

23 February 2018

Victorian Planning Authority
Level 25
35 Collins Street
Melbourne VIC 3000

Sent via email: amendments@vpa.vic.gov.au

To Whom It May Concern,

RE: Cardinia Planning Scheme Amendment C234
Our Reference: M180131

We write on behalf of the owners of [REDACTED] and provide herewith a submission in response to Amendment C234 of the Cardinia Planning Scheme as exhibited on 11 January 2018.

The [REDACTED] has an area of 30.73ha and abuts the western interface of the Precinct Structure Plan area for a distance of approximately 507m and as such will be directly impacted by the proposed amendments.

We request that the following concerns be considered in the review and finalisation of the Structure Plan, with the view of our client being able to collaborate with the VPA and Cardinia Shire Council in order to better the outcome of the PSP for the community, the VPA, council and the owners of the subject land.

1. Submissions to Amendment C234

1.1 Creation of an open space reserve at widths varying between 50m and 100m on either side of Deep Creek. Rezoning the existing Urban Flood Zone to Rural Conservation Zone Schedule 2.

We submit that the amendment C234 will unreasonably impact our client's land by requiring a 50-100 metre protective buffer along the Deep Creek waterway to provide protection to this waterway from the impacts of urban development.¹

The explanatory report accompanying Amendment C234 stipulates that land 50-100 metres on either side of Deep Creek, outside of the amendment area would be rezoned to RCZ2. It is unclear in the mapping accompanying this amendment as to what extent the rezoning would affect the [REDACTED]. In any event, we oppose the rezoning of land to the western side of Deep Creek and within the parcel identified as Lot 1 TP711075. Should the land be rezoned, the new zone would unreasonably and unfairly prejudice the Azemi land given the 15-hectare lot size minimum.

The land is currently within the Urban Floodway Zone which already provides substantial protection to the land on either side of Deep Creek, preventing the establishment of any dwelling along this corridor.

It is also noted that Hancock Gully is also recognised as requiring protection however does not have the rezoning proposed.

It is submitted that the current zoning of the land is sufficient protection of the Deep Creek waterway and requiring 50-100 metre buffer to either side is unreasonable and unnecessary. We urge that the Victorian Planning Authority and Cardinia Shire Council reconsider this aspect of the amendment, as it relates to the [REDACTED] landholding which already contains an approved Development Plan (DPO7).

¹ "An open space reserve has been provided at a width varying between 50m and 100m either side of Deep Creek, which will provide protection to this waterway from the impacts of urban development." (Amendment C234 Explanatory Report, P. 3)

1.2 Development of collector road along APA high pressure gas pipeline.

We submit that the proposal for a vehicle bridge across Deep Creek as proposed in Plan 11 of the exhibited Precinct Structure Plan is reasonable and should be supported. Further, this should lead into a road providing access across from the PEPSP. We have been advised by Council that the asset stakeholder APA will not allow construction within the vicinity of their gas pipelines.

1.3 Infrastructure Contributions Plan and the funding of infrastructure development.

We support the implementation of an Infrastructure Contributions Plan Overlay (ICP) for the funding of infrastructure development throughout and near the Pakenham East Precinct.

Concerns relating to the ICP however surround the Ryan Road intersection project payment structure. We submit that it is unreasonable to request that our client be expected to pay the remaining costs of implementing this intersection.

We urge that the VPA reconsider this aspect of Amendment C234 and direct payment responsibility toward VicRoads and Cardinia Shire Council to fund the remaining projected project fees.

We submit that the ICP should include 100% of the ultimate land component, 100% of the interim construction component, and 100% of the ultimate construction component.

In any event, funding for the Ryan Road intersection should be funded via alternative means.

1.4 Schedule of timing for development and implementation – particularly in regard to the construction of BR-01 and BR-02.

Amendment C234 details BR-01 (pedestrian and cyclist bridge) and BR-02 (connector road bridge across Deep Creek) as nominated in Plan 11 (PEPSP, p. 64) have been categorised for long term timing. We submit that this is unreasonable and they should be incorporated in the short to medium term in order to provide sufficient connection from developed land to developing land within the Pakenham East Precinct. Furthermore, the proposed bridges are required to provide connections between

established Cardinia Lakes Estate and surrounding estates to the proposed sporting and recreational facilities.

1.5 Inclusions of the Proposed SR-01.

Figure 3 – Sports Reserve 1 Concept Plan (PEPSP, p. 40) of the Pakenham East PSP provides an indicative example of how the sports reserve adjacent to our client’s land could be developed. We submit that Amendment C234 should include the provision of a Senior Oval in Sports Reserve 1.

DPO7 (Pakenham North-East Residential Precinct) was prepared by PEET Pty Ltd and approved by Council on 19 November 2014. The development plan included the [REDACTED] [REDACTED] however they were not consulted during this process. The resulting plan pushed a majority of the public open space contribution (P.O.S) onto the [REDACTED] land.

A senior oval and associated recreational infrastructure is proposed in the north eastern corner of the [REDACTED] land. However, the land in this area is affected by a flood plain and existing trees. A better outcome would be the inclusion of a senior oval within Sports Reserve 1 within the PEPSP, which is less incumbered and proposing co-located recreational space.

The proposed Sports Reserve 1 is substantially sized to accommodate a number of sporting fields as well as a Senior Sporting oval to accompany the existing Junior Oval located to the north-west of Sports Reserve 1.

1.6 Error in Clause 43.03 Schedule 2 Clause 3.0.

We would like to note an apparent error in Amendment C234 of the Cardinia Planning Scheme. Schedule 2 to Clause 43.03 Clause 3.0 Paragraph 18 references the incorporated Mt Atkinson and Tarneit Plains Precinct Structure Plans.

This should be amended to reference the Pakenham East Precinct Structure Plan.

1.7 Missing information in Plan 11 – CI-04 not identified.

Plan 11 (PEPSP, p. 64) details the Precinct Infrastructure Plan required and indicates four (4) Community Facility Projects (noted as CI-XX), however Table 8 Precinct Infrastructure does not specify what is proposed in CI-04 but specifies community facilities for CI-01, CI-02 and CI-03.

We submit that CI-04 be removed from the Precinct Infrastructure Plan and implemented on the amended DPO7 on the [REDACTED] and at the north-western corner of the Deep Creek Road and Princes Highway Intersection.

At a recent meeting with Council on 29 January 2018, Council staff suggested that a privately run Youth Centre on the [REDACTED] land would not be supported – despite its sentimental importance for the family – as it would not be viable within the area due to the provision of other community facilities.

As CI-04 has not been specified in the Precinct Infrastructure Plan Table 8, we submit that it would be appropriate and reasonable to move this infrastructure into the [REDACTED] land to provide for the establishment of a Private Youth Community Centre. We seek the support of the VPA for the incorporation of CI-04 into the [REDACTED] landholding.

We ask VPA and Council to review our submission and consider these proposals in the amendment of advertised Amendment C234 of the Cardinia Planning Scheme. We submit that these requests are reasonable and in the interest of all parties involved.

Please feel free to contact me on 0439 881 264, should you wish to discuss any aspect of this project.

Yours sincerely,



Maggie Cusdin | Director
PLANS IN MOTION | Urban Planning