

## 5 Ordinary Business

### 5.1 T220569 PA - Use and Development of land for a Place of Worship and Vegetation Removal at 195 Dore Road, Pakenham

**Responsible GM:** Lili Rosic  
**Author:** Dean Haeusler

#### Recommendation(s)

That Council resolve to issue a Notice of Decision to grant a permit for Planning Permit application T220569 for the Use and Development of the land for a Place of Worship and Vegetation Removal, subject to the following conditions:

#### Conditions:

1. Prior to the endorsement of plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed to form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified as per the following:
  - a. Amended development plans to show:
    - a. Elevations updated to include the eastern aspect of the proposed development;
    - b. The overflow car park relocated outside the Tree Protection Zones of nearby vegetation.
    - c. All driveway, parking and circulation areas specified (with the exception of the overflow car park) with a sealed finish.
    - d. Deletion of annotations referring to the sealing of Dore Road.
  - b. Amended Land Capability Assessment, relocating the effluent disposal area as to not impact on existing trees. The effluent area is also required to be shown and annotated on the relevant Development Site Plan.
  - c. Integrated Land Management Plan in accordance with condition 3.
  - d. Place of Worship Management Plan in accordance with condition 5.
  - e. Bushfire Emergency Plan in accordance with condition 6.
  - f. Amended Landscape Plan in accordance with condition 11
  - g. Tree Management Plan in accordance with condition 12.

#### Vegetation Offsets

2. Before any native vegetation is removed, to offset the removal of 0.0402 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
  - a. A general offset of 0.350 general habitat units:
    - a. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district; and

- b. with a minimum strategic biodiversity score of at least 0.350.
- b. Evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
  - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

AND/OR

- b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning.

### **Integrated Land Management Plan**

- 3. Prior to the endorsement of plans, an Integrated Land Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The Integrated Land Management Plan must include:
  - a. A site plan that shows the division of the site generally into Place of Worship, Domestic, Agricultural and Conservation Zones.
  - b. The delineation of all zones and location and type of any internal fencing or markers to establish the various zones.
  - c. Conservation Zones must be clearly defined as a no-go area during any construction works on the property.
  - d. Provide a works program that details the following:
    - a. The Conservation Zone clearly defined as a no-go area during any construction works on the property.
    - b. No vehicles or machinery to enter the Conservation Zone.
    - c. Retain all standing trees (dead and alive) within the Conservation Zone.
    - d. Allow understorey and canopy species to regenerate within the Conservation Zone
    - e. The restriction preventing any hooved animals entering the Conservation Zone.
    - f. Where fences are used to keep domestic or farm animals out of the Conservation Zone, they must be installed at least 4 metres away from the boundary of the conservation zone to avoid introducing a fence exemption.
    - g. The protection of hollow bearing trees and limits on collection of firewood to personal use only. Firewood is only to be collected from the Domestic Zone and not from the Conservation Zone.
    - h. Details of the management of chemical and nutrient run-off from other zones that are upslope of the Conservation Zone to avoid indirect impacts to native vegetation.
    - i. Control all high threat weeds.

4. All works as per the endorsed Integrated Land Management Plan must be implemented within twelve (12) months of completion of development, with ongoing management works carried out in perpetuity.

#### **Management Plan – Place of Worship**

5. Prior to the endorsement of plans, a Management Plan prepared by a suitably qualified person, to the satisfaction of the responsible authority must be submitted. When approved, the Management Plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan. The plan must include but is not limited to:
  - a. A mechanism to record attendance numbers at the site. This record must be made available to be viewed by the Council upon request.
  - b. Traffic management and car parking management arrangements during peak usage time.
  - c. Staffing and other measures to ensure the orderly departure and arrival of people especially any large groups departing at the end of peak usage time.
  - d. Specific amenity management arrangements to be put in place during peak usage time, morning and evening prayer sessions.
  - e. Measures to control noise emissions from the premises.
  - f. Ongoing communication methods (including the provision of signage) advising the users of the premises to respect the amenity of adjoining neighbours.
  - g. Any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit

When the plan is approved by the responsible authority, the use must be conducted in accordance with the approved Management Plan. The Management Plan may be amended by the responsible authority after written request by the owner or the operator of the land.

#### **Bushfire Emergency Plan**

6. Prior to the endorsement of plans, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan. Once prepared, the site must be managed in accordance with the plan. The Bushfire Emergency Plan must include:
  - a. A clear statement of the plans purpose and scope
  - b. Details on the site and any emergency features/equipment.
  - c. A version control table and details on when and how the plan will be reviewed.
  - d. Details the roles and responsibilities (wardens) for managing a bushfire emergency and bushfire risk on site; and how often exercising the plan will occur.
  - e. Details for on and off site emergency contacts including emergency services
  - f. Appropriate "action statements" and "triggers" for:
    - a. Before the Fire Danger Period
    - b. During the Fire Danger Period
    - c. Days with a forecast fire danger rating (FDR) of 'severe', extreme and 'code red'. Including closing the facility by 10am on days forecast to have a fire danger rating (FDR) of 'extreme' or 'code red'.
    - d. When a bushfire threatens the site - including the trigger for sheltering in place or evacuation from the site (as appropriate).
    - e. After the bushfire threat passes.
  - g. Detailed procedures and responsibilities for:

- i. Evacuating staff, visitors and guests from the site (if required).
- ii. Sheltering in place (if required)
- iii. How the bushfire threat will be monitored during the fire danger period
- iv. Recovery after a bushfire

#### **Hours of Operation and Patronage**

7. Except with the written consent of the Responsible Authority, the use may operate only as follows:
  - a. Daily Activities – Monday to Sunday
    - i. Prayer Hall open between 5:30AM to 10:00PM Monday to Sunday with a maximum 25 patrons at any one time.
    - ii. Meeting Rooms open between 5:30AM to 10:00PM Monday to Sunday for other activities as listed above, with a maximum of 25 patrons at any one time.
  - b. Weekend Activities – Friday to Sunday
    - i. Services to be held between 6:30PM - 9:30PM on Friday and Saturday,
    - ii. Services held 6:00AM - 2:00PM on Sunday only.
    - iii. Maximum occupancy for each service to be no more than 150 persons, inclusive of staff.
  - c. Seasonal Events
    - i. Four (4) seasonal events associated with Sikh holy days to be held in January, April, October/November and December (1 x each month) for one (1) day on either a Saturday or a Sunday with a maximum patronage of 400 patrons at any one time between 10:00AM to 4:00PM, inclusive of any staff.

#### **General:**

8. The use and development as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
10. 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**

11. Prior to the endorsement of plans, 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 provided and prepared by Zenith Concepts, except that the plan must show:
  - a. Plus additional screening to compensate for loss of natural screening due to loss of road reserve trees
  - b. Landscape Plan to show gravel / secondary car parking area and associated landscaping surrounding it
  - c. Detail of “outdoor activity area” ground treatment and landscaping
  - d. Pylon signage deleted.



- e. Additional screening along the frontage to compensate for loss of road reservation trees.
  - f. Include the overflow car parking area with gravel or other unsealed treatment and further landscaping
  - g. Details of the “outdoor activity area” ground treatment and landscaping.
  - h. All details of surface finishes of pathways and driveways.
  - i. Show all trees to be retained and removed within the development area, including Tree Protection Zones.
12. Prior to the endorsement of plans a Tree Management Plan must be prepared by a suitably qualified arborist and be submitted to and approved by the responsible authority. The Tree Management Plan must detail the following:
- a. A structural assessment of all retained trees
  - b. Identification of requisite tree protection zones
  - c. Underground services must not encroach into the Structural Root Zone of any tree retained. Services should not be installed by open trenching but use boring/tunnelling if they pass through a TPZ and be at >1000mm depth.
  - d. Landscaping works (e.g. paving new turf) should not reduce the natural soil level >50mm within TPZs. Any landscaping works within the TPZs should be done by hand, and large roots (>50mm diameter) if encountered must be left intact.
  - e. Mulch the TPZ areas where possible with coarse mulch (e.g. composted wood chips 100mm deep), prior to heavy machinery entering the site.
  - f. Direction for management activities to improve the health of the retained trees over the long term.
13. All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for, or impede the movement of, vehicles or pedestrians.
14. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
15. 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.
16. 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.

### Engineering

17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
18. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction and approval of the

Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. Trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

19. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking, with the exception of the overflow car park 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.
20. Before the development is occupied the sealed vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority. If the construction of the proposed rural vehicle crossing requires the installation of a drainage culvert to the satisfaction of the Responsible Authority.
21. 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.
22. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses
23. 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.

#### **Environmental Health**

24. The development must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

#### **Amenity**

25. During construction and at all times during the operation of the use, the noise control recommendations of the acoustic assessment (prepared by Clarity Acoustics, 18 August 2022, R01 22090) must implemented to the satisfaction of the Responsible Authority.
26. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017
27. The use 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.

Or in any other way, to the satisfaction of the Responsible Authority.

28. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.

29. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
30. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
31. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
32. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
33. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.

#### **Transport for Victoria**

34. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the occupation of the development hereby approved, the upgrade of the intersection of Princes Highway/ Dore Road as per IN-02 of the Pakenham East Precinct Structure Plan must be operational and available for use to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.

#### **Expiry:**

35. 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. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- II. Approval to install or alter an onsite wastewater treatment system must be obtained from Council's Health Department.
- III. A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- IV. The development of the subject land must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on the subject land any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's development engineers can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for re-use and a detention system (if a storm water detention system is incorporated in the design it shall provide the same discharge as that of the pre developed land).

### Attachments

1. T 220569 PA - Locality map [5.1.1 - 1 page]
2. T 220569 PA - Development Plans [5.1.2 - 8 pages]
3. T 220569 PA - objections redacted (updated 23.3.23) [5.1.3 - 86 pages]
4. T220569 PA Council report [5.1.4 - 27 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T220569
<b>APPLICANT:</b>	Mr Prabhjot Singh, c/o Keen Planning
<b>LAND:</b>	L8 LP143204 V9638 F779, 195 Dore Road, Pakenham VIC 3810
<b>PROPOSAL:</b>	Use and Development of Land for a Place of Worship and Vegetation Removal
<b>PLANNING CONTROLS:</b>	Green Wedge Zone – Schedule 1 Environmental Significance Overlay – Schedule 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	The application was put on public notice in accordance with Section 52 of the Planning and Environment Act 1987; thirty-nine objections have been received.
<b>KEY PLANNING CONSIDERATIONS:</b>	Land use compatibility Impact to Traffic Network Landscape response and vegetation loss Management of environmental risks
<b>RECOMMENDATION:</b>	Notice of Decision to grant a Planning Permit

### Executive Summary

The purpose of this report is to consider an application to use and development 195 Dore Road, Pakenham for a Place of Worship and associated vegetation removal.

The application was initially submitted to Council 24 August 2022. A preliminary assessment was undertaken in consultation with internal departments and a request for additional information and concerns issued 21 September 2022. The application was subsequently amended to incorporate vegetation removal and remove business identification signage from the proposal. The application proceeded to public notice on 22 February 2023 with letters sent to surrounding properties and signage erected on-site. Thirty-nine (39) objections were received during and following the notice period.

An assessment against the relevant policies and controls that apply to the site reveal that the proposal represents an acceptable use and development that will make a positive contribution to the cultural and community infrastructure of the region. A detailed assessment of supporting documents demonstrate that visual and other off-site impacts can be managed and that the development will form an effective 'buffer use' between residential and rural activities on the fringe of the Urban Growth Boundary.

## **Relevance to Council Plan**

### **1.1 We empower our communities to be healthy, connected and resilient**

1.1.3 Lead by example in creating an inclusive and welcoming community for all by facilitating community education, capacity building, connection and celebration of our diversity.





Disclaimer: This content is provided "as is" without warranty of any kind.  
28-Oct-2023

[View map online](#)



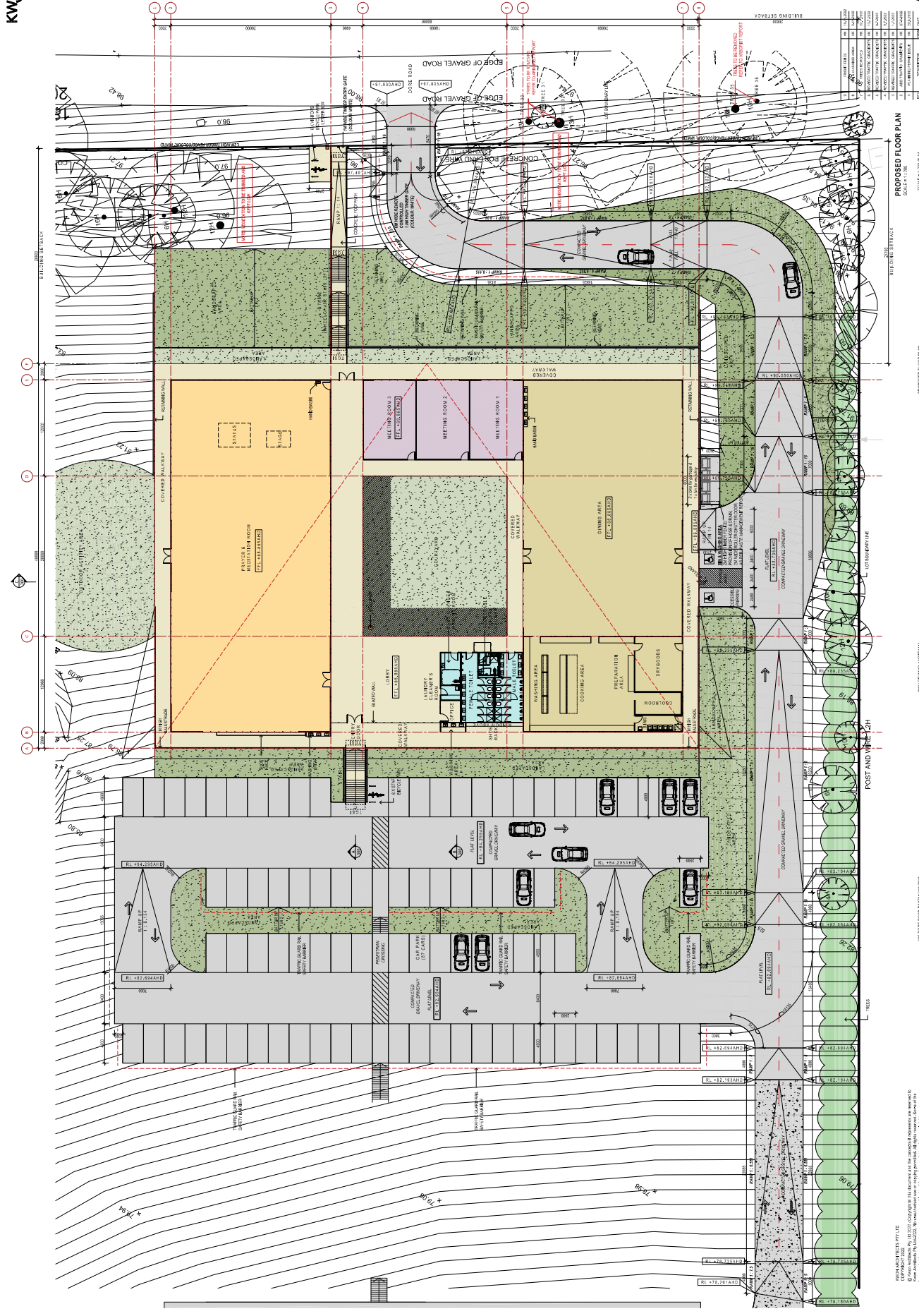
CardiMap





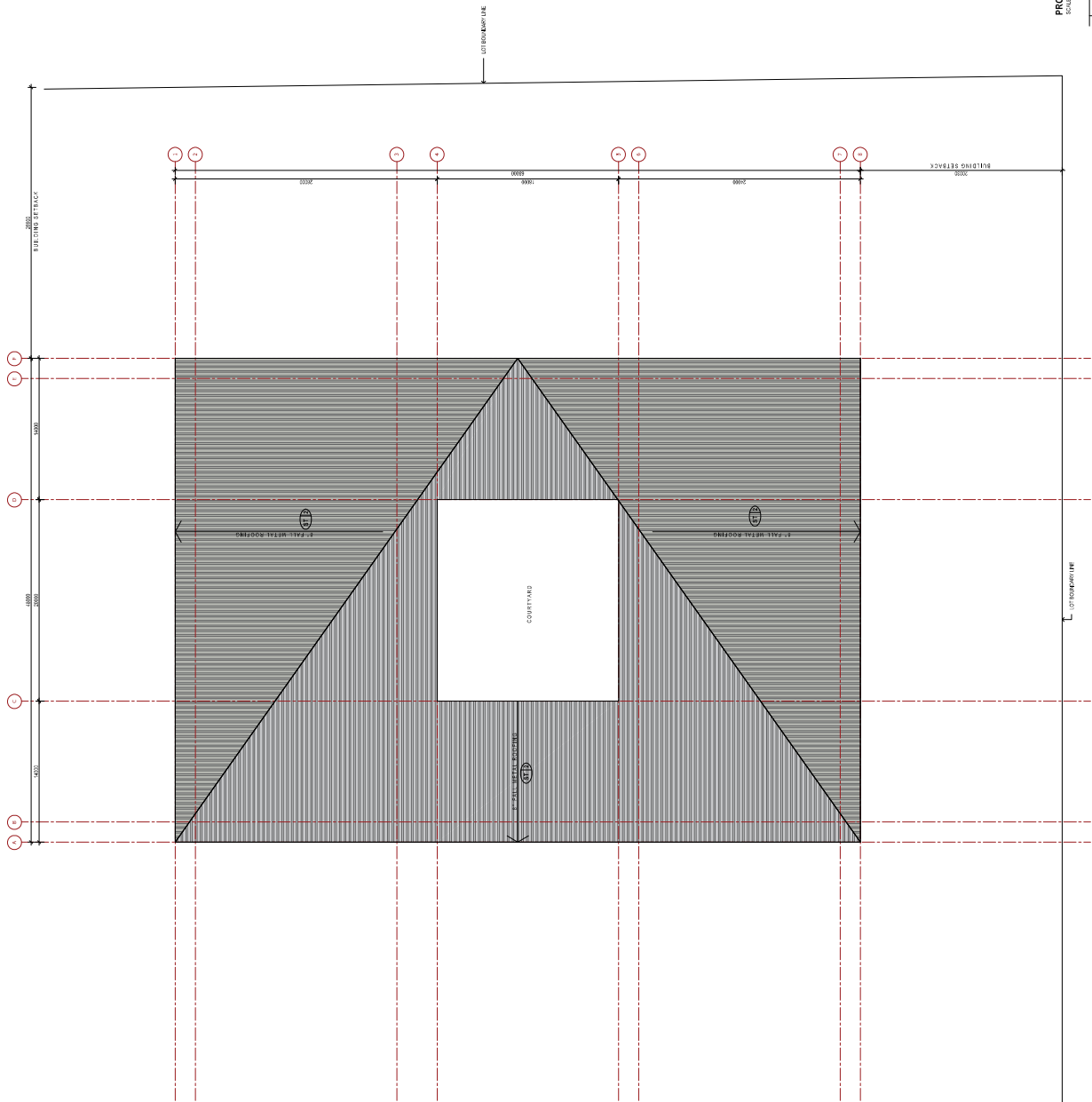


KWON





KWON



PROPOSED ROOF PLAN  
SCALE = 1/8" = 1'-0"

NO.	DESCRIPTION	DATE
1	REVISED	12/1/2023
2	REVISED	12/1/2023
3	REVISED	12/1/2023
4	REVISED	12/1/2023
5	REVISED	12/1/2023
6	REVISED	12/1/2023
7	REVISED	12/1/2023
8	REVISED	12/1/2023
9	REVISED	12/1/2023
10	REVISED	12/1/2023

PROPOSED ROOF PLAN  
SCALE = 1/8" = 1'-0"

100 SCHMIDT ROAD, WILMINGTON, DE 19801

100 SCHMIDT ROAD, WILMINGTON, DE 19801

100 SCHMIDT ROAD, WILMINGTON, DE 19801

100 SCHMIDT ROAD, WILMINGTON, DE 19801

100 SCHMIDT ROAD, WILMINGTON, DE 19801

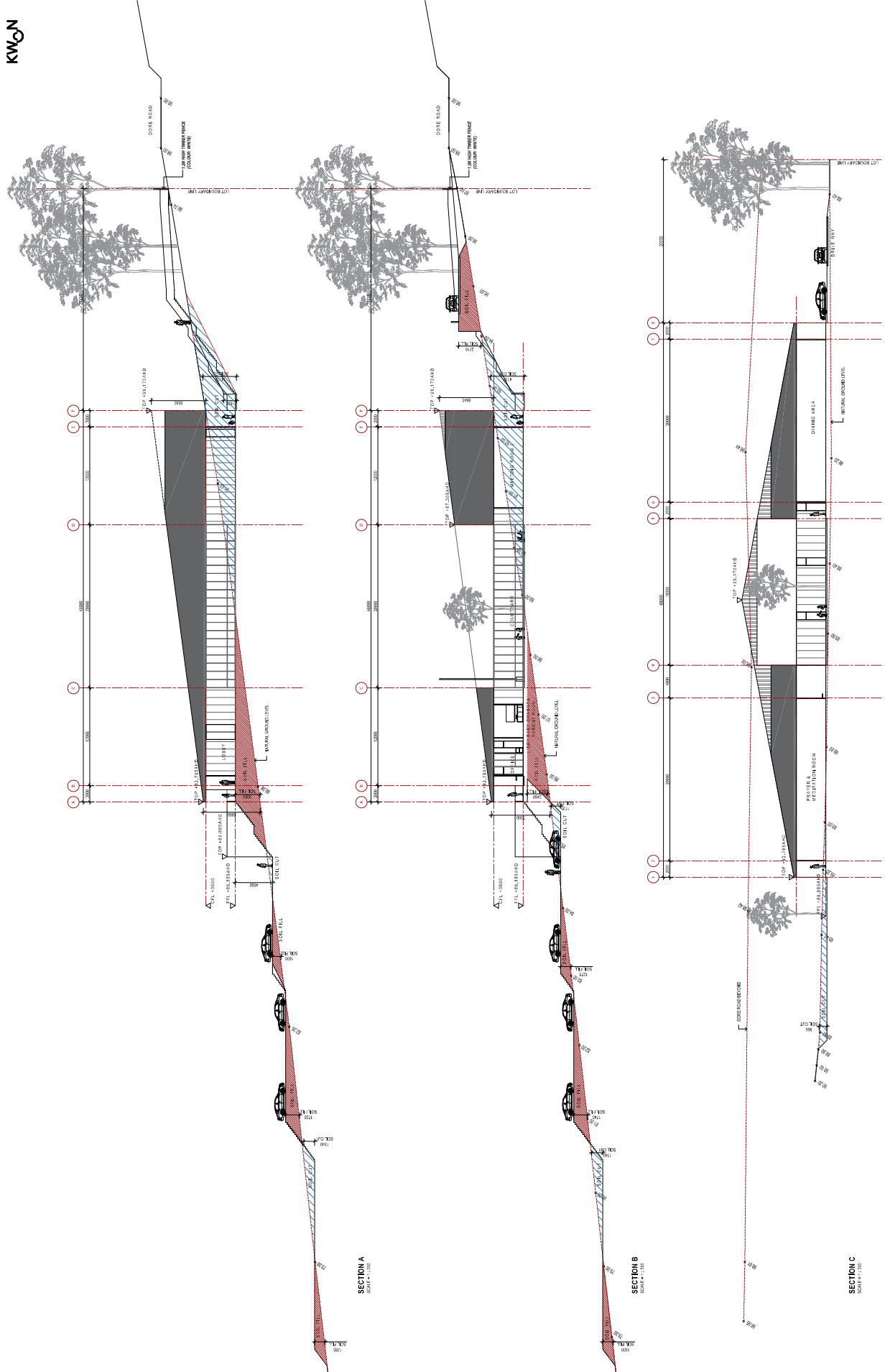








KWON



PROJ: 4001716121-PT1-LT2  
DATE: 01/12/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1:100

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/12/2023
2	REVISED PERMIT	01/12/2023
3	REVISED PERMIT	01/12/2023

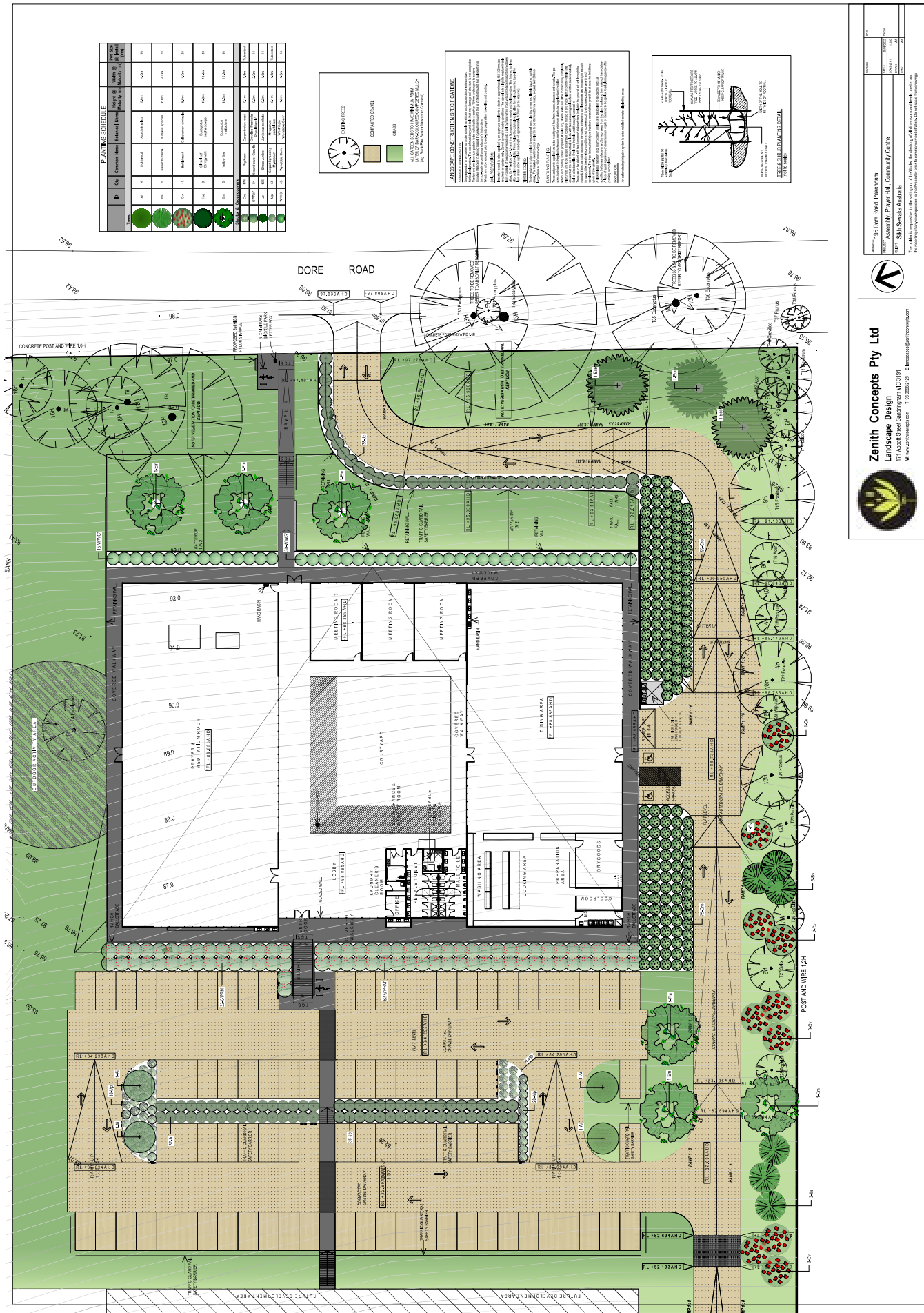
ATP 300

SCALE: 1:100

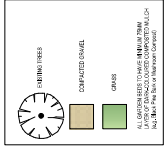
SCALE: 1:100

SCALE: 1:100

SCALE: 1:100



PLANTING SCHEDULE			
ID	Qty	Common Name	Native Plant Species
1	1	Large Tree	1
2	1	Medium Tree	2
3	1	Small Tree	3
4	1	Shrub	4
5	1	Groundcover	5
6	1	Palmetto	6
7	1	Spiky Plant	7
8	1	Flowering Plant	8
9	1	Grass	9
10	1	Low Shrub	10
11	1	Large Shrub	11
12	1	Medium Shrub	12
13	1	Small Shrub	13
14	1	Groundcover	14
15	1	Palmetto	15
16	1	Spiky Plant	16
17	1	Flowering Plant	17
18	1	Grass	18
19	1	Low Shrub	19
20	1	Large Shrub	20
21	1	Medium Shrub	21
22	1	Small Shrub	22
23	1	Groundcover	23
24	1	Palmetto	24
25	1	Spiky Plant	25
26	1	Flowering Plant	26
27	1	Grass	27
28	1	Low Shrub	28
29	1	Large Shrub	29
30	1	Medium Shrub	30
31	1	Small Shrub	31
32	1	Groundcover	32
33	1	Palmetto	33
34	1	Spiky Plant	34
35	1	Flowering Plant	35
36	1	Grass	36
37	1	Low Shrub	37
38	1	Large Shrub	38
39	1	Medium Shrub	39
40	1	Small Shrub	40
41	1	Groundcover	41
42	1	Palmetto	42
43	1	Spiky Plant	43
44	1	Flowering Plant	44
45	1	Grass	45
46	1	Low Shrub	46
47	1	Large Shrub	47
48	1	Medium Shrub	48
49	1	Small Shrub	49
50	1	Groundcover	50
51	1	Palmetto	51
52	1	Spiky Plant	52
53	1	Flowering Plant	53
54	1	Grass	54
55	1	Low Shrub	55
56	1	Large Shrub	56
57	1	Medium Shrub	57
58	1	Small Shrub	58
59	1	Groundcover	59
60	1	Palmetto	60
61	1	Spiky Plant	61
62	1	Flowering Plant	62
63	1	Grass	63
64	1	Low Shrub	64
65	1	Large Shrub	65
66	1	Medium Shrub	66
67	1	Small Shrub	67
68	1	Groundcover	68
69	1	Palmetto	69
70	1	Spiky Plant	70
71	1	Flowering Plant	71
72	1	Grass	72
73	1	Low Shrub	73
74	1	Large Shrub	74
75	1	Medium Shrub	75
76	1	Small Shrub	76
77	1	Groundcover	77
78	1	Palmetto	78
79	1	Spiky Plant	79
80	1	Flowering Plant	80
81	1	Grass	81
82	1	Low Shrub	82
83	1	Large Shrub	83
84	1	Medium Shrub	84
85	1	Small Shrub	85
86	1	Groundcover	86
87	1	Palmetto	87
88	1	Spiky Plant	88
89	1	Flowering Plant	89
90	1	Grass	90
91	1	Low Shrub	91
92	1	Large Shrub	92
93	1	Medium Shrub	93
94	1	Small Shrub	94
95	1	Groundcover	95
96	1	Palmetto	96
97	1	Spiky Plant	97
98	1	Flowering Plant	98
99	1	Grass	99
100	1	Low Shrub	100



**LANDSCAPE CONSTRUCTION SPECIFICATIONS**

1. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

2. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

3. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

4. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

5. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

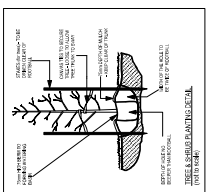
6. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.


7. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

8. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.


9. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.

10. All construction shall be in accordance with the Australian Standard AS/NZS 4801:2012.





**Zenith Concepts Pty Ltd**  
Landscape Design  
177 Albert Street, St Leonards NSW 1585  
www.zenithconcepts.com.au



100 Dore Road, Penrith  
Assembly Prayer Hall Community Centre  
San Sebastian Australia

Scale	1:100
North	0°
East	90°
South	180°
West	270°

APPLICATION FOR CONSIDERATION  
**NOTICE OF DECISION**  
 Council Report


**Application Details:**

<b>Proposal</b>	Use and Development of Land for a Place of Worship and Vegetation Removal		
<b>Applicant</b>	Mr Prabhjot Singh c/o Keen Planning		
<b>Date Received:</b>	24 August 2022		
<b>Statutory Days:</b>	20		
<b>Section 50/50A/57A Amendment</b>	<input type="checkbox"/> <b>None</b>	<input checked="" type="checkbox"/> <b>Yes, date:</b> 22 November 2022 Section 50a to incorporate changes to the development and include vegetation removal.	
<b>Application Number</b>	T220569		
<b>Planner</b>	Dean Haeusler		
<b>Land/Address</b>	L8 LP143204 V9638 F779, 195 Dore Road, Pakenham VIC 3810		
<b>Property No.</b>	1236700700		
<b>Zoning</b>	Green Wedge Zone Schedule 1		
<b>Overlay/s</b>	ES01 - Environmental Significance Overlay - Schedule 1		
<b>Permit Trigger(s)</b>	Clause 35.04-1 Table of Uses (Green Wedge Zone) Clause 35.04-5 Buildings and Works (Green Wedge Zone) Clause 42.01-2 Permit Requirement (Environmental Significance Overlay) Clause 52.17-1 Native Vegetation		
<b>Aboriginal Cultural Sensitivity</b>	<input checked="" type="checkbox"/> <b>No</b>	<input type="checkbox"/> <b>Yes; a CHMP is:</b> <input type="checkbox"/> <b>Not required</b> <input type="checkbox"/> <b>Required</b>	
<b>Section 55 Referrals</b>	<input type="checkbox"/> <b>None</b>	<input checked="" type="checkbox"/> <b>Yes, list below:</b> Transport for Victoria (DoT / VicRoads)	
<b>Registered restrictions on Title</b>	<input type="checkbox"/> <b>None</b>	<input checked="" type="checkbox"/> <b>Yes, list below:</b> ■ Covenant K459392 and K459393 Refer to discussion chapter for further information.	
<b>Recommendation</b>	<input type="checkbox"/> <b>Permit</b> <input checked="" type="checkbox"/> <b>NOD</b>		

	<input type="checkbox"/> <b>Refusal</b>	
<b>Ward Councillor communications</b>	<input checked="" type="checkbox"/> <b>None</b>	<input type="checkbox"/> <b>Yes, item in Councillor Bulletin</b>
<b>Documents relied on</b>	<ul style="list-style-type: none"> <li>▪ Application Forms and Section 50 Form</li> <li>▪ Title Documentation and Covenant K459392 and K459393</li> <li>▪ Covering Letter and Response to RFI Letter prepared by Keen Planning (various dates)</li> <li>▪ Development Plans prepared by Kwon Architects (16.11.22)</li> <li>▪ Landscape Plan prepared by Zenith Concepts (25.08. 2022)</li> <li>▪ Town Planning Submission prepared by Keen Planning (11.2022)</li> <li>▪ Traffic Engineering Assessment prepared by Traffix Group (08.2022)</li> <li>▪ Land Capability Assessment prepared by Beata Lorincz (11.2022)</li> <li>▪ Waste Management Plan prepared by Traffix Group (11.2022)</li> <li>▪ Acoustic Assessment prepared by Clarity Acoustics (18.08.2022)</li> <li>▪ Arboricultural Impact Assessment, prepared by ArbKey (25.08.2022)</li> </ul>	
<b>Full plans and documents</b>	<a href="#">T220569 PA - Compiled documents.pdf</a>	
<b>Plans to be endorsed?</b>	<input type="checkbox"/> <b>Yes,</b> <input checked="" type="checkbox"/> <b>No, amended plans required</b>	

### Proposal

The proposal seeks for the use and development of the land for a Place of Worship, and ancillary, associated rural uses.

#### Place of Worship – Built Form

A 2,904m<sup>2</sup> building is proposed to be constructed, centred around a 360m<sup>2</sup> internal courtyard and includes the following elements:

- Meditation / Prayer room of 960m<sup>2</sup>
- Dining / Kitchen area of 960m<sup>2</sup> inclusive of cook, wash and prep areas, dry goods store and cool room
- Three (3) meeting rooms totalling 200m<sup>2</sup>
- Amenities including a total of 16 toilets/urinals, accessible bathrooms, baby change room / parents room, laundry cleaners room and office

The building will be quite simple in form with a hipped Colorbond Shale Grey Roof, with external walls being painted Dulux “Antique White USA” and an overall maximum building height of 6.95m above natural ground level from the south-west corner of the building. Cut and fill works are proposed to provide a level pad with maximum site cut up to 4.13 metres and fill works to 3.05 metres.

External to the building will be an ‘outdoor activity areas’ used for small gatherings, sporting activities etc north of the building.

A white ‘rural style’ 1.2 metre high fence will extend the frontage of Dore Road with a 6 metre wide sliding gate.

**Place of Worship – Use Parametres**

The Place of Worship is to be the hub for worship, ongoing charity and non-profit community work. Whilst the main function of the building is for worship/mediation, ancillary activities are proposed to occur on site inclusive of:

- Sports and music classes
- Community Kitchen to serve food after worship sessions, and occasional preparation of food associated with offsite food delivery as well as individuals or groups who may visit the site
- Meetings associated with the non-profit community work
- Spiritual counselling
- Horse riding
- Organic farming

The proposed uses are to be operational in three main streams being:

- Daily Activities – Monday to Sunday
  - Prayer Hall open between 5:30AM to 10:00PM Monday to Sunday with no proposed maximum patronage
  - Meeting Rooms open between 5:30AM to 10:00PM Monday to Sunday for other activities as listed above, with a maximum of 25 patrons on site each day.
- Weekend Activities – Friday to Sunday
  - Services to be held between 6:30PM and 9:30PM on Friday and Saturday, as well as at 6:00AM, 10:00AM and 2:00PM on Sunday
  - Maximum occupancy at any activity to be no more than 150 persons at any one time.
- Seasonal Events
  - Four (4) seasonal events associated with Sikh holy days to be held in January, April, October/November and December (1 x each month) for one (1) day on either a Saturday or a Sunday for a maximum of 400 patrons from 10:00AM to 4:00PM.

**Access**

Vehicle access is to be provided by a 6m wide crossover and sealed, two-way access from Dore Road

A compacted gravel car park with 87 spaces will be provided, with an additional gravel 'overflow carpark' provided (for use for specific events only) accommodating a further 47 spaces. Two further accessible spaces are provided to the south of the building.

6 x bicycle parking spaces are also proposed for visitors, with an additional 6 x spaces set aside for 'staff'.

**Vegetation Removal and Landscaping**

Of 29 trees assessed on site and 9 within adjoining land, five (5) trees are proposed to be removed that require a planning permit. All five (5) trees are located within the road reserve, and are required to be removed to allow for safe access (and associated sightlines) to the site as follows:

Tree ID	Arboreal Species	Common Name	Arboreal Cultural Value	Height (m)	Total DBH (100)	DBH (100)	Planning Permit Required?
30	Eucalyptus radiata	Narrow-leaved Peppermint	Third Party Ownership	10	43	47	Yes
31	Eucalyptus radiata	Narrow-leaved Peppermint	Third Party Ownership	7	43	48	Yes
32	Eucalyptus viminalis	Manna Gum	Third Party Ownership	13	115.2	109	Yes
33	Eucalyptus radiata	Narrow-leaved Peppermint	Third Party Ownership	12	80	88	Yes
34	Eucalyptus radiata	Narrow-leaved Peppermint	Third Party Ownership	9	44	45	Yes

Figure 1 - Trees for Removal.

Landscaping is proposed surrounding the development and car parking area, as identified within the provided Landscape Plan. Planting includes 29 native trees and large bushes and 467 shrubs and grasses (being a mixture of native and exotic species).

Existing Buildings and Operations

The existing dwelling is to be resided in by a site manager or religious leader and family, also overseeing the wider upkeep of the site. Additionally, it is proposed that the remainder of the site is to be used for rural pursuits such as horse agistment and existing equine infrastructure utilised.

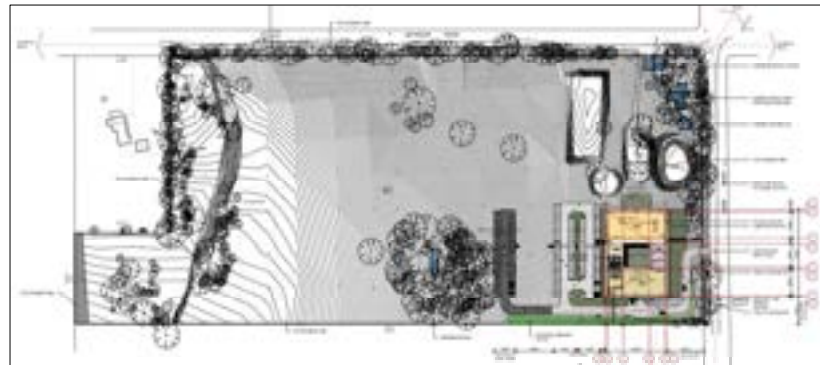


Figure 2 - Proposed Site Plan





Figure 3 - Proposed Floor Plan and paved car parking area.

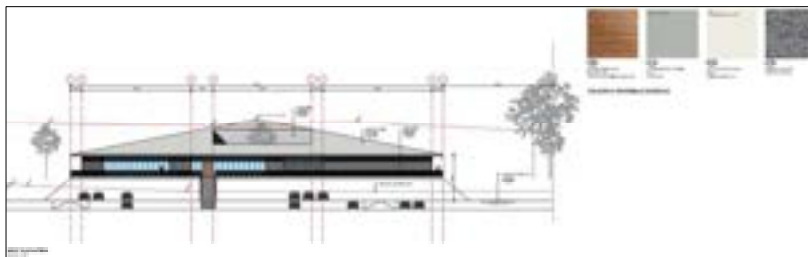


Figure 4 - Proposed western elevation and colours and materials schedule.

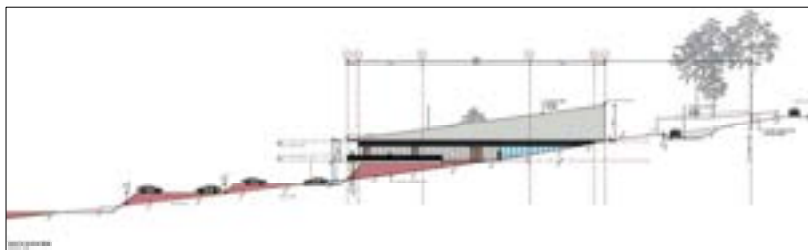


Figure 5 - Proposed southern elevation.

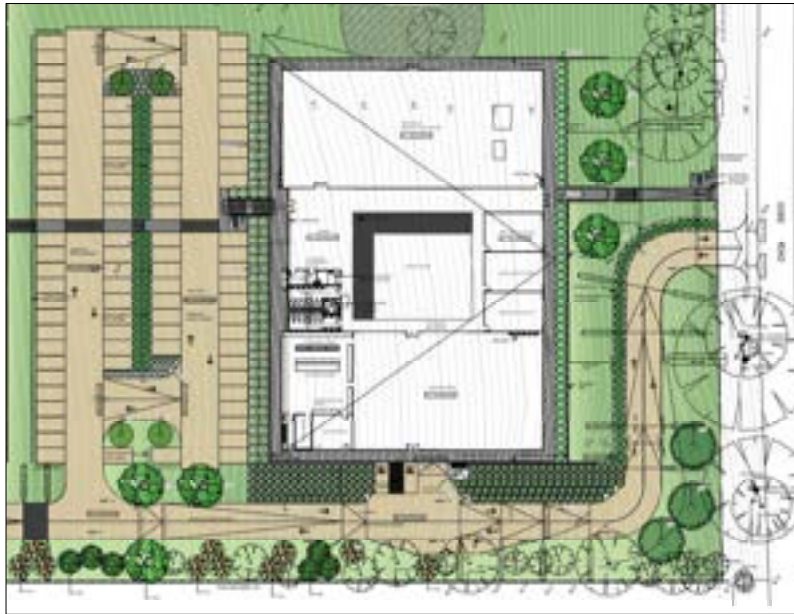


Figure 6 - Proposed Landscape Plan.

### Subject site & locality

The site is located on the south-west corner of the Dore Road and Seymour Road intersection and has substantial frontage to both roads. The generally rectangular site has a 203m frontage to Dore Road, a 484m frontage to Seymour Road and has an overall site area of 9.0ha. The site slopes from the north-east to the south-west, with a height difference of approximately 36m between the two points.

The main crossover to the site is located to Seymour Road, with a secondary informal access point to the northern end of Dore Road. The site is currently occupied by a double-storey rendered dwelling which is setback 12m from Dore Road, with a number of outbuildings and equine facilities (horse exercise yard) all located within the vicinity of the dwelling. The remainder of the site is separated into various paddocks with large open grassed areas, interspersed with larger vegetation. Further vegetation is grouped along the northern and eastern boundaries of the site, whilst there is a large outstand of trees centrally along the southern boundary. Additionally, a watercourse is located near to the western boundary.

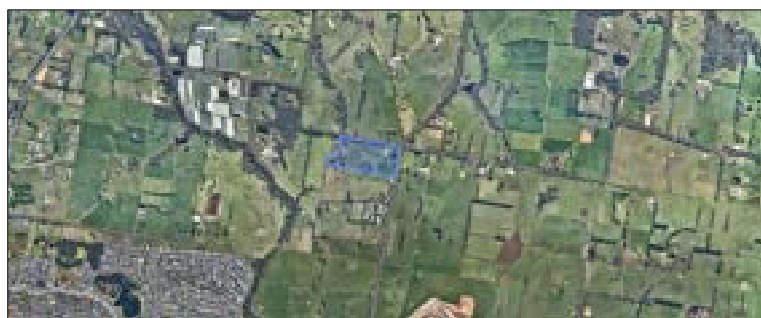
Adjoining sites have varied lot sizes, with 425 Seymour Road to the west being a 1ha 'rural lifestyle' block subject to a single storey dwelling, whilst 171 Dore Road to the south being a 8.3ha property subject to a dwelling and used for grazing purposes. The closest dwelling to the works area is to the south, approximately 70m from the works area.

The predominant development within the wider surrounds are mid to large lots used for grazing/agriculture, many also subject to single dwellings.

Metropolitan Melbourne's Urban Growth Boundary is located 380 metres south of the site as shown in Figure 9 below. This area forms part of the Pakenham East Precinct Structure Plan where abutted land is identified for residential development.



*Figure 7 - Aerial image of the subject site (Nearmap, September 2023)*



*Figure 8 - Aerial imagery of the wider surrounds (Nearmap, September 2023)*



Figure 9: Urban Growth Boundary (represented by the blue dotted line)

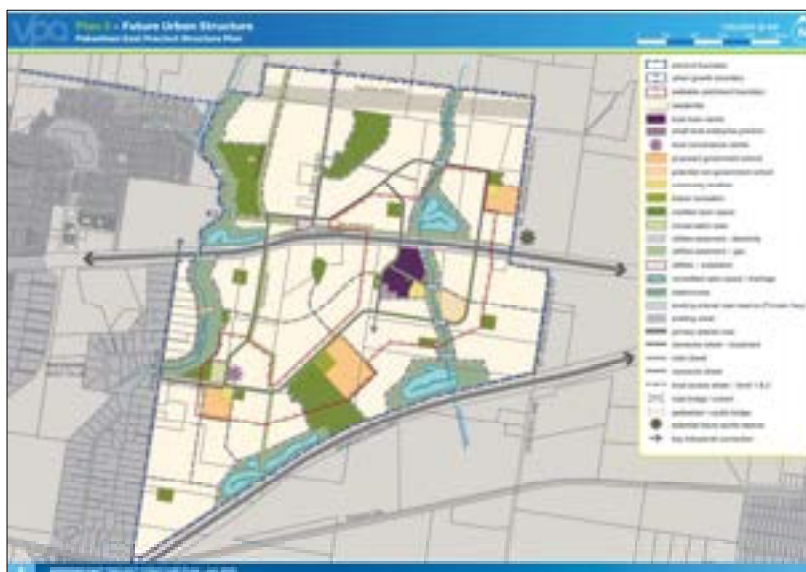


Figure 10: Pakenham East Precinct Structure Plan (July 2020)

---

**Permit/Site History**

There is no recent Planning Permit history for the subject site.

---

**Planning Scheme Provisions****Zone**

The land is subject to the following zones:

- Green Wedge Zone Schedule 1

**Overlays**

The land is subject to the following overlays:

- ESQ1 - Environmental Significance Overlay - Schedule 1

**Planning Policy Framework (PPF)**

The relevant clauses of the PPF are:

- 11.02-1S Supply of urban land
- 12.01-2S Native Vegetation Management
- 12.05-2S Landscapes
- 15.01-6S Design for Rural Areas
- 13.02 Bushfire
- 13.05-1S Noise Management
- 14.01-1S Protection of agricultural land
- 19.02-4S Social and Cultural Infrastructure

**Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- 21.01 Cardinia Shire key issues and strategic vision
- 21.02-2 Landscape
- 21.06-1 Urban Design
- 21.05-6 Community services and facilities.

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

The relevant provisions/ documents are:

- 51.02 Metropolitan green wedge land: Core Planning Provisions
- 52.06 Car parking
- 65 Decision guidelines
- 66.02 Use and development referrals

---

**Planning Permit Triggers**

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

- Pursuant to Clause 35.04-1 Table of Uses of the Green Wedge Zone, a planning permit is required to use the land as a Place of Worship (Section 2 Use).
- Pursuant to Clause 35.04-5 Buildings and Works of the Green Wedge Zone, a planning permit is required for buildings and works associated with a Section 2 Use.
- Pursuant to Clause 42.01-2 Permit Requirement of the Environmental Significance Overlay, a planning permit is required for buildings and works and to remove vegetation.
- Pursuant to Clause 52.17-1 of Native Vegetation planning provisions, a permit is required to remove, destroy or lop native vegetation.

---

### Public Notification

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

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

The notification has been carried out and the statutory declaration has been submitted to Council.

Council has received 39 objections to date.

The key planning issues that were raised in the objections include:

- Proposed built form does not respond to rural character / is an overdevelopment of site
- Does not respond to the purposes of the Green Wedge Zone or green wedge / farming activities
- Traffic and access impacts / safety
- Flora and fauna impacts
- Excessive hours of operation and noise / amenity impacts
- Effluent / waste water impacts
- Bushfire risk
- Definition of land use not correct

Other items raised include:

- Loss of privacy and loss of views
- Religion
- Property prices and land value
- Other Places of Worship exist within the municipality
- The site is not located within the Urban Growth Boundary
- Safety risks / increased crime
- Advertising / Application process queries



## Referrals

### External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Transport for Victoria	No objection, subject to conditions
Section 52 Notices	n/a	n/a

### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Engineering	Supportive, subject to conditions
Traffic	No objection, subject to conditions
Urban Design	Supportive subject to minor recommendations that have either been implemented or can be resolved by way of permit conditions and changes to plans.
Parks and Gardens	Not supportive of current Landscape outcome, however can be resolved by way of permit conditions and changes to plans.
Environment	Not supportive of current vegetation removal or effluent outcome, however can be resolved by way of permit conditions and changes to plans.
Strategic	Supportive of the proposal subject to minor changes and additional information. This information has since been provided to Council and changes made to the proposed fencing.

## Assessment

A number of matters are required to be explored to determine the suitability of the proposal. These matters include:

- Response to State and Local Planning Policy Framework
- Response to the Green Wedge Zone and Agricultural Matters
- Response to the Environmental Significance Overlay
- Response to Clause 52.17 Native Vegetation
- Vegetation Removal and Landscaping
- Traffic and Access
- Built Form, Character and Urban Design
- Response to Objections
- Consideration of Covenants

This chapter explores these matters below.

#### Response to State and Local Planning Policy Framework

The proposal responds appropriately to the relevant state and local policies that are key to assessment of this application.

**Clause 11.01-1S Settlement** seeks to facilitate for sustainable growth and development, to deliver choice and opportunity through a network of settlements. Specific strategies expand on this objective further, highlighting main considerations to provide for settlement opportunities in appropriate locations within settlement boundaries or well serviced areas, to result in balanced land use and development outcomes that enhance and contribute to settlements and landscapes, to limit urban sprawl among other things.

**Clause 12.01 Environment** states that “planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.” **Clause 12.01-1S Protection of Biodiversity** expands on this, with an objective “to protect and enhance Victoria’s biodiversity” with associated strategies to take into account cumulative environmental impacts and support development that actively enhances habitat. **Clause 12.01-2S Native Vegetation Management** also seeks to “ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation” supported by strategies to seek to avoid or minimise removal of native vegetation. These clauses link to **Clause 12.05-2S Landscapes** which seeks to “protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments” with identified strategies to ensure development does not detract from significant landscapes, improve landscape qualities and environmental performance, and to recognise the landscape as a fully functioning system.

**Clause 13 Environmental Risks and Amenity** identifies that Planning should identify, prevent and minimises risk to the environmental and human life via land use compatibility and effective controls to prevent and mitigate risk, and that any development or mitigation is not to the detriment of the environmental and natural processes. Additionally, **Clause 13.02-1S Bushfire Planning** seeks to “strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life” as identified within the ‘bushfire’ assessment section of this report. **Clause 13.02-5 Noise Management** acts to assist in management of noise effects on sensitive land uses to ensure community amenity and health is not adversely impacted by noise emissions through design and separation techniques that mitigate impacts to residential and other land uses.

**Clause 14.01-1S Protection of Agricultural Land** acts to preserve the state’s agricultural base by preserving productive farmland. The policy includes a range of strategies such as a protection of strategically significant farmland, consideration of off-site impacts to primary production and compatibility between the proposed and surrounding land.

**Clause 15 Built Environment** seeks for planning to promote excellence in the built environment, and ensuring that built form minimises detrimental impacts on the built and natural environment. Clause 15.01 Built Environment expands in greater detail, noting an objective to “create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity” with a number of supporting strategies such as seeking for development to respond to the surrounding natural features and landscape and to avoid detrimental impacts to the natural and built form. **Clause 15.01-6S Design for Rural Areas** also seeks for development to respect “valued areas” and rural character.

**Clause 19.02-4S Social and Community Infrastructure** seeks to provide fairer distribution of and access to, social and cultural infrastructure by encouraging the location of infrastructure in accessible areas such as activity centres.

The local policy at **Clause 21.05-6 Community Services and Facilities** also identifies the importance of access to a range of services and facilities and that these are provided in response to community need. Key strategies of this policy seek to establish community facilities in the most accessible location having regard to their service catchment and facilitate the establishment of services such as community based organisations (eg: churches) which serve the needs of the community in activity centres and in residential areas where they can be provided in a manner which minimises any impacts on the amenity of the area.

Many Local Planning Policy Framework considerations expand on the above.

**Clause 21.02 Environment** is expanded upon at **Clause 21.02-2 Landscape** which identifies key issues as the need to protect significant landscapes, and noting the pressures to develop land in locations of high value. Additionally, **Clause 21.02-3 Biodiversity** acknowledges that the municipality is known to contain state and nationally significant species, and that:

The decline and fragmentation of habitats resulting in the loss of biodiversity is a key issue. Over 75% of the native vegetation in Cardinia Shire has been cleared leaving those areas of remnant vegetation of particular significance and value in terms of maintaining biodiversity within the Municipality.

Supporting objectives to ensure appropriate maintenance of biodiversity in areas of significance include seeking to achieve no net loss on quantity and quality of vegetation, as well the need to maintain and enhance the diversity of indigenous habitats and species. Additionally, **Clause 21.02-4 regards bushfire management** which has been assessed within the 'bushfire' assessment section of this report.

**Clause 22.05 Westernport Green Wedge Policy** outlines a local vision for Green Wedge Land south of Princes Freeway to ensure land use is managed and guideline is provided for particular activities such as tourism, agricultural, school and places of worship.

In response to the Planning Policy Framework, it is considered that:

- It is considered the proposal presents an acceptable bushfire risk due to the predominantly cleared and managed nature of the property where defendable space and protection measures can be implemented. While construction and mitigation measures are not required at the Planning stage, it is recognised that it's BPA classification will ensure measures are taken into considered at the time of a Building Permit. It is noted that the traffic report confirms that access can accommodate CFA vehicles.
- The property is not currently used for rural productivity and located in an area with a mixture of large rural properties and fragmented rural-residential parcels. This fragmentation and non-rural pressures are expected to increase as Pakenham East precinct continues to development out. The proposal will remove a portion of the property from rural use however a large balance of the property will continue to be available for rural productivity.
- The proposed built form is appropriately designed for a community purpose providing high-quality architectural design that uses the landscape to integrate building mass and maintain rural outlooks and vistas to the foothills. Material and colour use borrow from the surrounding landscape to further reduce profile and respond to the semi-rural context.
- The site is located on the fringe of the Urban Growth Boundary and where accessibility is limited. As the Pakenham East Precinct continues to develop, supporting infrastructure such as public transit networks will improve accessibility.
- The proposal results in native vegetation impact in the road reservation where avoid and minimise principles have been balanced with the need to ensure an appropriately located access where safe vehicle entry and exit can be provided.
- While the site falls outside the Westernport Green Wedge Policy area, many of the guiding principles and objectives can be applied to other Green Wedge Land in the Shire. This policy discourages Places of Worship and other community-based activities in Green Wedge Land in the Railway Precinct with the exception of sites that *adjoin the Urban Growth Boundary* as these activities benefit from a better access and provide a buffer between urban and rural activities. The subject land does not *adjoin* the Urban Growth Boundary (UGB) but its close proximity allows for a transitional 'buffer' between future residential land bordering the UGB and

traditional rural uses. The identification of Dore Road as a higher-order road to be sealed and upgraded also ensures impact to the local road network is abated.

Based on the above policy assessment it is determined that the proposal responds appropriately to the key planning policies.

#### **Response to the Green Wedge Zone and Agricultural Matters**

Purposes of the Green Wedge Zone include:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

The proposal seeks to develop a section of the site for a Place of Assembly within the south-east corner. The remainder of the site remains unchanged and can continue to be used for rural pursuits such as horse agistment, noting that horse keeping and training is a key part in Sikh culture.

The proposal provides for a limited place of worship opportunity, and it is noted that such a use is appropriate within the Green Wedge Zone subject to how it responds to the land. The proposal seeks to provide substantial landscaping surrounding the building to assist with enhancing biodiversity and does not detrimentally impact on the farming activities on the site or surrounds.

Further, Clause 35.04-6 Decision Guidelines provides guidance as to the matters for the Responsible Authority to consider. These are considered under four relevant themes and are assessed as follows:

Relevant Decision Guideline	Response
<u>General Issues</u> <ul style="list-style-type: none"> <li>• Capability of the land</li> <li>• Relationship to rural land use, diversification, recreation or tourism</li> <li>• Compatibility with adjoining land uses</li> <li>• Impact to character of area</li> </ul>	<p>A Land Capability Assessment provided with the application indicates the site has the potential to accommodate effluent. However, the proposed siting of the effluent area is questioned and a condition on permit will require further exploration of the matter.</p> <p>The proposal provides for a wider community use on a portion of the site, with the remainder of the site being able to accommodate continued agricultural pursuits.</p> <p>Acoustic reporting submitted with the application has identified that the proposal can be compliant with relevant EPA guidelines, ensuring offsite noise impacts can be managed. Further, the built form is well contained and nestled into the site to mitigate impacts to adjoining land uses and activities.</p> <p>Refer to the character chapter of this report for further discussion.</p>
<u>Rural Issues</u> <ul style="list-style-type: none"> <li>• Agricultural production and rural economy</li> <li>• Land Management Plan</li> </ul>	<p>As detailed, the land is currently used for equine purposes, and does not directly support primary productivity.</p> <p>It is not anticipated that the proposal will detrimentally impact on the rural economy as the proposed use does not limit productivity on adjoining or nearby sites, whilst a Land Management Plan is to be</p>

<ul style="list-style-type: none"> <li>Impact on rural infrastructure</li> <li>Potential expansion and impact on nearby agriculture and land uses</li> </ul>	<p>conditioned on any permit issued in relation to ongoing agricultural pursuits and management of the proposed use to ensure off site impacts, such as those associated with traffic, are accounted for.</p> <p>It is not anticipated that the site is to be expanded, and if an application is lodged then it will be assessed on its merits.</p>
<p><u>Environmental Issues</u></p> <ul style="list-style-type: none"> <li>Impact on flora and fauna</li> <li>Protection, enhancement and revegetation</li> <li>Sustainable land management</li> <li>Location of site effluent</li> </ul>	<p>Five (5) Victorian Native trees are proposed to be removed within the road reserve, with all trees on the site to be retained. These trees are to be removed to ensure adequate sightlines are provided as road has an unposted speed limit. The applicant has demonstrated that appropriate offsets can be secured and this will form a condition of any permit granted.</p> <p>As referred to earlier, a Land Management Plan is to be conditioned on any permit issued in relation to ongoing agricultural pursuits and land management whilst the provided Land Capability Assessment indicates the site has the capacity to accommodate all effluent needs. The proposed siting of the effluent area is questioned however and a condition on permit will require further exploration of the matter to ensure the stand of vegetation proximate to the car park will not be impacted.</p>
<p><u>Design and Siting Issues</u></p> <ul style="list-style-type: none"> <li>Adverse impacts due to siting, design, height, bulk on the landscape and vistas</li> <li>Impact to character and appearance of area</li> </ul>	<p>Refer to the character and built form discussion section of this report.</p>

**Commented [FS1]:** This needs to be completed

**Commented [DH2R1]:** Was a split box so it was addressed above but I've added a little more.

#### Response to the Environmental Significance Overlay

A Planning Permit is required under the Environmental Significance Overlay to both construct the building and remove vegetation. Schedule 1 to the Environmental Significance Overlay includes the following Statement of Significance:

*The hills to the northern part of the municipality (generally to the north of the Princes Highway) is an area with significant landscape and environmental values. The area is characterised by a geology of Devonian Granitic and Silurian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor in terms of environmental hazards including erosion and fire risk.*

*The vegetation supports the ecological processes and biodiversity of this area by forming core habitat areas within a complex network of biolink wildlife corridors. Sites containing threatened flora and fauna are defined as being of botanical and zoological significance. Development within and around these sites need to be appropriately managed to ensure the long term protection, enhancement and sustainability of these ecological processes and the maintenance of biodiversity.*

The following four objectives are provided:

*To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.*

*To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant*



*vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.*

*To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.*

*To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*

It is acknowledged that five (5) trees are to be removed to allow for access arrangements to the site.

Whilst a portion of the site is to be used for the proposed activity, the majority of the site will remain unchanged from both a land use and landscape perspective.

The siting of the building is located close to the road frontage in an existing cleared area to minimise impacts to vegetation within the site (i.e. no vegetation to be removed), and significant patches of vegetation are to remain untouched. The built form is sensitively designed, and whilst it has a large footprint, the single-storey layout will not dominate the landscape or vistas due to the topography of the land.

Further, the built form is set away from property boundaries where possible to reduce impact to adjoining land. Part of the built form will be below ground level in an attempt to minimise bulk, scale or massing concerns ensuring overall building height and massing is well-integrated in the semi-rural landscape.

Revegetation by way of the provided Landscape Plan will further soften the built form, as well as provide diversity and flora habitat.

The trees to be removed within Council's Road reservation are identified as Victorian Native, ranging from 43 – 119 diameter in size. It is recognised these trees contribute to the rural amenity and character along Dore Road however to achieve sight distance requirements (189 metres based on the 100km/h speed limit of Dore Road). It is understood there is currently no plans to reduce the speed limit of Dore Road once sealed.

To mitigate the ecological and amenity loss of the trees, state significant offsets will be secured and established native canopy species within the frontage will form a requirement of a landscape plan, allowing re-integration over time.

#### **Clause 52.17 – Native Vegetation**

Native Vegetation provisions aim to avoid and minimise native vegetation removal, destruction or loss and where this cannot be achieved, offsets to compensate for biodiversity loss are to be provided.

Vegetation loss is contained to Council's road reservation where five (5) trees are to be removed to ensure adequate traffic safety can be achieved.

It is acknowledged that Council's Environment Unit does not support the removal of the five (5) trees within the road reserve, however it is considered that the proposal has sought to avoid and minimise removal whilst balancing appropriate and safe access arrangements. In discussions with Council's traffic team, the upgrade and sealing of Dore Road will not result in a change to the speed limit and thus, the sightlines will continue to be required.

It is understood that alternate access locations had been considered yet proximity to the intersection and the suitability of access from Seymour Road, both due to capacity and vegetation loss, have resulted in the proposal location.

An NVIM assessment has been provided with the application for 0.0402 hectares of vegetation removal with a strategic biodiversity score of 0.350 demonstrating the proposal that the appropriate state offsets can be secured.

The Landscape Plan provided identifies substantial landscape planting is proposed, however it is recognised that additional opportunities can be explored which will form part of conditions on any permit issued.

### **Traffic and Access**

Transport for Victoria's referral comments highlight that:

*As part of the Pakenham East Precinct Structure Plan, the intersection of Dore Road and Princes Highway is envisaged to be upgraded to a signalised intersection known as IN-02. It is understood that plans are currently underway for this road infrastructure to be delivered as part of developer contributions. To ensure the safety of vehicle movements generated by the proposal, the Department therefore considers it appropriate to include by way of permit condition a requirement for this intersection upgrade to be in place prior to the operation of the proposed place of worship.*

This condition will be placed on any permit issued, in accordance with TfV's request.

In regards to car parking, 89 formal spaces plus 47 informal (gravel) spaces are provided, totalling 136 spaces. Acknowledging that 120 car parking spaces are required pursuant to Clause 52.06 Car Parking of the Cardinia Planning Scheme, the proposal meets and exceeds the statutory requirement of car parking of 120 spaces.

Council's Traffic Unit has reviewed the proposal and associated plans and documents, and have identified that the dimensions of car parking spaces, accessways and ramps are compliant and acceptable, however have recommended wheel stops or kerb markings are provided to the gravel / informal car park.

Further, the assessment identifies that anticipated traffic volumes do not result in any roads to be upgraded, but that should the construction and operation of the temple commence prior to the sealing of Dore Road (being a project underway), the applicant will be required to grade Dore Road after each major event (i.e. the 4 major yearly events) to ensure adequate condition of the gravel road.

Additionally, the Unit have identified and requested that as the site is located approx. 380 m north of the Pakenham East PSP boundary (where developers will be required to provide a footpath on the east side of Dore Road from Princes Hwy to the end of PSP boundary line), the permit should include a condition which requires the provision of a footpath connection from the entrance of the site to the PSP boundary. A 2.0m wide gravel path will suffice.

The above requests by Council's Traffic Department go beyond the scope of what is considered a reasonable burden on the applicant therefore these have not been imposed as conditions of approval. Such requests cannot be imposed as this relates to an external road network managed by Council and it's been determined this road network can accommodate the additional traffic volumes associated with the proposed use.

### **Built Form, Character and Urban Design**

Council's Urban Design Unit raised a concern with fencing to Dore Road not being in keeping with the character of the area, recommending that revised fencing that is visually permeable be provided, or landscaping provided to act as or hide the fence. The applicant revised plans following initial comments to provide an open rural style fence at a low height to better respect the rural context of the site.

No concerns have been raised internally with the built form and it is considered that the proposal represents an appropriate site-responsive design for the semi-rural context. The large floor area is not typical of the surrounding area however the fall of the site from the road has been utilised to shield much of the building from the Dore Road vantage point. The balance of cut and fill earthworks are proportionate to building's scale and act and assist in integrating buildings profile with the landscape while the hipped roofline and use of Shale Grey colouring reduce perceptions of massing.

The car parking area is notable large but terraced to address topography and situated behind the building to avoid excessive 'scarring' and dominating the landscape. A comprehensive landscape plan will assist in softening these areas further.

### **Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions**

This provision acts to protect green wedge land from use and development that is incompatible and would diminish its conservation, landscape, environmental and agricultural value.

The provision outlines a list prohibited uses and uses that can be considered where applicable conditions are met. Place of Worship is not a listed use under this provision and can therefore be considered as appropriate under the zone.

#### Response to Objections

A total of 39 objections have been received to date. Whilst a broad range of matters were raised, these broadly fit into 9 'themes' which are explored below.

Reason for Objection	Response
Proposed built form does not respond to rural character / is an overdevelopment of site	Refer to the discussion chapter regarding the Environmental Significance Overlay and built form and character. It is assessed that the proposal is appropriately designed and does not detrimentally impact the rural character of the surrounds.
Does not respond to the purposes of the Green Wedge Zone or green wedge / farming activities	Refer to the discussion chapter regarding the Green Wedge Zone. It is assessed that the proposal appropriately responds to the considerations of the Green Wedge Zone.
Traffic and access impacts / safety	A Traffic Impact Assessment has been provided, and Council's Engineering Unit and Traffic Unit have reviewed the proposal and provided consent subject to conditions.  Council's relevant Units have identified that the anticipated traffic volumes are acceptable and no specific road upgrade is required, yet the road is proposed to be sealed as part of the Fed150 Project.  Refer to the relevant discussion chapter for further information.
Flora and fauna impacts / Tree Removal	Vegetation impact is contained to Council's Dore road reservation for the purpose of ensuring sightlines are compliant with road safety standards. The trees will be offset in accordance with the relevant requirements for Native Vegetation and planting will also be required within the properties' frontage to compensate for the loss of amenity. Further discussion can be found at the assessment against Clause 52.17 and the Environmental Significance Overlay.
Excessive hours of operation and noise / amenity impacts	The proposed hours of operation are reflected within the proposal section of this report.  Hours of operation per se do not impact on the amenity of the surrounds, but the potential impact by way of noise, odour or visual intrusion.  The application is supported by an Acoustic Report prepared by Clarity Acoustics which identifies and recommends a number of construction materials and/or methods that are to be adopted which will result in any noise generated being well within acceptable limits and as a result the proposed development will not have an unreasonable amenity impact on the surrounding area. It is noted that the site is well separated from residential uses, with only one residential use within a hundred metres of the proposed use.  It is also noted that proposed hours and patronage is the maximum applied for, and it is not anticipated that the site will be in operation or be at capacity at all times. Permit conditions are to restrict hours and patronage.

	Further, application documentation does not identify that broadcasts / amplified sounds are proposed, nor fireworks or other similar activities occurring.
Effluent / waste water impacts	<p>A Land Capability Assessment has been prepared, recommending a 760m2 effluent treatment area be provided. The location of this proposed effluent (to the west of the building amongst existing trees) is not supported due to impact on those trees (by way of installing the system and disturbing the ground as well as long term nutrient overload) and an amended Land Capability Assessment is to be required as a condition on permit.</p> <p>However, Council do not have concern with or query the proposed system noting requirements to be installed to relevant standards and guidelines.</p>
Bushfire risk	<p>The site is not subject to a Bushfire Management Overlay, and the proposal does not trigger any referral to Fire Rescue Victoria / Country Fire Authority for comment.</p> <p>Whilst the site is located within a Designated Bushfire Prone Area, these matters are considered via the Building Regulations 2018 and the subsequent Building Permit following the Planning Application process.</p> <p>Further, it is the responsibility of the applicant / landowner to prepare and implement relevant Emergency Management Plans.</p> <p>An assessment of the proposal against Clause 13.02 Bushfire Planning can be found in the response to State Policy within this report.</p>
Defined land use not correct	<p>A Place of Worship is defined in the Planning Scheme as "Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple."</p> <p>An application can be made for a land use that contains 'ancillary uses' which are deemed to be associated with, as well as be smaller and secondary in nature to the predominant land use. One such common example is an office attached/associated with a warehouse.</p> <p>A number of objections raised that the application documentation references a 'community hub' and that more appropriate land use definitions apply. Additionally, a number of objections referenced the background information to the Sikh Sewaks organisation provided with the application material that identifies the wider organisation offers camps, education and accommodation to vulnerable individuals.</p> <p>The predominant land use is a Place of Worship, with ancillary uses to occur on site. These elements are considered associated with and smaller/secondary to the main land use. Further, the background information (ie accommodation provided to those in need) is background information on the Sikh Sewaks organisation and is not proposed to occur on site.</p> <p>Further, it is common for a Place of Worship from any denomination to include worship-based classes including music classes, youth group activities, charity meetings etc. As such, the ancillary uses are not deemed unusual or unreasonable.</p> <p>As such, it is determined that the correct land use has been applied for and assessed pursuant to the <i>Planning and Environment Act 1987</i> and the Cardinia Planning Scheme.</p>

A number of other matters were raised which are not considered to have valid planning merit. As such, these matters have not been explored.

#### Consideration of Covenants

Two Covenants apply to the site, being K459392 and K459393. Both covenants regard access and maintenance to easements that are located on site.

The proposed works do not interfere with the location of the easements, and the proposed use and development do not contravene any element of the Covenants.

---

#### Conclusion

On balance of an assessment of the relevant planning policy, the site controls and particular provisions that require an assessment of the economic, social and environmental impacts of a use and/or development, the proposal represents an overall community benefit in supporting cultural activity and infrastructure in an area experiencing significant rural to urban transformation and will make a positive contribution to the local and regional community.

---

#### Recommendation

##### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. T220569 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as L8 LP143204 V9638 F779, 195 Dore Road Pakenham, for the Use and Development of Land for a Place of Worship and Vegetation Removal generally in accordance with the endorsed plans, subject to the following conditions:

##### Conditions:

1. Prior to the endorsement of plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed to form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified as per the following:
  - a. Amended development plans to show:
    - i. Elevations updated to include the eastern aspect of the proposed development;
    - ii. The overflow car park relocated outside the Tree Protection Zones of nearby vegetation.
    - iii. All driveway, parking and circulation areas specified (with the exception of the overflow car park) with a sealed finish.
    - iv. Deletion of annotations referring to the sealing of Dore Road.
  - b. Amended Land Capability Assessment, relocating the effluent disposal area as to not impact on existing trees. The effluent area is also required to be shown and annotated on the relevant Development Site Plan.
  - c. Integrated Land Management Plan in accordance with condition 3.
  - d. Place of Worship Management Plan in accordance with condition 5.
  - e. Bushfire Emergency Plan in accordance with condition 6.
  - f. Amended Landscape Plan in accordance with condition 11.
  - g. Tree Management Plan in accordance with condition 12.

##### Vegetation Offsets

2. Before any native vegetation is removed, to offset the removal of 0.0402 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the



*Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

- a. A general offset of 0.350 general habitat units:
  - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district; and
  - ii. with a minimum strategic biodiversity score of at least 0.350.
- b. Evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
  - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

AND/OR

- ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning.

#### **Integrated Land Management Plan**

3. Prior to the endorsement of plans, an Integrated Land Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The Integrated Land Management Plan must include:
  - a. A site plan that shows the division of the site generally into Place of Worship, Domestic, Agricultural and Conservation Zones.
  - b. The delineation of all zones and location and type of any internal fencing or markers to establish the various zones.
  - c. Conservation Zones must be clearly defined as a no-go area during any construction works on the property.
  - d. Provide a works program that details the following:
    - i. The Conservation Zone clearly defined as a no-go area during any construction works on the property.
    - ii. No vehicles or machinery to enter the Conservation Zone.
    - iii. Retain all standing trees (dead and alive) within the Conservation Zone.
    - iv. Allow understorey and canopy species to regenerate within the Conservation Zone
    - v. The restriction preventing any hooved animals entering the Conservation Zone.
    - vi. Where fences are used to keep domestic or farm animals out of the Conservation Zone, they must be installed at least 4 metres away from the boundary of the conservation zone to avoid introducing a fence exemption.
    - vii. The protection of hollow bearing trees and limits on collection of firewood to personal use only. Firewood is only to be collected from the Domestic Zone and not from the Conservation Zone.

- viii. Details of the management of chemical and nutrient run-off from other zones that are upslope of the Conservation Zone to avoid indirect impacts to native vegetation.
  - ix. Control all high threat weeds.
4. All works as per the endorsed Integrated Land Management Plan must be implemented within twelve (12) months of completion of development, with ongoing management works carried out in perpetuity.

#### **Management Plan – Place of Worship**

5. Prior to the endorsement of plans, a Management Plan prepared by a suitably qualified person, to the satisfaction of the responsible authority must be submitted. When approved, the Management Plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan. The plan must include but is not limited to:
- a. A mechanism to record attendance numbers at the site. This record must be made available to be viewed by the Council upon request.
  - b. Traffic management and car parking management arrangements during peak usage time.
  - c. Staffing and other measures to ensure the orderly departure and arrival of people especially any large groups departing at the end of peak usage time.
  - d. Specific amenity management arrangements to be put in place during peak usage time, morning and evening prayer sessions.
  - e. Measures to control noise emissions from the premises.
  - f. Ongoing communication methods (including the provision of signage) advising the users of the premises to respect the amenity of adjoining neighbours.
  - g. Any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit

When the plan is approved by the responsible authority, the use must be conducted in accordance with the approved Management Plan. The Management Plan may be amended by the responsible authority after written request by the owner or the operator of the land.

#### **Bushfire Emergency Plan**

6. Prior to the endorsement of plans, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan. Once prepared, the site must be managed in accordance with the plan. The Bushfire Emergency Plan must include:
- a. A clear statement of the plans purpose and scope
  - b. Details on the site and any emergency features/equipment.
  - c. A version control table and details on when and how the plan will be reviewed.
  - d. Details the roles and responsibilities (wardens) for managing a bushfire emergency and bushfire risk on site; and how often exercising the plan will occur.
  - e. Details for on and off site emergency contacts including emergency services
  - f. Appropriate "action statements" and "triggers" for:
    - i. Before the Fire Danger Period
    - ii. During the Fire Danger Period
    - iii. Days with a forecast fire danger rating (FDR) of 'severe', extreme and 'code red'. Including closing the facility by 10am on days forecast to have a fire danger rating (FDR) of 'extreme' or 'code red'.
    - iv. When a bushfire threatens the site - including the trigger for sheltering in place or evacuation from the site (as appropriate).

- v. After the bushfire threat passes.
- g. Detailed procedures and responsibilities for:
  - i. Evacuating staff, visitors and guests from the site (if required).
  - ii. Sheltering in place (if required)
  - iii. How the bushfire threat will be monitored during the fire danger period
  - iv. Recovery after a bushfire

#### Hours of Operation and Patronage

- 7. Except with the written consent of the Responsible Authority, the use may operate only as follows:
  - a. Daily Activities – Monday to Sunday
    - i. Prayer Hall open between 5:30AM to 10:00PM Monday to Sunday with a maximum 25 patrons at any one time.
    - ii. Meeting Rooms open between 5:30AM to 10:00PM Monday to Sunday for other activities as listed above, with a maximum of 25 patrons at any one time.
  - b. Weekend Activities – Friday to Sunday
    - i. Services to be held between 6:30PM - 9:30PM on Friday and Saturday,
    - ii. Services held 6:00AM - 2:00PM on Sunday only.
    - iii. Maximum occupancy for each service to be no more than 150 persons, inclusive of staff.
  - c. Seasonal Events
    - i. Four (4) seasonal events associated with Sikh holy days to be held in January, April, October/November and December (1 x each month) for one (1) day on either a Saturday or a Sunday with a maximum patronage of 400 patrons at any one time between 10:00AM to 4:00PM, inclusive of any staff.

#### General:

- 8. The use and development as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
- 9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 10. 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

- 11. Prior to the endorsement of plans, 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 provided and prepared by Zenith Concepts, except that the plan must show:
  - a. Plus additional screening to compensate for loss of natural screening due to loss of road reserve trees
  - b. Landscape Plan to show gravel / secondary car parking area and associated landscaping surrounding it
  - c. Detail of "outdoor activity area" ground treatment and landscaping

- d. Pylon signage deleted.
  - e. Additional screening along the frontage to compensate for loss of road reservation trees.
  - f. Include the overflow car parking area with gravel or other unsealed treatment and further landscaping
  - g. Details of the "outdoor activity area" ground treatment and landscaping.
  - h. All details of surface finishes of pathways and driveways.
  - i. Show all trees to be retained and removed within the development area, including Tree Protection Zones.
12. Prior to the endorsement of plans a Tree Management Plan must be prepared by a suitably qualified arborist and be submitted to and approved by the responsible authority. The Tree Management Plan must detail the following:
- a. A structural assessment of all retained trees
  - b. Identification of requisite tree protection zones
  - c. Underground services must not encroach into the Structural Root Zone of any tree retained. Services should not be installed by open trenching but use boring/tunnelling if they pass through a TPZ and be at >1000mm depth.
  - d. Landscaping works (e.g. paving new turf) should not reduce the natural soil level >50mm within TPZs. Any landscaping works within the TPZs should be done by hand, and large roots (>50mm diameter) if encountered must be left intact.
  - e. Mulch the TPZ areas where possible with coarse mulch (e.g. composted wood chips 100mm deep), prior to heavy machinery entering the site.
  - f. Direction for management activities to improve the health of the retained trees over the long term.
13. All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for, or impede the movement of, vehicles or pedestrians.
14. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
15. 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.
16. 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.

#### Engineering

17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
18. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction and approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed

features that may have impact (e.g. Trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

19. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking, with the exception of the overflow car park 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.
20. Before the development is occupied the sealed vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority. If the construction of the proposed rural vehicle crossing requires the installation of a drainage culvert to the satisfaction of the Responsible Authority.
21. 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.
22. Before the development starts, sediment trap fences or devices, must be constructed from heavy duty materials and maintained to ensure their ongoing effective operation. If the soil is to be exposed for a period of in excess of thirty (30) days, sediment trap fences or devices must be installed down slope to ensure that there is no runoff into any of the nearby watercourses
23. 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.

#### **Environmental Health**

24. The development must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

#### **Amenity**

25. During construction and at all times during the operation of the use, the noise control recommendations of the acoustic assessment (prepared by Clarity Acoustics, 18 August 2022, R01 22090) must implemented to the satisfaction of the Responsible Authority.
26. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017
27. The use 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.

Or in any other way, to the satisfaction of the Responsible Authority.
28. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
29. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
30. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.



31. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
32. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
33. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.

#### Transport for Victoria

34. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the occupation of the development hereby approved, the upgrade of the intersection of Princes Highway/ Dore Road as per IN-02 of the Pakenham East Precinct Structure Plan must be operational and available for use to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.


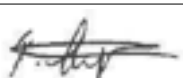
#### Expiry:

35. 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. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- II. Approval to install or alter an onsite wastewater treatment system must be obtained from Council's Health Department.
- III. A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- IV. The development of the subject land must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on the subject land any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's development engineers can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for re-use and a detention system (if a storm water detention system is incorporated in the design it shall provide the same discharge as that of the pre developed land).

<b>Planner Responsible:</b>	Dean Haeusler	<b>Team Leader / Coordinator</b>	Frances Stipkovic
<b>Signature:</b>		<b>Signature:</b>	

Date:	22/10/2023	Date:	10 November 2023
-------	------------	-------	------------------