

Pakenham East PSP - Amendment C234

Submitter #	44
Agency	Niche on behalf of Lend Lease
Contact name	Celia Konstas
Position title	Consultant
TRIM reference	COR/18/1690

Sub. #	LUB Reference	Submission	Topic Category	VPA response / proposed outcome	Action	Status
44.1	6	The submission requests that the PSP have regard to the amenity and historical value of the Avenue of Honour and connection to the site and the owners, it is requested the VPA review and reconsider the alignment of the north-south connector road to deviate around the trees and form part of the entry into the north-eastern precinct of the PSP. This may require the location of the signalised intersection IN-04 to shift to ensure the trees are not compromised by the design of the intersection.	Heritage	The VPA and CSC will review the historical and amenity value of the trees in question. If it is assessed that the trees should be retained, the intersection and connector road network will be updated to allow the trees to be retained at the entry of the subdivision.	VPA/CSC to look at potential to update intersection IN-04	Additional information / work may be required to inform outcome
44.2		Confirm R93 of the PSP provides flexibility to review the extent of the WI-01 and WI-02 with the potential to remove or reduce the extent of WI-02 on Property 6.	Drainage	R93 states that the final design and boundaries of constructed waterways, waterway corridors, retarding basins, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges and planting, must be to the satisfaction of Melbourne Water and the responsible authority	None	No action required
44.3		Confirm the process by which the changes to the drainage reserve/s can be reflected on the approved PSP	Drainage	The current design and land take for water infrastructure will be retained in the PSP. R91 sets out what the design of water infrastructure must demonstrate through the subdivision application process.	None	No action required
44.4		Amend the PSP including Future Urban Structure Plan to provide flexible approach to walkable catchments and density having regard to site features and constraints.	FUS	<p>The walkable catchment (where the RGZ will be applied) has been optimised through a strategic approach using a range of criteria, and with some flexibility depending on local circumstances. The ultimate outcome for the PSP is a combination of RGZ &amp; GRZ across PSPs with applied zone locations tailored to implement PSP objectives, requirements, guidelines and plans.</p> <p>To determine the applied residential zoning the following guidance criteria and process are generally used:</p> <ul style="list-style-type: none"> <li>• Identify higher accessibility areas as determined by walkable catchments to key amenity features, activity hubs and public transport: <ul style="list-style-type: none"> <li>o 800m of train stations (centroid or boundary)</li> <li>o 800m of major town centres (perimeter of retail / commercial core)</li> <li>o 600m of specialised town centres (perimeter of retail / commercial core)</li> <li>o 600m of the Principal Public Transport Network (PPTN) (centreline).</li> <li>o 400m of local town centres (perimeter of centre)</li> <li>o 100-200m from co-located, community hubs, sports reserves (apply discretion depending on the type, configuration and function of the hub.</li> <li>o 100-200m from Local Convenience Centres (apply discretion depending on size and function of the LCC, as these can vary significantly).</li> </ul> </li> <li>• Boundaries to the Walkable catchment have been refined by: <ul style="list-style-type: none"> <li>o Removing constrained areas (e.g. will vary from PSP to PSP but could include areas of steep topography, high pressure gas pipelines, significant vegetation, sensitive waterways / interfaces etc.) and / or;</li> <li>o Making sensible adjustments (extensions and / or reductions) to avoid odd outcomes / difficult to administer slithers etc.</li> </ul> </li> <li>• The area contained within the walkable catchments will then be identified as RGZ, while constrained and / or remaining areas outside catchments would be identified as GRZ. Rarely, NRZ could apply to some of the constrained / remaining areas should there be highly specific matters that need addressing (such as interfaces with highly sensitive adjoining land uses).</li> <li>• Table 1 of the schedule to the Urban Growth Zone will contain a reference to the RGZ applying to areas within a walkable catchment of high amenity features and public transport as shown on the Future Urban Structure and Housing Plan of the PSP.</li> <li>• The PSP will contain a suite of objectives, requirements and guidelines to guide appropriate housing outcomes in the PSP development phase, and these will also reference the walkable catchments where relevant.</li> </ul> <p>The FUS will designate areas where the applied zones (i.e. Residential Growth Zone within the walkable catchment and the General Residential</p>	Not agreed to amend FUS. Flexibility is provided through the 'generally in accordance' principle	No action required

Sub. #	LUB Reference	Submission	Topic Category	VPA response / proposed outcome	Action	Status
				<p>The POS will designate areas where the applied zones (pre-residential growth zone within the walkable catchment and the General Residential Zone to all other residential land) should be 'applied'. The VPA are willing to revise the walkable catchment to ensure that appropriate densities are provided in areas constrained by slope.</p> <p>However if a development proposes to slightly alter the applied zone area shown on the FUS, provided it is generally in the same location or marginally different in area, it is considered generally in accordance.</p> <p>The designation of the applied zone area shown on the FUS should not be read rigidly.</p> <p>An example of this is the application of the applied zone for a local convenience centre, where it is shown on the FUS as a purple asterisk and the applied zone is C1Z. Clearly this does not strictly demonstrate the size or location of the applied zoning as it is dependent on its delivery once designed and developed by the proponent. Guidance from the PSP will influence its size and output, but ultimately the detail design is obviously up to the proponent and it may not strictly be the exact size or location as depicted on the FUS or the PSP.</p> <p>This the same principle to be used in all applied zoning.</p> <p>One of the key reasons we use applied zones through the UGZ is to provide the flexibility for design detail to resolve the boundaries of applied zones, which is done through the subdivision and development stage.</p> <p>Inherently the UGZ is there to enable the PSP to be implemented and it is the PSP that guides the individual elements and their location within a given PSP area. The applied zones used in the UGZ and where they apply is guided by the PSP not the other way around. Any concept that the applied zones are set in stone would render the operation of the PSP challenging.</p>		
44.5		<p>The submission requests the relocation of the primary school and CAC to a position that is more central to the catchment area, within the local town centre and in accordance with objectives of planning.</p> <p>Should the above not be an option, relocate the primary school to the east of Mt Ararat Road, adjacent to the future open space area where the two facilities can be delivered concurrently as the community matures.</p>		<p>Chapter 10 of the PSP Background Report establishes the natural topography boundaries and the existing barriers and constraints on the precinct that were considered when planning the precinct and specifically the location of community facilities.</p> <p>In addition to natural topographical boundaries such as the Deep Creek corridor, a number of physical infrastructure and public utility easements traverse the precincts and impose some constraints on the location of community infrastructure and open space. These barriers are:</p> <ul style="list-style-type: none"> <li>• Princes Freeway</li> <li>• Princes Highway</li> <li>• High voltage powerlines easement (and associated buffers)</li> <li>• Two gas transmission pipelines (and associated buffers)</li> <li>• Hancock's Gully</li> <li>• Steep slopes around the central ridgeline</li> </ul> <p>Environmental and topographical constraints generated by creek corridors and biodiversity conversation areas are most prominent in the Pakenham East precinct.</p> <p>These constraints necessitated the provision of a community hub (identified as 'east local community hub' to land north of the Princes Highway. This hub will service the residential community to the north of the Princes Highway and to the east of the central ridgeline.</p> <p>The Local Town Centre is serviced by a Level 2 community hub and a non-government primary school. The east local community hub is serviced by a government primary school and level 1 community facility and the south community hub services by a secondary government school, indoor sports facility and sports reserve. All of the facilities are linked by the main boulevard connector street. These facilities provide an appropriate level of community services to the neighbourhood south of the Princes Highway.</p> <p>The location of the east local community hub is necessary to service the north east residential neighbourhood and has been strategically justified through the exhibited documents and background reporting.</p> <p>Relocating the primary school east of Mt Ararat Road would be unviable and would not allow the planning and location of the primary school to meet Standards relating to Planning for Community and Facilities Objective established in 56.03-3 relating to school sites.</p> <p>In addition to the above, The Department of Education and Training support the current location of the school sites through their submission to the exhibited PSP (see submission 37).</p>	Not agreed to update location of school and community facilities	Not agreed to make change to amendment documentation
44.6		<p>The submission asks that the VPA note that the large Oak Tree north of the property as identified in the Context Report will be investigated for retention at the detailed subdivision stage and the existing PSP is supported in this regard</p>	Noted		None	No action required

Sub. #	LUB Reference	Submission	Topic Category	VPA response / proposed outcome	Action	Status
44.7		It is requested that should a supplementary levy be identified for the PSP area as a result of VPA's review of submissions, Lendlease is notified.		If a supplementary ICP is required for the PSP, it will be formally exhibited and all materially affected parties will be notified	None	No action required
44.8		The submission requests that the PSP should provide sufficient flexibility for housing interface areas rather than stipulating minimum lot sizes. The design response for interface areas will result in analysis of a range of inputs including: <ul style="list-style-type: none"> <li>• addressing and responding to site-specific features,</li> <li>• Addressing and responding to site-specific interface considerations including localized views, vegetation and opportunities for screening</li> <li>• Market values/ demands for housing product in these areas.</li> <li>• In lot landscape treatments, setbacks etc.</li> </ul> The submission requests that R15 be amended to delete: "that the application will achieve minimum lot size of 2,000m2 "	Requirements & Guidelines	R15 expresses a requirement for an 'average minimum lot size'. This is based on the NDA of the land encumbered by the transmission line easement divided by the expected number of lots (based on the concept plan). This requirement does not require each lot to be a minimum of 2000sqm, but requires the average minimum lot size across each stage of development to have an average minimum lot size of a minimum of 2000sqm. This requirement will ensure an appropriate transition from the standard density residential development of the PSP to the green wedge land to the north. It is also a realistic yield for this land if it meets the requirement of the PSP relating to housing. The VPA are willing to consider adjusting the minimum lot size if a subdivision layout for the Interface Housing Area 3 can be demonstrated that meets the requirements of the PSP.	Not agreed to update R15	No action required
44.9		The submission seeks clarification y that Requirement 16 also applies to the Hilltop Park (LP-01).	Open Space	R16 applies to LP-01	None	No action required
44.10		The submission asks that the following change is made: Insert "open spaces, community facilities or areas of amenity" to Guideline 17	Requirements & Guidelines	The Guidelines doesn't limit rear loaded lots to land adjacent to open space. Its states when housing directly fronts open space ow where vehicle cross over should be limited, rear loaded lots should be provided.	Not agreed to update G17	Not agreed to make change to amendment documentation
44.11		The submission requests deletion of: "Be linear with no t-intersections or bends" from G19.	Requirements & Guidelines	It is a reasonable guidelines that rear access lanes by linear and straight. There may be some scenarios where this is not possible, and the fact that this is a guideline gives flexibility in implementation.	Not agreed to update G19	Not agreed to make change to amendment documentation
44.12		It is submitted that this concept plan (Fig 1) is a guide only and that it does not inform the outcome of future permit applications. The portions of the transmission line easement, particularly where it abuts LP-01 and the Hancock Gully may be better suited as encumbered passive open space and other areas can be subdivided. Furthermore, whilst subdivision of the transmission line easement is supported as an efficient use of land, the indicative concept plan will require land swap with owners to the north, whereas alternative subdivision designs can be investigated that enable development of parcels individually.	Graphics and mapping	Figure 1 of the PSP Transmission Easement Interface Housing Concept Plan is an indicative example of how this land could be developed. Requirement 15 of the PSP establishes the design criteria for subdivision of land within the Housing Interface Area 3.	None	No action required
44.13		R54 refers to a 'conservation area- local' however the PSP plan and PSP does not nominate local conservation areas. The submission requests Clarification of the meaning and location of Conservation Area-Local.	Vegetation	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.  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.  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. Therefore the requirements and guidelines in 3.4 will be updated and it is not necessary to differentiate between local and commonwealth conservation areas.	None	No action required
44.14		The submission requests confirmation regarding flexibility in the final connector road alignment and cross sections connector roads to respond to slope and other design response considerations.	Roads & Transport	There is potential to apply the 'generally in accordance' principle to the location of the local road network when detailed subdivision design is undertaken. The cross sections must comply with Standard C21 in clause 56.06-8 and Standard C7 of Clause 56.04 of the Cardinia Planning Scheme.	None	No action required

Sub. #	LUB Reference	Submission	Topic Category	VPA response / proposed outcome	Action	Status
44.15	6,7,8,9	The submission requests deletion of R73 which inhibits innovative and affordable housing designs currently on the market and which can provide diverse and affordable housing product within the walkable catchment areas of 22 dwellings/ha.	Requirements & Guidelines	There is potential to update from 6.0m to 7.5m to allow for 5.4m on-street parking @ one per two lots, and 2 x 4.7m vehicle crossings), consistent with C21 of Clause 56.06 of the Cardinia Planning Scheme	Not agreed to delete, but update as noted	Agree to partial change to amendment documentation
44.16		The submission requests R76 is amended to require construction of the connector street bridge where a stage of construction is adjacent to, or requires access from a bridge.	Roads & Transport	It is agreed that there is potential to reword to: Where a connector street crosses a waterway on Plan 9 - Integrated Water Management a connector street bridge must be constructed prior to the issue of statement of compliance (unless otherwise included in the Pakenham East Infrastructure Contributions Plan) for the abutting stage of residential subdivision	Further review of design options	Further review/discussion
44.17		The submission requests clarification of need and location of PS-01	Roads & Transport	PS-01 (pedestrian crossing signals- Princes Highway have been included in the PIP and will be funded through the ICP. Signalled pedestrian crossings are allowable items to be funded through the ICP (Table 3 of the Ministerial Direction on the Preparation and Content of Infrastructure	None	No action required
44.18		Delete the reference in Table 1 of Schedule 5 to the UGZ to "walkable catchments" to provide for flexibility as to where these areas are nominated.		Not agreed. The Applied Zone Provisions within the UGZ identify where the PSP applies zoning. Please see previous response 44.4	Not agreed to delete	Not agreed to make change to amendment documentation
44.19		The submission requests deletion of HO277. Whilst the tree has been assessed as a historically significant tree, application of HO277 in this instance is considered highly problematic from an implementation perspective as the tree is located within a steep area of the site. Typically, retention would be feasible through careful subdivision design that protects vegetation within a pocket park or enlarged road reservation. However, the general area south of the hilltop park will require earthworks to accommodate development that will change the natural levels of the tree and this area more broadly. For this reason, the tree cannot be feasibly retained as required by the PSP and the directions of the HO	Heritage	Further discussion is required. The section of land where the HO is applied does generally not exceed 10%. Further review of design options would be required.	Further review of design options	Further review/discussion
44.20		The submission requests that the PSP and associated planning provisions relating to slope and topography within the PSP recognise the need for flexibility to ensure that alternative solutions can be considered that holistically address a site and which may offer superior design outcomes.	Land Use	The planning controls that relate to subdivision of land with a slope of greater than 10% are implemented through a Subdivision Application Requirement that requires an application to subdivide land or to construct a building or carry out works for land shown on Plan 2 of the Pakenham East Precinct Structure Plan as having a slope greater than 10%, must include a Slope Management Plan that responds to the document 'Guidelines for Slope Management in Subdivisions- Pakenham East Precinct Structure Plan. Subdivision applications must also meet the requirements set out in R7. These controls are intended to work together to allow the developer to respond to slope greater than 10% by submitting a Slope Management Plan that allows the application to provide a performance based site specific response to the land, while meeting key, non-negotiable design criteria (that set out in R7). Regardless of the materials used, or design of retaining walls, the VPA consider the meeting of the design criteria set out in R7 as fundamental to achieving an appropriate urban design response on sloping land. The VPA consider this to be an appropriate compromise between a performance based approach and the meeting of key design criteria set out in R7. There is potential to reword the requirement so it only applies to retaining walls that are not staggered and visible from the public realm.	Not required	No action required
44.23		The submission requests the following: <ul style="list-style-type: none"> <li>Amend R7 to reflect flexibility and discussions with Council at the permit level in response to slope and development: In areas which contain slope in excess of 10%, development must minimise landscape scarring and avoid the need for large amount of cut and fill to the satisfaction of the Responsible Authority.</li> <li>Amend the Future Urban Structure Plan and other associated plans to reflect the preferred connector road, passive open space boundaries and areas as reflected in Appendix 3, which have had regard to site-specific opportunities and constraints for managing slope across the site.</li> <li>Confirmation that in accordance with R37 the passive open space LP-01 and LP-03 are flexible in their location and size, and that these will require further refinements of detailed site analysis and design response processes.</li> <li>Confirmation that the ICP and PSP appropriately responds to changes in the size and location of the Hilltop Park.</li> </ul>	Land Use	<ul style="list-style-type: none"> <li>See response regarding slope management requirements</li> <li>The revised local road network would be considered generally in accordance with the PSP. The PSP does not attempt to resolve all issues, but establishes a functional network. The generally in accordance principle give the developer the ability to refine and address local issues at subdivision stage.</li> <li>R37 of the PSP establishes the process for determining the location of local parks and justifying alternative locations and layouts. LP-03 can be altered consistently with this requirement</li> <li>LP-01: <ul style="list-style-type: none"> <li>Please provide further justification for the 'splitting' of LP-01 with a local access street?</li> <li>An analysis of the impact of the revised shape of LP-01 would be required to determine if sections of steeper land that is now not within the footprint of LP-01 can be developed.</li> <li>The Landscape Assessment for the PSP identified the ridgeline as having high visual exposure within the precinct. Please confirm what impact this redesigning of the LP-01 would have on the visual exposure of the ridgeline.</li> <li>Please confirm if the intent is to have housing fronting onto the local access street splitting LP-01. A visual impact assessment would be required to determine the impact on the landscape amenity of the ridgeline as it would impact on the area of high visual exposure.</li> <li>Subject to discussion and agreement relating to these issues, the VPA would in principle support the revised layout proposed by Lendlease.</li> </ul> </li> <li>The use of the entire high voltage transmission line easement (approx. 120m) for open space is an inefficient land use with little or no community benefit. There is potential for a narrower linear trail to be provided between Hancock's Gully and LP-01 along the transmission easement. This would require a substantial reworking of the subdivision layout in land encumbered by the easement. Further work is required to determine if a linear path in this location delivers a sufficient community benefit to justify funding the land through the ICP.</li> </ul>	Further discussion requires regarding LP-01 and use of transmission easement	Further review/discussion

Sub. #	LUB Reference	Submission	Topic Category	VPA response / proposed outcome	Action	Status
44.24		<p>The submission requests the following:</p> <ul style="list-style-type: none"> <li>• An understanding from the VPA of the mapping/inputs which has informed the walkable catchments for the PSP area.</li> <li>• R8 to reflect a flexible approach to walkable catchments at the permit stage, rather than definite boundaries on the subject site which recognises an assessment of topography, site features and capacity of land to accommodate 22 dwellings/ha.</li> <li>• Amend the Future Urban Structure Plan to expand the walkable catchments that can provide more flexibility in terms of approach to density (see proposed Future Urban Structure Plan layout at Appendix 3).</li> <li>• Deletion of: "Be linear with no t-intersections or bends" from G19 to reflect new and future housing product designs that incorporate alternative laneway and/or mews treatments and which can address increased density targets, particularly within walkable catchments.</li> <li>• Deletion of R37 which inhibits innovative and affordable housing designs currently on the market and which can provide diverse and affordable housing product within the walkable catchment areas of 22 dwellings/ha.</li> </ul>		<p>See response above regarding walkable catchment See response above to G19 R37 relates to altering of the Open Space Network. Please discuss further how this impacts on delivering housing innovation.</p>		Further review/discussion
44.25		<p>The submission requests:</p> <ul style="list-style-type: none"> <li>• Replace Figure 5 Hilltop Concept Plan in the PSP with the Hilltop Concept Plan provided in Appendix 1. Further review will be undertaken in consultation with Council at the permit stage.</li> <li>• Confirm the level of park embellishment expected as part of developer works (see also Section f (Infrastructure Contributions Plan discussion).</li> <li>• Recognition within the PSP document that the ultimate boundaries and size (land budget) for LP-01 is subject to further detailed design and/or commit to funding this detailed work as part of the PSP to better understand the costs and size specific to the site and inform both the ICP and PSP.</li> <li>• Deletion of pedestrian signals from Figure 5 of the PSP. Crossing requirements/ standards can be investigated at the design phase.</li> <li>• Confirm R16 which provides also applies to LP-01 (as demonstrated in the Hilltop</li> <li>• Concept Plan - Appendix 1) whereby park-fronted lots will be delivered.</li> </ul>	Open Space	<p>See response 44.23 R105 itemises the standard to which public open space must be finished, to the satisfaction of the responsible authority. As clearly stated in the note on Figure 5 and all concept plans, the concept plan is an indicative example of how the land could be developed</p>	No agreed to update	Not agreed to make change to amendment documentation
44.26		<p>The PSP requests:</p> <ul style="list-style-type: none"> <li>• Flexibility to allow further detailed investigation into the Hancock's Gully Drainage Scheme including detention opportunities within the transmission line easement.</li> <li>• The PSP to identify land associated with a drainage asset in the north of the catchment area, within the transmission line easement as part of the drainage solution for the area. It is acknowledged further work is required to confirm land areas within the transmission line easement.</li> <li>• Confirmation that further work can be undertaken at this stage to review the Hancock's Gully drainage scheme including WSUD for the site and the approach to walkable catchments is in keeping with the intention of R93.</li> </ul>		See response 44.2	None	No action required