

2 ADOPTION OF PLANNING SCHEME AMENDMENT C230 - FIX-UP AMENDMENT

FILE REFERENCE INT189514

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RECOMMENDATION

That Council:

1. Note the granted exemption from Section 19(2)(notice in the local paper) and Section 19(3) (notice in the Government Gazette) of the Planning and Environment Act 1987.
2. Note that under Section 19(1)(c) of the Planning and Environment Act 1987 and Regulation 8 of the Planning and Environment Regulations 2005, the Amendment was placed on exhibition to the relevant Ministers only for a 2 week period of between 18 January 2018 to 1 February 2018.
3. Adopt Amendment C230 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 (the Act) and submit to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987.

Attachments

- 1 Planning Scheme Amendment C230 documents 596 Pages

EXECUTIVE SUMMARY

Planning Scheme Amendment C230 seeks to make corrections that are administrative in nature, and that are required to ensure that the Cardinia Planning Scheme is up-to-date and accurate by correcting minor zoning and overlay anomalies and wording clarifications. The proposed corrections provide clarity, ensure that appropriate land uses and development occurs across the shire, important sites are recognised and protected and planning permit applications are being assessed against the appropriate and relevant planning provisions.

The amendment proposes to achieve the following:

- Rezoning properties to a zone that more appropriately reflects the current and future land use of that property.
- Removes a heritage overlay on a property that no longer contains any significant heritage elements.
- Amends the mapping of several Heritage Overlay references to more accurately reflect the location of significant properties.
- Amend several schedules and clauses to ensure they are up-to-date and provide clarity when assessing planning permit applications.
- Amending the incorporated document "Cardinia Local Heritage Study Review, Volume 3: Heritage Places and Precinct citations (November 2013) (September 2015)" to ensure correct property addresses are provided.

Given the nature of the changes, Amendment C230 meets the test of a *Section 20(2) of the Planning and Environment Act 1987* ('the Act') amendment process as it is made up of corrections

to the planning scheme and plain English translations of an existing provision where the effect of the provision is unchanged.

Council was granted an exemption from the requirements of *sections 19(2)* (notice in local paper) and *19(3)* (notice in Government Gazette) of the Act given the amendment is policy neutral and simply improves the operation of the planning scheme. The Amendment was on public exhibition from Thursday 18 January 2018 to Thursday 1 February 2018 whereby notification was only given to the prescribed Ministers as identified at section 19(1)(c) of the Act. During the exhibition period, no submissions were received.

As no submissions have been made, it is recommended that the Amendment be adopted by Council under *Section 29 of the Act* and submitted to the Minister for Planning for approval pursuant to *Section 31 of the Act*.

BACKGROUND

Council occasionally undertakes 'fix-up' amendments where identified anomalies and errors in the Cardinia Planning Scheme are corrected. Amendment C230 is one such amendment. These errors have been identified by Council officers in their day-to-day work, or have been brought to Councils attention by landowners or occupiers. It is important for Council to ensure that the Cardinia Planning Scheme is consistent and up-to-date to ensure that it is functioning and operating effectively.

By ensuring land is in the most appropriate zone, landowners, the community and developers are well informed of what land uses are occurring across the Shire. This will also ensure that planning permit applications are being assessed against the most relevant controls. By amending heritage overlay mapping errors, Council is ensuring that heritage sites within the Shire are properly recognised and protected through the planning scheme.

During the development of the Amendment, advice was sort from the Department of Environment, Land, Water and Planning (DELWP) in relation to the preferred Amendment process. *Section 20(2) of the Act* provides the opportunity for Council to apply to the Minister for Planning for an exemption of *Section 19(2)* (notice in local paper) and *Section 19(3)* (notice in Government Gazette) as it was considered not necessary. Given the amendment is policy neutral and simply improves the operation of the planning scheme; by amending the form and wording of the Local Planning Policy, correcting mapping anomalies and removing redundant provisions. It is for these reasons Council officers consider that there would be minimal benefit in placing a notice in the local paper or Government Gazette.

It was for the above reasons that an application for a *Section 20(2)* fast track correction planning scheme amendment, with notification of only the prescribed ministers was the preferred process for this amendment. This request is supported by DELWP.

On 14 December 2017, under delegation, Council resolved to lodge a 20(2) Planning Scheme Amendment request for authorisation to the Minister for Planning to prepare Amendment C230 to the Cardinia Planning Scheme. Authorisation was received, and officers proceeded to place the Amendment on public exhibition from Thursday 18 January 2018 to Thursday 1 February 2018.

Next steps

We are at Stage 4 of the Planning Scheme Amendment Process as detailed below in Figure 1.



Figure 1. Steps in the Planning Scheme Amendment process

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 processes 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 the year 2050. Key directions of the Metropolitan Strategy relevant to this amendment are those relating to location, design and built form outcomes.

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

- **Direction 4.4** – Respect Melbourne's heritage as we build for the future.

Policy 4.4.2 – Recognise the value of heritage when managing growth and change.

Policy 4.4.4 – Protect Melbourne's heritage through telling its stories.

- **State Planning Policy Framework (SPPF)**

Amendment C230 has been prepared in accordance with Clauses 11.06 (Metropolitan Melbourne) and 15.03 (Heritage) of the State Planning Policy Framework (SPPF). The amendment supports the objectives of these policies for the following reasons:

- Recognises the value of heritage by carefully managing the ongoing processes of growth and change in the urban environment.
- Supports the regeneration of heritage assets through adaptive re-use.
- Encourages appropriate development through the application of the correct zone or overlay.

- **Local Planning Policy Framework (LPPF)**

The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) provides the vision for land use planning and development within Cardinia Shire. Clause 21.01-2 (Key Influences), 21.01-3 (Key Issues) and Clause 21.02-6 (Post-contact heritage) are relevant to Amendment C230. The Amendment supports the objectives and strategies of the above local policies for the following reasons:

- It defines the exact location of heritage places.
- Protects areas of heritage significance.

RELEVANCE TO COUNCIL PLAN

Amendment C230 is consistent with the Cardinia Shire Council - Council Plan 2017-2021. The following key actions are relevant to the Amendment:

Section 3 Our environment is relevant; *the objective is we will continue to plan and manage the natural and built environment for present and future generations.*

- Action 3.5.1 of the Council plan seeks to *review the Municipal Strategic Statement and the Cardinia Planning Scheme regularly to ensure it continues to meet Council objectives.*

CONSULTATION/COMMUNICATION

Amendment C230 was placed on limited exhibition from Thursday 18 January 2018 to Thursday 1 February 2018 as a 20(2) correction amendment as it is made up of corrections to the planning scheme and plain English translations of an existing provision where the effect of the provision is unchanged.

Council received an exemption from the requirements of *Section 19(2)* (notice in local paper) and *Section 19(3)* (notice in Government Gazette) as it is considered unnecessary, given the amendment is policy neutral and simply improves the operation of the planning scheme. By amending the form and wording of the Local Planning Policy Framework, correcting mapping anomalies and removing redundant provisions. It is for those reasons that Council saw minimal benefit in placing a notice in the local paper or Government Gazette.

Notification was only given to the prescribed ministers via e-mail as identified at *Section 19(1)(c) of the Planning and Environment Act 1987* (the Act). During the exhibition period, no submissions were received.

FINANCIAL AND RESOURCE IMPLICATIONS

The Amendment has been funded under the operating budget for the Strategic Planning department. Amendment C230 has no significant financial or resource implications for Council.

CONCLUSION

Planning Scheme Amendment C230 is seeking to make corrections that are administrative in nature, and that are required to ensure that the Cardinia Planning Scheme is up to date and accurate. The Amendment was undertaken via a *Section 20(2)* amendment process under the Act and was placed on limited exhibition from Thursday 18 January 2018 to Thursday 1 February 2018; no submissions were received during this period. Therefore, it is recommended that Council resolve to adopt Amendment C230 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*.