

**CARDINIA PLANNING SCHEME**

**AMENDMENT C151**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by Cardinia Shire Council, which is the planning authority for this amendment.

**Land affected by the amendment.**

The amendment applies to 335 McGregor Road, Pakenham.

**What the amendment does.**

The amendment introduces the Special Use Zone – Schedule 5 and Development Plan Overlay – Schedule 16 into the Cardinia Planning Scheme, rezones 335 McGregor Road, Pakenham (the ‘site’) from Green Wedge Zone to Special Use Zone - Schedule 5 and applies the Development Plan Overlay - Schedule 16.

**Strategic assessment of the amendment**

• **Why is the amendment required?**

The amendment is required to facilitate the use and development of a Motor Recreation and Education Park at the site. The facility is intended to cater for driver training and driver development courses, motor sport and recreational activities

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

The objectives of planning in Victoria will be implemented by the amendment through the facilitation of the development of a valuable community facility, and the appropriate use of the planning framework. Key objectives are addressed as follows.

1(a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*

The amendment will facilitate the development of the use (Motor Recreation and Education Park) at a site that is appropriately located, providing for the fair and orderly use and development of the land. The location is well suited to the use given:

- its location adjoining land identified for future employment uses;
- accessibility the existing road network and future arterial roads;
- the ability for the use to be taken into consideration in the current development planning for the area; and

- the limited number of sensitive (residential) uses within proximity to the site, which will be further reduced, or eliminated, as the area develops.

1 (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

The Schedule to the Development Plan Overlay, applied to the site through the amendment, ensures that there is appropriate protection of areas of ecological value on the site by requiring the Development Plan to protect areas of high ecological value and requiring an Environmental Management Plan to be prepared and approved prior to the commencement of any buildings and works. Further, the development of the site to be facilitated by the amendment will provide for the remediation of habitat and management of exotic weed species.

1 (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The development facilitated by the amendment will provide a valuable recreational facility for the community and the region. The site is of an adequate size and in an appropriate location to ensure that the facility can be designed to be safe and convenient without detrimental impacts on the surrounding community.

The site is almost 130 hectares, of which it is estimated 50 hectares will be required for the facility. A portion of the balance of the land is likely to be acquired as part of the proposed Healesville – Koo Wee Rup Road upgrade, which will enhance the accessibility of the site while providing a significant buffer from uses to the east. The planned extension of Greenhills Road across the north of the site will have a similar effect. The remainder of the balance of the site is likely to be used for conservation and recreation purposes, including through the remediation of the drainage lines through the western portion of the site. Having an area in excess to requirements also provides for the design of the facility to ensure adequate buffers and an appropriate design to minimise any detrimental impacts of the facility.

The facility itself will be of value to the community, providing a venue for local motor clubs, driver education and other community uses. As such, it will assist in securing a pleasant living and recreational environment for all Victorians.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment ensures that any potentially adverse environmental, social and economic effects will be addressed through the development plan and planning permit applications, prior to use and development commencing of the facility. Potential environmental effects of the facility will be managed through the requirement for an environmental management plan in the Schedule to the Development Plan Overlay.

Potential social effects of facility will be minimised by its location in an area that is rapidly undergoing change, which will result in the site being bounded on two sides by arterial roads and on three sides by industrial land. As a result of these developments, residential dwellings that currently exist and may potentially be impacted on by the

development will be removed. Notwithstanding this, a preliminary acoustic assessment has determined that appropriate engineering controls, including the installation of appropriate noise control treatments, will ensure that noise emissions from the facility do not exceed noise limitations at existing nearby dwellings.

The economic impacts of the facility have also been taken into consideration in its location outside of the Urban Growth Boundary. An alternate location within the Urban Growth Boundary would not only have far greater social impacts, due to noise, it would have detrimental economic impacts as it would consume a large amount of designated employment land without providing the job opportunities sought in these areas.

Rather than detrimental effects, it is anticipated that the facility will have positive social and economic effects. It will provide a valuable facility for local motoring clubs, which is likely to have the flow on effect of increasing participation rates and social cohesion. It will also provide driver training facilities; an important contribution to road safety. The extent of economic benefits will depend on the scale of the venue and its ability to attract motor racing events.

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

The Ministerial Direction regarding the form and content of planning schemes under Section 7(5) of the *Planning and Environment Act 1987* is applicable to the amendment, as are *Ministerial Direction 9 – Metropolitan development*, and *Ministerial Direction 11 – Strategic assessment of amendments*, under Section 12 of the *Planning and Environment Act 1987*.

The Ministerial Direction regarding the form and content of planning schemes sets out, inter alia, the uses which must be listed as Section 1 – Permitted in any zone, and provides the templates for the Schedules to zones. The proposed planning scheme amendment is consistent with the Ministerial Direction, as Schedule 5 to be introduced to the Special Use Zone and Schedule 16 to the Development Plan Overlay use the templates provided.

*Ministerial Direction 9 – Metropolitan Strategy* applies to planning schemes within Metropolitan Melbourne, including the Cardinia Planning Scheme. It requires that, in preparing a planning scheme amendment, planning authorities must have regard to the Metropolitan Strategy – *Melbourne 2030* – planning for sustainable growth.

Of particular relevance to the amendment is Policy 2.4 of *Melbourne 2030*, which is to 'Protect the green wedges of metropolitan Melbourne from inappropriate development'. The site is located in the South East Green Wedge, which is identified by *Melbourne 2030* as having social, environmental and economic values. It includes facilities such as the Eastern Treatment Plant, sand resources and metropolitan landfills, as well as Internationally recognised wetlands. It is considered that the amendment is consistent with this policy, as it provides for the location of a recreation uses and a uses that cannot readily be located in an urban area within the green wedge.

*Melbourne 2030* supports the rezoning of the site to facilitate a use that is both recreational, and that cannot be comfortably located among normal urban development.

In describing green wedges, *Melbourne 2030* states that:

*“They provide important resources for recreation and tourism... Melbourne 2030 will protect green wedges for non-urban uses and encourage proper management of these areas.”*

*Melbourne 2030* acknowledges that, while the green wedges include areas that have strong environmental and landscape values, they also accommodate:

*“...important functions that support Melbourne. These include major assets such as airports, sewage plants, quarries and waste disposal sites – uses that cannot be located among normal urban development.”<sup>1</sup>*

There is considerable evidence to suggest that motor racing, which is the best description of the proposed use of the site by the Victoria Planning Provisions, is not appropriate among normal urban development. This is particularly due to off-site amenity impacts caused by noise, large land area, and access requirements.

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

Provisions of the State Planning Policy Framework (SPPF) that are of most relevance to the amendment are:

- Clause 11.04-6 Green wedges
- Clause 13.04-1 Noise abatement
- Clause 12.01-1 Protection of habitat
- Clause 18.01-1 Land use and transport planning

Clause 11.04-6 draws its objectives and strategies primarily from Policy 2.4 of *Melbourne 2030*, which has been addressed above.

Clause 13.04 – 1 seeks “to assist in the control of noise effects on sensitive land uses”. It lists land use separation as a strategy to ensure that amenity is not reduced by noise emissions.

The amendment implements this strategy, as the scheme amendment will provide for the development of a noise emitting use at a site removed, in the longer term, from strategic uses. To ensure any noise impacts from a future facility on existing dwellings could be managed, a Preliminary Noise Impact Study has been prepared, taking into consideration the relevant Policy Guideline listed in the Clause.

The objective of Clause 12.01-1 seeks the conservation of biodiversity through both the retention of native vegetation and control of pest plants.

A preliminary flora and fauna assessment of the site indicates that the majority of the site has been extensively modified from its pre-European era, particularly through agricultural practices. The site has been extensively cleared, and a number of noxious weeds have

been identified. A small patch of sedge wetland with some conservation value was also identified in one of the creek lines through the site, and was found to provide habitat for the Growling Grass Frog.

Future development of the site facilitated by the amendment can provide for both the conservation of the area identified to be of value, and management of the noxious weeds present on the site. This will be ensured by a requirement for an Environmental Management Plan to be included in the Schedule to the Development Plan Overlay.

Clause 18.01-1 forms part of the provisions relating to Integrated Transport, and has the objective to “*create a safe and sustainable transport system by integrating land-use and transport*”.

The site is ideally situated to provide convenient access for events from the arterial road network. Furthermore, identification of the site for the purpose at this time will enable the integration of the detailed planning and design of the future road network with the planning and design of the site.

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

The Local Planning Policy Framework (LPPF) includes the Strategic Vision for the municipality, which is:

*To foster the sustained wellbeing of the community and environment in the Cardinia Shire through:*

- *Developing a strong economic base.*
- *Recognising and protecting the diverse and significant environmental values in the municipality.*
- *Providing opportunities to create and maintain a cohesive and robust community.*
- *Enhancing the experience of people who live, work and visit the municipality.*

The planning scheme amendment will assist in achieving the vision by facilitating the development of a valuable community facility.

A feasibility study undertaken on behalf of Council has identified strong support for the facility from key stakeholders and community groups, indicating that the facility would assist Council in achieving its vision to create a cohesive and robust community, and to enhance the experience of people who work in the municipality.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions (VPP) by applying the Special Use Zone (SUZ) to a site, in order to provide for the use and development of the site for a specific purpose. Use of another zone where a motor sport may be permitted would provide the opportunity for other uses to establish on the site, which is not the intention.

Application of the SUZ with an appropriate Schedule clearly indicates the intention for the use of the site, providing transparency in the Scheme.

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

The views of relevant agencies will be sought during the exhibition process.

- **Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?**

The amendment will not have a significant impact on the transport system. In the future, there may be some impact on the physical components (roads) within the transport system, as described by the definition of 'transport system' (a)(i) within section 3, due to the proposed extension of Koo Wee Rup - Healesville Road through the eastern portion of the site. However, it is not considered that this impact will be significant. Rather, the proposed road will have a significant impact on the development of the site.

Design of the facility will be undertaken in consultation with the Department of Transport to ensure integration with the proposed road.

- **Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?**

There are not applicable statements of policy.

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

The new planning provisions will require the responsible authority to approve a plan and issue permits under the Special Use Zone. These impacts are not considered onerous given the community benefit that the facility will provide.

### **Where you may inspect this Amendment.**

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

Cardinia Shire Council  
Henty Way  
Pakenham

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) .