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SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ1**.

PAKENHAM MAJOR ACTIVITY CENTRE

1.0 Pakenham Major Activity Centre Framework Plan

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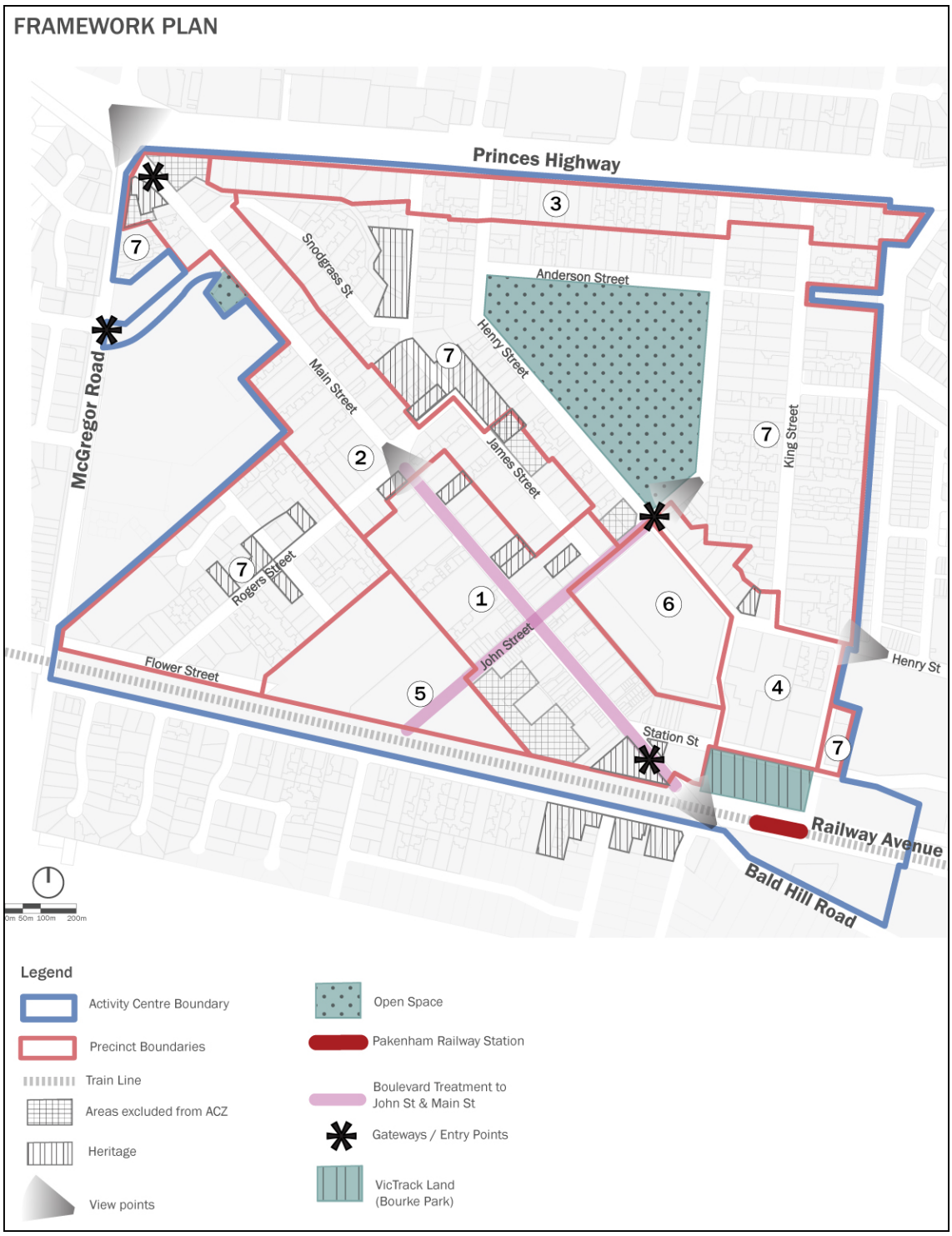

2.0 Land use and development objectives to be achieved

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Activities and land use

- Support and ensure the provision of diverse well-designed housing that caters to all members of the community.

- Reinforce the Pakenham Major Activity Centre's role as a regional hub promoting and encouraging a diverse and compatible mix of land uses that includes retail, commercial, residential as well as civic and community services.
- Provide appropriate transitions and interfaces between different land use and development including surrounding residential, heritage or significant sites.
- Protect and restore the built heritage of the activity centre through the conservation, reuse and restoration of heritage buildings.
- Encourage the co-location or centralisation of community services to support the needs of the local and regional area.
- Facilitate consolidation of land to create viable development sites for the activity centre.

Transport and movement

- Ensure safe and convenient vehicle, pedestrian and cycle networks that facilitates movement through and to the activity centre.
- Encourage active transport on streets, within car parking areas and arcades, in open space and along the creek network.
- Provide a clear, efficient and logical vehicle network and ensure access to convenient and safe car parking in the activity centre.

Public realm

- Create a safe and high-quality cohesive open space network that provides opportunities for a range of activities and users, and assists in creating a sense of place for the activity centre.
- Ensure a network of attractive, safe and accessible streets that cater for and enhance the different activities and land uses within the activity centre.
- Promote human scale and pedestrian focused streets to encourage a vibrant and lively public realm in the retail core, including evening activities.
- Create a sense of arrival to the activity centre at identified key gateway sites through the provision of high quality landscape and/or architectural treatments.

Built form and environment

- Develop a well-integrated built form and neighbourhood character which respects and responds to local context, streetscape character, landscape values, historical and significant developments.
- Ensure contemporary architecture of any new development responds to any adjoining heritage places and precincts and provides appropriate interfaces.
- Ensure all development within the activity centre provides high quality innovative design consistent with the principles of environmentally sustainable design reducing climate change impacts.
- Reinforce and enhance the 'fine grain' built form pattern established within the retail core of the activity centre.
- Provide built form elements that contribute to the pedestrian amenity of users in the retail core of the activity centre.
- Ensure ground floor facades addressing a street or any other public realm space are activated and provide passive surveillance of the public realm.
- Create an urban pattern that establishes an appropriate transition between the core retail, commercial and mixed development areas, and the residential areas within the activity centre.
- Ensure development and public realm are accessible for persons of all abilities and incorporate the principles of Crime Prevention Through Environmental Design (CPTED).

3.0 Table of uses

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Section 1 - Permit not required

Use	Condition
Child care centre	Must be located in Precincts 1 or 4. Any frontage at ground floor level must not exceed 2 metres, except entry foyers which much not exceed 4 metres. Access must not be shared with a dwelling (other than a caretaker's house).
Cinema	Must be located in Precincts 1, 4 or 5. Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Convenience shop	Must be located at ground level. In Precincts 3 or 7: ▪ Must be located within 100 metres of land in precincts 1, 2, 4, 5 or 6 of the Activity Centre Zone and must adjoin, or have access to a road in a Transport Zone 2 or a Transport Zone 3. ▪ The leasable floor area for each tenancy must not exceed 100 square metres.
Dwelling	Must be located in Precincts 1, 2, 3, 4 or 7. In Precincts 1 or 4: ▪ Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Dependent persons unit	Must be located in Precincts 2, 3, or 7.
Domestic animal husbandry	Must be no more than 2 animals.
Education centre (other than Child care centre)	Must be located in Precinct 4.
Food and drink premises (other than Hotel and Bar)	In Precincts 3 or 7: ▪ Must be located within 100 metres of land in precincts 1, 2, 4, 5 or 6 of the Activity Centre Zone and must adjoin, or have access to a road in a Transport Zone 2 or a Transport Zone 3. ▪ The leasable floor area for each tenancy must not exceed 100 square metres.
Home based business	
Indoor recreation facility	Must be located in Precincts 1, 5 or 6. Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Medical Centre	Must be located in Precinct 2, 3 or 4.

Use	Condition
	The gross floor area of each tenancy must not exceed 250 square metres.
Office (other than Medical centre)	Must be located in Precincts 1, 2, 3, 4, 5 or 6. In Precinct 1 or 6: ▪ Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers or unless the office is a bank, real estate agency, travel agency.
Postal agency	Must be located in Precincts 1 or 4.
Residential aged care facility	Must be in Precinct 3.
Railway	
Shop (other than Adult sex product shop, Convenience shop and Restricted retail premise)	Must be located in Precincts 1, 2, 4, 5 or 6.
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Dwelling, Dependent persons unit, Host farm, Corrective institution,Camping and caravan park and Residential aged care facility)	Any frontage in Precincts 1 or 4 must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Adult sex product shop	Must be located in Precincts 1, 4, 5 and 6. Must be at least 200 metres measured by the shortest public pedestrian access route from Precinct 3 or 7, a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Bar	Must be located in Precinct 1 or 4.
Child care centre - if the Section 1 condition is not met	Must be located in Precincts 2, 3 or 7. The site must adjoin, have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Cinema – if the Section 1 condition is not met	Must be located in Precinct 6. Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Commercial display area	Must be located in Precinct 4. Must be in conjunction with a use in Section 1 or 2.

Use	Condition
Convenience shop – if the Section 1 condition is not met	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Dwelling – if the Section 1 condition is not met	In Precincts 5 or 6, must not be located at ground level.
Dependent persons unit– if the Section 1 condition is not met	In Precincts 1 or 4 must not be located along street frontages.
Domestic animal husbandry – if the Section 1 condition is not met	Must be no more than 5 animals.
Indoor recreation facility– if the Section 1 condition is not met	Must be located in Precinct 2 or 4. In Precinct 4: ▪ Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Industry (other than Materials recycling, Refuse disposal, Rural industry or Transfer station)	Must be located in Precincts 1, 4, 5 or 6. Must not be a use specified in Clause 53.10. In Precinct 1 or 4: ▪ Must be in conjunction with a use in Section 1 or 2.
Mail centre	Must be located in Precinct 4. Must be in conjunction with a use in Section 1 or 2.
Medical Centre – if the Section 1 condition is not met	Must be located in Precinct 1, 2, 3 or 4. In Precinct 1: any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres. In Precinct 3: the gross floor area of each tenancy must not exceed 250 square metres.
Nightclub	Must be in Precinct 1.
Office (other than Medical centre) – if the Section 1 condition is not met	In Precinct 7: ▪ The land must be located within 100 metres of an adjoining precinct of the Activity Centre Zone. ▪ The leasable floor area for each tenancy must not exceed 100 square metres.
Place of assembly (other than Cinema, Nightclub and Place of worship)	Must be located in Precincts 3, 4 or 7. The site must adjoin, have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Place of worship	Must be located in Precincts 2, 3 or 7. The gross floor area of all buildings associated with the use must not exceed 250 square metres.

Use	Condition
	The site must adjoin, have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Restricted recreation facility	Must be located in Precinct 1, 2, 3, 5 or 6. In Precinct 1: any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
Restricted retail premises	Must be located in Precinct 1, 4, 5 or 6. The gross floor area of each tenancy must not exceed 1000 square metres.
Residential aged care facility – if the Section 1 condition is not met	Must be located in Precinct 2 or 7.
Retail premises (other than Adult sex product shop, Convenience shop, Food and drink premises, Restricted retail premises or Shop)	
Shop (other than Adult sex product shop, Convenience shop or Restricted retail premises) – if the Section 1 condition is not met	In Precinct 7: ▪ The land must be located within 100 metres of land in adjoining precincts 1, 2, 4, 5 or 6 in this Schedule 1 to the Activity Centre Zone.
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Agriculture (other than Domestic animal husbandry)
Brothel
Camping and caravan park
Corrective institution
Drive-in theatre
Earth and energy resources industry
Host farm
Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation and Restricted recreation facility)
Materials Recycling
Refuse disposal
Rural Industry
Saleyard
Service Station
Transfer station
Transport terminal (other than Rail station or Bus terminal)

Use
Warehouse (other than a Commercial display area or Mail Centre)

4.0 Centre-wide provisions

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4.1 Use of land

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A permit is not required to use land for public purposes providing the use is carried out by, or on behalf of, the public land manager.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wate water, waste products, grit or oil.

4.2 Subdivision

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An application to subdivide residential land, other than an application to subdivide land into lots each containing an existing dwelling or car parking spaces, must meet the requirements of Clause 56.

4.3 Buildings and works

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Permit Exemptions

No permit is required to construct a building or construct or carry out works for the following:

- The installation of an automatic teller machine.
- The alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 70 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct a building or carry out works for the purpose of public utility and community facilities or any associated use that is consistent with the intent of the public land reservation or purpose as it carried out by, or on behalf of, the public land manager.
- Construct or extend one dwelling on a lot more than 300 square metres. This exemption does not apply to:
  - Construct a dwelling if there is at least one dwelling existing on the lot.
  - Extend a dwelling if there are two or more dwellings on a lot.
  - Construct or extend a dwelling if it is on common property.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot, provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with:

- one dwelling on a lot less than 300 square metres, or
- two or more dwellings on a lot or a residential building, and

- The fence exceeds the maximum height specified in Clause 54.06-2 and Clause 55.06-2.

4.4 Design and development

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The following design and development requirements apply to an application to construct a building or construct and carry out works:

Dwelling requirements

- A development must meet the requirements of Clause 54 if it proposes to:
  - Construct or extend one dwelling; or
  - Construct or extend a front fence within 3 metres of a street if the fence exceeds the maximum height of specified in Clause 54.06-2
- A development must meet the requirements of Clause 55, except Clause 55.07-1 to 55.07-15 (inclusive), if it proposes to:
  - Construct a dwelling if there is at least one dwelling existing on the lot.
  - Construct two or more dwellings on a lot.
  - Extend a dwelling if there are two or more dwellings on the lot.
  - Construct or extend a dwelling if it is on common property.
  - Construct or extend a residential building.
  - Construct or extend a front fence within 3 metres of street if:
    - The fence is associated with 2 or more dwellings on a lot or residential building; and
    - The fence exceeds the maximum height specified in Clause 55.06-2.

  Clause 55 does not apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.

Commercial and mixed use requirements and guidelines

- Buildings should be designed to address street frontages and respond to their urban context by:
  - Addressing roads and public spaces for passive surveillance, and minimise overlooking of private spaces.
  - Providing visual interest and avoid blank walls.
  - Minimise casting shadows on public space and open space.
- Buildings with ground-level frontages to streets, pedestrian areas and/or passive open spaces should contribute to the appearance and function of these areas by providing:
  - At least 70% of the street frontage as transparent entries or display windows.
  - Clear glazing (tinted, or obscured glazing should not be used) with any security screens open in design and located behind glass in windows.
  - The provision of awnings / all-weather protection canopies over footpaths (extending at least 2.5 metres from the building façade) unless it is demonstrated that due to particular circumstances this distance can not be achieved or there is not a requirement for this element.

  - Direct access from the footpath to ground level premises with minimal change of level and is universally accessible.
  - Floor to ceiling heights at ground level of a minimum of 3.5 metres to accommodate changes of use over time.
- Ground floor level car parking areas should be located at the rear of buildings or sleeved behind built form at street frontages; otherwise car parks should be located above ground level active uses or below ground level as basement or semi-basement parking areas.
- Crossovers providing vehicle access to sites should be designed to minimise their impact on ground level street frontages and pedestrian movement.
- Large format developments and uses should be sleeved by smaller retail and commercial uses which present fine grain activated frontages to the street.
- Buildings should be designed to respond to the solar orientation of the site.
- New buildings adjoining a residential property or Precinct 7 not on or within 200mm of a boundary should be set back from side or rear boundaries:
  - At least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre of height over 6.9 metres.
- New buildings adjoining a residential property or Precinct 7 should respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to:
  - Ensure adequate daylight into new habitable room windows.
  - Ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.
    If existing sunlight to the secluded private open space of an existing dwelling is less than this requirement, the amount of sunlight should not be further reduced.
  - Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
  - Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.

Heritage guidelines

New buildings on sites containing heritage buildings or sites adjoining heritage sites should be designed to:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape.
- respond sympathetically by transitioning heights and minimise massing.
- retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid ‘facadism’.
- incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape.

Building height requirements

Preferred building heights are specified for each precinct in section 5.0 of this Schedule.

Building height guidelines

Buildings and works which exceed a height of 14 metres should:

- Be environmentally sustainable.
- Reduce visual impact by transitioning height to adjoining properties, public realm and streetscape.
- Provide a maximum Street Wall Height of 15 metres.
- Setback the upper levels of buildings.
- Provide sufficient solar penetration throughout the development.
- Not adversely impact key public spaces, pedestrian routes and adjoining properties with overshadowing as measured on 21 March/September (Equinox) between 10.30am and 2.00pm.

A development with a height of 14 metres or less on a site large enough to accommodate a substantially taller development should be constructed to structurally accommodate a taller building in the future.

The building height guidelines do not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- No more than 50% of the roof area is occupied by the equipment.
- The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces.
- The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

Building setback requirements

Preferred setbacks for new development are specified for each precinct in section 5.0 of this Schedule.

Building setback guidelines

Buildings and works such as balconies, verandahs, architectural features, sunshades, screens and artworks may be constructed within setback areas, and should not encroach more than 2 metres within the preferred setback areas.

Buildings and works which exceed the preferred maximum building height should be designed so the upper levels cannot be seen from the street.

Landscape design guidelines

Landscape elements and treatments should:

- Be provided within the front and side setbacks, and along the rear boundary on multi-level apartment and townhouse developments.
- Be provided within the front setbacks, the streetscape and public open space areas that are accessible, safe, attractive and functional.
- Allow for passive surveillance.
- Provide screening of driveways and car parks.

Environmentally Sustainable Design (ESD) guidelines

Developments should incorporate best practice environmentally sustainable design (ESD), including water sensitive urban design (WSUD), thermal performance, energy efficiency, stormwater management, facilitating active transport and materials.

5.0 Precinct provisions

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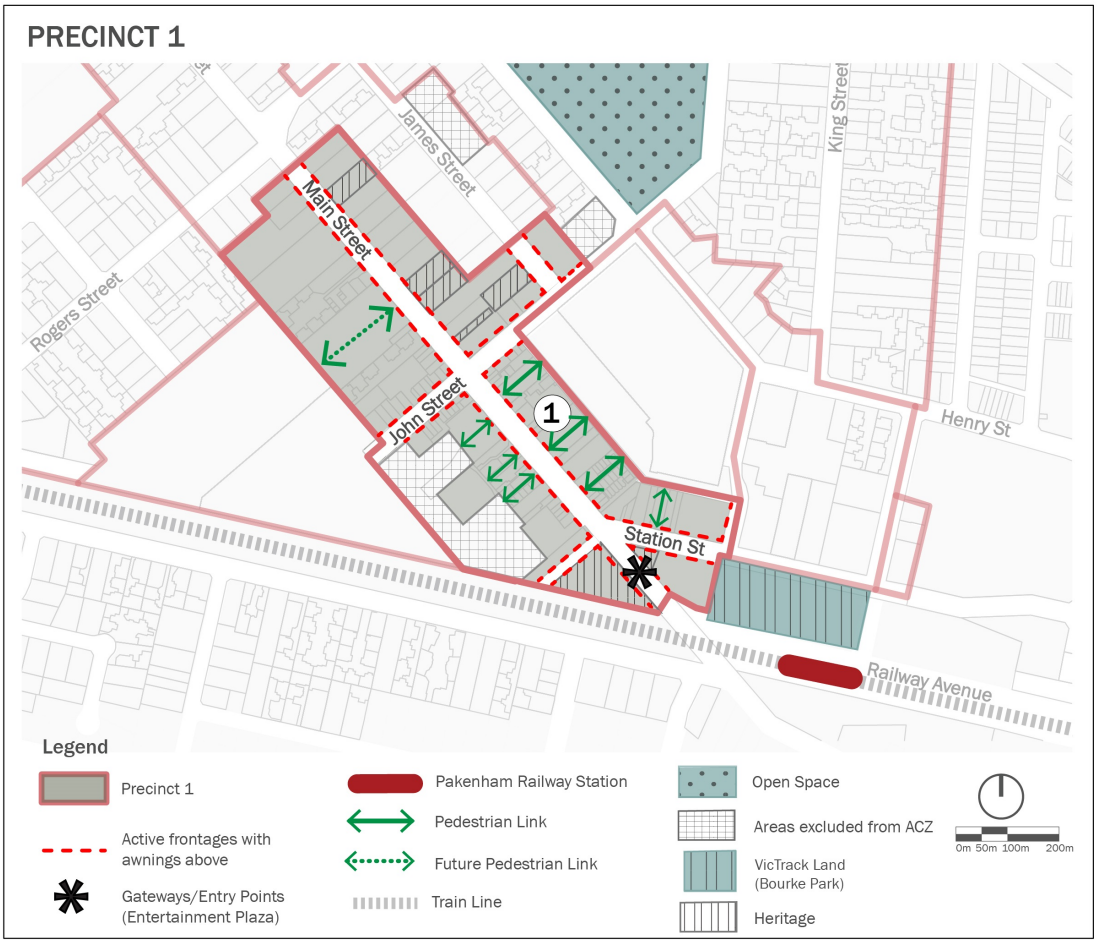
5.1 Precinct 1 – Core Retail

5.1-1 Precinct map



5.1-2 Precinct objectives

- Create a pedestrian focused and prioritised Entertainment Plaza in the south east corner of the precinct which provides outdoor dining, civic facilities and space for community activities/festivals.
- Reinforce the character of the precinct by encouraging active frontages with fine grain built form.
- Create attractive streetscapes on main thoroughfares that enhance and create a sense of place for the precinct.

- Facilitate the re-development of the pedestrian links including arcades located along Main Street, which enhances and activates access to and from the retail core.
- Facilitate activation of the street in the evening by encouraging outdoor dining areas and active uses throughout the precinct.

5.1-3 Precinct requirements

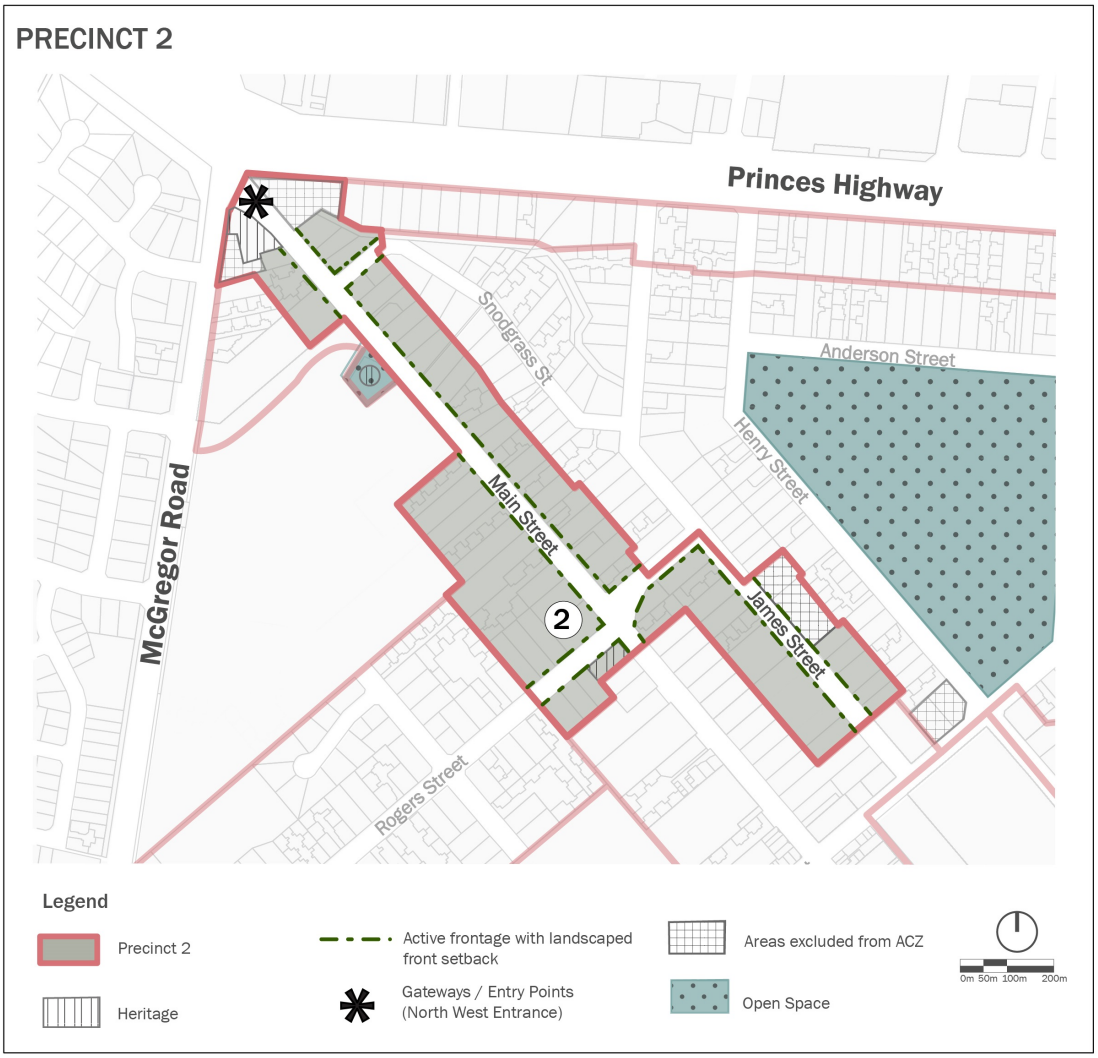
Preferred building height	Preferred building setbacks
None specified	0 metre front setback 0 metre setback from the road reserve of any adjoining street or laneway

5.1-4 Precinct guidelines

- Provide effective weather protection through a continuous canopy treatment along building frontages.
- Main entrances for developments and uses located on John and Main Streets should address the street.
- Uses in upper storeys should be compatible with the ground floor uses.
- Uses and developments should provide passive surveillance that supports safe linkages throughout the activity centre.
- Development should provide visually permeable treatments along facades fronting streets, laneways and/or arcades.
- Development should provide strong built form that integrates and overlooks the gateway sites.
- Building heights in the retail core are measured from ground level and should reflect a typical height of 3.5 metres between levels.
- Development adjoining heritage is to continue the fine grained character and provide transition of setbacks from boundary and height from heritage sites.
- Development on land within a heritage overlay and on land immediately adjoining a heritage building on Main Street, Pakenham to consider the context of the nil metre front setback with regards to design which reduces visually dominant massing.
- Larger format retail uses should be sleeved with fine grain built form which addresses the street.
- Provide pedestrian access from the street and avoid creating any internalised malls.
- Locate entrance foyers to upper storeys which are accessible from the street.
- Commercial and mixed use development on Main Street to provide zero side boundary setback and no windows, where appropriate.
- Ensure development addresses all street frontages and the rear boundary, where appropriate.

5.2 Precinct 2 – West Commercial and Mixed Use

5.2-1 Precinct map



5.2-2 Precinct objectives

- Provide mixed use, community, commercial and residential opportunities within the precinct.
- Encourage retail premises at ground floor level which activates the street, office uses in upper levels and the rear of the development, and residential uses located within the upper levels of the development.
- Improve pedestrian amenity by contributing to the establishment of attractive streetscapes for all streets in the precinct.

- Improve the interface with Main Street by encouraging the redevelopment of sites and/or adaptive reuse of existing buildings, including the preservation and protection of heritage places and precincts to activate the streetscape.
- Development that interfaces with a gateway site should support and contribute to the enhancement of the public realm and reinforce the entrance to Pakenham Major Activity Centre.

5.2-3 Precinct requirements

Preferred building height	Preferred building setbacks
None specified	2 metre front setback

5.2-4 Precinct guidelines

- Development should address and interface with all streets by providing active frontages including entrance canopys to the street.
- Developments should provide sympathetic interface treatments and articulation to any adjoining residential precincts and heritage places or precincts.
- Development should consolidate lots to achieve a range of mixed use developments.
- Developments should provide a transition between the retail uses and commercial uses whilst being sympathetic to the current streetscape character.
- Development should provide passive surveillance of the street.
- Buildings should respond appropriately to heritage elements and the landscape.
- Development should provide strong built form that integrates with gateway sites.
- Developments should provide highly activated frontages with windows and entrances as the predominant elements of the ground floor façade.
- Balcony’s and living areas of any residential component of a development is to address the public realm that adjoins the site.
- Development on land within a heritage overlay and on land immediately adjoining a heritage building on Main Street, Pakenham to consider the context of the 2 metre setback with regards to design which reduces visually dominant massing.

5.3 Precinct 3 – Princes Highway

5.3-1 Precinct map

5.3-2 Precinct objectives

- Encourage complementary residential uses such as including aged care, medical and health-related services, child care and offices.
- Encourage a mix of residential types within the precinct to transition from a traditional residential development to higher density.
- Encourage the consolidation of sites to facilitate a broader range of medium and higher density residential developments.
- Encourage non-residential uses in mixed use developments.
- Establishes a built form that is responsive, in terms of scale and orientation, to its interface with a major transport corridor and the urban structure of adjoining precincts of the activity centre.

5.3-3 Precinct requirements

Preferred building height	Preferred building setbacks
13.5 metres	4 metres front setback

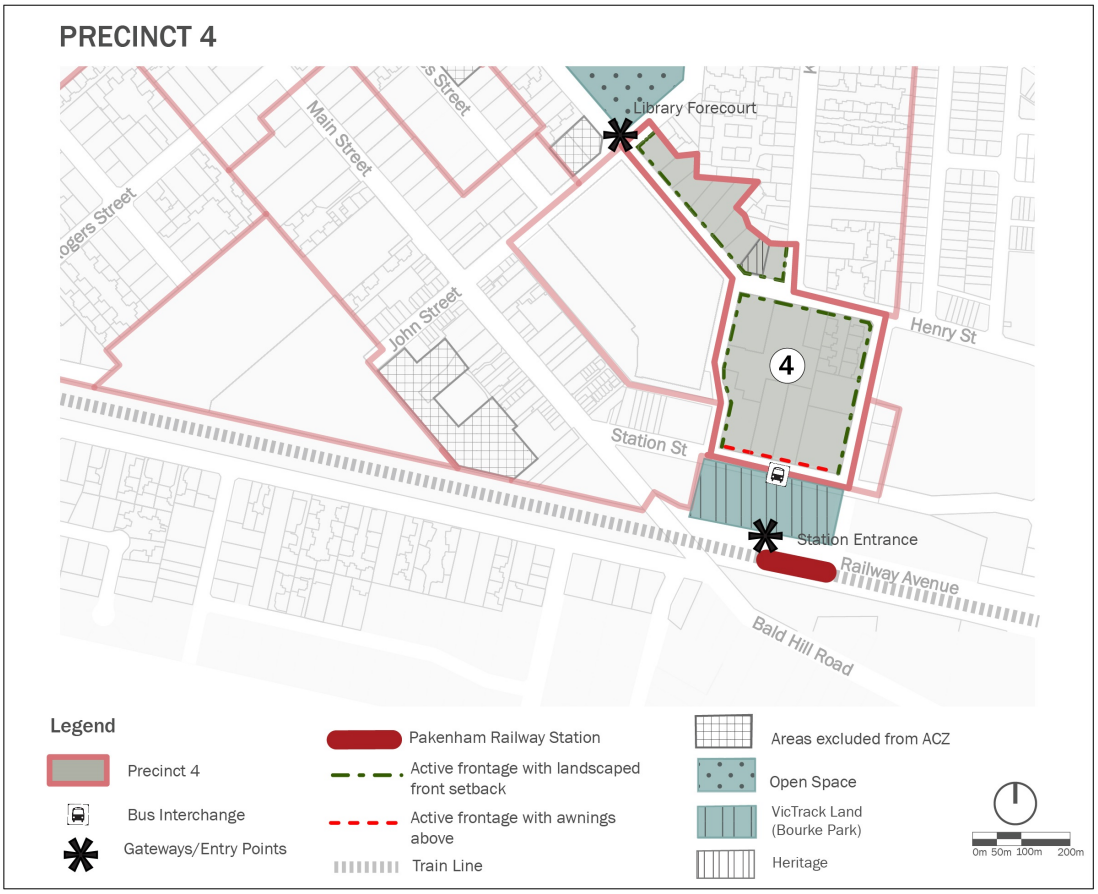
5.3-4 Precinct guidelines

- Buildings and works should not exceed a height of 13.5 metres.
- On-site parking should not be provided in the front setback.
- New commercial uses should be compatible with nearby residential development.

- Development should be sympathetic to the scale of adjoining residential areas through urban design, screening, articulation, and built form responses.
- Buildings should address the street with entrances clearly visible from the street and upper storey elements providing passive surveillance to the street.
- Screen car parking areas and all loading and all other service areas from the public realm.
- Entrances to developments should address the street.
- Developments with non-residential uses at ground floor level to provide activated frontages with windows and entrances as the predominant features.

5.4 Precinct 4 – East Commercial and Mixed Use

5.4-1 Precinct map



5.4-2 Precinct objectives

- Provide employment opportunities that maximise the precinct's proximity to public transport, the core retail area and community facilities.
- Encourage the consolidation of sites for commercial development and entertainment activities to facilitate a broader range of medium and higher density mixed use developments.
- Ensure development and built form innovatively and appropriately responds to flooding extents on Station Street.

- Ensure street frontages and land uses activate the precinct and provide passive surveillance of public open space and the public realm.
- Ensure street amenity and access priorities pedestrian movements by minimising vehicle crossovers around the perimeter of the precinct.

5.4-3 Precinct requirements

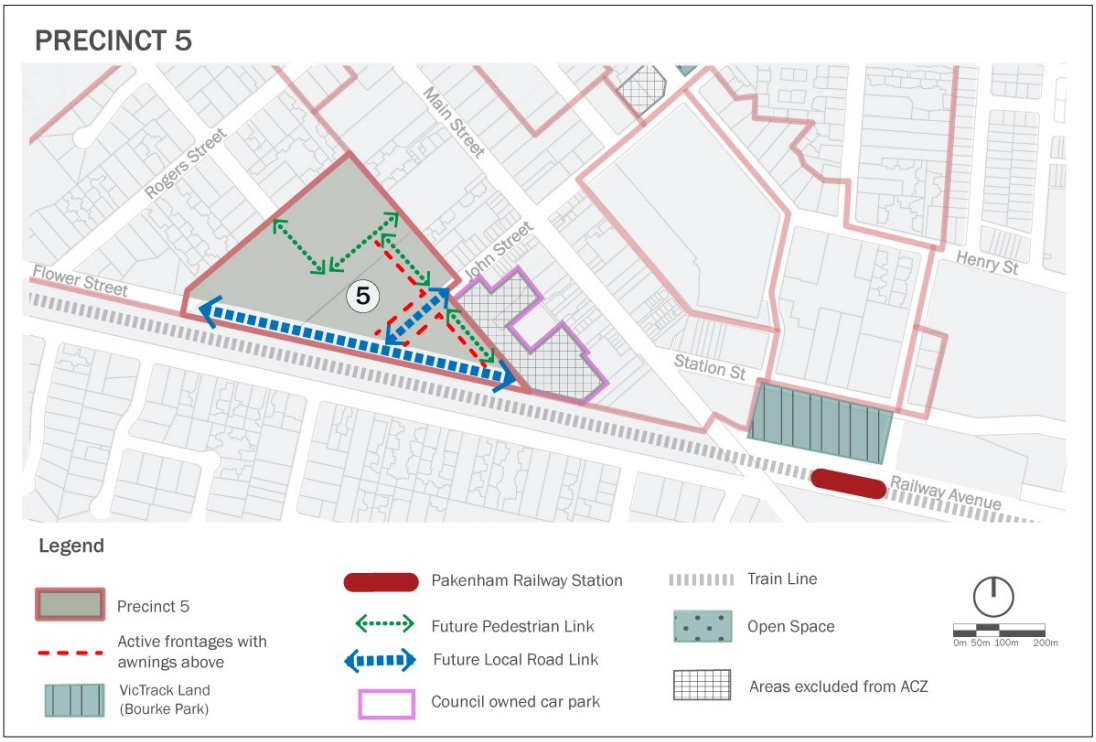
Preferred building height	Preferred building setbacks
None specified	Minimum 2 metres front setback
	0 metres front setback from Station Street

5.4-4 Precinct guidelines

- Development to provide visually permeable frontages at ground floor level addressing the street.
- Development to provide active frontages and weather protection through a continuous canopy treatment along building frontages on Station Street.
- Developments to provide a scale that is responsive to any sensitive uses or precinct boundary that adjoins the site.
- Car parking is to be located at the rear of the development and is to be sleeved by built form.
- Developments to provide a range of fine grain commercial uses at ground floor level with residential and office uses above.
- Larger retail and commercial developments to provide active uses and fine grain retail that address the street and sleeves the larger format use.
- Developments fronting Slattery Place, Cook Drive, and Henry Street to provide a landscaped setback.
- Developments should provide highly activated frontages with windows and entrances as the predominant elements of the ground floor façade.
- Balconies and living areas of any residential component of a development is to address the public realm that adjoins the site.
- Locate entrances to the upper storeys in the primary street façade or a façade interfacing with a public realm space.

5.5 Precinct 5 – Pakenham Place - Key Development Site

5.5-1 Precinct map



5.5-2 Precinct objectives

- Create a shopping street typology that supports anchor and specialty retail functions of the precinct.
- Encourage an appropriate range of retail, entertainment and commercial facilities.
- Create an interconnected precinct with passive surveillance, interactive uses, increased pedestrian linkages and active frontages that address streets.
- Create a strong pedestrian and cycle environment within the precinct, particularly along Wadsley Avenue and to and from Council owned car parks.
- Provide new local road connections by extending Flower Street to Drake Place and John Street to Flower Street.

5.5-3 Precinct requirements

Preferred building height	Preferred building setbacks
None specified	0 metres front setback

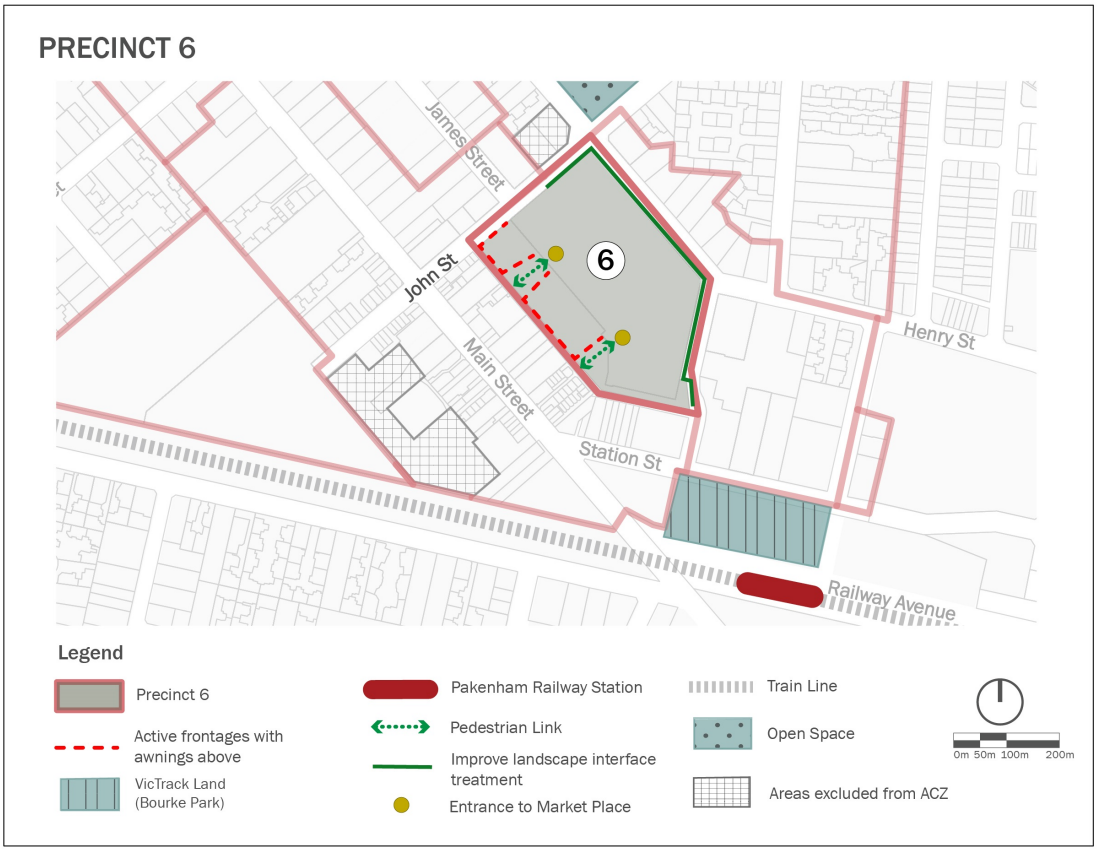
5.5-4 Precinct guidelines

- Ensure the redevelopment of the precinct has minimal impact on the amenity of the surrounding residential areas.
- Redevelopment of this precinct should provide activated frontages along John Street, and Drake Place.

- Development interfacing with the Flower Street future local road link to provide intermittent breaks within the building design to prevent a long stretch of loading bays and/or blank walls.
- Limit any expanse of blank wall in a ground floor façade to a maximum width of 2 metres.
- Provide well-designed, landscaped and pedestrian dominated car parking located to the rear of the development.
- Any new development to sleeve larger format retail by continuing the fine grain and general built form of the existing shops in the core retail area at ground floor level.
- Larger format retail use is to avoid creating internalised malls.
- Entrance foyers to upper storeys to be accessible from the street.
- Provide continuous weather protection canopy along the ground floor facades.
- Ensure pedestrian connections from the development to the Council owned car parks.

5.6 Precinct 6 – Marketplace

5.6-1 Precinct map



5.6-2 Precinct objectives

- Provide for the expansion of the development providing comprehensive retail and commercial uses.
- Support the redevelopment of the Council owned car park as a multi-deck car park and commercial development.

- Improve pedestrian connections from Pakenham Central Marketplace to Main Street via the laneway and arcade network.
- Encourage retail and commercial uses at ground floor level that do not conflict with the core retail area.
- Encourage improved interfaces and pedestrian connectivity to the adjacent residential areas.

5.6-3 Precinct requirements

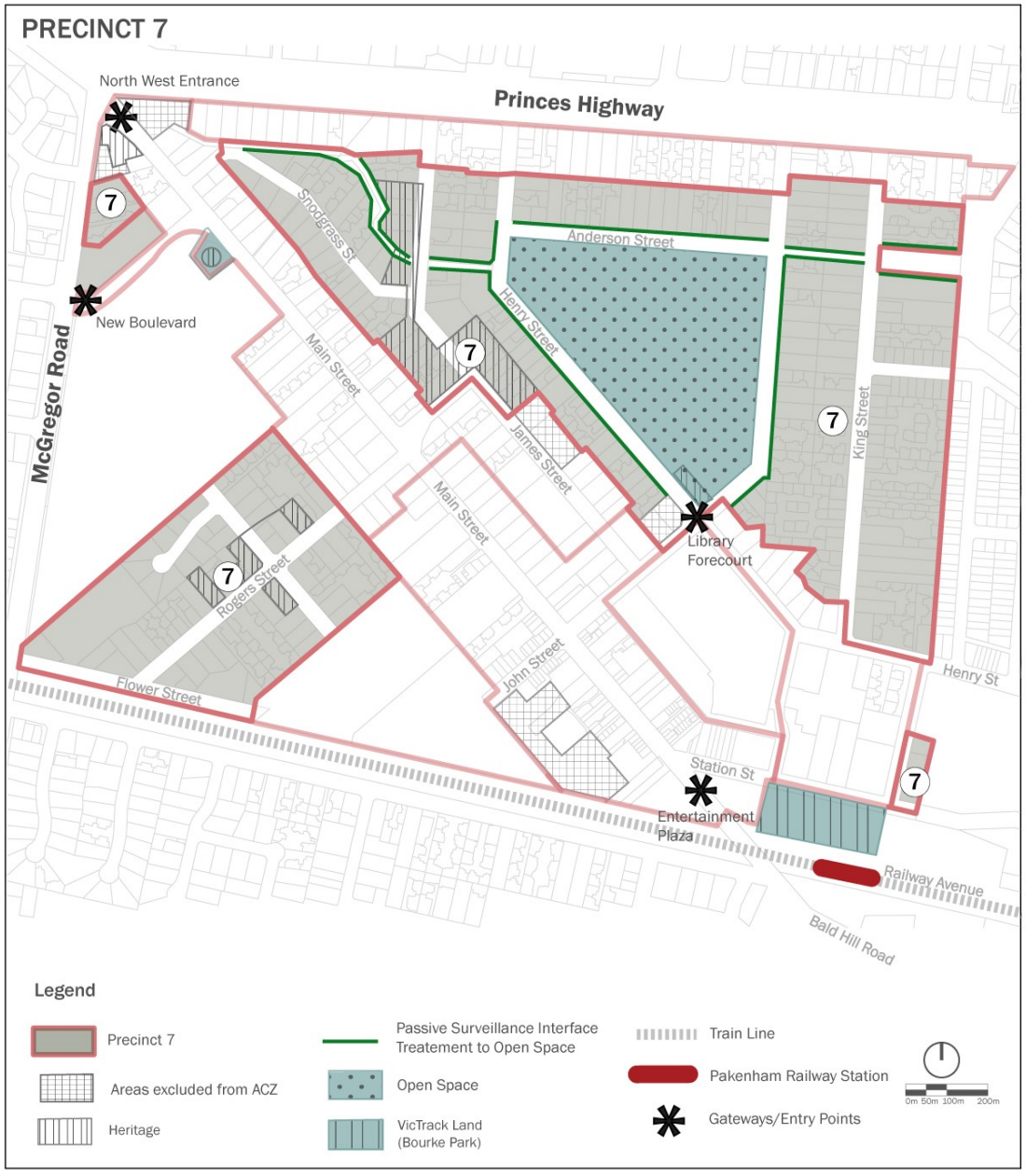
Preferred building height	Preferred building setbacks
None specified	0 metres front setback

5.6-4 Precinct guidelines

- New development should consider multi-level car parking and commercial development to be located adjacent to Treloar Lane.
- Retail and commercial floor spaces should be located on the ground floor of the site.
- Pedestrian connections should connect with the laneway and arcade network through to Main Street and John Street.
- Future development should provide clear pedestrian sightlines to Main Street, John Street and Treloar Lane.
- Locate entrances to upper storeys accessible from the street.
- Any new development should be sympathetic to the scale of the surrounding residential neighbourhood and height is to be stepped down to adjoining residential areas
- Development is to maximise the extent of building frontages addressing streets and laneways presenting highly activated frontages.
- Any redevelopment of the Pakenham Central Marketplace Shopping Centre or Council owned car parks should include streetscape improvements and activation of the existing building treatments to Henry Street, John Street and Treloar Lane.
- Provide a continuous weather protection canopy above the full length of all ground floor facades with an interface to a street and are to extend out over the footpath a minimum of 2.5 metres.

5.7 Precinct 7 – Residential

5.7-1 Precinct map



5.7-2 Precinct objectives

- Achieve a higher density precinct predominately residential with mixed use components.
- Create a contemporary urban character which protects and preserves heritage places and precincts and is well integrated with the public realm and open space.
- Encourage high quality design of residential development which provides a transition in scale from the boundary of the retail core precinct of the activity centre to surrounding residential areas.

- Encourage lot consolidation for a focus on medium density development at a higher scale to the centre of the Activity Centre and lower scale to the boundary edge.
- Encourage residential areas adjoining open spaces to be designed with an active interface with passive surveillance of public spaces.

5.7-3 Precinct requirements

Preferred building height	Preferred building setbacks
13.5 metres	4 metres front setback

5.7-4 Precinct guidelines

- Buildings and works should not exceed a building height of 13.5 metres.
- Development should consist of medium density housing comprising a variety of housing types and layouts which responds to the evolving urban character of this precinct.
- Encourage lot consolidation to deliver increased housing densities close to the retail core of the activity centre.
- Developments should integrate with the Pakenham Creek and open space as key features.
- Buildings on corner sites to address the two street frontages and demonstrate built form that provides a sense of arrival to the activity centre.
- Development should provide landscaping in the front and rear setback.
- Development adjoining heritage properties or precincts to provide setbacks and height transition which respects the heritage character.
- Encourage the inclusion of verandas and/or balconies in the front set back to improve articulation and passive surveillance.

6.0 Application requirements

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In addition to the application requirements set out at Clause 37.08, and elsewhere in the scheme, the following must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - Illustrations of sight lines from balcony edges to demonstrate the extent of passive surveillance and overlooking.
  - Cross sections of the proposed building.
- A three-dimensional plan of the proposed development in the context of the surrounding development including:
  - Potential overshadowing impact of the development on open space, pedestrian routes, streetscape and habitable rooms of adjoining properties and within the proposed development; and
  - How the design minimises impacts and ensures maximum solar access internally for dwellings, to neighbouring properties and the public realm.
  - Potential impact of the development on the public realm adjacent to the proposal ensuring that overshadowing of major pedestrian routes, heritage sites, reserves and other public spaces is minimised.
- A Waste Management Plan.

- A Landscape Plan.
- A Construction Management Plan which sets out the principal construction issues and how the anticipated process will be managed.
- A certified access and inclusion report for applications for use or construction of a publicly accessible building confirming that the development complies with the *Disability Discrimination Act 1992*.
- An Environmentally Sustainable Design Report which outlines the ESD initiatives included within the proposal and address the ESD provisions in sub-section 4.4 of this Schedule.
- An application for subdivision must demonstrate that they support consolidation of lots and the objectives for Pakenham Major Activity Centre to facilitate the creation of viable development sites.
- An application for a development at 56-62 Station Street, Pakenham must include:
  - A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the proposed use, or;
  - An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposed use.
- An application which does not meet the preferred building heights or design requirements set out in sub-section 4.4 and section 5.0 of this schedule must provide a Design Response and Urban Context Report that demonstrates how the built form transition, height, setbacks, massing, shadow diagrams and detail of the development achieves the relevant objectives, requirements and guidelines in this Schedule.
- A Heritage Report from a suitably qualified heritage consultant that assesses the impact of the application on a heritage place on the land or adjoining land which demonstrates built form transition of height, setbacks, massing and articulation.
- An application for a permit on public land by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
  - To the application for permit being made and/or to the proposed use of development.

7.0 Notice and review

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An application to construct a building or carry out works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if:

- The application is in Precinct 3 or 7 and exceeds the precinct requirements including the preferred building heights or preferred building setbacks contained within section 5.0 of this schedule, or;
- The application is in Precinct 1, 2, 4, 5 or 6 and exceeds the preferred building setbacks contained within section 5.0 of this schedule, or;
- The application exceeds a height of 14 metres.

8.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08 and elsewhere in this scheme which must be considered, as appropriate, by the responsible authority:

Use

Whether the proposal provides for:

- An appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.
- The compatibility of uses within a mixed use development.

Environmental Audit

For land at 56-62 Station Street, Pakenham, the findings and recommendations of:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017*.
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017*.

Design and built form

Whether the proposed development:

- Creates a strong visual interest by providing building types based on innovative and current day architecture, urban design and environmentally sustainable development principles.
- Provides weather protection to adjoining key pedestrian footpaths or shared pathways, and main boulevards.
- Provides access points that minimise disruption to the continuity of the public realm and pedestrian routes.
- Provides car parking, loading and other service areas that is screened from view of the public realm or located at the rear of the site.
- Provides passive surveillance of the public realm.
- Achieves the preferred building height and setbacks having regard to lot size, dimensions (width and depth) and/or those sites within or adjoining the Heritage Overlay.
- Represents an underdevelopment of a site.
- Provides upper level setbacks when the preferred height is exceeded.
- Provides a sensitive interface with residential dwellings or Precinct 7 in relation to built form, overlooking and overshadowing.
- Reduces overlooking of adjacent property and uses minimal screening.
- Provides an increased upper level setback and transitional heights having regard to the heritage significance of the site or an adjoining site within the Heritage Overlay.
- Provides elements of Environmentally Sustainable Design.

Subdivision

Whether the subdivision:

- Is associated with a development proposal that supports the objectives promoted by this schedule.
- Consolidates lots to support the medium density development objectives of this schedule.

Transport and movement

Whether the proposed development:

- Integrates car parking requirements into the design of the buildings and land form by discouraging ground floor car parks seen at the street frontage.
- Provides vehicular access to buildings fronting key boulevards off side streets or via rear access.
- Limits the number of vehicle crossing to each development.

Non-residential uses and development in Precinct 7

Whether:

- The use and/or development is compatible with residential use.
- The use generally serves local community needs.
- The impact on the amenity of nearby residential uses.
- The design, height, setback and appearance of the proposed buildings and works and its impact on the character of the surrounding area.
- The proposed landscaping.
- The proximity to a designated public transport route.
- The capacity of the road servicing the site and provision of car and bicycle parking and associated access ways.
- The proposed loading and refuse collecting facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- The proposal will segregate a single dwelling or a collection of dwellings from the surrounding residential area.

9.0 Signs

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Sign requirements are at Clause 52.05. All land located within Precinct 7 and 3 is in Category 3. All other land is in Category 1.

10.0 Other provisions of the scheme

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None specified

11.0 Reference documents

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Cardinia Shire Pakenham Major Activity Centre Structure Plan, 15 February 2021

Cardinia Shire Pakenham Major Activity Centre Urban Design Framework, 15 February 2021