

TOWN PLANNING

1 AMENDMENT C234 - PAKENHAM EAST PRECINCT STRUCTURE PLAN

FILE REFERENCE INT1816958

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RECOMMENDATION

That Council:

1. Endorse Attachment 2 (Council submission to Amendment C234) and send to the Victorian Planning Authority regarding proposed Amendment C234 - Pakenham East Precinct Structure Plan.
2. Requests the Minister for Planning does not approve the Precinct Structure Plan until the Infrastructure Contributions Plan issues are resolved.

Attachments

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| 1 Pakenham East Precinct Structure Plan | 104 Pages |
| 2 Council submission to Amendment C234 | 53 Pages |
| 3 Summary of feedback from public during community drop-in events | 2 Pages |

EXECUTIVE SUMMARY

The Victorian Planning Authority (VPA) is currently preparing Amendment C234 to the Cardinia Planning Scheme. The Amendment proposes to facilitate the future development of the Pakenham East Precinct Structure Plan (PSP) area. The Victorian Planning Authority estimates that the precinct will ultimately accommodate 22,200 new local residents, in approximately 7148 dwellings and yield 1312 ongoing jobs.

It is recommended that Council generally supports Amendment C234 and its proposed planning controls, subject to specific changes requested in Attachment 2 and the resolve of issues associated with the Infrastructure Contributions Plan.

BACKGROUND

Pakenham East Precinct Structure Plan is a long-term strategic plan to guide urban development. It describes how land is expected to be developed, what natural assets must be protected, the infrastructure and services planned to support the new and growing community and how items will be funded and delivered through an Infrastructure Contribution Plan (ICP). A separate Planning Scheme Amendment for the Infrastructure Contributions Plan will be developed by the Victorian Planning Authority, however the timing of this is uncertain.

The Pakenham East Precinct Structure Plan covers approximately 629.82 hectares of land generally bounded by an electricity transmission line to the north, Mount Ararat Road to the east, the Princes Freeway to the south and Deep Creek and Ryan Road to the west. The Pakenham East

Precinct Structure Plan (Attachment 1) aims to facilitate a residential precinct with supporting community facilities, open space and activity centres.

The Pakenham East Precinct Structure Plan area was included within the Urban Growth Boundary in 2012, through the State Governments 'Logical Inclusion Process'. The Pakenham East area was subsequently identified in the South- East Growth Corridor Plan (August 2012) as the location for residential use.

Council entered into a Memorandum of Understanding with the Victorian Planning Authority (VPA) in 2013 to prepare the Precinct Structure Plan, based on a collaborative partnership model. A project plan was developed which provided for a number of hold points, where the Victorian Planning Authority signed off on for each stage of the project, ensuring a greater level of alignment through the Precinct Structure Plan process.

The Precinct Structure Plan process involved four key phases as shown in Table 1

Table 1

Phase	Stages
1	Pre-planning: Involves project initiation and commissioning of background studies
2	Planning: Development of a vision and preparation of a draft future urban structure, precinct structure plan, native vegetation plan, Drainage Scheme and infrastructure plan.
3	Finalisation of Draft Documents: Involves a pre-exhibition agency consultation period, issue resolution and subsequent finalisation of all documents prepared in Phase Two.
4	Amendment: Exhibition of Planning Scheme Amendment to introduce the Pakenham East Precinct Structure Plan into the Cardinia Planning Scheme

The Victorian Planning Authority is responsible for phase four and implementing the Precinct Structure Plan through Planning Scheme Amendment C234.

Amendment C234 (Pakenham East Precinct Structure Plan) was formally placed on public exhibition for six weeks from the 15 January 2018 until the 23 February 2018.

Based on the exhibited Amendment C234, Council staff are recommending a variety of changes as shown in Attachment 2, with key changes and/or issues outlined later in this report.

Submissions that cannot be resolved by the VPA will be referred to an independent Planning Panel, currently schedule for April 2018.

POLICY IMPLICATIONS

Amendment C234 (Pakenham East Precinct Structure Plan) has been prepared with guidance from key Commonwealth, State, and Local Planning policies.

Key policy documents utilised for guidance include:

- Commonwealth Policy and Legislation:
 - Environmental Protection and Biodiversity Conservation (EPBC) Act 1999
- State Policy and Legislation
 - Fauna and Flora Guarantee Act (1988)
 - Planning and Environment Act (1987)
 - Victoria Planning Provisions
 - Plan Melbourne refresh (2014)
 - South East Growth Corridor Plan (August 2012)
 - Precinct Structure Planning Guidelines
 - Transport Integration Act (2010)
 - Biodiversity Assessment Guidelines for the Permitted Clearing of Native Vegetation (2013)
- Local Policies:
 - The preparation of the PSP will implement provisions of the Cardinia Municipal Strategic Statement (MSS) and align with a variety of Council policies.

RELEVANCE TO COUNCIL PLAN

The Council Plan seeks to balance the needs of development, the community and the environment. This balance has been a key consideration in the preparation of Pakenham East Precinct Structure Plan. The Precinct relates to the main principles of Councils Plan:

Our Environment

- The delivery of the PSP will develop transport networks that incorporate effective public transport, pedestrian and cycling facilities.
- The delivery of the PSP will manage water resources in an integrated manner, and protect and enhance biodiversity.
- The PSP will provide a built environment that supports health and wellbeing and protect natural environments.

Our Community

- Balanced needs of development, the community and the environment.
- The PSP will plan for the development of complementary land uses required to meet the needs of the future community in a sustainable manner.

Our Economy

- The PSP will plan for the provision of local services that support the wellbeing of our communities.
- A local economy supporting the improved health and wellbeing of our communities.

Preparation of the Pakenham East Precinct Structure Plan and Amendment is a specific action of the Council Plan for 2016/2017.

CONSULTATION/COMMUNICATION

Amendment C234 (Pakenham East Precinct Structure Plan) was formally placed on public exhibition for six weeks from the 15 January 2018 until the 23 February 2018.

The exhibition program included:

- A mail out to all landowners and adjacent residents, people who'd asked to be kept informed, State government departments and agencies.

- The development of an exhibition poster and flier which was displayed at Nar Nar Goon Post Office and Council Office.
- A hard copy of the Amendment and Pakenham East Precinct Structure Plan was available at Council's Office for the community to view.
- A drop in community information session was held on:
 - Tuesday 6th February from 4.30pm to 6.00pm at the Pakenham Library Hall. A total of 41 people attended.
 - Tuesday 13th February from 5.30pm to 7.30pm at the Nar Nar Goon Soldiers Memorial Hall. A total of 43 people attended.
 - Thursday 15th February from 5.30pm to 7.00pm at the Pakenham Library Hall. A total of 59 people attended.
- One on one meetings with landowners to discuss the Precinct Structure Plan.
- Articles in the Pakenham Gazette and Nar Nar Goon 'Goon News'.

Please refer to Attachment 3 indicating a summary of feedback from the public during the community drop-in events.

All submissions submitted to the Victorian Planning Authority will be made public on their website in the near future.

Submissions that cannot be resolved by the VPA will be referred to an independent Planning Panel, currently schedule for April 2018.

Summary of Councils Submission to C234

It is recommended that Cardinia Shire Council generally support Amendment C234, subject to changes as requested in Attachment 2 and the resolve of issues associated with the Infrastructure Contributions Plan. A summary of the key issues are stated below:

Housing Density

1. The exhibited amendment proposes to use the Residential Growth Zone (RGZ) as the applied zone inside the walkable catchment boundary. The purpose of the RGZ is to provide housing at an increased density in buildings up to and including four storeys. The density of development in this area is proposed to be 22 dwellings per hectare. Is 22 dwellings per hectare appropriate on the outer edge of the urban growth boundary? Council also requires discussion on the term 'minimum average' stated in the Precinct Structure Plan. The wording minimum average sets the expectation that development densities will be higher than 22 dwellings per hectare. This places uncertainty on community infrastructure and the assumptions made for these provisions. If 30 dwellings per hectare is actually achieved the impact is that community infrastructure will be undersupplied. The minimum average is essentially setting up an Infrastructure Contributions Plan to deliver shortfalls in community infrastructure.
2. The exhibited amendment proposes to use the General Residential Zone (GRZ) as the applied zone for land along Ryan Road and Mount Ararat North-South Road. The area is identified as Housing Area 1 in the Precinct Structure Plan and proposes design guidelines to assist with implementing appropriate building interfaces as a transition to existing dwellings and rural land holdings. The size of the lots on average are 600 sqm and Council requires the lot size to be increased to provide an appropriate transition to these areas.
3. The exhibited amendment proposes to use the General Residential Zone (GRZ) as the applied zone for a pocket of land along Ryan Road. The area is identified as Housing Area 2 in the Precinct Structure Plan and proposes 800 sqm lots. A coordinated drainage plan, fill plan and concept plan is required to provide appropriate guidance on the development of Housing Area 2

and to confirm that decreasing the present lots from 4000 sqm to 800 sqm is appropriate and can be implemented without implications on adjoining properties.

4. The exhibited amendment proposes to use the General Residential Zone (GRZ) as the applied zone for land along the Electricity Easement (high power tension line). The area is identified as Housing Area 3 in the Precinct Structure Plan and proposes 2000sqm lots. Larger lot sizes greater than 2000 sqm is required as the size of the land outside of the electricity easement is not large enough to assist landowners to build appropriate sheds or ancillary buildings for this type of lifestyle topology proposed. No buildings can be built on the Electricity easement.

Guidelines for Slope Management in Subdivisions

The exhibited amendment proposes the Guidelines for Slope Management in Subdivisions as a reference document. The document will be used to guide developers and/or landowners on the extent of planning controls (role and function of the slope management guideline) and the exercise of discretion by the responsible authority. The document is essential to the proper functioning of the planning scheme and decision making process and therefore it is suggested the Guideline for Slope Management in Subdivisions should be incorporated into the Planning Scheme under Clause 81.01 of the Cardinia Planning Scheme instead of a reference document.

Town Centre and Local Convenience Centre

1. The exhibited amendment proposes a concept plan for the town centre but not the local convenience centre. Council has developed a concept plan for the local convenience centre to guide the layout and future development of the local convenience centre and would like this plan placed in the Precinct Structure Plan

2. The exhibited amendment proposes to make the Victorian Planning Authority a determining referral authority under Clause 66.04 of the Cardinia Planning Scheme for any application to subdivide or construct or carry out works (where the value of those works is in excess of \$500,000) on land in the Local Town Centre. Council has worked closely with the Victorian Planning Authority with the development of the concept plan for the local town centre and strongly believe their involvement at the planning permit stage is unnecessary, especially for a local town centre that is not a major activity centre. It is considered the Victorian Planning Authority should be a recommending referral authority instead of a determining referral authority.

Open Space

The exhibited amendment demonstrates two concept plans for proposed sporting reserves. Council needs to be confident that these sites can appropriately fit all facilities on site. It is considered Figure 4 (Sports Reserve 2 Concept Plan) does not provide enough land to appropriately accommodate the sporting facilities on site. It is considered the allocation of land to this site needs to be increased by 1 hectare or more. If additional land is not provided the sporting reserve will ultimately only fit two ovals instead of three ovals and create a shortage in sporting facilities within the Precinct.

Community Centres

The exhibited amendment proposes three community centres of which:

- Two community centres are designated as level 1 centres with 0.4 hectares or 4000sqm of land and attached to the State Government Primary Schools.
- One community centre is designated as a Level 2 Centre (multipurpose community centre) with 1 hectare of land located within the local town centre.

Council supports the land size for the Level 2 community centre. It is considered that additional land is required for the Level 1 community centres and the land requirement needs to be increased from 0.4 to 0.6 hectares. Level 1 Community Centres are generally delivered with early childhood facilities and are typically co-located with government primary schools as part of a community hub

that provides range of services and facilities (e.g. schools, kindergartens and maternal and child health) in one hub effectively creates a 'one-stop-shop'. If the hub remains at 0.4 hectare Council will be unable to deliver appropriate services for the growing community and there will be a shortfall in services which will have a ripple effect and place additional pressure on existing services.

Biodiversity

The amendment has been exhibited with a Deep Creek Concept Plan (Figure 6) in the Precinct Structure Plan, which demonstrates a 30 metre conservation interface zone. Council supports a buffer of 30 metres from the existing conservation areas within the existing Deep Creek corridor to be planted with appropriate local indigenous species to assist with the protection of Deep Creek and its biodiversity values. Further advice from DELWP and Melbourne Water is required to determine appropriateness and lead agency to implement.

Council is concerned that the location of the 30 metre buffer zone (as shown in Figure 6) outside the Deep Creek Corridor (100 metre) excludes buildings and will cause conflict between the intent of the planning zone proposed and the intent of the conservation zone. Council's preference is for an appropriate conservation cross-section interface (Section 9) to be implemented and shown on Figure 6 to provide a consistent approach to land outside the Deep Creek Corridor (100 metre setback)

Native vegetation offsets (money) will be collected as part of the Native Vegetation Precinct Plan. Council seeks clarification that the money collected as part of the Native Vegetation Precinct Plan can be used in the Pakenham East Precinct towards conservation areas identified within the Precinct.

The land in the PSP is not identified as a conservation area or reserve under Melbourne Strategic Assessment and/or the Biodiversity Conservation Strategy.

Transport

The amendment has been exhibited with a proposed road hierarchy and road cross-sections that are not too dissimilar to Council's preferred road hierarchy and cross-sections as shown in Attachment 2. Council has commissioned a Traffic Impact Assessment for both the exhibited Amendment road hierarchy and Council's preferred road hierarchy to inform its position. Further advice will be provided to the Victorian Planning Authority of the outcomes of the Traffic Impact Assessment in the near future.

The exhibited amendment proposes four signalised intersections along Princes Highway and all, except one, are identified to be 100% delivered by the Infrastructure Contributions Plan. The Ryan Road intersection is 50% funded by the Infrastructure Contributions Plan. This poses a serious risk to Council, as the land holder to the north of the intersection is likely to challenge any future planning permit requiring a monetary contribution to the intersection. This could result in a Victorian Civil Administration Tribunal hearing, of which the outcome may not be in Council's favour.

Council also needs clarity on the design of an interim intersection and costs for a full t-intersection.

City Gate (transfer and metering station) and pipeline

A city gate transfer and metering station for gas is located along Dore Road. Council is presently undertaking a noise assessment of the existing city gate to understand what noise impacts, buffers and mitigation must occur in the vicinity of the city gate and further advice will be provided to the Victorian Planning Authority as soon as practical.

Council is aware the southern section of the Pakenham East Precinct Structure Plan is intersected by the Bass Gas Sales Gas Pipeline, which originates from the Lang Lang Gas Plant and terminate at the Transfer and Metering station at Dore Road. Council would like clarification the pipeline is located within an easement to assist the education of adjacent landowners, developers and builders and to minimise risks to the high power pressure natural gas transmission line.

Infrastructure Contributions Plan

Local infrastructure for the Pakenham East Precinct Structure Plan will be facilitated through an Infrastructure Contributions Plan (ICP). A separate Planning Scheme Amendment for the Infrastructure Contributions Plan will be developed by the Victorian Planning Authority, however the timing of this is uncertain.

Infrastructure Contributions Plan:

- Establishes the statutory mechanism for developers to make a financial contribution towards the cost of infrastructure projects;
- Confirms what funds will be collected through a standard levy; and
- Resolves what credits will be funded back to landowners who partly funded the preparation of the Precinct Structure Plan

Council has considered the anticipated contributions of the residential and employment areas and estimated costings for the delivery of listed transport, recreation and community infrastructure categories and is concerned that the Infrastructure Contributions Plan will provide insufficient funding, specifically for the recreation and community category. It is understood that the Victorian Planning Authority do not propose to apply a supplementary levy for Pakenham East.

The risks associated with the Infrastructure Contributions Plan include:

- Infrastructure to be funded by the levy, Council may not use surplus Transport and Public Land funds to address any deficit in Community and Recreation costs, other than through Ministerial Approval. This presents a risk to Council given that initial cost estimates for infrastructure is close to the maximum revenue that can be collected. Council will need to fund infrastructure for community and recreation items not included in the Infrastructure Contributions Plan scope. At the end of the Infrastructure Contributions Plan project Council can apply to transfer any surplus money (if any) from Transport and Public Land Funds to community and recreation. This presents a serious financial risk to Council.
- During the land development process, Council may accept the delivery of ICP land or infrastructure as works in kind in place of monetary contributions for land owners/developers. The scope of negotiation and the need to be satisfied that the costs estimates accurately reflect the costs of providing the infrastructure means that Council may be exposed to the funding risks if actual costs significantly exceed ICP cost estimates.
- The Precinct Infrastructure Plan (Table 8 in Precinct Structure Plan) identifies indicative timing for the items, but these are not translated into ICP information or infrastructure triggers. Please refer to Attachment 2 and in specific Table 8 Precinct Infrastructure highlighting Councils concerns with the proposed Infrastructure Contributions Plan.

FINANCIAL AND RESOURCE IMPLICATIONS

The preparation of the Pakenham East Precinct Structure Plan has been funded by landowners within the Precinct (with credits provided against future development/infrastructure contributions).

The Planning Scheme Amendment process and potential planning panel hearing will be funded by the Victorian Planning Authority as per the Memorandum of Understanding 2013

Please refer to the Section above regarding the Infrastructure Contributions Plan.

CONCLUSION

Accordingly it is recommended that Council:

1. Endorse Attachment 2 (Council submission to Amendment C234) and send to the Victorian Planning Authority regarding proposed Amendment C234 - Pakenham East Precinct Structure Plan
2. Request the Minister for Planning does not approve the Precinct Structure Plan until the Infrastructure Contributions Plan issues are resolved.