

## **5.2 T220013 PA - Subdivision of the land at Lot N PS626362Y, Tomer Place Pakenham**

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

### **Recommendation(s)**

That Council form a position to refuse to grant Planning Permit for the subdivision of the land into four (4) lots and the creation of a reserve at Lot N PS626362Y, Tomer Place Pakenham on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-5S – Neighbourhood character, 15.04-3S – Subdivision Design, 21.03-1 – Housing and 21.03-2 – Urban Established Area – Beaconsfield and Pakenham) which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods.
2. The proposal does not meet the objectives of Clause 56 in relation to Standards C6 (Neighbourhood character), C8 (Lot area and building envelopes) and C9 (Solar orientation of lots).
3. The proposal is inconsistent with state and local policies (Clause 19.01-3S - Pipeline infrastructure) that seek to recognise existing transmission-pressure gas pipelines and protect them from further encroachment by residential development.
4. The proposal creates a disconnected, inaccessible and unsafe open space environment which is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-4S - Healthy neighbourhoods, 19.03-2S - Open space, 21.05-5 - Pedestrian and bicycle network, 21.02-5 - Open space and 21.06-2 - Community safety) on open space.
5. The proposal is not consistent with orderly planning.

### **Attachments**

1. T220013 PA - Clause 56 Assessment [5.2.1 - 11 pages]
2. T220013 PA - Locality map [5.2.2 - 1 page]
3. T220013 PA - Application plans and documents [5.2.3 - 80 pages]
4. CONFIDENTIAL REDACTED - T220013 PA - Copy of objection - Confidential [5.2.4 - 1 page]

### Executive Summary

<b>APPLICATION NO.:</b>	T220013
<b>APPLICANT:</b>	Reeds Consulting
<b>LAND:</b>	Lot N PS626362Y, Tomer Place Pakenham
<b>PROPOSAL:</b>	Subdivision of the land into four (4) lots and the creation of a reserve
<b>PLANNING CONTROLS:</b>	<b>Zone:</b> <ul style="list-style-type: none"> <li>General Residential Zone (Schedule 1)</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>Development Contributions Plan Overlay (Schedule 1)</li> </ul>
<b>NOTIFICATION &amp; OBJECTIONS:</b>	<p>Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners.</p> <p>One (1) objection was received to the application.</p>
<b>KEY PLANNING CONSIDERATIONS:</b>	<p>Subdivision pattern and design</p> <p>Neighbourhood character</p> <p>Safety and passive surveillance</p> <p>Safe, functional and accessible open spaces</p> <p>Protection of pipeline infrastructure</p>
<b>RECOMMENDATION:</b>	That Council form a position to refuse to grant Planning Permit

### Background

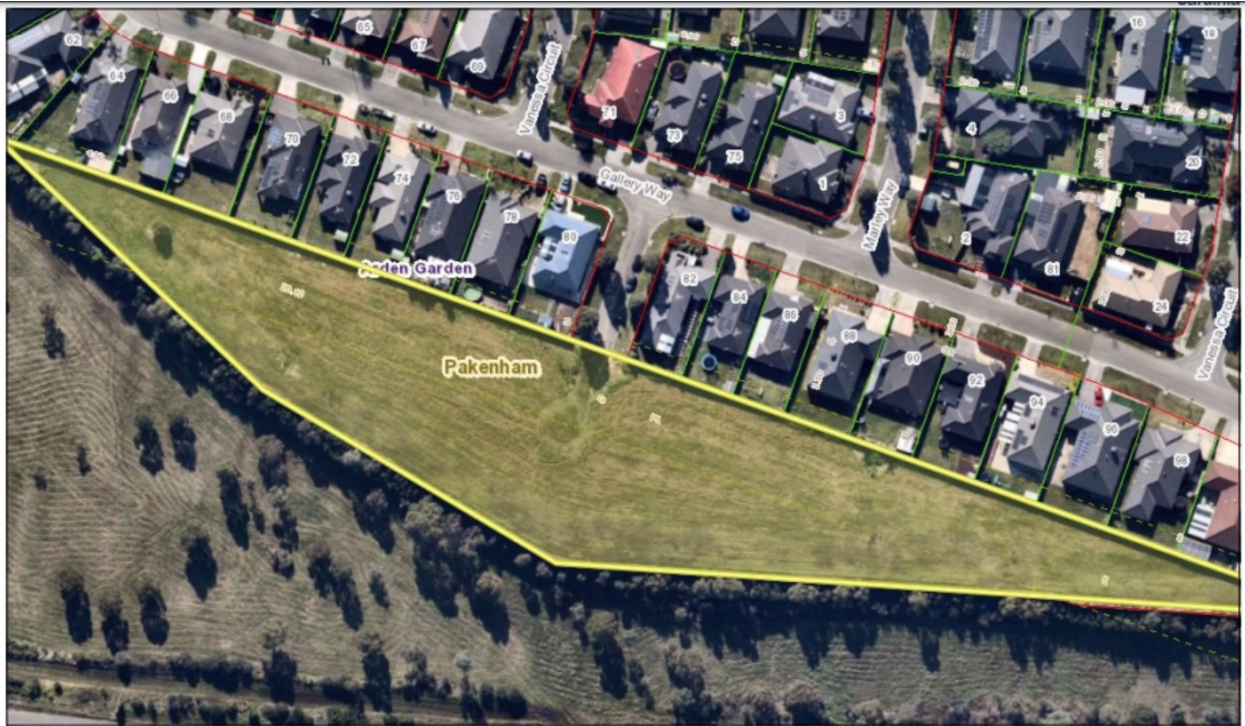
Council was advised on 16 August 2022 that an application pursuant to Section 79 (Failure to decide) of the *Planning and Environment Act, 1987*, has been lodged in regards to this planning permit application.

The subject site is part of the Arden Estate in Pakenham which was created by Planning Permit T060825 which was issued for the subdivision of the land into 590 lots in stages on 21 December 2006.

This permit (T060825) has been amended and extended from time to time since being issued and future stages are still being developed and released.

Lot N was created by the registration of instrument PS626362Y on 6 July 2010 following the Statement of Compliance of one of the earlier stages of the subdivision.

## Subject Site



The subject site is located at Lot N PS626362Y, Tomer Place Pakenham, on the southern periphery of the Arden Estate between Gallery Way and the Princes Freeway, at the end of a dead end road known as Tomer Place.

The site is currently vacant with no formal crossover or access from Tomer Place.

The topography of the land is slightly elevated and rises from Tomer Place towards the rear of the site where it becomes relatively flat.

The site is a cleared parcel of land.

The following title restrictions affect the land:

- Section 173 Agreement X688218H which relates to an agreement between Council and the owner(s) obligating the following:
  - The withdrawal of a VCAT proceeding with no order as to costs.
  - Variation of a Special Charge Scheme payable in respect of the Land under the Special Charge.
  - Rezoning of Rural Land to Residential Land.
  - Actions as to the further varying of the Special Charge by deleting land that is not rezoned in the case of a failure to rezone the Land.
  - Access to Council and South East Water to the land being granted for the purpose of construction of the Henry Road Branch Sewer and all works associated with the construction. Costs for the creation of easements to be paid by Council.

- Council will do its best not to interfere unreasonably with any Skydiving activities lawfully being carried out on the land whilst carrying out works pursuant to the Special Charge Scheme.

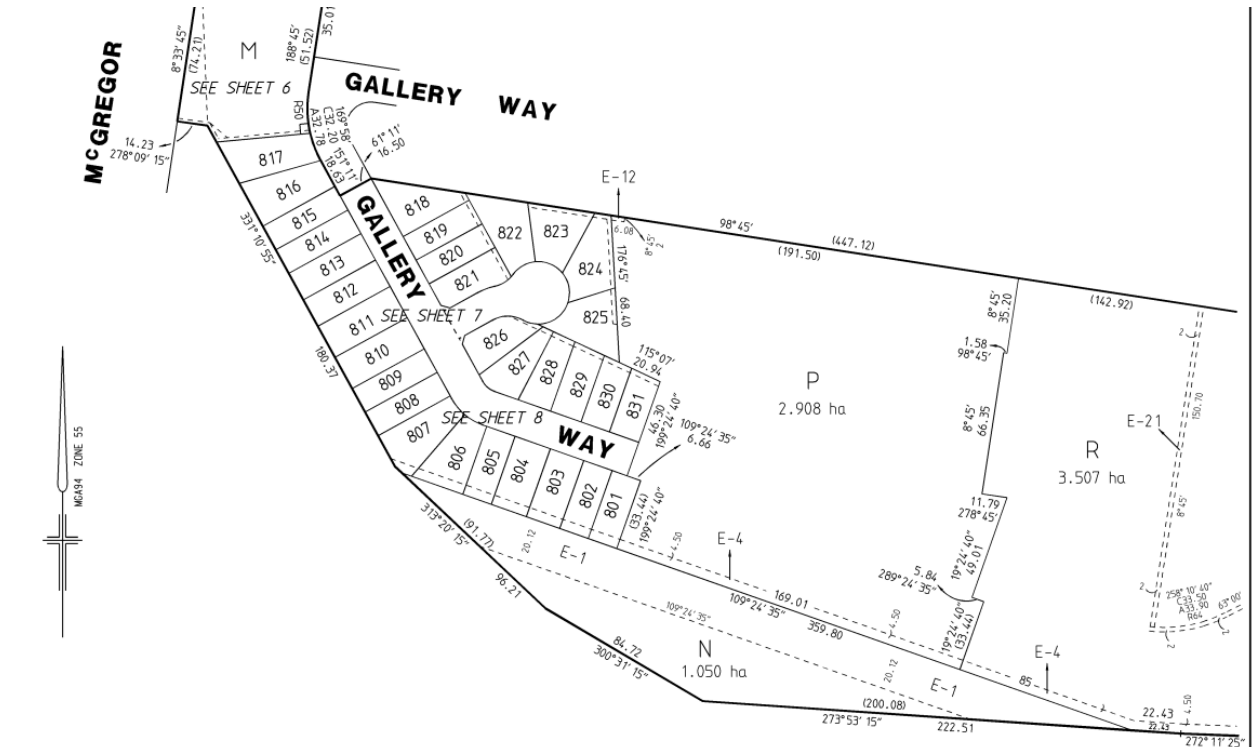
This Agreement related to the rezoning of the land which allowed the subdivision approved by T060825 to occur and is no longer relevant to the Land.

- Section 173 Agreement AF842886Q which relates to an agreement between Council and the owner(s) obligating owner(s) to ensure that:
  - All residential buildings on each lot having to be designed and constructed to acoustic standards as set out in AS 3671-1989 "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction"; and
  - Noise attenuation measures must be maintained by the property owner(s) in a condition which meets the approved acoustic design requirements for 25 years.

This Agreement continues to be relevant and have force and effect over the Land. Any future residential buildings on the Land are still required to comply with the obligations of this Agreement.

The site is not affected by Aboriginal Cultural Sensitivity.

There is also a large 20.12-metre-wide gas pipeline easement (depicted as E-1) running from east to west across the northern portion of the site and a sewerage easement (depicted as E-4) along the northern boundary:

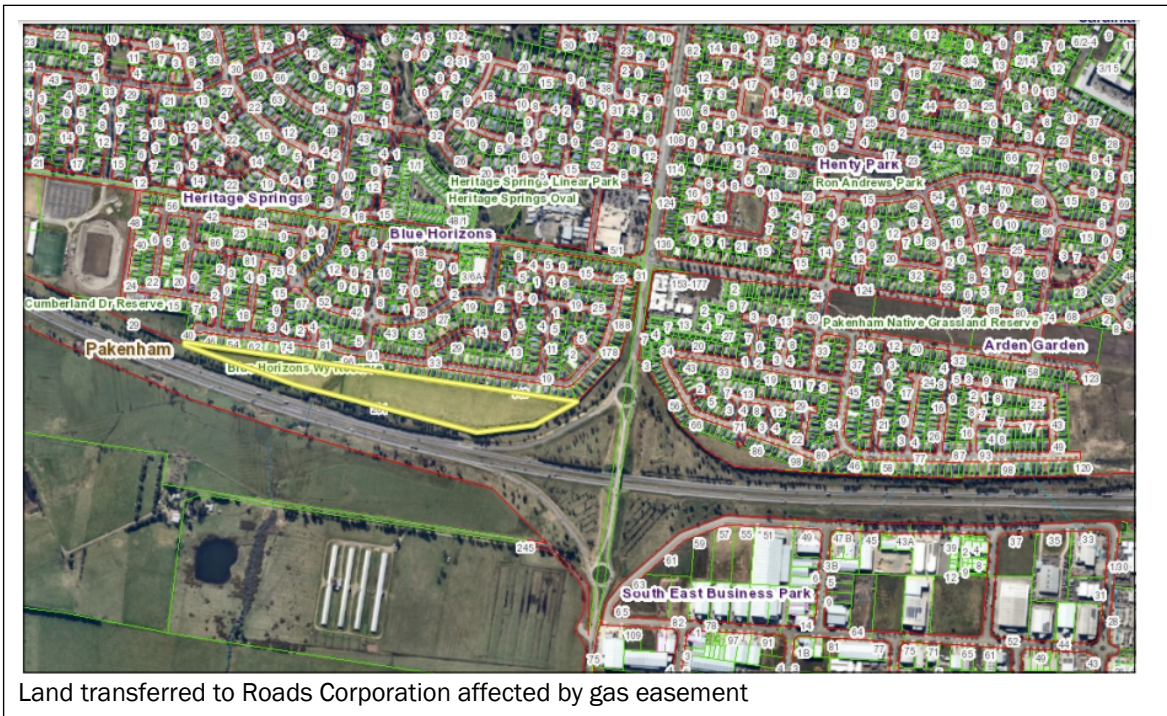


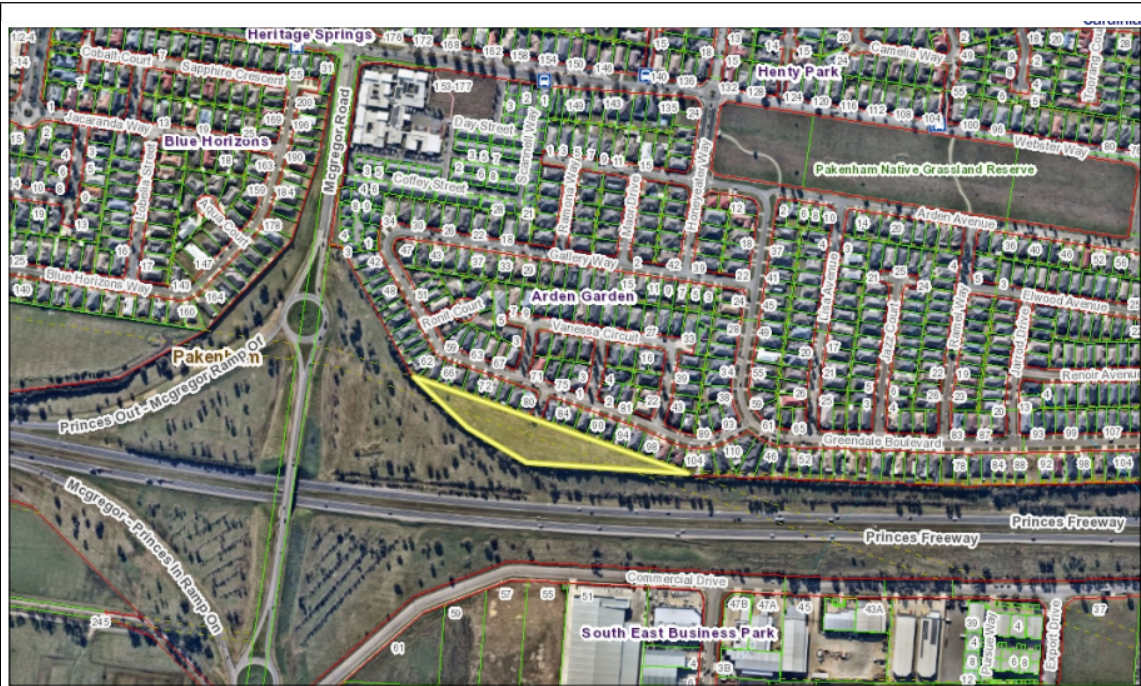
The main characteristics of the surrounding area are:



- North: Directly north of the site are a number of conventionally shaped and sized residential allotments along Gallery Way ranging in size from approximately 450sqm to 630sqm in area. Each lot has had a single dwelling constructed. Further north are other conventional residential allotments.
- South: Directly south of the site is Princes Freeway. Further south is a large industrial estate (South East Business Park).
- East: Directly east of the site is Princes Freeway. Further east are more conventional residential allotments.
- West: Directly west of the site is Princes Freeway and the McGregor Road offramp. Further west is another residential estate, with conventional sized allotments.

It is noted that a similar parcel of land is present on the opposite side of McGregor Road (to the west) which is also affected by the gas pipeline easement. This land has been transferred to the ownership of the Roads Corporation.





Subject site

## Proposal

Approval is sought for the subdivision of the land into four (4) lots and the creation of a reserve.

The subdivision is intended to be for residential purposes. The reserve is proposed to be created in the favour of Council. Note: The proposed reserve is not for the purpose of Public Open Space.

Each lot is proposed on the southern side of the gas pipeline easement. The reserve is proposed to extend across the gas pipeline easement. It is proposed that a court bowl will be constructed, extending from Tomer Place and providing access over the gas easement to the lots.

Proposed Lot 2301 is an irregular shape and will measure 1084sqm in area. It has a frontage width of 14.14 metres, a rear boundary of 30.83 metres and a depth of 99.31 metres. The applicant has shown a building envelope with a maximum width of 12.5 metres.

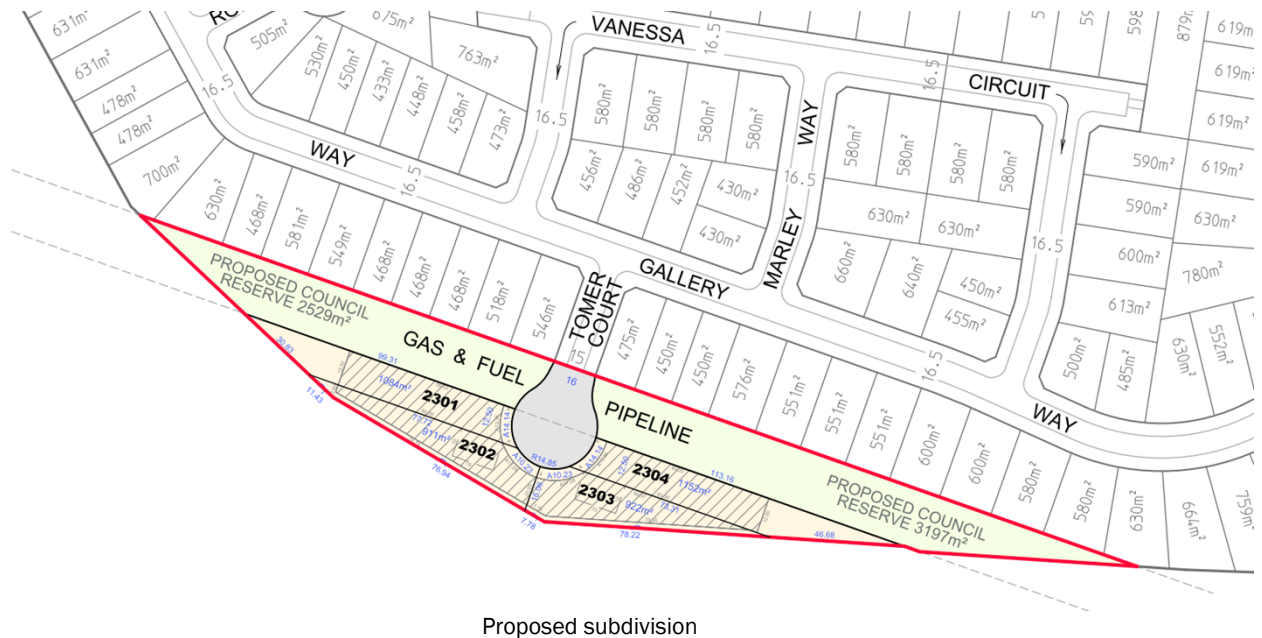
Proposed Lot 2302 is an irregular shape and will measure 911sqm in area. It has a frontage width of 10.23 metres, a rear boundary of 76.94 metres and a depth of between 11.43 metres and 16.06 metres. The applicant has shown a building envelope with a maximum width of between 2.62 metres and 17.29 metres which tapers towards the rear of the lot.

Proposed Lot 2303 is an irregular shape and will measure 922sqm in area. It has a frontage width of 10.23 metres, a rear boundary of 78.22 metres and a depth of 16.06 metres (which is tapered). The applicant has shown a building envelope with a maximum width of 16.06 metres which tapers towards the rear of the lot.



Proposed Lot 2304 is an irregular shape and will measure 1152sqm in area. It has a frontage width of 14.14 metres, a rear boundary of 46.68 metres and a depth of 113.16 metres. The applicant has shown a building envelope with a maximum width of 12.5 metres.

The reserve is proposed along the northern alignment of the site and will measure a total of 5726sqm in area.



Apart from the construction/ extension to Tomer Place, there are no other works or any vegetation removal proposed.

## Planning Scheme Provisions

### Zone

The land is subject to the following zone:

- General Residential Zone (Schedule 1)
- The land is adjacent to a Road in the Transport Zone 2 (Princes Freeway)

### Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay (Schedule 1)

### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
- Clause 13.05-1S Noise abatement

- Clause 15.01-5S Neighbourhood character
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.04-3S Subdivision design
- Clause 18.02-1S Walking
- Clause 18.02-4S Roads
- Clause 19.01-3S Pipeline infrastructure
- Clause 19.02-6S Open space
- Clause 19.03-1S Development and infrastructure contribution plans
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-3S Integrated water management

### **Local Planning Policy Framework**

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.02-5 Open space
- Clause 21.03-1 Housing
- Clause 21.03-2 Urban Established Area – Beaconsfield and Pakenham
- Clause 21.05-1 Infrastructure provision
- Clause 21.05-3 Local roads
- Clause 21.05-5 Pedestrian and bicycle network
- Clause 21.06-2 Community safety

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

The relevant provisions/ documents are:

- Clause 52.02 Easements, restrictions and reserves
- Clause 52.29 Land adjacent to the Principal Road Network
- Clause 53.02 Public open space contribution and subdivision
- Clause 56 Residential subdivision

- Clause 65 Decision guidelines
- Clause 66 Referral and notice provisions
- Clause 71.02-3 Integrated decision making

### **Planning Permit Triggers**

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

- Pursuant to Clause 32.08-3 of the General Residential Zone, a planning permit is required to subdivide land
- Pursuant to Clause 45.06-1 of the Development Contributions Plan Overlay, a planning permit must not be granted to subdivide land until a development contributions plan has been incorporated into the Scheme.
  - The Pakenham Township Development Contributions Plan, September 1997 applies to this land. This document is incorporated into the Scheme at Schedule 1 to Clause 72.04 (Documents Incorporated into this Planning Scheme).
- Pursuant to Clause 52.29-2 of the Land Adjacent to the Principal Road Network, a planning permit is required to subdivide land adjacent to a Road in a Transport Zone 2.

### **Public Notification**

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing signs on the site.

Council has received one (1) objection to date. The key issues raised by this objection are:

- Noise pollution
- Higher interest rates
- Overcrowding

The objection raised some concerns about higher interest rates and overcrowding, no further context to these concerns was provided with the objection, however if taken literally, these concerns are not based on planning merit. Noise pollution is a relevant consideration, however given the small scale of the subdivision it is unlikely to result in any adverse amenity impact resulting from noise.

Despite this, the subdivision is still not considered suitable for a range of other reasons discussed further below.

### **Referrals**

External Referrals/Notices:



Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	AusNet Services	No objection (subject to conditions)
	APA Group	No objection (no conditions)
	APA VTS (Gas Pipeline)	No objection (subject to conditions)
	CFA	No objection (subject to conditions)
	Head, Department of Transport	No objection (no conditions)
	Melbourne Water	No objection (subject to conditions)
	South East Water	No objection (subject to conditions)
Section 52 Notices	N/A	

#### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Strategic Planning	<p>Not supportive of the proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>- Subdivision layout / configuration is poor as the lots created will be disconnected from the rest of the estate by the reserves.</li> <li>- The segregation will be further intensified when long expanse of paling fences is erected along the reserve side boundaries, resulting in multiple physical and visual barriers.</li> <li>- The reserves offer very little community benefit given the location.</li> <li>- The reserves will have limited passive surveillance opportunity creating concerns for safety</li> <li>- The reserve is encumbered and not suitable for a playground, there is limited capacity for improve connectivity and limited to no opportunity for embellishment (i.e. landscaping, park furniture etc).</li> </ul>
Traffic	<p>No objection to the proposal.</p> <p>(Subject to conditions)</p>

Engineering	<p>Not supportive of the proposed reserves (shown to be in favour of Council) as in their opinion they are not suitable for this type of development for the following reasons:</p> <ul style="list-style-type: none"> <li>- The two proposed Council reserves along the gas pipeline easement are of little benefit as public reserves given they are bounded by tall paling fences on the north and the freeway sound walls on the east and west.</li> <li>- These reserves will require regular grass mowing and may attract rubbish dumping or other undesirable behaviours given the lack of passive surveillance.</li> </ul>
Landscape	No response to date.

### Discussion

The application for a permit has been assessed against relevant state and local policy, as well as the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposal is determined to be inconsistent with these requirements.

It is the role of the planning scheme to ensure that subdivisions create liveable and sustainable neighbourhoods and urban places with character and identity, as well as achieve outcomes that appropriately respond to the site and its context for infill sites in established residential areas.

This proposal is inconsistent with a number of policies which set out to achieve the above.

### Policy seeking to achieve attractive, safe and accessible neighbourhoods

The objective of Clause 15.04-3S (Subdivision design) seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposal is considered to be at odds with the following strategies of this policy which set out to achieve the overall objective:

- Create urban places with a strong sense of place that are functional, safe and attractive.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Minimising exposure of sensitive uses to air and noise pollution from the transport system.

The proposed subdivision is disconnected and separated from the rest of the estate by the existing subdivision layout which resulted in lots backing onto the subject site with no interface with it. The site is also 'cut off' from the remainder of the estate by the gas pipeline easement, leaving it constrained.

If the subdivision were to be approved in the configuration proposed, it would likely result in an unattractive and unsafe feeling dead end (court bowl) separated by high fences and a reserve from the rest of the residential area. The long, narrow reserve proposed will be fenced on at least the northern side (due to the existing boundary fencing to the rear of dwellings on Gallery Way) and given that it is disjointed from the remainder of the estate, in Council's experience is likely to attract undesirable and antisocial behaviours.

The reserve will not be connected to any other walking path or bicycle path network, also leaving it disjointed and disconnected. Given that it is encumbered by the gas easement, it is

unlikely that the reserve will be able to be used for any other purpose (i.e. playground) and is unlikely to be embellished (with landscaping or park furniture).

In addition, the subdivision will directly abut the freeway, with narrow lots meaning that dwellings on Lots 2302 and 2303 will likely be sited close to the existing acoustic fencing, with little separation to help deal with noise impacts of the freeway. The high acoustic fencing so close to any future dwelling is also likely to result in an unattractive design outcome and poor internal amenity for the lots abutting it.

#### **Policy seeking to protect neighbourhood character**

The objective of Clause 15.01-5S (Neighbourhood character) is to recognise, support and protect neighbourhood character, cultural identity, and sense of place. The proposal is considered to be at odds with the following strategies of this policy which set out to achieve the overall objective:

- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
  - o Pattern of local urban structure and subdivision.

These state policies are given local context at Clauses 21.03-1 (Housing) and 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) which also seek to achieve similar objectives at a local level, including ensuring that residential subdivisions are designed to be responsive to existing urban character.

The proposal is a significant departure from the existing subdivision pattern of the area which consists of conventional (mostly rectangular in shape) residential allotments ranging in size from approximately 370qm to 800sqm (as depicted in the above aerial imaging). Most lots have a width of between 14 and 17 metres making them easily capable of containing dwellings. The proposed lots are irregular rectangles with narrow frontages, and elongated, narrow lot configurations which is not in keeping with the character or pattern of subdivision in the area.

#### **Policy seeking to create attractive, connected and safe open spaces**

The objective of Clauses 15.01-4S (Healthy neighbourhoods) and Clause 19.03-2S (Open space) are to achieve neighbourhoods that foster healthy and active living and community wellbeing and to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The proposal is considered to be at odds with the following strategies of these policies which set out to achieve the overall objectives:

##### **Healthy neighbourhoods**

- Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:
  - o Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
  - o Streets with direct, safe and convenient access to destinations.
  - o Conveniently located public spaces for active recreation and leisure.

## Open Space

- Ensure that open space networks:
  - Are linked, including through the provision of walking and cycling trails.
  - Are integrated with open space from abutting subdivisions.
- Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.

These state policies are given local context at Clauses 21.05-5 (Pedestrian and bicycle network), 21.02-5 (Open space) and 21.06-2 (Community safety) which also seek to achieve similar objectives at a local level, including encouraging development that is consistent with safer design principles, such as maximising visibility and surveillance of the public environment.

As discussed, the proposed reserves are not considered to be developable for this purpose. They are disconnected from the remainder of the subdivision and encumbered by the gas easement which makes the space less practical to be used for this purpose, as it is unlikely that the reserve will be able to be embellished with walking paths, path furniture or playground equipment. The reserve is also disconnected in general by the acoustic walls adjoining the freeway from any other walking or cycling paths external to the site.

Additionally, there are already high timber paling fences along the entire northern length of the area shown to be reserve (the rear boundary fencing for properties along Gallery Way) and if approved, and fencing is constructed along the northern boundaries of Lots 2301 and 2304 adjoining the reserve, it will create an uninviting space, which Council's Engineers and Strategic Planning Departments are concerned this will attract antisocial behaviours and an unsafe environment due to the lack of passive surveillance over the reserve.

## Policy protecting pipeline infrastructure

The objective of Clause 19.01-3S (Pipeline infrastructure) is to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment. This policy seeks to achieve this by:

- Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Whilst it is noted that APA VTS have provided their conditional consent to the subdivision, Council's Planners still have concern about the potential impacts this infrastructure may have on the safety of the lots proposed.

If approved, these lots will be 'cut-off' from the rest of the subdivision by this easement and the freeway wall, with the only access being across the easement. If an issue or accident occurred with the pipeline infrastructure, and the four (4) lots proposed had to evacuate, there is no other evacuation route, apart from crossing over the easement.

Therefore, despite APA VTS conditional consent to the subdivision, to this end it is not considered good or orderly planning to allow the subdivision to occur.

It is clear that a number of state and local policies are relevant to this application that seek to ensure that subdivision design and public open spaces are designed efficiently and safely. Whilst there often are positive economic and social impacts of introducing new residential land for housing and public open spaces for residents of estates, and there is Planning Policy in support of this in a growth Council such as Cardinia, it must be achieved in a manner that is good and orderly. For the reasons outlined above, this proposal is not considered to achieve this.

### General Residential Zone (Schedule 1)

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

The relevant decision guidelines for the assessment of subdivision applications under the zone require the consideration of:

#### General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*

As discussed in detail in the section above, the proposal is considered to be, on balance, inconsistent with relevant planning relating to subdivision design, neighbourhood character open spaces, community safety (in public spaces) and pipeline infrastructure. It is expected that if approved the proposal will result in a disconnected, unsafe and unattractive subdivision completely separated from the remainder of the estate.

- *The purpose of this zone.*

The proposed subdivision is not considered to be consistent with the purpose of the zone which seeks to encourage development which respects neighbourhood character. As discussed in length above, the configuration of the subdivision is not considered to be consistent with the overall subdivision pattern, layout or configuration of the remainder of the estate.

#### Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*

As discussed, the pattern of subdivision is not in rhythm with the remainder of the estate. The existing pattern of subdivision is that of 'conventional', mostly rectangular shaped lots ranging in size from 370sqm to 800sqm, with the majority of lots within the immediate vicinity of the subject site ranging in size from 450sqm to 630sqm in area.

The narrow, elongated shape of the allotments proposed is likely to affect the spacing of buildings and limit the type and style of dwelling that could be constructed on the irregularly shaped allotments.

- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

Please see below for an assessment of the application against the relevant objectives and standards of Clause 56 (Residential Subdivision).



### Clause 56 Residential Subdivision

The general purpose of Clause 56 – Residential Subdivisions is to create liveable and sustainable neighbourhoods and urban places with character and identity, to achieve residential subdivision outcomes that appropriately respond to the site and its context, and to ensure residential subdivision design appropriately provides for policy implementation, liveable and sustainable communities, residential lot design, urban landscape, access and mobility management, integrated water management, site management, and utilities.

The Neighbourhood Residential Zone requires subdivisions of between 3-15 lots to meet the following objectives and standards contained within Clause 56:

- Clause 56.03-5 Neighbourhood character objective;
- Clause 56.04-1 Lot diversity and distribution objectives;
- Clause 56.04-2 Lot area and building envelopes objective;
- Clause 56.04-3 Solar orientation of lots objective;
- Clause 56.04-4 Street orientation objective;
- Clause 56.04-5 Common area objectives;
- Clause 56.05-1 Integrated urban landscape objectives;
- Clause 56.06-2 Walking and cycling network objectives;
- Clause 56.06-4 Neighbourhood street network objective;
- Clause 56.06-8 Lot access objectives;
- Clause 56.07 Integrated water management objectives;
- Clause 56.08-1 Site management objectives;
- Clause 56.09-1 Shared trenching objectives; and
- Clause 56.09-2 Electricity, telecommunications and gas objectives.

An analysis of the objectives and standards above is contained in Appendix 1. As explained in that section, the proposed subdivision is considered to be inconsistent with a number of Standards of Clause 56.

### Clause 65.02 – Approval of an application to subdivide land

Clause 65.02 of the Cardinia Planning Scheme sets out decision guidelines/matters which the responsible authority must consider when deciding any planning/subdivision application.

1.	<i>Suitability for subdivision.</i>	<p>The subject site does not currently have appropriate access to these services. Whilst they are nearby in Gallery Way, it is likely that they will have to transverse the gas pipeline infrastructure and in accordance with APA VTS conditions, (if a permit is granted) may not be able to be accommodated (if other utilities such as water, drainage, sewerage etc) interfere with the gas pipeline.</p> <p>The land itself is encumbered by the gas easement and is an irregular shape without the suitable attributes for subdivision. The size and configuration of each lot is not considered reasonable to accommodate a dwelling. Whilst there is no minimum lot size specified in</p>
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		Schedule 1 to the GRZ, each lot created is not considered to be in line with the existing subdivision pattern and neighbourhood character of the area.
2.	<i>Existing/Future Development and nearby land.</i>	Existing use is that of conventional residential development, zoned accordingly. Given the shape and disconnected location of the site, it is considered that the subdivision does not appropriately respond and reflects the physical and visual characteristics of the surrounding area.
3.	<i>Availability / need for subdivided land.</i>	State and local planning policies support the need for increased densities and diversity of housing stock in established residential areas, provided that new proposals respect the existing and preferred residential character. The proposal is not considered to achieve this.
4.	<i>Effect of use/development on drainage.</i>	Drainage conditions will be required as condition of any approval granted. As noted in the Clause 56 Assessment, whilst Council's Engineers believe it will not interfere with the gas pipeline, APA VTS approval of infrastructure crossing the easement is still required and may not be granted if inappropriate.
5.	<i>Regard to character and existing vegetation.</i>	The existing surrounding subdivision pattern does not support the size of the proposed allotments. As discussed, the configuration and layout of each lot is not considered suitable having regard to the size, layout and configuration of the established subdivision pattern of the surrounding area.
6.	<i>Density of proposed development.</i>	The proposed density is suitable. Despite this the siting and configuration of the subdivision is not in keeping with the established subdivision pattern and character of the surrounding area.
7.	<i>Area/Dimensions of lots.</i>	The lot configuration and associated building envelopes are not satisfactory. Each new lot is narrow and irregular in shape, which as discussed will likely make it difficult to construct dwellings with good internal and external amenity.

8.	<i>Road layout/connections.</i>	Access to each lot will be from its own single access to the new court bowl extension of Tomer Place.
9.	<i>Pedestrian/Vehicle movement/access.</i>	Access to each lot is via an independent crossing from the court bowl.
10.	<i>Location of public open space reserves.</i>	The proposal includes the creation of a reserve along the northern alignment of Lots 2301 and 2304. As discussed above, this reserve is not considered appropriate for this purpose by Council's Engineering and Strategic Planning Department. There are other areas of public open space within the estate.
11.	<i>Staging of Subdivision.</i>	The subdivision is not proposed to be staged.
12.	<i>Design of Buildings - Safety/Spread of fire.</i>	The narrow allotments may make this difficult to achieve.
13.	<i>Off-street parking.</i>	Whilst the sites are large, they are narrow. If dwellings are constructed they would need to provide garages and given the number of crossovers in the end of the proposed court bowl, it may be difficult to provide on street parking.
14.	<i>Location/provision of common property.</i>	There is no common property proposed.
15.	<i>Functions of Owners Corporation.</i>	Not applicable.
16.	<i>Availability/ provision of services.</i>	The required services are available, subject to conditions being met and APA VTS approval to construct over the pipeline.
17.	<i>Capacity of land to treat sewage.</i>	The required services are available in Gallery Way, and subject to conditions being met and APA VTS approval to construct over the pipeline.
18.	<i>Protection of native vegetation.</i>	No significant native vegetation will be removed in association with the proposal.

## Conclusion

The proposal seeks to create a disconnected residential subdivision, which is not in keeping with the overall neighbourhood character or pattern of subdivision within the surrounding area.

Whilst the planning scheme supports the increase in housing supply and supply of residential land, its purpose is to ensure that this supply is appropriately provided for. This ideology is underpinned by a number of state and local policies which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods, that are consistent with the surrounding neighbourhood character and pattern of subdivision.

As discussed, the proposal is not considered to do so.

Additionally, the proposal seeks to create what Council's Planners and Engineers consider to be an inefficient, unattractive and potentially unsafe open space area which is also not supported by state and local policy.

Lastly, whilst it is noted that APA VTS provided their conditional consent to the proposal, state policy protecting pipeline infrastructure must still be considered by the Responsible Authority (Council) in its decision making. This policy seeks to discourage the interaction of residential land with this infrastructure (where possible). In this instance it is considered that achieving this separation is possible and should be maintained. As discussed above, the proposal creates a disconnected and potentially dangerous outcome which goes against the idea of orderly planning.

On this basis, the application is considered inconsistent with the balance of relevant policies seeking to ensure that residential subdivision is appropriately designed and orderly.

It is therefore recommended that Council form a position to refuse to grant Planning Permit on the following grounds:

1. The proposal is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-5S – Neighbourhood character, 15.04-3S – Subdivision Design, 21.03-1 – Housing and 21.03-2 – Urban Established Area – Beaconsfield and Pakenham) which seek to ensure the design of subdivisions achieve attractive, safe and accessible neighbourhoods.
2. The proposal does not meet the objectives of Clause 56 in relation to Standards C6 (Neighbourhood character), C8 (Lot area and building envelopes) and C9 (Solar orientation of lots).
3. The proposal is inconsistent with state and local policies (Clause 19.01-3S - Pipeline infrastructure) that seek to recognise existing transmission-pressure gas pipelines and protect them from further encroachment by residential development.
4. The proposal creates a disconnected, inaccessible and unsafe open space environment which is inconsistent with Planning Policy Framework and Local Policy (Clauses 15.01-4S - Healthy neighbourhoods, 19.03-2S - Open space, 21.05-5 - Pedestrian and bicycle network, 21.02-5 - Open space and 21.06-2 - Community safety) on open space.
5. The proposal is not consistent with orderly planning.

Standards of Clause 56 of the Cardinia Planning Scheme  Subdivisions.	Comments
<p><b>CLAUSE 56.03-5 - STANDARD C6:</b></p> <p><b>Neighbourhood character objective</b></p> <p>To design subdivisions that respond to neighbourhood character.</p> <p><b>Standard C6</b></p> <p>Subdivision should:</p> <ul style="list-style-type: none"> <li>• Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Respond to and integrate with the surrounding urban environment.</li> <li>• Protect significant vegetation and site features.</li> </ul>	<p>Not satisfactory</p> <p>A subdivision site and context description and design response plan have been provided a part of this application, as well as a detailed written description within the accompanying town planning submission, outlining the existing conditions of the subject site as well as its surrounding environs.</p> <p>However, as discussed in the delegate report, the proposed subdivision is not considered to respond or respect the existing neighbourhood character which consists of conventional style allotments which are rectangular in shape, between 370sqm and 800sqm with a majority of lots being at least 14 metres in width.</p> <p>Lots with lesser boundary widths (there are some with 12.5 frontages) are still rectangular in shape and therefore more useable.</p> <p>As discussed in the report, the proposed subdivision is not integrated with the surrounding urban environment, being that it is disconnected and 'cut-off' from the remainder of the subdivision by the gas pipeline easement and the freeway acoustic wall.</p> <p>No vegetation is impacted by the proposal.</p>
<p><b>CLAUSE 56.04-2 - STANDARD C8:</b></p> <p><b>Lot area and building envelopes objective</b></p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p> <p><b>Standard C8</b></p> <p>An application to subdivide land that creates lots of less than 300 square metres should be</p>	<p>Not satisfactory</p> <p>Although all lots are greater than 500m<sup>2</sup> the irregular configuration and the dimensions proposed are likely to make it difficult to appropriately site and construct a dwelling.</p> <p>The widest part of each lot proposed is narrow at between 10-12.5 metres making it difficult to construct dwellings with good northern light access, which in turn is likely to result in poor internal amenity outcomes for dwellings constructed on these lots.</p>



<p>accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>• That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>• That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> </ul> <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>• Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> <li>• If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> </ul> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> <li>• The objectives of the relevant standards are met, and</li> <li>• The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</li> </ul> <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> <li>• The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</li> <li>• The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</li> </ul>	
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<p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>• Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>• Existing or proposed easements on lots.</li> <li>• Significant vegetation and site features.</li> </ul>	
<p><b>CLAUSE 56.04-3 - STANDARD C9:</b></p> <p><b>Solar orientation of lots objective</b></p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p> <p><b>Standard C9</b></p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>• The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>• Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</li> </ul>	<p>Not satisfactory</p> <p>Whilst Lots 2301 and 2304 adjoin the easement (located on the south side of easement) and will have reasonable access to northern light (depending on boundary setbacks etc), Lots 2302 and 2303 which are located south of these lots are likely to have limited northern solar access due to the narrow configuration of the lot. Therefore these two (2) lots are not considered to meet the solar orientation objective.</p>
<p><b>CLAUSE 56.04-5 - STANDARD C11:</b></p> <p><b>Common area objectives</b></p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p> <p><b>Standard C11</b></p> <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p>	<p>Not applicable</p> <p>No common property is proposed.</p>

<ul style="list-style-type: none"> <li>• The common area to be owned by the body corporate, including any streets and open space.</li> <li>• The reasons why the area should be commonly held.</li> <li>• Lots participating in the body corporate.</li> <li>• The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>	
<p><b>CLAUSE 56.06-8 - STANDARD C21:</b></p> <p><b>Lot access objective</b></p> <p>To provide for safe vehicle access between roads and lots.</p> <p><b>Standard C21</b></p> <p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p><b>Table C1 Design of roads and neighbourhood streets</b></p> <p><b>Access Lane</b></p> <p>A side or rear lane principally providing access to parking on lots with another street frontage.</p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> 300vpd</li> <li>○ <b>Target speed:</b> 10kph</li> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> 5.5m wide with no parking spaces to be provided; Appropriately signed.</li> <li>○ <b>Verge width:</b> No verge required.</li> <li>○ <b>Kerbing</b></li> <li>○ <b>Footpath provision:</b> None, Carriageway designed as a shared zone and appropriately signed.</li> <li>○ <b>Cycle path provision:</b> None</li> </ul> <p><b>Access Place</b></p> <p>A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.</p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> 300vpd to 1000vpd</li> <li>○ <b>Target speed:</b> 15kph</li> </ul>	<p>Satisfactory</p> <p>Access to all lots are provided directly from either from an extension to Tomer Place which has been assessed as an acceptable width and construction standard by Council's Engineers and Traffic Department. New crossovers would be provided from the court bowl.</p>

<ul style="list-style-type: none"> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> 5.5m wide with 1 hard standing verge parking space per 2 lots or 5.5m wide with parking on carriageway - one side; Appropriately signed.</li> <li>○ <b>Verge width:</b> 7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.</li> <li>○ <b>Kerbing:</b> Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</li> <li>○ <b>Footpath provision:</b> Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed or 1.5m wide footpath offset a minimum distance of 1m from the kerb.</li> <li>○ <b>Cycle path provision:</b> None</li> </ul> <p><b>Access Street - Level 1</b></p> <p>A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.</p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> 1000vpd to 2000vpd</li> <li>○ <b>Target speed:</b> 30kph</li> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> 5.5m wide with 1 hard standing verge parking space per 2 lots.</li> <li>○ <b>Verge width:</b> 4m minimum each side</li> <li>○ <b>Kerbing<sup>5</sup></b> Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</li> <li>○ <b>Footpath provision:</b> 1.5m wide footpaths on both sides. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. Be offset a minimum distance of 1m from the kerb.</li> <li>○ <b>Cycle path provision:</b> Carriageway designed as a shared zone and appropriately signed.</li> </ul> <p><b>Access Street - Level 2</b></p> <p>A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.</p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> 2000vpd to 3000vpd</li> <li>○ <b>Target speed:</b> 40kph</li> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> 7m-7.5m<sup>7</sup> wide with parking on both sides of carriageway</li> <li>○ <b>Verge width:</b> 4.5m minimum each side</li> <li>○ <b>Kerbing<sup>5</sup></b> Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</li> <li>○ <b>Footpath provision:</b> 1.5m wide footpaths on both sides. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. Be offset a minimum distance of 1m from the kerb.</li> </ul>	
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<ul style="list-style-type: none"> <li>○ <b>Cycle path provision:</b> Carriageway designed as a shared zone and appropriately signed.</li> </ul> <p><b>Connector Street - Level 1</b></p> <p>A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.</p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> 3000vpd</li> <li>○ <b>Target speed:</b> 50kph<sup>8</sup> reduced to 40kph at schools and 20kph at pedestrian and cycle crossing points.</li> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> 6m-6.5m wide with indented parking on both sides on a bus route, or 7m-7.5m wide with indented parking on one side and kerbside parking opposite on a bus route, or 7.2m-7.5m wide with parking on both sides of carriageway.</li> <li>○ <b>Verge width:</b> 4.5m minimum each side with adequate road reserve width for widening for future bus route if required.</li> <li>○ <b>Kerbing:</b> Layback or flush and swale or other water sensitive urban design treatment area.</li> <li>○ <b>Footpath &amp; cycle path provision:</b> 2.5m wide shared path on each side or 1.5m wide footpath on each side and 1-1.5m cycle lane marked on carriageway on each side.</li> </ul> <p><b>Connector Street - Level 2</b></p> <p>A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.</p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> 3000vpd to 7000vpd</li> <li>○ <b>Target speed:</b> 60kph<sup>9</sup></li> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> 2 x 5.5m wide carriageways with central median. Parallel parking should be provided in locations that allow cars to exit in a forward direction or 7.2m-7.5m wide carriageway with indented parking on both sides and turning lanes at intersections with other Level 2 connector Streets and Arterial Roads. Bus bays to be indented.</li> <li>○ <b>Verge width<sup>4</sup></b> 6m minimum each side (plus central median).</li> <li>○ <b>Kerbing<sup>5</sup></b> Layback or flush and swale or other water sensitive urban design treatment area.</li> <li>○ <b>Footpath &amp; cycle path provision:</b> 2.5m wide shared path on each side Or 1.5m wide footpath on each side and 1-1.5m cycle lane marked on carriageway on each side appropriately signed.</li> </ul> <p><b>Arterial Road</b></p> <ul style="list-style-type: none"> <li>○ <b>Traffic volume:</b> Greater than 7000vpd</li> <li>○ <b>Target speed:</b> Arterial road design as required by the relevant roads authority.</li> <li>○ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation:</b> Arterial road design as required by the relevant roads authority.</li> </ul>	
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<ul style="list-style-type: none"> <li>○ <b>Verge width</b>4 Arterial road design as required by the relevant roads authority.</li> <li>○ <b>Kerbing</b>5 Arterial road design as required by the relevant roads authority.</li> <li>○ <b>Footpath &amp; cycle path provision:</b> 2.5m wide shared path on each side or as otherwise required by the relevant roads authority.</li> </ul>	
<p><b>CLAUSE 56.07-1 - STANDARD C22:</b></p> <p><b>Drinking water supply objectives</b></p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p> <p><b>Standard C22</b></p> <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>• Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>• Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	<p>Satisfactory (if South East Water and APA VTS conditions can be satisfied)</p> <p>The site currently has access to a reticulated water supply. However, access to water supply may have to cross the existing gas pipeline easement which will need the approval of APA VTS and may not be granted if it will interfere with their infrastructure.</p> <p>The owner is required to enter an agreement with the relevant authority for the provision of water supply to each lot.</p>
<p><b>CLAUSE 56.07-2 - STANDARD C23:</b></p> <p><b>Reused and recycled water objective</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p> <p><b>Standard C23</b></p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> <li>• Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</li> <li>• Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	<p>Satisfactory</p> <p>The size and location of the subdivision and number of lots is too small to implement any recycled water supply. The use of water tanks and other water saving measures can be implemented by land owners at later stage if need be.</p>
<p><b>CLAUSE 56.07-3 - STANDARD C24:</b></p> <p><b>Waste water management objective</b></p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p> <p><b>Standard C24</b></p>	<p>Satisfactory (if South East Water and APA VTS conditions can be satisfied)</p> <p>The site currently has access to a reticulated sewer supply. However, access to sewer supply may have to cross the existing gas pipeline easement which will need the approval of APA</p>

<p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>Consistent with any relevant approved domestic waste water management plan.</li> </ul> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>VTS and may not be granted if it will interfere with their infrastructure.</p> <p>The owner is required to enter an agreement with the relevant authority for the provision of sewer supply to each lot.</p>
<p><b>CLAUSE 56.07-4 - STANDARD C25:</b></p> <p><b>Urban run-off management objectives</b></p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p> <p><b>Standard C25</b></p> <p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> <li>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul> <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p>	<p>Satisfactory (if Council, Melbourne Water and APA VTS conditions can be satisfied)</p> <p>Storm-water management and outfall will be to the satisfaction of the Council as required via permit conditions it sees fit.</p> <p>Council's Engineers advise that there should be enough space to construct outfall drainage from the site without interfering with the gas pipeline. However, this will still be subject to APA VTS approval.</p> <p>Melbourne Water as the water authority have given their consent to the subdivision, subject to their conditions being met. However, this will still be subject to APA VTS approval.</p>

<ul style="list-style-type: none"> <li>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> </ul> <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> <li>Provision must be made for the safe and effective passage of stormwater flows.</li> <li>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</li> <li>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>V_{ave} &lt; 0.35 \text{ m}^2/\text{s}</math> (where, <math>d_a</math> = average depth in metres and <math>V_{ave}</math> = average velocity in metres per second).</li> </ul> <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> <li>Ensure run-off is retarded to a standard required by the responsible drainage authority.</li> <li>Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.</li> <li>Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> </ul> <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
<p><b>CLAUSE 56.08-1 - STANDARD C26:</b></p> <p><b>Site management objectives</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p>	<p>Satisfactory</p> <p>The level of construction on the site is considered minimal for the four-lot subdivision other than the relocation of services that may be required and the subsequent construction of dwellings on the lots. These will be managed</p>

<p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p> <p><b>Standard C26</b></p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment.</li> <li>• Dust.</li> <li>• Run-off.</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> <li>• Vegetation and natural features planned for retention.</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>in accordance with Council requirements and permit conditions if requested.</p>
<p><b>CLAUSE 56.09-1 - STANDARD C27: Shared trenching objectives</b></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p> <p><b>Standard C27</b></p> <p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Satisfactory (subject to conditions being satisfied)</p> <p>Most of the infrastructure exists, however may need to be extended across the gas pipeline. Where possible shared trenching on the site will be conducted. This will be subject to APA VTS approval if required across the pipeline in accordance with their conditions.</p>
<p><b>CLAUSE 56.09-2 - STANDARD C28:</b></p> <p><b>Electricity, telecommunications and gas objectives</b></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>Satisfactory (subject to conditions being satisfied)</p> <p>As discussed above, this will be to the satisfaction of the relevant authority and to the relevant authority's requirements, including with the approval of APA VTS if granted in accordance with their conditions.</p>

<p><b>Standard C28</b></p> <p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	
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**T220013 PA - Locality Map**

235.4 0 117.69 235.4 Meters

1:4,633

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

28-Jul-2022

**Notes**



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Form 2

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	Tomer Place, Pakenham VIC 3810 LN PS626362 V11213 F276
The application is for a permit to:	Subdivision of land into four (4) lots and the creation of a reserve
The applicant for the permit is:	██████████
The application reference number is:	T220013
You may look at the application and any documents that support the application at the office of the Responsible Authority:	Cardinia Shire Council 20 Siding Avenue Officer 3809  This can be done during office hours and is free of charge.  Documents can also be viewed on Council's website: <a href="https://www.cardinia.vic.gov.au/advertisedplanningapplications">https://www.cardinia.vic.gov.au/advertisedplanningapplications</a>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

- An objection must
- \* be sent to the Responsible Authority in writing, at Cardinia Shire Council, PO Box 7, Pakenham, Vic, 3810 or email at [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au).
  - \* include the name and address of the objector/ submitter.
  - \* include the application number and site address.
  - \* include the reasons for the objection, and
  - \* state how the objector would be affected.

The Responsible Authority will not decide on the application before:	10 June 2022
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If you object, the Responsible Authority will tell you its decision.

Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

For additional information or advice contact Cardinia Shire Council, Planning Department on 1300 787 624 or [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au).

Your objection/submission and personal information is collected by Cardinia Shire Council for the purposes of the planning process as set out in the *Planning and Environment Act 1987*. If you do not provide your name and address, Council will not be able to consider your objection/submission. Your objection/submission will be available free of charge at the Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the *P&E Act*. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.

124.5	0	62.23	124.5 Meters
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## ePlanning

## Application Summary

Portal Reference	A122927H	This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.
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## Basic Information

Proposed Use	Multi-lot residential subdivision
Current Use	Vacant
Site Address	Tomer Place Pakenham 3810

## Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	No such encumbrances are breached
Note: During the application process you may be required to provide more information in relation to any encumbrances.	

## Contacts

Type	Name	Address	Contact Details
Applicant	[REDACTED]	[REDACTED]	[REDACTED]
Owner	[REDACTED]	[REDACTED]	[REDACTED]
Preferred Contact	[REDACTED]	[REDACTED]	[REDACTED]

## Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 20 To subdivide land (4 Lots)	\$1,337.70	100%	\$1,337.70
Total			\$1,337.70



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

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



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

**Email:** mail@cardinia.vic.gov.au



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



ePlanning

## Documents Uploaded

Date	Type	Filename
12-01-2022	Explanatory Letter	16117P-Planning-Report-v1.pdf
12-01-2022	Subdivision Plan	Combined Title.pdf
12-01-2022	Additional Document	1pp1ak.pdf
12-01-2022	Additional Document	23EDP-4-LOT-A.pdf
12-01-2022	Additional Document	16117P-Clause-56-Assessment-v1.pdf
12-01-2022	Additional Document	Application_for_Planning_Permit_Cardinia.pdf
12-01-2022	Additional Document	GF.ppa.cou.let1.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]	[REDACTED]	[REDACTED]
Submission Date	12 January 2022 - 04:34: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.

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**Fax:** 03 5941 3784



Planning Enquiries  
Phone: 1300 787 624  
Web: [www.cardinia.vic.gov.au](http://www.cardinia.vic.gov.au)

Clear Form

### Office Use Only

Application No.:

Date Lodged: / /

## Application for a Planning Permit

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

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

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

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

**i** Click for further information.

### The Land **i**

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

#### Street Address \*

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

#### Formal Land Description \*

Complete either A or B.

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

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

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
<b>OR</b>					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

### The Proposal

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

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

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

Cost \$

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

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

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



## Existing Conditions

### Describe how the land is used and developed now \*

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

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

## Title Information

### Encumbrances on title \*

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

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☐ Not applicable (no such encumbrance applies).

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

## Applicant and Owner Details

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

### Applicant \*

The person who wants the permit.

Please provide at least one contact phone number \*

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

### Owner \*


The person or organisation who owns the land

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

Name:			Same as applicant <input type="checkbox"/>		
Title:	First Name:	Surname:			
Organisation (if applicable):					
Postal Address:			If it is a P.O. Box, enter the details here:		
Unit No.:	St. No.:	St. Name:			
Suburb/Locality:			State:	Postcode:	
Owner's Signature (Optional):				Date:	
day / month / year					

## Declaration

This form must be signed by the applicant \*

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

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Date:

day / month / year

## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

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

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

☐

No

☐

Yes

If 'Yes', with whom?:

Date:

day / month / year

## Checklist

Have you:

☐

Filled in the form completely?

☐

Paid or included the application fee?



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



Provided all necessary supporting information and documents?

☐

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

☐

A plan of existing conditions.

☐

Plans showing the layout and details of the proposal.

☐

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

☐

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

☐

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

☐

Completed the relevant council planning permit checklist?

☐

Signed the declaration?

## Lodgement

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

Cardinia Shire Council  
PO Box 7  
Pakenham VIC 3810

### Contact information:

Telephone: 1300 787 624  
Fax: (03) 5941 3784  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
DX: 81006

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

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LAND SURVEYING  
CIVIL ENGINEERING  
PLANNING  
DEVELOPMENT CONSULTING

Statutory Planning Department  
Cardinia Shire Council  
PO Box 7  
PAKENHAM VIC 3810

12<sup>th</sup> January 2022

Our Ref: 16117P

Submission via Council's Planning Portal

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Dear Sir/Madam;

**PLANNING PERMIT APPLICATION  
TOMER PLACE, PAKENHAM (ARDEN ESTATE STAGE 23)  
APPLICATION FOR A MULTI-LOT RESIDENTIAL SUBDIVISION**

We refer to the above matter and on behalf of our client, [REDACTED] enclose an application for a planning permit for a multi-lot residential subdivision. The proposal has been prepared in accordance with the Cardinia Planning Scheme and other relevant current strategic planning documents.

In support of our application, we enclose the following:

- Certificate of Title PS626362Y (Vol. 11213 Fol. 276);
- Application Form;
- Town Planning Report (prepared by Reeds Consulting Pty Ltd, dated January 2022);
- Clause 56 Assessment (prepared by Reeds Consulting Pty Ltd, dated January 2022);
- Estate Development Plan (prepared by Reeds Consulting Pty Ltd, Ver A, dated 02/12/2021);
- Arden Estate Development Plan (prepared by Reeds Consulting Pty Ltd, Ver AK, dated 09/09/2021).

We trust that the above submission is to your satisfaction. We look forward to discussing the application with you further and the receipt of the planning permit in a timely manner. Should you have any queries, please contact the undersigned or [REDACTED]

Yours faithfully,  
for REEDS CONSULTING PTY LTD

[REDACTED]  
Graduate Town Planner

Encl.  
Cc [REDACTED]

.ppa.cou.let1.docx





LAND SURVEYING  
CIVIL ENGINEERING  
PLANNING  
DEVELOPMENT CONSULTING

Statutory Planning Department  
Cardinia Shire Council  
PO Box 7  
PAKENHAM VIC 3810

30<sup>th</sup> March 2022

Our Ref: 16117P

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

Dear [REDACTED]

**PLANNING PERMIT APPLICATION T220013  
TOMER PLACE/COURT, PAKENHAM (ARDEN ESTATE STAGE 23)  
APPLICATION FOR A MULTI-LOT RESIDENTIAL SUBDIVISION  
RESPONSE TO REQUEST FOR FURTHER INFORMATION**

We write on behalf of our client, [REDACTED], in relation to the above matter and enclose our formal response to the request for further information dated 9<sup>th</sup> February 2022.

In support of this response, we enclose the following:

- Attachment A: Section 173 Agreement X688218H
- Attachment B: Section 173 Agreement AF842886Q
- Attachment C: Feature and Levels Survey [REDACTED], Ver A, dated 25/02/2022)
- Attachment D: Arden Estate Development Plan – Stage 23 [REDACTED], Ver B, dated 29/03/2022)

**Response to Request for Further Information dated 9<sup>th</sup> February 2022**

**1. Title Documents**

Both requested Section 173 agreements have been provided with RFI submission, please refer to **Appendixes A & B.**

**2. Site Context/ Feature Survey**

Please provide a site context/ feature survey to show:

- Any existing features/ buildings on the site;
- Contours of the site;
- Existing vegetation to be retained or removed;
- Location of any existing fencing (including boundary fencing);
- Location of the pipeline infrastructure; and
- The widths of the proposed road and court bowl fully dimensioned.

A Feature and Levels Survey has been prepared [REDACTED] to demonstrate the site context, please refer to **Appendix C** for further details.

**3. Amended Plans**

Please provide amended plans to show:

- Each lot numbered; and

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- b) *Confirmation that the two (2) irregular rectangle parcels are capable of containing a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope in accordance with Standard C8.*

The enclosed Arden Estate Development Plan – Stage 23 (Ver B) has been updated to address the items raised by Council (refer to **Appendix D**).

#### **4. Turning path assessment**

*Please provide turning path assessments to demonstrate:*

- a) *That waste and emergency vehicles can turn around within the proposed court bowl and exit the street in a forward direction.*

There is no need to provide a turning path assessment as a standard court bowl is being provided as an extension to Tomer Place (to be re-named Court) as part of a 16m wide road and a court bowl with a radius of 14.85m, which is the minimum requirement for a court bowl to allow standard waste collection vehicles to traverse the road and collect waste without needing to reverse.

#### **5. Waste Management Plan**

*Please provide a Waste Management Plan to demonstrate:*

- a) *That each proposed frontage is capable of complying with Council's waste guidelines (bin presentation and hard waste presentation).*

There is no need to provide a waste management plan as Tomer Place (to be re-named Court) will be created as a 16m wide road with a court bowl of radius of 14.85m, which is the minimum requirement for a court bowl to allow standard waste collection vehicles to traverse the road and collect waste without needing to reverse. The waste collection will be via the weekly municipal collection and no private waste collection is proposed as this is not necessary.

#### **Preliminary Assessment Comments Response**

#### **6. Gas pipeline infrastructure:**

*It is noted that Council still holds concerns about the proposal being 'cut off' from the rest of the estate by the gas pipeline easement.*

*Noting that APA appear to have provided some preliminary commentary on the proposal, Council has referred the application (as required) under Clause 66.01 and will await their confirmation that the subdivision is appropriate.*

We are not aware of APA having any issues with the proposed subdivision as part of our early engagement with them, accordingly we do not consider APA to be an issue and therefore this matter can be closed out.

#### **7. Lot Configuration:**

*The width of the southernmost proposed may not comply with Standard C8 where they start to narrow off. Please confirm that they comply in accordance with item 3(b) of this letter.*

*Additionally, Council has concerns about the width and shape of the lots given the subdivision pattern of the area and the viability of these irregular shaped lots being capable of containing dwellings.*

The proposed allotments comply with all Rescode requirements and can accommodate a building envelope of a minimum 10m x 15m. Given the nature of the site and the need to avoid over-development, it is considered that the creation of four residential lots is appropriate.

We trust that the above submission is to your satisfaction and kindly request that you proceed to issue the planning permit in a timely manner. Should you have any queries, please contact the undersigned [REDACTED].

Yours faithfully,  
for REEDS CONSULTING PTY LTD

[REDACTED]  
Graduate Planner  
Enc  
cc: [REDACTED]

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 11213 FOLIO 276

Security no : 124091921023X

Produced 18/08/2021 05:03 PM

### LAND DESCRIPTION

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Lot N on Plan of Subdivision 626362Y.  
PARENT TITLE Volume 11174 Folio 633  
Created by instrument PS626362Y 06/07/2010

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

PS626362Y 06/07/2010

### ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987  
X688218H 22/08/2001

AGREEMENT Section 173 Planning and Environment Act 1987  
AF842886Q 14/05/2008

### DIAGRAM LOCATION

SEE PS626362Y 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: TOMER PLACE PAKENHAM VIC 3810

DOCUMENT END



## Imaged Document Cover Sheet

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Document Type	<b>Plan</b>
Document Identification	<b>PS626362Y</b>
Number of Pages (excluding this cover sheet)	<b>9</b>
Document Assembled	<b>18/08/2021 17:03</b>

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The document is invalid if this cover sheet is removed or altered.

Signed by Council: Cardinia Shire Council, Original Certification: 06/11/2009, Recertification: 08/06/2010, S.O.C.: 25/06/2010

<p>SUBDIVISION ACT 1988</p> <p><b>PLAN OF SUBDIVISION</b></p> <p>LOCATION OF LAND</p> <p>PARISH: NAR NAR GOON</p> <p>TOWNSHIP: -----</p> <p>SECTION: -----</p> <p>CROWN ALLOTMENT: 48 (PART)</p> <p>CROWN PORTION: -----</p> <p>TITLE REFERENCES: VOL. FOL.</p> <p>LAST PLAN REFERENCE: PS 622797H LOT G</p> <p>POSTAL ADDRESS: MCGREGOR ROAD (at time of subdivision) PAKENHAM 3810</p> <p>MGA94 CO-ORDINATES: E 366 130 ZONE: 55 (of approximate centre of land in plan) N 5 783 160</p> <p>VESTING OF ROADS OR RESERVES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">IDENTIFIER</th> <th>COUNCIL / BODY / PERSON</th> </tr> <tr> <td>ROADS, R-1 RESERVE No. 1</td> <td>CARDINIA SHIRE COUNCIL SPI ELECTRICITY PTY LTD</td> </tr> </table>	IDENTIFIER	COUNCIL / BODY / PERSON	ROADS, R-1 RESERVE No. 1	CARDINIA SHIRE COUNCIL SPI ELECTRICITY PTY LTD	<p>STAGE No. LRS USE ONLY</p> <p><b>EDITION 1</b></p> <p>PLAN NUMBER</p> <p><b>PS 626362Y</b></p> <p>COUNCIL CERTIFICATION AND ENDORSEMENT</p> <p>COUNCIL NAME : CARDINIA SHIRE COUNCIL REF :</p> <ol style="list-style-type: none"> <li>THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988.</li> <li>THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. DATE OF THE ORIGINAL CERTIFICATION UNDER SECTION 6 / / .</li> <li>THIS IS A STATEMENT OF COMPLIANCE ISSUED UNDER SECTION 21 OF THE SUBDIVISION ACT 1988.</li> </ol> <p>OPEN SPACE</p> <p>(i) A REQUIREMENT FOR PUBLIC OPEN SPACE UNDER SECTION 18 OF THE SUBDIVISION ACT 1988 HAS / HAS NOT BEEN MADE.</p> <p>(ii) THE REQUIREMENT HAS BEEN SATISFIED.</p> <p>(iii) THE REQUIREMENT IS TO BE SATISFIED IN STAGE</p> <p>COUNCIL DELEGATE</p> <p>COUNCIL SEAL</p> <p>DATE / /</p> <p>RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988</p> <p>COUNCIL DELEGATE</p> <p>COUNCIL SEAL</p> <p>DATE / /</p>
IDENTIFIER	COUNCIL / BODY / PERSON				
ROADS, R-1 RESERVE No. 1	CARDINIA SHIRE COUNCIL SPI ELECTRICITY PTY LTD				
NOTATIONS					
<p>DEPTH LIMITATION: DOES NOT APPLY</p> <p>LOTS 1 - 800 (BOTH INCLUSIVE), LOTS A-L (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN.</p>	<p>STAGING THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT No.</p> <p style="border: 1px solid red; padding: 5px; color: red;">This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> <p>THIS IS A SPEAR PLAN</p> <p>THE LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES.</p> <p>SURVEY THIS PLAN IS BASED ON SURVEY</p> <p>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s) .143, 146 &amp; 147 IN PROCLAIMED SURVEY AREA No. 71</p>				
EASEMENT INFORMATION					
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)					
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED / IN FAVOUR OF	
FOR EASEMENT DETAIL REFER SHEET 2					
<p>Reeds Consulting Pty Ltd 瑞德諮詢有限公司 Level 6 440 Elizabeth Street Melbourne 3000 phone (03) 8660 3000 fax (03) 8660 3060 e-mail survey@reedscon.com.au Copyright © 2010 Reeds Consulting Pty Ltd</p>					
<p>LICENSED SURVEYOR (PRINT) ..... SIGNATURE ..... DIGITALLY SIGNED ..... DATE / / REF: 16117/8PS VERSION: E DATE: 7/06/10 8PS1E.DGN</p>					
<p>LRS USE ONLY</p> <p>STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT</p> <p>RECEIVED <input checked="" type="checkbox"/></p> <p>DATE 25 / 6 / 2010</p> <p>LRS USE ONLY PLAN REGISTERED</p> <p>TIME 3 : 58 pm</p> <p>DATE 6 / 7 / 2010</p> <p>..... NJR .....</p> <p>ASSISTANT REGISTRAR OF TITLES</p> <p>DATE / /</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>SHEET 1 OF 8 SHEETS</p> <p>ORIGINAL SHEET SIZE A3</p>					

Signed by: [Redacted] (Reeds Consulting Pty Ltd) Surveyor's Plan Version (E) 07/06/2010

Signed by Council: Cardinia Shire Council, Original Certification: 06/11/2009, Recertification: 08/06/2010, S.O.C.: 25/06/2010

SUBDIVISION ACT 1988 <b>PLAN OF SUBDIVISION</b>		STAGE No.	PLAN NUMBER <b>PS 626362Y</b>	
EASEMENT INFORMATION				
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1	GAS PIPELINE	20.12	INSTR. 2703759	GPU GASNET PTY. LTD.
E-2, E-3 E-11 & E-14	CARRIAGEWAY	SEE DIAG.	LP 142486	LOT 6 ON LP 142486
E-3	GAS SUPPLY PURPOSES	3	INSTR. V2844390	ENERGY 21 PTY. LTD.
E-4	SEWERAGE	SEE DIAG.	PS 542149Q	SOUTH EAST WATER LIMITED
E-5 & E-11	SEWERAGE	SEE DIAG.	PS 539614H	SOUTH EAST WATER LIMITED
E-8	SEWERAGE	SEE DIAG.	PS 515605T	SOUTH EAST WATER LIMITED
E-13 & E-14	POWERLINE	SEE DIAG.	PS 539614H SECTION 88 ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
E-12	DRAINAGE	SEE DIAG.	PS 539614H	CARDINIA SHIRE COUNCIL
E-15	SEWERAGE	SEE DIAG.	PS 607266C	SOUTH EAST WATER LIMITED
E-16, E-17	SEWERAGE	SEE DIAG.	PS 615529A	SOUTH EAST WATER LIMITED
E-17, E-18	DRAINAGE	SEE DIAG.	PS 615529A	CARDINIA SHIRE COUNCIL
E-20	DRAINAGE	SEE DIAG.	PS622797H	CARDINIA SHIRE COUNCIL
E-20 & E-21	SEWERAGE	SEE DIAG.	PS622797H	SOUTH EAST WATER LIMITED
E-22	SEWERAGE	SEE DIAG.	THIS PLAN	SOUTH EAST WATER LIMITED
E-23	POWERLINE	SEE DIAG.	THIS PLAN SECTION 88 ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
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Signed by: (Redacted) (Reeds Consulting Pty Ltd) Surveyor's Plan Version (E) 07/06/2010

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Town Planning Committee Meeting 5 September 2022

Signed by Council: Cardinia Shire Council, Original Certification: 06/11/2009, Recertification: 08/06/2010, S.O.C.: 25/06/2010

SUBDIVISION ACT 1988

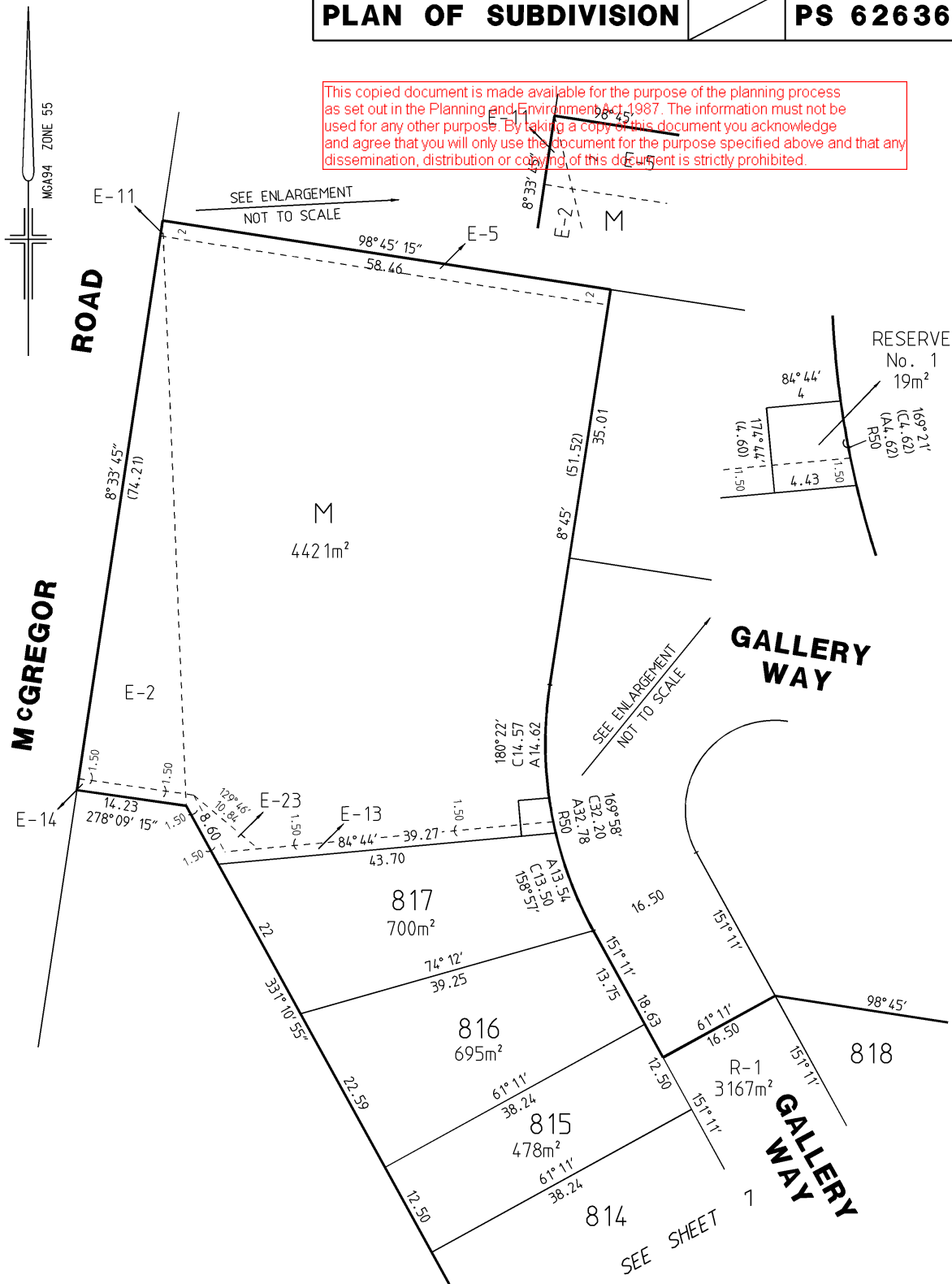
STAGE No.

PLAN NUMBER

# PLAN OF SUBDIVISION

PS 626362Y

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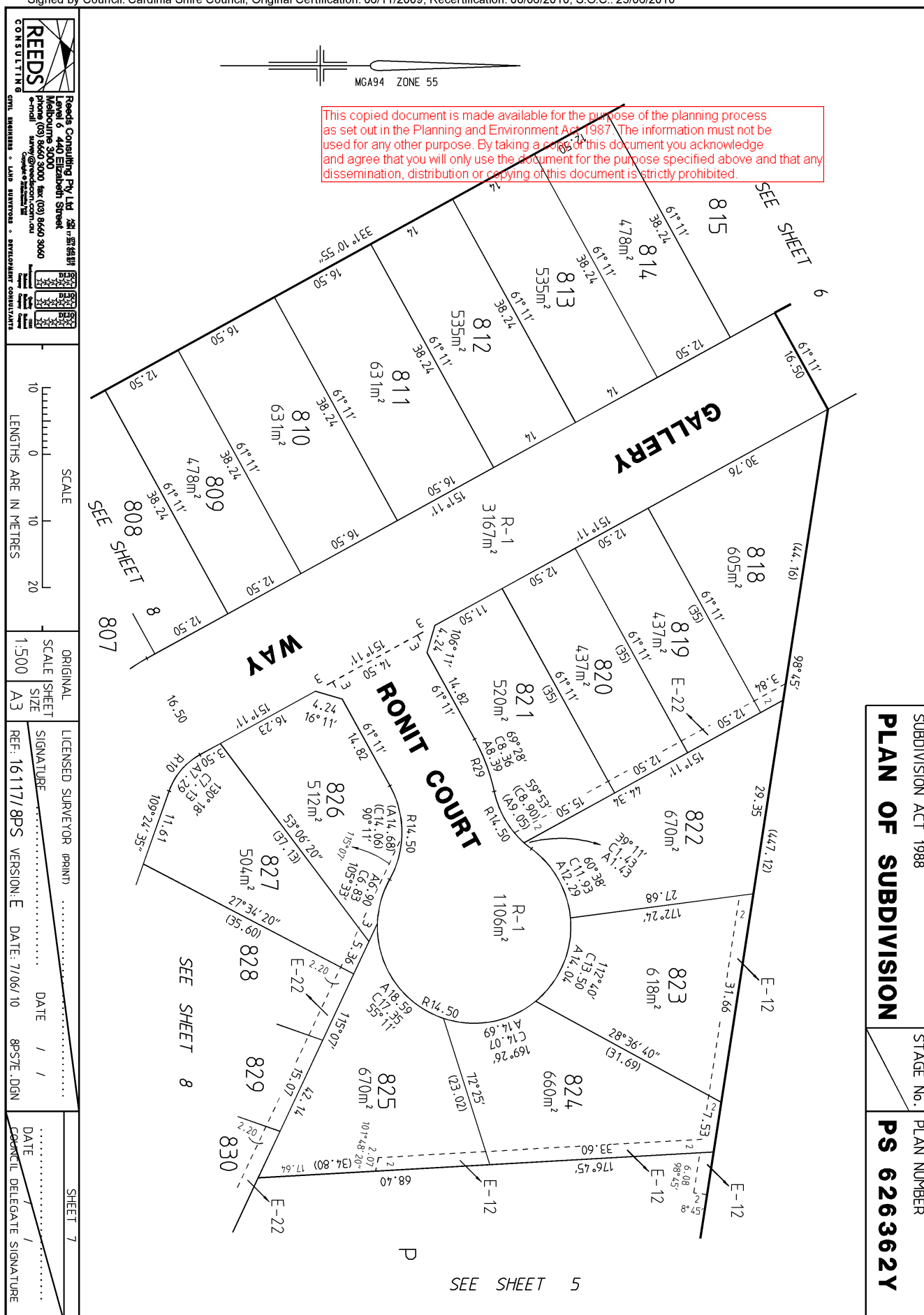
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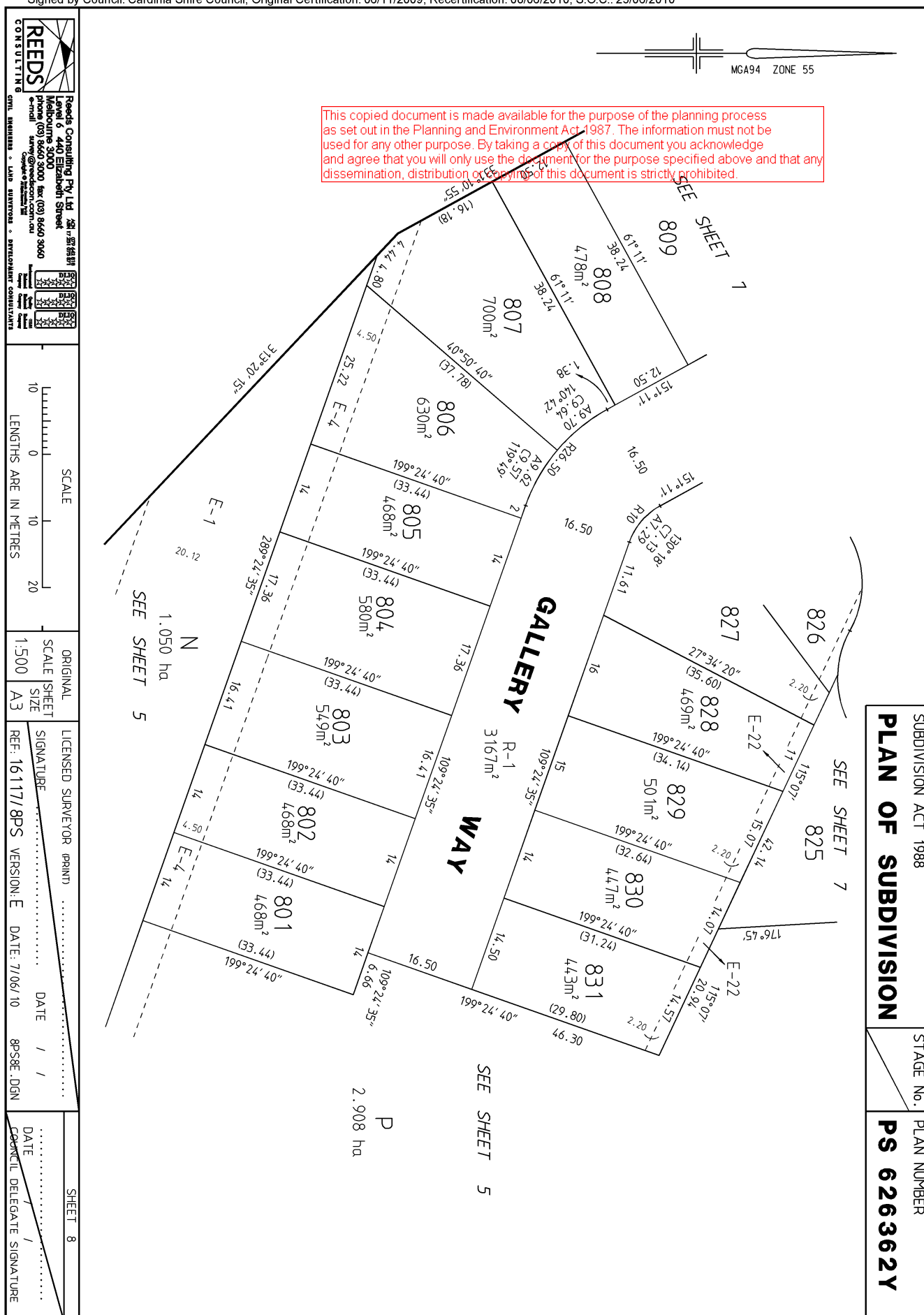
Signed by: [REDACTED] (Reeds Consulting Pty Ltd) Surveyor's Plan Version (E) 07/06/2010

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## Plan of Subdivision PS626362Y

### Certifying a New Version of an Existing Plan (Form 21)

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S003412M

Plan Number: PS626362Y

Council Name: Cardinia Shire Council

Council Reference Number 1: S09/050

Surveyor's Plan Version: E

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### Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988

Date of original certification under section 6: 06/11/2009

Date of previous recertifications under Section 11(7): 03/06/2010

### Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made

Digitally signed by Council Delegate:

Organisation:

Cardinia Shire Council

Date:

08/06/2010

Signed by: Carolyn Murphy (Cardinia Shire Council) 08/06/2010



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Section 181

Application by Responsible Authority for the making of a recording of an agreement

Planning and Environment Act 1987

Lodged by:

Name: [redacted]  
Phone: [redacted]  
Address: [redacted]  
Ref: [redacted]  
Customer Code: 2085B



The authority having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

Land: *(Insert Volume and Folio reference)(if part only, define the part)*  
Volume 11044 Folio 631

Authority: *(name and address)*  
Cardinia Shire Council

Section and Act under which agreement made:  
Section 173 Planning and Environment Act 1987

A copy of the agreement is attached to this Application

Signature for the Authority:

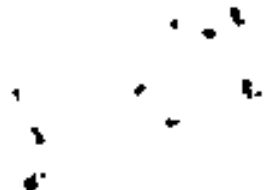
[redacted signature area]

Name of Officer: *(full name)*

Date: 13 MAY 2008

THE BACK OF THIS FORM MUST NOT BE USED

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010 .



**THIS AGREEMENT** is made on the 6<sup>th</sup> day of MAY 2008

**BETWEEN:**

**CARDINIA SHIRE COUNCIL** of Municipal Offices, Henty Way, Pakenham, Vic 3810  
("the Council")

- and -

**TEZEK PTY. LTD.**

**WHEREAS:**

- A. The Subdivider is the registered proprietor of the land described in the First Schedule hereto ("the Land");
- B. The Council is the Responsible Authority under the Planning and Environment Act 1987 ("the Act") for the Cardinia Planning Scheme ("the Planning Scheme");
- C. Council as Responsible Authority on 21 December, 2006 issued a permit numbered T060825 ("the Permit") a condition of which was that the parties enter into an Agreement under Section 173 of the Act in order to enable the development authorised by the permit to proceed.
- D. The parties have agreed that without restricting or limiting their respective rights and powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as being an Agreement made pursuant to Section 173 of the Act.

**NOW THIS AGREEMENT WITNESSES AS FOLLOWS**

- 1. The Subdivider with the intent that its covenants hereunder shall run with the Land under Section 182 of the Act, binding its successors in title to the Land and every part thereof, hereby covenants and agrees that:
  - (a) All residential buildings on each lot created on the Land must be designed and constructed to acoustic standards as set out in AS 3671-1989 "Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction". Noise levels are to be considered free field L10 [18 hour];



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- (b) The noise attenuation measures must be maintained by the property owner(s) in a condition which meets the approved acoustic design requirements for 25 years.
2. The Subdivider agrees to lodge an application by Council to the Registrar of Titles, prior to lodging the Plan for registration by the Registrar of Titles, to register this Agreement in accordance with Section 181 of the Act and to provide the Council with evidence of this application prior to the issue of a Statement of Compliance under the Subdivision Act 1988.
  3. The Subdivider agrees to do all things necessary to enable the Registrar of Titles to enter a Memorandum of this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act.
  4. The Subdivider covenants and agrees to do all things necessary including the signing of such further agreements or other documents that may be required to ensure that its covenants and agreements hereunder are carried out and effected.
  5. The Subdivider agrees to pay the costs of the Council of and in connection with the preparation and execution of this agreement and the lodging of this agreement with the Registrar of Titles.

**IN WITNESS WHEREOF** the parties have hereunto set their hands and seals the day and year first hereinbefore written.

~~THE COMMON SEAL of CARDINIA SHIRE COUNCIL was hereunto affixed in the presence of:~~

.....  
Councillor

.....  
Chief Executive Officer

Signed by and on behalf, and with the authority of the Cardinia Shire Council by [REDACTED], in the exercise of power conferred by an instrument of Delegation dated 19 June 2006.

\_\_\_\_\_

**AF842886Q**

14/05/2008 \$97 173



In the presence of: [REDACTED]  
[REDACTED]  
witness

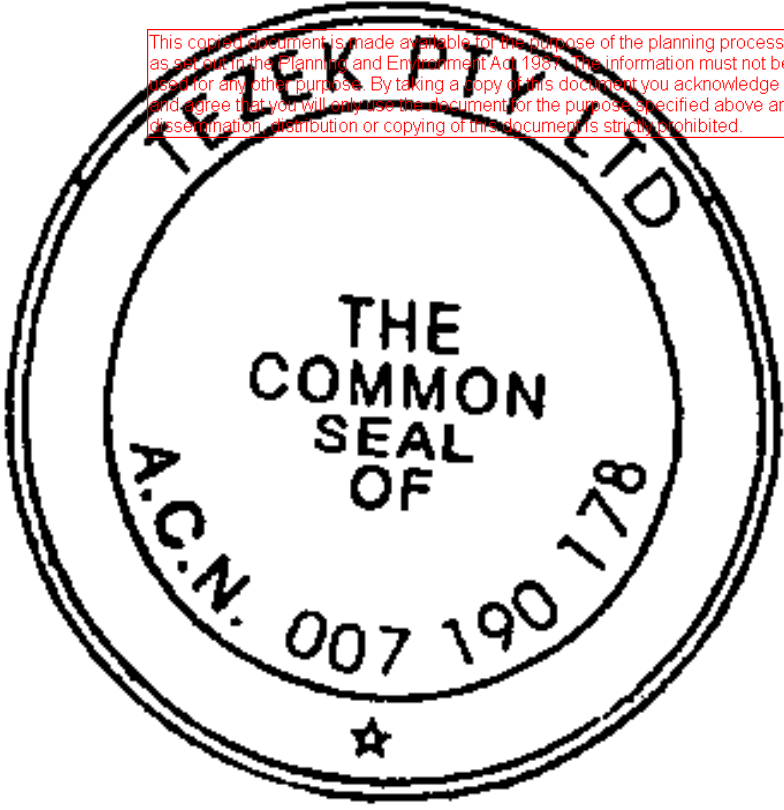
**THE COMMON SEAL of TEZEK PTY. LTD.** was  
hereto affixed in accordance with its Articles of  
Association in the presence of:

**[Redacted]** Director  
Name **[Redacted]**

**[Redacted]**

**[Redacted]** Director  
Name **[Redacted]**

**[Redacted]**

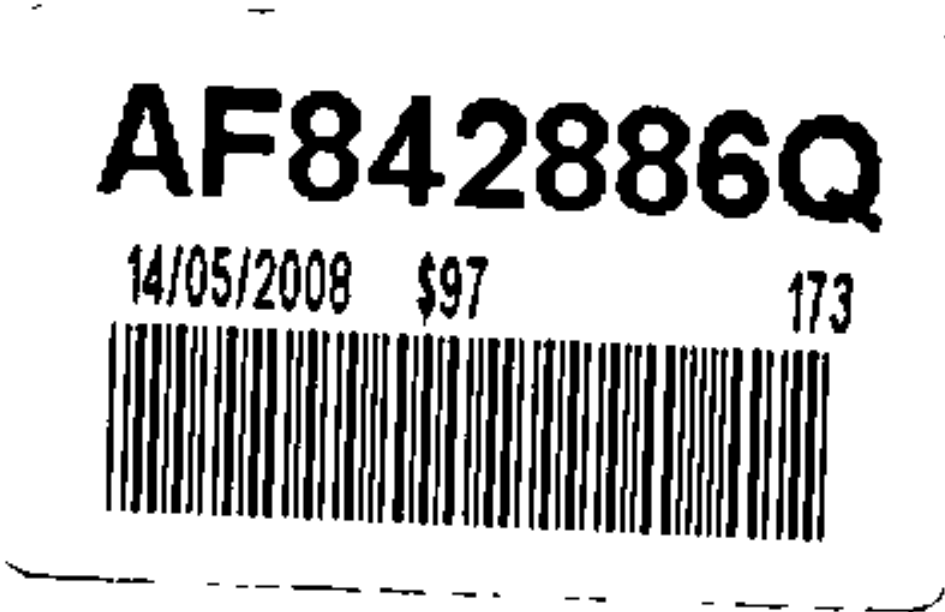




**FIRST SCHEDULE**

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Being all of the land described in Certificate of Title Volume 11044 Folio 631.



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FORM 9.1  
APPLICATION BY RESPONSIBLE AUTHORITY  
FOR MAKING OF A RECORDING OF AN AGREEMENT

X688218H  
220801 1348 173



Planning and Environment Act 1987



Lodged at the Land Titles Office by:

Name: [Redacted]  
Phone: [Redacted]  
Address: [Redacted]



DX688218H-1-0

Ref: Customer Code: 0485 U

The Authority having made an Agreement requires a recording to be made in the Register for the land.

Land: Certificate of Title Volume 9512 Folio 806  
Certificate of Title Volume 9512 Folio 807

Authority: Cardinia Shire Council

Section and Act under which Agreement made:

Section 173 Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

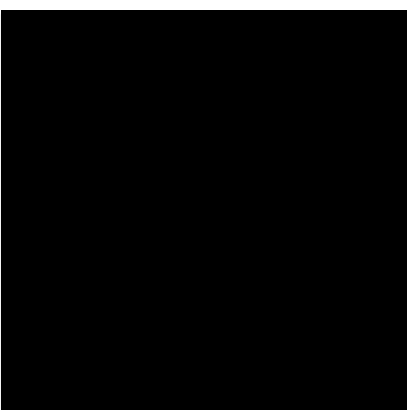
Signature for the Authority: [Redacted]  
Name of Officer: [Redacted]  
Position Held: Chief Executive Officer

Dated: 20 August 2001

[Handwritten signature]

W:\Lyn\CARDINIA SHIRE\Special Charge Scheme\S.181.(Candibon).doc

29 AUG 2001





DATED

9th Day of July

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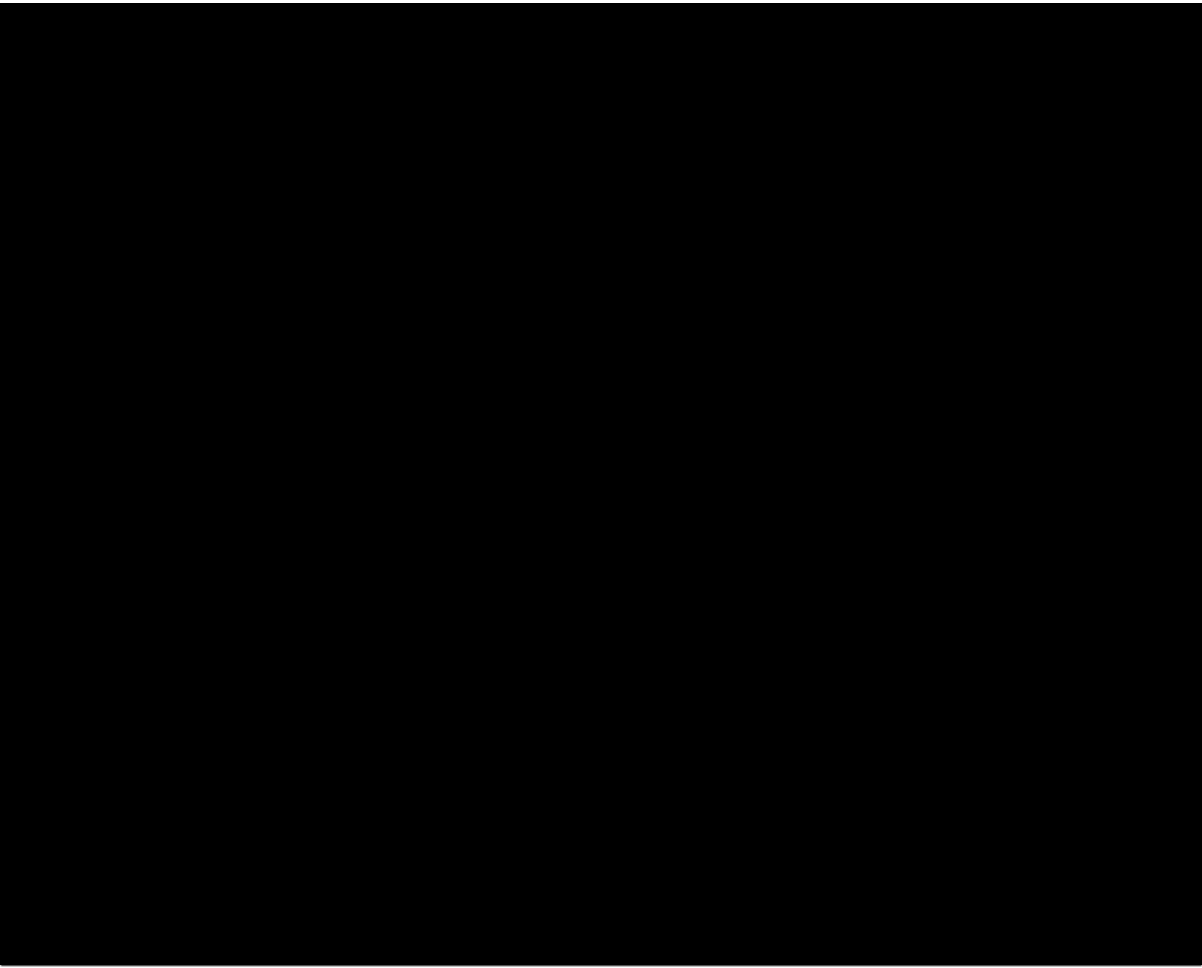
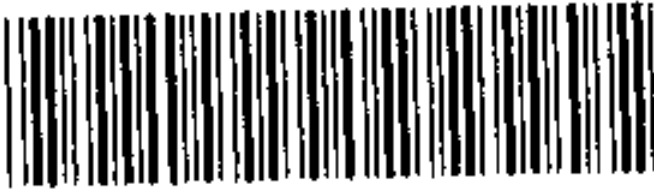
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CARDINIA SHIRE COUNCIL ("the Council")

AGREEMENT

X688218H  
220801 1348 173



THIS AGREEMENT is made the

9<sup>th</sup>

day of

July

2001

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BETWEEN:



in the State of Victoria ("the

CARDINIA SHIRE COUNCIL of Henty Way, Pakenham in the said State ("the Council") of the second part.



DX688218H-3-4

**WHEREAS:**

A. The Owner is the registered proprietor of the land comprised in Certificates of Title Volume 9512 Folio 806 and Volume 9512 Folio 807 ("the Land").

B. The Land is in part zoned -

- Residential 1; and
- Rural 1 ("the Rural Land");

**X688218H**  
220801 1348 173



under the Cardinia Planning Scheme ("the Planning Scheme").

C. The Land is affected by an Agreement made pursuant to Section 173 of the *Planning and Environment Act 1987* ("the Act") and dated the 15<sup>th</sup> day of August 1995 ("the Former Agreement").

D. The Council is the Responsible Authority under the Planning Scheme for the purposes of administering the provisions therefore and is the Council for the Local Government Municipality of Cardinia Shire.

E. The Council has prepared a Special Charge Scheme pursuant to the provisions of Section 163 of the Local Government Act 1989 ("the Local Government Act") to facilitate the construction of a trunk sewer known as the Henry Road Branch Sewer ("the Special Charge").

F. The Council has levied the Special Charge on the Land and the Owner has lodged an application to review the levying of that charge with the Victorian Civil & Administrative Appeals Tribunal ("the Tribunal") being Proceeding No. 2001/007813 ("the Proceeding").

2

4688218H

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- G. The Council and the Owner have agreed to settle the proceeding upon the terms set out in this Agreement and to include in this Agreement other matters relating to the Land.

**NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:**

Interpretation



- 1.1 Words importing the singular shall include the plural and words importing the masculine gender shall include the female and if applicable a corporation.
- 1.2 This agreement shall be governed and construed in accordance with the laws for the time being of the State of Victoria.
- 1.3 Any notice shall be given or served by delivery of any party at the address in the State or Territory shown in this agreement for that party or at such other address as any party may nominate in writing to the other party or by being posted to that address by *registered* post shall be deemed to be duly served at the expiration of five days after the time of posting unless in the meantime the letter is returned unopened.
- 1.4 Any notice to be given by any of the parties may be executed under common seal, by the attorney or attorneys of that party or by the manager, director, secretary or solicitors for the time being of the party.
- 1.5 In any case where one or more of the terms, conditions or provisions of this agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remaining terms, conditions and provisions shall nevertheless remain in full force and effect.
- 1.6 Headings in this agreement are for convenience only and shall not affect the interpretation or construction hereof. All schedules and annexures to this agreement are incorporated in and form part of this agreement.
- 1.7 Any reference to any Act of Parliament shall be deemed to include any amendment, replacement or re-enactment of that Act for the time being in force and to include any by-laws, local laws, licences, statutory instruments, rules and regulations, orders



notices and directions, consents or permission made under it and any condition attaching to it.

- 1.8 The expression "the Owner" shall be deemed to include its successors, assigns and transferees and the obligations imposed upon and assumed by the Owner (to the extent relevant, having regard to the portion of the land owned and the obligation to be complied with) shall be binding on its successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this agreement.
- 1.9 Without limiting the operation or effect which this agreement otherwise has, the parties hereto acknowledge that this agreement is made pursuant to the provisions of Section 173 of the Act.

#### The Proceeding



- 2.1 Within 72 hours after execution of this Agreement, the Owner shall seek the leave of the Tribunal to withdraw the proceeding (and the Council consents to such application) with no order as to costs.
- 2.2 In consideration of this Agreement, the Owner and the Council waive all claims and rights each might have had against the other with respect to the subject matter of the proceeding in the case of the Owner and all claims and rights it might otherwise have to challenge or terms of the Special Charge.

**X688218H**  
220801 1348 173

#### Variation of Special Charge



3. Subject to the provisions of Clause 4 hereof the Council agrees to vary the Special Charge insofar as it relates to the Land by *substituting* the sum of \$124,160.00 as the amount payable in respect of the Land under the Special Charge ("the Adjusted Contribution").

#### Rezoning of the Rural Land

- 4.1 If requested by the Owner in writing, the Council shall within 28 days of such written request being received by the Council (subject to the payment of the fees prescribed under the Act) an amendment to the Planning Scheme to rezone the Rural Land to Residential 1 or such other zone that the Council and the Owner may agree upon.

4.2 The Council shall process any such request for rezoning with due diligence, including:

- (a) requesting the Minister to appoint a Panel pursuant to the provisions of the Act to consider any submissions that may be made in respect of such rezoning;
- (b) support for the rezoning; and
- (c) using its best endeavours to have it approved.

**X688218H**  
220801 1348 173



#### Failure to Rezone

5.1 If a rezoning of the Rural Land or any part thereof in accordance with the provisions of this agreement is not effected by publication in the Victorian Government Gazette of notice of approval of an amendment to the planning scheme to give effect to such rezoning within 24 months of the date of this agreement, then the Special Charge shall be further varied by deleting the area of that part of the Land not so rezoned from the area of the Land to which the Special Charge applies ("the Further Adjustment Contribution").

5.2 In such event the Council shall refund to the Owner so much of the Special Charge apportioned to the Land not so rezoned within 14 days of being requested in writing by the Owner *together with interest at the rate of 9% calculated from the date of the payment of the amounts payable under the Special Charge until the date payment of the refund is made.* For the remainder of the special charge period, the Owner shall pay the Further Adjusted Contribution.



**DX688218H-6-6**

#### Access

- 6.1 The Owner by this Agreement consents to access being obtained to its Land by the Council, its agents, employees or contractors for the purpose of the construction of the Henry Road Branch Sewer and all works associated with such construction.
- 6.2 The Owner shall grant to the Council or South East Water Limited an easement for sewerage purposes over the Owner's Land in the location and of a width as shown on the plan attached to this agreement as Schedule A ("the easement").
- 6.3 **The Council shall pay all costs in relation to the creation of the easement but compensation (if any) shall only be payable to the Owner for the creation of the**



**easement if the Council for any reason fails to support the rezoning in accordance with Clause 5.1 hereof. In such event and in the event of a dispute arising as to the amount of compensation payable, there shall be deemed to arise a disputed claim for the purposes of the Land Acquisition and Compensation Act 1986 and shall be determined pursuant to that Act. *If necessary, in order to bring the dispute within the said Act, the Council shall serve upon the Owner a notice of intention to acquire and/or give notice of acquisition.***

### Former Agreement

- 7.1 This agreement shall be registered pursuant to Section 181 of the Act within 7 days after its execution upon which date the former Agreement shall end. The Council shall concurrently with its registration of this agreement make all necessary application to cancel the former Agreement pursuant to Section 183 of the Act.

### General Provisions



8. The Owner warrants and covenants **to the best of its knowledge and belief** that:
- 8.1 it is the registered proprietor of the Land or entitled to be the registered proprietor of the Land; and
- 8.2 there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land and not disclosed by the usual titles searches.
9. The Owner shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part thereof without further providing to its successors a copy of this agreement.
10. The Council and Owner shall do all things necessary (including signing any further agreement, acknowledgment or document) to give full effect to the terms of this agreement and to enable the Council to enter a memorandum of this agreement on the certificate of title or titles to the Land in accordance with section 181 of the Act.

**X688218H**  
220801 1348 173





11. No plan of subdivision of land or any part of it or any Instrument of Transfer of the Land or any part of it may be lodged at the Land Titles Office for registration or approval until this section 173 agreement and the section 181 memorandum have been lodged by or on behalf of the Council and entered on the certificate of title or titles to the Land, unless the Council otherwise consents in writing.

### Fees

12. The Owner shall within 14 days of a presentation of a tax invoice to it pay to Council, one half of Council's reasonable costs and expenses (**up to a maximum contribution of \$500.00**) (including legal expenses) of and incidental to the preparation, drafting, finalization, engrossment, execution, registration and enforcement of this Agreement which are until paid a debt due to the Council by the Owner. In the event of a dispute as to the amount of such costs and expenses, the Owner's solicitor shall be entitled to engage an independent cost consultant at the Owner's expense to determine the amount of such costs and expenses and the Council agrees to accept the amount so determined.



### Resolution of Disputes

13. Any dispute between the Council and the Owner concerning any matter contained in this agreement shall be determined where possible pursuant to Division 5 of Part 6 of the Act *or otherwise in a court of competent jurisdiction.*

### Skydiving Activity

14. In carrying out the works pursuant to the Special Charge Scheme, the Council, its contractors, employees or agents shall use their best endeavours not to interfere unreasonably with any skydiving activities being lawfully carried out on the land.

IN WITNESS WHERE OF the parties hereunto have set their hands and seals the day and year first hereinbefore written.

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THE COMMON SEAL of CANDIBON )  
PTY LTD was hereunto affixed in )  
accordance with its Articles of )  
Association in the presence of: )



[Redacted]  
Director

[Redacted] Secretary

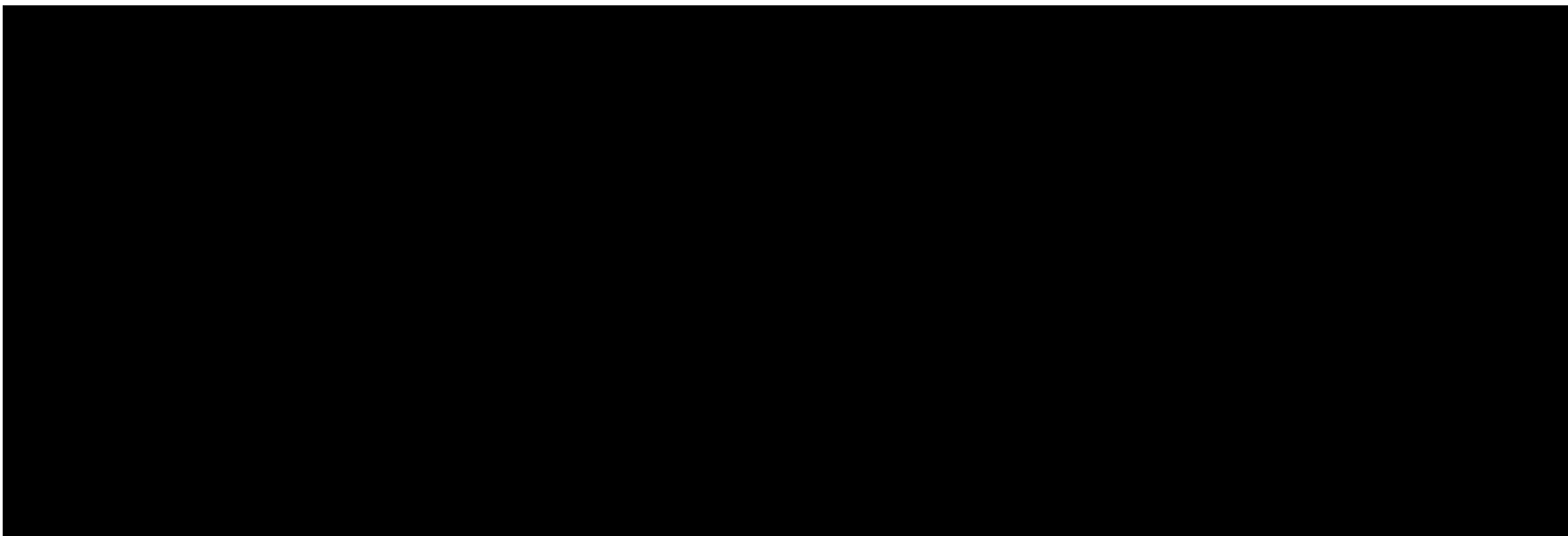
[Redacted] Name

[Redacted] Name

[Redacted] Address

[Redacted] Address

~~THE COMMON SEAL of CARDINIA~~  
~~SHIRE COUNCIL was affixed hereto~~ in  
accordance with delegated authority  
~~dated~~ in  
the presence:



[Redacted] Chief Executive Officer

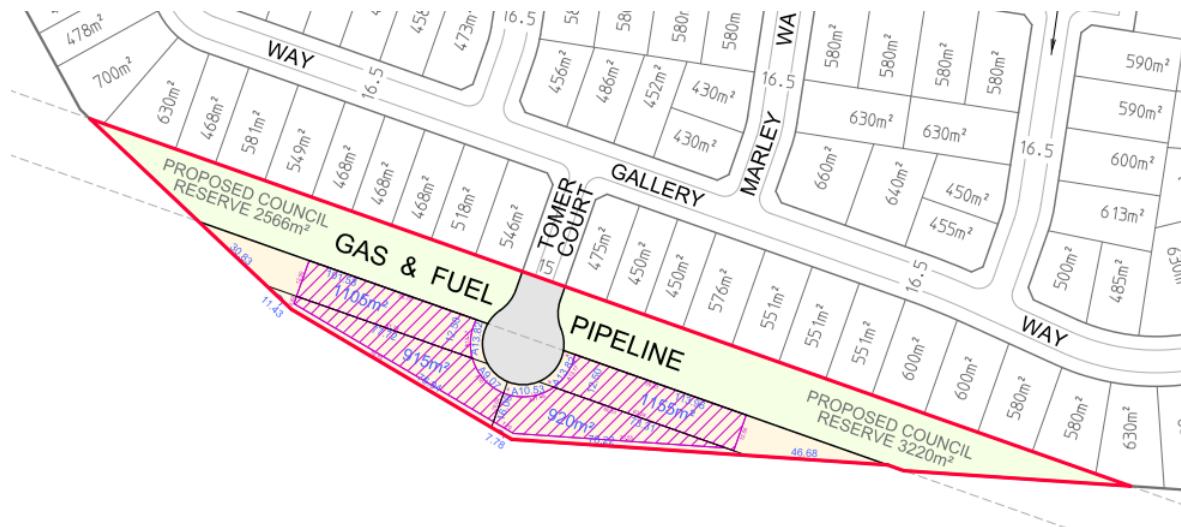


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# PLANNING REPORT



## Arden Estate – Stage 23 Tomer Place, Pakenham 3810

Prepared in support of an Application for a Multi-Lot Subdivision

Version 1 – January 2022

## Executive Summary

### Background

Reeds Project Ref: 16117P

Estate Name: Arden Estate

Applicant/Owner: [REDACTED]

Address: Tomer Place, Pakenham 3810

Title Particulars: Lot N on PS626362Y (Vol. 11213, Fol. 276)

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### Relevant Planning Controls

Planning Scheme: Cardinia

State Planning Policy Framework:

- 11 Settlement
- 13 Environmental Risk and Amenity
- 15 Built Environment & Heritage
- 16 Housing
- 18 Transport
- 19 Infrastructure

Local Planning Policy Framework:

- 21.03 Settlement & Housing
- 21.05 Infrastructure

Zone: General Residential Zone (Schedule 1)

Overlays: Development Contributions Plan Overlay (Schedule 1)

Particular Provisions:

- 53.01 Public Open Space Contribution and Subdivision
- 56 Residential Subdivision

### Purpose of Report

The purpose of the report is to provide a description and rationale for the approval of an application for a multi-lot residential subdivision at Tomer Place, Pakenham, 3810.



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## 1.0 Introduction

This report has been prepared by Reeds Consulting Pty Ltd in support of a multi-lot residential subdivision at Tomer Place, Pakenham. This proposed subdivision will be integrated as Stage 23 of the Arden Estate which is an ongoing staged multi-lot residential subdivision at McGregor Road, Pakenham (planning permit T060825B). The extent of the proposed subject site is shown in **Figure 1**.

The proposed subdivision has been assessed against the relevant planning policies and strategies and is in accordance with all applicable planning provisions of the Cardinia Shire Planning Scheme.

This application for a planning permit is supported by the following reports and plans:

- Certificate of Title
- Arden Estate Development Plan – Stage 23
- Arden Estate Development Plan (Ver AK)
- Clause 56 Assessment

It is respectfully requested that Council supports the application for the residential subdivision.



**Figure 1.** Aerial Photo (Source: Nearmap, dated 01/04/21)



## 2.0 Site Description

### 2.1 Regional Context

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The site is approximately 54km south east of Melbourne CBD (refer to **Figure 2**). The site is located within the western area in Cardinia Shire.

The subject site is located in Cardinia Shire Council which has recorded as having an approximate population of 107,000 in 2018. Cardinia Shire is located on the boundary of Metropolitan Melbourne and contains both urban areas as well as land utilized for farming and other non-residential uses.



**Figure 2.** Regional Context Plan

## 2.2 Local Context

The site is located within Pakenham which along with Officer and Beaconsfield makes up the Casey-Cardinia Growth Area. It is anticipated that these suburbs will accommodate most of the future residential growth in the area in Cardinia Shire.

Existing major sites and land uses within the area include:

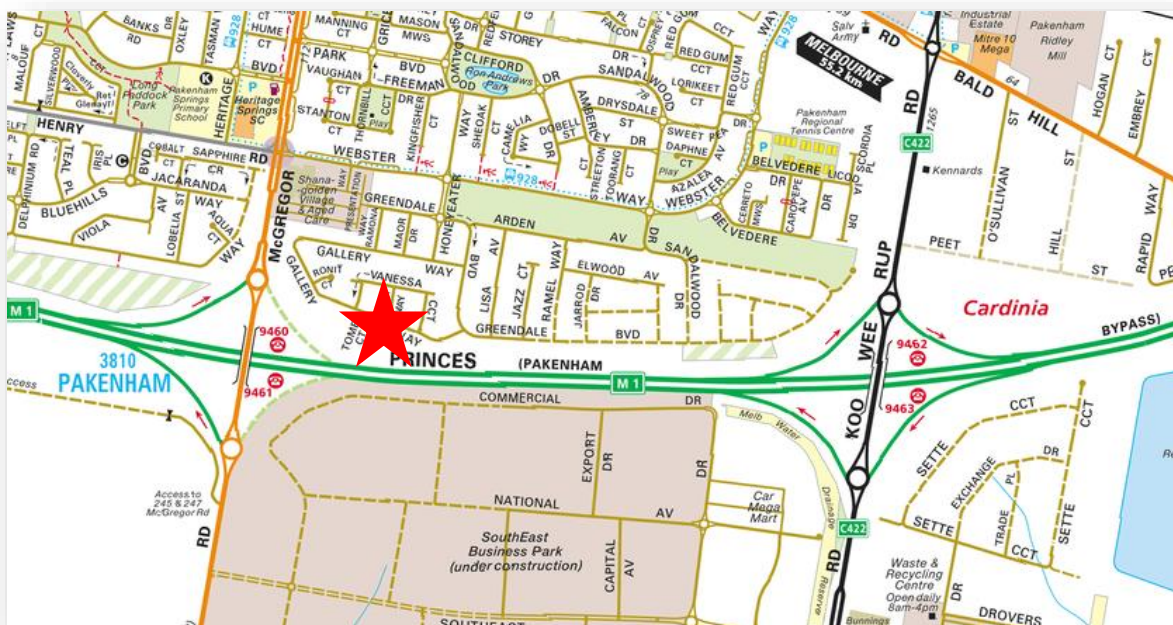
- Several schools including Pakenham Springs Primary School and Elderbrook Secondary College
- Pakenham Place Shopping Centre which includes a Coles Supermarket and a Big W as well as various other retail and hospitality businesses.
- Pakenham Regional Tennis Centre
- Ron Andrews Park
- McGregor Road Grasslands

The site is currently accessible via McGregor Road/Webster Way and the Princes Highway. The Princes Highway which runs along the southern boundary of the site is a major arterial road.

The site is connected by existing public transport networks including:

- Bus route 928 runs along Webster Way to the north of the proposed site.
- Pakenham train station is approximately 2.8km northeast of the site.

The site is on Pakenham's southern boundary which is bounded by the Princes Freeway. To the south there are sites with industrial uses. Land to the south-west falls within the Urban Growth Zone and is designated to contain the Pakenham West Employment and Pakenham South Employment PSP areas. Neither of these sites are currently on program with the VPA. The remaining area to the north and northwest is residential with additional land uses to support residential communities. The local context of the site is shown in **Figure 3**.



**Figure 3:** Local Context Plan (Source: Melways Online)

## 2.3 Subject Site

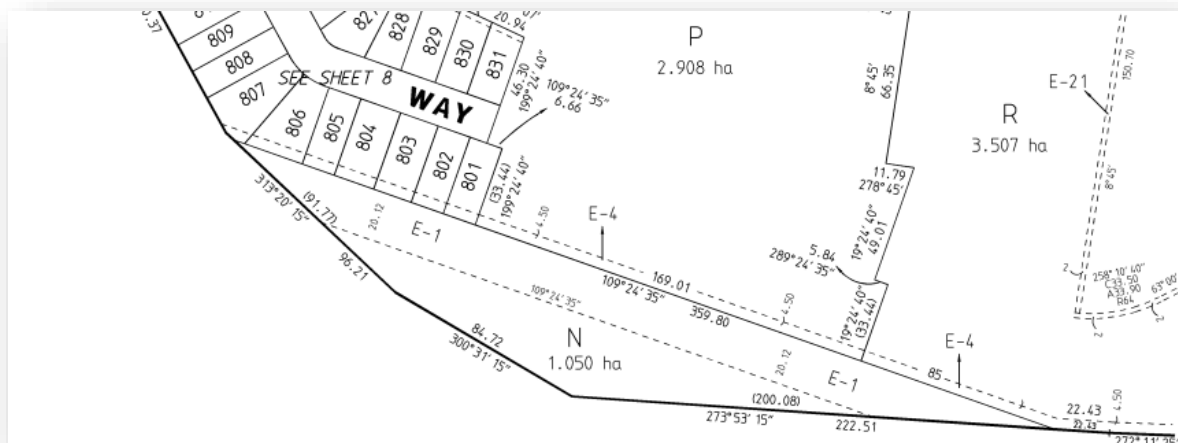
The site is irregularly shaped and has an area of approximately 1.050 ha. The site is formally known on Certificate of Title as Lot N on PS626362Y (Vol. 11213, Fol. 276). An excerpt of the title plan is shown in Error! Reference source not found.. The full Certificate of Title is included as **Appendix A**.

The site is also affected by E-1 which is a major gas pipeline. In principle support for the proposed subdivision plan was given by the APA and is discussed in greater detail in the assessment section of this report.

The site is currently vacant of any buildings or structures. There is a singular tree on the western side of the site. The site is generally flat and is bounded by the south to noise attenuation barriers from the Princes Freeway.

Access to the site is via Tomer Place which connects to the local road network of the Arden Estate. Tomer Place will be upgraded into a court bowl as part of this proposal to provide adequate access for all proposed allotments. The proposed site is currently denoted on the Arden Estate Development Plan Ver AK as Future Development Site B. Refer to **Appendix C** for further details.

The site is currently zoned General Residential Zone – Schedule 1. The Development Contributions Overlay – Schedule 1 applies to the site.



**Figure 4:** Excerpt of PS626362Y (Source: Land Victoria)

### 3.0 Planning Policy

#### 3.1 Planning Policy Framework

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The Planning Policy Framework (PPF) seeks to ensure that the objectives of planning in Victoria (as set out in the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

Of particular relevance to this submission are the following policies:

#### 11 SETTLEMENT

##### 11.01 Victoria

##### 11.01-1S Settlement

The objective is to *promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

##### 11.02 Managing Growth

##### 11.02-1S Supply of Urban Land

The objective is to ensure a *sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

##### 11.02-3S Sequencing of Development

The objective is to *manage the sequence of development in areas of growth so that services are available from early in the life of new communities.*

#### 13 ENVIRONMENTAL RISKS AND AMENITY

##### 13.02 Bushfire

##### 13.02-1S Bushfire Planning

The objective is to *strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

#### 15 BUILT ENVIRONMENT AND HERITAGE

##### 15.01 Built Environment

##### 15.01-1S Urban Design

The objective to *create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

##### 15.01-3S Subdivision Design

The objective to *ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

##### 15.01-4S Healthy Neighbourhoods

The objective is to *achieve neighbourhoods that foster healthy and active living and community wellbeing.*

##### 15.01-5S Neighbourhood Character

The objective is to *recognise, support and protect neighbourhood character, cultural identity and sense of place.*

## 16 HOUSING

### 16.01 Residential Development

#### 16.01-1S Housing Supply

The objective is to *facilitate well-located, integrated and diverse housing that meets community needs.*

#### 16.01-2S Housing Affordability

The objective is to *deliver more affordable housing closer to jobs, transport and services.*

#### 16.01-3S Housing Diversity

The objective is to *provide for a range of housing types to meet diverse needs.*

## 18 TRANSPORT

### 18.02 Movement Networks

#### 18.02-1S Sustainable personal transport

The objective is to *promote the use of sustainable personal transport.*

#### 18.02-3S Road System

The objective is 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.*

## 19 INFRASTRUCTURE

### 19.01-3S Pipeline Infrastructure

The objective is to *ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.*

## 3.2 Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) identifies long term directions about land use and development in the municipality and provides the rationale for the zone and overlay requirements and particular provisions in the Scheme. The LPPF includes the Municipal Strategic Statement (MSS) and local planning policies.

The Municipal Strategic Statement (MSS) at Clause 21 sets out the future strategic direction for the municipality. The MSS is divided into a number of sections with the following sections being relevant to/supporting the current planning permit application:

### 21.03 Settlement and Housing

#### 21.03-1 Housing

The objectives are:

- *To encourage a diversity in housing to meet the needs of existing and future residents.*
- *To encourage the provision of housing to cater for groups within the community with specific housing requirements.*

#### 21.03-2 Urban Established Area – Beaconsfield and Pakenham

The objectives is to *create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Established Area.*



## 21.05 Infrastructure

### 21.05-3 Local Roads

The objectives are to:

- *Provide an efficient, safe and attractive local road network and minimise potential adverse impacts from traffic on the amenity of adjoining residents*
- *Manage the impact of the use, development and subdivision of land on the local road network*

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### 21.05-5 Pedestrian and bicycle network

The objective is to *develop well-located, safe and interconnected pedestrian and bicycle networks within the municipality*



## 4.0 Planning Scheme Provisions

### 4.1 Current Zoning

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Pursuant to the Cardinia Shire Planning Scheme, the subject site is located within the General Residential Zone – Schedule 1. Refer to Error! Reference source not found..

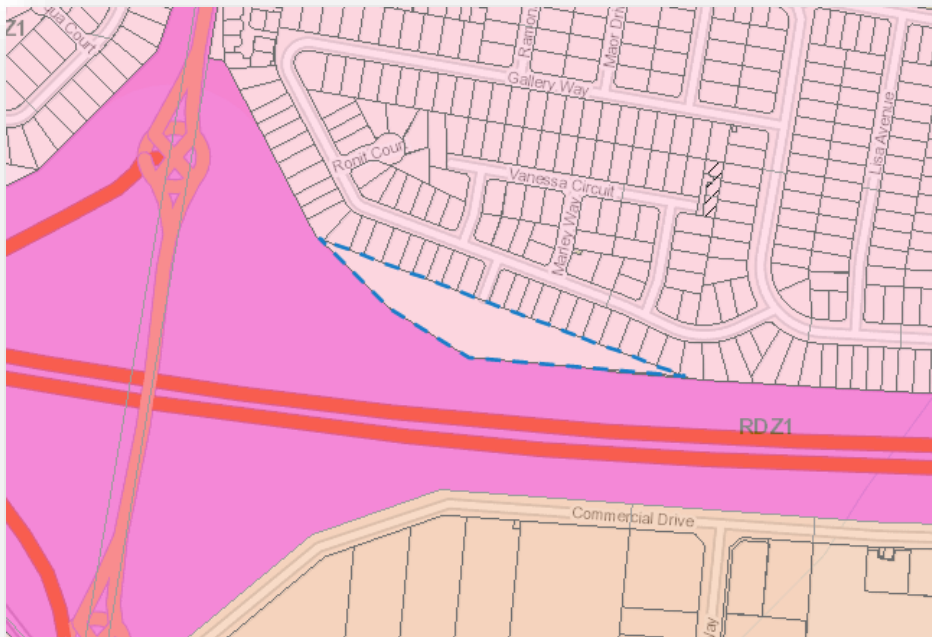


Figure 5: Current Zoning Map of site and surrounds (Source: DELWP)

#### Clause 32.08 General Residential Zone – Schedule 1

Pursuant to Clause 32.08 the purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.08-3 a planning permit is required to subdivide land.

An application to subdivide land into 3-15 lots must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified as follows.
- Should meet all of the standards included in the clauses specified as follows.
  - All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

## 4.2 Current Overlays

Pursuant to the Cardinia Shire Planning Scheme the subject site is affected by the Development Contributions Plan Overlay - Schedule 1. Refer to Error Reference source not found.

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### Clause 45.06 Development Contributions Plan Overlay

The purpose of the Development Contributions Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

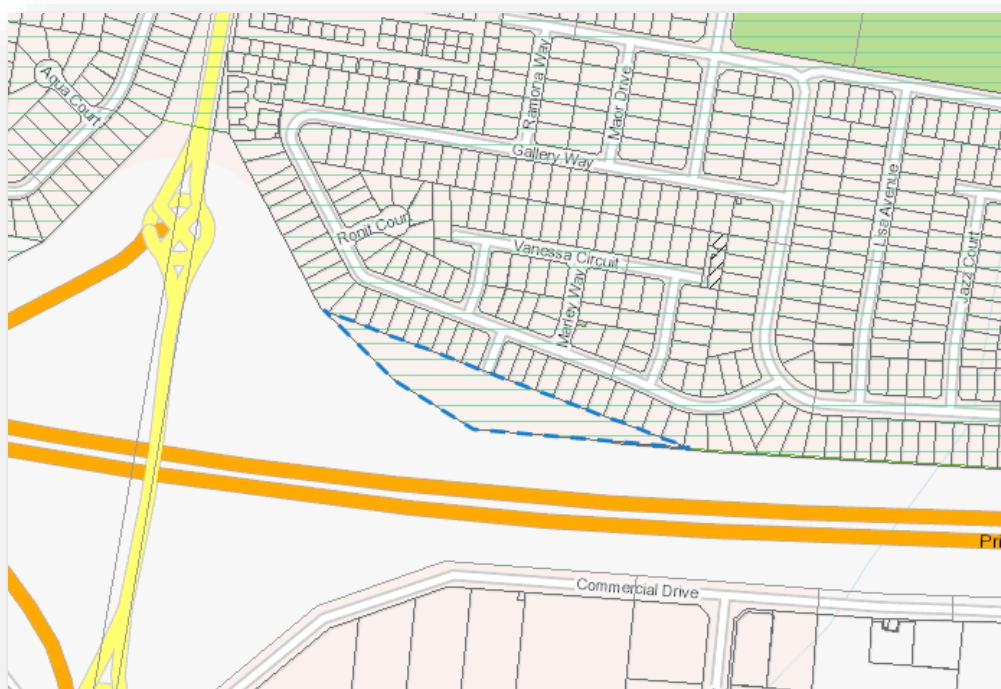


Figure 6: Development Contributions Plan Overlay – Schedule 1 (Source: DELWP)

Pursuant to Clause 45.06-1 a permit must not be granted to subdivide land, construct a building or carry out works until a development contributions plan has been incorporated.

## 4.3 Particular Provisions

### Clause 53.01 Public Open Space Contribution and Subdivision

*A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause.*

Pursuant to the Schedule to Clause 53.01, an 8% contribution for public open space is required for land for urban residential purposes.



### Clause 56 Residential Subdivision

The purpose is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To create livable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context*

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An application to subdivide the land:

- Must be accompanied by a site and context description and design response
- Must meet all of the objectives included in the clauses specified in the zone
- Should meet all of the standards included in the clauses specified in the zone

## 5.0 Proposal

This planning report has been prepared to support the proposed multi-lot subdivision residential subdivision at Tomer Place, Pakenham. This will form Stage 23 of the Arden Estate. It is proposed to subdivide the land into four (4) lots. Refer to **Figure 7** and **Appendix B**.

### Multi lot subdivision

The proposed allotments are as follows:

**Lot 1: 1105m<sup>2</sup>**

**Lot 2: 915m<sup>2</sup>**

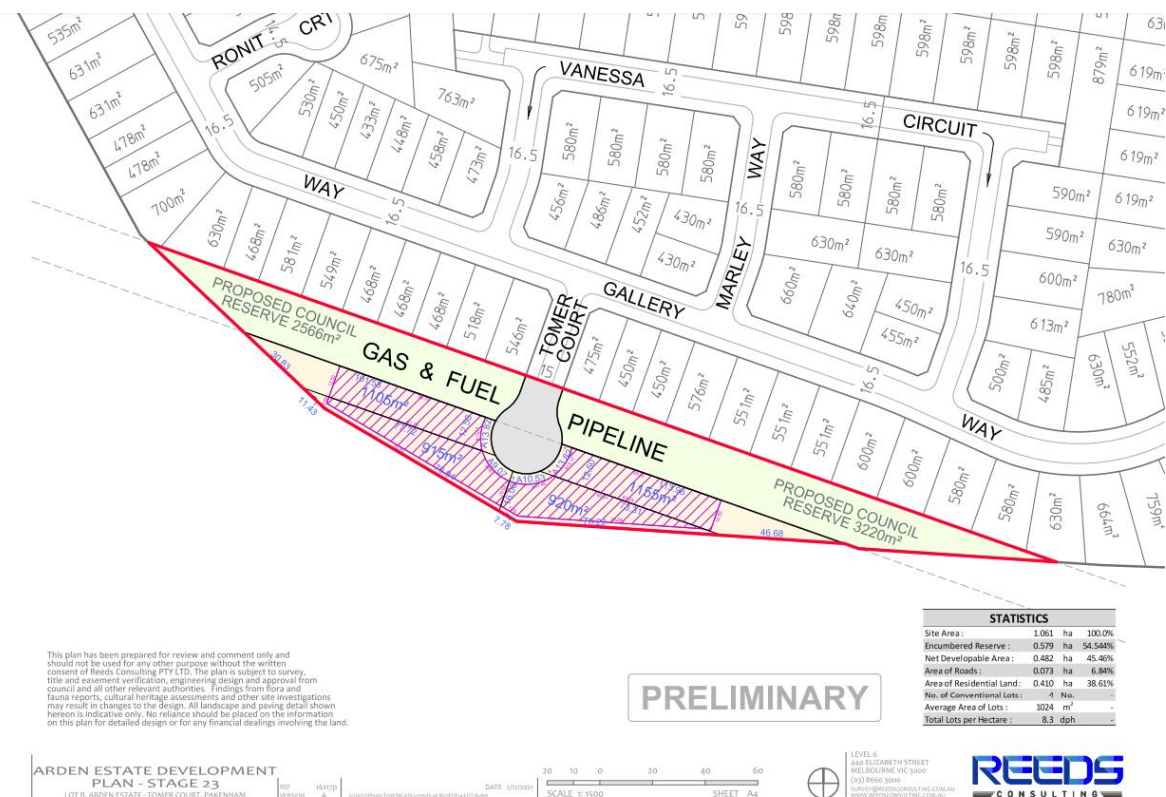
**Lot 3: 920m<sup>2</sup>**

**Lot 4: 1155m<sup>2</sup>**

Additionally, it is proposed that the land on the site on which is encumbered by the Gas and Fuel pipeline will become a 5786m<sup>2</sup> reserve vested in Council (two parts). The subdivision will take place in one stage. No dwellings are proposed for construction as part of this application.

**Road network:**

The site will be accessed from Tomer Place which integrates the proposed subdivision with the local road network of the Arden Estate. Access to each Lot will be provided from a 15m wide public court bowl. There will be ample on-street parking available for each lot and waste collection will be possible via this public road.



**Figure 3.** Proposed Subdivision Plan, Version B, dated 02/12/202



## 6.0 Discussion

The following is an assessment for the support of the multi-lot residential subdivision at Tomer Place, Pakenham, 3810.

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### 6.1 Planning Policy Framework

The proposed subdivision is consistent with the relevant planning policies that apply to the site. In particular, the proposal has been assessed against the following clauses of the PPF:

**Clause 11.** Cardinia Shire identifies 'urban growth including urban pressures on the rural hinterland and management of green wedge areas' as a key issue for the municipality. The proposed subdivision represents a good opportunity for residential infill development to ensure that Cardinia Shire can grow sustainably and utilize existing infrastructure and services. This proposal will assist in providing additional housing stock within the existing boundaries of Pakenham to help reduce pressures to expand growth into currently undeveloped land in Cardinia Shire.

**Clause 13.** The proposal contains indicative location of Building Envelopes for each lot. The Bushfire Prone Area falls outside the land within the building envelopes. It is considered that this is an appropriate response to the threat posed by bushfire hazard and will adequately manage any risk to human life.

**Clause 15.** The subdivision has been designed to allow for the creation of a safe, accessible and sustainable neighbourhood. Given that the site is a further addition to the Arden Estate which is to comprise over 600 lots there is ample existing infrastructure to service only four further lots. The subdivision has already seen the completion of its first 16 stages, therefore a significant amount of the community infrastructure required to be delivered has already been completed.

**Clause 16.** The subdivision will allow for additional housing stock within areas Cardinia Shire have designated for residential development. Lots will be able to make use of existing service infrastructure and therefore allow for sustainable development outcomes. The proposed lots are considerably larger than the majority of lots of the Arden Estate, and will provide additional lot diversity to accommodate different lifestyle opportunities.

**Clause 18.** The proposed subdivision facilitates the safe movement of pedestrians, cyclists and vehicles throughout the site and provides access from the site to the adjoining areas. The road network has been designed to allow for easy movement into the site through the use of a court bowl.

**Clause 19.** There is a Gas and Fuel Pipe which extends along the northern boundary of the proposed site. Prior to this submission feedback was sought from the APA to determine if they had any in principle concerns about further subdividing the land to the south of the existing pipeline.

The APA provided the following response on 07/10/2021:

*The proposed layout is consistent with APA's urban position which is to ensure our easement is located within linear open space in new residential areas. Access to the new lots would need to be limited to being from Tomer Court only (Access via the easement/future Council reserve would not be supported).*

*Please note that APA approval will be required to cross the easement with the proposed road (Tomer Court). This will require APA engineering review, supervision, installation of pipeline*



*protective slabbing and may require pipeline recoating, so as a result there will be a cost past onto the developer to cross the pipeline easement.*

It is therefore considered that the APA have provided in principle support for this application as it is consistent with their approach to ensure the easement is not contained within any residential lots. It is also noted that there is a historical encroachment at industrial sites to the south-east where the pipeline does pass through. While ongoing risks due to the pipeline are lessened in industrial sites, it demonstrates that there are already examples within the immediate area of the pipeline being able to be integrated into urban development.

The proposed subdivision is also in accordance with the Local Planning Policy Framework. In particular, the proposal has been assessed against the following relevant clauses:

**Clause 21.03.** The proposed subdivision provides the opportunity for four unique lots to be incorporated into the Arden Estate. While there is already a well-established diversity of housing options within the Arden Estate the size of the proposed four lots exceed what is already provided. This may appeal to residents who are seeking a larger lot than what is typical of the wider Pakenham area. Adding additional lots to the existing residential land will assist Council in providing housing stock to manage growth whilst also ensuring the threats to encroachments into non-urban land is better managed.

**Clause 21.05.** The layout of the subdivision is in accordance with Clause 21.05, as it provides a safe local road network which meets Council's standards.

The State and Local Planning Policy Framework generally supports the proposed subdivision of the land at Tomer Place, Pakenham.

## 6.2 Zoning Provisions

### Clause 32.08 General Residential Zone

Pursuant to clause 32.08-3 a permit is required to subdivide land. The proposed subdivision is to contain 4 allotments therefore an assessment against Clause 56 is required excepting clauses: 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.A Clause 56 assessment was prepared by Reeds Consulting dated January 2022 which demonstrates how the proposed subdivision responds to identified neighbourhood character, heritage, environmental or landscape characteristics. Refer to **Appendix D** for the Clause 56 assessment.

## 6.3 Overlays

### Clause 45.06 Development Contributions Plan Overlay

Pursuant Schedule 1 of Clause 45.06 Development Contributions must be made in correspondence with the Pakenham Development Contributions Plan. Current DCP rates for 2021/22 are \$3,781 per lot which would equate to \$15,124 which will be made to Council when appropriate.

## 6.4 Particular Provisions

### Clause 53.01 Public Open Space Contribution

*A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause.*



Pursuant to the Schedule to Clause 53.01, an 8% contribution for public open space is required for land for urban residential purposes. The proposed site is 1.05ha which would require a contribution of 840m<sup>2</sup>. The proposal includes the provision of a 5786m<sup>2</sup> reserve over the existing gas and fuel pipeline. If council is agreeable to accepting this space, this would satisfy the requirements of the Public Open Space Contribution. If not agreeable, then an open space contribution can be made as cash in lieu.

## 6.5 Aboriginal Cultural Heritage

The site is not affected by cultural heritage sensitivity and therefore a Cultural Heritage Management Plan is not required. Refer to **Figure 9**.



**Figure 9.** Areas of potential Indigenous Cultural Sensitivity (Source: DELWP)

## 6.6 Bushfire Planning

The western side of the site is designated as a bushfire prone area (refer to Figure 10). All lots located within this area will be required to ensure any dwellings are constructed to the appropriate standards required to a minimum 12.5BAL rating.

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**Figure 10.** Bushfire Prone Areas (Source: DELWP)

## 6.7 Strategic Planning Documents

Preparation of this application has been informed by the following Strategic Planning Documents:

### Plan Melbourne 2017-2050

The proposal supports the implementation of Plan Melbourne. In particular, it is in accordance with the following outcomes:

- Outcome 2. Providing housing choice in locations close to jobs and services
- Outcome 4. Distinctive and liveable city with quality design and amenity
- Outcome 5. Melbourne is a city of inclusive, vibrant and healthy neighbourhoods
- Outcome 6. A sustainable and resilient city.

The proposal meets all the outcomes outlined above, as the subdivision will contribute to the overall Arden Estate and assist in providing a variety of lots that will be able to accommodate a multitude of lifestyles. The site provides a suitable location for infill development which will help respond to Plan Melbourne's desire to create a sustainable future for Melbourne. The proposal provides opportunities for future housing that is close to existing facilities, and jobs and services. The proposal supports and assists with the implementation of Plan Melbourne and does not compromise the implementation of this strategy.



## 6.8 Planning and Environment Act 1987

The proposal implements to the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Act), those being:

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4(1) *The objectives of planning in Victoria are—*

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- (g) *To balance the present and future interests of all Victorian*

The proposed subdivision is in accordance with the objectives of the Planning and Environment Act 1987. The subdivision will facilitate the residential development of the area in an orderly, sustainable manner.

## 7.0 Conclusion

The proposal for the multi-lot residential subdivision of land at Tomer Place in Pakenham which is proposed as Stage 23 of the Arden Estate. It is considered that the application is generally in accordance with all applicable planning policies and provisions. State and Local Planning Policy and in particular policies relating to the supply of residential land and diversity of housing have been considered and supports the proposed planning application.

The application has considered input from the APA about the proposed gas and fuel pipeline and the proposal adequately manages any risk posed. The subdivision will seamlessly integrate into the wider subdivision area and will be able to utilize existing infrastructure.

It is considered that this assessment demonstrates that the proposed multi-lot residential subdivision of land will achieve the key outcomes sought by the Cardinia Planning Scheme and is respectfully requested that it is supported by Council.



## 9.0 Appendices

### APPENDIX A – Certificate of Title

Lot N on PS626362Y (Vol. 11213, Fol. 276)

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### APPENDIX B – Arden Estate Development Plan (Stage 23)

Prepared by Reeds Consulting (Ver A, dated 02/12/2021)

### APPENDIX C – Arden Estate Development Plan (Overall)

Prepared by Reeds Consulting (Ver AK, dated 03/09/2021)

### APPENDIX D – Clause 56 Assessment

Prepared by Reeds Consulting (dated January 2022)

## Appendix D

### APPLICATION FOR PLANNING PERMIT

### TOMER PLACE, PAKENHAM 3810

### RESIDENTIAL SUBDIVISION

Pursuant to Clause 32.08-3 - General Residential Zone, an application to subdivide land must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table

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CLASS OF SUBDIVISION	OBJECTIVES AND STANDARDS TO BE MET
3-15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

**CLAUSE 56- RESIDENTIAL SUBDIVISION ASSESSMENT**

OBJECTIVES AND SUMMARY OF STANDARDS	APPLICANT'S ASSESSMENT
<b>56.01 SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE</b>	<p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p>
<p>An application must be accompanied by:</p> <ul style="list-style-type: none"> <li>• A subdivision site and context description (56.01-1)</li> <li>• A design response (56.01-2)</li> </ul>	<p><b>ACHIEVED</b></p> <p>A subdivision site and context description and design response plan have been provided as part of this application, as well as a detailed written description within the accompanying Town Planning report, outlining the existing conditions of the subject site as well as its surrounding environment.</p> <p><b>CONSISTENT WITH CLAUSE 56.01 REQUIREMENTS</b></p>
<b>56.04 LOT DESIGN</b>	
<p><b>56.04-1 Lot diversity and distribution objectives</b></p> <p><i>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</i></p> <p><i>To provide higher housing densities within walking distance of activity centres.</i></p> <p><i>To achieve increased housing densities in designated growth areas.</i></p> <p><i>To provide a range of lot sizes to suit a variety of dwelling and household types.</i></p> <p><b>Standard C7</b></p> <p>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</p> <p>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</p> <p>A range and mix of lot sizes should be provided including lots suitable for the development of:</p>	<p><b>ACHIEVED</b></p> <p>The design provides for a compact and walkable neighbourhood which is well-located in close proximity to transport routes and public transport services.</p> <p>The site is well sited and provides residents with easy access to Pakenham Place Shopping Centre which will provide a large range of services to new residents. These are also linked to existing public transport networks.</p> <p>The proposed subdivision will provide unique lots which are much larger than lots that are typical for area. This will add to the existing lot diversity of the Arden Estate and provide alternative housing stock to prospective buyers.</p>



OBJECTIVES AND SUMMARY OF STANDARDS	APPLICANT'S ASSESSMENT
<ul style="list-style-type: none"> <li>• Single dwellings.</li> <li>• Two dwellings or more.</li> <li>• Higher density housing.</li> <li>• Residential buildings and Retirement villages.</li> </ul> <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p> <p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>	<div data-bbox="1205 284 1921 395" style="border: 1px solid red; padding: 5px; color: red; font-size: small;"> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div> <p><b>CONSISTENT WITH CLAUSE 56.04-1 OBJECTIVES</b></p>
<p><b>56.04-2 Lot area and building envelopes objective</b></p> <p><i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i></p> <p><b>Standard C8</b></p> <p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>• That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>• That a dwelling may be constructed on each lot in accordance with the requirements of this scheme</li> </ul> <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>• Contain a building envelope that is consistent with a development of the lot</li> </ul>	<p><b>ACHIEVED</b></p> <p>Lot sizes have been designed to accord with proposed surrounding development and to ensure they facilitate appropriate siting and construction of future dwellings. The subdivision design allows for maximum solar access and provides lot sizes and shapes to accommodate private open space, vehicle access and parking.</p> <p>All lots exceed 500 square meters.</p> <p><b>CONSISTENT WITH CLAUSE 56.04-2 OBJECTIVES</b></p>

OBJECTIVES AND SUMMARY OF STANDARDS	APPLICANT'S ASSESSMENT
<p>approved under this scheme, or</p> <ul style="list-style-type: none"> <li>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> </ul> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> <li>The objectives of the relevant standards are met, and</li> <li>The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</li> </ul> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>Existing or proposed easements on lots.</li> <li>Significant vegetation and site features.</li> </ul>	<p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p>

OBJECTIVES AND SUMMARY OF STANDARDS	APPLICANT'S ASSESSMENT
<p><b>56.04-3 Solar orientation of lots objective</b>  <i>To provide good solar orientation of lots and solar access for future dwellings.</i></p> <p><b>Standard C9</b>            Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.            Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>• The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south</li> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary; the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>• Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</li> </ul>	<p><b>ACHIEVED</b> <small>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any</small></p> <p>The lot layout has been designed so that the long axis of each lot is generally within the ranges specified at Standard C9. All lots have been oriented to maximise sunlight and daylight access.</p> <p><b>CONSISTENT WITH CLAUSE 56.04-3 OBJECTIVE</b></p>
<p><b>56.04-4 Street orientation objective</b>  <i>To provide a lot layout that contributes to community social interaction, personal safety and property security.</i></p> <p><b>Standard C10</b>            Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> <li>• Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</li> <li>• Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> <li>• Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> <li>• Providing roads and streets along public open space boundaries.</li> </ul>	<p><b>ACHIEVED</b></p> <p>All lots are proposed to front a public road, which will be a court bowl. It is anticipated this with limit traffic to local residents and provide additional safety to the area.</p> <p>All lots will have a view of the street to assist in providing passive surveillance to the site.</p> <p><b>CONSISTENT WITH CLAUSE 56.04-4 OBJECTIVE</b></p>

OBJECTIVES AND SUMMARY OF STANDARDS	APPLICANT'S ASSESSMENT
<p><b>56.04-5 Common area objectives</b></p> <p><i>To identify common areas and the purpose for which the area is commonly held.</i></p> <p><i>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</i></p> <p><i>To maintain direct public access throughout the neighbourhood street network.</i></p> <p><b>Standard C11</b></p> <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> <li>• The common area to be owned by the body corporate, including any streets and open space.</li> <li>• The reasons why the area should be commonly held.</li> <li>• Lots participating in the body corporate.</li> <li>• The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>	<p><b>No Common Areas are proposed.</b></p> <p><small>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</small></p>
56.05 URBAN LANDSCAPE	
<p><b>56.05-1 Integrated urban landscape objectives</b></p> <p><i>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</i></p> <p><i>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</i></p> <p><i>To protect and enhance native habitat and discourage the planting and spread of</i></p>	<p><b>ACHIEVED</b></p> <p>The streetscape of the site and future lots will be appropriately landscaped.</p> <p>The landscaping will incorporate native vegetation and the planting and spread of noxious weeds will be avoided.</p> <p>Should Council deem a Landscape Plan be necessary we would kindly ask this to form a condition on an approved planning permit.</p>

<p><i>noxious weeds.</i></p> <p><i>To provide for integrated water management systems and contribute to drinking water conservation.</i></p> <p><b>Standard C12</b></p> <p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p> <p>The landscape design should:</p> <ul style="list-style-type: none"> <li>• Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</li> <li>• Create attractive landscapes that visually emphasise streets and public open spaces.</li> <li>• Respond to the site and context description for the site and surrounding area.</li> <li>• Maintain significant vegetation where possible within an urban context.</li> <li>• Take account of the physical features of the land including landform, soil and climate.</li> <li>• Protect and enhance any significant natural and cultural features.</li> <li>• Protect and link areas of significant local habitat where appropriate.</li> <li>• Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.</li> <li>• Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</li> <li>• Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</li> <li>• Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</li> <li>• Provide for walking and cycling networks that link with community facilities.</li> <li>• Provide appropriate pathways, signage, fencing, public lighting and street furniture.</li> <li>• Create low maintenance, durable landscapes that are capable of a long life.</li> </ul>	<p><b>CONSISTENT WITH CLAUSE 56.05-1 OBJECTIVES</b></p> <div data-bbox="1205 284 1921 395" style="border: 1px solid red; padding: 5px; color: red;"> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div>
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<ul style="list-style-type: none"> <li>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</li> </ul>	
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<p><b>56.06 ACCESS AND MOBILITY MANAGEMENT</b></p> <p><b>56.06-2 Walking and cycling network objectives</b></p> <p><i>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</i></p> <p><i>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</i></p> <p><i>To reduce car use, greenhouse gas emissions and air pollution.</i></p> <p><b>Standard C15</b></p> <p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> <li>Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> <li>Link to any existing pedestrian and cycling networks.</li> <li>Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.</li> <li>Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>Be accessible to people with disabilities.</li> </ul>	<p><b>NOT APPLICABLE</b></p> <p>Due to the scale of the proposed subdivision, no pedestrian or cycling infrastructure has been provided. However, it is considered that all lots will have safe access to the wider neighbourhood pedestrians will be able to move through the wider Arden Estate and access Public Transport and other community services.</p>



<p><b>56.06-4 Neighbourhood street network objective</b></p> <p><i>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</i></p> <p><b>Standard C17</b></p> <p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> <li>• Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes.</li> <li>• Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> <li>• Comply with the Roads Corporation's arterial road access management policies.</li> <li>• Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.</li> <li>• Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> <li>• Provide safe and efficient access to all lots for service and emergency vehicles.</li> <li>• The neighbourhood street network should be designed to:</li> <li>• Implement any relevant transport strategy, plan or policy for the area set out in this scheme.</li> <li>• Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.</li> <li>• Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.</li> <li>• Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.</li> <li>• Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport</li> </ul>	<p><b>ACHIEVED</b></p> <p>The proposed subdivision provides a public road network with access to the proposed residential lots and connecting into the surrounding neighbourhood street network.</p> <p><small>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be disseminated, distributed or copied of this document is strictly prohibited.</small></p>
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<p>and other vehicles.</p> <ul style="list-style-type: none"> <li>• Provide an appropriate level of local traffic dispersal.</li> <li>• Indicate the appropriate street type.</li> <li>• Provide a speed environment that is appropriate to the street type.</li> <li>• Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>• Encourage appropriate and safe pedestrian, cyclist and driver behaviour.</li> <li>• Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> </ul>	<div data-bbox="1205 284 1921 395" style="border: 1px solid red; padding: 5px; color: red; font-size: small;"> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div> <p><b>CONSISTENT WITH CLAUSE 56.06-4 OBJECTIVES</b></p>
<p><b>56.06-5 Walking and cycling network detail</b></p> <p><i>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</i></p> <p><i>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</i></p> <p><b>Standard C18</b></p> <p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> <li>• Be part of a comprehensive design of the road or street reservation.</li> <li>• Be continuous and connect.</li> <li>• Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> <li>• Accommodate projected user volumes and mix.</li> <li>• Meet the requirements of Table C1.</li> <li>• Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.</li> <li>• Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> <li>• Accommodate projected user volumes and mix.</li> <li>• Meet the requirements of Table C1.</li> </ul>	<p>Due to the scale of the proposed subdivision, no pedestrian or cycling infrastructure has been provided. However, footpaths around the court bowl will provide safe access for residents to the wider Arden Estate.</p>

<ul style="list-style-type: none"> <li>• Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.</li> <li>• Provide appropriate signage.</li> <li>• Be constructed to allow access to lots without damage to the footpath or shared path surfaces.</li> <li>• Be constructed with a durable, non-skid surface.</li> <li>• Be of a quality and durability to ensure: <ul style="list-style-type: none"> <li>- Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> <li>- Discharge of urban run-off.</li> <li>- Preservation of all-weather access.</li> <li>- Maintenance of a reasonable, comfortable riding quality.</li> <li>- A minimum 20 year life span.</li> </ul> </li> <li>• Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.</li> </ul>	<p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p>
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<p><b>56.06-7 Neighbourhood street network detail objective</b></p> <p><i>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</i></p> <p><b>Standard C20</b></p> <p>The design of streets and roads should:</p> <ul style="list-style-type: none"> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.</li> <li>• Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.</li> <li>• Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.</li> <li>• Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> <li>• Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.</li> <li>• Provide a safe environment for all street users applying speed control measures where appropriate.</li> <li>• Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.</li> <li>• Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.</li> <li>• Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> <li>- Enable the carriage of vehicles.</li> <li>- Avoid damage by construction vehicles and equipment.</li> </ul> </li> <li>• Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> <li>- Safe passage of pedestrians, cyclists and vehicles.</li> </ul> </li> </ul>	<p><b>ACHIEVED</b></p> <p>All roads proposed accord with the layout and design requirements of Cardinia Shire. Tomer Place is partially completed already with only the extension of the court bowl required to finish the road.</p> <p><small>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any purpose other than that for which it was provided. You must not disseminate, distribute or copy this document. If you are not the named addressee you should not disseminate, distribute or copy this document. If you are the named addressee you should not disseminate, distribute or copy this document without the written permission of the relevant authority. You must not use the information for any purpose other than that for which it was provided. You must not use the information for any purpose other than that for which it was provided. You must not use the information for any purpose other than that for which it was provided.</small></p> <p>The roads will be constructed in a suitable manner to provide for a safe and accessible neighbourhood street system. Further construction details can be provided as a condition on permit.</p> <p><b>CONSISTENT WITH CLAUSE 56.06-7 OBJECTIVES</b></p>
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<ul style="list-style-type: none"> <li>- Discharge of urban run-off.</li> <li>- Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> <li>- Perform the required integrated water management functions.</li> <li>- Delineate the edge of the carriageway for all street users.</li> <li>- Provide efficient and comfortable access to abutting lots at appropriate locations.</li> <li>- Contribute to streetscape design.</li> </ul> </li> <li>• Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>• Be accessible to people with disabilities.</li> </ul> <p>A street detail plan should be prepared that shows, as appropriate:</p> <ul style="list-style-type: none"> <li>• The street hierarchy and typical cross-sections for all street types.</li> <li>• Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>• Water sensitive urban design features.</li> <li>• Location and species of proposed street trees and other vegetation.</li> <li>• Location of existing vegetation to be retained and proposed treatment to ensure its health.</li> <li>• Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</li> </ul>	<div style="border: 1px solid red; padding: 5px; color: red; font-size: small;"> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div>
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<p><b>56.06-8 Lot access objective</b>  <i>To provide for safe vehicle access between roads and lots.</i></p> <p><b>Standard C21</b></p> <ul style="list-style-type: none"> <li>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</li> <li>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</li> <li>The design and construction of a crossover should meet the requirements of the relevant road authority.</li> </ul> <p>(Refer Table C1 Design of roads and neighbourhood streets)</p>	<p><b>ACHIEVED</b></p> <p>The design provides for safe vehicle access between the road and lots by addressing the objectives of this standard. Detailed road design for the development will address the criteria specified in the Cardinia Planning Scheme.</p> <p>All lots are greater than 300 square meters.</p> <p>The design and construction of crossovers will be in accordance with the requirements of the Responsible Authority, and details of construction can be included as a condition on any permit granted.</p> <p><b>CONSISTENT WITH CLAUSE 56.06-8 OBJECTIVES</b></p>
<p><b>56.07 INTEGRATED WATER MANAGEMENT</b></p>	
<p><b>56.07-1 Drinking water supply objectives</b>  <i>To reduce the use of drinking water.</i></p> <p><i>To provide an adequate, cost-effective supply of drinking water.</i></p> <p><b>Standard C22</b>  The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority</li> <li>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority</li> </ul>	<p><b>ACHIEVED</b></p> <p>All lots will be connected to drinking water in accordance with the requirements of the relevant water authority.</p> <p><b>CONSISTENT WITH CLAUSE 56.07-1 REQUIREMENT</b></p>
<p><b>56.07-2 Reused and recycled water objective</b>  <i>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</i></p>	<p><b>ACHIEVED</b></p> <p>All lots will be connected to reused and recycled water supply systems in accordance with the requirements of the relevant water authority if available.</p>



<p><b>Standard C23</b></p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and</li> <li>Department of Human Services.</li> <li>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	<p><b>CONSISTENT WITH CLAUSE 56.07-2 REQUIREMENT</b></p> <div style="border: 1px solid red; padding: 5px; color: red; font-size: small;"> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div>
<p><b>56.07-3 Waste water management objective</b></p> <p><i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i></p> <p><b>Standard C24</b></p> <p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>Consistent with any relevant approved domestic waste water management plan.</li> <li>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	<p><b>ACHIEVED</b></p> <p>All lots will be connected to the drainage system in accordance with the requirements of the relevant servicing authority.</p> <p><b>CONSISTENT WITH CLAUSE 56.07-3 REQUIREMENT</b></p>

<p><b>56.07-4 Urban run-off management objectives</b></p> <p><i>To minimise damage to properties and inconvenience to residents from urban run-off.</i></p> <p><i>To ensure that the street operates adequately during major storm events and provides for public safety.</i></p> <p><i>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</i></p> <p><b>Standard C25</b></p> <p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>• Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul> <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> <li>• Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> </ul>	<p><b>ACHIEVED</b></p> <p>All lots will be suitably drained in accordance with the requirements of the responsible authority.</p> <p><small>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</small></p> <p><b>CONSISTENT WITH CLAUSE 56.07-4 REQUIREMENT</b></p>
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- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria  $da Vave < 0.35 \text{ m}^2/\text{s}$  (where,  $da$  = average depth in metres and  $Vave$  = average velocity in metres per second).

The design of the local drainage network should:

- Ensure run-off is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.

**Standard C25 (continued)**

- Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

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56.08 SITE MANAGEMENT	
<p><b>56.08-1 Site management objectives</b></p> <p><i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i></p> <p><i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i></p> <p><i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i></p> <p><b>Standard C26</b></p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment.</li> <li>• Dust.</li> <li>• Run-off.</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> <li>• Vegetation and natural features planned for retention.</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p><b>ACHIEVED</b></p> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any use for other purposes is at your own risk.</p> <p>The subdivision will be constructed in accordance with all relevant legislative requirements and will seek to minimise impacts to the surrounding areas through dust, litter and other matters.</p> <p>If required, a construction management plan can be provided as a condition on any permit granted.</p> <p>The construction management plan will be established to protect drainage infrastructure from sedimentation and contamination and to protect the site from environmental degradation. Where practical, recycled material will be considered for use during construction.</p> <p><b>CONSISTENT WITH CLAUSE 56.08-1 REQUIREMENT</b></p>
56.09 UTILITIES	
<p><b>56.09-1 Shared trenching objectives</b></p> <p><i>To maximise the opportunities for shared trenching.</i></p> <p><i>To minimise constraints on landscaping within street reserves.</i></p> <p><b>Standard C27</b></p> <p>Reticulated services for water, gas, electricity and telecommunications should</p>	<p><b>ACHIEVED</b></p> <p>All lots will be connected to reticulated services and land will be allocated for the provision of underground services in a manner that maximises opportunities for shared trenching. All easements will be provided in accordance with the requirements of and to the satisfaction of all servicing authorities.</p>

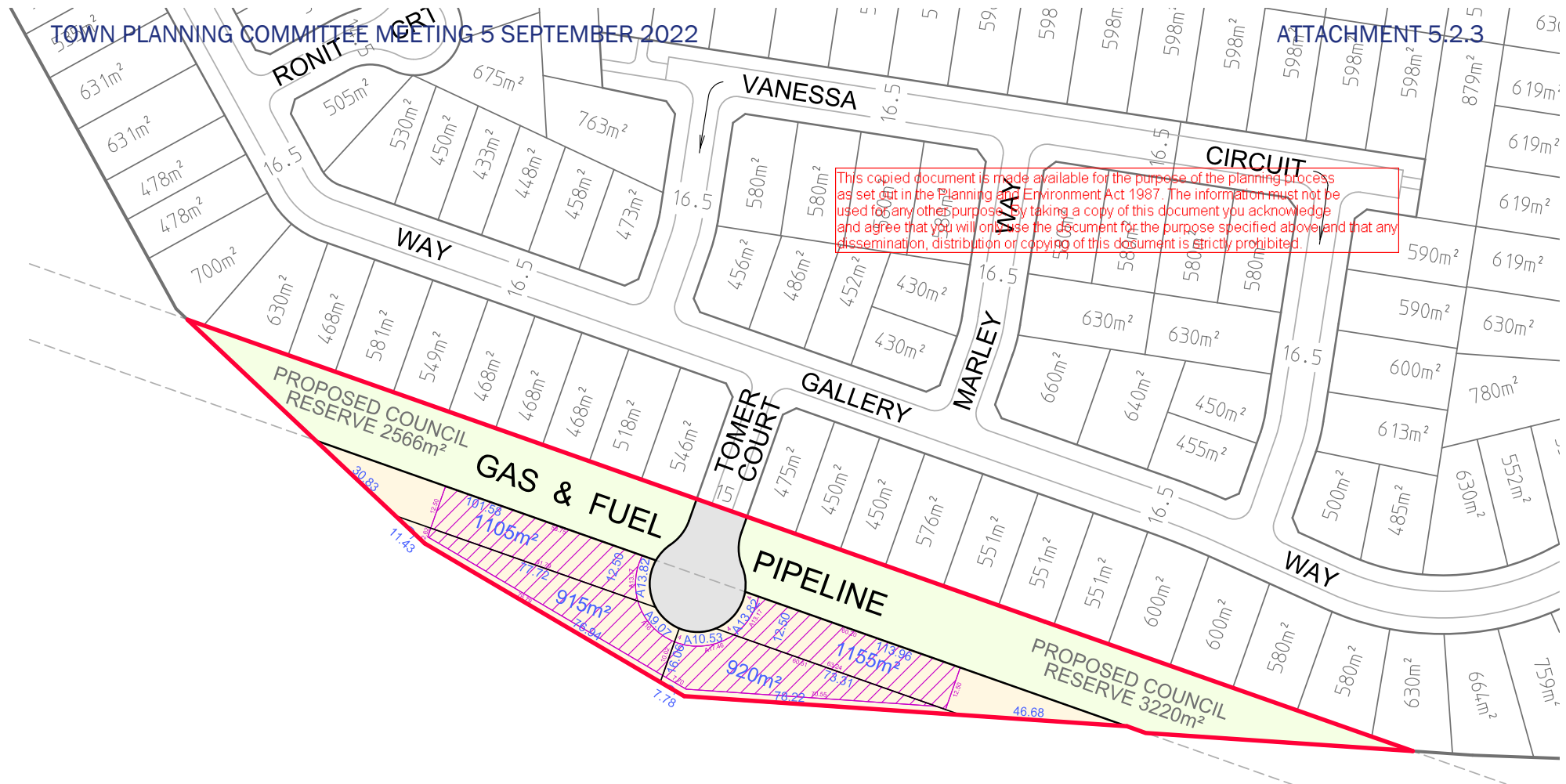
<p>be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p><b>CONSISTENT WITH CLAUSE 56.09-1 REQUIREMENT</b></p>
<p><b>56.09-2 Electricity, telecommunications and gas objectives</b>  <i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i></p> <p><i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i></p> <p><b>Standard C28</b></p> <ul style="list-style-type: none"> <li>• The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</li> <li>• Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</li> <li>• The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</li> <li>• Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</li> </ul>	<p><b>ACHIEVED</b></p> <p>The provision of public utilities will be provided in accordance with the requirements of, and to the satisfaction of, the relevant servicing authority.</p> <p><b>CONSISTENT WITH CLAUSE 56.09-2 REQUIREMENT</b></p>
<p><b>56.09-3 Fire hydrants objective</b>  <i>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</i></p> <p><b>Standard C29</b></p>	<p><b>ACHIEVED</b></p> <p>The provision of fire hydrants will be provided in accordance, and at the request of the fire authority.</p>

<p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> <li>• A maximum distance of 120 metres from the rear of the each lot.</li> <li>• No more than 200 metres apart.</li> </ul> <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p><b>CONSISTENT WITH CLAUSE 56.09-3 REQUIREMENT</b></p> <div style="border: 1px solid red; padding: 5px; margin-top: 10px;"> <p style="color: red; font-size: small;">This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div>
<p><b>56.09-4 Public lighting objective</b></p> <p><i>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</i></p> <p><i>To provide pedestrians with a sense of personal safety at night.</i></p> <p><i>To contribute to reducing greenhouse gas emissions and to saving energy.</i></p> <p><b>Standard C30</b></p> <p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p><b>ACHIEVED</b></p> <p>Public lighting will be provided in accordance with the requirements of the responsible authority and can be included as a condition on any permit granted.</p> <p><b>CONSISTENT WITH CLAUSE 56.09-4 REQUIREMENT</b></p>









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**PRELIMINARY**

#### STATISTICS

Site Area :	1.061	ha	100.0%
Encumbered Reserve :	0.579	ha	54.544%
Net Developable Area :	0.482	ha	45.46%
Area of Roads :	0.073	ha	6.84%
Area of Residential Land :	0.410	ha	38.61%
No. of Conventional Lots :	4	No.	-
Average Area of Lots :	1024	m <sup>2</sup>	-
Total Lots per Hectare :	8.3	dph	-

#### ARDEN ESTATE DEVELOPMENT PLAN - STAGE 23

LOT B, ARDEN ESTATE - TOMER COURT, PAKENHAM

REF 16117P  
VERSION A

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DATE 2/12/2021

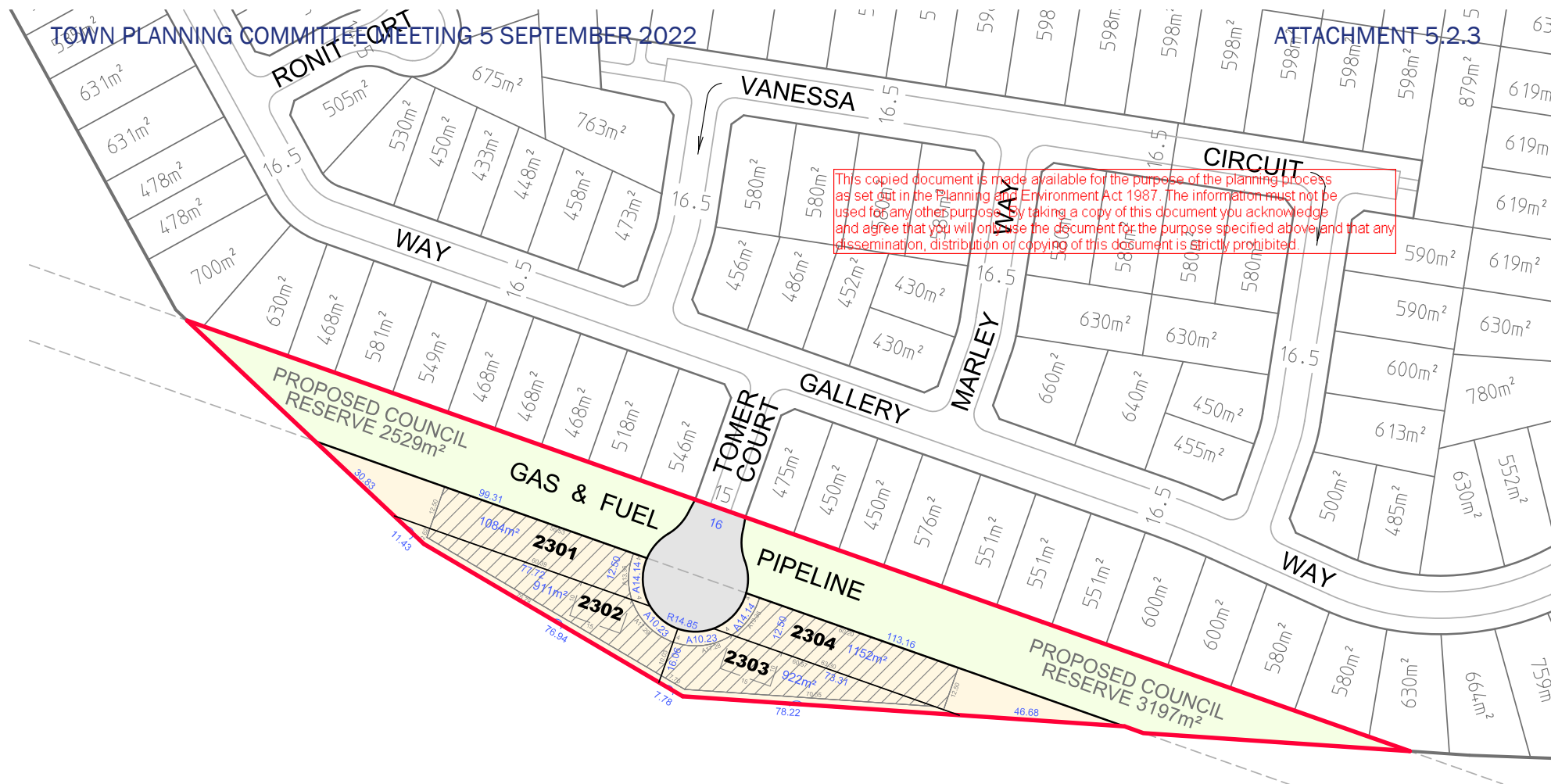
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**REEDS**  
CONSULTING





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**PRELIMINARY**

#### STATISTICS

Site Area :	1.061	ha	100.0%
Encumbered Reserve :	0.573	ha	53.98%
Net Developable Area :	0.488	ha	46.02%
Area of Roads :	0.081	ha	7.664%
Area of Residential Land :	0.407	ha	38.36%
No. of Conventional Lots :	4	No.	-
Average Area of Lots :	1017	m <sup>2</sup>	-
Total Lots per Hectare :	8.2	dph	-

#### ARDEN ESTATE DEVELOPMENT PLAN - STAGE 23

LOT B, ARDEN ESTATE - TOMER COURT, PAKENHAM

REF 16117P  
VERSION B  
DATE 29/03/2022

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