

1 AMENDMENT C250 - REVIEW OF THE MUNICIPAL STRATEGIC STATEMENT

FILE REFERENCE INT206008

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RECOMMENDATION

That Council:

1. Receive and consider all submissions received during the exhibition of Planning Scheme Amendment C250.
2. In accordance with Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to an independent planning panel to be appointed by the Minister for Planning.

Attachments

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| 1 | Copy of Documents - Amendment C250 | 213 Pages |
| 2 | Copy of Submissions - Circulated to Councillors only | 18 Pages |

EXECUTIVE SUMMARY

Amendment C250 seeks to make changes to update the Municipal Strategic Statement (MSS) in the Local Planning Policy Framework (LPPF).

The amendment was placed on exhibition from 14 November to 16 December 2019 and eight (8) submissions were received.

Two (2) of the submissions were supportive of the amendment and one (1) had no objection to it. Five (5) of the submissions seek changes to the amendment and therefore it is required to be referred to an independent planning panel appointed by the Minister for Planning.

BACKGROUND

Under Section 12B of the *Planning and Environment Act 1987*, every Municipal Council must review its planning scheme within one year after approving a Council Plan that is required under Section 125 of the *Local Government Act 1989*.

The review of Cardinia Planning Scheme was completed and endorsed by Council on 10 December 2018 and was then submitted to the Minister for Planning for consideration.

The review identified sixty-one (61) actions to update the MSS in the Local Planning Policy Framework (LPPF) of the Cardinia Planning Scheme. Amendment C250 seeks to implement the changes to the MSS.

Authorisation to prepare the amendment was granted by the Minister for Planning on 21 August 2019, subject to conditions.

POLICY IMPLICATIONS

Amendment C250 seeks to make a number of changes to the MSS to ensure it is consistent with the Council Plan, the Liveability Plan, Pedestrian and Bicycle Strategy, Casey Cardinia Visitation Strategy, Arts and Cultural Facility Feasibility Study, Equestrian Strategy, and Play Space Strategy.

A number of relevant State government policies have also been reviewed to identify any areas where the Cardinia Planning Scheme is inconsistent with these policies.

RELEVANCE TO COUNCIL PLAN

As part of the review of the Cardinia Planning Scheme, an analysis against the relevant sections of the Council Plan was undertaken. The current policy in the MSS is based on the previous Council Plan (2013), and so the most current Council Plan (2017) was reviewed and changes made to the MSS to ensure that it is consistent with the current Council Plan. This was outlined in detail in the review of the Cardinia Planning Scheme.

CONSULTATION/COMMUNICATION

The review of the Cardinia Planning Scheme was placed on public exhibition for six (6) weeks during July and August 2018, and Amendment C250 is consistent with the changes proposed in that review.

Amendment C250 was placed on exhibition from 14 November to 16 December 2019. A notice was placed in the Pakenham Gazette and letters sent to community groups and township committees, as well as to organisations and individuals who made submissions during the public consultation period for the 2018 review of the Cardinia Planning Scheme. Individual letters were not sent to residents as this would have required a letter to be sent to every owner and occupier within the Shire and would have been a significant cost and resource burden to Council.

A total of eight (8) submissions were received during the exhibition period. Six (6) were from authorities and two (2) were from or on behalf of landowners.

Summary of authorities' submissions:

Authority	Summary of submission	Response
South Gippsland Shire (Submission 1)	Support the inclusion of the recognition of the Great Southern Rail Trail.	Noted.
Department of Job, Precincts and Regions (Submission 2)	Request updates to the Extractive Industries Interest Area be updated to show all current work authorities.	Agree. Department of Jobs, Precincts and Regions have agreed to provide an updated map.

Department of Transport (Submission 3)	Supports the recognition of the Great Southern Rail Trail as well as overall support to increase the DDA compliant walking and cycling networks within the municipality.	Noted.
Victorian School Building Authority (Submission 4)	No objection.	Noted.
EPA (Submission 7)	<p>The MSS needs to address the protection of industrial land and associated industrial activities, including the need to maintain appropriate separation distances under Clause 21.01-2 Key influences and Key issues.</p> <p>Sites of interest to the EPA, for which specific land use planning measures are required in order to ensure that the risk of pollution to the environment and human health are adequately addressed, need to be mapped on the Strategic Framework Plan. This includes significant industrial sites and major hazard facilities.</p> <p>Managing the encroachment of residential development into industrial areas needs to be noted, and an assessment against EPA Publication 1518, Recommended Separation Distances for Industrial Residual Air Emissions should be conducted to ensure that adequate separation distances</p>	<p>It is considered that the MSS could better address protection of industrial land from sensitive uses, the recognition of major hazard facilities (Lang Lang Gas Plant), as well as other infrastructure and uses such as gas pipelines and quarries (as raised in Submission 8).</p> <p>It is considered that the best way to do this would be to include future strategic work in the MSS as this needs further consideration and consultation with the EPA.</p> <p>This map is a high level map showing the range of environments and land uses within the Shire. It is considered that it could be updated to more clearly identify industrial land, and the one major hazard facility that are located within Cardinia Shire.</p> <p>Support. As outlined above, it is considered that the MSS could better address this issue.</p>

	<p>are maintained and protected.</p> <p>Ensure that the recommendations of Ministerial Direction No. 1 (MD1) – Potentially Contaminated Land have been adhered to (e.g. where industrial land is changing to a more sensitive land use). This Direction should be considered in detail when sites for the development of sensitive land uses are identified, investigated and planning changes proposed.</p> <p>Consider undertaking a stocktake of contaminated land to inform the application of the Environmental Audit Overlay (EAO) particularly to those areas previously used for industry that are transitioning to more sensitive uses.</p>	<p>Ministerial Direction No. 1 requires consideration as part of any amendment which proposes to rezone land that might be contaminated. It is considered unnecessary to include this in the MSS as it is a requirement of the amendment process.</p> <p>As discussed above, it is considered that this could be included as future strategic work.</p>
<p>APA VTS Australia (Submission 8)</p>	<p>Request the inclusion of policy to address the strategic significance of the Morwell-Dandenong, the Longford to Dandenong, the Pakenham-Wollert and the Pakenham lateral pipelines, so that this infrastructure can be afforded due policy consideration when significant land use changes and development are being considered.</p>	<p>It is considered that it is appropriate to include additional policy to address this issue, and therefore this request is supported.</p> <p>It is also considered that as part of the future strategic work to be listed in response to the EPA submission, gas pipelines could also be given further consideration.</p>

Summary of landowners submissions:

Submission #	Summary of submission	Response
5	Does not support projection in relation to population in the growth area, and population growth in the remainder of the shire, which would be	<p>These statistics are based on information from Council's Community Planners.</p> <p>It is also noted that the statistics for population growth for the Shire outside the growth corridor</p>

	<p>considerable, is not included.</p> <p>Does not support policy that encourages the investigation of potential locations for a third airport in Melbourne's South East.</p> <p>Requests additional policy to investigate planning overlays for the purposes of a nature link along Cardinia's waterways, investigation of preparation of a planning scheme amendment for an Environmental Significance Overlay for the Bayles area, and to support the proposed Healesville to Phillip Island Naturelink Plan.</p> <p>Does not support the inclusion of providing additional industrial land to the south of the township to encourage local employment as the Officer to Pakenham Employment precincts will provide sufficient employment.</p> <p>Koo Wee Rup should be preserved as a special environmental area and should include:</p> <ul style="list-style-type: none"> • Investigate opportunity in conjunction with Melbourne Water to provide land of about 100 acres to create demonstration site of the former great Koo Wee Rup Swamp. • Investigate the preparation of a planning scheme amendment in conjunction with Melbourne Water for an Environmental Significance Overlay for the entire length of Yallock 	<p>is not included as this population is not expected to increase significantly.</p> <p>This policy already exists within the MSS and it is not being altered as part of this amendment.</p> <p>Council's Environment team is currently preparing a Biolinks Strategy. Community consultation is proposed for later in the year, and the submitter is encouraged to submit to this strategy as it relates to this request.</p> <p>This policy already exists within the MSS and it is not being altered as part of this amendment.</p> <p>This would be a significant undertaking, and at this time it is unlikely that Council and Melbourne Water are resourced to do this.</p> <p>The MSS (under Clause 21.01-1 Environment) recognises that the Koo Wee Rup Swamp area is an area of Environmental Significance and that this needs to be protected. As these waterways are Melbourne Water managed there would need to be further discussion with Melbourne Water as to whether it would be appropriate to include these waterways in an Environmental Significance Overlay.</p>
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	<p>Outfall and Yallock Creek</p> <ul style="list-style-type: none"> Recognise that The Yallock has a high environmental value <p>Investigate the preparation of a planning scheme amendment for a Heritage Overlay for Bayles.</p>	<p>It is proposed to include under Clause 21.02-2 Landscape the following further strategic work:</p> <p>"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, including consideration of Indigenous history, the drainage of the swamp, former railway lines and the Soldier Settlement period".</p>
6	<p>Seek to include policy to allow for the possible future upgrade of Lakeside Boulevard Neighbourhood Activity Centre to a Major Activity Centre, as contemplated in the Cardinia Road Precinct Structure Plan.</p>	<p>Not supported.</p> <p>There are a number of development opportunities in Pakenham and Officer Major Activity Centres, and so at this time, this is where major development opportunities are being directed.</p>

FINANCIAL AND RESOURCE IMPLICATIONS

The review of the MSS is part of the work plan for the Planning, Strategy and Urban Design unit and officer time has been allocated to undertake this review.

CONCLUSION

Amendment C250 was placed on public exhibition from 14 November to 16 December 2019.

Eight (8) submissions were received, including five (5) that requested changes to the amendment and therefore the amendment is required to be referred to an independent panel appointed by the Minister for Planning.