

# Submission by City of Casey

## Part B Submission to Planning Panels Victoria

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**Amendment No.** C231 to the Casey Planning Scheme

**Location:** No's. 42-52, part 54-60, 62-70 and part 72-80 Manuka Road, Berwick  
(Lot 1 TP 951892P, Lot 1 TP 749254C and Lots 1 and 2, PS 305400K)

**Proposal:**

- Rezone land to General Residential Zone (Schedule 1) to facilitate urban development;
- Apply Schedule 24 to the Development Plan Overlay;
- Apply Schedule 5 to the Bushfire Management Overlay;
- Amend Schedule to Clauses 43.01 and 52.01;
- Amend Heritage Overlay Schedules HO49 and HO50;
- Other associated changes to the Casey Planning Scheme.

**Proponent:** Parklea (Berwick) Pty Ltd

**Date of Hearing:** 13 & 14 March 2018

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## A. Introduction

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1. This Part B submission is made on behalf of Casey (“**the Council**”) in relation to Amendment C231 to the Casey Planning Scheme (‘**the Amendment**’).
2. Council’s Part A submission provided background and strategic context should be read in conjunction with the Part B submission.
3. The Part B submission seeks to inform the Panel of Council’s position on the Amendment and in particular, its position on unresolved submissions.
4. The Amendment has been prepared by the City of Casey, who is also the planning authority for the Amendment.

### ***The Subject Land***

5. The land affected by the amendment (“**the subject land**”) is located generally to the north of Allan Street and east of Manuka Road in Berwick. It comprises an area of approximately 18.4 hectares, and consists of four (4) land parcels:
  - 42-52 Manuka Road Berwick (Lot 1 TP 951892P);
  - Part 54-60 Manuka Road, Berwick (Lot 1 TP 749254C);
  - 62-70 Manuka Road, Berwick (Lot 2, PS 305400K); and
  - Part 72-80 Manuka Road, Berwick (Lot 1, PS 305400K).
6. Further details, including maps about the subject land, the surrounding land and the locality are contained within Council’s Part A submission.

### **Objective of Amendment C231**

7. The Amendment seeks to:
  - a) Facilitate the rezoning of the subject land to support its future urban development through the application of the General Residential Zone – Schedule 1 (GRZ1).
  - b) Provide a strategic planning framework for the orderly development of the area by:
    - Applying a Development Plan Overlay – Schedule 24 (DPO24) to ensure identification of all key strategic considerations, and identify relevant matters for consideration as part of the future Development Plan and permit approval processes;
    - Applying a Bushfire Management Overlay - Schedule 5 (BMO5) to ensure appropriate bushfire hazard mitigation measures are applied to the land to manage these risks as part of an integrated approach to bushfire management in conjunction with the DPO24.
    - Amending the existing Heritage Overlays – Schedules 49 & 50 (HO49 & HO50) which apply to the land, which will recognise the land's heritage assets, and provide an updated response to protecting and managing the heritage assets through an updated heritage overlay.
    - Making consequential changes to the Municipal Strategic Statement (“**the MSS**”) and particular provisions to reflect the above changes.
    - Amending the planning scheme maps to reflect all of the above.

### **Submissions**

8. During the exhibition period, Council received 15 submissions. Two late submissions were received after the closure of the exhibition period, making a total of 17 submissions received to the Amendment.
9. With the exception of the Melbourne Water submission, all submissions either raised concerns with the amendment (or parts thereof) or suggested changes to the amendment. All submissions have been referred to the Panel.
10. Copies of all submissions have been previously circulated to all parties to the panel hearing.

11. A table providing a summary of all submissions received and a Council response, was attached as Attachment 10 to Council's Part A submission.

## B. Council's position on unresolved submissions

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### ***Lot Size, density and zoning***

12. Issues relating to lot size, density or the suitability of the General Residential zone were raised by Submissions No. 1, 2, 3, 8, 9 and 10. Some of the submitters suggested the subject site should have larger blocks/low density lots. Council's responses to these unresolved issues are as follows:

| Unresolved issue (lot size, density & zoning)   | Council response  |
|---|---|
| <p>Concerned with proposed lot size. Oppose the re-zoning to General Residential Zone.</p> <p>The proposed density is excessive, given it buffers the Cardinia Creek Linear Park.</p> <p>Would support a low-density development with lots of approximately 4000m2.</p> | <p>The choice of the General Residential Zone Schedule 1 (GRZ1) reflects long held local and state strategic plans for these remaining lots of Berwick within the Urban Growth Boundary.</p> <p>The rezoning of the subject land from farming to residential purposes will consolidate the existing urban area of the northern part of Berwick, and make efficient use of surrounding physical and community infrastructure. The subject land has been earmarked for many years for urban purposes in the South East Growth Corridor Plan to provide residential land supply required to meet predicted population growth.</p> <p>The subject site is no longer suitable for farming purposes due to its fragmented nature, multiple owners, and varied uses. The individual lots are not viable for future agricultural production and investment, being located between established residential areas and the Cardinia Creek linear reserve.</p> <p>The site is opposite the established residential areas of Berwick, including the Berwick Secondary College and Edwin Flack Reserve to the east of Manuka Road. There is bus access to the Berwick and Beaconsfield activity centres, and stations at Berwick and Beaconsfield. The eastern side of the site abuts extensive open space facilities along the Cardinia Creek linear parklands, including the Beaconsfield Flora and Fauna Reserve and Akoonah Park. Overall, the site is adjacent to established areas in Berwick and is well serviced by existing physical and community infrastructure including health and education facilities, retail and activity centres, open space and local and regional transport links.</p> <p>Low Density lots (ie: above 0.4ha) are located in Berwick generally north of Inglis Road. The Low Density Residential Zone is typically applied to areas that are not connected to reticulated</p> |

| Unresolved issue (lot size, density & zoning) | Council response   |
|---|--|
|   | <p>services and therefore require larger lots to treat and retain all wastewater, whereas this precinct can be provided with reticulated services.</p> <p>Rezoning of the land to low density is not considered to be an efficient or preferred use of land within the urban growth boundary that is fully serviceable and has direct access to existing services and facilities.</p> <p>Council considers that the proposed rezoning to a GRZ1 is an appropriate response to both the State and local planning policy frameworks, aligns with expectations of the <i>Casey-Cardinia Growth Area Plan and Plan Melbourne 2017-2050</i>, and reflects the site's designation as a Future Urban Area in the Municipal Strategic Statement to provide residential land supply required to meet predicted population growth.</p> <p>The exhibited DPO24 schedule requires the submission of an urban structure plan to show lot layout and density, along with a range of other detailed requirements which demonstrate appropriate consideration of the range of site features and constraints which affect the land.</p> <p>When the Development Plan is prepared it will be publically exhibited to affected property owners and in a local newspaper before adoption by Council.</p> <p>The General Residential Zone (GRZ) is considered the most suitable residential zone option for this area, with lot size and density expected to be compatible with other residential development within Berwick.</p> |

13. It is noted that land to the south of the subject land (Cardinia Street/Manuka Road south precinct) is currently in a GRZ and is proposed to be rezoned to Neighbourhood Residential Zone (NRZ) as part of Amendment C198 (Casey Housing Strategy). The reason for this proposed rezoning relates to this precinct forming part of the original "Hoddle Grid" of the Berwick Township, and the associated character, heritage and landscape significance associated with this. As the subject land has no historical connection with the Hoddle Grid, the use of the Neighbourhood Residential Zone is not the preferred option for the subject land.
14. The Development Plan will require detail on the lot size and density, along with a range of other detailed requirements which demonstrate appropriate consideration of the range of site features and constraints which affect the land.
15. The use of the General Residential Zone Schedule 1, in conjunction with the detailed requirements outlined in the proposed DPO24 and the requirements of existing and

proposed overlays (heritage overlay, significant landscape overlay, bushfire management overlay) are considered to be an appropriate suite of planning controls to allow for the conversion of the land to urban residential purposes. Its conversion to residential use is consistent in all respects with State and local planning policy expectations.

### **Traffic & Infrastructure**

16. Submissions relating to traffic, access or infrastructure were raised by Submissions No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 13.
  
20. Issues relating to potential opening of road reserves which are currently closed to vehicular traffic, being the end of Allan Street/Cardinia St and the end of Fritzlaff Crt/Manuka Rd, have been addressed in the revised amendment documentation. There was never any intent on Council's part that these roads be opened as a result of the proposed rezoning/future subdivision, and the amendment documentation has now been amended to remove any ambiguity over this.
  
17. Other changes have been made to the amendment documentation in response to some traffic related issues raised in submissions relating to improved pedestrian and vehicular connectivity throughout the site, and retaining the ability for Clover Cottage vehicular access point to remain to facilitate its current use.
  
18. Unresolved traffic and infrastructure issues raised in submissions (which do not relate directly to the DPO24 – which are discussed in paragraph 39), and for which no changes have been proposed, and a Council response, are as follows:

| <b>Unresolved issue (traffic)</b>   | <b>Council response</b>   |
|---|---|
| Detimental impact of new and increased traffic on the existing road network, which is already at capacity during peak school times. | <p>Council's traffic engineers consider that the existing road network can absorb the traffic generated by future residents of the precinct.</p> <p>The DPO24 schedule requires a traffic report prepared by a suitably qualified person to inform the content of the final Development Plan to be adopted by Council. This report will assess traffic generation from new residents and the absorption into the existing and proposed road network. The report will also provide a road hierarchy for the new development, connections to the existing network, parking and intersection treatments.</p> <p>A Traffic Impact Assessment Report (TIAR) typically addresses the following matters:</p> |

| Unresolved issue (traffic)  | Council response  |
|---|---|
|   | <ul style="list-style-type: none"> <li>- Access</li> <li>- Road network and hierarchy</li> <li>- Parking</li> <li>- Road cross sections</li> <li>- Proposed/existing intersections and treatments</li> <li>- Traffic generation during peak operation times (AM/PM)</li> <li>- Pedestrian network (shared paths, cycle paths, equestrian trails and their connectivity with the existing network).</li> <li>- Public transport including bus stops</li> <li>- Waste management (design for minimum vehicle size of 9.8m).</li> </ul> <p>It is Council's submission that preparation of the TIAR to address the matters outlined above, will ensure appropriate consideration of all relevant traffic matters, prior to the preparation of a Development Plan.</p>   |
| Request off street parking to be increased in appropriate proportion to the amount and size of proposed dwellings   | <p>Off street parking is not normally controlled by the planning scheme for single dwellings on a lot. The planning scheme does contain controls for the number of car parking spaces for new uses and for multi dwelling developments such as units, townhouses and apartments, to be required at the time of an application for a planning permit.</p> <p>It is therefore Council's position that this matter does not need to be addressed through the planning scheme in this amendment process. Where relevant, parking issues will be addressed through the planning permit approvals for subdivision and development (via Clauses 54, 55 and 56), or, where no planning permit is required (ie: single dwellings on a lot), will be appropriately dealt with via Building Permit approvals in assessing compliance with relevant siting and design requirements.</p> |
| Many motorists use Manuka Road en-route to schools, it is therefore important that the appropriate infrastructure, such as roundabouts or traffic lights, should be constructed before people move into the new precinct. | <p>As outlined above, the proposed DPO24 schedule requires a Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified person to inform the layout of the Development Plan.</p> <p>The TIAR will justify the northern access point at Manuka Road taking account of sight distances, traffic volumes and intersection treatment, including assessment of school related traffic.</p>   |
| Query what infrastructure will be provided for the new residential community.   | <p>The DPO24 schedule specifies that urban infrastructure must be shown on the Development Plan.</p> <p>The DPO24 schedule lists requirements for lot layout and density, road layout, pedestrian connections, shared paths, intersection treatment, vegetation to be retained, stormwater and water infrastructure, open space provision and bushfire management measures.</p> <p>The total number of proposed lots will not generate the need for separate community facilities such as a community centre, primary school or active open space facilities. The Development Plan will require pedestrian and vehicular linkages to all these existing facilities.</p>   |

## **Environment**

19. Submissions No. 8, 9, 10, 14 raised issues relating to environmental/biodiversity matters, and in particular, the impact of the development on the biodiversity values and preservation of the flora and fauna corridors along Cardinia and Grasmere Creeks.
20. Unresolved environmental/biodiversity issues raised in submissions for which no changes have been made, and a Council response, are as follows:

| <b>Unresolved issue (environment)</b>  | <b>Council response</b>   |
|--|---|
| <p>Impacts of development, residents, domestic pets on flora and fauna of Cardinia and Grasmere creeks; loss of parkland for native flora &amp; fauna.</p> <p>Concerned about the preservation and enhancement of the critically important wildlife corridor along the Cardinia Creek.</p> <p>Suggest enhancing the vital wildlife corridor by reserving a minimum of 30 metres of land from the high water line</p> | <p>The proponent submitted a preliminary Flora and Fauna assessment with the original rezoning request. The assessment recorded four patches of remnant woodland in the eastern section of the study area and six scattered significant trees were recorded outside these patches.</p> <p>In addition, an infrastructure services assessment was undertaken and concludes that the development can provide on-site retardation and stormwater quality treatment systems to manage the quality of discharge into the ecologically sensitive Cardinia Creek environs.</p> <p>The requirements of the Development Plan include a site analysis that includes identification of any areas of environmental significance and a flora and fauna assessment. Another component of the Development Plan is a servicing report that addresses flooding, drainage and water quality issues, having regard to the Casey Stormwater Management Plan, and water sensitive urban design measures to improve the quality of water discharged into existing waterways.</p> <p>The requirements of the DPO24 schedule ensure the areas of high environmental significance are retained in the future subdivision layout and protected and managed thereafter. It also includes requirements for a drainage assessment and water sensitive urban design measures to improve the quality of water discharged into existing waterways. These issues will be addressed in a stormwater management plan.</p> <p>These requirements ensure environmental features and constraints are considered as part of the Development Plan approval and future permit processes.</p> <p>The biodiversity values within the Cardinia Creek corridor and its tributaries are well known and acknowledged. Retaining biodiversity values is a significant consideration and is one of the reason why the requirements of the DPO24 are so extensive. Grasmere Creek, adjacent to the site, is a 1<sup>st</sup> order stream which has a minimum setback requirement of 20m from the top of bank. There are known threatened species within the waterway which need to be protected.</p> |

| Unresolved issue (environment)   | Council response  |
|--|---|
|  | <p>A separate 30m buffer is not considered necessary as the 20m setback falls outside the proposed land to be rezoned.</p> <p>The objective of the DPO24 schedule is to retain the highly significant vegetation to be identified in the arboriculture assessment, and this is likely to include the vegetation stand adjacent to the green wedge land. This will assist in retaining flora and fauna habitats adjacent to and most critical to preserving and enhancing the biodiversity and environmental values along the creek corridors.</p> <p>It is Council's submission that the amendment gives appropriate consideration to the high biodiversity and environmental values of the Cardinia Creek and Grasmere Creek corridors, which is reflected in the extensive requirements set out in the proposed DPO24.</p>  |
| <p>Negative impact of urbanisation on semi-rural amenity of the area; loss of agricultural area and open undeveloped land; request no change to the agricultural overlays.</p> | <p>The subject land of approximately 18.4 hectares does comprise areas of undeveloped land, however the four affected properties are privately owned and not designated for future public purposes such as a park or conservation reserve.</p> <p>The subject land is no longer suitable for farming purposes due to its fragmented nature, multiple owners, and varied uses such as the Clover Cottage restaurant and rural-residential use. The individual lots are not viable for future agricultural production and investment, being located between established residential areas and the Cardinia Creek linear reserve.</p> <p>The rezoning to allow for future urban development of the residual rural lots on the urban edge of Casey to residential has strategic merit. The site is adjacent to established areas in Berwick and is serviced by existing physical and community infrastructure including schools, universities, retail and activity centres, open space and local and regional transport links.</p> <p>The subject land has been earmarked for urban purposes in the South East Growth Corridor Plan and has been designated as a Future Urban Area in the Municipal Strategic Statement to provide residential land supply required to meet predicted population growth.</p> <p>Retention of agricultural or semi-rural use is not viable or strategically supported as a longer term outcome for the land.</p> |

### **Access to Green Wedge Zone Land**

21. Submission No. 13 raises issues in relation to the management of the Green Wedge zoned land, which forms part of Nos 62-70 and 72-80 Manuka Road.

| Unresolved issue<br>(Green Wedge zone land)  | Council response  |
|--|---|
| <p>Uncertainty about the management of remnant land in the Green Wedge Zone.</p> <p>Any Conservation Management Plans or Section 173 Agreements must be in accordance with the outstanding work for weed removal and tree planting done by Casey and Cardinia municipalities, and groups such as the Friends of the Cardinia Creek Sanctuary.</p> <p>Need to clarify public access to this Green Wedge area, as there is confusion over public rights to access the Sanctuary or the Cardinia Parklands via the Melbourne Water easement. This issue could be resolved if the Development Plan shows all linkages to the Green Wedge Zone.</p> | <p>Council considers that there would be net community benefit derived from the ongoing conservation of this land for its biodiversity and natural values, and is exploring a number of options for how this could occur. Options include acquisition of the land by Parks Victoria (to incorporate into regional open space assets), the land being transferred to Council ownership or the land remaining in private ownership with conservation management plans in place.</p> <p>Details about public access to the land would need to be resolved once the future ownership and management of the land are resolved, and the conservation outcomes are identified. At this stage it is private land, which has no public access rights.</p> <p>As this green wedge zoned land also abuts the Melbourne Water pipe track, it represents a logical link to the proposed shared user path along the pipe track and to the Cardinia Creek linear parklands to the north and south.</p> <p>The DPO24 requires consideration of pedestrian connectivity and access to adjoining land, and this Green wedge land would form part of this consideration, based on its ownership and conservation status at the time.</p> <p>Council officers are continuing to pursue these options with Parks Victoria and DELWP.</p> |

### ***Heritage***

22. Submissions No. 10, 11, 12 and 16 raised issues relating to heritage matters.
23. The submissions which raised heritage matters all have different views of the proposed changes to the heritage overlays affecting the site, ranging from support for the proposed changes to the heritage overlays (or parts thereof), to objecting to the proposed HO changes (or parts thereof).

#### **Heritage Overlay 49: "Clover Cottage and Gardens" (54-60 Manuka Road, Berwick)**

24. Council relies on the expert evidence of Dr Christina Dyson of Context Pty Ltd to support its position on all proposed changes to Heritage Overlay 49, which affects land at 54-60 Manuka Road, Berwick, and in response to the heritage matters raised by submitters for this property.

25. Based on the new understanding and analysis of the heritage significance of HO49, as outlined in Ms Dyson's evidence statement, it is Council's recommendation that the Heritage Overlay be reduced in size from the mapped area which formed part of the exhibition documents, to be as reflected in the amended HO49 map included in her report, with any further adjustment to reflect the site inspection recently conducted by Dr Dyson.
26. Council does not support the inclusion of the 1980's Clover Cottage restaurant and associated structures as being identified in the citation as being of significance, as they are not considered to meet accepted tests used to assess social significance by the Heritage Council of Victoria.

**Heritage Overlay 50: "Minard" (62-70 Manuka Road, Berwick)**

27. Heritage Overlay Schedule 50 (HO50), which applies to all of the property known as 62-70 Manuka Road, Berwick, is proposed to be reduced in size, in accordance with the exhibited maps to the Amendment.
28. This position is based on a heritage review which concluded that the heritage elements of the site are limited to the 'Minard' Villa (a small timber and brick cottage located on the northern boundary of the site) and its immediate garden setting.
29. The amendment also proposes to amend the table to the HO50, to allow for prohibited uses.
30. Council relies on the heritage advice contained in the report "Review of HO49 & HO50, Manuka Road Berwick", 18 May 2017 prepared by Context Pty Ltd, to support its position in relation to the proposed changes to the HO50 on the "Minard" site at 62-70 Manuka Road, Berwick.

***Public Open Space***

31. Submission No. 12 seeks to provide public open space as cash in lieu rather than land, citing nearby sporting facilities and recreation reserves that will be available to future residents.

32. This submission is addressed below in table following paragraph 41, in discussing DPO24 requirements.

### ***Private Open Space***

33. Submissions No. 11 and 12 raised issues with the proposed 40m<sup>2</sup> of private open space, which formed part of the exhibited amendment. One submitter offered support for this provision, and one submitter suggested it be deleted, as it duplicated recent State Planning controls which introduced minimum garden area requirements.
34. Council now considers that both submissions can be addressed, and the requirement deleted, as a result of changes to all residential zones at a State level for minimum garden area requirements, as part of Amendment VC 110 in March 2017.
35. There are no other unresolved issues relating to private open space.

### ***Absence of a Development Plan***

36. The absence of a development plan was raised in Submissions 1 & 11, relating to the difficulty in providing a detailed assessment of the amendment when key details about the proposed rezoning (ie: density, traffic, population, etc) were not available as part of the amendment process.
37. Unresolved environmental/biodiversity issues raised in submissions for which no changes have been made, and a Council response, are as follows:

| <b>Unresolved issue<br/>(Absence of a Development Plan)</b>  | <b>Council response</b>   |
|--|---|
| No details of future subdivision layout with respect to size of lots and extent of proposed high density housing, therefore cannot assess impact of extra population residents, traffic, parking and what changes to the character of the area are likely to be.<br><br>Difficult to provide detailed assessment in absence of development plan – will give further consideration to development plans in reference to protection of heritage buildings, gardens, trees and landscape. | The amendment rezones the land from farming to a residential zone and also applies a Development Plan Overlay (DPO24) to guide future built form. The DPO24 schedule establishes the strategic framework and provides developers and local residents with certainty about what the plan must contain.<br><br>Once the land is rezoned, the proponents must prepare a Development Plan that will identify the proposed use and development of each part of the land and any other matters specified in the DPO24 schedule.<br><br>The exhibited DPO24 schedule requires the submission of an urban structure plan to show lot layout and density, among other things. When the Development Plan is prepared it will be publicly exhibited to affected property owners and in a local newspaper, before adoption by Council.<br><br>Finally, any future permit granted for subdivision must generally |

| Unresolved issue<br>(Absence of a Development Plan) | Council response  |
|---|---|
|   | <p>be in accordance with the adopted Development Plan, and must address the extensive application requirements set out in the DPO24, to ensure a high quality outcome.</p> <p>It is a common approach in the Victorian planning framework to approve a rezoning with a Development Plan Overlay, without having the development plan approved at the same time.</p> <p>The advantage of this process is that it provides for certainty and transparency in the development approval process – it provides certainty to the developer and surrounding land owners in advance of development that the land is suitable for rezoning, and ensures appropriate identification of key strategic considerations in advance of the more detailed Development Plan and permit approval processes.</p> <p>Key strategic considerations which the DPO24 will provide for include:</p> <ul style="list-style-type: none"><li>- Preparation of a range of specialist and technical reports to address environmental, landscape, cultural, heritage, bushfire, traffic, services, public open space and other site specific issues impacting on the site, which will inform and guide the approved Development Plan and future urban form.</li><li>- Key provisions relating to bushfire management, including provision of a perimeter road, open space forming part of defendable space, and a streamlined and integrated approach to managing permit applications within the Bushfire Management Overlay.</li></ul> <p>It is Council's view that the proposed suite of zone and overlays, including the GRZ, DPO, BMO, HO and SLO will provide specific and appropriate guidance to inform the future urban structure for the land, to form part of the future development plan and planning permits.</p> |

### ***Development Plan Overlay Requirements***

38. The proponent (Submission 12) has lodged a submission stating that the various requirements of the DPO24 are overly prescriptive and are matters that should be required during the detailed design phase.
  
39. As a general response, Council considers that the comprehensive requirements of the DPO24 are considered necessary in order to provide an appropriate strategic response to the planning issues affecting this site, and ensure appropriate consideration of all relevant matters as required under the State and local planning policy frameworks.
  
40. The requirements of the DPO24 have been specifically tailored to address relevant issues impacting on the site and its unique location including environmental, landscape,

bushfire, heritage, traffic, servicing, integration with surrounding land, and various other issues (as outlined in this Part A submission). The comprehensive requirements will provide certainty to the future developers and the local community about future use and development expectations of the precinct and its integration with existing residential areas and public land.

41. In specific response to the matters raised in this submission, some changes to the DPO24 schedule have been agreed to by Council, and are included in the amendment documentation (refer Attachment 1), whilst other changes have not been supported. The changes suggested by the proponent which have not been supported (or only partially supported) include:

| Unresolved issue – DPO24  | Council response   |
|---|--|
| <p>Requirement to ensure residential lots front public land (roads reserves and the like) may not be practical.</p> <p>Proponent suggests revised wording to ensure lots front to public parks, and should front or side residential lots to other public land where practical.</p> | <p>The purpose of this requirement is to ensure that new lots front public land. This will most often be a road, but may also be a park, drainage reserve etc. This requirement is designed to prevent multiple side and rear fences along public roads and parks, as this reduces passive surveillance.</p> <p>The intent of the proposed wording is unclear and is not supported.</p> <p>It is considered that the wording of this requirement is appropriate and reasonable to achieve the urban design principles of passive surveillance, safety and activation of the public realm.</p>  |
| <p>Requirement to avoid dead-end streets or courts not always practical in subdivision layout.</p> <p>Proponent suggests revised wording to ‘minimise’ rather than ‘avoid’ dead-end streets or courts.</p>  | <p>The intent of the requirement is to allow maximum pedestrian and vehicular connection and permeability throughout the precinct.</p> <p>The suggested wording of the proponent is not supported, however it is considered the requirement can be reworded to reinforce the intent of the urban design principle for connection within the precinct and to adjacent suburbs, without specific reference to dead-end streets or courts.</p> <p>Suggested rewording is to replace:</p> <p><i>“Pedestrian and vehicular connectivity to be legible and permeable throughout the site and with external linkages, avoiding the use of dead-end streets or courts”</i></p> <p>with</p> <p><i>“Pedestrian and vehicular connectivity to be legible and permeable throughout the site and with external linkages”</i>.</p> |
| <p>Requirement that trees that contribute to the character of the area and provide wildlife habitat to be retained may not be practical in all cases.</p>   | <p>An Arborist’s Report is required to identify vegetation to be retained and removed. The findings of the Arborist Report, as well as other reports including a Flora and Fauna assessment, will inform the layout and content of the Development Plan. Subsequent planning permits must be consistent with an</p>  |

| Unresolved issue – DPO24  | Council response  |
|---|---|
| <p>The retention and removal of trees should be subject to the findings of the arboricultural assessment and ecological assessment.</p> <p>Proponent suggests revised wording to refer only to existing trees of high arboricultural and/or ecological value should be retained where practical, and removed where suitably identified.</p>   | <p>approved development plan.</p> <p>It is considered reasonable to qualify the requirement to relate to trees with a high arboricultural value and their retention where practical, so as to remove uncertainty or interpretation about which trees contribute to the character of the area and/or provide wildlife habitat.</p> <p>The suggested wording of the proponent to include reference to tree removal is not considered necessary, as the purpose of the statement is to facilitate retention of high value vegetation, not to influence what can/should be removed.</p> <p>Suggested rewording is to replace:</p> <p><i>"Existing trees that contribute to the character of the area and provide wildlife habitat to be retained"</i></p> <p>with</p> <p><i>"Existing trees of high arboricultural and/or ecological value should be retained where practical."</i></p>   |
| <p>Requirement that development should not dominate the treed landscape character of the area should be changed as the landscape will be transformed with housing with the necessary removal of vegetation.</p> <p>Proponent suggests wording to integrate the proposed urban landscape with the existing biodiversity, cultural heritage, drainage and landscape values of the site and neighbouring land.</p>   | <p>A Landscape Impact Assessment is required to identify sensitive views to and from the land and interfaces with public parklands. The findings of the Landscape Impact Assessment, along with the Arborist's Report and other material will inform the content of the Development Plan relating to vegetation and landscape outcomes. Subsequent planning permits must be consistent with an approved Development Plan.</p> <p>Whilst it is acknowledged that the transition from farming to residential zone and ultimate permits for subdivision and new development will transform the existing landscape, the intent of this requirement is to require future development to be sensitive in scale and height and account for vegetation within the precinct and in adjacent public reserves. This will include existing vegetation that the Development Plan has identified as being required to be retained, as well as future vegetation planting that has been identified as part of the Development Plan and/or permit approval processes, as set out in the DPO24 schedule.</p> <p>Council does not support any change to this requirement.</p> |
| <p>Proponent submits that a cash-in-lieu contribution should be adequate to enhance existing open space facilities.</p> <p>The requirement for a centrally located passive open space reserve of unencumbered land is not warranted as the site is well serviced by existing public open space:</p> <ul style="list-style-type: none"> <li>- Existing local park with children's playground in Cardinia Street within 1km of the subject land.</li> </ul> | <p>The requirement for a local park within the precinct is based on the following assessment:</p> <ul style="list-style-type: none"> <li>- A local park is required within 400m walking distance of at least 95% of all properties (Standard C13 of Clause 56.05-2 of the Casey Planning Scheme). Cardinia Street Reserve Playground is a Local Level Park. From the northern property boundary it is approximately 630 metres to Cardinia Street Reserve Park, therefore lots in the northern half of the precinct will not be serviced by a local park.</li> <li>- The precinct will have residential lots further than 400 metres of existing local parks, therefore a local park providing passive open space is required.</li> <li>- There currently is no shared path connection along the pipe</li> </ul>  |

| Unresolved issue – DPO24  | Council response   |
|---|--|
| <ul style="list-style-type: none"> <li>- Edwin Flack Reserve district park to the west includes formal recreation facilities, an athletics track, soccer field, netball courts and football/cricket field. The subject land is within 1km of a district park which is greater than 10ha in size.</li> <li>- Regional open space to the east, including the Beaconsfield Flora and Fauna Reserve, which is part of the larger Cardinia Creek Nature Conservation Reserve. This Reserve includes the Melbourne Water pipe track which provides pedestrian and equestrian trails.</li> <li>- To the north, Parks Victoria proposes the development of the land for recreation purposes.</li> </ul> | <p>track. There is a shared path proposed, but the timing is not confirmed. Once completed, the shared path will improve connections for residents to the range of open spaces available, however the distances will still be in excess of 400m for the northern half of the precinct..</p> <p>- Edwin Flack Reserve is a District Level Active Open Space for AFL/Netball, Cricket, Athletics and Lawn Bowls. The subject land is located within 1km of this district park, in line with Casey Open Space Strategy. This reserve does not provide passive open space elements including a playground, kick about space, shelter, seats, etc. The reserve is a sports reserve which is allocated to tenant sporting clubs for use on weeknights and weekends therefore limiting use for general public. The reserve meets the requirement as a sporting facility and will serve as a sporting opportunity for new residents.</p> <p>- Manuka Road presents a physical barrier for access to residents.</p> <p>- The Cardinia Parklands southern boundary is Inglis Road. Land at 82-88 Manuka Road is owned by DELWP. The Cardinia Creek Parklands Master Plan proposes a dog off-lead area and a new wetland. However there is no certainty on the implementation of the Cardinia Creek Parklands Master Plan and only a small number of minor recreation projects have been completed to date. Council is not aware that implementation of further recreation projects in accordance with the Master Plan is a current priority.</p> <p>Based on the above, Council does NOT support the deletion of the requirement for centrally located open space.</p> <p>However, it is considered that the requirement can be slightly reworded to delete reference to encumbered open space. This recognises that the area contains highly valued vegetation that may be incorporated into a treed landscaped reserve/nature park in the final layout, in addition to the open space forming a local park function.</p> <p>Suggested rewording is to replace:</p> <p><i>"A centrally located passive open space reserve of unencumbered land to be provided, having regard to the requirements of the Casey Open Space Strategy. For the purposes of this requirement, unencumbered means land outside the drip line of identified trees to be retained."</i></p> <p>with</p> <p><i>"A centrally located passive open space reserve of unencumbered land to be provided, having regard to the requirements of the Casey Open Space Strategy."</i></p> |
| <p>The requirement for transparent fencing for developments adjacent to heritage sites cannot be achieved in every circumstance, and future</p>   | <p>The intent of the requirement is to prevent subdivision layout with paling fences surrounding heritage places, thereby removing public enjoyment of these heritage assets.</p> <p>However it is acknowledged that some privacy fencing may be</p>   |

| Unresolved issue – DPO24  | Council response   |
|---|--|
| <p>residents may require privacy.</p> <p>Suggest alternative boundary treatments should be considered.</p>  | <p>reasonable if the heritage place is generally visible to the public.</p> <p>Council's heritage advisor has reviewed the condition and considers that it is reasonable to allow alternative boundary treatments and not limit to transparent fencing but still require minimum permeability.</p> <p>Suggested rewording:</p> <p>Replace: "<i>Transparent fencing for development adjacent to sites affected by Heritage Overlays HO49 and HO50 to protect heritage values.</i>"</p> <p>with:</p> <p><i>"Lots that share an interface with a heritage site (HO49 and HO50), where not separated by a road, should provide semi-permeable fencing (minimum 50% permeability) or demonstrate other means, including vegetation, that will be implemented to retain a visual connection to the heritage place from the public realm"</i></p>   |
| <p>The requirement for an internal perimeter road along the northern and eastern boundaries, and internal loop roads along Manuka Road and Allan Street should be revised.</p> <p>Proponent suggests revised wording to require roads, defendable spaces, landscaping and visitor parking adjacent to public open space to be provided in accordance with Victoria's Bushfire Planning Requirements.</p> <p>Proponent suggests revised wording to minimise side and rear loaded lots to Manuka Road and Allan Street with a preference for lots oriented to boundary roads.</p> | <p>One of the objectives of the Development Plan is to provide a perimeter ring road along the northern and western boundaries for fire access and provision of defendable space. This was a specific recommendation from the CFA in their initial feedback on the original proposed rezoning.</p> <p>In addition to defendable space, this perimeter ring road will satisfy urban design principles for passive surveillance, safety and activation of the public realm. The preference is for lots fronting roads and avoiding rear fences abutting public open space.</p> <p>Similarly, the intent of the second part of the requirement for an internal loop road is to avoid multiple side and rear fences fronting Manuka Road and Allan Street to improve passive surveillance.</p> <p>It is considered reasonable to retain this requirement to meet urban design objectives, as well as achieve bushfire protection objectives.</p> |
| <p>The requirement to upgrade of Allan Street to urban standards should be limited to works directly related to the development, being full construction of the north side of Allan Street for the frontage of the development and to the central seal.</p> <p>It is recommended that Council should implement a Special Charge Scheme to recoup the cost of upgrading the southern side of the road from all parties who benefit.</p>  | <p>Council's traffic engineers advise that it is not standard practice to upgrade half the road, but rather upgrade the road to the location of the access into the precinct in Allan Street. This point of access will be determined by the Traffic Impact Assessment Report (TIAR) and shown in the approved Development Plan.</p> <p>The limited redevelopment of properties to the south of Allan Street has not provided sufficient justification to date for its full construction, and is unlikely to be in the future with only very limited re-subdivision of existing lots likely to occur. However Council considers the proposed rezoning and future subdivision of the subject site to the north of Allan Street, does justify its construction to urban standards.</p> <p>It is therefore Council's position that full construction of Allan Street will be required up to an agreed point of access, with details</p>         |

| Unresolved issue – DPO24  | Council response   |
|---|--|
|   | to be subject to the TIAR.   |
| Request deletion of the requirement for the typical cross sections as this is not warranted at the time of submitting the Development Plan for Council approval. Road widths should have regard to standard regulations and be developed during the detailed design phase.  | The DPO24 schedule requires a Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified person to inform the content of the Development Plan. The TIAR typically includes road layouts with cross sections for each type of road.<br>It is considered reasonable to retain this requirement.  |
| The requirement for a functional layout plan is not warranted at the time of submitting the Development Plan for Council approval, and this should be a condition of any subsequent planning permit and delivered during the detailed design phase.<br><br>Proponent suggests revised wording for a concept plan to identify proposed upgrades to intersections at Manuka Road, Allan Street/Manuka Road, pedestrian crossings on Manuka Road and the extent of works to be undertaken on Allan Street. | The DPO24 schedule requires a Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified person to inform the content of the Development Plan.<br><br>The TIAR will justify the intersection treatment (an intersection treatment is required for Allan St/Manuka Rd intersection) and the construction of Allan St to urban standards.<br><br>It is reasonable to retain these inclusions in the TIAR list, but Council agrees to delete references to functional layout plans, and detailed design of intersections and road upgrades.<br><br>Suggested rewording is as per track change post-exhibition version of DPO24 – bottom of p. 6 of 7. |
| The requirement for an access roundabout or dedicated turning lane at Manuka Road may not be warranted based on the scale of the subject site, and that a traffic impact assessment should determine the location of entry points and road layout.  | The DPO24 schedule requires a Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified person to inform the content of the Development Plan. The TIAR will justify the northern access point at Manuka Road taking account of sight distances, traffic volumes and intersection treatments.<br><br>It is considered reasonable to include the requirement for intersection treatment in the TIAR list, but delete references to detailed design of intersections (as per track change post-exhibition version of DPO24).   |
| BMO4 refers to 'access.' The term 'access' is too general and the term 'driveway' should be used instead. The term 'driveway' is used in the Bushfire Victoria Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA, 2012).  | This is a minor rewording request, however the change is not considered necessary. The term 'access' is a common planning term for vehicular access to a site. It is also consistent with the terminology used in the particular provision Planning for Bushfire at Clause 52.47 of the Casey Planning Scheme.   |

### **Bushfire Provisions**

42. Submission No.17 opposes the proposed bushfire provisions contained within the proposed DPO24 and BMO5 schedules. This is the only submission which has raised any issues with proposed bushfire provisions within the Amendment.
43. As outlined in Council's Part A submission, three amendments relating to Statewide bushfire policy and provisions have been gazetted since Amendment C231 was exhibited:
  - Amendment VC132 (gazetted 19 September 2017) made a number of changes to the Victorian Planning Provisions for the Bushfire Management Overlay (BMO), including some changes to Clause 52.47 and the BMO schedule.
  - Amendment GC13 (gazetted 3 October 2017) updated the mapping for the BMO across Victoria and implemented a new BMO schedule to the Casey Planning Scheme. This applied a BMO to part of the subject land (as outlined in Figure 8 of Council's Part A submission), and amended the templates for the format of schedules to the BMO.
  - Amendment VC140 (gazetted 6 December 2017) made changes to bushfire provisions at Clause 10 (Operation of the SPPF) and Clause 13 (Environmental Risks) of the SPPF. VC140 amended these clauses to be clearer and more directive to enable a resilient response to settlement planning for bushfires. VC140 also mandates that no strategic planning document, local planning policy or planning scheme amendment is to allow for an intensification of development that will have more than a BAL-12.5 rating.
44. The area to which the BMO was applied under Amendment GC13 is the same area that was proposed to have the BMO4 applied as part of the exhibition version of Amendment C231. The level of bushfire risk afforded to the subject site under Amendment GC13 is therefore the same as was exhibited under Amendment C231.
45. The difference between the exhibited version of Amendment C231 and Amendment GC13 is that Amendment C231 proposes to apply a specific schedule to the BMO (now in the form of BMO5), which will apply bushfire requirements specific to this site, and which form an integrated bushfire response for the site in conjunction with the DPO24 provisions.

46. The changes to State policy regarding bushfire protection, which reinforce and strengthen prioritisation of human life over all other policy considerations, and other associated changes within the State Planning Policy Framework, are not considered to affect the proposed wording of the BMO5 or DPO24. These State policy provisions will apply to the site, and will ensure appropriate prioritisation of State bushfire considerations in all future planning decisions under the Scheme. It does not require further changes to the wording of any overlay schedule to enforce. To do so would be unnecessarily repetitive and serve no planning purpose.
47. Amendments to Clause 13.05-1 to require a maximum BAL-12.5 rating do impact on the proposed BMO5, as they set a new bushfire standards for new residential development and this has been reflected in the post-exhibition version of the proposed BMO5 in Attachment 1.
48. Other amendments to Clauses 44.06 and 52.47 made under VC132 and VC140, where they impact on the specific provisions relevant to the proposed BMO5 schedule have also been addressed in the post-exhibition version of the amendment documentation, at Attachment 1.

*Council's current bushfire policy position – integrated BMO & DPO approach*

49. The primary rationale behind Council's decision to propose a separate BMO5 schedule in conjunction with a DPO24 schedule, in lieu of the standard Clause 44.06 & Clause 52.47 approach to bushfire provisions, relates to the mandatory requirement for a Section 173 Agreement, which currently forms part of the head provisions of the BMO schedule at Clause 44.06-5.
50. Council has a firm position in relation to the mandatory s173 agreement process within Clause 44.06-5 namely that it objects, on the following grounds:
  - *The difficulty and practicality of Council officers gaining access to private land to inspect and enforce requirements;*
  - *The increased and unfunded financial cost to Council to resource and enforce the vegetation management requirements on private land;*
  - *The potential exposure to liability if Council does not enforce required Section 173 Agreements and a fire occurs, which may result in loss of property and/or life;*
  - *The conditions, as drafted by the CFA, are onerous and impractical from the landowners' perspective, as they will be burdened and held accountable for failure to comply.*

51. Council has held this position since 2013, and its position in opposing the mandatory s173 agreement has not changed as a result of recently approved Amendments VC132, GC13 and VC140.
52. In lieu of the mandatory s173 agreement approach, Council has over recent years, implemented a modified approach to bushfire management provisions for new residential areas, where such rezonings have formed part of a masterplanned approach. An example is the Botanic Ridge Estate in Cranbourne South.
53. This approach has involved the integrated use of a DPO, as well as a specific schedule to the BMO, which effectively sets out the precinct-specific criteria and a modified s173 agreement approach in the BMO.
54. Council considers that this modified approach to bushfire provisions, which includes a s173 agreement as part of the DPO (rather than the BMO), and which forms part of a site specific and integrated approach to bushfire planning for the precinct, still allows for bushfire management provisions which align with State policy to prioritise protection of human life and implement appropriate bushfire mitigation measures, but do not impose the same level of unreasonable burden and liability onto Council to manage vegetation outcomes on private land in bushfire prone areas as the use of the Standard BMO Mechanisms.
55. Council's preferred approach to bushfire management, as proposed under Amendment C231, provides for a more streamlined and integrated approach to bushfire management:
  - DPO24: "*Identification of adjacent and nearby Bushfire Hazard Zones*", as part of the Development Plan approval process.
  - DPO24: Application requirements which include "*A report that demonstrates how the proposal complies with the bushfire management provisions specified in the Development Plan for new residential lots within the Bushfire Management Overlay*";
  - Specific requirements to be addressed under permit approval processes to include:
    - all hydrants to be provided in accordance with CFA requirements
    - Bushfire Management Provisions which require:

*Public land:*

- A perimeter road along northern and eastern boundaries, to be managed for the purpose of providing defendable space.
- Open space areas to provide a buffer between bushfire hazards and residential lots to be managed for the purpose of providing defendable space.
- Plan to be incorporated into *Council's Municipal Fire Prevention Plan*.

*Private Land*

- Permit to include requirement for a s173 Agreement, to provide for notification to and acknowledgment by the land owner that the land is a potential bushfire hazard, any vegetation should be managed for the purpose of providing defendable space, and that guidance on providing defendable space should be obtained from the relevant fire authority. This ensures the owner is fully aware of the bushfire risk of the property, and is aware of relevant defendable space and vegetation management obligations, without creating a scenario where Council is expected to enforce such detailed requirements on private land, or risk being liable itself.
  - Reference to relevant guidelines to inform bushfire management within the precinct is also included in the DPO24
- BMO5: Supporting the DPO24 provisions, and as part of the integrated approach to bushfire management for the site, the BMO5 seeks to:
- Exempt a permit under the BMO5 for a subdivision where DPO24 applies (as relevant bushfire related provisions for subdivision will be addressed under the Development Plan approval and subdivision permit processes under DPO24).
  - Exempt a permit for buildings and works associated with a dwelling where DPO24 applies, and where specified criteria are met, which reflect the standard provisions in Clause 52.47 relating to water supply, vehicle access design and construction, and outbuilding construction, and meets BAL-12.5 standard.
  - With respect to the BAL-12.5 standard, distances in order to achieve BAL-12.5 are nominated in the table to BMO5, which reflect the detailed precinct planning approach outlined in the Terramatrix Bushfire report. It is also suggested that a map contained within the DPO24 to identify the precinct boundaries referred to in this table will further assist in understanding this Table.

56. The universal use of the standard provisions of Clause 44.06 as the only way to achieve State bushfire provisions is not mandated by the Victoria Planning Provisions (“VPPs”). Indeed, the VPPs foreshadow the possibility of having different schedules under the head BMO Clause at Cl 44.06:

- At Clause 44.06-1, under the heading “Bushfire management objectives and application of schedules” it identifies that a schedule may contain specific bushfire management objectives to be achieved for an area, and when the requirements apply.
  - Under Cl 44.06-2, “Permit requirements” it specifically identifies that a schedule may contain different provision which exempt a subdivision or buildings and works from a permit, where specified in a schedule.
  - At Cl 44.06-3, it identifies that a schedule may have different application requirements.
  - At Clause 44.06-4, it requires compliance with requirements of Cl 52.47, unless the application meets requirements of any schedule to the BMO, and also foreshadows that a schedule may vary the requirements of Clause 52.47.
  - At Clause 44.06-7, it identifies that a schedule may vary some of the notice and review requirements.
  - At Clause 44.06-8, it identifies that any matters contained in a schedule to the BMO are relevant additional decision guidelines.
57. It is Council’s position that the use of schedules to vary requirements to the standard Clause 44.06 provisions, is an appropriate outcome for this site, given that it forms part of an integrated approach to masterplanning for the whole precinct.
58. Council considers that the outcome streamlines the bushfire management process for the site, without compromising on the State bushfire policy provisions or resulting in any lesser or reduced bushfire management standards than envisaged under the standard Clause 44.06/52.47 approach. It reduces the need for permits for subdivision and buildings and works under the BMO, by relying on the precinct-wide assessment of bushfire risk by specialist bushfire experts, which has taken into account State policy and applied it to the local context as part of an integrated precinct planning approach.

59. There are currently specific schedules BMO1, BMO2 and BMO3 already existing within the Casey Planning Scheme. The BMO2 in particular operates in conjunction with a DPO, where a modified s173 agreement (as described above) forms part of the DPO.
60. This approach has been recently supported by the Panel for Amendment C225 to the Casey Planning Scheme, which is seeking to introduce BMO4 into the Botanic Ridge Stage 4 precinct. The panel hearing has recently been held (October 2017), and the panel in its report noted:
  - *"The panel does not see the outcome as choosing between the CFA or the Council. The panel sees merit in both approaches. ....One purpose of the BMO is to ensure that the construction of a dwelling has regard to the nature of the bushfire hazard of the site and surrounding area and that the necessary area of defendable space is provided. Limitations on development and site layout requirements in the DPO mean the two overlays work together to form a suite of controls that reflect and address the potential bushfire hazards and native flora and fauna that are present within this locality."*<sup>1</sup>
  - *"The application of the BMO provisions requires physical action to implement built form and setbacks to minimise risk whereas the DPO23 provisions, apart from some planting guidance, are about awareness and information....That distinction allows the Panel to recommend the use of both a DPO and a BMO with the issue narrowed down to the wording of each....taking all things together, the Panel concludes that the requirement for a s173 Agreement should remain in DPO23".<sup>2</sup>*
61. It is noted that Amendment C225 has not yet been approved – the recommendations of the panel are likely to be reported to Council for its consideration in April/May. If the amendment is adopted by Council at this meeting, it will then be forwarded to the Minister for Planning for final approval following this.
62. The proposed wording and format of the BMO5 for Amendment C231 is modelled on existing schedules in the Scheme, however it has been modified to address recent changes at a State level, and to improve its functioning and operation.

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<sup>1</sup> *Casey Planning Scheme Amendment C225, Rezoning Botanic Ridge Stage 4, Planning Panel Report, Planning Panels Victoria, 4 January 2018, p. 21*

<sup>2</sup> *Ibid pp. 23-24*

63. Given the late timing of these changes in response to recent Statewide amendments, (which occurred after Council's original decision to prepare and exhibit the amendment, and in considering submissions to the amendment), and in order to consider any opportunities to improve its operation, Council welcomes further input and discussion from other parties to the panel hearing in order to ensure that the wording of the proposed BMO5 and DPO24 schedules accurately align with State policy to achieve their intended purpose.

## C. Response to Evidence

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64. Council's response to expert evidence will be addressed during the panel hearing, as relevant.

## D. Post-Exhibition version of Amendment C231

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65. Recommended post-exhibition changes to Amendment C231, which now form part of Council's position on the amendment include:

- Changes endorsed by Council at its meeting on 5 September 2017, which reflect Council's consideration of Submissions No. 1-15;
- Renumbering BMO4 to BMO5 (as an administrative change to reflect Amendment C225);
- Amendments to the BMO maps which form part of the amendment, to reflect the existing BMO which was applied to the subject land on 3 October 2017 as part of Amendment GC13, and the proposed renumbering from BMO4 to BMO5;
- Amendments to the proposed BMO5 schedule, to reflect the new VPP templates and format introduced under Amendment GC13 on 3 October 2017;
- Amendments to the wording of the proposed BMO5 schedule, to reflect relevant changes to the Statewide bushfire provisions introduced under VC132 and VC140.
- Amendments to the wording of DPO24 to further support the proposed BMO5 changes, and to improve a more streamlined approach to bushfire management which aligns with State policy provisions.
- Amendments to the HO49, in response to the expert evidence of Ms Christina Dyson, which reduce the area of land to which the HO49 should apply from the area shown on the exhibited maps, to reflect the improved understanding of the heritage significance of the site.

66. The post-exhibition changes outlined above are reflected in Attachment 1.

## **E. Conclusion**

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67. Council considers Amendment C231 to be strategically justified, and provides appropriate tools to facilitate the future urban development of the land:

- The General Residential Zone Schedule 1 is an appropriate zone to facilitate the future urban development of the land, taking into account the State and Local Planning Policy Frameworks;
- The Development Plan Overlay Schedule 24 ensures that future development will consider the key strategic considerations impacting on the site, including the site's specific context and complexities, as part of an integrated planning process;
- The changes to the existing Heritage Overlay Schedules 49 and 50 reflect an updated understanding of heritage issues affecting the land;
- The Bushfire Management Overlay Schedule 5 will ensure any development appropriately addresses bushfire risks in the context of the site specific bushfire considerations relevant to the land, aligned with the State policy context;
- Other associated changes to the Casey Planning Scheme will reflect and support the above new and/or updated content.

68. Council recommends that the amendment be approved as exhibited, subject to the changes as outlined in Council's Part A and B submissions.

69. Council's closing submission to the panel will be a verbal submission, at the completion of the panel hearing. It will respond to any matters raised by the panel, submitters or expert witnesses throughout the hearing which require further Council response, and will confirm Council's final position on the amendment.

***Maria Marshall***

**Partner, Maddocks**

**and**

***Susan Thompson***

**Strategic Projects Planner, City of Casey**

**13 March 2018**