



# NORTH VICTORIAN BUDDHIST ASSOCIATION INC.

Association for Cultural, Educational, Social and Religious Services

ABN: 76 258 758 289 | Reg: DGR 292249



18 December 2020

Victorian Planning Authority  
c/- Craigieburn West PSP  
Level 25, 35 Collins Street  
Melbourne VIC 3000

Dear Sir/Madam,

**RE: Support of the North Victorian Buddhist Association to the Submission of the JAK Investment Group to the Draft Craigieburn West Precinct Structure Plan**

We write to advise of our support of the submission of the JAK Investment Group to the Draft Craigieburn West Precinct Structure Plan (CWSP).

The North Victorian Buddhist Association (NVBA) purchased the land at 1690 Mickleham Road, Mickleham in 1998 and built the Daham Niketanaya Buddhist Temple. The temple provides a place for worship and meditation, as well as education and training in Buddhist culture and Asian languages. The temple is located at the front of the site (western portion) and the remainder of the property is currently vacant land.

On 20 September 2019 the NVBA entered into a contract of sale to sell and jointly develop approximately 5.9 hectares of the site (its eastern portion) to JAK Mickleham Road Pty Ltd. The NVBA are not developers, however we understand the importance of our landholding for its contribution towards the future growth and development of this area as now being planned under the Craigieburn West PSP. We have engaged with JAK Investment Group to work closely with us to enable the development of the land we do not require for our practices and to ensure our interests and amenity are safeguarded through any future development.

The NVBA are interested in outcomes that assist optimise the feasibility of the eastern portion of our property, to ensure it can be developed in the coming years. The Association wants to ensure the attractiveness of the site to a developer, and we are therefore concerned with any aspect of the CWSP that may detract from its feasibility for development.

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1690 Mickleham Road Yuroke Victoria 3063 Australia

Tel/Fax: 61 3 9333 4848 | Email: kotte1952@gmail.com | Web: [www.dahamniketanaya.org.au](http://www.dahamniketanaya.org.au)

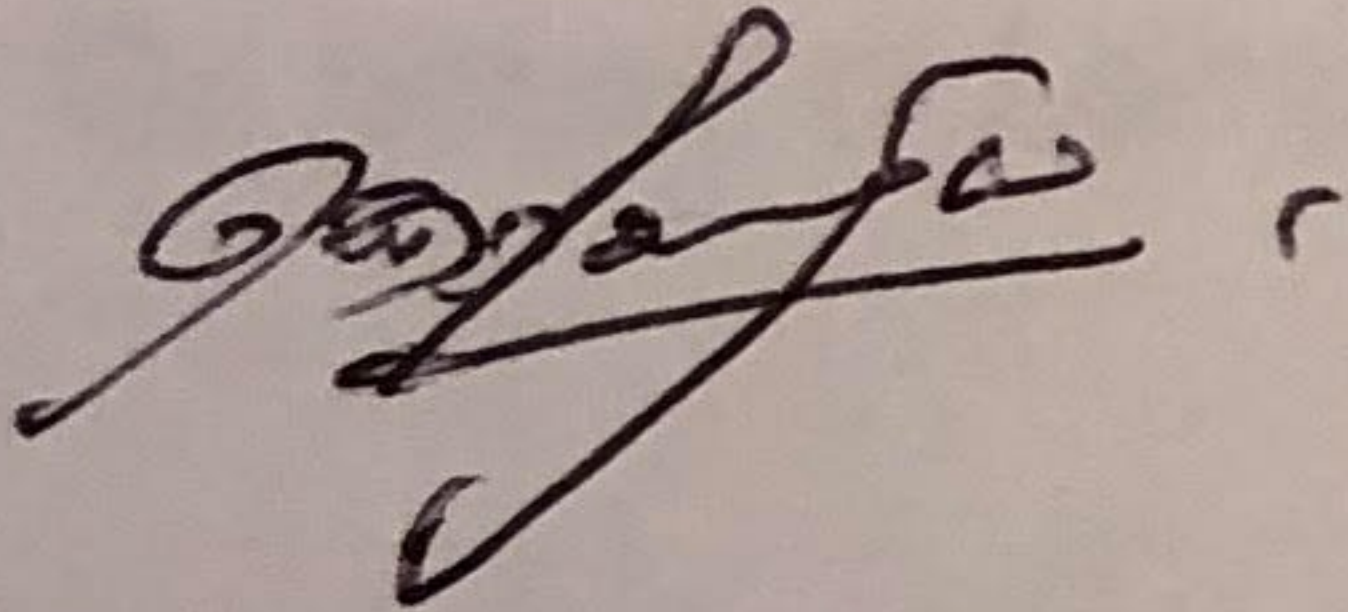


To this extent, the NVBA have been provided a copy of the JAK submission to the draft CWPSP and are in full agreeance with and endorse the commentary and positions put in that submission.

On a more detailed matter, the area of the property to be retained by the NVBA will be most affected by the proposed drainage corridor proposed to run diagonally through our landholding. The NVBA are keen for an appropriate, high amenity interface to this future drainage corridor, created through the incorporation of elements such as fencing and landscaping.

Should you wish to clarify anything mentioned in this letter, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Daham Niketanaya', written in a cursive style.

On behalf of Daham Niketanaya Buddhist Temple

*Many Thanks,*





**JAK Mickleham Road Pty Ltd**  
ACN 635 852 078

PO Box 329  
PRAHRAN, VIC 3181

Level 1  
155 Greville Street  
PRAHRAN VIC 3181  
AUSTRALIA

[www.jakinvestmentgroup.com](http://www.jakinvestmentgroup.com)

18 December 2020

Victorian Planning Authority  
c/- Craigieburn West PSP  
Level 25, 35 Collins Street  
Melbourne VIC 3000

Via email: [amendments@vpa.vic.gov.au](mailto:amendments@vpa.vic.gov.au)

Dear Sir/Madam,

**RE: Submission of the JAK Mickleham Road Pty Ltd to the Draft Craigieburn West Precinct Structure Plan – PSP 1068**

**Introduction**

JAK Investment Group Pty Ltd / JAK Mickleham Road Pty Ltd (JAK) make the following submission in respect to the draft Craigieburn West Precinct Structure Plan (CWSP), released for public consultation in November 2020.

JAK has an interest in the land identified as Property Number 8 on Plan 3 Land Use Budget of the CWSP. The land is formally known as 1690 Mickleham Road, Mickleham and referred to as the subject site within this submission.

The subject site is currently owned by the North Victorian Buddhist Association (NVBA) and is occupied by the Daham Niketanaya Buddhist Temple. In October 2019, JAK entered into a contract of sale / development agreement with the current landowner, to jointly develop approximately 5.9 hectares of the eastern portion of the subject site, representing just over 50% of the subject site.

The JAK agreement with the NVBA will facilitate the development of the eastern portion of the subject site in accordance with the CWSP once approved, whilst safeguarding the ongoing operations of the temple for religious practices on the western side of the site. We have a very engaged and positive relationship with the NVBA and will ensure that their interests are protected and supported through the PSP and subsequent development phase.

The subject site will play an important role within the precinct given its location near the head of the drainage corridor, with JAK's development of the site ensuring it is in the hands of a competent development entity with experience in greenfield subdivision processes. Our core consultancy team consists of Hatch RobertsDay, Cossill & Webley, and Rain Consulting, and we have engaged closely with our neighbours to the north (the Deague Group) and south (Pask Group).

The NVBA have reviewed and support this submission. Please refer a letter prepared by the NVBA attached as Appendix A to this submission.

## **Subject Site**

The subject site is 11.34 hectares in size, with a western boundary that adjoins Mickleham Road. The existing Daham Niketanaya Buddhist Temple is to remain operating in the western portion of the site as it currently does, leaving the remainder of the site available for development in accordance with the future CWPSP.

The draft CWPSP indicates the site is traversed by a drainage corridor which will run diagonally across the site generally from north-west to south-east. This drainage corridor extends into the properties to the north and south of the subject site (Properties 7 and 12, respectively). The draft PSP also identifies a linear park which is shown as extending from the drainage corridor to the north and beyond Property 7 to the large conservation area depicted on Properties 6 and 4. The linear park picks up one existing tree which is identified as a tree of high retention value on Plan 2 Precinct Features.

## **JAK Submission**

This site's future development is somewhat unique in that approximately half of the site will not be developed, with its western portion occupied by the existing Buddhist temple and NVBA activities, which will remain on the site. It is therefore imperative that the remainder of the site present a feasible development proposition, to enable it to be developed and the key piece of drainage infrastructure delivered in a timely manner for the benefit of the entire PSP.

The PSP process should seek to optimise the land available for development for residential purposes and should not unduly constrain this through the imposition of unnecessarily expansive open space or surface water management infrastructure. The thrust of this submission is that the proposed waterway and drainage reserve and linear park, as currently proposed, significantly limit the net developable area of the site, and are arranged on the site such that they curtail the functionality of the available developable land. They therefore severely impact on site feasibility and also limit the ability of the site to achieve even the minimum desired density for the area.

Feasibility concept development we have undertaken on the basis of accommodating the encumbered and unencumbered open space prescribed in the draft PSP, together with accommodating the required Bushfire Hazard Area 2 setback, indicates that:

- A total of only circa 3.93NDHa is achievable on this site (the eastern, developable portion of the site)
- An average lot size of 325m<sup>2</sup> would be required to meet the minimum PSP density expectation of 18.5 dwellings/ha, without the ability to direct front medium density product to the

waterway on account of the mandatory bushfire setback. This is well below the average lot size for this local market, which is in the range of 375m<sup>2</sup> to 400m<sup>2</sup>.

The submission now deals with the key matters in turn.

#### Drainage Corridor Dimension

Given the drainage reserve that is to be delivered on the subject site has been classified as a natural waterway, it is understood that the waterway must adopt a minimum width of 60 metres, in accordance with Melbourne Water requirements, noting that in some locations its dimensions off the PSP Plan are close to 70 metres. JAK contend that this is an inappropriate designation, that the waterway does not constitute a natural waterway, and that it would be appropriate to adopt a constructed waterway solution with a reduced width of 45 metres, which is considered adequate to accommodate channel, landscaping and shared paths within the corridor.

The natural, 60 metre waterway is not required from the point of view of hydraulic function. Stormwater conveyance through the site can be adequately managed through a constructed waterway outcome, with its requisite 45 metre corridor dimension.

We understand that the peak 1% flow entering the site from the north is likely to be in the order of 10 m<sup>3</sup>/s. The Aitken Creek Waterway Values Assessment (JACOBS 2020) suggests that design should *“Maintain wide buffers wherever possible to support shallow waterway channels and avoid channelization into sodic subsoils”*.

To achieve a constructed waterway with a 45 metre corridor width, a hydraulic width of up to 35 metres is generally accepted. Based on site LiDAR, it is estimated that a constructed waterway of depths no greater than 450 mm would convey the full 1% flow within a 35 metre hydraulic width.

A waterway of this depth would be considered shallow, and there is potential that through the use of fill towards the edges of the corridor, less than 450 mm of excavation into the existing surface would be required. The desktop assessment did not provide any estimates on topsoil depths, and it is expected that any sodic or dispersive soils below the topsoil and within the subsoil could be managed through construction.

It is suggested that the constructed waterway would continue to the north to the headwater of the proposed waterway. If the 60 metre wide corridor is to be proposed downstream of the site, a transition from the constructed waterway through to a natural waterway can be accommodated within the site, similar to ideas previously suggested with Melbourne Water.

There is potential that flows entering from the north could further be reduced by piping 20% AEP flows to sediment basins downstream. The gap flows would then be accommodated within the waterway which would further reduce the required depth of flow to achieve a 35 metre hydraulic width, resulting in less excavation with the sodic and dispersive subsoils.

Reducing the waterway corridor to 45 metres would significantly assist site feasibility on a small and currently significantly encumbered site, as outlined further below, whilst still meeting stormwater management requirements.

### Plains Grassy Wetland and Existing Dam

The “Aitken Creek Waterway Values Assessment” dated December 2020 prepared by Jacobs recommends retention of the Plains Grassy Wetlands that surrounds the existing dam adjacent the Daham Niketanaya Buddhist Temple. The dam appears to be a choke point for the hydraulic conveyance of the existing rural flows as evidenced by the localised expansion of the 100 year ARI flood extent at the dam.

Decommissioning of the dam is expected to release this choke point to reduce the extent of the 100 year ARI flood. Jacobs recommendation was to expand the drainage corridor to encompass the 100 year ARI flood, however this appears to be an unnecessary encumbrance on potential developable land.

### Natural Waterway Designation

Melbourne Water desire a corridor width which is consistent, except at locations where it is locally widened to “*accommodate the retention of natural features, including significant remnant vegetation and scattered trees*”. The Jacobs report shows “Plains Grassland” at the very upstream end of the waterway (Page 24), then 320 metres until the “Plains Grassy Wetland” on the subject site. There is then 240 metres until additional Plains Grassland on the site, further downstream. Widening the corridor through this section from 45 metres (hydraulic width) to 60 metres for these stretches, encumbers an additional 8,400 square metres. If Melbourne Water require a consistent width with localised widening, this would be achievable with the adoption of a consistent constructed corridor, which is then widened where required.

The designating of the waterway as a natural waterway, adjacent the Daham Niketanaya Buddhist Temple, may result in the existing temple being located within the nominated bushfire setback. There is concern that if a bushfire were to occur, the temple could be damaged, as a result of the waterway being a natural waterway, rather than a constructed waterway.

### Supporting Density and Lot Diversity

The natural waterway dissecting the site, as proposed, is subject to Bushfire Hazard Area 2, which then mandates a 19 metre setback from the bushfire hazard (ie the grasses within the waterway). The application of a 19 metre setback on both sides of the proposed 60 metre natural waterway, will create an undevelopable zone (other than for 14.5m wide local access streets fronting the corridor) more than 100m wide through this site, from dwelling front wall to dwelling front wall. On a site that is only some 200m wide, and considering the diagonal alignment of the drainage corridor, this is a significant impediment to feasible development.

Lot diversity will be significantly impacted, given the mandated bushfire setback removes the incentive to direct front medium density product to the waterway, and it makes the achievement of the minimum PSP dwelling density of 18.5 dwellings per hectare very difficult to achieve because it would require an average lot size of 325m<sup>2</sup> to do so. This is significantly smaller than the average lot size in demand in this market, which is closer to 375m<sup>2</sup> to 400m<sup>2</sup>.

As identified above, a 45 metre wide constructed waterway should be adopted for the drainage reserve to be delivered on this site. This would shift the bushfire hazard status from Area 2 to Area 3, with a consequent removal of any prescribed bushfire setback from the reserve. This would enable more

compact medium density housing product to be designed as a direct interface with the drainage corridor, in turn assisting in achieving desired density and lot diversity objectives on a far more feasible development site.

If Melbourne Water and the VPA are not minded to accept this argument and the waterway is to remain natural, then the additional land takes associated with the Bushfire Hazard Area 2 classification of the waterway should be reimbursable as they are a direct consequence of the Melbourne Water DSS. More specifically Requirements R10 and R11 relate to locations where sodic/ dispersive soils may require more expansive waterway dimensions. JAK submit that any extra over land required to meet these conditions, or any attributable costs, must be funded by the DSS (ie. land takes and/or costs over and above what would be considered 'standard' conveyance widths where sodic/ dispersive spoils do not exist).

It is noted that the PSP Requirements specify that the design and boundaries for items such as waterways, must include appropriate treatments to provide protection for dispersive soils, with any extra land required for sodic soil management, to be funded by the relevant scheme.

### Bushfire Buffers

Notwithstanding our submissions in respect to the Bushfire Hazard Area controls proposed in the draft PSP, JAK submit any bushfire buffer associated with grasslands should and can be dealt with at the built form stage within future development, as has been the standard PSP approach to bushfire management in recent years. This flexibility to respond to bushfire threats through built form responses meeting require BAL ratings is preferred over the now mandated setback requirements contained within the draft CWPSP.

### Review of Linear Park

JAK supports the notion of connected, healthy, walkable communities, particularly in Melbourne's growth areas where access to infrastructure and local amenities typically results in a reliance on car-borne trips. However, the prescription of linear parks in addition to the standard open space contributions as well as the requirement for shared paths to be delivered within waterways is considered excessive. It should be up to the developer to design open space opportunities into their communities in a site responsive manner.

Linear Park GL-03 on Plan 8 Open Space Plan, which runs through the subject site on a meandering generally north-south alignment, appears to have been configured to connect a cluster of trees on the site to the north of our site, a single tree on our site and the drainage reserve. JAK submit that this linear park is not warranted and should be relocated within the PSP. In its current location, the Linear Park is considered an onerous requirement given the level of encumbrance associated with the drainage reserve, and when it's primary driver appears to be the protection of one tree.

The Linear Park should be relocated so that it extends from the northern end of GL-04, up along the rear boundary of Lot 13 and 12, then cutting across Lot 9 and continuing along the rear boundary of Lot 7, before meeting up with the south east corner of the Biodiversity Conservation Area. The benefit of this revised alignment is that it will allow the Linear Park to link up with significant amenities in the centre of the PSP area including schools, the drainage corridor, the local sports reserve and the local town centre.

The trees on the Lot owned by the Deague Group (Property 7 to the north of the subject site) could be accommodated in a separate pocket park if this revised alignment is adopted.

The existing tree on the subject site should be removed, given that it is a singular tree, not located within a cluster, and is located centrally within the site, which makes it difficult to develop around it.

Should the removal of the tree not be supported, it is suggested that a reasonable compromise would be to relocate the Linear Park as detailed above, and retain the tree within a small pocket park which could still be linked in a north south orientation with the trees to the north with a standard 16 metre local road that has a more straightened alignment than that which is depicted in the draft CWPSP.

## **Recommendations**

In summary, JAK have the following recommendations for the draft CWPSP before its final approval and gazettal:

- Replace drainage reserve designation of natural waterway with constructed waterway, with an overall dimension of 45 metres.
- In light of the drainage corridor being treated as a constructed waterway, the associated Bushfire Hazard Area amended from Area 2 to Area 3.
- The Linear Park be realigned so that it extends from GL-04 to the Biodiversity Conservation Area.
- The existing tree, currently intended to be encompassed within the Linear Park, be identified as 'able to be removed'.

## **Conclusion**

We welcome the opportunity to further discuss the matters raised in this submission. Should you have any queries or comments regarding this submission, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'DKS', with a stylized loop at the end.

Daniel Knights  
On behalf of JAK Mickleham Road Pty Ltd