Planning and Environment Act 1987

Panel Report

Hume Planning Scheme
Amendment C154
‘Greenvale Central Precinct Structure Plan’

8 March 2013
Planning and Environment Act 1987
Panel Report pursuant to Section 153 and 155 of the Act
Hume Planning Scheme Amendment C154
‘Greenvale Central Precinct Structure Plan’

Kathryn Mitchell, Chair
Des Grogan, Member
Richard Horsfall, Member
Chris McNeill, Member
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<td>ANEF</td>
<td>Australian Noise Exposure Forecast</td>
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<td>APAM</td>
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<td>CEOM</td>
<td>Catholic Education Office Melbourne</td>
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<td>CBD</td>
<td>Central Business District</td>
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<td>DCP</td>
<td>Development Contributions Plan</td>
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Amendment Summary

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## Appearances

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<td>Adele Patterson of Counsel, with Tim Peggie (Director of North Precinct Structure Plan Team) and Nat Anson (Senior Precinct Structure Planner)</td>
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| Hume City Council                        | David Vorchheimer of HWL Ebsworth with Lucy Anderson and Michael Sharp, who called the following expert witness:  
  - Kate Partenio of GTA Consultants      |
| Melbourne Water                          | Deborah Riley, Senior Town Planner                                                                                                             |
| VicRoads                                  | Simon Lanza, Team Leader Planning North-Central, Metropolitan North West Region                                                               |
| Bicycle Network Victoria                 | Bart Sbeghen, Project Manager Healthy New Suburbs                                                                                               |
| Australia Pacific Airports (Melbourne) Pty Ltd | Adrian Finanzio SC of Counsel, instructed by Corrs Chambers Westgarth, who called the following expert witness:  
  - Trent Kneebush of Kneebush Planning  |
| Zeke Yarak                               | Chris Mackenzie of Planning Appeals Pty Ltd                                                                                                     |
| Mickleham Road Holdings                  | Peter Lanigan of Synergy Fund Managers                                                                                                          |
| Aitken College                           | Trisha Brice of the Planning Group, who called the following expert witness:  
  - Kate Partenio of GTA Consultants      |
| Aitken College Staff, Students and Parents | Trisha Brice of the Planning Group                                                                                                             |
| Catholic Education Office Melbourne      | Pat Love (Manager), Carol Pilatti (Senior Planner) and Dermot Cannon (Property Manager)                                                         |
| Terrence Dunn                            | Jason Taylor of Urban Terrain                                                                                                                 |
| Mario Giompapa                           | Jason Taylor of Urban Terrain                                                                                                                 |
| Eideh Property Investment Pty Ltd        | Jason Taylor of Urban Terrain                                                                                                                 |
| Sanjeeva Pty Ltd                         | Stephan Koenig                                                                                                                                |
| Greenvale Pan Handle Residents Group     | Mark Santini, who tabled and called expert evidence from the following:  
  - Barry Miller of Miller Impact Engineering  
  - Paul Kelly of Paul Kelly and Associates |
<p>| Tally Kostandinov                        | Ross Lamont of Taylors Development Strategists, with Effie Karigianos                                                                       |
| Greenvale Football, Cricket and Sports Clubs | Bruce Kent, President                                                                                                                          |</p>
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<th>Peter Brown</th>
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<td>Teresa Bisucci of Best Hooper</td>
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<td>Sassine and Others</td>
<td>Paul Connor of Counsel, who called the following expert witnesses:</td>
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<td>- Iain Cowan, ERM</td>
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<td>- Jack Kraan of Focus CDS Consultants</td>
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<td>Vince and Rosa Furina</td>
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<td>Bruce Kent</td>
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Executive Summary

1. Growth area planning in Victoria is undertaken through the implementation of a Precinct Structure Plan and the application of the Urban Growth Zone along with supportive tools such as Development Contributions Plans and Native Vegetation Precinct Plans. The Precinct Structure Plan includes an allocation of land for residential, employment, community and business purposes, as well as the allocation of public open space, integrated water management and other public uses and areas.

2. The Growth Areas Authority is responsible for implementing the Urban Growth Zone and Precinct Structure Plan process throughout Melbourne’s growth areas. To assist in this process, the Growth Areas Authority has prepared Precinct Structure Plan Guidelines (first published in October 2009 and updated in December 2012).

3. The Amendment was prepared by the Growth Areas Authority as Planning Authority in consultation with Hume City Council, state agencies and various landowners. In its letter requesting the appointment of a Panel, the Growth Areas Authority noted that it was referring all submissions to the Panel, of which there are in the order of 260.

4. The Panel (Kathryn Mitchell – Chair, Des Grogan, Richard Horsfall and Chris McNeill) met for 8 days between 3 and 13 December 2012, and on 5 February 2013.

5. Following a review of post exhibition submissions, the Growth Areas Authority made a number of revisions to the Greenvale Central Precinct Structure Plan, the most significant of which were to:

   a. Identify the southernmost part of Greenvale Central Precinct Structure Plan area (known as the Pan Handle) for low density rather than conventional density development and exclude this area from the Development Contributions Plan;

   b. Introduce a directional buffer around the existing Greenvale Poultry Farm in the northern area of the Greenvale Central Precinct Structure Plan area.

6. The Panel has reviewed the revised version of the Greenvale Central Precinct Structure Plan. The Panel acknowledges and commends the efforts of the Growth Areas Authority, Council and submitters in progressing the Amendment and in the way the parties conducted themselves during the hearing.

7. A high proportion of submissions (greater than 50%) related to Aitken College and the road layout near to the school. The Panel believes these issues were, for the most part, resolved to submitters’ satisfaction during the Panel Hearing.

8. In this report, the Panel has focussed on a range of key issues in dispute between the parties, namely: the implications of the proximity of Melbourne Airport, roads and access issues, the future of the Pan Handle area, the post exhibition inclusion of a local convenience centre, existing use rights associated with an egg farm within the Greenvale Central Precinct Structure Plan area, matters relating to Aitken College, the identification and location of a non-Government school site, native vegetation issues,
the management of encumbered open space, the Development Contributions Plan and the removal of restrictive covenants.

9. The Panel believes that the Greenvale Central Precinct Structure Plan will be difficult to implement primarily due to the highly fragmented nature of land ownership in the area and the existing subdivision pattern.

10. Overall, however, the Panel concludes that the Amendment provides for the future development and growth of the Greenvale Central area through to implementation of the Greenvale Central Precinct Structure Plan and its associated provisions. It will deliver a vision consistent with that envisaged by the Growth Areas Authority and one that is respectful to the local environment.

11. For the reasons set out in this report, the Panel appointed to consider Amendment C154 to the Hume Planning Scheme recommends that it be adopted, in accordance with the Growth Areas Authority’s November 2012 version of documentation, subject to the consolidated recommendations listed in section 14 and detailed in this report.
1 Introduction

1.1 The Amendment

Hume Planning Scheme Amendment C154 (the Amendment) applies to the area shown in Figure 1.
The Amendment applies to 236 hectares of land in Greenvale known as the Greenvale Central Precinct.

The Greenvale Precinct is geographically separated between an area south west of the axis of Somerton Road and Mickleham Road (the ‘South Area’) and north east of Somerton Road and Mickleham Road (the ‘North Area’).

The Amendment proposes to implement the:

- Greenvale Central Precinct Structure Plan (the ‘GCPSP’);
- Greenvale Central Development Contributions Plan (the ‘Greenvale Central DCP’); and
- Greenvale Central Native Vegetation Precinct Plan (the ‘Greenvale Central NVPP’).

The Amendment seeks to do this by introducing and applying a number of zones and overlays, including Urban Growth Zone (UGZ), Development Contributions Plan Overlay, Incorporated Plan Overlay, Environmental Audit Overlay, as well as rezoning land from Rural Living to Rural Conservation Zone (this land relates to the Brodies Creek reserve). The Amendment amends the schedule to Clause 52.01 (open space contribution) and Clause 52.02 (which relates to removal of a restrictive covenant), and it lists the Greenvale Central NVPP in the schedule to Clause 52.16.

The Amendment was prepared by the Growth Areas Authority (GAA) as Planning Authority in consultation with Hume City Council, state agencies and various landowners. In its letter requesting the appointment of a Panel, the GAA noted that it was referring all submissions to the Panel, of which there was in the order of 260.

A Directions Hearing was held in relation to this matter on 2 November 2012. At the Directions Hearing, two matters were noted.

The first related to Mr Horsfall, who was included in the Panel as a legal member for the purpose of considering issues surrounding the proposed removal of the restrictive covenants. This matter was raised at the Directions Hearing and no party expressed any concern with these proceedings. For completeness, Mr Horsfall attended the sessions relevant to that issue namely the Directions Hearings, the opening statements and the relevant parts of the GAA and Council submission, the submissions of Mr Kostandinov (213), Mr Hawkins (207) and Mr Pati (222) on 12 December and the closing replies of GAA and Council on 13 December 2012. He was provided with copies of all submissions and documentation given to the Panel.

The second matter related to the Chair who made the following declarations:

- Ms Mitchell is currently chairing the Minister for Planning’s Advisory Committee on Standard Development Contributions, a matter that will not be completed until mid 2013. The Greenvale Central DCP that is part of this matter will be considered in the normal way and as exhibited. The work of the Standard Development Contributions Advisory Committee will not impact on consideration of this part of the Amendment.
- Ms Mitchell chaired the Logical Inclusions Advisory Committee matter which was completed in November 2011.
The Panel advised that it had undertaken an inspection of the Greenvale area and its surrounds on 29 October 2012, and that it would undertake further inspections as necessary. These inspections were unaccompanied and occurred on 17 and 24 December 2012.

Additionally, during the course of the Hearing, Council provided work undertaken by Mesh Planning in relation to possible development scenarios for the GCPSP. Ms Mitchell advised parties that the author of that work, Mr Chris De Silva was a member of the Standard Development Contributions Advisory Committee, of which Ms Mitchell is also a member. Upon discussion, Council declined to ask Mr De Silva to speak to that document, rather it was included as part of Council’s submission as Document 21.

1.2 Revisions to the Amendment and Background Documents

There have been various iterations of the amendment documentation as detailed in Table 1.

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<td>July 2012</td>
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Table 1: Revisions to the Amendment

Key changes to the Amendment in the November 2012 Version include:
- Aitken College was acknowledged as an education centre on the plan;
- The Growling Grass Frog habitat was illustrated as land encumbered by drainage;
- Access from the precinct has not been provided into the Greenvale Reservoir Park;
- The proposed Catholic School expands further to the east;
- The east-west connector road (RD01) linking Brendan Road and French Road was relocated further north at 50 French Road and 45 Brendan Road;
- Park 2 has been reconfigured on French Road (no longer located on 30 French Road and 700 Somerton Road). The road has been straightened around the neighbourhood park and there has been an increase of medium density distribution on 45 French Road;
Threshold buffer requirements have been applied for 30 French Road (Greenvale Poultry Farm);
Brendan Road and Somerton Road signalised intersection (IT02) has been realigned on 670 Somerton Road.
A designation of a local convenience centre with a retail floor space of 500m² on the corner of the realigned intersection has been provided at 670 Somerton Road;
Medium residential densities have been allocated at 125 Bonds Lane, 135 Bonds Lane and 180 Section Road, adjacent to Park 3;
The east-west connector road linking Bonds Lane and Section Road has been removed from the plan;
Park 4 is shown as Crown Land on the Future Urban Structure Plan;
The Greenvale Recreation Reserve is correctly identified;
Greenvale Drive has been realigned crossing over 90 Bonds Lane, 805 Mickleham Road and 815 Mickleham Road;
The local retarding basin has been shifted onto 75 Bonds Lane and 95 Bonds Lane;
The north-south connector road has been included on the plan linking the Greenvale Drive extension and the east-west connector road;
Park 14 has been removed from 35 Providence Road; Park 13 has been removed from 55 and 65 Carroll Lane and re-distributed at 30 Providence Road (now Park 10) to envelope the existing heritage listed Uniting Church;
Swain Street is shown as Crown Land on the plan;
Properties located south of Providence Road, known as the 'Pan Handle area', are now in the applied zone Low Density Residential Zone (LDRZ) through the UGZ and are no longer subject to the Development Contributions Plan Overlay Schedule 6 (DCP06);
Three transport infrastructure projects have been removed from the Development Contributions Plan. The Barrymore Road and Mickleham Road signalised intersection (IT06), Woodlands Frontage Road (RD06) and the east-west connector road from Mickleham Road to the Woodlands Frontage Road (RD05). The revised Development Contribution Plan includes changes to the provision of active recreation and community facilities; and
Native vegetation on 20 Bonds Lane may now be removed and offset and the habitat zone removed accordingly.

In reviewing the Amendment and framing its recommendations, the Panel has relied on the GAA’s November 2012 version (the revised version) of the Amendment.

The report does not include detailed discussions of those issues raised in submissions that have been resolved by the changes agreed to by the GAA and Council and that were reflected in closing submissions. Instead, the Panel has focussed on key issues that remain in dispute.

The Amendment is supported by a number of background reports:

- Biodiversity Conservation Strategy (DSE, 2012);
- Sub-Regional Species Strategy for the Golden Sun Moth (DSE, 2012);
- Sub-Regional Species Strategy for the Growling Grass Frog (DSE, 2012);
- Biodiversity Assessment Report – Greenvale South PSP Area 23 (SMEC, September 2009);
- Biodiversity Assessment Report – Greenvale South PSP Area 21 (SMEC, October 2010);
- Preliminary Heritage Assessment – Greenvale Precinct Structure Plan (Heritage Insight, January 2009);
- Desktop, Standard and Complex Assessments (Draft) – Greenvale Precinct Structure Plan (Heritage Insight, April 2011);
- Greenvale Central PSP Storm Water Management Strategy (WBCM Group, June 2012);
- Greenvale Central PSP Assessment of Community Infrastructure Requirements and Opportunities (ASR Research Community Planning, May 2012);
- Greenvale Central PSP Service and Utility Infrastructure Engineering Report (WBCM Group, March 2011);
- Limited Phase 2 Environmental Site Assessment (615 Mickleham Road, Greenvale) (Golder Associates, December 2011);
- Phase 1 Environmental Site Assessment (Lane Piper, June 2011);
- Retail Needs Analysis Report (Essential Economics, February 2011);
- Transport Infrastructure Costings (Meinhardt, May 2012);
- DCP Land Valuations Assessment (O’Briens Valuers and Property Consultants, May 2012); and

Post Exhibition, the GAA also relied upon the following report:
- Egg Layer Farm Buffer Assessment (GHD Odour Impact Assessment, November 2012).

1.3 Approach to Report and Key Issues

Consistent with other PSP Panels, this Panel has not reviewed the Amendment as a whole from first principles; rather, it has reviewed the Amendment with a view to resolving outstanding issues between the GAA, Council and the submitters.

The Panel has identified the key issues for resolution, these are discussed in sections 3 to 13 of this report and include:
- General layout and approach;
- Melbourne Airport;
- Road and access considerations;
- Pan Handle Area;
- Local Convenience Centre;
- Greenvale Poultry Farm;
- Education Sites;
- Other matters (Native Vegetation Precinct Plan, Brodies Creek, Melbourne Water issues);
- Development Contributions Plan;
- Restrictive Covenant; and
- Implementation and Net Community Benefit.

The Panel’s recommendations are included at the end of each section or sub-section of the report. For ease of reference, these have been consolidated and grouped according to the relevant theme.
2 The Greenvale Central Precinct

2.1 Description

The GCPSP is located in the Hume Growth Area and is approximately 20 kilometres north of the Melbourne CBD.

The Hume Growth Area is in the Melbourne North Growth Corridor along with the Mitchell and Whittlesea Growth Areas. The Melbourne North Growth Corridor Plan details the strategic direction for future urban development within this region. The GAA submitted that:

The North Growth Corridor Plan provides an opportunity to establish new communities to assist in meeting Melbourne’s urban growth needs over the next 30 years. The plan ensures that the following existing key roles and features are maintained within the Hume Growth Area:

- A strategic transport corridor of state and national significance;
- A gateway to Melbourne for interstate and international visitors;
- Large areas for future employment and industrial development;
- Highly self-contained working population (with approximately 50% of Hume’s workforce employed within the municipality);
- Significant water catchments, creek corridors, remnant vegetation and stone resources on its east and west boundaries; and
- Important landscape features and biodiversity assets including grasslands and grassy woodlands.

The November 2012 version of the GCPSP provides the following ‘vision’:

To create a neighbourhood that provides linkages with existing natural features and strong connections with nearby schools, recreational facilities, town centres and community amenities provided within Greenvale.

There are two distinct areas to the GCPSP and these have little relationship with each other. The North Area is located north of Somerton Road, and east of Mickleham Road, while the South Area is south of Somerton road and west of Mickleham Road.

2.2 The Precinct Structure Plan

The GCPSP was prepared by the GAA in association with the City of Hume and the relevant government agencies, service authorities and major stakeholders.

The GCPSP is a long-term strategic framework document that describes how Greenvale Central will be developed, including future infrastructure and service provision. The GCPSP was informed by Council’s Local Planning Policy Framework and prepared in the context of a range of key strategic documents. The Future Urban Structure (Plan 3) of the GCPSP is provided in Figure 2.
Figure 2  GCPSP Plan 3 – Future Urban Structure
The proposed urban development framework for Greenvale Central will be implemented principally through Clause 37.07 (the UGZ) and ultimately through the GCPSP.

The UGZ makes the GCPSP the primary plan for guiding the development of Greenvale Central, removing the need for other plans and reducing the number of approvals needed. The GCPSP is proposed to be an Incorporated Document under Clause 81 of the Hume Planning Scheme.

2.3 The Development Contributions Plan

The new community at Greenvale Central will require a range of road networks and associated infrastructure to support development. The Greenvale Central DCP identifies the infrastructure items required by the new community and apportions the cost of this infrastructure across the GCPSP area.

The Greenvale Central DCP requires developers to build or contribute to various on-site infrastructure to the satisfaction of Council. The Greenvale Central DCP was prepared in accordance with Part 3B of the Planning and Environment Act 1987.

The Greenvale Central DCP is proposed to form part of the Hume Planning Scheme pursuant to section 46l of the Planning and Environment Act 1987 as an Incorporated Document under Clause 81.

The Greenvale Central DCP will be implemented through Schedule 8 to the Development Contributions Plan Overlay and consists of a single charge area.

2.4 The Greenvale Central Native Vegetation Precinct Plan

The Greenvale Central NVPP applies to all land within the GCPSP area, unless otherwise stated. The purpose of the Greenvale Central NVPP is to provide a framework for the management of native vegetation in the GCPSP area and to apply a holistic, landscape wide approach to retention and removal of native vegetation.

The requirements for protection offset and compensatory habitat under the Draft Biodiversity Conservation Strategy (DSE 2011) and the Sub Regional Species Strategies (DSE 2011) for the golden Sun Moth and Striped Legless Lizard have been considered as part of the Greenvale Central NVPP.

2.5 Policy Context

The Council submission (Document 16) provided a succinct analysis of the planning policy framework for the Amendment. It provided discussion on the objectives of planning in Victoria, Ministerial Directions (including Direction 11 – Strategic Assessment of Amendments and Direction 12 – Urban Growth Area), the State Planning Policy Framework, the Local Planning Policy Framework, the Hume Growth Area Plan and the Precinct Structure Plan Guidelines. The Panel adopts that summary and finds that the Amendment is generally consistent with the relevant planning provisions.
3  General Layout and Approach

3.1  Issues

In assessing the GCPSP, the Panel considers there are two key threshold issues that need addressing prior to consideration of specific issues.

- Does the GCPSP adequately respond to the geographic and physical constraints of the Amendment Area?
- Do the proposed dwelling densities represent an appropriate response to the broader context of the Greenvale area?

3.2  Submissions

In its submission to Panel, the GAA explained the way in which physical and other constraints have shaped the approach to the GCPSP.

Perhaps the outstanding challenge in putting together the GCPSP has been the highly fragmented land ownership pattern of the GCPSP area. The GCPSP comprises an area of some 237 hectares, 109 separate properties in 90 different ownerships. This equates to an average property size of 2.17 hectares and 2.63 hectares per ownership. This substantiates the observed subdivision pattern across the amendment area that 2 hectare (5 acre) lots dominate the landscape.

Aerial imagery confirms that the extent and quality of the existing built form is varied. In some cases lots remain vacant, in many cases there are relatively substantial dwellings and in some cases there are very large homes with swimming pools, tennis courts and extensive vegetation.

The GAA acknowledged that landowner interest in development of the PSP varied across the amendment area with interest strongest in the North Area, relatively strong in the north and central areas of the South Area and perhaps not as strong around and particularly south of Providence Road (the ‘Pan Handle’ area).

The GAA acknowledged the challenges this presents to both shaping the GCPSP and in its implementation. These challenges have influenced the approach to specific elements of the GCPSP including the inclusion of Connector Roads in the Greenvale Central DCP (refer section 5 of this report) and the preparation of a local road implementation plan (Refer Plan 10 of the GCPSP).

The general layout of the GCPSP has also been influenced by the presence of the Woodlands Historic Park and the Greenvale Recreation Reserve, both of which are located to the west of the South Area. Another influence shaping the GCPSP has been the existing Greenvale Shopping Centre located adjacent to the South Area on Mickleham Road.

Given the context and provision of community and retail assets beyond the GCPSP area, the GAA explained the approach taken to the provision of recreational and community infrastructure and the proposed locations of retail/commercial facilities. These are dealt with in sections 11 and 7 of this report respectively.
With regard to the residential densities proposed in the GCPSP area, the GAA noted the area’s relative proximity to key local and regional infrastructure including arterial roads (Mickleham Road and Somerton Road), the Tullamarine Freeway and Western Ring Road, Melbourne Airport and several significant retail and employment nodes.

Moreover, the GAA noted the amendment area is well served by the Principal Public Transport Network which utilises both Mickleham and Somerton Roads, as well as the nearby Roxburgh Park railway station.

Accordingly, the GAA argued, residential densities should be maximised to make best use of existing recreational, transport and other local infrastructure. The proposed densities are required to implement the State Planning Policy Framework and the Precinct Structure Planning Guidelines.

Notwithstanding this position, the GAA noted that it had been responsive to submissions as evidenced by the revised GCPSP which proposes that the all land south of Providence Road be rezoned to the Low Density Residential Zone.

A number of submitters however disagreed with elements of the GAA’s general approach to the GCPSP, with the issue of dwelling density and the local character being the key areas of disagreement.

Council provided a nuanced submission to the Panel in which it provided detailed positions on a range of issues but indicated that, at a higher level, it had reservations about the responsiveness of the GCPSP to its local and broader context. While Mr Vorchheimer advised that Council is generally supportive of the GCPSP, he noted there were a number of critical issues that require resolution.

Council observed that the GCPSP is the final PSP to be completed that relates to land included within the Urban Growth Boundary (UGB) as part of the 2005 amendments to the UGB. The reason, Council argued, is likely to be simple; “it’s a very tough one to deliver”. Council also noted that Hume City Council was opposed to the area’s inclusion at the time of the 2005 UGB Amendments, arguing at the time that there was an abundance of residential land to meet housing needs. Mr Vorchheimer said that there is no compulsion to push ahead with this expansion, especially if critical elements remain unresolved and need significant work. He argued that approving the GCPSP “would be contrary to balancing present and future needs”. Further, he said “the GCPSP is not irretrievable, but should not be so blindly led that it outweighs significant objectives and requirements”.

Council pointed to a number of unique characteristics that, it argued, require careful consideration in the planning of the PSP. These include:

- *Its location adjacent to the Woodlands Historic Park, Greenvale Reserve and Greenvale Reservoir;*
- *The urban areas to the east comprising mix of standard and low density lots;*

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1 For example, submission 222 (Pati) argued against the general thrust of the amendment noting that the Greenvale area should remain low density.
• The presence of fragmented land holdings and well established homes;
• The existing community facilities;
• Extent of significant vegetation;
• Abuttal to key road links;
• Its small scale relative to other PSP areas; and
• Proximity to Melbourne Airport and effect of aircraft noise.

Council submitted that “the strategic context of the PSP area and the complex site conditions warrant a site responsive response, rather than a ‘cookie cutter’ checklist approach that unfortunately appears to have been rolled out in the PSP’s past”. Council further pointed to the need for a “wholesale shift away from the ‘blind’ density of 15 lots per hectare in this instance, to achieve an appropriate site responsive outcome consistent with the objectives of planning as set out in the P&E Act as well as the objectives of the SPPF, LPPF and PSP Guidelines”.

Council’s submissions relating to how site responsiveness might be improved related primarily to a discussion about the Pan Handle area (the detail of which is dealt with separately in this report at section 6) and the Restrictive Covenant area (the detail of which is dealt with separately in this report at section 12). Additionally, Council expressed concern about the ‘roll out’ of the GCPSP and Mr Vorchheimer argued that State policy anticipates more detailed planning requirements, especially where there is land fragmentation of the type experienced in this current matter.

In summary, Council’s position is that the land abutting Bonds Lane and north of Providence Road is of a distinct character and should remain as is (that is, the Restrictive Covenant should not be removed). If however, the Panel forms a view that there would be a net community benefit in removing the Restrictive Covenants, then Council believes the land between Providence Road and Bonds Lane should be zoned Low Density Residential.

The benefits to this approach as explained by Council is that a graduated increase in density from south to north better reflects and protects the existing character of the area, provides a better interface with Woodlands Historic Park and is consistent with the low density housing east of Mickleham Road. Further, the Council argued, a lower density outcome “would be more in keeping with the objectives of the SPPF which seeks to maintain the curfew free status of Melbourne Airport, and take a cautious approach to development near Melbourne Airport.”

The question of general layout and dwelling densities was raised by a number of other submitters.

The Greenvale Central Landowners Group (GCLG), represented by Mr Hawkins, provided a detailed submission to the Panel in which the group expressed strong support for the GCPSP. The GCLG itself represented 7 landowners² at the Panel Hearing and, as a group and individually, advised that it has engaged with Council since 1998 requesting the rezoning of land for development. The GCPSP noted that in December 2009, a landowner petition with

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² Submissions 2 and 143 (Pirani), 173 (Childs), 193 (Dunn) and 207 (Hawkins et al)
34 signatories (all from the Greenvale Central – South area) was sent to the Minister for Planning, GAA and Council seeking support for an acceleration of planning in the area. The GGLG believes there is strong support for the GCPSP across the Greenvale Central South area.

The GCLG submitted that it disagreed with Council’s assertions that “there is a high aesthetic value in the area”. Rather, it agreed the character, amenity and aesthetic values of the area are ‘average’ at best with native vegetation mixed and varied, a number of social issues threatening the perception of the area and the presentation of properties variable.

More broadly, the GCLG argued that:

- Landowners have had more than 7 years to become used to the idea of development within the Amendment Area;
- Landowners are confused and concerned at the various positions taken by Council throughout the planning process;
- The GAA has been transparent and inclusive in their dealings with landowners;
- Conventional density development of around 15 dwellings per hectare is “vitally important in ensuring that development is feasible for individual owners that wish to go first”.
- There is strong willingness and desire from the vast majority of landowners for the Amendment and for development to proceed.

Presenting a contrasting view, a number of other submitters\(^3\) expressed concerns at the prospect of conventional densities arguing that ‘higher’ density would alter the character of the area in a manner. Mr Pati (222) argued that many of the landholders “don’t know what is going on and don’t know what to do” and he urged that the GCPSP not be approved.

Mr Kent (259) argued that the low density nature of the amendment area is one of the key reasons Greenvale is such a unique area. Mr Kent suggested that at the very least the western part of the amendment area (adjoining the Greenvale Recreation Reserve) should remain at a lower density to assist in “preserving the charm of the area”.

### 3.3 Discussion and Conclusion

The Panel see the GCPSP area as one of the more difficult and challenging PSP areas in any of the growth areas of Melbourne. The highly fragmented pattern of existing subdivision, the presence of a large number of substantial homes and the exercising of existing use rights for established businesses are likely to present significant challenges in the implementation of the GCPSP. In responding to the issue of fragmented ownership, and the GAA acknowledging that the GCPSP is unlike any others. Mr Mackenzie on behalf of Mr Yarak (235) observed that:

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\(^3\) Submissions 4 (Calabretta), 88 (Testra), 88 (Furina), 212 (Connelly), 212 (Gleeson), 219 (Cotsis), 222 (Pati), 259 (Kent), 223 (Soderstrom)
However, it is one thing to acknowledge the complexity. It is quite another to prepare an effective response to the complexity. The GAA has not actually put forward a PSP that resolves the complexity.

Notably, neither the GAA nor Council presented planning related evidence in the prosecution of their cases leaving the Panel with little expert guidance on how the precinct’s unique characteristics and constraints may be taken into account in moving towards an optimal planning and development outcome.

The Panel notes that in many regards, the GCPSP area does not comfortably sit together as one clearly identifiable precinct but rather as two distinct growth areas; that is, the area south-west of the axis of Somerton Road and Mickleham Road (the ‘South Area’) and the area diagonally opposite, north-east of Somerton Road and Mickleham Road (the ‘North Area’). The Panel believes it is unlikely the two parts of the GCPSP will function as an integrated community. Instead, interaction and connectivity is likely to occur within the two parts and between the existing area of Greenvale and what will be an emerging precinct at Greenvale West. In this respect, the GCPSP area can be thought of as part of the overall urban fabric that will be become a ‘greater’ Greenvale. Mr Vorchheimer observed that this PSP is different to others, and said it is “more akin to an infill development”.

That is not to say however that the GAA’s approach to planning the amendment area has been misguided. Indeed the Panel believes that, in many respects, the GAA has ‘made the best of a difficult lot’ in its general approach to the GCPSP.

The recognition and use of adjacent or nearby recreational infrastructure and retail/commercial land uses avoids unnecessary duplication and represents a pragmatic and sensible approach to precinct structure planning. The Panel believes that for the most part, the post-exhibition revisions to the GCPSP, including the proposed low density approach to the ‘Pan Handle’ area4 represent sensible alterations to the GCPSP.

On the question of density, the Panel understands the perspective of submitters including Council regarding the amendment area’s existing low density character but ultimately regards the aims of and objectives of State Planning Policy5 as decisive in the Panel’s deliberations.

The amendment area was incorporated into the UGB in 2005 and there has been an expectation that the precinct would be developed at something akin to conventional housing. Moreover, the Panel is mindful that a dilution of densities is unlikely to assist in enabling the orderly development of the area. Both the Council and the GAA observed that support for the GCPSP is stronger on the North Area, and more varied in the South.

The Panel regards Council’s suggestion that the LDRZ be extended beyond Providence Road as far north as Bonds Lane as an interesting proposal but ultimately the absence of detailed plans or expert evidence to advance the scenario failed to persuade the Panel of its merits.

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4 The ‘Pan Handle’ is specifically dealt with in Section 6 of this report
5 Including Direction No 9 – Metropolitan Strategy (Directions 1 and 2)
In short, the Panel sees more merit in the general approach to development of the revised GCPSP put to it by the GAA.

In this respect, the Panel finds that the general structure and approach to development, and in particular dwelling densities, is based on sound planning policy and represents the most appropriate and logical approach to ensuring development is realisable within the amendment area.

The Panel concludes that the general layout and approach of the GCPSP, including the question of dwelling densities, presented in the revised GCPSP is supportable, subject to the more specific findings and recommendations contained in this report.

However, the Panel is concerned that realisation of the GCPSP could be enhanced considerably if an implementation or staging plan had been prepared. The Panel is concerned that approval of the GCPSP might result in ad-hoc staging of development, with pockets of new development occurring in various locations, rather than a considered, ordered and connected development outcome.

3.4 Recommendation

The primary recommendation of the Panel is:

**Adopt Amendment C154 to the Hume Planning Scheme in accordance with the revised November 2012 versions of the Greenvale Central Precinct Structure Plan, the Greenvale Central Development Contributions Plan, the Greenvale Central Native Vegetation Precinct Plan, and the revised Schedule 6 to the Urban Growth Zone (Appendix C), subject to the other recommendations set out in this report.**

The Panel recommends:

**The GAA, in consultation with Council and landowners, prepare a staging plan for the development of the Greenvale Central Precinct Structure Plan to ensure appropriate and ordered development outcomes.**
4 Melbourne Airport

4.1 Issues

The Panel considers that the key issues in relation to Melbourne Airport that require resolution are:

- Whether the GCPSP adequately recognises the relative proximity and strategic importance of Melbourne Airport; and
- Whether the imminent release of a new Melbourne Airport Master Plan may result in changes to noise related buffer distances which in turn may encroach into the GCPSP area.

4.2 Submissions and Evidence

In his opening submission for Australia Pacific Airports Melbourne Pty Ltd (APAM), Mr Finanzio asked the Panel to “simply ask the question on the strength of a first principles approach – is it a good idea to plan the location of future residential communities when you have absolutely no idea if they will be affected by aircraft noise or not, and if so by how much?”. In short, APAM is concerned the amendment could affect the future operations of the airport and the curfew-free status it currently enjoys.

Mr Finanzio provided the Panel with a significant amount of background material regarding the strategic and economic importance to Melbourne and Victoria of Melbourne Airport. Based on submissions and the Panel’s own understanding, the significance of Melbourne Airport is not disputed.

The key points raised in APAM’s submission include:

- The GCPSP and Amendment do not specify the proximity of, or recognise the presence of Melbourne Airport to the GCPSP area;
- The Amendment does not address a number of Aviation policies and Guidelines and the Australian Standard AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building, Siting and Construction;
- Melbourne Airport is in the process of preparing the 2013 Masterplan as required under Commonwealth legislation (Airports Act) – due for release in March 2013;
- The new master plan contemplates a third runway for Melbourne, which is expected to take the form of an east-west alignment (parallel with, but south of the current east-west runway);
- A new Australian Noise Exposure Forecast (ANEF) chart is proposed as part of the 2013 Masterplan. It is anticipated, but not certain, that the noise contours will alter when compared with the current contours;
- The 2013 Masterplan will include N60/N65/N70 noise contours to supplement the old ANEF contour range because, in recent years, it has become obvious that it is unsafe to make land use planning decisions close to an airport based upon the old ANEF contours without additional noise tools; and
- Concern about the use of ANEF contours has been widely stated in the recent National Aviation Policy White Paper which recommends supplementing the use of
the ANEF system with additional tools that take account of single event noise exposure and the frequency of exposures above a certain level (e.g. N65, N70).

The position of APAM was supported by Mr Kneebush who summarised his evidence as follows:

The development of new residential areas near Melbourne Airport and its flight paths will increase the number of people potentially subjected to aircraft noise, thus exacerbating the reverse sensitivity effects of the airport. This will inevitably lead to increased noise complaints which could prejudice the curfew free status of the airport. Such an outcome would be contrary to State Planning Policy for Melbourne Airport which includes express strategies to ensure the effective and competitive operation of Melbourne Airport and to ensure that any new use or development does not prejudice the optimum usage of Melbourne Airport including its curfew free status.

Adopting a precautionary approach I believe it is premature to be considering rezoning of land near Melbourne Airport and its flight paths until the 2013 Master Plan, including the new ANEF and N60/N65/N70 contours, is approved by the Commonwealth Government.

The submissions from APAM noted that at present, flight paths are afforded protection in the planning system by the Melbourne Airport Environ Overlay (MAEO) which effectively mirrors existing ANEF contours. The existing MAEO boundary is located on the southern boundary (of the pan handle) of the GCPSP area. The concern, as Mr Finazzo noted, is pending the release of the new Master Plan, “where will the new boundary be?” He observed that the release of the Master Plan will be subject to significant consultation.

He further noted that “in relative terms, it won’t take long to fill the knowledge gap so that a properly informed decision can be made”. APAM confirmed that the 2013 Master Plan is expected to be released in March 2013. Mr Finazzo noted that “just because you are inside the Urban Growth Boundary does not mean your land is developable. A host of factors, such as flora or fauna constraints may preclude the development of land”.

The GAA acknowledged the strategic importance of Melbourne Airport and addressed the existing controls that protect the airport’s flight paths. As the GAA advised, “it should be noted at the outset that the MAEO only applies to the edge of the southernmost block of the PSP”.

The GAA proposed several revisions to the GCPSP that note the relative proximity of Melbourne Airport and may act to alleviate the concerns of APAM. Specifically, the GAA noted that it had amended the UGZ Schedule 6 to the UGZ to reflect the MAEO and the requirement for a Section 173 Agreement on the land at 565 Mickleham Road (the wording of which may require further refinement) as follows:

Before a permit is granted to subdivide, use or develop on 565 Mickleham Road, Greenvale 3059 (Lot 9 LP 404787) the owner(s) must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and environment Act 1987 to provide:

- Disclosure on all land titles of aircraft noise implication.
• Distribution of information to alert potential property purchasers to the site’s proximity to a busy commonwealth airport.

The GAA noted that:

The land most likely to be impacted, that is most proximate to the current MAEO boundary, is that located within the so-called ‘pan handle’ which is now proposed to be in the Low Density Residential Zone, a significantly less intensive residential use.

Council generally supported and echoed the concerns of APAM.

4.3 Discussions and Conclusions

The Panel is in some ways perplexed by what appears to have been a lack of communication between the GAA and APAM over the direction and nature of development within the amendment area. The Panel has not formed a view on why this may have been the case and does not regard it as relevant in its deliberations.

The Panel does note that the GCPSP area was included within the UGB as a result of the 2005 amendments and, accordingly, there has been an expectation that at some point the area would be the subject of a PSP and subsequently urban development.

Even so, the Panel is mindful of the key strategic and economic role that Melbourne Airport plays, a position that is recognised, promoted and protected in State Planning Policy. Moreover, the Panel agrees with both Mr Finanzio and the GAA that this issue is “all about timing”.

The Panel understands that the imminent release of the 2013 Melbourne Airport Master Plan will provide the clarity around noise control issues that was not possible during the Panel Hearing. As APAM was at pains to point out, the result of updated ANEF contours in the Master Plan may mean there is no additional impact on the amendment area, or it may mean there is a significant impact on the amendment area. At present, there is no way of knowing.

While the Panel generally supports the changes to Schedule 6 to the UGZ and the GCPSP, it believes that waiting for the Master Plan to be released, prior to finalising the Amendment, represents an exercise in common sense. There is no queue of developers waiting to begin construction within the amendment area, and the Panel agrees with Mr Finanzio that land supply within the Hume Corridor is not in such scarce supply that a delay of several months cannot be tolerated.

Accordingly, the Panel concludes that based on the advice of APAM that the Melbourne Airport Master Plan is likely to be released in the first quarter (or shortly thereafter) of 2013 and that it will include the necessary information to establish what impacts, if any, there will be on the GCPSP area, the approval of the GCPSP be conditional on a review of the Melbourne Airport Master Plan to establish whether any changes or modifications to the PSP and Amendment are required.
4.4 Recommendations

The Panel recommends:

Defer the final approval of Amendment C154 to the Hume Planning Scheme, pending the release of the 2013 Melbourne Airport Master Plan and a subsequent review of the noise impact controls recommended in the Master Plan. This may result in further changes to Schedule 6 to the Urban Growth Zone and the Greenvale Central Precinct Structure Plan as required.
5 Roads and Access Considerations

5.1 Introduction

The GCPSP is based around the Somerton Road and Mickleham Road axis and is accessed by an existing local road network.

The GAA has generally utilised the existing local road network as the basis of the future urban structure of the precinct. In addition it is proposed to link the precinct into the existing Greenvale residential area by extending Greenvale Drive in a westerly direction and by re-aligning Brendan Road to the west to connect into Fleetwood Drive at the Somerton Road intersection.

The GAA indicated that it “has established a unique transport network devised to overcome existing constraints to development within the precinct”. The GAA also indicated that the fragmentation of properties and landowners, location of existing dwellings and mixed (and/or unknown) attitudes regarding development has presented a challenge in establishing the proposed road network.

The GAA submission described the alternative road cross sections proposed and discussed the Road Network Implementation Plans. The GAA stated that “the revised road network balances the varied requirements of multiple stakeholders, including Council, VicRoads, Public Transport Victoria, the Department of Transport and Bicycle Network Victoria”.

At the Directions Hearing on 2 November 2012, the Panel requested the GAA to provide clarification of a number of traffic related matters. In a letter dated 5 November 2012, the Panel requested that the following matters be addressed at the hearing:

- Plan 8 ‘Road Network’ shows parts of Bonds Lane, Carroll Lane, Providence Road, Section Road and an unnamed road as interim connector streets with a 20 metre interim road reservation and a 23 metre ultimate road reservation. The Panel seeks clarification on how parcels of land/block sizes can be defined when the title boundary/road reserve boundary can change by up to 3 metres.
- Are the road cross sections shown on Figures 2 to 7 in the GCPSP locked in?
- Explain the philosophy behind the transition from an interim/ultimate collector i.e. 20/23 metre road reservation to a ‘landscape trail’ shown as a 31 metre road reservation on the link between Bonds Lane and Carroll Lane.
- Explain the difference between the road network shown on Figure 8 of the GCPSP compared with Figure 9, with respect to Bonds Lane.

The modifications to the road network, the proposed road layout and the issue of the westerly extension of Greenvale Drive were the subject of extensive discussion at the Panel hearing, with the Council indicating “that this extension is unnecessary”. This section of the report discusses a number of key unresolved issues, these being Greenvale Drive, Bonds Lane, Brendan Road, road cross sections and the Local Road Implementation Plan.

Mr Sbeghan of Bicycle Network Victoria complemented the GCPSP and noted it is “one of the first PSPs that has specifically planned for cycling”. He offered the opinion that the GCPSP “had good transport links”.

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5.2 Greenvale Drive

Greenvale Drive, which runs east from Mickleham Road, functions as a major collector road for the existing Greenvale residential area. The Greenvale Drive/Mickleham Road intersection is controlled by traffic signals.

Barrymore Road, approximately 1.8 kilometres south of Greenvale Drive forms a signalized T-intersection with Mickleham Road. These two intersections provide fully directional access between Mickleham Road and the Greenvale residential area.

The plans exhibited by the GAA propose that Greenvale Drive be extended in a westerly direction to provide for access into the GCPSP area.

(i) Issues

The key issue to be resolved is whether an extension of Greenvale Drive into the GCPSP area provides a suitable traffic and planning outcome, whether the benefits outweigh the costs, and, if so, what alignment and cross section should be adopted.

(ii) Submissions and Evidence

The GAA submitted that the extension of Greenvale Drive into the precinct “is not a traffic volume matter but an urban planning matter”. Furthermore, “Greenvale Drive Extension provides the key east-west connection throughout the southern area of the precinct” and provides a direct connection between the shopping centre and Greenvale Recreation Reserve, “the key local recreation opportunity for the wider Greenvale community”.

The exhibited plans indicated that Greenvale Drive extension would have a curvilinear alignment. A revised alignment introduced two, ninety degree bends into the Greenvale Drive extension approximately 120 metres apart. This modification was introduced “to allow for maximum development opportunities of landowners affected, including dual frontages where possible”.

In response to questions from the Panel regarding the suitability of the revised alignment for the purposes of a bus route, the GAA provided the Panel with eleven Melway map extracts showing similar ‘dog leg’ road alignments used as bus routes.

Council submitted that the western extension of Greenvale Drive into the GCPSP area is unnecessary and does not justify the significant cost associated with the project. On this matter, Council relied upon the evidence of Ms Kate Partenio of GTA Consultants.

Ms Partenio’s brief from Council was “to undertake a transport planning assessment of an alternative road layout for Greenvale Central (South) precinct that would avoid the requirement for a collector road to traverse Nos 815 and 805 Mickleham Road and No. 90 Bonds Lane”.

In undertaking the assessment, Ms Partenio had access to traffic reports prepared by Traffix Group on behalf of the GAA. These reports were dated April 2011 and July 2012. While not marked as ‘draft’, the GAA advised the Panel that the 2011 report should be treated as a draft document.
The draft April 2011 Traffix Group report does not show Greenvale Drive extending west into the precinct. Rather, it shows a new signalised intersection on Mickleham Road at Bonds Lane, approximately 300 metres south of Greenvale Drive.

The Council submission indicated that “the GAAs own experts acknowledged that the intersection of Greenvale Drive and Mickleham Road did not have capacity for a fourth leg”. The draft 2011 Traffix Group report explained that there is insufficient width in Greenvale Drive to increase the storage capacity on the eastern approach to the existing signalised intersection.

The draft 2011 solution to the intersection capacity was to provide staggered signalised T-intersections on Mickleham Road at Greenvale Drive and Bonds Lane, with Bonds Lane acting as the key connector road into the GCPSP area. In addition, Providence Road was to provide left turns to and from Mickleham Road.

The 2012 Traffix Group report proposed an increase in yield in the southern precinct from 1,480 lots to 1,800 lots, an increase of 22%. The draft 2011 Traffix Group report shows a total of 19,000 vehicles per day (vpd) accessing the southern precinct, while the 2012 report shows 16,200 vpd, which equates to 85% of the draft 2011 projections in spite of the lot yield increasing by 22%.

Ms Partenio noted that the 2012 Traffix Group report “now includes the extension of Greenvale Drive and omits Bonds Lane (Bonds Lane is not shown as a connection or as a key local road in the figure)”. The intersection of Providence Road/Mickleham Road is now shown to be signalised with full turning movements.

Ms Partenio noted in her evidence that the Traffix Group 2012 report has “notwithstanding the increase in the number of lots in the Greenvale Central (South) precinct, reduced the volume of traffic entering and leaving the south precinct”.

Ms Partenio, at Council’s request assessed whether “Greenvale Drive Extension is essential or whether an alternative road network” is viable. Using the daily traffic volume figures contained in the 2012 Traffix Group report and re-assigning them, taking into consideration a revised road network and reduced lot yield south of Providence Road, Ms Partenio concluded that the road network would operate satisfactorily. This assumes Providence Road signalized at Mickleham Road, Bonds Lane left turn in/out only and Greenvale Drive at Mickleham Road remaining a signalized T intersection.

Ms Partenio stressed that under the PSP principles, cycling and walking was to be encouraged. The connection of pedestrian paths and bike paths across Mickleham Road at Greenvale Drive would satisfy that requirement without the need to extend Greenvale Drive west for car trips. Council argued that the Greenvale Drive extension is unnecessary and results in additional cost burden and economic pressures on landholders. Mr Vorchheimer said that “any opportunity to reduce that burden should be encouraged”.

Mr Simon Lanza of VicRoads provided an opening statement to the Panel indicating that it had reviewed the PSP documents and “is generally supportive of the nature and intent of the PSP”.

In its further submission to the Panel, VicRoads confirmed its support for an extension of Greenvale Drive into the precinct, rather than a staggered T-intersection arrangement with
Bonds Lane providing signalised access into the GCPSP area. The Bonds Lane intersection is approximately 300 metres from the Greenvale Drive intersection and therefore in Mr Lanza’s opinion is undesirable and “has not been supported by VicRoads.”

Mr Lanza made reference to the draft 2011 Traffix Group report which “raised concern over potential capacity issues with introducing the fourth leg” and indicated that the intersection modifications “were considered in a greater level of detail” within the 2012 Traffix Group report.

In reply to a question from the Panel, Mr Lanza indicated that VicRoads had not reviewed the Traffix Group intersection analysis or undertaken independent analysis of intersection operating conditions. Mr Lanza was referred to Tables 1A and 2A of the Traffix Group July 2012 report, which contained a summary of SIDRA output for existing and future intersection operating conditions at the Mickleham Road/Greenvale Drive intersection (i.e. the ‘greater level of detail’ previously referred to by Mr Lanza). Table 1A indicated a queue length of 59.1 metres on the eastern leg of Greenvale Drive, in the AM peak with the existing T intersection. Table 2A shows a queue length of 59.5 metres for the same leg, with 10 years traffic growth on Mickleham Road and a fourth leg on the intersection serving the new residential precinct. Mr Lanza acknowledged that an increased queue length of 0.4 metres on the eastern leg of Greenvale Drive did not appear to be correct.

Mr Mackenzie of Planning Appeals made a submission on behalf of Mr Yarak (235). Mr Mackenzie noted that the GAA thought that Greenvale Drive extension was a critical connection and design feature linking ‘old Greenvale’ with the PSP, however, he thought that there are “more efficient alternative options to provide connections and a 31m showpiece that is not required for traffic reasons is a very expensive and inefficient means of seeking an urban design outcome”.

Mr Mackenzie referred to the Council’s traffic evidence, which in his opinion was preferred, which stated that it is not a good traffic planning (or urban design) outcome to encourage external traffic to cut through a new residential neighbourhood for what amounts to about a 500 metre reduction in driving distance to Greenvale Reserve, compared to using the perimeter arterial road network.

Mr Mackenzie made reference to Bonds Lane stating that connecting Bonds Lane through to Section Road with a more modest road profile would provide a logical and efficient traffic outcome for internal traffic movements. He said it would also provide a through connection, but with less draft for cut-through traffic.

Mr Lamont for Mr Kostandinov (213) supported the implementation of the Greenvale Drive extension in its revised form.

(iii) Discussion and Conclusions

The Panel is concerned that the extension of Greenvale Drive into the GCPSP area is based primarily on planning and urban design objectives, rather than robust traffic analysis.

The Panel was not provided with any SIDRA analysis from the draft 2011 Traffix Group report and the Panel is concerned about future operating conditions at a four leg Mickleham Road/Greenvale Drive intersection. The traffic volumes used for the analysis in the 2012 report appear to be underestimated, the queue length on the eastern leg for the four way
intersection is understated and there is no comment regarding excessive queuing on the south leg.

For clarity the Panel has prepared the following Table which outlines projected traffic volumes reported in the draft 2011 and 2012 Traffix Group Transport Assessment Reports, for the southern precinct.

<table>
<thead>
<tr>
<th></th>
<th>Lot yield</th>
<th>Daily precinct generated traffic volumes</th>
<th>Daily vehicle movements into/out of precinct</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1,480</td>
<td>13,320</td>
<td>19,000</td>
</tr>
<tr>
<td>2012</td>
<td>1,800</td>
<td>16,200</td>
<td>16,200</td>
</tr>
</tbody>
</table>

Table 2: Projected Traffic Volumes in draft 2011 and 2012 reports
Source: Traffix Group Transport Assessment Reports

It may be inferred from these volumes that 5,680 vpd i.e. 19,000 – 13,320 vpd, travelled through the precinct to access the recreation reserve. In the 2012 report, Traffix Group estimated that 15 percent of daily trip movements were ‘internal’ trips i.e. they did not access the arterial road system, resulting in 13,770 vpd externally generated trips. As Figure 37 in the 2012 Traffix Group report shows, 16,200 vpd entering and exiting the precinct may infer that 2,430 vpd i.e. 16,200 – 13,770 vpd, are generated through the precinct to and from the recreation reserve. No explanation was provided as to why the daily traffic volume generated by Greenvale Recreation Reserve varies from 5680 vpd to 2430 vpd in the two Traffix group reports.

The Panel believes the anticipated queue extension of 0.4 metres on the eastern leg of the intersection is unlikely to be correct and notes that there was no comment on the predicted 95th percentile queue length of 217.3 metres on the southern leg of the intersection in the pm peak, an increase of 136.5 metres. The Panel regards the solution proposed by Traffix Group to the right turn ‘over queuing’ in the storage lane on the eastern leg of the intersection to be confusing and potentially dangerous. Furthermore, the preliminary Functional Layout Plan of the proposed four leg intersection, tabled by the GAA at the Hearing shows that the right turn lane on the eastern leg of the intersection is not an exclusive lane, but a shared through and right lane. This will most likely result in separate cycles for through and right turning movements on the east leg, and further exacerbate capacity problems at the intersection.

The Panel accepts the evidence of Ms Partenio that pedestrian and cycling access may be provided across Mickleham Road at the Greenvale Drive intersection. However, it considers that a fully directional intersection must be provided on Mickleham Road either at Bonds Lane or Greenvale Drive to avoid excessive road travel distances for residents of the southern precinct.

With regard to the revised layout of the Greenvale Road extension, the Panel notes that eight of the eleven examples of ‘dog leg’ bus routes provided to the Panel were located in 1950’s or earlier residential subdivisions with a rectangular grid pattern. The Panel regards the use of these examples as justification for a 2012 residential subdivision pattern as
questionable. The other three locations, most likely constructed between the 1970s and early 1990s are generally also located within residential grid pattern subdivisions.

If Greenvale Drive were to be extended into the precinct, it would act as the primary connector route. Its role would be similar to that of Fleetwood Drive, Kirkham Drive, Greenvale Drive and Barrymore Road in the existing Greenvale subdivision. The Panel acknowledges that the longer routes in the Greenvale subdivision serve a much larger catchment, however, they have been included for completeness.

Examination of any new subdivision layout reveals that the collector road networks are straight, curved or curvilinear, except where the collector roads change direction at a T or four way intersection. In the majority of these instances a roundabout is located at the intersection.

In some of the eleven examples chosen by the GAA to support the ‘dog leg’ arrangement, the alignment is a continuous route. In Woodhouse Grove Box Hill North, the alignment is constrained by Bushy Creek. The northern end of the ‘dog leg’ was a T intersection prior to the closure of the local access street (Elizabeth Street). The southern end of the ‘dog leg’, as it crosses the Creek, has a dual carriageway. Road humps have been constructed along the entire Woodhouse Grove alignment and it does not appear to be a bus route.

In the opinion of the Panel to contort the route in the manner proposed by the GAA would be contrary to “the overall intent function and nature” of this route.

The Panel regards the VicRoads rejection of a signalized intersection on Mickleham Road at Bonds Lane because it “would result in traffic signal spacing of 300m, which is undesirable”, as inconsistent with recent traffic signal approvals in the area and notes numerous regional examples including on Somerton Road and Cooper Street, the eastern extension of Somerton Road. Whilst 300 metre spacing of traffic signals may not represent an ideal outcome, the Panel understands that it frequently represents an acceptable outcome. The concept of traffic signals at the Mickleham Road/Bonds Lane intersection therefore cannot be rejected.

Based upon the evidence presented to it, the Panel concludes that inadequate traffic analysis has been undertaken by all parties in relation to the extension of Greenvale Drive into the new precinct. The GAA submitted that “the provision of Greenvale Drive Extension is not a traffic volume matter but an urban planning matter” and suggested that the opinion of the Traffix Group in the draft April 2011 report “was a complete lack of knowledge regarding landowner attitudes toward development at the beginning of PSP preparation in October 2010”.

The Panel concludes that the ‘dog leg’ road alignment proposed for Greenvale Drive Extension in the revised design is not good urban planning. It appears to have been driven by perceived lot yield without sufficient regard to innovative design options. While both VicRoads and Public Transport Victoria adopted the GAA position, the Panel is concerned at the consequences of the GAA preferred road alignment.

The Panel does not agree with Ms Partenio that a T-intersection on Bonds Lane at Mickleham Road would be adequate if Greenvale Drive was not extended west. The Panel concludes that a signalised intersection should be provided at the Mickleham Road/Bonds
Lane intersection if Greenvale Drive is not extended. When questioned by the Panel, Ms Partenio agreed that the installation of signals at Bonds Lane would be an acceptable alternative to an extension of Greenvale Drive.

The Greenvale Central DCP includes a number of components relating to Greenvale Drive Extension, including:

- IT 04 - Mickleham Road/ Greenvale Drive intersection ($2,501,075);
- RD03 - East-West Connector Road 3 ($2,804,620);
- IT 09 - Bonds Lane/ East- West Connector Road 3 intersection ($1,443,556);
- RD 02- East- West Connector Road 2, Section Road to Bonds Lane ($2,278,754); and
- IT 08 -Section Road and East- West Connector Road 2 intersection ($1,356,123).

The total cost of items IT 04, RD 03, and IT 09 is $6,749,251, excluding the cost of demolition of a substantial house known as property 47.

The Panel has already expressed concerns over the operation of a four leg Greenvale Drive/Mickleham Road intersection and the need for the extension. The latter point is particularly relevant when an existing road reservation, (Bonds Lane) is available approximately 300 metres to the south. The significant cost impost, minimum $5.3 million, upon development of the precinct by extending Greenvale Drive further reinforces the Panels opinion that the benefits of the Greenvale Drive extension do not outweigh the costs.

(iv) Recommendations

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- Deletion of the Greenvale Drive extension from the future road network serving the Greenvale Central Precinct Structure Plan.
- Bonds Lane upgraded to provide the primary east-west connector into the precinct.

(The Panel makes the note that if the GAA does not accept the above recommendations and determines to proceed with the extension of Greenvale Drive, a curvilinear alignment should be pursued rather than the 90 degree bends proposed in the revised Greenvale Central Precinct Structure Plan.)

5.3 Bonds Lane

Bonds Lane runs in a southerly direction from Somerton Road between Section Road and Mickleham Road, before making a right turn in an easterly direction where it forms a T-intersection with Mickleham Road. The northern end of Bonds Lane has a gravel formation, which is approximately five metres wide within a 20 metre road reservation. Part of the north-south section of road and the east-west section has a sealed pavement approximately four metres wide.

A 1,150mm Melbourne Water pipeline is located within the Bonds Lane road reservation for a distance of approximately 300 metres south from Somerton Road.
The T-intersection of Bonds Lane and Mickleham Road, which is located approximately 300 metres south of the signalised Mickleham Road/Greenvale Drive intersection, only permits left turn ingress and egress.

(i) Issues
The key unresolved issues with respect to Bonds Lane include the function of the road in the road hierarchy, whether traffic signals should be installed at Mickleham Road and Somerton Road, the required road cross section to cater for future traffic volumes, the Melbourne Water pipeline and whether the east-west section of Bonds Lane should be extended to the west.

(ii) Submissions and Evidence
Few submissions and relatively limited material in evidence dealt with matters relating to Bonds Lane.

The draft 2011 Traffix Group Report suggested that the Bonds Lane/Mickleham Road should be signalised “operating in the shadow of the existing Greenvale Drive/Mickleham Road signals”. Ms Partenio agreed with the Panel that retention of Bonds Lane was a better alternative than extending Greenvale Drive into the precinct. Both Traffix Group reports suggested that duplication of Somerton Road would result in left turn ingress and egress between Bonds Lane and Somerton Road.

The VicRoads submission indicated that signalisation of the Bonds Lane/Mickleham Road intersection would not be supported by VicRoads.

Melbourne Water advised the Panel that it is custodian of a pipe track within GCPSP. The water pipe reservation, which is ten metres wide, runs south from Somerton Road along the east side of Bonds Lane and turns west approximately 280 metres south of Somerton Road.

Melbourne Water advised the GAA “that the future Bonds Lane needs to be shown avoiding pipe track land, with any future widening occurring on the west side”.

Mr Taylor of Urban Terrain, on behalf of Giompapa (105 and 264) suggested than a western extension of Bonds Lane through his clients property “would conflict with native vegetation on the property” and suggested the extension should be constructed on the property to the south.

(iii) Discussion and Conclusions
Bonds Lane is an existing and important road reservation serving the southern precinct. Its continued use should be encouraged and if necessary enhanced to minimise land acquisition for road infrastructure within the precinct.

Melbourne Water should be requested to clearly define its requirements with respect to the width of reservation within or adjacent to Bonds Lane.

As outlined in section 5.2 of this report, the Panel believes that Bonds Lane should be retained as the primary east west road link through the precinct and that the Mickleham Road/Bonds Lane intersection should be signalised.
The GAA appear to place significant emphasis upon the ability of the Greenvale Drive extension to provide a direct connection from the existing Greenvale area to the Greenvale Recreation Reserve. The Panel does not consider this to be a good transport planning solution. The Greenvale Reserve is a regional facility which abuts a primary arterial road and therefore the principal access point should be via Somerton Road rather than through a residential precinct.

Clearly, there are cost implications associated with signalising the Bonds Lane/Mickleham Road intersection, widening the road reservation and upgrading the road. However, these costs will be less than the works proposed on Greenvale Drive Extension and in the opinion of the Panel, Bonds Lane should be used as the major east - west link between the precinct and Mickleham Road. Assuming that Bonds Lane replaces Greenvale Drive extension as the major connection into the precinct, it follows that Bonds Lane should extend west to Section Road.

The southern boundary of the Bonds Lane road reservation appears to be contiguous with the southern boundary of property number 19 i.e. 75 Bonds Lane. It is therefore difficult to accept that a western extension of Bonds Lane can avoid acquisition of land from 75 Bonds Lane.

The Panel concludes the following:

- The existing or widened Bonds Lane road reservation should incorporate the Melbourne Water pipe reservation.
- Bonds Lane should be extended west to Section Road.
- The intersection of Bonds Lane and Mickleham Road should be signalised if Greenvale Drive is not extended west.
- Melbourne Water should clearly define the requirements for its pipe track reservation.

(iv) Recommendations

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- Bonds Lane extended west to Section Road; and
- Traffic signals at the Bonds Lane/Mickleham Road intersection.

5.4 Brendan Road

Brendan Road has a six metre wide gravel formation, located within a 20 metre wide road reservation. It runs north from Somerton Road approximately 40 metres east of Fleetwood Drive, and connects into Hillview Road to the north.

The plans exhibited by the GAA indicated that Brendan Road was to be relocated to the west to align with Fleetwood Drive, forming a four way signalized intersection. The exhibited plans indicated a curvilinear alignment. A revised plan, retaining the four way signalised intersection and introducing 90 degree angle bends into the Brendan Road alignment to achieve its westward relocation was proposed by the GAA as the preferred alignment.
(i) Issues

The Brendan Road issues relate to the road alignment, its cross section, the cost of the intersection works on Somerton Road, and the need for a signalised intersection to cater for future traffic generated by this precinct.

(ii) Submissions and Evidence

Submissions or evidence was not provided by the GAA in relation to Brendan Road other than to acknowledge two objections to its realignment at Somerton Road, and to justify the post-exhibition ‘dog leg’ realignment “to maximize the development potential of the property”.

In its original submission regarding the amendment to the GAA, Council stated that “the proposed realignment of Brendan Road to intersect with Fleetwood Drive could be reconsidered so that it does not unnecessarily impact upon the existing dwelling at 670 Somerton Road”. No further submission regarding Brendan Road was made by Council.

The July 2012 Traffix Group report included a VicRoads plan showing the duplication of Somerton Road and the installation of traffic signals at the Somerton Road/Fleetwood Drive T intersection. A U turn lane was included on the east leg of the intersection to facilitate access to Brendan Road on its current alignment. This plan was prepared prior to the commencement of the GCPSP process, and the report noted (at page 52) that “However, the plan does show that signals were proposed by VicRoads, regardless of whether the Greenvale Central PSP is developed or not”.

Ms Hasan made two submissions (263 and 263a) regarding the location of the east-west road linking Brendan Road with French Road, the reservation width of RD01 and the location of the local access street running east from Brendan Road.

(iii) Discussion and Conclusions

The installation of traffic signals at the Somerton Road/Fleetwood Drive intersection is not required as a result of the GCPSP. Traffix Group estimated that Brendan Road will generate less than 300 vehicle movements, two way, in the peak hour. Duplication of Somerton Road will require the installation of traffic signals at Fleetwood Drive as evidenced by VicRoads investigations.

Brendan Road may be realigned to provide a four way intersection with Fleetwood Drive, however it could also be realigned to the east to create a T-intersection with left in/out only movements. A U-turn lane on the east leg, as proposed by VicRoads in its 2007 signalised intersection design, will facilitate access to the precinct from the east off Somerton Road. The left turn egress from French Road onto Somerton Road will permit access from the northern precinct to Greenvale Shopping Centre via the signalised intersection on Fleetwood Drive, avoiding the need for a four way intersection at Fleetwood Drive.

The GAA noted that such an alignment would result in the ‘splitting’ of the proposed small retail centre (which was presented as an option rather than a firm direction). It showed how a retail area of 500 square metres plus car parking could fit on the split site using the redundant Brendan Road, road reserve. However, the Panel does not accept the proposition that the development potential of the road through the introduction of two ninety degree
angle bends in Brendan Road outweights road design and urban design issues. The realignment of Brendan Road should therefore be curvilinear, rather than the 90 degree angle bends proposed by the GAA.

The realignment of Brendan Road to the west requires the demolition of a substantial house. If Brendan Road was realigned to the east, into a vacant block, and the retail site relocated to the east of the existing Brendan Road reservation, the outcome would be far more cost effective and efficient. If the north section of the GCPSP was planned in isolation, the alignment of Brendan Drive would be better located to the east of Fleetwood Drive, and the retail area incorporated into part of the old road reserve of Brendan Drive. However as the existing residential area south of Somerton Road has been developed for some time, it seems that the GCPSP needs to fit in with the existing road network. This can best be achieved by relocating Brendan Drive to the west to form a four way intersection with Fleetwood Drive.

Notwithstanding the, the GCPSP does not warrant a fully signalised intersection

The Panel concludes that:

- A realignment of Brendan Road to form a four way intersection with Fleetwood Drive represents a good traffic management and planning outcome.
- The proposed ‘dog leg’ alignment of Brendan Road is unacceptable from an urban design and traffic engineering perspective, and should be reconfigured in a curvilinear arrangement.

(iv) Recommendations

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- Brendan Road in a curvilinear alignment as it approaches the four way intersection with Somerton Road and Fleetwood Drive.

5.5 Road Cross Sections

(i) General

Plan 8 of the exhibited GCPSP shows the Road Network proposed for the precincts and infers the function of each road via a definition and road reservation width. Dimensioned road cross sections are included in the documentation as Figures 2 to 7. Interim and ultimate road cross sections are shown for connector streets.

Examination of the proposed cross sections highlighted some inconsistencies between traffic lane widths, bike lane widths and widths of landscaping buffers. At the Directions Hearing, the GAA was requested to clarify issues relating to the road cross sections, particularly in relation to the interim/ultimate arrangements and width anomalies.

Prior to the Hearing, a modified Plan 8 was issued by the GAA. This plan shows a re-aligned Greenvale Drive extension and 90 degree bends on Brendan Road, eliminated the Connector Street opposite Barrymore Road and the Access Street around the perimeter of the
Woodlands Historic Park, and reduced road reservation widths on sections of the road network. Part two of the GAA submission described the road cross sections.

(ii) Issues
The key issue to be resolved is whether the cross sections proposed are relevant bearing in mind the precincts’ connectivity to the adjacent urban development.

(iii) Submissions and Evidence
Part 2 of the GAA submission described the road reservations as follows:

In relation to 31 metre connector roads:

*The extension of Greenvale Drive into the precinct connects future residents directly to Greenvale Shopping Centre and the wider network, is one of only two signalized right-turn movements into the precinct on Mickleham Road, and connects existing Greenvale residents directly to the expanding Greenvale Recreation Reserve and Woodlands Historic Park.*

*Bonds Lane will connect to the extension of Greenvale Drive to Carroll Lane in the south of the precinct, and provide high-standard pedestrian and cycling links from the linear corridor north to either the Reserve or Shopping Centre.*

*The 31-metre connector roads provide a 7-metre carriageway, indent parking, pedestrian paths and unidirectional, dedicated off-road cycling paths with substantial opportunities for landscaping and buffering. This was revised to provide uni-directional off road cycling that marries directly with the other connector road throughout the precinct.*

In relation to 25 metre roads:

*The custom Interim connector road will be constructed along the existing road reserves of Hillview Road, Brendan Road and part of French Road in Area North, and Carroll Lane and part of Providence Road in Area South. A road of the same standard will be newly constructed between French Road and Brendan Road.*

*The 25-metre wide road will be centred on the existing, 20-metre rural-standard road network and constructed to urban standard in stages according to development interest, as described in the Implementation section of PSP.*

*The 25-metre connector roads provide a 7-metre carriageway, indent parking, pedestrian paths and unidirectional, dedicated off-road cycling paths with buffering from development in the nature strip. At its initial 20-metre “interim” standard, the road will provide a 7-metre carriageway, indent parking and landscaping along development fronts and shared path for pedestrians and cyclists.*

In relation to 20 metre access roads (existing road reserve):

*The remaining existing road network – Bonds Lane, Section Road and part of Providence Road in Area South, and part of French Road in Area North – will
be constructed to a 20-metre access level standard road and be established to urban standard in stages according to development interest, as described in the Implementation section of the PSP.

Section Road, between Greenvale Drive Extension and Somerton Road, is a unique access road with a wider, 7-metre carriageway. The road will incorporate a shared path inside the boundary of Greenvale Recreation Reserve.

The July 2012 Traffix Group report described the cross sections for each of the connector/collector roads within the precinct. The report stated that the “interim (20 metre) and ultimate (23 metre) connector streets have been designed especially for the GCPSP as a means to utilize existing road reserves within the precinct and allow the construction of roads within a highly fragmented land area”.

The 31 metre connector street cross section is consistent with the requirements of Clause 56.06-8 of the Hume Planning Scheme for a Connector Street (3,000 – 7,000 vpd).

No evidence was presented to the Panel to justify the cross sections recommended.

(i) Discussion and Conclusions

The 31 metre road reservations proposed within the GCPSP include:
- approximately 900 metres of east-west road (Greenvale Drive Extension); and
- 400 metres of north-south road (Bonds Lane).

The 31 metre section of Bonds Lane links in with a 20 metre road reservation on Bonds Lane to the north and an interim connector street, Carroll Lane, to the south, the latter having a 20 metre interim width and 25 metre ultimate width.

Carroll Lane, which has a curvilinear alignment running north from Providence Road, has an approximate five metre wide rural standard pavement for the majority of its length. It has a 20 metre wide road reservation which is fenced off for a distance of approximately 250 metres south of Bonds Lane.

The GAA proposed that the southern section of Carroll Lane be classified as an interim connector street, with a 20 and 25 metre road reservation. The fenced off section is proposed to be a 31 metre wide connector street.

Greenvale Drive, which is approximately 2.2 kilometres long and serves as a major collector road for the existing Greenvale residential area, has a road reservation width of approximately 26 metres at the Mickleham Road intersection, with no dedicated bicycle lanes.

The western boundary of the GCPSP is the UGB which abuts Greenvale Recreation Reserve and Woodlands Historic Park. In this context, the Panel believes it is difficult to justify a 31 metre wide road reservation as a 900 metre extension of a 26 metre road reservation.

In the southern precinct, two roads and/or sections of road have been recommended as interim connector streets, i.e. Carroll Lane and the eastern end of Providence Road.

Both the 31 metre and 25 metre interim road reservations contain dedicated off road cycling paths. However, the 23 metre collector road cross sections shown in the 2012 Traffix Group
report show a shared path on one side with 3.7 metre wide traffic lanes compared with 3.5 metre wide traffic lanes shown in the GAA submission.

Reference to Melway (pages 5, 6, 178 and 179) shows an extensive linear park network east and south-east of Mickleham Road. The linear park system contains walking and cycling paths. The Attwood Creek system is to be extended west into the precinct and to Greenvale Recreation Reserve via an off-road and shared path network as shown on Figure 1, Open Space Concept Plan, of the PSP.

Provision of off-road cycle paths on Carroll Lane and Bonds Lane would therefore appear to duplicate the system shown on Figure 1.

The functional layout plans prepared for the GAA and tabled at the Hearing show bicycle paths along Somerton Road. This route would link Greenvale Recreation Reserve with the Melbourne Water Pipe Track/Yuroke Creek linear trail on the eastern side of the Greenvale subdivision.

Since no bicycle lanes or shared paths are provided on the existing Greenvale Drive, and off road bicycle facilities are available to link into both Mickleham Road and Somerton Road via the Greenvale subdivision, it appears to the Panel that separate bike paths are unnecessary on Greenvale Drive extension (in the event the extension is constructed).

The Panel questions the need for separate bike lanes on the 31 metre road reservation width of Bonds Lane, Carroll Lane and the 25 metre reservation of Providence Road.

The North Area of the GCPSP is a discrete residential area with arterial road abutments on the western and southern boundaries, Greenvale Reservoir to the east and Aitken College to the north. The traffic assignment for the precinct predicts that 60% of vehicles will enter and leave the precinct via Somerton Road. The Road Network Plan (Plan 8) shows an ultimate 25 metre road reservation for Hillview Road, French Road and Brendan Road within the precinct.

Although no volumes are shown in the GAA documentation for the 25 metre reservation of French Road or the new east-west link between French Road and Brendan Road, the Panel anticipates daily volumes of less than 1000 vehicles.

Plan 8 of the GAA documentation (Road Network), indicates an interim connector street with a 20 metre road reservation and a 25 metre ultimate reservation. The cross sections included in the ‘pre-Hearing changes’ also refer to interim and ultimate cross sections.

Carroll Lane, part Providence Road, Hillview Road, part French Street and Brendan Road are all designated in this manner.

As all of these streets exist, it may be inferred that interim means existing, i.e. without requiring subdivision of the adjoining property. If that is the case the Panel questions whether upgrading the road network if no additional development is proposed along these sections of road is necessary. It then follows that questions need to be asked about how the road improvements will be funded. The Panel cannot understand why an interim step is required in the development process.

The Panel sought clarification of the range of dimensions used for traffic lane widths, parking bays and landscape buffers at the Directions Hearing.
The Panel concludes that 25 metre and 31 metre wide road reservations are unnecessary for all roads within the precincts, except for flaring required on Hillview Road and Brendan Road at the proposed signalised intersections.

If the Panel’s recommendation in relation to the Greenvale Drive extension is disregarded, the Panel believes some flaring would be necessary at the Mickleham Road intersection. If signals are provided at the Bonds Lane/Mickleham Road intersection rather than extension of Greenvale Drive, the Bonds Lane road reservation will need to flare to accommodate the signals.

Additionally, the Panel finds it difficult to understand why roads such as French Road have a dog leg. The GAA advised it is primarily to avoid ‘rat running’, however the Hillview Road/Brendan Road link will be an alternative, rather then French Road.

(ii) Recommendation

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- A maximum road reservation width of 25 metres with the road cross-sections adjusted accordingly.

5.6 Local Road Network Implementation Plan

The GAA submission stated that the GCPSP is the first growth area precinct to establish a Local Road Network Implementation Plan. This Plan has been devised as a mechanism to urbanise existing road networks within fragmented greenfield development areas.

Plan 10 of the revised PSP document shows the south precinct divided into 3 stages and the north precinct divided into two stages. A number of land holdings within both precincts have no designation.

The northern area is designated 1A, B and C and 2A, 2B, 2C while the southern area is designated 1D, 1E, 1F and G, 2D, 2E, 2Fa, 2Fb and 3D.

The GAA submission stated that the Local Road Network Implementation Plan is beneficial to prospective developers, existing landowners and the future community in the precinct in that it:

- Enables individual developers to commence development independently of neighbouring properties;
- Enables individual developers to upgrade local connector roads to interim, functional standard without the need to acquire land from neighbouring properties;
- Ensures that individual developers throughout the precinct have the potential to develop their property no matter their location in the precinct, should they choose to engage in “out-of-sequence” development and build additional lengths of connector road;
Ensures that first developers construct an equitable extent of new roads to gain initial access to their property;

Ensures that underground services can be accommodated in the 20-metre interim layout on both sides of the road and beneath the nature strip;

Ensures that the earliest residents have access to urban-standard roads from their dwelling to the arterial road network, irrespective of the development scenario in their immediate proximity;

Ensures that earliest residents have access to indent parking in front of the development area in the interim, and shared path access to the arterial road network;

Ensures that subsequent developers contribute an equitable extent of the new roads to complete the road when the development of their property takes place; and,

Allows existing landowners complete independence in their decision to develop land or remain as an existing use.

The Panel notes that although Plan 10 is titled ‘Local Road Network Implementation’, no local roads or access streets, as they are called on Plan 8 (road network), are shown. A more appropriate title for the Plan may be ‘Indicative Staging Plan’. However, there is no indication in any of the GAA documentation why area 1C should precede area 1F, or why area 2D could not be developed before area 2C.

Area 1D is located south of Somerton Road between Bonds Lane and Section Road, and appears to include 12 properties, three of which are owned by Melbourne Water. Some of the properties on the Section Road frontage are the smallest land holdings in the PSP area while 805 Somerton Road, at 7.4 hectares, is one of the largest.

Mr Taylor of Urban Terrain who made a submission to the Panel on behalf of the owner of 805 Somerton Road highlighted that this property “has direct access to Bonds Lane and Somerton Road making it an ideal property for the first stage of development in Greenvale Central”.

The Panel regards Plan 10 (Local Road Network Implementation) of the GCPSP as a guide as to how key parts of the precinct may be developed and the local network may be constructed to accommodate ‘out of sequence’ development. The Panel wonders if it might be better described as an Indicative Staging Plan.

The Panel notes however that, given the fragmented nature of landholdings within the GCPSP area, it is possible and perhaps likely that development in the precinct will occur sporadically over time and in an unpredictable manner. Accordingly, flexibility will be required in staging and infrastructure delivery.
6 Pan Handle Area

6.1 Issue

The key issue to be resolved is whether the Pan Handle area should be included in the GCPSP.

6.2 Submissions and Evidence

The so-called ‘Pan Handle’ describes the southernmost strip of land adjacent to Mickleham Road extending south of Providence Road. It comprises nine separate properties that directly front Mickleham Road and extend as far north as Swain Street. A further six properties within the amendment area (two fronting Mickleham Road and four fronting Providence Road) exhibit similar characteristics and, in the context of the following discussion, are regarded as being part of the Pan Handle area.

The exhibited GCPSP contemplated the development of the Pan Handle area at conventional densities with road infrastructure to support such development. Reflecting the concerns of submitters, the revised GCPSP proposes the rezoning of land south of Providence Road to the LDRZ and the removal of road infrastructure from both the GCPSP and the Greenvale Central DCP. The result would be a less intensive development outcome with the applied zone allowing a minimum subdivision area of 0.4 hectares for each lot, provided the requirements of Clause 32.03-3 are met.

The GAA considered that development at this density would be appropriate and could be managed by the responsible authority through the provisions of Schedule 6 to the UGZ and the applied Low Density Residential Zone. Moreover, the GAA argued, the applied zone provides better outcomes in terms of retaining the landscape values within the GCPSP area.

The GAA proposed that the Pan Handle area remain within the GCPSP area as it is part of the UGZ and should be zoned as part of the PSP process, rather than as a separate process. The GAA proposed to remove the Pan Handle area from the requirement to pay contributions required under the Greenvale Central DCP and the revised Greenvale Central DCP reflects this position. To facilitate this position, the GAA introduced a new Schedule 7 to the UGZ at the Hearing that specifically related to the Low Density Area south of Providence Road.

During the hearing, the GAA also indicated its preparedness to exclude the Pan Handle area from the Native Vegetation Precinct Plan.

Council essentially agreed with the decision to identify the Pan Handle area for low density residential development and agreed that such an approach represents a more appropriate outcome for the land. Mr Vorchheimer said that there is no legislative requirement, need, or practical reason to include the Pan Handle area in the GCPSP, and noted that its inclusion will provide no benefit to anyone.

Council disagreed with the retention of the Pan Handle area in the PSP itself noting that:

(a) Vegetation assessments undertaken to form the basis of the NVPP are deficient, incomplete and inaccurate, and would inappropriately allow for the wholesale
removal of vegetation. The removal of the area from the PSP would allow for proper site assessment of vegetation value based on Net Gain principles;

(b) The PSP provides for a bushfire ‘BAL’ buffer adjacent to the Woodlands Historic Park. Although it is acknowledged that this buffer would provide for appropriate separation. The evidence tendered on behalf of the ‘Pan Handle’ group notes that there is not sufficient water pressure present to enable installation of fire hydrants in the ‘Pan Handle’ area to support additional development. In this sense, the inclusion of the ‘Pan Handle’ area in the PSP would actually provide for an adverse bushfire outcome as it would create an expectation that development could occur and be adequately protected if the buffers were adhered to. A better outcome would be achieved if sites were considered on an individual basis, with appropriate bushfire protection measures if and when an application was made to use or develop the land; and

(c) The removal of the ‘Pan Handle’ area would have no GAIC implications.\(^6\)

In short, Council argued that “retaining the Pan Handle area within the PSP will only add another layer of complexity for the owners of land in the area and for no real benefit”.

Mr Finanzio for APAM observed during this opening submission that “rezoning the Pan Handle to low density might be a step in the right direction”.

The Panel received a number of submissions\(^7\) from landowners in relation to the Pan Handle.

With the exception of Mr Lanigan on behalf of Mickleham Road Holdings (Submission 60) who expressed strong support for the exhibited GCPSP and conditional support for the revised GCPSP (Mr Lanigan’s concerns related to ensuring that his client’s property remained developable under a low density development scenario), the majority of submitters can be regarded as falling under the general submissions of the Greenvale Pan Handle Residents Association (GPHRA).

The GPHRA, represented by Mr Santini submitted that a ‘low density’ future for the Pan Handle area was an appropriate way forward as a number of significant issues impact on the areas re-development. These include:

- Environmental and ecological concerns including the importance of retaining red-gums;
- The significant cost of providing infrastructure such as roads, sewage and water;
- The extremely fragmented ownership of this small parcel of land with individual land holders not sharing a master vision for redevelopment.

\(^6\) Growth Areas Infrastructure Contribution

\(^7\) Submissions 60 (Mickleham Road Holdings), 74 (Lloyd), 75 (Bultan), 106 (Hodgkin), 167 (Swift and Woods), 168 (Greenvale Pan Handle Residents Association), 169 (Skinner), 206 (Hately) and 208 (Gowens)
With regard to the removal of the Pan Handle from the Precinct Structure Plan and Native Vegetation Precinct Plan, the GPHRA stated that:

1. *In order to achieve the aesthetic and environmental outcomes, the Pan Handle needs to be planned as a whole whilst still respecting the rights of small land holders. As this requires micro-planning, in particular when discussing specific trees and waterways, we believe this can be best done through Council;*

2. *The area is physically distinct and discrete from the balance of the PSP and can be treated separately;*

3. *The cost of providing PSP type services like roads, water, sewage etc to these properties is unreasonably high for the number of residents;*

Despite emphasising the quite distinct form and future of the Pan Handle area, Mr Santini told the Panel that the GPHRA is now comfortable with the Pan Handle area remaining within the GCPSP as it provides for a greater degree of certainty. He disagreed with Council’s preference for it to be excluded from the GCPSP.

Mr Kelly, who gave ecological evidence on behalf of the GPHRA supported the removal of the Greenvale Central NVPP from the Pan Handle area as he did not regard the NVPP as being based on an accurate assessment of the ecological values of the Pan Handle area.

6.3 Discussions and Conclusions

The Pan Handle represents a particularly awkward and expensive (to develop) narrow strip of land and the Panel believes the revised approach to development is a sensible one. A low density future for the Pan Handle area, such as that proposed, provides a better outcome which recognises the existing situation and the future potential for the land. Moreover, it provides a better outcome in terms of recognising existing vegetation, bushfire management risks and the Pan Handle area’s proximity to the Melbourne Airport Environs Overlay.

The Panel agrees with the exclusion of the Pan Handle area from the Greenvale Central DCP for the reasons outlined by the GAA. The Panel asked the GAA to provide an example of where land had been retained in a PSP, zoned low density and with no DCP or NVPP. The Panel was informed that if this outcome occurred in the GCPSP, it would be the first time. The Panel can find no reason or logic for this to occur.

The Panel also agrees with the exclusion of the Pan Handle area from the Greenvale Central NVPP for the reasons outlined by Council.

In terms of the Pan Handle areas status as part of the PSP, the Panel is inclined to agree with the views expressed by Council. If the Pan Handle is not to be part of the Greenvale Central NVPP or the Greenvale Central DCP, there seems little point in its ongoing inclusion in the GCPSP. By inference, the proposed inclusion of Schedule 7 to the UGZ is not necessary under these circumstances.

In the Panel’s view, a rezoning to the LDRZ can be, and should be, facilitated by Council when a better sense of a future development outcome is known. However, the Panel would be comfortable for the land to be rezoned to Low Density Residential through a Ministerial Amendment under section 20(4) of the *Planning and Environment Act 1987* as the Panel
understands all landowners provided strong or conditional support for such an outcome. There is little point in exhibiting an Amendment to achieve this outcome given these circumstances.

With regard to bushfire management issues, the Panel accepts and agrees with Council’s position that “if the removal of the Pan Handle from the PSP, any future development of the land could still be subject to CFA review in its capacity as a referral authority and the opportunity would be available to impose specific site restrictions to ensure appropriate management of the fire threat”. The Panel is satisfied that the work undertaken to date and articulated in Plan 11 (Bushfire Management) of the GCPSP will not have been wasted.

6.4 Recommendations

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- Deletion of all references to the Pan Handle Area (the 15 properties south of Providence Road).
7 Local Convenience Centre

The revised PSP nominates a future local convenience centre at the intersection of Brendan Road and Somerton Road. This was not included as part of the original exhibition documents.

7.1 Issue

The key issue to resolve is whether a local convenience centre should be provided for in the GCPSP, and if so, where it would be most appropriately located.

7.2 Submissions and Evidence

The exhibited GCPSP did not propose any retail or commercial activity within the amendment area. The revised GCPSP proposed a local centre of some 500 square metres at the intersection of Brendan Road and Somerton Road. Pursuant to the proposed schedule to the UGZ, the local centre would have a maximum leasable floor area of 500 square metres for ‘shop’. The revised PSP proposes the Business 1 Zone for the local centre.

Greenvale is presently served by the Greenvale Shopping Centre (approximately 6,500 square metres) located at the intersection of Greenvale Drive and Mickleham Road.

The GAA envisages that a local centre of the scale proposed “could include one or two cafes/restaurants/takeway food shops, a convenience store, petrol station and the opportunity for one or more other smaller retail or office uses ...”. The GAA stated that the “conservative designation of only 500 square metres relates to the fact that there has not been a specific retail study to understand the scale of the retail facility that can be accommodated based on the catchment”.

The GAA noted however the Greenvale’s present population of almost 12,000 persons will grow by an additional 7,500 persons with the addition of the GCPSP area, and that the GAA’s ‘rule of thumb’ indicates that a Local Town Centre should be provided for every 8,000 to 12,000 residents. Accordingly, a Local Convenience Centre of a smaller scale such as that proposed can be justified.

The GAA explained the rationale for the siting of the centre, noting the east-west axis should minimise competition with the existing and larger centre on the north-south axis of Mickleham Road and act as a walkable centre for the North Area. This area, it was noted, is constrained by barriers on all sides – Greenvale Reservoir and Aitken College to the east and north and six lane arterial roads to the west and south.

In response to questions from the Panel, the GAA indicated that the land area associated with a floor space area of 500 square metres is likely to be in the order of 1,500 square metres when car parking, access and landscaping is taken into account. The GAA argued that ascribing a maximum floor area through the schedule to the UGZ is preferable to determining an exact land area as it provides additional flexibility but also provides the opportunity for Council to control the outcome in permit conditions.
Council submitted that it had a number of concerns about the revision to the GCPSP, and specifically noted that:

- A local centre was not exhibited as part of the PSP;
- A lack of notice is concerning as the local centre may materially impact on existing commercial operators in the local area;
- A failure to exhibit means that existing commercial operators in the local area have been deprived of the opportunity to make submissions to the Amendment and consequently the Panel;
- The inclusion of a local centre within the GCPSP has had no regard to the broader economic issues or local retail and commercial strategies;
- There is no clarity around the area of land that will be required to satisfy the proposed local centre;
- The proposed revision has not had regard to the Minister for Planning’s proposed zone reforms and has not considered the implications of the reforms;
- It is concerned that the GAA has simply responded to the request of a single landowner\(^8\) who directly requested the subject land be designated for commercial/retail development; and
- There is no strategic basis nor has there been any assessment of the need for or implications of the proposed local centre.

The question for the Panel is whether there is a role for a significantly smaller retail centre and, if so, whether the proposed site is appropriate for that purpose.

### 7.3 Discussions and Conclusions

The Panel is informed by the Retail Needs Analysis (February 2011), prepared by Essential Economics for the GAA to assist in the preparation of the GCPSP. The Retail Needs Analysis provides an overview of activity centre planning history for the local and broader area, as well as discussing contemporary proposals and providing some general direction for the GCPSP area. As is frequently the case in activity centre planning, the situation could be described as having been relatively fluid as the full scope of urban development became clear and various town centre proposals were ‘pitched’ during different PSP processes. In summary, and despite earlier strategies indicating the North Area may be a suitable location for a Major Activity Centre or Neighbourhood Activity Centre\(^9\), the Retail Needs Analysis concluded that the subject site (that is, the North Area) is no longer suitable for that purpose.

In some respects the Panel was surprised the exhibited version of the PSP did not provide for a small retail centre. In the Panel’s experience, a PSP area of the scale of the GCPSP generally incorporates a town centre and supporting local centres.

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\(^8\) Submission 7 (Nazligul)

\(^9\) For example, the Hume Retail Strategy (Essential Economics and Planning, September 2009) identifies the Greenvale Central – North area as the location for a supermarket based Neighbourhood Activity Centre)
The Panel accepts however that the somewhat awkward shape of the GCPSP area may explain the absence of a primary town centre within the amendment area. Moreover, the Retail Needs Analysis assists in explaining the absence of a Neighbourhood Activity Centre within the GCPSP area. The location of the existing Greenvale Shopping Centre means it is likely to play a central role in supporting the day to day retail and commercial needs of the emerging GCPSP area, particularly in the South Area.

Ideally, a Local Convenience Centre of the scale proposed in the revised GCPSP should have been identified and advertised in the exhibited version of the same document. However, the Panel does not regard the inclusion of a Local Convenience Centre of 500 square metres as being any more significant than a number of other revisions that are now proposed subsequent to exhibition, although the Panel notes that if the post exhibition change had been to incorporate a Neighbourhood Activity Centre or a significantly larger Local Convenience Centre, the Panel’s view would likely be very different.

The Panel believes a small centre of the scale proposed will serve as a focal point for what could easily emerge as a somewhat isolated residential area north of Somerton Road and east of Mickleham Road.

In the Panel’s opinion, a proposed local centre of no more than 500 square metres and of the kind described by the GAA is unlikely to represent a competitive threat to the existing Greenvale Shopping Centre or any other established or proposed neighbourhood or higher order centre. The Greenvale Shopping Centre is a well established centre and operates at a significantly higher level than the proposed Local Convenience Centre in Somerton Road. Moreover, the Greenvale Shopping Centre will enjoy significant growth opportunities associated with the adjacent South Area.

The Panel notes that the Hume Retail Strategy which sets out a proposed future retail hierarchy for the municipality only nominates the approximate location of centres of Neighbourhood Activity Centre scale or larger. It does not identify the future location of smaller Local Convenience Centres. The Panel again notes the Retail Needs Analysis which concluded that the GCPSP area would be likely to generate demand for a supermarket based neighbourhood centre of up to 6,500 square metres and “a small local retail node comprising approximately 500 square metres”. The Retail Needs Analysis suggests the best location for such a centre would be in the North Area.

The Retail Needs Analysis recommends that retail demand in the area will be best served by locating a new Neighbourhood Centre at the Providence Estate (north of Aitken College). Presumably, some of the demand generated by the GCPSP area is expected to be met by the existing Greenvale Shopping Centre.

The Retail Needs Analysis notes that the location for the small local centre will need to be made during the appropriate structure planning process.

In response to questions by the Panel on the issue of how small local centres are actually identified and when, both the GAA and Council acknowledged that they are generally either identified during the PSP stage or during the formation of Development Plans for specific sites.
Notwithstanding that the Local Convenience Centre was not part of the exhibited PSP, the Panel believes its inclusion in the revised GCPSP:

- is founded on sound principles;
- will provide benefits, particularly to residents of the North Area;
- is recommended in the background Retail Needs Analysis document; and
- is unlikely to have a material impact on existing or proposed centres due to the scale of the proposed centre.

For the reasons set out above, the Panel supports the identification of a Local Convenience Centre as proposed in the revised GCPSP.

### 7.4 Recommendation

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- the nomination of a proposed Local Convenience Centre (maximum of 500 square metres Gross Leasable Floor Area) in the vicinity of Brendan Road and Somerton Road.
8 Greenvale Poultry Farm

8.1 Issue

The key issue to be resolved relates to how existing use rights associated with the Greenvale Poultry Farm in the North Area should be protected through the nomination of a directional buffer.

8.2 Submissions and Evidence

The Greenvale Poultry Farm (also referred to as the ‘egg farm’) is located on a two hectare property in the North Area at 30 French Road. The Greenvale Poultry Farm comprises a house, laying shed, dams, a number of disused sheds and a delicatessen from which produce from the egg farm and other product is sold.

Further submissions were made by the Catholic Education Office Melbourne (CEOM) at the Hearing.

It is understood that Council records indicate the property has been used as an egg farm for around 55 years.

At present the business operates with between 2,000 and 5,000 birds, although the Panel was advised that it has previously operated at approximately 45,000 birds.

In 2009 an application was received by Council for a planning permit to ‘legalise’ the use and development of a ‘convenience shop’ on site. The application was ultimately deferred by Council on 15 June 2010 and has not been re-considered as the Council seemed to accept that the property enjoys existing use rights for a ‘continental delicatessen’ separate to the egg farm. The business operates seven days a week.

Council generally accepted that existing use rights apply to the land and that the rights may allow for the current capacity on the land to be increased to its historic levels, although any expansion would be likely to require modification to the existing buildings which would trigger the need for a building and works permit (pursuant to Clause 63).

As exhibited, the GCPSP contained no reference to the Greenvale Poultry Farm.

As the use of a broiler farm is a prohibited use in a Residential 1 Zone, the owners of the Greenvale Poultry Farm responded to the exhibited GCPSP, requesting that the egg farm be recognised as an existing use right and that appropriate protections be afforded in the GCPSP. In response, the GAA commissioned consultants, GHD, to assess the situation and recommend any appropriate planning controls to recognise the existing operation.

The GHD report of November 2012 (the ‘GHD report’) had regard to the relevant amenity buffer guidelines and noted in particular that the Environment Protection Authority (EPA) Guidelines make reference to sensitive land uses including residential areas and zones and schools.

The GHD report noted that the potential for odour complaints is significant to the north and south of the egg farm due to the prevailing wind conditions. Moreover, the GHD report
formed the view that it would be best to take a precautionary approach to the application of a buffer having regard for an increase in the capacity of the egg farm back to historic levels.

The relevant buffer distances for egg layer farms specified in AQ 2/8610 (and its updated version) is 400 metres and 500 metres respectively. This is significantly larger than the 146 metre buffer recommended in the GHD report and adopted in the revised GCPSP.

Accordingly, the GHD report recommended the application of a 144 metre buffer around the egg farm.

The GAA proposed the insertion of wording in Schedule 6 to the UGZ (Clause 37.07) to the effect that:

An application for residential subdivision, use or development of land within the buffer designated on Plan 5 - Image Character and Housing in the Greenvale Structure Plan, relating to the adjacent land containing the Egg Farm at 30 French Road, Greenvale must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing poultry farm operations and assess the adverse amenity impacts of the poultry farm operations and assess the adverse amenity impacts of the poultry facility on the future residential use and development of the land, providing sufficient confidence of the suitability of any residential use within the buffer designated in the Greenvale Central Precinct Structure Plan.

The planning application for subdivision, use or development and the associated risk assessment must be referred to Environment Protection Authority (EPA).

As a result of the decision to introduce a buffer into the GCPSP, landowners were notified and a number of additional or amended submissions were received, some of which wished to make substantial submissions and call evidence.

The Panel determined to schedule an additional sitting day to consider specific matters relating to the egg farm. This took place on 5 February 2013.

The egg farm debate revolved around submissions on behalf of Greenvale Poultry Farm, represented by Ms Bisucci of Best Hooper. Surrounding landowners and interests were represented at the Hearing by Mr Connor of Counsel on behalf of Mr Sassine (268) and others. Mr Connor relied upon the evidence of odour expert Dr Cowan and the planning and agribusiness expert Mr Kraan. Other submissions that made reference to egg farm included Ms Hasan (263), Mr Koenig on behalf of Sanjeeva Pty Ltd (188).

Submissions and evidence focussed on several key issues and positions:

- In the case of the egg farm, the need for the protection of the existing business;

10 EPA Publication ‘Recommended buffer distance for industrial residual air emissions’ (July 1990). The updated version is in Draft and is dated October 2012)
• In the case of other submitters:
  - The uncertainty created by the buffer in terms of the future development potential of their land;
  - The low probability that bird numbers will increase back to historic levels given the need for extensive works and rebuilding; and
  - Claims that the primary source of odours from the site relate to the storage of manure.

Ms Bisucci argued that notwithstanding that the GAA failed to identify the location of the egg farm in its original documentation, the agent of change should accommodate and provide for existing land uses, rather than driving them out. Noting the GHD report, she advised her client is satisfied that a buffer has been added to Plan 5 of the GCPSP.

She submitted that the GHD document represents “an appropriate and guided analysis which takes account of specific meteorological conditions and existing and potential operations to allow for a reduction in the buffer distances recommended by the EPA”.

Mr Connor’s clients accepted that a buffer should be in place, but argued for a much reduced buffer. He questioned whether the GHD buffer proposed by the GAA was unnecessarily large and based on an overly conservative analysis. His view was that the GHD report was based on the assumption that 45,000 birds might be accommodated on the farm. He led evidence to suggest that it is unlikely that the farm will ever accommodate that number of birds and that any buffer should be based on the existing operations.

In his evidence, Mr Kraan noted that:

*The approximately 2,000 birds currently on the farm are emitting very little odour from the shed. It is highly unlikely that this odour would generate detrimental off-site impacts.*

*The poultry manure pile adjacent to the eastern side of the middle shed is generating unpleasant odours and is the source of the past odour complaints about the farm. Much of the manure appears to be imported and sold from the farm.*

Dr Cowan conducted his own analysis of the egg farm and supported Mr Kraan’s views that the chicken litter pile was likely to be the primary source of odour from the site, with minimal odour generated from the operating shed. Dr Cowan formed the view that, while the GHD report represents a valid approach to assessing the issue, there is little likelihood of future development of the site to house 45,000 birds and that consequently a 34 metre buffer which reflects current bird numbers would be appropriate.

Several issues were contested including the exact number of birds, their weight and the volume of manure generated as a result.

Prior to the extra sitting day, the Panel requested advice from the EPA on the matter. A response was provided by email on the 22 January 2013 stating that the EPA “is not a referral authority for this type of planning development” though noting that “the proposed strategy of maintaining a separation distance of 144 metres between the farm and proposed sensitive land uses surrounding the farm, is sound”.

In submissions provided by the GAA and Council during the extra sitting day, the GAA confirmed its preference for a 144 metre buffer, while Council concurred with the evidence of Dr Cowan that, in light of the circumstances, a 34 metre buffer would be sufficient. Either way, Council argued that the Schedule to the UGZ should contain a sunset clause that removes the buffer in the event the egg farm ceases operations. Council also submitted that a risk assessment should be required for all sensitive uses, not just residential. The Panel supports this position and the modification has been included in a revised Schedule 6 to the UGZ as shown in Appendix C.

The CEOM expressed concern given the uncertainty created by the buffer and in light of its intentions to establish a primary school in the North Area (the identified site for the non-Government school lies partly within the proposed buffer).

Late during the extra sitting day, CEOM noted that it has undertaken preliminary discussions with the owner of the egg farm regarding the acquisition of the site for the non-Government school.

**8.3 Discussion and Conclusions**

The Panel is mindful of the impact of the introduction of the buffer on the orderly development of the North Area. The Panel accepts that existing use rights have been established and, accordingly, an appropriate level of protection must be provided to ensure the egg farm can continue operating.

The Panel understands the arguments by a number of submitters as well as the evidence of Mr Kraan and Dr Cowan that there may be a low probability that bird numbers will return to historic high levels.

Buffers, or separation distances, are generally applied to mitigate for upset conditions; not for normal day to day operations. In considering this issue, the Panel has had regard to both the existing use rights and the likely current and future operating conditions. In this respect it believes that applying a 144 metre directional buffer as a precautionary principle represents the most sensible option under the circumstances. As such, the Panel regards the directional buffer of 144 metres as recommended in the GHD report as appropriate. The Panel supports the inclusion of the revised Clause 2.6 Specific Provision – Land adjacent to Egg Farm 30 French Road Greenvale 3059, of Schedule 6 of the UGZ as included in Appendix C.

The Panel understands the potential impact on a number of landowners as a result of a 144 metre buffer and notes the apparent desire of all parties, including the owner of the egg farm, to achieve an outcome that will provide for the future development of the area. The Panel notes the potential for discussions with the CEOM to facilitate an outcome acceptable to all parties. Achieving this, however, requires a commercial agreement and it is beyond the scope of the Panel to make recommendations about such a matter.
8.4 Recommendations

The Panel recommends:

Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:

- a 144 metre directional buffer for the Greenvale Poultry Farm on Plan 5 - Image Character and Housing in accordance with Document 15.

Amend Schedule 6 to the Urban Growth Zone to introduce a sunset clause such that the buffer is removed from surrounding parcels of land in the event the Greenvale Poultry Farm ceases operation in accordance with Appendix C.
9 Education Sites

There are two discrete issues relating to education sites in the GCPSP – these being Aitken College and the proposed site of a non Government school, which the Catholic Education Office Melbourne made a submission about.

9.1 Aitken College

(i) Issues

The key issues to be resolved with regard to Aitken College related to connectivity to existing precincts and the proposed GCPSP. In this regard, Aitken College submitted that:

- Aitken College was not involved in the preparation of the GCPSP and is not identified on the exhibited GCPSP Plan;
- The proposed road layout in the exhibited GCPSP Plan suggested a future connection through the school site;
- Increased traffic levels along Mickleham Road are likely to result in additional access difficulties into and out of the school; and
- The current zoning of the school is not appropriate for an education facility.

(ii) Submissions and Evidence

Aitken College (the College) is an independent school with around 1,200 students. The College operates from a rectangular site of approximately 18 hectares directly abutting the northern boundary of the North Area.

The College site is currently in the UGZ and no other PSP has, or is intended to, apply to the site. An amended permit was issued in November 2011 (Permit ref. P4552) along with an updated Master Plan for the College. The amended permit provides for an increase in numbers from 1,200 to 1,350 students, improvements in various built form facilities and additional car parking.

Approximately 200 submissions, many of which were proforma submissions, were received from parents, staff and students in relation to Aitken College.

The primary submission by the College focused on three key issues:

- How the College was portrayed in the GCPSP;
- Road layout; and
- Increased traffic levels along Mickleham Road.

Aitken College was represented at the Hearing by Ms Brice of the Planning Group.

The exhibited GCPSP nominated the College as a ‘Future Urban Area’ and did not include any reference to the existing land use. Submissions labelled this identification as both misleading and disrespectful.

In the post-exhibition changes to the GCPSP, the GAA responded by identifying the College as an ‘Education Centre’ and changing the identification from ‘Future Urban Area’ to ‘Existing Urban Area’.

In its submission to the Panel, the College stated that it is satisfied with this outcome.
While it is not proposed as part of Amendment C154, the Panel notes that the GAA supports the rezoning of the school from the UGZ to a more appropriate zone, possibly the Special Use Zone. The College stated in its submission that it is keen to work with both the GAA and Council to towards rezoning the College site to a more appropriate zone.

The exhibited GCPSP established an internal road network including the extension of French Road to the northern boundary of the amendment area (that is, the southern boundary of the College site). The proposed French Road extension was shown on Plan 8 (Road Network) to be in general alignment with a proposed future road within the Providence Estate, immediately north of the College site.

The College submitted that the road layout in Plan 8 reflected an ongoing approach in earlier documentation of a potential road linking residential areas to the north and south of the College through the College itself, a position the College and the Parents, Staff and Student submissions strongly objected to.

The GAA sought to clarify its position and did so by letter (19 November 2012). VicRoads also provided written clarification (7 November 2012). The GAA clarified its position by noting that it does not intend to construct a road through the College. Rather, the French Road extension is intended to act as an alternative access point for the College, should the College wish to take advantage of the opportunity. The College noted that it is unlikely to do so, given topographical difficulties and the costs associated with traversing Brodies Creek which runs in an east-westerly direction through the College site.

The final key issues raised by the College related to concerns about increased traffic volumes along Mickleham Road as a result of the development of the GCPSP and other nearby PSP areas. The solution proposed by the College is to install traffic signals at the entrance of the College to accommodate increased traffic movements during peak times.

Advice from VicRoads however, indicates that the intersection spacing along Mickleham Road between Hillview Road (Project IT01 in the Greenvale Central DCP) and the entrance to the College would be insufficient to meet the minimum distance for signalised intersections.

In outlining its concerns regarding traffic volumes, the College called Ms Partenio to provide evidence on this issue. Ms Partenio concluded that the traffic impact assessments prepared for the GCPSP do not sufficiently address or consider increased traffic impacts on the College and in particular access arrangements.

The College further argued that as development in the GCPSP area would be a significant cause of increased traffic congestion, it would be appropriate for the Greenvale Central DCP to make a contribution – in whole or in part – towards signalised or other access arrangements to and from Mickleham Road into the school site.

The GAA responded by noting that the College is beyond the scope of the GCPSP area and the Greenvale Central DCP. Additionally, Mickleham Road is a VicRoads road and the end treatment and access arrangements are a matter for the College and VicRoads to address.
(iii) Discussions and Conclusions

The Panel considers that issues relating to how the College is identified in the GCPSP and the road layout have been addressed to the satisfaction of both parties by way of post exhibition changes to the GCPSP. In that regard the revised GCPSP addresses these issues.

Additionally, the Panel considers that the issue of rezoning the College site is a matter for the College, Council and the GAA to address in due course.

With regard to the issue of traffic volumes along Mickleham Road and the need for improved access arrangements, the Panel acknowledges the challenges faced by the College. The Panel has no doubt that traffic volumes along Mickleham Road will increase significantly and prove a challenge for those seeking to enter or exit the College site.

The Panel notes however that increased traffic volumes will be attributed to a large number of PSP areas and not just the GCPSP area. Indeed, responding to a question from the Panel, the College noted that it expected a significant proportion of its future enrolments are likely to come from new urban areas opening up to the north of the college. In this regard the Panel finds it difficult to understand how the GCPSP alone – and by extension the Greenvale Central DCP – can or should seek to address the traffic issues likely to confront the College in the future.

The Panel is therefore inclined to agree with the GAA that future access arrangements into and out of the College are beyond the scope of the GCPSP and Greenvale Central DCP. The Panel does however encourage the College to continue its dialogue with VicRoads and the Council to ensure the issue is satisfactorily dealt with going forward.

The Panel concludes that the revised GCPSP satisfactorily deals with all matters concerning Aitken College, and it makes no formal recommendation with regard to these matters.

9.2 Catholic Education Office Melbourne

(i) Key Issues

The key issues to be resolved relating to the CEOM include the following:

- the way in which the non-Government primary school site is identified in the GCPSP; and
- whether the actual site identified is appropriate in light of concerns about existing use rights at the nearby Greenvale Poultry Farm.

(ii) Submissions and Evidence

The GCPSP identified a potential non-Government school site of approximately 2.6 hectares to be located in the central part of the North Area.

In its submission to the Panel, CEOM provided an overview of Catholic education provision in the local and broader area and the basis upon which future demand for Catholic educational facilities is calculated. CEOM believes there is sufficient demand in the Greenvale area for a new Catholic primary school and covets the identified site for that purpose. The CEOM advised the Panel that it would be looking to develop a school in this location by about the year 2023. Specific issues raised by the CEOM can be summarised as follows:
• The identification of the potential site in the revised plan GCPSP plan as ‘non-Government school’ rather than ‘Catholic primary school’. This represents a change from the exhibited GCPSP which identified the site as a Catholic primary school. The CEOM submitted that this removes an element of certainty in planning and fear the site may be “up for grabs”;
• The use of the term ‘potential’ in describing the site. Again, the CEOM expressed concern that this removed an element of certainty in planning for a new school in the GCPSP;
• The CEOM sought clarification of the existing use rights concerning the poultry farm operations at 30 French Road;
• Further to the preceding point, the CEOM argued the potential primary school site should be relocated north west of the proposed site to ensure existing use rights associated with the poultry farm do not impede the future development and operation of a primary school;
• The CEOM sought exclusion of the proposed site from the land budget and the Greenvale Central DCP; and
• The CEOM sought the identification of three road abuttsals to the proposed school site.

Additionally, the CEOM responded to a submission from the Ms Fewchuck (217 and 217a), on which the potential school site is located. Ms Fewchuck raised concerns about whether a fair price would be payable given the sites designation as a potential school site. The CEOM responded by noting that “although the land is nominated for an education facility it would be valued on its potential value assuming a permit would be granted for residential development, given its proposed underlying zoning”.

In its submission to the Panel, the GAA responded to the issues raised by the CEOM. With regard to the delineation of the site for a non-Government school as opposed to a Catholic school, the GAA noted that it had received legal advice that suggested it is not appropriate to identify the site for any particular private organisation’s use. Rather, it argued, “the key role of the PSP” is to “identify the nature of land use”. The GAA conceded that the site’s identification as a ‘Catholic’ school site in the exhibited plans had been in error and noted that:

Even though the site has been justified as required by the CEOM and it the GAA’s expectation that it will (be) developed for the purpose of a Catholic primary school, identifying the school site as a Catholic school would set up a potential conflict in the event that the site is not purchased by the Catholic education sector or in the event that the CEOM determines not to proceed with the proposal.

The GAA did however agree to amend the background report to acknowledge the need for a Catholic primary school in the area. The background report for the GCPSP was revised to read:

A Catholic Primary School site has been shown in the PSP area north of Somerton Road to assist the Catholic Education Office Melbourne in establishing a Catholic Primary School that will meet a strategically justified need for Catholic education in the area.
In response to the use of the word ‘potential’ in describing the site, the GAA submitted that as there is no existing non-Government school on the site and as the property is not owned by a non-Government school provider, the site is by definition one that has ‘potential’. That is to say, the development of a non-Government school on the site is not a certainty.

The GAA noted Requirement 23 of the GCPSP which reads:

Where the Responsible Authority is satisfied that land shown as a Non-Government school site is unlikely to be used for a Non-Government school that land may be used for an alternative purpose which is generally in accordance with the PSP and consistent with the provisions of the applied zone.

This, the GAA argued provides an appropriate balance between facilitating and encouraging the establishment of a non-Government school on identified sites, while still providing for an alternative use in the event the non-Government school does not proceed.

Further, in underlining the need to avoid ‘locking in’ a particular site the GAA noted that the CEOM itself has submitted that if the poultry farm does not move within a reasonable timeframe, the CEOM would like to explore the potential to relocate the proposed school to an alternative site. On this issue, the GAA submitted that the PSP and statutory controls already provide for flexibility regarding the exact location of the non-Government school site. The GAA pointed specifically to Clause 2.2 of the UGZ6 and Clause 37.07-9 which give the Responsible Authority the ability to approve minor changes to the location of the non-government school. This, the GAA argued, provides the flexibility sought by the CEOM in the event the non-Government school needs to be shifted due to the poultry farm’s ongoing use.

With regard to the question of Development Contributions, the GAA noted that Schedule 6 to Clause 45.06 (the Development Contributions Plan Overlay) had been amended to read:

Exemption – Non-Government Schools

The development of land for a non-Government school is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy under this Development Contributions Plan.

The GAA further advised that in the Greenvale Central DCP, development contributions had been applied to net residential area only, an area that does not include proposed school site.

With regard to the request for three street abuttals being shown on the GCPSP Plan, the GAA responded that while it supports the outcome sought by the CEOM, PSPs generally do not show all Local Access Streets. Accordingly, the GAA submitted that such detail should be dealt with during detailed design and development of the school site and surrounding residential areas.

(iii) Discussions and Conclusions

The Panel finds the submissions made by the GAA with regard to the use of the words ‘potential’ and non-Government’ (rather than ‘Catholic’) in the identification of the non-Government school site persuasive. While there is every expectation that the CEOM will develop the identified site for the purposes of a Catholic primary school, the Panel
understands that no commercial transactions have yet been completed to acquire the site. Accordingly, there will remain an element of uncertainty until a site is secured and for this reason, the Panel believes it is more appropriate to be less prescriptive than more prescriptive at the PSP stage of planning.

The Panel notes the GAA’s confirmation that the Greenvale Central DCP is calculated on the basis of net residential area and excludes the area estimated to be required for a non-Government school.

The Panel further regards the identification in the GCPSP of a third road abutting the non-Government school as unnecessary at this point of time. The Panel understands that it is general practice to provide for three road abuttals at school sites but accepts that the purpose of the PSPs is not to identify every local road but rather to provide a high level road layout with a focus on the connector road network. Accordingly, while the Panel agrees in principle with the objective of the CEOM, the Panel believes the final road layout can be left to the detailed design and development stage.

Matters relating to the poultry farm including the issue of existing use rights are discussed in section 9 of this report, though the Panel agrees with the GAA that an adequate degree of flexibility in regard to the final and exact location of the non-Government school site already exists in the GCPSP and proposed planning controls. The Panel believes that in the event an alternative location is sought for the non-Government school site, the Responsible Authority and non-Government school provider would work together to find a suitable location that is ‘generally in accordance with’ the GCPSP.

Whether the non-Government school site remains in its current location or elsewhere, the Panel is unable to make recommendations with regard to how land is to be purchased. The Panel notes and accepts the statements of both the CEOM and GAA that the acquisition of land for the purposes of a non-Government school is a commercial transaction between vendor and purchaser. The Panel notes however that Ms Fewchuck (217) may take some comfort from statements contained in the CEOM submission (Section 3.4), which notes that the land valuation is likely to reflect the proposed underlying zoning of the land if it is acquired by the CEOM.

In short the Panel finds that the revised GCPSP deals with the identification and location of a non-Government school satisfactorily. If anything, and in light of the uncertainty around the ongoing operations of the egg farm, the Panel believes an element of flexibility in nominating the exact location of the non-Government school is advantageous.
10 Other matters

10.1 Native Vegetation Precinct Plan

(i) Issue

The key issue to be resolved is whether the proposed Greenvale Central NVPP is based on an accurate assessment of native vegetation and is appropriate for inclusion as part of the Amendment.

(ii) Submissions and evidence

The Greenvale Central NVPP is listed under the Schedule to Clause 52.16 of the Hume Planning Scheme.

The purpose of the Greenvale Central NVPP is to:

- Specify the native vegetation to be protected and the native vegetation that can be removed, destroyed or lopped;
- Ensure that areas identified to be set aside are managed to conserve ecological values in accordance with the GCPSP;
- Ensure that removal, destruction or lopping of native vegetation species is carried out in accordance with the three step approach to net gain set out in Victoria’s Native Vegetation Management – a Framework for Action 2002;
- Set out the works and actions necessary to offset the removal, destruction or lopping of native vegetation; and
- Streamline the planning approvals process through a precinct wide approach to native vegetation management.

Department of Sustainability and Environment (DSE) did not appear at the Hearing; rather the GAA advised that it would be representing its interests. Council argued that the role of DSE is effectively to provide independent assessment and arbitration in relation to the Greenvale Central NVPP. Council advised that is had consistently raised issues about the Greenvale Central NVPP, and that while some of these issues were resolved, DSE should be present to respond to inquiries.

In its submission to the exhibited amendment (dated 28 August 2012) DSE provided support for the Amendment, subject to a number of changes outlined in its submission. The Panel understands that these amendments were subsequently incorporated in the revised amendment documents including the:

- GCPSP;
- Greenvale Central NVPP;
- Schedule 6 to the UGZ
- Greenvale Central Background Report; and
- Incorporated Plan Overlay.

Subsequent minor changes to the Greenvale Central NVPP were made following post exhibition negotiations with Best Hooper on behalf of the owner of 20 Bonds Lane (211) to
remove a habitat zone. It is the revised version of the Greenvale Central NVPP that is being considered by the Panel.

The GAA noted that much of the land within the GCPSP has been extensively cleared and is now dominated by introduced grass species. The quality of vegetation contained in the habitat zones is regarded as poor and exists only in small patches. The Greenvale Central NVPP endeavours to incorporate relevant patches of valuable native vegetation into open space and park corridors.

Properties 69 and 70, which have not been surveyed for scattered trees, are addressed in the Greenvale Central NVPP under the sub-heading ‘Removal of trees on properties 69 and 70 do not have approval’. This is addressed on page 7 of the Greenvale Central NVPP.

Following exhibition, the Greenvale Central NVPP now relies on the 2011 time-stamping data to identify remnant patches of native vegetation within the precinct and to calculate offset liabilities for the removal or destruction of native vegetation. Scattered trees are not part of the time-stamping data but offsets for their removal are required.

A number of submitters, however, raised issues relating to the Greenvale Central NVPP.

Mr Piranni (2) argued that his property on Mickleham Road has no identifiable native vegetation and that, consequently, Habitat Zone HZ20 and HZ21 should not be identified in the Greenvale Central NVPP.

Similarly, Mr Davis (232) opposed the retention of HZ3 and questioned the significance of HZ23 at his property.

In response to submissions, the GAA noted that HZ3 (relevant to Submission 232) is proposed for retention due to its co-location with Park 8 which provides a central parkland corridor through the South Area. This approach, the GAA submitted, is consistent with Clause 56.01-1 which requires the location of open space to respond to existing drainage sites and biodiversity areas.

Issues relating to the Greenvale Central NVPP as it relates to land within the Pan Handle area are dealt with in section 6 of this report.

(iii) Discussion and Conclusions

The Panel observes that in the overall scheme of things the Greenvale Central NVPP attracted relatively few comments in submissions. The Panel notes the views of Mr Piranni and Mr Davis but it is satisfied that the revised Greenvale Central NVPP is supportable in the context of the overall Amendment.

10.2 Brodies Creek

(i) Issue

The key issue to be resolved relates to the future use and management arrangements for the Brodies Creek reserve.
(ii) Submissions and Evidence

The Brodie Creek reserve comprises irregular parcels of land from five properties in the north-east corner of the North Area. The land abuts Aitken College to the north and Greenvale Reservoir to the east. The Amendment rezones this land from the Rural Living Zone to the Rural Conservation Zone.

The exhibited GCPSP provided for direct pedestrian links between the encumbered open space along Brodies Creek (in the North Area) and the adjoining Greenvale Reservoir Park, a regional open space of more than 50 hectares. The Panel understands that Greenvale Reservoir Park is currently managed by Parks Victoria on behalf of Melbourne Water. The reservoir has some controlled public access.

The exhibited version of the GCPSP contemplated direct access from the Brodies Creek reserve to the Greenvale Reservoir Park to increase connectivity and links into regional open space.

Melbourne Water (233) requested that all direct connections from the Brodies Creek Reserve to the Greenvale Reservoir Park be removed from the GCPPSP documentation due to concerns about uncontrolled access and water security risk.

Notwithstanding this change (reflected in the revised GCPS), the GAA remained supportive of the use of the Brodies Creek drainage area as encumbered open space, and suggested a co-management arrangement. In this regard the GAA said:

*Use of Brodies Creek drainage area as an encumbered open space is strongly supported, regardless of direct access to Greenvale Reservoir Park being established. The area includes a flowing water body, and ample area for passive enjoyment. Co-management of the area between Melbourne Water (water body) and Hume City Council (park) would require basic improvements (seating, shared path, planting, etc) and management.*

Council disagreed with this approach and expressed its concern about the merits of the land being set aside for a public open space purpose as follows:

*The land has significant physical constraints which render it of little to no value for public open space purposes;*

*The land is very steep on both sides of the creek which means achieving any form of acceptable public access is not possible;*

*There are significant health and safety concerns associated with allowing members of the public to access this land;*

*Allowing public access to this land, will severely impact the conservation objectives for this area which extends down the entire length of Brodies Creek;*

*The land has a direct relationship and connectivity to the Brodies Creek corridor and the abutting Melbourne Water land; and*

*There is no natural relationship or synergy between this land and the PSP land or any land within Council’s open space network.*
Council advocated that the reserve be brought under the control of Melbourne Water with the existing boundary fence to the Melbourne Water reservoir being relocated to include Brodies Creek.

In its closing submission, the GAA noted that Aitken College has expressed an interest in taking over the management of Brodies Creek, though the nature of this interest is not known to the Panel.

Council advised that the best way to maintain the conservation value of the reserve is to limit public access. Thus the most appropriate and logical way to deal with it is for the reserve to be within the Melbourne Water landholding and control. Council said that the fence line could be continued along the property edge and it could then integrate with the adjoining Greenvale Reservoir Reserve. The sequencing of that course of action could be achieved irrespective of the timing of development.

(iii) Discussion and Conclusion

The Panel notes that the question of ‘who is to be responsible?’ is a familiar one for Panels with regard to future maintenance and responsibility for encumbered open space. In this case, the Panel regards the establishment of the open space corridor in the location identified as being for drainage reasons first and foremost. Moreover, following inspection of the proposed reserve, the Panel is persuaded by Council’s reason as set out above that much of the land will serve little practical use beyond its primary drainage function. For that reason, the Panel strongly encourages Melbourne Water to take responsibility for the future maintenance obligations of the encumbered open space along Brodies Creek, if no arrangement can be made with Aitken College.

(iv) Recommendation

The GAA continue discussions with Council, Melbourne Water and Aitken College about the most appropriate management arrangements of Brodies Creek, and in the absence of a firm resolution, transfer the Brodies Creek reserve area to Melbourne Water.

10.3 Melbourne Water Assets

(i) Key Issues

The key issues that require resolution in relation to Melbourne Water assets include retarding basins and pipe tracks.

(ii) Retarding Basins

The Melbourne Water submission to the Panel advised that:

*Retarding basin layouts shown in the exhibited PSP were to Melbourne Water’s satisfaction, providing a concept level indication of the size and location of retarding basins needed to manage stormwater and flood flows. Further minor changes are now needed.*

*The November 9 revised plan shows the Section Road Retarding Basin in a new location, moving it northward onto the boundary between PSP properties No. 19 and 18 (No. 75 and 95 Bonds Lane).*
Melbourne Water was not consulted regarding this re-location, and is assessing the implications from an engineering perspective. We expect the retarding basin can be delivered at the new location, but it is possible that a larger footprint will be necessary due to changed excavation requirements.

The new location increases the number of landowners involved in delivery of the basin. Negotiation with multiple small land owners will decrease delivery speed and efficacy, increasing costs for all contributing development. In Melbourne Water’s view, the Section Road basin should be returned in its originally exhibited position for this reason.

Since exhibition of the PSP, Melbourne Water has identified that retarding basins in Greenvale Central may also need to service land north of Somerton Road recently included in the Urban Growth Boundary through the Logical Inclusions process (fig 2).

The GAA retained WBCM Pty Ltd to among other things:
- identify current service and utility infrastructure capacity issues; and
- identify key opportunities and constraints for the provision of service and utility infrastructure.

A Service and Utility Infrastructure Engineering Report (March 2011), was prepared by WBCM and made available with the PSP documentation. No evidence, other than the report, was presented at the Hearing.

WBCM indicated that the PSP area contained “defined ridge lines and valleys which determine separate drainage catchments”. The report stated that “Melbourne Water does not have a drainage scheme for this south precinct and it is proposed to provide a retarding basin/s (sic) along with water quality treatment in designated locations”.

Appendix C of the WBCM report shows three proposed retarding basin sites including one in the Pan Handle area. There are no issues with the southern site adjacent to Mickleham Road on the alignment of Attwood Creek. However, this document shows the northern retarding basin straddling properties 10, 18 and 19. This retarding basin covers a larger area than shown in either the original or modified GAA documents.

Mr Kent made a submission to the Panel on behalf of the Greenvale Football Club. He suggested that the proposed retarding basin adjacent to Section Road could be located on the west side of the road within Greenvale Reserve. The relocation of the retarding basin would be beneficial in providing irrigation for the Reserve.

Mr Mackenzie on behalf of Mr Yarak (235) suggested that there might be an opportunity to look at siting the retarding basin to the west of Section Road to facilitate water collection for Greenvale Reserve.
(iii) Pipe Track

Melbourne Water owns a pipe track within the GCPSP. The pipe track runs from Somerton Road along the east side of Bonds Lane, then turns west toward Section Road, as shown on Figure 3.

![Figure 3 Melbourne Water Pipe Track](image)

The Melbourne Water submission indicated that:

... the pipe track contains the Greenvale-Sydenham drinking water transfer main, along with associated tanks and surface-level valves. This infrastructure is critical to water supply to the west side of Melbourne, and will be duplicated in future to service the growing region.

The exhibited PSP included an east-west local access street connecting Bonds Lane and Section Road, along the pipe track. At Melbourne Water’s request, this has been deleted, as shown on the November 9 version of the plan circulated by the Growth Areas Authority (GAA).

The revised plan now shows the northern end of the future Bonds Lane overlapping the north-south portion of the pipe track. Melbourne Water has since advised that (sic) GAA that the future Bonds Lane needs to be shown avoiding pipe track land with any future widening occurring on the west side.
In summary:

Melbourne Water supports removal from the PSP of the road that linked Bonds Lane to Section Road via the Melbourne Water pipe track, and recommends the following further changes:

- The November 9 revised PSP needs to be amended to clearly show the future Bonds Lane will not encroach on the pipe track except at one crossing point.
- Pedestrian pathways can be shown within the pipe track, subject to Melbourne Water conditions.

Mr Taylor of Urban Terrain made a submission to the Panel on behalf of Mr Dunn (193). Mr Taylor outlined the following key issues:

**Access to Section Road** – The Key Local Access Street connecting Bonds Lane and Section Road has been removed from the originally exhibited documents at the request of Melbourne Water. This presents a number of planning and design issues for development of 805 Bonds Lane as there is no guaranteed access to Section Road.

**Development Potential of Property 15** – This Key Local Access Street was critical to providing vehicle access to residential development on Property 15. Without it, this land is too narrow to provide any practical form of residential development.

In addition, Mr Taylor indicated that:

It is understood from Melbourne Water’s submission that they will not accept construction of roads within the Greenvale Central pipe track land except for a minimum number of crossings.

Road development along the Melbourne Water land was a specific issue that was explored. At this time, Melbourne Water advised that a local road over this land was a preferred outcome as it could be achieved from an engineering perspective and it relieved Melbourne Water of ongoing maintenance responsibilities for the open space.

Melbourne Water also directed us to the Officer PSP which includes guidelines for road development in Melbourne Water Reserves.

It appears that Melbourne Water has completely ignored their original advice. From their submission, this change appears to be cost driven rather than from engineering constraints.

Mr Taylor outlined a number of reasons why in his opinion, providing a local connector street in the Melbourne Water land was considered good design for the property at Somerton Road. Property number 15, which is included in the property known as 805 Somerton Road, is located immediately to the south of the Melbourne Water pipe track. This property ranges in width from 24 metres to 30 metres and therefore “this land is not wide enough for practical development of a road and residential lots”. Mr Taylor submitted:
The development of Melbourne Water land as a Key Local Access Street was considered critical for access to Property 15 and realising the development potential of this land.

(iv) Discussion and Conclusion

With regard to retarding basins, the Panel believes there is merit in re-assessing the location of the Section Road retarding basin. The revised GCPSP moved the retarding basin to the north such that it now straddles properties 18 and 19. Unless there is a specific technical reason for the shift in location, which the Panel understands there is not, there does not appear to be any specific advantage in the revised arrangement. In this sense, the Panel agrees with Mr Mackenzie of Planning Appeals, who stated that “There is no logical reason to split the (retarding) basin over 2 properties in different development cells. It simply complicates delivery for no functional advantage”.

If a review of the location of the Section Road retarding basin is to occur, the Panel sees further merit in assessing its potential re-location outside of the GCPSP area, specifically west of Section Road within the Greenvale Recreation Reserve. The Panel understands that such a move would be supported by clubs based at the Greenvale Recreation Reserve as it would provide additional water security for the playing fields.

In summary, the Panel supports a review of the location of the Section Road retarding basin with a view to:

- determining whether it can be moved to a new location within the Greenvale Recreation Reserve; and
- if not, reverting to a layout where it is located on a single property.

With regard to issues associated with the Melbourne Water pipe track, the Panel observes that the challenge confronting the owner of Property 15 is reflective of the many difficulties faced with implementing the GCPSP. The Panel notes the submissions of Mr Taylor and encourages Melbourne Water to work with landowners and the Responsible Authority to facilitate an outcome that will enable orderly development of land to occur.

(v) Recommendations

The Panel recommends:

Prior to final approval of the Greenvale Central Precinct Structure Plan, the Growth Areas Authority in conjunction with Council and Melbourne Water:

- Review the size and location of the northern retarding basin to reduce the impact upon property numbers 18 and 19 and maximise storm water harvesting for irrigation of Greenvale Reserve.
- Define the requirements for a pipe track reservation within or adjacent to the north-south section of Bonds Lane, taking into consideration future duplication.
- Define the requirements for an east-west pipe track reservation between Bonds Lane and Section Road to enable a local access road to be constructed parallel to the pipe track reservation.
11 The Development Contributions Plan

11.1 Issue

The key issue to be resolved is whether the Greenvale Central DCP is founded on sound principles and whether it addresses the key infrastructure needs of the GCPSP area.

11.2 Submissions and Evidence

The Greenvale Central DCP is proposed to be introduced into the Hume Planning Scheme by way of a Development Contributions Plan Overlay, to be applied across the amendment area. The Greenvale Central DCP seeks to provide a range of road and community infrastructure and in its submission to the Panel, the GAA explained the basis and rationale for its approach to the Greenvale Central DCP.

Unlike many DCPs, the Greenvale Central DCP includes costs associated with land acquisition and construction of several connector roads. This is because of the high level of landowner fragmentation in the GCPSP area and the expected challenges associated with delivering items normally provided by developers who control significant parcels of land.

The connector roads provided by the Greenvale Central DCP include:
- A new road (RD01) linking French Road and Brendan Road in the North Area;
- The extension of Greenvale Drive (RD02 and RD03) through the amendment area from Mickleham Road to Section Road in the South Area; and
- The linking of Bonds Lane and Carroll Lane (RD04) in the South Area.

The Greenvale Central DCP also includes intersection works at:
- Mickleham and Hillview Road (IT01);
- Somerton Road and Brendan Road (IT02);
- Somerton Road and Section Road (IT03);
- Mickleham Road and Greenvale Drive (IT04);
- Mickleham Road and Providence Road (IT05);
- RD01 and Brendan Road (IT07);
- Greenvale Drive and Section Road (IT08); and
- Greenvale Drive and Bonds Lane (IT09).

The Greenvale Central DCP includes the following community infrastructure projects:
- Contributions towards the multi-purpose Community Centre proposed as part of the Greenvale West PSP (C101).
- New and improved infrastructure at the Greenvale Recreation Reserve, specifically:
  - Playing Field (AR01);
  - Pavilion (AR02);
  - Stadium Extension (AR03); and
  - Tennis Courts (AR04).
- Sportsground redevelopment at Bradford Avenue Reserve AR05); and
- A new pavilion at Barrymore Road Reserve (AR06).
A number of post-exhibition changes were made to the Greenvale Central DCP to reflect post-exhibition revisions to GC PSP. These included the removal of several infrastructure items as a result of the proposed rezoning of land south of Providence Road to the Low Density Residential Zone, the further refinement of active open space infrastructure, the removal of all land south of Providence Road from the Greenvale Central DCP itself and the creation of two separate charge areas within the South Area (the area south-west of the axis of Somerton Road and Mickleham Road) and North Area (the area north-east of the axis of Somerton Road and Mickleham Road).

As a result of the post-exhibition revisions, the Greenvale Central DCP charge rate per net developable hectare decreased from $215,734.56 to $190,187.35 (North Area) and $196,968.47 (South Area).

The GAA provided comparison rates for other recently approved DCPs which indicated that the Greenvale Central DCP is at the lower end of the general range.

The GAA noted that all costs within the Greenvale Central DCP are fully apportioned to new development within the charge areas with the exception of item IT01 which is shared equally with the Greenvale West PSP area.

With regard to the active recreation infrastructure included in the Greenvale Central DCP, the GAA advised that while the Greenvale Central DCP indicates no external apportionment is applicable to these items, the ‘total project cost’ indicated in the revised Greenvale Central DCP only specifies the precinct’s contribution. Total cost and apportionment details for projects only partly funded by the Greenvale Central DCP are to be incorporated in the finalised documentation.

The GAA noted that the GC PSP provides no net developable area – in terms of land – towards active open space. Instead, and consequently, it has been “deemed appropriate that additional funding should be made available for the ‘construction’ component of contributions to meet the overall nexus of provision”. It is for this reason, submitted the GAA, that some projects are apportioned entirely to the precinct despite being located externally to the GAA.

A similar approach has been taken with the Community Infrastructure project (C101) which is ‘externalised’ outside the Greenvale Central DCP area and within the adjoining Greenvale West PSP. This approach is also supported by Council.

The GAA noted that Hume City Council considered that local parks should be delivered as part of the Greenvale Central DCP as opposed to the requirements of Clause 52.01. The GAA responded by noting that “Clause 52.01 is an established practice in public open space delivery for local parks” and that it “provides a straightforward administrative process for the delivery of local park land. This is consistent with all other approved PSPs”.

Few submissions took issue with the structure of the Greenvale Central DCP or the infrastructure items included in it. One of those that did query the items funded by the Greenvale Central DCP was the submission by Mr Kent on behalf of the Greenvale Football, Cricket and Sports Clubs (Submission 258). He noted the important regional role of the Greenvale Recreation Reserve and the popularity and success of the sporting club he represented based at the reserve.
Mr Kent claimed that there was a number of infrastructure items needed at the Greenvale Recreation Reserve that were arguably more urgently required that those proposed to be funded in the Greenvale Central DCP. This included, among other things, administrative facilities for the existing clubs.

11.3 Discussions and Conclusions

The Panel takes no issue with the general construct of the Greenvale Central DCP. It is well compiled and written, addresses the key elements and outlines the methodology and principles on which the Greenvale Central DCP is founded.

Similarly, the Panel accepts that the approach to some issues – such as the externalisation of active recreation infrastructure and the inclusion of connector roads – represents a pragmatic and appropriate outcome given the challenging nature of the GCPSP area. This is particularly so given the highly fragmented nature of land ownership and inherent uncertainties about the timing and sequencing of development.

The Panel acknowledges and notes the views of Mr Kent but accepts that the active recreation infrastructure projects included in the Greenvale Central DCP are funded on background documentation and discussions with Council over a significant period of time.

One area of concern the Panel does have relates to the issue of the full apportionment of costs of several road projects that the Panel considers will be used by and deliver benefits to residents beyond the Greenvale Central DCP charge area. In this regard, the Panel notes those sections of the revised Greenvale Central DCP relating to ‘External Use’ and ‘Cost Apportionment’, both of which relate to the basic principles on which DCP’s are founded11.

The Greenvale Central DCP states that “an allowance has been made for other use external to the MCA for specific projects” and “this Development Contributions Plan apportions a charge to new development according to its projected share of use of an identified infrastructure item”.

While the Panel accepts the concept of externalisation of Active recreation infrastructure, the Panel has some concerns around the extent to which a rigorous analysis of external usage has been applied to road infrastructure projects such as the Greenvale Drive extension (RD02 and RD03), and intersection treatments at Greenvale Drive and Mickleham Road (IT04), and at Somerton Road and Brendan Drive (IT04).

Over the course of the Hearing and as a result of questions from the Panel, it became apparent that these projects are likely to be used by a significant proportion by residents outside the Greenvale Central DCP charge area. Greenvale Drive is likely to provide for the conveyance of traffic from the existing Greenvale area to access the Greenvale Recreation Reserve, while the signalised intersection at the re-aligned Brendan Road and Fleetwood Drive (IT02) also is certain to be used by residents in the established Greenvale area (these views were expressed during cross examination of Ms Partenio). The GAA’s response to

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questions by the Panel on this issue was to note that if not fully funded by the Greenvale Central DCP, how else might these projects be funded? Moreover, the GAA noted, this approach – full cost apportionment in a DCP regardless of usage – has become the norm in recent years.

The Panel regards this issue as a difficult one to deal with. On the one hand, the Greenvale Central DCP (and the Development Contributions Guidelines) are quite explicit in how apportionment should be calculated – that is, on the expected share of usage.

On the other hand, the Panel accepts that there is an element of pragmatism in the construct of many approved DCPs.

The Panel believes however that in situations where it is evident that a significant proportion of external use is likely, the Greenvale Central DCP should at least reflect anticipated use. In this matter, the Panel had little by way of evidence to make an informed judgement on external usage and is left to make an assessment based on its experience and expertise.

Accordingly, unless the GAA determines to undertake a further independent assessment of expected external use, the Panel believes that external apportionment should be applied to the projects IT02 and IT04, RD03, RD02 and IT09.

11.4 Recommendations

Apply external apportionment to the following projects and adjust the Greenvale Central Development Contributions Plan accordingly:

- Project IT02 (intersection works at Somerton Road and Brendan Road/Fleetwood Drive) – external apportionment of 50%; and
- In the event that the Greenvale Drive extension is constructed, projects IT04, RD03, RD02, IT09 (intersection works at Mickleham road and Greenvale Drive, Greenvale Drive construction, intersection works at Greenvale Drive and Section Road) – external apportionment of 20%.
12 Restrictive Covenant Area

12.1 Key Issues

The Amendment seeks to remove the restrictive covenants that currently exist on Lots 1 to 14 as shown in Figure 4. The key issue that requires resolution with regard to the restrictive covenant relate to the tests and principles to be applied for its removal. The Panel also discusses the scope of the restrictive covenant.

Figure 4 Properties subject to the Restrictive Covenant
The GAA provided title searches and maps describing the covenants and the land affected by them.

There were no submissions contesting the scope or interpretation of the restrictive covenant.

The restrictive covenants apply to Lots 1 to 14 (inclusive) on Plan of Subdivision No 115075 and were created in 1975 on the sale of the lots out of the subdivision, as shown in Figure 4.

The title searches produced by the GAA show the covenants are single dwelling covenants. Their wording is that the purchaser in each case covenants with the company selling the lot and the other registered proprietors of the land in the plan of subdivision that the purchaser:

\[\text{... shall not erect more than one detached private dwelling house on the said lot and such house shall comprise not less than 30 squares in size and shall cost not less than the sum of $30,000.00.}\]

The Panel accepts this material as describing the scope of the covenants. The Panel notes that it is legally accepted that each covenant is enforceable by the original parties to the covenant but at law they also ‘run with the land’ over each lot. This has the effect of binding subsequent owners with the obligations of the covenant and rendering the covenant enforceable by the proprietors of the other lots remaining unsold in the subdivision at the date of the transfer. Thus for example the Adams (216) land was the eighth lot sold and thus they can only enforce the covenant over the six lots transferred at a later date, but the owners of the seven lots transferred earlier can enforce the covenant the Adams land.

### 12.2 Submissions and Evidence

Six landowners in the covenant area made submissions, but only that of Mr and Mrs Adams and Mr Hawkins (207) related specifically to the covenant. The other written submissions from Ms Banagan (107), R and M Glogovac (171), Ms Connelly (210) and J and V Soderstrom (223), related to other matters considered generally by the Panel, although the Soderstroms supplemented their original submission with a further submission (17 December 2012) that included some discussion about the covenant.

Mr Hawkins appeared at the Hearing for himself and on behalf of the Greenvale Central Land Owners Group supporting the Amendment and the removal of the covenants.

Solicitors for Mr and Mrs Adams appeared at the Directions Hearing but at the commencement of the Hearing, Ms Anderson of Rigby Cooke advised that her client would not participate in the Hearing. Rather, Ms Anderson advised that they would rely on a further written submission which was provided on Day 1 of the Hearing. That submission (the Adams submission) raised grounds for opposing the Amendment on the basis that:

- there is no clear strategic justification for the amendment;
- the Amendment fails to consider the likely adverse social impact on the local community;
- the Amendment fails to consider a number of other relevant matters;
- in the absence of clear evidence of net community benefit, the removal of the covenant is unwarranted and premature;
• the removal of the covenant will adversely affect the highly valued amenity of the Adams' land; and
• the Amendment is a gross interference with private property rights which should only be permitted where the justification is clearly demonstrated which the Amendment falls far short of doing.

It was submitted that the Mornington Peninsula C46 criteria for the principles to be considered to identify whether it is appropriate to remove a restrictive covenant by a planning scheme amendment should not be applied in this case because they give inadequate weight to the existence of restrictive covenants, and were developed in the context of existing or proposed developments. It argued that in contrast to this case, there is no proposed development at this time.

The Adams submission referred to the accepted proposition that the benefit of a restrictive covenant is a property right and can be valuable. It argued that these benefits should not be regarded as purely private but are recognised by planning legislation, and that legislation authorising interference with existing rights are traditionally interpreted narrowly. It submitted the criteria in Mornington Peninsula C46 do not reflect these principles.

The Adams submission argued that even if the tests in Mornington Peninsula C46 are accepted for some purposes, they should not be a universal test and that a distinction should be drawn between a contingent restriction on a property right and the total destruction of that right.

Thus it argued, that if the Amendment is approved, the Adams' would have lost a valuable property right but no development would occur for some time, it may be scattered and may not achieve the densities envisaged by the GAA.

The Adams submission also raised a number of other issues which in summary (and supported by the tabled planning evidence of Mr Negri of Contour Consultants), include the following:

• Failure to take account of the existing character of the area;
• The amenity of the covenant land will be affected by reduced density and the removal of native vegetation including most of the habitat zones identified in the NVPP;
• There is no strategic justification for the Amendment;
• Failure to consider adverse social impacts – it suggests opening up the whole area will “tear the community apart”;
• Impact on Melbourne airport, the chicken farm and the cattery;
• Target density is unlikely to support viable public transport;
• Fragmented land ownership; and
• Net community benefit insufficient to justify removal of the covenants.

J and V Soderstrom (223) were represented at the Hearing by Mr Brown. He opposed removal of the covenant and argued that the property was bought precisely because the covenant was in place. His primary submission was that the covenant not be removed, but if it was to be lifted, protection of their current lifestyle i.e. running a cattery should be maintained.
Mr Vorchheimer advised that Council would be satisfied if the covenant area was to be rezoned to the Low Density Residential Zone. He said the issue of the restrictive covenant is not the key issue, but rather the preferred or ultimate density of development for that area. Ms Patterson noted that the Council had not objected to the removal of the covenant and that Council had appeared to have changed its view.

With regard to the Adams submission, both Council and the GAA noted the submission and the expert evidence of Mr Negri raised substantial issues, but little weight could be afforded to the evidence as it could not be tested.

Council submitted that the relevant tests that should be applied in determining if the covenants should be removed are those outlined by the Panel on Amendment C143 to the Boroondara Planning Scheme\(^\text{12}\) which adopted the principles set out in the Panel Report for Amendment C46 to the Mornington Peninsula Planning Scheme\(^\text{13}\). The GAA concurred with this submission and no other submitter contested it.

Mr Vorchheimer further noted that in Council’s opinion four submissions objected to the restrictive covenant, these being Adams (216), Connolly (210), Cotosis (219) and Soderstrom (223). While he acknowledged that some did not expressly object to the restrictive covenant, there was ‘inferred objection’ through concerns raised about density. Ms Patterson disagreed with this submission and raised concerns about Council’s interpretation.

12.3 Discussion and Conclusions

The Panel recognises the importance of property rights and their value, the need to strictly interpret legislation to restrict those rights, and the recognition of restrictive covenants in planning legislation.

The Panel agrees that issues such as meeting the objectives of planning in Victoria, net community benefit, amenity, the character of the area, and the other issues raised by the Adams submission in addition to the relevant criteria should be considered and assessed by the Panel in the context of net community benefit.

Likewise the Mornington Peninsula C46 criteria require the Panel to give consideration to the interests of the parties affected by the removal of the covenant in the context of net community benefit. However the Panel considers that the Adams submission does not establish a sufficient case to depart from the criteria established in Mornington Peninsula C46 and subsequent Panels.

The Adams submission omits to refer to the Supreme Court decision in *M A Zelltof v Stonnington City Council*\(^\text{14}\) which, along with the importance of property rights, was strongly argued by legal counsel for the Council, proponent and objectors in Boroondara C143. This decision is authority for the proposition that the applicable principles for the removal of

\[\begin{align*}
\text{12} & \quad 13 \text{ January 2012, section 6 pp 33-36.} \\
\text{13} & \quad \text{April 2004 at p 25.} \\
\text{14} & \quad \text{Balmford J, [1999] 3 VR 88, [1999] VSC 270 (5 August 1999)}
\end{align*}\]
restrictive covenants by a planning scheme are not subject to the constraints which apply to applications for a permit to remove a covenant\textsuperscript{15} and applications to the Supreme Court\textsuperscript{16} to do likewise. It is noted that the issue of the status of restrictive covenants as property rights was also argued by competing legal counsel in Mornington Peninsula C137.

The Panel cannot find any support for the distinctions argued by the Adams submission between existing and proposed developments and a PSP in Zeltoff, the Planning and Environment Act 1987, or the Panel Reports for Mornington Peninsula C46 and C137, and Boroondara C 143.

The Adams submission argues that the criteria are insufficient but it does not identify how. The observation this Panel makes is that the criteria invokes the highest level of test that the Planning and Environment Act 1987 can apply namely that the Amendment further the objectives of planning in Victoria\textsuperscript{17}.

The Panel was not able to test or discuss these arguments with the submitter.

The Panel agrees with the Mornington Peninsula C143 Panel's conclusion that the property rights conferred by the covenants do not have any special status by virtue of them being conferred by a covenant. Rather the interests of the beneficiaries should be considered according to the general principles of how the interests of individuals are considered under the planning scheme in assessing net community benefit, the particular development and the benefits and disbenefits of the proposal.

The Panel concludes that the principles to be considered in whether a restrictive covenant should be removed by a planning scheme amendment are those enunciated by the Panel report in Mornington Peninsula C46 summarised as follows:

- Does the Amendment further the objectives of planning in Victoria?
- Does removal of the covenant enable a use that complies with the planning scheme?
- Has the Panel considered the interests of affected parties including the beneficiaries of the covenant?
- Will adoption of the amendment result in a net community benefit and sustainable development?
- The answers to these questions is generally ‘yes’, therefore the Panel concludes that the restrictive covenant that applies to lots 1 to 14 should be removed.

12.4 Recommendations

The Panel recommends:

Remove the restrictive covenants from lots 1 to 14 on Plan of Subdivision No 115075.

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\textsuperscript{15} under section 60 Planning and Environment act 1987.

\textsuperscript{16} under Section 84 Property Law Act

\textsuperscript{17} section 4(1)
13 Net Community Benefit

13.1 Issue

The issue is whether a net community benefit will derive from the proposed amendment.

With regard to whether the Amendment will result in a net community benefit, the question itself is relevant in respect of the removal of restrictive covenants to a number of properties that are the subject of the Amendment. The Panel believes, however, that above and beyond the relation to the removal of restrictive covenants, the application of a net community benefit test represents good practice in responding to Planning Scheme Amendments.

Clause 10.02 of the State Planning Policy Framework has the Goal:

*The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. (Panel underlining)*

Objective 4 (1) (a) and (g) of the Planning and Environment Act 1987 notes that:

1. The objectives of planning in Victoria are:

(a) To provide for the fair, orderly, economic and sustainable use and development of land;

(b) ....

(g) To balance the present and future interests of all Victorians.

Little detail is provided in relation to how net community benefit should be considered in relation to broad based amendments such as a Precinct Structure Plan.

In general the establishment of net community benefit is understood to involve an assessment of the net balance of impacts resulting from an amendment. That is to say, the Panel must consider all of the advantages the amendment may deliver against all the disadvantages and make a net assessment of the situation.

In dealing with the issue of net community benefit, the Panel notes the need to measure net community benefit in a holistic sense taking into account a range of factors including planning, social, cultural, recreational and economic issues.

As there are no set measures on which to base its decision, the establishment of net community benefit requires subjective judgements by the Panel.

13.2 Submissions and Evidence

Few, if any, submissions dealt with the issue of net community benefit in and of itself. An expert report by Mr Negri of Contour Consultants was provided as part of the Adams
submission (216) but given that they did not appear, the evidence was not formally called or tested.

Notwithstanding, the Panel notes the wide range of submissions that outlined benefits associated with the amendment. These include, but are not limited to:

- The delivery of new housing opportunities in relative proximity to the Melbourne CBD and other employment nodes;
- The protection of native vegetation and other important environmental features;
- Improved road and cycling connectivity within and around the local area;
- Improvements to active open space infrastructure;
- Upgraded road and intersection treatments;
- New passive open space; and
- Anticipated delivery of new education infrastructure.

Perceived disbenefits include, but are not limited to:

- Increased traffic and congestion;
- Conflict between new residential development and the rural character of the area;
- Potential conflict between the existing use rights enjoyed by the egg farm and potential new development;
- Erosion of amenity, particularly in relation to what is regarded as the existing semi-rural environment; and
- Potential noise impacts;
- Loss of the benefit of the restrictive covenant;
- Impact on existing businesses; and
- New restrictions on particular properties.

The Panel has given specific consideration to the submissions, both against and for the Amendment, of landowners benefited by the restrictive covenants.

Further, the GAA submission to the Panel pointed to the Amendment furthering the objectives of State Planning Policy.

### 13.3 Discussion

Based on the benefits and disbenefits listed above, the Panel has set out and discussed a variety of issues in the report that together form a basis for making a judgement on whether the advantages afforded by the proposed Amendment outweigh the disadvantages.

In advancing this assessment, the Panel notes that there is no ‘magic formula’ to assess and determine net community benefit. The Panel must frequently make findings on conflicting submissions and inconclusive evidence.

The Panel notes the net community benefit test is, by its very name, based on an assessment of whether the ‘community’ will be better off rather than individuals. This is critical as there is little doubt in the Panel’s mind that some individuals may be adversely impacted.

On balance however, the Panel has formed the view that taking account the overall picture, the proposed Amendment will deliver more benefits to the community than it will
disadvantages and consequently believes that a net community benefit will derive from proceeding with the Amendment.

The Panel believes that overall, a net community benefit will be delivered as a result of the Amendment.
14 Conclusions and Recommendations

In conclusion, the overarching question for the Panel is that given the key challenges facing Greenvale Central:

- the highly fragmented nature of land ownership
- proximity to Melbourne Airport
- the challenges associated with development in the Pan Handle area
- the existing restrictive covenant
- the existing use rights associated with the Greenvale Poultry Farm
- whether the Greenvale Central area is suitable for traditional urban development that is likely to proceed within a reasonable timeframe and in an orderly manner.

The Panel observes at the outset, that unlike many – indeed most – Precinct Structure Plans in the growth areas of metropolitan Melbourne, no developer or developers appear to have established a serious position within the Greenvale Central Precinct Structure Plan area. The Panel considers this quite unusual, given the area’s inclusion within the Urban Growth Boundary in 2005 (almost eight years ago).

In this regard the Panel was buoyed by the strong sense of purpose expressed in the submission by the Greenvale Central Landowners Group. Similarly, the sentiment expressed by the Catholic Education Office Melbourne towards resolving the issue of the existing rights enjoyed by the Greenvale Poultry Farm by looking at a potential purchase of the property provides the Panel with some comfort that there may be opportunities to progress development in the area.

At the same time however, the Panel notes the concerns expressed by submitters who opposed the Amendment and who raised issues about the effect urban development may have on their current lifestyle, particularly those who reside south of Somerton Road.

The Panel is concerned that the Greenvale Central Precinct Structure Plan should be one which is able to be realised within a realistic timeframe. The Panel notes that the Greenvale Central area represents a rather unique situation, particularly in regard to the fragmentation of land, and trusts that stakeholders will work flexibly and collaboratively to ensure that development delivers the diverse outcomes anticipated in the Greenvale Central Precinct Structure Plan.

The Panel believes, however, that while a number of significant challenges exist in relation to implementation, particularly in relation to the delivery of infrastructure such as roads and services that will regularly cross or straddle title boundaries, a net community benefit will be delivered as a result of this Precinct Structure Plan process.

14.1 Recommendations

1. Adopt Amendment C154 to the Hume Planning Scheme in accordance with the revised November 2012 versions of the Greenvale Central Precinct Structure Plan, the Greenvale Central Development Contributions Plan, the Greenvale Central Native Vegetation Precinct Plan, and the revised Schedule 6 to the Urban Growth Zone (Appendix C), subject to the following recommendations.
2. The GAA, in consultation with Council and landowners, prepare a staging plan for the development of the Greenvale Central Precinct Structure Plan to ensure appropriate and ordered development outcomes.

3. Defer the final approval of Amendment C154 to the Hume Planning Scheme, pending the release of the 2013 Melbourne Airport Master Plan and a subsequent review of the noise impact controls recommended in the Master Plan. This may result in further changes to Schedule 6 to the Urban Growth Zone and the Greenvale Central Precinct Structure Plan as required.

4. Amend the Greenvale Central Precinct Structure Plan (and associated documentation accordingly) to show:
   a. Deletion of the Greenvale Drive extension from the future road network serving the Greenvale Central Precinct Structure Plan;
   b. Bonds Lane upgraded to provide the primary east-west connector into the precinct;
   c. Bonds Lane extended west to Section Road;
   d. Traffic signals at the Bonds Lane/Mickleham Road intersection;
   e. Brendan Road in a curvilinear alignment as it approaches the four way intersection with Somerton Road and Fleetwood Drive;
   f. A maximum road reservation width of 25 metres with the road cross-sections adjusted accordingly;
   g. Deletion of all references to the Pan Handle Area (the 15 properties south of Providence Road);
   h. The nomination of a proposed Local Convenience Centre (maximum of 500 square metres Gross Leasable Floor Area) in the vicinity of Brendan Road and Somerton Road; and
   i. A 144 metre directional buffer for the Greenvale Poultry Farm on Plan 5 - Image Character and Housing in accordance with Document 15.

5. Amend Schedule 6 to the Urban Growth Zone to introduce a sunset clause such that the buffer is removed from surrounding parcels of land in the event the Greenvale Poultry Farm ceases operation in accordance with Appendix C.

6. The GAA continue discussions with Council, Melbourne Water and Aitken College about the most appropriate management arrangements of Brodies Creek, and in the absence of a firm resolution, transfer the Brodies Creek reserve area to Melbourne Water.

7. Prior to final approval of the Greenvale Central Precinct Structure Plan, the Growth Areas Authority in conjunction with Council and Melbourne Water:
   a. Review the size and location of the northern retarding basin to reduce the impact upon property numbers 18 and 19 and maximise storm water harvesting for irrigation of Greenvale Reserve.
b. Define the requirements for a pipe track reservation within or adjacent to the north-south section of Bonds Lane, taking into consideration future duplication.

c. Define the requirements for an east-west pipe track reservation between Bonds Lane and Section Road to enable a local access road to be constructed parallel to the pipe track reservation.

8. Apply external apportionment to the following projects and adjust the Greenvale Central Development Contributions Plan accordingly:

   a. Project IT02 (intersection works at Somerton Road and Brendan Road/Fleetwood Drive) – external apportionment of 50%; and

   b. In the event that the Greenvale Drive extension is constructed, projects IT04, RD03, RD02, IT09 (intersection works at Mickleham Road and Greenvale Drive, Greenvale Drive construction, intersection works at Greenvale Drive and Section Road) – external apportionment of 20%.

9. Remove the restrictive covenants from lots 1 to 14 on Plan of Subdivision No 115075.
Appendix A  List of Submitters
# List of Submitters

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<tr>
<th>No.</th>
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Appendix B  Document List
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<td>Map of Greenvale Road/Barrymore Road local centre</td>
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<td>Greenvale 2011 census data</td>
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<td>Conceptual layout of local centre</td>
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<td>Map showing indicative location of local centre</td>
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<td>Functional layout plan for Brendan Road and Somerton Road intersection</td>
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<td>Bicycle Network Victoria Submission</td>
<td>Bart Sbeghen</td>
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<td>Meeting capacity demands for the future (Melbourne Airport brochure)</td>
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<td>Submission on behalf of a collective group of staff, students and parents of Aitken College</td>
<td>Trisha Brice</td>
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<td>Indicative subdivision plan for 805 Somerton Road</td>
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<td>Stephen Koenig</td>
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<td>Proposed changes to Schedule 7 to the Urban Growth Zone</td>
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<td>Map showing bus routes on ‘dog leg’ connector roads</td>
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<td>EPA advice of 22 January 2013 (email) re Poultry Farm</td>
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<td>Submission on behalf of the Greenvale Poultry Farm</td>
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<td>Submissions on behalf of property holders located proximate to Greenvale Poultry Farm</td>
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<td>Lucy Anderson</td>
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<td>GAA – Closing submissions in relation to the Egg Farm</td>
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<td>83</td>
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<td>Concept drawing showing catholic primary school on egg farm site</td>
<td>Adele Patterson</td>
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<td>84</td>
<td>“</td>
<td>Aerial photo of the cattery</td>
<td>Adele Patterson</td>
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</table>
Appendix C  Schedule 6 to the Urban Growth Zone
SCHEDULE 6 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ6.

Greenvale Central Precinct Structure Plan

1.0 The plan

Map 1 shows the future urban structure proposed for the Greenvale Central Precinct Structure Plan. It is a reproduction of Plan 3 in the Greenvale Central Precinct Structure Plan.

Map 1 to Schedule 6 to Clause 37.07

Amend Map 1 in accordance with the Panel’s recommendations.

2.0 Use and development

2.1 The land

The use and development provisions specified in this schedule apply to the land as shown within the ‘Precinct Boundary’ on Map 1 of this schedule and shown as UGZ6 on the planning scheme maps.

Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.

2.2 Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of the land, the construction of a building and construction and carrying out of works as set out in Table 1.

Table 1: Applied Zones

<table>
<thead>
<tr>
<th>Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land</th>
<th>Applied zone provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low density residential</td>
<td>Clause 32.03 – Low Density Residential Zone</td>
</tr>
<tr>
<td>Local convenience centre</td>
<td>Clause 34.01 – Business 1 Zone</td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.01 - Residential 1 Zone</td>
</tr>
</tbody>
</table>

2.3 Specific provisions – Use and development of future public land

A permit is not required to use or develop land shown in the Greenvale Central Precinct Structure Plan as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the Greenvale Central Precinct Structure Plan and with the prior written consent of the responsible authority.
2.4 Specific provisions - Construction or extension of one dwelling on a lot less than 300 square metres in area

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where:

- an approved building envelope as defined in Part 4 of the Building Regulations 2006 applies to the lot; and
- the building envelope complies with the Small Lot Housing Code incorporated in the Hume Planning Scheme; and
- the dwelling is constructed or extended in compliance with the building envelope.

2.6 Specific provision – Land adjacent to Egg Farm, 30 French Road, Greenvale 3059

Whilst the egg farm at 30 French Road Greenvale continues to operate, an application for residential subdivision, or use or development of land for a sensitive use within the buffer designated on Plan 5 - Image Character and Housing in the Greenvale Central Precinct Structure Plan, relating to the adjacent land containing the Egg Farm at 30 French Road, Greenvale must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing poultry farm operations and assess the adverse amenity impacts of the poultry facility on the future residential use and development of the land, providing sufficient confidence of the suitability of any residential use within the buffer designated in the Greenvale Central Precinct Structure Plan.

The planning application for subdivision, use or development and the associated risk assessment must be referred to Environmental Protection Authority (EPA).

3.0 Application requirements

If in the opinion of the responsible authority an application requirement listed at 3.1, 3.2, 3.3 or 3.4 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Residential subdivision

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the incorporated Greenvale Central Precinct Structure Plan.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, in accordance with the incorporated Greenvale Central Precinct Structure Plan.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

Any application for residential subdivision must be accompanied by:

- Potential bus route and bus stop locations prepared to the satisfaction of the Director of Public Transport.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of the development on groundwater and drainage.
3.2 Public Infrastructure Plan

An application for subdivision and or use and development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of stormwater drainage works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- What, if any, infrastructure set out in the Greenvale Central Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

3.3 Use or develop land for a sensitive purpose – Category One Properties – Environmental Site Assessment

An application to use land for a sensitive use or to subdivide land where Residential 1 Zone or Low Density Residential Zone is the applied zone defined as Category 1 on Map 2 to Schedule 6 to Clause 37.07 must be accompanied by a preliminary assessment of the potential for contaminated land as a result of the previous land uses, carried out by a suitably qualified person.

3.4 Use or develop land for a sensitive purpose – Category Two Properties – Phase Two Environmental Site Assessment

An application to use land for a sensitive use or to subdivide land where Residential 1 Zone or Low Density Residential Zone is the applied zone defined as Category 2 on Map 2 to Schedule 6 to Clause 37.07 must be accompanied by a Phase Two Environmental Site Assessment, including intrusive soil and groundwater investigation of the Environmental Assessment Areas ranked as ‘Medium Potential for Contamination’ (and Assessment Level B) for land identified in the Phase 1 Environmental Site Assessment (prepared by Lane Piper, 2011).

Map 2 to Schedule 6 to Clause 37.07

Amend Map 2 in accordance with the Panel’s recommendations.

3.5 Section 173 Agreement

Before a permit is granted to subdivide, use or develop the owner(s) must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide:

- Disclosure on all land titles of aircraft noise implication
- Distribution of information to alert potential property purchasers to the site’s proximity to a busy commonwealth airport
Conditions and requirements for permits

General requirements

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Greenvale Central Precinct Structure Plan and Greenvale Central Native Vegetation Precinct Plan are implemented as part of the planning permit or the plans endorsed under the permit.

Conditions for subdivision or building and works permits where land is required for public open space and road widening

Land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be referred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by the Greenvale Central Development Contributions Plan.

Land required for a road or public open space must be shown on a Plan of Certification as a reserve in favour of Hume City Council or another relevant agency.

Ensuring the Small Lot Housing Code is an approved building envelope under Part 4 of the Building Regulations 2006

The Small Lot Housing Code incorporated into the Hume Planning Scheme is endorsed under this planning permit.

The Small Lot Housing Code must be shown as a restriction (on a plan of subdivision certified under the Subdivision Act 1988) that is recorded on the register under the Transfer of Land Act 1958 in relation to an allotment that is less than 300 square metres in area ensuring that:

- The Small Lot Housing Code to apply to each relevant lot;
- All buildings to conform to the Small Lot Housing Code on the relevant lot; and
- The Small Lot Housing Code to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

Use or develop land for a sensitive purpose – Category One Properties – Environmental Site Assessment

Before a plan of subdivision is certified under the Subdivision Act 1988, the recommendations of the preliminary site assessment for the properties shown on Map 2 to Schedule 6 to Clause 37.07, lodged with the application, must be carried out to the satisfaction of the responsible authority. Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

Use or develop land for a sensitive purpose – Category Two Properties – Environmental Site Assessment

Before a plan of subdivision is certified under the Subdivision Act 1988, the recommendations of the Phase 2 Environmental Site Assessment for the properties shown on Map 2 to Schedule 6 to Clause 37.07, lodged with the application, must be carried out to the satisfaction of the responsible authority. Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.
4.6 Conditions for subdivision and/or development – 615 Mickleham Road
Greenvale 3059 Lot 5 LP40477 – Environmental Site Assessment

Before the issue of a Statement of Compliance for a Plan of Subdivision under the
Subdivision Act 1988, further testing in accordance with the recommendations of the
Phase 2 Environmental Site Assessment 615 Mickleham Road Greenvale (Golder
Associates, 2011) prepared for the property must be carried out to the satisfaction of the
responsible authority. Upon completion of the testing the landowner must submit the
results and comply with any additional requirements to the satisfaction of the responsible
authority, having regard to the guidance set out in the General Practice Note on Potentially
Contaminated Land June 2005 (DSE).

4.7 Compensation Habitat Fees

Any permit that would allow subdivision, buildings or works which will impact on an area
identified as Growling Grass Frog Category 2 habitat on Plan 7 – Threatened Species
Action Plan in the Greenvale Central Precinct Structure Plan must contain the following
conditions unless otherwise agreed to in writing by the Department of Sustainability and
Environment:

- Prior to the commencement of any buildings or works or the certification of a plan
  of subdivision under the Subdivision Act 1988, whichever comes first,
  compensatory habitat fees for Growling Grass Frog Category 2 habitat within the
  lot must be provided to the satisfaction of the Department of Sustainability and
  Environment. The fee for Growling Grass Frog Category 2 habitat within a lot is
  to be calculated based on the habitat area illustrated in Plan 7 – Threatened

Any permit that would allow subdivision, buildings or works which will impact on land
identified as Golden Sun Moth habitat on Plan 7 – Biodiversity and Threatened Species
Action Plan in the Greenvale Central Precinct Structure Plan must contain the following
condition unless otherwise agreed to in writing by the Department of Sustainability and
Environment:

- Prior to the commencement of any buildings or works or the certification of a plan
  of subdivision under the Subdivision Act 1988, whichever comes first,
  compensatory habitat fees for Golden Sun Moth habitat within the lot must be
  provided, to the satisfaction of the Secretary of the Department of Sustainability
  an Environment. The fee for Golden Sun Moth habitat within a lot is to be
calculated based on the habitat area illustrated in Plan 7 – Threatened Species

4.8 Salvage and Translocation Requirements

Any permit that would allow subdivision, buildings or works which will impact on a parcel
of land containing Growling Grass Frog Category 2 habitat as illustrated on Plan 7 –
Biodiversity and Threatened Species Action Plan in the Greenvale Central Precinct Structure
Plan must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- The Salvage and Translocation protocols relating to Growling Grass Frog,
  threatened reptiles and amphibians prepared by DSE must be implemented to the
  satisfaction of the Department of Sustainability and Environment. Implementation
  must occur before, during and after the carrying out of any buildings or works or
  native vegetation removal and all specifications and requirements of the approved
  plan must be complied with.

Any permit that would allow subdivision, buildings or works which will impact on an area
of land identified as potential habitat for Striped Legless Lizard habitat on Plan 7 –
Biodiversity and Threatened Species Action Plan in the Greenvale Central Precinct
Structure Plan must contain the following condition unless otherwise agreed to in writing
by the Department of Sustainability and Environment:
• The Salvage and Translocation protocols relating to Striped Legless Lizard prepared by the Department of Sustainability and Environment must be implemented to the satisfaction of the Department of Sustainability and Environment. Implementation must occur before, during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

Any permit that would allow subdivision, buildings or works must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

• The Seed Collection and Salvage and Translocation protocols relating to seed collection or salvage of flora species prepared by the Department of Sustainability and Environment in accordance with the Biodiversity Conservation Strategy must be implemented to the satisfaction of the Department of Sustainability and Environment. Implementation must occur before, during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

4.9 Kangaroo Management Plan

Any permit granted for subdivision in respect of land where a Kangaroo Management Plan has been approved as part of the application requirement under this schedule must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment.

The subdivision must implement the Kangaroo Management Plan (KMP) by:

• Proceeding in the order of stages as shown on the KMP; and

• Implementing the management solutions and actions of the KMP for the duration of the development -

all to the satisfaction of the Responsible Authority.

4.10 Native Vegetation Precinct Plan (NVPP)

Any permit granted for development (including subdivision) must contain the following conditions:

Any:

• Works carried out in respect of any subdivision;

• Construction of buildings and associated works; and

• Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land –

must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the Responsible Authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

Before the removal, destruction or lopping of any native vegetation within any property (identified by the Property Number in Maps 1 and 2 of the Greenvale Central NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

• Providing an allocated credit extract issued by the Department of Sustainability and Environment; or

• Preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by Responsible Authority.

Where an Offset Plan is approved:
Before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and

Offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of vegetation of Very High Conservation Significance, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the Responsible Authority.

5.0 Advertising signs

Land is in the category specified in the applied zone.

5.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.