

## **2 CARDINIA PLANNING SCHEME REVIEW 2018 AND PLANNING SCHEME AMENDMENT C250**

FILE REFERENCE INT1885968

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Teresa Hazendonk

### **RECOMMENDATION**

1. That Council endorse the *Cardinia Planning Scheme Review, 10 December 2018*, generally in accordance with Attachment B, for submission to the Minister for Planning pursuant to Section 12B(5) of the *Planning and Environment Act 1987*.
2. That Council seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C250 to the Cardinia Planning Scheme, generally in accordance with Attachment C, to implement the actions identified by the *Cardinia Planning Scheme Review, 10 December 2018*.
3. That Council give notice of Amendment C250 to the Cardinia Planning Scheme under Section 19 of the *Planning and Environment Act 1987*, subject to receiving the authorisation of the Minister for Planning under Part 2.

### **Attachments**

1	New structure of Victorian Planning Schemes	1 Page
2	Cardinia Planning Scheme Review - 10 December 2018	131 Pages
3	Cardinia Planning Scheme Amendment C250 Documentation	269 Pages

### **EXECUTIVE SUMMARY**

The *Planning and Environment Act 1987* requires that Council regularly review its planning scheme.

In the first half of 2018 a review of the Planning Scheme was undertaken and presented to Council in June 2018, Following Council's endorsement the draft Planning Scheme Review was placed on public consultation and nine submissions were received.

Since the draft Planning Scheme Review was prepared, the State Government have made significant changes to the structure of all Victorian planning schemes. The review process has undergone further evaluation to take into account these changes.

The *Cardinia Planning Scheme Review, 10 December 2018* has been finalised following analysis of State and local planning policy changes, relevant decisions of the Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels Victoria (PPV), advice from Council departments, relevant policy adopted by Council including the Council Plan and Liveability Plan, and submissions received during consultation.

The Review identifies sixty-one actions to update the Municipal Strategic Statement (MSS) in the Local Planning Policy Framework (LPPF) of the Cardinia Planning Scheme.

Officers recommend that Council adopts the *Cardinia Planning Scheme Review, 10 December 2018*, and submits it to the Minister for Planning as required by the *Planning and Environment Act 1987*.

Officers also recommend that Council seeks the authorisation of the Minister for Planning to prepare and exhibit Amendment C250 to make updates to the Cardinia Planning Scheme as identified by the Review.

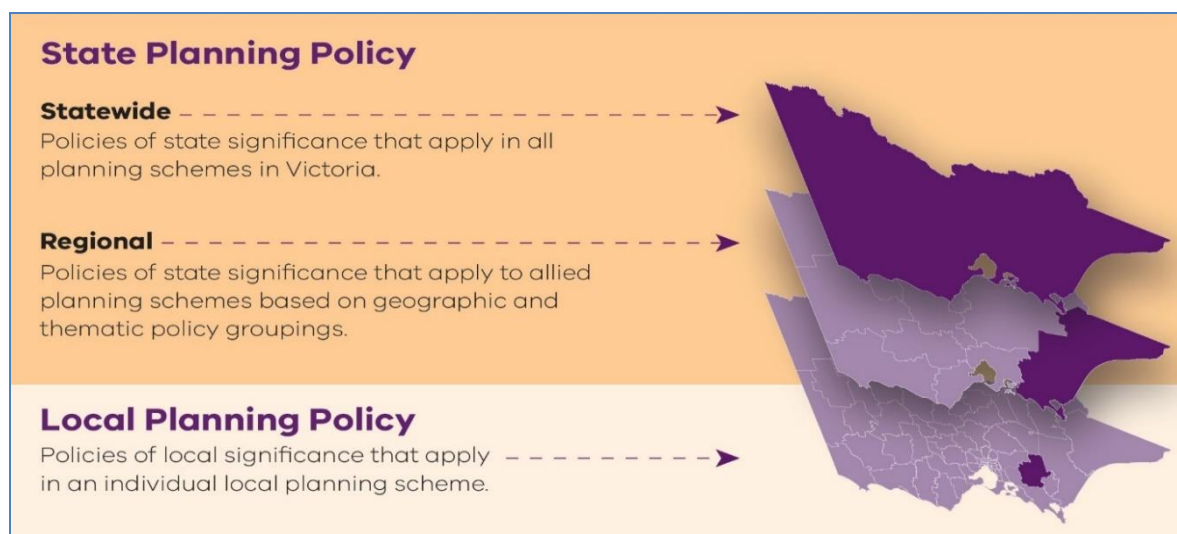
## BACKGROUND

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

Following Council's briefing in June 2018, the draft Planning Scheme Review was placed on public consultation for six weeks during July and August. Nine submissions were received from community members, public authorities and Council departments.

Since the draft Planning Scheme Review was prepared, the State Government has progressed their 'Smart Planning Program' reforms to simplify and modernise Victoria's planning schemes to be more efficient, accessible and transparent. In July 2018, Amendment VC148 introduced a new structure for Victorian planning schemes as shown in Attachment A, which includes a new three-tier Planning Policy Framework (PPF) as shown here in figure 1.

**Figure 1. New three-tier Planning Policy Framework (PPF)**



At present, only tiers one and two of the PPF have been implemented, replacing the State Planning Policy Framework (SPPF), and setting out planning policy at the State and Regional levels for land use and development. Over the next two years DELWP will progressively translate every Council's current Local Planning Policy Framework (LPPF) to the new PPF.

The LPPF contains the local planning context and policy for a municipality. It is made up of the Municipal Strategic Statement (MSS) at Clause 21 and local planning policies at Clause 22. The MSS will be translated to a new Municipal Planning Strategy (MPS) and local policies will be translated to tier three of the new PPF. DELWP are not yet able to advise when the Cardinia Planning Scheme's LPPF will be translated.

The LPPF must be consistent with, and provides guidance on how, state planning policies will be achieved at a local level. The MSS provides the context of the municipality, and outlines the key strategic planning objectives for land use and development. Local Planning Policies focus on specific issues, and provide guidance to decision making on a day to day basis.

The Planning Scheme Review has now been completed. It reviews the MSS of the Cardinia Planning Scheme which articulates the strategic planning direction for the shire for the foreseeable future. The MSS was last updated in 2012 as part of Amendment C124, which was comprehensive and restructured the previous MSS which had not been updated since 1999. This current review therefore has not focussed on deleting the current MSS and starting from scratch, but rather, what changes have occurred since its approval and what updates are required.

The review covers the following:

- Changes to State Planning Policy since the previous planning scheme review. These include the introduction of *Plan Melbourne 2017-2050*, the Smart Planning Program which seeks to reform Victoria's planning system, updates to bushfire management, and native vegetation controls, urban design guidelines, and the reformed zones for Victoria, which was a review of the purpose and content of most of the zones in the Victorian Planning Provisions (VPPs).
- Relevant Planning Practice Notes. These provide guidance on how to deal with specific issues including particular sections of the Planning Scheme, and require consideration when making changes to the Planning Scheme.
- Changes at local level. This recognises changes such as the logical inclusions process that included Pakenham East within the Urban Growth Boundary (UGB), Precinct Structure Planning (PSP) work that has been completed and is being undertaken, the relocation of the Pakenham Racecourse to Tynong, Packaged Liquor Policy work, changes of economic significance such as the increasing tourism role of Puffing Billy, the opening of Gumbuya World, the Motor Recreation and Education Park, and access to non-potable water for south-east Melbourne.

The Planning Scheme Review also recognises that a number of significant updates have been made to the MSS through work completed by Strategic Planning since the previous review as follows:

- Introduction of the Western Port Green Wedge Management Plan
- The Airport Policy
- Healthy by Design
- Gaming Policy
- Pakenham Structure Plan
- Beaconsfield Structure Plan
- Removal of the Rural Living Zone (with the exception of Glismann Road)
- Gembrook Township Strategy
- Koo Wee Rup Township Strategy

A number of Planning Panel and VCAT decisions have also been reviewed as these often make comment on the content or operation of the Cardinia Planning Scheme.

Section 12A(4) of the *Planning and Environment Act 1987* requires that the MSS must be consistent with the current Council Plan and therefore the Council Plan has been reviewed to ensure that all of the issues that are relevant to planning are addressed in the MSS. There are a number of other Council documents that are also relevant and these have been reviewed to identify any issues that are not covered in the MSS. These documents include:

- Liveability Plan 2017-2029
- Pedestrian and Bicycle Strategy August 2017
- Casey Cardinia Visitation Strategy 2017-2020
- Arts and Cultural Facility Feasibility Study June 2015
- Equestrian Strategy 2014

- Play Space Strategy 2014

Internal Council departments have been consulted, and they have provided feedback on interactions they have with the planning scheme. This includes any current gaps in the Planning Scheme, as well as emerging issues such as Affordable Housing and Environmentally Sustainable Design.

The review identifies a number of updates, changes, or further work that is required in relation to all of the information that has been considered. Sixty-one actions are identified that outline how this should be undertaken.

### Next steps

- Adopt the *Cardinia Planning Scheme Review, 10 December 2018*, and submit it to the Minister for Planning to satisfy the requirements of Section 12B of the *Planning and Environment Act 1987*.
- Seek the Authorisation of the Minister for Planning to prepare and exhibit Planning Scheme Amendment C250 to update the Cardinia Planning Scheme in accordance with the 61 actions identified by the *Cardinia Planning Scheme Review, 10 December 2018*.

### POLICY IMPLICATIONS

The review of the Planning Scheme has included an analysis against adopted Council documents including the Council Plan, the Liveability Plan, Pedestrian and Bicycle Strategy, Casey Cardinia Visitation Strategy, Arts and Cultural Facility Feasibility Study, Equestrian Strategy, and Play Space Strategy.

It has also reviewed relevant State government policies to identify any areas where the Cardinia Planning Scheme is inconsistent with these policies.

### RELEVANCE TO COUNCIL PLAN

The Planning Scheme Review provides an analysis of the sections of the Council Plan that contain planning related actions.

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

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

Also identified is the need to not only support but to increase agricultural productivity, ensure financial sustainability and providing for the timely delivery of infrastructure, transport options and services.

There is also a space for planning to create active places and spaces to encourage residents to engage in increased levels of physical activity. This is addressed through 'Healthy by Design' and can also be addressed by the MSS.

Several new challenges have also emerged, including the need to reduce the impact of family violence on our community, encourage residents to improve their health and wellbeing and encourage community engagement in Council's decision making. Although family violence is clearly a major issue for our community, planning is limited in the role it can play in this space. The issues of gaming and liquor licensing can be partially addressed through the planning scheme, however, the scope for this is relatively confined.

## CONSULTATION/COMMUNICATION

Internal consultation was undertaken with Economic Development, Statutory Planning, Growth Area Planning, Active Communities, and Social and Community Planning.

The Draft Planning Scheme Review was placed on public consultation for six weeks during July and August 2018. Nine submissions were received from community members, public authorities and internal departments. A table of submissions and responses is included in the *Cardinia Planning Scheme Review 10 December 2018*.

Proposed planning scheme amendment C250 is required to be placed on formal exhibition as required by the *Planning and Environment Act 1987*.

## FINANCIAL AND RESOURCE IMPLICATIONS

The Planning Scheme Review is part of Strategic Planning's work plan. Officer time has been allocated to undertake the review.

## CONCLUSION

Under the *Planning and Environment Act 1987*, Council is required to regularly review its planning scheme to ensure that, among other things, it makes effective use of State and local provisions to give effect to State and local planning policy objectives.

A comprehensive review of the Cardinia Planning Scheme has been completed. It has reviewed relevant policy at both State and Local levels. It identifies 61 actions to be undertaken through a planning scheme amendment to update the Cardinia Planning Scheme, to effectively achieve the objectives of planning in Victoria and the objectives and strategies of State and local planning policy.

It is considered that the *Cardinia Planning Scheme Review, 10 December 2018* should be adopted by Council and submitted to the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987*, prior to the dead-line of 31 December 2018.

It is also considered that the proposed Planning Scheme Amendment C250 should be initiated to implement the findings of the *Cardinia Planning Scheme Review, 10 December 2018*.