

6.1.2 Subdivision of Land at L1 PS809394, Brunt Road, Officer

File Reference: T200140
Responsible GM: Tracey Parker
Author: Emily Cook

Recommendation(s)

That a Notice of Decision to Refuse to Grant Planning Permit T200146 be issued for the subdivision of land at L1 PS809394, Brunt Road, Officer VIC 3809 on the following grounds:

1. The proposal is not generally in accordance with the Officer Precinct Structure Plan.
2. The proposal is contrary to the Officer Precinct Structure Plan objectives for Community Facilities.
3. The proposal prejudices the delivery of the future State Special School.
4. The proposal is contrary to Clause 21.05-6 Community Services and Facilities as it prevents the provision of adequate community facilities in accordance with the Officer Precinct Structure Plan.
5. The Victorian School Building Authority objects for the following reasons:
 - a) The proposed Lot 1 to be created by this subdivision is not generally in accordance with the PSP.

At two hectares in land area, it is significantly smaller than the land allocated in the PSP. It is assumed that the two hectare parcel that is the subject of this application represents land for the proposed Special School. However, the required land parcel is larger, as it also includes part of the land set aside for the proposed secondary school. The VSBA expects this subdivision to provide 4.48 hectares of land, as required by the PSP, or an alternative subdivision plan that addresses the changes outlined in VSBA's letter to Linda Sahhar (Surveyor) dated 12 November 2019 (reference COR1936160).

- b) The VSBA requires the roads surrounding the proposed government school land to be shown, and to be of a sufficient width and alignment, to provide for school buses and other vehicle access requirements. No roads are shown in the current subdivision plan.

Attachments

1. Locality Map [6.1.2.1 - 1 page]
2. Plans Assessed [6.1.2.2 - 2 pages]
3. Referral Response Department of Education Letter [6.1.2.3 - 2 pages]

Executive Summary

APPLICATION NO.:	T200146
APPLICANT:	Nobelius Land Surveyors Pty Ltd/Jan Cussen
LAND:	L1 PS809394, Brunt Road, Officer VIC 3809
PROPOSAL:	Subdivision of land
PLANNING CONTROLS:	11.03-2 Growth Areas 21.05-6 Community Services and Facilities Urban Growth Zone – Schedule 3 General Residential Zone Development Contribution Plan Overlay – Schedule 4. Clause 65 Decision Guidelines Officer Precinct Structure Plan (September 2011) Officer Native Vegetation Precinct Plan (September 2011) Officer Development Contributions Plan (September 2011)
NOTIFICATION & OBJECTIONS:	Victorian School Building Authority (ie. Department of Education) - non-statutory referral
KEY PLANNING CONSIDERATIONS:	Urban Growth Zone Officer Precinct Structure Plan (September 2011) Objection from VSBA Generally in accordance with the PSP
RECOMMENDATION:	Planning permit application T200140 be refused on the grounds outlined by this report.

Background

Pre-application discussions between the Owners Representative and Council occurred in April 2019. Council provided advice relating to the size of the future school, the formulation/widths of roads and, the formulation/density of residential development contained within the subject site.

The Department of Education was consulted in relation to the size of the future school site and formulation/widths of roads adjoining the future school site. This resulted in a letter provided by the Department of Education in November 2019. This letter included in principal support for a layout with an alternative road network (20m wide roads adjoining the future school site) and a marginally reduced school site area (3.6ha).

The current proposal does not provide for either the Officer PSP requirements or the above negotiated and anticipated outcome.

Subject Site

The site is located on the southern side of the Princes Highway, the eastern side of Brunt Road and the northern side of the future extension of Pioneer Way/Gin Gin Bin Reserve.

There are no crossovers to the site and no easements within the site.

The site currently is vacant.

The topography of the land is flat.

The main characteristics of the surrounding area are:

NORTH	Princes Highway, Heritage Rise Estate and developing residential land.
SOUTH	Future extension of Pioneer Way, Gin Gin Bin Reserve (currently undeveloped), the Pakenham Railway Line, Savannah Estate and Rix Road.
EAST	Undeveloped future residential/Department of Education land and, Prominence, Cheerington and Potters Grove Estates.
WEST	Brunt Road, Blue Gum Caravan Park and the Panorama Estate. The future (currently undeveloped) Whiteside Neighbourhood Activity Centre is located north-west of the subject site.

Relevance to Council Plan

Nil.

Proposal

The proposal is for the subdivision of land.

The proposal includes the creation of two (2) lots.

	Area	Accessed Via	Future Use
Lot 1	2ha	Future Extension of Pioneer Way	State Special School
Lot 2	5.110ha	Future Extension of Pioneer Way and/or Brunt Road	Residential/Roads

Planning Scheme Provisions

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.03-2 Growth Areas

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.05-6 Community Services and Facilities

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 65 Decision Guidelines
- Officer Precinct Structure Plan (PSP) (November 2019)
- Officer Native Vegetation Precinct Plan (September 2011)
- Officer Development Contributions Plan (September 2011)

Cardinia Shire's Liveability Plan 2017-2029

This proposal is not considered to have regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Social Cohesion, the proposal detracts from the future Community Hub and 'super-school' planned for the subject site.

Zone

The land is subject to the Urban Growth Zone – Schedule 3 with the applied zone being the General Residential Zone.

Overlays

The land is subject to the Development Contribution Plan Overlay – Schedule 4.

Planning Permit Triggers

- The proposal for the subdivision of land requires a planning permit under the following clauses of the Cardinia Planning Scheme:
 - Pursuant to Clause 37.07-10 of the Urban Growth Zone a planning permit is required to subdivide land.
 - Pursuant to Clause 32.08-3 of the General Residential Zone a planning permit is required to subdivide land.

Public Notification

Pursuant to Clause 37.07-13 of the Cardinia Planning Scheme an application which is generally in accordance with an applicable Precinct Structure Plan is exempt from notice and review. However, Pursuant to Clause 37.07-9 and Clause 37.07-10 of the Urban Growth Zone planning permits must be generally in accordance with the precinct structure plan (PSP) applying to the land.

Therefore, where the Urban Growth Zone applies either: the application is in accordance with the applicable PSP and is exempt from notice or, the application is not in accordance with the PSP and must not be granted.

This application is not considered to be generally in accordance with the Officer Precinct Structure Plan (PSP).

Referrals

Victorian School Building Authority (ie. Department of Education)

The application was referred to the Department of Education as a non-statutory referral. The Victorian School Building Authority has objected to the application on the following grounds:

1. The proposed Lot 1 to be created by this subdivision is not generally in accordance with the PSP. At two hectares in land area, it is significantly smaller than the land allocated in the PSP. It is assumed that the two hectare parcel that is the subject of this application represents land for the proposed Special School. However, the required land parcel is larger, as it also includes part of the land set aside for the proposed secondary school. The VSBA expects this subdivision to provide 4.48 hectares of land, as required by the PSP, or an alternative subdivision plan that

addresses the changes outlined in VSBA's letter to Linda Sahhar (Surveyor) dated 12 November 2019 (reference COR1936160).

2. The VSBA requires the roads surrounding the proposed government school land to be shown, and to be of a sufficient width and alignment, to provide for school buses and other vehicle access requirements. No roads are shown in the current subdivision plan.

Discussion

- The subdivision of land is not consistent with the aims and objectives of the State Planning Policy Framework, Local Planning Policy Framework and other relevant planning provisions as outlined below.
- The Officer Precinct Structure Plan (PSP) applies to the subject site and has been created in accordance with *Clause 11.03-2 Growth Areas*. The current proposal undermines the ability of the Officer PSP to deliver accessible, integrated and adaptable community infrastructure.
- *Clause 21.05-6 Community Services and Facilities* seeks to ensure the provision of adequate community facilities within new developments which are consistent with relevant precinct structure plans. As discussed below, the proposal is not in accordance with the Officer Precinct Structure Plan (PSP) and prejudices the delivery of a future State Special School.

Urban Growth Zone

- The purpose of the Urban Growth Zone is to manage the transition of non-urban land into urban land *in accordance with a precinct structure plan*.
- Clause 37.07-9 and Clause 37.07-10 of the Urban Growth Zone require planning permits, including for subdivision, to be generally in accordance with the precinct structure plan applying to the land.
- The Officer Precinct Structure Plan (PSP) applies to the subject site. The proposal is not generally in accordance with the Officer PSP.

Urban Growth Zone – Schedule 3

In accordance with Clause 2.2 of Schedule 3 to the Urban Growth Zone, the applied zone for the subject land is the General Residential Zone. The application does not seek residential lots and therefore was not assessed against *Clause 56 Residential Subdivision*.

Clause 3.0 of Schedule 3 to the Urban Growth Zone mandates application requirements to be submitted with planning permit applications for general subdivision. Most of these requirements were not considered relevant to the proposal given further subdivision/development could occur within the site.

Council did however require a hydrogeological assessment and a potentially contaminated land assessment to determine if the land is suitable for future uses (ie. school site and residential development). This is because the proposal would create a separately transferable parcel on which further planning permits are not expected (state government schools being exempt from planning permits). The applicant declined to provide the requested information.

Officer Precinct Structure Plan (November 2019)

The Officer Precinct Structure Plan (PSP) identifies the subject site as containing various roads, a future State Special School and medium density residential land.

The current proposal seeks to create:

- One (1) land parcel containing all of the future roads and residential land (Lot 2).
- One (1) land parcel containing the future State Special School site (Lot 1).

Proposed Lot 1 which contains the future school site, does not provide for the minimum area required for a State Special School.

The subject site forms part of Urban Hub D (Brunt Road/Timbertop Boulevard South) and is planned to contain: a Council owned Children's Centre, Youth Meeting Space, Active Open Space (Gin Gin Bin Reserve) and 'super-school'. The 'super-school' encompasses a State Primary School, State Post Primary School and State Special School.

It is noted that *Table 11: Community facilities and Services* includes the area for the special school as 2.0ha. This figure is incorrect.

In accordance with the Land Use Budget, which was the foundation for the Officer PSP, the required land areas for the 'super-school' are:

	Land Use Budget	Provided/Proposed
State Primary School	2.66ha	2.55ha Parcel created.
State Post Primary School	6.67ha	6.84ha Parcel created.
State Special School	<i>4.48ha</i>	<i>2.00ha</i> <i>Parcel Proposed.</i>

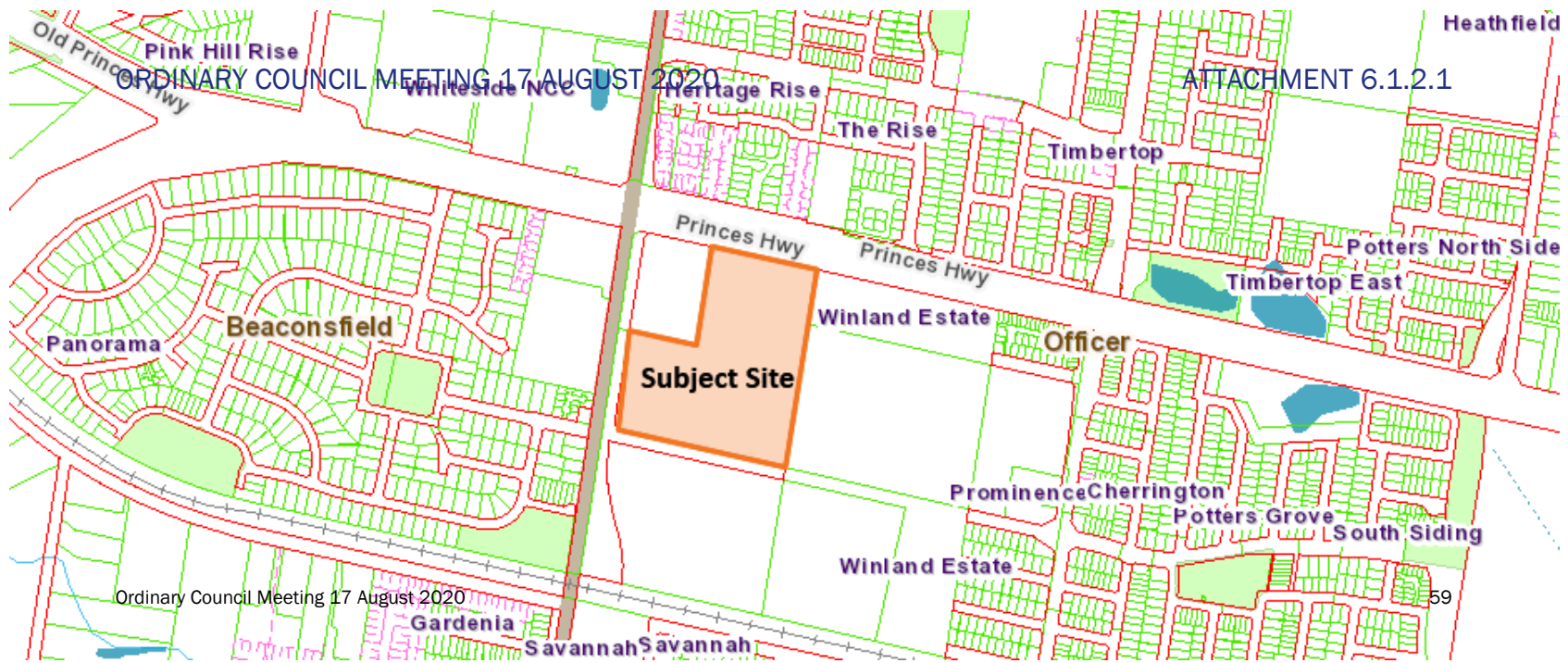
The above land designations are clearly shown on all scaled plans forming part of the Officer PSP. Planning permits have been issued for land to the east of the subject site. These permits include the required land for the State Primary School and State Post Primary School generally in accordance with the Officer Land Use Budget.

Correspondence from the Victorian School Building Authority (ie. Department of Education) confirm Lot 1 (2.0ha) does not provide for the required land area to accommodate a future State Special School.

The proposal therefore is not in accordance with the requirements of the Officer PSP and should not be supported.

Conclusion

The proposed subdivision of land is contrary to the purpose and objectives of the Cardinia Shire Planning Scheme and should not be supported.




ORDINARY COUNCIL MEETING 17 AUGUST 2020

ATTACHMENT 6.1.2.1

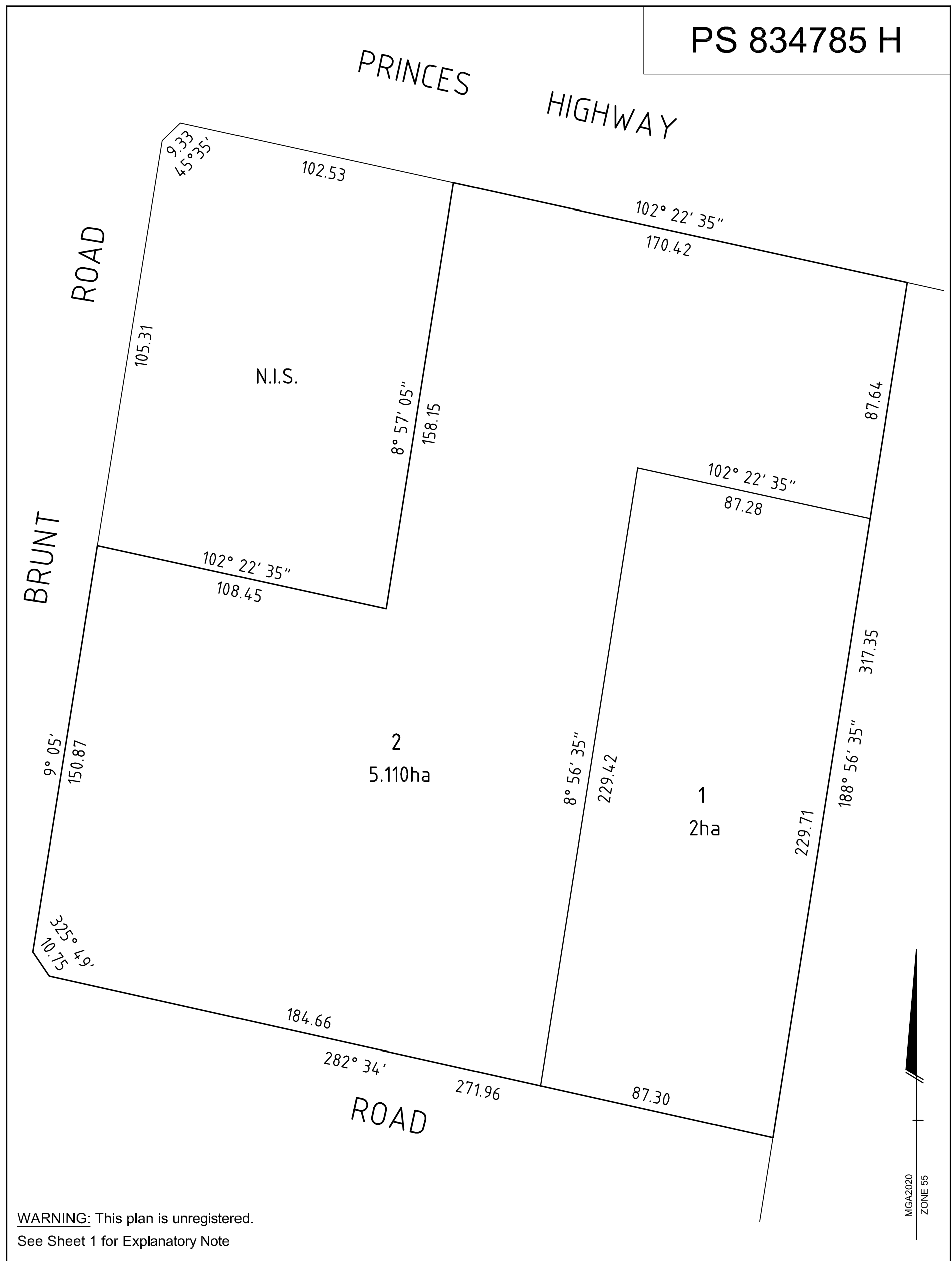
Subject Site

Ordinary Council Meeting 17 August 2020


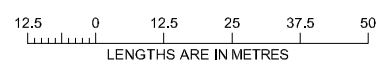
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PLAN OF SUBDIVISION		EDITION 1	PS 834785 H	
LOCATION OF LAND PARISH: Pakenham TOWNSHIP: SECTION: CROWN ALLOTMENT: 30 (PT) CROWN PORTION: TITLE REFERENCE: Vol. 11898 Fol. 947 LAST PLAN REFERENCE: Lot 1 PS 809394R POSTAL ADDRESS: Brunt Road, Officer 3809 (at time of subdivision) MGA CO-ORDINATES: E: 358 850 ZONE: 55 (of approx centre of land N: 5 786 430 GDA 2020 in plan)		Council Name: Cardinia Shire Council <u>EXPLANATORY NOTE:</u> WARNING: This plan is unregistered. Alterations may be required by Council and the Registrar of Titles prior to Registration, Nobelius Land Surveyors accepts no responsibility whatsoever for any loss or damage suffered.		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
Nil	Nil			
NOTATIONS				
DEPTH LIMITATION: DOES NOT APPLY				
SURVEY: This plan is/is not based on survey. STAGING: This is/is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No. 71				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
NOBELIUS LAND SURVEYORS  P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobelius.com.au		SURVEYORS FILE REF: LICENSED SURVEYOR: B. S. NOBELIUS VERSION 1		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2

PS 834785 H



WARNING: This plan is unregistered.
See Sheet 1 for Explanatory Note

 <p>NOBELIUS LAND SURVEYORS P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobelius.com.au</p>	<p>SCALE 1:1250</p>  <p>LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 2</p>
	<p>LICENSED SURVEYOR: B. S. NOBELIUS VERSION 1</p>		



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Emily Cook
Principal Growth Area Planner
Cardinia Shire Council
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Dear Ms Cook

Thank you for providing the Victorian School Building Authority (VSBA) with the opportunity to comment on Planning Application T200140, a two lot subdivision of L1 PS809394 V11898 F947, Brunt Road, Officer (260 Princes Highway, Officer).

The VSBA's particular interest in this subdivision relates to the identification of this land for government school use, as shown in Plan 5 – Future Urban Structure, Plan 6 – Land Use Budget, and Table 11 – Community Facilities and Services (Urban Hub D) of the 'Officer Precinct Structure Plan, amended Nov 2019' (the PSP). The VSBA refers to the proposed schools as 'Officer Brunt Road Proposed P-6', 'Officer Brunt Road Proposed 7-12' and 'Officer Brunt Road Proposed Special School'. Based on the application and Plan of Subdivision PS834785, it is understood that proposed Lot 1, as submitted, is intended to represent one of the proposed Government Schools.

The VSBA objects to Planning Application T200140, for the following reasons:

- The proposed Lot 1 to be created by this subdivision is not generally in accordance with the PSP.
 - At two hectares in land area, it is significantly smaller than the land allocated in the PSP. It is assumed that the two hectare parcel that is the subject of this application represents land for the proposed Special School. However, the required land parcel is larger, as it also includes part of the land set aside for the proposed secondary school. The VSBA expects this subdivision to provide 4.48 hectares of land, as required by the PSP, or an alternative subdivision plan that addresses the changes outlined in VSBA's letter to Linda Sahhar (Surveyor) dated 12 November 2019 (reference COR1936160).
- The VSBA requires the roads surrounding the proposed government school land to be shown, and to be of a sufficient width and alignment, to provide for school buses and other vehicle access requirements. No roads are shown in the current subdivision plan.

The VSBA has been in discussions with representatives of the landowner in the past and has shown its willingness to reach a mutually agreeable solution. Unfortunately, this solution is not reflected in the current subdivision proposal.

The Victorian School Building Authority is part of the Department of Education. Your details will be dealt with in accordance with the Public Records Act 1973 and the Privacy and Data Protection Act 2014. Should you have any queries or wish to gain access to your personal information held by the Department of Education please contact our privacy officer at the above address.



If you would like further information, you may contact Ms Helen King, Senior Urban Planning Analyst, Infrastructure and Planning, Victorian School Building Authority, Department of Education and Training on (03) 7022 2184 or by email: provision.planning@education.vic.gov.au.

Yours sincerely



Erin Giles
Acting Director
Infrastructure and Planning Branch
Victorian School Building Authority
03 / 08 /2020