

CARDINIA PLANNING SCHEME

AMENDMENT C228card

EXPLANATORY REPORT

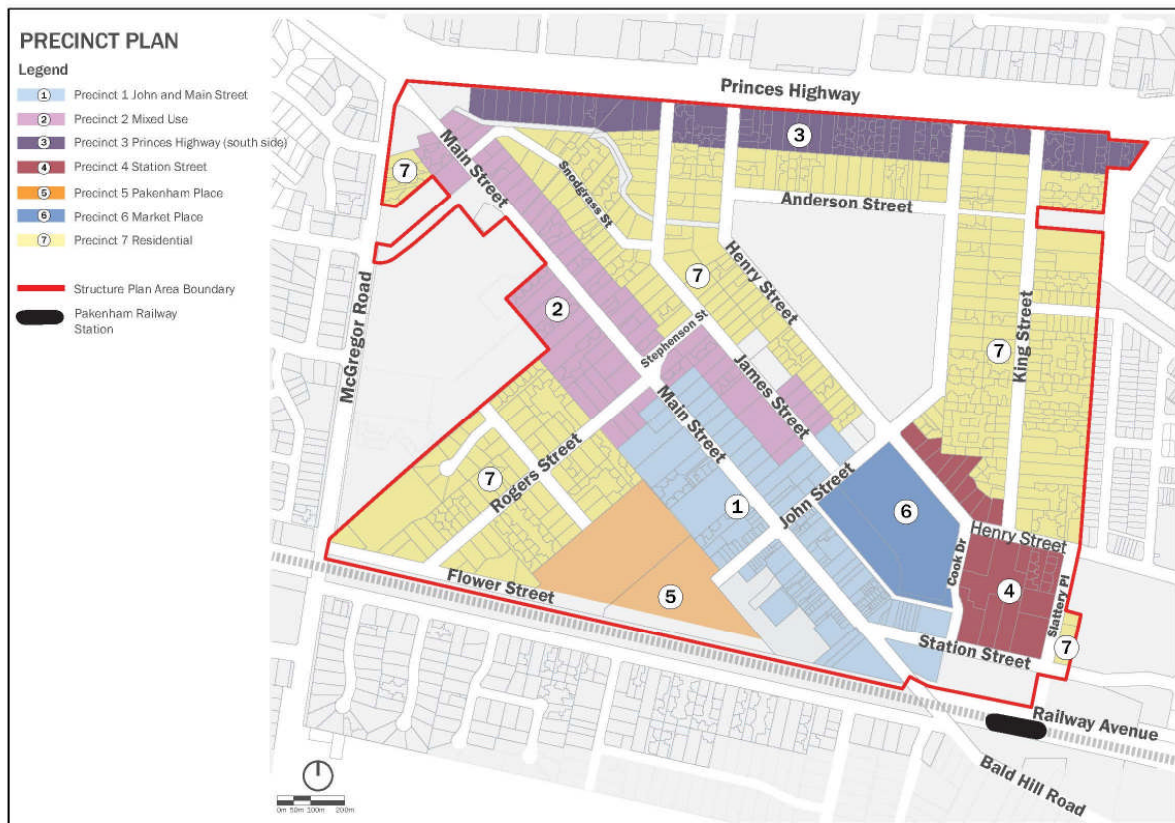
Who is the planning authority?

This amendment has been prepared by the Cardinia Shire Council the planning authority for this amendment.

The Amendment has been made at the request of Cardinia Shire Council.

Land affected by the Amendment

The Amendment applies to the Pakenham Major Activity Centre as identified in the map below boarded by Princes Highway, McGregor Road, Pakenham Railway Line and the former Pakenham Racecourse development site to the east.



A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment proposes that the following changes are made to the Cardinia Planning Scheme:

- Amends Local Planning Policy at 21.03, 21.04 and 21.06 of the Municipal Strategic Statement to update directions in relation to the Pakenham Activity Centre and to remove reference to the *Pakenham Activity Centre Incorporated Provisions, 20 March 2017* (revised May 2017) (expires 31 December 2019), *Pakenham Town Centre*, and *Pakenham Structure Plan* (2017).

- Inserts Pakenham Structure Plan (2019) and Pakenham Major Activity Centre Urban Design Framework (2019) to Clauses 21.03, 21.04 and 21.06 as Reference Documents to the Cardinia Planning Scheme.
- Inserts Clause 37.08 Activity Centre Zone into the Cardinia Planning Scheme.
- Inserts a new Schedule 1 to Clause 37.08 Activity Centre Zone titled the “Pakenham Activity Centre”.
- Deletes Schedule 2 to Clause 43.04 Development Plan Overlay so the Activity Centre Zone Schedule 1 can guide development on this site via the precincts.
- Amends the Schedule to Clause 72.04 by deleting the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 (revised May 2017) (expires 31 December 2019), previously implemented via Amendment C211.
- Amends Planning Scheme Zone Map Numbers 14, 15, 16 and 17 to apply the Activity Centre Zone and remove the Commercial 1 Zone, Mixed Use Zone and General Residential Zone from the Activity Centre.
- Amends Planning Scheme Map Number 14DPO and 15DPO to remove the proposed link road from the Clause 43.04 Development Plan Overlay Schedule 1 and deletes Development Plan Overlay Schedule 2.
- Amends Planning Scheme Map Numbers 14DCPO, 15DCPO and 17DCPO to delete the Development Contributions Plan Overlay Schedule 1 from Vic Track or public owned land.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to give statutory effect to the objectives and strategies contained in the *Pakenham Structure Plan 2019*, which guides the future land use and development in the Pakenham Activity Centre. Pakenham is identified as a Major Activity Centre in the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*. With this designation, it is expected that the activity centre will experience a significant amount of growth in the number of jobs and job diversity, in conjunction with an increase in housing density and diversity.

To accommodate this projected growth, Cardinia Shire Council refreshed the *Pakenham Structure Plan 2017* and adopted the updated *Pakenham Structure Plan 2019* and *Pakenham Major Activity Centre Urban Design Framework 2019*. The Structure Plan provides a 20 year strategic vision for the activity centre with a strong focus on residential growth, developing the commercial areas and businesses in Main Street, and providing a safe and connected pedestrianised centre.

The *Pakenham Major Activity Centre Urban Design Framework (2019)* accompanies the structure plan to provide detailed guidance for future development in the activity centre, focusing on, built form, interfaces urban structure and the public realm. The Urban Design Framework provides overarching principles and specific guidance to ensure new development that positively contributes to the functionality, amenity and vibrancy of the activity centre.

The Structure Plan and Practice Note has identified the Activity Centre Zone as the appropriate statutory tool to implement its strategic directions. The Amendment proposes to apply the Activity Centre Zone (ACZ1) to the Pakenham Major Activity Centre to function in a similar way to the guide residential and commercial development. The Activity Centre Zone has been drafted to encourage to jobs and investment and provide greater clarity and direction for land use and development within the activity centre.

How does the Amendment implement the objectives of planning in Victoria?

The proposed Amendment implements the objectives of planning in Victoria by:

- 4(1)(a) Providing for the fair, orderly, economic, and sustainable use, and development of the land by facilitating growth in Pakenham, which has been identified as a Major Activity Centre.
- 4(1)(c) Securing a pleasant, efficient, and safe working, living and recreation environment for all Victorian and visitors to Victoria by facilitating the redevelopment of the activity centre with access to a transport corridor, providing diverse housing, job opportunities, shopping and entertainment.

- 4(1)(f) Facilitating development in accordance with the above objectives.
- 4(1)(g) Balancing the present and future interests of all Victorians by ensuring a mix of uses is provided within the activity centre which have access to public transport.

How does the Amendment address any environmental, social and economic effects?

Environment

The Amendment will give statutory effect to the *Pakenham Structure Plan 2019* which considers environmental impacts and provides solutions via Ecological Sustainable Design principles, improving green spaces including greening the street environment and water sensitive urban design to respond to the even increasing urban heat island effect.

The amendment will assist in improving the built environment by ensuring integrated development that incorporates high quality design, energy efficiency, public transport, and encourages pedestrian and cycling activities.

Social

The amendment is expected to have a positive economic effect on the activity centre by improving the range of commercial, employment, residential and community services, and the public realm.

The *Pakenham Major Activity Centre Urban Design Framework 2019* which guides the built form and design for the activity centre supports passive surveillance and interaction with the street, providing a safer and more active environment.

Economic

The amendment will assist in promoting economic growth by stimulating private and public investment in the Pakenham Major Activity Centre. The redevelopment of key development sites within the activity centre can provide a range of new employment opportunities in commercial, retail and offices. The increased residential density surrounding the activity centre has the potential to support the commercial and retail offering of the centre by focusing infrastructure around a transport hub.

Does the Amendment address relevant bushfire risk?

The land within the Amendment area is not subject to bushfire risk or a Bushfire Management Overlay (BMO). The Amendment does not impact on existing bushfire controls and will not result in any increase to the risk of life, property, community infrastructure and the natural environment from bushfire.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is considered to be consistent with:

- Ministerial Direction - *The Form and Content of Planning Schemes* – under section 7(5) of the Planning and Environment Act 1987.
- Ministerial Direction 1 – Potentially Contaminated Land – which seeks a referral response to potentially contaminated land and includes preliminary site assessment or an environmental audit before a sensitive use commences or the construction or carrying out buildings and works in association with a sensitive use commencing.
- Ministerial Direction 9 – Metropolitan Planning Strategy – which seeks to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*.
- Ministerial Direction 11 – Strategic Assessment of Amendments – which seeks to ensure comprehensive strategic assessment of planning scheme amendments.
- Ministerial Direction 19 – information requirement for amendments that may result in impacts on the environment, amenity and human health – which seeks the views of the Environment Protection Authority in preparation of planning scheme amendments that could result in use or development of

land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

As per the requirements of Ministerial Direction 1 and 19 (below), written advice from the Environmental Protection Authority (EPA) was sought for a specific site that was identified as having potential environmental impacts. The site was identified as having a potential 'medium' risk of potential contamination. However, the EPA indicated that the site did not have the use history which would require the application of an Environmental Audit Overlay. To identify and address any potential risks an application requirement (a Preliminary Site Assessment) and a staged process within the decision guideline (to implement any recommendations from a Preliminary Site Assessment and/or any possible Environmental Audit) has been included in the Activity Centre Zone Schedule 1 for the site.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment will support the relevant objectives of the Planning Policy Framework (PPF).

Particularly, the amendment will support the following State planning objectives:

Clause 11 Settlement

The amendment addresses Clause 11.03-1S (Activity Centres) by encouraging the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. This is consistent with the strategies which outline that Major Activity Centres that seek to support Melbourne's Major Activity Centres. It concentrates higher density housing and employment opportunities with access to services and public transport.

Clause 15 Built Environment and Heritage

The amendment addresses Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) by reviewing and updating the Pakenham Town Centre Urban Design Framework 2004 to the Pakenham Major Activity Centre Urban Design Framework 2019. The Framework encourages high quality architecture and positive urban design outcomes focusing on interfaces, built form, environment, the public realm and changing neighbourhood character. The Framework provides guidance for new development within the activity centre.

Clause 16 Housing

The amendment addresses Clause 16.01-3S (Housing Diversity) which increases residential density in the activity centre which will support the provision of a diverse range of housing.

Clause 17 Economic Development

The amendment addresses Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by providing for a range of opportunities for commercial – including retail, entertainment, office and other commercial facilities - and business growth and provides a framework for the location and management of growth.

Clause 18 Transport

The amendment addresses Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport) by encouraging and facilitating growth, including increased residential density and development within the Pakenham Major Activity Centre which is well serviced and in close proximity to public transport.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Clause 21.03 Settlement and Housing

The amendment supports the maximisation of development of high density quality housing with the Pakenham Major Activity Centre.

Clause 21.04 Economic Development

The amendment supports employment and jobs within the Pakenham Major Activity Centre by expanding and encouraging a diverse range of commercial uses and services within the activity centre.

Clause 21.06 Particular Uses and Development

The amendment supports good design outcomes ensuring future development is site and context responsive, providing a strong character and identity for the Pakenham Major Activity Centre by introducing the *Pakenham Major Activity Centre Urban Design Framework 2019*.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions (VPPs) by applying the ACZ to the Pakenham Major Activity Centre, which is consistent with State policies.

The amendment has been prepared in accordance with Planning Practice Note 56 Activity Centre Zone (PPN56). The adopted *Pakenham Structure Plan 2019* was prepared in accordance with the requirements of Planning Practice Note 58 Structure Planning for Activity Centres (PPN58). As well as Practice Note 60 Height and Setback Controls for Activity Centres, which guided the *Pakenham Major Activity Centre Urban Design Framework 2019* providing preferred built form outcomes.

The proposed ACZ1 includes objectives and development provisions to facilitate an intensification of the residential areas, support the commercial and economic development, and making optimum use of facilities and public transport services in the activity centre.

How does the Amendment address the views of any relevant agency?

The views of the relevant agencies will be sought when the amendment is exhibited.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment complies with the requirement of the Transport Integration Act 2010 by allowing for intensified development in an area which is well serviced by public transport.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is not expected to create added administrative costs or resourcing and has the potential to reduce the administrative costs through clarification of planning scheme provisions.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Cardinia City Council Council Offices 20 Siding Avenue Officer VIC 3809	Pakenham Library Crn John Street & Henry Street Pakenham VIC 3810
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The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Friday 6 December, 2019.

A submission must be sent to:

Cardinia Shire Council

Via Email: mail@cardinia.vic.gov.au

Subject line: Planning Scheme Amendment C228

or

Strategic Planning – Amendment C228

Cardinia Shire Council

PO Box 7

Pakenham VIC 3810

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 30 March 2020
- panel hearing: 4 May 2020

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Pakenham	Pakenham Major Activity Centre	14, 15, 16, 17
Pakenham	Land bounded by Princes Highway, McGregor Road, Pakenham Railway Line and the former Pakenham Racecourse residential development or Comprehensive Development Zone land.	Cardinia C228 001znMaps14_15_16_17 Exhibition
Main Street Pakenham marked as McGregor Reserve	Land adjoining Dame Pattie Avenue and 13 Main Street Pakenham.	Cardinia 228 022d-dpoMaps14_15 Exhibition
50-54 John Street Pakenham	Land bounded by Treloar Lane, Cook Drive, Henry Street and John Street.	
Railway Avenue	VicTrack land including Bourke Park, northern Station car park and the Railway line along Railway Avenue.	Cardinia C228d-dcpoMaps15_17 Exhibition