

4 RESTRICTED RETAIL PREMISE AT 7/99 BALD HILL ROAD, PAKENHAM

FILE REFERENCE INT163533

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Refusal to Grant Planning Permit T150158 be issued for use of the land for a restricted retail premise, business identification signage and reduction in car parking requirements of Clause 52.06 at Lot:7 PS728258; 7/99 Bald Hill Road Pakenham on the following grounds:

- Insufficient parking available within the development, contrary to Clause 52.06 of the Cardinia Planning Scheme

Attachments

- | | | |
|---|--|---------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 4 Pages |
| 3 | Confidential letters of objection circulated to councillors only | 1 Page |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T150158
APPLICANT:	Mr Adam Minchineton
LAND:	Lot:7 PS728258; 7/99 Bald Hill Road Pakenham
PROPOSAL:	use of the land for a restricted retail premise, business identification signage and reduction in car parking requirements of Clause 52.06
PLANNING CONTROLS:	Industrial 1 Zone
NOTIFICATION & OBJECTIONS: the site.	The application has been advertised pursuant to Section 52 of Planning and Environment Act 1987, by sending notices to the owners and occupiers of adjoining land and posting a sign on Council has received one (1) objection to date.
KEY PLANNING CONSIDERATIONS:	Availability of onsite parking Appropriateness of the use
RECOMMENDATION:	Refusal

BACKGROUND:

There is no relevant planning history for this particular property. This property has been created within the warehouse development approved under planning permit T120591. The permit was

approved 33 industrial buildings for various uses with 793 car parking spaces provided for the 33 buildings. The permit was subsequently amended which added 24 additional car parking spaces to the development.

SUBJECT SITE

The site is located on the southern side of Bald Hill Road Pakenham.

A crossover is located on the northern alignment of the site and the site is not affected by any easements.

The site currently contains a warehouse with nine car parking spaces allocated to the site.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

North: Access Road (Bald Hill Road)

South: Industrial

East: Industrial

West: Industrial

PROPOSAL

Approval is sought for the use of the land for a restricted retail premises (the sale of outdoor sporting goods including firearms and ammunition), business identification signage and reduction in car parking requirement of Clause 52.06.

Use

The nature of the business will be the sale of hunting apparel and outdoor sporting goods including firearms and ammunition. The business would specialise in high quality clothing and accessories used for camping and hunting for all ages in all types of weather and environments.

The business would be started as 60% wholesale / 40% retail. The business would be named Wild Deer Outdoors and would be an extension on the already established online business.

The operating hours of the business would be as follows:

Monday to Friday	9am to 6pm
Saturdays	9am to 4pm

There will be around three to six people employed on a full time basis.

Advertising Signage

The signs are proposed to be located on the northern elevation of the building. The larger sign will have an area of approximately 18.62 square metres (6.65m by 2.8 metres) and a three small signs that are approximately 600mm by 100mm will be fixed to the canopy on the northern elevation. The signage will include the logo, company name and some suppliers.

Access and Car parking

According to the plans submitted to Council and Plan of Subdivision PS728528A, the building has been allocated nine car parks within the original development. It is expected that five clients will be at the premises at any one time. One (1) bicycle parking has been provided per warehouse with the original development.

In addition to the above, the building has a loading and unloading bay at the rear of the premises with a large roller door and specified area which is out of the way of any through traffic.

The premises would meet and where possible exceed all security and storage requirements in the guidelines set out by the Firearm Licensing Services.

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 17-01-1 Business
- Clause 17.01-2 Out of centre development for Metropolitan Melbourne
- Clause 18-02-5 Car parking

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

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 use of the land for a restricted retail premise, business identification signage and reduction in car parking requirements of Clause 52.06 requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 33.01-1 of Industrial Zone, a planning permit is required for the use of the land for a restricted retail premises.

- Pursuant to Clause 52.06-3 of Car Parking, a planning permit is required to reduce the required car parking spaces
- Pursuant to Clause 52.05-8 of Advertising Signage, a planning permit is required for business identification signage that exceeds 8 square metres in advertising area.

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.
- Placing a sign on site

The notification has been carried out correctly, and Council has received 1 objection to date.

The key issue raised in the objection is:

- Locating a gun shop in this location is detrimental to the kids recreational facilities located on the surrounding properties.

REFERRALS

Victoria Police

The application was referred to Victoria Police for comment. Victoria Police had no objection to the proposal.

DISCUSSION

The key issues to be considered in relation to this application are the extent of car parking provided on site, the appropriateness of the restricted retail use in this location, and the extent of signage.

Car Parking

An application for a reduction car parking must respect the purpose of Clause 52.06 which states the following:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- ***To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated the activities on the land and the nature of the locality.***
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- ***To ensure that car parking does not adversely affect the amenity of the locality.***
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The proposed restricted retail premises will be located within an industrial development which already contains a number of recreational facilities and warehouses. According to Plan of Subdivision PS728528A and the site plan with a car parking analysis, the property has been allocated with 9 car parking spaces. Pursuant to Clause 52.06, the required number of car parking

spaces for the proposed restricted retail premises is 17 spaces. Therefore, the proposed use will have a shortfall of eight car parking spaces.

The subject site is located within an industrial development that contains a variety of uses including children's recreational facilities such as play centre and swim school. As mentioned above the site has nine car parking spaces allocated to the site. The applicant has mentioned that there will be three to six full time staff working for the business. As such, a considerable number of the car parking spaces will be used by the staff, leaving inadequate spaces available for customers. In an instance where six staff members are working, the site will only have three car parking spaces available for customers. When the parking spaces for a particular use are insufficient, it will result in overflow traffic to park on spaces allocated for other surrounding properties. In officer's view, this will adversely affect the amenity of the locality and surrounding properties.

The Pakenham Railway Station is located approximately 1.7Km away from the subject site, therefore there will be limited alternative transport methods available to access the subject site other than a motor vehicle. In addition to that, the proposed business hours are consistent with the operating hours of the surrounding businesses, with the high demand times being similar to those of surrounding activities. This will create significant parking pressures.

This industrial precinct has a number of shared car parking spaces available to all properties within the precinct. However, due to the recreational facilities such as swimming school and play centre, the majority of these spaces are expected to be used by those who attend these sites. Therefore, it is unlikely that share parking area would be able to accommodate additional overflow traffic.

Use

It is acknowledged that the planning application identifies that firearms and ammunition are among the products proposed to be sold from this restricted retail premises, and that this premise is part of a wider development that contains a number of recreational facilities primarily aimed at families and children. However, from a planning perspective Council can only consider the appropriateness of the planning land use, being a restricted retail premises, and not the specific products it may sell. For example, a restricted retail premises that sells household furniture or party supplies etc. cannot be considered differently one that sells firearms or other products that some may find inappropriate.

The definition of a restricted retail premises is as follows:

Land used to sell or hire:

- a) automotive parts and accessories;*
- b) camping, outdoor and recreation goods;*
- c) electric light fittings;*
- d) animal supplies including equestrian and pet goods;*
- e) floor and window coverings;*
- f) furniture, bedding, furnishings, fabric and manchester and home wares;*
- g) household appliances, household electrical goods and home entertainment goods;*
- h) party supplies;*
- i) swimming pools;*
- j) office equipment and supplies;*
- k) baby and children's goods, children's play equipment and accessories;*
- l) sporting, cycling, leisure, fitness goods and accessories; or*
- m) goods and accessories which:*
 - Require a large area for handling, display and storage of goods; or*

- Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.

It does not include the sale of food, clothing and footwear unless ancillary to the primary use.

Restricted retail premises are often found in industrial areas such as this, and in this location a restricted retail premises is considered appropriate (bearing in mind the above). As such, officers are supportive of the use of this premise for a restricted retail premises.

Signage

The size and location of the signage is considered to be consistent with the signage on a number of the surrounding premises, and is not considered to be excessive or have a detrimental impact on the surrounding area. As such, officers are supportive of the proposed signage.

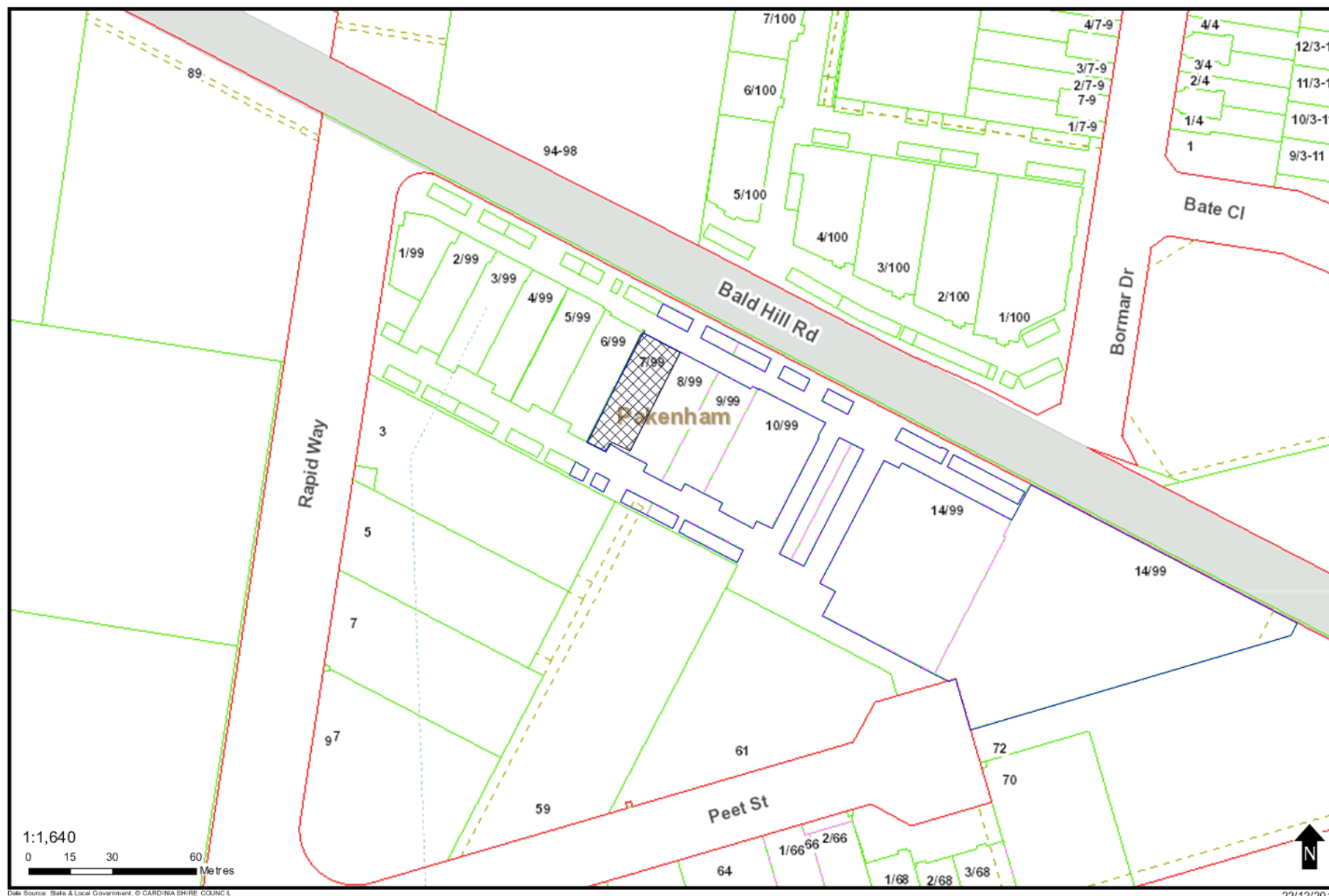
Objector's Concerns

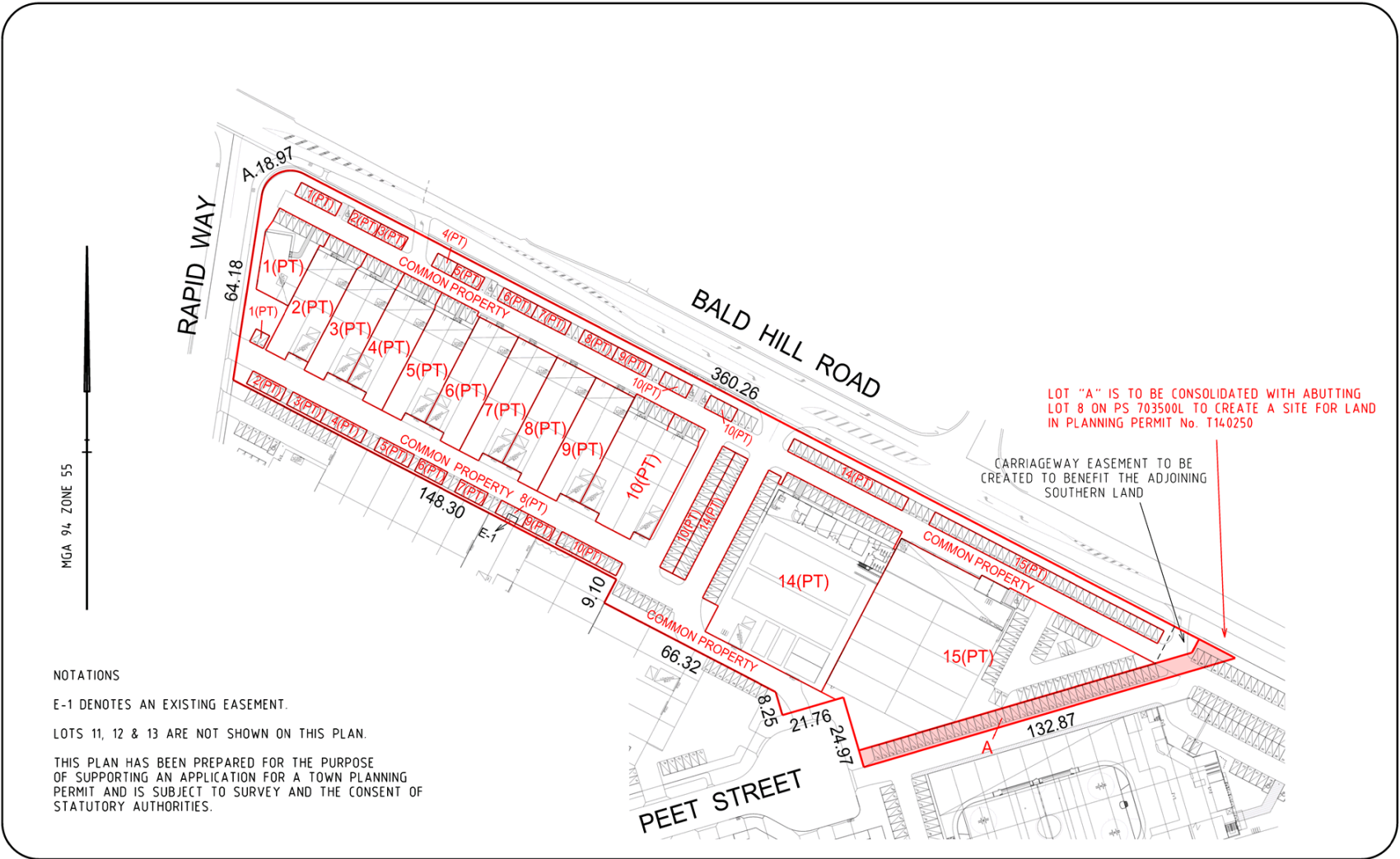
- Insecurity created by the gun shop on the surrounding play centre and kids activity areas

As above, Council is unable to consider the products that the business may sell, and rather can only consider the planning land use that is proposed.

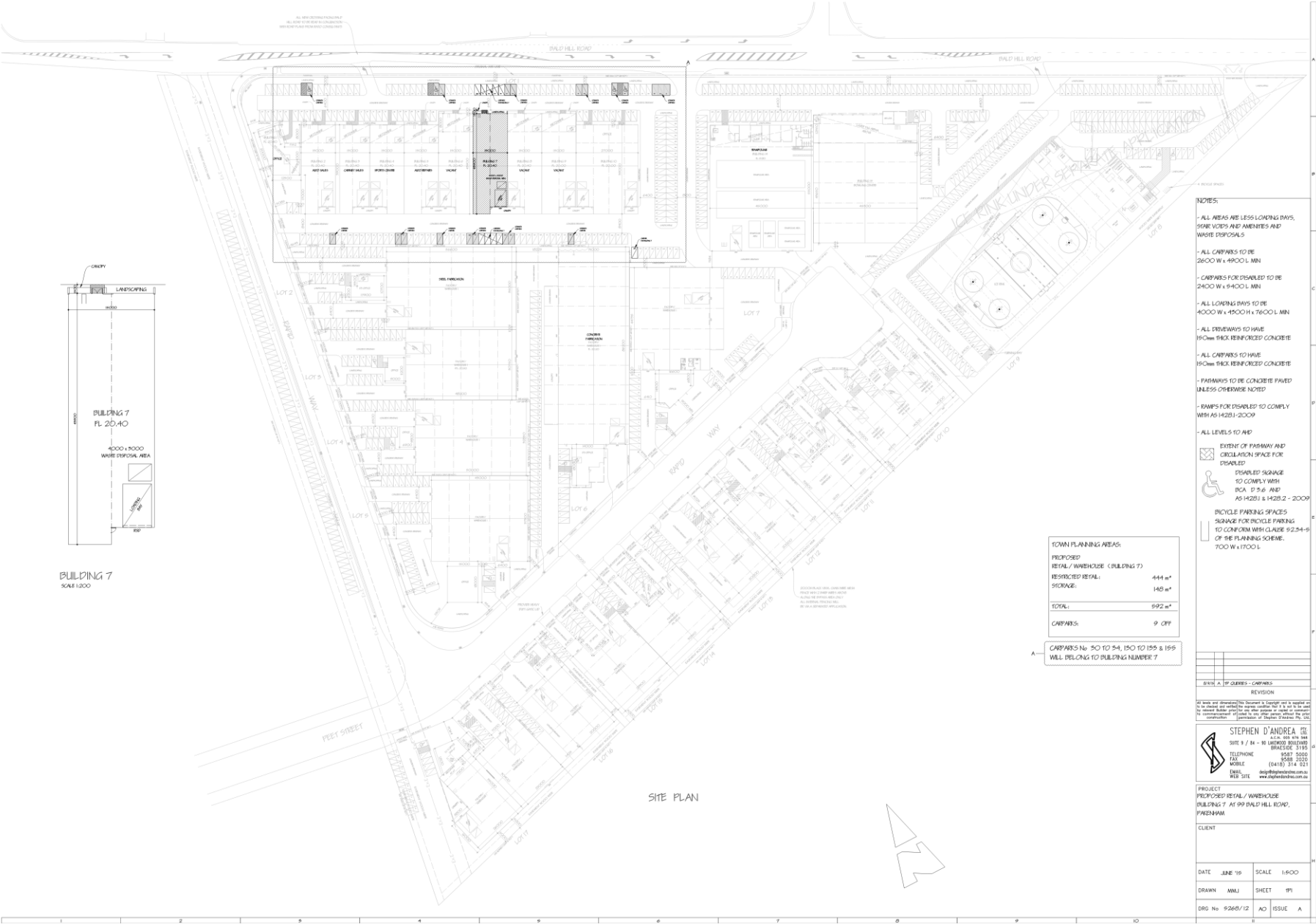
CONCLUSION

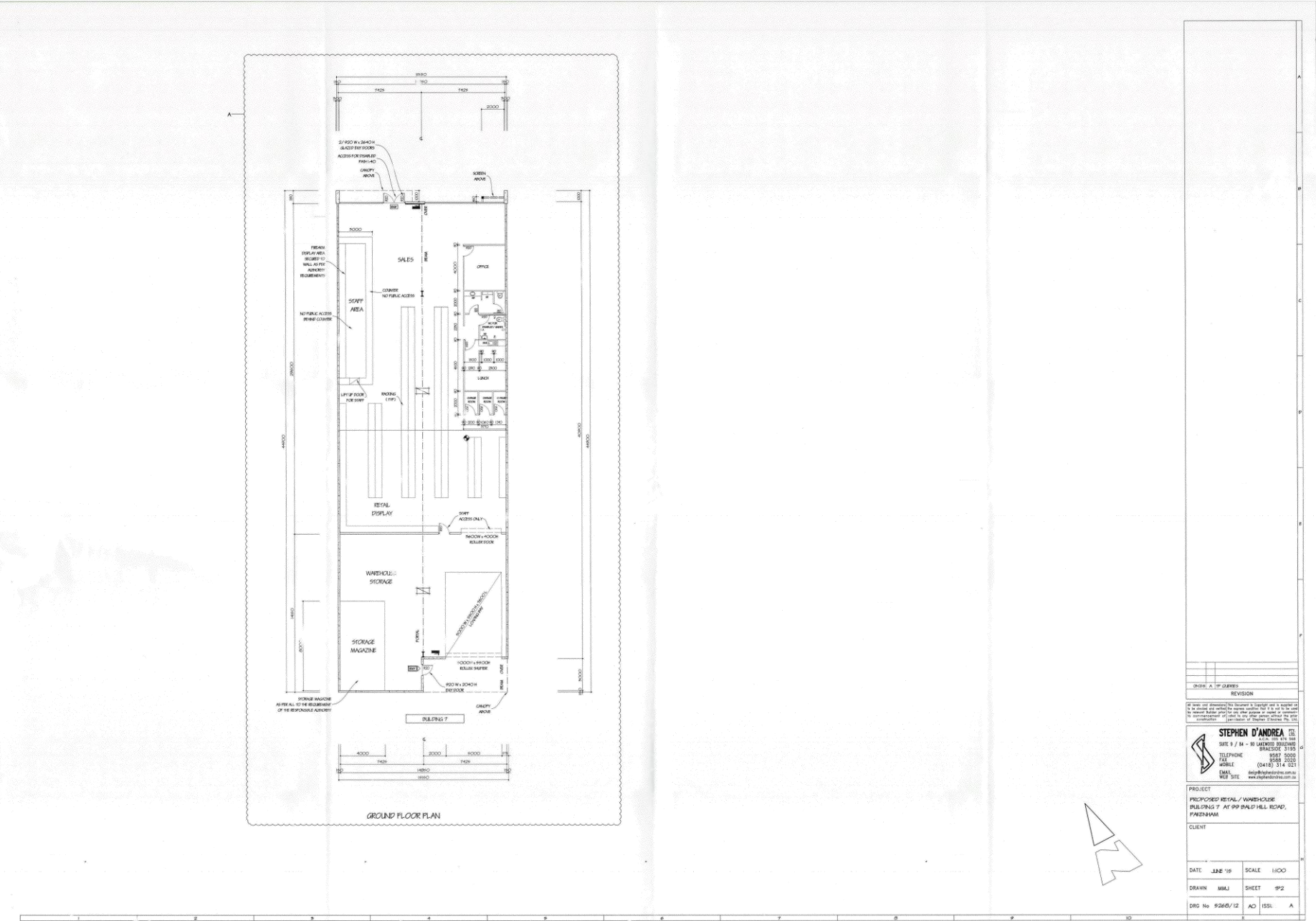
Considering all the above matters discussed throughout the report, the proposal is considered inappropriate for the site and should be refused on the grounds listed in the Officers recommendation.

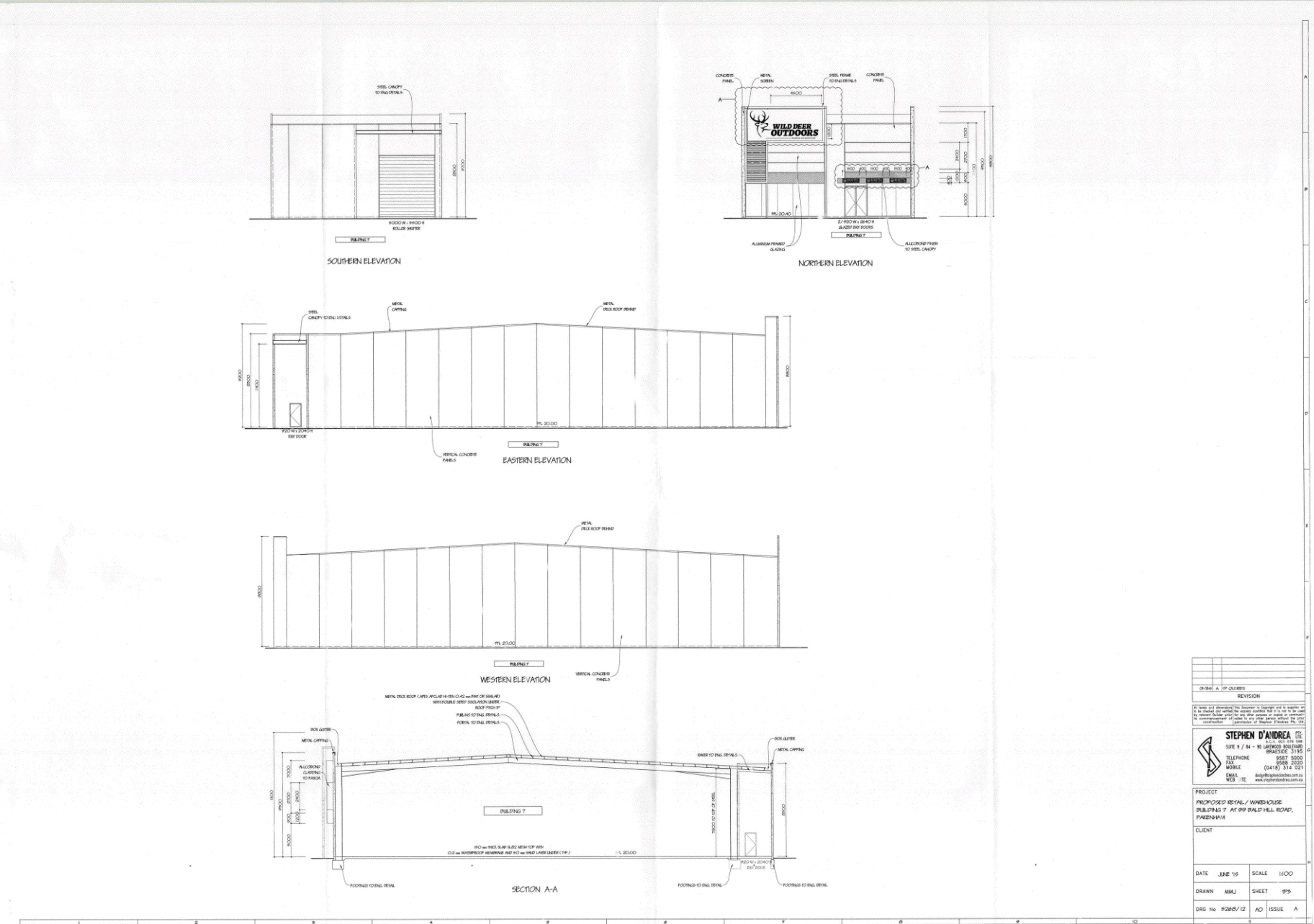




PRINCIPAL PAKENHAM INDUSTRIAL DEVELOPMENTS P/L	PROJECT MANAGER A LOVELOCK	DESIGNED: ---		Speedie Development Consultants Pty Ltd SURVEYORS, ENGINEERS, PLANNERS AND DEVELOPMENT CONSULTANTS 55 Marine Parade, Hastings Victoria 3915 Ph. (03) 5979 5000 Email: reception@speedies.com.au	PROPOSED SUBDIVISION 99 BALD HILL ROAD PAKENHAM 3810	REF No. 9864-2P
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	CHECKED A LOVELOCK					DATE 30 APRIL 2015
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REVISION	
01-001	A - TOP OF BUILDING

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PROPOSED RETAIL / WAREHOUSE
BUILDING 7, 4000 PAVILLON ROAD,
FAVIERVILLE

CLIENT

DATE	JUNE 16	SCALE	1/100
DRAWN	MMJ	SHEET	1/15
DRG No	9265/12	AO	ISSUE A