

*Planning and Environment Act 1987*

**Panel Report**

**Cardinia Planning Scheme Amendment C215**

**Cardinia Western Port Green Wedge Management Plan**

**23 March 2017**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Cardinia Planning Scheme Amendment C215

Cardinia Western Port Green Wedge Management Plan

23 March 2017



Trevor McCullough, Chair

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## List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
GWZ	Green Wedge Zone
LPP	Local Planning Policy
Management Plan	<i>Cardinia Western Port Green Wedge Management Plan July 2016</i>
MSS	Municipal Strategic Statement
PPN	Planning Practice Note
SPPF	State Planning Policy Framework
SUZ1	Special Use Zone – Schedule 1
UGB	Urban Growth Boundary
VFF	Victorian Farmers Federation

## Overview

### Amendment Summary

<b>The Amendment</b>	Cardinia Planning Scheme Amendment C215
<b>Common name</b>	Cardinia Western Port Green Wedge Management Plan
<b>Brief description</b>	Amendment C215 implements the findings of the <i>Cardinia Western Port Green Wedge Management Plan (July 2016)</i> by introducing a Western Port Green Wedge Local Policy as part of the Cardinia Planning Scheme.
<b>Subject site</b>	All land within the Cardinia Shire Council's portion of the Western Port Green Wedge.
<b>Planning Authority</b>	Cardinia Shire Council
<b>Authorisation</b>	A03401, 2 August 2016
<b>Exhibition</b>	1 September to 3 October 2016
<b>Submissions</b>	Number of Submissions: 26 total; 4 in support; 22 seeking changes

### Panel Process

<b>The Panel</b>	Trevor McCullough (Chair)
<b>Directions Hearing</b>	Council Chambers, Cardinia Shire Council Offices, 31 January 2017
<b>Panel Hearing</b>	Council Chambers, Cardinia Shire Council Offices, 7 March 2017
<b>Appearances</b>	<p>Cardinia Shire Council represented by Ms Brooke Templeton</p> <p>G W and R E Osborne represented by Ms Jenny Devine of KLM Spatial</p> <p>Bald Hill Farm Pty Ltd represented by Ms Jenny Devine of KLM Spatial</p> <p>Mr Tas Kozaris</p> <p>Cardinia Branch of the Victorian Farmers Federation represented by Mr David Young</p> <p>Nar Nar Goon Progress Association represented by Mr Geoff Bramley</p> <p>Mr Simon Beard</p>
<b>Site Inspections</b>	Unaccompanied, 31 January and 7 March 2017
<b>Date of this Report</b>	23 March 2017

## Executive summary

### (i) Summary

Cardinia Planning Scheme Amendment C215 (the Amendment) seeks to implement the findings of the *Cardinia Western Port Green Wedge Management Plan July 2016* (Management Plan).

The Management Plan divides the Cardinia Green Wedge into three precincts as shown in Figure 3 of this report based on the land use characteristics of each area:

- Precinct 1 – Soil based agriculture and food production precinct
- Precinct 2 – The coastal precinct
- Precinct 3 – The railway precinct.

Specifically, the Amendment proposes the following changes to the Cardinia Planning Scheme:

- Amend Clause 21.01 'Cardinia Shire key issues and strategic direction' to include reference to the Western Port Green Wedge in relation to settlement and housing and economic development to provide further policy protection in relation to high quality soils within the green wedge.
- Amend Clause 21.02 'Environment', in particular sub Clause 21.02 - 6 'Post – contact heritage' to make reference to the recognition of the cultural significance of the Western Port Green Wedge, particularly the significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline.
- Amend Clause 21.04 'Economic development' to provide further control in relation to tourism, growth of townships, agriculture, extractive industry and reword further strategic work that has been completed. Also include the *Cardinia Western Port Green Wedge Management Plan (July 2016)* as a reference document.
- Insert a Western Port Green Wedge Local Planning Policy at Clause 22.05 to provide further guidance in relation to the protection and management of the Western Port Green Wedge.
- Include the *Cardinia Western Port Green Wedge Management Plan (July 2016)* as a reference document.

The Amendment was exhibited in September and October 2016, and a total of 26 submissions were received.

Key issues raised in submissions included:

- The need for township strategies for Nar Nar Goon and Tynong.
- A lack of guidance around appropriate locations for places of worship and schools as detailed in the draft document.
- The need to broaden the range of land uses within the green wedge to take into account the specific site characteristics of some sites.
- The content of Precinct 1 to be expanded upon to appropriately address the size and range of uses of the precinct beyond the Special Use Zone – Schedule 1 (SUZ1).
- Concerns with the location shown in the local policy for the proposed future airport.
- Comments on the detail of the Management Plan.

A number of other issues were raised in submissions that are outside the scope of the Amendment, such as proposed changes to the Urban Growth Boundary (UGB).

Council has acknowledged a number of the relevant issues raised in submissions and has proposed changes to clause 22.05 'Western Port Green Wedge Policy', particularly with respect to reference to places of worship and schools and in relation to the description and range of uses in each of the three green wedge precincts. These changes have resolved the majority of submissions.

The Panel has considered all written submissions and further submissions made to the Panel Hearing, and concludes that the Amendment should be supported subject to some further clarifications in the text of clause 22.05 and some suggested refinements to the drafting of the clause.

## **(ii) Recommendations**

**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.**

## **(iii) 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.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Amendment, as exhibited, proposes to implement the key recommendations of the *Cardinia Western Port Green Wedge Management Plan (July 2016)* (Management Plan) by introducing a Western Port Green Wedge Local Policy and amending the Municipal Strategic Statement to remove reference to matters proposed to be addressed in the Western Port Green Wedge Local Planning Policy (new clause 22.05). The Amendment also includes the Management Plan as a reference document in the Cardinia Planning Scheme.

Specifically, the Amendment makes the following changes to the Cardinia Planning Scheme:

- Amend Clause 21.01 Cardinia Shire key issues and strategic direction to include reference to the Western Port Green Wedge in relation to settlement and housing and economic development to provide further policy protection in relation to high quality soils within the green wedge.
- Amend Clause 21.02 Environment, in particular sub Clause 21.02 - 6 Post – contact heritage to make reference to the recognition of the cultural significance of the Western Port Green Wedge, particularly the significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline.
- Amend Clause 21.04 Economic development to provide further control in relation to tourism, growth of townships, agriculture, extractive industry and reword further strategic work that has been completed. Also include the Cardinia Western Port Green Wedge Management Plan (July 2016) as a reference document.
- Insert a Western Port Green Wedge Local Planning Policy at Clause 22.05 to provide further guidance in relation to the protection and management of the Western Port Green Wedge.
- Include the *Cardinia Western Port Green Wedge Management Plan (July 2016)* as a reference document.

### (ii) Purpose of the Amendment

The Amendment seeks to strengthen policy in relation to the management and protection of the Cardinia portion of the Western Port Green Wedge.

Council submitted that the Management Plan provides a strategic framework to enable Council to influence appropriate planning outcomes and respond to challenges occurring in the Cardinia Western Port Green Wedge over the next 20 years.

### (iii) Cardinia Western Port Green Wedge

The Amendment applies to all land within the Cardinia Shire Council's portion of the Western Port Green Wedge, shown in Figures 1 and 2.

The Western Port Green Wedge is one of the 12 green wedges in Melbourne on the outskirts of Melbourne, located outside of the Urban Growth Boundary (UGB). It is located in the



southeast of Melbourne and covers the southern, mainly rural areas of Cardinia Shire Council and City of Casey. Its context in south east Melbourne is shown in Figure 1.

The Cardinia portion of the Green Wedge is approximately 615 square kilometres in size and covers the areas of Bunyip, Longwarry, Modella, Catani, Heath Hill, Nyora and Lang Lang, shown in Figure 2. The Amendment applies to this area as shown.



Figure 1 Melbourne's green wedges showing the Western Port Green Wedge



submissions about the Amendment. Those in attendance at the Panel Hearing are listed in the Panel Overview.

### **1.3 Background**

In 2010, the Victorian Government provided funding to Cardinia Shire Council and the City of Casey to support the preparation of a joint management plan for the Western Port Green Wedge. This funding was used in part to prepare a discussion paper in relation to the Western Port Green Wedge which was completed and publicly exhibited in late 2011.

Preparation of the management plan advanced to an initial draft prior to the release of the Victorian Government's metropolitan strategy Plan Melbourne. A decision was made by both Councils to not advance the draft until there was greater certainty around Plan Melbourne and its implementation. Once Plan Melbourne was finalised, the draft *Western Port Green Wedge Management Plan (December 2014)* was completed and placed on public exhibition in late 2015. The feedback received from the communities was vastly different, with strong support for further protecting the green wedge in Cardinia Shire and a desire to further subdivide the green wedge within the City of Casey.

Post exhibition, the partnership between Cardinia Shire Council and the City of Casey concluded following a decision made by Cardinia Shire Council on 15 February 2016 to finalise the management plan independently within its own municipal area. Council advised that this decision was made due to a divergence in the strategic direction of both Councils in relation to the management plan. Cardinia Shire then proceeded to independently prepare the *Cardinia Western Port Green Wedge Management Plan (Management Plan)*.

### **1.4 The Cardinia Western Port Green Wedge Management Plan**

Council submitted that 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.*

*Western Port's internationally recognised environment, its established agriculture industry, rich agricultural soils, ready access to water and its extensive transportation networks create the area's enormous (largely latent) economic potential. The management plan identifies strategies that aim to realise this potential which will have flow on effects on the local economy, employment and the vibrancy of the settlements within the green wedge.<sup>1</sup>*

The Management Plan divides the Cardinia Green Wedge into three precincts as shown in Figure 3 based on the land use characteristics of each area:

- Precinct 1 – Soil based agriculture and food production precinct
- Precinct 2 – The coastal precinct
- Precinct 3 – The railway precinct

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<sup>1</sup> Extract from Council panel submission.

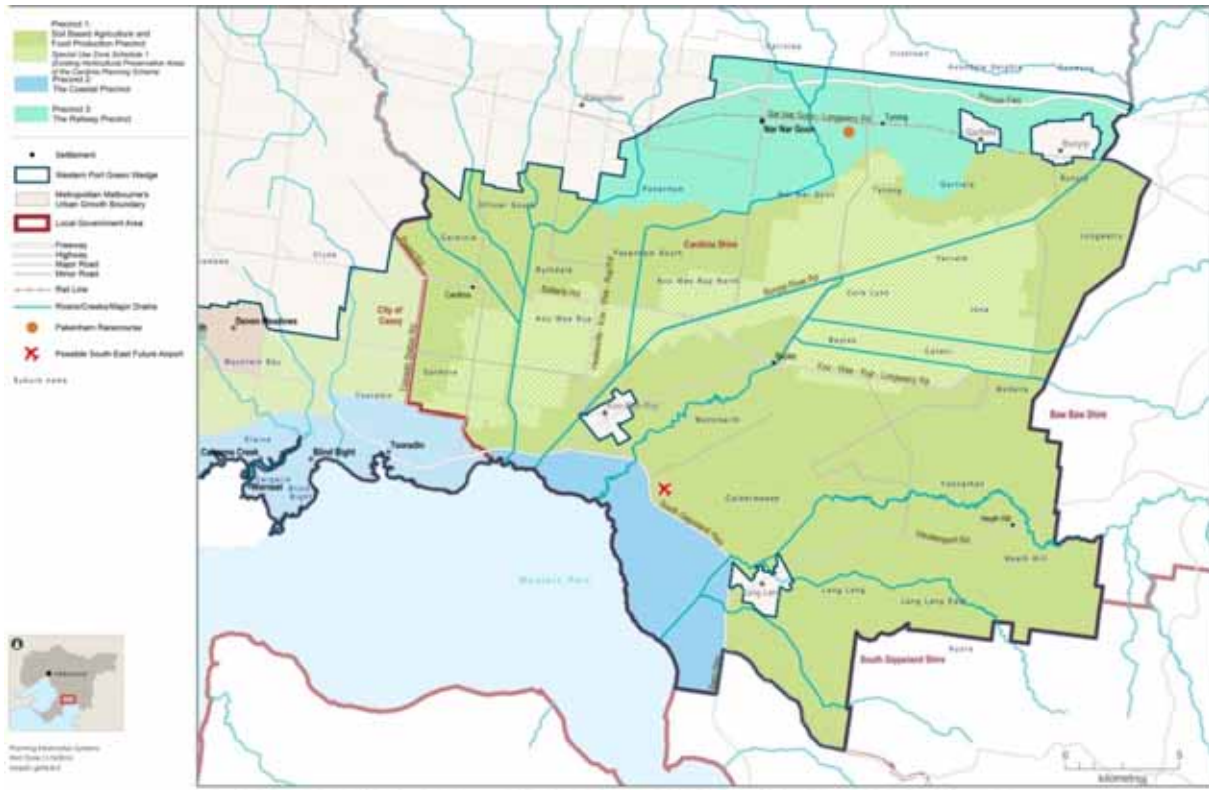


Figure 3 Cardinia Green Wedge precincts<sup>2</sup>

The three precincts are referred to extensively in the proposed policy and in the Management Plan.

## 1.5 Summary of issues raised in submissions

A total of 26 submissions were received with four submissions in support, 22 submissions seeking changes, and no submissions directly opposing the Amendment.

### (i) Planning Authority

Council emphasised the strategic importance of protecting the green wedge and provided responses to issues raised by submitters.

In response, Council, at its 12 December 2016 meeting, endorsed a number of changes to the local policy clause 22.05 and the Management Plan. These are set out in section 1.6.

### (ii) Relevant agencies

The Environment Protection Authority (EPA) raised a number of issues in relation to separation distances, particularly with respect to extractive industry.

No other agencies raised any substantial issues or concerns.

<sup>2</sup> Map 9 of the Management Plan.

### (iii) Individual submitters

Submitters raised a range of issues: some directly relevant to the matters being considered in the proposed Amendment; some relating to the content of the Management Plan; and some not directly relevant to the Amendment at all. The key relevant issues raised in the submissions of the various parties are briefly summarised as follows:

- The need for township strategies for Nar Nar Goon and Tynong.
- A lack of guidance around appropriate locations for places of worship and schools as detailed in the draft document.
- The need to broaden the range of land uses within the green wedge to take into account the specific site characteristics of some sites.
- The content of Precinct 1 to be expanded upon to appropriately address the size and range of uses of the precinct beyond the Special Use Zone – Schedule 1 (SUZ1).
- Concerns with the location shown in the local policy for the proposed future airport.
- Comments on the detail of the Management Plan.

## 1.6 Council proposed changes to the Amendment post-exhibition

A report to 12 December 2016 Council meeting proposed the following changes to the Management Plan (with consequent changes to the Amendment) in response to submissions:

*Minor grammatical errors which required correction.*

*More of an emphasis on agriculture and horticulture not just agriculture throughout the document and the vision. This has been implied in the exhibited version, but was not explicit enough.*

*Additional emphasis on the adverse effect of urban sprawl and development on agricultural and horticultural production in Section 7.10 Urban development, within the precincts and throughout the document.*

*The re-introduction of content from the draft joint document (2014) in relation to the location of places of worship and schools in the green wedge. Justification as to why guidance is needed in relation these uses, where they should be located and an action to address these uses as part of the proposed local green wedge policy.*

*Minor amendments to section 7.12 Extractive industry to recognise areas specifically within the precincts (these areas are identified on Map 8 as exhibited, but were not explicit enough in the text). An additional strategy has also been included in response to the EPA submission.*

*Precinct 1 has had a number of changes in response to several submissions received. These changes as follows:*

- *Precinct name amended to better reflect the size and intent of the precinct.*
- *Land area description has been expanded upon to better reflect the size of the precinct.*

- *Individual discussion on the SUZ1 area and the balance of the precinct. In the exhibited version, the document focused on the SUZ1 area and did not provide enough guidance for the balance of the precinct.*
- *Vision expanded upon to better address the scale of the area and the distinction between the SUZ1 and the balance of the precinct.*
- *Identify extractive interest area and address extractive industry.*
- *Changes to future directions / preferred land uses expanded upon to address the differences between the SUZ1 and the balance of the precinct, places of worship and schools and to address extractive industry.*

*Precinct 2 has had amendments made to achieve consistency with the changes made to Precinct 1. These changes are as follows:*

- *Additional background on the Ramsar wetlands and environmental significance. Identify extractive interest area and address extractive industry.*
- *Changes to future directions/preferred land uses to address places of worship and schools and extractive industry.*

*Precinct 3 has been amended to address required content and to achieve consistency with the changes made to Precincts 1 and 2. These changes are as follows:*

- *Inclusion of Land area description (this was missing and an error in the exhibited management plan). Identify extractive interest area and address extractive industry.*
- *Changes to future directions/preferred land uses to address places of worship and schools and extractive industry.*
- *Additional action (#53) in response to a submission which is a repeat of an existing action in Precinct 1 but also relevant also to Precinct 3.*

The Council report went on to say:

*The above changes have been made in response to the submissions received and with the intention to improve the purpose and influence of the document. The principles remain the same, with minor amendments to the vision to further expand on horticulture and soil based food production. It is submitted that the above outlined changes do not alter the intent of the document. Rather, the changes are administrative in nature and build on the existing structure, making the document more robust and emphasizing the importance of the management plan.*

Appendix B of this report shows the post-exhibition changes to clause 22.05 proposed by Council, along with a small number of additional changes tabled at the Panel Hearing.

The version of clause 22.05 shown in Appendix B was used as the starting point for discussions and further submissions to the Hearing.



## **1.7 Issues dealt with in this Report**

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Issues raised in submissions:
  - The need for township strategies
  - Places of worship and schools
  - Land uses in the green wedge precincts
  - Reference to the location of the future airport
  - Other corrections and additions
  - Notification of landowners
- Content and drafting of the Amendment.

## **1.8 Limitations and exclusions**

Submitters raised a number of issues that are not relevant to this Amendment including:

- Suggested changes to the Urban Growth Boundary
- Development of the Pakenham Racecourse at Tynong
- Rate reductions for landowners in the green wedge
- The need for Nar Nar Goon and Tynong to expand
- The merits of different locations for a future airport.

These are all issues that are outside the scope of this Amendment and have not been considered by the Panel except where there is contextual reference to these issues in the parts of the planning scheme that are proposed to be changed.

The content of the *Cardinia Western Port Green Wedge Management Plan 2016* is not strictly speaking the subject of this Amendment. The document is, however, proposed to become a reference document as part of the Amendment, and the Management Plan has been used to inform the content of the Amendment. Council is proposing to make a number of changes to the Management Plan in response to submissions received, and to make the Management Plan consistent with the final form of the Amendment. The Panel agrees that this action is appropriate, but has not considered the proposed changes to the Management Plan in any detail. The Panel makes the broad recommendation that the Management Plan be amended as Council sees fit.

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- Clause 11.04-7 Green Wedges which seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development. Clause 12.01 Biodiversity seeks to *assist in the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*
- Clause 12.01-2 Landscapes seeks to improve the landscape qualities, open space linkages and environmental performance in green wedges and non-urban areas.
- Clause 12.02 Coastal areas seeks to enhance and encourage sustainable use of coastal areas.
- Clause 13 Environmental risks seeks to avoid or minimise impacts of coastal inundation and erosion.
- Clause 14.01-1 Protection of agricultural land seeks to *protect productive farmland which is of strategic significance in the local or regional context.*
- Clause 14.01-2 Sustainable agricultural land use seeks to *encourage sustainable agricultural land use.*
- Clause 14.02-2 Water quality seeks to *protect water quality.*

#### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21 Cardinia Shire Key issues and strategic vision 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. It 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.
- Clause 21.02 Environment identifies that the majority of Cardinia Shire is located within the Western Port catchment, which includes a Ramsar wetland.
- Clause 21.02-2 Landscape seeks *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 of this clause is to achieve a net gain in the quantity and quality of native vegetation in the municipality.
- Clause 21.04-2 Agriculture seeks 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 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 (3) 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*.

## **2.2 Planning scheme provisions**

No changes are proposed to zones or overlays as part of this Amendment.

## 2.3 Ministerial Directions and Practice Notes

Council submitted that the preparation of the Management Plan was done in accordance with the DELWP planning practice note, *Preparing a Green Wedge Management Plan – Planning Practice Note 31*. This practice note helps guide the preparation of green wedge management plans and outlines the general requirements that should be met in the preparation of the document.

Planning Practice Note 8 – *Writing a local planning policy* – is relevant to the drafting of the new clause 22.05. Compliance with the practice note is discussed in Chapter 4 of this report.

## 2.4 Authorisation conditions

The Amendment was authorised by DELWP on 2 August 2016, with two conditions:

- *Council to review proposed Clause 22.05 and ensure that the preferred land uses listed within the proposed Western Port Green Wedge Policy comply with Clause 57 Metropolitan Green Wedge Land and do not contradict the purposes of Clause 57.*
- *Council to ensure that the provisions of the adopted Cardinia Western Port Green Wedge Management Plan (July 2016) and the proposed Clause 22.05 are consistent with the directions and policies of Plan Melbourne 2016 (to be released later in 2016).*

### Clause 57

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

*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.*

*To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*

*To provide deeming provisions for metropolitan green wedge land. The clause also provides for additional controls on uses on green wedge land above and beyond those authorized under the other zones that make up the green wedge.*

Council submitted that the Amendment responds directly to Clause 57 Metropolitan Green Wedge Land through the introduction of clause 22.05, and by making changes to clauses 21.01, 21.02 and 21.04 to remove any potentially conflicting or redundant references.

It submitted that references to land use in Clause 22.05 comply with Clause 57 Metropolitan Green Wedge Land.

### **Plan Melbourne**

Council submitted that, at the time of exhibition of Amendment C215, Plan Melbourne 2016 had not been released, however, the Management plan and proposed Clause 22.05 are consistent with *Plan Melbourne Metropolitan Planning Strategy - 2014*.

Council submitted that the Amendment implements the objectives of *Plan Melbourne* including the following:

- Direction 5.2 – *Protect and restore natural habitats in urban and non-urban areas.*
  - Initiative 5.2.3 - *Protect the coastlines and waters of Port Phillip Bay and Western Port.*
- Direction 5.3 – *Enhance the food production capability of Melbourne and its non-urban areas.*
  - Initiative 5.3.1 - *Protect high quality agricultural land in and around Melbourne for food production.*
- Direction 6.1 – *Deliver a permanent boundary around Melbourne.*
  - Initiative 6.1.1 - *Confirm the mechanism and lock in a permanent boundary.*

## **2.5 Discussion and conclusion**

The Panel accepts Council's assessment that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with Planning Practice Note 31. There are some issues in relation to consistency with Planning Practice Note 8, and this is discussed in Chapter 4.

The Panel agrees that the Amendment is consistent with Clause 57 and Plan Melbourne, and therefore generally satisfies the conditions placed on authorisation by DELWP.

The Amendment is well founded and strategically justified, and the Panel concludes that the Amendment should proceed subject to addressing the more specific issues raised in the following chapters.

## 3 Issues raised in submissions

### 3.1 The need for township strategies

#### (i) The issue

How should clause 22.05 Western Port Green Wedge Policy refer to township strategies?

#### (ii) Submissions

Several submitters, including Mr Kozaris (Submission 3) and the Nar Nar Goon Progress Association (submission 24), submitted that there is a need to prepare township strategies for the small townships in the green wedge (such as Nar Nar Goon and Tynong).

The main thrust of these submissions was that the town boundaries should be expanded to allow for further development.

The Nar Nar Goon Progress Association submitted that a township strategy is essential for the sustainable future of the town. It submitted that *“Nar Nar Goon needs a range of residential allotments to encourage young families and those wanting larger blocks to enjoy what a large rural town can offer. Nar Nar Goon needs a town boundary. Nar Nar Goon needs a structure plan to halt the spread of the UGB.”*

The Nar Nar Goon Progress Association submitted that, in the absence of a township boundary, poor development outcomes such as battle axe blocks with difficult access were likely.

Council advised that it had sought support from the State government for the preparation of a township strategy for Nar Nar Goon in 2015 and received the response that:

*The Victorian Government is committed to protect Melbourne's green wedges and maintaining the Urban Growth Boundary. As such, proposals to expand the Nar Nar Goon township beyond the existing footprint are unlikely to be supported by government.*<sup>3</sup>

Council submitted that:

*In light of the response from the Victorian Government, Council resolved to only seek infill development and no further expansion of township boundaries or the UGB. The management plan is drafted in such a way that should the position of the Victorian Government change or a new Government be elected, that the document does not prevent the growth of townships from occurring where supported by an adopted township strategy and /or policy.*

Council noted that action 33 of the Management Plan seeks to *“pursue the implementation of a UGB for those townships without a boundary as part of the development of a full township strategy”*.

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<sup>3</sup> Reply quoted in Council's hearing submission.

Council submitted that the action sought by the submitters is therefore not an issue for this Amendment.

### **(iii) Discussion**

While submissions centred on Nar Nar Goon and Tynong, the same arguments may apply to other smaller green wedge settlements such as Bayles or Cardinia. Garfield, Bunyip, Koo Wee Rup and Lang Lang are larger settlements that already have defined township boundaries are excluded from the green wedge as shown in Figure 2. The Panel understands that a Township Strategy for Koo Wee Rup has recently been adopted.

It is outside the scope of this Panel to consider whether township boundaries should be expanded. The Panel also notes that Clause 57.01-2 (Subdivision of lots in the Green Wedge) prevents subdivision of lots smaller in area than the minimum area specified for the land in the zone. The proposed policy does, however, seek to provide guidance to development in these townships that seems to depend on the preparation of township strategies.

The proposed clause 22.05-3 includes the policy: *“Allow only limited growth for all green wedge settlements, where supported by an adopted township strategy and/or policy”*. This is repeated as a ‘Future direction/preferred land use’ for Precinct 3 (The railway precinct) in Table 1 of clause 22.05. Actions in the Management Plan also refer to the intent to prepare township strategies for Nar Nar Goon and Tynong.

The Panel agrees with the Nar Nar Goon Progress Association that in the absence of any township strategies, development in the towns is effectively stifled other than infill development within current zoned land. The absence of a clear township strategy could also lead to undesirable patterns of development such as battle axe lots, or underutilised land otherwise suitable for residential development.

The Panel agrees with submitters that, if the policy is to have proper effect, township strategies of some form should be prepared. Having said that, it should be noted that this process is unlikely to achieve the outcome of expanding the towns that some submitters seek. The response from the Government quoted by Council indicates that an expansion of the town boundaries is unlikely to be supported. The Panel believes that it would still be worthwhile setting some strategic direction for infill development on land currently zoned residential. Such an approach would at least help to prevent undesirable development outcomes within the existing townships. Council should seek advice from DELWP on the merits of such an approach. In the longer term, the expansion of township boundaries could be reviewed as a separate exercise as government policy allows.

### **(iv) Conclusion**

The Panel concludes that:

- No change is required to the wording of clause 22.05 in relation to township strategies as it is already covered.
- For clause 22.05 to have proper effect, Council should seek advice from DELWP 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.

## 3.2 Places of worship and schools

### (i) The issue

What guidance should be given for use of land for places of worship and schools in the proposed policy?

### (ii) Submissions

A number of submitters raised concerns about locating places of worship and schools in the green wedge. Concerns raised included: that the uses were inappropriate; and more detailed concerns about the lack of guidance in the planning scheme for planning permit applications.

Council acknowledged the concerns and submitted that an error had been made in deleting the reference to places of worship and schools in the final version of the Management Plan and proposed policy. The version of clause 22.05 tabled at the Panel Hearing shows the changes made to address these issues.

Council submitted:

*The management plan acknowledges that green wedges are now encouraged to contain a broader range of activities and uses than previously allowed through the changes made to the GWZ (by the previous Minister for Planning). Two (2) of these uses are places of worship and schools, which were previously prohibited. Whilst these uses are now allowed (subject to approval and conditions) they are urban in nature and can have a detrimental impact to the rural environment, biodiversity, fragment agricultural land and affect the right to farm. These uses are addressed in detail in each of the three (3) precincts and guidance is provided to where schools and places of worship should and should not be located in the green wedge.*

*Council is proposing to give statutory weight to this guidance through implementation in proposed Clause 22.05 Western Port Green Wedge Local Planning Policy.*

The future directions/preferred land uses column in Table 1 of clause 22.05 now includes words that discourage non-rural uses such as primary, secondary schools and places of worship within each of the three precincts. The guidance goes on to say “*and locate these types of uses within the existing townships and along the UGB, subject to strategic justification.*”

### (iii) Discussion

The Panel accepts that the guidance in relation to places of worship and schools in the proposed policy is appropriate, noting that both are allowable uses. This will provide some guidance to Council to assist in responding to applications.

The wording in Table 1 of the policy could, however, be clarified. It is not clear to the Panel what is meant by “*along the UGB*”. Does it mean within the green wedge but adjoining the UGB or does it mean inside the UGB?

**(iv) Conclusion**

The Panel concludes that the clarification in relation to places of worship and schools in the amended clause 22.05 proposed by Council is appropriate subject to clarifying what is meant by “along the UGB”.

**3.3 Land uses in the green wedge precincts****(i) The issue**

Is the guidance in clause 22.05 for land use in each of the three Precincts appropriate?

**(ii) Submissions**

Ms Devine of KLM Spatial, on behalf of Bald Hill Farm Pty Ltd (submission 14) and G W and R E Osborne (submission 11), submitted that the future direction and preferred land uses in Table 1 of clause 22.05 should be amended to allow a wider range of land uses that are still consistent with the Green Wedge Zone. KLM Spatial submitted that there ought to be acknowledgement within the Management Plan and clause 22.05 of the previous findings of the Logical Inclusions Advisory Committee, and that their clients’ land could be considered for future employment land given its proximity to the UGB and the limitations on the sustainability of other land uses.

Council submitted that the preferred land uses within Precinct 3 have been expanded upon to appropriately address the size of Precinct 3. Other land uses that are Section 1 or Section 2 uses within the underlying zone are not being prohibited, however, clear guidance is given to the preferred outcomes being sought to fully realise the potential of this precinct and the role it plays in supporting Precinct 1.

Several submissions raised concerns in relation to the size of Precinct 1 and particularly its focus on the Special Use Zone (SUZ1) area of the Precinct.

Council advised that changes have been made to the content of Precinct 1 in the Management Plan, including:

- The text has been expanded upon to further address land outside of the SUZ1.
- The name of the Precinct and the precinct description have been amended to accurately reflect the diversity of this area beyond the SUZ1.

Council submitted that

*Precinct 1 has broadened its scope and provides sound justification for the future directions and preferred land uses being sought. Other land uses that are Section 1 or Section 2 uses within the underlying zone are not being prohibited, however clear guidance is given to the preferred outcomes being sought to fully realise the agricultural and horticultural potential of this precinct. This can be seen within the tracked change version, most notably within Section 8.1 (of the Management Plan).*

**(iii) Discussion and conclusion**

The Panel endorses the changes proposed by Council, and agrees that the guidance for preferred land use in each of the precincts is appropriate. There are limitations on the range

of land uses that are appropriate for land within the green wedge. The concerns of some of the landowners will not be resolved unless their land is included in the UGB. As indicated earlier in this report, that is outside the scope of this Amendment.

### **3.4 Reference to the location of the future airport**

#### **(i) The issue**

How should the location of the future airport be shown in the local policy and Management Plan?

#### **(ii) Submissions**

Several submitters, including the Victorian Farmers Federation (VFF) and the Nar Nar Goon Progress Association raised concerns about the location of the future airport on maps in the Management Plan and in the proposed local policy. Both the VFF and the Nar Nar Goon Progress Association supported referring to a future airport but objected to the location as shown, submitting that a location closer to Cardinia would be more suitable.

Council submitted that the potential airport has been identified at a high level by the Victorian Government within *Plan Melbourne*, however site specific details of the airport, including its location have not been identified.

Council submitted that it supports a third airport within Cardinia Shire and will work with the Victorian Government to ensure that the airport minimises any adverse effects on the surrounding environment.

Council offered to remove the plane icon from the maps in the proposed policy and the Management Plan so that there was no implication that there was a preferred location.

#### **(iii) Discussion and conclusion**

The Panel agrees that the current maps, which all show a plane icon between Koo Wee Rup and Lang Lang, could be interpreted by some as indicating a preferred location.

If Council is concerned about this, the Panel would support removal of the plane icon or a note on the plans indicating that the future airport location is indicative only.

### **3.5 Other corrections and additions**

#### **(i) Submissions**

Several submitters raised relatively minor suggestions for corrections, clarifications or additions that Council have addressed by way of minor changes to the Management Plan, or in a few cases, minor changes to clause 22.05.

Issues identified that prompted some clarification included:

- An error on Map 8 of the Management Plan in relation to extractive industry.
- Reference to the Koo Wee Rup flood protections area.
- Reference to the Horticultural Preservation Zone.



**(ii) Discussion and conclusion**

The Panel endorses the minor clarifications and corrections made by Council to the Management Plan and clause 22.05.

All post-exhibition changes to clause 22.05 proposed by Council are shown in Appendix B.

**3.6 Notification of landowners**

**(i) The issue**

Was proper notification of the Amendment provided to affected landowners?

**(ii) Submissions**

Mr Beard submitted that not all landowners would be aware of the Amendment as not all read the local newspapers. He submitted a letterbox drop to all landowners would have been more appropriate.

Council submitted that a letterbox drop would have been overly expensive and unnecessary. It submitted that the approach of advertising the Amendment in local papers and on the Council and DELWP website appropriately reached affected parties. Council submitted that there had been extensive community engagement over a number of years on the development of the management plan.

**(iii) Discussion and conclusion**

The Panel is satisfied that that the notification of the Amendment was satisfactory in accordance with the notice requirements of the *Planning and Environment Act 1987*.

## 4 Content and drafting of the Amendment

### 4.1 The issue

Are the MSS and local policy clauses properly drafted?

Whilst the Panel's role is primarily to provide advice on issues raised in submissions, where improvements can be made to the drafting of the Amendment, the Panel believes it has some obligation to point that out. No submissions were made in relation to drafting, but the Panel believes that the drafting could be improved.

### 4.2 Discussion

Drafting of local planning policy should follow the principles set out in Planning Practice Note 8 – Writing a local policy. The Panel wishes to comment on some of the principles in PPN8.

Firstly, in relation to the principle *"An LPP should not contain broad strategic objectives and strategies"*, the Panel is of the view that the objectives and strategies contained in the proposed clause 22.05 are not overly "broad" in nature and more specifically related to the green wedge and provide guidance for planning decisions in the green wedge.

Secondly, in relation to the principle *"An LPP should not contain mandatory requirements"*, the Panel notes that some of the policy does read as mandatory. Specifically, Clause 22.05-3 Policy leads off with *"It is policy that all use and development proposals within the green wedge must:"* As local policy is intended to be guidance for planning decisions, the word "must" should be replaced by "should".

Clause 22.05 contains a number of policy statements, some of which are more correctly application requirements and some of which are more general policy guidance. It may read better if the statements were separated out, and reworded if necessary to clarify their intent. For example the first two dot points above the 'Tourism' heading read as application requirements and should be listed under that heading. The first dot point under 'Tourism' reads as policy guidance but may benefit from a lead in statement such as "It is policy that:".

It is suggested that the drafting of the final form of clause 22.05 be reviewed in conjunction with DELWP before finalisation.

### 4.3 Recommendations

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.

#### **4.4 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.

## Appendix A Submitters to the Amendment

No.	Submitter
1	Baw Baw Shire Council
2	Bass Coast Shire Council
3	Tas Kozaris
4	Geoff Gee
5	Seumas Marwood, Danielle Marwood and Tyler Marwood
6	Glenn and Colleen Blundy
7	John Farley & Beverley A Stevenson
8	Elizabeth Fraser
9	South East Water
10	KLM Spatial, on behalf of G F & M L Wallace
11	KLM Spatial, on behalf of G W & R E Osborne
12	Rosemary Biddell
13	Simon Beard
14	KLM Spatial, on behalf of Amberfield Farm Developments Pty Ltd (Bald Hill Farms)
15	EPA Victoria
16	Ian Anderson
17	Marli Plant
18	Susan Davies
19	Cardinia Ratepayers & Residents Association
20	G W & R E Osborne
21	Graham & Sandra Williamson
22	Harold Hobson
23	Max Hobson
24	Nar Nar Goon Progress Association
25	Geoff Bramley
26	J & S Reeve

## **Appendix B Council proposed changes to clause 22.05 – Western Port Green Wedge Policy**

## CARDINIA PLANNING SCHEME

**22.05 WESTERN PORT GREEN WEDGE POLICY**

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This policy applies to all land within Cardinia Shire Council's portion of the Western Port Green Wedge (as identified on Map 1 at Clause 22.05-3).

**22.05-1 Policy basis**

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The Western Port Green Wedge encompasses the southern mainly rural areas of Cardinia Shire Council and the City of Casey. It covers an area of approximately 746 square kilometres, incorporating land within both the City of Casey and the Cardinia Shire. Approximately 615 square kilometres of this Green Wedge land is located within Cardinia Shire.

The Western Port Green Wedge is home to important assets that have value in their own right and have a significant role to play in making Melbourne a great city. A large proportion of Cardinia's Western Port Green Wedge has some of the best agricultural soil in Melbourne, providing much of Victoria's asparagus, celery, leeks, herbs, silver beet and beef production. Important natural resources exist within the green wedge, with existing sand extraction industry in operation around Lang Lang with potential future extractive industry to occur in the north. It also has important biodiversity values, particularly the internationally significant Ramsar wetlands and habitat for endangered species including the southern brown bandicoot and the growling grass frog. There are a number of rural townships and localities that play an important role, providing opportunities for non-urban township living as well as providing a focus for the local provision of services, schools and employment. It also has important recreation assets such as the Pakenham Racing Club's Tynong racecourse and a potential future airport.

Although these areas are set aside as non-urban land through the Cardinia Planning Scheme, green wedges are continually subject to intense pressures for urban development and change. There are often competing pressures from urban development, hobby farms, tourism, intensive agriculture and infrastructure because they are on the edge of the city which has a population of approximately four million people.

The Cardinia Western Port Green Wedge also has scope to build a successful tourism industry based on its fresh and healthy local produce. It is important that proposed tourism uses within the green wedge make a relevant contribution to the local economy and provide local employment opportunities. There needs to be a balanced approach between supporting new and growing businesses and protecting the green wedge environment and rural assets upon which the business is based.

A proactive approach is required to ensure that these pressures are appropriately managed and that the liveability, economic values and the scenic and natural qualities of the green wedge are not eroded over time.

The vision for the Cardinia Western Port Green Wedge is:

*The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Intensive agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.*

*Best practice integrated water management will lead to improved water quality and a reduced risk of flooding with improved ecological conditions in Western Port Bay and local biodiversity will be protected, as will habitats for threatened species.*

*The Green Wedge will be home to small, clearly defined settlements that have a strong identity and provide jobs and services for the local community and support the agricultural and horticultural pursuits of the green wedge.*

*The local economy will be driven by its agriculture, horticulture and extractive industry. The Cardinia Western Port Green Wedge provides the opportunity to accommodate a further third airport to serve the long term needs of the South East Melbourne and Gippsland as identified in Plan Melbourne.*

*The Cardinia Western Port Green Wedge will be the permanent edge to Melbourne's southeast.*

## CARDINIA PLANNING SCHEME

This policy builds on the vision, objectives, strategies and actions of the *Cardinia Western Port Green Wedge Management Plan (July 2016)* and will guide decision making by implementing the findings of the management plan which details a strategic approach to the management and protection of the Cardinia Western Port Green Wedge.

This policy:

- Builds on Agriculture at Clause 21.04-2.

## 22.05-2 Objectives

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- To give effect to Council's vision for the Cardinia Western Port Green Wedge.
- To ensure that land uses are carefully located and managed to be consistent with the vision for the Cardinia Western Port Green Wedge.
- To provide clear guidance on appropriate tourism industries and their location.
- To provide guidance and clear direction for preferred land uses for each of the 3 precincts.

## 22.05-3 Policy

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It is policy that:

All use and development proposals within the green wedge must:

- Demonstrate how the proposal responds to the Cardinia Western Port Green Wedge vision as detailed at Clause 22.05-1.
- Demonstrate how the proposal responds to the precinct vision and future directions / preferred land uses as detailed in Table 1 of this policy.

### Tourism

- Support and promote local tourism opportunities that are linked to and based on the strengths and assets of the green wedge.
- Ensure that tourism proposals do not significantly adversely affect the biodiversity, agricultural productivity, landscape, rural amenity or other environmental values of the area.
- Support ecological and farm based tourism that is linked to suitable agricultural uses, including those which support short stay accommodation such as bed and breakfast.
- Ensure new and growing tourism businesses have a strong link to an agricultural use based on the strengths and assets of the green wedge and have minimal adverse impact on the environment.

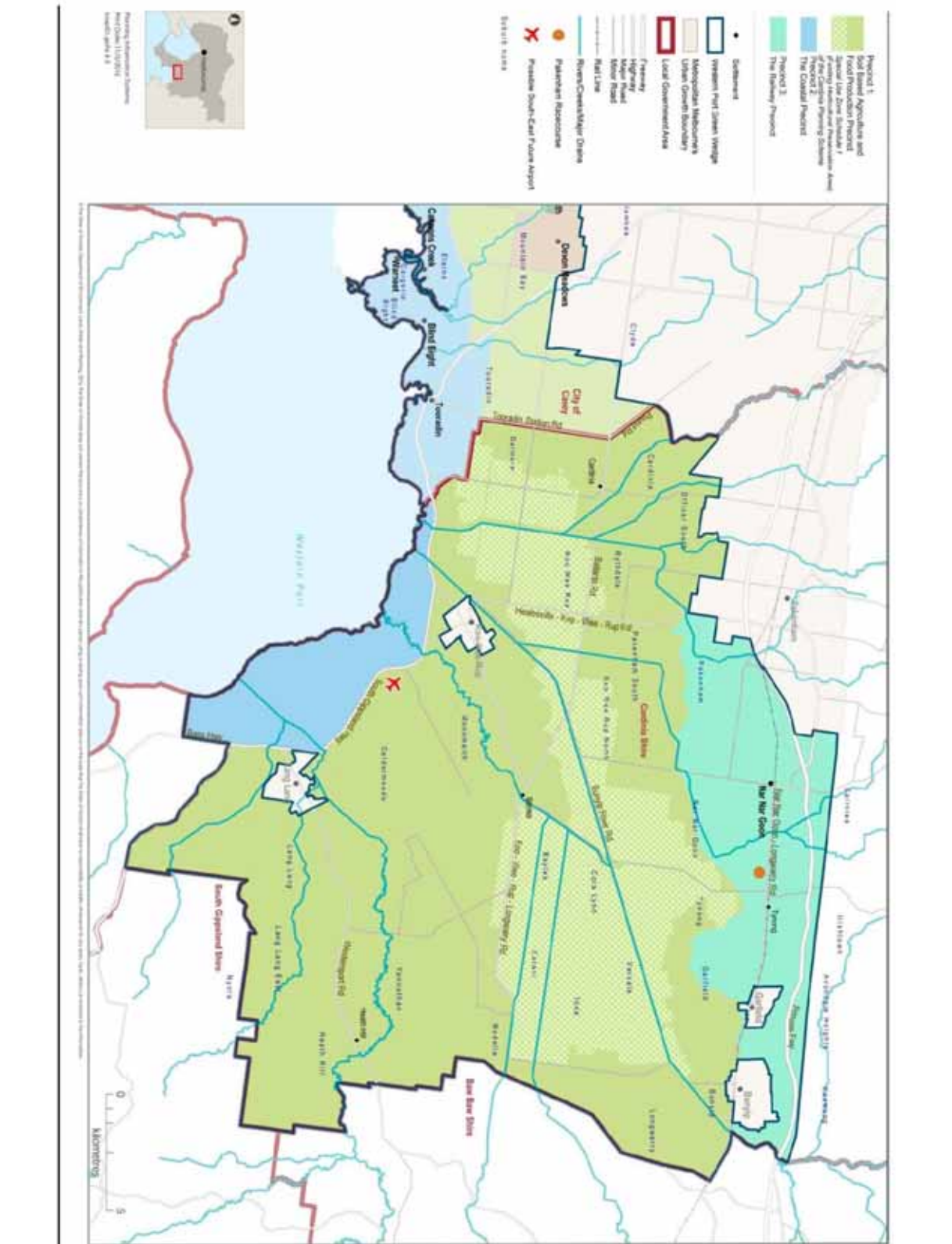
### Land use

- Ensure that green wedge soils and their versatility are recognised as a finite resource and are protected accordingly.
- Maintain and protect the highly productive agricultural land from incompatible uses including non-soil based farming.
- Provide for the restructuring of lots in agricultural areas to reduce the impact of old and inappropriate subdivisions on the economic agricultural viability of the area.
- Minimise the risk of flooding which impacts on agricultural activities in the Koo Wee Rup Flood Protection District.

### Rural townships

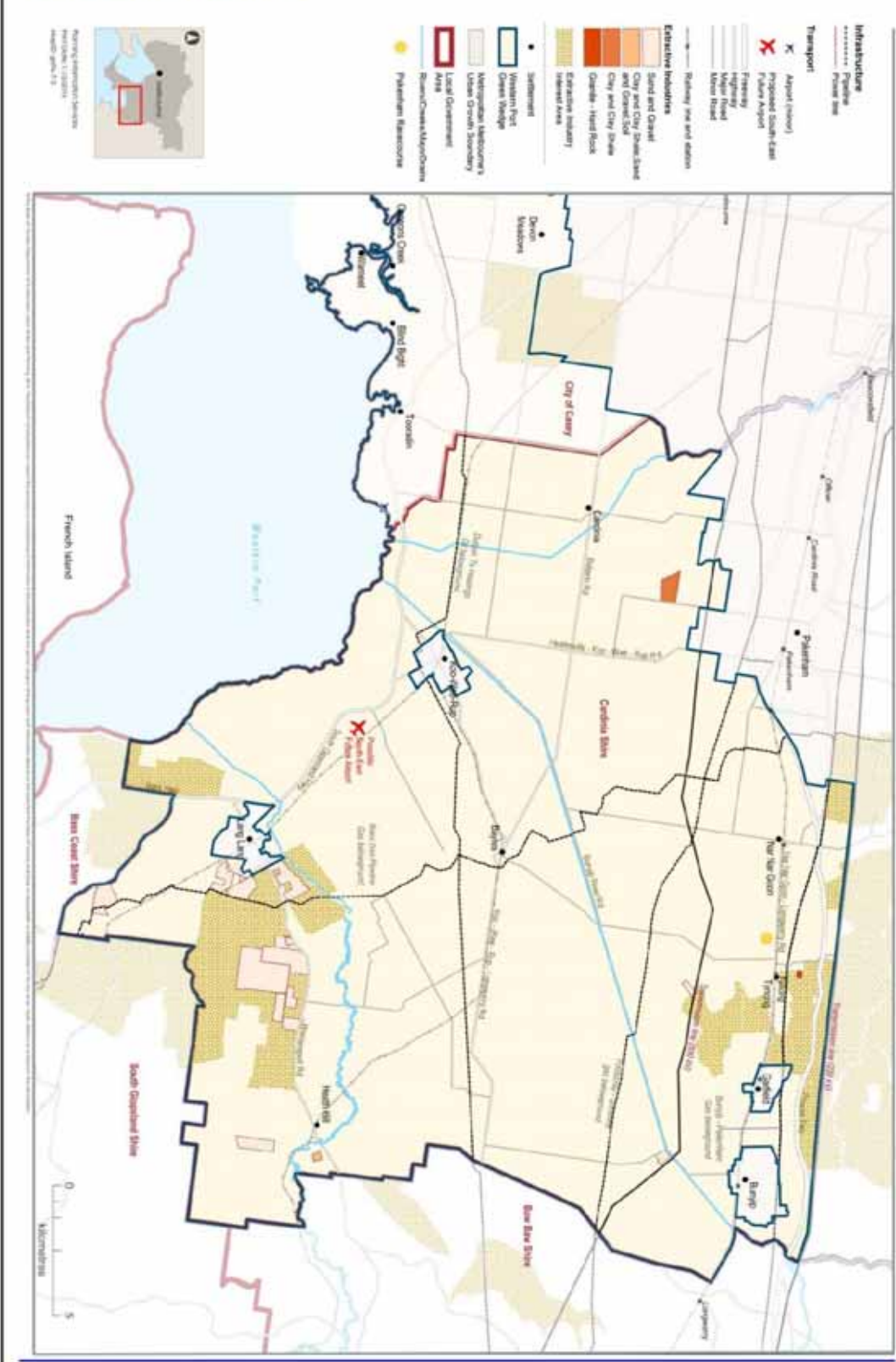
- Protect the values and assets of green wedge land by preventing further encroachment of urban development into the Cardinia Western Port Green Wedge.
- Allow only limited growth for all green wedge settlements, where supported by an adopted township strategy and/or policy.







Map 2: Extractive industries



## CARDINIA PLANNING SCHEME

Table 1: Vision and future directions / preferred land uses by precinct

Precinct	Precinct vision	Future directions / preferred land uses
Precinct 1: Soil based agriculture and food production	<p><i>Precinct 1 will be the hub of soil based agriculture within the Cardinia Western Port Green Wedge, taking advantage of its highly versatile soils, asparagus production, excellent access to water and the important role it plays in food security. Land within the precinct will be prioritised for soil based agricultural use and opportunities for new, innovative or more intensive soil based agriculture will be supported to ensure that the rich agricultural potential of the precinct is realised.</i></p> <p><i>It will integrate biodiversity and agricultural outcomes by recognising ecosystem services which can improve agricultural efficiency.</i></p> <p><i>Opportunities for linking the community with the local agricultural industry will be identified and promoted to help establish food based tourism within the precinct. Precinct 1 will be the hub of agriculture, horticulture and soil-based food production within the Cardinia Western Port Green Wedge, taking advantage of its highly versatile soils, vegetable production (in particular asparagus), dairy and beef farming, other agricultural pursuits, potential access to Class A recycled water and the important role this precinct plays in food security. Land within the SUZ1 part of the precinct will be prioritised for soil-based agricultural and horticultural use and soil based food production with a focus on the consolidation of lots to support the economic viability of the agricultural and</i></p>	<ul style="list-style-type: none"> <li>• Soil based agriculture to be the primary activity.</li> <li>• Discourage the use of non-soil based agriculture (e.g. poultry farms, animal husbandry, horse riding schools) being located on soils within the Special Use Zone – Schedule 1.</li> <li>• Support and protect the existing vegetable industry, in particular the asparagus growing region.</li> <li>• Encourage lot consolidation to increase the economic viability of agricultural land.</li> <li>• Support subsidiary visitor related activity, including farm gate sales of crops and goods produced in situ, cellar door sales and ancillary farm stay accommodation.</li> <li>• Soil-based agriculture to be the primary activity within the Special Use Zone – Schedule 1.</li> <li>• Discourage the use of non-soil based agriculture (e.g. poultry farms, animal husbandry, horse riding schools etc.) being located on soils within the Special Use Zone – Schedule 1.</li> <li>• Encourage non-soil based agricultural uses (e.g. animal husbandry, beef and dairy farming etc.) to the land surrounding the Special Use Zone – Schedule 1.</li> <li>• Discourage non-rural uses such as primary, secondary schools and places of worship from</li> </ul>

## CARDINIA PLANNING SCHEME

	<p><u>horticultural industry.</u></p> <p><u>Opportunities for new, innovative or more intensive agriculture and horticulture and soil-based food production will be supported to ensure that the rich agricultural potential of the precinct is realised.</u></p> <p><u>It will integrate biodiversity and agricultural outcomes by recognising ecosystem services which can improve agricultural efficiency.</u></p> <p><u>Opportunities for linking the community with the local agricultural and horticultural industry will be identified and promoted to help establish food-based tourism within the precinct.</u></p>	<p><u>locating within the precinct (particularly in the SUZ1) and locate these types of uses within the existing townships and along the UGB, at the transition point from urban land to rural land, subject to strategic justification.</u></p> <ul style="list-style-type: none"> <li>• <u>Support and protect the existing vegetable industry, in particular the asparagus growing region.</u></li> <li>• <u>Support rural industry to allow farmers to value add to their produce.</u></li> <li>• <u>Encourage lot consolidation through the entire precinct to increase the economic viability of agricultural land.</u></li> <li>• <u>Support subsidiary visitor related activity, including farm gate sales of crops and goods produced in situ, cellar door sales and ancillary farm stay accommodation.</u></li> <li>• <u>Support potential future extractive industry in the area nominated as an extractive industry interest area within Precinct 1. Ensure that there is a balance between the extraction of natural resources and the intent of the precinct and that any investigation and operation is carefully planned to ensure that it is compatible with local amenity, landscape, flora and fauna.</u></li> </ul>
Precinct 2: The coastal precinct	<p><i>The Cardinia Western Port Green Wedge Coastal Precinct's coastal land and hinterland will be maintained and enhanced.</i></p> <p><i>The ecological values and environmental sensitivity of</i></p>	<ul style="list-style-type: none"> <li>• Enhance and encourage agriculture on land situated outside environmentally sensitive coastal areas and outside of land containing coastal acid sulphate soils.</li> </ul>



## CARDINIA PLANNING SCHEME

	<p><i>this land will be recognised, including the internationally significant Ramsar wetlands that play a vital role for migratory birds.</i></p>	<ul style="list-style-type: none"> <li>• Protect and enhance biodiversity.</li> <li>• <u>Discourage non-rural uses such as primary, secondary schools and places of worship from locating anywhere within Precinct 2.</u></li> <li>• <u>Support the investigation and operation potential future extractive industry in the area nominated as an extractive industry interest area within Precinct 2.</u></li> <li>• <u>Ensure that there is a balance between the extraction of natural resources and the intent of the precinct and that any investigation and operation is carefully planned to ensure that it is compatible with local amenity, landscape, flora and fauna.</u></li> </ul>
Precinct 3: The railway precinct	<p><i>The railway precinct will provide a sensitive transition from urban townships to green wedge land, assists in protecting land that is of agricultural and biodiversity significance and continues to support the Pakenham Racing Clubs Tynong Racecourse. This precinct will seek to ensure that UGB's are defensible in the long term and that there is a clear edge to metropolitan growth.</i></p> <p><i>Any intensification of the development pattern of the townships that exist within the precinct, or expansion of their boundaries must be strategically justified and be proven to not detrimentally impact the surrounding Precinct 1 or the environmentally sensitive environment of the Cardinia Western Port Green Wedge</i></p> <p><u>The railway precinct will provide a sensitive transition from urban townships to</u></p>	<ul style="list-style-type: none"> <li>• <u>Discourage non-rural uses such as primary, secondary schools and places of worship within the precinct and locate these types of uses within the existing townships and along the UGB at the transition point from urban land to rural land, subject to strategic justification.</u></li> <li>• Encourage non-soil based agricultural uses.</li> <li>• Retain the rural character of the precinct.</li> <li>• Retain and protect the existing character and the unique identities of the railway towns.</li> <li>• Allow only limited growth for all Green Wedge settlements, where supported by an adopted township strategy and / or policy.</li> <li>• Any expansion of townships will be carefully considered for reasons related to the protection of built</li> </ul>

## CARDINIA PLANNING SCHEME

	<p><u>green wedge land, assist in protecting land that is of agricultural, landscape, environmental and biodiversity significance and will continue to support the Pakenham Racing Club's Tynong Racecourse. This precinct will seek to ensure that UGBs are defensible in the long term and that there is a clear edge to metropolitan growth.</u></p> <p><u>Any intensification of the development pattern of the townships that exist within the precinct, or expansion of their boundaries must be strategically justified and be proven to not detrimentally impact the surrounding Precinct 1 or the environmentally sensitive environment of the Cardinia Western Port Green Wedge.</u></p>	<p>character and subdivision patterns, landscape character, servicing constraints, existing agricultural and intensive animal husbandry activities, flood risk, and environmental values.</p> <ul style="list-style-type: none"> <li>• Protect the values and assets of the green wedge by preventing further encroachment of urban development into the Western Port Green Wedge.</li> <li>• Ensure that appropriate land use zones are applied at the edge of townships that ensure a low density / rural transition to the surrounding green wedge land.</li> <li>• Encourage and support the use of the precinct for agriculture, and <u>biodiversity to ensure that land use is compatible with the surrounding adjacent Precinct 1.</u></li> <li>• <u>Support potential future extractive industry in the area nominated as an extractive industry interest area within Precinct 3.</u></li> <li>• <u>Ensure that there is a balance between the extraction of natural resources and the intent of the precinct and that any investigation and operation is carefully planned to ensure that it is compatible with local amenity, landscape, flora and fauna and water quality.</u></li> </ul>
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**22.05-4**

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**Application requirements**

It is policy to require applications to include the following information:

- How the application is consistent with the broader State and Local Policy Framework including policies on recreation, economic development, tourism and town development.

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- An application to use land for a tourism use must be accompanied by a written statement which explains how the proposed use responds to a substantial existing or future agricultural use that is not dependant on the success of the tourism venture.
- Ensure that an application includes a site analysis and design response, including a landscape character assessment.

**22-05-6 Decision Guidelines**

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It is policy that the responsible authority considers, as appropriate:

- The vision and local policy for the Cardinia Western Port Green Wedge.
- The precinct objective and the future directions / preferred land uses for the site.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

**22.05-7 References**

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*Cardinia Western Port Green Wedge Management Plan (July 2016).*