

TOWN PLANNING**1 ADOPTION OF PLANNING SCHEME AMENDMENT C215 (CARDINIA WESTERN PORT GREEN WEDGE MANAGEMENT PLAN)**

FILE REFERENCE INT1729596

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Brooke Templeton

RECOMMENDATION

That Council:

1. Adopt the modified Amendment C215 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 and submit the Amendment to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987
2. Adopt the changes made to the Cardinia Western Port Green Wedge Management Plan (May 2017)

Attachments

1	Planning Scheme Amendment C215 documents	55 Pages
2	Cardinia Western Port Green Wedge Management Plan (May 2017)	95 Pages
3	Panel report - Cardinia Planning Scheme Amendment C215 (23 March 2017)	38 Pages

EXECUTIVE SUMMARY:

Planning Scheme Amendment C215 implements the findings of the *Cardinia Western Port Green Wedge Management Plan (May 2017)* in order to improve policy control for the management and protection of the Cardinia portion of the Western Port Green Wedge. The Amendment was placed on exhibition from Thursday 1 September 2016 until Monday 3 October 2016 and 26 submissions were received. As there were unresolved submissions to the Amendment, on 12 December 2016, Council resolved to request that the Minister for Planning appoint an independent Planning Panel to consider all of the submissions received.

The Panel hearing was held on Tuesday 7 March 2017 at Cardinia Shire Council. On 24 March 2017, the Panel Report was received with a number of minor recommended changes to the Amendment as well as to the *Cardinia Western Port Green Wedge Management Plan (May 2017)*.

In addition to the recommendations by the Panel, a number of other minor changes have been made in response to recently amended State Planning Policy undertaken by the Victorian Government as a result of the recently released *Plan Melbourne 2017 - 2050*.

Officers support the Panel's recommendations and in response to this, minor changes have been made to the Amendment documents, as well as the *Cardinia Western Port Green Wedge Management Plan (May 2017)*.

BACKGROUND:

The *Cardinia Western Port Green Wedge Management Plan (May 2017)* (the management plan) was adopted by Council in July 2016 and since this time, work has progressed in order to implement key elements of the management plan through a proposed policy, which occurred through the exhibition of Cardinia Planning Scheme Amendment C215.

The Amendment was placed on exhibition from Thursday 1 September 2016 until Monday 3 October 2016 with 26 submissions received. Four (4) submissions were in support and 22 submissions sought changes to the Amendment, with no submissions directly opposing the Amendment. A number of the changes requested were made, however, not all of the changes sought were able to be accommodated for various reasons.

As there were a number of unresolved submissions, at the 12 December 2016 General Council Meeting, Council resolved to refer all submissions received for consideration to an independent Planning Panel, to be appointed by the Minister for Planning.

THE PANEL REPORT

The Panel hearing for Planning Scheme Amendment C215 was held on 7 March 2017 at Cardinia Shire Council with Council and six submitters requesting to be heard. The Panel report was provided to Council and released to the public on 31 March 2017.

The Panel report provides the following minor recommended changes:

The Panel recommends that Amendment C215 to the Cardinia Planning Scheme be adopted with the changes as shown in the amended version of clause 22.05 attached as Appendix B to this report, subject to the following further changes:

- *Amend the wording in Table 1 of clause 22.05 to clarify what is meant by “along the UGB”.*
- *Amend any plans in the local policy or municipal strategic statement to remove the location of the ‘future airport’, or include a note making it clear that the location shown is indicative only.*
- *Amend the drafting of clause 22.05 to remove the word “must” and better distinguish between policy guidance and application requirements.*

Further recommendations

The Panel makes the following recommendations for further work outside the scope of the Amendment:

- *Council should seek advice from the Department of Environment, Land, Water and Planning on the merits of preparing township strategies for Nar Nar Goon, Tynong and other green wedge settlements that at least provide guidance for infill development on existing residential land.*
- *Council should amend the Cardinia Western Port Green Wedge Management Plan as required to include the changes tabled at the Panel Hearing, with further changes to ensure consistency with the final form of the Amendment.*

The Amendment documents have been updated to reflect these recommendations which have resulted in only minor changes. As a separate process, the matter of the growth of the green wedge settlements will be raised with the Department of Environment Land Water and Planning (DELWP) (including a number of other matters) in response to the recently released *Plan Melbourne (2017 - 2050)*.

Changes to the management plan

The management plan has been updated to reflect these recommendations which have resulted in only minor changes. In addition to those recommended by the Panel, the following changes have also been made in response to recently amended State Planning Policy, undertaken by the Victorian Government:

- Updates to reflect the recently refreshed version of *Plan Melbourne 2017-2015* and revised State Planning Policy Framework (SPPF)
- Amendment from the Metropolitan Planning Authority (MPA) to the Victorian Planning Authority (VPA) to appropriately address their name change.

Next steps

We are at the final **Stage 5** of the Planning Scheme Amendment Process as detailed below in Figure 1.



If Council resolves to adopt the Amendment, officers will prepare the final documents and submit these to the Minister for Planning for approval (Stage 5). Approval timeframes of the Amendment cannot be confirmed and are subject to process undertaken by DELWP.

POLICY IMPLICATIONS

Plan Melbourne Metropolitan Planning Strategy 2017 - 2050

Plan Melbourne is the Metropolitan Planning Strategy for Melbourne and sets the vision for and guides Melbourne's growth through to the year 2050. It identifies the importance of properly managing green wedge areas so that valued features and attributes are protected to avoid irreversible land use change and support their ongoing productivity. This will be achieved through localised planning statements, protecting extractive resources, protecting agricultural land and supporting agricultural production and maintaining a permanent Urban Growth Boundary around Melbourne. This will provide a clear policy signal about long-term development options and protect the values of non-urban land.

The relevant directions and initiatives of *Plan Melbourne* are as follows:

- **Direction 1.4 – Support the productive use of land and resources in Melbourne's non-urban areas**

Policy 1.4.1 - *Protect agricultural land and support agricultural production*

Policy 1.4.2 - *Identify and protect extractive resources (such as stone and sand) important for Melbourne's future needs*

- **Direction 2.1 - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city**

Policy 2.1.1 - *Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city*

- **Direction 4.5 - Plan for Melbourne's green wedges and peri-urban areas**

Policy 4.5.1 - *Strengthen protection and management of green wedge land*

Policy 4.5.2 - *Protect and enhance valued attributes of distinctive areas and landscapes*

- **Direction 6.3 Integrate urban development and water cycle management to support a resilient and liveable city**

Policy 6.3.1- *Reduce pressure on water supplies by making the best use of all water sources*

Policy 6.3.3 - *Protect water, drainage and sewerage assets*

- **Direction 6.5 - Protect and restore natural habitats**

Policy 6.5.3 - *Protect the coastlines and waters of Port Phillip Bay and Western Port*

State Planning Policy Framework (SPPF)

The directions of *Plan Melbourne* are reflected in policy contained in the State Planning Policy Framework (SPPF) of the Cardinia Planning Scheme.

Clause 9 Plan Melbourne of the SPPF requires consideration of *Plan Melbourne*.

Clause 11.06 Metropolitan Melbourne also requires the consideration of Plan Melbourne and sub Clause 11.06-4 Place and identity identifies the strategy to *strengthen the protection and management of green wedge land*. Sub Clause 11.06-7 Green wedges has the objective to *protect the green wedges of Metropolitan Melbourne from inappropriate development*. The relevant strategies are as follows:

- *Ensure strategic planning and land management of each green wedge area to promote and encourage its key features and related values.*
- *Support development in the green wedge that provides for environmental, economic and social benefits.*
- *Consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.*
- *Plan and protect major state infrastructure and resource assets that serve the wider Victorian community, such as airports and ports with their associated access corridors, water supply dams and water catchments and waste management and recycling facilities.*
- *Protecting important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.*
- *Support existing and potential agribusiness activities, forestry, food production and tourism.*
- *Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.*
- *Protect significant resources of stone, sand and other mineral resources for extraction purposes.*

Clause 12.01 Biodiversity seeks to protect biodiversity and Clause 12.01-2 Landscapes seeks to improve the landscape qualities, open space linkages and environmental performance in green wedges and non-urban areas. 12.02 Coastal areas seeks to enhance and encourage sustainable use of coastal areas. Climate change impacts and coastal inundation and erosion are addressed in Clause 13 Environmental Risks.

Clause 14 Natural Resource Management is also of relevance and sub clause 14.01-1 Protection of agricultural land of which the objective is to protect productive farmland which is of strategic significance in the local or regional context.

Sub Clause 14.01-2 Sustainable agricultural land use seeks to encourage sustainable agricultural land use.

Sub Clause 14.02-2 Water quality is also of relevance of which the objective is to *protect water quality*.

Local Planning Policy Framework (LPPF)

The Cardinia Municipal Strategic Statement (MSS) includes as further strategic work to *prepare Green Wedge Management plans for the three green wedges in conjunction with the relevant councils and government departments*.

Clause 21 of the Cardinia Planning Scheme identifies a number of key issues in relation to the protection of the green wedge, the importance of biodiversity values, the environmental, agricultural and landscape values of the green wedge and the importance of protecting these.

The Municipal Strategic Statement (MSS) provides the vision for land use planning and development within Cardinia Shire and identifies the following in relation to the green wedge. Clause 21.01 Cardinia Shire key issues and strategic vision identifies that a key influence within the shire is urban growth, including urban pressures on the rural hinterland and management of green wedge areas. The following relevant key issues are identified:

- *The protection of environmentally significant areas including the northern hills and the Western Port coast.*
- *The protection and management of biodiversity.*
- *The protection of the Koo Wee Rup swamp area which contains important groundwater reserves and horticultural soils in the Western Port basin.*
- *The management of urban growth, including urban pressures on the rural hinterland.*
- *The protection and sustainable use of agricultural land.*

Western Port is also identified as a major landscape feature within the shire.

Clause 21.02 Environment identifies that the majority of Cardinia Shire is located within the Western Port catchment, which includes a Ramsar wetland.

Of relevance is sub Clause 21.02-2 Landscape of which the objective is to *recognise and protect the diverse landscape and areas of significant landscape value*. It identifies the following relevant key issues:

- *Protecting significant landscapes, including the protection of the specific features of each landscape.*
- *Recognising that the landscape is an important element in the sustainable development of tourism in the municipality.*
- *Recognising the pressures to develop land in locations of high scenic value.*

Clause 21.02-3 Biodiversity identifies the diverse environment that is Cardinia Shire. The objective is to achieve a net gain in the quantity and quality of native vegetation in the municipality.

Clause 21.04 Economic development is also of relevance.

The objective of sub Clause 21.04-2 Agriculture is to *maintain agriculture as a strong and sustainable economic activity within the municipality*. The following key issues are also identified:

- *Maintaining and protecting high value of agricultural land within the municipality.*
- *Protecting productive agricultural land from incompatible uses and inappropriate development and subdivision, including non-soil based farming on lands with high soil quality.*
- *Accessing sustainable water supplies for agricultural activities.*

- *Recognising the impact of intensive farming on surrounding uses.*
- *Developing Green Wedge Management Plans to fulfil statutory, strategic, environmental, economic and social requirements.*

Further strategic work is identified in this clause and requires the preparation of Green Wedge Management plans for the three green wedges in conjunction with the relevant councils and government departments.

Clause 21.03 Settlement and housing provides guidance in relation to rural townships and identifies that setting clear limits for development of the townships and designing with regard to the surrounding unique characteristics of the townships as key issues.

Clause 22.02 Sand extraction – Lang Lang to Grantville region identifies that this region contains significant sand resources which are expected to become a major source of sand for the Melbourne supply area over the next 10 to 20 years.

The objective of this clause is to *protect sand resources in the Lang Lang – Grantville area and to provide for the extraction of these resources and rehabilitation of sites in a manner which protects the significant environmental, social and economic values of the area.*

Particular provisions

Clause 57 Metropolitan Green Wedge Land is also of relevance and seeks to (inter alia) *protect green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.* Further, it also seeks to *protect productive agricultural land from incompatible uses and development.*

Clause 57 Metropolitan Green Wedge Land applies to land outside of the UGB (unless otherwise specified). The purpose of this clause is to:

- *Protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*
- *To encourage the location of urban activities in urban areas.*

The clause also provides for additional controls on uses on green wedge land above and beyond those authorised under the other zones that make up the green wedge.

Preparing a Green Wedge Management Plan – Planning Practice Note 31

The Victorian Government have prepared a series of practice notes on the operation of the Victorian Planning Provisions, planning schemes as well as a range of planning processes and topics.

Planning Practice Note 31 has been prepared to help guide the preparation of green wedge management plans and outlines the general requirements that should be met in the preparation of the document.

The *Cardinia Western Port Green Wedge Management Plan (May 2017)* has been prepared in accordance with this practice note and responds appropriately to all of the policy outlined above.

RELEVANCE TO COUNCIL PLAN

The following relevant key challenges within the 2016 - 17 Council Plan have been identified:

Managing the natural and built environment, including climate change

- The quality of our natural and built environments affects our communities. They must be developed and managed in a way that contributes to the health and safety of present and future generations.
- Existing natural environmental values such as biodiversity and waterways need to be protected and improved.
- Climate change is affecting our agricultural areas, community health, parks and recreational facilities.

Supporting and increasing agricultural productivity

- With the majority of Cardinia Shire's land being rural, the hills and southern rural regions are important to the economy at a local and national level.
- Council needs to protect and strengthen these areas, and recognises that agriculture is facing pressure from the changing world economy, changing climate and other environmental conditions, as well as the demands of development and the ageing of our farming community.
- Council will take up every opportunity to enhance agricultural production particularly in the southern rural region (Bunyip Food Belt) by using recycled water from the Eastern Treatment Plant at Carrum.

Objectives*Section 3 Our environment:*

- The objective is *we will continue to continue to plan and manage the natural and built environment for present and future generations.*
- Action 3.5.4 of the Council Plan seeks to ensure that *the planning of rural (green wedge) areas protects and enhances important agricultural, environmental, natural resource, infrastructure and recreational values.*

Section 4 Our economy:

- The objective is *we will create and support local employment and business opportunities for our community and the wider region.*

Section 4.2 Maintain strong agricultural activities:

- In order to achieve the above, the following actions are listed:
- *4.2.1 Support our farmers and growing agricultural industry in adapting to the changing economy and climate.*
- *4.2.2 Identify innovative ways to value add to the region's primary production and transportation.*
- *4.2.3 Advocate for the development of roadways to value add to the region's primary production and transportation.*

CONSULTATION/COMMUNICATION

All submitters have received email notification of the release of the Panel report and also notified of this General Council Meeting agenda.

FINANCIAL AND RESOURCE IMPLICATIONS

The adoption of the *Cardinia Western Port Green Wedge Management Plan (May 2017)* and the inclusion of the proposed local planning policy Clause 22.05 Western Port Green Wedge provides a policy framework to assist with future land use and development applications in the green wedge. It also provides a sound policy framework to assist Council planners when assessing and making decisions on applications in the green wedge.

CONCLUSION

The changes made to the Amendment and supporting management plan as recommended by the Panel and those made in response in relation to recent State Policy Planning Policy are minor and administrative in nature and ensure that the Amendment and management plan are up to date and are sound planning documents.

The approval of Amendment C215 provides Council with a clear policy position on the protection and management of the green wedge, that will assist in the assessment of use and development planning permit applications. Therefore, it is recommended that Council resolve to adopt Amendment C215 to the Cardinia Planning Scheme under Section 29 of the Act and submit to the Minister for Planning for approval under Section 31 of the Act.