



Department of Environment, Land, Water & Planning

Your Ref: C234

Our Ref: SP462846 & LA/03/3003

23 February 2018

Victorian Planning Authority

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Dear Sir/Madam

CARDINIA PLANNING PERMIT APPLICATION: C234 Draft Pakenham East Precinct Structure Plan

I refer to the Draft Pakenham East Precinct Structure Plan that was referred to the Port Phillip Region of the Department of Environment, Land, Water and Planning (DELWP) for comment by the Victorian Planning Authority (VPA).

The Department provides the following comments in regards to this amendment and the following documents:

- PSP 1210 Pakenham East Precinct Structure Plan, and.
- PSP 1210 Pakenham East Native Vegetation Precinct Plan

Recommendations

PSP 1210 Pakenham East Native Vegetation Precinct Plan:

Section 1.1

- Page 6 of the report appears to indicate that offsets will be provided within the Cardinia Shire Council municipal boundaries. If this is the case, it should be identified if general and specific offsets can be secured within the municipality boundaries.
- Evidence that a suitable offset is available must be provided within the NVPP. The NVPP should include an offset statement that includes evidence that an offset that meets offset requirements for the removal of native vegetation is available, and explains how it will be secured in accordance with section 9 of the Guidelines if the plan is incorporated. This statement must also include procedures for how the offsets will be secured if the responsibility is divided amongst multiple properties or parties.
- The NVPP must specify management responsibilities and actions for native vegetation to be retained.

- The statement of intention must be provided to the responsible authority prior to the removal of native vegetation that has been marked for removal within the NVPP. This statement of intention must include evidence that the offset has been secured.

Section 1.2

- Details of how the Native Vegetation Protection Objectives are to be met needs to be included in the NVPP or the PSP.

Section 2

- This sentence, *'The possible future ad-hoc removal of native vegetation which has been identified as to be retained may undermine the landscape wide approach outlined in the NVPP.'* should be changed to *'WILL undermine'* and the removal of vegetation to be retained will not be supported by DELWP.

Section 2.1

- Vegetation to be protected on site needs to be as per the minimum standards for a tree protection zone described in AS 4970-2009 Protection of trees on development sites or succeeding Australian Standard.

Section 2.2

- All Native Vegetation proposed to be impacted by the PSP must be included in this application, this must factor in the installation of utilities, retarding basins and associated drainage channels as the worst-case scenario.

As part of the minimisation, were possible, vegetation that is deemed as lost, but can be retained on site will be protected, but will need to be offset as the worst-case scenario, and that Native vegetation needs to be offset prior to removal works. All works will be done in the most environmentally sensitive way to limit the amount of native vegetation impacted.

- By listing that further native vegetation removal will be required of the 'protected' vegetation is compromising the NVPP and its purpose.

Future applications should be assessed under the current legislation of the day under 52.16-4. They should not be assessed under the Guidelines (2013). All applications to remove vegetation identified to be retained within the NVPP must take into consideration all vegetation that has been cleared since the NVPP and allowed to be cleared as part of the NVPP.

Section 2.3

- Only the native vegetation that is identified for removal may be removed, lopped or destroyed, once offsets have been secured and evidence of that offset provided to the responsible authority in the statement.
- Tree protection fencing must be erected around tree protection zones to the minimum standards as described in AS 4970-2009 Protection of trees on development sites or the succeeding Australian Standard.

Section 3

- The following wording *'Any other native vegetation (remnant patch or scattered tree) that is within the Precinct, and has not been identified in this plan, may be removed without a permit'*, (top P.39) needs to be replaced. If there is remnant vegetation or a scattered tree that has not been mapped, a permit must be sought to remove it.

The wording could be changed to *'Any native vegetation that does not meet the definition of a remnant patch or scattered tree as per the Guidelines (2013) and has not been identified in the NVPP for retention, may be removed without a permit.'*

Section 3.1

- Onsite offsets should not be considered for this proposal. Vegetation listed to be retained on site is protected as per the PSP and NVPP and the management of the retained vegetation should be considered as a whole instead of individual offset sites.

This may result in a future management issue, as the property owners of the land in question will change and the offset then will be the responsibility of not one but multiple land owners. This will raise the question of who is therefore responsible for the management of the onsite offset. Maybe council could take control of all sites and potentially a fee could be charged to the landowners for the up keep of these conservation areas and public open space areas.

Section 3.3

- The conditions should be as per the conditions provided in the DELWP NVPP template.

Recommendations
PSP 1210 Pakenham East Precinct Structure Plan
Section 1.5

Dot point two (2) should be amended and made less ambiguous, i.e.:

- The point should state that *'the offsets that must be sourced by landowners, outlined in table 6 of the NVPP, prior to the removal of native vegetation mapped for removal as per the NVPP. The NVPP is a separate document.'*

Plan 3

- This plan is contrary to the plan provided within the NVPP. There is vegetation to be retained that is in the middle of drainage locations. It is outlined within the NVPP that drainage cannot be altered to affect retained vegetation, while Plan 3 shows otherwise. The remnant vegetation in proposed drainage areas should be classified as lost vegetation as per the Guidelines (DELWP 2013).
- Clarification should be made on whether the areas around watercourses are to be designed conservation areas. The plans appears to indicate that conservation areas are limited to the around the boundaries of individual trees and remnant vegetation.

Section 2.2 Bushfire, Biodiversity and Threatened species

- The NVPP does not include mechanisms to facilitate fauna sensitive development as suggested on Page 14 in Item O20 in the Objectives table of Section 2.2. The NVPP does not mention fauna sensitive designs, i.e. culverts or rope bridges for fauna movement, the replanting of appropriate vegetation or the listing of what flora species to use in replanting.

Section 3.8 Conservation Projects:

- DELWP should not be listed as a lead agency on the Deep Creek Conservation Reserve, it should be the responsible authority, Cardinia Shire Council. If the conservation land and public open space land is transferred to council or to the crown, Council could be asked to be appointed as land manager.

Further comments:

The following should also be clarified as part of the Amendment process:

- Pathways in public open spaces should be designed to be as environmentally sensitive as possible and should be constructed of permeable material, i.e. crushed rock instead of concrete.
- An overall management strategy should be identified for the native vegetation to be retained. More specifically who will be the responsible agency and who will be responsible for the ongoing funding and up keep.

If you require additional information please contact Ms Paula Nink, Senior Biodiversity Officer on ☎ 9210 9386.

Yours sincerely

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