

10 CITY PLANNING & COMMUNITY

10.1 Amendment C117 Manningham Planning Scheme - Rural Areas Non Residential Uses - Consideration of Panel Report

File Number:	IN19/96
Responsible Director:	Director City Planning and Community
Attachments:	1 Amendment C117 Panel Report 2 Letter to Minister Green Wedge March 2017 3 Amended documents for adoption 4 Rural Areas Land Uses Position Paper

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the report of the Independent Panel which considered submissions relating to proposed Planning Scheme Amendment C117 to the Manningham Planning Scheme, and to make a decision whether or not to adopt the amendment in the manner recommended by the Panel.

*The Panel Report was received by Council on 19 December 2018 and released to the public on 8 January 2019. A copy of the report is at **Attachment 1**.*

Amendment C117, as exhibited, proposed three related changes to the planning scheme:

- Change the Municipal Strategic Statement to give greater support to tourism in the Rural Conservation Zone (RCZ);*
- Extend the application of the existing local policy relating to outbuildings to include the RCZ; and*
- Introduce a new local policy to provide more guidance for non-residential applications in the RCZ.*

The amendment was exhibited for eight weeks from 15 February to 16 April 2018. A total of 29 submissions were received in response to the proposed amendment.

On 18 July 2018, Council requested the appointment of an Independent Panel to consider all submissions received. A Panel Hearing was conducted on 10 – 12 October 2018. The report of the Independent Panel recommends that Amendment C117 to the Manningham Planning Scheme be adopted in part with changes including the abandonment of the proposed changes in Clause 21.07 (Green Wedge and Yarra River Corridor) of the Municipal Strategic Statement (MSS).

Pursuant to section 27 of the Planning and Environment Act 1987, Council must consider the Panel's report before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the proposed amendment.

It is recommended that Council agree with the Panel's recommendations with the exception of its recommendation to abandon the changes to the MSS at Clause 21.07.

RECOMMENDATION

That Council:

- A. Note the content of the Panel Report for Amendment C117 to the Manningham Planning Scheme.**
- B. Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts Amendment C117 as recommended by the Panel, with the exception of the Panel Recommendation No. 1 (which recommends abandoning exhibited changes to clause 21.07) and endorse the amended clause 21.07, generally in accordance with Attachment 3.**
- C. Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts the *Rural Areas Land Uses Position Paper, 2017*, as a reference document with changes in accordance with Attachment 4.**
- D. Submits the adopted Amendment C117 to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.**
- E. Notifies all submitters of Council's decision.**

1. BACKGROUND

- 1.1 Proposed Amendment C117 applies to all land within the Rural Conservation Zone (RCZ).

The amendment proposes to:

- Amend the Municipal Strategic Statement (Clause 21.07) to improve guidance for the types of land uses and developments that are appropriate in Manningham's rural areas;
- Include the *Rural Areas Land Uses Position Paper (2017)* as a Reference Document in Clause 21.16;
- Expand the scope of existing policy clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to the Rural Conservation Zone areas and to address specific built form issues that have been identified; and
- Introduce new local policy clause 22.20 (Non Residential Uses in the Rural Conservation Zone) to provide specific guidance to non-residential planning applications within the Rural Conservation Zone.

- 1.2 Council considered 29 submissions received to Amendment C117 on 26 June 2018 and resolved as follows:

"That Council:

- A. Notes all submissions received in response to Amendment C117;*

- B. *Requests that the Minister for Planning appoint an Independent Panel under part 8 of the Planning and Environment Act 1987, to consider all submissions received in response to Amendment C117;*
- C. *Refers all submissions to the Independent Panel for consideration;*
- D. *Endorses the recommended response to issues raised in submissions outlined in the Council report and Attachment 3, as the basis for Council's submission to the Independent Planning Panel;*
- E. *Writes to all submitters, informing them of Council's decision to refer all submissions to a Panel, whereby they will be given the opportunity to be heard on the matter.*
- F. *Endorses the criteria for prohibited uses in Chapter 9 of the Rural Areas Land Uses Position Paper (2017) and includes these as an update to the Green Wedge Action Plan 2020"*

1.3 A single person Panel was appointed by the Minister for Planning. The Panel hearing was held at the Manningham Civic Centre and Panel's Victoria over 3 days on the 10 to the 12 October 2018. Council was represented by Holding Redlich lawyers.

1.4 Eleven submitters requested to be heard by the Panel.

2. DISCUSSION / ISSUE

2.1 The Panel Report was received on 19 December 2018. The report was released to the public on 8 January 2019 and is **Attachment 1** to this report.

2.2 The Panel has concluded that the broader policy position to support more tourism in the green wedge (expressed in the changes to the MSS at clause 21.07) is contrary to sound planning and runs counter to the purposes of the RCZ.

2.3 In terms of the matters before the Panel, the Panel concludes:

- Changes to clause 21.07 to promote tourism are not well founded and should not proceed.
- Changes to extend the Outbuildings policy at clause 21.19 to the RCZ as well as the LDRZ are reasonable subject to the whole policy being reviewed with the translation of the LPPF into the new format PPF.
- The new policy at clause 22.20 may provide useful guidance to applicants and decision makers, subject to some changes to the policy language used.

2.4 Based on the reasons set out in its report, the Panel makes the following recommendations in relation to the Amendment:

1. *Abandon changes to Clause 21.07 related to tourism development in the green wedge.*
2. *Change the first dot point of Clause 22.19 under the heading 'Policy' to read:*

i. In the Low Density Residential Zone outbuildings should be used for purposes ancillary to the domestic use of the dwelling or the residential activities on the property and sited in close proximity to a dwelling.

3. *Adopt the version of Clause 22.20 presented in Appendix E.*

2.5 The Panel recommendations are discussed in more detail below.

Panel Recommendation 1: Abandon changes to Clause 21.07 (MSS)

2.6 As mentioned, the Panel has recommended that the proposed changes to the MSS (at Clause 21.07) that make reference to tourism uses as an economic development issue in the green wedge be abandoned.

2.7 The exhibited changes to the MSS were aimed at providing overarching guidance around the types of land use and development appropriate for the area;

2.8 In particular, the proposed changes to the MSS acknowledge:

- that traditional agriculture uses are declining but should be retained and encouraged;
- that tourism offerings should be increased where land use conflicts can be minimised and any adverse amenity and environmental impacts are appropriately considered.

2.9 The proposed changes to the MSS also include a strategy to cluster tourism opportunities to enhance strategic position.

2.10 Council submitted that the Council's Green Wedge Action Plan (GWAP) and the Manningham Economic Development Strategy (MEDS) informed the preparation of the Amendment.

2.11 In coming to a conclusion not to support the proposed changes to clause 21.07, the Panel noted that the Council had adopted broad policy positions and progressed action to free up tourism development in the green wedge that included:

- Writing to the Minister for planning for a review of prohibited uses in the RCZ (March 2017).
- Adopting criteria for the support of rezoning of land in the green wedge.

These assertions will be discussed later on in the report.

2.12 The issue debated by the Panel, is whether the increased emphasis on tourism within the green wedge in the MSS is justified.

2.13 In presenting its argument against the proposed changes at clause 21.07, the Panel puts forward a number of concerns with the strategic direction and policy basis including the following:

Issue: The decline in agriculture

- 2.14 The Panel states that a basis for Council's support of tourism is a purported decrease in agriculture in the green wedge.
- 2.15 The Panel makes the comment that a decline in agricultural employment in the green wedge may have implications for the local economy and employment but there is no obvious reason why these jobs, if they were declining, need to be replaced by tourism jobs.
- 2.16 The Panel concludes, therefore, that a decline in agricultural employment in the green wedge does not imply a need to replace those jobs within the green wedge.

Officer's response

- 2.17 The Panel seems to infer that Council wishes to see agricultural employment (which is in decline) replaced with tourism jobs in the green wedge. In response, it is argued that these two employment types are mutually exclusive. The decline in agriculture indicates that agriculture is no longer a viable industry in the green wedge. This trend, however, does not preclude agriculture uses from continuing alongside tourism type uses. The reference to agriculture in the MSS, therefore, is to acknowledge that viability is an issue due in part to increased land value, and impact from other external factors.
- 2.18 Alongside this, there is evidence that tourism is a growing industry in the RCZ (of which the Green Wedge is included). There has been increased demand on Council to assess non-residential uses related to tourism. This indicates a need to have robust policy within the MSS for Council to assess these applications.
- 2.19 Clause 21.07 provides Council and applicants with clear direction on how to assess planning applications within the context of the RCZ. The proposed clause is about clarifying the non-residential uses in the RCZ, and providing direction for the future based on trend data and evidence.

Issue: Consistency with the Green Wedge Action Plan 2020 (GWAP) and the Manningham Economic Development Strategy 2011-2030 (MEDS)

- 2.20 Concerns were expressed by submitters that the Amendment did not comply with the strategies and actions of the GWAP and the MEDS.
- 2.21 The Panel agreed with Council that the Amendment is broadly consistent with the GWAP and MEDS but that there is a broader issue as to whether more tourism in the RCZ is supported by policy.

Officer's response

- 2.22 The Panel's position is not entirely clear. The Amendment is based on the policy directions included in the GWAP and MEDS. The consistency between the Amendment and these policy documents is not in question. Therefore, appropriate tourism in the RCZ is supported by policies. The purpose of the Amendment is to introduce planning policy into the planning scheme to further support tourism use and development in the green wedge in line with the GAWP and MEDS.

Issue: *Is more tourism in the RCZ a good idea?*

- 2.23 The issue for the Panel here, is whether more tourism in the RCZ is supported by policy.
- 2.24 The Panel acknowledges that the Amendment does not change the land use activities currently allowed within the zone provisions. It states, however, that what is at issue here are the proposed changes to the MSS at Clause 21.07.
- 2.25 The Panel states that while limited tourism is already supported in the green wedge, that Council clearly supports more tourism than the zone envisages. This is evident from the letter Council wrote to the Minister in March 2017 and the criteria proposed in the Position Paper which in the Panel's view supports site specific amendments.
- 2.26 The Panel concludes:
- The policy at clause 21.07 would encourage economic development at the expense of green wedge values.
 - The policy would exacerbate the tension between policy and zone controls.
 - Council's vision for tourism goes beyond the scale of activity permitted under current controls.

Officer's response

- 2.27 Council wrote to the Minister for Planning in March 2017 – **Attachment 2**. In this letter the Council raised concerns that the current planning restrictions that apply to Metropolitan Green Wedges, frequently do not support a proactive approach to promoting tourism and other economic opportunities for Councils.
- 2.28 In particular, the Council raised concerns that the RCZ provides limited autonomy for the operation of tourism and other related uses due to the overriding restrictions contained within Clause 57 (Green Wedge Land), now Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions).
- 2.29 The letter also attached an Advocacy Paper seeking State level direction to provide clearer guidance to address limitations that threaten the long term future and viability of ongoing uses and opportunities in the green wedge.
- 2.30 It is considered that the primary intent of this letter was to highlight the existing ambiguity that exists between the application of the RCZ provisions and the provisions contained in the green wedge Clause at 51.02 and that this tension requires resolution at a State level.
- 2.31 In addition the 'criteria for rezoning' included in the exhibited '*Rural Areas Land Uses Position Paper (2017)*' were never meant to be read as Council unconditionally supporting rezonings in the green wedge. The role of these criteria was rather, to provide some guidance for the consideration of rezoning requests if and when they are presented to Council. In any event, Council resolved to remove these criteria from the Position Paper at its meeting on 26 June 2018, due to confusion between these criteria and the proposed policy at clause 22.20 (Non Residential Land Uses in the Rural Conservation Zone).

- 2.32 There is often tension between policies and zoning provisions in the planning scheme. Having an overarching strategic framework to guide the interpretation of often competing policy and zone objectives is imperative if a balanced outcome is to be achieved. The Panel's argument that the proposed policy at clause 21.07 will exacerbate the tension between policy and zone controls is not supported. The intent of the policy is to provide a strategic 'umbrella' or policy position on tourism uses in the green wedge from which the orderly application of the proposed policy at clause 22.20 for non-residential uses in the green wedge can occur. The proposed changes to the MSS are intended to assist in resolving the inherent tension between the policy and zone controls, not exacerbate it.
- 2.33 The Panel's argument that Council's vision for tourism goes beyond the scale of activity permitted under current controls is also unfounded. Council is not seeking to change the zoning controls that apply to the green wedge. In fact, when Council considered the findings of the *Rural Areas Discretionary Uses Land Use Strategy* it endorsed the RCZ as the preferred zone for the area. This zone, however, permits a range of non-residential (including tourism uses) in the green wedge that Council is obligated to consider.
- 2.34 The proposed Non-Residential Uses policy in the RCZ (Clause 22.20) is a case in point. This policy proposes rigorous standards that must be addressed by any application for non-residential use and development in the green wedge. The Amendment recognises that there will be increased pressure on the green wedge by non-residential uses (including tourism activities) in the future and that Council needs to be equipped to respond to these applications in an orderly manner. It is also recognised that these kinds of uses will have the ability to enhance the sustainability of the Green Wedge in the long term.
- 2.35 In the case of Olivigna, VCAT has recently handed down its decision with respect to *P1625 2017 Brumby Road Investments Pty. Ltd. V Manningham CC*, where Council's refusal of an application to construct a hotel in conjunction with the Olivigna development was upheld by VCAT. In its report, VCAT made a number of in principle comments about why the proposed use and development was considered inappropriate for the area. These use and development principles are reflected in the proposed policy provisions in Clause 22.20, recommended for adoption.
- 2.36 In other words, the proposed policies included in Clause 22.20 would support the VCAT decision to refuse the application as submitted.

Issue: *Ringwood-Warrandyte tourism cluster*

- 2.37 The strategy proposed at clause 21.07 and in the 'Position Paper' to promote a tourism cluster along the Ringwood-Warrandyte Road was questioned by submitters.
- 2.38 The Panel concludes that it is unclear what this strategy means as it talks about clustering 'tourism development opportunities' as opposed to tourism development and that there is no clear planning justification for supporting tourism clusters.

Officer's response

- 2.39 Reference to the clustering of tourism activities along the Ringwood-Warrandyte Road was intended to describe an existing grouping of tourism uses along the Ringwood Warrandyte Road and was not intended to infer that a tourism precinct is recognised under the Scheme.
- 2.40 This concept was included in the Position Paper but was resolved to be removed from the paper by Council at its meeting on 26 June 2018.
- 2.41 In addition, the exhibited MSS clause 21.07 proposes a strategy to: '*cluster tourism development opportunities to enhance strategic position*'.
- 2.42 The Panel's recommendation in respect to the removal of this strategy is supported in the context of Council adopting the proposed Clause 21.07, with changes.

Issue: Bushfire Clause 134.02 – Bushfire in the PPF

- 2.43 Concerns were expressed by submitters that the Amendment did not acknowledge Clause 13.02 (Bushfire) of the PPF which was recently introduced with regard to bushfire management and may increase the risk to life from bushfires.
- 2.44 The Panel concluded that to the extent that the Amendment encourages more tourism development in the green wedge it potentially encourages more development in areas with a high fire rating. The Panel concluded, therefore, that the policy changes are potentially contrary to Clause 13.02 (Bushfire) in the PPF.

Officer's response

- 2.45 The Amendment does not result in an introduction or intensification of a development that will have a BAL12.5 rating under AS3959-2009 therefore, the assessment of bushfire on proposed uses will be made under the Bushfire Management Overlay (BMO), which applies to the majority of land in the RCZ.
- 2.46 Amendment C117 was referred to the Country Fire Authority (CFA) for comment, and a late submission was received. The submission stated that the CFA has concerns that the Amendment's promotion of tourism and business opportunities within the Green Wedge and particularly the 'clustering of tourism development' will have significant implications on the risk to life from bushfires.
- 2.47 Given that the majority of the land zoned RCZ is covered by the BMO, proposals for non-residential uses within the Green Wedge/RCZ areas must be referred to the CFA for comment, as required under the provision of the overlay. The reason that bushfire risk is not explicitly mentioned in clause 22.20 is that overlap with other provisions within the scheme is discouraged and these matters are responded to in the BMO.
- 2.48 Given that the provisions of clause 13.02 of the PPF were introduced following the consideration of the Amendment by Council for authorisation, it is considered prudent to amend the Explanatory Report to make reference to this clause.

Officer's response to Panel recommendation 1

- 2.49 For the reasons above, it is recommended that Council not support the Panel's recommendation to abandon changes to Clause 21.07 related to tourism development in the green wedge.
- 2.50 In particular, it is considered imperative that Council adopt a broad policy position in the MSS to guide the siting and development of non-residential uses (including tourism uses) in the green wedge. This inclusion will imply that non-residential uses will be considered if they respect and enhance the environmental values of the green wedge. This position also gives an overarching framework to the administering and application of the proposed local policy at clause 22.20.
- 2.51 It is recommend that Council adopt Clause 21.07 (**Attachment 3**) with a number of changes, including:
- Replace paragraph 2 under 'Economic development issues' with the following paragraph:
"There are a number of tourism assets within Manningham's Green Wedge, which attract visitors both locally and across Victoria. Non-residential land uses (including tourism uses) are encouraged where land uses do not adversely impact on the amenity and environmental values of the area."
The insertion of the word 'non-residential' aligns this MSS policy with the policy at clause 22.20.
 - Remove the following strategy from Clause 21.07-6:
"Cluster tourism development opportunities to enhance strategic position"
 - Insert a strategy that appeared in the exhibited clause 22.20 into the MSS as an objective at clause 21.07-6. This was suggested by the Panel in its comments that the strategy was better placed in the MSS as it dealt with broader strategic issues. The strategy is as follows;
" To encourage uses that contribute to the economic or tourism development and employment within Manningham in appropriate locations".

Panel recommendation 2: Adopt the exhibited Outbuildings policy at Clause 22.19 with a minor change

- 2.52 The Panel has recommended that the exhibited Outbuildings policy at Clause 22.19 be adopted with the following changes:
- Change the first dot point of Clause 22.19 under the heading 'Policy' to include the words *In the Low Density Residential Zone* at the beginning of the provision, and to change the word shall to *should* following *outbuilding*. The recommended provision reads:

In the Low Density Residential Zone outbuildings should be used for purposes ancillary to the domestic use of the dwelling or the residential activities on the property and sited in close proximity to a dwelling.

- 2.53 The exhibited Amendment proposes that the existing policy at Clause 22.19 (Outbuildings in the Low Density Residential Zone) be expanded to address specific built form issues associated with Outbuildings in the RCZ.
- 2.54 The Panel concludes that the proposed changes should be supported subject to an amendment to the first dot point of Clause 22.19.
- 2.55 Dot point one of the proposed current policy reads:
- “Outbuildings shall be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and sited in close proximity to a dwelling.”*
- 2.56 The panel questioned whether this policy should automatically apply to the RCZ where agricultural uses may take place. The panel further questioned why this is needed in the LDRZ – if the use of the outbuildings are not ancillary to the dwelling (or otherwise a permitted use) than a permit for the use is required. The definition of a dwelling includes an outbuilding.
- 2.57 The inclusion of the words “In the Low Density Residential Zone” at the beginning of the proposed policy would make clear the policy intent and this is considered appropriate. In the LDRZ, the use of the land for a dwelling does not require a permit, however a permit is required for a dwelling in the RCZ.

Officer’s response to Panel recommendation 2:

- 2.58 It is recommended that Council support the Panel’s recommendation and adopt the exhibited policy at Clause 22.19 (**Attachment 3**) with Panel’s recommended changes.

Panel recommendation 3: Adopt the version of Clause 22.20 (Non-Residential Uses in the RCZ) as presented in the Panel Report

- 2.59 The Panel has acknowledged that the policy changes (under proposed clause 22.20) seek to give applicants clearer information about what information is required to support their application and to ensure that planners assessing an application, will apply a more consistent approach to assessing applications. The Panel further added concerns that some of the policy may duplicate other provisions and requirements of the scheme, and recommended drafting improvement to the clause.
- 2.60 The Panel concludes that there is a need for Clause 22.20 and that the content of the clause appears reasonable.
- 2.61 In agreeing with the intent of the policy, the Panel recommends that a number of drafting changes be made to the policy including:
- Deletion of a number of the Objectives as these objectives are adequately covered by other clauses in the scheme;
 - Deletion of a number of policies that are duplicated in the purposes of the RCZ and the policy itself.
 - Deletion of the Decision Guidelines – Clause 22.20-5 (Decision guidelines)

2.62 The proposed decision guideline considered by the Panel reads:

In assessing an application for the use and development of an outbuilding, the Responsible Authority will consider the extent to which the application for non-residential land uses meets the objectives and direction of this policy.

2.63 The Panel has recommended that it be deleted because under clause 22.19 (Outbuildings in the Low Density Residential Zone and the Rural Conservation Zone), there is a similarly worded decision guideline relating to outbuildings. The decision guidelines of both clauses were always intended to be specifically tailored to the clause. Clause 22.19 relates to outbuildings and clause 22.20 to non-residential uses.

2.64 The decision guideline proposed under clause 22.20 relates to *an outbuilding* which is erroneous as clause 22.20 relates to non-residential uses. The following amended decision guideline replaces the word *outbuilding* with *non-residential use* and is considered appropriate:

In assessing an application for the use and development of a non-residential use, the Responsible Authority will consider the extent to which the application for non-residential land uses meets the objectives and direction of this policy.

2.65 Council was made aware of this matter in the report presented to the 26 June 2017 Council meeting that considered submissions to Amendment C117.

2.66 The Panel has also reworded a number of the policies to include reference to the word 'should'. It is considered, however, appropriate to replace all of the references to 'should' in the policy with 'must' to strengthen the policy requirements.

Officer's response to Panel's recommendation 3:

2.67 It is recommended that Council supports the Panel's recommendation in relation to Clause 22.20 including the recommended drafting changes and adopt the policy at Clause 22.20 as recommended by the Panel, with the added inclusion of the Decision Guideline and the replacement of the word 'should' with 'must' as discussed above (**Attachment 3**).

Adoption of the *Rural Areas Land Uses Position Paper, 2017* as amended

2.68 As mentioned in paragraph 2.31, Council previously resolved (at its meeting on 26 June 2018), to delete from the *Rural Land Uses Position Paper (2017)* criteria relating to rezoning possibilities in the Green Wedge and references to a tourism cluster. The deletion of these criteria would remove the assumption inferred by some submitters that the unconditional support for rezoning proposals would be forthcoming following the gazettal of this amendment.

2.69 The Position Paper is considered an important strategic document in the justification and support of Amendment C117 and it is appropriate to include this as a Reference Document under Clause 21.16 (Key references) of the Scheme. Council has resolved to delete the following content from the paper:

- Delete recommendation dot point 5 in the Executive Summary (*page 1*), which describes a broad framework for rezoning;

- Delete Summary dot point 5 under chapter 6C. Tourism (*page 10*), which identifies a tourism cluster on the Warrandyte Road, and suggests the concentration of tourism uses around this cluster;
- Delete the latter part of the second paragraph under chapter 6D. Commercial Activity (*page 11*), which mentions the setting out of a decision making framework for rezoning;
- Delete chapter 9 Major Proposals and Temporary Events in the Green Wedge (*pages 15 – 18*) in its entirety. Chapter 9 lists uses including cellar doors, event and function spaces and day spa and indulgence product, as uses that could be considered as a *Major Proposal*. A decision making framework provides broad guidance for assessment listing safety and bushfire risk mitigation, amenity, environmental and landscape values, location and proximity, infrastructure, design and access and traffic movement as matters for consideration. For temporary events, a separate list of considerations is provided.
- Delete the final dot point under findings and the final dot point under the paper proposes sections of chapter 10 Conclusion (*page 18*). In the findings, mechanisms to accommodate further discretionary or currently prohibited land uses to enhance the economic and tourism development on the Green Wedge are specified. Similarly, in the '*paper proposes*' section, the final dot point suggests that there may be circumstances where currently prohibited proposals could be rezoned.

2.70 The Panel is largely silent on the role and content of the Position Paper with the exception of the criteria in Chapter 9 which it views as being supportive of rezoning proposals in the green wedge.

2.71 It is recommended that the Position Paper with sections removed as discussed above and shown in **Attachment 4** be adopted by Council.

3. COUNCIL PLAN / STRATEGY

3.1 The proposed amendment generally aligns with the Councils 4 year plan. In particular the themes of Liveable Places and Spaces, Resilient Environment, Vibrant and Prosperous Economy, and Well Governed Council are considered pertinent.

4. IMPACTS AND IMPLICATIONS

Community impact

4.1 Individual owners of affected properties or anyone else materially affected were notified about the proposed amendment.

4.2 The Amendment will provide greater certainty and clarity within the Planning Scheme by providing a clear decision making framework for non-residential uses and development within the Green Wedge.

5. IMPLEMENTATION***Finance/ Resource Implications***

- 5.1 Planning scheme amendments are prepared and administered by the City Planning Unit. Any costs incurred as part of the amendment process, including any panel hearing, will be covered through the Unit's operational budget.

Timelines

- 5.2 Following consideration of the Panel Report by Council, the next step is to request the Minister for Planning to approve the Amendment in accordance with section 31 of the *Planning and Environment Act 1987*.

6. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.