

CARDINIA PLANNING SCHEME

AMENDMENT C249card

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Cardinia Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Cardinia Shire Council.

Land affected by the amendment

The amendment applies to various sites throughout the Shire as shown on the Amendment maps and details below.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment proposes to correct zoning and overlay errors and makes minor changes to the Cardinia Planning Scheme as follows:

Mapping Changes – Zones

- Amend Planning Scheme Map No. 11ZN and 16ZN to ensure the SUZ4 boundary reflects the approved Melbourne Water reserve lot boundaries.
- Amend Planning Scheme Map No. 24ZN to reflect the correct zoning boundaries.

Mapping Changes – Overlays

Garfield:

- Amend Planning Scheme Map No. 22HO to accurately reflect the location and extent of the heritage place, 'ANZ' – 79 Nar Nar Goon-Longwarry Road, Garfield (HO88).
- Amend Planning Scheme Map No. 22HO to accurately reflect the location and extent of the heritage place, 'Garfield Picture Theatre' 51 Nar Nar Goon-Longwarry Road, Garfield (HO87).
- Amend Planning Scheme Map No. 22HO to accurately reflect the location and extent of the heritage place, 'J. & M. E. Lowndes Bakery & Residence' – 41 Nar Nar Goon-Longwarry Road, Garfield (HO86).
- Amend Planning Scheme Map No. 22HO to accurately reflect the location and extent of the heritage place, 'Garfield Commercial Precinct' (HO85).
- Amend Planning Scheme Map No. 22HO to delete HO85 'Garfield Commercial Precinct' from 105-107 Nar Nar Goon-Longwarry Road and 4 and 6 Thirteen Mile Road as recent development has occurred and this property is now excluded from the precinct.
- Amend Planning Scheme Map No. 22HO to delete HO85 'Garfield Commercial Precinct' from 103 Nar Nar Goon-Longwarry Road as it contains no significant elements and the precinct has been reduced.
- Amend Planning Scheme Map No. 22HO to delete HO86 'J. & M. E. Lowndes Bakery & Residence' from 3 & 5 Ritchie Street, Garfield as recent development has occurred to the rear of this property and is no longer significant.

Bunyip:

- Amend Planning Scheme Map No. 24HO to accurately reflect the location and extent of the heritage place, 'Bunyip Commercial & Civic Precinct' (HO46).

- Amend Planning Scheme Map No. 24HO to delete HO57 from the portion of land at 15 Main Street, Bunyip that sits to the rear of 14 Main Street, Bunyip.
- Amend Planning Scheme Map No. 24HO to accurately reflect the location and extent of the heritage place, 'Former Flett Bros. Grocers' – 18 Main Street, Bunyip (HO58).
- Amend Planning Scheme Map No. 24HO to accurately reflect the location and extent of the heritage place, 'Bakehouse' – 19 Main Street, Bunyip (HO59).
- Amend Planning Scheme Map No. 24HO to accurately reflect the location and extent of the heritage place, 'Nathan's shop row' – 20-22 Main Street, Bunyip (HO60).
- Amend Planning Scheme Map No. 24HO to accurately reflect the location and extent of the heritage place, 'Bunyip Hall' – 32 Main Street, Bunyip (HO56).
- Amend Planning Scheme Map No. 24HO to accurately reflect the location and extent of the heritage place, 'Railway Hotel' – 14 Main Street, Bunyip (HO57).

Gembrook:

- Amend Planning Scheme Map No. 10HO to delete HO189 from 4 Station Street and units 1/6, 2/6, 3/6, 4/6, 5/6 and 6/6 Blacksmith place Gembrook as recent development has occurred.
- Amend Planning Scheme Map No. 10HO to delete HO62 from 73 Main Street Gembrook as a recent fire destroyed all heritage elements.

Koo Wee Rup:

- Amend Planning Scheme Map No. 27HO to accurately reflect the location and extent of the heritage place, 'Koo Wee Rup Commercial Precinct' – 272, 279-285, 284-286, 287, 290, 297, 300 Rossiter Road and 2-16, 56-58, 68-70, 72-74, 86 Station Street, Koo Wee Rup (HO195).
- Amend Planning Scheme Map No. 27HO to accurately reflect the location and extent of the heritage place, 'House' – 140-146 Station Street, Koo Wee Rup (HO208).
- Amend Planning Scheme Map No. 27HO to accurately reflect the location and extent of the heritage place, 'Royal Hotel' – 96-102 Station Street, Koo Wee Rup (HO269).

Beaconsfield:

- Amend Planning Scheme Map No. 12HO to accurately reflect the location and extent of the heritage place, 'Woods Street Commercial & Civic Precinct' – Woods Street, Beaconsfield (HO133) including mapping the two Elm trees at 11-17 Woods Street which were previously not mapped.

Officer:

- Amend Planning Scheme Map No. 13HO to accurately reflect the location and extent of the heritage place, 'James Hicks Pty. Ltd. Pottery – 365 Princes Highway, Officer (HO104).

Cardinia:

- Amend Planning Scheme Map No. 25HO to accurately reflect the location of the heritage place, 'Corofin (House) & Hawthorn Hedge' – 2245 Ballarto Road, Cardinia (HO153).

Tynong:

- Amend Planning Scheme Map No. 20HO to accurately reflect the location and extent of the heritage place, 'Bunya Bunya' – 76 Tynong Road, Tynong (HO124).

Ordinance Changes

Emerald:

- Amend the Schedule to Clause 43.01 Heritage Overlay to update the address of HO20 "Lawson False Cyprus at Verleys" from 40 Beaconsfield-Emerald Road, Emerald to 1 Cloverleigh Avenue, Emerald.
- Amend the Schedule to Clause 43.01 Heritage Overlay to answer YES to tree controls for HO171 "Oak Lee, House and Trees".

Gembrook:

- Amend the Schedule to Clause 43.01 Heritage Overlay to update the address of HO79 "Oak Avenue" from 305 Mountain Road, Gembrook to 275 Mountain Road, Gembrook.

- Amend the Schedule to Clause 43.01 Heritage Overlay to update the property addresses referenced in HO189 “Gembrook Commercial Precinct” to ensure all correct properties and property numbers are referenced.

Garfield:

- Amend the Schedule to Clause 43.01 Heritage Overlay to update the address of HO70 “Smith Orchard House” from 19 Martin Street, Garfield to 20 Martin Road, Garfield.
- Amend the Schedule to Clause 43.01 Heritage Overlay to update the property addresses referenced in HO85 “Garfield Commercial Precinct” to ensure all correct properties and property numbers are referenced.

Bunyip:

Amend the Schedule to Clause 43.01 Heritage Overlay to update the property addresses referenced in HO46 “Bunyip Commercial & Civic Precinct” to ensure all correct properties and property numbers are referenced. **Pakenham:**

- Amend the Schedule to Clause 43.01 Heritage Overlay to update the address of HO121 “Whangarei” from 745 Toomuc Valley Road, Pakenham to 667 Toomuc Valley Road, Pakenham.
- Amend the Schedule to Clause 43.01 Heritage Overlay to update the address of HO66 “Pakenham Gazette & Berwick City News Offices” from 96-100 Main Street, Pakenham to 100 Main Street, Pakenham.

Beaconsfield:

- Amend the Schedule to Clause 43.01 Heritage Overlay to reference the specific properties included within HO133 “Woods Street Commercial & Civic Precinct”: War Memorial on Old Princes Highway, 11-17, 19-21, 23-25, 24-26 and 37 Woods Street, Beaconsfield.

Koo Wee Rup:

- Amend the Schedule to Clause 43.01 Heritage Overlay to update the property addresses referenced in HO195 “Koo Wee Rup Commercial Precinct” to ensure all correct properties and property numbers are referenced.

Incorporated Documents

- Amends the incorporated document “Cardinia Commercial Heritage Precinct Incorporated Plan”.
- Amends the incorporated document ‘Cardinia Local Heritage Study Review, Volume 3: Heritage Places and Precinct citations (February 2020)’ to ensure the map, property addresses, property information and heritage grading of properties within the Bunyip, Garfield, Gembrook and Koo Wee Rup commercial precincts are correct.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to ensure the Cardinia Planning Scheme is up-to-date and accurate by correcting minor zoning and overlay anomalies, and correct grammatical mistakes.

By placing land in the most appropriate zone, landowners and the community are well informed of what land uses are occurring in the area and across the Shire. This will also ensure that planning permit applications are being assessed against the most relevant provisions. By fixing heritage overlay mapping errors, Council is ensuring that heritage sites within the Shire are properly recognised and protected.

How does the amendment implement the objectives of planning in Victoria?

The amendment will implement the following objectives of planning in Victoria, under Section 4 of the Planning and Environment Act 1987:

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

- 4(1)(d) to conserve and enhance those buildings, areas or other places which are of scientific, architectural or historical interest, or otherwise of special cultural value;
- 4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (d);
- 4(1)(g) to balance the present and future interests of all Victorians.

The proposed amendment provides for the fair, orderly and sustainable use of land by ensuring corrections allow for clarity and identify appropriate land uses and development across the Shire. It also ensures planning permit applications are being assessed against the appropriate planning provisions and that heritage sites are properly recognised and protected.

How does the amendment address any environmental, social and economic effects?

The amendment will protect Cardinia Shire's cultural, aesthetic and architectural heritage by ensuring significant sites are appropriately recognised by the Heritage Overlay. Additionally, by placing properties into the most appropriate zone, Council, landowners and the general public will be more accurately informed about planning in the Shire.

Does the amendment address relevant bushfire risk?

This amendment ensures several properties are accurately covered by the appropriate planning provisions; therefore, it does not evoke any significant bushfire risk.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the requirements of the following Ministerial Directions:

- Ministerial Direction 1 – The Form and Content of Planning Schemes
- Ministerial Direction 9 – Metropolitan Planning Strategy
- Ministerial Direction 11 – Strategic Assessment of Amendments
- Ministerial Direction 15 – The Planning Scheme Amendment Process

This is further detailed as follows:

Ministerial Direction 1 – The Form and Content of Planning Schemes

The Amendment is consistent with this Direction.

Ministerial Direction 9 – Metropolitan Planning Strategy

The amendment is consistent with this direction. Key directions of the *Metropolitan Strategy Plan Melbourne (2017-2050)* relevant to this amendment are those relating to location, design and built form outcomes.

The relevant directions and initiatives of *Plan Melbourne* are as follows:

- Direction 4.4 – Respect Melbourne's heritage as we build for the future.

Policy 4.4.2 – Recognise the value of heritage when managing growth and change.

Policy 4.4.4 – Protect Melbourne's heritage through telling its stories.

Ministerial Direction 11 – Strategic Assessment of Amendments

This amendment has been prepared having regard to this Direction.

Ministerial Direction 15 – The Planning Scheme Amendment Process

This process for this amendment will be consistent with the guidance provided by this Direction.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The directions of Plan Melbourne are reflected in the Planning Policy Framework (PPF) of the Cardinia Planning Scheme.

The amendment is consistent with **Clause 15.03 – Heritage**. The main objective of Clause 15.03-1S is:

- *To ensure the conservation of places of heritage significance.*

It includes the following strategies:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*

By correcting mapping errors in the Heritage Overlay, Amendment C249card is ensuring places of heritage significance within Cardinia Shire are appropriately located, recognised and protected.

The Amendment supports the Planning Policy Framework (PPF) for the following reasons:

- It supports the conservation of heritage places.
- Encourages appropriate development through the application of the correct zone or overlay.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is consistent with and gives effect to the Local Planning Policy Framework of the Cardinia Planning Scheme.

Clause 21.01-2 (Key Influences) and **21.01-3 (Key Issues)** identify the following key influences/issues:

- The protection and enhancement of areas and places of heritage significance.

The Amendment supports the following objectives and strategies of **Clause 21.02-6 (Post-contact heritage)** by ensuring the mapping of the significant heritage places is accurate:

- To provide for the protection and appropriate management of sites of heritage significance.

And the following strategies:

- Protect sites of State, regional and local heritage significance.
- Protect the conservation of sites of local heritage interest.

The Amendment supports the Local Planning Policy Framework (LPPF) for the following reasons:

- It defines the exact locations of heritage places.
- Protects areas of heritage significance.

Does the Amendment make proper use of the Victoria Planning Provisions?

The proposed Amendment makes proper use of the Victorian Planning Provisions by correcting mapping and ordinance anomalies.

How does the Amendment address the views of any relevant agency?

The views of the relevant agencies will be considered through the exhibition process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The proposed Amendment is not likely to have a significant impact on the transport system as defined by Section 3 of the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will not have a significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Cardinia Shire Council, 20 Siding Avenue, Officer

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Friday 10th January 2020.

A submission must be sent to:

Cardinia Shire Council

Amendment C249

Strategic Planning

PO Box 7

PAKENHAM VIC 3810

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of Monday, 14 September 2020
- panel hearing: To commence in the week of Monday, 19 October 2020

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Officer South	Land within the Kaduna Park Estate bounded by Princes Highway to the North, Cardinia Road to the east, Patterson Road to the south and Officer South road to the west.	Cardinia C249 002znMaps11_16 Exhibition
Bunyip	Land bounded by Abeckett Road to the north, Mary Street to the south and Anderson Street to the west.	Cardinia C249 001znMap 24 Exhibition
Garfield	Main Street, Garfield	Cardinia C249 005d-hoMap22 Exhibition

Garfield	Main Street, Garfield	Cardinia C249 011hoMap22 Exhibition
Bunyip	Main Street, Bunyip	Cardinia C249 015d-hoMap24 Exhibition
Bunyip	Main Street, Bunyip	Cardinia C249 012hoMap24 Exhibition
Gembrook	Land located at 4 Station Street, units 1/6, 2/6, 3/6, 4/6, 5/6, 6/6 Blacksmith Place and 73 Main Street, Gembrook	Cardinia C249 019hoMap10 Exhibition
Koo Wee Rup	Station Street, Moody Street & Rossiter Road, Koo Wee Rup	Cardinia C249 010hoMap27Exhibition
Beaconsfield	Woods Street, Beaconsfield	Cardinia C249 007d-hoMap12 Exhibition
Beaconsfield	Woods Street, Beaconsfield	Cardinia C249 014hoMap12 Exhibition
Officer	355 and 365 Princes Highway, Officer	Cardinia C249 006d-hoMap13 Exhibition
Officer	355 and 365 Princes Highway, Officer	Cardinia C249 013hoMap13 Exhibition
Cardinia	2245 Ballarto Road, Cardinia	Cardinia C249 016hoMap 25 Exhibition
Tynong	76 Tynong Road, Tynong	Cardinia C249 018hoMap 21 Exhibition