

Planning and Environment Act 1987

Panel Report

Casey Planning Scheme Amendment C221

McPherson Precinct Structure Plan

4 December 2017

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Panel Report pursuant to section 25 of the Act

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Geoff Underwood, Chair



Peter Gaschk, Member

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List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EPBC Act 1999	Environment Protection and Biodiversity Conservation Act 1999
FUS	Future Urban Structure Plan
GRZ	General Residential Zone
ICP	Infrastructure Contributions Plan
LSIO	Land Subject to Inundation Overlay
PIP	Physical Infrastructure Plan
PSP	Precinct Structure Plan
UGZ	Urban Growth Zone
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions

Overview

Amendment Summary

The Amendment	Casey Planning Scheme Amendment C221
Common name	McPherson Precinct Structure Plan
Brief description	The Amendment facilitates the development and use of land within the McPherson PSP area.
Subject site	The McPherson Precinct Structure Plan covers approximately 952 hectares of land in the City of Casey generally defined by Cardinia Creek in the north and Ballarto Road in the south, and from the future Bells Road in the west to Muddy Gates Lane, McCormacks Road and Cardinia Creek in the east.
The Proponent	Victorian Planning Authority (formerly the Growth Areas Authority)
Planning Authority	Victorian Planning Authority (formerly the Metropolitan Planning Authority)
Authorisation	Authorisation of the Amendment fell within the approval given by the then Minister for Planning in October 2010 to prepare planning schemes for land brought into the Urban Growth Boundary under Amendment VC68.
Exhibition	2 June to 4 July 2016
Submissions	26 submissions were lodged and referred to the Panel. All submissions generally supported the Amendment with many submitters seeking refinement of the PSP and other planning controls.

Panel Process

The Panel	Geoff Underwood, Chair, Peter Gaschk, Member
Directions Hearing	8 September 2017 at Planning Panels Victoria
Panel Hearing	2, 3 and 4 October 2017 at the offices of the Victorian Planning Authority
Site Inspection	The Panel conducted an unaccompanied site inspection on 21 September 2017
Date of this Report	4 December 2017

Executive Summary

(i) Summary

The McPherson Precinct Structure Plan (PSP) comprises a large area of 952 hectares. The PSP has been in preliminary planning since 2014 when initial site assessments were carried out. The urban area that will emerge will be the eastern-most residential area in the south-east growth area of Melbourne. The Urban Growth Boundary is the eastern boundary of the PSP.

The McPherson PSP links with adjoining residential areas to the west and north-west. However, there is limited dependence on the adjoining PSP areas for any services or facilities other than important road connections. Land within the PSP will present a continuous form of residential growth and community across this part of the Casey municipality.

The Victorian Planning Authority (VPA) is the planning authority for Amendment C221. The VPA is processing what its predecessors, the Growth Areas Authority and the Metropolitan Planning Authority began. The VPA prepared the Amendment with what it said was *assistance from the City of Casey, Government agencies, service authorities and major stakeholders* and exhibited it as a whole of government Amendment. That is, the proposal within it complied with standards and requirements of agencies and served to implement government policy. At the time of the Hearing, however, a major component of the PSP, a regional park of about 50 hectares, was under review. Despite the uncertainty of a delayed decision on the future of the park, the Amendment has the broad support of the landowners albeit with some seeking refinements of the controls in the zone and overlay provisions and the PSP Requirements and Guidelines for clarification and to ensure a quality urban outcome.

The McPherson PSP is one of a suite of PSPs to convert land to a development state and to fulfil state policy commitments on the supply of 100,000 additional residential lots by the end of 2018. The VPA advised that it was seeking the Panel's advice to allow it to progress the Amendment notwithstanding that it will hold adoption until a decision is made on the Regional Park, or to the latest possible time where after the Minister for Planning can approve the Amendment yet meet the commitment for 2018. The Panel encourages those responsible at State and Commonwealth government levels to address the future of the park as a high priority.

In advancing the Amendment, the VPA engaged in thorough consultations and negotiations with submitters to attempt to resolve issues. The material it presented to the Panel included an updated version of the PSP and, through the Part A submission, included a schedule of changes that was comprehensive, but sometimes difficult to follow mainly as a consequence of the breadth of issues and extent of changes to the PSP. A further schedule of changes was presented at the commencement of the hearing covering matters agreed with submitters. A third schedule resulted from changes agreed during the hearing and in a roundtable type discussion at the closing. All parties had the opportunity to review and comment upon the raft of changes. In the end result, as many matters were agreed, the Panel has had to determine a relatively narrow set of issues.

The recommendations of the Panel are intended to clarify and simplify the controls and the PSP, which will be an Incorporated Document in the Casey Planning Scheme, and to ease the

way to permits to achieve development. Achieving flexibility was a core theme from submitters as was a preference for discretionary controls. The Panel recommendations effectively endorse both approaches.

The Panel recommends approval of the Amendment with the changes agreed at the Hearing and as confirmed in the post-hearing schedule of changes circulated by the VPA (bearing in mind that that version builds on previous schedules and the amended PSP document) as well as the changes put by the Panel.

Given the additional changes now recommended by the Panel following the closing discussion and further post-panel submissions from the parties, the Panel looks to the VPA to undertake a final post edit of all PSP text and statutory provisions to ensure these changes remain consistent and clear in their intent and purpose.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Casey Planning Scheme Amendment C221 be adopted subject to the following:

- 1. Amend relevant maps and words in the Precinct Structure Plan to provide for an interim four-way intersection to Thompsons Road/Alexander Boulevard.**
- 2. Amend the relevant plan in the Precinct Structure Plan (Plan 8) and include words as/where appropriate to maintain location flexibility of the equestrian trail around the perimeter of the Regional Park (With or Without Regional Park versions).**
- 3. Amend wording in the Precinct Structure Plan documents to ensure an appropriate level of flexibility is provided about the final location and ultimate treatment of key arterial road networks and connections throughout the Precinct Structure Plan.**
- 4. Amend the relevant provisions of the Precinct Structure Plan to reflect the post-panel changes proposed by the VPA for the 'Transitional Housing Area' including:**
 - a) Reduced lots down to 500 square metres and apply the 4.0 metre minimum dwelling setback to frontages as specified under clause 54.03-1 of the Casey Planning Scheme.**
 - b) Lots fronting the Cardinia Creek Conservation Area with no front fence and side fences to be no greater than 1.2 metres within the first 3.0 metres of the lot.**
 - c) The 19.0 metre setback identified as a fuel reduction zone within the conservation area to be managed as 'grassland' as outlined in AS 3959-2009 by the relevant public land manager.**
 - d) Reduce the fuel reduction zone so that it ends at the boundary of the dwelling on the lot.**
 - e) Remove the 6.0 metre front setback requirement and increase both nature strips by 1.0 metre each side to achieve a road reservation width of 17 metres.**
- 5. Apply a Public Acquisition Overlay over the land to be included in the Regional Park in the event the park is included in the Precinct Structure Plan and identify the ultimate acquiring authority.**

- 6. Amend the relevant provisions of the Precinct Structure Plan to reflect the post-panel changes proposed by the Victorian Planning Authority for drainage, waterway detail and location flexibility within the Precinct Structure Plan.**
- 7. Amend the Precinct Structure Plan to:**
 - a) After the paragraph commencing 'Guidelines' at section 1.1, add the following paragraph:**

An alternative to the Guidelines will be supported where, because of the same ownership of multiple land holdings, the contemplated facilities / infrastructure can be delivered without impacting on the overall land budget.
 - b) At the conclusion of section 1.1, the following words are added:**

The plans and figures within the Precinct Structure Plan are indicative only. Provided the relevant requirements and guidelines are satisfied, alternative layouts will be considered by the Responsible Authority.
 - c) At section 2.3, add the following paragraph, after the current 3rd paragraph:**

Any proposed amendment to the indicative layouts depicted in the various plans / figures should consider the impact upon the land budget.
 - d) At Plans 2,3,4,5,7,8,9 and 10 delete the waterway running through properties 15 and 16.**
 - e) At section 3.5.3, add the following guideline (as a new Guideline 49 or numbered as appropriate):**

The location and layout of the north south connector road traversing properties 7, 13 15, 16 and 20 is indicative only. Alternative locations and layouts will be considered by the Responsible Authority.

1 Introduction

1.1 The Amendment

(i) Amendment description

The McPherson Precinct Structure Plan (the PSP) has been prepared by the VPA as the successor body to the Growth Areas Authority and the Metropolitan Planning Authority. The VPA advised that it had assistance in the preparation of the Amendment from the City of Casey, Government agencies, service authorities and major stakeholders.

The PSP is a long-term plan for urban development. It describes how the land is expected to be developed, and how and where services are planned to support development. The PSP:

- Sets out plans to guide the delivery of quality urban environments in accordance with the Victorian Government guidelines.
- Enables the transition of non-urban land to urban land.
- Sets the vision for how the land should be developed, illustrates the future urban structure and describes the outcomes to be achieved by future development.
- Outlines the projects required to ensure that the future community, visitors and workers within the area are provided with timely access to services and transport infrastructure necessary to support a quality, affordable lifestyle.
- Sets out objectives, requirements and guidelines for land use, development and subdivision.
- Provides Government agencies, the Council, developers, investors and local communities with certainty about future development.
- Addresses the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999) in accordance with an endorsed program under Part 10.

The McPherson PSP will be an Incorporated Document in the Casey Planning Scheme.

(ii) Purpose of the Amendment

The Amendment facilitates the development and use of land within the McPherson PSP area. Land in the area is presently used for mostly rural type purposes.

The exhibited version of the PSP describes the vision for this emerging urban area of the City of Casey. The Panel notes that some of the figures in this extract from the PSP are superseded upon changes to some parts of the PSP. Nevertheless, the scale of the PSP is clear:

McPherson will deliver a discrete walkable neighbourhood within a sustainable riverine environment. Characterised by a strong open space- trail network through its bookending by Cardinia and Clyde Creeks, and provision of a potential Regional Park, a distinct cohesive urban amenity will be created. Benefitting from the adjacent Thompsons Road business investment and state significant industrial precinct in Cardinia, the future community will have broad ecological, social and economic regional connections.

The precinct will ultimately support a residential community of approximately 10,450 dwellings and a population of around 29,250 people, and deliver around 1,600 local jobs.

The Future Urban Structure for McPherson reflects the residential nature of the precinct, and provides for the protection of biodiversity and heritage values in the area. The prominent landform of the region, Cardinia Creek, forms the pivotal riparian, recreational and environmental corridor in this future urban area.

The significant biodiversity that exists within Cardinia Creek has been recognised through the conservation and enhancement of the Growling Grass Frog (GGF) habitat area. Planning for the PSP has integrated stormwater drainage design, open space and trail networks and the potential Regional Park with opportunities for GGF breeding ponds and foraging areas. The GGF Conservation Areas along Cardinia Creek and Clyde Creek will also provide sub-regional locations for the preservation of aboriginal cultural heritage sites.

Amendment C221 proposes the following changes to the Casey Planning Scheme:

- Incorporates a new document into the Casey Planning Scheme by listing the document in the Schedule to Clause 81.01 as: McPherson Precinct Structure Plan, May 2016.
- Inserts the Urban Growth Zone Schedule 12 (UGZ12) and applies UGZ12 to land that is zoned Urban Growth Zone (UGZ).
- Rezones part of the Urban Growth Zone (UGZ) within the amendment area to Rural Conservation Zone (RCZ) to land adjacent to Cardinia and Clyde Creeks.
- Rezones the Urban Floodway Zone (UFZ) to part Rural Conservation Zone (RCZ) and part Urban Growth Zone Schedule 12 (UGZ12).
- Rezones the Road Zone Category 2 (RDZ2) to Urban Growth Zone Schedule 12 (UGZ12).
- Inserts the Special Use Zone Schedule 7 (SUZ7) and applies the SUZ7 to land that is zoned Farming Zone 2 (FZ2).
- Modifies the Environmental Significance Overlay Schedule 6 (ESO6) and applies the ESO6 to match the proposed shape of the RCZ and PPRZ.
- Inserts the Incorporated Plan Overlay Schedule 2 (IPO2) and applies the IPO2 to land zoned RCZ and PPRZ.
- Amends the Schedule to the Heritage Overlay, applies Heritage Overlay Schedule 209 (HO209) to specific buildings and structures and modifies the shape of Heritage Overlay Schedules 16 and 130 (HO16 and HO130).
- Applies the Public Acquisition Overlay Schedules 3 and 4 (PAO3 and PAO4) to specific areas required for drainage and roads on the land.
- Amends the Schedule to Clause 52.17 to identify native vegetation exempt from requiring a planning permit.
- Updates the Schedule to Clause 61.03 to reflect mapping changes.

(iii) The subject site

The McPherson PSP covers approximately 952 hectares of land in the City of Casey generally defined by Cardinia Creek in the north and Ballarto Road in the south, and from the future Bells Road in the west to Muddy Gates Lane, McCormacks Road and Cardinia Creek in the east. The locational context for the McPherson PSP in the south-east growth area is shown in Figure 1. The plan is taken from the version of the PSP dated September 2017 and tabled at the commencement of the Hearing. This version of the PSP is cited as the 'Hearing version of the PSP'.

Figure 1 - The Local Context plan

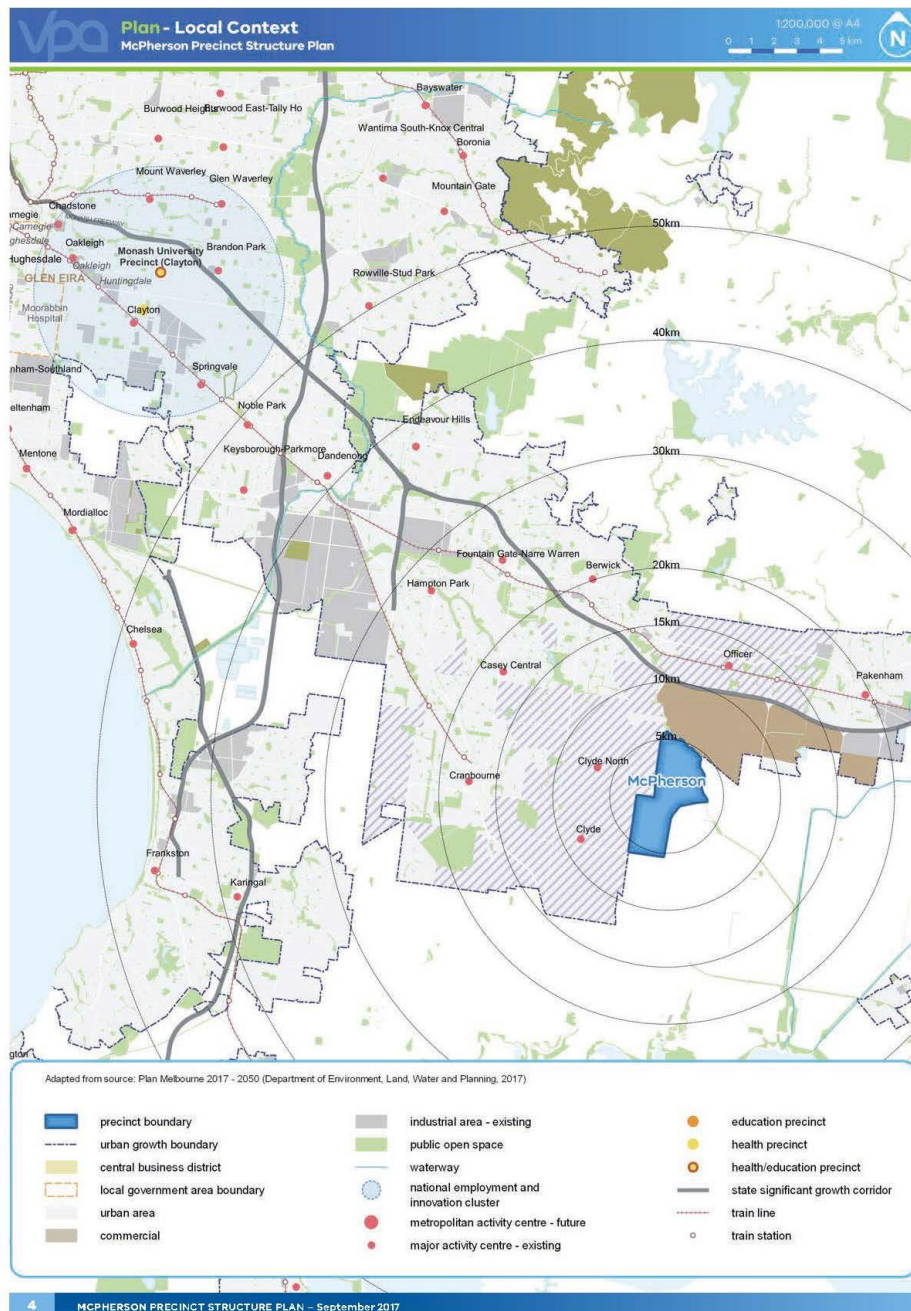


Figure 2 is the Precinct Location and Features Plan from the hearing version of the PSP.

Figure 2 - Precinct Location and Features Plan

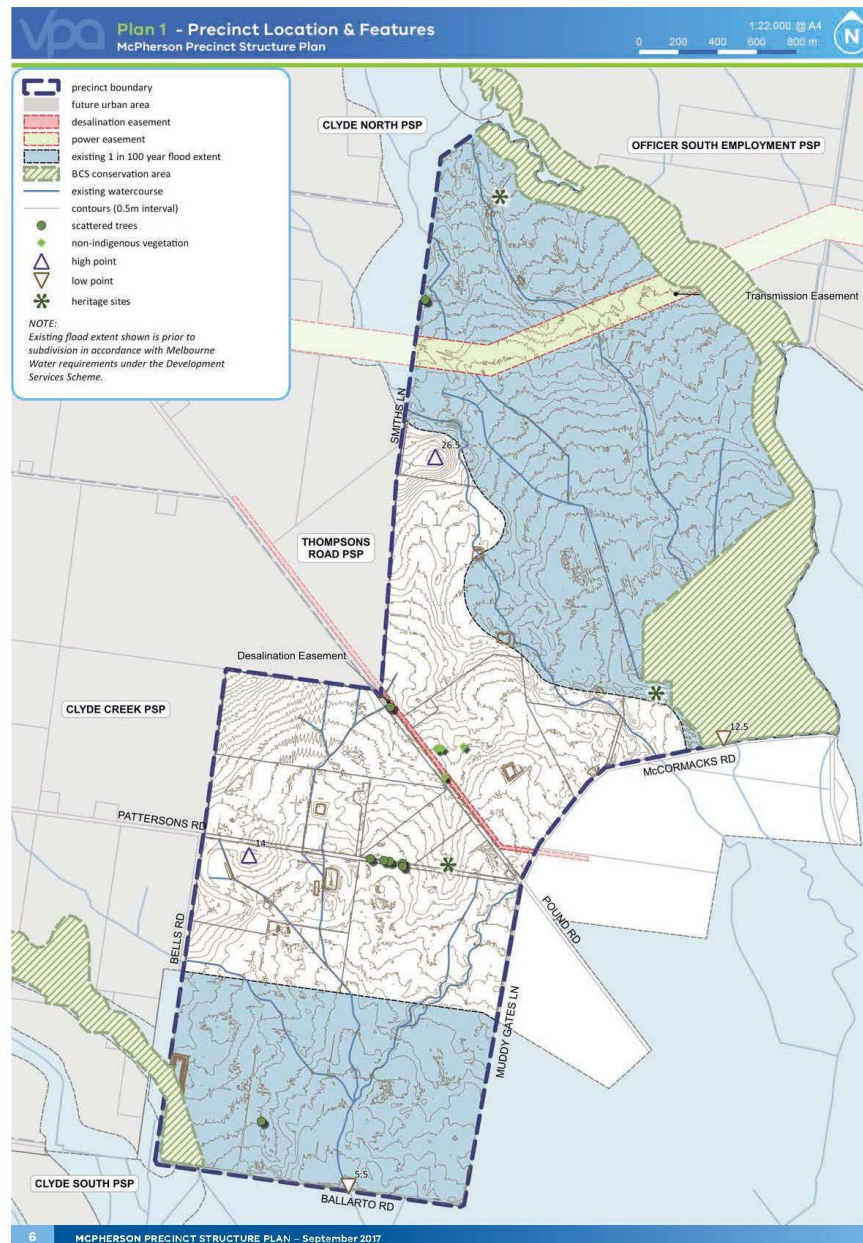
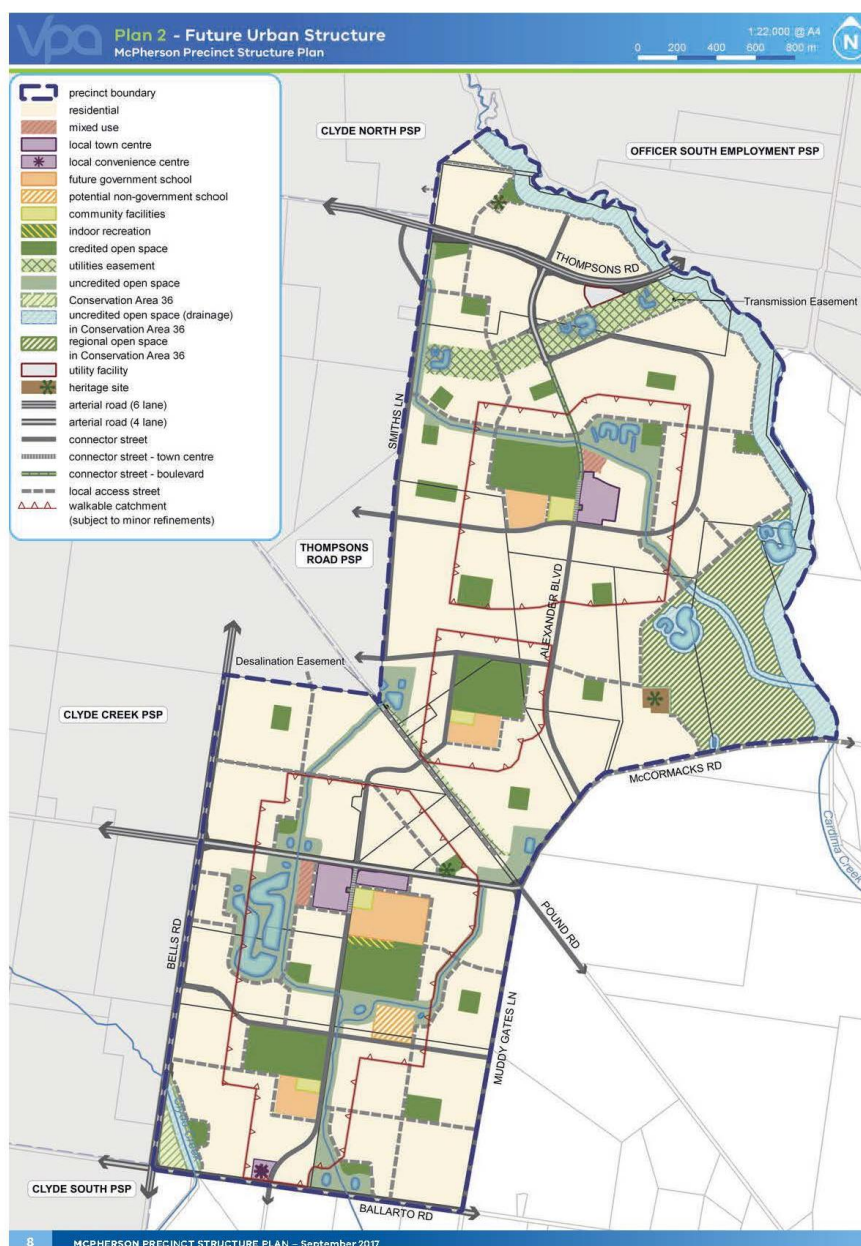


Figure 3 is the Future Urban Structure (FUS) Plan from the Hearing version of the PSP.

Figure 3 - Future Urban Structure Plan



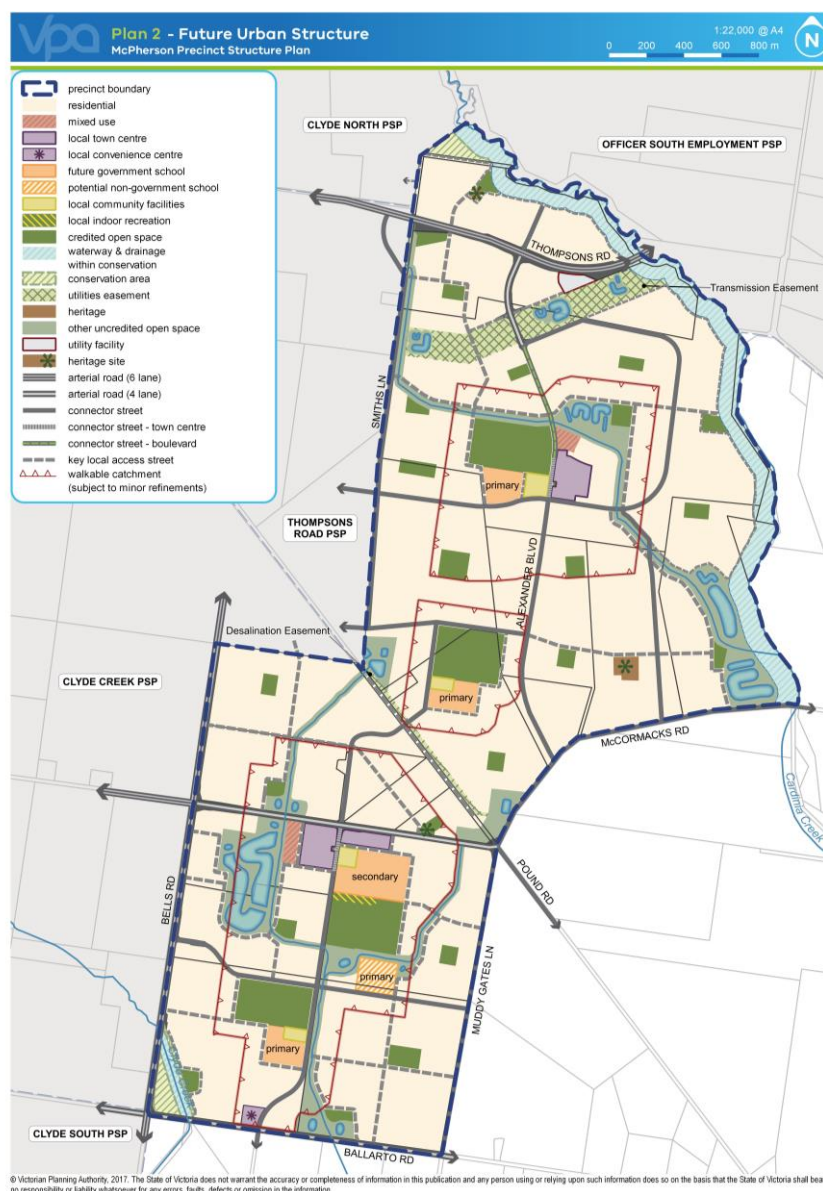
The VPA, in its Part A submission, advised a number of changes were made to the amendment documentation since exhibition. The changes to Planning Scheme ordinances and the PSP documents were in response to submissions and included:

- Updated drainage scheme in response to desalination easement
- Updated township concept plans
- Updated Utilities Plan and pump station location.

The VPA also advised that a revised FUS had been prepared in response to reconsideration of a proposed regional park in the eastern part of the PSP north of McCormacks Road abutting the Cardinia Creek. DELWP is to decide if the park proceeds but must consult with the relevant commonwealth department which has jurisdiction because the land is included in a Conservation Area pursuant to the Victorian Biodiversity Conservation

Strategy for Melbourne's Growth Corridors and the Environmental Protection and Biodiversity Conservation Act 1999. The VPA has prepared an alternate FUS to apply in the event the park is removed. The revised No Regional Park FUS is shown in figure 4.

Figure 4 - No Regional Park Future Urban Structure Plan



The FUS without the regional park replaces it with residential land as it is within the Urban Growth Zone. Otherwise, the FUS remains the same outside of this part of the PSP. The VPA reports the resulting changes lead to:

- Greater wetland storm water management asset areas beside Cardinia Creek to accommodate for the increased water runoff from the residential area.
- Additional north-south connector road to allow for increased traffic volumes.
- Two additional local parks to cater for the increased residential catchment.
- An increase of 42.29 hectares of net developable land.
- An additional 712 dwellings with an expected increase in population of 1,993 people.

The VPA prepared a full explanation of the consequential changes to the PSP if the regional park is deleted. This document is included as Appendix D.

The VPA advised that the additional residential yield did not trigger the requirement for additional community infrastructure beyond that being provided for. This was confirmed with Council and DET.

Since circulation of the No Regional Park FUS, Casey council indicated a need for a slight increase in passive and active open space to meet the 10 per cent target of net developable land if the park is deleted.

Further changes to the FUS will be required from the further concessions and agreements made through the Panel process and prior to adoption upon decisions made about the future of the proposed regional park.

All the changes agreed to have been previously circulated with the 'Document Changes Matrix' before and after the hearing at the direction of the Panel. All parties were allowed the opportunity to submit comments on the agreed and proposed changes. These responses have been considered by the Panel.

1.2 Panel process

The Panel appointed to hear submissions referred by the VPA comprised Lester Townsend as chair and Peter Gaschk as member. Following the Directions Hearing, Geoff Underwood was appointed as chair to replace Mr Townsend who was unavailable for the Hearing which was held on 2, 3 and 4 October 2017 at the offices of the VPA.

Parties to the Hearing are listed in Appendix B.

1.3 Issues before the Panel

In the opening submission for the VPA, Ms Morris noted the number of unresolved submissions is particularly small for a PSP of this size. She described this *as reflective of the extensive and collaborative process of engagement undertaken by the VPA with various stakeholders* including landowners and developers, government departments and statutory authorities and municipal councils. She said there was *now general support for the PSP and the Amendment* such that *it is now simply a matter of ironing out the creases*.

The Panel endorses the collaborative approach adopted in resolving many of the issues. The outcome has narrowed the range of issues argued before the Panel; that is in everyone's interest. It may be of course that the passage of time from the commencement of preliminary work on this PSP in March 2014 has affected the attitude of parties, either through changed local conditions, or a preparedness on all sides to accept different approaches to development issues or layouts within the PSP. It might also be that the stakeholders want approval of the PSP after a long gestation.

The Panel considers a decision on the status of the proposed regional park is vital to the approval of Amendment C221. The shape of the PSP and the use of land adjoining, within or freed up as a result of a decision to abandon the park, all depend upon a decision to be made and in respect of which no party appearing at the hearing has any influence. The uncertainty creates an undesirable position for all parties. The good work of the VPA in producing a whole of government response in the PSP, including being able to accede to changes during the

hearing with the concurrence of Melbourne Water and VicRoads, was let down by the inability of others to make a timely decision on the critical matter of the future of the park.

The VPA stated that approval of Amendment C221 would assist in meeting state policy *Homes for Victorians*, initiative 2.3, land supply in Melbourne's growth areas, for an extra 100,000 lots approved for development by the end of 2018. The McPherson PSP is one of 17 PSPs that will assist the VPA meet the milestone. To allow maximum time for a decision on the status of the park, the VPA stated it would delay adoption of this Amendment until the latest possible time to allow consideration, and hopefully approval, by the Minister for Planning. On the one hand, this is a reasonable position. On the other hand, delay does not assist in progressing the Amendment through the process, nor in allowing development in this growing corridor of Melbourne.

In this context, the Panel encourages those responsible at State and Commonwealth government levels to address this matter as a high priority.

The material presented to the Panel by the VPA included an updated version of the PSP and, through the Part A submission, included a schedule of changes agreed with parties, not just submitters. The schedule was comprehensive but was sometimes difficult to follow, mainly as a consequence of the breadth of issues and extent of changes to the PSP. A further schedule of changes was presented at the commencement of the hearing covering matters agreed with submitters. A third schedule resulted from changes agreed during the hearing and in a roundtable type discussion at the closing. All parties had the opportunity to review and comment upon the raft of changes. In the end result, as many matters were agreed, the Panel has had to determine a relatively narrow set of issues.

The implementation of the Panel recommendations relies on three commitments made by the VPA:

- To prepare an infrastructure contributions plan to match the requirements of the PSP in the time available until a decision is made on the status of the proposed Regional Park so that the Amendment and the ICP are considered together.
- To deal appropriately to update the PSP as described in the addendum in the event that a decision is made to abandon the Regional Park.
- To make the changes as agreed by the parties and as recorded in the schedule of changes tabled at the closing of the hearing and included as Appendix D plus the further changes recommended by the Panel that are accepted by the VPA.

1.4 Issues dealt with in this report

The Panel considered all 26 written submissions made during exhibition of the Amendment and later, as well as further submissions, evidence and other material presented to it during the Hearing, plus observations from its unaccompanied site visit.

While it is not as simple as ironing out the creases, the Panel appreciates the approach of all parties to the resolution of issues. Where there were unresolved issues, in coming to its conclusions, the Panel has balanced the overall objective of the facilitating the provision of land to accommodate Melbourne's growth according to the South East Growth Corridor Plan, with the goal of allowing development to proceed generally in line with the PSP and without undue restrictions.

In taking this approach, the Panel also acknowledges the desire of all parties to maintain an appropriate level of flexibility within the PSP.

This report deals with the issues under the following headings:

- Planning context
- Non-property related submissions
- Property related submissions.

2 Planning context

The VPA Part A submission, at section 3 headed Strategic Context and Assessment, presented a comprehensive assessment of Amendment C221 against the State Planning Policy Framework, Plan Melbourne 2017 – 2050, Ministerial Direction 11, Strategic Assessment of Amendments and Ministerial Direction 12, Urban Growth Areas. The Part A submission also listed a series of background documents that support the development controls in the PSP.

The Panel does not repeat the submission here. Suffice that the Panel is satisfied that relevant policy, Ministerial Directions and Guidelines have been considered in the preparation of the Amendment.

It is noteworthy that no submitter made any submission to the opposite.

2.1 Policy framework

The Panel accepts that the Amendment complies with and implements State Policy relating to urban growth areas.

2.2 Planning scheme provisions

(i) Zones

The Amendment applies the Urban Growth Zone Schedule 12 (UGZ12) and applies UGZ12 to land that is zoned Urban Growth Zone (UGZ) and, where it rezones land, uses relevant zones in the VPP.

(ii) Overlays

The Amendment:

- Modifies the existing Environmental Significance Overlay Schedule 6 (ESO6)
- Inserts the Incorporated Plan Overlay Schedule 2 (IPO2) and applies the IPO2 to land zoned RCZ and PPRZ.
- Amends the Schedule to the Heritage Overlay, applies Heritage Overlay Schedule 209 (HO209) to specific buildings and structures and modifies the shape of Heritage Overlay Schedules 16 and 130 (HO16 and HO130).
- Applies the Public Acquisition Overlay Schedules 3 and 4 (PAO3 and PAO4) to specific areas required for drainage and roads on the land.

Each of those changes makes use of the relevant provisions of the VPP.

(iii) Particular provisions

The Amendment changes the Schedule to Clause 52.17 to identify native vegetation exempt from requiring a planning permit using the correct VPP provision.

(iv) General provisions

The Amendment updates the Schedule to Clause 61.03 to reflect mapping changes using the correct VPP provision.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

The VPA submitted that the Amendment meets the relevant requirements of Ministerial Direction 11, Strategic Assessment of Amendments and Ministerial Direction 12, Urban Growth Areas.

The Panel requires the VPA to review the Amendment to ensure it is consistent with the recently approved Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act before adoption and submission for approval.

2.4 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State Policy and, as far as practical to do so, concludes that is consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is strategically justified, supported by government departments and agencies as well as landowners, and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Non-property based submissions

3.1 The issue

This chapter of the report deals with the non-property specific submissions that were made on the Amendment and those where submitters withdrew or decided not to further their submissions at the hearing. They are reported as a group.

3.2 Submissions and outcomes

There were 16 non-property related submissions.

APA Group (S1) expressed concern for the protection of its high-pressure gas pipeline in the precinct. No changes are required to the PSP.

Krastoy Pty Ltd (S3) made submissions about the extension of Thompsons Road beyond the boundary of the McPherson PSP including that the construction of the road should be identified in the Physical Infrastructure Plan (PIP) and should be funded by the ICP. **Patricia Skinner (S2)** and **Alison Grist (S4)** supported that submission. The VPA advised Thompsons Road had been added as project RD-7 east of IN-05 in the ICP with the bridge across Cardinia Creek included in the PIP to be delivered by VicRoads. The Panel is satisfied this is an appropriate response and text inclusion into the PSP.

VicRoads (S5) sought changes to funding arrangements in the ICP and some cross sections of roads. The VPA advised it had agreed to those changes.

Public Transport Victoria (S6) sought changes to note on road cross sections 8 for the St Germaine and Alexander Boulevard Connector Street regarding pavement details. The VPA advised it had agreed to those changes.

Bicycle Network Victoria (S7) supported the provision of bicycle paths and crossings in the PSP with further identification in additional locations as well refinements to treatments to pathways. The VPA advised it had agreed to those changes.

Mr Damian Sayers (S8) is the owner of land outside the PSP. His concerns, including the impacts of construction activity on his and neighbouring properties, are genuinely held but they are outside the scope of the Panel.

Melbourne Water (S9) submitted on the treatment of drainage scheme issues in the PSP. The VPA advised that discussion with Melbourne Water had resolved the issues, with the PSP updated to include changes to the relevant Requirement R79 and to the FUS for drainage schemes.

South East Water (S15) supported the implementation of a third-pipe system for the use of recycled water across the precinct with the identification of locations for the siting of necessary infrastructure. The submission also sought a change to the siting of sewer assets on the relevant plans. The VPA advised it had agreed to those changes.

The **Catholic Education Office** of the Diocese of Sale (CEO) **(S17)** addressed what the submitter said was the need for a site in the precinct for Catholic primary school education. Ms Natalie Gray, for the CEO, advised that though the PSP identified a site for a potential non-

government (primary) school, the CEO had been unsuccessful in negotiating control of the site.

Without identifying any other site, Ms Gray further advised that the CEO would continue to pursue land to satisfy its requirements including through negotiations about the site identified in the PSP. The Panel encourages the CEO to continue its advocacy on this matter.

No change to the PSP results from the submission.

Submission 18 was lodged by the **Department of Environment, Land, Water and Planning** (DELWP) (**S18**) about important conservation controls. DELWP sought specific identification of conservation areas in the PSP, changes to the wording of the controls in relevant schedules and overlays and further study of measures required to protect the habitat of the Australian Grayling and Dwarf Galaxias. The Panel notes this work should also dovetail into the review of the BCS as it applies in the PSP.

The **City of Casey** made a substantive submission (**S19**) on the Amendment during exhibition seeking numerous changes to the PSP. In a presentation at the hearing, Acting Team Leader Growth Areas and Financing for the City of Casey, Jayden Mizzi, addressed a range of issues not resolved through negotiations with the VPA. Chief among them were the inclusion of a contributions plan to pay for infrastructure and strategic issues of the future of the regional park, the retention of the Land Subject to Inundation Overlay (LSIO) and the nature of 'transitional housing' in the Cardinia Creek corridor. The presentation also sought a requirement in the UGZ for planning permits for early earth works with subdivisions. The Panel indicated the capacity to pay for infrastructure was a matter outside its scope.

While the council maintained its wish for a permit control for planning permits for early earth works with subdivisions, the only matter outstanding for the City of Casey at the conclusion of the hearing relates to minimum lot sizes and front setbacks at the interface of the Cardinia Creek corridor and residential properties (Transitional Housing Area). Council advised it is supportive of increased nature strips for properties fronting the corridor should the Panel agree to reduce front setback requirements from 8 metres.

Submission 20, made by **Beveridge Williams (S20)**, also referred to the retention of the LSIO over properties within the PSP after approval of the PSP and the designation of land for urban purposes. The submission was not property related but argued the LSIO is made redundant by the PSP and should be removed by the Amendment. The submission was not supported by the VPA, firstly on the basis that the LSIO serves a purpose and is required until subdivision in the Urban Growth Zone occurs, and secondly, after approval of the PSP no permit is required under the LSIO to construct a dwelling on lots of less than 1,500 square metres. The VPA also proposed clarifying wording to Plan 1 – Precinct Location and Features in the PSP. The Panel agrees with the VPA position that the LSIO should remain in place until the urban drainage system is constructed within the PSP.

The **Cardinia Shire (S25)** made a submission that a Public Acquisition Overlay (PAO) should be approved over the alignment of the extension of Thompsons Road on the basis it is a regionally important road and therefore should not be left for provision as a subdivision road. The submission also sought the inclusion of the bridge to extend the road into the Officer South area in the PIP.

The Panel notes the proposed inclusion into the PIP of the road and bridge works. PAO3 is proposed in the PSP to facilitate the widening of Thompsons Road at Smiths Lane but not for the acquisition of land to extend Thompsons Road beyond its current alignment. The Panel notes the declared intention for the extension of Thompsons Road and the ultimate connection into the Officer employment area. But as no PAO is proposed in Amendment C221 for that purpose, the matter is considered to be outside the scope of the Panel.

The **Department of Education and Training** (DET) made a submission (**S26**) about the location and the shape of the proposed primary school centrally located in the PSP (Property 13) seeking to improve the configuration of the land. The Panel notes the submission is in a similar vein to other submissions seeking flexibility under the PSP to allow the provision and siting of facilities such as schools “*generally in accordance with*” the FUS of the PSP. The Panel’s acceptance of the flexibility approach accommodates those submissions.

3.3 Conclusions

Many of the issues raised by these submitters are for attention in a manner that does not require change(s) to the PSP. Other issues have been concluded by agreement with the VPA and as such will be included in the final PSP.

The Panel adopts the outcomes where agreed by the VPA, endorses further work to be undertaken and, for those submitters for whom the PSP is the start of a process, encourages them in their endeavours.

3.4 Recommendations

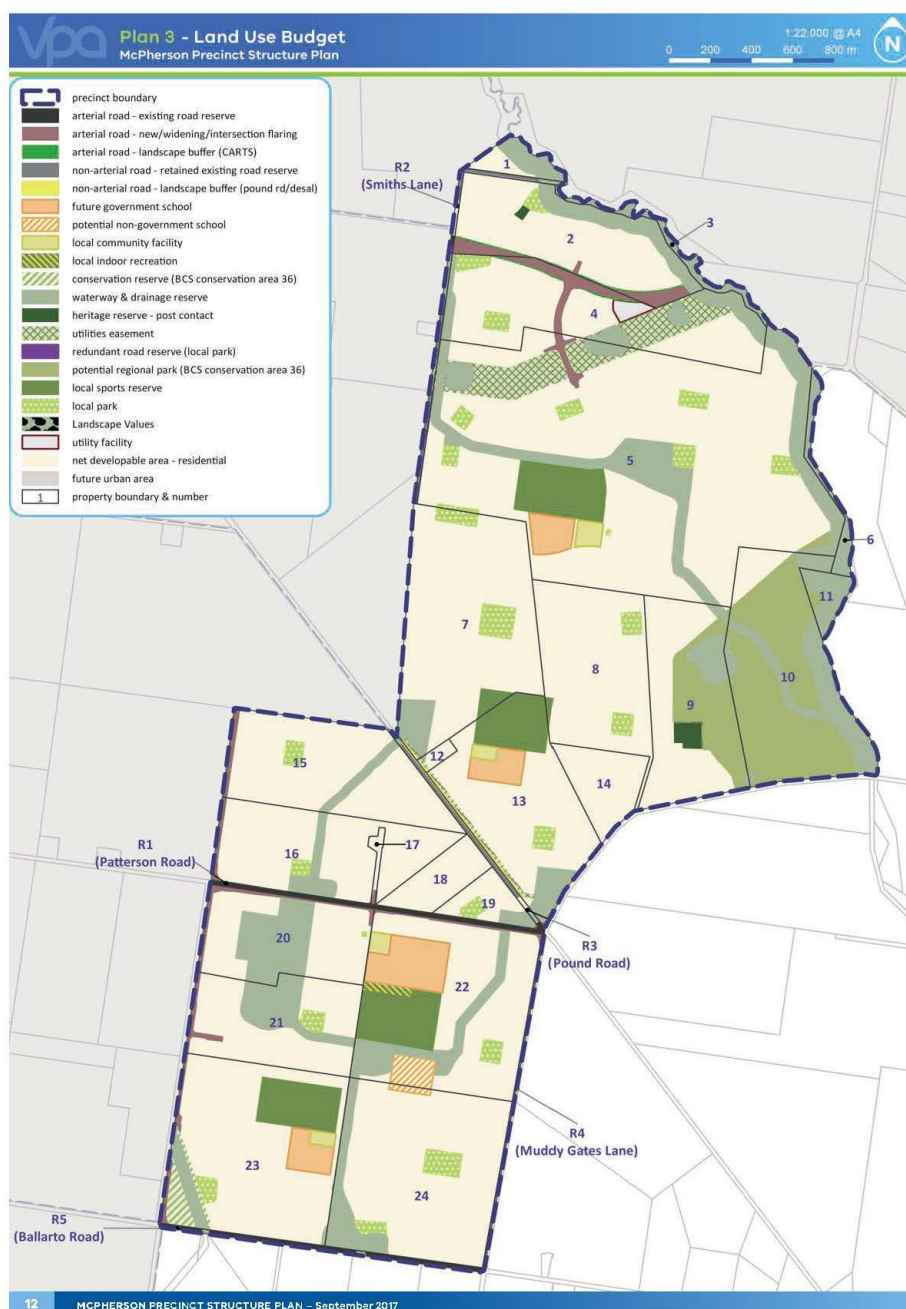
No specific recommendations are required on these submissions as the VPA advised it has applied the relevant changes in the PSP. The Panel endorses those changes.

4 Property based submissions

This chapter of the report deals with those properties where presentations were made at the Hearing.

Plan 3, the Land Use Budget plan in the PSP, shows the properties by number. It is repeated as Figure 5. The numbers become the references to each property reported in this chapter.

Figure 5 - Land Use Budget



The Panel notes that no submissions were made in respect of properties 8, 12, 17, 21 and 23 located within the PSP. No further comment is made about those properties. The outcomes for those properties will be according to the final form of the PSP.

4.1 Property 2: Oakwood Riding School (Submission 12)

(i) The issue

Submitter 12 raised concerns over the proposed application of the PA03 required for Road RD.03 over part of the submitter's land (Property 2) and what compensation would be applied to the land acquisition process.

(ii) Submissions

The submitter seeks:

- Clarification that the proposed Regional Park forms part of the ICP. This will impact on the riding school activities on the submitter's property.
- Compensation for land acquisition must be fair and based on ultimate PSP outcome (e.g. Road RD.03 with six lane freight transport roadway).
- Interim road treatments (intersection treatments) to ensure Riding School can continue to operate efficiently.
- Assurances over planning the future Thompsons Road extension and existing linear horse and pedestrian trail were not compromised.
- Appropriate segregation between roads and horse trail crossings for safety reasons.
- Assurances that vandalism will not occur to the existing heritage residence if placed in public open space reservation.

Finally, the submitter has concerns that the PSP will add council costs/rates on *Not for Profit* uses such as the Riding School.

VPA Response

The VPA advised the Panel in Part A of its submission, that it had agreed to a number of changes sought by the submitter around the ICP and provision of equestrian trails. The Panel notes this advice. However, a number of issues still remained outstanding following those discussions.

The submitter provided a letter (Document 12) to the Panel on Day 2 of the Hearing, advising additional PSP changes had been agreed with the VPA. On the basis of these changes the submitter advised it would not attend the Hearing or make further submissions.

Key VPA changes agreed with the submitter included:

- Thompsons Road/Alexander Boulevard (formerly St Germain's Boulevard) intersection to be shown on Plan 1: Transport Projects, RD-03 as an interim four-way intersection road treatment ahead of its ultimate six-lane construction.
- Linked equestrian trail to be shown on updated PSP - Plan 8 – (with or without Regional Park included).

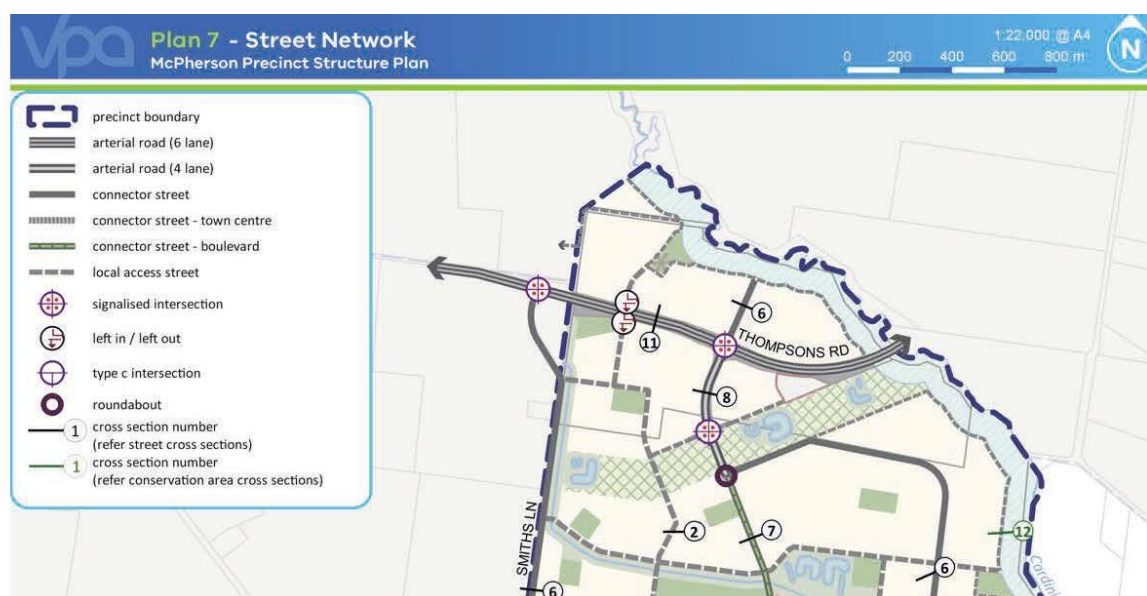
The VPA also advised the ICP would be updated to reflect the acquisition and construction of Road Transport Project RD-03.

The VPA advised the submitter that it was unable to effectively limit or stall development potential, while the riding school continued its 'not for profit' operations within the developing PSP.

(iii) Discussion

The VPA confirmed the purpose of the PAO3 over part of the submitter's land along the southern boundary of property 2 is to acquire land for an east-west arterial road (see Plan 1: Transport Projects, RD-03). The Panel notes the road project comprises an easterly extension of Thompsons Road from the PSP's western boundary to Alexander Boulevard. The land acquisition creates a 41 metre wide road reserve for an ultimate six-lane east-west arterial road. The Panel accepts the basis for the east-west arterial road along the southern boundary of the submitter's property. Figure 6, extracted from the hearing version of the PSP illustrates the proposed situation.

Figure 6 - Plan 7 - Street Network



The Panel considers the VPA response to include the interim designation of a four-way intersection to Thompsons Road/Alexander Boulevard on the PSP is a practical solution to concerns raised by the Submitter.

The Panel acknowledges that funding detail under the ICP requires further clarification.

Due to the current uncertainty around the Regional Park within the PSP, the Panel considers the equestrian trail should be shown in the location currently proposed for the park and environs. The Panel considers this is a sensible approach to address concerns of the submitter. The Panel considers some additional wording is required in the PSP to ensure flexibility on the final location of the trail.

The Panel notes that there was no opposition to the Heritage Overlay (HO209) being applied to Property 2.

The overlay also provides for applications to be made for prohibited uses in the building. The Panel agrees this is a sensible approach to help facilitate and maintain the function of the building into the future.

The Panel agrees with the VPA that matters around municipal land rates is outside the scope and terms of the Panel.

(iv) Conclusions

The Panel accepts the proposed post-panel changes proposed by the VPA in respect to an interim four-way intersection to Thompsons Road/Alexander Boulevard and mapping provision of a continuous equestrian trail in the location currently proposed for the Regional Park environs (with or without the Regional Park).

The Panel concludes the amendment should be amended to:

- Show provision for a continuous equestrian trail to be shown on both plans 'with or without' a Regional Park.
- Retain the proposed open space/heritage reserve status in the PSP and application of the Heritage Overlay (HO209) over the heritage residence on Property 2.

(v) Recommendations

The Panel makes the following recommendations:

1. **Amend relevant maps and words in the Precinct Structure Plan to provide for an interim four-way intersection to Thompsons Road/Alexander Boulevard.**
2. **Amend the relevant plan in the Precinct Structure Plan (Plan 8) and include words as/where appropriate to maintain location flexibility of the equestrian trail around the perimeter of the Regional Park (With or Without Regional Park versions).**

4.2 Property 4¹: Sandyview Holdings P/L (Submission 14)

(i) The issue

Submitter 14 sought additional information on the need for the *Key Access Street* extending north to connect with the future Thompsons Road extension (shown on figure 12, the Street Network Plan, in section 4.2.6).

(ii) Submissions

The submitter says:

- Strategic Transport Modelling does not support a north-south Access Street within submitter's property.
- The new Access Street is considered excessive based on anticipated traffic volumes.
- The Access Street should be removed from the PSP, as there are alternative connections to Smiths Lane and future arterial road to the east.
- Clarification is required on ICP infrastructure including design timing, costing and items to be included in the ICP, affecting the submitter's land holdings.

VPA Response

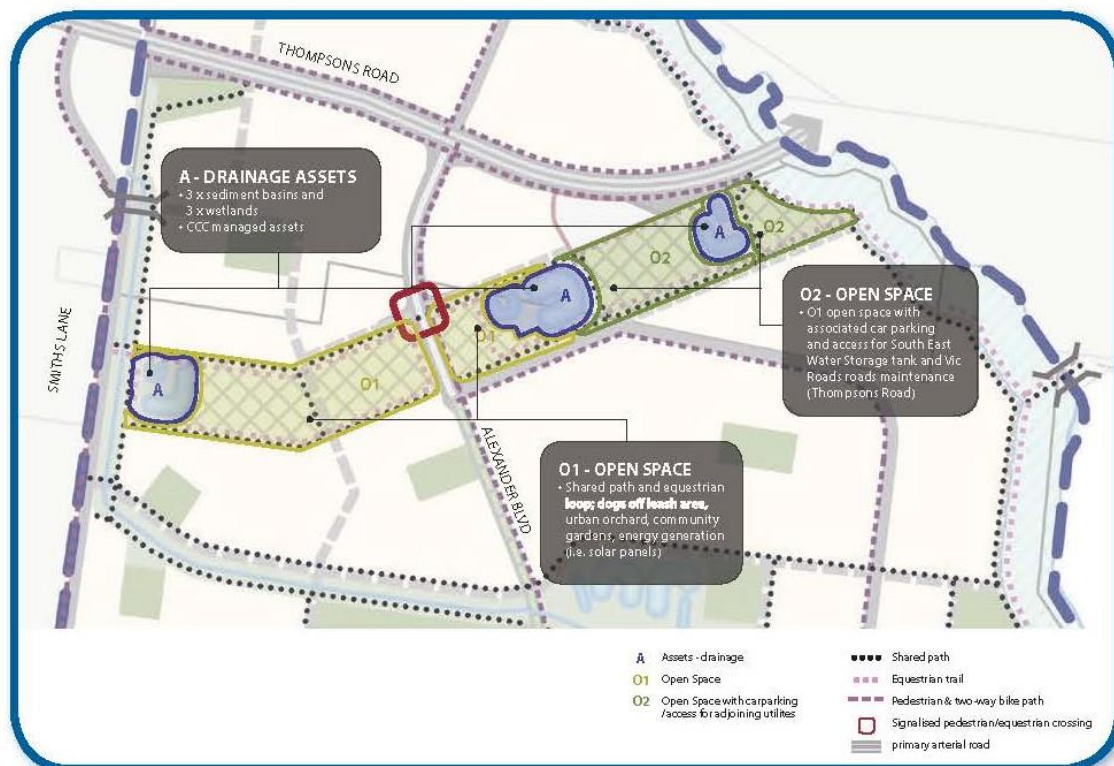
The VPA advised that it had added specific requirements regarding works within the utilities area located diagonally across the submitters' property. On that basis, the VPA advised the

¹ Submission 14, Property 4, is also linked with Submission 16, Property 5, located immediately to the south of Property 4.

submission was resolved. Figure 7 illustrates the proposed treatment of the land within the utility easement on the submitter's property.

Figure 7 - Utilities Easement Concept

Figure 5 Utilities Easement Concept



(iii) Discussion

The Panel has acknowledged the need for an east-west arterial road extending from Thompsons Road to Alexander Boulevard. The north-south arterial road in Property 4 intersects with this arterial road and provides further important road connections to the south onto Property 5. The Panel accepts this arterial road provides important access to proposed open space, retail centre schools and other community services to be located within Property 5.

The Panel accepts that final locations and details of some arterial roads in the PSP will require further detailed analysis before agreement is reached on these road assets between service authorities, council and landowners.

This approach is consistent with the Panel's expectation that the VPA will prepare an infrastructure contributions plan to match the requirements of the PSP in the time available, until others make a decision on the status of the proposed Regional Park.

(iv) Conclusions

The Panel concludes the Amendment should include appropriate wording in the PSP documents that provides a degree of flexibility in the final location and ultimate treatment of key arterial road networks and connections throughout the PSP.

(v) Recommendation

The Panel makes the following recommendation:

3. **Amend wording in the Precinct Structure Plan documents to ensure an appropriate level of flexibility is provided about the final location and ultimate treatment of key arterial road networks and connections throughout the Precinct Structure Plan.**

4.3 Property 5: Mirvac and North Clyde Projects P/L (Submission 16)**(i) The issue**

Submitter 16 is generally supportive of the exhibited PSP. However, the submitter considered that further refinement was required to the PSP within the 'Transitional Housing Area'. The submitter opposes the mandatory minimum lot size of 500sqm, along with a minimum dwelling setback of 6.0 metres to the frontage.

Figure 8 illustrates the treatment of the interface area as proposed in the hearing version of the PSP.

Figure 8 - Conservation Area Interface Plan

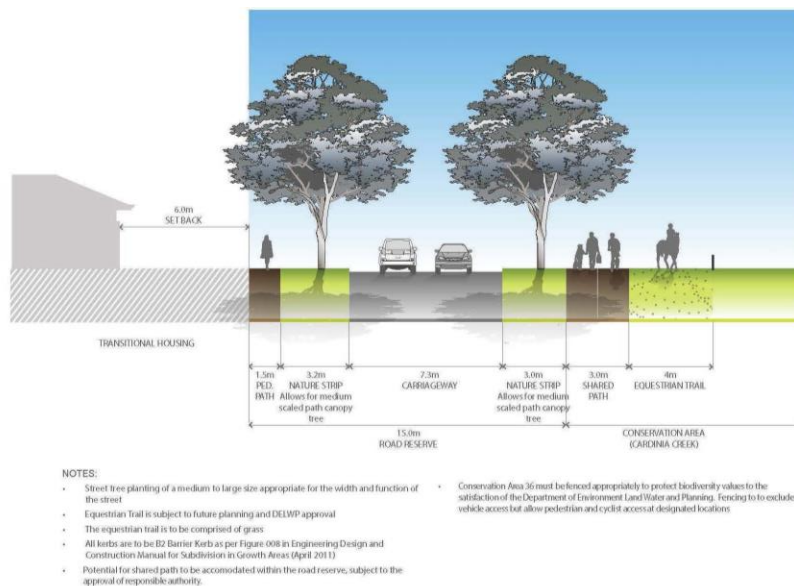
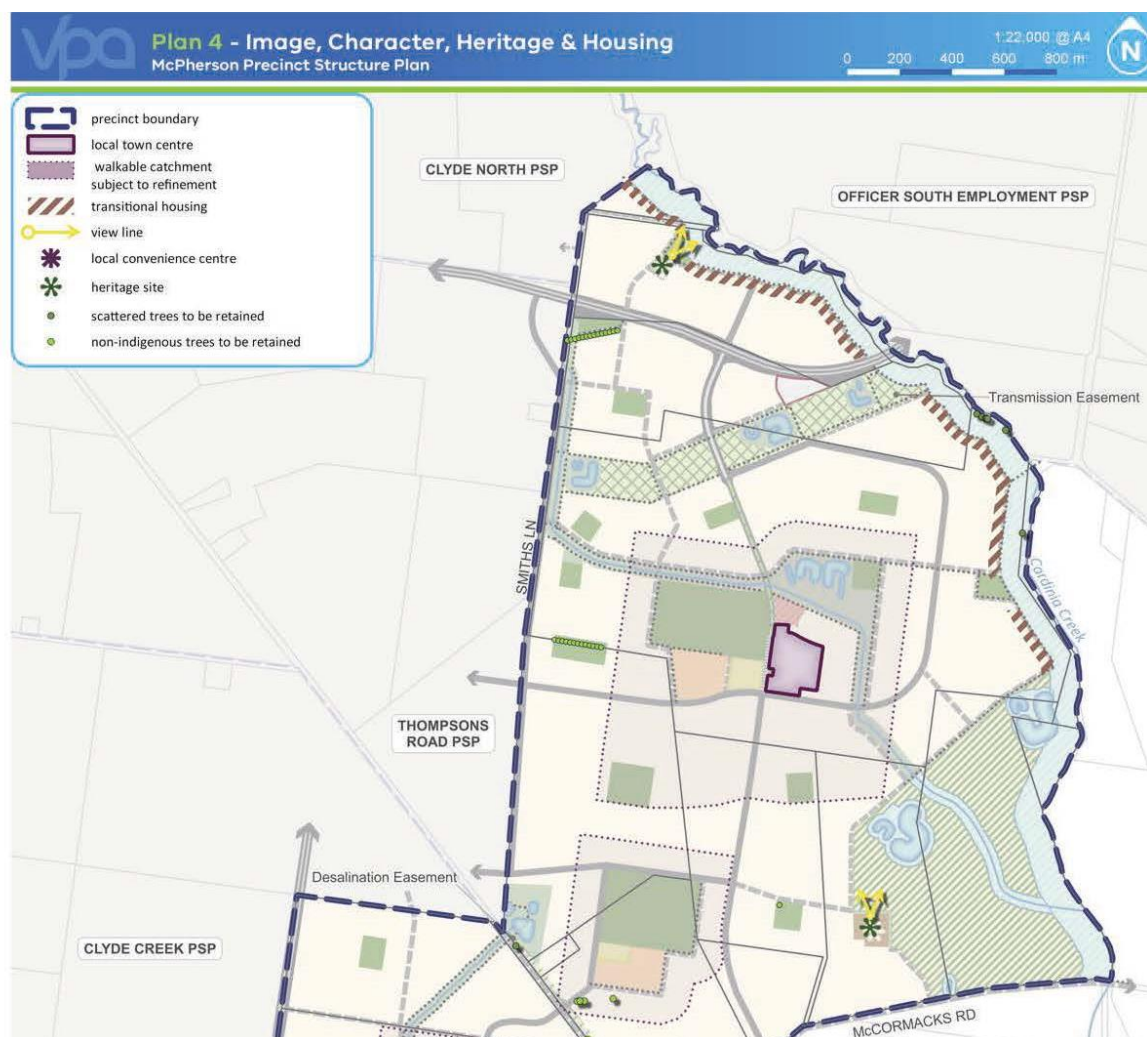


Figure 9, Plan 4 – Image, Character, Heritage & Housing from the hearing version of the PSP identifies the Transitional Housing Area.

Figure 9 - Plan 4 – Image, Character, Heritage & Housing



(ii) Evidence and submissions

The submitter raised the following matters of concern in its initial submission to the Amendment:

- Land budget (11 hectares) for Local Sports Field (SR01) too large (recommend 8 hectares and a revised land layout (see Figure 1 in Submission).
- Amend circular road network to improve public transport and connections between residential neighbourhoods (see Figure 2 in submission).
- Amend loading bay layout for proposed supermarket and move building envelope towards Hardys Road.
- Identify pedestrian movement network on PSP (see Figure 3 in submission).
- ICP should be prepared and approved through a section 20 (4) amendment as soon as standard rate and template available.
- Land and construction of first carriageway of Alexander Boulevard to be shown as an ICP project (not developer).
- Early construction of Thompsons Road and pre-interim intersection at Bells & Thompsons Road shown in ICP.

- Provision for 600 square metre lots and 100 metre buffer along Cardinia Creek is questioned.
- Provision for larger lots and a setback for bushfire risk has not been justified.
- Reduce size of Neighbourhood Park LP-08 from 1.2 hectares to 0.8 hectares.
- Range of rewording/amendments to PSP documents (see Summary Table in Submission pages 7 to 11 inclusive).

A number of these matters have now been resolved following further discussions with the VPA.

Planning Evidence: Mark Woodland, Echelon Town Planning

Mr Mark Woodland from Echelon Town Planning presented evidence to the Panel on behalf of the submitter. Mr Woodland noted the VPA stated that larger lots along Cardinia Creek were required for 'bushfire protection' and to 'manage the urban interface with Cardinia Creek.' Mr Woodland does not support this view.

In Mr Woodland's opinion:

- The proposed VPA 'Transitional Housing' requirements were not necessary to achieve protection or enhancement of the bio-diversity, habitat or waterway values of Cardinia Creek.
- The 'Transitional Housing' requirements would not make a meaningful contribution to the amenity of the rural/urban interface at the Urban Growth Boundary.
- There was no statutory mechanism within the PSP (or amendment documents) to provide landscaping in the proposed 6.0 metre frontage setback. Mr Woodland considers the inclusion of this requirement will lead to enforcement issues in the future.
- Mandating almost 3 kilometres of the Cardinia Creek frontage for 500 square metre lots is counter productive to housing diversity and choice sought under wider housing affordability objectives found under government policy.
- A strong landscape character along the Creek interface can be created via landscaping within the public realm.
- The road reserve along the creek should be increased to 17 metres including a shared path and wider nature strip that can accommodate the planting of 10-15 metre medium sized trees.

Bushfire Risk Evidence: Hamish Allan, Terramatrix Pty Ltd

Mr Hamish Allan from Terramatrix Pty Ltd presented evidence to the Panel on behalf of the submitter.

Mr Allan noted the entire PSP area is a designated Bushfire Prone Area (BPA). In this BPA setting, all buildings must be built to a minimum BAL 12.5 construction standard, or higher, if determined by a site assessment or planning scheme requirement. Mr Allan also noted that no part of the PSP is covered by a Bushfire Management Overlay (BMO).

In Mr Allan's opinion, the absence of BMO coverage was a strong reflection of the relatively low risk from bushfire attack. He also noted that there were no large areas of contiguous treed or shrubby vegetation on or around the site that could generate extreme fire behaviour.

He advised the Panel that the relatively low bushfire risk in the area was supported by the findings of the *Regional Bushfire Planning Assessment – Melbourne Metropolitan Region* (DPCD, 2012).

Mr Allan indicated that defining an acceptable dwelling setback that addresses safety under Clause 13.05 of the *Casey Planning Scheme* and the *Victorian Building Regulations* requires agreement on:

- BAL construction standard of future buildings.
- Extent of the classified vegetation relative to the buildings.
- Type of classified vegetation that constitutes the hazard.

In Mr Allan's opinion, additional default setback distances were not required for fire safety reasons in this area of the PSP.

On behalf of the submitter and based on the evidence presented to the Panel, Mr Finanzio submitted:

The proposed minimum lot size is in substance a density control which has no relationship to the operation of bushfire management or planning regulation.

The setback of dwellings within private land is not justified on fire protection controls.

There is no basis for asserting that the design and character objectives of the McPherson PSP cannot be achieved with setbacks less than 6.0m or 8.0m.

Mr Finanzio encouraged the Panel to address the matter of landscape character interface between the 'Transitional Housing Area' and Cardinia Creek through increased road reserve width that would enable appropriate landscaping within the public realm.

VPA Response

In response, the VPA proposed the following changes to the PSP:

- Reduced lots down to 500 square metres but still require a minimum dwelling setback to the frontage of 6.0 metres.
- Lots fronting the Cardinia Creek Conservation Area with no front fence and side fences to be no greater than 1.2 metres within the first 3.0 metres of the lot.
- The 19.0 metres identified as fuel reduction zone within the conservation area is to be managed as 'grassland' as outlined in AS 3959-2009 by the relevant public land manager.
- Reduce the fuel reduction zone so that it ends at the boundary of the dwelling on the lot.
- Remove the 6.0 metre front setback requirement and increase both nature strips by 1.0 metre each side to achieve a road reservation width of 17 metres.

The submitter accepts all the post-panel changes proposed by VPA on this matter, apart from the minimum 500 square metre lot size and setback control. The submitter maintains that no minimum lot size should be specified or, if the Panel disagrees, then the lot size and dwelling setback requirements should be discretionary, not mandatory.

(iii) Discussion

The Panel notes that Casey City Council does not support the VPA post-panel changes proposed for the 'Transitional Housing Area'. The council maintains that a minimum 600 square metre lot size with an 8.0 metre setback is required to provide appropriate interface treatment to the significant landscape environment of the Cardinia Creek corridor. However, the council submits that if the Panel supports a reduced front setback requirement in the 'Transitional Housing Area', increased nature strip widths should be applied.

The Panel accepts the evidence from Mr Allan that the proposed minimum lot size and the setback of dwellings within private land proposed by the VPA is not justified for fire protection purposes.

The Panel also accepts the evidence presented by Mr Woodland that a potential conflict is created between the 'mandatory' provision of lot sizes in the 'Transitional Housing Area' and capitalising on affordable housing opportunities that may arise in the PSP area.

The Panel notes the submitter, council and VPA agree that a wider road reservation, with wider nature strips and shared path will improve urban design and landscape character outcomes in this 'Transitional Housing Area'.

The Panel agrees with the parties on this design approach. The Panel considers the proposed post-panel changes recommended by the VPA largely address the concerns raised by the submitter. The Panel does not support the council's position that a minimum 600 square metre lot size with an 8.0 metre dwelling setback is required in the 'Transitional Housing Area' when combined with the wider road reservation treatment.

The Panel considers a mandatory minimum lot size in this area of the PSP is not necessary or appropriate, particularly as the agreed wider road reservation provides additional opportunity for landscaping within the public realm. The Panel also considers a mandatory minimum lot size may unnecessarily restrict affordable housing opportunities that will present in the future for this area of the PSP. The Panel considers that the minimum 500 square metre lot size should be placed over this 'Transitional Housing Area' as a discretionary, rather than mandatory planning control in the PSP. In addition, the Panel supports the use of clause 54.03-1 minimum 4.0 metre front setback provisions for these lots, not the minimum 6.0 metre front setback proposed by the VPA.

(iv) Conclusions

The Panel accepts the recommended post-panel changes proposed by the VPA in respect to the 'Transitional Housing Area' controls designated within the PSP, including appropriate rewording to ensure the minimum lot size this area of the PSP is a discretionary rather than mandatory planning control and the minimum front setback to be applied on these lots is consistent with Clause 54.03-1 of the Casey Planning Scheme.

(v) Recommendations

The Panel makes the following recommendations:

- 4. Amend the relevant provisions of the PSP to reflect the post-panel changes proposed by the VPA for the 'Transitional Housing Area' including:**

- a) Reduced lots down to 500 square metres and apply the 4.0 metre minimum dwelling setback to frontages as specified under clause 54.03-1 of the Casey Planning Scheme.
- b) Lots fronting the Cardinia Creek Conservation Area with no front fence and side fences to be no greater than 1.2 metres within the first 3.0 metres of the lot.
- c) The 19.0 metre setback identified as a fuel reduction zone within the conservation area to be managed as 'grassland' as outlined in AS 3959-2009 by the relevant public land manager.
- d) Reduce the fuel reduction zone so that it ends at the boundary of the dwelling on the lot.
- e) Remove the 6.0 metre front setback requirement and increase both nature strips by 1.0 metre each side to achieve a road reservation width of 17 metres.

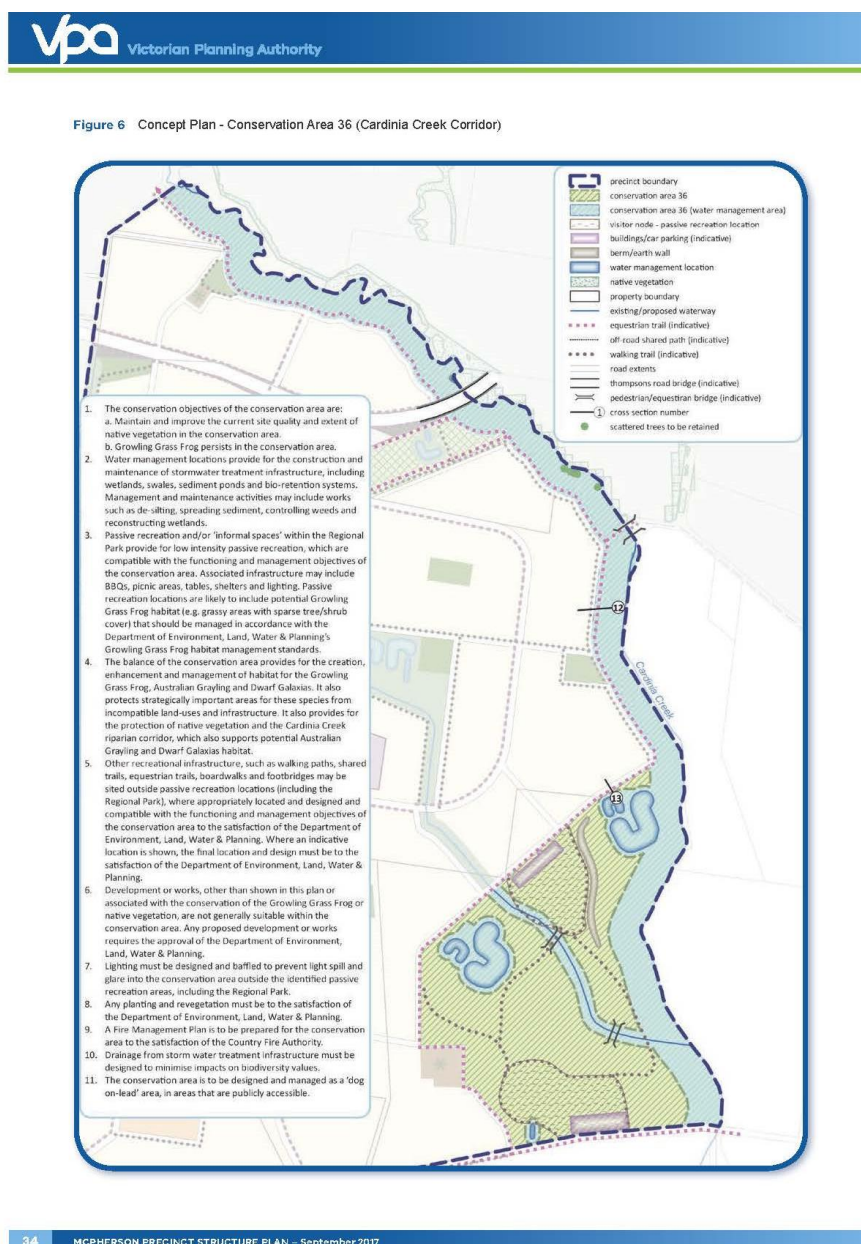
4.4 Property 9: Ms Kerrie Volders (Submission 23)

(i) The issue

Submitter 23 has a key concern around the designation over a large portion of its landholding designated for Regional Park and Growling Grass Frog habitat.

Figure 6 in the PSP titled Concept Plan – Conservation Area 36 (Cardinia Creek Corridor) illustrates the proposed treatment of the submitter's property and Property 10 which the Panel discusses in section 4.2.5. The plan is repeated at figure 10.

Figure 10 - Concept Plan – Conservation Area 36 (Cardinia Creek Corridor)



(ii) Submissions

The submitter says:

- Assurances/clarification from VPA is required around designation of the Regional Park, extent of conservation area, who pays and how under the ICP and how will the land be valued/treated for purchase/acquisition.
- Insufficient analysis has occurred on the growling grass frog habitat.
- Drainage and road networks and common boundaries in PSP should be flexible as this affects its land holding.

VPA Response

The VPA submits it circulated an alternative Discussion Paper on a No Regional Park option, prepared amendment plans and documents that show how the PSP could function without the Regional Park, pending resolution of this matter with relevant State and Commonwealth agencies and authorities. Others, not the VPA, will ultimately make a decision on the Regional Park.

(iii) Discussion

Property 9 has an approximate area of 40.5 hectares with a frontage of 559.7 metres to McCormacks Road. The property contains a significant Victorian Italianate residence (St Germain's) built circa 1880 (HO16).

The Panel was provided with an updated Heritage Citation HO16 during the Hearing. The Panel notes that Amendment C221 provides for an amended heritage curtilage for this overlay. The Panel accepts the updated citation provided by the VPA and the revised overlay boundaries provided to HO16 under Amendment C221.

At the hearing an updated submission was provided to the Panel. This submission indicated that most of the initial issues had been resolved with the council and VPA. The Panel accepts that these matters have now been satisfactorily addressed between the parties.

The Panel also notes that submitter 23 supports submitter 13 on the appropriateness of applying a public land zone to private land and applying a PAO to the Regional Park land. Submitter 23 is also concerned around the use of terminology in the current PSP, particularly the use of words such as 'potential' or 'possible' Regional Park. The submitter says without the application of a PAO over the Regional Park, it will be very difficult for landowners to seek appropriate compensation.²

The submitter requests the Panel recommend the application of a PAO to the Regional Park, specifying DELWP or Parks Victoria (as appropriate) as the acquiring authority. The submitter states this should occur if relevant Commonwealth and State government agencies and authorities finally approve the PSP with the Regional Park option.

As noted by the Panel, until others have determined the issue of the Regional Park, uncertainty will continue for landowners around how the final PSP will ultimately function and look. Unfortunately, this impact will be greater on those landowners such as submitters 13 and 23 who have properties where the Regional Park is proposed.

Nevertheless, the Panel considers that a determination outside this Panel process is required by relevant Commonwealth and State government agencies and authorities if the Regional Park is to progress in the PSP. Should this eventuate, the Panel is of the view that the application of a PAO is an appropriate planning tool to be applied to the Regional Park. This PAO would provide the appropriate level of certainty and transparency required to affected landowners in the PSP.

² See decision of *Skerdero Pty Ltd v Cardinia SC* [2014] VCAT 1334.

(iv) Conclusions

The Panel concludes there should be no change to the Amendment at this time to enable relevant Commonwealth and State government agencies and authorities to determine the inclusion or removal of the Regional Park option as a matter of priority.

However, should the Regional Park be finally decided upon and included in the PSP, the Panel recommends the application of an appropriate PAO be applied across the extent of the Regional Park, together with designation of the ultimate acquiring authority.

(v) Recommendations

The Panel makes the following recommendation:

- 5. Apply a Public Acquisition Overlay over the land to be included in the Regional Park in the event the park is included in the Precinct Structure Plan and identify the ultimate acquiring authority.**

4.5 Property 10: Jetwise Enterprises P/L (Submission 13)**(i) The issue**

Similar to submission 23, submitter 13 raised key concerns around the proposed designation of a large portion of its landholding as potential Regional Park. The submitter was also concerned with the continued application of a Land Subject to Inundation Overlay (LSIO) over its property.

(ii) Submissions

The submitter says:

- It is severely disadvantaged by a small portion of its land remaining for urban development (northwest corner) and effectively landlocked until development proceeds in the PSP, south from Thompsons Road.
- It seeks a range of assurances/clarification from VPA around a smaller land designation for the Regional Park and extent of conservation area. The submitter also seeks assurances on who pays and how will its land be valued/treated for purchase/acquisition.
- Insufficient analysis has been undertaken on growling grass frog habitat to establish boundaries on the submitter's property.
- It seeks to reserve the right to modify drainage and road networks and common boundaries in PSP as this affects its land holding.

VPA Response

In its initial response to this submission, the VPA made changes to the schedule controls accompanying the LSIO. The revised schedule was sent to both the council and Melbourne Water. No resolution was reached between the respective parties prior to the Panel Hearing.

To address the submitter's concerns, post-panel changes were also proposed by the VPA that provided greater flexibility for drainage design in the PSP. The following text *'indicative and may be changed and modified to the satisfaction of Melbourne Water and Responsible*

Authority' is to be added into Plan 9: Integrated Water Management (reproduced at figure 11 in section 4.2.6). The submitter supports these drafting changes but continues to rely on all of its other submissions.

In essence, the submitter says if the Regional Park is retained and the Conservation Area boundaries are not reduced or removed, the Panel should recommend a PAO over the entire area of land encumbered by the Regional Park. The submitter says this is a fair and reasonable position that reflects planning approaches used in the planning scheme that allows Parks Victoria to acquire land required as part of the Cardinia Creek Parklands.³ The submitter also notes that the acquisition of the Regional Park (if progressed) will not be funded by the ICP as part of this amendment.

The submitter is also seeking to have the proposed Regional Park designated as Urban Growth Zone (UGZ), not Public Park and Recreation Zone (PPRZ). The submitter says this is appropriate until the land is purchased or acquired by a relevant public authority. If the Regional Park is not progressed, the submitter supports the VPA position to apply the General Residential Zone (GRZ) to the land; including a revised location of the waterway and associated reserve to be placed under the PAO.

The submitter also relies on expert drainage evidence provided by Mr Leigh Holmes that recommends reduction of the proposed waterway corridor to 45 metres in width and removal of both the Urban Flood Zone (UFZ) and LSIO.

Engineering & Drainage Evidence: Leigh Holmes, Spire

It is Mr Holmes's evidence that:

- The future urban structure proposed in the PSP is generally satisfactory from an engineering and drainage perspective.
- A reduction of the waterway corridor width down to 45 metres in width is warranted due to expected drainage flows and capacity.
- Reviewed calculations of the total wetland area on property 10 shows some 6.6 hectares of land is required for drainage purposes.
- Greater flexibility is required for land designated for drainage purposes in text if the Regional Park is not progressed.
- The LSIO can be removed as this overlay stems from the upstream rural based flows from within the Baillieu Creek Catchment.
- The UFZ is also a consequence of existing rural features and should reflect new urban development outcomes arising from the PSP.

(iii) Discussion

Property 10 comprises some 55.5 hectares of land and abuts the Cardinia Creek environs area (eastern boundary). A significant part of this property is identified in the Biodiversity Conservation Strategy (BCS) as Conservation Area 36 (shown on figure 10 in section 4.2.4). The BCS has identified the presence on this property of the Growling Grass Frog, Australian Grayling and Dwarf Galaxies, both of which have biodiversity values of national and state significance.

³ See Amendment C60 to the Casey Planning Scheme.

The Amendment proposes two areas for drainage reserves that will be subject to a Public Acquisition Overlay (PAO). The balance of the property is proposed to be a Regional Park and subject to an Environmental Significance Overlay (ESO6) that applies to the entire property and Incorporated Plan Overlay (IPO). In addition, the amendment proposes to remove the Urban Flood Zone (UFZ) and replace this with a LSIO.

The Panel was not provided with any updates from the VPA in respect to further work undertaken on the boundaries of the existing BCS Area 36. The Panel is therefore not able to make any further recommendations in respect to this specific matter. However, the Panel considers this work should be seen as a priority to enable further ICP work to be undertaken and completed by the VPA for this PSP.

As a general planning principle, the Panel accepts that the application of an appropriate PAO over the entire Regional Park within the PSP would be consistent with planning approaches taken on the acquisition of other regional based parks and public space corridors. This approach allows for important transparency and sets out clear processes that establish formal land acquisition and compensation processes and outcomes, should the Regional Park proceed. However, the Panel adds a word of caution here as the application of a PAO is not a step that should be taken lightly and requires an appropriate level of additional investigation and discussion with all relevant parties before action is taken along these lines. In addition, this action should go hand in hand with the allocation and ownership of the land by a public authority.

In respect to the LSIO matter, the Panel notes the VPA does not dispute the basis for the LSIO as identified by Mr Holmes. However, as the drainage system is yet to be constructed and further detailed drainage analysis is required, the VPA seeks to retain the use of the LSIO until the drainage system is constructed. Melbourne Water supports this position.

The VPA is also proposing wording changes to Plan 1 – Precinct Location and Features in the PSP, to help clarify how the LSIO will operate in the PSP, including a note that states:

The existing flood extent is prior to subdivision in accordance with Melbourne Water requirements under the Development Services Scheme.

Consistent with its response to submission 20, the Panel is satisfied that the retention of the LSIO is an appropriate planning approach and tool until the urban drainage system is constructed in the PSP.

The Panel considers the proposed reduction in waterway widths as recommended by Mr Holmes is not necessary in the PSP. The VPA post-panel changes provide a greater level of flexibility to both the location and size of any waterway or drainage asset identified in the PSP.

(iv) Conclusions

The Panel accepts the recommended post-panel changes proposed by the VPA in respect to acknowledging greater flexibility for drainage and waterway detail and location within the PSP, including the additional note in Plan 1 – Precinct Location and Features to help clarify the role of the LSIO while the overall urban drainage system is constructed.

(v) Recommendation

The Panel makes the following recommendation:

- 6. Amend the relevant provisions of the PSP to reflect the post-panel changes proposed by the Victorian Planning Authority for drainage, waterway detail and location flexibility within the Precinct Structure Plan.**

4.6 Properties 7, 13, 14, 15 (part), 16, 18 and 20: Balcon Pty Ltd (Submission 22)**(i) The issue**

Submission 22 is from Balcon Pty Ltd (Balcon) who own or have control over properties 7, 13, 14, 15 (part), 16, 18 and 20. Balcon is generally supportive of the Amendment and the PSP but seeks changes to its wording and to some elements of the FUS Plan and other plans in the PSP.

(ii) Submissions

To support its submission, Balcon, through John Carey, relied on the evidence of expert witnesses:

- Chris Beardshaw of Aflux Consulting on drainage to allow for variations to the drainage schemes proposed on the basis that further study of sites and overland flows may allow alternative schemes
- Henry Turnbull of Traffix Group who proposed a north-south alignment of Smiths Lane similar to its exhibited form to avoid what he described as inefficient routes and intersections
- Anthony Battaglia of Patch Design on urban design who proposed urban design treatments and outcomes for land no longer required for drainage or roads purposes.

Plan 9, Integrated Water Management, in the hearing version of the PSP was the plan addressed by Mr Beardshaw. It is repeated as figure 11.

Plan 7, Street Network, in the hearing version of the PSP was the plan addressed by Mr Turnbull. It is repeated as figure 12.

Figure 11 - Integrated Water Management Plan

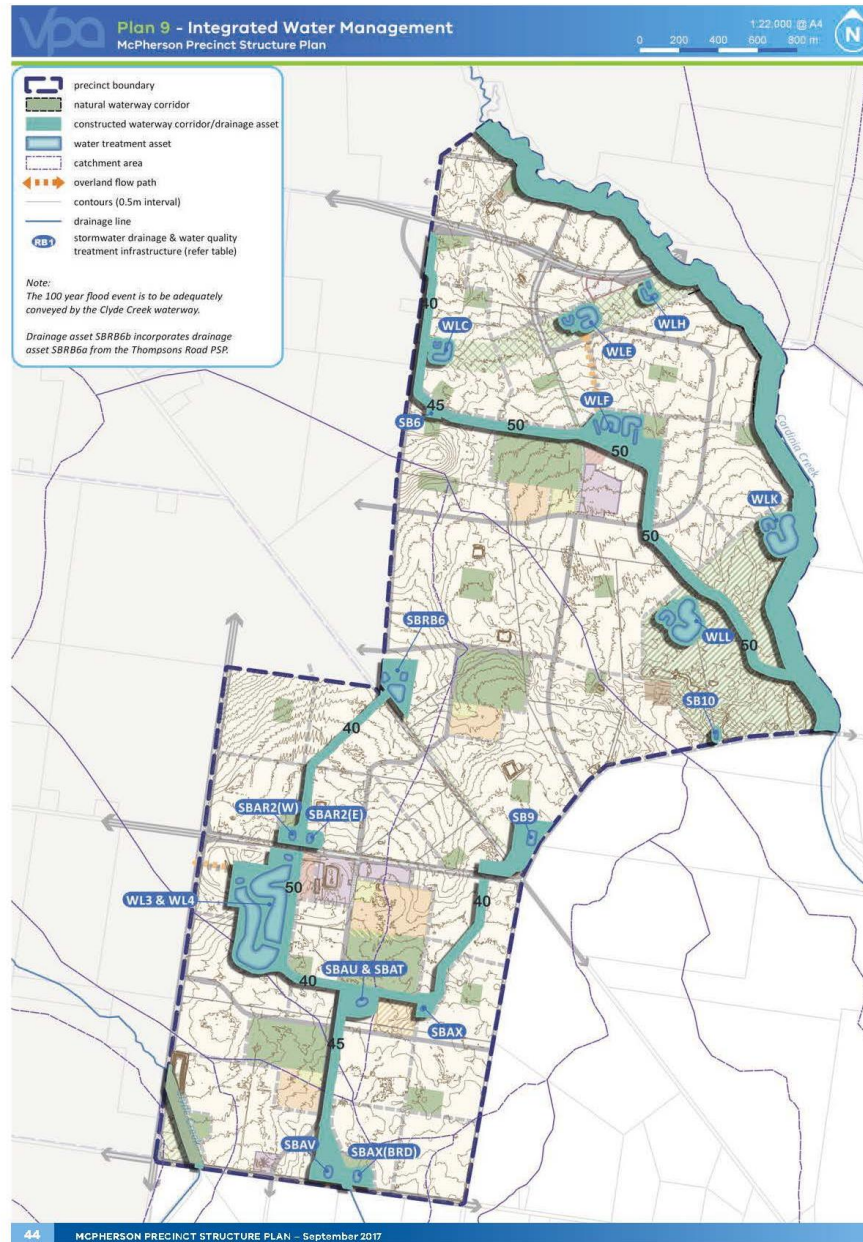
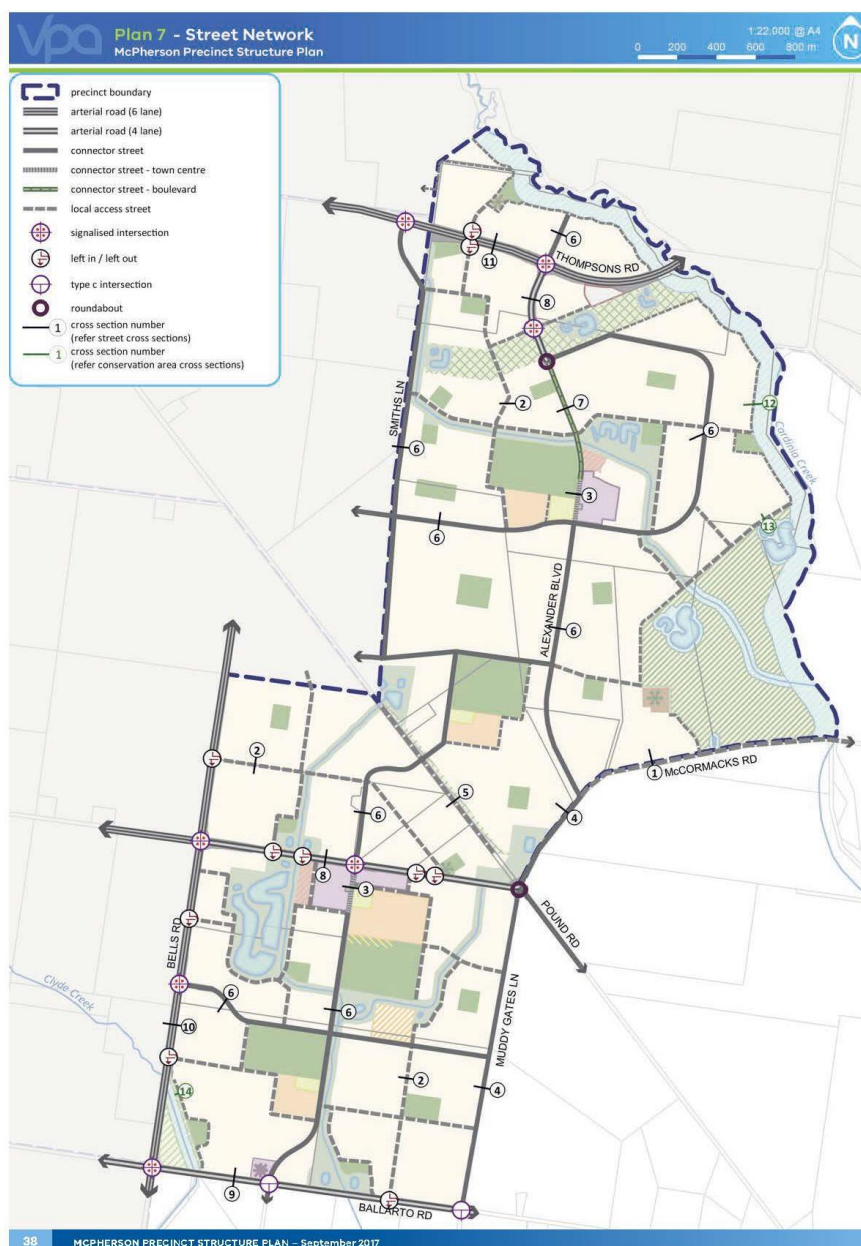


Figure 12 - Street Network plan



(iii) Discussion

The core theme of the submission was an emphasis on the term “generally in accordance with” being used in the Requirements and Guidelines of the PSP.

Balcon submitted that so long as the goals and objectives of the PSP were achieved, there should be flexibility under the controls that allowed for permits and plan approval to be granted for variations to the treatments prescribed in the PSP for roads, drainage schemes and the siting of community facilities including the primary school located over two properties controlled by Balcon.

Specifically, Balcon proposed the following changes to the PSP:

- (a) After the paragraph commencing 'Guidelines' at section 1.1, add the following paragraph:

An alternative to the Guidelines will be supported where, because of the same ownership of multiple land holdings, the contemplated facilities / infrastructure can be delivered without impacting on the overall land budget.

- (b) At the conclusion of section 1.1, the following words are added:

The plans and figures within the PSP are indicative only. Provided the relevant requirements and guidelines are satisfied, alternative layouts will be considered by the Responsible Authority.

- (c) At section 2.3, add the following paragraph, after the current 3rd paragraph:

Any proposed amendment to the indicative layouts depicted in the various plans / figures should consider the impact upon the land budget.

- (d) At Plans 2,3,4,5,7,8,9 and 10 delete the waterway running through Properties 15 and 16.

- (e) At section 3.5.3, add the following guideline (as a new Guideline 49 or numbered as appropriate):

The location and layout of the north south connector road traversing properties 7, 13 15, 16 and 20 is indicative only. Alternative locations and layouts will be considered by the Responsible Authority.

The Panel supports the call for flexibility and alternative design approaches in the PSP. The Panel agrees with the Balcon submission that circumstances may change from those that direct outcomes at this early planning stage and therefore an outcome supported by the relevant stakeholders ought to be able to be accommodated within the approved PSP. This will avoid a later planning scheme amendment which would be time consuming and costly. The PSP presently uses phrases to convey a sense of change through statements such as those in Requirements that a provision has to be met "*unless approved by the Responsible Authority*", and that something can be done "*unless a permit has been granted*", and that a matter has to be done "*to the satisfaction of...*" an agency or the Responsible Authority, and, critically, the term commonly used in the PSP that something must be "*generally in accordance with*" the PSP.

(iv) Conclusion

The Panel agrees with the changes to the PSP as proposed by Balcon and recommends their adoption.

(v) Recommendation

The Panel makes the following recommendation:

7. Amend the Precinct Structure Plan to:

- a) After the paragraph commencing 'Guidelines' at section 1.1, add the following paragraph:

An alternative to the Guidelines will be supported where, because of the same ownership of multiple land holdings, the contemplated facilities / infrastructure can be delivered without impacting on the overall land budget.

- b) At the conclusion of section 1.1, the following words are added:
The plans and figures within the PSP are indicative only. Provided the relevant requirements and guidelines are satisfied, alternative layouts will be considered by the Responsible Authority.
- c) At section 2.3, add the following paragraph, after the current 3rd paragraph:
Any proposed amendment to the indicative layouts depicted in the various plans / figures should consider the impact upon the land budget.
- d) At Plans 2,3,4,5,7,8,9 and 10 delete the waterway running through properties 15 and 16.
- e) At section 3.5.3, add the following guideline (as a new Guideline 49 or numbered as appropriate):
The location and layout of the north south connector road traversing properties 7, 13 15, 16 and 20 is indicative only. Alternative locations and layouts will be considered by the Responsible Authority.

4.7 Property 19: 475 Patterson Road Clyde: Peter Tisdale (Submission 21)

(i) The issue

Submission 21 from Peter Tisdale, the owner of property 19, expressed his concern for the amount of land from his property proposed as the site for a utility installation for Melbourne Water, as well as land for a local park identified as LP-16 on plan 5, Open Space and Community Facilities.

(ii) Discussion

The VPA advised that the property was required to be used in part for the protection of the desalination pipe easement in the vicinity of the junction of Paterson and Pound Roads with that use identified in a revised configuration on the utilities plan in the PSP. Figure 13 illustrates the current situation.

Figure 13 - Extract Open Space plan



The need for the allocated 0.85 hectares of land for a local park on the property will be established at the time of subdivision. If a change to the configuration is required, change away from the layout in the PSP can be achieved under Requirement 38 which states *All parks must be located, sized and designed generally in accordance with the location shown on plan 5 and relevant description in Table 5 unless otherwise approved by the responsible authority.* For LP-16, the City of Casey is the control agency so the decision rests with council.

The Panel notes that in the Hearing version of the PSP, Table 6 not Table 5 guides the delivery of open space. The appropriate renumbering of the table or the editing of Requirement 38 should be undertaken by the VPA prior to adoption of the PSP.

(iii) Conclusion

The issues raised by the submitter have been resolved or can be settled at a later permit application stage.

(iv) Recommendation

No specific recommendations are required as the VPA has applied the changes in the PSP.

4.8 Properties 22 and 24: John Follett (Submission 24)

(i) The issue

By letter dated 27 September 2017, Beveridge Williams, acting on behalf of Mr John Follett, the owner of property 24 at 1965 Ballarto Road, advised that the issues raised in submission 24 had been settled with the VPA.

(ii) Submissions

Beveridge Williams advised that (the):

- Draft PSP Future Urban Structure (FUS) (VPA issued 7 September 2017) has addressed the isolated parcel by extending the reserve land into this area to incorporate the establishment of a future sewer pump station.
- Town centre design changed to relocate the proposed community centre away from the prominent corner, replaced by the business use generally in accordance with the sketch plan prepared by the VPA on 11 August 2017.
- Access arrangements satisfactorily clarified and accepted by our client.
- Statement confirms that underlying issues are as per adjacent zones (identified as residential on Plan 2).
- Drainage design regarding the desalination pipeline and the impact on our client's land have been resolved.
- Outcomes require amendment to the PSP which the VPA included in the list of agreed changes.

(iii) Discussion

Mr Bernard Collins of Beveridge Williams attended the hearing to confirm the outcomes. There was no other discussion about the submission.

(iv) Conclusion

The VPA confirmed agreement to the changes which the Panel accepts as they do not affect any other property or submitter.

(v) Recommendations

No specific recommendations are required as the VPA has applied the changes in the documentation.

Appendix A Submitters to the Amendment

No.	Submitter
1	APA Group
2	Patricia Skinner
3	Krastoy Pty Ltd
4	Alison Grist
5	VicRoads
6	Public Transport Victoria
7	Bicycle Network
8	Damian Sayers
9	Melbourne Water
10	Cathy and Andrew Peart
11	Sue and Michael Kendley
12	Oakwood Riding School
13	Jet Wise Pty Ltd
14	Sandyview Holdings
15	South East Water
16	Mirvac and North Clyde Projects Pty Ltd
17	Catholic Education Office Sale Diocese
18	Department of Environment, Land, Water and Planning
19	Casey Council
20	Beveridge Williams
21	Peter Tisdale
22	Balcon Pty Ltd
23	Kerrie Volders
24	John Follett
25	Cardinia Shire Council
26	DET

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Victorian Planning Authority	Kate Morris of Harwood Andrews Lawyers David Portelli, Senior Strategic Planner, VPA
Casey City Council	Jayden Mizzi, Acting Team Leader Growth Areas and Financing, City of Casey
John Follett	Bernard Collins, Beveridge Williams
Balcon Pty Ltd	John Carey of Minter Ellison, Solicitors, who called: <ul style="list-style-type: none"> Chris Beardshaw of Aflux Consulting on drainage Henry Turnbull of Traffix on traffic Anthony Bataglia of Patch Design on urban design
Mirvac and North Clyde Projects Pty Ltd	Adrian Finanzio SC with Roshan Chaile of Counsel, instructed by Sean McArdle of Norton Rose Fulbright, who called: <ul style="list-style-type: none"> Mark Woodland of Echelon Planning on planning Hamish Allan of Terramatrix Pty Ltd on bushfire controls
Jet Wise Enterprises Pty Ltd	Teressa Bisucci of Best Hooper, Solicitors, who called: <ul style="list-style-type: none"> Leigh Holmes from Spiire on Stormwater management
Peter Tisdale	
Catholic Education Office, Diocese of Sale	Natalie Grey
Kerrie Volders	Sean McArdle of Norton Rose Fulbright, Solicitors

Appendix C Document list

No.	Date	Description	Tabled by
1	2/10/2017	VPA - Part A Submission	David Portelli
2	2/10/2017	VPA - Latest PSP Document (Hearing Version)	As above
3	2/10/2017	VPA - List of Changes to PSP (Tab 3)	As above
4	2/10/2017	VPA - Updated Heritage Citation (St Germain's)	As above
5	2/10/2017	VPA - Updated Submission Document (Hearing Folder)	As above
6	2/10/2017	VPA - Part B Submission	As above
7	2/10/2017	VPA - Updated Submitters Location Plan	As above
8	2/10/2017	VPA - Clyde North PSP (Approved)	Kate Morris
9	2/10/2017	Casey CC - Part A Submission	Jayden Mitzi
10	2/10/2017	Casey CC - Part B Submission	As above
11	2/10/2017	Casey CC – Planning & Environment Amendment Bill 2017	As above
12	3/10/2017	Panel Chair – Advice from Oakwood Riding School no longer appearing at Hearing	Panel Chair
13	3/10/2017	VPA – CFA Response to 40m Fire Break	Kate Morris
14	3/10/2017	Balcon - Submission	John Carey
15	3/10/2017	Mirvac - Submission	Adrian Finanzio
16	3/10/2017	Mirvac – Terramatrix Advice 15 June 2017	As above
17	3/10/2017	VPA – Email response from CFA 3 October 2017	Kate Morris
18	4/10/2017	VPA – Alluvial memo (John McLean)	As above
19	4/10/2017	VPA – Email VPA (David Portelli)	As above
20	4/10/2017	VPA – Overview of Melbourne Water Development Services (Michael Prior)	As above
21	4/10/2017	Jetwise Enterprises P/L - Submission	Teresa Bisucci
22	4/10/2017	Jetwise Enterprises P/L – A3 Drainage Catchment Maps	As above
23	4/10/2017	Catholic Diocese – Updated letter 29 August 2017	Natalie Grey
24	4/10/2017	Volders – Submission	Sean McArdle
25	4/10/2017	Volders – VCAT Decision Skerdero P/L v Cardinia SC	As above
26	4/10/2017	VPA – Updated VPA Table Changes to PSP	David Portelli

Appendix DVPA's Schedule of changes post-panel

AMENDMENT C221 - PSP 1055 McPherson**List of Changes to McPherson Precinct Structure Plan - Sep 2017 version****List of Changes - Ordinance****List of Changes - No regional park FUS**

Date: 4 October 2017 at conclusion of Panel.



Page (Exhibited)	Page (Panel)	Section	Objective	Requirement	Guideline	Table	Plan	Figure	Cross Section	Appendix	Exhibited version	Panel version	Related Submissions (refer Summary of Submissions document)
Plan X - Local Context: Document Changes											Exhibited plan	Proposed changes	
Plan 1 - Precinct Location & Features											Exhibited plan	Proposed changes	
												Correct Plan 1 to show the exhibited version of the Plan- with the only changes to the exhibited plan being the in legend and the realignment of the conservation area boundary, as per the previous list of changes.	VPA correction
Plan 1: Location and features											Exhibited plan	Proposed changes	
												Plans shows incorrect layers, correct plan to show layers as per the exhibited plan.	VPA correction
Plan 2: Future Urban Structure											Exhibited plan	Proposed changes	
							All plans					Adjust the size of SB6 to match requirement of the drainage scheme.	VPA improvement
							All plans					Revised heritage curtilage for St Germain's as per updated heritage citation and Ho boundary.	Vpa and council improvement
3.1 Image, character, heritage & housing											Exhibited wording	Proposed changes	
	18										3.1.2 R8 - transitional housing 8m	Delete words after 500sqm. Keep reference to figure 1 and cross sections.	vpa improvement
	18										3.1.2 R9 Transitional Housing must front Cardinia Creek in accordance with Figure 1 and cross-sections in Appendix 4.4, no side or rear fencing shall be visible from the Cardinia Creek Conservation Area.	3.1.2 R9 Transitional Housing must front Cardinia Creek in accordance with Figure 1 and cross-sections in Appendix 4 C, lots fronting Cardinia Creek Conservation Area to have no front fence and side fences to be no greater than 1.2 metres within the first 3 metres of the lot.	
											R13 Identified areas of high sensitivity for aboriginal cultural heritage within the Cardinia Creek and Clyde Creek.	Insert - must be minimal and to the satisfaction of DELWP.	vpa refinement
												Add new guideline - from section 12 - potential for shared path within the road reserve.	vpa refinement
												R42 - subject to the primary recreation and function of the local park being retained.	vpa refinement
												G29 refer to figure 5 instead of figure 9.	vpa correction
												R49 - correct references - F10 and 11 should be 6 and 7. Cross section in 4.4 should be cross section 12. Repeat in R50 51, and 52.	vpa correction
												R56 correct to appendix C cross section 12.	vpa correction

											G37 - A vegetation management buffer zone should be established (incorporating the road and front yards within the Transitional Housing) adjacent the Cardinia Creek Corridor, to ensure compliance with CFA fuel reduction requirements.	G37 - Within the fuel reduction zone identified in Figure 1 planted vegetation should be non volatile. The 19 metres within the conservation area is to be managed as grassland as outlined in AS3959-2009 by the relevant public land manager.	vpa refinement
											G48 - In addition to the pedestrian crossings shown on Plan 8, development proponents should provide waterway crossings at 400 metre intervals.	G48 - In addition to the pedestrian crossings shown on Plan 8, development proponents should provide waterway crossings at 400 metre intervals, with the exception of Cardinia Creek.	vpa correction
All PSP												Update all references to figures where needed to correctly align to the PSP.	vpa correction
Plan 4: Image, Character, Heritage & Housing											Exhibited plan	Proposed changes	
												Remove non indigenous trees that must be retained, where they are not located within public use.	VPA improvement t/ Agreed with Balcon
Figure 1: Transitional Housing											Exhibited figure	Proposed changes	
								1				Reduce the fuel reduction zone so that it ends at the boundary of dwelling. Remove 6m front setback and increase both nature strips by 1 metre each to achieve a road reservation of 17m.	VPA improvement t/ Agreed with CFA and Mirvac
												Add note that - The 19 metres within the conservation area is to be managed as grassland as outlined in AS3959-2009 by the relevant public land manager.	VPA improvement t/ Agreed with CFA and Mirvac
Figure 2: Aboriginal Cultural Heritage Clyde Sub-corridor											Exhibited figure	Proposed changes	
22													
3.2 Town Centres & Employment											Exhibited wording	Proposed changes	
Figure 4: Alexander Boulevard Town Centre Concept											Exhibited figure	Proposed changes	
												Figure 4 updated to show legend and VPA graphics. Update to be consistent with path plan 8.	vpa correction
Figure 3: Pattersons Road Local Town Centre Concept: Document changes											Exhibited figure	Proposed changes	
												Figure 3 Pattersons road updated to show legend and zoom out to show left in left out, and full town centre. Further refinement to roundabout / pedestrian crossing design.	VPA improvement as discussed with Council.
Plan 5: Open Space & Community Facilities											Exhibited plan	Proposed changes	
3.3 Open Space, Community Facilities & Education											Exhibited wording	Proposed changes	
												Update Table 6 - to change 'neighbourhood' for 'local' with reference to the local park attributes	VPA correction
											R44 & R45	Delete R45 as identical to R44.	VPA correction
Figure 5: Utilities Easement Concept											Exhibited figure	Proposed changes	

Plan 6: Native Vegetation Retention & Removal											Exhibited plan	Proposed changes		
												Plans shows incorrect layers, correct plan to show layers as per the exhibited plan.	VPA correction	
3.4 Biodiversity, Threatened Species & Bushfire Management											Exhibited wording	Proposed changes		
Figure 6: Conservation Area Concept Plan - Conservation Area 36 (Cardinia Creek Corridor)											Exhibited figure	Proposed changes		
												Update figure 6 to be consistent with cross sections - conservation cross section		
Plan 8: Public Transport & Path Network											Exhibited plan	Proposed changes		
											8	Plan 8 Between pattersons road and the next connector, show bike path on eastern side to align.	Vpa improvement	
											8	Plan 8 updated plan to be consitent with cross sections - i.e. town centre main street cross section.	Vpa correction	
Plan 9: Integrated Water Management											Exhibited plan	Proposed changes		
											9	Correct the colour of Cardinia Creek -as Cardinia Creek should not be identified as a constructed waterway.	VPA correction	
												Potential to include the word 'indicative' before 'constructed waterway'		
											all plans	Correct the land take of SB6 as per the drainage scheme requirements.	VPA correction	
3.6														
											R84 The final design, and boundary of constructed waterways, waterway corridors, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges, and planting must be to the satisfaction of Melbourne Water and the responsible authority.	R84 The final design, location and boundary of constructed waterways, waterway corridors, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges, and planting must be to the satisfaction of Melbourne Water and the responsible authority.	VPA improvement	
												Insert as sentence within R84 The areas and constructed water corridors identified in this table and shown on Plan 9 are indicative and may be changed modified to the satisfaction of Melbourne Water and the Responsible Authority. Management responsibility for drainage and water quality assets may also be subject to change.	VPA improvement	
											Below table 7	Note below table 7: The areas and constructed water corridors identified in this table and shown on Plan 9 are subject to refinement during detailed drainage design to the satisfaction of Melbourne Water and the Responsible Authority. Management responsibility for drainage and water quality assets may be subject to change through detailed drainage design.	Note: The areas and constructed water corridors identified in this table and shown on Plan 9 are indicative and may be changed modified to the satisfaction of Melbourne Water and the Responsible Authority. Management responsibility for drainage and water quality assets may also be subject to change.	VPA improvement
3.7 Precinct Infrastructure Plan & Staging											Exhibited wording	Proposed changes		

											Construction of a 4m path along the perimeter of the Cardinia Creek corridor, Cardinia Creek Regional Park and within the utility easement.	changed to 3m or clarify that it is regards to the delivery of the equestrian trail.	
												R107 - clarify that - subject to further detailed design at subdivision stage.	
4.0 Appendices											Exhibited wording		
Plan 1: Transport Projects											Exhibited plan	Proposed changes	
												Add new IN12, at intersection of Ballarto Road and north south connector. Ultimate land (north side) and interim construction for T intersection.	VPA improvement, as agreed with council
Plan 2: Community & Recreational Projects											Exhibited plan	Proposed changes	
Appendix 4.1: Precinct Infrastructure Plan											Exhibited wording	Proposed changes	
57		4								A	IN05 interim construction of T intersection	IN05 description - interim construction arterial intersection	
57		4										Add new IN12, at intersection of Ballarto Road and north south connector. Ultimate land (north side) and interim construction for T intersection.	VPA improvement, as agreed with council
												RD-03 description to be updated: 'Purchase of land to create a 41m wide road reserve (ultimate treatment) including all land within PA03, excluding intersections'.	VPA correction / previous agreement
Appendix 4.2: Property Specific Land Budget											Exhibited wording	Proposed changes	
Appendix 4.3: Street Cross Sections											Exhibited wording	Proposed changes	
												Section 12 - Remove 6m front setback and increase both nature strips by 1 metre each to achieve a road reservation of 17m.	vpa agreement
										12,13		Cross section 12 and 13 - provide 1 metre space betw	Vpa correction
No Regional Park - Future Urban Structure - List of changes											Pre Panel	Post Panel	
Open Space													
											local park - LM04 only on south side of creek	Provide local park - LM04 on north and south side as per panel PSP	VPA correction
											SB06 missing	Re-insert SB06 at required size.	VPA correction
												A 1 hectare active open space provided on property 9 beside St Germain.	VPA improvement agreed with council and land owner

												A 1 hectare local park provided on property 9 beside St Germain and to include the tree which forms part of the associated heritage overlay.	VPA improvement agreed with council and land owner
												Reduce the size of the local park beside the wetland in property 10 from 0.8 to 0.6 ha	VPA improvement agreed with council.
												Increase size of SR-02 from 10ha to 11ha to facilitate a joint use oval with the DET primary school. Increased size to occur predominantly with properties 8 and 14 to the east due to their higher proportion of NDA (approx 94% and 100%).	VPA improvement agreed with council.
Roads													
												Delete local access road, on south side between two connectors.	Vpa improvement/ agreed with Mirvac
												connector road within property 9 to be parallel with eastern property boundary.	Vpa improvement/ agreed with land owner
												Due to heritage curtilage for St Germain's being revised, update location of local access road to sit outside the heritage overlay.	Vpa improvement/ agreed with land owner and council
Paths													
												Continue equestrian trail to McCormacks Road and loop around wetlands	
Other													
												Adjust waterway corridor/ drainage reserve to remove the small area of residential land in the north eastern corner of property 9.	Vpa improvement/ agreed with land owner
Planning ordinance list of changes post Panel												Pre Panel	Post Panel
Urban Growth Zone													
												Updated Map 1 to show walkable catchments as specified by amended R4. Update table 1 to indicate RGZ to be applied to residential areas within walkable catchments. GRZ to be applied to all residential areas outside of walkable catchments.	Vpa correction
Heritage Overlay Map													

												Update HO Mapping for St Germain as per updated heritage citation	Vpa improvement/ agreed with council land owner
LSIO schedule proposed changes													
												Delete proposed LSIO schedule changes as discussed with council and Melbourne Water, originally changes were proposed in response to submissions, however subsequent discussion have raised issues.	VPA change agreed with council
Clause 52.01													
												Delete proposed amendment to Clause 52.01, changes to 52.01 were proposed before the ICP legislation was introduced. 52.01 was previously being amended to fund the passive open space, however both passive and active are now funded by the ICP.	VPA correction

Appendix E VPA's No Regional Park Addendum for discussion

1.1 Background

The Department of Environment, Land, Water and Planning (DELWP) is considering removal of the potential Regional Park from the McPherson PSP. A decision on whether the potential Regional Park is removed is anticipated after the Planning Panel hearing.

The potential Regional Park is also included as a conservation area under the *Environmental Protection and Biodiversity Conservation Act 1999* and therefore cannot be removed unless agreed to by both the Commonwealth of Australia (Commonwealth) and DELWP.

Should both DELWP and the Commonwealth approve the removal of the potential Regional Park / conservation area, the VPA will seek to update the PSP as described in this addendum.

This addendum for discussion purposes is being circulated to affected parties for consideration prior to the McPherson PSP Planning Panel hearing.

1.2 Summary of Changes

The key changes to the PSP are:

- Changed land use:
 - Replace the potential Regional Park with Residential.
 - Replace the applied Public Park and Recreation Zone with the General Residential Zone within the Urban Growth Zone Schedule 12.
 - affected properties: 5, 9, 10 and 11.
- Revise Drainage Scheme, changes to the following water assets:
 - Relocate WLL
 - Relocate WLK
 - Delete SB10
 - Affected properties: 5, 6,9,10 and 11.
- Realign road network:
 - affected properties: 5, 9 and 10
- Revise the local park provision:
 - Add LP22 (1.2 ha)
 - Add LP23 (0.8 ha)
 - Affected property: 10

The key changes to the Planning Scheme Ordinance are:

- Update Urban Growth Zone Schedule 12 to reflect updated Future Urban Structure and remove Regional Open Space from Table 1.
- Remove the Environmental Significance Overlay Schedule 6 (ESO6) from the potential Regional Park location.
- Remove the PAO4.

1.3 Land Budget

The following table compares the impact on the land budget with and without the potential Regional Park.

Parameter	Regional Park	No Regional Park	Difference
Total area	952.49 ha	952.49 ha	N/A
NDA	626.59 ha	668.88 ha	42.29 ha
Dwellings	10,449	11,161	712 dwellings
Population	29257	31250	1993 people
UGZ applied zone	Public Park and Recreation Zone (PPRZ)	General Residential Zone (GRZ)	Residential to replace public park
Open space	21 x local park 4 x sports field 2 x urban park 1 x indoor recreation	23 x local park 4 x sports field 2 x urban park 1 x indoor recreation	+ 2 x local parks
Community facilities	4 x PS Govt 1 x potential PS Non-Govt 1 x Utilities easement	4 x PS Govt 1 x potential PS Non-Govt 1 x Utilities easement	None
Concept plans conservation	Fig 10 – Area 36 + GGF corridor Fig 11 – Area 36	Fig 10 – GGF corridor Fig 11 – Area 36	Fig 10 – reduced area
Water assets	17 assets – 10 x SB – 7 x wetlands	16 assets – 9 x SB – 7 x wetlands	- 1 asset (SB10)
PAO	1 x PAO3 (Council) 3 x PAO4 (MW)	1 x PAO3 (Council)	No PAO4 for MW

1.4 PSP Changes

The following table provides an overview of impacts on the PSP with and without the potential Regional Park.

PSP Section	Page	Regional Park	No Regional Park
Plan Local Context	4	Plan notation for 'Cranbourne Regional Park'	Delete notation
Plan Local Context	4	Legend notation for 'regional open space'	Delete notation
Plan 1 Precinct Location & Features	8	Plan notation for 'Proposed BCS Conservation Area 36' over the Regional Park area	Delete notation
2.1 Vision	9	Text: Planning for the PSP has integrated stormwater drainage design, open space and trail networks and the potential Regional Park with opportunities for GGF breeding ponds and foraging areas. The GGF Conservation Areas along Cardinia Creek and Clyde Creek will also provide sub-regional	Replace text with: Planning for the PSP has integrated stormwater drainage design, open space and trail networks and the potential Regional Park was including along Cardinia Creek which has opportunities for GGF breeding ponds and foraging areas. The GGF Conservation Areas along Cardinia Creek and Clyde Creek will also

		locations for the preservation of aboriginal cultural heritage sites.	provide sub-regional locations for the preservation of aboriginal cultural heritage sites.
O3	10	Deliver 10,449homes	Deliver 11,161homes
O14	10	Text: Plan for the long term conservation of significant heritage, vegetation and fauna habitat areas in the Cardinia Creek and Clyde Creek Conservation Areas, the potential Regional Park and the wider precinct.	Replace text with: Plan for the long term conservation of significant heritage, vegetation and fauna habitat areas in the Cardinia Creek and Clyde Creek Conservation Areas, the potential Regional Park and the wider precinct.
Plan 2 Future Urban Structure	12	Plan line marks for 'Potential Regional Park'	Delete line marks and replace with uses of: <ul style="list-style-type: none"> 'Residential' 'credited open space' (two sites)
		Legend notation for 'potential regional park'	Delete notation
		Plan notation for two wetlands in 'Potential Regional Park' 1. North-east corner of Park 2. South-west corner of Park	Update wetland location as required by updated drainage scheme within property 10.
		Plan line marks for road network: <ul style="list-style-type: none"> extending along the western boundary of the 'Potential Regional Park' Combination of key local access street and connector street 	Revise plan line marks for road network: <ul style="list-style-type: none"> Extend connector road through the former Potential Regional Park land through to McCormacks road. Extend key local access street south along Cardinia Creek and the updated wetland. Extend key local access street from Alexander Boulevard through to the updated wetland beside Cardinia Creek.
2.3 Summary Land Budget	13	Summary description	Update figures
Table 1 Summary Land Use Budget	13	Land use description for 'Regional Open Space'	Delete land use description.
Table 1 Summary Land Use Budget	13	Line item for 'Conservation Reserve (BCS conservation area 36)'	Delete and adjust land budget accordingly.
Plan 3 Land Use Budget	16	Plan and Legend notation for 'potential regional park (proposed BCS CA36)'	Update legend.
Plan 3 Land Use Budget	16	Plan line marks for 'potential regional park (proposed BCS CA36)' for property 9, 10 and 11.	Update Plan to replace potential regional park for residential land and show new local parks and drainage reserve.
Plan 4 Image, Character, Heritage & Housing	18	Plan line mark for 'transitional housing': <ul style="list-style-type: none"> extending along Cardinia Creek from the northern edge 	Plan line mark for 'transitional housing': <ul style="list-style-type: none"> extending along Cardinia Creek from the northern edge to the wetlands.

		of the PSP to the potential regional park	
R15	21	Text: The visual and physical connection between St.Germains Homestead and the potential Regional Park must be retained.	Delete text
Figure 2 Aboriginal Cultural Heritage Clyde Sub-Corridor	22	Plan line marks for 'conservation area 36 (potential regional park)'	Delete line marks
Figure 2 Aboriginal Cultural Heritage Clyde Sub-Corridor	22	Legend notation for 'conservation area 36 (potential regional park)'	Delete notation
Table 4 Anticipated employment	23	Jobs estimates	Update figures to : 1,672 Jobs 11,161 Dwellings, 952 Ha, 30,380 residents, 558 Home based business
Plan 5 Open Space & Community Facilities	28	Plan line marks for 'potential regional park'	Delete line marks and replace with: <ul style="list-style-type: none"> relocation of LP11 addition of LP22 addition of LP23
		Legend notation for 'potential regional park'	Delete notation
Table 5 Open Space Delivery Guide	29	-	Add two line items: <ul style="list-style-type: none"> LP22, 1.2 ha, Local Park, Neighbourhood, As shown on Plan 5, CCC LP23, 0.8 ha, Local Park, Neighbourhood, As shown on Plan 5, CCC
Table 6 Native Vegetation Retention & Removal	34	Plan line marks for 'proposed conservation area 36' on potential regional park area	Delete line marks
Figure 10 Conservation Area Concept Plan	36	Legend notation for 'proposed conservation area 36 (growing grass frog)'	Delete notation
		Plan line marks for 'proposed conservation area 36 (growing grass frog)'	Delete line marks
Figure 10 and 11 Conservation Area Concept Plan	36 & 37	Text box insert note 3	Delete note 3
		Text box 5	Delete reference to regional park
		Text box insert note 5 and 7	Delete reference to regional park
Plan 7 Street Network	40	Plan line marks for road network around the potential Regional Park for: <ul style="list-style-type: none"> Cross section 2 (conservation) Cross section 3 (conservation) Cross section 7 (conservation) Cross section 6 (conservation) 	Realign line marks for road network through the former potential Regional Park area as shown in the updated FUS.
Plan 8 Public Transport & Path Network	42	Plan line marks for the following along the perimeter (or part thereof) the potential Regional Park: <ul style="list-style-type: none"> Bus capable road 	Revise line marks for the following through the former potential Regional Park area as follows:

		<ul style="list-style-type: none"> Off-road shared path Equestrian trail 	<ul style="list-style-type: none"> Bus capable road south to McCormacks Road Off-road shared path along the connector street and Cardinia Creek Equestrian trail along Cardinia Creek and wetland.
R63	43	An Equestrian Trail connection must be provided around St. Germain's Homestead to complete the Trail at the edge of the Cardinia Creek Conservation Area/potential Regional Park, in accordance with Figure 10 and the relevant cross-section in Appendix 4.4, and provide for CFA access requirements.	Delete R63
Plan 9 Integrated Water Management	43	Plan line marks to show water assets in potential Regional Park: <ul style="list-style-type: none"> WLK in north-east corner WLL in north-west corner SB10 in south-west corner 	Relocate water assets in former potential Regional Park area: <ul style="list-style-type: none"> WLK in south-east corner of PSP area beside Cardinia Creek. WLL in south-east corner of PSP area beside Cardinia Creek. SB10 deleted
Table 6 Storm Water Drainage and Water Quality Treatment Infrastructure	48	SB10 0.332 Ha WLK – 3.217 WLL – 4.262	Revise the following line items: <ul style="list-style-type: none"> Delete SB10 Revise WLK for: <ul style="list-style-type: none"> Location: North of McCormacks Road and west of Cardinia Creek Area: 5.465 ha Revise WLL for: <ul style="list-style-type: none"> Location: North of McCormacks Road and west of Cardinia Creek Area: 6.680 ha
Plan 10 Utilities	50	Plan 10 shows Potential Regional Park	Remove Potential Regional Park.
Appendix 4.1 Precinct Infrastructure Plan	55	Item line for: <ul style="list-style-type: none"> Potential Regional Park 	Delete line item
Appendix 4.2 Property Specific Land Budget	58 & 59	Column notated 'Potential Regional Park (BCS conservation Area 36)' totalling 50.01 ha for: <ul style="list-style-type: none"> Property 5 (0.44 ha) Property 9 (12.29 ha) Property 10 (36.86 ha) Property 11 (0.40 ha) 	Delete column and redistribute the 50.01 ha.
		Water asset allocations for land affected by the Potential Regional Park <ul style="list-style-type: none"> Property 5 (29.81 ha) Property 6 (2.61 ha) Property 9 (4.16 ha) Property 10 (14.76 ha) Property 11 (4.29 ha) 	Update to reflect new drainage scheme. <ul style="list-style-type: none"> Property 5 (29.01 ha) Property 6 (2.61 ha) Property 9 (0.52 ha) Property 10 (24.71 ha) Property 11 (3.06 ha)

			Local park allocation for land affected by the Potential Regional Park <ul style="list-style-type: none"> – Add LP22 (1.2 ha) – Add LP23 (0.8 ha) – Location Property 10
Appendix 4.3: Street Cross Sections	74		Delete: <ul style="list-style-type: none"> • 2, 3, 6, 7 • Cross Section 2 – Conservation Area • Cross Section 3 – Conservation Area • Cross Section 6 – Conservation Area • Cross Section 7 – Conservation Area
Plan 2 Community & Recreation Projects	94		Revise plan line marks to show: <ul style="list-style-type: none"> • addition of LP22 • addition of LP23
Table Land Projects Community & Recreation	96		Add two line items: <ul style="list-style-type: none"> • LP22, 1.2 ha, Local Park, Purchase of land for local park, As shown on Plan 5, CCC <ul style="list-style-type: none"> – Project title: Local Park – Description: Purchase of land for local park – Area (HA): 1.2 – Staging: S-M • LP23 <ul style="list-style-type: none"> – Project title: Local Park – Description: Purchase of land for local park – Area (HA): 0.8 • Staging: S-M
			<ul style="list-style-type: none"> • Delete all land allocated for 'Potential Regional Park' (50.01 ha)
		Water asset allocations as per land budget above.	Water asset allocations as per land budget above.
		Local park allocation for land affected by the Potential Regional Park <ul style="list-style-type: none"> • Property 10 (0.00 ha) 	Local park allocation for land affected by the Potential Regional Park Property 10 (2 ha)