

# 4 THE USE AND DEVELOPMENT OF THE LAND FOR SHOPS, SERVICE STATION, CONVENIENCE RESTAURANT AND RESIDENTAL DEVELOPMENT, ASCOT PARK DRIVE PAKENHAM

FILE REFERENCE INT1759000

**RESPONSIBLE GENERAL MANAGER** Andrew Paxton

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#### RECOMMENDATION

That Notice of Decision T160577 be issued for 'The use and development of the land for service station, convenience restaurant, convenience shops, shops, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage at Ascot Park Drive, Pakenham for reasons outlined in this report:

#### **Attachments**

Locality plan
 Pages
 Development plans
 Pages

#### **EXECUTIVE SUMMARY:**

APPLICATION NO.: T160577

APPLICANT: Montague Construction (Aust) Pty Ltd c/- Contour

Consultants Aust Pty Ltd

LAND: Ascot Park Drive, Pakenham VIC 3810

PROPOSAL: Service Station, convenience restaurant, convenience

shops, shops, dwellings, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage

PLANNING CONTROLS: Clause 37.02, Comprehensive Development Zone,

Schedule 2

Clause 44.04, Land Subject to Inundation Overlay Clause 45.06, Development Contributions Plan

Overlay, Schedule 1

Clause 52.05 Advertising Signs Clause 52.06 Car parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.12 Service Station

Clause 52.20 Convenience Restaurant and take away

food premises

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

NOTIFICATION AND OBJECTIONS: Advertising notices for the original application sent to

nearby residents - one objection was received.



Advertising was required to be completed by the applicant as part of the VCAT process. Copies of the application were required to be served on owners and occupiers of the adjoining allotments. No written submissions were received as a part of this process.

KEY PLANNING CONSIDERATIONS: Compliance with Planning Controls.

RECOMMENDATION: Approval.

# **BACKGROUND:**

The application before Council has been previously refused at the May Town Planning Meeting and has been subject to numerous Compulsory Conferences through VCAT. The permit was refused based on inconsistences with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010) and a range of local polices. The previously submitted plans also demonstrated an overdevelopment of the site and Melbourne Water and VicRoads were not supportive of the proposal.

The applicant has since submitted a proposal which represents a more suitable outcome for the site. The development on the whole has been scaled back and generally representative of the outcome envisaged by the application of the Comprehensive Development Zone- Schedule 2. The original concerns of Melbourne Water and VicRoads have been addressed by the amended plans and both authorities have consented to the issue of a permit.

It should be noted that conditions have been formed in relation to the original plans submitted and still the current plans with Council (Proposed Site and Locality Plan- TP03, Version F, 8/03/17). The applicant has submitted revised plans 'Version I' to enable a layout as a result of Condition 1 changes to be reviewed.

It is the Officers recommendation that the refusal of this application be reviewed, based on amendments made to the plans by the applicant at VCAT. Should Council agree to the issue of a permit, VCAT will direct Council to issue the permit and no further VCAT hearing will be required.

# **SUBJECT SITE**

The subject site comprises two future lots adjacent to Racecourse Road and separated by Henry Street. The lot to the north is 11, 421 square metres whilst the lot to the south is 3, 507 square metres.

The site currently is vacant.

The main characteristics of the surrounding area are:

North: 65 Racecourse Road: Land subject to Heritage Overlay and comprises the Bourke House and Stables buildings along with multiple mature trees and Pakenham Creek

East: Vacant land

South: Stages 6, 12 and 13 of the Former Pakenham Racecourse Site. Stage 6 will comprise of a wetland whilst 12 and 13 will be reserved for residential development.



West: Stage 8A and a significant extent of Stage 7 of the Former Pakenham Racecourse Site. Both stages still under construction but will comprise of residential development.

#### **PROPOSAL**

The proposal is divided across the two lots as follows:

#### North lot

A Service Station is proposed to be located in the most northern portion of the site. Under a canopy, 4 fuel bowsers will be located. A tenancy to be confirmed is to be located to the west of the service station (and will be subject to planning permission). Two advertising signs are proposed to identify the Service Station, one fronting Henry Street and the other to be fronting Racecourse Road. Both will display pricing information and company logos.

A convenience restaurant is proposed in the mid-section of the side, including a wraparound take away drive thru. A loading bay and enclosed waste area will be located on the sites frontage. The restaurant will be limited to 30 restaurant patrons.

Shops define the Racecourse Road/Henry Street corner of the site. Shops will be orientated towards the respective Road frontages and are also able to be accessed from the rear car parking area. Both elevations will be predominately glazed. A seating area will be located on Racecourse Road from Shops 1 and 2. A loading bay will be located on the west elevation as well as an enclosed bin storage unit. A panel sign displaying tenant signage will front Racecourse Road.

For the commercial component of the northern site 43 car spaces are proposed. Access will be obtained from Henry Street and also Racecourse Road.

A total of 31 dwellings are proposed to be located in the western portion of the site. The development is medium density in form and a variation of dwelling arrangements are proposed. Dwellings will be 2-3 bedrooms with differing elevations presenting to the streetscape. Dwellings will be rear loaded and accessed via a road network internal to the site. Access will be provided from Tremont Street. The applicant has positioned an additional 7 car spaces within the residential portion of the site for visitor use.

# South lot

A spine of Convenience Shops will wrap around the southern corner of Racecourse Road and Henry Street. Shops will have dual frontages to address the street and rear car parking area. Shops vary in size from 60-164sqm. A loading bay and shared waste collection point will be located along the southern elevation. A Restricted Recreational Facility (Gym) is proposed on the first level of the development. The gym will occupy the space above the corner shop tenancies and will be accessed via a rear stairwell from the car parking area. In the rear car parking area 37 car spaces are located.

# **CULTURAL HERITAGE:**

In previous planning permit applications for the Ascot Estate, a due diligence report on the Aboriginal and Historic Cultural Heritage values of the site was provided. In summary the report states that the activity area is likely to have been subject to significant previous ground disturbance and hence under the conditions of the Aboriginal Heritage Act 2006, a mandatory CHMP is not required. As a consequence of this and the subsequent fill applied to that land as a result of the previous subdivision, a CHMP is not required to be submitted.



# PLANNING SCHEME PROVISIONS

# State Planning Policy Framework (SPPF)

- Clause 11, Settlement
- Clause 11.06–2, Housing choice
- Clause 11.06-3, Integrated transport
- Clause 11.06-4, Place and identity
- Clause 13.02, Floodplains
- Clause 15.01-1 Urban design
- Clause 15.01-2, Urban design principles
- Clause 15.01-5, Cultural identity and neighbourhood character
- Clause 15.02, Sustainable development
- Clause 15.03-1, Heritage conservation
- Clause 15.03-2, Aboriginal cultural heritage
- Clause 16.01-1, Integrated housing
- Clause 16.01-2, Location of residential development
- Clause 16.01-3, Housing opportunity areas
- Clause 16.01-4, Housing diversity
- Clause 16.01-5, Housing affordability
- Clause 17.01, Commercial
- Clause 17.01-1 Business

# Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01, Cardinia Shire Key Issues and Strategic Vision
- Clause 21.01-3, Key Issues
- Clause 21.02, Catchment and coastal management
- Clause 21.02-6, Post-contact heritage
- Clause 21.03-1, Housing
- Clause 21.04-1, Employment
- Clause 21.04-3. Activity centres
- Clause 21.06. Particular uses and development

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05, Advertising Signs
- Clause 52.06, Car Parking
- Clause 52.07, Loading and Unloading of Vehicles
- Clause 52.12, Service Station
- Clause 52.29, Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34, Bicycle Facilities
- Pakenham Structure Plan



#### Zone

The land is subject to Clause 37.02 - Comprehensive Development Zone, Schedule 2

# **Overlays**

The land is subject to the following overlays: Clause 44.04, Land Subject to Inundation Overlay Clause 45.06, Development Contributions Plan Overlay, Schedule 1

# PLANNING PERMIT TRIGGERS

The proposal for use and development of a supermarket, service station, 7 food and drink premises, 3 convenience restaurants, 6 offices, development of buildings and works including 37 dwellings and 3 convenience shops, variation to car parking, access to a Road Zone, Category 1 and Advertising Signage requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 37.02 Comprehensive Development Zone, Schedule 2 (CDZ2) a
  planning permit is required to use the land for a service station, restricted recreational facility
  and shop
- A planning permit is required to construct a building or to construct or carry out works.
- Pursuant to Clause 44.04, Land Subject to Inundation Overlay (LSIO) a planning permit is required to construct a building or to construct or carry out works.
- Pursuant to Clause 52.05 Advertising Signs, a planning permit is required to erect business identification signage exceeding a combined area of 8 square meters.
- Pursuant to Clause 52.06, Car Parking, a planning permit required to vary the specified number of car spaces associated with the proposal.
- Pursuant to Clause 52.29, Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road, a planning permit is required to create or alter access to a road in a Road Zone, Category 1.

#### **PUBLIC NOTIFICATION**

Council advertised that application by sending notices sent to nearby residents - one objection was received. The objection raised issued with the applications address to the Heritage House to the north of the development site as well as flooding issues. Other issues raised in the objection include arrangements for waste, details of signage and noise restrictions.

Advertising was required to be completed by the applicant as part of the VCAT process for the amended plans. Copies of the application were required to be served on owners and occupiers of the adjoining allotments. No written submissions were received as a part of this process.

#### **REFERRALS**

Melbourne Water and VicRoads were referred the amended plans to the application and have consented to the permits issue.



# DISCUSSION

The Former Pakenham Racecourse Comprehensive Development Plan (February 2010) incorporated within the CDZ2 establishes the intended uses for the wider Former Pakenham Racecourse and their respective locations. The land is divided into two precincts (Precinct 1 and Precinct 2) divided by Henry Street.

Precinct 1 (south of Henry Street) should accommodate a mixture of uses such as high density residential, retail, commercial and community and institutional uses. This to be along on the land abutting the train line and abutting Racecourse Road. The remaining land is a combination of residential and commercial use. The residential area is located centrally within the precinct, whilst commercial area skirts around the edges of the precinct along the south and east boundaries.

Precinct 2 should comprise predominantly of residential development with a high density residential focused around parks and key junctions. A section of commercial development is to be located on the corner of Henry Road and Racecourse Road. It is noted that the corners are to feature a gateway entry. The remainder of this precinct is reserved for residential use.

The subject site is located across both precincts with the north lot located in Precinct 2 and the south lot located in Precinct 1. Majority of the development will be situated within the noted commercial area with the service station encroaching on the residential area in the southern portion of the site. It should be noted that the Comprehensive Development Plan does not define any boarders for the use, but is rather a mud map to direct uses within desired locations.

Pursuant to the CDZ2, the proposed land uses (excluding restricted recreational facility) must be generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010). Council are satisfied that the objectives of the Comprehensive Development Plan are met by the proposal as majority of the commercial uses will be located within the designated areas. The uses proposed are compatible and will create a mini hub, leading into the Pakenham Town Centre.

Council has also previously approved residential development within the designated commercial area and therefore, the utilisation of the designated residential area as shown in the Compressive Development Zone can be further justified.

# Service Station

Council Officers are satisfied that the service station proposed is sited in a preferable location, well buffered from residential uses as well as the heritage home abutting the northern property boundary. A 5-metre-wide buffer has been provided to enable substantial landscaping to ensure the protection of 'Bourke House and Stables' (identified by Heritage Overlay – Schedule 108). The northern elevation of the service station has been well articulated to present a suitable and attractive interface.

The development proposed is representative of the typical service station form, with car parking along the shop frontage and bowsers accessed via a 'U' shaped access way. Ample glazing has been located along the sites frontage to provide surveillance to the bowsers. The application meets the requirements of Clause 52.12.

#### Convenience Restaurant

The convenience restaurant will be located in the mid-section of the site to enable easy vehicle access and exposure to the traffic travelling on Racecourse Road. The convenience restaurant will



be small in scale, with a limit of 30 patrons allowed to be on site at any one time. Traffic movements to enable access to the site as well as to the takeaway drive thru have been accessed as part of the application and Council Officers are satisfied that an efficient and easily navigable. Ample car parking has been provided at the front of the site for dine in customers. A car parking requirement of 9 spaces is required for the 30 patrons and 13 spaces have been provided.

The restaurant will abut residential development to the west. In order to mitigate any adverse impacts to the level of amenity, acoustic fencing and dwelling treatments are required to be implemented by a condition on this permit. This will ensure the amenity of future residents will be protected.

# Shops and Convenience Shops

A similar arrangement is proposed for the north and southern corners of Racecourse and Henry Street. The shops will be dual access, with a glazed sliding doors on the Henry Street/ Racecourse Road elevation and traditional glazed doors proposed on the elevation fronting the car parking area. The convenience shops and shops are an ideal use for these high exposure site. The predominately glazed form of the development will enable optimal pedestrian activation.

# **Dwellings**

The residential portion of the development will front Tremont and Henry Street. Being rear loaded will ensure a suitable presentation to the streetscape, in keeping with other residential development occurring along Henry Street.

# **Urban Design**

Both the CDZ2 and Former Pakenham Racecourse Comprehensive Development Plan (February 2010), establish a key objective for design within the former Pakenham Racecourse to achieve excellence in architecture and urban design. Likewise, both State and Local Planning Policies highlight objectives and strategies promoting urban environments that are safe, functional with a sense of place and cultural identity. Council Officers are satisfied that these preferred outcomes have been achieved by the development proposed. The corners of Henry Street and Racecourse Road have been articulated by attractive timber panelling and a high percentage of glazing. The southern development site has been further landmarked by its two storey form. The service station and convenience restaurant take a more traditional and modern form and present an attractive and functional appearance to Racecourse Road.

#### Car parking/loading and unloading/bicycle parking

Land Use	Clause 52.06	Area/ Patrons	Car parking
	Requirement		required
Service Station	To Councils		
	satisfaction		
Convenience		10 to each	110 spaces
Shops		premises	
Convenience	0.3 per patron	30	9 spaces
Restaurant			
Shops	4 spaces per 100		26 spaces
	sqm		
Restricted	To Councils		
Recreation	satisfaction		
Facility			



Dwellings	1 spaces to each		Meets
	two bedroom		requirement
	dwelling		
	2 spaces per three		
	bedroom dwelling		
		Total	145 spaces
		Provided	80 spaces
		Reduction	65 spaces

Due to the proposed uses, many being 'convenience' in nature, the site will be highly transitional and therefore a reduction of 65 spaces can be justified.

In accordance with Clause 52.06 a service station does not have a specified car parking rate and is required to be to Councils satisfaction. Given the size of the store associated with the service station, the 14 car spaces provided is considered adequate. It is predicted that the store will be utilised to quickly purchase food and car related products and therefore turnover of car spaces will be high as it is unlike that patrons will be on site for a long period. Cars visiting the service station will be able to use the area under the canopy for parking while they pay. Therefore, the car parking provided for the service station is considered appropriate.

The convenience restaurant required 9 spaces to be provided for the maximum 30 patrons. In front of the restaurant 13 spaces have been provided and therefore the car parking requirement has been met by this use.

The shops that are located on the northern corner of Racecourse Road and Henry Street, generates a car parking requirement of 26 spaces. Within that area abutting the shops, 16 have been provided. Any overflow car parking will be able to be accommodated within the car park for the convenience restaurant which is a short walking distance from the shops.

A large portion of the required car parking shortfall is due to the convenience shops proposed. Council are satisfied that the 37 car spaces provided for the southern portion of the development will be appropriate as:

- The site sits within a residential development and close proximity to an aged care facility and therefore some trips to the centre will be via foot;
- The site is well accessed via public transport, with two bus stops located on Henry Street and Pakenham Train station located within a walkable distance to the site;
- Restricted recreation facility (gym) is small in size (534smq) and therefore will only be able to
  accommodate a small amount of patrons at one time. It is generally accepted that gyms are
  most frequented in the early morning and after work areas (5-7pm). This sits outside of the
  usual meal times, when a convenience shop is most likely to be visited.
- It is likely that patrons will visit multiple destinations within the complex; and
- Ample bicycle parking has been provided to encourage bike travel.

Loading bays and bicycle parking have been provided in accordance with the requirement of the Planning Scheme.

#### Advertising signs

The proposed signage is applicable to business identification signage associated with the service station and shop tenancies. It is consistent with signage associated with service stations and would therefore have limited implications on the amenity of the area.



# Land Subject to Inundation

As previously discussed, Melbourne Water, as the relevant floodplain management authority, have consented to the application and therefore, Council are satisfied that the requirements of this overlay have been met.

# Access to a Road Zone, Category 1

Access arrangements have been accessed by VicRoads and Councils Traffic Engineers. Both authorities are satisfied that a safe and efficient access arrangement will be achieved.

#### Pakenham Structure Plan

The Pakenham Structure Plan was adopted by Council in March 2017. The Structure Plan guides development for numerous precincts within the Structure Plan boundaries. The site is located in the 'Former Pakenham Racecourse Precinct' to be characterised by 'higher density precinct, predominately residential with a mixed use component'. The subject site is also nominated as a 'gateway'.

Council are satisfied that the proposal meets the overarching objectives in relation to land use and urban design. The gateway location will be achieved by the high building height accentuating the corners. The high percentage of glazing will ensure the streetscape is activated as well as presenting an attractive and inviting environment. The service station sits behind this gateway location and will fully utilise this high expose location. By incorporating a residential portion to the site, the development ensures that the medium density residential spine that has been established along Henry continues. Council are satisfied that the approval of this development will assist in the implementation of the Structure Plan objectives.

# Objection

Pursuant to the Comprehensive Development Zone- Schedule 2, the use and development for the site is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, if it is generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010). Council are satisfied that the use and development proposed is consistent with the Development plan and therefore is exempt from the notice and decision requirements.

The application has triggered the need for a permit under Clause 52.05 Advertising Signs, Clause 52.06, Car Parking and Clause 52.29, Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. These clauses do not exempt the application from the notice and decision requirements and hence, this is why the application has been advertised first by Council and secondly by VCAT.

It is for this reason that Council can only consider the issues raised in the objection that relate to advertising signage, road access and car parking. The only relevant grounds the objector raised issue with the signs location being too close to the heritage house to the north. Signage for the service station will not front the heritage house and any pylon sign will be in excess of 50 metres from the heritage site and is therefore considered appropriate.



# CONCLUSION

It is considered that the amended plans submitted before VCAT satisfies Councils original concerns in relation to Comprehensive Development Zone - Schedule 2, the proposal provides a high quality development suited to the site and is in accordance with the requirements of the planning scheme.

It is recommended that the application T160577 be issued for 'The use and development of the land for service station, convenience restaurant, convenience shops, shops, restricted recreational facility, access to a Road Zone, Category 1, reduction in the car parking requirement and advertising signage at Ascot Park Drive, Pakenham subject to the following conditions:

- 1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and consistent with plans TPO3- revision F (08/03/17) The plans must show:
  - Requirements of Melbourne Water Condition 44
  - b. Alterations to the site locality plan dated TP03 Revision I, TP05.1 revision A, TP07 Revision H TP08.1 revision a- dated 17/08 and 18/08 but modified to show:
    - i. Removal of supermarket from the southern development site and addition of speciality shops only (as shown on TPO3 17/08/17 version I)
    - ii. Removal of offices on the northern development site
    - iii. Implementation of the configuration of northern site as shown on (as shown on TPO3 17/08/17 version I)
    - iv. The common boundary to the north and the west side of the convenience restaurant drive thru adjacent to the dwellings notated to feature acoustic fencing or any other require treatments as detailed in the acoustic report detailed in condition 1c).
    - v. Removal of the vehicle access way from Henry Street to the southern development site and creation of a vehicle access way from Hunt Link.
    - vi. Addition of a 5-metre-wide pedestrian access from the car park of the southern development site to Henry Street. Shops abutting the pedestrian access are required to provide substantial glazing on the elevation fronting the pedestrian access
    - vii. Details of wing wall located on the loading bay of the northern development site, servicing the speciality shops.
    - viii. Treatment of east elevation of residential units abutting convenience restaurant implementing any recommendations from the acoustic report (as required by Condition 1c)
    - ix. Compliance with Condition 15.
    - x. Compliance with Condition 20.
    - xi. Compliance with condition 2
  - c. The provision of a report by an acoustic expert with recommendations relating to any required acoustic treatment methods and fence construction along the drive through boundary required to provide for an appropriate level of residential amenity within the site
  - d. A Signage and Line marking plan
- 2. Before the development can commence plans must be submitted to the Responsible Authority that demonstrate that the access points onto Henry St will not affect the functional operation of Henry St and Racecourse Road intersection to the satisfaction of the RA and VicRoads



- The use or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. 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.
- 5. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
- 6. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the subject land.
- 7. Noise levels emanating from the premises must not exceed those required to be met under the relevant Environment Protection Agency policy.
- 8. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.
- 9. Unless with the prior written consent of the Responsible Authority, the convenience restaurant may not have more than 30 patrons on site at any one time.
- 10. Unless with the prior written consent of the Responsible Authority, the occupation of the development must not commence until a site management plan has been submitted to and approved by the Responsible Authority. The site management plan must include the following but is not limited to, to the satisfaction of the Responsible Authority:
  - a. Hours of operation of each use;
  - b. Loading bays, delivery truck routes, delivery times;
  - c. Site security;
  - d. Outdoor dining standards;
  - e. Details of managing graffiti and its removal;
  - f. Maintenance of all parking areas, loading bay area and any other paved areas;
  - g. Requirement for the doors of bin storage areas to be closed when not in use;
  - h. All doors to shops and convenience restaurants to remain unobstructed and provide dual access:
  - i. Maintenance of the public realm (including paving and landscaping);
  - j. Maintenance of advertising signs;
  - k. Arrangements for managing the car park, landscape areas, bins, bicycle racks, deliveries and waste collection; and
  - I. Arrangements for maintaining surveillance and views into and out of the development, the provision of clear glazing (no tinting or reflective film) and the provision of glazing to be unobstructed (except for advertising approved by the responsible authority)
  - m. Management of rubbish bins and skips.
- 11. Unless with the prior written consent of the Responsible Authority, the development must operate in accordance with the approved site management plan.
- 12. Provision must be made on the land for the storage and collection of garbage and other solid waste, to the satisfaction of the Responsible Authority. This area must be drained and screened from the public view to the satisfaction of the Responsible Authority.
- 13. The development must provide an adequate waste management service with sufficient waste receptacle facilities and adequate collection services as to not create a nuisance.
- 14. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.
- 15. Before the development starts, a revised Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority to



# include or demonstrate:

- a. How bins from each dwelling can be serviced including each collection point to be shown on a plan.
- b. Waste generation calculations to determine the capacity and number of bins required.
- c. Bin numbers and capacities (size).
- d. Details of common area bin storage and the location (if applicable).
- e. Details of hard waste collection provision.
- f. Details of access arrangements from 6am 6pm on collection days.
- g. The proposed collection arrangements.
- 16. Prior to the issue of Certificate of Occupancy for the dwellings, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to confirm waste collection arrangements for the Land as informed by the waste management plan. The agreement will be informed by the findings of the waste management plan and may provide that:
  - all waste generated by the use of the land will be managed in accordance with the waste management plan for the land submitted to the Responsible Authority under condition 13:
  - the Owner acknowledges and agrees that the Responsible Authority is under no obligation to enter the land for the purpose of collecting waste;
  - c. the Owner agrees to indemnify Cardinia Shire Council and its officers with respect to any injury or damage caused to any person (including the Council's officers) or property as a result of Council or its officers entering the land for the purpose of collecting waste; and
  - d. the Owner acknowledges and agrees that, despite the waste collection arrangements that apply to the land, the Owner remains liable to pay the relevant waste collection levy.
- 17. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
  - a. Transport of materials, goods or commodities to or from the land.
  - b. Inappropriate storage of any works or construction materials.
  - c. Hours of construction activity.
  - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
  - e. Presence of vermin.
- 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. Before the development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a. Substantial plantings, inclusive of native canopy trees in the 5 meter buffer on the northern property boundary.
  - b. Screen planting located along the wing wall of the loading bay on the north development site



- Substantial planting between the drive thru of the convenience restaurant and the residential dwellings
- d. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- e. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- f. Details of surface finishes of pathways and driveways.
- g. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- h. Landscaping and planting within all open areas of the subject land, specifically the areas between residential and non-residential buildings.21. 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.
- 21. 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.
  - 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.
- 22. 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.
- 23. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 24. Before the development is occupied:
  - a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority
  - b. 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.
- 25. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s for the commercial aspect of the site and a residential standard concrete vehicle crossing/s for the residential aspect of the site as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
- 26. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- 27. 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,
- f. Tree protection zones, trees to be retained and trees to be removed.
- 28. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.
- 29. The signs lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 30. The signs must not contain any flashing light.
- 31. The signs must be displayed and maintained to the satisfaction of the Responsible Authority.
- 32. No signs other than those allowed by this permit or the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

## **Environmental Protection Authority**

- 33. Offensive odours must not be discharged beyond the boundaries of the premises.
- 34. Nuisance dust must not be discharged beyond the boundaries of the premises.
- 35. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 36. All infrastructure for the storage and handling of Liquified Petroleum (LP) Gas should be designed, constructed and operated in accordance with AS/NZS1596:2008 The Storage and Handling of LP Gas (Standards Association of Australia).
- 37. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.1, January 2009). Council may also wish to refer to AS 4897-2008 The Design, Installation and Operation of Underground Petroleum Storage Systems (Standards Association of Australia).
- 38. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed off off-site by an EPA approved contractor or sent to sewer under Trade Waste Agreement.
- 39. There must be no discharge of wastewater or contaminated stormwater to the stormwater system.
- 40. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

#### Country Fire Authority

#### 41. Hydrants

- a. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- b. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 90m and



- hydrants must be no more than 120m apart.
- c. Hydrants must be identified as specified in 'Identification of Street Hydrants for firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)

## 42. Access ways

- a. Access ways must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for trafficable road width.
- b. Must have a minimum trafficable width of:
  - i. 5.5 metres if parking is prohibited on one or both sides of the road.

#### VicRoads

43. Before development commences a functional layout plan needs to be submitted to and approved by VicRoads showing a deceleration lane with a 25m tapper and 20m storage from Racecourse Road into the development prepared to the satisfaction of VicRoads

#### Melbourne Water

- 44. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water to address freeboard requirements. Finished floor levels of buildings including the petrol stations must be set no lower than 600mm above the applicable 1% AEP flood level or 300mm above the applicable internal 1% AEP flood level, whichever is greater.
- 45. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 46. The development must maintain a minimum setback of 6.0 metres from the northern boundary, within 50.0m from the eastern boundary.
- 47. The development must maintain a minimum setback of 8.0 metres from the eastern boundary, within 50.0m from the northern boundary.
- 48. Areas within the required northern and eastern setbacks set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, apart from open style or timber paling fencing, the 'Main ID Price Sign,' canopy overhang, kerbing to car parks and access ways as shown on the plans and car parking spaces. Any landscaping must not cause obstruction to flows and storage of contaminants within these setbacks is prohibited.
- 49. Any fencing including boundary fencing along the northern and eastern boundaries must be of an open style of construction (minimum 50% open or timber paling/paling style) to allow for the passage of floodwaters/ overland flows.

#### Permit Expiry

This permit will expire if one of the following circumstances applies:

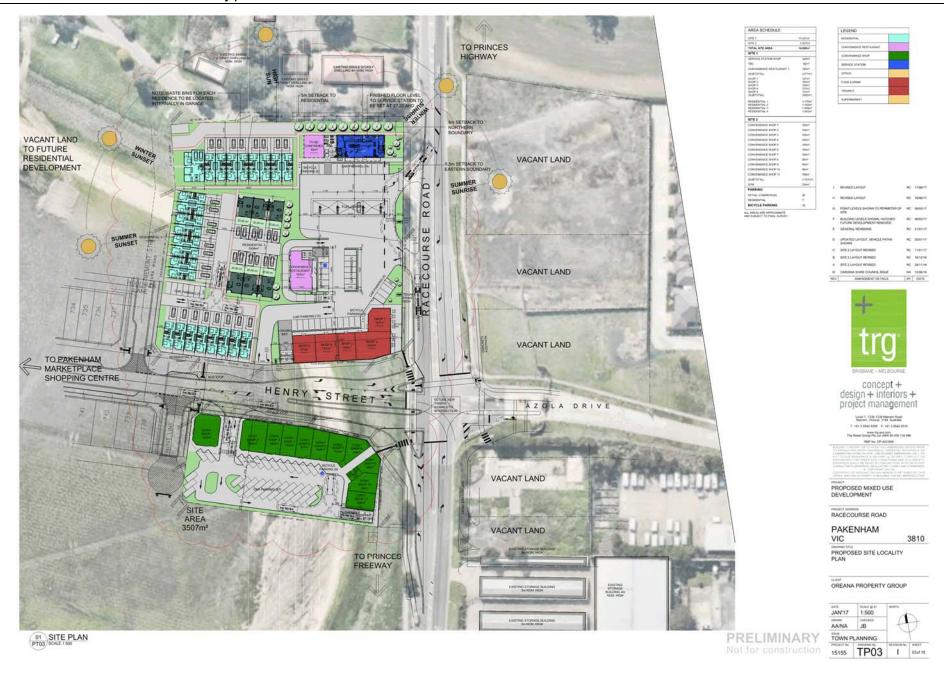
- a. The development is started within two years of the date of this permit.
- b. The development is not completed within four years of the date of this permit.
- c. The use is not started within two years of the completion of the development.



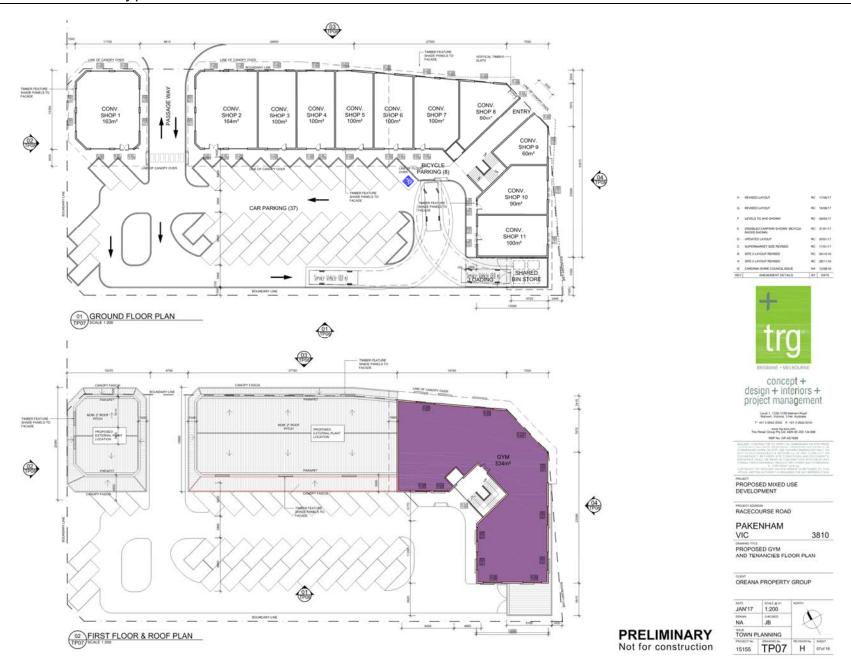
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards if the approved development has not commenced and twelve months if the approved development has commenced.

#### Permit Notes:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.



Attachment 1 - Locality plan Page 101



Attachment 1 - Locality plan Page 102



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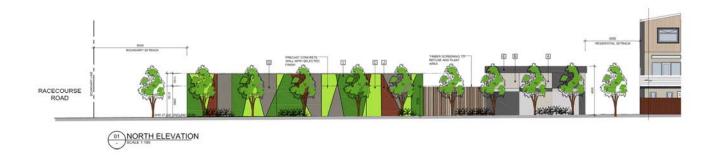
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Attachment 1 - Locality plan Page 103







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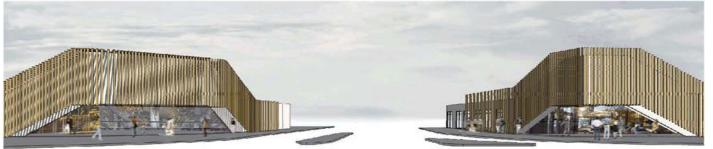
Attachment 1 - Locality plan Page 104

# PROPOSED MIXED USE DEVELOPMENT

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# RACECOURSE ROAD, PAKENHAM

ARCHITE	CTURAL DRAWINGS LIST:
TP00	COVER PAGE
TP01	SITE ANALYSIS
TP02	EXISTING CONDITIONS SITE PLAN
TP03	PROPOSED SITE LOCALITY PLAN
TP04	PROPOSED SERVICE STATION, CONVENIENCE
	RESTAURANTS AND OFFICES FLOOR PLAN
TP05	PROPOSED SERVICE STATION, CONVENIENCE
	RESTAURANTS AND OFFICES ELEVATIONS
TP06	PROPOSED CONVENIENCE RESTAURANT 3
	FLOOR PLAN & ELEVATIONS
TP07	PROPOSED SUPERMARKET AND TENANCY
	FLOOR PLANS
TP08	PROPOSED SUPERMARKET AND TENANCY
	ELEVATIONS
TP09	PROPOSED FOOD & DRINK 1 - 5 FLOOR PLAN
TP10	PROPOSED FOOD & DRINK 1 - 5 ELEVATIONS
TP11	PROPOSED APARTMENTS & MIXED USE
	CENTRE GROUND & LEVEL 1 FLOOR PLANS
TP11.1	PROPOSED APARTMENTS LEVEL 2 FLOOR PLAN
TP12	PROPOSED APARTMENTS & MIXED USE
	CENTRE ELEVATIONS
TP13	PROPOSED APARTMENTS FLOOR PLANS
TP13.1	PROPOSED APARTMENTS TYPICAL FLOOR PLANS
TP14	PROPOSED APARTMENTS TYPICAL ELEVATIONS
TP15	PROPOSED ROOF PLAN. SHEET 1
TP16	PROPOSED ROOF PLAN, SHEET 2
TP17	PROPOSED SHADOW PLANS AND SECTIONS
TP18	PROPOSED APARTMENTS OVERLOOKING
	PLAN



PRELIMINARY Not for construction PROPOSED MIXED USE DEVELOPMENT RACECOURSE ROAD PAKENHAM COVER PAGE OREANA PROPERTY GROUP TOWN PLANNING 15155 TP00 B 00418



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PROPOSED MIXED USE DEVELOPMENT

RACECOURSE ROAD

PAKENHAM VIC

SITE ANALYSIS

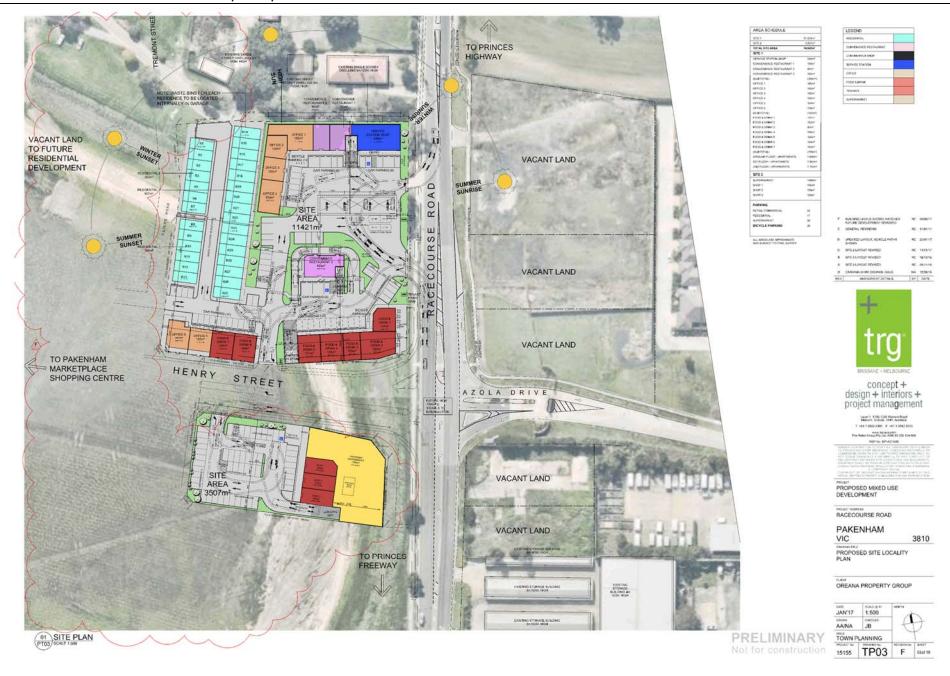
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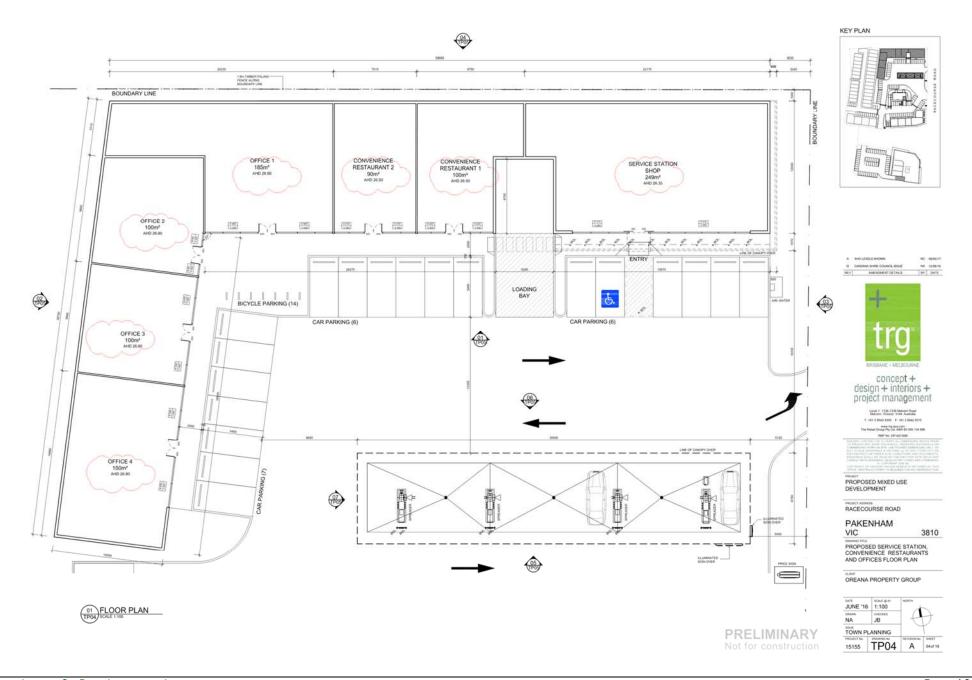
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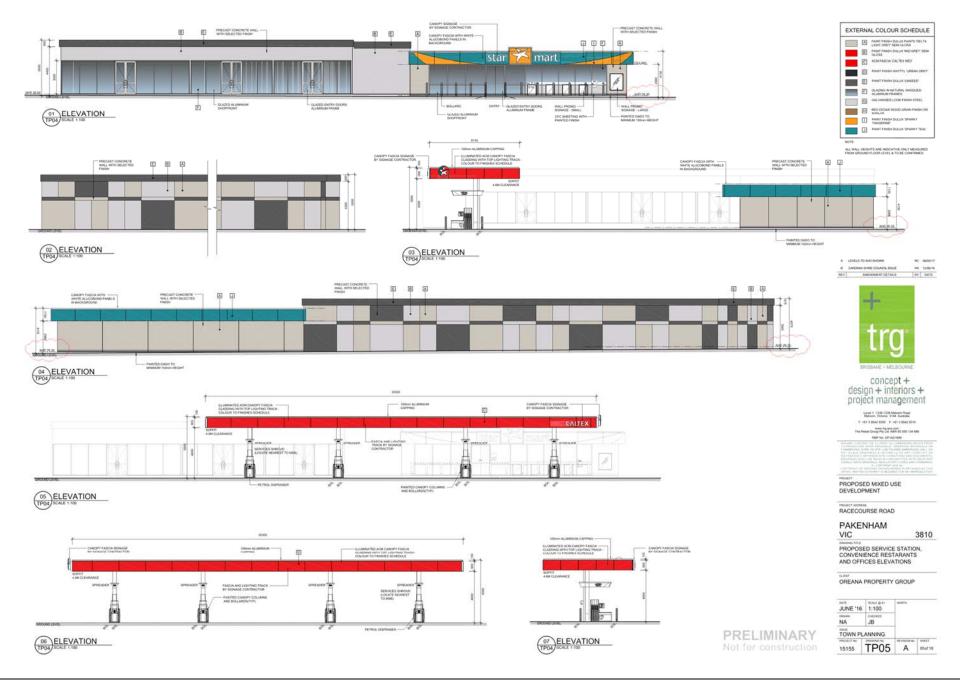


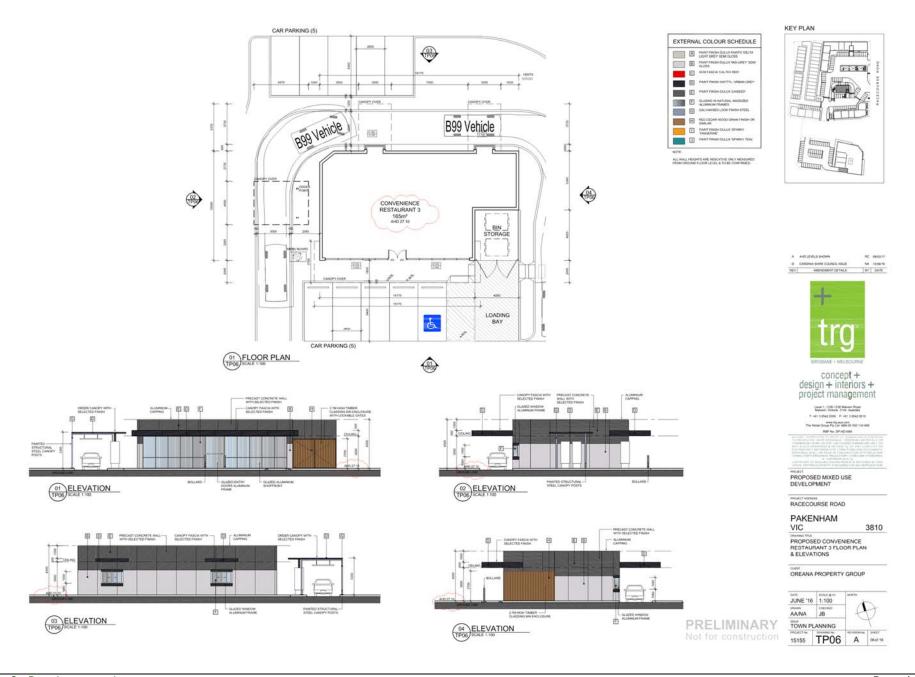


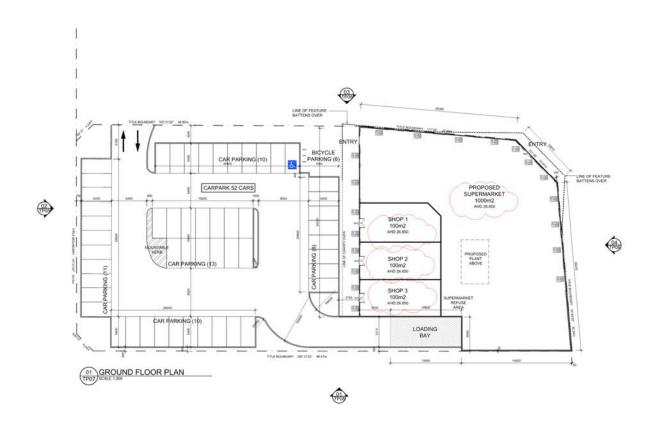
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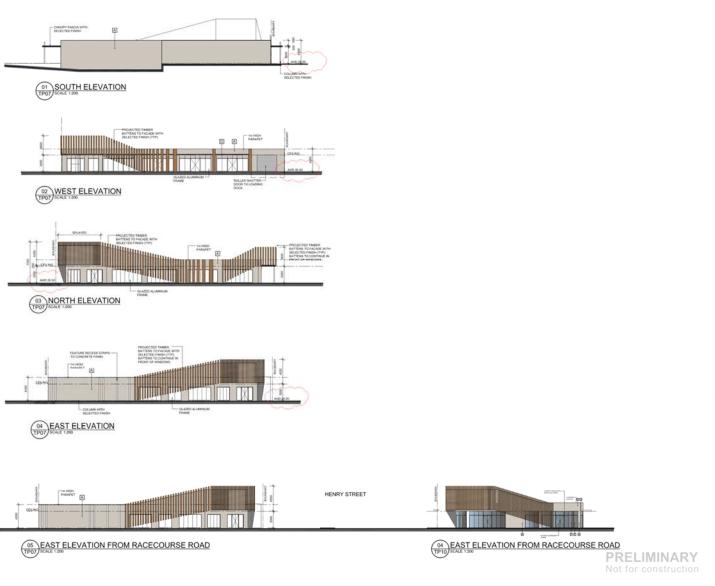
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PROPOSED SUPERMARKET AND TENANCIES FLOOR PLAN

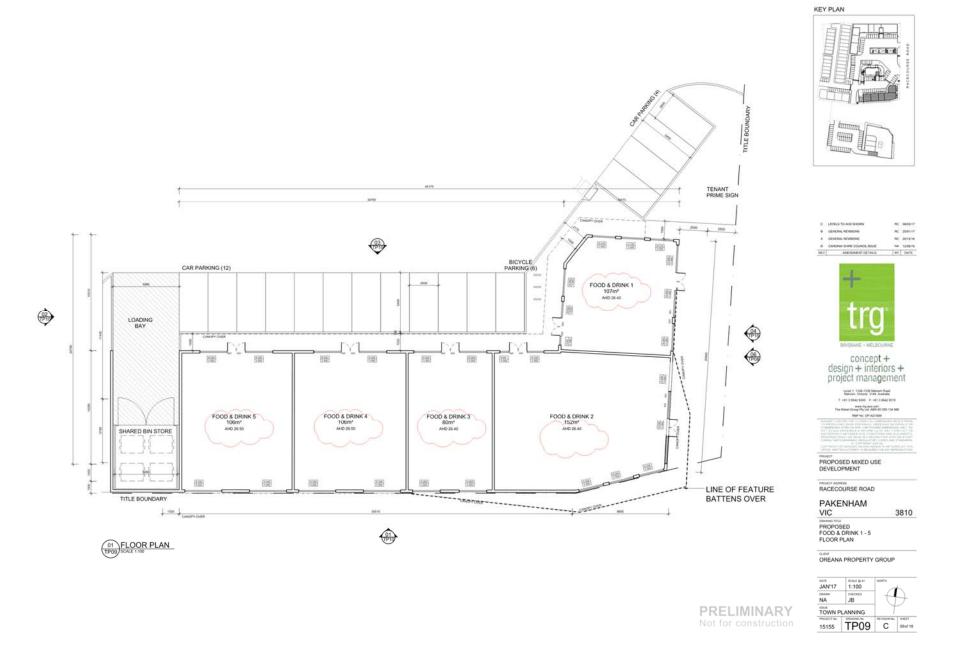
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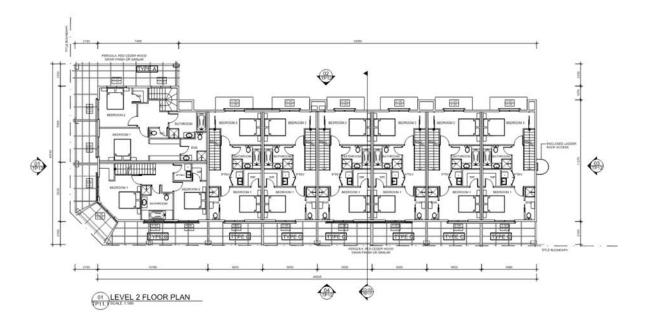


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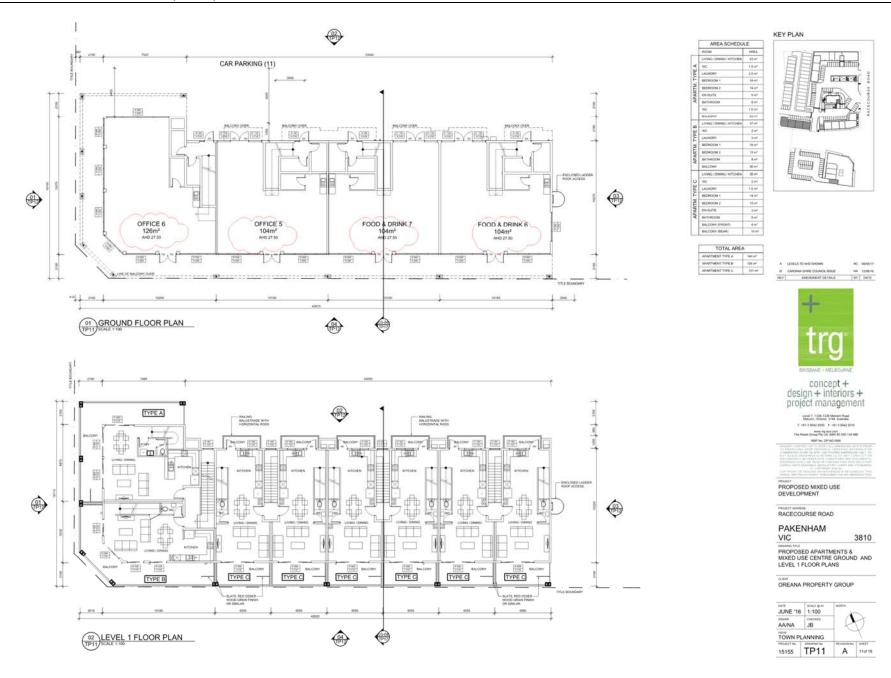














# APARTMENT TYPE D









#### APARTMENT TYPE E





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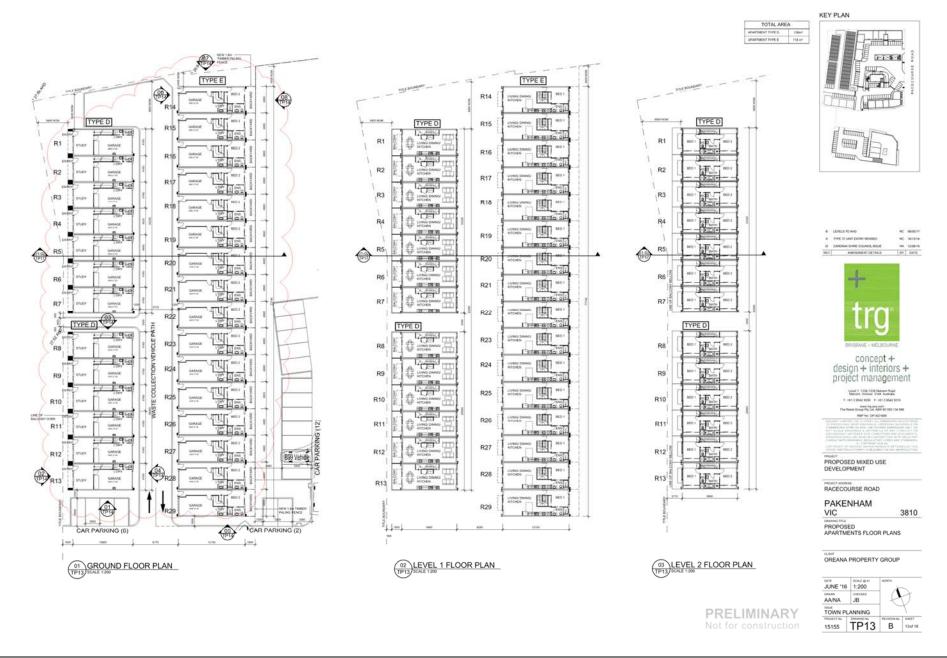




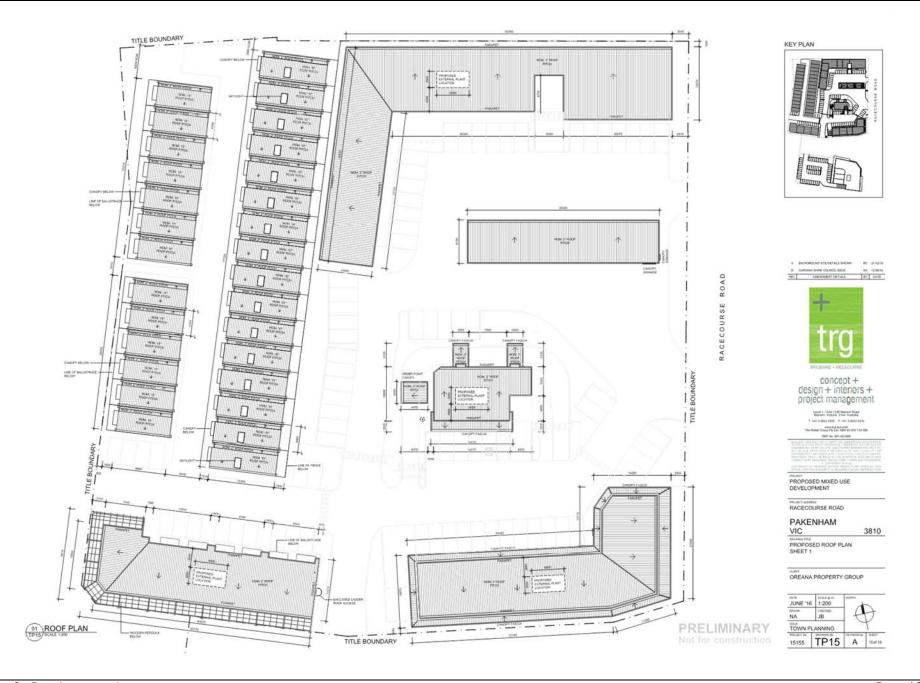
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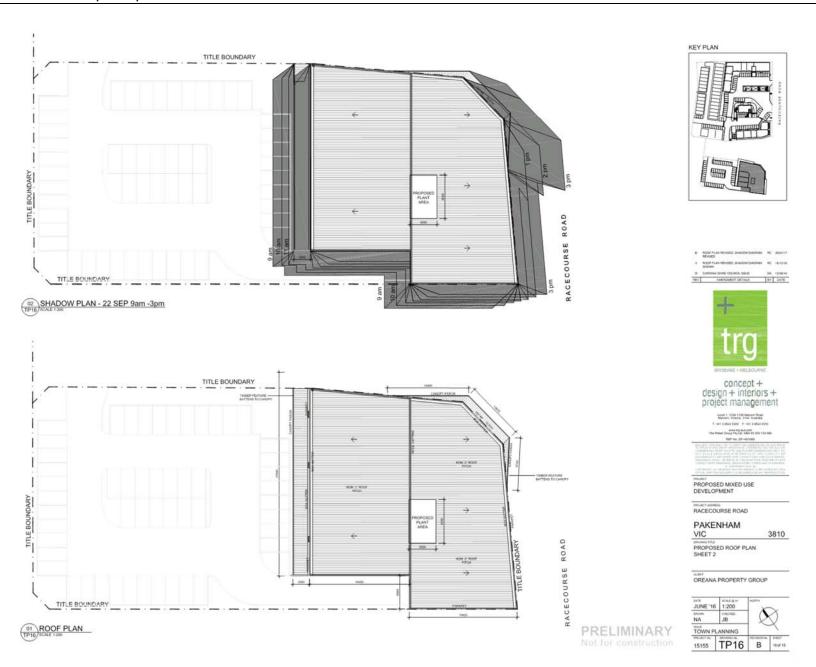
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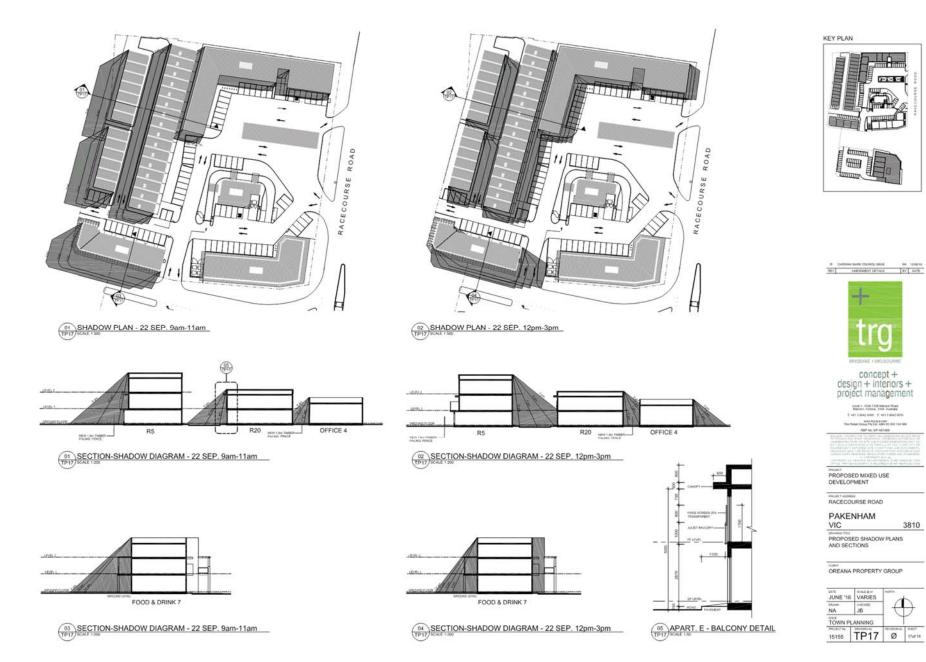
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