

CASEY PLANNING SCHEME

AMENDMENT C188

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Growth Areas Authority (now known as the Metropolitan Planning Authority). Taking into account the nature of submissions the MPA intends to request that the Minister for Planning act as the planning authority for this amendment.

The amendment has been made at the request of Mooremac Property Group.

Land affected by the amendment

The amendment applies to land in Berwick bound by the Hallam Contour Drain to the west and south and existing urban development to the north and east. The land is located on Centre, Homestead & Ward Roads.

What the amendment does

The amendment will facilitate development of a new urban residential neighbourhood including a small town centre, local parks and drainage works. The amendment proposes to:

- Incorporate the Berwick Waterways Precinct Structure Plan, June 2014 & the Berwick Waterways Development Contributions Plan, June 2014; and
- Rezone land from Rural Living Zone 2 to Urban Growth Zone 9; and
- Delete the Development Plan Overlay 1 from the land; and
- Introduce Schedule 18 to the Development Contributions Plan Overlay and apply it to the land; and
- Apply the Road Closure Overlay to parts of Homestead Road and Ward Road.
- Amend the Schedule to Clause 52.17 to allow for vegetation to be removed, destroyed or lopped without a planning permit in accordance with the provisions *Environment Protection and Biodiversity Conservation Act 1987*.
- Amend the Schedule to Clause 61.03 to include map 8RXO into the Casey Planning Scheme.
- Amend the Schedule to Clause 81.01 to incorporate to include the new incorporated document "*Berwick Waterways Precinct Structure Plan June 2014*" and "*Berwick Waterways Development Contributions Plan June 2014*"

Strategic assessment of the amendment

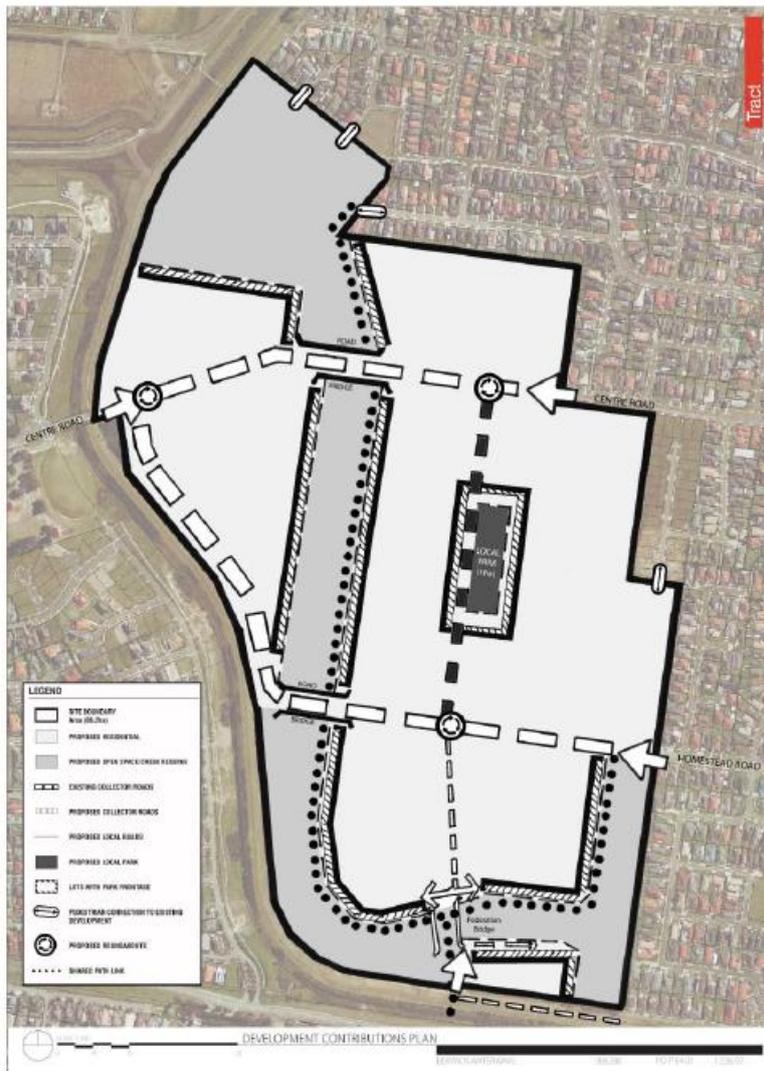
Why is the amendment required?

The land is within the urban area of the City of Casey and is suitable for urban development. The amendment is required to facilitate a small increase in local housing opportunities with associated waterways and a local town centre. The current zoning of the land limits subdivision to 2 hectares which prevents urban development. In facilitating an increase in the local population other amendments are required to levy financial

contributions towards new infrastructure and set aside land for public open space to accommodate the new population's needs.

The land was excised from the 'Cell T Development Plan' on 4 March 2008 with concurrent approval of the Berwick Waterways Development Plan (version 1.1) which currently applies to the land. However further work on the land and the flooding regime in the area has resulted in new opportunities for designing a neighbourhood with greater development viability and a more robust structure through provision of additional developable land and a town centre.

APPENDIX 2 – DEVELOPMENT PLAN



How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives as follows:

To provide for the fair, orderly, economic and sustainable use and development of land.

Development of the land for urban purposes will assist in consolidating the urban setting of the area and result in better use of local facilities. Contributions will be required from new development to enhance existing community and sports facilities and upgrade local roads in line with demand generated by the development.

To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

Development in the area will contribute funds towards maintenance of threatened ecological processes in line with Victoria's obligations set out in the endorsed program

report for Melbourne Growth Corridors under the *Environment Protection and Biodiversity Act 1999*.

To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

A precinct structure plan for the land will contain requirements that regulate the subdivision of land so as to create pleasant residential neighbourhoods with good access to jobs, services and recreation.

To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Background studies informing the amendment have not identified places of particular significance. Development proponents are required to comply with the Aboriginal Heritage Act 2006 in relation any matters of aboriginal cultural significance on the land.

To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

The amendment will complement significant works to be undertaken to strengthen and enhance the Hallam Contour Drain through a Melbourne Water development services scheme. The amendment contains a development contributions plan that sets out how local roads, recreation spaces and community facilities will be upgraded.

To facilitate development in accordance with the objectives set out in the points above.

Urban development of the land will be facilitated by the amendment.

To balance the present and future interests of all Victorians.

Providing for urban development in the area will ensure that the current landowners are able to develop land in a manner that will be functional and pleasant into the future.

How does the amendment address any environmental, social and economic effects?

Environmental

Melbourne Water flood retarding basins are located in, and adjacent to, the amendment area at 101-107 Homestead Road, Berwick and 322W-340W Centre Road & 187 Golf Links Road, Berwick. These basins, and three new basins within the precinct, will hold water not able to be dispersed by the more limited capacity street drains during and after major rain storms. The water will then drain to the Hallam Valley Contour Drain.

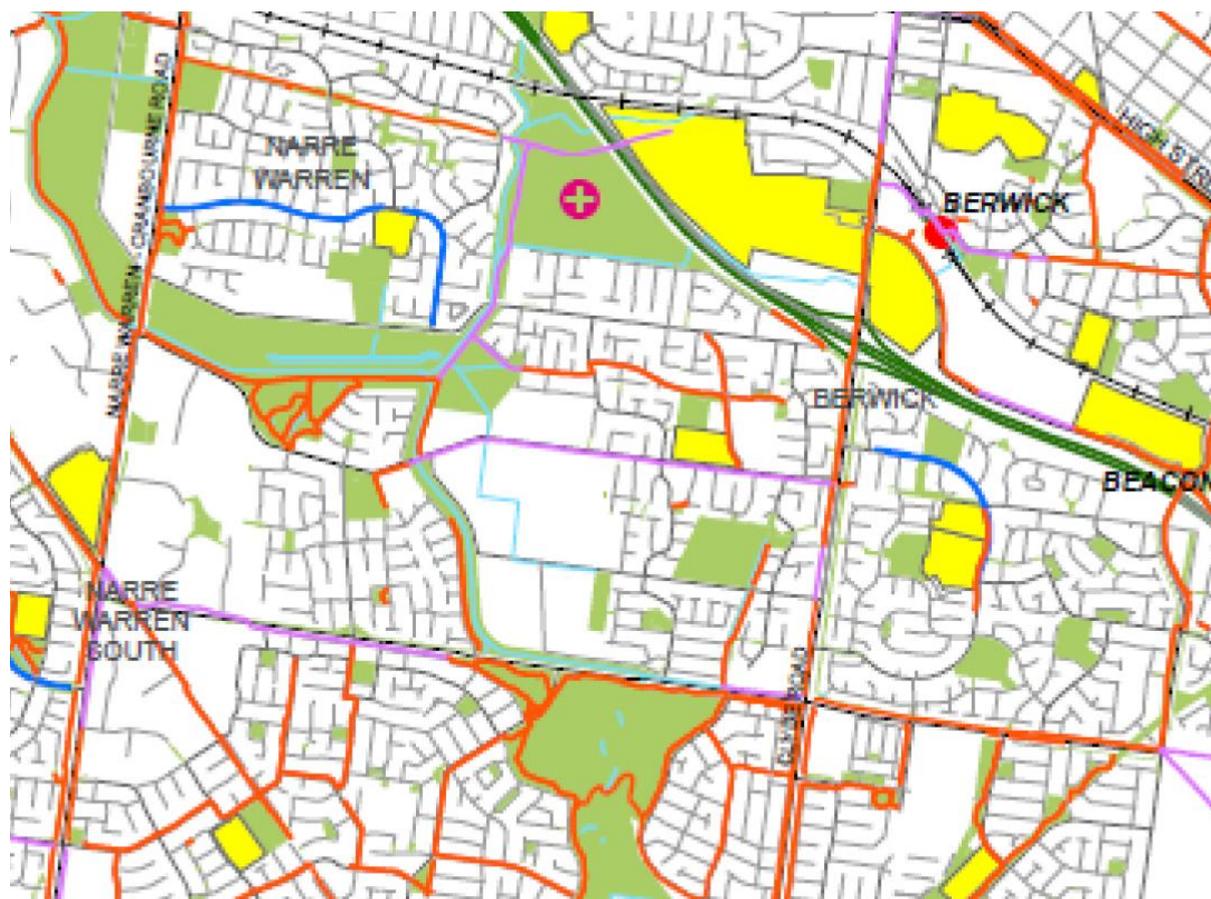
Berwick Boarding Kennels and Cattery is located at 106 Homestead Road, Berwick. The kennels presents a potential noise annoyance to new residents. EPA guidance suggests a minimum distance between kennels and nearby homes of 500 metres. Early consultation with landowners indicates operation of the kennel is not expected to continue much beyond approval of the precinct structure plan. In any event any residential interface with kennels is more appropriately managed through the planning permit process when the actual residential layout will be known. The kennel itself will retain existing use rights until such time as those rights expire in line with *the Act*.

Alameda Homestead Nursery is located 112/116 Homestead Road, Berwick. A 'production and mail order nursery' Alameda is 'not a retail nursery. Limited direct purchase is available by appointment.' (source: www.ahn.com.au). The continued operation of this nursery is not expected to present any significant amenity impact on future residents.

Social

The Hallam Valley Trail from KM Reedy Reserve (Hampton Park) to Sweeney Reserve (Berwick). The trail construction was completed during 2012/ 2013. Council officers are currently working on a project to install wayfinding signage along the trail. An event will be held to launch the trail when the signage installation is completed in April 2014 as well as the production of a promotional brochure.

Sakyamuni Sambuddha Vihara, a Buddhist temple, is located at 125 Homestead Road, Berwick (entry from Ward Road).



Existing

- Existing Shared User Path
- Existing On Road Cycle Path

Proposed

- Proposed Shared User Path
- Proposed On Road

Committed Paths In Growth Areas

- On Road Cycle Path (both sides)
- Shared User Path

Economic

Provision for an additional town centre with the ability to accommodate a supermarket, adjoining shops, office and light industrial development will provide a much needed economic asset to this part of Berwick and Narre Warren South. Most immediately convenient shopping in the area is Eden Rise shopping centre on Berwick-Cranbourne Road and Casey Central shopping centre on Narre Warren- Cranbourne Road.

Does the amendment address relevant bushfire risk?

The land is within a Designated Bushfire Area under the *Building Regulations 2006*. Accordingly building designs on the land will require the incorporation of bushfire resistant features.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Direction no. 12 - Urban Growth Areas

The *Growth Area Framework Plans* (DSE, 2006) show the land as 'existing urban area' and as such do not apply to the land. *Growth Corridor Plan's: Managing Melbourne's Future* (GAA, 2012) shows the land as 'residential' describes Greaves Road and Centre Road as 'arterial road' and the Hallam Valley Contour Drain as 'Rivers & Creeks'. Centre Road does not currently operate as an arterial road and is configured to the east and west more in the nature of a connector or local access level 2 street with direct property access, a bus service, wide nature strips but without cycle lanes.

Development Contributions Plans (Direction under s 46M(1))

Narre Warren South Development Contributions Plan (version 1.1), Casey City Council December 1997 (incorporated into the Casey Planning Scheme by NPS1 26 August 1999)

Melbourne Water has made a preliminary approval of the 'Homestead Road Extension Development Services Scheme' for land in the amendment area requiring contributions of \$7,356 (for water quality treatment) and \$94,770 (for hydraulic works) per hectare of land within the scheme area.

Utility providers (power, water/sewer and digital services) will recover the cost of servicing the neighbourhood through their role as a determining referral authority subdivision permits.

The Growth Area Infrastructure Contribution is not payable for land in the amendment area.

Direction No. 9 Metropolitan Strategy

The amendment implements the growth area elements of the metropolitan strategy. The amendment provides for fully serviced new urban neighbourhoods in a designated growth area.

Initiative 1.5.3 Support the planning of other activity centres

A new local town centre is planned within the precinct which will also service the existing surrounding community.

Higher residential densities will be encouraged in the residential catchments to this centre through application of the Residential Growth Zone.

Initiative 1.5.4 Accelerate investment in Melbourne's growth areas to increase local access to employment

The amendment will result in investment and job generation in a growth area.

Initiative 2.1.1 Apply the reformed residential zones

Higher residential densities will be encouraged through application of the Residential Growth Zone, the housing provisions of the PSP and the location of other land uses likely to attract nearby higher density.

Initiative 2.1.4 Develop more diverse housing in growth areas

The PSP requires subdivision to provide a range of lot sizes capable of accommodating a wide range of housing types.

Initiative 3.3.1 Improve roads in growth areas and outer suburbs

The amendment clearly defines a new road network that builds on the existing roads in the area. Together with the Berwick Waterways Development Contributions Plan, the amendment allocates funding of roads to various parties.

Initiative 3.3.2 Improve outer-suburban rail and bus networks

The amendment provides for bus-capable roads serving the vast majority of the amendment area. Development of the area will generate additional patronage demand that will feed into improved bus services in the area.

Initiative 4.1.1 Support a network of vibrant neighbourhood centres

A new local town centre is planned within the precinct. Higher residential densities will be encouraged in the residential catchments of the town centre through application of the Residential Growth Zone. The road network and location of the centre has been planned to maximise the commercial viability of the town centre.

Initiative 4.1.2 Support local governments to plan and manage their neighbourhoods

The amendment demonstrates planning for a local community through provision of the range of land uses and facilities that a residential community are likely to need on daily and weekly basis. The amendment area is well connected to significant employment areas in the region and the central city.

Initiative 4.3.1 Implement design guidelines to promote walking and cycling neighbourhoods for healthy living

The amendment requires new development to deliver a planned pedestrian and cycle network through the precinct and to the local town centre. Walking and cycling paths must also be integrated into roads designed primarily for vehicle use.

Initiative 4.4.2 A coordinated approach to the delivery of Education, Health, Recreation and Cultural Facilities

There are no schools planned for in this precinct

Initiative 4.5.2 Provide new neighbourhood parks and open space

The amendment sets aside 4.01% of the precinct's developable land for local parks. Local parks are located within reasonable walking distance of all planned residential areas and will build upon the amenity of the wetland areas within the precinct by providing passive recreation opportunities adjacent to each wetland.

Initiative 5.1.2 Ensure settlement planning in growth areas and peri-urban areas responds to natural hazards

The amendment area is within the Bushfire Prone Area as discussed elsewhere in the report. The precinct is prone to flooding however a series of wetlands and drainage corridors will provide the necessary drainage function to alleviate flooding hazards within the precinct.

Initiative 5.2.1 Increase the protection and restoration of biodiversity areas

The area provides potential habitat for the Dwarf Glaxias. The construction of the wetlands and change in hydrology may impact on the survival of this species, therefore a condition within the PSP requires salvage and translocation of the species if found.

Initiative 5.2.2 Protect the values of our waterways

The construction of wetlands will assist in improving the water quality of the area and control water flows back into the Hallam Valley Contour Drain. In addition, any development must meet best practice stormwater quality treatments as set by Melbourne Water. Melbourne Water will be heavily involved in the design and construction of drainage infrastructure to ensure quality outcomes.

Initiative 5.4.1 Integrate noise and air quality guidelines into land use and transport planning provisions

The layout of land uses aims where practicable, to shield residential uses from significant noise sources. Where this is not possible residential buildings should be designed in accordance with the existing planning scheme so as to protect residents from noise and air emissions.

Direction No. 11 Strategic assessment of amendments

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This Explanatory Report addresses the requirements outlined in this direction.

Direction No. 12 Urban growth areas

Part 6 of Ministerial Direction 12 required that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- *How the amendment implements any Growth Area Framework Plan applying to the land*
The South East Growth Corridor Plan applies to the land and identifies the Berwick Waterways PSP area for 'Residential'. The precinct is located within an established urban area and will provide connections back into the existing residential areas.

How does the amendment accord with the Precinct Structure Planning Guidelines (October 2009)?

Objective one: To establish a sense of place and community

The precinct is based around four large wetlands which will provide the key focus areas for the community. The wetlands will each have its own sense of identity being paired with either the local town centre or passive recreation opportunities.

The local town centre will play a significant role as a community hub for the precinct and wider residential area.

The road network will complement the existing and future road network connecting to adjoining neighbourhoods. Nature strips along roadways will be of sufficient width to support long term tree growth and contribute to the attractiveness of the place.

Objective two: To create greater housing choice, diversity and affordable places to live

An important new approach to housing diversity has been developed and introduced in this and other PSPs currently under preparation. New provisions in the PSP deliver a comprehensive guide to delivering diversity that does not rely on a mono-cultural divide of 'conventional density', 'medium density' but provides for outcomes that provide a range of densities across the area. This allows for increased choice to homebuilders and purchasers to build a house of the size they want in the location they want while meeting policy goals seeking higher dwelling densities in growth areas.

The use of the *Small Lot Housing Code*, incorporated into the Casey Planning Scheme, will provide developers the ability to provide diverse housing options promptly and within required design guidelines.

Objective three: To create highly accessible and vibrant activity centres

Berwick Waterways' local town centre is located approximately in the centre of its likely catchment. The frontage is to Centre Road, providing access to residents within the precinct but attract trade from the surrounding residential areas.

Objective four: To provide for local employment and business activity

The local town centre and potential for home based businesses is estimated to create approximately 380 jobs within the precinct.

Objective five: To provide better transport choices

The connector road network builds upon the existing road structure through the precinct to allow convenient access into and out of the precinct via Centre Road or Greaves Road.

The cycle and walking trail network is deliberately aimed at providing access to key local destinations but also provide direct routes to the local town centre and land south of the PSP towards Casey Central.

It is proposed to include two road closure overlays (RXO) as part of the amendment to redirect the road alignment of Homestead Road and Ward Road. This will improve the efficiency of the road network and the connections from Centre Road to Greaves Road

Objective six: To respond to climate change and increased environmental sustainability

All of the elements planned for the precinct, as described in the response to objectives above and below, have sustainability and climate change adaptability built into their design. They provide for:

- Reduced travel times to key services and multiple mode and route options for travel including by means other than the currently dominant private car mode

- Management of natural systems, and the effects of development on natural systems, so as to minimise or offset detriment to those systems
- Efficient use of land for multiple purposes where practicable.

Objective seven: To deliver accessible, integrated adaptable community infrastructure

Key community nodes such as the local town centre, passive parks and wetlands are co-located to provide opportunities for more efficient use and vibrant public places.

The proposed connector roads, cycling and shared trails within the precinct will provide excellent access to these community nodes.

- *How the provisions give effect to the intended outcomes of the precinct structure plan.*

Most all provisions in the incorporated documents and associated ordinance are designed to be implemented at the subdivision development stage. At this point requirements and guidelines are either designed into subdivision plans (e.g. spatial outcomes), implemented through permit conditions (e.g. development and biodiversity contributions), implemented through referral authority agreements (e.g. essential services) or required to be applied as restrictions on title (e.g. bushfire protection, small lot housing code).

This provides for a single permission after approval of the PSP is central to providing certainty and clarity in the planning process.

Additionally, flexible applied zones that follow the pattern of development rather than lead it allow flexibility when the PSP is followed through in the detail of subdivision and land use layouts.

The Residential Growth Zone is applied to residential areas of the precinct while the PSP remains the guiding document for neighbourhood development. The Commercial 1 Zone, will allow for competitive development of growth areas centres.

- *How a translation of the provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.*

As discussed above most outcomes will be delivered through subdivision permits prior to translation of the PSP to standard provisions. Subdivision permits will implement most of the non-standard provisions.

An assessment of how development has proceeded and where public land uses have been established closer to the time of translation will provide a better guide to where zones boundaries should be settled.

Other than the UGZ, standard provisions are used to implement the plan including Development Contributions through the Schedule 18 to Clause 45.06. This will stay in place until all relevant contributions are collected.

Direction No. 11 Strategic assessment of amendments

This explanatory report addresses the requirements of this direction.

S46m(1) - Direction on Development Contributions Plan

This Direction seeks to direct planning authorities in relation to the preparation and content of a development contributions plan. Items (works, services and/or facilities) funded by the Berwick Waterways DCP is in accordance with these relevant Ministerial Directions.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment represents an integrated decision making process that balances the conflicting objectives of the relevant State Planning Policies as follows:

- **Clauses 11 Settlement** - The amendment incorporates a precinct structure plan and development contributions plan. These plans set out an orderly structure for development of the precinct including the location and function of a local town centre taking into account the existing and planned network of centres in the region, bringing zoned land supply to the market, providing land with good proximity to existing and

planned amenities and services, and infrastructure. See also assessment against *Ministerial Direction 9 Metropolitan Strategy* in this report.

- Clause 12 Environmental and landscape values - Offsets for vegetation removal and habitat areas for nationally and state significant species will be provided in accordance with the Commonwealth EPBC Act approval for urban development in Melbourne's Growth Areas.
- Clause 13 Environmental risks – Land within the precinct is prone to flooding. To allow for development to occur within the precinct a series of wetlands and drainage corridors are proposed to manage water flows and re-direct these flows into these wetlands before returning to the Hallam Contour Drain

Where an assessment for potential contamination on future residential land has not already been undertaken further assessment is required and remediation of any residual contamination from farming is to be managed through conventional permit conditions.

Bushfire risk in the precinct is currently managed through the Building Regulations 2006, however the amendment requires site-management during construction to minimise the potential spread of any bushfire through maintaining land in a 'low fire threat' state.

- Clause 16 Housing - Housing in the precinct will be fully serviced and adjacent to an excellent range of services and transport facilities. New residents will have access to existing services and employment opportunities in the community in adjacent developed neighbourhoods and through provision of new infrastructure in the precinct. The precinct structure plan sets out provisions to facilitate a range of potential housing types and densities. The full range of housing types, sizes and configurations may establish in large areas of the precinct without the need for a land use permit.
- Clause 17 Economic development - The amendment provides for a local town centre to provide localised employment for residents within and nearby the precinct. Home based business can also provide employment opportunities for residents. The precinct is located nearby the Casey Central Major Town Centre and Fountain Gate Principle Town Centre for alternative employment opportunities.
- Clause 18 Transport - The precinct is strongly integrated with the existing and planned arterial road network and Principal Public Transport Network. The proposed road and trail networks provide a robust structure for traffic and transport movement within and through the precinct.
- Clause 19 Infrastructure - A comprehensive development contributions plan has been prepared for the precinct. The amendment provides the strategic basis for that plan including roads, bicycle paths and open space. Water and sewer are readily connectable from adjacent development into the precinct and drainage services will be upgraded as part of the development of the precinct through the provision of wetlands.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with and has been prepared in accordance with the Local Planning Policy Framework as discussed below.

Municipal Strategic Statement:

- Clause 21.03 – Vision – Strategic Framework. This policy provides a strategic framework and vision for Casey. The Framework Plan within Clause 21.03 shows the land where Berwick Waterways is located as existing urban area.

Local Planning Policies:

- Clause 22.05 - Residential Development Policy. The objectives of Clause 22.05 are supported by the outcomes of the PSP to facilitate a planning framework to guide the orderly development of residential land, as well as identifying infrastructure and open space requirements of this developing residential area.

- Clause 22.07 - Retail Policy. The amendment supports this policy through applying the Commercial1 Zone to land within the proposed local town centre.
- Clause 22.08 - Non-Residential Uses in Residential Areas Policy. The PSP envisages that complementary non-residential uses, such as display homes and medical centres, will be provided and integrated into the residential areas.
- Clause 22.14 - Infrastructure Policy. In support of this policy the proposed Berwick Waterways DCP will ensure the timely provision of high quality infrastructure through adequate funding that is fairly distributed across the precinct.
- Clause 22.15 - Good Design Policy. Design guidelines within the PSP aims to build a positive image for the City of Casey to attract business, create employment opportunities, attract future residents and instil community pride in existing residents.
- Clause 22.17 - Stormwater Policy. The PSP has provided specific direction on stormwater quality and construction of waterways to ensure that stormwater management issues are considered as part of the future development. Melbourne water will be actively involved in this process to ensure best practice outcomes are achieved.
- Clause 22.18 - Aboriginal Cultural Heritage Policy. A complex assessment of Aboriginal Cultural Heritage has been prepared for the precinct and is currently awaiting approval from the Office of Aboriginal Affairs Victoria. The PSP will ensure that future development of the land has regard to any Aboriginal cultural heritage values.

Local Planning Policies: Does the amendment make proper use of the Victoria Planning Provisions?

The amendment meets the form and content requirements of the Victorian Planning Provisions. Importantly, the application of the UGZ is considered an appropriate tool to apply a suite of Victoria Planning Provision zones to guide future use and development of the site through the specification of conditions and requirements for permits.

How does the amendment address the views of any relevant agency?

The amendment and the Berwick Waterways Precinct Structure Plan have been prepared in consultation with affected agencies. Amongst others key relevant agencies include City of Casey, Department of Transport Planning and Local Infrastructure, Public Transport Victoria, VicRoads, Melbourne Water, Department of Education and Early Childhood Development, Department of Environment and Primary Industries, Parks Victoria, Office of Living Victoria, South East Water, Office of Aboriginal Affairs Victoria and Country Fire Authority.

Provisions throughout the amendment documents have been included and amended to accommodate the views of these agencies during pre-exhibition discussions. The views of agencies will continue to be sought during the exhibition process and modifications made as further views of agencies are provided.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The Metropolitan Planning Authority in itself and acting as a planning authority is an 'interface body' under the Transport Integration Act 2010. Under Section 25 of that Act:

- (1) *An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.*

- (2) *An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.*

The amendment is likely to have a significant impact on the transport system at a local level. It will require upgrades to nearby parts of the regional road network and will allow the creation of a new local road network that will set the future pattern of development in the precinct. It will contribute to the development of the bus network in the area.

The proposed additions and changes to the existing transport system in and adjacent to the precinct will meet the transport system objectives by:

- Providing for an interconnected road system that responds to the likely level of use generated by the precinct and hence facilitating investment in housing and local retail services in the area.
- Enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network and planned extensions to bus services.
- Ensuring the road network minimises impacts on the site's topography, native vegetation and water flow regimes.
- Providing locally based sports and recreational facilities to reduce the need for extended travel.
- Designing roads that are of a suitable scale and compatible with the expected travel demand and that provide a suitable scale and impact in relation to likely adjoining development infrastructure provided for through the Clyde Development Contributions Plan will generally be provided as sufficient demand arises for the relevant infrastructure item and provides the opportunity for the efficient construction of items concurrent with subdivisional development.
- Integrating the construction of bus stop facilities with the development process to minimise construction costs and provide the opportunity to optimise the location of bus stops and design of roads in relation to bus routes and associated facilities.
- Integrating relevant government bodies involved in the provision of transport infrastructure and services in the decision making process of the amendment.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have minimum impact on the resources and administrative costs of the responsible authority. The incorporation of the PSP in the Planning Scheme will facilitate the future orderly and proper planning of the area. In most cases a single subdivision permit will capture all of the development requirements for a particular site.

Further, the UGZ Schedule 9 has been structured in such a way that the ultimate translation to conventional Victorian Planning Provisions zones can occur in a timely and efficient manner once the land has been substantially developed.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Casey
Customer Service Centre
Municipal Offices
Magid Drive
NARRE WARREN

Metropolitan Planning Authority
Level 29, 35 Collins Street
Melbourne 3000
www.mpa.vic.gov.au

www.casey.vic.gov.au