

Planning Scheme Amendment C242 Protecting and Preserving Heritage Places and Precincts in Pakenham

File reference: 95-10-541

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Recommendation(s)

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C242.
2. In accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to an independent planning panel to be appointed by the Minister for Planning.

Attachments

- Attachment 1: Submission responses to proposed Amendment C242.

Executive summary

The Amendment is required to implement the recommendations from the *Pakenham Structure Plan Heritage Review, February 2018 (revised July 2018)*, ensuring that the protection of the Pakenham Activity Centre's cultural, aesthetic and architectural heritage by applying heritage controls to a number of places and precincts. Protecting the municipality's heritage places will assist in understanding Cardinia Shire's past, and enrich the residents of Pakenham's present and protect places for future generations.

The Amendment includes the eight individual places, one group listing and three precincts from the Pakenham Activity Centre to the Schedule to Clause 43.01 Heritage Overlay. The Amendment inserts the *Pakenham Structure Plan Heritage Review, February 2018 (revised July 2018)* as a reference document at Clause 21.02; and updates the Cardinia Residential Heritage Precincts Incorporated Plan by varying the Schedule to Clause 81.01 Incorporated Document with the three proposed Pakenham Precincts.

The Amendment was placed on public exhibition from Thursday 9 August 2018 to Friday 7 September 2018 and during this time, 32 submissions were received. Two submissions requested clarification of the Amendment. Three Submissions support and seek no changes to the Amendment. Two submissions requested changes to the Amendment and have been resolved. 25 submissions oppose the Amendment and remain unresolved. Given this, all submissions should be referred to an independent planning panel to be appointed by the Minister for Planning.

Background

The Amendment was initiated by Action 82 from the Pakenham Structure Plan, which was implemented into the Cardinia Planning Scheme in March 2017 by Amendment C211. The heritage places and precincts identified by the Amendment, were previously identified by the *Pakenham Structure Plan inter-war and post-war heritage study, May 2013*.

A review of the 2013 study was undertaken during 2017, and completed in 2018 and analysed the recommendations and identified places and precincts of the 2013 study. This process either re-affirmed or reduced the significance of the place or precinct. The methodology used in the study was



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underpinned by the nationally accepted heritage guidelines, The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage Significance (1999).

Amendment C242 is required to implement the recommendations from the *Pakenham Structure Plan Heritage Review, February 2018*, ensuring the protection of the Pakenham Activity Centre’s cultural, aesthetic and architectural heritage by applying heritage controls to the places and precincts listed below.

The Amendment introduces permanent Heritage Overlay's for the places and precincts listed in the study and includes updating the Heritage Overlay Schedule and an Incorporated Document.

Specifically, the Amendment:

- Amends the Schedule to Clause 43.01 Heritage Overlay to apply the Heritage Overlay to the addresses listed below.
- Amends the Cardinia Planning Scheme maps no. 14HO, 15HO and 17HO to include the proposed heritage places and precincts listed below.
- Inserts the *Pakenham Structure Plan Heritage Review, February 2018 (revised July 2018)* as a reference document at Clause 21.02-6.
- Updates the Cardinia Residential Heritage Precincts Incorporated Plan varying the Schedule to Clause 81.01 Incorporated Document with the three proposed Pakenham Precincts.

The Amendment applies to:

Individual places

Proposed HO Number	Address
H0279	18A Henry Street, Pakenham
H0281	49 James Street, Pakenham
H0283	39 Main Street, Pakenham
H0284	62 Main Street, Pakenham
H0285	84 Main Street, Pakenham
H0286	90-92 Main Street, Pakenham
H0288	1-7 Station Street, Pakenham
H0290	23 Rogers Street, Pakenham

Group listing

Proposed HO Number	Addresses included in Group Listing
H0287	11, 14, 17 & 5-19 Rogers Street, Pakenham

Precincts

Proposed HO Number	Precinct Name	Addresses included in Precinct
H0291	St James’ Village Precinct	1-23 Dame Pattie Avenue, Pakenham 2-18 Dame Pattie Avenue, Pakenham
H0292	Henty Street Precinct	3-10 Henty Street, Pakenham H0227 6 Henty Street, Pakenham
H0293	James Street Precinct	5-21 James Street, Pakenham 6-32 James Street, Pakenham 1 Snodgrass Street, Pakenham H0228 21 James Street, Pakenham

The Amendment will protect Pakenham Activity Centre’s culturally and locally significant, aesthetic and architectural heritage by applying heritage controls to properties and areas of significant value within the Pakenham. Protecting the municipality’s heritage places will assist in understanding Cardinia Shire’s past, and enrich the residents of Pakenham’s present and protect places for future generations.



The heritage overlay applies the Victorian Government's policies and reflects our objectives to protect historically significant buildings, precincts, trees, structures and places. These places and precincts contribute to the neighbourhood character and the historical richness of the area.

A Heritage Overlay requires a planning permit to undertake improvements or works for things such as (on rare occasions, internal controls can apply - but none are proposed as part of this Amendment) external alterations, build a front fence, demolishing a property, painting the property and significant tree removal.

The Heritage Overlay does not discourage development, rather retaining heritage properties adds to the character and charm of an area. Heritage buildings can be readapted for new uses and can provide the opportunity to increase density, scale and height in developments, while maintaining the heritage character and façade.

On the 21 May 2018, Council resolved to seek authorisation from the Minister for Planning to prepare Amendment C242 to the Cardinia Planning Scheme. Authorisation was received, and on the Amendment on public exhibition from Thursday 9 August 2018 to Friday 7 September 2018.

As an extra protective measure, interim controls have been implemented via Amendment C231 which protects the properties and precincts identified in Amendment C242, as the amendment process to apply the permanent heritage controls is lengthy.

Policy implications

Plan Melbourne 2017-2050 - Metropolitan Planning Strategy

Plan Melbourne is the Metropolitan Planning Strategy for Melbourne and sets the vision for and guides Melbourne's growth through the year 2050. It identifies heritage as being relevant to the Pakenham Activity Centre by preserving heritage while the next generation of growth is planned to complement existing communities and create attractive new neighbourhoods.

The relevant directions and policies of Plan Melbourne are as follows:

- Direction 4.4 of Plan Melbourne to 'Respect Melbourne's heritage as we build for the future'
- Policy 4.4.1. 'Recognise the value of heritage when managing growth and change' – 'with all three levels of government sharing responsibility for protecting Melbourne's post-settlement cultural heritage, decision making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices'.

Planning Policy Framework

Clause 15.03 Heritage of the Planning Scheme encourages the conservation of places of natural, environmental, aesthetic, historic, cultural, scientific or social significance as a means of maintaining and enhancing Victoria's image and cultural growth.

The amendment supports the objectives of these policies by including the identified heritage places and precincts into the Schedule to the Heritage Overlay and the three precincts into the Incorporated Plan, which provides various planning controls.

Local Planning Policy Framework

Clause 21.01 identifies 'the protection and enhancement of areas and places of heritage significance' as a key issue for the municipality.

Clause 21.02-6 Post-contact heritage 'provides for the protection and appropriate management of sites of heritage significance'.



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Clause 81.01 Cardinia Shire Pakenham Structure Plan 2017 is an incorporated document which guides the development in the Pakenham Town Centre and specifically mentions the protection and preservation of Heritage properties.

The implementation of this amendment will ensure Cardinia Shire’s heritage places are preserved, protected and managed now and into the future.

Relevance to Council Plan

The proposed amendment fulfils the following objective and actions from the Council Plan.

3. Our Environment

3.5. Balanced needs of development, the community and the environment.

- Action 3.5.1. Review the Municipal Strategic Statement and the Cardinia Planning Scheme regularly to ensure it continues to meet Council objectives.
- Action 3.5.2. Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.
- Action 3.5.3. Provide for the sustainable development of rural townships while taking into account their existing character and community needs.

Consultation/communication

The Amendment was placed on public exhibition from Thursday 9th August 2018 to Friday 7 September 2018.

All owner/occupiers, community groups within the Pakenham Activity Centre and the relevant public authorities were notified of the exhibition of the Amendment and a total of 914 letters and 30 emails were sent.

In addition to the above, the Amendment was promoted using the following methods:

- Notice in the Pakenham Gazette - Wednesday 8 August 2018
- Notice in the Government Gazette - Thursday 9 August 2018
- Relevant Council departments notified
- Cardinia Shire Council website
- Cardinia Shire Council Facebook page
- Media release
- DELWP website
- C242 Amendment documents were made available at the Cardinia Shire Council Civic Centre customer service desk and Pakenham Library
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At the conclusion of the public exhibition period, 32 submissions were received, with 25 objecting to the Amendment. A summary of the submissions and Council’s response is detailed in Attachment 1.

Next Steps





Figure 1. Steps in the Planning Scheme Amendment process

We are at **Stage 3** of the Planning Scheme Amendment process as detailed above in Figure 1. Once the Planning Panel has been appointed, a panel hearing is scheduled to occur in the week of 4 February 2019. Following the panel hearing, the panel will prepare a report that will be put forward to Council at a future Council meeting outlining a recommendation as to how to proceed with the Amendment.

Financial and resource implications

The Amendment has been funded out of the operating budget of the Strategic Planning department 2018-2019.

The application of the Heritage Overlay and Incorporated Provisions for Heritage Precincts provides a clear policy framework to assist Council planners when assessing and making decisions on applications in the Pakenham Activity Centre.

Conclusion

The Amendment was placed on exhibition from Thursday 9 August 2018 to Friday 7 September 2018. 32 submissions in response to the Amendment were received:

- Submission No. 1 & 2 sought clarification of the amendment.
- Submission No. 8, 16 & 27 were supportive of the amendment.
- Submission No. 3, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30 & 31 opposed the amendment and remains unresolved.
- Submission No. 6 & 32 requested changes and have been resolved.

It is recommended that Council in accordance with Section 23 of the *Planning and Environment Act 1987*, receive all submissions and be referred for considerations to an independent planning panel to be appointed by the Minister for Planning.