

## CARDINIA PLANNING SCHEME

### AMENDMENT C228card

#### EXPLANATORY REPORT

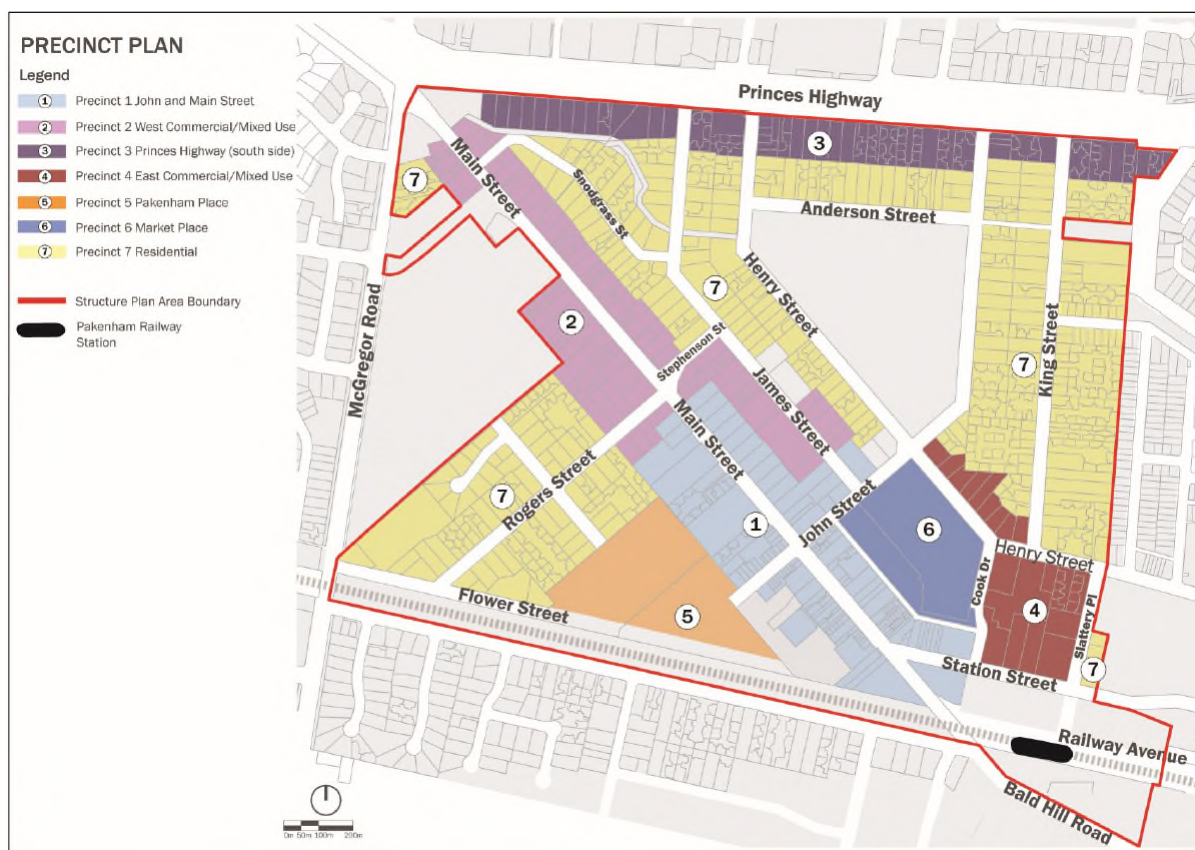
#### Who is the planning authority?

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.



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

#### What the amendment does

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

- Amends Local Planning Policy at Clauses 21.03, 21.04 and 21.06 of the Municipal Strategic Statement to update directions in relation to the Pakenham Major Activity Centre and to remove reference to the *Pakenham Activity Centre Incorporated Provisions, 20 March 2017* (revised May 2017) (expires 30 September 2021), the Pakenham Town Centre, and *Pakenham Structure Plan (2017)*.
- Inserts *Pakenham Major Activity Centre Structure Plan, 15 February 2021* and *Pakenham Major Activity Centre Urban Design Framework, 15 February 2021* to Clauses 21.03 and 21.04 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 Major Activity Centre”.
- Deletes Schedule 2 to Clause 43.04 Development Plan Overlay so the Activity Centre Zone Schedule 1 can guide development.
- Amends the Schedule to Clause 72.04 by deleting the Pakenham Activity Centre Incorporated Provisions, 20 March 2017 (revised May 2017) (expires 30 September 2021).
- Amends Planning Scheme Zone Map Numbers 14, 15 and 17 to apply the Activity Centre Zone and remove the Commercial 1 Zone, Mixed Use Zone and General Residential Zone from the Pakenham Major Activity Centre.
- Amends Planning Scheme Map Number 14DPO and 15DPO to delete Clause 43.04 Development Plan Overlay Schedule 1 from the previously proposed link road 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 VicTrack land and other public 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 Major Activity Centre Structure Plan 15 February 2021*, which guides the future land use and development in the Pakenham Major 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 has now adopted the *Pakenham Major Activity Centre Structure Plan, 15 February 2021* (Structure Plan) and the *Pakenham Major Activity Centre Urban Design Framework, 15 February 2021*. 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 pedestrian friendly centre.

The *Pakenham Major Activity Centre Urban Design Framework, 15 February 2021* 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 Planning Practice Note 56: Activity Centres (PPN56) has identified the Activity Centre Zone as the appropriate statutory tool to implement its strategic directions. Amendment C228 proposes to apply the Activity Centre Zone (ACZ1) to the Pakenham Major Activity Centre to guide residential and commercial development. The Activity Centre Zone has been drafted to encourage 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 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 Victorians 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 Major Activity Centre Structure Plan, 15 February 2021* 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 ever 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.

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, a preliminary risk screen assessment statement or environmental audit statement in accordance with the *Environment Protection Act 2017* is required for applications for land at 56-62 Station Street, Pakenham. These documents are referenced under section 6.0 'Application requirements' and section 8.0 'Decision guidelines' of the Schedule 1 to the Activity Centre Zone. This is consistent with the provisions of the updated Ministerial Direction 1 which has been prepared to reflect the new *Environment Protection Act 2017*.

### **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, 15 February 2021* 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 and surrounding the amendment area is not subject to bushfire risk. The amendment does not impact on existing bushfire controls and will not result in any increase to the risk of life, property, community infrastructure or 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 Context 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 risk screen assessment statement or an environmental audit statement before a sensitive use commences or the construction or carrying out buildings and works in association with a sensitive use commencing. The requirement for a preliminary risk screen assessment statement or environmental audit statement may be deferred via an Environmental Audit Overlay or 'other appropriate measure' (e.g. site-specific provision within the Schedule 1 to the Activity Centre Zone).

- 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.

### **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 updating the *Pakenham Town Centre Urban Design Framework 2004* and replacing it with the *Pakenham Major Activity Centre Urban Design Framework, 15 February 2021*. 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, 15 February 2021*.

### **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 PPN56. The adopted *Pakenham Major Activity Centre Structure Plan, 15 February 2021* was prepared in accordance with the requirements of Planning Practice Note 58: Structure Planning for Activity Centres. As well as Practice Note 60: Height and Setback Controls for Activity Centres, which guided the *Pakenham Major Activity Centre Urban Design Framework, 15 February 2021* 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 were sought during preliminary referrals and during exhibition of the amendment.

### **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 can be inspected free of charge at the Cardinia Shire Council website at <http://www.cardinia.vic.gov.au>; or

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

Cardinia Shire Council  
20 Siding Avenue, OFFICER VIC 3809

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](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

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 Approval
Main Street Pakenham marked as McGregor Reserve  50-54 John Street Pakenham	Land adjoining Dame Pattie Avenue and 13 Main Street Pakenham.  Land bounded by Treloar Lane, Cook Drive, Henry Street and John Street.	Cardinia C228 022d-dpoMaps14_15 Approval
Railway Avenue	VicTrack land including Bourke Park, northern Station car park and the Railway line along Railway Avenue.	Cardinia C228d-dcpoMaps15_17 Approval