

12 April 2026  
Victorian Planning Authority  
Via: <https://engage.vic.gov.au/CCS>

Dear Sir/Madam,

**RE: CARDINIA CREEK SOUTH PART 2 PRECINCT STRUCTURE PLAN  
SUBMISSION ON BEHALF OF BALCON GROUP  
( &  CLYDE NORTH)**

## **1 INTRODUCTION**

The following submission addresses Planning Scheme Amendment C306case (the Amendment), which proposes to amend the Cardinia Creek South Precinct Structure Plan (CCSPSP). The Amendment proposes to update the CCSPSP to include land previously identified as 'Part 2 under investigation' within the incorporated PSP.

The amendments to the CCSPSP include updates to the Precinct Infrastructure Plan, which sets out the mechanism via which infrastructure items and services are to be provided. The amended Precinct Infrastructure Plan establishes that a portion of McCormacks Road is to be delivered by the City of Casey, funded by Infrastructure Contributions.

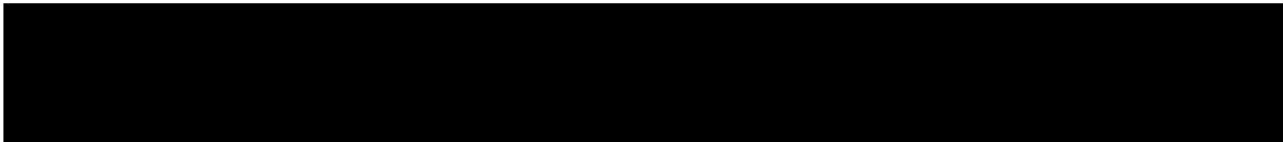
Per the Explanatory Report prepared to support the Amendment, a standard levy Infrastructure Contributions Plan (ICP) will be prepared for the Part 2 area as a separate amendment and does not form part of Amendment C306case. This Part 2 ICP will apportion funding for 3.91ha of Local Parks, as well as an identified portion of McCormacks Road, located in the Part 2 area.

This submission argues that the full extent of McCormacks Road (i.e. from the proposed roundabout at Pound Road/Pattersons Road to Cardinia Creek) should be identified within the CCSPSP Precinct Infrastructure Plan as an item to be delivered fully via ICP funding. Further, this submission argues that the Amendment should amend the Cardinia Creek South Infrastructure Contributions Plan (CCSICP) to include funding for the delivery of McCormacks Road via a supplementary levy in addition to the small portion of the road that is identified in the exhibited amendment documentation.

This submission details the current proposed outcomes for McCormacks Road within the amended CCSPSP and Precinct Infrastructure Plan, including the apportionment of costs for a portion of the road designated as RD-08 within the CCSPSP. The submission also details the provisions of Ministerial Direction No.11 Strategic Assessment of Amendments, and the Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans. These Ministerial Directions are required to be considered when preparing a Planning Scheme Amendment.

An assessment of the requested inclusion of McCormacks Road as a fully apportioned supplementary levy ICP item is provided, including discussion of relevant background documents, as well as against the abovementioned Ministerial Directions.

Based on the information within this submission, it is requested that the Amendment documentation be updated to include McCormacks Road as a fully ICP funded road within the CCSPSP Precinct Infrastructure Plan, and to ultimately amend the CCSICP to enable apportionment of the associated costs across the broader CCSPSP area.



## 2 AMENDED CARDINIA CREEK SOUTH PRECINCT STRUCTURE PLAN

### 2.1 Plan 2 – Place Based Plan

Plan 2 – Place Based Plan within the amended CCSPSP provides an indicative internal road network for the newly incorporated land (Part 2), as well as connections to the existing CCSPSP road network, including McCormacks Road. Plan 2 also confirms the proposed road types associated with the newly incorporated land. McCormacks Road is shown on Plan 2 as a “connector street” from its intersection with Pound Road to its intersection with the future north south road within 95 McCormacks Road (refer figure 1). From this intersection, the road is then identified as a “key local access street” until reaching the PSP boundary (Cardinia Creek).

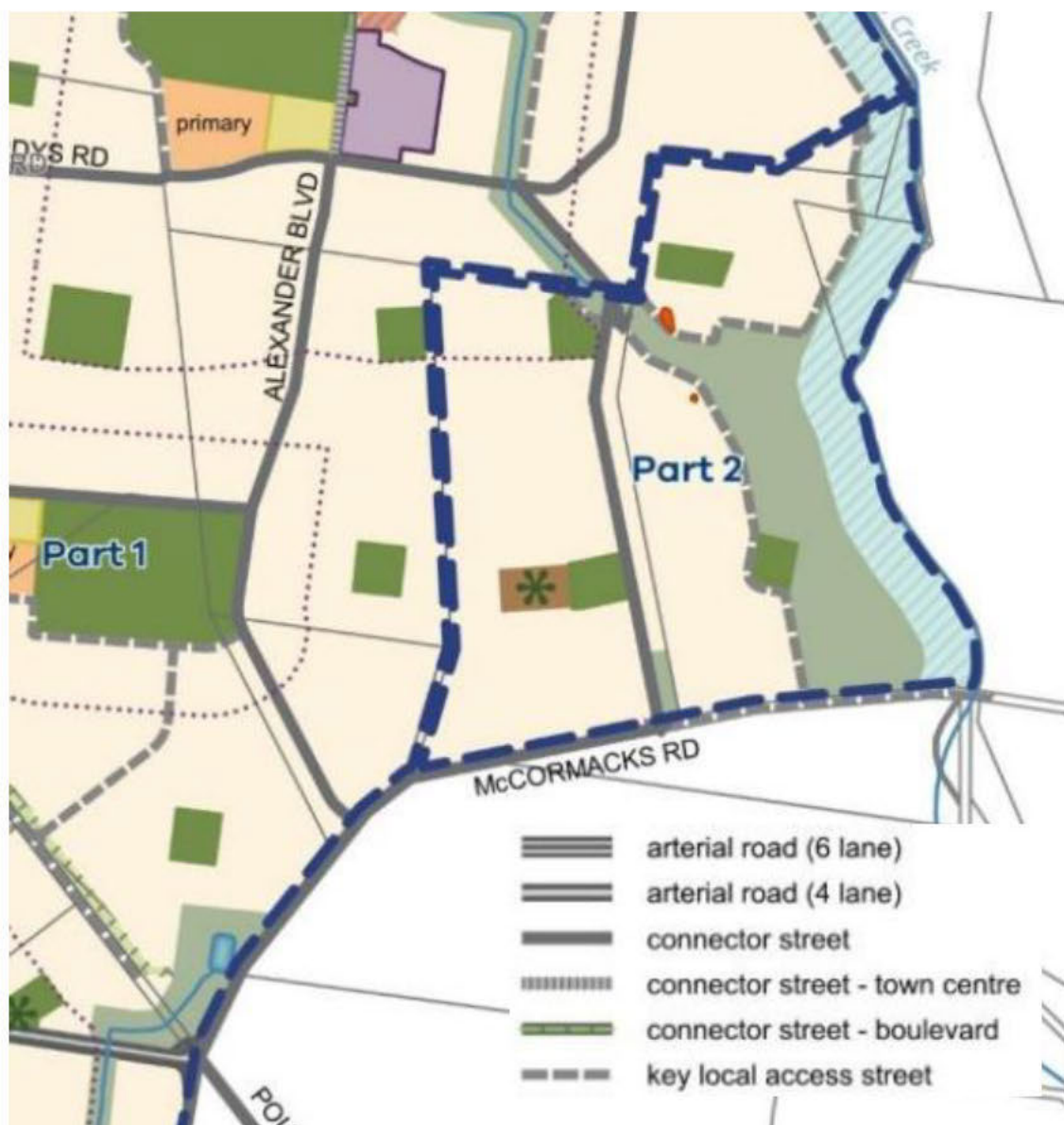


Figure 1: CCSPSP Plan 2 – Place Based Plan (Source: CCSPSP March 2026)

## 2.2 Plan 7 – Street Network

Plan 7 – Street Network within the amended CCSPSP denotes cross sections for roads within the newly incorporated land, and for McCormacks Road. The section of road identified as a “connector street” is identified as cross section number 13. Cross Section 13 is shown in Figure 2 below.

Section 13 – Connector Road (25.0m) McCormacks Road

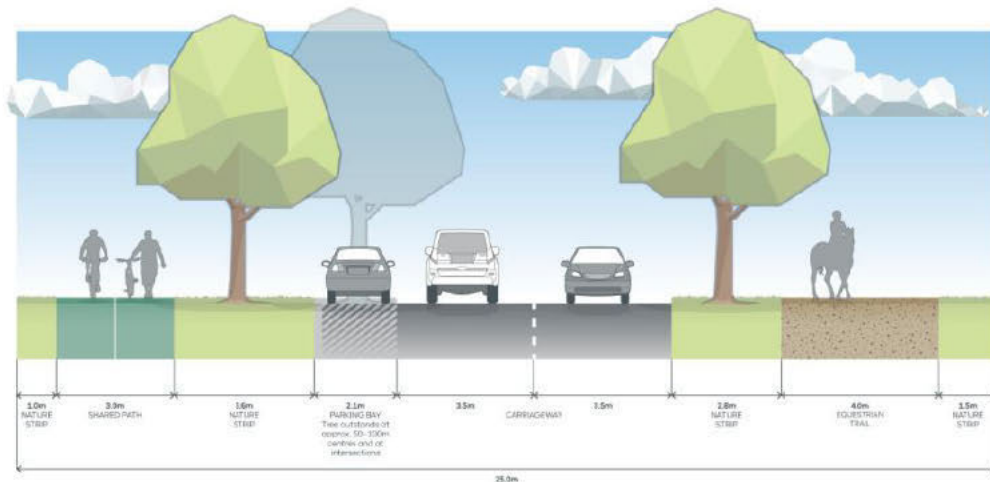


Figure 2: Cross Section 13 (Source: CCSPSP March 2026)

This 25-metre-wide cross section comprises a 7-metre wide 2-lane carriageway, with the 7.6-metre-wide northern verge to accommodate a 3-metre-wide shared path. Interval indented parking is to be provided along the northern side of the carriageway. The southern verge is proposed to total 8.3 metres, including a 4-metre-wide equestrian trail.

The section of road identified as a “key local access street” is denoted at Plan 7 as subject to cross section 2. Cross Section 2 is shown in Figure 3 below. This 20-metre-wide cross section provides a 6 metre, two-lane carriageway, with 4.7-metre-wide verges to each side accommodating a 1.5m wide pedestrian path. Interval indented parking is shown to both sides of the carriageway.

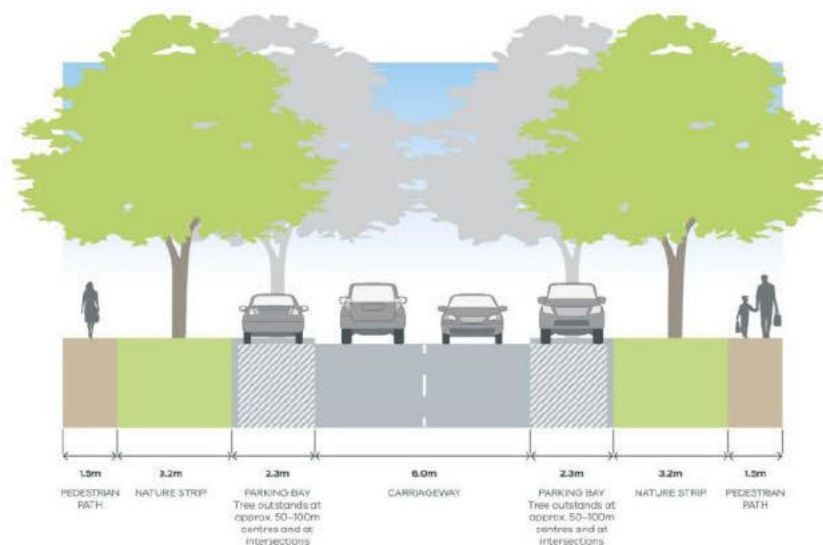


Figure 3: Cross Section 2 (Source: CCSPSP March 2026)

### 2.3 Plan 8 – Public Transport & Path Network

Plan 8 – Public Transport & Path Network shows the path of the equestrian trail through the existing PSP land, traversing along Muddy Gates Lane and extending the full length of McCormacks Road within the new PSP area. The trail then continues north along the Cardinia Creek to join with the existing northern extent. Refer Figure 4 for details. It is noted that Requirement 54 of the PSP, which has been updated as part of the amendment, states that:

*An equestrian trail/fire access track must be provided in accordance Figure 6 and cross section 12 in Appendix C to the satisfaction of the CFA and DEECA. (Edited to reference DEECA rather than DELWP)*

Figure 6 of the PSP shows the “Concept Plan – Part 1 Conservation Area 36 (Cardinia Creek Corridor)”. A note is provided within the amended CCSPSP which states”

*This plan is from the 2019 gazetted version of the Cardinia Creek South PSP and has not been edited.*

It is assumed that this plan will be updated to reflect the outcomes of the revised trail as it extends from McCormacks Road along the newly added extent of the Cardinia Creek.

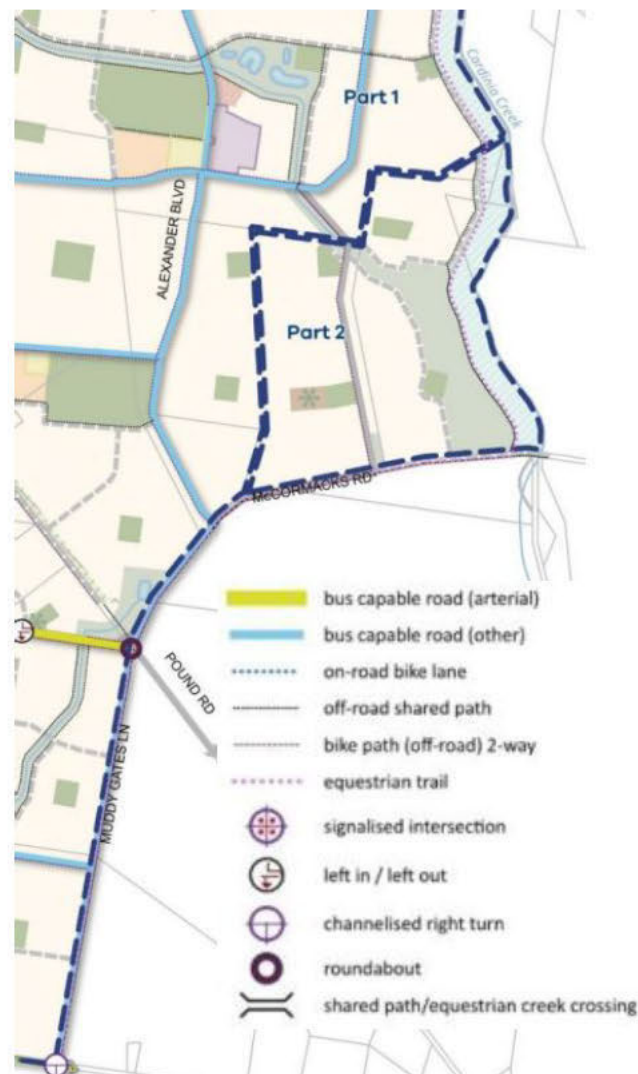



Figure 4: Plan 8 – Public Transport & Path Network (Source: CCSPSP March 2026)



## 2.4 Section 3.7 Precinct Infrastructure Plan

Section 3.7 Precinct Infrastructure Plan & Staging addresses the Precinct Infrastructure Plan (PIP), details of which are provided in Section 4 – Appendices. Section 3.7 notes that the PIP “sets out the infrastructure and services required to meet the needs of the proposed development within the precinct”. The infrastructure is to be provided via various mechanisms, including the *Cardinia Creek South Infrastructure Contributions Plan (ICP)*. At Section 3.7.2 Development Staging, Requirement R97 states that:

*Development staging must provide for the timely provision and delivery of:*

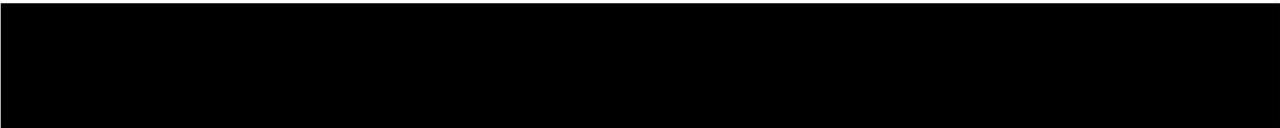
- *arterial road reservations*
- *connector streets and connector street bridges*
- *street links between properties, constructed to the property boundary*
- *connection of the on- and off-road pedestrian and bicycle network*

Requirement R100 at Section 3.7.3 Subdivision Works by Developers states that “*Subdivision of land within the precinct must provide and meet the total cost of delivering the following infrastructure*” including, relevant to this submission:

- *connector roads and local streets*
- *intersection works and traffic management measures along arterial roads, connector streets, and local streets (except those included in the ICP)*
- *local shared, pedestrian and bicycle paths along the northern boundary of Ballarto Road, local arterial roads, connector roads, utilities easements, local streets, waterways (including Cardinia Creek) and within local parks including bridges, intersections, and crossing points (except those included in the ICP)*
- *local street, pedestrian path or equestrian trail crossings of waterways unless included in the ICP or outlined as the responsibility of another agency in the precinct infrastructure plan*

Reflecting the above, the Appendices to the CCSPSP contain amended plans detailing transport, community and recreation projects to be delivered via the Cardinia Creek South Infrastructure Contribution Plan. An updated Precinct Infrastructure Plan is provided at Section 4.1, and a Property Specific Land Budget Table for the newly incorporated land is provided at Section 4.2.

Plan 1 Transport Projects details ICP road, intersection and bridge projects. The plan has been amended from its 2018 version to include the extent of McCormacks Road along the southern boundary of 95 McCormacks Road, per Figure 5 below.



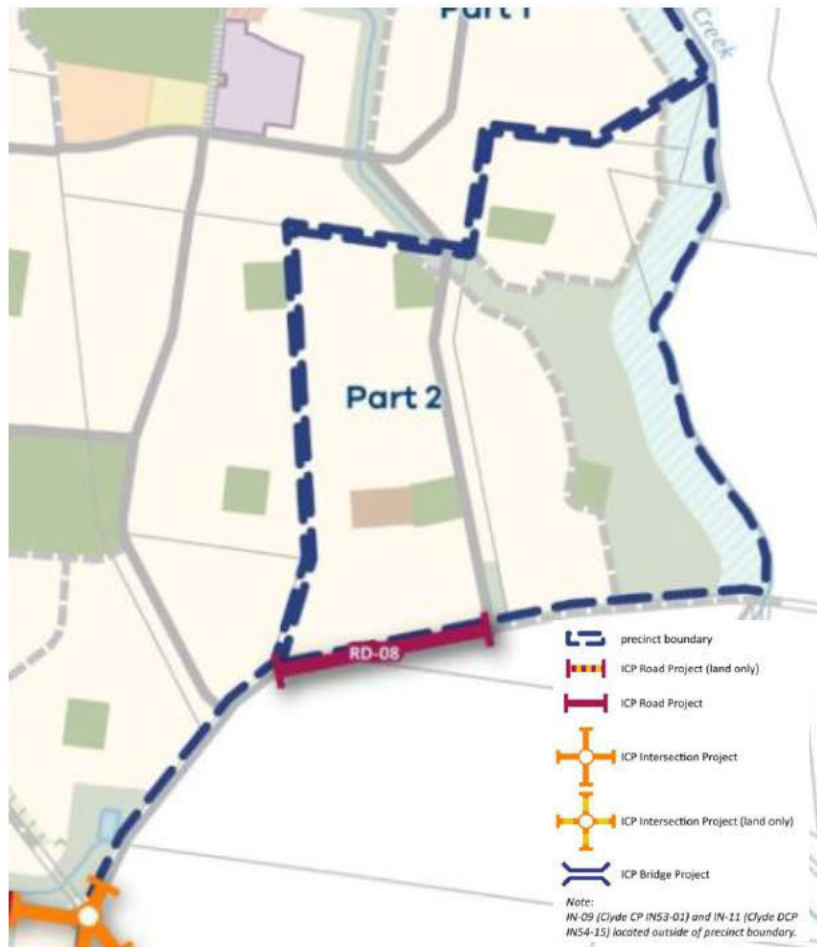


Figure 5: Plan 1 – Transport Projects (Source: CCSPSP March 2026)

The table at Section 4.1 Precinct Infrastructure Plan has been amended to include this section of road, as per the below extract. Project RD-08 is to comprise the ultimate construction of the nominated section of McCormacks Road, upgrading the roadway from a 20m to a 25m wide road reserve. The works are to be 100% funded by the Cardinia Creek ICP and therefore delivered by Casey City Council.

Project	Lead Agency	Ultimate Land	Ultimate Land Area	Interim Construction	Ultimate Construction	Timing	Apportionment	ICP Reference
<b>McCormacks Road from Part 2 precinct boundary to North-South Connector Road:</b> Construction of a 2-lane connector carriageway to upgrade road reserve from 20m to 25m (ultimate treatment).	Casey City Council	No	No	No	Yes	M-L	100%	RD-08

[REDACTED]

Section 4.2 Property Specific Land Budget includes a table detailing the land contributions for each of the properties that comprise the CCSPSP Part 2 area. It is noted that no provision is made within this table for transport projects such as roads or road widening.

[REDACTED]

### 3 MINISTERIAL DIRECTION NO.11 STRATEGIC ASSESSMENT OF AMENDMENTS

The purpose of Ministerial Direction No.11 is *to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces*. Ministerial Direction No.11 is required to be followed by the planning authority when seeking an amendment to a planning scheme, with an explanatory report. The explanatory report for the amendment addresses the following:

- *Why is an amendment required?*
- *How does the amendment implement the objectives of planning in Victoria?*
- *How does the amendment address any environmental, social and economic effects?*
- *How does the amendment consider climate change?*
- *How does the amendment address any relevant bushfire risk?*
- *Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?*
- *How does the amendment support or implement the Planning Policy Framework?*
- *How does the amendment support or implement any relevant strategic plan or policy statement adopted by a Minister, government department or public authority?*
- *Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?*
- *If the planning scheme includes a Local Planning Policy Framework, how does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?*
- *If the planning scheme includes a Municipal Planning Strategy, how does the amendment support or implement the Municipal Planning Strategy?*
- *How does the amendment balance any competing policy objectives or strategies?*
- *Does the amendment make proper use of the Victoria Planning Provisions?*
- *How does the amendment address the views of any relevant agency?*

The explanatory report prepared in support of Amendment C306case addresses the requirements listed in Ministerial Direction No.11. A discussion of the justification provided by the Victorian Planning Authority in relation to these strategic considerations in the following section.

### 4 MINISTERIAL DIRECTION ON THE PREPARATION AND CONTENT OF INFRASTRUCTURE CONTRIBUTIONS PLANS

The *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans* (referred to as the Ministerial Direction from here onwards) sets out allowable land components to be subject to funding via standard and supplementary levies within ICPs.

Transport construction items allowable under standard levies include arterial roads, defined as *consisting of two lanes in one carriageway in a road reservation with a width of either 34 metres or 41 metres*. Signalised intersections or roundabouts are also allowable, provided they are between arterial

[REDACTED]

[REDACTED]

roads or an arterial road and a connector road. Arterial road bridges and culverts can also be funded by standard levies.

Per Section 13 of the Ministerial Direction, supplementary levy allowable items can also be funded by a standard levy, " where the total standard levy rate is not required to be used to fund the standard levy allowable items, unless the applicable Annexure to this Direction specifies those supplementary levy allowable items must not be funded from a standard levy."

Allowable supplementary levy items include the above discussed standard levy items, where the [REDACTED] exceeds the relevant construction amount. Table 5 of the Ministerial Direction details allowable items outside those discussed above which can be funded from a supplementary levy. These [REDACTED]:

- Local and connector roads
- Intersections of non-arterial roads
- Local bridges and connector road bridges
- Pedestrian and cyclist bridges and accessways

These items are allowable under a supplementary levy provided they meet the following requirements:


- *The item must be a works, service or facility that a developer of land normally provides on or to the land in order to develop the land for urban purposes.*
- *The item must be constructed on, or adjoin, land in fragmented ownership and the fragmented ownership must make provision of the item by the developer difficult.*
- *The relevant municipal council must have agreed to be the development agency for the item.*
- *The estimated cost of the item must be fairly levied amongst the developers who will benefit from the delivery of the item.*


As noted previously, it is proposed to prepare a standard levy ICP for the Part 2 area of the CCSPSP. The background report to the Amendment states that the delivery of McCormacks Road as it comprises RD-08 is to be funded by this standard levy ICP, via the mechanism detailed in Section 13 of the Ministerial Direction.

## **5 INCLUSION OF THE FULL EXTENT OF MCCORMACKS ROAD AS A SUPPLEMENTARY LEVY ICP ITEM**

This submission argues that the full extent of McCormacks Road should be included within the CCSPSP Precinct Infrastructure Plan as a supplementary levy funded item under the CCSICP. This is based on:

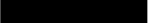
- The apportionment of costs for the delivery of the full extent of McCormacks Road as an ICP item via the CCSPSP Precinct Infrastructure Plan responds positively to the requirements of the Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans
  - The nature of the McCormacks Road cross sections, including the need for widening and the equestrian trail, arises from the development of the broader PSP, not solely the development of adjacent land.
  - Traffic modelling undertaken to support amendment to the CCSPSP shows a clear nexus between the delivery of McCormacks Road and the broader demands of the overall CCSPSP catchment area.
- [REDACTED]

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- The apportionment of costs for the delivery of the full extent of McCormacks Road as an ICP item via the CCSPSP Precinct Infrastructure Plan responds positively to the requirements of Ministerial Direction No.11



### 5.1 Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans

As discussed above, the Ministerial Direction on the Preparation and Content of Infrastructure Plans (the Ministerial Direction) provides the following requirements for non-standard levy items allowable under a supplementary levy, including connector and local roads:



*works, service or facility that a developer of land normally provides on or to the land in order to develop the land for urban purposes.*

- *The item must be constructed on, or adjoin, land in fragmented ownership and the fragmented ownership must make provision of the item by the developer difficult.*
- *The relevant municipal council must have agreed to be the development agency for the item.*
- *The estimated cost of the item must be fairly levied amongst the developers who will benefit from the delivery of the item.*

It is submitted that McCormacks Road, delivered in its entirety, meets these requirements. Further to this, it is submitted that RD-08 as an isolated part of McCormacks Road does not properly respond to these requirements. As such, it is more appropriate under the Ministerial Direction to include the entirety of McCormacks Road as a supplementary levy item within the CCSICP.


It is agreed that McCormacks Road, as a connector road, constitutes works that a developer of the land would normally provide in order to develop the land for urban purposes. Per discussions in the Section of this submission regarding the Ministerial Direction, arterial roads are generally funded by standard or supplementary levies, whereas connector roads are generally funded by the developer.


The second requirement for allowing a non-standard levy item to be funded by a supplementary levy is that the item be “constructed on, or adjoin, land in fragmented ownership” and that this results in the item being difficult for any single developer to deliver. It is submitted that the area identified as RD-08 does not appropriately meet this requirement. This section of McCormacks Road abuts a single property within the CCSPSP area, and a single property (80 McCormacks Road) to the south.

It is considered that delivery of RD-08 as an isolated section of McCormacks Road could be relatively easily incorporated into the delivery of the development of 95 McCormacks Road by the relevant developer – notwithstanding the non-standard cross section outcomes discussed below.

In contrast, McCormacks Road as it serves the overall PSP area, abuts five properties along its northern boundary with four separate owners, as well as two properties to the south, being 1805 Pound Road and 80 McCormacks Road. The integrated delivery of McCormacks Road as a connector road between the Pattersons Road / Pound Road / Muddy Gates Lane intersection and the Cardinia Creek is therefore considered to be difficult for delivery by developers, and therefore the fragmented ownership arrangements along the full extent of the road is considered to appropriately respond to the requirement of the Ministerial Direction.

It is assumed based on the inclusion of RD-08 in the proposed Part 2 ICP that the City of Casey has agreed to be the development agency for the delivery of this portion McCormacks Road. It is submitted that the delivery of the entirety of McCormacks Road by City of Casey, with funding fully apportioned to an ICP, represents a logical outcome for the delivery of the road, removing delivery difficulties associated with multiple landowners, as discussed above.





Finally, for a connector road to be considered an allowable supplementary levy item, *the estimated cost of the item must be fairly levelled amongst the developers who will benefit from the delivery of the item.* Whilst the section of road identified as RD-08 will primarily benefit traffic generation by the Part 2 area (refer traffic modelling discussion), a minimum of 35% of the traffic generation using this portion of the road comes from the Part 1 PSP area. It is submitted that this generation is significant enough for this portion of McCormacks Road to be funded by the Part 1 PSP area, in addition to the Part 2 area.

When viewing McCormacks Road in its entirety, it is appropriate that funding for the delivery of the road is apportioned to the overall PSP area, rather than only Part 1 or Part 2. Per the traffic modelling numbers, 62% of the traffic generation in Section 1 of the road comes from Part 1 areas, while 81% comes from Part 1 when considering crossing of Cardinia Creek. As such, McCormacks Road clearly provides benefit to the overall PSP area, and is appropriate for funding under a supplementary levy under the requirements of the Ministerial Direction.

## 5.2 Traffic Modelling

Primary to the argument that McCormacks Road in its full extent should be delivered via a supplementary levy to the CCSICP is the level of traffic generation associated with the PSP Part 1 area.

### 5.2.1. Review of 2015 Modelling

To support the Amendment, a Transport Network Assessment was prepared by Stantec to confirm that the transport network would be able to support the development of the Part 2 area. This included traffic modelling for McCormacks Road in its ultimate form, which confirms that McCormacks Road is vitally important to the overall CCSPSP area, providing connection to state and locally significant employment areas within Cardinia Shire.

As part of the Transport Network Assessment, a review of the 'Part 1' Transport Modelling was undertaken. 'Part 1' refers to the original CCSPSP area, and a review of this modelling was undertaken to:


1. *Confirm the suitability of the 2015 modelling assessment completed for the Part 1 PSP, and*
2. *Confirm the directional distribution of traffic as part of a first principles assessment for Part 2.*

The traffic volume figures provided in support of Part 1 of the PSP are shown in Figure 4-3 of the report. This modelling showed a total of 3,900 vpd would use the access point of McCormacks Road as it intersects with the Pattersons Road / Pound Road / Muddy Gates Lane intersection. A total of 1,300 vpd were anticipated to use McCormacks Road to cross Cardinia Creek, meaning 33% of trips continued along the full extent of McCormacks Road.

Figure 4-4 then remodels traffic figures with Part 2 included, finding that 6,000 vpd will use McCormacks Road east of the Pattersons Road / Pound Road / Muddy Gates Lane intersection. The modelling found that 3,050 vpd will cross Cardinia Creek via McCormacks Road, meaning 50% of trips continued along the full extent of McCormacks Road.

Based on this modelling, there is a clear nexus between the section of McCormacks Road that is associated with Part 1 of the PSP, and the area within Part 2, specifically the creek crossing, with 30-50% of trips traversing the full extent of McCormacks Road under the above modelling scenarios.

Following this review, it was concluded that *"it is suitable to build on the strategic transport modelling completed in 2015 to inform the (Traffic Network) assessment for Part 2."*



### 5.2.2. Ultimate Daily Traffic Volumes

The Traffic Network Assessment goes on to note that:

*“Building on the strategic transport modelling completed in 2015 to help inform Part 1 of the Cardinia Creek South PSP and the traffic volumes anticipated to be generated by Part 2, the future ultimate daily traffic volumes at various key locations have been determined.”*

Ultimately, McCormacks Road will accommodate up to 6,249 vehicles per day (vpd). Figure 5.3 and Table 5.2 within the Transport Network Assessment provide daily traffic volumes for three sections of McCormacks Road when including both the Part 1 and Part 2 areas (Refer Figure 6). Table 5.2 also includes the anticipated traffic volumes in these locations as modelled in 2015 to support Part 1 of the PSP.



*Figure 6: Future Ultimate Daily Traffic Volumes – Key Locations  
(Source: Figure 5-3 Transport Network Assessment, Stantec 2026)*

Section 6, which is presumed to extend from the Pattersons Road / Pound Road / Muddy Gates Lane intersection to the edge of the current CCSPSP area, will accommodate 6,249 vpd when including both part 1 and part 2 traffic volumes. Part 1 traffic volumes associated with this Section are listed as 3,900 vpd, Part 2 as 2,350 vpd.

Section 7, extending from the edge of the current CCSPSP area to the north south connector through the Part 2 area, will accommodate 3,649 vpd. Under the Part1 modelling, this Section would accommodate 1,300 vpd, with Part 2 contributing 2,350 vpd.

[REDACTED]

The final extent of McCormacks Road, between the north south connector and the Cardinia Creek, is referred to as Section 8 and will accommodate 1,590 vpd. This Section was noted as accommodating 1,300 vpd under 2015 modelling and will accommodate an additional 290 vpd via Part 2.

Based on the figures provided in Table 5.2, it is noted that:

- 62% of traffic generation in Section 6 is generated by Part 1 of the PSP
- 35.6% of traffic generation in Section 7 is generated by Part 1 of the PSP
- 81.7% of traffic generation in Section 8 is generated by Part 1 of the PSP

Based on the above figures, apportioning costs for the delivery of Section 7 of McCormacks Road to a [REDACTED] encompassing the Part 2 land is generally supported by traffic modelling, as 64.4% of traffic generation in this Section is associated with Part 2 properties.

However, the broader traffic generation for McCormacks Road shows that up to 81.7% of trips crossing the Cardinia Creek are associated with the PSP Part 1 area. To access this crossing, vehicles will travel from Section 6, through Section 7 and into Section 8. By only funding the central area of the road under ICP levies, the nexus between the PSP Part 1 area and the crossing of Cardinia Creek is lost. The connection between traffic generation within McCormacks Road in Part 1 of the PSP and the area within Part 2 is made clear by the modelling undertaken. To propose the funding of only one section of McCormacks Road is to ignore the nexus between the whole of McCormacks Road and the broader CCSPSP area, and the delivery of a single section of the road will not facilitate the timely and efficient construction of the road to benefit the CCSPSP area. As such, it is submitted that McCormacks Road provides a significant benefit to both the Part 1 and Part 2 areas of the PSP and is therefore it is appropriate to apportion the cost for this road delivery to both the Part 1 and Part 2 areas of the PSP via a supplementary levy to the CCSICP.

### 5.3 Nature of the Road

As discussed in Section 2.2 of this submission, McCormacks Road between the Pattersons Road / Pound Road / Muddy Gates Lane intersection and the Part 2 north south connector is to comprise a 25m wide cross section, with the southern verge accommodating a 4-metre-wide equestrian trail.

#### 5.3.1. Equestrian Trail


Whilst McCormacks Road between the Pattersons Road / Pound Road / Muddy Gates Lane intersection and the Part 2 north south connector is identified by the CCSPSP as a connector road, the inclusion of the equestrian trail results in a non-standard connector road outcome. The equestrian trail is not required for the functioning of the road as a transport corridor. Rather, the trail is considered to constitute a recreational facility, benefitting the broader PSP area and supporting the Council wide trail network. It is considered unlikely that the trail will be used by residents of the land immediately abutting McCormacks Road, and therefore it is of little direct benefit to the landowners abutting McCormacks Road to deliver the trail.

Based on the above, it is considered that including McCormacks Road as a supplementary levy item within the CCSICP reflects the nature of the road as a broader PSP asset.

#### 5.3.2. Road widening

Per Section 2.4 of this submission, the upgrade of the portion of McCormacks Road identified as RD-08 will comprise road widening from 20m to 25m. The need to widen McCormacks Road to achieve a 25m cross section applies also to the extent of the road from the Pattersons Road / Pound Road / Muddy Gates Lane intersection to the RD-08 section.

[REDACTED]



As noted in Section 2.4, the newly provided Property Specific Land Budget table for the CCSPSP Part 2 area does not include provision for land for transport projects. No allowance was made as part of the original CCSICP for land for widening of McCormacks Road. Therefore, it is assumed it is the responsibility of the developer / landowner for each property to accommodate the 5m of additional land within their property. As such, the delivery of McCormacks Road will require coordination between all landowners to provide the required area of land within their properties, as well as undertake necessary works to ensure the alignment of the road is consistent along all properties. The need for this coordination to facilitate construction speaks further to the nexus between all section of McCormacks Road.

We note that the proposed cross section makes provision for a 4m wide equestrian trail and a 1.5m nature strip on the non-urban side of McCormacks Road. Both these items are superfluous to the operation of the connector road and it is submitted that, should they not be provided, the road cross section could comfortably sit within the current 20m wide road reserve. Thus, the majority of land required to be provided by developers is open space based and arguably should be funded by the ICP. As this may require a considerable rewrite of the ICP, a fair recognition of the land 'donation' would be to fund the road's construction in the ICP.

Additionally, whilst it is not proposed for the Part 2 ICP to fund land acquisition for the purposes of the road upgrade to RD-08, the costs associated with the upgrade of McCormacks Road is reduced for the owner / developer of 95 McCormacks Road via the funding of construction by the ICP.

The current arrangement leaves remaining landowners west of 95 McCormacks Road with the burden of uncredited land to support the upgrade of the road, as well as construction costs. Given the previously discussed fragmented nature of the land abutting McCormacks Road, as well as the broader nexus between all sections of McCormacks Road, it is considered inappropriate to fund a single section of the road as this creates an unfair compensation to one landowner to construct a road of the same hierarchy as the majority of the remaining part of McCormacks Road.

It is considered that including the entirety of McCormacks Road as an ICP funded item is an appropriate solution to the delivery constraints associated with McCormacks Road and given the previously discussed nexus between all sections of the road and the overall PSP area, including the road as a supplementary levy item to the CCSICP is a logical outcome.


#### 5.4 Ministerial Direction No.11 Strategic Assessment of Amendments


As discussed in Section 4 of this submission, the purpose of Ministerial Direction No.11 is to ensure that planning scheme amendments deliver outcomes that appropriately respond to State and local strategic planning policies.

Delivery of only part of McCormacks Road via ICP funding lacks the overall support of the nexus between benefit and outcomes that is provided by the full delivery of the road. Meanwhile, it is considered that delivering the overall extent of McCormacks Road via ICP funding, apportioned to the overall CCSPSP area responds appropriately to the strategic considerations of Ministerial Direction No.11.

##### 5.4.1. Why is the draft amendment required?

The explanatory report prepared by the VPA in support of the Amendment states that the draft amendment is required to complete "the planning for the wider Cardinia Creek South precinct", and that "The overall urban structure, land use framework and strategic directions for the wider PSP area were established through the incorporated PSP". In recognising that Part 1 of the PSP has primarily driven





the preparation of the Amended CCSPSP, the statements of the explanatory report directly support the delivery of a road via ICP funding which provides benefit for the broader PSP area. The inclusion of McCormacks Road in a supplementary levy ICP contributes to the completion of planning for the broader area and is supported by the clear nexus between all sections of McCormacks Road and both Part 1 and 2 of the CCSPSP.

#### 5.4.2. How does the draft amendment implement the objectives of planning in Victoria?

The explanatory report prepared by the VPA states that *“the draft amendment will facilitate residential development in the Part 2 area by introducing planning provisions that apply fairly and transparently to all affected landowners.”* It notes that the Amendment implements the objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987*, including *“To provide for the fair, orderly, efficient and development of land”*. The delivery of infrastructure is not discussed in response to this objective, and it is considered that the delivery of only a portion of McCormacks Road via ICP funding does not represent fair or orderly development of land.

As discussed in previous sections, there is a clear nexus between the three sections of McCormacks Road detailed within the Traffic Network Assessment. The delivery of McCormacks Road benefits the entire CCSPSP area, with the minimum traffic generation attributable to Part 1 of the CCSPSP across the three sections being 35%. As such, it is considered that fair apportionment of costs for the delivery of McCormacks Road, including the area comprising RD-08, would be achieved via a supplementary levy to the CCSICP, rather than a standard levy Part 2 ICP.


Additionally, the nexus between the three sections of McCormacks Road, particularly the number of trips generated along the full extent of the road by the Part 1 area, means that an orderly planning outcome would be to ensure that the full extent of the road is delivered in a coordinated manner. Allocating ICP funding to only a portion of the road does not facilitate this orderly outcome and is therefore considered contrary to the objectives of Section 4 of the Act.


Development of the southeastern area of the CCSPSP will also be encouraged by the delivery of McCormacks Road via a supplementary ICP levy. Due to the constraints discussed throughout this report, developer delivery of McCormacks Road represents a significant upfront cost for development abutting McCormacks Road. Naturally, development fronts will therefore commence away from McCormacks Road. The funding of the delivery of McCormacks Road via a supplementary ICP levy will promote development in this area, facilitating economically viable development of residential land within the CCSPSP area.

Finally, as discussed in Section 5.3 of this submission, the nature of McCormacks Road, comprising a non-standard cross section requiring land take from each abutting property, leads to difficulties in developers delivering this road in a coordinated manner. By designating the entirety of the road as an ICP funded item, to be delivered by City of Casey, an orderly delivery will be more achievable. The full designation of McCormacks Road as an ICP funded item also results in a fair and balanced outcome for all properties directly abutting McCormacks Road, reducing the financial burden associated with delivery of the road as it impacts each property.

#### 5.4.3. How does the draft amendment address any environmental, social and economic effects?

The explanatory report prepared by the VPA states that the Amendment addresses social effects as it *“...facilitates the delivery of additional open space and a safe and convenient street/path network, enabling access to the town centres and community and education facilities located in Part 1 of the PSP and beyond.”* The delivery of the full extent of McCormacks road directly responds to this assessment criteria and explanatory report statement. The nexus between the originating section of McCormacks Road and the final section crossing the Cardinia Creek has been detailed in previous sections of this





submission. The delivery of the full extent of McCormacks Road will provide access for residents to future state and locally significant employment areas east Cardinia Creek. Additionally, the delivery of the equestrian trail, as detailed in Section 5.3.1 is considered to be a recreation facility that provides benefit and connection to the broader PSP trail network and the wider City of Casey trail network. As such, delivery of this asset via ICP funding provides additional connections and access to broader areas to benefit the whole of the CCSPSP area.

Finally, the delivery of the full extent of McCormacks Road in an orderly manner will facilitate access for all CCSPSP residents to identified north-south connector roads. This includes Alexander Boulevard, which extends from the Part 1 section of McCormacks Road to the local town centre, schools and open spaces in the northern area of the CCSPSP. This speaks to the nexus between McCormacks Road and the broader CCSPSP area, directly supporting the full delivery of McCormacks Road via a supplementary levy to the CCSICP.

## 6 SUMMARY AND REQUEST FOR AMENDMENT


This submission has reviewed the outcomes proposed for the delivery of McCormacks Road within Planning Scheme Amendment C306case to the Casey Planning Scheme. The amendment proposes to include a section of McCormacks Road, referred to as RD-08, within the updated CCSPSP Precinct Infrastructure Plan. This road item is then proposed to be funded by a standard levy ICP to be prepared for the CCSPSP Part 2 area.

This submission confirms that the outcome proposed for McCormacks Road within the Amendment does not consider the nexus between the delivery of McCormacks Road and the broader CCSPSP area and does address the direct connection between the sections of McCormacks Road inside and outside of the CCSPSP Part 2 area.

The delivery of a single portion of McCormacks Road via ICP funding, rather than the entirety of the road extent, does not facilitate the orderly or timely delivery of McCormacks Road in accordance with Ministerial Direction No.11 and Section 4 of the *Planning and Environment Act 1987*. Further, developers abutting the remaining extent of the road will be required to provide land for the widening of McCormacks Road as well as to coordinate and fund its construction with other landowners, which does not result in a fair and transparent outcome.

The submission further confirms that the delivery of McCormacks Road benefits both the Part 1 and Part 2 areas of the CCSPSP. Traffic generation modelling confirms that McCormacks Road will provide an east-west connection for residents within the CCSPSP Part 1 area, with residents in Part 2 also benefitting from the construction of the full extent of the road in a timely manner. The delivery of the equestrian trail along McCormacks Road also provides benefits to the greater CCSPSP area and beyond, further confirming the broader connection between McCormacks Road and wider area.

As such, to enable the timely and orderly construction of McCormacks Road, and to enable fair apportionment of costs for the delivery of McCormacks Road, it is requested that the Amendment be updated to include the full extent of McCormacks Road, from the Pattersons Road / Pound Road / Muddy Gates Lane intersection to the Cardinia Creek crossing, as comprising RD-08 within the Precinct Infrastructure Plan within the CCSPSP. It is further requested that the Amendment include amendments to the CCSICP to provide for the funding of the construction of McCormacks Road, as RD-08 described above, in its entirety via a supplementary levy.



[Redacted]

Regards,

[Redacted]

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