



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 3 SEPTEMBER 2018

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 3 September 2018
The meeting commenced at 7pm

PRESENT:

Mayor, Collin Ross, Chairman

Councillors Michael Schilling, Carol Ryan, Graeme Moore, Ray Brown, Leticia Wilmot, Brett Owen

Messrs Andrew Paxton (GMPD), Doug Evans (MG)

APOLOGIES:

Crs Jodie Owen and Jeff Springfield

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1 NINE (9) LOT SUBDIVISION IN TWO STAGES, REMOVAL OF NATIVE VEGETATION AND CREATION OF A RESTRICTION - 45 JEFFERSON ROAD GARFIELD

FILE REFERENCE INT1859199

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield VIC 3814 subject to the conditions attached to this report.

Attachments

- | | | |
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| 1 | Locality map | 1 Page |
| 2 | Plan of subdivision | 1 Page |
| 3 | Co[pies of objections - circulated to councillors only | 15 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T170632
APPLICANT:	Tarryn Schrieber
LAND:	45 Jefferson Road, Garfield VIC 3814
PROPOSAL:	Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of easements.
PLANNING CONTROLS:	General Residential Zone (GRZ1) No Overlays
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site. Five (5) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood Character, environmental impacts
RECOMMENDATION:	Approval

BACKGROUND:

Planning Permit T140226 was issued for Residential subdivision, creation of a reserve and removal of native vegetation for 39 Jefferson Road Garfield, this application created Jemima Court

SUBJECT SITE:

The subject land is located on the north west corner of Jefferson Road and Jemima Court in Garfield. The site is irregular in shape with a frontage of 50.92 metres, north boundary of 101.4 metres, west boundary of 58.31 metres and overall area of 5,583 square metres.

The site is relatively flat with no easements burdening the site.

The site is developed with a single dwelling located in the western portion of the site with access provided via the Jefferson Road frontage with outbuilding located near the Jemima Close frontage. The site includes scattered vegetation throughout the site including clusters in the north portion of the site.

Surrounding land-use and development:

- **North:** The north boundary of the site abuts the rear and side boundaries of residential properties fronting Lairds Rise each of the lots are generally 700 – 800 square metres and are developed with dwellings with varied setbacks from the common boundary.
- **South:** The abutting land to the south is the Jemima Court road-reserve including a nature strip with a footpath and two way sealed road with newly developed residential properties located further south.
- **East:** The abutting land to the east is the Jefferson Road road-reserve including a 10 metre wide nature strip with scattered vegetation a footpath and two way sealed road with residential properties located further east including low density residential areas.
- **West:** The land to the west is a battle-axed allotment that is developed with a recently constructed single dwelling and driveway located along the common boundary.

The site is located within an area with a mixture of lot sizes within the immediate and wider site context with GRZ1 on the south side of the road and LDRZ east side of properties on Jefferson Road.

PROPOSAL:

The proposal includes the staged subdivision of the land into nine (9) lots, removal of vegetation and creation of easements.

A summary of the proposal includes:

Subdivision:

- Stage 1 includes the subdivision of the land into seven lots including six lots with frontage to Jemima Court including four with direct frontage and two battle-axed lots. The lots vary between 620 – 754 square metres with the Stage 2 balance lot with an area of 1,510 square metres. Lots have widths varying between 16 – 18 metres. Each provided with a building envelope with setback of 7 metres from Jemima Court and between 1.5 – 2.5 metres from common boundaries.
- Stage 2 includes the subdivision of the balance into 3 lots resulting in an overall subdivision of the land into nine (9) lots. The proposed three lots have frontage to Jefferson Road with lot areas between 636 – 715 square metres. Lots have widths varying between 16 – 18 metres. Each provided with a building envelope with setback of 7 metres from Jemima Court and between 1.5 – 2.5 metres from common boundaries.

Vegetation Removal:

- The proposal includes the removal of a number of native trees scattered throughout the site including the north portion of the overall site and a number near the Jemima Court frontage. The subdivision has been designed to protect the vegetation near the Jefferson Road frontage. The majority of vegetation to be removed is exotic and does not require planning approval.
- The proposal includes the removal of 0.06 hectares of remnant patches of vegetation.

Easements, Reserves and Restrictions

- Stage 1 includes the provision of drainage and sewerage easement to ensure all lots are adequately serviced with two carriageway easement proposed for the proposed battle-axed lots.
- Stage 2 includes the provision of drainage and sewerage easement to the three additional lots along the Jefferson Street frontage
- The proposal includes a restriction relating to the construction of dwellings to be within the building envelopes.

PLANNING SCHEME PROVISIONS:

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18.02 Movement Networks
- Clause 19.03 Development infrastructure.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-2 Landscape
- 21.02-3 Biodiversity
- 21.03-3 Rural townships
- 21.03-4 Rural residential and rural living development
- 21.05-1 Infrastructure provision
- 21.05-3 Local roads

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/documents are:

- Clause 52.02 Easements, restrictions and reserves
- Clause 53.01 Public Open Space contribution and subdivision
- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions;
- Clause 71.02 Operation of the Planning Policy Framework
- Garfield Township Strategy (2002)

Zone

The land is subject to the **General Residential Zone (GRZ1)**

Overlays

The land is not subject to any overlays

PLANNING PERMIT TRIGGERS

The proposal for the staged subdivision of the land into nine (9) lots, removal of native vegetation and creation of a restriction requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 General Residential Zone a planning permit is required for the subdivision of the land.
- Pursuant to Clause 52.02 Easements, restrictions and reserves a permit is required to create easements and restrictions.
- Pursuant to Clause 52.17 Native Vegetation, a permit is required to remove, destroy or lop native vegetation.

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land; and
- Placing two (2) signs on site.

Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- No car parking is available on Jemima Court and the additional lots will impact on the safe use of the Court.
- Increased traffic will reduce safety in the area
- Vegetation removal is excessive and will impact on the character and fauna of the area:
- The proposal is not consistent with the Garfield Township Strategy and is inconsistent with the established built form and character of the area;
- Lot sizes not in keeping with the area, will not maintain the country feel and is an overdevelopment of the site;

REFERRALS

The application was referred to the following authorities, and a summary of each response is provided.

Referral Authority	Response
AusNet	Approval subject to conditions
APA Group	Did not respond within the statutory timeframe
Melbourne Water	Does not object, no conditions
South East Water	Approval subject to conditions

DISCUSSION

Planning Policy Framework

There is support in the Planning Scheme for the growth and development of Garfield recognising the potential for substantial growth within the township. At the same time, state and local policies also recognise the need for any development to respond to key natural features, the surrounding landscape and the existing and preferred character of an area.

Relevant state policies such as clauses 15.01-3S (Subdivision design) and 15.01-5S (Neighbourhood character) encourage development to respond to its context and special characteristics of the local environment and protect and enhance native habitat. The protection of natural environment is reinforced by clauses 12.01-1S (Protection of biodiversity) and 12.01-2S (Native vegetation management), which aim to ensure that native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Local policies serve to reinforce these themes, with Clause 21.02-3 (Biodiversity) aiming to achieve a net gain in the quantity and quality of native vegetation in the municipality and maintain and enhance the diversity of indigenous habitats and species. Clause 21.03-3 (Rural townships) identifies Garfield as a 'large rural township' and seeks to maintain and enhance the distinct character and environmental qualities of each township within the Shire.

Garfield is recognised for its rural character and natural landscape and the subject site and surrounding area reinforce this character, with open and spacious landscapes that support medium and low density residential uses. It is considered the natural environment and landscape character will be enhanced through the landscaping buffer areas along the road boundaries, which will be reinforced via appropriate conditions and restrictions.

The increase in the number of lots does result in an increase in the extent of vegetation removal, however a thorough assessment of the native vegetation proposed to be removed revealed that the quality, health and useful life expectancy of the trees was not of a high enough standard to warrant its retention. The majority of the vegetation required to be removed is not native and does not require a permit for removal. Some vegetation removal has been minimised through the appropriate placement of lot boundaries and building envelopes, particularly within the road reserve. The vegetation removal will also be appropriately offset via permit conditions to ensure no net loss of in the contribution made by native vegetation to Victoria's biodiversity.

The proposal demonstrates a strong response to the residential development objectives as the site is located well within the urban growth boundary and protects vegetation within the streetscape of the site. The provision of landscape buffer areas will allow for revegetation while also providing habitat for the threatened Southern Brown Bandicoot and enhancing the natural streetscape character.

Clause 32.08 General Residential Zone & Clause 56 Residential Subdivision

Pursuant to Clause 32.08-3 a planning permit is required to subdivide land. An application must meet the requirements of Clause 56 Residential Subdivision. This application meets the objectives and generally meets the standards of this clause subject to the provision of a number of conditions including the provision of a building envelope for each lot consistent with the surrounding neighbourhood character as detailed below within the Garfield Township Strategy.

Pursuant to Clause 32.08-4 lots greater than 650 square metres which applies to each of the proposed lots must provide development that has a minimum 35% of the site for garden areas. The subdivision plans have not indicated how this can be achieved although given the lot areas and proposed building envelope it is envisaged that development can comply with this mandatory requirement.

Clause 52.02 Easements, Restrictions and Reserves

A permit is required prior to a permit proceeding under Section 24A of the Subdivision Act 1988 to create, vary or remove a reserve. The proposal includes the creation of the road reserve and stage 2 includes the variation to existing easements consistent with the proposed lot arrangement. The application has been internally and externally referred to all relevant departments and authorities with no objections to the creation of the reserve or variation to the easement and as such, is consistent with this provision.

In order to ensure that appropriate vegetation protection and Southern Brown Bandicoot habitat can be created and protected on the site, a condition of the permit will require that a Section 173 Agreement is entered into requiring that developer to establish a seven metre wide vegetated corridor along the street frontage of Jefferson Road and Jemima Court. The corridor will be located within the front setbacks of the lots with a street frontage. The agreement will require that any future owners of the lots will be required to maintain the vegetated area.

Clause 52.17 Native Vegetation

Clause 52.17 (Native Vegetation) provides further protection of vegetation, with an objective to ensure that the permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

As detailed by the vegetation assessment the development is a low risk pathway with the following an assessment of the proposal;

- *Biodiversity Considerations:* Much of the native vegetation proposed to be removed has been assessed as being of low retention suitability with many of the trees having poor structure and evidence of disease and damage. It is considered that the benefits of retaining this vegetation is outweighed by the risk that they would present in a residential setting. The retention of the vegetation within the road reserve has minimised the impact of the removal of native vegetation from the site. As detailed by the applicant's vegetation assessment and subject to permit

conditions requiring offset management, the vegetation removal will have a minimal impact on biodiversity for the site and the offsetting is consistent with the requirements of this clause.

- **Offset Requirements:** The submitted information has provided clear indication of the proposed offset requirement of 0.003 general units with a minimum biodiversity score of 0.137. Offsets can be provided through permit conditions and must be in accordance *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) as the application was lodged prior to Planning Scheme Amendment VC138.

It is considered that the proposal has avoided vegetation removal where possible, and has implemented measures such as building envelopes to minimise impacts on vegetation proposed to be retained. The proposed tree removal is also not expected to compromise the environmental outcome for the area given the vegetation to be removed is relatively well separated from any stands of significant vegetation.

The landscaping buffers areas will help to provide for re-vegetation and habitat corridors, and appropriate conditions on the permit will ensure that they are provided prior to the Statement of Compliance by the developer and maintained by future landowners.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Schedule to Clause 53.01 specifies an amount of 8 per cent for the subdivision of land for urban resident purposes. The subject land is within the urban growth boundary of Garfield and is considered to create urban residential type allotments, and as such, the amount specified in the schedule is considered applicable to this proposal.

Garfield Township Strategy

The Garfield Township Strategy was adopted by Council in 2002 although has not been incorporated into the planning scheme. The Strategy sets out the key issues facing the Garfield Township and outlines a range of policies and actions to achieve the desired vision for Garfield.

The subject land forms part of the strategy area, and more specifically, forms part of Urban Residential, which identifies the need to retain the rural character with a high proportion of large lots, combined with wide nature strips and roads, and a significant canopy of street trees.

The strategy includes the following guidelines for land within Urban Residential Land:

- Lot size range 700 - 1000 square metres;
- Minimum front setback of 7 metres;
- Minimum side boundary setback of 2.5 metres
- Maximum building coverage should not exceed 50% of lot
- Minimum lot width of 18m
- Lot layout to maximise retention of existing trees
- Maintain generous street, footpath and easement widths in new development.

The proposed lots generally comply with the minimum lot width within the guidelines with the township strategy with the exception of lots 1, 2 and 9 where 16 metre frontages are proposed. The majority of the lots meets the guidelines and the location of the lots will ensure that the future development can suitably be integrated with the surrounds. As such it is considered that the overall subdivision meets the intentions of this guideline and is suitable in this instance.

The proposal includes lots between 620 – 754 square metres with an average lot size generally consistent with surrounding development and although all lots are not above 700 square metres, the proposed subdivision has been reduced from the original ten lot subdivision and provide areas and proportions consistent with the surrounding subdivision patterns. This combined with building envelope restrictions will ensure that the development of lot will be consistent with the rural residential character of the area and is consistent with the neighbourhood character.

In conclusion, the proposal contributes to the vision for Garfield by supporting growth while including measures such as building envelopes and landscaping to reinforce the rural character of the area and provide an improved outcome for key fauna habitats.

Clause 65.02 Decision Guidelines

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is well designed consistent with adjoining subdivisions and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

Objections

A response to the key themes of the objections is provided below.

Character of the area and lot sizes

The objectors raised concerns that the proposal is not consistent with the Garfield Township Strategy and is inconsistent with the established character of the area. It was suggested that the lot sizes are not in keeping with the area and will not assist in maintaining the country feel of the area. As outlined above the lots vary in area between 620 and 754 square metres. While a couple of the lots are below the minimum recommended, the subdivision layout effectively makes use of the irregular shaped site. The two battle axe lots are acceptable due to the depth of the current lot and are also similar to the adjoining lot to the west of the subject site. The size of the lots still allows for the provision of building envelopes that will ensure separation in the built form of future dwellings, and there is sufficient space on the lots to provide the 35% garden area as required by the Planning Scheme.

Vegetation removal and impact on local fauna

While it is recognised that the proposal results in the removal of the majority of the vegetation on the site, a large number of the trees are exotic species and do not require a permit to be removed. The native vegetation has been assessed and various site visits have been undertaken to assess that health and retention value of the trees. While a number of the trees may have been able to continue to grow on the site under the current circumstances the risk the trees present to the subdivided site outweighs their environmental value. Many of the trees have a low retention value due to either disease or damage or both. The trees that are present in the section of road reserve along Jefferson Road will be retained and protected with tree protection zones and the nearest

building envelopes have been designed so as to not encroach into the root zones. Additional planting will be required within the 7 metre front setback from the road. A condition on the permit will require the developer to establish a landscape buffer along the street frontages which will provide a natural aesthetic and habitat for the southern brown bandicoots.

The applicant was required to undertake a targeted survey to establish whether there were any bandicoots present on the site. A report was provided which had been undertaken by a qualified and reputable ecologist who determined that there was no evidence of any Bandicoot residing at the site.

Increased traffic and car parking issues

A number of objectors raised concerns with increased traffic and the demand for on street car parking. The application has been referred to Council's Engineering and Traffic Departments, who had no objection to the proposal subject to conditions that will be placed on any planning permit. The application is only for subdivision and any future dwellings constructed will be required to provide appropriate on-site car parking facilities. The on street car parking demand generated by this development will not be dissimilar to other residential subdivisions in the area.

Amenity impacts

The objections raised concerns that the increased density will result in amenity impacts to the neighbouring residents. It is considered the proposal will not have any unreasonable amenity impacts for residents as the subdivision has been designed with a lot layout that responds to the zone and surrounding pattern of subdivision. It will incorporate additional measures such as landscaping and building envelopes to manage the future outcomes. The conditions of any planning permit will help to manage any negative impacts of the development.

Clause 65 Decision Guidelines

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome with minimal impact on the amenity of the area.

CONCLUSION

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is consistent with planning scheme requirements and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

It is recommended that a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield subject to the following conditions:

CONDITIONS

It is recommended that a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield VIC 3814 subject to the following conditions:

1. Before the plan of subdivision is certified, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
 - b) Add a restriction to state the following:
 - i. No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the vegetation planting buffer.
 - c) Provide vehicle crossover envelopes for vehicle access to each lot including the consolidation of access for lots 7 & 8.
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
3. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the *Planning and Environment Act 1987*, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on each lot to be created, buildings may only be constructed within the building envelopes as shown on the endorsed plans of this permit.

This/these envelope(s) cannot be varied except with the consent of the Responsible Authority. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

4. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987*:
 - a) The landscaping as shown on the approved landscape plan for the vegetation planting buffers is to be established and maintained, including weed control, to the satisfaction of the Responsible Authority and any dead or diseased plants replaced as soon as practicable.
 - b) Any re-vegetation must be undertaken in accordance with the approved landscape plan.
 - c) Except where necessary for fire control or management, no mowing or slashing may be carried out within the vegetation planting buffer.
 - d) Fencing must not be constructed within the landscape buffer area within 7 metres of street frontages and must meet the following requirements:
 - i. The fence must have a gap of at least 10cm between the ground and the first strand/rail or bottom of the fence;
 - ii. The fence must be of permeable design and construction;
 - iii. The posts must be spaced at least 20cm apart;
 - iv. At least 90% of the fence line must be open at ground level;
 - v. Barbed wire must not be used.

- e) No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the landscape buffer.

The owner must pay the reasonable costs of preparation, execution and registration of the agreement.

5. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Before Statement of Compliance

9. Prior to issue of a Statement of Compliance of each stage, the permit holder must:
 - a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority and in accordance with any specifications as per Condition 1.
 - b) Provide appropriate driveway access and drainage connection points to all lots to the satisfaction of the Responsible Authority and in accordance with any specifications as per Condition 1.
 - c) Outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority and Melbourne Water.
 - d) The outfall drain through Lot 12 and adjoining school site to south must be designed and constructed to accommodate 100 ARI flows.
 - e) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "*Guidelines for the Development & Subdivision of Land*", "*Development Construction Specification*" and the "*Water Sensitive Urban Design (WSUD) Guidelines*".
 - f) All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
10. Before a Statement of Compliance is issued for the subdivision of each stage, the building envelopes and vegetation planting buffers must be created as a restriction on the Plan of

Subdivision submitted to the Responsible Authority for certification and lodged with the Titles Office for registration.

11. Before a Statement of Compliance is issued for the subdivision of Stage 1, the existing dwelling and all outbuildings must be removed from the site to the satisfaction of the Responsible Authority.
12. Before a Statement of Compliance is issued for the subdivision of Stage 1, a detailed landscape plan must be submitted to and approved by the Responsible Authority. The detailed landscape plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The detailed landscape works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:
 - a) Existing vegetation that is approved to be retained and associated tree protection zones
 - b) New plantings including their layout to be provided in all road reserves and municipal reserves.
 - c) A detailed 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.
 - d) Landscaping and planting within all open areas of the subject land.
 - e) Details of surface finishes of central access driveway.

All species selected must be to the satisfaction of the Responsible Authority and preference is for indigenous species

13. Before a statement of compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

14. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

15. Before a statement of compliance is issued for Stage 1 of the subdivision evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. The applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). The general offset must:

- a) Contribute gain of 0.003 general biodiversity equivalence units be located within the Port Phillip and Westernport Catchment Management Authority boundary or Cardinia municipal district have a strategic biodiversity score of at least 0.110.

Offset evidence can be either:

- a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification
- b) a credit register extract from the Native Vegetation Credit Register

16. Prior to issue of a Statement of Compliance is issued for the Stage 1 of the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.

17. Before a statement of compliance is issued for each stage the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

18. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,

- b) Topography and existing features, including contours for the subject land and any affected adjacent land,
- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e) All trees proposed for removal from the subject land clearly designated,
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h) The proposed minor drainage network and any spatial features requiring access,
- i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l) A table of offsets for all utility services and street trees,
- m) Preliminary location of reserves for electrical kiosks and
- n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- a) The relationship between the subject subdivision stage and surrounding land,
 - b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - c) Works external to the subdivision, including both interim and ultimate access requirements,
 - d) Intersections with Category 1 roads showing interim and ultimate treatments,
 - e) Drainage and sewerage outfalls including any easements required over other property.
19. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.
20. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.
21. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees

must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and

- b) the Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

- 22. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
- 23. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
- 24. 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.

- 25. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.
- 26. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a) Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b) Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c) Reinstated to the satisfaction of the Responsible Authority.
- 27. Erosion must be controlled during construction in accordance with the Environment Protection Authority Guideline TG208/90 (as amended) or in accordance with such guideline, policy or role that replaces TG 208/90.
- 28. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

29. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

30. Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the Responsible Authority:

- a) Survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.dspeg.com.au.

Sketches of the details of the permanent survey marks.

AusNet Services Conditions:

31. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.

32. The applicant must –

- a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of “Power Line” in the favour of “AUSNET ELECTRICITY SERVICES PTY LTD” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f) Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h) Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

South East Water Conditions:

- 33. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
- 34. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
- 35. All lots on the Plan of Subdivision are to be provided with separate connections to out potable water supply and sewerage systems.
- 36. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

Permit Expiry

This permit will expire if:

- a) The subdivision is not commenced within **two (2) years** of the date of this permit; or
- b) The subdivision is not completed within **five (5) years** of the date of commencement.

Where the subdivision is to be developed in stages, the time specified for the commencement of the first stage is two years from the date of this permit. The time specified for the commencement of any subsequent stage is ten (10) years from the date of this permit and the time specified for the completion of each stage is five years from the date of its commencement.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.)

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.

AusNet Services Notes:

It is recommended that, at an early date the applicant commences negotiations with AUSNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

South East Water Notes:

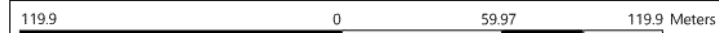
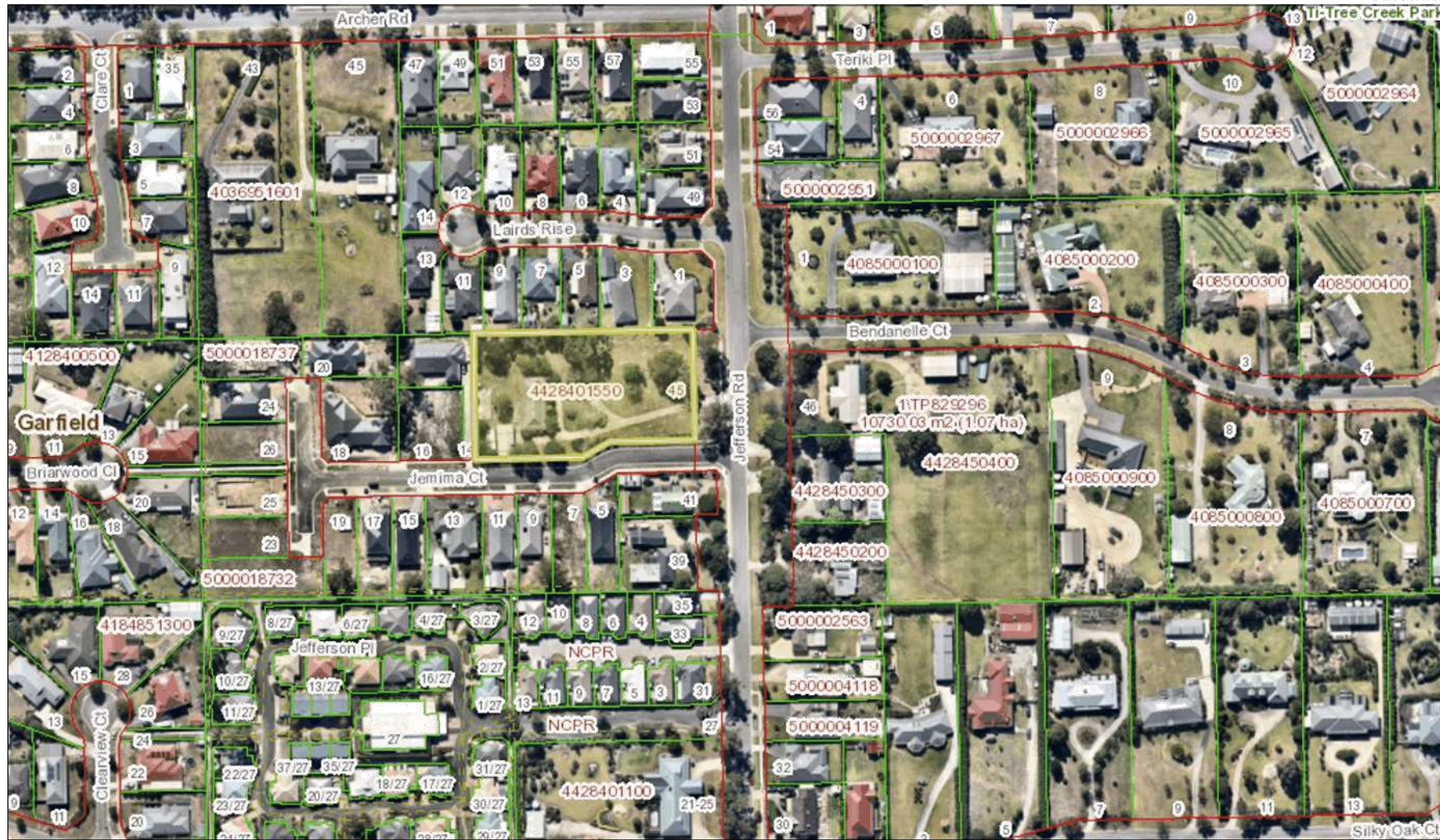
The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

The following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
- 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit our website: www.southeastwater.com.au.

T170632 PA - Site Plan



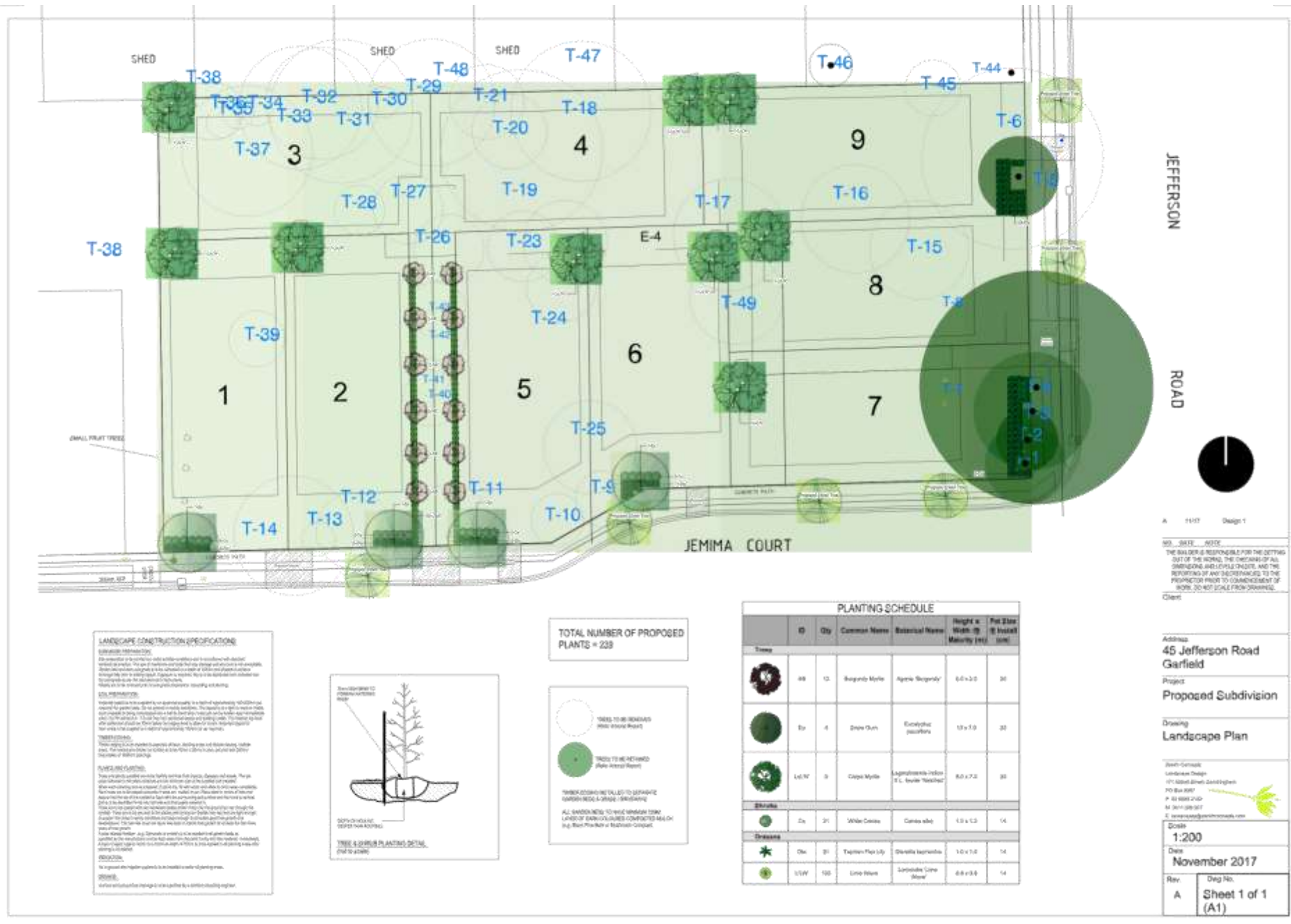
1:2,361

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

17-Aug-2018

Notes
Subject site 45 Jefferson Road, Garfield - highlighted in yellow





LANDSCAPE CONSTRUCTION SPECIFICATIONS
 SUBDIVISION INFORMATION:
 This subdivision is located on the northern side of the subdivision...
 SOIL INFORMATION:
 The soil conditions are...
 TREE SPECIES:
 The trees to be planted are...
 PLANTING SCHEDULE:
 The total number of proposed plants is 238.
 ALL LANDSCAPE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARFIELD'S LANDSCAPE CONSTRUCTION SPECIFICATIONS.



TOTAL NUMBER OF PROPOSED PLANTS = 238



PLANTING SCHEDULE					
ID	Qty	Common Name	Botanical Name	Height x Width @ Maturity (ft.)	Plant Size @ Install (inches)
T-1	10	Burgundy Myrtle	Myrica caroliniana	6.0 x 2.0	30
T-2	4	Drumstick	Forficaria parviflora	1.0 x 1.0	20
T-3	3	Cape Myrtle	Laguncularia leucostachya	8.0 x 7.0	30
T-4	21	White Cedar	Juniperus horizontalis	1.0 x 1.0	14
T-5	21	Trident Maple	Acer buergeri	1.0 x 1.0	14
T-6	100	Little Leaf Linden	Tilia cordata	4.0 x 3.0	14

JEFFERSON ROAD

A 11/07 Design 1
 THE BALLER IS RESPONSIBLE FOR THE DESIGN OF ALL CONSTRUCTION AND THE REPAIRS OF ANY CONSTRUCTION TO BE COMPLETED PRIOR TO COMMENCEMENT OF WORK. 30:407 SCALE FROM DRAWING.

Address
 45 Jefferson Road
 Garfield
 Project
 Proposed Subdivision
 Drawing
 Landscape Plan
 Date
 1:200
 November 2017
 Rev. A
 Sheet 1 of 1 (A1)

From: tharris@iautomotive.com.au
To: MailAtCardinia
Subject: Objection to Planning Permit T170632
Date: Wednesday, 30 May 2018 11:56:38 AM
Attachments: [image001.jpg](#)

To;
Responsible Authority
Cardinia Shire Council
PO Box 7
Pakenham, Vic 3810

From;
Anthony and Sunny Harris
14 Jemima Court
Garfield, Vic 3814

Objection to application number;
T170632 45 Jefferson Road Garfield

Reasons for the objection;
With the proposed construction of the subdivision and removal of native vegetation our eastern boundary will become highly exposed and impact on our right to privacy and the overall right to the enjoyment of our property. This combined with the subsequent construction cycle is likely to impact on our peace of mind and security for an extended period of time and is the primary reason for the objection. We feel that because ours is a battel axe block our exposure is far greater than other more established existing properties.

Our eastern boundary is 58mtrs in length and we are particularly impacted by lots 1 and 3. In addition to this the proposed access from to lots 1,2,3,4 and 5 from Jemima Court has the potential to create on street parking issues and therefore congestion in what is already a narrow street. There will not be sufficient room or accessibility for the residents in those lots if they have guests or more than 2 vehicles in their family. This is a potentially dangerous and difficult situation particularly at peak times during the day.

We look forward to your response and how our objections might best be resolved.

Kind Regards

Tony Harris
Managing Director
P:+61(0)430161449
tharris@iautomotive.com.au
www.iautomotive.com.au

logo_size_invert



From: [Brenda Ryan](#)
To: [MailAtCardinia](#)
Subject: Notice of an Application for Planning Permit Letter - Ref No T170632
Date: Thursday, 31 May 2018 3:58:20 PM

Good afternoon

In am in receipt of your Notice of an Application for Permit letter Ref No T170632.

My only concern is there is a bandicoot residing on the said property and would hope concerns of local fauna is treated within the appropriate guidelines.

Thankyou.

Kind regards,
Brenda Ryan
5 Lairds Rise
Garfield

This email and any files transmitted with it may be confidential and are intended solely for the use of the individual or entity to whom they are addressed. Any confidentiality is not waived or lost because this email has been sent to you by mistake. This email may contain personal information of individuals, and be subject to Commonwealth and/or State privacy laws in Australia. This email is also subject to copyright. If you are not the intended recipient, you must not read, print, store, copy, forward or use this email for any reason, in accordance with privacy and copyright laws. If you have received this email in error, please notify the sender by return email, and delete this email from your inbox.

From: [Sarah Jones](#)
To: MailAtCardinia
Subject: Objection Letter
Date: Wednesday, 30 May 2018 1:02:38 PM
Attachments: [IMAGE.png](#)
[IMAGE.png](#)
[IMAGE.png](#)
[IMAGE.png](#)
[IMAGE.jpg](#)
[IMAGE.jpg](#)
[Cardina Shire Council_objection letter.docx](#)
[Cardina Shire Council_objection letter.docx](#)
[Cardina Shire Council_objection letter1.docx](#)

Please find attached 3 objection letters from residents of Jemima Court Garfield.

Objection in relation to:

**notice of an application for planning permit for
45 Jefferson road Garfield
(T170632)**

Many Thanks.

Sarah Jones
Registered Nurse
Parenting Plus Coordinator Gippsland
Queen Elizabeth Centre
Morwell 3840
Office: 51203444
Mobile: 0439 722 731
sarjon@qec.org.au



I acknowledge Aboriginal and Torres Strait Islander people as the Traditional Owners of this country throughout Australia, and their connection to land and community. I pay my respect to them and their cultures, and to Elders both past and present.

Note: The information in this e-mail is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of The Queen Elizabeth Centre. QEC encourages you to consider the environment and impact, prior to printing this communication.

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au>

Cardina Shire Council
PO BOX 7,
Pakenham, Vic
3810

RE: Objection to planning Permit: T170632

Application for: Nine (9) Lot subdivision in two (2) stages, removal of native vegetation and create of restriction.

Applicant: Nobelius Land Surveyors P/L

Land effected by this application: Jemima Court /Jefferson rd Garfield.

To The Planner in Charge,

I Wayne and Cathy Westwick of Lot 16 Jemima court are writing to advise of our strong objections towards the above proposal for the following reasons:

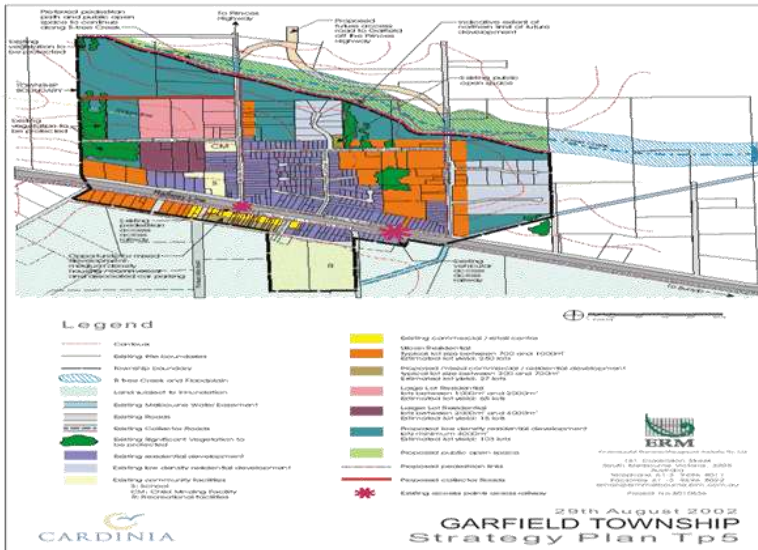
- The applicant's proposal suggests 6 out of the 9 allotments will be accessed via Jemima court. There is currently no off street parking provided within Jemima court & to undertake a u-turn pulling into another residents drive way or undertaking a u-turn at the end of the street is the only option. With an extra six residential properties, it can be assumed that there will be an extra 8-12 vehicles using Jemima court (this is also not taking into account public traffic connected to these residents). As the proposal does not provide extra road network to support this med/high density construction, it is of my belief that given how narrow Jemima court currently is, with no assigned off-street parking or ability to easily enter and exit the court in a forward facing manner, this road is not designed for med-high density demographic. In addition to this, there is concerns that the allotment sizes set out by the applicant will result in less room for private/onsite parking resulting in an increase choice of kerb side parking. Please refer to the photo below that demonstrates if a car or cars was to be parked kerb side (not on the nature strip), that due to how narrow the carriageway is, this will not allow for safe easy movement and traffic congestion.

[Type here]



- Removal of native vegetation– As per the Arboriculture report to facilitate this construction a total of 49 trees will require removal with approx. 25 of these trees reported to be assessed as “fair” for health & structure; their removal is therefore only assessed as necessary to facilitate the proposed construction. It is fair to assume if the proposed construction was of a lesser scale and the lot layout was maximised (ie a lower density application with less than nine lots & reconsideration of battle axe allotments) would a loss of vegetation to this quantity be required. In the township and character assessment 2006, a key characteristic for Garfield was the “rural” feel it provides. “. The loss of vegetation to this extent I believe will significantly impact the (neighbourhood) landscape and character.
- Neighbourhood character- . In the township and character assessment 2006, the preferred future character for Garfield was “The existing rural township character of Garfield will be maintained and enhanced by providing a reasonable proportion of medium to large residential allotments. Whilst we understand that Jefferson road/Jemima court are situated in a ‘urban residential’ corridor of Garfield and the applicant has respected the set-back boundaries for each allotment, we do not feel the applicant is upholding the Garfield Township Strategy adopted by Council in 2002, in which the framework plan advises for this particular area “typical lot sizes between 700 and 1000m²” and that “new development should seek to maintain the rural township character of Garfield both in terms of the configuration of new lots and the siting of dwellings and associated buildings on these lots”. The proposed subdivision predominantly incorporates lots under 700sqm. The layout of allotments containing two battle-axe allotments. While the subdivision will indeed achieve growth and development, given the current layout configuration of allotments in Jemima court, along with these allotments mainly being over 700sqm in size. The applicant does not respect the impact that this will have on the neighbourhood character and outlook from neighbouring properties.

[Type here]



- Photo which demonstrates framework around preferred lot sizes within Garfield.

In conclusion, we are in no denial that a general residential zone surrounds us and at some point the land in discussion will be subdivided. We however, would like the applicant and council to take into consideration our arguments and come a resolution that respects the character of the neighbourhood, further set out to protect our native vegetation and minimise the impact of a too high density subdivision.

We do propose that the council considers looking into the size and layout of the allotments requested by the applicant.

We do hope Cardina Shire will act in good faith on our part and take this objection on board before approving such subdivision, which could impact on our semi-rural beautiful court.

Yours sincerely

Wayne & Cathy Westwick

[Type here]

[Type here]

Cardina Shire Council
PO BOX 7,
Pakenham, Vic
3810

RE: Objection to planning Permit: T170632

Application for: Nine (9) Lot subdivision in two (2) stages, removal of native vegetation and create of restriction.

Applicant: Nobelius Land Surveyors P/L

Land effected by this application: Jemima Court /Jefferson rd Garfield.

To The Planner in Charge,

I Michael and Barbara Brown of Lot 15 Jemima court are writing to advise of our strong objections towards the above proposal for the following reasons:

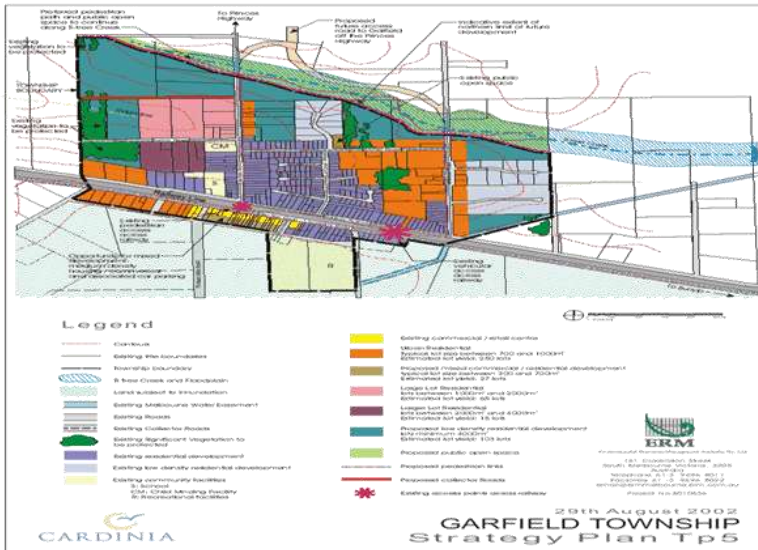
- The applicant's proposal suggests 6 out of the 9 allotments will be accessed via Jemima court. There is currently no off street parking provided within Jemima court & to undertake a u-turn pulling into another residents drive way or undertaking a u-turn at the end of the street is the only option. With an extra six residential properties, it can be assumed that there will be an extra 8-12 vehicles using Jemima court (this is also not taking into account public traffic connected to these residents). As the proposal does not provide extra road network to support this med/high density construction, it is of my belief that given how narrow Jemima court currently is, with no assigned off-street parking or ability to easily enter and exit the court in a forward facing manner, this road is not designed for med-high density demographic. In addition to this, there is concerns that the allotment sizes set out by the applicant will result in less room for private/onsite parking resulting in an increase choice of kerb side parking. Please refer to the photo below that demonstrates if a car or cars was to be parked kerb side (not on the nature strip), that due to how narrow the carriageway is, this will not allow for safe easy movement and traffic congestion.

[Type here]



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[Type here]



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We do propose that the council considers looking into the size and layout of the allotments requested by the applicant.

We do hope Cardina Shire will act in good faith on our part and take this objection on board before approving such subdivision, which could impact on our semi-rural beautiful court.

Yours sincerely

Michael & Barbara Brown

(0412 155 248)

[Type here]

[Type here]

Cardina Shire Council
PO BOX 7,
Pakenham, Vic
3810

RE: Objection to planning Permit: T170632

Application for: Nine (9) Lot subdivision in two (2) stages, removal of native vegetation and create of restriction.

Applicant: Nobelius Land Surveyors P/L

Land effected by this application: Jemima Court /Jefferson rd Garfield.

To The Planner in Charge,

I Sarah Jones and Cameron Donaghy of Lot 12 Jemima court are writing to advise of our strong objections towards the above proposal for the following reasons:

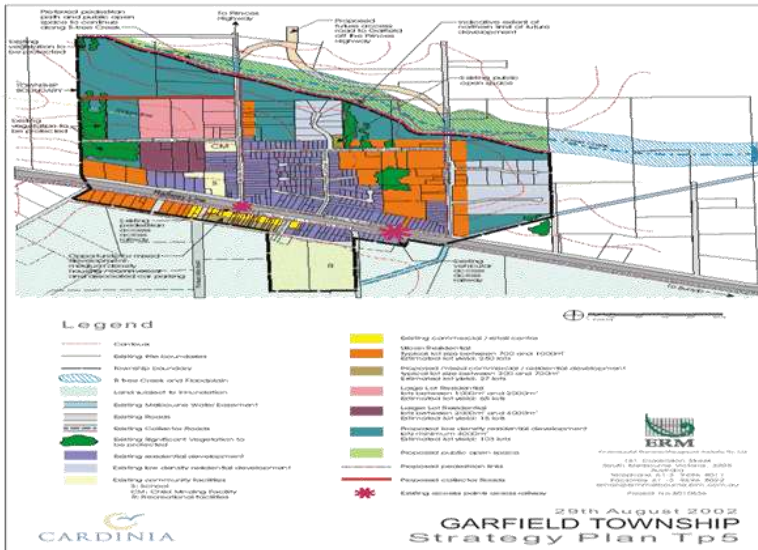
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[Type here]



- Removal of native vegetation– As per the Arboriculture report to facilitate this construction a total of 49 trees will require removal with approx. 25 of these trees reported to be assessed as “fair” for health & structure; their removal is therefore only assessed as necessary to facilitate the proposed construction. It is fair to assume if the proposed construction was of a lesser scale and the lot layout was maximised (ie a lower density application with less than nine lots & reconsideration of battle axe allotments) would a loss of vegetation to this quantity be required. In the township and character assessment 2006, a key characteristic for Garfield was the “rural” feel it provides. “. The loss of vegetation to this extent I believe will significantly impact the (neighbourhood) landscape and character.
- Neighbourhood character- . In the township and character assessment 2006, the preferred future character for Garfield was “The existing rural township character of Garfield will be maintained and enhanced by providing a reasonable proportion of medium to large residential allotments. Whilst we understand that Jefferson road/Jemima court are situated in a ‘urban residential’ corridor of Garfield and the applicant has respected the set-back boundaries for each allotment, we do not feel the applicant is upholding the Garfield Township Strategy adopted by Council in 2002, in which the framework plan advises for this particular area “typical lot sizes between 700 and 1000m²” and that “new development should seek to maintain the rural township character of Garfield both in terms of the configuration of new lots and the siting of dwellings and associated buildings on these lots”. The proposed subdivision predominantly incorporates lots under 700sqm. The layout of allotments containing two battle-axe allotments. While the subdivision will indeed achieve growth and development, given the current layout configuration of allotments in Jemima court, along with these allotments mainly being over 700sqm in size. The applicant does not respect the impact that this will have on the neighbourhood character and outlook from neighbouring properties.

[Type here]



- Photo which demonstrates framework around preferred lot sizes within Garfield.

In conclusion, we are in no denial that a general residential zone surrounds us and at some point the land in discussion will be subdivided. We however, would like the applicant and council to take into consideration our arguments and come a resolution that respects the character of the neighbourhood, further set out to protect our native vegetation and minimise the impact of a too high density subdivision.

We do propose that the council considers looking into the size and layout of the allotments requested by the applicant.

We do hope Cardina Shire will act in good faith on our part and take this objection on board before approving such subdivision, which could impact on our semi-rural beautiful court.

Yours sincerely

Sarah Jones & Cameron Donaghy

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1 NINE (9) LOT SUBDIVISION IN TWO STAGES, REMOVAL OF NATIVE VEGETATION AND CREATION OF A RESTRICTION – 45 JEFFERSON ROAD GARFIELD

Moved Cr G Moore Seconded Cr R Brown

That a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield VIC 3814 subject to the following conditions:

CONDITIONS

1. Before the plan of subdivision is certified, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
 - b) Add a restriction to state the following:
 - i. No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the vegetation planting buffer.
 - c) Provide vehicle crossover envelopes for vehicle access to each lot including the consolidation of access for lots 7 & 8.
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
3. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the *Planning and Environment Act 1987*, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on each lot to be created, buildings may only be constructed within the building envelopes as shown on the endorsed plans of this permit.

This/these envelope(s) cannot be varied except with the consent of the Responsible Authority. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

4. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987*:
 - a) The landscaping as shown on the approved landscape plan for the vegetation planting buffers is to be established and maintained, including weed control, to the satisfaction of the Responsible Authority and any dead or diseased plants replaced as soon as practicable.
 - b) Any re-vegetation must be undertaken in accordance with the approved landscape plan.
 - c) Except where necessary for fire control or management, no mowing or slashing may be carried out within the vegetation planting buffer.
 - d) Fencing must not be constructed within the landscape buffer area within 7 metres of street frontages and must meet the following requirements:
 - i. The fence must have a gap of at least 10cm between the ground and the first

strand/rail or bottom of the fence;

- ii. The fence must be of permeable design and construction;
 - iii. The posts must be spaced at least 20cm apart;
 - iv. At least 90% of the fence line must be open at ground level;
 - v. Barbed wire must not be used.
- e) No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the landscape buffer.

The owner must pay the reasonable costs of preparation, execution and registration of the agreement.

5. The owner of the land must enter into an agreement with:
- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Before Statement of Compliance

9. Prior to issue of a Statement of Compliance of each stage, the permit holder must:
- a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority and in accordance with any specifications as per Condition 1.
 - b) Provide appropriate driveway access and drainage connection points to all lots to the satisfaction of the Responsible Authority and in accordance with any specifications as per Condition 1.
 - c) Outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority and Melbourne Water.
 - d) The outfall drain through Lot 12 and adjoining school site to south must be designed and constructed to accommodate 100 ARI flows.
 - e) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "*Guidelines for the Development & Subdivision of Land*", "*Development Construction Specification*" and the "*Water Sensitive Urban Design (WSUD) Guidelines*".
 - f) All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible

Authority, to ensure that they do not cross the boundaries between the proposed lots.

10. Before a Statement of Compliance is issued for the subdivision of each stage, the building envelopes and vegetation planting buffers must be created as a restriction on the Plan of Subdivision submitted to the Responsible Authority for certification and lodged with the Titles Office for registration.
11. Before a Statement of Compliance is issued for the subdivision of Stage 1, the existing dwelling and all outbuildings must be removed from the site to the satisfaction of the Responsible Authority.
12. Before a Statement of Compliance is issued for the subdivision of Stage 1, a detailed landscape plan must be submitted to and approved by the Responsible Authority. The detailed landscape plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The detailed landscape works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:
 - a) Existing vegetation that is approved to be retained and associated tree protection zones
 - b) New plantings including their layout to be provided in all road reserves and municipal reserves.
 - c) A detailed 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.
 - d) Landscaping and planting within all open areas of the subject land.
 - e) Details of surface finishes of central access driveway.

All species selected must be to the satisfaction of the Responsible Authority and preference is for indigenous species

13. Before a statement of compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

14. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)

15. Before a statement of compliance is issued for Stage 1 of the subdivision evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. The applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). The general offset must:

- a) Contribute gain of 0.003 general biodiversity equivalence units be located within the Port Phillip and Westernport Catchment Management Authority boundary or Cardinia municipal district have a strategic biodiversity score of at least 0.110.

Offset evidence can be either:

- a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification
- b) a credit register extract from the Native Vegetation Credit Register

16. Prior to issue of a Statement of Compliance is issued for the Stage 1 of the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.

17. Before a statement of compliance is issued for each stage the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

18. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b) Topography and existing features, including contours for the subject land and any affected adjacent land,
- c) Identification by survey of all trees (or group of trees) existing on the subject land,

- including dead trees and those that overhang the subject land from adjoining land,
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
 - e) All trees proposed for removal from the subject land clearly designated,
 - f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
 - g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
 - h) The proposed minor drainage network and any spatial features requiring access,
 - i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
 - j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
 - k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
 - l) A table of offsets for all utility services and street trees,
 - m) Preliminary location of reserves for electrical kiosks and
 - n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- a) The relationship between the subject subdivision stage and surrounding land,
- b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
- c) Works external to the subdivision, including both interim and ultimate access requirements,
- d) Intersections with Category 1 roads showing interim and ultimate treatments,
- e) Drainage and sewerage outfalls including any easements required over other property.

19. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.

20. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.

21. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:

- a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and
- b) the Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

22. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
23. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
24. 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.
25. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.
 26. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a) Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b) Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c) Reinstated to the satisfaction of the Responsible Authority.
 27. Erosion must be controlled during construction in accordance with the Environment Protection Authority Guideline TG208/90 (as amended) or in accordance with such guideline, policy or role that replaces TG 208/90.
 28. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
 29. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
 30. Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the Responsible Authority:
 - a) Survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates

must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.dspect.com.au.

Sketches of the details of the permanent survey marks.

AusNet Services Conditions:

31. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.

32. The applicant must –

- a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of “Power Line” in the favour of “AUSNET ELECTRICITY SERVICES PTY LTD” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f) Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h) Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

South East Water Conditions:

33. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

34. The owner of the subject land must enter into an agreement with South East Water for the

provision of sewerage and fulfil all requirements to its satisfaction.

35. All lots on the Plan of Subdivision are to be provided with separate connections to out potable water supply and sewerage systems.

36. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

Permit Expiry

This permit will expire if:

- a) The subdivision is not commenced within **two (2) years** of the date of this permit; or
- b) The subdivision is not completed within **five (5) years** of the date of commencement.

Where the subdivision is to be developed in stages, the time specified for the commencement of the first stage is two years from the date of this permit. The time specified for the commencement of any subsequent stage is ten (10) years from the date of this permit and the time specified for the completion of each stage is five years from the date of its commencement.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.)

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.

AusNet Services Notes:

It is recommended that, at an early date the applicant commences negotiations with AUSNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

South East Water Notes:

The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

The following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
- 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit our website: www.southeastwater.com.au.

2 CONSTRUCTION OF TEN (10) DWELLINGS AT 37-39 HOPE STREET, BUNYIP

FILE REFERENCE INT1859214

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Jason Gilbert

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180207 be issued for the construction of ten (10) dwellings at 37-39 Hope Street, Bunyip VIC 3815, subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 8 Pages |
| 3 | Copies of objections - circulated to councillors only | 12 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.: T180207

APPLICANT: XWB Consulting

LAND: 37-39 Hope Street, Bunyip VIC 3815

PROPOSAL: Construction of ten (10) dwellings

PLANNING CONTROLS: General Residential Zone – Schedule 1 (GRZ1); No overlays

NOTIFICATION & OBJECTIONS: Notice of the application has been given by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site.

Four (4) objections have been received to date.

KEY PLANNING CONSIDERATIONS: Residential intensification, amenity impacts, township character, consistency with Bunyip Township Strategy

BACKGROUND:

There is no relevant planning history for the site.

SUBJECT SITE:

The land is contained in Certificate of Title Volume 03976 Folio 057, and identified as Lot 20 on Plan of Subdivision 5157, or more generally known as 37-39 Hope Street, Bunyip. It is located on the western side of Hope Street, and the eastern side of Nylander Road, with frontages of

approximately 40.23 metres to these roads. The site has a depth of approximately 100.58 metres and an overall site area of 4,046 square metres.

There is an existing single storey dwelling and associated outbuildings located within the eastern half of the site. The site has a moderate slope to the south west, with a fall of 6.27 metres between the north-east corner of the site and the south-west corner of the site.

There are established gardens along the Hope Street frontage, including mature trees. There is also a mature oak tree along the southern boundary of the site approximately midway into the site. Otherwise, the site is largely devoid of vegetation with a large gravel hard stand area accessed off Nylander Road.

Hope Street is the main access street into the Bunyip township and comprises a sealed pavement and kerb and channel on both sides of the road. Nylander Road is a rural standard gravel road with a pavement width of approximately 4 metres. The primary access to the site is via a crossover from Hope Street.

The land is not burdened by any easements or any relevant restrictions.

The main characteristics of the surrounding area are:

- The site is located approximately 500 metres north-west of the Bunyip Town Centre in an established residential area of Bunyip.
- To the north, the adjoining lot fronting Hope Street is vacant and the lot fronting Nylander Road is occupied by a recently-constructed dwelling.
- To the west of Nylander Road is open paddocks. The urban subdivision of this land has commenced further to the south and in time will extend up adjacent to the site.
- The site is adjoined by two lots to the south, with the easternmost lot featuring an older weatherboard dwelling fronting Hope Street and the westernmost lot consisting of a more recently constructed dwelling fronting Nylander Road.
- To the east is residential properties along Hope Street. Immediately opposite, a second dwelling is being constructed to the rear of an existing dwelling, and to the north-east is the Columba Catholic Primary School.
- The dwellings in the area vary in age from older township dwellings to recently constructed dwellings. The dwellings are predominantly single-storey dwellings with a variety of materials including brick and weatherboards.
- Most lots in the area exceed approximately 1,000 square metres and contain single dwellings. However, more recently, a number of these lots have been developed with multiple dwellings. For example, 24 Hope Street, 25 Hope Street and 27 Hope Street.

PROPOSAL:

The proposal is for the construction of ten (10) single-storey dwellings, with the dwellings to be located either side of a central east-west access way that connects to Hope Street.

Proposed dwellings 1 and 10 have frontages to Hope Street and dwellings 5 and 6 have frontages to Nylander Road, with integration provided via the use of street-facing porches and pathways. The remaining dwellings are internally located and have frontage to the access way.

The development has a minimum setback of 6.5 metres from Hope Street (or 7.5 metres excluding porches) and 7 metres from Nylander Road. Along the northern and southern side boundaries, all units have a minimum setback of 1.5 metres. Internally, the setbacks between dwellings range from approximately 3.2 metres to 3.9 metres.

With the exception of dwellings 7 and 9, all dwellings contain three bedrooms, two bathrooms, open living, dining and kitchen areas and double garages. Dwellings 7 and 9 will contain two bedrooms. The living areas provide access to secluded private open space, which is located on the south-west side of units 1 to 5, and the north-west side of units 6 to 10.

Design

The units incorporate a range of materials and colours, including face brickwork, rendered finishes, and concrete tiled hip roofing with a maximum pitch of 22.5 degrees and eaves on selected sides of the buildings. Other design features used throughout the development include prominent entry porches and recessed garages.

The units will have ground floor ceiling heights of approximately 2.7 metres and a maximum height of up to 4.95 metres from ground level to ridgeline.

Vegetation Removal, Landscaping, Open Space and Fencing

A number of small to large trees and other vegetation are proposed to be removed. While formal landscaping plans have not been provided, the proposed site plan includes a number of open space areas within the front, side and rear of the units.

Open space is provided alongside the internal accessway and within the Hope Street and Nylander Road setbacks, with secluded private open space provided to the side and rear of each of the dwellings.

Perimeter fencing consisting of 2.0-metre-high paling fencing is shown on the northern and southern (side) boundaries. No fencing is proposed along the Hope Street and Nylander Road frontages. Internal fencing consists of 1.8-metre-high timber paling fences.

Subdivision

No subdivision is proposed as part of this application however the applicant has provided indicative subdivision plans that show lots sizes of between approximately 246 square metres and 388 square metres.

Utilities, Services, Amenities and Access

The plans show the provision of patios, storage sheds, clotheslines and rubbish bin storage areas within the rear private open space of each dwelling, and mailboxes at the entry to the site.

A 6.1-metre-wide crossover to Hope Street is to be constructed along the eastern boundary and access within the site will be provided by minimum 3-metre-wide roads.

Two visitor spaces are located within the site, with one adjacent to the garage of dwelling 2 and one between dwellings 5 and 6.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.03-3S (Peri-urban areas);
- Clause 13.02-1S (Bushfire planning);
- Clause 15.01-1S (Urban design);
- Clause 15.01-2S (Building design);
- Clause 15.01-5S (Neighbourhood character);
- Clause 15.02-1S (Energy and resource efficiency);
- Clause 16.01-1S (Integrated housing);
- Clause 16.01-3S (Housing diversity); and
- Clause 16.01-4S (Housing affordability).

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-8 (Resource conservation);
- Clause 21.03-1 (Housing);
- Clause 21.03-3 (Rural townships);
- Clause 21.06-1 (Design and built form); and
- Clause 21.07-6 (Bunyip).

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Bunyip Township Strategy;
- Cardinia Shire's Liveability Plan 2017-2029;
- Clause 52.06 Car Parking;
- Clause 52.17 Native Vegetation;
- Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Clause 65 Decision Guidelines; and
- Clause 66 Referral and Notice Provisions.

Zone

The land is subject to the General Residential Zone – Schedule 1 (GRZ1).

Overlays

The land is not subject to any overlays.

PLANNING PERMIT TRIGGERS

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

- Pursuant to Clause 32.08-6 of the General Residential Zone, 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 two (2) signs on site facing Hope Street and Nyland Road.

Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Inconsistencies with the Bunyip Township Strategy;
- Amenity impacts including overshadowing and overlooking;
- Issues associated with car parking and congestion;
- Stormwater management issues; and
- Errors and inaccuracies within the submitted planning application documents.

REFERRALS

The application was not referred to any external authorities.

DISCUSSION

The proposal for the construction of ten (10) dwellings is considered consistent with the aims and objectives of the Cardinia Planning Scheme. The proposal delivers on relevant state and local policies that seek to achieve attractive and liveable neighbourhoods and support housing in appropriate locations.

State and Local policies

A number of state and local policies are relevant to this application, including:

- Clause 11.03-3S (Peri-urban areas), which seeks to manage growth in peri-urban areas to protect and enhance their identified valued attributes, which includes strategies to enhance the character, identity, attractiveness and amenity of peri-urban towns and prevent dispersed settlement and provide for non-urban breaks between urban areas.
- Clause 13.02-1S (Bushfire planning), which applies to all planning and decision making relating to land that is within a designated bushfire prone area, and seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clauses 15.01-1S (Urban design) and related clauses such as 15.01-2S (Building design), 15.01-5S (Neighbourhood character), which encourage development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and

climate. This is reinforced at a local level by Clause 21.06-1 (Design and built form) which contains similar objectives and strategies.

- Clause 15.02-1S (Energy and resource efficiency), which seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. Clause 21.02-8 (Resource conservation) provides further support, with strategies that seek to encourage development that incorporates sustainable building design.
- Clause 16.01-1S (Integrated housing), which has an objective to promote a housing market that meets community needs, with strategies that seek to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. This is reinforced by Clause 16.01-2S (Location of residential development) which aims to locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-3S (Housing diversity), which aims to provide for a range of housing types to meet diverse needs, with strategies that seek to ensure housing stock matches changing demand by widening housing choice. A complementary clause is 16.01-4S (Housing affordability), which has an objective to deliver more affordable housing closer to jobs, transport and services via strategies that include increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Clause 21.03-1 (Housing) applies at a local level and includes objectives and strategies to help deliver a range of housing types and increased densities, while being consistent with the existing and/or preferred neighbourhood character.
- More specific guidance for Bunyip is provided via clauses 21.03-3 (Rural townships) and 21.07-6 (Bunyip). Clause 21.03-3 identifies Bunyip as a large rural township and includes an objective to maintain and enhance the distinct character and environmental qualities of townships. Specific strategies include those that aim to ensure that the siting and design of new buildings and works complement the rural character of the township, and does not dominate the landscape or surrounding built form character. Clause 21.07-6 aims to ensure that any proposed use or development within the Bunyip township is generally consistent with the Bunyip Township Strategy.

The proposed development responds to these clauses as it will support the increase of housing within an established area of Bunyip, with Bunyip's commercial centre and train station located approximately 500-600 metres to the south-east. The proposal is located well inside the urban growth boundary of Bunyip and is identified in the Bunyip Township Strategy as an established residential area.

The proposal also contributes towards a diversity of housing types and sizes, with the proposed units to provide a smaller form of housing type that is not substantially provided in the area, with most surrounding lots providing single-storey detached dwellings on lot sizes in excess of 1,000 square metres. At the same time, the proposal helps to respect the character of the existing area, with the use of features and materials that are consistent with what is found in the wider area, such as brick cladding, concrete tiled hip roofing, eaves and open areas for landscaping.

The proposal is also considered consistent with the sustainability and energy efficiency objectives of the Planning Scheme, with the plans maximising the northern orientation of the proposed dwellings and associated private open spaces, and including large areas for landscaping and permeability.

General Residential Zone – Schedule 1

The General Residential Zone seeks to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and housing growth in locations offering good access to services and transport.

While the use of the land for 10 dwellings does not require a planning permit under the zone, a permit is required to construct two or more dwellings on a lot under clause 32.08-6.

The decision guidelines of this overlay cover a number of matters, including:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- The purpose of this zone; and
- The objectives, standards and decision guidelines of Clause 55.

The proposal reinforces the residential nature of the area and supports housing growth in an area that is well-served by infrastructure and located close to the commercial centre of Bunyip, including Bunyip train station.

Clause 32.08-4 requires a minimum percentage of a lot to be set aside as garden area when constructing or extending a dwelling or residential building on a lot. For a lot exceeding 650 square metres (such as the subject site), 35 per cent of the land must be set aside as garden area. The proposal meets this requirement, with 43.5 per cent or 1,760 square metres of garden area.

A summary of the assessment against the requirements of Clause 55 is shown below, with the proposal meeting all relevant objectives.

Accordingly, the development is considered responsive to the existing and emerging character of the area, while achieving the zone's objective for housing diversity and growth in appropriate locations.

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The proposed development is considered appropriate for the site and surrounds and complies with all the relevant objectives and standards of Clause 55. A summary of the assessment of the development against Clause 55 is listed below:

Clause 55.02 Neighbourhood character and infrastructure:

It is considered that the proposed development generally accords with the existing and developing neighbourhood character of the area. The proposal reinforces the residential character of the area, and uses appropriate design, materials and siting to complement the area. The development is well integrated with the streetscape and of an appropriate scale given its proximity to Bunyip Town Centre and associated services and infrastructure.

The development can be suitably accommodated into the infrastructure of the existing area and all reticulated services will be available to the development.

Clause 55.03 Site layout and building massing:

The setbacks of the buildings respect the existing and preferred neighbourhood character of the area and it is considered that the site layout and building form is consistent with the relevant standards.

While the front setbacks of the development does not meet the 9 metres required under the Standard to Hope Street, and the 8.4 metres to Nylander Road, the proposed minimum setbacks of 7.5 metres and 7 metres to the respective frontages are considered consistent with the objectives for the following reasons:

- The setbacks are consistent with the numerical setback requirement of 7 metres as outlined in the Bunyip Township Strategy.
- The reduced setback allows for increased spacing, openness and landscaping opportunities between the proposed buildings.
- The reduced setback still allows for substantial landscaping to be undertaken within the front setback, which forms a key component of the character of the area.
- The reduced setback to Hope Street is consistent with nearby houses, including 45 Hope Street (approximately 7.3m), 45A Hope Street (6.8m) 27, Hope Street (7.5m), and 24 Hope Street (5.5m).
- The reduced setback to Nylander Road is consistent with nearby houses, including 8 Nylander Road (approximately 7m) and 12 Nylander Road (5.5m).
- The open landscape character of the street is maintained as the development does not propose any front fencing and provides adequate landscaping opportunities.

Building heights (maximum height of 4.95 metres), site coverage (39.7 per cent) and permeability (42.8 per cent) are within the standards. Energy efficiency, safety, landscaping, access and parking location are all considered appropriate and in accordance with the required standards.

Clause 55.04 Amenity Impacts:

The proposed development will have limited impact on the amenity of existing dwellings, with the proposal meeting all standards in relation to matters such as walls on boundaries, side and rear setbacks, daylight to existing windows, overshadowing and overlooking. Internal impacts such as internal views and noise impacts are also managed appropriately and in accordance with the relevant standards.

Clause 55.05 On Site Amenities and Facilities:

The development has been designed to provide a sense of identity for each dwelling and adequate open space areas in accordance with the requirements of Clause 55. The proposal has been designed to ensure adequate provision of on-site amenities and facilities, including accessibility, daylight and solar access.

Clause 55.06 Detailed Design:

The design details of the proposed development are compatible with the character of the surrounding area.

The proposal comprises a conventional residential standard of design that does not detract from the surrounding area. It includes features such as eaves on the upper level, and colours and materials that will make a positive contribution to the area.

The proposed access way is functional and capable of efficient management. It is considered that all site services and facilities can be provided to the site, and this will take the form of conditions on any permit issued.

Bunyip Township Strategy

The Bunyip Township Strategy was adopted by Council in 2009 and introduced as an incorporated document to the Cardinia Planning Scheme via Amendment C124 in 2012. The Strategy sets out the key issues facing the Bunyip Township and outlines a range of policies and actions to achieve the desired vision for Bunyip:

A rural township with extensive recreational opportunities, potential for substantial growth and a commercial and retail centre providing an extensive range of services to the township and nearby residents.

The Bunyip Township will contain a range of housing types that respect the rural character of the town and the natural landscape. Open space areas will be diverse, to allow access for active and passive recreation while ensuring the protection of remnant vegetation and wildlife corridors to allow the movement of species throughout the landscape.

The subject land forms part of the strategy area, and more specifically, forms part of Precinct 1 – Established Residential Areas, which has the following preferred character statement.

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 some unit development near the town centre. Development will integrate with the undulating landform which is a defining characteristic of the area. 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 strategy includes the following guidelines for unit development on land within Precinct 1 (a response to each is shown in brackets):

- Minimum lot density of 450sqm per unit including open space and common areas (including open space and common areas, the development results in a lot density of approximately 404 square metres);
- Minimum setback 7 metres or not less than the average setback of two adjoining dwellings (street setback to Hope Street is 7.5 metres and Nylander Road is 7 metres, and while this is less than the average of the adjoining dwellings, the setback is consistent with other dwellings in the area);
- Maximum site coverage to not exceed 50% of lot including garages and other outbuildings (while the site coverage of each future subdivided lot will exceed 50%, the overall site coverage is only 39.7%);
- Minimum lot width of 18 metres (the site width remains unchanged at 40.234 metres. Individually, units 1 and 10 will have a width of approximately 18.5 metres to Hope Street

(including the common driveway), and units 5 and 6 will have a width of approximately 19.2 metres to Nylander Road);

- Providing a minimum 30% site coverage of the allotment as private open space (the total private open space allocated to the 10 dwellings is 793.2 square metres, which equates to 48.9 per cent across the overall allotment);
- Retain existing vegetation (the proposal does not include the retention of vegetation, with some large trees to be removed. While not ideal, the removal of these trees maximises the spacing and openness able to be provided by the development, and the proposal includes large areas of open space for landscaping);
- Provide new trees and garden spaces (the plans show large areas of open space for landscaping and a condition of any planning permit will require formal landscaping plans);
- Encouraging no front fence to allow gardens and nature strips to merge (no front fencing is proposed); and
- On larger blocks, orientating the driveway along one side of the property instead of down the middle and encouraging a curvilinear driveway with tree planting (while the proposal incorporates a central driveway, this maximises efficiency of the site and is considered suitable given the dual frontage of the site and the benefits it has in terms of minimising crossovers and access points.)

While there a number of guidelines that are not met, the overall development is considered to meet the aims and objectives of the guidelines as it provides a strong landscape and design response that includes a sense of spaciousness and openness and the use of materials and colours that complement the surrounding are so as to not diminish the streetscape values.

Also, where the proposal does not meet one of the standards, it generally exceeds a complementary standard. For example, while the site coverage of each future subdivided lot will generally exceed 50 per cent, the overall site coverage of the overall site is much less at 39 per cent. While the street setbacks are less than required, the site widths exceeds the guidelines. It is also noted that the Strategy contains a set of 'guidelines' only; and these must be balanced against other relevant planning controls that seek to encourage housing growth and diversity in appropriate locations while respecting the character of the area.

The proposal also directly responds to key strategic objectives of the Strategy, including the need to provide a range of lots sizes in order to accommodate a mix of housing types. The Strategy acknowledges the need for additional housing – including medium density infill development – in response to the population growth of the township.

In conclusion, the proposal contributes to the vision for Bunyip by supporting growth while incorporating appropriate measures to reinforce the rural township character of the area

Clause 52.06 Car Parking

The purposes of Clause 52.06 include the need to ensure the provision of an appropriate number of car parking spaces having regard to the activities on the land and to ensure that car parking does not adversely affect the amenity of the locality.

The proposal consists of 8 three-bedroom dwellings, and 2 two-bedroom dwellings. Pursuant to Clause 52.06-5, dwellings with two bedrooms are required to provide a minimum of one car parking

space and dwellings three bedrooms are required to provide a minimum of two car parking spaces. 1 visitor space is also required to be provided to every 5 dwellings.

The development meets the above car parking requirements, with all dwellings providing a 6m x 5.5m double garage. A total of two visitor spaces are provided. The development also complies with all relevant design standards of Clause 52.06-9, which covers matters such as access way widths, turning areas and car park space sizes.

The application has been supported by Council's Traffic Department, subject to conditions.

Objections

The application was advertised by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site facing Hope Street and Nylander Road. Council has received four (4) objections to date.

The key issues and themes that were raised in the objections and a response to each is provided below:

There are inconsistencies in the development application.

It is acknowledged that the development application contains inconsistencies but these are not critical to the assessment of the application. Some of these inconsistencies are because of changes requested during the assessment process. The development has been assessed on its merits.

The development is inconsistent with the Bunyip Township Strategy.

The Bunyip Township Strategy provides a set of guidelines and while not fully consistent with these guidelines, the development is considered to provide an appropriate balance between accommodating growth and alternative housing types within the township, while respecting the character of the area.

The development will result in car parking issues, including vehicles parking on the street.

It is noted that the proposal meets the car parking requirements of Clause 52.06 of the Planning Scheme, with all dwellings containing the required number of car parking spaces and the overall development containing the required number of visitor car parking spaces.

The application has been referred to Council's Traffic Department, who had no objection to the proposal, subject to conditions.

The development will result in overlooking impacts on the property at 10 Nylander Road.

The application includes a detailed set of elevation drawings which show that the development makes use of fencing and screening techniques to ensure compliance with the overlooking requirements of Standard B22 of Clause 55. The development also includes large areas of land that can be used for landscaping to help provide further screening between adjoining properties. The development also complies with all relevant height standards

The development will result in overshadowing impacts on the property at 10 Nylander Road.

The application includes a detailed set of shadow diagrams which show that the development will not result in any unreasonable overshadowing of adjoining properties. The development complies with the overshadowing requirements of Standard B21 of Clause 55.

Issues associated with stormwater management.

Council's Engineering Department has not identified any issues relating to water run-off. Conditions of any planning permit require the preparation of detailed stormwater and drainage management plans.

Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as it supports an increase of housing and alternative housing types in close proximity to transport and services.

Clause 65 Decision Guidelines

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome that will not have any unreasonable impacts on the amenity of the surrounding area.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the Cardinia Planning Scheme. It is recommended that a Notice of Decision to Grant Planning Permit T180207 be issued for the construction of ten (10) dwellings at 37-39 Hope Street, Bunyip VIC 3815 subject to the following conditions:

CONDITIONS

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 and fully dimensioned. The plans must be generally in accordance with the plans submitted with the application but modified to show:

Landscape Plan:

- a. A landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and show the following:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed (including street trees).

- ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- iii. Details of surface finishes of pathways and driveways.
- iv. 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.
- v. Landscaping and planting within all open areas of the subject land.

All species selected must be to the satisfaction of the Responsible Authority.

2. Before development starts, Tree Protection Zones/s must be placed around existing street trees. The Tree Protection Zone/s must remain in place until the completion of any works hereby approved.
 - a. Each TPF must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
 - b. Each TPF shall not be removed until such works have been fully completed.
 - c. Each TPF must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
 - d. If works are shown on any endorsed plans of this permit within the calculated TPF, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
 - e. Areas within the TPF must not be used:
 - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
 - ii. for storage or dumping of tools, equipment, materials or waste.
3. 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.

4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. A private street name blade must be installed in accordance with Council requirements and any necessary permits.
 - b. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - c. 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.
 - d. Any proposed timber paling fencing must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - 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.
 - f. A mail box must be provided 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.
 - h. Lighting must be provided near the front entrance of each dwelling.
 - i. The landscaping works shown on the endorsed plans must be carried out and completed.
 - j. 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.
 - k. Visitor parking spaces must be in a contrasting colour to the driveway.
 - l. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - m. 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.
7. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

8. 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.
9. 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.
10. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
12. 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 building, including the roof, must be of a non-reflective nature.
13. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
14. 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.
15. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this 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:

- 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.

Locality Map



1: 5,052

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

17-Aug-2018

Notes









Unit Type B2a Plan UNITS 7 & 9 (2 BEDROOMS)

AREA SCHEDULE
 COVERED AREA: 110.00m²
 GARAGE AREA: 20.00m²
 TOTAL COVERED AREA: 130.00m²
 PORCH AREA: 1.00m²
 TOTAL BUILDING AREA: 131.00m²

North Elevation West Elevation

South Elevation East Elevation

EXTERIOR FINISHES - GENERAL SCOPE

FACE FINISHES

BRICK AND PAINT FINISH TO MATCH
 HERE AND SELECTED WALLS

ROOFS

CONCRETE SLAB
 ROOFING AT 20° PITCH WITH 40mm
 OVERLAP AND GUTTER TO EXTERIOR
 POLYURETHANE FOAM INSULATION AT 100mm
 AND SEAL

NOTE: GROUND/LINE

FINISHES AND MATERIALS OF WORK, INCLUDING EXTERIOR WALLS
 AND ROOFS, TO BE APPROVED BY THE LOCAL GOVERNMENT.
 ALL FINISHES TO BE APPROVED BY THE LOCAL GOVERNMENT.

LEGEND

000 - EXTERIOR FINISH
 TO MATCH EXTERIOR

001 - EXTERIOR FINISH
 TO MATCH EXTERIOR

Unit Type B2 Plan UNIT 8

AREA SCHEDULE
 COVERED AREA: 110.00m²
 GARAGE AREA: 20.00m²
 TOTAL COVERED AREA: 130.00m²
 PORCH AREA: 1.00m²
 TOTAL BUILDING AREA: 131.00m²

North Elevation West Elevation

South Elevation East Elevation

EXTERIOR FINISHES - GENERAL SCOPE

FACE FINISHES

BRICK AND PAINT FINISH TO MATCH
 HERE AND SELECTED WALLS

ROOFS

CONCRETE SLAB
 ROOFING AT 20° PITCH WITH 40mm
 OVERLAP AND GUTTER TO EXTERIOR
 POLYURETHANE FOAM INSULATION AT 100mm
 AND SEAL

NOTE: GROUND/LINE

FINISHES AND MATERIALS OF WORK, INCLUDING EXTERIOR WALLS
 AND ROOFS, TO BE APPROVED BY THE LOCAL GOVERNMENT.
 ALL FINISHES TO BE APPROVED BY THE LOCAL GOVERNMENT.

LEGEND

000 - EXTERIOR FINISH
 TO MATCH EXTERIOR

001 - EXTERIOR FINISH
 TO MATCH EXTERIOR

Unit Type B1 Plan UNIT 6

AREA SCHEDULE
 COVERED AREA: 110.00m²
 GARAGE AREA: 20.00m²
 TOTAL COVERED AREA: 130.00m²
 PORCH AREA: 1.00m²
 TOTAL BUILDING AREA: 131.00m²

North Elevation West Elevation

South Elevation East Elevation

EXTERIOR FINISHES - GENERAL SCOPE

FACE FINISHES

BRICK AND PAINT FINISH TO MATCH
 HERE AND SELECTED WALLS

ROOFS

CONCRETE SLAB
 ROOFING AT 20° PITCH WITH 40mm
 OVERLAP AND GUTTER TO EXTERIOR
 POLYURETHANE FOAM INSULATION AT 100mm
 AND SEAL

NOTE: GROUND/LINE

FINISHES AND MATERIALS OF WORK, INCLUDING EXTERIOR WALLS
 AND ROOFS, TO BE APPROVED BY THE LOCAL GOVERNMENT.
 ALL FINISHES TO BE APPROVED BY THE LOCAL GOVERNMENT.

LEGEND

000 - EXTERIOR FINISH
 TO MATCH EXTERIOR

001 - EXTERIOR FINISH
 TO MATCH EXTERIOR

No.	DATE	REVISION
1	25/03/2018	ISSUE FOR TENDER
2	25/03/2018	ISSUE FOR TENDER

PROJECT:
MULTI-RESIDENTIAL DEVELOPMENT

LOCATION:
37-39 HOPE STREET BUNYIP

CLIENT:
WAITE GROUP

DRAWN BY:
TYPICAL UNIT PLANS & ELEVATIONS, SHEET 2 OF 3

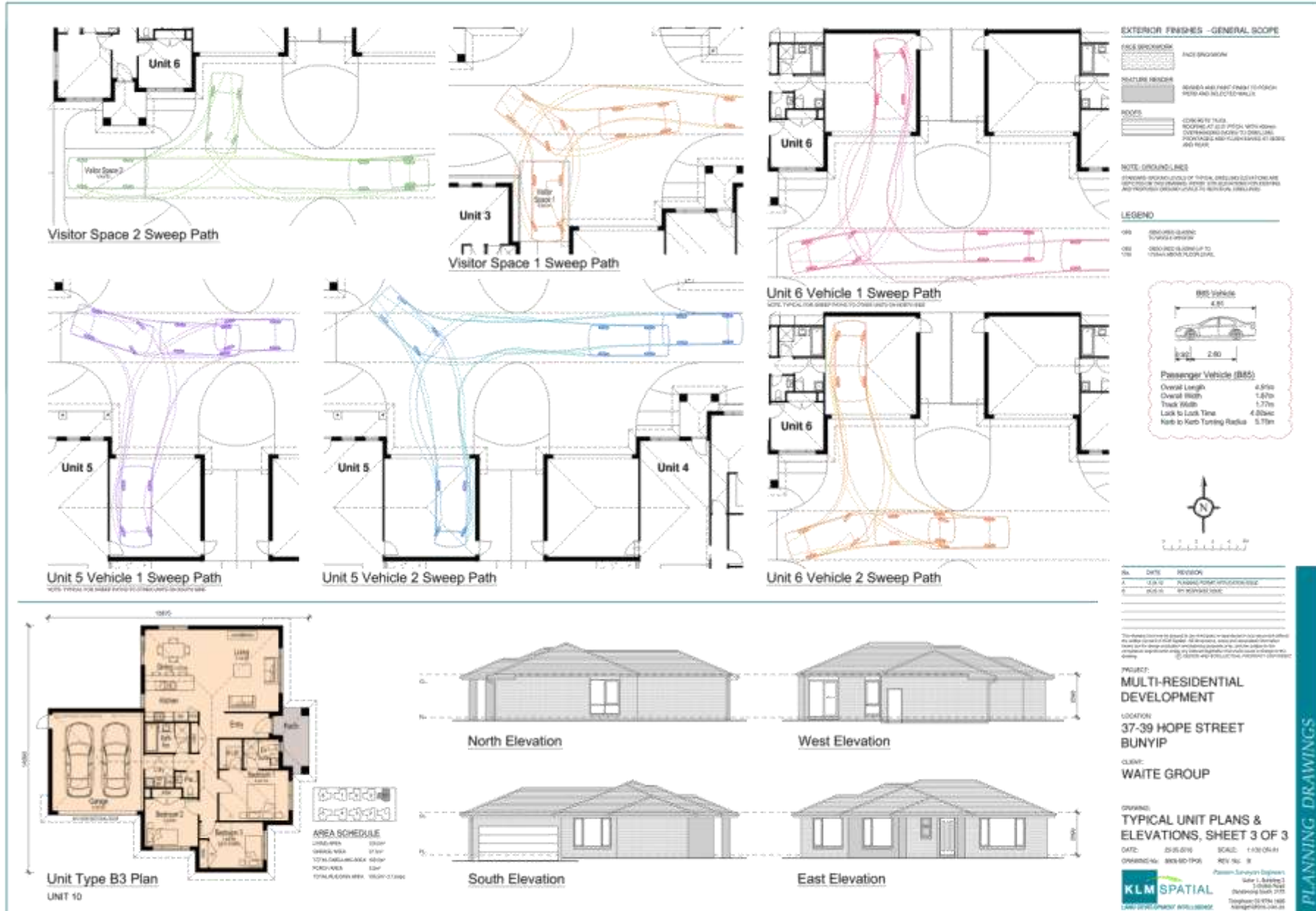
DATE: 25/03/2018 SCALE: 1:100 (04:41)
 DRAWING NO: M01-02-TP04 REV: No. 0

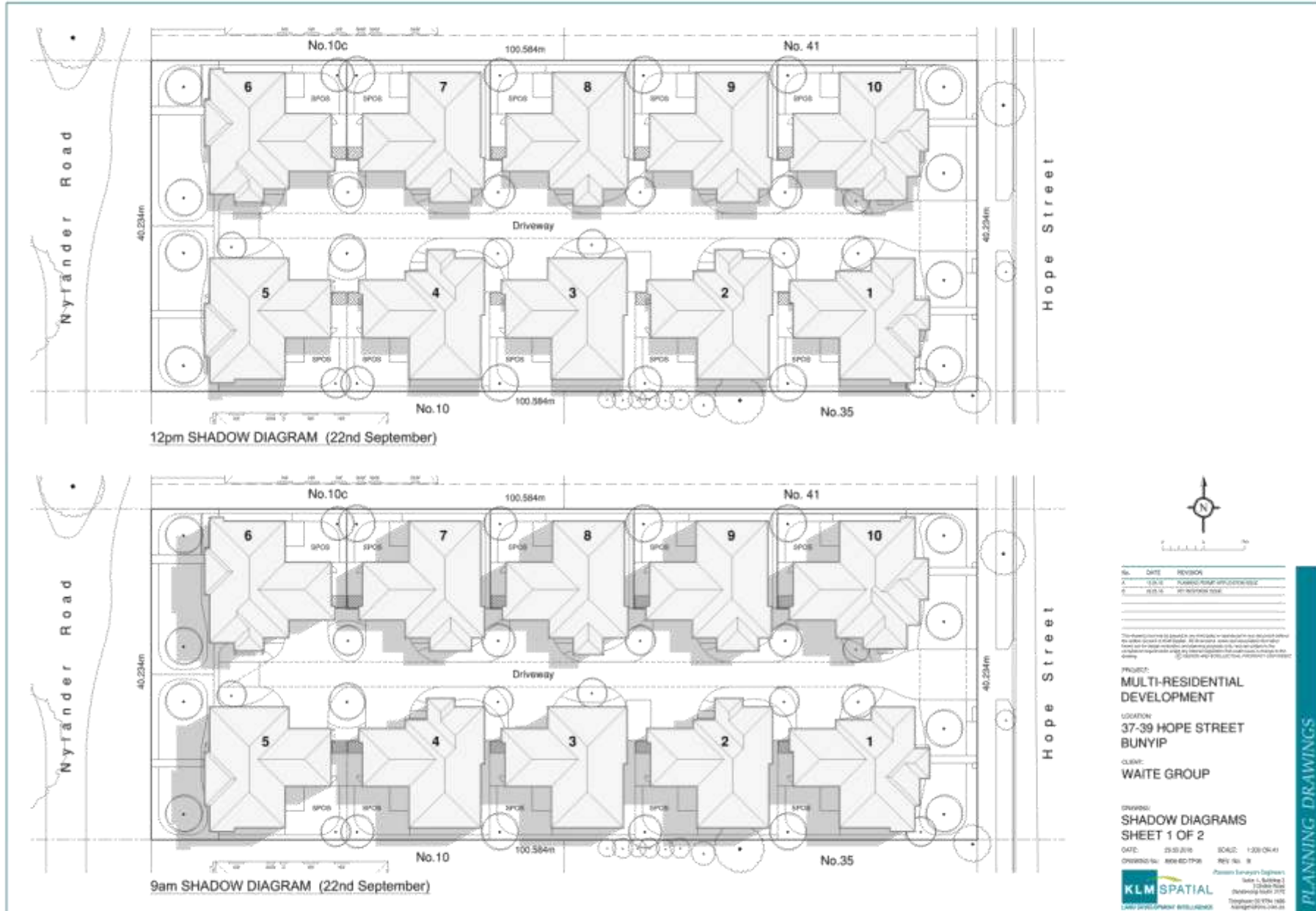
KLM SPATIAL Professional Engineers
 Suite 1, Building 1
 125000 Road
 Bunyip VIC 3712
 Telephone: 03 9794 1100
 Fax: 03 9794 1101

PLANNING DRAWINGS

Attachment 2 - Development plans

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Jason Gilbert

From: wayne farrar <victorianfarrierservices@live.com>
Sent: Thursday, 12 July 2018 6:08 PM
To: MailAtCardinia
Subject: Objection to planning permit application T180207 37 Hope Street, Bunyip

To whom it may concern:

I am a property owner of 10 Nylander road, Bunyip, which is adjacent to 37 Hope Street, where it has been proposed to develop with 10 three bedroom residences.

I wish to object on the following grounds;

- concerns with overlooking secluded open space,
- concerns with over shadowing, particularly of our north facing windows,
- concerns with ability for drainage to manage the extra burden placed on the system already at capacity,
- concerns with visitors and residents using Nylander Road as a parking facility, due to extremely narrow access way within the development, and
- not in accordance with the recommendations within the Bunyip Township Strategy.

Please refuse this proposal.

Yours sincerely
Wayne Farrar
0419582198

Colin Axnick
12 Nylander Rd
Bunyip 3815

10/7/18

Regarding Application Number: T180207

Site Address: 37-39 Hope St Bunyip Vic 3815

To Whom It May Concern,

I am writing in relation to the 10 Lot Unit Development on Hope St to Nylander Rd Bunyip.

Although we are not objecting to the 10 Lot Unit Development providing that the following items can be completed as part of the planning approval.

- The open drain in Nylander Rd to be piped to a new pit that has been installed by the Bunyip Meadows developer(In front of number 31 Hope St) The existing open drain floods Nylander Road when we have heavy rain and results in the road washing away, fearing more water from the new development will only result in more damage to the road.
- A Kerb and Channel to be constructed in front of the land with car parking for the two units facing Nylander Rd, the new owners will have access to the street with a second front entrance. When Nylander Road gets sealed the body corporate from the 10 unit development will not want to pay for the Kerb and Chanel, because they don't all have access to Nylander Rd only the 2 units will.

Any questions, please do not hesitate to contact me on 0428 600 084.

Yours Sincerely,



Colin Axnick

Bridie Farrar
10 Nylander Road
Bunyip Vic 3815

3rd July, 2018.

To Whom It May Concern:

**RE: PLANNING PERMIT APPLICATION T180207
37 HOPE STREET, BUNYIP**

As a resident of the adjacent property I wish to register an objection to the planning permit application for the Development of ten dwellings at 37 Hope Street, Bunyip. The property I live at is to the south west of the subject site. I understand there are many inconsistencies in the planning permit application, many points which aren't in accordance with the Bunyip Township Strategy and many points which will directly and adversely affect my amenity as an established dwelling.

- The land and locality summary notes our dwelling as 'recently constructed'. That is incorrect; the dwelling was established ten years ago, with us moving in, in December 2008.
- I am concerned about car parking, I fear that because the access is so narrow in the development visitors and residents cars will end up parked on the street, including to the rear of the property on Nylander Road.
- The development will overlook the property where I live.
- The development will overshadow the property where I live.
- Conclusion states the application proposes the development of 18 dwellings, plan and application form states 10 dwellings.
- The drainage currently can't cope with small amounts of rain. This development will increase the stormwater drainage needs and overload the drainage which is already at capacity.
- The proposed development is not in line with the requirements of the Bunyip Township Strategy.

The proposed development is not in keeping with the Bunyip character, and I strongly urge the statutory planning officer responsible to refuse this application.

Yours sincerely
Bridie Farrar
0459959981s

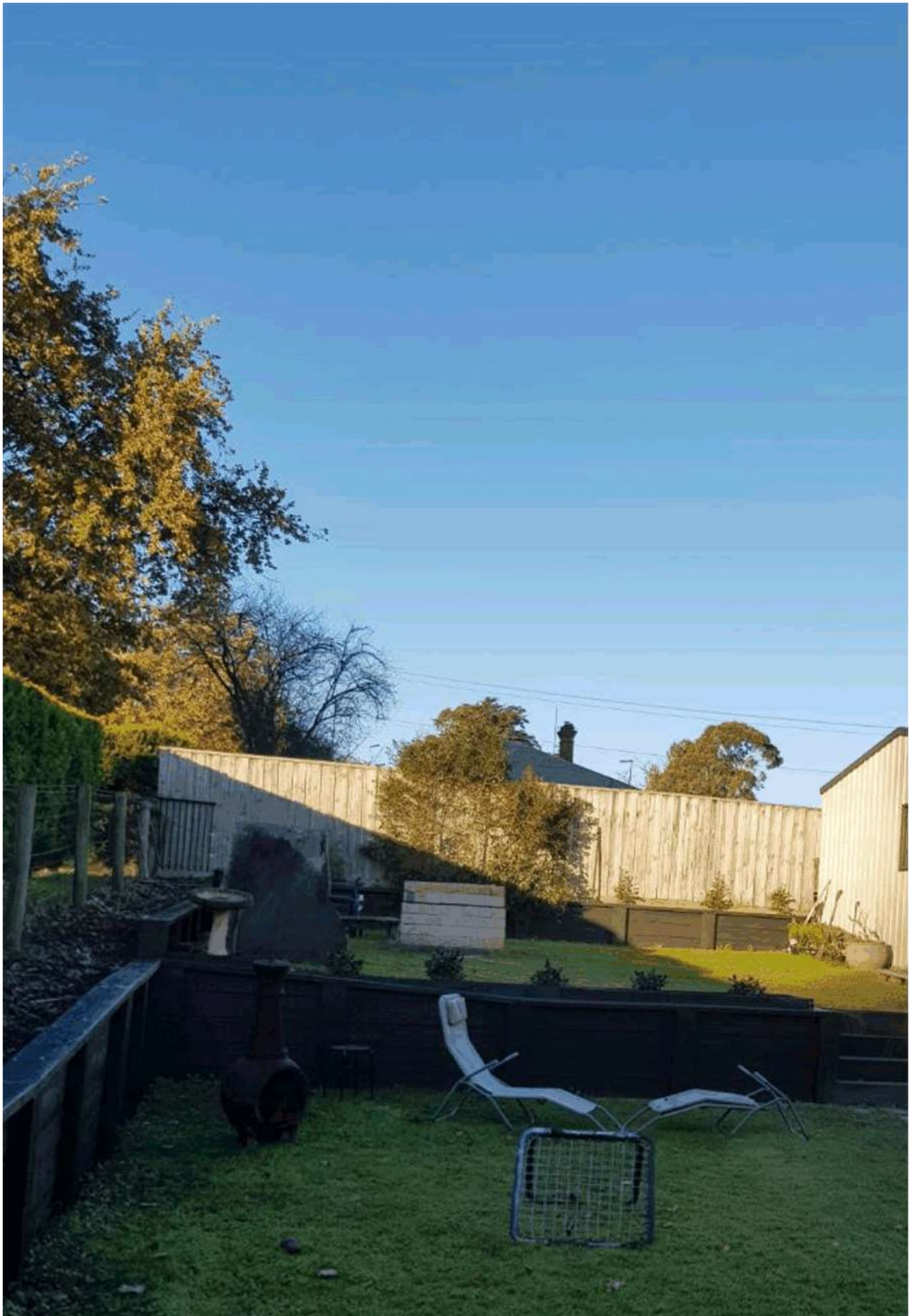
Jason Gilbert

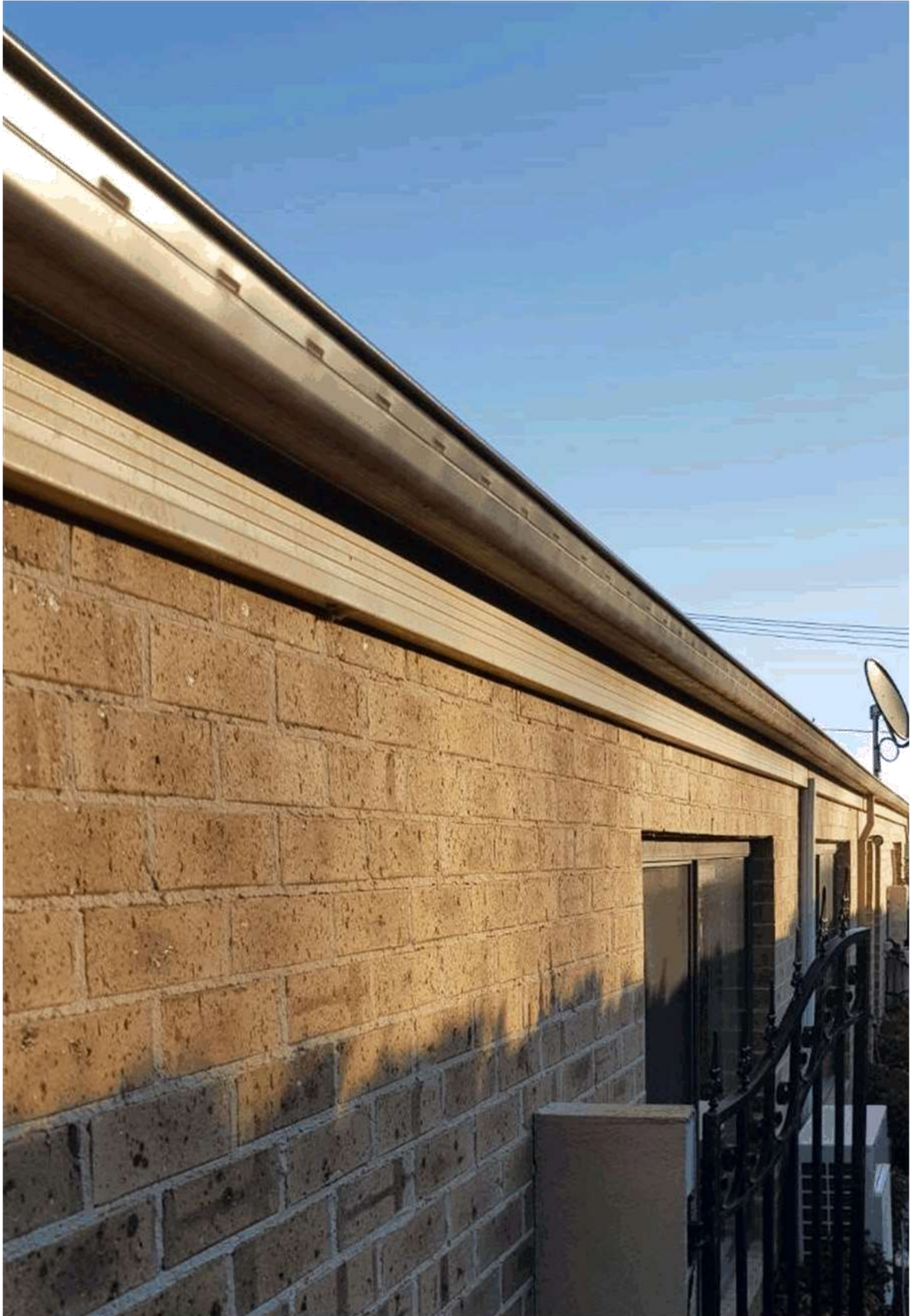
From: Lyndal Farrar <lyndalfarrar@y7mail.com>
Sent: Tuesday, 3 July 2018 6:11 PM
To: MailAtCardinia
Subject: wd: Objection to Planning Permit Application T180207 37 Hope Street Bunyip
Attachments: Objection Letter.doc

Please see my objection and supporting photos attached.

Kind regards
Lyndal Farrar













Lyndal Farrar
10 Nylander Road
Bunyip Vic 3815

2nd July, 2018.

To Whom It May Concern:

**RE: PLANNING PERMIT APPLICATION T180207
37 HOPE STREET, BUNYIP**

As an owner of the adjacent property I wish to register an objection to the planning permit application for the Development of ten dwellings at 37 Hope Street, Bunyip. My property is to the south west of the subject site. I have noted many inconsistencies in the planning permit application, many points which aren't in accordance with the Bunyip Township Strategy and many points which will directly and adversely affect our amenity as an established dwelling.

- The land and locality summary notes our dwelling as 'recently constructed'. That is incorrect; the dwelling was established ten years ago, with us moving in, in December 2008.
- Car parking: the plan shows two visitor parking spaces within the site. I doubt these will be utilized, with such a narrow access way at 3 metres wide. As a result on street parking will be increased on Hope Street, adding to congestion, particularly during school start and finish times. I imagine units 5 & 6 visitors will park at the rear of the development in Nylander Road, as those dwellings have direct access to that road frontage.
- Setbacks: 4.2 notes that Hope Street setbacks to be 16m for northern dwelling and 12.7 for southern dwelling. This is incorrect; the plan shows setbacks of 6.5 metres for both dwellings fronting Hope Street. The Nylander Road setback should be 8.2 metres, but is 7 metres on the plan (although the response states 7.5 metres, which is incorrect).
- Native vegetation: 4.2 of the report states that the site is devoid of native vegetation, this is in direct contradiction of the arborist report attached as a part of the application
- A landscaping plan has not been provided; therefore this is an incomplete application, as the precinct character guidelines of the Bunyip Township Strategy require a landscape plan to be submitted as a part of any unit development application.
- Repetitive and uniform siting and dwelling design: response states the unit layout has variety, however, fails to mention siting. I would suggest the plan shows uniform and repetitive siting.
- Maintain sense spaciousness: response states retention of mature trees along Hope Street; however the plan only shows the trees in the nature strip being retained. There is no retention of mature trees within the subject site. The precinct character guidelines of the Bunyip Township Strategy also require existing vegetation to be retained.
- Conclusion states the application proposes the development of 18 dwellings, plan and application form states 10 dwellings.

Clause 55 Assessment

- Again refers to my property as recently constructed, which is incorrect.
- Overloading of utility services: Drainage in Nylander Road is already over capacity. A minor rain event results in the flooding of the road. See attached photos which demonstrate.
- Setbacks noted incorrectly again.

- Daylight to existing windows: The plan shows a two metre high fence on our boundary, which will have the same effect as the existing hedge. It will severely diminish the winter sunlight to our windows.
- Overlooking: This assessment incorrectly states the fence on the southern boundary will be 1.8 metres, when the plan shows two metres. As we are downhill from the proposed development, we will be overlooked. Particularly bedroom 3 of unit four will overlook our secluded open space.
- Common property: The application is for development; however a plan of proposed subdivision has been included with the application, showing common property. If this is not to be a subdivision, how will common property be dealt with? If it is a subdivision being proposed (or will be proposed post issuance of development permit), no lot will satisfy the minimum lot size as designated in the Bunyip Township Strategy of 450 metres². I question if minimum garden space area requirements would be met if lots were subdivided as proposed.

Amenity

- Bedroom 3 of Unit four overlooks our secluded open space;
- Access to solar orientation. We have purposely oriented our dwelling to have our main habitable rooms face north, to take advantage of the north light, particularly in the winter. Please see photo attached, demonstrating the effect of the hedge currently running along the fence line. The hedge is approx. 2.2 metres high and set back from the boundary by 1 metre. You will see the affect, shadowing half our backyard and casting a shadow two thirds of the way up our side wall. A house setback 1.5 metres and 2.4 metres high would have a similar effect.
- Concerned about visitors and residents utilizing Nylander Road for Parking, as would be easier than accessing via the provided narrow access way. Particularly as units 5 & 6 have direct access to Nylander Road.

In conclusion, there are many aspects of this planning permit application which do not adequately address the requirements in the Bunyip Township Strategy. I feel strongly that this development will directly cause material detriment to us as property owners and residents of 10 Nylander Road. The proposed development is not in keeping with the Bunyip character, and I strongly urge the statutory planning officer responsible to refuse this application.

Yours sincerely
Lyndal Farrar
0428142461

2 CONSTRUCTION OF TEN (10) DWELLINGS AT 37-39 HOPE STREET. BUNYIP

Moved Cr G Moore Seconded Cr R Brown

That a Notice of Decision to Grant Planning Permit T180207 be issued for the construction of ten (10) dwellings at 37-39 Hope Street, Bunyip VIC 3815, subject to the following conditions:

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 and fully dimensioned. The plans must be generally in accordance with the plans submitted with the application but modified to show:

Landscape Plan:

- a. A landscape plan prepared by a person suitably qualified and experienced in landscape design. The plan must be drawn to scale with dimensions and show the following:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed (including street trees).
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surface finishes of pathways and driveways.
 - iv. 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.
 - v. Landscaping and planting within all open areas of the subject land.

All species selected must be to the satisfaction of the Responsible Authority.

2. Before development starts, Tree Protection Zones/s must be placed around existing street trees. The Tree Protection Zone/s must remain in place until the completion of any works hereby approved.
 - a. Each TPZ must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
 - b. Each TPZ shall not be removed until such works have been fully completed.
 - c. Each TPZ must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
 - d. If works are shown on any endorsed plans of this permit within the calculated TPZ, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.

- e. Areas within the TPZ must not be used:
 - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur.
 - ii. for storage or dumping of tools, equipment, materials or waste.

3. 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.

4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. The development must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a. A private street name blade must be installed in accordance with Council requirements and any necessary permits.
 - b. The premises are connected to a reticulated water supply, sewerage, drainage and underground electricity to the requirements of the relevant servicing authority.
 - c. 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.
 - d. Any proposed timber paling fencing must be constructed at the cost of the owner/permit holder in accordance with the endorsed plans.
 - 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.
 - f. A mail box must be provided 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.
 - h. Lighting must be provided near the front entrance of each dwelling.

- i. The landscaping works shown on the endorsed plans must be carried out and completed.
 - j. 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.
 - k. Visitor parking spaces must be in a contrasting colour to the driveway.
 - l. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - m. 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.
7. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
 8. 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.
 9. 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.
 10. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
 12. 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 building, including the roof, must be of a non-reflective nature.
 13. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
 14. 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.
 15. 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.

Expiry:

This permit for development will expire if:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this 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:

- 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.

Cd.

3 PLACE OF WORSHIP AND REDUCTION IN CAR PARKING REQUIREMENTS - 4 TANGO CIRCUIT PAKENHAM

FILE REFERENCE INT1859200

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Matthew Schreuder

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180288 be issued for Use of the land as a place of worship and reduction of car parking requirements at 4 Tango Circuit, Pakenham VIC 3810 subject to the conditions attached to this report

Attachments

1	Locality plan	1 Page
2	Car parking plan	1 Page
3	Copies of objections - circulated to councillors only	2 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.: T180288

APPLICANT: Casey Baptist Church

LAND: 4 Tango Circuit, Pakenham VIC 3810

PROPOSAL: Use of the land as a place of worship and reduction of car parking

PLANNING CONTROLS: Industrial 1 Zone

NOTIFICATION & OBJECTIONS: The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to adjoining land owners and occupiers and placing a sign on site.

Two (2) objections were received

KEY PLANNING CONSIDERATIONS: Compatibility of use and Parking impacts

RECOMMENDATION: Approval

BACKGROUND:

The site has been subject to relevant previous planning approvals including Planning Permit T160494 issued on 16 December 2016 for a multi lot subdivision of land in stages and Planning Permit T130069 issued on 25 July 2013 for the development of land for multi-unit warehousing associated offices and car parking, this permit was amended a number of times with the development now constructed. It is noted that with the car parking numbers approved in the amendments, to this permit they are in excess of the warehouse use that was approved (T130069-3 indicates 60 additional spaces).

SUBJECT SITE:

The site is located on the north side of Tango Circuit located near the Commercial Drive frontage. The subject site includes the building footprint and eight (8) of the car parking spaces within the overall industrial development.

The site is not burdened by any easements however Restrictive Covenant AG589523E was registered on 26 June 2009 and has a number of requirements in relation to the use, development and subdivision of land within the South-East Business Park. The proposal does not include buildings and works and will not breach this covenant.

The site is part of an industrial development with 23 separate tenancies and shared accessways and parking areas. In addition to the eight (8) spaces allocated for the floor area of the subject site there are nineteen (19) spaces within common property.

The site is developed with a warehouse with total floor area of 379 square metres including an area of 150 square metres at mezzanine level. The existing building is attached to warehouse buildings to the west and north with accessways to the south and east. Further east is Commercial Drive reserve with larger industrial lots located on the east side of Commercial Drive which are currently undeveloped. The wider site context includes industrial development known as the South East Business Park with a mixture of industrial uses with some commercial uses including gyms and other similar discretionary uses.

PROPOSAL:

The proposal is summarised as:

- The proposed use of the land as a place of worship and associated ancillary functions including small community gatherings and a youth group. The proposed hours of operation are:
 - Tuesday 11.00am – 12.30pm with 15 patrons
 - Wednesday 7.30pm – 9.30pm with 15 patrons
 - Thursday 11.00am – 12.30pm with 15 patrons
 - Sunday 10.00am – 7.00pm with 80 patrons in the morning and 15 patrons in the evening
- The proposal includes utilisation of the existing warehouse space including an area of 229 square metres at ground floor level and 150 square metres at mezzanine level.
- The ground floor will be used for services and the internal layout includes a podium with aisle seating for patrons.
- The mezzanine floor level will be used for office and administrative purposes.
- The proposal will not include any buildings and works and no signage has been proposed at this stage.
- The proposal seeks a reduction in car parking requirement by 16 spaces for the Sunday service. During other times where 15 patrons are present on the site, the car parking rates will be satisfied.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.03 Planning for Places
- Clause 13.07 Amenity
- Clause 15.01 Built Environment
- Clause 17 Economic Development
- Clause 18.02 Movement Networks
- Clause 19.02 Community Infrastructure

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.04-4 Industry

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Improved Social Cohesion

Zone

The land is subject to the Industrial 1 Zone

Overlays

The land is not subject to any overlays.

PLANNING PERMIT TRIGGERS

The proposal for the use of the land as a place of worship and reduction of car parking requirements requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-1 of the Industrial 1 Zone a planning permit is required for the use of the land for a place of worship.
- Pursuant to Clause 52.06-3 of the Car Parking provisions a permit is required to reduce (including to zero) the number of spaces required under Clause 52.06-5.

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.

Council has received two (2) objections to date.

The key issues that were raised in the objections are:

- Impact on parking for the surrounding warehouses.
- Excess usage and numbers of non-tenants having access code for the security gates.

REFERRALS

No external referrals required

DISCUSSION

Appropriateness of the Use

The proposed use is not a conventional industrial use although the location of the use within an industrial area is considered appropriate as it will ensure minimal offsite amenity impacts. The proposed use requires a larger floor area than can generally be found in more conventional business areas and separation from residential properties would lessen the impact on the surrounds, hence the industrial floor spaces are considered desirable for the proposed use. Appropriate restrictions in terms of the numbers of patrons and hours of operation can ensure that the development does not detrimentally impact future industrial development surrounding the site.

This type of use is not uncommon in industrial areas, notably a similar use has been established within the municipality (i.e. restricted recreation facilities such as gymnasiums, dance studios and the like). These uses provide no significant detrimental impact to the surrounding industrial uses and enable the establishment of a use that can contribute to the local community.

Overall it is considered the proposed use will have limited off-site amenity impacts within the area.

As the proposed use is discretionary (requires a permit) within the industrial zone, consideration must be given to the potential impact on the availability of sites for industrial uses. In established industrial areas competition for warehouse spaces may exist, however in the context of this industrial complex and the broader Pakenham Employment Precinct, it is considered that the proposed use can be readily accommodated. There are 23 individual tenancies within the complex and of those only 12 were occupied at the time of the car parking demand assessment being undertaken. In this regard it is considered that the proposed use will not impact on the availability of industrial spaces.

Car Parking

Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5, must be provided to the satisfaction of the Responsible Authority. Clause 52.06-5 requires that for the use of the land for a Place of Assembly, 0.3 car spaces are provided per patron.

The place of worship proposes that during week day activities no more than 15 patrons will be present on the site. This requires the provision of 4 car parking spaces. During a Sunday Service a maximum of 80 patrons will be present onsite. This requires the provision of 24 car spaces.

The subject site is allocated eight car spaces. Therefore the weekday events meet the required car parking rate and will have surplus spaces available. However for the Sunday Services there will be a shortfall of 16 spaces.

Clause 52.06-6 of the Cardinia Planning Scheme requires that an application to reduce the required car parking provision must be accompanied with a car parking demand assessment. A car parking demand assessment was submitted with the application, prepared by a qualified Traffic Engineering Consultancy.

The report outlines the availability of additional car parking within the vicinity of the subject site and suggests that the proposed use can operate without detrimental impact on surrounding uses. Within the industrial estate that contains the subject site there are 23 separate tenancies, however many of these are currently not occupied. All of the tenancies have been allocated a number of car spaces which is relative to the floor area of the individual lot. There are 124 car parking spaces in total, with 19 spaces set aside within the common property for visitor use. Of the existing uses currently operating within the site, the majority are predominately open on week days. This generally means that on the weekend and in particular on Sundays, car parking demand is low. Consequently there would be very little demand for the visitor spaces.

It is considered that the car parking requirements of the Place of Worship can be readily accommodated without impacting other uses in the area. The combination of the subject sites 8 car spaces in addition to the 19 spaces means that the required 24 spaces for the Sunday Services can easily be achieved. The application was internally referred to Councils Traffic Department and they agreed with the conclusions of the car parking demand assessment and did not object to the proposal subject to the numbers of patrons being controlled through a condition on the permit.

Amenity Impacts

As noted above the subject site is well separated from sensitive uses. The one concern with this type of use relates to the potential noise impacts and traffic management

The proposed car parking and traffic management for the proposed use can be adequately accommodated on the site without detrimentally impacting on the future industrial uses or impacting on the amenity of the wider site context.

As such it is considered that the proposed development has minimised any off site amenity impacts and satisfies the requirements of the Cardinia Planning Scheme.

Objectors concerns

Two objections were received to the proposal which highlighted concerns with the impact on parking for the surrounding warehouses and excess usage and numbers of non-tenants having access code for the security gates. Car parking concerns have been addressed above. In regards to the usage and number of non-tenants having the access code for the security gates, it is considered that this is not a planning consideration and that this would be best managed by the body corporate at the site.

CONCLUSION

The proposed use and reduction in the car parking requirement has been assessed against the relevant objective and decision guidelines of the Cardinia Planning Scheme, in particular the Industrial Zone and Clause 52.06 Car Parking and has been to comply. The proposed use is

appropriately located with the industrial zone and car parking reduction will not detrimental impact on the surrounding properties.

It is recommended that a Notice of Decision to Grant Planning Permit T180288 be issued for Use of the land as a place of worship and reduction of car parking requirements at 4 Tango Circuit, Pakenham subject to the following conditions.

CONDITIONS

1. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
2. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority. The plan must outline measures that will be undertaken to ensure patron and staff do not impact on the car parking and access to other uses within the industrial complex. This should include, but is not limited to, information brochures for patrons, car parking plans to be displayed on site and staff checks of the site prior to services.
3. The use of the premises must not be changed without the written consent of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
 - (a) Tuesday - Thursday: 11.00 am – 9.30 pm
 - (b) Sunday: 10.00am – 7.00pm
5. The subject land must not be used by more than 15 staff and patrons on week days and 80 staff and patrons on Sundays except with the prior written consent of the Responsible Authority.
6. The loading and unloading of vehicles must always be carried on entirely within the site and must not interfere with other traffic.
7. Vehicles under the control of the operator of the building, including staff vehicles, must not be parked in any nearby road.
8. The areas shown on the approved plan for car parking, access and landscaping must not be used for any other purpose and maintained to the satisfaction of the responsible authority.
9. 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.
10. The amenity of the area must not be detrimentally affected by the use or development through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
 - (d) Presence of vermin.
11. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.

12.No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.

Permit Expiry

In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

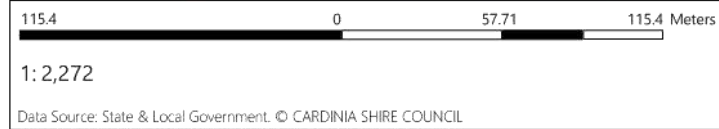
- a) The use is not started within two years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made before the expiry date or within three months afterwards.

Notes:

Any proposed advertising signs must comply with the provisions of the Cardinia Planning Scheme. Advertising signs which do not comply with the provisions of the Cardinia Planning Scheme will require a planning permit.

T180288 PA - Site Plan



17-Aug-2018

Notes
 Subject site 4 Tango Court, Pakenham, including allocated car spaces on title - highlighted in yellow



Figure 2 Carpark Layout



Copyright Nearmap

The site is located within an Industrial 1 Zone (IN1Z), for which the permitted uses are listed in Clause 33.01 of the Cardinia Planning Scheme.

Road Network

Commercial Drive is a local road generally aligned north-south, running north from Greenhills Road to the south of Princess Freeway. Kerbside parking is provided on both sides of Commercial Drive, which is currently unrestricted. Figure 3 shows Commercial Drive at the frontage of the subject site.

Matthew Schreuder

From: Grant <info@grantsfabrication.com.au>
Sent: Wednesday, 4 July 2018 9:30 AM
To: MailAtCardinia
Subject: FW: Planning Permit objection

To Whom it may concern,

Further to my email below, I do object to the planning permit as it has the potential to disrupt my business.

Regards
Grant Flanagan

From: Grant [mailto:info@grantsfabrication.com.au]
Sent: Tuesday, 3 July 2018 10:35 PM
To: 'mail@cardinia.vic.gov.au'
Subject: Planning Permit objection

To whom it may concern,

Subject:- Notice of an application for planning permit. T180288

I'm writing to get clarification on what is meant by "reduction of car parking requirements".

If it means that I will no longer have access to the parking that has been allocated to my factory, Number 15 Tango Circuit, then I'm extremely annoyed and will oppose the application vehemently.

Kind regards
Grant Flanagan
Director
Grant's Engineering and Fabrication
15 Tango Circuit
Pakenham 3180
0400 320 455
www.grantsfabrication.com.au
www.grantsengineering.com.au

Matthew Schreuder

From: Geoffrey Reason <geoffreylreason@gmail.com>
Sent: Tuesday, 10 July 2018 4:44 PM
To: MailAtCardinia
c: Geoffrey Reason
Subject: objection : ref, 180288

I want to object on the basis of car parking usage and possible excess usage and numbers of non tenants having access codes for the security gates . Also incorrect usage of my allocated parking spaces by customers of this organisation . Modern small businesses can operate seven days of the week and will require the use of visitor parking anytime . When this organisation runs functions they will consume all the visitor parking spaces that I have paid to use when I purchased this property . This can interfere with the running of my tenants business and dramatically reduce the amount of clients that would be attracted to rent my property . I own number seventeen Tango Circuit , Pakenham .
Yours sincerely . Geoff Reason .

3 PLACE OF WORSHIP AND REDUCTION IN CAR PARKING REQUIREMENTS - 4 TANGO CIRCUIT PAKENHAM

Moved Cr M Schilling Seconded Cr C Ryan

That a Notice of Decision to Grant Planning Permit T180288 be issued for Use of the land as a place of worship and reduction of car parking requirements at 4 Tango Circuit, Pakenham VIC 3810 subject to the following conditions:

1. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
2. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority. The plan must outline measures that will be undertaken to ensure patron and staff do not impact on the car parking and access to other uses within the industrial complex. This should include, but is not limited to, information brochures for patrons, car parking plans to be displayed on site and staff checks of the site prior to services.
3. The use of the premises must not be changed without the written consent of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:
 - (a) Tuesday - Thursday: 11.00 am – 9.30 pm
 - (b) Sunday: 10.00am – 7.00pm
5. The subject land must not be used by more than 15 staff and patrons on week days and 80 staff and patrons on Sundays except with the prior written consent of the Responsible Authority.
6. The loading and unloading of vehicles must always be carried on entirely within the site and must not interfere with other traffic.
7. Vehicles under the control of the operator of the building, including staff vehicles, must not be parked in any nearby road.
8. The areas shown on the approved plan for car parking, access and landscaping must not be used for any other purpose and maintained to the satisfaction of the responsible authority.
9. 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.
10. The amenity of the area must not be detrimentally affected by the use or development through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
 - (d) Presence of vermin.
11. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.

12.No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.

Permit Expiry

In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- a) The use is not started within two years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made before the expiry date or within three months afterwards.

Notes:

Any proposed advertising signs must comply with the provisions of the Cardinia Planning Scheme. Advertising signs which do not comply with the provisions of the Cardinia Planning Scheme will require a planning permit.

Cd.

4 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1859166

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Tracey Parker

RECOMMENDATION

That the report be noted

Attachments

Nil.

EXECUTIVE SUMMARY

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

Status of active amendments

The following table provides details relating to planning scheme amendments that are currently being processed.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
C205	EDM Group	80 McDonalds Track Lang Lang	Rezone part of the land at 80 McDonalds Track, Lang Lang (Lot 3 on PS542732), and Lots 1 and 2 (PS542732) Westernport Road, Lang Lang, from Farming Zone to Industrial 1 Zone, apply Schedule 20 to the Development Plan Overlay to this land and concurrently consider, under Section 96A of the Planning and Environment Act 1987, a planning permit application to subdivide the land at 80 McDonalds	02/11/2017	04/12/2017	On 16/07/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			Track, Lang Lang into two (2) lots.			
C220	Cardinia Shire Council	Beaconsfield	Implement the key objectives of the Beaconsfield Structure Plan December 2013 (expires March 2019) by applying the Design and Development Overlay (DDO) to the Princes Highway Gateway Precinct (Proposed DD05), Beaconsfield Point Precinct (Proposed DD06) and Woodland Grove Precinct (Proposed DD07).	09/11/2017	11/12/2017	On 21/05/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.
C226	Cardinia Shire Council	Lot 5 PS321195 67 Whiteside Rd Officer, Lot 2 PS327845 130 Whiteside Rd Officer and Lot PP PS746064 325 Princes Hwy Officer	Repair inconsistent policy in the Urban Growth Zone Schedule 3 (UGZ3) and the applied Schedule of the Rural Conservation Zone (RCZ) that prevents development in the 3 lots identified from occurring in line with the Officer Precinct Structure Plan (PSP) that was adopted by Council in 2011. The amendment proposes to add a Schedule to the RCZ removing the minimum subdivision requirements for the 3 sites identified, that would otherwise exist in the provision. This ensures there is a match between the	Thu 22/06/2017	Mon 24/07/2017	On 19/02/2018 Council adopted the amendment. Awaiting approval from the Minister for Planning.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			policy intention of the PSP and the provisions in the UGZ3 and the applied zone (RCZ).			
C229	Cardinia Shire Council	Tynong, Garfield and Bunyip	Apply the Environmental Significance Overlay (ESO) to Tynong, Bunyip and Garfield to facilitate the provision of habitat corridors for the Southern Brown Bandicoot.			On 16/10/2017 Council adopted to seek authorisation to prepare an amendment.
C232	Victorian Planning Authority	Officer Precinct	Implement the revised Officer Precinct Structure Plan (Amended February 2018) by making changes to the zone, overlay and ordinance provisions of the Cardinia Planning Scheme.	Thu 22/03/2018	Fri 27/04/2018	Directions Hearing to be held on 13/08/2018.
C234	Victorian Planning Authority	Pakenham East Precinct Structure Plan	Incorporate the Pakenham East Precinct Structure Plan (PSP) and associated the associated Infrastructure Contributions Plan into the Cardinia Shire Council Planning Scheme along with associated Heritage Overlay.	Mon 15/01/2018	Fri 23/02/2018	Panel Hearings held for 10 days between the dates of 30/05/2018 to 03/07/2018. Awaiting Panel report.
C237	Cardinia Shire Council	Multiple addresses	Amend various provisions of the Cardinia Planning Scheme to correct mapping anomalies, delete redundant controls and correct	Thu 07/06/2018	Thu 19/07/2018	Amendment going to Council for adoption on 17/09/2018.

Cardinia Planning Scheme Amendment Activity Report						
A/No.	Proponent	Address	Purpose	Exhibition Start	Exhibition End	Status
			ordinance errors.			
C238	Cardinia Shire Council	Glismann Road and Old Princes Highway, Beaconsfield	Rezone to General Residential Zone (Schedule 2) and introduce a Development Plan Overlay (DPO), a site specific Environmental Audit Overlay (EAO) and remove the Environment Significance Overlay 1 (ESO1). An ICP will be implemented at a later stage.			Submitted to Minister for Planning on 29/03/2018. Seeking authorisation to prepare a planning scheme amendment.
C242	Cardinia Shire Council	Pakenham Precinct Activity Centre	Introduce a permanent Heritage Overlay over various properties identified by the Pakenham Heritage Review and includes updating the Heritage Overlay Schedule, adds a Reference Document and an Incorporated Document.	Mon 06/08/2018	Fri 07/09/2018	On exhibition.
C244	Cardinia Shire Council	Pakenham Precinct Activity Centre	Implement the key objectives of the Pakenham Parking Precinct Plan (May 2018) by applying the Parking Overlay to the Pakenham Activity Centre.			On 21/05/2018 Council adopted to seek authorisation to prepare an amendment. A request for authorisation was sent to the Minister for Planning on 24/05/2018.

4 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr M Schilling Seconded Cr C Ryan

That the report be noted

Cd.

5 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

FILE REFERENCE INT1859173

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted

Attachments

Nil.

EXECUTIVE SUMMARY

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings.

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
22/1/2019	T170634	2A Salisbury Road, Upper Beaconsfield	Use and development of land for a vet clinic and reduction in on-site car parking	Refusal	Applicant	Waiting on hearing
26/11/2018	T170024	1 Station Street Officer	Buildings and works and use of a hotel, sale and consumption of liquor, installation and use of land for eighty (80) Electronic Gaming Machines	Refusal	Applicant	Waiting on hearing
26/11/2018	T170046	2 May Road & 215 Princes Highway Beaconsfield	Subdivision of the land	Approval	Applicant – appeal against conditions	Waiting on hearing
2/11/2018	T170606	36-40 Gallery Way Pakenham	Construction of twelve (12) dwellings and associated works	Approval	Objector	Waiting on hearing
19/9/2018	T170462	3 Savage Street Pakenham	Develop the land with a residential building (boarding house)	Refusal	Applicant	Waiting on hearing
22/8/2018	T170698	Rix Road Officer	Multi lot subdivision	Refusal	Applicant	Waiting on hearing
22/8/2018	T170671	Rix Road Officer	Multi lot subdivision	Refusal	Applicant	Waiting on hearing

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Outcome
27/07/2018	T170666	Timbertop Boulevard Officer	Use of land for multi-unit development, subdivision of the land into eight (8) lots and a reduction in car parking	Refusal	Applicant	Awaiting decision
1/7/2018	T130742-2	365 Princes Hwy Officer	Multi lot subdivision of the land	Refusal	Applicant	Awaiting decision
27/6/2018	T160693	46 Tivendale Road Officer	Multi lot subdivision	Refusal	Applicant	Awaiting decision

5 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

Moved Cr M Schilling Seconded Cr C Ryan

That the report be noted

Cd.

6 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY

FILE REFERENCE INT1859179

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted

Attachments

Nil.

EXECUTIVE SUMMARY

The following matters have been dealt with under delegated powers since the last report to Council.

Central Ward					
Date	Permit No	Location	The Proposal	The Decision	Lodged Date
20/07/2018	T180426	5 Portobello Road, Pakenham VIC 3810	Development of the land for an emergency access ramp	Issued	10 July 2018
24/07/2018	T170688	90-96 Ahern Road, Pakenham VIC 3810	Development of the land for 53 dwellings	NOD	23 October 2017
24/07/2018	T180455	Princes Highway, Pakenham VIC 3810	See T180454 For the use and development of land for the purposes of a two staged, mixed use development, including food and drink premises, shop, supermarket, discount department store, medical centre and a cinema complex facilities with associated car parking and bicycle parking, loading docks and internally illuminated business identification advertising signage.	Withdrawn	24 July 2018
24/07/2018	T180205	26A Bate Close, Pakenham VIC 3810	Internal alterations and additions to existing warehouse (mezzanine floor level)	Issued	16 April 2018
25/07/2018	T180148	Princes Highway, PAKENHAM VIC 3810	Development Of The Land For One (1) Warehouse and The Creation Of Common Property	Issued	20 March 2018
26/07/2018	T180254	5 Wadsley Avenue, Pakenham VIC 3810	Subdivision of land into two lots	Issued	03 May 2018
26/07/2018	T180260	36 Silver Gum Drive, Pakenham VIC 3810	Three (3) lot subdivision	Issued	15 May 2018
26/07/2018	T180309	U 1/2-4 Doherty Street, Pakenham VIC 3810	Three (3) lot subdivision	Issued	22 May 2018
26/07/2018	T180321	10 Tranquil Way, Pakenham VIC 3810	Development of the land for a dwelling and associated earthworks	Issued	23 May 2018
27/07/2018	T180318	4 Galway Rise, Pakenham VIC 3810	Development of the land for a dwelling	Issued	23 May 2018
30/07/2018	T160690 - 1	110 Pakenham Road, Pakenham VIC 3810	Amendment to Planning Permit T160690 by altering the plans required to be endorsed, modifying the vehicle access, amending Condition 42.	Issued	25 January 2018
31/07/2018	T180473	3 Serene Court, Pakenham VIC 3810	see T180472 Single Story house Development	Withdrawn	31 July 2018

31/07/2018	T180475	3 Serene Court, Pakenham VIC 3810	see T180472 Single Story house Development	Withdrawn	30 July 2018
1/08/2018	T180006	8, 10 & 12 Harrison Way, Pakenham VIC 3810	Use and development of the land for a child care centre and a reduction in car parking.	Issued	04 January 2018
1/08/2018	T180465	600 Brown Road, Officer VIC 3809	Subdivision of the land	Withdrawn	24 July 2018
2/08/2018	T180352	125 Mulcahy Road, PAKENHAM VIC 3810	Major promotion signage	Issued	04 June 2018
7/08/2018	T180268	13 Anderson Street, Pakenham VIC 3810	Subdivision of the land into four (4) lots	Issued	04 May 2018
10/08/2018	T170730	29 Isabel Street, Pakenham VIC 3810	Subdivision of the land into two (2) lots	Issued	08 November 2017
15/08/2018	T160792 - PC5	Michael Street, Pakenham VIC 3810	Section 173 - Construction of 79 dwellings and subdivision of land (79 lots) and vegetation removal	Issued	10 August 2018

Port Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
19/07/2018	T170682 - PC1	6 Commercial Drive, Pakenham VIC 3810	Construction of one (1) warehouse and associated works	Issued	28 May 2018
19/07/2018	T180151	55 Mont Albert Road, Garfield VIC 3814	Development of the land for an outbuilding (shed) and earthworks	Issued	20 March 2018
23/07/2018	T170173 - PC1	43 Westernport Road, Lang Lang VIC 3984	Building and works associated with the construction of a medical centre, office and associated car parking reduction	Issued	14 March 2018
23/07/2018	T180182	2 Knights Court, Tynong VIC 3813	Buildings and works associated with agriculture and development of the land for two outbuildings (carport)	Issued	05 April 2018
24/07/2018	T180219	2C Latta Road, Nar Nar Goon VIC 3812	Development of the land for an outbuilding (shed)	Issued	17 April 2018
25/07/2018	T170658	Southeast Boulevard, Pakenham VIC 3810	Subdivision of the land in stages	Issued	05 October 2017
25/07/2018	T180112	13-17 Westernport Road, Lang Lang VIC 3984	Development of the land for an outbuilding (garage) and construction of a fence.	Issued	01 March 2018
26/07/2018	T170668 - PC3	25 A' Beckett Road, Bunyip VIC 3815	Development of the land for four (4) dwellings and subdivision into five (5) lots	Issued	06 July 2018
30/07/2018	T180432	3 Chambers Road, Bunyip VIC 3815	Alterations and additions to an existing dwelling	Issued	13 July 2018
31/07/2018	T140555 - PC3	43 Wattleree Road, Bunyip Victoria 3815	Plans to comply with condition 6 of Planning Permit T140555-2	Issued	22 June 2018
31/07/2018	T180164	61 Ingram Road, Nar Nar Goon North VIC 3812	The development of the land for a replacement dwelling and associated earthworks and conversion of the existing dwelling to a habitable outbuilding (Home office)	NOD	23 March 2018
1/08/2018	T180106	815 Westernport Road, Lang Lang VIC 3984	Development of the land for a dam, wetland and other associated earthworks	Issued	26 February 2018
2/08/2018	T180461	38 James Street, Lang Lang VIC 3984	Subdivision of the land into two (2) lots	Issued	20 July 2018
3/08/2018	T140555 - PC4	43 Wattleree Road, Bunyip Victoria 3815	Section 173 Agreement to comply with Condition 5 of Planning Permit T140555	Issued	25 July 2018
3/08/2018	T180108	18 Gardner Street, Koo Wee Rup VIC 3981	Subdivision of land into two (2) lots	Issued	28 February 2018
3/08/2018	T180234	215 Chasemore Road, Cardinia VIC 3978	Construction of one (1) agricultural shed and associated works	Issued	24 April 2018

3/08/2018	T180290	145 & 165 Greenhills Road & 10 Tarmac Way, Pakenham VIC 3810	Re-subdivision of the land into three (3) lots (boundary re-alignment)	Issued	15 May 2018
7/08/2018	T180218	215 Patullos Road, Yannathan VIC 3981	Fill in creek	Refused	17 April 2018
20/07/2018	T130457 - 1	Nash Road, Bunyip Victoria 3815	The subdivision of the land, to remove vegetation and associated works in accordance with the Development Plan - Schedule 15	Issued	03 July 2018
14/08/2018	T110588 - PC7	270 Cardinia Road, Officer South Victoria 3809	Multi-lot residential subdivision of the land in stages, associated road networks and works to remove two existing waterbodies within the land, generally in accordance with the approved plans	Issued	06 July 2018
15/08/2018	T041069 - PC1	Nylander Road, Bunyip Victoria 3815	Subdivision (163 lots) in 10 stages	Issued	09 July 2018

Ranges Ward

Date	Permit No	Location	The Proposal	The Decision	Lodged Date
19/07/2018	T140410 - PC4	24 Tivendale Road, Officer Victoria 3809	Condition 42 - Service station shops (including a licensed premise - bottle-shop)	Issued	29 November 2017
19/07/2018	T160671 - PC1	82-86 St Georges Road, Beaconsfield Upper VIC 3808	Development of the land for a replacement dwelling and two outbuildings (pavilion and workshop), buildings and works associated with agriculture (horse stables, horse ménage, horse ring), construct, use and illuminate a private tennis court and vegetation removal	Issued	15 June 2018
19/07/2018	T170839	270 Brown Road, PAKENHAM VIC 3810	Re-subdivision of the land (two (2) lot boundary realignment) and vegetation removal	NOD	22 December 2017
19/07/2018	T180264	707 Gembrook Road, Pakenham Upper VIC 3810	Proposed shed	Lapsed	08 May 2018
20/07/2018	T180181	14 Garden Street, Cockatoo VIC 3781	Development Of Land For An Outbuilding (Carport)	Issued	04 April 2018
23/07/2018	T150634 - PC4	115 Peck Road, Officer VIC 3809	18 (Public Infrastructure Plan)	Issued	06 September 2017
24/07/2018	T150800 - 1	12 Bayview Road, Officer Victoria 3809	Subdivision of the land into twelve (12) lots in accordance with the endorsed plans	Issued	26 June 2018
24/07/2018	T160573 - PC3	Timbertop Boulevard, Officer VIC 3809	Landscape Masterplan - Subdivision of the land	Issued	06 July 2018
24/07/2018	T180167	22 Sugarloaf Road, Beaconsfield Upper VIC 3808	Development of the land for an outbuilding (replacement outbuilding) and retrospective earthworks	Issued	27 March 2018
24/07/2018	T180266	20 Garden Street, Cockatoo VIC 3781	Development of the land for a dwelling	Issued	01 May 2018
25/07/2018	T140068 - 1	13-15 Mahon Avenue, Beaconsfield VIC 3807	Development of the land for eleven (11) dwellings	NOD	16 April 2018
25/07/2018	T170351 - PC1	Officer South Road, Officer VIC 3809	Use and development of the land as a childcare centre	Issued	16 July 2018
25/07/2018	T170712	10 Russell Road, Gembrook VIC 3783	Subdivision of the land into two (2) lots	Issued	02 November 2017
25/07/2018	T180149	49 Burgess Avenue, Officer VIC 3809	Subdivision of land into fifteen (15) lots	Issued	22 March 2018
25/07/2018	T180156	2 Seaview Road, Cockatoo VIC 3781	Development of the land for a dwelling and associated earthworks	Issued	21 March 2018
25/07/2018	T180331	45 Taylor Road, Cockatoo VIC 3781	Development of the land for an outbuilding (shed) and vegetation removal	Issued	28 May 2018
26/07/2018	T180320	555 O`Neil Road, Beaconsfield VIC 3807	Construction of a outbuilding (carport)	Issued	23 May 2018

27/07/2018	T150448 - 1	445 Belgrave-Gembrook Road, Emerald Victoria 3782	Alterations and additions to an existing food and drink premises (Café) within five (5) metres of a boundary, change of use from a dwelling to an ancillary office and storage area for the general store/café, the sale and consumption of liquor associated with the food and drink premises	NOD	19 April 2018
31/07/2018	T180238	67 Vernon Road, Beaconsfield VIC 3807	Construction of a dependents person's unit and removal of vegetation	Issued	24 April 2018
31/07/2018	T180295	815 Gembrook Road, Pakenham Upper VIC 3810	Alterations & additions to the existing dwelling	Issued	17 May 2018
31/07/2018	T180427	344 Dickie Road, Officer VIC 3809	Development of the land for a dwelling extension	Issued	11 July 2018
1/08/2018	T130371 - PC2	685 Ure Road, Cockatoo VIC 3781	Use and development of the land for a dwelling, carport & outbuilding	Issued	02 July 2018
1/08/2018	T150634 - PC9	115 Peck Road, Pakenham Victoria 3810	Subdivision to create super-lots and Staged residential subdivision and associated works (including road-works on land affected by the Land Subject to Inundation Overlay) and removal of native vegetation	Issued	02 July 2018
1/08/2018	T170690 - PC1	424 Belgrave-Gembrook Road, Emerald VIC 3782	Development of the land for a replacement dwelling, associated earthworks and vegetation removal	Issued	18 July 2018
2/08/2018	T170720	25 Double Delight Drive, Beaconsfield VIC 3807	Development of the land for six (6) dwellings	Issued	09 November 2017
2/08/2018	T170770 - PC1	15 Mavis Avenue, Beaconsfield VIC 3807	Alterations and additions to existing dwelling, construction of an outbuilding, vegetation removal and associated earthworks	Issued	15 June 2018
3/08/2018	T120623 - PC2	310 Princes Highway, Officer Victoria 3809	S173 Agreement (required by Melbourne Water) - Multi lot residential subdivision and to create and alter an access to a Road Zone Category 1	Issued	25 July 2018
6/08/2018	T180350	42 Annabel Crescent, Officer VIC 3809	Construction of a two storey residential dwelling with an attached garage	Issued	07 June 2018
7/08/2018	T180141	210 Old Gembrook Road, Pakenham Upper VIC 3810	Use and development of the land for a dwelling	Issued	27 March 2018
7/08/2018	T180494	45 Station Road, Gembrook VIC 3783	see T180495 Two Lot Subdivision	Withdrawn	06 August 2018
9/08/2018	T170499 - 1	95 Woori Yallock Road, Cockatoo VIC 3781	The proposed area of extension to the side (Carport & Laundry) and rear of the house (kitchen, family, sitting, and rear deck) is no longer required. Plans have been amended to show these areas as they currently exist with no alterations or additions. Amended planning permit showing the proposed extension to the front of the house and proposed new shed to the rear of the property is still required.	Withdrawn	17 July 2018
14/08/2018	T170609 - PC1	9 Clematis Park Road, Clematis VIC 3782	Development of the land for a dwelling and removal of native vegetation	Issued	04 June 2018
14/08/2018	T170609 - PC2	9 Clematis Park Road, Clematis VIC 3782	Development of the land for a dwelling and removal of native vegetation	Issued	14 June 2018
15/08/2018	T170842 - PC1	2 Ozone Avenue, Emerald VIC 3782	Development of the land for an outbuilding (shed) and associated earthworks	Issued	21 June 2018

BACKGROUND

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POLICY IMPLICATIONS

<Enter text here>

RELEVANCE TO COUNCIL PLAN

<Enter text here>

CONSULTATION/COMMUNICATION

<Enter text here>

FINANCIAL AND RESOURCE IMPLICATIONS

<Enter text here>

CONCLUSION

<Enter text here>

6 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATED AUTHORITY

Moved Cr M Schilling Seconded Cr C Ryan

That the report be noted

Cd.

7 PLANNING ENFORCEMENT MATTERS

FILE REFERENCE INT1859182

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Owen Hardidge

RECOMMENDATION

That the list of enforcement matters currently before VCAT & the Magistrates' Court (and the County Court) be noted.

Attachments

Nil.

EXECUTIVE SUMMARY

The following list of enforcement matters currently before VCAT & the Magistrates' Court is submitted for Councillors information

BACKGROUND

Where breaches of the Planning Scheme are detected, the breaches may give rise to criminal liability, which may result in infringements being issued, or charges being filed in the Magistrates Court of Victoria.

If Council cannot obtain appropriate remediation by consent, Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT enforcement actions will usually be delayed until Magistrates' Court proceedings are completed.

These matters can take several forms and the following are the usual steps in the enforcement process.

Current Enforcement cases

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

Property Address	Nature of Contravention	Status
65 Ure Rd, Gembrook (OH:JALF:18407)	Failed to comply with planning permit.	Magistrates' Court proceeding, listed for mention on 6th September 2018 , alleging that the owner has placed signage and vehicles in prohibited locations and failed to submit SEMP, all in contravention to the permit.
1 Walker Street, Koo Wee Rup (OH:SM:18409)	Land that was developed without a permit in contravention of planning scheme - Heritage Overlay (43.01)	Magistrates' Court proceeding, listed for mention on 6th September 2018 alleging that the owner has constructed an extension of the dwelling, developed the land and lopped a tree, without a permit.

Unit 1/4A Whitstable Street, Lang Lang (OH:AB:18412) (OH:JALF:18401)	Land that was developed without a permit AND without a building permit	Magistrates' Court proceeding, listed for mention on 6th September 2018 alleging that the owner has constructed an outbuilding without a planning permit and without a building permit.
65 Moody Street, Koo Wee Rup (OH:JALF:18395)	Failed to comply with planning permit	Magistrates' Court proceeding, alleging that the owner commenced work without approval from responsible authority (CEMP, TMP and haulage strategy) The Magistrates Court has listed the matter for further mention on 20th September 2018 .
765 Gembrook Rd, Pakenham Upper (OH:LK:16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	Magistrates' Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit. The Magistrates Court has listed the matter for special mention on 15th August 2018 , to consider how a related HCA application is proceeding.

7 PLANNING ENFORCEMENT MATTERS

Moved Cr M Schilling Seconded Cr C Ryan

That the list of enforcement matters currently before VCAT & the Magistrates' Court (and the County Court) be noted.

Cd.

Meeting closed at 7.18pm

Minutes Confirmed
Chairman