

5.2 T210942 PA - Use of Land for Community Care Accommodation and the Construction of a Multi-storey, Mixed-use Building Associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone at 81 Henry St, Pakenham

Responsible GM: Lili Rosic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Notice of Decision to grant a Planning Permit for the use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone at 81 Henry Street, Pakenham, subject to the following conditions:

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by VIA Architects, Rev B, dated 25/03/22. The plans must include:
 - a. An area schedule in the form of a table for each level of the building.
 - b. First and Second floor plans updated to clearly show the location of kitchens and laundries.
 - c. Floor plans updated to show services, plant equipment and air-conditioning units as screened and located within acoustically treated housings.
 - d. Services, plant equipment and air-conditioning units to be shown on the elevation drawings as screened and located within acoustically treated housings.
 - e. A pole mounted convex mirrors within the accessway that allows a vehicle entering or exiting the carpark to check if the access lane is clear before entering.
 - f. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fences.
 - g. Reference to 'Business Identification Signage' removed from all plans.

Landscaping:

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 9 November 2021 prepared by memLa, except that the plan must show:

- a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
- b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
- c. Details of surface finishes of pathways and driveways.
- d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- e. Landscaping and planting within all open areas of the subject land.
- f. Two canopy trees (minimum 33cm pot size when planted) in the front setback of the development.
- g. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fence.
- h. Movie screen removed from the rooftop communal area to be consistent with rooftop communal area floor plans.

Management Plan:

3. Before the development starts, a Management Plan for the use of the land for Community Care Accommodation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. One electronic copy must be provided and the Management Plan must include but is not necessarily limited to the following:
 - a. Site operation;
 - b. Staff requirements and hours of availability on site;
 - c. Resident application requirements;
 - d. Hours of use of the communal rooftop terrace;
 - e. Critical Incident Management and Emergency & Evacuation Procedures;
 - f. Security measures;
 - g. Provision of information on local public transport and to encourage uptake of other transport modes (e.g. information on facilities within walking distance, local public transport timetables, car share services etc);
 - h. A Complaints Handling Procedure; and
 - i. A contact person and their telephone number must be displayed at the Community Care Accommodation frontage at all times. The displayed telephone number must be contactable at all times (otherwise call forwarded to another appropriate person) to enable a prompt response to any operational complaints which may arise that require immediate attention, such as noise emissions or other issues of non-compliance with this permit.

Stormwater Management Plans:

4. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Street trees:

5. Before the development starts a fee of \$415.00 per tree must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development (specifically tree 2 identified in the arborist report dated February 2022 prepared by Lloyd Hetrick). Replacement will be undertaken by Council contractors within the streetscape in the next planting season.
6. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. All recommendations within the arborist report dated February 2022 prepared by Lloyd Hetrick are to be followed

Use for Community Care Accommodation:

7. The apartments, office, meeting room and nurses room as shown on the endorsed plans must only be used for the purpose of providing Community Care Accommodation as defined by the Cardinia Planning Scheme and must not be altered or modified without the prior consent in writing of the Responsible Authority.
8. Unless with the prior written consent of the Responsible Authority, the communal rooftop outdoor area must only be used:
 - a. Monday to Sunday between 7:00am and 10:00pm

Buildings and works:

9. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
11. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Landscaping:

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

Environmentally Sustainable Design:

13. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) prepared by ADP Consulting: Engineering, Rev 02, dated 18/03/22 must be implemented for the development to the satisfaction of the Responsible Authority.

Car parking and access:

14. A minimum of ten (10) car spaces including a minimum of one (1) space with a shared space, clearly marked for use by disabled persons must be provided on the subject land for the development in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

Amenity (during construction):

15. The works associated with the construction of the development must be carried out in accordance with the endorsed Construction Management Plans and must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - e. Presence of vermin.
 - f. In any other way.

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

16. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
17. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
18. Noise emissions from the land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, March 2021) (or as amended) at all times.
19. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality to the satisfaction of the Responsible Authority.
20. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to

the surrounding area, to the satisfaction of the Responsible Authority.

21. All external plant, air-conditioners and equipment must be screened and acoustically treated or placed in sound proof housing in accordance with the endorsed plans to reduce noise to a level satisfactory to the Responsible Authority.
22. The use and development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.
 - e. Or in any other way.

To the satisfaction of the Responsible Authority.

Waste Management:

23. All waste generated by the use of the land must at all times be managed in accordance with the endorsed Waste Management Plan for the land approved by the Responsible Authority.
24. Refuse or waste matter associated with the medical practice, including surgical waste, must be disposed of in a manner to the satisfaction of the Responsible Authority.
25. All waste must be stored effectively within the bin enclosure areas as shown on the endorsed plan to prevent odours from affecting neighbouring properties.

Earthworks:

26. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Stormwater Management:

27. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
28. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
29. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Vehicle crossings and parking areas:

30. Before the development is occupied:

- a. A residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- b. The convex mirror/s required by Condition 1(e) must be installed to the satisfaction of the Responsible Authority.
- c. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
- d. All proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

Prior to occupation:

31. Before the development is occupied:

- a. Any measures shown on the endorsed plans to prevent overlooking into neighbouring properties must be installed to the satisfaction of the Responsible Authority.
- b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- c. The premises must be connected to a reticulated water supply, sewerage, drainage, electricity and be provided telecommunications to the requirements of the relevant servicing authority.
- d. The boundary fencing as shown on the endorsed plans must be installed at a cost to the developer to the satisfaction of the Responsible Authority.
- e. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority. This area must be drained to the satisfaction of the Responsible Authority.
- f. All external plant and equipment must be screened and acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- g. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- h. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.
- i. Rain water tanks as shown on the endorsed plans must be installed and connected to toilets and irrigation systems in accordance with the endorsed Environmentally Sustainable Design report.

Expiry:

32. A permit for the development and use of land expires if-

- a. the development does not start within two (2) years after the issue of the permit; or
- b. the development is not completed within four (4) years after the issue of the permit;
or
- c. the use does not start within two (2) years after the completion of the development;
or
- d. the use is discontinued for a period of two (2) years.

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

Notes:

- i. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- ii. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- iii. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.
- iv. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

Attachments

1. Locality Map [5.2.1 - 1 page]
2. Application Plans [5.2.2 - 20 pages]
3. Copies of Objections (Redacted) [5.2.3 - 8 pages]

Executive Summary

APPLICATION NO.:	T210942
APPLICANT:	Ratio Consultants Pty Ltd
LAND:	L2 LP83481, 81 Henry Street Pakenham VIC 3810
PROPOSAL:	Use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building

	associated with a Medical Centre, Office and Community Care Accommodation in the Activity Centre Zone
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> Activity Centre Zone – Schedule 1 <ul style="list-style-type: none"> The subject site is located in Precinct 4 (East Commercial and Mixed Use). <p>Overlays:</p> <ul style="list-style-type: none"> Development Contributions Plan Overlay – Schedule 1 Parking Overlay – Schedule 1
ABORIGINAL CULTURAL SENSITIVITY	Not applicable.
NOTIFICATION & OBJECTIONS:	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised by the placing of signs on site and sending notices in the mail to nearby property owners.</p> <p>Six (6) objections were received to the application.</p>
KEY PLANNING CONSIDERATIONS:	<p>Activity centres Urban design Building height and scale Streetscape character Preferred character Community infrastructure Community Care Accommodation Amenity Car parking Traffic</p>
RECOMMENDATION:	That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions within this report.

Background

The subject site is located in Precinct 4 (East Commercial and Mixed Use) of the Activity Centre Zone which was introduced into the Cardinia Planning Scheme by Planning Scheme Amendment C228 on 30 September 2021.

There is no previous permit history for the site.

Subject Site



The site is rectangular in shape, with a frontage to Henry Street of 19.31m and side boundaries of 40.9m for a total area of approximately 792sqm.

The site currently contains a single storey, weatherboard dwelling which is currently described as being in a dilapidated state.

The site is located on the southern side of Henry Street and is encompassed by unit development on the east and vacant land on the south and west.

There is currently a vehicle crossover constructed towards the western edge of the frontage.

The topography of the land is relatively flat.

There are no title restrictions affecting the land.

The site is not located in an area subject to Aboriginal Cultural sensitivity.

The main characteristics of the surrounding area are:

- North: Directly north of the site is Henry Street. Across Henry Street are a number of residential properties, located in Precinct 7 of the Activity Centre Zone. Princes Highway is located approximately 670 metres to the north.
- South: Directly south of the site is a large vacant allotment. Further south is a large parcel containing an old hardware supply yard and a 3-storey office building which front Station Street and are also located in Precinct 4. Bourke Park and Pakenham Railway Station are located approximately 210 metres to the south.
- East: Directly east of the site are two (2) sets of units. Further east is a medium density housing estate containing a number of townhouses. Ascot Park Estate also containing a mixture of medium to higher density residential development is also located to the

east.

- West: Directly west of the site is a large vacant allotment. Further west is a double storey office development and Pakenham Central Market Place shopping centre and Pakenham Main Street.



Permit/ Site History

There is no Planning Permit history for the subject site.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

3.1 We value our natural assets and support our biodiversity to thrive

3.1.1 Partner with community, business and industry to take action on, and adapt to, climate change.

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

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

5.1 We practise responsible leadership

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

Proposal

Approval is sought for the use and development of a Specialist Disability Accommodation (SDA) building for Community Care Accommodation with an ancillary Office and associated Medical Centre at ground floor at 81 Henry St, Pakenham.

As outlined below, the proposed Medical Centre land use is as of right (Section 1 Use) when located in Precinct 4 of the Activity Centre Zone when less than 250sqm in floor area, and therefore, the use of the ground floor of the building for this purpose does not trigger a Planning Permit. The Medical Centre is proposed to operate 7 day per week, from 8am until 8pm. The Medical Centre will be available for residents, as well as to the wider community,

The use of the land for an Office is also an as of right (Section 1 Use) in Precinct 4. The Office will be used in conjunction with the Community Care Accommodation to manage the needs of the residents.

Use (Community Care Accommodation):

The applicant proposes the use of the upper floors (2-5) of the five-storey building for Community Care Accommodation for the purpose of providing Specialist Disability Accommodation (SDA) in which residents will be recipients of the NDIS.

The proposal will be able to accommodate 24 residents, within 12 apartments, and therefore the use does not benefit from the exemptions listed at Clause 52.22-2 (Community Care Accommodation).

The proposal will include on-site services for residents, including provision for an on-site nurse or carer to be available, in addition to the Medical Centre.

Buildings and works:

Approval is also sought for the construction of a five-storey building to facilitate the proposed land uses.

At ground floor level, the building will be constructed 2 metres from the front title boundary (Henry Street), 17.8 metres from the southern boundary, 4.63 metres from the eastern boundary and 1.5 metres from the western boundary.

The proposed Medical Centre will be located at ground level off a central foyer and hallway. An ancillary Office, Meeting Room, Kitchen, Bathroom and Nurse bedroom associated with the Community Care Accommodation will also be provided at ground floor level and accessed off the same centralised foyer and hallway.

Entry to the Community Care Accommodation can also be gained through this central foyer and hallway and is separated by a door that can be closed off to the public. A second lobby from the car parking area, also provides access to the building.

The Community Care Accommodation apartments are accessed by stairs and a lift located in the rear of the building at ground floor level. A separate bin storage room is also provided at ground floor level.

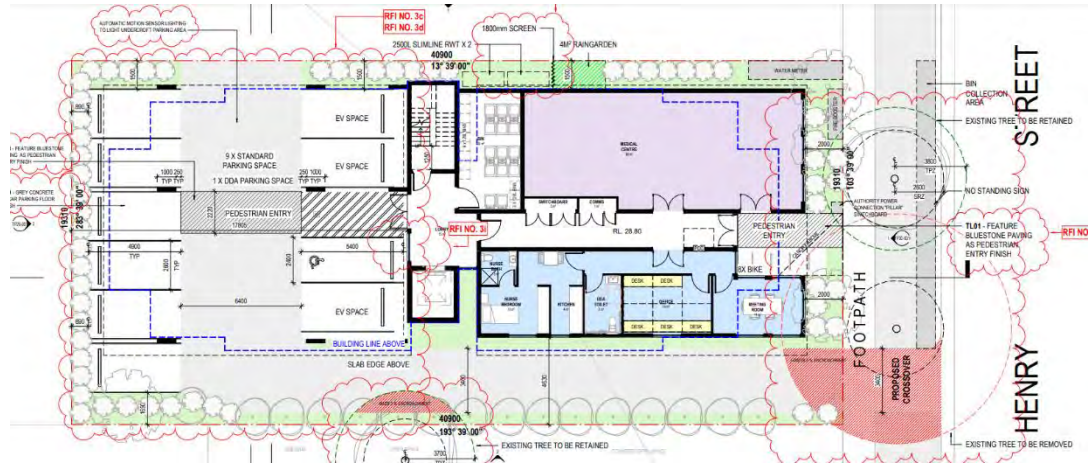


Figure 1: Ground Floor plan

Levels 2 and 3 will be setback slightly further from the front boundary (Henry Street) at 3.43 metres, 2 metres from the southern boundary, 3.93 metres from the eastern boundary and 1.5 metres from the western boundary.



Figure 2: Level 2 floor plan



Figure 3: Level 3 floor plan

Levels 4 and 5 will be setback further again at 6.135 metres from the front boundary (Henry Street), 4.71 metres from the southern boundary, between 5.41 and 7.545 metres from the eastern boundary and 2.38 metres from the western boundary.



Figure 4: Level 4 floor plan

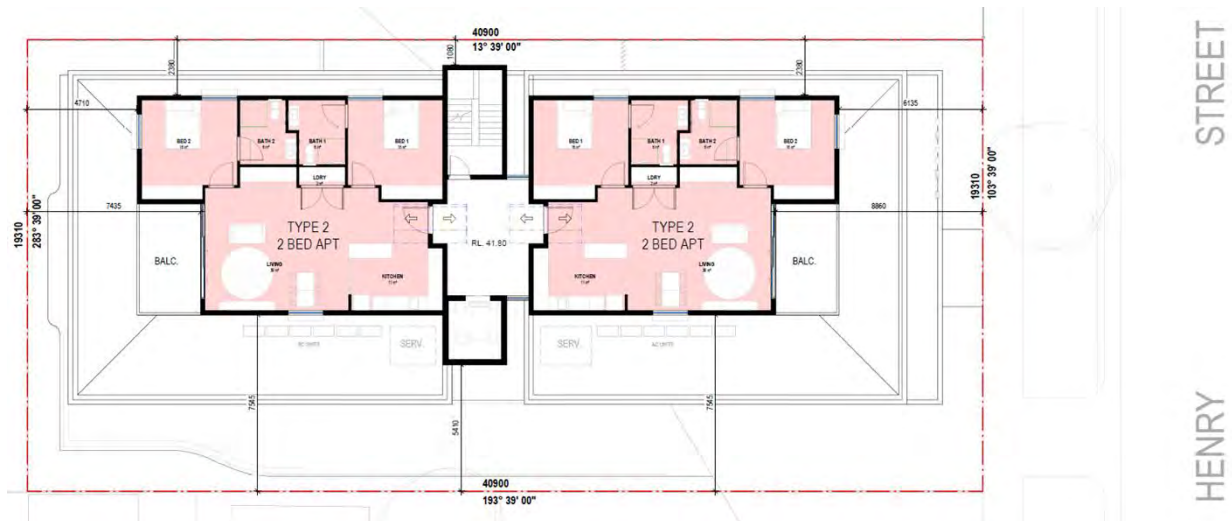


Figure 5: Level 5 floor plan

A rooftop communal open space area is also proposed. This outdoor space will provide for outdoor seating, a BBQ area and vegetable/ herb gardens for the use of the residents.

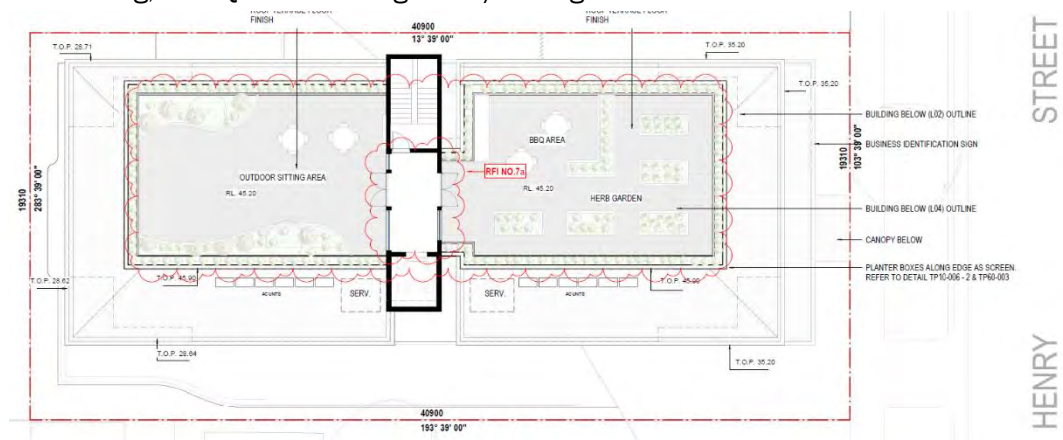


Figure 6: Rooftop terrace

The building is proposed to reach a total height of 17.635 metres.

The building is contemporary in style and will be constructed with red and grey brick, white vertical cladding, black metal louvers, white render and a mixture of grey and dark grey concrete look finishes. There will be clear glazing throughout and black metal screening where overlooking may occur along the eastern façade.

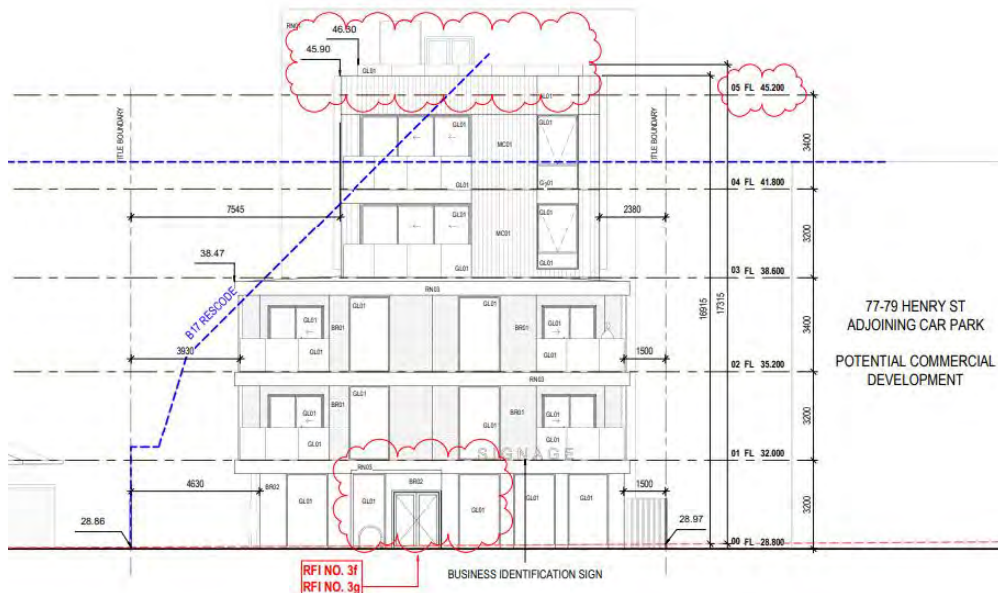
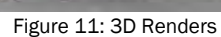
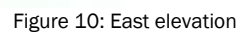


Figure 7: North elevation (Henry Street)



Figure 8: South elevation



Minimal site works (cut and fill) are required.

Car parking and access:

A total of ten (10) parking spaces are proposed to be located to the rear of the proposed building, in an under-croft style parking area. This area is proposed to be accessed from a single crossover and a 3.4 metre accessway along the eastern side of the site in accordance with Design Standard 1 (Accessways) of Clause 52.06-9.

Each parking space has been provided with dimensions in accordance with Design Standard 2 (Car parking spaces) of Clause 52.06-9. Each parking space measures 4.9 metres by 2.6 metres, as required when the accessway width is 6.4 metres wide.

Landscaping:

A concept landscaping plan has been provided with the application which shows plantings (including trees, shrubs and ground covers) throughout the site, including the rooftop and importantly within the front setback.



Figure 12: Landscaping plans

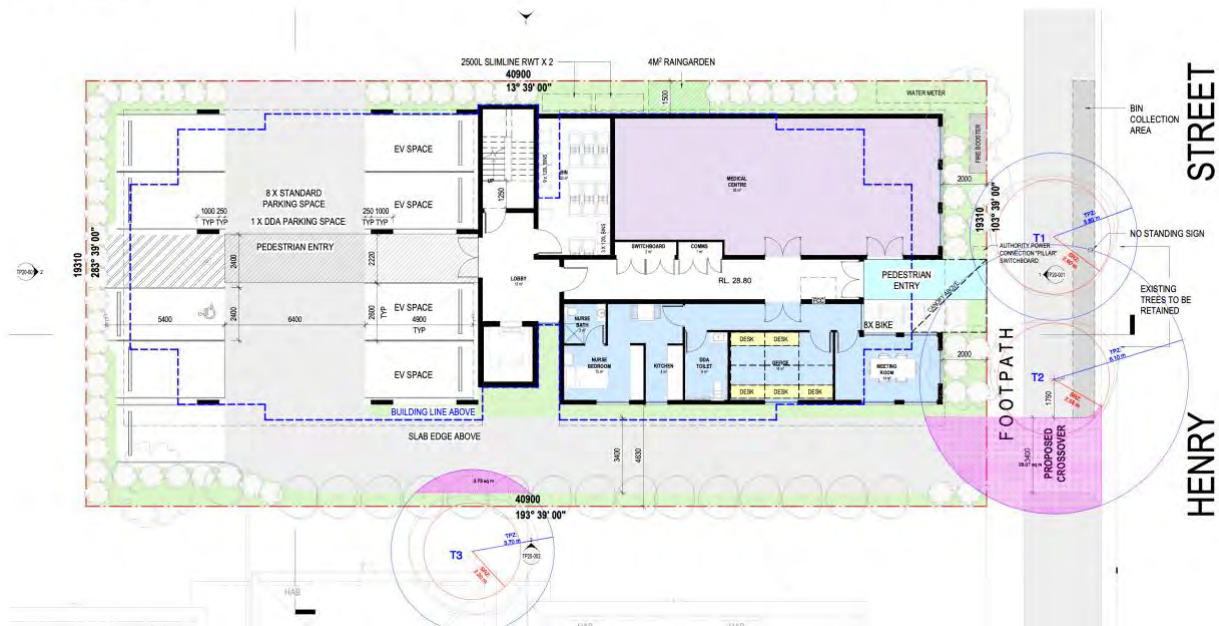
Trees:

An assessment of impacts to third party trees was provided with the application. It details that there is a minor encroachment by the works into the TPZs of Trees 1 (street tree) and Tree 3 (neighbours' tree). The encroachment into each TPZ is less than 10 percent and therefore the arborist confirms that the development will not detrimentally impact either.

There is a major encroachment into the TPZ of Tree 2 (street tree) and this is likely to cause harm to it by the construction of the new crossover and driveway. The proximity of the tree to the crossover will obstruct vision along Henry Street for vehicles exiting the site making it a safety hazard. As the tree will be harmed by the works and will be a safety issue, the applicant proposes to remove this street tree.

12.9 Site plan showing proposed development

Trees are number in blue, TPZs are shown as blue circles with the radius, and SRZs are shown as red circles with their radius. The areas of encroachment into the TPZs of trees 2 & 3 are shown in magenta with the square metres of the area shown.



Signage:

No signage is proposed at this time. Any provisions of the Planning Scheme relating to signage and exemptions will need to be complied with at a later date if signage is proposed.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Activity Centre Zone - Schedule 1
 - The subject site is location in Precinct 4.

Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay - Schedule 1
- Parking Overlay – Schedule 1

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 – Settlement
 - Clause 11.01 – Victoria
 - Clause 11.01-1S – Settlement
 - Clause 11.03-1S – Activity centres
 - Clause 11.03-1R – Activity centres – Metropolitan Melbourne
- Clause 13 – Environmental risks and amenity
 - Clause 13.01 – Climate change impacts
- Clause 15 – Built environment and Heritage
 - Clause 15.01-1S – Urban design
 - Clause 15.01-1R - Urban design – Metropolitan Melbourne
 - Clause 15.01-2S - Building design
 - Clause 15.01-4R - Healthy neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-1S – Neighbourhood character
 - Clause 15.02-1S – Energy and Resource Efficiency
- Clause 16 - Housing
 - Clause 16.01-1R – Housing Supply – Metropolitan Melbourne
- Clause 17.01 – Employment
 - Clause 17.01-1S – Diversified economy
 - Clause 17.01-1R – Diversified economy – Metropolitan Melbourne
- Clause 18.02 – Movement networks
 - Clauses 18.02-1S – Walking
 - Clause 18.02-2S – Cycling
 - Clause 18.02-3S - Public Transport
 - Clause 18.02-3R - Principal Public Transport Network
- Clause 18.02-4S – Roads
- Clause 19.02 – Community infrastructure

- Clause 19.02-1S - Health facilities
 - Clause 19.02-1R - Health precincts – Metropolitan Melbourne
- Clause 19.03-3S – Integrated Water Management
- Clause 19.03-5S – Waste and resource recovery

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 – Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 – Settlement and Housing
 - Clause 21.03-1 – Housing
 - Clause 21.03-2 – Urban Established Area – Beaconsfield and Pakenham
- Clause 21.04 – Economic Development
 - Clause 21.04-1 – Employment
 - Clause 21.04-3 – Activity Centres
- Clause 21.05 – Infrastructure
 - Clause 21.05-3 – Local roads
 - Clause 21.05-6 – Community services and facilities
- Clause 21.06 – Particular Uses and Development
 - Clause 21.06-1 – Urban Design

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 - Car Parking
- Clause 52.22 - Community Care Accommodation
- Clause 52.34 – Bicycle facilities
- Clause 65 - Decision Guidelines
- Pakenham Urban Design Framework

Planning Permit Triggers

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

Use of the land:

- The use of the land for Community Care Accommodation is not exempt pursuant to Clause 52.22-2 (Community Care Accommodation) as the proposal will accommodate more than 20 clients (24 bedrooms are proposed).

Therefore, Pursuant to Clause 37.08-2 (ACZ) a planning permit is required to use the land for Accommodation (Community Care Accommodation).

- Any frontage of Accommodation in Precincts 1 and 4 must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres. The proposal complies with this requirement.

The use of the land for a Medical Centre is a Section 1 Use if located in Precincts 2, 3 or 4 and so long as the gross floor area of the tenancy does not exceed 250sqm. The site is located in Precinct 4 and has a gross floor area of 88sqm, therefore making Medical Centre are Section 1 (no permit required) use.

The use of the land for an Office is a Section 1 Use in Precinct 4.

Buildings and works:

- Pursuant to Clause 37.08-5 (ACZ) a planning permit is required to construct or carry out works.

As Community Care Accommodation is nested under 'Residential Building' an assessment against Clause 58 (Apartment Developments) is not required to be undertaken.

Public Notification

Pursuant to Section 7.0 of Schedule 1 to the Activity Centre Zone, the application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, because the building exceeds 14 metres in height.

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

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

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 13 July 2022.

Council has received six (6) objections to date.

The main concerns raised by the objections are:

- Car parking and lack of on-street parking (due to no standing signs)
- Off-site amenity impacts to neighbouring dwellings (including overshadowing and compromises to the quality of life for residents)
- The height and scale of the development being out of character
- Flooding
- Small size of the allotment
- Internal amenity of the accommodation
- Compliance with DDA requirements

Response to objections:

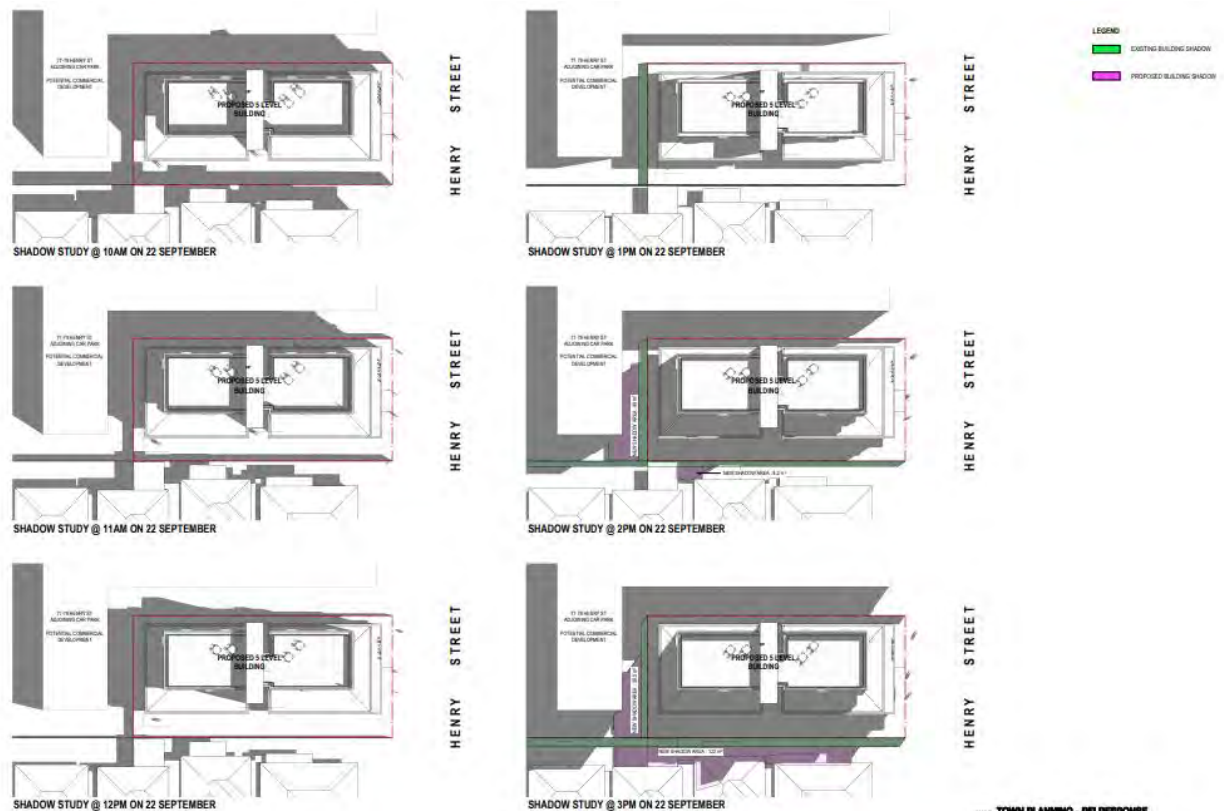
- Car Parking and lack of on-street parking

The car parking provided has been determined to be sufficient to cater for the likely demand of the Community Care Accommodation. The parking provided for the Medical Centre is also consistent with the statutory requirement for Medical Centres in this location. The site is well serviced in terms of public transport and is within close proximity of the shopping centre and Main Street, therefore the uptake of other modes of transport and less dependence on cars for transport is more likely. Council's Traffic Engineers have reviewed the application and are comfortable with the car parking provided. A more detailed assessment is provided in the discussion section of this report.

- Off-site amenity impacts to neighbouring dwellings (overshadowing, compromise of quality of life for existing residents)

The site is located in Precinct 4 of the Activity Centre Zone (ACZ) which is a Commercial and Mixed-Use Precinct and therefore, is not afforded the same level of amenity protection which could be expected in a residential zone or a residential precinct of the ACZ. Despite this, the application responds well to the objectives it is required to meet which have been set in place to protect amenity of existing residential development. A more detailed assessment is provided in the discussion section below. However, this does include ensuring that new developments which exceed 14 metres in height which adjoin existing residential should not adversely impact key public spaces, pedestrian routes and adjoining properties with overshadowing as measured on 21 March/September (Equinox) between 10.30am and 2.00pm.

As can be seen in the shadow diagrams provided above, the development demonstrates that between these hours, the neighbouring private open space of dwellings to the east is not impacted by overshadowing from the development until 2pm, with the most significant shadowing occurring after 3pm.



This results in at least 5 hours of sunlight to the neighbouring private open space which is consistent with the requirements of the Activity Centre Zone.

- Out of character with height of buildings in surrounding area (height, scale)

The Activity Centre Zoning introduces a preferred character for each precinct. In this instance, this preferred character outweighs existing neighbourhood character. The preferred character for Precinct 4 is that of higher density, mixed use developments with reduced street setbacks (with a preferred setback of 2 metres) and no preferred height requirement in order to encourage multi-storey development with fine grain commercial uses at ground floor level and offices and residential above.

- Small size of allotment

There is no minimal size set out in the Zone for this type of development. The size of the site is considered capable of containing a development of this scale.

- Flooding

The site is not subject to any flood overlay.

- Internal amenity

The ESD report provided demonstrates that the internal amenity of each Community Care Accommodation apartment is consistent with environmentally sustainable design which aims to improve the quality of life of residents through reduced energy usage, natural light and ventilation, water usage and other measures. Each apartment is provided with open space in a balcony or a terrace, habitable rooms are provided with natural sunlight and opening windows and each apartment is provided with full kitchen and laundry facilities to allow for independent living.

- Compliance with DDA requirements

Council's Municipal Building Surveyor has reviewed the plans and the Equal Access Report prepared with the application. They have advised that the design of the building is compliant with accessible standards.

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	N/A	
Section 52 Notices	N/A	

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Strategic Planning	Supportive of the application in this location, as it represents the scale and type of development encouraged by the Activity Centre Zone at this location, given its central location, access to services, walkability and proximity to alternative modes of transport (Pakenham Railway Station). Precinct 4 anticipates and encourages high density developments, given the good access to infrastructure and services. The use for Community Care Accommodation is also strategically supported in this location, given the need for these services within the municipality.
Urban Design	Supportive of the application given its location and good level of Urban Design. The built form is overwhelmingly consistent with the Urban Design Objectives of the Activity Centre Zone and Pakenham Urban Design Framework
Traffic	Supportive of the proposal and the Traffic Impact Assessment provided.
Engineering	<p>Supportive of the proposal, subject to conditions.</p> <p>Engineering advised the site can be drained to an existing 150mm diameter easement drain located in the rear south-east corner of the land. However, the easement drain was constructed in 1968 and does not have capacity to drain a largely impervious site. As such, a stormwater detention system will need to be provided to limit the rate of stormwater discharge to the predeveloped rate.</p> <p>Engineering also require amendments to the plans to ensure that boundary fencing does not obstruct sightlines to the footpath.</p> <p>Both these items will be required by Condition of any permit granted, along with standard engineering conditions.</p>
Waste	Supportive of the proposal and the Waste Management Plan provided.
Landscape	<p>Supportive of the proposal.</p> <p>Landscape have provided the following advice on the plans:</p> <p><i>The eastern garden bed adjacent the driveway and fence appears to be 1m or less wide, but the species specified for this are 'Dodonea Mr Green Screen' shows it grows 2m wide. Unless this species is proposed to be hedged, a narrower growing species should be specified to prevent encroachment by vegetation into the driveways causing damage to cars or the plants.</i></p> <p><i>Council will not be assessing the rooftop garden. We recommend that the appropriate consultants are engaged to ensure the roof is designed to carry this weight, is suitably drained and considers the future watering requirements of this space. Given the invasive and</i></p>

	<p><i>strong nature of the roots of Melaleuca ericifolia we do suggest this species is reconsidered.</i></p> <p>A formal landscape plan has been requested via condition. The management of landscaping (and selected species) is the responsibility of the permit holder.</p> <p>A street tree is proposed to be removed. This is considered to have low amenity value and therefore is considered acceptable. A condition of the permit will require compensation for the removal of the tree, which will be replanted by Council.</p>
Building	Supportive of the proposal. Building have confirmed that the design would comply with accessible standards.
Environmentally Sustainable Design	<p>No response received to date.</p> <p>Sustainable Design Assessment in accordance with the Sustainable Design Assessment in the Planning Policy (SDAPP) framework was provided with the application showing general compliance with the framework.</p>

Discussion

The proposal has been assessed against the relevant policies and provisions of the Cardinia Planning Scheme and is considered to be, on balance, consistent with its aims and objectives.

Planning Policy Framework

A number of state and local policies are relevant to this application ensure that uses and buildings and works positively contribute to the area, that adequate car parking is provided and that buildings and works do not detrimentally impact the objectives of the Activity Centre Zone.

Clause 11.01 (Victoria) seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

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

Clause 11.03-1S (Activity centres) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Clause 11.03-1S has a particular focus on support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies and improving the social, economic and environmental performance and amenity of activity centres.

Additionally, Clause 11.03-1R (Activity centres – Metropolitan Melbourne) seeks to locate new small-scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

The subject site is located in Precinct 4 (East Commercial and Mixed Use) of the Activity Centre Zone. The objectives of Precinct 4 (East Commercial and Mixed Use) are:

- Provide employment opportunities that maximise the precinct's proximity to public transport, the core retail area and community facilities.
- Encourage the consolidation of sites for commercial development and entertainment activities to facilitate a broader range of medium and higher density mixed use developments.
- Ensure development and built form innovatively and appropriately responds to flooding extents on Station Street.
- Ensure street frontages and land uses activate the precinct and provide passive surveillance of public open space and the public realm.
- Ensure street amenity and access priorities pedestrian movements by minimising vehicle crossovers around the perimeter of the precinct.

This proposal seeks to achieve this by providing for a mixed use building with both on site health services meeting the needs of residents of the building who are living with disabilities, as well as the wider Pakenham community in a centralised location and within close proximity of them train station.

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

Clause 15.01-1R (Urban design – Metropolitan Melbourne) seeks to create a distinctive and liveable city with quality design and amenity.

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

The proposed building is considered to be of good urban design, which achieves the visions of the Pakenham Activity Centre and Pakenham Urban Design Framework.

Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne) seeks to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home. The proposal is well positioned to achieve this target being located within the Town Centre and being close by to Pakenham Railway Station and surrounding residential areas.

Clause 15.02-1S (Energy and Resource Efficiency) seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. The proposal includes a number of mitigation measures to ensure that the development meets this policy objective.

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

Clause 17.01-1R (Diversified economy – Metropolitan Melbourne) seeks to facilitate investment in Melbourne's outer areas to increase local access to employment. The proposal is likely to generate local jobs through the Medical Centre as well as through the support staff and carers required to help operate the Community Care Accommodation.

A number of policies relating to making how we move more sustainable are located under Clause 18.02 (Movement networks), including:

- Clauses 18.02-1S (Walking) which seeks to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

- Clause 18.02-2S (Cycling) which seeks to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.
- Clause 18.02-3S (Public Transport) which seeks to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.
- Clause 18.02-3R (Principal Public Transport Network) which seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.
- Clause 18.02-4S (Roads) which seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

Given the site is located along Henry Street it benefits from the close proximity to Pakenham's Railway Station which is located approximately 300 metres south of the site, as well as being within close distance to the Town Centre and surrounding residential areas. Therefore, the proposal is considered to achieve the objectives of these policies by being well located to encourage the ease of uptake of these alternative travel methods (depending on residents mobility levels).

Clause 19.02-1S (Health facilities) seeks to assist the integration of health facilities with local and regional communities.

Clause 19.02-1R (Health precincts – Metropolitan Melbourne) seeks to facilitate health and community wellbeing precincts through the co-location of:

- Hospitals, allied health services and not-for-profit health providers at the regional level.
- General practitioners, community health facilities, allied health services and not-for-profit health providers at the neighbourhood level.

It also seeks to create health precincts in new suburbs in or close to town centres and ensure health precincts are well serviced by community services. The building will include a Medical Centre which will be available for the use of the residents of the building who may have particular needs, as well as the wider community.

Being located in Precinct 4 of the ACZ, the proposal achieves this, given that the Precinct seeks to support the establishment and continual growth of medical and health services and other aligned industries in the vicinity of the site.

The above policies are supported at a local level, as discussed below.

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision) outlines the key issues facing Cardinia include the sustainable development of the Urban Established Areas, Urban Growth Area, and rural townships.

Clause 21.03-2 (Urban Established Area – Beaconsfield and Pakenham) recognises the need to attract commercial investment and create diverse employment opportunities, create vibrant well serviced activity centres, deliver accessible community facilities and infrastructure and achieve good urban design outcomes with a strong urban character.

Clause 21.04-1 (Employment) seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.

Clause 21.04-3 (Activity Centres) seeks to establish a network of activity centres in the growth area creating opportunities for a range of activities including retail, commercial, community, residential and entertainment to meet the needs of the community.

Clause 21.05-3 (Local roads) recognises the need to manage the impacts of new development on the existing local road network.

Clause 21.05-6 (Community services and facilities) seeks to provide residents with a reasonable level of access to a range of community services and facilities and to ensure that these services and facilities are provided in response to community needs.

Clause 21.06-1 (Urban Design) seeks to ensure development contributes to the character, identity and sense of place of the area, particularly in newly developing areas and ensure new development is designed to address public spaces and enhance the public realm.

On balance the proposal maximises the benefits of its location and provides for a use and building design which is consistent with the objectives of each of the above policies, as well as providing for net community benefit and therefore, should be supported.

Activity Centre Zone

As discussed above, the use of the land for Accommodation (Community Care Accommodation) is not exempt under Clause 52.22-2 and therefore, pursuant to Clause 37.08-2 (ACZ) a planning permit is required to use the land for Accommodation (Community Care Accommodation).

The use of the land for a Medical Centre is a Section 1 Use if located in Precincts 2, 3 or 4 and so long as the gross floor area of the tenancy does not exceed 250sqm. The site is located in Precinct 4 and has a gross floor area of 88sqm, therefore making Medical Centre a Section 1 (no permit required) use.

Pursuant to Clause 37.08-5 (ACZ) a planning permit is also required to construct or carry out works.

The key purpose and objectives of the Activity Centre Zone are to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage a mixture of uses and the intensive development of the activity centre:
 - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
 - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.
- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

As identified within Schedule 1 of the Zone, the subject site is located in Precinct 4 (East Commercial and Mixed Use) of the Activity Centre Zone. The objectives of Precinct 4 (East Commercial and Mixed Use) are:

- Provide employment opportunities that maximise the precinct's proximity to public transport, the core retail area and community facilities.
- Encourage the consolidation of sites for commercial development and entertainment activities to facilitate a broader range of medium and higher density mixed use developments.
- Ensure development and built form innovatively and appropriately responds to flooding extents on Station Street.
- Ensure street frontages and land uses activate the precinct and provide passive surveillance of public open space and the public realm.
- Ensure street amenity and access priorities pedestrian movements by minimising vehicle crossovers around the perimeter of the precinct.

The proposal is considered to be consistent with the objectives of Precinct 4 as it provides for a mixed-use building of an appropriate size and scale within the Town Centre. The use of the land for a Medical Centre is supported by Precinct 4 as it is nominated as a Section 1 Use within this precinct if less than 250sqm in size and the proposed Community Care Accommodation is also supported as it is located on the upper levels of the mixed-use building. The built form is responsive in terms of scale and orientation, to its interface with Henry Street, as well as the surrounding residential uses.


The proposal is also considered to be consistent with Schedule 4.0 (Design and development) guidelines of the Schedule to the Activity Centre Zone as it conforms with the following guidelines.

Commercial and mixed-use requirements and guidelines:

Guideline	Response
<p>Buildings should be designed to address street frontages and respond to their urban context by:</p> <ul style="list-style-type: none"> • Addressing roads and public spaces for passive surveillance, and minimise overlooking of private spaces. • Providing visual interest and avoid blank walls. • Minimise casting shadows on public space and open space. 	<p>The building addresses the street frontage (Henry Street).</p> <p>The building provides visual interest and avoids blank walls along both the front and sides of the building by incorporating a mixture of large clear glazed windows facing the street, as well as a variety of textures, colours and materials along the facades.</p> <p>The shadow diagrams demonstrate that the building minimises casting shadows on public and private open space.</p>
<p>Buildings with ground-level frontages to streets, pedestrian areas and/or passive open spaces should contribute to the appearance and function of these areas by providing:</p> <ul style="list-style-type: none"> • At least 70% of the street frontage as transparent entries or display windows. 	<p>The ground level street frontage of the building (adjoining the pedestrian areas) contributes to the appearance and function of these areas by:</p> <ul style="list-style-type: none"> • Incorporating at least 70 percent of the frontage as transparent entries and windows. • Clear glazing throughout the façade.

<ul style="list-style-type: none"> • Clear glazing (tinted, or obscured glazing should not be used) with any security screens open in design and located behind glass in windows. • The provision of awnings / all-weather protection canopies over footpaths (extending at least 2.5 metres from the building façade) unless it is demonstrated that due to particular circumstances this distance can not be achieved or there is not a requirement for this element. • Direct access from the footpath to ground level premises with minimal change of level and is universally accessible. • Floor to ceiling heights at ground level of a minimum of 3.5 metres to accommodate changes of use over time. 	<ul style="list-style-type: none"> • Access from the footpath within minimal changes in floor levels from the street. • Floor to ceiling heights at ground floor level have been increased to 3.2 metres which 300mm less than the guidelines, and has been accepted as a reasonable outcome.
Ground floor level car parking areas should be located at the rear of buildings or sleeved behind built form at street frontages; otherwise car parks should be located above ground level active uses or below ground level as basement or semi-basement parking areas.	The car parking area has been sleeved behind the building and is not a dominant element of the streetscape.
Crossovers providing vehicle access to sites should be designed to minimise their impact on ground level street frontages and pedestrian movement.	The crossover provided is the minimum extent required to service the site and has been appropriately located near the eastern boundary to reduce the number of crossings to the site.
Large format developments and uses should be sleeved by smaller retail and commercial uses which present fine grain activated frontages to the street.	The Medical Centre and Office space present as finer grain, active street frontages with the Community Care Accommodation element of the proposal being located above it.
Buildings should be designed to respond to the solar orientation of the site.	The building responds to the solar orientation of the site, providing for open glazing, some balconies (where possible) and an outdoor rooftop area for residents facing north.
New buildings adjoining a residential property or Precinct 7 not on or within	The Activity Centre Zone does not make it clear if these are requirements or guidelines in this section, and given Strategic Planning and Urban Design support for the proposal, it is

<p>200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> At least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre of height over 6.9 metres. 	<p>understood that this section should be read more as a guideline for development. The below assessment is based on this premise.</p> <p>The ground and first floors are appropriately setback in accordance with this requirement/guideline as the Level 1 (ground floor) is setback 4.33 metres from the eastern boundary and the Level 2 (first floor) is setback 3.93 metres from the eastern boundary, both of which exceed the requirement/ guideline, which states that these floors should be setback at least:</p> <ul style="list-style-type: none"> Level 1: 1 metre from eastern boundary Level 2: 1.84 metres from eastern boundary <p>There is a minor encroachment of the Level 3 (second floor) and Level 4 (third floor), shown highlighted below. The Level 2 (second floor) is setback 3.93 metres from the eastern boundary and Level 4 (third floor) is setback 7.545 metres from the eastern boundary. The requirement/ guidelines states that these floors should be setback at least:</p> <ul style="list-style-type: none"> Level 3: 4.89 metres from eastern boundary Level 4: 8.09 metres from eastern boundary <p>These minor encroachments of 545mm and 960mm are considered acceptable.</p> <p>Level 5 (fourth floor) encroaches the most when comparing the setbacks to the requirements/guidelines at 7.545 metres from the eastern boundary. The requirement/ guidelines states that these floors should be setback at least:</p> <ul style="list-style-type: none"> Level 5: 12.325 metres from eastern boundary <p>Whilst this is a larger encroachment into the setback guideline, given that the upper floors have been recessed so that they are less visible from the public realm and adjoining properties it should help to minimise the impact of visual bulk of the building.</p>
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	<p>Additionally, shadow diagrams have demonstrated that despite the encroachment, overshadowing on the public realm and adjoining properties will be within what the planning scheme considers to be reasonable. As already discussed, any significant overshadowing occurs after 3pm from the development, and does not further reduce sunlight to adjoining properties which is compliant with the requirements and guidelines of the Activity Centre Zone.</p> <p>Based on the high-quality Urban Design of the building in mitigating these impacts, the encroachment is considered acceptable.</p> 
<p>New buildings adjoining a residential property or Precinct 7 should respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. 	<p>The building is designed to ensure the following is protected on the neighbouring residential properties to the east:</p> <ul style="list-style-type: none"> • Adequate daylight into new habitable room windows as demonstrated in the shadow diagrams, the residential dwellings to the east will not be affected by any major overshadowing until 3pm, which is considered acceptable by the standards, as the habitable windows will not be overshadowed between 9am and 3pm. • Sunlight to secluded private open space is not reduced as demonstrated in the shadow diagrams, the residential dwellings to the east will not be affected by any major overshadowing until 3pm, which is considered acceptable by the standards, as the private open space will not be

<p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than this requirement, the amount of sunlight should not be further reduced.</i></p> <ul style="list-style-type: none"> Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. 	<p>overshadowed between 9am and 3pm.</p> <ul style="list-style-type: none"> Overlooking plans demonstrate that any direct views into habitable room windows of the neighbouring dwellings will be screened where required, and that at the upper levels, the direct views line of sight will be intersected by the building or the roof of the neighbouring dwellings, thus avoiding any direct views. The proposal provides an outlook from the dwellings that provides a reasonable visual connection to the external environment, by ensuring the upper levels are recessed and the built form and landscaping is attractive.
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Building height requirements:

Guideline	Response
No preferred height for Precinct 4	There is no preferred height prescribed in Section 5.0 of Schedule 1 to the ACZ, therefore the proposed height is considered acceptable.

Building height guidelines:

Guideline	Response
<p>Buildings and works which exceed a height of 14 metres should:</p> <ul style="list-style-type: none"> Be environmentally sustainable. Reduce visual impact by transitioning height to adjoining properties, public realm and streetscape. Provide a maximum Street Wall Height of 15 metres. Setback the upper levels of buildings. 	<p>The proposed building exceeds 14 metres in height therefore:</p> <ul style="list-style-type: none"> The building has been designed to be environmentally sustainable (see ESD below). The upper floors are recessed/setback, therefore reducing visual impact of height from the adjoining residential properties, as well as the public realm and streetscape.

<ul style="list-style-type: none"> • Provide sufficient solar penetration throughout the development. • Not adversely impact key public spaces, pedestrian routes and adjoining properties with overshadowing as measured on 21 March/September (Equinox) between 10.30am and 2.00pm. 	<ul style="list-style-type: none"> • The maximum street wall height does not exceed 15 metres. • Windows and balconies are provided on all elevations to provide sufficient solar penetration throughout the development. • Shadow diagrams demonstrate that key pedestrian routes and public spaces will not be overshadowed between 10.30am and 2:00pm on equinox. • Shadow diagrams also demonstrate that between 10am and 3pm on equinox the adjoining residential development will not be impacted by overshadowing, allowing for sufficient sunlight throughout the day (at least 5 hours) as required by the guidelines.
<p>A development with a height of 14 metres or less on a site large enough to accommodate a substantially taller development should be constructed to structurally accommodate a taller building in the future.</p>	<p>Not applicable.</p>
<p>The building height guidelines do not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:</p> <ul style="list-style-type: none"> • No more than 50% of the roof area is occupied by the equipment. • The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces. • The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority. 	<ul style="list-style-type: none"> • No more than 50% of the roof area is occupied by equipment (as demonstrated on the plans). • Equipment is located to avoid overshadowing. • Acoustic and visual screening of any plant equipment (including on the roof) will be required by permit condition.

Building setback requirements:

Guideline	Response
The preferred front setback requirements for Precinct 4 is 2 metres.	The proposed building is setback 2 metres from the front title boundary and therefore complies with the preferred setback.

Building setback guidelines:

Guideline	Response
Buildings and works such as balconies, verandahs, architectural features, sunshades, screens and artworks may be constructed within setback areas, and should not encroach more than 2 metres within the preferred setback areas.	None of these features encroach into the preferred setbacks as the building has been design with recessed upper floors.
Buildings and works which exceed the preferred maximum building height should be designed so the upper levels cannot be seen from the street.	As discussed, there is no preferred building height for Precinct 4, however, upper floors have still been setback to reduce the visual impact of upper floors from the street.

Landscape design guidelines:

Guideline	Response
<p>Landscape elements and treatments should:</p> <ul style="list-style-type: none"> • Be provided within the front and side setbacks, and along the rear boundary on multi-level apartment and townhouse developments. • Be provided within the front setbacks, the streetscape and public open space areas that are accessible, safe, attractive and functional. • Allow for passive surveillance. • Provide screening of driveways and car parks. 	<p>The concept landscaping plan provided demonstrates that landscaping can:</p> <ul style="list-style-type: none"> • Be provided within the front setbacks, the streetscape and public open space areas that are accessible, safe, attractive and functional. • Allow for passive surveillance. • Provide screening of driveways and car parks. <p>A detailed landscaping plan will be requested via permit condition.</p>

Environmentally Sustainable Design (ESD) guidelines:

Guideline	Response
<p>Developments should incorporate best practice environmentally sustainable design (ESD), including water sensitive urban design (WSUD), thermal performance, energy efficiency, stormwater management, facilitating active transport and materials.</p>	<p>An Environmentally Sustainable Design assessment has been provided with the application. It demonstrates compliance with the 10 key sustainable design criteria in the Sustainable Design Assessment in the Planning Policy (SDAPP), which include:</p> <ul style="list-style-type: none"> • Indoor environment quality • Energy efficiency • Water efficiency • Stormwater management • Building materials • Transport • Waste management • Urban ecology • Innovation • Construction and building management <p>The proposal seeks to employ methods of sustainable design such as the use of:</p> <ul style="list-style-type: none"> • Rainwater tanks (connected to toilets and irrigation systems) to achieve Water efficiency. • Water efficient fittings and fixtures with WELS ratings on average of 5 stars to achieve Water efficiency. • Drought tolerant landscaping to achieve Water efficiency. • Reuse of rainwater collected in fire protection sprinklers to achieve Water efficiency. • Use of double glazing and wall insulation to reduce energy usage and increase energy efficiency. • Installing appliances within one star of the best rating available for the appliance type to reduce energy usage and increase energy efficiency. • No gas consumption for heating, hot water or cooking to reduce energy usage and increase energy efficiency.

	<ul style="list-style-type: none"> • Installation of energy efficient hot water pumps to reduce energy usage and increase energy efficiency. • Installation of energy efficient LED lighting to reduce energy usage and increase energy efficiency. • A STORM score of 103% (Stormwater treatment), noting a score of 100% is required. • All apartments have windows to all living areas to improve indoor environment quality. • High performance double-glazing window systems are proposed to improve indoor environment quality. • Adequate daylight provided to dwellings in accordance with the BADS requirements to improve indoor environment quality. • External operable windows have been proposed to all habitable rooms for ventilation to improve indoor environment quality. • Bicycle parking has been provided to reduce private car usage as an aim to reduce overall greenhouse gas emissions. • Three EV charging car parks are proposed to encourage the use of electric vehicles as an aim to reduce overall greenhouse gas emissions. • The site has a high 'Walkscore' of 74 which is considered 'very walkable'. This contributes to reducing private car usage as an aim to reduce overall greenhouse gas emissions. • Recycling facilities are provided next to general waste facilities for convenience to encourage recycling as a way of reducing waste. • Onsite management of food, garden and organic waste to encourage composting as a way of reducing waste.
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	<ul style="list-style-type: none"> • Building materials will be sustainable (timber will be FSC accredited and structural steel will be accredited to the Environmental Sustainability Charter of the Australian Steel Institute) as a way of encouraging the use of lower-impact materials. • There is 250sqm of communal rooftop space for residents to use and Landscaping will be provided throughout the site to reduce the negative impacts on sites' ecological value as a result of urban development and enhance the quality of local ecology. • Tap and floor wastes will be provided in each balcony to encourage the growing of plants to increase urban biodiversity. • Ultra-low VOC paints will be used to achieve innovation objectives of ESD. <p>The use of all of these principles and methods is expected to contribute to the building being Environmentally Sustainable and improve the quality of life for residents. A condition of the permit will require compliance with the ESD report.</p>
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In addition to meeting the objectives and design requirements/ guidelines of the Zone, the proposal also responds appropriately to the decision guidelines of the Zone.

The decision guidelines of the Activity Centre Zone ask the responsible authority to consider the whether the following:

Decision guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	As discussed above, the proposed is considered to be consistent with the Municipal Planning Strategy and the Planning Policy Framework applicable to this application.
<i>The development framework plan set out in the schedule to this zone.</i>	The proposal is considered to be consistent with the objectives of Precinct 4 as it provides for a mixed-use building of an appropriate size and scale within the Town Centre. The use of the land for a Medical Centre is supported by Precinct 4 as it is nominated as a Section 1 Use within this

	precinct if less than 250sqm in size and the proposed Community Care Accommodation is also supported as it is located on the upper levels of the mixed-use building. The built form is responsive in terms of scale and orientation, to its interface with Henry Street, as well as the surrounding residential uses. In addition to meeting the objectives of the Zone, the proposal also responds appropriately to the decision guidelines of the Zone.
<i>The land use and development objectives set out in the schedule to this zone.</i>	See discussion below.
<p><i>The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:</i></p> <ul style="list-style-type: none"> • <i>existing uses are not compromised by a new development, or</i> • <i>a new development is designed to address amenity impacts from existing uses.</i> 	<p>The proposal is for a mixed-use building, within an area which seeks to support mixed-use development area whilst it is acknowledged that the site adjoins residential development to the east, this land is also located in Precinct 4 of the Activity Centre Zone and therefore, there is to a degree less Statutory weight for addressing amenity concerns, compared to what could be expected in a residential Zone.</p> <p>Despite this, the proposal has been designed to reduce off-site impacts by locating the Medical Centre on the western side of the building and residences above. The building is also proposed on the western side of the site, allowing for the accessway to be located on the east and provide some separation from the residences to the east.</p> <p>Conditions of the permit will also be included to ensure that during construction and there-after the development does not result in unreasonable off-site impacts.</p>
<i>Any requirements set out in the schedule to this zone.</i>	See discussion below.
<i>Any other decision guidelines specified in the schedule to this zone.</i>	See discussion below.
<i>Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i>	The proposal adequately responds to this decision guideline. The proposal has regard to the movements of pedestrians both on the street and within the site by providing

	<p>dedicated pedestrian paths from both the street and car park to the building.</p> <p>A consolidated accessway has been provided to reduce impacts to pedestrians outside of the site.</p> <p>Council's Traffic Department have reviewed the plans and are comfortable with the traffic movements throughout the site. Council's Waste Department have reviewed the Waste Management Plan and are comfortable that waste removal from the site can be managed appropriately.</p> <p>Based on this, it is considered that the proposal has adequately responded to this decision guideline.</p>
<i>The provision of car parking, loading of vehicles and access to parking spaces and loading bays.</i>	Car parking has been provided to the rear of the site in accordance with the objectives of the ACZ. A full assessment of the car parking provision and access arrangements is discussed below (see Clause 52.06 – Car Parking).
<i>The interim use of those parts of the land not required for the proposed use.</i>	Not applicable. The entire site is proposed to be developed.
<i>Whether the use is compatible with adjoining and nearby land uses.</i>	The uses proposed are considered compatible with the nearby land uses, given that one of the objectives of Precinct 4 is to encourage the consolidation of sites for commercial development within close proximity of the Train Station and core retail areas. The use of the land for a Medical Centre is a Section 1 Use and therefore, as of right in this location. The use of the land for Accommodation (Community Care Accommodation) is also considered to be compatible with the existing residential uses that are nearby, as well as the commercial uses in the area. The location of the site nearby Pakenham Railway Station and Shopping Centre is considered to benefit the Community Care Accommodation.
<i>The pattern of subdivision and its effect on the spacing of buildings.</i>	There is no subdivision proposed.
<i>For subdivision of land for residential development, the objectives and standards of Clause 56.</i>	Not applicable. No subdivision is proposed.

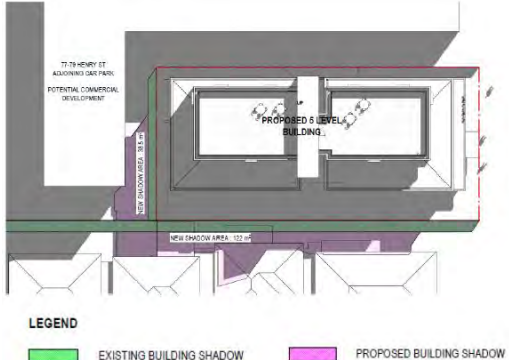
<i>The design, scale, height, setback, appearance and material of the proposed buildings and works.</i>	As discussed in the section above, and again below, the proposed design, scale, height, setback, appearance and material of the proposed building is considered to achieve a reasonable balance between the objectives of the Activity Centre Zone (in Precinct 4) to provide a larger scale mixed-use building within the town centre, whilst considering any sensitive interfaces (i.e. nearby residential).
<i>The provision for solar access to the building and on the public realm.</i>	The proposal achieves good solar access to the building and as demonstrated in the shadow diagrams, will not impact on solar access within the public realm.
<i>The design of the public realm.</i>	The site will be accessed by the public and has been designed to consider this. From outside the site, the proposal represents an appropriate design, scale, height, setback, appearance and material for its location. Entrances are easily identifiable from the street and the car parking area.
<i>The relationship between the proposed building and the public realm.</i>	As discussed, the design, scale, height, setback, appearance and materials are considered to represent a reasonable outcome when balancing the objectives of Precinct 4, whilst also considering any neighbouring residential areas. The building will be attractive from the public realm and are expected to make a positive contribution to the streetscape.
<i>The streetscape, including the conservation of buildings, the design of verandas, access from the street front, provision of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</i>	The proposed building has been designed with main access from Henry Street and a second entrance from the undercroft car parking area to the rear. It also provides an active frontage with clear glazing to the footpath, a landscaped front setback all of which ensure that the streetscape is attractive and positively contributes to public realm.
<i>The interface with adjoining zones, especially the relationship with residential zones.</i>	The proposal is surrounded by the Activity Centre Zone, however, it adjoins a residential development to the east. As discussed, the proposal is considered to achieve a good balance between the objectives of Precinct 4, whilst being respectful and responsive of the neighbouring residential character.
<i>The objectives, standards and decision guidelines of Clause 54 and Clause 55. This</i>	Not applicable to this mixed-use development, which includes apartments.

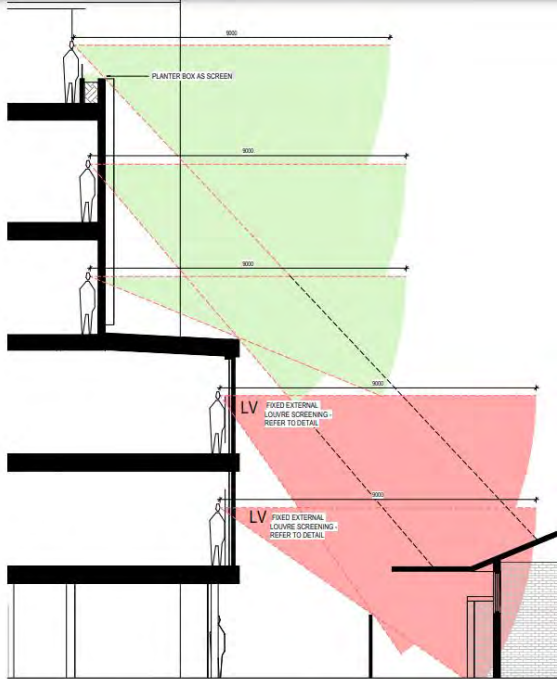
<i>does not apply to an apartment development.</i>	This decision guideline only applies to dwelling developments.
<i>For an apartment development, the objectives, standards and decision guidelines of Clause 58.</i>	<p>'Apartment' is defined by the Planning Scheme as:</p> <p><i>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings (emphasis added).</i></p> <p>Community Care Accommodation is nested under the Land Use Definition 'Residential Building', not 'Dwelling', and therefore an assessment against Clause 58 is not required.</p>
<i>The storage of rubbish and materials for recycling.</i>	The plans, along with a Waste Management Plan which has been assessed by Council's Waste Department as acceptable demonstrate that waste from the building can be appropriately managed on site and also appropriately collected by a Council's Waste Contractor.

In addition to the broader decision guidelines of the Zone, the decision guidelines of the Schedule to the Activity Centre Zone ask the responsible authority to consider the whether the proposed development:

Decision guideline	Response
<i>An appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.</i>	The development is considered to be an appropriate scale to accommodate the mix and intensity of uses in Precinct 4. The building accommodates a Medical Centre at ground floor level, with Accommodation (Community Care Accommodation) at upper floors, which is consistent with what is envisaged for Precinct 4. It is also consistent with the design requirements and guidelines, including building heights for buildings in the ACZ.
<i>The compatibility of uses within a mixed use development.</i>	The uses proposed are considered to be compatible with one another.
<i>Creates a strong visual interest by providing building types based on innovative and current day architecture,</i>	The proposal is considered to meet this decision guideline as the building has been designed to contemporary in style, colour and materials. The building is of a good level of

<i>urban design and environmentally sustainable development principles.</i>	urban design and provides for a good interface with Henry Street. The building has been designed in accordance with State and Local Planning Policy which take into account environmentally sustainable design principles. The design of the building has also been supported by Council's Urban Design and Strategic Planning Departments.
<i>Provides weather protection to adjoining key pedestrian footpaths or shared pathways, and main boulevards.</i>	The building is setback 2 metres from the frontage in accordance with the preferred setback of Precinct 4, therefore weather protection along the pedestrian footpath has not been provided. However, the entrance, including the walkway adjoining the entrance is provided with a canopy which extends out over the entrance to provide weather protection.
<i>Provides access points that minimise disruption to the continuity of the public realm and pedestrian routes.</i>	The proposal proposes a consolidated, eastern crossover to ensure that there is minimal disruption to the continuity of the public realm and pedestrian routes. It also proposes a single, centralised entrance to the building from the footpath.
<i>Provides car parking, loading and other service areas that is screened from view of the public realm or located at the rear of the site.</i>	The proposal provides car parking to the rear of the building, ensuring that car parking is screened by the building from the view of the public realm.
<i>Provides passive surveillance of the public realm.</i>	The building includes clear glazing along the front of the building which will provide passive surveillance of the footpath and Henry Street, whilst the eastern side of the building will provide passive surveillance of the internal driveway and car parking area. Balconies are proposed at upper levels facing Henry Street to provide additional passive surveillance of the public realm.
<i>Achieves the preferred building height and setbacks having regard to lot size, dimensions (width and depth) and/or those sites within or adjoining the Heritage Overlay.</i>	<p>The proposal achieves the preferred front setback of Precinct 4 of 2 metres and there is no preferred height for Precinct 4. The five (5) storey building is considered to achieve the objectives of the ACZ on a lot of this size and dimensions.</p> <p>The site does not adjoin any buildings in a Heritage Overlay.</p>

<p><i>Represents an underdevelopment of a site.</i></p>	<p>The proposal is not considered an underdevelopment of the site.</p>
<p><i>Provides upper level setbacks when the preferred height is exceeded.</i></p>	<p>Whilst there is no preferred height for this precinct, all upper floors are setback further than the façade, with the third and fourth floors being setback further than the first and second floors.</p>
<p><i>Provides a sensitive interface with residential dwellings or Precinct 7 in relation to built form, overlooking and overshadowing.</i></p>	<p>The proposal is for a mixed-use building, within an area which seeks to support mixed-use development area whilst it is acknowledged that the site adjoins residential development to the east, this land is also located in Precinct 4 of the Activity Centre Zone and therefore, there is to a degree less Statutory weight for addressing amenity concerns, compared to what could be expected in a residential Zone.</p> <p>Despite this, the proposal has been designed to reduce potential adverse amenity impacts such as overlooking and overshadowing, whilst achieving a level of design and scale which the ACZ seeks in this location.</p> <p>Minimising adverse offsite impacts has been achieved by locating the access way to the development along the eastern side of the site, maximising the separation of the proposed building from the proposed residences, and therefore reducing unreasonable impacts (such as overshadowing) on the neighbouring residences. An example of the attempts to minimise any impacts can be seen in the 3pm shadow diagrams, which are the most severe in terms of what could be expected.</p>  <p>Where required, windows that overlook habitable windows or private open space will be</p>

	designed with screens or obscured glazing to avoid overlooking these areas.
<i>Reduces overlooking of adjacent property and uses minimal screening.</i>	<p>The proposal seeks to minimise screening to deal with overlooking, only requiring screening to some windows on the eastern elevation at the first and second floors (as demonstrated in the overlooking diagrams), with the remainder of overlooking being reduced through the design of the building at the uppermost floors as the roof forms intersecting line of sight.</p>  <p>Conditions will be placed on the permit to ensure that screening required to reduce overlooking is installed prior to the occupation of the building.</p>
<i>Provides an increased upper level setback and transitional heights having regard to the heritage significance of the site or an adjoining site within the Heritage Overlay.</i>	Not applicable as the site is single storey and does not adjoin any properties in a Heritage Overlay.
<i>Provides elements of Environmentally Sustainable Design.</i>	The proposal is considered to provide elements of Environmentally Sustainable Design (ESD), normal to a mixed-use development of this scale.

Parking Overlay (Schedule 1) and Clause 52.06 (Car Parking)

The purpose of the Parking Overlay is to implement the Municipal Planning Strategy and the Planning Policy Framework, to facilitate an appropriate provision of car parking spaces in an area, to identify areas and uses where local car parking rates apply and to identify areas where financial contributions are to be made for the provision of shared car parking.

In accordance with the Schedule, the car parking rate for uses within the Parking Overlay in Pakenham Activity Centre are to use the rate specified by Column B of Table 1 of Clause 52.06-5. Statutory rates under Column B are provided for Medical Centre and Office, however, Community Care Accommodation does not have a specific statutory car parking rate, and therefore, the car parking provided must be to Council's satisfaction.

In order to assist Council in determining an appropriate car parking demand for Community Care Accommodation, OneMileGrid refers to *Access Institute's Accredited SDA Assessor's 3rd Update (12 April 2021)*:

The community care accommodation is a purpose built facility and is proposed to be operated by a National Disability Insurance Scheme (NDIS) service provider.

The accommodation will provide 12 two-bedroom dwellings over four levels for residents. According to Access Institute's Accredited SDA Assessor's 3rd Update (12 April 2021) to the Interpretations of the NDIS Specialist Disability Accommodation Design Standard, Clarification Item 1, which references Clause 3 of the standard, states that the provision of car parking is not mandatory for any design category.

Allocation of parking is generally provided for staff or nonparticipants, such as a personal carer, relative or friend that assist the participant in movements to and from the development. Consequently, residents who require SDA disability housing are unlikely to be capable of driving a vehicle and therefore would not generate a car parking demand. However, residents will still most likely complete trips with the assistance of a personal carer, relative or friend, which will not generate a demand for a long-term parking space, however, will generate a demand for a short term space for drop-off and pick-up.

Despite this, OneMileGrid in the Traffic Impact Assessment prepared for the application suggests that a rate of 0.5 spaces per apartment should be adopted as this is seen to be sufficient to cater for any demand generated by residents, carers, staff and visitors of the Community Care Accommodation. Council's Traffic Engineer has accepted this rate as being to Council's satisfaction.

Based on this, car parking has been provided to the development in accordance with the table below:

Land use	Floor area (total)	Parking rate (Column B of Cl. 52.06)	Parking requirement
Medical Centre	88sqm	3.5 spaces per 100sqm of leasable floor area	$88/100 = 0.88$ $0.88 \times 3.5 = 3.08$ spaces Rounded down to 3 spaces

Office	14sqm	3 spaces per 100sqm of net floor area	$14/100 = 0.14$ $0.14 \times 3 = 0.42$ spaces Rounded down to 0 spaces
Land Use	Number of apartments	Parking rate (determined to Council's satisfaction)	Parking requirement
Community Care Accommodation	12 apartments	0.5 spaces to each apartment	$12 \times 0.5 = 6$ spaces 6 spaces
		Total spaces required	Total spaces provided
		9 spaces required	10 spaces are provided

Therefore, the car parking demand for the proposed uses equates to a total of 9 car parking spaces (including an accessible space), of which 10 have been provided. The car parking spaces have been proposed to be located to the rear of the proposed building. This area is proposed to be accessed from a single crossover and a 3.4 metre wide accessway along the eastern side of the site.

In accordance with Clause 52.06-9 (Design Standard 1 – Accessways) the accessway is not required to provide a passing area as the accessway is less than 50 metres in length.

Each parking space has been provided with dimensions in accordance with Design standard 2 (Clause 52.06-9). The accessway width is 6.4 metres and therefore each parking space must be 4.9 metres by 2.6 metres. The proposal provides car parking spaces measuring 4.9 metres by 2.6 metres, which complies with the standard.

Council's Traffic Engineer has reviewed the plans and is satisfied with the proposal and the number of spaces provided for each use. Additionally, the access way, the number of spaces and the dimensions are consistent with the design standards of Clause 52.06-9 and therefore also compliant with the statutory requirements.

Based on compliance with the Parking Overlay (Schedule 1) and Clause 52.06 (Car parking) is it considered that the proposal will adequately cater for its generated car parking demand with ten (10) spaces being provided, where an assessment calculates the demand to be nine (9) spaces. As no reduction is required, there is no requirement for monetary contributions to be made under the Parking Overlay (Schedule 1). It is also noted that the Schedule to the Parking Overlay does not specify a maximum car parking provision and therefore, the provision of ten (10) spaces, where nine (9) are calculated as being required does not trigger a permit pursuant to Clause 45.09-3.

Clause 52.34 Bicycle Facilities

The purpose of this provision is to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces and associated facilities.

In accordance with the requirements of Clause 52.34-5, an office less than 1000 square metres of net floor area does not require employee or visitor spaces.

In accordance with Clause 52.34-5, both Medical Centres and Residential buildings (of four or more storeys) must provide bicycle spaces. The statutory requirement for both uses combined equates to six (6) bicycle spaces. The proposal provides for eight (8) bicycle spaces which will be located at the front of the building, exceeding the requirements of the Planning Scheme.

Showers and change rooms are not required to be provided as less than five (5) employee bicycle spaces are required. It is noted that the nurse accommodation does contain a full bathroom which shower at ground floor level, however this is for the use of a nurse or carer associated with the Community Care Accommodation. A communal toilet/ change room at ground floor level is provided, and each apartment contains bathrooms to cater for residents.

This is considered satisfactory.

Development Contributions Plan Overlay (Schedule 1)

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

The site is considered non-residential land within the area covered by the Pakenham Township Development Contributions Plan, September 1997, and therefore in accordance with Section 4.0 of Schedule 1 to the DPO, this land is excluded from the requirement and no contribution is required.

Clause 65 Decision guidelines

The proposal is consistent with the PPF and LPPF, the purpose of the zone, overlay and relevant provisions. The proposal does not undermine the orderly planning of the area. The uses are considered appropriate given the location of the site and the siting, design and visual impact of the building is considered appropriate when regard is given to the context of the site within an activity centre and zone which encourages higher density, mixed use development at this location.

Conclusion

The proposed use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation has been located within an activity centre and a location which encourages development that has a focus for business, shopping, working, housing, leisure, transport and community facilities and to support sustainable urban outcomes that maximise the use of infrastructure and public transport within Precinct 4.

The proposal responds well to the vision for development in Precinct 4 of the Activity Centre Zone, as it, on balance, appropriately responds to the urban design and strategic vision for development in Pakenham into the future which includes multi-story, higher density development.

The site is well located to the Pakenham Activity Centre Zone which provides access to community, health, retail and transport options within accessible distances. The proposal itself provides for an essential service for people living with a disability within the immediate and surrounding Pakenham area (and townships beyond), which will in turn increase access to and provide more diversity of these types of services and accommodation in an accessible location.

It is therefore recommended that a Notice of Decision to Grant a Permit be issued for Planning Permit Application T210942 for the use of land for Community Care Accommodation and the construction of a multi-storey, mixed-use building associated with a Medical Centre, Office and Community Care Accommodation at L2 LP83481, 81 Henry Street Pakenham VIC 3810 subject to the following conditions:

Conditions

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by VIA Architects, Rev B, dated 25/03/22. The plans must include:
 - a. An area schedule in the form of a table for each level of the building.
 - b. First and Second floor plans updated to clearly show the location of kitchens and laundries.
 - c. Floor plans updated to show services, plant equipment and air-conditioning units as screened and located within acoustically treated housings.
 - d. Services, plant equipment and air-conditioning units to be shown on the elevation drawings as screened and located within acoustically treated housings.
 - e. A pole mounted convex mirrors within the accessway that allows a vehicle entering or exiting the carpark to check if the access lane is clear before entering.
 - f. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fences.
 - g. Reference to 'Business Identification Signage' removed from all plans.

Landscaping:

2. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one electronic copy in an approved format must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 9 November 2021 prepared by memLa, except that the plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary (as per arborist reported dated February 2022 prepared by Lloyd Hetrick).
 - c. Details of surface finishes of pathways and driveways.
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

- e. Landscaping and planting within all open areas of the subject land.
- f. Two canopy trees (minimum 33cm pot size when planted) in the front setback of the development.
- g. Details of existing and proposed boundary fencing, including sightline triangles along with an annotation regarding the height of the fence.
- h. Movie screen removed from the rooftop communal area to be consistent with rooftop communal area floor plans.

Management Plan:

1. Before the development starts, a Management Plan for the use of the land for Community Care Accommodation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. One electronic copy must be provided and the Management Plan must include but is not necessarily limited to the following:
 - a. Site operation;
 - b. Staff requirements and hours of availability on site;
 - c. Resident application requirements;
 - d. Hours of use of the communal rooftop terrace;
 - e. Critical Incident Management and Emergency & Evacuation Procedures;
 - f. Security measures;
 - g. Provision of information on local public transport and to encourage uptake of other transport modes (e.g. information on facilities within walking distance, local public transport timetables, car share services etc);
 - h. A Complaints Handling Procedure; and
 - i. A contact person and their telephone number must be displayed at the Community Care Accommodation frontage at all times. The displayed telephone number must be contactable at all times (otherwise call forwarded to another appropriate person) to enable a prompt response to any operational complaints which may arise that require immediate attention, such as noise emissions or other issues of non-compliance with this permit.

Stormwater Management Plans:

2. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Street trees:

3. Before the development starts a fee of \$415.00 per tree must be paid to the Responsible Authority for the replacement of the existing street tree/s nominated to be removed for the development (specifically tree 2 identified in the arborist report dated February 2022 prepared by Lloyd Hetrick). Replacement will be undertaken by Council contractors within the streetscape in the next planting season.

4. Before the development including demolition starts, a tree protection fence must be erected around the existing street trees to be retained outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. All recommendations within the arborist report dated February 2022 prepared by Lloyd Hetrick are to be followed

Use for Community Care Accommodation:

5. The apartments, office, meeting room and nurses room as shown on the endorsed plans must only be used for the purpose of providing Community Care Accommodation as defined by the Cardinia Planning Scheme and must not be altered or modified without the prior consent in writing of the Responsible Authority.
6. Unless with the prior written consent of the Responsible Authority, the communal rooftop outdoor area must only be used:
 - a. Monday to Sunday between 7:00am and 10:00pm

Buildings and works:

7. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.

Landscaping:

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

Environmentally Sustainable Design:

11. The strategies forming part of the endorsed Sustainable Design Assessment (ESD report) prepared by ADP Consulting: Engineering, Rev 02, dated 18/03/22 must be implemented for the development to the satisfaction of the Responsible Authority.

Car parking and access:

12. A minimum of ten (10) car spaces including a minimum of one (1) space with a shared space, clearly marked for use by disabled persons must be provided on the subject land for the development in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

Amenity (during construction):

13. The works associated with the construction of the development must be carried out in accordance with the endorsed Construction Management Plans and must not detrimentally affect the amenity of the area, through the:

- g. Transport of materials, goods or commodities to or from the land.
- h. Inappropriate storage of any works or construction materials.
- i. Hours of construction activity.
- j. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- k. Presence of vermin.
- l. In any other way.

To the satisfaction of the Responsible Authority.

Amenity (ongoing):

14. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
15. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
16. Noise emissions from the land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, March 2021) (or as amended) at all times.
17. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality to the satisfaction of the Responsible Authority.
18. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
19. All external plant, air-conditioners and equipment must be screened and acoustically treated or placed in sound proof housing in accordance with the endorsed plans to reduce noise to a level satisfactory to the Responsible Authority.
20. The use and development must not detrimentally affect the amenity of the area, through the:
- f. Transport of materials, goods or commodities to or from the land.
 - g. Appearance of any building, works or materials.

- h. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- i. Presence of vermin.
- j. Or in any other way.

To the satisfaction of the Responsible Authority.

Waste Management:

- 21. All waste generated by the use of the land must at all times be managed in accordance with the endorsed Waste Management Plan for the land approved by the Responsible Authority.
- 22. Refuse or waste matter associated with the medical practice, including surgical waste, must be disposed of in a manner to the satisfaction of the Responsible Authority.
- 23. All waste must be stored effectively within the bin enclosure areas as shown on the endorsed plan to prevent odours from affecting neighbouring properties.

Earthworks:

- 24. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

Stormwater Management:

- 25. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
- 26. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
- 27. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Vehicle crossings and parking areas:

- 28. Before the development is occupied:
 - a. A residential standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - b. The convex mirror/s required by Condition 1(e) must be installed to the satisfaction of the Responsible Authority.
 - c. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

- d. All proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

Prior to occupation:

29. Before the development is occupied:

- j. Any measures shown on the endorsed plans to prevent overlooking into neighbouring properties must be installed to the satisfaction of the Responsible Authority.
- k. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- l. The premises must be connected to a reticulated water supply, sewerage, drainage, electricity and be provided telecommunications to the requirements of the relevant servicing authority.
- m. The boundary fencing as shown on the endorsed plans must be installed at a cost to the developer to the satisfaction of the Responsible Authority.
- n. A bin storage area must be provided as shown on the endorsed plans and screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority. This area must be drained to the satisfaction of the Responsible Authority.
- o. All external plant and equipment must be screened and acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- p. A mailbox must be provided at the entrance of the building for each dwelling to the satisfaction of the Responsible Authority and Australia Post.
- q. Lighting must be provided near the front entrance of each dwelling, the front entrance of the building, car park areas, within hallways and other common areas to the satisfaction of the Responsible Authority.
- r. Rain water tanks as shown on the endorsed plans must be installed and connected to toilets and irrigation systems in accordance with the endorsed Environmentally Sustainable Design report.

Expiry:

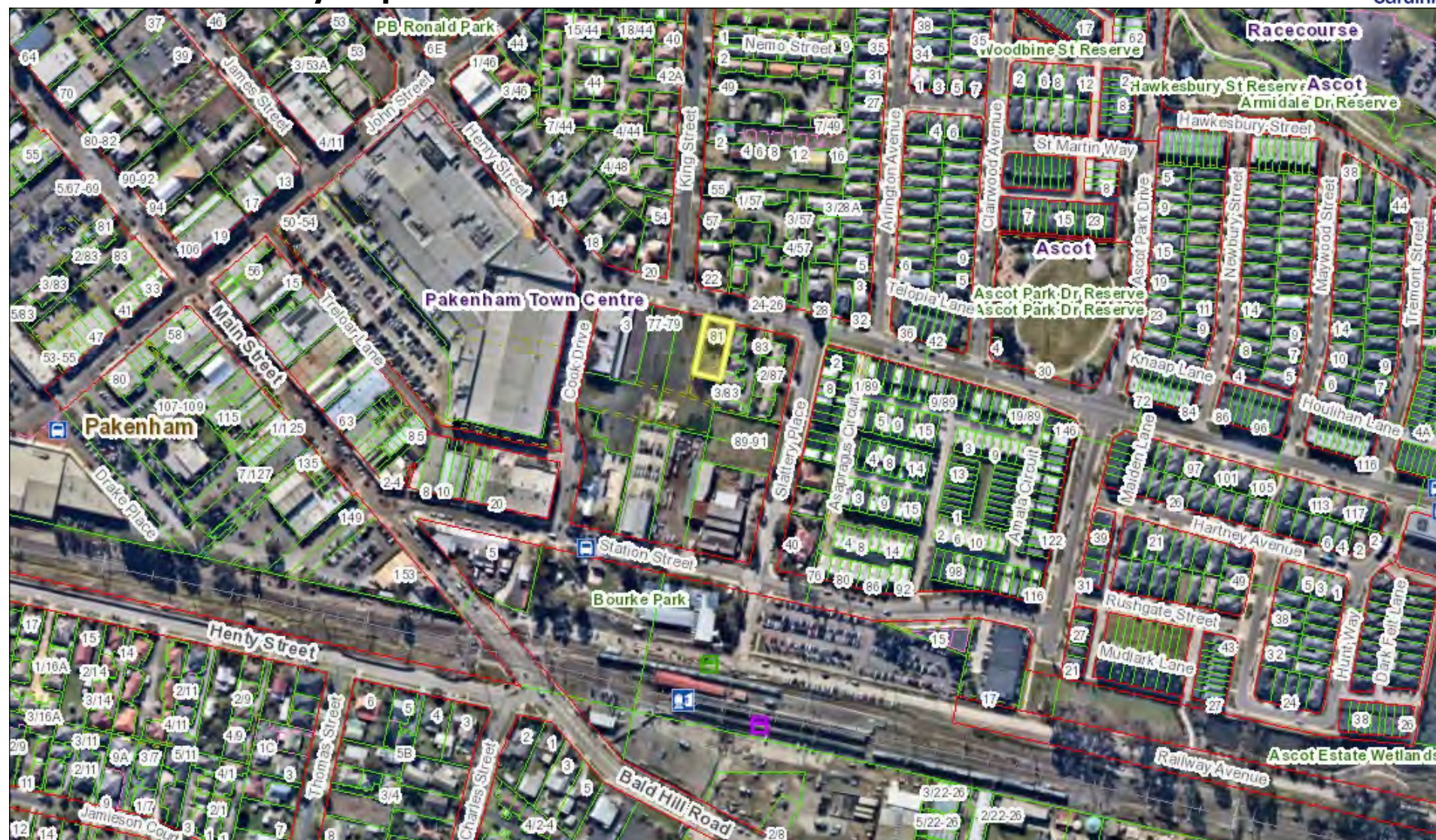
30. A permit for the development and use of land expires if-

- e. the development does not start within two (2) years after the issue of the permit; or
- f. the development is not completed within four (4) years after the issue of the permit; or
- g. the use does not start within two (2) years after the completion of the development; or
- h. the use is discontinued for a period of two (2) years.

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

Notes:

- v. Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.
- vi. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- vii. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration, tattooing, or be providing accommodation to more than four (4) persons, then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.
- viii. As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

T210942 PA - Locality map

185.8 0 92.89 185.8 Meters

1:3,657

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

5-Sep-2022

Notes



81 HENRY STREET, PAKENHAM



TOWN PLANNING DRAWINGS		
Sheet Number	Sheet Name	Current Revision
TP00-000	COVER SHEET	B
TP01-001	EXISTING CONDITIONS / DEMOLITION PLAN	B
TP01-101	PROPOSED SITE PLAN	B
TP02-001	PROPOSED UNBOUND LEVEL PLAN	B
TP03-002	PROPOSED FIRST FLOOR PLAN	B
TP04-003	PROPOSED SECOND FLOOR PLAN	B
TP05-004	PROPOSED THIRD FLOOR PLAN	B
TP06-005	PROPOSED FOURTH FLOOR PLAN	B
TP07-006	PROPOSED ROOF PLAN	B
TP08-001	PROPOSED ELEVATIONS	B
TP09-002	PROPOSED ELEVATIONS	B
TP10-001	PROPOSED SECTIONS	B
TP11-001	EXISTING SHADOW DIAGRAMS	B
TP12-002	PROPOSED SHADOW DIAGRAMS	B
TP13-001	OVERLOOKING DIAGRAMS (1 OF 3)	B
TP14-002	OVERLOOKING DIAGRAMS (2 OF 3)	B
TP15-003	OVERLOOKING DIAGRAMS (3 OF 3)	A

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B RFI RESPONSE

DATE BY
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25/03/2022 SD

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TIMESTAMP: 25/03/2022 4:24:16 PM

KEY PLAN

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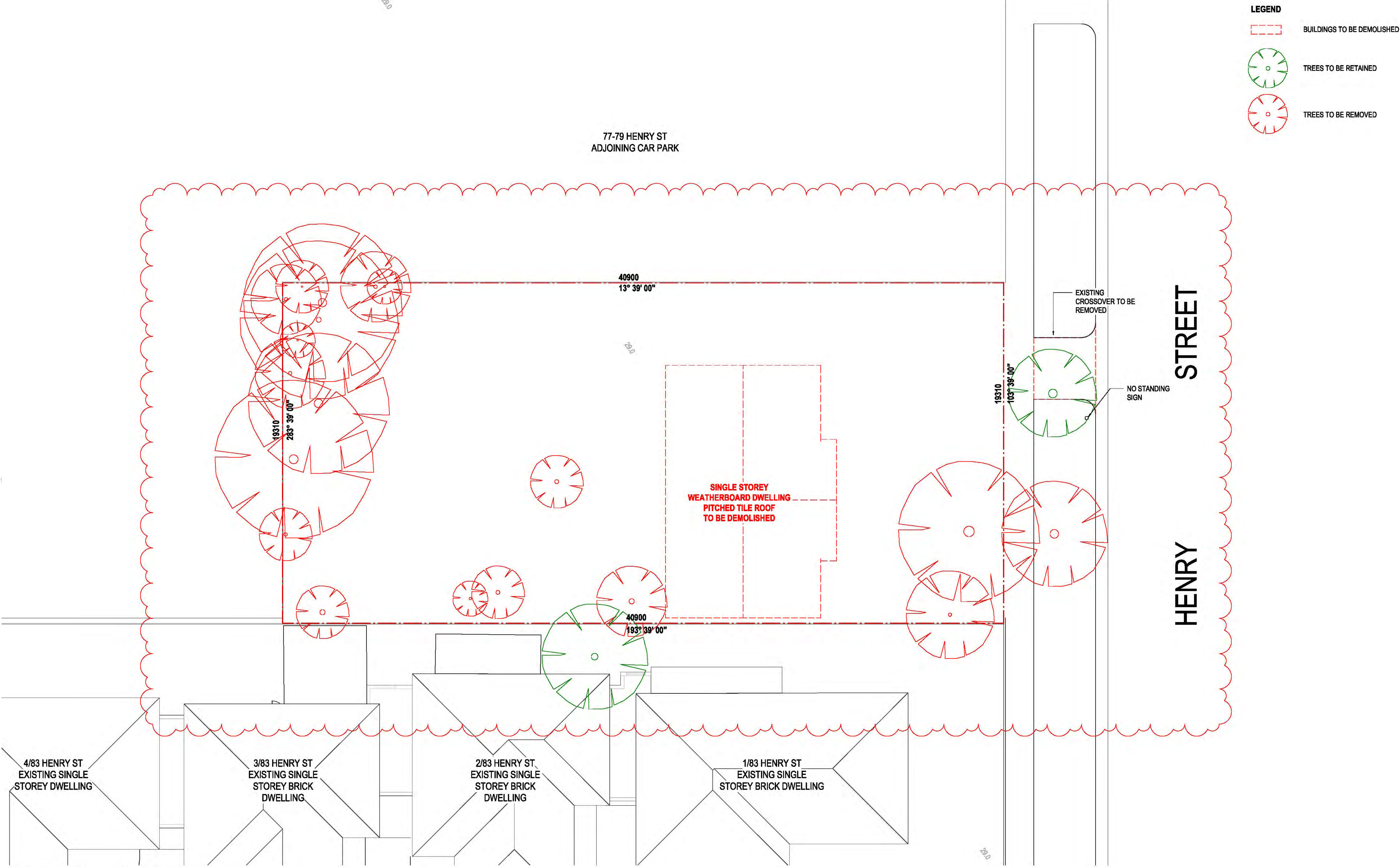


STATUS TOWN PLANNING - RFI RESPONSE

PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
COVER SHEET

SCALE (A1) / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP00-000 / REV B



- LEGEND**
- BUILDINGS TO BE DEMOLISHED
 - TREES TO BE RETAINED
 - TREES TO BE REMOVED

1
TP01-001
EXISTING CONDONS / DEMOLITION PLAN
1 : 100

STATUS TOWN PLANNING - RFI RESPONSE

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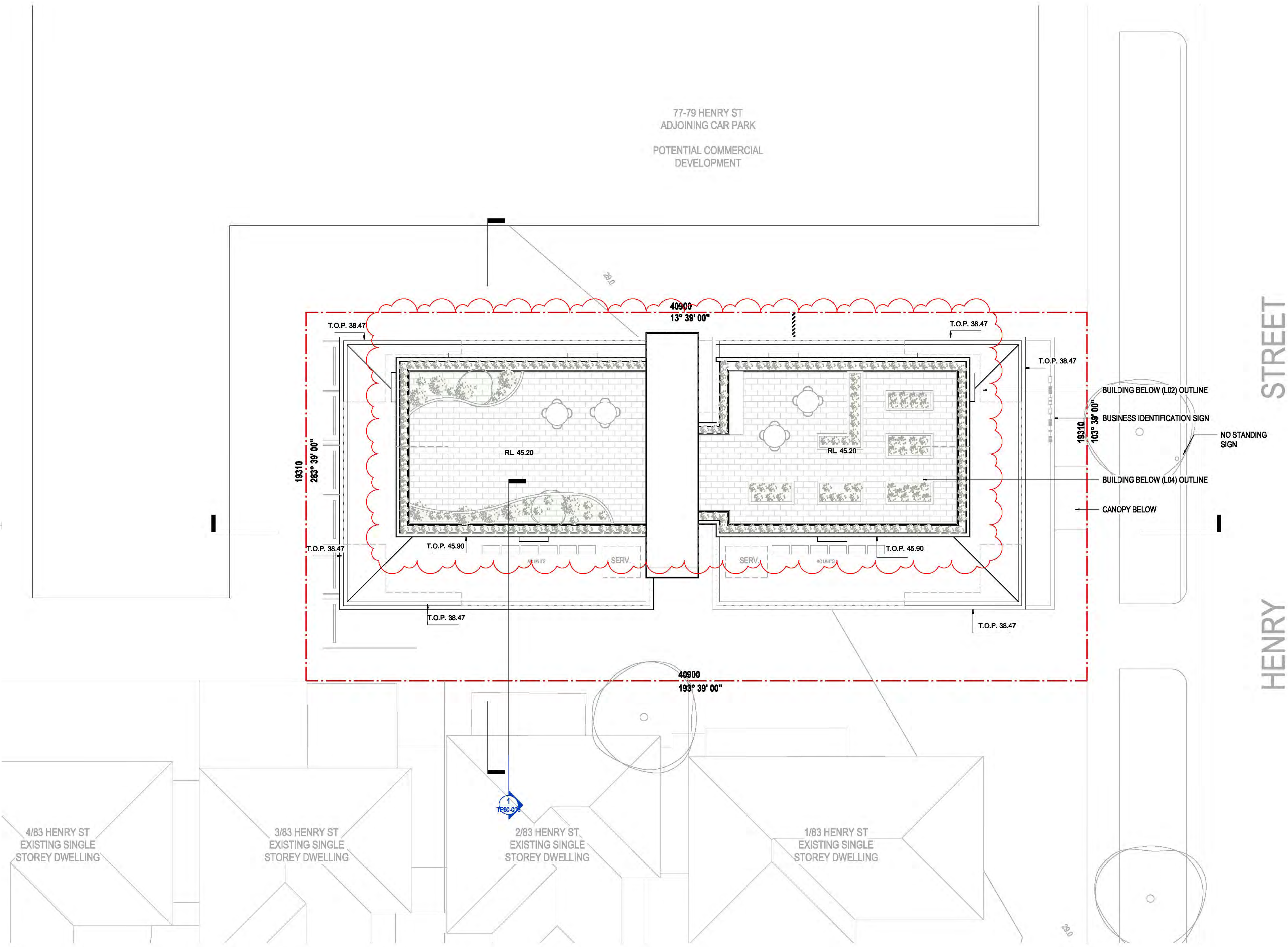


PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
EXISTING CONDITIONS / DEMOLITION
PLAN

SCALE (A1) 1 : 100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP01-001 / REV B

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1 PROPOSED SITE PLAN
TP01-101 1:100

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KEY PLAN

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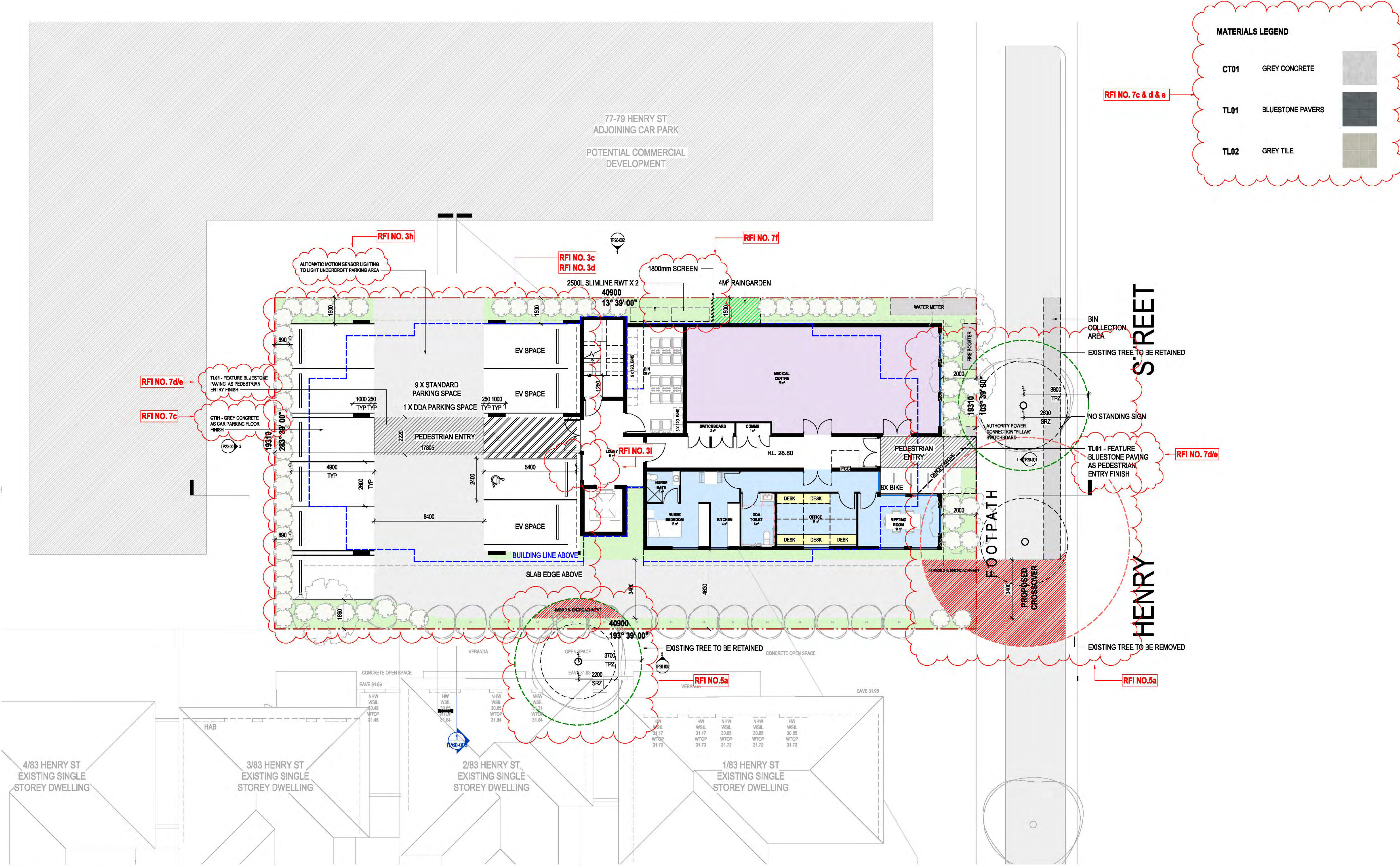


PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED SITE PLAN

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP01-101 / REV B

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1 PROPOSED GROUND FLOOR PLAN
TP10-001 1:100

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A	TOWN PLANNING ISSUE	16/12/2021	SD
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KEY PLAN

NORTH POINT

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81 HENRY STREET, PAKENHAM

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PROPOSED GROUND LEVEL PLAN

SCALE (A1)
1:100

DRAWN BY
SD

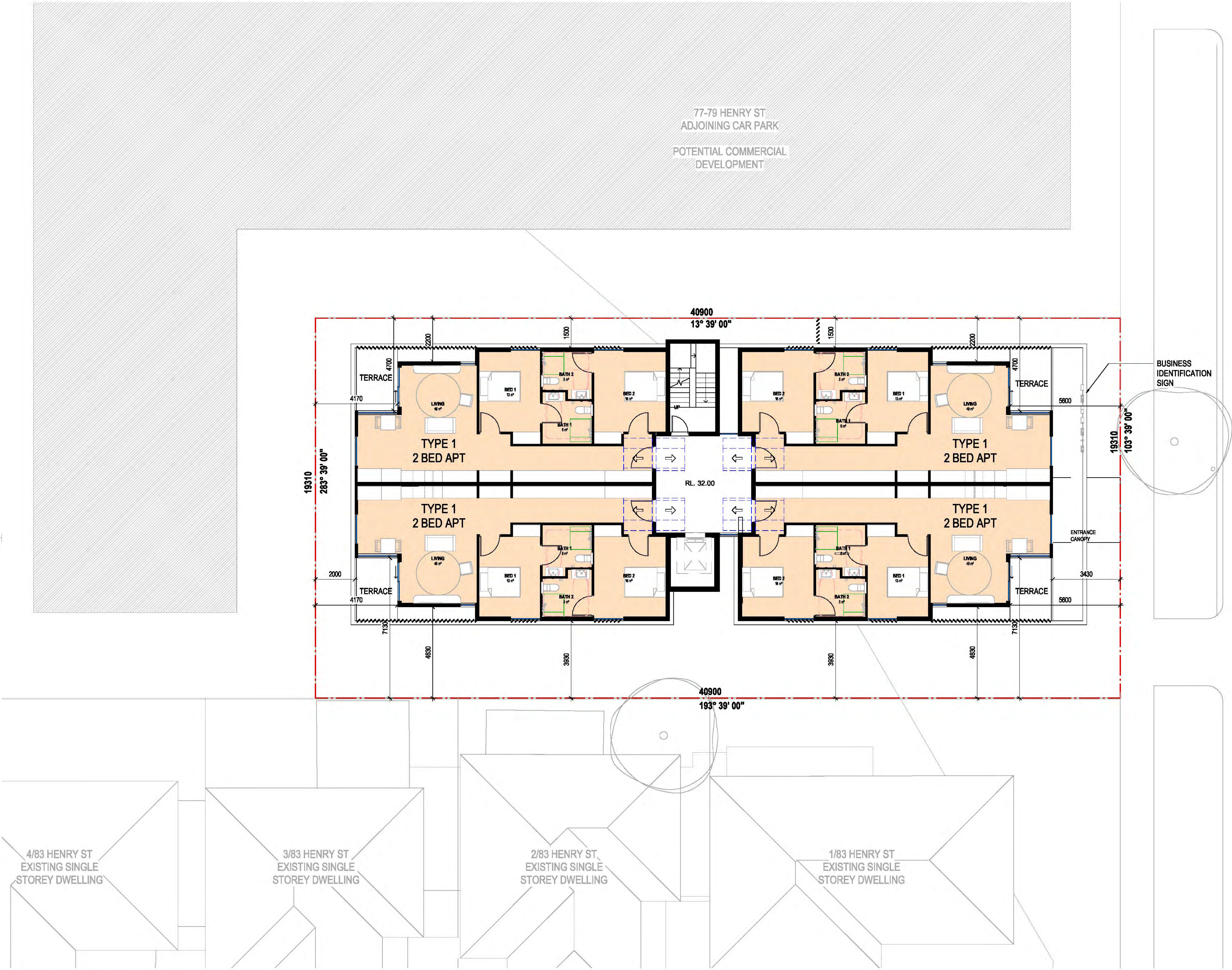
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TM

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2110033

DRAWING No.
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REV
B

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1
TP10-002
PROPOSED FIRST FLOOR PLAN
1:100

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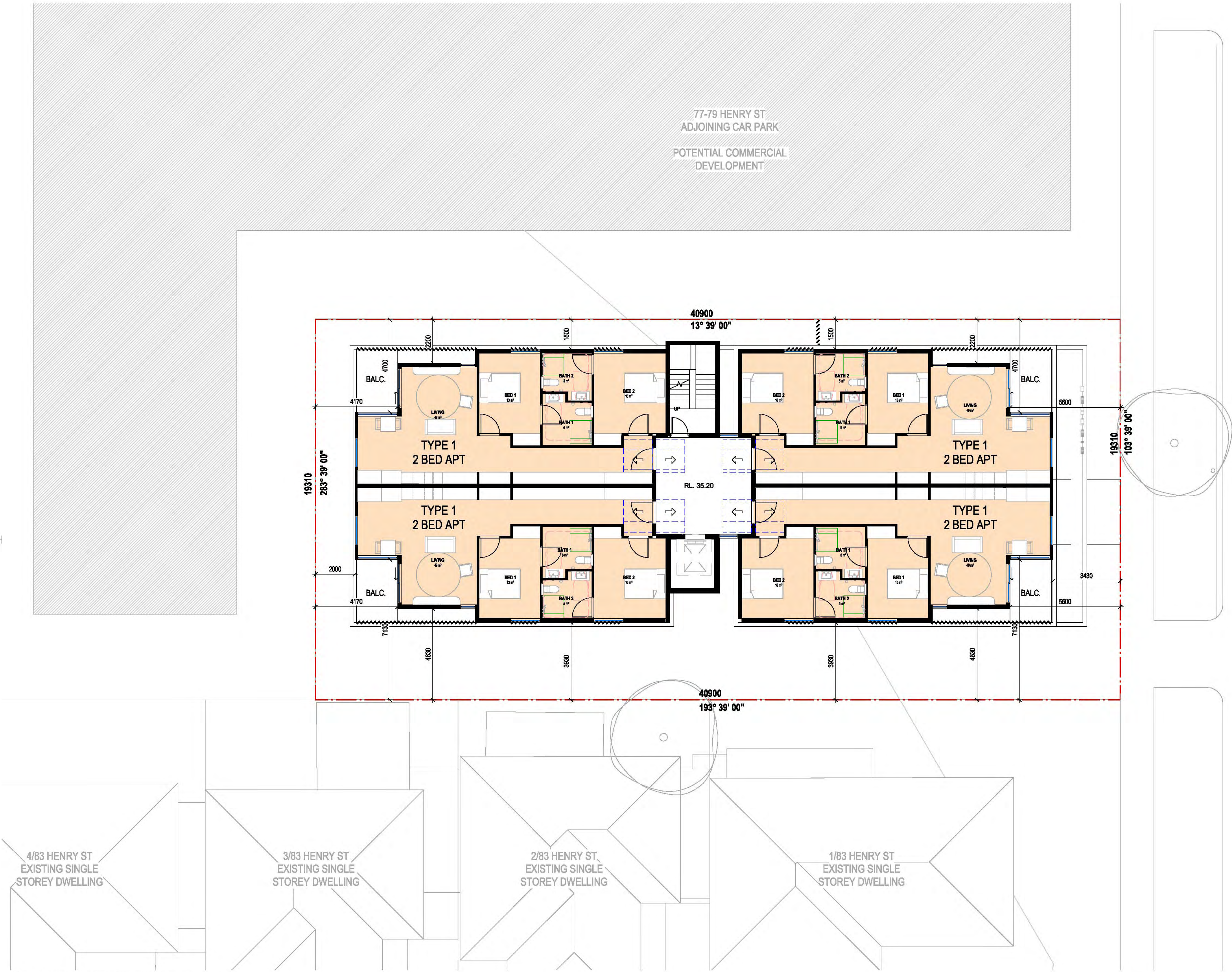
KEY PLAN



PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED FIRST FLOOR PLAN

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP10-002 / REV B



HENRY STREET

1
PROPOSED SECOND FLOOR PLAN
1:100

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KEY PLAN

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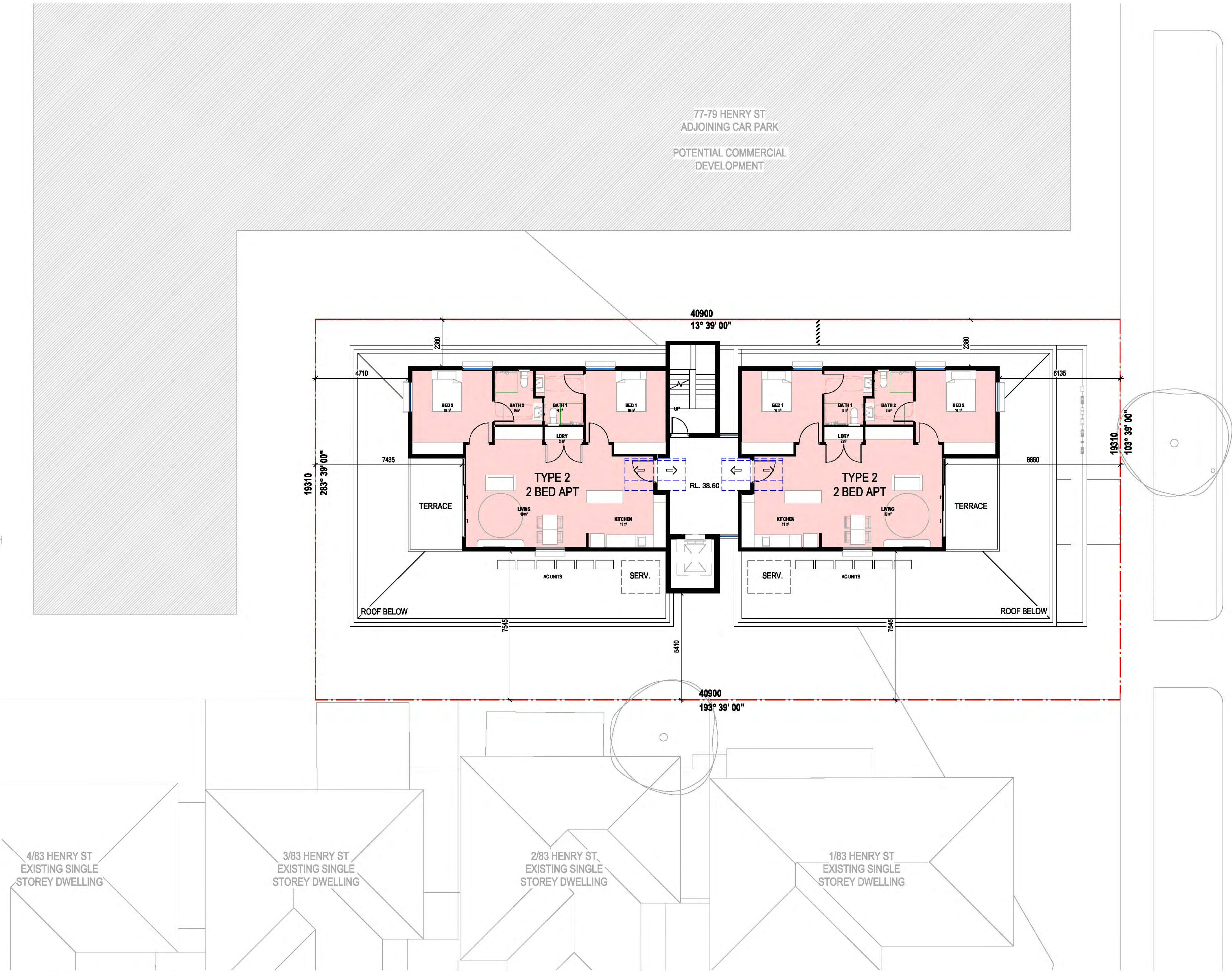


PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
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PROPOSED SECOND FLOOR PLAN

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP10-003 / REV B

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HENRY STREET

1
TP10-004
PROPOSED THIRD FLOOR PLAN
1:100

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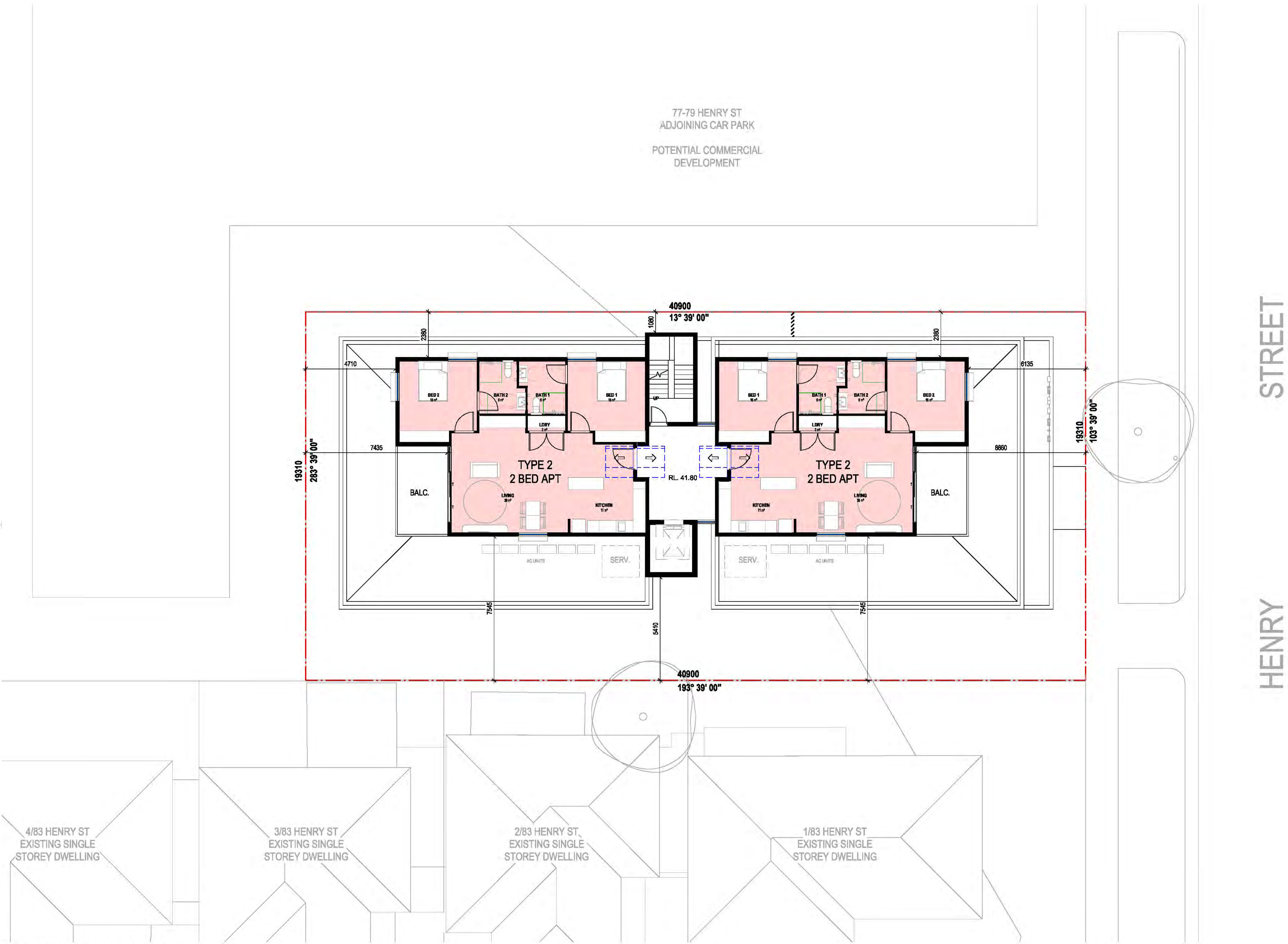


PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED THIRD FLOOR PLAN

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1
PROPOSED FOURTH FLOOR PLAN
TP10-005 1:100

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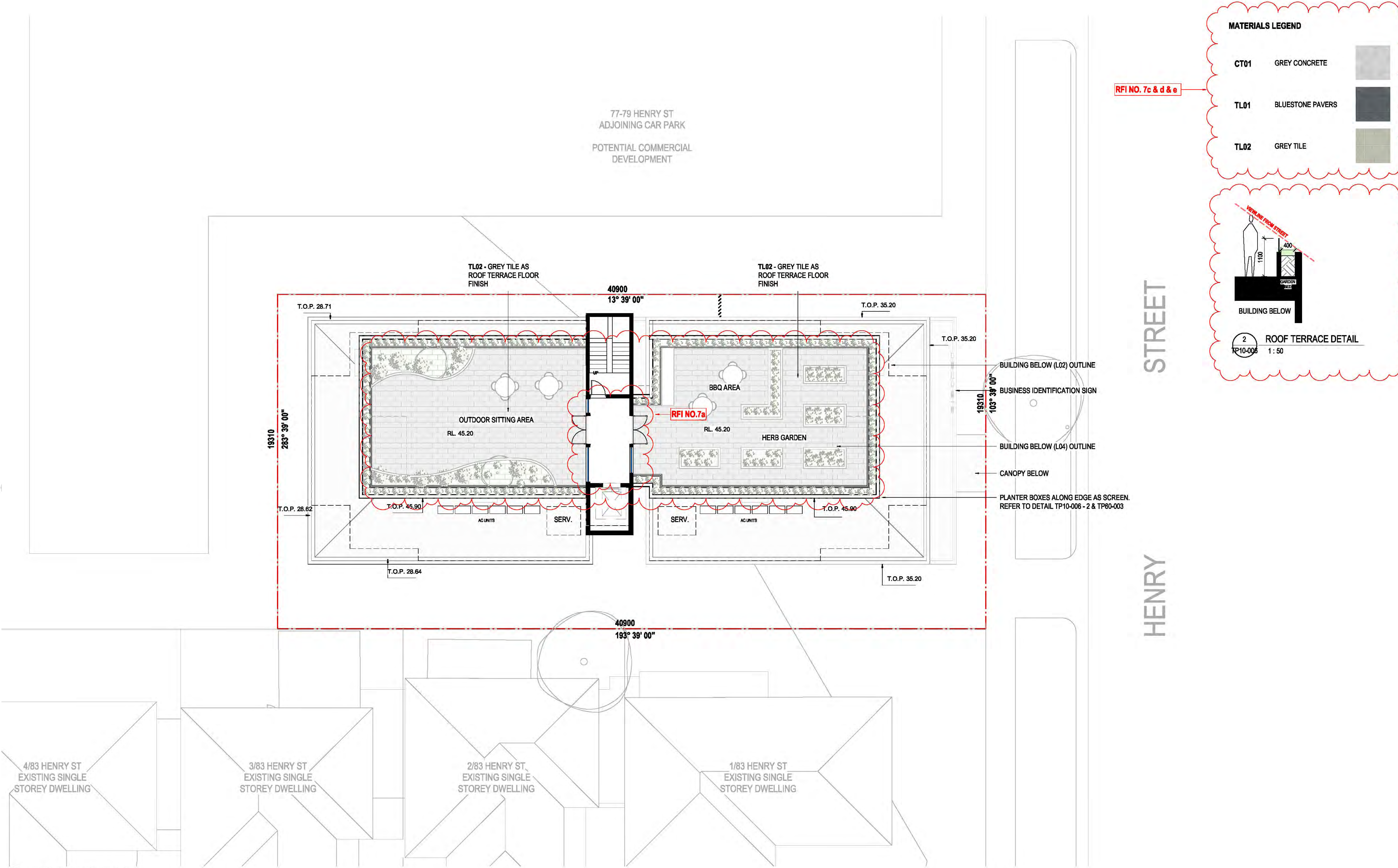


PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED FOURTH FLOOR PLAN

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP10-005 / REV B

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1 PROPOSED ROOF PLAN
TP10-006 1:100

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KEY PLAN

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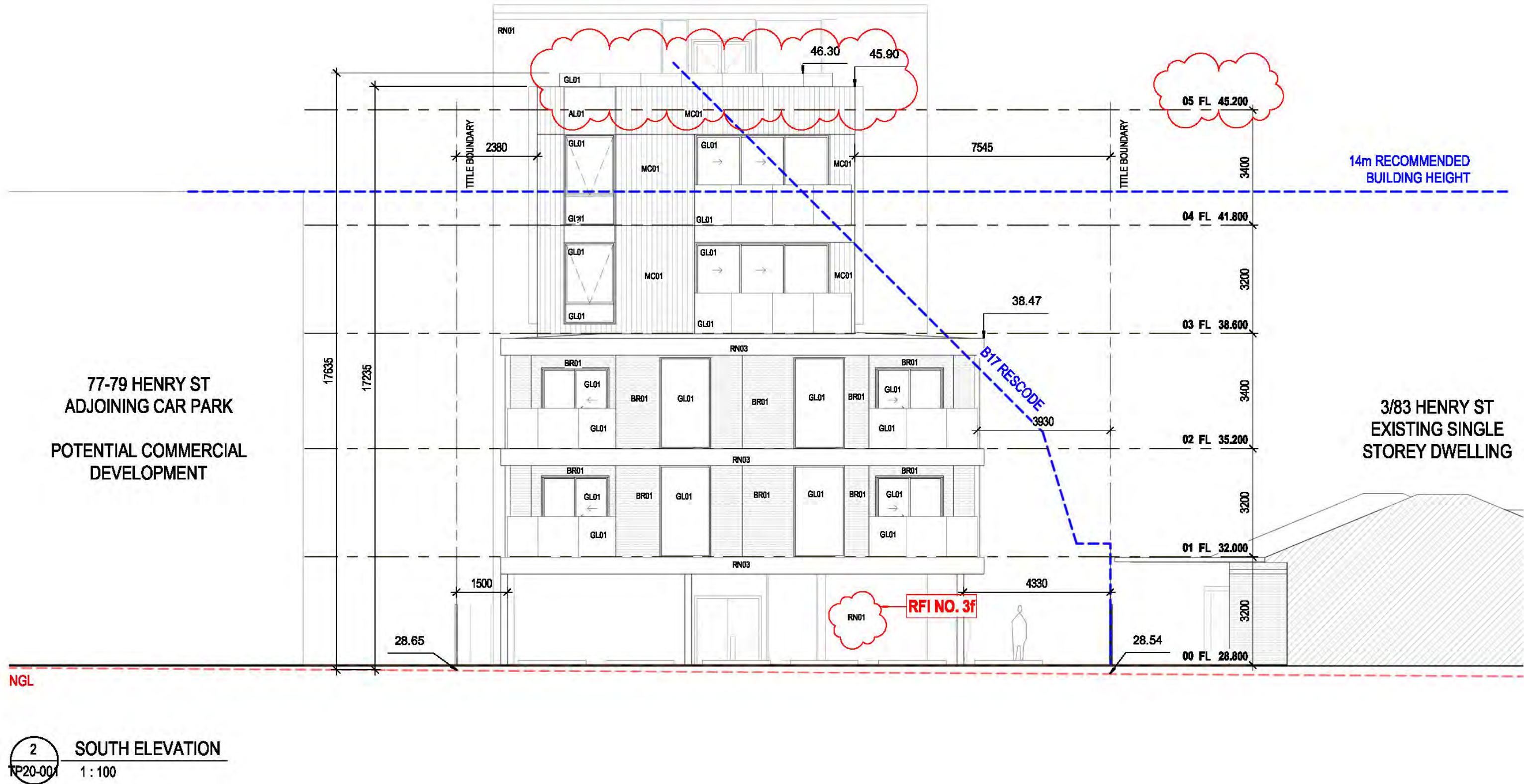
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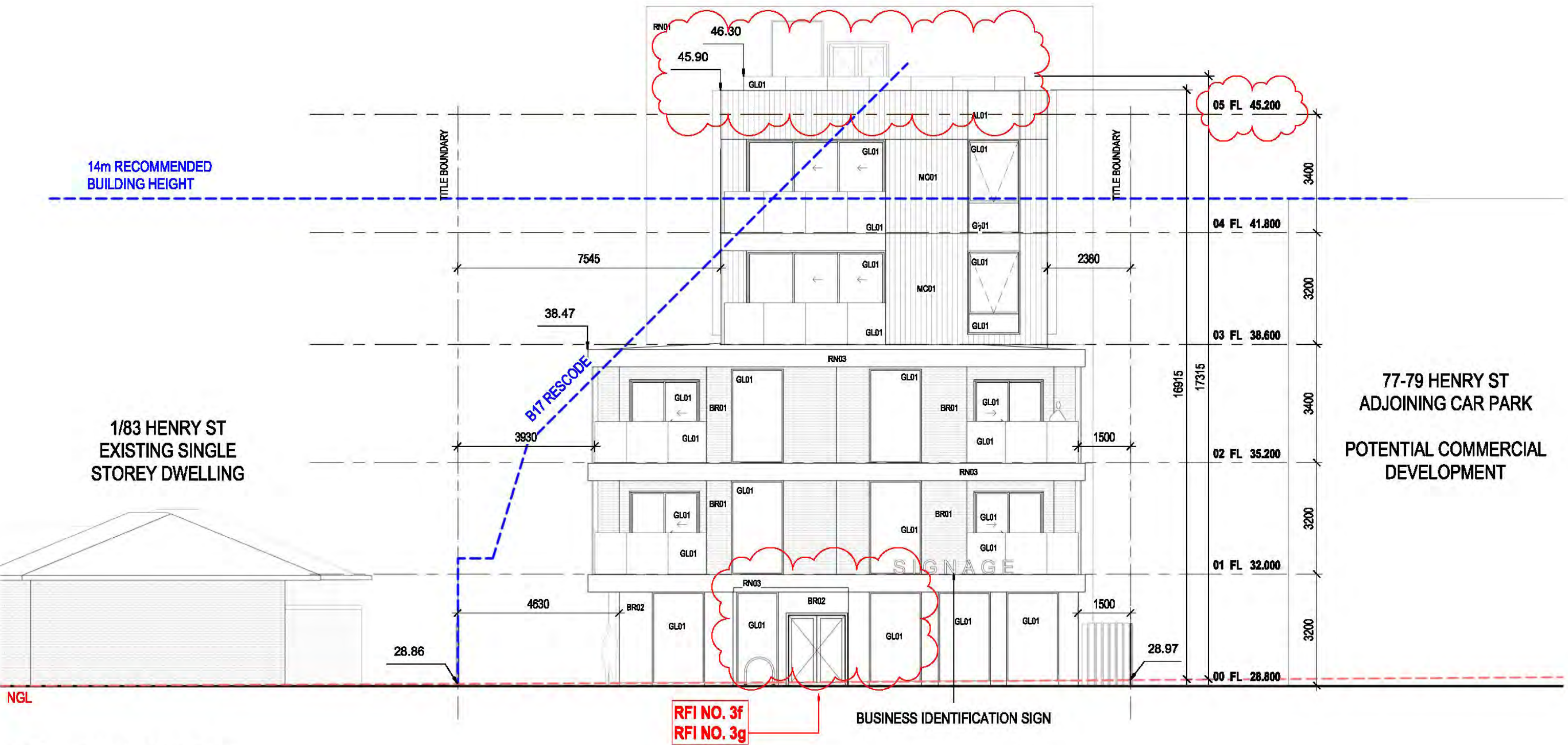
PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED ROOF PLAN

SCALE (A1) / DRAWN BY / CHECKED BY / PROJECT No. / DRAWING No. / REV
As indicated / SD / TM / 2110033 / TP10-006 / B



2 SOUTH ELEVATION
TP20-001 1:100



1 NORTH ELEVATION
TP20-001 1:100

MATERIALS LEGEND

BR01	RED BRICK	
BR02	GREY BRICK	
MC01	WHITE STANDING SEAM CLADDING	
ML01	BLACK METAL LOUVRE	
RN01	WHITE RENDERED FINISH	
RN02	DARK CONCRETE LOOK	
RN03	GREY CONCRETE LOOK	
GL01	CLEAR GLAZING	
AL01	WHITE ALUMINIUM	

STATUS TOWN PLANNING - RFI RESPONSE

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B RFI RESPONSE

DATE BY
16/12/2021 SD
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KEY PLAN

PROJECT REF: C:\Users\B\Desktop\Documents\81 HENRY STREET CENTRAL_15_20220322_81dwg.nc
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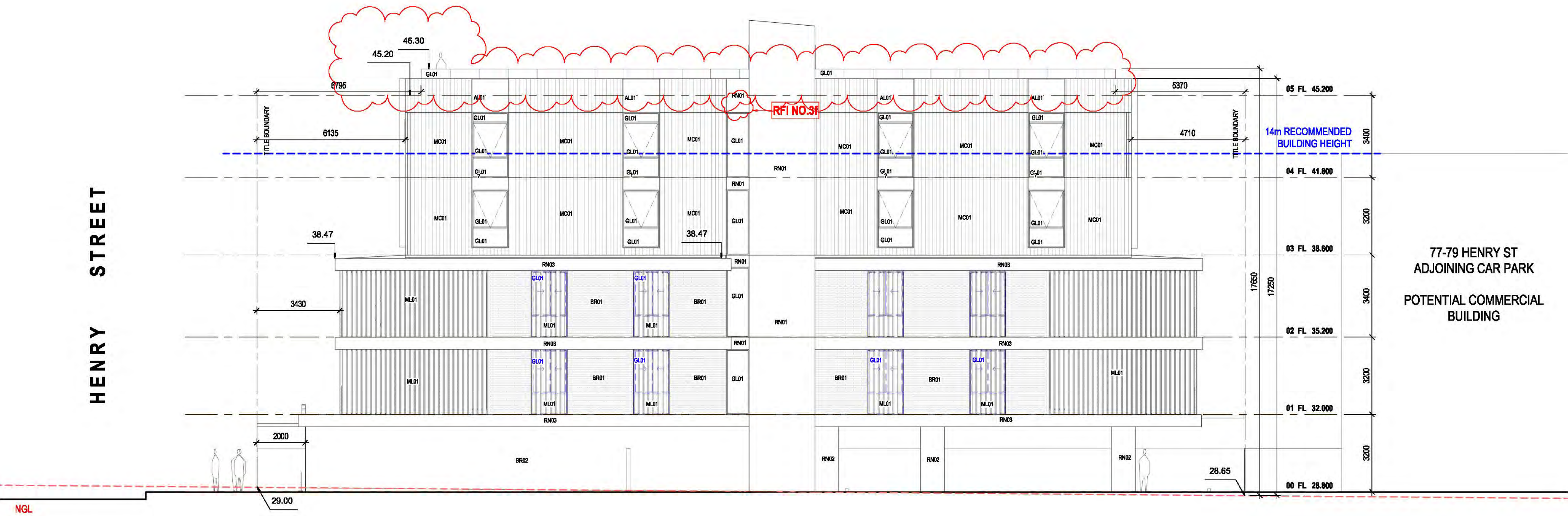
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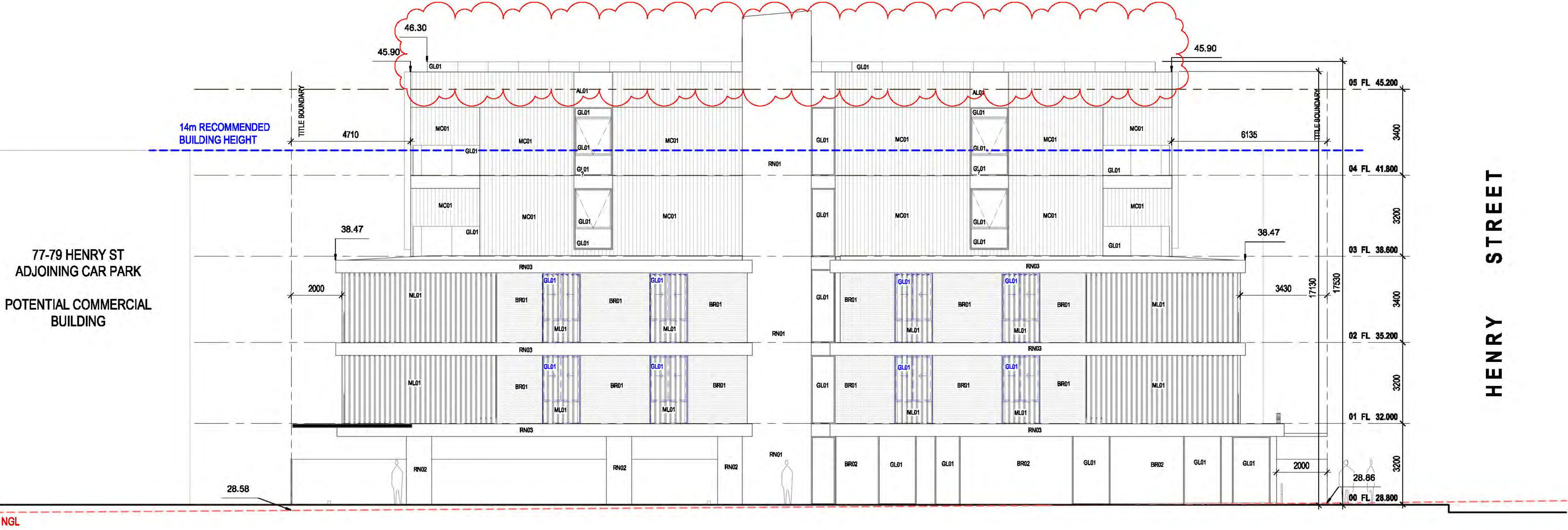
PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

DRAWING TITLE
PROPOSED ELEVATIONS

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP20-001 / REV B



1 WEST ELEVATION
TP20-002 1:100



2 EAST ELEVATION
TP20-002 1:100

MATERIALS LEGEND		
BR01	RED BRICK	
BR02	GREY BRICK	
MC01	WHITE STANDING SEAM CLADDING	
ML01	BLACK METAL LOUVRE	
RN01	WHITE RENDERED FINISH	
RN02	DARK CONCRETE LOOK	
RN03	GREY CONCRETE LOOK	
GL01	CLEAR GLAZING	
AL01	WHITE ALUMINIUM	

STATUS TOWN PLANNING - RFI RESPONSE

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DATE BY
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KEY PLAN

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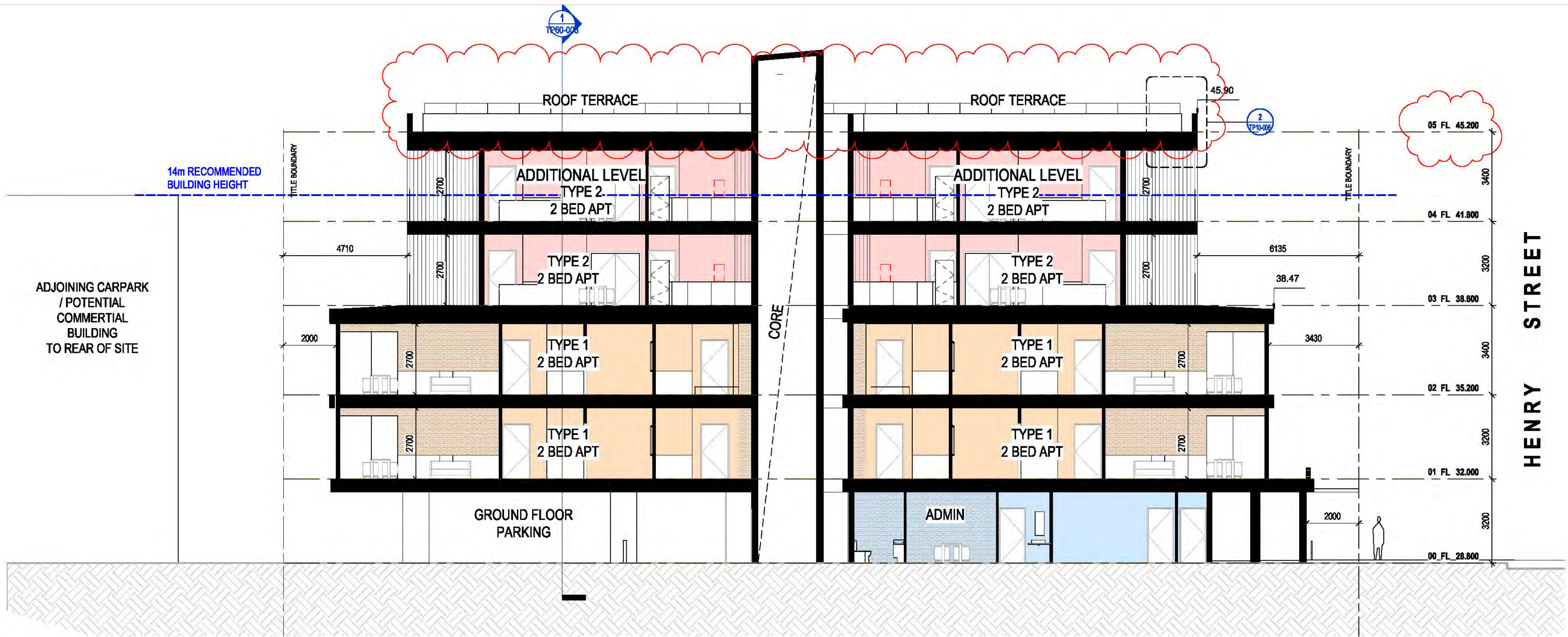
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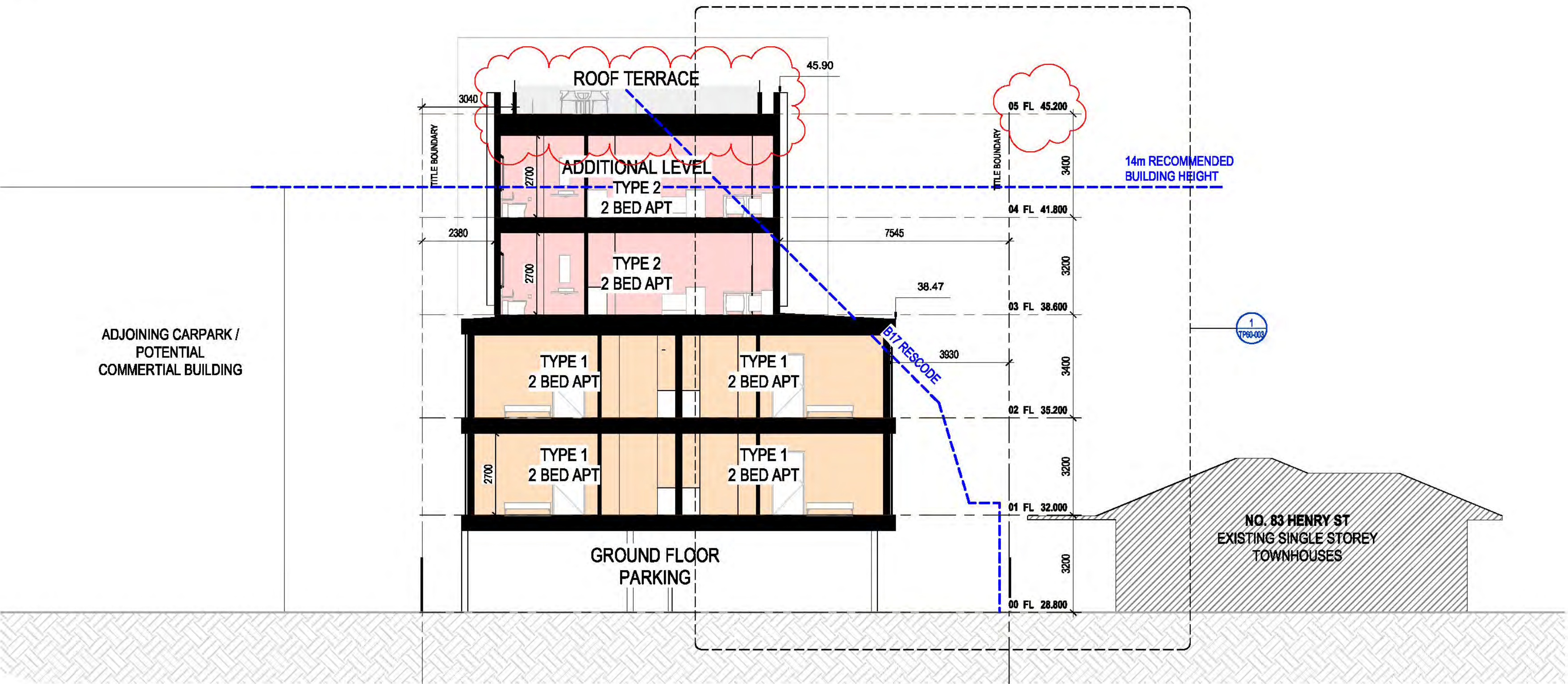
PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED ELEVATIONS

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP20-002 / REV B



1 SECTION_LONG
1:100



2 SECTION_SHORT
1:100

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KEY PLAN

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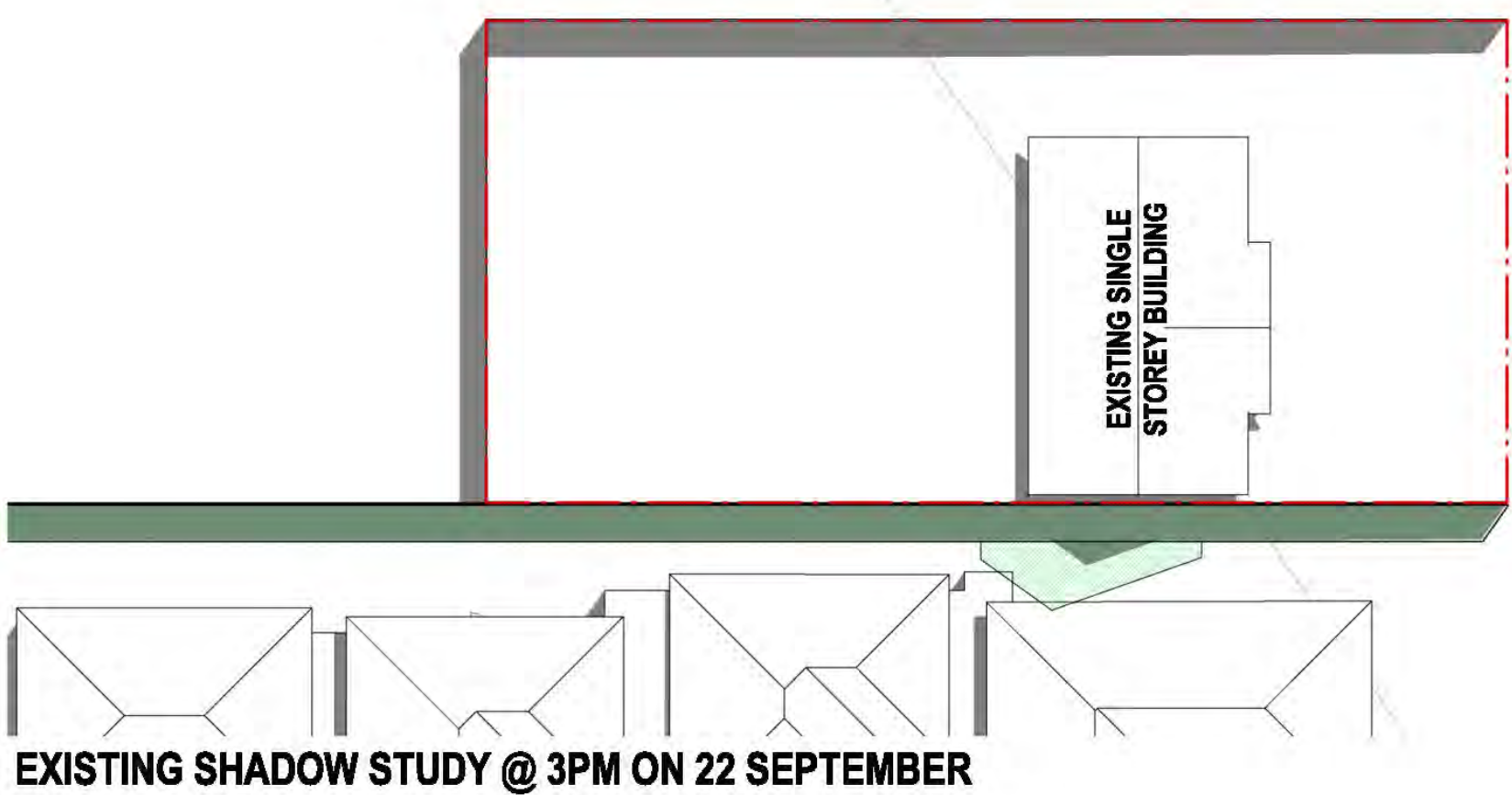
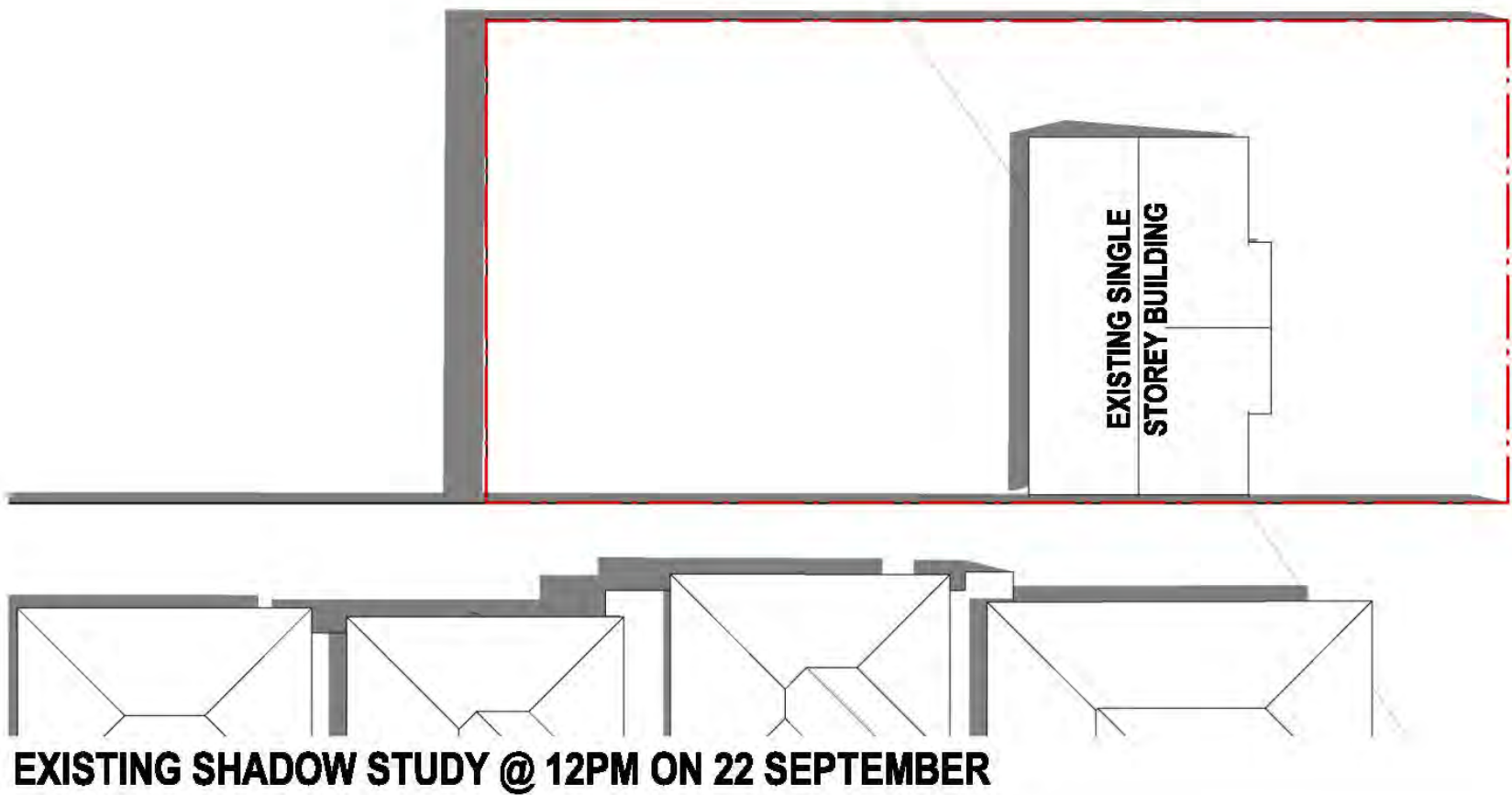
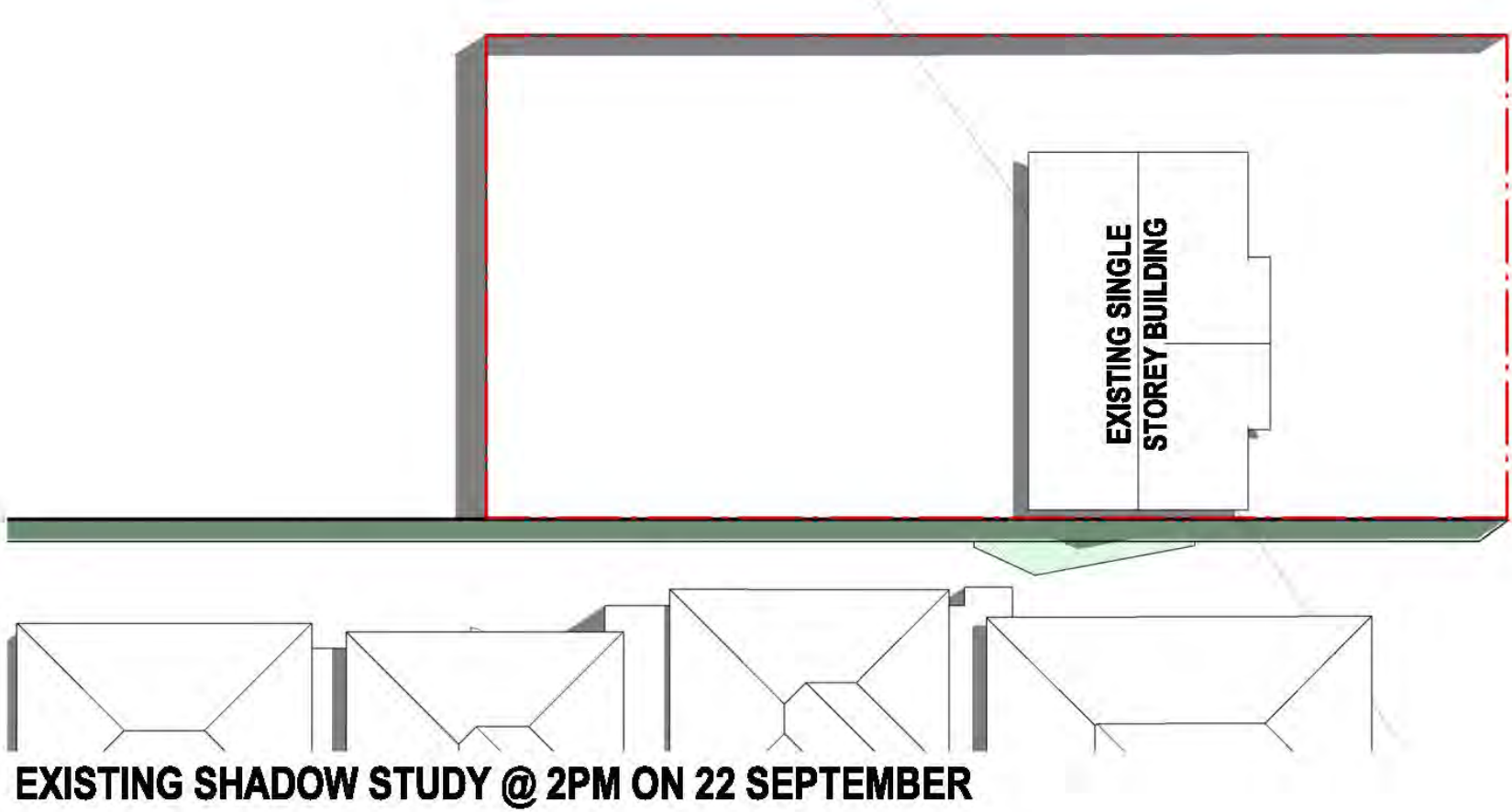
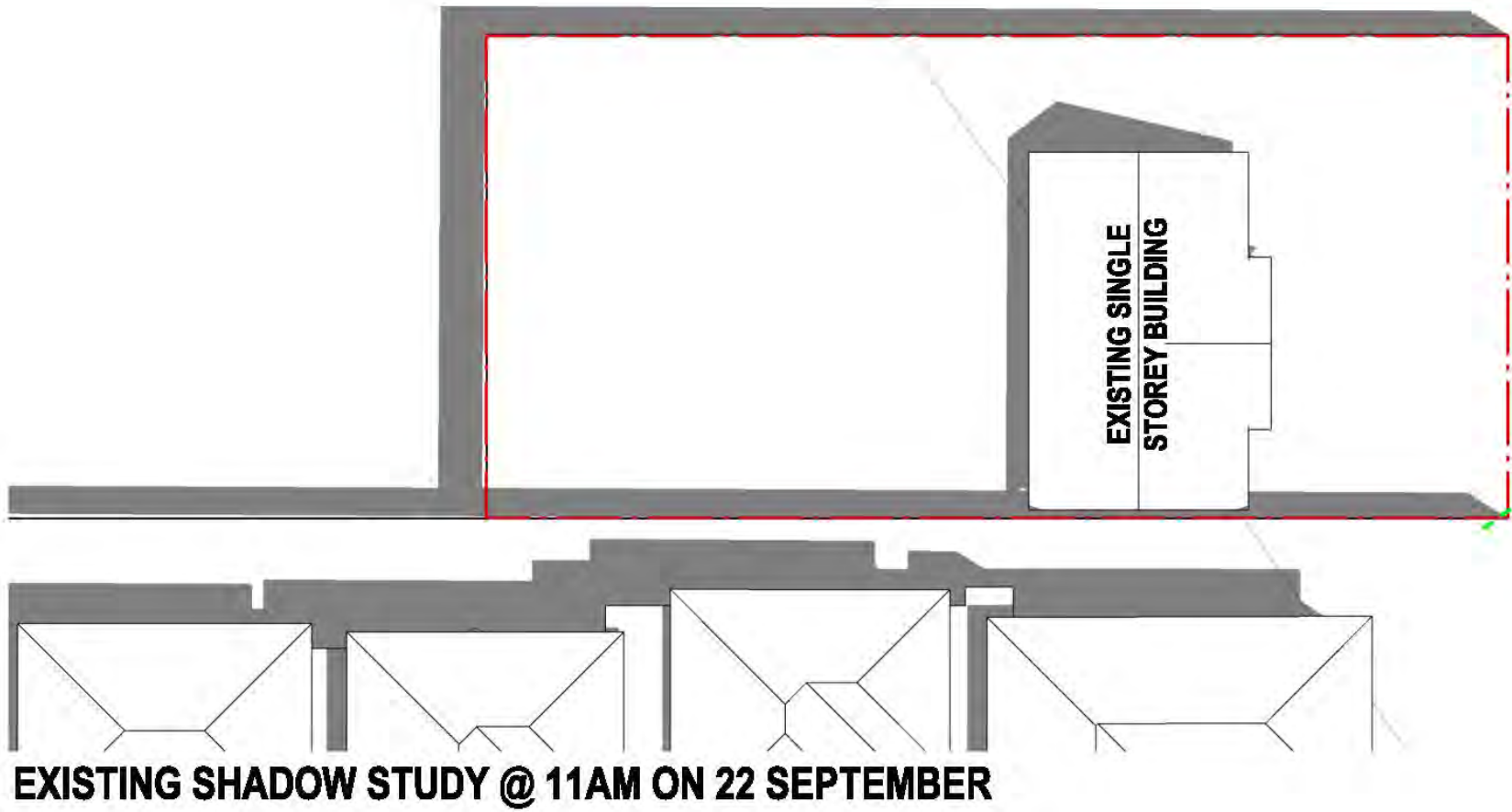
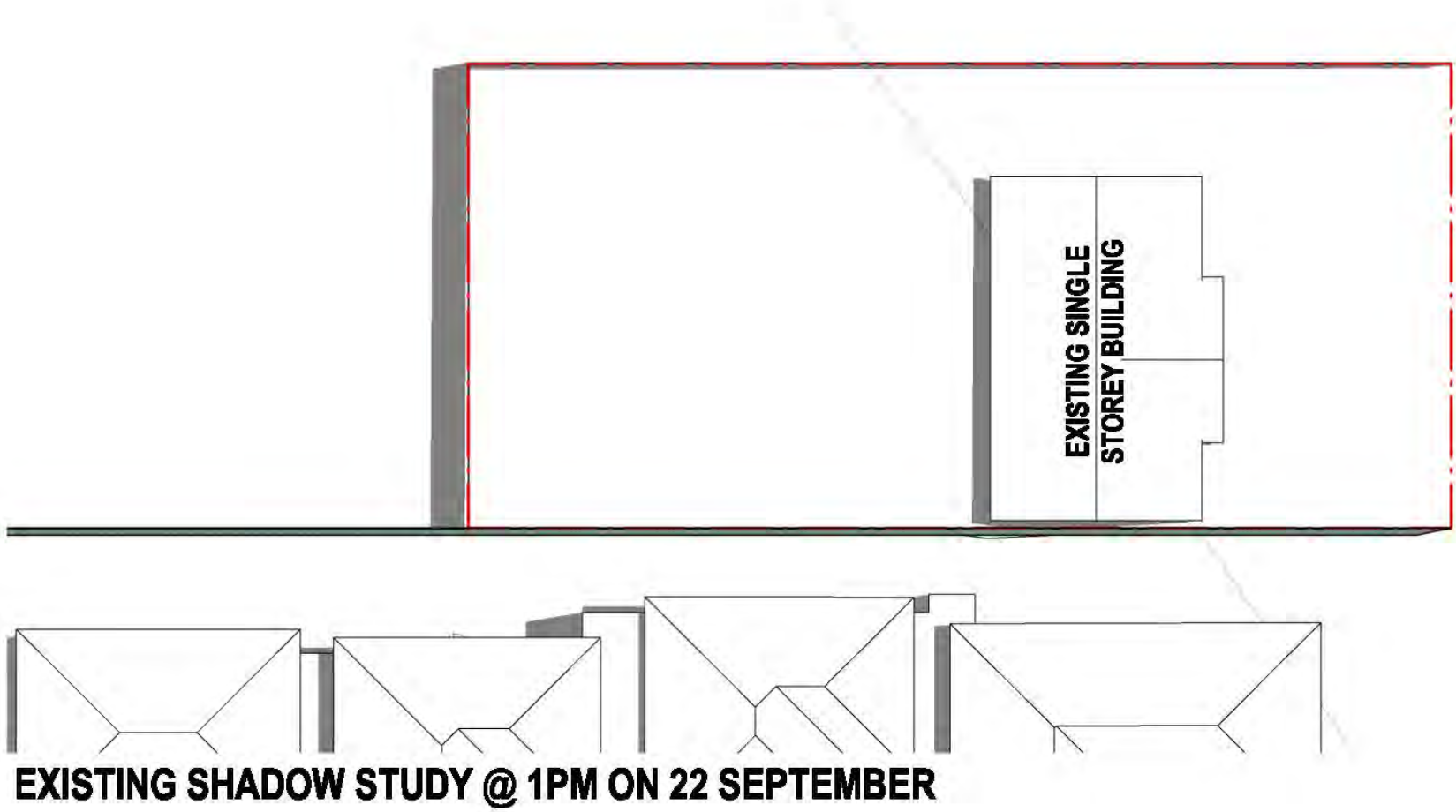
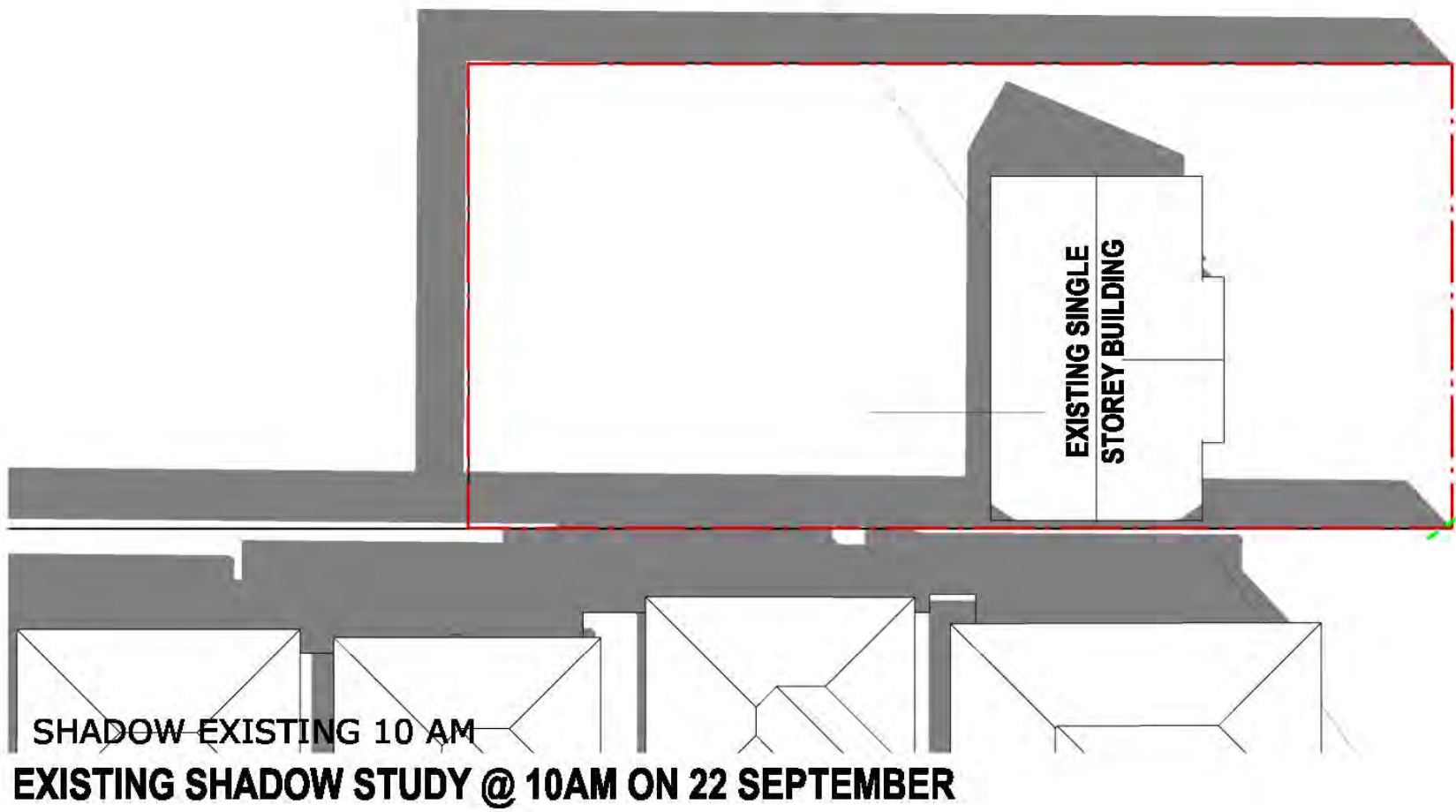


STATUS TOWN PLANNING - RFI RESPONSE

PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED SECTIONS

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP21-001 / REV B



LEGEND

EXISTING BUILDING SHADOW

PROPOSED BUILDING SHADOW

V / A
ARCHITECTS

LEVEL 3, 377 LONSDALE STREET MELBOURNE VIC 3000
+61 3 8678 3300 / v/aarchitects.com.au

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REV	DESCRIPTION
A	TOWN PLANNING ISSUE
B	RFI RESPONSE

DATE	BY
16/12/2021	SD
25/03/2022	SD

PROJECT REF: C:\Users\B\Desktop\Documents\81 HENRY STREET CENTRAL_15_20220325_8D.mxd
TIMESTAMP: 25/03/2022 4:25:17 PM

KEY PLAN



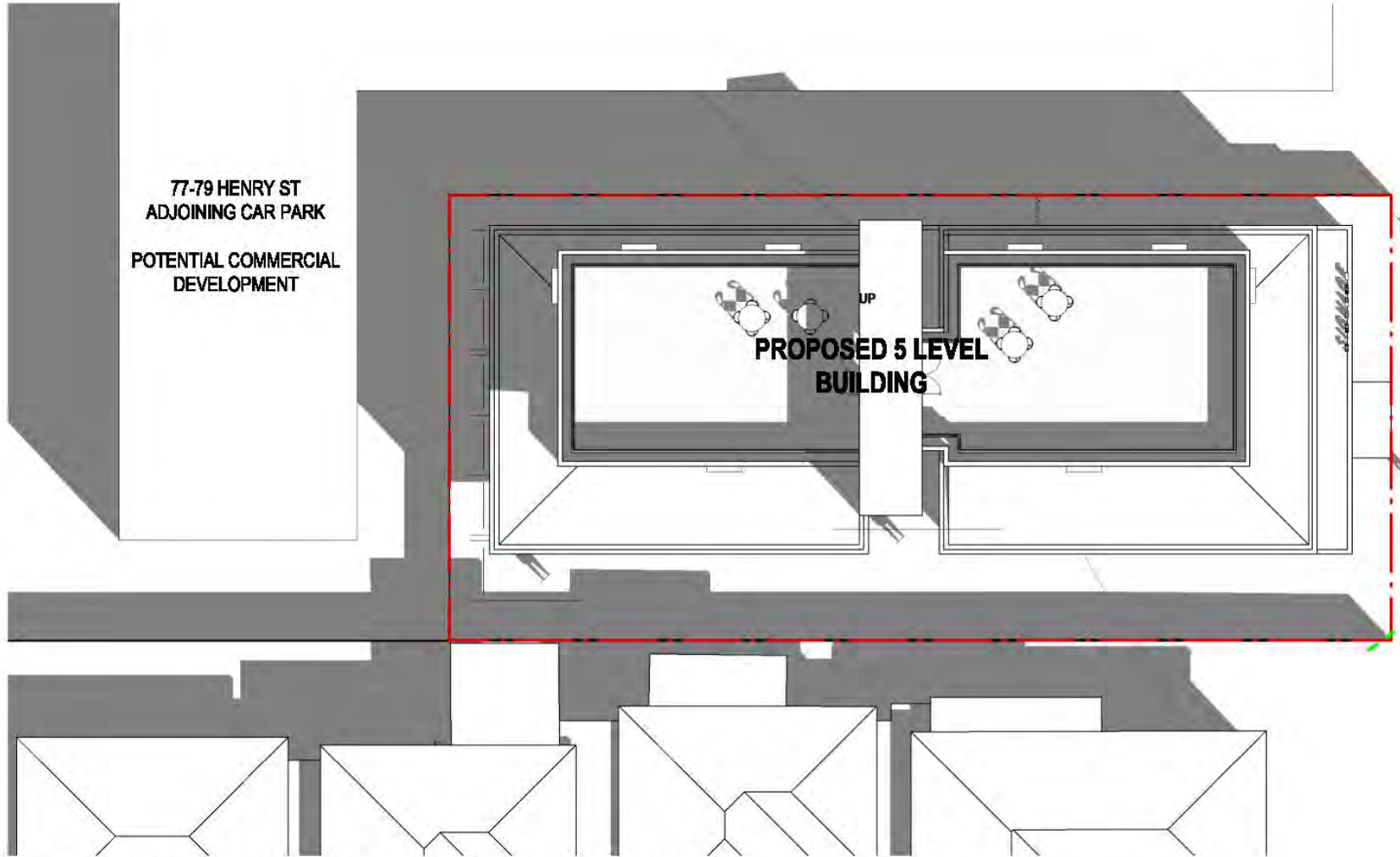
THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR MAKING OF ANY SHIP DRAWINGS. FIGURED DIMENSIONS MUST BE USED IN PREFERENCE TO SCALED DIMENSIONS. MUST BE VERIFIED ON SITE SHEET TO BE PRINTED IN COLOUR. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE PROJECT.

STATUS TOWN PLANNING - RFI RESPONSE

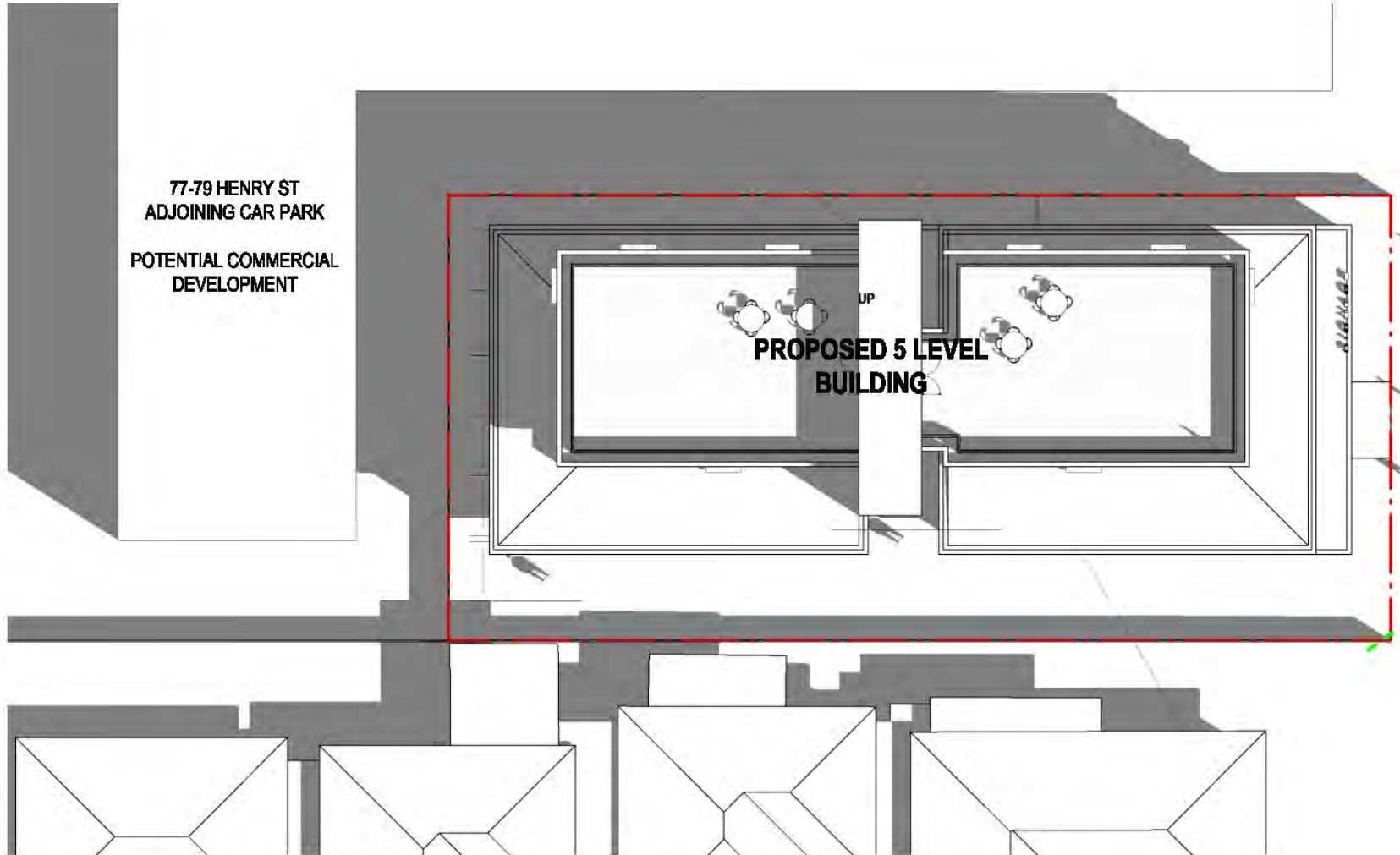
PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
EXISTING SHADOW DIAGRAMS

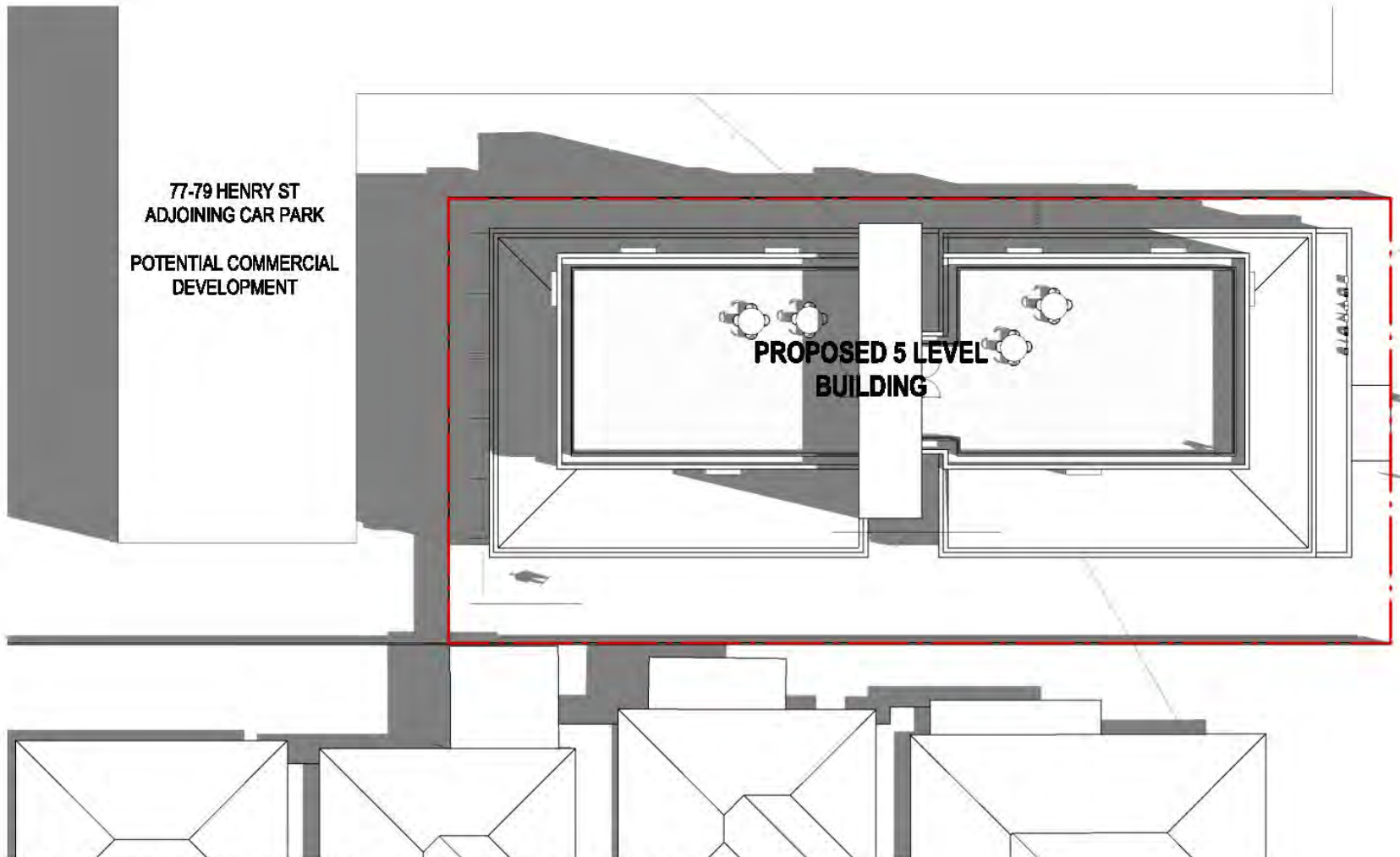
SCALE (A1) / DRAWN BY / CHECKED BY / PROJECT No. / DRAWING No. / REV
As indicated / SD / TM / 2110033 / TP50-001 / B



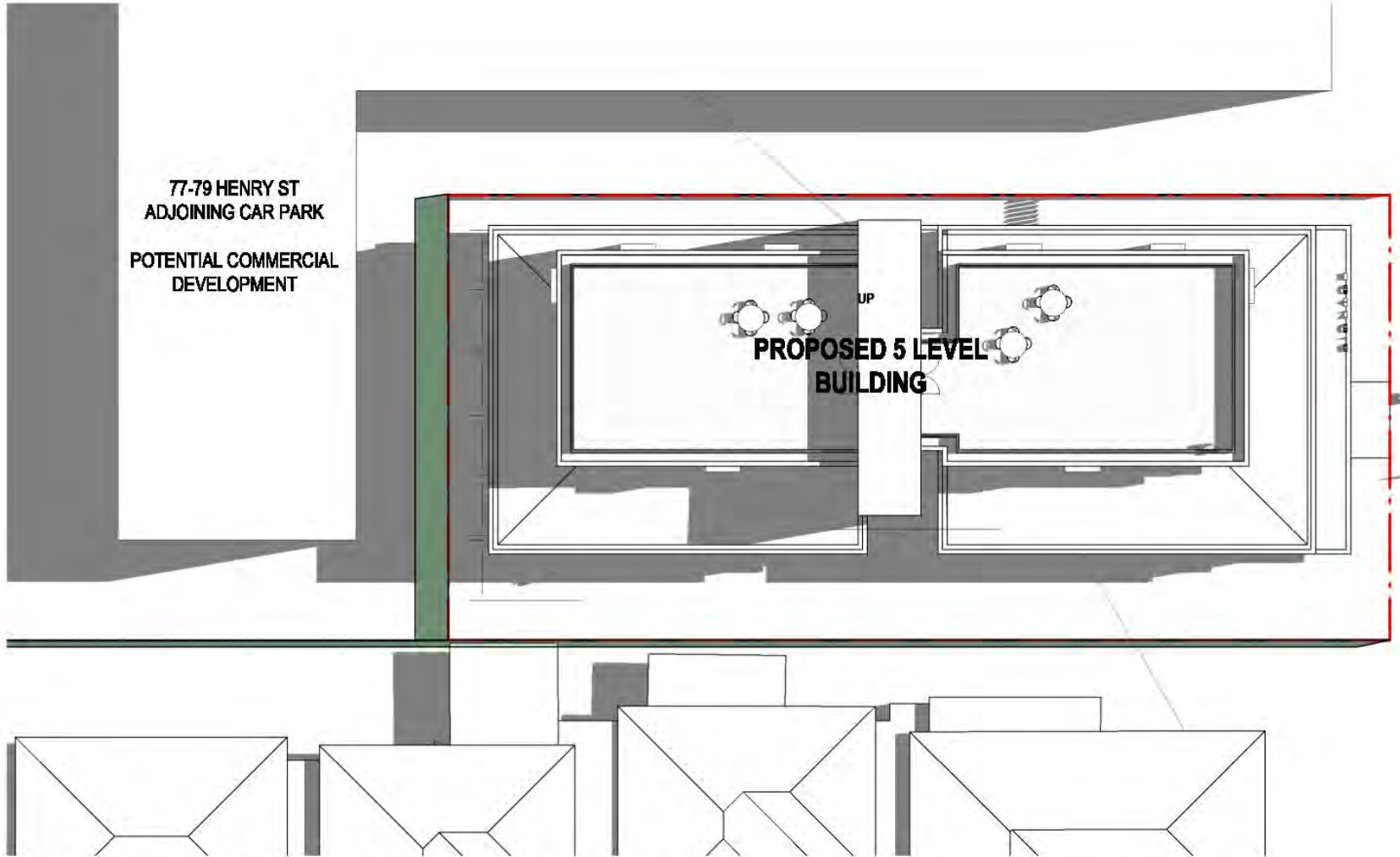
SHADOW STUDY @ 10AM ON 22 SEPTEMBER



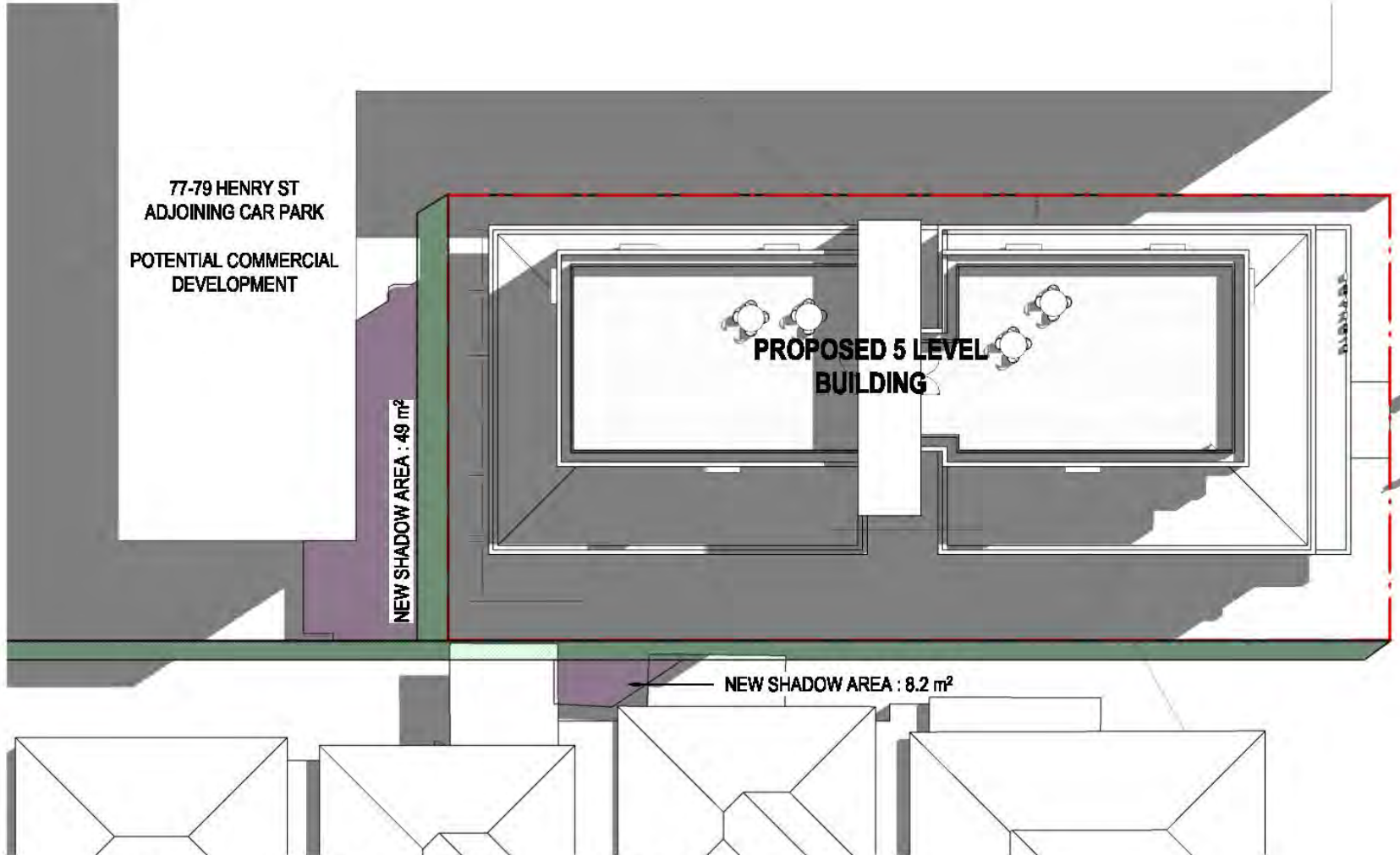
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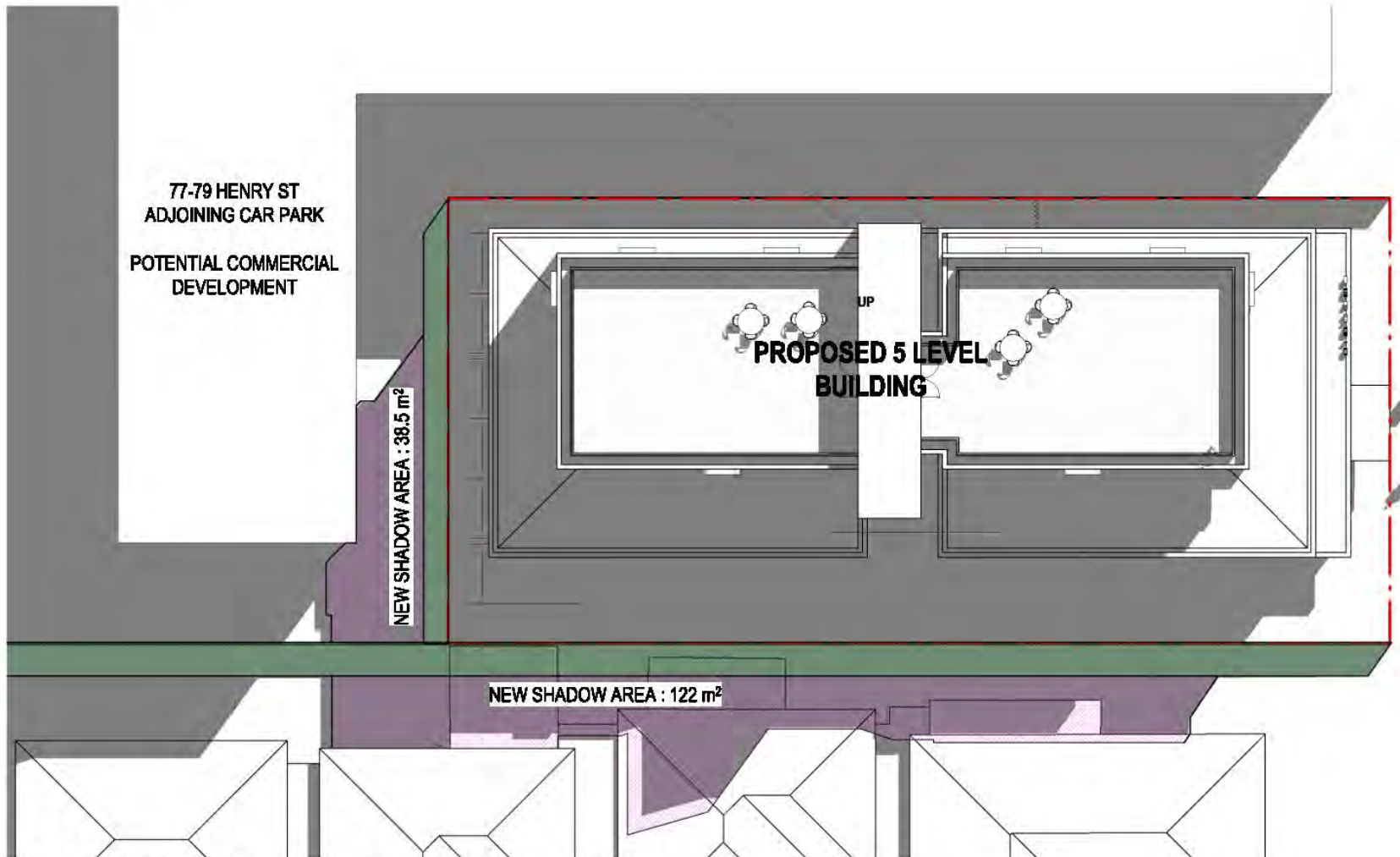
SHADOW STUDY @ 12PM ON 22 SEPTEMBER



SHADOW STUDY @ 1PM ON 22 SEPTEMBER



SHADOW STUDY @ 2PM ON 22 SEPTEMBER



SHADOW STUDY @ 3PM ON 22 SEPTEMBER

- LEGEND
- EXISTING BUILDING SHADOW
 - PROPOSED BUILDING SHADOW

HENRY STREET

HENRY STREET

HENRY STREET

HENRY STREET

HENRY STREET

HENRY STREET

V / A
ARCHITECTS

LEVEL 3, 377 LONSDALE STREET MELBOURNE VIC 3000
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REV DESCRIPTION
A TOWN PLANNING ISSUE
B RFI RESPONSE

DATE BY
16/12/2021 SD
25/03/2022 SD

KEY PLAN

PROJECT REF: C:\Users\B\Desktop\Documents\81 HENRY STREET CENTRAL_15_20220325_BD.mxd
TIMESTAMP: 25/03/2022 4:25:29 PM



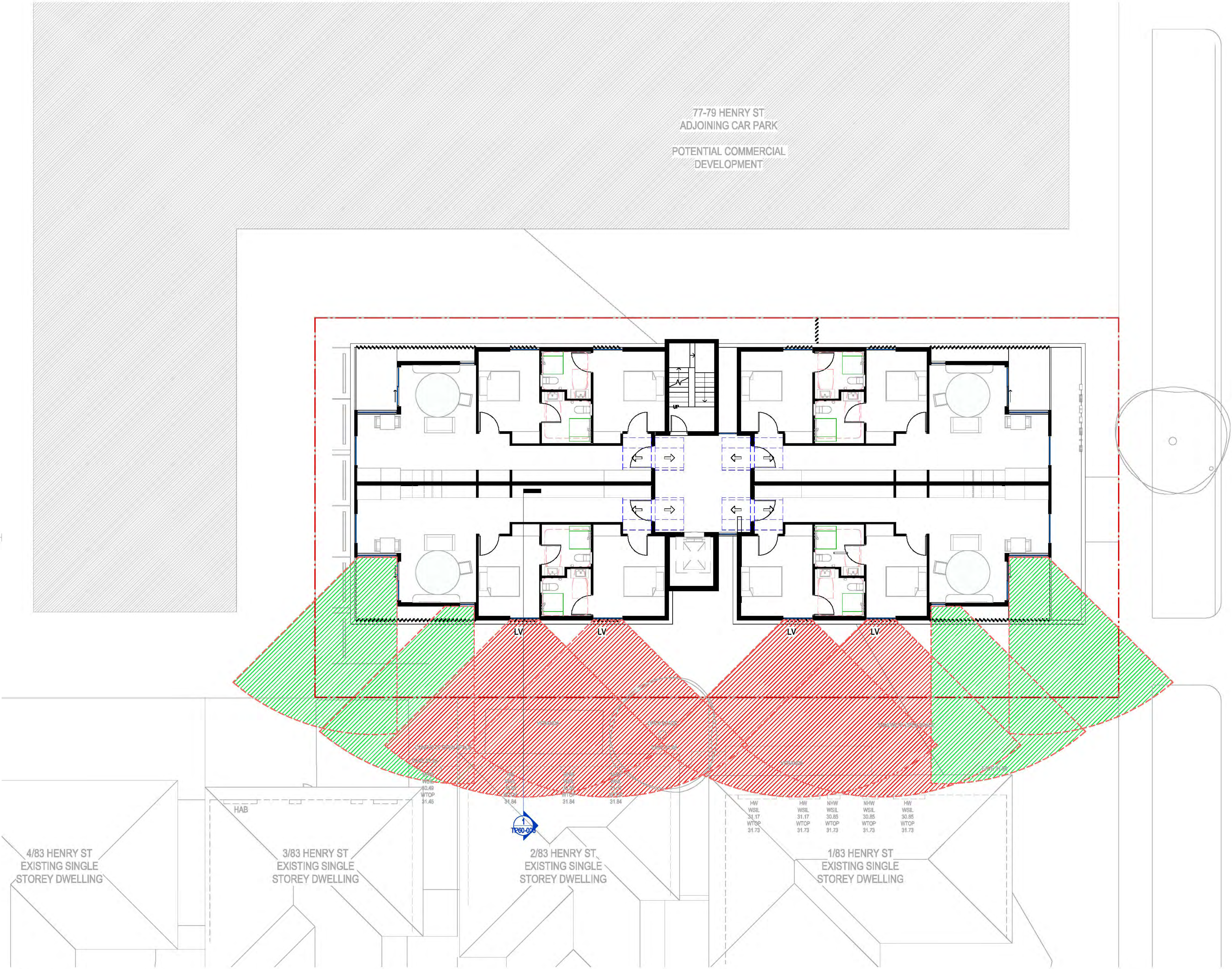
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STATUS TOWN PLANNING - RFI RESPONSE

PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
PROPOSED SHADOW DIAGRAMS

SCALE (A1) / DRAWN BY / CHECKED BY / PROJECT No. / DRAWING No. / REV
As indicated / SD / TM / 2110033 / TP50-002 / B



- LEGEND**
- NO OVERLOOKING
 - OVERLOOKING TRIGGERED
 - LV
FIXED EXTERNAL SCREENS TO AT LEAST 1.7 METRES ABOVE FLOOR LEVEL AND BE NO MORE THAN 25 PERCENT TRANSPARENT

1 OVERLOOKING DIAGRAM_L01
TP60-001 1:100

STATUS TOWN PLANNING - RFI RESPONSE

V / A
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REV.	DESCRIPTION	DATE	BY
A	TOWN PLANNING ISSUE	16/12/2021	SD
B	RFI RESPONSE	25/03/2022	SD

PROJECT REF: C:\Users\B\Desktop\Documents\81 HENRY STREET CENTRAL_15_20220322_BD.mxd
TIMESTAMP: 25/03/2022 4:25:09 PM

KEY PLAN

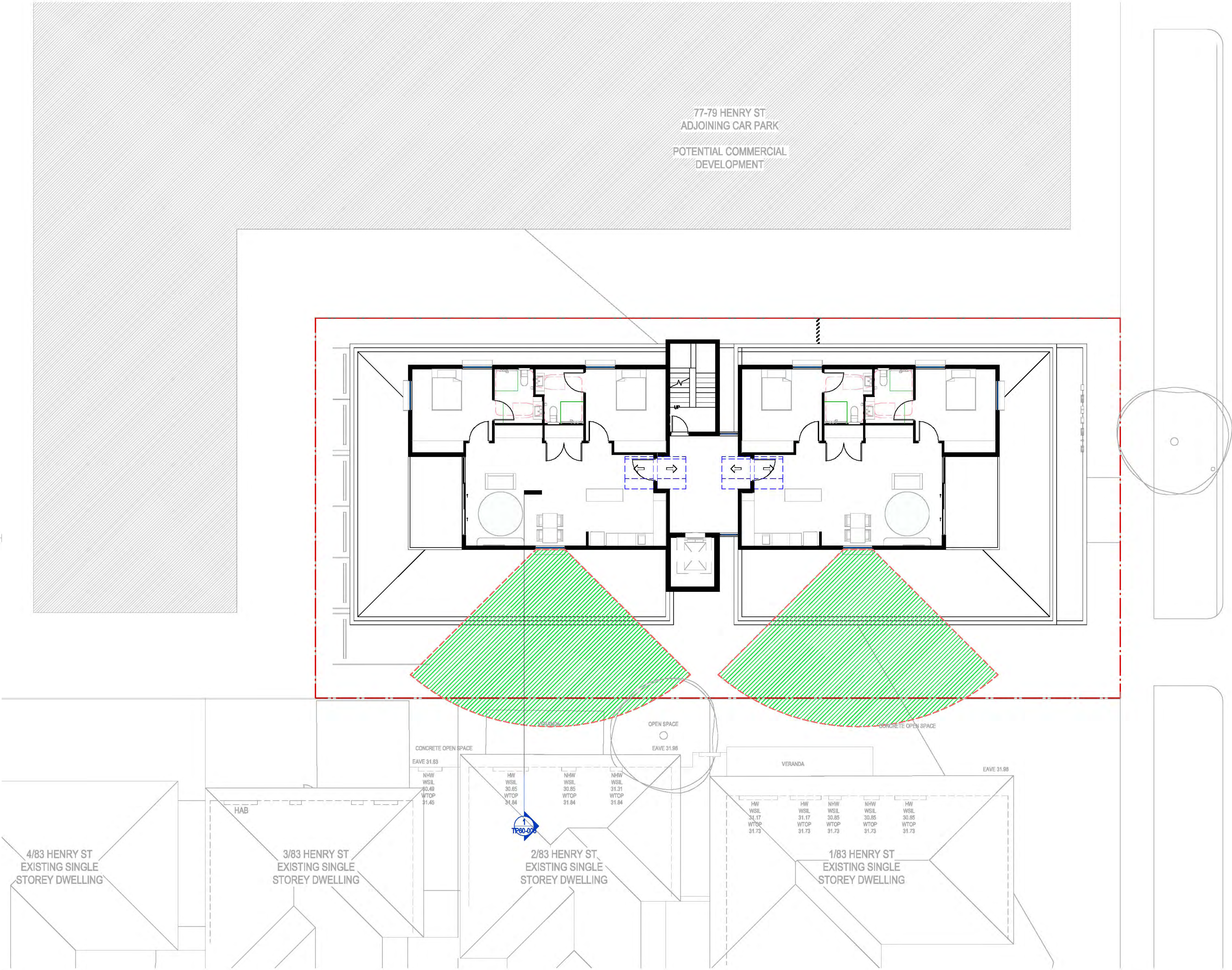


PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
OVERLOOKING DIAGRAMS (1 OF 3)

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP60-001 / REV B

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- LEGEND**
- NO OVERLOOKING
 - OVERLOOKING TRIGGERED
 - LV FIXED EXTERNAL SCREENS TO AT LEAST 1.7 METRES ABOVE FLOOR LEVEL AND BE NO MORE THAN 25 PERCENT TRANSPARENT

HENRY STREET

1 OVERLOOKING DIAGRAM_L03
TP60-002 1:100

STATUS TOWN PLANNING - RFI RESPONSE

V / A
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REV	DESCRIPTION	DATE	BY
A	TOWN PLANNING ISSUE	16/12/2021	SD
B	RFI RESPONSE	25/03/2022	SD

PROJECT REF: C:\Users\B\Desktop\Documents\81 HENRY STREET CENTRAL_15_20220322_8D.mxd
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KEY PLAN



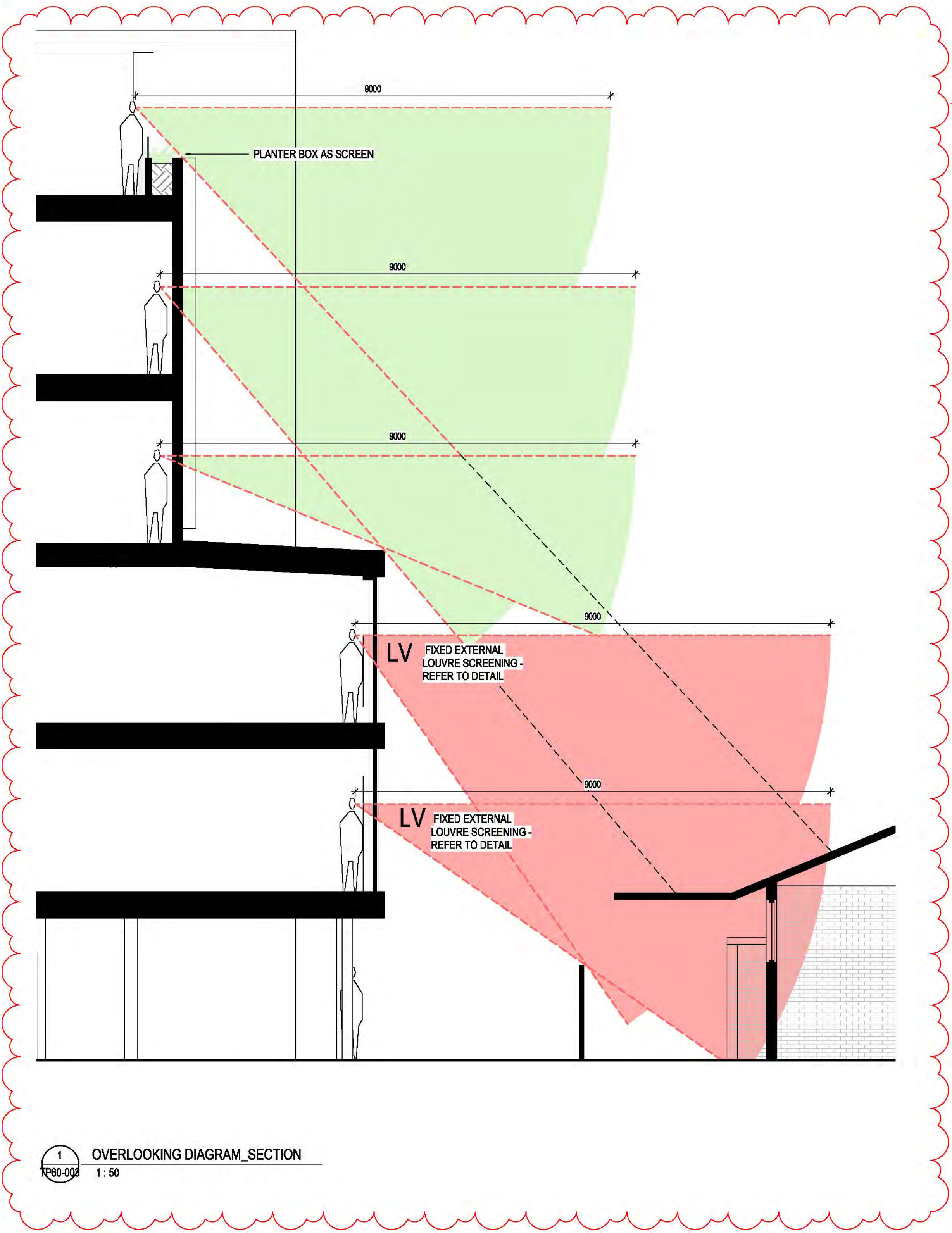
PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT

DRAWING TITLE
OVERLOOKING DIAGRAMS (2 OF 3)

SCALE (A1) 1:100 / DRAWN BY SD / CHECKED BY TM / PROJECT No. 2110033 / DRAWING No. TP60-002 / REV B

THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR MAKING OF ANY SHOP DRAWINGS. FIGURED DIMENSIONS MUST BE USED IN PREFERENCE TO SCALED DIMENSIONS. DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO BE PRINTED IN COLOUR. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.



LEGEND



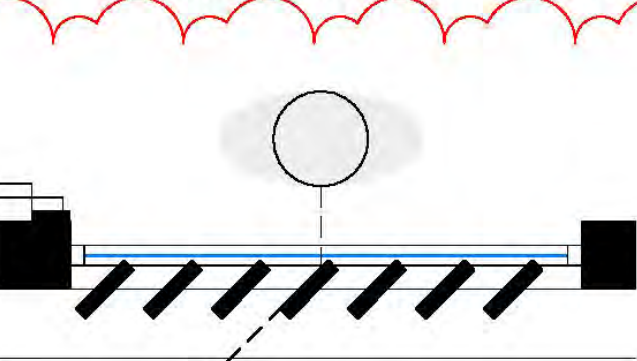
NO OVERLOOKING



OVERLOOKING TRIGGERED

LV

FIXED EXTERNAL SCREENS TO AT LEAST 1.7 METRES ABOVE FLOOR LEVEL AND BE NO MORE THAN 25 PERCENT TRANSPARENT



RFI NO. 3b

1 OVERLOOKING DIAGRAM_SECTION
TP60-003 1:50

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REV. DESCRIPTION
A RFI RESPONSE

DATE BY
25/03/2022 SD

KEY PLAN

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TIMESTAMP: 25/03/2022 4:25:42 PM



NORTH POINT



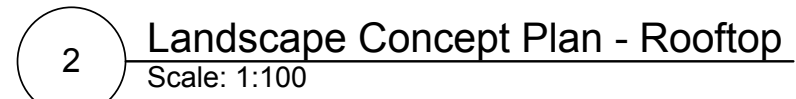
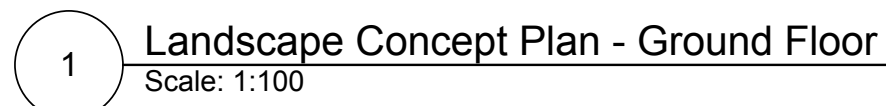
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STATUS TOWN PLANNING - RFI RESPONSE

PROJECT
HENRY STREET NDIS APARTMENTS
ADDRESS
81 HENRY STREET, PAKENHAM

CLIENT
[REDACTED]
DRAWING TITLE
OVERLOOKING DIAGRAMS (3 OF 3)

SCALE (A1) / DRAWN BY / CHECKED BY / PROJECT No. / DRAWING No. / REV
As indicated / SD / TM / 2110033 / TP60-003 / A



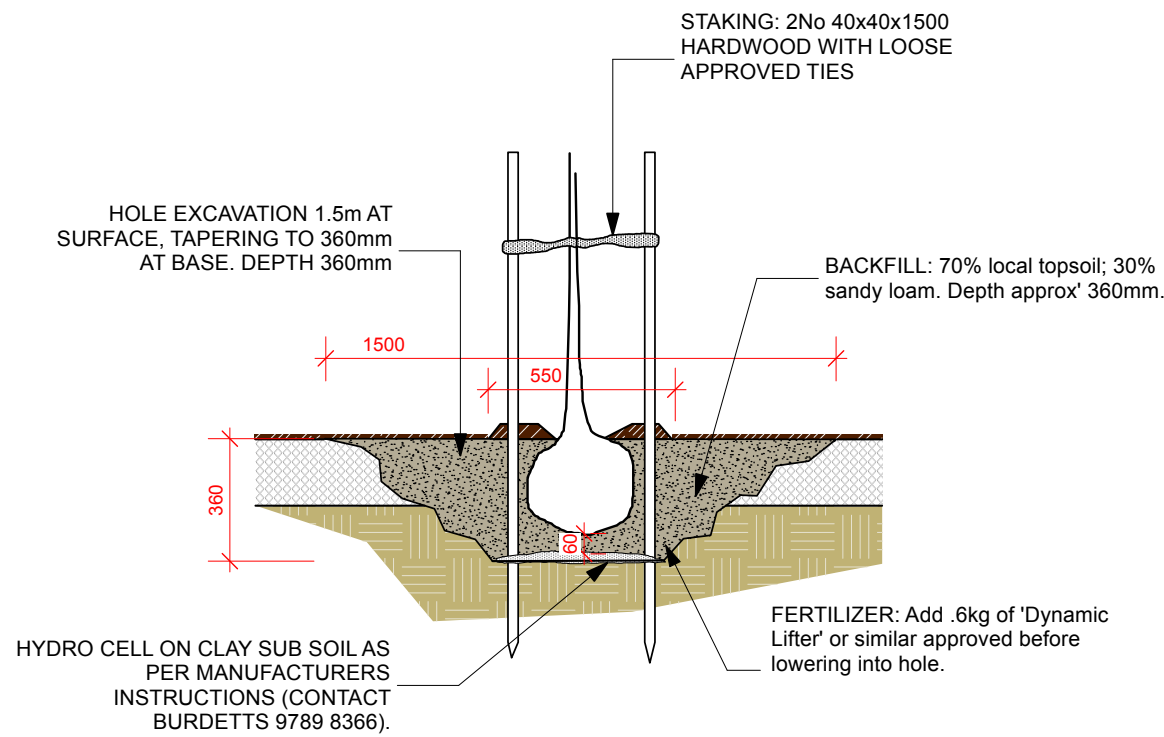
memLa

B	15/3/22	ARCH PLANTER UPDATE				
	30-11-21	ARCH UPDATE				
ISSUE	DATE	REVISION A				
PROJECT	81 Henry St, Pakenham		PROJECT #		2609	
CURRENT	Via Architects		DATE #	9/11/21	DWG #	
DWG	Landscape Concept Sheet		SCALE	AS SHOWN		LC01
			EXEMPT	NP		
			CHECKED	SPW	REVISION	B
MEMILA Pty Ltd www.memila.net e: matthew@memila.net Shop 1/655 Nepean Highway, Brighton East Vic. 3187 p: (03) 8060 0813 m: 0413446117						

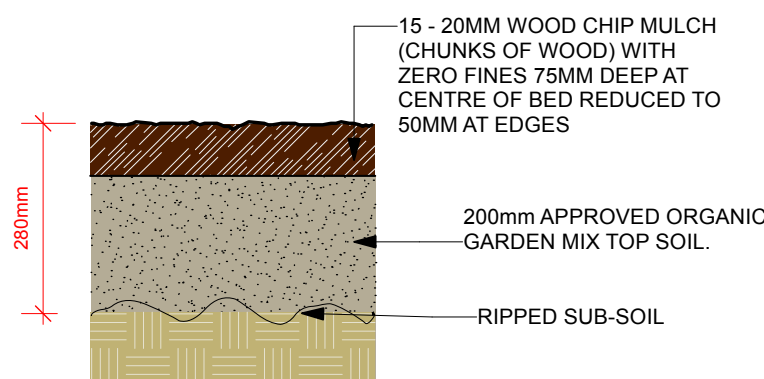
Town Planning Landscape Notes - General Construction

1. These notes are to read as a general guide for implementation of the landscape plan. This drawing is not for construction and is to be used for Town Planning purposes only. This final locations of all services and other assets may not be known at the town planning stage and the landscape plan may need to be revised to respond to building permit civil and architectural plans.
2. Demolition: Vegetation to be removed shall be mulched for re-use on the site. Strip and stockpile existing site topsoil prior to building works commencing and re-use in the landscape.
3. Pavement: Consider using recycled concrete aggregate for sub grade material. Drain pavements to garden beds [install sub surface drains in garden beds in poor draining soils where logical.
4. Weed Control: All areas shown on the drawings as mulched planting bed, grassed areas and trees in grassed areas shall include a weed eradication programme using an approved non- residual contact herbicide (Glysophosphate) following the manufacturers specifications. Leave sprayed areas for a period of 10 days prior to disturbance and repeat for any weeds still alive.
5. Landscape Set Out: Install edging between all lawn areas and garden beds - type and location as shown in the drawings. The contractor is solely responsible for locating, avoiding and protection of all services on and associated with the site. Dial before you dig - Telephone No; 1100
6. Sub-soil Preparation for Planting:
Sub-surface Drainage: Install sub-surface drainage which discharges to stormwater or soakage pits for any garden bed or grassed area that is poorly drained.
Sub-soil Ripping: For garden bed areas and advanced trees, rip to depths shown in the planting details. Mark location of all underground services prior to commencing ripping operations.
Sub-soil Additives: Contact your local nursery to obtain advice on additives to adjust the pH level to the desired range of pH 5.5 to 7.0. Some plants tolerate high or low pH levels. If soil is heavy yellow clay, add gypsum at the rate of 1.5 - 2kg/m² for garden beds and 1.5 kg/m² for lawns. In very dry or hydrophobic soils a soil wetting agent shall be added.
Rotary Cultivation: After application of soil additives, cultivate plant bed and lawn areas to depths shown on planting plan so as to eliminate compaction and to mix sub-soil and soil additives.
7. Topsoiling:
Supply: Stire stripped topsoil shall be used where possible and improved so as to meet the specifications for imported topsoil blends in AS 4419-2003. All topsoil to meet this standard.
Installation: Spread topsoil as per detailed drawing.
8. Mulching:
Supply: Wood to AS 4454-1999 or inorganic as per drawings or inflammable when WMO.
Installation: Spread over all garden beds to max consolidated depth as per detail.
9. Planting of Mulched Beds & Advanced Trees.
Supply: Trees to comply with Natspec Purchasing of Landscape Trees - A Field Guide to Assessing Tree Quality. Shrubs shall demonstrate a large, well developed and healthy fibrous roots with repeated and sequential division and no evidence of root curl, restriction or damage.
Installation: Set out plants in accordance with the drawings. Water plants prior to planting and when planted at a rate of: Tubes & 140mm pots > 5 Lt; 200- 300mm pots >10 Lt; 300mm + >30 Lt. Climbers require a wire of trellis climbing frame.
Planting of Grassed Areas:
Supply: Install low water use grass such as Palmetto or Sir Walter Buffalo. Use NPK 10:4:6 + trace elements lawn starter.
Installation: Following preparation and topsoiling, re-grade to provide smooth contours and to eliminate soil clods. Apply turf roll as per manufacturers instructions. Keep continually moist until established.
10. Irrigation: Install a programmable sub-surface drip irrigation system activated by a soil moisture probe to all mulched garden beds areas and for trees in pavement, designed, installed and supplied to the relevant Australian Standards and Codes and used in accordance with current water restrictions. If grassed areas are to be irrigated, they shall be on separate zones to the mulched beds and preferably sub-surface drip.

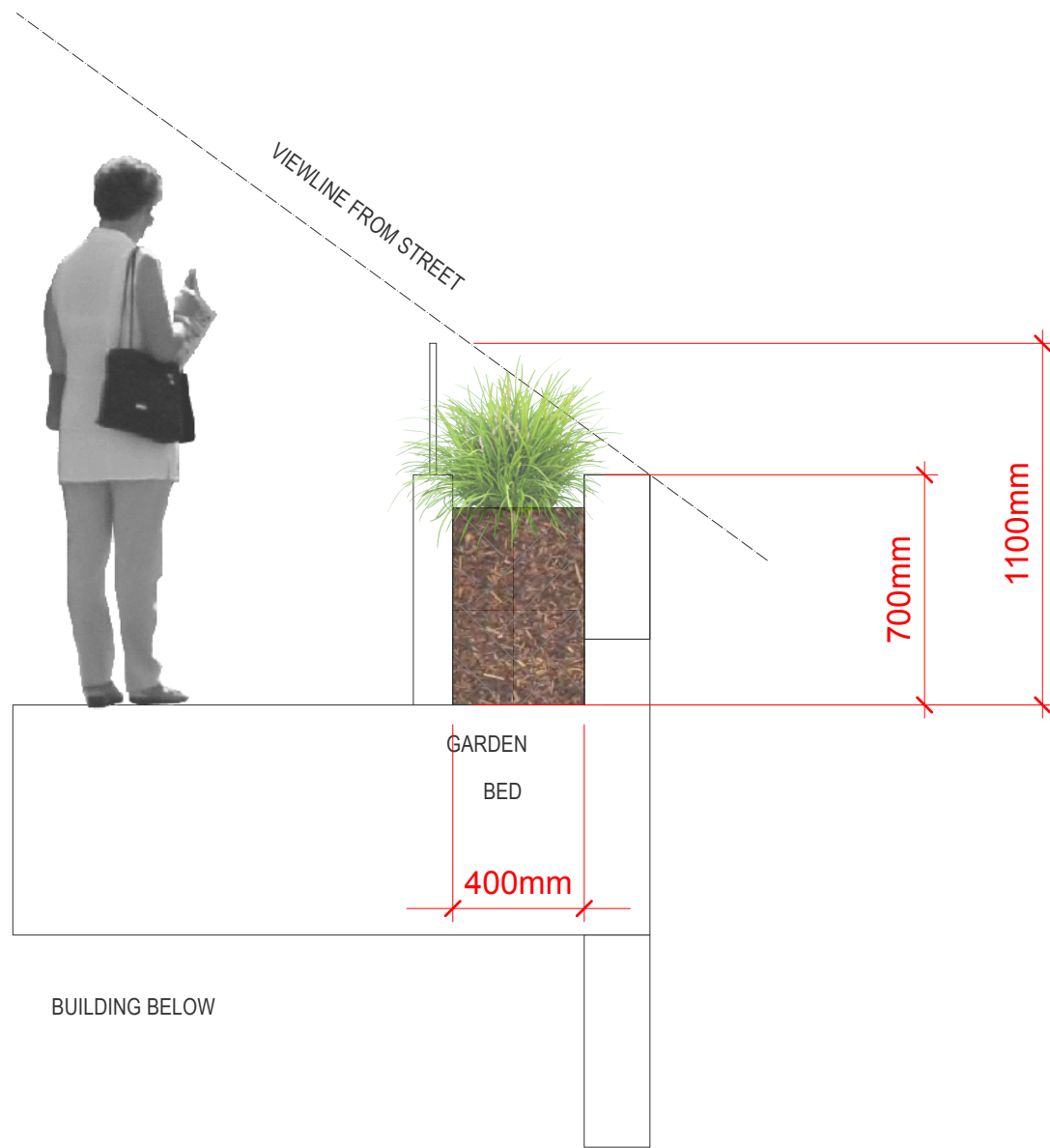
Plant List							
Image	ID	Qty	Common Name	Botanical Name	Scheduled Size	Mature Height	Mature Spread
Trees							
	eH	2	Native Frangipani	Hymenosporum Flavum	1.5M Ht 45L	8.0m	3.5m
	Mele	2	Swamp Paperbark	Melaleuca ericifolia	1.5M Ht 45L	5 - 10m	3.5 - 6m
Shrubs							
	Bbc	4	Hybrid Prostrate Banksia	Banksia Spinulosa 'Birthday Candles'	150mm Pot	0.5m	1.0m
	Cli	24	Clivia	Clivia miniata	200mm Pot	0.3 - 0.45m	0.0 - 0.3m
	Cal	13	White Correa	Correa alba	200mm Pot	0.9 - 1.5m	0.9 - 1.2m
	Cgl	52	Rock Correa	Correa glabra	150mm Pot	1.5 m	1.2 m
	Dvg	12	Wedge-leaf Hop-bush	Dodonaea viscosa 'Mr Green Screen'	200mm Pot	2.0m	2.0m
	Hvm	5	Native lilac	Hardenbergia violacea 'Meema'	150mm Pot	0.5m	1.2m
	Laha	33	Hidcote Blue English Laver	Lavandula angustifolia 'Hidcote Blue'	150mm Pot	0.45 - 0.6m	0.6 - 0.9m
	Rof	4	Rosemary	Rosemary officinalis	150mm pot	1.5m	1.5m
	Rof-1	4	Prostrate Rosemary	Rosemary officinalis "Prostrate"	150mm pot	.3m	1.5m
	Sbc	48	Select Lillypilly	Syzygium paniculata 'Backyard Bliss'	200mm Pot	3-4m	1.8m
Ground Covers							
	Car	5	Pig Face	Carpobrotus rossii	150mm Pot	.1-.2m	2m
Grasses							
	Ass	7	Coastal Spear grass	Austrostipa stipoides	150mm Pot	1m	0.8m
	Dib	91	Dianella	Dianella brevicaulis 'Bery Blue'	150mm Pot	0.45 - 0.6m	0.3 - 0.6m
	Ficn	15	Knobby Club Rush	Ficinia nodosa	150mm Pot	0.4m	0.4m
	Ltani	27	Dwarf mat-rush	Lomandra longifolia 'Tanika'	150mm Pot	0.6m	0.65m
	Poa	7	Tussock Grass	Poa labillardieri	150mm Pot	0.75 - 0.9m	0.6 - 0.9m
Climbers							
Herbs							
	Men	3	River mint, Native mint	Mentha australis	150mm Pot	0.6 - 0.75m	0.0 - 0.3m
	Oreg	7	Oregano	Origanum spp. 'OREG02'	150mm Pot	24 - 30 in	<= 12 in
	Min	6	Mint	Refresh™ Mentha spp	150mm Pot	.5m	.5m
	Ths	6	Creeping Thyme	Thymus serpyllum	150mm Pot	0.0 - 0.2m	.6m
Total		377					



1 Semi Advanced Tree Detail
Scale: 1:20



2 Garden Bed Detail
Scale: 1:10



3 Rooftop Raised Planter Detail
Scale: 1:20



CHRISTIE A SERIES BBQ



ALL ACCESS VEGGIE GARDEN



ALL ACCESS PLANTER BOXES

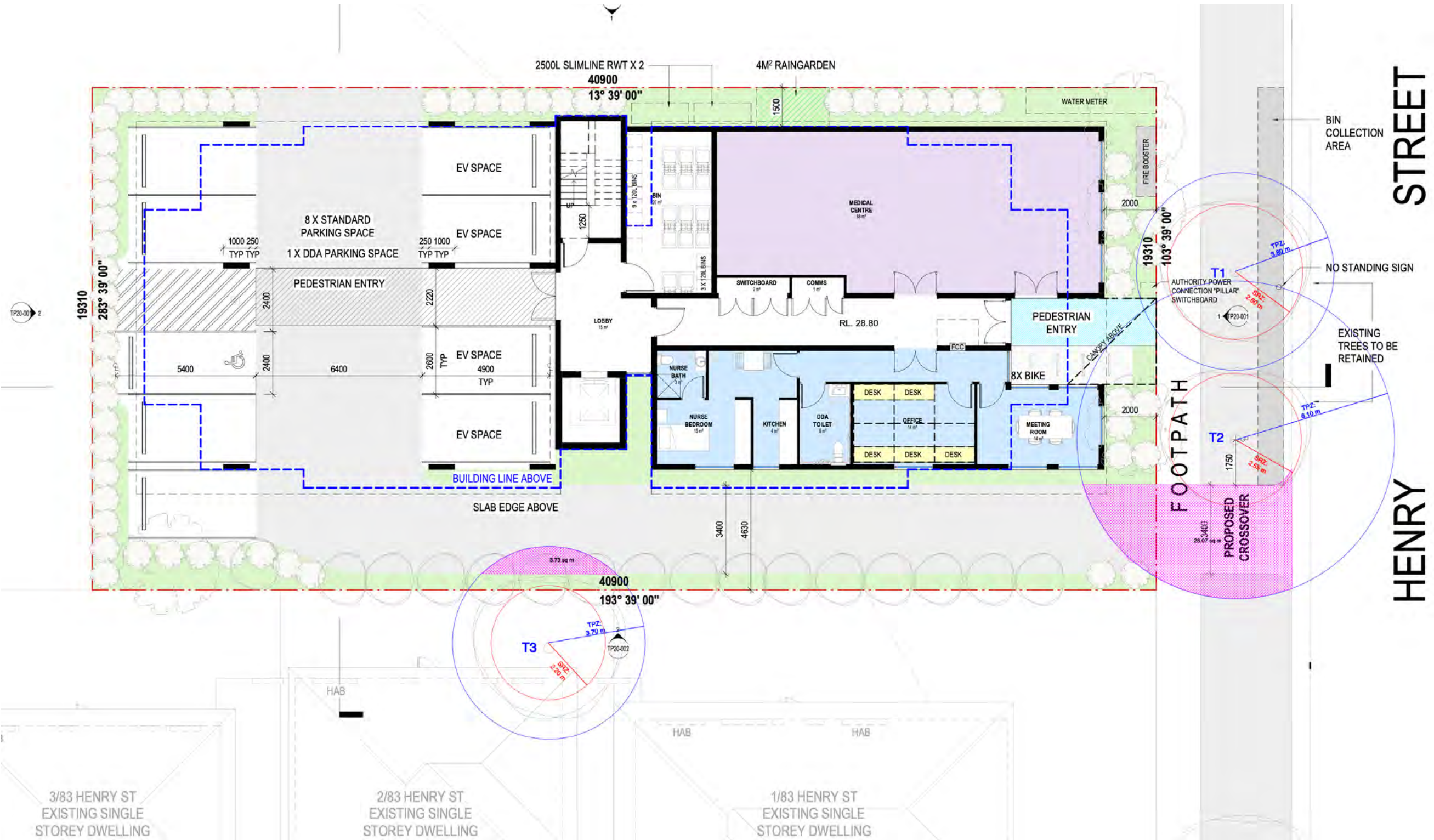
FOR DEVELOPMENT APPLICATION ONLY - 15/3/22



B	15/3/22	ARCH PLANTER UPDATE		
A	30-11-21	ARCH UPDATE		
ISSUE	DATE	REVISION	PROJECT #	2609
PROJECT	81 Henry St, Pakenham			
CLIENT	Via Architects	DATE #	9/11/21	DWG #
DWG	Landscape Concept Sheet	SCALE	As Shown	LC02
		DRAWN	NP	
		CHECK	BNM	REVISION
				B
MEMIA pty ltd Shop 1/655 Nepean Highway, Brighton East. Vic. 3187 p: (03) 8060 6813 m: 0414346117 www.memla.net e: matthew@memla.net				

12.9 Site plan showing proposed development

Trees are number in blue, TPZs are shown as blue circles with the radius, and SRZs are shown as red circles with their radius. The areas of encroachment into the TPZs of trees 2 & 3 are shown in magenta with the square metres of the area shown.



[REDACTED]

From: [REDACTED]
Sent: Monday, 27 June 2022 10:54 AM
To: MailAtCardinia
Subject: Comment on application T210942

For the attention of the General Manager / Planning Manager / Planning Department

Application T210942
Address 81 Henry Street, Pakenham, VIC
Description Use of land for Accommodation and the construction of a multi-storey, mixed-use building (comprising a Medical Centre and 12 Residential Apartment Dwellings) in the Activity Centre Zone
Name of commenter [REDACTED]
Address of commenter [REDACTED]
Email of commenter [REDACTED]

Comment

Where the hell are they going to park. As usual no thought put into this.
What about the quality of life for the poor buggars that live in the units beside this.

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)



[REDACTED]

From: [REDACTED]
Sent: Monday, 27 June 2022 8:55 AM
To: MailAtCardinia
Subject: L2 LP83481 objection

81 Henry Street, Pakenham VIC 3810

[REDACTED]

The reasons why I object.
Many homes in the area are a max of 2 stories.
Not four or three.

Car parking there is not enough car parking for home owners. And that will push car parking on the streets. It only offers 1 car for ever two appartments.

The shade doesnâ€™t match up. Homes get be blocked out.

The design doesnâ€™t match up also with the local area. Most are single story with brick and weather boards.

Itâ€™s st levels. Meaning it will
Flood.

[REDACTED]

From: [REDACTED]
Sent: Monday, 27 June 2022 8:37 PM
To: MailAtCardinia
Subject: Comment on application T210942

For the attention of the General Manager / Planning Manager / Planning Department

Application T210942
Address 81 Henry Street, Pakenham, VIC
Description Use of land for Accommodation and the construction of a multi-storey, mixed-use building (comprising a Medical Centre and 12 Residential Apartment Dwellings) in the Activity Centre Zone
Name of commenter [REDACTED]
Address of commenter [REDACTED]
Email of commenter [REDACTED]

Comment

All this on 787 sqm block. This is very poor planning in this area and a compromise to the life style.

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)



[REDACTED]

From: [REDACTED]
Sent: Tuesday, 28 June 2022 1:13 PM
To: MailAtCardinia
Subject: Comment on application T210942

For the attention of the General Manager / Planning Manager / Planning Department

Application T210942
Address 81 Henry Street, Pakenham, VIC
Description Use of land for Accommodation and the construction of a multi-storey, mixed-use building (comprising a Medical Centre and 12 Residential Apartment Dwellings) in the Activity Centre Zone
Name of commenter [REDACTED]
Address of commenter [REDACTED]
Email of commenter [REDACTED]

Comment

Very small block for what is mentioned here. How many stories is "multi storey"?
12 residential units? Parking has to be underground for this to have any substance. Like to see the detailed application.

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)





ePlanning

Planning Objection Summary

Portal Reference	032229LF
Reference No	T210942

Basic Information

Proposed Use	Use of land for Accommodation and the construction of a multi-storey, mixed-use building (comprising a Medical Centre and 12 Residential Apartment Dwellings) in the Activity Centre Zone
Object to Permit No.	T210942
Objection Statement	[REDACTED] is in a unit affected Serious lack of car parking access issues blocks all daylight to the SPOS of the units immediately to the east to large for the size of the land Poor design internally Lack of amenity for the visitors to the medical centre Lack of amenity for the occupiers of the units
Site Address	81 Henry Street Pakenham VIC 3810
Affected Address	81 Henry Street Pakenham 3810

Contacts

Type	Name	Address	Contact Details
Objector	[REDACTED]		

Documents Uploaded

Date	Type	Filename
06-07-2022	Additional Document	Objection to 81 Henry St.docx

PLEASE NOTE OBJECTIONS ARE NOT CONFIDENTIAL - As required by section 57 of the Planning & Environment Act, Council must make a copy of every objection available to any person to inspect, free of charge, during business hours.

Lodged By

Site User	[REDACTED]
Submission Date	06 Jul 2022

Declaration

☒ By ticking this checkbox, [REDACTED] confirm that I have read and understood the statement above and the Objector (if not myself) has been advised of this requirement.



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

[REDACTED]

[REDACTED]

30 June 2022

Senior Planning Officer
Cardinia Shire
P.O. Box 7
Pakenham 3810

To whom it may concern

REF: T210942 81 Henry St – Pakenham

I refer to the above application and write today on behalf of [REDACTED] who occupies [REDACTED] at [REDACTED]

As occupier [REDACTED] received this notified advertising on 29 June and [REDACTED] I have some serious concerns with regards to this development on what for the size of the building is a very small block.

After discussions with [REDACTED] also has huge concerns over this development and the location of the works

The subject site is on a 800m2 block of land and yet the applicant's client proposes to construct 12 apartments and ground floor offices with an overall height in excess of 17m.

We are still a small town on the scale of things and have max height requirements for a good reason. The plans suggest the maximum allowable is 14m

The applicant cannot be certain the land surrounding the site will become commercial as there is no active works being done to the site – there is a chance it could become residential with townhouses and apartments. It is also possible the owner of this site may choose to rent these out for others that may not be on NDIS due to the location close to shops and railway station and therefore the design should reflect this.

With respect to the plans, just because they may have a disability, do they not have a right to live in a normal dwelling environment. These are not dwellings of any sort - No kitchen in 8 apartments, no laundry facilities – can they never cook and never clean their clothes and there is nothing to suggest a carer is living onsite 24/7 in each apartment so how do they cook /make breakfast even. A dwelling of any sort must contain 3 elements to be considered a dwelling – somewhere to cook, clean, wash and sleep. Planning requires only 2 as I understand.

They should be given the right to live as best as possible a normal life and the opportunity to cook breakfast and make a coffee .

There is no indication as to what runs down the middle of each unit as the fire rated walls between are not that wide. Page 6 of the plans and white down the middle of the building (north/south)

Bathroom 1 in each unit has a door opening into the middle of the room – does this comply for access (AS1928) as it appears that the door would need to close to get a wheelchair around to shower.

The aircon units are located outside windows on upper floors (east side) , no lift marked on plans. No natural light to all bedroom windows on east side

I mention all of these as yes they are building regulations but if not addressed now would become an issue for a building permit and then could result in an amendment to any planning approval granted as layouts may have to change in order for a building permit to be issued

This permit application does not appear to have stated the number of staff for the medical centre on the ground floor but the office space has 5 desks and the medical centre area is 88m² – I suspect that there will be more than 5 staff in the medical centre but there are no windows in the 88m² area other than what is facing Henry St. A medical centre with no natural light or ventilation – how healthy is that ?

There is only 1 WC on the bottom floor for staff – there are requirements for WC per a number of staff – and a public WC should be provided for visitors – do staff and visitors have to travel to the market place for toilet needs, they will have their cars parked there I expect as there is no parking onsite either but until we know the number of staff, how can we know if the carparks provided will be even enough for staff. Clause 45.09 requires that the number of staff be noted.

Carparking - 9 carparks for 12 apartments and staff parking – can they never drive can they not have someone stay overnight. Where to persons collecting occupants of the units' park to collect people who obviously have a disability and will not be able to 'walk' these people to vehicles that could be parked over 100m away. I understand from the report that it can be assumed that people on NDIS do not usually drive and there is access to public transport, however as mentioned earlier this building may not always be for the use intended due to it's location.

Where do public using the medical centre park – This location is a major thoroughfare with several side roads junctioning at the same time (4 within 100m) and a bend nearby – yet cars will reverse out at times and I have noted that Henry St from Racecourse Rd is a bit like a racetrack at times and these vehicles get caught with the L drivers who come from the Vic Roads site on Cook Place driving at 30kph on the same stretch.

There are no standing areas along Henry St and Slattery Place which add to the difficulty of parking in the area at the best of times already.

Exterior

The overall size of the building on a small parcel of land is excessive. To the east is two sets of 2-bedroom units – (4 in each set). The ones immediately to the east will be severely impacted and most residents are aged and will not understand this application or have the ability to download the huge file that is this application. The sheer bulk will hang over these small buildings and with massive overshadowing to units on east – will not allow any afternoon sun to these units at all and the rear SPOS of these 4 units will be dark and most unappealing for those residents in the units 24/7.

Summary

It would be nice to see a basement carpark installed to extend significantly the number of carparks onsite. Provide suitable parking for visitors to the medical centre, suitable access for maxi taxi's and the like for wheelchair access.

Reduce the overall height of the building and terrace back the units on the east at each floor level to reduce the bulk built form

Install kitchen and laundry facilities to each unit – kitchen does not need to be large but needs to allow for some self- care and amenity.

Relocate the air con units away from windows and mark up lift and what is running along the centre of each unit.

I will look with interest on the outcome of this application but have serious concerns over the plans as they currently stand on livability, use and access as well as the impact on the units to the east – there is a requirement to ensure sunlight to the SPOS and this has not been considered at all with no afternoon sun getting in at all

I can be contacted on [REDACTED]

Regards

[REDACTED]