Planning and Environment Act 1987

CASEY PLANNING SCHEME

AMENDMENT C293CASE

EXPLANATORY REPORT

Who is the planning authority?

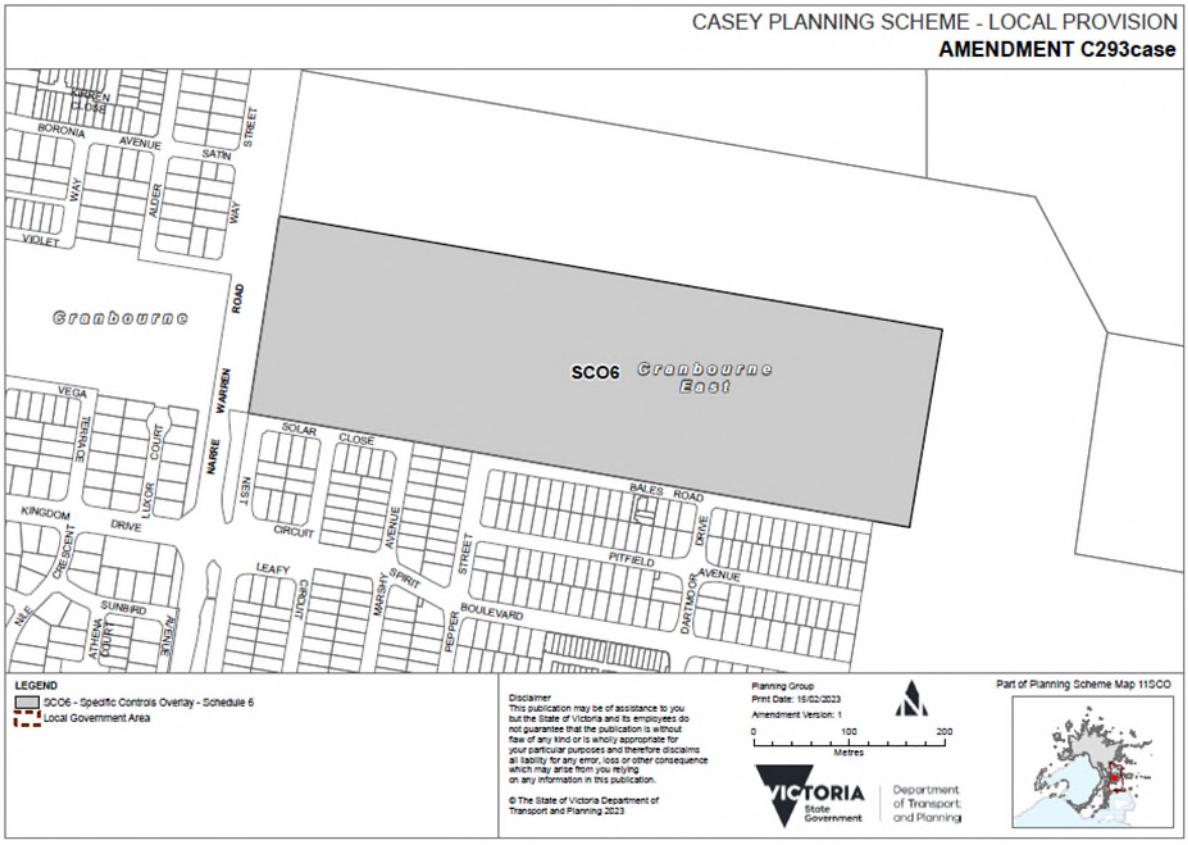
This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of the Major Road Projects Victoria (MRPV).

Land affected by the amendment

The amendment applies to part of the land at 350 Narre Warren Road, Cranbourne East (the subject site). This land will be used for drainage works to support the Narre Warren-Cranbourne Road Upgrade Project (the project), in the form of an open swale, running west-east across the property and tying in with an existing drainage channel at the eastern end.

A map of the area affected by this amendment is provided below.



What the amendment does

The amendment makes the following changes to the Casey Planning Scheme:

- Apply Specific Controls Overlay - Schedule 6 (SCO6) to land at 350 Narre Warren-Cranbourne Road, Cranbourne East (in part).
- Amends the schedule to Clause 45.12 (to refence the *Narre Warren - Cranbourne Road (Thompsons Road to South Gippsland Highway) Upgrade Project Incorporated Document,* May 2023
- Amends the schedule to Clause 72.04 (Incorporated Documents) to reference *Narre Warren - Cranbourne Road (Thompsons Road to South Gippsland Highway) Upgrade Project Incorporated Document,* May 2023

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate drainage works on the subject site, as part of the project, which is currently underway.

The project is being delivered by the MRPV as part of the $4 billion Suburban Roads Upgrade (SRU) Program which aims to improve 20 arterial roads in the western, northern, and south-eastern outer suburbs. Delivery of these projects is an important priority and is particularly time critical as investment in transport infrastructure is required to support significant growth being experienced in the outer suburbs.

The project has been facilitated by SCO6 and the associated incorporated document titled *Narre Warren-Cranbourne Road (Thompsons Road to South Gippsland Highway) Upgrade Project Incorporated Document, May 2019* (incorporated document), which exempts use and development associated with the project from the need for a planning permit, subject to conditions.

In the process of project delivery, which commenced in 2022, drainage works on the subject site were identified as a critical component in managing the rate of water flow across the project area and neighbouring properties. As the drainage works did not form part of the original project area, the subject site was not included in SCO6.

The amendment will apply SCO6 to part of the subject site, effectively including it in the project area, and exempting use and development associated with the project from the need for a planning permit, subject to conditions.

The amendment also seeks to amend the incorporated document to clarify direct responsibility for the approval of native vegetation requests.

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

The amendment supports the objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*.

The following objectives are particularly relevant to the Act:

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

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

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

(e) 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.

(g) To balance the present and future interests of all Victorians.

The amendment assists in facilitating the delivery of a project that will increase the capacity, reliability, efficiency and safety of Melbourne's transport network and address critical gaps in infrastructure provision required to support Melbourne's growing population and urban expansion in the outer growth corridors. The amendment ensures that any environmental, social and economic effects of the project are appropriately addressed and managed.

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

Technical assessments have been undertaken to assess the potential environmental effects including assessments of afflux, ecology, and cultural heritage.

Environmental effects

The drainage works are supported by flood modelling that demonstrates that the works are required for flood mitigation purposes.

An ecological assessment has been undertaken and the works will remove some native vegetation. As required by the incorporated document, an offset statement will be prepared in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land Water and Planning (DELWP)) 2017) (The Guidelines) to the satisfaction of th Secretary to the Department of Energy, Environment and Climate Action (DEECA).

Social and economic effects

The amendment will facilitate works required to support the project, which will deliver increased capacity in the local and regional transport network which will facilitate greater access to jobs and services, close to where people live, which generates wider economic benefits. The benefits for road users and freight are significant due to reduced travel times, lower vehicle operating costs and improved reliability.

A Cultural Heritage Management Plan (CHMP No. 15703) was completed for the project and has been amended to include the subject site as part of the activity area. The standard assessment identified an area of archaeological sensitivity along the southern boundary of the land parcel, however, it was determined that this would not be impacted by the drainage works. The CHMP for the project has been evaluated and approved by the Bunurong Land Council Aboriginal Corporation. Works will be undertaken in accordance with the *Aboriginal Heritage Act 2006* and the conditions of the CHMP, requiring temporary fencing around the area of archaeological potential.

Any other social, or economic effects that may arise from the works to be facilitated by the amendment have been addressed through consultation and engagement with the landowner of the subject site, Ausnet, and Melbourne Water. All feedback has been considered and addressed.

Does the amendment address relevant bushfire risk?

The subject site is within an identified Bushfire Prone Area. The works to be facilitated by the amendment will not have any impact on bushfire risk.

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

Section 12(2)(a) of the *Planning and Environment Act 1987* requires that in preparing a planning scheme amendment, a planning authority must have regard to relevant Minister's Directions.

The following Minister's Directions are relevant to this amendment:

- Ministerial Direction on Form and Content of Planning Schemes

  The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes issued under Section 7(5) of the *Planning and Environment Act 1987*.

- Ministerial Direction No.19 – Preparation and content of amendments that may significantly impact the environment, amenity and human health

  As part of the broader project, a potentially contaminated land preliminary report was prepared and referred to the Environment Protection Authority (EPA) in accordance with Ministerial Direction Number 19.

Other Ministerial Directions

The amendment is also consistent with and has been prepared with regard to the following Ministerial Directions:

- Ministerial Direction No. 11 – Strategic Assessment of Amendments.

The relevant strategic considerations have been addressed through the preparation of the amendment which has been prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports or implements the following clauses of the Planning Policy Framework:

- Clause 12.01-1S seeks to protect and enhance Victoria's biodiversity through decision making that takes into account the impacts of land use and development on Victoria's biodiversity.

  The area impacted by the amendment comprises narrow strips of low-quality aquatic vegetation along an artificial drainage line, running approximately east-west through the subject site. The amendment will effectively apply the relevant conditions of the incorporated document, requiring the works to avoid and minimise impacts to native vegetation, and where this is not possible, offsetting removal in accordance with the Guidelines.

- Clause 13.03-1S seeks to assist the protection of life, property and community infrastructure from flood hazard, including overland flows.

  The amendment supports this clause and will facilitate works that avoid intensifying the impact of flooding and enable planning for the cumulative impacts of use and development on flood behaviour.

- Clause 14.02-1S seeks to protect and restore catchments, waterways, estuaries, water bodies, groundwater and the marine environment.

  The amendment facilitates works that are consistent with strategies under this clause including the implementation of measures to minimise the quantity and retard the flow of stormwater from developed areas, and coordination with the activities of catchment management authorities.

- Clause 18.01-2S seeks to facilitate the efficient, coordinated, and reliable movement of people and goods by developing an integrated and efficient transport system.

  The amendment facilitates works that are required for the delivery of a project which will facilitate the efficient, coordinated, and reliable movement of people and goods, and further develop the Principal Road Network to improve the State Transport System.

- Clause 19.03-2S seeks to provide timely, efficient, and cost-effective development infrastructure that meets the needs of the community, and Clause 19.03-3S seeks to sustainably manage water supply and demand, water resources, wastewater, drainage, and stormwater through an integrated water management approach

  The amendment facilitates the delivery of drainage works that manage drainage and stormwater by considering the catchment context, minimising flood risks, and providing the broader urban environment with greater resilience to the effects of climate change.

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

The following clauses of the Municipal Strategic Statement are of relevance to the amendment:

- Clause 21.04 Environment seeks to:
  - Realise a net gain in the extent and quality of native vegetation.
  - Minimise the risk to life and property from flood waters

The amendment effectively applies relevant the conditions of the Incorporated Document, requiring the works to avoid and minimise impacts to native vegetation, and where this is not possible, offsetting removal in accordance with the Guidelines.

The amendment facilitates works that will minimise the risk to life and property from flood waters.

- Clause 21.06 Transport seeks to:
    - Develop a transport system that addresses Casey's community accessibility needs, provides for increased modal-share for public transport, and integrates transport and land use planning.
    - Facilitate safe and efficient movement of people and goods with integrated solutions spanning the various transport nodes.

The amendment facilitates the delivery of drainage works that will support a key transport project. The amendment will effectively apply relevant the conditions of the Incorporated Document, requiring the works to avoid and minimise impacts to native vegetation, and where this is not possible, offsetting removal in accordance with the Guidelines.

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

The amendment makes proper use of the Victoria Planning Provisions and is consistent with the Ministerial Direction: The Form and Content of Planning Schemes.

The amendment amends Planning Scheme Map No. 11SCO.

This has the effect of applying the Schedule to Clause 45.12 and the Schedule to Clause 72.04 of the Casey Planning Scheme to the subject site. The purpose of Clause 45.12 is to apply specific controls designed to achieve a particular land use and development outcome consistent with the purpose of the control. The specific controls are detailed in the associated incorporated document and allow the use and development of land for the purposes of a road and associated infrastructure, in accordance with the conditions in the incorporated document.

The amendment includes an amended *Narre Warren-Cranbourne Road Upgrade Project Incorporated Document, June 2023* (incorporated document).

Prior to Machinery of Government (MOG) changes in January 2023, the approval of native vegetation conditions at Section 4.2 of the incorporated document was obtained from the Secretary, DELWP. Following the MoG changes, responsibilities of the Secretary to DELWP in the Victoria Planning Provisions were transferred to the Secretary to the new Department of Transport and Planning, unless otherwise specified.

As such, the following wording will be added to the incorporated document in relation to consideration of native vegetation requests, which will be directed to the Secretary, DEECA:

- ***Guidelines*** means the *Guidelines for removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, December 2017);
- **Secretary** means the Secretary to the Department of Environment, Land, Water and Planning *(as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).*

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

The views of the following agencies have been sought and considered during the preparation of this amendment:

- Casey City Council
- Melbourne Water

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

The amendment facilitates works to support a project that will have a positive impact on the transport system as defined in Section 3 of the *Transport Integration Act 2010*.

Specifically, the works address the following requirements of the *Transport Integration Act 2010*:

- *S10 Environmental sustainability*: The project and the works that will be facilitated through this amendment adopt an 'avoid and minimise' approach to managing possible impacts on remnant native vegetation, and Aboriginal heritage.

- *S20 Principle of stakeholder engagement and community participation*: The amendment has been prepared in consultation with the affected landowner and other key stakeholders. Additionally, Casey City Council officers have provided support for the amendment.

The amendment is consistent with a number of other principles in the *Transport Integration Act 2010* given that it will facilitate drainage works to support an important arterial road upgrade.

Resource and administrative costs

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

The amendment is not expected to have a significant impact on the resources and administrative costs of the responsible authority. The amendment will reduce the regulatory burden for council by introducing permit exemptions for the proposed works.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Casey City Council website at www.casey.vic.gov.au

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

Bunjil Place
2 Patrick Northeast Drive
Narre Warren VIC 3805

The amendment can also be inspected free of charge at the Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.