

Pakenham East PSP - Amendment C234

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| TRIM reference | COR/18/1663 |

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| 28.1 | 10,11,14 | <p>It is submitted that on the basis of Water Technology's advice that the 100m Deep Creek reserve should be reviewed. The advice received from Water Technology concludes:</p> <ul style="list-style-type: none"> • Deep Creek is a highly modified waterway and its floodplains have limited natural values • It may be possible to modify the current 1% AEP Deep Creek channel, levees and floodplain to improve flood conveyance, reduce erosion within Deep Creek in the longterm and maximise the land within the PSP (increase Net Developable Area) • Any modification to the Deep Creek riparian corridor would need to be supported by a detailed hydraulic study and, possibly, vegetation off-set • A 50 m corridor is likely to be sufficient, as this is what has been allowed for at the downstream end of Deep Creek within the PSP • The retardation and water quality assets WI-05 is likely to be oversized given the proposed upstream land use and alternatively linear wetlands may be constructed within the waterway corridor (instead of WI-05) • It may be possible to incorporate off stream wetlands and retarding basins with minimal or no loss of native vegetation | Drainage | <p>It is proposed to retain Deep Creek and its riparian zone in its current form. However, ongoing waterway management will occur in line with current and existing ecological and landscape requirements. The Deep Creek corridor is proposed to incorporate:</p> <ul style="list-style-type: none"> • A 100 m reserve east of Deep Creek upstream of Princes Highway, while downstream of Princes Highway it will be 100 m meandering down to 50 m near Canty Lane. • A 50 metre reserve on the west of Deep Creek downstream of Princes Highway. An assumption that any future development west of Deep Creek upstream of Princes Highway would require a 50 m reserve to be consistent with the above. <p>The review of the PSP and associated background reports undertaken by Water Technology in relation to drainage has been reviewed. The key issue appears to be whether a 50m wide or 100m wide reserve should be provided along Deep Creek.</p> <p>Water Technology believe "it may be possible" to modify the floodplain/waterway reserve to 50m width – but this is largely unsubstantiated and would be subject to further investigation/modelling and discussion with Melbourne Water.</p> <p>There is further assessment required to determine how the 100m wide waterway reserve was arrived at, but we would think that this should be about what floodplain is needed to both convey and store the 100 year flood event. A key point that Water Technology seem to be making is that there are no vegetation conservation requirements and therefore the reserve can be narrower, but there is no discussion about the flood conveyance and potential flood storage needs (or storage offsets if floodplain storage was to be reduced) at these locations which would be subject to Melbourne Water requirements.</p> <p>The submission has been referred to Melbourne Water for review.</p> | The submission has been referred to Melbourne Water for review. | Additional information / work may be required to inform outcome |
| 28.2 | | Requires removal of the 30m conservation interface zone shown on Fig 6 (Deep Creek Concept Plan) as there is no evidence that the 100m Deep Creek Reserve is a conservation reserve. | Conservation | <p>The Pakenham East precinct was included within the urban growth boundary after the Melbourne Strategic Assessment was undertaken. Therefore the Biodiversity Conservation Strategy doesn't apply to the PSP so the document is not a background report.</p> <p>At the time of exhibition, it was unknown if any Matters of National Environmental Significance under the EPBC Act were present on the precinct. Therefore the standard requirements and guidelines, in Section 3.4 of the PSP and conservation area concept plans generally implemented through PSPs subject to the BCS were applied.</p> <p>Since the commencement of exhibition a response to the referral made to the Department of Environment and Energy regarding the impact of the PSP on Matters of National Environmental Significance has been received. The referral has decided that the proposed action (i.e. the PSP) is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed. The VPA will review the requirements and guidelines and setback requirements for the Deep Creek Reserve.</p> | Review land use designations relating to the Deep Creek reserve. The VPA and Melbourne Water position is that the land adjacent to the Deep Creek reserve in the drainage corridor is zoned UGZ, not RCZ. Further discussion with CSC to confirm. | Additional information / work may be required to inform outcome |

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| 28.3 | | The submission states that it is not appropriate to include the land within the drainage reserve adjoining Deep Creek as it provides no flexibility in relation to the boundary of Deep Creek Reserve or adjoining developable land. The submission does not request a change to the amendment, but it is presumed the submitter would prefer the land within the Deep Creek drainage reserve to be zoned UGZ. | Drainage | <p>The Pakenham East precinct was included within the urban growth boundary after the Melbourne Strategic Assessment was undertaken. Therefore the Biodiversity Conservation Strategy doesn't apply to the PSP so the document is not a background report.</p> <p>At the time of exhibition, it was unknown if any Matters of National Environmental Significance under the EPBC Act were present on the precinct. Therefore the standard requirements and guidelines, in Section 3.4 of the PSP and conservation area concept plans generally implemented through PSPs subject to the BCS were applied.</p> <p>Since the commencement of exhibition a response to the referral made to the Department of Environment and Energy regarding the impact of the PSP on Matters of National Environmental Significance has been received. The referral has decided that the proposed action (i.e. the PSP) is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.</p> <p>The VPA are currently reviewing the proposed zoning of the</p> | Review land use designations relating to the Deep Creek reserve. The VPA Melbourne Water position is that the land adjacent to the Deep Creek reserve in the drainage corridor is zoned UGZ, not RCZ. Further discussion with CSC to confirm. | Additional information / work may be required to inform outcome |
| 28.4 | | The submission requests further information regarding the planning controls put in place on the land abutting Deep Creek within the PSP in the knowledge that a controlled action has not been triggered under the EPBC Act. Although the submission does not request any changes to the amendment, it is assumed the submitter requests a description of the changes to the amendment now the outcome of the referral is known. | Drainage | <p>The Pakenham East precinct was included within the urban growth boundary after the Melbourne Strategic Assessment was undertaken. Therefore the Biodiversity Conservation Strategy doesn't apply to the PSP so the document is not a background report.</p> <p>At the time of exhibition, it was unknown if any Matters of National Environmental Significance under the EPBC Act were present on the precinct. Therefore the standard requirements and guidelines, in Section 3.4 of the PSP and conservation area concept plans generally implemented through PSPs subject to the BCS were applied.</p> <p>Since the commencement of exhibition a response to the referral made to the Department of Environment and Energy regarding the impact of the PSP on Matters of National Environmental Significance has been received. The referral has decided that the proposed action (i.e. the PSP) is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed. The VPA are currently reviewing the zoning that will be used within the Deep Creek reserve</p> | Review land use designations relating to the Deep Creek reserve. The VPA and Melbourne Water position is that the land adjacent to the Deep Creek reserve in the drainage corridor is zoned UGZ, not RCZ. Further discussion with CSC to confirm. | Additional information / work may be required to inform outcome |
| 28.5 | | It is submitted that Sports Reserve SR-01 be reduced in size and that this can be undertaken without compromising the delivery of the facilities shown in Concept Plan (Figure 3 of the PSP) | Open Space | The VPA will review the facilities that are expected to be delivered within the open space reserve SR-01 and confirm the land required. This will be done in collaboration with CSC. | Review the land take required from SR-01 | Additional information / work may be required to inform outcome |

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| 28.6 | | It is submitted that a local convenience centre should be identified in what is currently the north east corner SR-01 to service the north west of the PSP | Land Use | The current standards in the Precinct Structure Planning Guidelines for the provision of town centres is to ensure 80-90% of households are within 1km of a town centre of sufficient size to allow for provision of a supermarket. With the current provision of town centres in the PSP, this standard has been met (approx. 85% of dwellings are within 1 km of a town centre the provides a supermarket. This standard aims to balance the of viability of supermarkets while maximising accessibility for residents. The Pakenham East PSP Economic Assessment states there may be justification for identifying a site for a convenience store in the north west of the precinct of approx. 300 square metres of retail space. This size would enable the provision of top-up groceries without impacting on other centres in the network and without establishing an expectation of a larger centre that could begin to rival the neighbourhood centres. By identifying such a small scale shopping centre in the PSP there is a risk that is establishes an unrealistic expectation of the type of centre that can be delivered. Such a centre could be established by permit and would not need to be identified in the PSP. The applied zone for the residential land outside of the walkable catchment is general residential, which allows a convenience shop of up to 240sqm of retail floor space to be applied for. The preference is to not show the convenience shop on the PSP, but to allow flexibility for a permit to be applied for. | No action | No action required |
| 28.7 | | It is submitted that the section of local access street between bridge (BR-02) and the north south local access street adjacent to SR-01 be funded through the ICP.  | ICP | The Ministerial Direction on the Preparation and Content of ICP's allows local or collector roads to be funded if is on or adjoins land in fragmented ownership. Bridge BR-02 has been included in the ICP as it crosses between 2 properties and is considered to be in fragmented land ownership. The local access road is required to access land wholly within onw ownership and does not meet the fragmented land criteria established in the The Ministerial Direction on the Preparation and Content of ICP's. | No action | No action required |
| 28.8 | | The submission seeks to ensure that to the maximum extent possible, road reserves are located within the gas transmission easements and are not treated as mutually exclusive infrastructure items resulting in an inefficient urban design outcome | roads & Transport | The current FUS utilises the easement for use as a road reserve. The VPA view is that is the use of the easement in favour of APA ensures the easement is maintained free of inappropriate vegetation and structure, maintains a constant line of site between warning signage, then it is appropriate foe this use. Works within the easement or within 3m of the pipeline are to be approved by APA through their Third Party Works Authorisation process. APA have raised objection to the use of their easement for this local road. Further discussion with APA through the exhibition process will be required to discuss this land use. | Further discussion with APA to confirm this is an appropriate land use | Additional information / work may be required to inform outcome |
| 28.9 | | The submitter has also been approached by the APA Group seeking to purchase an additional 2ha of land adjoining the Dore Road facility. It is noted that such an expansion of this facility has not been addressed within the PSP and my client would be strenuously opposed to the future loss of urban land for such purposes. | Land Use | In the submission made by APA during exhibition, there has been no reference to the requirement of additional land within the precinct to be used for expansion of the city gate. | No action | No action required |
| 28.10 | | NVPP: the submission requested further time to review the NVPP, particularly, a number of 'stags to be retained' | NVPP - extra info | Noted | Respond to submission when received | Further review/discussion |
| 28.11 | | The submission queries the location of the 'Gateway site' identified on Plan 5 of the PSP and requests that there be sufficient flexibility to design and construct a gateway into the development | Land Use | The 'gateway site' indicated in the PSP is to identify the need for the urban design of the subdivision to indicate that this is the entry point into the development and overall precinct. This could be done through landscaping, lighting or signage adjacent to the road reserve. There is approx 1 ha of land between the intersection, gas transmission pipelines and APA owned land which whic is considered a large enough area for this treatment | No action | No action required |

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| 28.12 | | The submission refers to Cross Section 9 (Conservation Area Interface) and associated PSP Requirements and questions whether this Cross section will be required following the determination that no controlled action has been triggered under the EPBC Act. If to be retained, seeks assurance that fencing requirements are constructed at the costs of the future land manager. | Conservation | <p>The Pakenham East precinct was included within the urban growth boundary after the Melbourne Strategic Assessment was undertaken. Therefore the Biodiversity Conservation Strategy doesn't apply to the PSP so the document is not a background report.</p> <p>At the time of exhibition, it was unknown if any Matters of National Environmental Significance under the EPBC Act were present on the precinct. Therefore the standard requirements and guidelines, in Section 3.4 of the PSP and conservation area concept plans generally implemented through PSPs subject to the BCS were applied.</p> <p>Since the commencement of exhibition a response to the referral made to the Department of Environment and Energy regarding the impact of the PSP on Matters of National Environmental Significance has been received. The referral has decided that the proposed action (i.e. the PSP) is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.</p> <p>This may result in the cross section requirements being updated</p> | Review Cross section 9 considering no controlled action has been triggered | Additional information / work may be required to inform outcome |
| 28.13 | | The submission requests that the role of the Deep Creek reserve be clarified | Drainage | See submission 29.2 | Review land use designations relating to the Deep Creek reserve. | Additional information / work may be required to inform outcome |
| 28.14 | | The submission requests a review of the LUB and provides title information | FUS | Noted. Confirmation of the accuracy of the LUB will be undertaken by the VPA | Review LUB | Additional information / work may be required to |
| 28.15 | | The submission queries the location of the Land Subject to Inundation shown on the PSP, specifically relating to 155 Dore Road | aphics and mappi | The current LSIO will be deleted from the planning scheme. | No action | No action required |
| 28.16 | | The submission also queries the extent of the existing Flooding Overlay, and indicates that this has affected the findings of the Drainage Assessment | aphics and mappi | The current LSIO will be deleted from the planning scheme. | No action | No action required |

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| 28.17 | | The submission requests that the extent of the RCZ be reviewed to ensure it follows the 100m setback from Deep Creek | FUS | See submission 29.2 | | Further review/discussion |
| 28.18 | | Submission requested funding is provided for landowners to make submissions | Funding | Noted. Not relevant to the amendment | No action | No action required |
| 28.19 | | Submission flagged that a number of staff from CSC had worked on the project | Other | Noted. Not relevant to the amendment | No action | No action required |
| 28.20 | | The submission requests that landowners who purchase land within the precinct prior to its inclusion in the UGB have their rates capped at the current level until a planning permit is issued | Council Rates | Noted. This is outside of the scope of the amendment to address | No action | No action required |
| 28.21 | | The submission requested further information regarding the process for estimating the value of land for public infrastructure | ICP | There will be a process to consult with landholders regarding the estimates of value of land required for public use when the amount of land exceeds the average amount of land required for public uses across the precinct. An independent valuer must be engaged to undertake site specific valuations for the parcels where there is a higher than average contribution of land (section 46GN of the Act). The VPA must then notify affected landowners and council in writing of the results of the valuers reports (section 46GO and 46GP of the Act). The affected landowners then are able to make a submission about the valuers report. Their submission must include a competing report prepared by an independent valuer (section 46GQ of the Act). The VPA must then consider any submissions made (46GR of the Act) and if we disagree with any of the submissions we must refer them to the Valuer General Victoria (VGV) for an independent determination process which will include a valuers conference (section 46GS and 46GT of the Act). The final ICP must then be consistent with this process (section 46GU of the Act). This will be undertaken when the FUS is finalised. | No action | No action required |

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| 28.22 | | The submission requests further information regarding the process for estimating the value of land requires for public use to be funded through the ICP, specifically regarding the timing of the estimate of valuation | ICP | See submission 29.21 | No action | No action required |
| 28.23 | | The submission requests that further information on the DSS be provided regarding costs. | Drainage | It is outside of the scope of the PSP to influence the the timing of the DSS. This is to be developed by Melbourne Water. | No action | No action required |
| 28.24 | | The submission requests that the footprint of the SR-01 be reviewed and the location be considered due to the reserve not being co located with community facilities. | Open Space | The VPA will review the facilities that are expected to be delivered within the open space reserve SR-01 and confirm the land required. This will be done in coloboration with CSC | Review the land take required from SR-01 | Additional information / work may be required to inform outcome |