

Cardinia Planning Scheme

Amendment C282card

Planning Permit Application T230528

Explanatory Report

Overview

This combined planning scheme amendment and planning permit application seeks to facilitate a mixed-use development on land in the Heritage Overlay (HO). In doing so, it proposes to restore and reuse a kiln and chimney of heritage significance.

Where you may inspect this amendment

The amendment can be inspected free of charge at:

- the Cardinia Shire Council website at <https://www.cardinia.vic.gov.au/>

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

- Cardinia Shire Council, 20 Siding Avenue, Officer VIC 3809

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment and/or planning permit application T230528. Submissions about the amendment and [planning permit application](#) must be received by 05 March 2026.

A submission must be sent to: mail@cardinia.vic.gov.au (subject line: Amendment C282)

Or mailed to:

Planning and Design
Cardinia Shire Council
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: 22 June 2026.
- Panel hearing: 20 July 2026.

Details of the amendment

Who is the planning authority?

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

The amendment has been made at the request of Nobelius Land Surveyors on behalf of James Hicks Pottery Site Pty Ltd.

Land affected by the amendment

The amendment applies to the former James Hicks Pottery site which is a locally significant heritage place in the Cardinia Shire containing a remnant kiln and chimney. The land affected by the amendment is Lot AA PS814723, Cotswold Crescent, Officer VIC 3809

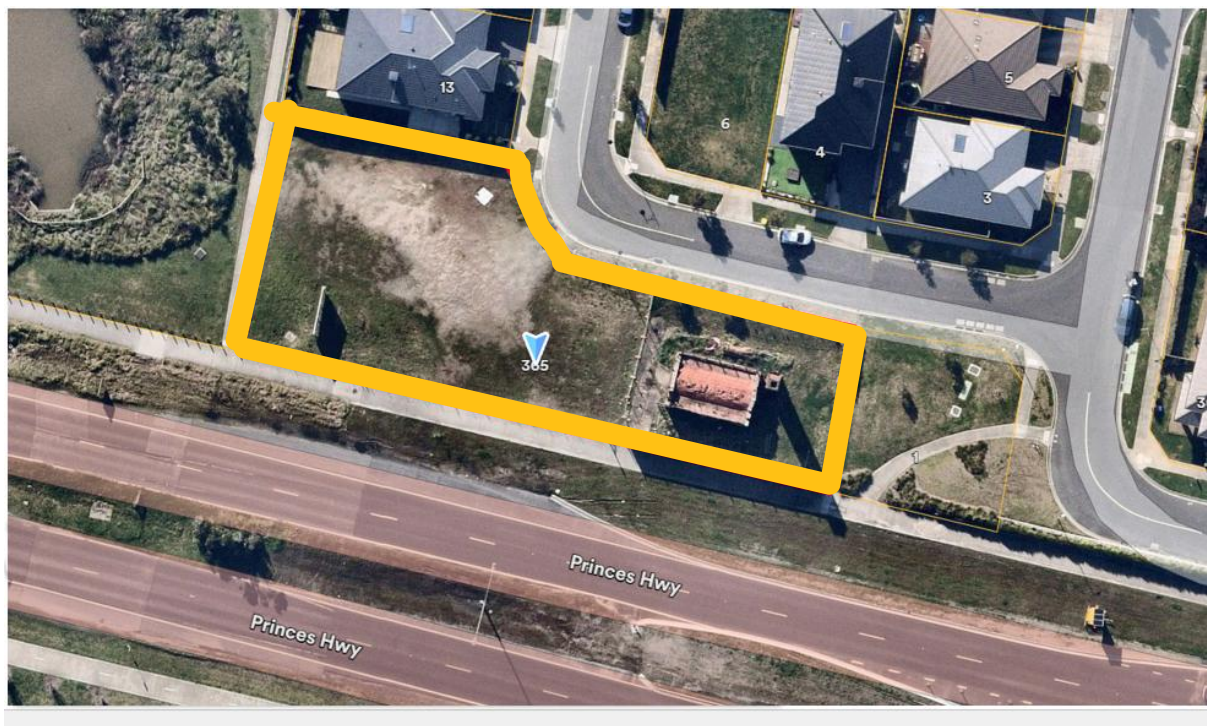


Figure 1: Aerial map showing the land affected by the amendment as outlined in orange.

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987* (the Act).

The planning permit application applies to

- Lot AA PS814723, Cotswold Crescent, Officer VIC 3809

The subject land is included in the Urban Growth Zone Schedule 3 (UGZ3) forming part of the Officer Precinct Structure Plan (Officer PSP) and the applied zone provisions of the Schedule to the UGZ include the land in the General Residential Zone (GRZ). The subject land was previously used as a brickworks operated by James Hicks Pottery Pty Ltd. The former clay pit associated with the brickworks is located on the land immediately to the west of the site and forms part of the heritage place subject to HO104.

What the amendment does

The combined amendment and planning permit application proposes to amend the Schedule to the Heritage Overlay (HO) to consider prohibited uses for HO104 and concurrently consider a planning permit application for land at Cotswold Crescent, Officer to facilitate a mixed-use development.

Specifically, the proposed amendment seeks to:

- Amend the Schedule to the HO to allow prohibited uses to be considered for HO104 (James Hicks Pty Ltd Pottery) by amending the 'prohibited uses permitted?' column to state 'Yes'.

PS map ref	Heritage place	External point controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO104	James Hicks Pty. Ltd. Pottery 365 Princes Highway, Officer	Yes	Yes	No	Yes	Yes	No	No	No

The planning permit application seeks approval for:

- Use of the land for **office and food and drink premises**;
- Buildings and works associated with the above uses, being development of the land with an office building, café, restaurant/wine bar and associated car parking;
- Construction and display of signage associated with the development;
- Reduction in the minimum number of car parking spaces required;
- Creation of access to the Princes Highway (TRZ2).

The draft planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate a mixed-use development that includes an 'Office' use (a prohibited use in the GRZ) and the restoration and re-adaptive use of a remnant kiln and chimney structure which attributes to the significance of the heritage place at Cotswold Crescent, Officer.

Pursuant to Clause 43.01-9 (Use of a heritage place), a permit may be granted to use a heritage place for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Prohibited uses are not currently permitted to be considered at the heritage place. The amendment component to this proposal seeks to change this with the concurrent planning permit seeking to facilitate the mixed-use development, including the prohibited Office use.

The proposed Office use will not adversely affect the significance of the heritage place, and a planning permit application has been prepared and lodged concurrently with this amendment to demonstrate how the proposed mixed-use development and the proposed office use will aid in the conservation of the heritage place. The office component of the use and development proposed under the permit application presents the most reasonable and compatible use of the site in comparison with other permitted uses, and the most economically viable with the capacity to contribute to the ongoing preservation of the heritage components on the site.

Limitation of the Officer PSP

When the Officer PSP was developed, heritage sites were not addressed in significant detail, with these matters deferred to a later stage (planning permits) to establish a suitable transition for heritage sites.

The Officer PSP provides limited guidance on the future use of the subject site. A kiln, as a heritage component, does not have an adaptable use; instead, it requires ongoing maintenance and preservation. Although a planning permit for a restaurant has been issued for the site in the past, this use is not viable for the maintenance of the kiln or for constructing a structure over it.

The construction of a structure over the kiln is essential as such a structure would

protect the kiln's heritage elements. Without it, the kiln is at risk of deteriorating due to weather exposure, which could lead to its collapse.

The proposed development will provide the following benefits to the community:

- The development will serve as a buffer between the Princes Highway and residential areas, with the office building to mitigate noise from the highway.
- It will create opportunities for local employment.
- The development will promote nighttime activation of the space and enhance surveillance.
- It will contribute to the preservation of the heritage site and the Shire's history.

Impact on land identified for employment in Officer PSP

The proposal does not negatively affect the availability of employment land designated in the Officer PSP. The office development includes approximately 540sqm of allocated floor space for office use. With the implementation of *Plan for Victoria 2025*, it is anticipated that Cardinia will see an increase in population, which will create a greater demand for employment land. The mixed-use development will contribute positively to the local economy. Furthermore, there are comparable office developments along the Princes Highway, making this proposal consistent with the existing character of the road interface.

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

The objectives of planning in Victoria will be implemented by the amendment through the re-development of the subject site, which contributes to the re-adaptive use and preservation of a valuable community asset. Key objectives under Section 4 of the Act are addressed as follows:

(1)(a) To provide for the fair, orderly, economic and sustainable use, and development of land.

The proposed amendment will implement this objective by facilitating a mixed-use development for the site, including an Office use, which will have the benefit of:

- extending the use of the site through the day and into the evening;
- providing economic use and development with associated localised employment opportunities;
- localised employment which has the potential to reduce car dependency;
- providing use and development that has reduced demand for car parking when compared to permitted uses;
- providing the opportunity to use the heritage site in a sustainable way which contributes to the ongoing conservation of the kiln and chimney; and
- providing use and development that complements the unique heritage

components of the kiln and chimney and supports their revitalisation.

(1)(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

The amendment protects man-made resources that have identified heritage value through the redevelopment of the site with design that is specifically engineered to preserve and re-adapt the kiln and chimney.

(1)(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The amendment will facilitate development that will contribute to a unique and valuable place of historical interest for the community and the region. The site is an adequate size and suitably located, ensuring the safety and convenience of patrons without detrimental impacts on the surrounding community. The development design evidences a sensitivity to the residential use and development to the north through the incorporation of fencing, battered lighting and strategic planting to minimise detrimental effects associated with noise, glare and overlooking. The uniqueness of the site contributes to its appeal to patrons further afield with ease of access aiding its pleasant, efficient and safe appeal.

(1)(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The amendment facilitates the use and development of the site for an office, café and restaurant, which presents the most reasonable and economically viable option for the conservation and enhancement of the sites' heritage components.

The permit application contemplates a mixed-use development that will generate a 'hub' of activity to revitalise the site and contribute financially to the ongoing conservation of the heritage listed brick kiln and chimney structures.

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

The amendment ensures that any potential adverse environmental, social and economic effects are addressed through the planning permit application prior to the use and development commencing at the site to assist in ensuring the proposal results in a net community benefit.

Environmental effects

The amendment addresses environmental effects by:

- Being preceded by detailed site investigations to ensure the former industrial use of the land associated with bricks and pottery works will not adversely impact any proposed use or development of the land.

- Providing assurance as to the ongoing management of the heritage site by requiring a Construction Management Plan in accordance with the Heritage Impact Assessment undertaken.
- Supporting the restoration of the site, the provision of landscaping and implementation of water sensitive urban design measures.
- Directing development into a low risk location that is not subject to inundation or bushfire ensuring the proposal will not elevate environmental risks to the community.

Social effects

The amendment addresses social effects by:

- Providing local employment opportunities proximate to places of residence and a commensurate reduction in car dependency.
- Buffering residential development from the amenity impacts associated with proximity to the Princes Highway.
- Enabling use and development that will conserve, enhance and celebrate a locally significant heritage place.
- Creating a strong sense of place by facilitating uses that encourage visitors to the site and investing in the conservation of a heritage place to reinforce the importance of the site to the community.
- Facilitating the mixed-use development which is envisioned to be a social hub and community meeting place integrated within the residential neighbourhood and the existing walking paths and local open space network.

Economic effects

The amendment addresses economic effects by:

- Making best use of existing land in proximity to services, transport and community facilities.
- Remediating and revitalising an underutilised and redundant former industrial site that is currently making little economic contribution to the local or broader area.
- Providing local employment and opportunities for additional trade within a new residential community.

Does the amendment address climate change?

The amendment considers climate change in accordance with Sections 4(2)(da) and 12A of the Act insofar as it enables the use and development of urban land in a way that reduces deterioration through the impacts associated with 'weathering' on the kiln and chimney, which are the heritage features on the subject land. This is supported by the Conservation Management Plan prepared by Heritage Insight, 2015.

The amendment will reduce transport related emissions by locating an office use proximate to an established residential area, facilitating localised employment

opportunities that reduce car dependency and prioritise active transport including pedestrianism and use of bicycle networks.

Does the amendment address relevant bushfire risk?

The amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because the land is not subject to the Bushfire Management Overlay nor within a bushfire prone area. The proposed amendment and concurrent permit for the use and development of the site will not result in an increase of the risk of bushfire to life, property assets, community infrastructure or the natural environment.

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

The amendment is consistent with *Ministerial Direction - the Form and Content of Planning Schemes* under Section 7 (5) of the Act as it amends Section 2.0 (Heritage Places) in the schedule to the HO consistent with the template provided in the direction.

Ministerial Direction 1 – Potentially Contaminated Land

This Ministerial Direction requires any amendment which would have the effect of allowing potentially contaminated land to be used for a sensitive use, agriculture or public open space to be considered and ensures that a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

The proposed amendment will allow for the use of the land for 'office' use, and this use is safe for the site, as assured by the results of a preliminary Environmental & Hydrogeological Assessment undertaken on the site. The report found concentrations of measured contaminants below the adopted Health Investigation Levels (HILs) for residential sites and an absence of contaminants that were considered likely to impact on the buildings and structures beneficial use.

Ministerial Direction 11 – Strategic Assessment of Amendments

This Ministerial Direction has the purpose of ensuring comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This explanatory report meets the requirements of Ministerial Direction 11.

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

The amendment supports and implements the following Planning Policy Framework:

Clause 13.04-1S - Contaminated and potentially contaminated land

The amendment has been informed by detailed site investigations which aligns with the objective to ensure contaminated and potentially contaminated land is used and developed appropriately and safely.

Clause 13.07-1S Land use compatibility

The amendment is consistent with the objective to protect amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The amendment will enable an Office use which will complement the surrounding residential uses and respond to the site's location adjacent to the Princes Highway.

Clause 15 - Built environment and heritage

The amendment is consistent with this Clause, which seeks to ensure planning delivers high quality-built form that is efficient, responsive to the surrounding landscape and character including its associated risks, protective of heritage, and provides the functionality required by the community.

Clause 15.01-1S - Urban design

The amendment accords with this Clause, which seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The amendment facilitates the provision of high quality and architecturally designed urban space that appropriately responds to the opportunities and constraints of the site and context.

Clause 15.01-2S - Building design

The amendment is consistent with the objective of this Clause to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable design. The amendment enables the development of the site in a manner that integrates with surrounding land uses and makes best use of a heritage place of local significance in a highly visible and accessible location.

Clause 15.01-5S - Neighbourhood character

The amendment complies with this Clause, which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. The amendment facilitates development that respects adjoining residential uses, is consistent with commercial development along the Princess Highway, and responds to and enhances the heritage significance of the site.

Clause 15.03-1S - Heritage conservation

The amendment supports the objective of this Clause which is to ensure the conservation of places of heritage significance. A Heritage Impact Statement (HIS) has informed the proposed use and development of the site and the amendment will provide for the ongoing conservation of a locally significant heritage place.

Clause 17.01-1S - Diversified economy

The amendment supports the objectives of this Clause as it allows for a mixed-use development that will encourage economic development, commercial enterprise, tourism, and improve access to jobs closer to where people live.

Clause 17.02-1S Business

The amendment will enable an Office use to meet the community's needs for employment opportunities proximate to where people live in a location with high levels of access and visibility.

Clause 17.02-2S Out-of-centre development

The amendment is consistent with the objective of Clause 17.02-2S as it will enable an Office use within a mixed-use development that will provide net social and economic benefits from the creation of local employment opportunities within close proximity to where people live, the strengthening of the local community, the creation of a meeting place or social hub, and the bolstering of sense of place and community associated with the preservation and celebration of a heritage site in a prominent location within Officer.

Clause 18.01-1S Land use and transport integration

The amendment will not result in development that encroaches or causes detriment to the current or future function of the Princes Highway.

Clause 18.02-1S Walking and Clause 18.02-2S Cycling

The amendment will support a mixed-use development that makes jobs and services more accessible and promote the Walking and Cycles objectives. Several bus stops are within walking distance and the site immediately adjoins existing footpaths, including a regionally significant Shared User Path that provides connection between the new residential estates and the services and amenities along Princes Highway.

Clause 19.03-2S Infrastructure design and provision

The amendment is required to facilitate a mixed-use development that will contribute social and physical infrastructure to a growth area.

Clause 19.03-5S Waste and resource recovery

The amendment will enable an Office use which is not foreseen to contribute to any significant landfill or environmental, amenity or public health impacts.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment will support infill development and the provision of employment opportunities proximate to existing housing which will reduce car dependency and promotes active transport such as pedestrianism and the use of bicycle networks.

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

The amendment supports and implements the Municipal Strategic Statement and the following local sections in the Planning Policy Framework:

- **Clause 21.01-3 (Key issues).** The amendment helps to address key issues associated with environment, settlement, economic development and particular use and development by facilitating the sustainable development of land in the Urban Growth Zone, enabling the development of a balanced local economy and local employment opportunities for residents, and by protecting and enhancing a place of heritage significance. The amendment will enable a use and development outcome with attractive, functional and sustainable built form that will integrate within its heritage setting and the wider residential neighbourhood.
- **Clause 21.01-4 (Strategic vision).** The amendment helps to give effect to the vision for Cardinia – *‘Cardinia Shire will be developed in a planned manner to enable present and future generations to live healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the Shire’*. The amendment facilitates development that integrates within the surrounding walking and open space network, will generate social and employment opportunities within a new residential estate, foster the sustained wellbeing of the community and enhance the experience of people who live, work and visit the municipality.
- **Clause 21.01-5 (Strategic framework plan).** The amendment helps to facilitate a use and development outcome that responds to the key influences and issues for the Shire and helps to achieve the strategic vision for the municipality.
- **Clause 21.02-6 (Post-contact heritage).** The objective of this clause seeks to provide for the protection and appropriate management of sites of heritage significance. A Heritage Impact Statement has informed the uses proposed to be enabled by this amendment by qualifying the compatibility of permitted uses and their ability to achieve the economic return required to contribute to the restoration and readaptation and ongoing conservation of the heritage place. The amendment will enable a prohibited use (Office) in order to create a ‘hub’ of uses that operate in symbiosis. The prohibited use (Office) is the most compatible and reasonable use for the site when having regard for the economic return required to ensure the protection and ongoing conservation of the James Hicks Pottery site and restoration and reuse of the existing heritage structures.
- **Clause 21.03-3 (Urban Growth Area).** The amendment helps to give effect to the objectives of this Clause by creating a functional, attractive, safe and sustainable urban environment for the existing and future community of the surrounding Urban Growth Area and the development is generally in accordance with the Officer Precinct Structure Plan.
- **Clause 21.04-1 (Employment).** The amendment responds to the key issues for employment in the Shire and will provide for a use and development outcome that generates local employment opportunities and trade within a

growing residential community and along a key transport route. The amendment enables a prohibited use (Office) which helps to give effect to the numerous strategies to facilitate employment opportunities in the Shire.

- **Clause 21.06-1 (Urban Design).** The amendment is consistent with the objectives that have regard to good urban design. The design plans associated with the concurrent planning application evidences a site responsive, high quality architectural design that responds to the heritage setting and the sensitive residential, open space and Princes Highway interfaces. The design provides for extensive landscaping and pedestrian and cycling connectivity to the surrounding area.
- **Clause 21.06-2 (Community Safety).** The amendment and concurrent planning permit application provides for opportunities for passive surveillance of the public realm and adjoining areas of open space and provides safe and convenient access for pedestrians and vehicles, which is consistent with community safety objectives.
- **Clause 22.04 (Highway Development).** The amendment is consistent with the objectives for highway development in the shire, ensures the safe and efficient movement of traffic along the Princes Highway, maintains the visual amenity of the highway corridor, and provides a high standard of design that is appropriate for the site's prominent and highly visible location within Officer. The amendment implements the advice of the Department of Transport and Planning regarding access to the Princes Highway and does not allow any vehicles to enter or exit Grace Street via the development.

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

The amendment makes proper use of the Victorian Planning Provisions by amending the table in the Schedule to HO to allow for prohibited uses to be considered under the prohibited uses column. In the absence of permitting prohibited uses, the proposal would not be allowed under the current planning controls. Any proposal that contemplates a prohibited use at the site will still be subject to the assessment and consent of the Responsible Authority.

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

The amendment was referred to the Department of Transport and Planning (DTP), and a request for further information was provided in March 2024. The amendment responds to the comments provided by DTP by ensuring vehicles cannot enter Grace Street from the Princes Highway via the proposed car park, ensuring the existing gravel shoulder area along the highway will not be used as an informal parking space, and ensuring that vehicles can safely and efficiently manoeuvre within the carpark, and ingress and egress of the site.

Council also notified the Victorian Planning Authority of this amendment.

Exhibition stage

The views of relevant agencies will be considered as part of the public exhibition process of the amendment. Agencies including Melbourne Water, VicRoads, and DTP will be notified and consulted as part of this process.

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

The amendment is consistent with the objectives and decision-making principles in the *Transport Integration Act 2010*. Specifically:

- It promotes social and economic benefits associated with development of land with good access and visibility from the Princes Highway.
- It promotes social and economic inclusion by developing land proximate to residential development, which is accessible by all in the community.
- Access and carparking has been informed by a traffic engineering assessment.

The amendment enables a small-scale mixed-use development that is unlikely to have any significant impact on the transport system as the road network has existing capacity.

As part of the exhibition of the amendment, DTP will have an opportunity to review the proposed amendment and provide a submission.

How does the amendment have regard to the principles set out in the Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

Yarra River land is not affected by this amendment.

Resource and administrative costs

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

This amendment will not have an unreasonable impact on the resource and administrative costs of the Cardinia Shire Council. The amendment component requires the responsible authority to implement changes to the table of heritage places in the Schedule to the HO. These impacts are not considered onerous. The costs associated with the restoration and ongoing preservation of the heritage listed brick chimney and kiln structures will be assumed by a private entity for the benefit of the

broader community. The amendment is not foreseen to result in any ongoing costs to Council.