

# 5.2 T230101 - Mary Street, Bunyip - Construction of Eleven (11) Dwellings

Responsible GM:	Lili Rosic
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## Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application No. T230101 for 'Construction of Eleven (11) Dwellings on a Lot' subject to the following conditions:

## Amended Plans

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one (1) electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a. Driveway crossover for the internal road to be widened to 6.0 metres and a passing bay area measuring 6.1 m x 7.0 metres in accordance with requirements of Clause 52.06-9 (Design Standard 1 Accessways) of the Cardinia Planning Scheme.
  - b. Provision of a pedestrian access gate to the visitor parking spaces for Units 2, 3, 4 & 5.
  - c. Details of all internal fencing (materiality and height).
  - d. An amended landscape plan which provides for increased planting of native trees, shrubs and ground covers.

## Layout Not Altered

2. The layout of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the Responsible Authority.

## Satisfactory Completion

3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

## Landscaping

- 4. 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.
- 5. 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 plans must be replaced.

## Car Parking and Access

- 6. The areas shown on the endorsed plans for access and car parking must not be used for any other purpose to the satisfaction of the Responsible Authority.
- 7. Before the development is occupied:



- a. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
- b. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- 8. The proposed crossover is to be in accordance with Standard Drawing EDCM 501 (from the Engineering Design and Construction Manual111).

## Amenity and Site Services

- 9. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. Any fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
  - b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
  - c. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
  - d. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
  - e. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
  - f. A mailbox must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.
  - g. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
  - h. Lighting must be provided along the internal accessway and near the front entrance and garages of each dwelling 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.
- 11. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
- 12. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
- 13. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

## Stormwater and Wastewater

14. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention



system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

- Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.
- 15. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
- 17. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.

## Site Management

- 18. 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.
- 19. 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.
- 20. At least 14 days before any works start, a site-specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control;
- b. Provision of pollution and contamination controls including noise and dust;
- c. Location of stockpiles and stockpile management;
- d. Location of site office and facilities;
- e. Equipment, materials and goods management; and
- f. Tree protection zones, trees to be retained and trees to be removed.

## Expiry

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

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



## Notes:

- *i.* A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- *ii.* Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- *iii.* This permit has been assessed against Clause 55 of the Cardinia Planning Scheme.

## AND

That Council authorise the Manager Planning and Design to instruct Council's Statutory Planners and/ or Council's Solicitors on any future application for review at the Victorian Civil and Administrative Tribunal.

## Attachments

- 1. T230101 PA Locality Map [**5.2.1** 1 page]
- 2. T230101 PA Officer Report [5.2.2 28 pages]
- 3. T230101 PA Assessed Plans [5.2.3 15 pages]
- 4. CONFIDENTIAL REDACTED T230101 PA Copy of Objections [5.2.4 19 pages]

## **Application Details**

APPLICATION NO.:	T230101	
APPLICANT:	Duran Investments Pty Ltd	
LAND:	L2 PS428145 V10470 F520, Mary Street, Bunyip VIC 3815	
PROPOSAL:	Construction of Eleven (11) Dwellings on a Lot	
PLANNING CONTROLS:	General Residential Zone - Schedule 1	
NOTIFICATION & OBJECTIONS:	Notice was undertaken pursuant to Section 52 of the <i>Planning and Environment 1987</i> by way of sending notices to the owners and occupiers of adjoining land and placing a sign on site.	
	Council has received nine (9) objections to date.	
KEY PLANNING CONSIDERATIONS:	Neighbourhood Character Bunyip Township Strategy (2009) Clause 55 Rescode Traffic Impacts	
REASON FOR MEETING:	Four (4) or more objections received to application.	
RECOMMENDATION:	Notice of Decision to Grant a Permit	



## **Executive Summary**

The purpose of this report is to consider an application for the Construction of Eleven (11) Dwellings on a Lot at L2 PS428145 V10470 F520, Mary Street, Bunyip VIC 3815.

The application was initially submitted to Council on the 7 March 2023. A preliminary assessment was undertaken in consultation with internal departments and a request for additional information and concerns was issued on the 4 April 2023. The application was subsequently amended to reduce the proposed number of dwellings from fourteen (14) double storey dwellings to eleven (11) single storey dwellings and to no longer seek concurrent subdivision of land as part of the application.

The application proceeded to public notice on the 1 September 2023 with letters sent to surrounding properties and signage erected on-site. Nine (9) 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 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 appropriately managed, and that the development will form an effective 'buffer use' between residential and commercial within the Bunyip Town Centre.

The application was previously considered by Council at its Town Planning Committee Meeting on 5 February 2024 with the recommendation that Council issue a Notice of Decision to Grant a Planning Permit for the application, subject to conditions.

At this meeting, Council resolved to defer consideration of the application until the next meeting of the Town Planning Committee, 4 March 2024, '*due to concerns in relation to traffic impacts to Mary St and the surrounding road network and to enable officers to request a traffic impact assessment to be undertaken by the applicant*'.

The request for the Traffic Impact Assessment from the applicant was made via email immediately following the Town Planning Committee Meeting on 5 February 2024 and it was confirmed by the Applicant that one would be provided prior to the Town Planning Committee Meeting to be held on 4 March 2024. At the time of writing this report the traffic assessment has not been received by council and therefore the original recommendation has not been altered.

It is noted that a Traffic Impact Assessment is not a formal application requirement, nor was it sought by Council's Transport Engineering Department who provided a response of support to the proposal. As such, there is no statutory obligation for the applicant to provide this assessment.

It also noted that Council is outside the prescribed time in which to make a decision on the application, and Council's resolution to defer the matter at the February Town Planning Committee Meeting provides the applicant with the opportunity to seek a review of Council's failure to make a decision at the Victorian Civil and Administrative Tribunal (VCAT) and reimbursement of fees.

## **Relevance to Council Plan**

{council-plan}



## APPLICATION FOR CONSIDERATION NOTICE OF DECISION OFFICER REPORT



Application Details:	:	
Proposal	Construction of Eleven (11) Dwellings on a Lot	
Applicant	Duran Investments Pty Ltd	
Date Received:	07 March 2023	
Statutory Days:	102 Days (as of 12 December 2023)	
Section 50 Amendment	⊠ Yes, date: 04 August 2023	
Application Number	T230101	
Planner	Benjamin Jones	
Land/Address	L2 PS428145 V10470 F520, Mary Street, Bunyip VIC 3815	
Property No.	4535500100	
Zoning	General Residential Zone - Schedule 1	
Overlay/s	N/A	
Permit Trigger(s)	Pursuant to Clause 32.08-7, a permit is required to construct two or more dwellings on a lot.	
Aboriginal Cultural Sensitivity	🖾 No	
Section 55 Referrals	⊠ None	
Registered restrictions on Title	⊠ None	
Recommendation	Sue a Notice of Decission to Grant a Planning Permit	
Documents relied on	<ul> <li>Application Form.</li> <li>Title Documents.</li> <li>Town Planning Submission prepared by Human Habitats [dated 04 August 2023].</li> <li>Arboricultural Impact Assessment prepared by Sustainable Tree Management [dated 22 June 2023].</li> <li>Waste Management Plan prepared by One Mile Grid [dated 20 July 2023].</li> <li>Development Plans prepared by Ronnie Whitton Design [Rev B dated 18 June 2023].</li> </ul>	

Officer Report

1 of 28

## Proposal

Approval is sought for the construction of eleven (11) dwellings on the lot.

The dwellings are to be single storey in height and arranged around the site's boundaries (north, east, south and west) with vehicular access to be provided centrally within the site (serving Dwellings 1, 6, 7, 8, 9, 10, 11) and from Mary Street (serving Dwellings 2 & 3 and 4 & 5).

Dwellings 2, 3, 4, 5, 6, 7, 8 & 9 are all to contain two bedrooms, open plan living areas (meals, kitchen, living) and single garages with private open space at rear of each respective dwelling which is directly accessible from the open plan living areas.

Dwellings 1, 10 & 11 are all to contain three bedrooms, open plan living areas (meals, kitchen, living) and double garages with private open space at rear or side of each respective dwelling which is directly accessible from the open plan living at rear.

A minimum front building setback to Mary Street is proposed at 7.0 metres (excluding front porches) and side and rear built form setbacks are proposed at 3.025 metres to northern boundary, 4.2 metres to the eastern boundary and 2.0 metres to the western boundary with Sarah Hansen Lane.

The dwellings have been designed in a relatively traditional design, with single storey building height and modern modular form. The dwellings provide for a pitched roof form to all dwellings and are to be constructed of external face brick work and render.

The heights of the dwellings vary but the maximum height of the development will be 5.56 metres from natural ground level.

The overall development provides for a site coverage of 34.74%, permeability of 46.7% and total garden area of 49.11%.traf

A landscape plan has also been provided as part of the proposal, showing landscaping in all open areas of site and the provision of thirty-two (32) trees of native and indigenous species along with multiple shrubs and ground cover.

\* It is noted that a Section 50 Amendment was received by Council on 04 August 2023, which sought to remove original approval sought for concurrent subdivision as part of the application.



Figure 1: Proposed Site Layout Plan



Figure 2: Proposed Landscape Plan

Officer Report

Page 3 of 28



Figure 3: Proposed Elevations of Dwellings 2, 3, 4 & 5 (as viewed from Mary Street)



Figure 4: Proposed Elevations of Units 6, 7, 8 & 9 (located centrally within site)

## Subject Site & Locality



Figure 5: Aerial view of subject site (NearMap, Sept 2023)

The subject site is located on the northern side of Mary Street, Bunyip and can be formally described as Lot 2 on Plan of Subdivision 428145M. It is approximately 160 metres north-east from Bunyip Train Station, located directly behind Bunyip's Commercial Centre (on High Street and Main Street).

Cardinia Shire Council

Officer Report

Page 4 of 28

The parcel is irregular in shape and has a frontage of 90.98 metres to Mary Street and a total area of 4062m<sup>2</sup>. The site contains a significant slope, falling across the site from its north-eastern most corner to its south-western most corner approximately 10.5 metres.

The site is currently vacant of all buildings and contains ten (10) trees and has been so for over 10 years. The site currently contains no formal vehicular access, and a three (3) metre wide drainage and sewerage easement is located along the length of the site's eastern (side) boundary.

Given the site's location within a well-established residential context and immediately adjoining Bunyip's Commercial Centre, the surrounding properties are all primarily residential to the north of Mary Street and commercial to the south of Mary Street. Dwellings to the north of Mary Street range from single dwellings on a lot to those which contain multiple dwellings on a lot (with examples of these including No(s) 6, 8, 10, 12, 25 and 27-29 High Street).

Lots directly adjoining the subject site are described as follows:

- North: To the north of the subject site is No(s) 1 & 9 Sarah Hansen Lane, both of which contain elevated single storey dwellings on a lot.
- East: To the east of the subject site is No(s) 5 & 7 George Street, of which No 5 contains a double storey dwelling on a lot and No 7 contains an elevated single storey dwelling on a lot.
- South: To the south of the subject site is Mary Street road reserve and beyond that is a number of commercial premises within Bunyip's Commercial Centre fronting Main Street.
- West: To the west of the subject site is Sarah Hansen Lane road reserve and beyond that No(s)
   8, 10 & 12 High Street, all of which contain multiple single storey dwellings on a lot.

## 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:

• General Residential Zone – Schedule 1

#### Overlays

The land is not subject to any overlays.

#### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

#### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Particular Uses and Development, specifically Clause 21.06-1 Urban Design
- Clause 21.08 Local Areas Western Port Region, specifically, Clause 21.08-2 Bunyip

#### Cardinia Shire Council

Officer Report

Page 5 of 28

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

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 72.04 Incorporated Documents
- Bunyip Township Strategy (September 2009)

## Planning Permit Triggers

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

• Pursuant to Clause 32.08-7, a permit is required to construct two or more dwellings on a lot.

## **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; and
- Placing a sign on site.

The notification has been carried out and the statutory declaration has been submitted to Council on 2 October 2023.

Council has received nine (9) objections to date.

The key issues that were raised in the objections are:

- Consistency with existing neighbourhood character;
- Consistency with Bunyip Township Strategy (2009);
- Traffic impacts upon local road network (Mary Street and surrounds);
- Vegetation removal and impact on local fauna (Bandicoots);
- Flooding and drainage impacts; and
- Impacts upon adjoining properties and surrounds as a result of construction.

## Referrals

External Referrals/Notices:

Referrals/Notice	Referral Authority	Brief summary of response
Section 55 Referrals	N/A	The application was not required to be referred to any relevant external departments in accordance with Clause 66 of the Cardinia Planning Scheme.
Section 52 Notices	N/A	Notice of the application was not sent to any relevant external departments.

Cardinia Shire Council

Officer Report

Page 6 of 28

#### Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Traffic and Transport Services	No objection (subject to conditions).
Engineering (Infrastructure Services)	No objection (subject to conditions).
Waste Engineering (Environmental Health	No objection (subject to conditions).
Strategic Planning	Object to the proposal for the following reasons: Non-compliance with precinct character guidelines relating to minimum lot width and density, of the Bunyip Township Strategy (2009).

## Assessment

The key issues relating to the proposal include:

- The Planning Policy Framework and Local Planning Policy Framework;
- The General Residential Zone that applies to the site;
- The Bunyip Township Strategy (2009);
- Response to the objectives and standards of Clause 55 Two or More Dwellings on a Lot (ResCode); and
- Consideration of reasons for objection.

#### Planning Policy Framework

A number of state and local policies are relevant to this application that aim to ensure dwelling design achieves attractive and diverse neighbourhoods, and to encourage a diversity in housing close to activity centres and public infrastructure, to meet the needs of future and existing residents. Relevant Clauses include:

- Clause 15.01-2S (Building Design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs.
- Clause 16.01-2S (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.
- Clause 21.03-4 (Rural Townships) seeks to retain and enhance existing rural township character whilst acknowledging a capacity for growth dependant upon environmental and infrastructure capacities.
- Clause 21.06-1 (Urban Design) seeks to promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

#### Cardinia Shire Council

Officer Report

Page 7 of 28

 Clause 21.08-2 (Bunyip) seeks to ensure that any proposed use or development within the Bunyip Township is generally consistent with the Bunyip Township Strategy (2009).

The proposal is compatible with the existing and emerging residential character of the area and is not expected to have any negative impacts on the surrounding residences or other uses due to the considered design response.

The dwellings are relatively traditional in design, in that they seek to provide for single storey built form and pitched roof elements which are consistent with the character of the area and soften any offsite amenity impacts. Further, appropriate side and rear setbacks are provided to ensure each dwelling has adequate open space and garden areas. The built form is appropriate noting the proposed site coverage and permeable surfaces meeting the numerical figures required by Clause 55.03 (Site Layout and Building Massing). Further to this, landscaping is provided to provide for shade from canopy trees and to soften the built form.

As such, it is considered that the proposal adequately responds to the above and complements the existing and emerging development pattern of this street and the surrounding area. It is noted that multiunit development is common within the surrounding area (particularly to the west and north-west), which capitalises on the proximity to Bunyip's Town Centre and Railway Station.

#### General Residential Zone

The purpose of the General Residential Zone includes support for development that respects the neighbourhood character of the area whilst also providing for a diversity of housing types and housing growth in locations offering good access to services and transport.

Pursuant to Clause 32.08-7, a planning permit is required to construct two or more dwellings on a lot.

The decision guidelines of this zone cover several matters, such as the purpose of the zone, the pattern of subdivision and its effect on the spacing of buildings, and the objectives, standards and decision guidelines of Clause 55.

The proposed development provides for a diversity of housing types within a well established residential area, within immediate proximity to the Bunyip Railway Station and Town Centre. It also respects the existing and emerging residential character of the area and is consistent and complies with the relevant purposes and decision guidelines of the General Residential Zone.

The surrounding area generally consists of a residential development pattern of single dwellings within the immediate surrounds, however multi-unit developments and dual occupancies are not uncommon (particularly to the west and north-west).

In addition to the above, Planning Scheme Amendment VC110 introduced the mandatory garden area requirement and mandatory height limits in the General Residential Zone – Schedule 1. As the site is over 650sqm, it is a mandatory requirement that there be 35 percent garden area provided across the lot (Clause 32.08-4). The development provides 49.11% garden area across the site and therefore complies with this mandatory requirement for lots of its size. The height of the dwellings also comply with the mandatory height requirement (Clause 32.08-11) under the GRZ1 as the proposed dwellings are single storey in height and therefore do not exceed 11m in height or three storeys.

#### The Bunyip Township Strategy (2009)

The Bunyip Township Strategy was adopted by Council on 21 September 2009 and seeks to set out the key issues facing the Bunyip Township and explains why they are important. The strategy then sets out objectives, policies, and actions and provides a strategic policy framework for the future development of each township for a period of 7-10 years.

The area included in the Bunyip Township Strategy is generally bounded to the north by the Princes Freeway, to the east by A'Beckett Road and Henry Road, to the south by Nar Nar Goon Longwarry Road, and to the west by McNamara Road.

The vision for Bunyip is:

"A rural township with extensive recreational opportunities, <u>potential for substantial growth</u> and a commercial and retail centre providing an extensive range of services to the township and nearby residents. The Bunyip Township will contain a <u>range of housing types</u> that respect the rural character of the town and the natural landscape. Open space areas will be diverse, to allow access for active and

#### Cardinia Shire Council

Officer Report

Page 8 of 28

passive recreation while ensuring the protection of remnant vegetation and wildlife corridors to allow the movement of species throughout the landscape".

The objectives for Bunyip Township Strategy are to:

- Provide for the growth of Bunyip as an attractive and rural township;
- Maintain the rural township character;
- Provide for a range of lot sizes and types to accommodate a mix of household and lifestyle types;
- Provide opportunities for local employment and services in the Bunyip Township
- Promote tourism opportunities in the Bunyip Area;
- Maintain and augment the range of community and commercial facilities provided to meet the needs of the community;
- Protect and enhance the environment, especially those elements which contribute to the character of the Bunyip Township Strategy;
- Maintain and enhance the existing public transport;
- Improve pedestrian safety and movement in the town centre.

Residential development in Bunyip reflects several housing styles from Edwardian to modern designs with the initial stages of the present-day township site having been surveyed during the 1860s. A key characteristic of Bunyip is the significantly higher proportion of large lot sizes compared with other townships. Lot sizes generally range from 500 square metres to 1.5 hectares and the larger lots on the fringe of the township help to integrate the township with the surrounding rural properties. Lots in Bunyip's residential precincts predominantly retain single-storey detached dwellings with generous setbacks from the street.

Given the nature of demographic trends in Bunyip, it is important that appropriate housing facilities for the various household types are built to accommodate the growing population while remaining respectful of the existing township character.

The existing pattern of development comprises urban residential development around the historical core of the township, and more recent low density residential development to the north, east and west of the town centre. Future development is to be focused on medium density infill development and low density residential development on a range of lot sizes with Bunyip. By the year 2021, Bunyip's population is expected to reach 3,215. The existing Bunyip Township (as defined by the Urban Growth Boundary) currently contains sufficient undeveloped land to accommodate future residential development in accordance with this projection.

The subject site is located within Precinct 1 – Established Residential Areas and outlines the following strategic considerations.

<sup>•</sup> The established residential areas will retain a reasonable proportion of large lots, wide nature strips and roads, and street trees throughout the area. Significant views particularly to the south will be protected. There will be <u>some unit development near the town centre</u>. <u>Development will</u> <u>integrate with the undulating landform which is a defining characteristic of the area</u>. The strong legible grid layout of roads is a precedent for future development. The existing mixture of native trees and large shrubs will also be a feature of new developments'.

The proposal has been assessed against the Precinct 1 'Established Residential Areas' Precinct Guidelines as prescribed within the Bunyip Townships Strategy, September 2009; as referenced in Clause 21.03-4 (Rural Townships).

Character Element	Character Guidelines (Units)	Proposed Response
	Minimum lot density of 450sqm per unit including open space and	
	common areas.	Whilst it is noted that the proposal does not achieve a minimum lot density of 450sqm,

Cardinia Shire Council

Officer Report

Page 9 of 28

TOWN PLANNING COMMITTEE MEETING 4 MARCH 2024

Lot Characteristics		the proposed outcome is considered acceptable when considered against the strategic context of the site and its immediate proximity to a commercial precinct and Bunyip Railway Station. Further to this, it is acknowledged that there are other examples of multi-unit developments that also do not meet the 450sqm minimum lot density to the west and north – west of the subject site.
	Minimum setback 7 metres or not less than the average setback of two adjoining dwellings.	The proposal complies with this design guideline, in that all dwellings are to be setback a minimum of 7 metres from the Mary Street frontage. Note: Whilst it is acknowledged the front porches of Units 1, 2, 3, 4 & 5 encroach into this setback this is an allowable encroachment in accordance with Standard B6 of Clause 55 as they are less than 3.6 metres in height and do not encroach more than 2.5 metres into the setback.
	Maximum site coverage to not exceed 50% of the lot including garages and other buildings.	The proposal complies with this design guidelines, in that it provides for a maximum site coverage of 34.74%
	Minimum lot width of 18 metres.	The proposal provides for minimum lot widths of 10.650 metres.
		Whilst it is noted that the proposal does not achieve minimum lot widths of 18 metres the proposed outcome is considered acceptable when considered against the strategic context of the site and its immediate proximity to a commercial precinct and Bunyip Railway Station.
		Further to this, it is acknowledged that there are other examples of multi-unit developments that also do not meet the minimum lot width guideline to the west and north – west of the subject site.
	Encourage diversity of development styles.	The proposal provides for a diversity of development styles within the Bunyip Township area through the provision of smaller single storey dwellings compared to that of single dwellings on larger allotments.
General	Encourage the inclusion of native vegetation including street trees and roadside vegetation	The proposal has sought to include landscaping in all open areas of site and to provide for a variety of vegetation. It is however noted that the species selected could be further enhanced to provide for an increased percentage of native vegetation

Cardinia Shire Council

Officer Report

Page 10 of 28

	and this will be included as a condition on permit.
Maintain continuity of building rhythm along streets with appropriate building frontage	The proposal provides for continuity of built form and an appropriate frontage along Mary Street.
<ul> <li>Maintain a sense of spaciousness between allotments of the residential areas through:</li> <li>1. No front fences or if fenced, low front fences or open wire fences to allow gardens and nature strips to merge.</li> <li>2. Provide sufficient open space or garden areas.</li> <li>3. Retaining existing vegetation</li> <li>4. Providing new trees and garden spaces</li> </ul>	The proposal provides for a sense of spaciousness between all dwellings and has substantial open spaces areas, landscaping proposed within all open areas of site and no front fences included as part of the proposal.
Ensure building height respects the existing character of the surrounding area and that significant views, particularly to the south, are maintained and encouraged	The proposal seeks to provide for single storey dwellings consistent with the existing character of the surrounding area and is not considered to result in any impacts to any significant view lines.

As such and in consideration of the above, it is considered the proposal results in an acceptable outcome when assessed against the objectives and policies of the Bunyip Township Strategy 2009 as it provides for a well-designed development which appropriately considers the precinct character guidelines and policies and objectives of the strategy more broadly.

## Clause 55 - Two Or More Dwellings on a Lot

A Clause 55 assessment can be found below, highlighting compliance with the relevant objectives and standards.

Title & Objective	Standard	Compliance Discussion
Standard B1 – Neighbourhood Character	The design response must be appropriate to the neighbourhood and the site.	<ul><li>✓ Complies</li><li>See Discussion above.</li></ul>
	The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	
Standard B2 – Residential Policy	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy	<ul> <li>✓ Complies</li> <li>See Discussion above.</li> </ul>

#### Cardinia Shire Council

	and the Planning Policy Framework.	
Standard B3 – Dwelling Diversity	<ul> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</li> <li>Dwellings with a different number of bedrooms.</li> <li>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<ul> <li>✓ Complies</li> <li>The proposals seeks to provide for three (3) dwellings containing three bedrooms and eight (8) dwellings containing two bedrooms.</li> <li>It is additionally noted, that the proposal providing a higher portion of two bedroom dwellings will also further increase and enhance dwelling diversity within Bunyip more broadly as the predominant housing stock is that of traditional family homes on a lot.</li> </ul>
Standard B4 – Infrastructure	Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	<ul> <li>✓ Complies</li> <li>The proposed development can be connected to a full range of services and infrastructure and will not cause for capacity of these services to be exceeded.</li> <li>Further to this, the application has been referred to Council's Engineering (Infrastructure Services) Department and they have raised no objection with the proposal, subject to the inclusion of standard conditions.</li> </ul>
Standard B5 – Integration with the Street	Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.	<ul> <li>✓ Complies</li> <li>The proposed development has been designed to orientate toward Mary Street, with clearly identifiable dwelling entries.</li> <li>Adequate vehicle and pedestrian links have also been provided within the site and no high solid front fencing is proposed as part of the application.</li> </ul>
Standard B6 – Street Setback	Walls of buildings should be set back from streets:	✓ Complies

	<ul> <li>At least the distance specified in a schedule to the zone, or</li> <li>If no distance is specified in a schedule to the zone, the distance specified in Table B1.</li> <li>The site is on a corner.</li> <li>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other</li> </ul>	The proposed development has been designed so as to be setback a minimum of seven (7) metres from Mary Street, which complies with front setback requirement. Note: Whilst it is acknowledged the front porches of Units 1, 2, 3, 4 & 5 encroach into this setback this is an allowable encroachment in accordance with the standard as they are
	streets.	less than 3.6 metres in height and do not encroach more than 2.5 metres into the setback.
Standard B7 – Building Height	The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.	✓ Complies The proposed development has been designed to provide for a maximum building height of 5.56 metres and is to be single storey in nature, which complies with the maximum building height requirement.
Standard B8 – Site Coverage	<ul> <li>The site area covered by buildings should not exceed:</li> <li>The maximum site coverage specified in a schedule to the zone, or</li> <li>If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</li> </ul>	✓ Complies The proposed site coverage is 34.74% and therefore compliant with the site coverage requirement.
Standard B9 – Permeability	<ul> <li>The site area covered by the pervious surfaces should be at least:</li> <li>The minimum area specified in a schedule to the zone, or</li> <li>If no minimum is specified in a schedule to the zone, 20 percent of the site.</li> </ul>	✓ Complies The proposed development has a site permeability of 46.74% and therefore complies with the permeability requirement.

Standard B10 – Energy	Buildings should be:	✓ Complies
Efficiency	<ul> <li>Oriented to make appropriate use of solar energy.</li> </ul>	The proposal is considered to have been appropriately designed and orientated to
	Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.	achieved appropriate energy efficiency levels through the provision of windows along all elevations and most living areas facing north or west and therefore providing good solar access to each dwelling.
	Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.	
	Living areas and private open space should be located on the north side of the development, if practicable.	
	Developments should be designed so that solar access to north-facing windows is maximised.	
Standard B11 – Open Space	If any public or communal open space is provided on site, it should:	N/A – No public or communal open space is proposed as part of the
	<ul> <li>Be substantially fronted by dwellings, where appropriate.</li> </ul>	application.
	<ul> <li>Provide outlook for as many dwellings as practicable.</li> </ul>	
	Be designed to protect any natural features on the site.	
	> Be accessible and useable.	
Standard B12 – Safety	Entrances to dwellings and	✓ Complies
	residential buildings should not be obscured or isolated from the street and internal accessways.	The entrances to the proposed dwellings are all considered clearly visible from Mary Street
	Planting which creates unsafe spaces along streets and accessways should be avoided.	and the internal road. Proposed plantings throughout the street are considered to be

Officer Report

Page 14 of 28

	Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.	of an appropriate size and scale to ensure site lines across the frontage of the site are maintained and will not create unsafe or concealed areas along Mary Street or the internal road. Driveways and internal road will be appropriately lit and receive passive surveillance through habitable room windows overlooking these areas and private open space areas will be appropriately fenced and secured.
Standard B13 - Landscaping	<ul> <li>The landscape layout and design should:</li> <li>Protect any predominant landscape features of the neighbourhood.</li> <li>Take into account the soil type and drainage patterns of the site.</li> <li>Allow for intended vegetation growth and structural protection of buildings.</li> <li>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>Provide a safe, attractive and functional environment for residents.</li> </ul>	✓ Complies A landscape plan has been provided as part of the proposal, showing landscaping in all open areas of site and the provision of thirty-two (32) trees of native and indigenous species along with multiple shrubs and ground cover.
Standard B14 - Access	<ul> <li>The width of accessways or car spaces should not exceed:</li> <li>33 per cent of the street frontage, or</li> <li>if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> <li>No more than one single-width crossover should be provided for each dwelling fronting a street.</li> <li>The location of crossovers should maximise the retention of on-street car parking spaces.</li> <li>The number of access points to a road in a Transport Zone 2 or a</li> </ul>	<ul> <li>✓ Complies</li> <li>The total width of crossovers to Mary Street equates to 17.5 metres or 19.23% of the street's frontage.</li> <li>No more than one single width crossover is provided for each dwelling fronting Mary Street and as there is no formalised on- street parking along Mary Street, it is not considered the location of crossovers will impact the viability of on-street parking opportunities.</li> <li>Further to this, the application has been refereed to Council's Traffic and Transport Services</li> </ul>

Officer Report

Page 15 of 28

	Transport Zone 3 should be minimised. Developments must provide for access for service, emergency and delivery vehicles.	Department who have raised no objection to the proposal.
Standard B15 – Parking Location	<ul> <li>Car parking facilities should:</li> <li>Be reasonably close and convenient to dwellings and residential buildings.</li> <li>Be secure.</li> <li>Be well ventilated if enclosed.</li> <li>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</li> </ul>	<ul> <li>✓ Complies</li> <li>The proposed development has been designed so as to ensure car parking for residents associated with each dwelling is within a secure garage that is internally accessible from each dwelling.</li> <li>All habitable room windows within 1.5 metres from shared accessways or car parks comply.</li> </ul>
Standard B17 – Side and Rear Setbacks	<ul> <li>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</li> <li>At least the distance specified in a schedule to the zone, or</li> <li>If no distance is specified in a schedule to the zone, or</li> <li>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> <li>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</li> <li>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may</li> </ul>	<ul> <li>✓ Complies</li> <li>The proposed development complies with the side and read setback requirements for all dwellings.</li> <li>The proposal recesses built form a minimum of 4.2 metres from the eastern boundary, 3 metres from the northern boundary and 2 metres from the western boundary.</li> </ul>

	encroach into the setbacks of this standard.	
Standard B18 – Walls on Boundaries	A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:	N/A – The application does not propose any walls on boundaries as part of the development.
	For a length of more than the distance specified in a schedule to the zone; or	
	If no distance is specified in a schedule to the zone, for a length of more than:	
	10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or	
	Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.	
	A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.	
	A building on a boundary includes a building set back up to 200mm from a boundary.	
	The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.	
Standard B19 – Daylight to Existing Windows	Buildings opposite an existing habitable room window should provide for a light court to the	<ul> <li>✓ Complies</li> <li>There are no habitable room windows within proximity to the</li> </ul>

Officer Report

Page 17 of 28

	existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	site and all walls of dwellings are sufficiently setback from boundaries to ensure appropriate solar access to all adjoining lots.
Standard B20 – North Facing Windows	If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north- facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	N/A – There are no north facing habitable room windows of an existing dwelling within 3 metres of a boundary on any abutting lot.
Standard B21 – Overshadowing Open Space	Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.	✓ Complies The proposal complies with the requirements of the overshadowing open space objective given the single storey nature of the development and appropriate setbacks from adjoining boundaries.

Officer Report

Page 18 of 28

	If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	
Standard B22 - Overlooking	A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second	✓ Complies The proposal complies with the requirements of the overlooking objective given the single storey nature of the development and appropriate setbacks from adjoining boundaries.
	dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:	
	Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.	
	<ul> <li>Have sill heights of at least 1.7 metres above floor level.</li> </ul>	
	Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.	
	Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.	
	Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there	

	are no direct views as specified in this standard.	
	Screens used to obscure a view should be:	
	Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.	
	<ul> <li>Permanent, fixed and durable.</li> </ul>	
	<ul> <li>Designed and coloured to blend in with the development.</li> </ul>	
	This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.	
Standard B23 – Internal Views	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	✓ Complies The proposal complies with the requirements of the internal views objective given the single storey nature of the development and appropriate setbacks from adjoining properties proposed as part of the development
Standard B24 – Noise Impacts	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	✓ Complies The proposal is considered to appropriately locate noise sources away from noise sensitive rooms and seeks to align respective units' private open space adjoining that of neighbouring lots.

Officer Report

Page 20 of 28

Standard B25 - Accessibility	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	✓ Complies The proposal is considered to have appropriately designed all dwelling entries so that they may be accessible by people with limited mobility or can be easily modified to accommodate people disabilities.
Standard B26 – Dwelling Entry	<ul> <li>Entries to dwellings and residential buildings should:</li> <li>Be visible and easily identifiable from streets and other public areas.</li> <li>Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	✓ Complies The proposal is considered to have appropriately designed all dwelling entries so that the are easily identifiable and provide a sense of address to all dwellings.
Standard B27 – Daylight to New Windows	<ul> <li>A window in a habitable room should be located to face:</li> <li>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>A verandah provided it is open for at least one third of its perimeter, or</li> <li>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	✓ Complies The proposal has been designed to ensure adequate daylight and solar access to all habitable room windows in accordance with the daylight to new windows objective.
Standard B28 - Private Open Space	<ul> <li>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</li> <li>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</li> <li>➢ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a</li> </ul>	✓ Complies The proposal has been designed so as to ensure each dwelling is provided with a minimum of 25sqm of SPOS which has direct and convenient access from living areas and 40sqm of POS is provided in total.

Cardinia Shire Council

Officer Report

Page 21 of 28

	<ul> <li>minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> <li>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</li> </ul>	
Standard B29 – Solar Access to Open Space	The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.	✓ Complies The proposal has been well designed to ensure the majority of dwellings have the allocated secluded private open space located to the north side of the dwelling and where not, west facing and not adjoin southern boundary walls of any dwellings.
Standard B30 – Storage	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	✓ Complies The proposal has been designed so as to ensure that a minimum of 6m <sup>3</sup> of externally accessible and secure storage space is provided to each dwelling.
Standard B31 – Design Detail	<ul> <li>The design of buildings, including:</li> <li>Facade articulation and detailing,</li> <li>Window and door proportions,</li> <li>Roof form, and</li> <li>Verandahs, eaves and parapets,</li> <li>should respect the existing or preferred neighbourhood character.</li> <li>Garages and carports should be visually compatible with the development and the existing or</li> </ul>	<ul> <li>✓ Complies</li> <li>See Discussion above.</li> </ul>

Officer Report

Page 22 of 28

	preferred neighbourhood character.	
Standard B32 – Front Fences	<ul> <li>A front fence within 3 metres of a street should not exceed:</li> <li>➤ The maximum height specified in a schedule to the zone, or</li> <li>➤ If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> <li>Other Streets - 1.5 metres</li> </ul>	N/A – The application does not propose a front fence within 3 metres of Mary Street.
Standard B33 – Common Property	Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	✓ Complies The proposal has been designed to ensure the private open spaces of each dwelling are clearly delineated through the use of fencing and common properties areas where provided are functional and capable of efficient management.
Standard B34 - Site Services	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.	✓ Complies The proposal has been designed in a functional and efficient manner to allow for services and facilities to be installed and maintained post development and bin storage and mailbox facilities are provided for each dwelling and easily accessible.

#### Clause 52.06 - Car Parking

Pursuant to Clause 52.06-5 the number of car parking spaces required under Table 1 (Rate Column A is one (1) to each two or less bedroom dwelling and two (2) to each three or more-bedroom dwelling and one visitor parking space per 5 dwellings.

The proposed development provides for a total of two (2) car parking spaces to Units 1, 10 & 11 and one parking space to Units 2, 3, 4, 5, 6, 7, 8 & 9, all to be located within each unit's respective garage, whilst

also providing for three (3) visitor parking spaces on site and therefore complies with the requirements of Clause 52.06-5.

In addition to the above, the application has also been referred to Councils Traffic & Transport Services Department who have reviewed the proposal and raised no concerns with the proposal's impact on the local road network and provided a recommendation of support, subject to conditions relating to the minor widening of vehicle accessway serving Units 1, 6, 7, 8, 9, 10 & 11 so as to allow for the provision of a passing bay at site frontage and provision of pedestrian access gates to visitor car parking spaces for Units 2, 3, 4 & 5.

#### Response to Objections

The key issues that were raised in the nine (9) objections received against the application are summarised below:

- Consistency with existing Neighbourhood Character;
- Consistency with the Bunyip Township Strategy (2009);
- Traffic impacts upon local road network (Mary Street and surrounds);
- Vegetation removal and impact on local fauna (Bandicoots);
- Flooding and drainage impacts; and
- Impacts upon adjoining properties and surrounds as a result of construction.

A response to the issues raised within objections is provided below:

- Neighbourhood character and density has been assessed and considered within earlier sections of the report, concluding that the proposal appropriately responds to the existing and preferred future character of the area through the provision of a well-designed development which seeks to provide for single storey dwellings with pitched roof forms well setback from boundaries and consistent with existing housing stock in the surrounding area.
- An assessment against the proposal's consistency with the Bunyip Township Strategy (2009) has been provided above.
- The proposal does not require a car parking dispensation pursuant to Clause 52.06, and it has been determined that car parking and access arrangements are compliant with requirements. Further to this, the application has also been referred to Council's Traffic & Transport Services Department who have raised no concern with the proposal's impact on the local road network.
- The subject land does not trigger the need for a permit to undertake any vegetation removal on site as it is not encumbered by any environmental and landscape overlays (e.g.: Environmental Significance Overlay, Vegetation Protection Overlay or Significant Landscape Overlay) which would trigger the need for a permit for vegetation removal.

Notwithstanding this, as the site measures greater than 4,000sqm vegetation growing within the site must be assessed under Clause 52.17 (Native Vegetation) of the Cardinia Planning Scheme. An assessment of all vegetation growing within the development site, including trees and understory plants and grasses, revealed there is no native Victorian vegetation growing within the site. Further to this, there are only three (3) Australian native trees growing within the site; namely, Tree No. 4, a Syzygium smithii (Lilly-Pilly), which is stump re-growth, Tree No. 11, a Eucalyptus nicholii (Narrow-leaved Peppermint), which has recently failed, and Tree No. 18, a planted Hakea sp (Hakea).

Therefore, on this occasion a permit is not triggered for vegetation removal and the provision of a Native Vegetation Removal Report is not required.

Impacts to trees assessed as high retention value, being neighbouring and Council owned trees, have been avoided and whilst it is acknowledged that bandicoots inhabit and have been sited within Bunyip Township, Council has no known record of Bandicoots inhabiting the site and to prohibit or restrict development on private land for the purpose of protection would be inappropriate without record of inhabitancy on site.

Cardinia Shire Council

- The subject land is not subject to any land management overlays (e.g.: Floodway Overlay, Land Subject Inundation Overlay and Special Building Overlay) and therefore is not considered to be within a floodway. Further to this, the application has been referred to Council's Engineering Department (Infrastructure Services) who have raised no objection to the proposal and requested standard drainage conditions be placed on any permit issued.
- Temporary amenity impacts are expected during construction works for any development. These impacts do not form part of the assessment of a planning application and are subject to protections under other legislation such as the Environmental Protection Act, 2017 and the Building Regulations, 2018. Notwithstanding this, it is noted that a condition requiring the submission of a Construction Management Plan will be included on permit.

#### Clause 65 – Decision Guidelines

The application has been assessed against Clause 65 – Decision Guidelines. It is considered that the application, as discussed above complies with the relevant state and local policies and the purpose of the zone that applies to the site. On balance, the proposal will provide an appropriate increase in residential density without unreasonably compromising amenity in the surrounding residential area.

As such it is considered that the application has appropriate regard to the decision guidelines and should be supported.

## Conclusion

The subject site is well located to several services and public infrastructure and is well suited to appropriate development and increase in residential densities. The proposed development is considered consistent with both the relevant State and Local Planning Policy Framework, the purpose of the General Residential Zone – Schedule 1 and relevant Particular Provisions of the Cardinia Planning Scheme whilst also showing appropriate consideration to and consistency with the Bunyip Township Strategy (2009). It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued for the 'Construction of Eleven (11) Dwellings on a Lot', subject to conditions.

## Recommendation

## Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. T230101 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 L2 PS428145 V10470 F520, Mary Street Bunyip, for the Construction of Eleven (11) Dwellings on a Lot, generally in accordance with the endorsed plans, subject to the following conditions:

#### **Conditions:**

#### **Amended Plans**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one (1) electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - Driveway crossover for the internal road to be widened to 6.0 metres and a passing bay area measuring 6.1 m x 7.0 metres in accordance with requirements of Clause 52.06-9 (Design Standard 1 – Accessways) of the Cardinia Planning Scheme.
  - b. Provision of a pedestrian access gate to the visitor parking spaces for Units 2, 3, 4 & 5.
  - c. Details of all internal fencing (materiality and height).

Cardinia Shire Council

Officer Report

Page 25 of 28

d. An amended landscape plan which provides for increased planting of native trees, shrubs and ground covers.

#### Layout Not Altered

2. The layout of the buildings and works, as shown on the endorsed plans, must not be altered or modified without the consent in writing of the Responsible Authority.

#### Satisfactory Completion

3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

#### Landscaping

- 4. 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.
- 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 plans must be replaced.

#### Car Parking and Access

- 6. The areas shown on the endorsed plans for access and car parking must not be used for any other purpose to the satisfaction of the Responsible Authority.
- 7. Before the development is occupied:
  - a. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
  - b. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- 8. The proposed crossover is to be in accordance with Standard Drawing EDCM 501 (from the Engineering Design and Construction Manual111).

#### Amenity and Site Services

- 9. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. Any fencing shown on the endorsed plans must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
  - b. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless an alternative date is agreed to in writing by the Responsible Authority.
  - c. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
  - d. Power and telephone lines to all new dwellings must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land.
  - e. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
  - f. A mailbox must be provided to each dwelling to the satisfaction of the Responsible Authority and Australia Post.

- g. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
- h. Lighting must be provided along the internal accessway and near the front entrance and garages of each dwelling 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.
- 11. All residential waste must be stored within the specified bin storage area for each dwelling. Garbage bins are to be placed on the street for collection in a tidy manner on the appropriate waste collection day for the area.
- 12. Any external lighting must be designed, baffled and located so as to not detrimentally affect the adjoining land to the satisfaction of the Responsible Authority.
- 13. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Stormwater and Wastewater

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

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

- 15. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
- 17. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.

#### Site Management

- 18. 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.
- 19. 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.
- 20. At least 14 days before any works start, a site-specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

a. Temporary stormwater management including sedimentation control;

Cardinia Shire Council

Officer Report

Page 27 of 28

- b. Provision of pollution and contamination controls including noise and dust;
- c. Location of stockpiles and stockpile management;
- d. Location of site office and facilities;
- e. Equipment, materials and goods management; and
- f. Tree protection zones, trees to be retained and trees to be removed.

#### Expiry

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

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

#### Notes:

- *i.* A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- *ii.* Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development (including boundary fencing) complies with the Building Act and Building Regulations.
- *iii.* This permit has been assessed against Clause 55 of the Cardinia Planning Scheme.

proposed unit development

## Unit Development NO. 1 MARY STREET Bunyip

## PREMIER BUILDERS GROUP

## DRAWING SCHEDULE

#### SHEET TITLE

01 SURVEY PLAN
02 DESIGN RESPONSE LOWER PLAN
03 GARDEN AREA PLAN
04 AREA ANALYSIS
05 PLANS UNIT 1
06 PLANS UNIT 10
07 PLANS UNIT 11
08 PLANS UNITS 2 TO 5
09 PLANS UNITS 6 TO 9
10 SITE ELEVATIONS
11 SHADOW DIAGRAM 9am
12 SHADOW DIAGRAM 12pm
13 — SHADOW DIAGRAM 3pm






## AREA ANALYSIS

	NO.1 MARY ST. AREA	RESIDENCE FLOOR AREA LOWER FLOOR	GARAGE FLOOR AREA	PORCH AREA	TOTAL BUILDINGS AREA RESIDENCE , GARAGE, PORCHES	OUTDOOR PAVED AREAS	DRIVEWAY + ROAD AREAS	TOTAL HARD SURFACE COVERAGE	UNIT NUMBER	SECLUDED PRIVATE OPEN SPACE - SPOS MIN. 3m WIDE	PRIVATE OPEN SPACE - TOTAL
1		118.35m2	36.07m2	3.00m2	157.42m2				1	163m2	183m2
2		92.92m2	22.86m2	3.00m2	118.78m2				2	62m2	83m2
3		92.92m2	22.86m2	3.00m2	118.78m2				3	63m2	86m2
4		92.92m2	22.86m2	3.00m2	118.78m2				4	63m2	86m2
5		92.92m2	22.86m2	3.00m2	118.78m2				5	80m2	143m2
6		92.92m2	22.86m2	3.00m2	118.78m2				6	125m2	123m2
7		92.92m2	22.86m2	3.00m2	118.78m2				7	55m2	77m2
8		92.92m2	22.86m2	3.00m2	118.78m2				8	55m2	77m2
9		92.92m2	22.86m2	3.00m2	118.78m2				9	55m2	77m2
10		110.18m2	35.85m2	2.16m2	148.19m2				10	151m2	171m2
11	1	116.12m2	35.66m2	3.00m2	154.78m2				11	85m2	153m2
TOTALS	4,062m2				1,411m2 34.74% SITE COVERAGE	66m2	688m2	2,165m2 53.3% IMPERMEABLE			

Poppie Whitten	REVISION	DATE	DESCRIPTION	DATE: JUNE.2023	JOB No:
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