

Planning and Environment Act 1987

Panel Report

Casey Planning Scheme Amendment C189

Casey Central Town Centre Precinct Structure Plan

9 May 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Casey Planning Scheme Amendment C189

Casey Central Town Centre Precinct Structure Plan

9 May 2016

A handwritten signature in blue ink that reads "Rodger Eade". The signature is written in a cursive style with a large initial 'R'.

Rodger Eade, Chair

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Overview

Amendment Summary

| | |
|---------------------------|---|
| The Amendment | Casey Planning Scheme Amendment C189 |
| Common Name | Casey Central Town Centre Precinct Structure Plan |
| Subject Site | Broadly bounded by Casey Central Shopping Centre, Rosebank Drive and Narre Warren - Cranbourne Road, Cranbourne North |
| Planning Authority | Metropolitan Planning Authority |
| Exhibition | 5 November to 7 December 2015 |
| Submissions | 11 submissions, all which made suggestions or requested changes. Submitters listed in Appendix A |

Panel Process

| | |
|----------------------------|--|
| The Panel | Rodger Eade |
| Directions Hearing | 24 March 2016 Metropolitan Planning Authority Level 25, 35 Collins Street Melbourne. |
| Panel Hearing | No Panel Hearing required |
| Site Inspections | No site inspection undertaken |
| Date of this Report | 9 May 2016 |

Executive Summary

(i) Summary

Amendment C189 to the Casey Planning Scheme seeks to:

- incorporate the Casey Central Town Centre Precinct Structure Plan into the Scheme,
- insert Schedule 10 to the Urban Growth Zone into the Scheme,
- rezone the precinct to Urban Growth Zone Schedule 10 and
- make a number of other related changes.

Eleven submissions were made to the exhibited Amendment, each either objecting to aspects of the Amendment, or suggesting changes to it.

Prior to the Directions Hearing all outstanding issues raised by submitters were resolved. In a number of cases this resulted in changes being made to either the exhibited Precinct Structure Plan or the Urban Growth Zone Schedule 10.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends:

1. **That Amendment C189 to the Casey Planning Scheme be adopted as exhibited subject to the following:**
 - a) **Amend the text of the Precinct Structure Plan as set out in Appendix B to this report.**
 - b) **Replace Plan 3 in the Precinct Structure Plan with the version set out in Appendix C to this report.**
 - c) **Replace the Urban Growth Zone Schedule 10 with the version set out in Appendix D to this report.**

1 Panel Report

1.1 Panel process

A Directions Hearing was held in relation to the Amendment on Thursday 24 March 2016. At the Directions Hearing, the Panel was informed by Mr Power of the Metropolitan Planning Authority (MPA) that all issues raised in the 11 submissions that had been made as a result of exhibition of the Amendment, had been resolved.

Subsequently the Panel issued the following Direction:

A Directions Hearing for Casey Amendment C189 was held on Thursday 24 March. At the Directions Hearing the Panel was informed by the MPA that all outstanding issues raised in submissions had been resolved, and that as such there would be no need for the scheduled Hearing. The Panel directs that by the close of business on Monday 4 April 2016, the MPA provide electronically to the Panel and to all submitters who had raised issues of concern, the following:

- Confirmation emails from each submitter indicating that they agree that their issues have been satisfactorily resolved*
- An updated table of issues which summarises the change(s) proposed and agreed, to resolve each of the outstanding issues*
- A track change copy of Schedule 10 to the UGZ showing the changes that have been made in order to resolve the outstanding issues*
- A track change Word version of the Precinct Structure Plan showing the changes that have been made in order to resolve the outstanding issues*
- A copy of amended plan 3 to the PSP.*

On 27 April 2016 the MPA sent to all submitters an email with a link to both the revised PSP and to the revised Schedule 10 to the Urban Growth Zone with a request that they notify both the MPA and Planning Panels Victoria by the close of business on 5 May if they had any remaining concerns about the complete revised documentation. Only the City of Casey, VicRoads, and Contour consultants on behalf of the Scentre Group responded, each indicating that they had no remaining concerns. Contour raised a minor issue regarding a minor correction of terminology on p38 of the PSP, which the Panel understands has been rectified.

1.2 The proposal

(i) The subject area

The Amendment applies to land broadly bounded by the Casey Central Shopping Centre and exiting residential development in the north, Bray Boulevard to the east, Rosebank Drive to the south and Narre Warren - Cranbourne Road to the west. The land affected by the Amendment is set out in Figure 1.



Figure 1 Land affected by Casey C189

(ii) Amendment Description

The Amendment proposes to:

- insert Schedule 10 to Clause 37.07 Urban Growth Zone (UGZ) into the Casey Planning Scheme and rezone the Precinct to UGZ10. The Schedule sets out the land use and development controls for the precinct. The Schedule

requires land use and development within the Amendment area to be generally in accordance with the Casey Central Town Centre PSP

- delete the Development Plan Overlay Schedule 14 (DPO14) from the Precinct
- delete the Development Contributions Plan Overlay Schedule 6 (DCPO6) from the Precinct
- apply the DCPO11 to the Precinct
- amend the Schedule to Clause 52.01 to require a 5.97% public open space contribution from subdividers within the Amendment area
- amend the Schedule to Clause 52.17 to include the Precinct as a scheduled area
- amend the Schedule to Clause 66.04 to require a referral to the Growth Areas Authority (now known as the Metropolitan Planning Authority) for subdivision; and construction of a building or carrying out works in the Core and Transitional retail areas and Corporate Centre where the value of the building or works is in excess of \$500,000
- amend the Schedule to Clause 81.01 to include one new incorporated document titled '*Casey Central Town Centre Precinct Structure Plan, November 2015*'
- rezone the strip of land adjacent to the western boundary of the Precinct from UGZ to Road Zone Category 1 (RDZ1).

1.3 Panel discussion and conclusions

The Panel has examined the emails from each of the submitters which were provided to it by the MPA. The Panel has assured itself that each submitter that raised issues has indicated that their issues have been satisfactorily resolved. For this reason no Hearing was considered necessary by the Panel.

The Panel notes that in resolving the issues raised by submitters there have been a number of changes made to the following exhibited documents:

- the text of the Precinct Structure Plan
- Plan 3 of the Precinct Structure Plan
- the Urban Growth Zone Schedule 10.

The Panel has briefly examined these changes and has assured itself that the changes are appropriate in resolving outstanding issues as raised by submitters. The MPA documented this in the form of an issues table which was provided at the request of the Panel.

The Panel is satisfied that submitters were given an appropriate opportunity to peruse and raise any concerns that they had about the proposed revised PSP and Urban Growth Zone Schedule 10.

The amended documentation is attached to this Report as follows:

- | | |
|------------|--|
| Appendix B | Revised text to the PSP as set out in the circulated issues table |
| Appendix C | Panel recommended version of Plan 3 of the Precinct Structure Plan |
| Appendix D | Panel Recommended version of the Urban Growth Zone Schedule 10 |

The Panel recommends that these amended documents be accepted.

1.4 Strategic Assessment

The Panel notes that the Amendment has been prepared and assessed under the Strategic Assessment Guidelines. No submitter has raised issues with the strategic underpinnings of the Amendment. While the Panel has not undertaken any detailed examination of the Amendment or the issues raised by submitters, it accepts that the Amendment has been appropriately prepared.

1.5 Recommendations

The Panel recommends:

- 1. That Amendment C189 to the Casey Planning Scheme be adopted as exhibited subject to the following:**
 - a) Amend the text of the Precinct Structure Plan as set out in Appendix B to this report.**
 - b) Replace Plan 3 in the Precinct Structure Plan with the version set out in Appendix C to this report.**
 - c) Replace the Urban Growth Zone Schedule 10 with the version set out in Appendix D to this report.**

Appendix A Submitters to the Amendment

| No. | Submitter |
|-----|---|
| 1 | Ms Bronwyn Smart |
| 2 | Scentre Group |
| 3 | Mr Matt and Ms Nicole Carter |
| 4 | South East Water |
| 5 | APA Group |
| 6 | Melbourne Water |
| 7 | EPA Victoria |
| 8 | VicRoads |
| 9 | Public Transport Victoria |
| 10 | City of Casey |
| 11 | Department of Environment, Land, Water and Planning |

Appendix B Revised text to the Precinct Structure Plan as set out in the circulated issues table

| Sub. # | Section/ Page | Issue Raised | Is this Submission asking for a change? Y/N | MPA Comment / Proposed Outcome | Changes to the Document | STATUS |
|---------------------------------|---|--|---|---|---|----------|
| 1 Bronwyn Smart | | | | | | |
| 1.1 | | Expresses concerned in regards to the proposed locality, contextual relationship, form and level of control that the PSP has over identified medium density development located in the vicinity of Blandford Crescent. | No | On 18-2-16 MPA provided a written response to each question. On 11-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 1.2 | | Enquires about the locality of the proposed aged care facility? | No | On 18-2-16 MPA provided a written response to each question. On 11-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 1.3 | | Enquires as to why Glasscocks Road is not being dealt with as a whole? | No | On 18-2-16 MPA provided a written response to each question. On 11-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 1.4 | | Enquires as to what the timeframe between stage 1 and stage 2 will be? | No | On 18-2-16 MPA provided a written response to each question. On 11-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 1.5 | | Requests further information in regards to what is being proposed in the adjacent locality to Blandford Crescent? | No | On 18-2-16 MPA provided a written response to each question. On 11-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 2 Scentre Group | | | | | | |
| 2.1 | Section 3.2 Retail and Commercial, page 15 & Review of Retail Floor space Potential for Casey Central Town Centre 2008 | Opposes the retail floor space forecasts included in the PSP, as it considered that these figures are not justifiable based on their reliance on an outdated Essential Economic report from 2008 that does not accurately reflect the current level of developments in retail floor space within Casey Central. | Yes | Disagree. The PSP proposes a marginal amount of additional retail (<5,000sqm lifestyle based retail and 12,000sqm bulky goods). The PSP proposes a significant amount of high density residential and commercial development, which will provide an immediate catchment justifying this marginal amount of additional retail within the precinct. Notwithstanding this, the MPA has agreed to reduce threshold for a planning permit for Supermarket uses to 1,500sqm within Transitional and Lifestyle Retail precincts. On 21-3-16 submitter confirmed that all issues have been resolved. | MPA to amend the Schedule to UGZ to require a permit for Supermarket in excess of 1,500sqm. | RESOLVED |
| 2.2 | | Opposes the proposed arrangement of land uses within the PSP, specifically in relation to the PSP's articulation of an additional core retail area with a non-contiguous relationship to the existing retail core, illustrating the competition and disaggregation of activity that this arrangement will create. | Yes | Disagree. The Core Retail area is not intended to be a supermarket based retail sub-precinct, but rather a high amenity pedestrianised environment that connects the existing comparison retail at the Casey Central Shopping Centre to the civic functions and the commercial and residential developments within the PSP. The MPA will amend the term Core Retail to Lifestyle Retail to better reflect sub-precinct's intended role and function. On 21-3-16 submitter confirmed that all issues have been resolved. | MPA to amend all instances of the term "Core Retail" to "Lifestyle Retail". | RESOLVED |
| 3 Matt and Nicole Carter | | | | | | |
| 3.1 | | Oppose the removal of the current 6m Plantation Reserve located along the southern boundary of their property, stating that the PSP proposal to amend this area to allow for medium density development which will impact their personal space and privacy. | Yes | Agree. MPA has amended the PSP to include the Plantation Reserve within a 10m wide shared path along the entire length of the northern boundary of the precinct. On 18-2-16 MPA provided a written response to each question. On 16-3-16 submitter confirmed that all issues have been resolved. | MPA to include 10m wide shared path along northern boundary of precinct. | RESOLVED |
| 3.2 | | Expresses concern in regard to Broadland Way becoming a thoroughfare through to Glasscocks Road, stating the fact that the addition of traffic lights identify that this will become a major road, which will jeopardise its current quite character. | Yes | Disagree. Broadland Way is not expected to perform the function of a major thoroughfare as NW-C Rd and Glasscocks Rd will carry most traffic. Broadland Way has been constructed to the precinct boundary with the expectation that it would ultimately extend into the precinct. The transport modelling confirms that Broadland Way will continue to operate as a connector road in the Ultimate Scenario at year 2046. On 18-2-16 MPA provided a written response to each question. On 16-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 3.3 | | Request land directly south of their property stay as a walking path, stating that it would be a loss for the community who frequent this path if it were removed or changed. | Yes | Agree. MPA has amended the PSP to include a 10m wide shared path along the entire length of the northern boundary of the precinct. On 18-2-16 MPA provided a written response to each question. On 16-3-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 4 South East Water | | | | | | |
| 4.1 | | South East Water express no objection to the proposed amendment C189 of the Casey Planning Scheme. | No | NA | No further action required. | RESOLVED |
| 4.2 | | Notes: This precinct falls between two sewer catchments, the area in the north gravitating via the 300mm Hampton Park East Branch Sewer (manhole HME102 on Glasscocks Road) and the area to the south gravitating via a 300mm sewer extension to the Cranbourne North Branch Sewer (manhole CNB41-P on William Thwaites Boulevard). | No | NA | No further action required. | RESOLVED |
| 4.3 | | Notes: For any proposed development within the scheme amendment area, the property developer must enter into an agreement with South East Water for the provision of sewerage and potable/recycled water supply to South East Waters satisfaction. This may require upgrades to the existing infrastructure, which will be individually assessed upon application. | No | NA | No further action required. | RESOLVED |

| 5 APA GasNet | | | | | |
|-------------------|--|-----|---|-----------------------------------|----------|
| 5.1 | APA GasNet generally support the proposal of the Casey Town Centre PSP. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.2 | Notes: Restriction on the use of the easement will be enforced in accordance with the Creation of Easement and Restrictive Covenant Instrument registered on Title, Building, Structure, Roadway, Pavement, Pipeline, Cable, Fence or any other improvement upon or under the easement without prior consent of APA GasNet who refute all liability to any damages that may occur or to any reinstatement of infrastructure. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.3 | APA GasNet requests that a pipe line specific provision be placed within the C189 Casey Planning Scheme amendment to trigger a permit for certain land uses. All permit application under this provision are to be referred to the operator of the gas transmission line prior to commencement of any of the specified uses. APA GasNet recommends that this provision apply to the following land uses: - Accommodation (other than a single dwelling on a lot or a Dependent person's unit) - A child care centre - An education centre - A place of assembly - Retail premises - Cinema based entertainment facility - A hospital | Yes | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.4 | APA GasNet support the implementation of Section 2.7 to Schedule 10 of the UGZ, that requires the creations of a Construction Management Plan. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.5 | APA GasNet highlight the importance of maintaining the 50m separation from the easement for "Sensitive" and "T2" (High Density) land uses for public safety. Proposed development encroaching within this boundary will pose the 'worst possible' scenario for an operating high pressure gas pipeline. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.6 | APA GasNet requests that a landscape plan for any development that incorporates the gas pipeline easement be prepared and submitted to the satisfaction of APA GasNet. With concerns in regards to vegetation planted on the pipeline easement that may result in obstruction of line of sight between awareness pipeline markers or that will impact on the structural integrity of the pipeline itself through extensive root systems. | Yes | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.7 | Notes: APA GasNet at any stage, it requires access to the pipeline to conduct maintenance, which may result in a significant level of disturbance due to excavation of land within the easement. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.8 | Notes: APA GasNet reserves the right to recover costs associated with time spent on project assessing and supervision on ground works associated with individual developers which may exceeds 3 days. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 5.9 | APA GasNet requests a meeting to further discuss the above highlighted issues from their submission and recommend that future developers/designers have ongoing correspondence with APA GasNet in the future to ensure its assets are thoroughly protected. | No | On 4-2-16 submitter confirmed that all issues have been resolved. | No further action required. | RESOLVED |
| 6 Melbourne Water | | | | | |
| 6.1 | Plan 10 Utilities, page 32 Identifies on Page 32, Plan 10 that the Q100 year ARI overland flow paths to the north is not shown and that the overland flow path to the south should be realigned based on the provided amended plan (Figure 1) attached to the submission. | Yes | Agree. MPA to amend plan accordingly. On 18-2-16 submitter confirmed that all issues have been resolved. | MPA to amend Plan 10 accordingly. | RESOLVED |
| 6.2 | Section 3.7 Utilities, page 33 Requests the addition of the wording that outlines the requirement of litter traps in the commercial areas as a fourth bullet point in the Requirement of R77 within Section 3.7 Utilities and Energy on Page 33. | Yes | Agree. MPA to amend R77 accordingly. On 18-2-16 submitter confirmed that all issues have been resolved. | MPA to amend R77 accordingly. | RESOLVED |
| 7 EPA Victoria | | | | | |
| 7.1 | The EPA identifies that the site has previously been used as a market garden site which classifies it for a possible medium risk of contamination in accordance with the General Practice Note for Potentially Contaminated Land. A 2006 Environmental Site Assessment has been undertaken by Casey CC which recommends that before the site can be redeveloped, a detailed site investigation be undertaken. The EPA supports this and would require an Environmental Audit to be undertaken prior to the development of the land for Sensitive Land Uses. | Yes | Agree. The Schedule to the UGZ contains a requirement to undertake an Environmental Audit for sensitive uses. On 23-2-16 submitter confirmed that the issue is now resolved. | No further action required. | RESOLVED |
| 7.2 | The transition of surrounding land into residential land uses encroaches into buffers for existing industries. EPA recommends that consideration of potential adverse amenity impacts is undertaken, noting that recommended separation distances from the concrete batching plant facilities is 300m according to the Casey CC Planning Scheme. EPA recommends that these buffers be upheld to mitigate amenity conflict. | Yes | Disagree. The concrete batching plant is located more than 500 metres from the precinct. On 23-2-16 submitter confirmed that the issue is now resolved. | No further action required. | RESOLVED |
| 8 VicRoads | | | | | |
| | See VicRoads tab below. | No | | | RESOLVED |

| | | | | | | |
|------------------|---|--|-----|--|---|----------|
| 9 PTV | | | | | | |
| 9.1 | | PTV notes, that they are pleased with the changes made to the PSP following previous feedback on the 12th of April 2015 regarding: removing requirements for a bus interchange, moving proposed bus stops, ensuring PT infrastructure is constructed in accordance with the guidelines for Public Transport Land Use and Development and the Disability Discrimination Act and finally, ensuring all road cross sections are in accordance with the guidelines for Public Transport Land Use and Development. | No | NA | No further action required. | RESOLVED |
| 9.2 | | PTV request the inclusion of a provision that requires bus stop hard stands to have direct and safe access to a pedestrian path. | Yes | Agree. MPA will add a new requirement requiring bus stop hard stands to have direct and safe access to a pedestrian path. On 1-3-16 PTV confirmed in an email that the issue is now resolved. | MPA to include new requirement accordingly. | RESOLVED |
| 9.3 | | Notes, that revised transport modelling currently being undertaken by the MPA should include delays to bus operations, as well as potential mitigation measures in the form of bus prioritisation options. | Yes | Disagree. The intersections along Glasscocks Road will be signalised and will provide buses with priority movement to reduce delays at the intersection. MPA confirmed with PTV that Glasscocks Rd as PPTN route would be provided with a dedicated B-lantern to prioritise bus movement. On 1-3-16 PTV confirmed in an email that the issue is now resolved. | No further action required. | RESOLVED |
| 9.4 | | PTV requests the opportunity to review the revised transport modelling once complete. | No | Disagree. The revised transport analysis is a high level assessment on the operation of The Strand intersection and will not provide any detailed information on bus movements. On 1-3-16 PTV confirmed in an email that the issue is now resolved. | No further action required. | RESOLVED |
| 10 City of Casey | | FORMAL SUBMISSION See Casey City Council Tab below. | | | | |
| 11 DELWP | | FORMAL SUBMISSION | | | | |
| 11.1 | | DELWP supports the amendment subject to the changes outlined in this submission. | No | On 19-2-16 submitter confirmed that all issues have been resolved. | | RESOLVED |
| 11.2 | Schedule to UGZ, Section 4.0 Condition and requirements for permits | DELWP's preference is for biodiversity and threatened species conditions and requirements to sit within the UGZ schedule as opposed to the PSP document. Implement the requirement to meet habitat compensation obligations for actions associated with urban development through reference to the Commonwealth approval. | Yes | Partially agreed. The MPA will remove the section titled 'Habitat compensation'. Regarding 'Operation of Environmental Laws' - based on recent discussion and agreement with DELWP regarding the text be included at Section 1.0 (introduction) of the PSP. By including the 'Operation of Environmental Laws' text in Section 1.0 of the PSP the MPA is being consistent with the approach taken for the Rockbank and Paynes Road PSPs. The current text in the PSP which references the incorrect approval will be deleted. | MPA to amend UGZ Schedule to remove 'Habitat Compensation' section. MPA to amend PSP to reference correct approval. | RESOLVED |
| | | Remove the section titled 'Habitat compensation' and replace with the following: | | | | |
| | | Operation of Commonwealth Environmental Laws On 8 July 2010 an approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment Protection, Heritage and the Arts. The approval applies to all actions associated with urban development within the 28 precincts identified in page 17 (Map 7) in Delivering Melbourne's Newest Sustainable Communities Program Report (Victorian Government, December 2009). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 2 of the approval. The Commonwealth Minister has confirmed that for specified precincts, including this precinct, compliance with the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013) will satisfy the requirements of the conditions specified at Annexure 2. Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required. | | | | |
| 11.3 | Clause 52.17, Section 1.0, p.1 | The following advice has been provided in consultation with our legal services team. The Casey Central Town Centre precinct is one of the 28 precincts approved by the 8 July 2010 EPBC Act approval for the endorsed MSA Program, however is one of the precincts the Commonwealth Minister has confirmed that compliance with the Biodiversity Conservation Strategy will satisfy the requirements of the conditions specified at Annexure 2. The second exemption proposed in the draft schedule exempts the removal of vegetation not depicted in a stated PSP, from complying with a Part 10 EPBC Act approval. This would mean that the vegetation could be removed in association with a non-urban development (e.g. a development related to the current farming uses), without the need for a permit or an offset. Note the required wording has been structured to ensure its application to all precincts listed in the schedule. | Yes | Agreed. MPA to amend text accordingly. | MPA to amend Clause 52.17 accordingly. | RESOLVED |

| | | | | | | |
|------|--------------------------------|---|-----|--|--|----------|
| | | <p>Amend the current wording to be consistent with the MSA program and Commonwealth approvals as indicated below.</p> <p>Amend the text for the scheduled area including land shown as UGZ10 to read:</p> <p>“Land shown as UGZ6, UGZ27, UGZ8, UGZ10 & SUZ4</p> <p>All native vegetation the removal, destruction or lopping of which is required for any development that is subject to and carried out in accordance with any of the following approvals made pursuant to section 146B of the Environment Protection and Biodiversity Conservation Act 1999 (Cth):</p> <ul style="list-style-type: none"> · ‘Approval decision under s 146B of the EPBC Act for developments within 28 precincts that are part of the endorsed Program Delivering Melbourne’s Newest Sustainable Communities (Victorian Government, December 2009), 8 July 2010’. · ‘Final approval for urban developments in Melbourne’s south-eastern growth corridor under the Melbourne urban growth program strategic assessment, 11 September 2014’. <p>This does not apply to native vegetation, habitat or scattered trees identified as to be retained or reinstated in:</p> <ul style="list-style-type: none"> § Plan 6 in the incorporated Casey Fields South Residential Precinct Structure Plan; § Plan 7 in the incorporated Thompsons Road Precinct Structure Plan; § Plan 6 in the incorporated Clyde Creek Precinct Structure Plan; and § Plan 7 in the incorporated Casey Central Town Centre Precinct Structure Plan” <p>Refer to the attached schedule 52.17 which indicates the required track changes for the scheduled area including UGZ10.</p> | | | | RESOLVED |
| 11.4 | Clause 52.17, Section 1.0, p.1 | <p>With reference to the exemption for land affected by the Berwick Waterways PSP provided in the same schedule to clause 52.17, the exemption is stated to apply to vegetation “Shown as ‘Native vegetation which can be removed’ on Plan 4 in the incorporated Berwick Waterways Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the [September 2014 EPBC Act approval].”</p> <p>The exemption incorrectly lists Plan 4, whereas it is actually Plan 5 that shows this as “scattered trees for removal”.</p> <p>In addition, the September 2014 approval does not apply to the Berwick Waterways precinct. Berwick Waterways is also one of the 28 precincts approved by the 8 July 2010 EPBC Act approval (existing precinct 9, depicted on p 17 of the Program Report).</p> <p>An amendment to the drafting to identify the correct approval is required for the exemption to be effective.</p> <p>Amend the text for the scheduled area shown as UGZ9 to reflect Plan 5, and the correct Commonwealth approval - “Approval decision under s 146B of the EPBC Act for developments within 28 precincts that are part of the endorsed Program Delivering Melbourne’s Newest Sustainable Communities (Victorian Government, December 2009), 8 July 2010.”</p> | Yes | Agreed. This request does not relate specifically to amendment C189, but can be updated as part of the amendment. | MPA to amend Clause 52.17 accordingly. | RESOLVED |

Appendix C Panel recommended version of Plan 3 of the Precinct Structure Plan



Appendix D Panel recommended version of the Urban Growth Zone Schedule 10

DD/MM/YYYY
Proposed C189

SCHEDULE 10 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ10**

CASEY CENTRAL TOWN CENTRE PRECINCT STRUCTURE PLAN

1.0 The Plan

DD/MM/YYYY
Proposed C189

Map 1 to Schedule 10 to Clause 37.07 shows the Future Urban Structure for Casey Central Town Centre. It is a reproduction of Plan 3 in the *Casey Central Town Centre Precinct Structure Plan*.

MAP 1 TO SCHEDULE 10 TO CLAUSE 37.07



2.0 Use and development

2.1 The Land

DD/MM/YYYY
Proposed C189

The use and development provisions specified in this schedule apply to the land shown as 'Precinct Structure Plan Area' in Map 1 of this schedule and shown as UGZ10 on the planning scheme maps.

Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.

2.2 Applied zone provisions

DD/MM/YYYY
Proposed C189

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

Table 1: Applied zone provisions

| Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Lifestyle retail | Clause 34.01 – Commercial 1 Zone |
| Transitional retail | |
| Corporate centre | Clause 34.02 – Commercial 2 Zone |
| Glasscocks Road | Clause 36.04 – Road Zone Category 1 |
| Mixed use | Clause 32.04 – Mixed Use Zone |
| Medium density residential | Clause 32.08s1 – General Residential Zone 1 |
| All other land | Clause 32.07s1 – Residential Growth Zone 1 |

2.3 Reference to a planning scheme zone is a reference to an applied zone

DD/MM/YYYY
Proposed C189

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in an applied Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'.

2.4 Specific provisions – Use and development of future public land

DD/MM/YYYY
Proposed C189

A permit is not required to use or develop land shown in the *Casey Central Town Centre Precinct Structure Plan* as open space (other than open space within a gas easement) provided the use or development is carried out generally in accordance with the *Casey Central Town Centre Precinct Structure Plan* and with the prior written consent of the City of Casey.

2.5 Specific Provisions – Use of land

DD/MM/YYYY
Proposed C189

Table 2: Use

| Use | Condition |
|---|--|
| Dwelling where the applied zone is Mixed Use Zone | A permit is required to use land for a dwelling. |

| | |
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| Office where the applied zone is Mixed Use Zone | A permit is not required to use land for an office. |
| Supermarket where the applied zone is Commercial 1 Zone | A permit is required to use land for a supermarket if the combined leasable floor area of all supermarkets exceeds 1,500 square metres on land shown as 'transitional retail' and 'lifestyle retail' in the incorporated Casey Central Precinct Structure Plan. |
| Corrective institution Child care centre Hospital Medical centre Residential aged care facility Retirement village Education centre | Prohibited within 55 metres of the gas easement |

2.6 Specific Provisions – Construction of single dwellings on small lots

DD/MM/YYYY
Proposed C189

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the *Small Lot Housing Code* incorporated pursuant to Clause 81 of the Casey Planning Scheme.

Or;

A permit is not required to construct one dwelling on a lot of between 250 and 300 square metres where an approved building envelope (as defined in Part 4 of the Building Regulations 2006) applies to the lot.

A permit is required to construct a front fence within 3 metres of a street unless the Front Fence Height Standard at Table A2 to Clause 54.06-2 is met.

2.7 Specific Provisions – construction management plan required whether or not a permit is required

DD/MM/YYYY
Proposed C189

Prior to the commencement of any works, including demolition, within the gas easement or within 55 metres of the gas easement as shown on Map 1 of this schedule, a Construction Management Plan (CMP) must be submitted to and approved by the responsible authority. The plan must:

- be endorsed by the owner/operator of the high pressure gas pipeline;
- specify details of the construction methodology;
- prohibit the use of rippers and horizontal directional drills within the easement or towards the easement unless otherwise agreed by the operator of the gas transmission pipeline;
- prohibit vertical drilling within easement;
- prohibit deep excavation within the gas easement, unless with prior agreement of the owner/operator of the high pressure gas pipeline;
- prohibit heavy vehicles (over 8 tonne per axle) from accessing the gas easement other than by a fully constructed road, unless with prior agreement with the operator of the gas transmission pipeline;
- require a concrete slab to be installed over the pipeline for the width of any road crossing; and
- include any other relevant matter to the satisfaction of the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

2.8 Specific Provisions – Referral of applications – Lifestyle and Transitional retail areas and Corporate Centre areas

DD/MM/YYYY
Proposed C189

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of \$500,000) on land in the Lifestyle and Transitional retail areas and Corporate Centre areas shown on Map 1 of this schedule must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Growth Areas Authority.

3.0 Application requirements

DD/MM/YYYY
Proposed C189

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - residential development

DD/MM/YYYY
Proposed C189

In addition to any requirement in 56.01-2, a subdivision design response must include:

- a land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields;
- a demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
- a demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories and colours outlined in Table 3 – Lot Size and Housing Type Guide in the *Casey Central Town Centre Precinct Structure Plan*; and
- a demonstration of how the subdivision will contribute to the delivery of a diversity of housing.

Public infrastructure plan

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the written consent of the collecting agency;
- the provision of public open space and land for any community facilities; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

3.2 Traffic Impact Assessment

DD/MM/YYYY
Proposed C189

An application that proposes to create or change access to Narre Warren - Cranbourne Road or Glasscocks Road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads in the case of Narre Warren - Cranbourne Road or City of Casey in the case of Glasscocks Road unless otherwise agreed by the responsible authority and the relevant road manager.

3.3 Environmental Wind Assessment

DD/MM/YYYY
Proposed C189

An application that proposes construction of a building in excess of 40 metres in height must be accompanied by a desktop environmental wind assessment by a suitably qualified wind engineer to ensure appropriate ground level wind conditions are achieved. The assessment must be to the satisfaction of the responsible authority.

3.4 Environmental Site Assessment

DD/MM/YYYY
Proposed C189

An application to subdivide land or to use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the report titled '*Casey Central Phase 1 Environmental Site Assessment*' (GHD, May 2006) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land;
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*;
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water;
- Recommended remediation actions for any potentially contaminated land.

4.0 Conditions and requirements for permits

4.1 General requirements

DD/MM/YYYY
Proposed C189

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Casey Central Precinct Structure Plan are implemented as part of the planning permit or the plans endorsed under the planning permit.

Prior to commencement of the first stage of a development or prior to issue of a Statement of Compliance for subdivision within the precinct, the owner must, if required, enter into an agreement, or agreements, under Section 173 of the Act which specifies the infrastructure required to be provided as part of the development. The agreement must give effect to the approved Public Infrastructure Plan and amongst other matters specify the timing and responsibility for delivery of the fully directional signalised intersection of The Strand and Glasscocks Road.

4.2 Subdivision permits that allow for the creation of a lot less than 300 square metres

DD/MM/YYYY
Proposed C189

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Casey Planning Scheme.
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

4.3 Use or develop land for a sensitive purpose

DD/MM/YYYY
Proposed C189

Any permit for the subdivision, use or development of land for a sensitive use must include any conditions necessary, in the opinion of the responsible authority, to implement any remediation actions recommended in the Environmental Site Assessment accompanying the application.

4.4 Subdivision or building and works permits where land is required for road widening

DD/MM/YYYY
Proposed C189

Land required for road widening including flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no extra cost to the acquiring agency unless funded by the *Cranbourne North Precinct Structure Plan Development Contributions Plan*.

4.5 Subdivision or building and works permits where land is required for public open space

DD/MM/YYYY
Proposed C189

Land required for public open space as a local park as set out in the Casey Central Town Centre Precinct Structure Plan or the *Cranbourne North Precinct Structure Plan Development Contributions Plan*, must be transferred to or vested in Council at no cost unless the land is funded by the *Cranbourne North Precinct Structure Plan Development Contributions Plan*.

4.6 Public Transport Victoria

DD/MM/YYYY
Proposed C189

Unless otherwise agreed by Public Transport Victoria, prior to the issue of a Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder, as follows:

- Generally in the location identified by Public Transport Victoria;
- In accordance with the *Public Transport Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed;
- Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the responsible authority.

4.7 Salvage and translocation

DD/MM/YYYY
Proposed C189

Any permit for subdivision must contain the following condition:

The Salvage and Translocation Protocol for Melbourne's Growth Corridors, 2014 (Melbourne Strategic Assessment) (Department of Environment and Primary Industries) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

5.0 Advertising signs

DD/MM/YYYY
Proposed C189

The advertising sign category for the land is the category specified in the zone applied zone to the land at Clause 2.2 of this schedule.

5.1 Land and home sales signs

DD/MM/YYYY
Proposed C189

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.

- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.