

PSP 1210 Pakenham East



Part A Submission

Amendment C234 to the Cardinia Planning Scheme

May 2018

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1 INTRODUCTION

This Part A submission is made on behalf of the Victorian Planning Authority (VPA) to support the Planning Panel Hearing for Amendment C234 to the Cardinia Planning Scheme (the Amendment). The VPA is the Planning Authority for the Amendment.

The Amendment consists of the Pakenham East Precinct Structure Plan (PSP), the Pakenham East Native Vegetation Precinct Plan (NVPP), Small lot housing code, and Planning Scheme ordinance and maps to allow development to occur within the precinct.

The Amendment has been prepared by the VPA in collaboration with Cardinia Shire Council, government agencies and relevant stakeholders, and landowners.

Formal exhibition of the Amendment commenced on 15 January 2018, and concluded on 23 February 2018. A total of 72 submissions have been received. The VPA has worked diligently with all stakeholders to resolve as many of the submissions as practicable. A summary of submissions and outstanding matters are noted in Section 6 and detailed in Appendix 1 – Summary of submissions table and will now be considered by Planning Panels Victoria to inform directions on the exhibited plan.

1.1 Application of the Amendment

The Amendment applies to the Pakenham East precinct, which is an area of approximately 630 hectares generally bounded by Deep Creek and Ryan Road to the west, Mount Ararat Road North and South to the east and the Princes Freeway to the south. The northern boundary of the Precinct dissects a number of properties south of Seymour Rd (see Figure 1 Aerial view of precinct). The precinct sits within Pakenham, Nar Nar Goon and Nar Nar Goon North.

The site sits in the South East Growth Corridor and generally zoned Farming Zone, with smaller areas of Urban Floodway Zone, Low Density Residential Zone 2, Road Zone 1, and Public Conservation and Resource Zone. The Amendment will rezone the area to Urban Growth Zone (with applied zoning provisions to support future uses in accordance with the draft Plan), and Special Use Zone for land within the transmission line easement.

1.2 Formal Response to Submissions

The VPA provided a written response to all submitters regarding their matters raised between March 2018 and May 2018, and where necessary, has also discussed these matters verbally. A table outlining a summary of submissions and their status is included at Appendix 1- Summary of submissions.

An updated key changes table outlining specific changes proposed to the amendment documentation and ordinance in response to submissions or further refinement is included in Appendix 2 - Key changes table.

1.3 Panel Directions – Preliminary Issues Raised

A Panel Directions Hearing was held on the 30 March 2018. The Panel Directions outlined a number of matters for the VPA to address in this Part A submission being:

- Background to the Amendment.
- Chronology of events.
- Strategic context and assessment.
- Identification of the issues raised in submissions and its response.
- Changes to the amendment documentation proposed as a result of the issues raised in the submissions.
- The PSP Vision refers to "... *protecting the ridge lines, facilitating responsive development on steeper land, safeguarding views to and from hilltops*" (page 13). The Part A Submission should explain how these are dealt with in the PSP e.g. Requirements, Guidelines.

- Submitters raised concerns with traffic impacts on the existing road network e.g. Ryan Road. In the background documentation, there is a report called Pakenham East Interchange Modelling Assessment (SMEC) and some intersection design analyses (Transport for Victoria/VicRoads), but no overall traffic assessment of development as set out in the PSP. In its submission, the Council refers to a Traffic Impact Assessment it has had done. The Victorian Planning Authority should address forecast traffic impacts on the existing road network.
- The PSP at section 1.4 (page 9) refers to an Infrastructure Contributions Plan (ICP). Has this ICP been prepared? The PSP wording suggests that it has. The Part A submission should provide details on the current status of the ICP.

These items are outlined in subsequent sections of this submission.

1.4 Whole of Government Position

The position presented by the VPA in this submission where possible represents a whole of government submission. The VPA received submissions from several State government agencies and departments, and the following submission represents the agreed position (unless otherwise stated within this submission) of the following:

- Department of Environment, Land, Water and Planning (DEWLP)
- Department of Economic Development, Jobs, Transport and Resources (DEDJTR)
- Transport for Victoria and VicRoads (TfV)
- Department of Education and Training (DET)
- Aboriginal Victoria (AV)
- Melbourne Water (MW)
- Country Fire Authority (CFA)
- Environment Protection Authority (EPA).

Figure 1 Aerial view of precinct



2 BACKGROUND TO THE AMENDMENT

2.1 Chronology of the Amendment

The following provides a timeline for the preparation of the PSP and the Amendment.

- **2013:** The project commenced under the authority of Cardinia Shire Council (Council). Council undertook informal consultation with government agencies and relevant stakeholders, and commenced background studies to prepare the PSP and Future Urban Structure options.
- **May 2017:** Council undertook informal consultation with State agencies.
- **August 2017:** The VPA took on role of Planning Authority for the Amendment.
- **15 January 2018 to 23 February 2018:** VPA formally exhibited Amendment C234 to the Cardinia Planning Scheme.
- **February 2018 to April 2018:** VPA considered submissions on the Amendment, refined the PSP and Ordinance, and worked to resolve outstanding issues.
- **27 March 2018:** The VPA formally requested a Planning Panel and to refer submissions (resolved and unresolved) to Planning Panels Victoria.
- **30 April 2018:** Panel direction hearing was held.
- **14 May 2018:** The VPA circulated a revised Future Urban Structure as part of the Part A Submission; the Key Changes Matrix; and the Summary of all Submissions on the Exhibited PSP to submitters and affected landowners.
- **30 May 2018:** Planning Panel hearing is scheduled to commence.

2.2 Purpose of the Amendment

The Amendment is a planning scheme amendment to give effect to the Pakenham East Precinct Structure Plan and Native Vegetation Precinct Plan to allow future development to be delivered in accordance with the Plan.

The Amendment makes changes to the Cardinia Planning Scheme to facilitate use and development of land within the Pakenham East PSP area (being the “amendment land”). The Amendment will introduce the Urban Growth Zone Schedule 5 (UGZ5) to the Cardinia Planning Scheme and apply it to the PSP area.

2.3 Amendment C234 to Cardinia Planning Scheme

Amendment C234 to the Cardinia Planning Schemes proposes to make a number of changes to facilitate the development and use of land within the Pakenham East PSP.

The following list is reflective of the exhibited amendment changes to the Cardinia Planning Scheme:

Specifically, the Amendment proposes the following changes to the Cardinia Planning Schemes:

- Introduces Schedule 5 to 37.07 Urban Growth Zone (UGZ5) and rezones the majority of the land within the precinct to UGZ5. This schedule includes controls to facilitate land use and development generally in accordance with the incorporated *Pakenham East Precinct Structure Plan*.
- Introduces Schedule 8 to the Special Use Zone (SUZ8) and rezones land within the transmission line easement to SUZ8. The SUZ8 includes land use and development controls to facilitate the development of the land generally in accordance with the PSP.
- Rezones land within the amendment area and within 50 – 100 metres of the midline of the Deep Creek to Rural Conservation Zone Schedule 2 (RCZ2)
- Introduces Clause 32.07 Residential Growth Zone (RGZ). This will allow the use and development controls in the RGZ to be applied to the precinct via the UGZ5.

- Amends the Schedule to the Heritage Overlay to insert HO275, HO276 and HO277 to apply heritage controls to the following heritage places identified in the *East Pakenham Precinct Post-Contact Heritage Assessment, October 2017*:¹
 - »» HO275 - 'Carinya', 32 Mount Ararat South Road, Nar Nar Goon
 - »» HO276 – 140 Ryan Rd, Pakenham
 - »» HO277 - *Pyrus communis* (Pear Tree), 40 Dore Road, Pakenham
- Applies HO275, HO276 and HO277 to the two heritage sites described above.
- Introduces Schedule 2 to the Incorporated Plan Overlay (IPO2) and applies the IPO2 to land rezoned RCZ2 as part of this amendment. The IPO2 will ensure that use and development within the RCZ2 is carried out generally in accordance with the PSP.
- Deletes Environmental Significance Overlay Schedule 1 (ESO1) from land within the amendment area.
- Deletes the Design and Development Overlay Schedule 1 (DDO1) from land within the amendment area.
- Deletes the Vegetation Protection Overlay Schedule 1 (VPO1) from land within the amendment area.
- Amends the Schedule to Clause 52.16 to include reference to the *Pakenham East Native Vegetation Precinct Plan*.
- Amends the Schedule to Clause 61.03 to update the planning scheme maps.
- Amends the Schedule to Clause 66.04 to require referrals for planning permit applications within the Pakenham East Local Town Centre to the Victorian Planning Authority.
- Amends the Schedule to Clause 66.06 to require notice to be given to the licensee for certain uses within the gas pipeline measurement lengths within the amendment area.
- Amends the Schedule to Clause 81.01 to include three new incorporated documents titled:
 - »» Pakenham East Precinct Structure Plan, December 2017;
 - »» Pakenham East Native Vegetation Precinct Plan, December 2017; and
 - »» Small Lot Housing Code, August 2014

*

2.4 Biodiversity Conservation Strategy

At the time of exhibition, it was unknown if any Matters of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) were present in the precinct. 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 Commonwealth has subsequently determined 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 has established a position on the appropriate zoning and controls for land adjacent to Deep Creek.

2.5 Pakenham East Infrastructure Contributions Plan

The *Pakenham East Infrastructure Contributions Plan* (ICP) will be introduced via a separate amendment and will introduce the associated Infrastructure Contributions Plan Overlay into the Cardinia Planning Scheme and associated Schedule 1 (ICPO1), applying it to land with the amendment area.

¹ Post-exhibition period, the property at 140 Ryan Rd, Pakenham was legally demolished. Therefore, HO276 that was proposed during the Exhibition stage has now been deleted. A new requirement has been included in the Heritage section of the PSP that requires a historical interpretative sign and open space be delivered at the site to portray relevant historical information.

Currently it is not anticipated that the ICP will entail a supplementary levy, in which case a standard ICP will be prepared based on the Precinct Infrastructure Table. The ICP will be approved by the Minister for Planning and amended under section 20A of the *Planning and Environment Act 1987 (Vic)* (Act).

This position has been reached by the VPA utilising a set of standard benchmark costs that have been used to establish with a sufficient degree of confidence that the infrastructure to be funded through the ICP can be funded through a standard levy. The benchmark costs have been established by assessing the background data currently available to the VPA in order to provide baseline infrastructure cost data and therefore to standardise the cost estimation of PSPs.

It is also informed by the knowledge that the land required for infrastructure funded through the ICP will either be transferred or an in kind payment made as established in the *Planning and Environment Amendment (Public Land Contributions) Act 2018* which should come into effect prior to gazettal of the PSP and ICP, and that the community and recreation levy is capped so cannot result in a supplementary levy.

2.6 Public Exhibition and Engagement

Agency, council and landowner consultation progressed throughout the preparation of the draft PSP, including those at public and post exhibition periods.

Stakeholders and the broader community were formally notified of the Public Exhibition by the following:

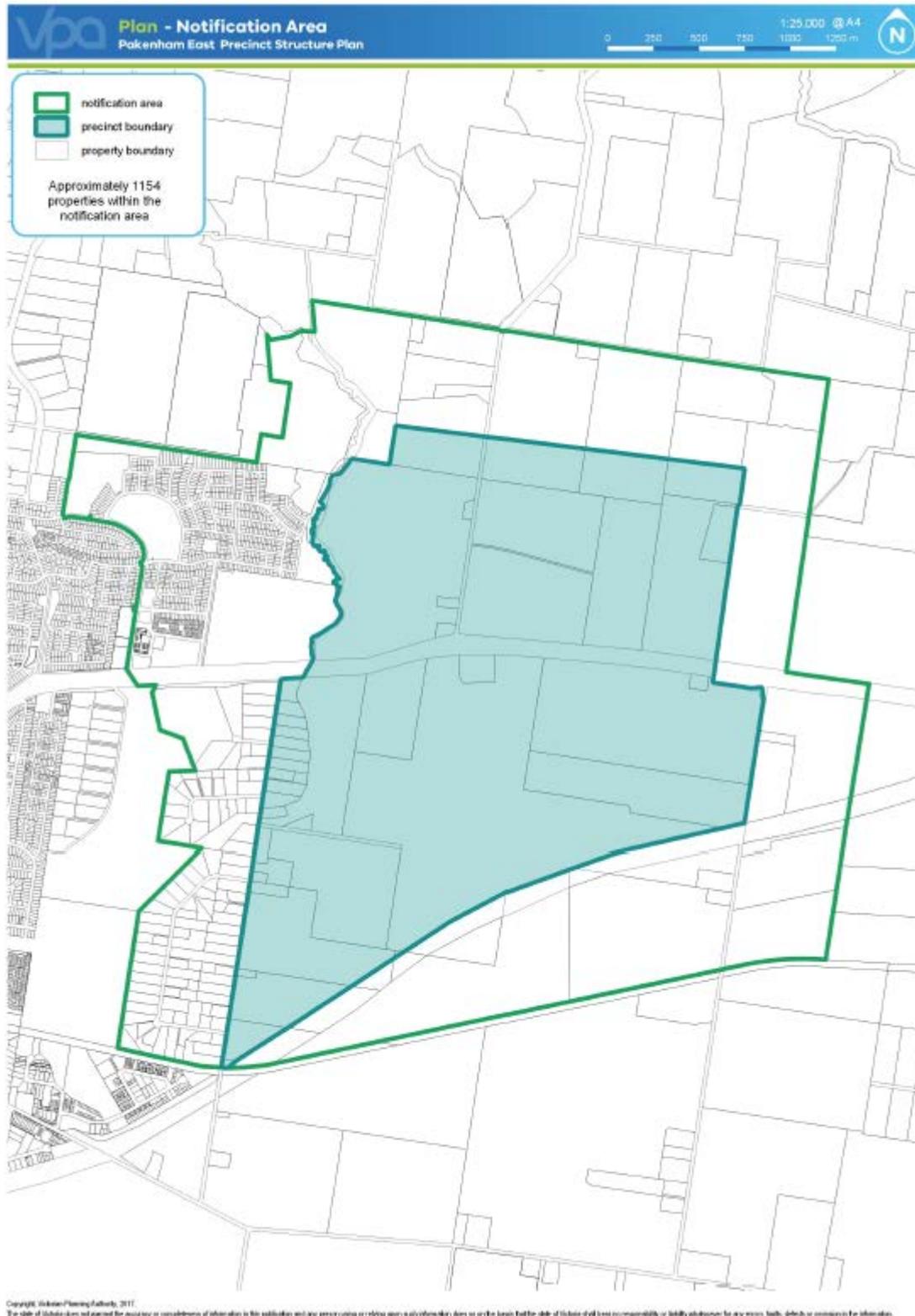
- Public notices in local circulating newspapers (Pakenham Berwick Gazette – 24 January 2017 edition; and the Pakenham Officer Star newspaper 23 Oct 2017 edition);
- Notification letter and a Newsletter sent to home owners and tenants within the notification area (see notification area – Figure 2 Public Exhibition Notification Area);
- Email notification to government agencies, council and landowners to coincide with the announcement.
- Media Release and Government website updates.

Two community drop-in sessions were held at the Pakenham Library in Pakenham on 6th and 15th February 2018. An additional community drop-in session was held at the Nar Nar Goon Soldiers Memorial Complex in Nar Nar Goon on 13th February. The sessions were attended by around **143 community members**.

A total of **72 submissions** have been received, including a number of late submissions. The VPA worked to resolve these submissions where possible prior to the Panel hearing amendment, however less than half of the submissions remain partially unresolved due to the nature of the concerns regarding objection to growth or strategic objectives to the amendment; including those requiring additional assessment to appropriately form a response (e.g. Traffic and Drainage), which is ongoing.

The VPA provided all submissions (resolved and unresolved) to Panel prior to the Directions Hearing and Panel Hearing.

Figure 2 Public Exhibition Notification Area



2.7 Background Documents

The Amendment is supported by a number of background reports, including those listed below:

- State and local planning policy framework, including the Cardinia Planning Scheme;
- Pakenham East Background Report, VPA, (January 2018);

- Planning for Community Infrastructure in Growth Area Communities, Australian Social and Recreation Research (April 2008);
- A guide to Social Infrastructure Planning, Australian Social and Recreation Research (October 2009)
- Service & Utility Report, Beveridge Williams, (February 2013);
- Guidelines for Slope Management, Cardinia Shire Council (December 2017);
- Post-Contact Heritage Assessment Pakenham East Precinct, Context, (October 2017);
- Pakenham East Precinct Structure Plan, Pakenham, Victoria: Aboriginal and Historical Heritage Assessment, Ecology & Heritage Partners, (December 2017);
- Desktop Environmental Site Assessment Report, GHD (June 2013);
- Options for Whole of Water Cycle Assessment, GHD, (July 2015);
- Whole of Water Cycle Management Plan, GHD (February 2015);
- Pakenham East Precinct Landscape Assessment, Hansen (May 2013);
- Significant Tree Assessment, John Patrick Pty Ltd (November 2013);
- Pakenham East Precinct Structure Plan – Economic Assessment, Tim Nott (November 2015);
- Pakenham East Precinct Structure Plan AS 2885.1 Safety Management Study Workshop and Report: APA Pipeline and Gas Metering Station, LogiCamms (July 2016);
- Gas Pipeline Options Assessment, Origin (December 2014);
- Interchange Comparative Traffic Modelling Assessment, SMEC (July 2014);
- Midblock Volume Outputs, SMEC (October 2015);
- Geotechnical Preliminary Pavement Assessment, SMEC (December 2015);
- Pakenham East Precinct Structure Plan Design Response Options for Electricity Easement, SMEC (march 2013);
- A Strategic Study of Pakenham East Precinct: Catholic School Provision to 2036, Sustainable Planning Strategies Pty Ltd for Catholic Education Office Sale (November 2014);
- Traffic Analysis Report, Project: Pakenham East PSP: Proposed Intersections along Princes Highway at Ryan Road, Connector A, Connector B, Connector C, TFV / VicRoads (2017);
- Pakenham East Community Infrastructure and Open Space Provision Assessment, VPA (December 2017); and
- Pakenham East Precinct Structure Plan Environmental Noise Assessment, Marshall Day Acoustics (January 2018).
- Deep Creek Corridor Proposals, Stormy Water solutions (5 October 2014)
- Hancocks Gully, functional Design of Two Wetland/Retarding Basins and Two Vegetated Channels, Stormy Water solutions (12 December 2016)
- Drainage Strategy – Stormy Water Solutions (December 2017)
- Dore Rd Swale, Stormy Water solutions (June 2017)
- Ryan Road DSS, Stormy Water solutions (April 2017)
- Dore Rd DSS Wetland Functional, Stormy Water solutions (24 February 2017)
- Rough Filling Indication, Stormy Water Solutions (21 Mar 2017)
- Ecological Investigations Report, Ecology & Heritage Partners (Jan 2018)
- Groundwater study, SKM (Jan 2013)
- Stormwater Harvesting Investigations report, Melbourne Water (June 2016)

3 STRATEGIC CONTEXT AND ASSESSMENT

Growth area planning is guided by a hierarchy of plans including Plan Melbourne, the Growth Corridor Plans (GCPs), and Commonwealth environmental approvals to provide a framework for growth area planning and development that achieves the objectives of the State Planning Policy Framework.

3.1 Plan Melbourne 2017 – 2050 and South East Growth Corridor Plan

The Urban Growth Boundary (UGB) designates the long-term limits of urban development and where non-urban values and land uses should prevail in metropolitan Melbourne, as outlined by Plan Melbourne 2017-2050. The UGB first came into effect in 2002 in conjunction with the release of Melbourne 2030. The metropolitan strategy established a long term plan for land within the UGB, including the intention to review the boundary at an appropriate time in the future.

In May 2011, the Minister for Planning Matthew Guy announced a new process to help address the shortage of metropolitan land supply, known as the Growth Areas Logical Inclusions Review processes. This identified land for investigation that had the potential to be included within the UGB which included land within the Pakenham East PSP.

On 13 September 2012, Amendment C190 was gazetted which expanded the UGB, rezoning the land in the Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea and Wyndham Planning Schemes. Amendment C190 sought to implement the high level government policy to facilitate Melbourne's growth for the following 20 years, particularly through having 20 to 25 years' worth of land supply in growth areas for Melbourne.

Plan Melbourne 2017-2050 and the Plan Melbourne Implementation Plan (see Figure 3) outlines a target of 1.6 million new homes and 1.5 million new jobs over the next 35 years, and sets a strategy for supporting jobs, housing and transport, while building on Melbourne's legacy of distinctiveness, liveability and sustainability. Melbourne's Southern Region is anticipated to deliver 105,000 jobs by 2031 and 125,000 new homes in Greenfields areas up to 2051.

Figure 3 Precinct Location Plan Melbourne Implementation Plan 2017 – Southern Region



Southern Region

Precincts and Activity Centres

- National employment and innovation cluster
- Metropolitan activity centre
- Health and education precinct
- State-significant industrial precinct — existing
- State-significant industrial precincts — future
- Industrial area — existing
- Industrial area — future
- Business and residential precinct
- Major activity centre
- Major activity centre — future

Transport

- Transport gateway — airport
- Transport gateway — seaport
- State significant road corridor
- Road network
- Rail network
- Train station
- Level crossing removal site
- Transport projects — committed
- Caulfield to Dandenong Level Crossing Removal and Line Upgrade
- Monash Freeway upgrade
- Transport projects — potential future
- Western Port Highway upgrade / Rail Link to Hastings

Environment

- Conservation area (as identified in the Biodiversity Conservation Strategy for Melbourne's growth area)
- Ramsar site
- National park / state park
- Marine national park / marine sanctuary
- Public open space
- Regional park — emerging
- Regional park — proposed
- Wastewater treatment plant
- Water's edge parklands
- Waterway
- Waterbody

Administration

- Southern Region boundary
- Urban growth boundary
- Growth area
- Urban area
- Green wedge land
- Local government area boundary

Source: Adopted from Plan Melbourne Implementation Plan 2017, VPA 2018

The Growth Corridor Plans (GCP), produced by the Victorian Planning Authority, were released by the Minister for Planning in June 2012. The GCPs are high level integrated land use and transport plans that provide a strategy for the development of Melbourne’s growth corridors over the next 30 to 40 years.

These plans guide the delivery of key housing, employment and transport infrastructure and open space in Melbourne’s newest metropolitan suburbs.

The GCP identifies:

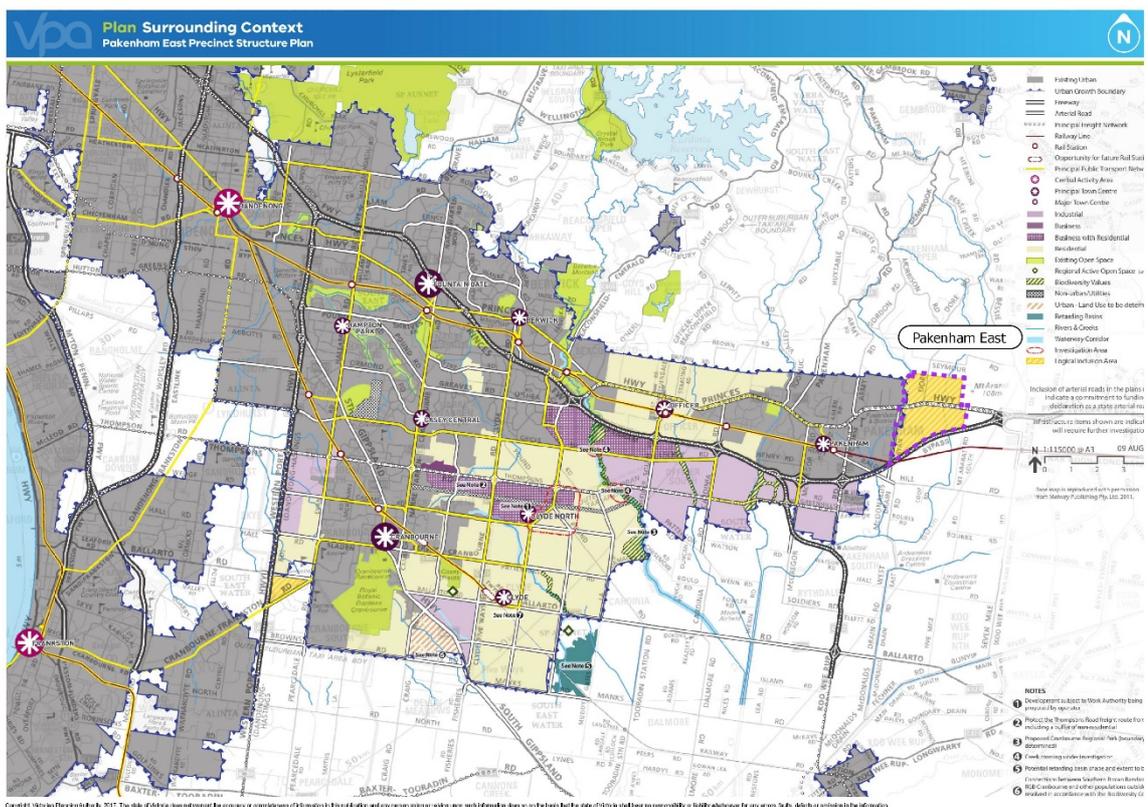
- The intended long term pattern of land use and development;
- Committed transport networks as well as network options for investigation;
- Committed regional open space networks as well as investigation sites; and
- Opportunities for creating green corridors.

The GCP informs the development and review of local planning schemes and the preparation of future strategies, structure plans and other planning tools. They also provide a strategic basis for infrastructure and service planning as well as sequencing of land release.

The preparation of PSPs is the primary vehicle for the implementation of the GCP.

The South East Growth Corridor, which includes the municipalities of Casey and Cardinia, is expected to accommodate a population of 230,000 people with a capacity to provide 86,000 jobs. The City of Cardinia is expected to accommodate up to 42,000 lots and 118,000 people, including the Pakenham East PSP (see Figure 4). The growth corridor plan does not designate any future land use for the Pakenham East precinct, though the logical inclusions advisory committee report envisaged that the precinct would contribute to residential supply in Cardinia.

Figure 4 South East Growth Corridor and Pakenham East Precinct



Source: VPA 2018

3.2 Precinct Structure Planning and the Urban Growth Zone (UGZ)

On 7 October 2009, the former Minister for Planning released the *Precinct Structure Planning Guidelines*. The Guidelines provide a tool for designing and delivering better quality communities in growth areas. They set out the key objectives of growth area planning and include a step-by-step guide on how to achieve the identified objectives.

The overarching objectives for PSPs as set out in these guidelines are as follows:

- Establish a sense of place and community;
- Create greater housing choice diversity and affordable places to live;
- Create highly accessible and vibrant activity centres;
- Provide local employment and business activity;
- Provide better transport choices;
- Respond to climate change and increase environmental sustainability; and
- Deliver accessible, integrated and adaptable community infrastructure.

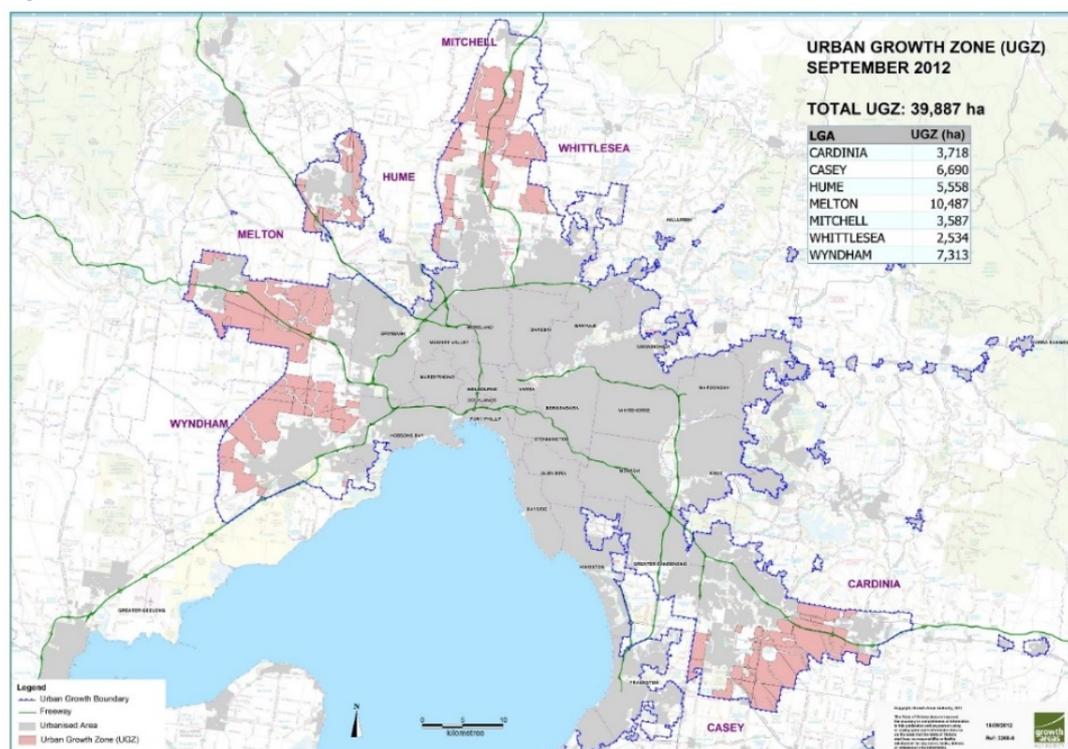
The UGZ applies to land that has been identified for future urban development within the UGB (see Figure 5). The UGZ sits within the suite of zones within the *Victorian Planning Provisions*. It has been specifically designed to implement an incorporated PSP and ensure that future development accords with the approved PSP. As the precinct was a logical inclusion and is not currently zoned UGZ, this amendment will rezone the land in the precinct to UGZ with applied zones to implement the PSP.

The UGZ includes two parts:

- Part A, which applies to land when no PSP applies; and
- Part B, which applies to land when a PSP applies.

The UGZ includes zone provisions that seek to provide certainty about the nature of future development, streamline the approval process and ensure that any land use and/or development within a precinct does not prejudice its future growth.

Figure 5 Urban Growth Zone Application 2012



Source: Growth Areas Authority (Now VPA) 2012

A Schedule to the Urban Growth Zone is drafted for each PSP area and can include requirements for land use, buildings and works, application/advertising requirements, decision guidelines and any other conditions/requirements.

The proposed UGZ Schedule 5 has been designed to apply a suite of Victoria Planning Provision zones to guide future use and development of the Precinct through the specification of permit triggers, application requirements, referral and/or notification requirements, and permit conditions so that land use and development within the Precinct is generally in accordance with the PSP.

Schedule 5 to the UGZ is specific to the Pakenham East Precinct as it includes certain permit triggers and requirements that respond to strategic assessment of the land as identified in the background reporting and planning for the Precinct.

The design of the Schedule 5 to the UGZ promotes consistency in the manner that planning authorities deal with land use issues and ensures that the zone implements the SPPF and LPPF. It has been structured in such a way that the ultimate translation to conventional Victorian Planning Provision zones can occur in a timely and efficient manner once the land has been developed.

3.3 Native Vegetation Precinct Plan

As the Precinct was included in the Urban Growth Boundary after 2010, it does not benefit from the Melbourne Strategic Assessment (MSA) that evaluated the impacts of the Victorian Government's urban development program for Melbourne on matters of national environmental significance (MNES) protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Clause 52.16 of the Cardinia Planning Scheme therefore required the development of the Pakenham East Native Vegetation Precinct Plan (NVPP). The NVPP has been prepared concurrently with the PSP. It identifies:

- Native vegetation to be protected and the native vegetation that can be removed, destroyed or lopped without a planning permit; and
- The offsets that must be provided by landowners wishing to commence works prior to removing the native vegetation which can be removed.

The NVPP will be incorporated into the Cardinia Planning Scheme under Clause 81.01 (Incorporated documents) and is a separate document to the PSP.

The VPA will confirm the format of the NVPP with respect to the revised 52.16 clause and Preparing a Native Vegetation Precinct Plan Guidelines.

3.4 State Planning Policy Framework

The State Planning Policy Framework (SPPF) ensures that the objectives of section 4 of the Act are implemented through appropriate land use development by addressing environmental, social and economic factors to achieve sustainable development.

The explanatory report accompanying the exhibited Amendment outlines how the State planning policies, local planning policies and Ministerial Directions relevant to the Amendment have been considered.

3.5 Ministerial Directions

The Amendment complies with the applicable Ministerial Directions as outlined in the explanatory report. More broadly, the Amendment complies with the following Ministerial Directions relating to the preparation of an amendment within the urban growth areas, including Ministerial Direction 11 - Strategic Assessment of Amendments, and Ministerial Direction 12 - Urban Growth Areas, as detailed further below.

3.5.1 Ministerial Direction 11 - Strategic Assessment of Amendments

The Amendment has been strategically assessed in accordance with the assessment criteria set out in Ministerial Direction 11. The Amendment will implement the objectives of planning in Victoria by providing for the fair, orderly, economic and sustainable use of land identified for urban purposes.

The Amendment has addressed environmental effects, as the pattern of land use and development was guided by studies of the area relating to flora and fauna, flooding and drainage.

The Amendment has addressed the relevant social and economic effects. It is expected to have a positive social and economic effect through the provision of additional housing and community facilities, as well as the creation of local employment opportunities. The Amendment has considered the relevant social, environmental and economic effects, and the amendment will result in a net community benefit.

3.5.2 Ministerial Direction 12 - Urban Growth Areas

This Direction applies to the preparation of any planning scheme amendment that provides for the incorporation of a PSP in the scheme or the introduction of, or changes to, provisions in a schedule to the Urban Growth Zone (UGZ). Therefore, the Direction applies to the Amendment.

The Direction calls for that the Amendment must implement the *Growth Area Corridor Plan* relevant to the land and must be in accordance with applicable *Precinct Structure Plan Guidelines*.

3.6 ICP process update

The Pakenham East ICP sets out the requirements for development proponents to contribute towards basic and essential infrastructure required to support development of the precinct. The ICP is a separate document incorporated into the Cardinia Planning Scheme and implemented through Schedule 1 to Clause 45.10 of the Cardinia Planning Scheme. The ICP applies to the same land as the PSP. *Table 8 – Precinct Infrastructure* in the PSP, identifies which infrastructure projects are to be funded through the ICP. The Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans establishes the allowable items to be funded through an ICP.

A new public land contribution regime was introduced in Victoria in February 2018 with the passing of the *Planning and Environment Amendment (Public Land Contributions) Act 2018* (Vic) (PLC Act) by the Victorian Parliament. The PLC Act is not yet in effect however it is expected to commence in July 2018 with a default commencement date of 1 September 2018 under section 2(2) of the PLC Act. This will replace the existing provisions of Part 3AB of the *Planning and Environment Act 1987* (Vic) with a regime that is intended to equally spread the cost of securing public land across an Infrastructure Contributions Plan (ICP) area. The ICP will be prepared in accordance with the new PLC Act.

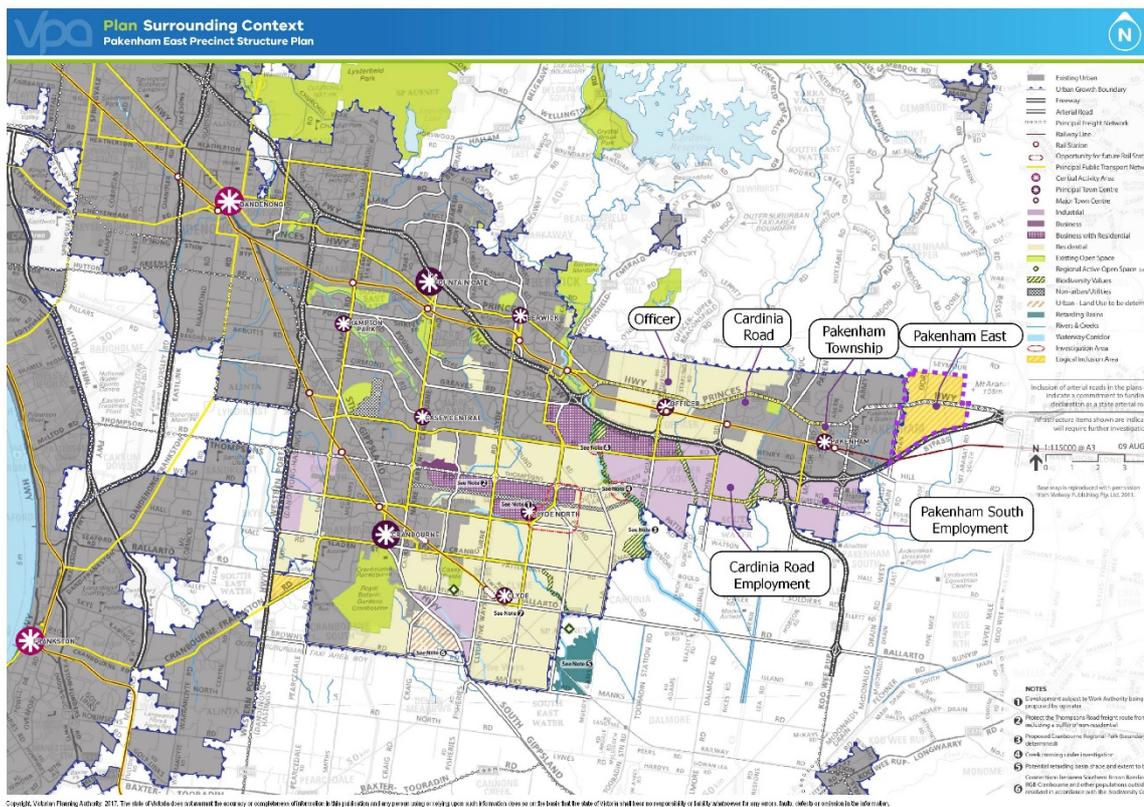
4 LOCAL CONTEXT

4.1 Surrounding Precincts and Structure Plans

The Pakenham East Precinct is located at the eastern edge of the south east growth corridor sitting adjacent to the Pakenham Township and established residential area. Recently completed PSPs (Cardinia Road and Officer) sit on the west side of Pakenham, and are estimated to support the delivery of around 55,850 homes and 6,550 jobs, including schools, community facilities and open space. Numerous employment precincts (Cardinia Road, future Pakenham West and Pakenham South) sit to the south of the Princes Freeway and are estimated to support the delivery of over 21,700 jobs.

The Precinct provides a boundary to the urban growth area and supports the Pakenham Township. It also supports a future employment corridor which extends west along the southern boundary of the Princes Freeway from Pakenham; a strategy which is identified to support localised employment opportunities for the surrounding new communities.

Figure 6 Surrounding Precincts and Structure Plans



4.1.1 Pakenham South Employment PSP (south west of Pakenham East PSP)

This PSP is currently being planned with Cardinia Shire Council as the planning authority. Pakenham South Employment precinct lies to the south-west of Pakenham East. The precinct comprises approximately 190 hectares of existing employment land, and is bordered by the Princes Freeway to the north, McGregor Road to the west, Koo Wee Rup Road to the east, and the Urban Growth Boundary to the south. The precinct is planned to provide opportunities for industries to operate in a defined employment hub.

4.1.2 Cardinia Road PSP (west of Pakenham East PSP)

The Cardinia Road PSP was approved in November 2008 through Amendment C092 to the Cardinia Planning Scheme. The precinct lies to the west of Pakenham East and the Pakenham Township. The Princes Highway

runs east-west through the centre of the precinct, with the railway line running through the southern area. The 1051 hectare precinct is planned to be largely residential, with a large Neighbourhood Activity Centre (NAC), a small NAC and a Neighbourhood Convenience Centre (NCC).

4.1.3 Cardinia Road Employment PSP (west of Pakenham East PSP)

Cardinia Road Employment PSP is located to the south-west of Pakenham East. The PSP was approved in October 2010 through Amendment C130 to the Cardinia Planning Scheme. It will guide the development of a 595 hectare integrated business and industrial park, supported by a neighbourhood activity centre and some high density housing.

4.1.4 Officer PSP (west of Pakenham East PSP)

Officer PSP lies to the west of Cardinia Road PSP, and was approved in December 2011 through Amendment C149 to the Cardinia Shire Planning Scheme. The precinct is based around a transit-oriented Major Activity Centre and is further supported by a Neighbourhood Activity Centre and multiple Neighbourhood Convenience Centres, with predominantly residential areas. The Officer PSP, primarily as it relates to the Officer Town Centre, is currently under review via Amendment C232 to the Cardinia Shire Planning Scheme.

5 PAKENHAM EAST PRECINCT STRUCTURE PLAN

5.1 Role and Function of the Plan

The Pakenham East PSP is a long-term plan for future urban development of the site. It describes how the land is expected to be developed, and how and where services are planned to support development. The Plan provides a high level structure to guide subsequent detailed planning and development and thus will be subject to further refinement through this process.

The PSP provides a guide for the delivery of an urban environment that will be a logical extension of the existing established residential areas adjacent to the precinct. The PSP, and Amendment to implement the Plan, enables the transition of 'urban identified' land to urban land giving effect to necessary applied zone provisions to allow development to occur in accordance with the Plan.

The PSP outlines the projects required to ensure that future residents, visitors and workers within the Precinct are provided with essential services and timely access to key infrastructure necessary to support proposed land uses and the future community.

The PSP includes a Precinct Infrastructure Plan (PIP), which details what is to be included within the Infrastructure Contribution Plan and ensures Government agencies, Council, developers, the local communities, and investors have certainty about future development requirements of the Precinct.

The VPA will finalise an Infrastructure Contribution Plan (ICP), based on the ICP items that are detailed in the PIP. If a standard levy is applied the ICP and associated ICPO will be introduced to the scheme by the Minister via a section 20A amendment which is exempt from notice requirements but must involve consultation with the local authority.

Figure 7 below is the Exhibited Pakenham East Future Urban Structure (Plan 3 in the PSP).

5.2 Objectives for the Precinct

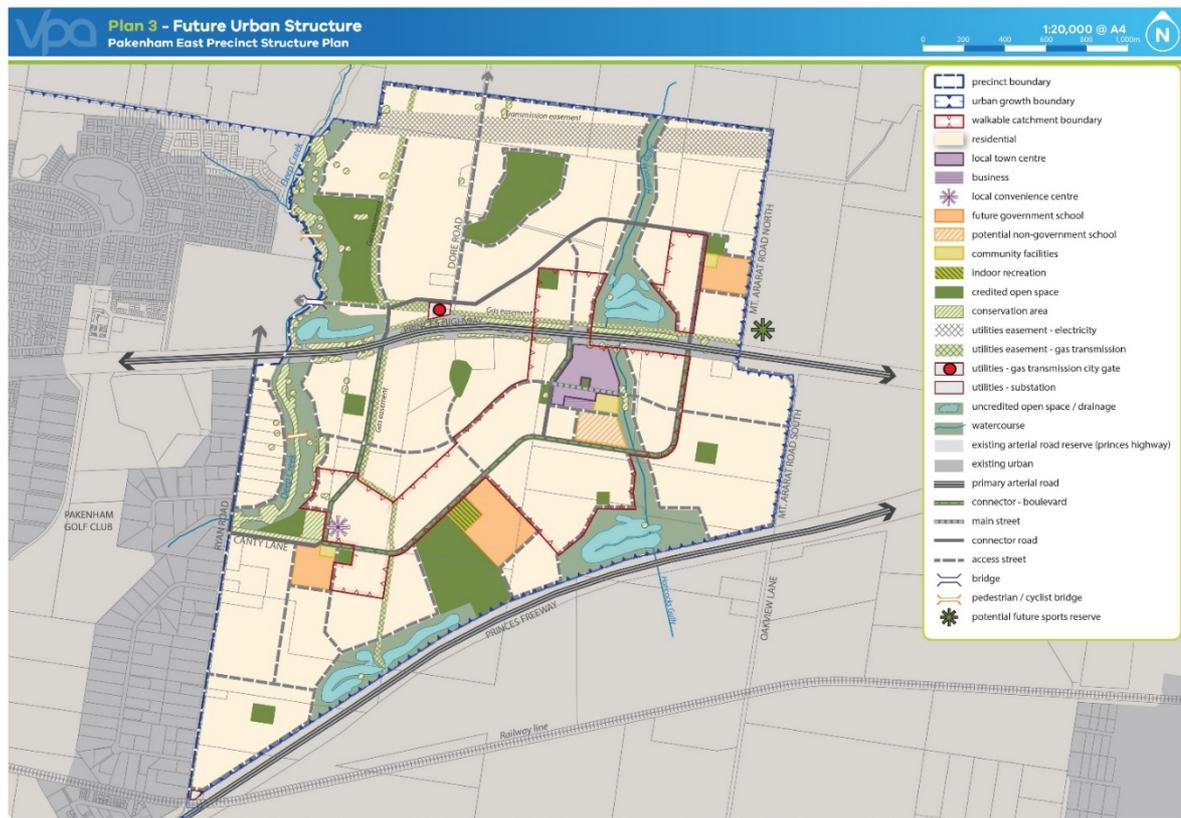
The Victorian Precinct Structure Planning Guidelines (2009) outline the overarching objectives for precinct structure plans. These include:

- To establish a sense of place and community;
- To create greater housing choice diversity and affordable places to live;
- To create highly accessible and vibrant activity centres;
- To provide for local employment and business activity;
- To provide better transport choices;
- To respond to climate change and increase environmental sustainability; and
- To deliver accessible, integrated and adaptable community infrastructure.

PSPs must respond to all of these objectives in an integrated way and be flexible enough to respond to the challenges of creating sustainable, long lasting and diverse communities.

The draft PSP more specifically reflects these overarching objectives to inform the future urban structure and development of the precinct in accordance with its Objectives, Requirements and Guidelines.

Figure 7 Exhibited Pakenham East Future Urban Structure



5.3 Vision for Pakenham East Precinct

The PSP outlines and manages the transition of the Pakenham East Precinct area from a historic agricultural area at the foothills of the Dandenong Ranges to a thriving part of Metropolitan Melbourne. The PSP recognises and enhances the local heritage, landscape and environmental values of the area, while delivering a variety of housing options and community and recreational facilities as a logical extension of the Pakenham Township.

The Precinct will offer its community distinct residential neighbourhoods that create a strong sense of place and community by ensuring development is safe and diverse, provides a high standard of urban design and amenity, while protecting environmentally sensitive areas.

The PSP will embrace the natural landscape and cultural heritage features of the precinct by protecting the ridgelines from inappropriate development, facilitating appropriately scaled and responsive development on steeper land, safeguarding views to and from hilltops, creating habitat corridors along Deep Creek and other waterways, maintaining significant native vegetation and conserving and celebrating places of Aboriginal cultural heritage and post-contact cultural heritage.

The PSP will also plan and respond to the existing built environment and land uses, by providing appropriate infrastructure to both the north and south of the Princes Highway, ensuring appropriate development with the interface to the existing residential development to the west of the precinct and the farming land to the north and east, and the Princes Freeway to the south.

Community hubs featuring schools, open space and community services will be developed on both sides of the Princes Highway to ensure that all neighbourhoods within the precinct are provided with excellent local services, facilities and community infrastructure. These will be linked via a strong public transport and path network.

The Precinct will offer diverse housing choices. Along with more traditional detached housing that meet the housing density requirements of the PSP, higher density housing will be delivered within and surrounding the local town centre and in close proximity to key bus routes, community hubs and local convenience centres.

A diverse mix of retail and commercial jobs within the town and local convenience centres, along with jobs within the community hubs and schools will support the delivery of a range of goods and services to support residents, workers, visitors and businesses. Each centre will have its own distinct character, incorporating places for people to gather.

Sport and recreation reserves will attract visitors to the area by providing a range of activity options, all integrated with an extensive path and open space network.

5.4 Descriptions of the Plan

5.4.1 Land use, Housing & Employment

The PSP provides land for residential, employment, local parks and sports reserves, roads and waterways supporting around 436.64 Net Developable Hectares (NDHa) (See Figure 8 below). The total areas and percentage of net developable area are provided in more detail in the Summary land use budget in Table 1 of the PSP document.

Figure 8 Exhibited Net Developable Area

TOTAL NET DEVELOPABLE AREA - (NDA) Ha	436.64	69.33%
NET DEVELOPABLE AREA - RESIDENTIAL (NDAR) Ha	435.94	69.22%
NET DEVELOPABLE AREA - EMPLOYMENT (NDAE) Ha	0.70	0.11%

The PSP is estimated to deliver approximately 435.94 hectares NDA-Residential across applied Residential Growth Zone and General Residential Zone supporting an estimated 7,148 dwellings to accommodate between 20,000-22,200 new local residents.

The PSP seeks to provide for approximately 0.70 hectares as dedicated employment land which is marked on *Plan 3 – Future Urban Structure* as Business. . This area sits adjacent to the Local Town Centre and creates opportunities for small businesses to operate within proximity to other commercial uses. The area is zoned commercial 2.

The applied zoning provisions and approximate areas of housing and employment for the exhibited PSP are outlined in Table 1 below.

Table 1 Exhibited Applied Zone Areas

SUB-PRECINCT	APPLIED ZONING	HECTARES
RESIDENTIAL		
Residential within the walkable catchment – Medium Density	Residential Growth Zone (walkable catchment)	96.95
Standard residential outside walkable catchment	General Residential Zone	262.12
Residential outside walkable catchment – Interface housing area 1	General Residential Zone	13.33
Residential outside walkable catchment – Interface housing area 2	General Residential Zone	11.47
Residential outside walkable catchment – Interface housing area 3	General Residential Zone	45.63
Residential in the local town centre	Commercial Zone 1	6.43
	SUB-TOTAL	435.94
EMPLOYMENT - OTHER		
Business Area	Commercial Zone 2	0.7
	SUB-TOTAL	0.7
	TOTAL NET DEVELOPABLE AREA	436.64 Hectares

5.4.2 Education

The Plan proposes sites for two primary school facilities (P1-6) in accordance with the Department of Education and Training's (DET) standard provision ratio for primary schools (one per 3,000 dwellings). A site for a secondary school facility is also proposed (7-12) in accordance with the DET standard provision ratio for secondary schools (one per 9,000 dwellings).

The sites are located such that one is in the northern neighbourhood, and one in the southern neighbourhood for accessibility across the precinct. The locations are adjacent to the connector road network, neighbouring higher densities within the walkable catchment, and co-located with community facilities and open space. Constraints within the precinct such as slope and gas pipeline measurement lengths have affected the location of the proposed sites.

DET's submission to the draft Plan provided support for the provision of the sites for use of a Primary or Secondary School facility and made recommendations to adjust the size of the secondary school and some text changes to the documents Requirements and Guidelines,

5.4.3 Council Community Services

The Plan provides for two level 1 multi-purpose community centres and one level 2 neighbourhood house. These facilities should include four kindergarten rooms in the short term and three in the long term, as well as one maternal and child health consulting room.

The proposed sites are integrated with the Local Town Centre or Primary School sites and open space to ensure the uses are spatially integrated to maximise opportunities for shared resources.

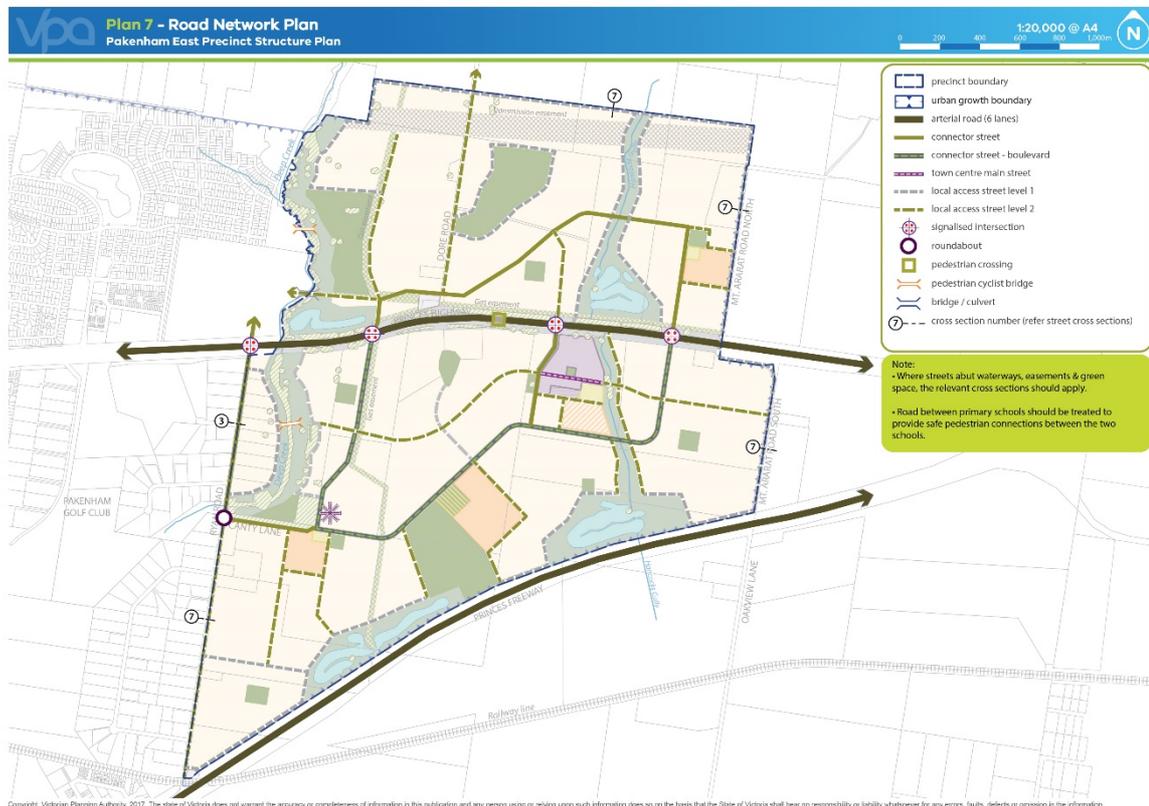
5.4.4 Transport Network & Assessment

Plan 7 (Figure 9) sets out the indicative street network for the precinct drawing from existing connections in the surrounding network to deliver a network pattern of Arterial, Local Connector and Local Access Streets. The transport network reflects the planned future duplication of the Princes Highway through the centre of the precinct.

The intersections for the Princes Highway represent the primary transport components of the Infrastructure Contributions Plan (ICP) for the draft PSP. The inclusion of Ryan Road in the ICP assists in delivering the local connector street across a number of small fragmented parcels.

A local connector street network circulates the precincts, linking the northern and southern neighbourhoods with the proposed schools, community facilities, sports reserves and local town and convenience centres. The connector street will form the local bus network, and also provide two-way off-road bicycle paths.

Figure 9 Street Network



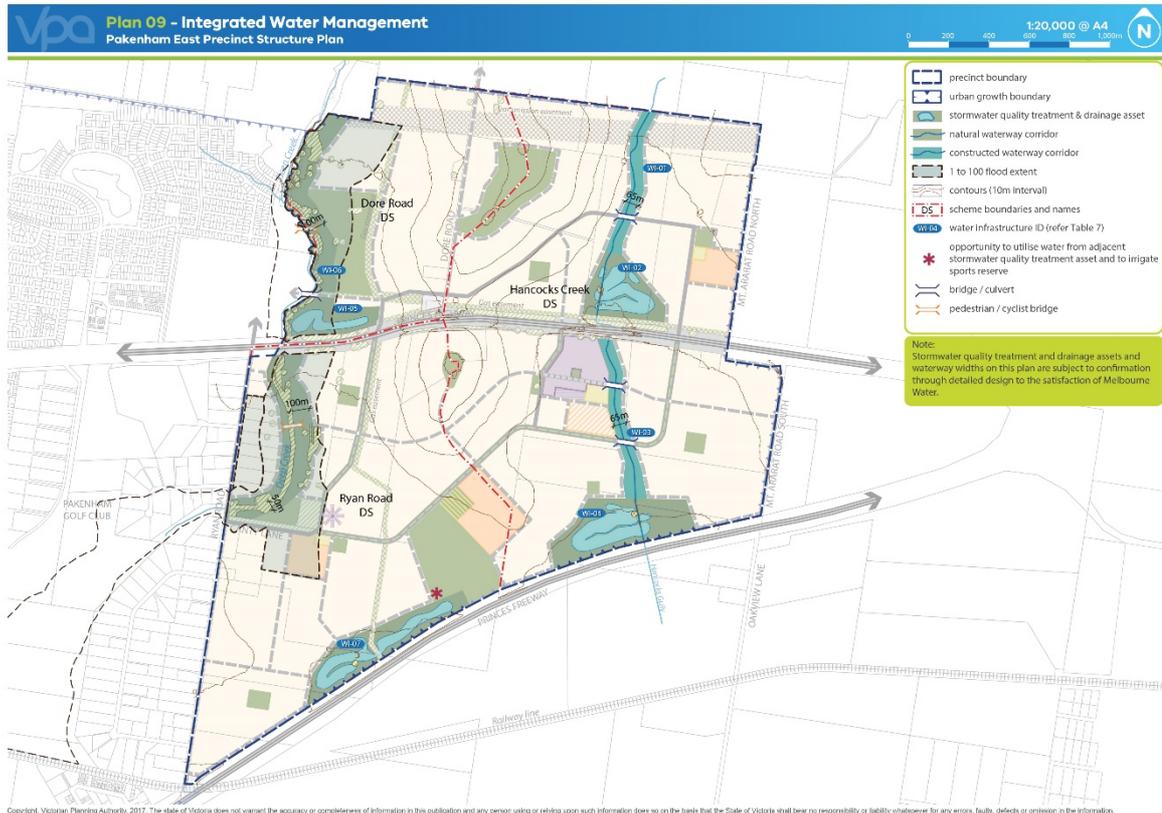
5.4.5 Integrated Water Management & Drainage

The drainage and waterway network detailed by the exhibited plan largely consisted of four stormwater quality treatment wetlands and two southerly waterway networks crossing the precinct (see Figure 10).

Prior to exhibition, the draft plan included 'Biodiversity Conservation Strategy' controls in anticipation of a decision on referral by the Commonwealth government regarding Matters of National Environmental Significance in the precinct. The proposed action was deemed not a controlled action, which effected the conservation status of, specifically, the Deep Creek corridor. Throughout exhibition, Melbourne Water, in conjunction with DELWP and VPA, progressed a more detailed evaluation of the hydrological regime for Deep Creek and the ability to ensure drainage outflows were managed within the corridor.

The precinct is part of three drainage (Development Services Schemes – DSS) prepared by Melbourne Water: Dore Road DSS, Hancocks Creek DSS, and Ryan Road DSS.

Figure 10 Integrated Water Management



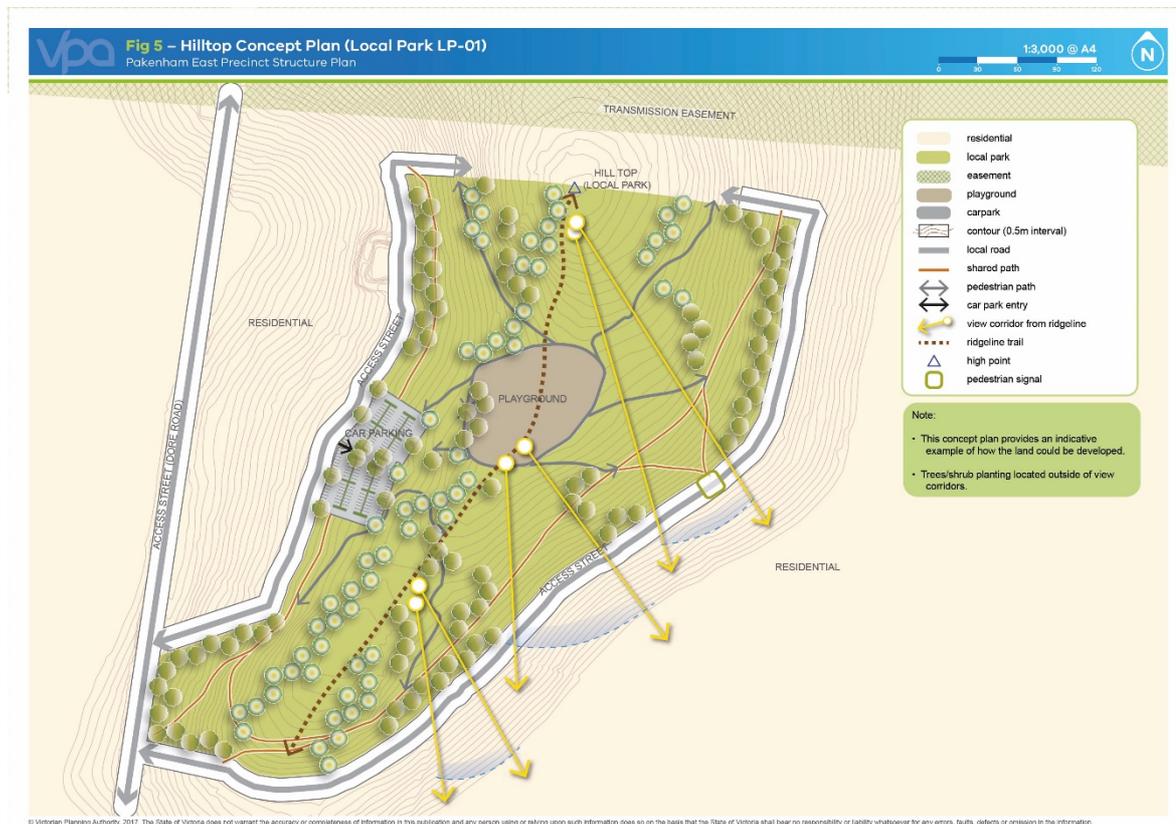
5.4.6 Protection of the ridgeline

Included in the vision is the importance of protecting the ridgeline running through the centre of the precinct, particularly from inappropriate development, to protect areas of cultural sensitivity, and from obstructing key view lines. 'Guidelines for Slope Management in Subdivisions' is the key document that guides the PSP's response to the protection of the ridgeline. It seeks to ensure that the design response in areas with slope greater than 10% allows for the retention of existing landscape and amenity values and creates a built environment that is responsive to these conditions. In the PSP, these are generally addressed through the requirement within the 'Topography' category which requires a set of performance measures to be met through a slope management plan.

Key parts of the ridgeline are also managed and protected by the careful siting and provision of local open space which includes a large 10.89ha (approx.) park north of Princes Highway and a smaller 1.39ha (approx.) park south of the highway.

The hilltop concept plan shown in *Figure 5 – Hilltop park concept plan* further responds to the ridgeline's protection through providing an appropriate design guide. It addresses aspects such as key view lines to protect; areas to plant vegetation, entrance points, contours and high points.

Figure 11 Hilltop park concept plan



5.4.7 Impacts of the electricity transmission easement

Multiple issues have arisen in relation to the viability of developing parcels that include this easement, and the implications of the easement for bushfire management and AusNet (the owner of the utility).

The CFA has advised that a frontage road will be required to the northern border of the PSP at its interface with farming land. The CFA has also advised that ongoing access will be required to the easement.

AusNet has alerted to the VPA that they require:

- Lot boundaries must have a minimum clearance of 10 metres from the nearest tower steelwork;
- Gates must be installed in any new boundary fences that cross the easement to enable access for AusNet Transmission Group vehicles;
- Services and wetlands must be located a minimum of 20 metres from centre of tower/15 metres from steelwork; and
- Electricity must be located a minimum of 30 metres from centre of tower.

Furthermore, the transmission easement is included in the exhibited Land Use Budget as developable land which means it is liable to the ICP levy despite the lower housing yields achievable. This places further constraints on the potential to develop the land and raises a question around the appropriate future zoning.

The VPA is working with stakeholders to determine the appropriate land designation for land encumbered by the transmission line easement. The outcomes will likely be dictated by the bushfire planning recommendations, yet further discussions will be had once the expert evidence has been received leading up to panel.

5.4.8 Open Space

The Plan provides 10% of NDA (Residential) as credited open space and recreation which meets the PSP Guideline standard. This provision is provided by nine local parks and two local sports reserves (23.68 ha).

The Guidelines also call for 95% of dwellings to be within 400 metres of a local park, which has been achieved as reflected by the Future Urban Structure. Council has requested that additional land be transferred to the southern local sports reserve to cater for extra facilities which will be considered in the drafting of revised plans.

5.4.9 Conservation Area

The conservation areas shown in *Plan 3 – Future Urban Structure* are the areas where native vegetation is to be retained. The majority of these areas are along Deep Creek and the Princes Highway. A patch of conservation is also located on Canty Lane, which is made up of a group of established trees within a property.

5.4.10 Vegetation

The study area is highly modified within private land and is dominated by introduced pasture grasses for grazing. Good quality patches of native vegetation are located generally along road side reserves and riparian/creek lines. Remnant native vegetation comprises several poor to good quality patches. Some scattered indigenous trees are also present throughout the study area.

A 2017 survey recovered 530 scattered trees in the study area. No nationally significant flora or fauna species were recorded in the study area.

A Native Vegetation Precinct Plan has been prepared in conjunction with the PSP and will be incorporated into the Planning Scheme. The plan identifies vegetation to be retained, removed, destroyed or lopped without a planning permit, and the offsets that must be provided for those wishing to commence works prior to removing native vegetation.

5.4.11 Post Contact Heritage

The Plan identifies three places within the study area for inclusion in the Schedule to the Heritage Overlay of the Cardinia Planning Scheme as Individually Significant places. All sites were assessed as having local heritage significance, including a pear tree on Dore Rd, and two properties at 32 Mount Ararat South Rd, Nar Nar Goon, and 140 Ryan Rd, Pakenham.

Three places of archaeological interest are identified within the study area. These sites are recommended to be further investigated through a detailed archaeological site inspection and either recording or monitoring as required.

Two sites have been identified as having plantings of historic interest. It is recommended that an appropriate measure to record this significance is by providing photographs of the vegetation prior to removal to the local historical society and/or Cardinia Shire Council.

Trees that have landscape and aesthetic interest have been considered to contribute in a positive way to the new urban landscape. It is recommended to retain these trees and integrate them into the Future Urban Structure. These include an English Oak, a Canary Island Palm, a Hoop Pine and a Deodar Cedar.

5.4.12 Aboriginal Cultural Heritage

A desktop assessment of registered sites and areas of sensitivity was undertaken during the PSP preparation stage to inform precinct planning.

The desktop assessment report found seven Aboriginal sites in the study area. Artefact scatters and Low density Artefact Distributions (LDADs) are the types of Aboriginal places that are most likely to occur within the study area.

A field inspection with representatives of the Wurundjeri Tribe Land and Cultural Heritage Compensation council, the Boon Wurrung foundation, and the Bunurong Land Aboriginal Council identified some areas of Aboriginal likelihood. This included low-lying areas, comprising seasonally inundated flood plains and formed marshlands (low likelihood), areas of steep slopes, (>10% slope) (Low likelihood), elevated areas that have flat to gentle slopes (<10%) on ridges/hills (moderate likelihood), and areas of cultural heritage sensitivity (high likelihood).

No historical heritage places or areas of historical likelihood were located. A more detailed analysis by way of a Cultural Heritage Management Plan (CHMP) will be required at the subdivision and/or development stage, in accordance with standard development practices.

5.4.13 Environmental Site Assessment

Based on the site history review and information obtained from site inspections, three properties were identified as having a High Potential For Contamination (PFC) rating (properties 12, 13 and 52). 20 properties were assessed as having a medium PFC rating, and 29 with a low PFC rating.

The VPA has complied with GHD recommendations in applying various assessment levels to each rating. For those with a High PFC, an Environmental Audit Overlay has been applied. An environmental site assessment is required for those properties with a medium PFC rating.

5.4.14 Landscape values

A landscape assessment was conducted to investigate aspects of the landscape and views to be protected or enhanced through future urban development in the precinct. Generally, the ridgeline that traverses through the centre of the precinct was recommended to be enhanced, and the slopes falling away from the ridgeline protected from inappropriate development. In response to the assessment, a set of slope management guidelines were produced to aid in this protection for areas with a slope greater than 10%.

The draft Plan proposes a large park along the ridgeline to retain its landscape value and views. The land associated with Deep Creek and Deep Creek road has also been protected through the use of shared paths and buffers, as well as locating open space adjacent to limit residential development in the area.

5.4.15 Emergency Services

The Country Fire Authority (CFA) has engaged in discussions with Cardinia Shire Council and the VPA regarding the need to identify a site for emergency fire facilities within the Pakenham East precinct. These conversations will continue through the PSP process to ensure an adequate location is found.

6 SUMMARY OF THE ISSUES AND OUTSTANDING MATTERS

6.1 Submissions on the draft Plan

72 submissions were received on the exhibited Plan. Submitters can be generally categorised into the following groups:

- Landowners and developers (12)
- Community members outside of the PSP area (39)
- Community groups (8)
- Local Government (1)
- State agencies or authorities (8)
- Utility provider (3)
- Non-government education provider (1).

6.2 Key Issues raised by submissions and outstanding matters

The key issues raised by submitters to Cardinia Amendment C234 can be summarised into the following issue categories:

- Traffic and Congestion
- Interface treatments (particularly Ryan Road, Mount Ararat Road North/South and north of the transmission easement)
- Housing densities and impacts on community facilities
- Topography, particularly regarding development on slope and landscape values
- Confirmation of Infrastructure Contributions Plan (ICP) items
- Drainage
- Vegetation included in the Native Vegetation Precinct Plan

A summary of outstanding matters raised by key stakeholders and those registered to be heard are noted below. Complete details are available in Appendices 3-15.

6.2.1 Department of Environment, Land, Water and Planning (DELWP)

DELWP's (Biodiversity) submission requested changes to Figures, Requirements and Guidelines in the Native Vegetation Precinct Plan particularly in relation to the management and protection of this vegetation, and to update the NVPP to be consistent with the revised Clause 52.16 and the Revised Preparing a Native Vegetation Precinct Plan Guidelines (DELWP 2013). The submission also requested minor changes to text and mapping in the PSP which will be reflected in the updated document. Matters relate to the Drainage Strategy and the appropriate zoning along the creek corridor, and the finalisation of the NVPP. Drainage and ecology consultants have been engaged to assist with these matters and all matters are resolved pending final reports.

6.2.2 Department of Economic Development, Jobs, Transport and Resources (DEDJTR)

DEDJTR's submission related to the precinct being situated within an Extractive Industry Interest Area. It was submitted that this should be taken into consideration, particularly relating to interfaces with the land covered by the Extractive Industry Area. It was agreed with DEDJTR that the PSP will not be in a position to implement planning controls or measures to respond to buffers from any future extractive industry within the precinct. This is due to:

- The uncertainty around the location, timing, type and extent of any proposed extractive industry adjacent to the precinct. Planning controls generally must respond to an existing or permitted use or development.
- The inappropriateness of alternative land uses within the PSP adjacent to the EIA (the PSP identifies the land use as residential).

The PSP will not prevent extractive industries establishing in locations within the EIA adjacent to the precinct outside of standard separation distances subject to appropriate approvals. All matters are resolved.

6.2.3 Transport for Victoria (TfV)

TfV submitted on confirmation of items to be included in the ICP, some changes to the wording of requirements, and wording in the Precinct Infrastructure Tables. All matters are resolved. Further work in regard to traffic and intersections is being conducted in collaboration with TfV as a response to submissions from Council, land owners and the community. VicRoads (Transport for Victoria) will be requested to attend the traffic management expert conclave.

6.2.4 Melbourne Water

The submission requested the inclusion of Melbourne Water infrastructure on plans including a fish way and a stormwater (harvesting) transfer pipeline. Both will be included in the updated plans. All matters are considered resolved. Melbourne Water will provide a position on the submission relating to drainage made by other parties and will be involved in the drainage and integrated water management hydrology expert conclave.

6.2.5 Department of Education and Training (DET)

DET's submission confirmed the direction to illustrate two future government primary school sites at these locations, and one government secondary school at this location; requested refinement to existing Requirements and Guidelines; and requested the secondary school be increased in size to meet the Department's Greenfield standard. All matters are considered resolved.

6.2.6 Environmental Protection Agency (EPA)

EPA noted support for the proposed amendment noting the future requirement of residential development to ensure the mediation of any contaminated sites or items to be undertaken in accordance with various EPA publications.

6.2.7 Country Fire Authority (CFA)

CFA noted the need for an emergency services facility in the precinct; that all roads have a trafficable width of at least 3.5 metres; and the need to update the plan with State policy in relation to Bushfire Prone Areas. A bushfire planning consultant has been engaged by the VPA to provide recommendations on appropriate mechanisms to align with the policy. Further discussions will be had with the CFA regarding the location of an emergency facility and the trafficable width of local access streets and the town centre main street.

6.2.8 Aboriginal Victoria

Aboriginal Victoria noted some mapping concerns and a suggestion for how cultural heritage management plans be performed. Both matters were resolved through subsequent discussions.

6.2.9 APA Group

The submission from APA notes an adjustment to the gas transmission pipeline measurement length; the location of roads and intersections with the pipeline; residential development at the city gate facility; and word changes to requirements and guidelines. Notably, following the exhibition period APA identified that due to the quality of the gas pipeline that traverses east-west, a reduction in the measurement length from 700m to 50m was appropriate. To distinguish these buffers, the new 50m is identified as a notification area instead of measurement length. Following discussions with APA all matters are considered resolved.

6.2.10 AusNet Transmission Group

AusNet have submitted that any proposed development within 60 metres of the easement must be referred to AusNet Transmission Group for approval prior to the commencement of any works on site. This did not require any changes to the Amendment. All matters are resolved.

6.2.11 Cardinia Shire Council

Cardinia Shire Council submitted on a broad range of areas with a focus on density and the implications on community infrastructure concerns; the inclusion of items in the Infrastructure Contributions Plan; changes to wording in the PSP document and amendment documentation; the design and size of open space areas; and greater specification in the cross-sections.

A number of items continue to be listed as 'Decision Pending' where these matters are considered to be able to be reasonably addressed. Outstanding items are listed below. A summary of the entire submission is detailed in Appendix 4 – Submission summary – Cardinia Shire Council. The VPA will continue to work with Council to address these outstanding issues.

Outstanding issues:

Issue	VPA Response
Wording around densities	Further discussion required. Requirement R8 focuses on the delivery of higher densities within the walkable catchment. There should be a level of flexibility to deliver market led densities that respond to site constraints and that are consistent with Plan Melbourne objectives to create 20 minute neighbourhoods. There is potential to include a guideline to state densities should be consistent with the Table 3: 'Housing Delivery Guide'. Subdivision of residential land outside the walkable catchment boundary shown on Plan 3 – Future Urban Structure, should achieve the minimum average density outlined in Table 3 – Housing delivery guide. Applications for residential subdivision that can demonstrate how target densities can be achieved over time, to the satisfaction of the responsible authority, will be considered.
Lot sizes in interface areas	The VPA sees the importance in providing an appropriate transition from urban development within the precinct, and the existing surrounding areas (low density, rural and green wedge). Requirements have been included that control the character of development in these interface areas, such as larger setbacks, wider lot frontages, low or visually permeable fencing, adjusted cross sections, and only allowing a single dwelling on a lot (implicating building heights). These controls are seen to have a more beneficial effect on the neighbouring character than prescribing larger lots, and allowing some flexibility for future development.
Including a concept plan for the local convenience centre	The VPA does not generally include concept plans for convenience centres, as it is seen as too prescriptive for the level of centre and of a scale that is better to address at planning permit stage. It is preferable to have requirements and guidelines; and design principles to guide appropriate development.
Including planning permit stage requirements	Multiple submissions request additional requirements and guidelines that are better addressed at the planning permit stage. The PSP is a strategic document that guides land use and development, whilst a responsible authority will manage development and issue permits as relevant under its general discretion. It is viewed that many of the submissions raise matters that would be better addressed at this later stage with an element of flexibility built-in.
Making the cross sections more site specific	The cross sections are VPA standard and provide guidance for road layouts to cover most circumstances. The responsible authority has flexibility and discretion to vary cross sections in response to local and site specific circumstances. Further, notes on each cross section provide an opportunity to guide how such discretion may be exercised. The VPA is open to discussion regarding the refinement of these notes. The VPA believes that site specific cross sections should generally be used judiciously for sensitive locations where specific outcomes are required (e.g. at interface areas).

6.2.12 Parklea (Landowner)

Parklea submitted on a number of elements, including the management of slope, the location of the proposed government secondary school; the location of the active open space in the southern neighbourhood; the inclusion of items in the ICP; the designation of the walkable catchment; and various comments on Requirements and Guidelines. Outstanding matters are noted below. A summary of the entire submission is detailed in Appendix 12 – Submission summary – Parklea.

Outstanding issues:

Issue	VPA Response
<p>Locating the proposed government secondary school site outside of the precinct</p>	<p>Provision rates for new secondary schools in Greenfield areas is one per 9,000 dwellings. Pakenham East has a projected dwelling yield that triggers the need for 0.80 of a government secondary school.</p> <p>Government secondary schools exist in Officer and Pakenham, yet with the number of dwellings forecast to reach 16,925 in Pakenham and 9,559 in Officer by 2031, greater pressure will be placed on the area.</p> <p>Discussions with DET indicate that a secondary government school will be required in this location to service the precinct and surrounding townships and the existing Pakenham area. In addition to this, any school site must meet Standards relating to Planning for Community and Facilities Objective established in 56.03-3 relating to school sites.</p> <p>There is clear strategic justification for the school site within the precinct and the current location meeting the Standards relating to Planning for Community and Facilities Objective established in 56.03-3 relating to school sites.</p>
<p>The location of the non-government primary school</p>	<p>Further discussion regarding the location of the non-government school site is required. In response to point 9 of the submission (Local Town Centre Concept Plan) it is proposed that a design workshop be held to refine the concept plan. It is best that the location of the non-government school site be addressed through this process.</p>
<p>The location of the active open space in the southern neighbourhood</p>	<p>None of the reasons provided by the submitter for relocation SR-02 are supported including: that the land is too steep; it is a sensitive use that should be located outside of the high pressure gas transmission pipeline; that it has a negative impact on the remaining developable land; that it effects the viability of land within property 33 and 39.</p>
<p>The inclusion of various items in the ICP as they are to the benefit of the wider community:</p> <ul style="list-style-type: none"> • The connector boulevard • Embellishment of gas easements • Construction of shared path network • Construction of Ryan Road south of Cauty Lane • Noise walls adjacent to the Princes Freeway 	<p>The connector boulevard</p> <p>Table 4 of the Ministerial Direction establishes transport construction supplementary allowable items. It establishes the local or collector roads maybe funded through the ICP if the road is on or adjoins land in fragmented ownership.</p> <p>It is acknowledged that the land on which the connector boulevard is proposed is on land in multiple ownership wholly under the control of Parklea, and does not adjoin to land in fragmented ownership.</p> <p>However the relevant overarching principles of the ICP system (Page 9-10 of the Infrastructure Contributions Guidelines) must be considered when determining items to be funded through the ICP:</p> <ul style="list-style-type: none"> • Infrastructure is essential: The delivery of the boulevard connector is aligned in such a way across existing parcels of sufficient size that it can be delivered in stages and still provide an essential service to the community (i.e. an accessible, permeable street and path network) that meet the requirements established in the PSP relating to transport and movement, housing and infrastructure delivery and staging.

	<ul style="list-style-type: none"> • Timely and orderly provision of infrastructure: As stated above, the existing parcels and the alignment of the boulevard connector allow for the delivery of the road in stages that correspond with the development. The necessity of the road and the associated bus service that may be delivered is entirely dependent on the staged development of the PSP. The existing Princes Highway will provide access for the precinct to the wider area and will be available from the first stage of development. • Need and nexus: As stated above the need for the connector boulevard is entirely dependent on the staging of the precinct and can be delivered in stages and still provide an essential service to the community. There is extremely limited nexus between the connector boulevard and the section of the precinct north of the Princes Highway. • Equity: Development which contributes to the need for the connector should pay a fair and reasonable contribution towards its provision. As there is limited nexus between the residential land to the north of the precinct and the connector, for equity reasons, this land should not contribute to the delivery of the connector. <p>The VPA do not agree that the delivery of the boulevard connector through the ICP is consistent with the overarching principles that guide the ICP system.</p>
<p>The inclusion of various items in the ICP as they are to the benefit of the wider community:</p> <ul style="list-style-type: none"> • The connector boulevard • Embellishment of gas easements • Construction of shared path network • Construction of Ryan Road south of Cauty Lane • Noise walls adjacent to the Princes Freeway 	<p>Embellishment of gas easements</p> <p>The allowable items listed in the Ministerial Direction do not cover items that are normally provided by developers at the subdivision stage. The exceptions to this are developer provided roads, bridges and pedestrian access ways that are located on or adjoin land in fragmented ownership.</p> <p>Chapter 13 of the ICP Guidelines identifies works to be provided directly by the developer:</p> <p>Improvements to local parks and open space reserves including, but not limited to:</p> <ul style="list-style-type: none"> • passive open space • playgrounds • car parking and internal roads • pedestrian and bicycle paths • seating • landscaping including earthworks and shaping, grassing, tree planting, garden beds, paving, retaining walls, planters and water sensitive design features • works to protect and integrate existing retained landscape and cultural features • installation of picnic facilities and park furniture including BBQs, shelters, tables, fencing, bollards, rubbish bins, bike racks, tree guards and lighting • water tapping of open space <p>Therefore embellishment of gas easements for use as open space is not considered an allowable item as it is infrastructure normally provided directly by the developer.</p>
<p>The inclusion of various items in the ICP as they are to the benefit of the wider community:</p> <ul style="list-style-type: none"> • The connector boulevard • Embellishment of gas easements • Construction of shared path network 	<p>Construction of shared path network</p> <p>Chapter 13 of the ICP Guidelines establishes that the allowable items lists in the Ministerial Direction do not cover items that are normally provided by developers at the subdivision stage. The exceptions to this are developer provided roads, bridges and pedestrian access ways that are located on or adjoin land in fragmented ownership.</p>

<ul style="list-style-type: none"> • Construction of Ryan Road south of Canty Lane • Noise walls adjacent to the Princes Freeway 	<p>The majority of the shared path network is delivered adjacent to the drainage corridors, within the gas transmission pipeline easements and adjacent to the Princes Highway.</p> <p>Requirement R89 of the PSP requires that ‘shared and pedestrian paths along waterways/retarding basins must be delivered by development proponents consistent with the network shown on Plan 8- Public Transport and Path Network’. This requirement has been extensively applied through other approved PSPs which indicates that delivery of the shared path network adjacent to waterways are normally delivered by developers and should not be funded through the ICP.</p> <p>The exception in this case is the shared path network adjacent to the Princes Highway (within the Princes Highway reserve to the south and within the east-west gas transmission pipeline to the north) (P-01 and P-02) and the proposed shared path from the precinct to Pakenham train station within the Vic Track rail reserve (P-03). These paths are considered to be ‘basic and essential to the health, well-being and safety of the community’ (Infrastructure Contribution Guidelines, Page 9). That is, they provide safe and accessible pedestrian and cycle routes to the important and essential social, transport and commercial services provided within Pakenham Town Centre. The delivery of these paths meets the principles established in the ICP Guidelines and will be funded by the ICP. In addition, these paths are located within fragmented land ownership or land outside of the control of developers within the precinct.</p>
<p>The inclusion of various items in the ICP as they are to the benefit of the wider community:</p> <ul style="list-style-type: none"> • The connector boulevard • Embellishment of gas easements • Construction of shared path network • Construction of Ryan Road south of Canty Lane • Noise walls adjacent to the Princes Freeway 	<p>Construction of Ryan Road south of Canty Lane</p> <p>Chapter 13 of the ICP Guidelines establishes that the allowable items lists in the Ministerial Direction do not cover items that are normally provided by developers at the subdivision stage. The exceptions to this are developer provided roads, bridges and pedestrian access ways that are located on or adjoin land in fragmented ownership.</p> <p>The land within the precinct adjacent to Ryan Road north of Canty Lane abuts single sided, fragmented land. The delivery of this section of Ryan Road clearly meets the fragmented land criteria, and due to the majority of parcels being small in size and the implications for their development potential, there is a risk that this section of Ryan Road will not be delivered in the normal course of development.</p> <p>The section of Ryan Road south of Canty Lane is also in slightly fragmented land holdings and may be considered for inclusion in the ICP.</p>
<p>The inclusion of various items in the ICP as they are to the benefit of the wider community:</p> <ul style="list-style-type: none"> • The connector boulevard • Embellishment of gas easements • Construction of shared path network • Construction of Ryan Road south of Canty Lane • Noise walls adjacent to the Princes Freeway 	<p>Noise walls adjacent to the Princes Freeway</p> <p>The construction of noise attenuation walls adjacent to freeways has been well established through a number of PSP amendments and panels to be developer works.</p> <p>The allowable items listed in the ICP Guidelines do not cover items that are normally provided by developers at the subdivision stage. The exceptions to this are developer provided roads, bridges and pedestrian access ways that are located on or adjoin land in fragmented ownership.</p> <p>Noise walls are generally considered developer works as they do not meet the nexus and equity principles established in the ICP Guidelines. This is the case for the provision of noise walls in Pakenham East as the beneficiaries of the noise walls would be a relatively small number of landowners and it would be inequitable for all landowners to contribute to these items.</p>
<p>The exclusion of Ryan Road and the Princes Highway/Ryan</p>	<p>The ICP funds the intersection of Canty Lane and Ryan Road, the section of connector road from Canty Lane to the Princes Highway and the ultimate land and interim construction of the intersection with the</p>

Rd intersection be excluded from the PSP / ICP	<p>Princes Highway. The items are allowable as defined in Table 2 & 3 (ultimate land and interim construction for intersections with declared state arterial roads) and Table 4 & 5 (land and construction for local or collector roads required on land that is on or adjoins fragmented land).</p> <p>The modelling undertaken for the PSP indicates the Ryan Road intersection with the Princes Highway will carry approximately 700 trips per hour in the am peak. A general rule of thumb is that approx. 10% of traffic is generated in peak times which equates to approximately 7,000 trips per day. This traffic volume is at the upper end of the indicative maximum traffic volume for a connector road (as identified in 56.06 of the Cardinia Planning Scheme). There is a clear nexus between the upgrade of Ryan Road and signalisation of Ryan Road and the Princess Highway with the PSP.</p>
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6.2.13 Lend Lease (Landowner)

Lend Lease submitted on a number of elements, including heritage; the management of slope; the location of the proposed government primary school in the northern neighbourhood; the inclusion of items in the ICP; the Hancocks Gully drainage scheme; and various comments on requirements and Guidelines. Outstanding matters are noted below. A summary of the entire submission is detailed in Appendix 10 – Submission summary – Lend Lease.

Outstanding issues:

Issue	VPA Response
An average minimum lot size	Requirement 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.
Deletion of HO277	Further discussion is required. The section of land where the HO applies does generally not exceed a slope greater than 10%. Further review of design options would be required.
Planning provisions relating to slope and topography	<p>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 Requirement R7.</p> <p>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 and sensitive urban design response on sloping land. The VPA considers this to be an appropriate compromise between a performance based approach and the meeting of key design criteria set out in R7.</p>

6.2.14 Blazevic Family (Landowner)

The submission seeks clarification on accessibility to their property; the requirements around utility and service provision; and the location of a local park. All matters are considered resolved. A summary of the entire submission is detailed in Appendix 6 – Submission summary – Blazevic family.

6.2.15 Earldean Pty Ltd and Auscare (Landowner)

The submitter requested greater clarity in relation to the purpose of the reserve abutting Deep Creek, and consequently requested that the drainage corridor be reduced from 100 metres. This was the main concern of the land owner, with some additional requests to relocate a local park and adjust the NVPP. Further work is being undertaken through expert evidence and the VPA will be working with the submitter prior to Panel. Besides this issue, all matters are considered resolved. A summary of the entire submission is detailed in Appendix 7 – Submission summary – Earldean Pty Ltd and Auscare.

6.2.16 Paul & Penny Carney (Landowner)

The submission requested that the drainage corridor along the Deep Creek Reserve be reduced from 100 metres to approximately 50 metres following advice from a consultant Water Technology; a reduction in the size of the active open space located on their land (SR-01); the inclusion of a local access street in the ICP; and the inclusion of a local convenience centre. Further work is being done on the drainage strategy through the Panel process which will outline the purpose of the reserve. All outstanding matters are outlined below. A summary of the entire submission is detailed in Appendix 8 – Submission summary – P & P Carney.

Outstanding issues:

Issue	VPA Response
Reduction in the size of the active open space (SR-01)	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 Council.
Drainage corridor	<p>The review of the PSP and associated background reports undertaken by Water Technology in relation to drainage has been reviewed.</p> <p>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>Further work is being undertaken through expert evidence and the VPA will be working with the submitter prior to Panel to resolve issues relating to the drainage corridor.</p>
Inclusion of a local access street in the 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 one ownership and does not meet the fragmented land criteria

	established in the Ministerial Direction on the Preparation and Content of ICP's.
The identification of a local convenience centre at the corner of the open space reserve.	<p>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 with approx. 85% of dwellings are within 1 km of a town centre provides a supermarket. This standard aims to balance the viability of supermarkets while maximising accessibility for residents.</p> <p>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 it 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.</p>

6.2.17 Azemi land holding (Landowner outside of the precinct)

The submission supported the proposal for a bridge across Deep Creek and sought greater clarification around it's delivery and the timing; requested the inclusion of the northern part of the Princes Highway/Ryan Rd intersection in the ICP; requested the sports reserve on their land be relocated to within the precinct; and clarified the four community facilities outlines in the Precinct Infrastructure Plan. Outstanding matters are noted below. A summary of the entire submission is detailed in Appendix 9 – Submission summary – Azemi land holding.

Outstanding issues:

Issue	VPA Response
Locating a carriageway above the APA gas transmission easement	Historically, the VPA has preferred locating carriageways above gas transmission easements to locate the asset in public ownership, to limit construction damage that could occur and to maximise use of the easement. Recently, the APA has identified that it is their preference that carriageways are not located above the gas pipeline easement. As APA is a determining authority, it is important that APA supports the street location, as they will have the final say.
Delivery timing of BR-01 and BR-02	The timing of the construction of BR-01 and BR-02 are very much dependent on the timing of the development of the north western portion of the precinct. The nexus for the bridge crossing is between the new communities within the precinct and the locations they wish to access. The crossing points will only be required at a point when there is a sufficient community in place.
100% of the Ryan Rd/Princes Highway intersection should be included in the ICP	<p>The relevant overarching principles of the ICP system (Page 9-10 of the Infrastructure Contributions Guidelines) must be considered when determining items to be funded through the ICP:</p> <ul style="list-style-type: none"> • Infrastructure is essential: The delivery of the northern leg of IN-01 is not essential infrastructure as it wholly services land outside of the precinct. • Timely and orderly provision of infrastructure: The delivery of the northern leg of IN-01 would only be required at time of development of the land adjacent to the precinct to the north which is outside of the PSP. There is no justification for delivery of this intersection to ensure the timely and orderly development of the precinct.

	<ul style="list-style-type: none"> • Need and nexus: As stated above the need for northern leg of IN-01 is entirely dependent on the development of land outside of the precinct and is neither needed by or has any nexus to the PSP. • Equity: Development which contributes to the need for IN-01 should pay a fair and reasonable contribution towards its provision. As there is no nexus between the residential land within the precinct and the northern leg of IN-01, for equity reasons, the ICP should not contribute to the delivery of the northern part of the intersection. <p>The PSP will therefore fund the interim construction of the intersection with nexus to the PSP (i.e., a t-intersection with a southern leg).</p>
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6.2.18 Bauenort (Landowner)

The submission requests a change in the edge road cross-section from 20 metres to 16 metres; the deletion of an average minimum lot size in the interface housing area 3; a review of the NVPP; and greater flexibility around slope management. A summary of the entire submission is detailed in Appendix 11 – Submission summary – Bauenort.

Outstanding issues:

Issue	VPA Response
Deletion of an average minimum lot size.	Requirement 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) taking into consideration land requirements for local roads. 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.
Adjusting the road cross-section to 16 metres from 20 metres.	The cross section is designed to be able to incorporate a wider nature strip as a reasonable measure to soften the transition between the urban development of the PSP and the green wedge. It will allow for the planting of substantial canopy trees to provide a suitable landscaping design response. The carriageway is identical to the 16.0m local access level 1 cross section and is designed to facilitate the low levels of local traffic expected.

6.2.19 SR Holdings Investment Group (Landowner)

This submission largely related to heritage matters, particularly HO275 which applies to the property at 32 Mt Ararat Rd South, Nar Nar Goon. The submitter requested the deletion of the overlay, edits to the background heritage report; and the deletion or adjustment of section 4 of the heritage study and other recommendations. All matters are considered resolved. A summary of the entire submission is detailed in Appendix 13 – Submission summary – SR Holdings Investment Group.

6.2.20 Damon Land Pty Ltd (Landowner)

This submission noted their support for the submission to the PSP by Parklea Developments. It then raised matters surrounding the gas easement being credited as open space and the relocation of active open space. A summary of the entire submission is detailed in Appendix 14 – Submission summary – Damon Land Pty Ltd.

Outstanding issues:

Issue	VPA Response
The gas easement being credited as open space	Gas easements (or land such as drainage) are not directly credited as an open space contribution as it is not available for development (i.e. it is encumbered in some manner). Credited Open space is by definition determined as a percent of net developable area, which is a self-adjusting / correcting measure. If a site has more land set aside for drainage, easements etc. the NDA is smaller and therefore there will be a lesser amount of credited open space land required.
Relocating the active open space in the south to lots 37 and 35	The method for equalisation is the new public land contribution regime noted above. It is intended to equally spread the cost of securing public land across an Infrastructure Contributions Plan (ICP) area.

6.2.21 Laurack Pty Ltd (Landowner)

The submitter raised issues surrounding items that should be included in the ICP; the mapping of densities; the northern boundary of the precinct; the bus network; and the mapping of the 1:100 year flood level south of Canty Lane. A summary of the entire submission is detailed in Appendix 15 – Submission summary – Laurack Pty Ltd.

Outstanding issues:

Issue	VPA Response
The inclusion of noise barriers along the southern side of the Princes Highway in the ICP.	<p>The construction of noise attenuation walls adjacent to freeways has been well established through a number of PSP amendments and panels to be developer works.</p> <p>The allowable items listed in the ICP Guidelines do not cover items that are normally provided by developers at the subdivision stage. The exceptions to this are developer provided roads, bridges and pedestrian access ways that are located on or adjoin land in fragmented ownership.</p> <p>Noise walls are generally considered developer works as they do not meet the nexus and equity principles established in the ICP Guidelines. This is the case for the provision of noise walls in Pakenham East as the beneficiaries of the noise walls would be a relatively small number of landowners so it is inequitable for all landowners to contribute to these items.</p>
The inclusion of the connector boulevard in the ICP.	<p>Table 4 of the Ministerial Direction establishes transport construction supplementary allowable items. It establishes the local or collector roads maybe funded through the ICP if the road is on or adjoins land in fragmented ownership.</p> <p>It is acknowledged that the land on which the connector boulevard is proposed is on land in multiple ownership wholly under the control of Parklea, and does not adjoin to land in fragmented ownership.</p> <p>However the relevant overarching principles of the ICP system (Page 9-10 of the Infrastructure Contributions Guidelines) must be considered when determining items to be funded through the ICP:</p> <ul style="list-style-type: none"> • Infrastructure is essential: The delivery of the boulevard connector is aligned in such a way across existing parcels of sufficient size that it can be delivered in stages and still provide an essential service to the community (i.e. an accessible, permeable street and path network) that meet the requirements established in the PSP relating to transport and movement, housing and infrastructure delivery and staging. • Timely and orderly provision of infrastructure: As stated above, the existing parcels and the alignment of the boulevard connector allow for the delivery of the road in stages that correspond with the development. The necessity of the road and the associated bus service that may be delivered is entirely dependent on the staged development of the PSP.

	<p>The existing Princes Highway will provide access for the precinct to the wider area and will be available from the first stage of development.</p> <ul style="list-style-type: none"> • Need and nexus: As stated above the need for the connector boulevard is entirely dependent on the staging of the precinct and can be delivered in stages and still provide an essential service to the community. There is extremely limited nexus between the connector boulevard and the section of the precinct north of the Princes Highway. • Equity: Development which contributes to the need for the connector should pay a fair and reasonable contribution towards its provision. As there is limited nexus between the residential land to the north of the precinct and the connector, for equity reasons, this land should not contribute to the delivery of the connector. <p>The VPA do not agree that the delivery of the boulevard connector through the ICP is consistent with the overarching principles that guide the ICP system.</p>
<p>Clearly identifying densities in the PSP maps.</p>	<p>It is the aim of the PSP to generally identify areas where higher densities should be located, however in order to allow flexibility at the time of delivery it is important to not be too prescriptive. The walkable catchment has taken into account the slope of the land to the north, the existing gas transmission city gate etc. which guides how to apply residential zoning. This is the standard method the VPA currently takes to densities within PSP's.</p>
<p>Development should not go north beyond the electricity transmission easement.</p>	<p>The Urban Growth Boundary was amended in 2012 through the Logical Inclusions Process, which extended the boundary to slightly north of the transmission easement in the northern part of the Pakenham East precinct. This process involved extensive consultation with state departments and agencies, local council, other affected agencies and land owners. Under section 46AE of the Planning and Environment Act 1987, a planning authority must obtain authorisation from the Minister to alter the urban growth boundary. Therefore, it is out of the scope of this Precinct Structure Plan, or the ability of the VPA, to amend the urban growth boundary.</p> <p>Requirements are placed on future development in the northern area of the precinct (Interface Housing Area 3) to ensure development is lower density and has a more rural character. Subdivision of land in this area must provide:</p> <ul style="list-style-type: none"> • A building envelope to address the ridgeline and electricity line easement • Achieve an average minimum lot size of 2,000m² • Provide rural fencing that is low scale and visually permeable to facilitate the rural lifestyle character of this area • Maximise side setbacks and create openness between the dwellings; and • where required, a plan to manage steeper sections of land to ensure retaining walls are minimised
<p>Review the bus network along Canty Lane & Ryan Road</p>	<p>It is the VPA recommendation to retain the street network as shown in the exhibited version of the PSP. This will be referred to a traffic expert through the panel process.</p>
<p>Mapping of the 1:100 year flood level in the PSP.</p>	<p>A Drainage Strategy along with a whole of water cycle management assessment was undertaken in the development of the PSP. The drainage assessment looked at how to manage the water quality and flooding within and adjacent to the precinct. The reports consider major drainage, flooding and water quality management issues within (and immediately downstream of) the PSP area. The outcomes of the whole of water cycle assessment have been incorporated into the Integrated Water Management Plan for the PSP. It has been developed to manage a 1 in 100 year flood event, and ensure stormwater quality will meet best practice quality treatment standards prior to discharging into waterways.</p>

6.2.22 Community Members

Overall, 38 submissions were received from community members outside of the PSP area. There were instances of a 'template style' letter being submitted by multiple people, or a letter that had been co-signed.

The key issues raised by the community related to interface treatments with existing low density lots, green wedge zone and farming zone; a view to the lack of consideration by the VPA of implications outside of the precinct; concern around vegetation and habitat loss in the precinct; and an increase in traffic in an already congested area (many submissions specifically discussed increase traffic along Ryan Road).

Multiple submissions were raised by submitters that are out of scope for this amendment, such as the designation of the urban growth boundary, requests that the development be moved elsewhere and proposals for a new train station. A summary of the entire submission is detailed in Appendix 13 – Submission summary – Community member and group.

Outstanding issues:

Issue	VPA Response
Larger lot sizes and setbacks along the east side of Ryan Rd	<p>The VPA recognises the need to ensure that future development responds appropriately to the existing character of Ryan Rd and the local neighbourhood, and that a transition between the older and the newer areas should have a positive effect on neighbourhood amenity. The exhibited PSP has employed various mechanisms to ensure future development aligns with the existing character of Ryan Rd, including:</p> <ul style="list-style-type: none"> • must be a single dwelling on a lot • providing a minimum front setback of 6 metres between houses and the road reserve • providing low or visually permeable front fencing • encouraging wider lot frontages • providing a wider road reserve with a 6m+ nature strip on the east side of Ryan Road to allow for the planting of substantial street trees to provide screening between the existing housing and the new houses within the precinct.
Changes to the Ryan Rd cross section	<p>In response to submissions, the VPA is reviewing the cross section of Ryan Rd to create a more 'rural' feel. Some of the key attributes being considered for incorporation are:</p> <ul style="list-style-type: none"> • retaining a wider nature strip on the west side of Ryan Rd where possible • locating the sealed pedestrian and bike paths on the east side • removing the parking bays from the west side <p>In an effort to provide an appropriate transition between the PSP and the existing houses on Ryan Road, the PSP will encourage larger lot sizes adjacent to Ryan Rd.</p>
Truncating Ryan Rd to reduce the amount of traffic	<p>Development will lead to additional traffic in and around the Pakenham East precinct, including along Ryan Rd, as a result of an increased population. It is the role of the PSP to manage this increase in traffic through the new street network and upgrades to the existing street network. The PSP proposes an upgrade to Ryan Rd and new signalised intersection at Ryan Road and Princes Highway. As part of the Planning Panel process, the VPA has commissioned an independent traffic consultant to review submissions made regarding traffic and transport. This statement will be submitted to the Planning Panel to assist in their recommendation regarding transport and traffic.</p>
Including a new freeway entrance to serve the new development	<p>A traffic modelling study was undertaken by Cardinia Shire Council to investigate options for improving the connectivity of the arterial road network to the Princes Freeway. This study assessed the proposal of a new interchange on the Princes Freeway about midway between the Koo Wee Rup Road Interchange and the Princes Highway Interchange (near Nar Nar Goon Road) in the east.</p> <p>The results of the study showed that the provision of the proposed interchange at Pakenham East would have a relatively minor impact on the arterial road network in the Pakenham area. The interchange would only have localised impact, with the most obvious benefits being limited to the highway network in the immediate vicinity of the proposed interchange. Without the proposed interchange, travel speeds would be on average 3km/hour lower on the Princes Highway. The Princes Freeway, however, would operate at a higher level of service, i.e. better,</p>

	<p>with higher speeds and lower traffic demands east of Cardinia Road.</p> <p>From these results, it was determined that the cost of the proposed interchange outweighed the benefits relative to other priorities for the road network in the Pakenham and Cardinia's Urban Growth Area. Road upgrades in the local area will assist with the increased capacity of vehicles from the Pakenham East precinct, including the planned duplication of Healesville-Koo Wee Rup Road.</p>
<p>Vegetation and habitat loss within the PSP and lack of wildlife corridors.</p>	<p>An Ecological Investigations report was produced for the precinct. A desktop assessment was undertaken and involved a review of all relevant databases, reports, literature and policies relevant to the study area. This was followed by a flora and habitat hectare assessment and targeted flora and fauna surveys to identify the ecological values present within the study area; specifically remnant native vegetation and scattered indigenous trees, flora and fauna species, fauna habitats and ecological communities.</p> <p>A Native Vegetation Precinct Plan (NVPP) has also been prepared to further apply a holistic, landscape wide approach to retention and removal of native vegetation within the Pakenham East Plan area. The NVPP identifies the native vegetation that can be removed and the vegetation to be protected, based on the conservation significance and land protection role of the vegetation, the identified values of vegetation within the planning scheme such as amenity and landscape, and the broader strategic planning objectives for the precinct. This document, as well as the Ecological Investigations Report, have used a holistic approach to inform the preparation of the precinct to meet the various objectives set out. The objectives of the NVPP (as set out in Section 1.2) include establishing additional habitat corridors and stepping stones (patches of native vegetation) along Hancock's Gully, newly created wetlands and hilltop reserves.</p> <p>Various submissions were made to include additional wildlife corridors between areas of open space. For these corridors to become habitat areas for wildlife and successful linkages, there needs to be some justification as to which species they are for and how these areas will provide that habitat. The Ecological Investigations Report and the NVPP identified the vegetation and natural spaces to be retained throughout the precinct.</p>
<p>Identifying the electricity transmission line as the northern boundary of development</p>	<p>The Urban Growth Boundary was amended in 2012 through the Logical Inclusions Process, which extended the boundary to slightly north of the transmission easement in the northern part of the Pakenham East precinct. This process involved extensive consultation with state departments and agencies, local council, other affected agencies and land owners. Under section 46AE of the Planning and Environment Act 1987, a planning authority must obtain authorisation from the Minister to alter the urban growth boundary. Therefore, it is out of the scope of this Precinct Structure Plan, or the ability of the VPA, to amend the urban growth boundary.</p> <p>Requirements are placed on future development in the northern area of the precinct (Interface Housing Area 3) to ensure development is lower density and has a more rural character. Subdivision of land in this area must provide:</p> <ul style="list-style-type: none"> • A building envelope to address the ridgeline and electricity line easement • Achieve an average minimum lot size of 2,000m² • Provide rural fencing that is low scale and visually permeable to facilitate the rural lifestyle character of this area • Maximise side setbacks and create openness between the dwellings; and • where required, a plan to manage steeper sections of land to ensure retaining walls are minimised

7 PROPOSED CHANGES TO AMENDMENT DOCUMENTATION

7.1 Changes to the Amendment documentation in response to submissions

Following evaluation of submissions, a Key Changes Table has been prepared detailing the proposed amendments to the exhibited documentation and ordinance in response to submissions and further technical assessment. These changes are detailed in Appendix 2 – Key changes table and a summary of key changes made to date and outcomes are noted below.

This work will continue following the further evaluation of expert evidence and panel outcomes on the Amendment until a final plan is prepared for consideration by the Minister for Planning.

7.1.1 Native Vegetation Precinct Plan (NVPP)

Some changes have been made to the NVPP as submissions questioned either the suitability or existence of vegetation that had been mapped. Various reports were produced by land owners which were then peer reviewed by Ecology & Heritage Partners, and the NVPP adjusted to reflect this.

An objective was added to ensure development responds to flora species and habitats in accordance with the Native Vegetation Precinct Plan. This will make sure that the outcomes of the NVPP are adequately addressed by the PSP.

7.1.2 Requirements and Guidelines, and various Plan changes

A number of changes were made to the exhibited PSP document and 'Requirements and Guidelines' to improve clarity, flexibility and address errors with the documentation. Key changes (as detailed in Appendix 2) include:

- Incorporating associated Council policy with various requirements
- Removing duplicated requirements and guidelines
- Additional requirements to reflect updated situations
- Some wording surrounding schools requested by the Department of Education and Training
- Change to the APA gas pipeline measurement length
- Including additional Melbourne Water infrastructure on Plan 3 and 10

7.1.3 Ordinance Changes

Proposed changes to Schedule 5 are proposed to address submissions, including:

- Update the condition and requirements for conducting an Environmental Site Assessment
- Update the Future Urban Structure plan to reflect the 50m gas pipeline notification zone
- Update the relevant schedules to refer to 'gas pipeline notification zone'

8 LIST OF APPENDICES

Appendix 1 - Summary of submissions Table

Appendix 2 - Key changes table

Appendix 3 – Submission summary (Community members)

Appendix 4 – Submission summary (Cardinia Shire Council)

Appendix 5 – Submission summary (State agencies, Utility and non-government education provider)

Appendix 6 – Submission summary (Blazevic family)

Appendix 7 – Submission summary (Earldean and Auscare)

Appendix 8 – Submission summary (P & P Carney)

Appendix 9 – Submission summary (Azemi landholding)

Appendix 10 – Submission summary (Lend Lease)

Appendix 11 – Submission summary (Bauenort)

Appendix 12 – Submission summary (Parklea)

Appendix 13 – Submission summary (SR Holdings)

Appendix 14 – Submission summary (Damon Land Pty Ltd)

Appendix 15 – Submission summary (Laurack Pty Ltd)

Appendix 16 – Submission summary (P & J Canty)