

Cardinia Planning Scheme Review - Draft

April 2018

Prepared by:

Cardinia Shire Council
Strategic Planning

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List of Acronyms

ACZ – Activity Centre Zone
 AS – Australian Standard
 BMO – Bushfire Management Overlay
 DDO – Design and Development Overlay
 DELWP - Department of Environment, Land, Water and Planning
 DPO - Development Plan Overlay
 LPPF – Local Planning Policy Framework
 MSS – Municipal Strategic Statement
 PDP – Priority Development Panel
 PO – Parking Overlay
 PSP – Precinct Structure Plan
 SEMCG - South-East Melbourne Council Group
 SPPF- State Planning Policy Framework
 UDF – Urban Design Framework
 UGB – Urban Growth Boundary
 VCAT – Victorian Civil and Administrative Tribunal
 VPA – Victorian Planning Authority

1. Background

1.1. Introduction

This Planning Scheme Review should be read in conjunction with the existing policy in the Cardinia Planning Scheme, including both the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF).

1.2. Legislative requirements

Section 12A of the *Planning and Environment Act 1987* requires:

- (1.) A planning authority which is a municipal council must prepare a municipal strategic statement for its municipal district.
- (2.) A municipal strategic statement must further the objectives of planning in Victoria to the extent that they are applicable in the municipal district.
- (3.) A municipal strategic statement must contain—
 - (a) the strategic planning, land use and development objectives of the planning authority; and
 - (b) the strategies for achieving the objectives; and
 - (c) a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme; and
 - (d) any other provision or matter which the Minister directs to be included in the municipal strategic statement.
- (4.) A municipal strategic statement must be consistent with the current Council Plan for the municipal council approved under section 125 of the *Local Government Act 1989*.

Under Section 12(B) of the *Planning and Environment Act 1987*, every Municipal Council must review its planning scheme no later than one year after each date Council must approve a Council Plan under Section 125 of the *Local Government Act 1989*.

Section 12 (B)(3) states the objective of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- (a) the objectives of planning in Victoria; and
- (b) the objectives of the planning framework established by this Act.

Under Section 12(b)(4) the review must also evaluate the scheme to ensure that it:

- (a) is consistent in form and content with the directions or guidelines issued by the Minister under section 7; and
- (b) sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- (c) makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Section 14 of the Act requires that the duties of the Responsible Authority include

- (a) to efficiently administer and enforce the planning scheme.

This review has been undertaken to ensure that the Cardinia Planning Scheme is consistent with these sections of the *Planning and Environment Act 1987*

1.3. Previous Local Planning Policy Review

Council's current Local Planning Policy Framework was introduced as part of Amendment C124 to the Cardinia Planning Scheme and was gazetted on 14 June 2012. The amendment updated the Municipal Strategic Statement (MSS) at Clause 21 and deleted three local policies at Clause 22, as they were no longer required.

The amendment went through a public exhibition process, and was subject to a Planning Panel. Prior to this, the Local Planning Policy had not been reviewed in full since 1999, when the New Format Planning Scheme was introduced.

2. Changes to State Planning Policy

A number of changes to the State Planning Policy (SPPF) have occurred since the approval of the current MSS in 2012

It is noted that the MSS references a number of clauses in the SPPF, under the main heading for each section. For example, Clause 21.04 Economic Development notes that: *“This clause provides local content to support Clause 11 (Settlement) and Clause 14 (Natural Environment) and Clause 17 (Economic Development) of the State Planning Policy Framework”*. Each clause has a similar approach.

A number of these clauses may now be outdated and therefore it needs to be checked to ensure that the references to these clauses are still relevant.

Action 1: Review references to the SPPF within the MSS to ensure that these references are up to date.

2.1. Plan Melbourne 2017-2050

Plan Melbourne has replaced the previous metropolitan planning strategy Melbourne 2030. Plan Melbourne seeks to *“manage growth in the city and suburbs to the year 2050, integrate long-term land use, infrastructure and transport planning and, in doing so, meet the city’s future environmental, population, housing and employment needs.”*

Plan Melbourne outlines a number of key challenges and opportunities and is guided by 9 principles which are as follows:

Table 1: Plan Melbourne key challenges and opportunities

Key challenges and opportunities	Principles
A growing population	A distinctive Melbourne
Remaining competitive in a changing economy	A globally connected and competitive city
Housing that is affordable and accessible	A city of centres linked to regional Victoria
Keeping up with the growing transport needs of the city	Environmental resilience and sustainability
Climate change – the need for both mitigation and adaptation	Living locally – 20 minute neighbourhoods
	Social and economic participation
	Strong and healthy communities
	Infrastructure investment that supports balanced city growth
	Leadership and partnership

To support the principles, seven outcomes have been set, supported by policy directions to achieve these outcomes. The outcomes and policy directions that make up the policy are included in the following table, with an analysis of how the Planning Scheme or other documents respond to these.

Table 2: Plan Melbourne policy directions

Outcome	Direction	Response in the Cardinia Planning Scheme or other Council documents.
Outcome 1: Melbourne is a productive city that attracts investment, supports innovation and creates jobs	Direction 1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment	Clause 21.04-1 Employment Clause 21.04-2 Agriculture Clause 21.04-3 Activity centres Clause 21.04-4 Industry Clause 21.04-5 Tourism Clause 21.06-5 Airport
	Direction 1.2 Improve access to jobs across Melbourne and closer to where people live	Clause 21.04-1 Employment Clause 21.06-5 Airport
	Direction 1.3 Create development opportunities at urban renewal precincts across Melbourne	N/A – no urban renewal opportunities at this time.
	Direction 1.4 Support the productive use of land and resources in Melbourne's non-urban areas	Clause 21.04-2 Agriculture Clause 21.04-6 Extractive Industry Clause 21.05 Western Port Green Wedge Policy
Outcome 2: Melbourne provides housing choice in locations close to jobs and services	Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	Clause 21.03-1 Housing Clause 21.03-2 Urban growth area Clause 21.03-3 Rural townships
	Direction 2.2 Deliver more housing closer to jobs and public transport	Clause 21.03-1 Housing Clause 21.03-2 Urban growth area Clause 21.03-3 Rural townships
	Direction 2.3 Increase the supply of social and affordable housing	Clause 21.03-1 Housing Clause 21.03-2 Urban growth area

Outcome	Direction	Response in the Cardinia Planning Scheme or other Council documents.
	Direction 2.4 Facilitate decision-making processes for housing in the right locations	Clause 21.03-1 Housing Clause 21.03-2 Urban growth area
	Direction 2.5 Provide greater choice and diversity of housing	Clause 21.03-1 Housing Clause 21.03-2 Urban growth area Clause 21.03-3 Rural townships Clause 21.03-4 Rural residential and rural living development
Outcome 3: Melbourne has an integrated transport system that connects people to jobs and services and goods to market	Direction 3.1 Transform Melbourne's transport system to support a productive city	Clause 21.05-2 Freeways, declared arterial road Clause 21.05-3 Local roads Clause 21.05-4 Public transport Clause 21.06-5 Airport
	Direction 3.2 Improve transport in Melbourne's outer suburbs	Clause 21.05-2 Freeways, declared arterial road Clause 21.05-3 Local roads Clause 21.05-4 Public transport
	Direction 3.3 Improve local travel options to support 20-minute neighbourhoods	Clause 21.05-3 Local roads Clause 21.05-4 Public transport Clause 21.05-5 Pedestrian and bicycle network
	Direction 3.4 Improve freight efficiency and increase capacity of gateways while protecting urban amenity	Clause 21.06-5 Airport
Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity	Direction 4.1 Create more great public places across Melbourne	Clause 21.02-5 Open Space
	Direction 4.2 Build on Melbourne's cultural leadership and sporting legacy	It is recognised that this is not currently addressed in the Cardinia Planning Scheme.
	Direction 4.3 Achieve and promote design excellence	Clause 21.06-1 Design and built form

Outcome	Direction	Response in the Cardinia Planning Scheme or other Council documents.
	Direction 4.4 Respect Melbourne's heritage as we build for the future	Clause 21.02-6 Post-contact heritage Clause 21.02-7 Aboriginal Cultural Heritage
	Direction 4.5 Plan for Melbourne's green wedges and peri-urban areas	Clause 21.04-2 Agriculture Clause 21.05 Western Port Green Wedge Policy
	Direction 4.6 Strengthen community participation in the planning of our city	This is addressed via the Council Plan.
Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods	Direction 5.1 Create a city of 20-minute neighbourhoods	Not specifically recognised but these clauses support efficient neighbourhood design, access to local services and facilities and jobs. Clause 21.03-1 Housing Clause 21.03-2 Urban growth area Clause 21.04-1 Employment Clause 21.04-3 Activity centres Clause 21.05-1 Infrastructure provision Clause 21.05-6 Community services and facilities
	Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles	Clause 21.02-5 Open Space Clause 21.03-1 Housing Clause 21.06-2 Community safety Clause 21.06-4 Gaming
	Direction 5.3 Deliver social infrastructure to support strong communities	Clause 21.05-1 Infrastructure provision Clause 21.05-6 Community services and facilities
	Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities	Clause 21.02-5 Open space
Outcome 6: Melbourne is a	Direction 6.1 Transition to a low-carbon city to enable Victoria to	This is best addressed via policy in the SPPF, which has already been started

Outcome	Direction	Response in the Cardinia Planning Scheme or other Council documents.
sustainable and resilient city	achieve its target of net zero greenhouse gas emissions by 2050	through the introduction of new design guidelines. The policy in Plan Melbourne seeks to facilitate the uptake of renewable energy technologies, however, given this is a complex area, and technology is constantly changing, the State Government needs to take the lead.
	Direction 6.2 Reduce the likelihood and consequences of natural hazard events and adapt to climate change	The following clauses address natural hazards. Clause 21.02-1 Catchment and coastal management Clause 21.02-4 Wildfire management The Cardinia Planning Scheme does not address climate change adaptation as further guidance is required from the State Government on this issue.
	Direction 6.3 Integrate urban development and water cycle management to support a resilient and liveable city	Clause 21.02-1 Catchment and coastal management
	Direction 6.4 Make Melbourne cooler and greener	Clause 21.02-5 Open space Clause 21.02-3 Biodiversity
	Direction 6.5 Protect and restore natural habitats	Clause 21.02-3 Biodiversity
	Direction 6.6 Improve air quality and reduce the impact of excessive noise	This is addressed in the SPPF and controlled under Clause 52.10 Uses with adverse amenity potential.
	Direction 6.7 Reduce waste and improve waste management and resource recovery	Clause 21.02-8 Resource Conservation
Outcome 7: Regional Victoria is productive, sustainable and supports jobs and economic growth	Direction 7.1 Invest in regional Victoria to support housing and economic growth	Cardinia Shire is not considered regional and therefore this is not applicable.
	Direction 7.2 Improve connections between cities and regions	Clause 21.05-2 Freeways, declared arterial road Clause 21.05-3 Local roads

Most of the outcomes and directions in *Plan Melbourne* are generally addressed in the Cardinia Planning Scheme, with the exception of the following:

- Direction 4.2 Build on Melbourne's cultural leadership and sporting legacy

There is no mention of arts or cultural facilities in the Cardinia Planning Scheme. This is discussed in detail under Section 7.5 of this report, which provides a summary of Cardinia's Arts and Cultural Feasibility Study, and it is considered that the recommendation under this section addresses this issue.

- Direction 6.2 Reduce the likelihood and consequences of natural hazard events and adapt to climate change

The LPPF recognises areas of the Shire that are at risk of natural hazard events but does not recognise climate change. Whilst it is important for the State Government to take the lead on this issue, it is considered that climate change should be acknowledged under Clause 21.02-1 Catchment and coastal management and Clause 21.02-4 Wildfire management as these environmental risks in particular will be increased by the climate change.

Action 2: Update Clause 21.02-1 Catchment and coastal management and Clause 21.02-4 Wildfire management to recognise that climate change will increase the risk from flooding and bushfires within the Shire.

There is also specific policy in *Plan Melbourne* that relates to Cardinia Shire as a possible South-East Airport is nominated as a State -significant Transport gateway.

2.1.1. Possible South East Airport

Plan Melbourne identifies a possible South-East Airport in the Koo Wee Rup area. There is limited detail around where and how this airport will be provided.

Given the significant financial benefits of a third airport being located within Cardinia Shire, Council has been proactive and introduced policy in relation to the airport into the MSS. This is discussed in more detail under Section 5.1.2.

2.1.2. South East Growth Corridor Plan

The Growth Corridor Plans were released in June 2012. However, as the previous MSS review was approved in June 2012, these plans were not considered.

There is a growth corridor plan for each of Melbourne's growth areas, and the intention is that they set an overarching strategic planning framework to guide future development in the growth corridors, inform the PSP process, indicate areas of high environmental or landscape value, natural features, or open space to be preserved, identify at a broad scale the location of future residential districts, industrial and employment areas and open space networks, indicate the likely strategic transport infrastructure that is required and identify the future location for Major and Principal Town Centres.¹

The South East Growth Corridor Plan extends from Dandenong through to Pakenham and recognises that many residents within the Corridor travel considerable distances to access jobs

¹ Growth Corridor Plans – Managing Melbourne's Growth, Growth Areas Authority, June 2012 - https://vpa-web.s3.amazonaws.com/wp-content/uploads/2016/10/Growth_Corridor_Plan_Managing_Melbournes_Growth.pdf

and services, and that a key objective is improving the local self-containment of jobs in the Corridor. It also states that *“facilitating jobs and investment within the region, together with a transport network that links people to those jobs, has been the primary influence shaping this plan”*. The plan covers a number of issues including landscape, environment and open space, creating communities, employment, transport, and other infrastructure.

The SPPF, at Clause 11.02-2 Structure Planning makes reference to Growth Area Framework Plans, however, these are outdated and superseded by the Growth Corridor Plans. As development of PSPs is to be consistent with the Growth Corridor Plans, an additional dot point should be included under the objective in Clause 21.03-2 Urban growth area stating *“Provide for development of Precinct Structure Plans in accordance with the South East Growth Corridor Plan”*.

Action 3: Include an additional objective under Clause 21.03-2 Urban growth area as follows:

“Provide for development of Precinct Structure Plans in accordance with the South East Growth Corridor Plan”.

2.1.3. Smart Planning Program

The Smart Planning Program was launched by Department of Environment, Land, Water and Planning (DELWP) and is a two year program to reform Victoria’s planning system.

The intent of the Smart Planning reform is to “make Victoria’s planning system the most efficient and responsive in Australia.”

Key objectives include:

- simplified planning schemes that are easier to navigate and understand
- the planning system will be more responsive to emerging issues in Victoria
- greater consistency between state and local policy, leading to fewer errors and conflicting planning decisions.
- simple and automated planning applications and enquiries
- better access to planning information and policy, that is easier to understand.

Consultation on a number of proposed changes to the Victoria Planning Provisions (VPP) was undertaken late in 2017. The first round of changes under the Smart Planning Program were made under Amendment VC142. The amendment made a “wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improves the usability of the VPP”.

At this time the changes have limited impact on the LPPF, however, it appears likely that there will be changes to the structure of the SPPF and the LPPF in the future and this is something that Council needs to be aware of.

2.1.4. Bushfire Management

In response to the Black Saturday bushfires of February 2009 and the resulting 2009 Victorian Bushfires Royal Commission, a number of changes have been made to how bushfire risk is approached and managed within Planning Schemes in areas of bushfire risk across Victoria. The most recent changes have been made via Amendments GC13 and VC140

Mapping in relation to the Bushfire Mapping Overlay (BMO) was updated on 3 October 2017, via Amendment GC13. The mapping was developed as a partnership between the CFA and CSIRO in response to the Victorian Government’s commitment to the recommendation of the Victorian

Bushfires Royal Commission². The amendment also introduced BMO schedules into the VPPs which allow for the “streamlining of the planning permit application process for applicants and councils by pre-setting bushfire protection measures and not requiring referral to the relevant fire authority if all of the requirements are met. The schedules provide certainty to landowners as to how the bushfire provisions apply to their land and a fast track process for applicants and council”³. Almost 70,000 properties across Victoria have been included in a BMO schedule.

Amendment VC140 was approved on 12 December 2017 and it made changes to the SPPF in relation to Bushfire. The changes require planning authorities and responsible authorities to⁴:

- Prioritise the protection of human life and the management of bushfire impact.
- Avoid any increase in the risk of bushfire to people, property and community infrastructure.
- Direct population growth and development to low risk locations and also to ensure safe access to areas where human life can be better protected.
- At a settlement level, achieve no net increase in bushfire risk, and where possible reduce bushfire risk overall.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.
- Ensure that development has addressed relevant policies, satisfied performance measures or implemented bushfire protection measures.
- Consider bushfire risk in bushfire prone areas when assessing a planning permit application for specified uses and development such as accommodation, childcare and hospitals, etc.

Clause 13.05 of the SPPF relates to Bushfire. The overall objective for this section is “to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”. A number of strategies are outlined in relation to protection of human life, bushfire hazard identification and assessment, settlement planning, areas of high biodiversity conservation value, and use and development control in a Bushfire Prone Area.

At the time of approval of the previous MSS, Clause 13.05 addressed bushfire, and recognised as a strategy that human life should be prioritised over other policy considerations in planning and decision making in areas at risk from bushfire.

The changes under VC140 have significantly strengthened the policy about bushfire. Specifically, the overarching objective in relation to bushfire has been amended from “assisting to strengthen community resilience to bushfire” to “*to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*”.

Clause 21.02-4 addresses Wildfire management. It recognises that areas of the Shire are prone to bushfires, and provides strategies to consider this risk.

It does not address the prioritisation of human life over other policy considerations, and seeks to minimise the risk in bushfire prone areas rather than directing development into low risk

² Bushfire Management Overlay, , Department of Environment, Land, Water and Planning 2017, <https://www.planning.vic.gov.au/bushfire-protection/bushfire-management-overlay>

³ Amendment GC13 Explanatory Report, Department of Environment, Land, Water and Planning 2017, [http://dsewebapps.dse.vic.gov.au/Shared/ATSAttachment2.nsf/\(attachmentopen\)/A32F970B69BFAC5DCA2581AC007752BF/\\$File/GC13+Explanatory+Report+Approval+Gazetted.pdf](http://dsewebapps.dse.vic.gov.au/Shared/ATSAttachment2.nsf/(attachmentopen)/A32F970B69BFAC5DCA2581AC007752BF/$File/GC13+Explanatory+Report+Approval+Gazetted.pdf)

⁴ Amendment VC140 Explanatory Report, Department of Environment, Land, Water and Planning 2017, [http://dsewebapps.dse.vic.gov.au/Shared/ATSAttachment2.nsf/\(attachmentopen\)/ECF7458F4C3C8531CA2581F300197E0A/\\$File/VC140+Explanatory+Report+Approval+Gazetted.pdf](http://dsewebapps.dse.vic.gov.au/Shared/ATSAttachment2.nsf/(attachmentopen)/ECF7458F4C3C8531CA2581F300197E0A/$File/VC140+Explanatory+Report+Approval+Gazetted.pdf)

locations. There is also no recognition of the need to address bushfire risk as part of any strategic planning document, local planning policy or planning scheme amendment that will result in the introduction or intensification of development in an area with a Bushfire Attack Level of 12.5 under Australian Standard (AS) 3959-2009.

It also references bushfire, rather than wildfire, a change to terminology that was made shortly after the release of the Royal Commission report, as it was considered that wildfire is an American term.

Clause 21.02-4 requires updating to respond to the changes to the SPPF. Specifically, it needs to prioritise human life over other policy considerations, direct new settlement into low risk locations, ensure that where development is permitted in high risk areas safe access is provided, ensure that any new development in these areas can implement bushfire protection without unacceptable biodiversity impacts and require that township strategies and structure plans for areas within the Bushfire Management Overlay address these policy requirements.

Any changes to the LPPF are also required to be consistent with Practice Note 64: Local planning for bushfire protection, as outlined under Section 3.5.

Action 4: Update Clause 21.04-2, to ensure it is consistent with current State Planning Policy Framework in relation to bushfire including renaming the clause from Wildfire management to Bushfire Management, and ensuring it is consistent with Practice Note 64: Local planning for bushfire protection as follows:

- **Prioritising human life over other policy considerations**
- **Directing new development to low risk locations**
- **Where new development is permitted in high risk areas, safe access is provided**
- **Ensuring that any further strategic work has regard to the significant bush fire risk faced by many parts of the Shire, including the development of township strategies and structure plans**
- **Ensuring that any development in bushfire prone areas can implement bushfire protection without unacceptable biodiversity impacts.**

2.1.5. Native Vegetation Controls

Amendment VC138 was gazetted 12 December 2017. The amendment:

- provides and supports new and improved procedures and associated guidance to ensure there is no net loss to biodiversity in Victoria as a result of the removal, destruction or lopping of native vegetation;
- establishes clear planning policy and processes to achieve the policy objective of avoiding, minimising and offsetting loss of native vegetation to ensure that areas of high biodiversity value are better protected and conserved;
- reforms existing exemptions providing greater clarity for a range of utility operators, infrastructure providers and other specified activities to be exempt from the need for a planning permit to remove, destroy or lop native vegetation to the minimum extent necessary; and
- introduces a more consistent approach to decision making by providing a clearer more streamlined process for applicants and responsible authorities to follow to improve the assessment of the environmental impacts of native vegetation removal.

The changes include a much stronger focus at Clause 12 of the SPPF on the importance of native vegetation from a biodiversity perspective, and provides much stronger language around protecting habitat for flora and fauna and other strategically valuable biodiversity sites. This

clause also contains objective and strategies to ensure that there is no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Clause 21.02-3 Biodiversity of the LFFP provides support to Clause 12 of the SPPF. This clause still makes reference to the previous policy direction of the State Government, which was to achieve a net gain in native vegetation, rather than no net loss, which is the current policy. This therefore requires updating to ensure that it is consistent with the SPPF.

Action 5: Update Clause 21.02-3 Biodiversity to ensure it is consistent with the SPPF, and references no net loss of native vegetation.

2.1.6. Urban Design Guidelines

Amendment VC139 was gazetted on 29 August 2017 and introduced: new planning requirements for racing dog keeping and training facilities; new guidelines for apartment development; the Urban Design Guidelines for Victoria as a reference document in to the State Planning Policy Framework; and a new State planning policy Healthy neighbourhoods.

The most relevant change in relation to the Cardinia Planning Scheme is to the Urban Design Guidelines for Victoria. The Guidelines condense three former guidelines and provide guidance on the design of public spaces, building design in relation to a building's interface with public spaces and the layout of cities, towns and neighbourhoods⁵.

The Guidelines cover six overarching topics: urban structure, movement network, public spaces, public transport environs, buildings and objects in the public realm. The aim is to assist in creating places that are:

- accessible, safe, diverse and provide choice
- enjoyable, engaging and comfortable to be in and move around
- conducive to people being more physically active
- accommodating of people of all abilities, ages and cultures
- distinctive and celebrate their social, cultural and natural heritage.

Clause 21.06-1 Design and built form addresses urban design outcomes and covers a number of different issues including advertising signs, industrial design and built form, urban design in the rural townships, and universal access.

This section is still generally consistent with the direction in the SPPF, however, some updates to content would better address the current policy for urban design as follows:

- change the heading of Clause 21.06-1 to Urban design
- remove reference to equity of access as this is clearly addressed through the SPPF and the building regulations
- Include further strategic work to develop an advertising signs policy (it is noted that this is mentioned in this section already but is not explicit.

Council's Urban Designer has prepared a draft showing these potential changes that could be utilised when updating this section as well as Clause 21.06-2 Community safety.

Action 6: Update Clause 21.06 Design and built form and Clause 21.06-2 Community safety as follows:

- change the heading of Clause 21.06-1 to Urban design

⁵ Amendment VC139 Explanatory Report, August 2017, [http://dsewebapps.dse.vic.gov.au/Shared/ATSAAttachment2.nsf/\(attachmentopen\)/7522604B9C9B0A08CA25818A00072304/\\$File/VC139+Explanatory+Report+Approval+Gazetted.pdf](http://dsewebapps.dse.vic.gov.au/Shared/ATSAAttachment2.nsf/(attachmentopen)/7522604B9C9B0A08CA25818A00072304/$File/VC139+Explanatory+Report+Approval+Gazetted.pdf)

- remove reference to equity of access as this is clearly addressed through the SPPF and the building regulations
- Include further strategic work to develop an advertising signs policy (it is noted that this is mentioned in this section already but is not explicit).
- Reference the Urban Design Guidelines for Victoria

2.1.7. Reformed zones for Victoria

In 2013, the State Government undertook a review of Residential, Industrial, Commercial and Rural Zones. The intention of the zone reforms was to simplify the requirements, allow for a broader range of activities to be considered and improve the range of zones to better manage growth. The zones were introduced via a number of planning scheme amendments which are as follows:

- Amendment V008 was gazetted on 1 July 2013, and introduced three new residential zones to replace the Residential 1, 2 and 3 Zones. The new zones were the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone.
- Amendment VC100, gazetted on 15 July 2013, introduced an amended Low Density, Mixed Use, and Township Zone, amended all three existing Industrial Zones, and removed the 5 Business Zones and replaced them with two Commercial Zones in to the VPPs and all planning schemes.
- Amendment V103 amended the rural zones, and was gazetted on 5 September 2013.
- Amendment VC116 applied the General Residential Zone to land previously zoned Residential 1, 2 and 3 where a new residential zone was not applied.

The following table provides a summary of the overall changes to the zones⁶.

Table 3: Changes to the zones

Delete nine existing zones	Create five new zones	Amend 12 existing zones
Residential 1 Zone Residential 2 Zone Residential 3 Zone Business 1 Zone Business 2 Zone Business 3 Zone Business 4 Zone Business 5 Zone Priority Development Zone*	Residential Growth Zone General Residential Zone Neighbourhood Residential Zone Commercial 1 Zone Commercial 2 Zone	Low Density Residential Zone Mixed Use Zone Township Zone Rural Living Zone Green Wedge Zone Green Wedge A Zone Rural Conservation Zone Farming Zone Rural Activity Zone Industrial 1 Zone Industrial 2 Zone Industrial 3 Zone

More details about these changes are provided in the following sections.

2.1.8. Residential Zones Review

Amendment C187 to the Cardinia Planning Scheme was approved on 9 October 2017 and applied the General Residential Zone to all of the previously zoned Residential 1 and Residential

⁶ Reformed zones for Victoria, Department of Environment, Land, Water and Planning <https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reformed-zones-for-victoria>

2 land within the growth corridor and the townships of Garfield and Bunyip to General Residential and within the balance of the townships to Neighbourhood Residential.

At this time references to the Residential 1 or 2 land within the LPPF were amended to reflect the new zones. However, a further review is required to ensure that future work correctly identifies the policy objectives which are consistent with the purposes of the zones. It is noted that given the undertaking that would be required none of the text within the Township Strategies has been updated to reflect the new zones.

Further discussion about updating these strategies is included at Section 6 of this report. Given the proposed changes to these, it is not recommended that the Township Strategies are updated, but that the relevant text in the Local Areas section at 21.07 is amended to correctly reflect the zones.

Action 7: Review the policy in the LPPF to ensure that the strategic objectives and future work reflect the application and purposes of the new residential zones, including Clause 21.07 Local Areas.

2.1.9. Low Density Residential Zone

As part of the changes made under Amendment VC100, the Low Density Residential Zone was amended to reduce the minimum lot size for subdivision to “0.2 hectares for each lot with connected reticulated sewer” or “0.4 hectares for each lot where reticulated sewer is not connected”. However, each lot must be at least the area specified for the land in a schedule to this zone.

The amendment also introduced an amendment schedule to the Low Density Residential Zone for the Cardinia Planning Scheme, along with 9 other planning schemes, allowing a 0.4 hectare minimum lot size for all other land subject to the zone, but not already specified in the schedule. The Explanatory Report for this amendment noted that: “these changes have been put in place on an interim basis to allow time for each council undertake further strategic work to identify more specifically the minimum lot size for subdivision of sewered lots and which land may be permanently affected, or to allow for the ratification process to be considered pursuant to Part 3AA of the Act”.

In response to this change, Council undertook a review of the Low Density Residential Zone. Council concluded that the application of a 0.2 hectare minimum lot size should be supported where the land has access to reticulated services, has not yet been subdivided/developed for existing Low Density Residential at 0.4 hectare lot sizes, a residential character has not been established, and where the land is not affected by significant environmental, or topographic constraints.

This review formed the basis for Amendment C188, which was gazetted on 27 October 2016. A number of changes were made to zones and overlays, but specifically in relation to the Low Density Residential Zone, the amendment:

- Amended the existing unnumbered schedule to Clause 32.03 (Low Density Residential Zone) to Schedule 1. Schedule 1 retained specific nominated sites that were already in the Schedule and added some new ones where the minimum lot size is greater than 0.4 hectares.
- Inserted a new Schedule 2 to Clause 32.03 (Low Density Residential Zone) which specifies a minimum lot size of 0.4 hectares, that applies to all land except the land specified in Schedule 1 or 3.
- Inserting a new Schedule 3 to Clause 32.03 which would allow three properties to have the minimum subdivision size reduced to 0.2 hectares (2000 square metres):

- 35 McDonalds Track, Lang Lang
- 43 Wattletree Road, Bunyip
- 94 Wattletree Road, Bunyip.

At this time no changes were made to the MSS. Therefore, further review is required to ensure that the objectives are consistent with the changes to this zone.

Action 8: Review Clause 21.03 (Settlement and housing) and Clause 21.07 (Local Areas) to ensure that any policy relevant to the Low Density Residential Zone is consistent with the changes to this zone.

2.1.10. Commercial and Industrial Zones Review

VC100 deleted the Business zones 1-5 and replaced these with Commercial zones 1-2. The Business 1, 2 and 5 were consolidated into the Commercial 1 Zone, and the Business 3 and 4 Zone were consolidated into the Commercial 2 Zone.

The Reformed Zones for Victoria – New Commercial Zones Fact Sheet July 2013 states that the new commercial zones “provide greater flexibility and growth opportunities for Victoria’s commercial and business centres”.

It notes that the key features of the changes are as follows:

Supermarkets

- allowing a supermarket in the Commercial 1 Zone without a permit
- allowing a small scale supermarket up to 1800 square metres in the Commercial 2 Zone without a permit in all metropolitan planning schemes. Supermarkets greater than 1800 square metres in these areas require a permit
- requiring a permit for a small scale supermarket in rural areas to ensure the protection of established centres in regional towns
- requiring that supermarkets and associated shops adjoin or have access to a main road in the Commercial 2 Zone.

Shops and offices

- removing restrictions on floor space caps in most instances in commercial zones
- allowing floor space caps to be specified in rural and regional Victoria in the schedule to the Commercial 1 Zone
- existing floor space caps in rural and regional Victoria will be retained
- prohibiting all accommodation (other than caretaker’s house, residential motel and hotel) in the Commercial 2 Zone.

Industry and warehouses

- protect sensitive uses by including a 30 metre buffer from industry and warehouses that do not require a permit.

The Industrial Zones were also amendment as part of VC100. Currently, only Industrial 1 Zone is utilised in the Cardinia Planning Scheme. The only change made to the Industrial 1 Zone was the removal of the default floor space area restriction for an office in the Industrial 1 Zone, Industrial 2 Zone and Industrial 3 Zone, with the ability to specify locally set floor area caps.

As no changes in relation to these zones were made to local policy at this time, it may be inconsistent with the changes to the zone.

Action 9: Review Clause 21.03 (Settlement and Housing) and 21.04 (Economic Development) to ensure that the changes to the Commercial and Industrial Zones are appropriately addressed, if required.

2.1.11. Rural Zones Review

Amendment VC103 was gazetted on 5 September 2013 and amended the rural zones in the Victoria Planning Provisions.

Amendments were made to:

- Clauses 11 and 16 of the State Planning Policy Framework
- Clause 57 of the Particular Provisions to give effect to the changes applying to green wedge land
- Clause 62 of the General Provisions to exempt crop support and protection structures from requiring a permit
- Clause 74 to modify land use definitions to host farm, rural industry and primary produce sales.

The Cardinia Planning Scheme contains the Rural Living Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Farming Zone.

As discussed later within this report, in Section 5.1.7, most of the Rural Living Zone has been rezoned to Low Density Residential Zone, with the remaining portion currently under investigation for rezoning.

The Farming Zone within Cardinia Shire is only applied to undeveloped land within an Urban Growth Boundary as a temporary holding zone until the land is rezoned for urban purposes. There are parcels of land in the Farming Zone in Bunyip, Lang Lang and Koo Wee Rup as well as the land that is designated for the Pakenham East Precinct Structure Plan. The changes to the Farming Zone therefore, are of minimal impact as the zone is not a long term zone and generally little development occurs on land while it is still in this zone.

Details of the changes to the zones are illustrated in Table 4:

Table 4: Changes to the rural zones

Zone	Changes
Green Wedge Zone	<ul style="list-style-type: none">• including a new purpose statement to provide for the use of land for agriculture• making many agricultural uses exempt from a permit requirement• removing permit requirements for other uses such as primary produce sales and rural store• removing the prohibition on primary and secondary schools• removing the prohibition on place of assembly and including an associated condition• removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved

Zone	Changes
	<ul style="list-style-type: none"> • increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit • retaining the 'in conjunction' requirement and other related conditions for function centre, group accommodation, research and development centre, research centre, residential building, residential hotel and restaurant • including additional decision guidelines for primary and secondary schools.
Green Wedge Zone A	<ul style="list-style-type: none"> • including a new purpose statement to provide for the use of land for agriculture • making many agricultural uses exempt from a permit requirement • removing the prohibition on primary and secondary schools and market • removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved • increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit • retaining the 'in conjunction' requirement and other related conditions for function centre, group accommodation, research centre, residential building and restaurant • removing permit requirements for other uses such as primary produce sales and rural store • including additional decision guidelines for primary and secondary schools.
Rural Conservation Zone	<ul style="list-style-type: none"> • reducing the restrictions for alterations and extensions to dwellings and farm buildings • removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved • making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses • removing the prohibition on primary and secondary schools

Zone	Changes
	<ul style="list-style-type: none"> • increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit • removing the 'in conjunction' requirement and other conditions for uses such as group accommodation, residential hotel and restaurant • removing other conditions which restrict uses such as freezing and cool storage, group accommodation, residential hotel and restaurant. <p>The schedule to the Rural Conservation Zone is being amended to remove the ability for councils to limit the number of bedrooms to a residential hotel and number of patrons to a restaurant</p>

As a result of the changes to the rural zones, it is now possible for primary and secondary schools to establish within these areas, as well as places of worship. There are concerns about the impact that these uses will have on the right to farm on this land, as well as on the landscape due to the built form and traffic resulting from these types of developments. The *Cardinia Western Port Green Wedge Management Plan* (May 2017) recognises this, and contains Action 35 which is to address locations for places of worship and schools in the green wedge as part of a local policy in the Planning Scheme. This has been included as part of the Western Port Green Wedge Policy at Clause 22.05, however, this is only applicable to some of the green wedge land within Cardinia.

The policy encourages these types of non-rural uses to be located within the existing townships or on green wedge land that adjoins the UGB, subject to strategic justification.

It is considered that this issue is also applicable to the two green wedge areas that are yet to have a green wedge management plan developed, the Southern Ranges and the Northern Ranges Green Wedges. This issue should be addressed via the inclusion of an appropriate objective within Clause 21.04-2 (Agriculture).

Action 10: Include policy to address the issue of the location non-rural uses such as Primary and Secondary Schools and Places of Worship and how this should be managed at Clause 21.04-2 (Agriculture).

3. Planning Practice Notes

There are a number of Practice Notes that are applicable to this review of the Cardinia Planning Scheme.

3.1.1. Practice Note 4 - Writing a Municipal Strategic Statement, June 2015

This Practice Note provides clarification on the role of a MSS, provides guidance on the preferred format of the MSS, and guidance on how it should be written.

The Practice Note states that:

“The MSS must further the objectives of planning in Victoria and contain:

- the strategic planning objectives of the planning authority
- the strategies for achieving the objectives
- a general explanation of the relationship between the objectives and strategies and the controls on the use and development of land in the planning scheme”.

It also recommends that the MSS be structured in the following format.

Table 5: MSS Structure

Section	Role
Introduction	
Municipal profile	Provides short and concise information about the municipality and its regional context.
Key issues and influences	Describes the land use and development challenges facing the municipality. This links the issues and influences with the objectives and strategies of the MSS.
Vision and strategic framework plan	Provides an overview of Council’s strategic direction. This includes the key directions and an overall strategic vision for the municipality.
Objectives, Strategies and Implementation	
Themes	
Issues or overview	Sets out Council’s objectives and strategies and how they will be implemented in the planning scheme.
Objectives	
Strategies	
Implementation: <ul style="list-style-type: none"> ■ Policy guidelines ■ Scheme implementation ■ Other implementation 	
Local area plans	<p>In some cases it is appropriate to provide detailed guidance for specific areas on how the general strategies are to be implemented in that area.</p> <p>This is a useful way of including the key findings from structure plans.</p>

It is noted that the current MSS is consistent with the Practice Note. The Practice note will be used for guidance when amending or adding content.

3.1.2. Practice Note 8 – Writing a Local Planning Policy

This Practice note provides guidance on the role of Local Planning Policy (LPP) in the Planning Scheme, the need for a local planning policy and how a local planning policy should be written.

It states that:

“With the Municipal Strategic Statement (MSS), it forms the Local Planning Policy Framework (LPPF) in the planning scheme. The role of an LPP is different from the role of an MSS. The local strategic direction of a planning scheme should be contained in the MSS and not in an LPP. An LPP guides how discretion in a zone, overlay or a particular provision will be exercised”.

The Practice Note provides a number of principles to be considered when drafting a LPP. These will be reviewed and considered as part of any local policy that is included in the LPPF.

3.1.3. Practice Note 13 – Incorporated and Reference Documents, June 2015

The Practice Note provides guidance on the role of incorporated and reference documents in the planning scheme and the difference between the two.

The Practice Note advises that a document must be incorporated if:

1. The document is essential to the administration or enforcement of the planning scheme, that is, without the document the scheme cannot be properly understood. The *Code of Practice for Timber Production* is an example.
2. The document is necessary to determine the extent of a planning control, or whether planning permission is required in a particular case, such as the *Code of Practice for Telecommunications Facilities in Victoria*. Without using this document it is not possible to tell whether a permit is required for a telecommunications facility or not.
3. The document is required to be incorporated under an Act, specific planning provision or Ministerial Direction, such as an incorporated plan under the Incorporated Plan Overlay, and the documents listed in the *Ministerial Direction on the Form and Content of Planning Schemes*.
4. The document will be used to guide the exercise of discretion by the responsible authority (except for a development plan under the Development Plan Overlay, which does not need to be incorporated).

In relation to reference documents, the Practice note states that they “*provide background*

information to assist in understanding the context within which a particular policy or provision has been framed. They are not listed in Clause 81.01 or schedule. Different types of document may perform this role. They may be wide-ranging in their content and contain information not directly relevant to specific decisions under the planning scheme. Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. They are not listed in Clause 81.01 or schedule. Different types of document may perform this role. They may be wide-ranging in their content and contain information not directly relevant to specific decisions under the planning scheme”.

This Practice note is also discussed in some detail under 5.1.4. It is noted that currently, a number of Structure Plans and Township Strategies are incorporated into the Cardinia Planning Scheme, even though these are very long, and cover a range of different issues.

There are a number of reference and incorporated documents in the Cardinia Planning Scheme. Firstly, a review of these is required to establish whether the documents are being correctly used,

for instance, whether they should be incorporated, or referenced. Secondly, to establish whether they are still required as part of the planning scheme and are the most relevant and/or up to date.

Action 11: Review the reference and incorporated documents in the Cardinia Planning Scheme to ensure that are correctly incorporated or referenced in accordance with Practice Note 13: Incorporated and Reference Documents, and that the content of the documents is still relevant and up to date.

3.1.4. Planning Practice Note 32 – Review of Planning Schemes

This Practice Note explains what a planning scheme review is and suggests a process to follow. It refers to the *Continuous Improvement Review Kit* (2006). The Kit provides a step-by-step process as follows:

Step 1 – Scope the review

Step 2 – Collect data

Step 3 – Consultation

Step 4 – Doing the review

Step 5 – Analysis

Step 6 – Report the review

Step 7 – Implement the findings

This process has generally been followed and the data review are consistent with that outlined in the Kit.

3.1.5. Planning Practice Note 64 – Local planning for bushfire protection

Planning Practice Note 64 was released in September 2015. It states that “*understanding the bushfire hazard and managing risks to an acceptable level are important components of local planning for bushfire*”.

Planning for bushfire is an important issue within the Victorian planning system, and the overarching policy in the SPPF in relation to bushfire seeks strengthen community resilience to bushfire and prioritise the protection of human life over other policy considerations.

The Practice Note advises that planning authorities should consider the following when reviewing planning schemes:

- the relevant Regional Bushfire Planning Assessment
- the way in which the planning scheme assists to strengthen community resilience to bushfire and supports bushfire prevention and management. This includes whether the application of zones and overlays is compatible with the bushfire hazard and ensuring planning schemes prioritise the protection of human life
- any relevant change to land included in the Bushfire Management Overlay or designated as bushfire prone under the building regulations
- where there is development pressure that may potentially conflict with the bushfire hazard

- the outcomes of Planning Panels Victoria and Victorian Civil and Administrative Tribunal consideration of bushfire-related issues
- the views of the relevant fire authority and public land managers.

There is also specific guidance about addressing bushfire in the MSS and in a Local Planning Policy.

In relation to the Local Planning Policy the Practice Note states:

Whether a specific Local Planning Policy is required on bushfire should be determined by each council in consultation with the department's regional offices. Preference should initially be given to integrating bushfire considerations into other parts of the planning scheme.

Appendix 3 of the Practice Note provides tips for including bushfire matters into the MSS, through including references in the municipal profile, key issues and influences, vision and strategic framework plan, themes, and in relevant objectives, strategies and implementation.

It is considered that the policy at Clause 21.02-4 Bushfire will sufficiently address the requirements of this practice note without the need for a local policy, once the changes to update this policy are made as outlined in Section 2.4.

The requirements in this practice note are discussed in detail under Section 2.4.

4. Changes at local level

4.1.1. Logical Inclusions

A review of the Urban Growth Boundary (UGB) across Melbourne was undertaken in 2011 through the Logical Inclusions Advisory Committee, which advised the Minister for Planning on the suitability of a number of properties proposed for inclusion. The review focused only on Growth Area Councils, and only considered land that was located adjacent to the UGB and proposed for either residential or employment development.

Four (4) areas within Cardinia Shire were proposed to be included within the UGB which are as follows:

- Cardinia Area 1: Beaconsfield – Pakenham North Hills
- Cardinia Area 2: Pakenham North
- Cardinia Area 3A/B/C: Pakenham East, Nar Nar Goon
- Cardinia Area 4: Officer South

The Advisory Committee supported the inclusion of Area 3A and 3B and the Minister for Planning approved the inclusion of these areas into the UGB through Amendment C190 to the Cardinia Planning Scheme on 13 September 2012. This area is known as Pakenham East. A draft Precinct Structure Plan (PSP) has been completed and it is currently going through a public exhibition process.

As these changes came into the Planning Scheme after the approval of the last MSS, it is not reflected through the policy, and therefore changes are required to update the relevant sections.

Action 12: Update Clause 21.03-2 (Urban Growth area), Clause 21.04-1 (Employment) and any other relevant sections of the Planning Scheme to reflect the inclusion of the land in Pakenham East into the Urban Growth Boundary. It will also need to include the timing for the expected completion of the Precinct Structure Plan for this area.

4.1.2. Precinct Structure Planning

Development within the growth corridor is managed through the development and application of Precinct Structure Plans (PSPs). This excludes the existing areas of Beaconsfield and Pakenham.

Clause 21.03-2 Urban growth area outlines the key issues and objectives and the staging of development within the growth corridor. As noted above Pakenham East is not currently included in this clause, and review is required to ensure the staging is relevant and that priorities are correctly recognised.

Clause 21.04-1 Employment addresses the employment areas south of the Princes Freeway. It also requires updating to reflect any relevant changes.

Action 13: Update Clauses 21.03-2 Urban growth area and Clause 21.04-1 Employment to reflect changes to proposed staging and ensure that priorities are correct in relation to the development of Precinct Structure Plans.

4.1.3. Relocation of the former Pakenham Racecourse

In January 2010, a Priority Development Panel (PDP) appointed by the Minister for Planning considered the relocation of the Pakenham Racing Club from Pakenham to Tynong.

The Racecourse was required to be relocated as the site in Pakenham was “no longer suited to modern day racing requirements” and there was a need “to provide additional training facilities to

serve both the local racing community and the Victorian racing industry”.⁷ The development of the new racecourse was also dependent on the sale and disposal of the Pakenham site.

The PDP considered the redevelopment of the existing racecourse site as well as the development of the new site in Tynong for a racing and training facility, with a range of uses including turf, sand and synthetic horse tracks, a two tiered grandstand and associated ancillary uses. One hundred and twenty (120) trainer allotments at Tynong were also proposed.

The existing racecourse site in Pakenham was considered appropriate for redevelopment as it was 27 hectares of land, next to a rail station, and within the Pakenham Activity Centre. The site was consistent with the policy objectives of Melbourne 2030, was relatively unconstrained and isolated from sensitive uses, was identified as suitable for substantial change by the planning framework, and has good access the Pakenham Employment Precinct.

The PDP recommended as follows:

“the Minister for Planning prepare, adopt and approve, without notice a planning scheme amendment for the rezoning of both sites. The proposal for the race and training facility qualifies as a state significant project in scale, complexity and its ability to contribute to employment and economic activity. The project warrants facilitation and cooperation from the government and key agencies. Both projects need to be considered in parallel and both should be progressed immediately”.

The recommendations of the PDP were implemented through Amendment C141 which was approved by the Minister for Planning on 7 October 2010.

Development of the former racecourse is now underway providing a range of housing types including town houses and terrace style dwellings. The land is substantially developed and therefore it is considered that the MSS does not need to be updated to reflect the development potential of this land as it has already been utilised.

4.1.4. Packaged Liquor Policy

The South-East Melbourne Council Group (SEMCG), which comprises Bass Coast Shire, City of Casey, Cardinia Shire Council, City of Greater Dandenong, City of Frankston, City of Kingston, and Mornington Shire Council, has recently completed a research project which aims to better understand the relationships between packaged liquor outlet density and increases in alcohol related harms taking place, particularly focusing on family violence.

The research has aided the group in developing a suite of responses to address the increasing potential impacts of packaged liquor outlets. The responses range from advocacy strategies and reference toolkits to amendments to the planning scheme through the implementation of planning policies.

The project found that the policy in the Planning Schemes for all Councils is broad, and is more concerned with addressing issues around on-premises liquor outlets, that is, pubs, clubs, taverns and the like, where the amenity impacts generally occur in the immediate area around these types of premises.

Clause 52.27 (Licensed Premises) is a provision that provides policy in all Planning Schemes for licensed premises, and lists requirement regarding when a planning permit is required for a liquor licence as well as decision guidelines for consideration of these type of applications. Interestingly, a planning permit is required for a package liquor outlet, but there is very little policy guidance

⁷ Pakenham Racecourse Redevelopment, Response to request for advice from the Minister for Planning, January 2010, Priority Development Panel.

about how to assess the cumulative impacts from packaged liquor outlets as the decision guidelines are only applicable to on-premises liquor licences.

Practice Note 61, was prepared by Department of Environment, Land, Water and Planning to advise how to assess applications under Clause 52.27 but it focuses on on-premises liquor licences and provides very little guidance on Packaged Liquor.

As the State Government has advised that this matter is best addressed through a local policy and so the group along with two additional Councils, Maroondah City Council and City of Knox have decided to seek a Group Planning Scheme Amendment to introduce a Local Policy into each Council's Planning Scheme, to address Package Liquor Outlets.

The creation of successful local policies relating to packaged liquor outlets is contingent upon reforms to Clause 52.27. These reforms would broaden the statutory head of power and decision guidelines that currently confine the responsible authority's field of enquiry. In developing a local policy for packaged liquor, analogies with gaming machine gambling policies are obvious and required to combat these socially isolating behaviours on a wider scale.

Should a policy be successfully implemented into the planning scheme it will ensure that a more detailed consideration can be given when Council receives applications for packaged liquor outlets. The current draft policy is not designed to prohibit but is designed to encourage more supporting information can be provided to Council officers, some of which includes a socioeconomic impact assessment. Through consideration of this type of supporting material officers will be able to make a more informed decision of whether an application would increase the incidence of alcohol related harms to an unacceptable level.

Clause 21.06 (Particular uses and development) in the Local Planning Policy will also be amended to provide policy support within the Municipal Strategic Statement for the Packaged Liquor local policy. The Referral and Notice Provisions at Clause 66.06 are also proposed to be updated to require a referral of applications for a Packaged Liquor Outlet to Victoria Police.

The amendment to introduce these changes is currently underway, and it likely to be completed in 2019.

4.1.5. Economic Development

Economic Development is an important issue for Cardinia Shire, in particular the creation of local jobs for local people. Currently 70 percent of local resident works currently leave the Casey Cardinia Region every day to work⁸ Tourism has also become an increasingly important industry.

Cardinia Shire has developed a partnership with the City of Casey and developed the Casey Cardinia Economic Development Strategy 2016-2017. The Strategy provides the following information in relation to jobs and industry types within the region:

- Population growth is the key driver of local economic growth, with construction; retail trade; education and training; health care and social assistance all ranking in the top five industries in terms of economic growth and employment (by place of work).
- Manufacturing provides 9.0% of local economic activity and 9.1% of jobs for the region. Further diversification of the local economy is needed to ensure sustainable and smooth economic growth for the region.
- Advanced manufacturing is a strong sector in the Casey Cardinia region. The Casey Cardinia region is home to 860 manufacturers and has a total output of \$3.8 billion with \$1.4 billion in regional exports.

⁸ Casey Cardinia Region Economic Development Strategy 2016-2017

- Local employment self-containment was 32.9% (ABS, 2012b). However, almost 70% of locals who work are still leaving the area. Many of these workers head to Greater Dandenong and Melbourne CBD. Local workers fill 72% of local jobs. More local jobs are required.

4.1.6. Emerging Trends

Cardinia Shire Council has an Economic Development Unit who provide an important role of attracting businesses to the region. They deal with a range of businesses on a day to day basis and often operates as a liaison between a business and other Council departments such as Planning and Environmental Health.

Currently, the Economic Development Unit are finding that retail is the biggest employer in Cardinia. This has changed from Construction in 2012 and Agriculture before 2012. It is believed that retail will continue to grow, along with service business and health, as currently the Shire has a low employment base in relation to its population. The education and training sectors are also likely to grow as these are in demand and there are limited services available within the Shire.

4.1.7. Puffing Billy

Puffing Billy is a tourist railway line that runs from Belgrave and through Menzies Creek in Yarra Ranges Shire; and Emerald, Lakeside (at Emerald Lake Park), and Cockatoo, to Gembrook within Cardinia Shire. In recent time, patronage has significantly increased with more than 400,000 visitors per year travelling on the train.⁹

The Railway is a highly valued tourist destination, which provides not only a journey on an old steam train, but also cultural history and a range of landscape views from forests to towns, farming activities and trestle bridges.

The majority of trips on the line occur between Belgrave and either Menzies Creek or Emerald Lake, and as a result this part of the line is reaching capacity.

To respond to these pressures, to utilise the area of the line between Emerald and Gembrook, and to provide a long term plan for the development of the Railway, Puffing Billy have prepared the *Puffing Billy Railway Master Plan* (February 2017) . The Master Plan will be implemented into the Cardinia Planning Scheme to ensure delivery of the strategy.

The master plan proposes a number of changes including upgrades to stations, provision of new facilities that can accommodate special events, a new engineering facility at Gembrook, and a Discovery Centre at Emerald Lakeside.

Clause 21.04-5 Tourism recognises that Puffing Billy Railway is an asset of cultural, historic and economic significance and is a major attractor of tourists to the municipality. Given the increase in patronage and a number of changes proposed in the Masterplan, Puffing Billy will become an increasingly important tourism and economic development asset. This will have flow on effects into the towns where the railway is located. The development of the Discovery Centre will also result in an increase to visitors to Emerald Lake Park and therefore the surrounding area.

It is considered that Clause 21.04-5 Tourism generally recognises the significance of Puffing Billy, but that some additional wording recognising the future growth of railway would be useful.

Action 14: Update Clause 21.04-5 Tourism to recognise the further growth of Puffing Billy as a tourism asset.

⁹ Draft Puffing Billy Railway Master Plan Background Report, Tract Consultants June 2016

4.1.8. Gumbuya World

Gumbuya World is used and developed as an Outdoor Recreation Facility and has been in operation since 1978. It was previously known as Gumbuya Park and operated with picnic facilities, amusement rides, animal displays, a café and a function centre.

The land was purchased by new owners in late 2016. As many of the facilities in the park were dated, they made the decision to significantly update and improve the facilities, with a development proposal to be undertaken in stages. The first stage of the redevelopment has been completed and opened to the public in December 2017, with the following being completed:

- Removal of the current ticket booths at the entrance and redevelopment of the entrance to provide a more attractive landscape.
- Reconstruction of the entry road.
- Construction of a new visitor carpark comprising approx. 564 car spaces and 21 bus spaces.
- Construction of a new entry building comprising ticketing facilities, visitor amenities and administration facilities.
- Construction of a water leisure park.
- Construction of a rollercoaster.

It is estimated that this stage will deliver 1,100 visitors per day, with 200,000 park visitor per annum.

Further development is proposed for the park in the future. However, only an indicative masterplan for short term development has been provided. It is Council's understanding that the owners will make future decisions about development in the park depending on the success of the first stage.

Given the proposed patronage numbers, the park will be a significant attractor of visitors and will likely provide positive economic impacts to the surrounding area, as well as providing employment to residents within the Shire.

Gumbuya World is not recognised within the MSS as a significant tourist destination. It is considered that given the amount of investment that has already occurred, Gumbuya World is likely to continue to grow and provide significant economic benefits to the area. It should be recognised at Clause 21.04-5 Tourism.

Action 15: Amend Clause 21.04-5 Tourism to recognise the emerging tourism role that Gumbuya World will have within the Shire.

4.1.9. Pakenham Racing Club at Tynong

As outlined in Section 4.3, the former Pakenham Racecourse was relocated to Tynong, after the approval of Amendment C141. The land is included in Schedule 3 to the Special Use Zone that specifically applies to Tynong Racecourse and Training Facility.

As outlined the PDP Report in association with Amendment C414, the following uses and development are allowed for on this land:

- A racecourse - 30m wide turf and 16m wide synthetic race track with an inside sand track;
- Car parking for a minimum of 2500 car spaces and float parking;
- A hotel with conference facilities and exhibition space for events;
- Horse related sales including manure recycling sales, a veterinary clinic and feed merchant;

- An environmental area dedicated to enhancing flora and fauna habitat, wetlands and water harvesting; and
- Up to 120 trainers' allotments (approximately 57 hectares) which will be subdivided and used for horse stabling, training and for accommodation purposes.

According to Council's Economic Development Unit, the Racecourse provides approximately 1800 jobs directly associated with the day to day operations of the Racecourse. The flow on effects are unknown but it is probable they would be positive and significant, providing many jobs in areas providing services to the Racecourse such as farriers, jockeys, riders and trainers.

It is also known that the across Melbourne, racecourses in urban areas are changing the way they operate and this may have an impact on Pakenham through an increase on the use of the services available at Pakenham. Again, this is likely to positive economic impacts on jobs and services in the area.

The MSS currently does not recognise the significant economic development role that the Racecourse plays particularly from a tourism perspective. It is considered that this should be addressed under Clause 21.04-5 Tourism.

Action 16: Update Clause 21.04-5 Tourism to recognise the role that Pakenham Racecourse in drawing visitors to the area, providing associated jobs both direct and as a flow on effect.

4.1.10. Cardinia Motor Recreation and Education Park

The Motor Recreation and Education Park is to be developed at 335 McGregor Road. The land was rezoned to Schedule 5 (Cardinia Motor Recreation and Education Park) to the Special Use Zone, under Amendment C160 on 29 September 2011. Schedule 16 (Cardinia Motor Recreation and Education Park) to the Development Plan Overlay (DPO) was also applied to the land as part of this amendment.

The land was rezoned and DPO16 was applied to the land to facilitate the use and development of a Motor Recreation and Education Park on the land. The facility is intended to cater for driver training and driver development courses, motor sport and recreational activities.¹⁰

4.1.11. Non-potable water plan for South-East Melbourne

As a result of "expanding population in Melbourne's South East has led to South East Water's (SEW) decision to direct sewage to an expanded Pakenham Water Recycling Plant (WRP), instead of a new plant at Clyde. This creates the opportunity to make more productive use of the increased effluent produced by supplying farms in the area"¹¹

A report has been prepared by PSI Delta, for Cardinia Shire, Casey City Council and South East Water. The report notes that:

"The growing urban development results in increasing volumes of sewage effluent which requires additional treatment capacity. SEW (SEW) manages this service and can use the treated effluent locally or transport the sewage to Melbourne Water's Eastern Treatment Plant where it is treated for discharge at Boags Rocks. If effluent becomes available locally then it maybe more beneficial to the community for the water to be used and managed locally through an expanded recycled water scheme and/or local discharge arrangements.

¹⁰ Cardinia Planning Scheme Amendment C160 Explanatory Report

¹¹ Non-potable water plan for South East Melbourne, Cardinia Shire Council

The Pakenham Water Recycling Plant (WRP) is presently operating with the inflow volume expected to increase as flows are diverted from the new housing developments. In a recent development, SEW now plans to upgrade the Pakenham WRP rather than build the previously proposed Clyde Sewage Treatment Plant (STP). SEW are keen to see the treated effluent from Pakenham be used productively. In addition to community benefit from the recycled water supply due to the expansion of horticultural/agricultural use in the area, an expanded recycled water scheme will reduce the volume required to be discharged to the environment and will likely be supported by the Environmental Protection Authority (EPA)".

The report identifies that there is demand for recycled water as follows:

- Cora Lynn – range of vegetable growers (e.g. potatoes, broccolini, asparagus and dairy) and other pasture. Due to the type of soil, most of these growers are limited to one or two crops a year
- Koo Wee Rup – emerging demand from asparagus growers seeking an extension of their season into mid-summer which will require in some cases additional water supplies and different agronomic practices
- Lang Lang – emerging demand from established growers using the sandy soils East of Lang Lang, which are similar to those at Devon Meadows and Cranbourne and capable of four crops a year. While there are supplies of groundwater in the Lang Lang area these are of variable quality and yield and therefore less suited to intensive irrigated horticulture. Sand quarries that are increasing the scale of their operations are also expected to require water and there may be the opportunity for conjunctive horticultural and sand mining use of land banks acquired for future sand mining.

A decision on how to proceed with this project is yet to be finalised, however, once this information is available the MSS will need to be updated to recognise the positive impacts that this project will have on agriculture, the viability of farming in the area and economic development.

5. Significant updates to the MSS since Amendment C124

5.1. Recent work

Council has undertaken a large amount of work that has resulted in changes to the MSS since the approval of Amendment C124. Although there has not been a holistic review, these changes have ensured that the content of the MSS has remained relevant.

5.1.1. Western Port Green Wedge Management Plan

On 10 August 2017, Amendment C215 to the Cardinia Planning Scheme was gazetted. The implemented the key recommendation of the Cardinia Westernport Green Wedge Management Plan (May 2017), by introducing a Western Port Green Wedge Local Policy at Clause 22.05 of the Planning Scheme.

The management plan provides a strategic planning framework that enables Council to take advantage of opportunities and proactively attend to challenges occurring in the Cardinia Western Port Green Wedge over the next 20 years. It has a vision and guiding principles that are underpinned by theme and precinct based strategic directions that have clear objectives, strategies and actions.

The updated MSS and the inclusion of the Western Port Green Wedge Local Planning Policy will provide greater certainty for Council, the community and authorities regarding the long term vision, protection and management of the area.

The amendment also resulted in the partial completion of further strategic work listed at Clause 21.04 which is preparing Green Wedge Management plans for the three green wedges in conjunction with the relevant councils and government departments.

5.1.2. Airport Policy

On 13 July, 2017, Amendment C208 to the Cardinia Planning Scheme was gazetted. The amendment introduced new local policy, which include support for a future third Melbourne Airport. (It also introduced policy to promote built form outcomes that encourage physical activity and support active and healthy lifestyles. This is discussed in further detail under 1.3.3).

The policy supports that in Plan Melbourne 2017-2050 (which is further detailed under 2.1), and introduced *Cardinia Shire Council 3rd Airport for Melbourne's Southeast Airport Policy (July 2015, updated March 2017)* as a reference document in to the Planning Scheme.

The policy seeks to achieve the following:

- Provision of leadership and strategy development to ensure an Airport is achievable in Melbourne's southeast.
- Assist to identify an appropriate site in Melbourne's southeast region.
- Explore planning and investment pathways that will facilitate a major domestic airport in Melbourne's southeast.
- Ensuring that adequate consideration is given to the environmental, social and economic impacts of the land use to create an unencumbered airport located in Melbourne's southeast.

5.1.3. Healthy by Design

Amendment C208 also introduced policy to encourage built form outcomes that support physical activity and support active healthy lifestyles. It introduced *Healthy by Design (January 2017)* as a reference document. The document seeks to provide built form and public realm outcomes that include:

- Well planned networks of walking and cycling routes.
- Streets with direct, safe and convenient access.
- Local destinations within walking distances from homes.
- Accessible open spaces for recreation and leisure.
- Conveniently located public transport stops.
- Local neighbourhoods that foster community spirit.

The amendment also made changes to Clause 21.01-3 Key issues, Clause 21.02-5 Open space, Clause 21.03-1 Housing, Clause 21.03-3 Rural townships, and Clause 21.05-5 Pedestrian and bicycle network to provide objectives and strategies in relation to Healthy by Design.

This is also consistent with recent changes to the SPPF through Plan Melbourne to better support active communities.

5.1.4. Gaming Policy

Amendment C207 was gazetted 3 March 2016. It introduced a local policy at Clause 22.03 to guide the location of gaming machines, policy at Clause 21.06-4 to outline the key issues, objects, strategies and implementation in relation to gaming and made changes to Clause 52.28-3 (Gaming) to prohibit gaming machines in additional existing shopping complexes. The *Cardinia Shire Gaming Policy Review* (December 2015) was also introduced as a reference document.

It is noted that the policy in relation to Gaming at 21.06-4 contains further strategic work as follows:

Introducing additional sites into the schedules to Clause 52.28-3 and 52.28-4 to prohibit the installation and use of gaming machines in designated strip shopping centres and free-standing shopping centres.

This further work should continue to be undertaken as new town centres are developed over time.

5.1.5. Pakenham Structure Plan 2017

Amendment C211 was gazetted 19 October 2017. It inserted the Pakenham Activity Centre Incorporated Provisions, 20 March 2017, revised May 2017 (PAC Incorporated Provisions) as an incorporated document in the planning scheme to implement the Pakenham Structure Plan, March 2017; revised the Municipal Strategic Statement (MSS) to reference activity centre structure plans in general and amends the activity centre hierarchy for Cardinia Shire to be consistent with Plan Melbourne.

In his letter approving the amendment the Minister for Planning advised:

I understand that Amendment C211 is the first of two phases to implementing the Pakenham Structure Plan by applying the Activity Centre Zone. As the incorporated document will expire on 31 December 2019, I therefore urge council to complete the further strategic work required to apply the Activity Centre Zone over the Pakenham Activity Centre. I encourage council to liaise with the department's State Planning Services about the application of the Activity Centre Zone and the future amendment.

I also encourage council to action the Panel's recommendations to review and remove duplication of reference and incorporated documents in the Cardinia Planning Scheme and to resolve the future of Bourke Place with VicTrack.

I advise that for future amendments seeking to implement an activity centre structure plan the best practice approach is to apply the Activity Centre Zone and appropriate overlays, with local area policy in the Municipal Strategic Statement if needed.

Work in response to the Minister's letter is currently being undertaken including the preparation of an Urban Design Framework(UDF), an updated Structure Plan that provides direction on the application of the Activity Centre Zone (ACZ) and a Car Parking Precinct Plan which will be implemented through a Parking Overlay (PO) through a future planning scheme amendment .

5.1.6. Beaconsfield Structure Plan (2013)

Amendment C198 was gazetted 12 May 2016, and implemented the Beaconsfield Structure Plan (December 2013) into the Planning Scheme as an incorporated document, made changes to Clause 21.03 and 21.04 to reference the Structure Plan. It also amended Clause 21.06 to make reference to the *Woods Street (North) Urban Design Guidelines (May 2013)*. The Structure Plan is a long term strategic plan to guide future urban development in Beaconsfield.

In his letter notifying Council that the amendment had been approved, the Minister for Planning advised that:

- *The Department's review of the Beaconsfield Structure Plan and the Planning Practice Note 13.' Incorporated and Reference Document (PPN13), revealed that the built form requirements within the Beaconsfield Point, Woodland Grove and Princes Highway Precinct should be implemented via a more appropriate planning control such as the Design and Development Overlay or the Development Plan Overlay.*
- *Therefore an expiry has been placed on the structure plan to 31 March 2019, to ensure that the objectives of the structure plan are achieved by implementing its requirements regarding built form through the use of an appropriate planning control within the Victoria Planning Provision.*

In response to the approval conditions, Amendment C220 has prepared, authorised, exhibited and a Planning Panel was held on 28 March 2018. It seeks to implement the key objectives of the Beaconsfield Structure Plan by applying a Design and Development Overlay (DDO) to three precincts identified in the Structure Plan.

5.1.7. Removal of the Rural Living Zone

Amendment C188 was approved on 26 October 2016, and made changes to the Low Density Residential Zone as rezoned parcels of land in the Rural Living Zone in Upper Beaconsfield and Gembrook to Low Density Residential Zone. The changes in relation to the Low Density Residential Zone are discussed in further detail in Section 2.9.

Prior to the approval of Amendment C188 there were three areas within the Shire that were zoned Rural Living Zone, in Gembrook, Upper Beaconsfield and Beaconsfield. Clause 21.03-4 (Rural residential and rural living development) contains an action under 'Future strategic work' that states the action of *"Rezoning Rural Living Zones within the Urban Growth Boundary to a residential zone"*. Clause 21.07 (Local Areas) also contains an action in the Gembrook section to rezone the properties within the Rural Living Zone to Low Density Residential with a schedule to this zone to prevent further subdivision of these lots.

The Rural Living Zone is no longer considered the appropriate zone for properties located inside the Urban Growth Boundary of townships. The purposes of the Rural Living Zone include:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

The zone also allows for the land to be used for agriculture (with a permit) which would likely be an incompatible use with adjoining residential land. The lots that were within this zone were also relatively small, and the application of the Low Density Residential Zone, with a minimum lot size requirement, is an appropriate zone control.

Council is currently undertaking a separate process to remove the remaining Rural Living Zone from the land in Beaconsfield (Glissman Road) through Planning Scheme Amendment C238.

5.1.8. Gembrook Township Strategy 2011

Amendment C167 was gazetted on 26 April 2013 and incorporated the Gembrook Township Strategy 2011 into the Planning Scheme, and updated Clause 21.07-1 Gembrook within the Local Areas section of the MSS to reflect the introduction of a new Township Strategy to replace the existing one.

The Township Strategy provides guidance on how Gembrook will develop over the next 10-15 years.

5.1.9. Koo Wee Rup Township Strategy 2014

Amendment C189 was gazetted on 25 February 2016, and incorporated the Koo Wee Rup Township Strategy into the Planning Scheme, as well as introducing a new clause at 21.07-7 of the Local Areas section in relation to Koo Wee Rup.

Like the Gembrook Township Strategy, the Koo Wee Rup Township Strategy will provide a long term vision for the development of Koo Wee Rup of the next 10-15 years.

6. Panel and VCAT decisions

6.1. Planning Panel Reports

The following is a summary of Panel Reports where the Panel has made a specific comment or recommendation in relation to the content or operation of the Cardinia Planning Scheme. Not every Panel Report that has been completed since the approval of C124 has been included as some Panel Reports do not make any commentary on the Planning Scheme.

6.1.1. C124 Panel Report – MSS review

Amendment C124 was the review of the previous MSS and the Panel Report was released in 2010. In general, the Panel was supportive of the amendment but made the following comments:

The Panel's one substantive issue with the new MSS is its proposed use and reliance on external Reference Documents. As currently worded, the MSS inappropriately seeks to call up and rely on a large number of external documents as defacto planning controls sitting outside the scheme. This is unacceptable and should be rectified prior to adoption of the Amendment. The Panel considers the proposed reliance of reference documents is inconsistent with various DPCD 'Practice Notes' and recent decisions of Planning Panels that have considered MSS Amendments. The Panel recommends that prior to adoption of the Amendment the MSS should be reviewed and edited to delete any reference in any statement, strategy or Local area implementation measure that calls up or seeks to rely on the content of external (non incorporated) documents.

The amendment was approved with a number of the reference documents being included as incorporated documents in Clause 81.01. Further discussion on this issue is included later in this section.

6.1.2. C211 Panel Report - Pakenham Structure Plan

This amendment sought to implement the Pakenham Structure Plan into the Planning Scheme, as both a reference document and an incorporated document in Clause 81.01. The Panel was critical of this approach and commented as follows:

The Panel is concerned that, as it currently stands, the listing of the Pakenham Structure Plan as both a Reference Document in the MSS, and an Incorporated Document in Clause 81.01 introduces confusion and uncertainty about the status of the document. This situation applies to some other documents listed in the scheme and it may be appropriate to be review and rectify this as part of the next MSS review.

The Panel accepts Council submission that the Structure Plan needs to be implemented on an interim basis while Council completes further work on the Activity Centre Zone. However, the Panel does not support incorporating the structure plan as exhibited, even on an interim basis.

The Panel considers it would take a limited amount of additional effort to extract the essential or substantive planning elements into a more succinct and suitably drafted external statutory document, such as an 'Incorporated Provisions' document. The Panel recommends that this revised 'Incorporated Provisions' document be incorporated, on an interim basis until 31 December 2019, with the Structure Plan itself retained as a Reference Document only. This would also address the issue identified by the Panel about ambiguity of the status of the Structure Plan document.

The Panel concluded that any future Amendments seeking interim implementation of activity centre structure plans should use Local Area plans in the MSS to embed the key directions and strategies. The full Structure Plan should then be a Reference Document.

Amendment C211 was approved by the Minister for Planning on 20 September 2017. In the letter from the Minister, the following was stated:

"I understand that Amendment C211 is the first of two phases to implementing the Pakenham Structure Plan by applying the Activity Centre Zone. As the incorporated document will expire on 31 December 2019, I therefore urge council to complete the further strategic work required to apply the Activity Centre Zone over the Pakenham Activity Centre. I encourage council to liaise with the department's State Planning Services about the application of the Activity Centre Zone and the future amendment.

I encourage council to action the Panel's recommendations to review and remove duplication of reference and incorporated documents in the Cardinia Planning Scheme..."

6.1.3. Amendment C198 – Beaconsfield Structure Plan

Amendment C198 sought to introduce the Beaconsfield Structure Plan into the Planning Scheme as an incorporated document. The Panel made the following commentary regarding incorporating the Structure Plan:

There is logic in having a consistent approach to managing development within the UGB in Cardinia, and I can understand Council's desire to have an incorporated structure plan for

Beaconsfield. While the growth corridor is seeing rapid growth this makes sense, but in the

longer term there is no need to have an incorporated plan. The various strategies and requirements of the Structure Plan could be expressed in policy in the Cardinia scheme or

using overlay controls.

I am concerned that it is not clear where the various incorporated documents apply and their status is. This information is publically available, but is not part of the planning scheme.

An amendment to introduce controls in relation to the town centre through a DDO is currently being undertaken through Planning Scheme Amendment C220.

6.1.4. Discussion

It is clear from the comments in the above Panel Reports that there has been ongoing concern from Planning Panels about the incorporation of entire documents into the Planning Scheme. Planning Panels and the Minister for Planning agree that a better option would be to translate the relevant content of the document into a statutory control such as a Design and Development Overlay or Development Plan Overlay or an Activity Centre Zone.

Documents that are incorporated in the Planning Scheme are listed at Clause 81.01 and carry the same weight as other parts of the planning scheme. If a document is not incorporated it can be included as a reference document, which provides background information to assist informing why a particular policy or provision has been included in the Planning Scheme. However, it is not used in the exercise of discretion when deciding if a planning permit should be issued.

Currently, there are township strategies incorporated for Gembrook, Cockatoo, Emerald, Avonsleigh and Clematis, Lang Lang, Upper Beaconsfield, Bunyip and Koo Wee Rup. These are lengthy documents that provide a huge amount of detail. The Lang Lang Township Strategy for example, is 74 pages in length and includes content such as historical information, demographics, a strategic vision and sections on residential growth, economic development, community development, traffic and transport, physical infrastructure, open space, environment and urban design as well as an implementation plan.

The length and amount of detail in these documents means that they are onerous for Council's Statutory Planners to work through and consider when assessing an application in these townships. It is also difficult for landowners and applicants to work out which sections of these reports are relevant to their property or application.

Planning Practice Note 13: Incorporated and Reference Documents outlines the role of incorporated and reference documents in the Planning Scheme. The practice note provides the following guidance on incorporating documents into the scheme (underlined for emphasis):

Where possible, the best approach is to extract the specific planning policy or decision requirements from a document and include them in the scheme as local planning policy or decision guidelines rather than incorporating the document. This is particularly useful when only parts of the document are relevant or where the document is not written in a way that expresses specific requirements for planning decisions.

Some documents may not have been prepared in a format suitable for incorporation. Parts may need to be extracted and incorporated into the scheme or be rewritten in an appropriate form that makes it easy to use in the context of the planning scheme. If the document is intended to provide guidance on the exercise of discretion, then it should be prepared and written with this function in mind.

If the document includes plans or guidelines that are lengthy, or contains illustrations, consider publishing them separately and including them as an incorporated document.

It is important that the scheme gives absolute clarity about the role and function of the particular incorporated document. What the document contains and how the document is referred to in the scheme will determine how it is used and interpreted. For example, the scheme must make it clear whether the document sets out a vision or framework for an area, provides design suggestions or serves some other function.

It also states in relation to reference documents that (underlined for emphasis):

Many documents, while useful, may be too long or complex or cover too wide a subject matter to be suitable for inclusion as an incorporated document in the scheme. If they provide useful background information or general advice to applicants, or will assist in understanding the scheme, they may be suitable as reference documents.

Whilst the township strategies include plans and guidelines, are lengthy, , complex and cover a wide range of subjects some which go well beyond providing guidance for whether or not a permit should be issued for a particular use or development.

There is no quick solution to this matter until they are rewritten. To remove them from the Planning Scheme would mean that there would be no guidance at all for development in these townships. Therefore, at this time, the best option is to include the review of these for further strategic work and in the short term implement some parts of the strategies through statutory tools such as DPOs or DDOs.

In the short term, it is considered that some of information in the Local Areas section at Clause 21.07 goes beyond providing guidance on how land use and development in these townships should occur and could be removed from this section.

Action 17: Include a review of the township strategies as “Further strategic work” under Clause 21.03-3 Rural Townships.

Action 18: Delete sections in Clause 21.07 Local Areas that are not considered relevant to land use and development.

6.2. Victorian Civil and Administrative Tribunal Decisions

The following is a summary of VCAT decisions where the member has made specific commentary on the policy within the decision. Decisions that have not made any comment have not been included.

6.2.1. Foxcorp Australia Pty Ltd v Cardinia SC VCAT 897 (20 November 2017)

Council refused a planning permit application to subdivide the land at 65 Moody Street Koo Wee Rup into nineteen lots and vary an easement. The applicant appealed the decision and VCAT set aside Council's decision. The members were critical of the Koo Wee Rup Township Strategy's requirement for 80% of the lots to have sizes over 700 square metres, and noted that:

"Our findings on the acceptability of the lot sizes proposed is also supported by the absence of specific controls on the land with respect to subdivision, such as a Design and Development Overlay, an approved Development Plan or variations in the zone schedule, all of which could specify minimum lot sizes, setbacks or other specific design outcomes sought. We note that under Future Strategic Work in clause 21.03-3 preparation of a Design and Development Overlay for such areas of Koo Wee Rup is identified. However, no Design and Development Overlay currently applies to the site and the Council does not oppose approval of subdivision ahead of an overlay".

6.2.2. Johol v Cardinia SC VCAT 745 (26 May 2017)

This decision related to a proposed two (2) lot subdivision in Koo Wee Rup. Council refused the application and it was appealed by the applicant. The Tribunal overturned Council's decision. Of note was the Tribunal's comments around the guidelines in the Koo Wee Rup Township Strategy that 70 percent of lots should be greater than 700 square metres in area, and it was stated *"that the guideline that seeks 70 percent of lots with sizes over 700 square metres is a difficult measure to implement. It is not clear what geographic area this applies to, at what point of time it is to be measured and whether it is then intended that no multi unit should be allowed on lots of this size. Council did not provide advice on a method used for assessing whether this guideline is met"*.

6.2.3. Monson v Cardinia SC VCAT 1539 (4 September 2013)

This VCAT decision related to an application to construct five (5) dwellings in Garfield, which Council approved, but the decision was appealed by an objector.

VCAT noted that Garfield is identified in the MSS as a large rural township, and that the MSS states that consideration must be given to the relevant township strategy, which in this case is the Garfield Township Strategy 2002.

The Tribunal member found that the document may be of some relevance to the application and invited further submissions on it as Council had not referenced it in their submission. Council submitted that the document was out of date and therefore should not be relied upon. However, whilst acknowledging that the strategy was out of date, and in need of review, it did highlight the need within Garfield for additional housing, including medium density. The Tribunal upheld Council's decision.

6.2.4. Beggs v Cardinia SC VCAT 1507 (5 October 2012)

Council refused an application for five (5) dwellings in Tynong and the decision was appealed by the applicant. The VCAT member supported Council's decision finding that in the absence of a Township Strategy or similar, the objectives of Clause 21.03 needed to be relied upon and stated as follows:

Clause 21.03-3 envisages strategic work being undertaken in the future with some already undertaken. Township Strategies exist for all the 'Large Rural Townships' and for the utterly delightful 'small rural township' of Maryknoll, but my decision must be made in the absence of specific strategic direction. Objective 1 seeks servicing infrastructure to enable development to occur, albeit 'in accordance with strategy plans' and no strategy plans exist for Tynong. Objective 2 seeks the maintenance of the distinct character of each of the townships.

I acknowledge that the site is seweraged, drained and serviced by mains water, so there is no servicing constraint. But key issues in clause 21.03-3 are retaining the existing rural township character, setting clear limits for development and designing with regard to the surrounding unique characteristics of the townships. The last two issues are strategic ones for council, not for the Tribunal, and council has not yet undertaken this for Tynong. I am therefore reluctant to make a decision so out of character with the environs of this site in the absence of such strategic direction.

In contrast to Objective 3 which seeks to create sustainable townships that support a range of commercial, retail, community and recreational facilities and services, Tynong is deficient in that respect. There is no Business zone; its Mixed Use zone sitting among the suite of 'residential' zones. There is one general store-cum-post office, no other shops, no medical facilities, a train station where express trains do not stop, one community recreation reserve and community hall. A kindergarten has closed, the St Thomas Aquinas Society of St Pius X private school is expanding to take boarders, and the Pakenham Racecourse will relocate into a Special use zone Schedule 3 very close by.

6.2.5. Discussion

The above decisions indicate a number of issues with the MSS and associated incorporated documents as follows:

- *Overly prescriptive policy in the Township Strategies*

Several of the township strategies contain precinct character guidelines which include requirements such as 70% of lots to remain larger than 700 square metres, minimum lot width of 18 metres for subdivision and minimum lot density of 450 square metres per unit including open space and common areas. These requirements are overly prescriptive, difficult to implement.

- *The age of some policies*

Garfield Township Strategy is a reference document at Clause 21.03-3 (Rural townships). It was adopted in 2002. It is an outdated document, however, it was kept as a reference document in this clause as part of the previous MSS review, as there was no new policy to replace it. There has been no further policy developed in the interim.

- *Lack of policy for some townships*

There is currently no specific township strategy for Nar Nar Goon or Tynong. There is some guidance in Clause 21.03-3 (Rural townships), which designates the townships in to either large rural townships, small rural townships or rural localities. It also provides some clear objectives of maintaining and enhancing township character and ensuring that townships remain sustainable and viable.

- *Lack of statutory controls to implement policy in the township strategies.*

A number of township strategies include actions about applying Design and Development Overlays and/or Development Plan Overlays to implement the policy in the strategies through a statutory tool. Except for a couple of instances, this work has not been started or completed and therefore the policy remains within the township strategies.

This work needs to be undertaken to ensure that the Township Strategies can be appropriately implemented, and the further strategic work sections within Clause 21.07 Local Areas, contain a number of actions about introducing DDO's and DPO's. Some of this work has been started, and it is an ongoing priority of Strategic Planning to ensure that the work is undertaken.

7. Council Documents

7.1. Council Plan – Creating the future 2017

7.1.1. Summary of document

The vision of the Council Plan is that:

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.

Council has identified the following major challenges for the coming years:

- managing population growth
- managing the natural and built environment, including climate change
- developing a prosperous local economy and creating employment
- reducing the impact of family violence on our community
- long-term financial sustainability
- supporting and increasing agricultural productivity
- timely delivery of infrastructure, transport options and services
- encouraging residents to improve their health and wellbeing
- encouraging community engagement in Council's decision making

7.1.2. Analysis of document

Five key strategic objectives have been developed, with key success indicators to gauge performance in delivering the outcomes in the plan. The following are relevant to the Planning Scheme Review:

Table 6: Summary of Council Plan Actions and how they are addressed

1. Our People

Key success indicator	How this is addressed
1.5 Variety of recreation and leisure opportunities	
1.5.1 Provide active and passive recreation facilities to meet the needs of residents	Through the planning scheme - Clause 21.02-5 Open space
1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities	Through the planning scheme - Clause 21.02-5 Open space

2. Our Community

Key success indicator	How this is addressed
<i>2.1 Our diverse community requirements met</i>	
2.1.2 Promote access to and encourage, a mix of housing types to cater for the varying needs of people in the Cardinia community	Through the planning scheme- Clause 21.03-1 Housing Clause 21.03-2 Urban growth area
2.1.3 Support opportunities for participation in a diverse range of arts, cultural and tourism activities	Through the planning scheme- Clause 21.02-6 Post-contact heritage Clause 21.02-7 Aboriginal cultural heritage Clause 21.04-5 Tourism
2.1.4 Plan for the provision of facilities to service and support the changing community.	Through the planning scheme- Clause 21.03-2 Urban growth area Clause 21.03-3 Rural townships Clause 21.05-1 Infrastructure provision Clause 21.05-6 Community services and facilities
2.1.5 Work with local communities to review and implement township strategies that contribute to meeting the needs of those communities.	Through the planning scheme- Clause 21.07 Local Areas
<i>2.2 Engaged communities</i>	
2.2.1. Provide a range of opportunities that encourage community participation in Council policy and strategy development	Through informal community consultation as well as the legislated exhibition process in planning schemes.
2.2.2. Communicate the activities and decisions of Council to the residents in a variety of ways	A range of methods are utilised and will continue to be utilised as required.

3. Our environment

<i>3.1 Provision and maintenance of assets on a life-cycle basis</i>	
3.1.2. Develop new and maintain existing parks, gardens and reserves in a sustainable way.	Through the planning scheme- Clause 21.02-5 Open space
3.1.3. Provide accessible facilities to meet identified community needs.	Through the planning scheme- Clause 21.036-1 Design and built form
<i>3.2 Transport linkages connecting towns</i>	
3.2.1. Upgrade Council roads to improve safety while considering the traffic demand of the community.	Through the planning scheme- Clause 21.05-2 Freeways, declared arterial roads Clause 21.05-3 Local roads
3.2.3. Develop transport networks that incorporate effective public transport	Through the planning scheme- Clause 21.05-4 Public Transport
3.2.4. Prioritise multi-use pathways, where practicable, to create networks that connect destinations.	Through the planning scheme- Clause 21.02-5 – Open Space Clause 21.05-1 Infrastructure Provision Clause 21.05-5 Pedestrian and bicycle network Clause 21.05-6 Community services and facilities
<i>3.3 Enhanced natural environment</i>	
3.3.6. Promote water catchment management practices that improve the quality of our waterways.	Through the planning scheme- Clause 21.02-1 Catchment and coastal management
3.3.7. Protect and improve biodiversity by increasing the area of natural ecosystems across the shire.	Through the planning scheme- Clause 21.02-3 Biodiversity
3.3.8. Preserve and improve our bushland and natural environment by implementing weed management programs and continuing work on high conservation bushland reserves and roadsides.	Through the planning scheme- Clause 21.02-3 Biodiversity

3.3.9. Manage agricultural land use by supporting farmers to utilise sustainable farming practises.	Through the planning scheme- Clause 21.04-2 Agriculture Clause 22.05 Western Port Green Wedge Policy
<i>3.4 Natural and built environments supporting the improved health and wellbeing of our communities</i>	
3.4.1. Plan and develop built environments that support improved health and wellbeing of our communities through implementation of the Healthy by Design guidelines.	Through the planning scheme- Clause 21.02-5 Open space Clause 21.03-1 Housing Clause 21.03- Urban growth area Clause 21.03-3 Rural townships Clause 21.05-1 Infrastructure provision Clause 21.05-5 Pedestrian and bicycle network
3.4.2. Raise awareness of our environment's impact on people's health and wellbeing by integrating the concept of liveability across all Council business units and including liveability indicators within the municipal public health and wellbeing plan	This is being addressed in part by the consideration of the Liveability Plan as part of the Planning Scheme review.
3.4.3. Advocate for changes in the state planning scheme which support development of local policies which reduce health-detracting environments (gaming, liquor, fast food)	Ongoing- As discussed in Section 5.1.4, a Gaming Policy has recently been approved as part of the Cardinia Planning Scheme and Council is currently working on a policy with a number of other Council's in relation to packaged liquor outlets. There is very limited ability currently to address issues around access
<i>3.5 Balanced needs of development, the community and the environment</i>	
3.5.1. Review the Municipal Strategic Statement and the Cardinia Planning Scheme regularly to ensure it continues to meet Council objectives.	This is consistent with this report.
3.5.2. Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.	Through the Planning Scheme- Clause 21.03-2 Urban growth area

3.5.3. Provide for the sustainable development of rural townships while taking into account their existing character and community needs.	Through the Planning Scheme- Clause 21.03-3 Rural townships.
3.5.4. Ensure the planning of rural (green wedge) areas protects and enhances important agricultural, environmental, natural resource, infrastructure and recreational values.	Through the Planning Scheme – Clause 21.02-2 Landscape Clause 21.02-3 Biodiversity Clause 21.04-2 Agriculture

4. Our Economy

<i>4.1 Increase business diversity in Cardinia Shire</i>	
4.1.1. Plan for and support local employment opportunities.	Through the Planning Scheme – Clause 21.04-1 Employment
4.1.2. Support the development of existing and new businesses within the shire.	Through the Planning Scheme – Clause 21.04-1 Employment
4.1.3. Plan for a staged development of the Officer–Pakenham employment precinct.	Through the Planning Scheme- Clause 21.03-2 Urban growth area
4.1.4. Plan the development of Officer and Pakenham town centres.	Through the Planning Scheme- Clause 21.03-2 Urban growth area
<i>4.2 Maintained strong agricultural activities</i>	
4.2.1. Support our farmers and growing agricultural industry in adapting to the changing economy and climate.	Through the Planning Scheme - Clause 21.04-2 Agriculture
<i>4.3 Diverse and resilient business community</i>	
4.3.1. Support small businesses to remain viable in rural townships.	Through the Planning Scheme- Clause 21.04-1 Employment
4.3.2. Encourage the establishment of tourism and hospitality in appropriate areas of the shire.	Through the Planning Scheme Clause 21.04-5 Tourism

7.1.3. Discussion

While the current Council Plan is based on previous Council Plans (including the 2009-2013 Plan, which the previous MSS was reviewed under) a number of the key challenges and strategic objectives have evolved.

The current Council Plan recognises the need to manage population growth, manage the built and natural environment, and assist in economic growth as it has in the past, however, the current plan recognises the need to address climate change and not just assist in economic growth but develop a prosperous local economy, and create employment.

It also identifies the need to not only support but to increase agricultural productivity, ensure financial sustainability and providing for the timely delivery of infrastructure, transport options and services. Several new challenges have also emerged. This includes the need to reduce the impact of family violence on our community, encourage residents to improve their health and well being and encourage community engagement in Council's decision making.

Although family violence is clearly a major issue for our community, planning is limited in the role it can play in this social issue. The issues of gaming and liquor licensing can be partially addressed through the planning scheme, however, the scope for this is relatively confined.

The provision of a variety of services and industries to provide local employment is probably the greatest issue that has emerged, and that planning can play a role in. The MSS already contains a number of actions to ensure that this issue is recognised appropriately.

There is also a space for planning to create active places and spaces to encourage residents to engage in increased levels of physical activity. This has already been addressed through the introduction of Healthy by Design.

7.2. Liveability Plan 2017-2029

7.2.1. Summary of document

The Liveability Plan is Cardinia Shire's Municipal Public Health and Wellbeing Plan (MPHWP) . It was adopted by Council on 18 September 2017. The Plan has been prepared with a different approach from previous MPHWP's that looked at risk factors of illness. This plan focuses on the social determinants of health, or 'liveability factors'. In particular, the liveability plan recognises the role of urban planning in creating environments which enhance the health and wellbeing of the community and the natural environment.

Melbourne University's School of Place, Health and Liveability regards liveable communities as:

"safe, attractive, socially cohesive and inclusive, and environmentally sustainable with affordable housing linked via public transport, walking and cycling to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities".

The long term goals of the plan are:

- Improved mental health and wellbeing
- Improved social cohesion
- Improved safety
- Reduced family violence
- Reduced obesity
- Reduced harm from tobacco, alcohol, drugs and gambling
- Reduced financial vulnerability

A range of medium-term objectives and strategies have been developed. Many are relevant to planning and the analysis below indicates whether the issue has been addressed in the current MSS.

7.2.2. Analysis

The Liveability Plan contains a number of objectives that are related to planning issues.

Table 7: Summary of Liveability Plan Actions and how they are addressed

1. Active Travel

An increase in people walking and cycling by:	
1.1. Planning pedestrian and cycling routes which link education, employment and residential areas with public transport and community spaces.	Clause 21.02-5 – Open Space Clause 21.05-1 Infrastructure Provision Clause 21.05-5 Pedestrian and bicycle network Clause 21.05-6 Community services and facilities
1.2. Building safe, accessible and enjoyable walking and cycling infrastructure.	Clause 21.05-5 Pedestrian and bicycle network Clause 21.06-2 Community safety
1.3. Enhancing the amenity, safety and natural environment along active travel routes.	Clause 21.05-5 Pedestrian and bicycle network

2. Education

An increase in participation in local education.	
2.1. Planning for education and training facilities, which meet the diverse needs of a growing population.	Clause 21.05-6 Community services and facilities recognises the need to establish higher education facilities in the growth corridor, but it does not address the need for a wider range of education and training facilities.

3. Employment

An increase in participation in local employment	
3.1. Facilitating investment in the local economy that creates new job opportunities.	Clause 21.04-1 Employment Clause 21.04-5 Tourism Clause 21.04-5 Extractive Industry

An increase in participation in local employment

3.2. Supporting innovation, diversification and resilience within the local economy.	This is partially addressed via Clause 21.04-1 Employment, and Clause 21.04-3 Activity Centres. Clause 21.04-4 Industry identifies that that recognising that future industrial development will be increasingly linked to a range of knowledge based services, but the importance of innovation, diversification and resilience within the local economy is not explicitly recognised. The MSS needs to better acknowledge the importance of emerging technology and new types of employment into the future.
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4. Food

An increase in access to affordable, nutritious food

4.1 Protecting and utilising fertile land as a source of fresh food for current and future generations	Clause 21.04-2 Agriculture Clause 22.05 – Westernport Green Wedge Policy
4.2 Growing a vibrant local food economy which supports growers and enables people to access locally produced food.	Clause 21.04-2 Agriculture recognises the growing demand for food, both domestically and internationally, and capitalising on opportunities to export fresh produce and processed food products. The importance of providing food locally should also be recognised.
4.4 Reducing and diverting food waste from landfill and reusing water to grow food.	Clause 21.02-8 Resource conservation recognises that conserving, reducing and effectively managing resources we use are essential to achieving ecologically sustainable development, and nominates a key issues as including reducing water consumption and improving water quality and reducing waste generation and minimising waste going to land fill. It does not specifically address food waste, however, and it is considered that this issue could be included in this clause.

5. Housing

An increase in access to appropriate and affordable housing	
6.1. Supporting and facilitating affordable and flexible housing which caters for different households and meets the needs of all people.	Clause 21.03-1 Housing Clause 21.03-2 Urban Growth Area
6.2 Encouraging diversity in housing to meet the needs of existing and future residents across all life stages, including those with specific housing requirements	Clause 21.03-1 Housing Clause 21.03-2 Urban Growth Area
6.3 Supporting high quality residential developments that respond to best practice in sustainability, environmental, safety and healthy by design guidelines.	Clause 21.03-2 Urban Growth Area Clause 21.03-3 Rural Townships Clause 21.03-4 Rural residential and rural living environment Clause 21.06-1 Design and built form

6. Open spaces and places

An increase in participation in open spaces and places	
7.1. Strategically planning and maintaining open spaces and places to be safe, accessible, appealing and connected.	Clause 21.02-5 Open Space
7.4. Protecting and enhancing the environmental quality of open spaces and places.	Clause 21.02-5 Open Space

7.2.3. Discussion

The Planning Scheme is generally consistent with and supports the objectives and strategies of the Liveability Plan. There are some objectives that are partially addressed but there could be built on within the MSS, as follows:

- The importance of innovation, diversification and resilience within the local economy should be explicitly recognised. The MSS needs to better recognise emerging technology and new types of employment. This was also an issue raised in discussions with Economic Development and Statutory Planning.
- The importance of access to locally grown food is increasingly recognised by the community and Council as an issue. This was also identified by Economic Development.
- Recognising the need to minimise food waste, building on other objectives such as minimising waste going to landfill.

It is considered that these issues can be addressed by building on existing policy in these areas in the MSS.

Action 19: Update the MSS to address the issues of:

- Innovation, diversification and resilience within the local economy
- The importance of access to locally grown food
- Minimising food waste

7.3. Pedestrian and Bicycle Strategy (August 2017)

The Pedestrian and Bicycle Strategy was adopted by Council in August 2017. The Strategy sets out a vision to provide the premier trail network in Victoria connecting people to their daily

destinations and to the spectacular tourism and landscape features of the Shire.

The aim of this strategy is to provide a guiding framework for Council for the incremental development of a comprehensive walking and cycling network throughout the Shire. The strategy will link in with Councils existing Footpath Priority List to help guide the development of an integrated path network. As part of this, Council will seek to provide a high level of service for all ages, parents and carers with prams, people in wheelchairs and people traveling on mobility scooters”.

The Strategy proposes a number of regional trails to be developed, as well as identifying supporting infrastructure such as signage and wayfinding. It also provides a number of actions to be undertaken, the considerations required and the priority of these actions.

A number of guiding principles underpin the Strategy. These are outlined below as well as whether or not these are addressed in the Planning Scheme.

Table 8: Summary of Pedestrian and Bicycle Strategy outcomes and how they are addressed

Principle		Outcomes	Planning Scheme Response
1	The Cardinia Environment	<ul style="list-style-type: none">• Promote the natural environment while ensuring environmentally significant areas are respected and preserved.• Draw visitors to experience a range of unique and diverse landscapes.	The natural environment of Cardinia is not recognised in the clause. This is an advantage and should be recognised,, ensuring these areas are respected and preserved. It is considered that is could be addressed under Clause 21.04-5 Tourism.
2	Health and Wellbeing	<ul style="list-style-type: none">• Enhance the health and wellbeing of the community• Create walkable neighbourhood, as well as an increased sense of social connectedness within the local community.	This is recognised in several sections in the planning scheme, and through the introduction of Healthy by Design as a reference document.
3	All Abilities Access	<ul style="list-style-type: none">• The walking and cycling network will be inclusive of	This is not addressed under Clause 21.05-5 Pedestrian and bicycle network. The SPPF

Principle		Outcomes	Planning Scheme Response
		<p>people with mobility difficulties.</p> <ul style="list-style-type: none"> Infrastructure such as DDA compliant paths and ramps and rest areas will be prioritised on appropriate trails. 	<p>provides a strategy in relation to providing environments that are accessible to footpath-bound vehicles. Healthy by Design also incorporates these principles. However, it is only a reference document, and therefore it is considered that this could be addressed in more detail under Clause 21.05-5.</p>
4	Safety and Perception	<ul style="list-style-type: none"> Create a safe and comfortable walking and cycling environment for all uses. Prioritise walkers and cyclists along key routes, and within town centres. People will feel safer using streets and trails that have increased passive surveillance and improved lighting. 	<p>All of these points are adequately addressed under Clause 21.05-5 Pedestrian and bicycle network.</p>
5	Connecting people and places	<ul style="list-style-type: none"> The proposed regional trail network will transform Cardinia into a walking and cycling destination. An integrated and more accessible network will provide convenient access to town centres and key destinations. Strategic links and pedestrian priority routes will support walking and cycling as the preferred transport option when moving through town centres. By connecting townships across the Shire, the regional trail network will attract visitors to Cardinia's activity centres and townships. 	<p>This is generally addressed in Clause 21.05-5. As noted above, the tourism aspect of providing regional trails could be better addressed.</p>

Principle		Outcomes	Planning Scheme Response
6	Awareness and Education	<ul style="list-style-type: none"> Create an environment in Cardinia Shire where walking and cycling are logical and enjoyable travel options. Break down the social and psychological barriers that prevent walking and cycling by raising awareness of the many benefits of being active. Support community events, education programs, as well as a comprehensive signage and wayfinding strategy to promote local opportunities. 	<p>This is recognised in Healthy by Design which is already a reference document in the Scheme.</p> <p>The last two dot points fall outside the realm of planning.</p>

Clause 21.05-5 (Pedestrian and bicycle network) recognises the importance of providing walking and cycling infrastructure, and includes the Pedestrian and Bicycle Strategy Actions Report 2003 as a reference document. This document needs to be updated to reflect the most current Pedestrian and Bicycle Strategy.

Action 20: Update Clauses 21.04-5 Tourism, and Clause 21.05-5 Pedestrian and Bicycle Strategy as outlined in Table 8, and update the reference to the Pedestrian and Bicycle Strategy.

7.4. Casey Cardinia Visitation Strategy 2017-2020

The Casey Cardinia Visitation Strategy 2017-2020 builds on the Cardinia Shire Tourism Strategy, and includes the City of Casey so that the Casey Cardinia Region can be built upon as a visitor destination.

The Strategies objectives are:

- Increase visitor numbers, visitor dispersal, length of stay and visitor expenditure
- Provide a credible, evidence-based case for more funding for the region's tourism industry
- Identify a sustainable governance model with clearly defined roles and responsibilities, to ensure effective collaboration between the region's Councils and its tourism industry stakeholders
- Increase industry ownership and leadership within the key tourism precincts
- Provide a 12-month Marketing Plan that will attract the Visiting Friends and Relatives market to the Casey Cardinia region
- Provide a practical way forward for tourism in the region that is also aspirational for the future of the Casey Cardinia visitor economy.

The Strategy recognises that Cardinia Shire has a number of tourism assets including:

- Emerald Lake Park and Puffing Billy Railway.
- The hills villages of Emerald, Cockatoo, Gembrook and Upper Beaconsfield
- Nature based activities such as walking and cycling trails, and camping and outdoor education in the Bunyip State Park.

- Substantial equestrian facilities, including 11 publically accessible centres as well as recreational trail riding opportunities
- The Pakenham Racing Club

It also recognises that Gumbuya World is an emerging attraction.

The report makes a number of recommendations in relation to regional products and experiences. Of relevance are the following:

- Continue supporting the region's major attractions, particularly in relation to their business development programs - e.g. Puffing Billy railway and the Emerald Discovery Centre and the extension of its business to Gembrook, and the Cranbourne Gardens
- Provide broadly-based support to the Gumbuya Park redevelopment as a highly significant, new regional tourism experience
- Encourage additional cafes, retail, attractions and activities in the 'hills villages' that retain their intrinsic character, encourage longer stays and an increased spend

Clause 21.04-5 Tourism recognises that tourism is a multi-faceted industry. It notes that Cardinia is not generally considered a tourist destination. However, it offers opportunities for visitors to experience the area's boutique farm produce, arts and crafts, cultural and historic locations, and the natural environment.

In relation to the recommendations in the Casey Cardinia Visitation Strategy, Clause 21.04-5 Tourism:

- Recognises that Puffing Billy is an asset of cultural, historic and economic significance, and is a major attractor of tourists to the municipality.
- Encourages the establishment of tourism activities in rural townships within the municipality through the establishment of activities including accommodation, restaurants, cafes, galleries, markets, and through undertaking streetscape improvements and upgrading public amenities.
- Makes no reference to Gumbuya World, as this is a new attraction, with the previous Gumbuya Park attracting only a limited number of visitors due to the age and condition of the facilities.

Action 21: Update Clause 21.04-5 Tourism to recognise Gumbuya World as an emerging tourist attraction.

7.5. Arts and Cultural Facility Feasibility Study

The Arts and Cultural Facilities Feasibility Study provides "*direction to Council and the community on the planning and development of purpose built cultural infrastructure and associated services and programs for the current and future provision of arts and culture within the Shire*".

The Study notes that there is significant potential benefits for tourism originating from arts and cultural facilities and these facilities are lacking within the Interface Councils, which Cardinia Shire is part of. Popular attractions are museums and art galleries, historic buildings and monuments, theatre, concerts and performing arts events and festivals, fairs or cultural events. It also recognises that "*sporting and recreation facilities often receive significant planning attention, there is a more limited strategic approach to developing arts and cultural facilities*".

The Study makes the following recommendations in relation to planning and development:

1. That arts and cultural precincts in major townships and population areas be formally identified and closely aligned to Activity Centres and other community activity zones. Future arts and cultural facilities planned within these precincts and Activity Centres to be located alongside other community infrastructure.

2. The establishment of Cultural Precincts be formally adopted as part of the implementation and future planning of Structure Plans and Shire-wide planning.
3. Include planning for community art spaces (such as artist studios, exhibition, wet, storage and rehearsal spaces) when developing Township Plans and designing new community centres, libraries and other community facilities aligned to Community Arts Centre Requirements Table in Section 8.
4. Amend planning of the proposed Emerald Community Hub to include facilities for community arts.

The following table shows identified locations and priorities for arts and culture precincts within Activity Centres and Townships across the Shire.

Table 9: Locations and priorities for arts and culture precincts

Precinct	Sites, Description and short term focus	Longer term development
Bunyip	Bunyip Neighbourhood House and nearby Bunyip Hall Focus: Community Arts Development – all ages	Site for future community gallery, potentially run by the neighbourhood house or community group
Emerald	Precinct 1: Located around The Gem Community Theatre and in close proximity to Puffing Billy Focus: Community art, performing arts Precinct 2: Incorporating Library, U3A, Men's shed, Emerald Hall and office for 3MDR Focus: Community arts, engagement, seniors and young people	Link both precincts through art trails, capturing also Nobelius Heritage Site; Potential site for new regional gallery Develop outdoor sites for festivals, events and outdoor performances
Koo Wee Rup	Based around Koo Wee Rup Community Centre Focus: Community art, music, visual arts	Redevelopment of Community centre to provide exhibition spaces and new staging equipment.
Officer	Officer Secondary College Community Hub Focus: Performing arts, rehearsal, storage and theatre, especially targeting young people	Explore development of multi-arts facilities for young people
Pakenham	Library, Living and Learning Pakenham, U3A arts program Focus: Visual arts, community arts, writing and literature Short-term development of a permanent community gallery, potentially at LLP - dependent on available external funding.	Potentially link with My Place Youth Centre in Pakenham; Potential to increase focus on youth arts

The MSS does not make any reference to arts and culture apart from heritage within the Shire. This gap should be addressed as these types of facilities are clearly required by the community. They would also make a contribution to economic development within the Shire through being potential tourist attractions.

Clause 21.03-2 Urban growth area provides key principles for the development of precincts. It is considered that arts and cultural facilities could be included as a key component in this section. This reference could also be included under Clause 21.03-3 Rural townships, which contains Objective 3 that is “to create sustainable and functional townships that support a range of commercial, retail, community and recreational facilities and services”.

The benefits from a tourism perspective could also be recognised through Clause 21.04-5 Tourism.

Action 22: Update Clause 21.03-Urban growth area, Clause 21.03-3 Rural townships and Clause 21.04-5 Tourism to recognise the need to provide arts and culture facilities.

7.6. Equestrian Strategy 2014

The Equestrian Strategy 2014 recognises the Shire’s rural setting, low density developments and unique landscape characteristics allow for a high level of horse ownership and equestrian activity. Equestrian activity is generally considered to be either:

- an ‘equestrian sport’ which is considered as organised equestrian activities provided by a variety of clubs, organisations and private providers and occur at public and private equestrian events, or
- ‘recreational trail riding’ which is more informal and utilises a range of trails along roads, road verges, through bushland reserves and open space corridors.

The Strategy contains a number of actions to ensure the need of different equestrian groups within the Shire are adequately met. Two relevant actions are listed for Planning and Development as follows:

11.2 Assess potential new off-road and roadside trail opportunities in-line with the criteria for trail selection and prioritisation, including environmental considerations, connectivity and sustainability.

11.3 Ensure future town planning (i.e. township strategies, precinct and subdivision plans etc.) considers existing and proposed horse trails and the need to preserve and enhance connections to key destinations.

Clause 21.02-5 Open space lists the Equestrian Strategy 2001 as a reference document and nominates *“Developing and maintaining appropriate infrastructure for recreational horse riding” as a key issue, and “Develop and maintain a network of off-road pedestrian, bicycle and equestrian trails within the municipality” as a strategy*.

The key issues and policy adequately addresses the requirements for planning under the Equestrian Strategy.

Under Implementation, there is a direction on the Use of policy and exercise of discretion, that states “When developing Precinct Structure Plans, Activity Centre Structure Plans and Township Strategies, considering the issue of open space”. It is considered that this could be expanded up to include linking with off-road pedestrian, bicycle and equestrian trails, as this is noted under the Objective.

The reference to the Equestrian Strategy also requires updating to ensure it references the 2014 document.

Action 23: At Clause 21.02-5 Open Space, under Use of policy and exercise of discretion, expand on the third point to ensure it also includes reference to linking with off-road pedestrian, bicycle and equestrian trails.

Action 24: At Clause 21.02-5 Open Space, update the reference to the Equestrian Strategy to ensure it is the 2014 document.

7.7. Play Space Strategy 2014

The Play Space Strategy 2014 has been prepared to guide the planning, development and management of the growing play space network and to ensure the provision of high quality play opportunities for people of all ages and abilities.

Clause 21.02-5 Open Space is the most relevant clause in the MSS, as play spaces are provided within and are a part of public open spaces. This clause does not specifically make reference to play spaces or the Play Space Strategy.

The Strategy contains an aspirations plan, which makes a number of recommendations. The following are relevant to land use planning, and a response or action is provided.

Table 10: Recommendations in the Play Space Strategy and how they are addressed

Recommendation	Response
Classify all existing and proposed future play spaces in accordance with the play space hierarchy and design framework, to ensure communities are provided with complementary and varied levels of play spaces and recreational opportunities for the whole family.	<p>This is very specific and the MSS provides a higher order view of the provision of open space. It is considered however, that a general reference to the provision of play spaces could be included within the second dot point under key issues.</p> <p>Clause 21.03-2 Urban growth area, also contains a key principle from the development of precincts “to create multi-use, linked open space networks”.</p>
Discontinue the provision of ‘local’ play spaces / pocket parks that provide limited play value and cater for a limited number of residents.	<p>Under Objective 1 of Clause 21.02-5, within the location and design section, is an objective to “discourage the fragmentation of open space within new developments and subdivisions”.</p> <p>Clause 21.03-2 Urban growth area, also contains a key principle from the development of precincts “to create multi-use, linked open space networks”. It is considered that this also supports this objective.</p>
Ensure residents have reasonable access to play spaces, by ensuring neighbourhood play spaces are distributed within a walkable distance of approximately 500m of households and district play spaces within approximately 2km of households within the residential areas of Cardinia Shire.	<p>This is currently no specific distances set out in either the SPPF or the LPPF in relation to distances from play spaces or even open space. Objective 2 of Clause 21.02-5 encourages open space to be located to allow residents to maximise opportunities to undertake physical activity and to ensure that open space is well connected to encourage</p>

Recommendation	Response
	<p>physical activity, but does not talk about walkable distances.</p> <p>A general statement around walkable access to open space, including play spaces, could be included under Objective 2.</p>
<p>Work in collaboration with private developers to ensure the provision of new play spaces in new residential areas that are:</p> <ul style="list-style-type: none"> • Appropriately distributed (i.e. 500m for neighbourhood play spaces); • Developed to an appropriate standard (in accordance with the play space classification / hierarchy and associated design framework); • Developed in accordance with the Play Space Strategy and guiding principles for play space provision. 	<p>This is an issue best addressed via Precinct Structure Plans, Activity Centre Structure Plans and Township Strategies. It is considered that the general reference could be included in Clause 21.02-5, under Objective 1, subheading Location and design to say</p> <p>“Provide play spaces within open space in accordance with the Play Space Strategy 2014” and include the Play Space Strategy as a reference document.</p>
<p>Work in collaboration with private developers to plan for and develop ‘district’ play spaces in key locations throughout new residential areas, including within the:</p> <ul style="list-style-type: none"> • Officer precinct • Pakenham east precinct 	<p>This has been addressed in the row above.</p>
<p>Develop new neighbourhood play spaces within existing residential areas that are currently undersupplied or have limited access to exiting sites including:</p> <ul style="list-style-type: none"> • Pakenham South West • Blue Horizons estate (proposed IYU recreation reserve) • in the vicinity of Carrington Drive/Winnekes Way (pending identification of suitable site) • Lilypond Reserve • Arden Garden Estate (pending identification of suitable site) • Pakenham North East - east of Waterside Drive (proposed Deep Creek Reserve) 	<p>This has been addressed above.</p>

Recommendation	Response
<ul style="list-style-type: none"> • Beaconsfield - northern area (Holm Park Reserve) • Bunyip - north of township • Pakenham North West • in the vicinity of Walnut Way • in the vicinity of Silvergum Drive • Cardinia Road East - south of railway (in the vicinity of Victory Drive) • Cardinia Road West – southern area, between railway line and Princes Freeway • Emerald - Pepi's Land • Koo Wee Rup – new residential areas north-east, and south-west of township 	
<p>Consider the provision of interactive play and artistic elements in civic places / public plazas in accordance with relevant standards and the guiding principles for play space provision.</p>	<p>This has been addressed above.</p>
<p>Ensure the development / redevelopment of all play spaces is undertaken in accordance with the guiding principles for play space provision, and the design framework for the various levels of provision (i.e. neighbourhood, district etc.)</p>	<p>This has been addressed above.</p>
<p>Ensure the appropriate siting and orientation of play spaces to achieve:</p> <ul style="list-style-type: none"> • appropriate separation from potential hazards (i.e. busy roads, water bodies) to minimise the need for protective barriers / fencing. • high levels of natural surveillance and supervision (from both outside the play space, and for parents supervising their children within the play space) • effective use / consideration of the surrounding environment i.e. use of existing shaded areas (where available), orientation of equipment away from hot sun, use of landform for natural play and/or to minimise maintenance (i.e. slide on hillside) etc. 	<p>This has been addressed above.</p>

Recommendation	Response
<ul style="list-style-type: none"> appropriate separation from off-leash dog areas. 	
<p>Establish an internal working group involving representatives from Recreation, Open Space, Development Services, Strategic Planning and Children's Services to conduct biannual reviews of proposed new play spaces, renewal projects and priority actions.</p>	<p>This falls outside the scope of the Planning Scheme Review.</p>
<p>Ensure the Play Space Strategy is considered / incorporated into future precinct structure plans, developer contribution plans and township strategies.</p>	<p>This has been addressed above.</p>

Action 25: Include a general reference to the provision of play spaces in Clause 21.02-5 Open Space, within the second dot point under key issues.

Action 26: Under Objective 2 of Clause 21.02-5 Open Space, include an additional strategy around walkable access to open space, including play spaces.

Action 27: Under Clause 21.02-5, under Objective 1, subheading Location and design, include an additional strategy as follows: "Provide play spaces within open space in accordance with the Play Space Strategy 2014" and include the Play Space Strategy as a reference document.

8. Gaps in the Cardinia Planning Scheme

A number of departments within Council were consulted in relation to this Planning Scheme Review. As a result, a number of gaps in the Planning Scheme were identified. A summary of the discussion is included in Appendix 1. The gaps listed here are only those considered relevant for inclusion in the Planning Scheme either through inclusion as policy or being flagged as further strategic work within the MSS. Some of the issues raised have also been identified in the review of other documents within the report and therefore are not repeated.

8.1. No specific section in relation to the established areas of Pakenham and Beaconsfield

Section 21.03 of the Planning Scheme addresses “Settlement and Housing”. Within this section, there are Clause 21.03-2 Urban growth area, and Clause 21.03-3 Rural townships which deal with development within each of these areas.

Neither of these sections specifically deals with the existing area that are located within the growth corridor that are not within precinct structure plan areas, or within the urban growth zone, or that are not located within the green wedge.

Clause 21.03-2 Urban growth area focuses on the growth, and only makes a brief mention of Beaconsfield and Pakenham. Given that the development of these areas are significantly different from those in the PSP areas, it is considered that a new clause in relation to the existing established areas would help to recognise the different requirements and approach to development in these areas.

Action 28: Introduce a new clause that specifically addresses development in Beaconsfield and Pakenham in Section 21.03 Settlement and Housing.

8.2. Inclusion of Developer Landscape Guidelines as part of the Planning Scheme

Council's Open Space Team have developed landscape guidelines to assist developers in providing landscape masterplans for new estates both within the growth corridor and within the townships.

The Guidelines provide a general checklist of what is required to be provided as part of any landscape master plan submitted, information on what needs to be considered in preparing the master plan, including arboricultural assessments, the provision of play spaces, including informal and natural play, drainage, shade, fencing, fitness and exercise equipment, and public art.

They also provide information on the detailed design requirements of landscape works plans and delivery of landscape projects, preparation of detailed landscape works plans, infrastructure requirements, and administrative requirements such as bonds.

At this time, the Guidelines have not been adopted by Council, however, discussions with Open Space have indicated that the document is being reviewed and that there may be the option to have it adopted by Council. The Guidelines provide for:

- Landscape master planning and design
- Detailed landscape works design and delivery of landscape projects

Once finalised, the Guidelines should be referenced in the MSS, and therefore this should be recognised within Clauses 21.02-5 Open space and Clause 21.03-2 Urban growth area and Clause 21.02-4 Rural townships. Under each section, this should be included as Further strategic work.

Action 29: Under Further strategic work, under Clause 21.02-5 Open space and Clause 21.03-2 Urban growth area and Clause 21.02-4 Rural townships include an action to introduce the Developer Landscape Guidelines as a reference document, and include an appropriate strategy in each section, to ensure that the Guidelines are considered.

8.3. Local Policy for heritage properties

A number of other Councils have a local policy that provides guidance for how to deal with applications for heritage properties, precincts and places. Heritage policies can cover a range of issues such as subdivision, demolition, redevelopment and urban design. They can also help guide development on adjoining properties to ensure that they do not adversely impact upon the significance of the heritage place.

Post contact heritage is dealt with under Clause 21.02-6 of the MSS, however, this policy is very broad and does not provide specific guidance on how to deal with issues such as subdivision of heritage properties, redevelopment or demolition.

Council's Heritage Officer has noted that Cardinia does not have a heritage policy, and queried whether one could be developed. There are some issues identified with heritage properties, in particular demolition by neglect that may be able to be addressed through a heritage policy, however, further investigation would be required. It is considered that this could be included as further strategic work.

Action 30: Under Clause 21.02-6 Post-contact heritage, nominate the development of a Heritage Policy as further work.

8.4. Recognition of the importance of sustainable technology

Both Economic Development and Statutory Planning raised the issue of the planning scheme being too rigid and not being flexible enough to recognise new technology and changes to how businesses can be run with advances in technology.

It is acknowledged that some parts of the planning scheme are based on documents that are outdated, (such as Clause 52.10 Uses with adverse amenity potential, which contains some buffer distances that have not been revised for a significant amount of time), however, these sections can only be updated by the state government and any content in the LPPF needs to be consistent with that in the SPPF. The Planning Scheme Review is therefore not the mechanism to update these documents, and any action would need to be through advocacy such as responding to State Government discussion papers, proposed changes to the planning scheme and any other avenues where Council can provide comment on the content of the planning scheme.

One area where it is considered the LPPF could provide policy support is by encouraging the provision of sustainable technology, for example, solar panels and electric car plug in points. This was an issue raised by Economic Development who felt that businesses should consider sustainable technology as part of their design, whether they seek to implement it now, or to make provision for the inclusion of it at a later stage. This is to be achieved by designing new building to be adapted later, for example, by providing the space for connections for electric car plug in points, and trying to future proof their business as much as possible.

Clause 21.02-8 Resource conservation recognises that the use of fossil fuels is having significant impact on greenhouse gas emissions and that there are three key areas for reducing the impact on the environment which are air, water and general waste.

It is considered that the use of and planning for the inclusion of sustainable technology could be included in this clause.

Under strategies to implement this clause, there is a sub heading for design and construction. This includes the following strategies:

- Encourage the use of environmentally sustainable construction materials and techniques.
- Encourage development that incorporates sustainable building design including design that promotes the health and wellbeing of occupants.
- Provide and preserve landscaping that enhances amenity and maintains ecosystems.

An additional strategy could be included as follows:

- Encourage the inclusion of, or provision for sustainable technology in the design of new buildings.

Action 31: Within Clause 21.02-8 Resource conservation, include an additional strategy under 'Design and construction' as follows: "Encourage the inclusion of, or provision for sustainable technology in the design of new buildings".

8.5. Significant Landscape Study for the Koo Wee Rup Swamp

The need for a significant landscape study for the Koo Wee Rup Swamp was raised by Council's Heritage Officer. This is also recognised within the *Cardinia Western Port Green Wedge Management Plan* and is contained the following actions:

Action A4: Conduct a cultural landscape assessment of the Cardinia Western Port Green Wedge to consider the cultural landscape significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline. The assessment should include consideration of Indigenous history, the drainage of the swamp, former railway lines and bridges and the Soldier Settlement period.

Action A7: Investigate the application of the appropriate planning overlays on the relevant sites as a result of the landscape assessment and undertake a planning scheme amendment to implement the appropriate overlays.

A significant landscape study would require the allocation of budget and resources and should be included as further strategic work under Clause 21.02-2 Landscape. This clause currently includes under further strategic work:

"Investigating the need to identify significant landscape areas other than those recognised by the National Trust, including significant ridgeline areas".

It does not specifically identify the Koo Wee Rup Swamp, and is quite broad. Given that this is clearly identified in the *Cardinia Western Port Green Wedge Management Plan*, it is considered that a specific action should be listed. It is noted that all of the bridges in the swamp area have either been removed and replaced with new bridges, and therefore are no longer of heritage value, or already have a heritage overlay and therefore they do not require further investigation.

Action 32: Under Clause 21.02-2 Landscape, include under further strategic work an action to undertake a cultural landscape assessment of the Cardinia Western Port Green Wedge to consider the cultural landscape significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline. The assessment should include consideration of Indigenous history, the drainage of the swamp, former railway lines and the Soldier Settlement period.

8.6. Schools and Churches in the Green Wedge

This issue was raised by both Strategic Planning and Economic Development. The changes to the rural zones in 2013 (discussed above under Section 5.1.7) removed the prohibition on removing the prohibition on primary and secondary schools and places of assembly in the green wedge zone.

The *Westernport Green Wedge Management Plan* discourages these two uses from establishing within the green wedge hinterland, and encourages these to be located within the existing townships on green wedge land that adjoins the Urban Growth Boundary, subject to justification. This policy position is also included in Clause 22.05 Western Port Green Wedge Policy.

The Green Wedge Management Plan and the policy only cover land within the Western Port area, and does not extend to the green wedge areas outside of the policy area. It is considered that the establishment of these types of uses is an issue throughout the green wedge areas of Cardinia, and that this is an issue that needs appropriate policy direction to manage.

Clause 21.04-2 Agriculture contains strategies to protect agriculture land from inappropriate development including the encroachment of urban uses. It is considered that an additional strategy could be included in this section to discourage the establishment of schools and places of worship in the green wedge hinterland.

Action 33: Include a strategy at Clause 21.04-2 Agriculture to discourage non-rural uses such a primary, and secondary schools and places of worship from locating on land zoned green wedge and locate these types of uses within the existing townships and within the green wedge land that adjoins the UGB, subject to strategic justification.

8.7. Crop protection through the use of horticultural structures

This issue was raised by Economic Development who noted that farmers are having to make changes to the way they farm to ensure their farms remain viable. It was noted that horticultural structures allow crops to be better protected from variations in weather and climate, increase the yield of crops and allow the production of varieties out of season.

Planning Practice Note 18: Planning considerations for Horticultural Structures addresses planning consideration for horticultural structures. It notes that these structures “can be visually prominent in rural environments. The structures typically associated with horticultural industries include expansive plastic-covered igloos and glasshouses, which stand out as a result of the highly reflective materials used in their construction. These structures can create significant visual and aesthetic impacts, particularly within sensitive rural landscapes, or where they adjoin residential or other urban zonings” It also notes that “trellis, cloche, net and shade cloth” do not require a planning permit as they are exempt structures, however, a structure with a solid roof or walls does required a permit.

The practice note provides guidance for when a local planning policy should be used, noting that it is appropriate where their visual impact may be at odds with the “protection and enhancement of sensitive rural and rural living environments”. There are many areas within Cardinia that are significant for environmental reasons, and therefore this is the situation that Council will be dealing with in relation to these structures. The practice note lists a number of key issues that need to be addressed, including strategic, physical, site context planning, siting and design, protecting views and vistas, environmental management, and utilities.

Given the reasons for the need to have these types of structures, it is likely to become an issue in the future. It is recommended that the development of a local policy in relation to horticultural structures be included under further strategic work, within Clause 21.02-2 Landscape.

Action 34: Within the further strategic work section of Clause 21.04-2 Landscape, include an additional point as follows: Prepare a local policy addressing the siting and design of horticultural structures.

8.8. Visual impacts from the siting of large sheds in green wedge areas

This is a similar issue to section 8.7 in horticultural structures in that large sheds can have significant visual impact on sensitive landscapes. Statutory Planning often has to assess application for large sheds for a range of purposes from being used for storage associated with a

dwelling, to agricultural purposes. Regardless of the purpose of the shed, in some cases the impact is significant.

This issue could be addressed by the introduction of a local policy. There is potential merit in combining it into one policy with the design and siting of horticultural structures as many of the issues are the same, noting however, that horticultural structures are often vital for the ongoing success of a farm, whilst sheds are not always used in association with an agricultural use.

This policy could be included in further strategic work under Clause 21.02-2 Landscape.

Action 35: Within further strategic work under Clause 21.02-2 Landscape include an additional point as follows: Prepare a local policy addressing the siting and design of large sheds in rural areas.

Action 36: Investigate whether a single policy in relation to both the siting and design of horticultural structures and sheds could be drafted.

8.9. Local Policy for battle-axe blocks

This issue was raised by Statutory Planning specifically in relation to subdivisions in the Low Density Residential Zone. It is considered, however, that this type of policy could apply to any land being subdivided into a battle-axe arrangement.

Often the format of these subdivisions is a battle-axe in order for the existing dwelling to be maintained and the rear lot being accessed via the 'axe handle'. This provides a poor sense of address, with long narrow driveways and minimal landscaping. A number of other Councils have local policies to address these types of subdivisions to ensure that site entries can be clearly identified, driveways have visual interest and adequate landscaping opportunities, that driveways are safe and convenient, to ensure that arrangements for shared driveways are adequate, and that other issues such as waste collection are addressed. It is considered that a policy of this type would address this issue.

There are locations in within the growth corridor, at Meeking Drive, and Ryan Road area in Pakenham that are currently zoned Low Density Residential with a number of large lots. Many of these lots have the potential for further subdivision but would result in the creation of a number of battle axe lots. A policy is required to ensure that these can be developed in an orderly and efficient manner. This requires further consideration as to whether an additional tool such as a Development Plan Overlay is required to provide for appropriate infrastructure such as additional roads. This would be best included in the new section under Clause 21.03 Settlement in relation to Pakenham, as these areas are located outside the PSP areas.

Action 37: Under Clause 21.06-1 Design built form, include under Further strategic work "Develop a local policy to address subdivision applications that create a battle-axe layout".

Action 38: Within the new Clause in relation to Pakenham under Clause 21.03 Settlement, include under Further Strategic Work, an action to investigate the best way to manage development within the Meeking Drive and Ryan Road area in Pakenham.

8.10. Reference to Infrastructure Contributions Plans is required in the MSS

On 27 October 2016, the state government introduced a new tool to fund essential works and services in Metropolitan Greenfield Growth Areas, known as Infrastructure Contribution Plans, which are enacted through the Infrastructure Contribution Plan Overlay (ICPO). This is in addition to the Development Contribution Plan Overlay that is already used to fund works and services, both in Precinct Structure Plan areas, and within existing areas.

Any new Precinct Structure Plans will be required to be funded via an ICPO. Currently the LPPF only makes reference to Development Contributions, not Infrastructure Contributions. The following clauses reference either Development Contributions or DCPOs, and therefore require updating:

- Clause 21.02-5 Open space
Application of zones and overlays
- Clause 21.03-2 Urban growth area,
Strategies
Application of zones and overlays
Further Strategic work
- Clause 21.05-1 Infrastructure provision
Strategies – Funding
Application of zones and overlays
- Clause 21.05-3 Local roads
Application of zones and overlays
Further strategic work

Action 39: Update Clause 21.02-5 Open space, Clause 21.03-2 Urban growth area, Clause 21.05-1 Infrastructure provision and Clause 21.05-3 Local roads to include reference to Infrastructure Contributions, Infrastructure Contributions Plans and Infrastructure Contributions Plan Overlays as required.

8.11. Local Policy for non-residential uses in residential areas

The need for a local policy to address childcare centres in residential areas was raised by Growth Area Planning, as they are receiving a number of applications for childcare centres in residential areas within the growth corridor and there is little guidance in the planning scheme on how these types of uses should be assessed. The Growth Area team have put together a draft policy showing what they would like a policy of this type to contain.

It is considered that this policy could be extended to include all non-residential uses in residential areas such as medical facilities, Places of Assembly, Convenience Shops and other types of uses that could have amenity impacts on residential areas. This type of policy is found in a number of other Planning Schemes.

Action 40: Develop a local policy for non-residential use in residential areas based on the draft provided by Growth Area Planning.

8.12. Boundary realignments in green wedge areas

A particular and ongoing concern of Statutory Planning is boundary realignments in the green wedge areas creating clusters of smaller lots and quasi residential areas. Whilst subdivision resulting in the creation of small lots is generally prohibited, there are some parcels of land that are made up of a number of lots that can be realigned to create some smaller lots.

This results in areas that no longer appear to be rural in nature, expectations of land owners that they will have the same amenity as other residential areas, loss of wildlife corridors, threats to water resources, an increase in population density and loss of agricultural land. This is also recognised in the Western Port Green Wedge Management Plan, which contains a strategy to *“minimise the opportunity for the fragmentation of agricultural land through subdivisions, boundary realignments and excisions”*.

It is considered that a two-step approach could be undertaken in relation to this issue. Firstly, policy could be included in the MSS to address boundary realignments. This could be included in

Clause 21.02-2 Landscape, under Strategies, subheading Landscape values and Clause 21.04-2 Agriculture, under Strategies, subheading Sustainability of agricultural land. Secondly, further strategic work could be included under Clause 21.04-2 Agriculture to prepare a local policy in relation to boundary realignments.

Action 41: Update Clause 21.02-2 Landscape and Clause 21.04-2 Agriculture to discourage boundary realignments that create the opportunity for fragmentation of agricultural land and the creation of a concentration of residential uses outside the UGB and Township Boundaries.

Action 42: Within further strategic work under Clause 21.04.2 Agriculture include an additional point as follows: Prepare a local policy to provide guidance on boundary realignments in green wedge areas.

8.13. Policy to address land use conflict between farming and residential uses in the green wedge

This is a similar issue to the boundary realignment issue raised above and may sometimes be a result of inappropriate boundary realignments. It is important to protect agricultural land from encroachment by residential land, and ensure that farmers are able to run their farms in a sustainable way. Whilst the rural zones control residential development to some level, it is important to ensure that any new dwellings in green wedge areas are associated with an agricultural or horticultural use and are not for the intention of a rural residential property or hobby farm.

This issue could be addressed as part of the same policy for boundary realignments given the two are sometimes interrelated. It is considered the development of a local policy would be sufficient to address this issue.

Action 43: Within further strategic work under Clause 21.04.2 Agriculture include an additional point as follows: Prepare a local policy to provide guidance on boundary realignments in green wedge areas and new dwellings in these areas are associated with an agricultural or horticultural use and are not for the intention of a rural residential property or hobby farm.

8.14. Policy for uses in the Green Wedge Zone which are required to be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

The Green Wedge Zone allows for a number of uses including function centre, group accommodation, research and development centre, research centre, residential building, residential hotel and restaurant, if it is used in conjunction with Agriculture, Natural Systems, Outdoor recreation facility, Rural industry or Winery. Some uses are also subject to conditions around numbers of patrons, lot sizes or number of rooms.

An issue that is of concern to Strategic Planning is that sometimes the “in conjunction with” use is not legitimate and is a front to allow a landowner or applicant to develop the land for use such as a function centre or residential hotel that otherwise would be prohibited. It is also unclear about the scale of the use and the sustainability of the use. For example, does the “in conjunction with” use need to be profitable to be considered legitimate, and does it need to be established prior to the establishment of the other use?

A policy direction is required to ensure that the in conjunction with use is legitimate, sustainable and ongoing. This should be included as a local policy.

Action 44: Develop a local policy that addresses uses in the green zones that are required to be in conjunction with Agriculture, Natural Systems, Outdoor recreation facility, Rural industry or Winery, and sets out parameters of how these uses are to be established.

8.15. Growth of Townships within the Green Wedge

All of the townships located outside the growth corridor are located within the green wedge. Expansion of these townships except for infill development within the existing township boundaries - regardless of whether they are surrounded by a UGB or not - is problematic, as it would require rezoning of green wedge land in order for further expansion to occur.

Any amendment to the Cardinia Planning scheme that seeks to either amend an urban growth boundary, or *“that has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than allowed for in the planning scheme”* requires ratification by the Victorian Parliament under Section 46AF.

Section 46AH outlines the procedure for ratification as:

(1) the Minister must cause an amendment to which this Division applies to be laid before each House of Parliament within 7 sitting days of that House after it is approved and

(3) An amendment to which this Division applies does not take effect unless it is ratified by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.

In response to correspondence from Council in relation to the expansion of Nar Nar Goon, which is located in the green wedge, the Minister for Planning advised by letter date 30 July 2015:

- Labor's 2014 election platform and its policy *Keeping it Liveable - Labor's Plan for Your Community* both include commitments to protect Melbourne's green wedges and maintain the Urban Growth Boundary
- The Victorian Government has no plans to support proposed amendments that seek to expand the Urban Growth Boundary or result in inappropriate urban development in the green wedges.

Further work should be undertaken around the sustainable growth of these towns consistent with green wedge policy, with priority directed towards the 'Railway Towns' of Nar Nar Goon, Tynong, Garfield and Bunyip. The Railway Towns reference is due to the increasing pressure on these towns to expand due to their location on the Melbourne to Bairnsdale V-line railway service and their proximity to the growth corridor.

It is considered that under Clause 21.03-3 Rural townships, under further strategic work, it should include investigate the sustainable development of towns within the green wedge, with a priority to investigate Nar Nar Goon, Tynong, Garfield and Bunyip.

Action 45: Under further strategic work in Clause 21.03-3 Rural townships, include an action to: “investigate the sustainable development of towns within the green wedge, with a priority to investigate Nar Nar Goon, Tynong, Garfield and Bunyip”.

8.16. Replanting Policy for land not covered by Clause 52.17

Clause 52.17 Native Vegetation applies to application for the removal of vegetation where the lot is greater than 0.4 hectares and the vegetation is native to Victoria. As part of the requirements of this clause, if vegetation is removed, it must be replaced either on site or at another location. This is known as offsetting.

Strategic Planning and Environment are currently working together to develop an offsetting policy for land that is not covered by the Native Vegetation controls. for land that is less than 0.4 hectares or where the vegetation being removed is not native to Victoria, within the Environmental Significance Overlay, Significant Landscape Overlay or the Vegetation Protection

Overlay. It will be known as a replanting policy and is considered as different from the offsetting requirements in Clause 52.17.

Once this policy is completed it can included as a reference document in the Planning Scheme. There will also be required to be some supporting policy at Clause 21.02-2 Landscape and Clause 21.02-3 Biodiversity.

Action 46: Under Clause 21.02-2 Landscape, include an additional strategy under Landscape values as follows: “Require replanting in accordance with the Replanting rations for the removal of vegetation in an Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay”.

Action 47: Under Clause 21.02-3 Biodiversity, include an additional strategy under Strategies under Objective 1 as follows: “Require replanting in accordance with the Replanting rations for the removal of vegetation in an Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay”.

Action 48: Include the “Replanting rations for the removal of vegetation in an Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay” as a reference document at Clause 21.02-2 Landscape and Clause 21.02-3 Biodiversity.

8.17. Non-industrial uses in Industrial Areas

Council’s Economic Development Unit raised concern with non-industrial uses such as gyms, play centres, dance schools and other recreational types of uses starting up in industrial areas, and impacting on the efficient and effective operation of these areas, particularly in relation to traffic.

The concern is these recreation types of uses often need large floor areas. They are also discouraged from Commercial 1 Zones because they do not integrate well into these activity centre/town centre areas. Cost is also likely to be a factor, and usually buildings in industrial areas are cheaper to rent or buy that within other zones.

An example of this is the Bald Hill Road area, which is zoned Industrial 1, but contains a range of uses including a play centre, a dance school, a laser tag recreation facility , an indoor trampoline park, as well as a range of retail premises.

All of the industrial land in Cardinia is currently zoned Industrial 1 Zone. The purpose of the Industrial 1 Zone is to “*provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities*”.

It is considered that some of these areas that are well located (Bald Hill Road is in a close proximity to Pakenham Town Centre) may be better off being within a Commercial 2 or an Industrial 3 Zone.

The purpose of the Commercial 2 Zone is:

- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

The purpose of the Industrial 3 Zone is:

- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

It is considered that either of these two zones could be appropriate to provide an area of transition between the more heavy industrial areas and more sensitive areas, which would allow for these leisure and recreation uses.

Action 49: Review existing industrial areas to determine whether it is appropriate to rezone any land to either Commercial 2 Zone or Industrial 3 zone to provide a buffer between the heavy industrial areas and other areas, and allow for leisure and recreation uses to be located in these areas.

9. Emerging Issues

There are a number of emerging issues that planning can play a role in; however, it is important to realise that planning is not always able to provide the whole solution and there are often a number of other agencies or levels of government that need to be involved to devise robust solutions.

9.1. Social/ Affordable Housing

The affordability and availability of housing has increasingly become an issue as housing prices have risen more than incomes.¹² The Council Plan, at 2.1.2 seeks to promote access to a mix of housing types to cater for the varying needs of our people.

Plan Melbourne, at Direction 2.3, recognises the need to increase the supply of social and affordable housing. It contains four policies to respond to this issue as follows:

- Utilise government land to deliver additional social housing
- Streamline decision-making processes for social housing proposals
- Strengthen the role of planning in facilitating and delivering the supply of social and affordable housing
- Create ways to capture and share value uplift from rezonings.

The current MSS at Clause 21.03-1 Housing recognises as key issues:

- Recognising the need for affordability and availability of housing choice for different income levels in both the rental and purchaser markets.
- Identifying the demand for social and community housing.

It also seeks to encourage a diversity in housing to meet the needs of existing and future residents.

Planning is often seen as the solution to providing social and affordable housing, however, as recognised by *Plan Melbourne*, a range of programs and measures across all levels of government are required.

Plan Melbourne Five Year Implementation Plan 2017-2050 sets out a range of actions in order for the plan to be delivered. Several of the actions relate to providing housing choice in locations close to jobs and services. It contains the following specific actions:

#	Action Name	Action Details
24	Planning system reforms for social and affordable housing	Reform the planning system to facilitate the supply of social and affordable housing. Reforms should: <ul style="list-style-type: none">• develop and implement definitions of social and affordable housing into the planning system• formally recognise and give statutory effect to the delivery of social and affordable housing as a legitimate planning outcome in Victoria. This will enable the development of new planning provisions or tools to deliver social

¹² Direction 2.3, Plan Melbourne 2017-2050 Department of Environment, Land, Water and Planning

#	Action Name	Action Details
		<p>and affordable housing including exploring inclusionary zoning and mechanisms to capture and share value created through planning controls</p> <ul style="list-style-type: none"> • develop a streamlined planning approval process for social housing projects.
25	Surplus government land for social housing	Identify underutilised and surplus government land that has potential to deliver additional social housing. Undertake pilot projects to demonstrate how planning mechanisms can deliver more social and affordable housing.
26	Voluntary tool for affordable housing decisions	<p>Develop a voluntary tool and best-practice guidance to provide certainty and ease of delivery where affordable housing outcomes have been agreed between local government and the applicant.</p> <p>This voluntary tool could be used by councils pursuing affordable housing, or as planning concessions to developers in exchange for affordable housing.</p>
27	Value capture tool for delivery of affordable housing	Develop a tool to share the uplift in land value from rezoning, with that value shared between the land owner, council and the delivery of affordable housing.

The State Government is, and should take the lead on this issue, and at this time, it would be premature to update the MSS in relation to social and affordable housing as it is not clear what the reforms proposed by the State Government will look like. The current policy and Clause 21.03-1 Housing also recognises the need for social and community housing.

It is considered that at this time, it would be premature to make changes to the MSS, and therefore no changes are proposed to be made in relation

9.2. Environmentally Sustainable Design

Environmentally sustainable design, like social and affordable housing, has in recent years increasingly being seen as an issue that planning can play a role in. A number of other Councils have been through a planning scheme amendment process to implement environmentally sustainable development requirements. Some of these amendments have been undertaken as group planning scheme amendment to allow Councils to share the costs of the amendment process.

At this stage Cardinia Shire is not yet ready to undertake an amendment of this type, as it would require additional ongoing staff resourcing to assess applications in relation to environmentally sustainable design principles, however, if the opportunity arises in the future to do an amendment with other Councils this opportunity should be considered.

It is also worth noting that Direction 6.1 of *Plan Melbourne* seeks to “transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050”, with two supporting policies as follows:

- Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades
- Facilitate the uptake of renewable energy technologies.

Plan Melbourne Five Year Implementation Plan 2017-2050 includes action 80, which is a “review of planning and building systems to support environmentally sustainable development outcomes”.

Similar to social and affordable housing, as the State Government is proposing to take the lead on this issue, and so it may not be necessary for Council to undertake changes to the MSS on this issue as it may be done at a SPPF level.

9.3. Pressure for redevelopment of golf courses

Council has had enquiries from some of the golf courses within the Shire about the potential to redevelop the land for other uses as the ongoing use of the land for a golf course is considered unviable.

The Planning for Golf Discussion Paper June 2017, prepared by Department of Health and Human Services and DELWP indicated that this is an issue across Victoria.

Most of the Golf Courses in Cardinia are located within green wedge areas, heavily vegetated, on sloping land and identified as bushfire prone. This makes them problematic for redevelopment.

The Golf Discussion Paper identified a set of principles for golf course land development proposals as follows:

- The planning scheme amendments should be assessed having regard to net community benefit, the planning issues relevant to the site and principles of environmental and sustainable development
- Environmental Management Plan, Landscape Management Plan, Cultural Heritage Management Plan and Comprehensive Development Plan should support a planning application.
- Planning for urban growth should consider: opportunities for consolidation, redevelopment and intensification of existing urban areas; neighbourhood character and landscape considerations; the limits of land capability and natural hazards and environmental quality; service limitations and the costs of providing infrastructure.

Although the Final Strategy in relation to Planning for Golf has not yet been released it is considered that these principles provide a sound basis for assessing whether the redevelopment of golf courses should be supported.

The policy in relation to the redevelopment of Golf Courses should be introduced under Clause 21.06 Particular Uses and Development, with a new sub clause being introduced titled “Golf courses”. It should outline the principles as discussed above.

Action 50: Introduce a new sub clause under Clause 21.06 Particular Uses and Development titled “Golf courses”, which outlines the following principles for consideration of any redevelopment of golf courses:

- Any redevelopment of golf courses should be assessed having regard to net community benefit, the planning issues relevant to the site and principles of environmental and sustainable development.
- Environmental Management Plan, Landscape Management Plan, Cultural Heritage Management Plan and Comprehensive Development Plan should support a planning or rezoning application.
- Planning for urban growth should consider: opportunities for consolidation, redevelopment and intensification of existing urban areas; neighbourhood character and landscape considerations; the limits of land capability and natural hazards and environmental quality; service limitations and the costs of providing infrastructure.

9.4. Waste and Resource Recovery

Waste and resource recovery is an essential community service. As population increases, so will the needs for waste and resource conservation.

Plan Melbourne, at Direction 6.7 *Reduce waste and improve waste management and resource recovery* recognises the importance of this issue. It notes that by 2042, it is projected that waste volumes in metropolitan Melbourne will grow by 63 percent to 16.5 million tonnes per year.

Policy to support Direction 6.7 includes:

- Improve the economic recovery of waste and reduce reliance on landfill
- Improve waste and resource recovery systems to meet the logistical challenges of medium and higher density developments
- Protect waste management and resource recovery facilities from urban encroachment and assess opportunities for new waste facilities.

Plan Melbourne Five Year Implementation Plan 2017-2050 contains three actions in relation to waste and resource recovery.

#	Action Name	Action Details
99	Forward planning for waste and resource recovery infrastructure	<p>Determine the capacity of existing landfill and resource recovery facilities and undertake forward planning for new or expanded waste facilities to ensure Melbourne has the infrastructure it needs in the right locations. This will include:</p> <ul style="list-style-type: none"> • identifying opportunities for co-location of resource recovery infrastructure with complementary infrastructure such as wastewater treatment or industrial activities • developing strategies to maximise the recovery of waste materials • ensuring forward planning for new or expanded waste facilities is embedded in the planning system.
100	Planning around waste facilities	<p>Review the planning tools and regulations that protect waste facilities and manage the interface with surrounding land uses. Improve management of buffers around waste and resource recovery facilities to provide certainty to operators and</p>

#	Action Name	Action Details
		<p>ensure communities and the environment are protected. This will be achieved by:</p> <ul style="list-style-type: none"> • reviewing planning tools and regulations to ensure the visibility of buffers for waste management and resource recovery facilities • updating Environment Protection Authority environmental standards to clarify separation distances between waste and resource recovery facilities and sensitive land uses • ensuring best-practice operations and continuous improvement at waste and resource recovery facilities to reduce environmental impacts on adjoining communities.
101	Waste collection and resource recovery for medium- and high-density development	Review and streamline planning provisions for waste management and resource recovery for medium and high-density residential and mixed-use developments, including investigating and encouraging precinct-wide innovations in waste management and resource recovery.

It is considered premature to make any changes to the MSS at this stage given that as part of *Plan Melbourne* implementation. A review of the planning tools and regulations in relation to waste facilities, management and resource recovery is occurring. Until the outcome of this is known, it is not possible to know what these changes will be and therefore it is recommended that no changes be made in relation to waste and resource recovery.

10. Further work identified in the current MSS

The current MSS identifies the application of zones and overlays and further strategic work. Below is an analysis of the actions included in the current MSS and whether it is still relevant, or has been completed.

Table 11: Actions identified in the current MSS

Clause 21.02 Environment

Clause	Action	Status
21.02-1	Applying the Urban Floodway Zone over land identified by Melbourne Water as being of greatest risk and frequency of flooding.	Ongoing. This action is determined by the Water Authority and is considered their business as usual. Council will continue to work on these projects as required. This action is no longer appropriate for the MSS and should be removed.
	Applying a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay on land identified by Melbourne Water as being flood prone.	This action is determined by the Water Authority and is considered their business as usual. Council will continue to work on these projects as required. This action is no longer appropriate for the MSS and should be removed
Application of zones and overlays	Applying an Environmental Significance Overlay along the Western Port coastline.	Completed.
	Applying an Environmental Significance Overlay in the northern hills area to address erosion, waterway management and vegetation protection issues.	Completed.
	Applying the Erosion Management Overlay to areas where erosion is a significant risk.	Not Yet Commenced.

Clause	Action	Status
		An updated Action is required to identify land that is at risk from land-slip, or salinity and the investigation of an appropriate environmental overlay is required.
Further Strategic Work	Investigating the need for development provisions such as the application of the Salinity Management Overlay over land identified as being prone to salinity.	See point above.
21.02-2	Applying a Significant Landscape Overlay to protect significant landscapes recognised by the National Trust and progressively over other identified significant landscapes and ridgelines.	The Koo Wee Rup Swamp has been identified as needing a Significant Landscape Overlay. This is also identified as an action in the Western Port Green Wedge Management Plan. This Action to be amended, specifically applying to the Koo Wee Rup Swamp Area.
Application of zones and overlays	Applying an Environmental Significance Overlay over the northern hills area and other sites of significance to protect landscape and environmental values.	Ongoing. The protection of landscape and environmental values throughout the municipality is continuously occurring An ESO has already been applied to the northern hills area
	Applying a Vegetation Protection Overlay to hills areas where vegetation is a significant factor in the landscape character.	Ongoing. The protection of vegetation and application of the VPO on the hills areas is an ongoing process and work is completed, as identified.
Further strategic work	Investigating the need to identify significant landscape areas other than those recognised by the National Trust, including significant ridgeline areas.	The Koo Wee Rup Swamp has been identified as needing an Significant Landscape Overlay. This is also identified as an action in the Western Port Green Wedge Management Plan.

Clause	Action	Status
		This should be amended to be more specific and apply to the Koo Wee Rup Swamp Area.
	Developing a local policy for building, siting and design guidelines for nonurban and low density residential areas.	No work has been undertaken. This can be addressed through green wedge management plans and township strategies and therefore can be removed.
21.02-3	Applying a Rural Conservation Zone or a Public Conservation and Resource Zone in areas of high biodiversity value.	Ongoing. Applying a Rural Conservation Zone or Public Conservation and Resources Zone in areas of high biodiversity value is currently completed on a case by case basis.
	Applying an Environmental Significance Overlay over the northern hills area, Western Port coastline and other specific sites of biodiversity significance.	Completed
Application of zones and overlays	Applying a Design and Development Overlay and Vegetation Protection Overlay in low density areas and residential areas in the hills townships to ensure that vegetation and areas of habitat significance are protected, and taken into account in the design of new development	Completed
	Applying an Erosion Management Overlay to areas identified with a high risk of landslip.	This has been under Clause 21.02-1 and this repeats this clause and therefore can be removed.
	Providing an exemption from the requirement for a permit for the removal of vegetation if the vegetation is classified as an environmental weed.	Completed as part of Amendment C184

Clause	Action	Status
Further strategic work	Developing Native Vegetation Precinct Structure Plans and Biodiversity Management Plans in the urban growth area.	Ongoing. Undertaken as part of the development of PSPs.
	Reviewing the environmental weed list found in the Environmental Significance, Design and Development, and Vegetation Protection Overlays.	Completed as part of Amendment C184
	Working with State agencies to remove native vegetation controls for environmental weeds, specifically <i>Pittosporum undulatum</i> .	Completed as part of Amendment C123
	Identifying and mapping areas of significant flora, fauna or biodiversity value for potential inclusion into the Environmental Significance Overlay or Vegetation Protection Overlay.	Ongoing. This Action should be amended and made more specific to protecting endangered flora and fauna such as Growling Grass Frog or the Southern Brown Bandicoot.
21.02-4 Application of zones and overlays	Applying the Bushfire Management Overlay to areas of wildfire risk.	Completed. Extensive review of the BMO mapping has recently been undertaken by the CFA and updated under Amendment GC13.
Further Strategic Work	N/A	N/A
21.02-5	Including open space of high environmental value in a Public Conservation and Resource Zone.	Ongoing As required, Council undertakes a review of the high environmental value for open space on a case by case basis and is considered business as usual. It is recommended this Action be removed.

Clause	Action	Status
Application of Zones and Overlays	Including other public open space within the Public Park and Recreation Zone.	Ongoing As required, Council undertakes a review of open space on a case by case basis and is considered business as usual. It is recommended this Action be removed
	Including land to be acquired for the Cardinia Creek Parklands in a Public Acquisition Overlay	This can be removed as it is dealt within in the Officer PSP.
	Applying the Development Contributions Plan Overlay and or ICPs in areas within the urban growth area to fund the acquisition and development of district open space and linear open space along major waterways.	Ongoing Undertaken as part of PSPs.
Other actions	Providing a requirement for a minimum 8% unencumbered public open space contribution for the subdivision of land in urban residential areas into the schedule to Clause 52.01.	Completed.
Further Strategic work	Integrating open space within all Precinct Structure Plans and Activity Centre Structure Plans within the urban growth area.	Completed and Ongoing This Action is achieved through the PSP and Structure Plan process and therefore can be deleted from the MSS.
	Preparing detailed Development Contribution Plans for areas within the urban growth area and integration within Precinct Structure Plans Activity Centre Structure Plans.	Completed and Ongoing This Action is achieved through the PSP and Structure Plan process and therefore can be deleted from the MSS.
21.02-6	Applying a Heritage Overlay to protect sites of State, regional or local heritage significance.	Ongoing.

Clause	Action	Status
Application of zones and overlays		As new sites are identified the Heritage Overlay is applied via the planning scheme amendment process. .
Further strategic work	Implementing the recommendations of the <i>Cardinia Local Heritage Study Review (November 2008)</i> , requiring the inclusion of additional heritage places and precincts within the municipality and incorporation of documents, including the review of the current schedule to the Heritage Overlay.	Completed as part of Amendment C161, which was gazetted on 21 January 2016.
	Developing a 'significant tree register' to be incorporated into the planning scheme or used for other protective purposes.	Completed.
	Developing and implementing a Cultural Heritage Strategy for the municipality.	No longer appropriate. Developing a Cultural Heritage Strategy is not considered a planning matter and is more appropriately located in the Council Plan. It is recommended this Action be removed from the MSS.
	Developing Incorporated Plans to guide the management of individual heritage sites and precincts identified in the <i>Cardinia Local Heritage Study Review 2007</i> as appropriate, in accordance with Clause 43.01-2.	Completed as part of Amendment C161, which was gazetted on 21 January 2016.
21.02-7 Application of zones and overlays	N/A	N/A

Clause	Action	Status
Further strategic work	Considering the application of a Heritage Overlay to protect sites of Aboriginal heritage significance.	It is no appropriate to include this as an action as it is managed and protected under Aboriginal cultural heritage legislation
21.02-8 Application of zones and overlays	N/A	N/A
Further strategic work	The development of local sustainable buildings guidelines.	Not Yet Commenced. Council is investigating the development of local sustainable building guidelines through further Discussion with DELWP.

Clause 21.03 Settlement and Housing

Clause	Action	Status
21.03-1 Application of zones and overlays	Applying an appropriate residential zone to residential areas.	Ongoing and business as usual. This Action is achieved through the Structure Plan and Town Planning process and therefore can be deleted from the MSS.
	Applying the Urban Growth Zone to undeveloped land within the urban growth boundary	Completed. This Action is achieved through the PSP process and therefore can be deleted from the MSS.
	Applying a schedule to the Urban Growth Zone to implement Precinct Structure Plans	Completed and Ongoing

Clause	Action	Status
		This Action is achieved through the PSP process and therefore can be deleted from the MSS.
	Applying the Comprehensive Development Zone to substantial development sites with a mix of uses.	Ongoing. As required or identified.
	Applying the Low Density Residential Zone to existing and future land that is located within the urban growth boundary and within townships where development can be adequately serviced.	Ongoing, As required or identified.
Further strategic work	Developing a local housing strategy to identify and address local housing needs.	The Housing Strategy Strategic Action Plan 2013-2018 was introduced as a reference document as part of Amendment C187.
	Progressively preparing precinct structure plans for land within the urban growth boundary	Ongoing. This is work undertaken with the Victorian Planning Authority and therefore it is considered that this can be deleted from the MSS.
	Progressively rezoning land for residential purposes in accordance with township strategies.	Ongoing
	Reviewing the application of the Comprehensive Development Zone and rezoning to standard zones when development is complete.	Not yet commenced. This work will need to be undertaken and therefore will remain as an action.

Clause	Action	Status
21.03-2 Application of zones and overlays	Applying the Urban Growth Zone to undeveloped land within the urban growth boundary	Completed and Ongoing This Action is achieved through the PSP process and therefore can be deleted from the MSS.
	Applying a schedule to the Urban Growth Zone to implement Precinct Structure Plans.	Completed. This Action was achieved through the PSP process and therefore can be deleted.
	Applying the Development Contributions Plan Overlay to areas with approved Development Contributions Plans to facilitate timely provision of infrastructure	Ongoing. Now also applied as Infrastructure Contribution Plans (ICPs). This Action will need to be updated to include ICPs.
	Applying the Comprehensive Development Zone to substantial development sites with a mix of uses.	Ongoing. As required and identified.
Further strategic work	Progressively preparing detailed Precinct Structure Plans, Activity Centre Structure Plans and Development Contribution Plans for the various precincts within the growth area.	Ongoing
	Review the current planning strategy for Pakenham townships, including the development contributions plan for the Pakenham township.	Commenced. Currently being undertaken as part of C228. DCP not being reviewed at this time.

Clause	Action	Status
	Introducing the Beaconsfield Structure Plan into the Planning Scheme and progressively implement the identified actions.	Commenced
	Progressively implement the actions identified in the Pakenham Structure Plan.	Commenced.
21.03-3 Application of zones and overlays	Zoning land in and surrounding the hills townships to reflect the diversity of lots including the application of the Neighbourhood Residential, Low Density Residential and Rural Living Zones.	Commenced and Ongoing. This Action is achieved through the Structure Plan and Town Planning process and therefore can be deleted from the MSS. Council is also no longer applying the Rural Living zone to land.
	Applying a Design and Development Overlay over land included in residential zones in the hills townships.	Commenced and Ongoing. This Action is achieved through the Structure Plan and Township Strategy process and therefore can be deleted from the MSS.
	Applying a Vegetation Protection Overlay over appropriate land in the hills townships to recognise the significance of vegetation in contributing to the character of the townships.	Ongoing This Action is achieved through the Structure Plan and Township Strategy process and therefore can be deleted from the MSS.
	Applying the Restructure Overlay to facilitate the restructuring of old and inappropriate subdivisions within rural townships.	Ongoing

Clause	Action	Status
Future strategic work	Preparing a Design and Development Overlay to apply to land included in a Neighbourhood Residential Zone in Koo Wee Rup, Lang Lang and other townships.	Not yet commenced (in work plan 2018/19)
	Preparing a Design and Development Overlay to apply to land included in a General Residential Zone in Garfield and Bunyip.	Not yet commenced (in work plan 2018/19)
	Progressively prepare urban design guidelines for town centres in all large townships.	Not yet commenced. This Action can be undertaken as part of the Township Strategies and therefore is not required to be a separate action and be deleted from the MSS.
	Progressively undertake township character assessments for each of the townships as part of the review of the township strategies.	Not yet commenced. This Action can be undertaken as part of the Township Strategies and therefore is not required to be a separate action and be deleted from the MSS.
	In consultation with the local community, prepare a policy statement for all small rural townships that will establish a basis for future strategic planning decisions in each township.	Not yet commenced.
	Preparing Township Strategies for Large Rural Townships where one has not yet been prepared.	Ongoing
	Reviewing the Schedules to the Neighbourhood Residential Zone within townships	Not yet commenced. This Action can be undertaken as part of the Township Strategies and therefore is not required to be a separate action and be deleted from the MSS.

Clause	Action	Status
	Reviewing incorporated Township Strategies.	Not yet commenced.
21.03-4 Application of zones and overlays	Applying the Low Density Residential Zone to existing low density residential areas.	Completed
	Applying the Green Wedge A Zone to rural living land in the Green Wedge.	Completed
	Applying a Design and Development Overlay for low density residential development.	Completed
Future strategic work	Establishing siting and design guidelines for low density residential areas.	Not yet commenced. This Action can be completed through other mechanisms such as the Township Strategies and the battle axe lots policy and therefore can be deleted from the MSS
	Rezoning Rural Living Zones within the Urban Growth Boundary to a residential zone.	Mostly completed. The remaining land within Glissman Road is currently going through a planning scheme amendment process.

Clause 21.04 Economic Development

Clause	Action	Status
21.04-1 Application of zones and overlays	Including land in business, mixed use and industrial zones to facilitate appropriate development that will encourage employment within the municipality.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
Further strategic work	Developing precinct structure plans for the employment precincts south of the Pakenham Bypass with the priority being Pakenham and Cardinia Road Employment precincts.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
	Considering developing a local policy for guiding development and land use in mixed use precincts.	No work has been undertaken. It is considered that this is not required as this can be dealt with through the Township Strategies and Structure Plans and therefore can be deleted from the MSS
21.04-2 Application of zones and overlays	Applying a Special Use Zone to preserve the peaty clay soils of State significance in the Koo Wee Rup Swamp area for horticultural production by preventing the intrusion of urban and non soil based uses and the fragmentation of land.	Completed
Further strategic work	Reviewing the planning framework for Gembrook to facilitate potential investment in more intensive agricultural enterprises.	Some work has been completed (McKinna report). It is reliant on the community having some uptake of the suggestions in the report. Council's Economic Development Unit is continuing to work with this community.
	Reviewing the appropriateness of the Rural Conservation Zone within the municipality particularly land south of South Gippsland Highway.	No work has been undertaken
	Preparing Green Wedge Management plans for the Northern Ranges Green Wedge and the Southern Ranges Green Wedge	No work has been undertaken (funding required)

Clause	Action	Status
	in conjunction with the relevant councils and government departments.	
21.04-3 Application of zones and overlays	Applying a Commercial 1 Zone to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
	Applying a Commercial 1 Zone to encourage the development of offices and associated commercial uses.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
	Applying a Commercial 2 Zone to encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
	Applying a Mixed Use Zone to designate activity centres with a mixed use function and community activity clusters.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
	Applying Development Plan Overlays to areas of development to ensure appropriate development and design principles are employed.	Ongoing
Future strategic work	Developing car parking precinct plans and a local schedule for car parking provision in activity centres	Work on Pakenham has commenced through Amendment C244
	Preparing Precinct Structure Plans for the urban growth area and Activity Centre Structure Plans or Urban Design Frameworks for existing and future activity centres.	Ongoing

Clause	Action	Status
	Investigating the possibility of establishing activity centres in the employment precincts to the south of Pakenham and Officer to provide employment related services and facilities.	No work has been undertaken. This is part of the ongoing work plan for PSPs established by the VPA and therefore is not required as an action in the MSS.
21.04-4 Application of zones and overlays	Applying the Industrial 1 Zone to land in close proximity to the proposed interchange of the Princes Freeway and Koo Wee Rup Road in Pakenham.	Completed.
	Applying the Urban Growth Zone to undeveloped land identified for employment within the urban growth area.	This is undertaken by the State Government as land is released and therefore should be deleted from the MSS.
	Specifying a minimum leasable floor area for restricted retail premises of 500 square metres in the Industrial 1 Zone.	The ability to do this has been removed as part of the review of the Industrial Zones and therefore this can be removed.
Future strategic work	Considering a local policy on Design Guidelines for Industrial Development or the application of a Design and Development Overlay to ensure appropriate development of existing and future industrial land.	No work has been undertaken. It is considered that a review of the industrial land on Bald Hill Road and around Purton Road should be reviewed to determine how these areas should be managed into the future. This action should be amended to reflect this.
	Preparing structure plans for both the Pakenham Employment Precinct and the Cardinia Road Employment Precinct.	Cardinia Road PSP has been completed and approved. Pakenham Employment Precinct has been split into different areas and therefore the wording of this action requires review.
	Reviewing the industrial zoned land in Officer south of the railway line.	This has been completed as part of the Officer PSP.
	Considering the application of a Commercial 2 Zone along some arterial roads where there is industrial development.	No work has been undertaken. This could be considered as part of the review of the industrial areas within the Shire.

Clause	Action	Status
21.04-5 Application of zones and overlays	Including the Puffing Billy Railway land in a Public Use Zone to allow the operation of the railway as provided for under the Emerald Tourist Railway Act.	Ongoing – review to category as part of Masterplan amendment
	Applying the Special Use Zone Schedule 2 (Recreation and Tourism) to areas to preserve and enhance the establishment of tourism and recreation facilities.	Ongoing
	Applying a Significant Landscape Overlay to protect the scenic corridor of the Puffing Billy Tourist Railway.	Completed
	Applying a Vegetation Protection Overlay, Significant Landscape Overlay and Environmental Significance Overlay to protect significant landscapes and areas of landscape quality generally.	Ongoing
Future strategic work	N/A	N/A
21.04-6 Application of zones and overlays	N/A	N/A
Further strategic work	Completing the planning and design of the Lang Lang Bypass for sand truck traffic.	Currently being undertaken.
	Preparing a strategy for the Lang Lang region to outline the preferred adaptive re-use of land once sand extraction has been completed.	The State Government is currently reviewing policy around quarries.

Clause 21.05 Infrastructure

Clause	Action	Status
21.05-1 Application of zones and overlays	Applying a Development Contributions Plan Overlay to the Pakenham township area to implement the <i>Pakenham Township Development Contributions Plan, 1997</i> .	Completed
	Progressively applying Development Contributions Plan Overlay to the growth area precincts as new Development Contributions Plans are developed.	This occurs as part of the PSP process and therefore can be deleted.
	Applying a Development Plan Overlay to require the provision of infrastructure as part of new developments or redevelopments.	Ongoing – will now also be Infrastructure Contributions Plans
	Including surplus Council owned land in an appropriate zone to facilitate its sale and development.	Ongoing as identified
Other actions	Working in conjunction with Federal and State Government Bodies for the prompt delivery of infrastructure.	It is considered that this action should be removed as it falls outside the ambit of planning.
Further strategic work	Progressively planning for infrastructure provision and funding in the Cardinia Urban Growth Area as part of the Precinct Structure Planning and Activity Centre Structure Planning process.	This is part of the PSP process and therefore can be deleted.
21.05-2 Application of zones and overlays	Applying a Road Zone (Category 1) to declared freeway or arterial roads.	

Clause	Action	Status
	Including the land identified for the proposed Koo Wee Rup Bypass in a Public Acquisition Overlay.	Completed
	Including land required for road improvements such as widening and realignments in a Public Acquisition Overlay.	Ongoing
Further Strategic work	N/A	N/A
21.05-3 Application of zones and overlays	Applying the Road Zone Category 2 to local arterial roads.	Ongoing
	Including land required for road improvements such as widening and realignments in a Public Acquisition Overlay.	Ongoing
	Applying a Development Contributions Plan Overlay to the Pakenham township area	Completed
	Progressively applying Development Contributions Plan Overlay to the growth area precincts as new Development Contributions Plans are developed.	Ongoing – Now undertaken as Infrastructure Contributions Plans.
Further strategic work	Progressively prepare detailed Precinct Structure Plans, Activity Centre Structure Plans and Development Contribution Plans for the various precincts within the growth area.	Ongoing – also now includes Infrastructure Contribution Plans
21.05-4 Application of zones and overlays	Applying the Public Use Zone to railway land.	This action is determined by the VicTrack and is considered their business as usual. Council will continue to work on these projects as required. This action is no longer appropriate for the MSS and should be removed.

Clause	Action	Status
	Applying the Public Acquisition Overlay to any land required for future public transport and associated use.	Ongoing
Further strategic work	Including adequate provisions for public and community transport services and facilities when developing planning provisions and policy.	Ongoing
	Reviewing the provision of bus services within the municipality.	Ongoing – this is not a planning action and therefore should be removed
	Investigating innovative and cost effective means to maximise public and community transport services in the municipality.	Ongoing – this is not a planning action and therefore should be removed
21.05-5 Application of zones and overlays	N/A	N/A
Further strategic work	Reviewing and updating the Pedestrian and Bicycle Strategy.	Completed
21.05-6 Application of zones and overlays	Applying the Public Use Zone to existing and proposed publicly owned community facility sites to facilitate their development.	Ongoing
Further strategic work	N/A	N/A

Clause 21.06 Particular uses and development

Clause	Action	Status
21.06-1 Application of zones and overlays	Applying the Environmental Significance Overlay for the northern hills area including criteria in relation to the character and constraints of the area.	Completed
	Applying the Significant Landscape Overlay to control specific aspects of design in sensitive areas.	Ongoing as part of the PSP, Structure Plan and Township Strategy process, and therefore can be deleted from the MSS
	Applying the Design and Development Overlay to low density residential development and the hills townships.	Ongoing as part of the Township Strategy process, and therefore can be deleted from the MSS
	Applying the Development Plan Overlay where appropriate for newly developing areas to ensure appropriate design principles are implemented.	This is addressed via other mechanisms in the PSPs and therefore is no longer required.
Further strategic work	<p>Introducing appropriate mechanisms to implement the urban design principles outlined in the Urban Design Frameworks, Township Strategies, Precinct</p> <p>Structure Plans and Activity Centre Structure Plans including appropriate zones and/or overlay, for example the Significant Landscape Overlay and Design and Development Overlay.</p>	Ongoing
	<p>Introduce mechanisms to implement principles relating to the following:</p> <ul style="list-style-type: none"> • Advertising Signs • Building, Siting and Design Guidelines for Non Urban and Low Density • Residential Areas • Disability Access Design Policy 	Some of this is covered in this review already, some is covered through Township Strategies, and some is no longer required, therefore this can be deleted.

Clause	Action	Status
	<ul style="list-style-type: none"> Design guidelines for industrial development 	
21.06-2 Application of zones and overlays	N/A	N/A
Further strategic work	Review and update the <i>Safer Cardinia Shire Community Safety Plan 1999</i>	No work has been undertaken – however this is not a planning action and therefore is not relevant, and should be deleted.
21.06-3 Application of zones and overlays	Applying a Restructure Overlay to facilitate the restructuring of old and inappropriate subdivisions in areas within the hills townships and south of the Princes Highway from Garfield to Bunyip extending south to Iona.	Completed
Further strategic work	Removal of the Restructure Overlay where the restructuring of lots has been completed.	Ongoing
21.06-4 Application of zones and overlays	N/A	N/A
Further strategic work	Introducing additional sites into the schedules to Clause 52.28-3 and 52.28-4 to prohibit the installation and use of gaming machines in designated strip shopping centres and free-standing shopping centres.	Completed as part of Amendment C207
21.06-5	Applying appropriate zones and overlays to protect the preferred site for use as a general aviation airport including	Land still to be identified

Clause	Action	Status
Application of zones and overlays	planning protection for flight paths and noise contours in the proposed airport environs.	
	Applying appropriate overlays to protect an alignment between the preferred site and the rail line at Clyde.	Land still to be identified
Further strategic work	By 2021 the Department of Environment, Land, Water and Planning in partnership with the Department of Economic Development, Jobs, Transport and Resources and local government finalise a preferred site for a possible future airport should demand warrant this beyond 2030.	Land still to be identified

Clause 21.07 Local Areas

Clause	Action	Status
21.07-1 Further strategic work	Further investigate the areas identified on the Gembrook Framework Plan for residential development and only proceed where compatible with the risk from bushfire.	Completed as part of Amendment C188
	Investigate rezoning land around the intersection of Belgrave-Gembrook Road, Ure Road and Station Street for light industrial purposes as identified in the Gembrook Framework Plan.	Cannot be undertaken at this time as the land is located within the Green Wedge and rezoning will not be supported the Minister. It is noted that one parcel has been purchased by Puffing Billy with the long term plan for it to be an engineering yard.

Clause	Action	Status
	Introduce a Heritage Overlay to protect the Gembrook Commercial precinct in Main Street in the Cardinia Planning Scheme.	Completed as part of Amendment C161
	Introduce a Heritage Overlay to protect "Wattle Bank" at 18 Innes Road in the Cardinia Planning Scheme.	Completed as part of Amendment C161
	Introduce relevant controls into the Cardinia Planning Scheme for the Main Street heritage precinct which incorporate the conservation guidelines from the Cardinia Local Heritage Study Review.	Completed as part of Amendment C161
	Introduce a Heritage Overlay which protects the trees identified as significant in the Cardinia Shire Council Significant Tree Study (May 2009).	Completed as part of Amendment C162
	Initiate an amendment to the Cardinia Planning Scheme to introduce new planning controls which implement the town centre design guidelines	Not yet commenced. As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies..
21.07-2 Further strategic work	Developing a Design and Development Overlay for the Cockatoo town centre which incorporates the built form and design guidelines outlined in the Cockatoo Town Centre <i>Urban Design Framework 2007</i> .	Not yet commenced. As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies.
	Developing a Design and Development Overlay for the Cockatoo residential precincts which incorporates the	Not yet commenced.

Clause	Action	Status
	precinct character guidelines set out in the <i>Cockatoo Township Strategy (March 2008)</i> .	As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies.
21.07-3 Further strategic work	Revise the Design and Development Overlay applying to land within and around the Emerald District to incorporate the Neighbourhood Context Guidelines set out in the <i>Emerald District Strategy (June 2009)</i> .	Not yet commenced. As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies.
	Develop and introduce a Design and Development Overlay for the Emerald town centre which incorporates the built form and design guidelines outlined in the <i>Emerald District Strategy (June 2009)</i> .	Completed as part of Amendment C185
21.07-4 Further strategic work	Develop a vegetation precinct plan for the Lang Lang township that includes all public and private land and road reserves.	Not yet commenced.
	Review the residential zones and the Design and Development Overlay applying to land within the Lang Lang urban growth boundary to reflect the township character guidelines set out in the <i>Lang Lang Township Strategy (July 2009)</i> .	Not yet commenced. As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies.
21.07-5 Further strategic work	Develop a Design and Development Overlay for the Upper Beaconsfield town centre which incorporates the town centre design guidelines outlined in the <i>Upper Beaconsfield Township Strategy (July 2009)</i> .	Not yet commenced. As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies.

Clause	Action	Status
	Review the residential zones and the Design and Development Overlay applying to land within the Upper Beaconsfield township to reflect the township character guidelines set out in the <i>Upper Beaconsfield Township Strategy (July 2009)</i> .	Not yet commenced. As per the work plan, Strategic Planning is currently in the process of implementing DDOs and DPOs as outlined in the township strategies.
	Investigate the preferred use and development of land adjacent to Charing Cross and along Salisbury Road once the Charing Cross intersection has been completed.	Not yet commenced.
Clause 21.07-6	N/A	N/A
Clause 21.07-7 Further Strategic Work	Apply a Development Plan Overlay to the large blocks adjacent to Simms Land, bounded by Simms Lane, Rossiter Road, Supreme Road and the Urban Growth Boundary to guide development and address the issues of access, traffic movement, permeability, infrastructure provision, flood prevention and the protection and creation of habitat areas.	Initial investigations commenced.
	Apply a Development Plan Overlay to 65,73 and 85 Moody Street and 120 Boundary Drain Road in order to guide development and address issues of access, permeability, infrastructure provision, flood prevention and the protection and creation of habitat areas.	Initial investigations commenced.
	Rezone and apply a Development Plan Overlay to the property surrounding the Koo Wee Rup Regional Health Service, bounded by Rossiter Road, the Urban Growth Boundary and the Great Southern Rail Reserve from Farming Zone 1 to an appropriate residential zone and to address issues of access,	Initial investigations commenced.

Clause	Action	Status
	permeability, traffic movement, infrastructure provision, flood prevention and the protection and creation of habitat areas.	
	Rezone properties to the south of the township bounded by Sybella Avenue, the South East Water sewerage treatment plant and the Great Southern Rail Reserve from Farming Zone 1 to an appropriate industrial zone to provide land for local employment opportunities.	Not yet commenced. This will be a proponent lead amendment.
	Investigate the preparation of a planning scheme amendment in conjunction with South East Water to introduce an Environmental Significance Overlay (or similar tool) around the Koo Wee Rup Water Recycling Plant.	Not yet commenced. South East Water to initiate.

11. List of actions

Action 1: Review references to the SPPF within the MSS to ensure that these references are up to date.

Action 2: Update Clause 21.02-1 Catchment and coastal management and Clause 21.02-4 Wildfire management to recognise that climate change will increase the risk from flooding and bushfires within the Shire.

Action 3: Include an additional objective under Clause 21.03-2 Urban growth area as follows:

“Provide for development of Precinct Structure Plans in accordance with the South East Growth Corridor Plan”.

Action 4: Update Clause 21.04-2, to ensure it is consistent with current State Planning Policy Framework in relation to bushfire including renaming the clause from Wildfire management to Bushfire Management, and ensuring it is consistent with Practice Note 64: Local planning for bushfire protection as follows:

- Prioritising human life over other policy considerations
- Directing new development to low risk locations
- Where new development is permitted in high risk areas, safe access is provided
- Ensuring that any further strategic work has regard to the significant bush fire risk faced by many parts of the Shire, including the development of township strategies and structure plans
- Ensuring that any development in bushfire prone areas can implement bushfire protection without unacceptable biodiversity impacts.

Action 5: Update Clause 21.02-3 Biodiversity to ensure it is consistent with the SPPF, and references no net loss of native vegetation.

Action 6: Update Clause 21.06 Design and built form and Clause 21.06-2 Community safety as follows:

- change the heading of Clause 21.06-1 to Urban design
- remove reference to equity of access as this is clearly addressed through the SPPF and the building regulations
- Include further strategic work to develop an advertising signs policy (it is noted that this is mentioned in this section already but is not explicit).
- Reference the Urban Design Guidelines for Victoria

Action 7: Review the policy in the LPPF to ensure that the strategic objectives and future work reflect the application and purposes of the new residential zones, including Clause 21.07 Local Areas.

Action 8: Review Clause 21.03 (Settlement and housing) and Clause 21.07 (Local Areas) to ensure that any policy relevant to the Low Density Residential Zone is consistent with the changes to this zone.

Action 9: Review Clause 21.03 (Settlement and Housing) and 21.04 (Economic Development) to ensure that the changes to the Commercial and Industrial Zones are appropriately addressed, if required.

Action 10: Include policy to address the issue of the location non-rural uses such as Primary and Secondary Schools and Places of Worship and how this should be managed at Clause 21.04-2 (Agriculture).

Action 11: Review the reference and incorporated documents in the Cardinia Planning Scheme to ensure that are correctly incorporated or referenced in accordance with Practice Note 13: Incorporated and Reference Documents, and that the content of the documents is still relevant and up to date.

Action 12: Update Clause 21.03-2 (Urban Growth area), Clause 21.04-1 (Employment) and any other relevant sections of the Planning Scheme to reflect the inclusion of the land in Pakenham East into the Urban Growth Boundary. It will also need to include the timing for the expected completion of the Precinct Structure Plan for this area.

Action 13: Update Clauses 21.03-2 Urban growth area and Clause 21.04-1 Employment to reflect changes to proposed staging and ensure that priorities are correct in relation to the development of Precinct Structure Plans.

Action 14: Update Clause 21.04-5 Tourism to recognise the further growth of Puffing Billy as a tourism asset.

Action 15: Amend Clause 21.04-5 Tourism to recognise the emerging tourism role that Gumbuya World will have within the Shire.

Action 16: Update Clause 21.04-5 Tourism to recognise the role that Pakenham Racecourse in drawing visitors to the area, providing associated jobs both direct and as a flow on effect.

Action 17: Include a review of the township strategies as “Further strategic work” under Clause 21.03-3 Rural Townships.

Action 18: Delete sections in Clause 21.07 Local Areas that are not considered relevant to land use and development.

Action 19: Update the MSS to address the issues of:

- Innovation, diversification and resilience within the local economy
- The importance of access to locally grown food
- Minimising food waste

Action 20: Update Clauses 21.04-5 Tourism, and Clause 21.05-5 Pedestrian and Bicycle Strategy as outlined in Table 8, and update the reference to the Pedestrian and Bicycle Strategy.

Action 21: Update Clause 21.04-5 Tourism to recognise Gumbuya World as an emerging tourist attraction.

Action 22: Update Clause 21.03-Urban growth area, Clause 21.03-3 Rural townships and Clause 21.04-5 Tourism to recognise the need to provide arts and culture facilities.

Action 23: At Clause 21.02-5 Open Space, under Use of policy and exercise of discretion, expand on the third point to ensure it also includes reference to linking with off-road pedestrian, bicycle and equestrian trails.

Action 24: At Clause 21.02-5 Open Space, update the reference to the Equestrian Strategy to ensure it is the 2014 document.

Action 25: Include a general reference to the provision of play spaces in Clause 21.02-5 Open Space, within the second dot point under key issues.

Action 26: Under Objective 2 of Clause 21.02-5 Open Space, include an additional strategy around walkable access to open space, including play spaces.

Action 27: Under Clause 21.02-5, under Objective 1, subheading Location and design, include an additional strategy as follows: “Provide play spaces within open space in accordance with the Play Space Strategy 2014” and include the Play Space Strategy as a reference document.

Action 28: Introduce a new clause that specifically addresses development in Beaconsfield and Pakenham in Section 21.03 Settlement and Housing.

Action 29: Under Further strategic work, under Clause 21. 02-5 Open space and Clause 21.03-2 Urban growth area and Clause 21.02-4 Rural townships include an action to introduce the Developer Landscape Guidelines as a reference document, and include an appropriate strategy in each section, to ensure that the Guidelines are considered.

Action 30: Under Clause 21.02-6 Post-contact heritage, nominate the development of a Heritage Policy as further work.

Action 31: Within Clause 21.02-8 Resource conservation, include an additional strategy under ‘Design and construction’ as follows: “Encourage the inclusion of, or provision for sustainable technology in the design of new buildings”.

Action 32: Under Clause 21.02-2 Landscape, include under further strategic work an action to undertake a cultural landscape assessment of the Cardinia Western Port Green Wedge to consider the cultural landscape significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline. The assessment should include consideration of Indigenous history, the drainage of the swamp, former railway lines and the Soldier Settlement period.

Action 33: Include a strategy at Clause 21.04-2 Agriculture to discourage non-rural uses such a primary, and secondary schools and places of worship from locating on land zoned green wedge and locate these types of uses within the existing townships and within the green wedge land that adjoins the UGB, subject to strategic justification.

Action 34: Within the further strategic work section of Clause 21.04-2 Landscape, include an additional point as follows: Prepare a local policy addressing the siting and design of horticultural structures.

Action 35: Within further strategic work under Clause 21.02-2 Landscape include an additional point as follows: Prepare a local policy addressing the siting and design of large sheds in rural areas.

Action 36: Investigate whether a single policy in relation to both the siting and design of horticultural structures and sheds could be drafted.

Action 37: Under Clause 21.06-1 Design built form, include under Further strategic work “Develop a local policy to address subdivision applications that create a battle-axe layout”.

Action 38: Within the new Clause in relation to Pakenham under Clause 21.03 Settlement, include under Further Strategic Work, an action to investigate the best way to manage development within the Meeking Drive and Ryan Road area in Pakenham.

Action 39: Update Clause 21.02-5 Open space, Clause 21.03-2 Urban growth area, Clause 21.05-1 Infrastructure provision and Clause 21.05-3 Local roads to include reference to Infrastructure Contributions, Infrastructure Contributions Plans and Infrastructure Contributions Plan Overlays as required.

Action 40: Develop a local policy for non-residential use in residential areas based on the draft provided by Growth Area Planning.

Action 41: Update Clause 21.02-2 Landscape and Clause 21.04-2 Agriculture to discourage boundary realignments that create the opportunity for fragmentation of agricultural land and the creation of a concentration of residential uses outside the UGB and Township Boundaries.

Action 42: Within further strategic work under Clause 21.04.2 Agriculture include an additional point as follows: Prepare a local policy to provide guidance on boundary realignments in green wedge areas.

Action 43: Within further strategic work under Clause 21.04.2 Agriculture include an additional point as follows: Prepare a local policy to provide guidance on boundary realignments in green wedge areas and new dwellings in these areas are associated with an agricultural or horticultural use and are not for the intention of a rural residential property or hobby farm.

Action 44: Develop a local policy that addresses uses in the green zones that are required to be in conjunction with Agriculture, Natural Systems, Outdoor recreation facility, Rural industry or Winery, and sets out parameters of how these uses are to be established.

Action 45: Under further strategic work in Clause 21.03-3 Rural townships, include an action to: “investigate the sustainable development of towns within the green wedge, with a priority to investigate Nar Nar Goon, Tynong, Garfield and Bunyip”.

Action 46: Under Clause 21.02-2 Landscape, include an additional strategy under Landscape values as follows: “Require replanting in accordance with the Replanting rations for the removal of vegetation in an Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay”.

Action 47: Under Clause 21.02-3 Biodiversity, include an additional strategy under Strategies under Objective 1 as follows: “Require replanting in accordance with the Replanting rations for the removal of vegetation in an Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay”.

Action 48: Include the “Replanting rations for the removal of vegetation in an Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay” as a reference document at Clause 21.02-2 Landscape and Clause 21.02-3 Biodiversity.

Action 49: Review existing industrial areas to determine whether it is appropriate to rezone any land to either Commercial 2 Zone or Industrial 3 zone to provide a buffer between the heavy industrial areas and other areas, and allow for leisure and recreation uses to be located in these areas.

Action 50: Introduce a new sub clause under Clause 21.06 Particular Uses and Development titled “Golf courses”, which outlines the following principles for consideration of any redevelopment of golf courses:

- Any redevelopment of golf courses should be assessed having regard to net community benefit, the planning issues relevant to the site and principles of environmental and sustainable development.
- Environmental Management Plan, Landscape Management Plan, Cultural Heritage Management Plan and Comprehensive Development Plan should support a planning or rezoning application.
- Planning for urban growth should consider: opportunities for consolidation, redevelopment and intensification of existing urban areas; neighbourhood character and landscape considerations; the limits of land capability and natural hazards and environmental quality; service limitations and the costs of providing infrastructure.

12. Glossary of Terms

Development Contributions Plan (DCP):

Development contributions are payments or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the future needs of the community.

Environmentally Sustainable Design (ESD):

The use of design principles and strategies to help reduce the environmental impact of buildings. These impacts include reductions in energy use and in greenhouse gases, potable water usage, resources going to landfill, and improvement in the quality of stormwater running to our water systems. Some strategies are good solar orientation, better insulation, increase in permeable surfaces, etc.

Food Security:

The ability to have reliable access to safe, nutritious and affordable food to meet the dietary needs to live a healthy life.

Green Wedge:

The non-urban areas of metropolitan Melbourne that lie outside the Urban Growth Boundary, as described in a metropolitan fringe local government-planning scheme. The green wedge areas were originally set aside in the 1970s to conserve rural activities and significant natural features from Melbourne's outward growth.

Infrastructure Contribution Plan (ICP):

Infrastructure contributions help fund essential works and services for new communities including roads, parks, local sports grounds and community facilities such as kindergartens and childcare facilities.

Local Planning Policy Framework (LPPF):

Sets a local and regional strategic policy for a municipality in a Planning Scheme. It comprises the MSS and specific local planning policies. The LPPF must not operate inconsistently with the SPPF and should where possible demonstrate how broader state planning policies will be achieved or implemented in a local context.

Metropolitan Planning Authority:

An independent statutory body with a broad facilitative role to help create greater certainty, faster decisions and better coordination for all parties involved in planning and development of strategically important areas throughout Melbourne's inner and outer suburbs as well as regional centres. The MPA was formed to implement the initiatives and vision set out in the Victorian Government's metropolitan planning strategy Plan Melbourne.

Municipal Public Health and Wellbeing Plan (MPHWP):

Each council's approach and strategy is documented in their Municipal Public Health and Wellbeing Plan (MPHWP). The MPHWP sets the broad mission, goals and priorities to enable people living in the municipality to achieve maximum health and wellbeing.

Native Vegetation:

Plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses.

Overlays:

Land covered by an overlay has been identified as having a unique feature or requiring special attention in the planning process. Overlays, which form part of planning schemes, include the Heritage Overlay, Land Subject to Inundation Overlay, and the Environmental Significance Overlay. Not all land is required to have an overlay applied.

Planning Scheme:

A statutory document, which sets out objectives, policies and provisions for the use, development and protection of land in the area to which it applies.

Planning Panels:

A planning panel allows the public to participate in the planning and environmental decision making process. They independently assess planning proposals by considering submissions, conducting hearings and preparing reports. Planning panels are only advisors and make recommendations. The final decision is left to the appropriate statutory bodies, or the Minister for Planning.

Precinct Structure Plan:

Detailed master plans for future growth corridor developments, informed by growth corridor plans. The plans identify alignments of transport routes, town centres, open space networks, densities of residential areas, and areas for industry and employment.

Social Housing:

A type of rental housing that is provided and/or managed by the government or by a not-for-profit organisation. Social housing is an overarching term that covers both public housing and community housing.

State Planning Policy Framework (SPPF):

Every Planning Scheme includes the SPPF. The framework comprises general principles for land use and development in Victoria and specific policies dealing with settlement, environment, housing, economic development, infrastructure and particular uses and development. To ensure integrated decision-making, planning authorities and responsible authorities must take account of and give effect to the general principles and specific policies contained in the SPPF.

Urban Design Guidelines (UDG):

These are a set of principles applied to the development of the public and private realm within a designated area that aim to achieve a particular urban design vision that is generally about making places that are safer, more liveable, attractive and more sustainable.

Urban Growth Boundary (UGB):

The Urban Growth Boundary (UGB) indicates the long-term limits of urban development and where non-urban values and land uses should prevail in metropolitan Melbourne.

Victorian Civil and Administrative Tribunal (VCAT):

VCAT is a tribunal that hears and decides civil and administrative legal cases in the State of Victoria, Australia.

Victorian Planning Provisions (VPP):

The VPP is a document containing a comprehensive set of planning provisions for Victoria. It is not a planning scheme and does not apply to any land. It is a state-wide reference used as required to construct a planning scheme. It is a statutory device to ensure that consistent provisions for various matters are maintained across Victoria and that the construction and layout of planning schemes is always the same.

Zones:

Zones are applied to land to outline the types of use and development permitted on the land.