

2 TWO STOREY OFFICE DEVELOPMENT AND A REDUCTION IN CAR PARKING AT 29 JAMES STREET, PAKENHAM

FILE REFERENCE INT1618110

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Isla English

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T150296 be issued for the development of the land for an office building, associated works and a reduction in the car parking requirements of Clause 52.06 at 29 James Street, Pakenham subject to the conditions.

Attachments

- | | | |
|---|--|---------|
| 1 | Locality map | 1 Page |
| 2 | Development plans | 5 Pages |
| 3 | Letter of objection circulated to Councillors only | 1 Page |

EXECUTIVE SUMMARY:

APPLICATION NO:	T150296
APPLICANT:	Southern Planning Consultants
LAND:	Lot 1 TP378420D, 29 James Street, Pakenham
PROPOSAL:	Development of the land for an office building, associated works and a reduction in the car parking requirements of Clause 52.06 Car Parking of the planning scheme
PLANNING CONTROLS:	Commercial 1 Zone (C1Z) Development Contributions Plan Overlay - Schedule 1 (DCPO1) Land Subject to Inundation Overlay (LSIO) Clause 65 Decision Guidelines
NOTIFICATION & OBJECTIONS:	The application was advertised by sending notices to the owners and occupiers of adjoining land and placing one (1) sign on site. One (1) objection was received.
KEY PLANNING CONSIDERATIONS:	Design and Built Form Lack on onsite car parking Impact to adjoining residences
RECOMMENDATION:	Notice of Decision (NOD) - Approval subject to conditions

BACKGROUND:

This application was initially lodged with Council as a three storey office development that required a reduction of sixteen (16) spaces, to a two storey office development requiring a reduction of seven (7) car spaces.

The applicant has addressed Council's concern with over shadowing and overlooking by modifying the Design of the building with recent changes including window treatments to be more sensitive to the adjoining unit development at 31 James Street, Pakenham. The urban design and layout are considered satisfactory.

SUBJECT SITE

The subject site is located to the south west side of James Street Pakenham with an overall area of 1073sqm. The site is occupied by a single storey weatherboard building located well within the allotment. Vehicle access to the site is via the north side of the property. The allotment has a few established trees on the site. There is a footpath located along both sides of James Street. The site has a 20.12 metre frontage to James Street with a length being 50.59 metres long and the allotment is rectangular shape.

Surrounding land use and development includes:

South East: Rear (Number 58 Main Street) single dwelling converted to a business use;

South West: Three single storey units with private open space adjacent to the fence line;

North West: Pakenham Scout hall;

North East: Single storey residence.

The property is serviced with the relevant infrastructure such as reticulated water, sewerage, power, drainage, gas and telecommunication services are available.

There are no restrictive covenants that affect the land, however there is a 2.3 metre wide easement located along the north eastern property boundary.

PROPOSAL

Approval is sought for the use and development of the land for a two storey office building with associated car parking and access.

Building siting, layout and form

- The proposal includes a modern two storey building with flat roof form and is located at 29 James Street, Pakenham.
- The proposed development will be setback a minimum of 1m from James Street, 2.3 metres from the northern side boundary, 4.62 metres from the southern side boundary and 11.9 metres from the rear property boundary.
- The proposed building has a maximum width of 13.2 metres and length of 27.25 metres with an overall height of 7.5 metres.

- The design of the building has undergone design changes in relation to the heights of walls directly abutting the adjacent lot to the north east (three single storey dwellings). The form of the building at the interface with the residential dwelling shows the building stepping up and in at each level this can be seen clearly from the north elevation on plan TP07 B (facing John Street).
- The proposed building is a two story and to be constructed out of tilt-up panel. The façade to James Street is modern in appearance using a variety of building textures with window glazing.
- Gross floor area is a total of 816.8sqm, with the net floor area of 625.52sqm.
- Each office is provided with associated amenities.
- The total floor area of the two levels of office space proposed is 816.8sqm. The ground floor level has two tenancies, one of which is 140.1sqm and the other being 106.5sqm of leasable floor space. Level 1 has an area of 272.3sqm and 106.5sqm in leasable floor space.
- A stair well is located at the rear of the property with stairs and a lift located to the front of the building.

The design feature elements of the building incorporate a contemporary style façade which is well articulated with staggered setbacks along the ground and first floor. The main entry foyer is easily accessed and incorporates interesting parapet features.

Each office space incorporates individual glass windows, with articulation to the entry verandah. The overall building comprises contemporary elements which complement the developing streetscape at each end of James Street. The office development on the corner of Stevenson Street and James Street and the office development on the corner of John Street and James Street.

Car parking and access:

The proposed development provides for fourteen (14) car parking spaces at the ground level with seven (7) of these spaces under cover, including one (1) disabled access space.

Planning Scheme Car Parking Requirement	Car parking provided	Reduction required
21	14	7

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.01 Activity Centres
- Clause 17.01-1 Business
- Clause 18.02-5 Car parking

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.04-3 Activity centres

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Pakenham Urban Design Framework
- Pakenham Structure Plan

Zone

The land is subject to the **Commercial 1 Zone (C1Z)**

Overlays

The land is subject to the following overlays:

- Development Contribution Overlay – Schedule 1 (DCPO1)
- Land subject to Inundation (LSIO)

PLANNING PERMIT TRIGGERS

The proposal for the development of the land for an office building associated works and a reduction in car parking requirements of Clause 52.06 Car parking, requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-4 of the Commercial 1 Zone a planning permit is required for all building and works.
- Pursuant to Clause 44.04-1 of the Land Subject to Inundation Overlay a planning permit is required for all building and works.
- Pursuant to Clause 52-06-3 Car parking, a permit is required for a reduction in car parking spaces.

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 received one (1) objection to date.

The main issue that was raised within the objection includes an increase in traffic and on street car parking space.

REFERRALS

Under the Land Subject to Inundation overlay, the application was required to be referred to Melbourne Water as a statutory referral Melbourne Water. Melbourne Water had no objection to the proposal subject to conditions.

The application was referred internally to Council's Traffic Engineering Department, who expressed concerns in relation to the potential overflow of car parking from the future businesses. However, the traffic engineering assessment provides evidence that there are sufficient car parking spaces available during business hours to cover the shortfall of seven (7) spaces.

DISCUSSION

The subject site is located within a Commercial 1 zone (C1Z). The use of the land for the purpose of an office is an as of right use under the zone on the provision that car parking is provided at the standard rate specified within the planning scheme, otherwise a permit is required for a reduction in parking.

The application is not considered to jeopardise the various objective and strategies within the State and Local Policy of the Planning Scheme and meets with the purpose of the zone.

The applicant has addressed Council's concern with over shadowing and overlooking by modifying the building in recent amendments. The amendments include a reducing the building from a three (3) storey building to a two (2) storey building. Window treatments are provided and will be more sensitive to the adjoining unit development at 31 James Street Pakenham.

The design of the building and layout of the building and car parking are considered appropriate for the site. The issue is primarily in relation to the reduction in the car parking requirement.

Design and built form

Pakenham's Urban Design Framework (UDF) was adopted by Council in 2004. This document identifies development criteria for any new proposal within the central activity district of Pakenham. The subject site is identified in the UDF as being located within the "Mixed Use Precinct".

In addition the Pakenham Structure Plan 2015, Councils most recent long term plan for Pakenham also references the Pakenham Urban Design Framework. The Structure Plan identified this land as being mixed use.

The proposed two storey building is in accordance with the Pakenham Structure Plan and the Pakenham's Urban Design Framework (UDF). Whilst the built form is higher than the built form of nearby residential properties, it is in accordance with the future direction of the area being within a Mixed Use precinct. The development compliments and positively contributes to the contemporary nature of other developments within James Street.

The location of the site within the designated activity centre supports the proposal. Clause 21.04-3 (Activity Centres) further encourages new buildings in activity centres and to provide for a variety of mixed uses including commercial.

The proposal in its current form provides a continuous built form which suitably addresses the James Street streetscape with a minimal setback. The two storey built form does not create an impact on immediate area. The design of the facades with a variety of colours materials and design elements, the setback from the street, footpath and nature strips widths helps reduce the perceived bulk and scale of the building.

Car parking

The provision of car parking for the development is assessed against the provisions of the Pakenham Urban Design framework and in accordance with Clause 52.06-5 Car Parking in the following table:

Land Use	Floor Area	Car Parking Ratio	Requirement	Available	Shortfall
Office	625.5 sqm	3.5/100sqm	21	14	7

According to the provisions of the planning scheme as outlined above, a total of twenty-one (21) car spaces are to be provided on the land. The proposed development provides for fourteen (14) car spaces on site at the rear of the building with access from James Street.

Therefore, there is a shortfall of seven (7) car parking spaces under Clause 52.06 – Car Parking of the Cardinia Planning Scheme.

The traffic report prepared by Traffix Group, highlights the State Governments Practice Note 22 (June 2015) specifies that the provisions for reducing the car parking requirement draw a distinction between the assessment of likely demand for parking spaces (the Car Parking Demand Assessment), and whether it is appropriate to allow the supply of fewer spaces than assessed by the Car Parking Demand Assessment. These are two separate considerations, one technical while the other is more strategic.

Different factors are taken into account in each consideration.

Accordingly, the applicant must satisfy the responsible authority that the provision of car parking is

appropriate on the basis of a two-step process, which has regard to:

- *The car parking demand likely to be generated by the use.*
- *Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the site.*

In considering a parking reduction, Council must consider the availability of alternative parking in the locality, availability of public transport, impact on adjoining uses, previous uses and impact on the local traffic management of the area. The Traffic Engineering Assessment submitted with the planning application, which undertook a survey on Thursday 10th December 2015 at 8 different times of day (9am, 10am, 11am, 12 noon, 1pm, 2pm, 3pm 4pm) identified that there was a minimum of 91 vacant spaces recorded at 10am and 12noon on Thursday 10th December, 2015 (23 parked cars, 20% occupancy) within James Street and John Street.

On street parking within the surveyed area of James Street and John Street is primarily unrestricted with a total of 114 on street parking spaces located within the survey area. Two unrestricted car spaces are available along the site's frontage. During the surveys, no vehicles were recorded parked along the site's frontage.

In addition, a total of 200 unrestricted off street car spaces are located within a Council operated off street car park located 75 metres to the south east of the site.

During the surveys, a minimum of 152 vacant off-street car spaces were recorded at 10am on Thursday 10th December, 2015 (48 parked cars, 24% occupancy).

The Traffic Engineering Assessment which, using evidence of the occupancy of other car parking in the area and availability of these spaces throughout the day/week as detailed above, determines that the car parking already existing in the vicinity of the site will be adequate to provide for the shortfall of seven (7) car spaces that will not be provided for onsite. It is expected that the peak times for the offices are likely to be during 9am to 5pm on weekdays.

The application was referred to Council's Traffic Engineering Department, who expressed concerns in relation to the potential overflow of car parking from the future businesses. However, the traffic engineering assessment as detailed above, provides evidence that there are sufficient car parking spaces available during business hours to cover the shortfall of seven (7) spaces.

The proposed use of the building as offices does amount to a reduced turnover of vehicles visiting the site as compared to retail uses, and medical practices.

Whilst the development has a shortfall in car parking, the proposed development will provide for economic growth in relation to business development and job opportunities within Pakenham. As such, a balanced approach to ensuring business, business growth, business retention and job opportunities are created, against the potential impact of the car parking reduction must occur. For the above reasons, it is officer's view that this proposal achieves this balance.

Objection

The objection received highlights ongoing concerns at the use of James Street for residents with the demands of cars using James Street at the moment as a link road.

Council acknowledges the existing traffic pressures and a long term plan for the area outlined within the Pakenham Structure Plan. The proposed orbital road is to provide alternative route for vehicles to access and circumvent the core retail area without putting further pressure on the valued street character of the area, in particular that of Main Street.

Whilst this is a long term goal to be achieved, the existing road network is able to cater for the additional traffic generated by this development.

CONCLUSION

It is considered that the application is consistent with the requirements of the Cardinia Planning Scheme and should be approved.

CONDITIONS

1. Before the commencement of the development, 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 one (1) copy (preferably electronic) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A landscape plan prepared by a person suitably qualified or experienced in landscape design, the plan must show:
 - 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, including the road reservation within three metres of the boundary;

- iii. 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 for the common property throughout the site;
- iv. Details of surface finishes of pathways and driveways for the property;
- v. Details of tree protection measures of trees to be retained and streets trees, to ensure the health of the trees on adjoining properties or nature strip.

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

- b) Bollards or other devices to prevent vehicles exiting the site for the north pedestrian walkway
2. 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.
 3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
 4. Before the development starts, a tree protection fence must be erected around the street trees fronting James Street to define a "Tree Protection Area". The fence must be constructed of appropriate materials and heights to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Area must be covered by a 100mm deep layer of mulch and be watered regularly to the satisfaction of the Responsible Authority.
 5. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
 6. 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.

7. A minimum of fourteen (14) car space/s, including one (1) disabled car parking space clearly marked for use must be provided on the land for the development to the satisfaction of the Responsible Authority.

8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a) 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.
 - b) A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - c) Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner.
 - d) The landscaping works shown on the endorsed plans must be carried out and completed.

All to the satisfaction of the Responsible Authority.
10. 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.
11. Potential for noise generation and traffic movements affecting nearby residential lots compliance with Environment Protection Authority (EPA) requirements relating to noise generation from this commercial premise are necessary.
12. Noise levels emanating from the premises must not exceed those permissible levels determined under:
 - a) State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
13. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
14. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
15. All wastewater must be discharged into reticulated sewerage system to the satisfaction of the Responsible Authority.
16. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
17. 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 all of the buildings, including the roof, must be of a non-reflective nature.

18. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
20. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.
21. The development and development works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Inappropriate storage of any works or construction materials;
 - d) Hours of construction activity;
 - e) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - f) Presence of vermin.

Melbourne Water:

22. The finished floor levels of the new office buildings must be set no lower than 33.12 metres to the Australian Height Datum (300mm above the applicable adjacent 1% ARI flood level in the road).
23. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Permit Expiry

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

- 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.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Permit note:

- 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.
- Copies of plans and other relevant documents should be submitted electronically to mail@cardinia.vic.gov.au

Melbourne Water:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 254476.

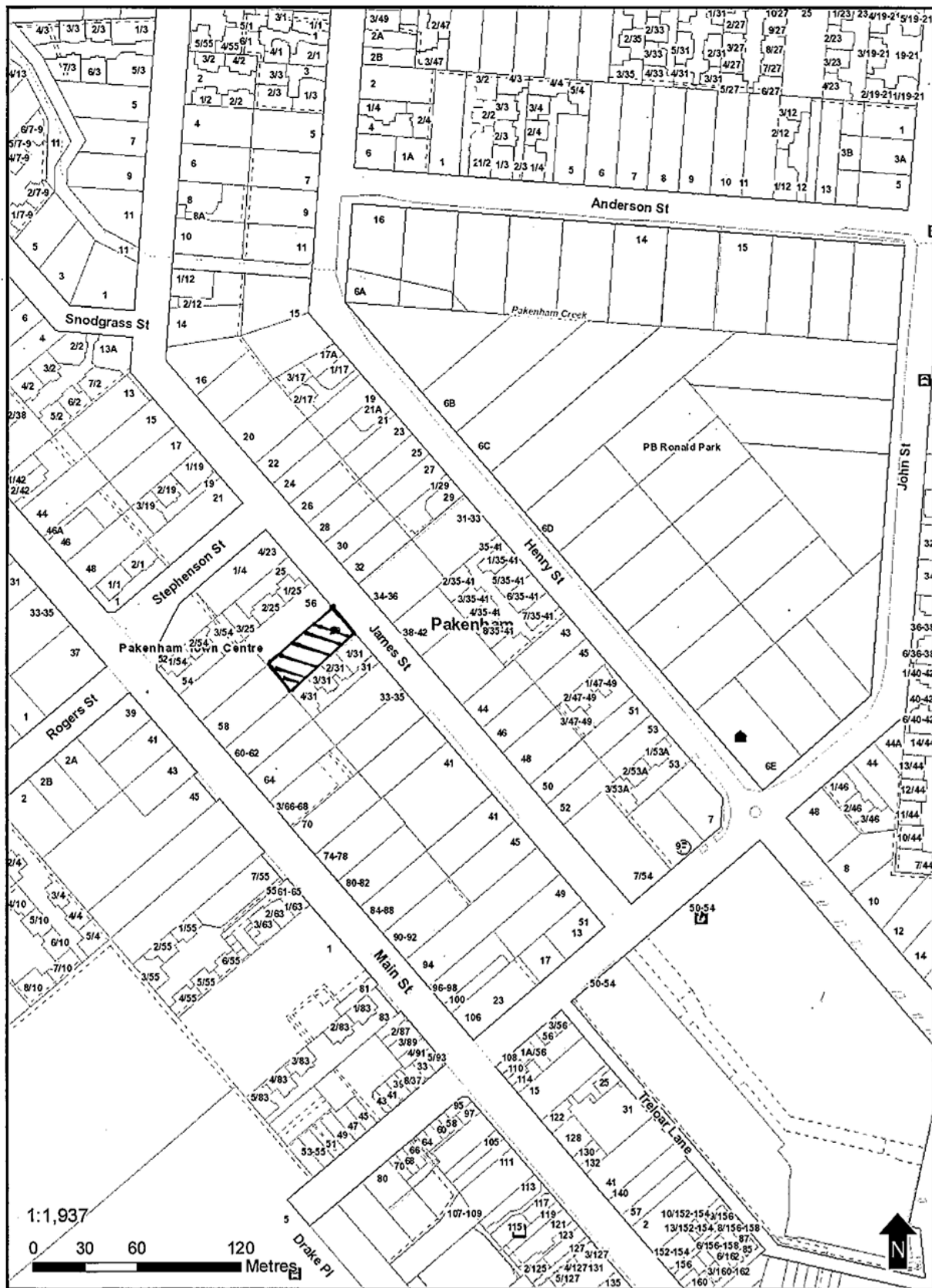
Melbourne Water's Assessment:

Preliminary information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, however the adjacent maximum 1% ARI flood level within the road (James Street) grades from 32.85 metres to the Australian Height Datum at the north property boundary corner down to 32.73 metres AHD at the east property boundary corner.

In interests of flood protection of the new buildings, Melbourne Water has listed a minimum floor level requirement, which has been achieved on the referred plans. No further amendments/adjustments are required from Melbourne Water's perspective on flood protection.

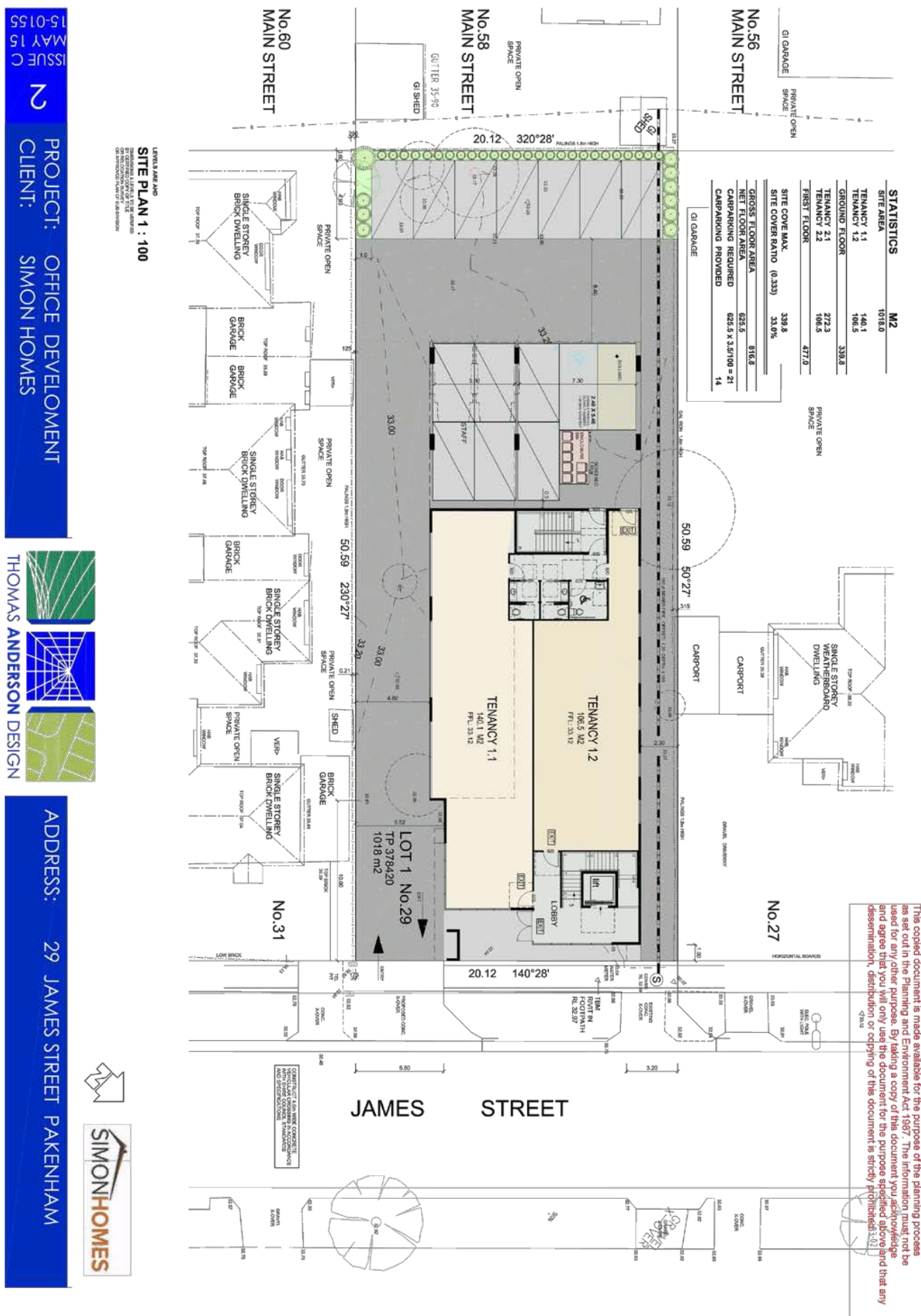
29 James St, Pakenham

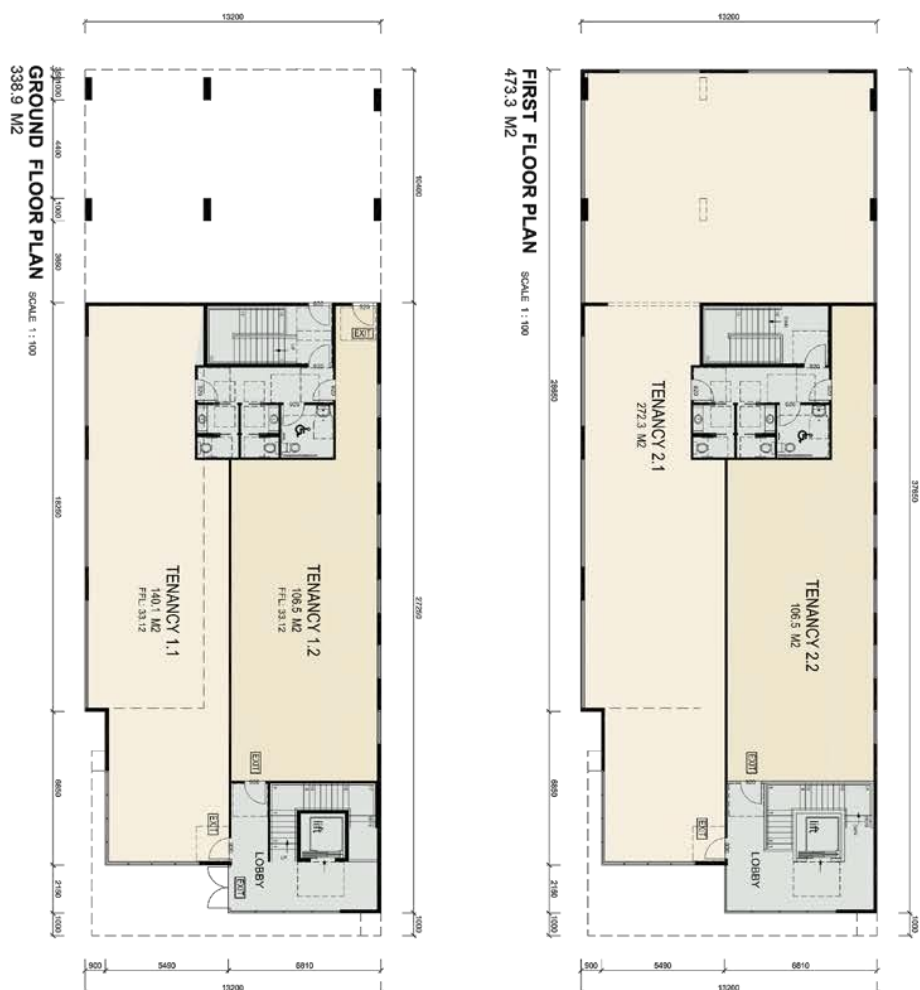

Cardinia



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

15/03/2016





[This copied document is made available for the purpose of the planning process and is not to be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purposes specified above and that any dissemination, distribution or copying of this document is strictly prohibited.]

STATISTICS	
	M2
SITE AREA	
TENANCY 1.1	140.1
TENANCY 1.2	106.5
GROUND FLOOR	338.8
TENANCY 2.1	272.3
TENANCY 2.2	106.5
FIRST FLOOR	477.0
SITE COVE MAX.	
SITE COVER RATIO (0.33)	33.0%
GROSS FLOOR AREA	
NET FLOOR AREA	625.5
CARPARKING REQUIRED	625.5 x 3.5/100 = 21
CARPARKING PROVIDED	14



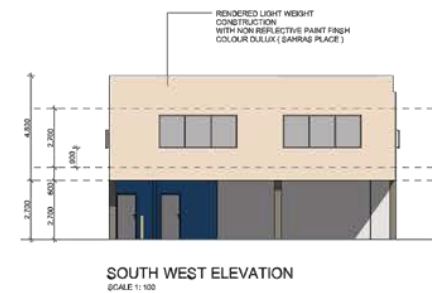
© DESIGN COPYRIGHT

3
ISSUE C
MAY 15
15-0155

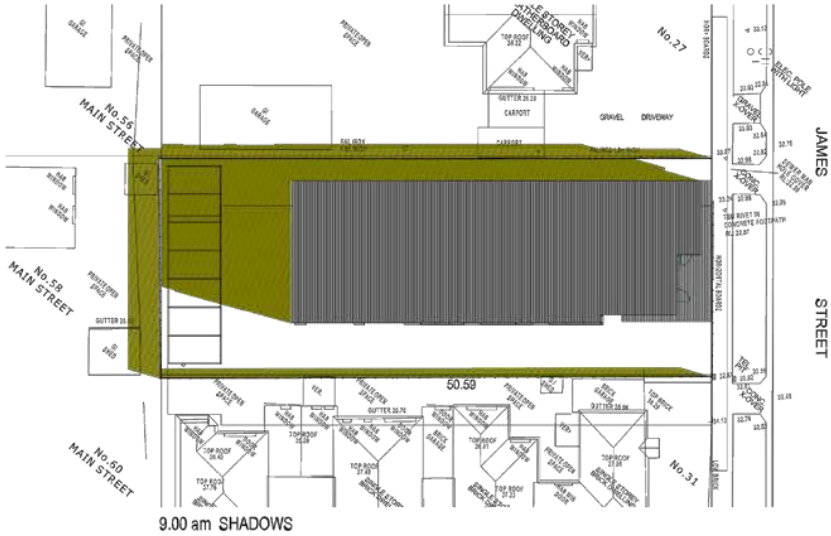
OFFICE DEVELOPMENT
SIMON HOMES



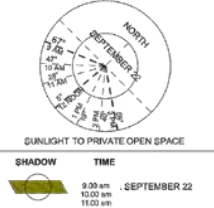
ADDRESS: 29 JAMES STREET PAKENHAM



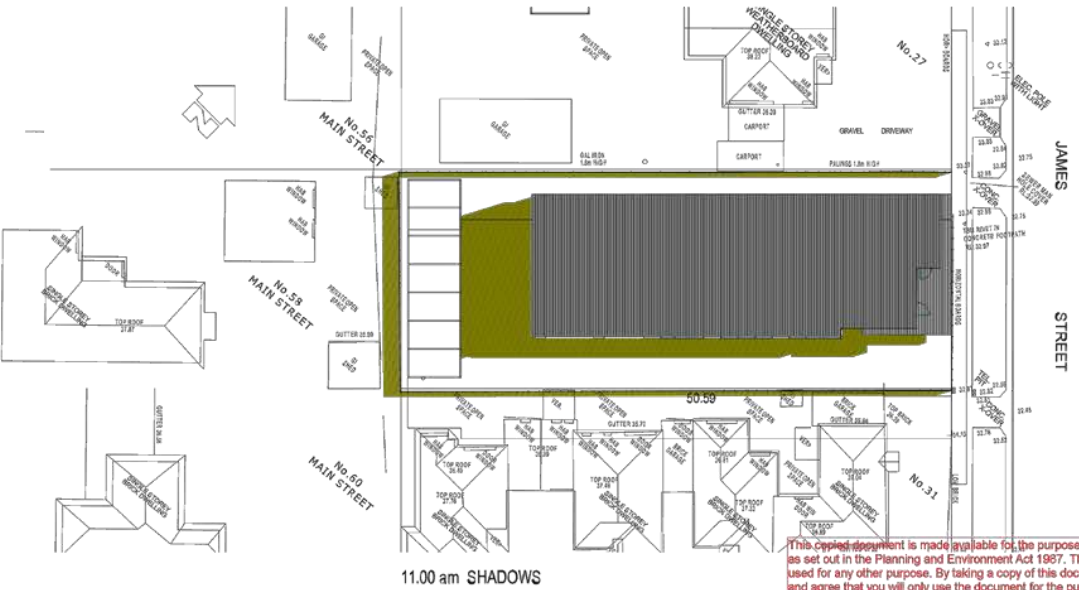
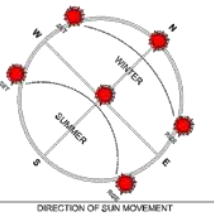
4
ISSUE C
MAY 15
15-0155



EQUINOX DATUM: 22 SEPTEMBER
MELBOURNE, VICTORIA



SUN PATH DIAGRAM



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

ADDRESS: 29 JAMES STREET, PAKENHAM



OFFICE DEVELOPMENT
SIMON HOMES

5
ISSUE C
MAY 15
15:0155

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

