

## 6 Ordinary Business

### 6.1 Town Planning Reports

#### 6.1.1 Pakenham South Employment Precinct Structure Plan - Amendment C265

**Responsible GM:** Luke Connell

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#### Recommendation(s)

That Council:

1. Adopt the Pakenham South Employment Precinct Structure Plan (PSP) with changes as per the Panel recommendations.
2. Under section 29 of Planning and Environment Act 1987 adopt Amendment C265 to the Cardinia Planning Scheme
3. Under section 31 of the *Planning and Environment Act 1987* submit adopted Amendment C265 to the Minister for Planning for approval
4. Advise all submitters to Amendment C265 of Council's resolution.
5. Seek authorisation from the Minister for Planning under section 8A(2) of the Planning and Environment Act 1987 to prepare a Planning Scheme Amendment which proposes to introduce the associated Pakenham South Employment Infrastructure Contributions Plan (ICP).

#### Attachments

1. Cardinia C265 card Explanatory Report [6.1.1.1 - 12 pages]
2. Cardinia C265 Panel Report [6.1.1.2 - 50 pages]

#### Executive Summary

The purpose of this report is for Council to consider the recommendations of the Ministerial Planning Panel, the adoption of Amendment C265 into the Cardinia Planning Scheme and to seek authorisation from the Minister for Planning to prepare the associated Pakenham South Infrastructure Contributions Plan (ICP).

The Pakenham South Employment PSP has been prepared to facilitate 185 hectares of employment land within a State Significant Industrial Precinct. The PSP seeks to provide approximately 3,500 job opportunities and sets the vision for how the land should be developed to ensure a high standard of urban design and amenity.

Amendment C265 was exhibited for a period of six weeks from 15 October 2020 to the 26 November 2020.

Thirteen submissions were received from a mix of state government authorities and landowners. The most prominent issues seen throughout the submissions were in relation to the premature oversupply of employment land, traffic and associated infrastructure, the boundaries of the precinct, suggested changes to the Design Guidelines and various Authority comments.

At the General Council Meeting 15 February 2021, Council resolved to refer the submissions to an independent Planning Panel.

A Planning Panel hearing was held on the 12 and 13 April 2021 and considered all submissions and Council's response to the submissions. The Panel provided their report to Council and recommended Amendment C265 be adopted as exhibited with changes.

Council officers have considered the Panel Report and recommend that Amendment C265 be adopted with the changes outlined in this report and submitted to the Minister for Planning for approval.

The Pakenham South Precinct Structure Plan has established the planning vision for subject area and identified future infrastructure required for the area. The purpose of an Infrastructure Contributions Plan (ICP) is to fund the identified future infrastructure within the PSP. The ICP is a statutory document that will be incorporated into the planning scheme and must be prepared in accordance with Section 46 of the Planning and Environment Act 1987.

## Background

The Pakenham South Employment Precinct forms part of the Pakenham/Officer State Significant Industrial Precincts. The PSP land is located directly south of the Industrial South East Business Park and south west of the Livestock Exchange.

The precinct is bound by:

- Greenhills Road to the north;
- Healesville-Koo Wee Rup Road to the east;
- Green Wedge land to the south; and
- McGregor Road to the west.



Figure 1. Location of PSP precinct

## The Vision

The PSP will provide opportunities for industries to operate in a defined employment hub, appropriately located away from sensitive residential areas. Businesses requiring larger lots

and buffer distances will be attracted to the precinct with its limited environmental and topographical issues and accessibility to infrastructure, nearby services and freight connections.

A diverse mix of industrial, manufacturing, warehouses and commercial jobs within the precinct will enable residents living in Cardinia and its surrounds the opportunity to work closer to home and reduce commute times.

The PSP area will include:

- A local convenience centre with adjacent open space
- Local parks
- Shared path network
- Access to public transport and bus capable roads throughout

### **Policy Implications**

The PSP aligns with key Commonwealth, State, and local policies as they relate to the planning of an employment PSP.

#### ***Plan Melbourne 2017 - 2050 Melbourne Metropolitan Planning Strategy***

The relevant directions and policies of Plan Melbourne are as follows:

- Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment
- Policy 1.1.6 - Plan for industrial land in the right locations to support employment and investment opportunities
- Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live
- Policy 1.2.2 - Facilitate investment in Melbourne's outer areas to increase local access to employment

#### ***Cardinia Shire Liveability Plan 2017 – 2029***

In particular, it aligns with the following policies:

- Employment - to increase participation in local employment by facilitating investment in the local economy that creates new job opportunities and pathways that enable employment opportunities.
- Open Spaces and Places - to increase participation in open spaces and places by strategically planning and maintaining open spaces and places to be safe, accessible, appealing and connected.

#### ***Cardinia Planning Scheme***

- Clause 11.02-2S Structure planning - to facilitate the orderly development of urban areas through the preparation of precinct structure plans
- Clause 11.03-2S Growth areas - provide for significant amounts of local employment opportunities
- Clause 17.03-1S Industrial land supply - to ensure availability of land for industry
- Clause 17.03-3S State significant industrial land - to protect industrial land of state significance
- Clause 21.03-2 Urban growth area - to create a functional, attractive, safe and sustainable urban environment for the existing and future community
- Clause 21.04-1 Employment - to develop diverse local employment opportunities to meet the needs of a growing residential population

The PSP document is also informed by:

- Precinct Structure Planning Guidelines
- South East Growth Corridor Plans (2012)
- Biodiversity Conservation Strategy and Sub Regional Species Strategies for Melbourne's Growth Areas (2013)
- The Pakenham South Employment Background Report 2019

### ***What does Amendment C265 do?***

Amendment C265 seeks to incorporate the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme and make a number of related changes.

### **Relevance to Council Plan**

The PSP aligns with Section 4 of the Council Plan, Our Economy which seeks to create and support local employment and business opportunities for our community and the wider region.

- 4.1.1 Plan for and support local employment opportunities
- 4.1.3 Plan for a staged development of the Officer-Pakenham employment precinct

### ***Climate emergency consideration***

The future implementation and development of the PSP is guided by the following objective:

- Prepare for the impacts of climate change by encouraging resilient, environmentally sustainable design and development across the precinct.

### ***Exhibition and Submissions***

Amendment C265 was placed on exhibition for a period of six weeks from 15 October 2020 - 26 November 2020.

A notice was placed in the Pakenham Gazette (14 October 2020) and Government Gazette (15 October 2020). Letters were sent to all landowners and occupiers within the precinct and surrounds (274 letters) on 9 October 2020. Emails were sent to all relevant authorities and agencies, community groups and Government Ministers on 13 October 2020.

A total of thirteen submissions were received during the exhibition period.

- Post exhibition changes to the Amendment

Council considered all submissions at its meeting on 15 February 2021.

In response to submissions, Council resolved to refer all submissions for consideration to an Independent Planning Panel in accordance with section 23 of the Planning and Environment Act 1987.

## **The Ministerial Planning Panel and Report**

### ***Directions Hearing***

A Directions Hearing was held via video conference on 12 March 2021, which was attended by Council officers and several submitters.

Planning Panels Victoria advised Council that the Panel would consider all submissions, and the Panel Hearing would be held online on 12 and 13 April with 14 April held in reserve.

### ***Panel Report***

Council received the Panel Report on 12 May 2021, and DELWP made it public on 20 May 2021. The Panel Report can be found at Attachment 2.

**Issues raised by the submissions**

The Panel summarised the issues requiring consideration as follows:

- Premature release of more employment land
- Traffic and associated issues
- Buffers around existing uses external to the site
- Boundaries of the PSP area
- Changes to design Requirements and Guidelines
- Other minor changes to Amendment documentation.

In summary, in its consideration of these issues, the Panel made the following conclusions and recommendations.

The Panel concluded that:

- The PSP is strategically justified and well supported in State and local policy.
- The approval of the PSP is not premature but will result in the availability of significant zoned and development ready industrial land in the Cardinia Shire to accommodate future job provision.
- Minor changes should be made to the PSP to accommodate a buffer to the G&K O'Connor abattoir approved masterplan area and to accommodate a larger footprint intersection onto Greenhills Road and Koo Wee Rup Road.
- A new road onto Greenhills Road should be provided at the eastern boundary of Property 1, in which the Jane Property Group has an interest.
- Several other minor changes be made to the PSP.

The Panel recommended that the Cardinia Planning Scheme Amendment C265 be adopted as exhibited, subject to the following:

1. Amend Plan 4 to:
  - a. include a buffer to the G&K O'Connor Pty Ltd site, broadly in the location as proposed in Figure 4 of this report and amend Appendix B to reference this buffer.
  - b. include a north south road abutting the eastern boundary of Property 1 with access to Greenhills Road.
  - c. delete the section of road internal to the precinct that is parallel to McGregor Road.
2. Amend Plan 9 to recognise the area to which the Public Acquisitions Overlay is to be applied in the north east corner of the precinct can accommodate an intersection as proposed by Mr Turnbull and represented in Figure 6 of this report.
3. Amend Plan 10 to designate the alignment of the shared path which follows the boundary of the Public Acquisitions Overlay in the south west corner of the Precinct Structure Plan as "future alignment in the vicinity of the Public Acquisition Overlay boundary to be determined to the satisfaction of the Responsible Authority."
4. Amend Plan 12 to delete the sewage pump station located in the north west corner.
5. Amend Table 4 to:
  - a. add the land and construction for a roundabout on McGregor Road approximately half-way along the McGregor Road frontage.
  - b. Delete project RD01
  - c. amend the description of IN02 to make clear the Major Road Projects Victoria is responsible for the project, that 'interim construction' shows that the project is not the responsibility of the PSP and that the timing is 'S'.
6. Amend the text and Plans as outlined in the Panel's recommendations in Table 5 of this Report.



## Response to the Panel Report

All recommendations of the Panel are recommended to be accepted.

## Next Steps

We are at the final stage 4 of the Planning Scheme Amendment process.



• **Figure 2. Steps in the Planning Scheme Amendment Process**

As detailed in Figure 2 above, after considering the Panel Report and its recommendations, Council must decide whether to:

- abandon the amendment;
- adopted the amendment;
- adopt the amendment with changes; or
- adopt the amendment with no changes.

If Council resolves to adopt the Amendment with changes as recommended, officers will finalise the Amendment Documents and submit these to the Minister for Planning for Approval (Stage 5). Ministerial Approval timeframes cannot be confirmed at the time of preparing this report and are subject to DELWP's internal processes.

## Financial and Resource Implications

The costs associated with the Amendment are funded by Council and the project is accounted for in the Growth Area Planning budget for 2020-2021 and 2021-2022.

## Conclusion

A Planning Panel has considered all submissions and recommended that Amendment C265 be adopted as exhibited with changes. Therefore, it is recommended that Council:

1. Adopt the Pakenham South Employment Precinct Structure Plan (PSP) with changes as per the Panel recommendations.
2. Under section 29 of Planning and Environment Act 1987 adopt Amendment C265 to the Cardinia Planning Scheme
3. Under section 31 of the *Planning and Environment Act 1987* submit adopted Amendment C265 to the Minister for Planning for approval
4. Advise all submitters to Amendment C265 of Council's resolution.
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*Planning and Environment Act 1987*

## **CARDINIA PLANNING SCHEME**

### **AMENDMENT C265card**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by Cardinia Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Cardinia Shire Council.

##### **Land affected by the amendment**

The amendment applies to approximately 185 hectares of land generally bound by Greenhills Road to the north, Healesville-Koo Wee Rup Road to the east, Green Wedge zoned land to the south and McGregor Road to the west, as shown in Map 1.

**Map 1**



##### **What the amendment does**

The amendment incorporates a new document into the Cardinia Planning Scheme titled *Pakenham South Employment Precinct Structure Plan, October 2020 (PSP)*, rezones the land to Urban Growth Zone Schedule 6 to facilitate the development of the land generally in accordance with the PSP and makes a number of other consequential changes to the Cardinia Planning Scheme to support the implementation of the PSP.

More specifically, the amendment:

- Introduces Schedule 6 to Clause 37.07 Urban Growth Zone (UGZ6) and rezones the land within the precinct from UGZ to UGZ6.
- Amends the Schedule to Clause 43.01 Heritage Overlay to:
  - Insert HO14 to the following individual heritage place identified in the *Pakenham South Employment Precinct Post-Contact Heritage Assessment, 2014 (revised January 2020)*:
    - 'Windarra', 40 Greenhills Road, Pakenham
  - Delete HO42 from the following heritage place identified in the *Pakenham South Employment Precinct Post-Contact Heritage Assessment, 2014 (revised January 2020)*:
    - 'ITU Milking Shed', 100 Greenhills Road, Pakenham
- Introduces Schedule 2 to Clause 43.03 Incorporated Plan Overlay (IPO2). The schedule gives affect to the PSP for the wetland area located south of the precinct.
- Amends the Schedule to Clause 45.01 Public Acquisition Overlay (PAO) to include planning scheme map PAO7 which will be applied to the wetlands area located south of the precinct and identifies Melbourne Water Corporation as acquiring authority.
- Amends the Schedule to Clause 52.17 to provide an exemption from requiring a planning permit to clear native vegetation where it is carried out in accordance with the approvals made pursuant to section 146B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- Amends the Schedule to Clause 66.04 to require referrals for planning permit applications within the Pakenham Water Recycling Plant buffer to South East Water.
- Amends the Schedule to Clause 72.03 to update the list of planning scheme maps.
- Amends the Schedule to Clause 72.04 to include new incorporated documents titled:
  - *Pakenham South Employment Precinct Structure Plan, October 2020*
  - *Windarra, 40 Greenhills Road Pakenham, Incorporated Plan, September 2020*
  - *Windarra, 40 Greenhills Road Pakenham, Statement of Significance, September 2020*
- Amends the planning scheme maps accordingly.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment introduces planning provisions to implement the Planning Policy Framework by facilitating a new urban development and opportunities for job creation within an identified State Significant Industrial Precinct.

The planning scheme amendment allows for urban development outcomes that are specifically tailored to the precinct and should result in more certain and efficient regulation of the use and development of the land.

The amendment provides a balanced outcome in favour of net community benefit. The certainty provided by the amendment in terms of land use, development and infrastructure provides for a transparent and informed investment for developers, while delivering a clear picture for the future of the land for surrounding businesses and residents.

The amendment will implement further land for industrial use in accordance with the land's location identified within a State Significant Industrial Precinct in Melbourne's south east growth corridor. The amendment also complements existing provisions of the scheme. In particular, the amendment streamlines and integrates processes for infrastructure provision, native vegetation management and diversity in employment opportunities.

The UGZ6 details the uses permitted within the precinct, along with the statutory requirements for planning permits and permit applications in accordance with the PSP.



### **How does the amendment implement the objectives of planning in Victoria?**

#### *To provide for the fair, orderly, economic and sustainable use and development of land.*

The Pakenham South Employment precinct forms part of a State Significant Industrial Precinct in Melbourne's south east growth corridor within the Urban Growth Boundary.

The precinct represents a logical and orderly extension of the adjacent industrial land uses.

The precinct will provide for a range of employment opportunities providing economic benefit for local residents and business owners.

The precinct has been planned to include a local convenience centre, several parks and shared paths throughout making them accessible by walking and cycling. This approach should provide workers with a high standard of amenity and reduced need for reliance on a vehicle leading to a more sustainable precinct.

#### *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

The precinct does not contain any flowing waterways with Deep Creek located outside the PSP area in the south east corner. Further west of the site, approximately 1 kilometre, is Toomuc Creek. An adjacent waterbody to the Toomuc Creek, also outside of the PSP area, has been identified as a habitat for nationally threatened species the Growling Grass Frog.

The study area is highly modified and dominated by exotic pasture grasses of low ecological value. Very little remnant vegetation remains with only small patches mainly along roadsides.

The precinct is identified within the Biodiversity Conservation Strategy however, there is no requirement within the site for any biodiversity conservation. A referral of the PSP was made to the Melbourne Strategic Assessment team of DELWP who provided the following exemption to be included in the Schedule to Clause 52.17:

*All native vegetation removal, destruction or lopping of which is required for any development that is subject to and carried out in accordance with 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' made pursuant to section 146B of the Environment Protection and Biodiversity Conservation Act 1999 (Cth).*

The proposed rezoning and future industrial precinct is likely to have a minimal impact upon ecological values. The PSP provides requirements and guidelines to ensure infrastructure is designed to minimise impacts on biodiversity values.

#### *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*

The PSP will contain requirements that regulate the subdivision and development of land so as to create an employment precinct with a high standard of urban design and amenity. Open space areas and a path network linked via integrated public transport will provide nearby residents with good access to local employment opportunities.

The protection of a heritage building on the dominant ridgeline within the PSP area and incorporating this building within a local park setting adjacent to the local convenience centre, will assist in creating a sense of place within the precinct, as well as providing for passive recreation spaces.

#### *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

A background study informing the amendment has identified several places within the precinct comprising very low density stone artefact scatters. These artefact scatters possess very low scientific significance and high cultural significance in terms of Aboriginal cultural heritage. The located artefacts have been collected and recorded. An approved Cultural Heritage Management Plan for the precinct does not provide any specific management requirements for the area. Development proponents are required to comply with the *Aboriginal Heritage Act 2006* in relation to any matters of aboriginal significance on the land.

The amendment amends the Schedule to the Heritage Overlay to include a new heritage place in the Scheme. The heritage overlay will protect the following heritage place identified in the heritage background report, titled *Pakenham South Employment Precinct Post-Contact Heritage Assessment, 2014 (revised January 2020)*:

- HO14 - 'Windarra', 40 Greenhills Road, Pakenham (Individual Place with tree controls)

The curtilage to the heritage place is smaller than the title boundary and has been drawn to provide adequate protection for the identified elements of heritage significance, their setting and context. The *Pakenham South Employment Precinct Post-Contact Heritage Assessment, 2014 (revised January 2020)* identifies two potential curtilage areas, one proposed in 2014 and Council's preferred curtilage proposed in 2020 which is reduced to exclude two deteriorated outbuildings.

The PSP includes a number of requirements and guidelines that seek to ensure that the heritage place is protected from inappropriate urban development, and properly integrated with future surrounding subdivision.

The amendment also amends the Schedule to the Heritage Overlay to remove an existing heritage place from the Scheme:

- HO42 – 'IYU Milking Shed' – 100 Greenhills Road, Pakenham

The heritage background report, titled *Pakenham South Employment Precinct Post-Contact Heritage Assessment, 2014 (revised January 2020)*, determines that alterations to the built fabric of the heritage building finds it now below the threshold of local significance and the HO should be removed from the site.

To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

A separate planning scheme amendment will provide for an Infrastructure Contributions Plan (ICP) that will set out how roads, intersections and recreation spaces will be funded for delivery. This is a Section 20A prescribed amendment prepared by the Minister for Planning as set out in the *Planning and Environment Act 1987* and *Planning and Environment Regulations 2015*.

Drainage infrastructure will be upgraded to cater for urban development and allow for natural flows into stormwater quality treatment and drainage assets.

A high voltage (500kV) electricity transmission easement traverses east-west in the south of the precinct. The use and development within the easement will be restricted and regulated through planning permit referrals to the electricity transmission authority. In an industrial precinct, it's appropriate that restricted uses can occur within the easement, such as parking and storage of non-metal items. The manager/operator of the transmission lines will not be affected by the amendment.

An easement running north-south along the precinct boundary adjacent to Healesville-Koo Wee Rup Road contains gas and electricity assets which will also not be affected by the amendment.

To balance the present and future interests of all Victorians.

The PSP identifies land within the precinct for road upgrades, local parks, the provision of upgraded utility networks and connectivity to existing and future planned employment areas. Implementation of the PSP via the amendment will deliver increased employment opportunities for the local communities as well as providing for larger employment anchors to cater for the metropolitan and national markets.

Infrastructure required to service the precinct will be partially funded by contributions from development within the precinct area, to be collected via an ICP which will be subject to a subsequent amendment. By doing so, those benefitting from the infrastructure upgrade will contribute to the cost of delivering it as opposed to the full financial burden being borne by public expenditure.

#### **How does the amendment address any environmental, social and economic effects?**

##### Environmental impacts

Development of the land following the amendment will alter the existing farming landscape of the precinct by changing stormwater flows, increasing traffic flows and intensifying industrial activities in the area.

These matters are mitigated through the proposed amendment to facilitate a productive, high amenity employment precinct. In particular:

- Land is set aside south of the PSP for a wetland reserve which will store and treat stormwater generated within the precinct. An Incorporated Plan Overlay (IPO2) over this area will give affect to the PSP as it sits outside the UGZ6. The wetland has been designed to meet current legislative standards noting its location within a floodplain and the existing nearby industries. The Deep Creek will be protected through the proposed drainage design.
- An environmental site assessment has been carried out for the land to determine the existence of any contamination. The assessment identified that the potential for contamination to be present on the land was low.
- A Traffic Impact Assessment (TIA) was completed in 2018 however, due to subsequent recent changes to signalised intersection design as well as variation to local traffic, an update to the TIA is still being finalised. Primarily, further consideration was required due to the signalised intersection delivery at Healesville-Koo Wee Rup Road and Greenhills Road through the Major Roads Project Victoria upgrade project, and intersection requirements for the adjacent proposed regional motorsports facility. Ongoing discussions with the Department of Transport have occurred and will continue during the exhibition process. The absence of the revised TIA is not expected to have a deleterious effect on the amendment as this information will not alter the proposed layout of the PSP but may influence changes to the more detailed design for intersections and roads.
- The Pakenham Water Recycling Plant (PWRP) owned by South East Water (SEW) is located directly east of the PSP area. SEW have undertaken odour modelling and determined a buffer separation distance of 772 metres for a potential odour impact area. This significant infrastructure asset requires protection from future uses. The proposed PSP and schedule to the UGZ6 identify a potential odour buffer for the PWRP of 772 metres which extends over almost half of the precinct in the east. Although no sensitive uses are proposed within the industrial PSP, particular uses that would otherwise not require a planning permit will trigger a planning permit application if they are proposed in the buffer. These uses include those that could be sensitive to potential odour such as food and drink and informal outdoor recreation.
- The Pakenham Abattoir, also an important existing nearby industry, has an existing buffer separation distance of 500 metres which does not currently extend to the proposed PSP precinct.

#### Social and economic effects

Situated within a State Significant Industrial Precinct as identified in *Plan Melbourne 2017-2050*, demand for employment land in the area has already been identified at the State level. In particular, the increasing population in this growth area requires additional job opportunities for local residents and neighbouring municipalities within the south east of Melbourne.

The amendment intends to provide for approximately 3,500 jobs with a large proportion of those anticipated to be in light industrial, freight and logistics, and manufacturing.

The amendment will provide a range of lot sizes to be provided at the time of subdivision so as to accommodate a variety of industrial business types.

Providing for job creation in the Pakenham South precinct will add to the economic well-being of the broader community. New businesses establishing in the precinct and increases in demand for goods and services locally will translate into greater economic activity.

New private sector investment will be significantly boosted in the immediate and surrounding area.

Proposed social infrastructure items include:

- Local convenience centre incorporating an adjacent park
- Shared path network throughout
- Local parks
- Bus capable roads

The local convenience centre will service the new precinct as well as potentially servicing part of the South East Business Park to the north, and ultimately traffic along Greenhills Road once this becomes the Thompson Road extension in the future.

#### **Does the amendment address relevant bushfire risk?**

The precinct lies within an identified bushfire prone area. Most of the land within and surrounding the precinct (east, west and south) is currently used for agriculture and grazing. To the north, land has already been developed for industrial uses or is planned for future industrial uses in the medium term. The bushfire risk to the PSP area is from grassfire. There is no potential for extreme fire behaviour due to the lack of larger, non-grassland areas of vegetation and the relatively flat terrain and as such, no impact on the development of the study area for employment uses.

The UGZ6 includes planning controls that will ensure that the fire risk is managed during the staging of development across the precinct. These controls will work in combination with the building regulations and standard bushfire risk management provisions in a manner suitable for an area transitioning from rural to urban land uses. The CFA provided feedback to inform the controls implemented in the UGZ6.

The views of relevant agency will be sought again during the exhibition process.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment also complies with the following relevant Ministerial Directions:

*Direction No. 1 Potentially Contaminated Land*

Ministerial Direction No. 1 does not strictly apply to the land affected by the amendment as the amendment is proposing to rezone land that has typically been used for various agricultural uses rather than industrial uses.

A desktop assessment has been carried to inform the potential for contamination to be present. The assessment identified possible chemical and fuel storage (currently or formally) in the precinct. However, the overall potential for contamination to be present was considered low.

*Direction No. 9 - Metropolitan Strategy*

Direction 9 has been considered in preparing this amendment and the amendment complies with this direction. The PSP area is located within the Officer-Pakenham Industrial Precinct which is identified in *Plan Melbourne 2017-2050* as a place of state significance for investment and growth. The amendment will facilitate the development of land within the urban growth boundary of Metropolitan Melbourne consistent with the direction of the Metropolitan Planning Strategy.

The amendment will implement the Industrial 1 Zone to employment land within the precinct.

*Direction No. 11 - Strategic Assessment of Amendments*

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This explanatory report addresses the requirements outlined in this direction.

*Direction No. 12 - Urban Growth Areas*

Parts 4, 5, and 6 of Ministerial Direction 12 requires that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- *How the amendment implements any Growth Area Framework Plan applying to the land*

The South East Growth Corridor Plan applies to the precinct, which is identified in the plan as 'industrial' land. In the 2012 *Growth Corridor Plans – Managing Melbourne's Growth* document, this corridor is noted for its good freight and public transport connections, and as an attractive location for a wide range of advanced manufacturing and commercial enterprises, as well as the more traditional manufacturing, warehouse and logistics.

- *How does the amendment accord with the Precinct Structure Planning Guidelines*

Objective one: To establish a sense of place and community

The amendment enables the development of the Pakenham South Employment PSP area to evolve from farming land into a well serviced urban industrial precinct adjacent to existing industrial uses.

The PSP will offer the existing and future community with employment land with a high standard of urban design and amenity. The location of a local convenience centre with adjoining local park will provide a sense of place for workers within the precinct. Shared paths throughout the PSP area linked to several local parks will provide access to areas of relaxation and recreation.

Objective two: To create greater housing choice, diversity and affordable places to live

There are no residential uses proposed for this amendment.

Objective three: To create highly accessible and vibrant activity centres

A local convenience centre is proposed within the precinct adjacent to a local park where workers can spend time during their breaks. The convenience centre will be located at a prominent intersection along a future arterial road in order to maximise accessibility for workers within the precinct as well as potential passing traffic.

Objective four: To provide for local employment and business activity

The anticipated employment creation for the industrial precinct is 3,500 jobs. These jobs will add to the economic well-being of the broader community and provide local jobs for an ever growing residential population in the south east of Melbourne.

Objective five: To provide better transport choices

The Princes Freeway and the nearby Melbourne-Pakenham Rail Line, including bus services, enable strong regional connections for the precinct.

The precinct will include connector roads all of which will be bus capable. The cycle and walking trail network will provide access to key local destinations including the local convenience centre, local parks and future shared path along the Healesville-Koo Wee Rup Road.

Objective six: To respond to climate change and increased environmental sustainability

The provision for shared path facilities and bus capable roads encourages the use of sustainable transport modes within the precinct.

By providing the residents of Cardina and surrounding municipalities with access to local jobs this will reduce travel times for many workers who are currently travelling to the inner city or other employment hubs within the state.

Objective seven: To deliver accessible, integrated adaptable community infrastructure

The precinct will provide for three local parks linked via potential public transport and a shared path network, and a local convenience centre which will provide a sense of place for the employment community.

- *How the provisions give effect to the intended outcomes of the precinct structure plan*

The planning scheme ordinance forming part of the planning scheme amendment documentation have been drafted in response to the PSP. The requirements and guidelines of the PSP will be implemented, predominantly via the UGZ6, at the subdivision stage through application requirements and planning permit conditions.

As is intended by the PSP process, the UGZ6 will facilitate a streamlined planning permit application approval process to provide certainty and clarity.

- *How a translation of the provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.*

The UGZ6 has been drafted to respond to the Victorian Planning Provisions, building upon and tailoring these as necessary to implement the intent of the PSP. This way the translation of the UGZ6 to standard planning provisions can occur in a timely and efficient manner once development guided by the PSP is largely complete.

*Direction No. 15 – The Planning Scheme Amendment Process*

This direction seeks to set times for completing steps in the planning scheme amendment process. This explanatory report addresses the requirements outlined in this direction.

*Sections 46GJ and 46GZI - Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans*



The purpose of this Direction is to direct planning authorities in relation to the preparation and content of infrastructure contributions plans.

An ICP for the PSP will be implemented at a later stage and in accordance with this Ministerial Direction. A table detailing the necessary infrastructure items to serve the precinct is included in the PSP. The ICP sets a standard rate paid per developable hectare, and the Standard ICP Levy is anticipated.

*Ministerial Direction 18 – Victorian Planning Authority Advice on Planning Schemes*

The direction ensures the planning authority consults with the VPA when preparing a planning scheme amendment. The VPA provided input to the draft PSP document with comments around several key themes including the appropriate size and location of the local convenience centre; items to be included in the Precinct Infrastructure Plan; drainage design options and bushfire considerations including access. These comments have been responded to and/or addressed in the PSP document.

*Ministerial Direction 19 - ministerial direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health*

The proposed PSP and schedule to the Urban Growth Zone identify a potential odour separation distance buffer for the Pakenham Water Recycling Plant (PWRP) of 772 metres. An existing buffer for the nearby Pakenham Abattoir is 500 metres which does not currently extend to the proposed PSP precinct. The PWRP buffer extends over almost the eastern half of the precinct. No sensitive uses are proposed within the industrial PSP however, the South East Water PWRP asset requires protection from future uses. Under the UGZ6, particular uses that would otherwise not require a planning permit will trigger a planning permit application if they are proposed in the buffer. These uses include those that could be sensitive to potential odour such as food and drink and informal outdoor recreation.

The EPA have provided feedback in the drafting of the UGZ6 ordinance and support Council proceeding with the amendment. Further comments from the EPA will be sought during the exhibition process.

**How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports a number of key policy directions within the Planning Policy Framework including:

- *Clause 11.02-2S Structure planning* seeks to facilitate the orderly development of urban areas through the preparation of precinct structure plans.
- *Clause 11.03-2S Growth areas* seeks to provide for significant amounts of local employment opportunities.
- *Clause 13.06-1S Air quality management* seeks to assist the protection and improvement of air quality.
- *Clause 15.03-1S Heritage conservation* seeks to ensure the conservation of places of heritage significance.
- *Clause 17.03-1S Industrial land supply* seeks to ensure availability of land for industry.
- *Clause 17.03-3S State significant industrial land* seeks to protect industrial land of state significance.
- *Clause 18.01-1S Land use and transport planning* seeks to create a safe and sustainable transport system by integrating land use and transport.
- *Clause 19.03-1S Development and infrastructure contribution plans* seeks to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contribution plans and infrastructure contribution plans.

The amendment is consistent with Planning Policy Framework which supports the timely delivery of industrial land in growth areas, in particular within a State Significant Industrial Precinct. The employment precinct will contribute significantly to the local services available to future and existing nearby residents as well as providing job opportunities. The development of the PSP has also considered local heritage conservation and potential odour separation distances from existing industry. The PSP identifies the list of infrastructure items required to support development of the PSP

area. The future Pakenham South Employment ICP will guide what infrastructure will be delivered by development proponents.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports the following policy directions within the Local Planning Policy Framework:

- *Clause 21.02-5 Strategic framework plan* - the Cardinia Shire Strategic Framework Plan identifies the PSP area for employment land.
- *Clause 21.02-6 Post-contact heritage* seeks to provide for the protection and appropriate management of sites of heritage significance.
- *Clause 21.03-2 Urban growth area* seeks to create a functional, attractive, safe and sustainable urban environment for the existing and future community.
- *Clause 21.04-1 Employment* seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.
- *Clause 21.05 Infrastructure* provides for the co-ordinated provision of infrastructure and the collection of infrastructure contributions.

The amendment is consistent with the Municipal Strategic Statement as it will facilitate development of an orderly and functional employment precinct, providing job opportunities within a growth area.

**How does the amendment support or implement the Municipal Planning Strategy?**

Not applicable

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment meets the form and content requirements of the Victoria Planning Provisions. Importantly, the introduction of the UGZ6 is the most appropriate tool to apply a suite of Victoria Planning Provision conventional zones to guide future use and development of the precinct through the specification of conditions and requirements for permits.

The following Planning Practice Notes and Planning Advisory Notes were used in the development of the amendment: PPN01 – Applying the Heritage Overlay; PPN46 – Strategic Assessment Guidelines; PPN47 – Urban Growth Zone; AN48 – Ministerial Direction 15: The Planning Scheme Amendment Process; AN68 – Bushfire State Planning Policy VC140; AN73 – New requirements for a planning authority to consult Environment Protection Authority.

A future Section 20A amendment will introduce the Infrastructure Contributions Overlay to implement the ICP.

**How does the amendment address the views of any relevant agency?**

The amendment has been prepared in consultation with affected agencies. Amongst others, key relevant agencies include the Victorian Planning Authority (VPA), Department of Environment, Land, Water and Planning (DELWP), Department of Jobs, Precincts and Regions (DJPR), Department of Transport (DOT), Melbourne Water, South East Water (SEW), Aboriginal Victoria (AV), Environmental Protection Authority (EPA), Heritage Victoria (HV), Country Fire Authority (CFA), AusNet Services and APA Group.

The views of these agencies will be sought further during agency consultation and through submissions following exhibition of the amendment.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

Cardinia Shire Council in itself and acting as a planning authority is an 'interface body' under the *Transport Integration Act 2010*. Under Section 25 of that Act:

- (1) An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.
- (2) An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.

The amendment is likely to have a significant impact on the transport system at a local level. It will require upgrades to nearby parts of the regional road network and will allow the creation of a new local road network that will set the future pattern of development in the precinct. It will contribute to the potential development of the bus network in the area.

The proposed additions and changes to the existing transport system in and adjacent to the precinct will meet the transport system objectives by:

- Providing for an interconnected road system that responds to the likely level of use generated by the precinct thereby encouraging development and services investment.
- Enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network and potential future extensions to bus services.
- Ensuring the road network minimises impacts on the site's topography and water flow regimes.
- Designing the function and scale of roads to match the expected travel demand.
- Coordinating relevant government bodies to approve and/or deliver transport infrastructure and services.

#### **Resource and administrative costs**

##### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have minimum impact on the resources and administrative costs of the responsible authority. The incorporation of the PSP in to the Cardinia Planning Scheme will facilitate the orderly and proper planning of the area. The Growth Areas Infrastructure Contribution (GAIC) will assist in funding the provision of essential public development and community infrastructure required to service the precinct.

An ICP to be implemented via a separate amendment and in accordance with the Ministerial Direction for ICPs will enable the collection of developer funds to pay for necessary community and development infrastructure for the precinct.

Further, the UGZ6 has been structured in such a way that the ultimate translation to conventional Victoria Planning Provisions zones can occur in a timely and efficient manner once the land has been developed.

##### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Cardinia Shire Council website at <https://creating.cardinia.vic.gov.au/pakenham-south-employment-precinct-structure-plan>

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

#### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 26 November 2020.

A submission must be sent to:

Via Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

Subject line: Planning Scheme Amendment C265

or

Growth Area Planning – Amendment C265

Cardinia Shire Council

PO Box 7

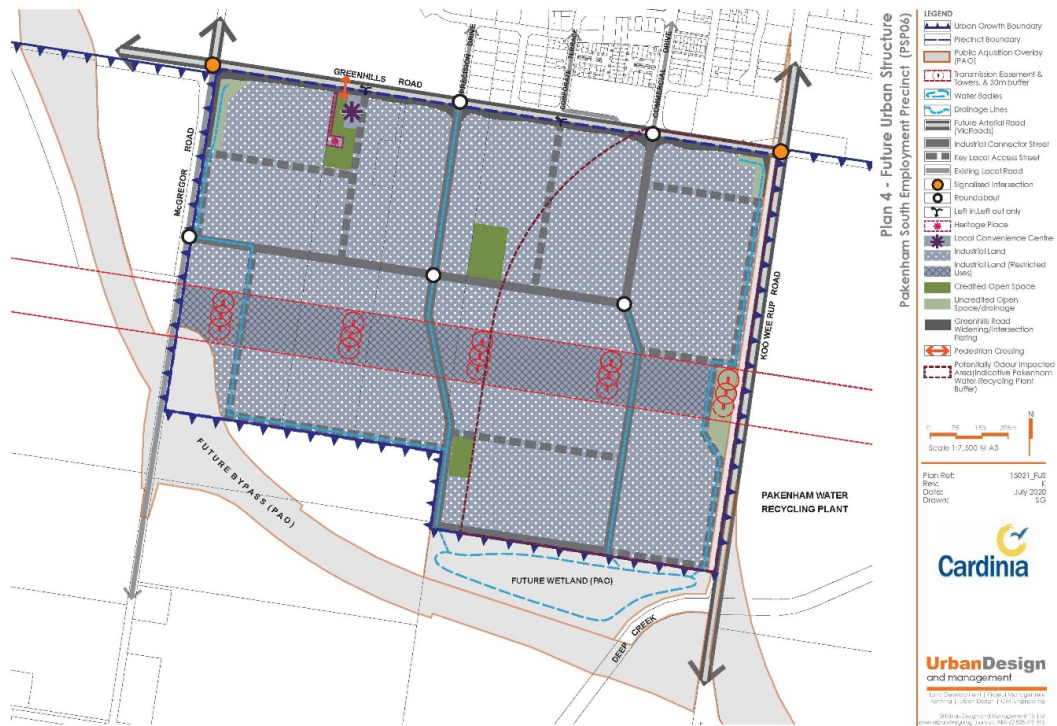
Pakenham VIC 3810

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: Week commencing 8 March 2021
- Panel hearing: Week commencing 12 April 2021

## ATTACHEMENT 1 – Future Urban Structure Plan





**Planning  
Panels  
Victoria**

**Cardinia Planning Scheme Amendment C265card  
Pakenham South Employment Precinct Structure Plan**

**Panel Report**

*Planning and Environment Act 1987*

**12 May 2021**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Cardinia Planning Scheme Amendment C265card

**12 May 2021**



Rodger Eade, Chair

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**Glossary and abbreviations**

Council	Cardinia Shire Council
CREP	Cardinia Road Employment Precinct
DoT	Department of Transport
EPA	Environment Protection Authority
HO	Heritage Overlay
IN1Z	Industrial 1 Zone
IPO	Incorporated Plan Overlay
Jane	Jane Property Group
MICLUP	Metropolitan Industrial and Commercial Land Use Plan
MRPV	Major Road Projects Victoria
O'Connor	G&K O'Connor Pty Ltd
PAO	Public Acquisition Overlay
PE Act	<i>Planning and Environment Act 1987</i>
Precinct	Pakenham South Employment Precinct
PSEPSP	Pakenham South Employment Precinct Structure Plan
PSP	Precinct Structure Plan
PWRP	Pakenham Water Recycling Plant
SEEC	South East Economic Corridor Strategic Context Report to 2060
SEGCP	South East Growth Corridor Plan
SSIP	State Significant Industrial Precinct
UDP	Urban Development Program
UGB	Urban Growth Boundary
UGZ2	Urban Growth Zone Schedule 2
UGZ6	Urban Growth Zone Schedule 6
VPA	Victorian Planning Authority



## Overview

### Amendment summary

The Amendment	Cardinia Planning Scheme Amendment C265card
Common name	Pakenham South Employment Precinct Structure Plan
Brief description	To introduce the Pakenham South Employment Precinct Structure Plan into the Cardinia Planning Scheme, together with a number of related changes.
Subject land	Approximately 185 hectares bounded by Greenhills Road to the north, McGregor Road to the west, Koo Wee Rup Road to the east and green wedge zoned land to the south.
The Proponent	Cardinia Shire Council
Planning Authority	Cardinia Shire Council
Authorisation	2 September 2020
Exhibition	15 October to 26 November 2020
Submissions	A total of 13 submissions were received with three opposing the Amendment. A number requested changes to Amendment documentation. Five submissions were received from government agencies.

### Panel process

The Panel	Rodger Eade
Directions Hearing	By video conference, 12 March 2021
Panel Hearing	By video conference 12 and 13 April 2021
Site inspections	Unaccompanied, 29 March 2021
Citation	Cardinia PSA C265card [2021] PPV
Date of this Report	12 May 2021

## Executive summary

Cardinia Planning Scheme Amendment C265card (the Amendment) seeks to incorporate the Pakenham South Employment Precinct Structure Plan (PSESP) into the Cardinia Planning Scheme and make a number of related changes.

The PSESP applies to an area of approximately 185 hectares in the southern part of the municipality, south of the existing and rapidly developing South East Business Park and the Livestock Exchange precinct. The area covered by the PSESP is part of the State designated Officer-Pakenham State Significant Industrial Precinct. The approval of this Amendment will ensure an on-going supply of zoned and development ready industrial land in this part of metropolitan Melbourne.

Key issues raised in submissions included:

- premature release of more employment land
- traffic and associated issues
- buffers around existing uses external to the site
- boundaries of the Precinct Structure Plan (PSP) area
- changes to design Requirements and Guidelines
- other minor changes to Amendment documentation.

That the Amendment is supported by State and local policy was not contested by submitters but the timing of it was. Parklea submitted that the Amendment was premature because there is an adequate supply of industrial land in the vicinity, including in the Cardinia Road Employment Precinct (CREP) which has had a PSP in place for about a decade but had experienced little industrial development until very recently.

The Panel concludes:

- The PSESP is strategically justified and well supported in State and local policy.
- The approval of the PSESP is not premature but will result in the availability of significant zoned and development ready industrial land in the Cardinia Shire to accommodate future job provision.
- Minor changes should, be made to the PSESP to accommodate a buffer to the G&K O'Connor abattoir approved development masterplan area and to accommodate a larger footprint intersection at Greenhills and Koo Wee Rup Roads.
- A new access road onto Greenhills Road should be provided at the eastern boundary of Property 1, in which the Jane Property Group has an interest.
- A number of other minor changes be made to the PSESP.

## Recommendations

Based on the reasons set out in this Report, the Panel recommends that Cardinia Planning Scheme Amendment C265card be adopted as exhibited, subject to the following:

### 1. Amend Plan 4 to:

- a) include a buffer to the G&K O'Connor Pty Ltd site, broadly in the location as proposed in Figure 4 of this report and amend Appendix B to reference this buffer.
- b) include a north south road abutting the eastern boundary of Property 1 with access to Greenhills Road.

- c) delete the section of road internal to the precinct that is parallel to McGregor Road.
- 2. Amend Plan 9 to recognise the area to which the Public Acquisitions Overlay is to be applied in the north east corner of the precinct can accommodate an intersection as proposed by Mr Turnbull and represented in Figure 6 of this report.
- 3. Amend Plan 10 to designate the alignment of the shared path which follows the boundary of the Public Acquisitions Overlay in the south west corner of the Precinct Structure Plan as “future alignment in the vicinity of the Public Acquisition Overlay boundary to be determined to the satisfaction of the Responsible Authority.”
- 4. Amend Plan 12 to delete the sewage pump station located in the north west corner.
- 5. Amend Table 4 to:
  - a) add the land and construction for a roundabout on McGregor Road approximately half-way along the Mc Gregor Road frontage.
  - b) delete project RD01.
  - c) amend the description of IN02 to make clear the Major Road Projects Victoria is responsible for the project, that ‘interim construction’ shows that the project is not the responsibility of the PSP and that the timing is ‘S’.
- 6. Amend the text and Plans as outlined in the Panel’s recommendations in Table 5 of this Report.

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

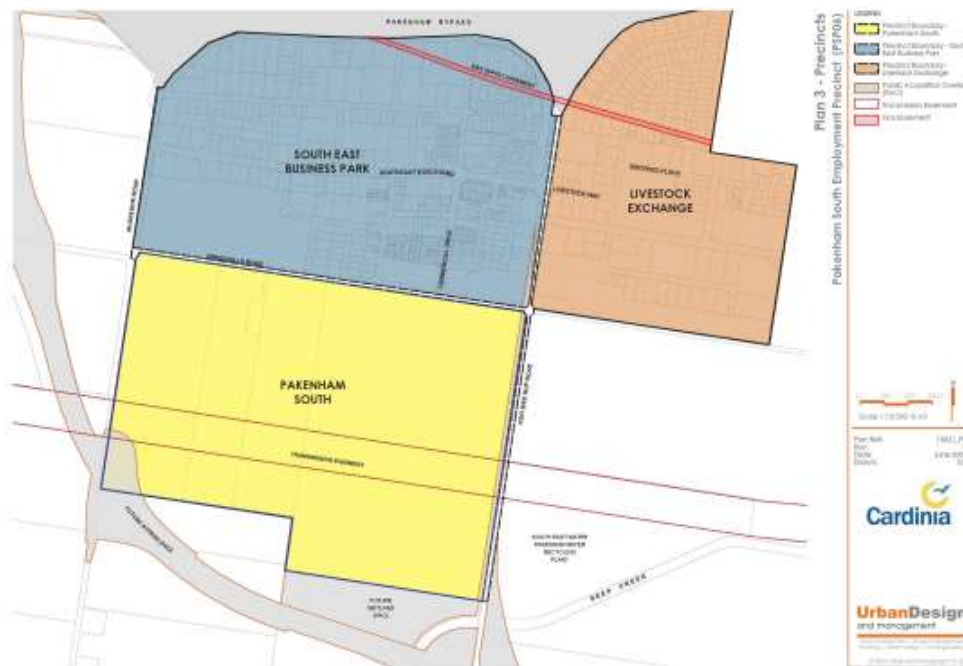
The Amendment seeks to incorporate the Pakenham South Employment Precinct Structure Plan PSEPSP into the Cardinia Planning Scheme and rezone the land to Urban Growth Zone Schedule 6 (UGZ6) to facilitate the development of the land for employment purposes.

Specifically, the Amendment proposes to:

- introduce Schedule 6 to Clause 37.07 – Urban Growth Zone (UGZ) and rezone the land within the precinct from UGZ to UGZ6
- amend the Schedule to Clause 43.01 – Heritage Overlay (HO) to:
  - insert HO14 to the individual heritage place identified in the Pakenham South Employment Precinct Post – Contact Heritage Assessment, 2014 (revised January 2020) – ‘Windarra’ 40 Greenhills Road, Pakenham
  - delete HO42 from the following heritage place identified in the *Pakenham South Employment Precinct Post – Contact Heritage Assessment, 2014 (revised January 2020)* – ‘ITU Milking Shed’ 100 Greenhills Road, Pakenham.
- introduce Schedule 2 to Clause 43.03 – Incorporated Plan Overlay (IPO). The Schedule gives effect to the PSEPSP for the wetland area located to the south of the precinct
- amend the Schedule to Clause 45.01 – Public Acquisition Overlay (PAO) to include planning scheme map PAO7 which will be applied to the wetlands area located to the south of the precinct and identifies Melbourne Water Corporation as the acquiring authority
- amend the Schedule to Clause 52.17 – Native Vegetation to provide an exemption from requiring a planning permit to clear native vegetation where it is carried out in accordance with the approvals made pursuant to section 146B of the *Environmental Protection and Biodiversity Act 1999 (Cth)*
- amend the Schedule to Clause 66.04 – Referral of Permit Applications Under Local Provisions to require referrals for planning permit applications within the Pakenham Water Recycling Plant (PWRP) buffer to South East Water
- amend the Schedule to Clause 72.03 to update the list of planning scheme maps
- amend the Schedule to Clause 72.04 to include new incorporated documents titled:
  - *Pakenham South Employment Precinct Structure Plan, October 2020*
  - *Windarra, 40 Greenhills Road Pakenham, Incorporated Plan, September 2020*
  - *Windarra, 40 Greenhills Road Pakenham, Statement of Significance, September 2020*
- amend the planning scheme maps accordingly.

### (ii) The subject land

The Amendment applies to land which is part of the Pakenham South Employment Precinct (the Precinct) as shown in Figure 1. This includes the subject site, the South East Business Park and the Livestock Exchange. The proposed future urban structure of the PSP area is shown in Figure 2, and is south of the Princes Freeway and part of the Officer-Pakenham State Significant Industrial Precinct (SSIP). The subject site is referred to in this report as the PSP area.

**Figure 1 South East Pakenham industrial precincts**

Source: Pakenham South Employment PSP Plan 3

**Figure 2 Pakenham South Employment PSP – Future urban structure**

Source: Pakenham South Employment PSP Plan 4

The Urban Growth Boundary (UGB) abuts the site on its southern, eastern and western boundaries. The land is currently used for farming purposes and includes three farm dwelling and associated farm buildings. The land is gently undulating. It has an electricity easement some 140



metres wide traversing the site from east to west. The future Pakenham bypass road is to the south west of the property and the south west corner of the site is encumbered by a PAO for this purpose. *Plan Melbourne 2017-2050* identifies the Officer-Pakenham SSIP which includes the subject site.

## 1.2 Background

The area was identified for future employment purposes in the *South East Corridor Plan* developed by the then Growth Areas Authority in 2006, and revised in 2012. The area covered by that plan was proposed to provide for between 86,000 and 110,000 jobs to serve the growing population of Melbourne's south east growth corridor.

The Southern SSIP which is based around Dandenong is nearing full development and is not identified as a precinct that will have further land added to it. Immediately to the north of the PSEPSP is the South East Business Park which is rapidly developing with only relatively small amounts of land yet to be developed. To the north east of the PSEPSP is the Livestock Exchange precinct, which has industrial development along its western side with a frontage to Koo Wee Rup Road.

Further to the north west is the Cardinia Road Employment Precinct (CREP) which had a PSP approved in 2008 but has seen little industrial development. The residential precinct within it is well developed.

The preparation of the PSEPSP is in response to both growing population in the corridor and also the uptake of industrial land in the Southern Melbourne SSIP and in the immediate vicinity of the subject site. The development of CREP is addressed in Chapter 3.

The process and timelines for the development of the PSEPSP are set out in Table 1.

**Table 1** Chronology of steps in developing the PSEPSP

Date	Key step
July 2016	Council resolved that authorisation be sought from the Planning Minister under Section 9 (2) of the <i>Planning and Environment Act 1987</i> to prepare a Planning Scheme Amendment.
2019	Background Document Review.
16 March 2020	Council resolved to seek authorisation of the Minister of Planning under Section 8A(2) of the <i>Planning and Environment Act 1987</i> to prepare Amendment C265card to the Cardinia Planning Scheme; and Give notice of Amendment C265card under Section 19 of the <i>Planning and Environment Act 1987</i> , subject to receiving the authorisation of the Minister.
2 September 2020	Authorisation received to prepare Amendment C265card.
15 October to 26 November 2020	Amendment C265card was placed on public exhibition. Notice of the Amendment was given by direct mail to all properties within the PSEPSP area, community groups, government agencies and public authorities with thirteen (13) submissions received.

15 February 2021	Council resolved to request the Minister for Planning to appoint an independent Panel to consider all submissions received in accordance with Section 23 of the <i>Planning and Environment Act 1987</i> .
25 February 2021	Formal request for Panel sent./
12 and 13 April 2021	Panel Hearing held.

Source: Council Part A submission, Table 2

### 1.3 Summary of issues raised in submissions

The key issues raised by submitters were:

- premature release of more employment land
- traffic and associated issues
- buffers around existing uses external to the site
- boundaries of the PSP area
- changes to design Requirements and Guidelines
- other minor changes to Amendment documentation.

### 1.4 The Panel's approach

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from a site visit, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has been selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Issues raised by G&K O'Connor Pty Ltd
- Issues raised by Jane Property Group
- Other issues.

## 2 Planning context

### 2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

**Clause 11.02-2S Structure Planning** - by facilitating the preparation of a hierarchy of structure plans or precinct structure plans that:

- take into account the strategic and physical context of the location
- provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.

**Clause 11.03-2S Urban Growth** - by locating urban growth close to transport corridors and services and providing efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

**Clause 17.03-1S Industrial Land Supply** - ensuring availability of land for industry.

**Clause 17.03-3S – State Significant Industrial Land.** – protecting State significant industrial land from encroachment by incompatible uses.

#### **Clause 21 Municipal Strategic Statement**

Council submitted that the Amendment supports the following clauses of the Municipal Strategic Statement.

**21.01 Key issues and Strategic vision** which lists relevant influences as:

- urban growth including urban pressures on the rural hinterland and management of green wedge areas
- infrastructure to meet the needs of the existing and future community
- the local economy, including employment opportunities.

**21.02-6 Post contact heritage** which aims to protect rich and diverse cultural heritage assets within the municipality.

**21.03-2 Settlement and Housing** – the municipality continues to attract significant population growth and employment opportunities are needed for that growing population.

**21.03-3 Urban Growth Area** – which aims to attract commercial investment and diverse employment opportunities.

**21.04-1 Employment** – which recognises that economic development is critical to the overall wellbeing of the Cardinia community. It identifies that the 2,500-hectare employment corridor south of the Princes Freeway as a critical element to develop the local economy.

**21.04-4 Industry** - identifies the main industrial area within the municipality is established within Pakenham and that an additional 2,500 additional hectares have been set aside for employment uses, including industry, within the Casey-Cardinia Growth Area. The subject site is part of this area.

## 2.2 Other relevant planning strategies and policies

### (i) Plan Melbourne

*Plan Melbourne 2017-2050*, sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which detail how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are shown in Table 2.

**Table 2** Relevant sections of Plan Melbourne

Outcome	Directions	Policies
1 Productive City	1.1 Competitive city structure	1.1.6 State significant industrial precincts
	1.2 Jobs where people live	1.2.2 Investment to create local employment access in outer areas

### (ii) South-East Growth Corridor Plan

The *South-East Growth Corridor Plan* (SEGCP) is a high-level integrated land use and transport plan that provides a strategy for the development of the south-east growth corridor over the coming decades. It guides the delivery of housing, jobs, transport, town centres, open space and key infrastructure in the growth corridor.

The SEGCP was developed by the Growth Areas Authority in 2006 and updated in 2012. The plan identifies an objective of 'greater local job self-containment', with the south east growth corridor expected to accommodate between 86,000 and 110,000 new jobs across a range of employment sectors and locations, including in residential areas (home businesses), town centres and employment precincts.

The SEGCP allocates a substantial area to SSIPs within the corridor and recognises the PSESP as part of this corridor, noting the corridor's good connection to freight routes, primary agricultural districts and key trade gateways.

Council submitted that the Amendment supports the SEGCP by facilitating development of a precinct identified in it for employment purposes.

### (iii) Urban Development Program

The *Urban Development Program* (UDP) is a State Government initiative that tracks urban (including industrial) development across Melbourne and is updated on an annual basis.

The importance of the Officer-Pakenham SSIP is underscored by the fact that the supply of employment land at the Southern SSIP (in and around Dandenong South) is the most constrained SSIP in Melbourne and available employment land supply is approaching exhaustion.

Unlike the Northern and Western SSIPs, there is no proposed industrial land that will be added to the Southern SSIP in the future. On current land take up rates vacant industrial land would start to

become constrained in the mid 2020s. As the cost of land and rent increases, users would be expected to start to search for other locations, such as the Officer-Pakenham SSIP.

**(iv) Metropolitan Industrial and Commercial Land Use Plan**

The *Melbourne Industrial and Commercial Land Use Plan* (MICLUP), prepared by the Department of Environment, Land Water and Planning, builds on policies, strategies and actions in *Plan Melbourne*. Its purpose is to provide an overview of the current and future needs for industrial and commercial land across metropolitan Melbourne and provide a planning framework to support state and local government to plan more effectively for future employment and industry needs, and better inform future strategic directions.

Based on historic consumption of industrial land within the Southern SSIP, there is potential for industrial land stock to be exhausted within the coming decade.

MICLUP highlights that the Officer-Pakenham SSIP is to provide future industrial land supply for the broader region, given the forecasted exhaustion of industrial land stock within the Southern SSIP.

**(v) South East Economic Corridor Strategic Context Report to 2060**

The *South East Economic Corridor Strategic Context Report to 2060* (SEEC) prepared by the Victorian Planning Authority (VPA) supports and guides Melbourne's southern metropolitan region to remain one of Australia's most economically significant and diverse regions. It is a region that offers the economic and social potential to be home to one million residents and 500,000 jobs.

The SEEC Report does not constitute adopted Government policy but provides evidence base intended to inform policy development and decisions by Councils and Government agencies. In this way, the strategy presents a scenario to drive employment development to key sites and existing employment nodes to support broader and previously agreed employment objectives.

**(vi) Casey Cardinia Region Economic Development Strategy 2016-2017**

The *Casey Cardinia Region Economic Development Strategy 2016-2017* was prepared by the two Councils. This strategy was developed to assist the Councils in supporting economic development in the Casey Cardinia region.

It was developed because it was recognised that the local economy has provided insufficient jobs for local employment. As a result, over 70 per cent of local residents, who are able to work, leave the region for their employment every day. Council submitted that the approval of this PSEPSP would help facilitate the provision of local jobs.

## 2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

**(i) Zones**

The land is in the UGZ and the Amendment proposes to introduce Schedule 6 to the UGZ into the Scheme and rezone the land to UGZ6. The purposes of the UGZ include:

- to manage the transition of non-urban land into urban land in accordance with a precinct structure plan

- to provide for a range of uses and the development of land generally in accordance with a precinct structure plan
- to contain urban use and development to areas identified for urban development in a precinct structure plan.

UGZ6 is specific to this PSP and sets out applied zone provisions, a table of uses, and conditions and requirements for the issue of permits. No decision guidelines are provided in the Schedule. The applied zone for most of the Precinct is Industrial 1 Zone (IN1Z).

#### **(ii) Overlays**

Significant parts of the PSP area are subject to a Land Subject to Inundation Overlay, among the purposes of which is “to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity”<sup>1</sup>.

The south west corner of the PSP area has a PAO applied for a future bypass road as does the Koo Wee Rup Road frontage, to facilitate the future widening of Koo Wee Rup Road. As part of this Amendment PAO7 will be applied to the wetlands south of the site. Among the purposes of the PAO is to “reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired”<sup>2</sup>.

A HO applies to part of 100 Greenhills Road and is proposed to be removed through this Amendment. The Amendment proposes to introduce a Heritage Overlay over part of 40 Greenhills Road. Among the purposes of the HO is to “ensure that development does not adversely affect the significance of heritage places”<sup>3</sup>.

The Amendment proposes to apply an IPO to give effect to the PSEPSP in the wetlands area to the south of the site.

#### **(iii) Other provisions**

No other relevant provisions have been identified.

## **2.4 Ministerial Directions and Practice Notes**

### **Ministerial Directions**

The Explanatory Report discusses how the Amendment complies with the following Ministerial Directions<sup>4</sup>.

#### **Ministerial Direction No. 1 Potentially Contaminated Land**

Ministerial Direction No. 1 does not strictly apply to the land affected by the Amendment as the amendment is proposing to rezone land that has typically been used for various agricultural uses rather than industrial uses.

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<sup>1</sup> Clause 44.04

<sup>2</sup> Clause 45.01

<sup>3</sup> Clause 43.01

<sup>4</sup> See the exhibited Explanatory Report.

A desktop assessment has been carried to inform the potential for contamination to be present. The assessment identified possible chemical and fuel storage (currently or formerly) in the Precinct. However, the overall potential for contamination to be present was considered low.

**Ministerial Direction No. 9 - Metropolitan Strategy**

Ministerial Direction No. 9 has been considered in preparing the Amendment and it complies with this Direction. The PSP area is located within the Officer-Pakenham Industrial Precinct which is identified in *Plan Melbourne 2017-2050* as a place of state significance for investment and growth. The Amendment will facilitate the development of land within the UGB of Metropolitan Melbourne, consistent with the direction of the Metropolitan Planning Strategy.

The provisions of the IN1Z will apply to employment land within the Precinct.

**Ministerial Direction No. 11 - Strategic Assessment of Amendments**

This Direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. The Explanatory Report addresses the requirements outlined in this direction.

**Ministerial Direction No. 12 - Urban Growth Areas**

Parts 4, 5, and 6 of Ministerial Direction 12 require that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the Explanatory Report a discussion about:

- How the amendment implements any Growth Area Framework Plan applying to the land.
  - The *South East Growth Corridor Plan* applies to the precinct, which is identified in the plan as 'industrial' land. In the 2012 Growth Corridor Plans – *Managing Melbourne's Growth*, this corridor is noted for its good freight and public transport connections, and as an attractive location for a wide range of advanced manufacturing and commercial enterprises, as well as the more traditional manufacturing, warehouse and logistics.
- How the amendment accords with the *Precinct Structure Planning Guidelines*.
  - The Explanatory Report sets out how the Amendment complies with the seven objectives of the PSP Guidelines.

**Ministerial Direction No. 15 – The Planning Scheme Amendment Process**

This Direction seeks to set timelines for completing steps in the planning scheme amendment process. The Explanatory Report addresses the requirements outlined in this Direction.

**Ministerial Direction 18 – Victorian Planning Authority Advice on Planning Schemes**

The Direction ensures the planning authority consults with the VPA when preparing a planning scheme amendment. The VPA provided input to the draft PSEPSP document with comments around several key themes including the appropriate size and location of the local convenience centre; items to be included in the Precinct Infrastructure Plan, drainage design options and bushfire considerations including access. Council submitted that these comments have been responded to and/or addressed in the PSEPSP.

**Ministerial Direction 19 - Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health**

The proposed PSEPSP and schedule to the UGZ identify a potential odour separation distance buffer for the PWRP of 772 metres. The PWRP buffer extends over most of the eastern half of the



precinct. No sensitive uses are proposed within the industrial PSEPSP however, the South East Water PWRP asset requires protection from future uses.

An existing buffer for the nearby Pakenham Abattoir is 500 metres which does not currently extend to the proposed PSEPSP precinct. G and K O'Connor (O'Connor) submitted to this Amendment that the buffer distance should be 1000 metres and should apply to part of the approved masterplan area on the O'Connor site not just existing operations. This issue is addressed in Chapter 4.1. Under the UGZ6, particular uses that would otherwise not require a planning permit will trigger a planning permit application if they are proposed in the buffer. This includes uses that could be sensitive to potential odour such as food and drink and informal outdoor recreation.

The Environment Protection Authority (EPA) provided feedback in the drafting of the UGZ6 ordinance and supported Council proceeding with the Amendment.

## **2.5 Discussion and conclusion**

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions. The Amendment is well founded and strategically justified.

A number of submitters argued that the Amendment is premature and will result in over-supply of industrial land. None of these argued that there is not policy support for the development of the Precinct for employment purposes. The issue of whether the Amendment is premature is addressed in Chapter 3.

The Panel concludes that the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Strategic justification

The Panel considers that there are two related issues to consider in determining whether the Amendment is strategically justified:

- whether the Amendment is supported in State and local policy and related policy and strategic documents
- whether the Amendment can be supported for implementation now or whether the inclusion of the PSESP within the Cardinia Planning Scheme is premature and that there is sufficient employment land available for the near future.

#### 3.1 Evidence and submissions

Council, the Jane Property Group (Jane) (Submission 11) and expert witness for Jane, Mr Matt Ainsaar variously identified the strategic documents below as either specifically identifying the development of the Precinct for employment purposes and/or providing broad strategic support for the provision of land for employment purposes in this Precinct or more broadly in this part of Cardinia Shire:

- Plan Melbourne
- South East Corridor Plan
- Metropolitan Industrial and Commercial Land Use Plan
- South East Corridor Strategic Context Report
- Casey Cardinia Region Economic Development Strategy.

In addition, submitters identified various clauses of the Planning Policy Framework, both State and local, as supporting the Amendment. These were listed together with a brief description of the relevance of each in Chapter 2.1.

Parklea (Submission 12) submitted:

That the preparation of the Pakenham South PSP is premature and is not strategically justified on the basis that economic factors have not been properly considered.<sup>5</sup>

On questioning by the Panel, Parklea acknowledged that there is policy support for the Amendment and that their key argument is that the Amendment is premature.

A number of submissions were made that focussed on the timing of the Amendment and whether or not it is premature.

Council submitted:

As demonstrated within the Urban Development Program, the Southern SSIP is approaching exhaustion and the Hastings SSIP within the Mornington Peninsula specifically designated for port related uses, which effectively makes the Hastings SSIP unavailable<sup>6</sup>.

Council submitted that its focus was on providing development ready land to ensure that the target set in the South East Corridor Plan for one local job for every new household could be met. Council further submitted that the likely exhaustion of the supply of land in the Southern SSIP would likely result in demand for industrial land transferring to the Officer-Pakenham SSIP in which

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<sup>5</sup> Parklea submission, para 5.

<sup>6</sup> Council Part B submission, para 18

the PSP area is located. The likely exhaustion of land in the Southern SSIP in the next few years was supported by the evidence of Mr Ainsaar who presented the recent employment land consumption in the Southern and Officer-Pakenham SSIPs as shown in Table 3. Mr Ainsaar derived this data from MICLUP and the UDP.

**Table 3 Annual industrial land consumption 2018-2019**

Precinct	2015-16 (ha)	2016-17 (ha)	2017-18 (ha)	2018-19 (ha)	Average
Southern SSIP	55.9	71.4	63.3	15.4	51.51
Officer-Pakenham SSIP	15.5	12.4	13.9	10.4	13

Source: Evidence of Mr Ainsaar Table T1

Mr Ainsaar stated that the low industrial land consumption rate for the Southern SSIP in 2018-19, was an indication that the available land supply in that SSIP was rapidly diminishing as development occurred and that unlike a number of other SSIPs it was constrained, and no further land is available to be added to it in the future. He stated that this would inevitably mean that demand for land in the Southern SSIP would be transferred elsewhere including to the Officer-Pakenham SSIP, significantly increasing the annual employment land take-up rate in that SSIP. Mr Ainsaar was asked by the Panel whether there was evidence of higher than average prices being experienced in the Southern SSIP, which might confirm his conclusion, but he indicated that he did not have the relevant data.

Parklea presented the Panel with a very different picture of employment land availability in the Officer-Pakenham SSIP and surrounding industrial areas. It submitted that there was more than adequate employment land currently available, and that the Amendment is premature. This position was supported by the submissions of Perfection Private (Submission 6) and McMullin (Submission 5).

Parklea submitted that SGS Economics and Planning in its report entitled *Pakenham South Employment Precinct Economic Assessment* prepared as a background paper for Council, states that the Officer-Pakenham SSIP has:

... more than 100 years of available employment land based on approximately 1,300ha of zoned land, a plot ratio of 80% and current take-up rates<sup>7</sup>

Parklea submitted that this extensive supply of land was further documented in MICLUP and it submitted:

According to the MICLUP, 317.7 hectares of the approximate 1,580 total hectares of land in the Officer-Pakenham SSIP are currently occupied, leaving over 74% (approximately 1,262ha) of the SSIP available for future supply.<sup>8</sup>

Parklea submitted that if the take up rate of 13.9 hectares per annum experienced in 2017-18, is applied to the 1262 hectares of vacant industrial land as reported in MICLUP, that there was approximately 90 years supply of industrial land in the Officer-Pakenham SSIP, hence supporting the observation made by SGS, quoted above.

Parklea further submitted that there is adequate future employment land in the CREP, and submitted:

<sup>7</sup> Parklea submission, para 4

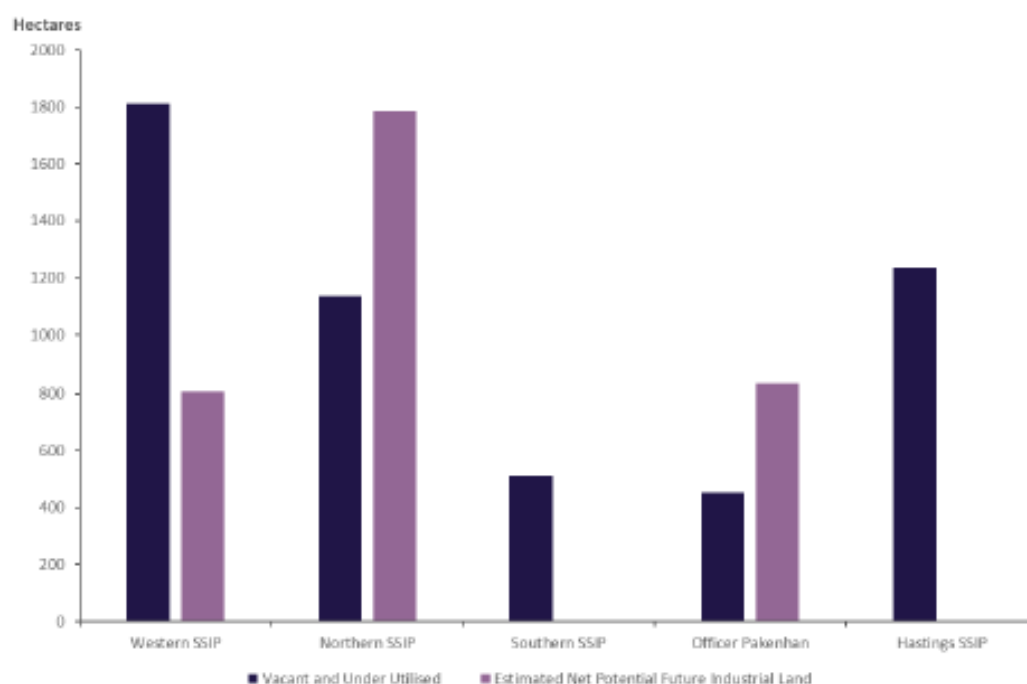
<sup>8</sup> Parklea submission, para 21.

The CREP contains 320ha of net industrial land, which is over and above the anticipated employment land demand of 188.3ha through 2041 for the Shire according to the SGS report.<sup>9</sup>

In addition, Parklea submitted that the Officer South Employment PSP, which is currently under preparation by the VPA, when approved would add a further 480 hectares of developable land to the supply, and at the current take up rate of 13.9 hectares per year, that would add a further 41 years supply.

In addressing the land supply data presented by Parklea, Mr Ainsaar pointed to Figure F5 in his evidence, shown here as Figure 3.

**Figure 3 Zoned vacant industrial land and net future industrial land**



Source Urban Development Program 2019, p28

Mr Ainsaar stated that this data from the UDP shows only about six years of zoned vacant industrial land available in the Southern SSIP and only of the order of 400 hectares of vacant zoned industrial land in the Officer-Pakenham SSIP. A significant amount of this is within CREP. Mr Ainsaar further stated that there is some vacant industrial land in the South East Business Park, immediately north of the Precinct and in the Livestock Exchange which is north east of the Precinct. In his evidence he presented aerial imagery of each of these adjacent industrial areas showing the rapid take up in land that had occurred in both since 2013.

Mr Ainsaar further stated that the PSEPSP is immediately south of these two rapidly developing precincts which only have a few years supply of land remaining and that the Precinct was well placed to follow on from the demand pressure that had seen these two precincts develop rapidly in the last few years.

<sup>9</sup> Parklea submission, para 61

Mr Ainsaar presented an alternative interpretation of likely future industrial land take up to that presented by Parklea. He concluded that the rapidly approaching exhaustion of industrial land supply in the Southern SSIP as indicated by the significant drop in take up in 2018-19 as shown in Table 3 would result in a significant transfer of that demand to the Officer-Pakenham SSIP.

Parklea acknowledged that demand transfer would occur but submitted that MICLUP identified Cranbourne West, an area closer to the Southern SSIP as most likely to benefit from that demand transfer. In response to this, Mr Ainsaar stated that even if only 30 per cent of the recent land take up in the Southern SSIP was transferred to the Officer-Pakenham SSIP, this would add around 20 hectares per year to the employment land take up in that SSIP, that is, more than doubling the recent take up of 13 hectares per year as set out in Table 3.

CREP was approved in 2010 and significant planned residential development has occurred since that time, but no employment land has been developed. The Panel was informed that permit applications have been submitted for the first industrial subdivisions and copies of applications were subsequently provided by both Parklea and Council.<sup>10</sup>

Parklea argued that CREP was well placed to accommodate any extra demand and that has been lack of demand that has been the primary reason for no recent take up of industrial land in CREP. Further, Parklea submitted that if the Amendment was approved that the application of UGZ6 in the PSP area would put CREP at a competitive disadvantage because of the relative complexity of the existing Urban Growth Zone Schedule 2 (UGZ2) which applies to CREP. Mr Ainsaar questioned whether the demand would transfer to CREP and stated that given the challenges faced in CREP there was a danger that if this Amendment was not approved jobs could be lost to other areas outside Cardinia.

Mr Ainsaar disputed that lack of demand was the key challenge facing CREP, arguing that of the range of possible reasons why CREP has not been successful to this point, the complexity of the UGZ2 schedule which applies to the employment land in CREP was likely to be the prime reason. Council acknowledged the complexity of the existing planning control in CREP and stated that it was committed to a review of CREP PSP and its planning controls.

The Panel was provided with a further insight into the challenges being faced by CREP by a brief presentation by Mr Black the planning consultant for Jane. Mr Black was involved in the early development of CREP. He stated that it was envisaged as a different type of industrial estate with a mixed use focus, hence the residential development and a strong business services focus, that has yet to be realised.

The Panel pursued with both Parklea and Mr Ainsaar their views on what constituted an appropriate supply of zoned industrial land and therefore by implication what might constitute an over-supply and hence possible support for an argument that this Amendment is premature.

Parklea took that Panel to Clause 11.02 of the Planning Scheme which references the provision of at least of 15 year supply of land to accommodate population growth and that this applied in the case of industrial land as well. Parklea argued that the current supply of zoned industrial land meets the objective set out in this Clause. Mr Ainsaar acknowledged the role of Clause 11.02 but emphasised that this Clause refers to 'at least' a 15 year supply. He referenced supply of residential land in the north west corridor which is currently of the order of twice this. He stated that he was comfortable with a supply of industrial land well in excess of 15 years take up and that

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<sup>10</sup> See Documents 27 to 31.

he was not concerned with over-supply. He further stated that if there is concern about over supply it was not a problem for this Amendment but rather for the Amendment that will seek to incorporate the Officer South Employment PSP, which is currently under preparation.

### 3.2 Discussion

The broad strategic justification for the development of the Precinct for employment purposes was not contested but rather the timing of it was the issue in dispute.

In considering whether the Amendment is premature the Panel addresses this as two sub issues:

- the amount of 'development ready' employment land available
- the future supply of development ready employment land.

The Panel notes that in the strategic documents various terminology is used to describe land that might be available for employment provision, including 'industrial', 'commercial' and 'retail'. The Panel is of the view that the key policy driver is facilitating the provision of jobs for the corridor's increasing population and therefore uses the all encompassing term 'employment land' in discussing availability of land in the future for employment purposes. It notes that in the PSESP the majority of land is proposed for industrial purposes.

In examining the issue of the potential over-supply of industrial land in the Cardinia, the Panel does not find reference to the SGS report observation of there being 100 years supply of industrial land particularly helpful. A similar observation is made about the MICLUP reference to available supply of 1262 hectares. The observation by SGS and the MICLUP supply are not questioned, but rather these are references to total potential supply of employment land, not land that is zoned and development ready.

Parklea applied a recent annual consumption of 13.9 hectares of land in the Officer-Pakenham SSIP to land currently available in CREP and the potential 480 hectares that might be added to the supply of development ready land with the approval of the Officer South Employment PSP to demonstrate decades of supply of development ready employment land. The Panel does not accept that such analysis is a useful representation of future supply of development ready land for three reasons.

Firstly, it appears highly likely that the future demand in the Officer-Pakenham SSIP will be significantly higher than 13.9 hectares per annum. The Panel accepts that industrial land supply in the Southern SSIP is likely to be exhausted in the next few years. What is far less certain is the proportion of that unmet demand that will transfer to the Officer-Pakenham SSIP. No submitter or witness was able to present convincing evidence on the likely level of demand transfer. This is not a criticism of submitters or Mr Ainsaar but recognition that such a forecast is extremely difficult to make. However, the Panel notes Mr Ainsaar's observation that if only 30 percent of recent average demand in the Southern SSIP was transferred to the Officer-Pakenham SSIP, the recent take up rate of 13.9 hectares per annum would be significantly more than doubled.

Secondly, the Panel does not accept that taking potential future addition to supply generated by the possible future approval of the Officer South Employment PSP into account has any logic to it in its assessment of this Amendment.

Thirdly, while there is now some evidence of demand for employment land in CREP, it was generally acknowledged by Council and submitters and witnesses that CREP had not performed as expected. The Panel simply makes this observation but does not consider it appropriate to

speculate on the reasons for this lack of growth in the context of this Amendment. It is noted that Council has committed to a review of CREP.

The Panel notes Mr Ainsaar's observation that if this Amendment is not approved, that jobs may be lost to Cardinia and that the overflow demand from the Southern SSIP can be assumed to flow to CREP.

In terms of current development ready supply of employment land the Panel accepts the UDP data, albeit a couple of years old, as the most reliable indicator of supply. Figure 3 shows of the order of 400 hectares of zoned employment land in the Officer-Pakenham SSIP, a significant proportion of which is in CREP.

If the Panel could be confident that demand would readily be taken up in CREP it might be more convinced that this Amendment could be considered premature. However, the track record of demand for employment land in CREP in the decade since its approval does not instil confidence.

The Panel is however persuaded by the evidence of Mr Ainsaar that the rapid development of the South East Business Park over the last eight years or so is convincing evidence of steady demand which will see that development fully built out in a few years and there is every reason to believe that the demand will continue south into the PSEPSP area which is the subject of this Amendment.

The Panel fully acknowledges that if whatever is ailing CREP is rectified, and this Amendment is approved there will be significant supply of development ready employment land to cater for the likely demand over considerably more than a decade. The Panel notes the submission of Mr Black and understands that the vision for CREP at the time it was approved was not as a traditional industrial estate. In the context of Mr Black's observations, the take up of industrial land in CREP and the extent that it is a competitor to the PSEPSP may depend on any new vision articulated and the related planning controls.

The Panel is cognisant of the comment of Mr Ainsaar that if the PSEPSP is not approved there is a risk that jobs will be lost to Cardinia. There is no evidence that this will be the case and it is acknowledged that Mr Ainsaar was simply speculating.

The Panel accepts the observation of Mr Ainsaar that supply of employment land at this level that will be generated by the approval of the PSEPSP will not create particular problems. Future demand for employment land in the Officer-Pakenham SSIP cannot be stated with any degree of confidence. However, the Panel was not presented with any convincing evidence that the approval of the current Amendment will result in an over-supply of employment land to the extent that this will generate problems or other disbenefits. For these reasons, the Panel does not believe that the approval of the Amendment is premature.

### 3.3 Conclusions

The Panel concludes:

- Amendment C265card to the Cardinia Planning Scheme strategically justified.
- Approval of Amendment C265card will not result in an over-supply of employment land to the extent that it will cause significant problems or disbenefits.



## 4 Issues raised by G&K O'Connor

G&K O'Connor Pty Ltd (Submission 8) operate a large abattoir and rendering works employing approximately 400 people and is located to the south east of the Precinct. It occupies approximately 108 hectares and is outside the UGB. The O'Connor site is zoned Special Use Zone Schedule 7, South East Food Production, Export and Employment Node.

The existing operations are located in the north east sector of the O'Connor property. In October 2019 Council approved a masterplan for the development of the balance of the site for a range of uses including production, research and retailing related to the core O'Connor activities. O'Connor informed the Panel that it anticipates that the site will be progressively developed over the next decade, in line with the approved masterplan. Figure 4 shows the location of the O'Connor site in relation to the PSP area.

The issues raised by O'Connor and addressed by the Panel are:

- the need to include a buffer area within the PSEPSP to enable the location of sensitive uses in the Precinct to be controlled so that the future uses developed on the O'Connor site are protected
- whether the land indicated as a road reserve in the north east corner of the PSP area is adequate for the construction of an intersection of Greenhills and Koo Wee Rup Roads to accommodate future traffic volumes including traffic generated by the PSP area when fully developed and the O'Connor site when fully developed.

### 4.1 Buffer area

#### (i) Evidence and submissions

The PWRP is located east of the PSP area and north of the O'Connor site and a buffer area that protects its existing and potential development is included in Plan 4 of the exhibited PSEPSP. The exhibited PSEPSP notes:

The existing abattoir is subject to EPA's Scheduled Premises Regulations 2017 and has a separation distance of 500 metres from sensitive uses. As the source of the production is located almost 1 kilometre east of the Healesville-Koo Wee Rup Road, their 500 metre separation distance (buffer) does not currently extend to the proposed PSP precinct.<sup>11</sup>

O'Connor submitted:

Appendix B to the PSP does not identify that the O'Connor plant includes rendering. This is an existing use and regulated under the EPA licence for the site. The buffer under both clause 53.10 and EPA 1518 is 1,000 m.<sup>12</sup>

O'Connor further submitted that evidence presented by Mr Ramsay demonstrates that a 1000 metre buffer is required, not 500 metres as indicated in the PSEPSP. Further Mr Ramsay stated that the buffer should take into account uses proposed in the approved Masterplan which will bring development on the O'Connor site closer to the PSP area. It was initially unclear where this buffer was measured from. Mr Ramsay later clarified that it was measured from the proposed

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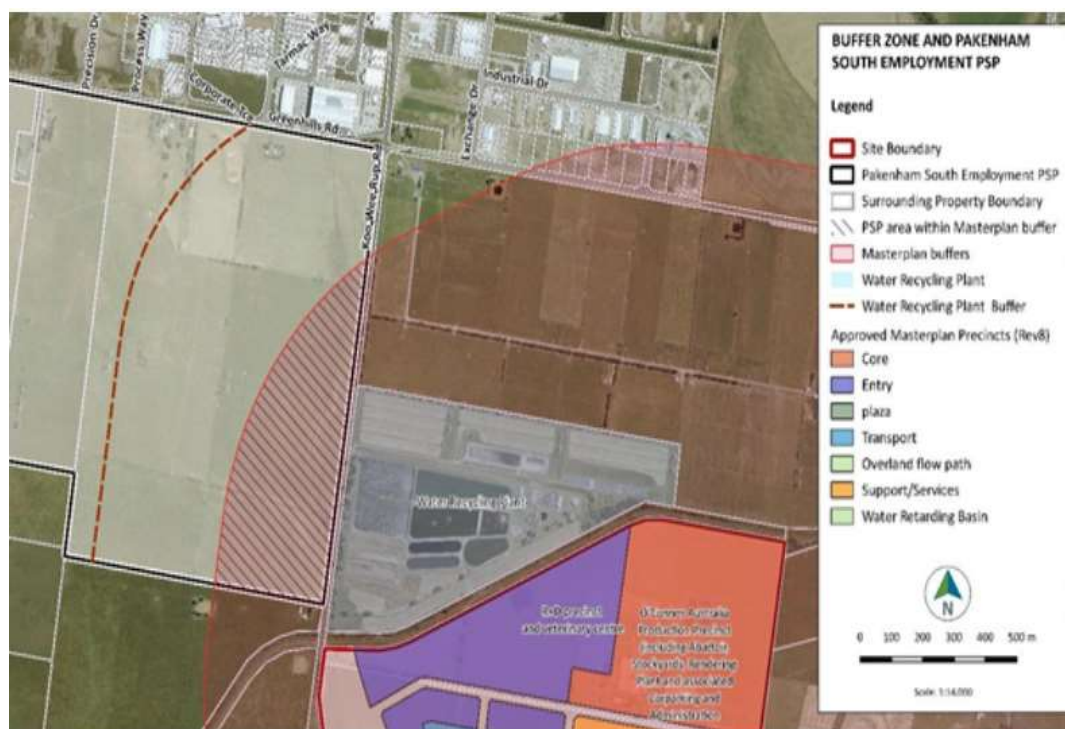
<sup>11</sup> South Pakenham Employment PSP, Appendix b

<sup>12</sup> O'Connor submission, para 25

location of the veterinary production facility which is located in the 'Entry Precinct' in the approved masterplan. The proposed buffer area is identified in Figure 4.

O'Connor submitted that as shown in Figure 4 the entire O'Connor buffer area lies within the buffer for the PWRP included in the PSEPSP and that while that plant continues to operate at its current level, the issue of the O'Connor buffer was not substantive. However, O'Connor submitted that if the PWRP does not continue to operate, the buffer from that plant could be removed. O'Connor submitted that the future of the PWRP is unclear. O'Connor submitted that to protect its future expansion the buffer to the O'Connor operations as proposed by Mr Ramsay should be included in the PSEPSP.

**Figure 4** Buffer area proposed by O'Connor



Source: Evidence of Mr Ramsay, Figure 3

Council responded that it was happy to include the buffer to the O'Connor future operations in the PSEPSP subject to the advice of the Panel.

## (ii) Discussion

The Panel notes that it is a little surprised that this matter was not able to be resolved prior to the Hearing. However, the Panel accepts the O'Connor submission and the evidence of Mr Ramsay.

## (iii) Conclusion

The Panel concludes:

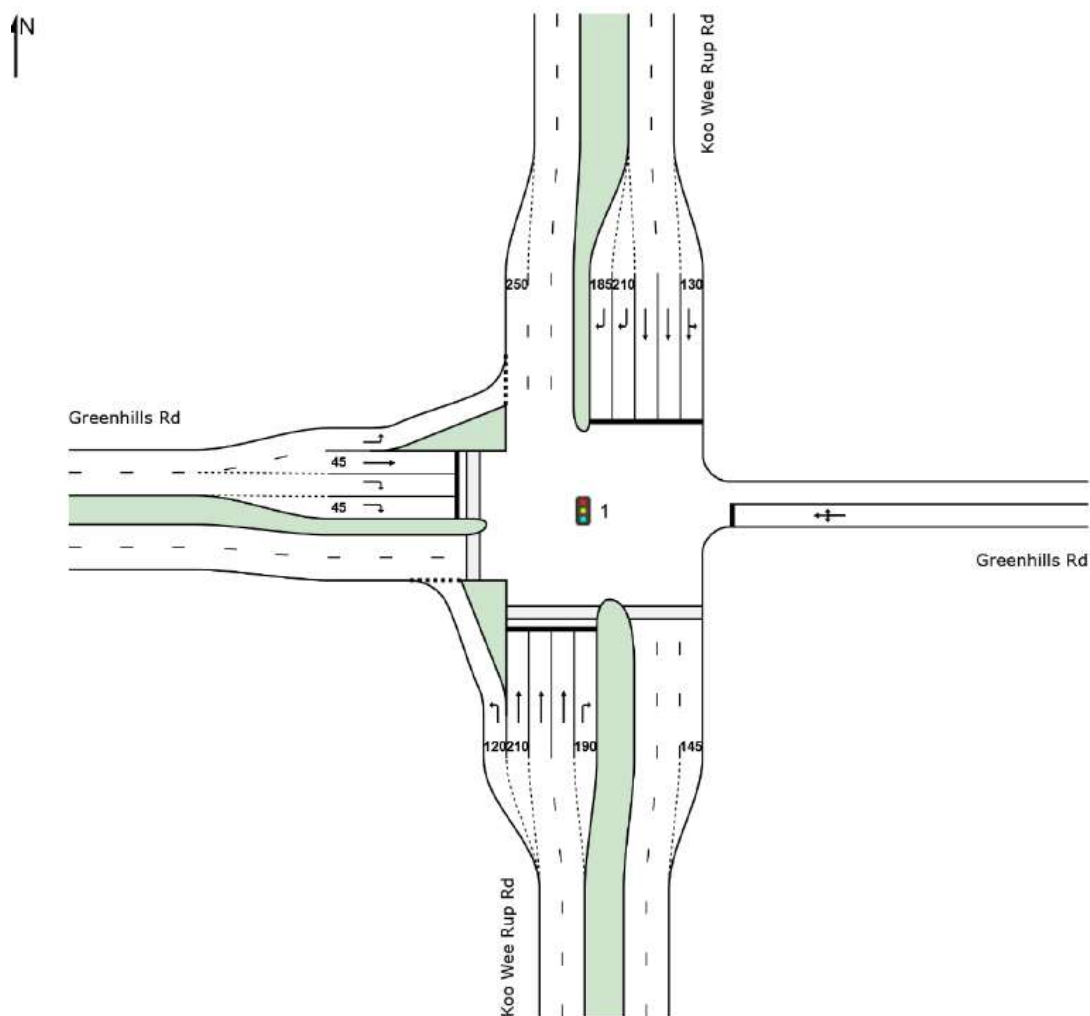
- A buffer to protect the future development of the O'Connor site should be included in the PSEPSP in the location proposed by Mr Ramsay as depicted in Figure 4.

## 4.2 Intersection of Greenhills and Koo Wee Rup Roads

### (i) Evidence and submissions

The intersection of Greenhills and Koo Wee Rup Roads is to be constructed by Major Road Projects Victoria (MRPV) but is included in the PSEPSP as an intersection project as the road reserve will involve land acquisition in the north east corner of the PSP area. This is shown in Plan 9 of the PSEPSP and the applied zone is Road Zone. As the intersection construction works are funded from other sources no detail of the functional layout of the intersection is included in the PSEPSP. However, the Trafficworks report which was prepared as background to the preparation of the PSEPSP includes the proposed intersection functional layout shown here as Figure 5

Figure 5 Layout plan for Greenhills Road and Koo Wee Rup Road intersection



Source: Trafficworks Pakenham South Traffic Impact Assessment, Appendix B

Council submitted that the Department of Transport (DoT) had approved both the Trafficworks traffic impact assessment prepared as a background paper to the PSEPSP and the traffic implications of the approved O'Connor development masterplan.

O'Connor submitted:

...the assessment of traffic volumes for the widening of the intersection has not taken into account the traffic volumes to be generated by the build out of the O'Connor land<sup>13</sup>.

In his expert evidence, Mr Turnbull stated that the daily traffic volumes used in Trafficworks report significantly underestimates the amount of traffic generated by the full build out of the O'Connor site. He presented his calculation of the likely daily traffic counts, shown in Table 4. The second row represents Mr Turnbull's calculation of north-south traffic volume at full build out of the O'Connor site and the third row discounts these by 15 per cent to allow for reduced traffic as a result of uses on the O'Connor site being complementary to existing uses.

The underestimate calculated by Mr Turnbull is shown in the final row of Table 4. Mr Turnbull stated that it is underestimated to the extent that a further south to north through lane will be required in Koo Wee Rup Road plus a further left turn lane from the east in Greenhills Road to the north in Koo Wee Rup Road.

**Table 4 Koo Wee Rup Road volumes - O'Connor to Greenhills 2030 (vph)**

Koo Wee Rup Road	Northbound		Southbound		Total	
	AM	PM	AM	PM	AM	PM
Trafficworks	1212	861	1004	1503	2216	2364
O'Connor (full build)	1495	2525	2150	1562	3645	4087
O'Connor (15% reduced)	1450	2348	1973	1517	3423	3865
Difference	238	1487	969	14	1207	1501

Source: Evidence of Mr Turnbull Table 1.

Mr Turnbull emphasised the afternoon peak figures which he stated justified the further south to north through lane at the intersection.

Council disputed these traffic estimates and Mr Charrett, a Council traffic engineer, stated that a fourth lane could not be accommodated on the north side of the intersection which is already built out. Council emphasised that the traffic generation implications associated with both the PSEPSP and the O'Connor Masterplan have been approved by the DoT.

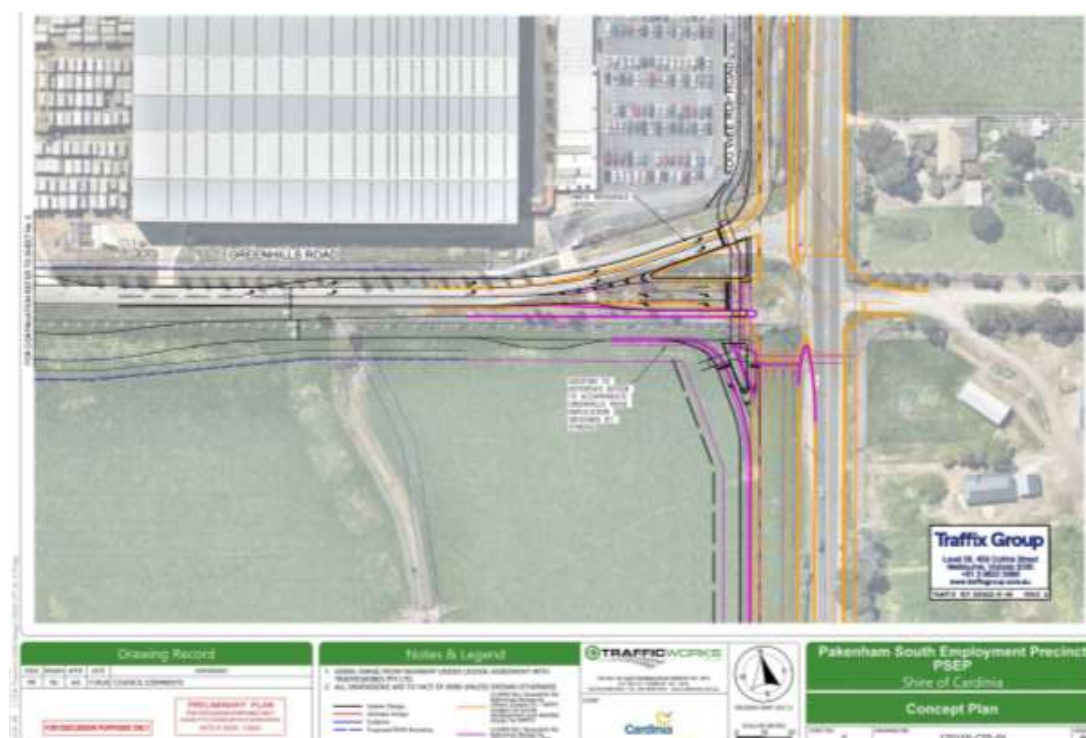
At the conclave between Mr Turnbull and Council officers prior to the Hearing, Council agreed to further consult with DoT officers.

Mr Turnbull recognised that it is not the role of this Panel to resolve these differences, but he stated that what was important as far as this Amendment is concerned is that sufficient land is identified in the PSEPSP to accommodate the further lanes he recommended.

The extra land calculated as required by Mr Turnbull is depicted by the black lines in Figure 6 which Mr Turnbull superimposed on a plan produced by Trafficworks. In answer to a question from the Panel he stated that he estimated that an extra 3.5 metres of land would be required but that he could not be more accurate than this as he had not been able to access the relevant Computer Aided Design files. Mr Turnbull acknowledged that the intersection with the footprint he recommended may fit within the proposed reserve, but he was not able to confirm that. Neither was Council able to cast further light on this.

<sup>13</sup> O'Connor submission, para 34

**Figure 6** Extra land required for an enhanced Greenhills Road/ Koo Wee Rup Road intersection



Source: Evidence of Mr Turnbull, Appendix D

Council advised the Panel that it understands that the construction of this intersection is imminent and the Panel understands it could commence within a year or so.

## (ii) Discussion

The Panel understands that the final design of the intersection of Koo Wee Rup Road and Greenhills Road has not been completed. Nor is it the role of the Panel to try to resolve the differing views of likely future traffic volumes through the intersection. These will be resolved by DoT and MRPV at the appropriate time. It is unclear when this might occur, but information provided to the Panel by Council suggests that this could be in a relatively short period of time, indeed the Panel notes that it is possible that this could be resolved before the final approval and gazettal of the PSEPSP.

The key question for the Panel to resolve is whether further land should be set aside in the north east corner of the PSEPSP to accommodate a possibly larger intersection footprint than envisaged in the PSEPSP. The Panel notes that Mr Turnbull is a traffic engineer of many years experience and the Panel accepts his evidence that it would be prudent to set aside extra land to accommodate a potentially larger intersection. In drawing this conclusion, the Panel is cognisant that further work may well be undertaken prior to approval of the PSEPSP that negates the need for this extra land take. If indeed further consultation occurs and DoT is satisfied that extra land will not be required to accommodate the intersection, the Panel accepts that the PSEPSP may be approved with the land take needed for the intersection as exhibited. However, if the footprint of the intersection is not finalised, the PSEPSP should include the extra land take advised by Mr Turnbull as indicatively proposed in Figure 6.

**(iii) Conclusion**

The Panel concludes:

- The PSEPSP should provide for extra land to provide for an intersection at Greenhills and Koo We Rup Roads as proposed by Mr Turnbull as set out in Figure 6, unless DoT advises that this is not necessary before the PSEPSP is approved.

**4.3 Recommendations**

The Panel recommends:

**Amend Plan 4 to include a buffer to the G&K O'Connor Pty Ltd site, broadly in the location as proposed in Figure 4 of this report and amend Appendix B to reference this buffer.**

**Amend Plan 9 to recognise the area to which the Public Acquisition Overlay is to be applied in the north east corner of the precinct can accommodate an intersection as proposed by Mr Turnbull and represented in Figure 6 of this report**



## 5 Jane Property Group submission

The Jane Property Group (Jane) raised a number of issues as follows:

- how direct access to Greenhills Road from Property 1 can be provided
- whether the internal PSEPSP north south road parallel to Mc Gregor Road is required
- whether the roundabout at the intersection of McGregor Road and an east west road in the PSEPSP is necessary and should be included as an Infrastructure Contributions Plan (ICP) project
- whether the permanent sewer pump station identified in Plan 12 of the PSEPSP is accurately located and required
- whether infrastructure items RD02 and IN01 are appropriately described in Table 4 of the PSEPSP
- whether the shared path running along the boundary of the PAO shown in the south west corner of property 1 can be re-routed.

In addition, Jane requested a number of other changes to wording and deletion of Requirements and Guidelines, a number of which Council has agreed to. These are listed and addressed as relevant in Chapter 6.

### 5.1 Greenhills Road access

#### (i) The issue

Plan 4 of the PSEPSP (see Figure 2) shows the only road access to the western end of Greenhills Road is to the east of the heritage property and convenience centre, that is on Property 2. Existing property boundaries within the PSP area are shown in Figure 7. Property 1, in which the Jane has an interest is immediately west of this heritage/ convenience precinct and has no proposed direct access to Greenhills Road. If Jane wish to proceed with development, which it indicated is its wish, they would not be able to do so until Property 2 to its immediate east commences development.

#### (ii) Evidence and submissions

Council indicated that it has no objection in principle to providing at least temporary access from Property 1 to Greenhills Road, which is currently a Council controlled road.

Jane initially submitted that it was seeking the relocation of this access road from Property 2 to Property 1. At the Hearing it indicated that it would not seek the relocation of the road if it could obtain direct access to Greenhills Road from Property 1, that is an additional access road in this quadrant of the Precinct.

In evidence for Jane, Mr Walsh concluded:

The preferred access location is approximately 50 metres from the eastern boundary, however an access at the eastern boundary is also an acceptable alternative<sup>14</sup>

Jane's preferred access to Greenhills Road is as shown in Figure 8 as access option 1.

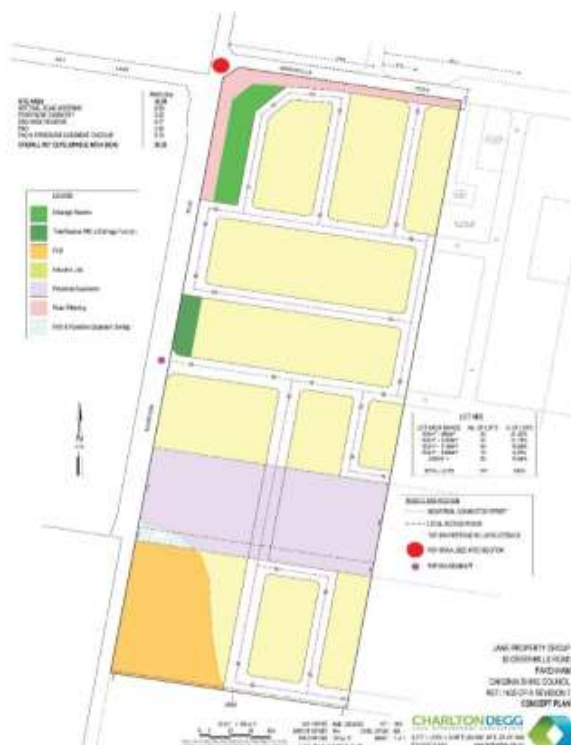
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<sup>14</sup> Evidence of Mr Walsh, para 68



**Figure 7 Properties comprising the Pakenham South Employment PSP**

Source: Exhibited PSESP, Plan 5

**Figure 8 Property no. 1, Greenhills Road access option 1**

Source: Council Part B Submission Attachment 1

Council's preferred option is access option 2 at Figure 9, which shows the new north south access road immediately west of and abutting the heritage property and proposed open space.

**Figure 9** Property no. 1, Greenhills Road access option 2

Source: Council Part B Submission Attachment 2

Mr Walsh explained that Greenhills Road would initially be constructed as a single carriageway road with one lane in each direction and a speed limit of 70 kilometres per hour. In its ultimate configuration it would be duplicated, and he expected that as a dual carriageway arterial road the posted speed limit would be 80 kilometres per hour. Mr Walsh further stated that given the projected traffic levels for Greenhills Road he did not expect duplication of Greenhills Road to be warranted for many years.

Mr Walsh stated that Jane's preferred access option 1 conformed with Austroads guidelines with respect to the required deceleration lane for speed limits of both 70 and the likely ultimate 80 kilometres per hour.

Mr Walsh stated that access option 2 with a single carriageway and a 70 kilometres per hour speed limit conformed with Austroads guidelines. He stated that this allowed for a deceleration lane with a taper of sufficient length for that deceleration land starting west of the access road to Property 2 as proposed in the PSEPSP.

Council submitted that access option 2:

...may work from a traffic guideline perspective, it is not considered a desired outcome from an urban design perspective and not supported by Council. The interface that is proposed would create a conflict of several Council design policies regarding open space planning. A key strategy within the Shires Recreational Open Space Strategy (2000) is to improve park safety by ensuring park facilities are developed with good general surveillance and maintain lines of sight from surrounding residents and roads. Further, within Councils Recreation Facilities Standards Policy (2012) A key design guideline – Safety states recreation facilities must give adequate consideration to public

safety in the design, location and management of all recreation facilities. In addition, Council needs to ensure that the development of recreation facilities comply with the Crime Prevention for Environmental Design Principles (CPTED), which focuses on natural/passive surveillance.<sup>15</sup>

Jane submitted that

... requiring four street frontages to the proposed heritage place is excessive, particularly given most of the western boundary of the heritage place is a driveway occupied by mixed vegetation that connects the dwelling to Greenhills Road<sup>16</sup>.

Mr Walsh acknowledged that the access option 2 could not provide a deceleration lane of a length that would comply with Austroads guidelines with an 80 kilometres per hour speed limit. He stated that it would be sufficient length to allow such an access to operate safely and that there were numerous examples in metropolitan Melbourne with 80 kilometres per hour speed limits with deceleration lanes of this length or shorter.

In answer to a question from the Panel, Mr Walsh conceded that most of the examples where a deceleration lane of a length below Austroads guidelines had been in place for a number of years.

Council submitted that it would allow temporary access to Greenhills Road for access option 2, but that this access may need to be closed when the speed limit is increased to 80 kilometres per hour. Mr Walsh acknowledged that if this road access was required to be closed at some stage in the future, provision would need to be made for vehicles to turn around within what would then be a road terminating just short of Greenhills Road at its northern point. He stated that this could either be through the provision of a court bowl or a hammer head configuration.

### **(iii) Discussion**

In considering the appropriate road access from Property 1 to Greenhills Road, the Panel considered the two key criteria are the utility of the open space/ local convenience centre located on the western side of Property 2 and ensuring safe vehicle access to Greenhills Road. Council cited policies and strategies which emphasise safety and external surveillance with respect to open space. This is accepted by the Panel as a key consideration. However, the Panel is not convinced that to meet these requirements, street access to the open space is necessarily required from all four sides of the open space.

The Panel does not accept that having industrial development backing onto the open space is desirable either and certainly will not enhance surveillance of the open space from the west. The Panel further accepts that part of the western boundary of the open space is already treed and that will limit the opportunity for surveillance. However, with a street along that frontage there is the opportunity for usefully incorporating existing trees into the design of the open space.

Before drawing a conclusion on this issue, the next question considered by the Panel is whether there can be safe access to Greenhills Road from an access street abutting the western edge of the heritage place/ open space. The Panel accepts the evidence of Mr Walsh that with a posted speed limit of 70 kilometres per hour on Greenhills Road, that this access can operate safely and successfully with full turn functionality and in conformity with Austroads guidelines.

On balance, the Panel concludes that the PSEPSP should be amended to show access to Greenhills Road from Property 1 proposed in access option 2.

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<sup>15</sup> Part B submission from Council para 53.

<sup>16</sup> Jane Property Group submission, para 71.

The Panel considers that Council could carefully examine any proposal from Jane that shows development with an active frontage to the open space/ heritage place with a shared path between the development and the open space and the access street to the 'back' of these properties broadly in the location proposed in access option 1. In other words vehicle access could be to the rear of the buildings. Council should be open to innovative design outcomes in situations such as this.

This leaves the question of whether the access to Greenhills Road as proposed in access option 2 should be permanent or temporary. Council only want it to be temporary. The Panel accepts Mr Walsh's evidence that temporary in this instance may be a period well in excess of a decade and possibly longer. The Panel considers that a decision on whether this access becomes permanent should be made when Greenhills Road is duplicated, and the speed limit increased to 80 kilometres per hour and should be made by the road authority based on the standards and relevant traffic data at that time. It is not necessary or indeed desirable to make that decision now. The Panel further considers that as traffic volumes on Greenhills Road increase it may be necessary to limit access from Property 1 to left in /left out only.

**(iv) Conclusion**

The Panel concludes:

- Plan 4 of the PSP to be amended to show a new north south access road on Property 1 immediately west of the heritage property/ open space as shown in Greenhills Road access option 2.

## **5.2 Internal road parallel to McGregor Road**

**(i) Evidence and submissions**

In his evidence, Mr Walsh recommended that the section of road internal to the PSEPSP and parallel to McGregor Road be deleted. He pointed out that at its southern end its intersection with the east west road which meets McGregor Road at the roundabout would be too close to McGregor Road to operate safely. Council subsequently accepted that this road should be deleted.

**(ii) Discussion**

The Panel accepts that the southern intersection of this section of road close to the intersection of McGregor Road and the east west road internal to the PSEPSP would be difficult and agrees that it should be deleted.

**(iii) Conclusion**

The Panel concludes:

- Plan 4 of the PSEPSP should be amended to delete the section of road parallel to and immediately east of McGregor Road.

### 5.3 Mc Gregor Road roundabout

#### (i) Evidence and submissions

The PSESP shows a roundabout on Mc Gregor Road about half-way along the western boundary of Property 1. Jane submitted:

If the roundabout at McGregor Road as exhibited is required to service the broader PSP, then any land take necessary within the PSP area should be considered now and included as an ICP land project, and the costs associated with the construction of the roundabout, (or any alternative interim intersection treatment) should be included as an ICP intersection project.<sup>17</sup>

The removal of this roundabout was supported by the evidence of Mr Walsh who stated that he could see no need for the roundabout as there is unlikely to be any significant traffic on Mc Gregor Road from the south of this intersection. Council simply responded that the roundabout was proposed for traffic management reasons.

#### (ii) Discussion

No evidence was proposed by either the Jane or by Council on either the likely future traffic flows either from the PSESP onto McGregor Road or traffic on McGregor Road emanating from other sources. The Panel finds that it has been provided with no convincing evidence other than the opinion of Mr Walsh about why the roundabout should be removed.

However, Figure 2 shows the east west road within the PSESP traversing a significant part of the PSESP area and could provide access to Mc Gregor Road from a significant proportion of the PSESP. On this basis the Panel concludes that the roundabout should be retained and included as an ICP item in Table 4 of the PSESP.

#### (iii) Conclusions

The Panel concludes:

- The roundabout at the intersection of the east west road within the PSESP area and McGregor Road should be retained.
- Land within the PSESP area and construction of the roundabout should be included in Table 4 of the PSP as infrastructure items and funded through the ICP.

### 5.4 Proposed infrastructure items

#### (i) Submissions

Jane submitted that the construction of part of the second carriageway of Greenhills Road (infrastructure item RD02) should be deleted as the responsibility for the ultimate form of this road lies with the DoT and not Cardinia Shire Council as indicated in the PSESP. In its submission in reply Council accepted this position.

Further, Jane submitted that the description of project IN02 was unclear, and that MRPV was responsible for this intersection not Council. Council acknowledged that this was the case and that the description of the project should be amended to reflect this.

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<sup>17</sup> Jane Property Group submission, para 104.

Jane further questioned the 'Culverts' project in Table 4 of the PSEPSP. It submitted that its understanding was that the South East Business Park which is responsible for the interim construction of Greenhills Road from Koo Wee Rup Road to McGregor Road was responsible for the provision of culverts. Council indicated that it would confirm responsibility for the culverts after the Hearing and subsequently submitted:

... upon further discussions with Melbourne Water today, it was clarified that the funding to be provided by the DSS<sup>18</sup> is essentially for the culverts in the north carriageway section of the road reserve, not within southern carriageway section within the Pakenham South PSP area that is nominated within Table 4.

Therefore, Council is of the opinion that Culvert Projects section within the Table 4 can be removed.

However, a notation needs to be included to provide the final section of the culvert within the ICP Project Table 4 which is described as:

Provision of land (ultimate 34 metre road reserve) for second carriageway (including culverts) south of existing road reserve. Land is for entire length of Greenhills Road<sup>19</sup>

## **(ii) Discussion**

The Panel agrees that the description of the project IN02 should be changed to reflect the responsibility for the project and that the 'interim construction' column of Table 4 in the PSEPSP be changed to 'No' and the timing column should be changed to 'S'.

The Panel accepts the explanation of the culverts project provided by Council and concludes that the Culverts project should be deleted from Table 4. However, the Panel does not accept Council's proposed change of wording for project RD01. Project RD01 is for the provision of land and the Panel is of the view that the provision of culverts is a construction cost and therefore should be included with road project RD02 which is being deleted from table 4 as it is the responsibility of the DoT. It is assumed that this aspect of the construction cost will be funded by DoT.

Project RD01 should be deleted from table 4 in the PSEPSP.

## **(iii) Conclusion**

The Panel concludes:

- Table 4 of the PSEPSP should be amended to delete project RD01 and description of project IN02 should make clear that MRPV is the responsible agency. The 'interim construction' column project IN02 should be changed to 'No' and the 'Timing' column changed to 'S'.

## **5.5 Other infrastructure items**

### **(i) Submissions**

Jane submitted that two further infrastructure items shown in the PSEPSP should be deleted as they are inconsistent with the plans of the relevant service authorities. Jane submitted

The proposed permanent sewer pump station shown on Plan 12 of the PSP in the southeast corner of Greenhills Road and McGregor Road is inconsistent with South

<sup>18</sup>Development Services Scheme

<sup>19</sup> Correspondence from Council (Document 32)

East Water's Sewer Strategy Plan, which does not require a sewer pump station at this location<sup>20</sup>.

and

Additionally, the proposed drainage reserve located at the north-west corner of 30 Greenhills Road (Property 1) and the main drainage alignment through the site is inconsistent with Melbourne Water's Deep Creek South DSS Map, which does not specify a designated overland flow path.<sup>21</sup>

At the Hearing Council responded that it would need to seek further advice from the South East Water and Melbourne Water respectively but was happy to amend Plan 12, subject to advice from the relevant authorities.

Melbourne Water subsequently confirmed that the drainage reserve is required.

Jane submitted that Plan 10 of the PSEPSP shows a shared path which starts at Greenhills Road and proceeds south on the western boundary of Property No. 1 until it reaches the alignment of a PAO in the south west corner of Property No. 1 and then follows that alignment. Jane submitted that it would more usefully follow the alignment of future streets within the Property 1 in the vicinity of the PSEPSP. Council accepted this proposed change.

Subsequent to the Hearing, South East Water confirmed to Council that the sewage pump station located in the north west corner of Property 1 was not needed and could be removed from Plan 12 of the PSP. Council agreed with this.

## **(ii) Discussion**

The Panel accepts Melbourne Water's advice to Council that the drainage reserve shown on Plan 11 of the PSP is required. Further, the Panel accepts that the sewage pump station can be deleted from Plan 12.

The Panel agrees that the shared path is unlikely to connect to any land use south of the PSEPSP in the foreseeable future and that it would be of greater utility to future uses in the PSEPSP if it followed proposed future streets. The exact alignment can be finalised at subdivision stage.

## **(iii) Conclusions**

The Panel concludes:

- The drainage reserve in the north east corner of Property 1 should be retained.
- The sewage pump station shown in the north west corner of the PSP area should be deleted.
- The shared path in the southern west corner of Property 1 should be realigned to follow future streets as opposed to following the alignment of the PAO as currently shown on Plan 10.

## **5.6 Recommendations**

The Panel recommends:

**Amend Plan 4 to include a north south road abutting the eastern boundary of Property 1 with access to Greenhills Road.**

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<sup>20</sup> Jane Property Group submission, para 93.

<sup>21</sup> Jane Property Group submission, para 95.



**Amend Plan 4 to delete the section of road internal to the precinct that is parallel to McGregor Road.**

**Amend Table 4 to add the land and construction for a roundabout on McGregor Road approximately half-way along the Mc Gregor Road frontage.**

**Amend Table 4 to delete project RD01.**

**Amend the description of IN02 in Table 4 to make clear the Major Road Projects Victoria is responsible for the project, that interim construction shows that the project is not the responsibility of the PSP and that the timing is 'S'.**

**Amend Plan 10 to designate the alignment of the shared path which follows the boundary of the Public Acquisitions Overlay in the south west corner of the Precinct Structure Plan as "future alignment in the vicinity of the Public Acquisition Overlay boundary to be determined to the satisfaction of the Responsible Authority."**

**Amend Plan to 12 delete the sewage pump station located in the north west corner.**

## 6 Other issues

The Chapter addresses issues raised by other submitters who did not wish to be heard by the Panel.

A number of submitters requested minor changes to Amendment documentation which were accepted by the Council. These are not addressed in detail but are listed in this Chapter together with a Panel comment.

### 6.1 Extension of precinct boundary

#### (i) The issue

The issue is whether the boundary of the precinct can or should be extended further to the south.

#### (ii) Submissions

Submitter 1 submitted that the southern boundary of the Precinct should be extended to include additional land to the south of the PSEPSP, including land owned by the submitter.

Council responded that the amendment applies to approximately 185 hectares of land within the UGB and identified within the Officer-Pakenham SSIP and that it is not within the scope of the Amendment to review the UGB.

#### (iii) Discussion

The Panel agrees with Council that it is neither within the scope of this Amendment to extend the boundary of this precinct beyond the existing UGB which abuts the southern border of the precinct, nor within the scope of this Panel's capacity to make a recommendation to amend the UGB.

#### (iv) Conclusion

The Panel concludes:

- The boundary of the area covered by the PSEPSP should not be extended.

### 6.2 Future bypass road will result in land being landlocked

#### (i) The issue

The issue is whether the potential land locking of the submitter's land outside the PSEPSP area should be considered as part of this Amendment.

#### (ii) Submissions

Submitter 9 submitted that when the future bypass road, which impacts both the south west corner of the PSEPSP area and the submitters land which is immediately south of the PSEPSP area, is constructed their land would be effectively land locked.

Council acknowledged the issue but submitted that it is not an issue to be resolved as part of this process. Council further submitted that when the bypass road is constructed legal access will be available to the submitter's land.

**(iii) Discussion**

The Panel agrees with Council that this is not an issue that is immediately relevant to this Amendment and notes Council's assurance concerning future legal access to the submitter's land.

**6.3 Other changes to the PSEPSP**

The exhibited PSEPSP includes a number of Requirements which must be met and Guidelines to help guide the future development of the Precinct.

**(i) The issue**

The issue is whether submissions for the deletion and revision of a number of Requirements and Guidelines in the PSEPSP and other minor changes to text and plans in the PSEPSP should be accepted.

**(ii) Submissions**

The following submitters made requests to have minor changes made to the PSEPSP or Requirements or Guidelines either revised or deleted:

- Department of Environment, Land Water and Planning (Submission 3)
- Invest Victoria (Submission 7)
- Melbourne Water (Submission 10)
- Department of Transport (Submission 13).

In addition, Jane requested a number of minor changes that were not specifically addressed in Chapter 5.

Council provided a consolidated list of PSEPSP changes requested, and other post exhibition changes to the PSEPSP and these are reproduced in Table 5. Also included in Table 5 are changes requested by submitters which were rejected by Council. The table includes a final column in which the Panel comments of the changes requested.

**Table 5 Consolidated list of PSEPSP changes requested**

Submission	Change requested	Council comment	Panel Recommendation
Department of Environment, Land, Water and Planning	Requested changes to Section 3.3.2 (p. 31) to reflect updated legislation.  Update Schedule to Clause 52.17 to reflect model content of no vegetation to be retained.	All changes accepted in full.	Agree with Council
Melbourne Water	Table 3: Water Infrastructure (p. 38) identifies the area of Asset WL1 as approximately 7.75 ha, however, the area of the public acquisition overlay (PAO) for this asset is approximately 13.8 ha. Melbourne Water requests that the land-take figure for asset WL1 is	All changes accepted in full.	Agree with Council

Submission	Change requested	Council comment	Panel Recommendation
	<p>updated to reflect the area of the PAO included with this amendment.</p> <p>Plan 11 Note - Could the reference to "truck drainage lines" be updated to "trunk drainage lines" or "main drainage lines"</p> <p>R47 (p. 47) - Stormwater conveyance and treatment must be designed in accordance with the relevant Scheme and/or Drainage Strategy, to the satisfaction of Melbourne Water. Plan 11 - The wetland identified as WL1 in Plan 11 is located outside of the precinct and an Incorporated Plan Overlay Schedule 2 – Pakenham South Employment Precinct Structure Plan applies to this land to give affect to the PSEPSP. Melbourne Water requests that the reference to "scheme" be updated to "Development Services Scheme".</p> <p>Plan 12 (p. 40) Utilities details a Sewage Pump Station in the south-east corner of the precinct and appears to proposed connections to the wetland (WL1) to the south of the precinct. Melbourne Water requests further guidance regarding the intent of the sewerage network in this section of the precinct and confirm of the proposed siting of any emergency relief structure (ERS) from the proposed Sewage Pumps Station.</p>		
Department of Transport	<p>Add the following sentence to R33 (p33): "Access to internal roads must be limited to the proposed intersections along Greenhills Road."</p> <p>Swap labels RD-01 and RD-02 on Plan 13 Precinct Infrastructure Plan (p42) to correctly reflect the project descriptions in Table 4 Precinct Infrastructure (p46).</p> <p>Change the cross-section for Greenhills Road in Appendix C (page 56) to include "(38.5m at bus stop locations)" below "34m ROAD RESERVE"; and include "(12m at bus stop locations)" below "7.5m VERGE".</p>	All changes accepted in full	Agree with Council

Submission	Change requested	Council comment	Panel Recommendation
	<p>In Table 3.7 Precinct Infrastructure (p46), change all existing references to "VicRoads" to "Department of Transport".</p> <p>In Section 3.4.2 Public transport, requirement R36, change "Transport for Victoria" to "the Department of Transport".</p> <p><b>Update Schedule 6 of Clause 37.07</b></p> <p>Under Section 3.0 Application requirements, Subdivision and/or development, final point, change "VicRoads" to "the Head, Transport for Victoria".</p> <p>Under Section 4.0 Conditions and requirements for permits, Conditions - Public Transport on Greenhills Road, first point, change "Department of Transport" to "Head, Transport for Victoria".</p> <p><b>Traffic Impact Assessment Report</b></p> <p>Update the concept plans to include the pedestrian crossing proposed in front of the Local Convenience Centre on Greenhills Road, as indicated in the PSEPSP (p12).</p> <p>Add indented bus stops on the south side of Greenhills Road to generally mirror the bus stops on the north side of the road.</p> <p><b>Windarra', 40 Greenhills Road Pakenham, Incorporated Plan - Permit Exemptions, September 2020</b></p> <p>Change Figure 1: Detail of curtilage for HO14 to show the northern boundary of the proposed curtilage along the proposed southern boundary of Greenhills Road in lieu of the existing southern boundary.</p> <p>Change the proposed amendment to Map 16HO to show the reduced curtilage of HO14.</p>		

Submission	Change requested	Council comment	Panel Recommendation
	Additions to Clause 66.04 Referral of Permit Applications under Local Provisions		
Invest Victoria	Clarify Guideline 14.	No response	Panel does not believe clarification is needed
Submission 11 (Jane Property Group)	Remove requirement 8 – Retaining structures.	Agreed by Council at Hearing	Agree with Council
	Remove Requirement 9 – Secure a heritage place.	Requirement 9 removed	Agree with Council
	Remove Requirement 12 – Setback to HO14	Rejected by Council but setback reduced to 15m	Agree with Council
	Remove Requirement 15 – Local convenience centre	Redrafting proposed by Council	No detail provided so no comment
	Remove Requirement 40 – Bicycle priority at intersections	Council rejected	Agree with Council
	Remove Requirement 51 - Alignment of trunk services	Council rejected	Agree with Council
	Remove Requirement 52 - Environmental impacts	Requirement 52 removed	Agree with Council
	Remove Guideline 12 – Conservation management Plan	Guideline 12 removed	Agree with Council
	Remove Guideline 13 – setback from boundary of HO14	Removal supported in Part A	Agree with Council
	Remove Guideline 16 - Location of uses with larger buildings	Guideline 16 removed	Agree with Council
	Remove Guideline 17 – Gateway sites.	Guideline 17 removed	Agree with Council
	Remove Guideline 28 – Form of marker building	Rejected by Council	Amend Guideline 28 to refer to the north south road in Property 2
	Remove Guideline 36 Bus capable intersections.	Guideline 36 removed	Agree with Council

Submission	Change requested	Council comment	Panel Recommendation
	Amend Plan 8 (p. 30) to identify all vegetation to be removed, as no native vegetation is identified as to be retained.	Plan 8 will be updated, accordingly	Agree with Council
	Cross Sections should be amended to include the Local Access Street Cross Section (with and without drainage)	Appendix will be updated with suggested cross section	Agree with Council
Council	<p>Introduction Paragraph 1.4 corrected to refer to Schedule 2 to Clause 45.11.</p> <p>Removal of Requirement 8 that reads:</p> <p>Any retaining structures in public places and within lots (with the exception of those which are part of a building) must be:</p> <ul style="list-style-type: none"> <li>• No more than 1 metre in height between a building and a street or public space, or where visible from a street or public space;</li> <li>• Set back at least 1 metres from any building envelope;</li> <li>• Staggered, with a minimum 1 metre distance between each stagger to allow for the inclusion of landscaping, where cutting and filling is deeper than 1 metres;</li> <li>• Positioned so that associated drainage infrastructure and structural foundations are fully located within the same lot; and</li> <li>• No more than 2 metres in overall height to avoid unreasonable overshadowing of secluded private open space and habitable room windows,</li> </ul> <p>unless otherwise approved by the responsible authority</p>	Updated by Council	Agree with proposed changes

Source: Information in this table was sourced from Council submissions Part A and Attachment 3 of Part B.



**(iii) Discussion**

The Panel agrees with most of the changes proposed and has included its comments, as relevant, in the fourth column of Table 5.

**(iv) Conclusions and recommendations**

The Panel concludes:

- That a number of changes to the text of the PSEPSP and deletion of some Requirements and Guidelines is warranted.

The Panel recommends:

**Amend the text and Plans as outlined in the Panel's recommendations in Table 5 of this Report.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Cataldo family
2	Seebeck Group
3	Department of Environment, Land, Water and Planning - Environment and Climate Change Unit
4	Environment Protection Authority - Southern Region, Major Projects and Planning Unit
5	McMullin Property
6	Perfection Private
7	Invest Victoria
8	G&K O'Connor Pty Ltd
9	Landgipps Victoria Pty Ltd
10	Melbourne Water
11	Jane Property Group
12	Parklea
13	Department of Transport - Metropolitan South East Region

## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Cardinia Shire Council	Kaan Ozyurt, Senior Strategic Planner, Cardinia Shire Council
G&K O'Connor Pty Ltd	Paul Chiappi of Counsel, who called expert evidence on: <ul style="list-style-type: none"><li>- Traffic from Henry Turnbull of the Traffix Group</li><li>- Environmental buffers from Peter Ramsay of Peter J Ramsay and Associates</li></ul>
Parklea	Paul Beatty of Ethos Urban
Jane Property Group	Matt Beazley of Russell Kennedy assisted by Jason Black of Insight Planning who called expert evidence on: <ul style="list-style-type: none"><li>- Economics from Matt Ainsaar of Urban Enterprise</li><li>- Traffic from Jason Walsh of the Traffix Group</li></ul>

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## Appendix C Document list

No.	Date	Description	Provided by
1	1/3/2021	Directions Hearing notification	Planning Panels Victoria
2	15/3/2021	Directions and Timetable	PPV
3	"	O'Connor notification of intended expert witnesses	Mr Black of Insight Consultants
4	18/3/2021	Jane Group notification of intended expert witnesses	Mr Beazley of Russell Kennedy
5	26/3/2021	Parklea land holding in Pakenham south	Ms Webster Ethos Urban
6	1/4/2021	Council answers to questions raised by Panel	Mr Ozyurt of Cardinia Council
7	"	Council Part A submission	Mr Ozyurt
8	"	Conclave report Council and Mr Walsh	Mr Black
9	"	Conclave report Council and Mr Turnbull	Mr Ozyurt
10	7/4/2021	Expert Witness Statement Mr Ainsaar	Mr Black
11	"	Expert witness statement Mr Walsh	Mr Black
12	"	Expert witness statement Mr Turnbull	Ms Mason
13	"	Expert witness statement Mr Ramsay	Ms Mason
14	9/4/2021	Letter from Arnold Bloch Leibler to Council re road reserve	Ms Mason
15	"	Part B submission from Council	Mr Ozyurt
16	"	Appendix 1 to Council submission	"
17	"	Appendix 2 to Council submission	"
18	"	Appendix 3 to Council submission	"
19	"	Appendix 4 to Council submission	"
20	"	Parklea submission to Panel	Ms Webster
21	"	Ten attachments to Parklea submission	Ms Webster
22	"	Email from Arnold Bloch Leibler informing Panel of representation	Ms Mason
23	"	Email from Ms Mason re Mr Turnbull's approaches to Council	"
24	"	Copy of letter from Arnold Bloch Leibler to the EPA and 2 attachments	Ms Mason

No.	Date	Description	Provided by
25	12/4/2021	Submission for G&K O'Connor Pty Ltd	Ms Mason
26	"	Submission for the Jane Property Group	Mr Black
27	13/4/2021	Permit application for Kaduna Town Centre	Mr Ozyurt
28	"	Plan of subdivision for 270 Cardinia Road industrial	"
29	"	Plan of subdivision – Banyan Estate Lecky Road - residential	"
30	"	Plan of subdivision 330 Cardinia Road- industrial	"
31	"	Plan of subdivision 295 Cardinia Road- industrial	"
32	14/4/2021	Email- Council further response to submission by Jane Property Group	"
33	19/4/2021	Email to Council seeking information relating to Jane Property Group submission	Panel Chair
34	23/4/2021	Email response form Council re PSP drainage	Mr Ozyurt
35		1601 Deep Creek Development Services Scheme, Melbourne Water	"
36		Pakenham South PSP Drainage Plan, Stormy Water Solutions	"
37		Revised Development Services Scheme and Drainage Design Report, Stormy Water Solutions	"
38	6/5/ 2021	Direction to Council regarding the need for a sewage pump station	Panel Chair
39	7/5/2021	Response from Council regarding the sewage pump station	Mr Ozyurt