

Frequently Asked Questions

Planning Scheme Amendment C238 – Glismann Road Area Amendment

The content below is provided to assist with addressing common questions that may arise as part of Planning Scheme Amendment C238. The content is to be read in conjunction with C238 exhibition documents.



Cardinia

FAQ1 - Questions about this amendment and the Victorian planning system

Three FAQs have been prepared for Planning Scheme Amendment C238:

- **FAQ1:** Questions about this amendment and the Victorian planning system (this FAQ)
- **FAQ2:** Questions about the Glismann Road Area Development Plan Overlay (DPO19) and Development Plan
- **FAQ3:** Questions about the Glismann Road Development Contributions Overlay (DPCO5) and the Glismann Road Development Contributions Plan

Q. What is a planning scheme amendment?

Each local government in Victoria is covered by a planning scheme. The Cardinia Planning Scheme sets out how land is protected and how it can be used and developed within Cardinia Shire.

Planning schemes require changes from time to time to achieve certain planning outcomes, support new policies and to ensure that requirements continue to meet the needs of the local community.

A change to the planning scheme is known as an amendment. The process for an amendment is set out in the *Planning and Environment Act 1987*.

The amendment process is summarised in Figure 2: Planning scheme amendment process.

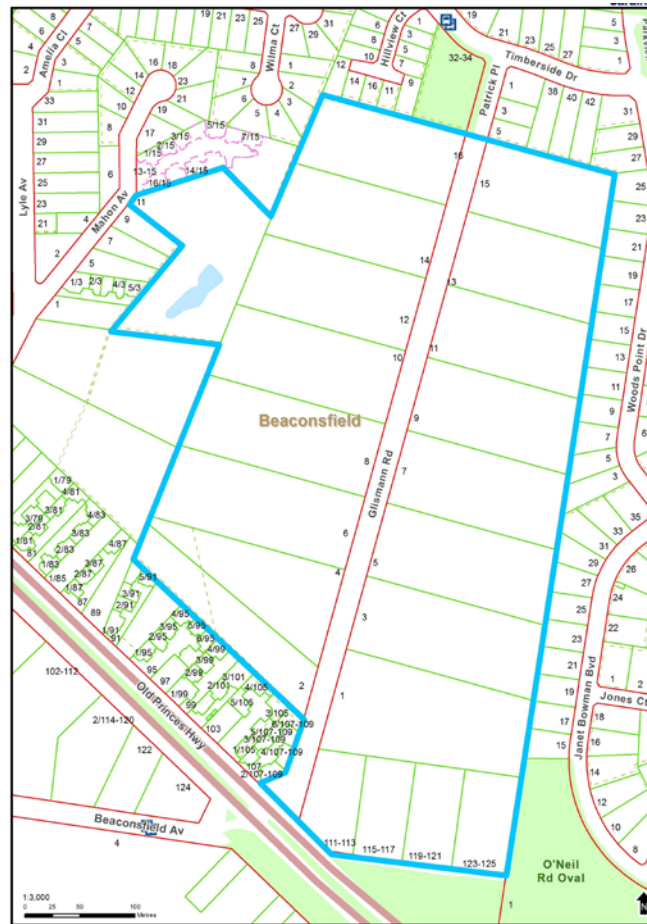
Q. What land is affected by Amendment C238?

The land affected by the amendment is referred to as the 'Glismann Road Area' and includes 21 rural living lifestyle lots in Beaconsfield:

- 1 to 16 Glismann Road;
- 111 to 123 Old Princes Highway; and,
- 11 Mahon Avenue.

See Figure 1: Glismann Road Area.

Figure 1: Glismann Road Area



Q. Why is Amendment C238 required?

Land in the Glismann Road Area includes 21 rural living style lots. The lot sizes are inconsistent with the surrounding residential area and State planning policy that is focused on reducing urban sprawl by promoting infill urban development and maximising the use of existing infrastructure, particularly in areas that are close to public transport.

In December 2013, the *Beaconsfield Structure Plan* was adopted by Council which sets out the strategic directions for Beaconsfield and provides a framework for change to guide built form as well as use and development outcomes for Beaconsfield for 10 – 15 years.

An action of the structure plan is to rezone land in the Glismann Road Area from the Rural Living Zone (RLZ1) to a residential zone to allow for residential subdivision using a development plan and infrastructure plan.

The Mahon Road property is within the General Residential Zone (GRZ1) and a permit can be sought for residential subdivision, however the site is irregular in shape and has significant constraints which impacts on its development potential.

Including this property within this amendment provides the site with an alternative access point and ensures the development has regard to the visual sensitivity of the area.

Q. What does Amendment C238 do?

The amendment makes the following changes to the Cardinia Planning Scheme:

- Rezone land from the Rural Living Zone (RLZ1) and General Residential Zone (GRZ1) to the Neighbourhood Residential Zone (NRZ2) to allow land to be subdivided for residential development.
- Apply Development Plan Overlay (DPO19) to the Glismann Road Area to ensure that properties are developed in a cohesive manner and implements best practice planning initiatives in relation to subdivision layout, urban design, environmental and landscape considerations.

- Apply Development Contributions Plan Overlay (DCPO5) and incorporate the Glismann Road Development Contributions Plan (GRDCP) into the Cardinia Planning Scheme to share the cost of key infrastructure items triggered by the new development in a fair and reasonable manner.
- Include the local open space provision in the GRDCP and amend Clause 53.01 of the Cardinia Planning Scheme to facilitate the provision of local open space.

Cardinia Shire is committed to protecting the visual sensitivity of the Glismann Road Area by implementing planning controls to manage development pressures for this infill area.

Q. How will the amendment affect me?

You have been given notice of the amendment as you may be affected by, or have an interest in, the proposed changes. You may own property or live nearby or be planning on developing property in the affected area.

The documents provided to you are for your information and you do not have to do anything further if you do not wish to do so.

Q. Why is the land being rezoned to the Neighbourhood Residential Zone (NRZ2) and not the General Residential Zone (GRZ1) like the surrounding area?

Most of the residential land in Beaconsfield is in the General Residential Zone (GRZ1).

The most significant difference between the General Residential Zone (GRZ1) and the Neighbourhood Residential Zone (NRZ2) is shown in the table below.

General Residential Zone (GRZ1)	Neighbourhood Residential Zone (NRZ2)
Applied to land in areas where growth and housing diversity is anticipated.	Applied to land that has been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.
Maximum building height of 11 metres and maximum of 3 storeys.	Maximum building height of 9 metres and maximum of 2 storeys.

The Neighbourhood Residential Zone has been chosen for the Glismann Road Area for the following reasons:

- to be consistent with the surrounding development which is predominantly made up of single and double storey dwellings;
- some areas have existing restrictions for development due to the site constraints of the area; and,
- the specific character of the area which is created by the natural topography, visual sensitivity and landscape features.

Q. Will this amendment affect my rates?

The amount of rates you pay depends on the value of your property in comparison to other properties in Cardinia Shire.

Independent valuers work out the Capital Improved Value (CIV) of your property each year. Municipal property valuations have moved from being undertaken once every two years to every year.

If sales evidence in the area suggests that the level of value for the rezoned properties has increased, the Capital Improved Value of your property may also increase, thus you may see a difference in your rates charge.

As Capital Improved Values are calculated on the highest and best use for each property, a consistent level of value would be applied to all rezoned properties, regardless if they are to be further developed or remain as single dwellings sites.

Valuer-General Victoria is responsible for all valuations in Cardinia Shire Council.

For more information about valuations go to Council valuations web page on the DELWP website

<https://www.propertyandlandtitles.vic.gov.au/valuation/council-valuations>

Q. Do I have to subdivide and/or develop my land?

There is no obligation to subdivide and/or develop your land.

Q. How do I make a submission to Planning Scheme Amendment C238?

Anyone can make a submission and the submission can do any of the following:

- support the amendment;
- seek changes to the form and / or content of the amendment; or
- not support the amendment.

A submission can be made via an email, a letter (attached to an email or sent to Council) or a form which available on Council's website to assist you in making your submission at <https://creating.cardinia.vic.gov.au/glismann-road>.

Q. What happens if I make a submission?

We will provide you with acknowledgement that we have received your submission.

It is important to note that the *Planning and Environment Act 1987* has been updated to address planning processes affected by coronavirus (COVID-19) public health restrictions.

Planning scheme amendment documents previously required to be physically available to view at state and local government offices are now only required to be available for online inspection. This includes copies of submissions.

The *Planning and Environment Act 1987* specifies that:

- submissions to amendments are public documents and may be made available to any person for the purpose of consideration of the amendment.
- Council must make a copy of every submission available online for any person to inspect until the end of two months after the amendment comes into operation, lapses or ends otherwise.

Q. When can I make a submission?

Written submissions on this amendment are now invited.

Please make your comments in writing to Council by 5pm

Monday 14 September 2020.

A submission must be sent via:

- email (preferred) mail@cardinia.vic.gov.au (please include Amendment C238 in the e-mail title) or
- posted to:
Cardinia Shire Council (Planning Strategy)
Amendment C238
PO Box 7
PAKENHAM VIC 3810

Q. What happens next?

Council must take all submissions into consideration.

If Council cannot resolve all concerns raised in submissions Council will refer the amendment and submissions to an independent Planning Panel.

Q. What is a Planning Panel?

A Planning Panel is appointed by the Minister for Planning.

The role of the Planning Panel is to:

- Give submitters an opportunity to be heard in an independent forum in an informal, non-judicial manner.
- Give independent advice to Council and the Minister about the proposed Amendment.

Anyone who made a submission will be notified about the Panel Hearing and given the opportunity to present to the Panel.

The hearing process has two stages; (1) Directions Hearing and (2) Panel Hearing.

Q. What is a Directions Hearing?

A Directions Hearing is conducted by the appointed Panel member(s) and is usually held approximately 4 weeks after the Panel is appointed.

The purpose of a Directions Hearing is generally to make arrangements for the running of the Panel Hearing, such as fix the Panel Hearing date, schedule times for submitters to talk to the Panel, set a date for the exchange of information including expert evidence, and sometimes arrange a site visit.

It is also an opportunity for submitters to ask questions about information or the Panel process.

Q. What is a Panel Hearing?

Panels try to operate informally and efficiently, but proceedings are part of a formal process that operates within specific guidelines.

Information about the Planning Panel process can be found at

<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides/planning-panel-faqs>

Q. What happens after a Planning Panel?

After the Planning Panel has released the report, the Amendment and report will again be presented to the Council for consideration.

Council must consider, but is not bound by, the Panel's report and recommendation when making its decision.

Council must decide to:

- adopt the amendment as is
- adopt the amendment with changes, or
- abandon the amendment.

The Minister for Planning will then consider the Panel's report and any issues raised by Council (if any) regarding the Panel's report. The Minister will decide and whether or not to approve Amendment C238 to the Cardinia Planning Scheme.

Q. When will the Planning Panel hearing occur?

Should a Planning Panel be required, hearing dates have been pre-set as follows:

- Directions Hearing: Week commencing 24 March 2021.
- Panel Hearing: Week commencing 3 May 2021.

Further details about any Planning Panel hearing and specific dates will be provided at a later date to those who make a submission.

Q. Why is the Directions Hearing and Panel Hearing scheduled for next year?

Under Ministerial Direction No.15 (MD15), Council must make a formal request for the appointment of a Panel within 40 business days of the closing date for submissions unless a Panel is not required.

Should a Panel be required, Council would be unable to meet the required timeframe specified in MD15 and has therefore sought an exemption from the Minister for Planning with regards to this timeframe.

The reasons as to why Council would be unable to make a formal request for the appointment of a Panel within 40 business days after the closing date for submissions are:

- Council elections caretaker period
Council elections for 2020 are pending. Councils must comply with special arrangements in the lead up to the Council elections, known as the caretaker period. This is in accordance with the Local Government Act.
The caretaker period will be from Tuesday 22 September to Saturday 24 October.
The last Council Meeting prior to the caretaker period is Monday 21 September. The closing date for submissions for this amendment is Monday 14 September 2020.
The closing date for submissions and the last council meeting (prior to the caretaker period) are only a week apart, therefore it is not possible to present a report to Council to consider and respond to submissions prior to the caretaker period.
- Limited availability of Council Meetings prior to end of 2020
Due to the complexity of this amendment, there is no availability to present this report to Council at the 23 November 2020 or the 14 December 2020 council meeting.
Council will consider and respond to submissions for Amendment C238 at the first Council Meeting in February 2021.

Q. Where can I find more information about this amendment?

Amendment documents and more information can be found at:

- Cardinia Shire Council website
<https://creating.cardinia.vic.gov.au/glismann-road>
- Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Q. Can I come into the Council office to view documents?

The *Planning and Environment Act 1987* has been amended by the COVID-19 Omnibus (Emergency Measures) Bill 2020 to address planning processes affected by coronavirus public health restrictions.

The planning scheme amendment documentation is now only available for online inspection.

Q. Can I have a face-to-face meeting in the Council office?

Council is working closely with government agencies and following their direction regarding Coronavirus (COVID-19). To reduce the risk to our community and staff, Council's customer service centre at 20 Siding Avenue, Officer is closed until further notice.

The COVID-19 restrictions are constantly changing and the most up-to-date news with regards to Cardinia Shire Council's services and buildings can be found at

https://www.cardinia.vic.gov.au/info/20057/coronavirus_covid-19_online_help_hub

Q. Who do I contact to talk to about this amendment?

You can contact Lorna Lablache from Council's Planning Strategy unit on 1300 787 624.

A video or phone conference meeting can also be arranged to help address any questions or concerns you may have about the amendment and the content of the amendment documentation. Please call Lorna to arrange a day and time that suits you.

For more information about planning, planning controls, the public availability of submissions and the Planning Scheme Amendment process please go to www.planning.vic.gov.au/.

Figure 2: Planning scheme amendment process

1. Exhibition

- Notice of the amendment is given.
- The amendment is exhibited for 8 weeks.
- Submissions on the amendment are invited.

2. Consideration of submissions

- Submissions are considered by Council.
- The amendment may be changed, abandoned or the submissions referred to a Planning Panel.

3. Panel Hearing

- A public hearing is held.
- The Panel considers the submissions.
- The Panel writes a report with a recommendation about what Council should do about the amendment and provides this to Council (4-6 weeks).

4. Council's consideration

- Council must consider, but is not bound by, the Panel's report and recommendation when making its decision.
- Council must decide to:
 - adopt the amendment as is
 - adopt the amendment with changes,
 - or abandon the amendment.

5. The Minister's consideration

- Council submits the amendment documents to the Minister for Planning.
- If not approved, the amendment is abandoned.
- If approved, a notice is published in the Government Gazette.