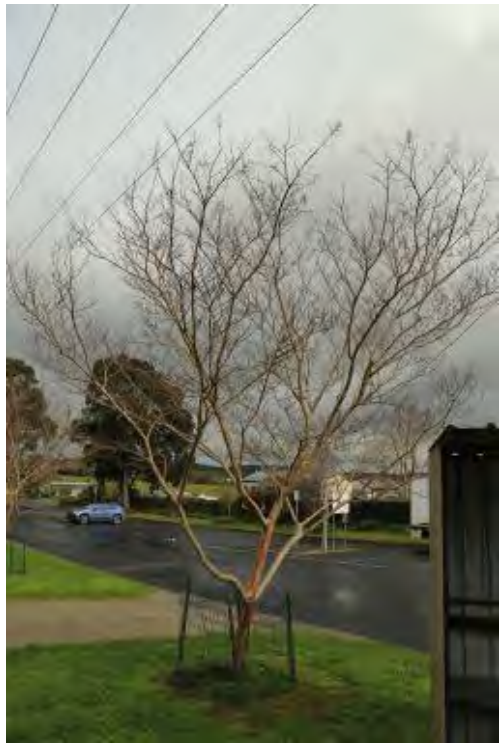


Tree Number 3	
Botanical Name	<i>Lagerstromieia indica</i>
Common Name	Crepe Myrtle
DBH (cm)	9
Tree Protection Zone (m)	1.1
Structural Root Zone (m)	1.2
Height	3
Width	3
Health	Good
Structure	Good
Useful Life Expectancy	30+
Retention Value	Third Party Ownership
Landscape Contribution Rating	Low
Notes:	0







Tree Number 4	
Botanical Name	<i>Lagerstromia indica</i>
Common Name	Crepe Myrtle
DBH (cm)	9
Tree Protection Zone (m)	1.1
Structural Root Zone (m)	1.2
Height	4
Width	4
Health	Good
Structure	Good
Useful Life Expectancy	30+
Retention Value	Third Party Ownership
Landscape Contribution Rating	Low
Notes:	0




Tree Number 5	
Botanical Name	<i>Liquidamber styraciflua</i>
Common Name	Sweetgum
DBH (cm)	36
Tree Protection Zone (m)	4.3
Structural Root Zone (m)	2.2
Height	10
Width	7
Health	Good
Structure	Poor
Useful Life Expectancy	30+
Retention Value	Not worth retaining
Landscape Contribution Rating	Low
Notes:	Bifurcated trunk.




Tree Number 6	
Botanical Name	<i>Unknown</i>
Common Name	Unknown
DBH (cm)	16
Tree Protection Zone (m)	1.9
Structural Root Zone (m)	1.5
Height	3
Width	3
Health	Fair
Structure	Poor
Useful Life Expectancy	10-30
Retention Value	Not worth retaining
Landscape Contribution Rating	Low
Notes:	0




Tree Number 7	
Botanical Name	<i>Citrus limon</i>
Common Name	Lemon
DBH (cm)	20
Tree Protection Zone (m)	2.4
Structural Root Zone (m)	1.7
Height	3
Width	3
Health	Fair
Structure	Poor
Useful Life Expectancy	10-30
Retention Value	Not worth retaining
Landscape Contribution Rating	Low
Notes:	0



Tree Number 8	
Botanical Name	<i>Lagerstromieia indica</i>
Common Name	Crepe Myrtle
DBH (cm)	12
Tree Protection Zone (m)	1.4
Structural Root Zone (m)	1.4
Height	3
Width	3
Health	Fair
Structure	Fair
Useful Life Expectancy	30+
Retention Value	Not worth retaining
Landscape Contribution Rating	Low
Notes:	0



Tree Number 9	
Botanical Name	<i>Eucalyptus sp.</i>
Common Name	Unknown
DBH (cm)	20
Tree Protection Zone (m)	2.4
Structural Root Zone (m)	1.7
Height	9
Width	3
Health	Good
Structure	Poor
Useful Life Expectancy	30+
Retention Value	Third Party Ownership
Landscape Contribution Rating	Low
Notes:	0



Tree Number 10	
Botanical Name	<i>Liquidamber styraciflua</i>
Common Name	Sweetgum
DBH (cm)	36
Tree Protection Zone (m)	4.3
Structural Root Zone (m)	2.2
Height	9
Width	9
Health	Good
Structure	Fair
Useful Life Expectancy	30+
Retention Value	Retain if possible
Landscape Contribution Rating	Moderate
Notes:	0





## Appendix 3 - Tree Protection Specifications

Trees are commonly damaged on construction sites. This is a brief summary of the requirements outlined in a Tree Protection Plan for the property if one is required. Please note that this is not a Tree Protection Plan for the subject property but rather an overview. A TPP will need to be tailored to the subject property in conjunction with the future development plans one they have been finalised. The trees that are not removed are to be protected from undue harm during construction and demolition of the site. This also includes trees adjacent to the property. Serious damage may be inflicted on a tree during development resulting in branch failure or in the worst case complete decline of the tree.

### 1.1. TPZ Fencing

The following dot points must be adhered to on site.

- Tree Protection fencing is to be installed around all trees that are to be retained including street trees as per the TPZ that has been listed. If a neighbouring trees protection zone encroaches on to the development property, then that portion must be fenced off also.
- Fencing must remain in place for the duration of the works
- Temporary fencing on secure concrete blocks is to used (minimum height of 1.8m)
- Fencing is to be secure as to deter easy entry
- Fencing is to be in place prior to heavy machinery entering the site
- At least one weatherproof sign is to be attached to each TPZ and is to appear as follows:



Figure 1.1. An example of Tree Protection Zone signage

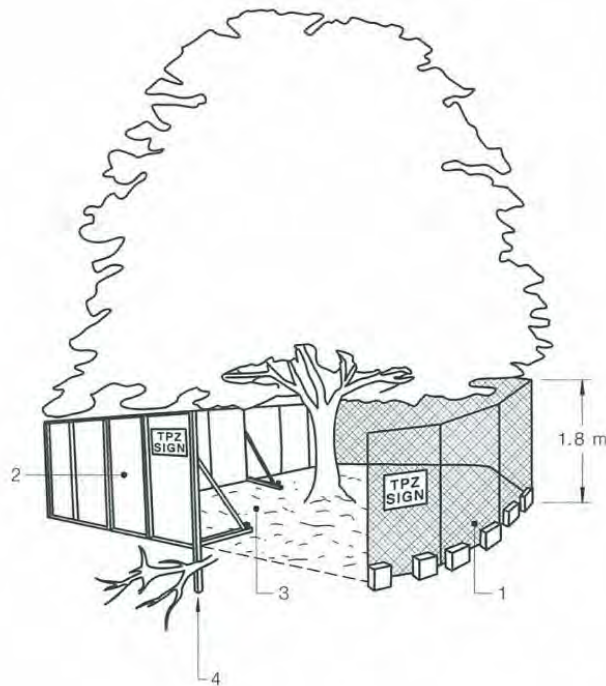


Figure 1.2. Tree Protection Zone fencing requirements. An example of the requirements for Tree Protection Zone fencing.

The image has been taken from AS4970-2009 *Protection of Trees on Development Sites*

## 1.2. Mulching & Irrigation

The ground within the TPZs is to be maintained with a 50-100mm layer of mulch. Mulch is to be kept a minimum of 300mm back from the trees trunk.

Weeds within the area are also to be managed. If the tree is in the neighbouring property then these measures cannot be enforced on the neighbour's property however the portion of the TPZ that encroaches onto the subject property must be maintained and protected.

## 1.3. General Tree Protection Requirements

During construction all TPZ's requirements are to be maintained. It is the responsibility of the builder to keep to these requirements. These include:

- No heavy machinery is to enter the TPZ
- No trenching in the TPZ. Existing soil levels are to be maintained
- No fill is to be placed in the area
- No drainage or subsurface lines are to be installed.
- No fuel, oil or chemicals are to be stored in the TPZ
- No storage of materials is allowed in the TPZ

- No fixtures of any sorts are permitted to the trees
- All machinery is to be kept clear of the canopy of the trees. If pruning is required the Project Arborist is to be consulted first.



## TRAFFIC IMPACT ASSESSMENT

PROPOSED SHOPS AND DWELLING

41-43 NAR NAR GOON-LONGWARRY ROAD, GARFIELD

8 OCTOBER 2020





41-43 Nar Nar Good Longwarry Road, Garfield



OBT JOB NUMBER: 20699





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## 1 INTRODUCTION

O'Brien Traffic has been engaged by Fiona Russon to undertake a traffic impact assessment of proposed shops and dwelling development at 41-43 Nar Nar Goon-Longwarry Road, Garfield.

In the course of preparing this report:

- Plans and relevant documentation have been examined;
- The subject site and surrounding area have been inspected;
- Aerial photography parking surveys have been undertaken and the results analysed; and
- The traffic and parking implications of the proposal have been assessed.

## 2 EXISTING CONDITIONS

### 2.1 LOCATION AND LAND USE

The subject site is located on the south-east corner of Nar Nar Goon-Longwarry Road and Ritchie Street, in Longwarry. The location of the subject site and surrounding area is shown in **Figure 1**. A recent aerial photograph of the subject site is shown in **Figure 2**.

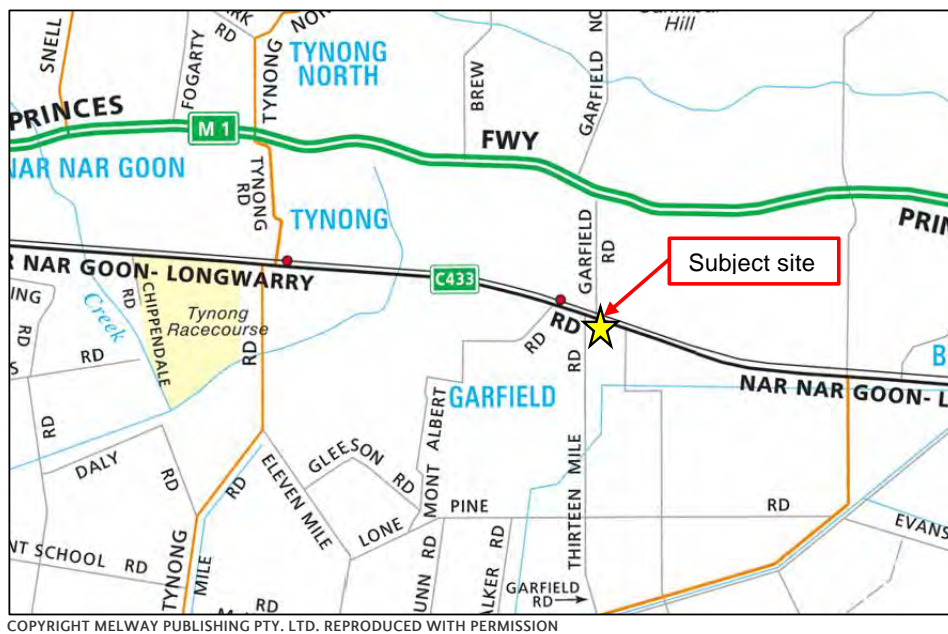


FIGURE 1: LOCATION OF SUBJECT SITE



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FIGURE 2: AERIAL PHOTO OF SUBJECT SITE

The site is zoned Commercial 1 Zone (C1Z) under the Cardinia Planning Scheme and is subject to a Heritage Overlay (HO86). It is rectangular in shape with a frontage of 35 metres to Nar Nar Goon Longwarry Road and a frontage of approximately 33 metres to Ritchie Street, comprising of an area of approximately 1,165m<sup>2</sup>.

The site is currently occupied by two shops, with vehicle access via a centrally located crossover to Nar Nar Goon-Longwarry Road.

Views of the subject site frontage are shown in **Figure 3** & **Figure 4**.





FIGURE 3: VIEW OF THE SUBJECT SITE FRONTAGE (NAR NAR GOON – LONGWARRY ROAD)



FIGURE 4: VIEW OF THE SUBJECT SITE FRONTAGE (NAR NAR GOON – LONGWARRY ROAD)

## 2.2 SURROUNDING LAND USE

Surrounding land use is a mixture of commercial and residential within the vicinity of the site. The Garfield Railway Station is located approximately 200m west of the subject site.

## 2.3 ROAD NETWORK

**Nar Nar Goon-Longwarry Road** is an Arterial Road under the management of Department of Transport (VicRoads) that runs in an east-west orientation. Nar Nar Goon-Longwarry Road features a carriageway width of approximately 11.5m adjacent to the subject site and allows for two-way traffic with unrestricted kerbside parking on both sides of the road. The posted speed limit is 60km/h.

Views of Nar Nar Goon-Longwarry Road are shown in **Figure 5** and **Figure 6**.



FIGURE 5: NAR NAR GOON-LONGWARRY ROAD FACING NORTH-WEST



FIGURE 6: NAR NAR GOON-LONGWARRY ROAD FACING SOUTH-EAST

**Ritchie Street** is a local access street under the management of Council. It features a carriageway width of approximately 18m and provides a central parking median. Views of Ritchie Street adjacent to the subject site are shown in **Figure 7** and **Figure 8**.



FIGURE 7: RITCHIE STREET FACING SOUTH



FIGURE 8: RITCHIE STREET FACING NORTH

## 2.4 TRAFFIC VOLUMES

Department of Transport (VicRoads) traffic volume data shows Nar Nar Goon-Longwarry Road carries a two-way traffic volume of 2,700 vehicles per day adjacent to the subject site. These traffic volumes are considered to be relatively low and well within their environmental capacity for an arterial road.

The traffic volume in Ritchie Street is expected to be low in traffic engineering terms.

## 2.5 CASUALTY CRASH HISTORY

A review of the casualty crash history for the last five years indicated that there has been one recorded crash in the vicinity of the site. The crash occurred at the intersection of Nar Nar Goon-Longwarry Road and Ritchie Street which involved a head-on collision and resulted in an 'Other' type injury.





## 2.6 SUSTAINABLE TRANSPORT

### 2.6.1 Public Transport

The Garfield Railway Station is located approximately 200m west of the subject site and is serviced by regional rail services to Melbourne and Traralgon.

The nearest bus stop is located adjacent to the railway station and is serviced by the Bairnsdale to Melbourne (via Sale and Traralgon) route and the Melbourne to Traralgon (via Pakenham, Moe and Morwell) route.

## 2.7 AVAILABILITY OF PARKING IN THE LOCALITY

There are a total of 118 parking spaces within 150m walking distance of the site, of which:

- 17 spaces are subject to '2P 8:30am-4pm Monday - Friday; 9am-12:30pm Saturday' restrictions;
- 4 spaces are subject to 'Bus Zone 8:15am-8:45am; 3:30pm-4:pm School Days' restrictions; and
- The remaining 97 spaces are unrestricted.

Due to the timing of this project (i.e. during the COVID-19 Stage 3 lockdown), we were unable to collect representative car parking utilisation data of the nearby on-street car parking during a busy weekday or weekend to determine the typical peak car parking occupancy.

However, a review of Nearmap.com aerial photography for on-street parking within 150m walking distance was able to be completed. The busy periods over the last two years have been summarised in **Table 1**.

DAY/DATE	TIME	CARS PARKED	SPACES AVAILABLE	% OCCUPIED
Thursday, March 12, 2020	11:27 AM	39	79	33%
Thursday, October 3, 2019	2:51 PM	30	88	26%
Tuesday April 2, 2019	1:52 PM	31	87	26%

TABLE 1: ON-STREET PARKING OCCUPANCY WITHIN 150M BASED ON NEARMAP.COM

Based on the aerial photography, as indicated in **Table 1**; there was a peak on-street car parking occupancy of up to 33% prior to the lockdown period, representing a minimum of 79 available on-street spaces.

It is to be noted that photos are not necessarily taken at the peak occupancy of the day. However, given the times that each photograph was taken occurred during the typically busiest periods of the day (i.e. late morning and lunchtime), it is considered the aerial photograph is a reasonable representation of parking demand in the area.





### 3 THE PROPOSAL

It is proposed to retain part of the existing shop on the north-west corner and part of the existing shop in the east of the site. An additional five (5) shops on ground floor and a two-bedroom dwelling on the second storey of 'Shop 2' would be constructed. The total proposed additional shop floor area is 331.1m<sup>2</sup>.

A total of two (2) on-site spaces are proposed at the rear of the site, with vehicle access via a crossover to Ritchie Street. One space is allocated for the dwelling, and the other for shop use.

The existing vehicle crossover on Nar Nar Goon-Longwarry Road would be relocated to the east (between proposed Shops 4 and 5) to provide access to a loading zone.

### 4 CAR PARKING

#### 4.1 PLANNING SCHEME CAR PARKING REQUIREMENT

Parking policy and requirements applicable to the proposed development are specified in Clause 52.06 of the Planning Scheme.

The purpose of Clause 52.06 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 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.
- 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 Planning Scheme parking requirement for the proposal is shown in **Table 2**.

USE	SIZE	PLANNING SCHEME PARKING RATE	CAR PARKING REQUIREMENT
Shop	331.1m <sup>2</sup>	4 spaces to each 100sq m of leasable floor area	13 spaces
Dwelling	2 x bedroom	1 to each one- or two-bedroom dwelling	1 space
<b>TOTAL</b>			<b>14 SPACES</b>

TABLE 2: PLANNING SCHEME CAR PARKING REQUIREMENT

On this basis, the proposed development has a Planning Scheme car parking requirement of 14 spaces. As one dwelling space and one shop space are proposed on-



site, this results in an overall parking shortfall of 12 shop spaces.

#### 4.2 CAR PARKING DEMAND ASSESSMENT

Before a requirement for car parking is reduced, Clause 52.06-7 of the Planning Scheme requires a Car Parking Demand Assessment, which must assess the parking demand *likely* to be generated by the proposed use.

The Car Parking Demand Assessment must address a number of specified matters to the satisfaction of the responsible authority. These are discussed as follows.

CRITERIA	RESPONSE
<i>The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use</i>	Given the proposed shop is located within the Garfield main township, multi-purpose trips associated with customers to the site are likely.
<i>The variation of car parking demand likely to be generated by the proposed use over time</i>	The shop component is anticipated to generate a peak parking demand during business hours.
<i>The short-stay and long-stay car parking demand likely to be generated by the proposed use</i>	The car parking demand is anticipated to be long-stay for staff and short stay for customers.
<i>The availability of public transport in the locality of the land</i>	It is unlikely that the parking demand would significantly reduce as a result of public transport availability.
<i>The convenience of pedestrian and cyclist access to the land</i>	Existing footpaths provide convenient pedestrian access.
<i>The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land</i>	There are no public bicycle facilities in the vicinity of the site.
<i>The anticipated car ownership rates of likely or proposed visitors to or occupants of the land</i>	It is anticipated that staff and customers will typically be car owners.
<i>Any empirical assessment or case study</i>	O'Brien Traffic has previously undertaken surveys at similar developments. Our experience indicates that staff parking for the shop would typically be 1 space/100m <sup>2</sup> and 2 - 3 spaces/100m <sup>2</sup> for customers. Based on the above assessment, it is estimated that the proposed development would generate a shop parking demand of: <ul style="list-style-type: none"> <li>- 3 staff (long-stay) spaces; and</li> <li>- Between 6 - 9 customer (short-stay) spaces.</li> </ul>

TABLE 3: CAR PARKING DEMAND ASSESSMENT



### 4.3 ADEQUACY OF PARKING SUPPLY

Clause 52.06-7 of the Planning Scheme states that before granting a permit to reduce the number of spaces, the responsible authority must consider a number of issues which include:

CRITERIA	RESPONSE
<i>The Car Parking Demand Assessment</i>	The car parking demand assessment indicates that the proposal will generate a peak parking demand of up to 3 staff spaces (long term) and 6-9 customer spaces (short term). This results in a total peak parking demand of 9-12 spaces. This equates to a shortfall of 7-10 spaces.
<i>The availability of alternative car parking in the locality of the land, including:</i> <ul style="list-style-type: none"> <li>• <i>Efficiencies gained from the consolidation of shared car parking spaces</i></li> <li>• <i>Public car parks intended to serve the land.</i></li> <li>• <i>On street parking in non-residential zones.</i></li> <li>• <i>Streets in residential zones specifically managed for non-residential parking</i></li> </ul>	<p>The aerial spot parking surveys indicate a minimum of 79 available on-street car spaces during business hours.</p> <p>This demonstrates that the parking demand of up to 10 spaces can be readily accommodated on-street.</p>

TABLE 4: ADEQUACY OF CAR PARKING SUPPLY

Therefore, based on the consideration outlined above, we find that there is sufficient justification to support the overflow of up to 10 spaces associated with the shop.

## 5 CAR PARK ACCESS & LAYOUT

The following comments are provided in relation to the car park access and layout:

- The on-site parking spaces at the rear of the site will be accessed via a new 3m crossover and accessway to Ritchie Street.
- The area allocated for the two on-site car parking spaces is 5.9m x 4.9m. This would allow minimum parking dimensions of 2.95m wide x 4.9m long, which exceeds the requirements of Design Standard 2 of Clause 52.06-9 of the Planning Scheme. An additional 0.6m has been provided adjacent to the dwelling stairs to allow additional room for maneuvering.
- The relocated crossover on Nar Nar Goon-Longwarry Road provides a 3m width and provides access to the loading bay. Vehicles accessing the loading bay from Nar Nar Goon-Longwarry Road will likely reverse in (and exiting in a forward direction). **Appendix A** indicates the swept paths for a delivery vehicle accessing the loading bay. As stated in **Section 2.4**, traffic volumes are low along Nar Nar Goon-Longwarry Road and it is therefore considered that vehicles can navigate this area in a safe and convenient manner.



## 6 BICYCLE FACILITIES

Bicycle parking requirements applicable to the proposed development are specified in Clause 52.34 of the Planning Scheme.

As the leasable floor area of the development does not exceed 1,000m<sup>2</sup>, the development does not require any bicycle parking under the Planning Scheme requirements.

## 7 LOADING & WASTE COLLECTION

Clause 65.01 of the Planning Scheme states that before deciding on an application, the responsible authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

A dedicated loading area is proposed on-site, with vehicle access via Nar Nar Goon-Longwarry Road and is located in close proximity of the bin storage areas for waste collection.

## 8 TRAFFIC GENERATION & IMPACT

### 8.1 TRAFFIC GENERATION

The shop is expected to generate the following trips during the peak periods:

- AM Peak – 1-2 trips per 100 m<sup>2</sup> to the site; and
- PM Peak – 5-6 trips per 100 m<sup>2</sup>, 50% to and 50% from the site.

Conservatively adopting the higher rates, the proposed increase in shop area of 331.1m<sup>2</sup> is expected to generate in the order of 6 trips to the site during the AM peak, and 20 trips evenly divided to and from the site during the PM peak.

The dwelling is conservatively anticipated to generate approximately 4 trips per day, with one trip per AM and PM peak hour.

This results in a maximum of up to 10 trips in the AM peak and 24 trips in the PM peak.

### 8.2 TRAFFIC IMPACT

Based on the above, the proposal is anticipated to generate up to 24 trips (12 trips to the site and 12 trips away from the site) during the peak hour (PM peak). This level of additional traffic is anticipated to have minimal adverse impact on Nar Nar Goon-Longwarry Road or the surrounding road network.





## 9 CONCLUSION

Based on the considerations outlined above, it is concluded that:

- The proposed development has a Planning Scheme car parking requirement of 14 spaces;
- It is proposed to provide a total of 2 on-site parking spaces, resulting in a shortfall of up to 12 shop spaces;
- The Car Parking Demand Assessment anticipates that up to 10 spaces would need to be accommodated in the surrounding road network;
- A reduction of the Planning Scheme car parking requirements is justified based on the availability of on-street parking;
- The proposed car park access and layout meets the Design Standards of the Planning Scheme and relevant Australian Standards requirements;
- The proposal does not require any bicycle parking under Clause 52.34 of the Planning Scheme; and
- The level of traffic generated by the proposal will not have a significant adverse impact on the safety and operation of Nar Nar Goon-Longwarry Road or the surrounding network.

We therefore find no parking or traffic related grounds to prevent the proposed shop development proceeding.



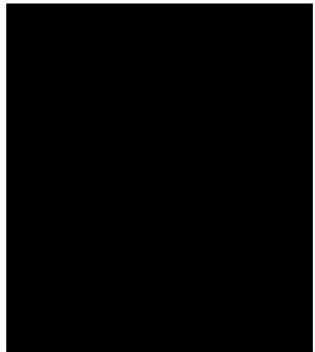
APPENDIX A

SWEPT PATH ANALYSIS



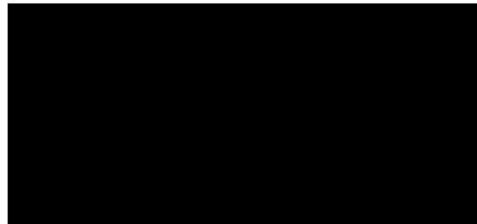
Architectural Conservation  
Consultant

20 October 2020



**MEMORANDUM OF ADVICE**

ATTENTION:



REGARDING: **COMMERCIAL DEVELOPMENT  
41-43 NAR NAR GOON – LONGWARRY ROAD,  
GARFIELD**

Thank you for asking me to review and comment on your development proposal for this site. This is documented in the architectural drawings that you have supplied to me, which are prepared by [redacted] titled 'Commercial Development at 41-43 Nar Nar Goon-Longwarry Road, Garfield, Victoria', drawing numbers A01-A06, Issue D 'Client Response to RFI', and dated 17 September 2020.

*Subject Site*

The subject site is situated at the southeast corner of Nar Nar Goon-Longwarry Road (Main Street) and Ritchie Street, with street frontages of 34.20m and 48.15m respectively. The site has four existing buildings, a single-storey brick interwar shop and residence (Magpie & Stump Bakehouse), adjacent to the corner of Nar Nar Goon-Longwarry Road and Ritchie Street, with a small garden on its east side. On the east boundary, set back from the Nar Nar Goon-Longwarry Road, is a single-storey brick bakehouse, which is used as a café (Cannibal Creek Bakehouse). There is a small area outside this café for patrons to sit. On the south of the site are two existing houses.

*Heritage Constraints*

The site is subject to heritage controls in the *Cardinia Planning Scheme*. The site is situated within the precinct-based heritage overlay, HO85 Garfield Commercial Precinct. The J & M E Lowndes Bakery and Residence (now the Magpie & Stump Bakehouse) is listed as individually significant to this heritage precinct. The remainder of the site, including the Cannibal Creek Bakehouse, is neither listed as individually significant or contributory to this precinct.



The other heritage overlay is site-specific, which is the HO86 J & M E Lowndes Bakery & Residence (now the Magpie & Stump Bakehouse). This is erroneously referred to in the heritage overlay schedule as 41 Nar Nar Goon-Longwarry Road, whereas this is numbered No 43 on the planning scheme map.<sup>1</sup> The entire site (No's 41 and 43) are shown subject to the heritage overlay in the 'Garfield Commercial Precinct (extension)' map in the 'Cardinia Commercial Heritage Precincts Incorporated Plan'.

A purpose of a heritage overlay, as defined by Clause 43.01 Heritage Overlay of the *Cardinia Planning Scheme*, is to conserve and enhance heritage places. It is also a purpose of the heritage overlay to ensure that new works do not adversely affect a heritage place and its recognised heritage character and the heritage values associated with it. Other policies within the *Cardinia Planning Scheme* that pertain to heritage, including Clause 15.03-1S Heritage Conservation and Clause 21.02-6 Post-contact Heritage have similar objectives. Any works to the subject site should be consistent with these conservation policies.

In order to understand what is significant about these heritage overlays, their statements of significance will provide guidance. The HO85 Garfield Commercial Precinct is identified to be of historic and aesthetic significance to Cardinia, with these values derived (in part) from:

*Historically, the Garfield commercial precinct has significance for the tangible evidence the surviving c.1920s buildings provide of the development of the Garfield area from the 1920s, which in turn was a result of more intense settlement of the farming districts around the town. (RNE criterion A.4) The character of the precinct and its location and relationship to the railway, which are indicative of its origins, also have historic and aesthetic significance as a relatively rare substantially intact township with a largely consistent 1920s character. The character of the precinct is most strongly evidenced by the large buildings such as the former ES&A Bank, the Iona Hotel and the former Garfield Picture Theatre, the sole surviving picture theatre in the shire as Pakenham's Kings Picture Theatre has been demolished. Evidence of the precinct's significance is also provided by the remaining bakery and residence and the Garfield War Memorial. (RNE criteria A.4, E.1 & F.1)*

The HO86 J & M E Lowndes Bakery & Residence (Magpie & Stump Bakehouse) is identified to be of heritage significance to Cardinia, with these values derived (in part) from:

---

1 Refer to Vicplan map.





*J & M E Lowndes bakery & residence, constructed c 1925, is of significance to Cardinia Shire as an example of an early shop in one of the shire's township service centres. It is a significant component in the Garfield's commercial precinct, and is associated with the area's 1920s boom period. The building is significant, also, as a rare example of an early unaltered bakery and residence, and an important commercial building in a small country town.*

The statement of significance does not identify which heritage values the former J & M E Lowndes bakery and residence has, but it can be concluded it is of rarity and historic values.

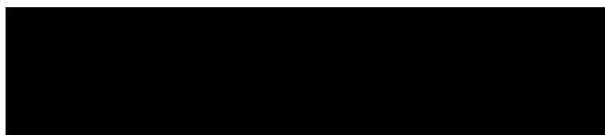
Any development proposal for the subject site should not impact upon these recognised heritage values of both the precinct and the shop.

#### *Development Proposal*

The works proposed will retain the existing buildings on the site, apart from a rear skillion and a shed at the rear of the shop (Magpie & Stump Bakehouse) that are of no appreciable heritage value. The remainder of the site will be redeveloped with a commercial development with a small residential component.

Clause 43.01 Heritage Overlay requires the responsible authority, when deciding on an application, to consider, as appropriate:

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



- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*
- *Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.*

There are some inconsistencies with the street numbering of sites within the heritage overlays, but it can be concluded that it is the bakery and residence at the corner of Nar Nar Goon- Longwarry Road and Ritchie Street that is of significance, both in its own right (individually significant), and as part of the Garfield Commercial Precinct.

The development proposed will not impact upon the recognised heritage values of the HO86 J & M E Lowndes bakery and residence (Magpie & Stump Bakehouse) and the broader HO85 Garfield Commercial Precinct. The two shops proposed for the Nar Nar Goon-Longwarry Road frontage of this site are of a scale and proportions that complement the existing built form of this commercial precinct. Importantly, proposed Shop 4 is sited a sufficient distance so as not to physically or visually impact upon the HO86 J & M E Lowndes bakery and residence, and has retained a garden setting of this building, as currently viewed from Nar Nar Goon-Longwarry Road.

The proposed shops to the rear of the site (Shops 1, 2 and 3) will have no appreciable impacts on the recognised heritage values outlined in the statements of significance for this site or the precinct. In terms of the new shop at the rear of the bakehouse (Shop 3), this will be enhanced with a proposed west-facing deck and verandah, activating what is currently a 2.2 metre setback concealed by a fence on the Ritchie Street boundary. This proposed shop will be accessed from this deck.

The existing Cannibal Creek Bakehouse (Shop 2) and some of its landscaped area will be retained and enhanced, providing a central courtyard to the development.

The bulk, form and appearance of the proposed buildings are in keeping with the built form of the Garfield Commercial Precinct. They adopt an aesthetic consistent with the existing built form within the town. In terms of their massing and materiality they convey a semi-rural character, of a type commonly found in the townships of West Gippsland.



***Conclusion***

I am satisfied that the proposed development is responsive to this heritage place and the broader HO85 Garfield Commercial Precinct. It is consistent with the intent of the heritage overlay, as described in Clause 43.01 Heritage Overlay of the *Cardinia Planning Scheme*, which is to conserve and enhance heritage places, and to ensure that new works do not adversely affect them. It is on this basis that I support the proposed works.

I trust that this is of assistance. Please don't hesitate to contact me if you need clarification on any of these matters.

Yours sincerely

