

**Casey Planning Scheme Amendment C284case
Planning Scheme Rewrite, Updates and Corrections**

Panel Report

Planning and Environment Act 1987

18 July 2024

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Casey Planning Scheme Amendment C284case

Planning Scheme Rewrite, Updates and Corrections

18 July 2024



Lisa Kendal, Chair



Annabel Paul, Member

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Glossary and abbreviations

2018 Planning Scheme Review	<i>Casey Planning Scheme Review 2018</i>
2022 Planning Scheme Review	<i>Casey Planning Scheme 2022 Review Report</i>
the Amendment	Casey Planning Scheme Amendment C284case
BMO	Bushfire Management Overlay
CFA	Country Fire Authority
CFA's further submission	Documents 15a and 15b
CFA's original submission	Submission 27
Council	Casey City Council
draft Guideline	EPA Publication 1950: Landfill buffer guideline
DTP	Department of Transport and Planning
EPA	Environment Protection Authority Victoria
Geoheritage Sites Report	<i>City of Casey, Victoria, Geoheritage Sites</i> (prepared by Neville Rosengren of Environmental GeoSurveys Pty Ltd, Version 2: September 2018)
HPGTP	high pressure gas transmission pipelines
MICLUP	Melbourne Industrial and Commercial Land Use Plan
MPS	Municipal Planning Strategy
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Casey Planning Scheme
PPF	Planning Policy Framework
Practitioner's Guide	Practitioner's Guide to Victorian Planning Schemes
PSP	Precinct Structure Plan
Scentre Group	Scentre Custodian Pty Ltd
VPA	Victorian Planning Authority

Overview

Amendment summary

The Amendment	Casey Planning Scheme Amendment C284case
Common name	Planning Scheme Rewrite, Updates and Corrections
Brief description	The Amendment proposes to introduce: <ul style="list-style-type: none"> - a Municipal Planning Strategy at Clause 02 - new and updated local policies at Clauses 11-19 Planning Policy Framework - make a number of corrections
Subject land	All land in the City of Casey
Planning Authority	City of Casey
Authorisation	4 May 2023, with conditions
Exhibition	19 October to 1 December 2023
Submissions	28 submissions (see Appendix A)

Panel process

The Panel	Lisa Kendal (Chair), Annabel Paul
Supported by	Georgia Brodrick, Project Officer, Planning Panels Victoria
Directions Hearing	In person at the Planning Panels Victoria (PPV) Hearing Rooms, 1 Spring Street, Melbourne and online – 19 April 2024
Panel Hearing	In person at the PPV Hearing Rooms, 1 Spring Street, Melbourne and online – 13, and 14 May 2024
Site inspections	No site inspection was required
Parties to the Hearing	City of Casey Council, represented by Sonja Van Nieuwenhoven of City of Casey and Cristen Sullivan of Tract Consultants Environment Protection Authority, represented by Nicholas Kennedy Tim Radisich of Associated Town Planning Consultants Scentre Custodian Pty Ltd, represented by Joseph Monaghan of Holding Redlich
Citation	Casey PSA C284case [2024] PPV
Date of this report	18 July 2024

Executive summary

Casey Planning Scheme Amendment C284case (the Amendment) seeks to update and modernise the Casey Planning Scheme by introducing a new Municipal Planning Strategy and new local policies in the Planning Policy Framework and making a number of corrections. The Amendment:

- is consistent with the new Planning Policy Framework structure introduced by Amendment VC148
- responds to the *Casey Planning Scheme Review 2018* and *Casey Planning Scheme 2022 Review Report*
- includes local policy content derived from existing policies in the Casey Planning Scheme and new policies from adopted Council strategies.

The Amendment attracted 28 submissions, including several supporting submissions. Issues raised in submissions related to:

- the content of specific policies, translation of existing policies and application of some policies
- drafting and mapping changes
- requests for further work
- deletion of a current public open space exemption in Clause 53.10 (Public open space contribution and subdivision).

The following authorities and agencies made submissions:

- the Victorian Planning Authority raised issues of consistency with Precinct Structure Plans and the Melbourne Industrial and Commercial Land Use Plan
- the Environment Protection Authority Victoria raised issues relating to environmental risk and amenity and landfill buffers
- the Country Fire Authority raised issues of consistency with bushfire policy
- Parks Victoria sought for the future Clyde Regional Park to be recognised in the Municipal Planning Statement and local policy
- the APA Group sought policy provisions to recognise high pressure gas transmission pipelines.

The Panel commends Council on progressing this significant Amendment which streamlines the format and content of the Planning Scheme and ensures local content reflects current strategic plans and policy. Council has made significant efforts to resolve issues raised in submissions.

The Panel is satisfied the Amendment will deliver net community benefit and sustainable development, as required by Clause 71.02-3 (Integrated decision making).

The Panel has considered the strategic basis and drafting of proposed planning provisions, as relevant to issues raised in submissions, and concludes the Amendment:

- is supported by, and implements, the objectives of planning in Victoria and relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Casey Planning Scheme Amendment C284case be adopted as exhibited subject to the following:

Municipal Planning Strategy

1. Amend Clause 02.04 (Strategic framework plans) to add the new map of high pressure gas transmission pipelines as shown at Figure 12 of this Report.
2. Amend Clause 02.04-1 (Strategic framework plan) to:
 - a) update the legend to the Strategic Framework Plan to:
 - include 'Parks and Reserves (Proposed)' and apply this designation to the future Clyde Regional Park, as shown in Figure 2 of this Report
 - replace 'Metropolitan Activity Centre Areas' with 'Activity Centre Zone Areas'
 - b) reflect the land use designations in the Cranbourne East Precinct Structure Plan, Casey Fields South and Devon Meadows Precinct Structure Plan, Thompsons Road Precinct Structure Plan and the Melbourne Industrial and Commercial Land Use Plan, as shown in Figure 3 of this Report.
3. Amend Clause 02.03-3 (Environmental risks and amenity) to amend the wording under the heading Amenity protection as follows:

Maintain buffers from residential to industrial areas, including existing quarry, landfill, poultry/broiler farms and other uses with adverse off-site amenity impacts, until such time as the activities creating the need for the buffers cease to operate and the land within the buffer areas is safe for the intended use or development.
4. Amend Clause 02.03-9 (Infrastructure) to add the following:

High pressure gas transmission pipelines
The Morwell – Dandenong Pipeline, Longford – Dandenong Pipeline and Clyde North Lateral Pipeline are high pressure gas transmission pipelines licensed under the Pipelines Act 2005. Changes to land use and development in the vicinity of the pipeline must be carefully considered to ensure risks to human life and the functional operation of the pipeline are not impacted.

Strategic directions:

 - Protect the pipelines from encroachment of development that would compromise their efficient functioning and safety.
 - Manage land use and development in the vicinity of the pipelines to minimise risks to human life and the functional operation of the pipelines.
5. Amend Clause 02.04-4 (Housing framework plan) to rename the plan to 'Housing framework plan (residentially zoned land)'.
6. Amend Clause 02.04-6 (Area specific strategic framework plans) to update the Casey Growth Area Plan to reflect the land use designations in the Cranbourne East Precinct Structure Plan, Casey Fields South and Devon Meadows Precinct Structure Plan, Croskell Precinct Structure Plan, Thompsons Road Precinct Structure Plan and the

Melbourne Industrial and Commercial Land Use Plan, as shown in Figure 4 of this Report.

Local Planning Policies

7. **Amend Clause 11.03-1L (Activity centres and centre hierarchy in Casey) to add the following strategy under the heading ‘Activity centres general strategies’:**

Discourage supermarkets and other non-restricted retail uses from establishing in restricted retail precincts and other designated employment areas outside Metropolitan, Major and Neighbourhood Activity Centres.
8. **Amend Clause 13.07-1L-01 (Non-residential uses in residential areas) as follows:**

Places of assembly

Locate places of assembly on land that adjoins or has access to a road in the Transport Zone 2 or Transport Zone 3.
9. **Amend Clause 13.07-1L-02 (Landfill buffers) to:**
 - a) **Amend the wording as follows:**

Objective

To avoid locating incompatible land uses or development in landfill buffers that may be impacted by off-site amenity impacts.

Strategy

Avoid the intensification or establishment of incompatible land uses or development within the buffer:

 - **Of operating landfill sites, including the Hallam Road landfill in Hampton Park.**
 - **Of closed landfill sites that still present a risk of land use or development conflict, including landfill gas risks.**

Avoid the intensification of incompatible land uses or development in buffers around landfills shown in the Landfill Plan forming part of this clause.

Support compatible land uses and development in buffers to prevent the underutilisation of land, where the use or development is complementary to the landfill.
 - b) **Amend the landfill buffer plan to:**
 - **revise the heading to ‘Landfill Plan’**
 - **show the location of the operating and closed landfill sites but not showing the buffer area**
 - **include a note referring to the applicable Environment Protection Authority Victoria’s relevant guidelines to determine the buffer.**
10. **Delete Clause 15.03-1L-02 (Geoheritage).**
11. **Amend Clause 19.02-6L-01 (Public open space – function and design) to:**
 - a) **rename the clause to Clause 19.02-6L-01 (Public open space)**
 - b) **rename the plan to “Casey Open Space Network”**

- c) **update the legend of the plan to include 'Future Regional' under the heading 'Public Open Space Areas by Catchment' and apply this designation to the future Clyde Regional Park, as shown in Figure 11 of this Report.**

Other Planning Scheme provisions

- 12. Amend Clause 74.02 (Further strategic work) as follows:**

Investigate opportunities to map and, where relevant, apply appropriate planning controls such as the Buffer Area Overlay to industrial, landfill and quarry buffers to protect amenity and business operations.

Further recommendation

The Panel informally recommends that, before adopting the Amendment, Council reviews and updates (as needed) the Schedule to Clause 72.08 (Background documents) to ensure it contains an appropriate list of background documents, consistent with guidance in the Practitioner's Guide to Victorian Planning Schemes.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Casey Planning Scheme Amendment C284case (the Amendment) is to implement the findings of the *Casey Planning Scheme Review 2018* (2018 Planning Scheme Review) and *Casey Planning Scheme 2022 Report* (2022 Planning Scheme Review) and introduce a new Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) to the Casey Planning Scheme (Planning Scheme).

The Amendment will update local policy and make a number of corrections. Specifically it proposes to:

- delete Clause 20 (Local Planning Policy Framework), Clause 21 (Municipal Strategic Statement), Clause 22 (Local Planning Policies) and Clause 23 (Operation of the Local Planning Policy Framework – Transitional)
- introduce a MPS (Clause 02)
- introduce new and revised local policy content to the PPF (Clauses 11 – 19)
- amend Schedules 7 and 8 to Clause 42.01 (Environmental Significance Overlay) and the Schedule to Clause 43.01 (Heritage Overlay)
- amend Schedule 53.01 (Public open space contribution and subdivision)
- replace Schedule to Clause 52.28 (Gaming) and the Clause 74.01 (Application of zones, overlays and provisions) with new schedules
- amend the Schedule to Clause 72.08 (Background documents) to include an updated list of background documents
- introduce a new Schedule to Clause 74.01 (Application of zones, overlays and provisions) and Clause 74.02 (Further strategic work).

The proposed structure and content of:

- the MPS is summarised in Table 1
- new local policies are summarised in Table 2.

The Amendment applies to all land with the City of Casey, which is shown in the Strategic Framework Plan on the MPS (see Figure 1.)

Table 1 Proposed Municipal Planning Strategy structure and content

New Clause	Proposed Content
Clause 02.01 (Context)	Describes the Planning Scheme’s policy foundation, based on the municipality’s location and regional context. The context draws on updated data, Casey City Council (Council) strategies and <i>Plan Melbourne 2017-2050: Metropolitan Planning Strategy (2017)</i> .
Clause 02.02 (Vision)	Introduces new content that establishes a vision for the municipality, which is to become a more connected, bold and resilient community. The vision sets out the spatial response to the <i>Council Plan 2021-25</i> .
Clause 02.03 (Strategic directions)	Addresses key land use themes based on the structure of the PPF and provides a brief overview and strategic directions for each theme derived from adopted strategies across Council and content previously contained in Clauses 21 and 22.

New Clause	Proposed Content
	Provides Council's response to the implementation of Plan Melbourne 2017-2050, the Metropolitan Planning Strategy.
Clause 02.04 (Strategic framework plans)	Includes new strategic framework plans that express the strategic framework for the municipality, derived from adopted Council strategies and various existing provisions and documents. All the new strategic framework plans are proposed to be located together in Clause 2.04 to improve usability of the Planning Scheme.

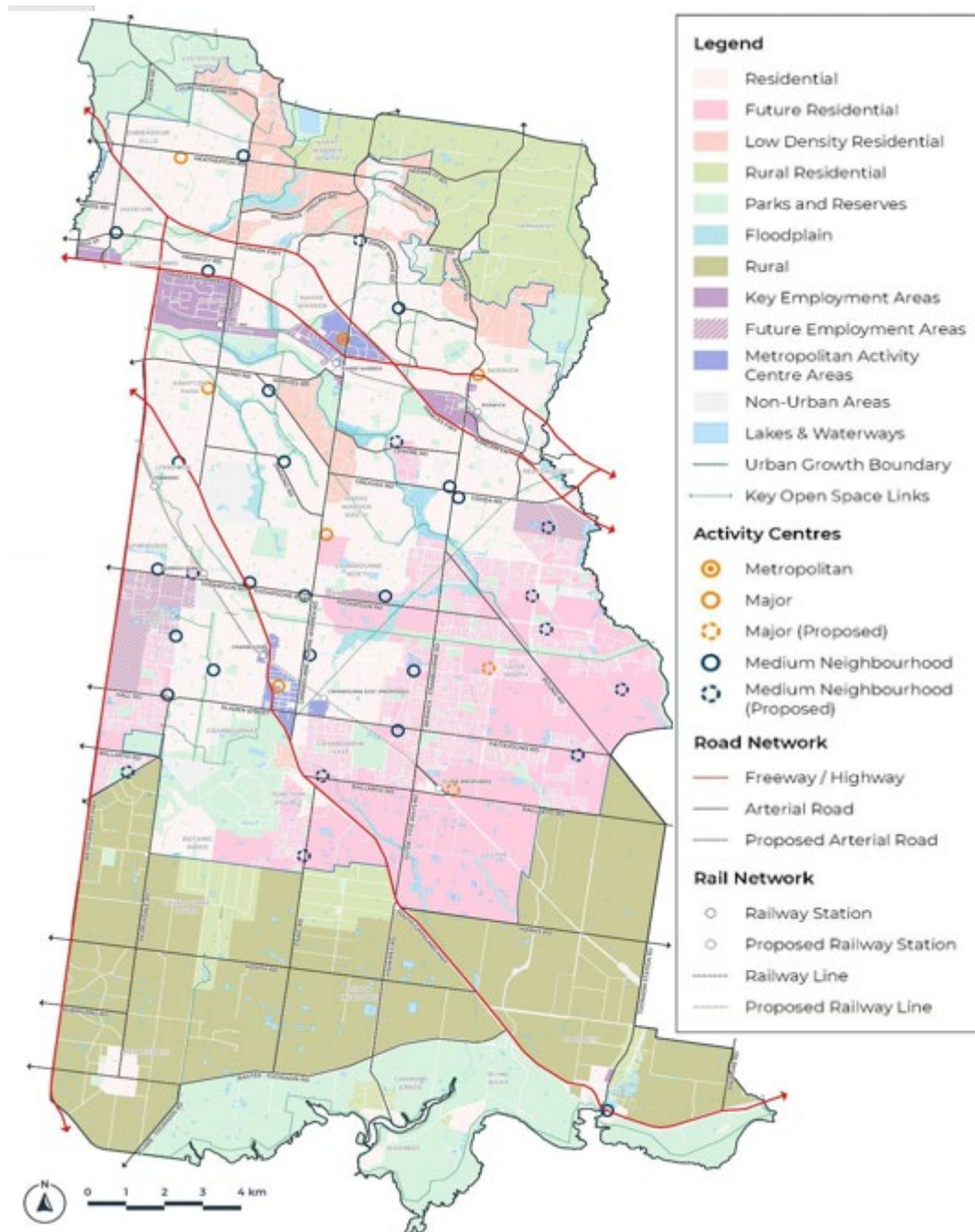
Source: Explanatory Report and the Panel

Table 2 Proposed local policies

State Policy	Proposed local policies
Clause 11 (Settlement)	11.01-1L-01 (Non agricultural uses in green wedge areas) 11.01-1L-02 (Western Port green wedge) 11.03-1L (Activity centres and centre hierarchy in Casey)
Clause 12 (Environmental and Landscape Values)	12.01-1L (Protection of biodiversity) 12.01-2L (Native vegetation offset planning)
Clause 13 (Environmental risks and amenity)	13.04-2L (Erosion management) 13.07-1L-01 (Non-residential uses in residential areas) 13.07-1L-02 (Landfill buffers)
Clause 14 (Natural Resource Management)	14.03-1L (Resource exploration and extraction)
Clause 15 (Built environment and heritage)	15.01-1L-01 (Design of activity centres) 15.01-1L-02 (Signs) 15.01-1L-03 (Urban and landscape design) 15.01-2L-01 (Residential landscape design) 15.01-2L-02 (Industrial building design) 15.01-2L-03 (Environmentally sustainable development) 15.01-3L (Landscape design for subdivisions) 15.01-4L (Healthy and social urban environments) 15.03-1L-01 (Heritage in Casey) 15.03-1L-02 (Geoheritage)
Clause 16 (Housing)	16.01-1L (Housing supply in Casey)
Clause 17 (Economic Development)	17.01-1L Diversified economy) 17.02-2L (Out of centre development) 17.03-1L (Industrial land use and supply) 17.04-1L (Facilitating tourism in Casey)
Clause 18 (Transport)	18.02-2L (Active transport) 18.02-3L (Cranbourne rail line) 18.02-4L (Roads in Casey)

State Policy	Proposed local policies
Clause 19 (Infrastructure)	19.02-6L-01 (Public open space – function and design) 19.02-6L-02 (Public open space contributions) 19.02-6L-03 (Recreation and equestrian trails) 19.02-2L (Education facilities) 19.03-3L (Integrated water management and water sensitive urban design)

Figure 1 City of Casey – Strategic framework plan



Source: Clause 02.04-1 (Strategic framework plan) (exhibited version, legend enlarged by the Panel)

(ii) Chronology and key documents

The chronology of events and strategic work used to inform the Amendment have been summarised by the Panel in Table 3 below.

Table 3 Chronology of events and strategic work

Timeline	Activity
18 December 2018	Council endorsed the 2018 Planning Scheme Review and submitted to the Minister for Planning, including the key recommendation to rewrite the local section of the Planning Scheme
January 2019 – July 2020	Consultation with internal Council staff
August 2020	Council provided comments to the Smart Planning Program team in Department of Transport and Planning (DTP), previously Department of Environment, Land, Water and Planning
January 2021	DTP Smart Planning Program team provided Council officers with a policy neutral first draft of the PPF
July 2021	DTP Smart Planning Program finished and provided an incomplete policy neutral second draft of the PPF
August – September 2021	Council appointed Tract Consultants to complete the PPF translation in collaboration with Council officers
October 2021 – January 2022	In consultation with Council staff, Tract Consultants and Council planning officers finalised the draft PPF
February – June 2022	Council prepared the draft Planning Scheme Amendment C284 documentation
July 2022	Council consulted with DTP regarding the draft Planning Scheme Amendment C284 documentation
20 September 2022	Council resolved to seek authorisation to prepare and exhibit the Amendment
18 November 2022	Council requested authorisation
13 December 2022	Council endorsed 2022 Planning Scheme Review (see below) and submitted to the Minister for Planning
4 May 2023	The Minister for Planning authorised the Amendment subject to conditions
19 October – 1 December 2023	Public exhibition of the Amendment
19 March 2024	Council considered submissions and resolved to request the Minister for Planning to appoint a planning panel to consider all submissions received

Casey Planning Scheme Review 2018

The 2018 Planning Scheme Review was prepared to meet Council's obligations under the *Planning and Environment Act 1987* (PE Act) to undertake regular reviews of its Planning Scheme so that it provides the necessary framework to achieve Council's land use vision for the municipality.

The 2018 Planning Scheme Review made 20 recommendations, including improvements of internal processes, streamlining decision making, further strategic projects to meet Council

priorities and State Government requirements, and further strategic work to reform key policy within the Planning Scheme.

Council resolved to commence a program of updates to policies and provisions of the Planning Scheme generally in accordance with the recommendations of the 2018 Planning Scheme Review.

Casey Planning Scheme 2022 Review Report

The 2022 Planning Scheme Review acknowledged initiatives completed or underway since the 2018 Planning Scheme Review and identified further strategic gaps to be addressed.

Specifically, the 2022 Planning Scheme Review noted the Amendment as an important milestone in reforming the Planning Scheme by translating the existing Planning Scheme into the new PPF.

1.2 Procedural issues

The Panel wrote to parties on 18 April 2024:

- advising the Panel members appointed to consider the matter
- providing draft directions, updated proposed dates and details of submitters requesting to be heard (parties to the Hearing).

The Panel issued final directions and the Hearing timetable following the Directions Hearing on 19 April 2024.

Following a question of clarification from Council, the Panel issued an amended Direction 8.a) on 23 April 2024 as follows (Document 3):

8. Council must circulate the following documents by 12 noon Friday 26 April 2024:
 - a) a list of proposed post exhibition changes to the planning provisions
 - b) an indexed list and full set of all exhibited background and supporting documents, including the:
 - i) Casey Planning Scheme Review 2018
 - ii) Casey Planning Scheme 2022 Review Report
 - c) Melbourne Industrial and Commercial Land Use Plan (reference submission 28).

On 14 May 2024 the Panel issued further directions for Council as follows (Document 22):

1. Council must circulate to the Panel and parties, by 12 noon on Friday 24 May 2024:
 - An updated word version of Appendix 4 to Council's Part B submission (Updated summary of changes proposed by the Amendment).
 - Suggested amended wording (if any) of Clause 15.03-1L-02 Geoheritage to ensure the strategies are proportionate to the policy intent.

In response to the further directions, Council submitted (Documents 23 a and b):

- an updated word version of Appendix 4 to Council's Part B submission
- suggested amended wording to Clause 15.03-1L-02 Geoheritage.

In closing the Hearing, the Panel advised parties that if it was unclear on any critical matter during report writing it may seek clarification. On 20 June 2024, the Panel issued further directions (Document 24) seeking clarification from Council on its position in relation to the drafting of Clause 13.07-1L-02 (Landfill buffers) and Precinct Structure Plans (PSPs). Council provided a written response with attachments on 25 June 2024 (Documents 25 a, b and c). These are discussed further in Chapters 4.2 and 3.

1.3 The Panel's approach

Issues raised in submissions

The Amendment attracted 28 submissions, including several supporting submissions. Issues raised in submissions related to:

- the content of specific policies, translation of existing policies and application of some policies
- drafting and mapping changes
- requests for further work
- deletion of current public open space exemption in Clause 53.10 (Public open space contribution and subdivision).

The following authorities and agencies made submissions:

- the Victorian Planning Authority (VPA) raised issues of consistency with PSPs and the Melbourne Industrial and Commercial Land Use Plan
- the Environment Protection Authority Victoria (EPA) raised issues relating to environmental risk and amenity and landfill buffers
- the Country Fire Authority (CFA) raised issues of consistency with bushfire policy
- Parks Victoria sought for the future Clyde Regional Park to be recognised in the MPS and local policy
- the APA Group sought policy provisions to recognise HPGTPs.

Limitations

Council submitted there were several issues beyond the scope of the Amendment, including:

- requests for rezoning or changes to zone/overlay or urban growth boundaries
- inclusion of new or updated policies not yet prepared or adopted by Council
- request to introduce the Small Lot Housing Code for use in areas other than those zoned Urban Growth Zone.

The Panel accepts Council's submission and has not addressed these issues in this report.

The Panel has not considered minor administrative or drafting corrections to the Amendment documentation proposed by Council as post exhibition changes.

Panel approach and Report structure

The Panel considered all written submissions made in response to the exhibition of the Amendment, and submissions and other material presented to it during the Hearing. It has reviewed a large volume of material, and 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.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Precinct Structure Plans

- Activity centres
- Environmental risk and amenity
- Bushfire
- Heritage
- Future Clyde Regional Park
- Pipelines
- Other local policy issues
- Public open space contribution
- Background documents.

2 Planning context and strategic justification

2.1 Planning context

This chapter identifies the planning context relevant to the Amendment. Key imperatives of planning provisions and guidance are discussed as relevant to issues in the following chapters.

(i) Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing for the fair, orderly, economic and suitable use, and development of the land
- providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- ensuring a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- conserving and enhancing buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- protecting public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community
- facilitating development in accordance with the objectives of planning in Victoria.

(ii) Amendments and planning guidance

Amendment VC148

Amendment VC148, gazetted on 31 July 2018, made substantial changes to the structure and content of the PPF and other provisions to simplify and modernise the planning scheme.

The basis of the Amendment is rewriting the Municipal Strategic Statement and local policies to accord with the new format introduced through Amendment VC148, including the MPS and PPF (see Table 2 above). The Explanatory Report and Council's Part A submission explains how the Amendment supports and implements the reforms introduced by Amendment VC148. This is not repeated here.

Clause 71.01-1 sets out the purpose of the MPS:

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

Clause 71.02-1 sets out the purpose of the PPF:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change. The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 71.02-3 (Integrated decision making) says:

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning context and guidance

Table 4 identifies key State and regional planning documents, Ministerial directions and planning practice and advisory notes.

Table 4 Planning context and guidance

	Relevant references
Plan Melbourne	Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050 and to ensure it becomes more sustainable, productive and liveable. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.
Regional Strategy Plan	Upper Yarra Valley and Dandenong Ranges Region - Regional Strategy Plan
Ministerial directions	Ministerial Direction on the Form and Content of Planning Schemes Ministerial Direction 9 - Metropolitan Planning Strategy Ministerial Direction 11 - Strategic Assessment of Amendments Ministerial Direction 15 - The Planning Scheme Amendment Process Ministerial Direction 19 - Amendments that may Significantly Impact the Environment, Amenity and Human Health
Planning practice and advisory notes	Planning Practice Note 32: Review of Planning Schemes Planning Practice Note 46: Strategic Assessment Guidelines Advisory Note 48: Ministerial Direction 15 - The Planning Scheme Amendment Process Advisory Note 71: Amendment VC148 Planning Policy Framework Advisory Note 72: Amendment VC148 Victorian Planning Provisions and Planning Schemes Advisory Note 73: New Requirements for a Planning Authority to Consult EPA Practitioner's Guide to Victorian Planning Schemes (Practitioner's Guide) Using Victoria's Planning System

2.2 Strategic justification

(i) Submissions

Council explained the Amendment is required to:

- implement the 2018 and 2022 Planning Scheme Reviews and reform required by Amendment VC148
- correct minor errors and anomalies to improve the implementation of the planning scheme within existing strategic and statutory frameworks.

Council submitted the Amendment was expected to have positive environmental, social and economic effects by:

- updating policies that protect and enhance biodiversity and natural assets, protect green wedge areas from inappropriate development and encourage environmentally sustainable development
- introducing policies that encourage healthy and social urban environments, facilitate vibrant activity centres as the centre of community life, and provide clearer guidance on the location of gaming venues
- updating policies that encourage a diversified economy, protection of employment land, and support for employment growth.

Further, updated and improved local policy will provide certainty to users of the Planning Scheme by ensuring land use and development outcomes are consistent with objectives of planning in Victoria and the municipality of Casey.

Council submitted that all updated and new local content had been prepared in accordance with the principles set out in the Practitioner's Guide. Specifically, the Amendment includes content:

- within the scope of the PE Act and that is strategically justified
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and Ministerial Directions
- drafted to be clear and unambiguous, incorporating administrative, style and formatting changes based on the Ministerial Direction on the Form and Content of Planning Schemes.

No party objected to the strategic basis of the Amendment.

(ii) Discussion

Complying with Amendment VC148 requires major restructure of the PPF and provides an opportunity for Council to review, remove and update local policy.

Accordingly, the Amendment translates existing policy and introduces new and updated local policies into the new PPF format consistent with Amendment VC148. It supports and responds to the objectives of planning in Victoria and key State planning policy. The Panel commends Council on progressing this significant strategic project to streamline the format and content of the Planning Scheme and ensure local content reflects current strategic work and policy.

While issues have been raised about specific elements of the Amendment, there were no submissions or evidence given that the overall Amendment was not strategically justified. The Panel is satisfied the Amendment will deliver net community benefit and sustainable development, as required by Clause 71.02-3 (Integrated decision making).

The Panel has addressed the strategic basis and drafting of specific planning provisions, as relevant to issues raised in submissions, in other chapters of this Report.

(iii) Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the PPF
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Precinct Structure Plans

(i) Background

The VPA advised it had recently been working with Council on a number of PSPs including the Croskell PSP and Casey Fields South and Devon Meadows PSP. Both PSPs are identified in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) as regionally significant. The draft PSPs include commercial and industrial land as reflected in the MICLUP. Also, the Cranbourne East PSP which was gazetted in 2010 contains employment land.

(ii) What is proposed?

The Amendment proposes to introduce the following framework plans in the MPS, including:

- Strategic framework plan at Clause 02.04-1
- Activity centre hierarchy plan at Clause 02.04-3
- Casey growth area plan at Clause 02.04-6 (Area specific strategic framework plans).

(iii) The issue

The issue is whether the framework plans in the MPS appropriately reflect the land use designations in the PSPs and MICLUP.

(iv) Submissions

The VPA requested the strategic framework plans in the MPS be updated to be consistent with MICLUP and PSPs. It said the Croskell PSP and Casey Fields South and Devon Meadows PSP include commercial and industrial designations rather than 'future residential' as shown in the exhibited MPS.

Further, the approved Cranbourne East PSP is shown as 'future residential' rather than employment land.

The VPA suggested it may also be appropriate to include the local convenience centre in the draft Devons Meadows PSP in the Activity Centre Hierarchy Plan at Clause 02.04-3, if the scale of the local convenience centre aligns with the classifications used by Council.

In response to the VPA, Council proposed to update the Strategic Framework Plan and Casey Growth Area Plan plans in the MPS to reflect the land use designations in the PSPs and MICLUP. Council explained:

- On the Strategic Framework Plan, the designation of 'Employment Land' includes both employment and industrial land.
- On the Casey Growth Local Area Plan, land is designated as either industrial or employment land.

In reviewing the VPA submission, Council had identified the need for consequential changes to the Thompsons Road PSP.

In response to further directions from the Panel seeking clarification of Council's position, it provided a summary of proposed changes as follows:

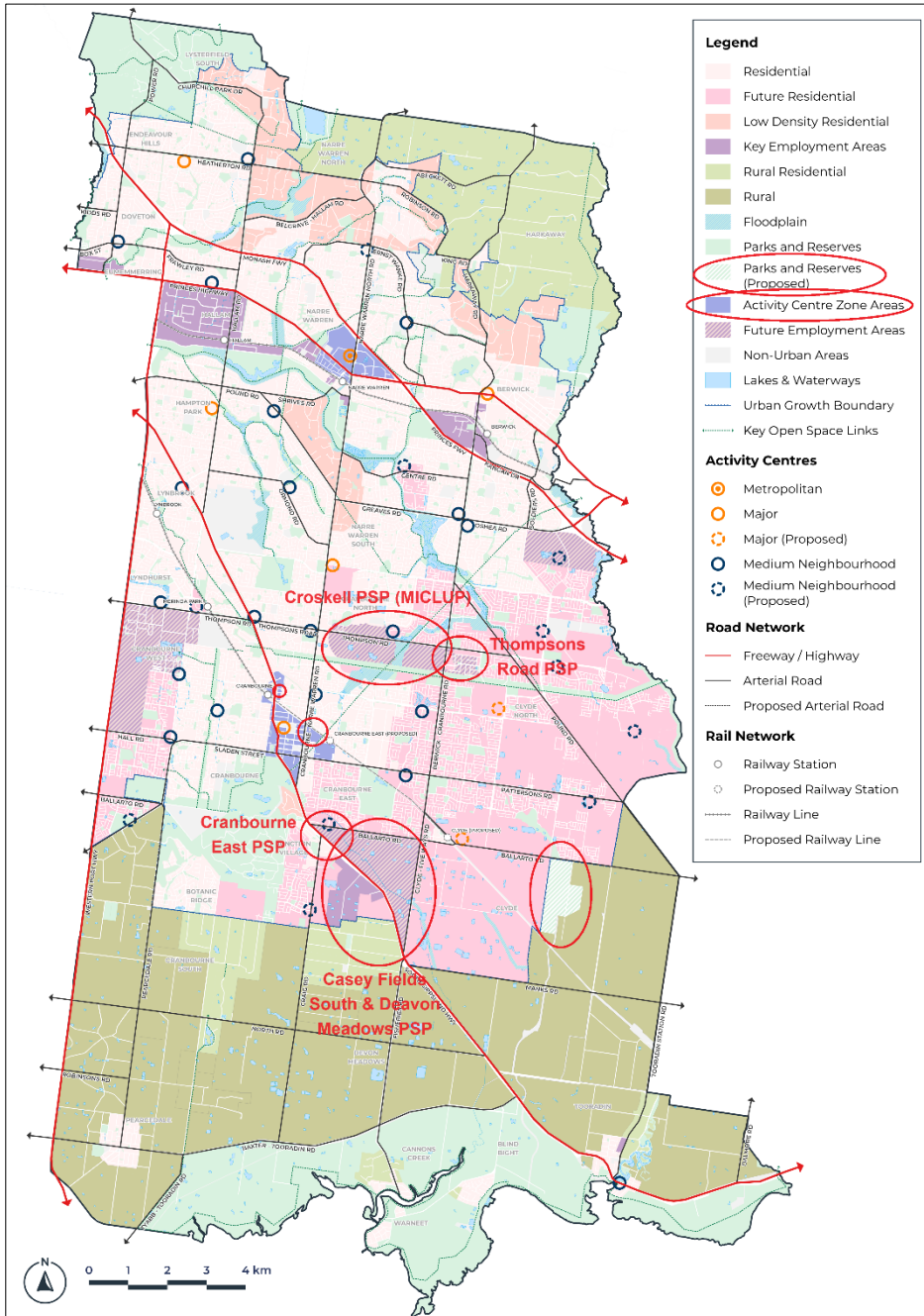
Table 5 Changes to framework plans proposed by Council

	Changes in Strategic Framework Plan	Changes in Casey Growth Local Area Plan
Croskell PSP	Future Residential > Future Employment	Future Residential > Future Employment
Thompsons Road PSP	Future Residential > Future Employment	Future Residential > Future Industrial
Casey Fields South & Deavon Meadows PSP	Future Residential > Key Employment & Future Employment	Future Residential > Existing Employment & Future Industrial
Cranbourne East PSP	Future Residential > Future Employment	Future Residential > Future Industrial

Source: Council, document 25

To assist the Panel, Council provided annotated updated framework plans including notations showing the location of the PSP areas (see Figure 2).

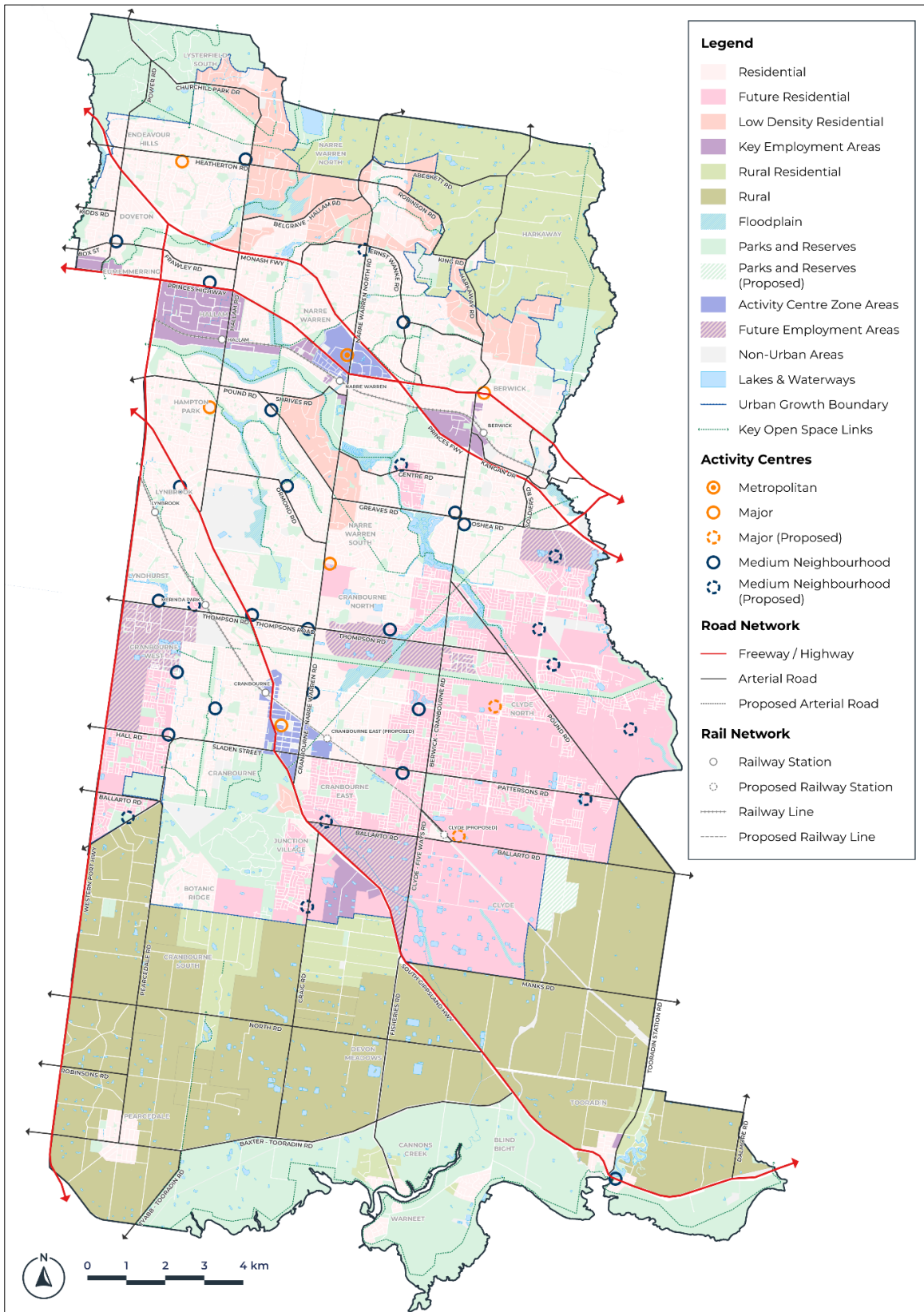
Figure 2 Council proposed changes to Strategic framework plan showing Precinct Structure Plan locations



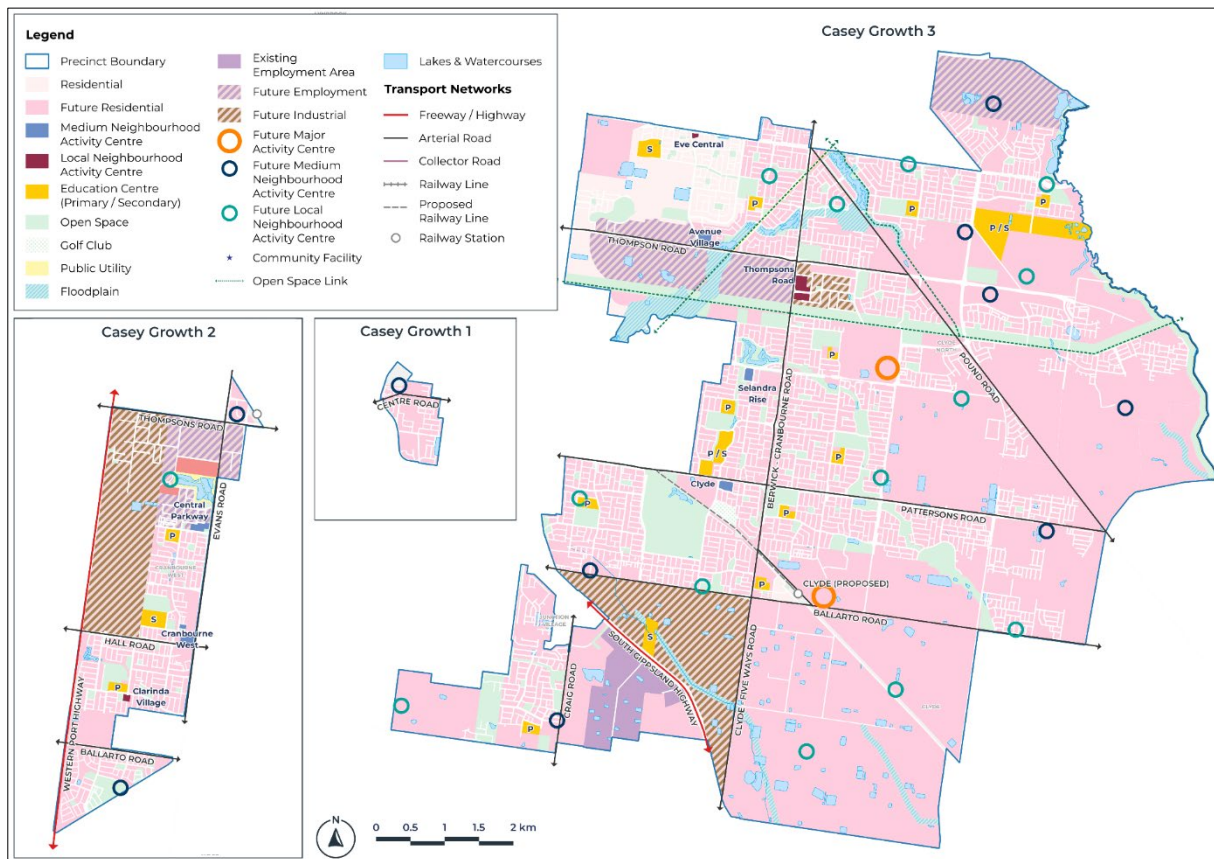
Source: Council, Document 25a

Council’s final preferred version of the Strategic Framework Plan and Casey Growth Area Plan are shown in Figures 3 and 4.

Figure 3 Updated Clause 02.04-1 (Strategic framework plan)



Source: Council, Document 25c

Figure 4 Updated Growth Area Plan in Clause 02.04-6 (Area specific strategic framework plans)

Source: Council, Document 25c

(v) Discussion

Council has appropriately responded to the VPA's request to update the Strategic framework plan at Clause 02.04-1 and the Growth Area Plan at Clause 02.04-6 in accordance with the land use designations in the MICLUP and PSPs. It is important to reflect the current land use designations in the MPS and the Panel supports these changes.

(vi) Conclusion and recommendations

The Panel concludes that subject to its recommendations, the MPS appropriately reflects the land use designations in the PSPs and MICLUP.

The Panel recommends:

Amend Clause 02.04-1 (Strategic framework plan) to:

- a) reflect the land use designations in the Cranbourne East Precinct Structure Plan, Casey Fields South and Devon Meadows Precinct Structure Plan, Thompsons Road Precinct Structure Plan and the Melbourne Industrial and Commercial Land Use Plan, as shown in Figure 3 of this Report.

Amend Clause 02.04-6 (Area specific strategic framework plans) to:

- a) update the Casey Growth Area Plan to reflect the land use designations in the Cranbourne East Precinct Structure Plan, Casey Fields South and Devon Meadows Precinct Structure Plan, Croskell Precinct Structure Plan, Thompsons Road Precinct Structure Plan and the Melbourne Industrial and Commercial Land Use Plan, as shown in Figure 4 of this Report.

4 Activity centres

(i) What is proposed?

The exhibited Amendment proposes to translate:

- existing strategies at Clauses 21.05 (Economic development) and 21.24 (Narre Warren) into the new MPS as it relates to activity centres
- the local policy at Clause 22.01 (Activity centres policy) into the PPF.

The exhibited Clause 02.04 (Strategic framework plans) includes, among others:

- Activity centre hierarchy plan at Clause 02.04-3 (see Figure 5)
- Housing framework plan at Clause 02.04-4 (see Figure 6).

Figure 5 Activity centre hierarchy plan (excerpt)

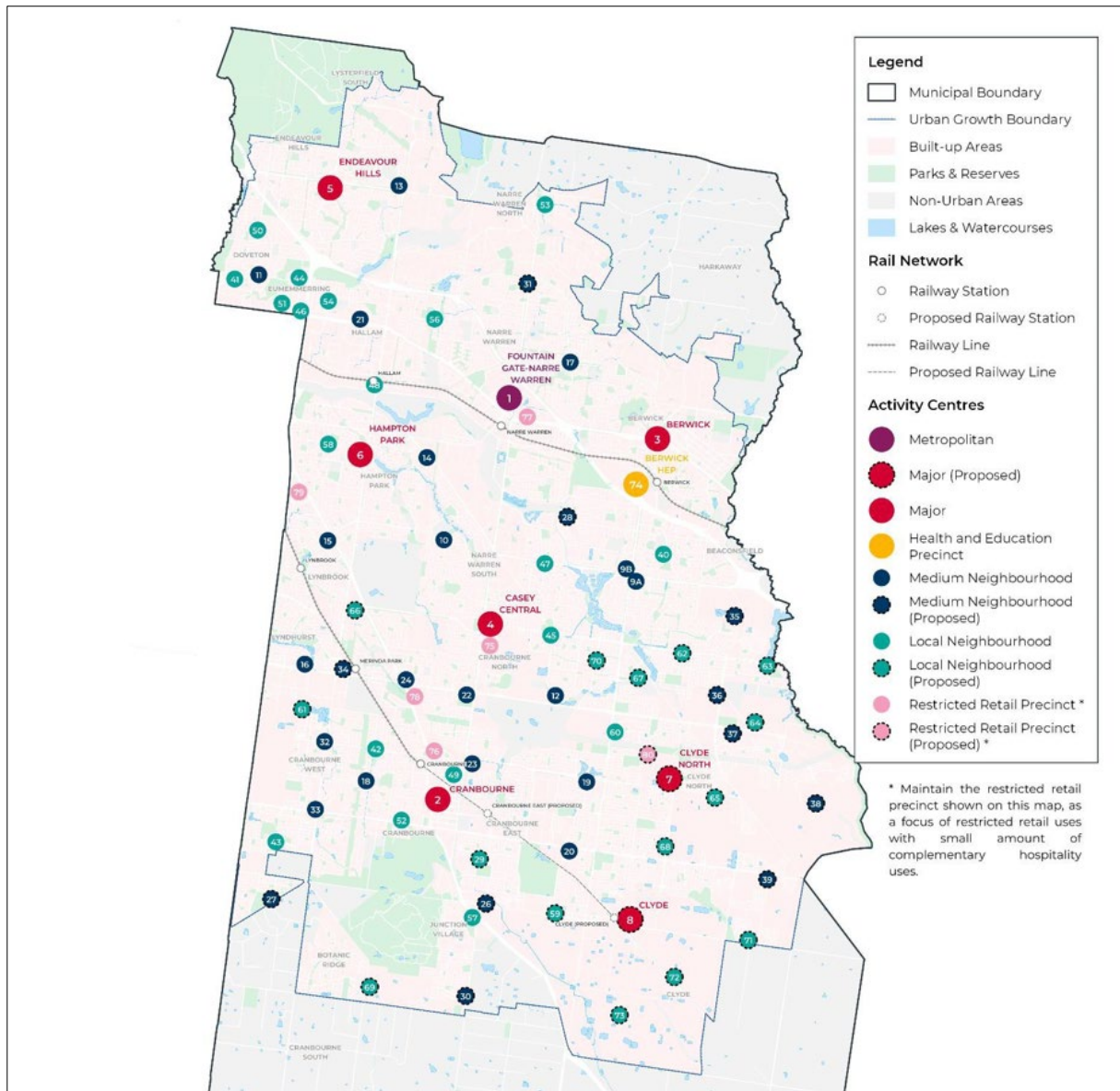
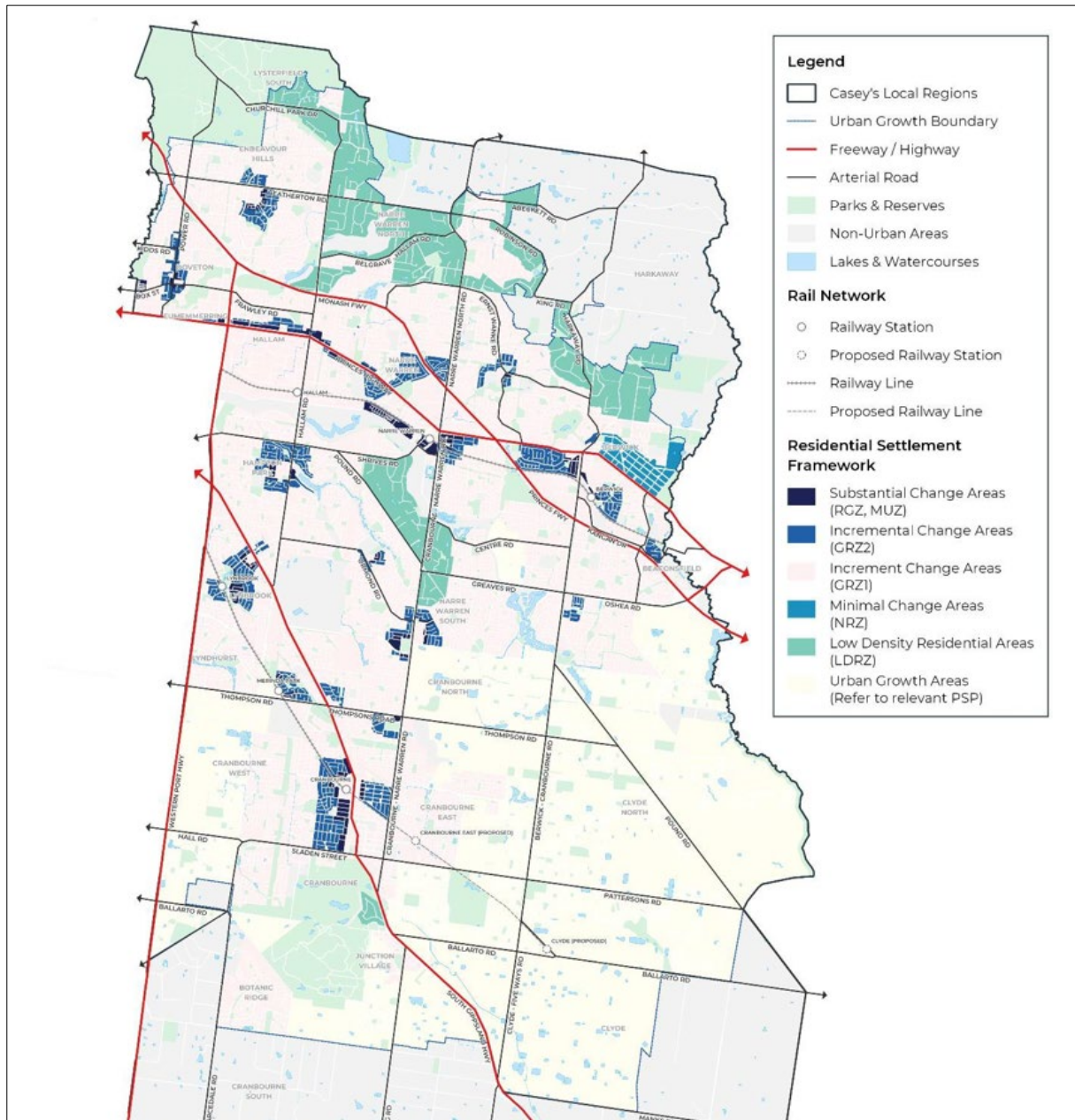


Figure 6 Housing framework plan (excerpt)



(ii) The issues

The issues are whether:

- the Amendment adequately translates existing local planning policy content as it relates to activity centres into the MPS and PPF
- the Amendment appropriately reflects Fountain Gate-Narre Warren as a Metropolitan Activity Centre
- the Housing framework plan should identify and contemplate housing at high densities at Fountain Gate-Narre Warren.

(iii) Submissions**Scentre Group submission**

Scentre Custodian Pty Ltd (Scentre Group) owns Westfield Fountain Gate Shopping Centre at 25-55 Overland Drive, Fountain Gate. Scentre Group submitted:

- The Amendment appears to label Casey Central as a Metropolitan Activity Centre, rather than a major activity centre. Currently, only Westfield Fountain Gate is the sole Metropolitan Activity Centre within the municipality.
- The Planning Authority's Housing Framework Plan should identify and contemplate housing at high densities being provided at Fountain Gate.
- The Planning Authority's proposed Planning Policy Framework should account for Fountain Gate in its strategy.
- Scentre Group would prefer the language regarding out-of-centre developments is strengthened to discourage any out-of-centre proposals that do not align with integrated plans for the Planning Authority's Metropolitan Activity Centre.

Council submissionsFramework plans

Council noted that Casey Central is correctly identified as a major activity centre on framework plans.

In response to Scentre Group's submission Council proposed to:

- Change the legend on the Strategic Framework Plan at Clause 2.04-1 from 'Metropolitan Activity Centre Areas' to 'Activity Centre Zone Areas'.

Higher density housing

In contemplating housing at higher densities at Fountain Gate-Narre Warren, Council noted the first strategic direction at Clause 2.03-6 (Housing) said:

- Direct more intensive residential development to metropolitan and major activity centres and substantial change areas.

Council did not consider it necessary to update the Housing framework plan at Clause 2.04-4.

In relation to recognition of Fountain Gate-Narre Warren in the PPF, Council submitted that, when read as a whole, the Planning Scheme provides sufficient recognition and differentiates metropolitan activity centres from other activity centres.

Out of centre proposals

Following the Directions Hearing but before the main Hearing, Council officers had further discussions with Scentre Group. As a result of these discussions, Council agreed to reinstate Strategy 3.10 from existing Clause 21.05-4, Objective 3 in new Clause 11.03-1L (Activity centres and centre hierarchy in Casey) as follows:

'Discourage supermarkets and other non-restricted retail uses from establishing in restricted retail precincts and other designated employment areas outside Metropolitan, Major and Neighbourhood Activity Centres'.

With these changes and further explanation from Council in relation to how existing policy had been translated from the current Planning Scheme, Scentre Group was content to make no further submissions at the Hearing and advised the Panel that their submission had been resolved.

(iv) Discussion

The Panel:

- accepts Council's proposed change to the legend on the Strategic framework plan at Clause 02.04-1 from 'Metropolitan Activity Centre Areas' to 'Activity Centre Zone Areas' (as shown on Council's updated plan in Figure 3 above)
- agrees with Council that Casey Central is shown as a major activity centre on Clause 02.04-1 (Strategic framework plan) and Clause 02.04-3 (Activity centre hierarchy plan).

There is sufficient recognition of Fountain Gate-Narre Warren's status as a Metropolitan Activity Centre, including at Clause 02.03-1 (Settlement), subheading Activity centres, which includes a strategic direction to:

Ensure that the Fountain Gate – Narre Warren CBD Metropolitan Activity Centre provides for higher order activities that play a key regional role in the metropolitan economy and provides for a diverse range of employment opportunities for the region as well as acting as a community hub and a focus for residential infill development.

While some strategic directions direct more intensive residential development to activity centres, particularly to metropolitan and major activity centres, these were not shown on the exhibited Housing framework plan at Clause 02.4-4. The relevant housing strategic directions include:

- Direct more intensive residential development to metropolitan and major activity centres and to substantial change areas.
- Direct moderate levels of residential development to neighbourhood and local activity centres and to incremental change areas.

While the Panel considers it would be beneficial for activity centres identified for residential growth to be included on the Housing framework plan, it is appropriate for this to be progressed through a separate amendment process.

While the Housing Strategy acknowledges the potential for housing growth in activity centres, it does not clearly designate areas within the various activity centres as housing change areas and in some it cases appears to indicate a lower order of change. Further, the language used in the strategic directions to encourage housing in activity centres is not consistent with the change areas in the Housing Strategy (for example it refers to directing 'more intensive development' rather than designating it a 'substantial change area'). Any update to the Housing framework plan will need to be informed by further work to designate housing change areas in activity centres.

Further, the Panel is mindful that designation of housing changes areas in activity centres through a planning scheme amendment process may attract further submissions.

It is appropriate to rename the Housing framework plan at Clause 02.4-4 to 'Housing framework plan (residential zoned land)' to be clear it only applies to residentially zoned land.

The Panel agrees with the reinstatement of the existing strategy relating to out of centre development to Clause 11.03-1L to clearly articulate this policy.

(v) Conclusions and recommendations

The Panel concludes:

- The Amendment adequately translates existing local planning policy content as it relates to activity centres into the MPS and PPF.
- The Amendment appropriately reflects Fountain Gate-Narre Warren as a Metropolitan Activity Centre.

- The Housing framework plan should be renamed 'Housing Framework Plan (residentially zoned land)' so it is clear that it only includes residentially zoned areas of the municipality, and not activity centre zoned land.
- Further work should be undertaken as part of a separate process to recognise the role of activity centres in provision of housing.

The Panel recommends:

Amend Clause 2.04-1 (Strategic framework plan) to:

a) amend the legend on the Strategic Framework Plan to:

- replace 'Metropolitan Activity Centre Areas' with 'Activity Centre Zone Areas'.

Amend Clause 02.04-4 (Housing framework plan) to:

a) rename the plan to 'Housing framework plan (residentially zoned land)'.

Amend Clause 11.03-1L (Activity centres and centre hierarchy in Casey) to:

a) add the following strategy under the heading 'Activity centres general strategies':

Discourage supermarkets and other non-restricted retail uses from establishing in restricted retail precincts and other designated employment areas outside Metropolitan, Major and Neighbourhood Activity Centres.

5 Environmental risks and amenity

5.1 Background

The EPA advised it had engaged with Council during preparation of the Amendment and had provided multiple recommendations and suggested changes that align the Amendment with the State environment protection framework established under the *Environment Protection Act 2017*.

The EPA provided a written submission during exhibition of the Amendment which compared the exhibited provisions with EPA's comments and offered conclusions on whether its recommendations had been addressed. The EPA acknowledged the measures taken by Council had addressed most of its issues, noting the issues it raised relating to:

- Clause 02.03-3 (Environmental risks and amenity), under the heading Amenity protection, had been resolved
- Clause 13.07-1L-02 (Landfill buffers) were unresolved.

5.2 Environmental risks and amenity

(i) What is proposed?

The Amendment proposes to introduce the following into Clause 02.03-3 (Environmental risks and amenity) under the heading Amenity protection:

- Context statement (derived from existing Clause 22.02):
Residential areas can benefit from co-located complementary non-residential uses for the convenience they offer. However, care must be taken in designing and siting non-residential uses to avoid loss of amenity to residents or undermining the role of activity centres.
- Strategic directions (derived from current provisions and the Planning Scheme Review 2018):
 - Ensure the location, siting and development of non-residential uses in residential areas does not detrimentally affect the amenity of existing residential areas or the operation of activity centres.
 - Protect residential amenity where residential areas interface with commercial and industrial land.
 - Maintain buffers from residential to industrial areas, including existing quarry, landfill, poultry/broiler farms and other uses with adverse off-site amenity impacts until such time as the activities creating the need for the buffers cease to operate and the off-site amenity impacts have been addressed.

(ii) The issue

The issue is whether Clause 02.03-3 (Environmental risks and amenity) appropriately addresses issues raised by the EPA, including whether:

- types of non-residential land uses should be specified
- how residential amenity would be achieved in relation to existing interfaces
- the strategic direction relating to maintaining buffers was unclear.

(iii) Submissions**Non-residential land uses**

The EPA submitted that Clause 02.03-3 (Environmental risks and amenity, amenity protection) did not specify the types of non-residential land uses that the policy sought to manage.

Council explained the MPS includes high level statements that are not meant to provide detailed policy direction or specific land use controls. Council was satisfied local policies adequately specify types of non-residential land uses, including Clause 11.03-1L (Activity centres and centre hierarchy in Casey), Clause 13.07-1L-01 (Non-residential uses in residential areas), and Clause 17.02-2L (Out of centre development).

Residential amenity and interfaces

The EPA asked how the strategic direction relating to residential amenity would be achieved in relation to existing interfaces.

Council explained the strategic direction is not retrospective and would be considered for new or amended use or development planning permit applications that may have interface amenity issues. It said *“it is not reasonable for such a policy to identify where this may or may not occur, or be applied retrospectively”*.

Maintaining buffers

The EPA was concerned with the wording of the strategic direction relating to maintaining buffers from residential to industrial areas, in particular the phrase relating to maintaining buffers until *“the off-site amenity impacts have been addressed”*.

Council explained the impacts of buffers may be addressed in ways that do not need to be defined in the strategic direction. Council proposed rewording the third strategic direction as follows:

- Maintain buffers from residential to industrial areas, including existing quarry, landfill, poultry/broiler farms and other uses with adverse off-site amenity impacts until such time as the activities creating the need for the buffers cease to operate ~~and the off-site amenity impacts have been addressed~~ and the land within the buffer areas is safe for the intended use or development.

(iv) Discussion

As explained in *Using Victoria’s Planning System* (March 2024), the MPS:

- operates in conjunction with planning policy to establish the local policy context and direction for the Planning Scheme
- outlines the strategic direction for a municipality
- is a succinct expression of the overarching strategic directions, and provides the foundation for local policy
- will evolve over time in response to changing needs of the municipality.

In this context, the Panel is satisfied with Council’s response to issues raised by the EPA.

It is appropriate to rely on local policy to specify relevant types of non-residential land uses rather than the MPS. As explained by Council this includes local policy relating to activity centres, non-residential uses in residential areas and out of centre development.

The Panel agrees with Council the new strategic direction relating to residential amenity will not apply to existing interfaces but will be considered when assessing new or amended use or

development permits. It is not possible to apply new strategic directions retrospectively in the absence of a permit trigger.

Council's proposed post exhibition changes to the strategic direction relating to maintaining buffers clarifies the intent of the provision. The new drafting is clear, and the Panel accepts this change.

(v) Conclusion and recommendation

The Panel concludes that Council has appropriately responded to issues raised by the EPA in relation to Clause 02.03-3 (Environmental risks and amenity).

The Panel recommends:

Amend Clause 02.03-3 (Environmental risks and amenity) to:

a) amend the wording under the heading Amenity protection as follows:

Maintain buffers from residential to industrial areas, including existing quarry, landfill, poultry/broiler farms and other uses with adverse off-site amenity impacts, until such time as the activities creating the need for the buffers cease to operate ~~and the off site amenity impacts have been addressed~~ and the land within the buffer areas is safe for the intended use or development.

5.3 Landfill buffers

(i) What is proposed?

The Amendment proposes to introduce the following into new Clause 13.07-1L-02 (Landfill buffers), including a landfill buffer plan (see Figure 7):

Objective

To avoid land use conflict within the buffers of landfill sites.

Strategy

Avoid the intensification or establishment of sensitive land uses within the buffer:

- Of operating landfill sites, including the Hallam Road landfill in Hampton Park.
- Of closed landfill sites that still present a risk of land use conflict, including landfill gas risks.

Avoid the intensification of sensitive land uses in areas identified as landfill buffers in the Landfill Buffer Plan forming part of this Clause.

Support non-sensitive land uses in buffers to prevent the underutilisation of land, where the use is complementary to the landfill.

Policy guidelines

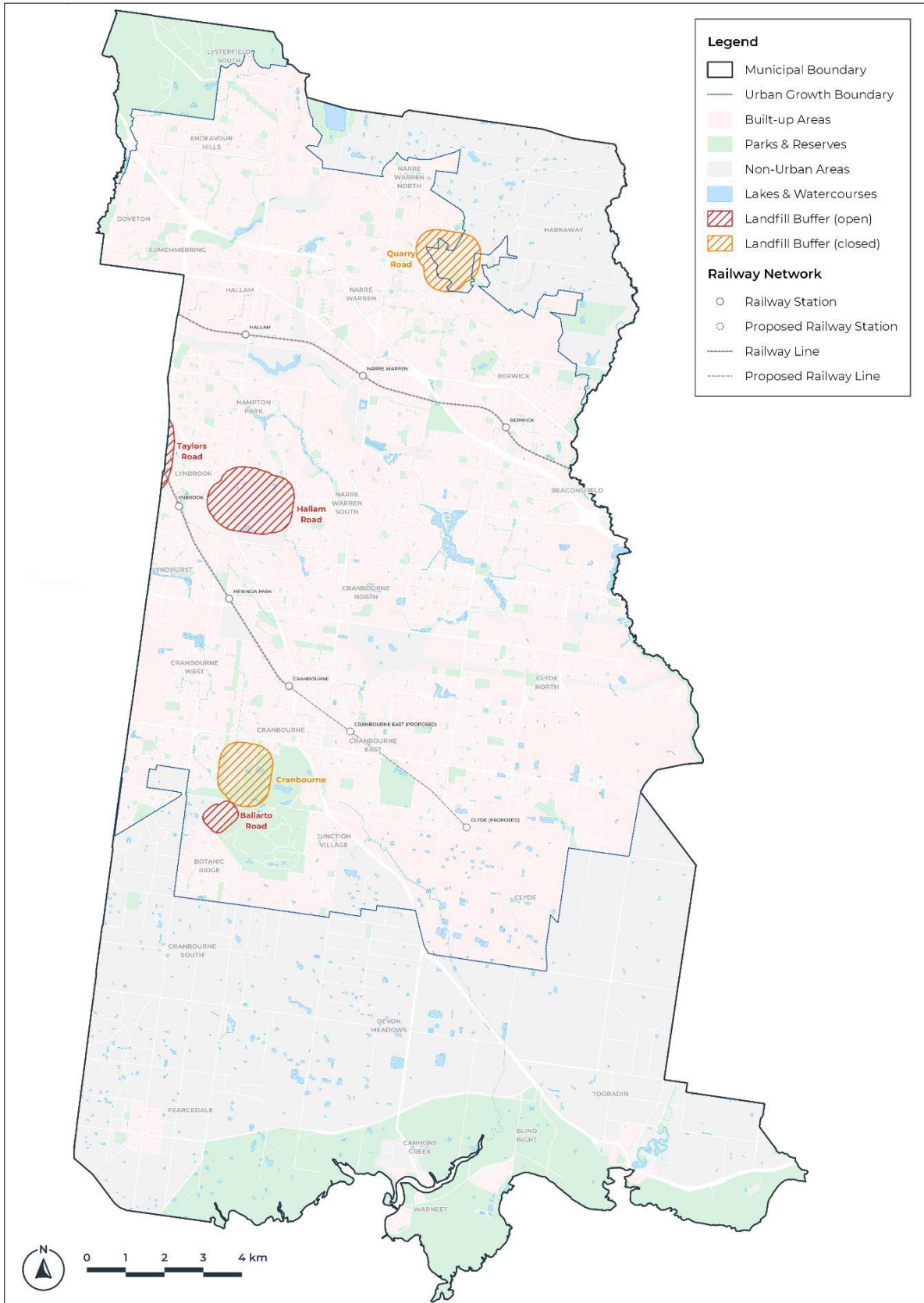
Consider as relevant:

- Discourage the establishment of sensitive uses within 500 metres of the Hallam Road landfill and within 1km of the Taylors Road Landfill.
- On a case by case basis, or in the instance that a Buffer Area Overlay is in place, the environmental and land use planning requirements for a proposal for a sensitive land use within a landfill buffer.

The exhibited Clause 74.02 (Further strategic work) included:

- Investigate opportunities to map industrial, landfill and quarry buffers to protect amenity and business operations.

Figure 7 Landfill buffer plan



(ii) The issues

The issues are whether:

- a new strategy is needed to investigate areas for applying the Buffer Area Overlay
- the policy and map content at Clause 13.07-1L-02 (Landfill buffers) is appropriate.

(iii) Submissions**Application of the Buffer Area Overlay**

The original EPA submission sought a strategy in Clause 13.07-1L-02 to *“investigate the application of the Buffer Area Overlay for landfills within the municipality”*.

Council explained the strategic work suggested by the EPA is included in Clause 74.02 (Further strategic work). It said the results of this further work may or may not result in applying the Buffer Area Overlay.

Landfill buffer

Council summarised the landfill buffer issues raised in the EPA’s original submission as follows:

Council should consider the need for the plan showing the buffer areas and the policy guidelines as they contain references to buffer distances that may change over time.
Concern that ‘sensitive land use’ is not a defined term and that development is not captured.

The EPA clarified in its Hearing submission that:

- it has two publications relevant to planning decisions and landfills:
 - EPA Publication 1642: Assessing planning proposals within the buffer of a landfill
 - EPA Publication 788.3: Best Practice for Environmental Management: Siting, design, operation and rehabilitation of landfills
- it has been developing a further publication that will act as a comprehensive resource for planning decisions:
 - EPA Publication 1950: Landfill buffer guideline (draft Guideline)
- the draft Guideline reflects the current state of knowledge¹
- the EPA expects to publish the draft Guideline in the next month, after which they will be included in the Victoria Planning Provisions through a planning scheme amendment, and will replace sections of current guidance in EPA Publication 788.3.

The EPA’s submission included a table comparing the buffer distances in the three relevant publications (see Table 6). It explained the draft Guideline propose to increase the recommended buffer for large putrescible landfills from 500 metres to 1,500 metres for odour and amenity. This is required to protect the landfill from encroachment and the community from adverse amenity impacts.

¹ State of knowledge’ is a key concept under the environment protection framework, being the general body of knowledge about the harm or risks of harm to human health and the environment, including the controls for eliminating or reducing those risks.

Table 6 EPA comparison of buffer distances in three relevant publications

Guideline title	Status of guideline	Buffer distance for landfill gas migration	Buffer distance for odour and amenity
EPA Publication 1642: 'Assessing planning proposals within the buffer of a landfill'	Current, in effect	500m	500m
EPA Publication 788.3: 'Best Practice for Environmental Management: Siting, design, operation and rehabilitation of landfills'	Current, in effect	500m	500m
Draft Publication 1950: 'Landfill buffer guideline'	Draft, proposed	500m	1,500m

While the EPA supported the intent of Clause 13.07-1L-02, it was concerned the buffer distances specified and shown on the landfill buffer plan were inconsistent with the current state of knowledge and likely future introduction of the draft Guideline in the Victoria Planning Provisions.

The EPA had no concerns with the 500 metre buffer distance for closed landfills as this not proposed to be changed.

The EPA recommended removing reference to specific buffer distances in the policy guidelines and on the plan. Its three options for addressing its issue relating to the landfill buffer plan were:

- amending the plan to remove the specific buffer distances and simply identifying the location of the operating and closed landfills
- removing the landfill buffer plan
- updating the plan to reflect the relevant buffers when the draft Guideline is finalised.

Regarding the landfill buffer distances, Council said:

- the buffers may change over time, as proposed by the new EPA guidelines for industrial separation distances and landfill buffers expected to be introduced to State planning policy later this year
- the policy and map should be retained for transparency but updated to allow greater flexibility to response to any future buffer changes.

Council recommended amending the landfill buffer plan to show buffer area boundaries as indicative only. Specifically it proposed to amend the legend of the plan to state 'Indicative Landfill Buffer (open)' and 'Indicative Landfill Buffer (closed)'.

In relation to EPA's concerns about the drafting of Clause 13.07-1L-02, Council proposed to:

- substitute references to 'sensitive' with 'incompatible', 'non-sensitive' with 'compatible' and 'use' with 'use or development'
- delete the policy guidelines.

Council's preferred wording of Clause 13.07-1L-02 (Landfill buffers) is shown in Figure 8.

Figure 8 Council preferred wording of Clause 13.07-1L-02 Landfill buffers

<p>Proposed C284case</p>	<p>13.07-1L-02 Landfill buffers</p> <p>Objective</p> <p>To avoid land use <u>and development</u> conflict within the buffers of landfill sites.</p> <p>Strategy</p> <p>Avoid the intensification or establishment of <u>sensitive incompatible</u> land uses <u>and development</u> within the buffer:</p> <ul style="list-style-type: none"> ▪ Of operating landfill sites, including the Hallam Road landfill in Hampton Park. ▪ Of closed landfill sites that still present a risk of land use <u>and development</u> conflict, including landfill gas risks. <p>Avoid the intensification of <u>incompatible sensitive</u> land uses <u>and development</u> in areas identified as landfill buffers in the <i>Landfill Buffer Plan</i> forming part of this Clause.</p> <p>Support <u>non-sensitive compatible</u> land uses <u>and development</u> in buffers to prevent the underutilisation of land, where the use <u>and development</u> is complementary to the landfill.</p> <p>Policy guidelines</p> <p><u>Consider as relevant:</u></p> <ul style="list-style-type: none"> ▪ Discourage the establishment of sensitive uses within 500 metres of the Hallam Road landfill and within 1km of the Taylors Road Landfill. ▪ On a case by case basis, or in the instance that a Buffer Area Overlay is in place, the environmental and land use planning requirements for a proposal for a sensitive land use within a landfill buffer.
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Source: Document 25c

(iv) Discussion

Application of the Buffer Area Overlay

As proposed by Council, it is appropriate to include the investigation relating to landfill buffers in the Clause 74.02 (Further strategic work).

While the Panel agrees with Council that the further strategic work may or may not result in application of the Buffer Area Overlay, as drafted it does not indicate the further work should consider application of appropriate planning controls, which may include the Buffer Area Overlay. To make sure consideration of application of the Buffer Area Overlay is explicit, the Panel recommends amending the further strategic work relating to mapping buffers as follows:

- Investigate opportunities to map and, where relevant, apply appropriate planning controls such as the Buffer Area Overlay to industrial, landfill and quarry buffers to protect amenity and business operations.

Landfill buffer

It is important for local policy relating to landfill buffers to reflect the current state of knowledge. In this instance the state of knowledge has evolved through the EPA's development of the draft Guideline that is soon to be finalised and with the intention to introduce it to the Victoria Planning Provisions. When introduced, it will establish a guide for planning and decision making for use and development within landfill buffer areas. As a State policy provision this will be relevant to all planning schemes in Victoria, and it will not need to be specified in the local policy. Further, local policy must not be inconsistent with State policy.

The Panel supports Council's proposal as follows:

- Amending the strategies in Clause 13.07-1L-02 (Landfill buffers) to use the terms compatible/incompatible instead of sensitive/non-sensitive is consistent with the language in State policy that considers land use compatibility.
- Replacing 'use' with 'use or development' in the strategy is consistent with the State policy Clause 13.07-1S (Land use compatibility), which includes a strategy "*Ensure that use or development of land is compatible with adjoining and nearby land uses*".
- Deleting the policy guidelines because:
 - the first policy guideline specifies buffer distances which should not be included as they may be inconsistent with regulations and policy documents which are amended from time to time
 - the second policy guideline is poorly drafted and does not clearly explain how the policy may be achieved.

Regarding the Landfill Buffer Plan (see Figure 7), the Panel supports the EPA's suggestion to include the location of operating and closed landfill sites on the plan, but not to show specific buffer distances as exhibited or as indicative. While it is helpful for policy to show the landfills spatially on a plan, complemented by relevant planning policy, it is prudent to not include buffer distances on the plan when they are not exact and may be subject to change. Showing buffers on the plan may create confusion as to their status, exact location or application in the context of potential future changes or updates to policy documents. While the EPA noted it had no concerns with the 500 metre buffer distance for closed landfills, for consistency and the reasons mentioned above, the Panel recommends removing all buffer areas from the plan.

For clarity, the Panel recommends that the plan be renamed 'Landfill Plan' and include a reference referring to buffers 'as provided in the applicable EPA guideline or as approved for the operating landfill' or similar.

The Panel recommended version of Clause 13.07-1L-02 (Landfill buffers) is based on Council's proposed changes and includes additional minor drafting changes for clarity and consequential changes relating to the Panel's recommendations.

(v) Conclusions and recommendations

The Panel concludes, subject to its recommendations:

- Further work relating to investigation of buffer areas is appropriately captured in Clause 74.02 (Further strategic work).
- The policy and map content at Clause 13.07-1L-02 (Landfill buffers) is appropriate.

The Panel recommends:

Amend Clause 74.02 (Further strategic work) as follows:

Investigate opportunities to map and, where relevant, apply appropriate planning controls such as the Buffer Area Overlay to industrial, landfill and quarry buffers to protect amenity and business operations.

Amend Clause 13.07-1L-02 (Landfill buffers) to:

a) amend the wording as follows:

Objective

~~To avoid land use conflict within the buffers of landfill sites.~~

To avoid locating incompatible land uses or development in landfill buffers that may be impacted by off-site amenity impacts.

Strategy

Avoid the intensification or establishment of ~~sensitive~~incompatible land uses or development within the buffer:

- Of operating landfill sites, including the Hallam Road landfill in Hampton Park.
- Of closed landfill sites that still present a risk of land use or development conflict, including landfill gas risks.

Avoid the intensification of ~~sensitive~~incompatible land uses or development in ~~areas identified as landfill~~ buffers around landfills shown in the Landfill ~~Buffer~~ Plan forming part of this clause.

Support ~~non-sensitive~~compatible land uses and development in buffers to prevent the underutilisation of land, where the use or development is complementary to the landfill.

b) amend the landfill buffer plan to:

- revise the heading to 'Landfill Plan'
- show the location of the operating and closed landfill sites but not showing the buffer area
- include a note referring to the applicable Environment Protection Authority Victoria's relevant guidelines to determine the buffer.

6 Bushfire

(i) Background

Planning provisions

Relevant Planning Scheme provisions include:

- Clause 13.02-1S (Bushfire planning) which:
 - applies to all planning and decision making under the PE Act that relates to land that is in a designated Bushfire Prone Area, subject to a Bushfire Management Overlay (BMO) or proposed to be used or developed in a way that creates a bushfire hazard
 - includes the objective to “*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*”
 - includes strategies relating to:
 - protection of human life
 - bush fire hazard identification and assessment
 - settlement planning
 - areas of biodiversity conservation value
 - use and development control in a bushfire prone area.
- Clause 52.12 (Bushfire protection exemptions) which seeks to facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire, and to facilitate community fire refuges and private bushfire shelters.
- Clause 53.02 (Bushfire planning), applies to a planning permit application under the BMO unless the application meets all of the requirements specified in a schedule to the BMO, which seeks:
 - To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
 - To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
 - To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
 - To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.
- Clause 71.02-3 (Integrated decision making) which requires the protection of human life be prioritised over all other policy considerations.

Panel directions

The CFA made a submission to the Amendment which identified a number of unresolved issues (CFA’s original submission).

The Panel issued the following direction 11c) for Council:

...in relation to issues raised by the ...CFA (refer submission 27):

- (i) seek and provide advice from the CFA on the specific policies and/or policy documents of concern
- (ii) provide a response to the further advice from the CFA, including identifying any areas of inconsistency (if any) with Clause 13.02-1S (Bushfire planning) and how these will be addressed.

Council attached to its Part B submission:

- a letter and attachment from the CFA with further details of its concerns (CFA's further submission)²
- its response to the CFA's further submission³.

(ii) What is proposed?

The Amendment proposes to include the following at Clause 02.03-3 (Environmental risks and amenity) under the heading 'Bushfire and flooding':

- a brief statement of context (new content) which says:
Increased incidences of bushfire and flooding are occurring as the result of climate change. Protection measures under the Casey Planning Scheme assist in the protection of life, property and the environment from the threat of bushfire or flood.
- a strategic direction (derived from existing Clause 21.02-1) which says:
Ensure strategic and settlement planning and development decisions prioritise the protection of human life and minimise the risk to property from bushfire.

It does not propose to introduce local planning policy relating to bushfire.

(iii) The issue

The issue is whether the Amendment adequately considers bushfire risk.

(iv) Submissions

The CFA's original submission acknowledged the Amendment was largely policy neutral, however expressed concern that a number of existing policies had been translated into the MPS that were prepared before the current version of bushfire policy and therefore may not necessarily be in accordance with Clause 13.02-1S (Bushfire planning).

Council summarised the issues raised by the CFA in its original submission as follows:

Further review of policy documents and strategic policy is required to ensure consistency with Clause 13.02-1S with a focus on an appropriate bushfire response in relation to settlement, landscaping, canopy cover, biodiversity, net gain offsets etc. Any potential policy conflicts should be addressed with a focus on bushfire planning policy. Council should also seek to identify any opportunities to build community resilience to bushfire.

The CFA's further submission said:

- planning for bushfire has links to broad areas of planning and bushfire policy considerations are required despite land not being rezoned as part of the Amendment
- reviewing the PPF provides an opportunity to consider how planning policies interact to minimise conflicts and to encourage safer and more resilient communities
- links between bushfire and policy themes are likely extensive, and requires consideration before potential issues are established and a relevant policy response developed
- typically a similar proposal would be supported by a bushfire report/assessment that would be used as a background document in preparing the PPF
- whether a bushfire policy response will be warranted and what this will look like is dependent on the assessment of bushfire that has yet to be undertaken.

² Documents 15a and 15b

³ Document 15c

The CFA submitted that relevant policy themes include (among others):

- whether there could be an increased chance of bushfire risk in terms of where growth is directed
- landscaping or other vegetation policies
- whether there is sufficient access and egress networks
- where a specific land use and bushfire can influence each other.

By way of example, the CFA provided an analysis of potential bushfire considerations in relation to Clause 02.03 (Strategic directions), noting the Clause is representative of local policy themes.

Council did not propose any changes in response to submissions from the CFA. It said that after receiving the CFA's original submission, it had reviewed policy in the context of bushfire planning and had not identified any obvious conflicts. Council also provided a response to the CFA's analysis of potential bushfire considerations in Clause 02.03 (Strategic directions).

Using Clause 02.03-1 Casey Foothills as an example,⁴ Council submitted it did not consider there to be a conflict between the policy and assessment of bushfire risk because:

- Clause 13.02-1S (Bushfire) applies to all planning decisions made under the PE Act where the land is a Bushfire Prone Area or affected by the BMO
- substantial parts of the Casey Foothills are affected by the Bushfire Prone Area or affected by the BMO and use, development or strategic planning must consider bushfire risk
- Clause 02.03-1 Casey Foothills does not designate the area as suitable for residential growth and the current policy position has not changed
- there is strong planning policy for both the protection of vegetation and mitigation of bushfire risk and protection of human life
- Clause 71.02-3 (Integrated decision making) requires responsible authorities to prioritise the protection of human life, when balancing conflicting policy imperatives
- planning provisions should not be duplicated and *“given the importance of bushfire planning across Victoria, there is a clear and direct for planning and responsible authorities to prioritise bushfire considerations”*.

Council acknowledged the CFA recommended an assessment of all proposed policy changes with consideration of bushfire risk, however advised its assessment was limited to the details of examples provided by the CFA, specifically Clause 02.03 (Strategic directions). It was of the view that these were representative of the rest of the proposed policy changes.

(v) Discussion and conclusion

The Amendment consists primarily of a policy neutral review of the PPF and introduces a MPS derived from existing planning provisions.

The Panel relies on the advice of Council that it reviewed all policy to identify bushfire planning implications and did not identify any areas of concern. It is not the role of the Panel to undertake this assessment.

While the Amendment provides an opportunity to review policy, it is only appropriate to introduce new or amended policy when justified by adequate strategic work. This strategic work and any

⁴ Document 15c

associated changes to the Planning Scheme should be subject to a public exhibition process. It is not appropriate for the Panel to recommend changes to the PPF that have not been tested through an exhibition or Panel process.

If the CFA or Council consider further strategic work in relation to bushfire planning is warranted, such as a municipal strategic bushfire study, this should be progressed through a separate process.

The Panel is satisfied the Amendment as exhibited in relation to bushfire policy is acceptable because:

- the existing State policy and provisions such as Clause 71.02-3 (Integrated decision making) establish the primacy of protection of life when balancing competing policy imperatives
- the Amendment is policy neutral in relation to bushfire and relies on relevant existing State bushfire policy and existing mapping of the BMO and bushfire prone areas
- State bushfire planning policy related to settlement planning includes to strengthen the resilience of settlements and communities and protection of human life by achieving no net increase in risk to existing and future residents, property and community infrastructure
- planning guidance states that policy framework should be succinct and avoid repetition
- the proposed 'Bushfire and flooding' strategic direction in the MPS appropriately describes the context of bushfire risk and relevance of the Planning Scheme for the City of Casey and complements and reinforces other provisions in the Planning Scheme that prioritise protection of human life.

The Panel concludes the Amendment has adequately considers bushfire risk.

7 Heritage

7.1 Heritage in Casey

(i) What is proposed?

The Amendment proposes to introduce:

- local policy Clause 15.03-1L-01 (Heritage in Casey)
- further strategic work in Clause 74.02 relating to Aboriginal cultural heritage and post-contact heritage
- City of Casey Heritage Framework 2023-2027 as a background document.

(ii) The issue

The issue is whether Council's proposed post-exhibition changes to heritage background documents relating are appropriate.

(iii) Submissions

One submitter supported the introduction of Clause 15.03-1L-01 (Heritage in Casey) and commended the further strategic work relating to Aboriginal cultural heritage, updating citations and the heritage gaps analysis. The submitter said a city-wide Aboriginal heritage study is well overdue and the existing post-contact heritage studies were now dated.

Council acknowledged the support of the submission and said the issues were addressed in the proposed local policy and further work program.

As a post-exhibition change, Council proposed to delete references to the Growth Area Heritage Places Policy 2015 and Heritage Strategy 2017 in Clause 43.01 (Heritage Overlay) and the Schedule to Clause 72.08 (Background documents), and replace them with the Casey Heritage Framework 2023-2027 that was adopted by Council on 21 November 2023. Council explained the Casey Heritage Framework 2023-2027 supersedes these documents and establishes an annual implementation plan to undertake the required strategic work. Council provided a copy of the Casey Heritage Framework 2023-2027 as a proposed background document.

(iv) Discussion and conclusion

The Amendment addresses the matters raised by the submitter, who supported the local policy and further strategic work program.

The Panel understands the new Casey Heritage Framework 2023-2027 supersedes the existing heritage policy documents, namely the Growth Area Heritage Places Policy, 2015 and Heritage Strategy 2017. While there is logic to introducing the Casey Heritage Framework 2023-2027 as the most current Council heritage policy document, it was not exhibited with the Amendment or the reason for the update explained in the Explanatory Report.

Having reviewed the 'tagged'⁵ version of the Amendment documents, the Panel understands no content has been derived from the new Casey Heritage Framework 2023-2027, and it is not

⁵ Document 10, Appendix 11. The tagged version of Amendment documents includes details of where the content is derived from.

evident whether the local policy aligns with the new document. While it may be appropriate to introduce as a background document through a separate planning scheme amendment process, the Panel does not support introduction of the document as a post-exhibition change to the Amendment.

The Panel has discussed background documents in further detail in Chapter 12 of this Report.

The Panel concludes that Council's post-exhibition changes to heritage background documents are not appropriate.

7.2 Geoheritage

(i) Background

The *City of Casey, Victoria, Geoheritage Sites* prepared by Neville Rosengren of Environmental GeoSurveys Pty Ltd, Version 2: September 2018 (Geoheritage Sites Report) forms a background document to the Amendment and the basis of the proposed geoheritage policy.

This Geoheritage Sites Report is an update to the 2014 study commissioned by the City of Casey to identify sites of 'geological and/or geomorphological significance' in the municipality – known as sites of geoheritage significance. It states:

A geoheritage site is a place where geological materials, rock structures, landforms or land-forming processes are regarded by the geoscience community to be of such scientific and educational value to warrant conservation (or preservation). A geoheritage site may represent a specific characteristic of the City of Casey or be an example of a geological or geomorphological feature important in a wider context.

A desktop survey in 2014, followed by ground checking and inspection from aircraft found 46 sites within the municipality considered to have geoheritage significance. These sites were reviewed in 2018 and as a result, four were deleted as they were completely obscured or did not meet the relevant criteria, and one new site was added. This resulted in 43 sites being recognised as having geoheritage significance in the study.

The Geoheritage Sites Report notes:

The sites include examples of all the major geological formations in the City of Casey from the Silurian-Devonian bedrock to the youngest alluvial and coastal deposits. Foremost among sites are landscapes of Cranbourne Sand, exposures of remnant basalt lavas and an excellent exposure of a range of geologies at the SBI quarry at Cranbourne. Not all geoheritage sites identified in this study are consistently accessible as some are on private land, in hazardous places such as road cuttings and quarries or on sensitive coastal substrate.

It goes on to state:

Geoheritage sites are chosen to represent the array of landforms and land forming processes, including features that are relict or represent geological processes that are no longer active, as well as sites that are dynamic and allow modern processes and rates of change to be measured and analysed. Geoheritage sites range from small areas such as an outcrop/exposure of a few tens of square metres, to extensive areas of hectares or square kilometres. Sites may occur on any land tenure or management regime including private (freehold, leasehold, and license) and areas managed by Local, State or Federal government agencies. Regardless of size or tenure, all geoheritage sites are subject to change and possible degradation, either through ambient processes or as a result of land-use pressures from urbanization, infrastructure or transport expansion, agriculture, recreational use (including inappropriate building or paving facilities) and may be degraded by over-use or destructive extraction including souveniring and specimen collection. Conservation strategies appropriate to the type, size and ownership of a site may be

required to protect the site and maintain the values for long-term geological interpretation and for public interest and education (Geological Society of America, 2012).

Each geoh heritage site is assigned a rating to show the level of significance, including an evaluation of the excellence of display and/or degree of preservation of the object(s) and degree of replication on a geographical or administrative unit scale. The ratings range from Local, Regional, State, National to International significance.

The 43 sites identified in the study are mapped and listed with a site name, description of geology and geomorphology, level of significance and management considerations.

(ii) What is proposed?

The exhibited Amendment proposes to introduce the following new Clause 15.03-1L-02 (Geoheritage), including a geoh heritage sites plan (see Figure 9):

Strategies

Conserve and enhance sites with geoh heritage significance as shown on the *Geoheritage Sites in Casey* map forming part of this Clause.

Ensure use and development does not detrimentally impact geoh heritage sites including through:

- Ground disturbance such as cutting, filling, drainage or flooding.
- Removal of any part of the site that contributes to its geoh heritage significance.
- Covering or building over them.

Policy document

Consider as relevant:

- Geoheritage Sites Report (Neville Rosengren, 2018)

The Amendment also proposes to include “*Identify and protect geoh heritage sites*” in the Schedule to Clause 74.02 (Further strategic work).

(iii) The issues

The issues are whether:

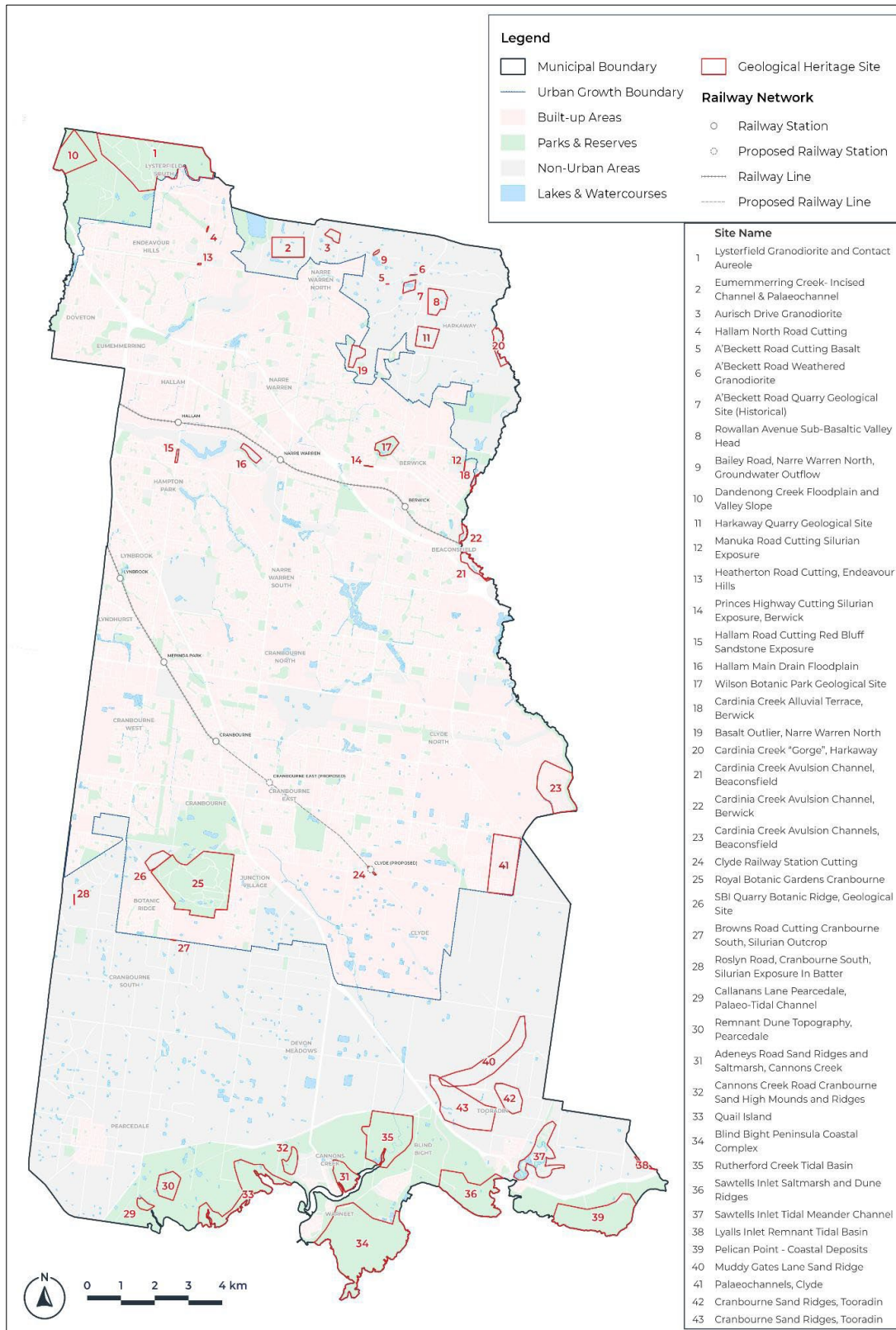
- the proposed new local policy Clause 15.03-1L-02 (Geoheritage) should be included in the Planning Scheme
- Clyde Railway Station Cutting site should be removed from the map of listed sites associated with the policy.

(iv) Submissions

One submitter supported the Amendment, including the proposed strategies for geoh heritage in Clause 15.03-1L-02 on the basis that geoh heritage sites have scientific and educational values. The submitter supported the further strategic work to identify and protect geoh heritage sites and considered this work should be expedited given the first report was undertaken in 2014.

The submitter said that while the report had been on Council’s website, property owners had not been notified about the identified sites.

Figure 9 Geoheritage sites in Casey



VicTrack made a submission in relation to the protection of railway land and transport interests including future rail projects, in particular the Clyde Rail Link Project. The Clyde Railway Station Cutting, owned by VicTrack, is nominated as Site 24 in the Geoheritage Sites Report and is set aside for transport purposes, namely the future Clyde Train Station.

VicTrack said it was not possible to construct a new train station and associated rail cutting without creating ground disturbance, such as cutting and filling, that the policy seeks to avoid on identified geoheritage sites. Accordingly, VicTrack was concerned the policy inappropriately elevated the importance of geoheritage characteristics of the site above the need to provide future transport in this location.

On this basis, VicTrack requested the Clyde Railway Station Cutting site be removed from the map of listed sites associated with the policy.

In response to the VicTrack submission, Council said:

- the proposed provisions were policy only and would only apply if a planning permit was required for a use or development
- the future Clyde Railway Station is zoned Transport Zone 1, under which no planning permit would be required for the use or development of a railway station or associated railway uses, therefore, the proposed geoheritage policy would not apply.

Council did not consider the proposed policy elevated it above other planning considerations as Clause 71.02-3 requires integrated decision making and balancing of competing objectives in favour of net community benefit.

During the Hearing, the Panel asked Council to further explain the importance of geoheritage to Casey and how Council currently considers geoheritage in decision making, including an example.

In response, Council advised that geoheritage is not new to Casey and that geoheritage matters are often required to be considered as part of approval processes. Council cited the Willatook Wind Farm in Moyne Shire as an example. Council also noted that geoheritage can have strong links to Aboriginal cultural heritage.

In response to a question from the Panel regarding the link between application of the proposed policy and planning permit triggers, Council said it was common practice for local policy to be included in a Planning Scheme without a direct corresponding zone or overlay control. It said it would be impracticable to undertake the required further work to provide a permit trigger in a Planning Scheme review amendment such as this.

The Panel made a further Direction (see Chapter 1.2) asking Council to suggest alternative wording to Clause 15.03-1L-02 (Geoheritage) to ensure the strategies are proportionate to the policy intent. Council proposed the following:

Conserve and enhance sites with geoheritage significance as shown on the Geoheritage Sites in Casey map forming part of this Clause.

Locate, site and design **Ensure** use and development **does to** not detrimentally impact geoheritage sites including through:

- Ground disturbance such as cutting, filling, drainage or flooding.
- Removal of any part of the site that contributes to its geoheritage significance.
- Covering or building over them.

(v) Discussion

The Panel considers there are two key questions associated with the proposed geoheritage policy:

- Should the policy proceed at this time?
- If so, is the proposed wording acceptable?

Fundamentally, the strategic basis and application of the policy in a land use planning context is not clear.

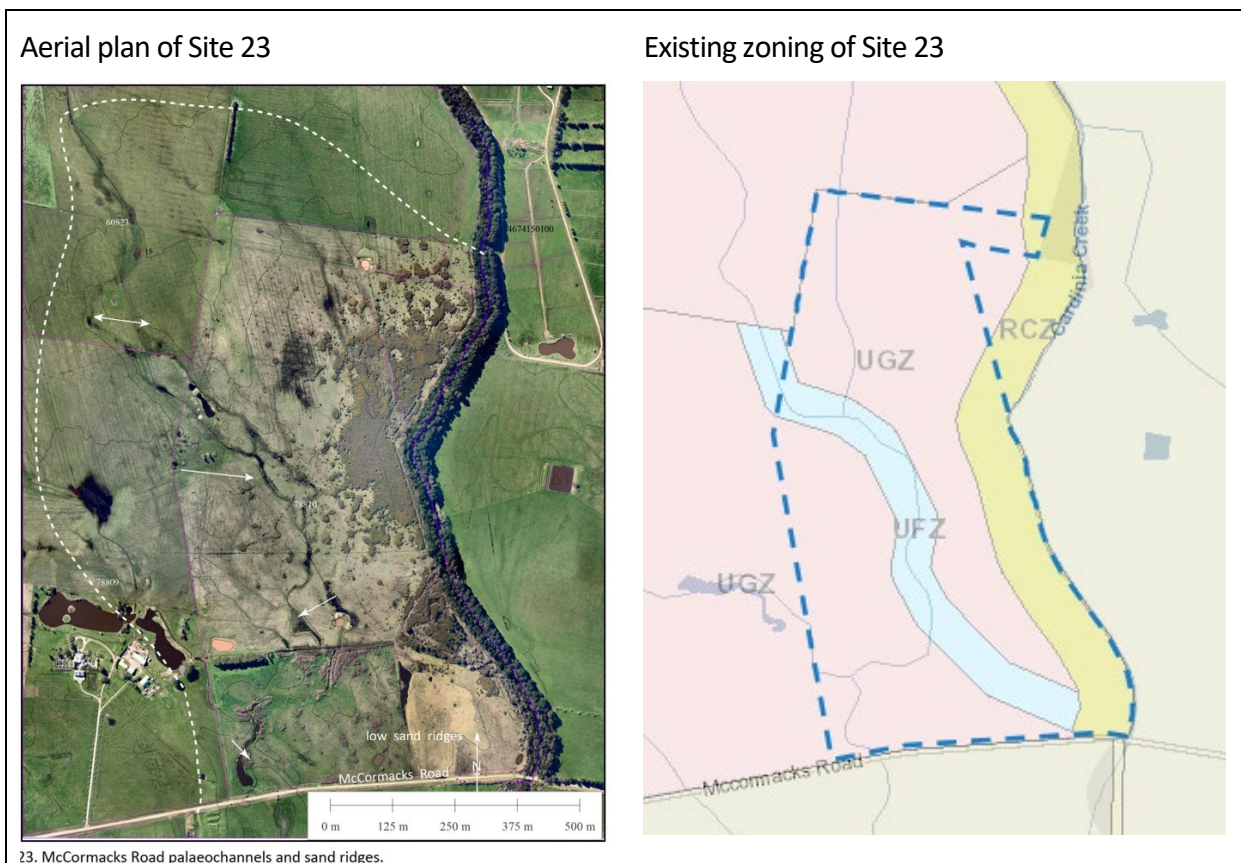
The 2018 and 2022 Planning Scheme Reviews do not reference geoheritage or make recommendations to include policy on geoheritage, despite the Geoheritage Site Report preceding these reviews. Geoheritage is not typically included as a land use consideration in planning schemes, which is not to say it is not important, however, to introduce such as policy requires a strong strategic basis.

The policy could have significant implications for future use and development. While many of the identified sites appear to be on government owned land, including land along creeks or other waterways and roadside cuttings, and some other sites comprising rural or green wedge land that may be unlikely to be redeveloped, there are some sites that are privately owned.

An example of a privately owned site is Site 23, known as the ‘Cardinia Creek Avulsion Channels, Beaconsfield’, located at 125 McCormacks Road, Clyde North (see Figure 10). This site is identified as having local significance as a “clear example of palaeochannels formed by avulsion”. The management considerations in the Geoheritage Sites Report state:

Maintain present open-space low intensity use. Infilling or otherwise altering the form of the palaeochannel would degrade the value of the site.

Figure 10 Site 23 (Geoheritage Site Report)



Source: Geoheritage Site Report

Source: VicPlan, Planning Scheme

Site 23 is:

- shown largely as ‘Future Residential’ on the Strategic framework plan at Clause 02-04-1 and on the Growth area plan at Clause 02.04-6

- zoned Urban Growth Zone, with a band of Rural Conservation Zone along the Cardinia Creek and Urban Floodway Zone across the central part of the area (see Figure 10).

The preservation of this land for “*open space, low intensity use*” as outlined in the Geoheritage Sites Report is likely to be inconsistent with the future residential development of the land. It is hard to reconcile how these competing policies will be applied.

The Panel notes the management considerations are included in the background document (Geoheritage Sites Report) only and they:

- cannot be relied on for decision making as they are not included in the Planning Scheme
- could be subject to changes or updates without amending the Planning Scheme.

While the proposed policy and background report was exhibited with the Amendment, the Panel understands that land owners directly affected by the policy were not individually notified. The Panel is concerned the implications of the policy may not be well understood. The Panel also has concerns the policy would be triggered by an unrelated provision of the Planning Scheme.

Finally, the proposed wording of the geoheritage policy is very restrictive and effectively does not allow for any ground disturbance, removal of any part of the site with geoheritage significance or covering or building over geoheritage sites, notwithstanding it is a policy only. While the Panel considers the amended wording suggested by Council is better because it provides slightly more nuanced consideration of geoheritage, it does not resolve some of the broader concerns outlined above.

While the Geoheritage Sites Report is an interesting and thorough record of geoheritage in the City of Casey, and sites of geoheritage have educational and scientific significance and may have links to Aboriginal cultural heritage, further work through a separate process is needed to determine if and how it may be translated into the Planning Scheme. The further work should consider linking the policy to an overlay or other suitable planning permit trigger. This should be an integrated piece of work as recognised in the Schedule to Clause 74.02 (Further strategic work) that seeks to identify and protect geoheritage sites.

(vi) Conclusions and recommendation

The Panel concludes:

- It is not appropriate to include the proposed new local policy Clause 15.03-1L-02 (Geoheritage) at this stage.
- The further strategic work proposed in the Schedule to Clause 74.02 to identify and protect geoheritage sites should be undertaken before local geoheritage policy is introduced to the Planning Scheme through a separate process.

The Panel recommends:

Delete Clause 15.03-1L-02 (Geoheritage).

8 Future Clyde Regional Park

(i) Background

Land for the Clyde Regional Park has been acquired by the Victorian State Government, and Parks Victoria have been appointed to manage the crown land. It will be a 120 hectare regional park in Clyde, east of Cranbourne, adjacent to a new sports precinct and drainage basin.

The site for the park was identified in 2018 and the Public Acquisition Overlay was applied to the land.

The Clyde Regional Park Strategic Directions Plan 2022 (released in May 2023) sets out the framework for the regionally significant open space and Parks Victoria are preparing a Master Plan for the park. Parks Victoria explained the Department of Energy, Environment and Climate Change is in the process of preparing a planning scheme amendment to update the controls for the land as part of establishment of the Clyde Regional Park.

(ii) The issues

The issues are whether the:

- future Clyde Regional Park should be reflected in the MPS and local policy
- Schedule to Clause 74.02 (Further strategic work) should recognise the Public Acquisition Overlay related to the Clyde Regional Park.

(iii) Submissions

Parks Victoria submitted the Amendment should recognise the establishment of the future Clyde Regional Park in:

- the MPS strategic directions at Clause 02.03
- the Strategic framework plan at Clause 02.04
- local open space policy at Clause 19.02-6L-01 (Public open space – function and design)
- the Schedule to Clause 74.02 (Further strategic work) recognising the Public Acquisition Overlay on land set aside for the future Clyde Regional Park, Casey Spring Precinct and Melbourne Water retarding basin.

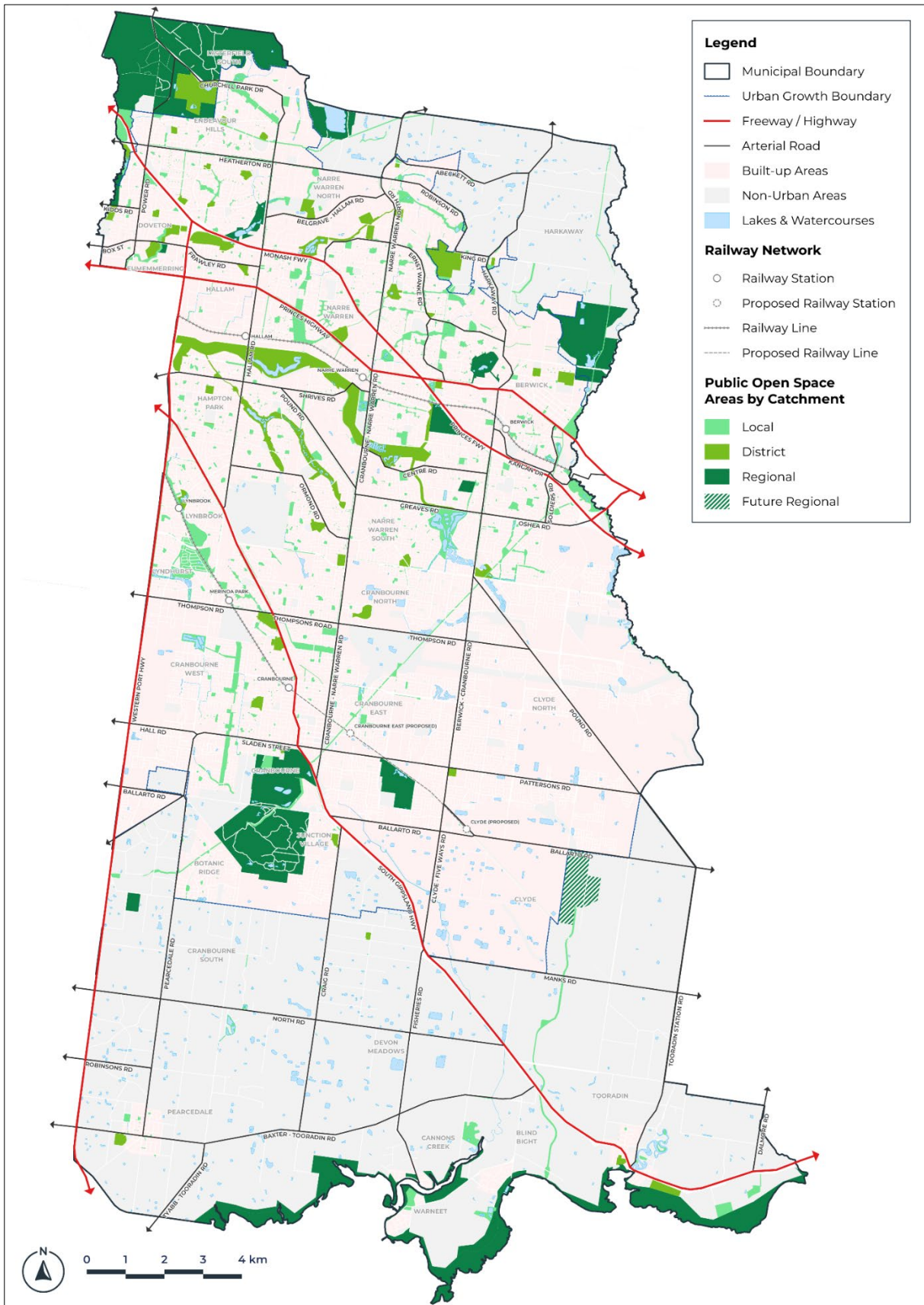
Council submitted:

- the strategic directions at Clause 02.03 are general in nature and it is not necessary to include a specific reference to the Clyde Regional Park
- it agreed to amend the Strategic framework plan at Clause 02.04-1 under 'Parks and Reserves (Proposed)' identifying Clyde Regional Park as a future regional park (see Figures 2 and 3).

Council noted Clause 19.02-6R (Open space – metropolitan Melbourne) relates to regional level parks and the content does not need to be repeated as local policy.

Council and Parks Victoria agreed to update the plan at Clause 19.02-6L-01 to show the Clyde Regional Park in the legend as 'Future Regional'. As an associated change, Council proposed to rename the plan in this Clause as 'Open Space Network' rather than 'Existing Open Space Network'. Council showed this change in its preferred version of the Amendment documents (see Figure 11).

Figure 11 Updated open space network map



Source: Council Part C submission

Regarding the Public Acquisition Overlay and identification of further strategic work, Council said the further work is already being undertaken by the Public Acquisition Overlay in the Planning Scheme and this does not need to be included at Clause 74.02. It said Clause 74.02 (Further strategic work) was not an exhaustive list and other Public Acquisition Overlays are not included as further strategic work.

(iv) Discussion

The Panel agrees with Council's response to the submission from Parks Victoria.

The strategic directions relating to open space at Clause 02.03-09 (Infrastructure), under the sub-heading Open Space, are broad in nature and do not reference individual parcels of public open space. There is no need, and it would not be appropriate, to specifically reference the future Clyde Regional Park in this clause.

It is appropriate to include the future Clyde Regional Park in:

- the Strategic framework plan at Clause 2.04-1 (Strategic framework plan), shown in the legend and on the plan as 'Parks and Reserves (Proposed)'. This provides clear recognition of the location and extent of the future regional park that will become a significant open space asset in the municipality
- the map to Clause 19.02-6L-01 as 'Future Regional' open space, as this map also shows other regional public open spaces as well as local and district public open space.

There is no need to include areas affected by the Public Acquisition Overlay Clause 74.02 (Further strategic work), as the overlay applies and the process to acquire and rezone land (if necessary) is known.

The Panel observes the heading of Clause 19.02-6L-01 (Public open space – function and design) does not capture the content relating to the open space network, and suggests this clause be renamed to 'Public open space'.

(v) Conclusions and recommendations

The Panel concludes:

- The future Clyde Regional Park should be reflected in the MPS at Clause 2.04-1 (Strategic framework plan) and on the map in Clause 19.02-6L-01 (Public open space – function and design).
- There is no need for the Schedule to Clause 74.02 (Further strategic work) to include the Public Acquisition Overlay relating to the future Clyde Regional Park.

The Panel recommends:

Amend Clause 02.04-1 (Strategic framework plan) to:

a) update the legend to the Strategic Framework Plan to:

- **include 'Parks and Reserves (Proposed)' and apply this designation to the future Clyde Regional Park, as shown in Figure 2 of this Report.**

Amend Clause 19.02-6L-01 (Public open space – function and design) to:

- a) rename the clause to Clause 19.02-6L-01 (Public open space)**
- b) rename the plan to “Existing Casey Open Space Network”**
- c) update the legend of the plan to include ‘Future Regional’ under the heading ‘Public Open Space Areas by Catchment’ and apply this designation to the future Clyde Regional Park, as shown in Figure 11 of this Report.**

9 Pipelines

(i) Background

The State Planning Policy Framework recognises HPGTPs at Clause 19.01-3S with the objective:

To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

Strategies include:

Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

(ii) The issue

The issue is whether it is appropriate to add local content and a map to the MPS relating to HPGTPs as agreed by Council and APA Group.

(iii) Submissions

APA Group submitted the Amendment should include content at Clause 02.03-9 (Infrastructure) to recognise HPGTPs.

APA Group explained it is the owner and operator of the T1 Morwell – Dandenong pipeline, T60 Longford – Dandenong pipeline and T32 Clyde North lateral pipeline located within the City of Casey. It submitted the MPS should be updated to reflect the presence of HPGTPs within the City of Casey to recognise the critical nature of the infrastructure and to protect the pipeline from encroachment that may adversely affect its operation.

The request by APA Group was not resolved when the matter was referred to the Panel.

Council advised that after the Direction Hearing, it met and corresponded with APA Group and had agreed on content to be included at Clause 02.03-9 (Infrastructure) under the sub-theme heading ‘High pressure gas transmission pipelines’ and associated map at Clause 02.04-7. Council provided a copy of the correspondence with its Part A submission.

Council submitted in its Part B submission that following agreement with APA Group it proposed:

- a new strategic direction relating to HPGTPs at Clause 02.03-9 (Infrastructure)
- an associated map at Clause 02.04-7 (see Figure 12).

Council advised there were no outstanding standing matters with APA Group.

Council’s preferred provision under Clause 02.03-9 (Infrastructure) reads as follows:

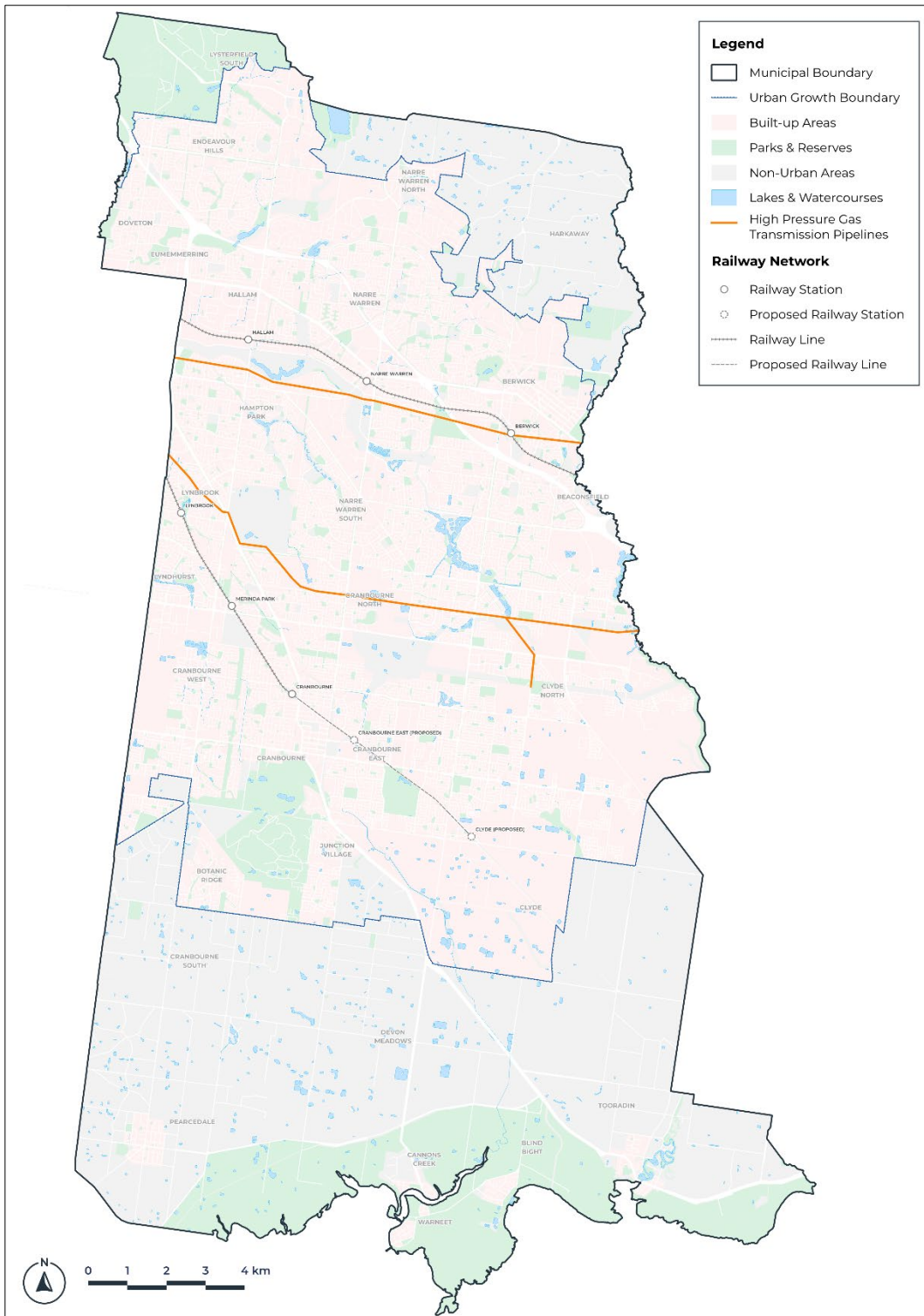
High pressure gas transmission pipelines

The Morwell – Dandenong Pipeline, Longford – Dandenong Pipeline and Clyde North Lateral Pipeline are high pressure gas transmission pipelines licensed under the Pipelines Act 2005. Changes to land use and development in the vicinity of the pipeline must be carefully considered to ensure risks to human life and the functional operation of the pipeline are not impacted.

Strategic directions:

- Protect the pipelines from encroachment of development that would compromise their efficient functioning and safety.
- Manage land use and development in the vicinity of the pipelines to minimise risks to human life and the functional operation of the pipelines.

Figure 12 High pressure gas transmission pipelines plan



Source: Council’s Part C planning provisions (Document 19)

(iv) Discussion

The Panel accepts the new MPS content relating to HPGTPs agreed by APA Group and Council.

The new content at Clause 02.03-9 (Infrastructure) is appropriate in the context of State policy at Clause 19.01-3S (Pipeline infrastructure), particularly the strategy to recognise pipelines in the

Planning Scheme and protect them from encroachment from sensitive land uses. The map proposed at Clause 02.04-7 (High pressure gas transmission pipelines plan) appropriately recognises the location of the HPGTPs.

(v) Conclusion and recommendations

The Panel concludes it is appropriate to amend the MPS to add content and a map showing HPGTPs as agreed by Council and APA Group.

The Panel recommends:

Amend Clause 02.03-9 (Infrastructure) to add the following:

High pressure gas transmission pipelines

The Morwell – Dandenong Pipeline, Longford – Dandenong Pipeline and Clyde North Lateral Pipeline are high pressure gas transmission pipelines licensed under the Pipelines Act 2005. Changes to land use and development in the vicinity of the pipeline must be carefully considered to ensure risks to human life and the functional operation of the pipeline are not impacted.

Strategic directions:

- **Protect the pipelines from encroachment of development that would compromise their efficient functioning and safety.**
- **Manage land use and development in the vicinity of the pipelines to minimise risks to human life and the functional operation of the pipelines.**

Amend Clause 02.04 (Strategic framework plans) to:

- a) **add the new map of high pressure gas transmission pipelines as shown at Figure 12 of this Report.**

10 Other local policy issues

10.1 Places of worship in green wedge areas

(i) The issue

The issue is whether places of worship can be restricted in green wedges.

(ii) Submissions

One submitter supported the green wedge provisions but sought restrictions on places of worship. The submitter was concerned with amenity impacts of places of worship for surrounding land uses, including noise and parking.

Council submitted:

- the Amendment did not propose to change any provisions to the Green Wedge Zone
- the Schedule to the Green Wedge Zone does not provide for variation of land use
- the appropriateness of a use will be assessed when a planning permit application is lodged.

Council noted that the recent State Government review of Planning for Melbourne's Green Wedges and Agricultural Land did not identify the need to restrict places of worship from green wedges.

(iii) Discussion and conclusion

The exhibited MPS includes a strategic direction relating to green wedges which includes context that:

- green wedges in Casey are experiencing 'pressure' to accommodate urban uses
- proper management is critical to ensure the sustainability of these areas and to not erode valued qualities.

Among other things, the MPS strategic directions seek to protect green wedges from urban use and development, except where it complements primary values.

Regional policy at Clause 11.01-1R (Green wedges – metropolitan Melbourne) includes the objective to protect green wedges from inappropriate development and various strategies.

The proposed local policy Clause 11.01-1L-01 (Non-agricultural uses in green wedge areas) applies to all land in the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone. Its objectives include to predominantly use green wedges for sustainable agricultural production, discourage urban uses, ensure development does not detract from green wedge values, consolidate non-agricultural uses in walkable urban and township areas to reduce car dependency.

The local policy includes detailed strategies aimed at:

- protecting green wedges
- ensuring non-agricultural uses do not adversely affect green wedge values
- supporting non-agricultural uses in green wedges when there is a net community benefit.

As explained by Council, a permit is required for a place of worship in the parent Green Wedge Zone, and cannot be varied by a Planning Authority.

The Panel is satisfied the combined provisions, including the MPS, planning policy and the zone, will adequately guide decision making when assessing a planning application for places of worship in a green wedge area.

The Panel concludes a place of worship cannot be restricted in green wedges through the Amendment.

10.2 Non-residential uses in residential areas

(i) What is proposed

The Amendment proposes to introduce a strategy in Clause 13.07-1L-01 (Non-residential uses in residential areas) as follows:

Places of assembly

Locate places of assembly, including places of worship, on land with direct access to a road in the Principal Road Network.

(ii) The issues

The issues are whether:

- it is appropriate to include places of worship in the 'Places of assembly' strategy in Clause 13.07-1L-01 (Non-residential uses in residential areas)
- the wording of the strategy should be amended to clarify the meaning of direct access.

(iii) Submissions

One submitter said that Clause 13.07-1L-01 (Non-residential uses in residential areas) should exempt places of worship, where the zone does not require a permit for that use. The submitter said the strategy under places of assembly is unreasonably restrictive and:

- if the policy is retained, places of worship should be exempt
- the wording should be changed from a road in the Principal Road Network to a road in a Transport Zone
- 'direct access' should be defined
- requiring access from a principal road can cause safety issues.

The submitter proposed alternative wording of the strategy as follows:

Locate places of assembly on land with direct access to a road in a Transport Zone or with access to Transport Zone via a connecting road that does not adversely impact any residential use.

Council submitted the policy does not apply where a permit is not required for a place of worship.

Council added:

- the intent of the policy is to ensure that places of assembly, including places of worship, do not have adverse impacts on the surrounding residential neighbourhood or road network
- it agreed with the submitter that the reference to a 'principal road network' is outdated and it proposes to amend the policy to reference 'Transport Zone 2', consistent with Clause 36.04 (Transport Zone).

Council proposed in its Part B submission to amend the strategy as follows:

Locate places of assembly on land with either direct access to a road in a Transport Zone 2 or 3, or with access to a Transport Zone 2 or 3 via a connecting road that does not adversely impact any residential use’.

In response to a question from the Panel relating to how a connecting road may be defined and how that would be applied, Council said the wording it had proposed may be confusing and it proposed further changes as follows:

Locate places of assembly on land that adjoins or has access to a road in a Transport Zone 2 or 3.

Council explained this wording *“adopts similar wording to that in the residential zones, which is known to users of the planning scheme and will meet the policy intentions of this strategy”*.

(iv) Discussion

The Panel agrees with Council it is appropriate for the proposed local policy Clause 13.07-1L-01 (Non-residential uses in residential areas) to apply to a place of worship. When a planning permit is required, the amenity impacts on the surrounding residential area and road network should be considered.

The land use term ‘place of worship’ is included in ‘place of assembly’ and is not required to be specified in the policy to apply. Policy drafting guidance states that policy should be clear and concise, using the *“fewest possible words without sacrificing meaning”*.⁶ The Panel supports removal of the land use term ‘place of worship’ from the strategy.

The Panel supports amended wording from ‘principal road network’ to refer to the Transport Zone. Clause 36.04 (Transport Zone) defines:

- Transport Zone 2 as the principal road network
- Transport Zone 3 as a significant municipal road.

The General Residential Zone, for example, includes a condition under section 1 (permit not required) use that a place of worship must, among other things:

The site must adjoin or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

The Panel supports the intent if Councils amended provision and proposes minor drafting changes for consistency with wording in the residential zones.

(v) Conclusions and recommendation

Panel concludes:

- It is appropriate to include a place of worship in the ‘Places of assembly’ strategy in Clause 13.07-1L-01 (Non-residential uses in residential areas)
- It is not necessary to specify a place of worship because this is included in the definition of a place of assembly.
- Council’s preferred wording is generally accepted, subject to minor drafting changes recommended by the Panel.

⁶ Practitioner’s Guide, page 72

The Panel recommends:

Amend Clause 13.07-1L-01 (Non-residential uses in residential areas) as follows:

Places of assembly

Locate places of assembly, ~~including places of worship,~~ on land that adjoins with direct or has access to a road in the ~~Principal Road Network~~ Transport Zone 2 or Transport Zone 3.

10.3 Canopy tree coverage

(i) The issue

The issue is whether the Amendment should include greater requirements for the planting of canopy trees in new developments.

(ii) Submissions

Several submitters requested the Amendment include greater requirements for planting canopy trees in new developments.

Several submitters were concerned about the increasing impacts of climate change and said greater requirements for planting canopy trees would support future environmental habitats to help address global warming.

Council submitted:

- the Planning Scheme already includes provisions encouraging the retention of tree canopy cover such as the Significant Landscape Overlay, Environmental Significance Overlay and Vegetation Protection Overlay
- a review of local provisions relating to tree canopy cover was beyond the scope of this Amendment and would be subject to the actions coming from the adoption of the draft Greening Casey Strategy
- this work is identified in Schedule to Clause 74.02 (Further strategic work).

(iii) Discussion and conclusion

The Planning Scheme includes provisions that encourage the retention of canopy trees and the Schedule to Clause 74.02 (Further strategic work) includes:

Review the environmental and landscape overlays to strengthen the protection of landscapes and trees, including for the Casey Coast and Casey Foothills area.

The Panel accepts Council's submission that the review of local provisions relating to tree canopy cover was beyond the scope of this Amendment, and this would be done following adoption of the Greening Casey Strategy.

This further work is needed to ensure any updates to local policy are contemporary and are designed to achieve local landscape and canopy tree objectives.

The Panel concludes it is not appropriate to include greater requirements for the planting of canopy trees in new developments as part of the Amendment.

11 Public open space contribution

(i) What is proposed?

The Amendment proposes to delete the following words from the Schedule to Clause 53.01 (Public open space contribution and subdivision) under the leading sentence “*These amounts do not apply to*”:

- *the subdivision of land to create lots for existing dwellings.*

(ii) The issue

The issue is whether it is appropriate to delete the words from Clause 53.01 (Public open space contribution and subdivision) which exempt the specified rates for the subdivision of existing dwellings.

(iii) Submissions

One submitter objected to deleting the identified words in the Schedule to Clause 53.01 (Public open space contribution and subdivision) which exempt the specified rates for the subdivision of existing dwellings.

The submitter did not agree with Council that the existing provision was an anomaly, but rather an intentional provision that was brought into the Planning Scheme with the introduction of the 1999 new format Planning Scheme. Further:

- Despite numerous amendments over the years in relation to the provisions of public open space, including changes to Clause 52.01 and Clause 53.01, this provision has never been recognised as an error or anomaly.
- The 2018 and 2022 Planning Scheme Reviews did not identify anomalies or errors in Clause 53.01, and only recommended that a further review of the Open Space Strategy be undertaken.

The submitter considered there was not appropriate strategic justification for the change and noted the ‘exemption’ at Clause 53.01 still requires a contribution for public open space to be considered under section 18 of the *Subdivision Act 1988*.

The submitter outlined that removing this provision would result in significant additional costs to the provision of medium density housing in a time of a housing crisis, raising the contribution from 5 per cent to up to 10 per cent in many cases.

Council submitted that applicants have relied on this provision to seek amendments to subdivision permits once housing had been built, resulting in a reduction of public open space contributions across the municipality.

Both the submitter and Council highlighted the way this operates in practice is through amendments to existing subdivision permits, as demonstrated in the flow chart provided by Council (see Figure 13).

Figure 13 Diagram of loophole process provided by Council

Figure 1 - Diagram of Loophole Process undertaken by Developers to reduce Public Open Space Contribution Amount



Source: Council Part C (Document 21)

Council provided a register of amendments to subdivision permits that had varied the public open space contribution for the last three and a half years⁷. It calculated the 'cost to Council' of reduced public open space payments as follows:

- \$170,000 in the financial year 2020/21
- \$259,200 in the financial year 2021/22
- \$687,150 in the financial year 2022/23
- \$461,550 for the 2023/24 financial year to date.

Council considered this an inconsistent and inequitable approach to public open space contributions. While the specified rates of public open space contributions in the Schedule to Clause 53.01 range from 1.5 per cent to 20 per cent, the Contribution Rate Area CR1 for areas such as Endeavour Hills, Doveton, Narre Warren and Berwick require a 10 per cent contribution. Council said when permits are amended once housing has been built in these areas, this typically results in half the public open space contribution that would normally be required under Clause 53.01.

Council considered this to be a poor planning outcome for growth areas and said a more equitable approach would be to use the location and development type to determine the contribution, regardless of timing of construction.

Council noted the parent Clause 53.01 includes a Statewide exemption for public open space contributions for existing dwellings constructed before 30 October 1989 that is unaffected by this Amendment.

Finally Council noted that while this anomaly was not recognised in the 2018 Planning Scheme Review, it was a matter highlighted by Council officers during the review and rewrite workshops undertaken since 2018. The proposed change was included when preparing the draft Amendment before the 2022 Planning Scheme Review, so was not discussed in the later report.

The Panel asked parties whether they were aware of a similar 'exemption' from the specified rates for existing dwellings in other planning schemes. Nobody took the Panel to other examples, however the submitter considered it irrelevant particularly as the provision had been in the Planning Scheme for so long.

(iv) Discussion and conclusion

In considering this issue, the Panel has been guided by the requirement for integrated decision making in favour of net community benefit and sustainable development.

⁷ Document 19

The Panel accepts:

- the exemption provision relating to existing dwellings is an existing provision and has been in the Planning Scheme since the new format planning scheme was introduced
- the submitters point that the provision is not actually an ‘exemption’, given the requirement for a public open space contribution under section 18 of the *Subdivision Act 1988* (up to a maximum of 5 per cent).

The Panel notes Clause 53.01 states:

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*, however it is clearly a variation to the otherwise strategically justified rates for public open space in the municipality.

While the proposed change was explained in the Explanatory Report and Amendment documents, unfortunately the change was not documented in the 2018 and 2022 Planning Scheme Reviews. Despite this, the Panel agrees with Council that it is not logical or equitable to allow for a substantially lower rate of public open space to be provided based purely on timing; that is, whether the dwellings are built first then lots subdivided, or whether the lots are subdivided before the development of dwellings.

The existing provision results in the open space contribution being determined not on the location or type of development, and importantly the associated strategic demand, but rather on the timing of construction.

The Panel agrees with Council that the mechanism is somewhat of a ‘loophole’ created by amending subdivision permits when dwellings are built first, when all other subdivision for dwellings in the area is subject to the specified rate in the Planning Scheme.

The Panel acknowledges this has provided benefits to developers in reducing the cost of delivering housing at a time when more housing is widely needed. However the specified contribution rates have been justified at the time of inclusion in the Schedule to Clause 53.01 (through approval of PSPs and other strategic work).

Regarding net community benefit and sustainable development, the Panel considers the provision relating to existing dwellings should be deleted. This is consistent with the objectives of planning in Victoria to provide for the fair, orderly, economic and sustainable use and development of land.⁸

The Panel concludes it is appropriate to delete “*the subdivision of land to create lots for existing dwellings*” from the Schedule to Clause 53.01 (Public open space contribution and subdivision).

⁸ Objectives of planning in Victoria, *Planning & Environment Act 1987*, Clause 4(1) (a).

12 Background documents

(i) The issue

The issue is whether Council's proposed post-exhibition changes to the Schedule to Clause 72.08 (Background documents) are appropriate.

(ii) Background

The Panel made directions for Council to provide with its Part A submission:

- 9.d) a table including a list of all background documents proposed to be included in Clause 72.08 (Background documents) and clarification of whether they are currently included as reference documents in the Planning Scheme, are new or updated versions of documents, and their status as adopted or endorsed by Council.
- 9.e) copy of any other documents Council intends to rely on that were not exhibited with the Amendment

The Practitioner's Guide advises that background documents:

- provide information to help understand a particular planning provision
- must relate to a specific policy or provision
- are not part of a planning scheme and must not be relied on for decision making.

Further, background documents should not be included in a planning scheme:

- where possible to keep planning schemes user-friendly and self-contained
- if the substantive elements of the document are included in the planning scheme and require no further explanation
- if document contains content that is necessary for decision making it must be extracted and included in the relevant planning policy or control
- when a document includes a lot of information that is not directly relevant to a specific provision of the scheme.

To include a background document in the Planning Scheme at Clause 72.04 it must be introduced by way of a planning scheme amendment. The Practitioner's Guide also says:

If a document is updated or is no longer relevant, the planning scheme must also be updated to be consistent. The explanatory report for the amendment should make clear what has changed from the earlier version of the document and should confirm the proposed status of the document.

(iii) Submissions

Council submitted the Amendment proposed to update the Schedule to Clause 72.08 (Background documents) to include a number of background documents already referred to in the Planning Scheme and new documents that have been adopted or endorsed by Council. Council provided a list of new and superseded documents in its Part A submission and said:

Any newly adopted or endorsed documents with adopted policy content would be considered as part of future planning scheme amendments.

Council's Part A submission proposed a number of post-exhibition changes to the Schedule to Clause 72.08 to correct errors including:

- deleting reference to the Heritage Strategy 2017 and replacing it with the Casey Heritage Framework 2023-2027 to reflect adoption of the new plan

- deleting references to the Casey Complex Structure Plan, 2011, the Cranbourne Town Centre Plan, 2017 and Cranbourne Town Centre Urban Design Framework 2011 to reflect gazettal of Planning Scheme Amendment C275case which updated the planning framework for the Cranbourne major activity centre
- updating versions of documents prepared by the VPA and referred to in schedules to the Development Plan Overlay
- updating the version of the Port Phillip and Western Port Regional Catchment Strategy prepared by Melbourne Water
- deleting reference to the Casey Affordable Housing Strategy 2020 and adding the City of Casey Council Plan 2021-25 and City of Casey Long Term Community Vision 2031.

In response to Panel Direction 9.e), Council advised it had provided to the Panel “*all of the background documents proposed in the Schedule to Clause 72.08 (Background documents) that were not exhibited...*”. Council also provided to the Panel copies of some of the documents it proposed to include as a post exhibition change.

In response to a question from the Panel, Council clarified that some documents that were only available in hard copy were not exhibited with the Amendment.

In its Part C submission, Council clarified:

- two new background documents that were endorsed and adopted by Council were not exhibited on the DTP website during exhibition of the Amendment
- not all background documents were exhibited on Council’s website as many documents:
 - 13.1 Already appear in the scheme as reference documents.
 - 13.2 Have already undergone a separate process of consultation and approval.
 - 13.3 Are well known, regularly used and are available within the public domain.
 - 13.4 Are not subject to specific review and feedback as part of Amendment exhibition.

(iv) Discussion

In considering Council’s proposed post exhibition changes to background documents, it became evident that not all background documents proposed to be included in Clause 72.04 (Background documents) were exhibited with the Amendment or, where relevant, changes to background documents explained in the Explanatory Report.

The Panel has concluded in Chapter 7.1 that it is not appropriate to make a post-exhibition change to include the Casey Heritage Framework 2023-2027. However, it is beyond the role of the Panel to assess whether all proposed background documents are appropriate to include in the Planning Scheme.

In the context of guidance in the Practitioner’s Guide, the Panel considers Council should review proposed background documents to confirm which should be listed in the Schedule to Clause 72.08 (Background documents).

(v) Conclusion

The Panel concludes that, before adopting the Amendment, Council should review the proposed background documents to confirm which should be listed in the Schedule to Clause 72.08 (Background documents).

The Panel informally recommends that, before adopting the Amendment, Council reviews and updates (as needed) the Schedule to Clause 72.08 (Background documents) to ensure it contains an appropriate list of background documents, consistent with guidance in the Practitioner's Guide.

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	David Westlake	15	Ross (surname not provided)
2	Scott King	16	Sandra Sealey
3	South East Water	17	Tanisha Finlay
4	Ausnet Services	18	Vicki Green
5	APA Group	19	Berwick Gospel Trust
6	Environment Protection Authority Victoria	20	Skilldale Pty Ltd
7	David Ritman	21	Skilldale Pty Ltd
8	VicTrack	22	Skilldale Pty Ltd
9	Bob Ramen	23	Harkaway Hills College
10	Karen Rees	24	Scentre Group
11	Khoa Dao	25	Garry Page
12	Louisa Willoughby	26	Tim Radisich, Associated Town Planning Consultants
13	Maryann Lambert	27	Country Fire Authority
14	Pam Naylor	28	Victorian Planning Authority

Appendix B Document list

No	Date	Description	Presented by
1	18 April 2024	Draft Panel Directions	Planning Panels Victoria (PPV)
2	19 April 2024	Directions and Hearing Timetable	PPV
3	23 April 2024	Email from PPV to parties with amendments to Direction 8	PPV
4	23 April 2024	List of changes to provisions	City of Casey Council (Council)
5	23 April 2024	List of Background documents, enclosing: <ol style="list-style-type: none"> 1. Advertising Signs Design Guide (City of Casey, 2021) 2. Advertising Signs, 950 Ballarto Road, Botanic Ridge (2014) 3. Affordable Housing Strategy (City of Casey, 2020) 4. Arboricultural Assessments Clyde North, C21 Business Park and Cranbourne North (Stage 2) Precincts (Tree Logic Pty Ltd, 2008) 5. Arterial Roads Tree Strategy (City of Casey, 2003) 6. Australian Standard - Protection of Trees on Development Sites AS 4970 (2009) 7. Australian Standard – Pruning of Amenity Trees, AS 4373 (2007) 8. Berwick Health and Education Precinct Environmental Site Assessment (Ricardo, 2020) 9. Berwick Township Significant Landscape Strategy (City of Casey, 2008) 10. Berwick Village Commercial Centre Parking Precinct Plan (City of Casey, 2009) 11. Biodiversity Strategy (City of Casey, 2017) 12. Cardinia Parklands Strategy (City of Casey, 2014) 13. Casey Central Phase 1 Environmental Site Assessment (GHD, 2006) 14. Casey Complex Structure Plan (City of Casey, 2011) 15. Casey Heritage Study (Post-European Contact) (City of Casey, in association with Context Pty Ltd, 2004) 16. Casey Image Strategy (City of Casey, 2005) 17. Casey Significant Tree Strategy (incorporating the Significant Tree Register) (City of Casey) 18. Casey Standard Drawings (City of Casey, 2012) 19. Child Minding Centres Policy (City of Casey, 1996) 20. City of Berwick Heritage Conservation Study (City of Berwick, in association with Context Pty Ltd, 1993) 21. City of Casey (Cranbourne, Knox) Heritage Study 	Council

No	Date	Description	Presented by
		(Graeme Butler & Associates, 1997)	
22.		City of Casey Activity Centres Strategy (City of Casey, 2020)	
23.		City of Casey Conservation Strategy (City of Casey, in association with Environment Link Pty Ltd, 2002)	
24.		City of Casey Economic Development Strategy 2021-2025 (City of Casey, 2021)	
25.		City of Casey Greenhouse Strategy – Local Action Plan (City of Casey, 2002)	
26.		City of Casey Health and Wellbeing Strategy 2021-2025 (City of Casey, 2021)	
27.		City of Casey Integrated Water Management Plan (City of Casey and Melbourne Water, 2015)	
28.		City of Casey Landscape Policy (City of Casey, 2010) City of Casey Landscape Policy (City of Casey, 2010)	
29.		Cranbourne Town Centre Plan 2017 (City of Casey, 2018)	
30.		Cranbourne Town Centre Urban Design Framework (City of Casey, 2011)	
31.		Display Homes Policy (City of Casey, 2001)	
32.		Electronic Gaming Machines Strategy 2015-2020 (City of Casey, 2019)	
33.		Engineering Design and Construction Manual for Subdivision in Growth Areas (Victorian Planning Authority, 2019)	
34.		Engineering Design and Construction Manual Standard Drawing Index (Victorian Planning Authority, 2015)	
35.		Equestrian Strategy (City of Casey, 2011)	
36.		Fountain Gate-Narre Warren CBD Structure Plan (City of Casey, 2018)	
37.		Geoheritage Sites Report (Neville Rosengren, 2018)	
38.		Geotechnical and Preliminary Environmental Contamination Assessment Precinct Structure Plan No. 09 Berwick Waterways (Aecom, 2011)	
39.		Growth Area Heritage Places Policy (City of Casey, 2015)	
40.		Heritage Handbook Practical Guidelines for Owners of Historic Buildings (City of Casey, 2022)	
41.		Heritage of the City of Casey – Historic Sites in the former Cranbourne Shire (City of Casey, with Graeme Butler & Associates, 1996)	
42.		Heritage Strategy (City of Casey, 2017)	
43.		Housing Strategy (City of Casey, 2019)	

No	Date	Description	Presented by
		44. Implementing the Sustainable Design Assessment in the Planning Process Framework (Organica Engineering, 2019)	
		45. Industrial Development Policy (City of Casey, 2003)	
		46. Medical Centres Policy (City of Casey, 2001)	
		47. On Site Stormwater Detention Policy (City of Casey, 2018)	
		48. Open Space Strategy (City of Casey, 2015)	
		49. Phase 1 Environ Site Assessment and Geotech Desktop Investigation, Brompton Lodge Precinct Structure Plan (Coffey, April 2015)	
		50. Places of Assembly Worship Policy (City of Casey, 2004)	
		51. Port Phillip and Western Port Regional Catchment Strategy 2004-2009 (Port Phillip and Westernport CMA, 2004)	
		52. Preliminary Environmental Contamination Assessment 1345-1425 Ballarto Road & 365-385 Clyde-Five Ways Road, Clyde (Beveridge Williams, 2012)	
		53. Preliminary Environmental Contamination Assessment Clyde Creek & Thompsons Road, Clyde (PSP 53 & PSP 54) (Beveridge Williams, 2013)	
		54. Sites of Botanical Significance in the Western Port Region (A.M. Opie et al, Department of Conservation Forests and Lands, 1984)	
		55. Sites of Geological and Geomorphological Significance in the Western Port Region (N.J. Rosengren et al, DCFL, 1984)	
		56. Sites of Zoological Significance in the Western Port Region, (D.L. Andrew et al, Department of Conservation Forests and Lands, 1984)	
		57. Streets Ahead Integrated Transport Strategy (City of Casey, 2017)	
		58. The Fauna and Flora Values of the City of Casey South of Ballarto Road (Biosis Research, 1997)	
		59. Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)	
		60. Walk and Ride in Casey 2019 - 2041 (City of Casey, 2019)	
		61. Water Sensitive Urban Design Guidelines South Eastern Councils (Melbourne Water, 2013)	
		62. Western Port Green Wedge Management Plan (City of Casey, 2019)	

No	Date	Description	Presented by
6	23 April 2024	List of Supporting documents, enclosing: <ol style="list-style-type: none"> 1. Casey Planning Scheme Review 2018 Report and Appendices 2. Casey Planning Scheme Review 2022 Report 	Council
7	23 April 2024	Melbourne Industrial and Commercial Land Use Plan (Department of Environment, Land, Water and Planning, 2020)	Council
8	23 April 2024	Email to Panel confirming Council are not nominating a site or location for the Panel to view	Council
9	29 April 2024	Distribution List and Hearing Timetable (version 2)	PPV
10	6 May 2024	Council Part A submission, enclosing attachments: <ul style="list-style-type: none"> - Appendix 1 Location of new or amended local policy content in the PPF - Appendix 2 - Appendix 2 - Summary of adopted strategies supporting proposed provisions - Appendix 3 - List and status of Clause 72.08 Background documents - Appendix 4 - Summary table of changes proposed by the Amendment - Appendix 5 - Summary of proposed policy neutral and new content - Appendix 6 - Council Meeting Agenda - 20 September 2022 - Appendix 7 - Council Meeting Minutes - 20 September 2022 - Appendix 8 - Letter of Authorisation - Appendix 9 - Exhibited Explanatory Report - Appendix 10 - Exhibited Proposed Provisions – Clean Version - Appendix 11 - Exhibited Proposed Provisions – Tagged Version - Appendix 12 - Exhibited Frequently Asked Questions (FAQ) - Appendix 13 - Exhibited Casey Planning Scheme Review Report 2018 - Appendix 14 - Exhibited Casey Planning Scheme Review Report 2022 - Appendix 15 - Notice in Cranbourne Star News local newspaper on 26 October and 2 November 2023 - Appendix 16 - Notice in Berwick Star News local newspaper on 26 October and 2 November 2023 - Appendix 17 - Notice in Victorian Government Gazette on 19 October 2023 - Appendix 18 - Photos of the public information sessions 	Council

No	Date	Description	Presented by
		<ul style="list-style-type: none"> - Appendix 19 - Council Meeting Agenda - 19 March 2024 - Appendix 20 - Council Meeting Minutes - 19 March 2024 - Appendix 21 - Notice to Submitters of post exhibition changes - Appendix 22 - Summary of Submissions and Officer Responses - Appendix 23 - Correspondence from APA - Appendix 24 - Confirmation from AusNet 	
11	6 May 2024	<p>Background documents Council intends to reply upon:</p> <ul style="list-style-type: none"> a) City of Casey Council Plan 2021-25 (City of Casey, 2021) b) City of Casey Heritage Framework 2023-2027 (City of Casey 2023) c) City of Casey Long Term Community Vision 2031 (City of Casey, 2021) d) Port Phillip and Western Port Regional Catchment Strategy 2021-2027 (MW, 2021) 	Council
12	10 May 2024	<p>Hearing submission, enclosing attachment:</p> <ul style="list-style-type: none"> a) Casey Planning Scheme 11.03-1L – Tracked Changes 10/05/2024 	Scentre Group
13	10 May 2024	<p>Hearing submission, enclosing attachments:</p> <ul style="list-style-type: none"> a) Casey C275case Explanatory Report Approval Gazetted b) Appendix 1 – Clause 52.01 and August 1999 Schedule c) Appendix 2 – Amendment C137 Explanatory Report and Amended 52.01 Schedule d) Appendix 3 – Amendment C202 Explanatory Report and Amended 52.01 Schedule e) Appendix 4 – Casey Planning Scheme Review 2018 Report f) Appendix 5- Casey Planning Scheme 2022 Review Report 	Submitter 26
14	10 May 2024	Day 1 version – Proposed provisions	Council
15	10 May 2024	<p>Part B submission, enclosing attachments:</p> <ul style="list-style-type: none"> a) Appendix 1 – Correspondence from CFA b) Appendix 2 – Attachments referred to in correspondence from CFA c) Appendix 3 – Council response to Attachment and Correspondence from CFA d) Appendix 4 – Updated summary table of changes proposed by the Amendment 	Council

No	Date	Description	Presented by
16	10 May 2024	Hearing submission, enclosing attachments: a) Attachment 1 - EPA Submission to the Exhibited Amendment - 1 December 2023 b) Attachment 2 - EPA MD19 Response - 11 October 2022 c) Attachment 3 - Draft EPA Publication 1950 'Landfill buffer guideline'	Environment Protection Authority Victoria
17	13 May 2024	Hearing submission - pages 104-112 in relation to Narre Warren North Power Station in the City of Casey	Submitter 25
18	13 May 2024	Panel Hearing Timetable (version 3)	PPV
19	14 May 2024	Relevant Permit Register and Costs using POS Exemption	Council
20	14 May 2024	Proposed provisions	Council
21	14 May 2024	Part C closing submission	Council
22	14 May 2024	Further Panel Directions	PPV
23	21 May 2024	Email to Panel with response to further directions, enclosing attachments: a) Appendix 4 – Updated summary table of [post-exhibition] changes proposed by the Amendment b) Suggested Amended Wording to Clause 15.03-1L02 Geoheritage	Council
24	20 Jun 2024	Further Panel Directions	PPV
25	25 Jun 2024	Councils response to Panels further directions, enclosing attachments: a) Track Changes – Strategic Framework Plan v3 b) Track Changes – Local – Casey Growth v3 c) Council Part C – Proposed provisions	Council