

# **1 EXTENSION TO COMMERCIAL BUILDING AT 18 STATION STREET, PAKENHAM**

FILE REFERENCE INT1828157

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Melanie Wright

## **RECOMMENDATION**

That Planning Permit **T170781** be issued for Buildings and works (commercial **extension**) and car parking **reduction** at **18 Station Street, Pakenham**, subject to the conditions attached to this report.

## **Attachments**

- 1 Locality Plan
- 2 Development Plan

## **EXECUTIVE SUMMARY**

APPLICATION NO.:	<b>T170781</b>
APPLICANT:	<b>Rohin Adams</b>
LAND:	<b>18 Station Street, Pakenham VIC 3810</b>
PROPOSAL:	<b>Buildings and works (commercial <b>extension</b> &amp; illuminate advertising signs) and car parking reduction at 18 Station Street, Pakenham</b>
PLANNING CONTROLS:	<b>Commercial 1 Zone (C1Z) Development Contributions Plan Overlay - Schedule 1 (DCPO1) Land Subject to Inundation Overlay (LSIO) Clause 65 Decision Guidelines</b>
NOTIFICATION & OBJECTIONS:	Exempt from Public Notification
KEY PLANNING CONSIDERATIONS:	Car parking
RECOMMENDATION:	Issue permit with conditions

## **BACKGROUND**

Council records indicate there is no recent Planning Permit history for the site.

## **SUBJECT SITE**

The site is located on the north side of Station Street with the northern boundary abutting Treloar Lane.

A crossover is located over the northern boundary and accessed from Treloar Lane. There is a 0.12m wide party wall easement along approximately two thirds of the western boundary.

The site currently contains a single storey commercial building, which is occupied by an office use that also occupies the tenancy to the west at No.16 Station St. The built form occupies majority of the narrow site with

no setbacks along the east, south or west boundaries. An awning protrudes over the footpath to Station Street. The main pedestrian access to the building is via Station Street with a staff only door accessible via Treloar Lane.

Open car parking spaces exist to the rear of the site that also accommodates waste storage associated with the use.

The topography of the land is flat.

The main characteristics of the surrounding area are:

- The site is located in the Pakenham Town centre, which comprises of various commercial uses, retail, food and beverage, offices and some industrial uses. The precinct also includes large retail premises and a small sale shopping mall as well as some public and recreational uses.
- The site is located within 200 metres of the Pakenham Railway Station and some metropolitan bus routes.
- To the north of the site is Treloar Lane, the lane links John St to Cook Drive and is a rear access point for sites along Main Street and Station Street. North of Treloar Lane is Pakenham Central mall which hosts large scale retail tenancies.
- East of the site is a large single storey retail premises occupied by a large scale electrical company. The site have vehicle access via Treloar lane.
- South of the site is 1-7 Station Street a group of commercial premises occupied with several different tenancies, vehicle access to the sites is via Main Street.
- West of the site is a similar sized commercial premises which is occupied by the same tenants as the subject site. Along the west of the site is a pedestrian access link from Station Street to Treloar Lane which features as an easement on the title. The site have vehicle access via Treloar lane.

## **PROPOSAL:**

Approval is sought to extend the existing commercial premises, advertising signage and for a reduction in the statutory car parking requirements. The proposal includes the extension to the rear of the premises at ground floor plus the addition of a first floor. The additional floor area intensifies the use of the site and a full car parking reduction is sought.

The existing floor area of the single storey premises is 149.5sqm. The current overall building height is 4.7 metres.

The proposal will increase the ground floor area to 224.3sqm, the additional floor will also comprise of a total floor area of 224.3sqm and the overall total floor area will be increased to 448.6sqm. The overall building height is 7.57 metres which includes the first floor addition. The proposed increase in floor area will be constructed to all boundaries, there will be no setback at any boundary to accommodate car parking. Awnings are proposed at both frontages, and some external building detailing will create a contemporary style building.

Signage is proposed for the building on all upper facades, the total internally illuminated signage for the site is  $(4 \times 1.1225\text{sqm}) = 4.49\text{sqm}$ .

The overall floor area of 448.6sqm requires 15 car space to be provided (3.5 per 100sqm x 448.6sqm). The existing car parking on site (2 spaces) will be built over by the extension and therefore a full reduction of 15 spaces is required. The applicant has sought a reduction of 13 spaces and offered a contribution payment for the reduction of 2 spaces to be achieved through a Section 173 Agreement.

## PLANNING SCHEME PROVISIONS:

### State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- *Clause 11.03 – Activity Centres*
- *Clause 15.01 – Built Environment*
- *Clause 15.02 – Sustainable Development*
- *Clause 17 - Commercial*

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- *21.04 – Economic Development*
- *21.06 – Particular Uses and Development*

### Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- *Clause 52.05 Advertising Signage*
- *Clause 52.06 Car Parking*
- *Clause 65 Decision Guidelines*
- *Pakenham Structure Plan*
- *Pakenham Parking Precinct Plan*

### Zone

The land is subject to the Commercial 1 (C1Z)

### Overlay

The land is subject to the following overlays:

- *Land Subject to Inundation (LSIO)*
- *Development Contributions Overlay – Schedule 1 (DCPO1)*

## PLANNING PERMIT TRIGGERS

The proposal for commercial extension and car parking reduction requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-4 a planning permit is required to construct or carry out buildings and works including advertising signage
- Pursuant to Clause 52.06-3 a planning permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5
- Pursuant to Clause 52.05 -7 A permit is required to construct internally illuminated signs exceeding Advertising 1.5sqm on one premises

## PUBLIC NOTIFICATION

Pursuant to Clause 34.01 & 52.06 of the Cardinia Planning Scheme the proposal is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987.

## REFERRALS

### *Melbourne Water*

The application was referred to *Melbourne Water* as a statutory referral. *Melbourne Water* had no objection to the proposal subject to conditions:

- *Building and works must have a finished floor level of less than 28.96 AHD*

## DISCUSSION

### State and Local policies

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.

A number of state and local policies are relevant to this application, such as Clause 15.01 (Urban environment), Clause 15.01 (Built Environment ) and Clause 21.06-1 (Design and built form), which aim to encourage housing diversity, promote a high standard of design and achieve attractive, diverse, sustainable and town centres.

At a local level, Clause 21.04 (Economic Development) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of commercial building types in existing town centres, while being consistent with the existing and/or preferred precinct character.

Clauses 11.03-2(Activity Centre Planning) and 21.06-1 (Design and Built Form) are also relevant to this application. These clauses aim to encourage development and provide diversity of design and built form in commercial precincts. More specifically, these clauses include strategies that seek to facilitate attractive, functional and sustainable built environment in the established areas and in areas with appropriate infrastructure and access to jobs and public transport.

Clauses 11.06-6 (Sustainability and resilience), 15.02-1 (Energy and resource efficiency) and 21.02-8 (Resource conservation) are also applicable to this application. These clauses generally seek to create a more sustainable and resilient city by encouraging development to maximise efficient use of energy and minimise greenhouse gas emissions.

The Pakenham Structure Plan provides a strategic vision for the future of the Pakenham Activity Centre. The vision for the Pakenham Activity centre is for the area to be *a prosperous and sustainable activity centre accommodating high quality new development, providing local employment and a diverse range of retail, commercial and residential options*. The proposal is consistent with this vision as it seeks to revitalise the centre of the Activity centre by providing high quality urban design.

### ***Buildings and Works***

The proposed buildings and works include a ground floor extension and first floor addition to the existing commercial building. The proposal includes extending the existing ground floor to all title boundaries and the addition of a first floor. It is also proposed to construct awnings to both street frontages proposed with new advertising signage.

The proposed two storey building is in accordance with the Pakenham Structure Plan and will rejuvenate a tired streetscape. 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 Station Street. The extension of the built form to the rear laneway will increase activity on the rear laneway and improve the street frontage by replacing car parking with high quality urban design and additional glazing. The double storey built form with significant glazing on both street facades will increase surveillance to Treloar Lane.

The location of the site is within the Pakenham Activity Centre, Clause 21.04-3 (Activity Centres) encourages new buildings in activity centres and to provide for a variety of mixed uses including commercial. It is considered that the proposal will bring much desired investment to the activity centre by renewing the existing site. The proposed built form is modern contemporary and provides a design which is compatible with the preferred character of Station Street.

The Pakenham Structure Plan has the following objectives:

- *A compact, attractive and vibrant street-based retail core with a clearly identifiable 'heart' located in Main Street between John and Station Street.*
- *Encourage community uses, offices or residential development in the upper levels of mixed use development use developments, maintaining active uses at street level.*

The additions to the existing building will add high quality urban design to both facades and provide awnings to both street frontages. The Pakenham Structure Plan also encourages the development to respond to environmental sustainable design. The proposal includes significantly glazing on each street frontage and the provision skylights in the roof. The skylights will be located over the internal stair case and desks which are located internally which will have reduced natural light access. Overall, the proposal meets the objectives of the Pakenham Structure Plan.

### ***Advertising Signage***

Assessment of the proposed internally illuminated business identification signage is limited to its impact on the character of the surrounding streetscape. Clause 52.05 of the Cardinia Planning scheme aims to provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

The proposed signage under consideration in this application are the awning (4) above awning internally illuminated business identification signage. The signs details are:

1. 500mm by 2245 mm - Internally illuminated building identification located upper north façade
  2. 500mm by 2245 mm - Internally illuminated building identification located upper south façade
  3. 500mm by 2245 mm - Internally illuminated building identification located upper east façade
  4. 500mm by 2245 mm - Internally illuminated building identification located upper west façade
- Total internally illuminated signage (4 x 1.1225sqm) = 4.49sqm

Under awning business identification signage is proposed under the Station St and Treloar Lane awnings, these do not require planning approval.

The proposed illuminated signage is located on all building facades but are well distributed as not to create clutter. The scale of the signs is modest and will add to the contemporary design of the proposed addition. The subject site is located in an activity centre where advertising signage is a common feature, the proposed signage is considered to be consistent with the proportion, scale and form of the proposed sign relative to the streetscape. The signs are simple in design and are sited appropriately across the building. The signs are not considered to impact views and vista in the streetscape or skyline as the site is surrounded by building of a similar scale and there are no sensitive uses within 30 metres of the site including residential occupancies or traffic lights. The proposed illumination is not proposed to flash or have moving images, the back lighting is very subtle and will not impact pedestrians or vehicles.

For the reasons mentioned above, the advertising signage is deemed to be consistent with the character of the area and is recommended for approval.

### *Car Parking Reduction*

The proposal seeks to increase built form to all tile boundaries reducing the ability to accommodate any car parking spaces on the subject site. It is proposed to reduce the statutory car parking requirement by 13 car spaces (the remaining two spaces the property owner will enter into an agreement with Council for a payment to contribute to future car parking infrastructure in Pakenham Town Centre enabled through a S173 agreement). Car parking accommodation shortfalls has been identified in the Pakenham Structure Plan and Strategic framework on a future car parking has commenced in the form of Pakenham Parking Precinct Plan.

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

Land Use	Floor Area	Car Parking Rate	Total Requirement	Spaces covered by S173	Shortfall
Office	488 sqm	3.5 x 100sqm	15	2	13

Guided by the Pakenham Parking Precinct Plan, Council entered into negotiations with the applicant for a contribution payment to future car parking in the Pakenham Town Centre. Discussions were successful and Council and the applicant agreed that a contribution payment for two (2) car parking spaces could be achieved by entering into a S173. Conditions requiring a monetary contribution will be placed on the permit. Council's Traffic and Strategic Departments agreed that a contribution in line with the cost outlined in the Pakenham Parking Precinct Plan.

The traffic report prepared by Mornington Peninsula Services Pty Ltd, provides and assessment for reducing the car parking requirement to zero.

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 of parking conditions within 150 metres of the subject site on Thursday 9 November 2017 between 8:30am to 5:30pm at 18 times across the day, and Saturday 11 November 2017 between 8:30am and 2:00pm at 13 times across the day. Ten locations with a total car parking capacity of 385 were surveyed at different times across each day observed the following:

- That there was a minimum of 142 vacant spaces (37% vacancy) recorded at 1:30pm on Thursday 9 November 2017. With the exception of the hours between 11am & 2pm there were vacancy levels exceeded 40% across the day.
- There was a minimum of 218 spaces vacant (57% vacancy) between the hours of 10:30am and 12:30pm on Saturday 11 November 2017. Vacancy levels exceeded 56% across the day.
- On-street parking within the surveyed area of Station Street (Area 1) is has 1 hour limit restrictions with a total of 29 on-street parking spaces located within the survey area. During the surveys, a maximum of 24 vehicles recorded parked along the site's frontage on the Thursday survey.
- A total of 120 unrestricted off-street car spaces are located within a Council operated off-street car park(Area 10) located 75 metres to the north-east of the site. The area did not exceed a capacity of 37% over the Thursday survey or over 1% capacity on the Saturday survey.

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 13 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 and Saturday mornings.

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 13, particularly with the monetary contribution to future car parking in the Pakenham Activity Centre.

The proposed use of the building as an office (real estate), with the nature of the business staff are likely to have frequent and long trips out of the office. Staff are unlikely to require all day car parking spaces like standard office uses and based on the parking survey the Pakenham Town Centre can accommodate short stay car parking needs of the staff.

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. The benefits of such as this development will have beneficial benefits for the vibrancy and character of the Pakenham Activity Centre. For the above reasons, it is officer's view that this proposal achieves this balance.

### ***Land Subject to Inundation***

The land is affected by the Land Subject to Inundation Overlay, the purpose of the overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage. The proposal was referred to Melbourne Water who did not object to the proposal subject to conditions. The conditions specified minimum floor height to ADH which has been added as a permit condition.

## **CONCLUSION**

It is considered that the application is consistent with the requirements of the Cardinia Planning Scheme and it is recommended that a Planning Permit should be issued for Buildings and works (commercial **extension and internally illuminated advertising signs**) and **car parking reduction** at **18 Station Street, Pakenham** 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 with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. A Waste Management Plan meeting the requirements of Condition 7
  - b. Submission of a s173 Agreement in accordance with Condition 3

To the Satisfaction of the Responsible Authority

2. The use or development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. Before the development can commence, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. The Section 173 Agreement must provide for the one off payment of \$24,000 to be paid to the Responsible Authority to be used by the Responsible Authority on actions identified within the

Pakenham Parking Precinct Plan (December 2017, or any later revisions) to improve car parking in the Pakenham Town Centre.

4. Before the development commences, an application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act.
5. Within 3 months of completion of the buildings and works authorised under this permit, the owner of the land must pay to the Responsible Authority in full the \$12,000 financial contribution set out in Condition 3 of this permit.
6. 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.
7. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must include:
  - a. Dimensions of waste areas
  - b. The number of bins to be provided
  - c. Method of waste and recyclables collection
  - d. Hours of waste and recyclables collection NB. These should correspond with our Local Laws
  - e. Method of presentation of bins for waste collection
  - f. Strategies for how the generation of waste and recyclables from the development will be minimised

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

8. Finished floor levels of the extended ground floor area must be constructed no lower than 28.79 metres to Australian Height Datum (AHD).
9. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
10. The illumination of the sign/s must not detrimentally affect the amenity of the area through the emission of unreasonable levels of light beyond the boundary of the subject land.
11. The sign/s lighting must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
12. The sign/s must not contain any flashing light.
13. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.



14. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
15. All waste material not required for further on-site processing must be regularly removed from the subject land. All vehicles removing waste must be fully secured and contained to the satisfaction of the Responsible Authority so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
16. 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.
17. 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.
18. Before the development commences, a site drainage plan must be submitted to and approved by the Responsible Authority that includes all proposed buildings, access, circulation and parking areas.

#### Expiry

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

- a. The development is not started within two years of the date of this permit.
- b. The development is not completed within four years of the date of this permit.
- c.
- d. This permit, as it relates to signage, expires 15 years from the permit issue date.

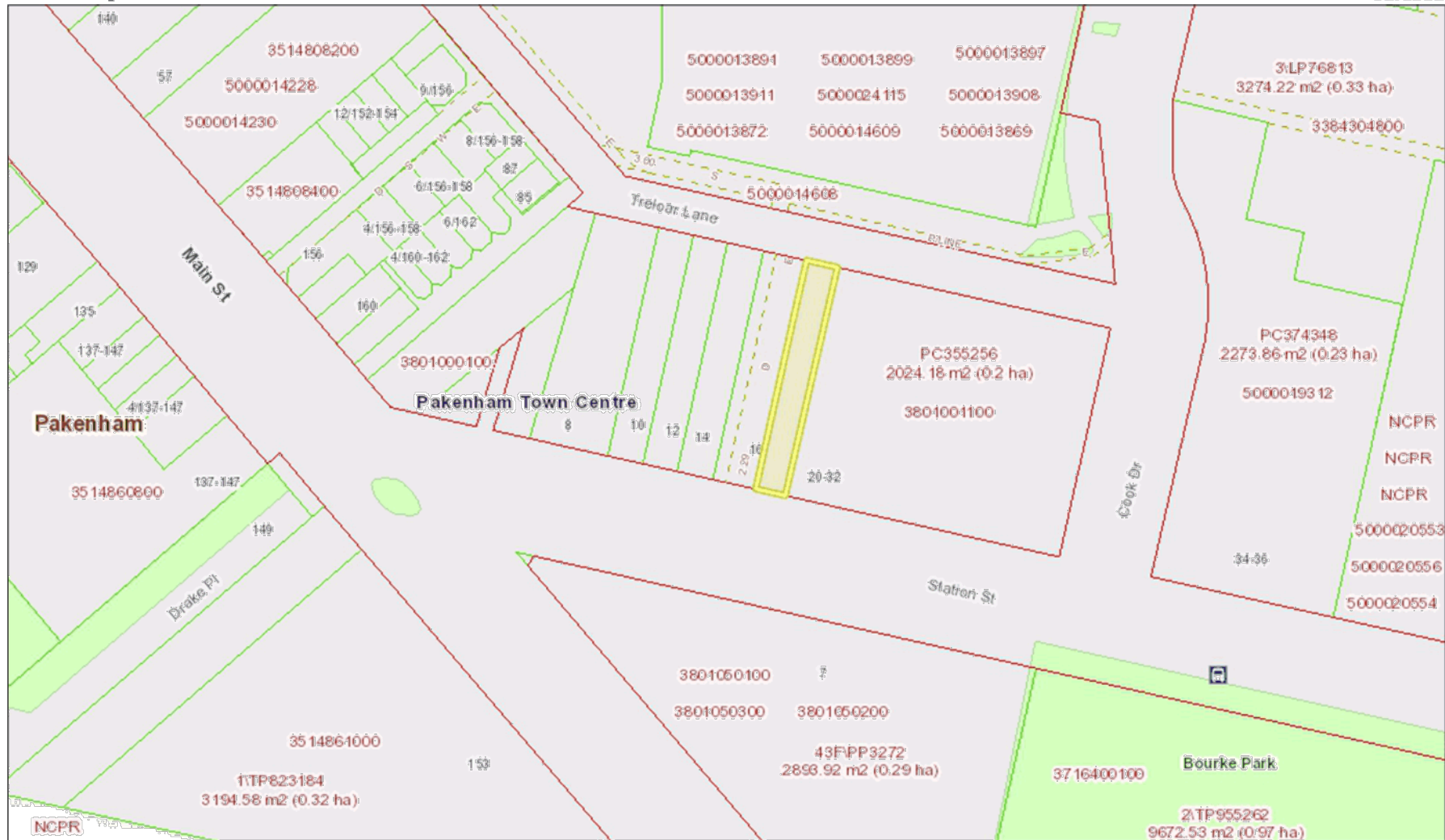
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

#### Notes:

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- The applicable flood level is 28.96 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water reference MWA-1051434
- Unless a permit is not required under the Cardinia Planning Scheme, signs must not be constructed or displayed without a further planning permit.



# Locality Plan



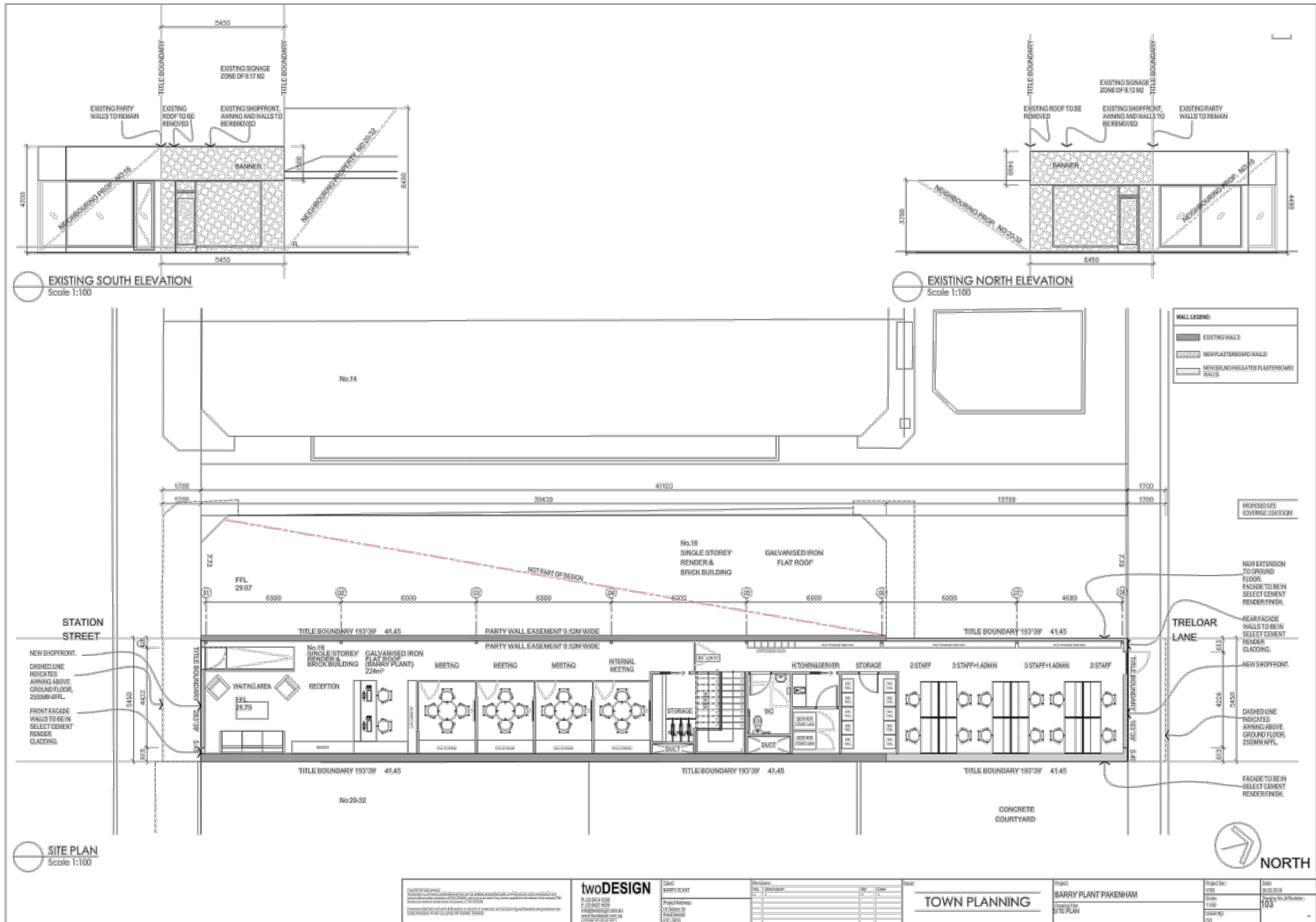
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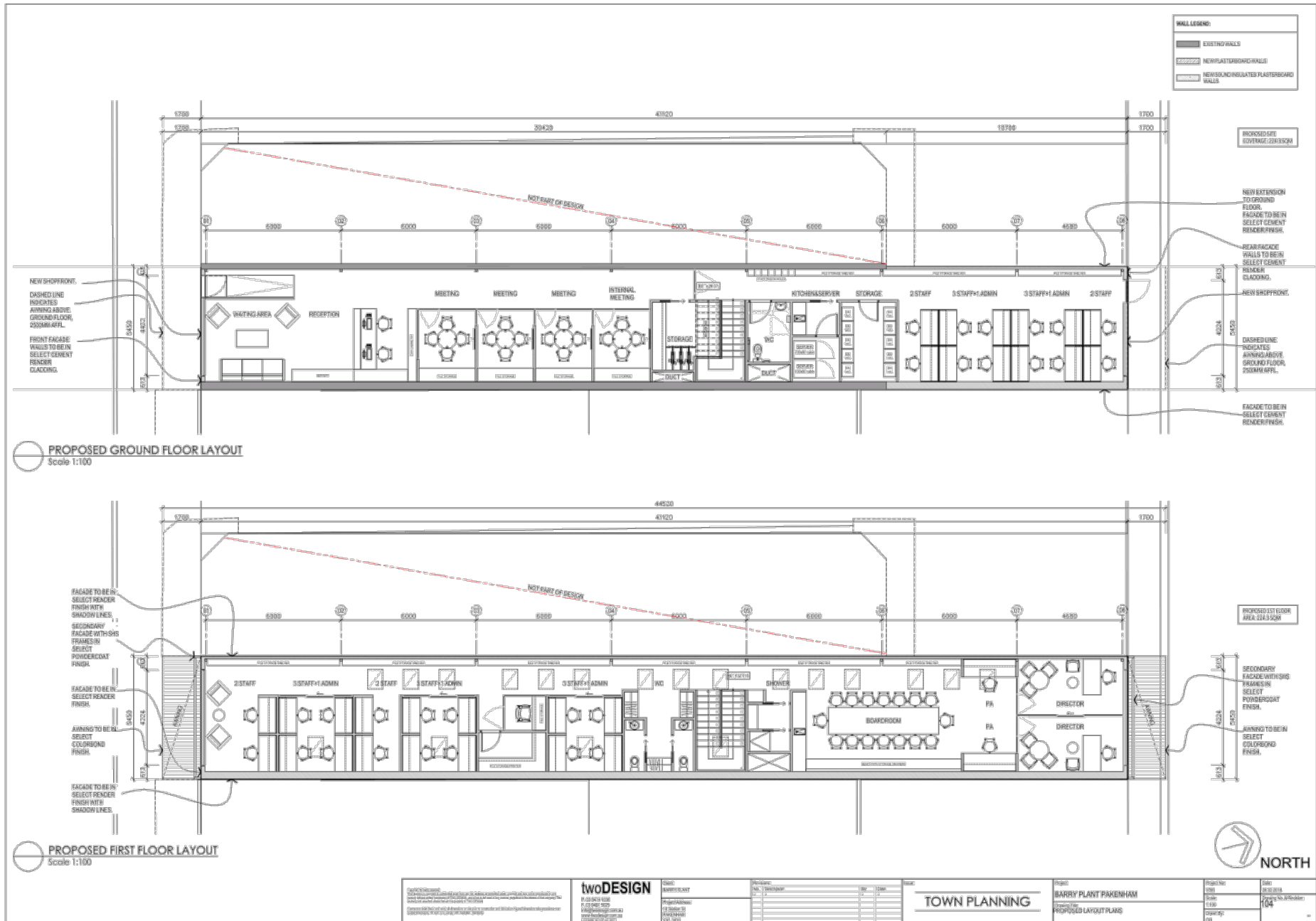
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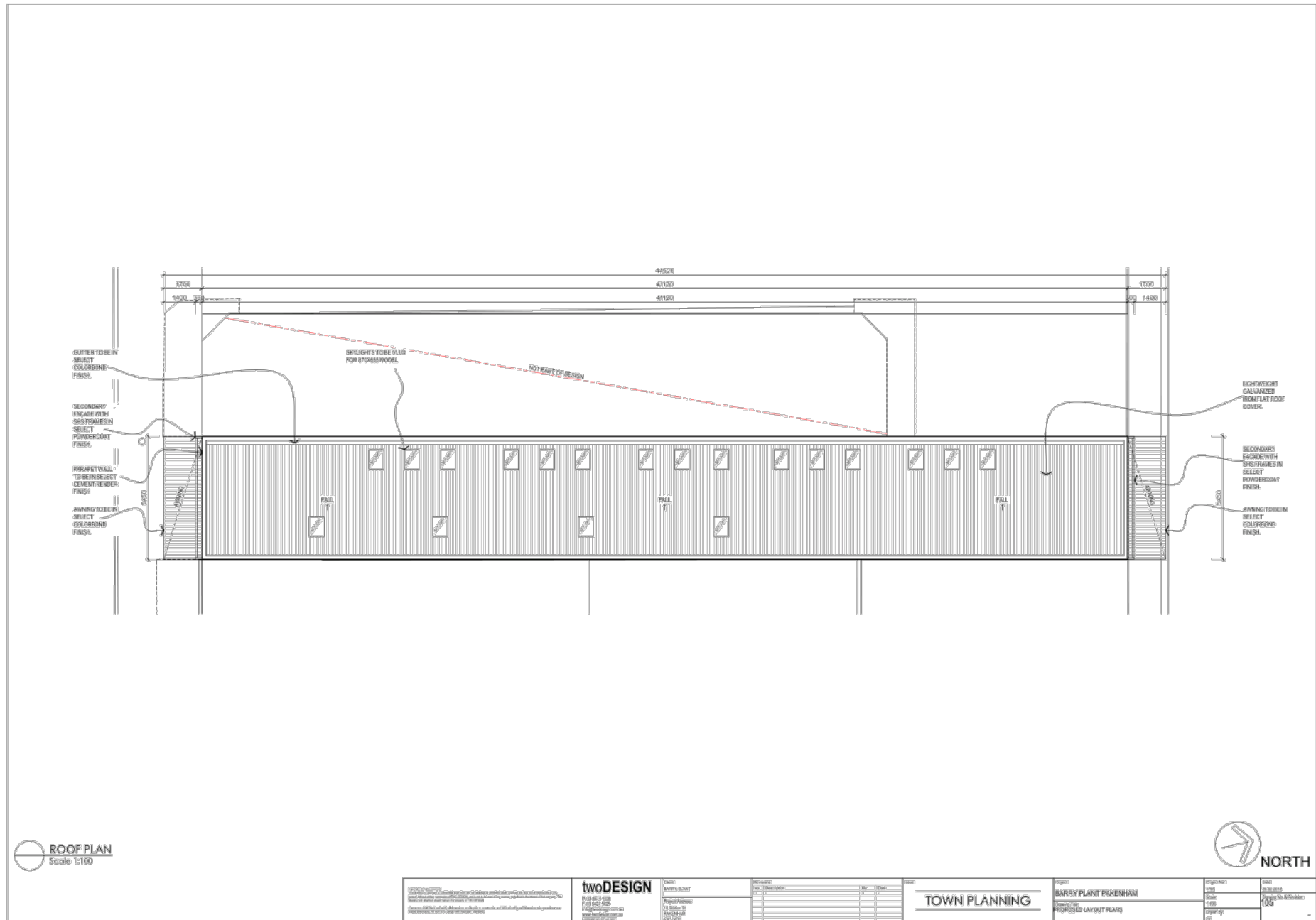
Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

19-Apr-2018

Notes







ROOF PLAN  
Scale: 1:100



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