

CARDINIA PLANNING SCHEME

AMENDMENT C104

MARYKNOLL

PANEL REPORT

12 SEPTEMBER 2011

CARDINIA PLANNING SCHEME

AMENDMENT C104

PANEL REPORT



.....
WARWICK HORSFALL, CHAIR



.....
GEOFFREY CARRUTHERS, MEMBER

12 SEPTEMBER 2011

TABLE OF CONTENTS

1. SUMMARY	1
2. THE PANEL	2
2.1 HEARINGS, DIRECTIONS & INSPECTIONS.....	2
3. THE AMENDMENT	4
3.1 THE SUBJECT LAND.....	4
3.2 EXHIBITION, NOTIFICATION & REFERRAL	7
4. PLANNING CONTEXT.....	8
4.1 STRATEGIC FRAMEWORK	8
4.1.1 <i>State Planning Policy Framework</i>	8
4.1.2 <i>Local Planning Policy Framework</i>	10
4.1.3 <i>Other strategic influences</i>	13
4.2 STATUTORY FRAMEWORK	14
4.2.1 <i>Ministerial Directions</i>	14
4.2.2 <i>Zones</i>	15
4.2.3 <i>Overlays</i>	16
5. SUBMISSIONS & PRESENTATIONS	18
5.1 PLANNING AUTHORITY	18
5.2 PUBLIC AUTHORITIES	18
5.3 COMMUNITY GROUPS.....	18
5.4 INDIVIDUALS	19
6. CONSIDERATION OF ISSUES	21
6.1 STRATEGIC JUSTIFICATION.....	21
6.2 GREEN WEDGES	23
6.3 BUSHFIRE	24
6.4 FLOODING	25
6.5 LAND CAPABILITY.....	26
6.6 TRAFFIC.....	28
6.7 ENVIRONMENT.....	29
6.8 HERITAGE	31
6.9 CHARACTER & COMMUNITY	32
7. CONCLUSIONS & RECOMMENDATIONS.....	33

APPENDICES

APPENDIX 1: LIST OF SUBMITTERS.....	34
APPENDIX 2: DOCUMENTS TABLED AT HEARING	36

1. SUMMARY

Amendment C104 to the Cardinia Planning Scheme proposes to rezone 26.5 hectares of land at the small village of Maryknoll near Pakenham to Low Density Residential. The purpose of the Amendment is to facilitate the development of the additional land for low density residential purposes consistent with the current residential density in the village. The existing Design and Development Overlay Schedule for Low Density Residential in the planning scheme is to be extended to incorporate the rezoned land. The Amendment also proposes to apply a minimum lot size for subdivision of 0.8 hectares across the existing village and land proposed for rezoning via the Schedule to the LDRZ.

The Amendment was exhibited and notified during February and March of 2011 following which 48 submissions both in support and against, were received. Knowing that the Amendment did not address the concerns of some of the submitters, Council resolved to seek the appointment of an independent Planning Panel.

The Panel hearing was conducted at the Cardinia Cultural Centre in Pakenham on 1st and 2nd August 2011 by Chairman Mr Warwick Horsfall and Member Mr Geoffrey Carruthers. The Panel heard presentations from the responsible authority, one government agency in the CFA, four community groups and five submitters including a representative for the majority landowner who presented an expert providing evidence in real estate.

In making its recommendations, the Panel has considered the written submissions referred to it as well as presentations made at the Panel hearing.

Whilst there were a number of issues for the Panel to consider, the key consideration was the strategic planning behind the Amendment and the policy framework within which it has been proposed. Maryknoll is within a Green Wedge area and there are several references at the State level as to what development should occur in these areas. Unfortunately there is also conflicting directions given when it comes to development within existing townships in the green wedges. At the local level, and specifically for Maryknoll, the policy position on future development is much clearer and for this reason has been afforded greater weight by the Panel. Most of the development matters raised by submitters can be addressed through the application of existing mechanisms within the planning scheme to Planning Permits.

In conclusion, the Panel supports Amendment C104 as it was exhibited.

2. THE PANEL

The Panel was appointed on 26 May 2011 under delegation of the Minister for Planning pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987*. The two member Panel consisted of Mr Warwick Horsfall as Chairperson and Mr Geoffrey Carruthers.

2.1 HEARINGS, DIRECTIONS & INSPECTIONS

A Directions Hearing was held on 1st July 2011 at the offices of the responsible authority in Pakenham. A number of general Directions were made, mostly in regards to process and the conduct of the Panel hearing. The following specific Directions were given to the responsible authority:

- Prior to the Hearing, a hard copy of the report (date and author unknown) titled "Supporting report. Proposed amendment to the Cardinia Planning Scheme. 13 & 15 Wheeler Road, and 310 Snell Road, Maryknoll. Latest revision" is to be circulated to all parties on the following list (with the exception of Planning Panels Victoria) no later than 15th July 2011. Submitters appearing before the Panel may address this report in their presentation if they choose to do so.
- At the Hearing, Council in its submission is to inform the Panel as to what flooding information it has relied upon in considering its support for the Amendment. Either through investigation of the application of the Land Subject to Inundation Overlay (LSIO) to the watercourse along the eastern boundary or by other means, Council is to provide the Panel with a 1 in 100 year ARI flood level for the subject land.
- At the Hearing, Council in its submission is to inform the Panel as to what land capability information it has relied upon in considering the subject land suitable for on-site effluent disposal.

Council confirmed at the outset of the Panel Hearing that it had complied with these specific Directions.

The Panel hearing was conducted over two days on 1st and 2nd August 2011 at the Cardinia Cultural Centre in Pakenham.

The Panel undertook an unaccompanied visit to the site prior to the Directions Hearing.

The following parties presented to the Panel at the hearing.

Submission by:	Presented by:
Cardinia Shire Council (as the responsible authority)	Tracey Parker, Manager Planning Policy & Projects
Country Fire Authority	Chris Wyborn, Fire Safety Coordinator
Maryknoll Progress Association	Anne Jones, President
Cardinia Ratepayers & Residents Association	Gloria O'Connor, President
Green Wedge Coalition	Rosemary West, Joint Coordinator
Jenny McClelland	Herself
Peter Barry	John McCaffrey calling expert evidence from licensed real estate agent Todd McKenna.
Vivian Clarke	Herself
Desmond Wynne	Himself
David Maloney	Himself

3. THE AMENDMENT

The Amendment as exhibited and presented to the Panel Hearing proposes the following:

- rezone 26.5 hectares of land at 13 and 15 Wheeler Road, 310 Snell Road, Maryknoll from a Green Wedge Zone to a Low Density Residential Zone.
- apply the Design and Development Overlay - Schedule 1 (DDO1) to 13 and 15 Wheeler Road, and 310 Snell Road, Maryknoll.
- amend the Schedule to the Low Density Residential Zone to specify a minimum lot size in Maryknoll of 0.8ha.

3.1 THE SUBJECT LAND

The subject land has an area of approximately 26.5 hectares and is addressed as 13 and 15 Wheeler Road and 310 Snell Road Maryknoll (see Figures 1 and 2).

Maryknoll was founded in 1949 by Father Wilfred Pooley, as a planned rural community that would include local industries owned and controlled by the community. It was innovative, designed by town planners and architects, with the only proviso that the church should have a central position. The first building was a temporary church and school followed by a small cottage used as a presbytery.

The Maryknoll plan included farming activities run by a co-operative society. A dairy was built in 1966 which remained in operation until 1972. Other Maryknoll industries included the building industry, a poultry farm, a cordial factory, converted to steel manufacture in 1974 and a hardware shop that opened in Nar Nar Goon in 1996.

Council provided the following description of the subject land and surrounds in its presentation to the Panel Hearing and is regarded by the Panel as an accurate depiction.

The township of Maryknoll is a small low density township located approximately 12 kilometres to the north east of Pakenham, set in the foothills near the Bunyip State Park.

The residential land within the township is zoned Low Density Residential, and includes approximately 130 lots which are generally between 0.8 and 1.2 hectares in area. The population of Maryknoll is

approximately 500 people. This area is bordered by Mortimer Road, Fogarty Road, Wheeler Road, and Snell Road.

Services within the township include a general store, community hall, church, fire station and recreation reserve. Maryknoll's population is too small to warrant the provision of a full range of commercial and community services, the community is reliant upon access to facilities at Pakenham, Nar Nar Goon and other nearby townships. The primary access to the township is via Snell Road which intersects with the Princes Freeway to the south. Alternative access to the township is via Fogarty Road.

The topography within the township of Maryknoll is moderately to steeply undulating, with roads constructed at natural surface level. A high level of vegetation has been retained and established since the development of the township.

The land at 13 and 15 Wheeler Road and 310 Snell Road is located to the south of the township area. It is abutted by Barongarook Road to the north, Snell Road to the west and Wheeler Road to the south. The land is approximately 26.5 hectares.

The property at 310 Snell Road is currently being operated as a broiler farm and contains 3 broiler sheds and a dwelling. It is proposed that prior to subdivision of the land the broiler farm use located on the site will cease to operate. This would include the removal of associated infrastructure and remediation of the site.

The land at 13 & 15 Wheeler Rd and both occupied by a dwelling and shedding, although the majority of the land at 13-15 Wheeler Rd is cleared, scattered remnant native vegetation can be found throughout the site. The eastern boundary of the land adjoins a creek being a tributary of Back Creek. The environs in proximity of the creek is largely covered with remnant vegetation.

Figure 1: Subject site within the context of Maryknoll



Source: Council presentation to Panel Hearing

Figure 2: Subject land within the context of its immediate surrounds



Source: Council presentation to Panel Hearing

3.2 EXHIBITION, NOTIFICATION & REFERRAL

Council placed the Amendment on public exhibition between 3rd February and 7th March 2011.

Notices were sent by post to the prescribed Ministers, the Maryknoll Progress Association and all landowners within Maryknoll and adjoining the subject land. Notices appeared in the Pakenham Gazette on the 2nd February 2011 and Government Gazette on 3rd February 2011. A notice was also placed in the February 2011 Maryknoll Community Newsletter.

The responsible authority received 48 submissions to the Amendment following notification and exhibition. Of these, 22 were in support, 21 opposed and five expressed no objection. Submissions were received from four community organisations.

Submissions were also received from five agencies being South East Water (SEW), Melbourne Water (MW), VicRoads, Country Fire Authority (CFA) and the Department of Sustainability and Environment (DSE). None of these objected to the proposal.

The issues raised in submissions are addressed later in the Panel report.

4. PLANNING CONTEXT

This section of the Panel report addresses the strategic and statutory context within which the Amendment is to be considered.

4.1 STRATEGIC FRAMEWORK

The principal documents providing the strategic context for this Amendment are considered by the Panel to be:

- the State Planning Policy Framework (SPPF)
- the Local Planning Policy Framework (LPPF)
- *Melbourne 2030*
- *Maryknoll Strategic Plan Review, April 1995*
- *Assessment of the Maryknoll Strategic Plan Review, September 1995*

Each element of the strategic framework is discussed below.

4.1.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered:

through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development (Clause 11.02 Goal).

In essence the extent of the Amendment's compliance with this goal is determined by an assessment against the strategic planning framework of the planning scheme as a whole.

There are a number of State Policies relevant to the Amendment, many of which are in a general context only. Those that have a more direct influence on the Amendment are addressed as follows.

The **State Policy for Green Wedges** (clause 11.04-6) is relevant having regard for the current zoning of the subject land as Green Wedge and for which the objective is:

To protect the green wedges of Metropolitan Melbourne from inappropriate development.

Strategies for achieving this include:

Ensure strategic planning and land management of each green wedge area to promote and encourage its key features and related values.

Support development in the green wedge that provides for environmental, economic and social benefits.

Consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.

Protect areas of environmental, landscape and scenic value.

In terms of management, the Panel notes that the *Southern Ranges Green Wedge Management Plan*, which encompasses the subject land, has not been completed.

Policy documents referenced for this State Policy include the Department Sustainability and Environment's (DSE) *Growth Area Framework Plans and Melbourne 2030*.

The **State Policy for Melbourne's hinterland areas** (clause 11.05-2) applies to land within 100 kilometres from the Melbourne Central Activities District. The policy seeks to "*manage growth*" in this area by allowing development in existing settlements but not at the expense of character and amenity or public safety.

The objective of the **State Policy for Rural residential development** (clause 16.02-1) is:

To identify land suitable for rural living and rural residential development.

Essentially this policy seeks to avoid inappropriate rural residential development by focussing on existing settlements where there is a proven need for such development. It also seeks to protect productive agricultural land and not adversely impact on the natural environment. Specifically the policy requires that land should only be zoned for rural residential development where it:

Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.

Can be supplied with electricity and water and good quality road access.

Maryknoll is located 14 kilometres from Pakenham and unlikely to be required for urban development. It has reticulated electricity and potable

water and whilst Snell Road provides “good quality road access”, other access roads and internal roads are of a lesser quality.

4.1.2 Local Planning Policy Framework

There are two elements to the Local Planning Policy Framework (LPPF) being the Municipal Strategic Statement (MSS) and Local Policies.

Municipal Strategic Statement (MSS)

Under the heading *Settlement and Housing Issues*, subclause 21.08-2 of the MSS addresses *Townships* with the objective:

To provide for the sustainable development of townships in the municipality having regard to the maintenance of the distinct character of the townships, environmental and servicing constraints and the economic provision of commercial and community services.

The MSS places Maryknoll within a group of settlements in the Shire regarded as “small rural townships”. Relevant strategies (within the context of the Amendment) to achieve the objective include:

- *Prepare a strategy plan for each of the townships in consultation with the local community.*
- *Give consideration to any township strategy in the context of proposals for the use or development, including subdivision, of land.*
- *Limit residential development, including rural residential subdivision, in the hills towns (Emerald, Gembrook, Cockatoo, Upper Beaconsfield, Clematis, Avonsleigh, Pakenham Upper and **Maryknoll**) unless provided for by the strategy plan for the township or the development results in significant environmental or community benefits. [text bolded for emphasis]*
- *Maintain and enhance a distinct character for each of the townships and maintain the scenic quality of the towns and surrounding landscape by avoiding the scattering of township development into the nearby landscape.*
- *Maintain the current diverse range of lot sizes in the hills towns as an intrinsic part of their character.*
- *Provide sewage treatment and stormwater management systems to minimise the impact of existing township development on the environment, and to enable development to occur in townships in accordance with strategy plans.*

Subclause 21.08-4 goes to *Rural residential development* the objective for which is:

To recognise the demand for rural residential development, and to provide for this development where it is closely integrated with an existing township or urban area, which reflects a high quality of urban design and which does not result in environmental degradation.

The MSS acknowledges there is demand for rural residential development and consequently there will be pressure for it to be provided. It also acknowledges that “*indiscriminate development*” can result in land and water degradation as well as loss of agricultural land. In outlining the issue in the MSS it is stated:

Relevant strategies (within the context of the Amendment) to achieve the objective include:

- *Ensure that any proposal for rural residential development is assessed in relation to the Guidelines for Rural Residential Development (July 1992), the Land Capability Study for the Cardinia Shire (February 1997) and any relevant urban or township strategy.*
- *Ensure that rural residential development on land affected by environmental hazards and constraints is undertaken in a manner which prevents environmental degradation and minimises any risk from hazards.*
- *Ensure that any proposal for rural residential development is assessed in relation to its ability to contain all waste waters within the site and in accordance with the Code of Practice - Septic Tanks, On-site Domestic Wastewater Management (EPA 1996).*

Finally, these strategies are to be implemented through application of a specific Design and Development Overlay (DDO) for rural residential development.

Subclause 21.09-5 addresses *Wildfire management* and includes a map showing both the existing Maryknoll village and the proposed extension as “*bushfire prone areas*”. The strategies to address this issue are to be implemented through the Wildfire Management Overlay (WMO).

Subclause 21.09-7 addresses *Heritage* and includes a strategy to:

- *Give consideration to the heritage context of sites which adjoin sites of heritage significance.*

The strategies to address this issue are to be implemented through the Heritage Overlay (HO). Whilst the unique history of Maryknoll would seem to warrant the village having some heritage status, only the church is mapped as a heritage item in the planning scheme.

The Panel notes that many of strategic maps expressed in the MSS are of very poor quality to the point that they cannot be interpreted.

Local Policies

Maryknoll is provided with its own unique local policy at clause 22.07, the objectives for which are:

- *To protect the environmental qualities which contribute to the rural character of Maryknoll.*
- *To provide for the limited growth of the Maryknoll township.*

Both the *Maryknoll Strategic Plan Review, April 1995* and *Assessment of the Maryknoll Strategic Plan Review, September 1995* are cited as references for the local policy. This review is discussed separately in the following section.

In regards to these objectives Council's policy is that:

- *The low density character of the Maryknoll township be maintained with new residential lots in the range of 0.8ha to 1.2ha.*
- *The boundary of the Maryknoll township be defined by Snell Road, Mortimer Road, Fogarty Road and Wheeler Road, and that new residential lots either be contained within this boundary or fronting onto these roads if the land is not of environmental significance.*
- *While the existing poultry farm on the corner of Snell Road and Barongarook Road continues to operate, no new residential lots be created within 500 metres of the poultry buildings.*
- *The natural environment and character of the area be protected, particularly areas of remnant vegetation.*
- *As part of any new development, consideration be given to works to enhance the environment including the protection of waterways and remnant vegetation, weed control and revegetation.*
- *The siting and design of new buildings and works complement the rural character of the Maryknoll township, and not dominate the landscape.*
- *The design of any new development and the management of existing properties incorporate wildfire protection measures.*

- *As part of any new development, consideration be given to the need to upgrade roads providing access to the development, and whether a reticulated water supply should be provided to service the development.*

The Panel notes Council's advice that it is in discussions with the Department of Planning and Community Development (DPCD) as to the future application of the local policy for Maryknoll. These discussions have been initiated by the recommendations of a previous Planning Panel (Amendment C124) relating to the role and use of reference documents in the LPPF. This issue is not considered by the Panel to have any bearing on the merits of Amendment C104.

4.1.3 Other strategic influences

Other strategic influences include the *Maryknoll Strategic Plan Review, April 1995* and *Assessment of the Maryknoll Strategic Plan Review, September 1995*.

Council provided the following background to the review in its presentation to the Panel.

In September 1994, The Department of Planning and Development and the Shire of Pakenham engaged Tract Consultants to prepare a strategy plan for the Maryknoll Township.

The strategic review outlined two strategic options for the township in April 1995. Option 1 is entitled 'no strategic change' and envisages no growth of the township beyond the zone boundaries that existed at the time of the report.

Option 2 is entitled 'Minor Incremental Growth'. It envisages small extensions to the existing zoned township boundary limited to the land north of Wheelers Rd including some redevelopment of the original farm area. The other identified area is a limited area west of Fogarty Road.

In May 1995, the strategic plan review was released for public comment, and 27 submissions were received.

The key issues which arose out of the public consultation were:

- *The demand for additional lots.*
- *The extent of growth which should be permitted.*
- *Roads.*
- *The development of St Josephs square.*
- *The future of Metz poultry farm.*
- *The impact of development on wildlife and vegetation.*

The assessment of the Maryknoll Strategic Review 1995 is a Council report to the Commissioners that were appointed to act as the council at that time. The assessment outlined the Maryknoll Strategic Plan Review and the public consultation undertaken with that Review. The report concludes that "allowing for the limited growth of the Maryknoll township based on defining growth limits by the perimeter roads of the township is considered to be a reasonable option". And that "It is recommended that a short strategy plan document for the Maryknoll township be prepared based upon the strategic review and the matters discussed in this report".

The report incorporated a map showing potential development sites east of Fogarty Road and South of Wheeler Road.

The Maryknoll Strategic Review formed the basis for the Maryknoll Township policy which was inserted into the new format planning scheme at clause 22.07 in 1999.

4.2 STATUTORY FRAMEWORK

The following statutory provisions are relevant to the Amendment.

4.2.1 Ministerial Directions

There are a number of Ministerial Directions relevant to the Amendment.

Ministerial Direction No 1 Potentially Contaminated Land requires Council to be satisfied the land is suitable for the proposed (in this case rural residential) in regards to potential soil contamination. The existing broiler farm in the north west corner of the subject land is a potential source of soil contamination. The Panel concurs with Council that the pre-condition of the Amendment finalisation requiring removal of the broiler farm and certification as to the suitability of the soil for residential development (with or without re-remediation) represents compliance with this Ministerial Direction.

Ministerial Direction No 6 Rural Residential Development seeks to manage the provision of sustainable rural residential development by requiring there to be demonstrated need and in accordance with a "settlement strategy" for the area. Such development also needs to demonstrate compatibility with existing settlements and the natural environment as well as avoid natural hazards. Those matters relevant to the Amendment are addressed throughout this Panel report.

Strategic justification is addressed in the issues section of this report.

Ministerial Direction No 9 Metropolitan Strategy applies to the Cardinia Planning Scheme and essentially requires consideration to be given to *Melbourne 2030*. This strategy is wide ranging but in regards to the subject Amendment, Direction 2.4 is:

Protect the green wedges of metropolitan Melbourne from inappropriate development

Direction 2.4 acknowledges that “*the green wedges include the rural areas and small communities around Melbourne*” to which the Panel considers to include Maryknoll. It then goes on to say:

Small communities that are located in the green wedges will have restricted development opportunities. Settlements in these areas will be allowed to expand only to the extent indicated in current Municipal Strategic Statements. In future, change in the amount of urban zoned land will only be allowed if there is no adverse impact on the role and features of the green wedges. Local councils will be encouraged to consider the possibilities for urban intensification within their existing urban areas, subject to environmental and servicing constraints, rather than adding to the total urban area.

The Panel notes one of the initiatives of Direction 2.4 is:

Work with local councils to support the consolidation of new residential development into existing settle-ments (sic) in the green wedges, where planned services are available and relevant values can be protected

Clearly this Ministerial Direction does not preclude development within the green wedges.

Strategic justification is addressed in the issues section of this report.

Ministerial Direction No 11 Strategic Assessment of Amendments sets out the requirements any planning scheme amendment proposal must be assessed against. Council has specifically addressed these requirements in its presentation to the Panel.

4.2.2 Zones

The subject land is currently zoned Green Wedge (GWZ) for which the purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

Whilst the land use table to the zone provides an extensive list of prohibited activities, it also allows for a wide range of residential and non-residential activities subject to a Planning Permit. Like the rural zones, there is an extensive list of decision guidelines for the responsible authority to consider applications against in the GWZ.

The GWZ would not allow the subject land to be developed for rural residential purposes as it is incompatible with the purpose and the minimum lot size for subdivision is 40 hectares.

4.2.3 Overlays

The subject land is part of an extensive application in the area of Schedule 1 of the Environmental Significance Overlay (ESO1). The purpose of the ESO is to identify land that may be affected by environmental constraints and to ensure any development is compatible with identified environmental values. Schedule 1 applies to the Northern Hills that are cited as having “environmental values including landscape quality, water quality and habitat of botanical and zoological significance.” The schedule does not on its own trigger a Planning Permit for development if nominated ‘deemed to comply’ criteria are met. Exemptions from a Planning Permit for vegetation removal are also described. Referral of applications to the Department of Sustainability and Environment (DSE) in certain areas under Section 55 of the Planning and Environment Act 1987 is required.

Environmental impact is addressed in the issues section of this report.

The Land Subject to Inundation Overlay (LSIO) is applied to a small portion of the subject land being the creek along the eastern boundary. The LSIO triggers a permit application in its own right for certain developments as well as exemptions. It also provides a list of decision guidelines the responsible authority must consider. Referral of applications to the

floodplain management authority under Section 55 of the Planning and Environment Act 1987 are generally required.

Flooding is addressed in the issues section of this report.

The Wildfire Management Overlay (WMO) is applied to the subject land as well as the Maryknoll village as a whole. The WMO triggers a permit application in its own right for certain developments as well as exemptions. It also provides requirements for applications as well as a list of decision guidelines the responsible authority must consider. Referral of applications to the Country Fire Authority (CFA) under Section 55 of the Planning and Environment Act 1987 are generally required.

Bushfire is addressed in the issues section of this report.

5. SUBMISSIONS & PRESENTATIONS

This section of the report summarises the issues raised in submissions received to the exhibition of the Amendment as well as presentations made to the Panel Hearing.

5.1 PLANNING AUTHORITY

Council's presentation to the Panel as the Planning Authority supports the Amendment. The submission by Ms Tracey Parker on behalf of Council provided an overview of the Amendment, an assessment of each submission made and a response to the Strategic Assessment Guidelines. Ms Parker was also able to provide a history of the rezoning proposal.

5.2 PUBLIC AUTHORITIES

Public authorities that made submissions to the Amendment include South East Water (SEW), Melbourne Water (MW), VicRoads, Country Fire Authority (CFA) and the Department of Sustainability and Environment (DSE); none of which object to the Amendment.

SEW advised there were no plans to provide sewer to the Maryknoll area. DSE sought buffers to the watercourse as part of any future subdivision and MW advised that development should be excluded from the area mapped as the LSIO.

Only the CFA sought to be heard by the Panel.

5.3 COMMUNITY GROUPS

A number of community groups made submissions and appeared before the Panel.

The **Back Creek Catchment Landcare Group** interest is in the preservation and protection of the natural assets of the land if it is rezoned and developed.

The **Maryknoll Progress Association** objects to the Amendment on the grounds of inadequate documentation being provided with the Amendment; permanent detrimental impact on the character of Maryknoll, lack of justification, increased risk to residents from fire and traffic, lack of consideration of environmental constraints and inadequate assessment of land capability to accommodate on-site disposal of effluent.

The **Cardinia Ratepayers and Residents Association** objects on the grounds of the precedent the Amendment creates, demand is not justified, detrimental impact on character, the Explanatory Statement is inadequate, removal of the broiler farm should not be used as grounds for the Amendment and the risk to existing residents from fire and flood will increase.

The **Green Wedge Coalition** objects on the grounds the Amendment poses a threat to the Government's green wedge policy, the Low Density Residential zone (LDRZ) is an urban zone and out of place in Maryknoll, detrimental impacts on landscape values, DPCD has done an about-face after initially refusing to authorise the Amendment, the Southern Ranges Green Wedge Management Plan is not in place, detrimental impact on character of the village, increased risk to residents from bushfire and inadequate consideration of the ESO.

5.4 INDIVIDUALS

A total of 48 submissions were received to the exhibition of the Amendment, of which 22 were in support, 21 opposed and five expressed neither objection nor support. Due to the number of submissions and repetition in matters raised, the following summary of submissions and presentations is provided.

Matters raised in objection to the Amendment include:

- Fogarty Road needs to be upgraded to provide a better alternative access to Maryknoll.
- Traffic volumes will increase in Snell Road.
- Speeding traffic.
- Conflicts with other users of the road network such as walkers, horse riders, etc.
- Detrimental impact on the creek.
- Loss of native vegetation and habitat.
- Loss of productive agricultural land.
- Detrimental impact on landscape.
- Lack of consideration for flooding.
- Explanatory statement exhibited with the Amendment is inadequate.
- No consideration of Ministerial Direction No 6 in the documentation exhibited with the Amendment.
- Removal of the broiler farm should not be used to justify the Amendment.
- Previous amendment was not supported by the Minister.

-
- Non-compliance with DSE's policy for green wedge areas.
 - Non-compliance with SPPF and LPPF.
 - Green wedge principles will be undermined.
 - Southern Ranges Green Wedge Management Plan should be completed before Amendment is considered.
 - Detrimental impact on the existing character of Maryknoll.
 - Area of land to be rezoned is excessive.
 - Existing infrastructure cannot accommodate additional lots.
 - Land capability assessment is inadequate.
 - Detrimental impact on the amenity of existing Maryknoll residents.
 - Detrimental impact on the heritage of Maryknoll.
 - There is no demand for additional lots.
 - Additional development will increase the risk to existing residents in the event of a bushfire.
 - Only the Council (via rates) and the developer of the land will benefit from the rezoning.
 - A dangerous precedent will be set by the rezoning.

Matters raised in supporting the Amendment include:

- Proposal represents sustainable residential development.
- Green wedge values will not be compromised.
- Removal of the broiler farm as a pre-condition of development is a positive outcome for existing residents.

6. CONSIDERATION OF ISSUES

This section of the report addresses issues arising from submissions and presentations that are relevant to the Amendment.

6.1 STRATEGIC JUSTIFICATION

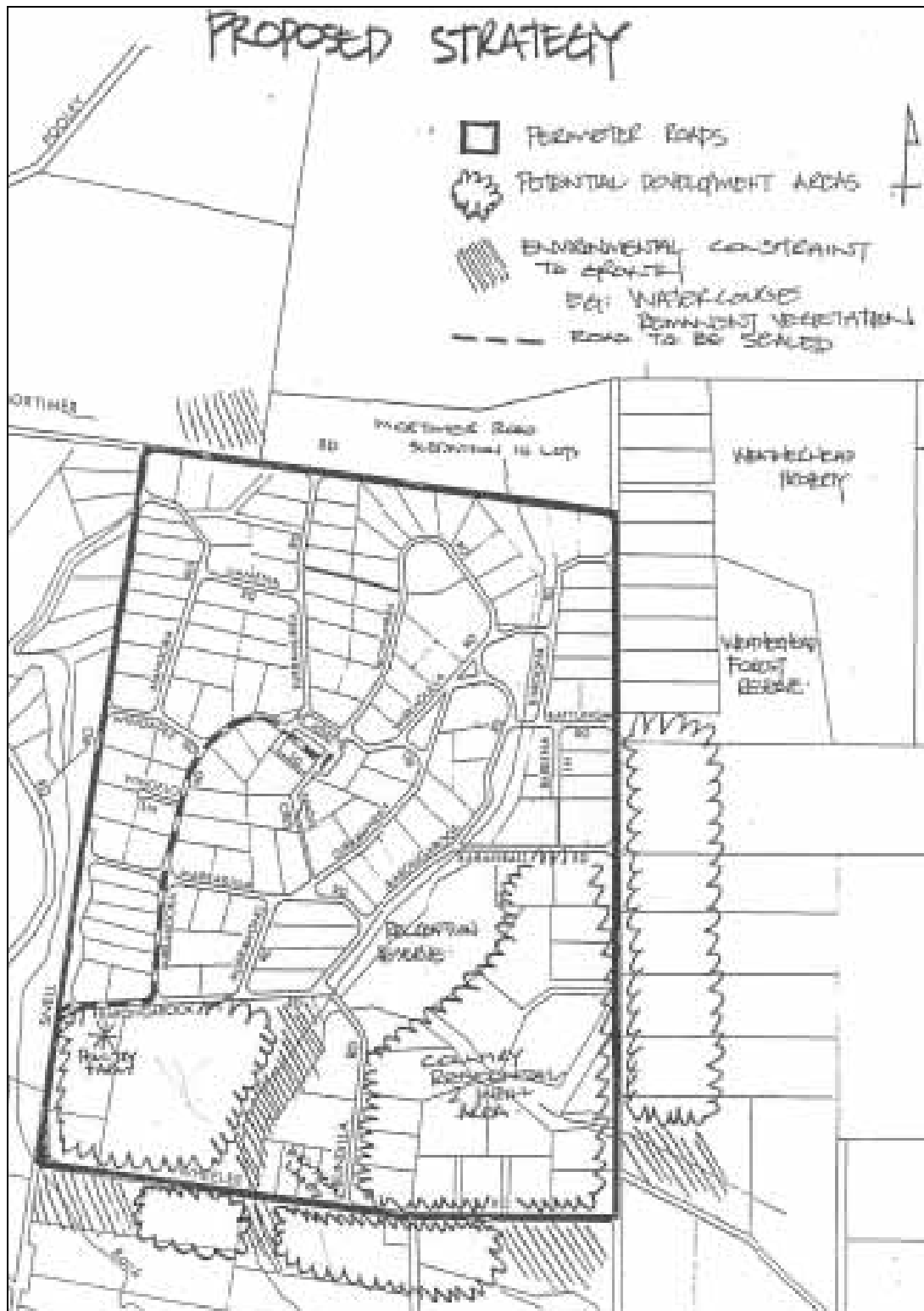
The first principle for any Amendment to a planning scheme is whether there is adequate strategic justification for the proposed change.

The SPPF operates on a broad level and provides some direction for consideration of the Amendment rather than specific strategy directed at Maryknoll. Essentially the relevant elements of the SPPF make allowance for rural residential development within small settlements on the fringes of Melbourne on the basis it is undertaken within a managed context. 'Managed development' is interpreted by Panel as meaning strong local strategic planning in conjunction with thorough investigation of all constraints and opportunities a development proposal presents. Whilst Council argues in its submission that the Amendment "*consolidates development into an existing settlement*" it can also be argued that the land sought to be rezoned is an appendage to the original village of Maryknoll and therefore not a consolidation. It is noted by way of services that reticulated sewerage is not available to Maryknoll, there is no underground drainage and most roads are unsealed. These are elements that must be considered in terms of whether they can be 'managed'.

Put conversely, there are no elements of the SPPF that definitively act against what is proposed in Amendment C104.

The LPPF provides a better indicator of strategic justification. In terms of a "*strategy plan*" for Maryknoll as stated in the MSS, the Panel considers the specific local policy at clause 22.07 as fulfilling this role. Council's expression of its policy for Maryknoll certainly sets the scene in terms of expectations as to how any future development should be undertaken. The Panel notes the policy provides for the "*limited growth of the Maryknoll township*" and defines the township boundary which includes the subject land. Although there is no plan as such in the local policy, the 1995 strategic plan review is referenced and as such is regarded by the Panel as having some influence over what happens in Maryknoll. The actual strategic plan adopted by Council following the review is replicated in Figure 1 and clearly shows the subject land as a "*potential development area*".

Figure 3: Adopted strategy for Maryknoll (1995)



As the local policy cannot pre-empt development, the broiler farm is addressed in terms of a buffer. The fact that it is to be removed as a precursor to this Amendment being finalised could be an even better outcome for existing and future residents.

Other elements of the LPPF reiterate the SPPF in allowing for rural residential development but only within the context of existing townships and having regard for any constraints.

Matters relating to infrastructure provision and environmental considerations are dealt with as separate issues below.

In conclusion the LPPF provides substantial strategic justification for the Amendment.

6.2 GREEN WEDGES

Green wedges are described in *Melbourne 2030* as:

... the open landscapes that were set aside, more than 30 years ago, to conserve rural activities and significant natural features and resources between the growth areas of metropolitan Melbourne as they spread out along major road and rail links.

The metropolitan strategy has broadened this definition to generally include all land within perimeter municipalities located outside of the urban growth boundary. Green wedge land is generally zoned for non-urban purposes and about one-third is public land. The strategy has then divided the green wedge land into a number of sectors of which the subject land is within the Southern Ranges.

Melbourne 2030 identifies the specific role of green wedges as:

- *providing opportunities for agricultural uses, such as market gardening, viticulture and broad hectare farming*
- *preserving rural and scenic landscapes*
- *preserving conservation areas close to where people live*
- *preserving renewable and non-renewable resources and natural areas (such as water catchments)*
- *providing and safeguarding sites for infrastructure that supports urban areas (such as airports and sewage plants)*
- *allowing industries such as sand and stone extraction to operate close to major markets*
- *enabling the development of networks of open space*
- *providing opportunities for tourism and recreation.*

It is noted there is no mention of residential development, which potentially places it at odds with other elements of this strategy that do allow for

managed development in settlements on the periphery of Melbourne (see preceding section). Some of the larger fringe townships are included in the urban growth boundary and therefore excluded from the green wedge policy. Gembrook for example is one of these and it includes areas of land zoned LDRZ. The fact that Maryknoll is not included in the urban growth boundary possibly indicates it is not regarded as 'urban' because of its characteristics of a rural residential community with few services and basic infrastructure.

This raises a question for the Panel as to whether this exclusion from the urban growth boundary and inclusion in a green wedge under *Melbourne 2030* means that no expansion of the Maryknoll village should be entertained, or should the Green Wedge Zone not be treated any differently to a rural zone (which is what it replaced), in terms of considering the merits of an 'upzoning'. What is clear is that there is an apparent conflict between various strategies, even within *Melbourne 2030* itself. However on balance, the considerable strategic justification provided in the LPPF and elements of the SPPF for an expansion of Maryknoll would seem to outweigh the green wedge policy as expressed in *Melbourne 2030*, even if for no other reason that urban development is not specifically excluded.

The Panel notes that the Management Plan for the Southern Ranges green wedge has not been prepared and this also has the effect of reducing the influence of green wedge policy on this particular Amendment.

6.3 BUSHFIRE

The SPPF clause 13.05-1 applies to this Amendment in order to assist the minimisation of risk to life, property, the natural environment, and community infrastructure from wildfire. Any subsequent application to develop the land would require a referral to the CFA under s.55 of the Planning Act.

Such an application must be accompanied by a statement which demonstrates that all fire protection requirements for protective features, access, water supply, public open space, and vegetation have been considered and incorporated.

This would include a static water storage of 10,000 litres per subdivided allotment, or a larger combined reservoir storage, to provide adequate supplies for fire fighting purposes.

In his submission at the Hearing Mr Chris Wyborn (CFA) described the bushfire exposure as risk to adjoining land, and at the landscape scale. The land adjoining to the north of the subject site is dominated by a low density

residential area where the bushfire risk consists of highly modified medium forest and cultivated domestic gardens. Two spines of vegetated land abut the western and eastern boundaries of the subject land, that would give rise to heightened bushfire risk. The CFA considers that the Bunyip State Park (3 kms to the north) poses an extreme bushfire risk.

Mr Wyborn submitted that the site is within a bushland precinct where the intensity of wildfire could be significant and, regardless of planning controls, on “Code Red” fire danger days the safest option for all residents is to leave their property the night before or early in the morning.

Several community submitters amplified this point and stressed that only one main road could be used when evacuating the area in advance of bushfire. Ms Anne Jones (Maryknoll Progress Association) highlighted that there are no designated neighbourhood “*Safer Places – Places of Last Resort*” in Maryknoll. She submitted that there could be up to 300 vehicles evacuating the area primarily using Snell Road, and that the potential for traffic gridlock could increase if the Amendment was approved.

The subject site is ~96% cleared and has minimal treed area, and the CFA is satisfied that the WMO is an appropriate control within the Cardinia Planning Scheme at this Amendment stage.

The CFA therefore supported the Amendment.

The Panel is satisfied that the current WMO, and any consequent referral to the CFA should a development application proceed, would provide an appropriate planning control.

Traffic congestion scenarios (during any bushfire evacuation) should be considered by the Responsible Authority at a Planning Permit stage. It is a matter for current and potential future residents to consider the level of bushfire risk, and plan and act accordingly.

6.4 FLOODING

SPPF clause 14.02-1 provides objectives for the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

The site abuts a tributary of the Back Creek at the south-eastern corner boundary, and is in part affected by a Land Subject to Inundation Overlay. Council submitted that the waterway could be protected by the retention of the existing Environmental Significance Overlay, and the introduction of a Design and Development Overlay onto the subject land.

Ms Parker submitted that the Amendment does not propose to remove the LSIO, which only affects a relatively small segment of the SE corner of the site.

Melbourne Water submitted that it did not object to the Amendment (as the referral Authority for drainage and flood management), and that any applications for subdivision would require further referral and consideration. Melbourne Water (Doc #1) advised Council that the 1 in 100 year ARI flood level occurs from 71.34m AHD at the north-eastern site boundary, to 67.05m at the south-eastern boundary. This is represented by the LSIO over a small portion of the subject site.

Several community submitters raised the subject of flooding potential resulting from the backing-up of surface water flowing via culverts under Wheeler Road. Ms Jones (Maryknoll Progress Association) highlighted the recent rain events in February 2011 that dramatically increased the areas of flooding overflowing roads and neighbouring areas.

Council submitted that drainage can be provided in accordance with its normal specifications to meet the Rural Residential Guidelines.

The Panel notes that any future development of the site may increase the hardstand areas within, and increase the capture and runoff rates of rainwater. These are matters that should be considered at Planning Permit stage.

Any potential external impacts from other water influences upon the subject site should similarly be considered, particularly with regard to the land capability.

6.5 LAND CAPABILITY

The Rural Residential Guidelines specify that a proposal must include an assessment of the physical capability of the land to sustain development.

The eastern part of 15 Wheeler Road has been assessed in terms of capability for site wastewater management by Civil Test Pty Ltd (Soil & Geotechnical Consultants) in August 1996 for Mr Barry. The site geological profile was found via test holes to be of gravelly silty sand, overlying a clayey silty sand. This places the land broadly within a DSE "Class 4" (Dgg) for effluent disposal capability, ie: Poor capability, having limiting factors, of slow permeability, and posing considerable engineering difficulties. Such sites require careful preparation and management in order to minimize the impact of any development upon the environment.

The assessment conclusions were based upon the *Code of Practice - Septic Tanks* (EPA 1996) in terms of the land to be able to attenuate treated effluent via soil absorption alone. It found that for the majority of that parcel of land to be “marginal”, and particular attention would need to be given to the slope of residential lots. The report concluded that the parcel would for the most part be “capable” (given the application of careful site selection and design), with a minor section “not suitable for on-site effluent disposal”.

Council has relied upon a *Land Capability Study of the Cardinia Shire in 1997*, and acknowledged in its submission that more detailed land capability assessments of the western section of the subject site would need to be undertaken before any future development proposal was considered.

Council submitted that the standard anaerobic waste treatment overflow for a single family dwelling (1,000 litres/day) could be absorbed in a 0.5m x 200m trench.

The concerns of several submitters were expressed during the Hearing in relation to excess effluent water flowing into the creek, and onto adjoining low-lying landholdings.

Mr John McCaffrey (for Mr Barry) submitted that the previous soil tests indicated that the majority of the subject land would be capable of effluent treatment disposal. His client acknowledged that alternative tertiary effluent treatment plants might be required.

The Panel is cognizant that the 1996 Code of Practice specifications have been significantly upgraded to the current EPA 2008 version, and that new improved engineering solutions have been developed to treat black and grey water effluent on-site. These design and technology matters should be considered in detail at a Planning Permit stage, particularly with regard to the implementation of Water Sensitive Urban Design principles to avoid any treated water flows into the adjoining creek waterway.

It is apparent from the conclusions contained within the 1996 ‘Civil Test’ report that the land capability is at the lower end of the scale at Class 4 (Dgg: Devonian Granitic, very Gentle slope conditions) and, whilst modern treatment and discharge solutions are available, insufficient investigation has been undertaken thus far.

The affect in this regard (if any) of the older residential development in Maryknoll itself (at higher AHD elevation) upon the subject site should be also considered. This may involve test bore sampling of groundwater for any contamination above the water table level.

The Panel concludes that the potential impact of 20-30 new 0.8 hectare rural residential lots in terms of land capability could be adequately assessed at a Planning Permit stage, and therefore this should not prohibit the approval of this Amendment.

The utilities infrastructure required to support the Amendment (water, electricity, and telecom) are available from the service relevant providers.

6.6 TRAFFIC

Council submitted traffic volume data for Snell Road, which is a two lane sealed rural road capable of 12,000 vehicles per day. The average volume currently recorded on the approach to Maryknoll is 1,247 vpd, and that an expected increase of 300 vpd (due to 30 more residences) would amount to approximately 1,600 vpd total. Council concluded that the Amendment could be accommodated within the existing road network.

Vic Roads submitted that it had no objections to the Amendment.

Council also noted that there are no public transport services available to the existing Maryknoll township, and that the limited development proposed as part of this Amendment would not warrant the provision of such services.

It submitted that internal roads and services that would form part of any future subdivision would be required to be provided by the developer. Any impacts upon Maryknoll vehicle traffic, pedestrians, cyclists, and horse riders would be limited to the township itself.

The Panel noted during its site inspection the light industry sheds approximately 100m to the east of the subject land, and considers the scale of these operations would not generate significant heavy vehicle traffic in the vicinity.

The Panel is satisfied that the Amendment would have minimal impact upon the traffic volumes in Snell Road, and the surrounding road network. An increase of 300 vehicle movements per day should not prohibit the approval of the Amendment.

Further traffic engineering analysis should be undertaken at a Planning Permit stage, and the design of an internal road layout should address the connectivity linkages to the Maryknoll township, and to Snell Road. The connectivity should importantly relate to non-vehicular traffic also.

The emergency evacuation traffic route matter (flood and bushfire) has been considered to the satisfaction of the Panel, and any risks associated with

rural residential living should be considered and planned for by the affected residents.

6.7 ENVIRONMENT

The subject land is within is covered by an Environmental Significance Overlay (ESO).

The ESO1 is applicable to the entire northern hills area (ie: generally north of the Princes Highway) and seeks to protect significant environmental and landscape values in the area.

Council submitted that the retention of the ESO1 and *“the inclusion of the subject land in the Design and Development Overlay schedule will ensure the protection of the visual and environmental qualities of the land”* (Doc #1).

Ms Parker advised the Panel that at this Amendment stage the layout of any proposed subdivision is unknown, and Council submitted that a Planning Permit application would be subject to considerations regarding native vegetation retention, setbacks from the creek waterway, and landscape impacts.

DSE made written submission that it did not have objection to the Amendment, and recommended *“that any future subdivision focus on avoiding native vegetation including in particular riparian vegetation where a 30m buffer should be applied on both sides of the waterway”* (Submission #10).

The Maryknoll Progress Association submission (Doc #3) raised the issues of landscape, water quality, native vegetation, habitat, and biodiversity protection. Ms Jones questioned the possible protection when up to 30 new residences and the associated domestic pets might be introduced via the Amendment.

Ms Vivien Clarke also strongly opposed the imposition of further residential development upon the flora and fauna, and sought the protection of native vegetation via reservation and buffer land.

Ms Rosemary West (Green Wedges Coalition) submitted that inadequate consideration had been given to the fact that the subject land is covered by an ESO.

Council relied upon a 2005 Flora and Fauna Report (W.P.A. Worboys) undertaken for Mr Barry. In the supporting background Cardinia Planning Report it highlighted that works can be undertaken through the development of the land to protect and restore the environmental values of

the land, including the creek environs along the eastern boundary, the remnant vegetation along the creek, along the roadsides and scattered trees on the site.

Worboys found that the network of reserves and corridors in the Maryknoll area would gain considerably from the setting aside of community open space and reserve along the creek-line. The study found that while 96% approximately of the site has been previously cleared for grazing, the remaining 4% contains remnant native vegetation of various qualities, inhabited by a range of native flora and fauna species.

Worboys found that the land provides a small but locally significant pocket of habitat, where 101 indigenous and 48 non-indigenous plants were recorded. Two species of lizard, one species of snake, and two species of amphibian were detected in field survey. The diggings of a native rodent and one monotreme were observed, and the peeling bark and hollows of dead trees provide roosting for small forest bats.

The report recommended five strategies for the management of indigenous vegetation:

1. Provide opportunities for passive recreation and enjoyment of the natural environment,
2. Protect and enhance opportunities for indigenous flora and fauna and its diversity,
3. Monitor the remaining trees for early symptoms of Dieback,
4. Eradicate noxious and environmental weeds throughout the property, and
5. Monitor plant diversity within the remnant vegetation by establishing permanent quadrats.

Council submitted that this could be achieved through the siting of building envelopes and driveway access points to lots, revegetation, and a weed control program as part of conditions within any Planning Permit.

Mr McCaffrey took the Panel to the *Melbourne 2030 Strategy – Planning for Sustainable Growth* (October 2002, page 67), including the relevant purposes of the Green Wedge Zone relating to conservation and biodiversity.

The Panel has considered the Green Wedge Zone earlier in this report, and has found that it does not allow inappropriate development that is not consistent with sustainable land management practices. It is clear that several submitters do not want any change to their local environment, and that they are comfortable with the accumulated impacts to date of the Maryknoll community upon the flora and fauna.

Council must consider these environmental conservation, protection and enhancement matters at any future Planning Permit stage, to ensure that any subdivision design and Permit conditions provide for appropriate reserve buffer areas, fauna corridors, and native vegetation off-sets where required. The strategies recommended by Worboys in 2005 could be a starting point and, following updated field study, advice should be sought from DSE in this regard.

A creek-line 30m wide reserve buffer may not be possible along the eastern side of the creek (due to the existing light industry sheds), but should be considered for the subject land creek interface to protect the riparian zone.

The Panel is satisfied that these matters can be appropriately addressed, and in balance are not cause for the Amendment to be abandoned.

6.8 HERITAGE

The history of Maryknoll's establishment and development is unique and sets it apart from other small settlements in the Shire. The submission made to the Panel by Mr Maloney provided an excellent overview of the history of the village as well as a background to its recognition (or lack thereof) as a heritage item in Council's planning instruments.

As stated earlier in this report only the church site at Maryknoll is mapped as a heritage item in the current planning scheme. The schedule to the Heritage Overlay acknowledges an additional item in the "*Maryknoll Precinct*" with a reference of HO55 but it is not mapped. The extent to which this reference applies is unclear because of the ambiguous property description given simply as "*Koolbirra Road, Maryknoll*".

Council advised the Panel that a Shire-wide Heritage Study that addressed Maryknoll had been undertaken in 2007. An extract from this study provided by Mr Maloney shows the boundary of the original settlement and a number of properties to be included as a heritage item described as the "*Maryknoll, Residential & Civic Precinct – HO55*". It is noted the subject land is not within this area. The study also concluded that Maryknoll is potentially of State significance in terms of heritage. The Panel notes the 2007 Heritage Study is still being finalised and will not be publically exhibited until later this year.

Within the context of the Amendment, the formal status of Maryknoll as a heritage item is not a significant issue. The subject land is recognised as being outside of the boundary of the original settlement and therefore can only influence it in terms of an adjoining land use. The density of development permitted by the proposed LDRZ will assimilate that within

the existing township and there are numerous other controls applicable to the land ensuring environmental values are protected. Consequently it is difficult to see how the Amendment would result in a negative impact from a heritage perspective other than the southern boundary of the original settlement will become less discernable.

Whilst it is outside of the scope of this Amendment for the Panel, it is hoped that Council will give the appropriate heritage recognition to Maryknoll through implementing the Heritage Study via the Heritage Overlay.

6.9 CHARACTER & COMMUNITY

A large proportion of submissions object to the Amendment on the grounds of the detrimental impact it will have on the existing character and community of Maryknoll. It is not uncommon for such objections to be raised against Amendments and Planning Permits where existing residents feel their residential amenity or 'way of life' will be detrimentally affected by additional development and in this case, residents. This response is often accentuated in high amenity residential areas set in natural environments such as bushland and coastal locations. Residents in these areas are understandably protective of their environment and have high expectations their amenity will be protected. Maryknoll is no different in this regard and the Panel empathises with residents objecting on these grounds.

However these expectations need to be placed within the context of the planning framework in place and administered by the responsible authority. It is this framework that establishes what can and can't be done in terms of land use and development. In terms of the Amendment, its development for residential purposes at the same density as the existing settlement is supported by Council's strategic planning for Maryknoll. This planning has been through a public process and adopted by Council. It is these plans that have the most influence over the merits of the Amendment and indeed if these plans did not exist, it would not have the support of the Panel.

7. CONCLUSIONS & RECOMMENDATIONS

This Amendment seeks to rezone 26.5 hectares of land that will provide an extension to the Maryknoll township. The existing township is characterised by low density residential development supported by basic infrastructure and services. The zoning and other controls within the planning scheme proposed for the subject land will ensure this character is maintained.

At the broader level, it is not entirely clear whether there is strategic support for the Amendment or not. *Melbourne 2030* and the SPPF on the one hand indicate there should be opportunities for growth in the townships on the fringe of the metropolitan area but on the other hand they seek to protect the green wedges. The lack of an adopted and implemented Management Plan for the Southern Ranges Green Wedge area does not assist in considering what weight should be given to protecting the green wedge.

At the local level there is a strong local strategic basis for the Amendment principally via some sound strategic planning behind the current Local Policy for Maryknoll in the planning scheme. The Panel regards this local policy as Council's adopted position on the future of Maryknoll, which is to allow some expansion of the village.

On balance, the Panel considers there is adequate justification for the Amendment. Development issues are adequately addressed by several existing mechanisms in the planning scheme.

Council has adequately addressed the Strategic Assessment Guidelines in its presentation to the Panel.

Based on the reasons set out in this report, the Panel recommends to Council as the planning authority that Amendment C104 to the Cardinia Planning Scheme should be adopted as exhibited.

APPENDIX 1: LIST OF SUBMITTERS

Submission No	Name	Organisation
1	Carolyn Mitchem & Mark Walker	
2	Peter Brash	VicRoads
3	Terry Dalgeish	South East Water
4	Anton and Mary Kooloos	
5	B Driffill	
6	Frank Tyler	
7	Gary Kreidl	
8	David Hunter	
9	D Patterson	
10	David Grace	Department of Sustainability and Environment
11	Cheryl and Alan Titcher	
12	Greg Noonan	
13	Vivien Clarke	
14	Andrew and Fiona O'Loughlin	
15	I & H Ward	
16	Lydia Kendray	
17	Shane Tyler	
18	Vivien Clarke	Back Creek Catchment Landcare Group
19	Peter Reilly	
20	Daniel Chambers	
21	K Rabottini	
22	Olga Griffin	
23	Des Wynne	
24	D & K West	
25	Louis Elliott	

26	Philip and Melissa Martin	
27	Dene and Fiona Missen	
28	N M & L E Matthews	
29	G & A Jones	
30	Anne Jones	Maryknoll Progress Association Inc
31	Bernadette and John Cherry	
32	Anthony O'Connell	
33	Des O'Connell	
34	Fiona Missen	
35	Barbara Treloggen	
36	George Jones	
37	Jan Hurford	
38	Michele Orr-Campbell	
39	Helen Hare	
40	Jenny McClelland	
41	Simon Bell	Melbourne Water
42	Gloria O'Connor	Cardinia Ratepayers and Residents Association
43	T J & V A Shepherd	
44	David Moloney	
45	Peter Walters	CFA Southern Metropolitan Region
46	Peter Barry	c/- Duffy & Simon
47	Rosemary West	Green Wedges Coalition
48	Elaine West	

APPENDIX 2: DOCUMENTS TABLED AT HEARING

Document Number	Date	Description	Presented by
1	1/8/11	Cardinia Council submission + Attachments	Tracey Parker (for Council)
2		CFA submission	Chris Wyborn
3		Maryknoll Progress Association submission	Anne Jones
4		"Maryknoll Celebrates 60 years"	"
5		Cardinia Planning Scheme plan showing Green Wedges schedules & lot sizes	"
6		Cardinia Ratepayers & Residents Association submission	Gloria O'Connor
7		Submission to the Panel	Jenny McClland
8	2/8/11	P Barry submission to the Panel	John McCaffrey
9		"Assessment of Maryknoll" Strategic Plan 19 September 1995	"
10		L120 and L123 Report extracts	"
11		Submission to the Panel	Vivien Clarke
12		Submission to the Panel + Attachments	David Maloney