

# Cardinia Creek South PSP – Part 2

Submission to Amendment  
C306case

Site Address: [REDACTED]

Clyde North

Client  
[REDACTED]

Issued  
11/04/2026



Melbourne Office  
1 Glenferrie Road  
PO Box 61  
Malvern VIC 3144  
Tel: (03) 9524 8888

[beveridgewilliams.com.au](http://beveridgewilliams.com.au)

**BW**  
Beveridge Williams

Client: [REDACTED]  
 Issued: 11/04/2026  
 Version: 1  
 Prepared by: [REDACTED]  
 Checked by: [REDACTED]  
 Project Manager: [REDACTED]  
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## Revision Table

| REV | DESCRIPTION            | DATE       | AUTHORISED |
|-----|------------------------|------------|------------|
| A   | First submission draft | 01/04/2026 | [REDACTED] |
| B   | Final draft            | 11/04/2026 | [REDACTED] |
|     |                        |            |            |

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## 1. INTRODUCTION

This submission is made on behalf of [REDACTED] the owner of land at [REDACTED] Clyde North ("the subject land"). Amendment C306case seeks to incorporate the Cardinia Creek South Part 2 Precinct Structure Plan (PSP) and an associated Infrastructure Contributions Plan (ICP) into the Casey Planning Scheme.

The Part 2 precinct was previously excluded from the broader PSP pending resolution of the Casey Regional Park location which is now settled.

The PSP is intended to:

- Guide the transition of the land from non-urban to urban use;
- Establish a clear urban structure, land use framework and infrastructure delivery plan; and
- Provide certainty to landowners, authorities and developers regarding development outcomes.

This submission addresses:

- The implications of the PSP on the subject land; and
- The need for a fair and equitable infrastructure funding outcome, particularly in relation to the delivery of McCormacks Road.

## 2. SUBJECT SITE DETAILS

The subject site is a 59.109ha parcel consisting of land on 2 titles, located on the northern side of McCormacks Road, and west of Cardinia Creek in Clyde North. The PSP Land Budget table identifies these parcels as properties 23 and 24.

The site is generally flat, save for some minor rises and is mainly devoid of vegetation other than stands of trees located within the 100m conservation area west of Cardinia Creek.

A Cultural Heritage Management Plan is in preparation for the site. Preliminary findings reveal a concentration of artefact scatters across the western edge of the site, mainly located in a series of sandy rises. The CHMP is well progressed, with the Bunurong Land Council Aboriginal Corporation being consulted during the process including consultation regarding appropriate management outcomes. It is anticipated that the CHMP will be completed within the next 2 months.

The site is currently accessed via McCormacks Road, and temporary internal access has been provided to the adjacent property at 95 McCormacks Road.

## 3. KEY PSP FEATURES AFFECTING SUBJECT SITE

With regard to [REDACTED] the draft PSP proposes:

- Residential land use for the development area of the site;
- The excision of the 100m conservation area from the site as per the Melbourne Strategic Assessment requirements;
- The allocation of land for a drainage channel and accompanying retardation and sediment basins;
- Two proposed local parks – numbers 22 and 25, totaling 1.81ha;
- McCormacks Road is to be 25m wide in this location, including the allocations for a 5m equestrian trail (see submission on nominated road cross section); and
- Direct access to McCormacks Road for lots facing that road.

We note that the draft PSP also proposes a small drainage reserve on the adjacent property, 95 McCormacks Road, that abuts the western boundary of the site.

McCormacks Road in front of the subject site is not proposed as an ICP funded road project however the exhibited PSP notes that its extent across the frontage of 95 McCormacks Road is an identified ICP funded project (Project RD-08). The exhibited Background Report notes that this is to be funded in the form of a Supplementary ICP.

The property land budget for the site is presented below:

| PROPERTY ID                                   | TOTAL AREA (HA) | OPEN SPACE           |  |                             |                                 |                     |                                    |                                 |                       | TOTAL NET DEVELOPABLE AREA (HECTARES) | NET DEVELOPABLE AREA % OF PROPERTY |
|---|-----------------|----------------------|--|-----------------------------|---------------------------------|---------------------|------------------------------------|---------------------------------|-----------------------|---------------------------------------|------------------------------------|
|   |                 | SERVICE OPEN SPACE   |  |                             |                                 |                     | CREDITED OPEN SPACE                |                                 |                       |                                       |                                    |
|   |                 | CONSERVATION AREA 36 | WATERWAY & DRAINAGE (CONSERVATION AREA 36) | WATERWAY & DRAINAGE RESERVE | HERITAGE RESERVE – POST CONTACT | UTILITIES EASEMENTS | REDUNDANT ROAD RESERVE (LOCALPARK) | LOCAL SPORTS RESERVE (ICP LAND) | LOCAL PARK (ICP LAND) |                                       |                                    |
| <b>CARDINIA CREEK SOUTH – PART 2</b>          |                 |                      |  |                             |                                 |                     |                                    |                                 |                       |                                       |                                    |
| <b>PROPERTY</b>                               |                 |                      |  |                             |                                 |                     |                                    |                                 |                       |                                       |                                    |
| 5b  | 2.14            | –                    | 1.03                                       | 0.10                        | –                               | –                   | –                                  | –                               | –                     | 1.01                                  | 47.25%                             |
| 6b  | 1.28            | –                    | 1.25                                       | –                           | –                               | –                   | –                                  | –                               | –                     | 0.00                                  | 0.00%                              |
| 22  | 40.48           | –                    | –  | 1.18                        | 1.41                            | –                   | –                                  | –                               | 2.10                  | 35.85                                 | 88.44%                             |
| 23  | 55.68           | –                    | 8.73                                       | 15.61                       | –                               | –                   | –                                  | –                               | 1.81                  | 29.48                                 | 52.99%                             |
| 24  | 4.27            | –                    | 2.87                                       | 0.22                        | –                               | –                   | –                                  | –                               | –                     | 1.17                                  | 27.52%                             |
| 25  | 0.09            | –                    | 0.09                                       | –                           | –                               | –                   | –                                  | –                               | –                     | 0.00                                  | 0.00%                              |
| 26  | 0.05            | –                    | 0.05                                       | –                           | –                               | –                   | –                                  | –                               | –                     | 0.00                                  | 0.00%                              |
| 27  | 0.39            | –                    | 0.39                                       | –                           | –                               | –                   | –                                  | –                               | –                     | 0.00                                  | 0.00%                              |
| <b>TOTALS CARDINIA CREEK SOUTH PART 2 PSP</b> | <b>104.37</b>   | <b>–</b>             | <b>14.45</b>                               | <b>17.14</b>                | <b>1.41</b>                     | <b>–</b>            | <b>–</b>                           | <b>–</b>                        | <b>3.91</b>           | <b>67.46</b>                          | <b>64.64%</b>                      |

Figure 1: PSP Property Specific Land Budget – Part 2 (with sites highlighted)  
Source: VPA (Cardinia Creek South PSP Amended March 2026)

The exhibited PSP establishes a framework for:

- Approximately 1,213 dwellings and a population of ~3,760 people within Part 2;
- A proposed net density of 18 dwellings per NDHA;
- A predominantly residential urban outcome, supported by open space and drainage infrastructure; and
- Integration with the broader Cardinia Creek South precinct.

The PSP also:

- Requires development to comply with a Part 2 Infrastructure Contributions Plan (ICP);
- Identifies land for Development Services Scheme (DSS) drainage infrastructure; and
- Establishes a transport network intended to integrate with surrounding arterial and connector roads.

#### 4. SUBMISSION

The landowner supports:

- The incorporation of Part 2 into the PSP;
- The resolution of long-standing uncertainty associated with the precinct;
- The proposed residential densities;
- The proposed Supplementary ICP (although it request additions); and
- The delivery of a coordinated urban development outcome.

A review of the PSP reveals the following key issues for consideration:

- The area allocations in the PSP concerning the site vary from our measurements and require clarification;
- Clarification of the inclusion of the proposed Gross Pollutant Trap at 95 McCormacks Road;
- An update to sewer alignments in the PSP;

- Proposed road cross sections at the site;
- The inclusion of McCormacks Road outside the subject site as an ICP Supplementary Item to enable its delivery; and
- The proposed inclusion of a Cultural Heritage sensitivity area in the PSP maps on the subject site.

These matters are discussed below.

### Clarification of area allocations

Figure 1 presents the Property Specific Land Budget for the Part 2 properties. Properties 23 and 24 directly relate to the subject site.

We have completed a comparison between the details in the draft PSP and our survey-based land use plan. The results are presented in Figure 2:

|                                    | PSP             |                 |             |  | ISSP V06A       |                 |             | Total Difference |
|------------------------------------|-----------------|-----------------|-------------|--|-----------------|-----------------|-------------|------------------|
|                                    | PSP Property 23 | PSP Property 24 | Total Areas |  | PSP Property 23 | PSP Property 24 | Total Areas |                  |
| Site Area                          | 55.68           | 4.27            | 59.95       |  | 55.52           | 3.58            | 59.10       | -0.85            |
| Waterway Drainage and Conservation | 8.73            | 2.87            | 11.6        |  | 8.38            | 2.09            | 10.47       |                  |
| Waterway and Drainage Reserve      | 15.61           | 0.22            | 15.83       |  | 15.56           |                 | 15.56       |                  |
| Local Park                         | 1.81            |                 | 1.81        |  | 1.81            |                 | 1.81        |                  |
| Overland Flow Path                 |                 |                 |             |  | 0.05            |                 | 0.05        | Total Difference |
| NDA                                | 29.48           | 1.17            | 30.65       |  | 29.72           | 1.49            | 31.21       | 0.56             |
| NDA Cal Check                      | 29.53           | 1.18            | 30.71       |  |                 |                 |             |                  |

Figure 2: PSP and Beveridge Williams Land Use Budget Comparison  
Source: VPA and Beveridge Williams

The comparisons reveal area calculation differences in the following areas:

- Site Area;
- Waterway Drainage and Conservation;
- Waterways and Drainage Reserve (minor); and
- Net Developable Area (NDA).

Our site areas are based on completed land survey, which we can provide to the VPA for review. Of concern is that the draft PSP underestimates the area of NDA by almost 6,000sqm which would have a considerable impact on lot yield.

Whilst the PSP, at proposed Section 1.5.1 allows for area adjustments based on the final outcome of the DSS assets, it is our submission that the starting point for these considerations, being the Land Budget table, should be as accurate as possible.

We believe that there are fine grain reasons for these discrepancies, such as:

- A calculation error in the Land Budget table for Property 23. The NDA should total 29.53ha based on the areas listed in the table;
- A recalculation of the total area of the 100m deep conservation land; and
- A review of the status of the proposed tree reserve. We accept that a tree reserve may not be appropriate to include in a PSP.

We are confident that this issue can be resolved through further discussion, but we reiterate the need to ensure that accurate information is presented in the PSP.

### Clarification of the inclusion of the proposed Gross Pollutant Trap at 95 McCormacks Road

The exhibited PSP shows a proposed Gross Pollutant Trap (GPT) on the adjoining site at 95 McCormacks Road. We understand that negotiations are continuing between the site's owners, Mirvac, and Melbourne Water on an alternative drainage solution and that the GPT may not ultimately be required.

Our client firstly supports an alternative drainage solution and secondly, encourages this to be achieved prior to the finalisation of the PSP.

The GPT site location abuts the western boundary of our client's site, towards McCormacks Road. If the GPT were to be retained, this would require our client to undertake major urban design adjustments to their current draft plan, including, most likely, the provision of a north south road adjacent to the GPT, running along the western boundary. This would result in a one-sided road that is uneconomic and which would alter the layouts for both our client and Mirvac, after considerable coordination design work has been undertaken between the two parties.

We therefore urge that the alternative solution be settled as soon as possible and that the PSP be amended to reflect the alternative drainage arrangement.

### Update Sewer alignments in the PSP

The PSP, at Plan 10 Utilities, has not been updated to show the sewer network that has been installed along McCormacks Road up to 95 McCormacks Road. Whilst this is not a major issue, the Plan should be amended to reflect the current status of the installations.

### Proposed road cross sections at the site

Plan 7 Street Network shows a proposed mix of road cross sections affecting the site, namely:

- Cross section 12 along the 100m creek interface in the northeast of the site
- Cross section 2 either side of the central drainage channel and reserves
- Cross section 2 along McCormacks Road adjacent to the site



Figure 3: PSP Plan 7 extract  
Source: VPA (Exhibited Cardinia Creek South PSP)

Our client supports the proposed 17m Cross Section 12 adjacent to the creek.

Cross section 2 proposes a 20m wide road. In response to the one-sided nature of the road (i.e. lots are not to be located on both sides of the roads), our client's draft layout plan proposes an 18.5m wide cross section along the southern side of the drainage channel, and a 14.5m wide cross section on the northern side of the drainage channel. The 18.5m wide cross section reflects the additional traffic that the road will carry given it will be the primary ingress and egress for residents in this area of the site.

We note that neither the VPA nor Council has raised these proposed cross-section widths as an issue after receiving the draft plan well before exhibition. Accordingly, both Mirvac and our client have coordinated road widths, especially the road on the southern side of drainage channel so that this road width is shown as 18.5m wide on both plans, noting that Mirvac's plan is currently being assessed by Council.

We submit that the nomination of road cross sections for these roads is not required at the PSP level and that the appropriate road widths, and cross section details can be determined at planning permit stage. Alternatively, an area specific cross section plan can be created to reflect the width of these roads.

We understand that McCormacks Road is currently a 20m road reserve. The proposed cross-section 2, at 20m would appear to fit within the existing road reserve width however we note that this cross section does not allow for the equestrian trail and accompanying shared path that cross section 12 provides for.

Our client seeks clarification from the VPA as to whether cross section 2 is the intended cross section for McCormacks Road at this point, or whether cross section 12 or cross section 13 is a more appropriate choice, noting that these cross sections technically require 25m road widths. We note that the proposed equestrian trail is to run along the southern side of McCormacks Road before crossing into the 100m conservation area at a point near the bridge across Cardinia Creek and that cross section 13, proposed west of the Mirvac north south connector, does not include a shared pathway.

Once the VPA outlines the correct intended cross section, our client can then determine its support for that proposal.

**Proposed Supplementary ICP Item – request to include [REDACTED]**

The PSP identifies road project RD-08, being the construction of McCormacks Road, but only outside 95 McCormacks Road.

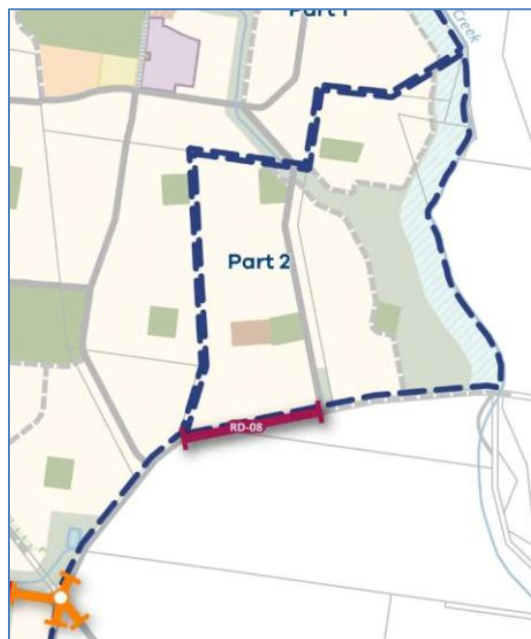


Figure 4: Road Project RD-08  
Source: VPA (Exhibited Cardinia Creek South PSP)

The Table at Section 4.1 Precinct Infrastructure Plan has been amended to include this road project. It is proposed to construct this portion of the road, at a 25m width. The table shows that the apportionment of the construction funding totals 100% from the Cardinia Creek South PSP.

A Supplementary ICP is proposed, under separate amendment, that includes RD-08. The funding for this road is by the standard transport infrastructure levy in accordance with Section 13 of the Ministerial Direction regarding the Preparation and Content of Infrastructure Contribution Plans as the VPA is satisfied that the total standard levy rate will not be required to be used to fund the standard levy items.

In practical terms, the owners of 95 McCormacks can use their levies, and presumably those raised by [REDACTED] to fund the construction of McCormacks Road outside their site, if they choose to reach a Works In Kind agreement with Council.

The proposed Supplementary ICP does not propose to include an allowance to construct the portion of McCormacks Road at the subject site. As justification, the exhibited Background Report, at section 2.2.4 notes that:

*"McCormacks Road bounds the southern edge of Part 2 and will function as a key access and east-west movement corridor for the precinct. Outside of the precinct, McCormacks Road connects to a major access node that is planned at the Pattersons Road / Muddy Gates Lane / Pound Road intersection via a secondary arterial/connector roundabout (interim treatment) (IN-07, staged S-M).*

*Part 2 relies on a north-south connector road through Part 2 that will carry the majority of Part 2 traffic, and both development parcels (95 and [REDACTED] are assumed to primarily access via this north-south connector.*

*(The) Existing McCormacks Road bridge over the Cardinia Creek is approximately 6.4m wide (two-way movements) and is expected to operate safely with a minimal long-term vehicle per day increase, being used for local residents only."*

The key transport issues to be addressed include:

*"Providing land to facilitate the delivery and upgrade of McCormacks Road.*

*Facilitating movement through the precinct so surrounding communities can easily connect to and access key local destinations, including activity areas and open space networks."*

At section 4.5, McCormacks Road is included as a 'key external route', in part for the access it provides across Cardinia Creek. The Background Report notes that the Traffic Modelling suggests that McCormacks Rd will act as a connector up to the north south connector at 95 McCormacks Road but that east of that point *"forecast volumes are much lower (order ~1,500 vehicles per day), and given the setting becomes rural, the assessment indicates matching into an existing rural road cross-section could be appropriate."*

We submit that the modelling satisfactorily shows that McCormacks Road outside the subject site and further east of the growth area will accommodate traffic that does not just service the adjoining rural area, but that the road will provide key access to Cardinia Road and state and locally significant employment areas adjacent to Cardinia Road. This is especially so in the absence of any practical alternative to McCormacks Road when seeking to access state and local employment opportunities adjacent to Cardinia Road.

As will be shown below, we show that the modelling assumptions downgrade the traffic volumes using McCormacks Road outside the subject site to the detriment of justifying including the construction of this portion of the road in the Supplementary ICP.

We submit that there is also strong policy support for the Supplementary ICP to include the funding of the construction of the road at the subject site.

And finally, when the objective of a PSP and ICP is to ensure the timely delivery of infrastructure into new growth areas, a proposal to only fund one portion of a 1.9km long road from ICP funds would lead to a perverse outcome where the road is part delivered and part left unmade, discouraging the opening up of McCormacks Road as a front for new development.

This submission confirms that the apportionment of costs for the construction of McCormacks Road outside the subject site, as a proposed supplementary ICP item, satisfies the requirements of:

- Ministerial Direction No. 11 – Strategic Assessment of Amendments; and
- The Infrastructure Contributions Plan Guidelines (2016).

In particular, this submission focuses on the Direction 11 tests of need, net community benefit and accountability and transparency and it also addresses the ICP principles of a sufficient nexus (relationship between infrastructure and development) and apportionment (fair and equitable distribution of costs).

These points are discussed further below.

### Traffic Modelling Review

An updated Traffic Modelling report was prepared by Stantec Australia. The report referred to the modelling undertaken as part of the Part 1 PSP assessments and then provided updated figures allowing for the additional traffic generated by the Part 2 area.

Our review reveals that the traffic movement assumptions for the subject site, as detailed in the transport network assessment are flawed and produce an unrealistic outcome to the detriment of justifying the construction of McCormacks Road outside the subject via the Supplementary ICP, and that the modelling shows that McCormacks Road plays a regional access role to areas east of the PSP area.

We note that at 3.2.2, the report states that:

*“For the purposes of this assessment, as indicated above for 95 McCormacks Road development parcel (sic), all lots within this development parcel will be conservatively assumed to gain access via the internal north-south connector, even though some would be expected to utilise some of the other connecting local roads.”*

Figure 5.2 of the report reflects this modelling assumption.

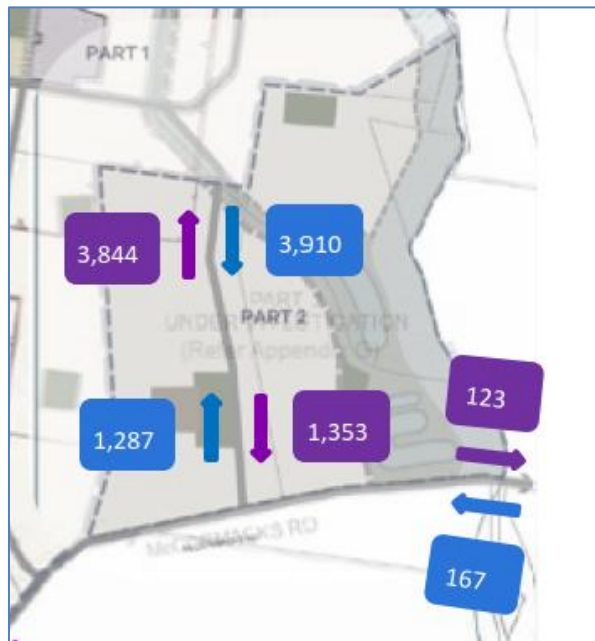


Figure 5: Part 2 One-Way Generated Traffic Volumes  
Source: Stantec Australia

Our client submits that this is a fundamental misassumption of the likely traffic movements. The draft layout plan, provided to the VPA and to Stantec shows that 8 of 13 stages of the fully developed site will be located south of the internal drainage channel on [REDACTED]. This represents 323 of the overall 572 lots, or 56.46% of the overall anticipated lot yield.

If the long-established 10 vmpd standard was adopted, and this area of Casey will be heavily car reliant, this reveals that up to 3,230 vmpd are generated by the lots in this part of the subject site. It is unrealistic to assume that all this traffic movement will leave the site via the adjoining north-south connector road.

An internal feature north south access road, linking to every internal road south of the drainage channel on [REDACTED] is proposed. This road connects to McCormacks Road in the south, and the north-south connector road on 95 McCormacks Road in the north. There is one other access point from the subject site proposed to the north south connector road.

The urban design layout has been specifically designed to encourage traffic to use internal access road adjacent to the drainage channel and it has therefore been designed to be an 18.5m wide road to accommodate the additional traffic.

To suggest that these lots, for 'modelling purposes', will all access the site via the north-south connector on the adjoining 95 McCormacks Road site, is a considerably flawed assumption, with the outcome being that the anticipated volumes for the use of the north-south connector road are considerably inflated in the modelling outcomes by the addition of all the traffic from these 323 lots.

That has the considerable impact of downgrading the traffic numbers that would use McCormacks Road directly outside the subject site and conflating the numbers to use McCormacks Road outside the adjoining site at 95 McCormacks Road.

The effect is that the modelling has been used to justify the funding of the construction of McCormacks Road outside 95 McCormacks Road and not 'justified' to fund the road outside the subject site.

We request that the modelling be re-undertaken without the assumptions that were made regarding the subject site, and instead that better reflect the internal traffic flows across both sites using McCormacks Road. In our view, this will confirm that the construction of McCormacks Road, outside the subject site, should be included in the Supplementary ICP as traffic using the road will be accessing the road in considerably more numbers from the subject site than what the modelling currently shows.

Section 3.3 "Transport Access" identifies "*the key routes that would provide access to and from the (PSP) site.*" This includes:

- "*McCormacks Road (east): supporting east/west movements between Cardinia Road and the southern end of the Part 2 connector.*"

The Traffic Modelling confirms that McCormacks Rd when fully constructed will be vitally important to the movement of traffic in and out of the PSP and broader area. The traffic modelling finds that up to 6,249 vehicle movements per day (vmpd) will use McCormacks Rd, but not all of that is generated by the Part 2 properties.

Figure 4-3 of the modelling presents original traffic distributions in the Part 1 scenario. Under that scenario, 3,900 vmpd were to use McCormacks Rd including 1,300, or 33% of the traffic volumes, using McCormacks Rd to cross Cardinia Creek to access or originate from the local adjoining rural area or to ultimately connect to Cardinia Road. This 1300 vmpd is traffic generated by the rest of the PSP (and areas further west) because there was no Part 2 scenario modelled at the time.



When looking at both models we find that of the 2046 ultimate vmpd total of 6,000, the modelling found that 1,300vmpd, or 42%, of traffic leaving/accessing the PSP area via McCormacks Road was generated in the Part 1 scenario (i.e. outside the Part 2 area) because it was modelled without Part 2 being included. At a minimum, it is submitted that the use of McCormacks Road as an access/egress point by 42% of the traffic crossing Cardinia Creek confirms that a strong nexus exists between the road at that point and the rest of the PSP (and broader areas west) and that it is and will continue to be a key component of the overall transport network for the area.

Section 5 seeks to determine the impact of the additional Part 2 traffic and to apportion the distribution of that traffic to various

The current Supplementary ICP proposal, to only allocate funds for the construction of a small portion of the road east of Alexander Boulevard, does not appropriately reflect the entire road's broader function and benefit, and therefore does not satisfy the requirements of Direction 11 or the ICP Guidelines.

Our client submits that the Supplementary ICP should be amended to include the finding of the construction of McCormacks Road outside the subject site.

#### 'Needs' Justification

Ministerial Direction 11 requires that planning scheme amendments demonstrate a clear need for the provision of infrastructure.

Traffic modelling demonstrates that McCormacks Road:

- Is integral to the operation of the PSP-wide road network;
- Carries significant volumes of through traffic, rather than purely local traffic;
- Facilitates east-west connectivity to Cardinia Road, a key arterial link.

As described above, the modelling shows:

- Approximately 42% of traffic crossing Cardinia Creek will be generated outside the Part 2 area;
- More than 50% of vehicles using McCormacks Road in the ultimate scenario travel across the creek toward Cardinia Road.

This confirms that the need for McCormacks Road arises from the development of the broader PSP, not solely the development of adjacent Part 2 land.

#### Non-Transport Infrastructure Need

An important feature of the McCormacks Road cross section is the inclusion of a 5m wide equestrian trail, to link the future Casey Regional Park with areas north of the PSP, and also potentially with a trail along the east west transmission line that is a feature of the area.

All parties agree that the allowance of this trail as part of the road cross section is a 'non-standard' item compared to a normal connector or local road cross-section. It is clearly a non-critical road asset.

The McCormacks Road current width is 20m. It is proposed that landowners along the road provide 5m of their land to accommodate the proposed cross section. Thus, whilst the equestrian path will be located on the southern side of the road, the 5m width of land to be provided by landowners would not be required if the equestrian trail was not proposed.

Therefore, this open space provided as part of the total road cross section, is not included as an open space contribution, despite landowners having to provide their land to accommodate the additional width of the road to allow for the trail. Including the construction of McCormacks Road at the subject site in the Supplementary ICP will provide an offset against the financial loss of the need to donate 5m of land to deliver the road and is a reasonable request.

In summary, the inclusion of the land required for the equestrian trail as well as its construction:

- Is not required for the traffic functioning of the road;
- Represents a planned recreational/open space outcome identified at the PSP scale. It is therefore reasonable to describe the trail as a piece of open space, and not road, infrastructure.

Accordingly, the need for this component is clearly PSP-wide in nature, rather than attributable to any individual development parcel and it is justifiable that precinct-wide infrastructure funds be utilised to enable its provision along McCormacks Road.

### Nexus (ICP Guidelines)

The ICP Guidelines require a clear nexus between the infrastructure and the development it services. The following supports a view that McCormacks Road, at the subject site, forms a clear nexus to the broader PSP and the further areas.

The evidence demonstrates that McCormacks Road:

- Serves a broad catchment across the PSP;
- Accommodates through-movement between precincts;
- Provides network-wide benefits, including traffic redistribution and improved accessibility.

As shown, the proportion of traffic generated outside the immediate catchment to the east (minimum 42%) establishes that there is a direct and substantial nexus between the road and development across the wider PSP.

Vehicles using McCormacks Road to cross Cardinia Creek and head east are shown in the modelling to be ultimately heading to Cardinia Road.

Cardinia Road provides direct access to both state significant (i.e. Officer South Employment PSP) and locally significant (Cardinia Road Employment Precinct (CREP)) employment areas northeast of the PSP area. With there being no current timeframes for the proposed bridges across both Lecky/Grices Rd and Thompsons Rd that would provide practical and orderly access to these employment areas from west of the creek, McCormacks Rd/Cardinia Rd will logically be an important linking route for PSP and broader traffic, especially to CREP and areas further east as these employment are in place/under development and will provide immediate employment opportunities for new residents in the Part 2 PSP. For all residents in this PSP, but especially those in its southern end, there is no other efficient way to get to those employment areas until the bridge infrastructure is provided.

Thus, constructing McCormacks Road to provide access in part to Cardinia Road provides a key piece of infrastructure for the broader areas.

The proposed equestrian trail is a linear open space/recreational facility and provides amenity and recreational benefits to the future PSP community as a whole.

There is no reasonable basis to attribute this infrastructure to the needs of adjacent landowners or the development of a specific sub-area. Accordingly, the nexus for this component is inherently PSP-wide.

The ICP Guidelines require that costs must be apportioned having regard to the extent to which development will benefit from the infrastructure. Limiting cost apportionment to landowners along McCormacks Road, including our client:

- Does not reflect the distribution of traffic demand for the full length of the road in this position;
- Does not reflect the PSP-wide recreational benefit of the equestrian trail;
- Results in a disproportionate cost burden on a subset of developers.

The current approach gives rise to a 'free-rider' outcome, where landowners across the PSP benefit from the delivery of the infrastructure without contributing proportionately to its cost and a misalignment between who pays (adjacent developers) and who benefits (broader PSP landowners) having regard to the network function of the road, the quantified level of external traffic ( $\geq 42\%$ ); and the PSP-wide benefit of the equestrian trail.

It is submitted that a broader apportionment across the PSP is required to satisfy the ICP Guidelines.

Direction 11 requires that amendments deliver a net community benefit. A broader funding model would:

- Enable timely and coordinated delivery of infrastructure;
- Avoid delivery delays arising from disproportionate cost burdens;
- Ensure infrastructure is delivered in a manner that supports:
  - Access to employment areas (Officer South, CREP)
  - Efficient transport outcomes
  - Integrated open space provision
- Avoid the likely scenario where McCormacks Road is only part delivered, halfway along its length as adjoining landowners avoid its construction as they focus on more efficient development scenarios.

Conversely, a narrow apportionment:

- Risks delayed delivery;
- Undermines equitable infrastructure funding;

- Reduces overall efficiency of precinct development.

Direction 11 requires that planning mechanisms clearly demonstrate how costs are allocated; and ensure that infrastructure funding is transparent and justified. A narrow apportionment approach:

- Is not clearly aligned with the evidence of usage and benefit;
- Does not transparently reflect the distribution of demand identified in modelling.

A broader apportionment:

- Provides a clear and evidence-based alignment between:
  - Infrastructure function
  - Benefiting development
  - Cost allocation
  - The efficient delivery of infrastructure across fragmented ownership arrangements

### The potential for inefficiency in road delivery

The McCormacks Rd design is not a standard connector road cross section. It has a unique design inclusion, being the equestrian trail. Further, the road is one sided which is accepted as an inefficient design outcome, particularly for arterial and connector roads and is to be avoided where possible in PSP layouts. Unfortunately, as the boundary of the PSP is McCormacks Road at this point, delivering a one-sided road is unavoidable.

Even so, it is an example of a piece of infrastructure that creates a higher impost on the developers to construct than would otherwise be the case.

It is likely that, should they be required to fund its construction outside their site, developers in this area will be reluctant to construct the road until they can obtain the maximum benefit from the road, being the development of the southern lots that would use the road. Having ICP contributions, especially from those landowners/developers in the immediate area, fund its construction makes sense from an economic and strategic policy basis.

The current PSP proposal, to only provide for the funding of approximately 700m of a 1.9km road from ICP funds is difficult to justify from an efficiency perspective and is at odds with relevant government policy that require infrastructure to be delivered in a timely, efficient and cost-effective manner.

The VPA is charged with identifying such potential inefficacies and road blocks to infrastructure delivery. It has been provided with the guidance of the relevant Ministerial Direction to add such occurrences as is applicable for McCormacks Road.

To not provide ICP funds for the construction of either the additional portion of the road outside the subject site, or indeed the entire 1.9km from the Pattersons Road roundabout to Cardinia Creek would lead to the high potential of a disjointed road delivery causing longer disruptions the new residents than would otherwise be the case if the road was fully constructed in one project.

### Cultural Heritage Management Sensitivity Area

The Proposed Place Based Plan (Plan 2 of the draft PSP) shows a 'Cultural Heritage Management Plan requirement area' on the subject site.

The proposed new section 1.5.2 suggests that "*Development in the precinct must comply with the Aboriginal Heritage Act 2006 (Vic) and all relevant statutory requirements including requirements of approved Cultural Heritage Management Plans.*"

Unchanged Requirement R13 notes that "*Identified areas of high sensitivity for Aboriginal cultural heritage within the Cardinia Creek and Clyde Creek corridors as shown on Figure 2 must generally be retained and left undisturbed*"

A Cultural Heritage Management Plan (CHMP) is under preparation for the site and is well advanced. It is likely that the CHMP will be completed prior to the adoption of the amendment and so the identification inserted into Plan 2 will not be relevant.

Even if the CHMP is not completed, the placement of such designations in the draft PSP is unnecessary. The discovery and treatment of Aboriginal cultural heritage is managed via the Aboriginal Heritage Act (AHA) which has detailed legislation concerning the treatment of artefacts.

Whilst considerable terminology from the Planning and Environment Act pertaining to land use descriptions is replicated in the AHA, the primary interaction between the Acts is limited to the requirements that enable a Responsible Authority to issue planning approvals, when a CHMP is required. There is no strategic planning, or Planning authority requirements emanating from the AHA in its legislation.

Further, the identification of culturally significant areas is presented in detail at the 'achris' online mapping tool, and the accompanying Aboriginal heritage regulations prescribe the assessment process to determine if a CHMP is required, and guide how to prepare the CHMP.

Accordingly, the insertion into a PSP of an identified cultural heritage area is not required from a Strategic Planning perspective. Nor are any management statements or guidelines as the treatment of cultural heritage is clearly guided by the Aboriginal heritage act.

The Precinct Structure Plan is designed to guide future land use arrangements and community building outcomes at the high, strategic level. It is not designed to capture individual property details that are addressed via other legislation. We note that the PSP does not, for instance, include the detailed future plans for the 100m conservation land, but simply identifies it as being required to be handed over, and its required physical state for vesting that it should be (which is explained at Requirement R104).

Our client requests that this identification of the sensitive area on their site be removed from Plan 2. The new section 1.5.2 is superfluous as it simply states an existing legislative requirement and does not qualify as strategic planning and its proposed inclusion should also be considered for removal.

## 5. REQUEST

This submission requests that Amendment C306 case be modified to:

1. **Review the area allocations pertaining to the subject site**
2. **Update the PSP to reflect updated outcomes for drainage infrastructure in the Part 2 PSP**
3. **Clarify the proposed road cross section for McCormacks Road outside the subject site and amend the PSP if necessary**
4. **Extend the current proposed Supplementary ICP to include the funding of the construction and/or upgrade of McCormacks Road adjacent to the subject land in road project RD-08;**
5. **Consider applying ICP funds to construct the entire 1.9km length of McCormacks Road to avoid the disjointed, disruptive and inefficient construction of the road; and**
6. **Remove the reference to a culturally sensitive area from the landowner's site.**

We look forward to discussing this submission further with the VPA.



Manager Design and Strategy  
@bevwill.com.au |